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

March 27, 2024

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

RE: PLUS review – 2024-02-01; Kings Highway – Warrington Rezoning

Dear Mr. Crouch:

Thank you for meeting with State agency planners on February 28, 2024 to discuss the rezoning of the Warrington property on Kings Highway. According to the information received, you are seeking review of a proposed rezoning of 1.529 acres from AR-1 to C-2.

If the rezoning is approved, any future site plan that meets PLUS criteria will need to be submitted for comments. 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 in a Level 1 investment area, which is consistent with the 2020 Strategies for State Policies and Spending.

Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Development in Level 1 is consistent with the 2020 Strategies for State Policies and Spending; therefore, the Office of State Planning Coordination has no objections to this rezoning provided it meets the relevant codes and ordinances of the County.

The PLUS application states that a retail shopping center is proposed; however, no site plan was included. If the rezoning is approved and this project moves to site plan review, the

owner/developer will need to contact state agencies regarding permits and reviews not mentioned in this letter.

Code Requirements/Agency Permitting Requirements

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

- DelDOT has no comments on the proposed rezoning. DelDOT notes that should the property be developed in the future all relevant reviews and approvals will still be necessary.

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

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 the site, nor does it indicate DNREC support of a project.

- DNREC reviewers have no comments or concerns at this time.

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

- DEMA has no comments or objections for the rezoning as this is not our area of expertise.

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.

- A late 19th to early 20th century agricultural dwelling existed on the parcel historically. Disturbance within the parcel appears minimal. There is high potential that archaeological resources associated with this dwelling are still extant on the parcel.

- While the PLUS project only mentions potential rezoning, the DE SHPO would recommend archaeological survey prior to any ground disturbance in the parcel.

- 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.

- This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.

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.

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.

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 Engineering Department 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
February 28, 2024
February PLUS Comments
Sussex County Department of Planning & Zoning

Review and Discussion: Kings Highway Warrington Rezoning (2024-02-01)
County: Sussex County
Municipality: Unincorporated
Location: West side of Kings Highway, 1800' north of Gills Neck Road
Project: Review of a proposed Rezoning of 1.529 acres from AR-1 (Agricultural Residential) & C-1 (General Commercial) to C-2 (Medium Commercial).

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): 335-8.00-36.06

Zoning: The Parcel is currently split-zoned hosting both Agricultural Residential (AR-1) and General Commercial (C-1) Zoning Districts.

Proposed: The Plan proposes a change of zone from to General Commercial (C-1) and Agricultural Residential (AR-1) to Medium Commercial (C-2) Zoning District to accommodate a commercial shopping center use.

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 that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area

designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics.

The Plan's proposed Medium Commercial (C-2) Zoning District is listed as an Applicable Zoning District in the Coastal Area per Table 4.5-2 – Zoning Districts Applicable to Future Land Use Categories in the Plan (2018 Sussex County Comprehensive Plan, 4-16).

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: N/A

Wetlands/Waterways: N/A

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). 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. Staff note that the proposal is not within a wellhead protection area (§89-6).

PLUS

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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 28, 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: Sunset Lake Properties & Christiana Excavating Company (2024-02-02)**
County: New Castle **Municipality:** Unincorporated
Location: 2016 Sunset Lake Road, Newark, DE
Project: Review of a proposed Rezoning and Site Plan for the combining of two parcels for the construction of 2 warehouse buildings on 1.62 acres zoned ST (Suburban Transition) with proposed zoning of I (Industrial).

III. 9:30 AM **Review and Discussion: New Castle County Ordinance – Impact Fees (2024-02-08)**
County: New Castle **Municipality:** Unincorporated
Location: All of New Castle County
Project: Review of a proposed Ordinance3 to amend the New Castle County Code, Section 40.14.230 to provide for review and necessary adjustments to impact fees at least every 5 years.

IV. 9:45 AM **Review and Discussion: DevDevelopment – Harrington Subdivision (2024-02-06)**
County: Kent **Municipality:** Harrington
Location: 6132 Milford Harrington Highway, Harrington, DE
Project: Review of a proposed Subdivision Plan for the creating of a 492-unit subdivision with a mix of single-family lots and duplex or townhome units on 117.82 acres zoned R3 (Townhouse Residential Zone). A portion of this property is in the process of being annexed into the Town of Harrington.

V. 10:15 AM **Review and Discussion: Bay Village (2024-02-03)**
County: Kent **Municipality:** Dover
Location: South side of White Oak Road, East of Route 1

Project: Review of a proposed Subdivision Plan for a mixed residential type community consisting of 210 Multi-family units and 265 Duplex or Townhouse units on 79.2 acres zoned RM2 (Medium Density Residence Zone).

VI. 10:45 AM **Review and Discussion: Kings Highway – Warrington Rezoning (2024-02-01)**
County: Sussex **Municipality:** Unincorporated
Location: West side of Kings Highway, 1,800 feet north of Gills Neck Road.
Project: Review of a proposed Rezoning of 1.529 acres from AR-1 (Agricultural Residential) to C-2 (Medium Commercial).

The proposed project is located within the City/Town/Growth and Annexation Area of the City of Lewes. 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. 11:00 AM **Review and Discussion: Dewey Beach Comprehensive Plan Amendment to Future Land Use Map (2024-02-05)**
County: Sussex **Municipality:** Dewey Beach
Location: 24 Houston Street, Dewey Beach, DE
Project: Review of a proposed Comprehensive Plan Amendment to amend Map 7: Future Land Use, of the Comprehensive Plan for 24 Houston Street from Commercial to Resort Residential.

The proposed project is a Comprehensive Land Use Plan/Update/Amendment for the City/Town/Growth and Annexation Area of the Town 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

VIII. 11:15 AM **Review and Discussion: Sea Esta Dewey Beach Rezoning (2024-02-04)**
County: Sussex **Municipality:** Dewey Beach
Location: 24 Houston Street, Dewey Beach, DE
Project: Review of a proposed Rezoning of 0.34 acres from RB2 (Resort Business District – 2) to RR (Resort 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) 854-7370

IX. 11:30 AM **Review and Discussion: Rehoboth Beach Comprehensive Plan Amendment to the Future Land Use Map (2024-02-07)**
County: Sussex **Municipality:** Rehoboth Beach
Location: 60 Sussex Street, Rehoboth Beach, DE
Project: Review of a proposed Comprehensive Plan Amendment to amend the Future Land Use Map of the Comprehensive Plan for 60 Sussex Street from Residential to Commercial.

The proposed project is a Comprehensive Land Use Plan/Update/Amendment for the City/Town/Growth and Annexation Area of the City of Rehoboth 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

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.