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

September 17, 2024

Ron Sutton, Jr.
Civil Engineering Associates, Inc.
55 W Main St,
Middletown, DE 19709

RE: PLUS review – Glen Clove 2; 2024-08-02

Dear Mr. Sutton:

Thank you for meeting with State agency planners on August 28th, 2024 to discuss The Glen Cove 2 project. According to the information received, you are seeking review of this proposed rezoning of 12.32 from AR-1 to MR to build 50 single family condo units.

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 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 2 investment area, which is consistent with the 2020 Strategies for State Policies and Spending. This site is also located in the Coastal Area of Sussex County.

Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Development in Level 2 is consistent with the 2020 Strategies for State Policies and Spending; therefore, the Office of State Planning Coordination has no objections to this **rezoning and site plan** provided it meets the relevant codes and ordinances of the Sussex county

With that said, this parcel is adjacent to the Town of Millville and within their planned growth area. The developer should consider annexing or at least working with the town to ensure the planned development meets the desires of their comp plan.

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 DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.

- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.

- In terms of traffic analysis and based on the expected trip generation this project will qualify for the Area Wide Study Fee (AWSF). This project is located in an area anticipated to be in the future Roxana Transportation Improvement District (TID). This TID will not be operational for at least a year. If your development timeline allows participation in the TID may be an option in place of the AWSF.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across any 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."**

- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to

assist with this task. It can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Contact 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 site, nor does it indicate DNREC support of a project.

Tax Ditches
Prong 2 of the Derrickson Tax Ditch lies along several of the property boundaries and bisects the western and eastern parcels. Derrickson Canal Sub 2 Prong 2 runs along the property boundary in the northeast. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax ditch ROWs vary by channel size and location. Prong 2 and Sub 2 Prong 2 of the Derrickson Tax Ditch have a 20-foot to Top of Bank (TOB) ROW extending into the project boundary.

- The previous Court Order Change stipulates that a l5-foot by 285-foot Special Disposal ROW be added to the terminus of Prong 2 for sediment disposal. This disposal ROW must remain.

- If the site and/or stormwater management features are designed to discharge into Prong 2 of the Derrickson Tax Ditch, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.

- Proposed structures or construction lies within the existing tax ditch ROW. Contact the DNREC Drainage Program to discuss the on-site tax ditch ROWs prior to the project application meeting with the appropriate plan review agency for construction stormwater management.

- The site plan appears to show a road crossing the tax ditch between Lots 16 and 17. The applicant must consult with the DNREC Tax Ditch Program on the elevation of the crossing. To reduce or change existing tax ditch ROWs, a Court Order Change must be

submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.

- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROWs.

- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.

- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/
Tax Ditch Mapper: de.gov/taxditchmap
Tax Ditch guidelines: https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf

Stormwater Management

The project proposes greater than 5,000 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 Waterways

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands in the western portion of the site, as well as riverine wetlands associated with the canal that runs around the periphery of the site. The application indicates that wetlands have been delineated. According to the application, the U.S. Army Corps of Engineers sign-off is completed. The application states that the project does not propose direct impacts to the wetlands.

- If plans change and wetlands are disturbed, please contact the Wetlands and Waterways Section for more information on permitting requirements.

- If road crossings are proposed in drainage features functioning as intermittent or perennial features, **s**tate permits from the DNREC Wetlands and Waterways Section may be required for disturbance proposed in state jurisdictional wetlands and waterways. To apply for a permit online, please visit their website at https://dnrec.delaware.gov/water/wetlands-subaqueous/permits/.

State Contact: DNREC Wetlands and Waterways Section at (302) 739-9943.
Website: https://dnrec.delaware.gov/water/wetlands/

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/

Wastewater Disposal Systems – Large Systems

- For wastewater conveyance offsite by way of a new sewer connection, flow rates exceeding 2,500 gallons of liquid waste per day will require a Wastewater Pollution Collection and Conveyance (WPCC) permit from the Commercial and Government Services section.

Contact: DNREC Commercial and Government Services Section at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/

Electric Vehicle Charging

Electric vehicle charging infrastructure is now required for all residential dwellings in Delaware (see 80 Del. Laws, c. 145 § 8001- § 8006) for which:

1. A building permit is issued on or after January 1, 2024 (single family), or
2. The final site plan is approved on or after January 1, 2025 (multi-family).

Requirements are summarized below. Consult the Delaware Code directly for further details.

Single-family Dwellings, effective 2024:

- The developer of a single-family residential dwelling shall install at least one electric vehicle capable parking space at each single-family residential dwelling constructed.

- If the single-family residential dwelling does not have an attached or detached garage, an electric vehicle capable parking space must be provided in the driveway, assigned parking space for the dwelling, or at an unassigned non-street residential parking space constructed as part of the project.

<u>Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325</u>

Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**.

Parcel Status within County Evacuation Zone Location

- The parcel is located within two Sussex County Evacuation Zones B (red) and D (yellow).



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. Prehistoric archaeological potential is low. Soils are mixed well-drained and poorly drained. Distance to water is not favorable for sites. Derrickson Ditch appears to have been extended from White Creek, which in historic topo does show reaching more south than it currently does. But still not favorable distance. Historic potential is low. Beers and historic topos and aerials do not show anything in that area. There has been ground disturbance where the tax ditch has been dug out. A survey conducted at the intersection of Burbage Road and Windmill Drive placed one STP near where the current parcel is. No cultural material was found.

- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

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. (Clubhouse)

- Where a water distribution system is proposed for single-family dwellings, it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required. (One & Two- Family Dwelling)

- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.

- 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 Burbage 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.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

- 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

Removal of Forest
The preliminary plan proposes the elimination of approximately 9 of 12 acres forest on the site. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.

- Removing forested areas for development should be avoided to the greatest extent possible.

- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.
Website: https://dnrec.delaware.gov/fish-wildlife/contact-information/

Forested Wetlands and Vegetated Buffer Zones
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of freshwater forested wetlands on the western portion of the site. This habitat type is known to support an array of plants and animals, most notably wetland dependent species such as amphibians.

To reduce impacts to these species, the following is recommended:

- Do not disturb wetlands. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, improve water quality, and sequester carbon dioxide from the atmosphere. Wetlands also provide habitat for plants and animals that are uniquely adapted to saturated conditions.

- Maintain an upland buffer of at least 100 feet along all wetlands, except tax ditches, including those containing existing forest or natural vegetative cover.

- Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.

- Maintain vegetated buffer zones as either 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.
- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.

- 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/

Tax Ditches

- 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 Waterways Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.
Website: https://dnrec.delaware.gov/drainage-stormwater/
Tax Ditch Mapper: de.gov/taxditchmap
Tax Ditch guidelines: https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf

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/

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

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

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. https://dnrec.alpha.delaware.gov/watershed-stewardship/

Sustainable Practices
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. For community facilities such as the proposed pool house, 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.

- Consider planting select areas with native trees. Native trees improve air, water, and soil quality. Planting and nurturing trees is also a nature-based solution to reducing the greenhouse gases that drive climate change. In addition, native trees have an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Consider planting select areas with meadow comprised of native species. Native plants are well-suited to our climate and require limited maintenance. Mowing in these areas 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.

- 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 23, though, with development, this will undoubtedly change. The 5 adjacent blocks aggregated bring the area to a total population of 404.

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

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

Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

- According to FEMA's National Risk Index, the parcel is considered relatively low 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 is rated at relatively moderate whereas its social vulnerability is rated as very low.

Renewable Energy Commitment

- Regarding energy use and consumption, the census tract utilizes electricity as the predominant fuel type for heating purposes.
- 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 or solar panels where applicable and allowable, and the like.
- Lastly, in reference to the county evacuation zones, DEMA encourages this information be made readily available to any and all persons residing there. This can be done simply through pamphlets or a neighborhood sign.

<u>Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394</u>

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

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

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

Sincerely,

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

Attachments:

- Sussex County Planning & Zoning Comments
- Sussex Engineering Comments
- DNREC Tax Ditch Map
- DNREC Tax Ditch Land Development Project Review Request Form

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
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Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
August 28th, 2024
June PLUS Comments
Sussex County Department of Planning & Zoning

DRAFT

I. Review and Discussion: Glen Cove 2 (2024-08-02)

Location: Winfield Lane and on the north side of Burbage Lane (S.C.R. 353) approximately 300 feet west of the intersection of Burbage Road (S.C.R. 353) and Windmill Drive (S.C.R. 352).

Project: Review of proposed multifamily improvements comprised of (50) single family detached multifamily condominiums on (19) parcels comprised of a total of (12.32) acres +/-.

Sussex County Department of Planning & Zoning Comments

The applicant is required to participate in a pre-application meeting with the County. Please contact the Planning and Zoning Department to schedule a pre-application meeting with staff to discuss the proposed project by calling (302)855-7878 or you may reach out to the Planning & Zoning Office at p&z@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: 134-12.00-375.00, 134-12.00-374.01, 134-12.00-374.02, 134-12.00-3445.00, 134-12.00-3446.00, 134-12.00-3447.00. 134-12.00-3448.00, 134-12.00-3449.00, 134-12.00 3450.00, 134-12.00-3451.00, 134-12.00-3452.00, 134-12.00-3453.00, 134-12.00-3454.00, 134-12.00-3455.00, 134-12.00-3456.00, 134-12.00-3457.00. 134-12.00-3458.00, 134-12.00-3459.00, 134-12.00-3460.00

Proposed: The Applicant proposes multifamily improvements comprised of single-family detached condominiums (50 units), amenities including a pool and poolhouse, internal roads, forested buffers, and ancillary improvements on a total of (19) parcels comprised of a total of (12.32) acres +/-.

Zoning: The parcels are zoned Agricultural Residential (AR-1) Zoning District with the boundary with the Town of Millville immediately adjacent to the north and west of the Parcels

and just beyond the adjacent properties to the east and south as well. The multifamily use at the site is the subject of pending Conditional Use & Change of Zone Applications submitted to the County in July of 2023. The Change of Zone is from Agricultural Residential (AR-1) District to Medium-Density Residential (MR) District and the Conditional Use approval for multifamily use will soon be scheduled for Public Hearings. (CU 2462 & CZ 2017– Gulf Stream Glen Cove, LLC)

Density: If a Conditional Use were to be approved, the proposed density of ≈ (4.1) dwelling units per acre would comply with the County Code requirements for multifamily improvement in an (MR) District which allows up to (12) multifamily dwelling units per acre when serviced by a central sewer system (§115-Attachment 2 – Table II)(§115-22).

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 notes, "A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units" (2018 Sussex County Comprehensive Plan, 4-15). In terms of density the Plan notes:

Medium and higher density could be supported in areas:

- *Where there is central water and sewer*
- *Near sufficient commercial uses and employment centers*
- *Where it is in keeping with the character of the area*
- *Where it is along a main road or at/or near a major intersection*
- *Where there is adequate Level of Service*
- *Or where other considerations exist that are relevant to the requested project and density*

(2018 Sussex County Comprehensive Plan, 4-16).

Open Space Provisions: The proposed plan includes (8.3) acres +/- (out of a total of (12.32) acres) of open space which equates to approximately (67%) of the project site.

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. Staff recommend any future Plan include stubs or easements for connection to all parcels adjacent to the site prior to any future site plan review by the Planning & Zoning Commission.

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

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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 Application indicates no forested area. Staff note that majority of the area within the Parcels contains trees will very little appearing to be unforested outside of TM# 134-12.00-375.00. Staff appreciate efforts to conserve as many mature trees as possible on the project site. Staff note that any buffers which may be required as part of this plan are required to be exclusive of "stormwater management areas or facilities, wastewater treatment and/or disposal facilities" (§99-5 FORESTED AND/OR LANDSCAPED BUFFER) & (§115-193(C)(18)). Staff note that any Plan submitted will require a design ensuring the location of stormwater management basins are exclusive of the required wetland resource buffers (if applicable) or any screening or vegetative buffers which may be required as part of any conditions of approval if approved.

Wetlands: N/A - The Application notes that there are (0.2) 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)). Please note, under (§115-193) Resource Protection in County Code, non-tidal wetlands and streams are required to provide prescriptive resource buffering. Additionally, as wetland resources are on the site, a Drainage Assessment Report (DAR) per (§115-193F(2)) and a Resource & Resource Buffer Management Plan (RRBMP) are required to be submitted at the time of Application submission for applications with wetland resources on site.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone "X" (Unshaded - Areas determined to be outside of the 100 year floodplain) as indicated in the applicant's Conceptual Land Use Plan. This is accurate according to current data available to Sussex County Planning & Zoning. The site is located within an areas of "fair" & "good" Groundwater Recharge 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 (§89-7). Staff note that the proposal is not within a wellhead protection area. Tax Ditches and Tax Ditch ROWs are adjacent to the perimeter of the site on three sides and will run through the proposed community. Please note, any Tax Ditch crossing will require permitting through DNREC prior to Final Site Plan approval. Additionally, any revisions to the Tax Ditch ROWs will be required to show documentation of any Court Order Change (COC) which approves any revision to the ROW.

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PLUS

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Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 219, Haslet Armory
122 Martin Luther King Jr. Blvd., South
Please see https://publicmeetings.delaware.gov/ for link to on-line access
August 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: The Commons at Odessa (2024-08-01)**
County: New Castle **Municipality:** Odessa
Location: 631 Main Street, Odessa, DE 19730
Project: Review of this proposed Mixed Use Residential Subdivision with 238 total residential units of Single Family, Multi-Family@ 5 units per building, Duplex or Townhouse with a 188,300 sq ft of commercial section on 45.12 acres zoned PND (Planned Neighborhood Development).

III. 9:30 AM **Review and Discussion: Poole East (2024-08-03)**
County: New Castle **Municipality:** Middletown
Location: 827 Middletown Warwick Road, Middletown, DE 19709.
Project: Review of a proposed Site Plan with commercial uses, restaurants, retail, and self-storage facility on 32.6 acres zoned C-3 (Employment/Regional Retail).

IV. 10:00 AM **Review and Discussion: NCC Creation of Zoning District for Publicly Owned Conserved Land & Public Parks (2024-08-05)**
County: New Castle **Municipality:** Unincorporated
Location: All Unincorporated parts of New Castle County.
Project: Review of this proposed Ordinance to amend County Code Chapter 40 to establish a zoning district for publicly owned conserved land and public parks.

V. 10:15 AM **Review and Discussion: NCC Rezoning – Individual Parcels (2024-08-06)**
County: New Castle **Municipality:** Unincorporated.
Location: All unincorporated parts of New Castle County.
Project: Review of this proposed Ordinance to amend County Code Chapter 40, Article 31 and Article 33 to change zoning procedures.

VI. 10:30 AM **Review and Discussion: NCC Community Development Plans and Guidelines/ DRAC (2024-08-07)**
County: New Castle **Municipality:** Unincorporated
Location: All unincorporated parts of New Castle County.
Project: Review of this proposed Ordinance to amend County Code Chapter 40, section 40.26.430 relating to Community Development Plans and Design Guidelines.

VII. 10:45 AM **Review and Discussion: Glen Cove 2 (2024-08-02)**
County: Sussex **Municipality:** Unincorporated
Location: Burbage Road – Ocean View, DE.
Project: Review of a proposed Rezoning of 12.32 acres consisting of 19 parcels from AR-1 (Agricultural Residential) to MR (Medium Density Residential) to build 50 single-family Condo units.

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) 855-7370.

VIII. 11:00 AM **Review and Discussion: Greens Landing (2024-08-04)**
County: Sussex **Municipality:** Unincorporated
Location: Sussex Road – Dagsboro, DE
Project: Review of proposed Site Plan with a 104 single-family second homes project on 61.67 acres zoned AR-1 (Agricultural Residential) district with coastal overlay zoning.

The proposed project is located in a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. The Sussex County Engineering Department would support the Greens Landing project connecting to the County sewer district, as the project would enhance the economic feasibility of an existing adjacent community project's ability to proceed with a septic elimination project. The existing modest sized canal front community has requested central sewer

service that would benefit the inland bays area. Combining the two projects would eliminate the existing on-site septic systems for the existing community.

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.

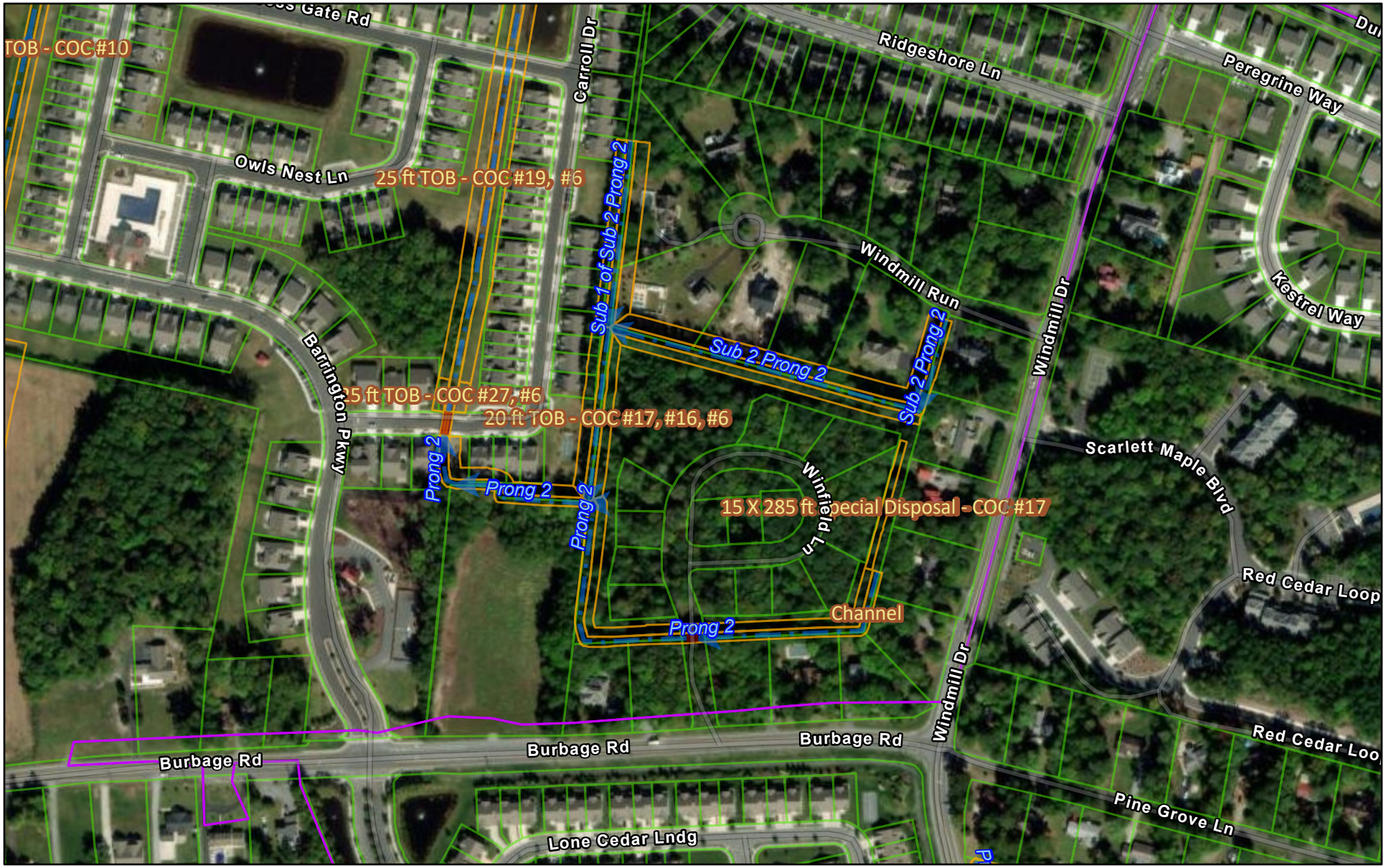
For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-7370.

IX. 11:30 PM **Review and Discussion: 350 Lafferty Lane Flex and Warehousing (2024-08-08)**
County: Kent **Municipality:** Dover
Location: 350 Lafferty Lane, Dover, Delaware
Project: Review of a proposed Site Plan with the construction of two flex space buildings and one warehouse building with all parking, drive aisles, and loading space required for each building on 19.74 acres zoned M (Manufacturing).

X. 12:00 PM **Review and Discussion: Sunshine Estates (2024-08-09)**
County: Kent **Municipality:** Harrington
Location: Approx. 412 Jackson Ditch Road, Harrington, DE
Project: Review of a proposed Subdivision of 277 entry level residential lots, 172 being single-family and 105 Townhouse lots on 55 acres of Traditional Neighborhood Development.

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.

Aerial Map



8/13/2024, 3:34:39 PM

Tax Ditch Channels

Tax Ditch Channel

DITCHPIPEPRIV

Extent of Right-of-Way

Approx. Watershed Boundary

Parcels - Sussex

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.19 km

Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

DNREC, Division of Watershed Stewardship, Drainage Program

These maps do not replace the official documents on file in the Prothonotary Office, and not to be used for engineering purposes

Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Tax Ditch Land Development Project Review Request Form

Project Name: _____

Attach Site Plan of proposed request(s) and include all structures, easements, setbacks, etc. that make your proposal as requested necessary. Include and label existing tax ditch channel and rights-of-way for comparison.

Check out de.gov/taxditchmap to view tax ditch channels and rights-of-way from any web browser. To download the tax ditch GIS Feature Service layer to your own application, visit Delaware FirstMap. Don't forget to label all tax ditch features in all your plans!

Project Representative/Consultant Information:

Name(s): _____
Company: _____
Title(s): _____
Phone Number(s): _____
Email(s): _____

Owner(s) Contact Information:

Name: _____
Phone Number: _____
Email: _____

Authorized Signer(s) Contact Information (when applicable):

Name: _____
Title: _____
Phone Number: _____
Email: _____

For Internal Use Only
Date Received: _____
Tracking #: _____

Division of Watershed Stewardship
Drainage Program
21309 Berlin Rd., Unit 6
Georgetown, DE 19947

Property Information:

Tax Parcel(s) Affected: _____

Tax Ditch Organization(s) Affected: _____

Request(s) of / Proposed Impact(s) to Tax Ditch System (Check all that apply):

☐	Outfall/Discharge into Tax Ditch Channel(s)
☐	Pipe Crossing/Entrances in Tax Ditch Channel(s)
☐	Relocate/Eliminate Tax Ditch Channel(s)
☐	Reduce/Increase Tax Ditch Rights-of-Way
☐	Change Tax Ditch Watershed Boundary
☐	Alteration of Existing Tax Ditch Channel(s)
☐	Utility Crossing in Tax Ditch Channel
☐	Other Explain:

Based on the options selected above, additional information may be requested.

Please specify Tax Ditch Channel(s) affected, existing and requested tax ditch rights-of-way extents whenever applicable, using the space below. (REQUIRED)

Submit all forms to the DNREC Drainage Program
Via email: DNREC_drainage@delaware.gov
Subject Line: Tax Ditch- Land Development Request

For questions about this form please call the Tax Ditch Program at 302-855-1930.

For Internal Use Only
Date Received: _____
Tracking #: _____