PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN KIM HOEY STEVENSON, VICE-CHAIRMAN R. KELLER HOPKINS J. BRUCE MEARS HOLLY J. WINGATE





DELAWARE sussexcountyde.gov 302-855-7878 T 302-854-5079 F JANELLE CORNWELL, AICP DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: June 27, 2019

Application: CZ 1882 Nassau DE Acquisitions Co., LLC

Applicant: Nassau DE Acquisitions Co., LLC

1201 North Orange St., Suite 300

Wilmington, DE 19801

Owners: Hagan Herman G Trustee & Patricia R. Hagan Trustee

Milton, DE 19968

Susan N. Moore

14492 Oyster Rock Road

Milton, DE 19968

Site Location: East side of Coastal Highway approximately 150 ft. north of Old Mill

Road, and on the north side of Old Mill Road approximately 708 ft. east

of Coastal Highway.

Current Zoning: AR-1 (Agricultural Residential District) & C-2 (Medium Commercial

District)

Proposed Use: HR-1 RPC (High Density Residential District - Residential Planned

Community)

Comprehensive Land

Use Plan Reference: Coastal Area

Councilmatic

District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

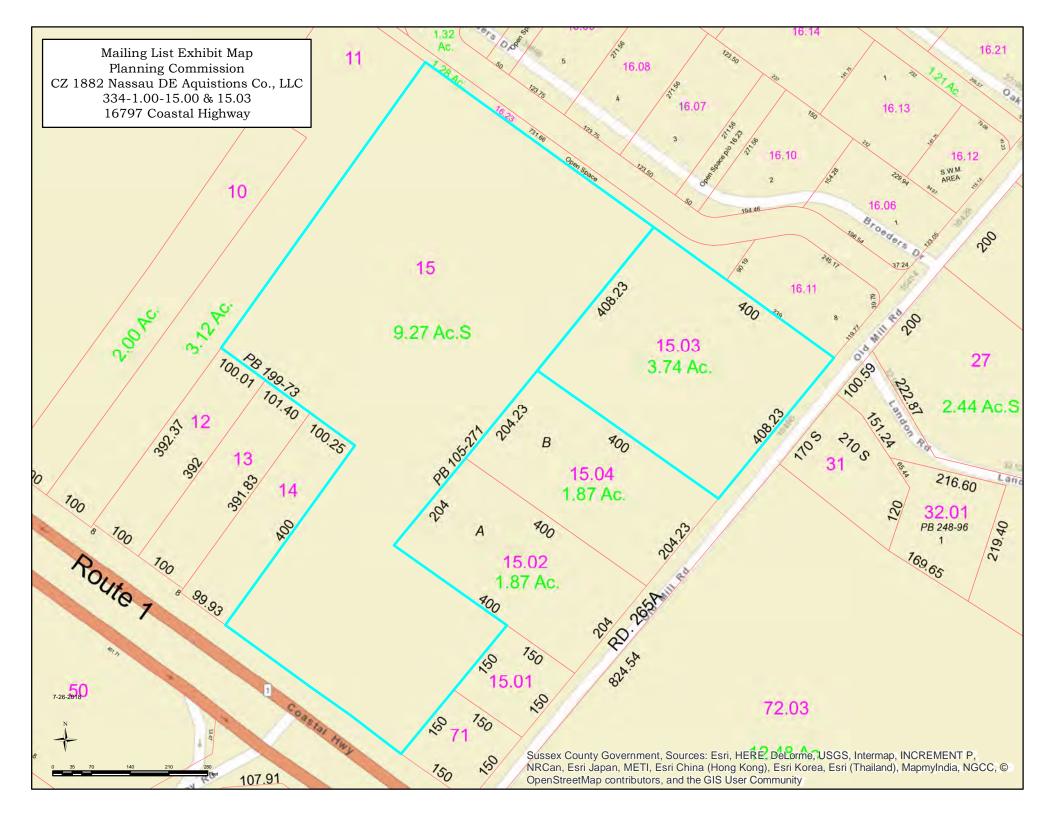
Sewer: Sussex County

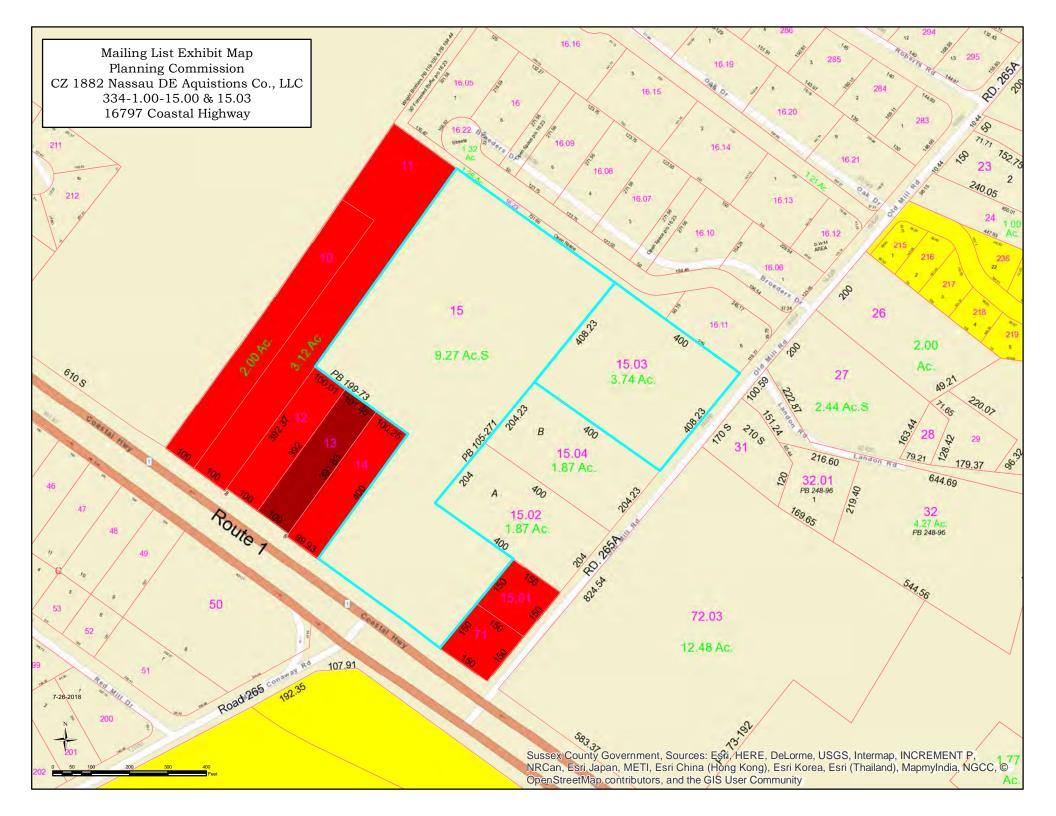
Water: Tidewater Utilities

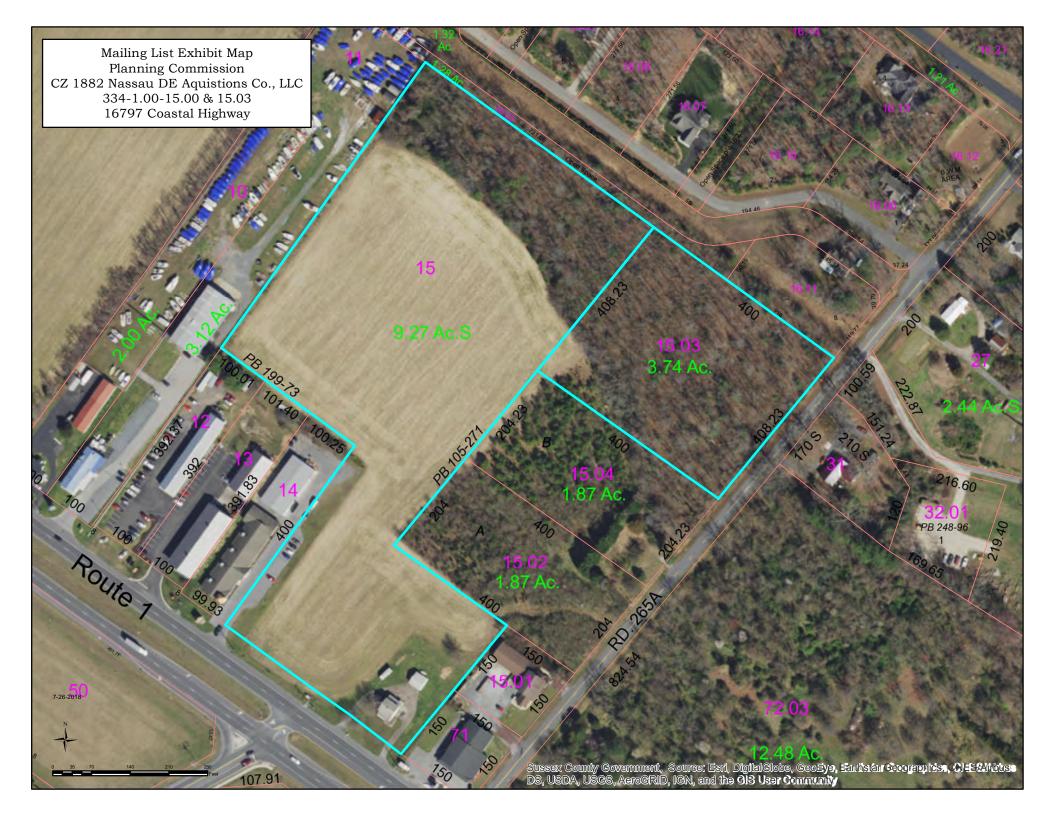
Site Area: 15.2 acres +/-

Tax Map ID.: 334-1.00-15.00 & 15.03









PLANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR

> (302) 855-7878 T (302) 854-5079 F





Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director CC: Vince Robertson, Assistant County Attorney and applicant

Date: June 18, 2019

RE: Staff Analysis for CZ 1882 Nassau DE Acquisitions Co., LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1882 Nassau DE Acquisitions Co., LLC to be reviewed during the June 27, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 334-1.00-15.00 and 334-1.00-15.03 to allow for a change from AR-1 (Agricultural Residential District) and C-2 (Medium Commercial District) to HR-1 - RPC (High Density Residential District – Residential Planned Community) to be located on Coastal Hwy. (Rt. 1) and Old Mill Rd. The size of the property is 15.2 ac. +/-.

The 2018/2019 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates that the properties have the land use designation Coastal Area.

The surrounding land use to the north, south, east and west is Coastal Area. The Coastal Areas land use designation recognizes that "a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas." HR-1-RPC is a zoning district that may be considered in the Coastal Area land use.

The properties to the north and south are zoned C-1 (General Commercial District). The properties to the north and south are zoned C-1 (General Commercial District) and AR-1 (Agricultural Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the west are AR-1 (Agricultural Residential District) and MR-RPC (Medium-Density Residential District - Residential Planned Community). There are no known Conditional Use in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone to allow a change from AR-1 (Agricultural Residential District) and C-2 (Medium Commercial District) to HR-1 - RPC (High Density Residential – Residential Planned Community) could be considered consistent with the land use, area zoning and uses.





STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. Box 778 Dover, Delaware 19903

JENNIFER COHAN SECRETARY

March 4, 2019

Ms. Janelle Cornwell, Director Sussex County Planning & Zoning P.O. Box 417 Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the Nassau DE Acquisition Co., LLC rezoning application, which we received on February 7, 2019. This application is for a 13.01-acre assemblage of parcels (Tax Parcels: 334-1.00-15.00 & 15.03). The subject land is located on the northeast side of Delaware Route 1, opposite Minos Conaway Road (Sussex Road 265), and on the northwest side of Old Mill Road (Sussex Road 265A). The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to HR-1 (High-Density Residential) to develop 168 multi-family (mid-rise) houses.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 1 where the subject land is located, which is from US Route 9 to Delaware Route 16, are 31,327 and 40,318 vehicles per day, respectively. As the subject land also has frontage along Old Mill Road, the annual average and summer average daily traffic volumes along that road segment, are 634 and 816 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per a weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but less than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our <u>Development Coordination Manual</u>



Ms. Janelle M. Cornwell Page 2 of 3 March 4, 2019

provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be less than 200 vehicle trips per a weekly peak hour and less than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

According to the Institute of Transportation Engineers (ITE) <u>Trip Generation Manual</u>, a development of 168 multi-family detached houses would generate 914 vehicle trips per day, 57 vehicle trips during the morning peak hour, and 73 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$9,140.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements.

Because the site would generate more than 200 vehicle trips per day, a Traffic Operational Analysis (TOA) may be required as part of the site plan review process, in accordance with Chapter 2 of the <u>Development Coordination Manual</u>.

The subject property is adjacent to Delaware Route 1, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has reasonable secondary access along Old Mill Road. Therefore, site access would be granted along the secondary road.

In addition, DelDOT currently has one project opposite the subject site. It is the SR-1 / Minos Conaway Grade Separated Intersection project aims to maintain capacity on Delaware Route 1 and improve safety at the intersection of Delaware Route 1 and Minos Conaway Road while improving mobility and access for local traffic. The project calls for converting the existing northbound lanes of Delaware Route 1, which front this proposed site, into a future service road. Once the service road is completed, the site can gain full access to the service road. More information regarding the interchange project can be found online at www.deldot.gov/information/projects/SR1MinosConaway/index.shtml. Also, the Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov.

Ms. Janelle M. Cornwell Page 3 of 3 March 4, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,

T. William Brockenbrough, Jr.

J. William Broshowbyngt of

County Coordinator

Development Coordination

TWB:cim

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues Nassau DE Acquisition Co., LLC, Applicant

J. Marc Coté, Assistant Director, Development Coordination

Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination

Gemez Norwood, South District Public Works Manager, Maintenance & Operations Susanne K. Laws, Sussex County Review Coordinator, Development Coordination Derek Sapp, Subdivision Manager, Development Coordination Brian Yates, Subdivision Manager, Development Coordination John Andrescavage, Subdivision Manager, Development Coordination Kevin Hickman, Subdivision Manager, Development Coordination Troy Brestel, Project Engineer, Development Coordination Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR

(302) 855-7878 T (302) 854-5079 F



Sussex County

sussexcountyde.gov

Service Level Evaluation Request Form

This form shall be submitted to	the Planning and Zoning Office	and a response shall be received
back from DelDOT prior to the	applicant being able to submit a	n application to the Planning and
Zoning Office.		RECEIVED

2011116	, (2) 31 2 2 2 2
Date: 2/7/19	FEB 0 6 2019
Site Information:	SUSSEX COUNTY PLANNING & ZONING
Site Address/Location: IMERSECTION OF COASTAL HWY & C	Un MILL ROAD
Tax Parcel Number: 334-1.00-15.00 £ .03 Current Zoning: AR-1 Proposed Zoning: HR-1 Land Use Classification: AGRICULTURAL & UNDEVELOPED LAN	03
Proposed Use(s):	
Mucti - Family Square footage of any proposed buildings or number of units: 168	UN 175
Applicant Information:	
Applicant's Name: NASSAU DE ACQUISITION CO., LLC	
Applicant's Address: 1201 NORTH ORANGE ST, SOITE 30 City: WILMINGTON State: DE Zip Code:	19801
Applicant's Phone Number: 302 287 3045 Applicant's e-mail address: Toseph.M. Calablo a Gnail.	ām.
	MARI MANTERT



MADE CONTACT 3/4/2019 3:57 pm



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

March 5, 2019

Ms. Janelle Cornwell, Director Sussex County Planning & Zoning P.O. Box 417 Georgetown, DE 19947

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Ms. Janelle M. Cornwell Page 2 of 3 March 5, 2019

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Ms. Janelle M. Cornwell Page 3 of 3 March 5, 2019

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Sincerely,

T. William Brockenbrough, Jr.

J. William Brokenbrungt, f

County Coordinator

Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues Nassau DE Acquisition Co., LLC, Applicant

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Claudy Joinville, Project Engineer, Development Coordination

BRANDY BENNETT NAUMAN HOUSING COORDINATOR & FAIR HOUSING COMPLIANCE OFFICER

(302) 855-7777 T (302) 854-5397 F bnauman@sussexcountyde.gov



Sussex County

DELAWARE sussexcountyde.gov

March 27, 2019

Mr. Joseph Calabro 300 Delaware Avenue, Suite 1370 Wilmington, DE 19801

RE: Sussex County Rental Program

Dear Mr. Calabro:

On March 21, 2019, the County's internal review panel evaluated the Nassau Property application for the Sussex County Rental Program (SCRP). The panel granted the project preliminary approval for participation in the SCRP. This approval has no bearing on whether the project will receive the necessary land use approvals from Sussex County; it only allows the project to proceed through that process in accordance with Chapter 72 of the Code of Sussex County.

To proceed with the SCRP project, including the expedited review incentive, the applicant must first execute an Acknowledgement of Participation ("Acknowledgement") agreement. The Acknowledgement binds the applicant to the obligations outlined in the SCRP application and Chapter 72 of the Code of Sussex County. Once the fully executed Acknowledgement is received by the County, the County Administrator and Director of Planning & Zoning will determine the applicant's priority placement in the list of pending applications. A project receiving expedited review does not exempt the project from the County's land use approval process, nor guarantee approval through that process.

If the re-zoning is approved, the applicant must then execute an SCRP Agreement ("Agreement") within thirty (30) days of County Council's decision. The Agreement is recorded and contains, at minimum, the below stipulations. The applicant should review §72-23 of the Code of Sussex County for a full description of the Agreement.

- A. Number of SCRP units to be constructed, and final site plan.
- B. Schedule of construction for SCRP units and delivery schedule to market-rate units, as well as affirmative marketing plan for SCRP units.
- C. Economic risk borne solely by the applicant.



- D. No building permits will be issued until the execution of the Agreement. If the applicant does not build SCRP units in accordance with construction schedule, the County Administrator may withhold building permits until SCRP units are constructed.
- E. The Agreement must be signed by the applicant and any other parties having an interest in the property. The Agreement must be recorded in land records of the County.
- F. Partnerships, associations, corporations and other entities may not evade the requirements of the Agreement through voluntary dissolution, bankruptcy, or the sale or transfer of qualifying land.
- G. The Agreement may only be assigned with the prior written approval of the Community Development & Housing Department.
- H. Landlords are responsible for marketing, leasing, and determining tenant eligibility.
- I. If applicant is not also the builder, the relationship between the applicant and builder shall be fully disclosed.

Please do not hesitate to contact me with any questions.

Sincerely,

Brad D. Whaley, Director

Bula Was

CC: Todd F. Lawson, County Administrator

Janelle Cornwell, Director, Planning & Zoning

Brandy B. Nauman, Housing Coordinator, Community Development & Housing

SUSSEX COUNTY ENGINEERING DEPARTMENT UTILITY PLANNING DIVISION C/U & C/Z COMMENTS

Janelle Cornwell

TO:

REV	IEWER:	Chris Calio							
DAT	É:	6/10/2019							
APP	LICATION:	CZ 1882 Nassau DE Acquisitions Co., LLC							
APP	LICANT:	Nassau DE Acquisitions Co., LLC							
FILE	NO:	NCPA-5.03							
4.5	MAP & CEL(S):	334-1.00-15.00 & 15.03							
LOC	ATION:	East side of Coastal Highway (SR 1), approximately 150 feet north of Old Mill Road, and on the north side of Old Mill Road, approximately 708 feet east of Coastal Highway (SR 1).							
NO.	OF UNITS:	Upzone from AR-1 & C2 to HR-1 RPC							
GRC ACR	SS EAGE:	15.2							
SYS	TEM DESIGN	ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 4							
SEW	ER:								
(1).	Is the proje district? Yes	ct in a County operated and maintained sanitary sewer and/or water ■ No ⊠							
		ee question (2). ee question (7).							
(2).	Which Cou	nty Tier Area is project in? Tier 2							
(3).	Is wastewater capacity available for the project? Yes If not, what capacity is available? N/A.								
(4).		Is a Construction Agreement required? Yes If yes, contact Utility Engineering at (302) 855-7717.							
(5).	Are there any System Connection Charge (SCC) credits for the project? No If								

yes, how many? N/A. Is it likely that additional SCCs will be required? Yes If yes, the current System Connection Charge Rate is Unified \$6,360.00 per EDU. Please contact Christine Fletcher at 302-855-7719 for additional

information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? Yes
 - Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? Yes
- (8). Comments: The parcels are in a Tier 2 category and are required to annex into the Sussex County Unified Sanitary Sewer District. There is currently capacity for the project as proposed by please note that capacity is not guaranteed until the System Connection Charges are paid.
- (9). Is a Sewer System Concept Evaluation required? Yes, Contact Utility Planning at 302-855-1299 to apply
- (10). Is a Use of Existing Infrastructure Agreement Required? Yes

UTILITY PLANNING APPROVAL:

John J. Ashman

Director of Utility Planning

Xc: Hans M. Medlarz, P.E. Jayne Dickerson Christine Fletcher

Policy for Extending District Boundaries

- 1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
- 2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
- 3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

Application Fees	2009/01/90 distribution and the second and the seco
Less than 2 acres	\$500.00
2.1 -9.99 acres	\$750.00
10 - 150.00 acres	\$1,500.00
Greater than 150.00 acres	\$2,500.00

- 4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
- 5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
- 6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
- 7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.



RECEIVED

JUN 1 0 2019 SUSSEX COUNTY PLANNING & ZONING

MEMORANDUM

TO:

Janelle M. Cornwell

FROM:

Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE:

June 11, 2019

Attached you will find the comments for the following proposed zoning changes:

- CU 2177 Ingrid Hopkins
- CZ 1882 Nassau DE Acquisitions Co., LLC
- CZ 1883 OA-BP Marina Bay-Lakeside

If you have any questions, I can be reached at 856-3990, ext. 3.

BJH

Enclosures



CZ 1882 TM #334-1.00-15.00 & 15.03 Nassau DE Acquisitions Co., LLC



MAP LEGEND

Spoil Area	Stony Spot		Very Stony Spot	Wet Spot	Other	Special Line Features	-	in the second	Streams and Canals	ation	Rails	Interstate Highways	US Routes	Major Roads	Local Roads	pu	Aerial Photography									
an	G) 1	8	D	Q	*	Mator Ecotum	and a	1	Transportation	ŧ	1	5	1	- 5	Background										
Area of Interest (AOI)	Area of Interest (AOI)		Soil Map Unit Polygons	Soil Map Unit Lines	Soil Map Unit Points		Special Form reatures	Blowout	Borrow Pit		ciay spot	Clased Depression	Gravel Pit	Gravelly Spot	Landfill	Lava Flow	Marsh or swamp	Mine or Quarry	Miscellaneous Water	Perennial Water	Rock Outcrop	Saline Spot	Sandy Spot	Severely Eroded Spot	Sinkhole	Slide or Slip
Area of Int		Soils	E	1	0		Special	9	DO	3	×	0	28	**	0	X	-1	(K	0	0	>	+	***	Ф	0	A

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

contrasting soils that could have been shown at a more detailed Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of

Please rely on the bar scale on each map sheet for map measurements. Source of Map: Natural Resources Conservation Service Coordinate System: Web Mercator (EPSG:3857) Web Soil Survey URL:

Maps from the Web Soil Survey are based on the Web Mercator distance and area. A projection that preserves area, such as the projection, which preserves direction and shape but distorts Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required. This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Survey Area Data: Version 19, Sep 14, 2018 Soil Survey Area: Sussex County, Delaware

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger. Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Sodic Spot

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EvB	Evesboro loamy sand, 0 to 5 percent slopes	1.6	11.5%
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	11.6	82.9%
НрА	Henlopen loamy sand, 0 to 2 percent slopes	0.2	1.1%
RoB	Rosedale loamy sand, 2 to 5 percent slopes	0.6	4.5%
Totals for Area of Interest		14.1	100.0%

Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

Report—Selected Soil Interpretations

		Selected Soil Inter	pretation	s-Sussex County, Del	aware			
Map symbol and soil name	Pct. of	ENG - Dwellings Basements	W/O	ENG - Dwellings Basements	With	ENG - Septic Tank Absorption Fields (DE)		
	map unit	Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value	
EvB—Evesboro loamy sand, 0 to 5 percent slopes								
Evesboro	75	Not limited		Not limited		Very limited		
						Filtering capacity	1.00	
FmA—Fort Mott loamy sand, 0 to 2 percent slopes								
Fort mott	80	Not limited		Not limited		Somewhat limited		
						Restricted permeability	0.50	
HpA—Henlopen loamy sand, 0 to 2 percent slopes								
Henlopen	80	Not limited		Not limited		Not limited		
RoB—Rosedale loamy sand, 2 to 5 percent slopes								
Rosedale	75	Not limited		Somewhat limited		Very limited		
				Depth to saturated zone	0.73	Depth to saturated zone	1.00	
						Restricted permeability	1.00	

Data Source Information

Soil Survey Area: Sussex County, Delaware Survey Area Data: Version 19, Sep 14, 2018



Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality, Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding, Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands-Sussex County, Delaware							
Map Symbol	Map Unit Name	Farmland Classification					
EvB	Evesboro loamy sand, 0 to 5 percent slopes	Not prime farmland					
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	Prime farmland if irrigated					
НрА	Henlopen loamy sand, 0 to 2 percent slopes	Prime farmland if irrigated					
RoB	Rosedale loamy sand, 2 to 5 percent slopes	Prime farmland if irrigated					

Data Source Information

Soil Survey Area: Sussex County, Delaware Survey Area Data: Version 19, Sep 14, 2018

SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

SOILS:

EvB	Evesboro loamy sand, 0 to 5 percent slopes
FmA	Fort Mott loamy sand, 0 to 2 percent slopes
HpA	Henlopen loamy sand, 0 to 2 percent slopes
RoB	Rosedale loamy sand, 2 to 5 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE: See attached table for suitability.
- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
 - DURING CONSTRUCTION:

Follow recommended erosion and sediment control practices.

2. AFTER CONSTRUCTION:

Maintain vegetation.

- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):
 See attached table(s) for ratings.
- D. ADDITIONAL COMMENTS (IF APPLICABLE):

DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

DRAINAGE:

- A. Any Storm flood hazard area affected? ☐ Yes ☐ No
- B. Would the proposed project necessitate any off-site drainage improvements?

NOT LIKELY

C. Would the proposed project necessitate any on-site drainage improvements?

Possibly

D. Any Tax Ditch affected? ☐ Yes ☐ No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

Christin Headley

From: Fox, Duane T. (FireMarshal) < Duane.Fox@delaware.gov>

Sent: Thursday, April 25, 2019 2:34 PM

To: Christin Headley

Subject: RE: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC

(Zwaanendael Farm)

Categories: TAC Comments

Christin,

The SFMO has no objection to the Change of Zoning nor the Conditional Use. Site plans are required to be submitted to the DE State Fire Marshal's Office, for both projects, for review and approval prior to the start of construction.

Duane Fox

From: Christin Headley [mailto:christin.headley@sussexcountyde.gov]

Sent: Monday, April 22, 2019 10:19 AM

Subject: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC (Zwaanendael Farm)

Good Morning,

Sussex County Planning Office has received two (2) applications that require TAC review. Attached is a memo regarding each application and a PDF of the plans submitted.

The Multi-Family Conditional Use (CU 2181) is requesting more specifically 35 single family homes, 78 townhouses and 96 apartments / condominiums for a total of 209 units on 30.15 acres of land for a density of 6.93 units per acre.

Please provide comments on or before Monday, June 24, 2019.

Please feel free to contact me with any questions.

Thanks,

Christin Headley

Christin Headley, Planning Technician
Planning & Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947
302-855-7878
christin.headley@sussexcountyde.gov

Christin Headley

From: Hayes, John G. (DNREC) < John. Hayes@delaware.gov>

Sent: Monday, April 22, 2019 1:19 PM

To: Christin Headley

Subject: RE: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC

(Zwaanendael Farm)

Categories: TAC Comments

Christin,

The Groundwater Discharges Section has no comment on the proposed Mitchell Family LLC (Zwaanendael Farms) (CU 2181) and Nassau Property (CZ 1882) since both are proposed to utilize public sewer. Thank you.

Jack

John G. "Jack" Hayes, Jr.
Environmental Program Manager
Delaware Department of Natural Resources and Environmental Control
Groundwater Discharges Section
89 Kings Highway
Dover, DE 19901
John.hayes@state.de.us
(302) 739-9327
(302) 739-7764 Fax

From: Christin Headley [mailto:christin.headley@sussexcountyde.gov]

Sent: Monday, April 22, 2019 10:19 AM

To: Brad Hawkes

To: Brad Hawkes

Sussex Conservation

Chesapeake Electric <dholden@chpk.com>; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; Butler, Eileen M. (DNREC) <Eileen.Butler@delaware.gov>; Cinelli, Jennifer (DelDOT) <jennifer.cinelli@delaware.gov>; Jessica Watson — Sussex Conservation <Jessica.watson@state.de.us>; John J. Ashman <jashman@sussexcountyde.gov>; Hayes, John G. (DNREC) <John.Hayes@delaware.gov>; Kennel, John M. (DNREC) <John.Kennel@delaware.gov>; John Martin <jmartin@chpk.com>; Martin, John (DNREC) <John.Martin@delaware.gov>; Fleming, Kate M. (DNREC) <Kate.Fleming@delaware.gov>; Kelley Gabbard <kgabbard@chpk.com>; Crystall, Meghan (DNREC) <Meghan.Crystall@delaware.gov>; Molendez, Milton (DDA) <milton.melendez@delaware.gov>; Molendez, Milton (DDA) <milton.melendez@delaware.gov>; Rob Davis <rdavis@sussexcountyde.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Susan Isaacs <sisaacs@sussexcountyde.gov>; Laws, Susanne K (DelDOT) <Susanne.Laws@delaware.gov>; Terri Dukes Terri Dukes Com> < TDickerson@decoop.com>; Vince Robertson

Toy Dickerson <TDickerson@decoop.com>; Vince Robertson

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Subject: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC (Zwaanendael Farm)

Good Morning,

Sussex County Planning Office has received two (2) applications that require TAC review. Attached is a memo regarding each application and a PDF of the plans submitted.

The Multi-Family Conditional Use (CU 2181) is requesting more specifically 35 single family homes, 78 townhouses and 96 apartments / condominiums for a total of 209 units on 30.15 acres of land for a density of 6.93 units per acre.

Please provide comments on or before Monday, June 24, 2019.

Please feel free to contact me with any questions.

Thanks,

Christin Headley

Christin Headley, Planning Technician Planning & Zoning Department 2 The Circle PO Box 417 Georgetown, DE 19947 302-855-7878 christin.headley@sussexcountyde.gov

Christin Headley

From: Sapp, Derek (DelDOT) < Derek.Sapp@delaware.gov>

Sent: Monday, June 17, 2019 2:10 PM

To: Christin Headley

Cc: Yates, Brian K. (DelDOT); Laws, Susanne K (DelDOT)

Subject: TAC Review for CZ 1882 Nassau DE Acquisitions

Attachments: TAC Memo CZ 1882 Nassau & CU 2181 Mitchell Family, LLC .pdf; CZ 1882 Nassau Site

Plan.pdf; CZ 1882 Nassau Preliminary Site Rendering.pdf

Christin,

This project will not warrant a Traffic Impact Study if they pay an area-wide study fee. A separate Traffic Operational Analysis could be required for the interim conditions on Old Mill Road or Route 1, until the Minos Conway Project is constructed by the State. They, of-course have to comply with all regulations in the DelDOT Development Coordination Manual, and submit design deviation forms for any items they cannot meet. Right-of-Way widths, permanent easements, sidewalks, turn lanes, etc. are some of the bigger-picture items that will need to be looked at. DelDOT's Corridor Capacity Preservation Program has already issued a letter about access.

Thank you,

Derek Sapp Subdivision Manager (302) 760-4803

From: Yates, Brian K. (DelDOT)

Sent: Tuesday, June 11, 2019 7:43 AM

To: Sapp, Derek (DelDOT) < Derek.Sapp@delaware.gov>
Cc: Laws, Susanne K (DelDOT) < Susanne.Laws@delaware.gov>

Subject: FW: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC (Zwaanendael Farm)

Derek,

I believe that the CZ 1882 Nassau DE Acquisitions project is within your territory. At this time, I am taking the Mitchell Family project so I'll be sending comments also.

Thanks,

From: Marvel, Karen (DelDOT)

Sent: Monday, April 22, 2019 10:33 AM

To: Laws, Susanne K (DelDOT) <Susanne.Laws@delaware.gov>; Yates, Brian K. (DelDOT) <Brian.Yates@delaware.gov>;

Sapp, Derek (DelDOT) < Derek. Sapp@delaware.gov >

Subject: FW: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC (Zwaanendael Farm)

From: Christin Headley [mailto:christin.headley@sussexcountyde.gov]

Sent: Monday, April 22, 2019 10:19 AM

To: Brad Hawkes

| Brad Hawkes
| Susanne.Laws@delaware.gov >; C. Daniel Parsons
| Susanne.Laws@delaware.gov >; Dean Holden - Chesapeake Electric
| C. Daniel Parsons
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| C. DelDOT)
| C. Daniel T. Daniel Parsons
| C. Daniel T. Dan

Subject: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC (Zwaanendael Farm)

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Please provide comments on or before Monday, June 24, 2019.

Please feel free to contact me with any questions.

Thanks,

Christin Headley

Christin Headley, Planning Technician Planning & Zoning Department 2 The Circle PO Box 417 Georgetown, DE 19947 302-855-7878 christin.headley@sussexcountyde.gov

Christin Headley

From:

Dickerson, Troy <TDickerson@delaware.coop>

Sent:

Friday, April 26, 2019 4:04 PM

To:

Christin Headley

Subject:

RE: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC

(Zwaanendael Farm)

Categories:

TAC Comments

Good Afternoon Christin,

The Nassau project will be served by DP&L. The Zwaanendael Farm will be served by DEC and we have adequate facilities in the area to serve the proposed residential units.

Thanks!

Troy W. Dickerson, P.E.

Assistant V.P. of Engineering Voice: (302) 349-3125 Cell: (302) 535-9048 Fax: (302) 349-5891 tdickerson@delaware.coop

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From: Christin Headley <christin.headley@sussexcountyde.gov>

Sent: Monday, April 22, 2019 10:19 AM

Subject: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC (Zwaanendael Farm)

Good Morning,

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Thanks,

Christin Headley

Christin Headley, Planning Technician Planning & Zoning Department 2 The Circle PO Box 417 Georgetown, DE 19947 302-855-7878 christin.headley@sussexcountyde.gov

Christin Headley

From:

Terri Dukes

Sent:

Monday, April 22, 2019 10:57 AM

To:

Christin Headley

Subject:

RE: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC

(Zwaanendael Farm)

Categories:

TAC Comments

Christin, Zwaanendael Farm has all of their approvals needed for recording.

I have no information on the Nassau property.

Best Regards, Terri

From: Christin Headley

Sent: Monday, April 22, 2019 10:19 AM

To: Brad Hawkes

Strad Hawkes

To: Brad Hawkes

Sussex Countyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Dean Holden - Chesapeake Electric <dholden@chpk.com>; Duane T. Fox <Duane.Fox@state.de.us>; Eileen M. Butler <Eileen.Butler@state.de.us>; Jennifer Cinelli <jennifer.cinelli@state.de.us>; Jessica Watson – Sussex Conservation

Jessica.watson@state.de.us>; John J. Ashman <jashman@sussexcountyde.gov>; John Hayes – Groundwater Discharge <john.hayes@state.de.us>; John Mertin – DE Coastal Programs <john.kennel@state.de.us>; John Martin <jmartin@chpk.com>; John Martin – Watershed Stewardship <john.martin@state.de.us>; Kate Fleming – DNREC Fish & Wildlife <kate.fleming@state.de.us>; Kelley Gabbard <kgabbard@chpk.com>; Meghan Crystall – DNREC <Meghan.Crystall@state.de.us>; Michael Tholstrup – Energy & Climate <Michael.Tholstrup@state.de.us>; Mike Brady <MBRADY@sussexcountyde.gov>; Milton Melendez – Dept. of Ag <Milton.melendez@state.de.us>; Rob Davis <rdavis@sussexcountyde.gov>; Subdivision mailbox email – DelDOT <Subdivision@state.de.us>; Susan Isaacs <sisaacs@sussexcountyde.gov>; Susanne Laws - DelDOT <Susanne.Laws@state.de.us>; Terri Dukes Terri Dukes Terri Dukes Terri Dukes Terri Dukes Toy Dickerson <TDickerson@decoop.com>; Vince Robertson <vrobertson@pgslegal.com>

Subject: TAC Review for CZ 1882 Nassau DE Acquisitions & CU 2181 Mitchell Family, LLC (Zwaanendael Farm)

Good Morning,

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Christin Headley, Planning Technician Planning & Zoning Department 2 The Circle PO Box 417 Georgetown, DE 19947 302-855-7878 christin.headley@sussexcountyde.gov



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

April 3, 2019

Ms. Constance C. Holland Office of State Planning Coordination 122 Martin Luther King Jr. Blvd., South Haslet Armory, Suite 302 Dover, DE 19901

Dear Ms. Holland:

This letter is to provide comments on the ten applications that were discussed at the March meeting of the Preliminary Land Use Service (PLUS). Comments on the applications are enclosed. Descriptions of the applications follow.

Smyrna School District (PLUS 2019-03-01)

Smyrna School District requests a school site feasibility review for an intermediate school on 60 acres of a larger 81.90-acre parcel (Tax Parcel No. 1-00-02800-02-5000-00001) located on the northeast corner of US Route 13 and Twin Willows Road (Kent Road 84). Access would be on Twin Willows Road opposite Kirkhaven Drive.

City of Newark (PLUS 2019-03-02)

The City of Newark proposes to amend the text of their 2017 Comprehensive Plan to include four Focus Areas in the Future Land Use Section. Those areas would be as follows: the New London Road Community, the East Cleveland Avenue Community, the Center Street Community and the South Chapel Street Community.

Lidl - Bear (PLUS 2019-03-03)

Lidl seeks to develop a 29,089 square foot grocery store and another 7,200 square foot retail building on a 4.691-acre assemblage of parcels (Tax Parcel Nos. 10-048.00-001, 002, 003 and 004) with full access on the south side of US Route 40 opposite Glasgow Drive and a right-in-only access between there and Salem Church Road (New Castle Road 48). The land is zoned NC-21 in New Castle County and is occupied by a garden center. A rezoning to CR would be needed to permit the new development.



Bay Forest Club - Sprogell Infill Parcel (Section Z/Phase 6) (PLUS 2019-03-04)

Bay Forest, LLC (Natelli Communities, Inc.) seeks to develop 23 dwellings, specifically 15 single-family detached condominium houses and 8 townhouses, on a 5.00-acre parcel (Tax Parcel No. 134-8.00-17.01) and parts of parts of three other parcels (Tax Parcel Nos. 134-8.00-1071.01, 1072.0 and 15.02). The 5.00-acre parcel is bordered on all sides by the Bay Forest residential development and would be developed as a part of it. The parcel is zoned AR-1 in Sussex County and a rezoning to MR-RPC would be needed to permit the development.

Nassau Property (PLUS 2019-03-05)

Nassau DE Acquisition Co., LLC seeks to develop 168 condominium apartments and 4,700 square feet of commercial space on a 15-acre assemblage of parcels (Tax Parcel Nos. 334-1.00-15.00 and 15.03) with access on the east side of Delaware Route 1 and the north side of Old Mill Road (Sussex Road 265A). The assemblage is split-zoned AR-1 and C-2 in Sussex County and a rezoning of the AR-1 lands to HR-1 would be needed to permit the development.

In May of 2018, the same applicant proposed a similar plan for 150 dwellings based on a rezoning of the residential lands to MR.

Town of Greenwood (PLUS 2019-03-06)

The Town of Greenwood has updated its 2008 Comprehensive Plan and is requesting certification.

Reed Property (PLUS 2019-03-07)

Robert M. Reed and Debora A. Reed seek to develop 24 single-family detached houses on a 6.113-acre parcel (Tax Parcel No. 335-12.06-1.00) with access on the north side of Savannah Road (Business Route 9). The parcel is zoned AR-1 in Sussex County and a rezoning to MR-1 and a conditional use approval are needed to permit the development.

Roxana Apartment Complex/Assisted Living (PLUS 2019-03-08)

OA Vantage Point II, LLC seeks to develop 216 apartments and a 220,245 square foot Assisted Living facility, on a 32.75-acre parcel (Tax Parcel No. 134-15.00-93.01) with access on the north side of Roxana Road (Delaware Route 17). The parcel is zoned MPC in the Town of Millville and no rezoning is needed to permit the development.

Ms. Constance C. Holland April 3, 2019 Page 3 of 4

Zwaanendael Farm – Mixed Use (PLUS 2019-03-09)

L.W. & J.T. Mitchell Family Limited Partnership seeks to develop 200,000 square feet of office space, and 209 dwelling units, specifically 35 single-family detached houses, 78 townhouses and 96 apartments, on a 49.53-acre parcel (Tax Parcel No. 335-8.00-37.00) with access on the south (or easr) side of Kings Highway (US Route 9) and the east (or north) side of Gills Neck Road (Sussex Road 267). The parcel is zoned AR-1 in Sussex County and a rezoning to C-4 is needed to permit the development.

Marina Del (PLUS 2019-03-10)

Limitless Development Company, LLC seeks to develop 131 dwellings, specifically 101 single-family detached houses, and 30 townhouses, on 25.45 acres of a 60.58-acre assemblage of parcels (Tax Parcel Nos. 330-7.00-13.00, 35.00, 36.00. 37.00 and 38.00) with access on the north side of Beaver Dam Road (Sussex Road 209). The remainder of the assemblage is reserved for future commercial development. The parcels are zoned R-3 and C-3 in the City of Milford. While no rezoning is needed to permit the development, the developer is contemplating a rezoning to DPUD.

Ms. Constance C. Holland April 3, 2019 Page 4 of 4

You may contact me at (302) 760-2109 if you have any questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr. **County Coordinator**

J William Brokenbury of

TWB:km Enclosures

Nicole Majeski, Deputy Secretary

Charlanne Thornton, Director, Finance Drew A. Boyce, Director, Planning

LaTonya Gilliam, North District Engineer, Maintenance & Operations (M&O)

Kevin F. Canning, Canal District Engineer, M&O

Matthew Lichtenstein, Central District Engineer, M&O

Alistair Probert, South District Engineer, M&O

Legislative Liaison, Office of Public Relations Shanté Hastings, Deputy Director, Division of Transportation Solutions (DOTS)

Mark Luszcz, Assistant Director, Traffic Engineering, DOTS

Pamela Steinebach, Assistant Director, Project Development North, DOTS

Jason N. Hastings, State Bridge Engineer, Project Development, DOTS Michael A. DuRoss, Assistant Director, Regional System Planning

Jeffrey Niezgoda, Assistant Director, Local Systems Improvement

J. Marc Coté, Assistant Director, Development Coordination
Micheale M. L. Smith, Senior Fiscal Management Analyst, Finance
David Dooley, Senior Planner, Planning, Delaware Transit Corporation (DTC)

Tremica Cherry-Wall, Service Development Planner, DTC

Stephen Ottinger, Fixed-Route Planner, DTC

Matthew Vincent, Canal District Public Works Engineer, M&O

Richard S. McCabe, Central District Public Works Engineer, M&O

Robert Greybill, Canal District Permit Engineer, M&O Scott R. Rust, Central District Entrance Permit Manager, M&O

Gemez W. Norwood, South District Public Works Manager, M&O

Stephen M. Sisson, Design Resource Engineer, Project Development, DOTS James M. Satterfield, IV, Regional Group Engineer, Project Development South I, DOTS Bryan Behrens, Regional Group Engineer, Project Development South II, DOTS

Peter Haag, Traffic Studies Engineer, Traffic Engineering, DOTS

Danita Ellis, Administrative Specialist, Traffic Engineering, DOTS
Gene S. Donaldson, Manager of Planning, Traffic Management Center, Traffic Operations, DOTS

Ann Gravatt, Planning Supervisor, Local Systems Improvement Anthony J. Aglio, II, Planning Supervisor, Local Systems Improvement Sarah Coakley, Principal Planner, Regional System Planning

John T. Fiori, Project Planner, Local Systems Improvement

Maria Andaya, Project Planner, Local Systems Improvement

Michael C. Hahn, Byways Coordinator, Local Systems Improvement

Joshua Thomas, Planning Supervisor, Regional System Planning

Nathan Attard, Project Planner, Regional System Planning

Jennifer Cinelli-Miller, Project Planner, Regional System Planning

Thomas C. Felice, Manager, Corridor Capacity Preservation Program

New Castle County Review Coordinator

Stephen G. Wright, Kent County Review Coordinator Susanne K. Laws, Sussex County Review Coordinator

John Andrescavage, Subdivision Reviewer

Pao Y. Lin, Subdivision Reviewer

Nana Nyarko-Appiah, Subdivision Reviewer

Derek A. Sapp, Subdivision Reviewer

Joshua Schwartz, Subdivision Reviewer

Jun Xie, Subdivision Reviewer Troy E. Brestel, Project Engineer

Claudy Joinville, Project Engineer

John J. Pietrobono, Johnson, Mirmiran & Thompson

Kevin Hickman, Johnson, Mirmiran & Thompson

Will Mobley, Johnson, Mirmiran & Thompson

Brian K. Yates, Johnson, Mirmiran & Thompson



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

May 10, 2019

Ms. Constance C. Holland Office of State Planning Coordination 122 Martin Luther King Jr. Blvd., South Haslet Armory, Suite 302 Dover, DE 19901

Dear Ms. Holland:

This letter is to provide two clarifications to the comments I provided on the Nassau Property application (PLUS 2019-03-05) at the March 27 meeting of the Preliminary Land Use Service (PLUS). My written comments were enclosed with my letter of April 3, 2019. Copies of both the letter and the comments are enclosed with this letter as well.

Our first clarification is to the second bulleted comment, which addresses the effect of the Corridor Capacity Preservation Program on the proposed development. In that comment, the last sentence of the third paragraph is incorrect. The corrected third paragraph should read as follows:

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. Once the service road is built, the site can gain full access to the service road. Prior to the completion of the service road, the applicant can develop a temporary rights-in/rights-out access on Route 1 for a development generating a maximum of 200 vehicle trips per day, according to the Institute of Transportation Engineers' Trip Generation Manual. If the developer wishes to develop the property further before the service road is complete, the additional development would need a separate driveway on Old Mill Road, with no interconnection to that first 200-trip phase until the service road is complete.

Our second clarification is to the fourth bulleted comment, which addresses a December 3, 2018, letter (copy enclosed) and a Traffic Operational Analysis that DelDOT may require. As written, the comment could be read to say that the TOA would focus on a single intersection, when in fact it would be broader. We would like to revise that comment to read as follows:



Ms. Constance C. Holland May 10, 2019 Page 2 of 3

Section 2.3.2 of the <u>Development Coordination Manual</u> addresses the circumstances in which DelDOT may require a Traffic Operational Analysis (TOA). In the attached letter dated December 3, 2018, concerning the previous rezoning and conditional use applications for this site, DelDOT said that if the County approved those applications DelDOT would require that a TOA be performed prior to granting entrance approval. While the scope of that TOA has not been determined, it would examine the site entrance on Route 1 and cross-overs and intersections to the north and south of the entrance where significant numbers of site-generated trips would make left-turns or U-turns. Based on the TOA results, DelDOT may require interim improvements at the intersection of Delaware Route 1 and Old Mill Road and other locations analyzed therein. DelDOT's December 2018 letter applies to this new application as well.

Ms. Constance C. Holland May 10, 2019 Page 3 of 3

You may contact me at (302) 760-2109 if you have any questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr. County Coordinator

J William Bookenbrough

TWB:km Enclosures

Alan J. Hill, Hillcrest Associates

Nicole Majeski, Deputy Secretary

Aimee V. String, Chief of Legislative Relations

Charlanne Thornton, Director, Finance

Drew A. Boyce, Director, Planning LaTonya Gilliam, North District Engineer, Maintenance & Operations (M&O)

Kevin F. Canning, Canal District Engineer, M&O

Matthew Lichtenstein, Central District Engineer, M&O Alistair Probert, South District Engineer, M&O

Louise A. Holt, Public Information Officer, Office of Community Relations

Shanté Hastings, Deputy Director, Division of Transportation Solutions (DOTS) Mark Luszcz, Assistant Director, Traffic Engineering, DOTS

Pamela Steinebach, Assistant Director, Project Development North, DOTS

Michael A. DuRoss, Assistant Director, Regional System Planning

Jeffrey Niezgoda, Assistant Director, Local Systems Improvement

J. Marc Coté, Assistant Director, Development Coordination

Micheale M. L. Smith, Senior Fiscal Management Analyst, Finance

David Dooley, Senior Planner, Planning, Delaware Transit Corporation (DTC) Tremica Cherry-Wall, Service Development Planner, DTC

Stephen Ottinger, Fixed-Route Planner, DTC

Matthew Vincent, Canal District Public Works Engineer, M&O

Richard S. McCabe, Central District Public Works Engineer, M&O

Robert Greybill, Canal District Permit Engineer, M&O

Scott R. Rust, Central District Entrance Permit Manager, M&O

Gemez W. Norwood, South District Public Works Manager, M&O
James M. Satterfield, IV, Regional Group Engineer, Project Development South I, DOTS

Bryan Behrens, Regional Group Engineer, Project Development South II, DOTS

Peter Haag, Traffic Studies Engineer, Traffic Engineering, DOTS

Danita Ellis, Administrative Specialist, Traffic Engineering, DOTS

Gene S. Donaldson, Manager of Planning, Traffic Management Center, Traffic Operations, DOTS

Ann Gravatt, Planning Supervisor, Local Systems Improvement
Anthony J. Aglio, II, Planning Supervisor, Local Systems Improvement
Sarah Coakley, Principal Planner, Regional System Planning

John T. Fiori, Project Planner, Local Systems Improvement

Maria Andaya, Project Planner, Local Systems Improvement
Michael C. Hahn, Byways Coordinator, Local Systems Improvement

Joshua Thomas, Planning Supervisor, Regional System Planning

Nathan Attard, Project Planner, Regional System Planning Jennifer Cinelli-Miller, Project Planner, Regional System Planning

Thomas C. Felice, Manager, Corridor Capacity Preservation Program

New Castle County Review Coordinator

Stephen G. Wright, Kent County Review Coordinator Susanne K. Laws, Sussex County Review Coordinator

Pao Y. Lin, Subdivision Reviewer

Nana Nyarko-Appiah, Subdivision Reviewer Derek A. Sapp, Subdivision Reviewer

Joshua Schwartz, Subdivision Reviewer

Jun Xie, Subdivision Reviewer

Troy E. Brestel, Project Engineer

Claudy Joinville, Project Engineer

John J. Pietrobono, Johnson, Mirmiran & Thompson

Kevin Hickman, Johnson, Mirmiran & Thompson Will Mobley, Johnson, Mirmiran & Thompson

Brian K. Yates, Johnson, Mirmiran & Thompson

Agency Nam	ie: <u>Dept. of T</u>	<u>Fransportation</u> Project Name: Nassau Property
Division:	Planning	Contact Person: Bill Brockenbrough

A similar application for the subject development was reviewed at the May 2018 PLUS meeting and DelDOT provided comments then. Except as modified below, those comments (copy attached) are applicable to this application as well. The significant changes from the previous application include a shift in the desired zoning district, from MR to HR-1, and increase in the number of dwellings from 150 to 168, and changes to the number and arrangement of buildings shown on the sketch plan. As provided below, the increase in the number of dwelling units would increase the trip generation.

Regulations/Code Requirements

- Please refer to DelDOT's May 2018 PLUS comments (copy attached).
- Because the subject property fronts on Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of certain existing highways by minimizing and consolidating the number of direct driveway access points along them. Delaware Route 1 is a controlled-access highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code.

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along Old Mill Road (Sussex Road 265A).

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. Once the service road is built, the site can gain full access to the service road. Prior to the completion of the service road, the applicant can develop a temporary rights-in/rights-out access on Route 1 for a development generating a maximum of 200 vehicle trips per day, according to the Institute of Transportation Engineers' Trip Generation Manual. Prior to the completion of the service road, for any development generating more than 200 vehicle trips per day, all site access must be located on Old Mill Road.

More information regarding the Corridor Capacity Preservation Program is available at https://www.deldot.gov/Publications/manuals/corr_cap/index.shtml.

• Per Section 2.2.2.1 of the DelDOT <u>Development Coordination Manual</u>, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate 998 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. DelDOT calculates that the 168 condominiums would generate 914 vehicle trip ends per day on weekdays and presently sees the proposed Sales Center as an accessory use, with no trip

generation of its own. Regardless, the 500 vehicle trip ends per day would be exceeded, so a TIS is warranted.

Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as \$10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process. Refer to the next bulleted comment regarding the requirement of a TOA.

Two off-site improvements that DelDOT can readily identify without a TIS or TOA are a contribution to the DelDOT project mentioned above and improvements to Old Mill Road. The DelDOT project is the SR 1, Minos Conaway Grade Separated Intersection. It is presently scheduled for construction in Fiscal Years 2023 and 2024 with a total cost of \$32,700,000. More information on the project is available at https://www.deldot.gov/information/projects/SR1MinosConaway/index.shtml. This development's contribution would be proportional to its contribution to traffic in the affected area. The need for additional rights-of-way from the development has not been determined but any needed rights-of-way that would otherwise be compensable could be credited toward this contribution.

- Section 2.3.2 of the <u>Development Coordination Manual</u> addresses the circumstances in which DelDOT may require a Traffic Operational Analysis (TOA). In the attached letter dated December 3, 2018, concerning the previous rezoning and conditional use applications for this site, DelDOT said that if the County approved those applications DelDOT would require that a TOA be performed prior to granting entrance approval and may require interim improvements at the intersection of Delaware Route 1 and Old Mill Road. DelDOT's December 2018 letter applies to this new application as well.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility; otherwise it is at DelDOT's discretion. Because this part of the County appears to be developing rapidly, DelDOT anticipates requiring a Shared Use Path along the development frontage. Due to the SR 1, Minos Conaway Grade Separated Intersection, cited above, DelDOT may require the path only along the site's Old Mill Road frontage if it finds there is a significant possibility of a path built along SR 1 being taken by the DelDOT project.

Suggestions

- Please refer to DelDOT's May 2018 PLUS comments (copy attached).
- 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 25, 2019. The notes can be found at https://www.deldot.gov/Business/subdivisions/



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD P.O. BOX 778 DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

December 3, 2018

Michael H. Vincent President, Sussex County Council P.O. Box 417 Georgetown, DE 19947

Dear Council President Vincent:

This letter is in response to the request made by Councilman I.G. Burton at the November 27, 2018 County Council meeting regarding Change of Zone applications 1860, 1861 and Conditional Land Use application 2147 - Nassau Property. DelDOT Transportation Planner, Jennifer Cinelli agreed to provide County Council with a response regarding the potential for interim improvements to the traffic network surrounding the property prior to the Minos Conaway project coming online. Our response is as follows:

- 1. DelDOT is aware of the proposed development and has had discussions with the developer regarding the improvements that will be required.
- 2. DelDOT submitted comments through the State of Delaware's Preliminary Land Use Service on May 24, 2018 which are attached. These comments address the Corridor Capacity Preservation Program guidelines as well as requirements for approvals for access to State maintained roads.
- 3. Based on the concerns of County Council, should these zone changes and conditional use be approved, DelDOT will require that a Traffic Operations Analysis (TOA) be performed prior to entrance approval being granted and may require interim improvements at the intersection of Delaware Route 1 and Old Mill Road.

If you have any questions or require additional information, please contact Mr. Bill Brockenbrough, at (302) 760-2109.

Sincerely,

Drew A. Boyce

Director of Planning



Michael H. Vincent December 3, 2018 Page 2 of 2

DAB:jcm

Enclosure

cc: Michael DuRoss, Assistant Director, Regional Systems Planning
J. Marc Coté, Assistant Director, Development Coordination
Joshua Thomas, Planning Supervisor, Regional Systems Planning
Jennifer Cinelli-Miller, Transportation Planner, Regional Systems Planning
Thomas C. Felice, Manager, Corridor Capacity Preservation Program, Development Coordination
Todd J. Sammons, Subdivision Engineer, Development Coordination
Steven M. Sisson, Sussex County Subdivision Engineer, Development Coordination
T. William Brockenbrough, Jr., County Coordinator, Development Coordination
Troy E. Brestel, Project Engineer, Development Coordination

Agency Name	: Dept. of Transportation P	roject Name: Nassau Property
Division:	Planning	Contact Person: Bill Brockenbrough

Regulations/Code Requirements

• Because the subject property fronts on Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of certain existing highways by minimizing and consolidating the number of direct high-volume, driveway access points along them. Delaware Route 1 is a controlled-access highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code.

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along Old Mill Road (Sussex Road 265A). Therefore, all site access must be developed along Old Mill Road, not on Delaware Route 1.

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. When that occurs, access on the service road may be permissible but that conversion should not expected until after the subject development is complete.

More information regarding the Corridor Capacity Preservation Program is available at https://www.deldot.gov/Publications/manuals/corr cap/index.shtml.

- The site access on Old Mill Road must be designed in accordance with DelDOT's <u>Development Coordination Manual</u>, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.
- Pursuant to Section P.3 of the <u>Manual</u>, a Pre-Submittal Meeting is required before plans are submitted for review.
- Section P.5 of the <u>Manual</u> 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.
- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate 998 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. DelDOT calculates that the 150 condominiums would generate 816 vehicle trip ends per day on weekdays and presently sees the proposed Sales Center as an accessory use, with no trip generation of its own. Regardless, the 500 vehicle trip ends per day would be exceeded, so a TIS is warranted.

Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as \$10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.

Two off-site improvements that DelDOT can readily identify without a TIS or TOA are a contribution to the DelDOT project mentioned above and improvements to Old Mill Road. The DelDOT project is the SR 1, Minos Conaway Grade Separated Intersection. It is presently scheduled for construction in Fiscal Years 2023 and 2024 with a total cost of \$32,700,000. More information on the project available at https://www.deldot.gov/information/projects/SR1MinosConaway/index.shtml. development's contribution would be proportional to its contribution to traffic in the affected area. The need for additional rights-of-way from the development has not been determined but any needed rights-of-way that would otherwise be compensable could be credited toward this contribution.

Presently, Old Mill Road has 10-foot lanes and lacks shoulders. DelDOT's standard for local roads is 11-foot lanes and 5-foot paved shoulders. At a minimum, the applicant should expect a requirement to improve Old Mill Road to meet that standard in both directions from Route 1 to the north limit of their frontage.

- Section 3.2.4.2 of the <u>Manual</u> addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Old Mill Road and Delaware Route 1. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Old Mill Road and Delaware Route 1. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Old Mill Road and 30 feet of right-of-way from the outer edge of the northbound through lanes on Delaware Route 1. 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 3.2.5.1.1 of the <u>Manual</u>, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the site entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.

- 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 Old Mill Road and Delaware Route 1. 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 3.4 of the <u>Manual</u>, a record plan shall be prepared prior to issuing "Letter of No Objection". The record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items-Record-Subdivision.pdf?09222017.
- Referring to Section 3.4.2.1 of the <u>Manual</u>, the following items, among other things, are required on the Record Plan:
 - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - o Depiction of all existing entrances within 300 feet of the proposed entrance on both roads.
 - O Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT-maintained public streets for subdivisions. Private or municipal streets should follow the City's requirements for connectivity.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility; otherwise it is at DelDOT's discretion. Because this part of the County appears to be developing rapidly, DelDOT anticipates requiring a Shared Use Path along the development frontage.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.
- Because the proposed development is to be constructed in the proximity of a road with a functional classification of principal arterial, freeway or interstate, specifically Delaware Route 1, the developer will be required to perform a noise analysis in accordance with

DelDOT's Noise Policy, found in Section 3.6 of the <u>Manual</u> and may be required to provide noise abatement for residents based on that analysis.

- In accordance with Section 3.8 of the <u>Manual</u>, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along both Old Mill Road and Delaware Route 1.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items Entrance Construction Subdivision.pdf?09222017.
- In accordance with Section 5.2.5.6 of the <u>Manual</u>, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the <u>Manual</u>, the entrance shall be designed for the largest vehicle using the entrance.
- In accordance with Section 5.2.9 of the 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 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 <u>Manual</u>, 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.
- Because the proposed development would not have State-maintained streets, Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.
- Section 7.7.2 of the <u>Manual</u> addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

Suggestions

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street or driveway with no direct access to Old Mill Road or Delaware Route 1.
- 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 as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at http://www.deldot.gov/Business/subdivisions/index.shtml.
- 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 date of December 8, 2017. The notes can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.



ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
SURVEYING

June 10, 2019

State of Delaware
Office of State Planning Coordination
Attn: Constance C. Holland, AICP
122 Martin Luther King Jr. BLVD
Haslet Armory, Third Floor
Dover, DE 19901

RECEIVED

JUN 1 4 2019

SUSSEX COUNTY
PLANNING & ZONING

RE: PLUS Review 2019-03-05; Nassau Property

Dear Constance,

Below is our point-by-point response (in bold) to the comments found within the PLUS Comment Letter dated June 21, 2018 (quoted in italics) for the above referenced project.

Strategies for State Policies and Spending

This project is located in Investment Levels 3 and 4 according to the Strategies for State Policies and Spending. 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 supportfuture growth in these areas, but please be advised that the State has other priorities for the near future. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and/or environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

The Office of State Planning cannot support development in the Level 4 area. Therefore, we ask that the applicant consider pulling the housing within the Level 4 areas and concentrate building within the Level 3 section of this parcel.

With the current application, the bulk of the area we are proposing to disturb is within Level 3. While small portions of the site are within Level 4, those same areas incorporate already developed and constructed residential lots and/or roads.

In addition, we ask that the County consider the following when reviewing this site:

This parcel is within a Corridor Capacity Preservation area which means that access to this site would be through Old Mill Road until the DelDOT capital project identified in the DelDOT comments below is completed.

Based on the amended comments provided by DelDOT within their May 10, 2019 letter, the applicant can develop a temporary rights-in/rights-out access onto Route 1. Once the service road is built, the site can gain full access to the service road.

At the PLUS meeting in March the developer noted that the applicant had submitted an application

Page 2 of 9 PLUS Review 2019-03-05; Nassau Property June 10, 2019

for this property through the Sussex County Rental Program. According to comments received from the County, the application is still under review. The Delaware State Housing Authority, below, has stated their support of this application because they believe the density would allow for affordable housing. If the County does approve this site for housing in the future, it should be recorded that these units are for affordable housing and will remain affordable in perpetuity.

The project received preliminary approval for participation in the SCRP through the execution and recordation of the Acknowledgement of Participation on May 1, 2019.

Code Requirements/Agency Permitting Requirements

Department of Transportation - Contact Bill Brockenbrough 760-2109

Regulations/Code Requirements

Because the subject property fronts on Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of certain existing highways by minimizing and consolidating the number of direct driveway access points along them. Delaware Route 1 is a controlled-access highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code.

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along Old Mill Road (Sussex Road 265A).

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. Once the service road is built, the site can gain full access to the service road. Prior to the completion of the service road, the applicant can develop a temporary rights-in/rights-out access on Route 1 for a development generating a maximum of 200 vehicle trips per day, according to the Institute of Transportation Engineers' Trip Generation Manual. If the developer wishes to develop the property further before the service road is complete, the additional development would need a separate driveway on Old Mill Road, with no interconnection to that first 200-trip phase until the service road is complete. (revised per DelDOT letter dated May 10, 2019)

The Applicant/ Developer agrees and is willing to work with DelDOT in efforts of obtaining the safest and appropriate entrance in both the short and long term of the project.

More information regarding the Corridor Capacity Preservation Program is available at https://www.deldot.gov/Publications/manuals/corrcap/index.shtml.

Per Section 2.2.2.1 of the DelDOT Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate 998 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. DelDOT calculates that the 168 condominiums would generate 914 vehicle trip ends per day on weekdays and presently sees the proposed Sales Center as an accessory use, with no trip generation of its own. Regardless, the 500-vehicle trip ends per day would be exceeded, so a TIS is warranted.



Page 3 of 9 PLUS Review 2019-03-05; Nassau Property June 10, 2019

The traffic analysis history of this project requires some explanation. For a previous application for this property, DelDOT had mistakenly calculated the traffic generation for 150 single family detached houses which equated to 1,687 trips per day from the Service Level Evaluation Request. This was revised in a DelDOT supplement to its original PLUS comments by letter in June 2018. For the current project, the Applicant originally estimated the development would generate 998 trips per day including traffic generated by the sales office. DelDOT's Level of Service Evaluation, however, confirms the generated trips per day to be lower at 914. This reduction in the trips per day is a result of DelDOT calculating the Sales Office as an Accessory Use to the apartments as opposed to an individual use. The Applicant/ Developer understands the requirement for traffic impact study and will defer to Sussex County and DelDOT on whether the Area Wide Study Fee in lieu is more appropriate in this case with the proposed improvements for this section of Route 1.

Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as \$10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process. Refer to the next bulleted comment regarding the requirement of a TOA.

As previously stated the Applicant/ Developer is amicable to the decision of Sussex County and DelDOT with regards to the Area-Wide Study Fee in Lieu and understand that this does not exempt them from the responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.

Two off-site improvements that DelDOT can readily identify without a TIS or TOA are a contribution to the DelDOT project mentioned above and improvements to Old Mill Road. The DelDOT project is the SR 1, Minos Conaway Grade Separated Intersection. It is presently scheduled for construction in Fiscal Years 2023 and 2024 with a total cost of \$32,700,000. More information on the project is available at https://www.deldot.gov/information/projects/SR1MinosConaway/index.shtml. This development's contribution would be proportional to its contribution to traffic in the affected area. The need for additional rights-of-way from the development has not been determined but any needed rights-of-way that would otherwise be compensable could be credited toward this contribution.

The Applicant/Developer acknowledges that improvements will be required to Old Mill Road and understands that proportional contribution will be required and also the possible need for DelDOT to require additional rights-of-way as part of their Minos Conaway Grade Separated Intersection project.

Section 2.3.2 of the Development Coordination Manual addresses the circumstances in which DelDOT may require a Traffic Operational Analysis (TOA). In the attached letter dated December 3, 2018, concerning the previous rezoning and conditional use applications for this site, DelDOT said that if the County approved those applications DelDOT would require that a TOA be performed prior to granting entrance approval. While the scope of that TOA has not been determined, it would examine the site entrance on Route 1 and crossovers and intersections to the north and south of the entrance where significant numbers of site-generated trips would make left-turns or U-turns. Based on the TOA results, DelDOT may require interim improvements at the intersection of Delaware Route 1 and Old Mill Road and other locations analyzed therein. DelDOT's December 2018 letter applies to this new application as



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well. (revised per DelDOT letter dated May 10, 2019)

The scope of the TOA will be determined as part of the plan review process with DelDOT and the Applicant/Developer understands that interim improvements may be required along Route 1 as a result of the TOA.

Section 3.5.4.2 of the Manual address's requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility; otherwise it is at DelDOT's discretion. Because this part of the County appears to be developing rapidly, DelDOT anticipates requiring a Shared Use Path along the development frontage. Due to the SR 1, Minos Conaway Grade Separated Intersection, cited above, DelDOT may require the path only along the site's Old Mill Road frontage if it finds there is a significant possibility of a path built along SR 1 being taken by the DelDOT project. The Applicant/Developer is aware of DelDOT's policy on sidewalks and shared use paths and will coordinate the locations as required during the approval process with DelDOT.

Suggestions

Please refer to DelDOT's May 2018 PLUS comments (copy attached).

The additional comments from the May 2018 PLUS letter are focused toward the requirements for Plan submissions which will be referred to at such time.

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's dates of March 21, 2019 and March 25, 2019. The notes can be found at https://www.deldot.gov/Business/subdivisions/
The latest notes from DelDOT will be included for all plan submissions to DelDOT.

Department of Natural Resources and Environmental Control - Contact Michael Tholstrup 735-3352
The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

No comments were presented as part of this PLUS review. However, the Applicant / Developer intends to fully comply with all DNREC requirements as the application progresses.

State Historic Preservation Office - Contact Carlton Hall 736-7404

There are no known archaeological sites or known National Register-listed or eligible properties on the parcel.

No response required.

If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

If any remains are discovered at the time of construction the Applicant/Developer shall contact the appropriate agencies.

If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or



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historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

It is not anticipated that Federal involvement will be required on this project, however, if required the Applicant/Developer shall comply with Section 106 of the National Historic Preservation Act.

Delaware State Fire Marshall's Office - Contact Duane Fox 259-7037

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1000 gpm for I-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing oncenters.
 The proposed water distribution system and fire hydrant locations will be designed to meet these requirements.
- Where a water distribution system is proposed for /multi-family dwelling sites, the
 infrastructure for fire protection water shall be provided, including the size of water mains for
 fire hydrants and sprinkler systems.
 The pipe sizing for water mains, fire hydrants and sprinkler systems will be included on the
 water distribution plans prior to approval for construction.

Fire Protection Features:

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
 - All the structures over 10,000 Sq. Ft. will have automatic sprinkler systems installed.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
 - The apartment buildings will have automatic sprinkler systems 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
 Fire Lane markings will be installed as required.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
 - The Fire Department Connection locations and details will be included on submissions to the Fire Marshal.
- Show Fire Lanes and Sign Detail as shown in DSFPR
 Fire Lanes and Sign Details will be included on submissions to the Fire Marshal.

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 Coastal Highway and
the access road from Old Mill Road must be constructed so fire department apparatus may
negotiate it.



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All subdivision access will be designed and constructed to allow fire department apparatus access.

- 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.
 - The site is designed to allow fire apparatus to locate within 100 ft. of the front doors of all buildings.
- Any dead-end road more than 300 feet in length shall be provided with a tum-around or culde-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 tum-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
 No dead-end roads of more than 300 feet are proposed.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
 - The use of speed bumps or other methods of speed control are not anticipated but if they are included at a later date they will be in accordance with DelDOT.
- 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.
 The operation and design of the automatic gate systems will be included in the Fire Marshal
 submission.

Gas Piping and System Information:

Provide type of fuel proposed and show locations of bulk containers on plan.
 All utilities will be installed underground with no bulk containers on site.

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)
- 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
 All of the above notes will be included on the appropriate plans at the time of submission.

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



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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 the suggestions can benefit the project.

<u>Department of Transportation – Contact Bill Brockenbrough 760-2109</u> *Please refer to DelDOT's May 2018 PLUS comments (copy attached).*

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 25, 2019. The notes can be found at

https://www.deldot.gov/Business/subdivisions/

The above recommendations from DelDOT will be included on future plan submissions to DelDOT.

Delaware State Fire Marshall's Office - Contact Duane Fox 259-7037

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. The Applicant/Developer will have a preliminary meeting with Fire Protection Specialists prior to final design and submission.

State Housing Authority - Contact Karen Horton 739-4263

DSHA strongly supports the partial rezoning of 15 acres on the comer of Coastal Highway and Old Mill Road from AR-1 (Agriculture-Residential) to HR (Medium Residential) to develop 168 units via the Sussex County Rental Program. This would provide housing affordable to county residents who work in the 'Coastal Area' as defined by the County's 2018 Comprehensive Plan. The need for more affordable housing options in this area of the County is acute and well documented. In addition, this site is located within a DSHA-defined 'Area of Opportunity', which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help household succeed. Since these same areas contain little affordable housing, the County incorporated their intent to expand affordable housing opportunities within 'Areas of Opportunity' into their 2018 Comprehensive Plan.

The Developer acknowledges and concurs with the DSHA's comments regarding this project.

DSHA takes this opportunity to note our concern that this is the second time the Nassau Property is going through the development review process - adding time and money to providing a more affordable housing product in an area where it is desperately needed. Sussex County Planning and Zoning Commission denied the initial proposal in December because it was not "in character with the surrounding use of single-family homes". DSHA documented our concern of applying additional criteria, including 'similar to the surrounding uses', only to densities associated with a more affordable housing product in the September 20, 2018 PLUS letter, and in a November 15, 2018 letter to the County Administrator. We continue to be discouraged with the application of the criteria of being 'in character with the surrounding use', which in this area is single-family homes for the resort market. These criteria will be used to deny much-needed affordable housing proposals - as it did already for the Nassau Property proposal in December.



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Considering the site's Coastal Highway close proximity to Five Points in Lewes and location within an 'Area of Opportunity' providing resources and benefits conducive to positive life outcomes, this is an excellent location for a more affordable housing product such as the Nassau Proposal. As a result, we recommend that Sussex County embrace the opportunity to approve this proposal permitting residents to live close to their jobs and gain access to the resources and benefits this area provides.

Sussex County - Contact Rob Davis 855-7820

The parcels are not within the boundary of the Sussex County Unified Sanitary Sewer District and annexation into the sewer district is required. Connection to the sewer system is mandatory. Sewer service has not been extended to the parcels. The County does not have a schedule to extend service to the proposed projects. It will be the developer's responsibility to construct off-site infrastructure to obtain sewer service. A Sewer System Concept Evaluation (SSCE) must be requested to define a connection point.

The Applicant/Developer has had preliminary discussions with Sussex County Utility Planning to ensure that annexation into the Northern Planning Area is possible and capacity is available for this project prior to making this application. As this project requires a rezoning, the Applicant/Developer will defer the filing of a Sewer System Concept Evaluation until zoning approvals are obtained.

The Sussex County Sussex County Code, <u>Chapter 110</u> requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for their parcel(s) with estimated EDUs for the project, along with payment of \$1,000.00 payable to Sussex County Council. The Utility Planning Department will review the parcels and EDUs, determine capacity, and provide the connection point and 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 as well as the Sussex County Public Works department. Public Works will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

Once the rezoning is approved the Applicant/Developer will submit a formal SSCE to the Utility Planning Department to start the sewer design.

A "Use of Existing Infrastructure Agreement" is required and must be approved prior to approval of construction plans.

The Agreement will be executed prior to approval of Construction Plans.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures. The Sussex County Engineer shall approve the connection point.

The Applicant/Developer will design and install the collection system in accordance with Sussex County which discharges to a point approved by the County Engineer.

Onetime system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

The Applicant/Developer understands that it will be responsible for all fees related to the installation and permitting of the Sanitary Sewer Collection System.



Page 9 of 9 PLUS Review 2019-03-05; Nassau Property June 10, 2019

In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed with this letter.

This letter acknowledges the application was made to SCRP. Since the date of this letter the project received preliminary approval for participation in the SCRP on March 27, 2019 through the execution and recordation of the Acknowledgement of Participation on May 1, 2019.

If you have any questions or need additional information, please feel free to contact me immediately by phone at (610) 274-8613 or by email at tschreier@HillcrestAssoc.com.

Sincerely,

Thomas Schreier, RLA Landscape Architect

Ms. Janelle Cornwell, Sussex County P&Z Director
 Nassau DE Acquisitions
 4187



NASSAU DE ACQUISITION CO., LLC

CERTIFICATE OF THE MANAGER

THE UNDERSIGNED, being the duly elected and acting manager (the "Undersigned") of Nassau DE Acquisition Co., LLC, a Delaware limited liability company (the "Company"), does hereby certify that the following preambles and resolutions have been properly and duly adopted at a meeting of the members of the Company, and such resolutions have not been rescinded, amended, or otherwise modified:

WHEREAS, the Company is the equitable owner, by virtue of two purchase and sale agreements, of those certain parcels of real property being tax parcel numbers 334-1.00-15.03 and 334-1.00-15.00, located in Lewes, Sussex County, Delaware (collectively, the "Property");

NOW THEREFORE, BE IT RESOLVED, that the members of the Company hereby approves each of Michael Scali, as manager, and Sean Allen as Authorized Signatory, to execute any and all documents in further of the developing the Property, including, without limitation, any documents relative to entering the Company and Property into the Sussex County Rental Program, in an effort to provide affordable rental housing for residents with low and moderate incomes; and

BE IT FURTHER RESOLVED, that any action heretofore taken by any members or managers of the Company in regard to the foregoing is hereby ratified and confirmed.

IN WITNESS WHEREOF, the Undersigned has executed this Certificate of the Manager this 4th day of April, 2019.

Michael J. Scali, Manager

Mark A Wright, PE 33594 Broeders Dr Lewes, DE 19958

June 18, 2019

Ms. Janelle M. Cornwell, AICP Sussex County Planning & Zoning 2 The Circle PO Box 417 Georgetown, DE 19947

RECEIVED

JUN 1 9 2019

RE: CZ 1882 - Application of Nassau DE Acquisition Co., LLC

SUSSEX COUNTY PLANNING & ZONING

Dear Ms. Cornwell,

As President of the Home Owners Association for Wright Brothers Subdivision (DBA Wright's Grant Association) I am providing input for enhancement to the developer's Proposed Conditions, which are unknown to us at this time. These enhancements are intended to ensure the safety and minimize degradation of quality of life for the residents, and protect wildlife corridors in our neighborhood.

These enhancements are proposed for your consideration and inclusion into any ordinance related to, or generated under CZ 1882.

While we strongly object to this development of 168 apartment units, it is incumbent upon us to do what we can to minimize the adverse impact and protect our health, safety, prosperity and general welfare. Please note that the developer has never contacted any adjacent property owners for input on Proposed Conditions under CZ 1882.

Wright Brothers Subdivision is located immediately adjacent, along the northeast border of the proposed development. It includes Broeders Dr, and would be greatly affected by this development.

The developer/engineer did submit conditions when they made application for this same land parcel under CZ 1860 & CU 2147. In those applications the developer proposed a minimum 20ft forested buffer, which would not provide an adequate level of separation and privacy. We propose a separation of at least 60ft to our subdivision boundary for privacy and preservation of the existing wildlife corridor.

<u>Proposed Conditions for Inclusion in the Record:</u>

 Maintain 60ft wide forested buffer along boundary with Wright Brothers Subdivision. Building and Parking Lot lighting shall be shielded so as to not shine in the direction of Wright Brothers Subdivision.

• Parking Lot lighting shall not be greater than 12ft in height, i.e., 12ft from ground to top of lamp.

 Dumpster/trash collection receptacles shall be located in front of their respectively served building, no closer than 250ft to the boundary with Wright Brothers Subdivision.

 No exterior stairwells shall be constructed on the rear, or sides, of buildings that overlook the boundary with Wright Brothers Subdivision.

 Visually Solid Stockade-style Fencing, minimum height of 8ft, shall be constructed along the entire length of the boundary with Wright Brothers Subdivision. This is needed to block the headlights of vehicles that transit and/or park behind the proposed buildings, as shown on the developer's submitted plan.

Fence segments shall be staggered, over-lapping, and offset at least 4ft, along its length to allow for unimpeded transit of wildlife through and along the length of the fence. The bottom of the fence segments shall be at least 16in above ground level. Chain-link fencing shall not be considered to be solid fencing.

 An earthen berm shall be placed along the length of the boundary of Wright Brothers Subdivision to inhibit water transport/drainage across the boundary and further block vehicle lights.

Thank you for your consideration of these Proposed Conditions. Their inclusion in the Record will go a long way towards making good neighbors.

Sincerely,

Mark A Wright, PE

CC: Kim Hoey Stevenson

Gerald and Ruth Cohen 32189 Sandpiper Dr. Lewes, DE 19958

June 19, 2019

Dear Ms. Stevenson and Wingate, and Mr. Hopkins, Mears and Wheatley:

We are writing in reference to CZ1882, which you approved with conditions late last year and is now before you again. We respectfully request that in this second round you deny this application.

My wife and I have owned our current residence for 12 years and for the last three years we have used it as our permanent home. During these dozen years, we have seen a steady increase in the volume and speed of traffic on Route 1 in both directions. When our children have visited us and we are crossing Route 1 to head south, I have told them many times in jest that this is the intersection where I expect to meet my maker. I no longer say this in jest. I believe sincerely and without reservation that this very dangerous intersection where Old Mill Road meets Route 1 will be the scene of more serious accidents, critical injuries or fatalities. You have the power and the responsibility to ensure this does not happen.

I know you have seen video of traffic on this stretch of highway. I believe it shows the challenges confronting motorists on a Sunday morning, which in my opinion understates the danger. Picture this road at morning and evening rush hours, or worse yet, on a summer weekend or holiday. Now throw into that mix the older drivers with slower reflexes who predominantly populate our neighborhood. That's our current situation, which DelDOT recognizes needs to be addressed based on the number of automobile crashes <u>already</u> recorded in this area. Now factor in the 700 to 1,500 or more additional daily trips DelDOT expects if the suggested development is built, and I think you have a devastatingly toxic mix. Of no less concern, this proposed development also will endanger the safety of those who use six other neighboring intersections

Even if we were to record video during these times of day or seasons, no video could give you a complete picture of the dangers we and our neighbors currently face several times of day — or night. If you have not personally visited this intersection and tried to enter the flow of traffic, I implore you to do so.

When I first testified before the P&Z Council last year, I frankly thought it was more than abundantly obvious that this was a ludicrous idea. I was dismayed when I learned the council had unanimously approved the project and was thankful that the County Council heeded our warnings. But now that the project is again before you, I am concerned that you either do not understand the situation, or that you believe some other reason trumps our safety.

And so I want to state very clearly that I have no doubt you will be making a very bad situation exponentially worse if you approve this development. Whatever assurances the developer has given you that traffic is not a disqualifying factor, I can assure you that approving this development is a disaster in the making. I make this assertion as a resident who regularly misgauges the opportune time to enter the flow of traffic, and 2) as someone with the responsibility to safely ferry our 5-year-old granddaughter, daughters and sons-in-law across this intersection.

Mark A Wright, PE 33594 Broeders Dr Lewes, DE 19958

June 18, 2019

Ms. Janelle M. Cornwell, AICP Sussex County Planning & Zoning 2 The Circle PO Box 417 RECEIVED

JUN 1 9 2019

SUSSEX COUNTY PLANNING & ZONING

RE: CZ 1882 - Application of Nassau DE Acquisition Co., LLC

Dear Ms. Cornwell,

Georgetown, DE 19947

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Sincerely,

Mark A Wright, PE

CC: Kim Hoey Stevenson

June 18, 2019

Planning and Zoning Commission County Administrative Office Bldg. 2 The Circle P.O. Box 417 Georgetown, DE 19947

RE: C/Z#1882 Nassau DE Acquisition Co., LLC-Thomas Schreier, Rezoning Application

Dear Mr. Wheatley, Mr. Hopkins, Ms. Stevenson, Mr. Mears, Ms. Wingate:

I am a resident on Old Mill Road and I'm writing to comment on the rezoning of Tax Parcels: 334-1.00-15.00 & 15.03 C/Z#1882 from AR-1 (Agricultural Residential to HR-1 (High Density Residential). I am requesting that Planning & Zoning deny this application.

Old Mill Road is a dead end road. My concerns are an increase in traffic with safety concerns, crime, a decrease in property values, as well as inadequate buffering, and possible environmental and stormwater problems. This rezoning constitutes "spot zoning" to benefit the applicant and to the detriment of the residents in the neighborhood. I own my home and have lived here for 18 years. This rezoning would be a massive change depleting the character of our neighborhood. We should not be penalized when there are other property's where this would be more appropriate.

The concern that I have with the applicant using Old Mill Road as their access to Route 1 is that this access point is near in proximity to where Nassau Road traffic merges onto Route 1. If you look on the attachment you can see where Nassau Road feeds into Route 1 very close to Old Mill Road. This has been a very dangerous area as it is and I am recommending no access to Old Mill Road.

It is critical not to allow the rezoning in order to maintain the safety and character of our community.

Sincerely, Heidi L. Wagner 16341 Old Mill Road Lewes, Delaware 19958

Attachment

JUN 1 8 2019
SUSSEX COUNTY
PLANNING & ZONING

June 18, 2019

County Council Commissioners County Administrative Office Bldg. 2 The Circle P.O. Box 417 Georgetown, DE 19947

RE: C/Z#1882 Nassau DE Acquisition Co., LLC-Thomas Schreier, Rezoning Application

Dear Mr. Vincent, Mr. Wilson, Mr. Burton, Mr. Hudson, Mr. Rieley:

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Heidi L. Wagner 16341 Old Mill Road Lewes, Delaware 19958

Attachment

RECEIVED

JUN 1 8 2019

SUSSEX COUNTY
PLANNING & ZONING

Nicholas and Gail Sellazzo

16713 Snipe Drive

Lewes, DE 19958

June 14, 2019

Planning and Zoning Commissioners

Georgetown, DE 19947

RE: Plus Applications 2019-03-05 and DelDot 3 April 2019 response

To Whom It May Concern

As a homeowner living in Nassau Acres. I am deeply concerned to hear the P and Z Commission is considering allowing a large apartment complex to be built on Old Mill Road.

In my opinion there are issues to be considered before allowing this to happen.

As you know the traffic volume on Route 1 has been growing at an expeditious rate every year. Summer at the beaches causes the traffic to grow to the point where it can actually be dangerous making it next to impossible to exit Old Mill Road. It is extremely difficult to go north. When going south on Route 1 you take your life into your own hands. I can't imagine the congestion with 150 more Units trying to exit this area. There could feasibly be 2 or more cars per unit which could mean 300 plus vehicles along with the traffic already exiting Old Mill RD. Del Dot estimates that 150 apartments will generate 1,500 trips daily. Sussex County recognizes the dangerous nature of this area and has already slated road improvement for 2023/2024. It is also known that Sussex County wants to stop Commercial Zoning east of Route 1. I cordially invite any of you to sit at the corner of Route 1 and Old Mill to watch the flow of traffic. While trying to cross RT 1 to Minus Conway this morning at 9:00am I sat for 10 minutes before I could safely cross.

In addition the Apartment Complex is totally out of character with AR-1 zoning and current residences in the area. This area has been rated as a level 4 area which is mostly agricultural containing agribusiness, farm complexes and small settlements. At the current time there is no infrastructure to support sewage or water supply. Residents in the area have private septic and wells.

I Implore You to Vote NO Plus Application 2019-03-05 and Del Dot 3 April response

Respectfully Submitted,

Nicholas and Gail Sellazzo

Dussex County Flanning and Zoning own 4.94 acres across from this parcel. We would never ask to increase the zoning from AR1 the current traffic let alone 168 more agartments as proposed by the applicant. The County Council president stated in December 2018 that eouldn't approve higher density for this area without a service read in Blace. The service road is planned of The applicant parcel at the Bridge is a dengirous location for higher donsity Deare don't disappoint me again With approval ... Safety must 30ming ARI, RECEIVED JUN 1 7 2019 SUSSEX COUNTY **PLANNING & ZONING**

Nicholas and Gail Sellazzo

16713 Snipe Drive

Lewes, DE 19958

June 14, 2019

Sussex County Commissioners

Georgetown, DE 19947

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As you know the traffic volume on Route 1 has been growing at an expeditious rate every year. Summer at the beaches causes the traffic to grow to the point where it can actually be dangerous making it next to impossible to exit Old Mill Road. It is extremely difficult to go north. When going south on Route 1 you take your life into your own hands. I can't imagine the congestion with 150 more Units trying to exit this area. There could feasibly be 2 or more cars per unit which could mean 300 plus vehicles along with the traffic already exiting Old Mill RD. Del Dot estimates that 150 apartments will generate 1,500 trips daily. Sussex County recognizes the dangerous nature of this area and has already slated road improvement for 2023/2024. It is also known that Sussex County wants to stop Commercial Zoning east of Route 1. I cordially invite any of you to sit at the corner of Route 1 and Old Mill to watch the flow of traffic. While trying to cross RT 1 to Minus Conway this morning at 9:00am I sat for 10 minutes before I could safely cross.

In addition the Apartment Complex is totally out of character with AR-1 zoning and current residences in the area. This area has been rated as a level 4 area which is mostly agricultural containing agribusiness, farm complexes and small settlements. At the current time there is no infrastructure to support sewage or water supply. Residents in the area have private septic and wells.

I Implore You to Vote NO Plus Application 2019-03-05 and Del Dot 3 April response

Respectfully Submitted,

Nicholas and Gail Sellazzo

SUSSEX COUNTY PLANNING & ZONING RECEIVED RECEIVED

NE: CZ 1882

JUN 12 174 SUSSEX CO PLANNING & Here we go again. High density development IN an ARI Zone on the EAST Side of RTI Old MILL ROAD (DEAD END) CAN't handle the Volume, The Service FOAD WILL NOT be completed UNTIL 2024/2025 I WAS dISAPPOINTED IN PLANNING Ex ZONINGS decision last fall regarding this development. Now they want More Appartments under HRI. This proposal does Not MAKE Sense Without the infrastructure IN Place. Three MONTHS AGO I Came to the INTErsection of old Mic & HWI to See A CAR turned upside down in the median, Another driver Chipped them coming down the NASSACE, bridge At A high rate of speed. We need to place Safety Ahead of greed by A developer who will never live here. I'm a 100% disabled American Vehran Some of the land IN CZ1882 is C4. DEL/DOT recommends this hemain AR1 So do I, Five acres of thees will be destroyed if CZ 1882 gets approved,

ROB & BRITTONY HOELLEY LANDON ROAD Lewes, De 19958 Sussex County Planning & Zoning 1) Dans 2019 RE: CZ 1882 Planning & Zoning RECEIVED Dans 2019 JUN 1 2 2019 715. Kim Hoey Stevenson, SUSSEX COUNTY In December 2018 your County Council denied this developer a change in zoning hom ARI to MRI. They wanted to build over 150 agost ments on 12,50 acres. The reasons for denial was density increases cannot be handled by Old Will Road, The service road has not been completed and won't begin intil 2012/2023 with completion in 2025, Traffic Safety at the foot of Ylassau bridge ale Now the developer wants to Change Zoning from ARI to HRI and add 168 Apartments, again the Service road Ros not been started, Old Mill Road is still a dead end road with they I as an exit. Per Del/DoT they do not recommend the C4 portion be changed from ARI. The entire communities along Old Mill Road will be impacted by unacceptable traffic backups if this zoning change gets approved Please --- no increase to Zoning. This location lan't hadle it. Rob Hoells and Buttony Hoelles

r	Dussex County Council C-1882
T C	
	Mr. Burton RECEIVED 10 June 2019
(JUN 1 2 2019
4	SUSSEX COUNTY
Tr.	PLANNING & ZONING
- 0	I'm concerned for my safety
1-27-	if this development of high density
T	agastments gets afferred, I can I drive
1	agastments gets affreved. I can't drive anymore and walk to most locations
1	in the area. I'm a 100% disabled
	american Veteras
10	Please do the sensible thing
	and deny this request until infrustructure
(improvements earl be made. Nassau
	is a dangerous area because of the
)	high speeds around the bridge, il're
C	seen many accidents in secent years.
(seen many accidents in recent years. ARI is the correct zoning for
K .	this land because Old Mil Road
4.	does not have an outlet
C	of the acreage is C4. Please
4	I'm counting on your support.
(Sincerely,
	Sincered Con-
H(John Landon Rosal
N.	32226 LANDON KOAC
r (Lewes, De
	19958
<i>y</i> -	

Dusses County Planning and Zoning RE: C/2 1882

Planning and Zoning Department,

SUSSEX COUNTY PLANNING & ZONING ilm within 200 Feet of the subject site.

Il request that this application ARI to HR-1 high density residential be denied.

Denial for the following reasons!

(1) Service Road not in place. (2) Old Mill Road (Dead End) cannot

handle increased densety

3) Old Mill Road and Hwy I lies at the foot of the Possou Bridge, Speechs
Of the bridge are not safe resulting
Din irisky manuevers to the Cross Hory I
going south, Traffic back-aps on Old
Mill Road will result in even more accidents.

(4) Some of the land in the application is C4 level and should remain

(5) Traffic Study needs to be performed, 32174 LANDON ROAD, LEWES, De

Please do not approve C/2/882, Keep the land in ARI zoning. The applicants density is off the chart-168 units, Infrastructure is not in place to address the traffic volume. our quality of life will be reduced significantly, my family has lived on cty Rd 265/
0/d Mill since the 1960's.

December 2018 for 153 cmits. Now they want to receive approval for 168 cmits. Insane is trying to repeat the same thing twice and getting a different result. You need to repeat the same blecision twice and deny this application,

Swinly, Wayne Bowden Old Mill Road, Lewer

P.S. I own 2.44 acres across from this garcel

RECEIVED

JUN 1 4 2019

SUSSEX COUNTY
PLANNING & ZONING

May 14, 2019

Kim Hoey Stevenson, Vice Chairman Sussex County Planning & Zoning PO Box 417 Georgetown, DE 19947 RECEIVED

MAY 2 4 2019

SUSSEX COUNTY PLANNING & ZONING

Dear Ms. Stevenson:

As a longtime resident of the Old Mill Road community north of Lewes, I urge you to reject PLUS Application 2019-03-05, the Hillcrest conditional use proposal that would affect several acres at the end of Old Mill from agricultural/residential to high density residential and commercial. A similar application from the same developer was rejected by Sussex County Council last year on several grounds, from the impact on aquifers and wildlife to a dramatic increase in traffic hazards along an already dangerously congested section of the Route 1 corridor.

Currently Old Mill Road accommodates five small residential developments. I haven't counted the exact number of houses. I estimate 60-70 single family homes, none of them "McMansions," all of them with somewhere between a third- and a half- acre lots. The parcel in question could easily support another development similar to those already established. The quality of the neighborhood would remain essentially the same. But the current Hillcrest proposal destroys that neighborhood character as quickly as it deforests it. Beyond character, let's get to basics: Can anyone reasonably think that constructing a 165-unit apartment complex would not raise serious questions about basic needs such as our supply of safe drinking water via aquifers and adequate drainage?

Of course, the every day/all day issue is that of traffic safety—or perhaps traffic danger is a better phrase. As you know, we are a one-way-in, one-way-out community. Old Mill is a narrow country road which begins and ends in a "T" intersection with Route 1. That intersection is dangerous. Cars accelerate coming down the north side of the Nassau Bridge as the highway speed limit increases. Vehicles—more and more of them all the time—enter Route 1 from New Road/Nassau Road about 25 yards south of Old Mill. Residents already wait minutes for gaps in northbound traffic from two sources to scoot across to the median if we are heading south. And once we get to the median, our next challenge is the merge lane from Minos Conaway Road just north of us--another disaster scenario.

I am aware that DelDOT has plans for a "Connector" project to address these conditions, but the projected timeline puts completion six years from now, 2025 at the earliest. Hillcrest's timeline for project completion is 2021. What happens in that years' long gap? How many accidents will occur during those years when residents from 165 apartments join the demolition derby we already contend with? How many fatalities? And who takes responsibility for those lives? Government's first responsibility is the safety of its citizens. You are our government.

Your decision on this application is a quality of life decision for Old Mill residents. It is quite possibly also a life and death decision for somebody or several somebodies. Please make the right decision.

Respectfully, Susan Frederick Susan Frederick

14 Cristeen Court

Lewes, DE 19958

Janelle Cornwell

From: Robin Griffith

Sent: Monday, May 6, 2019 11:25 AM

To: Michael H. Vincent; IG Burton; Doug Hudson; John Rieley; Samuel R Wilson Jr

Cc: Janelle Cornwell

Subject: FW: Contact Form: Plus Applications 2019-03-05 and DelDot 3 April 2019

From: Nicholas Sellazzo <noreply@forms.email>

Sent: Monday, May 6, 2019 11:19 AM

To: Robin Griffith <rgriffith@sussexcountyde.gov>

Subject: Contact Form: Plus Applications 2019-03-05 and DelDot 3 April 2019

Name: Nicholas Sellazzo

Email: sellazzogn@comcast.net

Phone: 3023636924

Subject: Plus Applications 2019-03-05 and DelDot 3 April 2019

Message: Nicholas and Gail Sellazzo

16713 Snipe Drive Lewes, DE 19958 May 6 2019

Robert C. Wheatley

Planning and Zoning Office Georgetown, DE 19947

RE: Plus Applications 2019-03-05 and DelDot 3 April 2019 response

Dear Ms. Cohan,

As a homeowner living in Nassau Acres. I am deeply concerned to hear the P and Z Commission is considering allowing a large apartment complex to be built on Old Mill Road.

In my opinion there are issues to be considered before allowing this to happen.

As you know the traffic volume on Route 1 has been growing at an expeditious rate every year. Summer at the beaches causes the traffic to grow to the point where it can actually be dangerous making it next to impossible to exit Old Mill Road. It is extremely difficult to go north. When going south on Route 1 you take your life into your own hands. I can't imagine the congestion with 150 more Units trying to exit this area. There could feasibly be 2 or more cars per unit which could mean 300 plus vehicles along with the traffic already exiting Old Mill RD. Del Dot estimates that 150 apartments will generate 1,500 trips daily. Sussex County recognizes the dangerous nature of this area and has already slated road improvement for 2023/2024. It is also known that Sussex County wants to stop Commercial Zoning east of Route 1. I cordially invite any of you to sit at the corner of Route 1 and Old Mill to watch the flow of traffic. While trying to cross RT 1 to Minus Conway this morning at 9:00am I sat for 10 minutes before I could safely cross.

In addition the Apartment Complex is totally out of character with AR-1 zoning and current residences in the area. This area has been rated as a level 4 area which is mostly agricultural containing agribusiness, farm complexes and small settlements. At the current time there is no infrastructure to support sewage or water supply. Residents in the area have private septic and wells.

I Implore You to Vote NO Plus Application 2019-03-05 and DelDot 3 April response

Respectfully Submitted, Nicholas and Gail Sellazzo

Janelle Cornwell

From:

Col. William Landon via Sussex County <webmaster@sussexcountyde.gov>

Sent:

Sunday, April 28, 2019 6:42 PM

To:

Janelle Cornwell

Subject:

Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Janelle Cornwell

Submitted on Sunday, April 28, 2019 - 6:42pm

Name: Col. William Landon

Email address: williamlandon@comcast.net Phone number: 302-644-0493 Subject: Proposal to develop 15 acres at HWY 1 & Old Mill Road Lewes

Message: Planning & Zoning....We need to have the service road completed before zoning upgrades can occur. Old Mill Road can't handle the increased density that Apartments will bring to this dead end road. It's not safe today to cross highway 1. Please do not approve this project until the service road is completed....2025. Thanks, Bill Landon

I am writing in regards to the proposed CZ1882 and asking you to please deny. As you may recall this is the second request for rezoning of this parcel of land. There continues to be grave consequences in granting higher density building especially with our inadequate road structure. This was clearly part of the reason for denial in December 2018.

The Old Mill Road neighborhoods are single family dwellings in a wooded setting. We are zoned AR-1. We enjoy quiet, little traffic and delights of being on wooded Sussex county properties. There are no sidewalks yet our children can safely ride their bikes, scooters and run around the streets. Our area is still on well water and we are not on county sewage. The large number of units on a High Density development will disrupt the local wildlife and runs a risk of polluting our drinking water. We have no alternative safe water supply. Old Mill Road is small. Without a massive road expansion it is not equip to handle the proposed 1,000+ trips per day that a High Density development would include.

Our major concern is the roadway. The intersection of route 1, Old Mill Rd, combined with Minos Conway and Nassau Road is a disaster. Since the Dec 2018 vote we have seen at least two major accidents at the intersection (1/29, 2/28) requiring emergency services. There is no safe way to connect a high density development to this intersection in its current state. Please deny CZ 1882 till after the connection is complete. At least, your responsibility includes a full Traffic Impact Study to understand the risks. Avoid a fatal accident!

I understand the need for Affordable Housing in Eastern Sussex area. As a primary care doctor in Lewes I care for many patients who have to travel from inland parts of the county for both medical care and work. However with the current road configuration this plot does not work! There is no infrastructure and no adequate road access. With the upcoming improvement the situation will change and an in-out turn can be created on the side road of route 1 allowing cars to safely travel both north and south.

Please deny the CZ 1882 application as the current structure is not safe.

RECEIVED

Kisa Rantels

JUN 20 2019

SUSSEX COUNTY
PLANNING & ZONING

Janelle Cornwell

From:

vbrady9981@aol.com

Sent:

Wednesday, June 26, 2019 5:05 PM

To:

Janelle Cornwell

Subject:

Re: Contact Form: CZ 1882

Ms. Cornwell,

Thank you for your reply.

Pages 105 thru 109 inclusive of Media Packet 112718 would suffice for the meeting.

Thanks in advance!

Vince Brady

----Original Message-----

From: Janelle Cornwell < janelle.cornwell@sussexcountyde.gov>

To: Vincent Brady < VBrady9981@aol.com>

Sent: Wed, Jun 26, 2019 11:26 am Subject: RE: Contact Form: CZ 1882

Mr. Brady,

The packet is available online and if you would like a specific item within the packet please let us know and we can try and have it available.

Sincerely, Janelle M. Cornwell, AICP Planning and Zoning Director 2 The Circle Georgetown DE, 19947 302-855-7878 (ph) 302-854-5079 (fax)

From: Vincent Brady <noreply@forms.email> Sent: Wednesday, June 26, 2019 11:14 AM

To: Janelle Cornwell < janelle.cornwell@sussexcountyde.gov>

Subject: Contact Form: CZ 1882

Name: Vincent Brady

Email: VBrady9981@aol.com

Phone: 3028272682 Subject: CZ 1882

Message: I would like to add Sussex County Council Public Media Packet #112718 for presentation at P&Z meeting on

6/27/2019.

Do I need to send file or can you retrieve it internally?

Thank you in advance!

JANELLE M. CORNWELL, AICP PLANNING & ZONING DIRECTOR (302) 855-7878 T (302) 854-5079 F janelle.comwell@sussexcountyde.gov



Sussex County

DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: November 20, 2018

RE: County Council Report for CZ 1860 Nassau DE Acquisitions Co., LLC, CU 2147 Nassau DE Acquisitions Co., LLC and CZ 1861 Nassau DE Acquisitions Co., LLC

The Planning and Zoning Department received applications (CZ 1860 Nassau DE Acquisitions Co., LLC, CU 2147 Nassau DE Acquisitions Co., LLC and CZ 1861 Nassau DE Acquisitions Co., LLC) to allow for a Change of Zone from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District), a Conditional Use to allow for multi-family and for a Change of Zone from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) to be located on Coastal Hwy. (Rt. 1) and Old Mill Rd. The Planning and Zoning Commission held a public hearing on October 25, 2018. The following are the draft minutes for the Conditional Use from the Planning and Zoning Commission meetings.

At the request of the applicant the Commission agreed to consolidate the next three items C/Z #1860, C/U #2147 and C/Z #1861 into one public hearing. Chairman Wheatley explained that, although the three applications will be heard together that there would ultimately be three votes, one for each application, when any action is taken by the Commission.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, site plan, staff analysis comments from the Sussex Conservation District, Sussex County Engineering Department Utility Planning Division and results from a DelDOT Service Level Elevation. A total of 53 letters were received in opposition to the application and were entered into the record.

The Commission found that Mr. John Tracey, Attorney with Young, Conaway, Stargatt and Taylor, Mr. Alan Hill and Mr. Tom Schreier with Hillcrest, and Mr. Joe Cala, representative of Nassau DE Acquisition Co., LLC were present on behalf of the applications.

Mr. Drew Boyce, Director of Planning with Delaware Transportation ("DelDOT") was also present to answer any questions the Commission may have on transportation matters. Chairman Wheatley expressed the Commission's appreciation for DelDOT's participation in the public hearing for these applications.

Mr. Tracey stated the parcel is located in the State Strategy Level 3 and Level 4 area; that the Land Use Classification per the Comprehensive Plan is in the Environmentally Sensitive Developing Area;



Page | 2

that they are proposing to create two lots; that one lot would be zoned C-2 in the front of the parcel and other parcel would be zoned MR; that proposed C-2 parcel would contain 4,700 square feet of offices; that in the rear of the property is a proposed 150 unit apartment development with five buildings along with garages and storage for the tenants; that they are proposing recreational amenities which include a clubhouse, pool with a pool house and multi-purpose courts; that the type of housing proposed as market-rate apartments; that there is an increase need for rental housing in Sussex County; that the most recent state needs assessment noted that as a result of the most recent recession there is need for rental housing and there is a shortage of rental projects; that there is an increase demand for rentals; that over 7,000 units are needed; that the Comprehensive Plan recognizes the need for housing close to commercial uses and town centers; that this approach provides diversity of housing for all; that there continues to be an increase in the demand for rental opportunities; that the developer has only moderately priced housing project (Cottagedale) and has other projects in the area; that they have encountered difficulty in finding land to use this type development; that access to water and sewer are required along with proximity to arterial or collector roads, town centers or developing areas; that this is a combination of two tax parcels; that Old Mill Road is a State maintained road; that the front 2.5 acres is proposed to be zoned C-2; that the building would be a single story and approximately 4,700 square feet in size; that the commercial area would be separate from the residential area to limit access; that the site will be a right turn in and a right turn out from Route 1; that there would be no left turn exiting the site; that there rear 12 ½ acres of the site is proposed to be zoned MR; that the buildings would be three stories in height; that the building height limit would be 42-feet; that there are to be two access points, one is from Route 1 and the other one is from Old Mill Road; that parking would meet the requirements in the Zoning Code; that the apartments would be serviced with sprinklers; that there is C-1 zoning in the area; that the nearest point of the building to the rear three buildings and the homes that are adjacent to the site are 200 to 240-feet apart; that there is a road between the buildings and there is a landscaped parcel; that there would be approximately 40-feet of open space and they would meet or exceed the forested landscape buffer requirements within the County Code; that the garages would also be located between the buildings; that traffic has been reviewed by DelDOT as part of the PLUS review process; that a Traffic Improvement Study is required or a fee in lieu, and that these requirements would not exempt them from participating in any road improvements required by DelDOT; that there is a proposed DelDOT project in the area that would impact this project; that with the new DelDOT project, they could end up with a full entrance to the site; that the project is expected to be complete by 2022; that the upgrades to Old Mill Road would meet DelDOT standards; that public water would be provided by Tidewater Utility; that the site is in the potential sewer area provided by Sussex County; that they would comply with stormwater management; that the site is in an Environmentally Sensitive Developing Area; that there is a desire to bring different and more affordable housing into the County; that the housing required indicated a need for increased density to find the necessary infrastructure; that this development is in an area where it needs to be and that it is not located in the middle of a community; that the site is up front and adjacent to commercial uses; that the developer would provide the necessary infrastructure; that all the road work would be completed first and prior to occupancy of the buildings being built; that stated they would try to keep the existing trees and have a forested landscape buffer; that Mr. Boyce stated the concept plan is for DelDOT to utilize some of the property that they own on the west side of Route 1 and to shift Route 1 over to the west and utilize the existing north bound lanes as a two way service road; that there will be a new road under the current rail bridge; that ultimately there would not have access to Route 1 and the only access would be the two way service road; that the construction would start in 2022 and would be done by 2025; that the service road would go to the south of Red Mill Pond; that Mr. Tracey stated there would be storage unit and garages at the rear of the property for tenants use only; that the traffic is existing the entrance from the site, they would have to go north on Route 1; that if the traffic would like to go south, they would

County Council Report for CZ 1860 Nassau DE Acquisitions Co., LLC, CU 2147 Nassau DE Acquisitions Co., LLC and CZ 1861 Nassau DE Acquisitions Co., LLC

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have to go out to Old Mill Road or go north and make a U-turn; that eventually there will be no direct access to Route 1; that they look to be completed in the 2022 timeframe; that the daily trips for the development falls under 2,000 average daily trips; that approximately 1,600 trips would be associated with the office use and apartment use and this would be less than 200 trips during peak hours; that the road improvements are unrelated; that they would have to contribute a portion and share construction to the DelDOT project; that they would construct some type of median to ensure a right way in and a right way out; that there would be a physical barrier to restrict the crossover to Minos Conaway Road; that there would be no lighting in the rear of the property; that they would upgrade Old Mill Road to 11-foot travel lanes and 5-foot shoulders and to upgrade the intersection; that would probably be a full-time sales center and a maintenance person or they may have on-site manager or access to one; that there would be very little school impact from the new apartments and it falls well below the single-family homes generated; that the national data shows very little impact between 19% to 21% of the school impact; that the community is proposed to be gated; and that they are still working on the PLUS response letter.

The Commission found that Mr. Todd Fisher and Mr. Mike Long spoke in favor to the application; that Mr. Fisher stated he owns the adjacent property; that there is a lot of other commercial use in the area; that there is a total of 13 parcels in the area that are zoned commercial; that with DelDOT improvements will help with the traffic; that Mr. Long stated he has no issues with the proposed project; that his land borders three sides of the site; that most of the trees are on their land; and that the proposed land to be developed is mostly farm land at present.

The Commission found that Mr. Mark Wright, Mr. Bill Landen, Mr. Jim Wright, Mr. Bill Ayrey, Mr. Erwin Villiger, Ms. Lisa Bartels, Mr. Vince Brady, Mr. Geri Cohen, Mr. George Dellinger, Keith Betts, Ms. Suzanne Hain, Mr. Ryan Hewitt, and Ms. Erin Stasi spoke in opposition to the application; Mr. Wright stated he could not get an attorney; that there is a lot of growth in the area; that the property should stay AR-1; that his family originally owned the land; that there are five AR-1 subdivisions in the area which include Nassau Acres, Hidden Oaks, Nassau Woods, The Oaks and Wrights Grant; that 68 families live in the area; that there is a lot of wildlife in the area; that this is out of character with the area and is not appropriate to the area; that he has concerns with traffic; that under-utilized rental compacity already existed and these are located close to the Rehoboth area; that Mr. Landen stated his family developed the area; that he has concerns with the trees being preserved or removed; that he has concerns with safety and traffic; that the Planning Zoning Commission denied 3.65 acre zoning on Old Mill Road in 2014 for storage units; that he has concerns with storm water management; that he has concerns with the buffer and views; that back part of the property is in investment Level 4; that Mr. Wright stated the back of the garage/storage units would only be 100feet to his house; that he has concerns with the loss of trees; that they do not need these apartments in this location; that Mr. Ayrey stated that the development would be out of character for this area; that he has concerns with traffic and safety; that Mr. Villiger stated he has concerns with the traffic; that this is out of character with the Comprehensive Plan; that this property is located in a low-density area and the coastal area; that the property is located in a State Spending Strategies Level 3 area; that this property is not similar with density to other properties in the surrounding area; that high density housing is appropriate if it is mixed-use development; that the rezoning to Medium Density Residential is not out of character with this area; that Conditional Use seeking high density should not be approved; that Ms. Bartels stated she has environmental concerns; that the children would be impacted by construction; that she questioned whether this project would have impact to wells; that there is no public transportation in the area; that this site is not walkable or accessible bicycles; that she has concerns with traffic; that she has concerns with the large parking lot and the run-off; that she has concerns with stormwater management and the loss of trees; that she has concerns with flooding; that

County Council Report for CZ 1860 Nassau DE Acquisitions Co., LLC, CU 2147 Nassau DE Acquisitions Co., LLC and CZ 1861 Nassau DE Acquisitions Co., LLC

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she has concerns with potential contaminant from construction; that she has concerns with the dumpsters and trash; that she has concerns with air quality during construction; that she has concerns about potential noise pollution; that she has concerns with the lighting; that she has concerns with the wildlife; that Mr. Brady stated he has concerns with traffic; that there is a corridor capacity preservation program; Mr. Cohen stated he has concerns with traffic; that this is an excellent recharge area; that this is in an Environmentally Sensitive Developing Area and a primary service area; that Mr. Dellinger stated this is out of character for the area; that he has concerns with traffic; that this would not create a pristine environment; that Mr. Betts stated the area is in an investment Level 4 and that this project does not fit the criteria in the Level 4 area; that this is not appropriate; that Ms. Hain stated if this is approved, she would not be able to volunteer; that Mr. Hewitt stated he has concerns for the safety of the children; that he has concerns with safety in the neighborhood; that there is no need for apartments; that Mr. Boyce stated this is part of the corridor capacity program; that currently would want to restrict access to Route 1 and have it provided by Minor Road; that access would be allowed on Service Road; that Ms. Stasi stated she has a question about subdividing the property and the conditional use process.

At the conclusion of the public hearings, the Commission discussed this application.

In reference to Change of Zone #1860 there was a motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action leaving the record open for the Developer response to the PLUS comments and leaving the record for 15 days thereafter to give public time to review and comment in writing. Motion carried 5-0.

In reference to Conditional Use #2147 there was motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action leaving the record open for the Developer response to the PLUS comments and leaving the record for 15 days thereafter to give public time to review and comment in writing. Motion carried. 5-0.

In reference to Change of Zone #1861 there was a motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action leaving the record open for the Developer response to the PLUS comments and leaving the record for 15 days thereafter to give public time to review and comment in writing. 5-0.

At their meeting on October 25, 2018, the Planning Commission discussed the application which has been deferred since October 11, 2018.

CZ 1860 - Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to close the record and defer action for further consideration. Motion carried 4-0. Mr. Hudson was absent

At their meeting on October 25, 2018, the Planning Commission discussed the application which has been deferred since October 11, 2018.

CU 2147 - Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to close the record and defer action for further consideration. Motion carried 4-0. Mr. Hudson was absent

At their meeting on October 25, 2018, the Planning Commission discussed the application which has been deferred since October 11, 2018.

CZ 1861 - Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to close the record and defer action for further consideration. Motion carried 4-0. Mr. Hudson was absent

PLANNING & ZONING

JANELLE M. CORNWELL, AICP DIRECTOR

> (302) 855-7878 T (302) 854-5079 F



Sussex County

DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: October 18, 2018

RE: Staff Analysis for CU 2147 Nassau DE Acquisitions Co., LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2147 Nassau DE Acquisitions Co., LLC to be reviewed during the October 25, 2018 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for a portion of parcel 334-1.00-15.00 and all of parcel 334-1.00-15.03 to allow for multi-family to be located on Coastal Hwy. (Rt. 1) and Old Mill Rd. The size of the property is 12.5 ac. +/-.

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map indicates that the properties have the land use designation Environmentally Sensitive Developing Area.

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Area. The Environmentally Sensitive Developing Areas land use designation recognizes that a range of housing types should be permitted including single-family, townhouses and multi-family and that variety of office and retail uses would be appropriate in many areas and that business and industrial parks with good road access would be appropriate. It also recognizes that mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

The property is zoned AR-1 (Agricultural Residential District). The proposed zoning (CZ 1860) is MR (Medium-Density Residential District). The properties to the north and south are zoned C-1 (General Commercial District) and AR-1 (Agricultural Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District) and MR (Medium-Density Residential District). The properties to the west are AR-1 (Agricultural Residential District) and MR-RPC (Medium-Density Residential District - Residential Planned Community). There are no known Conditional Use in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow from multi-family could be considered consistent with the land use, area zoning and uses; however, the density could be considered inconsistent with the density of the surrounding uses.



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TO: Jamie Whitehouse, Planning and Zoning Manager

FROM: William Ruffing and Edith Gangi

DATE: July 15, 2019

REF: C/Z 1882 Nassau DE Acquisition

RECEIVED

JUL 1 5 2019

SUSSEX COUNTY PLANNING & ZONING Dear Jamie,

We are writing you to express our concerns against changing the current zoning from AR-1 & C-2 to HR-1 in the area of Rt. 1 and Old Mill Road in Lewes. As owners/residents of 3 Roberts Road (off Old Mill Rd.), we are extremely concerned regarding the lack of safety that will result if this change is implemented. Many residents of the community, especially the elderly, will be negatively affected. In the event of an emergency, responding vehicles need to be able to access, without delay, all areas of the community located on or off of Old Mill Road (which is a dead end community...1 way in & out through a narrow road). This project and the increased vehicle traffic could hinder emergency responders and lead to a tragedy when every minute counts.

Second, the count of the number of vehicle trips/day that was submitted, is highly understated and not a realistic number. This data is faulty. Invalid data should not be used to determine the rezoning of this already highly dense community.

Finally, the "noble" premise of offering affordable housing units within a development such as this has been over-used throughout this country. It is a way to influence township leaders to change zoning regulations, which in the long run only benefits the developers financially, as they can qualify for subsidized loans, tax breaks, etc. which in the long run, is <u>not</u> in the public's best interest.

Allowing these zoning changes to be implemented **before** the DelDot proposed modifications are completed and tested, is premature and unnecessary. Please consider disallowing these zoning changes at the current time.

Thank you for your time and consideration regarding this matter.

sincerely,

Will & Edith - 3 Roberts Road

Mark Wright 33594 Broeders Dr Lewes, DE 19958

I am speaking in response the C/Z application 1882.

I live off Old Mill Rd, and am concerned about my family's safety and the adverse affects this re-zoning would have on our daily lives.

In their PLUS response, DelDOT refers to Old Mill Rd as a secondary road, which residents of the proposed 168-unit complex would use to access Rt 1. This represents a 300% increase in traffic on Old Mill.

Old Mill Road's current function is more like an Access road as defined in DelDOT Standards & Regulations. In reality it is just a driveway, without shoulders, for use by permanent local residents.

In their PLUS Response, DelDOT states the developer should expect a requirement to improve Old Mill Road to meet current construction standards, from Rt 1 to the north limit of their frontage. DelDOT does not expand on the extent of these requirements.

DelDOT refers to a road profile, from its Coordination Manual. But it's not clear if this new road profile is to extend all the way from Rt 1 to the north limit of the development frontage.

There are questions the Commission should pose to DelDOT.

Are there specific plans for improving the entrance onto Old Mill Rd from Rt 1?

We believe:

- The Deceleration Lane for Right Turns off Rt 1 onto Old Mill Rd needs to be lengthened. Unfortunately, this same lane is also the Acceleration Lane for traffic exiting Nassau and New Roads, onto Rt 1.
- An Acceleration Lane for traffic turning right from Rt 1 onto Old Mill needs to be added.
- A separate Right Turn Lane on Old Mill onto Rt 1 needs to be added; and be of sufficient length to reduce backups on Old Mill onto Rt 1

Opposition Exhibit

CZ/888

 There needs to be an Acceleration Lane on Northbound Rt 1 for Right Turning traffic out of Old Mill Rd. There currently is no way to accelerate and safely merge into northbound traffic.

The overall width of Old Mill Rd at this intersection would need to be at least 4 lanes wide, plus shoulders.

What are the Entrance Plans for traffic from Old Mill into the complex and vice versa?

- A separate Left Turn Lane, from Old Mill into the complex will be required. The Left Turn Lane, into the complex, should accommodate 18-Wheel Transport, Emergency Vehicles, School Buses, etc.
- Will there be an additional lane for existing residential throughtraffic, or a Bypass Lane?
- Diversion islands to inhibit Left Turns out of the complex should be installed to keep traffic out of adjacent residential neighborhoods.

The width of Old Mill at the complex entrance would need to be at least 3 lanes wide, plus the required bicycle lane and shoulders.

What is the final proposed width of Old Mill Road?

What effect will the road improvements have on adjacent property owners?

Two Commercial properties, a furniture store and an apartment house, on the northwest side of Old Mill will be adversely impacted by any roadwork. Both structures would be made further non-compliant with reduced setbacks and loss of parking.

Without any of the improvements I just mentioned, DelDOT already calls for increasing road width to 22ft and adding 5ft wide paved shoulders. The addition of required road drainage ditches would result in excavations right up to and possibly through the show room of the existing furniture store and the front door of the existing apartment house.

Another Old Mill Rd residence is located directly across from the proposed entrance to the complex. These homeowners will be adversely affected. Old Mill Road will have to be widened at the complex entrance. This will result in the removal of their trees and loss of their front yard.

Every vehicle exiting the complex would be shining its headlights directly into their house. The safety of their grandchildren, who play in the front yard, will be put at risk.

What compensatory measures are planned for these homeowners?

<u>During all of the proposed roadwork, what is the detour plan for residents of Old Mill Rd to get to and from Rt 1?</u>

Old Mill Road is a dead-end road; there is no other exit. Per DelDOT we would not even be able to exit through the complex's Rt 1 access. Our daily traffic volume alone exceeds the allowed 200 vehicle trip ends per day.

Is DelDOT going to close the Rt 1 crossover at Old Mill Rd?

Will we now have to drive north on Rt 1 to find an open crossover to perform a U-turn to go south? Every crossover from Old Mill Rd to beyond Cave Neck Rd will be crowded with motorists trying to head south for work or shopping. This would put us right into the middle of heavy southbound traffic and motorists trying to get out of Cave Neck Rd and the Overbrook developments. Vehicle slowing and stacking will occur in the left lane of northbound Rt 1 at every remaining crossover.

We ask the Commission to deny or defer the developer's zoning request until DelDOT can provide more detail on the required improvements to Old Mill Rd and its intersection with Rt 1.

This proposed complex should not be constructed in whole or part until DelDOT's Minos Conaway/SR1 Grade Separation Project is complete.

Counter to DelDOT's Vision and Goals, they would be adversely affecting the safety and lives of current and future residents of Old Mill Rd by endorsing its use for 168 new residential households.

TO: Planning & Zoning Commission, Sussex County, Delaware

FR: Erwin and Andree Villiger 16375 Old Mill Rd. Lewes, DE 19958

Subject: Public Comments on Application: C/Z #1882

My wife and I ask that you reject C/Z #1882. The fundamental issues I will speak to are as follows:

- 1. This request does not conform to the existing comprehensive plan approved by the County Council in December 2019.
- 2. This intended use is not in keeping with other residential activities in the area.
- 3. The impact on water resources and traffic in the area has not been evaluated.

Not in keeping with the 2018 Comprehensive Plan

As a starting point, I find it interesting that this Atlantic Coast region has been renamed from an "Environmentally Sensitive Development Area" to a "Coastal Area". It doesn't quite convey the same level of concern we should have when evaluating development here. In the current plan, these parcels fall into the Coastal Area, a designated Growth Area. High density developments in this area are supported with the following conditions: water and sewer availability, near commercial uses, within Level 1 and Level 2 Strategy for State Spending, and with a similar surrounding density. Only one of these criteria are currently met (near commercial use). Money can change the water/sewer criteria but not the others. These parcels fall into a Level-3, low priority zone for State Funding, high density development in the Level-3 zone are principally encouraged as part of Mixed-Use developments. From the Comprehensive Plan I quote:

"The lands in Investment Level 3 areas are those in the long-term growth plans of counties or municipalities where development is NOT necessary to accommodate expected population growth"

Furthermore:

"this designation also suggests that special scrutiny should be applied to spending decisions and development proposals within these areas to ensure these activities are consistent with State and local development and preservation policies."

Not in Keeping with Surrounding Residential Communities

Goal 4.4 of the Comprehensive Plan: Minimize the adverse impacts of new development on existing development. The first objective under that Goal, "Ensure that new development complements the character of the existing surrounding communities". All the housing in the vicinity is low to medium density. High density housing has typically been a part of mixed-use developments like Five-Points. This is appropriate. It ensures that the appropriate infrastructure is in place to support the approved development. Piece meal development is why we have and need comprehensive planning. It is why this committee exists. To ensure that developments like this proposed one do not occur.



Let me emphasize that this is according to the Comprehensive Plan just adopted. You just defined these conditions. I encourage you to stick to them.

Environmental

All applicants for developments of a minimum size with the Coastal Areas must prepare an environmental assessment. These parcels fall into an area that has been identified as an "excellent recharge area", for fresh ground-water resources. They are proposing to pave over 8 acres of it and to cut down 5 acres of forest, which, I might add are deemed a critical landcover in recharge areas.

Re-Zoning of the Land

We have a zoning process for a reason. The zoning process designates specific landuses for a number of purposes including the safety of our citizens, environmental protection, efficient infrastructure, and yes, development. We have a Comprehensive Plan for a reason. To guide us in long-term smart growth and to not engage in ad hoc development that ends up with a mish-mash of land-use. This is a deliberative process and any decision to change a community into a high-density residential area should be engaged in deliberately and not arbitrarily. It should not be performed through ad hoc rezoning. There is a place for this kind of development. This is not the place.

Once that land is designated as high density it will be used to justify further high-density development in the immediate area. This fundamentally impacts the character of the community. It will impact the land values of existing home owners, and effectively halt any further low or medium residential development in the vicinity.

Infrastructure

In DelDot's letter to the County Council Dated December 3, 2018, this property falls within the Departments Corridor Capacity Reservation Program which seeks to limit direct high-volume access to Rt. 1. It states:

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. All site access must be developed along Old Mill Road, not Rt. 1.

In the update dated April 3rd, 2019 it references the DelDot capital project due in 2023/24 and suggests limiting the development to one that only has 200 trips per day, permitting direct access to Rt. 1, anything larger, exclusive access should be through Old Mill Rd.

I am fairly certain we would not be standing here right now if this petition was seeking a zoning change in keeping with the community. I am fairly certain that if any of YOU lived on Old Mill Road, you would be sitting in this room with us. You are elected to this Commission as our representatives to ensure that development does not conflict with the interests of the community.

The petitioners have the right to request a rezoning of this land. The rezoning to medium density is not out of character for the area or the Comprehensive Plan. If they want to build here, let them build something that is in keeping with the surrounding density, the surrounding community.

Thank you for your consideration. Our next speaker is Vince Brady.

P&Z Presentation June 27, 2019

Good Evening, my name is Vince Brady and I reside at 32116 Oak Drive, Lewes, DE

We believe that this rezoning petition must rate as one of the worst ever presented to P&Z on so many different levels. It relies on the mere promises of others, would only benefit the petitioners and make losers out of the citizens of Delaware and residents of Sussex County. It would endanger the motoring public, as well as disrupt the perceptions and business models of Sussex County as a retirement haven and resort community. In short, all downsides, no upside!

Eastern Sussex County relies on the perception and business model of being both a retirement haven and a resort community. Retirees expect the concept and motto of "Lower Slower Delaware". They no longer wish to participate in the rat race, see overcrowding in our communities, and wait in traffic congestion. If they perceive potential threats to their way of life in their golden years, they will simply chose to relocate out-of-state.

As a resort community, people visit and vacation here to relax and unwind. They too want the same things as the retirees except for a shorter vacation duration. If we remove the factors that make a vacation both mentally and physically enjoyable, they will just go to another out of state resort. In either case, Sussex County loses business.

This petition, high density apartments, located on a main highway into the retirement and resort communities instantly reminds potential retirees and vacationers of what they are hoping to escape and avoid. The high density apartments simply do not create a good first impression, and more so if they have the appearance of subsidized public housing now or in the future due to merevokable "perpetual zoning" of the communities instantly reminds potential retirees and vacationers of what they are hoping to escape and avoid. The high density apartments simply do not create a good first impression, and more so if they have the appearance of subsidized public housing now or in the future due to provide the communities instantly reminds potential retirees and vacationers of what they are hoping to escape and avoid. The high density apartments simply do not create a good first impression, and more so if they have the appearance of subsidized public housing now or in the future due to provide the communities instantly reminds potential retirees and vacationers of what they are hoping to escape and avoid.

While the State Housing Authority supports this petition, we feel they are not being transparent and forthcoming. An example, they cite "supportive infrastructure that could help families succeed." The developer makes no provisions for family activities, in fact the swimming pool shown in the previous petition has been removed, no playground equipment area has been

CZ 1880

QUALIFY UI DER ADD ACT,

set aside and designated as such. Instead the play area may be the "attractive nuisance" of the stormwater management basin. This basin is out of line-of -sight from all the apartment buildings, near a highway and this combination should easily be considered a child predators dream come true.

Another example, of "supportive infrastructure" could be required public transportation. DART may be required to establish a public bus stop at the Route 1 entrance. Dart buses would then decelerate in a Route 1 acceleration zone, pickup/discharge, then merge back into traffic every 20 to 30 minutes year-round. Since it is a public bus stop, we may reasonable expect people drop-offs on the opposite southbound RT 1shoulder, with people jaywalking or jay-running across the highway to the bus stop. Of course, DelDot could install a signaled crosswalk across Route 1, or install an elevated pedestrian bridge, but the ADA act may require a second bus stop on the southbound Route 1. Of course, without the service roads, these bus stops would be in direct conflict with purposes of the State Corridor Capacity Preservation Program.

This committee should be aware that this zoning application is highly dependent on the completion of the SR1/Minos Conaway Grade Separated Intersection. Although scheduled for completion in Fall of 2025, this Committee should remember that no one present in this room or even in Sussex County government has any authority over this state project. The project can be delayed, canceled, or modified in scope at will by State authority due to any variety of factors at any time. It would be foolish and irresponsible to grant this petition or any portion of the petition without the necessary infrastructure being in place and dedicated.

After the last medium density zoning denial, Sussex County Council issued a Public/Media Packet #112718. In this summation, on page 109, last paragraph, states, and I quote, "the density could be considered inconsistent with the density of the surrounding uses." end quote. Again this referred to medium density, so high density should be out of the question.

While I've discussed the poor planning of this petition and the resulting cascade of some of the difficult problems it creates, let's discuss good planning.

MIS

Deny the petition, let the C2 and AR1 zoning stand for single family homes. This will complete our collective communities appearance with approximately 12 or less similar residences and match our current density profile. As a result, our loved Old Mill Road remains untouched and the current residents will wait out the Route 1 improvements. No new problems or legal motions are introduced to the county or state. Since their petition is merely a PROPOSED rezoning, there is no harm, no foul especially since the petitioners were aware of the existing zoning and previous zoning denials before filing. Therefore we urge you to to deny this petition.

WILL ROCERS, THE HUMORIST ONCE SAID IF YOU FIND YOURSELL IN A I HOLE, THE FHEST YOU SHOULD STOP DIG 61NG.

June 21, 20 7

Planning and Zoning Office

Attention; Ms. Janelle Cornwell, Director

2 The Circle

P.O. Box 417

Georgetown, DE 19947

Dear Ms. Cornwell,

RECEIVED

JUN 2 5 2019

SUSSEX COUNTY PLANNING & ZONING

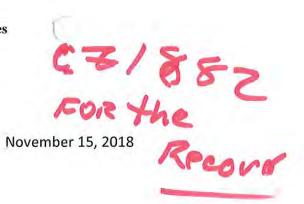
My name is Michael A. Carta and I live at 2 Roberts Road in Lewes, De. 19958.

We have lived at this address since September of 1997. We have a peaceful Neighborhood. Old mill Road deadends into the Townsend farm. All houses are neatly kept With one exception. P & Z and the County Council approved a zoning change for a property Located on Old Mill Road which allows a Veterinarian in our total residential area. It bad enough That she won over the County Council for approval. There were over 80 members of our Neighborhood who totally voted against such a business to work in a residental envirement. But this did not sway the Council. Even worse is the fact the property looks like an eye sore. None of her yard has been maintained properly and it is in total disarray.

The purpose in my writing this letter to you is that my wife and I are strongly against Petition CZ 1882 being approved for the following reasons:

- 1. We are against low cost apartments being built so close to our neighborhood
- 2. We cannot have the traffic from these apartments comin in an out on Old Mill Road.
- We have a major problem just for our neighborhood people to cross over Route one. The only thing that helps some what is lights at five points androute 16.
 Waiting for a break in traffic speeding at 55 to 65 miles.
- 4. It could take anywhere from 5 minutes to 25 minutes to get across safely.
- Now if we have anywhere from fifty to hundred more cars coming onto Old Mill Road at any one time it would be a disaster.
- This property could be used for a much better purpose and traffic should Be directed towards route one and not OLD MILL ROAD.
- 7. I think it's a sin for developers to even think about this project at this location.
- My wife and I sincerely pray that P& Z and the County Council will reject This proposal,

Sincerely, Ellen Carta Missing a Carta Old Mill Road Communities George Dellinger 32250 Sandpiper Drive Lewes, DE 19958



Janelle M. Cornwell, AICP Planning and Zoning Director 2 The Circle Georgetown DE, 19947

RE: Old Mill Road Communities Comments of the Hillcrest, LLC Response to PLUS Review 2018-05-10; Nassau Property

Ms. Cornwell,

Attached is the Old Mill Road Communities' comments concerning the response by Hillcrest Associates, LLC, to the PLUS Review. The Hillcrest Response is to the PLUS Comment Letter filed by the Office of State Planning Coordination (OSPC) of the State of Delaware on June 21, 2018 regarding the Conditional Applications (CU 2147, CZ 1860 and 1861) currently under consideration by the Sussex County Council and Planning and Zoning (P&Z) Commission.

For clarity, our response is organized by PLUS item, with each of the 29 items listed in a separate section. For each, we provided the OSPC 's PLUS comment and Hillcrest's response. Each of these is followed by our comments.

We received the Hillcrest response on November 7, 2018. Our goal in formulating our response was to make our comments articulate and succinct, with minimum duplication. Toward that end, here are three key points to draw from the attachment to this letter:

- A comprehensive Traffic Impact Study is essential and recommended by DelDOT. The
 Old Mill Minos Conaway Devon Intersections and Left Turn Lane auxiliary extensions
 cannot be brought into today's capacity and safety standards, no matter what is done. It
 would be negligent to increase the safety risk of the general traveling public by
 increasing the traffic to intersections that are knowingly under designed.
- 2. Impact to our **Soil and Water**. This application would destroy agricultural and forested acreage, replacing it with impervious surfaces, thus creating rain water runoff issues and jeopardizing the potability of our private wells.
- 3. This is in the AR-1 zoning area that is next to the Great Marsh. These applications are out of character with our communities and quality of life.

Should you have any questions, please contact me by phone at 202-250-4550 or by email at goodellinger@gmail.com.

Thank you,

George Dellinger

George Delhinger

Old Mill Road Communities Coordinator

JUN 2 4 2019

SUSSEX COUNTY
PLANNING & ZONING

OPPOSITION EXHIBIT

Old Mill Road Response to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 1: Strategies for State Policies and Spending

PLUS Review Item:

This project is located in Investment Levels 3 and 4 according to the Strategies for State Policies and Spending. 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. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved. We encourage you to design the site with respect for the environmental features which are present on the site which in your case is forested area which is the area located in Level 4 of our strategies.

Hillcrest Response:

With the current application, the bulk of the area we are proposing to disturb is within Level 3. While small portions of the site are within Level 4, those same areas incorporate already developed and constructed residential lots and/or roads. It is our intention to preserve as much of the existing vegetation as possible. However, because the project fronts onto Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the State's Department Corridor Capacity Preservation Program. Current DelDOT regulations require that if a property has reasonable alternative access to a secondary road, no primary direct access will be permitted to Route 1. Therefore, with our frontage onto Old Mill Road we are required to provide access onto the secondary Road. It is the Applicant / Developers full intention, if the development proceeds, to supply and install landscaping that meets and exceeds the requirements set forth within the Sussex County Code, including but not limited to Forested and/or Landscaped Buffer Strip.

Old Mill Road Communities Comments

In 2004 and in 2014 the County Council set a precedence for the Old Mill Road communities by retaining AR 1 zoning and denying large-scale commercial encroachment. For the very same reasons that CU 1556 and CU 1998 were denied, CU 2147, CZ 1860, CZ 1861 warrant denial. These applications are out of character with existing communities, would destroy agricultural and forested acreage, would create stormwater runoff and potability of our private wells, and negatively impact our quality of life. In addition, these applications would triple the traffic volume at the already dangerous Old Mill Road – Route 1 intersection and create a public safety hazard.

Details of County Council precedents in preserving AR 1 zoning in our district.

- In 2014 Sussex County Council unanimously disapproved CU 1998, an application to repurpose 3.6 acre parcel (adjoining the Hillcrest parcel) on Old Mill Road. Reasons for disapproval:
 - a. Out of character with adjoining Old Mill Road communities and facing residences.
 - b. The quality of life of all residents would be disrupted and negatively changed, forever.
 - c. Acknowledged that the 26 trips per day generated by the proposed Storage Facility would create an unacceptable traffic risk at the Old Mill Road Route 1 intersection. (Note that the current application is projected (by DelDOT) to add over 1,600 trips per

Old Mill Roar' Response to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 1: Strategies for State Policies and Spending

day to that intersection. Adding that traffic volume to this dangerous intersection will endanger lives.

- ➤ In 2004 Sussex County Council disapproved CU 1556 (a 12-unit Apartment Complex on Old Mill Road). Reasons for denial:
 - a. Out of character with adjoining Old Mill Road communities and facing residences
 - b. Resulting traffic and congestion on Old Mill Road
 - c. Potential jeopardy to water quality and sewage

The rationale and precedents are in the record. We ask the Council to be consistent and entrench their legacy by honoring AR 1 purpose, principals, and precedents. Deny these applications and encourage the applicant to repurpose their strategy, apply for, and create an AR 1 community in these parcels and join us as neighbors.

Old Mill Roa' Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 2: Code Requirements/Agency Permitting Requirements Department of Transportation - Contact Bill Brockenbrough 760-2109

PLUS Review Item:

Because the subject property fronts on Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the Department's Corridor Capacity Preservation Program.

The main goal of the Program is to maintain the capacity of certain existing highways by minimizing and consolidating the number of direct high-volume, driveway access points along them. Delaware Route 1 is a controlled-access highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code.

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along Old Mill Road (Sussex Road 265A). Therefore, all site access must be developed along Old Mill Road, not on Delaware Route 1.

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. When that occurs, access on the service road may be permissible but that conversion should not expected until after the subject development is complete.

More information regarding the Corridor Capacity Preservation Program is available at https://www.deldot.gov/Publications/manuals/corr-cap/index.shtml.

Hillcrest Response:

The Applicant/ Developer understands the main goal of the Departments Corridor Capacity Preservation program. With the imminent construction of a service road as part of the Minos Conaway capital project, and through further discussions with DelDOT at our pre-submittal meeting, a right in and right out entrance along Route 1 was deemed to be appropriate for this project in anticipation of the larger capital project when a full movement entrance can be converted. Additionally, the entrance along Delaware Route 1 will be required to be designed to protect against illegal turning movements due to no channelization improvements being proposed at the Minos Conaway Crossover of SR 1. The Applicant/ Developer agrees and is willing to work with DelDOT in efforts of obtaining the safest and appropriate entrance in both the short and long term of the project.

Old Mill Road Communities Comments

The applicant agrees to "...work with DelDOT in efforts of obtaining the safest and appropriate entrance...." However, there is no viable DelDOT alternative to provide safe entry and exit to the applicant's projected traffic volume.

Bottom Line: Short of installing signaling at Old Mill Road or Minos Conaway Road intersections, there is no DelDOT alternative that can safely accommodate the applicant's projected trip volume. Therefore, we ask that applications CU 2147, CZ 1860 and CU1861 be denied and ask that the applicant be encouraged to re-purpose his aspirations by designing and applying for an AR 1 compliant community, and join the Old Mill Road communities as a neighbor.

Redesigning the Old Mill Road – Route 1 Intersection is not a viable strategy. Old Mill is a Route 1 bottle neck at the base of the downward sloping Nassau bridge with traffic accelerating to highway speed and Nassau Road / New Road traffic merging less than 100 yards to our south. This is a High Risk Intersection that does not provide safe entry / exit alternatives for projected traffic.

Old Mill Road Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 2: Code Requirements/Agency Permitting Requirements Department of Transportation - Contact Bill Brockenbrough 760-2109

The Right In / Right Out entry / exit strategy is not a viable strategy. This would yield a cross-weave conundrum of "U" Turn back-and-forth looping of traffic that would span Old Mill Road, Minos Conaway Road, Devon Road, Nassau Road (north), Nassau Road (south), Tulip Road, and 5 Points. (See our Comments to Item 6 (TIS) for further explanation.)

Providing Requested Direct Access to Route 1 is not a viable strategy. Old Mill – Minos Conaway – Devon Roads are in close proximity and function as a composite integrated Route 1 intersection. Adding an additional entry point directly opposite Minos Conway and less than 100 yards from Old Mill will compound the confusion, distraction, and entry / exit risks for apartment traffic, local Old Mill and Minos Conaway traffic, and SR1 north and southbound through traffic. (See our Comments to Item 6 (TIS) for further explanation.)

Extending the Length of Route 1 Left Turn Auxiliary Lanes is not a viable strategy. The existing left turn lanes are already undersized and cannot be lengthened due to the close proximity of the respective intersections. These turn lanes and the intersections cannot be brought into today's capacity and safety standards no matter what is done. It would be negligent to increase the safety risk of the general traveling public by increasing the traffic to intersections that are knowingly under designed. (See our Comments to Items 19 and 20 for further explanation.)

In Summary:

The official state mission statement for the DelDOT Corridor Capacity Preservation Program is to "maintain ability of SR1 to handle traffic safely and efficiently, minimize impacts of increased economic development growth, preserve ability to make future improvements, prevent the need to build an entirely new road, and sort local and through traffic".

We call attention to the phrase "maintain ability of SR1 to handle traffic safely and efficiently." The confluence of the following factors affect vehicles entering/exiting Old Mill Road:

- Traffic entering Old Mill Road from Northbound SR1:
 - Nassau Road traffic merges and accelerates from 25 mph to 55 mph onto SR1 through a traffic yield sign within 300 feet of entrance onto Old Mill Road.
 - 2. SR1 traffic using right turn lane onto Old Mill Road must simultaneously decelerate and merge with item 1 above.
 - 3. Simultaneously, with item 1 and 2 above, northbound traffic from the Nassau Bridge enters an acceleration zone from 45 mph to 55 mph, again within 300 feet of entrance onto Old Mill Road.
 - Commercial traffic turn-ins and exit from parking lot of Tyndall's Casual Furniture from/to SR1 at north corner of Old Mill Road and SR1 with consideration of items 1, 2 and 3 above.
- Traffic entering Old Mill Road from Southbound SR1:
 - 1. Traffic must decelerate from SR1 to extremely short left turn lane (100 feet or less) that will not accommodate the anticipated turn traffic, especially on weekends,.

Old Mill Road Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 2: Code Requirements/Agency Permitting Requirements Department of Transportation - Contact Bill Brockenbrough 760-2109

- 2. Vehicles, such as tractor trailers, box trucks, cars towing boats, when making this left turn may randomly bring Southbound traffic on SR1 to a complete standstill, negating the ability of the Capacity Preservation Program to "sort local and through traffic".
- Traffic exiting Old Mill Road onto Southbound SR1:
 - Traffic must cross over SR1 northbound lanes to median while avoiding and tracking items 1, 2 and 3 under "Traffic entering Old Mill Road from Northbound SR1," then item 1 under "Traffic entering Southbound SR1," THEN track traffic and turn left onto SR1 southbound lanes, merging from standstill into 55 mph traffic.
 - 2. SR1 median crossovers have a typical width of approximately 25/30 feet. These crossovers will not accommodate large box trucks and tractor trailers "waiting in median" for a traffic opening onto SR1 traffic southbound. Such large traffic attempting this maneuver could block SR1 lanes.

Old Mill Road residents recognize that these factors have created a risky intersection. Accidents have been avoided, largely because Old Mill Road is a light duty road and our 65 households have adapted entry / exit driving strategies that mitigate these risks.

Funded state road/traffic improvements affecting these factors are not scheduled to be completed until year 2025 and are subject to review and change at any time by the State of Delaware.

This proposed apartment complex is in direct conflict with the DelDOT Corridor Capacity Preservation Program and should not be approved.

Old Mill Road Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 3: The site access on Old Mill Road must be designed in accordance with DelDOT's Development Coordination Manual

PLUS Review Item:

The site access on Old Mill Road must be designed in accordance with DelDOT's Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdi visions/index.shtml?dc =changes.

Hillcrest Response:

The applicant/ Developer intends to fully comply with DelDOT's Development Coordination Manual in regard to the entrance onto Old Mill Road.

Old Mill Road Communities Comments

Compliance with DelDOT manuals is the starting point for planning and providing site access to Old Mill Road. It is not the endpoint. We ask that the County require the applicant to address each of the following subjects, which are vital to maintaining traffic flow, avoid blocking traffic, and minimizing congestion on Old Mill:

- 1. No indication of internal overflow parking for apartment complex special events or activities to prevent parking along shoulders of proposed Old Mill Road improvement.
- Signage and enforcement needed to prevent any parking, including disabled vehicles, along shoulders of proposed Old Mill Road improvement.
- 3. Prevent Old Mill parking to avoid complex exit congestion, with walking shortcuts to buildings.
- 4. The renderings show no internal apartment complex turnarounds for Tractor Trailers/Box Trucks/Utility Trailers typically used by commercial movers and do-it-yourselfers.
- Tractor Trailers/Box Trucks/Utility Trailers must make difficult right hand turns within the complex to service buildings and, especially, to exit the complex. This type vehicle require wide turning radius.
- 6. Complete lack of internal apartment complex snow removal/plowing dump areas to permit traffic flow during snow periods.
- 7. Proposed water retention basin along SR1 does not meet any current DNREC stormwater requirements and risks flooding SR1.
- Traffic gates at apartment complex entrance/exit (or other entry/exit traffic control strategies) are required to prevent outbound apartment complex traffic from blocking indigenous Old Mill traffic from passing safely and proceeding to the Route 1 intersection without delay.
- Create visual and noise barriers that shield the Satchell residence located at 16501 Old Mill
 Road. Their residence is located directly opposite the apartment complex access point to
 Old Mill Road.

Old Mill Road Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 3: The site access on Old Mill Road must be designed in accordance with DelDOT's Development Coordination Manual

The projected additional 1,600+ daily trips per day will radically disrupt privacy and quality of life of the Old Mill neighbors, from headlights shining into their windows, to motor noise disturbing their sleep.

We ask that Sussex County Planning and Zoning and the Council be proactive in solving this disruption by denying these applications.

Old Mill Roar Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 4: Section p.3 - Pre-Submittal Meeting is required

PLUS Review Item:

Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review.

Hillcrest Response:

A pre-submittal meeting was held with DelDOT on September 17, 2018.

Old Mill Road Communities Comments

Final submittal has not been made. The developer is not clear on their intent. Is it a 55+ community, market-rate rentals, affordable housing, or condos, etc.?

Old Mill Road Tesponse to Hillcrest Response to OSPC | nments CU 2147, CZ 1860, CZ 1861

Item 5: Section P.5 – addresses fees that are assessed for the review of development proposals.

PLUS Review Item:

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.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Old Mill Road Tesponse to Hillcrest Response to OSPC nments CU 2147, CZ 1860, CZ 1861

Item 6: Sections 2.2.2.1 & 2.2.2.2 – Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour

PLUS Review Item:

Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate 998 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. DelDOT calculates that the 150 condominiums would generate 816 vehicle trip ends per day on weekdays and presently sees the proposed Sales Center as an accessory use, with no trip generation of its own. Regardless, the 500-vehicle trip ends per day would be exceeded, so a TIS is warranted.

Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as \$10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.

Two off-site improvements that DelDOT can readily identify without a TIS or TOA are a contribution to the DelDOT project mentioned above and improvements to Old Mill Road. The DelDOT project is the SR 1, Minos Conaway Grade Separated Intersection. It is presently scheduled for construction in Fiscal Years 2023 and 2024 with a total cost of \$32,700,000. More information on the project is available at

https://www.deldot.gov/information/project/SR1MinosConaway/index. html. This development's contribution would be proportional to its contribution to traffic in the affected area. The need for additional rights-of-way from the development has not been determined but any needed rights-of-way that would otherwise be compensable could be credited toward this contribution.

Presently, Old Mill Road has 10-foot lanes and lacks shoulders. DelDOT's standard for local roads is 11-foot lanes and 5-foot paved shoulders. At a minimum, the applicant should expect a requirement to improve Old Mill Road to meet that standard in both directions from Route 1 to the north limit of their frontage.

Hillcrest Response:

The Applicant/ Developer is amicable to the decision of the governing bodies and understands that the Area Wide Study Fee in Lieu does not exempt them from the responsibility to make off site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process. At the pre-submittal meeting, a right in and right out entrance along Route 1 was approved as an interim step until the above referenced project is completed and a full movement entrance can be converted. Additionally, the entrance along behavior Route 1 will be required to be designed to protect against illegal turning movements due to no channelization improvements being proposed at the Minos Conaway Crossover of SR.1. The Applicant/ Developer agrees and is willing to work with DelDO1 in efforts of obtaining the safest and appropriate entrance in both the short and long term of the project. Furthermore, the Applicant/ Developer understands that they will be required to improve Old Mill Road to meet current DelDO1 standard, in both directions from the northern property boundary to the intersection of Route 1.

Old Mill Road Communities Comments

Traffic Impact Study is required.

Added trips from apartments will triple the number of trips by Old Mill Road residents. Per DelDOT: 700 trips per day by Old Mill Road residents (plus) 1,600+ apartment compound trips per day = 2,300 trips per day total traffic.

Old Mill Roar esponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 6: Sections 2.2.2.1 & 2.2.2.2 – Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour

- > A traffic study is necessary as vehicle counts per day will exceed the DelDOT 2,300 trips per day TIS threshold.
- ➤ Bottom Line: The Old Mill Road Route 1 intersection is dangerous as is. Tripling the number of trips (due to apartment traffic) will cause congestion, add delay time for entering Route 1, and will make this already dangerous intersection, lethal.

Right In / Right Out Viability

A Traffic Generation Diagram will document that projected additional trips cannot safely be accommodated regardless of whether all Apartment Complex traffic is routed solely via Old Mill Road, or whether DelDOT grants the applicant permission for one, two, or three additional new entrances directly onto Route 1.

The safety issue comes down to the composite traffic, congestion, and driving risk experience at the contiguous Old Mill / Minos Conaway - Route 1 intersection. NOTE:

- ➤ The Old Mill Road Route 1 intersection is risky with current trips. The accident rate at this intersection is low only because of current low number of trips (700 per day) and driving skills of our drivers. Permitting an additional 1,600+ trips per day would be negligent.
- > Tyndall's furniture store driveway adjoins Old Mill Road and adds trips, congestion, and risk to this intersection.
- The Minos Conaway intersection is directly opposite the proposed apartment complex. Minos Conaway north bound traffic turns left at the median facing the apartment complex. This will add to driving risks if DelDOT grants the applicant Route 1 access
- The Right In / Right Out traffic flow (recommended by the applicant) would create a rats-nest of traffic risks and driving challenges to all users of the continuous intersection and to Route 1 through traffic
- Right In / Right Out Traffic Flow viability:
 - 100 percent of the trips exiting Old Mill Road will go north.
 - The Route 1 entry from Old Mill is notoriously challenging with 700 trips per day.
 - With apartment traffic added, this intersection will experience 2,300 trips per day and become a public safety hazard.
 - 95 percent of these trips will require "U" turns to go south on Route 1 or west via Minos Conaway
 - The "U" turns will performed at Minos Conaway or ¼ mile further north at Devon Road
 - 2,300 Old Mill departing trips will yield 2,185 "U" turns.
 - Merging left among Route 1 north-bound traffic will require driving agility
 - DelDOT will need to lengthen Minos Conaway and Devon Road auxiliary "U" turn lanes to avoid "U" turn traffic queues from congesting north-bound Route 1 traffic.

Old Mill Road Tesponse to Hillcrest Response to OSPC nments CU 2147, CZ 1860, CZ 1861

- Item 6: Sections 2.2.2.1 & 2.2.2.2 Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour
 - The 2,185 "U" turn trips will multiply south bound Route 1 traffic and add to Route 1 entry congestion and challenge for Minos Conaway traffic entering Route 1 (going south).
 - Minos Conaway trips with northern destinations will need to do "U" turns at the Nassau Road (north) or Nassau Road (south) or the Tulip Road.
 - All three entry roads are notoriously dangerous.
 - DelDOT will need to lengthen "U" turn auxiliary lanes at all three intersections to avoid U turn traffic queues from congesting south-bound Route 1 traffic.
 - Traffic, congestion, and accident risks will not be reduced if DelDOT grants the applicant direct access to Route 1
 - The close proximity of Old Mill, Minos Conaway, and the proposed Apartment entry yields one complicated, contiguous intersection.
 - Wait time at Old Mill might be reduced, but merging with north-bound traffic and longer queuing at "U" turn intersections will be more complex.
 - Bottom Line:
 - Right In / Right Out is not viable.
 - Adding 1,600 trips to this complex intersection is not viable.

Old Mill Roay "esponse to Hillcrest Response to OSPC | nments CU 2147, CZ 1860, CZ 1861

Item 7: Section 3.2.4.2 - Placement of right-of-way monuments

PLUS Review Item:

Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Old Mill Road and Delaware Route 1. Monuments sufficient to reestablish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.

Hillcrest Response:

The Applicant/ Developer agrees to install monuments sufficient to re-establish the permanent rights-of-way along Old Mill Road and Delaware Route 1 within the limits of the property boundary.

Old Mill Road Communities Comments

Old Mill Road Pesponse to Hillcrest Response to OSPC nments CU 2147, CZ 1860, CZ 1861

Item 8: Section 3.2.5 – DelDOT will require dedication of right-of-way along the site's frontage on Old Mill Road and Delaware Route 1.

PLUS Review Item:

As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Old Mill Road and Delaware Route 1. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Old Mill Road and 30 feet of right-of-way from the outer edge of the northbound through lanes on Delaware Route 1. 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."

Hillcrest Response:

Noted

Old Mill Road Communities Comments

Developer appears to be obligated to provide 60 ft total right-of-way for 408 ft. This is the length of their parcel frontage on Old Mill Rd. There are six other property owners between their parcel and SR1.

No mention is made of how developer will acquire the required 60 ft right of way from those six property owners.

Old Mill Road Tesponse to Hillcrest Response to OSPC nments CU 2147, CZ 1860, CZ 1861

Section 3.2.5.1.1 - if this development is proposing a neighborhood Item 9: sign/structure, then a permanent easement shall be established at the site entrance

PLUS Review Item:

In accordance with Section 3.2.5.1.1 of the Manual, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the site entrance. The easement shall be located outside of any existing and/or proposed right-of- way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.

Hillcrest Response:

Noted

Old Mill Road Communities Comments

- Lighted signage on Old Mill Rd would be totally out of character with the rural nature of this AR 1 district and would be offensive to our neighborhoods.
- In addition, any lighted signage would invade the privacy of the Satchell residence located at 16501 Old Mill Road. Their residence is located directly opposite the apartment complex access point to Old Mill Road. Each of the projected 1,600+ daily trips will disrupt their privacy and quality of life. Lighted signage, headlights in their windows, motor and turning noise are all untenable.

Old Mill Road esponse to Hillcrest Response to OSPC nments CU 2147, CZ 1860, CZ 1861

Item 10: Section 3.2.5.1.2 -establishment of a 15-foot wide permanent easement across the property frontage on Old Mill Road and Delaware Route 1.

PLUS Review Item:

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 Old Mill Road and Delaware Route 1. 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."

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Note: Related to PLUS Item # 22 (DelDOT Manual Chapters 5.1.4, 2.2.2.1, 3.2.5, 3.2.3.1.2, and 3.5.4.2)

This, and related DelDOT items, will likely require relocation of Electrical, Comcast and other utility lines. All utilities are currently installed on the north side of Old Mill Road. The placement of which is both subterranean and on poles.

Related Requirements:

- PLUS item 6: Widen Old Mill Road (DelDOT 2.2.2.1)
- PLUS Item 8: Provide a minimum 30-foot easement from centerline of Old Mill Road right-of-way (DelDOT Manual 3.2.5)
- PLUS Item 14: Build sidewalks on Old Mill Road (DelDOT Manual 3.5.4.2)

Old Mill Road Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 11: Section 3.4 – a record plan shall be prepared prior to issuing "Letter of No Objection"

PLUS Review Item:

In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing "Letter of No Objection". The record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website at https://www.deldo t.gov/Business/subdivision/pdfs/Critical-Item-Record- Subdivision.pdf?09222017.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Old Mill Road Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 12: Section 3.4.2.1 - Items required on the Record Plan

PLUS Review Item:

Referring to Section 3.4.2.1 of the 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.
- Depiction of all existing entrances within 300 feet of the proposed entrance on both roads.
- Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

The applicant's response of "Noted" is not an adequate response.

Upgrades to Old Mill Road must include provision of a Bypass Lane or Left Turn Lane at the complex entrance onto Old Mill Road.

Without an entrance directly onto Route 1, all trips will enter and exit the complex via a single connection onto Old Mill Road. Apartment trips will be Right Out and Left In only. DelDOT 5.2.9.2 and (provided below) require that a bypass lane or a left turn lane be provided at entrance to a high-density complex to permit through traffic to bypass left-turning vehicles stopped on the travel lane while waiting to enter.

- Per DelDOT 5.2.9.-a Bypass or Left Turn Lanes are warranted at unsignalized Intersections.
- Provisions for Bypass or Left Turn Lane are not shown on the applicant's exhibit.
- The applicant is accountable for providing this.
- Old Mill Road is a dead end street with no provided turn around locations.

DelDOT 5.2.9: Subdivision and Commercial Entrance Design Guidelines – Auxiliary Lanes

When turning movements are introduced to a roadway, speed differentials between turning vehicles and through traffic are created. These differentials have a detrimental effect on both crash potential and level of service. Auxiliary lanes provide an area for turning traffic to be separated from the through lanes in an effort to improve safety and capacity of the roadway. Auxiliary lanes include right-turn lanes, left-turn lanes, bypass lanes, and crossovers.

5.2.9.2 Bypass Lane

A bypass lane is a paved shoulder that permits through traffic to bypass a left-turning vehicle which is stopped on the travel lane. They are intended to reduce delay and expedite the movement of through traffic at T- intersections.

An intersection shall first be considered for a bypass lane using the warrants in accordance with Figure 5.2.9.2-a of this section. Projects shall demonstrate compliance by completing DelDOT's Auxiliary Lane Worksheet. Bypass lanes shall be designed in accordance with Chapter 5.2.9.2-b.

Old Mill Roa Pesponse to Hillcrest Response to OSPC mments CU 2147, CZ 1860, CZ 1861

Item 12: Section 3.4.2.1 - Items required on the Record Plan

A five foot shoulder shall be provided on the outside of the bypass lane to accommodate bicycles.

5.2.9.3 Left-Turn Lane

When it is determined that a project shall generate sufficient number of left-turns to warrant the construction of an auxiliary lane to accommodate left-turns, it shall be the responsibility of the developer to construct an auxiliary lane, (such as a left-turn lane or other traffic storage facility as directed by DelDOT), at the locations designated by DelDOT.

Old Mill Road Pesponse to Hillcrest Response to OSPC | nments CU 2147, CZ 1860, CZ 1861

Item 13: Section 3.5 - DeIDOT's requirements with regard to connectivity.

PLUS Review Item:

Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT-maintained public streets for subdivisions. Private or municipal streets should follow the City's requirements for connectivity.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

The developer's response to this Item is not adequate or appropriate. Without thoughtful documentation, analysis, planning, and investment the connection from apartment complex driveway to State Road 265A (i.e., Old Mill Road) will be untenable for all.

Rather than the benign response, a proactive applicant should have requested a two-part Traffic Impact Study (TIS):

- > TIS Part 1: Will document overarching Route 1 traffic patterns from 5 Points on the south to the contiguous Old Mill Minos Conaway Devon Road intersection on the north.
 - The Old Mill Minos Conaway Devon Road junction functions as a single contiguous Route 1 intersection and needs to be studied as a unit. Overlapping entry, exit, and "U" turn patterns interweave. The composite intersection is not capable of absorbing the applicant's projected traffic volume regardless of whether conventional two-way Route 1 access is continued or whether the Right In/Right Out strategy is adopted. And, a new Route 1 connection at the applicant's parcel would further complicate traffic safety. TIS will provide needed facts.
- > TIS Part 2: Will document projected traffic patterns and queuing, internally, throughout the length of Old Mill Road and its connections:
 - (A) Document internal Old Mill traffic queuing and congestion.

Current typical wait time to enter Route 1 from Old Mill is 30-60 seconds in the winter and 1-3 minutes during tourist season. At the median, wait time to merge onto Route 1 South can be equally as long. TIS can extrapolate this pattern and calculate impact and internal Old Mill queuing with the projected trip volume.

We expect TIS to document that projected cumulative outbound delays will ripple down the Old Mill and cause long queues of cars waiting their turn. The queues will back up within the apartment complex and extend down the entire length of Old Mill.

TIS documentation is proactive. Mitigation strategies like road widening or auxiliary lanes may be crucial to this connection and can be implemented in advance. Or, TIS might conclude that projected traffic cannot be accommodated.

(B) Document traffic control strategies at the Connection to Old Mill Road.

Old Mill Road Pesponse to Hillcrest Response to OSPC | nments CU 2147, CZ 1860, CZ 1861

Item 13: Section 3.5 - DelDOT's requirements with regard to connectivity.

The apartment complex connection is located closer to Route 1 than all Old Mill residences. Without traffic flow control strategies to promote shared-access, unbounded apartment traffic may block Old Mill drivers from proceeding past the apartment connection point. Disputes will occur. Fender-benders will result. This is not desirable.

TIS is needed internal to Old Mill to assess and plan for traffic impact of apartment complex traffic on indigenous traffic. Mitigation strategies (like gates that raise and lower with each vehicle) may be needed to promote shared access to Old Mill Road by both apartment dwellers and indigenous drivers.

Conclusion: TIS is required, not optional.

Connectivity to State Roads is the subject of DelDOT Chapter 3.5.1. The purpose of this DelDOT chapter is to plan connectivity so that vehicular, bicycle and pedestrian connections are used more effectively to encourage safe and efficient circulation and access for motor vehicles, bicycles, pedestrians, and transit.

Old Mill Road is State Road 265A. The proposed apartment complex will connect to Old Mill. Therefore compliance with Chapter 3.5.1 is required, not optional.

A proactive developer should have asked for a TIS to get the data needed analyze patterns, risks, and requirements and then proactively devise needed solutions. The CZ 1860 applicant merely stated "Noted" for this Item. Therefore, on his and our behalf, we request that the described 2 Part TIS be funded and performed.

Old Mill Road Sponse to Hillcrest Response to OSPC aments CU 2147, CZ 1860, CZ 1861

Item 14: Section 3.5.4.2 - Requirements for shared-use paths and sidewalks

PLUS Review Item:

Section 3.5.4.2 of the Manual address's requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility; otherwise it is at DelDOT's discretion. Because this part of the County appears to be developing rapidly, DelDOT anticipates requiring a Shared Use Path along the development frontage.

Hillcrest Response:

The Applicant/ Developer understands the requirements for a shared-use path and sidewalks. However, through further discussion with DelDOT, a shared-use path and sidewalk will not be required along Delaware Route 1 but will be required along Old Mill Road.

Old Mill Road Communities Comments

This would only be applicable to the 408 ft parcel frontage on Old Mill Rd. Shared-use paths and sidewalks cannot be extended to SR1 without approval of at least four other landowners.

Old Mill Road Desponse to Hillcrest Response to OSPC | nments CU 2147, CZ 1860, CZ 1861

Item 15: Section 3.5.5 - Existing and proposed transit stops, as required

PLUS Review Item:

Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.

Hillcrest Response:

The Applicant/ Developer agrees to propose a transit stop if required by DelDOT.

Old Mill Road Communities Comments

Section 3.5.5.2 relates to Residential Developments. In particular Transit and School Bus Stop Location. It was obvious from the P&Z meeting the developer had not considered School Buses. At the October 25, 2018 public hearing before the P&Z, the developer noted that they had made no contingencies to accommodate school buses accessing the development. As stated in the following requirements this should have been done 30 days prior to hearing.

The requirements are as follows:

- A. School and Transit Bus Stop Requirements All subdivision and residential site development proposals involving more than 50 dwelling units shall be required to designate and reserve locations for transit and school bus stop accommodations within and/or adjacent to the proposed development, as directed by DelDOT or DTC. If these accommodations are adjacent to the proposed development, pedestrian connections may be required, taking the most practical direct route.
- **B.** School Bus Stop Locations

The following specifies school bus stop locating procedures:

- 1. The developer shall notify the local public school district of the location, character and layout of the proposed subdivision or residential site development as early as possible in the plan development process, but in any case, by registered mail no later than 30 days prior to the date of the public meeting at which such proposal will be considered for approval. The purpose of this notification is to offer the local public school district the opportunity to provide input and direction with respect to the most appropriate and serviceable location for school bus stops within the proposed development. If available, the applicant/ developer shall use a School District Notification Form provided by the local jurisdiction developed for this purpose.
- 2. The local public school district shall have 30 days to provide commentary to both the applicant/developer and to the local jurisdiction with respect to school bus stop provisions. Such commentary shall describe preferred locations of bus stops within and adjoining the proposed development site. Should the local school district choose not to respond within the prescribed period, the development proposal may proceed through the review and approval process.

Old Mill Road Pesponse to Hillcrest Response to OSPC nments CU 2147, CZ 1860, CZ 1861

Item 16: Section 3.6 - Perform a noise analysis

PLUS Review Item:

Because the proposed development is to be constructed in the proximity of a road with a functional classification of principal arterial, freeway or interstate, specifically Delaware Route 1, the developer will be required to perform a noise analysis in accordance with DelDOT's Noise Policy, found in Section 3.6 of the Manual and may be required to provide noise abatement for residents based on that analysis.

Hillcrest Response:

The Applicant/ Developer agrees with preparing a noise analysis in accordance with DelDOT's Noise Policy.

Old Mill Road Communities Comments

The applicant's response is not sufficient. The noise analysis is DelDOT centric and inward looking and limited to the analysis of Route 1 highway noise audible to apartment dwellers.

There are two other noise concerns that require acknowledgement. Our neighborhoods are quiet ... all the time.

- Noise generated by traffic exiting and entering the complex at the Old Mill Road connection.
 - The additional 1,600+ trips per day entering and exiting via Old Mill Road adds motor noise.
 - This will impact adjoining Old Mill residences and especially the Satchell residence located at 16501 Old Mill Road. Their residence is located directly opposite the apartment complex access point to Old Mill Road.
 - Require that the entry and exit to the apartment complex be designed with traffic smoothing strategies that solve this disruption.
- 2) Apartment dweller activities generate noise that is audible to adjoining residences.
 - Apartment dweller activities (conversations at open windows, parties, celebrations, disagreements) without abatement will disrupt our environment.
 - Require that the apartment complex be designed to provide sound and visual barriers.
 Respect the quiet and privacy of our communities.

Old Mill Road Pesponse to Hillcrest Response to OSPC nments CU 2147, CZ 1860, CZ 1861

Item 17: Section 3.8 – Stormwater facilities

PLUS Review Item:

In accordance with Section 3.8 of the Manual, stormwater facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right- of-way along both Old Mill Road and Delaware Route 1.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Applicant's response to Item 17 ("Noted") is inadequate. The application creates water quality, mosquito infestation, health, and quality of life risks to Old Mill residents. The applicant's "Noted" response reflects disregard for the safety, health, and welfare of Old Mill residents.

The developer's "Noted" response disregards significant water retention, drainage, easement, bioswale, and filtering risks. The development would create uncontrolled water runoff and pollution risks on all four sides. These risk flooding of roads and homes, health risks, mosquito infestation, and private well water-quality, aquifercontamination.

Here's Why: Per plan the 12+ acres will be clear-cut, vegetation removed, and the high-porous (healthy) Agricultural AR 1 field and forest will be eliminated. This will be replaced by buildings, play grounds, and driveways that have impervious surface area that will cause uncontrolled water runoff and pollution. Our water aquiferrequires water retention, perking, and filtering. This will be jeopardized by a large development footprint that eliminates 12+ healthy porous acres and creates 12+ acres of impervious surface and uncontrolled water and pollution runoff.

The applicant's plan will create drainage, flooding, water filtering, and water-flow impacts on all four perimeters:

- On the west: The repurposing will create risks with DelDOT drainage on Route 1 as currently designed and as planned, when the 2-lane connector road is built.
- 2. On the north: The repurposing will flush runoff into adjoining properties.
- 3. On the east: The repurposing will flush runoff into all the homes on Broeders Lane, and risks creating a driving hazard, mosquito infestation, and jeopardizes water quality and potability of all private wells for the homes on Broeders Lane.
- 4. On the south: Due to the existing downward slope of the applicant's wooded parcel, any newly cleared development will flush runoff onto Old Mill Road and across to all homes nearby on Old Mill Road. This will create a traffic hazard, mosquito infestation, and jeopardizes water quality and potablity of all adjacent private wells.

Note that in March, 2018, DelDOT re-trenched and deepened the culvert/ditch on the north side of Old Mill Road to abate Old Mill flooding. This area is already at risk, pre-development.

Water Quality

Water quality tests document that our private well water is potable and safe. Permitting a

Old Mill Pad Pasponse to Hillcrest Response to OSPA (ments CU 2147, CZ 1860, CZ 1861

Item 17: Section 3.8 - Stormwater facilities

development where once there were fields and forest will jeopardize the aquifer for private wells of adjoin Old Mill residences.

A proficient aquifer requires land, trees, and vegetation to perk and filter water runoff. At the 25 October 2018 Planning & Zoning Hearing the developer's lawyer presented a plan to clear-cut the forest, cover the area with multiple buildings, parking lots, and driveways, and stated that they would maintain minimal vegetation.

The proposed stormwater management facility, shown at the hearing, is located at the far west end of the complex adjacent to Route 1, and will likely flood Route 1.

There are no eastern or southern stormwater management systems renderings to hold and safely disperse wastewater run-off in these quadrants. The impervious apartment complex surface will flood. Flooding will flow to the lower-level Old Mill Lanes and this flooding will contain uncontrolled runoff containing toxic waste from automobile, garbage, and apartment dweller residue. This will flow down our streets, be absorbed into our aquafer, and endanger our health and our lives.

Old Mill P ad Pasponse to Hillcrest Response to OS ments CU 2147, CZ 1860, CZ 1861

Item 18: Section 4.3 - Entrance plan

PLUS Review Item:

Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical- Items-Entrance-Construction- Subdivision f?09222017.

Hillcrest Response:

Noted

Old Mill Road Communities Comments

In addition to Section 4.3 critical item compliance, resolve the following as part of applying for entrance approval:

- 1) Compliance with DelDOT 5.2.9: Subdivision and Commercial Entrance Design Guidelines Auxiliary Lanes.
 - Provide Bypass Lane or Left Turn Lane at the complex connection to Old Mill Road to permit through traffic on Old Mill Road when left turning traffic must wait.
- Provide outbound road-sharing traffic control solution (like gate raise and lowering with each car) so that Old Mill resident traffic is not blocked or impeded by unmanaged streams of cars exiting the complex.

Old Mill Pad Pesponse to Hillcrest Response to OSP (ments CU 2147, CZ 1860, CZ 1861

Item 19: Section 5.2.5.6 - Separate turning template plan

PLUS Review Item:

In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

The applicant's response is inadequate. The existing roads and auxiliary service roads are not capable of safely accommodating the projected additional trips, even with modification.

Entry / Exit to/from the proposed development is a two-step sequence:

Step 1: Internal Old Mill Road Entry/Exit Connection to/from the proposed complex. This entry step has challenges. Challenges with wait time at Route 1, internal Old Mill queuing, turning radius needs of large vehicles, and road-sharing solutions.

In summary, the Old Mill Road – apartment complex connection can provide safe entry / exit if Old Mill Road is upgraded with Bypass or Left Turn Lane and becomes compliant with DeIDOT 5.2.9: Subdivision and Commercial Entrance Design Guidelines – Auxiliary Lanes.

Step 2: Entry and Exit via the Route 1 - Old Mill- Minos Conaway- Devon Roads
This intersection is dangerous at the current traffic volume (700 trips per day). With the projected traffic volume increase of an additional 1,600+ trips per day, the intersection will become a public safety hazard risking multiple deaths per year.

In our Comments to PLUS Item 6, we provided details, issues, descriptions, limitation, dangers, and metrics that document how dangerous this intersection is. We won't repeat that information, but reinforce the need to fund and perform a "Traffic Impact Study" (TIS).

"U" Turns and Auxiliary Left Turn Lanes

The current Route 1 intersection(s) and auxiliary left turn lanes at Old Mill – Minos-Conaway – and Devon roads are currently under designed per today's standards and will need to be upgraded.

Section 7.5.1 of the Highway Construction Manual indicates that the minimum suggested left turn lane length for a divided highway is 450 feet. The longest of the Old Mill – Minos Conaway – Devon Road left turn lanes is ~250 feet. None can be extended due to the close proximity of the neighboring intersections.

Signalization

Signalization at one of the Old Mill – Minos Conaway – Devon Road intersections might provide a traffic design that meets the DelDOT Manual 5.2.5.6 safe entry/exit criteria. Chapter 4C.01 of the Delaware Manual on Uniform Traffic Control Devices (MUTCD)

Old Mill Rand Pesponse to Hillcrest Response to OSPA ments CU 2147, CZ 1860, CZ 1861

Item 19: Section 5.2.5.6 - Separate turning template plan

discusses warrants for signalization of intersections. This will require studies to determine if these intersections meet criteria for signalization.

Per Section 4B.03-C, signalized intersections "reduce the frequency and severity of certain types of crashes, especially right-angle collisions." At the 25 October Planning and Zoning hearing we submitted DelDOT crash data this Route 1 highway segment. DelDOT references the extremely high percentage of right-angle crashes (described as "angle" crashed on the exhibit). This road span is noted in the safety world due to higher risk potential.

Bottom Line:

Without signalization or extensive Route 1 and related intersections and auxiliary lane upgrades, safe entry/exit for the projected traffic volume is not possible.

Old Mill Pad Pesponse to Hillcrest Response to OSP aments CU 2147, CZ 1860, CZ 1861

Item 20: Section 5.2.9 - Auxiliary Lane Worksheet

PLUS Review Item:

In accordance with Section 5.2.9 of the 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/Busines/subdivisions/index.shtml.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Route 1 Auxiliary Left Turn lane extensions are needed at Nassau Road (south), Old Mill Road, Minos Conaway Road, and Devon Road. However, extensions are not possible due to the close proximity of these intersections to each other.

In Item 6 we documented the high volume of "U turns" when entering Route 1 from Old Mill Road.

South is the destination for ~85 percent of all Old Mill trips; ~10 percent travel west via the Minos Conaway – Route 9 bypass. They exit Old Mill, cross to the Minos Conaway left turn auxiliary. The remainder of trips have northern destinations.

With Right In / Right Out traffic flow 95 percent of all trips exiting Old Mill will require "U" turns to go south on Route 1 or west via Minos Conaway. 5 percent of Old Mill trips have northern destinations.

Left Turn Auxiliary Roads at Nassau (south)- Old Mill – Minos-Conaway – and Devon roads are all currently under designed per today's standards and will need to be upgraded.

Section 7.5.1 of the HCM indicates that the minimum suggested left turn lane length for a divided highway is 450 feet. The longest of the Old Mill – Minos Conaway – Devon Road left turn lanes is ~250 feet. None can be extended due to the close proximity of the neighboring intersections.

This auxiliary left turn lane constraint limits the U Turn and Left Turn traffic handling capacity of this entire span of intersections.

Old Mill Rand Desponse to Hillcrest Response to OSP nments CU 2147, CZ 1860, CZ 1861

Item 21: Section 5.4 - Sight distance triangles are required

PLUS Review Item:

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

http://www.deldot.gov/Business/Subdivisions/index.shtml.

Hillcrest Response:

Noted

Old Mill Road Communities Comments

A significant number of existing trees will have to be removed to comply with sighting requirements.

Old Mill Pad Desponse to Hillcrest Response to OSDC nments CU 2147, CZ 1860, CZ 1861

Item 22: Section 5.14 – Existing utilities must be shown on the plan and a utility relocation plan

PLUS Review Item:

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

Hillcrest Response:

Noted

Old Mill Road Communities Comments

- ➤ Electrical, Comcast and other utility lines are located on the north side of Old Mill Road (subterranean and on poles)
- Utility lines along Old Mill Road may require relocation due to the following requirements:
 - Widen Old Mill Road (DelDOT 2.2.2.1) noted by Developer (PLUS item 6)
 - 30 foot easement from centerline of Old Mill Road right-of-way (DelDOT Manual 3.2.5)
 (PLUS Item 8)
 - 15 foot wide permanent easement (DelDOT Manual 3.2.3.1.2) noted by Developer (PLUS Items 9, 10, and 24)
 - Sidewalks on Old Mill Road (DelDOT Manual 3.5.4.2) note by Developer (PLUS Item 14)

Old Mill Rand Desponse to Hillcrest Response to OSDC uments CU 2147, CZ 1860, CZ 1861

Item 23: Section 6.4.3 - Inspection and acceptance of commercial entrances

PLUS Review Item:

Because the proposed development would not have State-maintained streets, Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Old Mill Pad Pesponse to Hillcrest Response to OSP nments CU 2147, CZ 1860, CZ 1861

Item 24: Section 7.7.2 - need to provide 20-foot wide drainage easements

PLUS Review Item:

Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

Hillcrest Response:

Noted

Old Mill Road Communities Comments

Correction to DelDOT Manual Reference. There is no Chapter 7.7.2. From our review, it appears that the reference for this subject is Chapter 5.7.2.

Water retention: Applicant's response of "Noted" is irresponsible, inappropriate, misleading, and incorrect. It presumes that the water retention, filtering, and drainage characteristics of the "as-is" AR 1 agricultural / forested environment will remain unaffected by the development. That is wrong.

Water drainage: This application, if approved, will have significant water retention, drainage, easement, and filtering impact. Strategic solutions will be required on all four sides of the development to protect adjacent roads and residences from flooding and to protect water quality and potability of neighboring Old Mill private wells.

Clear Cut: The Developer's plan is to clear-cut and totally change all water permeability aspects of these parcels. 12+ acres of fields and forest will be replaced by the impermeable surface of buildings, parking lots, and internal driveway. Current water retention and natural filtering will be eliminated. Easements and water run-off will be critical and cannot be dismissed with the cursory response of "Noted" and of "No Drainage Impact".

- Reference: The Developer's responses to PLUS Application Items 20 and 21.
- Reference: The Developer's post-development renderings.
- Reference: The Developer's testimony and the 25 October 2018 Planning & Zoning hearing.

Old Mill P d Pesponse to Hillcrest Response to OSP mments CU 2147, CZ 1860, CZ 1861

Item 25: DNREC submitted no comments

PLUS Review Item:

Department of Natural Resources and Environmental Control - Contact Michael Tholstrup 735-3352

The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

Hillcrest Response:

No comments were presented as part of this PLUS review. However, the Applicant / Developer intends to fully comply if development proceeds with all DNREC requirements.

Old Mill Road Communities Comments

DNREC compliance: We strongly recommend that the Council require DNREC review, comment, and approval prior consideration of these applications.

DNREC oversees the soil conservation district for design and installation of the stormwater retention basins. The applicant's Stormwater Basin proposed along Route 1 must be carefully examined by both DelDOT and DNREC.

The basin appears to encroach on future DelDOT plans to construct local 2-way service road traffic lanes in this area

- > The applicant's site rendering show stormwater storage basin bordering Route 1 at the applicant's front entrance.
- DNREC design and location of stormwater basins are based factors of asphalt area, building area, pool area, etc. Only after DNREC approval can buildings be accurately sited.

This means that water storage basins and building locations are now shown in locations that are likely to not be viable.

- Buildings may have to be relocated
- The quantity or capacity of buildings may change.
- ➤ Given flooding and DelDOT 2018 need to deepen Old Mill northern swale, the parcels might need four or more basins which will drastically alter the complex layout.

Off-site disposal of stormwater may require the developer to request easements through the lands of adjacent property owners. Such easements are not likely to be granted

Old Mill Pand Response to Hillcrest Response to OSP mments CU 2147, CZ 1860, CZ 1861

Item 26: State Historic Preservation Office

PLUS Review Item:

State Historic Preservation Office - Contact Carlton Hall 736-7404

There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Old Mill Pad Response to Hillcrest Response to OS mments CU 2147, CZ 1860, CZ 1861

Item 27: Unmarked Human Burials and Human Skeletal Remains Law.

PLUS Review Item:

If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground- disturbing activities, the developer should hire an archaeological consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.

Hillcrest Response:

Noted

Old Mill Road Communities Comments

Old Mill Para Response to Hillcrest Response to OST mments CU 2147, CZ 1860, CZ 1861

Item 28: Disturbing unmarked graves or burials

PLUS Review Item:

Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If you would like to see more information, please review the following websites:

www .history.delaware.gov/preservation/tunJtr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Old Mill P V Response to Hillcrest Response to OS mments CU 2147, CZ 1860, CZ 1861

Item 29: Complying with Section 106 of the National Historic Preservation Act

PLUS Review Item:

If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: www.achp.gov

Hillcrest Response:

Noted.

Old Mill Road Communities Comments

Old Mill Road Communities (versus) CZ 1882

27 June 19

Presenter: George Dellinger

32250 Sandpiper Drive

Lewes, DE 19958

Uncontrolled SR 1 Access

A Public Safety Danger

Old Mill Road Communities (versus) CZ 1882 Uncontrolled SR 1 Access - - A Public Safety Danger

Our Subject:

Public safety dangers resulting from highvolume attempts to enter, cross, "U Turn" and join high speed traffic at congested uncontrolled intersections.

Relevance to CZ 1882:

The traffic intersection strategies proposed for CZ 1882 present this exact public safety danger.

For this reason the Planning and Zoning Commission is urged (perhaps obligated) to request and assess the findings of a comprehensive TIS (Traffic Impact Study) before making its CZ 1882 recommendation

The following slides explain why

Old Mill Road Communities (versus) CZ 1882 Uncontrolled SR 1 Access - - A Public Safety Danger

Our Message

CZ 1882 will cause a high-risk public safety danger if construction and residential trip volumes projected by DelDOT are permitted [even in part] before completion and full operation of the New Road - Minos Conaway Connector and northern service road

Nassau Road North, Old Mill, Devon and Minos Conaway Roads perform as a single complex contiguous uncontrolled SR 1 access intersection.

Individually and collectively these intersections do not meet DelDOT standards and there is insufficient land to bring them to compliance.

If the suggested "Right In / Right Out" only traffic flow scheme is adopted then Greystone, Willow Creek, Best Lane, Nassau Commons – Janice Road, the Reserve at Sand Bar, the unnamed cut-through at Surf Bagel, Tulip Road, Tarmino Village, Nassau Road South, and New Road, itself, must be included among contiguous intersections and added to the TIS.

P&Z Duty

Among its responsibilities P&Z is chartered to consider public safety dangers attributable to land use recommendations. Here's why:

Old Mill Road Communities (versus) CZ 1882 Uncontrolled SR 1 Access - - A Public Safety Danger Assessing Public Safety Dangers Is a P&Z Responsibility



"Sussex council approves fy 2020 budget"

Includes:

\$29 million for public safety expenditures,

58¢ of every tax dollar for public safety



<u>CZ 1882 Bearing</u>: Public safety is a significant county government and county council responsibility. And this responsibility flows to the P&Z Commission.

Having been appointed by the council, it is within the scope and responsibilities of P&Z Commissioners to include general public welfare, safety risks, and known hazards among factors considered when assessing applications and making planning and zoning decisions.

The risks at Old Mill and adjoining uncontrolled intersections are not hypothetical. DelDOT provided our data but did not provide data for adjoining intersections. Additional information is needed for you to assess the full risk and danger of consolidated traffic.

Indigenous Old Mill Communities drivers make about 700 trips per day. CZ 1882 will add 900 (plus). The combined 1,600+ attempts per day to enter, cross, "U" turn and join the 31,000 to 40,000 daily SR 1 through-traffic that travels at 55-65+ MPH.

This intersection dynamic defines "safety danger". Don't ignore it.

Cape Gazette 18Jun19	Route 1 problems must be addressed By Jerry LaForgia • June 18, 2019
"Letter to Editor"	It's past due for all non-traffic light cross traffic on Route 1 to be blocked. This is now a heavily traveled thoroughfare where speeds upwards of 70 mph are common. Developers need to be responsible for this added traffic via an Adequate Facilities Protection Ordinance.
Subject: High risk of SR 1	They need to provide the necessary infrastructure for our safety instead of them, and the special interest making the profits while we suffer the consequences.
uncontrolled intersections	Planning and Zoning, DelDOT and Sussex County Council need to wake up here - a moratorium on the massive development until these safety issues are addressed. Lives are at stake here. Not the cart before the horse present philosophy.
north of the overpass	Not one life is worth this carelessness and neglect. Jerry LaForgia Lewes

CZ 1882 Bearing: Public concern about dangerous uncontrolled SR 1 crossover intersection risks north of the SR 1 overpass is not a new subject. It is the elephant in the room that thousands of us encounter each trip.

For 20+ years the 5 Points intersection has defined the start of Lewes – Rehoboth urbanization. The end point of DelDOT's Corridor Preservation Program. And the start of professionally designed controlled-access SR 1 intersections going south.

But 5 Points is no longer the southern demarcation. Our southern urban boundary has moved north as result of P&Z and County Council upzoning decisions and developer initiatives. Intersection assess strategies need to reflect the new norm.

- The 5 Points Communities
- Covered Bridge
- Tarmino Village
- Old Mill Communities
- Greystone

- The Reserve at Sand Bar
- Nassau Commons Business Community
- Nassau Grove
- Edgewater
- Mill Pond Acres

DelDOT's planned New Road – Minos Conaway GSI Connector acknowledges these dangers and the Corridor Preservation northern migration. CZ 2882 ignores this.

The P&Z needs more information before considering CZ 1882, the dangers of proposed access strategies, and jeopardy to the driving public.

P&Z needs information from a comprehensive TIS (Traffic Information Study) of all impacted uncontrolled SR 1 intersections.

Cape Gazette 7 Jun 19

Editorial:

"Upzoning requests, congestion don't compute"

Comprehensive Plan:

"Promote, in accordance with present and future needs, the health, safety, ... and general welfare ... including ... the lessening of congestion of the streets and roads..."

EDITORIALS

Upzoning requests, congestion don't compute

June 7, 2019

"The zoning regulations and districts as herein established are designated and adopted in accordance with a Comprehensive Plan to promote, in accordance with the present and future needs, the health, safety, morals, convenience, order, prosperity and general welfare of the inhabitants of Sussex County, Delaware, including, among other things, the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads ..." - Excerpt from the opening paragraph of Sussex County zoning regulations document

Several rezoning requests for properties on the main roads coming into Lewes are moving through Sussex County review processes.



CZ 1882 Question:

With regard to upzoning: P&Z and the commission are the decision makers. DelDOT's charter is to apply general guidelines and contrive ways to provide access. Guaranteeing safe access is not their charter.

CZ 1882 strategies reflect this. They provide access but not safe access

The DelDOT process is to use available traffic data and reference manuals to perform their duty. They do not unilaterally identify and assess potential risks and public safety dangers. But they will do this if asked or directed.

It is a county responsibility to request and get professional assessment and insight where viable issues, risks, and public safety dangers are identified. Like CZ 1882.

Last November and December the Old Mill Communities sounded the danger alarm in the Old Mill, Minos Conaway, Nassau Road North / SR 1 vicinity for CZ 1860

SARG (The Sussex Alliance for Responsible Growth) sounds the public safety alarm for its broader focus that starts at 5 Points and extends north to Cave Neck and Rte 16 / SR 1 intersections.

We point to the need for DelDOT to redesign and relocate the failed Park Avenue quick-fix Georgetown roundabout, as an example of when Traffic Impact Studies-are essential to informed decision making.

Cape Gazette 19 Jun 19

"Park Avenue relocation plans unveiled"

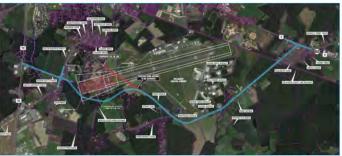
Result of:

Quick fix attempted solution versus properly planned improvement

<u>Park Avenue:</u> 149 Accidents (2010 – 14)

Park Avenue relocation plans unveiled

Phase 1 construction of long-awaited project set for 2021



A blue line shows the new alignment planned for Park Avenue between Route 9, above right, and Route 113, left in center. DELDOT GRAPHIC

By Ron MacArthur • June 19, 2019

The long-awaited relocation of Park Avenue, a truck bypass around Georgetown, is being planned in two phases over the next six years.

The project will provide an improved bypass from Route 9 east of Georgetown on Park Avenue with direct access to Arrow Safety Road to Route 113 south of Georgetown. The project also provides a new section of Park Avenue to allow for a larger safety zone for an expanded runway at Delaware Coastal Airport.

Phase 1, estimated to cost about 516 million, will include road improvements along Route 113 and Arrow Safety Road, a roundabout at the Arrow Safety-South Bedford Street intersection, and relocation of a section of Park Avenue west of Cedar Lane, south of the airport. Construction is expected to take place from 2021 to 2023.

Phase 2 road improvements will extend along Park Avenue from the end of Phase 1 up to and including the Route 9 intersection. Construction will start at the conclusion of Phase 1 and take two years.

During a May 28 public workshop, Delaware Department of Transportation Project Manager Ed Robles said

CZ 1882 Bearing: Sometimes quick fix schemes work. Sometimes they don't.

The Park Ave Georgetown bypass quick fix attempt did not work - - <u>149 wrecks, so far</u>. Lives are at stake. Park Ave is a teaching point. Here are three CZ 1882 challenges:

Multiple CZ 1882 access lanes onto Old Mill Road	Long queues from CZ 1882 that block Old Mill residents from SR 1 access
Private CZ 1882 limited trip access lane onto SR 1	Visual and access contention with 2 side by side access points located within 100 feet of each other
Old Mill Right in / Right out (only) with no northbound access from Minos Conaway	Long queues. Under-sized entrance lanes. Complicated "U" Turns into high-speed southbound traffic. "U Turn" traffic will further block Minos Conaway outbound drivers.

At P&Z request the Old Mill Communities formally commented on the CZ 1860 applicant's PLUS Report responses. Our input is in the record. We documented DelDOT standards and intersection non-compliance for which there are no quick-fixes. There is insufficient land between intersections to make them safe or compliant for CZ 1882.

Cape Gazette 11 Dec 19

"Sussex council denies apartment complex"

CZ 1860 was denied on 11 Dec 19

2 months later the application was repurposed and is now named CZ 1882.

What has changed?

Sussex council denies apartment complex

Burton: Parcel's zoning should remain low-density residential



This is the area along Route 1 and Old Mill Road where a developer had plans to build apartments and an office complex. NICK ROTH PHOTO

By Ron MacArthur • December 11, 2018

Sussex County Council said no to a developer's request for a rezoning and conditional use to construct 150 apartments on a 12.5-acre parcel at the intersection of Old Mill Road and Route 1 north of Lewes.

However, council unanimously approved the developer's application for a commercial rezoning to build a 4,700quare-foot office complex on the same parcel.

Nassau DE Acquisition Co. LLC had filed applications to rezone 12.5 acres from AR-1, agricultural-residential, to Redium-density residential, and a conditional-use application for multifamily housing and to rezone nearly 3 acres from AR-1 to C-2 commercial for an office complex.

Before making the motion for denial, Councilman I.G. Burton, R-Lewes, said, "One application makes sense because commercial is in character with the area. The others make no sense. Going from two to 12 units makes no sense to me."

The proposed rezoning for multifamily housing would have allowed up to 12 units per acre. The current AR-1 zoning allows for 2 units per acre.

Burton said the parcel is surrounded for the most part by single-family homes on large lots and low-intensity

- Are traffic volumes lower?
- Are the uncontrolled intersections safer?
- Has the "Right In / Right Out" traffic flow scheme gotten any safer? Does is make any safety sense at all?

One thing has changed: DelDOT now officially embraces the New Road / Minos Conaway GSI Connector. Time frames are established. A project team has been named. The Connector is referenced numerous times in the PLUS Report, DelDOT letters, and in the CZ 1882 application as the safe access solution.

Which seems like more appropriate for the greater good?. "U Turn" and risky quick fix traffic flow schemes or the \$27 million New Road – Minos Conaway safe access solution?

Do we want to repeat the Park Ave disappointment or learn from it?

Intersection capacity and risks. Provide access (or) safe access. With TIS assess the risks, know the business case. Make an informed decision.

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Source	Statistics					
Packet: Pg 143 Hillcrest: 25 Apr 19 (and)		Old Mill	CZ 1882	Total	% Increase	
	Residences	62	168	230	370%	
DelDOT PLUS &	Daily Trips	~ 700	~ 900	~ 1,600	228%	
Letters						
Packet: Pg 140 DelDOT: 3 Mar 19	SR 1 daily trips past the Old Mill Road intersection					
	Off Season	: 31,32	27			
	Summer:	40,31	L 8			

Summary:

- < Public safety risks at these uncontrolled SR 1 intersections are known and high
- < There are no viable short term solutions to bring these intersections, queue lanes, cut-through lanes, and turne lanes into DelDOT compliance
- < DelDOT's planned New Road Minos Conaway GSI Connector is the long-term solution (once the northern service road is in operation).
- < The Connector acknowledges that the Lewes Rehoboth urban demarc has migrated north of the overpass.
- < The CZ 1882 proposed short-term traffic flow schemes are strategically flawed, dangerous, and jeopardize public safety and lives. Why repeat Park Ave disappointments?</p>

The Numbers

Summary

Empathy Research

Alternatives and Recommendations

P&Z Alternatives:

(A) Approve CZ 1882

- Approve CZ 1882 without additional research or information.
- Pass on considering known public safety risks
- Knowingly and willingly endanger the driving public.
- Repeat the Park Ave example and put the indigenous Old Mill Road residents, new CZ 1882 occupants, and the 21 SCRP tenants at risk.

or

(B) Deny CZ 1882

Invite the applicant to re-apply once the GSI Connector's northern service road is in operation so that construction workers and residents will have safe access to SR 1 (per DelDOT.

or

(C) Award CZ 1882 - - with Condition

The condition that no construction be started until after the connector's northern service road is in operation so that construction workers and residents will have safe access.

or

(D) Request a TIS

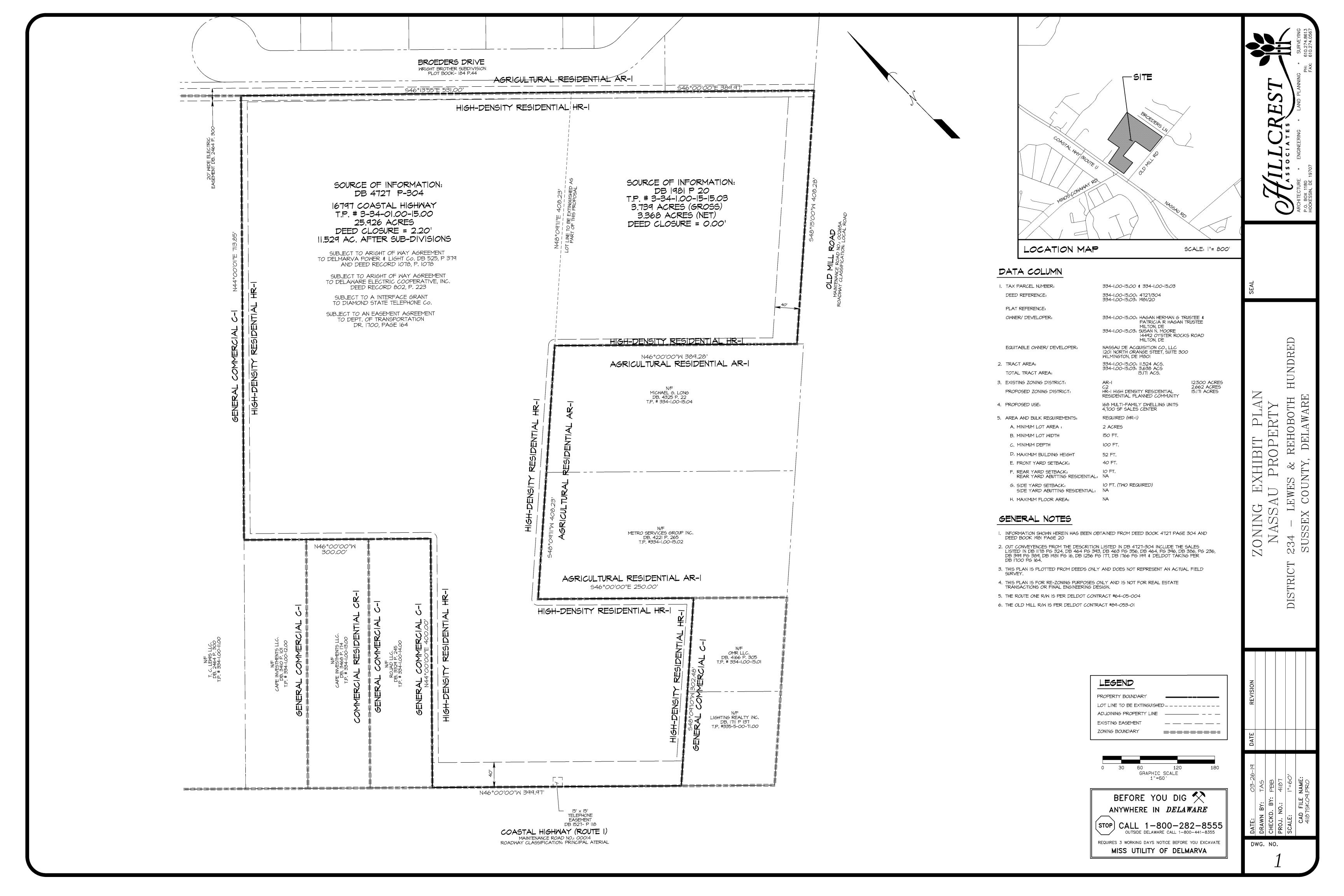
Get fully informed before voting. Engage DelDOT to perform comprehensive TIS that includes all adjoining contiguous uncontrolled access to SR 1 impacted by CZ 1882 road use.

Our Recommendation:

(B) (C) or (D)

Thank you for considering our testimony and adopting our recommendation

/ George Dellinger



NASSAU PARCEL

YOUNG CONAWAY



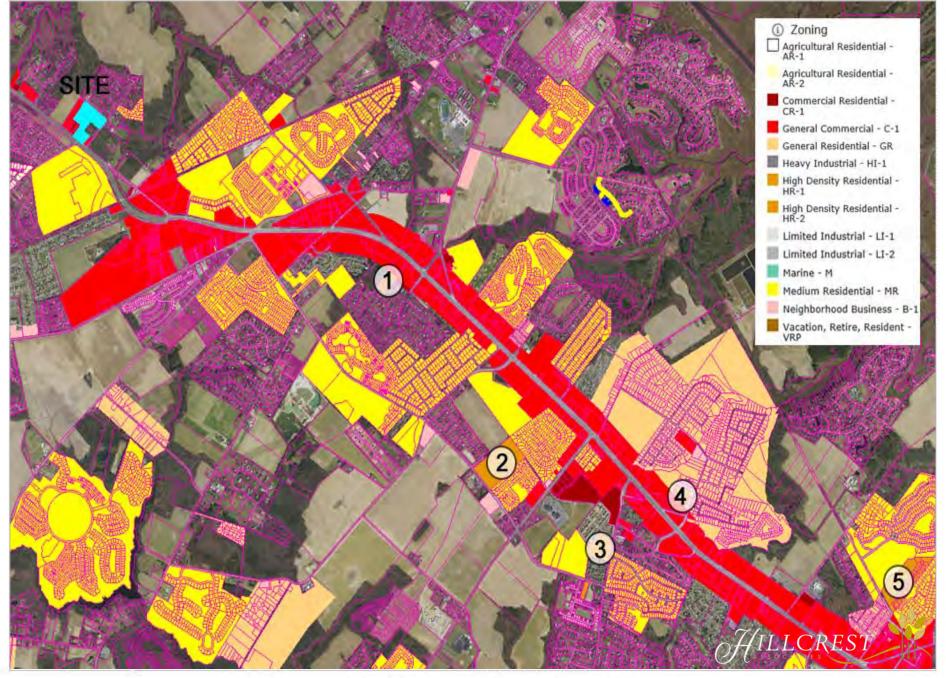
HILLCREST

OHILLCREST

NASSAU PARCEL C/Z #1882 OHILLCREST

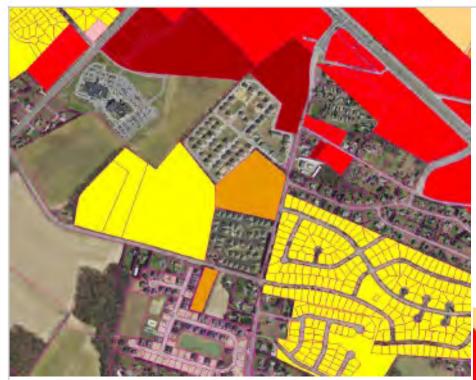


Architecture | Civil Engineering | Land Planning | Surveying





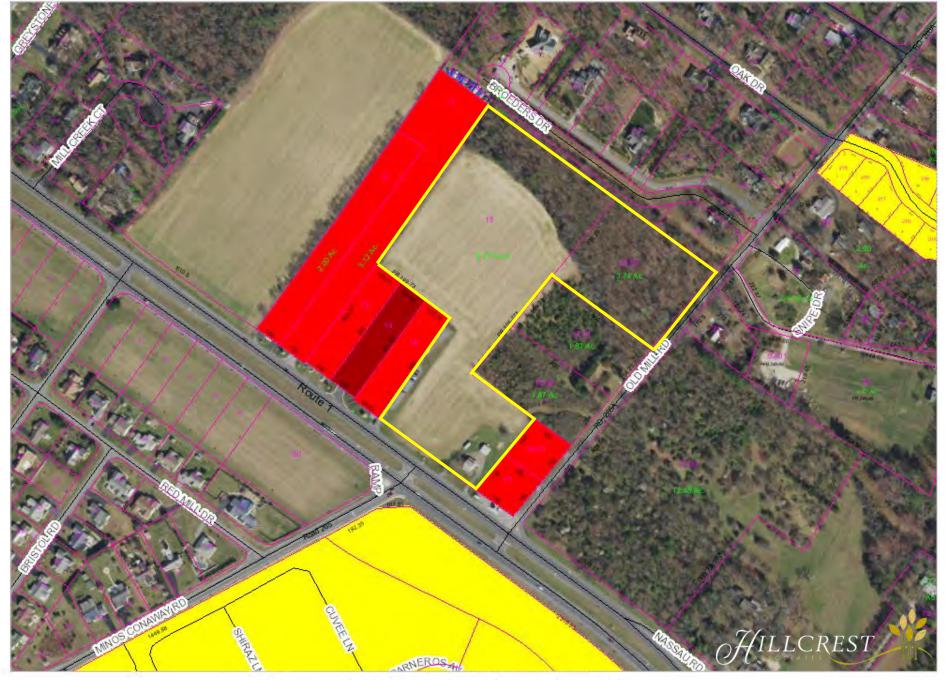












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The State of Housing & Homelessness in The First State



PLUS Comments Dated April 25, 2019 - State Housing Authority - Karen Horton

DSHA strongly supports the partial rezoning of 15 acres on the comer of Coastal Highway and Old Mill Road from AR-1 (Agriculture-Residential) to HR (Medium Residential) to develop 168 units via the Sussex County Rental Program. This would provide housing affordable to county residents who work in the 'Coastal Area' as defined by the County's 2018 Comprehensive Plan. The need for more affordable housing options in this area of the County is acute and well documented. In addition, this site is located within a DSHA-defined 'Area of Opportunity', which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help household succeed. Since these same areas contain little affordable housing, the County incorporated their intent to expand affordable housing opportunities within 'Areas of Opportunity' into their 2018 Comprehensive Plan.

Sussex County, DE/Part II, General Legislation

Chapter 72 Housing Units, Moderately Priced; Rental Units, Affordably Priced

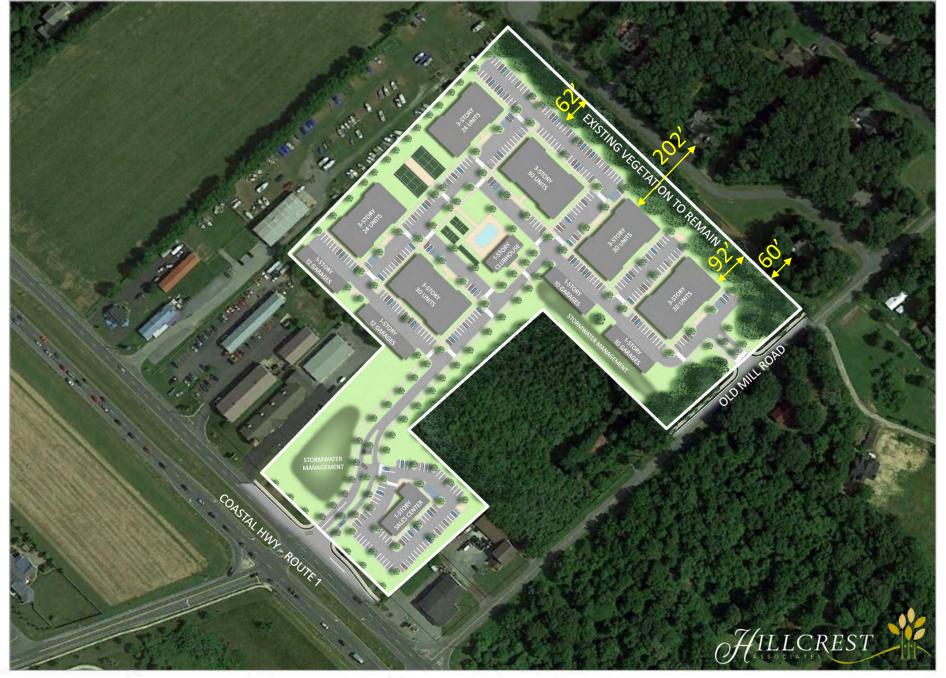
SCRP Letter of Support Dated June 12, 2019 - Brandy Nauman

Using the guidelines outlined in the Affordable Housing Support Policy, the Nassau Property project in Lewes qualifies for support from Sussex County Community Development & Housing (CD&H"). On March 12, 2019, Nassau DE Acquisition Co., LLC submitted an application for the Nassau Property under the Sussex County Rental Program ("SCRP"). On March 27, 2019 CD&H granted the project preliminary approval for participation in the SCRP.



Chapter 8. HOUSING

<u>Housing Vision</u>: To ensure the provision of decent, safe, affordable, and fair housing opportunities to improve communities and quality of life for the residents of Sussex County.



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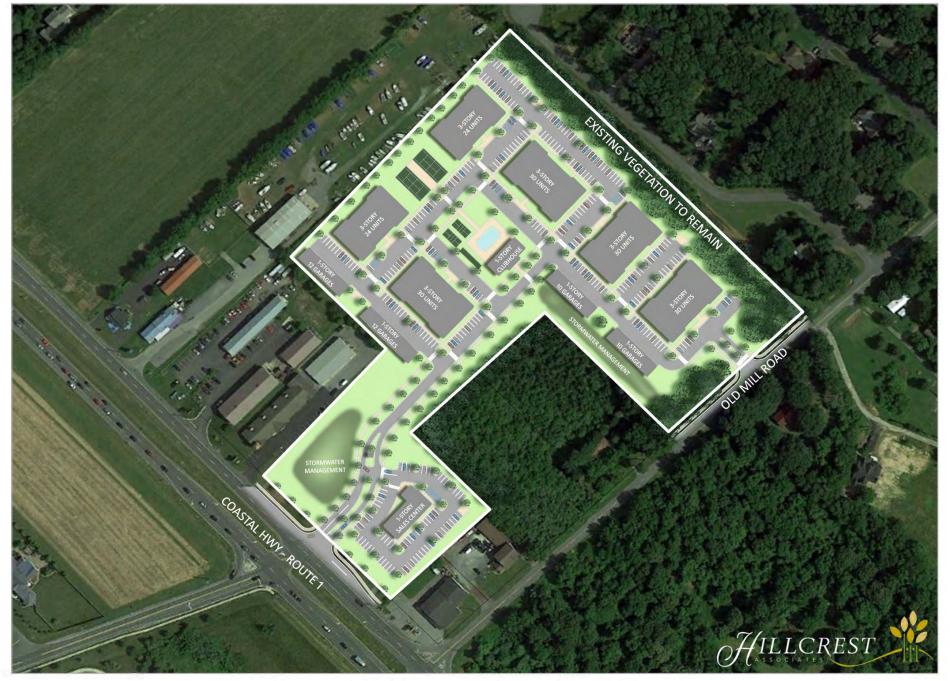












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View from future Service Road





Sale Center





Club House





Site Amenities





Site Amenities





Apartment Building





Apartment Building





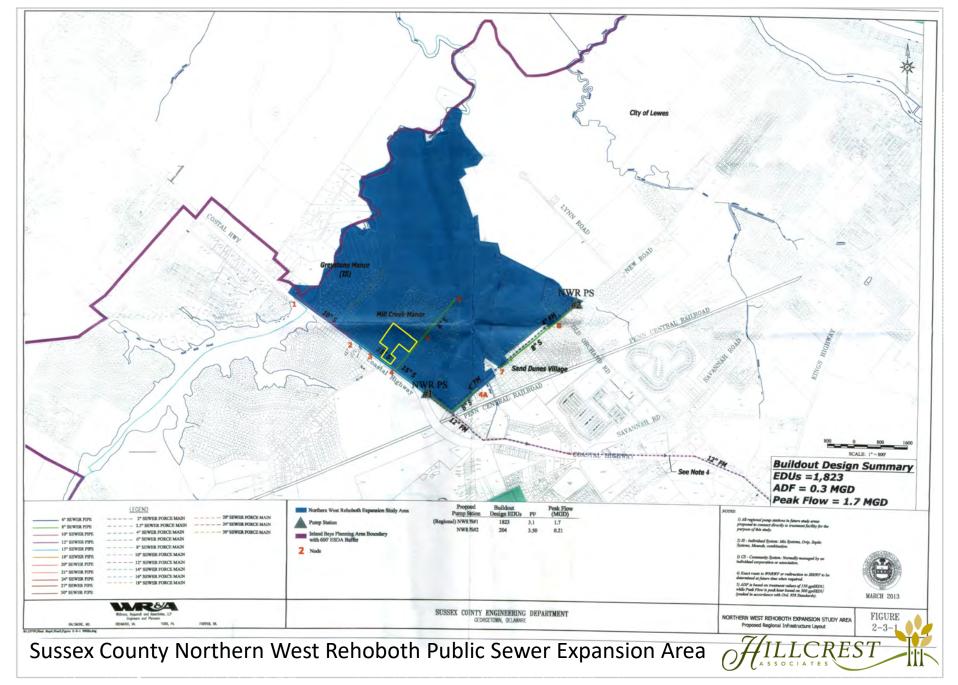
Private garages with storage space





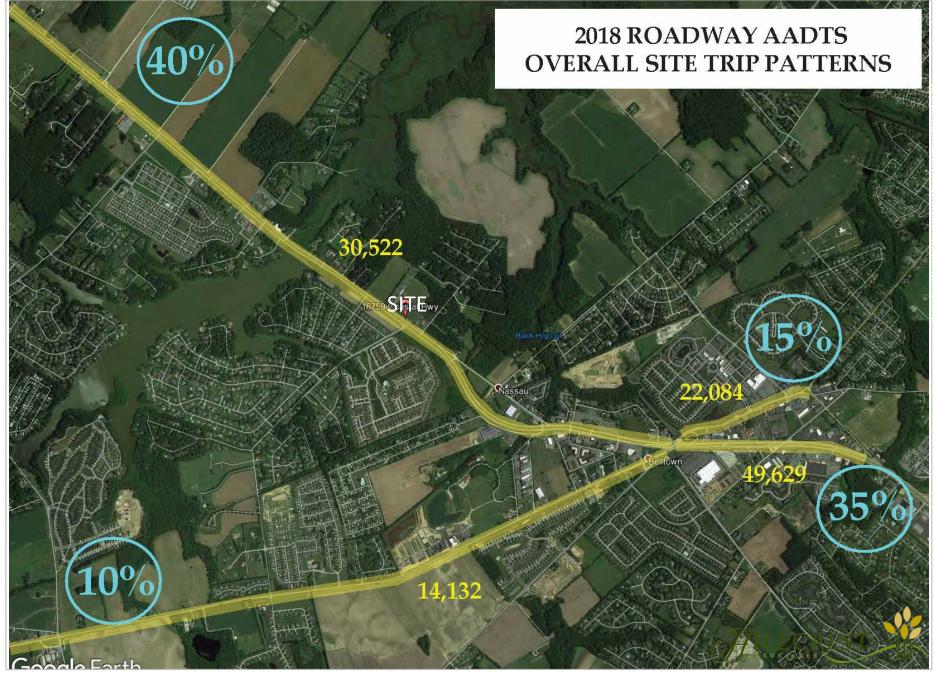
Apartment Building





PROPOSED CONDITIONS

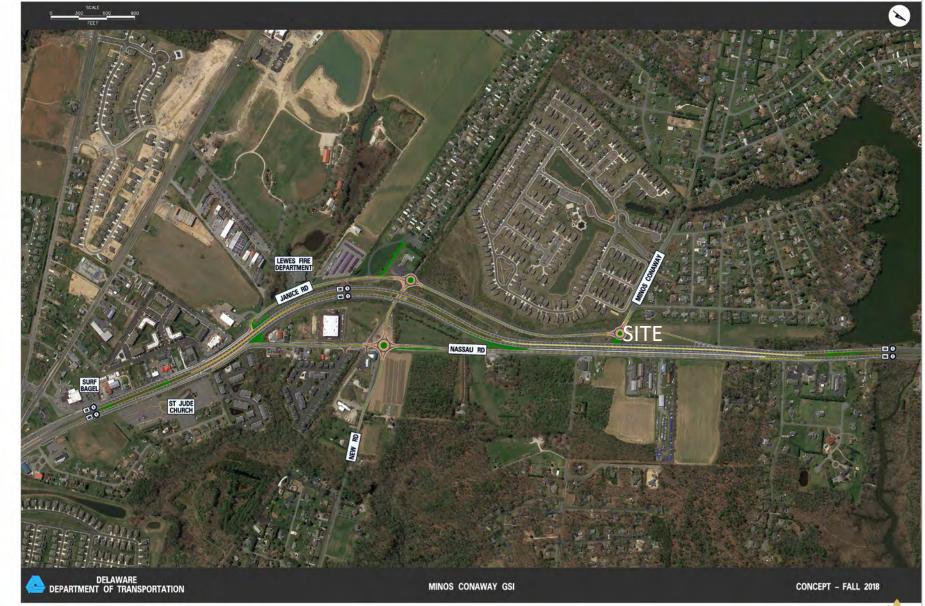
- 1. The project shall be restricted to the improvements presented as part of this application.
- 2. The maximum number of apartment units shall not exceed 168.
- 3. The building height shall be limited to 3 stories and 42 feet. This limitation shall not apply to pitched roofs or chimneys, vents, elevator towers or similar items.
- 4. As offered by the Applicant, 21 of the units shall be offered for rent under the Sussex County Rental Program (SCRP) to provide affordable housing.
- 5. Recreational amenities, including the clubhouse, outdoor swimming pool and deck, Tennis, Pickle Ball and Bocce Ball Courts and a Grill/Picnic Area are to be completed prior to issuance of a building permit for fourth multi-family building.
- 6. The proposed Architecture will be in general conformance with the architectural designs included in this Project Development Book. Final designs will be provided to the Sussex County Planning and Zoning Department prior to building permit approval to ensure adherence. If the Planning and Zoning Department determines that the final designs are not in compliance then they will have to be submitted to the Planning and Zoning Commission for approval.
- 7. The Applicant or its assigns shall be responsible for the maintenance of interior drives and parking areas, buildings, buffers, stormwater management, recreational amenities and all open space.
- 8. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
- 9. Interior street design shall meet or exceed Sussex County's street design requirements.
- 10. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- 11. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
- 12. The RPC shall be served by central water.
- 13. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- 14. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- 15. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- 16. As offered by the Applicant, a voluntary 50-foot landscaped or wooded buffer including a privacy fence shall be established along the boundary of the site adjacent to the Broeders Drive Right of Way.
- 17. All lighting shall be screened from adjacent residential properties.
- 18. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.
- 19. Construction activities, including site work and deliveries, shall only occur between 7:30 am and 7:00 pm Monday through Friday, and 8:00 am through 5:00 pm on Saturdays.



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SITE TRIP DISTRIBUTIONS: Entering Trips (Exiting Trips) DRIVEWAY ADTS















PROJECT DEVELOPMENT BOOK NASSAU PARCEL



June 17, 2019



PREPARED BY:
Hillcrest Associates, INC.
PO Box 1180
Hockessin, DE 19707

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1.0 EXECUTIVE SUMMARY

1.1 PROJECT TEAM

Applicant / Developer: Nassau DE Acquisition Co., LLC

Contact: Joe Calabro

1201 North Orange Street, Suite 300

Wilmington, DE 19801

Telephone: (302)287-3045

E-mail: Joseph.M.Calabro@Gmail.com

Attorney: Young Conaway Stargatt & Taylor, LLP

Contact: John E. Tracey

Rodney Square

100 North King Street Wilmington, DE 19801

Telephone: (302)571-6740 E-mail: Jtracey@ycst.com

Civil Engineer / Survey / Architect: Hillcrest Associates, Inc.

Contact: Alan Hill

PO Box 1180

Hockessin, DE 19707

Telephone: (610)274-8613

Email: Ahill@Hillcrestassoc.com

Traffic Engineer: McMahon Associates, Inc.

Contact: Nicole R. Kline-Elsier, P.E., PTOE

840 Springdale Drive Exton, PA 19341

Telephone: (610)594-9995

E-mail: Nkline@mcmahonassociates.com

1.2 GENERAL PROJECT INFORMATION

The Nassau Parcel is a Multifamily development of 168 units within 6 buildings utilizing the Sussex County Rental Program (SCRP) that will provide a variety of on-site amenities, including but not limited to a sales center, private garages with storage spaces, pool, pool house, 1-story club house, tennis courts, pickleball and bocce. Sussex County passed the SCRP ordinance in 2008. The SCRP was created because of the significant lack of affordable rental housing in the County to meet the post-housing bubble demand. With this the Sussex County Council declared it to be be the public policy of the County to;

- A. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.
- B. Encourage the production of moderately priced housing to meet the existing and anticipated future employment needs in the County.
- C. Assure that moderately priced housing is dispersed throughout the County consistent with the Comprehensive Plan.
- D. Encourage the production of moderately priced housing by allowing increases in density to reduce land and development costs.
- E. Encourage developments in town centers, developing areas and environmentally sensitive developing areas with 35 or more total dwelling units to include a minimum number of moderately priced units of varying sizes on public water and sewer systems.
- F. Provide incentives for private developers to construct moderately priced housing through tools such as the density incentive.
- G. Allow developers who are building qualified projects an expedited review period.
- H. Allow developers who are building qualified projects an expedited review period.

The project is comprised of two parcels, 334-1.00-15.00 & 334-1.00-15.03, containing approximately 15.162 acres. The subject land is located on the northeast side of Coastal Highway (Delaware Route 1), opposite Minos Conaway Road (Sussex Road 265), and on the northwest side of Old Mill Road (Sussex Road 265A). The site is currently zoned AR-1 (Agricultural Residential) and C2 (Medium Commercial) and classified within the 2018 Sussex County Comprehensive Plan as a Coastal Area as described within the Land Use Element and Future Land use plan. Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types are permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Medium and higher density (4-12 units per acre) can 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. This project will be providing housing affordable to county residents who work in the 'Coastal Area' as defined by the County's 2018 Comprehensive Plan. The need for more affordable housing options in this area of the County is acute and well documented. In addition, this site is located within a DSHA-defined 'Area of Opportunity', which are strong,

high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help households succeed. Since these same areas contain little affordable housing, the County incorporated their intent to expand affordable housing opportunities within 'Areas of Opportunity' into their 2018 Comprehensive Plan. Furthermore, State Policies and Spending predominantly identify the parcels as lying within Investment Level 3, with only the very rear portion of the property located within Investment Level 4. 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. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. The existing site is bounded by Coastal Highway to the south, the Light House of Lewes and Meineke to the west, Wright Brother Subdivision to the north, and portions of the east abut Old Mill Road, two vacant parcels and Tyndall's Casual Furniture.

The land use application consists of a request to rezone the 15.162-acre parcel from AR-1 & C2 to HR-1 (High-Density Residential Districts). Table 4.5-2 of the Sussex County Comprehensive plan defines applicable zoning districts for each future land use plan category. As stated above, this parcel is located within a Coastal area which according to the Comprehensive Plan depicts HR-1 High Density Residential as an applicable zoning district. The project will consist of 168 units on 15.162 acres which results in a density of 11.08 units per acre, where 12 units per acre is permitted. The table below summarizes the project data.

Rezoning Table

Existing Site	Proposed (Rezoning)	
Lot 1	Lot 2	
12.50 (AR-1)	2.662 (C2)	15.162 AC (HR-1 RPC)

No formal submission for construction document approval has been completed at this time. The applicant understands that approvals from all agencies including but not limited to the Sussex Conservation District, Sussex Engineering, Sussex Planning and Zoning, DelDOT, Fire Marshal and Department of Public Health – Office of Drinking Water are required before construction can begin.

The property is subject to a right of way agreement with Delmarva Power & Light Co. (DB 525, P 379 and Deed Record 1078, P. 1078), a right of way agreement with Delaware Electric Cooperative, INC. (Deed Record 802, P 223), a interface grant to Diamond State Telephone Co. and an Easement Agreement with Dept. of Transportation (Deed Record 1700, P 164). The zoning exhibit shown in section 2.3, page 10 of this document was prepared from Deed Book 4727 Page 304 and Deed Book 1981, Page 20. Out conveyances from the description listed in DB 4727-304 include the sales listed in DB 1178 PG 324, DB 464 PG 393, DB 463 PG 356, DB 464, PG 396, DB 386, PG 236, DB 399 PG 389, DB 1981 PG 16, DB 1256 PG 177, DB 1766 PG 199 & DelDOT taking per DB 1700 PG 164. The Route 1 Right-of-way is per DelDOT contract #64-05-004. The Old Mill Right-of-way is per DelDOT contract #89-053-01. No actual field survey has been performed at this time.

Public utilities have been discussed with Sussex Utility Planning. The property is located within the Northern Planning Area or Tier 2 – Sussex County Planning Areas. As shown within the North West Rehoboth Expansion Study Area of March 2013 Figure 2-3-1, the County has a plan for sewer in place. Sewer Annexation would be required as this is not within a service area currently.

<u>Tier 2 – Sussex County Planning Areas</u>

- Any parcel or parcels immediately adjacent to an existing sanitary sewer area boundary capable of annexation.
- Areas where the County has plans to install central sewer to serve existing and future development.

1.3 HSITORY OF SITE



Through the utilization of google images, to the best of our knowledge the parcel has been utilized for agricultural purposes as far back as aerial imagery allows us to research.

1.4 PROJECT DATA

Total Site Area: 15.162 ± Acres

Existing Zoning District: AR-1 (Agricultural Residential) & C2 (Medium

Commercial)

Proposed Zoning District: HR-1 (High-Density Residential)

RPC (Residential Planned Community)
SCRP (Sussex County Rental Program)
Refer to Section 4.0 for proposed conditions

Tax parcels: 334-1.00-15.00 & 334-1.00-15.03

Owners: <u>334-1.00-15.00</u>

Hagan Herman G Trustee & Patricia R Hagan Trustee

Milton, DE 19968 Book: 4727 Page: 304

334-1.00-15.03 Susan N Moore

14492 Oyster Rocks Road

Milton, DE 19968 Book: 1981 Page: 20

Wetlands: To be determined.

Woodlands: $5.5 \pm Acres$

Area and Bulk Requirements: (HR-1)

Minimum Lot Area: 2 Acres
Minimum Area: 3,630 SF.
Minimum Lot Width: 150 Ft.
Maximum Building Height: 52 Ft.
Front Yard Setback: 40 Ft.
Rear Yard Setback: 10 Ft.

Side Yard Setback: 10 Ft. (Two Required)

Utilities:

Sewer: Sussex County (Northern Planning Area)

Water: Tidewater Utilities

Electric: Delmarva Telephone: TBD

Proposed Project Size: 168 Residential Units (including 21 affordable units

under SCRP) with accessory structures

Project Density: 11.08 units per acre

Streets: Private

Parking:

Requirements:	Required	Provided
Multifamily	48 – 1 Bedroom	320 Spaces*
1.5 Spaces per 1 Bedroom DU	48 – 2 Bedroom	
2 Spaces per 2 Bedroom DU	72 – 3 Bedroom	
+.5 Spaces per 3 Bedroom DU	348 Spaces Required*	

^{*} Section 115-162.b.(2) multifamily dwellings, in excess of 50 units the required number of parking spaces shall be reduced by 15% from the required number set forth in subsection b(1) after those spaces required for the first 50 units have been provided.

 $50 \times 2.5 = 125$ spaces - required for first 50 units 348 total required spaces - 125 spaces for first 50 units = 223 spaces 15% reduction in remaining required = (223 x .15)-223 = 190 125 + 190 = 315 spaces required

Office	23.5 Spaces	81 Spaces
1 space per 200 Sq. Ft. of floor area	(4,700/200=23.5)	
exclusive of basement. If not used for		
customer service purposes.		
** 401 spaces provided = 9 required handical	10 Spaces	
spaces within the 9 required accessible park		
accessible spaces required		

Loading:

Requirements:	Required	Provided
Multifamily	6 Bldgs @ 15,670 Sq. Ft. =	6 loading spaces
1 loading space for up to 25,000 Sq. Ft.	6 Loading spaces	
Office	NA	NA
1 loading space per 5,000 – 25,000 Sq. Ft.		
Total	6 loading spaces	6 loading spaces

1.5 ENVIRONMENTAL ANAYLSIS

Sussex County Code Section 115-194.3., ES-1 Environmentally Sensitive Development District Overlay Zone (ESDDOZ), requires "any development containing 50 or more dwelling units" to provide an environmental assessment and public facility evaluation report.

This project has more than 50 dwelling units. Therefore, the applicant intends to comply with this Section.

(a) Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals

The applicant intends to comply with all State & County requirements for stormwater management. Currently, the plan identifies two locations for stormwater management with the potential to locate additional areas around the site as needed.

(b) Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands

It is the applicant's intent to connect to Tidewater's water system. Tidewater has expressed their ability to serve public water including fire protection. Any increased water usage associated with the project will not create an adverse effect on public water supply of private wells.

(c) Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems:

The subject parcel is not located within an existing Sussex County Sanitary Sewer District; however, it is located within the Northern West Rehoboth Expansion Area. Sewer Annexation would be required as this is not within a service area currently. Based on discussions with Sussex County Utility Planning the expected tie in location to the existing public sewer is in the area of the intersection of New Road and Nassau Road.

(d) Analysis of the increase in traffic and the effect on the surrounding roadway system:

The proposed development according to the Institute of Transportation Engineers (ITE) Trip Generation Manual will generate approximately 914 vehicle trips per day, 57 vehicle trips during the morning peak hour, and 73 vehicle trips during afternoon peak hour. Because the project is anticipated to generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day a Traffic Impact Study (TIS) is warranted. However, the DelDOT Development Coordination Manual considers the project to have minor impact to the local area roadways because it is under 200 vehicle trips per a weekly peak hour and 2,000 vehicle trip per day. Therefore, DelDOT could permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. According to Correspondence with DelDOT, if the County were agreeable, they would permit the developer to pay an Area-Wide Study Fee.

(e) The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.

Endangered or threatened species or proposed habitat areas are not known to exist at the site.

(f) The preservation and protection from loss of any tidal or non-tidal wetlands on the site.

There are no known wetlands located on the site. As part of this proposal we intend to have a delineation done to confirm our current understandings.

(g) Provisions for open space.

The applicant proposes an active recreation area located near the center of the project as well as internal sidewalks.

(h) A description of provisions for public and private infrastructure

All infrastructure, including private drives and utilities, will be constructed by the applicant at their expense.

(i) Economic, recreational or other benefits.

The project will benefit the local economy by providing construction employment opportunities for local contractors and suppliers. It is the applicant's intention to utilize local contractors and suppliers to the extent possible. In addition to the benefits to the local economy, Sussex County will see increased property tax revenues as a result of the rezoning and the subsequent development. There are also recreational benefits as a result of the construction of a active recreation area within the development and provides additional and alternative housing opportunities to those living and working in Sussex County. Based on the Comprehensive plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types are permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Medium and higher density (4-12 units per acre) can 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. This project will be providing housing affordable to county residents who work in the 'Coastal Area' as defined by the County's 2018 Comprehensive Plan. The need for more affordable housing options in this area of the County is acute and well documented. In addition, this site is located within a DSHA-defined 'Area of Opportunity', which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help households succeed. Since

these same areas contain little affordable housing, the County incorporated their intent to expand affordable housing opportunities within 'Areas of Opportunity' into their 2018 Comprehensive Plan.

(j) The presence of any historic or cultural resources that are listed on the National Register of Historic Places.

Based on an online review of the website "National Register of Historic Places" maintained by the U.S. Department of Interior, National Park Service, neither the property nor nearby properties are listed on the National Register of Historic Places.

(k) An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.

The change of zone is in accordance with the Comprehensive Plan Update as mentioned above in section i.

(I) Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection (a) through above and the manner by which they are consistent with the Comprehensive Plan.

As outlined in items (a) through (k) above, there are no anticipated detrimental impacts generated by this development.

File #:		

Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department 2 The Circle (P.O. Box 417) Georgetown, DE 19947 302-855-7878 ph. 302-854-5079 fax

Type of Application: (please che Conditional Use	eck applicable)	
Zoning Map Amendment 🗹		
eu vala e pe in	Enals van Arband	
Site Address of Conditional Use		nt
Corner of Coastal HWY and Old Mill	Road	
Type of Conditional Use Reques	ited:	
Tax Map #: 334-1.00-15.00 & .03		_ Size of Parcel(s): 15.171 Acres
Current Zoning: AR-1&C2 Pro	oposed Zoning: HR-1(RPC	Size of Building: Multiple Buildings
Land Use Classification: Agricultu	ral and Undeveloped lands	
Water Provider: Tidewater Utilitie	s, Inc. Sewe	er Provider: Sussex County
Applicant Information		
Applicant Name: Multiple Applicar	nts - See Attached	
Applicant Address:		
City:	State:	ZipCode:
Phone #:	E-mail:	ZipCode:
Owner Information		
Owner Name: Multiple Owners - So	ee Attached.	
Owner Address:		
Citv:	State:	Zip Code:
Phone #:	E-mail:	
Agent/Attorney/Engineer Infor	mation_	
Agent/Attorney/Engineer Name	Hillcrest Associates	
Agent/Attorney/Engineer Addre	ss: PO Box 1180	
City: Hockessin	State: DE	Zip Code: 19707
Phone #: (610) 274-8613		HillcrestAssoc.com





Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

	Completed Application			
<u>~</u>	 Provide eight (8) copies of the Site Plan Survey shall show the location of parking area, proposed entrance Provide a PDF of Plans (may be expected or Legal description) 	f existing or proposed building(s), building setbacks, location, etc.		
~	Provide Fee \$500.00			
7		e Commission/Council to consider (ex. books, etc.) If provided submit 8 copies and they) days prior to the Planning Commission meeting.		
~	Please be aware that Public Notice will subject site and County staff will come on the site stating the date and time of	be sent to property owners within 200 feet of the but to the subject site, take photos and place a sign the Public Hearings for the application.		
~	✓ DelDOT Service Level Evaluation Request Response			
V	PLUS Response Letter (if required)			
I also certify Zoning Com and that I w needs, the	nitted as a part of this application are true fy that I or an agent on by behalf shall atte mmission and the Sussex County Council a will answer any questions to the best of m	ibits, and statements contained in any papers or and correct. Ind all public hearing before the Planning and any other hearing necessary for this application y ability to respond to the present and future r, prosperity, and general welfare of the inhabitants		
	of Applicant/Agent/Attorney	Date: 3/24/2019		
1	ACQUISITION CO, LLC.	Date: 3/26/2019		
	itted: Fee: ting application: Appl property:	\$500.00 Check#:		
Date of PC H		mmendation of PC Commission:		

LEGAL DESCRIPTION

RE-ZONING OF PARCELS 3-34-1.00-15-15.03 & 3-34-01.00-15.00

All those certain tracts of land or parcels of ground situate in the Lewes & Rehoboth Hundred, County of Sussex, State of Delaware, as shown on a plan prepared by Hillcrest Associates, Inc, entitled, "Zoning Exhibit Plan, Nassau Property", dated March 26, 2019, and being more particularly described as follows to wit:

Beginning at a point in the eastern R/W of Delaware Route 1, said being further located North 46°00'00" West, a distance of 150 feet more or less from the intersection formed by the projection of the Old Mill Road R/W with the Route 1 R/W;

thence along Route 1, North 46°00'00" West, a distance of 399.97 feet to a point in the line of Parcel 334-1.00-14.00;

thence thereby, North 44°00'00" East, a distance of 400.00 feet to a point;

thence along same and along Parcels 334-1.00-13.00 & 334-1.00-12.00, North 46°00'00" West, a distance of 300.00 feet to a point in the line of Parcel 334-1.00-11.00;

thence thereby, North 44°00'01" East, a distance of 713.85 feet to a point in the Wright Brothers Subdivision (Plot Book 184, Page 44);

thence thereby, South 46°13'55" East, a distance of 531.00 feet to a point;

thence along same, South 46°00'00" East, a distance of 389.97 feet to a point in the northern line of Old Mill Road as widened by Deed Book 1700, Page 164;

thence thereby, South 48°15'00" West, a distance of 408.28 feet to a point in the line of Parcel 334-1.00-15.04;

thence thereby, North 46°00'00" West, a distance of 389.28 feet to a point;

thence along same and along Parcel 334-1.00-15.02, South 48°09'10" West, a distance of 408.23 feet to a point;

along Parcel 334-1.00-15.02, South 46°00'00" East, a distance of 250.00 feet to a point in the line of Parcel 334-1.00-15.01;

thence thereby and along Parcel 335-5.00-71, South 48°09'10" West, a distance of 302.48 feet to the Point of Beginning,

containing 15.2 acres, more or less.

EXHIBIT A

I. Applicant Information

A. Entity: Nassau DE Acquisition Co., LLC

i. Describe the form of legal organization and names of all principals:

The entity is a Limited Liability Company registered in Delaware.

The Principals are:

Todd Bariglio, Michael Scali and Sean Allen.

B. Contact Name: Joseph Calabro

C. Address: 300 Delaware Avenue, Suite 1370, Wilmington, DE 19801

D. Contact telephone and facsimile numbers: (302) 287-3045; Fax: (302) 300-3897

E. Contact e-mail: joseph.m.calabro@gmail.com

F. Housing development experience in Sussex County and elsewhere

i. Include a list of no more than 5 recent projects, with total unit information, average square footage, housing unit type, development location, and builder:

Arbors at Cottagedale Apartments – 168 rental apartment units (21 of which are under the SCRP program). This project is located in Lewes, DE off of Plantation Road. The average square footage of a unit is +/- 1,050 square feet. The builder of this project is MBM Construction, LLC.

Residences at Rehoboth Bay - 180 for sale condominium units. This project is located in Lewes, DE off of Route 24; adjacent to Love Creek marina. The average square footage of a unit is +/- 1,200 square feet. The builder of this project is MBM Construction, LLC.

Coastal Station – mixed-use project with 63 for sale condominium units, 110 key hotel and retail space. This project is located in Rehoboth Beach, DE directly off of Coastal Highway; adjacent to the Tanger Outlets. The average square footage of a condominium unit is +/- 2,000 square feet. The average square footage of a retail space is +/- 4,400 square feet. The average square footage of a hotel room is +/- 298 square feet. The builder of this project is MBM Construction, LLC.

ii. List experience with affordable housing programs, density incentive constructs, and any projects that utilized public monies:

The Arbors at Cottagedale Apartments – 168 rental apartment units (21 of which are under the SCRP program). This project is in the SCRP program (since 2009). A density bonus incentive was included as part of participation in the SCRP program.

One of the members of the Applicant's Entity, Sean Allen, was previously the Director of Construction & Real Estate at Habitat for Humanity of New Castle County. During that time, Mr. Allen was in charge of the construction and redevelopment of several projects that almost always involved public monies such as Brownfield Funding, Community Development Block Grants, HOME Investment Partnership funds, etc. Habitat for Humanity of New Castle County is a non-profit focused on providing affordable housing homeownership options.

II. Property Information

A. Property name: Nassau Property

B. Proposed subdivision name: Apartments at Nassau Mill

C. Parcel and tax map number: 334-1.00-15.00 & .03

D. Property size: +/- 15 Acres

E. Property location: Intersection of Coastal Highway and Old Mill Road

F. Current zoning: AR-1 & C2

i. Include any potential changes in zoning: Rezone AR-1 portion to HR-1

G. State investment level: 3/4

H. Sussex County Comprehensive Plan designation: Environmentally Sensitive Developing Area

I. Delaware State Housing Authority (DSHA) Balanced Housing Opportunities Map Designation (see DSHA's Qualified Action Plan (QAP) online mapping tool): Area of Opportunity

III. REQUIRED Documentation

A. Site context map covering five-mile radius around the property (scale: 1 in. = 1 mi.) showing relationship to community infrastructure (e.g., roads, shopping, employment areas, schools, medical facilities, etc.) and surrounding residential areas. See Attached

B. Evidence of property ownership or control (e.g., deed, contract, etc.); if a contract, copy of the contract with proprietary economic information redacted: See Attached

- C. Record plat: A Sketch Plan is attached, a Record Plat will be submitted at which point it is developed.
- D. Existing conditions plan (scale: 1 in. = 200 ft. min.) showing property boundaries, topography with 2' contours, existing improvements (if any), sensitive physical features such as forest, wetlands, tax ditches, streams and areas of steep slope: The Existing Conditions Plan will be included with the Preliminary Subdivision Plan Submission when that is developed.
- E. Environmental Assessment (if required): This will be included if required during the Subdivision Plan process.
- F. PLUS comments (if subdivision is 50 units or more): The Sketch Plan has been submitted to PLUS for review with the review meeting scheduled for March 27, 2019. Comments received from this review will be forwarded when issued.
- G. Preliminary subdivision plan or site plan (scale: 1" = 200 ft.) that includes: A Sketch Plan is attached, a Preliminary Subdivision Plan or Site Plan will be submitted at which point it is developed.
 - i. Road layouts
 - ii. Lots with key dimensions and areas; NOTE SCRP LOTS/UNITS
 - iii. Open space
 - iv. Wetlands
 - v. Forests
 - vi. Sewer and water systems and, for onsite systems, areas dedicated thereto
- H. Evidence from public water and sewer utility sources that utilities will be provided to the property: A willing and Able Letter from Tidewater Utilities, Inc. to provide public water is attached. Email correspondence from Sussex County Engineering is attached discussing the proposed public sewer expansion.

IV. Proposed Project

- A. Identification of any Density Incentive sought in excess of the Ordinance: N/A
- B. Identification of proposed deviations from the otherwise applicable zoning and subdivision requirements (e.g., lot dimensions and areas, setbacks, etc.)
- C. Total number of proposed housing units
 - i. Number of market rate units: 147

- 1. Include square footages, breakdown of units by number of bedrooms: Not available. Project is currently pending rezoning and site approval. Upon approval, architectural plans will be created in accordance with approvals.
- 2. Provide floor plans, if available: Not available. Project is currently pending rezoning and site approval. Upon approval, architectural plans will be created in accordance with approvals.
- 3. Include number of market rate units to be built per construction phase (if applicable): The site consists of six (6) individual apartment buildings comprised of two (2), Twenty-Four (24) and four (4), Thirty (30) unit buildings. While plans haven't been finalized or progressed past a concept, we do know the project will not be phased.
- ii. Number of Sussex County Rental Program Units: 21
- 1. Include square footages, breakdown of units by number of bedrooms: Not available. Project is currently pending rezoning and site approval. Upon approval, architectural plans will be created in accordance with approvals.
- 2. Provide floor plans, if available: Not available. Project is currently pending rezoning and site approval. Upon approval, architectural plans will be created in accordance with approvals.
- 3. Include number of SCRP units to be built in proportion to market rate units per phase: Construction will not be phased. Thirty (30) unit buildings will each have Four (4) SCRP units per building. One of the Twenty-Four (24) unit buildings will have Three (3) SCRP units while the other will have Two (2) SCRP units for a total of Twenty-One (21) SCRP units in the project.

D. Community amenities

i. Identify community amenities: Clubhouse, pool, tennis courts, pickle ball and bocce ball courts, grill area and resident-only storage spaces.

E. Building entity

- i. Identify building entity: MBM Construction, LLC
- ii. Specific experience with and of the building entity and relationship to Applicant:

MBM Construction and the applicant have a 10+ year history of working together on various real estate and construction ventures. Together, we have developed and constructed commercial projects as well as several multi-family housing projects. These projects include but are not limited to Coastal Station (commercial, hotel and condominium project in Rehoboth Beach, DE), Residences at Rehoboth Bay (condominium project in Lewes, DE) and The Arbors at Cottagedale Apartments (market and affordable rent apartment project in Lewes, DE).

F. Identify the method of affirmatively marketing SCRP units (e.g., multiple listing service, personal sales team, licensed agents, etc.):

We will market SCRP units via multiple listing service, a management/leasing team and online platforms (i.e. DelawareHousingSearch.org, etc.). We will also connect with local non-profit housing agencies and providers (Habitat for Humanity, etc.) to explore partnerships for advertising our apartments to individuals who may qualify for our available units.

V. Narrative (Do not exceed three single-spaced pages with font size 12)

A. Describe how the proposed project is consistent with the Ordinance and, if and where not, the associated public benefit:

The proposed project aligns precisely with the Ordinance. The project is located in a DSHA designated Area of Opportunity. The project is in close proximity to employment and Town Centers, easing commuting burdens and distances. This project will also be served by public water and sewer in conformance with the Ordinance. As outlined in the Ordinance, there are certain criteria that a site must meet in order to meet the "Qualifying Land" requirement. This site meets all of the criteria as a "Qualifying Land".

B. Describe how the proposed project will contribute to the long-term affordability of the SCRP units (i.e., Universal Design, green building, partnership with non-profit housing developer(s), use of public/private funding for creation of affordable housing, etc.):

While the project's architectural plans have yet to be developed as the project is in its exploratory phase, historically and generally speaking, the construction methods used on our projects are focused on energy efficiency. The utilization of COM checks and HERS ratings allow us to improve our approach towards efficiency through thermal properties of windows, energy efficient LED lighting, building orientation, etc. As a result of energy conscious construction, we are able to reduce our costs and pass along those reductions to future tenants in the form of reduced rents. This ultimately contributes to long-term affordability. We do plan on seeking out partnerships with local non-profit housing

developers to market our SCRP units. Many of these non-profits either have voids in their programs or are overwhelmed with requests but don't have the capacity to accommodate everyone. By working with these non-profits, we can complement their programs by adding capacity and/or supplying rental units for individuals and families who may not qualify for their programs.

C. Describe any use of Good Design characteristics features (i.e., walkability, parks/open space, grid layout, alleys, landscaping, etc.):

The project offers many on-site amenities as previously stated. In addition to those amenities, the site offers a tree lined buffer at the rear of the site to enhance privacy. Also, while the site provides direct access to Coastal Highway, the residential portion of the site is engineered in such a way that it is setback a significant distance from Coastal Highway in order to afford the residents more seclusion.

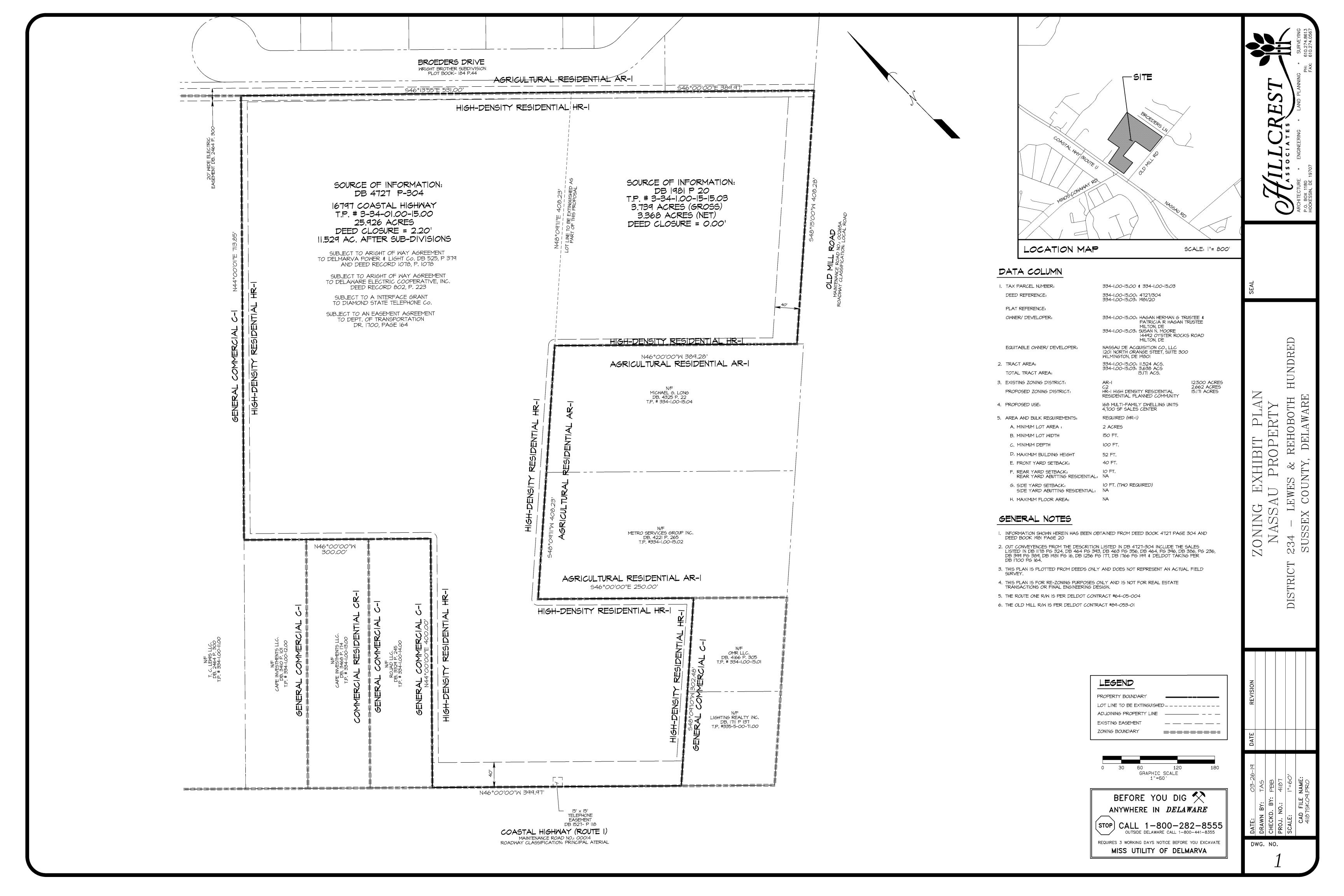
D. Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the Applicant is encouraged to provide affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations. Describe marketing efforts and provide evidence where applicable (i.e. hosting public meeting, mailing, etc.):

Again, the project is currently pending approval so a fully developed marketing plan has not been finalized at the moment. Upon approval of the plan and confirmation of entry into the SCRP program, a finalized marketing plan will be developed and executed. With that being said, our preliminary marketing plan would be to form alliances with local non-profit housing developers, advertise rental units on online websites and portals, advertise in local publications and, contact and advertise to local employers (particularly service industry establishments since the largest disparity in income and affordable housing has historically been associated to employees of those businesses). We have an established and long-standing relationship with an experienced and reputable property management/leasing company in the area. We would also lean on their expertise to guide us in creating creative and innovate ways to market the units.

E. Provide such other input as Applicant desires:

As mentioned, the project location is an a DSHA designated Area of Opportunity. After discussions with DSHA, they have informed us that they will be writing in strong support of the project in their PLUS comments. The project is ideally located on a major corridor and offers excellent accessibility to area business, recreation and amenities. The project features exterior, resident-only storage units which afford residents the opportunity to

store not commonly used items (i.e. excess furniture, clothes, etc.). This will reduce interior clutter and improve living conditions. The need for affordable rental housing in Sussex County has long been an issue and the influx of new residents, vacationers and businesses has only highlighted the issue further. This project is unmatched by any other project in the SCRP in terms of location. All the requirements and criteria outlined in the SCRP Ordinance are met or exceeded by this project.





P.O. Box 1180, Hockessin, DE 19707 | (610) 274-8613 | www.HillcrestAssoc.com

































STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

March 5, 2019

Ms. Janelle Cornwell, Director Sussex County Planning & Zoning P.O. Box 417 Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the Nassau DE Acquisition Co., LLC rezoning application, which we received on February 7, 2019. This application is for a 13.01-acre assemblage of parcels (Tax Parcels: 334-1.00-15.00 & 15.03). The subject land is located on the northeast side of Delaware Route 1, opposite Minos Conaway Road (Sussex Road 265), and on the northwest side of Old Mill Road (Sussex Road 265A). The subject land is currently zoned AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to HR-1 (High-Density Residential) to develop 168 multi-family (mid-rise) houses.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 1 where the subject land is located, which is from US Route 9 to Delaware Route 16, are 31,327 and 40,318 vehicles per day, respectively. As the subject land also has frontage along Old Mill Road, the annual average and summer average daily traffic volumes along that road segment, are 634 and 816 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per a weekly peak hour or 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but less than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual



Ms. Janelle M. Cornwell Page 2 of 3 March 5, 2019

provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be less than 200 vehicle trips per a weekly peak hour and less than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

According to the Institute of Transportation Engineers (ITE) <u>Trip Generation Manual</u>, a development of 168 multi-family (mid-rise) houses would generate 914 vehicle trips per day, 57 vehicle trips during the morning peak hour, and 73 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be \$9,140.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements.

Because the site would generate more than 200 vehicle trips per day, a Traffic Operational Analysis (TOA) may be required as part of the site plan review process, in accordance with Chapter 2 of the <u>Development Coordination Manual</u>.

The subject property is adjacent to Delaware Route 1, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has reasonable secondary access along Old Mill Road. Therefore, site access would be granted along the secondary road.

In addition, DelDOT currently has one project opposite the subject site. It is the SR-1 / Minos Conaway Grade Separated Intersection project aims to maintain capacity on Delaware Route 1 and improve safety at the intersection of Delaware Route 1 and Minos Conaway Road while improving mobility and access for local traffic. The project calls for converting the existing northbound lanes of Delaware Route 1, which front this proposed site, into a future service road. Once the service road is completed, the site can gain full access to the service road. More information regarding the interchange project can be found online at www.deldot.gov/information/projects/SR1MinosConaway/index.shtml. Also, the Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov.

Ms. Janelle M. Cornwell Page 3 of 3 March 5, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,

T. William Brockenbrough, Jr.

J. William Broshonbrough, &

County Coordinator

Development Coordination

TWB:cim

Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues Nassau DE Acquisition Co., LLC, Applicant

J. Marc Coté, Assistant Director, Development Coordination

Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination

Gemez Norwood, South District Public Works Manager, Maintenance & Operations Susanne K. Laws, Sussex County Review Coordinator, Development Coordination Derek Sapp, Subdivision Manager, Development Coordination Brian Yates, Subdivision Manager, Development Coordination John Andrescavage, Subdivision Manager, Development Coordination

Kevin Hickman, Subdivision Manager, Development Coordination

Troy Brestel, Project Engineer, Development Coordination

Claudy Joinville, Project Engineer, Development Coordination



STATE OF DELAWARE EXECUTIVE DEPARTMENT OFFICE OF STATE PLANNING COORDINATION

April 25, 2019

Thomas Schreier Hillcrest Associates, Inc. P.O. Box 1180 Hockessin, DE 19707

RE: PLUS review 2019-03-05; Nassau Property

Dear Mr. Schreier:

Thank you for meeting with State agency planers on March 27, 2019 to discuss the proposed plans for the Nassau Property project. According to the information received you are seeking review of a partial rezoning of 15 acres from AR-1 to HR-1 and a site plan for 168 residential units and 4,700 square feet of commercial space along Rt. 1 in Sussex County.

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 as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Strategies for State Policies and Spending

• This project is located in Investment Levels 3 and 4 according to the *Strategies for State Policies and Spending*. 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. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and/or

environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

The Office of State Planning cannot support development in the Level 4 area. Therefore, we ask that the applicant consider pulling the housing within the Level 4 areas and concentrate building within the Level 3 section of this parcel.

In addition, we ask that the County consider the following when reviewing this site:

- This parcel is within a Corridor Capacity Preservation area which means that access to this site would be through Old Mill Road until the DelDOT capital project identified in the DelDOT comments below is completed.
- At the PLUS meeting in March the developer noted that the applicant had submitted an application for this property through the Sussex County Rental Program. According to comments received from the County, the application is still under review. The Delaware State Housing Authority, below, has stated their support of this application because they believe the density would allow for affordable housing. If the County does approve this site for housing in the future, it should be recorded that these units are for affordable housing and will remain affordable in perpetuity.

Code Requirements/Agency Permitting Requirements

Department of Transportation - Contact Bill Brockenbrough 760-2109

- Please refer to DelDOT's May 2018 PLUS comments (copy attached).
- Because the subject property fronts on Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of certain existing highways by minimizing and consolidating the number of direct driveway access points along them. Delaware Route 1 is a controlled-access highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code.

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along Old Mill Road (Sussex Road 265A).

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. Once the service road is built, the site can gain full access to the service road. Prior to the completion of the service road, the applicant can develop a temporary rights-in/rights-out

access on Route 1 for a development generating a maximum of 200 vehicle trips per day, according to the Institute of Transportation Engineers' <u>Trip Generation Manual</u>. Prior to the completion of the service road, for any development generating more than 200 vehicle trips per day, all site access must be located on Old Mill Road.

More information regarding the Corridor Capacity Preservation Program is available at https://www.deldot.gov/Publications/manuals/corr_cap/index.shtml.

Per Section 2.2.2.1 of the DelDOT <u>Development Coordination Manual</u>, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate 998 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. DelDOT calculates that the 168 condominiums would generate 914 vehicle trip ends per day on weekdays and presently sees the proposed Sales Center as an accessory use, with no trip generation of its own. Regardless, the 500 vehicle trip ends per day would be exceeded, so a TIS is warranted.

Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as \$10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process. Refer to the next bulleted comment regarding the requirement of a TOA.

Two off-site improvements that DelDOT can readily identify without a TIS or TOA are a contribution to the DelDOT project mentioned above and improvements to Old Mill Road. The DelDOT project is the SR 1, Minos Conaway Grade Separated Intersection. It is presently scheduled for construction in Fiscal Years 2023 and 2024 with a total cost of \$32,700,000. More information on the project is available at https://www.deldot.gov/information/projects/SR1MinosConaway/index.shtml. This development's contribution would be proportional to its contribution to traffic in the affected area. The need for additional rights-of-way from the development has not been determined but any needed rights-of-way that would otherwise be compensable could be credited toward this contribution.

Section 2.3.2 of the <u>Development Coordination Manual</u> addresses the circumstances in which DelDOT may require a Traffic Operational Analysis (TOA). In the attached letter dated December 3, 2018, concerning the previous rezoning and conditional use applications for this site, DelDOT said that if the County approved those applications DelDOT would require that a TOA be performed prior to granting entrance approval and

- may require interim improvements at the intersection of Delaware Route 1 and Old Mill Road. DelDOT's December 2018 letter applies to this new application as well.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility; otherwise it is at DelDOT's discretion. Because this part of the County appears to be developing rapidly, DelDOT anticipates requiring a Shared Use Path along the development frontage. Due to the SR 1, Minos Conaway Grade Separated Intersection, cited above, DelDOT may require the path only along the site's Old Mill Road frontage if it finds there is a significant possibility of a path built along SR 1 being taken by the DelDOT project.

<u>Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352</u>

• The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

State Historic Preservation Office - Contact Carlton Hall 736-7404

- There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

• Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

• Where a water distribution system is proposed for /multi-family dwelling sites, 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 occupied as apartments (multi-family living units comprising of 3 or more units) 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 Coastal Highway and the access road from Old Mill 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)
- 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 the suggestions can benefit the project.

<u>Department of Transportation – Contact Bill Brockenbrough 760-2109</u>

- Please refer to DelDOT's May 2018 PLUS comments (copy attached).
- 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 25, 2019. The notes can be found at https://www.deldot.gov/Business/subdivisions/

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

• 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.

State Housing Authority - Contact: Karen Horton 739-4263

 DSHA strongly supports the partial rezoning of 15 acres on the corner of Coastal Highway and Old Mill Road from AR-1 (Agriculture-Residential) to HR (Medium Residential) to develop 168 units via the Sussex County Rental Program. This would provide housing affordable to county residents who work in the 'Coastal Area' as defined by the County's 2018 Comprehensive Plan. The need for more affordable housing options in this area of the County is acute and well documented. In addition, this site is located within a DSHA-defined 'Area of Opportunity', which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help household succeed. Since these same areas contain little affordable housing, the County incorporated their intent to expand affordable housing opportunities within 'Areas of Opportunity' into their 2018 Comprehensive Plan.

- DSHA takes this opportunity to note our concern that this is the second time the Nassau Property is going through the development review process adding time and money to providing a more affordable housing product in an area where it is desperately needed. Sussex County Planning and Zoning Commission denied the initial proposal in December because it was not "in character with the surrounding use of single-family homes". DSHA documented our concern of applying additional criteria, including 'similar to the surrounding uses', only to densities associated with a more affordable housing product in the September 20, 2018 PLUS letter, and in a November 15, 2018 letter to the County Administrator. We continue to be discouraged with the application of the criteria of being 'in character with the surrounding use', which in this area is single-family homes for the resort market. This criteria will be used to deny much-needed affordable housing proposals as it did already for the Nassau Property proposal in December.
- Considering the site's Coastal Highway close proximity to Five Points in Lewes and location within an 'Area of Opportunity' providing resources and benefits conducive to positive life outcomes, this is an excellent location for a more affordable housing product such as the Nassau Proposal. As a result, we recommend that Sussex County embrace the opportunity to approve this proposal permitting residents to live close to their jobs and gain access to the resources and benefits this area provides.

Sussex County - Contact Rob Davis 302-855-7820

- The parcels are not within the boundary of the Sussex County Unified Sanitary Sewer District and annexation into the sewer district is required. Connection to the sewer system is mandatory. Sewer service has not been extended to the parcels. The County does not have a schedule to extend service to the proposed projects. It will be the developer's responsibility to construct off-site infrastructure to obtain sewer service. A Sewer System Concept Evaluation (SSCE) must be requested to define a connection point.
- The Sussex County Sussex County Code, <u>Chapter 110</u> requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for their parcel(s) with estimated EDUs for the project, along with payment of \$1,000.00 payable to Sussex County Council. The Utility Planning Department will review the parcels and EDUs, determine capacity, and provide the connection point and 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 as well as the Sussex County Public Works department. Public Works will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

- A "Use of Existing Infrastructure Agreement" is required and must be approved prior to approval of construction plans.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures. The Sussex County Engineer shall approve the connection point.
- Onetime system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed wit this letter.

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,

Constance C. Holland, AICP

Director, Office of State Planning Coordination

Constinue C. Halland

CC: Sussex County

Enclosure Attachment

BRANDY BENNETT NAUMAN HOUSING COORDINATOR & FAIR HOUSING COMPLIANCE OFFICER

(302) 855-7777 T (302) 854-5397 F bnauman@sussexcountyde.gov





March 19, 2019

Mr. Tom Schreier Hillcrest Associates Inc. P.O. Box 1180 Hockessin, DE 19707

RE: Nassau Property – PLUS Review (PLUS 2019-03-05)

Dear Mr. Schreier,

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.

On March 12, 2019, Hillcrest Associates submitted an application for the Nassau Property under the Sussex County Rental Program. The application is currently under review for eligibility.

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 *Housing Coordinator &*

Fair Housing Compliance Officer



Agency Name: Dept. of Transportation Project Name: Nassau Property

Division: Planning Contact Person: Bill Brockenbrough

Regulations/Code Requirements

• Because the subject property fronts on Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of certain existing highways by minimizing and consolidating the number of direct high-volume, driveway access points along them. Delaware Route 1 is a controlled-access highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code.

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along Old Mill Road (Sussex Road 265A). Therefore, all site access must be developed along Old Mill Road, not on Delaware Route 1.

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. When that occurs, access on the service road may be permissible but that conversion should not expected until after the subject development is complete.

More information regarding the Corridor Capacity Preservation Program is available at https://www.deldot.gov/Publications/manuals/corr cap/index.shtml.

- The site access on Old Mill Road must be designed in accordance with DelDOT's <u>Development Coordination Manual</u>, which is available at <u>http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes</u>.
- Pursuant to Section P.3 of the <u>Manual</u>, a Pre-Submittal Meeting is required before plans are submitted for review.
- Section P.5 of the <u>Manual</u> 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.
- Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate 998 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. DelDOT calculates that the 150 condominiums would generate 816 vehicle trip ends per day on weekdays and presently sees the proposed Sales Center as an accessory use, with no trip generation of its own. Regardless, the 500 vehicle trip ends per day would be exceeded, so a TIS is warranted.

Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as \$10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.

Two off-site improvements that DelDOT can readily identify without a TIS or TOA are a contribution to the DelDOT project mentioned above and improvements to Old Mill Road. The DelDOT project is the SR 1, Minos Conaway Grade Separated Intersection. It is presently scheduled for construction in Fiscal Years 2023 and 2024 with a total cost of project \$32,700,000. More information on the https://www.deldot.gov/information/projects/SR1MinosConaway/index.shtml. This development's contribution would be proportional to its contribution to traffic in the affected area. The need for additional rights-of-way from the development has not been determined but any needed rights-of-way that would otherwise be compensable could be credited toward this contribution.

Presently, Old Mill Road has 10-foot lanes and lacks shoulders. DelDOT's standard for local roads is 11-foot lanes and 5-foot paved shoulders. At a minimum, the applicant should expect a requirement to improve Old Mill Road to meet that standard in both directions from Route 1 to the north limit of their frontage.

- Section 3.2.4.2 of the <u>Manual</u> addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Old Mill Road and Delaware Route 1. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Old Mill Road and Delaware Route 1. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Old Mill Road and 30 feet of right-of-way from the outer edge of the northbound through lanes on Delaware Route 1. 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 3.2.5.1.1 of the <u>Manual</u>, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the site entrance. The easement shall be located outside of any existing and/or proposed right-of-way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.

- 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 Old Mill Road and Delaware Route 1. 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 3.4 of the <u>Manual</u>, a record plan shall be prepared prior to issuing "Letter of No Objection". The record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items-Record-Subdivision.pdf?09222017.
- Referring to Section 3.4.2.1 of the <u>Manual</u>, the following items, among other things, are required on the Record Plan:
 - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - o Depiction of all existing entrances within 300 feet of the proposed entrance on both roads.
 - o Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the <u>Manual</u> provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT-maintained public streets for subdivisions. Private or municipal streets should follow the City's requirements for connectivity.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility; otherwise it is at DelDOT's discretion. Because this part of the County appears to be developing rapidly, DelDOT anticipates requiring a Shared Use Path along the development frontage.
- Referring to Section 3.5.5 of the <u>Manual</u>, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.
- Because the proposed development is to be constructed in the proximity of a road with a functional classification of principal arterial, freeway or interstate, specifically Delaware Route 1, the developer will be required to perform a noise analysis in accordance with

DelDOT's Noise Policy, found in Section 3.6 of the <u>Manual</u> and may be required to provide noise abatement for residents based on that analysis.

- In accordance with Section 3.8 of the <u>Manual</u>, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along both Old Mill Road and Delaware Route 1.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website at https://www.deldot.gov/Business/subdivisions/pdfs/Critical-ltems Entrance Construction Subdivision.pdf?09222017.
- In accordance with Section 5.2.5.6 of the <u>Manual</u>, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrance. As per Section 5.2.3 of the <u>Manual</u>, the entrance shall be designed for the largest vehicle using the entrance.
- In accordance with Section 5.2.9 of the <u>Manual</u>, 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 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 <u>Manual</u>, 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.
- Because the proposed development would not have State-maintained streets, Section 6.4.3 of the <u>Manual</u>, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.
- Section 7.7.2 of the <u>Manual</u> addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

Suggestions

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street or driveway with no direct access to Old Mill Road or Delaware Route 1.
- 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 as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at http://www.deldot.gov/Business/subdivisions/index.shtml.
- 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 date of December 8, 2017. The notes can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.



STATE OF DELAWARE

DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

JENNIFER COHAN SECRETARY

May 10, 2019

Ms. Constance C. Holland Office of State Planning Coordination 122 Martin Luther King Jr. Blvd., South Haslet Armory, Suite 302 Dover, DE 19901

Dear Ms. Holland:

This letter is to provide two clarifications to the comments I provided on the Nassau Property application (PLUS 2019-03-05) at the March 27 meeting of the Preliminary Land Use Service (PLUS). My written comments were enclosed with my letter of April 3, 2019. Copies of both the letter and the comments are enclosed with this letter as well.

Our first clarification is to the second bulleted comment, which addresses the effect of the Corridor Capacity Preservation Program on the proposed development. In that comment, the last sentence of the third paragraph is incorrect. The corrected third paragraph should read as follows:

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. Once the service road is built, the site can gain full access to the service road. Prior to the completion of the service road, the applicant can develop a temporary rights-in/rights-out access on Route 1 for a development generating a maximum of 200 vehicle trips per day, according to the Institute of Transportation Engineers' Trip Generation Manual. If the developer wishes to develop the property further before the service road is complete, the additional development would need a separate driveway on Old Mill Road, with no interconnection to that first 200-trip phase until the service road is complete.

Our second clarification is to the fourth bulleted comment, which addresses a December 3, 2018, letter (copy enclosed) and a Traffic Operational Analysis that DelDOT may require. As written, the comment could be read to say that the TOA would focus on a single intersection, when in fact it would be broader. We would like to revise that comment to read as follows:



Ms. Constance C. Holland May 10, 2019 Page 2 of 3

Section 2.3.2 of the <u>Development Coordination Manual</u> addresses the circumstances in which DelDOT may require a Traffic Operational Analysis (TOA). In the attached letter dated December 3, 2018, concerning the previous rezoning and conditional use applications for this site, DelDOT said that if the County approved those applications DelDOT would require that a TOA be performed prior to granting entrance approval. While the scope of that TOA has not been determined, it would examine the site entrance on Route 1 and cross-overs and intersections to the north and south of the entrance where significant numbers of site-generated trips would make left-turns or U-turns. Based on the TOA results, DelDOT may require interim improvements at the intersection of Delaware Route 1 and Old Mill Road and other locations analyzed therein. DelDOT's December 2018 letter applies to this new application as well.

Ms. Constance C. Holland May 10, 2019 Page 3 of 3

You may contact me at (302) 760-2109 if you have any questions concerning this correspondence.

Sincerely,

T. William Brockenbrough, Jr. County Coordinator

J William Bookenbrough

TWB:km Enclosures

Alan J. Hill, Hillcrest Associates

Nicole Majeski, Deputy Secretary

Aimee V. String, Chief of Legislative Relations

Charlanne Thornton, Director, Finance

Drew A. Boyce, Director, Planning LaTonya Gilliam, North District Engineer, Maintenance & Operations (M&O)

Kevin F. Canning, Canal District Engineer, M&O

Matthew Lichtenstein, Central District Engineer, M&O Alistair Probert, South District Engineer, M&O

Louise A. Holt, Public Information Officer, Office of Community Relations

Shanté Hastings, Deputy Director, Division of Transportation Solutions (DOTS) Mark Luszcz, Assistant Director, Traffic Engineering, DOTS

Pamela Steinebach, Assistant Director, Project Development North, DOTS

Michael A. DuRoss, Assistant Director, Regional System Planning

Jeffrey Niezgoda, Assistant Director, Local Systems Improvement

J. Marc Coté, Assistant Director, Development Coordination

Micheale M. L. Smith, Senior Fiscal Management Analyst, Finance

David Dooley, Senior Planner, Planning, Delaware Transit Corporation (DTC) Tremica Cherry-Wall, Service Development Planner, DTC

Stephen Ottinger, Fixed-Route Planner, DTC

Matthew Vincent, Canal District Public Works Engineer, M&O

Richard S. McCabe, Central District Public Works Engineer, M&O

Robert Greybill, Canal District Permit Engineer, M&O

Scott R. Rust, Central District Entrance Permit Manager, M&O

Gemez W. Norwood, South District Public Works Manager, M&O
James M. Satterfield, IV, Regional Group Engineer, Project Development South I, DOTS

Bryan Behrens, Regional Group Engineer, Project Development South II, DOTS

Peter Haag, Traffic Studies Engineer, Traffic Engineering, DOTS

Danita Ellis, Administrative Specialist, Traffic Engineering, DOTS

Gene S. Donaldson, Manager of Planning, Traffic Management Center, Traffic Operations, DOTS

Ann Gravatt, Planning Supervisor, Local Systems Improvement
Anthony J. Aglio, II, Planning Supervisor, Local Systems Improvement
Sarah Coakley, Principal Planner, Regional System Planning

John T. Fiori, Project Planner, Local Systems Improvement

Maria Andaya, Project Planner, Local Systems Improvement
Michael C. Hahn, Byways Coordinator, Local Systems Improvement

Joshua Thomas, Planning Supervisor, Regional System Planning

Nathan Attard, Project Planner, Regional System Planning Jennifer Cinelli-Miller, Project Planner, Regional System Planning

Thomas C. Felice, Manager, Corridor Capacity Preservation Program

New Castle County Review Coordinator

Stephen G. Wright, Kent County Review Coordinator Susanne K. Laws, Sussex County Review Coordinator

Pao Y. Lin, Subdivision Reviewer

Nana Nyarko-Appiah, Subdivision Reviewer Derek A. Sapp, Subdivision Reviewer

Joshua Schwartz, Subdivision Reviewer

Jun Xie, Subdivision Reviewer

Troy E. Brestel, Project Engineer

Claudy Joinville, Project Engineer

John J. Pietrobono, Johnson, Mirmiran & Thompson

Kevin Hickman, Johnson, Mirmiran & Thompson Will Mobley, Johnson, Mirmiran & Thompson

Brian K. Yates, Johnson, Mirmiran & Thompson



ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
SURVEYING

June 10, 2019

State of Delaware
Office of State Planning Coordination
Attn: Constance C. Holland, AICP
122 Martin Luther King Jr. BLVD
Haslet Armory, Third Floor
Dover, DE 19901

RE: PLUS Review 2019-03-05; Nassau Property

Dear Constance,

Below is our point-by-point response (in bold) to the comments found within the PLUS Comment Letter dated June 21, 2018 (quoted in italics) for the above referenced project.

Strategies for State Policies and Spending

This project is located in Investment Levels 3 and 4 according to the Strategies for State Policies and Spending. 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 supportfuture growth in these areas, but please be advised that the State has other priorities for the near future. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and/or environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

The Office of State Planning cannot support development in the Level 4 area. Therefore, we ask that the applicant consider pulling the housing within the Level 4 areas and concentrate building within the Level 3 section of this parcel.

With the current application, the bulk of the area we are proposing to disturb is within Level 3. While small portions of the site are within Level 4, those same areas incorporate already developed and constructed residential lots and/or roads.

In addition, we ask that the County consider the following when reviewing this site:

This parcel is within a Corridor Capacity Preservation area which means that access to this site would be through Old Mill Road until the DelDOT capital project identified in the DelDOT comments below is completed.

Based on the amended comments provided by DelDOT within their May 10, 2019 letter, the applicant can develop a temporary rights-in/rights-out access onto Route 1. Once the service road is built, the site can gain full access to the service road.

At the PLUS meeting in March the developer noted that the applicant had submitted an application

Page 2 of 9 PLUS Review 2019-03-05; Nassau Property June 10, 2019

for this property through the Sussex County Rental Program. According to comments received from the County, the application is still under review. The Delaware State Housing Authority, below, has stated their support of this application because they believe the density would allow for affordable housing. If the County does approve this site for housing in the future, it should be recorded that these units are for affordable housing and will remain affordable in perpetuity.

The project received preliminary approval for participation in the SCRP through the execution and recordation of the Acknowledgement of Participation on May 1, 2019.

Code Requirements/Agency Permitting Requirements

Department of Transportation - Contact Bill Brockenbrough 760-2109

Regulations/Code Requirements

Because the subject property fronts on Delaware Route 1 between Dover Air Force Base and the Nassau Bridge, it is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of certain existing highways by minimizing and consolidating the number of direct driveway access points along them. Delaware Route 1 is a controlled-access highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code.

Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has frontage along Old Mill Road (Sussex Road 265A).

As discussed below in a separate comment, DelDOT is developing a capital project that would convert the northbound lanes of Route 1 to a two-way service road. Once the service road is built, the site can gain full access to the service road. Prior to the completion of the service road, the applicant can develop a temporary rights-in/rights-out access on Route 1 for a development generating a maximum of 200 vehicle trips per day, according to the Institute of Transportation Engineers' Trip Generation Manual. If the developer wishes to develop the property further before the service road is complete, the additional development would need a separate driveway on Old Mill Road, with no interconnection to that first 200-trip phase until the service road is complete. (revised per DelDOT letter dated May 10, 2019)

The Applicant/ Developer agrees and is willing to work with DelDOT in efforts of obtaining the safest and appropriate entrance in both the short and long term of the project.

More information regarding the Corridor Capacity Preservation Program is available at https://www.deldot.gov/Publications/manuals/corrcap/index.shtml.

Per Section 2.2.2.1 of the DelDOT Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. The PLUS application states that the proposed development would generate 998 vehicle trip ends per day on weekdays, a number that DelDOT finds credible but has not yet verified. DelDOT calculates that the 168 condominiums would generate 914 vehicle trip ends per day on weekdays and presently sees the proposed Sales Center as an accessory use, with no trip generation of its own. Regardless, the 500-vehicle trip ends per day would be exceeded, so a TIS is warranted.



Page 3 of 9 PLUS Review 2019-03-05; Nassau Property June 10, 2019

The traffic analysis history of this project requires some explanation. For a previous application for this property, DelDOT had mistakenly calculated the traffic generation for 150 single family detached houses which equated to 1,687 trips per day from the Service Level Evaluation Request. This was revised in a DelDOT supplement to its original PLUS comments by letter in June 2018. For the current project, the Applicant originally estimated the development would generate 998 trips per day including traffic generated by the sales office. DelDOT's Level of Service Evaluation, however, confirms the generated trips per day to be lower at 914. This reduction in the trips per day is a result of DelDOT calculating the Sales Office as an Accessory Use to the apartments as opposed to an individual use. The Applicant/ Developer understands the requirement for traffic impact study and will defer to Sussex County and DelDOT on whether the Area Wide Study Fee in lieu is more appropriate in this case with the proposed improvements for this section of Route 1.

Per Section 2.2.2.2 of the Manual, developments generating fewer than 2,000 vehicle trip ends per day and fewer than 200 vehicle trip ends per hour in any hour of the day may be eligible to pay a fee, the Area Wide Study Fee, in lieu of doing a TIS. The fee is calculated as \$10 times the Average Daily Traffic volume shown on the site plan and is payable with the Initial Stage submission. Payment of the fee does not exempt the developer from responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process. Refer to the next bulleted comment regarding the requirement of a TOA.

As previously stated the Applicant/ Developer is amicable to the decision of Sussex County and DelDOT with regards to the Area-Wide Study Fee in Lieu and understand that this does not exempt them from the responsibility to make off-site improvements or from preparing a Traffic Operational Analysis (TOA) if DelDOT identifies a need for a TOA in the plan review process.

Two off-site improvements that DelDOT can readily identify without a TIS or TOA are a contribution to the DelDOT project mentioned above and improvements to Old Mill Road. The DelDOT project is the SR 1, Minos Conaway Grade Separated Intersection. It is presently scheduled for construction in Fiscal Years 2023 and 2024 with a total cost of \$32,700,000. More information on the project is available at https://www.deldot.gov/information/projects/SR1MinosConaway/index.shtml. This development's contribution would be proportional to its contribution to traffic in the affected area. The need for additional rights-of-way from the development has not been determined but any needed rights-of-way that would otherwise be compensable could be credited toward this contribution.

The Applicant/Developer acknowledges that improvements will be required to Old Mill Road and understands that proportional contribution will be required and also the possible need for DelDOT to require additional rights-of-way as part of their Minos Conaway Grade Separated Intersection project.

Section 2.3.2 of the Development Coordination Manual addresses the circumstances in which DelDOT may require a Traffic Operational Analysis (TOA). In the attached letter dated December 3, 2018, concerning the previous rezoning and conditional use applications for this site, DelDOT said that if the County approved those applications DelDOT would require that a TOA be performed prior to granting entrance approval. While the scope of that TOA has not been determined, it would examine the site entrance on Route 1 and crossovers and intersections to the north and south of the entrance where significant numbers of site-generated trips would make left-turns or U-turns. Based on the TOA results, DelDOT may require interim improvements at the intersection of Delaware Route 1 and Old Mill Road and other locations analyzed therein. DelDOT's December 2018 letter applies to this new application as



Page 4 of 9 PLUS Review 2019-03-05; Nassau Property June 10, 2019

well. (revised per DelDOT letter dated May 10, 2019)

The scope of the TOA will be determined as part of the plan review process with DelDOT and the Applicant/Developer understands that interim improvements may be required along Route 1 as a result of the TOA.

Section 3.5.4.2 of the Manual address's requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, developments in Level 3 and 4 Areas are required to install a sidewalk or Shared Use Path if the project abuts to an existing facility; otherwise it is at DelDOT's discretion. Because this part of the County appears to be developing rapidly, DelDOT anticipates requiring a Shared Use Path along the development frontage. Due to the SR 1, Minos Conaway Grade Separated Intersection, cited above, DelDOT may require the path only along the site's Old Mill Road frontage if it finds there is a significant possibility of a path built along SR 1 being taken by the DelDOT project. The Applicant/Developer is aware of DelDOT's policy on sidewalks and shared use paths and will coordinate the locations as required during the approval process with DelDOT.

Suggestions

Please refer to DelDOT's May 2018 PLUS comments (copy attached).

The additional comments from the May 2018 PLUS letter are focused toward the requirements for Plan submissions which will be referred to at such time.

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's dates of March 21, 2019 and March 25, 2019. The notes can be found at https://www.deldot.gov/Business/subdivisions/
The latest notes from DelDOT will be included for all plan submissions to DelDOT.

Department of Natural Resources and Environmental Control - Contact Michael Tholstrup 735-3352

The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

No comments were presented as part of this PLUS review. However, the Applicant / Developer intends to fully comply with all DNREC requirements as the application progresses.

State Historic Preservation Office - Contact Carlton Hall 736-7404

There are no known archaeological sites or known National Register-listed or eligible properties on the parcel.

No response required.

If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

If any remains are discovered at the time of construction the Applicant/Developer shall contact the appropriate agencies.

If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or



Page 5 of 9 PLUS Review 2019-03-05; Nassau Property June 10, 2019

historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

It is not anticipated that Federal involvement will be required on this project, however, if required the Applicant/Developer shall comply with Section 106 of the National Historic Preservation Act.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1000 gpm for I-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing oncenters.
 - The proposed water distribution system and fire hydrant locations will be designed to meet these requirements.
- Where a water distribution system is proposed for /multi-family dwelling sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
 - The pipe sizing for water mains, fire hydrants and sprinkler systems will be included on the water distribution plans prior to approval for construction.

Fire Protection Features:

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
 - All the structures over 10,000 Sq. Ft. will have automatic sprinkler systems installed.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
 - The apartment buildings will have automatic sprinkler systems 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
 - Fire Lane markings will be installed as required.
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
 - The Fire Department Connection locations and details will be included on submissions to the Fire Marshal.
- Show Fire Lanes and Sign Detail as shown in DSFPR
 Fire Lanes and Sign Details will be included on submissions to the Fire Marshal.

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 Coastal Highway and
the access road from Old Mill Road must be constructed so fire department apparatus may
negotiate it.



All subdivision access will be designed and constructed to allow fire department apparatus access.

- 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.
 - The site is designed to allow fire apparatus to locate within 100 ft. of the front doors of all buildings.
- Any dead-end road more than 300 feet in length shall be provided with a tum-around or culde-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 tum-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
 - No dead-end roads of more than 300 feet are proposed.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
 - The use of speed bumps or other methods of speed control are not anticipated but if they are included at a later date they will be in accordance with DelDOT.
- 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.
 The operation and design of the automatic gate systems will be included in the Fire Marshal
 submission.

Gas Piping and System Information:

Provide type of fuel proposed and show locations of bulk containers on plan.
 All utilities will be installed underground with no bulk containers on site.

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)
- 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
 - All of the above notes will be included on the appropriate plans at the time of submission.

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



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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 the suggestions can benefit the project.

<u>Department of Transportation – Contact Bill Brockenbrough 760-2109</u>

Please refer to DelDOT's May 2018 PLUS comments (copy attached).

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 25, 2019. The notes can be found at

https://www.deldot.gov/Business/subdivisions/

The above recommendations from DelDOT will be included on future plan submissions to DelDOT.

Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037

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. The Applicant/Developer will have a preliminary meeting with Fire Protection Specialists prior to final design and submission.

<u>State Housing Authority – Contact Karen Horton 739-4263</u>

DSHA strongly supports the partial rezoning of 15 acres on the comer of Coastal Highway and Old Mill Road from AR-1 (Agriculture-Residential) to HR (Medium Residential) to develop 168 units via the Sussex County Rental Program. This would provide housing affordable to county residents who work in the 'Coastal Area' as defined by the County's 2018 Comprehensive Plan. The need for more affordable housing options in this area of the County is acute and well documented. In addition, this site is located within a DSHA-defined 'Area of Opportunity', which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help household succeed. Since these same areas contain little affordable housing, the County incorporated their intent to expand affordable housing opportunities within 'Areas of Opportunity' into their 2018 Comprehensive Plan.

The Developer acknowledges and concurs with the DSHA's comments regarding this project.

DSHA takes this opportunity to note our concern that this is the second time the Nassau Property is going through the development review process - adding time and money to providing a more affordable housing product in an area where it is desperately needed. Sussex County Planning and Zoning Commission denied the initial proposal in December because it was not "in character with the surrounding use of single-family homes". DSHA documented our concern of applying additional criteria, including 'similar to the surrounding uses', only to densities associated with a more affordable housing product in the September 20, 2018 PLUS letter, and in a November 15, 2018 letter to the County Administrator. We continue to be discouraged with the application of the criteria of being 'in character with the surrounding use', which in this area is single-family homes for the resort market. These criteria will be used to deny much-needed affordable housing proposals - as it did already for the Nassau Property proposal in December.



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Considering the site's Coastal Highway close proximity to Five Points in Lewes and location within an 'Area of Opportunity' providing resources and benefits conducive to positive life outcomes, this is an excellent location for a more affordable housing product such as the Nassau Proposal. As a result, we recommend that Sussex County embrace the opportunity to approve this proposal permitting residents to live close to their jobs and gain access to the resources and benefits this area provides.

Sussex County – Contact Rob Davis 855-7820

The parcels are not within the boundary of the Sussex County Unified Sanitary Sewer District and annexation into the sewer district is required. Connection to the sewer system is mandatory. Sewer service has not been extended to the parcels. The County does not have a schedule to extend service to the proposed projects. It will be the developer's responsibility to construct off-site infrastructure to obtain sewer service. A Sewer System Concept Evaluation (SSCE) must be requested to define a connection point.

The Applicant/Developer has had preliminary discussions with Sussex County Utility Planning to ensure that annexation into the Northern Planning Area is possible and capacity is available for this project prior to making this application. As this project requires a rezoning, the Applicant/Developer will defer the filing of a Sewer System Concept Evaluation until zoning approvals are obtained.

The Sussex County Sussex County Code, <u>Chapter 110</u> requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning Department for their parcel(s) with estimated EDUs for the project, along with payment of \$1,000.00 payable to Sussex County Council. The Utility Planning Department will review the parcels and EDUs, determine capacity, and provide the connection point and 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 as well as the Sussex County Public Works department. Public Works will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

Once the rezoning is approved the Applicant/Developer will submit a formal SSCE to the Utility Planning Department to start the sewer design.

A "Use of Existing Infrastructure Agreement" is required and must be approved prior to approval of construction plans.

The Agreement will be executed prior to approval of Construction Plans.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures. The Sussex County Engineer shall approve the connection point.

The Applicant/Developer will design and install the collection system in accordance with Sussex County which discharges to a point approved by the County Engineer.

Onetime system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

The Applicant/Developer understands that it will be responsible for all fees related to the installation and permitting of the Sanitary Sewer Collection System.



Page 9 of 9 PLUS Review 2019-03-05; Nassau Property June 10, 2019

In addition to the comments above our office has received a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of that letter is enclosed with this letter.

This letter acknowledges the application was made to SCRP. Since the date of this letter the project received preliminary approval for participation in the SCRP on March 27, 2019 through the execution and recordation of the Acknowledgement of Participation on May 1, 2019.

If you have any questions or need additional information, please feel free to contact me immediately by phone at (610) 274-8613 or by email at tschreier@HillcrestAssoc.com.

Sincerely,

Thomas Schreier, RLA Landscape Architect

T Sehi

C. Ms. Janelle Cornwell, Sussex County P&Z DirectorNassau DE Acquisitions4187



BRANDY BENNETT NAUMAN HOUSING COORDINATOR & FAIR HOUSING COMPLIANCE OFFICER

(302) 855-7777 T (302) 854-5397 F bnauman@sussexcountyde.gov





March 27, 2019

Mr. Joseph Calabro 300 Delaware Avenue, Suite 1370 Wilmington, DE 19801

RE: Sussex County Rental Program

Dear Mr. Calabro:

On March 21, 2019, the County's internal review panel evaluated the Nassau Property application for the Sussex County Rental Program (SCRP). The panel granted the project preliminary approval for participation in the SCRP. This approval has no bearing on whether the project will receive the necessary land use approvals from Sussex County; it only allows the project to proceed through that process in accordance with Chapter 72 of the Code of Sussex County.

To proceed with the SCRP project, including the expedited review incentive, the applicant must first execute an Acknowledgement of Participation ("Acknowledgement") agreement. The Acknowledgement binds the applicant to the obligations outlined in the SCRP application and Chapter 72 of the Code of Sussex County. Once the fully executed Acknowledgement is received by the County, the County Administrator and Director of Planning & Zoning will determine the applicant's priority placement in the list of pending applications. A project receiving expedited review does not exempt the project from the County's land use approval process, nor guarantee approval through that process.

If the re-zoning is approved, the applicant must then execute an SCRP Agreement ("Agreement") within thirty (30) days of County Council's decision. The Agreement is recorded and contains, at minimum, the below stipulations. The applicant should review §72-23 of the Code of Sussex County for a full description of the Agreement.

- A. Number of SCRP units to be constructed, and final site plan.
- B. Schedule of construction for SCRP units and delivery schedule to market-rate units, as well as affirmative marketing plan for SCRP units.
- C. Economic risk borne solely by the applicant.



- D. No building permits will be issued until the execution of the Agreement. If the applicant does not build SCRP units in accordance with construction schedule, the County Administrator may withhold building permits until SCRP units are constructed.
- E. The Agreement must be signed by the applicant and any other parties having an interest in the property. The Agreement must be recorded in land records of the County.
- F. Partnerships, associations, corporations and other entities may not evade the requirements of the Agreement through voluntary dissolution, bankruptcy, or the sale or transfer of qualifying land.
- G. The Agreement may only be assigned with the prior written approval of the Community Development & Housing Department.
- H. Landlords are responsible for marketing, leasing, and determining tenant eligibility.
- I. If applicant is not also the builder, the relationship between the applicant and builder shall be fully disclosed.

Please do not hesitate to contact me with any questions.

Sincerely,

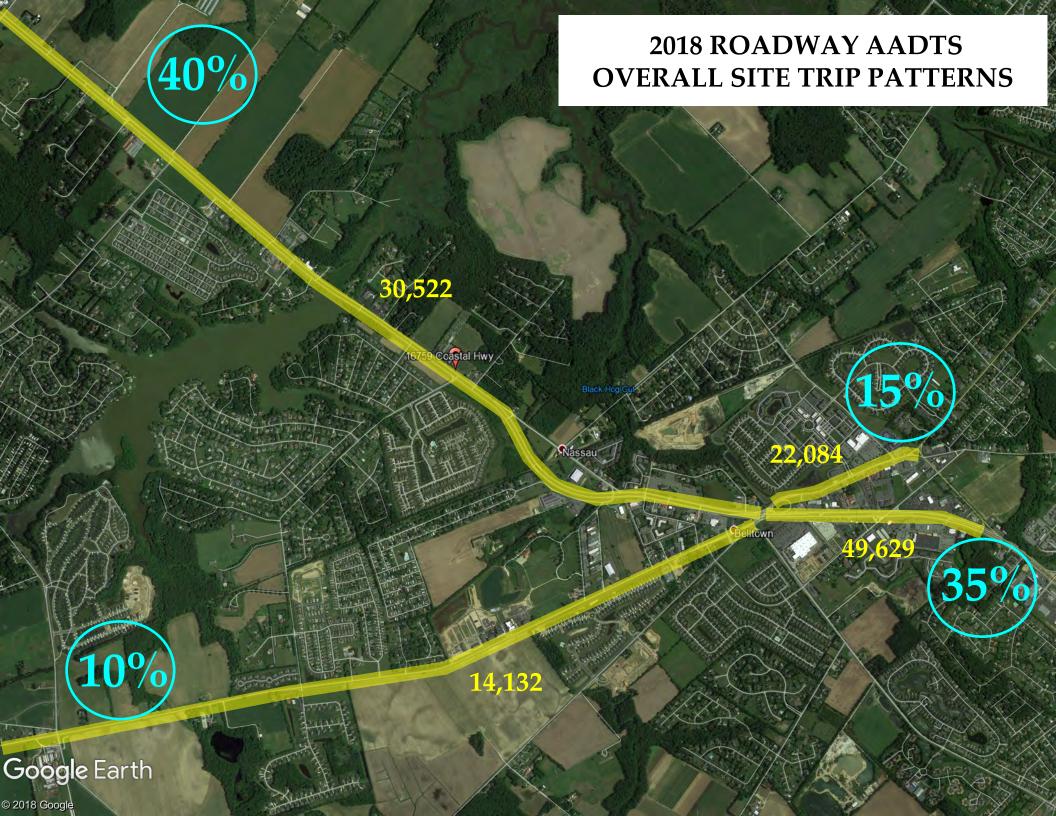
Brad D. Whaley, Director

Bulk WAG

CC: Todd F. Lawson, County Administrator

Janelle Cornwell, Director, Planning & Zoning

Brandy B. Nauman, Housing Coordinator, Community Development & Housing



SITE TRIP DISTRIBUTIONS: Entering Trips (Exiting Trips) DRIVEWAY ADTS





Figure 4.2-1 Existing Land Use

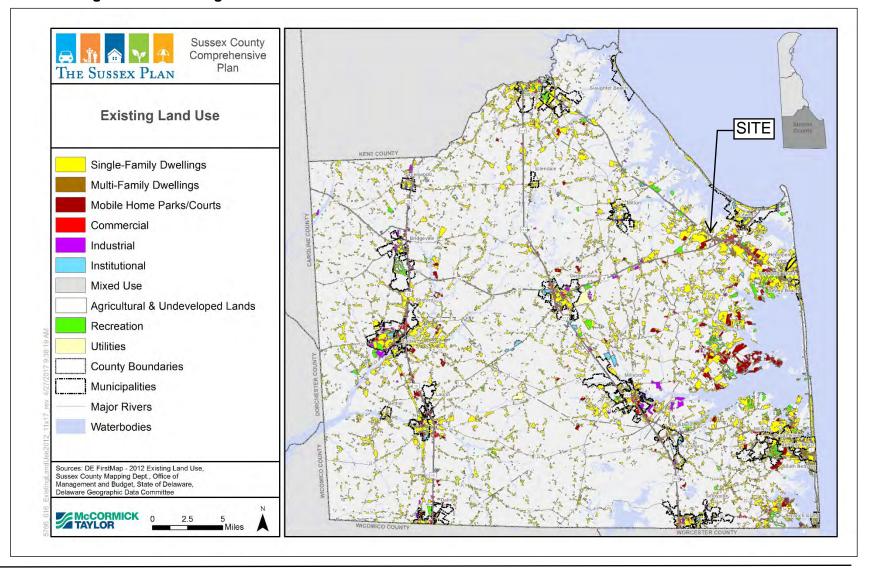




Figure 4.4-1 Strategies for State Policies and Spending

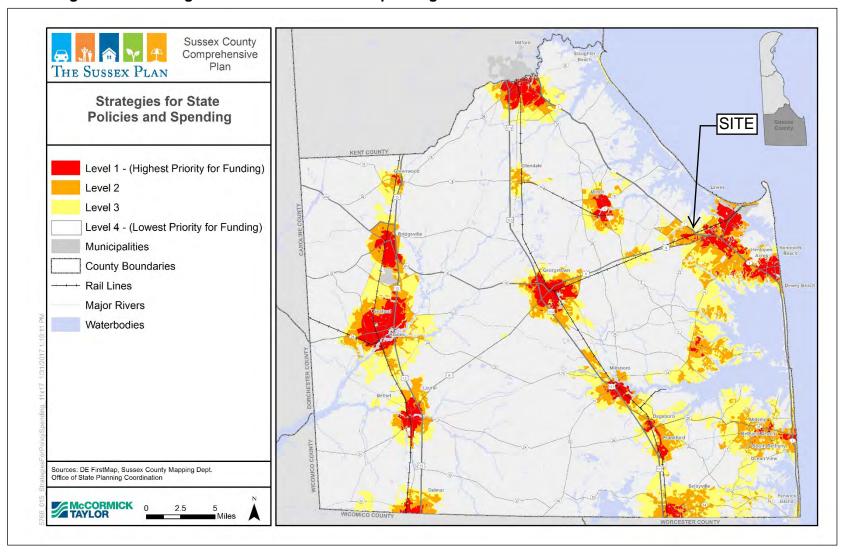
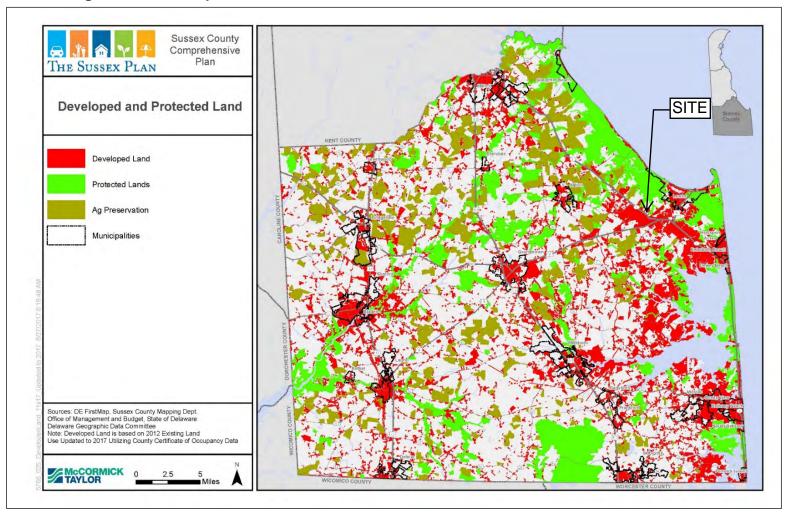
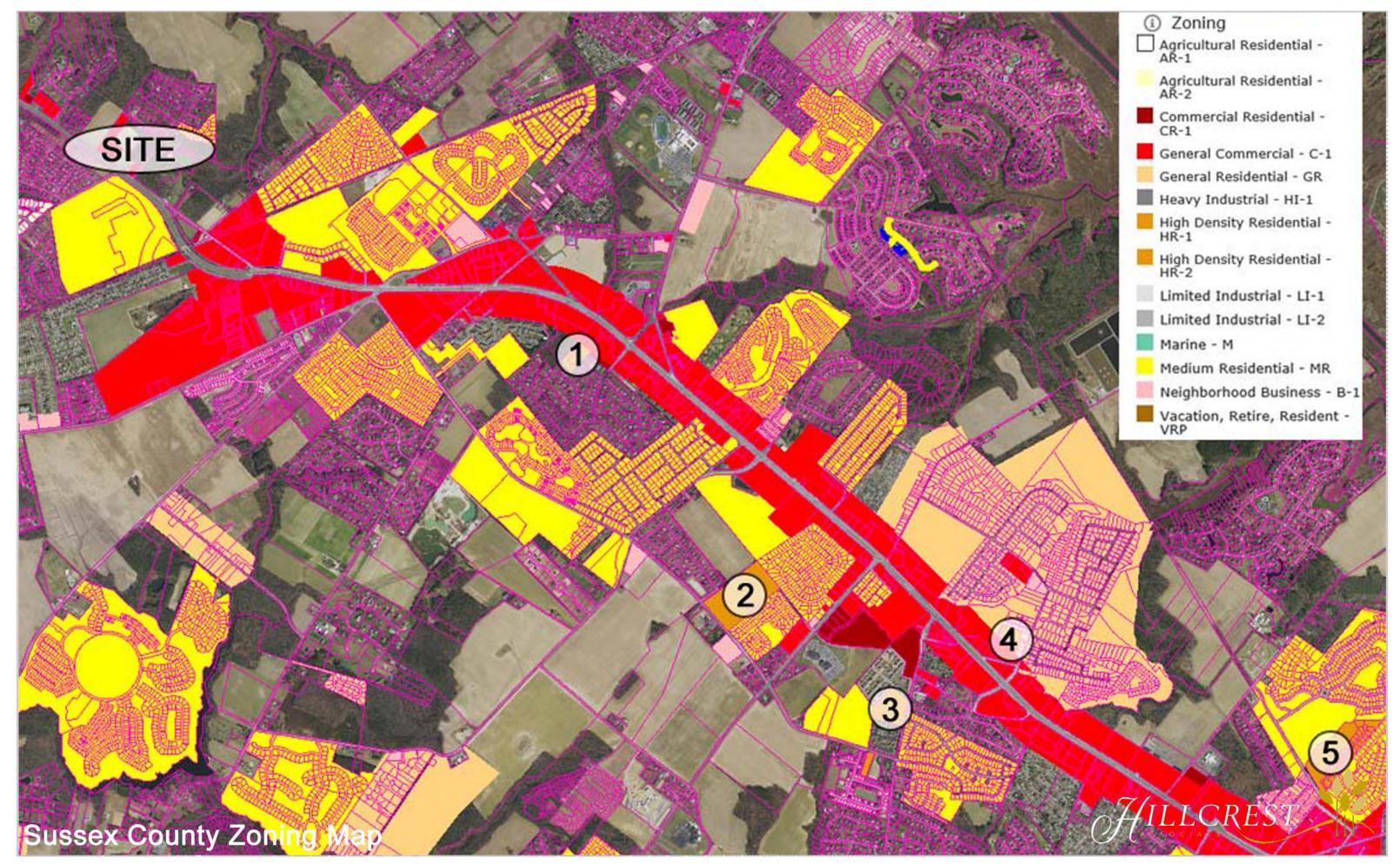




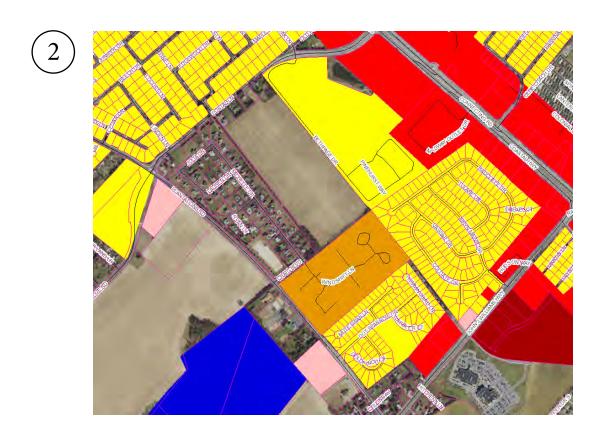
Figure 4.2-2 Developed and Protected Land *



^{*} Parcels enrolled in the State's Agricultural Lands Preservation Program change frequently and that the Delaware Department of Agriculture can be contacted for latest update.









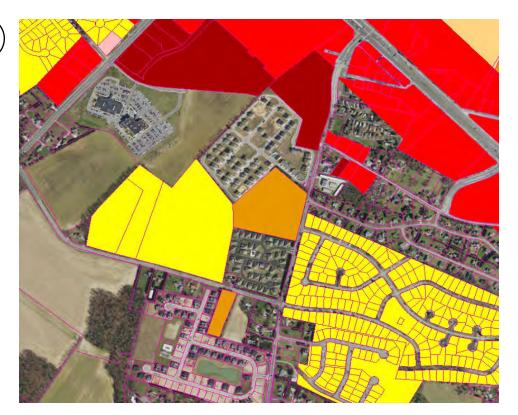


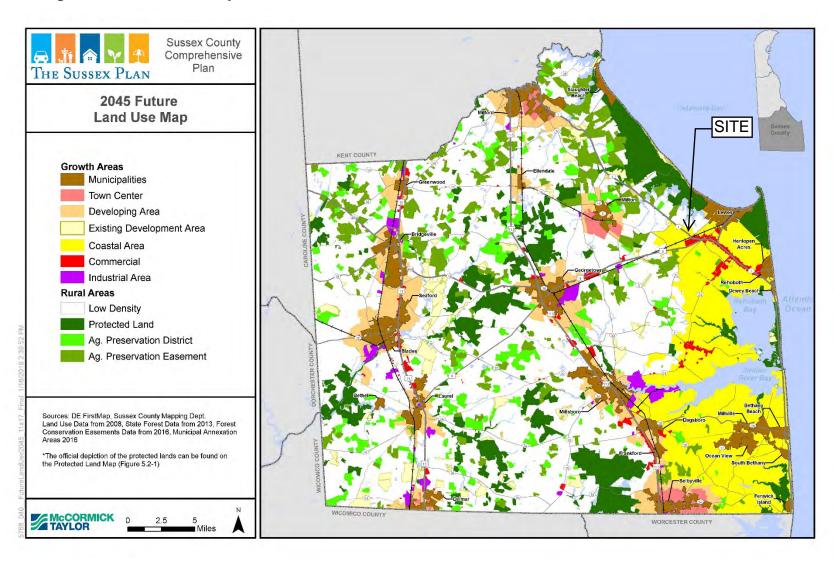








Figure 4.5-1 Sussex County 2045 Future Land Use





The State of Housing & Homelessness in The First State

2018

Housing Affordability

Affordable Housing: 30% Rule of Thumb

The 30 percent rule is consistent with the federal standard and dates from the era of the Great Depression. During that period, "one week's pay for one month's rent" was the accepted norm. This formula has been incorporated into public policy and is used as a Housing Cost to Income Ratio (HCIR). We use the 30% rule here in order to compare to other housing affordability research and data.

Delaware has the 15th highest two bedroom rental housing wage² in the U.S. In 2017, 101,111 Delawareans rented their homes, roughly, 29% of households.

State Facts	2018	2017	Housing Wage by County	2018	2017
Minimum Wage	\$8.25	\$8.25	Statewide	\$21.85	\$21.62
Average Renter Wage	\$16.99	\$17.06	New Castle County	\$24.35	\$23.29
2-Bedroom Housing Wage	\$21.85	\$21.62	Dover MSA	\$17.94	\$19.94
Number of Renter Households	101,111	99,173	Sussex County	\$17.31	\$17.60

Affordability in The First State

In Delaware, in 2017, the Fair Market Rent (FMR) for a two-bedroom apartment was \$1,136. In order to afford this level of rent and utilities — without paying more than 30% of income on housing — a household must earn \$3,787 monthly or \$45,439 annually.

Assuming a 40-hour work week, 52 weeks per year, this level of income translates into a necessary **Delaware Housing Wage of \$21.85 per hour**. The **2017 National Housing Wage is \$22.10 per hour**.

At the Delaware minimum wage of \$8.25 an hour, a renter would have to work **106 hours** a week to afford a two bedroom rental home at Fair Market Rent. A renter would need to work **87 hours** per week to afford a one bedroom unit.

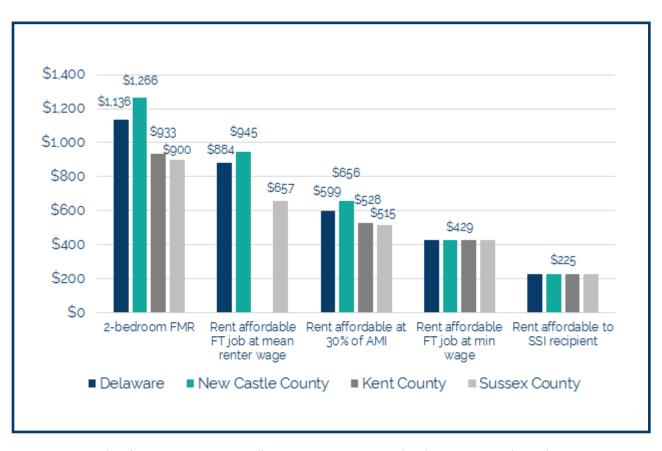
Translated into employment, a renter in Delaware would need **2.6 full time minimum wage jobs** to afford a two bedroom rental home at FMR, or **2.2 full time jobs** to afford a one bedroom unit.

¹ Unless otherwise noted, Housing Affordability Data Source: National Low Income Housing Coalition: Out of Reach 2018.

² Housing wage is the full time hourly income a household must earn to afford a rental at Fair Market Rent while not spending more than 30% income on housing costs.

Housing Affordability By County	New Castle County		Kent County		Sussex County	
	2017	2018	2017	2018	2017	2018
Average Renter Wage	\$18.35	\$18.17	\$17.06	unknown	\$12.10	\$12.63
% of renters	31%	31%	30%	31%	22%	22%
2-Bedroom Housing Wage	\$23.29	\$24.35	\$19.94	\$17.94	\$17.60	\$17.31
Number of Renter Households	62,593	63,474	18,386	19,052	18,194	18,585
Hours at Minimum Wage Needed for 2-BR FMR	113	118	97	87	85	84
Number of Jobs Needed at Minimum Wage	2.8	3.0	2.1	2.2	2.1	2.1

Delaware Rental Housing Costs



AMI: Fiscal Year 2018 Area Median Income

FMR: Fiscal Year 2018 Fair Market Rent

Delaware Housing Cost Burdens and Income³

Many Delaware renters are Extremely Low Income (ELI), which is defined as renter households with income at 30%, or less, of the area median income (AMI), which is below the poverty line. ELI renters spending more than 30% of their income on housing costs and utilities are facing a housing cost burden. Those spending more than half their income on housing costs and utilities are severely cost burdened.

These cost burdened renters are left to choose between basic life necessities, such as transportation, clothing, medical care, or paying rent. The accessibility for affordable rental units for this vulnerable population is woefully inadequate. These renters are at greatest risk for homelessness. One unexpected hardship can result in the loss of a stable home.

Affordable & Available Homes for ELI Renter Households

Across the state, there is a severe shortage of affordable and available homes for the 20,400 ELI Delaware households. There are only 24 rental units available statewide for every 100 ELI families. The crisis is greatest in New Castle County. Delaware is one of 15 states with lower affordable rentals than the national rate, which is 35 per 100 ELI households.

New Castle County	Less than 30 per 100 ELI households
Kent County	Between 41-45 per 100 ELI households
Sussex County	Between 30-40 per 100 ELI households

Rental Affordability

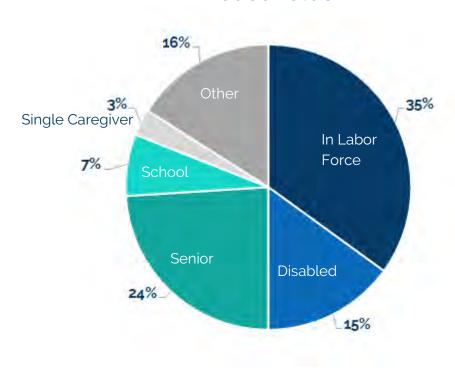
	AMI Monthly Income	Avg. Renter Monthly Income	ELI Monthly Income	Rent Affordable at ELI	1 BR FMR Cost	2 BR FMR Cost
Delaware	\$6,657	\$2,945	\$1,997	\$599	\$937	\$1,136
New Castle	\$7,283	\$3,149	\$2,185	\$656	\$1,047	\$1,266
Kent	\$5,867	-	\$1,760	\$528	\$809	\$933
Sussex	\$5,725	\$2,139	\$1,718	\$691	\$691	\$900

³ Unless otherwise noted, Housing Cost Burden Data Source: NLIHC The Gap 2018.

Housing Cost Burden

	Renter House- holds	% with Severe Burden	Affordable and Available Units per 100 Households	Deficit of Affordable and Available Units
Income at or below 30% of AMI	26,766	73%	24	-20,400
Income between 31% and 50% of AMI	15,012	29%	55	-19,285
All Renter Households	101,111	26%		

Extremely Low Income Renter Households



Affordable Rent at Minimum Wage

In 2018, in order to afford a modest two bedroom rental home in the U.S., renters need to earn a wage of \$22.10 per hour and \$17.90 for a one bedroom.

In Delaware, a renter needs to earn \$21.62 to afford a two bedroom unit at FMR. However, the renter hourly wage, statewide, is \$16.99, with many households having an average hourly wage far below \$16.99. For minimum wage earners, including many heads of households with children, this substantial shortfall forces choices between other basic life essentials such as medical care, clothing, transportation, and utilities. It is also a contributing factor to homelessness.

DELAWARE HOUSING NEEDS ASSESSMENT 2015-2020

September, 2014





FINAL REPORT





Executive Summary

This Delaware Housing Needs Assessment is intended to frame the current housing conditions within the state and examine the significant trends and issues that will dictate housing policy over the next five years, from 2015-2020. It was developed over a one-year period, from September 2013 through August 2014, using quantitative data and feedback from housing stakeholders, real estate developers, lenders and policy makers. It comes at a time of transition, when the housing market is beginning to show signs of recovery after a national recession and housing crisis. Issues that were not relevant in the past study, like foreclosures, fallen property values, an oversupply of housing, and a growing percentage of renters among households of all ages, are now important issues that will influence future housing policy. Because of these significant shifts in the housing landscape, future housing policy will focus on continuing the recovery efforts and accommodating the changing needs of renters and homeowners. The information provided in this report and supporting documents will assist in developing local and State Consolidated Plans that clearly outline housing policy, programs and funding over the next five years.

Because Delaware has a variety of housing markets, the intent of this study is also to illustrate housing needs within neighborhoods and market areas. This is a divergence from past studies, where housing conditions were examined at the county and state level, This will assist policy makers identify targeted places for programs where issues of affordability, fair housing, housing shortages and blight are most relevant. It will also assist community groups focus on needs within specific neighborhoods.

Sources of Information

The Delaware Housing Needs Assessment uses quantitative and qualitative data sources, including the following:

- U.S. American Community Survey 2007-2011
- U.S. American Housing Survey 2010
- HUD Comprehensive Housing Affordability Strategy (CHAS) data, 2006-2010
- U.S. Bureau of Labor Statistics 2013-2014
- Delaware Department of Labor 2013-2014
- Delaware Population Consortium population and household projections, 2010
 2040 (2012 Projections Series)
- Delaware State Housing Authority
- HUD Multi-Family Housing Assistance and Section 8 Contracts database, 2014
- HUD Public Housing Assessment, 2014
- · HUD Resident Characteristics Report, 2014

- National Establishment Time Series (NETS) database 2013
- U.S. Department of Commerce, Bureau of Economic Analysis, 2013
- Interviews with county planning departments in Sussex, Kent and New Castle counties
- Survey results from developers and housing service providers
- Boxwood Means home sales data through 2014
- Realtors Association Multiple Listing Service (MLS) database through 2013
- Delaware Office of State Planning Coordination Building Permits data
- Public Housing Authorities for Wilmington,
 Newark, Dover and New Castle County



Housing Market Areas

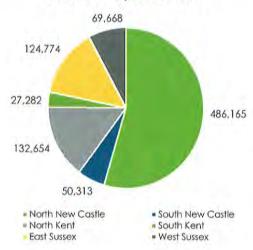
The study examines housing issues at the State, county, and submarket area. The majority of summary statistics throughout the report are at the State and county level, while submarkets are more completely described within the submarket reports at the end of the study. The submarkets were developed based on Census Block Group boundaries and are closely aligned with Census County Divisions (CCDs) within Delaware. The major cities of Wilmington, Newark and Dover are more completely described within their respective submarkets of North New Castle and North Kent counties.



Summary of Key Findings

Delaware is a fast growing state compared to national averages, and particularly for states in the mid-Atlantic region. Much of this growth is attributable to new retirees moving into Delaware from out of state, attracted by lower taxes and the development of retiree and beach communities in East Sussex County.

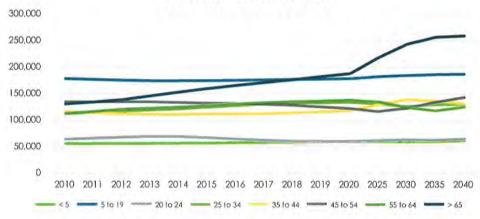
Delaware Population 2011



Source: American Community Survey, 2007-2011

Demographic changes will influence the size, type and location of new housing. For one, households are getting smaller. Adults remain single for longer and there are more couples with no or few children, leading to an increase in single-person households and small families. Also, households are getting older as the Baby Boom generation ages into their senior years. Similarly, older families tend to be smaller in size as children move out of their parents' homes. At the same time, there is a growing trend for larger, multi-generational families.

Population Growth by Age



Source: Delaware Population Consortium population and household projections, 2010 - 2040

Delaware was negatively impacted by the economic recession of the 2000s, but has fared slightly better than national averages and is recovering. Unemployment rates went from 3.4% in December 2006 to 8.4% by December 2009, but has dropped to 5.8% by April 2014. In comparison, the national unemployment rates increased from 4.4% to 9.9% between 2006 and 2009 and has stabilized to 6.3%. Job losses were most acutely felt within the banking and finance industries, construction and manufacturing.

Overall, the State has lower poverty rates and fewer minorities than national average, yet there are pockets of concentrated poverty and minority households within Wilmington, Dover, and poor rural areas. Most of these areas are in distressed communities, with low property values, low educational attainment, and higher rates of residential vacancy and blight. These areas can be identified within specific Census Tracts of Wilmington and Dover. In rural areas, distressed communities are more concentrated within Census Tracts. Disparity between wealthy communities and high poverty areas is most acute in the Wilmington metro area.



Source: DSHA

DELAWARE HOUSING NEEDS ASSESSMENT



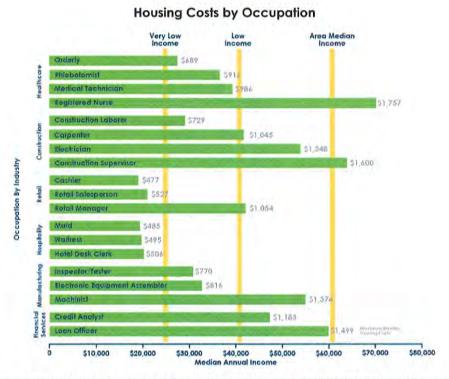
Source: DSHA

Most of the new housing construction will occur outside of cities, in exurban communities and rural areas with available land to build subdivisions. Land use patterns have been guided by new residential growth, where developers have acquired large greenfield sites to develop mostly single family developments. Once rural areas are transitioning into more suburban communities, particularly in areas of Kent County and East Sussex County.



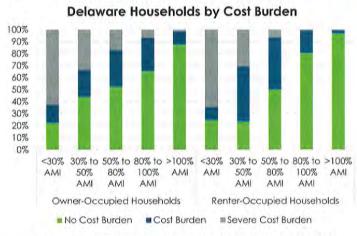
Source: DSHA

Some of Delaware's strongest industries – particularly health care, tourism and retail – have many low and moderate wage workers, creating a significant demand for workforce housing. The largest job increases will occur within retail, nursing and food service. There is a shortage of housing affordable to workers within these industries, particularly in the high growth areas of East Sussex County and suburban job centers within New Castle County.



Source(s): Delaware Department of Labor, Delaware Occupation and Industry Projections, August 13, 2012; and income data from Novogradac and Company using New Castle County Income limits.

Almost half of all renters and one-third of all homeowners have housing challenges, defined as paying more than 30% of their income on housing costs, or living in overcrowded or substandard living conditions. The challenges are most severe among renters earning less than 50% of Area Median Income (where 32% of all renters are renters earning less than 50% of AMI and are cost-burdened), and notable for low and moderate income homeowners (where 20% of all homeowners earn less than 100% AMI and are cost-burdened). The greatest number of households with challenges are among non-elderly individuals (people living alone or among roommates) and small families.



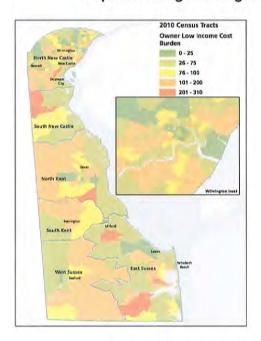
Source: HUD Comprehensive Housing Affordability Strategy, 2006-2010

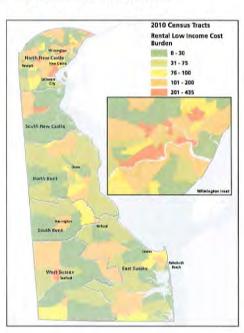


DELAWARE HOUSING NEEDS ASSESSMENT

Minority households are less likely to become homeowners than White, non-Hispanic households, and when they do become homeowners, have a higher chance of experience housing challenges than White, non-Hispanic homeowners. This issue is most prevalent among African American and Hispanic households, where roughly half are homeowners compared to 81% among White, non-Hispanic families; and approximately 40% of African American and Hispanic homeowners face housing challenges, compared to 12% for White, Non-Hispanic homeowners.

Maps of Housing Challenges for Homeowners and Renters





Source: HUD Comprehensive Housing Affordability Strategy, 2006-2010

Future housing demand is shaped by changing demographics, with a growing need for smaller units and more rental housing. Much of the development in the pipeline is for homeownership, yet there is increasing demand for rental housing as more households wait to purchase a home, or have transitioned into the rental market due to the recent foreclosure crisis. Also, with the growing senior population and smaller families in general, the demand for large single family homes is waning in lieu of smaller single family homes and townhomes.

					(interpretation)	
	Elderly Family	Small Family/ No Elderly	Large Family	Elderly Non- Family	Non- Family/ No Elderly	Total
Renters	3,866	38,124	5,783	10,442	29,353	87,568
As % of All Households	1%	11%	2%	3%	9%	26%
Owners	43,888	113,898	19,101	29,816	37,284	243,987
As % of All Households	13%	34%	6%	9%	11%	74%
Renters and Owners	47,754	152,022	24,884	40,258	66,637	331,555
As % of All Households	14%	46%	8%	12%	20%	100%

Source: HUD Comprehensive Housing Affordability Strategy, 2006-2010

Projected housing demand over the next five years is greatest in New Castle County. Household growth will be high in New Castle County and East Sussex County. However, an extensive inventory of developed lots and planned subdivisions in East Sussex means that new housing demand is projected to be higher in New Castle County, comprising more than half of all demand for new units through 2020.

The greatest rental housing demand is among renters earning less than 50% AMI and market rate units; the greatest homeownership demand is from moderate and middle income homeowners. This follows state trends, where very low income households tend to be renters, while households moving into Delaware are seeking a home to purchase. Among the very low income renters, roughly half earn less than 30% AMI.

While seniors will comprise a large portion of future demand, they are predominantly homeowners (84%) and are far more likely to enter the homeownership market than the rental market. Based on projections, 16% of future rental demand will be for senior rental housing, whereas 32% of future home sales will be from seniors.

DELAWARE HOUSING NEEDS ASSESSMENT

Rental Housing Demand by Income (2015-2020)

	<30% AMI	30% to 50% AMI	50% to 80% AMI	80% + AMI	Total
Delaware State	1,730	1,455	1,525	2,820	7,530
New Castle County	1,005	845	875	1,385	4,110
North New Castle	910	680	805	1,215	3,610
South New Castle	95	165	70	170	500
Kent County	340	255	280	595	1,470
North Kent	255	165	215	460	1,095
South Kent	85	90	65	135	375
Sussex County	385	355	370	840	1,950
East Sussex	165	215	200	550	1,130
West Sussex	220	140	170	290	820

Source: GCR Inc.

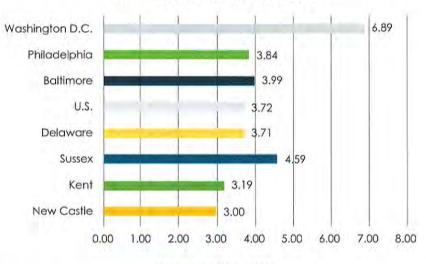
Homeownership Demand by Income (2015-2020)

	<50% AMI	50% to 80% AMI	80% -120% AMI	>120% AMI	Total
Delaware State	2,425	2,705	6,075	7,140	18,345
New Castle County	1,220	1,385	3,075	4,290	9,970
North New Castle	810	915	1,810	2,460	5,995
South New Castle	410	470	1,265	1,830	3,975
Kent County	495	520	1,250	1,065	3,330
North Kent	360	395	940	830	2,525
South Kent	135	125	310	235	805
Sussex County	710	800	1,750	1,785	5,045
East Sussex	510	560	1,265	1,295	3,630
West Sussex	200	240	485	490	1,415

Source: GCR Inc.

Delaware's housing market has been extremely volatile in the past decade due to the housing bubble and ensuing collapse of the housing market, leading to an increase in foreclosures and lower home values. From 2006 to 2013, median sale price for all homes dropped approximately 15%, while the percent of loans past due increased from 3.5% in 2006, peaked at 9.2% in 2010, and had fallen to 7.7% at the end of 2013.

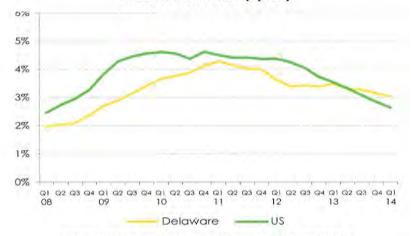




Source; U.S. Census Bureau

Delaware's housing market is recovering, but at a slower pace than national average, with property values still much lower than pre-recession. The sluggishly recovering economy, oversupply of homes for sale, and a large number of foreclosed homes, hamper the recovery of the housing market. Recovery is also not even across the state, with unemployment higher in Kent County, Dover and Wilmington and prices recovering more slowly in Kent County.

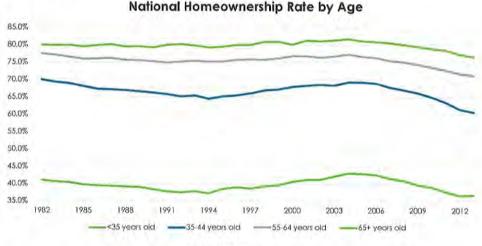
Foreclosure Inventory (NSA)



Source: Mortgage Bankers Association, National Delinquency Survey



As a result of the housing crisis and recession, fewer households of all ages are homeowners, and demand for new housing has shifted to smaller, more affordable homes and rental housing. The greatest drop in homeownership rates is among 35 to 44 year old homeowners, presumably the age bracket most likely to enter homeownership during the boom years and thus most impacted by falling home values. There are also fewer homeowners less than 35 years old, reflecting changes in housing preference, high unemployment among younger adults, and the difficulty first-time homebuyers have in accessing a loan now that lending practices have become more stringent. Based on new building permits and feedback from community developers, new homes slated for development will be much more affordable than the homes built during the peak of the housing bubble.



Source: U.S. Census Bureau

Much of the state's rental housing stock is aging, and may be at risk of becoming substandard or losing affordability as demand exceeds supply. This is a significant issue among Delaware's subsidized rental housing stock, where more than 3,000 subsidized units are over 25 years old and have not been substantially renovated, equivalent to approximately 30% of all subsidized housing stock.

In response to a high risk of loss of units and some sites in very poor condition, Delaware has prioritized the preservation of its existing subsidized rental housing for several years and successfully rehabilitated and preserved over 1,500 units since 2007. However, with a constantly aging stock and scarce resources for new construction, the need to preserve affordable rental housing will continue.



Figure 7.2-1 Water Service Areas that have Received Certificates of Public Convenience and Necessity

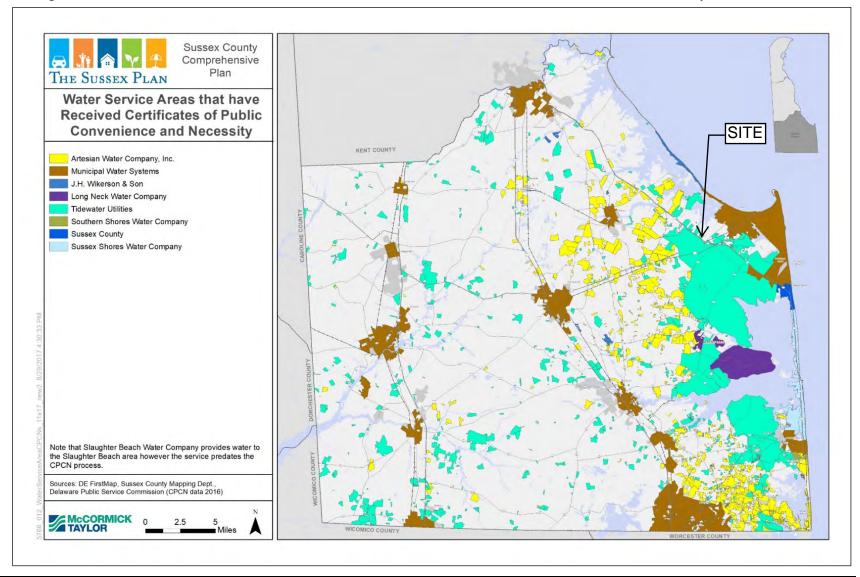




Figure 7.3-1 Wastewater Service Areas that have Received Certificates of Public Convenience and Necessity

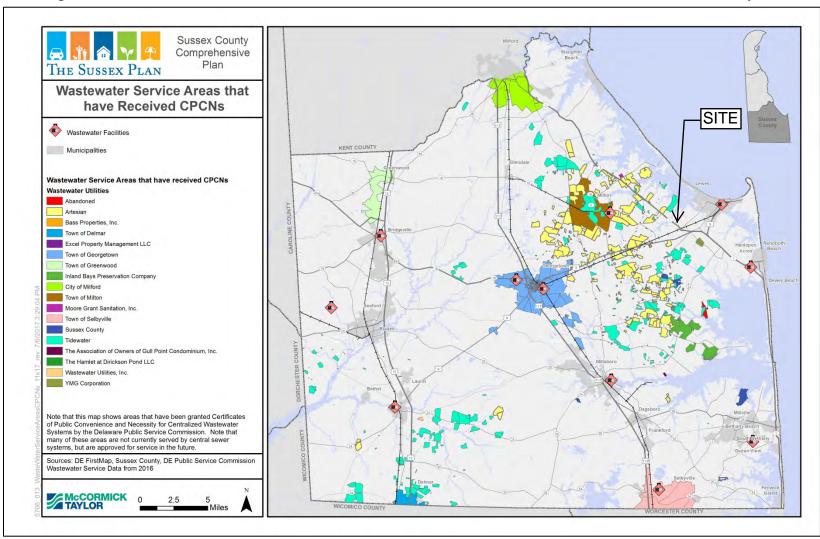
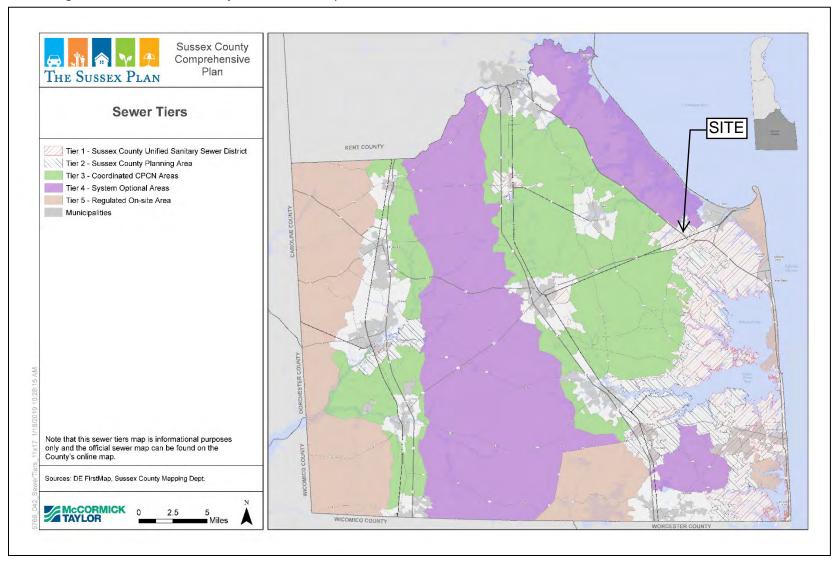
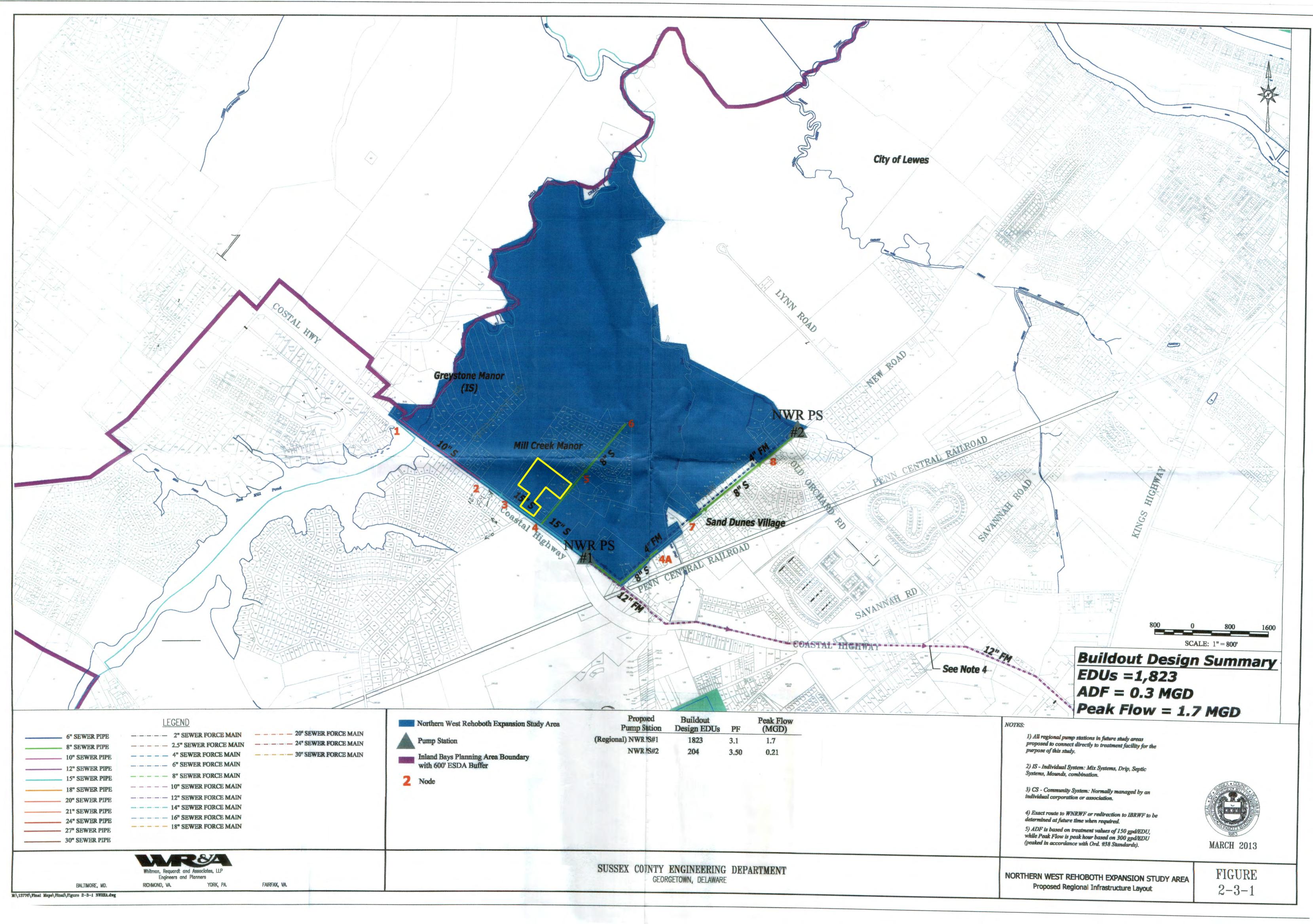
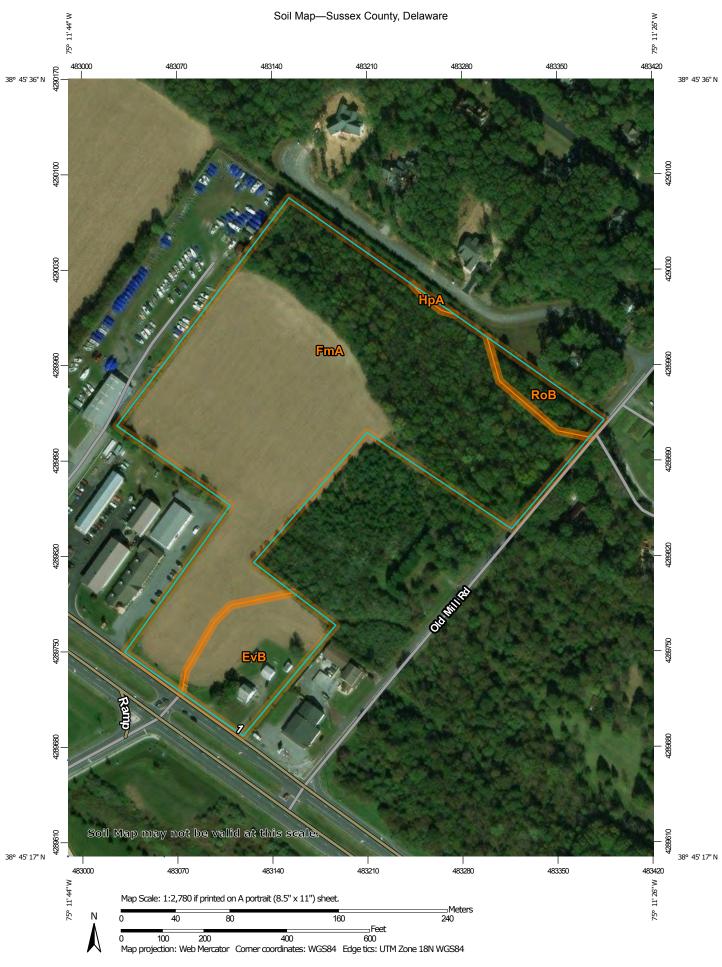




Figure 7.3-2 Sussex County Sewer Tier Map







MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons



Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

__.._

Spoil Area

Stony Spot

Wery Stony Spot

Wet Spot

△ Other

Special Line Features

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24.000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware Survey Area Data: Version 18, Nov 13, 2017

Soil map units are labeled (as space allows) for map scales 1:50.000 or larger.

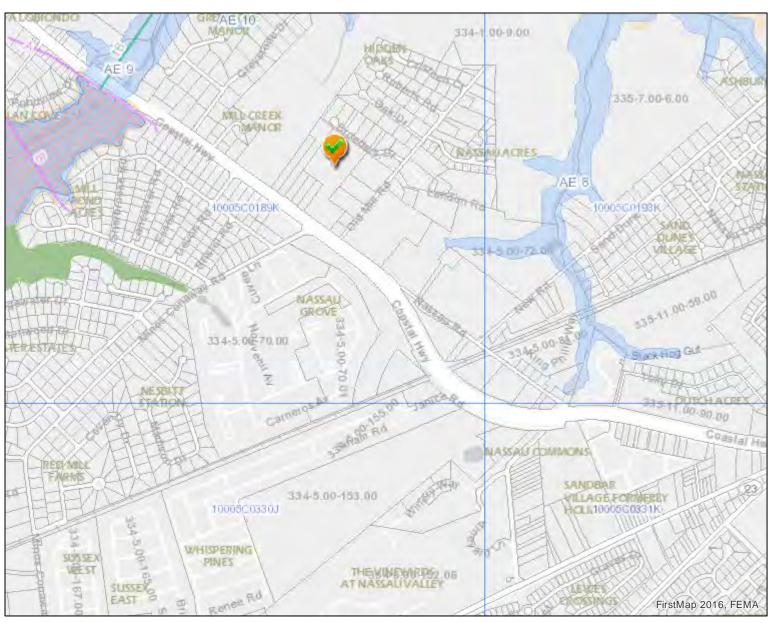
Date(s) aerial images were photographed: Dec 31, 2009—Mar 19, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

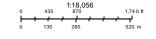
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EvB	Evesboro loamy sand, 0 to 5 percent slopes	1.6	11.5%
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	12.2	84.8%
НрА	Henlopen loamy sand, 0 to 2 percent slopes	0.0	0.1%
RoB	Rosedale loamy sand, 2 to 5 percent slopes	0.5	3.6%
Totals for Area of Interest	·	14.3	100.0%

Location is **NOT WITHIN** the FEMA 100-year floodplain. Preliminary data does not exist.





Location of flood information





April 6, 2018

Effective Flood Hazard Areas

AE, FLOODWAY

 \boxtimes

X

X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Base Flood Elevation

LiMWA

Cross Sections

Transect

Preliminary Flood Hazard

ΑE

AE, FLOODWAY

X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

Contours

INDEX

DEPRESSION

HIDDEN

INTERVAL

Effective Flood Zone: X Preliminary Flood Zone: n/a

FEMA Issued Flood Map: 10005C0189K

Effective Date: 3/15/2015 Watershed (HUC12):

Canary Creek-Broadkill River

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this invited in the section of the section of

The **projection** used in the preparation of this map was State Plane Delaware zone (FIPSZONE 0700). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services NOAA, N/NGS12 National Geodetic Survey SSMC-3, #9202 1315 East-West Highway Silver Spring, Maryland 20910-3282 (301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was provided in digital format by Delaware Geospatial Data Exchange. The base map features were compiled at a scale of 1:24,000 from aerial photography dated 2011.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to confirm to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

The AE Zone category has been divided by a **Limit of Moderate Wave Action** (**LiMWA**). The LiMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LiMWA (or between the shoreline and the LiMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

Contact the **FEMA Map Information eXchange** at 1-877-336-2627 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Information eXchange may also be reached by Fax at 1-800-358-9620 and their website at http://www.msc.fema.gov/.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov/business/nfip.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) LEGEND

10-01-1983 CBRS Area

11-16-1990 CBRS Area

FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER OCTOBER 1, 1983, IN DESIGNATED CBRS AREAS.

FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1990, IN DESIGNATED CBRS AREAS.

10-01-1983 Otherwise Protected Area (OPA)FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER OCTOBER 1, 1983, IN DESIGNATED OPAS WITHIN THE CBRS.

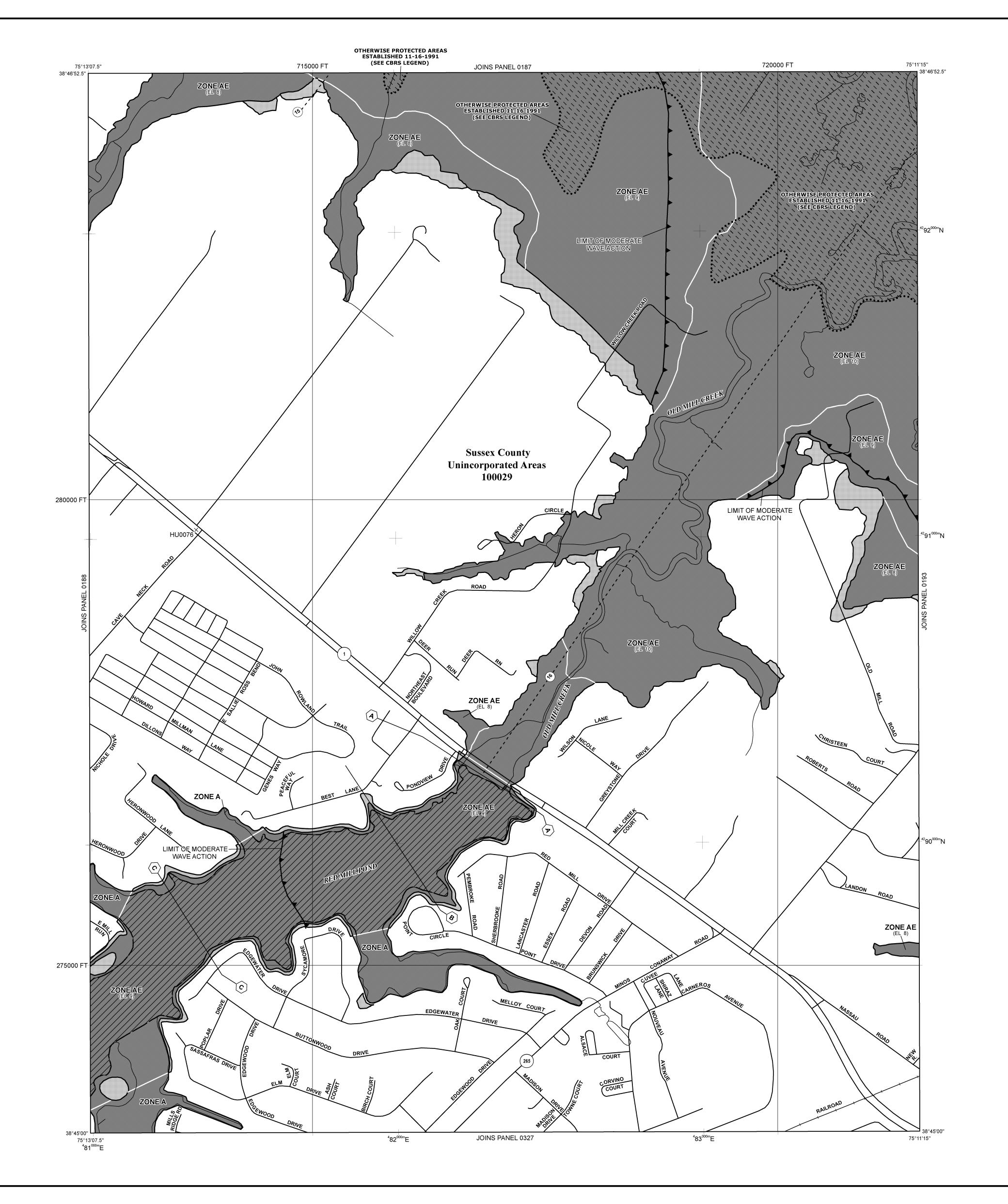
11-16-1991 Otherwise Protected Area (OPA)
FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR
SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1991, IN DESIGNATED

SUBSTANTIALLY IMPROVED ON OR AFTER NOVEMBER 16, 1991, IN DESIGNATED OPAs WITHIN THE CBRS.

12-06-1999 Otherwise Protected Area (OPA)

FLOOD INSURANCE NOT AVAILABLE FOR STRUCTURES NEWLY BUILT OR SUBSTANTIALLY IMPROVED ON OR AFTER DECEMBER 06, 1999, IN DESIGNATED OPAS WITHIN THE CBRS.

Boundaries of the John H. Chafee Coastal Barrier Resources System (CBRS) shown on this FIRM were transferred from the official CBRS source map(s) for this area and are depicted on this FIRM for informational purposes only. The official CBRS maps are enacted by Congress via the Coastal Barrier Resources Act, as amended, and maintained by the U.S. Fish and Wildlife Service (FWS). The official CBRS maps used to determine whether or not an area is located within the CBRS are available for download at http://www.fws.gov. For an official determination of whether or not an area is located within the CBRS, or for any questions regarding the CBRS, please contact the FWS field office for this area at (410) 573-4500.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard

include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface

ONE A No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

elevation of the 1% annual chance flood.

ZONE V

ZONE X

ZONE D

•••••

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also

determined.

AR Special Flood Hazard Area formerly protected from the 1% annual chance

flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

Area to be protected from 1% annual chance flood by a Federal flood

protection system under construction; no Base Flood Elevations determined.

Coastal flood zone with velocity hazard (wave action); no Base Flood

Elevations determined.

VE Coastal flood zone with velocity hazard (wave action); Base Flood

FLOODWAY AREAS IN ZONE AE

Elevations determined.

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases

OTHER FLOOR AREAC

OTHER FLOOD AREAS

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

Areas determined to be outside the 0.2% annual chance floodplain.

Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

Floodplain boundary
Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.

Limit of Moderate Wave Action

Base Flood Elevation line and value; elevation in feet*

Base Flood Elevation line and value; elevation in feet*

Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

A Cross section Line

Cross section Line

Transect line

87°07'45", 32°22'30"

Geographic coordinates referenced to the North American

Datum of 1983 (NAD 83), Western Hemisphere

2476^{000m}N

1000-meter Universal Transverse Mercator grid values, zone

5000-foot grid values: Delaware State Plane coordinate system (FIPSZONE 0700), Transverse Mercator projection

X5510 X

Bench mark (see explanation in Notes to Users section of this

• M1.5 River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP June 16, 1995

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
See Notice to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community

Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET METE

PANEL 0189K

FIRM FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE

AND INCORPORATED AREAS

PANEL 189 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITYNUMBERPANELSUFFIXSUSSEX COUNTY1000290189K

BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

Notice to User: The Map Number shown below should be

used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

- NOTE - THIS MAP INCLUDES BOUNDARIES OF THE COASTAL



MAP NUMBER 10005C0189K

MARCH 16, 2015

MAP REVISED

Federal Emergency Management Agency



A Middlesex Water Company Affiliate

October 8, 2018

Colin M. Kraucunas, P.E. Hillcrest Associates PO Box 1180 Hockessin, DE 19707

RE: Willing & Able Letter - Nassau Property

Dear Mr. Kraucunas:

Tidewater Utilities, Inc. (TUI) is willing and able to serve public water, *including fire protection*, to the following parcels identified as Tax Map & Parcel 334-1.00-15.00 and 334-1.00-15.03 based on the terms and conditions of a water service agreement to be negotiated and agreed upon by TUI and the owners of these parcel(s). Parcel 334-1.00-15.00 is located within TUI's Certificate of Public Convenience and Necessity (CPCN) franchised area.

Thus, in order to serve water to this project, TUI must apply for and receive a CPCN for parcel 334-10.00-15.03 from the Public Service Commission. Once the CPCN is granted and a water service agreement is finalized, TUI is legally able to provide the development with water service.

Enclosed please find a sheet entitled "Petition for Inclusion in Tidewater Utilities, Inc. Water Service Territory". Please have the current owner(s) of parcels 334-1.00-15.03 sign the petition and return the original to TUI, Attn: Emily Opdyke. The signed petition from the landowner is an important and necessary first step in the CPCN application submittal process.

Water service will be provided under the conditions and terms stated in the water service agreement between TUI and the parcel owners. TUI will evaluate the most economically feasible method of providing domestic and fire protection water service to this project. Once the method of water service is determined, TUI will conduct a cost analysis that will determine the financial terms of the water service agreement.

Please send a preliminary site plan and construction schedule to TUI. For planning purposes, I also need to know when you expect you will need the first draft of the water service agreement from TUI. Please feel free to contact me at 302-747-1334 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

TIDEWATER UTILITIES, INC.

Emily R. Opdyke

Planning & Development Assistant

cc: Kirsten E. Higgins, Tidewater Utilities, Inc.



A Middlesex Water Company Affiliate

We the undersigned, request to be included in the water service territory of Tidewater Utilities, Inc. for the following property/properties:

334-1.00-15.03

Property Owner(s):	Susan N. Moore	
Mailing Address:	14492 Oyster Roads Roa Milton, DE 19968	d
Property Address:	NW SD Rt. 265A, NE Rt	. 1
Owner's Signature(s): 🗶		Date:
Print Name: 🗶	Title:	
Address:		
Owner's Signature(s): 🗶		
Print Name: X	Title:	
Address:	Phone #:	
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Return to: Tidewater Utilities, Inc. 1100 South Little Creek Road Dover, DE 19901 Attn: Joe Cuccinello

Tax Parcel Number(s):

BRANDY BENNETT NAUMAN HOUSING COORDINATOR & FAIR HOUSING COMPLIANCE OFFICER

(302) 855-7777 T (302) 854-5397 F bnauman@sussexcountyde.gov





June 12, 2019

Mr. Sean Allen Nassau DE Acquisition Co., LLC 1201 N. Orange Street, Suite 300 Wilmington, DE 19801

RE: Affordable Housing in Sussex County

Dear Mr. Allen:

Thank you for your interest in promoting affordable housing opportunities in Sussex County. Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. The Sussex County Affordable Housing Support Policy, which outlines the County's mission and guidelines to promote affordable housing is enclosed for review.

In this regard, developers and 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. Using the guidelines outlined in the Affordable Housing Support Policy, the Nassau Property project in Lewes qualifies for support from Sussex County Community Development & Housing ("CD&H"). On March 12, 2019, Nassau DE Acquisition Co., LLC ("Applicant") submitted an application for the Nassau Property under the Sussex County Rental Program ("SCRP"). On March 27, 2019, CD&H granted the project preliminary approval for participation in the SCRP. This pre-approval has no bearing on whether the project will receive the necessary land-use approvals from Sussex County; it only allows the project to process through that process in accordance with Chapter 72 of the Code of Sussex County. As presented, the project will setaside 21 of 168 proposed dwelling units as affordable rental units under the SCRP. The Applicant signed an Acknowledgement of Participation in the Sussex County Affordably Priced Rental Unit Program Agreement on April 30, 2019, recorded on May 1, 2019. The project's Parcel Identification Numbers are 334-1.00-15.00 and 334-1.00-15.03 and is identified as an Area of Opportunity per the Delaware State Housing Authority's QAP Mapping System.



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. This letter does not exempt a developer from the County's planning and zoning process, nor guarantee approval through that process.

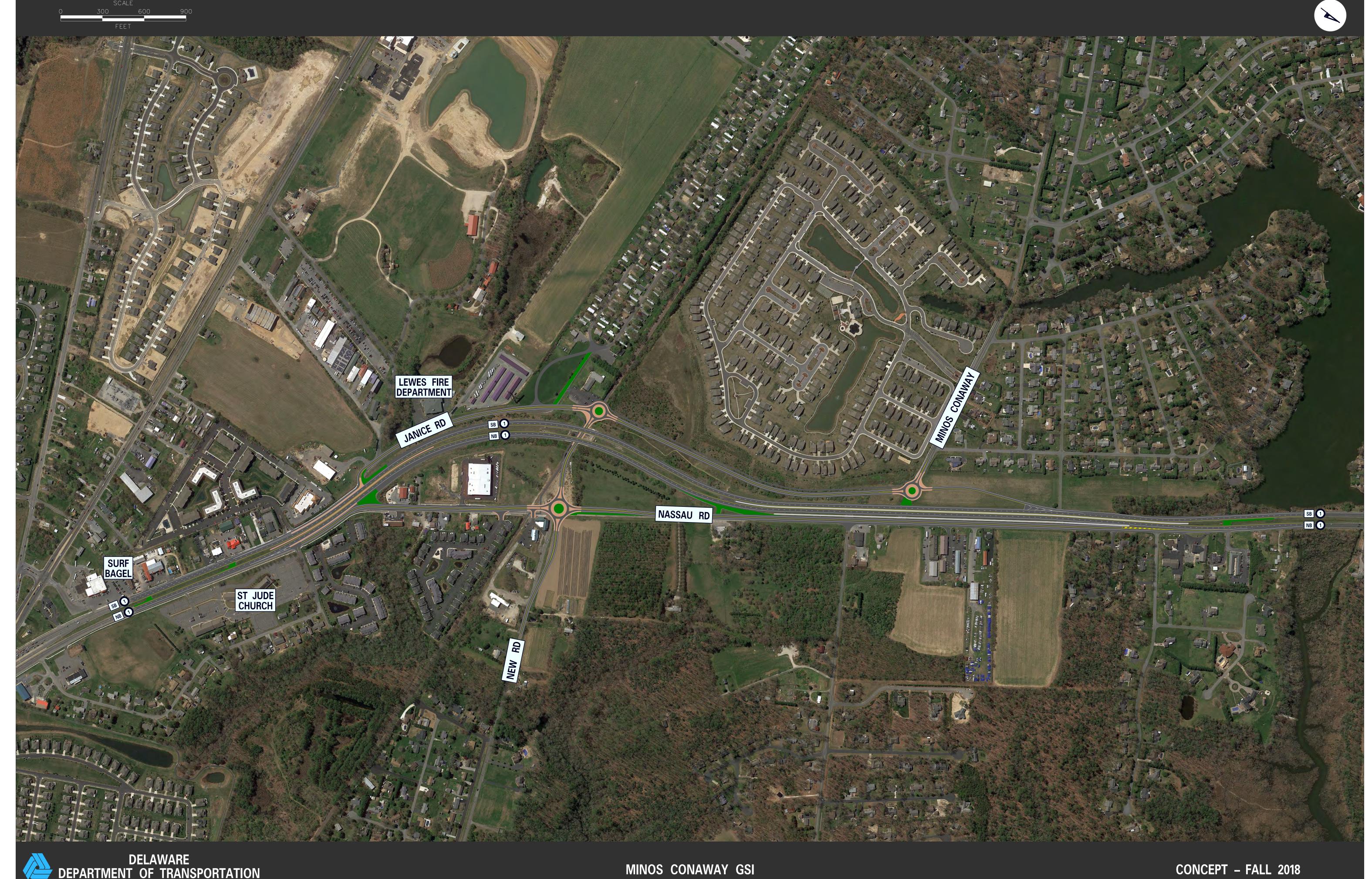
The Community Development and Housing Department is pleased that a developer has elected to pursue development under the Sussex County Rental Program. On behalf of the CD&H, we look forward to cooperating with you and your project as it moves forward.

Sincerely,

Brandy B. Nauman *Housing Coordinator &*

Fair Housing Compliance Officer

Enclosure





3.0 PROPOSED FINDINGS OF FACT

- This is an application that is requesting to rezone the 15.162-acre parcel from AR-1 & C2 to HR-1 (High Density Residential) and construct a multifamily development through the Sussex County Rental Program (SCRP). The subject land is located on the northeast side of Delaware Route1, opposite Minos Conaway Road (Sussex Road 265), and on the northwest side of Old Mill Road (Sussex Road 265A).
- 2. The subject parcels are owned by the following;

334-1.00-15.00

Hagan Herman G Trustee & Patricia R Hagan Trustee Milton, DE 19968

Book: 4727 Page: 304

334-1.00-15.03

Susan N Moore 14492 Oyster Rocks Road Milton, DE 19968

Book: 1981 Page: 20

- 3. The equitable owner of the subject parcels is Nassau DE Acquisition Co., LLC
- 4. Table 4.5-2 of the Sussex County Comprehensive plan defines applicable zoning districts for each future land use plan category. As stated above, this parcel is located within a Coastal area which according to the Comprehensive Plan depicts HR-1 High Density Residential as an applicable zoning district.
- 5. This one hundred and sixty-eight (168) unit multi-family developed is permitted under the HR-1 RPC zone.
- 6. Classified within the 2018 Sussex County Comprehensive Plan as a Coastal area as described within the Land Use Element and Future Land use plan. Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types are permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Medium and higher density (4-12 units per acre) can 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. This project will be providing housing affordable to county residents who work in the 'Coastal Area' as defined by the County's 2018 Comprehensive Plan. The need for more affordable housing options in this area of

the County is acute and well documented. In addition, this site is located within a DSHA-defined 'Area of Opportunity', which are strong, high value markets, offering economic opportunity, high performing schools, and supportive infrastructure that help households succeed. Since these same areas contain little affordable housing, the County incorporated their intent to expand affordable housing opportunities within 'Areas of Opportunity' into their 2018 Comprehensive Plan. The Strategies for State Policies and Spending predominantly identify the parcels as lying within Investment Level 3, with only the very rear portion of the property located within Investment Level 4.

- 7. The proposed project will be served by Tidewater Utilities and sewer service will be provided by contract with the Sussex County. This project will require the expansion of the Northern West Rehoboth Area, into a Primary County Service Area for sewer service.
- 8. With the conditions and stipulations placed upon this Conditional Use / rezoning approval, there will be no adverse impact on neighboring properties or adjacent properties.
- 9. This rezoning does not affect the public's health, safety and welfare.

4.0 PROPOSED CONDITIONS

- 1. The project shall be restricted to the improvements presented as part of this application.
- 2. The maximum number of apartment units shall not exceed 168.
- 3. The building height shall be limited to 3 stories and 42 feet. This limitation shall not apply to pitched roofs or chimneys, vents, elevator towers or similar items.
- 4. As offered by the Applicant, 21 of the units shall be offered for rent under the Sussex County Rental Program (SCRP) to provide affordable housing.
- 5. Recreational amenities, including the clubhouse, outdoor swimming pool and deck, Tennis, Pickle Ball and Bocce Ball Courts and a Grill/Picnic Area are to be completed prior to issuance of a building permit for fourth multi-family building.
- 6. The proposed Architecture will be in general conformance with the architectural designs included in this Project Development Book. Final designs will be provided to the Sussex County Planning and Zoning Department prior to building permit approval to ensure adherence. If the Planning and Zoning Department determines that the final designs are not in compliance then they will have to be submitted to the Planning and Zoning Commission for approval.
- 7. The Applicant or its assigns shall be responsible for the maintenance of interior drives and parking areas, buildings, buffers, stormwater management, recreational amenities and all open space.
- 8. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
- 9. Interior street design shall meet or exceed Sussex County's street design requirements.
- 10. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- 11. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
- 12. The RPC shall be served by central water.
- 13. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.

- 14. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- 15. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- 16. As offered by the Applicant, a voluntary 50-foot landscaped or wooded buffer including a privacy fence shall be established along the boundary of the site adjacent to the Broeders Drive Right of Way.
- 17. All lighting shall be screened from adjacent residential properties.
- 18. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.
- 19. Construction activities, including site work and deliveries, shall only occur between 7:30 am and 7:00 pm Monday through Friday, and 8:00 am through 5:00 pm on Saturdays.