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

February 21, 2024

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

RE: PLUS review – 2024-01-07; LIC Housing

Dear Mr. Crouch:

Thank you for meeting with State agency planners on January 24, 2024 to discuss the site plan for the LIC Housing project. According to the information received, you are seeking review of a proposed site plan for the construction of an Independent Living Facility (3 Stories, 125,000 Sq. ft.) with Attached Restaurant (4,000 Sq. ft) & Fitness Center (2,165 Sq, ft) on 5.2 acres zoned AR-1.

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, primarily in Level 2 according to the 2020 Strategies for State Policies and Spending.

Based on its location primarily in a Level 2 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

- Because the site fronts on US Route 9, which is part of the Delaware Bayshore Byway, it is subject to outdoor advertising regulations found in 17 Del. C. §1101-1120. Accordingly, the applicant should expect the following requirements:
    - No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off US Route 9 within 660 feet of the closest right-of-way edge.
    - No off-premises advertising on the property for others within 660 feet of the closest right-of-way edge of US Route 9, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.
- The site access on all State maintained roads 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 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. 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 Development Coordination 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. Based on the expected trip generation this project will be eligible for the Area Wide Study Fee (AWSF) and can satisfy the associated traffic analysis requirements through that program.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination 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 Rt. 9. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from outmost edge of the through lanes of Rt. 9. 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, 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 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 entrances on Rt. 9.

  - 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.

- In accordance with the Development Coordination Manual the developer will be required to provide sidewalks along the property frontages.

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.

Requirements Identified Within the Development Footprint

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/

Wellhead Protection Area
The Wellhead Protection Area for Lewes exists over most of this site. Wellhead Protection Areas are the surface and subsurface areas surrounding a water well, or a public water supply wellfield. Contaminants leaching into the soil have the potential to reach the water supplies in these areas.

- The applicant must comply with all county and municipal codes that affect public drinking water supply Wellhead Protection Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.
Website: https://dnrec.delaware.gov/water/supply/ground-water-protection/

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

Proposed Project Parcel Flood Concern
- This is located within an area of Minimal Flood Concern of 1000 years or greater.

Parcel Status within County Evacuation Zone Location
- The parcel is not yet located within a Sussex County Evacuation Zone.

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

- While there are no previously identified historic resources within the project area, historic aerials and maps indicate that the currently standing structure in the eastern portion of the parcel, has been there since the late 19th to early 20th century. This site (16770 Kings Highway) has not been evaluated.

- As a result, there is a high potential for historic period archaeological resources located throughout the parcel, which would be associated with this structure. In addition, the western half of the project area carries a high potential for precontact archaeological resources, based on the proximity to Ebeneezer Branch, as well as the presence of well

drained soils and a stable landform. Lastly, as disturbance appears minimal across the parcel, there is a high likelihood of archaeological resources remaining intact throughout the project area.

- Based on this assessment, the DE SHPO would recommend that an archaeological survey take place prior to any ground disturbance associated with the proposed work.

- 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).

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 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Apartment)

- 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 Kings Highway 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 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

- 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.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/

Forested Wetlands and Vegetated Buffer Zone

The forested wetlands located on the western edge of this parcel could support an array of plants and animals, most notably wetland dependent species such as amphibians.

- Maintain an upland buffer of at least 100 feet along wetlands.

- 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, design curbing (such as Type 2 or Cape Cod curbing) that allows small animals, such as turtles and salamanders, to climb out of the roadbed.

Recommendations for Sustainable 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/).

- Consider using 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.delaware.gov/climate-coastal-energy/renewable/assistance/).

- 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 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 96, though, with development, this will undoubtedly change.

- The 22 adjacent blocks aggregate bring the area to a total population of 379.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hal, 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.

Expected Annual Loss
× Social Vulnerability
÷ Community Resilience
=
Risk Index

- According to FEMA's National Risk Index, the parcel **is** considered **relatively moderate** for overall natural hazards 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 its social vulnerability are both rated as **relatively moderate**.

Renewable Energy Commitment

- Regarding energy use and consumption, the parcel utilizes **electricity** as the predominant fuel type for heating purposes, the surrounding areas do use natural/utility gas.

- 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

- Highly recommend a preliminary project meeting with the DE State Fire Marshal's Office – Sussex Division. Need to discuss exactly what independent living means (capability of residents and level of "care" to be provided). This discussion will influence your design requirements.

- 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 and Zoning Comments
Sussex County Community Development and Housing 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
January 24, 2023
January PLUS Comments
Sussex County Department of Planning & Zoning

Review and Discussion: LIC Housing (2024-01-07)
County: Sussex County
Municipality: Unincorporated
Location: West side of Kings Highway (Route 9) and 1,000 feet north of Coastal Highway (Route 1) approximately 1 mile east of Five Points outside of Lewes.
Project: Review of a proposed Independent Living Facility, restaurant, and fitness center on a ≈ (5.2) acre parcel.

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.

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): 334-6.00-56.00

Zoning: The Parcel is currently zoned Agricultural Residential (AR-1) District.

Proposed: This Plan includes the (131,165) square foot structure, internal roads, parking, and stormwater management on a ≈ (5.2) acre parcel located on the west side of Kings Highway (Route 9) and 1,000 feet north of Coastal Highway (Route 1). Specifically, the Plan proposes an Independent Living Facility (125,000 SQ FT) comprised of (95) rental units, a restaurant (4,000 SQ FT), and a fitness center (2,165 SQ FT).

Density: The facility would represent a density of ≈ 18 dwelling units per acre DU/AC. While the independent living or "INDEPENDENT CARE FACILITY" (§115-4) is defined under Nursing & Similar Care Facilities and separate and distinct from multifamily, Staff note the

similarity. Multifamily improvements in the AR-1 Zoning District, if approved as a Conditional Use, would have a maximum permitted density of 12 DU/AC.

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). 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" further noting "appropriate mixed-use development should also be allowed" (2018 Sussex County Comprehensive Plan, 4-15). In terms of density the Plan's guidelines indicate "medium and higher density (4-12 units per acre) can be appropriate in certain locations." (2018 Sussex County Comprehensive Plan, 4-16). Additionally, for Coastal Areas, the Plan notes that densities of 4-12 units could be supported in areas with central water and sewer, "along a main road or at/or near a major intersection", near sufficient commercial uses and employment, and keeping with the "character of the area" (2018 Sussex County Comprehensive Plan, 4-16).

Additionally, Staff note that any development containing 50 or more dwelling units in the "Coastal Area" are required to submit an Environmental Assessment and Public Facilities Report as described in (§115-194.3(B)(2)).

Open Space Provisions: N/A

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 **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 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 (3.4) acres of existing forest on the site and that (2.6) acres will be removed. Therefore, the site is retaining (0.8) acres of forested area. Staff appreciate the effort to preserve as many mature trees as possible.

Wetlands/Waterways: The Application notes that there are (0.71) acres of non-tidal wetlands present on the site. Please note that 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)). Additionally, contingent on the wetland type on site, County Code may require resource buffers adjacent to wetland features.

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) with a small portion of the property on the western boundary being located within Flood Zone "AE". This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within an area of "good" Groundwater Recharge according to State and County GIS data. Areas located within "excellent" Groundwater Recharge Areas are required to meet the requirements of §89-7. Staff note that the proposal is within a wellhead protection area (§89-6). County Code includes varying design requirements at specific thresholds for the percentage of impervious surface proposed as part of the Plan. The Parcels are located in the "Coastal Area" (per the 2018 Comprehensive Plan) and the Plan proposes more than 50 dwelling units which requires the Applicant submit an Environmental Assessment and Public Facilities Report as described in (§115-194.3(B)(2)).

BRANDY BENNETT NAUMAN
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

January 24, 2024

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

RE: PLUS Review (PLUS 2024-01-07) – LIC Housing

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,



Brandy B. Nauman
Director

Efficient. Data-Rich. Connected.

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
January 24, 2024

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: Springpoint – Moorings at Lewes (2024-01-13)**
County: Sussex **Municipality:** Unincorporated
Location: 17028 Cadbury Circle, Lewes, DE
Project: Review of a proposed Site Plan for improvements to an existing Senior Living Facility for a net increase in 46 units on 37.97 acres zoned MR-RPC (Medium Residential – Residential Planned 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.

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

III. 9:30 AM **Review and Discussion: Tri State Mobile Home Supply (2024-01-06)**
County: Sussex **Municipality:** Unincorporated
Location: 26614 Handy Road, Millsboro, DE
Project: Review of a proposed Rezoning and Site Plan for the construction of a 5,000 SF building material and supply store on 1.1 acres zoned C-1 (General Commercial) and GR (General Residential) with proposed zoning of C-1 across the entirety of the property.

The proposed project is located within the City/Town/Growth and Annexation Area of the Town of Millsboro. 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

IV. 10:00 AM **Review and Discussion: LIC Housing (2024-01-07**
County: Sussex **Municipality:** Unincorporated
Location: West side of Kings Highway, 900' south of Clay Road
Project: Review of a proposed Site Plan for the construction of a three-story Independent Living facility (95 units) with attached Restaurant (4,000 SF) and Fitness Center (2,165 SF) on 5.2 acres zoned AR-1 (Agricultural Residential). This project 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) 854-7370

V. 10:30 AM **Review and Discussion: Tull Gardens (2024-01-02)**

County: Sussex **Municipality:** Seaford
Location: Atlanta Road and Tull Drive
Project: Review of a proposed Site Plan for a mixed residential type community consisting of 317 single-family, 126 stacked townhouses, and 144 townhouses on 120 acres zoned R-2/R-3 (Medium/High Density Residential)

The proposed project is located within the City/Town/Growth and Annexation Area of the City of Seaford. 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. 11:00 AM **Review and Discussion: Future Land Use Change to 1079 Silver Lake Blvd. (2024-01-05)**

County: Kent **Municipality:** Dover
Location: 1079 Silver Lake Boulevard, Dover, DE
Project: Review of a proposed Comprehensive Plan Amendment to change the Land Use Classification on Map 12-1: Land Development Plan of the 2019 City of Dover Comprehensive Plan from Office to Mixed Use for parcel 2-05-06712-02-0400-00001.

VII. 11:30 AM **Review and Discussion: New Castle County Ordinance Review – Public Noticing Rezonings (2024-01-04)**

County: New Castle **Municipality:** Unincorporated
Location: All of New Castle County
Project: Review of a proposed ordinance to bolster and clarify legal notices for proposed rezonings including newspaper publication, website postings, certified mail, signage, and social media.

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.