



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

March 25, 2026

Bohler Engineering, LLC
Attn: Steve Fortunato, P.E.
18958 Coastal Hwy,
Suite D
Rehoboth Beach, DE 19971

RE: PLUS review – 2026-02-07; Brittingham Farms

Dear Mr. Fortunato:

Thank you for meeting with State agency planners on March 4th, 2026 to discuss Brittingham Farms. According to the information received, you are seeking review of a proposed rezoning from AR-1 and C-3 to C-4 for a 560,000 sq ft commercial shopping center and 500 multi-family unit residential community. It was noted at the meeting that the review was specifically for the rezoning of the property. The residential components of the site plan will be discussed and determined if rezoning is approved.

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 within Investment Levels 2 and 3 according to the 2025 Strategies for State Policies and Spending. This site is also located in the Developing area according to the 2019 Sussex County Comprehensive Plan.

Based on its location in a Level 2 and Level 3 investment area, this project may be consistent with the 2025 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and state plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development.

Regarding the residential portion of the site plan, it was discussed that the application submitted to PLUS included a site plan because application to Sussex County for rezoning to C-4 requires a preliminary site plan be submitted as part of the application. While it is the plan to have workforce housing included in the plan, the specific residential product has not been determined at this time. The engineer noted that this application is for the rezoning only and, if rezoned, an additional application would be submitted for PLUS review with a more detailed site plan.

Comments from this meeting will be made for the rezoning and possibly general parcel comments; however, comments regarding a specific site plan, such as those given by the State Fire Marshal's Office, are preliminary based on the site plan submitted and an additional PLUS review may be required based on future changes to the plan.

Code Requirements/Agency Permitting Requirements

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

- Broadkill Road and SR. 1 are both state-owned and state-maintained road. As such, any access point onto either must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Development Coordination Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- In terms of traffic analysis and based on the expected trip generation this project will require a Traffic Impact Study (TIS). As discussed in the PLUS meeting the developer of this project has already begun the TIS process. As further development of the site plan occurs please coordinate with DeIDOT to identify any necessary frontage improvements, off-site improvements, and coordination with the proposed SR 1 Corridor Capacity Preservation Planning project already identified on the site plan accompanying the PLUS application.
- The location proposes access on to SR 1. SR 1, at this location, is within an area regulated by the Corridor Capacity Preservation Program (CCPP). See Section 1.2 of DeIDOT's Development Coordination Manual and Section 145, Title 17 of the Delaware Code for additional, specific information on the CCPP. The goal of the Program is to

maintain the capacity of the existing highway by managing access along it. Please contact our office for specific information concerning access controlled by the CCPP.

- Section 1.7 of the Development Coordination Manual addresses fees that are assessed for the review of development proposals. DeIDOT 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.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Development Coordination Manual, DeIDOT will require dedication of right-of-way along the site's frontage with all State maintained roads. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **"An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- In accordance with Section 3.2.5.1.2 of the Development Coordination Manual, DeIDOT will require the establishment of a 15-foot wide permanent easement across the property frontages on all State maintained roadways. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- Referring to Section 3.4.2.1 of the Development Coordination Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- In accordance with Section 3.8 of the Development Coordination Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along all frontage roads.
- In accordance with Section 5.2.9 of the Development Coordination Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

- In accordance with Section 5.4 of the Development Coordination Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Development Coordination Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
- The project has frontage along the Delaware Bayshore Byway. Delaware State Code Title 17, Chapter 1, Sections 190-194 and Title 17, Chapter 11, Sections 1101-1120 with applicable amendments apply. Specifically:
 - No new billboards, variable message boards, or electronic changing message sign(s) anywhere on or off Harbeson Road. Any such structure or fixture shall be 660 feet away, i.e., any closest byway right-of-way edge.
 - No off-premises advertising on the property for others within 660 feet of Harbeson Road, e.g., displaying on-site the bank/financial institution funding the project or the contractor building the project.

DART First State – Contact Jared Kauffman 302-576-6062

- While this project provides multiple transit generators and destinations, the overall site location and building locations within the site make it challenging for DART to serve those generators and destinations. The site location is placed along SR 1, which is only served by an intercounty route. Intercounty routes are not frequent as local bus services and do not serve as broad of ridership. The internal design of the site is a challenge to serve because of the distances between buildings, and the distances from the local road (Broadkill Road). DART would need to deviate bus service in order to properly serve the site, which would cause a hardship to current riders through longer trips and less frequency.
- If the site is developed as proposed, DART would require the following in order to serve it.
 - A Type 2 (17x8) shelter pad is needed on the internal main road between SR 1 and the roundabout. The stop should be placed between Anchors B and C, on the C side.
 - A Type 2 (17x8) shelter pad is needed on the entrance road from Broadkill Road, placed before the roundabout at the proposed hotel.

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. Developers and municipal officials are encouraged to reach out to Beth Krumrine at (302) 735-3480 or Beth.Krumrine@delaware.gov if they have any specific requests for information.

It was discussed during the PLUS meeting that the site plan is subject to change. DNREC has no objections at this time to rezoning to C-3, however, please be aware of the following:

Special Flood Hazard Area

A very small portion of the parking lot proposed south of Proposed Anchor D building is located within the Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. The adjacent building is proposed directly within the moderate risk floodplain, or 500-year floodplain (0.2% annual chance of flooding).

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://floodplanning.dnrec.delaware.gov/>
- If fill is to be placed in floodplain to increase grade elevation to raise proposed development out of the mapped floodplain, the applicant must work with the local community floodplain authority to initiate a Certified Letter of Map Revision – Fill (CLOMR-F) request. A CLOMR-F request should be submitted to FEMA for review followed by an application to FEMA for a Letter of Map Revision (LOMR) at completion. Please note that a property will not be officially recognized by FEMA as being located out of the mapped floodplain until a LOMR has been issued. To determine the community floodplain authority for this proposal, please contact DNREC's Shoreline and Waterway Management Section.
- It is recommended to locate building outside of the moderate risk floodplain.

Contact: DNREC Shoreline and Waterway Management Section at (302) 608-5500.

Website: <https://dnrec.delaware.gov/watershed-stewardship/waterways/floodplains/>

Electric Vehicle Charging Requirements

For future revisions to the site plan, please be aware that 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.

State of Delaware Rare, Threatened, or Endangered Species

The following animal is listed as State of Delaware rare, threatened, or endangered species, and the site lies within an area where they are likely to occur:

- The Delmarva Fox Squirrel (*Sciurus niger cinereus*) is a mammal listed as endangered/threatened/rare in the State of Delaware.

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

The parcel adjacent to the proposed development is permanently protected under the State of Delaware's Agricultural Lands Preservation Program (Smith District S-95-08-045 Parcel # 235-8.00-38.00). This means that the property is part of an Agricultural Preservation District, and its current and future agricultural operations are protected by law under Title 3, Delaware Code, Chapter 9. These protections are not only legally binding but are designed to ensure that normal and lawful farming practices such as the use of agricultural chemicals, machinery operation (including at night), and the presence of dust, noise, and manure odors are maintained as a priority land use.

Legal Protections for Agricultural Use

- According to § 910 of the Delaware Code, agricultural uses within designated Preservation Districts are considered preferred and protected. These uses are explicitly shielded from nuisance complaints, and any legal challenge to these operations is unlikely to succeed. In fact, farmers who prevail in such legal actions may recover legal

costs and attorney's fees. Therefore, any future residents or property owners near this preserved land must accept the normal impacts of farm operations as a condition of occupancy.

Developer Requirements and Obligations

- Any subdivision or development located within 300 feet of an Agricultural Preservation District is legally required to include specific deed language notifying future owners or tenants of the agricultural nature of the neighboring land. This notification must clearly state that:
- 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.

Furthermore, no occupancy-related structures may be built within 50 feet of the Agricultural Preservation District boundary, and all wells constructed must comply with Delaware's Regulations Governing the Construction and Use of Wells. Specifically, Section 4.01(A)(2) requires a minimum 50-foot setback for wells from the preservation boundary.

Recommended Mitigation Measures

- To minimize conflicts and ensure compatibility with the preserved farm, the Delaware Department of Agriculture strongly encourages the developer to collaborate with its Forestry Section. A properly designed and installed forested buffer can help mitigate potential impacts from the farm's routine activities—such as dust, odors, and noise—on the new residential development. The buffer should use appropriate, site-adapted native tree species to ensure long-term effectiveness and environmental compatibility.

Conclusion

The adjacent farm is a legally protected agricultural operation with priority land use status. The developer is urged to respect these protections by taking proactive steps to buffer and mitigate any potential conflicts or impacts. Proper planning and collaboration with the Department of Agriculture will help ensure a sustainable and respectful relationship between the new development and the longstanding agricultural use of the preserved parcel.

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

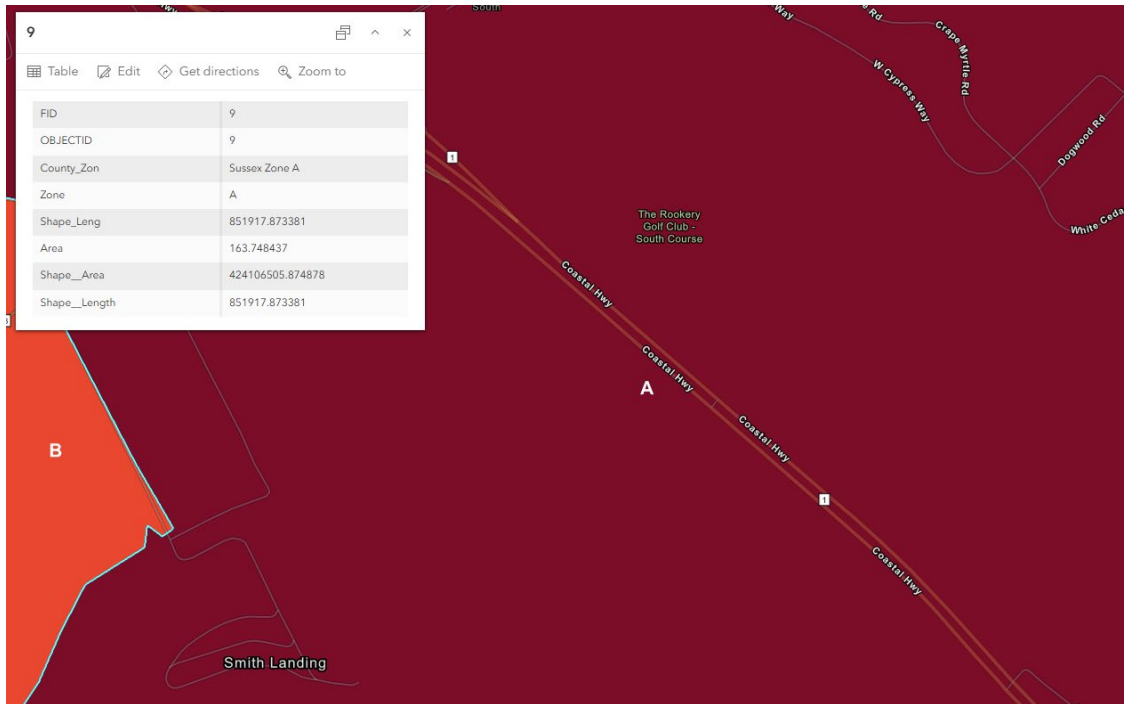
Proposed Project Parcel Flood Concern

- The majority of the parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**; however there is a 100-year flood zone near the “panhandle” of the parcel (southern most section), where no construction appears to be recommended.



Parcel Status within County Evacuation Zone Location

- The parcel is located within Sussex County's Evacuation Zone A.



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 extant historic structures on the parcel, including a historic agricultural complex that has been at least partially demolished. The project area has high potential for historic archaeological resources and moderate to high potential for precontact archaeological resources.
- The Delaware SHPO recommends an archaeological survey prior to any ground disturbing activities. Historic agricultural complexes are often associated with cemeteries and unmarked graves. SHPO requests that the applicant be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch.54). If federal funding, permits, or permissions are required for this project, please let us know as soon as possible.
- 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.

- This Agency has no objection to the re-zoning request. The information provided below shall be considered for site plan designed.

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 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Mercantile)
- 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. (Assembly, Apartments, and Townhouses)
- 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
- Large area building requirements for buildings exceeding 100,000 sq. ft from Regulation 702 apply
- Horizontal standpipe requirements for buildings exceeding 60,000 sq. ft from Regulation 702 apply.
- For townhouse buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

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 Broadkill 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 DeIDOT 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/subdivision>
- This location is within Levels 2 and 3 according to Delaware Strategies for State Policies and Spending (SSPS). Any future development of this location will need to be in alignment with DeIDOT goals. Within Level 2 areas DeIDOT prioritizes improving safety; expanding access to transit, pedestrian, and bicycle facilities; supporting economic development; and improving connections among existing, redeveloping, and new

neighborhoods, public facilities, and commercial areas, consistent with local growth forecasts. Within Level 3 areas DelDOT prioritizes improving safety; ensuring effective regional travel between population centers; preserving corridor capacity; maintaining existing transportation facilities; and improving connections among existing and redeveloping neighborhoods, public facilities, and commercial areas, consistent with local growth forecasts.

- The functional classification of Broadkill Road is major collector. Major collector roads gather traffic from local roads and connect them with a larger arterial network. This project is generally in alignment with that function. The functional classification of SR 1 is principal arterial. The purpose of SR 1 in this location is to provide a high degree of mobility throughout the area. This project generally aligns with that function.

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

- Increase riparian buffers to 100 feet.
- Do not remove nut and mast producing trees such as oaks, hickories, and beech for squirrel food and habitat.
- Provide wide buffers and building setbacks whenever possible for travel corridors as well as food and protection.
- Retain wooded corridors between woodlots.
- Protect forest ecosystems and water quality by reducing run-off, sedimentation and erosion.
- Use large, open box culverts whenever possible for new road construction or culvert repair to reduce the potential for vehicle strikes/road mortality.
- Minimize new road construction near woodlands.

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

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 3 though, with

development, this will undoubtedly change. The 9 adjacent blocks aggregated bring the area to a total population of 195.

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.

$$\begin{aligned} & \text{Expected Annual Loss} \\ & \times \text{ Social Vulnerability} \\ & \div \text{ Community Resilience} \\ \hline & = \text{Risk Index} \end{aligned}$$

- According to FEMA's National Risk Index, the parcel is considered **relatively moderate** for overall natural hazards risks.
- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.
- Its community resilience and its social vulnerability are rated as **relatively moderate**.

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.

- In reference to the flood zones, DEMA strongly discourages construction of any type directly within, adjacent to or within proximity to a 100-year floodplain as water knows no bounds. If the homes are being constructed at flood level or below and a mortgage is obtained, an NFIP insurance policy is also required. Regardless of whether within or adjacent to a floodplain, should construction continue, we recommend utilizing additional mitigation strategies to reduce the risk from flooding. This could include, but isn't limited to, wet/dry floodproofing, elevating the home out of the flood plain, elevating mechanicals/HVAC/Electricity out of the flood waters, mass notification systems, large drainage systems (increased diameter pipes, ditches, basins, etc.) and other similar methods.
- 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 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.

Fire Department Comments:

- The Milton Fire Department Inc. is obligated to provide Fire and EMS service to this property. In addition, new developments in our Fire and EMS district have put a financial strain on our volunteer fire service. In order to provide quality service within our fire district, the Milton Fire Department, Inc. has hired more career staff to man the EMS units and fire apparatus as needed, thus creating a combination fire department. In 2020 the Milton Fire Department, Inc. responded to approximately 323 fire calls and 1332 EMS calls. This year (2025) the Milton Fire Department, Inc. will respond to an estimated 600 fire calls and 2,600 EMS calls. State and County funding does not keep up with the growth of the Milton Fire District, so the developers and future residents need to help financially support the Milton Fire Department Inc. before we can support any more development in our Fire and EMS district. Future residents need to consider joining the fire department to serve their new community.

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.

PLUS review 2026-02-07

Page 16 of 16

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

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell". The signature is fluid and cursive, with a large initial "D" and a stylized "E".

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

Attachments:

- Sussex County Planning & Zoning Comments
- Sussex County Engineering Department Comments
- Sussex County Community Development & Housing Comments

CC: Town of Milton

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



Sussex County
DELAWARE
sussexcountype.gov

Preliminary Land Use Service (PLUS) Meeting
March 4, 2026
March PLUS Comments
Sussex County Department of Planning & Zoning

Review and Discussion: Brittingham Farms (2026-02-07)

County: Sussex County

Municipality: Unincorporated

Location: Rt 1 & Rt 16, Milton, DE 19968

Project: Review of a proposed Change of Zone from an Agricultural Residential (AR-1) District & Heavy Commercial (C-3) to Planned Commercial (C-4) District on a parcel comprised of 115.85 +/- 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: 235-8.00-39.00

Zoning: The Parcel is currently zoned Agricultural Residential (AR-1) District and Heavy Commercial (C-3).

Proposed: This proposal consists of a Change of Zone Application to amend the Zoning District of the Parcels from an Agricultural Residential (AR-1) District and Heavy Commercial (C-3) District to a Planned Commercial (C-4) District to accommodate the construction of a commercial shopping center and multi-family residential community:

- Five (5) commercial retail buildings (497,000 square foot) total
- One (1) retail/hotel building (26,000 square foot) total
- Six (6) restaurant buildings (30,000 square foot) total
- One (1) convenience store (6,372 square foot) total with 12 gas pumps and a canopy

- Multi-family condo buildings with five hundred (500) units

Staff note the “superior shopping, working, and living environment” element as included in the legislative intent of (§115-83.24) and recommend the Plan include possible revisions to the Club House location and a thoughtful design relating to the transition from commercial to residential areas on the site with appropriate screening via landscaping, fencing, etc. Additionally, Staff recommend the Plan clearly indicate as to whether commercial frontages are planned on the eastern side of the mixed-use structures facing the structures which are exclusively residential apartments to the south. Given the large range of uses with varying intensity permitted by-right in C-4, the transition areas from commercial, to mixed-use, and entirely residential, Staff recommend specificity on the Plan regarding which facades of the mixed-use buildings are to host retail facades and/or entrances.

The Planning & Zoning Office will require more detailed site plan at the time of application submission per §115-83.25(F).

Density: C-4 Zoning District permits a maximum density of (12) multifamily units DU/AC contingent on a “maximum of 40% of its developable area consist of duplexes, townhouses or multifamily dwellings” (§115-83.25(E)).

Applicability to Comprehensive Plan: Staff note that the Future Land Use Map Designation for the property is “Developing Area.” 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 Planned Commercial (C-4) Zoning District is listed as an applicable zoning district in the Developing Area (Sussex County Comprehensive Plan, 4-24).

The Comprehensive Plan notes that 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).

Open Space Provisions: The proposed plan includes (29.96) acres +/- (out of a total of (115.85) acres) of open space which equates to approximately (25%) of the project site. Staff note that C-4 requires open space be integrated with the pedestrian connectivity within the site (§116-83.25F(4)(a)).

Interconnectivity: The Plan does not include connectivity with adjacent parcels as required under (§115-83.25(F)(4)(b)).

Transportation Improvement District (TID): The property is NOT located in the Henlopen Transportation District. (TID).



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 for the property include the Agricultural Use Protection Notice found in (§99-6(G)(1)) of the Sussex County Code.

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

Wetlands/Waterways: N/A

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. Staff note that the subject property is located within areas of “Good” 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.

Please note: Improvements within the Panned Commercial (C-4) Zoning District are required to provide a more detailed site plan at the time of application submission per (§115-83.25(F)). Plans are required to reflect a site layout consistent with the design principles of Complete Streets including building orientation, active facades, pedestrian design, and the relationship to the public realm.



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Sussex County
DELAWARE
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March 10, 2026

Mr. Steve Fortunato
Bohler Engineering
18958 Coastal Hwy.,
Rehoboth Beach, DE 19971

RE: PLUS Review (PLUS 2026-02-07) – Brittingham Farms

Dear Mr. Fortunato,

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](https://sussexcountyde.gov/sites/default/files/forms/SussexCountyRentalProgramApplication.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,

A handwritten signature in black ink, consisting of the letters 'B', 'B', and 'N' in a stylized, cursive font.

Brandy B. Nauman
Director



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

March 4, 2026

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: Cheswold Map Plan Amendment (2026-02-01)**
County: Kent Municipality: Cheswold
Location:
Project: Review of a proposed Comprehensive Plan Amendment of Cheswold’s Growth Phasing Map #8.
- III. 9:15 AM **Review and Discussion: EZ Work Trucks – Repair Facility (2026-02-08)**
County: Kent Municipality: Harrington
Location: 17439 S. DuPont Hwy, Harrington, DE 19952
Project: Review of a proposed site plan for a 98,000 sq ft commercial vehicle repair facility.
- IV. 9:45 AM **Review and Discussion: City of Milford 2028 Comp Plan Update (2026-02-02)**
County: Kent Municipality: Milford
Location:
Project: Milford’s 2028 Comprehensive Plan Update Pre-PLUS meeting.
- V. 10:15 AM **Review and Discussion: Knight Crossing (2026-02-05)**
County: Sussex Municipality: Milford
Location: Cedar Beach Road, west of the intersection with Coastal Highway (Rt. 1).
Project: Review of a site plan of a mixed-use development featuring townhomes and mixed-use buildings.

The proposed project is located within the City/Town/Growth and Annexation Area of City of Milford. The Sussex County Engineering Department does not have comments about this project.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 855-8384.

VI. **10:45 AM Review and Discussion: Church of God Prophecy (2026-02-04)**

County: Sussex

Municipality: Unincorporated

Location: 21950 Zoar Road, Georgetown, DE 19947

Project: Review of a site plan of a regional campus retreat for Church of God Prophecy Hispanic Northeast Region.

The proposed project is located within the City/Town/Growth and Annexation Area of the Town of Georgetown. 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) 855-8384.

VII. **11:15 AM Review and Discussion: Brittingham Farms (2026-02-07)**

County: Sussex

Municipality: Unincorporated

Location: West side of Coastal Highway (Rt. 1) at the intersection with Broadkill Rd. (Rt. 16).

Project: Review of a proposed rezoning and site plan of a 560,000 sq ft commercial shopping center and 500 multi-family unit residential community.

The project is within a Tier 3 area for wastewater planning. Sussex County does not currently have a schedule to provide sanitary sewer to these parcels. The Sussex County Engineering Department recommends the project receive wastewater and water service from a public utility or municipality.

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) 855-8384.

VIII. **11:45 AM Review and Discussion: NCC Rezoning Ord. 26-001 (2026-02-03)**

County: New Castle

Municipality: Unincorporated

Location: Multiple properties in Council District 12.

Project: Review of a county rezoning ordinance for properties in Council District 12 from Commercial Neighborhood (CN) and Neighborhood Conservation (NC 15) to proposed zoning Suburban (S).

IX. **12:00 AM Review and Discussion: Project Washington North Campus (2026-02-06)**

County: New Castle

Municipality: Unincorporated

Location: 0 River Road, New Castle, DE 19970

Project: review of a proposed rezoning and site plan of two 500,000 SF 72 MW and two 750,000 SF 144 MW datacenter building with supporting site and electrical infrastructure. Proposed rezoning is for Suburban (S) to Industrial (I).

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.