

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: November 3<sup>rd</sup>, 2022

Application: C/Z 1969 Ron Sutton

Applicant: Ron Sutton  
55 W. Main Street  
Middletown, DE 19709

Owner: Gulfstream Development, LLC  
27 Atlantic Avenue  
Ocean View, DE 19970

Site Location: Located on the southeast side of Central Avenue (Rt. 84), approximately 0.17-mile northeast of the intersection of Peppers Corner Road (S.C.R. 365 and Central Avenue (Rt. 84)

Current Zoning: AR-1 Agricultural Residential District

Proposed Zoning: MR Medium Residential District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Sussex County

Water: Tidewater

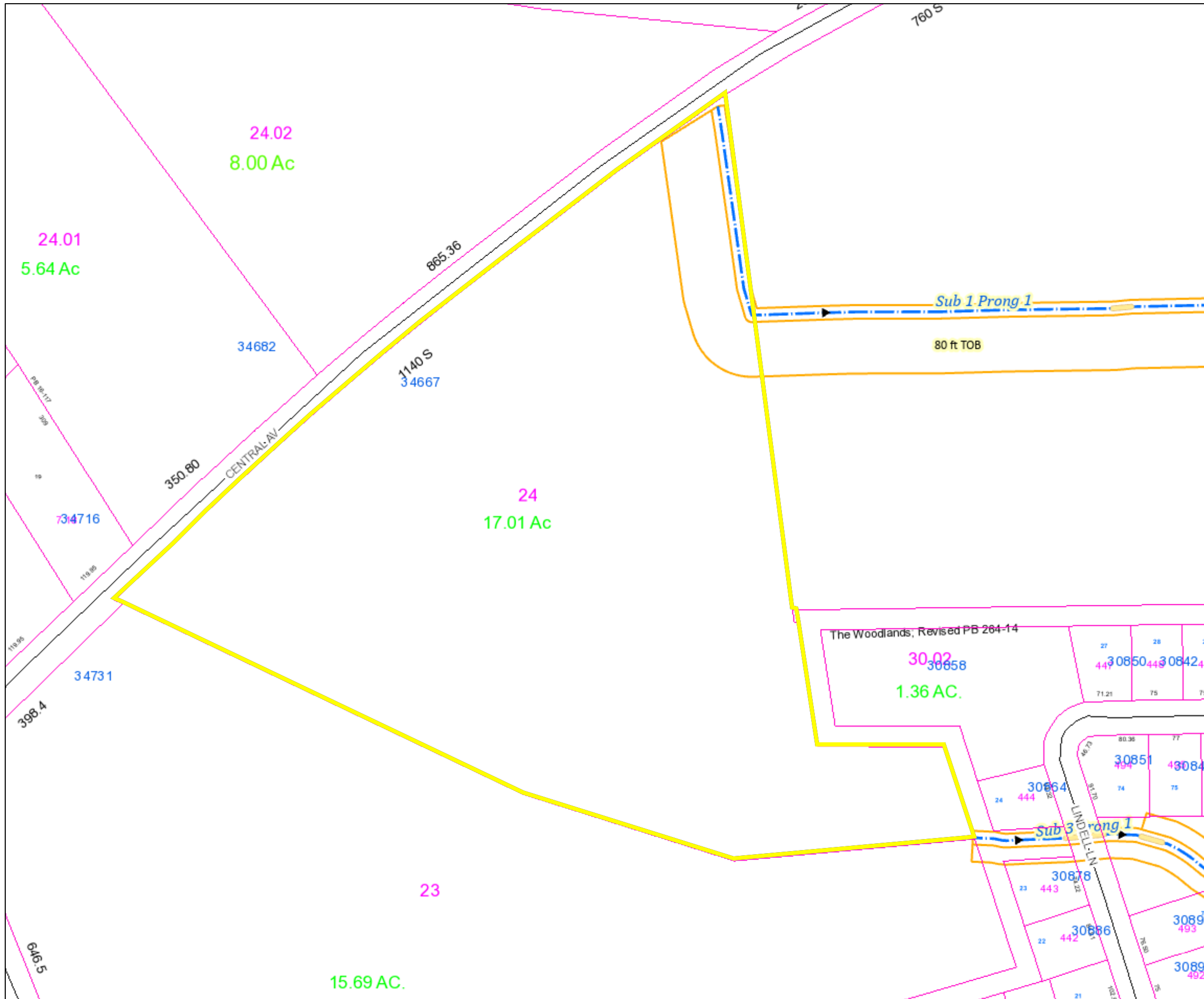
Site Area: 14.45 acres +/-

Tax Map ID.: 134-19.00-24.00





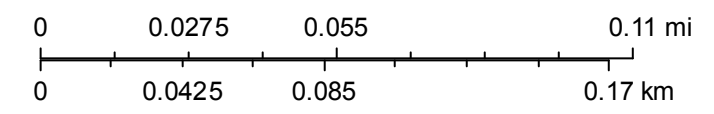
# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

- polygonLayer
  - Override 1
- polygonLayer
  - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018
  - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
  - A
  - AE
  - AO
  - OPEN WATER
  - VE

1:2,257







# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

### polygonLayer

Override 1

### polygonLayer

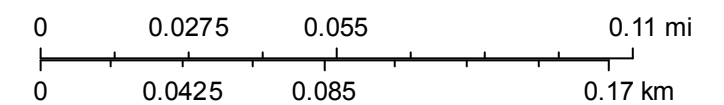
Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

### Flood Zones 2018

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE

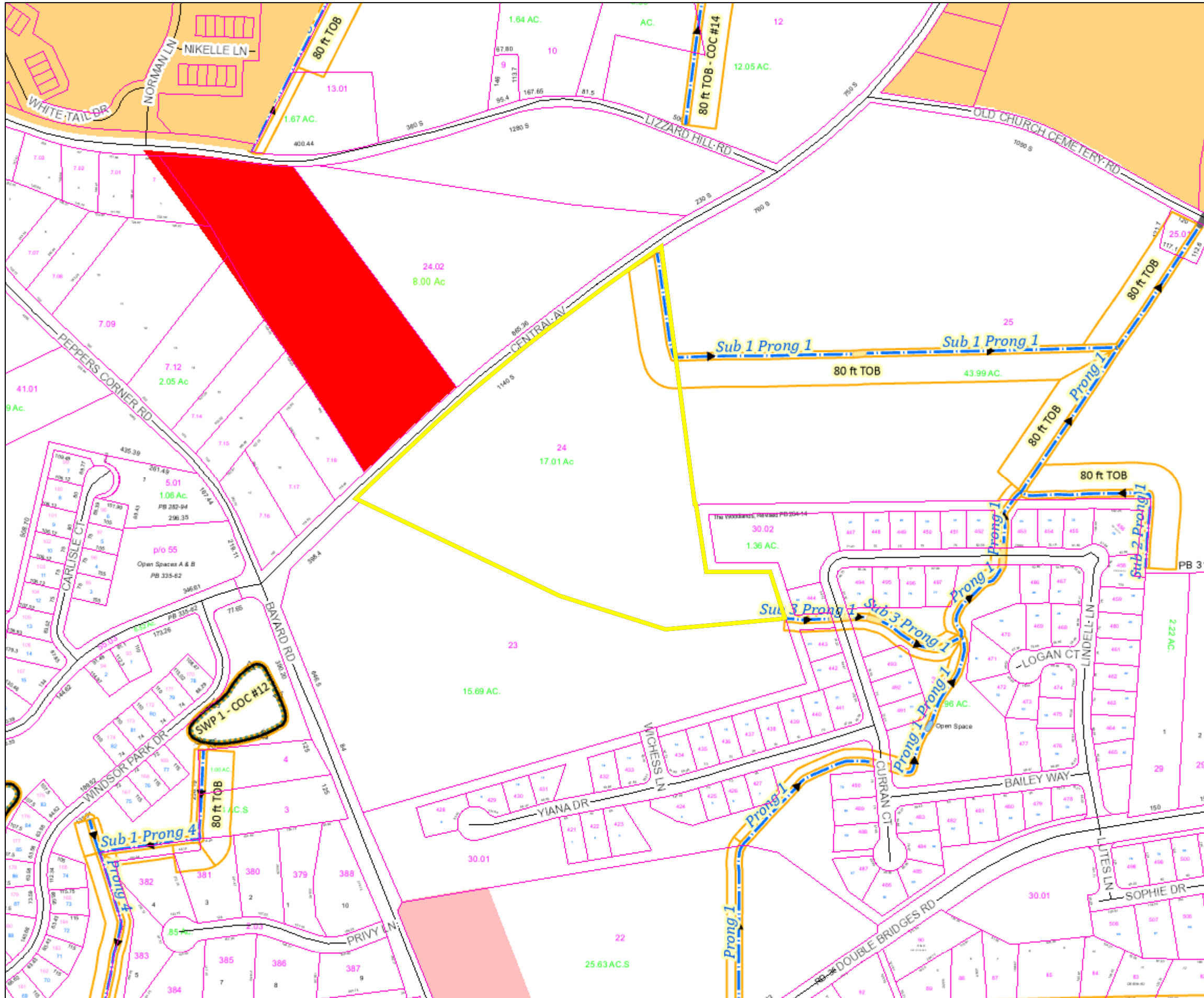
1:2,257







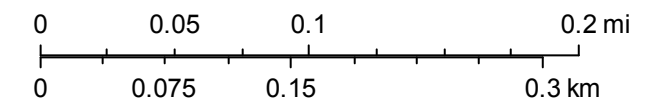
# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

- polygonLayer  
    Override 1
- polygonLayer  
    Override 1
- ..... Tax Parcels
- Streets

1:4,514



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner II  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: October 27, 2022  
RE: Staff Analysis for C/Z 1969 Ron Sutton

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1969 Ron Sutton to be reviewed during the November 3<sup>rd</sup>, 2022, 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 Tax Parcel 134-19.00-24.00 to allow for a change of zone from an Agricultural Residential District (AR-1) to a Medium Density Residential District (MR). The property is lying on the southeast side of Central Avenue (Rt. 84), approximately 0.17-mile northeast of the intersection of Peppers Corner Road (S.C.R. 365) and Central Avenue (Rt. 84). The property consists of 14.45 acres +/-.

### Comprehensive Plan Analysis

The 2018 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 in the plan indicates that the subject property has a land use designation of "Coastal Area." All surrounding properties to the north, south, east, and west of the subject site contain the Future Land Use Map designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. 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 all 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. (Sussex County Comprehensive Plan, 4-15).

### Zoning Information

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the Medium Density Residential (MR) District is listed as an Applicable Zoning District within the "Coastal Area." (Sussex County Comprehensive Plan, 4-25).



The adjacent parcels to the south, west and east of subject property are zoned Agricultural Residential (AR-1) District. The property immediately to the northwest of the subject property is zoned General Commercial (C-1) District. It should also be noted that a single parcel to the south is zoned Neighborhood Business (B-1) District.

The properties further east and north on the opposite side of Old Church Cemetery Road (S.C.R. 367) and Lizard Hill Road (367A) are zoned General Residential (GR) District.

#### Existing Change of Zones within the Vicinity of the Subject Site

Since 2011, there has been three (3) Change of Zone applications within a 1-mile radius of the application site. Change of Zone No. 1761 for a change of zone from a General Commercial (C-1) District to an Agricultural Residential (AR-1) District, which was approved by the Sussex County Council at their meeting of Tuesday, November 18, 2014, through Ordinance No. 2373. Change of Zone No. 1841 for a change of zone from an Agricultural Residential (AR-1) District to a Neighborhood Business (B-1) District, which was denied by the Sussex County Council at their meeting of Tuesday, February 20, 2018. Change of Zone No. 1925 for a change of zone from an Agricultural Residential (AR-1) District to a Business Community (B-2) District, which was approved by the Sussex County Council at their meeting of Tuesday, November 10, 2020, through Ordinance No. 2753.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Density Residential (MR) District could be considered as being consistent with the land use, area zoning and surrounding uses.

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

CZ 1969  
202200317

Type of Application: (please check applicable)

Conditional Use   
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Central Avenue, Sussex County, DE (WILSON PROPERTY)

Type of Conditional Use Requested:

Change of zoning from AR-1 to MR

Tax Map #: 134-19-24 Size of Parcel(s): 14.45 Acres

Current Zoning: AR-1 Proposed Zoning: MR Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: TIDEWATER Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON

Applicant Address: 55 W. MAIN STREET

City: MIDDLETOWN State: DE Zip Code: 19709

Phone #: (302) 574-2444 E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: GULFSTREAM DEVELOPMENT LLC

Owner Address: 27 ATLANTIC AVE

City: OCEAN VIEW State: dc Zip Code: 19970

Phone #: (302) 539-6178 E-mail: RJH@gulfstreamde.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT

Agent/Attorney/Engineer Address:

City: State: Zip Code:

Phone #: E-mail:





# Check List for sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00
- Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DelDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 1-4-22

Signature of Owner



Date: 12-17-21

For office use only:

Date Submitted: 1/11/22

Fee: \$500.00 Check #: 5007

Staff accepting application: CSG

Application & Case #: 202200317

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_



Sussex County, DE  
Treasury  
P.O. Box 601  
Georgetown, DE 19947  
Welcome

33021333-0116 Lindsey S 01/11/2022 12:46PM

PERMITS / INSPECTIONS  
CHANGE OF ZONE - FEE  
2022 Item: 202200317|Z015 500.00  
-----  
500.00

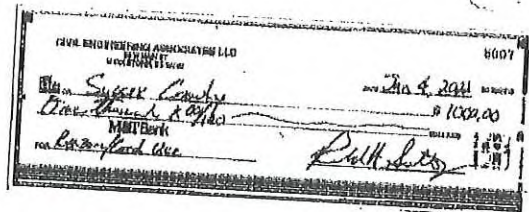
PERMITS / INSPECTIONS  
CONDITIONAL USE - FEE  
2022 Item: 202200319|Z010 500.00  
-----  
500.00

Subtotal 1,000.00  
Total 1,000.00

CHECK 1,000.00  
Check Number 005007

Change due 0.00

Paid by: CIVIL ENGINEERING ASSOCIATES LLC



Thank you for your payment

Sussex County, DE COPY  
DUPLICATE RECEIPT



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

NICOLE MAJESKI  
SECRETARY

December 15, 2021

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Civil Engineering Associates** proposed land use application, which we received on December 1, 2021. This application is for an approximately 17.01- acre parcel (Tax Parcel: 134-19.00-24.00). The subject land is located on the south side of Central Avenue (Sussex Road 84) about 350 feet east of the intersection with Peppers Corner Road (Sussex Road 365). The subject land is currently zoned AR-1 (Agriculture Residential), proposed zoning of MR (Medium-Density Residential) to build 60 multifamily duplex units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Central Avenue from Peppers Corner Road (Sussex Road 84) to Ocean View Limits, is 3,060 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
December 15, 2021

Please contact Ms. Annamaria Furmato, at [Annamaria.Furmato@delaware.gov](mailto:Annamaria.Furmato@delaware.gov), if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:afm

cc: Civil Engineering Associates, Applicant  
Christin Scott, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination



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

TO: **Jamie Whitehouse**

REVIEWER: **Ken Briggs**

DATE: **10/10/2022**

APPLICATION: C/Z 1969 Ron Sutton

APPLICANT: Ron Sutton

FILE NO: **MC-1.02**

TAX MAP &  
PARCEL(S): **134-19.00-24.00**

LOCATION: Located on the southeast side of Central Avenue (Rt. 84), approximately 0.17-mile northeast of the intersection of Peppers Corner Road (S.C.R. 365 and Central Avenue (Rt. 84)

NO. OF UNITS: **60**

GROSS  
ACREAGE: **14.45**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **2**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No 
  - a. If yes, see question (2).
  - b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? .
- (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? **N/A** If yes, how many? . Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Blair Lutz** 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: **Change Zoning from AR-1 to MR. Submit for SSCE to identify connection location.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman  
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.  
Lisa Walls  
No Permit Tech Assigned

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: November 3<sup>rd</sup>, 2022

Application: C/Z 1969 Ron Sutton

Applicant: Ron Sutton  
55 W. Main Street  
Middletown, DE 19709

Owner: Gulfstream Development, LLC  
27 Atlantic Avenue  
Ocean View, DE 19970

Site Location: Located on the southeast side of Central Avenue (Rt. 84), approximately 0.17-mile northeast of the intersection of Peppers Corner Road (S.C.R. 365 and Central Avenue (Rt. 84)

Current Zoning: AR-1 Agricultural Residential District

Proposed Zoning: MR Medium Residential District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Company

Sewer: Sussex County

Water: Tidewater

Site Area: 14.45 acres +/-

Tax Map ID.: 134-19.00-24.00





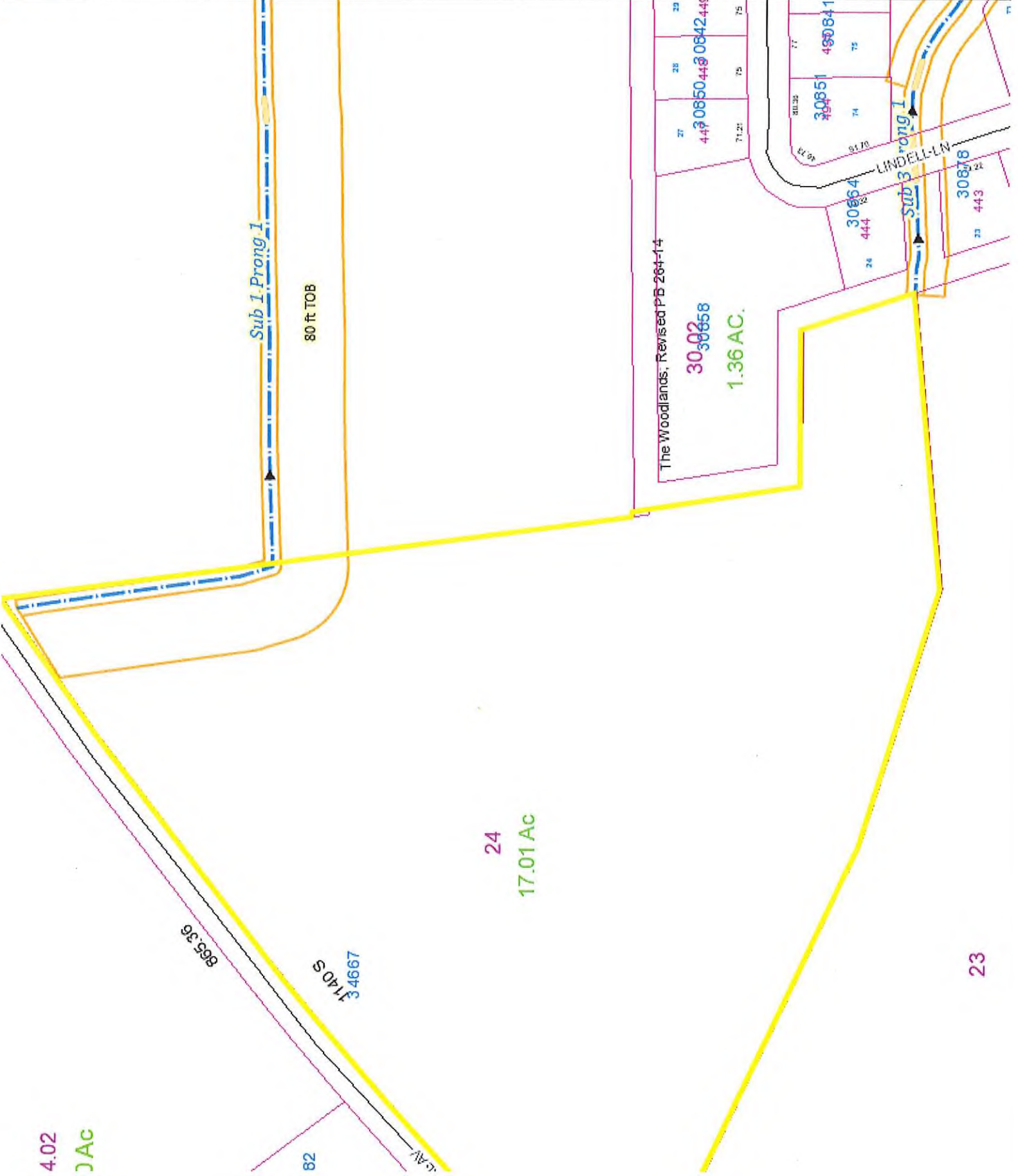
<b>PIN:</b>
Owner Nam
Book
Mailing Addl
City
State
Description
Description
Description
Land Code



polygonLayer
Override
polygonLayer
Override
Tax Parc
911 Addr
Streets
County B
Flood Zones 20'
0.2 PCT,
A
AE
AO
OPEN W
V/F



<b>PIN:</b>
Owner Nam
Book
Mailing Addi
City
State
Description
Description
Description
Land Code



polygonLayer
Override
polygonLayer
Override
Tax Parc
911 Addr
Streets
County B
Flood Zones 2018
0.2 PCT,
A
AE
AO
OPEN W
VE

PIN:

Owner Nam

Book

Mailing Addi

City

State

Description

Description

Description

Land Code

polygonLayer

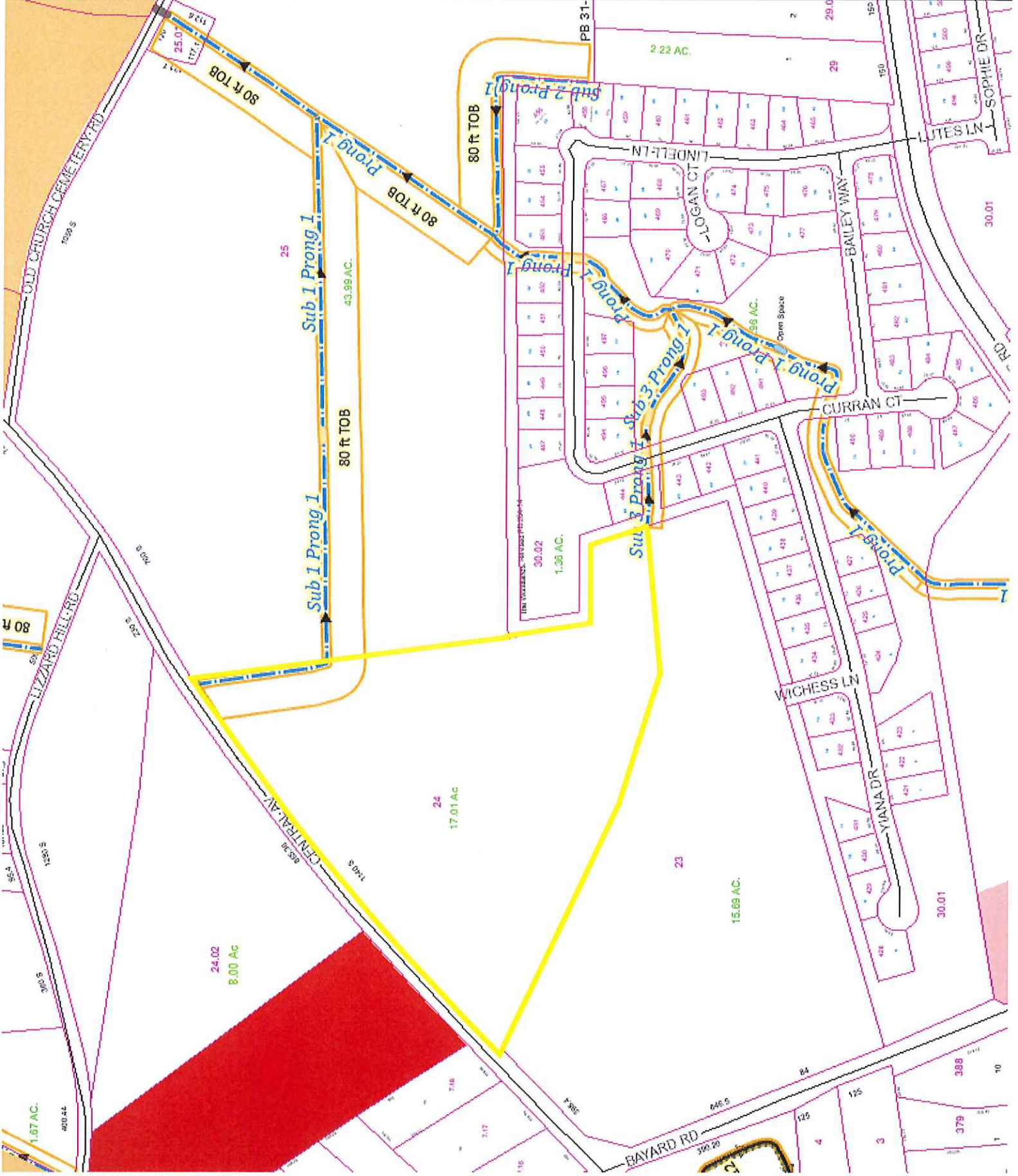
Override

polygonLayer

Override

Tax Parc

Streets







STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

December 17, 2021

Scott Roberts  
Civil Engineering Associates, LLC  
55 W. Main Street  
Middletown, DE 19709

RE: PLUS review 2021-11-02; Wilson Property

Dear Mr. Roberts:

Thank you for meeting with State agency planners on November 17, 2021, to discuss the proposed plans for the Wilson Property project. According to the information received you are seeking review of a proposed rezoning of 14.45 acres from AR-1 to MR in anticipation of a 60 unit subdivision along Central Ave. 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. **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 Level 3 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 may have other priorities for the near future.

For the areas of this site where there are environmental concerns or other constraints to development, the state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features which will help create a more sustainable development.



## **Code Requirements/Agency Permitting Requirements**

### **Office of State Planning Coordination – Contact: Dorothy Morris 739-3090**

Regarding the rezoning of this property, this property is within the Coastal Area according to the Sussex County comprehensive plan. MR is an allowable zoning with the coastal area so no comprehensive plan amendment is required for this project to move forward.

### **Delaware Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on Central Avenue (Sussex Road 84) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017). The meeting held on the afternoon of November 17 was sufficient for this purpose.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the 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. From the PLUS application, the total daily trips from the proposed development are estimated at 325 vehicle trip ends per day. As detailed in the table below, DelDOT finds this number to be correct for mid-rise dwellings (3 to 10 floors) but low for low-rise dwellings (1 to 2 floors). Regardless, the plan does not meet the warrants for a TIS.

	Low-Rise	Mid-Rise
ITE Land Use Code	220	221
Average Weekday Daily Traffic	413	325
AM Peak Hour of Adjacent Street	28	21
PM Peak Hour of Adjacent Street	37	27

The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve Central Avenue, within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Central Avenue is a Collector Road, for which the standard includes 12-foot lanes and 8-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of

roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at [Richard.McCabe@delaware.gov](mailto:Richard.McCabe@delaware.gov) or (302) 760-2276.

- 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 Central Avenue. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of the road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. 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."**
- 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 450 feet of the proposed entrance on Central Avenue.
  - Notes identifying the type of 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. DelDOT anticipates recommending that the County require a stub street for a future interconnection to Tax Parcel No. 134-19.00-25.00 by extending Street 2 to the property line.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an existing path with which to connect. DelDOT anticipates requiring the developer to



provide a Shared Use Path along their frontage and connecting with the path serving Seaway at Sycamore Chase.

- Section 3.5.4.4 of the Manual addresses accessways, paved pathways connecting a sidewalk or path along a road frontage to an internal sidewalk or path. DeDOT anticipates requiring an accessway for Street 3 to the SUP on Central Avenue.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Central Avenue.
- Sections 5.1.5.1 and 5.1.5.2 of the Manual address requirements for the design of State-maintained subdivision streets that are, respectively, permanent and temporary dead-end streets. On the basis of those standards, DeDOT recommends that cul-de-sac bulbs or other turnarounds be provided at the end of Street 2 and the west end of Street 3. Regardless of the end treatment, DeDOT anticipates requiring bollards at the west end of Street 3 to prevent residents and visitors from driving onto the SUP.
- 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 Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Wetlands**

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal wetlands on the site, including on areas proposed for development. The application indicates that wetlands have not been delineated. The application does not propose direct impacts to the wetlands.

- If dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements apply as described below.

- A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>
- Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. In certain cases, permits from the US Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). Work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements if federal permits are required.

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

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.  
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

### **Vegetated Buffer Zones**

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction



Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

Hydrologic Soil Group A/D (very poorly drained) soils have been identified over a majority of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

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

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Tax Ditches**

Sub 1 Prong 1 and Sub 3 Prong 1 of the Beaver Dam Canal Tax Ditch lie on the northeastern and southern borders of the site respectively. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. Sub 1 Prong 1 of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into Sub 1 Prong 1 of the Beaver Dam Canal Tax Ditch, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.

- The proposed landscape buffer lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form, aerial drainage map, and land development guidelines are attached.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch Rights-of-Way prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch Rights-of-Way.
- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: [de.gov/taxditchmap](https://de.gov/taxditchmap)

### **Wastewater permits – Large Systems**

Sussex County hold existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.

- If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There is low potential for prehistoric archaeological resources to be impacted by the proposed rezoning in anticipation of development. There are no known archaeological sites on or within a half-mile radius of the parcel. The parcel is not within favorable distance of a fresh water source, and therefore is not likely to contain prehistoric archaeological resources.



- Historic archaeological potential is high along Central Avenue where the T.C. West House (S02343) was located. The 1868 Beers Atlas shows a house on the property owned by T.C. West. Historic aerial and topographic maps show a farmhouse with changing outbuildings. This office recommends survey prior to any ground disturbance of the parcel due to the extant historic structure. Agricultural field scatter is possible. As historic farms can contain family cemeteries in Delaware, the Delaware SHPO would remind the developer of the newly amended Unmarked Human Burials and Human Skeletal Remains Act (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](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

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:**

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required. (One & Two- Family Dwelling)
- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

**Fire Protection Features:**

- For duplexes buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

**Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Central Avenue 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. Streets designed without parking need to

develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.

- 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 use of open bridge or covered bridge shall be designed to DEDOT standards and accessible by all fire department apparatus.
- 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
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Duplex 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide 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.

#### Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access



to Central Avenue.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Wetlands**

- Do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

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

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.  
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

**Vegetated Buffer Zones**

- Incorporate a 100-foot vegetated buffer zone from the edge of wetlands to protect water quality and to provide an additional margin of safety for flooding.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Drainage**

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Tax Ditches**

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.



Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: [de.gov/taxditchmap](https://de.gov/taxditchmap)

### **Water Quality (Pollution Control Strategies)**

- This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

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

### **Additional Sustainable Practices**

- Build garages and parking spaces to be "EV-ready." Many manufacturers have pledged to sell only electric vehicles in the next 10-15 years. Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 electric vehicle charger. This will increasingly be a selling point for homes.
- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.  
Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

- 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](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**State Housing Authority – Contact: Karen Horton 739-4263**

- DSHA strongly supports the proposal to rezone 14.5 acres along Central Avenue, south of the intersection with Lizzard Hill Road from AR-1 (Agriculture-Residential) to MR (Medium Density Residential) in anticipation of a 60-unit duplex community in Sussex County. This is an excellent opportunity for the creation of a *more* affordable housing product in the Coastal Resort Area. The need for housing affordable to the many county residents who work in the resort economy 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. Unfortunately, these same areas contain little affordable housing. Approving the rezoning will permit residents to live close to their jobs and gain access to the resources and benefits this area provides.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- This location is not within a 100-year flood plain nor along any coastal inundation zone. In the development of homes and other amenities, DEMA encourages energy efficient development, incorporating modern technologies and nature-based solutions. These include energy efficient appliances and utilities with renewable energies, adding the potential for electric vehicle charging stations, using green-roofs.

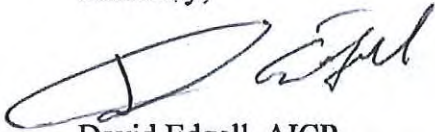
In addition to the comments above our office has received preliminary comments from Sussex County and a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of those preliminary comments and that letter are enclosed with this letter.



**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 PLUS 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,

A handwritten signature in black ink, appearing to read "David Edgell". The signature is fluid and cursive, with a large loop at the beginning.

David Edgell, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

November 16, 2021

Mr. Scott Roberts  
Civil Engineering Associates  
55 W. Main Street  
Middletown, DE 19709

RE: PLUS Review (PLUS 2021-11-02) – Wilson Property

Dear Mr. Roberts,

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](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,

Brandy B. Nauman  
*Director*







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

## DNREC Drainage Program's Tax Ditch Guidelines for Land Development Plans

These guidelines are intended to serve as a starting point for any land development plan that is proposed on a parcel or parcels that have tax ditch (TD), tax ditch right-of-way (ROW), and/or tax ditch watershed boundary on or near them. Use of these guidelines can reduce the review time and number of comments from the Delaware Department of Natural Resources and Environmental Control (DNREC) Drainage Program review for tax ditch impacts. These guidelines are not intended to be a comprehensive list of all potential issues.

Please keep in mind that tax ditches and their rights-of-way are legally created entities and can only be changed through legal channels. The following items will necessitate a Court Order Change (COC).

- Relocating, piping, or eliminating a tax ditch section.
- Any changes to the right-of-way.
- Any changes to the drainage boundaries of the tax ditches.

In order to complete a COC, all landowners (including anyone in the upstream drainage area) who will be affected by this change will need to sign the COC. If the parcel is subdivided, prior to the completion of the COC more parcels would then become signers. It will be the requesting party/project owner's responsibility to obtain signatures of all required landowners on the COCs. Our office will assist by drafting the COC documents once we have received the final Sediment and Stormwater Plans for your project. For Sussex County they should be sent to the DNREC Drainage Program from the Sussex Conservation District (SCD). Please be aware the Letter of No Objection will not be issued until the COC documents are signed by all parties. This process takes time.

### General Plan Requirements

- a. Please clearly delineate and label tax ditches, including their section (i.e. Main, Prong 1, etc.) and provide dimensions for associated right-of-way (ROW) on all sheets where it appears, including on adjacent properties that appear on the sheet. Please note that the rights-of-way (ROW) should not be labeled as buffers or easements. Also label if the ROW is centerline (CL) or top of bank (TOB). This information is available on the [Delaware Tax Ditch Map](#) and shapefiles can be obtained from [FirstMap](#).
- b. Permanent obstructions, including but not limited to; stormwater management facilities, buildings, sheds, streets, fences, landscaping, wells, and septic systems are not allowed within the tax ditch ROW. Stormwater facility outfalls may cross the ROW. See Maintenance Structure Responsibilities section.



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

- c. The integrity of the tax ditch channel, bank, and right-of-way (ROW) access cannot be compromised by any proposed activities, and the right-of-way must remain traversable for mowing, large maintenance equipment and/or disposal of soil. This includes stockpiles, silt fence and dewatering bags. Tax ditch ROW are utilized for access as well as sediment and debris disposal during tax ditch maintenance activities.

#### **Utilities**

- a. Utilities must be installed with a minimum of 3 ft. of cover beneath the tax ditch as-built elevation/grade or existing ditch bottom, whichever is deeper.
- b. Utility crossing at a proposed or existing culvert is preferred.
- c. If utility cannot be installed a minimum of 3' beneath tax ditch design grade, it must have concrete encasement.
- d. All gas lines **must** have concrete encasement.
- e. Utilities of any kind crossing the tax ditch and/or right-of-way must submit associated profiles.
- f. Utility poles or boxes must be installed a minimum of 25' from top of ditch bank (TOB). A minimum clearance of 25' must remain for any access points to the tax ditch right of way (ROW). If guy wires are required, the guy wires must not encroach into the 25' wide clearance needed between the pole and tax ditch bank or tax ditch ROW access point(s).

#### **Maintenance/Structure Responsibilities:**

*Stormwater Management Facilities and associated infrastructure are the responsibility of the private landowner even if located within the tax ditch channel.*

- a. Any **riprap** installed in the channel should be installed so that the top of the riprap is at or below existing grade as to not create a hydraulic obstruction.
- b. Any **stormwater outfall** open channel located in the ROW must be traversable or a special access right-of-way (SAR) may be required all the way around the facility. "Traversable", for the purpose of mowing equipment, shall mean at least 10:1 slopes or flatter and TRM instead of riprap.





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

- c. Maintenance of any **private crossings** (crossings for which are the benefit of the landowner) located within the tax ditch channel and/or rights-of-way are the responsibility of the landowner, not the tax ditch organization.
- d. Maintenance of the **stormwater management facilities** and associated features located within or along the tax ditch channel including the rock outlet protection are the responsibility of the landowner, not the tax ditch organization.
- e. Maintenance and repair of any damage that may occur to roadways, riprap, and any other features within the tax ditch rights-of-way, during tax ditch maintenance, is the responsibility of the landowner, not the tax ditch organization.

#### **Tax Ditch Recommendations**

- a. Existing tax ditches on the property should be surveyed and compared to tax ditch design specifications for effective function. The channels should be cleared or excavated prior to the construction of the project if needed. Contact the DNREC Drainage Program for tax ditch design specifications.
- b. Environmental permit coverage or exemptions may be necessary from the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), U.S. Army Corp of Engineers (USACE), and/or DNREC Wetlands and Subaqueous Lands Section (WSLS) prior to clearing and/or excavating tax ditch channels.
- c. All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- d. When scheduling the pre-construction meeting for this project, please contact the DNREC Drainage Program.

**Contact the DNREC Drainage Program at (302) 855-1930, [DNREC Drainage@delaware.gov](mailto:DNREC_Drainage@delaware.gov) or [de.gov/taxditch](http://de.gov/taxditch) for questions or to discuss the on-site tax ditch impacts. Please use this form to request our office to review your project.**



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

# Tax Ditch Land Development Project Review Request Form

---

Project Name: \_\_\_\_\_

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

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

### Project Representative/Consultant Information:

Name(s): \_\_\_\_\_  
Company: \_\_\_\_\_  
Title(s): \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
Email(s): \_\_\_\_\_

### Owner(s) Contact Information:

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_

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

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### For Internal Use Only

Date Received: \_\_\_\_\_  
Tracking #: \_\_\_\_\_





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

**Property Information:**

Tax Parcel(s) Affected: \_\_\_\_\_  
Tax Ditch Organization(s) Affected: \_\_\_\_\_

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

<input type="checkbox"/>	Outfall/Discharge into Tax Ditch Channel(s)
<input type="checkbox"/>	Pipe Crossing/Entrances in Tax Ditch Channel(s)
<input type="checkbox"/>	Relocate/Eliminate Tax Ditch Channel(s)
<input type="checkbox"/>	Reduce/Increase Tax Ditch Rights-of-Way
<input type="checkbox"/>	Change Tax Ditch Watershed Boundary
<input type="checkbox"/>	Alteration of Existing Tax Ditch Channel(s)
<input type="checkbox"/>	Utility Crossing in Tax Ditch Channel
<input type="checkbox"/>	Other Explain: _____

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

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

Submit all forms to the DNREC Drainage Program  
Via email: [DNREC\\_drainage@delaware.gov](mailto:DNREC_drainage@delaware.gov)  
Subject Line: Tax Ditch- Land Development Request

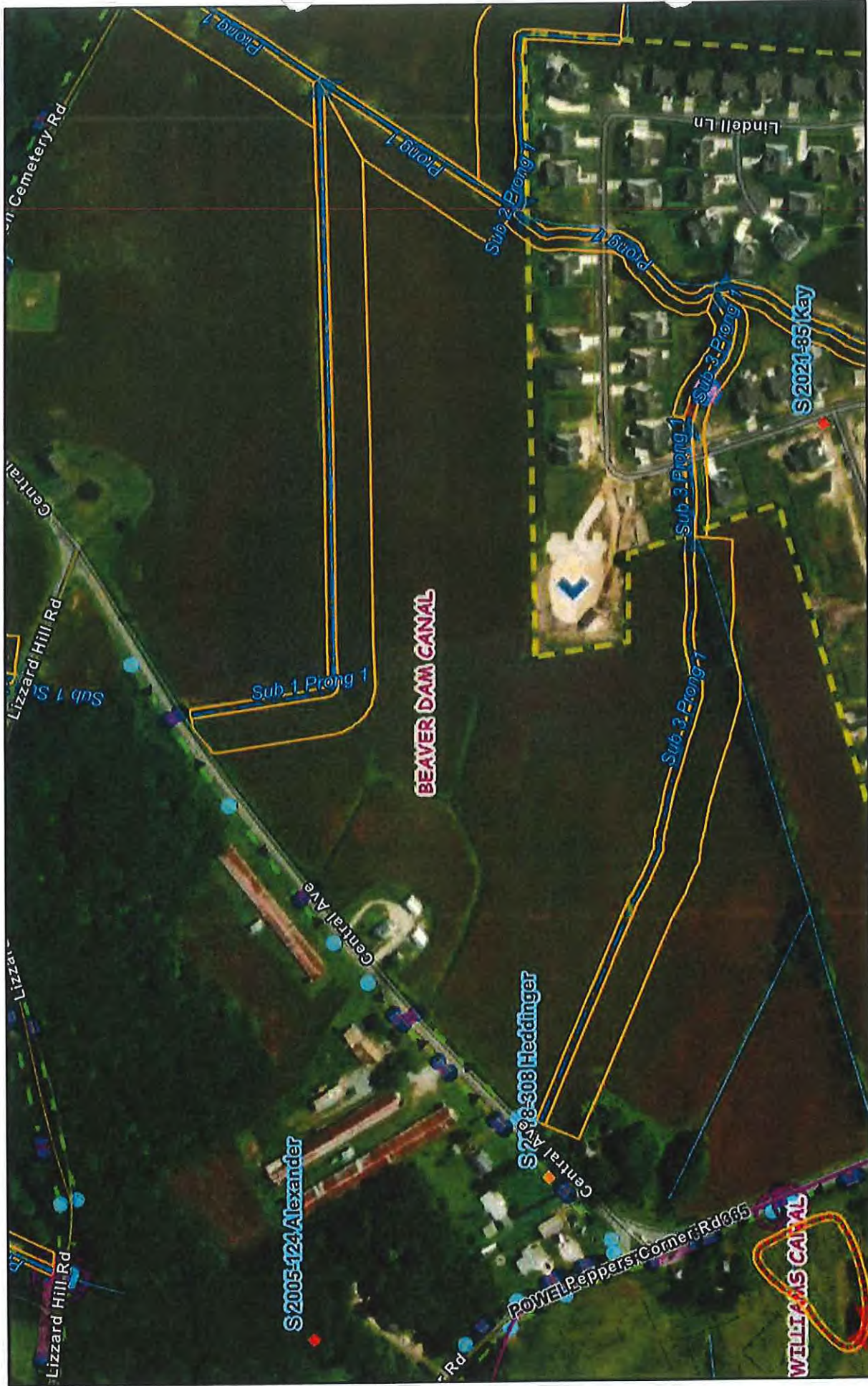
For questions about this form please call the Tax Ditch Program at 302-855-1930.

**For Internal Use Only**

Date Received: \_\_\_\_\_  
Tracking #: \_\_\_\_\_



# PLUS 2021-11-02 Wilson Property



11/15/2021, 2:41:24 PM

1:4,514

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.19 km

Quick Drainage Photos

Channel and Bank Structures

Tax Ditch Field Inspection Results

Drainage Concerns

Channel & Bank Structures

Private Drainage

Roadside Drainage

Tax Ditch Channels

Tax Ditch Channel

Pond Feature

DNREC, Division of Watershed Stewardship, Drainage Program

DNREC, Division of Watershed Stewardship, Drainage Program

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



## **Wilson Property (2021-11-02)**

### Sussex County Planning and Zoning Comments

Tax Parcel ID: 134-19.00-24.00

Zoning: AR-1 (Agricultural Residential Zoning District)

Proposed: The application indicates a rezoning from AR-1 (Agricultural Residential Zoning District) to MR (Medium Density Residential Zoning District) for the construction a 60-unit subdivision on a 14.45-acre parcel of land. The property contains the Future Land Use Map designation of "Coastal Area" as referenced per Sussex County's 2019 Comprehensive Plan update.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" within the Comprehensive Plan document indicates that the Medium Density Residential District (MR) is an applicable Zoning District within the Coastal Area. Please note that since the proposal falls within the Coastal Area, a Public Facility Evaluation Report and copies of an Environmental Assessment will be required to be submitted along with the application to the Department of Planning and Zoning (§115-194.3(B)(2)).

The Applicant is required to engage in a Pre-Application Meeting with Department staff prior to the submittal of a formal application to the Planning and Zoning Department.

Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

The Application indicates that this proposal will be a major subdivision. However, the proposed lots appear to be smaller than that of a typical lot and more characteristic of a multifamily proposal.

Please note that if the Applicant's desire is to pursue a multifamily development on this parcel, a Conditional Use Application will be required to be submitted to the Department of Planning and Zoning to travel with the Change of Zone Application through the approval process as part of this proposal (§115-31).

The project density appears to comply with the maximum density requirement of 12 units to the acre as a Conditional Use application within the MR Zoning District at 4.15 dwelling units/acre.

Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).

Staff note that there is only one point of ingress and egress (to and from) the property. The Planning and Zoning Commission often desires more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.

Please note that the property is located within Flood Zone "X, - Areas determined to be outside of the 100-year floodplain."

Staff note that there are two tax ditch prongs present on the property which form the Beaver Dam Canal Tax Ditch. The prong to the southeastern end of the project site contains a ROW that is

measured 80-ft from the top of bank of the tax ditch. The ROW is identical for the prong on the northeastern end of the project site. All proposed structures must be constructed outside of the Tax Ditch ROW unless permission is granted via a letter from the DNREC Tax Ditch Section or the ROW is reduced as part of a court order change (COC).

Please note that the parcels are located within an area of "good" groundwater recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).

Please clarify if any amenities are to be proposed within the subdivision for the use of the property owners within the subdivision.

Please clarify if the planted buffer will also continue around the entire perimeter of the property. If the proposal is for a subdivision, a 20-ft forested/landscape buffer will need to be planted around the entire perimeter of the property (save those areas which are located within DelDOT's established sight triangle departure area.)

Please clarify on the plans whether any additional Open Space is to be provided other than that which has been supplied in the center of the project site.

Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of a formal application.

Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.



## **Wilson Property (2021-11-02)**

### Sussex County Engineering Comments

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

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

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

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

# **WILSON PROPERTY BOOKLET**



**PROJECT TEAM**

**APPLICANT/DEVELOPER GULFSTREAM DEVELOPMENT LLC**

Contact: Robert Harris  
27 Atlantic Avenue  
Ocean View, DE 19970  
Telephone: 302-539-6178  
Email: [rljh@gulfstreamde.net](mailto:rljh@gulfstreamde.net)

**CIVIL ENGINEER**

**CIVIL ENGINEERING ASSOCIATES, LLC**

Contact: Ronald H. Sutton, Jr., P.E.  
55 W. Main Street  
Middletown, DE 19709  
Telephone: 302-547-2444  
Email: [ron@cea-de.com](mailto:ron@cea-de.com)

**ATTORNEY**

**BAIRD MANDALAS BROCKSTEDT  
FEDERCIO & CARDEA, LLC**

Contact: Mackenzie M. Peet, Esq.  
1413 Savannah Road, Suite 1  
Lewes, DE 19958  
Telephone: 302.645.2262  
Email: [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com)

## TABLE OF CONTENTS

- I. Executive Summary**
- II. Project Overview**
  - A. Boundary Plat & Topographic Survey**
  - B. Overview of Current Site Conditions**
  - C. Land Plan and Amenities**
  - D. DelDOT Improvements**
  - E. Preliminary Land Use Service (PLUS)**
  - F. Sanitary Sewer Planning Area**
- III. Compliance with Applicable Regulations**
  - A. Compliance with the MR (Medium Density Residential) District and Coastal Area**
  - B. Statement of Compliance with Chapter 99, Subdivision of Land**
  - C. Statement of Compliance with Sussex County, Delaware, Comprehensive Plan Update, March 2019**

### **Exhibits:**

- Exhibit 1) Sussex County Land Use Applications
- Exhibit 2) Property Owners within 200' of the Project Site
- Exhibit 3) Property and Deed Information
- Exhibit 4) State Strategies for Policies and Spending Map and County Future Land Use Map
- Exhibit 5) Sussex County Aerial Maps
- Exhibit 6) Seaway at Sycamore Chase Record Plan
- Exhibit 7) Sussex County Zoning Code
- Exhibit 8) Wilson Property Preliminary Plan
- Exhibit 9) Planning & Zoning Department Staff Review
- Exhibit 10) PLUS Review
- Exhibit 11) Coastal Area Environmental Assessment and Public Facility Evaluation Report



## **I. Executive Summary**

The Wilson Property Development proposes a rezoning from AR-1 to MR with a conditional use for 60 townhome lots (the "Project"). The Project is proposed at 34667 Central Avenue, Frankford, Delaware, further identified as Tax Map Parcel No. 134-19.00-24.00 (the "Property"). The Project is located on the southeast side of Central Avenue approximately 0.17-mile northeast of the intersection of Peppers Corner Road (S.C.R. 365) and Central Avenue (Rt. 84).

The Project is located in the vicinity of a number of residential developments. The Project adjoins the Seaway at Sycamore Chase subdivision to the south and the Woodlands subdivision to the east both of which are single-family subdivisions. There are also several residential townhome projects within a quarter mile of the project on Central Avenue and on Lizard Road.

The Project is located within Investment Level 3 of the State Strategies for Policies and Spending Map. Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas.

5.25 Acres (36.3%), more or less, of Open Space, subject to final site engineering, is provided.

The proposed rezoning and conditional use are consistent with Sussex County's Comprehensive Plan. If the property is rezoned from AR-1 to MR, the Project will comply with all MR District, Coastal Area, and Subdivision of Land requirements, as further detailed in the Zoning Ordinance of Sussex County, Delaware (the "Code").

### **Proposed Density and Calculations:**

#### **Areas and Total Area:**

***Lot Area:*** +/-6.48 acres

***SWM Area:*** +/- 1.04 acres

***ROW/Street Area:*** +/- 2.72 acres

***Open Space Area:*** +/- 5.25 acres

***Total Area:*** +/- 14.45 acres

**Proposed Gross Density:** 60 D.U./14.45 Acres = 4.15 D.U./Acres

**Permitted MR Density:** 4.356 D.U./Acre

## **II. Project Overview**

### **A. Boundary Plat & Topographic Survey**

A boundary topographic survey for the Property was prepared by Civil Engineering Associates, LLC. The total area of the Property is 14.45 +/- acres.

### **B. Overview of Current Site Conditions**

The Project is located on the southeast side of Central Avenue and is in the vicinity of several residential developments.

The Property is located outside the 100-year floodplain per FEMA flood map number 10005C Panel 0513K, map revised March 16, 2015.

### **C. Land Plan and Amenities**

The land plan considers existing conditions, stormwater outfalls, adjacent communities, existing roadways, current housing trends, and recreational needs.

The resultant plan includes:

- A 20 feet landscaped buffer.
- Sidewalks on at least one side of the street.
- Signage for proposed subdivision to include subdivision identification sign at entrance and internal stop signs and other internal traffic control signage as needed.
- An efficient stormwater management system that acts as an amenity.
- Open space percentage is proposed at 36.3% (subject to final site engineering) in excess of the 10% Open Space requirement.

### **D. DelDOT Improvements**

The Project is proposed to contain 60 multi-family homes and is anticipated to generate approximately 413 vehicle trips per day (207 entering, 206 leaving). Based upon the 2021 DelDOT Traffic Counts, Central Avenue currently carries 2,900 average annual daily vehicles. Therefore, it is anticipated that the Wilson Property development will not cause any adverse impacts to the surrounding road network. No auxiliary lanes are required along Central Avenue due to the proposed traffic.

### **E. Preliminary Land Use Service (PLUS)**

A concept plan for the Project was presented to PLUS on December 17, 2021.

### **F. Sanitary Sewer Planning Area**

The community is anticipated to be served by Sussex County.



## **I. Compliance with Applicable Regulations**

### **A. Compliance with the MR (Medium Density Residential) District and Coastal Area**

If the property is rezoned, the project will be located within the MR District. The entire site is located within the Coastal Area. The site is being developed with single-family townhome lots within the MR District and will meet the requirements of the MR District and Coastal Area as existed at the time of application.

The proposed land use is in conformity with the Zoning Ordinance for MR which permits the proposed 4.15 dwelling units per acre based on the gross site area.

Purpose: The Project will conform with the purpose of the MR District in as much as it is a medium-density residential community in a Level 3 Investment Area with access to sanitary sewer and public water supply.

Conditional Uses: Multifamily dwelling structures, subject to provisions of the Code, are permitted as conditional uses.

Height, Area, and Bulk Requirements: The height, area and bulk requirements are set forth in the MR District of the Zoning Ordinance and subsequent Coastal Area supplementary regulations. The following is a summary of the lot dimensions and setbacks for the Project, all of which are in conformity with County requirements:

#### Townhome Lots:

Minimum Lot Area = 3,630 S.F.

Front Yard = 40' (15' Corner Lot)

Side Yard = 10'

Rear Yard = 10'

Maximum Building Height = 42'

**B. Statement of Compliance with Chapter 99, Subdivision of Land.**

Section 115-188 of the Code titled Townhouses and Multifamily Dwellings provides that each dwelling unit of a multifamily dwelling must comply with the minimum-lot-area-per-dwelling-unit specification in the table of district regulations of Article XX. The dwelling units of a multifamily dwelling unit may be held in separate ownership if separate utility systems are provided. Further, the dwelling units and individual lots of a townhouse may be held in separate ownership if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the Subdivision Ordinance.

The proposed development plan has taken into consideration all items listed within the Subdivision of Land – Chapter 99, Section C within the Code and complies with it in the following manner:

**1. *“Integration of the proposed subdivision into existing terrain and surrounding landscape.”***

The subject Property consists of active agricultural fields with an existing residential dwelling and outbuildings in the north-central portion of the property. Former chicken coops exist across Central Avenue. The Seaway at Sycamore Chase subdivision is located to the south, and the Woodlands subdivision is located to the east. The project is also in the vicinity of a number of other residential developments including but not limited to The Estuary, Forest Landing, and Plantation Park.

The Property is surrounded by existing landscape buffer along the Project’s borders that will be maintained and augmented. As required, a minimum 20 feet forested buffer is provided adjacent to residential uses.

**2. *“Minimal use of wetlands and floodplains.”***

There are 0.08 acres, more or less, of wetlands existing on site. No disturbance is planned to the wetland area.

**3. *“Preservation of natural and historic features.”***

There are no known existing natural or historical features.

**4. *“Preservation of open space and scenic views.”***

As stated above, the property is surrounded by landscaping along its borders and some unsightly chicken coops across Central Avenue. A 20 feet landscape buffer will be provided to enhance the current buffer as well as provide a scenic view.

The project will comply with the Code’s Open Space requirements. Proposed Open Space is well above the 10% requirement at 36.3% (or 5.25 Acres), more or less subject to final site engineering. The proposed Open Space areas will consist of stormwater management, existing and proposed vegetated buffers and passive and active Open Space.



5. ***“Minimization of tree, vegetation, and soil removal and grade changes.”***

The existing dwelling and associated driveway will be removed. Tree and soil removal will be kept at the minimum necessary to construct the development. Efforts will be made to preserve existing vegetation within the buffers and Open Space areas. Where that is not possible or no significant vegetation exists, planting is proposed to meet County landscape and buffer regulations. Site grading will be minimized to the extent needed to provide adequate drainage and stormwater management.

6. ***“Screening of objectionable features from neighboring properties and roadways.”***

As stated above, the property is surrounded by existing woods which will be maintained and supplemented with additional landscaping. Vegetative buffers (of existing or proposed plant material) will be maintained to screen views from offsite. Landscaping across the proposed frontage will screen the unsightly chicken coops.

7. ***“Provision for water supply.”***

Water will be provided by Artesian Water Company.

8. ***“Provision for sewage disposal.”***

Sanitary sewer is intended to be provided by Sussex County.

9. ***“Prevention of surface and groundwater pollution.”***

Surface and groundwater pollution will be prevented with the onsite stormwater management system. All surface runoff will be conveyed into the stormwater management facility. All stormwater design will be reviewed and approved by Sussex Conservation District.

10. ***“Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.”***

Surface and groundwater pollution will be prevented with the onsite stormwater management system. All surface runoff will be conveyed into the stormwater management facility. All stormwater design will be reviewed and approved by Sussex Conservation District.

11. ***“Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.”***

The proposed layout of the internal roads consists of 12-foot wide travel lanes designed in accordance with Sussex County and DelDOT standards for access to the lots. A shared use path is proposed along the frontage of the property to allow for pedestrian movement as well as internal sidewalks on at least one side of the road.

**12. *“Effect on area property values.”***

We anticipate that property values in the surrounding area will remain the same or increase due to this project.

**13. *“Preservation and conservation of farmland.”***

While a portion of the site is currently being used for agriculture, the existence of the proposed subdivision will not significantly impact agricultural lands.

**14. *“Effect on schools, public buildings, and community facilities.”***

No negative impact to the surrounding school, public buildings, or community is anticipated.

**15. *“Effect on area roadways and public transportation.”***

The Project is anticipated to generate approximately 413 vehicle trips per day (207 entering, 206 leaving). Based upon the 2021 DelDOT Traffic Counts, Central Avenue currently carries 2,900 average annual daily vehicles. Therefore, it is anticipated that the Project will not cause any adverse impacts to the surrounding road network. No auxiliary lanes are required along Central Avenue due to the proposed traffic.

**16. *“Compatibility with Other Land Uses.”***

The surrounding land uses consists of residential homes (both seasonal and year-round). We are proposing a residential use which is compatible with the surrounding areas.

**17. *“Effect on Area Waterways.”***

We do not anticipate any effects on area waterways due to the proposed development. Runoff will be treated for water quality prior to discharge. All stormwater management will be designed in accordance with current DNREC regulations.



## **C. Statement of Compliance with Sussex County, Delaware, Comprehensive Plan Update, March 2019**

### **Chapter 4 Future Land Use**

The site is located within the Coastal Area which is identified as a Growth Area and complies as follows:

- The proposed land plan addresses environmental concerns. Wetlands are not impacted by the construction. Buffers have been provided to adjacent residential uses.
- Single-family homes, townhomes and multi-family units are permitted.
- Cluster developments are permitted in the Coastal Area.
- The proposed density complies with the MR District density requirements and the recommended 4-12 units per acre in medium and higher density areas in the Coastal Area.
- Central water and sewer will be available to the site.

### **Chapter 5 Conservation**

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas.
- The wetlands on site will remain as a non-disturbance area.
- Central water and sewer will be available to the site.

### **Chapter 6 Recreation and Open Space**

The proposed community complies with the Recreation and Open Space section as follows:

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides a shared use path, sidewalks, and significant amounts of Open Space for active and passive recreation.

### **Chapter 7 Utilities**

The proposed community complies with the Utilities section as follows:

- Water is anticipated to be provided by Artesian Water Company, Inc.
- The community wastewater service will be provided by Sussex County.
- Adequate areas are provided for stormwater management and stormwater drainage.
- Arrangements will be made with a commercial trash hauler to provide trash collection for the community.

### **Chapter 8 Housing**

- The proposed community complies with the Housing section by providing housing to Sussex County residents.

### **Chapter 9 Economic Development**

The proposed community complies with the Economic Development section as follows:

- This development project will directly provide employment/opportunities in Construction; Professional, Business and IT Services; Finance, Insurance and Real Estate; and Utilities.
- The development will also indirectly provide job opportunities in Leisure, Hospitality, Education and Healthcare.

### **Chapter 10 Historic Preservation**

- The proposed community complies with the Historic Preservation section as no known historic sites located on the site.

### **Chapter 12 Community Design**

The proposed community complies with the Community Design section as follows:

- Street signage will be provided.
- Sidewalks are proposed on both sides of the streets.
- The proposed homes will be limited to 42' in height.
- No variances to the required setbacks are proposed.
- No direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, but the community will feature significant on-site sidewalks and pedestrian pathways.
- Buffers will be provided to adjacent residential uses.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

### **Chapter 13 Mobility Element**

- The proposed community complies with the Mobility Element section, as entrance, roadway and off-site improvements necessitated by DelDOT will be designed and constructed per DelDOT standards.



# **EXHIBIT 1**

Sussex County Land Use Applications

Planning & Zoning Commission Application  
Sussex County, Delaware

CZ 1969  
202200317

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 check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Central Avenue, Sussex County, DE (WILSON PROPERTY)

Type of Conditional Use Requested:

Change of zoning from AR-1 to MR

Tax Map #: 134-19-24 Size of Parcel(s): 14.45 Acres

Current Zoning: AR-1 Proposed Zoning: MR Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: TIDEWATER Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON

Applicant Address: 55 W. MAIN STREET

City: MIDDLETOWN State: DE Zip Code: 19709

Phone #: (302) 574-2444 E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: GULFSTREAM DEVELOPMENT LLC

Owner Address: 27 ATLANTIC AVE

City: OCEAN VIEW State: de Zip Code: 19970

Phone #: (302) 539-6178 E-mail: RJH@gulfstreamde.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT

Agent/Attorney/Engineer Address:

City: State: Zip Code:

Phone #: E-mail:





# Check List for Sussex County Planning & Zoning Applications

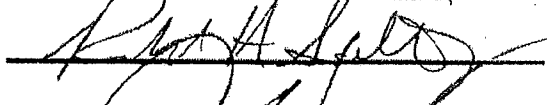
The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00
- Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DelDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 1-4-22

Signature of Owner



Date: 12-17-21

For office use only:

Date Submitted: 1/11/22 Fee: \$500.00 Check #: 5007  
Staff accepting application: CS Application & Case #: 202200317  
Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_

Planning & Zoning Commission Application  
Sussex County, Delaware

Cu 2339  
202200319

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 check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Central Avenue, Sussex County, DE (WILSON PROPERTY)

Type of Conditional Use Requested:

MULTI-FAMILY

Tax Map #: 134-19-24 Size of Parcel(s): 14.45 Acres

Current Zoning: AR-1 Proposed Zoning: MR Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: TIDEWATER Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON

Applicant Address: 55 W. MAIN STREET

City: MIDDLETOWN State: DE Zip Code: 19709

Phone #: (302) 574-2444 E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: GULFSTREAM DEVELOPMENT LLC

Owner Address: 27 ATLANTIC AVE

City: OCEAN VIEW State: de Zip Code: 19970

Phone #: (302) 539-6178 E-mail: RJH@gulfstreamde.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT

Agent/Attorney/Engineer Address:

City: State: Zip Code:

Phone #: E-mail:



# Check List for Sussex County Planning & Zoning Applications

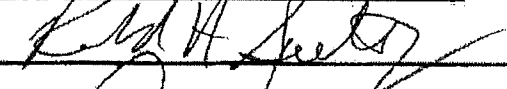
The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- ✓ **Provide Fee \$500.00**
- **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DelDOT Service Level Evaluation Request Response**
- ✓ **PLUS Response Letter (if required)**

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 1-4-22

Signature of Owner



Date: 12-17-21

For office use only:

Date Submitted: 1/11/22

Fee: \$500.00 Check #: 5007

Staff accepting application: Cur

Application & Case #: 202200319

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



# **EXHIBIT 2**

Property Owners within 200' of the Project Site

Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode
E JOHNSON HOLDINGS LLC	JACQUELYN KAY OWENS WILSON TTEE REV TR	39824 HICKMAN PLAZA RD #7	BETHANY BEACH	DE	19930
WILSON RONALD PAUL TTEE	M MICHELLE BAIER	34682 CENTRAL AVE	FRANKFORD	DE	19945
BAIER STEPHEN C	RONALD P WILSON	9 CEMETERY RD	NEWTOWN	CT	6470
TOOMEY PEGGY W		36003 BURBAGE RD	FRANKFORD	DE	19945
HEDDINGER JOANNE M	OWENS WILSON TTEE OF JOINT REV TR	34730 CENTRAL AVE	FRANKFORD	DE	19945
WILSON RONALD P TTEE JACQUELYN K	REGINA MCDOWELL	34682 CENTRAL AVE	FRANKFORD	DE	19945
MCDOWELL PATRICK JOSEPH		533 PATERNO DR	HARLEYSVILLE	PA	19438
WOODLANDS DEVELOPMENT LLC		27 ATLANTIC AVE	OCEAN VIEW	DE	19970
JANKOVIC PAUL D		PO BOX 3605	OCEAN CITY	MD	21843
ARCHUT DIANE H TRUSTEE	BRENTON H ARCHUT TRUSTEE	36219 OLD CHURCH CEMETERY RD	FRANKFORD	DE	19945
MELSON JOHN W & DEBRA W		34716 CENTRAL AVE	FRANKFORD	DE	19945
WOODLANDS DEVELOPMENT LLC		27 ATLANTIC AVE	OCEAN VIEW	DE	19970
WOODLANDS DEVELOPMENT LLC		27 ATLANTIC AVE	OCEAN VIEW	DE	19970
TRAN HUE V	LIEN T TRAN	1220 PLANTATION DR	THOROFARE	NJ	8086





# **EXHIBIT 3**

Property and Deed Information

Property Information

Property Location: 34667 CENTRAL AV  
 Unit:  
 City: FRANKFORD  
 State: DE  
 Zip: 19945  
 Class: AGR-Agriculture  
 Use Code (LUC): FH-AG W/HOMESITE IN FAA  
 Town: 00-None  
 Tax District: 134 - BALTIMORE  
 School District: 1 - INDIAN RIVER  
 Fire District: 84-Millville  
 Deeded Acres: 17.0101  
 Frontage: 0  
 Depth: .000  
 Inr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$5,000  
 100% Improvement Value: \$31,400  
 100% Total Value: \$36,400

Legal

Legal Description: HWY BAYARD TO  
 OCEAN VIEW  
 FX

Owners

Owner	Co-owner	Address	City	State	Zip
TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
04/26/2021	6453/37				TOOMEY PEGGY W
04/11/2019	5043/50				WILSON ALLENA TTEE

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2022	TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945	5453/37
2021	TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945	5453/37
2020	TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945	5453/37
2019	ALLENA W WILSON REVOCABLE TRUST		34682 CENTRAL AVE	FRANKFORD	DE	19945	5043/50
2018	WILSON RONALD P JACQUELYN K		34682 CENTRAL AVE	FRANKFORD	DE	19945	5043/50
2017	WILSON ALLENA W TRUSTEE		34687 CENTRAL AVE	FRANKFORD	DE	19945	3974/273
2012	WILSON ALLENA W TRUSTEE		34667 CENTRAL AVE	FRANKFORD	DE	19945	3974/273
2008	WILSON PAUL /OR ALLENA W		34687 CENTRAL AVE	FRANKFORD	DE	19945	547/421
2008	WILSON PAUL /OR ALLENA W		RR 2 BOX 181	FRANKFORD	DE	19945	937/41
1900	WILSON PAUL OR ALLENA W					0	547/421

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	AGR	FH	0	0	17.0101	Y
2	AGR	FH	0	0	17.0101	Y

Land Summary

Line	100% Land Value
1	2,000

Agricultural Land

Line:	CAMA Line:	Ag Use	Use:	Grade:	Acreage	Rate	Value:
1	1		FH		.0001		2000
2	2		FH		.0001		3000

**Agriculture Totals**

---

Agricultural Acres	17.0100
--------------------	---------

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$5,000	\$31,400	\$36,400

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$2,500	\$15,700	\$18,200

**Permit Details**

---

Permit Date:	Permit #:	Amount:	Note 1
25-FEB-1994	20522-1	\$1,344	COMPOST SHED-RT.84



**Electronically Recorded Document# 2021000027229 BK: 5453 PG: 37**  
**Recorder of Deeds, Scott Dailey On 4/26/2021 at 9:08:31 AM Sussex County, DE**  
**Consideration: \$0.00 County/Town: \$0.00 State: \$0.00 Total: \$0.00**  
**Doc Surcharge Paid Town: SUSSEX COUNTY**

TAX MAP # 134-19.00-24.00

PREPARED BY & RETURN TO:  
Parsons & Robinson, P.A.  
118 Atlantic Ave, Ste 401  
Ocean View, DE 19970  
File No. A9140/LMG

**NO LIEN OR TITLE SEARCH REQUESTED OR PERFORMED**

**THIS DEED**, made this 23<sup>rd</sup> day of April, 2021,

- BETWEEN -

**PEGGY W. TOOMEY and RONALD P. WILSON, CO-TRUSTEES**, of the REVOCABLE TRUST AGREEMENT OF ALLENA W. WILSON, dated September 14, 2004, of 34682 Central Ave., Frankford, DE 19945, party of the first part,

- AND -

**PEGGY W. TOOMEY**, as to an undivided fifty percent (50%) interest, of 36003 Burbage Rd., Frankford, DE 19945, and **RONALD P. WILSON**, as to an undivided fifty percent (50%) interest, of 34682 Central Ave., Frankford, DE 19945, parties of the second part, as tenants in common.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part:

**ALL THAT CERTAIN** tract, piece or parcel of land with all improvements thereon, situate, lying and being on the highway leading from Bayard to Ocean View, in Baltimore Hundred, Sussex County, State of Delaware, and being more particularly described in the Deed from Andrew M. Murray and Francis Murray, his wife, to Paul Wilson and Allena W. Wilson, dated April 18, 1962, and filed for record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware in Deed Book No. 547, Page 421.

**“EXCEPTING AND RESERVING ANY AND ALL OUT CONVEYANCES FROM ORIGINAL TRACT OF LAND”**

**BEING** a part of the same lands conveyed unto Allena W. Wilson, Trustee, under the Revocable Trust Agreement of Allena W. Wilson, dated September 14, 2004, by Deed of Allena W. Wilson, Successor Trustee, under the Revocable Trust Agreement of Paul Wilson, dated

September 14, 2004, and Allena W. Wilson, Trustee, under the Revocable Trust Agreement of Allena W. Wilson, dated September 14, 2004, dated February 27, 2012, and recorded in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware, in Deed Book 3974, Page 273. THE SAID ALLENA W. WILSON died on or about May 10, 2020 leaving her children, Peggy W. Toomey and Ronald P. Wilson, Co-Trustees of the above mentioned Trust.

**UNDER AND SUBJECT TO** any and all restrictions, reservations, conditions, easements and agreements of record in The Office of the Recorder of Deeds, in and for Sussex County, Delaware.

**PURSUANT** to 2 Del Code Sec 135 the Grantors hereunder does hereby acknowledge that the parcel or parcels conveyed hereunder, or a portion of same, maybe subject to a tax ditch right of way and or assessment, or a tax lagoon right of way and or assessment pursuant to an order of the Superior Court of the State of Delaware in and for Sussex County dated March 12, 2009, and recorded in the Office of the Recorder of Deeds in and for Sussex County in Book 6 at Page 97, et seq. including any subsequent additions to or amendments of said Order.

**EXCEPTING AND RESERVING** any and all possible out conveyances from September 14, 2004, forward.

**SUBJECT** to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

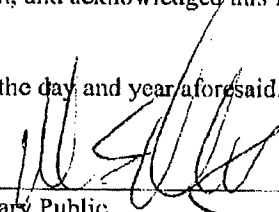
\_\_\_\_\_  
 (SEAL)  
Peggy W. Toomey, Co-Trustee

\_\_\_\_\_  
 (SEAL)  
Ronald P. Wilson, Co-Trustee

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 23<sup>rd</sup> day of April, 2021, personally came before me, the subscriber, Peggy W. Toomey and Ronald P. Wilson, Co-Trustees, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

  
\_\_\_\_\_  
Notary Public  
MANAEN S. ROBINSON, IV, ESQ. Printed Name: \_\_\_\_\_  
ATTORNEY AT LAW- DELAWARE  
NOTARY PURSUANT TO  
29 DEL. C., SEC. 4323(a)(23) My Commission Expires: \_\_\_\_\_



# **EXHIBIT 4**

State Strategies for Policies and Spending  
Map and County Future Land Use Map

Sussex County

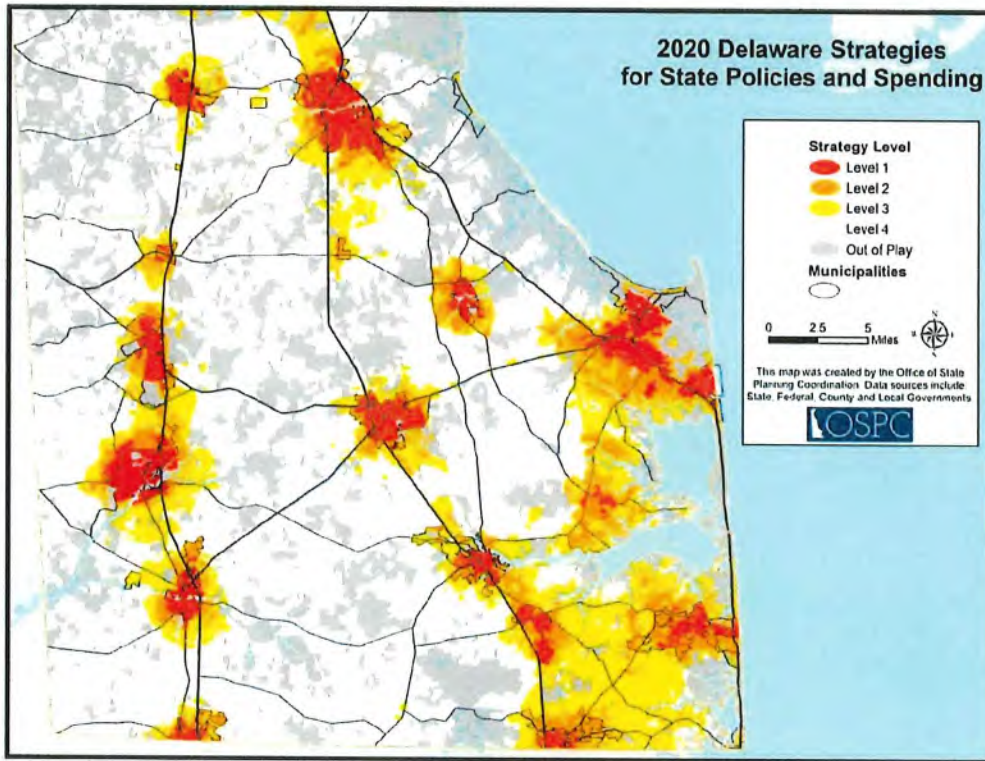
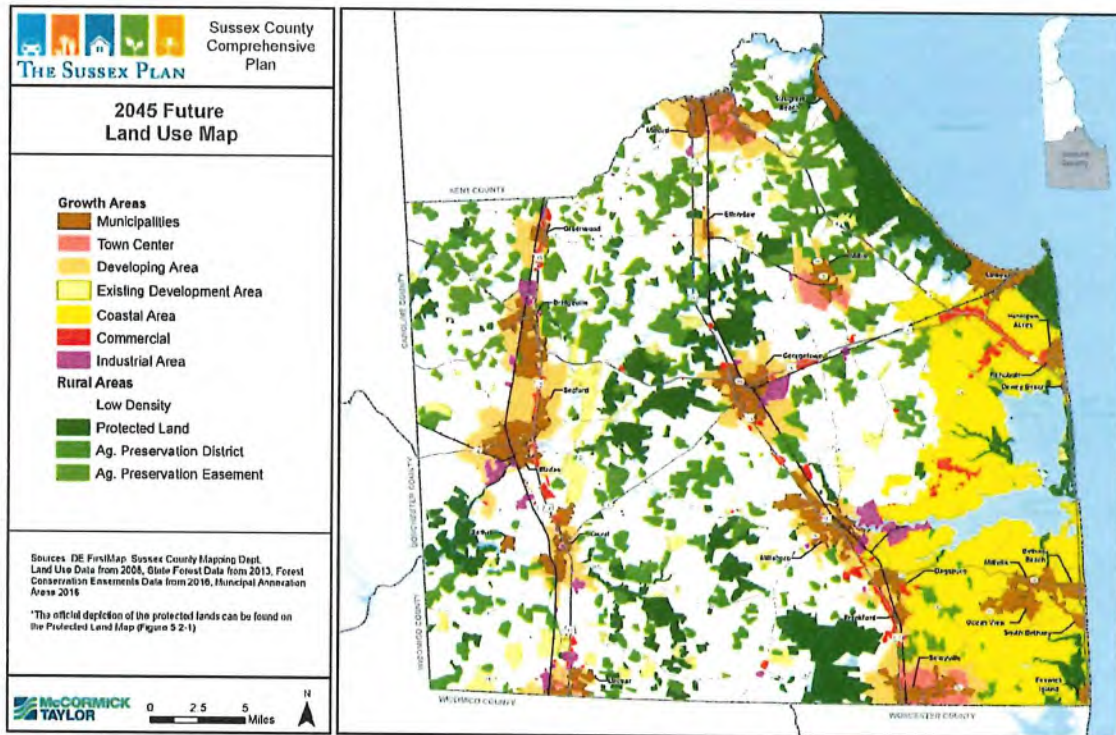


Figure 4.5-1 Sussex County 2045 Future Land Use





# **EXHIBIT 5**

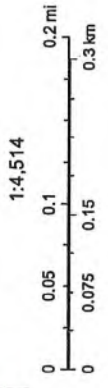
Sussex County Aerial Maps



# Sussex County

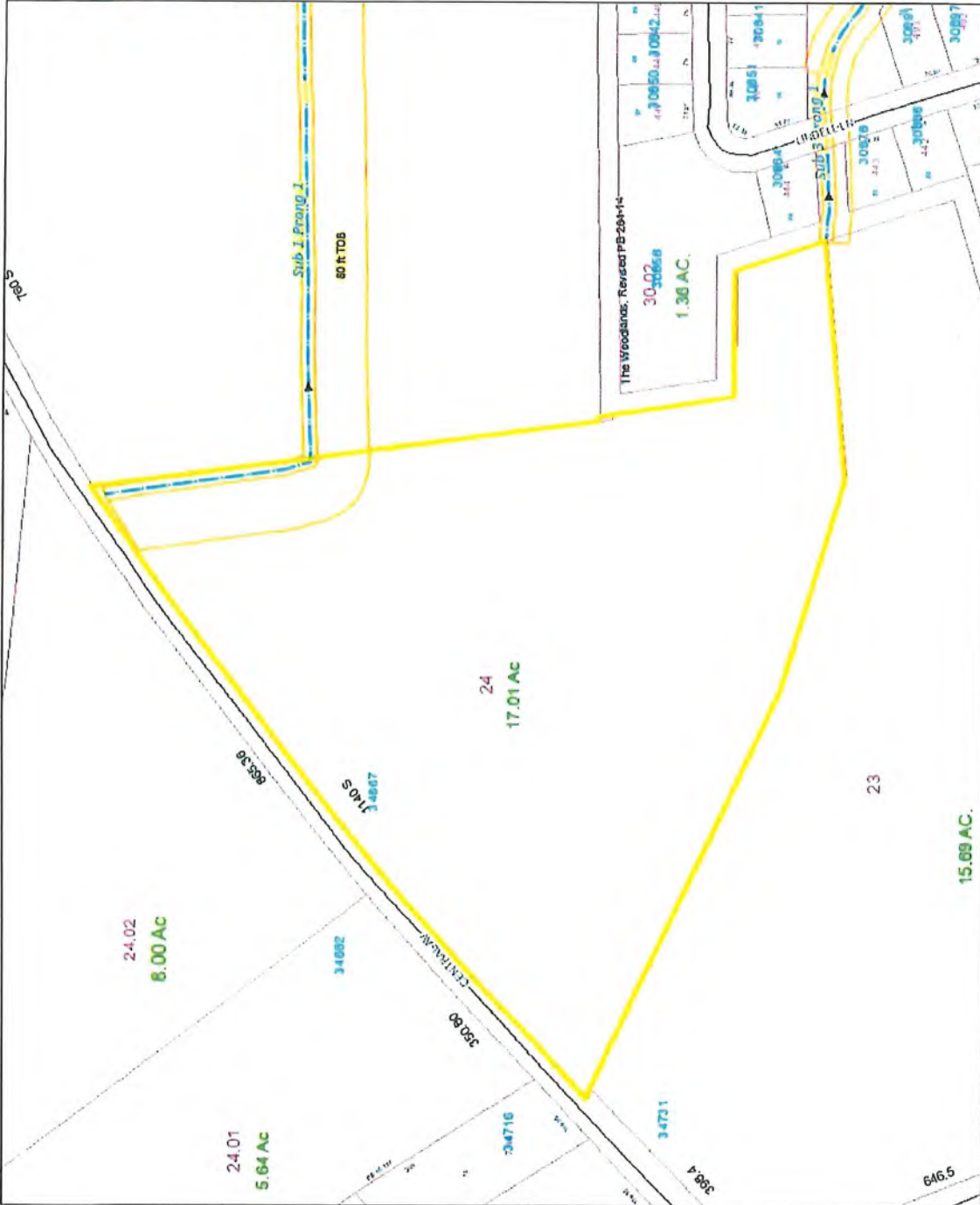


PIN:	134-19.00-24.00
Owner Name	TOOMEY PEGGY W
Book	5453
Mailing Address	36003 BURBAGE RD
City	FRANKFORD
State	DE
Description	HWY BAYARD TO
Description 2	OCEAN VIEW
Description 3	FX
Land Code	



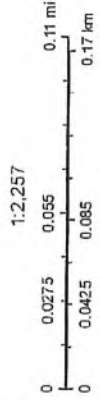


# Sussex County



FIN	134 17 05 24 00
Owner Name	TOOMEY PEGGY W
Book	5453
Mailing Address	36003 BURBAGE RD
City	FRANKFORD
State	DE
Description	HWY BAYARD TO
Description 2	OCEAN VIEW
Description 3	FX
Land Code	

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018
  - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
  - A
  - AE
  - AO
  - OPEN WATER
  - VE

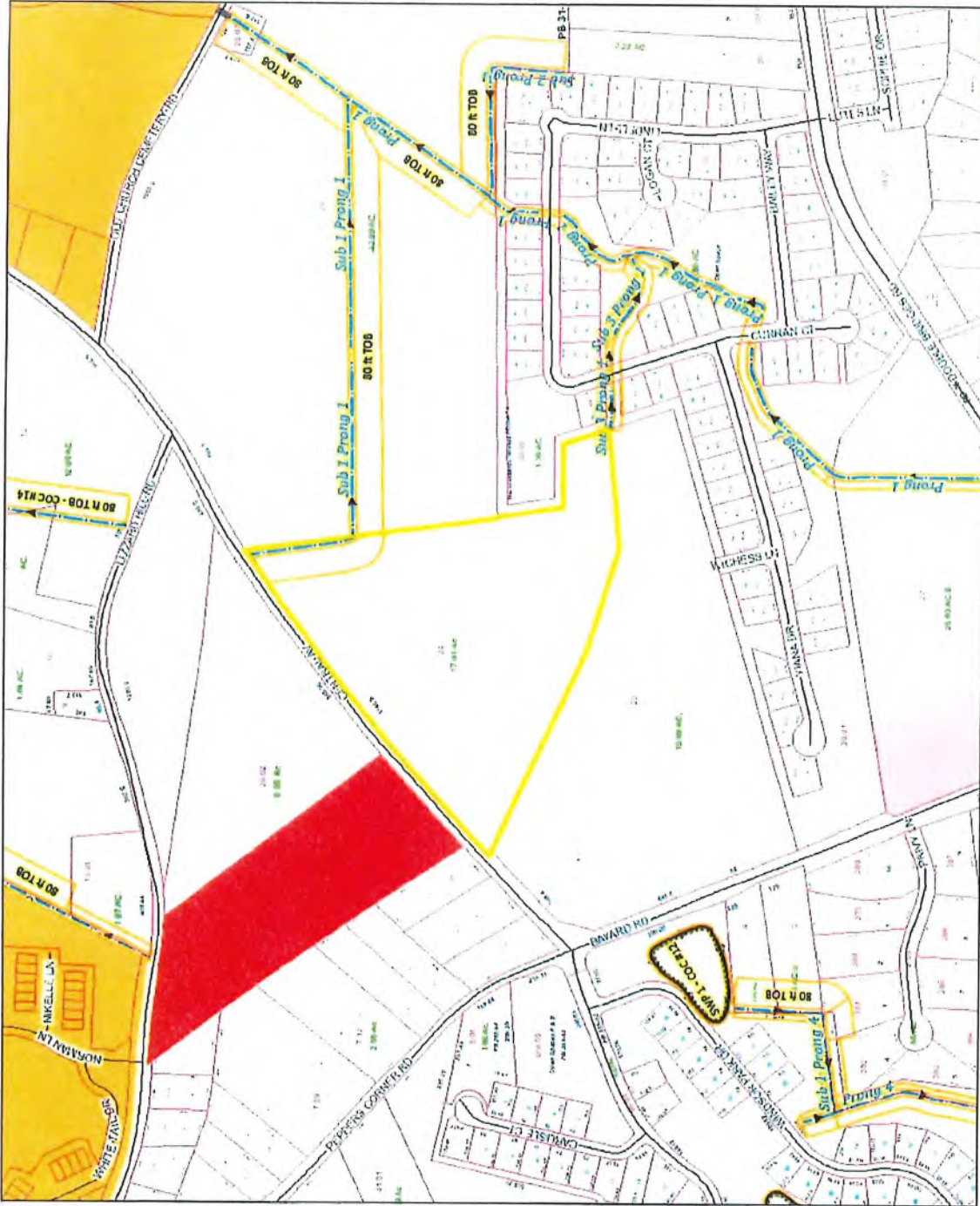




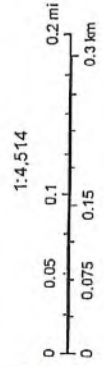


# Sussex County

Owner Name	TOOMEY PEGGY W
Book	5453
Mailing Address	36003 BURBAGE RD
City	FRANKFORD
State	DE
Description	HWY BAYARD TO
Description 2	OCEAN VIEW
Description 3	FX
Land Code	



- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets



August 10, 2022





# Sussex County



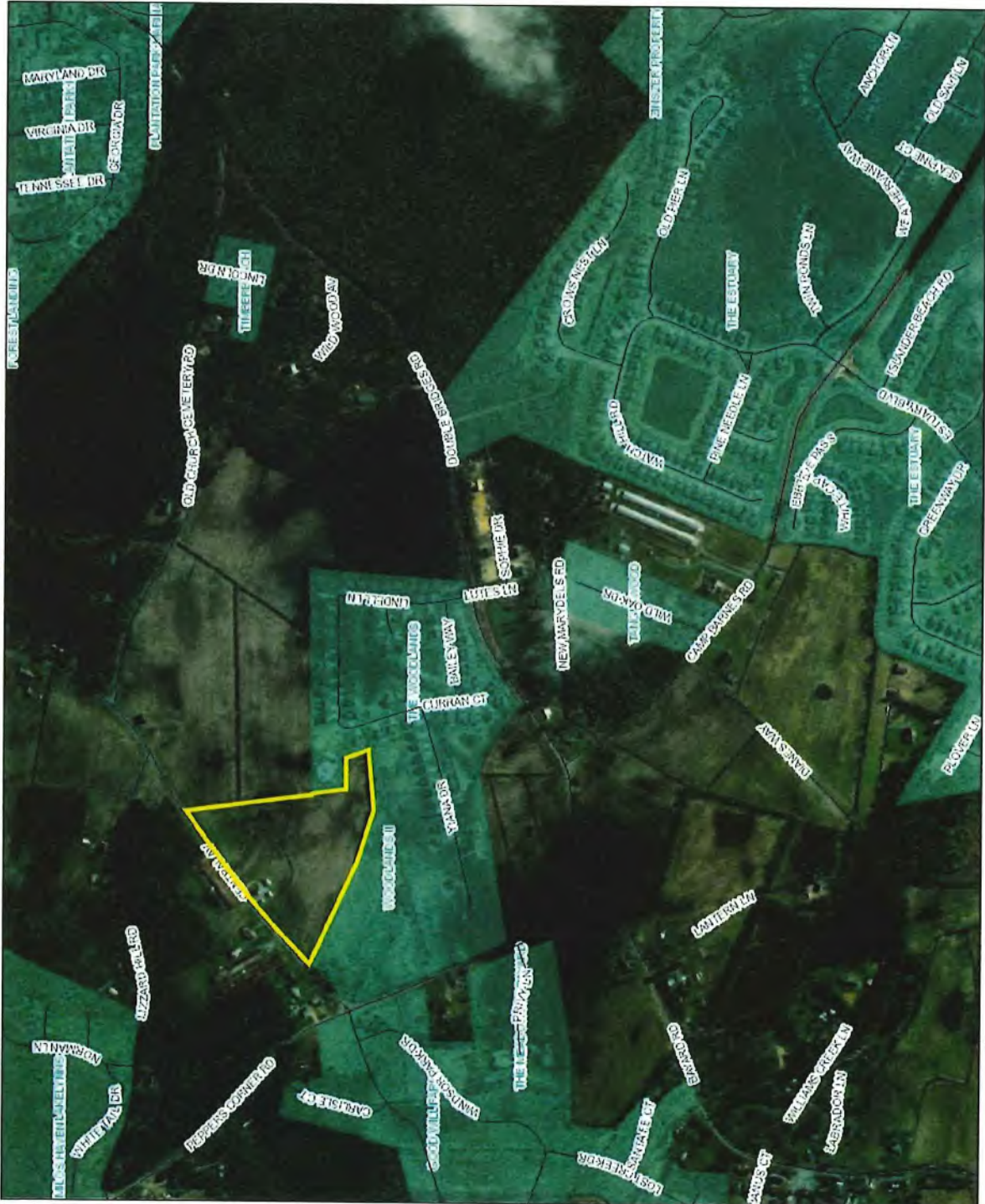
<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

- polygonLayer
- Override 1
- polygonLayer
- Override 1
- Tax Parcels
- Streets



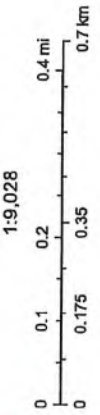


# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Streets
- Subdivisions





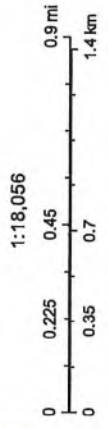


# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

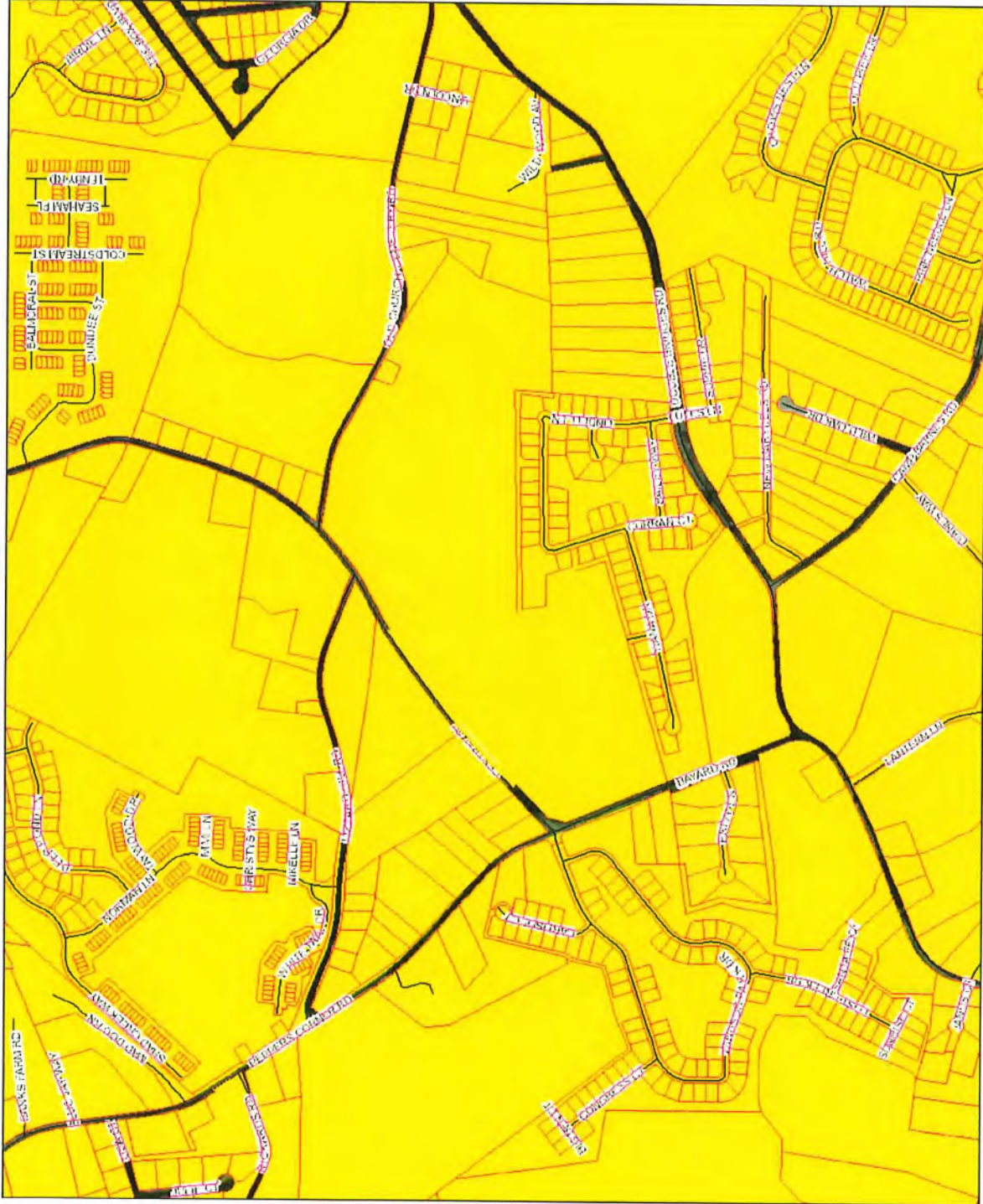
- polygonLayer
- Override 1
- polygonLayer
- Override 1
- Tax Parcels
- Streets
- County Boundaries
- Conditional Use



September 7, 2022

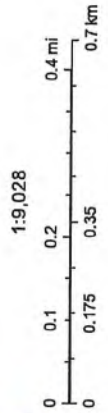


# Sussex County



PIN: 134-19-00-24.00	
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

**polygonLayer**  
 Override 1  
**polygonLayer**  
 Override 1  
 Tax Parcels  
 Streets  
 County Boundaries  
**2019 Future Land Use**  
 Low Density  
 Coastal Area  
 Commercial  
 Developing Area  
 Existing Development Area  
 Industrial  
 Municipalities  
 Town Center



September 7, 2022



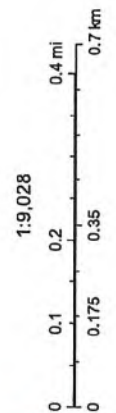


# Sussex County



<b>PIN:</b>	134-19-00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

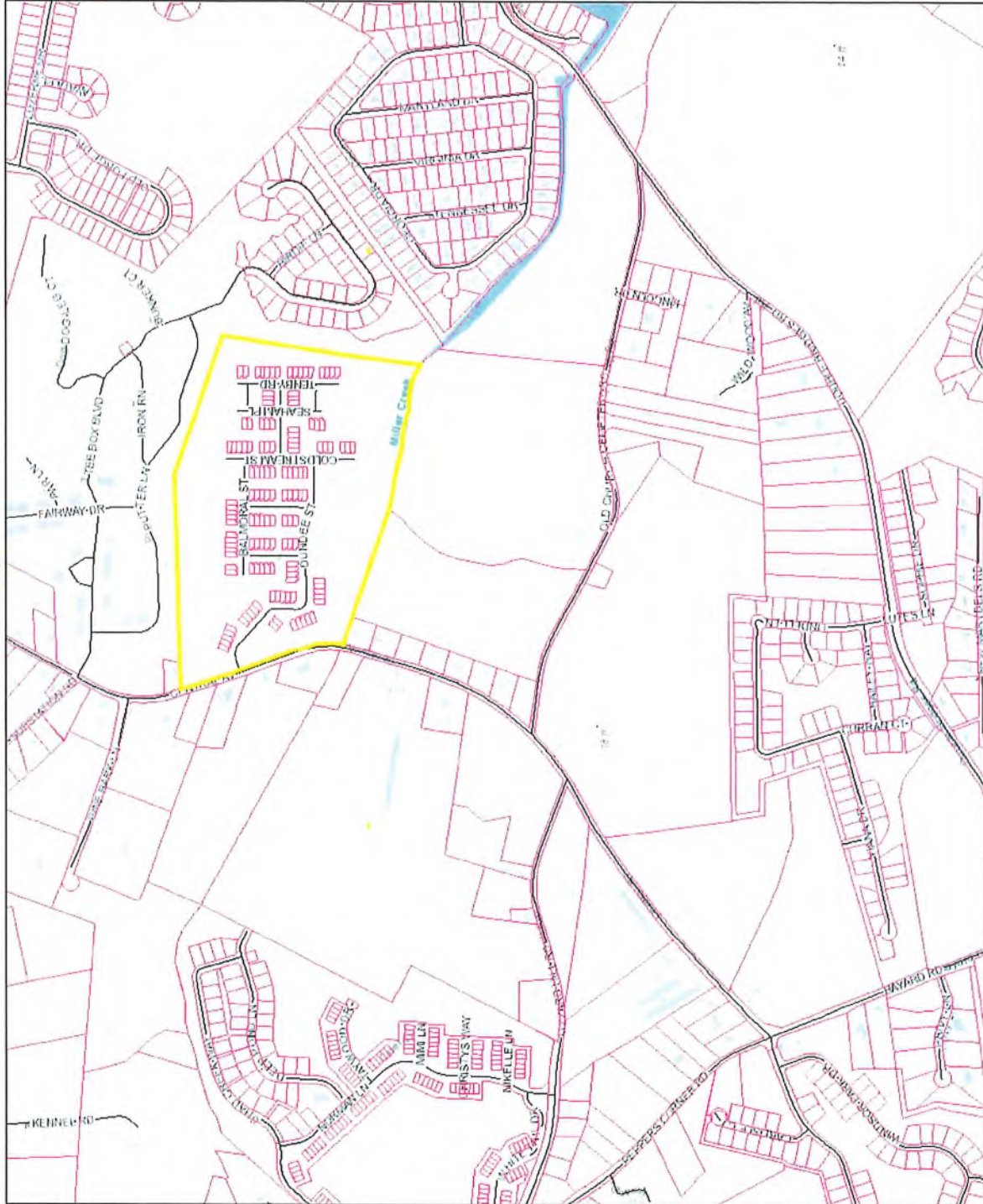
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels**
- Streets
  - County Boundaries
- Sewer Tiers**
- Tier 1 - Sussex County Unified Sanitary Sewer District
  - Tier 2 - Sussex County Planning Area
  - Tier 3 - Coordinated CPCN Areas
  - Tier 4 - System Optional Areas
  - Tier 5 - Regulated On-site Area







# Sussex County



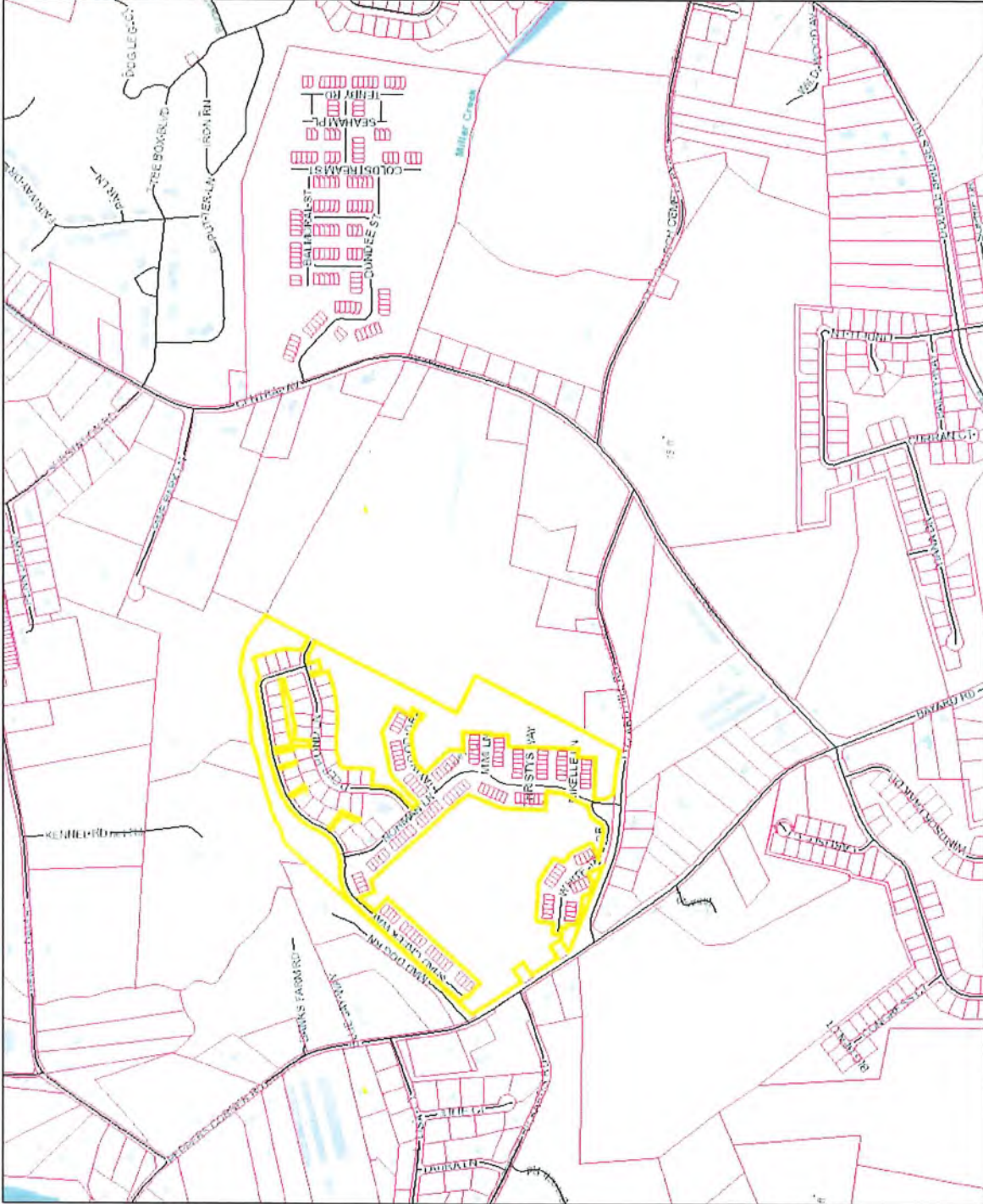
<b>PIN:</b>	134-16.00-39.00
<b>Owner Name</b>	FRIENDSHIP CREEK LLC
<b>Book</b>	5398
<b>Mailing Address</b>	940 W SPROUL RD STE 30
<b>City</b>	SPRINGFIELD
<b>State</b>	PA
<b>Description</b>	RD BAYARD TO OCEAN
<b>Description 2</b>	VIEW
<b>Description 3</b>	FUTURE SUBDIVISION
<b>Land Code</b>	

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- County Boundaries



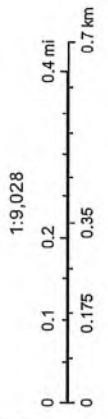


# Sussex County



<b>PIN:</b>	134-18.00-38.00
<b>Owner Name</b>	US CORPORATION HOME
<b>Book</b>	5512
<b>Mailing Address</b>	7035 ALBERT EINSTEIN DR
<b>City</b>	COLUMBIA
<b>State</b>	MD
<b>Description</b>	MILOS HAVEN
<b>Description 2</b>	OPEN SPACE AREAS
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- County Boundaries



# **EXHIBIT 6**

Seaway at Sycamore Chase Record Plan

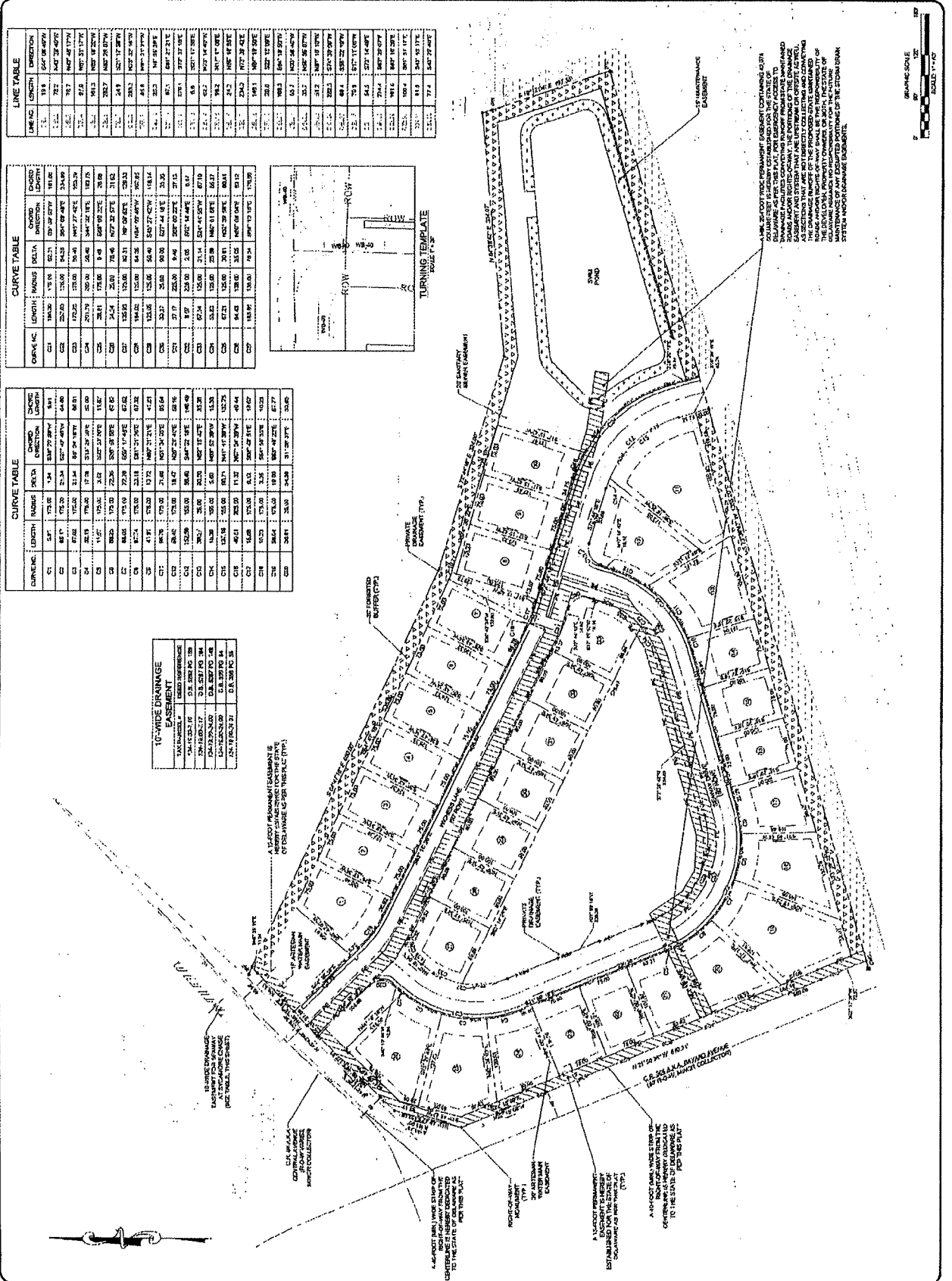




**RECORD PLAN**  
**SEAWAY AT SYCAMORE CHASE**  
 COMMERCIAL ENTRANCE PLANS  
 BALTORE HUNDRED  
 SUSSEX COUNTY, DELAWARE

DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 REVISION DATE: \_\_\_\_\_  
 REVISION DESCRIPTION: \_\_\_\_\_

DATE: AUGUST 12, 2021  
 DRAWN BY: SFR  
 CHECKED BY: RBS  
 RECORD PLAN: RP-2  
 SHEET NO.: RP-2



# **EXHIBIT 7**

Sussex County Zoning Code



## Chapter 115. Zoning

### Article V. MR Medium-Density Residential District

#### § 115-28. Purpose.

The purpose of this district is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future.

#### § 115-31. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Beaches, commercial

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Marinas or yacht clubs

Multifamily dwelling structures, subject to the provisions of Articles **IV** through **XX**, § **115-219** and Table 2 (included at the end of this chapter)

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines utilizing multilegged structures, but not telephone central offices

Swimming or tennis clubs, private, nonprofit or commercially operated

ZONING

115 Attachment 2

Sussex County

Table II

Table of Height, Area and Bulk Requirements for Multifamily Structures  
When Permitted in MR, GR, UR, UB, M and C-1 Districts<sup>1</sup>  
[Amended 10-31-1995 by Ord. No. 1062; 8-22-2006 by Ord. No. 1870]

(See Table I for detached  
single-family dwellings.)

Stories	Maximum Height (feet) <sup>2</sup>	Lot Area (square feet per dwelling unit)	2 Side Yards <sup>3,4</sup> (feet) (each)	Depth Front Yard (feet) <sup>5,6</sup>	Depth of Rear Yard (feet) <sup>3,4,5</sup>
--	--	3,630	10	40	10
--	42	3,630	10	40	10

NOTES:

<sup>1</sup> See § 115-156B.

<sup>2</sup> For lots fronting Delaware Bay and the Atlantic Ocean, see § 115-189E.

<sup>3</sup> No rear or side yard shall be required for that rear or side yard of a lot which adjoins a waterway, if approved by the Commission.

<sup>4</sup> See § 115-188 for regulations pertaining to multifamily dwellings.

<sup>5</sup> For buildings located on lots adjacent to waterways, golf courses and similar special situations, the front of such lots may be determined by the Commission. In the event that a Commission ruling makes a rear yard adjacent to the street line, an additional depth of rear yard may be required by the Commission and an additional setback of accessory buildings from the street line may be required.

<sup>6</sup> A lot fronting on a numbered road shown on the General Highway Map for Sussex County, as revised January 1979, shall have a front setback of not less than forty (40) feet, measured from the front property line.

See also Table I.

## Chapter 115. Zoning

### Article XXV. Supplementary Regulations

#### § 115-188. Townhouses and multifamily dwellings.

- A. Each dwelling unit of a multifamily dwelling must comply with the minimum-lot-area-per-dwelling-unit specification in the table of district regulations of Article XX.
- B. The dwelling units of a multifamily dwelling may be held in separate ownership if separate utility systems are provided.
- C. The dwelling units and individual lots of a townhouse may be held in separate ownership if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the Subdivision Ordinance.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 99, Subdivision of Land.*

- D. The following regulations shall apply to townhouses:

- (1) The average minimum lot area per dwelling unit shall be 3,630 square feet, and no lot can be created with a lot area of less than 1,600 square feet.  
[Amended 5-10-1988 by Ord. No. 506]
- (2) Lot frontage, measured at the building line, for individual dwelling units of a townhouse may be reduced to not less than 16 feet.
- (3) For the purpose of the side yard regulations, a townhouse building shall be considered as one building on one lot with side yards of 20 feet. Any side yard adjacent to the line of a lot in a single-family residential district shall not be less than 20 feet.
- (4) Depth of front and rear yards of a townhouse must have an aggregate of not less than 40 feet. Distribution of the required aggregate of the front and rear yards total will be subject to site plan review. Any rear yard adjacent to the line of a lot in a single-family residential district shall not be less than 20 feet.
- (5) Detached garages or carports shall not be permitted except as shown on the approved site plan, with approval shown for the same on site plan review.
- (6) Unless otherwise restricted by district regulations, not more than eight dwelling units shall be included in any one townhouse building, and the outside wall dimensions of the townhouse building shall not exceed 170 feet in width measured linearly from the outer edge of the townhouse building end units. In the case of staggered dwellings within a single townhouse building, the measurement shall be of the actual length of the entire townhouse building.  
[Amended 3-20-2018 by Ord. No. 2560]
- (7) Required off-street parking space per family dwelling unit shall be provided on the lot of each dwelling unit or within an on-site parking area within the common area, or a combination of both, with approval subject to site plan review. Required off-street parking space of two spaces per apartment shall be provided on the premises of an apartment building.



[Amended 2-2-1999 by Ord. No. 1286; 5-2-2000 by Ord. No. 1371; 8-15-2006 by Ord. No. 1869]

- (8) A site plan complying with the requirements of Article **XXVIII** shall accompany an application for approval of a townhouse development.

E. The following regulations shall apply to multifamily dwellings:

- (1) No overall actual outside wall dimension of a building shall exceed 170 feet. The measurement shall be of the actual length of the entire multifamily building. Mixed-use buildings that contain nonresidential uses shall not be subject to the outside wall dimension requirement.

[Amended 3-20-2018 by Ord. No. 2560]

- (2) For the purpose of maintaining setback between buildings on the same site, the distance between buildings shall be 40 feet.

- (3) Accessory structures shall be subject to site plan review.

- (4) Individual units in a building which comes within the provision of the Unit Property Act<sup>[2]</sup> may be held in separate ownership.

[2] *Editor's Note: See 25 Del. C. § 2201 et seq.*

- (5) For boundary line setbacks, refer to charts in Article **XX** of this chapter.

## Chapter 115. Zoning

### Article XXV. Supplementary Regulations

#### § 115-194.3. Coastal Area.

[Added 12-9-2003 by Ord. No. 1645]

A. Delineation of the zoning district.

[Amended 5-21-2019 by Ord. No. 2656]

- (1) The Coastal Area shall include all lands designated as the "Coastal Area" in the adopted Sussex County Comprehensive Plan dated March 19, 2019, or as subsequently amended.
- (2) Where the boundary of the Coastal Area is formed by a roadway, the overlay zone shall be deemed to include the contiguous property on the far side of the roadway, provided that depth of the Coastal Area on contiguous property shall not exceed 600 feet.

B. Application process.

- (1) All rezoning, subdivision, business and industrial site plans and conditional use applications involving one or a combination of the following shall be subject to the process and performance requirements as described hereinafter:
  - (a) Any residential planned community application.
  - (b) Any development containing 50 or more dwelling units.
  - (c) Any development containing 75,000 square feet or more of floor area used for commercial or industrial uses.
  - (d) Any use or activity that requires a permit in the Coastal Zone.
- (2) The applicant shall submit an environmental assessment and public facility evaluation report and sketch plan (report) to the Director of Planning and Zoning, a copy of which will be forwarded to the Office of State Planning Coordination and members of the Technical Advisory Committee for review and comment. The sketch plan shall address the following issues for the property to be developed and, where appropriate to the context, for the contiguous property. Information submitted by the applicant shall at a minimum contain the following:
  - (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.
  - (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.

- (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.
- (d) Analysis of the increase in traffic and the effect on the surrounding roadway system.
- (e) The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.
- (f) The preservation and protection from loss of any tidal or nontidal wetlands on the site.
- (g) Provisions for open space as defined in § **115-4**.

[Added 12-16-2008 by Ord. No. 2022<sup>[1]</sup>]

[1] *Editor's Note: This ordinance also provided that it shall apply to applications filed after 1-1-2009.*

- (h) A description of provisions for public and private infrastructure.
  - (i) Economic, recreational or other benefits.
  - (j) The presence of any historic or cultural resources that are listed on the National Register of Historic Places.
  - (k) A description of how the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.  
[Amended 2-2-2021 by Ord. No. 2764]
  - (l) Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection **B(2)(a)** through **(k)** above and the manner by which they are consistent with the Comprehensive Plan.
- (3) The Director of Planning and Zoning shall prepare (with input from the County Administrator) guidelines describing the application process and the form and content of information to be submitted by the applicant and shall review all applications, plans, assessments and other information submitted and prepare a written report summarizing his findings and the comments of state agencies and other County offices. The Planning and Zoning Commission shall make a determination as to whether adequate information has been presented for the project to proceed. A completed report shall be required prior to any preliminary plan approval for a development subject to this section. Approval of the report does not constitute final approval of the commenting agencies.

C. Permitted uses and densities.

- (1) Uses permitted in the Coastal Area will be those uses permitted in the underlying zoning category as established by the Sussex County Zoning Ordinance.  
[Amended 5-21-2019 by Ord. No. 2656]
- (2) Uses prohibited in the underlying zone are also prohibited in the overlay zone.
- (3) The maximum density shall be the allowable density of the underlying zoning district for developments using a central water and wastewater collection and treatment system. "Central sewer system" means centralized treatment and disposal facilities as defined in § **115-194A**. Within the Coastal Area, clustering of single-family detached lots to a minimum lot size of 7,500 square feet is permitted in all residential zoning districts using a central water and sewer system. For dwelling units using on-site individual wastewater disposal systems, the allowable density shall be based upon a minimum lot size of 3/4 of an acre. The applicant has the option of clustering the lots to a minimum lot size of 1/2 of an acre where soil conditions are suitable as determined by DNREC, provided, however, that the number of lots or dwelling units permitted shall not exceed the number permitted in the underlying district. For purposes of this subsection, the "allowable density" shall be determined by calculating the lot area and



the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193.  
[Amended 12-4-2018 by Ord. No. 2618; 2-2-2021 by Ord. No. 2764]

- (4) For areas within the Conservation Zone, as currently defined in the Sussex County Zoning Ordinance, the minimum lot size and dimension requirements in the Conservation Zone shall apply.
  - (5) Residential developments utilizing the cluster option of Subsection **C(3)** above within the AR-1 and AR-2 Residential Zoning Districts shall comply with the requirements set forth in § 115-25F of the Sussex County Zoning Code.  
[Added 2-2-2021 by Ord. No. 2764]
- D. Exemptions from the Coastal Area. The following are exempted from the requirement of this section:  
[Amended 5-21-2019 by Ord. No. 2656]
- (1) Single-family residential lots of record as of the date of this section.
  - (2) Existing developments and developments which have filed for approval as of the date of this section.
- E. Design consideration should be given by the applicant toward the establishment of a greenways system which utilizes schools, parks, wildlife habitat areas, river and stream corridors, wetlands, floodplains, historic sites, business parks, urban sidewalks, abandoned rail lines, roads, beach areas and vacant land. Greenways should provide benefits like safe pedestrian, bicycling and equestrian routes for recreationists and commuters; and natural wildlife corridors and biological reserves.

# **EXHIBIT 8**

Wilson Property Preliminary Plan





EX-1

DATE: 1.3.22



PROJECT: 2525 EXISTING BUILDING

EXISTING CONDITIONS FOR WILSON PROPERTY

BALTIMORE HARBOR SUSSEX COUNTY, DELAWARE

DATE: 1/3/22

PROJECT: 2525 EXISTING BUILDING

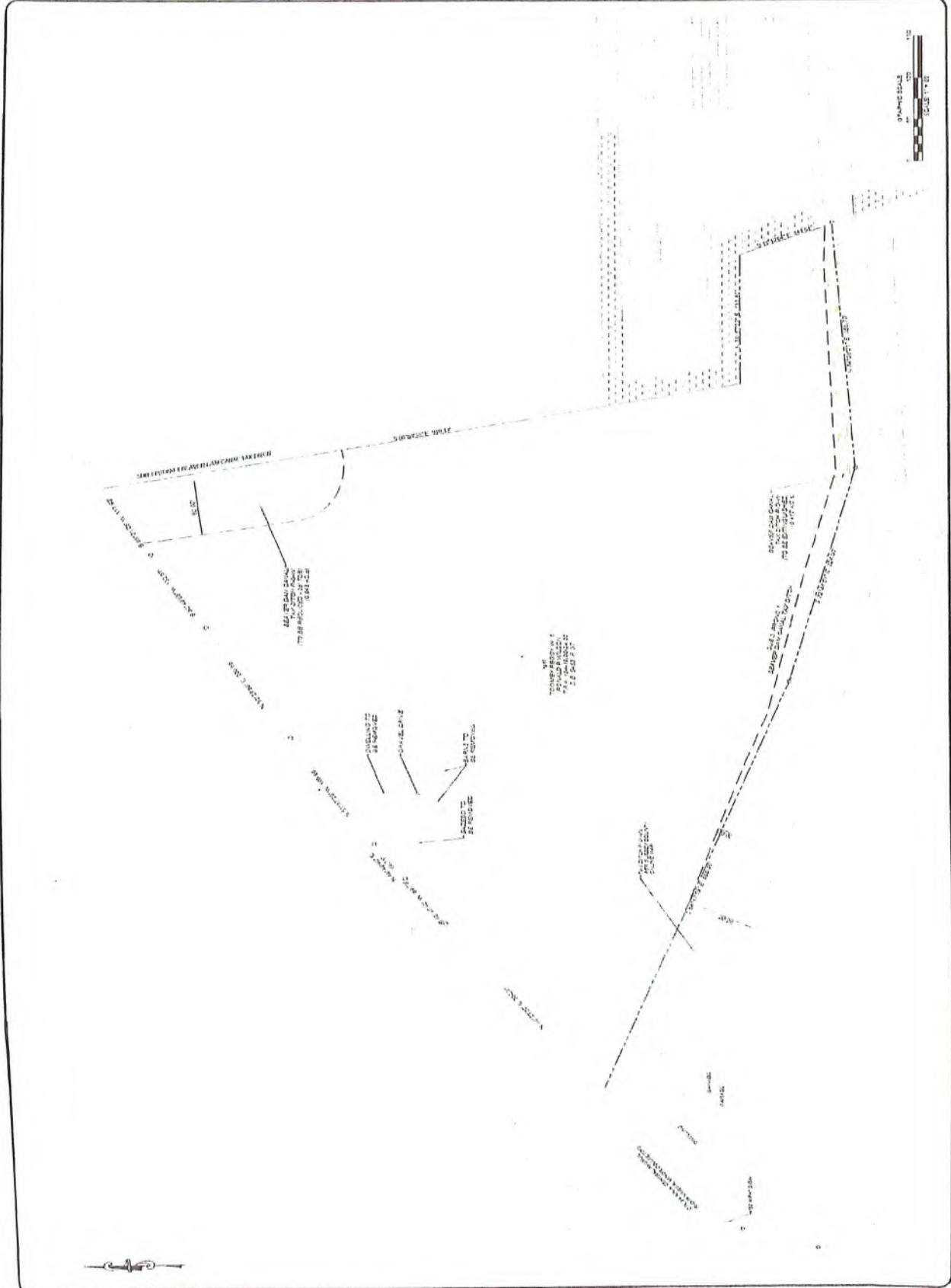
FOR WILSON PROPERTY

BALTIMORE HARBOR SUSSEX COUNTY, DELAWARE

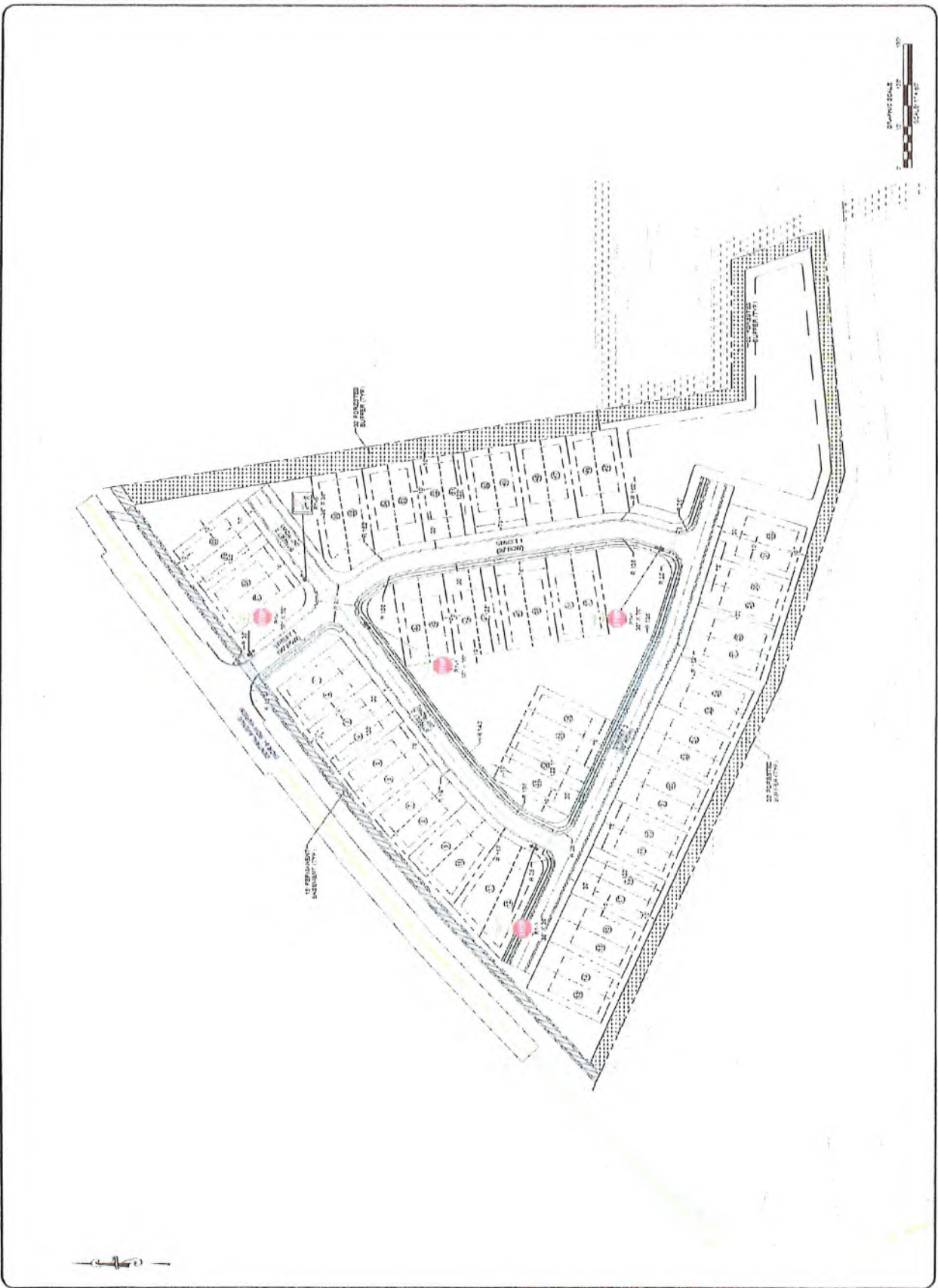
CE CIVIL ENGINEERING ASSOCIATES, LLC

NO.	DESCRIPTION	DATE

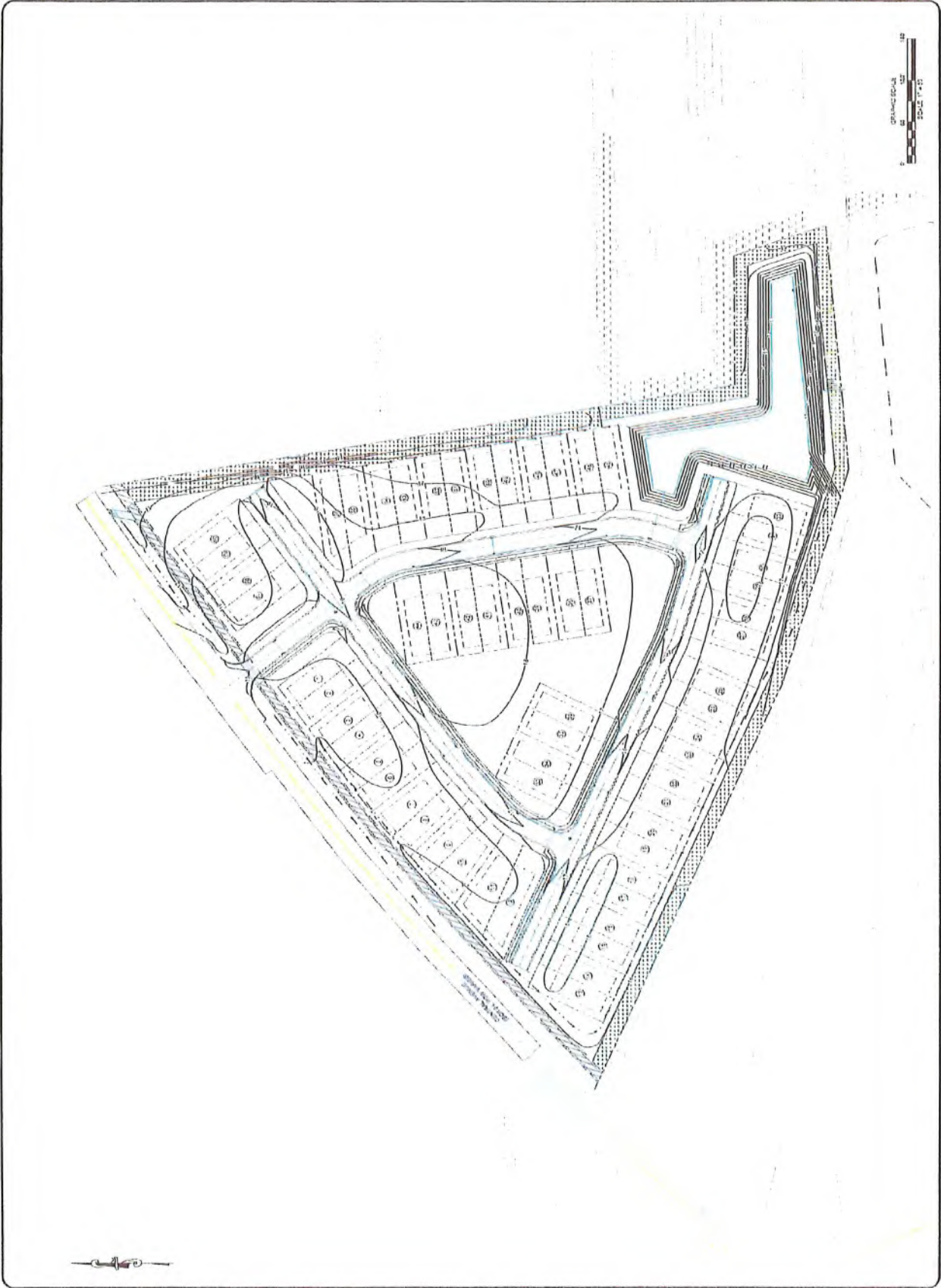
REVISIONS



DATE 1-3-22 <i>[Signature]</i>	REVISIONS DESCRIPTION DATE	<b>CE CIVIL ENGINEERING ASSOCIATES, LLC</b> 55 W. HAVIL STREET WILMINGTON, DE 19801 (302) 426-0000 WWW.CE-CIVIL.COM	<b>WILSON PROPERTY</b> BALTIMORE HINDRED SUSSEX COUNTY, DELAWARE	SHEET NO. <b>C-1</b>
				PLANSITE PLANNING DATE 1-3-22



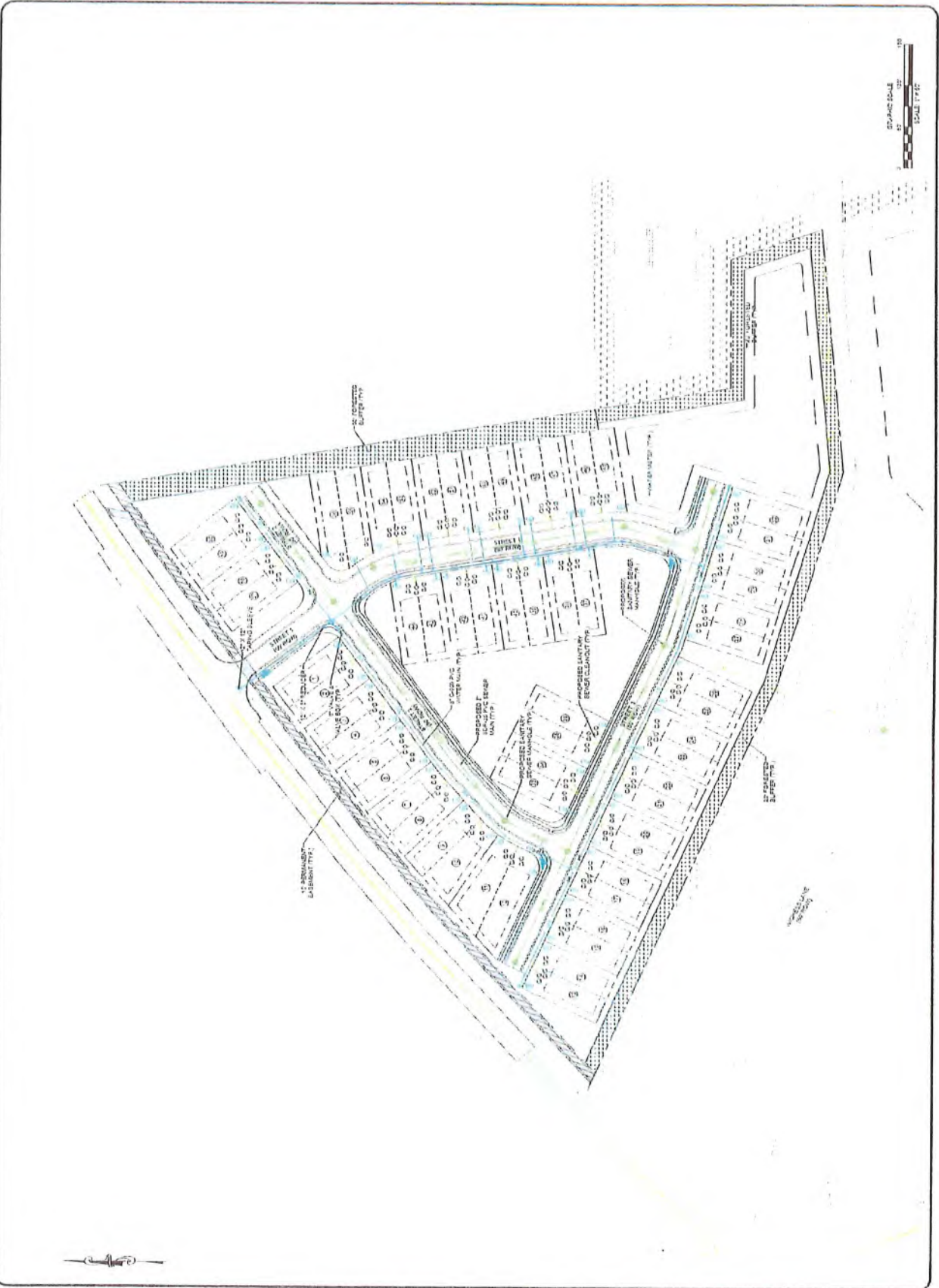
DATE: 12/15/2011 DRAWN BY: [Signature] CHECKED BY: [Signature]	<b>WILSON PROPERTY</b> BALTIMORE THRUWAY SUSSEX COUNTY, DELAWARE	
	<b>GRADING PLAN</b> FOR	
SHEET NO. <b>G-1</b>	<b>CE CIVIL ENGINEERING ASSOCIATES, LLC</b> 2552 HAVEN STREET WILMINGTON, DE 19804 WWW.CE-CIVIL.COM	
REVISIONS NO. DATE DESCRIPTION	1 12/15/11 [Signature]	





<b>WILSON PROPERTY</b> BALTIMORE HARBOR SUSSEX COUNTY, DELAWARE		<b>CEA CIVIL ENGINEERING</b> 35 W. JONES STREET WILMINGTON, DE 19801 PHONE: (302) 739-8800 FAX: (302) 739-8800	
<b>UTILITY PLAN</b> FOR		<b>REVISIONS</b>	
DATE: 1.3.22 <i>P. Williams</i>	REVISION: _____ DESCRIPTION: _____ DATE: _____	REVISION: _____ DESCRIPTION: _____ DATE: _____	REVISION: _____ DESCRIPTION: _____ DATE: _____

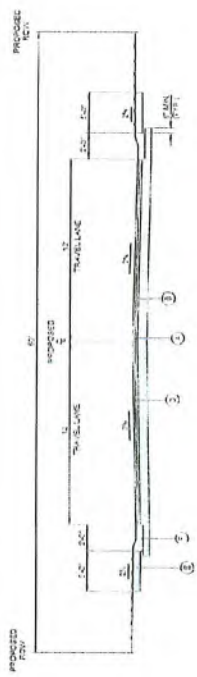
GRAPHIC SCALE  
 0' 10' 20' 30' 40'  
 SCALE 1"=40'



DATE	1-5-22
	DATE
REVISIONS	DESCRIPTION
	DATE
<b>CE CIVIL ENGINEERING</b> ASSOCIATES, LLC 15500 SHELBY HIGHTOWER, DE 19801 (302) 391-8111 WWW.CE-CA.COM	
<b>WILSON PROPERTY</b> BALMORE HIGHLAND SUSSEX COUNTY, DELAWARE	
FOR <b>DETAILS (SHEET 1 OF 2)</b>	
DATE	SEPTEMBER 20, 2014
DESIGNED BY	JAMES DE VITO
CHECKED BY	PAUL
SHEET NO. <b>D-1</b>	

<p>DEPT 1207</p>		
<p>3'-0" GABLE TYPICAL INFILTRATION STOP</p>		





TYPICAL STREET SECTION  
 N/A

- LEGEND:**
- 1. 12" TRAPEZOIDAL SUBGRADE
  - 2. 12" TRAPEZOIDAL SUBBASE
  - 3. 12" TRAPEZOIDAL BASE
  - 4. 12" TRAPEZOIDAL PAVT
  - 5. 12" TRAPEZOIDAL PAVT
  - 6. 12" TRAPEZOIDAL PAVT
  - 7. 12" TRAPEZOIDAL PAVT
  - 8. 12" TRAPEZOIDAL PAVT
  - 9. 12" TRAPEZOIDAL PAVT
  - 10. 12" TRAPEZOIDAL PAVT
  - 11. 12" TRAPEZOIDAL PAVT
  - 12. 12" TRAPEZOIDAL PAVT
  - 13. 12" TRAPEZOIDAL PAVT
  - 14. 12" TRAPEZOIDAL PAVT
  - 15. 12" TRAPEZOIDAL PAVT
  - 16. 12" TRAPEZOIDAL PAVT
  - 17. 12" TRAPEZOIDAL PAVT
  - 18. 12" TRAPEZOIDAL PAVT
  - 19. 12" TRAPEZOIDAL PAVT
  - 20. 12" TRAPEZOIDAL PAVT
  - 21. 12" TRAPEZOIDAL PAVT
  - 22. 12" TRAPEZOIDAL PAVT
  - 23. 12" TRAPEZOIDAL PAVT
  - 24. 12" TRAPEZOIDAL PAVT
  - 25. 12" TRAPEZOIDAL PAVT
  - 26. 12" TRAPEZOIDAL PAVT
  - 27. 12" TRAPEZOIDAL PAVT
  - 28. 12" TRAPEZOIDAL PAVT
  - 29. 12" TRAPEZOIDAL PAVT
  - 30. 12" TRAPEZOIDAL PAVT
  - 31. 12" TRAPEZOIDAL PAVT
  - 32. 12" TRAPEZOIDAL PAVT
  - 33. 12" TRAPEZOIDAL PAVT
  - 34. 12" TRAPEZOIDAL PAVT
  - 35. 12" TRAPEZOIDAL PAVT
  - 36. 12" TRAPEZOIDAL PAVT
  - 37. 12" TRAPEZOIDAL PAVT
  - 38. 12" TRAPEZOIDAL PAVT
  - 39. 12" TRAPEZOIDAL PAVT
  - 40. 12" TRAPEZOIDAL PAVT
  - 41. 12" TRAPEZOIDAL PAVT
  - 42. 12" TRAPEZOIDAL PAVT
  - 43. 12" TRAPEZOIDAL PAVT
  - 44. 12" TRAPEZOIDAL PAVT
  - 45. 12" TRAPEZOIDAL PAVT
  - 46. 12" TRAPEZOIDAL PAVT
  - 47. 12" TRAPEZOIDAL PAVT
  - 48. 12" TRAPEZOIDAL PAVT
  - 49. 12" TRAPEZOIDAL PAVT
  - 50. 12" TRAPEZOIDAL PAVT



TYPICAL STREET SECTION MAP  
 SCALE 1" = 40'

- NOTES:**
1. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  2. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  3. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  4. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  5. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  6. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  7. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  8. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  9. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  10. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  11. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  12. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  13. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  14. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  15. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  16. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  17. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  18. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  19. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  20. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  21. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  22. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  23. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  24. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  25. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  26. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  27. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  28. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  29. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  30. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  31. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  32. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  33. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  34. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  35. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  36. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  37. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  38. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  39. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  40. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  41. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  42. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  43. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  44. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  45. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  46. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  47. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  48. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  49. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.
  50. ALL MATERIALS TO BE USED SHALL BE APPROVED BY THE ENGINEER.



REVISION	DATE	DESCRIPTION

DATE	
------	--

**CIVIL ENGINEERING**  
**ASSOCIATES, LLC**  
 • ENGINEERING • SURVEYING • CONSTRUCTION ADMINISTRATION  
 55 W. MAIN STREET  
 HIDEOUTOWN, DE 19799  
 PHONE (302) 376-8833  
 FAX (302) 376-8838  
 WWW.CEA-DE.COM

**SITE PLAN**  
 FOR  
**WILSON PROPERTY**  
 BALTIMORE HUNDRED  
 SUSSEX COUNTY, DELAWARE

DATE: SEPTEMBER 03, 2021  
 DESIGNED BY: [NAME]  
 CHECKED BY: [NAME]  
 APPROVED BY: [NAME]  
 TITLE: PUDS-SITE PLAN/DWG  
 SHEET NO.: **C-1**



# **EXHIBIT 9**

Planning & Zoning Department  
Staff Review

**Wilson Property (2021-11-02)**

Sussex County Planning and Zoning Comments

Tax Parcel ID: 134-19.00-24.00

Zoning: AR-1 (Agricultural Residential Zoning District)

Proposed: The application indicates a rezoning from AR-1 (Agricultural Residential Zoning District) to MR (Medium Density Residential Zoning District) for the construction a 60-unit subdivision on a 14.45-acre parcel of land. The property contains the Future Land Use Map designation of "Coastal Area" as referenced per Sussex County's 2019 Comprehensive Plan update.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" within the Comprehensive Plan document indicates that the Medium Density Residential District (MR) is an applicable Zoning District within the Coastal Area. Please note that since the proposal falls within the Coastal Area, a Public Facility Evaluation Report and copies of an Environmental Assessment will be required to be submitted along with the application to the Department of Planning and Zoning (§115-194.3(B)(2)).

The Applicant is required to engage in a Pre-Application Meeting with Department staff prior to the submittal of a formal application to the Planning and Zoning Department.

Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

The Application indicates that this proposal will be a major subdivision. However, the proposed lots appear to be smaller than that of a typical lot and more characteristic of a multifamily proposal.

Please note that if the Applicant's desire is to pursue a multifamily development on this parcel, a Conditional Use Application will be required to be submitted to the Department of Planning and Zoning to travel with the Change of Zone Application through the approval process as part of this proposal (§115-31).

The project density appears to comply with the maximum density requirement of 12 units to the acre as a Conditional Use application within the MR Zoning District at 4.15 dwelling units/acre.

Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).

Staff note that there is only one point of ingress and egress (to and from) the property. The Planning and Zoning Commission often desires more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.

Please note that the property is located within Flood Zone "X, - Areas determined to be outside of the 100-year floodplain."

Staff note that there are two tax ditch prongs present on the property which form the Beaver Dam Canal Tax Ditch. The prong to the southeastern end of the project site contains a ROW that is



measured 80-ft from the top of bank of the tax ditch. The ROW is identical for the prong on the northeastern end of the project site. All proposed structures must be constructed outside of the Tax Ditch ROW unless permission is granted via a letter from the DNREC Tax Ditch Section or the ROW is reduced as part of a court order change (COC).

Please note that the parcels are located within an area of "good" groundwater recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).

Please clarify if any amenities are to be proposed within the subdivision for the use of the property owners within the subdivision.

Please clarify if the planted buffer will also continue around the entire perimeter of the property. If the proposal is for a subdivision, a 20-ft forested/landscape buffer will need to be planted around the entire perimeter of the property (save those areas which are located within DelDOT's established sight triangle departure area.)

Please clarify on the plans whether any additional Open Space is to be provided other than that which has been supplied in the center of the project site.

Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of a formal application.

Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.

**Wilson Property (2021-11-02)**

Sussex County Engineering Comments

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

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

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

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

# **EXHIBIT 10**

PLUS Review





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

December 17, 2021

Scott Roberts  
Civil Engineering Associates, LLC  
55 W. Main Street  
Middletown, DE 19709

RE: PLUS review 2021-11-02; Wilson Property

Dear Mr. Roberts:

Thank you for meeting with State agency planners on November 17, 2021, to discuss the proposed plans for the Wilson Property project. According to the information received you are seeking review of a proposed rezoning of 14.45 acres from AR-1 to MR in anticipation of a 60 unit subdivision along Central Ave. 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. **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 Level 3 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 may have other priorities for the near future.

For the areas of this site where there are environmental concerns or other constraints to development, the state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features which will help create a more sustainable development.

## **Code Requirements/Agency Permitting Requirements**

### **Office of State Planning Coordination – Contact: Dorothy Morris 739-3090**

Regarding the rezoning of this property, this property is within the Coastal Area according to the Sussex County comprehensive plan. MR is an allowable zoning with the coastal area so no comprehensive plan amendment is required for this project to move forward.

### **Delaware Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on Central Avenue (Sussex Road 84) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017). The meeting held on the afternoon of November 17 was sufficient for this purpose.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the 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. From the PLUS application, the total daily trips from the proposed development are estimated at 325 vehicle trip ends per day. As detailed in the table below, DelDOT finds this number to be correct for mid-rise dwellings (3 to 10 floors) but low for low-rise dwellings (1 to 2 floors). Regardless, the plan does not meet the warrants for a TIS.

	Low-Rise	Mid-Rise
ITE Land Use Code	220	221
Average Weekday Daily Traffic	413	325
AM Peak Hour of Adjacent Street	28	21
PM Peak Hour of Adjacent Street	37	27

The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve Central Avenue, within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Central Avenue is a Collector Road, for which the standard includes 12-foot lanes and 8-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of



roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at [Richard.McCabe@delaware.gov](mailto:Richard.McCabe@delaware.gov) or (302) 760-2276.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DeIDOT will require dedication of right-of-way along the site's frontage on Central Avenue. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of the road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DeIDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat."**
- 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 450 feet of the proposed entrance on Central Avenue.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DeIDOT'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 DeIDOT maintained public streets for subdivisions. DeIDOT anticipates recommending that the County require a stub street for a future interconnection to Tax Parcel No. 134-19.00-25.00 by extending Street 2 to the property line.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an existing path with which to connect. DeIDOT anticipates requiring the developer to



provide a Shared Use Path along their frontage and connecting with the path serving Seaway at Sycamore Chase.

- Section 3.5.4.4 of the Manual addresses accessways, paved pathways connecting a sidewalk or path along a road frontage to an internal sidewalk or path. DelDOT anticipates requiring an accessway for Street 3 to the SUP on Central Avenue.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Central Avenue.
- Sections 5.1.5.1 and 5.1.5.2 of the Manual address requirements for the design of State-maintained subdivision streets that are, respectively, permanent and temporary dead-end streets. On the basis of those standards, DelDOT recommends that cul-de-sac bulbs or other turnarounds be provided at the end of Street 2 and the west end of Street 3. Regardless of the end treatment, DelDOT anticipates requiring bollards at the west end of Street 3 to prevent residents and visitors from driving onto the SUP.
- 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 Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Wetlands**

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal wetlands on the site, including on areas proposed for development. The application indicates that wetlands have not been delineated. The application does not propose direct impacts to the wetlands.

- If dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements apply as described below.



- A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WLS/Consultant%20List.pdf>
- Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. In certain cases, permits from the US Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). Work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements if federal permits are required.

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

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.  
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

### **Vegetated Buffer Zones**

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction



Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

Hydrologic Soil Group A/D (very poorly drained) soils have been identified over a majority of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

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

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Tax Ditches**

Sub 1 Prong 1 and Sub 3 Prong 1 of the Beaver Dam Canal Tax Ditch lie on the northeastern and southern borders of the site respectively. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. Sub 1 Prong 1 of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into Sub 1 Prong 1 of the Beaver Dam Canal Tax Ditch, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.



- The proposed landscape buffer lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form, aerial drainage map, and land development guidelines are attached.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch Rights-of-Way prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch Rights-of-Way.
- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: [de.gov/taxditchmap](https://de.gov/taxditchmap)

#### **Wastewater permits – Large Systems**

Sussex County hold existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.

- If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

#### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There is low potential for prehistoric archaeological resources to be impacted by the proposed rezoning in anticipation of development. There are no known archaeological sites on or within a half-mile radius of the parcel. The parcel is not within favorable distance of a fresh water source, and therefore is not likely to contain prehistoric archaeological resources.

- Historic archaeological potential is high along Central Avenue where the T.C. West House (S02343) was located. The 1868 Beers Atlas shows a house on the property owned by T.C. West. Historic aerial and topographic maps show a farmhouse with changing outbuildings. This office recommends survey prior to any ground disturbance of the parcel due to the extant historic structure. Agricultural field scatter is possible. As historic farms can contain family cemeteries in Delaware, the Delaware SHPO would remind the developer of the newly amended Unmarked Human Burials and Human Skeletal Remains Act (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](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

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:**

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required. (One & Two- Family Dwelling)
- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

**Fire Protection Features:**

- For duplexes buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

**Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Central Avenue 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. Streets designed without parking need to



develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.

- 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 use of open bridge or covered bridge shall be designed to DEDOT standards and accessible by all fire department apparatus.
- 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
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Duplex 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide 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.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access



to Central Avenue.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.delDOT.gov/Business/subdivisions/>

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Wetlands**

- Do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.

Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

**Vegetated Buffer Zones**

- Incorporate a 100-foot vegetated buffer zone from the edge of wetlands to protect water quality and to provide an additional margin of safety for flooding.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

- Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Drainage**

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Tax Ditches**

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.



Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>  
Tax Ditch Mapper: [de.gov/taxditchmap](https://de.gov/taxditchmap)

### **Water Quality (Pollution Control Strategies)**

- This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

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

### **Additional Sustainable Practices**

- Build garages and parking spaces to be "EV-ready." Many manufacturers have pledged to sell only electric vehicles in the next 10-15 years. Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 electric vehicle charger. This will increasingly be a selling point for homes.
- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.



- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

- 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](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**State Housing Authority – Contact: Karen Horton 739-4263**

- DSHA strongly supports the proposal to rezone 14.5 acres along Central Avenue, south of the intersection with Lizzard Hill Road from AR-1 (Agriculture-Residential) to MR (Medium Density Residential) in anticipation of a 60-unit duplex community in Sussex County. This is an excellent opportunity for the creation of a *more* affordable housing product in the Coastal Resort Area. The need for housing affordable to the many county residents who work in the resort economy 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. Unfortunately, these same areas contain little affordable housing. Approving the rezoning will permit residents to live close to their jobs and gain access to the resources and benefits this area provides.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- This location is not within a 100-year flood plain nor along any coastal inundation zone. In the development of homes and other amenities, DEMA encourages energy efficient development, incorporating modern technologies and nature-based solutions. These include energy efficient appliances and utilities with renewable energies, adding the potential for electric vehicle charging stations, using green-roofs.

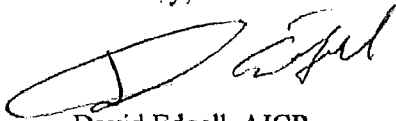
In addition to the comments above our office has received preliminary comments from Sussex County and a letter from Brandy Nauman, Sussex County Housing Coordinator & Fair Housing Compliance Officer. A copy of those preliminary comments and that letter are enclosed with this letter.

PLUS review 2021-11-02  
Page 14 of 14

**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 PLUS 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,

A handwritten signature in black ink, appearing to read "D. Edgell", written over a horizontal line.

David Edgell, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

November 16, 2021

Mr. Scott Roberts  
Civil Engineering Associates  
55 W. Main Street  
Middletown, DE 19709

RE: PLUS Review (PLUS 2021-11-02) – Wilson Property

Dear Mr. Roberts,

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](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,

Brandy B. Nauman  
Director







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

## DNREC Drainage Program's Tax Ditch Guidelines for Land Development Plans

These guidelines are intended to serve as a starting point for any land development plan that is proposed on a parcel or parcels that have tax ditch (TD), tax ditch right-of-way (ROW), and/or tax ditch watershed boundary on or near them. Use of these guidelines can reduce the review time and number of comments from the Delaware Department of Natural Resources and Environmental Control (DNREC) Drainage Program review for tax ditch impacts. These guidelines are not intended to be a comprehensive list of all potential issues.

Please keep in mind that tax ditches and their rights-of-way are legally created entities and can only be changed through legal channels. The following items will necessitate a Court Order Change (COC).

- Relocating, piping, or eliminating a tax ditch section.
- Any changes to the right-of-way.
- Any changes to the drainage boundaries of the tax ditches.

In order to complete a COC, all landowners (including anyone in the upstream drainage area) who will be affected by this change will need to sign the COC. If the parcel is subdivided, prior to the completion of the COC more parcels would then become signers. It will be the requesting party/project owner's responsibility to obtain signatures of all required landowners on the COCs. Our office will assist by drafting the COC documents once we have received the final Sediment and Stormwater Plans for your project. For Sussex County they should be sent to the DNREC Drainage Program from the Sussex Conservation District (SCD). Please be aware the Letter of No Objection will not be issued until the COC documents are signed by all parties. This process takes time.

### General Plan Requirements

- a. Please clearly delineate and label tax ditches, including their section (i.e. Main, Prong 1, etc.) and provide dimensions for associated right-of-way (ROW) on all sheets where it appears, including on adjacent properties that appear on the sheet. Please note that the rights-of-way (ROW) should not be labeled as buffers or easements. Also label if the ROW is centerline (CL) or top of bank (TOB). This information is available on the [Delaware Tax Ditch Map](#) and shapefiles can be obtained from [FirstMap](#).
- b. Permanent obstructions, including but not limited to; stormwater management facilities, buildings, sheds, streets, fences, landscaping, wells, and septic systems are not allowed within the tax ditch ROW. Stormwater facility outfalls may cross the ROW. See Maintenance Structure Responsibilities section.



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

- c. The integrity of the tax ditch channel, bank, and right-of-way (ROW) access cannot be compromised by any proposed activities, and the right-of-way must remain traversable for mowing, large maintenance equipment and/or disposal of soil. This includes stockpiles, silt fence and dewatering bags. Tax ditch ROW are utilized for access as well as sediment and debris disposal during tax ditch maintenance activities.

#### Utilities

- a. Utilities must be installed with a minimum of 3 ft. of cover beneath the tax ditch as-built elevation/grade or existing ditch bottom, whichever is deeper.
- b. Utility crossing at a proposed or existing culvert is preferred.
- c. If utility cannot be installed a minimum of 3' beneath tax ditch design grade, it must have concrete encasement.
- d. All gas lines **must** have concrete encasement.
- e. Utilities of any kind crossing the tax ditch and/or right-of-way must submit associated profiles.
- f. Utility poles or boxes must be installed a minimum of 25' from top of ditch bank (TOB). A minimum clearance of 25' must remain for any access points to the tax ditch right of way (ROW). If guy wires are required, the guy wires must not encroach into the 25' wide clearance needed between the pole and tax ditch bank or tax ditch ROW access point(s).

#### Maintenance/Structure Responsibilities:

*Stormwater Management Facilities and associated infrastructure are the responsibility of the private landowner even if located within the tax ditch channel.*

- a. Any **riprap** installed in the channel should be installed so that the top of the riprap is at or below existing grade as to not create a hydraulic obstruction.
- b. Any **stormwater outfall** open channel located in the ROW must be traversable or a special access right-of-way (SAR) may be required all the way around the facility. "Traversable", for the purpose of mowing equipment, shall mean at least 10:1 slopes or flatter and TRM instead of riprap.





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

- c. Maintenance of any **private crossings** (crossings for which are the benefit of the landowner) located within the tax ditch channel and/or rights-of-way are the responsibility of the landowner, not the tax ditch organization.
- d. Maintenance of the **stormwater management facilities** and associated features located within or along the tax ditch channel including the rock outlet protection are the responsibility of the landowner, not the tax ditch organization.
- e. Maintenance and repair of any damage that may occur to roadways, riprap, and any other features within the tax ditch rights-of-way, during tax ditch maintenance, is the responsibility of the landowner, not the tax ditch organization.

#### **Tax Ditch Recommendations**

- a. Existing tax ditches on the property should be surveyed and compared to tax ditch design specifications for effective function. The channels should be cleared or excavated prior to the construction of the project if needed. Contact the DNREC Drainage Program for tax ditch design specifications.
- b. Environmental permit coverage or exemptions may be necessary from the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), U.S. Army Corp of Engineers (USACE), and/or DNREC Wetlands and Subaqueous Lands Section (WSLS) prior to clearing and/or excavating tax ditch channels.
- c. All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- d. When scheduling the pre-construction meeting for this project, please contact the DNREC Drainage Program.

**Contact the DNREC Drainage Program at (302) 855-1930, [DNREC Drainage@delaware.gov](mailto:DNREC_Drainage@delaware.gov) or [de.gov/taxditch](http://de.gov/taxditch) for questions or to discuss the on-site tax ditch impacts. Please use this form to request our office to review your project.**





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

# Tax Ditch Land Development Project Review Request Form

---

Project Name: \_\_\_\_\_

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

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

### Project Representative/Consultant Information:

Name(s): \_\_\_\_\_  
Company: \_\_\_\_\_  
Title(s): \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
Email(s): \_\_\_\_\_

### Owner(s) Contact Information:

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_

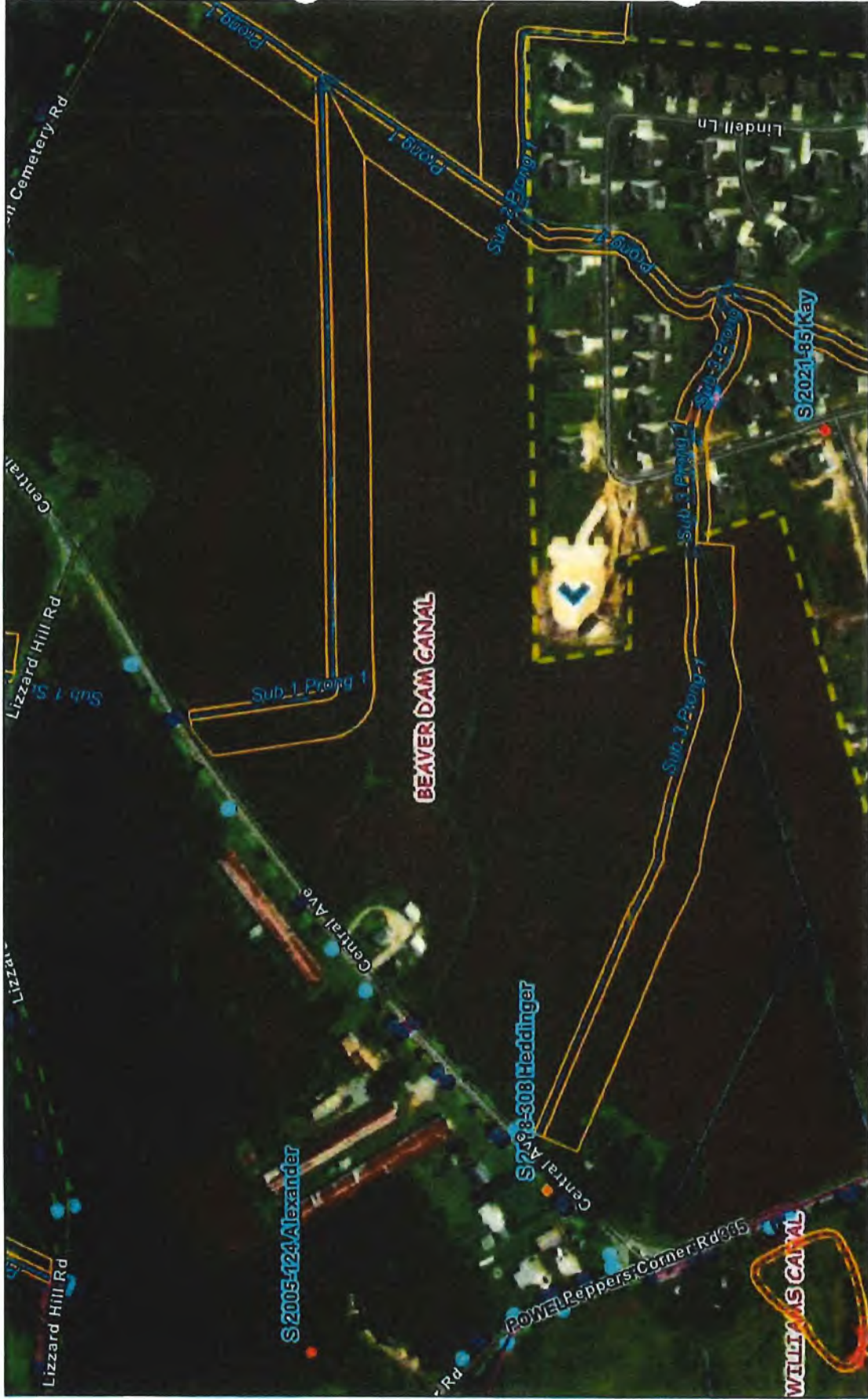
### Authorized Signer(s) Contact Information (when applicable):

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_

### For Internal Use Only

Date Received: \_\_\_\_\_  
Tracking #: \_\_\_\_\_

# PLUS 2021-11-02 Wilson Property



11/15/2021, 2:41:24 PM

Quick Drainage Photos

Channel and Bank Structures

Tax Ditch Field Inspection Results

Drainage Concerns

Private Drainage

Roadside Drainage

Channel & Bank Structures

Tax Ditch Channels

Tax Ditch Channel

Pond Feature

1:4,514  
 0 0.03 0.06 0.12 mi  
 0 0.05 0.1 0.19 km  
 DNREC, Division of Watershed Stewardship, Drainage Program,  
 DNREC, Division of Watershed Stewardship, Drainage Program

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

# **EXHIBIT 11**

Coastal Area Environmental Assessment  
and Public Facility Evaluation Report



**ENVIRONMENTAL ASSESSMENT  
&  
PUBLIC FACILITY EVALUATION  
REPORT**

FOR

**WILSON PROPERTY**

**BALTIMORE HUNDRED  
SUSSEX COUNTY  
DELAWARE**

PREPARED BY:



**CIVIL ENGINEERING ASSOCIATES, LLC**

55 West Main Street  
Middletown, DE 19709  
(302) 376-8833

DATE:  
August 2022

\_\_\_\_\_  
Seal

## TABLE OF CONTENTS

### A. EXECUTIVE SUMMARY

- Introduction..... 1
- Scope of Project..... 1

### B. ENGINEER'S REPORT

- General Overview..... 2
- Drainage and Stormwater Runoff..... 2
- Potable Water..... 2
- Wastewater Treatment and Disposal..... 2
- Impacts to Surrounding Roadways..... 2
- Endangered or Threatened Species..... 2
- Preservation and Protection of Tidal and Non-Tidal Wetlands..... 3
- Open Space and Buffers..... 3
- Proposed Public and Private Infrastructure..... 3
- Economic & Recreational Benefits..... 3
- Historic or Cultural Resources..... 3
- Affirmation of Conformance with Sussex County Comprehensive Plan..... 3
- Actions Taken to Mitigate Proposed Impacts of the Development..... 3

## **A. EXECUTIVE SUMMARY**

---

### **Introduction**

This Report has been prepared in accordance with Chapter 115 – Zoning: Article XXV Supplementary Regulations, 194.3 Coastal Area of the Sussex County Code. This Report provides a summary of site-specific information and accompanies the Preliminary Plans submittal, dated September 3, 2021.

### **Scope of Project:**

The proposed project will include sixty (60) multi-family/duplexes on the property known as the Wilson Property located on Central Avenue in Frankford, Delaware. The existing zoning is currently AR-1. A change of zoning has been requested to an MR designation.

The project will involve typical construction activities associated with new roads, stormwater management facilities, home construction, and utility installation. The utilities for the site will consist of electric, telecommunications, sewer, and water services to each home. Stormwater management for the site will be provided by one (1) stormwater management area (wet detention pond).



## **B. ENGINEER'S REPORT**

---

### **Drainage and Stormwater Runoff**

Stormwater quality will be met by managing the Resource Protection Event (RPv) and quantity management will be met by managing the Conveyance Event and the Flooding Event (Cv and Fv) this will be achieved through the proposed stormwater management area and will be denoted on the plans as Stormwater Management Area. The proposed Stormwater Management Area will be a wet detention pond that will collect runoff from the site. It will discharge into an existing ditch that is in good working condition.

The runoff from the areas that are being developed will be collected by several methods. Road runoff will be collected by the proposed storm drain system which outlets into the proposed stormwater management area. The runoff from the proposed lots will also be collected and directed to the proposed stormwater management areas by downspouts or by grass lined swales.

### **Potable Water**

A connection to the adjacent subdivision's (Seaway at Sycamore Chase) Artesian Water Company (AWC) facilities is expected. During the Sussex County approval process Water Plans will be submitted to AWC for approval as well. Once AWC approves the connection, both domestic and fire flows will be provided.

Since 60 duplex lots along with an amenity area (4 EDUs) are being proposed, an estimated consumption of 16,000 GPD is anticipated.

$$(64 \text{ EDUs} * 250 \text{ GPD}) = 16,000 \text{ GPD}$$

As it is expected to be served by the extension of the existing AWC facilities, no private wells are expected to be impacted.

### **Wastewater Treatment and Disposal**

The proposed site currently resides outside of the Miller Creek Sanitary Sewer District. A formal request for annexation has it is anticipated to connect and be served by an existing gravity sewer line situated at the adjacent subdivision (Seaway at Sycamore Chase). Ordinance No. 38 Plans will be submitted to the County for approval.

As it is anticipated to be served by the extension of the existing gravity sewer line situated at the adjacent subdivision, no impacts to the surrounding surface or ground waters are expected.

### **Impacts to Surrounding Roadways**

The Wilson Property development is proposed to contain 60 multi-family homes. Based upon the latest Institute of Transportation Engineers Traffic Generation Manual, a multi-family home is anticipated to generate approximately 7.32 vehicle trips per day (1/2 entering the site, 1/2 leaving the site), and the site is anticipated to generate approximately 413 vehicle trips per day (207 entering, 206 leaving).

---

Based upon the 2021 DelDOT Traffic Counts, Central Avenue currently carries 2,900 average

annual daily vehicles. Therefore, it is anticipated that the Wilson Property development will not cause any adverse impacts to the surrounding road network.

### **Endangered or Threatened Species**

Based upon a review of the site, existence of any endangered or threatened species is not expected.

### **Preservation and Protection of Tidal and Non-Tidal Wetlands**

A wetland delineation was performed by Watershed Eco, LLC in August 2021. Based on the delineation it was determined that 0.08 acres of 404 wetlands exists on the site. There will be no proposed disturbance of wetlands.

### **Open Space and Buffers**

Under the designed layout of the proposed Wilson Property development, approximately 5.25 acres are provided as open space. The total area of the site is 14.45 acres, which produces 36.3% of provided open space. This fulfills the required minimum open space of 10%.

In addition, forested buffer strips are being proposed along the southern and eastern border of the project site. These forested buffers strips will be composed of a mix of 70% deciduous shade trees and 30% evergreen trees. They will also follow the Sussex County code requirement of having a minimum total of 15 trees for every one-hundred-foot length of buffer.

### **Proposed Public and Private Infrastructure**

The proposed development will extend public water facilities to the site. Similarly, sewer facilities will also be extended to the site.

### **Economic & Recreational Benefits**

The proposed development is anticipated to provide several economic benefits including:

- By extending the public water and sewer to the site will result in a possible expansion into adjacent properties and therefore possibly more developments.
- The proposed development is also anticipated to increase the tax base of Sussex County.

The proposed development is anticipated to provide several recreational benefits including:

- Large areas for recreational uses.
- An amenity area.
- An aesthetic wet pond with vast area around to sit.

### **Historic and Cultural Resources**

There is no presence of any historic or cultural resources listed on the National register of Historic Places at the site.

**Affirmation of Conformance with Sussex County Comprehensive Plan**

The proposed development has been designed in accordance to the current Sussex County Comprehensive Plan.

**Actions Taken to Mitigate Proposed Impacts of the Development**

No negative impact to the environment and its surrounding community is projected to originate from the proposed development.





BAIRD  
MANDALAS  
BROCKSTEDT  
FEDERICO & CARDEA <sup>LLP</sup>

Applicant  
Exhibit

Mackenzie M. Peet, Esquire  
(302) 645-2262  
mackenzie@bmbfclaw.com

September 12, 2022

**VIA EMAIL AND REGULAR MAIL**

Planning & Zoning Department  
Attn: Jamie Whitehouse, Director  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

RE: Wilson Property- Gulfstream Development Supplemental Exhibit Packet  
Submission

Dear Director Whitehouse,

We represent Gulfstream Development LLC, the Applicant of the proposed Wilson Property Development, CU 2339; CZ 1969 for property located at 34667 Central Avenue, Frankford, Delaware further identified as Tax Map Parcel No. 134-19.00-24.00.

Enclosed please find Applicant's Supplemental Exhibit Packet.

Please contact me directly at [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com), or my paralegal, Meagan Garey, at [meagan@bmbde.com](mailto:meagan@bmbde.com) should the Department need any additional information prior to the public hearing.

Sincerely,

/s/Mackenzie M. Peet, Esq.

Enclosure

RECEIVED  
SEP 13 2022  
SUSSEX COUNTY  
PLANNING & ZONING

SUSSEX COUNTY  
PLANNING & ZONING

SEP 13 2022

RECEIVED

Applicant  
Exhibit

# WILSON PROPERTY BOOKLET

## PROJECT TEAM

### APPLICANT/DEVELOPER **GULFSTREAM DEVELOPMENT LLC**

Contact: Robert Harris  
27 Atlantic Avenue  
Ocean View, DE 19970  
Telephone: 302-539-6178  
Email: [rljh@gulfstreamde.net](mailto:rljh@gulfstreamde.net)

### CIVIL ENGINEER

### **CIVIL ENGINEERING ASSOCIATES, LLC**

Contact: Ronald H. Sutton, Jr., P.E.  
55 W. Main Street  
Middletown, DE 19709  
Telephone: 302-547-2444  
Email: [ron@cea-de.com](mailto:ron@cea-de.com)

### ATTORNEY

### **BAIRD MANDALAS BROCKSTEDT FEDERCIO & CARDEA, LLC**

Contact: Mackenzie M. Peet, Esq.  
1413 Savannah Road, Suite 1  
Lewes, DE 19958  
Telephone: 302.645.2262  
Email: [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com)



## TABLE OF CONTENTS

### I. Executive Summary

### II. Project Overview

#### A. Boundary Plat & Topographic Survey

#### B. Overview of Current Site Conditions

#### C. Land Plan and Amenities

#### D. DelDOT Improvements

#### E. Preliminary Land Use Service (PLUS)

#### F. Sanitary Sewer Planning Area

### III. Compliance with Applicable Regulations

#### A. Compliance with the MR (Medium Density Residential) District and Coastal Area

#### B. Statement of Compliance with Chapter 99, Subdivision of Land

#### C. Statement of Compliance with Sussex County, Delaware, Comprehensive Plan Update, March 2019

### Exhibits:

- Exhibit 1) Sussex County Land Use Applications
- Exhibit 2) Property Owners within 200' of the Project Site
- Exhibit 3) Property and Deed Information
- Exhibit 4) State Strategies for Policies and Spending Map and County Future Land Use Map
- Exhibit 5) Sussex County Aerial Maps
- Exhibit 6) Seaway at Sycamore Chase Record Plan
- Exhibit 7) Sussex County Zoning Code
- Exhibit 8) Wilson Property Preliminary Plan
- Exhibit 9) Planning & Zoning Department Staff Review
- Exhibit 10) PLUS Review
- Exhibit 11) Coastal Area Environmental Assessment and Public Facility Evaluation Report

## **I. Executive Summary**

The Wilson Property Development proposes a rezoning from AR-1 to MR with a conditional use for 60 townhome lots (the "Project"). The Project is proposed at 34667 Central Avenue, Frankford, Delaware, further identified as Tax Map Parcel No. 134-19.00-24.00 (the "Property"). The Project is located on the southeast side of Central Avenue approximately 0.17-mile northeast of the intersection of Peppers Corner Road (S.C.R. 365) and Central Avenue (Rt. 84).

The Project is located in the vicinity of a number of residential developments. The Project adjoins the Seaway at Sycamore Chase subdivision to the south and the Woodlands subdivision to the east both of which are single-family subdivisions. There are also several residential townhome projects within a quarter mile of the project on Central Avenue and on Lizard Road.

The Project is located within Investment Level 3 of the State Strategies for Policies and Spending Map. Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas.

5.25 Acres (36.3%), more or less, of Open Space, subject to final site engineering, is provided.

The proposed rezoning and conditional use are consistent with Sussex County's Comprehensive Plan. If the property is rezoned from AR-1 to MR, the Project will comply with all MR District, Coastal Area, and Subdivision of Land requirements, as further detailed in the Zoning Ordinance of Sussex County, Delaware (the "Code").

### **Proposed Density and Calculations:**

#### **Areas and Total Area:**

***Lot Area:*** +/-6.48 acres

***SWM Area:*** +/- 1.04 acres

***ROW/Street Area:*** +/- 2.72 acres

***Open Space Area:*** +/- 5.25 acres

***Total Area:*** +/- 14.45 acres

**Proposed Gross Density:** 60 D.U./14.45 Acres = 4.15 D.U./Acres

**Permitted MR Density:** 4.356 D.U./Acre

## **II. Project Overview**

### **A. Boundary Plat & Topographic Survey**

A boundary topographic survey for the Property was prepared by Civil Engineering Associates, LLC. The total area of the Property is 14.45 +/- acres.

### **B. Overview of Current Site Conditions**

The Project is located on the southeast side of Central Avenue and is in the vicinity of several residential developments.

The Property is located outside the 100-year floodplain per FEMA flood map number 10005C Panel 0513K, map revised March 16, 2015.

### **C. Land Plan and Amenities**

The land plan considers existing conditions, stormwater outfalls, adjacent communities, existing roadways, current housing trends, and recreational needs.

The resultant plan includes:

- A 20 feet landscaped buffer.
- Sidewalks on at least one side of the street.
- Signage for proposed subdivision to include subdivision identification sign at entrance and internal stop signs and other internal traffic control signage as needed.
- An efficient stormwater management system that acts as an amenity.
- Open space percentage is proposed at 36.3% (subject to final site engineering) in excess of the 10% Open Space requirement.

### **D. DelDOT Improvements**

The Project is proposed to contain 60 multi-family homes and is anticipated to generate approximately 413 vehicle trips per day (207 entering, 206 leaving). Based upon the 2021 DelDOT Traffic Counts, Central Avenue currently carries 2,900 average annual daily vehicles. Therefore, it is anticipated that the Wilson Property development will not cause any adverse impacts to the surrounding road network. No auxiliary lanes are required along Central Avenue due to the proposed traffic.

### **E. Preliminary Land Use Service (PLUS)**

A concept plan for the Project was presented to PLUS on December 17, 2021.

### **F. Sanitary Sewer Planning Area**

The community is anticipated to be served by Sussex County.



## **I. Compliance with Applicable Regulations**

### **A. Compliance with the MR (Medium Density Residential) District and Coastal Area**

If the property is rezoned, the project will be located within the MR District. The entire site is located within the Coastal Area. The site is being developed with single-family townhome lots within the MR District and will meet the requirements of the MR District and Coastal Area as existed at the time of application.

The proposed land use is in conformity with the Zoning Ordinance for MR which permits the proposed 4.15 dwelling units per acre based on the gross site area.

Purpose: The Project will conform with the purpose of the MR District in as much as it is a medium-density residential community in a Level 3 Investment Area with access to sanitary sewer and public water supply.

Conditional Uses: Multifamily dwelling structures, subject to provisions of the Code, are permitted as conditional uses.

Height, Area, and Bulk Requirements: The height, area and bulk requirements are set forth in the MR District of the Zoning Ordinance and subsequent Coastal Area supplementary regulations. The following is a summary of the lot dimensions and setbacks for the Project, all of which are in conformity with County requirements:

Townhome Lots:

Minimum Lot Area = 3,630 S.F.

Front Yard = 40' (15' Corner Lot)

Side Yard = 10'

Rear Yard = 10'

Maximum Building Height = 42'

**B. Statement of Compliance with Chapter 99, Subdivision of Land.**

Section 115-188 of the Code titled Townhouses and Multifamily Dwellings provides that each dwelling unit of a multifamily dwelling must comply with the minimum-lot-area-per-dwelling-unit specification in the table of district regulations of Article XX. The dwelling units of a multifamily dwelling unit may be held in separate ownership if separate utility systems are provided. Further, the dwelling units and individual lots of a townhouse may be held in separate ownership if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the Subdivision Ordinance.

The proposed development plan has taken into consideration all items listed within the Subdivision of Land – Chapter 99, Section C within the Code and complies with it in the following manner:

**1. *“Integration of the proposed subdivision into existing terrain and surrounding landscape.”***

The subject Property consists of active agricultural fields with an existing residential dwelling and outbuildings in the north-central portion of the property. Former chicken coops exist across Central Avenue. The Seaway at Sycamore Chase subdivision is located to the south, and the Woodlands subdivision is located to the east. The project is also in the vicinity of a number of other residential developments including but not limited to The Estuary, Forest Landing, and Plantation Park.

The Property is surrounded by existing landscape buffer along the Project’s borders that will be maintained and augmented. As required, a minimum 20 feet forested buffer is provided adjacent to residential uses.

**2. *“Minimal use of wetlands and floodplains.”***

There are 0.08 acres, more or less, of wetlands existing on site. No disturbance is planned to the wetland area.

**3. *“Preservation of natural and historic features.”***

There are no known existing natural or historical features.

**4. *“Preservation of open space and scenic views.”***

As stated above, the property is surrounded by landscaping along its borders and some unsightly chicken coops across Central Avenue. A 20 feet landscape buffer will be provided to enhance the current buffer as well as provide a scenic view.

The project will comply with the Code’s Open Space requirements. Proposed Open Space is well above the 10% requirement at 36.3% (or 5.25 Acres), more or less subject to final site engineering. The proposed Open Space areas will consist of stormwater management, existing and proposed vegetated buffers and passive and active Open Space.



5. ***“Minimization of tree, vegetation, and soil removal and grade changes.”***

The existing dwelling and associated driveway will be removed. Tree and soil removal will be kept at the minimum necessary to construct the development. Efforts will be made to preserve existing vegetation within the buffers and Open Space areas. Where that is not possible or no significant vegetation exists, planting is proposed to meet County landscape and buffer regulations. Site grading will be minimized to the extent needed to provide adequate drainage and stormwater management.

6. ***“Screening of objectionable features from neighboring properties and roadways.”***

As stated above, the property is surrounded by existing woods which will be maintained and supplemented with additional landscaping. Vegetative buffers (of existing or proposed plant material) will be maintained to screen views from offsite. Landscaping across the proposed frontage will screen the unsightly chicken coops.

7. ***“Provision for water supply.”***

Water will be provided by Artesian Water Company.

8. ***“Provision for sewage disposal.”***

Sanitary sewer is intended to be provided by Sussex County.

9. ***“Prevention of surface and groundwater pollution.”***

Surface and groundwater pollution will be prevented with the onsite stormwater management system. All surface runoff will be conveyed into the stormwater management facility. All stormwater design will be reviewed and approved by Sussex Conservation District.

10. ***“Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.”***

Surface and groundwater pollution will be prevented with the onsite stormwater management system. All surface runoff will be conveyed into the stormwater management facility. All stormwater design will be reviewed and approved by Sussex Conservation District.

11. ***“Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.”***

The proposed layout of the internal roads consists of 12-foot wide travel lanes designed in accordance with Sussex County and DeIDOT standards for access to the lots. A shared use path is proposed along the frontage of the property to allow for pedestrian movement as well as internal sidewalks on at least one side of the road.



**12. *“Effect on area property values.”***

We anticipate that property values in the surrounding area will remain the same or increase due to this project.

**13. *“Preservation and conservation of farmland.”***

While a portion of the site is currently being used for agriculture, the existence of the proposed subdivision will not significantly impact agricultural lands.

**14. *“Effect on schools, public buildings, and community facilities.”***

No negative impact to the surrounding school, public buildings, or community is anticipated.

**15. *“Effect on area roadways and public transportation.”***

The Project is anticipated to generate approximately 413 vehicle trips per day (207 entering, 206 leaving). Based upon the 2021 DelDOT Traffic Counts, Central Avenue currently carries 2,900 average annual daily vehicles. Therefore, it is anticipated that the Project will not cause any adverse impacts to the surrounding road network. No auxiliary lanes are required along Central Avenue due to the proposed traffic.

**16. *“Compatibility with Other Land Uses.”***

The surrounding land uses consists of residential homes (both seasonal and year-round). We are proposing a residential use which is compatible with the surrounding areas.

**17. *“Effect on Area Waterways.”***

We do not anticipate any effects on area waterways due to the proposed development. Runoff will be treated for water quality prior to discharge. All stormwater management will be designed in accordance with current DNREC regulations.

to Central Avenue.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Wetlands**

- Do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

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

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.  
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

**Vegetated Buffer Zones**

- Incorporate a 100-foot vegetated buffer zone from the edge of wetlands to protect water quality and to provide an additional margin of safety for flooding.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.

### **Chapter 10 Historic Preservation**

- The proposed community complies with the Historic Preservation section as no known historic sites located on the site.

### **Chapter 12 Community Design**

The proposed community complies with the Community Design section as follows:

- Street signage will be provided.
- Sidewalks are proposed on both sides of the streets.
- The proposed homes will be limited to 42' in height.
- No variances to the required setbacks are proposed.
- No direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, but the community will feature significant on-site sidewalks and pedestrian pathways.
- Buffers will be provided to adjacent residential uses.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

### **Chapter 13 Mobility Element**

- The proposed community complies with the Mobility Element section, as entrance, roadway and off-site improvements necessitated by DelDOT will be designed and constructed per DelDOT standards.



# **EXHIBIT 1**

Sussex County Land Use Applications

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

CZ 1969  
202200317

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Central Avenue, Sussex County, DE (WILSON PROPERTY)

Type of Conditional Use Requested:

Change of zoning from AR-1 to MR

Tax Map #: 134-19-24

Size of Parcel(s): 14.45 Acres

Current Zoning: AR-1

Proposed Zoning: MR

Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: TIDEWATER

Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON

Applicant Address: 55 W. MAIN STREET

City: MIDDLETOWN

State: DE

Zip Code: 19709

Phone #: (302) 574-2444

E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: GULFSTREAM DEVELOPMENT LLC

Owner Address: 27 ATLANTIC AVE

City: OCEAN VIEW

State: de

Zip Code: 19970

Phone #: (302) 539-6178

E-mail: RJH@gulfstreamde.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT

Agent/Attorney/Engineer Address:

City:

State:

Zip Code:

Phone #:

E-mail:



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00
- Optional - Additional Information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DeIDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 1-4-22

Signature of Owner



Date: 12-17-21

For office use only:

Date Submitted: 1/11/22

Fee: \$500.00 Check #: 5007

Staff accepting application: CR

Application & Case #: 202200317

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Decision of CC: \_\_\_\_\_



Planning & Zoning Commission Application  
Sussex County, Delaware

Cu 2339  
202200319

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 check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Central Avenue, Sussex County, DE (WILSON PROPERTY)

Type of Conditional Use Requested:

MULTI-FAMILY

Tax Map #: 134-19-24

Size of Parcel(s): 14.45 Acres

Current Zoning: AR-1

Proposed Zoning: MR

Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: TIDEWATER

Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON

Applicant Address: 55 W. MAIN STREET

City: MIDDLETOWN

State: DE

Zip Code: 19709

Phone #: (302) 574-2444

E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: GULFSTREAM DEVELOPMENT LLC

Owner Address: 27 ATLANTIC AVE

City: OCEAN VIEW

State: de

Zip Code: 19970

Phone #: (302) 539-6178

E-mail: RJH@gulfstreamde.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT

Agent/Attorney/Engineer Address:

City:

State:

Zip Code:

Phone #:

E-mail:



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application
- Provide eight (8) copies of the Site Plan or Survey of the property
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- Provide Fee \$500.00
- Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- DeIDOT Service Level Evaluation Request Response
- PLUS Response Letter (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 1-4-22

Signature of Owner



Date: 12-17-21

For office use only:

Date Submitted: 1/11/22

Fee: \$500.00 Check #: 5007

Staff accepting application: CEP

Application & Case #: 202200319

Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_

# **EXHIBIT 2**

Property Owners within 200' of the Project Site



Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode
E JOHNSON HOLDINGS LLC		39824 HICKMAN PLAZA RD #7	BETHANY BEACH	DE	19930
WILSON RONALD PAUL TTEE	JACQUELYN KAY OWENS WILSON TTEE REV TR	34682 CENTRAL AVE	FRANKFORD	DE	19945
BAIER STEPHEN C	M MICHELLE BAIER	9 CEMETERY RD	NEWTOWN	CT	6470
TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945
HEDDINGER JOANNE M		34730 CENTRAL AVE	FRANKFORD	DE	19945
WILSON RONALD P TTEE JACQUELYN K	OWENS WILSON TTEE OF JOINT REV TR	34682 CENTRAL AVE	FRANKFORD	DE	19945
MCDOWELL PATRICK JOSEPH	REGINA MCDOWELL	533 PATERNO DR	HARLEYSVILLE	PA	19438
WOODLANDS DEVELOPMENT LLC		27 ATLANTIC AVE	OCEAN VIEW	DE	19970
JANKOVIC PAUL D		PO BOX 3605	OCEAN CITY	MD	21843
ARCHUT DIANE H TRUSTEE	BRENTON H ARCHUT TRUSTEE	36219 OLD CHURCH CEMETERY RD	FRANKFORD	DE	19945
MELSON JOHN W & DEBRA W		34716 CENTRAL AVE	FRANKFORD	DE	19945
WOODLANDS DEVELOPMENT LLC		27 ATLANTIC AVE	OCEAN VIEW	DE	19970
WOODLANDS DEVELOPMENT LLC		27 ATLANTIC AVE	OCEAN VIEW	DE	19970
TRAN HUE V	LIEN T TRAN	1220 PLANTATION DR	THOROFARE	NJ	8086



# **EXHIBIT 3**

Property and Deed Information



PARID: 134-19.00-24.00  
 TOOMEY PEGGY W

ROLL: RP  
 34667 CENTRAL AV

Property Information

Property Location: 34667 CENTRAL AV  
 Unit:  
 City: FRANKFORD  
 State: DE  
 Zip: 19945  
 Class: AGR-Agriculture  
 Use Code (LUC): FH-AG W/ HOMESITE IN FAA  
 Town: 00-None  
 Tax District: 134 - BALTIMORE  
 School District: 1 - INDIAN RIVER  
 Fire District: 64-Millville  
 Deeded Acres: 17.0101  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$5,000  
 100% Improvement Value: \$31,400  
 100% Total Value: \$36,400

Legal

Legal Description: HWY BAYARD TO  
 OCEAN VIEW  
 FX

Owners

Owner	Co-owner	Address	City	State	Zip
TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
04/26/2021	6453/37				TOOMEY PEGGY W
04/11/2019	5043/50				WILSON ALLENA TTEE

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2022	TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945	5453/37
2021	TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945	5453/37
2020	TOOMEY PEGGY W	RONALD P WILSON	36003 BURBAGE RD	FRANKFORD	DE	19945	5453/37
2019	ALLENA W WILSON REVOCABLE TRUST		34662 CENTRAL AVE	FRANKFORD	DE	19945	5043/50
2018	WILSON RONALD P JACQUELYN K		34662 CENTRAL AVE	FRANKFORD	DE	19945	6043/50
2017	WILSON ALLENA W TRUSTEE		34667 CENTRAL AVE	FRANKFORD	DE	19945	3974/273
2012	WILSON ALLENA W TRUSTEE		34667 CENTRAL AVE	FRANKFORD	DE	19945	3974/273
2008	WILSON PAUL /OR ALLENA W		34667 CENTRAL AVE	FRANKFORD	DE	19945	547/421
2006	WILSON PAUL /OR ALLENA W		RR 2 BOX 181	FRANKFORD	DE	19945	937/41
1900	WILSON PAUL OR ALLENA W					0	547/421

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	AGR	FH	0	0	17.0101	Y
2	AGR	FH	0	0	17.0101	Y

Land Summary

Line	1
100% Land Value	2,000

Agricultural Land

Line:	CAMA Line:	Ag Use	Use:	Grade:	Acres	Rate	Value:
1	1		FH		.0001		2000
2	2		FH		.0001		3000

**Agriculture Totals**

---

Agricultural Acres 17.0100

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$5,000	\$31,400	\$36,400

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$2,500	\$15,700	\$18,200

**Permit Details**

---

Permit Date:	Permit #:	Amount:	Note 1
25-FEB-1994	20522-1	\$1,344	COMPOST SHED-RT.84

Electronically Recorded Document# 2021000027229 BK: 5453 PG: 37  
Recorder of Deeds, Scott Dailey On 4/26/2021 at 9:08:31 AM Sussex County, DE  
Consideration: \$0.00 County/Town: \$0.00 State: \$0.00 Total: \$0.00  
Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP # 134-19.00-24.00

PREPARED BY & RETURN TO:  
Parsons & Robinson, P.A.  
118 Atlantic Ave, Ste 401  
Ocean View, DE 19970  
File No. A9140/LMG

**NO LIEN OR TITLE SEARCH REQUESTED OR PERFORMED**

**THIS DEED**, made this 23<sup>rd</sup> day of April, 2021,

- BETWEEN -

PEGGY W. TOOMEY and RONALD P. WILSON, CO-TRUSTEES, of the REVOCABLE TRUST AGREEMENT OF ALLENA W. WILSON, dated September 14, 2004, of 34682 Central Ave., Frankford, DE 19945, party of the first part,

- AND -

PEGGY W. TOOMEY, as to an undivided fifty percent (50%) interest, of 36003 Burbage Rd., Frankford, DE 19945, and RONALD P. WILSON, as to an undivided fifty percent (50%) interest, of 34682 Central Ave., Frankford, DE 19945, parties of the second part, as tenants in common.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part:

**ALL THAT CERTAIN** tract, piece or parcel of land with all improvements thereon, situate, lying and being on the highway leading from Bayard to Ocean View, in Baltimore Hundred, Sussex County, State of Delaware, and being more particularly described in the Deed from Andrew M. Murray and Francis Murray, his wife, to Paul Wilson and Allena W. Wilson, dated April 18, 1962, and filed for record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware in Deed Book No. 547, Page 421.

**"EXCEPTING AND RESERVING ANY AND ALL OUT CONVEYANCES FROM ORIGINAL TRACT OF LAND"**

**BEING** a part of the same lands conveyed unto Allena W. Wilson, Trustee, under the Revocable Trust Agreement of Allena W. Wilson, dated September 14, 2004, by Deed of Allena W. Wilson, Successor Trustee, under the Revocable Trust Agreement of Paul Wilson, dated



September 14, 2004, and Allena W. Wilson, Trustee, under the Revocable Trust Agreement of Allena W. Wilson, dated September 14, 2004, dated February 27, 2012, and recorded in the Office of the Recorder of Deeds, Georgetown, Sussex County, Delaware, in Deed Book 3974, Page 273. THE SAID ALLENA W. WILSON died on or about May 10, 2020 leaving her children, Peggy W. Toomey and Ronald P. Wilson, Co-Trustees of the above mentioned Trust.

**UNDER AND SUBJECT TO** any and all restrictions, reservations, conditions, easements and agreements of record in The Office of the Recorder of Deeds, in and for Sussex County, Delaware.

**PURSUANT** to 2 Del Code Sec 135 the Grantors hereunder does hereby acknowledge that the parcel or parcels conveyed hereunder, or a portion of same, maybe subject to a tax ditch right of way and or assessment, or a tax lagoon right of way and or assessment pursuant to an order of the Superior Court of the State of Delaware in and for Sussex County dated March 12, 2009, and recorded in the Office of the Recorder of Deeds in and for Sussex County in Book 6 at Page 97, et seq. including any subsequent additions to or amendments of said Order.

**EXCEPTING AND RESERVING** any and all possible out conveyances from September 14, 2004, forward.

**SUBJECT** to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered  
in the presence of:

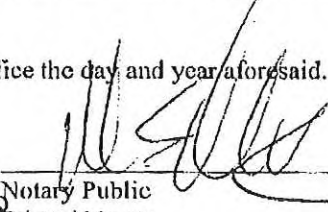
\_\_\_\_\_  
 (SEAL)  
Peggy W. Toomey, Co-Trustee

\_\_\_\_\_  
 (SEAL)  
Ronald P. Wilson, Co-Trustee

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 23<sup>rd</sup> day of April, 2021, personally came before me, the subscriber, Peggy W. Toomey and Ronald P. Wilson, Co-Trustees, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

  
\_\_\_\_\_  
Notary Public  
MANAEN S. ROBINSON, IV, ESQ  
ATTORNEY AT LAW- DELAWARE  
NOTARY PURSUANT TO  
29 DEL. C., SEC. 4323(a)(20) Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

# **EXHIBIT 4**

State Strategies for Policies and Spending  
Map and County Future Land Use Map



Sussex County

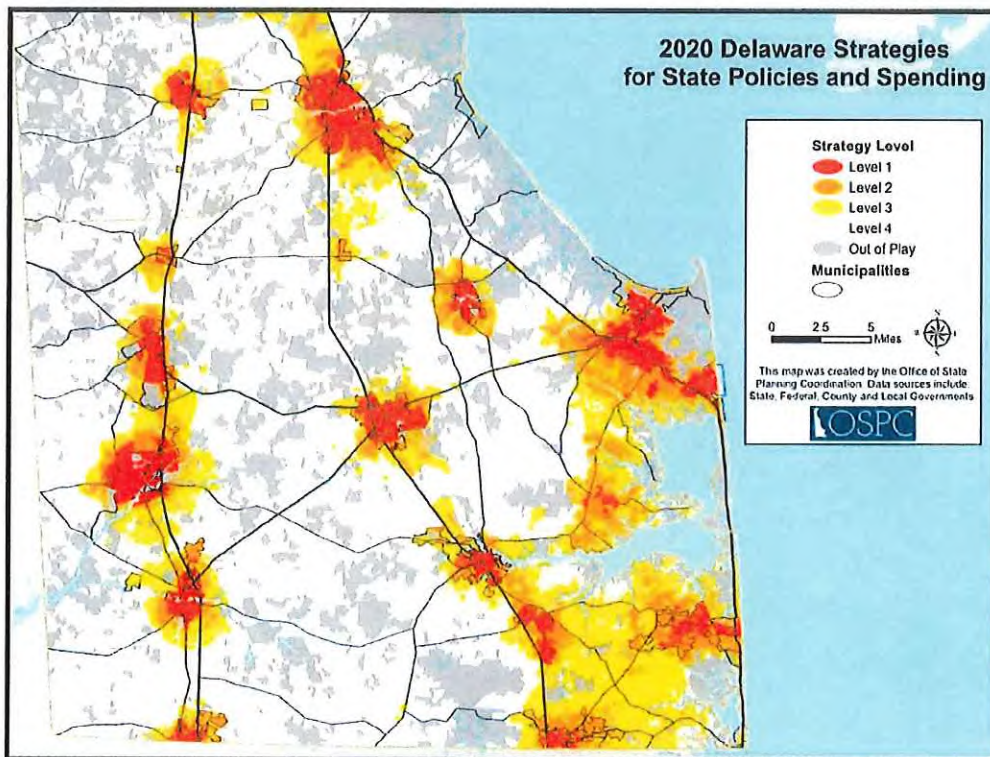
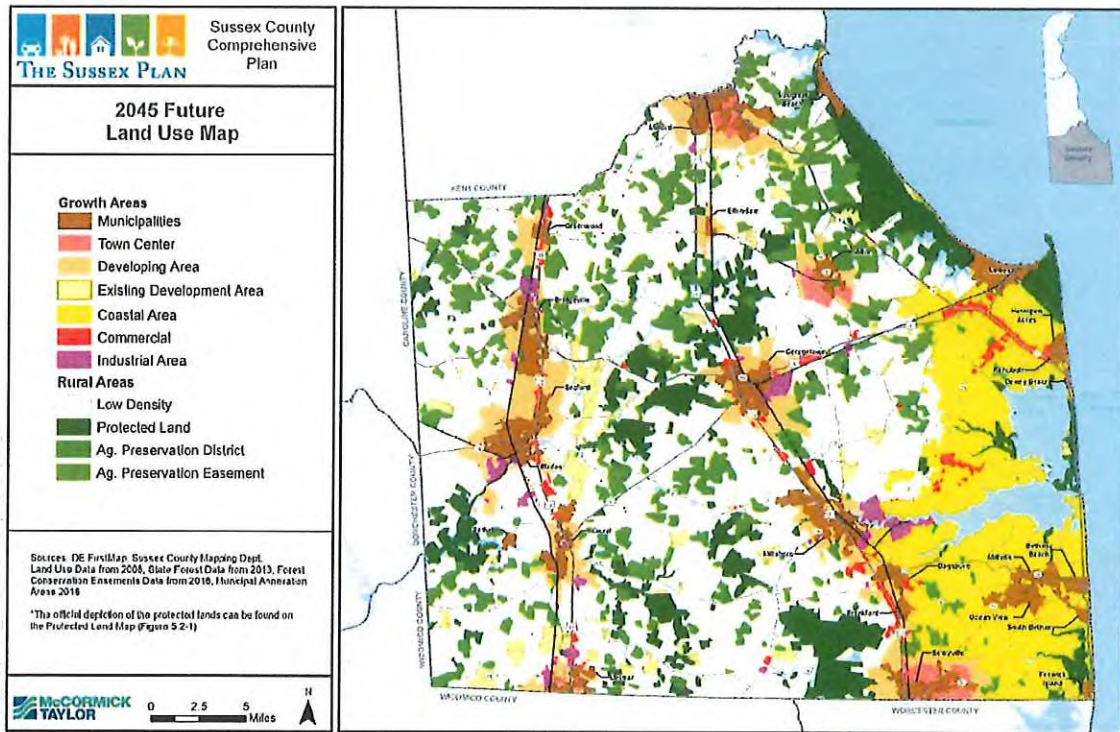


Figure 4.5-1 Sussex County 2045 Future Land Use



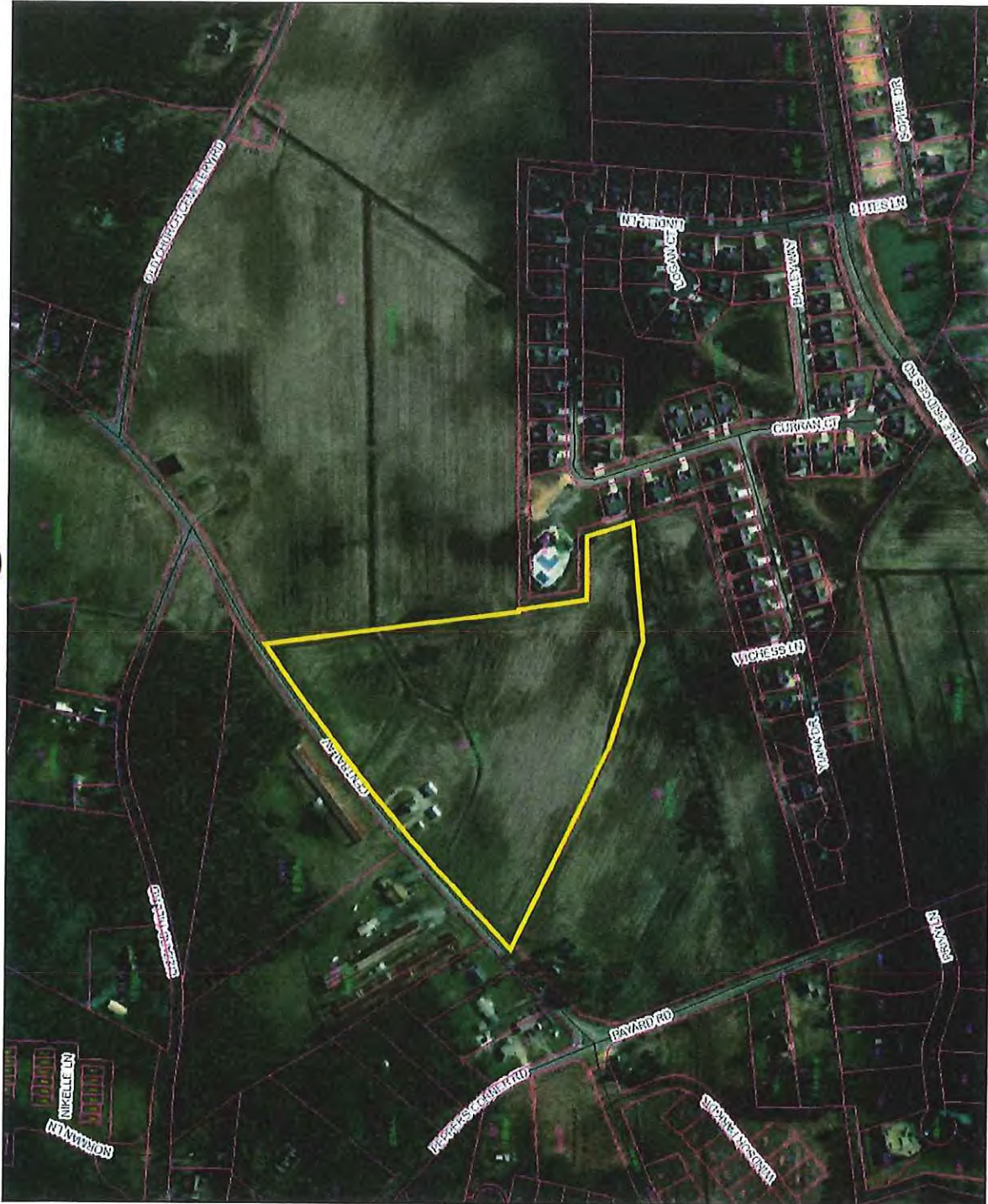
# **EXHIBIT 5**

Sussex County Aerial Maps



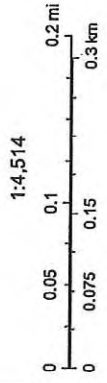


# Sussex County



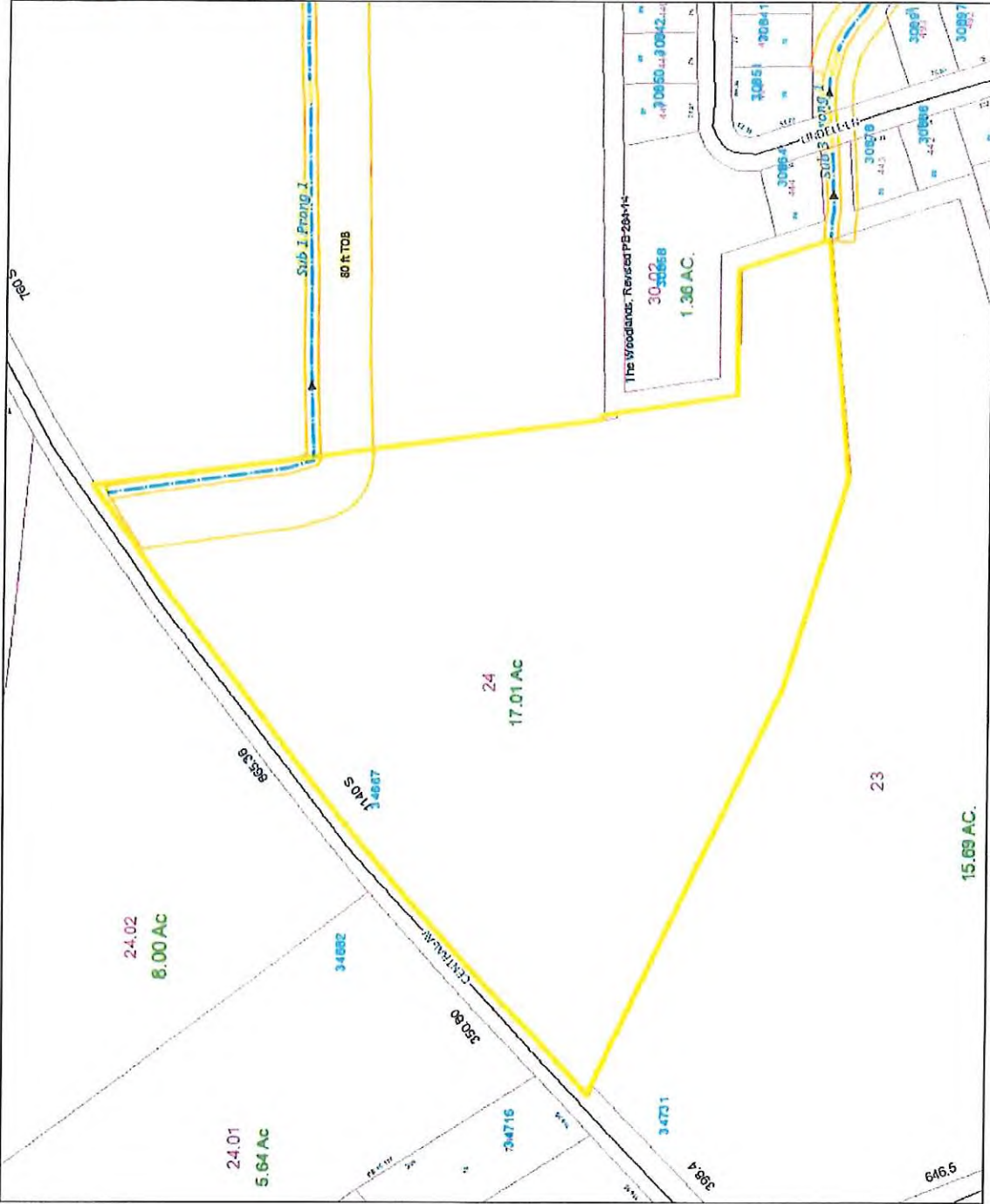
<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Tax Parcels
- Streets
- County Boundaries



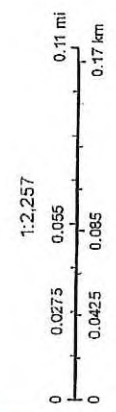


# Sussex County



Owner Name	TOOMEY PEGGY W
Book	5453
Mailing Address	36003 BURBAGE RD
City	FRANKFORD
State	DE
Description	HWY BAYARD TO
Description 2	OCEAN VIEW
Description 3	FX
Land Code	

- polygenLayer Override 1
- polygenLayer Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE

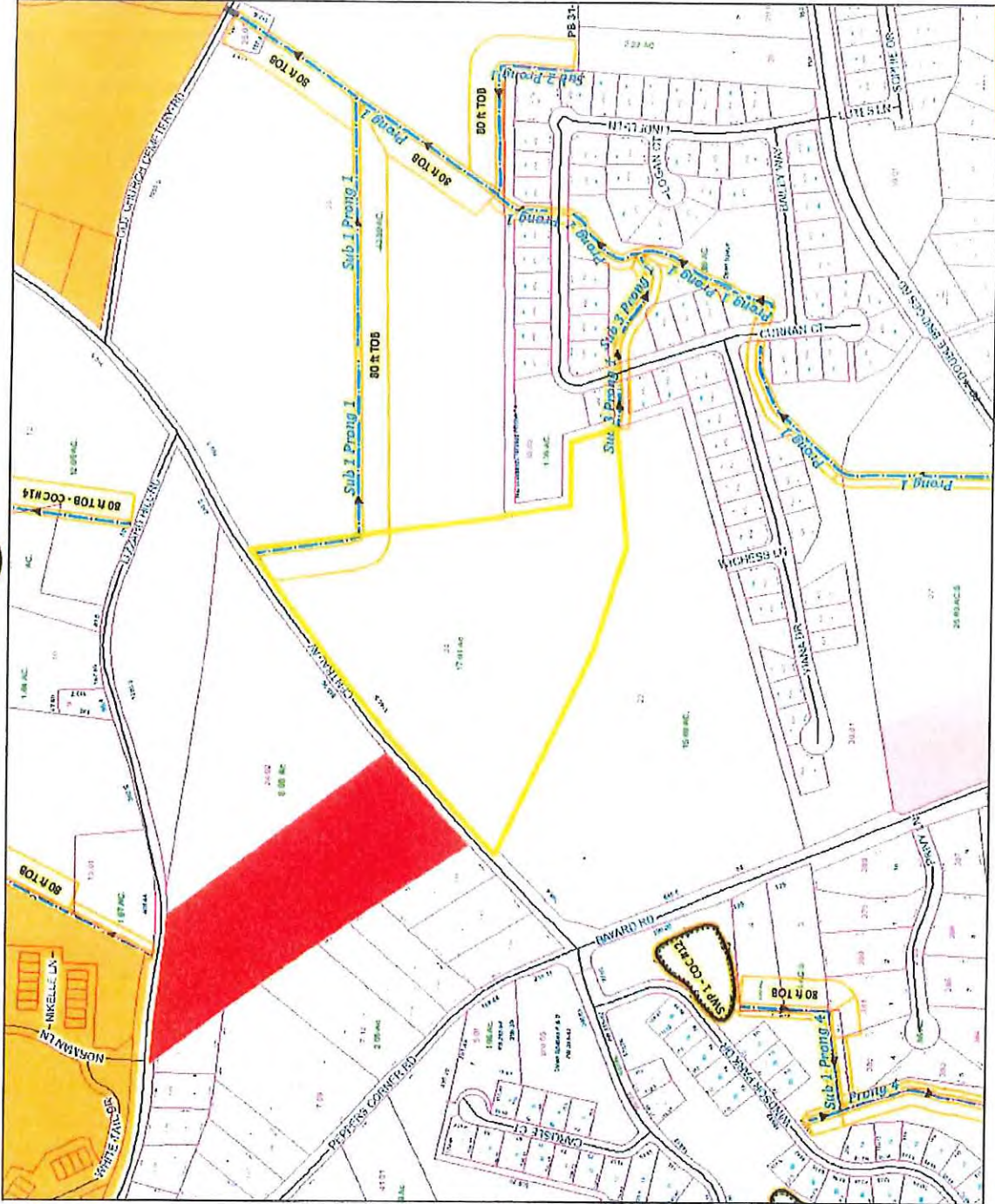




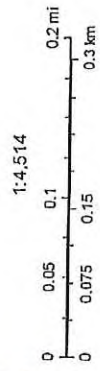


# Sussex County

Owner Name	TOOMEY PEGGY W
Book	5453
Mailing Address	36003 BURBAGE RD
City	FRANKFORD
State	DE
Description	HVY BAYARD TO
Description 2	OCEAN VIEW
Description 3	FX
Land Code	



August 10, 2022





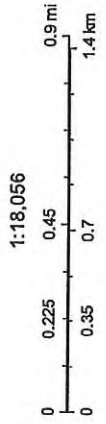


# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Tax Parcels
- Streets







# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description 1</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

polygonLayer  
 Override 1  
 polygonLayer  
 Override 1  
 Streets  
 Subdivisions





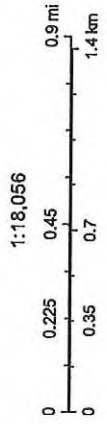


# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

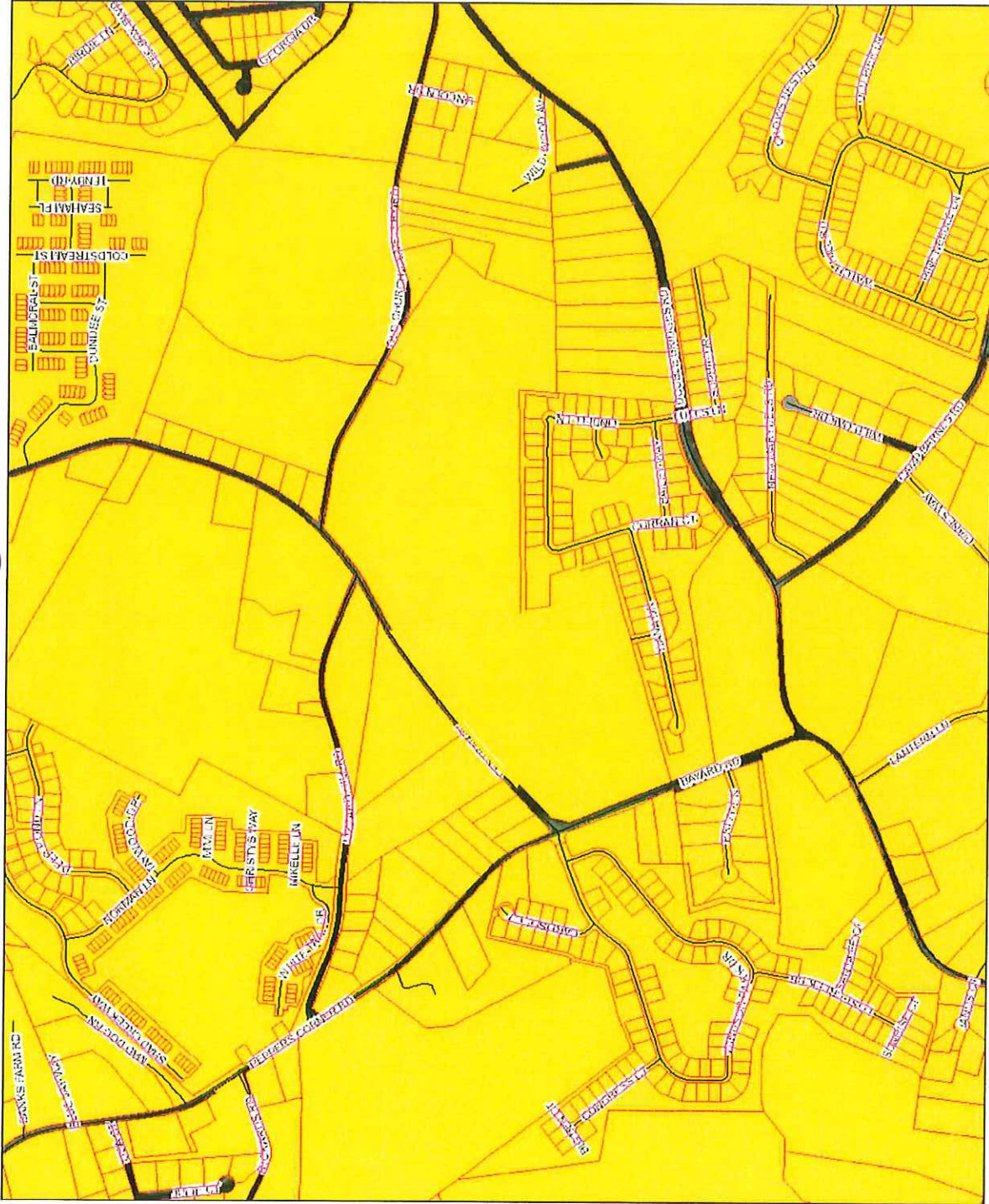
- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Tax Parcels
- Streets
- County Boundaries
- Conditional Use





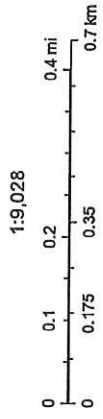


# Sussex County



<b>PIN:</b>	134-19 00-24 00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURBAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

- |              |                   |
|--------------|-------------------|
| polygonLayer | Override 1        |
| polygonLayer | Override 1        |
|              | Tax Parcels       |
|              | Streets           |
|              | County Boundaries |
- |                      |                           |
|----------------------|---------------------------|
| 2019 Future Land Use |                           |
| [Yellow Box]         | Low Density               |
| [Orange Box]         | Coastal Area              |
| [Red Box]            | Commercial                |
| [Green Box]          | Developing Area           |
| [Blue Box]           | Existing Development Area |
| [Purple Box]         | Industrial                |
| [Pink Box]           | Municipalities            |
| [Light Blue Box]     | Town Center               |





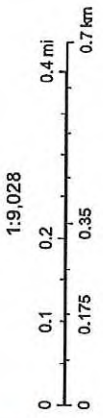


# Sussex County



<b>PIN:</b>	134-19.00-24.00
<b>Owner Name</b>	TOOMEY PEGGY W
<b>Book</b>	5453
<b>Mailing Address</b>	36003 BURGAGE RD
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	HWY BAYARD TO
<b>Description 2</b>	OCEAN VIEW
<b>Description 3</b>	FX
<b>Land Code</b>	

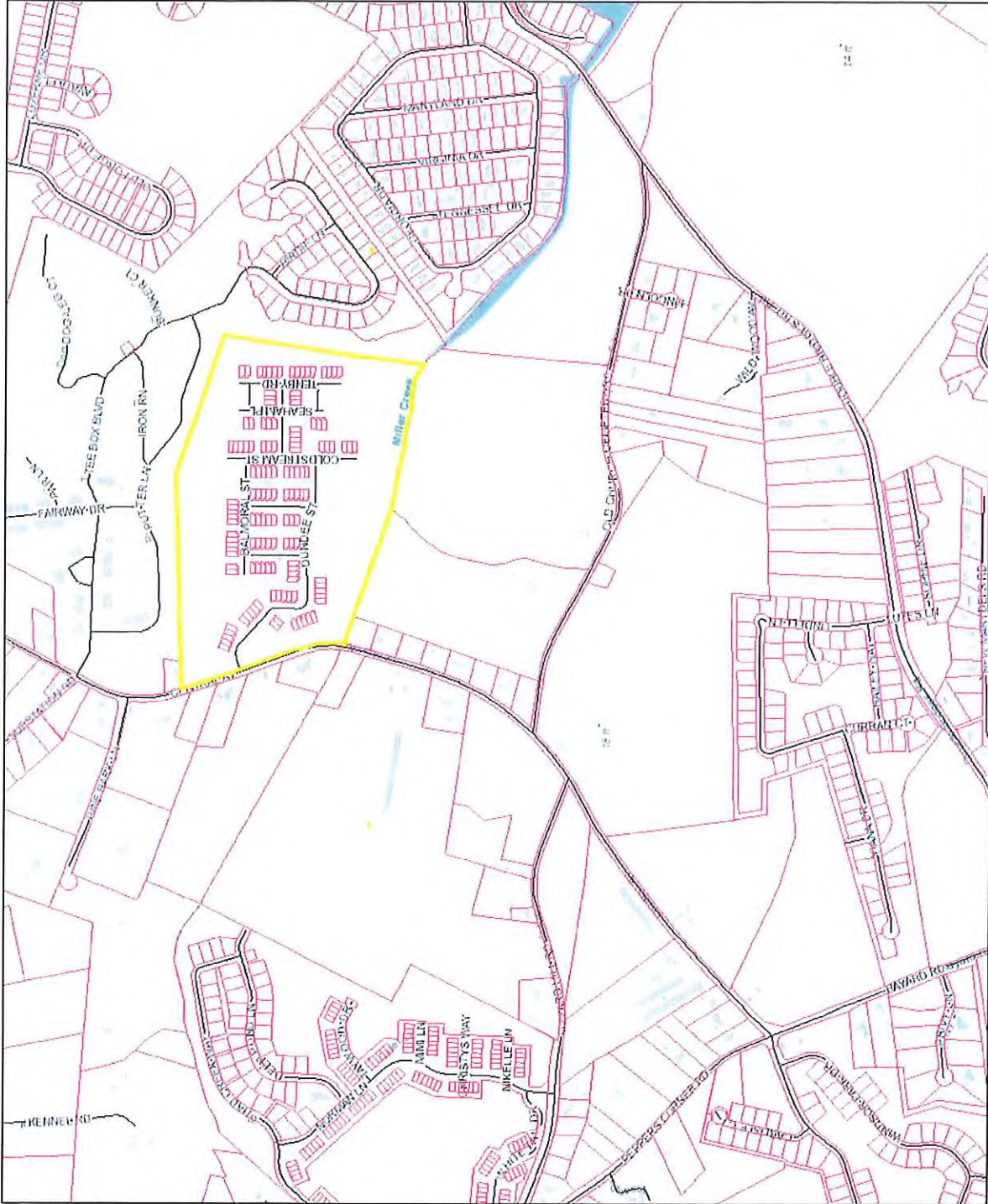
- polygonLayer**
  - Override 1
- polygonLayer**
  - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Sewer Tiers**
  - Tier 1 - Sussex County Unified Sanitary Sewer District
  - Tier 2 - Sussex County Planning Area
  - Tier 3 - Coordinated CPCN Areas
  - Tier 4 - System Optional Areas
  - Tier 5 - Regulated On-site Area





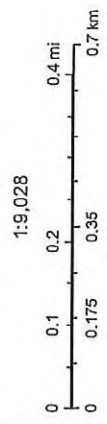


# Sussex County



<b>PIN:</b>	134-16.00-39.00
<b>Owner Name</b>	FRIENDSHIP CREEK LLC
<b>Book</b>	5398
<b>Mailing Address</b>	940 W SPROUL RD STE 30
<b>City</b>	SPRINGFIELD
<b>State</b>	PA
<b>Description</b>	RD BAYARD TO OCEAN
<b>Description 2</b>	VIEW
<b>Description 3</b>	FUTURE SUBDIVISION
<b>Land Code</b>	

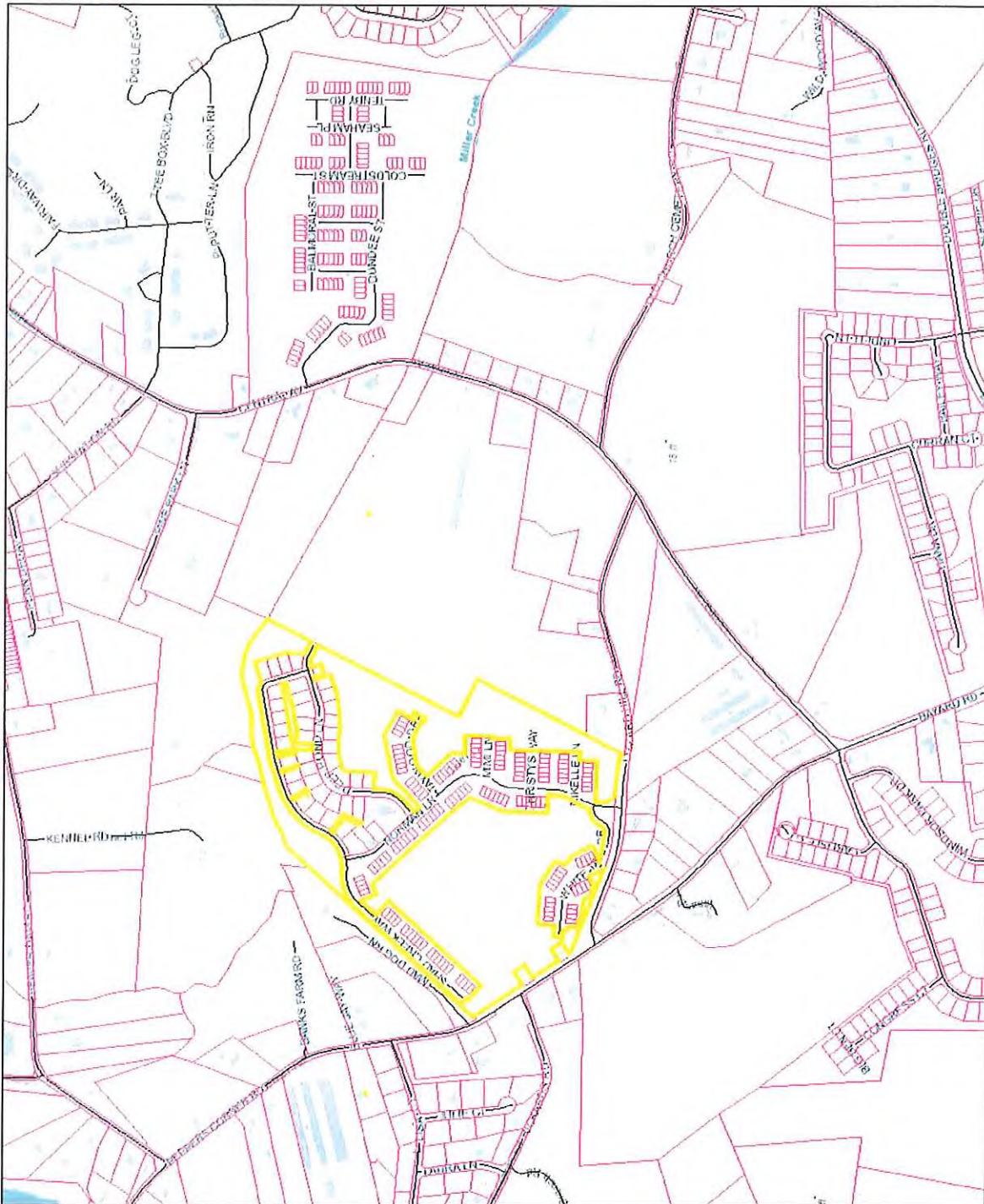
- polyonLayer Override 1
- polyonLayer Override 1
- Tax Parcels
- Streets
- County Boundaries







# Sussex County



<b>PIN:</b>	134-18.00-38.00
<b>Owner Name</b>	US HOME CORPORATION
<b>Book</b>	5512
<b>Mailing Address</b>	7035 ALBERT EINSTEIN DR
<b>City</b>	COLUMBIA
<b>State</b>	MD
<b>Description</b>	MILOS HAVEN
<b>Description 2</b>	OPEN SPACE AREAS
<b>Description 3</b>	N/A
<b>Land Code</b>	

polygonLayer  
   Override 1  
 polygonLayer  
   Override 1  
 Tax Parcels  
 Streets  
 County Boundaries



# **EXHIBIT 6**

Seaway at Sycamore Chase Record Plan







**REVISIONS**

NO.	DATE	DESCRIPTION

**PROJECT INFORMATION**

PROJECT: SEAWAY AT SYCAMORE CHASE  
 ADDRESS: 55 WILMINGTON STREET  
 CITY: BALTIMORE HUNTER  
 COUNTY: SUSSEX COUNTY, DELAWARE

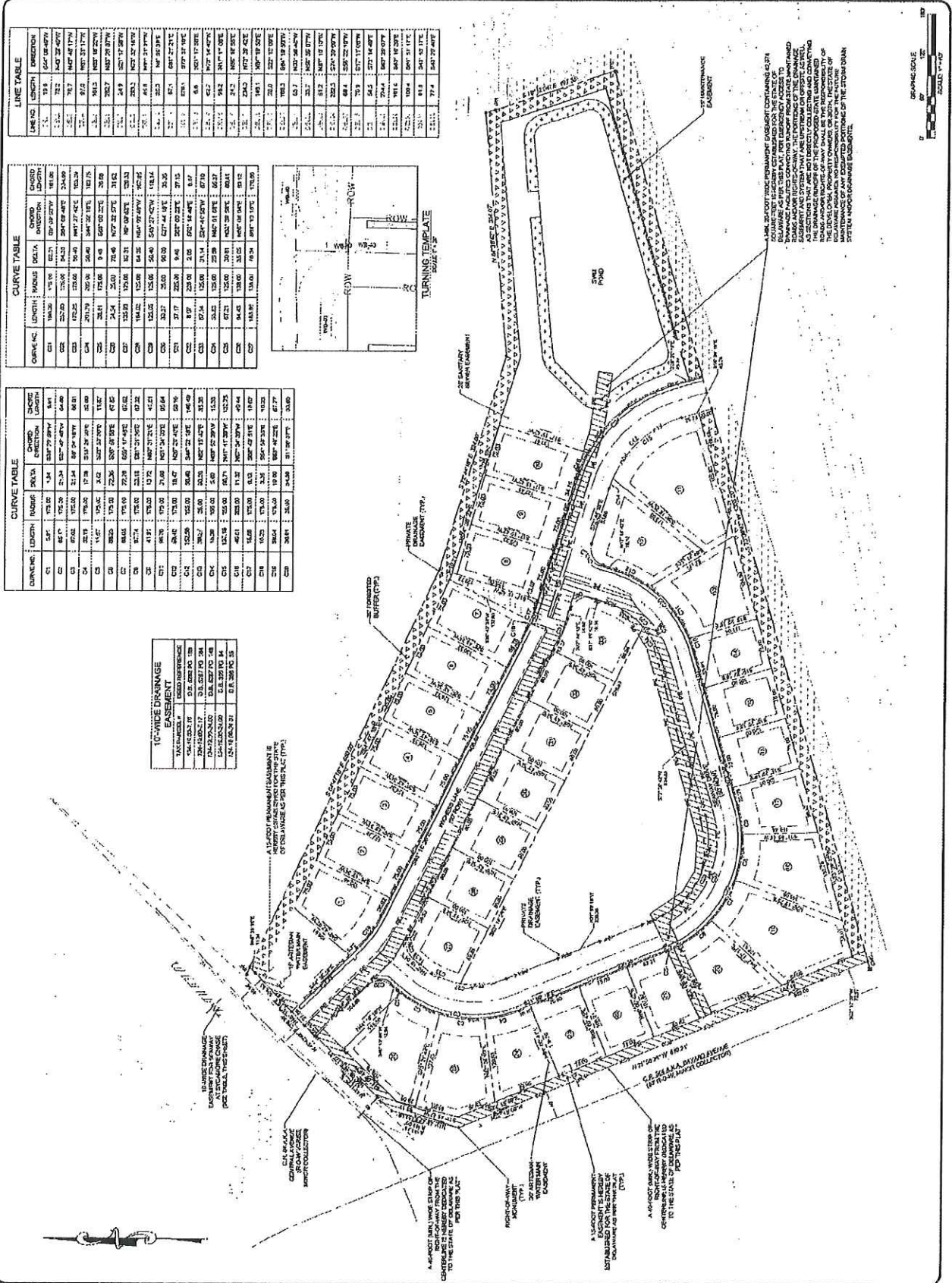
**CLIENT INFORMATION**

CLIENT: CIVIL ENGINEERING ASSOCIATES, LLC  
 ADDRESS: 1000 W. MARKET STREET  
 CITY: BALTIMORE, MD 21201

**RECORD PLAN**

FOR  
**SEAWAY AT SYCAMORE CHASE**  
 COMMERCIAL ENTRANCE PLANS  
 BALTIMORE HUNTER  
 SUSSEX COUNTY, DELAWARE

DATE: AUGUST 2, 2021  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 TITLE: RECORD PLAN  
 SHEET NO.: **RP-2**



**CURVE TABLE**

CURVE NO.	LENGTH	PI	PC	PT	CHORD BEARING	CHORD LENGTH
C1	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C2	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C3	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C4	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C5	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C6	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C7	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C8	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C9	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00
C10	180.00	125.00	125.00	125.00	S 89° 00' 00" E	180.00

**TURNING TABLE**

STATION	ANGLE	BEARING	LENGTH
1+00.00	90° 00' 00"	N 00° 00' 00" E	180.00
1+180.00	90° 00' 00"	N 00° 00' 00" E	180.00
1+360.00	90° 00' 00"	N 00° 00' 00" E	180.00
1+540.00	90° 00' 00"	N 00° 00' 00" E	180.00
1+720.00	90° 00' 00"	N 00° 00' 00" E	180.00
1+900.00	90° 00' 00"	N 00° 00' 00" E	180.00
2+080.00	90° 00' 00"	N 00° 00' 00" E	180.00
2+260.00	90° 00' 00"	N 00° 00' 00" E	180.00
2+440.00	90° 00' 00"	N 00° 00' 00" E	180.00
2+620.00	90° 00' 00"	N 00° 00' 00" E	180.00
2+800.00	90° 00' 00"	N 00° 00' 00" E	180.00
2+980.00	90° 00' 00"	N 00° 00' 00" E	180.00

**LINE TABLE**

LINE NO.	LENGTH	DIRECTION
L1	180.00	S 89° 00' 00" E
L2	180.00	S 89° 00' 00" E
L3	180.00	S 89° 00' 00" E
L4	180.00	S 89° 00' 00" E
L5	180.00	S 89° 00' 00" E
L6	180.00	S 89° 00' 00" E
L7	180.00	S 89° 00' 00" E
L8	180.00	S 89° 00' 00" E
L9	180.00	S 89° 00' 00" E
L10	180.00	S 89° 00' 00" E

**NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

3. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

4. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

5. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

6. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

7. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

8. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

9. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

10. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

**10' WIDE DRAINAGE BASEMENT**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

3. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

4. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

5. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

6. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

7. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

8. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

9. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

10. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

**PRIVATE DRAINAGE (TYP.)**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

3. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

4. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

5. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

6. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

7. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

8. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

9. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

10. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

**SANITARY SEWER EMBANKMENT**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

3. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

4. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

5. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

6. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

7. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

8. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

9. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

10. THE SHOWN DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE.

# **EXHIBIT 7**

Sussex County Zoning Code

## Chapter 115. Zoning

### Article V. MR Medium-Density Residential District

#### § 115-28. Purpose.

The purpose of this district is to provide for medium-density residential development in areas which are or which are expected to become generally urban in character, but where sanitary sewers and public water supplies may or may not be available at the time of construction, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The district is located to protect existing development of this character and contains vacant land considered appropriate for such development in the future.

#### § 115-31. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Beaches, commercial

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Marinas or yacht clubs

Multifamily dwelling structures, subject to the provisions of Articles **IV** through **XX**, § **115-219** and Table 2 (included at the end of this chapter)

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines utilizing multilegged structures, but not telephone central offices

Swimming or tennis clubs, private, nonprofit or commercially operated



ZONING

115 Attachment 2

Sussex County

Table II

Table of Height, Area and Bulk Requirements for Multifamily Structures  
When Permitted in MR, GR, UR, UB, M and C-1 Districts<sup>1</sup>  
[Amended 10-31-1995 by Ord. No. 1062; 8-22-2006 by Ord. No. 1870]

(See Table I for detached  
single-family dwellings.)

Stories	Maximum Height (feet) <sup>2</sup>	Lot Area (square feet per dwelling unit)	2 Side Yards <sup>3,4</sup> (feet) (each)	Depth Front Yard (feet) <sup>5,6</sup>	Depth of Rear Yard (feet) <sup>3,4,5</sup>
--	--	3,630	10	40	10
--	42	3,630	10	40	10

NOTES:

<sup>1</sup> See § 115-156B.

<sup>2</sup> For lots fronting Delaware Bay and the Atlantic Ocean, see § 115-189E.

<sup>3</sup> No rear or side yard shall be required for that rear or side yard of a lot which adjoins a waterway, if approved by the Commission.

<sup>4</sup> See § 115-188 for regulations pertaining to multifamily dwellings.

<sup>5</sup> For buildings located on lots adjacent to waterways, golf courses and similar special situations, the front of such lots may be determined by the Commission. In the event that a Commission ruling makes a rear yard adjacent to the street line, an additional depth of rear yard may be required by the Commission and an additional setback of accessory buildings from the street line may be required.

<sup>6</sup> A lot fronting on a numbered road shown on the General Highway Map for Sussex County, as revised January 1979, shall have a front setback of not less than forty (40) feet, measured from the front property line.

See also Table I.

## Chapter 115. Zoning

### Article XXV. Supplementary Regulations

#### § 115-188. Townhouses and multifamily dwellings.

- A. Each dwelling unit of a multifamily dwelling must comply with the minimum-lot-area-per-dwelling-unit specification in the table of district regulations of Article XX.
- B. The dwelling units of a multifamily dwelling may be held in separate ownership if separate utility systems are provided.
- C. The dwelling units and individual lots of a townhouse may be held in separate ownership if separate utility systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the Subdivision Ordinance.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 99, Subdivision of Land.*

- D. The following regulations shall apply to townhouses:

- (1) The average minimum lot area per dwelling unit shall be 3,630 square feet, and no lot can be created with a lot area of less than 1,600 square feet.  
[Amended 5-10-1988 by Ord. No. 506]
- (2) Lot frontage, measured at the building line, for individual dwelling units of a townhouse may be reduced to not less than 16 feet.
- (3) For the purpose of the side yard regulations, a townhouse building shall be considered as one building on one lot with side yards of 20 feet. Any side yard adjacent to the line of a lot in a single-family residential district shall not be less than 20 feet.
- (4) Depth of front and rear yards of a townhouse must have an aggregate of not less than 40 feet. Distribution of the required aggregate of the front and rear yards total will be subject to site plan review. Any rear yard adjacent to the line of a lot in a single-family residential district shall not be less than 20 feet.
- (5) Detached garages or carports shall not be permitted except as shown on the approved site plan, with approval shown for the same on site plan review.
- (6) Unless otherwise restricted by district regulations, not more than eight dwelling units shall be included in any one townhouse building, and the outside wall dimensions of the townhouse building shall not exceed 170 feet in width measured linearly from the outer edge of the townhouse building end units. In the case of staggered dwellings within a single townhouse building, the measurement shall be of the actual length of the entire townhouse building.  
[Amended 3-20-2018 by Ord. No. 2560]
- (7) Required off-street parking space per family dwelling unit shall be provided on the lot of each dwelling unit or within an on-site parking area within the common area, or a combination of both, with approval subject to site plan review. Required off-street parking space of two spaces per apartment shall be provided on the premises of an apartment building.

[Amended 2-2-1999 by Ord. No. 1286; 5-2-2000 by Ord. No. 1371; 8-15-2006 by Ord. No. 1869]

- (8) A site plan complying with the requirements of Article **XXVIII** shall accompany an application for approval of a townhouse development.
- E. The following regulations shall apply to multifamily dwellings:
- (1) No overall actual outside wall dimension of a building shall exceed 170 feet. The measurement shall be of the actual length of the entire multifamily building. Mixed-use buildings that contain nonresidential uses shall not be subject to the outside wall dimension requirement.  
[Amended 3-20-2018 by Ord. No. 2560]
  - (2) For the purpose of maintaining setback between buildings on the same site, the distance between buildings shall be 40 feet.
  - (3) Accessory structures shall be subject to site plan review.
  - (4) Individual units in a building which comes within the provision of the Unit Property Act<sup>[2]</sup> may be held in separate ownership.  
[2] *Editor's Note: See 25 Del. C. § 2201 et seq.*
  - (5) For boundary line setbacks, refer to charts in Article **XX** of this chapter.



## Chapter 115. Zoning

### Article XXV. Supplementary Regulations

#### § 115-194.3. Coastal Area.

[Added 12-9-2003 by Ord. No. 1645]

A. Delineation of the zoning district.

[Amended 5-21-2019 by Ord. No. 2656]

- (1) The Coastal Area shall include all lands designated as the "Coastal Area" in the adopted Sussex County Comprehensive Plan dated March 19, 2019, or as subsequently amended.
- (2) Where the boundary of the Coastal Area is formed by a roadway, the overlay zone shall be deemed to include the contiguous property on the far side of the roadway, provided that depth of the Coastal Area on contiguous property shall not exceed 600 feet.

B. Application process.

- (1) All rezoning, subdivision, business and industrial site plans and conditional use applications involving one or a combination of the following shall be subject to the process and performance requirements as described hereinafter:
  - (a) Any residential planned community application.
  - (b) Any development containing 50 or more dwelling units.
  - (c) Any development containing 75,000 square feet or more of floor area used for commercial or industrial uses.
  - (d) Any use or activity that requires a permit in the Coastal Zone.
- (2) The applicant shall submit an environmental assessment and public facility evaluation report and sketch plan (report) to the Director of Planning and Zoning, a copy of which will be forwarded to the Office of State Planning Coordination and members of the Technical Advisory Committee for review and comment. The sketch plan shall address the following issues for the property to be developed and, where appropriate to the context, for the contiguous property. Information submitted by the applicant shall at a minimum contain the following:
  - (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.
  - (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.

- (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.
  - (d) Analysis of the increase in traffic and the effect on the surrounding roadway system.
  - (e) The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.
  - (f) The preservation and protection from loss of any tidal or nontidal wetlands on the site.
  - (g) Provisions for open space as defined in § 115-4.  
[Added 12-16-2008 by Ord. No. 2022<sup>[1]</sup>  
[1] *Editor's Note: This ordinance also provided that it shall apply to applications filed after 1-1-2009.*
  - (h) A description of provisions for public and private infrastructure.
  - (i) Economic, recreational or other benefits.
  - (j) The presence of any historic or cultural resources that are listed on the National Register of Historic Places.
  - (k) A description of how the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.  
[Amended 2-2-2021 by Ord. No. 2764]
  - (l) Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection **B(2)(a)** through **(k)** above and the manner by which they are consistent with the Comprehensive Plan.
- (3) The Director of Planning and Zoning shall prepare (with input from the County Administrator) guidelines describing the application process and the form and content of information to be submitted by the applicant and shall review all applications, plans, assessments and other information submitted and prepare a written report summarizing his findings and the comments of state agencies and other County offices. The Planning and Zoning Commission shall make a determination as to whether adequate information has been presented for the project to proceed. A completed report shall be required prior to any preliminary plan approval for a development subject to this section. Approval of the report does not constitute final approval of the commenting agencies.

C. Permitted uses and densities.

- (1) Uses permitted in the Coastal Area will be those uses permitted in the underlying zoning category as established by the Sussex County Zoning Ordinance.  
[Amended 5-21-2019 by Ord. No. 2656]
- (2) Uses prohibited in the underlying zone are also prohibited in the overlay zone.
- (3) The maximum density shall be the allowable density of the underlying zoning district for developments using a central water and wastewater collection and treatment system. "Central sewer system" means centralized treatment and disposal facilities as defined in § 115-194A. Within the Coastal Area, clustering of single-family detached lots to a minimum lot size of 7,500 square feet is permitted in all residential zoning districts using a central water and sewer system. For dwelling units using on-site individual wastewater disposal systems, the allowable density shall be based upon a minimum lot size of 3/4 of an acre. The applicant has the option of clustering the lots to a minimum lot size of 1/2 of an acre where soil conditions are suitable as determined by DNREC, provided, however, that the number of lots or dwelling units permitted shall not exceed the number permitted in the underlying district. For purposes of this subsection, the "allowable density" shall be determined by calculating the lot area and



the area of land set aside for common open space or recreational use but shall exclude any area designated as a tidal tributary stream or tidal wetlands by § 115-193.

[Amended 12-4-2018 by Ord. No. 2618; 2-2-2021 by Ord. No. 2764]

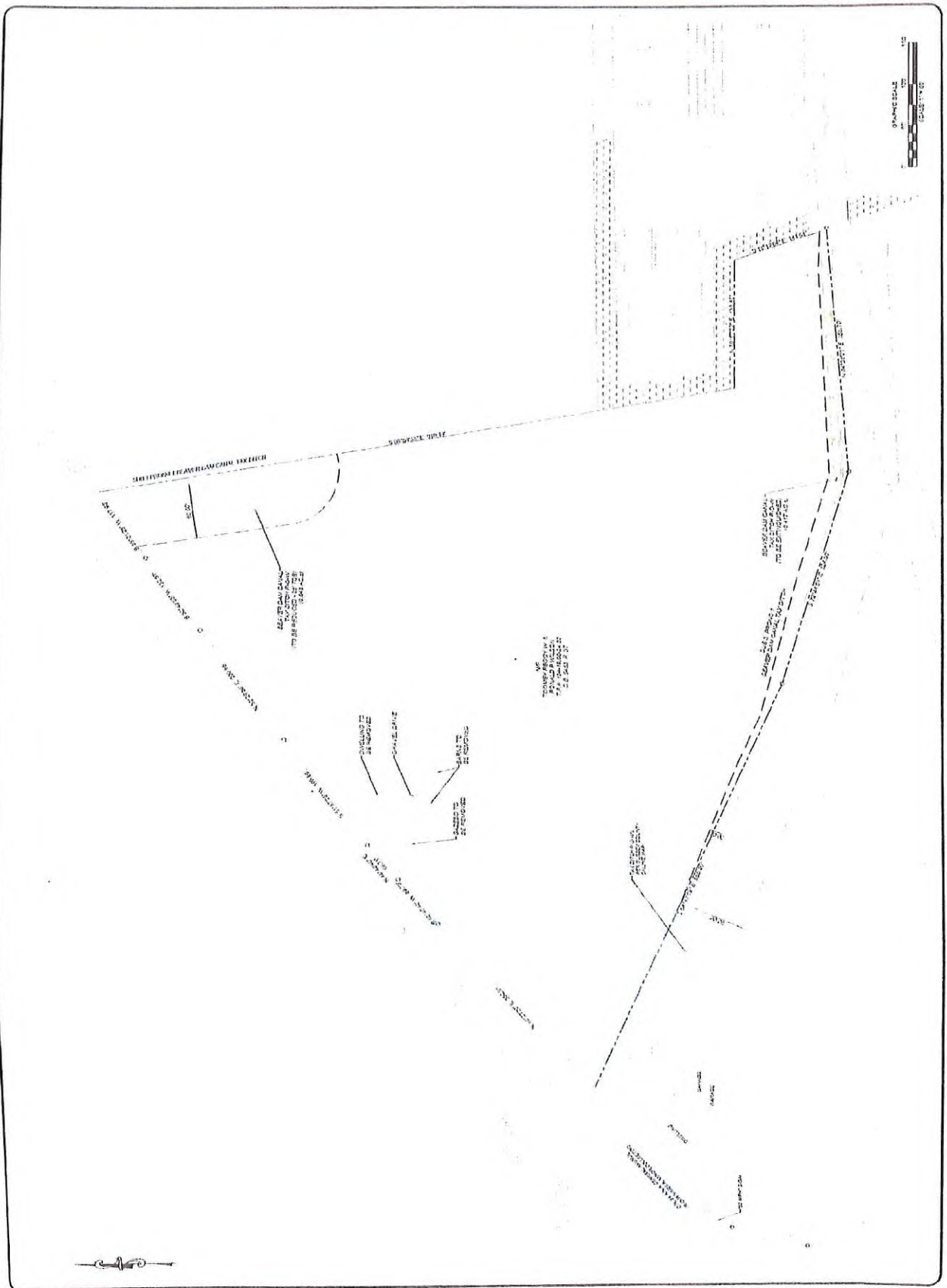
- (4) For areas within the Conservation Zone, as currently defined in the Sussex County Zoning Ordinance, the minimum lot size and dimension requirements in the Conservation Zone shall apply.
  - (5) Residential developments utilizing the cluster option of Subsection C(3) above within the AR-1 and AR-2 Residential Zoning Districts shall comply with the requirements set forth in § 115-25F of the Sussex County Zoning Code.  
[Added 2-2-2021 by Ord. No. 2764]
- D. Exemptions from the Coastal Area. The following are exempted from the requirement of this section:  
[Amended 5-21-2019 by Ord. No. 2656]
- (1) Single-family residential lots of record as of the date of this section.
  - (2) Existing developments and developments which have filed for approval as of the date of this section.
- E. Design consideration should be given by the applicant toward the establishment of a greenways system which utilizes schools, parks, wildlife habitat areas, river and stream corridors, wetlands, floodplains, historic sites, business parks, urban sidewalks, abandoned rail lines, roads, beach areas and vacant land. Greenways should provide benefits like safe pedestrian, bicycling and equestrian routes for recreationists and commuters; and natural wildlife corridors and biological reserves.



# **EXHIBIT 8**

Wilson Property Preliminary Plan

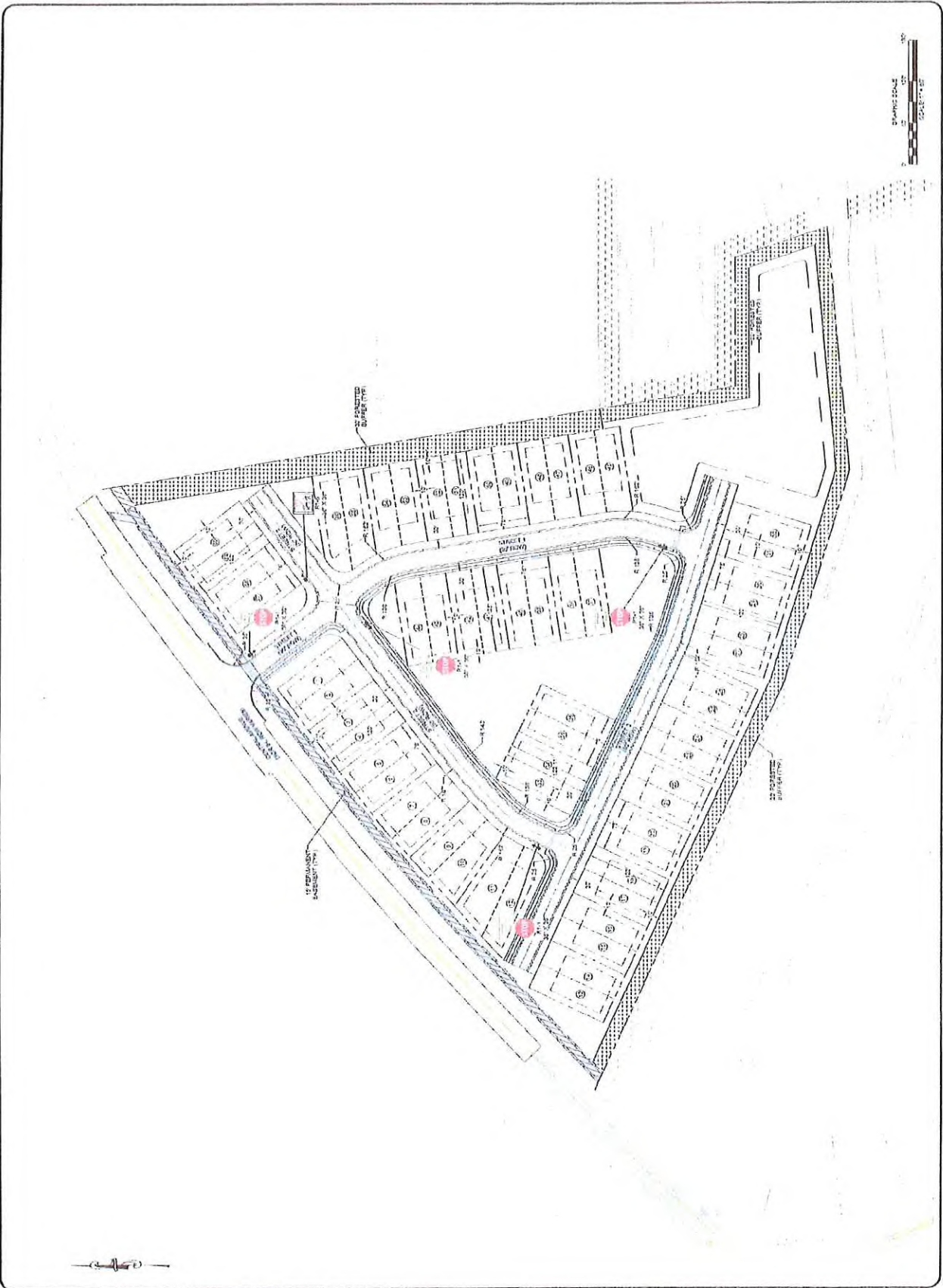




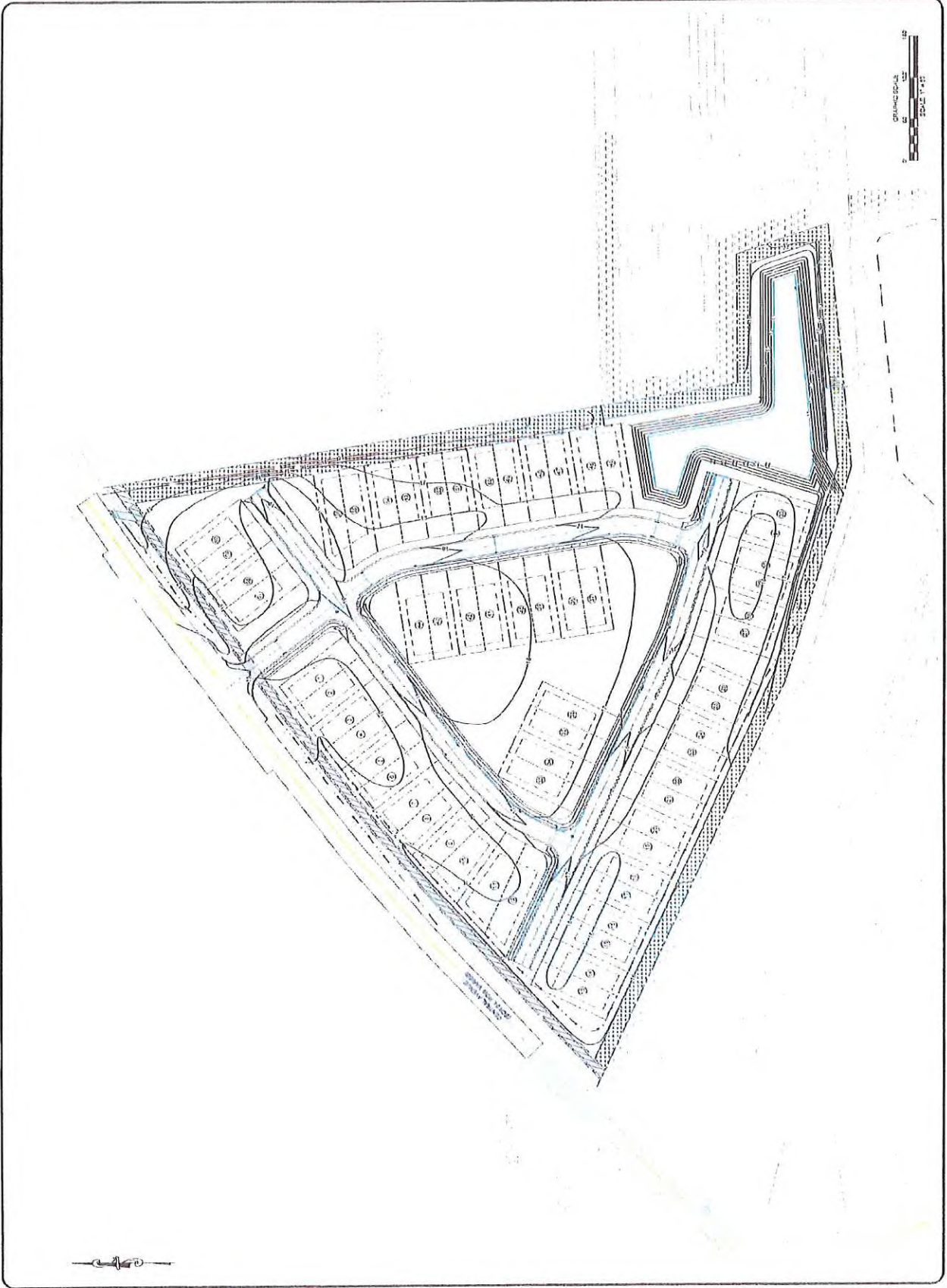
*[Handwritten signature]*



DATE 1-3-22 <i>Blair</i>	REVISIONS	55 N. HARRIS STREET HUNTSVILLE, AL 35893 (256) 893-2613 WWW.CEA-ENGINEERS.COM	<b>CEA</b> <b>CIVIL ENGINEERING</b> ASSOCIATES, LLC ENGINEERS • ARCHITECTS • ENVIRONMENTAL SCIENTISTS	<b>WILSON PROPERTY</b> BALTIMORE HARBOR SUSSEX COUNTY, DELAWARE	DATE REVISIONED: 01/03/22	SHEET NO. <b>C-1</b>
					DESIGNED BY: [ ]	

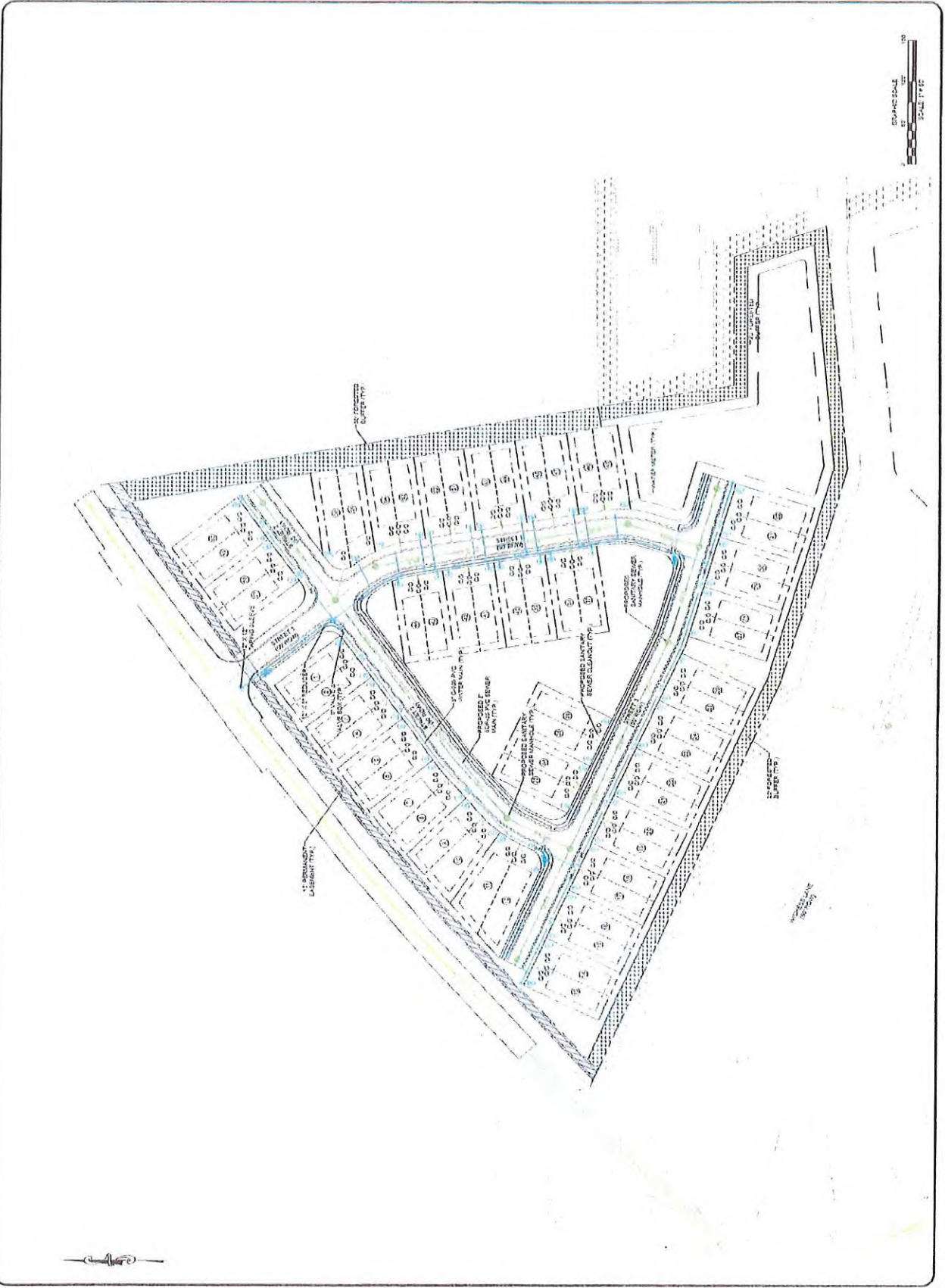


DATE 1-2-22 M.J.S.	REVISIONS	REVISION	DATE	BY
		552 JAY STREET HARRINGTON, DE 19033 WWW.C&AE.COM		
<b>GRADING PLAN</b> FOR <b>WILSON PROPERTY</b> BALTIMORE PARKWAY SUSSEX COUNTY, DELAWARE		SHEET NO. <b>G-1</b> TOTAL GRADING PLANNING 158 158 158 158 158 158		





<b>WILSON PROPERTY</b> BALTIMORE HARBOUR SUSSEX COUNTY, DELAWARE		<b>CF CIVIL ENGINEERING ASSOCIATES, LLC</b> 1500 MARKET STREET WILMINGTON, DE 19801 (302) 478-1100 FAX (302) 478-1101	
<b>UTILITY PLAN</b> FOR		<b>REVISIONS</b> NO. DATE DESCRIPTION	
SHEET NO. <b>U-1</b>	DATE: SEPTEMBER 12, 2011 DRAWN BY: [Signature] CHECKED BY: [Signature]	REVISION NO. 1 DATE: 1/2/12 DESCRIPTION: [Signature]	PROJECT NO. [Blank]



GRAPHIC SCALE  
 1" = 100'  
 SCALE 1" = 50'

[Signature]



**CE ASSOCIATES, LLC**  
 CIVIL ENGINEERING  
 55 W. MAIN STREET  
 HARRINGTON, DE 19033  
 (302) 391-1111  
 WWW.CEASSOCIATES.COM

**DEPARTMENT OF TRANSPORTATION**  
 DIVISION OF HIGHWAYS  
 100 N. MARKET STREET  
 DOVER, DE 19901  
 (302) 739-2000  
 WWW.DOT.DE.GOV

**SECTION 100 - GENERAL NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, 2018 EDITION, AS AMENDED.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

4. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.

6. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.

7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

9. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.

10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.

**SECTION 101 - SIGNAGE**

1. ALL SIGNAGE SHALL BE MANUFACTURED AND INSTALLED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, 2018 EDITION, AS AMENDED.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

4. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.

**SECTION 102 - SIGNAGE DETAILS**

1. ALL SIGNAGE SHALL BE MANUFACTURED AND INSTALLED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, 2018 EDITION, AS AMENDED.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

4. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.

5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.





DATE: SEPTEMBER 03, 2021  
 REVISION: APPROVED BY: R/S  
 YEAR: \_\_\_\_\_  
 TITLE: PRELIMINARY PLANNING  
 SHEET NO.:

**WILSON PROPERTY**  
 BALTIMORE HUNDRED  
 SUSSEX COUNTY, DELAWARE

FOR  
**SITE PLAN**

55 W. MAIN STREET  
 MIDDLETOWN, DE 19709  
 PHONE (302) 376-6833  
 FAX (302) 376-6834  
 WWW.CEA-DE.COM

**CEA CIVIL ENGINEERING**  
**ASSOCIATES, LLC**

ARCHITECTS • ENGINEERS • SURVEYORS • CONSTRUCTION SERVICES

REVISION	DATE	DESCRIPTION

DATE





# **EXHIBIT 9**

Planning & Zoning Department  
Staff Review

**Wilson Property (2021-11-02)**

Sussex County Planning and Zoning Comments

Tax Parcel ID: 134-19.00-24.00

Zoning: AR-1 (Agricultural Residential Zoning District)

Proposed: The application indicates a rezoning from AR-1 (Agricultural Residential Zoning District) to MR (Medium Density Residential Zoning District) for the construction a 60-unit subdivision on a 14.45-acre parcel of land. The property contains the Future Land Use Map designation of "Coastal Area" as referenced per Sussex County's 2019 Comprehensive Plan update.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" within the Comprehensive Plan document indicates that the Medium Density Residential District (MR) is an applicable Zoning District within the Coastal Area. Please note that since the proposal falls within the Coastal Area, a Public Facility Evaluation Report and copies of an Environmental Assessment will be required to be submitted along with the application to the Department of Planning and Zoning (§115-194.3(B)(2)).

The Applicant is required to engage in a Pre-Application Meeting with Department staff prior to the submittal of a formal application to the Planning and Zoning Department.

Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

The Application indicates that this proposal will be a major subdivision. However, the proposed lots appear to be smaller than that of a typical lot and more characteristic of a multifamily proposal.

Please note that if the Applicant's desire is to pursue a multifamily development on this parcel, a Conditional Use Application will be required to be submitted to the Department of Planning and Zoning to travel with the Change of Zone Application through the approval process as part of this proposal (§115-31).

The project density appears to comply with the maximum density requirement of 12 units to the acre as a Conditional Use application within the MR Zoning District at 4.15 dwelling units/acre.

Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).

Staff note that there is only one point of ingress and egress (to and from) the property. The Planning and Zoning Commission often desires more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.

Please note that the property is located within Flood Zone "X, - Areas determined to be outside of the 100-year floodplain."

Staff note that there are two tax ditch prongs present on the property which form the Beaver Dam Canal Tax Ditch. The prong to the southeastern end of the project site contains a ROW that is

measured 80-ft from the top of bank of the tax ditch. The ROW is identical for the prong on the northeastern end of the project site. All proposed structures must be constructed outside of the Tax Ditch ROW unless permission is granted via a letter from the DNREC Tax Ditch Section or the ROW is reduced as part of a court order change (COC).

Please note that the parcels are located within an area of "good" groundwater recharge potential in order to comply with Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7).

Please clarify if any amenities are to be proposed within the subdivision for the use of the property owners within the subdivision.

Please clarify if the planted buffer will also continue around the entire perimeter of the property. If the proposal is for a subdivision, a 20-ft forested/landscape buffer will need to be planted around the entire perimeter of the property (save those areas which are located within DelDOT's established sight triangle departure area.)

Please clarify on the plans whether any additional Open Space is to be provided other than that which has been supplied in the center of the project site.

Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of a formal application.

Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.



**Wilson Property (2021-11-02)**

Sussex County Engineering Comments

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

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

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

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

# **EXHIBIT 10**

PLUS Review



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

December 17, 2021

Scott Roberts  
Civil Engineering Associates, LLC  
55 W. Main Street  
Middletown, DE 19709

RE: PLUS review 2021-11-02; Wilson Property

Dear Mr. Roberts:

Thank you for meeting with State agency planners on November 17, 2021, to discuss the proposed plans for the Wilson Property project. According to the information received you are seeking review of a proposed rezoning of 14.45 acres from AR-1 to MR in anticipation of a 60 unit subdivision along Central Ave. 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. **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 Level 3 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 may have other priorities for the near future.

For the areas of this site where there are environmental concerns or other constraints to development, the state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features which will help create a more sustainable development.



**Code Requirements/Agency Permitting Requirements**

**Office of State Planning Coordination – Contact: Dorothy Morris 739-3090**

Regarding the rezoning of this property, this property is within the Coastal Area according to the Sussex County comprehensive plan. MR is an allowable zoning with the coastal area so no comprehensive plan amendment is required for this project to move forward.

**Delaware Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on Central Avenue (Sussex Road 84) must be designed in accordance with DeIDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017). The meeting held on the afternoon of November 17 was sufficient for this purpose.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DeIDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the 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. From the PLUS application, the total daily trips from the proposed development are estimated at 325 vehicle trip ends per day. As detailed in the table below, DeIDOT finds this number to be correct for mid-rise dwellings (3 to 10 floors) but low for low-rise dwellings (1 to 2 floors). Regardless, the plan does not meet the warrants for a TIS.

	Low-Rise	Mid-Rise
ITE Land Use Code	220	221
Average Weekday Daily Traffic	413	325
AM Peak Hour of Adjacent Street	28	21
PM Peak Hour of Adjacent Street	37	27

The purpose of a TIS, per DeIDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DeIDOT anticipates requiring the developer to improve Central Avenue, within the limits of their frontage, to meet DeIDOT’s standards associated with its Functional Classification. Central Avenue is a Collector Road, for which the standard includes 12-foot lanes and 8-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of

roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at [Richard.McCabe@delaware.gov](mailto:Richard.McCabe@delaware.gov) or (302) 760-2276.

- 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 Central Avenue. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of the road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. 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."**
- 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 450 feet of the proposed entrance on Central Avenue.
  - Notes identifying the type of 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. DelDOT anticipates recommending that the County require a stub street for a future interconnection to Tax Parcel No. 134-19.00-25.00 by extending Street 2 to the property line.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an existing path with which to connect. DelDOT anticipates requiring the developer to



provide a Shared Use Path along their frontage and connecting with the path serving Seaway at Sycamore Chase.

- Section 3.5.4.4 of the Manual addresses accessways, paved pathways connecting a sidewalk or path along a road frontage to an internal sidewalk or path. DelDOT anticipates requiring an accessway for Street 3 to the SUP on Central Avenue.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Central Avenue.
- Sections 5.1.5.1 and 5.1.5.2 of the Manual address requirements for the design of State-maintained subdivision streets that are, respectively, permanent and temporary dead-end streets. On the basis of those standards, DelDOT recommends that cul-de-sac bulbs or other turnarounds be provided at the end of Street 2 and the west end of Street 3. Regardless of the end treatment, DelDOT anticipates requiring bollards at the west end of Street 3 to prevent residents and visitors from driving onto the SUP.
- 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 Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Wetlands**

Maps from the Statewide Wetlands Mapping Project indicate the presence of non-tidal wetlands on the site, including on areas proposed for development. The application indicates that wetlands have not been delineated. The application does not propose direct impacts to the wetlands.

- If dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements apply as described below.



- A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:  
<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>
- Federal permits from the U.S. Army Corps of Engineers may be necessary if dredge or fill is proposed in non-tidal wetlands or streams. A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. In certain cases, permits from the US Army Corps of Engineers may trigger additional certifications from DNREC (Coastal Zone Federal Consistency Certification and 401 Water Quality Certification). Work with the U.S. Army Corps of Engineers to determine the appropriate permitting requirements if federal permits are required.

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

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.  
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

### **Vegetated Buffer Zones**

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction

**Activity.** This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

Hydrologic Soil Group A/D (very poorly drained) soils have been identified over a majority of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

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

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Tax Ditches**

Sub 1 Prong 1 and Sub 3 Prong 1 of the Beaver Dam Canal Tax Ditch lie on the northeastern and southern borders of the site respectively. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax Ditch ROWs vary by channel size and location. Sub 1 Prong 1 of the Beaver Dam Canal Tax Ditch has an 80-foot to Top of Bank (TOB) ROW extending into the project boundary.

- If the site and/or stormwater management features are designed to discharge into Sub 1 Prong 1 of the Beaver Dam Canal Tax Ditch, design must consider existing conditions versus design specifications. Please consult with the DNREC Drainage Program for As-Built design information if necessary.



- The proposed landscape buffer lies within the existing Tax Ditch ROW. To reduce or change existing Tax Ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form, aerial drainage map, and land development guidelines are attached.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch Rights-of-Way prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch Rights-of-Way.
- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: [de.gov/taxditchmap](https://de.gov/taxditchmap)

#### **Wastewater permits – Large Systems**

Sussex County hold existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.

- If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

#### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There is low potential for prehistoric archaeological resources to be impacted by the proposed rezoning in anticipation of development. There are no known archaeological sites on or within a half-mile radius of the parcel. The parcel is not within favorable distance of a fresh water source, and therefore is not likely to contain prehistoric archaeological resources.



- Historic archaeological potential is high along Central Avenue where the T.C. West House (S02343) was located. The 1868 Beers Atlas shows a house on the property owned by T.C. West. Historic aerial and topographic maps show a farmhouse with changing outbuildings. This office recommends survey prior to any ground disturbance of the parcel due to the extant historic structure. Agricultural field scatter is possible. As historic farms can contain family cemeteries in Delaware, the Delaware SHPO would remind the developer of the newly amended Unmarked Human Burials and Human Skeletal Remains Act (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](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

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:**

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on centers are required. (One & Two- Family Dwelling)
- One- and Two-Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefore infrastructure should accommodate water needs.
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

**Fire Protection Features:**

- For duplexes buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

**Accessibility**

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Central Avenue 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. Streets designed without parking need to

develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.

- 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 use of open bridge or covered bridge shall be designed to DEDOT standards and accessible by all fire department apparatus.
- 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
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Duplex 2-hr separation wall details shall be shown on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide 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.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access



to Central Avenue.

- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2021. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Wetlands**

- Do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.

Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

**Vegetated Buffer Zones**

- Incorporate a 100-foot vegetated buffer zone from the edge of wetlands to protect water quality and to provide an additional margin of safety for flooding.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space and not contained within any lot lines. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.



- Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov).

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Drainage**

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Tax Ditches**

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>  
Tax Ditch Mapper: [de.gov/taxditchmap](https://de.gov/taxditchmap)

### **Water Quality (Pollution Control Strategies)**

- This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

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

### **Additional Sustainable Practices**

- Build garages and parking spaces to be "EV-ready." Many manufacturers have pledged to sell only electric vehicles in the next 10-15 years. Installing a 240-volt outlet in one or two locations in a garage will enable a resident to easily (and cheaply) install a level 2 electric vehicle charger. This will increasingly be a selling point for homes.
- Offer the option to install solar or geothermal systems for each home. This allows a purchaser to incorporate the cost into their mortgage, making it more affordable. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.



- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

**Delaware State Fire Marshall's Office – Contact John Rudd 323-5365**

- 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](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**State Housing Authority – Contact: Karen Horton 739-4263**

- DSHA strongly supports the proposal to rezone 14.5 acres along Central Avenue, south of the intersection with Lizzard Hill Road from AR-1 (Agriculture-Residential) to MR (Medium Density Residential) in anticipation of a 60-unit duplex community in Sussex County. This is an excellent opportunity for the creation of a *more* affordable housing product in the Coastal Resort Area. The need for housing affordable to the many county residents who work in the resort economy 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. Unfortunately, these same areas contain little affordable housing. Approving the rezoning will permit residents to live close to their jobs and gain access to the resources and benefits this area provides.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- This location is not within a 100-year flood plain nor along any coastal inundation zone. In the development of homes and other amenities, DEMA encourages energy efficient development, incorporating modern technologies and nature-based solutions. These include energy efficient appliances and utilities with renewable energies, adding the potential for electric vehicle charging stations, using green-roofs.

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



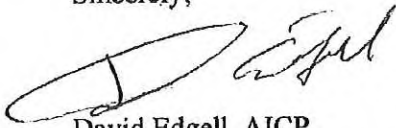
PLUS review 2021-11-02

Page 14 of 14

**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 PLUS 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,

A handwritten signature in black ink, appearing to read "D. Edgell", written over a horizontal line.

David Edgell, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

BRANDY BENNETT NAUMAN  
DIRECTOR OF COMMUNITY  
DEVELOPMENT & HOUSING

(302) 855-7777 T  
(302) 854-5397 F

bnauman@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

November 16, 2021

Mr. Scott Roberts  
Civil Engineering Associates  
55 W. Main Street  
Middletown, DE 19709

RE: PLUS Review (PLUS 2021-11-02) – Wilson Property

Dear Mr. Roberts,

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](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.

On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Thank you,

Brandy B. Nauman  
Director







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

## DNREC Drainage Program's Tax Ditch Guidelines for Land Development Plans

These guidelines are intended to serve as a starting point for any land development plan that is proposed on a parcel or parcels that have tax ditch (TD), tax ditch right-of-way (ROW), and/or tax ditch watershed boundary on or near them. Use of these guidelines can reduce the review time and number of comments from the Delaware Department of Natural Resources and Environmental Control (DNREC) Drainage Program review for tax ditch impacts. These guidelines are not intended to be a comprehensive list of all potential issues.

Please keep in mind that tax ditches and their rights-of-way are legally created entities and can only be changed through legal channels. The following items will necessitate a Court Order Change (COC).

- Relocating, piping, or eliminating a tax ditch section.
- Any changes to the right-of-way.
- Any changes to the drainage boundaries of the tax ditches.

In order to complete a COC, all landowners (including anyone in the upstream drainage area) who will be affected by this change will need to sign the COC. If the parcel is subdivided, prior to the completion of the COC more parcels would then become signers. It will be the requesting party/project owner's responsibility to obtain signatures of all required landowners on the COCs. Our office will assist by drafting the COC documents once we have received the final Sediment and Stormwater Plans for your project. For Sussex County they should be sent to the DNREC Drainage Program from the Sussex Conservation District (SCD). Please be aware the Letter of No Objection will not be issued until the COC documents are signed by all parties. This process takes time.

### General Plan Requirements

- a. Please clearly delineate and label tax ditches, including their section (i.e. Main, Prong 1, etc.) and provide dimensions for associated right-of-way (ROW) on all sheets where it appears, including on adjacent properties that appear on the sheet. Please note that the rights-of-way (ROW) should not be labeled as buffers or easements. Also label if the ROW is centerline (CL) or top of bank (TOB). This information is available on the [Delaware Tax Ditch Map](#) and shapefiles can be obtained from [FirstMap](#).
- b. Permanent obstructions, including but not limited to; stormwater management facilities, buildings, sheds, streets, fences, landscaping, wells, and septic systems are not allowed within the tax ditch ROW. Stormwater facility outfalls may cross the ROW. See Maintenance Structure Responsibilities section.





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

- c. The integrity of the tax ditch channel, bank, and right-of-way (ROW) access cannot be compromised by any proposed activities, and the right-of-way must remain traversable for mowing, large maintenance equipment and/or disposal of soil. This includes stockpiles, silt fence and dewatering bags. Tax ditch ROW are utilized for access as well as sediment and debris disposal during tax ditch maintenance activities.

#### Utilities

- a. Utilities must be installed with a minimum of 3 ft. of cover beneath the tax ditch as-built elevation/grade or existing ditch bottom, whichever is deeper.
- b. Utility crossing at a proposed or existing culvert is preferred.
- c. If utility cannot be installed a minimum of 3' beneath tax ditch design grade, it must have concrete encasement.
- d. All gas lines **must** have concrete encasement.
- e. Utilities of any kind crossing the tax ditch and/or right-of-way must submit associated profiles.
- f. Utility poles or boxes must be installed a minimum of 25' from top of ditch bank (TOB). A minimum clearance of 25' must remain for any access points to the tax ditch right of way (ROW). If guy wires are required, the guy wires must not encroach into the 25' wide clearance needed between the pole and tax ditch bank or tax ditch ROW access point(s).

#### Maintenance/Structure Responsibilities:

*Stormwater Management Facilities and associated infrastructure are the responsibility of the private landowner even if located within the tax ditch channel.*

- a. Any **riprap** installed in the channel should be installed so that the top of the riprap is at or below existing grade as to not create a hydraulic obstruction.
- b. Any **stormwater outfall** open channel located in the ROW must be traversable or a special access right-of-way (SAR) may be required all the way around the facility. "Traversable", for the purpose of mowing equipment, shall mean at least 10:1 slopes or flatter and TRM instead of riprap.



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

- c. Maintenance of any **private crossings** (crossings for which the benefit of the landowner) located within the tax ditch channel and/or rights-of-way are the responsibility of the landowner, not the tax ditch organization.
- d. Maintenance of the **stormwater management facilities** and associated features located within or along the tax ditch channel including the rock outlet protection are the responsibility of the landowner, not the tax ditch organization.
- e. Maintenance and repair of any damage that may occur to roadways, riprap, and any other features within the tax ditch rights-of-way, during tax ditch maintenance, is the responsibility of the landowner, not the tax ditch organization.

#### **Tax Ditch Recommendations**

- a. Existing tax ditches on the property should be surveyed and compared to tax ditch design specifications for effective function. The channels should be cleared or excavated prior to the construction of the project if needed. Contact the DNREC Drainage Program for tax ditch design specifications.
- b. Environmental permit coverage or exemptions may be necessary from the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), U.S. Army Corp of Engineers (USACE), and/or DNREC Wetlands and Subaqueous Lands Section (WLS) prior to clearing and/or excavating tax ditch channels.
- c. All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- d. When scheduling the pre-construction meeting for this project, please contact the DNREC Drainage Program.

**Contact the DNREC Drainage Program at (302) 855-1930, [DNREC Drainage@delaware.gov](mailto:DNREC_Drainage@delaware.gov) or [de.gov/taxditch](http://de.gov/taxditch) for questions or to discuss the on-site tax ditch impacts. Please use this form to request our office to review your project.**





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

# Tax Ditch Land Development Project Review Request Form

---

Project Name: \_\_\_\_\_

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

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

**Project Representative/Consultant Information:**

Name(s): \_\_\_\_\_  
Company: \_\_\_\_\_  
Title(s): \_\_\_\_\_  
Phone Number(s): \_\_\_\_\_  
Email(s): \_\_\_\_\_

**Owner(s) Contact Information:**

Name: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_

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

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Email: \_\_\_\_\_

**For Internal Use Only**

Date Received: \_\_\_\_\_  
Tracking #: \_\_\_\_\_





# **EXHIBIT 11**

**Coastal Area Environmental Assessment  
and Public Facility Evaluation Report**

**ENVIRONMENTAL ASSESSMENT  
&  
PUBLIC FACILITY EVALUATION  
REPORT**

FOR

**WILSON PROPERTY**

**BALTIMORE HUNDRED  
SUSSEX COUNTY  
DELAWARE**

PREPARED BY:



**CIVIL ENGINEERING ASSOCIATES, LLC**

55 West Main Street  
Middletown, DE 19709  
(302) 376-8833

DATE:  
August 2022

\_\_\_\_\_  
Seal



## TABLE OF CONTENTS

### A. EXECUTIVE SUMMARY

- Introduction..... 1
- Scope of Project..... 1

### B. ENGINEER'S REPORT

- General Overview..... 2
- Drainage and Stormwater Runoff..... 2
- Potable Water..... 2
- Wastewater Treatment and Disposal..... 2
- Impacts to Surrounding Roadways..... 2
- Endangered or Threatened Species..... 2
- Preservation and Protection of Tidal and Non-Tidal Wetlands..... 3
- Open Space and Buffers..... 3
- Proposed Public and Private Infrastructure..... 3
- Economic & Recreational Benefits..... 3
- Historic or Cultural Resources..... 3
- Affirmation of Conformance with Sussex County Comprehensive Plan..... 3
- Actions Taken to Mitigate Proposed Impacts of the Development..... 3

## **A. EXECUTIVE SUMMARY**

---

### **Introduction**

This Report has been prepared in accordance with Chapter 115 – Zoning: Article XXV Supplementary Regulations, 194.3 Coastal Area of the Sussex County Code. This Report provides a summary of site-specific information and accompanies the Preliminary Plans submittal, dated September 3, 2021.

### **Scope of Project:**

The proposed project will include sixty (60) multi-family/duplexes on the property known as the Wilson Property located on Central Avenue in Frankford, Delaware. The existing zoning is currently AR-1. A change of zoning has been requested to an MR designation.

The project will involve typical construction activities associated with new roads, stormwater management facilities, home construction, and utility installation. The utilities for the site will consist of electric, telecommunications, sewer, and water services to each home. Stormwater management for the site will be provided by one (1) stormwater management area (wet detention pond).

## **B. ENGINEER'S REPORT**

---

### **Drainage and Stormwater Runoff**

Stormwater quality will be met by managing the Resource Protection Event (RPv) and quantity management will be met by managing the Conveyance Event and the Flooding Event (Cv and Fv) this will be achieved through the proposed stormwater management area and will be denoted on the plans as Stormwater Management Area. The proposed Stormwater Management Area will be a wet detention pond that will collect runoff from the site. It will discharge into an existing ditch that is in good working condition.

The runoff from the areas that are being developed will be collected by several methods. Road runoff will be collected by the proposed storm drain system which outlets into the proposed stormwater management area. The runoff from the proposed lots will also be collected and directed to the proposed stormwater management areas by downspouts or by grass lined swales.

### **Potable Water**

A connection to the adjacent subdivision's (Seaway at Sycamore Chase) Artesian Water Company (AWC) facilities is expected. During the Sussex County approval process Water Plans will be submitted to AWC for approval as well. Once AWC approves the connection, both domestic and fire flows will be provided.

Since 60 duplex lots along with an amenity area (4 EDUs) are being proposed, an estimated consumption of 16,000 GPD is anticipated.

$$(64 \text{ EDUs} * 250 \text{ GPD}) = 16,000 \text{ GPD}$$

As it is expected to be served by the extension of the existing AWC facilities, no private wells are expected to be impacted.

### **Wastewater Treatment and Disposal**

The proposed site currently resides outside of the Miller Creek Sanitary Sewer District. A formal request for annexation has it is anticipated to connect and be served by an existing gravity sewer line situated at the adjacent subdivision (Seaway at Sycamore Chase). Ordinance No. 38 Plans will be submitted to the County for approval.

As it is anticipated to be served by the extension of the existing gravity sewer line situated at the adjacent subdivision, no impacts to the surrounding surface or ground waters are expected.

### **Impacts to Surrounding Roadways**

The Wilson Property development is proposed to contain 60 multi-family homes. Based upon the latest Institute of Transportation Engineers Traffic Generation Manual, a multi-family home is anticipated to generate approximately 7.32 vehicle trips per day (1/2 entering the site, 1/2 leaving the site), and the site is anticipated to generate approximately 413 vehicle trips per day (207 entering, 206 leaving).

---

Based upon the 2021 DelDOT Traffic Counts, Central Avenue currently carries 2,900 average



annual daily vehicles. Therefore, it is anticipated that the Wilson Property development will not cause any adverse impacts to the surrounding road network.

### **Endangered or Threatened Species**

Based upon a review of the site, existence of any endangered or threatened species is not expected.

### **Preservation and Protection of Tidal and Non-Tidal Wetlands**

A wetland delineation was performed by Watershed Eco, LLC in August 2021. Based on the delineation it was determined that 0.08 acres of 404 wetlands exists on the site. There will be no proposed disturbance of wetlands.

### **Open Space and Buffers**

Under the designed layout of the proposed Wilson Property development, approximately 5.25 acres are provided as open space. The total area of the site is 14.45 acres, which produces 36.3% of provided open space. This fulfills the required minimum open space of 10%.

In addition, forested buffer strips are being proposed along the southern and eastern border of the project site. These forested buffers strips will be composed of a mix of 70% deciduous shade trees and 30% evergreen trees. They will also follow the Sussex County code requirement of having a minimum total of 15 trees for every one-hundred-foot length of buffer.

### **Proposed Public and Private Infrastructure**

The proposed development will extend public water facilities to the site. Similarly, sewer facilities will also be extended to the site.

### **Economic & Recreational Benefits**

The proposed development is anticipated to provide several economic benefits including:

- By extending the public water and sewer to the site will result in a possible expansion into adjacent properties and therefore possibly more developments.
- The proposed development is also anticipated to increase the tax base of Sussex County.

The proposed development is anticipated to provide several recreational benefits including:

- Large areas for recreational uses.
- An amenity area.
- An aesthetic wet pond with vast area around to sit.

### **Historic and Cultural Resources**

There is no presence of any historic or cultural resources listed on the National register of Historic Places at the site.

**Affirmation of Conformance with Sussex County Comprehensive Plan**

The proposed development has been designed in accordance to the current Sussex County Comprehensive Plan.

**Actions Taken to Mitigate Proposed Impacts of the Development**

No negative impact to the environment and its surrounding community is projected to originate from the proposed development.

















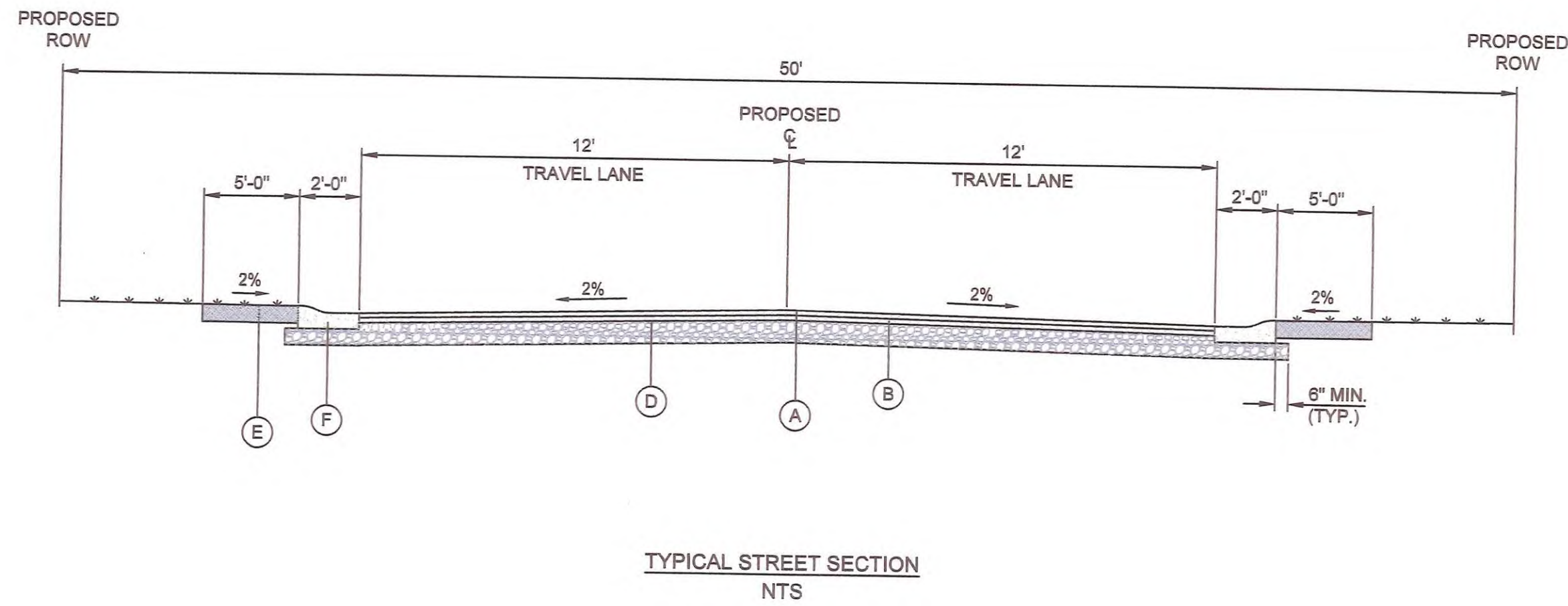










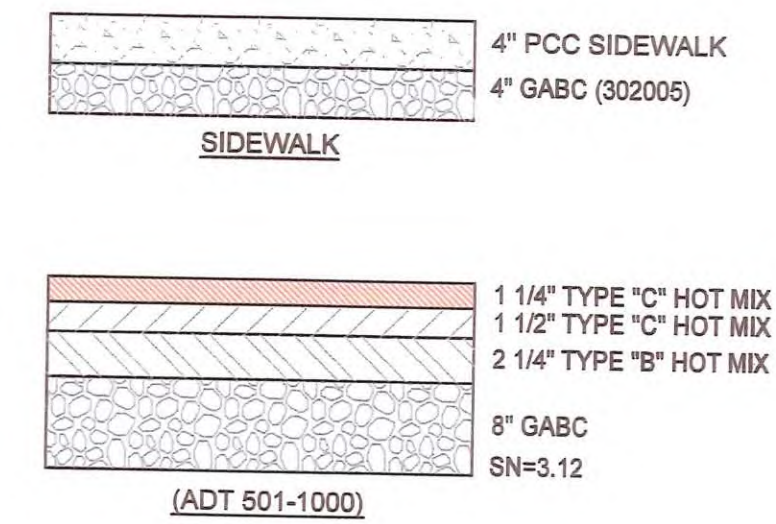


**LEGEND:**

(A)	ITEM 401651 - SUPERPAVE TYPE C, 160 GYRATION, PG 70-22
(B)	ITEM 401654 - SUPERPAVE TYPE B, 160 GYRATION, PG 70-22
(D)	ITEM 302007 - GRADED AGGREGATE BASE COURSE, TYPE B
(E)	GRASS STRIP (WIDTH AS NOTED) ITEM 733002 - TOPSOILING, 6" DEPTH ITEM 734013 - PERMANENT GRASS SEEDING, DRY GROUND ITEM - 735006 - MULCHING, STRAW
(F)	ITEM 701011 - INTEGRAL P.C.C. CURB AND GUTTER, TYPE 2
(G)	ITEM 701011 - INTEGRAL P.C.C. CURB AND GUTTER, TYPE 2 (MODIFIED) (GUTTER PAN TO SLOPE TOWARDS ROAD)

**NOTES:**

- THE DEVELOPER IS RESPONSIBLE FOR CORRECTIVE MEASURES ASSOCIATED WITH SLOPES LESS THAN 0.5%.
- ALL FILL MATERIAL WITHIN THE PROPOSED RIGHT OF WAY SHALL MEET TYPE F MATERIAL SPECIFICATIONS AS REQUIRED BY DELDOT. MATERIAL SHALL BE PLACED IN SUCCESSIVE LAYERS, AND EACH LAYER SHALL BE PLACED IN A LEVEL, UNIFORM CROSS-SECTION, NOT TO EXCEED 8" IN DEPTH, LOOSE MEASUREMENT, UNLESS OTHERWISE APPROVED BY THE ENGINEER. EACH LAYER SHALL BE PROPERLY COMPACTED, AS HEREINAFTER SPECIFIED, BEFORE STARTING THE NEXT LAYER.
- COMPACTION SHALL CONTINUE UNTIL EACH LAYER IS THOROUGHLY AND UNIFORMLY COMPACTED TO THE FULL WIDTH OF THE EMBANKMENT AND TO 95% OR MORE OF THE MAXIMUM DENSITY OF THE SAME SOILS AS DETERMINED BY AASHTO T99 METHOD C, MODIFIED. THE DETERMINATION OF COMPLIANCE WITH FIELD COMPACTION REQUIREMENTS, AS SPECIFIED HEREIN, SHALL BE IN ACCORDANCE WITH THE FOLLOWING AASHTO TEST METHODS:
  - AASHTO T191, T238 AND T239, MODIFIED. FIELD DENSITY TESTS SHALL BE EXPRESSED AS A PERCENTAGE OF THE MAXIMUM DENSITY MADE ON THE SAME SOILS.
  - AASHTO T99 METHOD C, MODIFIED, DETERMINATION OF MAXIMUM DENSITY AND OPTIMUM MOISTURE CONTENT.
  - AASHTO T224, MODIFIED, BY COARSE PARTICLE CORRECTION METHOD.
- COMPACTION TESTING SHALL BE PERFORMED BY A QUALIFIED GEOTECHNICAL TESTING FIRM. ALL TESTING SHALL BE COMPLIANCE WITH CURRENT DELDOT REGULATIONS.



DATE  
1-3-22

REVISION	DATE	DESCRIPTION

**CEA CIVIL ENGINEERING ASSOCIATES, LLC**  
CONSTRUCTION SERVICES

55 W. MAIN STREET  
MIDDLETOWN, DE 19709  
PHONE (302) 376-8833  
FAX (302) 376-8834  
WWW.CEA-DE.COM

**DETAILS (SHEET 2 OF 2)**  
FOR  
**WILSON PROPERTY**  
BALTIMORE HUNDRED  
SUSSEX COUNTY, DELAWARE

DATE: SEPTEMBER 03, 2021  
DESIGNED BY: YMR APPROVED BY: RHS  
FILE: P21045-DETAILS.dwg  
SHEET NO.: **D-2**



Mr. Jamie Whitehouse, Director  
Sussex County Planning and Zoning Commission  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

RECEIVED

SEP 06 2022

SUSSEX COUNTY  
PLANNING & ZONING

Re: C/Z 1969 - Ron Sutton  
Tax Parcel 134-19.00-24.00

Date: 9/6/2022

Dear Mr. Whitehouse,

Our family owns several parcels of property in the immediate area, one of which is directly adjacent to the above referenced parcel (134-19.00-25.00). Different generations of our family have lived in this area since the 1800s, and over the past two decades in particular, the area has gone from primarily an agricultural area to a mostly residential area, as supported by the County's Comprehensive plan. Outside of several farms we own in the immediate area, essentially every parcel of open farmland has either been developed residentially or is in the process of being developed. Due to the overall residential growth and similar developments recently built in the immediate area, we feel the proposed change of zone made by Gulfstream Development for a change of zone from AR-1 to MR for parcel 134-19.00-24.00 is appropriate and support the application.

Thank you for taking these comments into consideration.

Sincerely,

Russell and Dianne Archut

36219 Old Church Cemetery Rd  
Frankford DE, 19945

Brenton Archut

38482 Hemlock Dr  
Frankford, DE 19945

9-20-22

Public hearing Notice For Planning & Zoning Commission

JoAnne Heddingen  
34730 Central Ave.  
Frankford De. 19945

CU 1969 Ron Sutton  
CU 2339 Ron Sutton

Dawn Miller  
same address

RECEIVED

SEP 23 2022

SUSSEX COUNTY  
PLANNING & ZONING

To Whom it may concern:

I'm against this we have enough developments. It's taking away all farm land running out all animals. Central Ave is over loaded with traffic, with lots of dump trucks and equipment. I moved here 21 yrs. ago for peace full living. There's lots of loud cars and trucks. I have had back surgery and walk with a walker it's hard for me to attend the meeting around all communities near me we have 12 developments and more coming, when will it stop. We can't even walk up the road. The county council must be getting something out of this? I can't afford to pay sewage and town water bills. I'm retired and on a limited income. Please have mercy and stop these developments from continuing. PS, maybe we need new council members who will listen to us.

Sincerely  
JoAnne Heddingen  
Dawn Elizabeth Miller