



STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

December 15, 2023

Rhiannon Sayles
KCI Technologies, Inc.
21141 Sterling Avenue
Georgetown, DE 19947

RE: PLUS review – 2023-11-02; 22357 & 22455 John J. Williams Hwy. Gas Station

Dear Ms. Sayles:

Thank you for meeting with State agency planners on November 15, 2023 to discuss the John J. Williams Gas Station project. According to the information received, you are seeking review of a proposed site plan for the construction of a convenience store with gas sales.

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 within Investment Levels 2 and 3 according to the 2020 Strategies for State Policies and Spending. This site is also located in the Coastal area according to the SC comp 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.

Based on comments from State agencies below, if this parcel contains environmental concerns or other constraints to development, the state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features which will help create a more sustainable development.

Code Requirements/Agency Permitting Requirements

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

- The site access on all State maintained roads must be designed in accordance with DeIDOT'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 Development Coordination 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 Development Coordination Manual addresses fees that are assessed for the review of development proposals. DeIDOT 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.
- The project is located within the Henlopen area Transportation Improvement District (TID). If the developer would like information about participating in the TID please contact Sarah Coakley at (302) 739-2251 or sarah.coakley@delaware.gov for more information.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DeIDOT 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 Rt. 24. 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 Development Coordination Manual, DeIDOT 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 Development Coordination 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 300 feet of the proposed entrance on Rt. 24 and Angola Road.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.8 of the Development Coordination 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 all State maintained roads.
- In accordance with Section 5.2.9 of the Development Coordination 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 Development Coordination 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 Development Coordination 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 Beth Krumrine 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.

DNREC's Coastal Zone

Staff from the DNREC Division of Climate, Coastal and Energy have determined that this parcel falls inside of the Delaware Coastal Zone; however, a gas station/convenience store is not subject to State of Delaware Coastal Zone Act regulations and are not considered to be “manufacturing” or “heavy industry.”

- More information can be found at: <https://dnrec.delaware.gov/coastal-zone-act/>

Contact: DNREC Coastal Management Program at (302) 739-9283.

Website: <https://dnrec.delaware.gov/coastal-programs/coastal-management/>

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*.

- 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://enoi.dnrec.delaware.gov/>, 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.delaware.gov/watershed-stewardship/sediment-stormwater/>

Wetlands and Subaqueous Lands

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands (freshwater forested wetlands) on the site.

- A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner.
- Work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements if wetlands are present.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.

Website: <https://dnrec.delaware.gov/water/wetlands-subaqueous/>

Wellhead Protection Areas

A Well Head Protection Area for the public water system serving Angola by the Bay overlays a portion of the eastern edge of the property. Due to the unknown impact of potential contaminant releases and exact conveyance from the stormwater management area, DNREC reviewers cannot make specific comments without more detailed plans containing Best Management Practices (BMPs), lines and grades, as well as stormwater inlet locations. This information allows reviewers to make a better determination on requirements and BMPs to protect the health and wellbeing of residents/customers. For example, if a wet pond is proposed to manage stormwater onsite, a clay lined wet pond would provide extra protection to the groundwater and drinking water resources in the area.

- The applicant must comply with all county and municipal codes that affect public drinking water supply Wellhead Protection Areas.
- The DNREC *Sediment and Stormwater Regulations* outline minimum setbacks from public wells (150 feet) and domestic wells (100 feet) for infiltration practices, bioretention, permeable pavement, constructed wetlands, detention practices and wet ponds. Non-regulatory guidance for stormwater management is specified in the recommendations section below. These regulations can be found at: <https://regulations.delaware.gov/AdminCode/title7/5000/5101.shtml> .

- Per the *Delaware Regulations Governing Underground Storage Tank Systems*, drainage from the dispenser area or Underground Storage Tank (UST) area must be directed away from stormwater infiltration practices. These regulations can be found at: <https://regulations.delaware.gov/AdminCode/title7/1000/1300/Split1351/1351.shtml>. If this is unavoidable and stormwater from the dispenser area or Underground Storage Tank must be directed toward the stormwater facility, a petroleum/water separators must be installed on all inlets that are directly tied to the stormwater management Best Management Practice. Other potential practices may possibly also include systems such as Stormceptor.

UST Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Website: <https://dnrec.delaware.gov/water/supply/ground-water-protection/>

Stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail:

DNREC.Stormwater@delaware.gov.

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

Vegetated Buffers

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.

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

- One previously identified precontact archaeological site has been identified within the currently proposed limit of disturbance. Furthermore, the potential for precontact archaeological resources across the entirety of the project area is high based on the presence of well drained soils, suitable landform features, proximity to fresh water, and several field verified archaeological sites located in adjacent parcels. The level of disturbance within the proposed project area is unclear. The DE SHPO would recommend that an archaeology survey take place prior to any ground disturbing activity.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

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 Regulation (DSFPR):

Fire Protection Water Requirements

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- Where a water distribution system is proposed for the site, 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 installed.
- 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 Fire Lanes and Sign Detail as shown in DSFPR.

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 road to the subdivision from Johan J. Williams Hwy and Angola Road 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. Streets designed without parking need to develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.
- 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 use of open bridge or covered bridge shall be designed to DEDOT standards and accessible by all fire department apparatus.
- 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 Building is to be sprinklered.

- 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 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, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Department of Natural Resources and Environmental Control – Contact Beth Krumrine 302-735-3480

Stormwater Management

Most of the site lies on well-drained soils (Downer sandy loam, 2 to 5 percent slopes, Northern Tidewater Area). Within the forested area, soils are considered to be B/D soils, very poorly drained (Longmarsh and Indiantown soils, frequently flooded). The following non-regulatory guidance is specified in the *BMP Standards and Specifications for Infiltration Practices*, found on the DNREC Sediment and Stormwater Program website at

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

- Hotspots and High Loading Situations:
Infiltration practices are not intended to treat sites with high sediment or trash/debris loads, because such loads will cause the practice to clog and fail. Infiltration practices are not recommended at potential stormwater hotspots that pose a risk of groundwater contamination. For a list of potential stormwater hotspot operations, consult Appendix 4.
- Appendix 4. Stormwater Hotspots Guidelines:

Stormwater hotspots are defined as commercial, industrial, institutional, municipal, or transport-related operations that produce higher levels of stormwater pollutants, and/or present a higher potential risk for spills, leaks or illicit discharges. Hotspot sources can be separated into two main categories: vehicles and outdoor storage. Additional information for each of the listed operations is included following the plan requirements in the profile sheets. The following post construction operations may be classified as storm water hotspots operations: Vehicle Maintenance and Repair, Vehicle Fueling, Vehicle Washing, Vehicle Storage, Loading and Unloading, Outdoor or Bulk Material Storage

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail:

DNREC.Stormwater@delaware.gov.

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

Forest Removal

Forest removal is proposed on lands within the Delaware Ecological Network (DEN) and directly within the Herring Creek Natural Area. The forested area proposed to be removed has the potential to be mature forest, predating 1937.

- Forest removal is proposed directly within the Herring Creek Natural Area. Natural areas contain lands of statewide significance identified by the Governor's Natural Areas Advisory Council as containing a high quality of natural features unique to Delaware. Reduce environmental impacts in Natural Areas by avoiding development or destruction of sensitive natural features such as wetlands and forests.

- Forest removal is proposed within the DEN, a statewide network of interconnected lands of significant ecological value. This GIS data layer is based on principles of landscape ecology and conservation biology, providing a consistent framework to identify and prioritize areas for natural resource protection. Forest disturbances on this site will jeopardize habitat on the parcel and likely beyond the parcel's boundary.
- An analysis of historical data indicates that the forested area on this site has also likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. A forest assessment should include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.
- Forests provide water quality benefits. This site lies in the Rehoboth Bay Watershed, where surface water quality does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy (PCS) is in place for this watershed.
- Consider dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.

Natural Area and Nature Preserve Contact: DNREC Division of Parks and Recreation, Office of Nature Preserves at (302) 739-9039. Website: <https://dnrec.delaware.gov/parks/natural-areas/>
Forest Benefits and DEN Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.delaware.gov/fish-wildlife/contact-information/>
PCS Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Vegetated Buffer Zones

Since the forested wetlands on this property could support an array of plants and animals, most notably wetland dependent species such as amphibians, do not disturb wetland areas and incorporate a 100-foot buffer from all wetlands.

- Do not disturb wetlands and incorporate a 100-foot vegetated buffer zone to protect wetland species and water quality, and to provide an additional margin of safety for flooding.

- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.
- Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.

Website: <https://dnrec.delaware.gov/fish-wildlife/contact-information/>

Additional Recommendations for Development Near Forested Wetlands

- Maintain input to natural wetlands at the pre-construction level. Avoid causing an increase or decrease in the naturally occurring water level.
- Avoid diverting surface water from roadways and stormwater facilities into the wetlands on site. Water quality could be detrimentally affected by run-off, which can contain oil and other pollutants.
- Avoid installing sewers with grates, which can create a hazard for amphibians and reptiles.
- Design the development to exclude curbs. If road curbing is part of the design, curbing that allows small animals, such as turtles and salamanders, to climb out of the roadbed (such as Type 2 or Cape Cod curbing) is preferred over steep, vertical curbing.
- Use open bottom box culverts to allow for natural substrate to remain and in-water passage of aquatic life. Additionally, culverts should be left as wide as possible to ensure that salamanders can travel through them.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.

Website: <https://dnrec.delaware.gov/fish-wildlife/contact-information/>

Recommended Best Practices

- Consider installing electric vehicle charging stations. 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 80% 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.delaware.gov/climate-coastal-energy/clean-transportation/>).
- Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution.
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- 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.delaware.gov/climate-coastal-energy/>

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

- 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.
- In addition to the site plan permit permits will be required for each building, any aboveground flammable/combustible tank storage, and all gas dispensers, and EV stations will require separate permitting. The convenience store, the car wash, and the fuel canopy require separate building permitting.

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,

A handwritten signature in black ink, appearing to read 'D. Edgell', written in a cursive style.

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

Attachments:

Sussex County Planning & Zoning Comments

Sussex County Engineering Comments

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



Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
November 15, 2023
September PLUS Comments
Sussex County Department of Planning & Zoning

- I. Review and Discussion: John J. Williams Highway Gas Station (2023-11-02)**
Location: 22357 & 22455 John J. Williams Highway, Lewes, DE 19958
Project: Review of a proposed Site Plan to construct a convenience store with gas sales on 3.35 acres zoned AR-1. This Application requires a Conditional Use.

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 Lauren DeVore at lauren.devore@sussexcountyde.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(s): 234-11.00-56.02, 56.03, 56.6 and 56.09

Proposed: The Applicant proposes a 4,709 square foot +/- convenience store, 1,248 square foot +/- car wash, twelve (12) gas pumps and associated parking to consist of 64 parking spaces total (61 standard parking space and 3 accessible parking spaces.)

Zoning: The Parcels are in the Agricultural Residential (AR-1) Zoning District. Gas stations and convenience stores require approval as a Conditional Use within the Agricultural Residential (AR-1) Zoning District (§115-22). Staff note that the Plan may require review by the Technical Advisory Committee at the Director's discretion if it is determined that the Plan "may have substantial impact on the physical, economic or social environment or may require a more detailed technical review." (§115-219(C)). **Staff have received a Conditional Use Application for the proposed use and the Application has been filed as Conditional Use No. 2360 Royal Farms for "retail and gas sales."**

Density: N/A

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 where 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). Additionally, Coastal Areas “are areas that can accommodate development provided that special environmental concerns are addressed” (2018 Sussex County Comprehensive Plan, 4-15). 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). Staff note that the Comprehensive Plan identifies the Coastal Area as an “area [that] also has significant impact on water quality within adjacent bays and inlets” (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that “retail uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads” (2018 Sussex County Comprehensive Plan, 4-15). The Plan also clarifies that, “appropriate mixed-use development should also be allowed” to include “careful mixtures of homes with light commercial uses” which “can be appropriate to provide for convenient services and to allow people to work close to home” (2018 Sussex County Comprehensive Plan, 4-15).

The Plan recommends higher density development be situated in areas on “central water/sewer, near commercial/employment centers, keeping with the character of the area, along a main road/major intersection, and where there is adequate Level of Service” (2018 Sussex County Comprehensive Plan, 4-16).

Open Space Provisions: The submitted PLUS Application indicates that there is no Open Space proposed for this project.

Interconnectivity: While it is understood that there are existing site constraints which may inhibit the ability for proposals to connect to adjacent lands, please note that Staff desire to see interconnectivity between proposed developments, especially at or in immediate proximity to intersections.

Transportation Improvement District (TID): The proposed project is located within the Henlopen TID and as such shall be subject to the payment of any related fees as outlined as part of any Henlopen TID Agreement made with the Delaware Department of Transportation (DelDOT).

Agricultural Areas: The site is located within the vicinity of parcels which appear to be actively farmed. Please include on any Plans submitted 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 (0.56) acres of existing forest on the site and that (0) acres will be removed. Therefore, the site appears to propose to retain all existing forested areas. Staff recommend the Applicant amend the Plan to preserve as many of the trees as possible in the Plan. Staff appreciate efforts to conserve the existing trees on the southeastern portion of the property for purposes of protection and buffering from the



adjacent Sarah Run water resource and for additional floodwater uptake as this area lies in proximity to an aquifer recharge area and Wellhead Protection Area. The Site Plan will have to meet the requirements of Chapter 89 “Source Water Protection” of the Sussex County Code, specifically §89-6 in relation to Wellhead Protection Areas.

Wetlands: The Application Form notes that it is unknown whether wetlands have been delineated on the Site. Additionally, the Application Form also notes that it is “unknown” whether there are tidal wetlands or non-tidal wetlands which currently exist on the site. Please clarify as to the presence of any jurisdictional wetlands prior to the submission of any land development application. Staff note that the Sussex County Online Map Application indicates the presence of non-regulatory tidal wetlands along Sarah Run on the eastern portion of the Site. Sussex County Code requires that Preliminary and Final Site Plans include the location and regulatory delineation of all state and federal wetlands (§115-220(B)(13)) & (§115-221(B)(14)). Any jurisdictional wetlands will require categorization in order to ensure compliance with (§115-193) Resource Protection of County Code as well as any applicable Federal or State (DNREC) permits as may be required for any proposed alteration in conjunction with the proposed improvements.

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) and “AE” (Areas subject to inundation by the 1% annual chance flood zone where base flood elevations are determined) as noted on the County’s Online Mapping System. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within an area of “good” and “fair” Groundwater Recharge Potential according to State and County GIS data. Please note this on any Plan in order to comply with the provisions of Chapter 89 “Source Water Protection” of the Sussex County Code (§89-6).





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

November 15, 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: Townsend Comprehensive Plan Amendment (2023-11-01)**
County: New Castle **Municipality:** Townsend
Location: Town of Townsend, DE
Project: Review of a proposed Comprehensive Plan Amendment to amend the Future Annexation Map to include all parcels bordering the Town of Townsend.
- III. 9:15 AM **Review and Discussion: Hyetts Landing (2023-11-07)**
County: New Castle **Municipality:** Unincorporated
Location: North side of Hyetts Corner Road between US Route 301 and DE Route 1.
Project: Review of a proposed Subdivision to create an 86 lot age restricted single family detached lot subdivision on 66.5 acres zoned S (Suburban).
- IV. 9:45 AM **Review and Discussion: Ford Property (2023-11-08)**
County: New Castle **Municipality:** Unincorporated
Location: West side of DuPont Highway, 3,018 feet north of Bear Tybouts Road.
Project: Review of a proposed Subdivision for 44 single family lots on 33.5 acres zoned S (Suburban).
- V. 10:15 AM **Review and Discussion: The Mews at 6060 Limestone (2023-11-11)**
County: New Castle **Municipality:** Unincorporated
Location: 6042 & 6060 Limestone Road, Hockessin, DE 19707
Project: Review of a proposed Site Plan to construct a 3-story, 83,050 SF, institutional residential building containing 80 units and associated site improvements on two parcels totaling 10.1 acres zoned NC21 (Neighborhood Conservation).

- VI. 10:45 AM **Review and Discussion: Harrington Industrial Park (2023-11-03)**
County: Kent **Municipality:** Harrington
Location: 299 Cluckey Drive, Harrington, DE 19952
Project: Review of a proposed Subdivision of approximately 122 acres into 11 shovel ready lots in an industrial park zoned Manufacturing and Industrial.
- VII. 11:00 AM **Review and Discussion: Lynnbury Woods (2023-11-05)**
County: Kent **Municipality:** Unincorporated
Location: 2187 Lynnbury Woods Road, Dover, DE 19904
Project: Review of a proposed Subdivision of approximately 61 acres for a 139 lot single family subdivision zoned AC (Agricultural Conservation).
- VIII. 11:30 AM **Review and Discussion: Sylvester Cabinetry (2023-11-12)**
County: Kent **Municipality:** Unincorporated
Location: 849 Willow Grove Road, Felton, DE 19943
Project: Review of a proposed Rezoning and Site Plan for the construction of a facility for the manufacturing of cabinetry on 6.4 acres zoned AR (Agricultural Residential) with proposed zoning of IL (Light Industrial).
- IX. 11:45 AM **Review and Discussion: 1557 Clapham Road (2023-11-10)**
County: Kent **Municipality:** Unincorporated
Location: 1557 Clapham Road, Magnolia, Delaware 19962
Project: Review of a proposed Rezoning of 1-acre zoned AC (Agricultural Conservation) to BN (Neighborhood Business).
- X. 12:00 PM Lunch
- XI. 1:00 PM **Review and Discussion: John J. Williams Hwy. Gas Station (2023-11-02)**
County: Sussex **Municipality:** Unincorporated
Location: 22357 & 22455 John J. Williams Hwy, Lewes, DE 19958
Project: Review of a proposed Site Plan to construct a convenience store with gas sales on 3.35 acres zoned AR-1. This application requires a Conditional Use.

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.

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) 854-5088

XII. 1:30 PM Review and Discussion: School Lane Apartments (2023-11-04)

County: Sussex

Municipality: Unincorporated

Location: North side of John J. Williams Hwy. (Rt. 24), adjacent to Love Creek Elementary School.

Project: review of a proposed Site Plan for the construction of six 4-story apartment buildings containing 201 units with pool and clubhouse on 21.62 acres zoned Ar-1 (Agricultural Residential).

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.

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) 854-5088

XIII. 2:00 PM Review and Discussion: Francis Reed Farm (2023-11-06)

County: Sussex

Municipality: Unincorporated

Location: North of Walker Road and east of Diamond Farm Road.

Project: Review of a proposed Subdivision for a 128 unit cluster subdivision on 64.26 acres of farmland zoned AR-1 (Agricultural Residential).

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

XIV. 2:30 PM **Review and Discussion: Swann Lake (2023-11-09)**

County: Sussex

Municipality: Unincorporated

Location: Southerly side of Lighthouse Road (Rt. 54), southwest of the intersection of Dickerson Road and West Line Road.

Project: Review of a proposed Subdivision containing a total of 352 units in a mix of single-family lots (161) and townhomes (191) on 183.16 acres zoned AR-1 (Agricultural Residential) with the RPC (Residential Planned Community) overlay.

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.

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

XV. 3:00 PM **Review and Discussion: Sussex County Comprehensive Plan Amendment – Ord. No. 23-09 (2023-11-03)**

County: Sussex

Municipality: Unincorporated

Location: Northeast side of Zion Church Road (Sr. 20), approximately 275 feet northwest of Deer Run Road (SCR 388).

Project: Review of a proposed Comprehensive Plan Amendment to Amend the Sussex County Sewer Tier Map for parcel 5-33-11.00-23.02 from Tier 4 to Tier 2.

The proposed project is located within a Tier 4 area, if the Comprehensive Plan Amendment is approved to a Tier 2 area it will then be contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.

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

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.