



Eyes on County Council – November 4, 2025

HIGHLIGHTS:

- The Cool Spring Crossing public hearing took place after the regular agenda items, and was the focus of Tuesday's Council meeting. Attorney James Fuqua presented the case for CSC on behalf of Carl Freeman Development company. Sussex Preservation Coalition presented the case for denying the application. There were additional public comments, four in favor and seven opposed. Council chambers were filled to capacity, with about 20 people in the overflow room.

Public Comments:

- **Alison White** thanked the Council for taking on hard issues. She cited statistics regarding the number of development applications moving through the pipeline, delivering 10,215 single family homes and 3,795 multi-family units – for a total of 14,010 new homes, which would increase the Sussex population by 33,344 people.
- **Christy Wimmer**, president of the Cape Henlopen Education Association, thanked the Council for working to adopt impact fees. She noted that the challenges of overcrowding are great, and that students are in rooms not designed as classroom spaces. She encouraged the Council to keep in mind Growth with Responsibility for the safety of the children.
- **Blair Brown**, school social worker and President of Indian River Education Association, also expressed appreciation for and the importance of impact fees. She suggested that County Council work with the state to improve school funding formula.
- **Three speakers** urged the Council to challenge SB 199, which would facilitate off-shore wind farms, as they feel it takes power away from the county. One speaker called SB 199 a direct attack on Sussex County, saying that the county will be impacted but will not benefit from the energy generated.

Todd Lawson gave an update related to the Land Use Reform Working Group Recommendations and the Comprehensive Plan:

- He said that he and county staff are working on implementing the less involved recommendations, and will seek Council's input on drafting ordinances for the more "manageable" recommendations immediately. This includes the Sussex Rent Control

Program, Master Plan Zoning, and improving the subdivision code known as 99-9C.

- County staff is addressing proposals for limiting cluster subdivisions in low density areas, which Council has placed a priority on.
- At the request of Council, county staff is starting work on the Comprehensive Plan. First steps are to request proposals from qualifying consulting firms and to form a review committee made up of members of P&Z and Council. This is projected to take place in the 1Q26.
- He reported that Sussex County was approved by the Delaware State Housing Authority for the Zoning and Land Use Program to receive (free) technical assistance in updating Sussex land use codes.

Old Business

- C/U #2395, a request to grant a Conditional Use in an AR-1 Agricultural Residential district for a distribution warehouse at the intersection of Park Avenue and Cedar Lane in Georgetown, was denied, in a vote led by Mr. Rieley, who said 1) the warehouse is too big, b) the trucks are too large for the small road, and c) it would not be in character with the neighborhood. **The request was denied, with Mr. Lloyd voting in favor, and the other four council persons voting in opposition.**
- County attorney **Everett Moore** announced the closure of the record on the **Belle Mead** application.
- Change of Zone #2024- to grant a zone change from an AR-1 Agricultural Residential district to an MR-RPC Medium-density Residential Planned Community. 94.7 acres north of Roxana. P&Z had recommended denial. Mr. Hudson said a) the road is too narrow, b) the RPC would be behind an agricultural preservation area, c) that MR-RPC is intended for areas expected to become urban areas, and d) the project is not in character with the area. **Council unanimously denied the request.**

Council Member Comments

- **Mr. McCarron** thanked the Office of Community Development for responsiveness and the work of Ms. Neuman for help in eliminating some hazards in the home of a family in his district.
He also spoke about importance of impact fees, stating it is a priority for him. He said that updates to the school funding model are needed, but that work on the fee structure is more appropriately deferred to the next budget cycle. He feels it's important to maintain equity for existing home owners, and he is studying who should shoulder the cost.
- **Mr. Rieley** acknowledged the \$50,000 donation to the Food Bank of Delaware, noting that it's a much needed donation, especially at this time.
- **Ms. Grunenbaum** echoed Mr. Rieley's statement regarding the Food Bank, as well as McCarron's statement regarding impact fees and school funding.
She also wanted to clarify that NO decision has been made on Atlantic Fields in contrary to a recent press release that stated otherwise.

Public Hearing: Cool Spring Crossing

NOTE: the 4 public hearings were conducted as a single hearing, as they all pertained to the Cool Spring Crossing (CSC) development application

- **ORD. 23-07** – an Ordinance to amend the Future and Use Map (FLUM) of the Sussex County Comprehensive Plan by designating the CSC site as a ‘growth area’ rather than the current ‘rural, low-density area’.
- **Change of Zone #2010** - to grant a zone change from an AR-1 Agricultural Residential district to an MR-RPC Medium-density Residential Planned Community
- **Conditional Use #2441** – to grant a Conditional Use in an MR-RPC Medium-density Residential Planned Community for an educational facility.
- **Conditional Use #2442** – to grant a Conditional Use in an MR-RPC Medium-density Residential Planned Community for an assisted living facility.

The developer’s presentation:

James Fuqua, representing Freeman Companies and CMF Cool Spring, LLC , gave a lengthy presentation of the development proposal. The proposed CSC site lies on 637 acres bordered by Route 9, Hudson Road, and Martin’s Branch stream.

Mr. Fuqua began his presentation by pointing out the high demand for housing in Sussex and the even higher demand for affordable housing; he stated that this demand will continue for three decades. He pointed out that CSC will be built in phases; complete buildout will take until 2048.

He noted that Freeman has been a successful developer for over 50 years, and has successfully completed large scale communities in Sussex County.

- Mr. Fuqua pointed out that the FLUM change is a prerequisite for the other applications. He presented several reasons why the land should be changed from a rural to a growth area, yet his main argument for this change was that the character of the area has changed and “is no longer rural”. He defended that position by pointing out residential communities and commercial businesses near the site.
- He argued that the land for CSC has access to water, sewer, medical facilities, and public transportation; hence, that the location is ideal for the CSC development.
- He stated that the CSC design is environmentally friendly.
- He emphasized that the decision rests with County Council.
- He noted that if the CSC application is denied, single family homes will be built, and the county would lose all the benefits of the Master Plan mixed-use development.

Drew Boyce from Century Engineering spoke about the traffic impact study conducted for the project. He argued that the large trip generation count attributed to the commercial section of CSC is incorrect, reasoning that because cars already traveling on the roads to a destination, would replace that destination with CSC as their destination – so, according to Mr. Boyce, not really a new trip.

Council members took issue with this claim and questioned the engineer about it.

DelDOT representatives present at the hearing responded to Council member questions about the CSC traffic estimates, noting that the DelDOT Coastal Corridor Study would provide a better picture of traffic impacts than a traffic impact study aimed at a single development.

The discussion of traffic impacts was inconclusive.

Mr. Fuqua continued with his presentation. He stated:

- There are 217 acres of woods. 114 acres will be preserved and 103 acres removed
- The development will result in 1500 jobs equaling 30 million in revenue
- 409 pupils will be added to Cape Henlopen school district
- Each unit will be assessed \$100 annually for fire services totalling \$250,000 per year, divided between Lewes and Milton fire departments.
- No more than 200 residential building permits would be issued each year. Commercial building permits will be unlimited.

Lastly, Mr. Fuqua presented information on the other 3 applications. He showed what the planned community would look like, and said that at build-out, the development would have 1900 residential units, 750 affordable housing units, educational facilities for 1,800 students, and an auditorium. There would be a 100-room hotel, bank, theater, YMCA, restaurants and convenience stores. In addition, there would be a medical office facility, assisted living and independent living facilities.

At the end of the presentation, **Ms. Gruenebaum** commented that although the current Land Use Map is outdated, the timeline to change it has been moved up. She noted that changing it piecemeal now might put the map in danger of becoming irrelevant; if Council disregards it in this instance, it will set a precedent to disregard future Land Use Maps.

Mr. Rieley asked if the developer had considered incorporating CSC as a separate town.

Members of the public speaking in favor of the proposal:

Tim Kremil (sp?) spoke about a small town that he had lived in which was losing population, and said that building Master Planned Communities there had helped revitalize the town.

Brian DiSabatino, president and CEO of EDIS, a construction management and building services company, cited the Whitehall development in Newcastle County as an example of a successful Master Planned Community that he had worked on. He noted that CSC would have

much-needed Affordable Housing units, and said that CSC residents would not clog the main Sussex County road arterials.

Jon Horner, counsel for Schell Brothers and a member of the Home builders Association of Delaware, stated that there is misconception about the State Strategies Maps. He said that they are misleading and flawed, because it is not true that the state doesn't spend money in State Investment Level 4 lands. He noted that the levels are meant for guidance only and are not prescriptive; he objected to the state's methodology in classifying land areas. He stated that public opposition discourages developers from proposing mixed-use developments, which he said bring greater benefits to society than single-family home communities.

Charles David Carey, the owner of one of the parcels in the CSC development proposal, said that he had written to the state asking to have his land's Level 4 designation changed. He pointed to language in the Comprehensive Plan that he said supported the CSC proposal.

Members of the public speaking in opposition to the proposal:

Sussex Preservation Coalition gave testimony on why Cool Spring Crossing should not be approved. Speakers were Joe Pika, Jim Dick, Rich Borrasso, Jill Hicks, and Jack Young.

Joe Pika gave an overview of SPC's presentation and noted that SPC had submitted Statements of Fact and Proposed Findings to County Council.

- He noted that CSC would create a new, unincorporated town and would be the 4th largest town in Sussex County if incorporated today. Even at the anticipated 20-year buildout, it would likely be one of the five largest towns in Sussex.
- He said that SPC's recommendation is "Not Now, but Not Never": CSC's size and impact require broader discussion and comprehensive planning.
- He cited four reasons for not approving the CSC application at the current time:
 1. Honor the Future Land Use Map – CSC amendment would be unprecedented. Objective, independent authorities confirm the land as low-density.
 2. Traffic on Route 9 is at a crisis point, with the Rt. 9 Corridor study ongoing and transportation funding uncertain.
 3. Land Use Reform Working Group recently completed its work – study its recommendations, particularly its caution against piecemeal re-zoning.
 4. CSC would violate health, safety and welfare obligations required by Delaware code, which advocates adequacy of service infrastructure.

Mr. Jim Dick, a "mostly" retired attorney, clarified the applicant's counsel's claims that there had been as many as 10 prior FLUM changes similar to what CSC is requesting.

- He stated that three of those changes were technical corrections, that a further three were a change from higher growth areas to lower growth areas (CSC seeks to change from low density to high).
- He said that FLUM changes that more closely resemble the one requested for CSC have been denied.
- He refuted the applicant's counsel's claims that "the CSC area is already developed" by pointing out that the U.S. Census Bureau, Delaware state government, and the Delaware state Housing authority all classify it as rural, not an area of opportunity.
- He noted that approval would be inconsistent with key goals and objectives of the Comprehensive Plan, and went on to list the objectives that would be violated. (contravened?)
- Lastly he stated SPC's recommendation that the FLUM change should be denied for now, until more comprehensive studies can be done and a better, more informed decision can be made.

Rich Borasso addressed the traffic issues introduced by the proposed development, noting the anticipated 33,359 projected average daily vehicle trips that CSC would add to area roadways.

- He said that the state considers Route 9 to be a "Key Corridor"; and that the CSC land use decision must consider a regional approach, in line with Key Corridor plans and visions.
- He showed a map of large developments along Rt 9 that will also impact Rt 9 traffic.
- He showed examples of key intersections along Route 9 that will be impacted.
- He displayed a table showing that DelDOT's Capital Transportation Plan lacks prioritization of needed improvements in the area.
- Conclusion: Sussex County is not prepared for the traffic impact that CSC would have.

Jill Hicks spoke about the Affordable Housing piece of the CSC proposal as "Cool Spring's Shiny Apple"; and how CSC would exacerbate the current deficit of service workers – teachers, nurses, technicians, police, EMS – in Sussex.

- She noted that CSC only proposes 175 Affordable Housing Units that are controlled to be affordable to working people. The remaining 525 "affordable" housing units are classified by the developer as "Affordable – Market Rate". But, she noted, in the Sussex resort area, "affordable – market rate" is an oxymoron, since market rate is not affordable for the Sussex County workforce.

- She pointed out that CSC would increase the number of service workers needed in Sussex well beyond what the 175 affordable housing units could accommodate, so CSC would “eat its own workforce and create a larger deficit for the county.”
- She gave statistics on schools, medical services and staffing shortages; and noted that CSC would rely on Milton and Lewes to provide emergency services.
- Conclusion: Given the current realities, Sussex cannot afford to add thousands of additional residents, cars, delivery trucks, students, and patients to already overburdened infrastructure.

Mr. Jack Young, a “mostly” retired attorney, made the following points:

- The Quality of Life Act of 1988 requires consideration of the cumulative impact of any rewrite of Comprehensive Plan FLUM.
- Mr Fuqua acknowledges that the applicant bears the burden of showing by competent and substantial evidence support for any amendment of the FLUM; the applicant has failed to carry that burden in the CSC application.
- The record does not establish a basis for Council to adopt P&Z’s recommendations, hence Council is well within its rights to deny the rewrite of the Comprehensive Plan FLUM.
- CSC has not provided for adequate provision of public requirements.
- Council should not approve a project as large as CSC until it has thoroughly considered the Land Use Reform Working Group recommendations, and infrastructure is adequate to handle the large CSC impact.

He concluded by saying that “The preponderance of evidence and expert studies conclude that development of a project as large as Cool Spring is inappropriate at this location, at this time.”

There were seven other public speakers in opposition:

Fern Goodhart stated that she is an avid bike rider who uses her bicycle as transportation; she noted the danger of crossing Route 9 on the Lewes-Georgetown bicycle path.

Dave Green, an environmental engineer said that the notion that a large development like CSC will produce only 409 students is wrong, evidenced by the number of students his own community has. He noted that quality of life is a Delaware State requirement whose implementation has been delegated to county. He noted also that the Sussex evacuation plan has not been changed since 1990 plan, and that it boils down to police standing on corners and directing traffic; he pointed out that in an evacuation scenario, Lewes is the farthest place to evacuate on Delmarva.

Terry Bartley identified a range of items in the county code that he said CSC did not conform to. **Mr. Whitehouse** rebutted the statements, saying that P&Z carefully considers County codes when reviewing an application.

Phillip Scarbury said that although CSC looks nice, Route 9 is not the place for it, and it must be supported by infrastructure that is already in place.

Three people presented petitions opposing CSC:

Alison White presented a petition signed by 332 Red Mill Pond residents.

Johannes Sayre presented a petition signed by 392 residents of communities near the proposed CSC. He noted that Council's duty to protect resources shared by and paid for by all county residents is written into County code.

Alison Monroe, a resident of Walker Road, was the final speaker of the evening.

She presented a petition signed by 120 residents of communities adjacent to CSC. She emphasized that opposition rates to CSC are extremely high and range from 89% to 100%. She said that she had collected 938 signatures earlier, for the P&Z hearing. She noted that some of the sitting council members had signed a petition opposing CSC before being elected, and that their names are in the public record. She pointed out that Council members are elected to represent the public interest, and that public sentiment on CSC is loud and clear.

She refuted the developer's claim that the area is no longer rural: she said that there are farms on Hudson Road directly across from the Cool Spring site, that there is a farm on Carpenter Road which connects to Hudson Road, and a forest at the end of Log Cabin Hill which is in preservation status. She noted that neighbors have chickens and horses, that nearby communities allow residents to have livestock on their property, and that there is a dirt road between the Cripple Creek and River Rock Run communities opening up to a vast area of farmland.

The Council voted to keep the record open for 6 weeks: Two weeks to pose questions to State Planning, State Forester, the fire company, Cape Henlopen School District and Deldot; two weeks for their responses; and two weeks for the public to comment on those responses.

Council Meeting Schedule: Tuesdays – check agenda for timing and location

- The next meeting will be on November 18.

Council Meeting Broadcast:

County Council Meeting - November 04, 2025 (12:00PM Start Time)

Related Articles:

Sussex County Council delays Cool Spring Crossing decision:

<https://www.capegazette.com/article/sussex-county-council-delays-cool-spring-crossing-decision/298066>

Developer says houses will be built even if Cool Spring Crossing plan is denied as mixed-use:

https://www.coasttv.com/news/developer-says-houses-will-be-built-even-if-cool-spring-crossing-plan-is-denied-as/article_8fd67df7-caf4-44ce-9c23-e575a870f161.html

Note: Eyes on County Council makes every effort to render events at public meetings accurately. It either explicitly quotes speakers, or paraphrases their statements as accurately as possible. If any representation in these notes is inaccurate, please contact us.