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

April 23, 2025

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

RE: PLUS review –2025-03-05; Roxana Villas

Dear Mr. Crouch:

Thank you for meeting with State agency planners on March 26th, 2025 to discuss Roxana Villas. According to the information received, you are seeking review of a proposed site plan application for a 124-unit condominium homeownership development on 10.46 acres zoned C-1 (General Commercial District).

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 the 2018 Sussex County Plan.

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 **site plan** provided it meets the relevant codes and ordinances of the county.

Code Requirements/Agency Permitting Requirements

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

- Any site access points onto 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 P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review.

- Section P.5 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.

- Sussex County and DelDOT are working on a Transportation Improvement District (TID) While the TID boundary has not been finalized at this time, it appears this parcel may be included in the final TID boundary which must be approved by DelDOT and Sussex County. If the Developer would like information about participating in the TID please contact Sarah Coakley at (302) 739-2251 or sarah.coakley@delaware.gov for more information.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DelDOT will require dedication of right-of-way along the site's frontage on Roxana Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the outside edge of the northbound travel lanes. The following right-of-way dedication note is required, "An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on Roxana Road. 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 established for the State of Delaware, as per this plat."

- 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 frontage roads.

- Section 3.5.4.2 of the Development Coordination Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required. DelDOT anticipates requiring a SUP along the site frontage with Roxana Road.

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.

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/

Tax Ditch Watershed Change

The project lies within the Millville Tax Ditch Watershed and borders the St. Georges tax ditch watershed, immediately west. Tax ditches are man-made channels created to move normal water flow off agricultural lands. The project site possesses no tax ditches and is currently not subject tax ditch ROWs. However, if this project directs any stormwater outlet to the west, it will change the site's tax ditch watershed.

- Development of the site may result in a change to the drainage pattern and associated tax ditch watershed boundary. To change existing tax ditch watershed boundaries, a Court Order Change must be submitted by the DNREC Drainage Program. To initiate this process, complete and submit the attached Land Development Project Review Request form.

- If the site and/or stormwater management features are designed to discharge into Prong 4 of the St. Georges Tax Ditch, located west of the property across Roxana Road, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.

- 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

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/

Wellhead Protection Area
A Wellhead Protection Area is located on the northwestern portion of the 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 Public Water Supply Protection Program at (302) 739-9948.
Website: https://dnrec.delaware.gov/water/commercial-government/public-water/

Current or Previous Contamination
DNREC records indicate that contamination has occurred on the project site. Additional information may also be found online by searching Delaware's Environmental Navigator at https://den.dnrec.delaware.gov/ and Delaware's PFAS Investigation Sites at https://dnrec.delaware.gov/waste-hazardous/remediation/pfas/investigation-sites/ (Site ID DE-1782).

- Contact the DNREC Remediation Section to determine the current status of the site and any requirements associated with the site.

Contact: Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600. Website: https://dnrec.delaware.gov/waste-hazardous/remediation/

Wetlands and Waterways
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of a freshwater pond along the northwestern property boundary of the site. The application indicates that wetlands have been delineated. The application states that the project does not propose direct impacts to the waterway.

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

- Include all waterways on site plans.

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

Electric Vehicle Charging Requirements
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.

Multi-family Dwellings, effective 2025:

- The developer of a multi-family residential dwelling shall install electric vehicle parking spaces, where at least 5% of the total parking spaces for the multi-family residential dwelling must be electric vehicle capable parking spaces.

- In addition, a developer of a multi-family residential dwelling shall provide at least one electric vehicle charging infrastructure parking space in an area available for use by all residents of the multi-family residential dwelling (example: community centers).

- Construction documents must indicate the location of proposed electric vehicle charging infrastructure parking spaces and electric vehicle capable parking spaces.

- Parking space dimensions must comply with the county or municipal building code applicable to the multi-family residential dwelling.

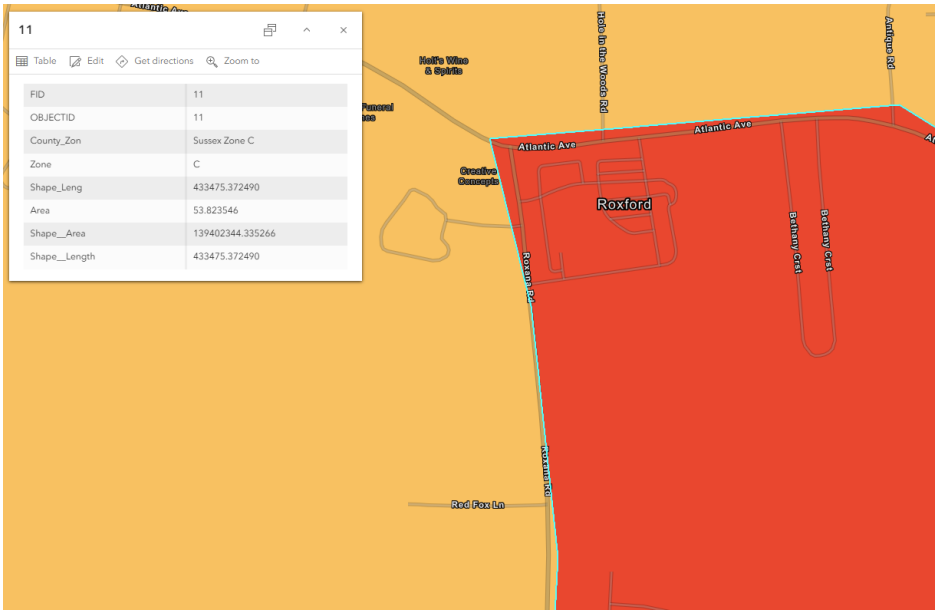
<u>Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325</u>

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 Sussex County's Evacuation Zone C.



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. The soils are moderately well drained. The only nearby archaeological site is a historic site. The parcel appears to have been farmland for most of the 20th century. There were potential previous structures near the parcel, and potential roads going through or just beside the parcel. The potential for precontact archaeological resources is low and the potential for historic archaeological resources is low to moderate, based on the continued agricultural use of the parcel. No archaeological survey is needed for this project.

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.

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. (Apartments)

- 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 Roxana Rd must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations.”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Townhouse 2-hr separation wall details shall be shown on site plans
- 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

Local Fire Department Comments:

- The Millville Volunteer Fire Company Inc. is obligated to provide Fire and EMS services to this property. However, additional new developments in our Fire and EMS district have put a financial and operational strain on our resources. To provide the expected quality of service within the MVFC Fire and EMS district, the MVFC has hired career personnel to staff our Fire and EMS units, thus creating a combination fire department. Our payroll cost in 2024 exceeded 1.3 million dollars.

- In 2024, the MVFC responded to 609 fire calls and 2724 EMS calls, which totaled 3333 calls for service. Our call volume increases yearly due to the unprecedented growth within our service area. Current State, County, and Local government funding will not keep up with the development within the MVFC Fire and EMS district. The state, county, local governments, developers, and current/future residents must financially support the MVFC. We must develop an additional mechanism to provide sustained funding for Fire and EMS services within the Millville Fire and EMS district

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 Waterways 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/

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.

- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.

- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable. Break up large parking lots with planted islands.

- 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/

Vegetated Buffer Zones

Vegetated buffer zones placed adjacent to waterways 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.

- It is recommended to increase the vegetated buffer zone to 100 feet from the edge of the freshwater pond. Stormwater management areas should not be considered part of vegetated buffer zones.

- Vegetated buffer zones should be identified outside of the Limit of Disturbance on the engineering plans.

- Maintain vegetated buffer zones as native species meadows or forest.

- 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.

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

Sustainable Practices

- Incorporate nonmotorized connectivity and install bicycle racks and covered bike storage where feasible to help facilitate non-vehicular travel modes.

- Use renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund,

which includes several funding types through the state's major electric utilities (https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- 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 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.

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.

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 45, though, with development, this will undoubtedly change. The 11 adjacent blocks aggregated bring the area to a total population of 715.

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.



- 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 is rated as **relatively moderate** whereas its social vulnerability is rated as **relatively 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.

Delaware State Housing Authority - Contact Rachel Alfano (302) 739-44263

- According to DSHA's Housing Reform Map, this project is in an Area of Opportunity. This map shows the distribution of affordable housing throughout the state. As this proposal is not specifically targeted for low-to-moderate income residents, we encourage the creation of affordable housing in Areas of Opportunity which contain little to none. These areas have high-quality schools, supportive infrastructure, which leads to the capacity to support diverse and affordable housing types.

- The applicant stated that he anticipates occupants to be both permanent residents and vacationers. Research from across the country has shown that the conversion of residential units into short-term rentals can result in less availability of affordable housing options and higher rents for long-term renters in the community (see *A Guide to Effectively Regulating Short-Term Rentals on The Local Government Level* from Granicus). We encourage the developer to exercise awareness related to how increased vacation units can exacerbate concerns of affordability and sprawl in eastern Sussex County.

If you have questions or would like more information on the above recommendations, please feel free to e-mail at Rachel.Alfano@Delaware.gov.

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 & Zoning Comments
- Sussex County Community Development & Housing Comments
- Sussex County Engineering Department Comments
- DNREC Tax Ditch Land Development Project Review Request Form

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
March 26, 2025
March PLUS Comments
Sussex County Department of Planning & Zoning

Review and Discussion: Roxana Villas (2025-03-05)
County: Sussex County
Municipality: Unincorporated
Location: East side of Roxana Road (Rt. 17) approximately (580) feet south of Atlantic Avenue (Route 26)
Project: Review of a proposed condominium community comprised of (124) units of multifamily improvements (Townhouses) on a parcel comprised of approximately (10.464) +/- 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.

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 or County Council may wish to make as part of any application submitted to the Department.

Tax Parcel ID(s): 134-12.00-330.00

Proposed: The Plan proposes 124 townhouse units within (10) building, parking, sidewalks, internal roads, and stormwater management on a Parcel comprised of a total of (≈4.86) acres.

Zoning: The Parcel is currently zoned General Commercial (C-1) District. The Proposed multifamily structures are a permitted use in the (C-1) District. Staff note that the proposed square footage of improvements may not meet the Large-Scale Use requirements relating to *major arterial roadway* as defined in Chapter 99 (§115-83.3(A)). Cross access easements and interconnections to adjoining sites for vehicular and pedestrian traffic are required for Large-Scale Use in the (C-1) District, additionally transit accommodations are required to be provided at the discretion of the Planning and Zoning Commission and DelDOT per (C-1) Code. Please note, Staff request that proposed *Limited Common Element* areas always be shown

on all plans for multifamily condominiums and/or townhouses submitted to Planning & Zoning as part of any land use application or site plan review.

Density: The proposed density of (11.85) DU/AC is permitted as multifamily improvements in the (C-1) District are permitted at a density up to (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 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).

Please note, as the Parcel is in the Coastal Area designation, an Environmental Assessment & Public Facility Evaluation Report (EAPFR) is required with the submission of any application of this type (§115-194.3(B)(2)).

Open Space Provisions: (C-1) District Zoning does not include a requirement to provide open space apart from setback and buffer requirements. The plan proposes (5.25) acres of Open Space which equals ≈(50%) of the total site acreage.

Interconnectivity: The Plan does not include connectivity with adjacent parcels as required under (§115-77.1D(1)(c)).

Transportation Improvement District (TID): N/A

Agricultural Areas: Staff note that the proposal is within the proximity of areas which appear to be actively farmed. In consideration of this, staff request that the Plans and copies of any subsequent Deeds or recordation for the property include the Agricultural Use Protection Notice found in (§99-6(G)(1)) of the Sussex County Code.

Forested Areas: The Applicant notes that there are presently (1.881) acres of existing forest on the site and that (1.147) acres will be removed. Therefore, the site is retaining (.734) acres

of forested area (roughly 7% of the site.). Staff appreciate efforts to conserve as many mature trees as possible on the project site.

Wetlands/Waterways: The Application indicates that no regulatory wetlands exist on the Parcels.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): Staff note that no Tax Ditch or ROWs are present on the site. Staff note that the subject Parcels are located within areas of "Poor" and "Fair" groundwater recharge and in Flood Zone "X" – Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. Staff note that a portion on the northern boundary of the Parcel is within a Wellhead Protection area. Any improvements in the protection area will be required to meet all requirements in CH. 89 (§89-6: Wellhead protection areas).

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

Sussex County
DELAWARE
sussexcountyde.gov

April 4, 2025

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

RE: PLUS Review (PLUS 2025-03-02) – Roxana Villas

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 Housing Trust Fund.**

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

PLUS

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
Date

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: Springhouse Preserve (2025-03-01)**
County: New Castle **Municipality:** Unincorporated
Location: Harbeson Road Between Rust Road and Forest Road.
Project: Review of a proposed Rezoning and site plan for a major residential development on 19.84 acres, transitioning from S (Suburban) to ST (Suburban Transition). The project includes 120 multifamily units, with 87 designated as affordable rentals and 33 as entry-level homeownership units. The site is classified as State Strategies Level 1 and 2.

III. 9:30 AM **Review and Discussion: Dexter Corner Parcels (2025-03-06)**
County: New Castle **Municipality:** Annexation to Townsend
Location: West side of Beaver Dam Road, approximately 450 feet south of the intersection of Hollymount Road.
Project: Review only of proposed annexation of 116.26 acres into the Town of Townsend. The site is classified as State Strategies Level 4.

IV. 9:45 AM **Review and Discussion: Milford FLU Amendment (2025-03-03)**
County: Sussex **Municipality:** Milford
Location:
Project: Review of a proposed comprehensive plan amendment. The City has received a request from the owner of Sussex County Tax Parcel 130-3.08-64.01 to change its future land use from H-1 (Institutional Development) to OB-1 (Office Building) to permit a low-profile, low-traffic general office use. The site is classified as State Strategies Level 1.

The proposed project is a Comprehensive Land Use Plan/Update/Amendment for the City/Town/Growth and Annexation Area of the City of Milford. 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) 855-7370.

V. 10:00 AM **Review and Discussion: OA Millville Independent Living (2023-03-04)**
County: Sussex **Municipality:** Unincorporated
Location: West side of Roxana Road (Rt. 17), approximately 550' south of Route 26.
Project: Review of a site plan application for a 4,500 sq. ft. independent living facility of 4.86 acres zoned CR-1 (Commercial Residential). The site is classified as State Strategies Levels 2 and 3.

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

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

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

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

The Sussex County Engineering Department recommends that all subdivision streets meet or exceed Sussex County Standards.

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

VI. 10:30 AM **Review and Discussion: Roxana Villas (2025-03-05)**
County: Sussex **Municipality:** Unincorporated
Location: East side of Roxana Road (Rt. 17), 580' south of Route 26.
Project: Review of a site plan application for a 124- unit condominium homeownership development on 10.46 acres zoned C-1 (General Commercial). The site is currently used for agricultural purposes and is classified as State Strategies Level 2.

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.

The Sussex County Engineering Department recommends that all subdivision streets meet or exceed Sussex County Standards.

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

VII. 11:00 AM **Review and Discussion: Generals Run (2025-03-02)**
County: Sussex **Municipality:** Unincorporated
Location: John J. Williams Highway (Rt. 24), Millsboro, DE
Project: Review of a cluster subdivision application for a 99 single-family home development on 49.84 acres zoned AR-1 (Agricultural Residential). The lands is classified as State Strategies Levels 3 and 4.

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

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.

The Sussex County Engineering Department recommends that all subdivision streets meet or exceed Sussex County Standards.

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

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.

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 #: _____