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

June 26, 2025

Will Kernodle
Plitko Engineering
32133 Omar Rd.
Frankford, DE 19945

RE: PLUS review – 2025-05-02; Selbyville Business Park

Dear Mr. Kernodle:

Thank you for meeting with State agency planners on May 28th, 2025 to discuss Selbyville Business Park. According to the information received, you are seeking review of a proposed rezoning from C-1/AR-1 (General Commercial/Agricultural Residential) to HI-1 (Heavy Industrial) and a site plan for a 402,500-square-foot warehouse facility.

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 may be consistent with the 2020 Strategies for State Policies and Spending as it is located within Investment Levels 3. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future.

Based on comments from State agencies below, this project proposes to remove all forests on the site and may have forested or other wetlands on the site. In addition there may be a Federally endangered species located on the site. The State requests the local jurisdiction require the applicant to work with state agencies to design the site with respect to those

environmental features and have mitigation measures in place to avoid the loss of the environmental features.

## Code Requirements/Agency Permitting Requirements

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

- The site access on McCabe Road 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.

- The proposed site plan that accompanied the PLUS application depicted a site entrance on Rt. 113. As discussed in the PLUS meeting and in the DelDOT Pre-submittal meeting for this location access on to Rt. 113 would not be permissible under the Corridor Capacity Preservation Program (CCPP). As additionally discussed, the developer is no longer pursuing an entrance on to Rt. 113 as part of this project.

- 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.

- In terms of traffic analysis and based on the expected trip generation this project would be eligible for the Area Wide Study Fee (AWSF). Please contact the DelDOT offices to move forward with this process.

- 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 along Rt. 113 and McCabe Road. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the outside edge of the 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 Rt. 113 and McCabe 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.”

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.

**Wetlands and Waterways**
Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands in the northern portion of the site, as well as riverine wetlands in the central and southwestern portion of the site. The application indicates that wetlands have been delineated. The application proposes to disturb approximately 0.79 acres of tidal/non-tidal wetlands/waterways according to the project application.

State Requirements:

- State 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 Requirements:

- Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in certain non-tidal wetlands. A delineation of waterways and wetlands may also be required. In certain cases, permits from the US Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). Work with the US Army Corps of Engineers to determine the appropriate federal permitting requirements.

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

Coastal Zone Federal iConsistency Certification (state contact): DNREC Coastal Management Program at (302) 739-9283.
Website: https://dnrec.delaware.gov/coastal-programs/coastal-management/

**Stormwater Management**
The project proposes greater than 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/

**Drainage**
- Please note that the surrounding area lacks a good outlet for stormwater overflow, due to topographical anomalies.

- 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.

- Hydrologic Soil Group D, very poorly drained soils, have been identified on the entire site. These soil types could worsen existing drainage issues if present and are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins. These practices must meet minimum infiltration requirements.

  Contact: DNREC Drainage Program at (302) 855-1930.
  Website: https://dnrec.delaware.gov/drainage-stormwater/

**Hydrologic Soils Group**

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

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/

**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/

**Federally-listed Threatened and Endangered Species**

A review of the database indicates that the tricolored bat (*Perimyotis subflavus*) may occur on the project site due to habitat suitable for this species to exist within the project boundary. This bat is protected under the Federal Endangered Species Act.

- Consult with the U.S. Fish and Wildlife Service to determine what permits or surveys may be required. Projects should be submitted through the Information for Planning and Consultation tool as well as the Range-wide tricolored bat determination key through the U.S. Fish and Wildlife Service at https://ecos.fws.gov/ipac/.

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

U.S. Fish and Wildlife Service Contact: Chesapeake Bay Ecological Services Field Office at (410) 573-4599. Website: https://www.fws.gov/office/chesapeake-bay-ecological-services

Delaware Department of Agriculture – Contact Milton Melendez 302-698-4500

- The parcel adjacent to the proposed development, Howard W. Pepper District (ID S-96-06-104, parcel 533-9.00-45.00), is permanently protected under the State of Delaware's Agricultural Lands Preservation Program. As part of an Agricultural Preservation District, its agricultural activities are safeguarded under Title 3, Delaware Code, Chapter 9.

- These protections legally ensure that normal farming practices—such as dust, noise, odors, agricultural chemicals, and nighttime machinery operation—are prioritized and allowed without restriction.

- Under § 910 of the Delaware Code, agricultural operations in Preservation Districts are deemed preferred and protected uses. These activities are explicitly shielded from nuisance complaints. Any challenge to such practices is unlikely to succeed, and farmers who prevail in legal disputes may recover associated legal costs.

- All future property owners within proximity must accept the routine impacts of farming as a condition of living near preserved agricultural land. Any new subdivision located within 300 feet of a Preservation District must include the following notice in deeds, leases, or agreements of sale:

    - This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

- No occupancy-related structures may be built within 50 feet of the Agricultural Preservation District boundary. Per Delaware well regulations (Section 4.01(A)(2)), any new wells must be set back at least 50 feet from the Preservation District boundary.

- To minimize future conflicts, the Delaware Department of Agriculture recommends that the developer work with its Forestry Section to design a forested buffer. This buffer should use native, site-appropriate tree species to help reduce impacts such as dust, odors, and noise from the farm's operations on the adjacent residential development. The neighboring farm is a legally protected, active agricultural operation with priority status. The developer is strongly encouraged to plan accordingly and take responsible steps to mitigate potential impacts from the development on nearby preserved farmland. Collaboration with the Department of Agriculture will help support a

sustainable and respectful coexistence between residential growth and Delaware's protected agricultural lands.

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

**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 not yet located within a Sussex County Evacuation Zone.

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

- The parcel **is not** located within the 10-mile EPZ for the Salem Nuclear Power Plant.

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

- There is a known dwelling on the western portion of the parcel that was determined ineligible but may still have archaeological potential. Soils are entirely very poorly drained, and there are what are most likely irrigation ditches in the property. The closest natural body of water is a tributary of Vines Creek, over 6000 feet away**.** The potential for historic archaeological resources within the vicinity of the structure and its outbuildings is moderate to high and the Delaware SHPO recommends an archaeological survey for the structure prior to any ground disturbing activities**.**

- Our office also recommends an archival survey for this property as well. Potential for precontact archaeological resources is low. No survey needed for the rest of the property. 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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Storage)

- 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 McCabe 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.

**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

## 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/

**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 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/

**Removal of Forest**
The preliminary plan proposes the elimination of all eight acres of 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.

- In general, contiguous forest and connected areas of natural habitat are more beneficial to wildlife, allowing for safer movement from one area to another while reducing roadway mortality.

- 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.

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 forested wetlands on the northern 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 forested wetlands. Increase an upland buffer of at least 100 feet along all wetlands, waterways, and sensitive habitats, including those containing existing forest or natural vegetative cover.

- 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.

- Maintain habitat connections to undeveloped open space, which are especially important for species movement across the landscape.

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

**Aglands Preservation Districts**
The proposed project is adjacent to and shares property boundaries with an Aglands Preservation District (Howard W Pepper District). Although there is a forested wetland separating the adjacent properties, the proposed project site may be impacted.

- For general questions or if information is needed on how to minimize impacts coming from the Aglands Preservation District, please contact DDA's Aglands Preservation and Planning Section.

Contact: DDA Aglands Preservation and Planning Section at (302) 698-4530. Website: https://agriculture.delaware.gov/agland-preservation-planning/

**Sustainable Practices**
- Consider installing electric vehicle charging stations for employees. Installation costs can vary significantly depending on the parking and electricity distribution at a given

location, so it is often easier and cheaper to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 80% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (https://dnrec.delaware.gov/climate-coastal-energy/clean-transportation/).

- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities ((https://dnrec.delaware.gov/climate-coastal-energy/renewable/assistance/).

- On large expanses of impervious surfaces and asphalt, design parking areas to include trees for shading.

- 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.

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 19, though, with development, this will undoubtedly change. The 11 adjacent blocks aggregated bring the area to a total population of 319.

**FEMA National Risk Index**

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk to 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hal, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

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

- According to FEMA's National Risk Index, the parcel **is** considered **relatively moderate** for overall natural hazards risks.

- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.

- Its community resilience is rated as **relatively moderate** whereas its social vulnerability is rated as **relatively high.**

**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.

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 Engineering Department Comments

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

Sussex County
DELAWARE
sussexcountyde.gov

# Preliminary Land Use Service (PLUS) Meeting
## May 28th, 2025
## May PLUS Comments
## Sussex County Department of Planning & Zoning

**Review and Discussion: Selbyville Business Park – (C-1 & AR-1 to HI-1)**
**County:** Sussex County
**Municipality:** Unincorporated
**Location:** East side of Dupont Boulevard (Route 113) at McCabe Road (S.C.R. 400)
**Project:** Review of a proposed Change of Zone from a General Commercial (C-1) and Agricultural Residential (AR-1) District to a Heavy Industrial (HI-1) District on a parcel comprised of approximately 35.01 +/- 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**: 533-9.00-47.00

**Zoning:** The Parcel is currently zoned General Commercial (C-1) District and Agricultural Residential (AR-1) District. The Parcel also lies within the Combined Highway Corridor Overlay Zoning District - (CHCOZ District) and any site plan will be required to comply with the requirements for buffering, landscaping, and connectivity as included in County Code (§115-194.1).

**Proposed:** This proposal consists of a Change of Zone to amend the Zoning District of the Parcel from General Commercial (C-1) District and Agricultural Residential (AR-1) District to a Heavy Industrial (HI-1) District to accommodate a proposed business park containing (405,500) square feet of warehouse use within (9) structures. Warehouses, wholesale houses and distributors are permitted uses by-right within the (HI-1) Zoning District.

**Density:** N/A

**Applicability to Comprehensive Plan:** The Parcel lies within the Future Land Use Map Designations of "Developing Area" and "Town Center Area" (per the 2018 Comprehensive Plan). Staff note that the "Town Center" area occupies the same portion of the Parcel that is zoned (C-1) with the "Developing Area" portion occupying the (AR-1) portion of the Parcel.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the Heavy Industrial (HI-1) Zoning District is listed as an applicable zoning district in the "Developing Area" but is not listed as an applicable zoning district in the "Town Center" category (Sussex County Comprehensive Plan, 4-24).

The Plan defines *Developing Areas* as "newer, emerging growth areas that demonstrate the characteristics of developmental pressures" and notes that most *Developing Areas* are "adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers." In terms of guidelines for permitted uses, the Plan notes, "portions of the *Developing Areas* with good road access and few nearby homes should allow for business and industrial parks" (2018 Sussex County Comprehensive Plan, 4-14).

In terms of *Town Center* areas, the Heavy Industrial (HI-1) Zoning District is not included as an Applicable Zoning District per Table 4.5-2 in the Comprehensive Plan. The Plan defines *Town Center* as areas where "significant growth is proposed to be concentrated around municipalities in unincorporated areas just beyond municipal borders. Many of these locations are part of areas that municipalities have formally designated as future annexation areas in their local comprehensive plans" (2018 Sussex County Comprehensive Plan, 4-13). In terms of guidelines for uses in the *Town Center*, the Plan notes "Institutional and commercial uses may be appropriate depending on surrounding uses. Some smaller scale, low-impact industrial operations may be appropriate, but larger industrial uses are proposed to be directed to General Industrial areas" (2018 Sussex County Comprehensive Plan, 4-13).

Staff note that the current (C-1) Zoning, occupying the same portion of the Parcel classified as *Town Center* permits the proposed warehouse use by-right.

**Open Space Provisions:** N/A

**Interconnectivity:** The Plan does not provide connectivity to adjacent parcels with frontage on Route 113 but does provide for access from McCabe Road (S.C.R. 400) and includes "potential area" for connection to the Conrail line abutting the rear (eastern) boundary of the Parcel.

**Transportation Improvement District (TID):** N/A - The property is NOT located in the Henlopen Transportation Improvement District (TID).

**Agricultural Areas:** The site is located within the vicinity of parcels which appear to be actively farmed including both Agricultural Easements & Preservation Districts. Please ensure

any plan includes the Agricultural Use Protection notice located in (§99-6(G)(1)) of the County Code. This language is required to be included within any subsequent deed restrictions, leases, or agreements of sale for the property.

**Forested Areas:** Staff appreciate efforts to conserve as many mature trees as possible on project sites.

**Wetlands/Waterways:** The Application indicates the presence of (0.79) acres of non-tidal wetlands on the site.

**Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.):** Per the County's Online Mapping System and data from the State of Delaware, there are no Tax Ditches or related Tax Ditch Rights-Of-Way on the property. While no Tax Ditch segments or ROWs are indicated, Staff note the indication from aerial imagery indicating the presence of a drainage channel network on the Parcel. Staff encourage the Applicant to coordinate with DNREC and the Sussex Conservation District to inquire if any separate permitting or review will be required for this project relating to any existing agricultural drainage on the Parcel. Staff note that the subject property is 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 there are no Wellhead Protection Areas present on the site.

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**Preliminary Land Use Service (PLUS) Meeting**
**Meeting will be conducted on-line and in person**
**Room 133, Haslet Armory**
**122 Martin Luther King Jr. Blvd., South**
**Please see https://publicmeetings.delaware.gov/ for link to on-line access**
**May 28, 2025**

**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: Nichols Property (2025-05-01)**
**County:** Kent **Municipality:** Unincorporated
**Location:** 207 Walnut Shade Road, Dover DE 19904
**Project**: Review of a proposed rezoning from AR (Agricultural Residential) to BG (Business General) to align with the zoning of the adjoining property. The approximately 6-acre site is classified within State Strategies Levels 2 and 3.

III. 9:15 AM **Review and Discussion: Fox Run Business Center (2025-05-03)**
**County:** New Castle **Municipality:** Unincorporated
**Location:** 2500 Wrangle Hill Road, Bear DE 19701
**Project:** Review only of a proposed site plan for a mixed use 117 townhouse style apartment style units to be built next to existing office buildings. The land is categorized as State Strategies Level 1 & 2 and zoned NCPUD (Existing Planned Development).

IV. 9:45 AM **Review and Discussion: Tappahanna at Warson Farm (2025-05-05)**
**County:** New Castle **Municipality:** Smyrna
**Location:** South side of Joe Goldsborough Road, between DuPont Parkway and Duck Creek Road
**Project:** Review of a proposed site plan for a concept involving the development of 434 residential units, including multifamily buildings and townhouses. The approximately 57-acre vacant site is zoned PVC (Planned Village Community and is classified within State Strategies Levels 1-3 and Out of Play.

V. 10:15 AM **Review and Discussion: Selbyville Business Park (2025-05-02)**
**County:** Sussex **Municipality:** Unincorporated
**Location:** Dupont Boulevard at McCabe Road, north of Selbyville

**Project:** Review of a Proposed site plan for a 402,500 square foot warehouse facility. The 38.11-acre site is currently zoned C-1/AR-1 (General Commercial/Agrigultural Residential) with a proposed rezoning to HI-1 (Heavy Industrial) and is classified within State Strategies Level 3 area.

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

VI. 10:45 AM **Review and Discussion: Town of Henlopen Acres Comprehensive Plan Update (2025-05-04)**

**County:** Sussex **Municipality:** Henlopen Acres

**Location:** Town of Henlopen Acres

**Project:** Review of Henlopen Acres' 10 year update to their Comprehensive Plan.

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

**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.**