



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

March 22, 2023

W. Zachary Crouch, P.E.
Davis, Bowen, & Friedel, Inc.
1 Park Avenue
Milford, DE 19963

RE: PLUS review – 2023-02-10: Justice Property

Dear Mr. Crouch:

Thank you for meeting with State agency planners on February 22, 2023 to discuss the proposed plans for the Justice Property. According to the information received, you are seeking review of a site plan for the construction of mixed unit type development consisting of 128 residential units on 10.68 acres located on the Southwest side of Old Mill Road, 1700' Southeast of Whites Neck Road.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located primarily in a Level 2 investment area with a small area of Level 3 on the southern portion of the property. This project being primarily in level 2, is consistent with the 2020 Strategies for State Policies and Spending. This project is within the Coastal area according to the Sussex County Comprehensive Plan.

Based on its location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and state plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. If the presence of a Level 3 areas is based on environmental features in the area of the parcel, which would be noted in the State agency comments below, the State requests the applicant avoid building in the Level 3 areas or address any environmental concerns that may be present.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Stephen Bayer 302-760-4834

- The site access on Old Mill Road (SCR 349) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. Using the 11th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates that the subject development, consisting of 56 attached single family houses and 72 multifamily low rise housing units would generate 918 vehicle trip ends per day and estimates the weekday morning and evening peak hour trip ends at 68 and 82, respectively. Therefore, a TIS would normally be required.
 - Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$9,180. AWS Fees are used to fund traffic studies, not to build improvements.
 - The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve Old Mill Road, within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Old Mill Road is a Local Road, for which the standard includes 11-foot lanes and 5-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Old Mill Road. The following right-of-way dedication note is required, **"An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 450 feet of the proposed entrance on Old Mill Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. Referring to Section 3.5.4.2.F, sidewalk and SUP termination points and road tie-ins shall be designed to tie into the shoulder which will be added as part of the frontage improvements.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Old Mill Road.
- In accordance with Section 5.1.4 of the Manual, parking is not allowed on turnarounds and cul-de-sacs within subdivisions. No driveways or parking bays shall be located within 40 feet from the edge of radius return for the connecting street. This distance shall increase to 60 feet at the entrance to the subdivision. The driveways for labeled houses 17- 21 would need to be moved away from the subdivision entrance.

- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Contact Clare Quinlan 302-735-3480

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

Concerns Identified Within the Development Footprint

Current or Previous Contamination

According to the project applicant at the February 22nd, 2023 PLUS meeting, the project site is a former borrow pit. A Phase I Environmental Site Assessment (ESA) has been completed, and results are pending from a Phase II ESA. The applicant stated that they will be working with the DNREC Division of Waste and Hazardous Substances moving forward.

Requirements:

- Contact the DNREC Division of Waste and Hazardous Substances to discuss the project further.

Contact: Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.

Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/remediation/>

Stormwater Management

The project proposes greater than 5000 square feet of land disturbing activities and will be subject to Delaware's *Sediment and Stormwater Regulations*.

Requirements:

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

Proposed Project Parcel Flood Concern

- This/These parcel(s) is/are located within an area of **Minimal Flood Concern of 1000 years or greater**.

Parcel Status within County Evacuation Zone Location

- The parcel(s) is/are located within the **Sussex County** Evacuation Zone C.

DE_EvacuationZone

Zone



***DEMA recommends and encourages the *County Evacuation Zone Location* to be made publicly available to businesses and patrons through signs, pamphlets, or other means.

Parcel Status within the 10-mile Emergency Planning Zone (EPZ) for the Salem Nuclear Power Plant

- The parcel(s) is **not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- The area was some sort of a retention pond in the early to mid-20th century. The likelihood of archaeological materials being present with any level of sufficient integrity is unlikely.
- This office has no archaeological concerns.

Delaware State Fire Marshall’s Office – Contact Duane Fox 302-739-4394

This document is for information purposes only and does not constitute any type of approval from the Delaware State Fire Marshal’s Office

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulations (DSFPR):

Fire Protection Water Requirements

- Water distribution system capable of delivering at least 1,000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for residential occupancy use sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection.
- Buildings greater than 10,000 sq ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show required Fire Lanes and Sign Detail as shown in DSFPR.
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access roads to the subdivision must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information

- Provide type of fuel proposed and show locations of bulk containers on plan.

Required Notes

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if any buildings are to be sprinklered
- Townhouse 2-hr separation wall details shall be shown on site plans
- Provide Road Names, even for County Roads

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Old Mill Road.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2022. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Department of Natural Resources and Environmental Control – Contact Clare Quinlan 302-735-3480

Soil Stability

Structures are proposed over what was standing water only 10 years ago, according to aerial photo analysis.

- DNREC reviewers highly recommended a soil stability and integrity analysis be conducted for the project since structures are proposed directly over what was recently standing water.

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Drainage

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT),

Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Water Quality (Pollution Control Strategies)

This site lies within the Indian River Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Additional Sustainable Practices

- Install electric vehicle (EV) charging stations for your residents. Residents will increasingly expect options for EV charging. Installation costs can vary significantly depending on the parking and electricity distribution at a given location, so it is often easier and cheaper to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).
- Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities

[\(https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/\)](https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/).

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

Population

- The county has a population density of **265.60** per square mile based on the US 2020 Census report: an increase from 2010 at **208.90** persons per square mile.
- The specific census block(s) the project is located on has a total population of **100**, though, with development, this will certainly change.
- The adjacent blocks aggregate brings the area to a total population of **1750**.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk of 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

$$\begin{aligned} & \text{Expected Annual Loss} \\ & \times \text{ Social Vulnerability} \\ & \div \text{ Community Resilience} \\ \hline & = \text{Risk Index} \end{aligned}$$

- According to FEMA's National Risk Index, the parcel(s) is considered **relatively moderate** for overall natural hazard risks.
- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.
- Its community resilience and social vulnerability are rated as **relatively moderate**.

Renewable Energy Commitment

- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities.
- Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems: the closer to 99%, the better as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters and battery backup systems for sump pumps to reduce potential water damage from power failure.
- Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs where applicable and allowable, and the like.

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- Although not a requirement of the Delaware State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to install home fire sprinkler systems in all residential dwellings.
- The Office of the State Fire Marshal reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website:
<http://delcode.delaware.gov/title6/c036/sc03/index.shtml>

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason, therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



David L. Edgell, AICP
Director, Office of State Planning Coordination

Attachments:

- Sussex County Planning & Zoning Comments
- Sussex County Community Development & Housing Comments
- Sussex County Engineering Comments

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



Sussex County
DELAWARE
sussexcountype.gov

Preliminary Land Use Service (PLUS) Meeting
February 22, 2023
December PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Justice Property (2023-02-10)

Location: Southwest side of Old Mill Road (S.C.R. 213), approximately 1000 feet north of Railway Road (S.C.R 350).

Project: Review of a Plan for (128) residential units on (10.7) acres.

Sussex County Department of Planning & Zoning Comments

The applicant is required to participate in a pre-application meeting with the County. Please contact the Planning and Zoning Department to schedule a pre-application meeting with staff to discuss the proposed project by calling (302)855-7878 or you may reach out to Michael Lowrey at michael.lowrey@sussexcountype.gov.

Following submission to the County, staff will review the Preliminary Site Plan, where more detailed comments will be provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

Please note that the following are informal staff comments, and do not prejudice any decision that the Sussex County Planning & Zoning Commission may wish to make as part of any application submitted to the Department.

Tax Parcel ID: 134-12.00-72.01

Zoning: The parcel is currently zoned General Commercial (C-1). Under (C-1) Zoning the proposed residential improvements are permitted by-right. This Parcel is classified as “Coastal Area” per the Sussex County Comprehensive Plan (2019). Please note, any proposed development containing (50) or more dwelling units in the Coastal Area is required to submit an Environmental Assessment and Public Facility Evaluation Report for review by the which will also be forwarded to Technical Advisory Committee for review and comment prior to public hearing (§115-194.3(B)(2)). Please note, the forty (40) foot building separation distance must be adhered to (§115-188(E)(2)).

Proposed: The applicant proposes (128) residential units comprised of multifamily structures to include (56) townhomes, (72) multifamily apartment units, internal streets, and stormwater management on (10.7) acres +/-.

Density: The proposed overall density of (11.98) dwelling units per acre (DU/AC) complies with the Code requirements for this form of residential improvement in the proposed General Commercial (C-1) Zoning District which permits a density up to twelve (12) dwelling units per acre.

Applicability to Comprehensive Plan: The project lies within the Growth Area and is categorized as “Coastal Area” (per the 2018 Comprehensive Plan). Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play (2018 Sussex County Comprehensive Plan, 4-9). The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics (2018 Sussex County Comprehensive Plan, 4-15). The Plan also notes that “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units.” (2018 Sussex County Comprehensive Plan, 4-15). The Plan’s guidelines for higher density (4-12 DU/AC) in Coastal Areas are provided for certain locations as follows (2018 Sussex County Comprehensive Plan, 4-16):

- Central Water & Sewer
- Near Sufficient Commercial Uses & Employment Centers
- Keeping with the Character of the Area
- Along Main Road - Near Major Intersection
- Adequate Level of Service
- Other Considerations (Relative to proposed density)

Open Space Provisions: The proposed Plan and PLUS Application indicate that no open space is to be provided. Staff note that County Code requires residential land development provide a minimum of 10% of the site be set aside for “open space uses” (§99-21(D)).

Interconnectivity: While it is understood that there can be existing site constraints which may inhibit the ability for this proposal to connect to adjacent lands, please note that the Commission desire to see interconnectivity between proposed developments in order to prevent only one-way-in, one-way-out access in the event that an emergency should occur on the property.

Transportation Improvement District (TID): The proposed project is not located within the Henlopen TID.

Agricultural Areas: The site is located within the vicinity of parcels which appear to be actively farmed. Please include on any future plans, the Agricultural Use Protection notice located in (§99-6(G)(1)) of the County Code. This language shall also be included within any subsequent deed restrictions, leases, or agreements of sale for the property.

Forested Areas: The Applicant notes that there are presently (0.8) acres of existing forest on the site and that (0.8) acres will be removed. Therefore, the site is retaining 0 acres of forested area. Staff appreciate efforts to conserve as many mature trees as possible on the project site



and recommend the Applicant include shade tree and landscape plantings in the Site's design to mitigate heat island effects.

Wetlands: The Application notes that there are no Tidal or Non-Tidal Wetlands on the site.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone "X" (Areas determined to be outside of the 100-year floodplain) as indicated in the applicant's Conceptual Land Use Plan. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within an area of "fair" groundwater recharge according to the DE State GIS data available. Please note this on the plans in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7). Staff notes that the proposal is not within a wellhead protection area (§89-6).
n area (§89-6).



BRANDY BENNETT NAUMAN
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Sussex County
DELAWARE
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February 21, 2023

Mr. W. Zachary Crouch
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS Review (PLUS 2023-02-10) – Justice Property

Dear Mr. Crouch,

Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.

For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County. **Please visit www.sussexcountyde.gov/housing-trust-fund for information on the County's new Housing Trust Fund, which offers gap funding for developers of affordable housing.**

Further, the County's newly approved Work Force Housing Zoning Ordinance permits up to 12 units per acre, by right, in eligible areas for projects that set-aside 25% of the total units for affordable rentals. For more information on eligibility and design criteria, please review the Ordinance at www.sussexcountyde.gov/affordably-priced-rental-units. The application can be found on the Planning & Zoning website at https://sussexcountyde.gov/sites/default/files/forms/SussexCountyRentalProgram_Application.pdf.



Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,

A handwritten signature in black ink, consisting of the letters 'B', 'B', and 'N' written in a cursive, stylized font.

Brandy B. Nauman
Director



Visit de.gov/plus for updates

Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 133, Haslet Armory

122 Martin Luther King Jr. Blvd., South

Please see <https://publicmeetings.delaware.gov/> for link to on-line access

February 22, 2023

Applicants should arrive at least 15 minutes before their appointed time. Times are approximate and are subject to change.

Public comment will be heard at the end of each PLUS application after the State Agencies have shared their comments with the applicants. Each person wishing to comment on the application under review will have up to 3 minutes.

- I. 8:30 AM **Pre-Meeting Discussion – PLUS Reviewers**
- II. 9:00 AM **Review and Discussion: Silver View Farm (2023-02-05)**
County: New Castle **Municipality:** Unincorporated
Location: 994 Vance Neck Road, Middletown
Project: Review of a proposed Subdivision Plan to create 192 residential lots and open space on 122.84 acres zoned S with proposed Open Space option.
- III. 9:30 AM **Review and Discussion: DHCI – New Hospital (2023-02-06)**
County: Kent **Municipality:** Smyrna
Location: 100 Sunnyside Road.
Project: Review of a proposed Site Plan for the construction of a new 120 bed facility with 117,000 gross square footage on existing 15 acres campus zoned I & R (Institutional and Residential).
- IV. 10:00 AM **Review and Discussion: Savannah Farms (2023-02-08)**
County: Kent **Municipality:** Camden and Wyoming
Location: Willow Grove Road & Moose Lodge Road, Camden-Wyoming.
Project: Review of a Rezoning and Site Plan to change the zoning from R1 & R3 to R2 & R3 for the construction of a mixed unit type development consisting of 1,148 residential units on 361.11 acres.
- V. 10:30 AM **Review and Discussion: Dewey Beach Comprehensive Plan Amendment – 100 Buena Street (2023-02-01)**
County: Sussex **Municipality:** Dewey Beach
Location: 100 Buena Street, Dewey Beach

Project: Review of a Comprehensive Plan Amendment to amend the Future Land Use Map from Commercial to Resort Residention to allow for a change in zone from Resort Business 2 District to Resort Residential District..

The proposed project is located within the City/Town/Growth and Annexation Area of Dewey Beach. The Sussex County Engineering Department does not have comments for this project.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

VI. 10:45 AM **Review and Discussion: Long Property – Selbyville (2023-02-04)**

County: Sussex

Municipality: Selbyville

Location: West of 113, east of Cypress Road, Selbyville.

Project: Review of a Rezoning and Site Plan to rezone 48 acres from GC (General Commercial) to R4 with a Residential Planned Community overlay for the construction of a mixed-use development consisting of 106 single-family dwelling units and 5,000 SF of commercial.

The proposed project is located within the City/Town/Growth and Annexation Area of Selbyville. The Sussex County Engineering Department does not have comments for this project.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

VII. 11:15 AM **Review and Discussion: DE Storage Greenwood (2023-02-03)**

County: Sussex

Municipality: Unincorporated

Location: East side of Route 13, north of Route 16, Greenwood.

Project: Review of a Site Plan to construct a 109,620 SF storage facility on 20.168 acres with proposed zoning of Highway Commercial upon annexation into the Town of Greenwood.

The proposed project is located within a Tier 1 & 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required. Annexation into the Town of Greenwood is required to obtain sanitary sewer services.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

VIII. 11:45 AM **Review and Discussion: Cress Property (2023-02-09)**

County: Sussex County **Municipality:** Unincorporated

Location: Between Pepper Road & Frankford School Road, south of Frankford.

Project: Review of a Site Plan for the construction of a Residential Planned Community containing a total of 535 dwelling units on 151.7 acres zoned AR-1 with proposed zoning of RPC. Requesting annexation into the Town of Frankford.

The proposed project is located within a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.

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IX. 12:15 PM **LUNCH**

X. 1:15 PM **Review and Discussion: Gravel Hill – Shingle Point (2023-02-02)**

County: Sussex **Municipality:** Unincorporated

Location: Approximately 1,600 feet south of the intersection of Shingle Point Road and Gravel Hill Road

Project: Review of a proposed Subdivision for a 94-unit cluster subdivision on 63.1 acres zoned AR-1.

The project is within a Tier 3 area for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to these parcels. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility or municipality.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

- XI. 1:45 PM **Review and Discussion: Long Property (2023-02-07)**
County: Sussex **Municipality:** Unincorporated
Location: South side of Lighthouse Road (Rt. 54) at the intersection with New Road (SCR 391).
Project: Review of a Rezoning and Site Plan for 37.52 acres zoned AR-1 with proposed zoning of MR for the construction of a 108 single-family residential condominium community.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

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The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

- XII. 1:30 PM **Review and Discussion: Justice Property (2023-02-10)**
County: Sussex **Municipality:** Unincorporated
Location: Southwest side of Old Mill Road, 1,700 feet southwest of Whites Neck Road.
Project: Review of a proposed Site Plan for the construction of a mixed unit type development consisting of 128 residential units on 10.68 acres zoned C-1.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

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- XIII. 2:45 PM **Review and Discussion: Family-Owned Hydroponic Greenhouse (2023-02-11)**
County: Sussex **Municipality:** Unincorporated
Location: Intersection of Adams Road and Newton Road, Bridgeville
Project: Review of a proposed Site Plan for the construction of a 60-acre greenhouse facility on 93 acres zoned AR-1 with a Conditional Use.

The proposed project is located within a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required. Annexation into the Town of Bridgeville is required to obtain sanitary sewer services.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

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- XIV. 2:15 PM **Review and Discussion: Sussex County Master Plan Zone Ordinance (2023-02-12)**
County: Sussex **Municipality:** Unincorporated
Location: Entire County
Project: Review of a proposed Ordinance to create a new Master Plan Zoning District (MPZ) within Chapter 115 of the Code of Sussex County.

The proposed project is located within the City/Town/Growth and Annexation Area of Sussex County. The Sussex County Engineering Department does not have comments for this project.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-7370

The agenda items times are approximate and subject to change. This agenda is subject to change to include additional items or the deletion of items, which arise at the time of the meeting.