

## COUNTY COUNCIL

DOUGLAS B. HUDSON, PRESIDENT  
JOHN L. RIELEY, VICE PRESIDENT  
JANE GRUENEBAUM  
MATT LLOYD  
STEVE C. McCARRON



# Sussex County

DELAWARE  
sussexcountye.gov  
(302) 855-7743

## SUSSEX COUNTY COUNCIL

### A G E N D A

April 29, 2025

10:00 AM

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes - April 8, 2025

[Draft Minutes 040825](#)

#### Reading of Correspondence

#### Public Comments

#### Consent Agenda

1. Use of Existing Wastewater Infrastructure Agreement – IUA 901  
Forest Landing, Ellendale Area  
[Forest Landing](#)
2. Use of Existing Wastewater Infrastructure Agreement – IUA 641-1  
Mayapple Farm, Bay View Estates Area  
[Mayapple Farm](#)
3. Use of Existing Wastewater Infrastructure Agreement – IUA 1250  
Vines Creek Crossing, Dagsboro/Frankford Area  
[Vines Creek Crossing](#)



**Presentation – Patti Grimes, Executive Director, Joshua M. Freeman Foundation**

**Todd Lawson, County Administrator**

1. **Library Advisory Board Appointment**
2. **Administrator's Report**

**Mike Harmer, County Engineer**

1. **Countryside Hamlet, Project S23-01**
  - A. Recommendation to Award**
  - B. Davis, Bowen & Friedel – Amendment 3 : Construction Phase Services**  
[DBF Amd 3 Award CP](#)
2. **Flow Metering & Rain Gauge Monitoring, RFP 25-38**
  - A. Recommendation to Award**  
[Flow Metering Award CM](#)

**Mark Parker, Assistant County Engineer**

1. **Stormwater BMP Operations & Maintenance Services, Project G25-25**
  - A. Recommendation to Award**  
[SWM On-call maintenance contract\\_Award Recommendation](#)

**Hans Medlarz, Project Manager**

1. **Kings Highway from SR-1 to Freeman Highway Advanced Utility Relocation**
  - A. Christiana Excavating Co. - Phase I Construction Award**  
[Kings Hwy Relocate CP](#)
2. **Wolfe Neck Regional Wastewater Facility**
  - A. Standalone Award for Staging Area Pad Site**
  - B. Denali Sludge Removal Agreement - Change Order 1**  
[Sludge Removal Change Order 1 CP](#)



## Old Business

1. [Change of Zone No. 2025 filed on behalf of Northstar Property, LLC](#)

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9] and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o])**

**To announce the closure of the record**

[CZ 2025 filed on behalf of Northstar Property, LLC](#)

2. [Change of Zone No. 2026 filed on behalf of Northstar Property, LLC](#)

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9], and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o])**

**To announce the closure of the record**

[CZ 2026 filed on behalf of Northstar Property, LLC](#)

3. [Conditional Use No. 2499 filed on behalf of Northstar Property, LLC](#)

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (property lying on the southeast side of Lewes-Georgetown Highway [Rt. 9] and the northwest and southeast sides of Beaver Dam Road [S.C.R. 285/Rt. 23] approximately 2.4 miles southwest of Coastal Highway [Rt. 1]) (911 Address: N/A) (Tax Map Parcel: 334-5.00-175.00 [p/o])**

**To announce the closure of the record**

[CU 2499 filed on behalf of Northstar Property, LLC](#)

## **Grant Requests**

1. **Cape Henlopen Senior Center for a new senior center**  
[Cape Henlopen Senior Center](#)
2. **Bethany Beach-Fenwick Island Chamber of Commerce for their 2025 Bay to Beach Bike Tour**  
[Bethany Beach - Fenwick Island Chamber of Commerce](#)
3. **Nanticoke Indian Association, Inc. for their 47th annual Powwow**  
[Nanticoke Indian Association Inc.](#)
4. **Delaware Community Foundation for the Georgetown/Millsboro Rotary Club's Flags for Heroes**  
[Delaware Community Foundation](#)
5. **Mariners Bethel Global Methodist Church for their ABC Bike Ministry program**  
[Mariners Bethel Global Methodist Church](#)

## **Introduction of Proposed Zoning Ordinances**

[Ord Intros CU2571 CU2581 CU2541 CU2395 CZ2029 CZ2036](#)

## **Council Members' Comments**

### **Executive Session - Land Acquisition and Pending & Potential Litigation pursuant to 29 Del.C. §10004(b)**

## **Possible action on Executive Session Items**

### **1:30 p.m. Public Hearing**

1. [Change of Zone No. 2019 filed on behalf of Citation Rentals, LLC](#)

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99 ACRE PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.00 ACRES, MORE OR LESS” (property is lying on the southwest side of DuPont Boulevard [Route 113], approximately 0.33 mile southeast of Governor Stockley Road [S.C.R. 432]) (911 Address: 26062 and 26072 DuPont Boulevard, Georgetown) (Tax Parcels: 133-6.00-39.00, 41.00 [p/o] & 42.00)**

[CZ 2019 filed on behalf of Citation Rentals, LLC](#)

## **Adjourn**

**-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 22, 2025 at 4:15 p.m. and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 8, 2025**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 8, 2025, at 10:00 a.m., in Council Chambers, with the following present:

<b>Douglas B. Hudson</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Jane Gruenebaum</b>	<b>Councilwoman</b>
<b>Matt Lloyd</b>	<b>Councilman</b>
<b>Steve C. McCarron</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

The Invocation and Pledge of Allegiance were led by Mr. Hudson.

**Call to  
Order**

Mr. Hudson called the meeting to order.

**M 157 25  
Approve  
Agenda**

Mr. Lawson reported that Executive Session and possible action on Executive Session Items can be removed from today's agenda. In addition, Mr. Lawson recommended that Mrs. Brewington's items be moved up to the beginning of the agenda. A Motion was made by Mr. Rieley, seconded by Mr. McCarron, to approve the Agenda as amended.

**Motion Adopted: 5 Yeas**

**Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea

**Minutes**

The minutes from March 25, 2025 were approved by consensus.

**Corres-  
pondence**

Mr. Moore reported that a letter was received from Dry Dock Recovery Center thanking Council for their support.

**Public  
Comments**

There were no public comments.

**M 158 25  
Approve  
Consent  
Agenda**

A Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to approve the following items under the Consent Agenda:

- 1. Proclamation Request – Fair Housing Month**
- 2. Use of Existing Wastewater Infrastructure Agreement – IUA 1246 Heritage Shores 7A**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea

**First Quarter Employee Awards** Karen Brewington, Human Resources Director, reported that 39 submissions were received for the first quarter employee recognition awards. The first quarter winners were Heather Watson Library Assistant II, Christin Scott, Planner II and Anthony Digiuseppe, Engineering Technician IV.

**Stop Loss Insurance** Karen Brewington, Human Resources Director presented stop loss insurance for Council's consideration.

**M 159 25 Approve Stop Loss Insurance** A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council renew its annual contract with Highmark for Stop Loss coverage at a rate per month of \$36.88 for single coverage and \$105.34 for family coverage with an annual specific deductible of \$295,000 effective May 1, 2025 for a one-year period.

**Motion Adopted:** 5 Yeas

**Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea

**Presentation Beebe Healthcare** A presentation was given by Dr. David Tam, President and CEO, Ms. Diane Taylor and Ms. Dana Al Dairani of Beebe Healthcare. A discussion was held about the need of housing for their employees. In addition, the growing population of Sussex County was discussed leading to the need of more healthcare providers.

**Presentation FACETS Consulting** A presentation was given by Kevin Roche, FACETS Consulting – Delaware Fire Service Financial Review. Mr. Roche provided an update on the information that is being gathered and analyzed from the fire companies in Sussex County. Mr. Roche reported that they met with 22 of the 23 companies. The draft report was lengthy that included a ton of data and they requested that the County delay the timeframe for the final report.

**Presentation & Discussion Sediment & Stormwater** Mr. Lawson provided pictures of recent rain activity that occurred in Sussex County and the results of those rain events. Mr. David Baird, Sussex Conservation District commented that this is not a new issue; previous Council's have also dealt with this issue. He added that the pictures that were shown were all located on an active site of construction which is currently their focus. Jessica Watson, Sussex Conservation District provided information about controls that her office has in place so that dirt and sediment does not wash into waterways and to help clean up the water. Hans Medlarz, Project Manager commented that the County has the County Stormwater Ordinance, and the Council has the ability to follow up and makes changes and update requirements. Mr. Baird commented that

**Presentation & Discussion Sediment & Stormwater (continued)** his office can coordinate whatever the County decides on. Mr. Baird stated that there are three things going forward. The County can implement to the fullest ability what is already in place from County Ordinances, State Sediment Stormwater regulations and permitting requirements. He added that the County does have the ability to adopt some more stringent regulations as it relates to sediment and stormwater. The County can also request that DNREC open up the sediment and stormwater regulations. He recommended to work with the partners and bring back a few recommendations in the coming months.

**Dewey Beach MOU** Mr. Lawson presented an updated Memorandum of Understanding with Dewey Beach for Council's consideration.

**M 160 25 Approve Dewey Beach Updated MOU** A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, be it moved that the Sussex County Council approves the updated Memorandum of Understanding with the Town of Dewey Beach related to the construction of the new Town Hall and Police Department and the County's contribution of \$1,500,000 to the same project as specified in the terms of the updated MOU.

**Motion Adopted:** 5 Yeas

**Vote by Roll Call:** Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea

**Administrator's Report** Mr. Lawson read the following information in his Administrator's Report:

1. Delaware Animal Services Performance Report – Annual Report 2024

The Delaware Animal Services Annual Performance Report for 2024 is attached listing the total of number of calls for service by location as well as a breakdown of the total types of calls in Sussex County. In total there were 6,153 calls for service in 2024.

2. Holiday and Council Meeting Schedule

A reminder that County offices will be closed on Friday, April 18<sup>th</sup>, to observe the Good Friday holiday. In addition, Council will not meet on Tuesday, April 15<sup>th</sup> or Tuesday, April 22<sup>nd</sup>. The next regularly scheduled Council meeting will be on Tuesday, April 29<sup>th</sup>.

[Attachments to the Administrator's Report are not attached to the minutes.]

**EMS Lease**      **Rob Mauch, EMS Deputy Director presented a lease for Medic Station 114 for Council's consideration.**

**M 161 25**      **A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd be it**  
**Approve**      **moved that the Sussex County Council enter into a lease agreement with the**  
**EMS Lease**      **The WayPoint Reho, LLC for a property located at 37251 Rehoboth Ave**  
**Medic**      **Ext in Rehoboth Beach to house Medic 114 until the completion of the**  
**Station 114**      **Dewey Beach Town Hall Complex and Medic facilities.**

**Motion Adopted:      5 Yeas**

**Vote by Roll Call:      Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**  
                                 **Mr. Lloyd, Yea; Mr. Rieley, Yea;**  
                                 **Mr. Hudson, Yea**

**DE Coastal**      **Hans Medlarz, Project Manager presented change order no. 1 for 2019**  
**Airport CO**      **Delaware Coastal Airport and Business Park property maintenance for**  
**No. 1**      **Council's consideration.**

**M 162 25**      **A Motion was made by Mr. Rieley, seconded by Mr. Lloyd, be it moved**  
**Approve**      **based on the recommendation of the Sussex County Engineering**  
**CO No. 1/**      **Department that change order no. 1 to the 2019 Sussex County Delaware**  
**DE Coastal**      **Coastal Airport/Business Park & Miscellaneous Property Maintenance**  
**Airport**      **Contract with Jakor be approved, increasing the annual contract amount**  
**Property**      **by \$16,821.55.**  
**Mainten-**  
**ance**

**Motion Adopted:      5 Yeas**

**Vote by Roll Call:      Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**  
                                 **Mr. Lloyd, Yea; Mr. Rieley, Yea;**  
                                 **Mr. Hudson, Yea**

**DE Coastal**      **Robert Bryant, Airport Manager presented a bid award for Delaware**  
**Airport Bid**      **Coastal Airport taxiway restriping project for Council's consideration.**

**M 163 25**      **A Motion was made by Mr. Lloyd, seconded by Mr. Rieley that be it moved**  
**Approve DE**      **based upon the recommendation of the Sussex County Engineering**  
**Coastal**      **Department, that the Sussex County Council approve a bid award to Zone**  
**Airport Bid**      **Stripping, Inc. of Glassboro, New Jersey in the amount of \$78,320.10 for**  
**Award**      **work associated with the Delaware Coastal Airport Taxiway Restriping**  
                         **project – A25-36.**

**Motion Adopted:      5 Yeas**

**Vote by Roll Call:      Ms. Gruenebaum, Yea; Mr. McCarron, Yea;**  
                                 **Mr. Lloyd, Yea; Mr. Rieley, Yea;**  
                                 **Mr. Hudson, Yea**

**CU2290**      **Jamie Whitehouse, Planning & Zoning Director presented a request for an**

<b>Time Extension Request</b>	<b>extension for Conditional Use No. 2290 filed on behalf of Toback Development, LLC for Council's consideration.</b>
<b>M 164 25 Approve Time Extension Request/ CU2290</b>	<p><b>A Motion was made by Mr. Rieley, seconded by Mr. McCarron that be it moved that Sussex County Council grants a 6-month time extension request for application CU2290 to extend the period for commencement to November 10, 2025.</b></p> <p><b>Motion Adopted: 4 Yeas, 1 Nay</b></p> <p><b>Vote by Roll Call: Ms. Gruenebaum, Nay; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b></p>
<b>Grant Request</b>	<b>Mrs. Jennings presented a grant request for Council's consideration.</b>
<b>M 165 25 Friends of Georgetown Library, Inc.</b>	<p><b>A Motion was made by Mr. Rieley, seconded by Mr. McCarron to give \$700 (\$500 from Mr. Rieley's Councilmanic Grant Account and \$200 from Mr. Lloyd's Councilmanic Grant Account) to the Friends of Georgetown Library, Inc. for their annual 5K race and 1 mile walk.</b></p> <p><b>Motion Adopted: 5 Yeas</b></p> <p><b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b></p>
<b>Proposed Ordinance Introductions</b>	<p><b>Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN ASSISTED LIVING FACILITY AND MEDICAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" filed on behalf of CMF Cool Spring, LLC.</b></p> <p><b>Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR AN EDUCATIONAL FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 194.17 ACRES, MORE OR LESS" filed on behalf of CMF Cool Spring, LLC.</b></p> <p><b>Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR CERTAIN PARCELS OF LAND LYING</b></p>



<b>Proposed Ordinance Introductions (continued)</b>	<p><b>AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 637 ACRES, MORE OR LESS” filed on behalf of CMF Cool Spring, LLC.</b></p> <p><b>Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 334-4.00-34.00, 235-27.00-11.00, 12.00, 13.00 &amp; 14.00”.</b></p> <p><b>The Proposed Ordinances will be advertised for a Public Hearing.</b></p>
<b>CM Comments</b>	<p><b>Mr. McCarron commented that that the first working group meeting was held last week. He thanked the members that took the time to attend and participate in the meeting.</b></p>
<b>M 166 25 Recess</b>	<p><b>At 12:32 p.m., a Motion was made by Mr. McCarron, seconded by Ms. Gruenebaum to recess until 1:30 p.m. Public Hearings.</b></p> <p><b>Motion Adopted: 5 Yeas</b></p> <p><b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b></p>
<b>M 167 25 Reconvene</b>	<p><b>At 1:30 p.m., a Motion was made by Mr. Rieley, seconded by Mr. McCarron to come out of recess back into Regular Session.</b></p> <p><b>Motion Adopted: 5 Yeas</b></p> <p><b>Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea; Mr. Lloyd, Yea; Mr. Rieley, Yea; Mr. Hudson, Yea</b></p>
<b>Rules</b>	<p><b>Mr. Moore read the rules of procedure for zoning hearings.</b></p>
<b>Public Hearing/ CZ2034 &amp; CZ2035</b>	<p><b>A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS” (property is lying on the east side of DuPont Boulevard [Rt. 113], approximately 500 feet south of Woods Branch Road [S.C.R. 321]) (911 Address: N/A) (Tax Map Parcel: 133-2.00-22.00) filed on behalf of Parkada Investments, LLC.</b></p> <p><b>The Planning &amp; Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning &amp; Zoning Commission recommended approval of the application for the 11</b></p>

**Public  
Hearing/  
CZ2034 &  
CZ2035  
(continued)**

**reasons stated as outlined.**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS” (property is lying on the east side of DuPont Boulevard [Rt. 113], approximately 500 feet south of Woods Branch Road [S.C.R. 321]) (911 Address: N/A) (Tax Map Parcel: 133-2.00-20.00 & 24.01) filed on behalf of Parkada Investments, LLC.**

**The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated as outlined.**

**The Council found that Mr. David Hutt, Esq. from Morris & James spoke on behalf of the applications; that he is standing in for Jim Parker; that Ken Adams with Parkada Investments, LLC is present; that this is for a Change of Zone from an AR-1 to C2 Medium Commercial; that the next application is for a Change of Zone from an AR-1 to LI-1, Light Industrial Zoning; that the properties are located near the Georgetown Speedway; that there is a signalized intersection near the speedway; that there are a number of commercial businesses in the area; that this is a mixed use area; that the land use map shows all three parcels being in a developing area which is one of the County’s developing areas; that these properties are located in the Town of Georgetown’s greater annexation area; that the Comprehensive Plan in chapter 4 talks about the permitted uses; that the properties meet the requirements for bulk area; that they are located within Zone X; that the soil has well drained soils; that in the Planning Commission’s recommendation, it noted that there is central water and sewer; that he noted that it is not there yet; that the ground water recharge capacity is noted as fair; that a service evaluation request was sent to DelDOT; that they responded that the application should be done without a traffic study; that a site plan will be submitted and reviewed for compliance for all of the necessary agencies and requirements; that for CZ2034 it is approximately 5 acres; that the C2 district does not allow for outside storage or sales; that there has been interest in the property; that for CZ2035, that it is a unique classification in the zoning code; that the purpose is for modern landscaped buildings; that the LI-1 zoning classification has special conditions which include 8 conditions; that the parcels are situated along Route 113 with a signalized intersection; that the applications are consistent with the purpose of the development area; that both of these zoning classifications were carefully chosen by the applicant.**

**There were no public comments for either application.**

**The Public Hearing and public record were closed for both applications.**

**M 168 25  
Adopt  
Ordinance  
No. 3087/  
CZ2034**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Ordinance No. 3087 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.03 ACRES, MORE OR LESS" for the reasons given by the Planning & Zoning Commission as follows:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is 5.03 acres that has frontage along Route 113 just outside of the Georgetown Town Limits. It has the Georgetown Speedway property along its rear boundary. This is an appropriate location for C-2 Zoning.
3. Given the location of this property, it is no longer suitable for agricultural or residential uses under the existing AR-1 designation.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
6. Because this property is bordered by Route 113 and the Georgetown Speedway, there is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the "Developing Area" according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Developing Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. No parties appeared in opposition to the rezoning application.
10. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
11. For all of these reasons, the C-2 Zoning District is appropriate for this location.

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**M 169 25  
Adopt  
Ordinance  
No. 3088/  
CZ3035**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Ordinance No. 3088 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN LI-1 LIMITED INDUSTRIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING

**M 169 25  
Adopt  
Ordinance  
No. 3088/  
CZ3035  
(continued)**

**AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 23.10 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:**

- 1. The County’s Future Land Use Map designation for this property is the “Developing Area” designation. The LI-1 Zoning District is an appropriate zoning designation within the “Developing Area” according to the County’s Future Land Use Map and the Comprehensive Plan.**
- 2. The property is also located along Route 113 and next to the Georgetown Speedway property. This location is appropriate for LI-1 Zoning. Conversely, it is no longer viable to use the property for agricultural or residential purposes under the existing AR-1 zoning.**
- 3. The proposed LI-1 Zoning at this location is consistent with the purposes of that zoning district as stated in Section 115-92 of the Sussex County Zoning Code.**
- 4. There is a need for smaller shovel-ready light industrial sites at appropriate locations like what is proposed with this Application. This small LI-1 Industrial Park serves this need in Sussex County.**
- 5. The rezoning will promote the local economy and will create and preserve jobs in the area for Sussex County residents.**
- 6. No parties appeared in opposition to this application.**
- 7. Any future use and development of the property will be subject to site plan review by the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Public  
Hearing/  
CU2468**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS” (property is lying on the southeast side of Lewes Georgetown Highway [Rt. 9], approximately 0.23 mile southwest of Park Avenue [S.C.R. 321]) (911 Address: 22592 Lewes Georgetown Highway, Georgetown) (Tax I.D. No.: 135-15.00-79.03) filed on behalf of Richard H. Bell, III.**

**The Planning & Zoning Commission held a Public Hearing on the application on February 19, 2025. At the meeting of March 19, 2025, the**

**Public  
Hearing/  
CU2468  
(continued)**

**Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 6 recommended conditions as outlined.**

**The Council found that Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the Applicant; that this is an application for a mobilization yard for a road construction project that is being done through DelDOT; that there is currently a large pile of topsoil with a smaller pile of organic material behind it located on the property; that these materials were brought to the site by the general contractor as part of Phase One of the Park Ave. relocation project, which is specifically DelDOT project number T-2020004601, which is for the relocation of Park Ave. to extend the runways at the Delaware Coastal Airport; that Mr. Allan Myers was the general contractor for the Park Ave. relocation and as they were doing the work they were looking for a location for the soil, shrubbery, tree roots and other organic materials that were being generated by that site work to be stored; that Mr. Bell's property is on Route 9, less than 1/4 mile from its intersection with Park Ave., and his property is fenced and is being used as a contractor's yard for his business, Clean Cut Pavers and Pools; that this was an ideal location for Mr. Allan Myers to begin transporting materials and leaving them there as needed as part of the site work for the relocation of Park Ave.; that as the pile grew the Constables noted and a violation was issued which triggered this application; that there was an existing Conditional Use 2083, Ordinance #2515 for an office, storage building, storage yard and crushing of concrete for a contracting business; that the concrete crushing was for a limited time to get rid of an existing pile of concrete that was on the property; that this is a temporary use that will occur as long as it is permitted by the County during the relocation work for Park Ave.; that Phase One of this project started on Route 113, with the reconstruction of Arrow Safety Rd. starting at Route 113 and leading to a new roundabout that was installed on South Bedford St.; that this phase also included the construction of that new roundabout and the relocation of Park Ave. to connect to the roundabout and head to the southern boundary of the airport, where Phase One of the relocation work ended; that Phase Two will pick up at the southern boundary of the airport and then redo Park Ave. all the way to Route 9 and then some of the greater Route 9 area at the intersection of Park Ave. and Route 9; that Phase Two is still in the bidding stages, so the hope is that Mr. Allan Meyers will get that contract and utilize the Applicant again for the storage of the materials; that that is the reason for the temporary usage request; that the Planning Commission did approve the application; that the conditions would make it virtually impossible to comply with; that one of the primary conditions is that materials must be removed from the property within 45 days of Council acting on it; that it is difficult for contractors to find locations to stock pile these type of materials; that the second problem is that if a location presented itself, 45 days may not be enough time to transport it due to weather, etc.; that Mr. Hutt provided a different set of recommendations to Mr. Whitehouse; that the Applicant requests that the Planning Commissions conditions not be adopted; that these conditions**

**Public  
Hearing/  
CU2468  
(continued)**

**include:**

- 1. All of the conditions of Conditional Use #2083, as adopted by Ordinance #2515, shall remain in effect unless specifically modified by these conditions.**
- 2. This conditional use shall allow the property to be used for a temporary mobilization yard for DelDOT's Park Avenue relocation projects (Phase 1 and 2).**
- 3. Only organic materials may be brought to the property from the Park Avenue relocation project. No concrete or asphalt may be brought to the property from the Park Avenue relocation project.**
- 4. The organics on the property may be processed (ground and sifted) to create a bio-mix of soil and organics. No other materials or processing may occur on the property.**
- 5. All the materials brought to the property as part of the Park Avenue relocation project shall be removed within one hundred eighty (180) days of the conclusion of Phase 2 of the Park Avenue Relocation project.**
- 6. A Final Site Plan showing the temporary storage areas and describing the types of materials stores in those areas shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.**

**After the Commission public hearing, the Applicant went to both of the neighbors of the property; that both of the neighbors provided letters of support; that the hours of operation would be the same as what was approved in the original Conditional Use; that this is an usual application; that it has good proximity to the Park Ave relocation project; that it is temporary; that the Applicant requests the Council act favorably to the application.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 170 25  
Defer  
Action/  
CU2468**

**A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MOBILIZATION YARD FOR THE PARK AVENUE RELOCATION PROJECT TO INCLUDE THE STORAGE OF SOIL AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.96 ACRES, MORE OR LESS" for the reasons and conditions given by the Planning & Zoning Commission.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;**

**Mr. Hudson, Yea**

**Public  
Hearing/  
CU2556**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS” (property is lying on the south side of Old Mill Road [S.C.R. 349], approximately 550 feet west of Railway Road [S.C.R. 350]) (911 Address: 36294 Old Mill Road, Ocean View) (Tax Map Parcel: 134-12.00-73.02) filed on behalf of Wiliam Melton.

The Planning & Zoning Commission held a Public Hearing on the application on February 5, 2025. At the meeting of February 19, 2025, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 9 recommended conditions as outlined.

The Council found that Mr. William Melton, the Applicant, spoke on behalf of the application; that the Commission recommended approval of the application; that he presented a similar application to this Commission a year prior and it was ultimately denied by the County Council; that the conditions of approval that were recommended by Planning & Zoning were discussed; that the cost of the professional office will be almost one-third less than current market rate; that the hours of operation will be limited; that the hours of operation will be Monday through Friday, 8:00 a.m. until 5:00 p.m. and Saturday from 8:00 a.m. until 2:00 p.m.; that the request is for a 24x36 sign, parking will be to code for the property; that the trash receptacle will be behind the building as to be out of sight from passing traffic; that the access to the dwelling upstairs will be in the back of the property; that the garage will become the professional office; that he has tried to beatify the area; that at the conclusion of the Planning & Zoning meeting, the White Creeks Manor withdrew their opposition of the application; that none of the 12 individuals that back up to this property have any opposition; that he expects 8-12 vehicles a day to come in and out; that all of the opposition is coming from the White Creek Neighborhood Association; that they are located one mile away from his property; that he used to live in the property but has since moved out but does plan to move back if the opportunity presents itself; that it will be a sole practitioner and that will see about 3-6 patients a day.

Public comments were heard.

Mr. Louis Melton spoke in favor of the application; that he is the father of the applicant; that about 18 months ago they applied for a change of zone; that the properties are across the street from a new subdivision, Sundance Club that was approved; that when the plat was shown for the Sundance Club, the single ingress and egress is directly across the street from their property; that

**Public  
Hearing/  
CU2556  
(continued)**

the value of the property from a residential standpoint has diminished; that our community aging; that they wanted to set up a medical office so anyone in the aging community could access healthcare services without going onto Route 36; that County Council denied the Change of Zone application; that the current opposition to the application sent a letter to his son that had a number of demands; that they were asking for a signature of his son, himself and his wife wanting them to commit that they would not do anything with their property located next to this parcel; that he did not feel comfortable signing the document and he did not sign the letter; that the deadline was around 5:00 p.m. on April 4<sup>th</sup>; that the time of the opposition letters were not too long after that letter's timeline; that most of the opposition included concerns of the increased traffic.

Mr. Martin Lampner spoke in opposition of the application; that they did ask for an agreement that was not to be apart of the conditional use; that he understands that they were not prepared to do that; that there are about 30 residences from White Creeks Manor and the other is from the other 14 communities that he is representing; that this is located in a neighborhood of primarily houses; that there is only three properties in the area zoned as commercial; that one of them is going to be additional houses in a development named Wildflower; that another one is a preschool, agricultural storage area and some other buildings that are not currently in use; that the last one belongs to Bruce Mears which is his office which generates hardly any traffic; that it is a small country road; that there is a traffic problem here; that this particular use will not generate that; that they are not worried about that aspect; that they are worried that this will open the door to another conditional use; that they ask that restrictions be put on the application if approved; that the second floor remain residential; that there be no beauty salon, nail salons or tattoo shops or any along those nature; that they ask that the Conditional Use be time limited with the optional of renewal.

The Public Hearing and public record were closed.

Mr. Hudson passed the gavel to Mr. Rieley.

**M 171 25  
Defer  
Action/  
CU2556**

A Motion was made by Mr. Hudson, seconded by Mr. McCarron to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.82 ACRES, MORE OR LESS".

**Motion Adopted:      5 Yeas**

**Vote by Roll Call:    Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**



**The gavel was given back to Mr. Hudson.**

**M 172 25  
Adjourn**

**A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to adjourn at 3:15 p.m.**

**Motion Adopted: 5 Yeas**

**Vote by Roll Call: Ms. Gruenebaum, Yea; Mr. McCarron, Yea;  
Mr. Lloyd, Yea; Mr. Rieley, Yea;  
Mr. Hudson, Yea**

**Respectfully submitted,**

**Tracy N. Torbert  
Clerk of the Council**

*{An audio recording of this meeting is available on the County's website.}*

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountyde.gov




# Sussex County

DELAWARE  
sussexcountyde.gov

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement*  
*Forest Landing – IUA 901*  
*File: OM 9.01*

DATE: April 29, 2025

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of “oversizing” credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Sussex Land Development, LLC** for the **Forest Landing** project in the **Ellendale Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Forest Landing** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Sussex Land Development, LLC** will contribute **\$380,857.00** for the financial catch-up contribution of the existing infrastructure to serve **314.00** Equivalent Dwelling Units. Payment of the contribution will be required in two installments, The first installment (\$200,000.00) prior to receiving beneficial completion of the on-site collection system for Phase 1, the balance prior to the County issuance of a Notice to Proceed for Phase 3 (\$180, 857.00).



## **EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

### **FOREST LANDING IUA-901**

THIS AGREEMENT ("Agreement"), made this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the "County," and;

**SUSSEX LAND DEVELOPMENT, LLC**, a Delaware Limited Liability Company, and developer of a project known as **Forest Landing**, hereinafter called the "Developer."

### **WITNESSETH:**

**WHEREAS**, Developer is developing several tracts of land identified as Tax Map parcels 230-19.00-112.00 & 230-20.00-12.00 to be known as **Forest Landing** ("Project") and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Ellendale Area) and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect **314.00** additional equivalent dwelling units to County's existing sanitary sewer system and to utilize the existing transmission capacity in said system, Developer agrees to financial catch-up contribution in the net amount of **\$380,857.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **The first installment payment of the contribution must be submitted prior to receiving beneficial completion of the on-site collection system for Phase 1 (\$200,000.00) and the balance of the contribution prior to the county granting a notice to proceed for Phase 3 (\$180,857.00).**

- (5) All the conditions of this agreement must be disclosed to any and all third-party purchasers of the project and/or part of the project prior to the time of settlement.
- (6) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (7) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (8) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (9) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (10) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (11) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (12) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases, or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (13) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for

any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (14) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented, or modified by a subsequent written agreement executed by all the parties hereto.
- (15) This Agreement and exhibits constitute the final, entire, and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties, or agreements, whether written or oral, made in connection with the Agreement described herein.
- (16) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (17) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (18) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (19) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (20) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the

address of the Developer is **20184 Phillips Street, Rehoboth Beach, Delaware 19971.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands

and seals the day and year aforesaid.

FOR THE COUNTY:

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy N. Torbert  
Clerk of the County Council

FOR SUSSEX LAND DEVELOPMENT, LLC

By: Tim Green (Seal)  
Timothy Green

4/11/25 (DATE)

WITNESS:

\_\_\_\_\_



## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW  
(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountysde.gov



# Sussex County

DELAWARE  
sussexcountysde.gov  
MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: John J. Ashman  
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement  
Mayapple Farm – IUA 641-1  
File: OM 9.01*

DATE: April 29, 2025

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Foxlane Homes at Mayapple, LLC** for the **Mayapple Farm** project in the **Bay View Estates Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Mayapple Farm** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Foxlane Homes at Mayapple, LLC** will contribute **\$49,402.00** for the financial catch-up contribution of the existing infrastructure to serve **46.00** Equivalent Dwelling Units. Payment of the contribution will be required prior to receiving substantial completion of the on-site collection system.



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947



## **EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

### **Mayapple Farm – IUA641-1**

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**FOXLANE HOMES AT MAYAPPLE, LLC** a Limited Liability Company and developer of a project known as **Mayapple Farm**, hereinafter called the “Developer.”

### **WITNESSETH:**

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcel 533-19.00-289.05 to be known as **Mayapple Farm** (“Project”) and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Bay View Estates Area) and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **46.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$49,402.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to substantial completion of the on-site collection system.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **32191 Nassau Road #2 Lewes Delaware, 19958.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands  
and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy Torbert  
Clerk of the County Council

**FOR FOXLANE HOMES AT MAYAPPLE, LLC**

By: \_\_\_\_\_ (Seal)  
David Hart - Authorized Signatory

4/17/25 (DATE)

WITNESS:

\_\_\_\_\_  
*John Morley*

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW  
(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountysde.gov




# Sussex County

DELAWARE  
sussexcountysde.gov  
MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement*  
*Vines Creek Crossing – IUA 1250*  
*File: OM 9.01*

DATE: April 29, 2025

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of “oversizing” credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Double H Development, LLC** for the **Vines Creek Crossing** project in the **Dagsboro/Frankford Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, the **Vines Creek Crossing** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said, **Double H Development, LLC** will contribute **\$493,346.00** for the financial catch-up contribution of the existing infrastructure to serve **567.00** Equivalent Dwelling Units. In lieu of payment to the County the developer shall design and construct the sub-regional forcemain from PS-19 to the Piney Neck Diversion forcemain.



**EXISTING & PROPOSED WASTEWATER INFRASTRUCTURE USE**  
**AGREEMENT**

**Vines Creek Crossing (Cress Farms) – IUA 1250**

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_ 2025, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**DOUBLE H DEVELOPMENT, LLC**, a Delaware limited liability corporation & developer of a project known as **Vines Creek Crossing**, hereinafter called the “Developer.”

**WITNESSETH:**

**WHEREAS**, Developer is developing several tracts of land identified as Tax Map parcels 533-1.00-38.00, 533-4.00-28.00 & 28.01 to be known as **Vines Creek Crossing (Cress Farm)** (“Project”) and;

**WHEREAS**, the Project has been annexed into the Sussex County Unified Sanitary Sewer District (Dagsboro/Frankford Area) and;

**WHEREAS**, the County has determined that the project can be served by installation of a pumpstation and forcemain discharging into County infrastructure. A temporary connection at MH166 at the intersection of Thatcher Street and Frankford School Road will be utilized up to and including the 100th permit, prior to the issuance of the 101<sup>st</sup> permit the new upsized forcemain to the final connection point at Townsends Road and the power line near parcel 433-2.00-7.02 must be operational.

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **567.00** equivalent dwelling units (EDU) to the County’s proposed infrastructure to divert flow from the Piney Neck Regional Wastewater Facility (PNRWF) to the South Coastal Regional Wastewater Facility

(SCRWF), the Developer agrees to install a new upsized sub-regional forcemain from county-owned pumpstation PS-19 to a connection point in the PNRWF diversion forcemain. The new upsized sub-regional forcemain shall be designed, constructed by the developer and accepted by Sussex County within 2 years of receipt of the Notice to Proceed for Vines Creek Crossing Phase 1 and prior to the 101<sup>st</sup> building permit being issued.

- (3) In exchange for permission to connect up to **567.00** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$493,346.00** for said existing facilities.
- (4) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (5) **In lieu of payment to the County, the developer shall design and construct the sub-regional forcemain from PS-19 to the PNRWF diversion forcemain. The County will waive the flat review fee for the forcemain design & contribute an upsize contribution of \$172,000.00 at the time of project bonding for the remaining portion of the infrastructure installation.**
- (6) The County at its sole cost will upgrade PS-19. The upgrades shall consist of; 1) an additional manhole immediately upstream of the wet well to provide additional working volume; 2) replace existing pumps with new pumps sized to handle via VFD a flow rate of 100 GPM; 3) upgrade control panel to accommodate new pumps; 4) obtain easement from Tax Parcel 433-6.15-30.00 and; 5) other incidentals necessary for PS-19 improvements.
- (7) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (8) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives each sewer connection permit.
- (9) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.

- (10) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (11) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (12) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (13) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance under this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.
- (14) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (15) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (16) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.



- (17) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (18) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (19) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.

Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **28107 Beaver Dam Branch Road, Laurel, Delaware 19956.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands  
and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy Torbert  
Clerk of the County Council

**FOR DOUBLE H DEVELOPMENT, LLC**

By: Robert E. Horsey (Seal)  
Robert E. Horsey

3/7/25 (DATE)

WITNESS: Deet [Signature]

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F  
mike.harmer@sussexcountype.gov



**Sussex County**  
DELAWARE  
sussexcountype.gov

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: Mike Harmer, P.E., County Engineer

DATE: April 29, 2025

RE: ***Countryside Hamlet, Project S23-01***  
***A. Recommendation to Award***  
***B. DBF – Amendment No. 3: Construction Phase Services***

On July 17, 2020, the Engineering Department received an email letter from the property owner of the Countryside Hamlet Mobile Home Park (Parcel 533-4.00-20.00) on Lazy Lagoon Lane in Frankford, Delaware requesting the County consider the annexation of the community into the Unified Sanitary Sewer District. The community is an existing (47) space mobile home park served by a failing private on-site community septic system. The community is listed on DNREC's under-served communities list.

The Engineering Department made a presentation to County Council to request permission to prepare and post notices for a Public Hearing on September 22, 2020. Permission was granted and the Department proceeded to the Public Hearing held on October 27, 2020. Immediately following the hearing, County Council voted in the affirmative to approve the annexation of Countryside Hamlet into the County's Unified Sanitary Sewer District.

In December of 2021, we received notification that the project was included in the Delaware Water Pollution Revolving Loan Fund (WPCRF) Revised 2021 Intended Use Plan and that DNREC, Office of the Secretary, Environmental Finance would be soliciting loan applications for project funding consideration through the WPCRF. In February of 2022, the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information Documents required for submission of the funding application to Delaware State Revolving Fund (SRF). On February 21, 2022, these Documents were combined with the overall funding application prepared by the Finance Department and filed with DNREC for \$1,840,400.00. On October 3, 2022, the County received the Binding Commitment Letter from DNREC Environmental Finance and on the same day the County Administrator accepted the Binding



Commitment Offer and obligating documents associated in the loan amount of \$1,840,400.00 with 100% of principal forgiveness.

On November 15, 2022, the associated debt ordinance authorizing the issuance of up to \$1,840,400.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Countryside Hamlet Area of the Unified Sanitary Sewer District was adopted.

With funding in place, the Department solicited a proposal from Davis, Bowen & Friedel, Inc. (DBF) for survey and basic design services. Sussex County Council awarded a five (5) year base contract for miscellaneous engineering services to DBF and two other firms on May 14, 2019. The selection of DBF was determined since they were already under contact with the Artesian Water Company to provide similar services on the public water supply side.

On January 10, 2023, Council approved Amendment No. 8 of DBFs base contract to provide survey and design services for the Countryside Hamlet Project in the aggregate amount of \$124,500.00. Project documents were completed, permitted and solicited for construction bids.

Invitations to Bid were advertised in the local newspaper and made available to view on the County website. In addition, the information was directly forwarded to several contractors. Six (6) contractors attended the pre-bid meeting on March 21, 2025, and on April 4, 2025, five (5) bids were received. The low-bidder was Teal Construction, Inc. at \$1,588,588.00.

The Engineering Department recommends an award to Teal Construction, Inc. Co. in the bid amount of \$1,588,588.00, subject to DNREC concurrence.

On May 14, 2024, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. (DBF), George, Miles & Buhr (GMB), Johnson, Mirmiran & Thompson, Inc. (JMT) and Arcadis U.S., Inc. following a publicly advertised, competitive Request for Proposal process in accordance the County's professional services procurement requirements.

The Department solicited a proposal from DBF to perform additional services, including construction phase administration and inspection of the Countryside Hamlet project. DBF will be performing similar services for the water project, therefore a cost efficiency is recognized in onsite inspection during a portion of time when the projects proceed concurrently. A proposal for professional services was received with a total estimated fee \$266,675.00

The Engineering Department recommends approval of Amendment No. 3 to the 2024 DBF base contract in a not to exceed amount of \$266,675.00, subject to DNREC concurrence.

Countryside Hamlet		Project		Teal Construction		A-Del Construction		Pact One, LLC		George & Lynch		Chesapeake Turf	
S23-01													
Bid Item	Description of Work	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>BASE BID</b>													
A-1	Mobilization/Demobilization (Max. 5% of Base Bid)	1	LS	\$48,343.00	\$48,343.00	\$84,000.00	\$84,000.00	\$75,000.00	\$75,000.00	\$125,520.86	\$125,520.86	\$171,000.00	\$171,000.00
A-2	Furnish & Install Traffic Control	1	LS	\$38,940.00	\$38,940.00	\$20,000.00	\$20,000.00	\$50,000.00	\$50,000.00	\$27,867.00	\$27,867.00	\$189,500.00	\$189,500.00
A-3	Furnish & Install & Remove, Upon Project Completion, all Sediment and Erosion Control Measures	1	LS	\$16,600.00	\$16,600.00	\$50,000.00	\$50,000.00	\$20,000.00	\$20,000.00	\$5,645.57	\$5,645.57	\$152,900.00	\$152,900.00
A-4	Furnish & Install Sewage Pump Station Complete	1	LS	\$556,000.00	\$556,000.00	\$460,000.00	\$460,000.00	\$830,000.00	\$830,000.00	\$969,864.10	\$969,864.10	\$826,500.00	\$826,500.00
A-5	Furnish & Install Sch 80 PVC Forcemain by Open Cut Method	60	LF	\$51.00	\$3,060.00	\$110.00	\$6,600.00	\$300.00	\$18,000.00	\$155.45	\$9,327.00	\$212.00	\$12,720.00
A-6	Furnish & Install Sch 80 PVC Forcemain within Steel Casing by Open Cut Method	30	LF	\$430.00	\$12,900.00	\$750.00	\$22,500.00	\$400.00	\$12,000.00	\$607.33	\$18,219.90	\$735.00	\$22,050.00
A-7	Furnish & Install HDPE DR-11 Forcemain by Horizontal Directional Drill Method	2,430	LF	\$64.00	\$155,520.00	\$56.00	\$136,080.00	\$95.00	\$230,850.00	\$69.96	\$170,002.80	\$78.00	\$189,540.00
A-8	Furnish & Install Forcemain Toning Wire Box Complete	3	EA	\$2,089.00	\$6,267.00	\$815.00	\$2,445.00	\$300.00	\$900.00	\$744.33	\$2,232.99	\$3,260.00	\$9,780.00
A-9	Connect Existing Pressure Sewer Service to New Forcemain Complete	5	EA	\$4,356.00	\$21,780.00	\$3,600.00	\$18,000.00	\$2,000.00	\$10,000.00	\$7,906.38	\$39,531.90	\$8,450.00	\$42,250.00
A-10	Furnish & Install New Forcemain Connection to Existing Sanitary Sewer Manhole	1	LS	\$6,580.00	\$6,580.00	\$7,500.00	\$7,500.00	\$2,500.00	\$2,500.00	\$5,087.34	\$5,087.34	\$12,810.00	\$12,810.00
A-11	Furnish & Install HDPE DR-11 Forcemain by Open Cut Method	501	LF	\$90.00	\$45,090.00	\$127.00	\$63,627.00	\$150.00	\$75,150.00	\$218.51	\$109,473.51	\$175.00	\$87,675.00
A-12	Furnish & Install Sanitary Sewer Manhole	60	VF	\$689.00	\$41,340.00	\$1,225.00	\$73,500.00	\$700.00	\$42,000.00	\$1,867.17	\$112,030.20	\$2,463.00	\$147,780.00
A-13	Furnish & Install Sanitary Sewer Manhole	10	VF	\$1,151.00	\$11,510.00	\$1,405.00	\$14,050.00	\$800.00	\$8,000.00	\$2,168.25	\$21,682.50	\$3,240.00	\$32,400.00
A-14	Furnish & Install PVC Gravity Sanitary Sewer	1,900	LF	\$110.00	\$209,000.00	\$128.00	\$243,200.00	\$450.00	\$855,000.00	\$339.18	\$644,442.00	\$281.30	\$534,470.00
A-15	Furnish & Install Steel Casing Pipe Including PVC Gravity Sewer via Jack-and-Bore	40	LF	\$927.00	\$37,080.00	\$1,100.00	\$44,000.00	\$650.00	\$26,000.00	\$1,802.24	\$72,089.60	\$6,410.00	\$256,400.00
A-16	Furnish & Install Gravity Sewer Laterals	650	LF	\$56.00	\$36,400.00	\$125.00	\$81,250.00	\$70.00	\$45,500.00	\$100.86	\$65,559.00	\$323.20	\$210,080.00
A-17	Furnish & Install Sewer Lateral Cleanout Including Frame & Cover	27	EA	\$1,100.00	\$29,700.00	\$1,150.00	\$31,050.00	\$500.00	\$13,500.00	\$1,559.28	\$42,100.56	\$5,100.00	\$137,700.00
A-18	Furnish & Install Gravity Sewer Terminal Cleanout Including Frame and Cover	2	EA	\$1,795.00	\$3,590.00	\$1,450.00	\$2,900.00	\$500.00	\$1,000.00	\$1,867.89	\$3,735.78	\$7,100.00	\$14,200.00
A-19	Perform Misc. Site Work Within the Project Limits of Disturbance as Shown and/or Noted on the Drawing	1	LS	\$21,715.00	\$21,715.00	\$31,500.00	\$31,500.00	\$3,000.00	\$3,000.00	\$53,406.35	\$53,406.35	\$111,880.00	\$111,880.00
A-20	Furnish & Install Gravel Driveway Restoration	1,650	SY	\$18.00	\$29,700.00	\$20.00	\$33,000.00	\$10.00	\$16,500.00	\$16.59	\$27,373.50	\$49.00	\$80,850.00
A-21	Mill Existing Asphalt & Dispose of Millings in Preparation of Pavement Overlay (Delaware Ave.)	900	SY	\$15.50	\$13,950.00	\$6.00	\$5,400.00	\$15.00	\$13,500.00	\$14.39	\$12,951.00	\$32.50	\$29,250.00
A-22	Furnish, Install & Compact BCBC Asphalt Pavement Base Material Including Preparation and Compaction of Pavement Subgrade (Delaware Ave - DelDOT P4 Details)	310	SY	\$197.00	\$61,070.00	\$133.50	\$41,385.00	\$100.00	\$31,000.00	\$40.76	\$12,635.60	\$262.00	\$81,220.00
A-23	Furnish, Install & Compact GABC Stone Pavement Base Material including Preparation and Compaction of Pavement Subgrade (Pump Station)	550	SY	\$41.00	\$22,550.00	\$33.00	\$18,150.00	\$20.00	\$11,000.00	\$24.73	\$13,601.50	\$87.10	\$47,905.00
A-24	Furnish & Install Base Course - Type B Bituminous Concrete (Pump Station)	150	TON	\$221.00	\$33,150.00	\$165.00	\$24,750.00	\$145.00	\$21,750.00	\$140.22	\$21,033.00	\$309.00	\$46,350.00
A-25	Furnish & Install Surface Course - Type C Bituminous Concrete	175	TON	\$223.00	\$39,025.00	\$205.00	\$35,875.00	\$145.00	\$25,375.00	\$159.19	\$27,858.25	\$300.00	\$52,500.00
<b>Total for Part A</b>					<b>\$1,500,860.00</b>		<b>\$1,550,762.00</b>		<b>\$2,437,525.00</b>		<b>\$2,613,271.81</b>		<b>\$3,499,710.00</b>
<b>STIPULATED CONTINGENT BID ITEMS</b>													
B-1	Miscellaneous Excavation & Backfill for Test Pitting	500	CY	\$15.00	\$7,500.00	\$35.00	\$17,500.00	\$50.00	\$25,000.00	\$78.96	\$39,480.00	\$10.00	\$5,000.00
B-2	Furnish & Place Borrow Material, Type "C" (Select Backfill)	1500	CY	\$23.00	\$34,500.00	\$25.00	\$37,500.00	\$30.00	\$45,000.00	\$43.39	\$65,085.00	\$60.00	\$90,000.00
B-3	Furnish & Place Aggregate Material, Graded Aggregate Type "B" (Crusher Run)	250	CY	\$57.00	\$14,250.00	\$140.00	\$35,000.00	\$50.00	\$12,500.00	\$65.99	\$16,497.50	\$125.00	\$31,250.00
B-4	Furnish & Place Porous Fill Material, Coarse Aggregate No. 57 Stone	250	CY	\$57.00	\$14,250.00	\$115.00	\$28,750.00	\$60.00	\$15,000.00	\$120.09	\$30,022.50	\$165.00	\$41,250.00
B-5	Furnish & Place 4,000 psi Concrete	50	EA	\$236.00	\$11,800.00	\$250.00	\$12,500.00	\$400.00	\$20,000.00	\$242.86	\$12,143.00	\$200.00	\$10,000.00
B-6	Secure Modified Proctor Tests, ASTM D1557	4	EA	\$177.00	\$708.00	\$525.00	\$2,100.00	\$750.00	\$3,000.00	\$262.50	\$1,050.00	\$750.00	\$3,000.00
B-7	Field Density Tests	20	EA	\$236.00	\$4,720.00	\$315.00	\$6,300.00	\$500.00	\$10,000.00	\$262.50	\$5,250.00	\$450.00	\$9,000.00
<b>Total for Part B</b>					<b>\$87,728.00</b>		<b>\$139,650.00</b>		<b>\$130,500.00</b>		<b>\$169,528.00</b>		<b>\$189,500.00</b>
<b>Total Base Bid (Part A + Part B)</b>					<b>\$1,588,588.00</b>		<b>\$1,690,412.00</b>		<b>\$2,568,025.00</b>		<b>\$2,782,799.81</b>		<b>\$3,689,210.00</b>

This is **EXHIBIT K**, consisting of 5 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 07/01/24.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT  
Amendment No. 3**

**The Effective Date of this Amendment is: April 29, 2025**

Background Data

Effective Date of Owner-Engineer Agreement: 07/01/24

Owner: Sussex County

Engineer: Davis, Bowen & Friedel, Inc.

Project: Countryside Hamlet Sanitary Sewer Project

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- ☒ Additional Services to be performed by Engineer
- ☐ ~~Modifications to services of Engineer~~
- ☐ ~~Modifications to responsibilities of Owner~~
- ☒ Modifications of payment to Engineer
- ☒ Modifications to time(s) for rendering services
- ☐ ~~Modifications to other terms and conditions of the Agreement~~

Description of Modifications:

***This Amendment includes modifications to Exhibit A – Engineer’s Services and selection and use of Exhibit C, Compensation Packet AS-1.***

Agreement Summary:

Original Agreement Amount:	\$ <u>0</u>
Net Change for prior amendments:	\$ <u>254,500.00</u>
This amendment amount:	\$ <u>266,675.00</u>
Adjusted Agreement amount:	\$ <u>521,175.00</u>

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Exhibit C – Compensation Packet RPR-2: Resident Project Representative Services—  
Standard Hourly Rates Method of Payment.

EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.  
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and American Society of Civil Engineers. All rights reserved.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

ENGINEER:

---

---

By: \_\_\_\_\_  
Print  
name: \_\_\_\_\_

By: \_\_\_\_\_  
Print  
name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

April 23, 2025

*Ring W. Lardner, P.E.  
W. Zachary Crouch, P.E.  
Michael E. Wheedleton, AIA, LEED GA  
Jason P. Loar, P.E.  
Jamie L. Sechler, P.E.*

Sussex County Engineering  
Sussex County Administrative Office  
2 The Circle  
P.O. Box 589  
Georgetown, Delaware 19947

Attn: Mr. Mike Harmer, P.E.  
County Engineer

RE: **Proposal for Professional Engineering Services  
Countryside Hamlet Sanitary Sewer  
Additional Services – Construction Services**  
Sussex County, Delaware  
DBF #1897B031

Dear Mr. Hamer:

Davis, Bowen & Friedel, Inc., (DBF) is pleased to submit this proposal to Sussex County Engineering (County) for providing Contract/Construction Administration and Construction Inspection Phase services for the above-referenced project.

A description of our proposed scope of services and associated fees are as follows.

**A. CONTRACT/CONSTRUCTION ADMINISTRATION SERVICES**

Upon approval by you and award of the contract, we will assist you with contract/construction administration services on the project during the project construction phase. Our services shall include:

- Attendance at the pre-construction meeting between the Contractor, Sub-contractors, DNREC, and yourself.
- Conduct monthly progress meetings and issuing meeting minutes.
- Review of submittals, partial payment estimates, and contractor proposed change orders.
- Prepare punch list inspection report.
- Arrange and perform final project inspection.
- Assist you with the preparation and processing of contract closeout documents.
- Preparation of record drawings.
- Provide such services as needed for the anticipated ten (10) month construction period.



**B. CONSTRUCTION INSPECTION SERVICES**

Our office will provide a full-time Resident Project Representative (RPR) (construction inspector) during the course of the construction contract. The RPR would represent both DBF, as engineer of record, and the County on-site, monitor construction activities, and ensure conformance with the contract documents along with completion of daily field reports (DFRs) of daily activities, and assist with final inspections

**C EXCLUDED SERVICES**

Excluded from our above scope of services is work associated with the following services. If required, this work can be performed on a unit price basis or under a separate proposal to the County.

- Archeological studies
- Phase 1 or 2 Environmental Assessments or Permitting
- Additional Easement Acquisition Services
- Building Permits
- Construction Survey Services
- Application and Permit Fees
- Financial Administration Services
- Reimbursable Expenses

**FEES**

- Contract/Construction Administration Services (Item A):	\$86,800.00
- Construction Inspection Services (Item B):	<u>\$179,875.00</u>

**Total Estimated Fee: \$266,675.00**

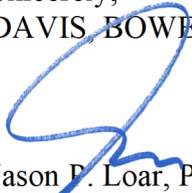
We propose to perform this work on an hourly/unit price basis with a not-to-exceed fee amount as noted above. Billing will be based upon work completed during the previous month. Additional services and/or direct or reimbursable expenses will be provided on an hourly basis and invoiced for work completed during the previous month in accordance with our master on-call engineering contract.

Should you find this proposal acceptable, please execute below and return one (1) copy to us and retain one (1) copy for your files. Receipt of the signed copy will be considered our authorization to proceed.

Letter: Mike Harmer  
Sussex County Engineering  
April 23, 2025  
Page 3

On behalf of Davis, Bowen & Friedel, Inc., we are fully committed to provide a product that will meet or exceed your expectations. We look forward to completing this project with you and appreciate the opportunity to be of continued service to Sussex County. Should you have any questions, comments, concerns, or would like to discuss this further please give me a call at your convenience.

Sincerely,  
DAVIS, BOWEN & FRIEDEL, INC.



Jason P. Loar, P.E.  
Principal/Sr. Engineer

JPL  
L:\1897B Sussex County\1897B031 Countryside Hamlet Sewer\ADMIN\Correspondence\Harmer.Additional Services.2025-04-23.jpl.docx

**ACCEPTED BY:**

---

**Signature**

---

**Date**

---

**Printed Name**

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F  
mike.harmer@sussexcountype.gov



**Sussex County**  
DELAWARE  
sussexcountype.gov

## Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve C. McCarron

FROM: Mike Harmer, P.E., County Engineer

RE: **FLOW METERING AND RAIN GAUGE MONITORING, RFP 25-38**  
***A. Recommendation to Award***

DATE: April 29, 2025

In March, the Engineering Department advertised an RFP for the procurement of various flow meters, rain gauges and other apparatus to install, collect and maintain data for assessment of County sanitary sewer flows.

The flow meters will be strategically located as needed in our sewer collection systems that lead to our Wastewater Treatment Plants or other areas, as deemed necessary by the Engineering Department. Our flow monitoring program will include determining levels of unwanted “clearwater” (inflow and infiltration) in our systems, pipeline rehabilitation effectiveness, calibration of hydraulic models, and/or other related uses/services as needed. “Clearwater” is stormwater or groundwater that does not belong in our sewer system that would not otherwise require treatment. The removal of “clearwater” from our system can make room for capacity and can save operating costs by reducing unnecessary flow volumes, pumping and treating of “clearwater”.

Each selection committee member received a copy of the five (5) submitted proposals along with a scoring sheet for their use in evaluating and ranking firms. As per the County Consultant Selection Policy and Delaware Code, proposals were evaluated based on approved Consultant Rating Criteria. The Criteria was weighted by distributing percentage points as published in the RFP: 25% Experience and Reputation; 20% Capacity to meet Requirements; 5% Location; 25% Demonstrated Ability, 5% Price; and 20% Familiarity with Public Work and its Requirements.



Evaluation sheets were reviewed and summarized by the selection committee. The committee recommends contracting with the highest scoring firm, RJN Group, Inc. to provide service and responsiveness believed to best serve the interests of the County.

It is the recommendation of the selection committee that County Council authorize the Engineering Department to negotiate and execute an Agreement with RJN Group, Inc. for Flow Metering & Rain Gauge Monitoring and associated services to supplement and support the department on an as-needed basis, over a three (3) year contract period with annual contract costs not to exceed \$100,000.00.

## ENGINEERING DEPARTMENT

J. MARK PARKER, P.E.  
ASSISTANT COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F  
mark.parker@sussexcountype.gov



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

TO: Sussex County Council:  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matt R. Lloyd  
The Honorable Steve C. McCarron

FROM: J. Mark Parker, P.E., Assistant County Engineer

RE: ***Stormwater BMP O&M Services On-Call Contract***  
***A. Recommendation to Award***

DATE: April 29, 2025

With the initial year of the County's new Stormwater BMP (Best Management Practice) Operations and Maintenance Contract scheduled to wrap up by the end of June, The Engineering Department made the decision to readvertise the contract for FY26. As a reminder, the purpose of the contract is to procure a qualified Contractor who can perform dedicated maintenance on the various stormwater BMP's that exist on County-owned properties. The maintenance of these facilities typically involves more specialized knowledge, equipment, and licensing versus current mowing and landscaping contracts.

Although the existing On-Call Contract contains provisions for up to two (2) 1-year extensions, the decision to readvertise was based on the need to include additional targeted work items as well as alteration of measurement units for various items. The Engineering Department prepared updated specifications and publicly advertised the Contract, and on April 14, 2025, a total of three (3) bids were received with one of the bids from the incumbent Contractor.

The Engineering Department reviewed both proposals and determined the best value bid was submitted by Envirotech Environmental Consulting, Inc., with a total bid price of \$174,939.00. Therefore, the Engineering Department recommends award of the contract to Envirotech Environmental Consulting, Inc. based on the bid amount of \$174,939.00, with authorization to approve work and materials procurement based on Unit Prices submitted within budgetary limitations. The Engineering Department will evaluate the option to renew the Contract up to two (2) additional years in accordance with contract specifications.



## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F  
mike.harmer@sussexcountype.gov



**Sussex County**  
DELAWARE  
sussexcountype.gov

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steven C. McCarron

FROM: Hans Medlarz, P.E., Project Manager

RE: ***King's Highway from SR-1 to Freeman Highway Advanced Utility Relocation***  
***A. Christiana Excavating Co. – Phase I Construction Agreement***

DATE: April 29, 2025

On May 14, 2024, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. (DBF), George, Miles & Buhr (GMB), Johnson, Mirmiran & Thompson, Inc. (JMT) and Arcadis U.S., Inc. following a publicly advertised, competitive Request for Proposal process.

In January of 2025 the Engineering Department requested an Amendment 1 from DBF under their 2024 base agreement for the connection of the County's and Artesian's systems along Log Cabin Hill Road for professional design and permitting services. On January 28, 2025, Council approved Amendment 1 to DBF's 2024 Base Agreement in the not to exceed amount of \$111,000.00.

In January of 2025 the Engineering Department requested an Amendment 2 from DBF for the King's Highway Advanced Utility Relocation Project. The project entails routing a new 24-inch forcemain (+/- 8,000 feet) from PS-210 on Wescoats Road to the existing force main near the curve along Gills Neck Road (boundary of Governors and Senators subdivisions) as part of DelDOT's Advanced Utility Relocation in support of DelDOT's capital improvement project along King's Highway.

The road improvement plans developed by DelDOT conflict with the County's forcemains throughout the limits of the project, specifically a 30-inch forcemain that runs north-south through the project limits. Therefore, the unavoidable storm drainage conflicts at several points with the forcemain.



Section 143, Title 17, Delaware Code states that relocations caused by DelDOT's repair or expansion of a public highway, when the facilities are owned and/or operated by a **public utility**, must be included and funded through the underlying transportation project. The relocation of the forcemain must occur as one of the first construction phases due to the conflicts between it and the proposed drainage and other improvements.

For the northern initial phase of the DelDOT project it would include rerouting the main around the future traffic circles at Clay Road and Gills Neck Road under the Village Center project using their contractor. However, a reconnection to the existing County infrastructure on the north side of Gills Neck Road is not desirable. Therefore, the Department recommended considering funding an extension to the bend of Gills Neck Road by eliminating two expensive jack & bore road crossings. Under the final phase a new forcemain will be constructed from pump station 210 to the future traffic circle at Clay Road and Kings Highway eliminating the conflicts with the DelDOT project at the south end of the Kings Highway improvements.

Initially two agreements were considered. The first one with DelDOT for the advance forcemain relocation reimbursement of initial rerouting and a second one with the developer of the Village Center for actual construction as part of the development project.

On February 11, 2025, Council approved Amendment 2 to DBF's 2024 Base Agreement in the not to exceed the amount of \$144,500.00 as well as the development of the DelDOT advance relocation agreement and construction agreement with the Village Center developer.

Since then, two (2) alignment options with step-by-step scope details were developed for the relocation of the County forcemain from the Clay Road north and presented to DelDOT as well as Christiana Excavating, Co. the site contractor for the Village Center project. The contractor submitted separate firm cost proposals for both options. The DelDOT eligible direct replacement option was significantly more expensive. DelDOT is currently reviewing all the documentation and stated, *"We generally support the plan to have the FM realigned as shown in the screen shot below so it is out of King's Highway."*

With the site construction progress at the Village Center approaching a critical scheduling point the County must authorize the work now before the window of opportunity closes. In discussions with the Finance Department, it was decided that a standard County construction agreement with Christiana Excavating Co. would be the preferred approach for this phase of the relocation. The remaining phase could be priced out by Christiana as well as the County's General Labor & Equipment contractor since no specific private site development coordination will be required. That price then will be compared to DelDOT's relocation estimate for that phase in determination of the final reimbursement amounts in the agreement between DelDOT and Sussex County.

Therefore, the County Engineering and Finance Departments recommend execution of a standard County construction agreement with Christiana Excavating Co. in the amount of \$2,210,880.00 for the advanced relocation of County owned infrastructure in direct conflict with DelDOT's King's Highway from SR-1 to Freeman Highway Road Improvement Project.

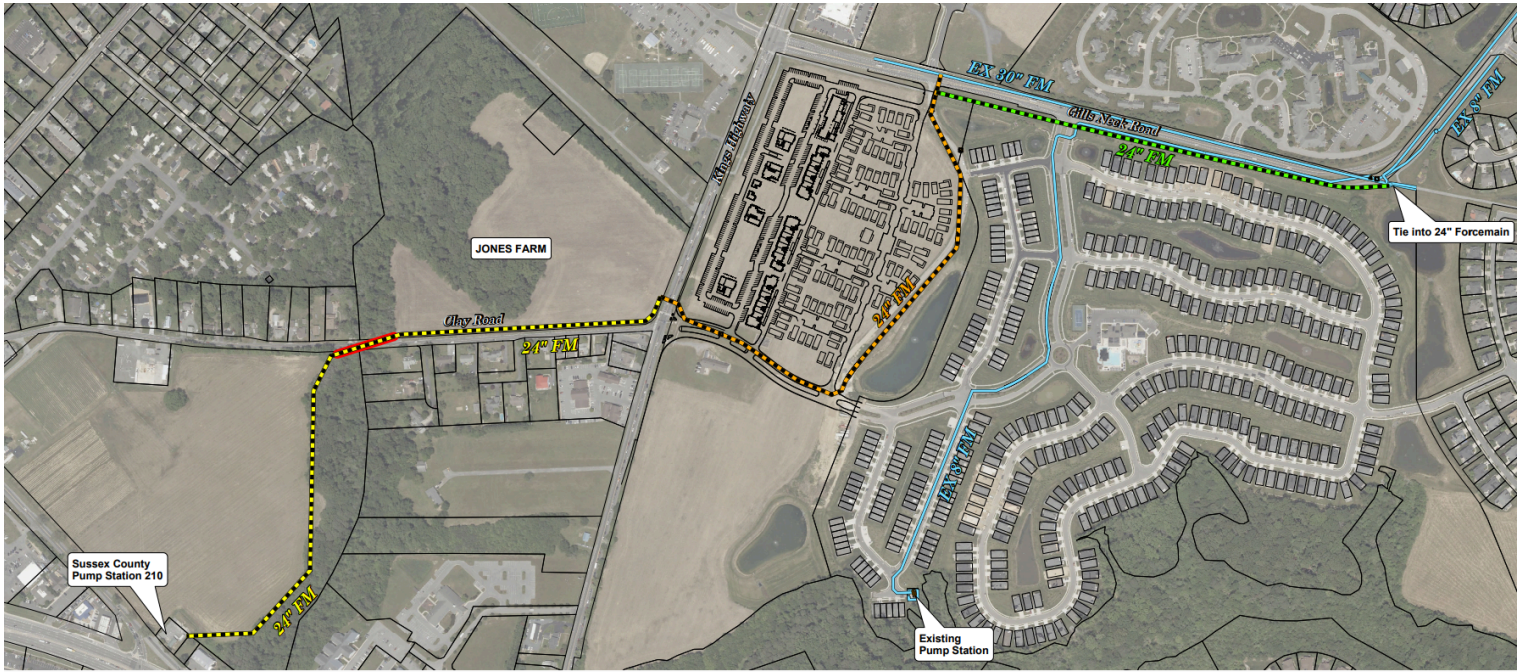


**From:** [Hans Medlarz](#)  
**To:** [Kaycee Widen](#)  
**Subject:** FW: Kings Hwy Force Main Relocation Proposals  
**Sent:** 4/22/2025 9:09:53 AM

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**From:** Cimo, Eric (DelDOT) <Eric.Cimo@delaware.gov>  
**Sent:** Monday, April 21, 2025 3:37 PM  
**To:** Hans Medlarz <hans.medlarz@sussexcountysde.gov>; Mark Parker <mark.parker@sussexcountysde.gov>  
**Cc:** Behrens, Bryan (DelDOT) <Bryan.Behrens@delaware.gov>  
**Subject:** RE: Kings Hwy Force Main Relocation Proposals

We generally support the plan to have the FM realigned as shown in the screen shot below so it is out of King's Highway. That said, we are still going through the funding process for our project so it will take some time to be able to work through the specifics of reimbursement. In order to work the specifics out, we need to see the design plans prepared by DBF to better understand the estimate provided. I know I requested the plans and profiles from DBF in a previous email. Can you also provide insight on the proposed construction timing of the various phases shown here, especially since the request is to get approval for the County to move into Phase 1? Ultimately, we'll need to compare what is being proposed against the relocation/adjustment estimates for if the FM was to remain within the Kings Hwy ROW too. Please provide the plans & profiles from DBF and the anticipated construction timing for the phases and we will continue to evaluate.



Thanks,  
Eric

**Eric C. Cimo, P.E.**  
DelDOT Utility Engineer  
p: 302.760.2642  
f: 302.739.2251  
e: [eric.cimo@delaware.gov](mailto:eric.cimo@delaware.gov)

---

**From:** Cimo, Eric (DelDOT)  
**Sent:** Monday, April 21, 2025 10:36 AM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountysde.gov](mailto:hans.medlarz@sussexcountysde.gov)>  
**Cc:** Mark Parker <[mark.parker@sussexcountysde.gov](mailto:mark.parker@sussexcountysde.gov)>; Behrens, Bryan (DelDOT) <[Bryan.Behrens@delaware.gov](mailto:Bryan.Behrens@delaware.gov)>  
**Subject:** RE: Kings Hwy Force Main Relocation Proposals

Could you provide the DBF plans and profiles that are referenced in the estimates?

Thanks,  
Eric

**Eric C. Cimo, P.E.**  
DelDOT Utility Engineer  
p: 302.760.2642  
f: 302.739.2251  
e: [eric.cimo@delaware.gov](mailto:eric.cimo@delaware.gov)



---

**From:** Cimo, Eric (DelDOT) <[Eric.Cimo@delaware.gov](mailto:Eric.Cimo@delaware.gov)>  
**Sent:** Monday, April 21, 2025 10:13 AM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Cc:** Mark Parker <[mark.parker@sussexcountyde.gov](mailto:mark.parker@sussexcountyde.gov)>; Behrens, Bryan (DelDOT) <[Bryan.Behrens@delaware.gov](mailto:Bryan.Behrens@delaware.gov)>  
**Subject:** RE: Kings Hwy Force Main Relocation Proposals

Morning Hans. The procedure went better than expected. Thanks for asking.

We are discussing the work and costs further internally with Shant . More to follow.

Thanks,  
Eric

**Eric C. Cimo, P.E.**  
**DelDOT Utility Engineer**  
p: 302.760.2642  
f: 302.739.2251  
e: [eric.cimo@delaware.gov](mailto:eric.cimo@delaware.gov)

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**From:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Sent:** Wednesday, April 9, 2025 10:15 AM  
**To:** Behrens, Bryan (DelDOT) <[Bryan.Behrens@state.de.us](mailto:Bryan.Behrens@state.de.us)>; Eric Cimo ([eric.cimo@delaware.gov](mailto:eric.cimo@delaware.gov)) <[eric.cimo@delaware.gov](mailto:eric.cimo@delaware.gov)>  
**Cc:** Abrahamsen, Brett <[babrahamsen@wrallp.com](mailto:babrahamsen@wrallp.com)>; Mark Parker <[mark.parker@sussexcountyde.gov](mailto:mark.parker@sussexcountyde.gov)>; Cliff Mumford <[cdm@dbfinc.com](mailto:cdm@dbfinc.com)>  
**Subject:** Kings Hwy Force Main Relocation Proposals

Good morning Bryan and Eric:

DBF has developed plans and profiles for two (2) advanced relocation options for the County's 30-inch forcemain in conflict with the DelDOT project. I can forward both designs for your review. Christiana Excavating, the contractor for the developer, priced out both options. (Proposals are attached)

DelDOT is working on the overall reimbursement agreement but with the time window for the first phase closing we are requesting general concurrence to proceed with the County's significantly less expensive alternative. With this assurance we would enter into a direct contract with Christiana just like we did for the engineering services. We would not seek reimbursement for the County's inspection and admin only for the engineering and construction.

Looking forward hearing from you.

Regards, Hans

**Hans M. Medlarz, P.E.**  
Sussex County Engineering Department  
2 The Circle; P.O. Box 589  
Georgetown, DE 19947  
[Hans.Medlarz@sussexcountyde.gov](mailto:Hans.Medlarz@sussexcountyde.gov)  
(302) 855-7728

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**From:** RJ Andrews <[RJAndrews@cecde.net](mailto:RJAndrews@cecde.net)>  
**Sent:** Tuesday, April 8, 2025 4:46 PM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>; Zachary Rhoad <[zrhoad@jlamre.com](mailto:zrhoad@jlamre.com)>  
**Cc:** Nick Hammonds <[nhammonds@jlamre.com](mailto:nhammonds@jlamre.com)>; Mikey Andrews <[mikey@cecde.net](mailto:mikey@cecde.net)>; Connor Andrews <[Connor@cecde.net](mailto:Connor@cecde.net)>; Donnie, Pfahler <[donnie@cecde.net](mailto:donnie@cecde.net)>; Mikey Andrews <[mikey@cecde.net](mailto:mikey@cecde.net)>  
**Subject:** SCE Force Main Relocate Proposals

Hans/Zach,

Attached please find our two proposals for the two relocate scenarios for the force main relocate. Pending your review, please feel free to call me to discuss further. Please note that the DIP scenario has a **3-4 month leadtime** for receiving all the material including the pipe once a contract is signed. The 24" PVC I am being told is about 3-4 weeks out. Second item to note is that I assumed all work on King's Highway is done prior to any JLAM's DelDot improvements. If JLAM starts on the DelDot work prior to this operation starting (DIP scenario) then additional costs will occur. I do have this noted in the proposal but just wanted to be sure everyone understands the sequence of events with ongoing work on site.

Thanks,

**R.J. Andrews**  
**CHRISTIANA**  
**EXCAVATING CO.**  
**GENERAL CONTRACTING**









**TOP CRADLE**

**SECTION VIEW**

NTS

IN SERVICE 30" D.I.P.

12" MIN.

BRIDGEPORT LANE

LOT 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102

KITTEN LANE

ROCKLAND STREET

PROPOSED TEMPORARY SEDIMENT BASIN

EXISTING STORMWATER MANAGEMENT POND

45° BEND

22.5° BEND

401X101W BORE PIT

11' WIDE GEOGRID OVER FORCE MAIN SEE DETAIL SHEET C-523

SMOOTH LINE STOP

STATIONING: 13+00, 14+00, 15+00, 16+00, 17+00, 18+00, 19+00, 20+00, 21+00, 22+00, 23+00, 24+00, 25+00

LINE STOP WITH BYPASS

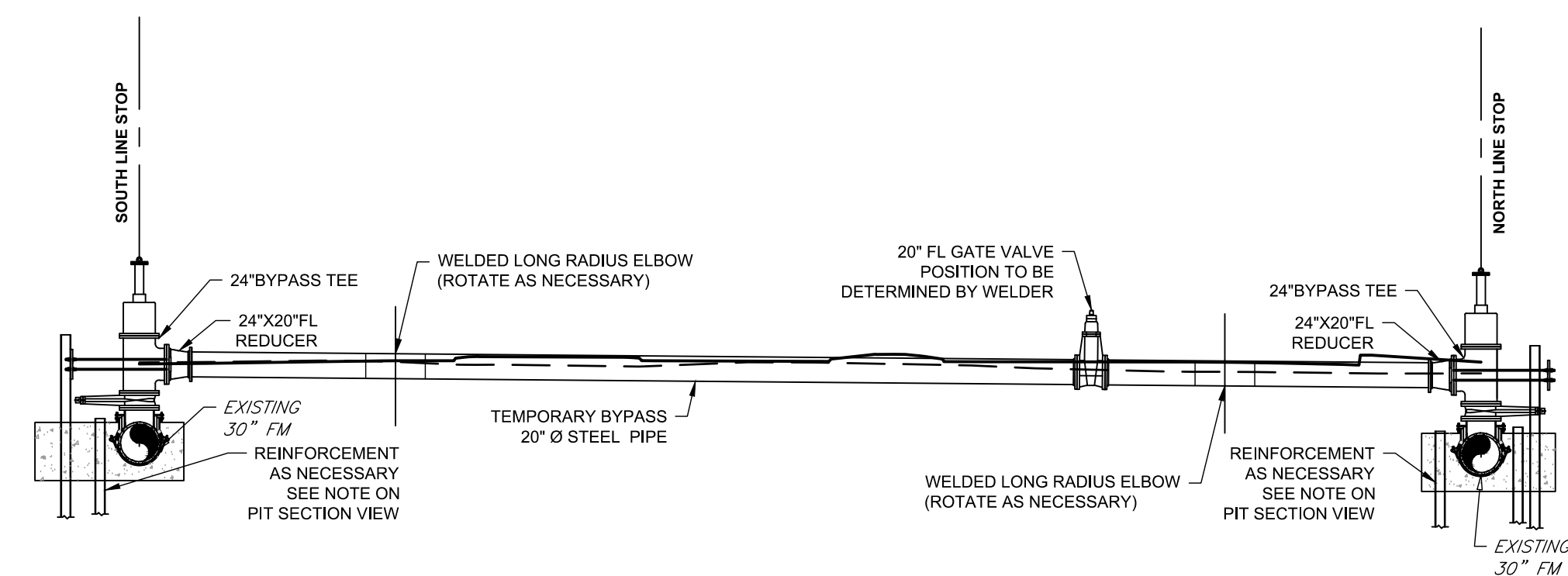
101X101W RECEIVING PIT

TEMPORARY 20" SCH 20 STEEL BYPASS PIPE

USE BENDS AND FITTINGS AS NECESSARY TO CONNECT TO EXISTING 30" FORCEMAIN 20" GATE VALVE

JACK AND BORE 156LF OF 30" STANDARD STEEL CASING PIPE UNDER GILLS NECK ROAD. INSTALL PULL OVER END CASING SEAL ON EACH END AFTER INSTALLING 30" PVC CARRIER PIPE.

GILLS NECK ROAD (SR 621)



30" FORCEMAIN PROFILE

150 15+00 15+50 14+600 16+50 17+00 17+50 18+00 18+50 19+00 19+50 20+00 20+50 21+00 21+50 22+00 22+50 23+00 23+50 24+00 24+50 25+00 25+50 26+00 26+50

30' DIP PROTECTO 401

42" STANDARD COVER DEPTH

45" HORIZONTAL BEND

P-301B 30" RCP STORM

EXISTING GRADE

PROPOSED GRADE

8" W

MAINTAIN 18" MIN. VERTICAL COVER

22.5" HORIZONTAL BEND

22.5" HORIZONTAL BEND

45" HORIZONTAL BEND

AR-02

RIM=25.29

40'X10' BORE PIT

15" HDPE STORM

6" G

3" E

12" W

4" G

GILLS NECK RD

10'X10' RECEIVING PIT

15" STORM

30" FM

30" FM

JACK AND BORE 155LF OF 36" STANDARD STEEL CASING PIPE UNDER GILL'S NECK ROAD. INSTALL PULL OVER END CASING SEAL ON EACH END AFTER INSTALLING 30" PVC CARRIER PIPE.

USE BENDS AND FITTINGS AS NECESSARY TO CONNECT TO EXISTING 30" FORCEMAIN

30" FORCEMAIN PROFILE



**KINGS HIGHWAY  
ADVANCED UTILITY RELOCATION  
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

[illegible]

Date:	FEBRUARY, 2025
Scale:	HORIZ: 1" = 50' VERT: 1" = 5'
Dwn.By:	SHF
Proj.No.:	1897B048.003

# FORCEMAIN PLAN AND PROFILE

Dwg.No.

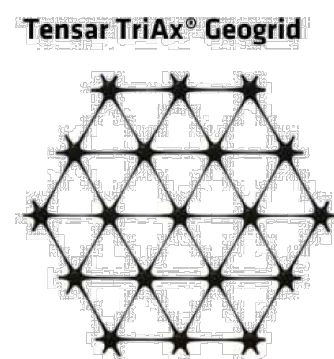
**C-522**





## General

1. The geogrid is manufactured from a punched polypropylene sheet, which is then oriented in three substantially equilateral directions so that the resulting ribs shall have a high degree of molecular orientation, which continues at least in part through the mass of the integral node.
2. The properties contributing to the performance of a mechanically stabilized layer include the following:



Index Properties	Longitudinal	Diagonal	General
<ul style="list-style-type: none"> <li>Rib pitch<sup>(4)</sup>, mm (in)</li> <li>Rib shape</li> <li>Aperture shape</li> </ul>	33 (1.30)	33 (1.30)	Rectangular Triangular
<b>Structural Integrity</b>			
<ul style="list-style-type: none"> <li>Junction efficiency<sup>(4)</sup>, %</li> <li>Overall Flexural Rigidity<sup>(6)</sup>, mg-cm</li> <li>Radial stiffness at low strain<sup>(8)</sup>, kN/m @ 0.5% strain (lb/ft @ 0.5% strain)</li> </ul>			93 500,000 200 (13,708)
<b>Durability</b>			
<ul style="list-style-type: none"> <li>Resistance to chemical degradation<sup>(3)</sup></li> <li>Resistance to ultra-violet light and weathering<sup>(7)</sup></li> </ul>			100% 70%

### Dimensions and Delivery

The TX geogrid shall be delivered to the jobsite in roll form with each roll individually identified and nominally measuring 3.0 meters (9.8 feet) and/or 4.0 meters (13.1 feet) in width and 75 meters (246 feet) in length.

## Notes

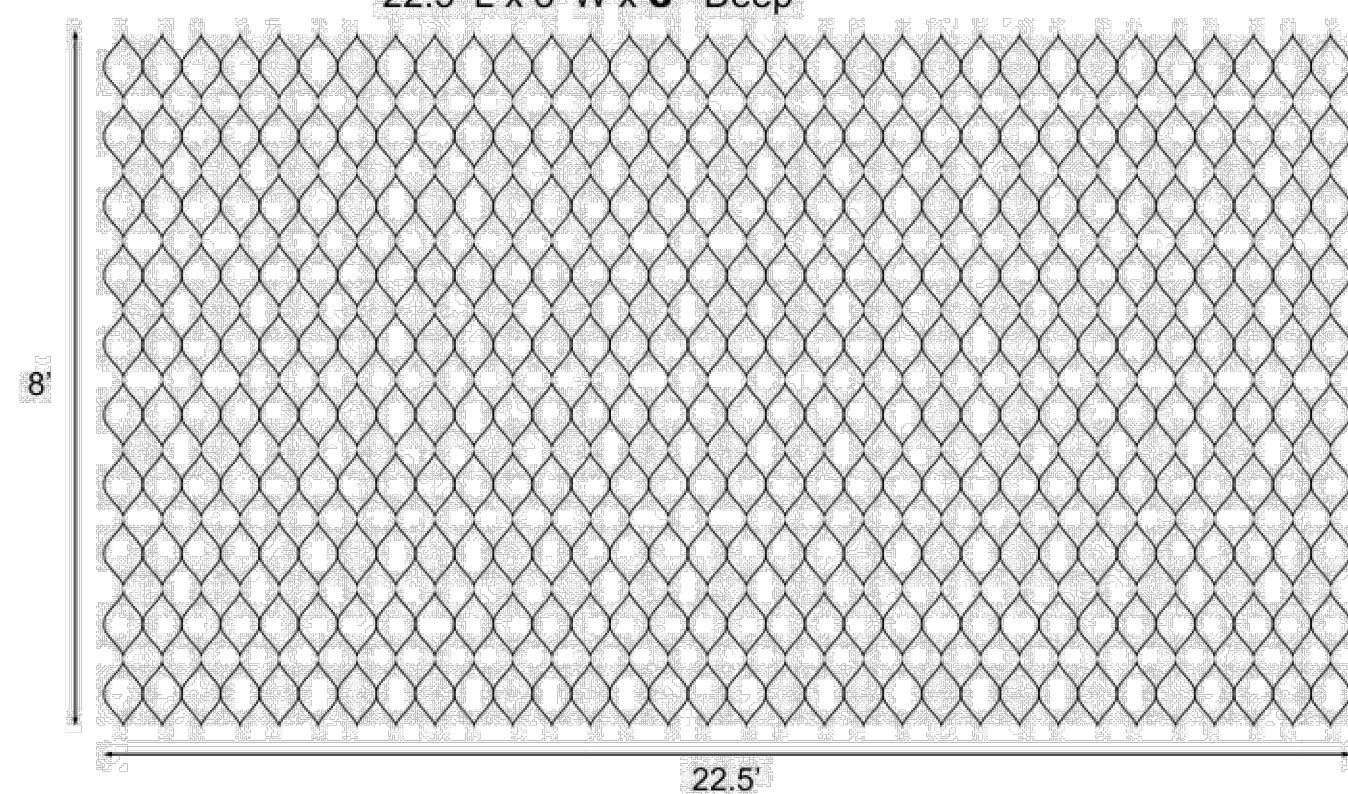
1. Unless indicated otherwise, values shown are minimum average roll values determined in accordance with ASTM D4759-02. Brief descriptions of test procedures are given in the following notes.
2. Nominal dimensions.
3. Load transfer capability determined in accordance with ASTM D6637-10 and ASTM D7377-11 and expressed as a percentage of ultimate tensile strength.
4. Determined in accordance with ASTM D7748-12.
5. Radial stiffness is determined from tensile stiffness measured in any in-plane axis from testing in accordance with ASTM D6637-10.
6. Resistance to loss of load capacity or structural integrity when subjected to chemically aggressive environments in accordance with EPA 9090 immersion testing.
7. Resistance to loss of load capacity or structural integrity when subjected to 500 hours of ultraviolet light and aggressive weathering in accordance with ASTM D4355-05.

**Tensar International Corporation**  
2500 Northwinds Pkwy.  
Atlanta, Georgia 30009  
Phone: 800-TENSAR-1  
**[www.tensarcorp.com](http://www.tensarcorp.com)**

This specification supersedes any and all prior specifications for the product designated above and is not applicable to any product shipped prior to April 3, 2002. **Tensar** and **Triax** are trademarks of Tensar International Corporation or its affiliates in the US and many other countries. **Triax** is a registered trademark of Tensar International Corporation or its affiliates in the US and many other countries. **Triax** is covered and the use thereof are protected by U.S. Patent No. 7,001,010. Patent or patent applications also exist in other countries. **Triax** determines the suitability of the above mentioned information or product for the use contemplated, and its manner of use are the sole responsibility of the user. Tensar International Corporation disclaims any and all express, implied or statutory warranties, including but not limited to, any warranty of merchantability or fitness for a particular purpose regarding this product or the Company's other products, technologies or services. The information contained herein does not constitute engineering advice.

## LSG Series® (Load Support Grid) Detail

Expanded Grid Options (each total 180sf):  
 22.5' L x 8' W x **3" Deep**  
 22.5' L x 8' W x **4" Deep**  
 22.5' L x 8' W x **6" Deep**



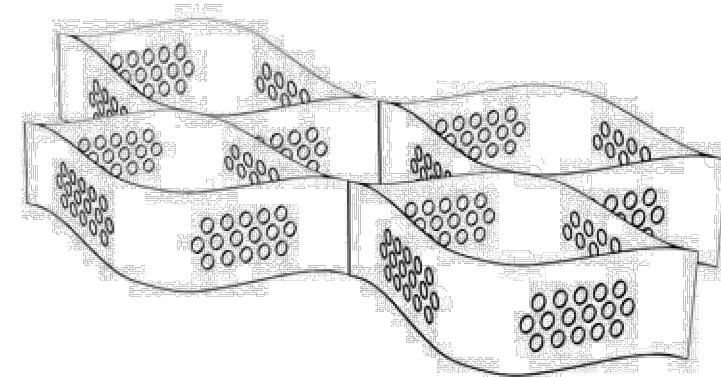
### Fully Expanded Single Cell

8.8" x 10.2"

**NOTES:**



809 Barkwood Ct., Suite M  
Linthicum, MD 21090  
Phone: 410-721-4844  
Fax: 410-721-3844  
info@celltekdirect.com  
www.celltekdirect.com

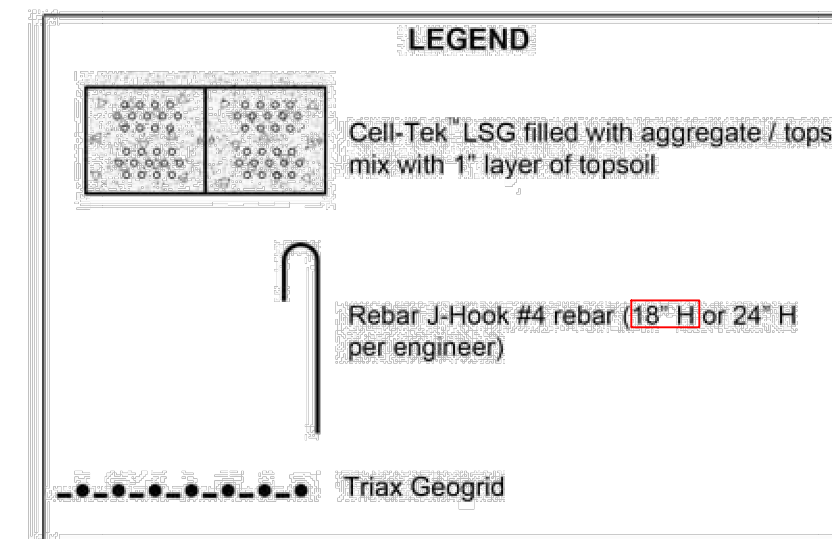
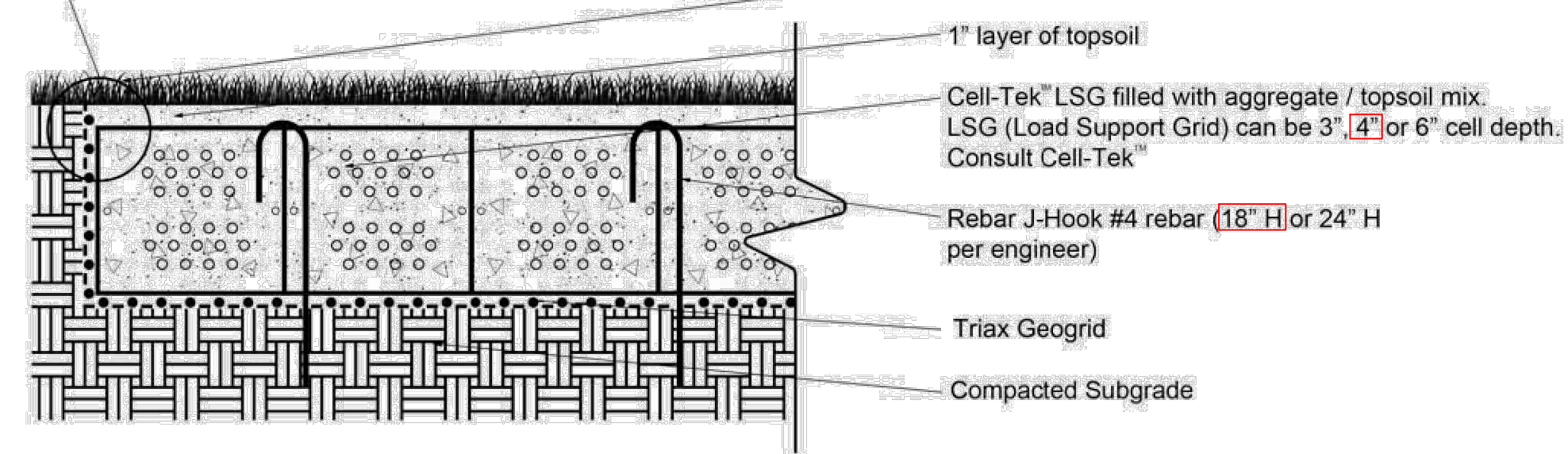


012024

### Vegetated Green Paving with LSG Series (Load Support Grid)

**Note:** See Edging Option CAD

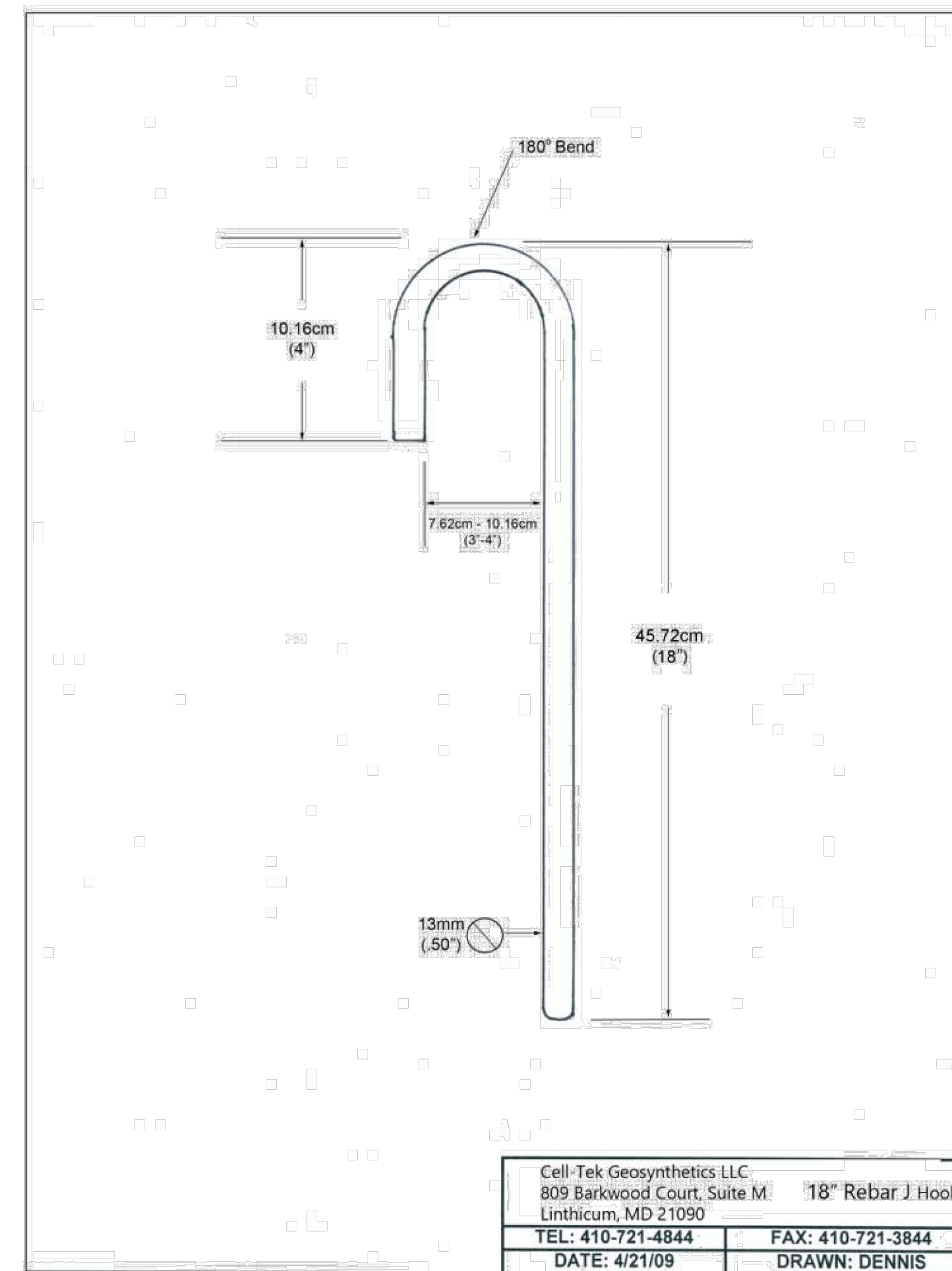
For Edging Options, See Our Edging CADS



**NOTES:**

- Max weight per Cell Depth
  - 3" = 8000 lbs (axle loads: 18kN)
  - 4" = H10 Loading 40,000 lbs (axle loads: 75kN)
  - 6" = H20 Loading 80,000 lbs (axle loads: 145kN)

120516



**dbf** **DAVIS BOWEN & FRIEDEL, INC.**  
ARCHITECTS • ENGINEERS • SURVEYORS

BALTIMORE, MARYLAND 410.770.4744  
MILFORD, DELAWARE 302.424.1441  
SALISBURY, MARYLAND 410.543.0091

**KINGS HIGHWAY  
ADVANCED UTILITY RELOCATION  
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**

## COMMENTS

DATE.

Date: FEBRUARY 2025

Scale: AS NOTED

Dwn.By: SHF

Proj.No.:	1897B048.003
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## FORCEMAIN DETAILS

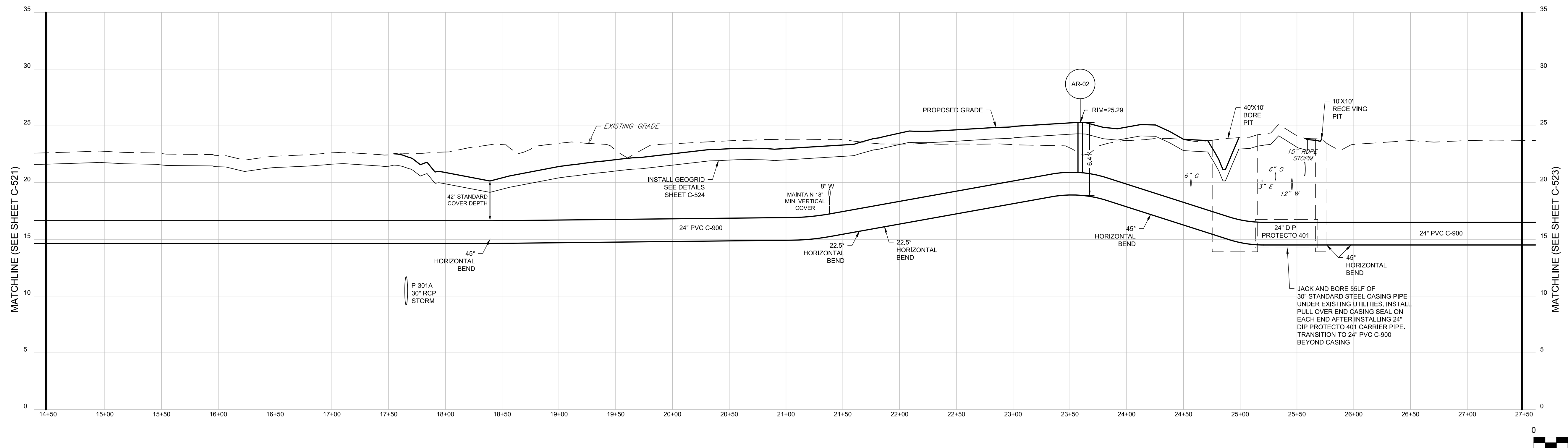
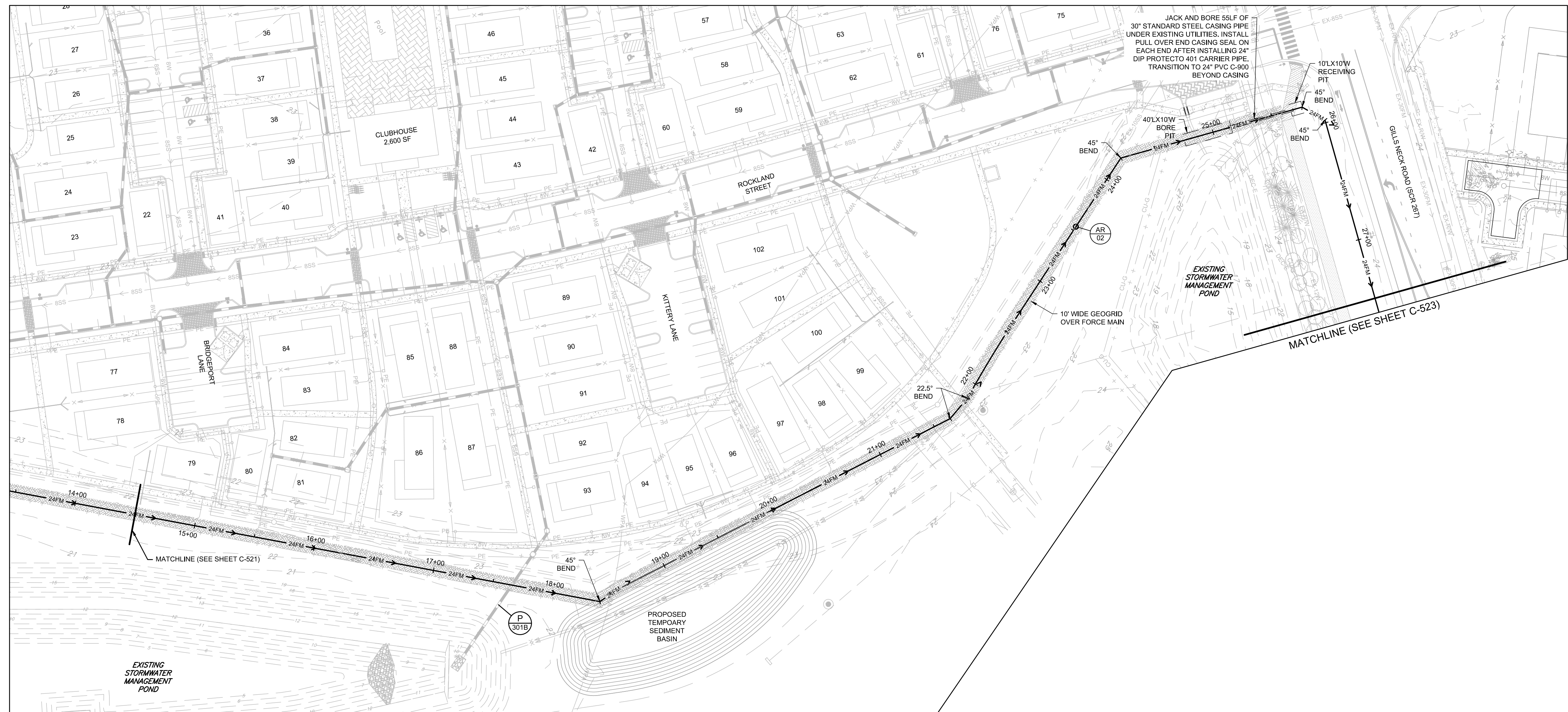
Dwg.No.:

**C-523**









**DAVIS  
BOWEN &  
FRIEDEL, INC.**  
ARCHITECTS • ENGINEERS • SURVEYORS

**dcf**

**EASTON, MASSACHUSETTS**  
410.770.4744

**MILFORD, DELAWARE**  
302.424.1441

**SALISBURY, MASSACHUSETTS**  
410.543.9091

**KINGS HIGHWAY  
ADVANCED UTILITY RELOCATION  
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE**


Effective Date:	FEBRUARY, 2025
Horizontal Scale:	HORIZ: 1" = 50'
Vertical Scale:	VERT: 1" = 5'
Drawn By:	SHF
Project No.:	P1897B25.094

# FORCEMAIN PLAN AND PROFILE

**C-522**







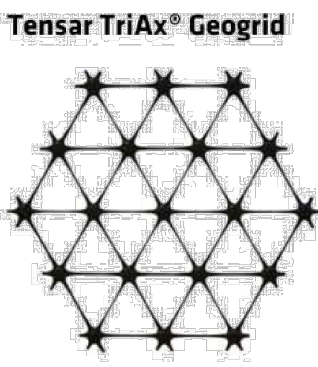
Product Specification - TriAx® TX130S Geogrid<sup>1</sup>

Tensar International Corporation reserves the right to change its product specifications at any time. It is the responsibility of the person specifying the use of this product and of the purchaser to ensure that product specifications relied upon for design or procurement purposes are current and that the product is suitable for its intended use in each instance.

General

- The geogrid is manufactured from a punched polypropylene sheet, which is then oriented in three substantially equilateral directions so that the resulting ribs shall have a high degree of molecular orientation, which continues at least in part through the mass of the integral node.
- The properties contributing to the performance of a mechanically stabilized layer include the following:

Index Properties	Longitudinal	Diagonal	General
▪ Rib pitch <sup>(4)</sup> , mm (in)	33 (1.30)	33 (1.30)	
▪ Rib shape			Rectangular
▪ Aperture shape			Triangular



Structural Integrity

▪ Junction efficiency <sup>(4)</sup> , %	93
▪ Overall Flexural Rigidity <sup>(4)</sup> , mg-cm	500,000
▪ Radial stiffness at low strain <sup>(5)</sup> , kN/m @ 0.5% strain (lb/ft @ 0.5% strain)	200 (13,708)

Durability

▪ Resistance to chemical degradation <sup>(6)</sup>	100%
▪ Resistance to ultra-violet light and weathering <sup>(7)</sup>	70%

Dimensions and Delivery

The TX geogrid shall be delivered to the jobsite in roll form with each roll individually identified and nominally measuring 3.0 meters (9.8 feet) and/or 4.0 meters (13.1feet) in width and 75 meters (246 feet) in length.

Notes

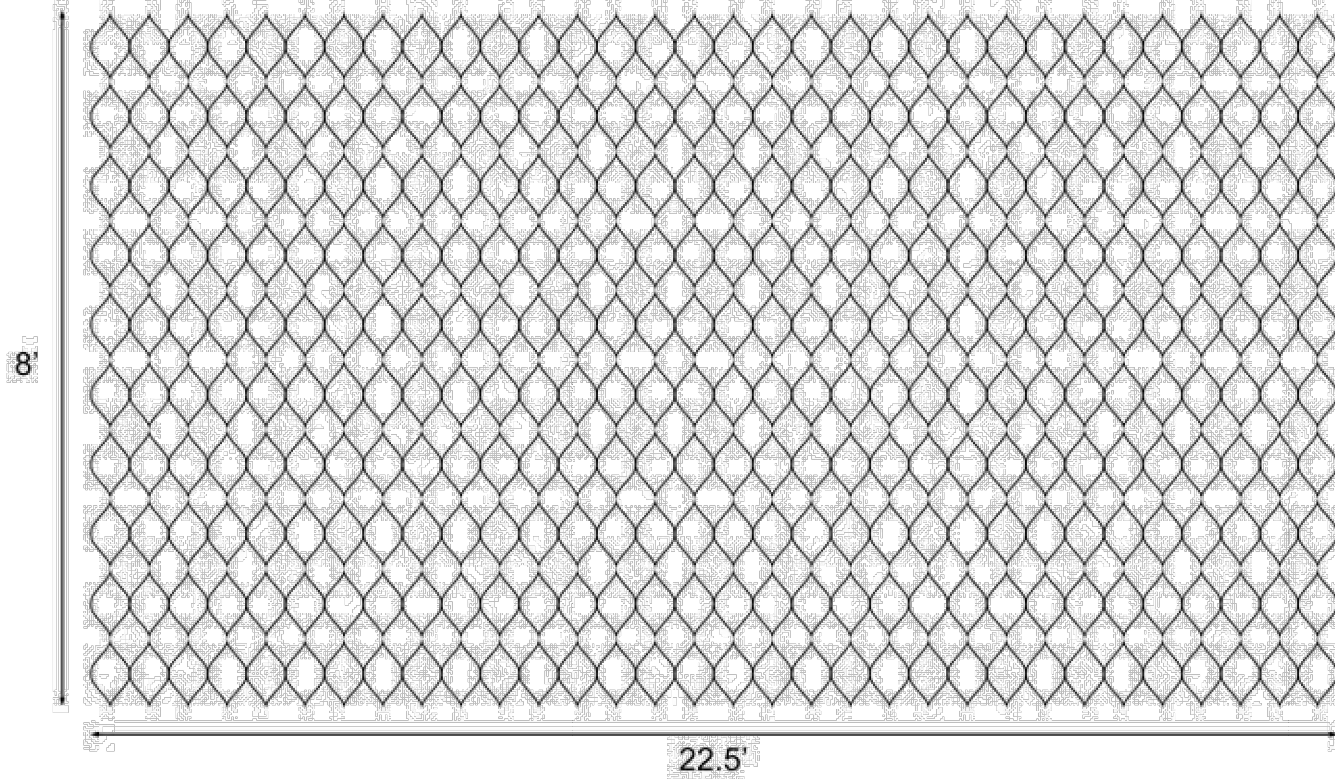
- Unless indicated otherwise, values shown are minimum average roll values determined in accordance with ASTM D4759-02. Brief descriptions of test procedures are given in the following notes.
- Nominal dimensions.
- Load transfer capability determined in accordance with ASTM D6637-10 and ASTM D7737-11 and expressed as a percentage of ultimate tensile strength.
- Determined in accordance with ASTM D7748-12.
- Radial stiffness is determined from tensile stiffness measured in any in-plane axis from testing in accordance with ASTM D6637-10.
- Resistance to loss of load capacity or structural integrity when subjected to chemically aggressive environments in accordance with EPA 9090 immersion testing.
- Resistance to loss of load capacity or structural integrity when subjected to 500 hours of ultraviolet light and aggressive weathering in accordance with ASTM D4355-05.

Tensar International Corporation  
2500 Northwinds Pkwy.  
Atlanta, Georgia 30009  
Phone: 800-TENSAR-1  
www.tensarcorp.com

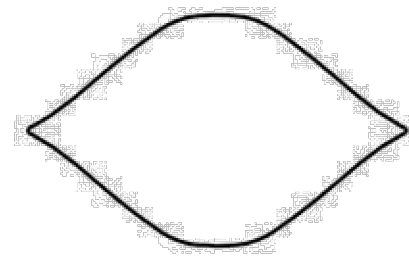
This specification supersedes any and all prior specifications for the product designated above and is not applicable to any product shipped prior to April 3, 2007. Tensar and TriAx are trademarks of Tensar International Corporation or its affiliates in the US and many other countries. TriAx geogrid and the use thereof are protected by U.S. Patent No. 7,000,102. Patents or patent applications also exist in other countries. Final determination of the suitability of the above-mentioned information or product for the use contemplated, and its manner of use are the sole responsibility of the user. Tensar International Corporation disclaims any and all express, implied or statutory warranties, including but not limited to, any warranty of merchantability or fitness for a particular purpose regarding this product or the Company's other products, technologies or services. The information contained herein does not constitute engineering advice.

LSG Series® (Load Support Grid) Detail

Expanded Grid Options (each total 180sf):  
22.5' L x 8' W x 3" Deep  
22.5' L x 8' W x 4" Deep  
22.5' L x 8' W x 6" Deep



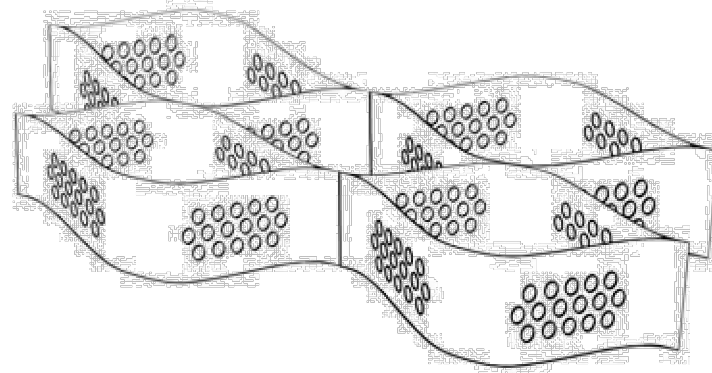
Fully Expanded Single Cell



NOTES:



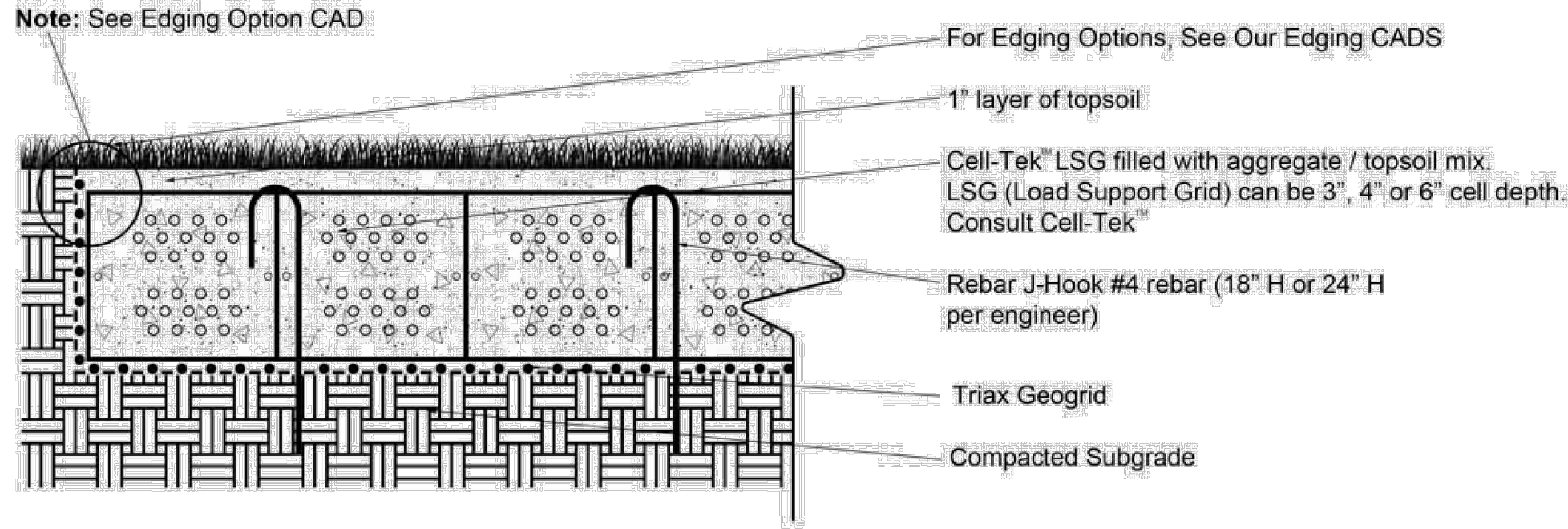
809 Barkwood Ct., Suite M  
Linthicum, MD 21090  
Phone: 410-721-4844  
Fax: 410-721-3844  
info@celltekdirect.com  
www.celltekdirect.com



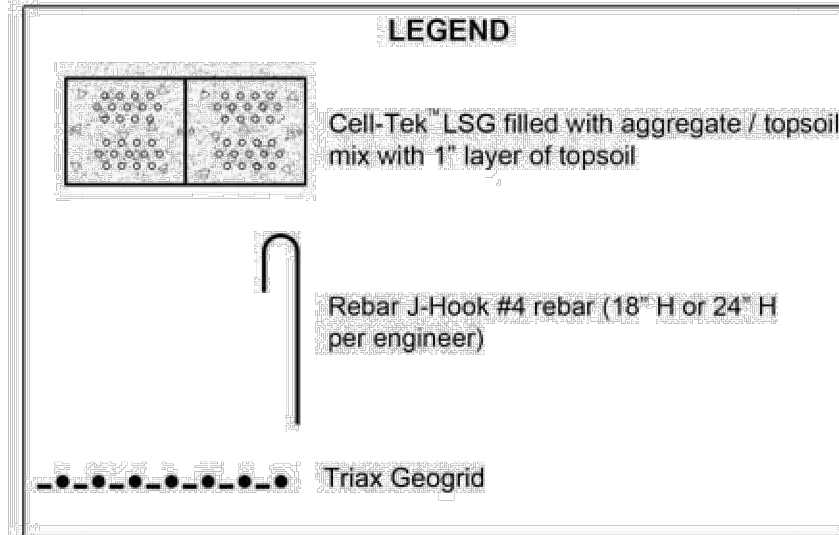
012024

Vegetated Green Paving with LSG Series (Load Support Grid)

Note: See Edging Option CAD

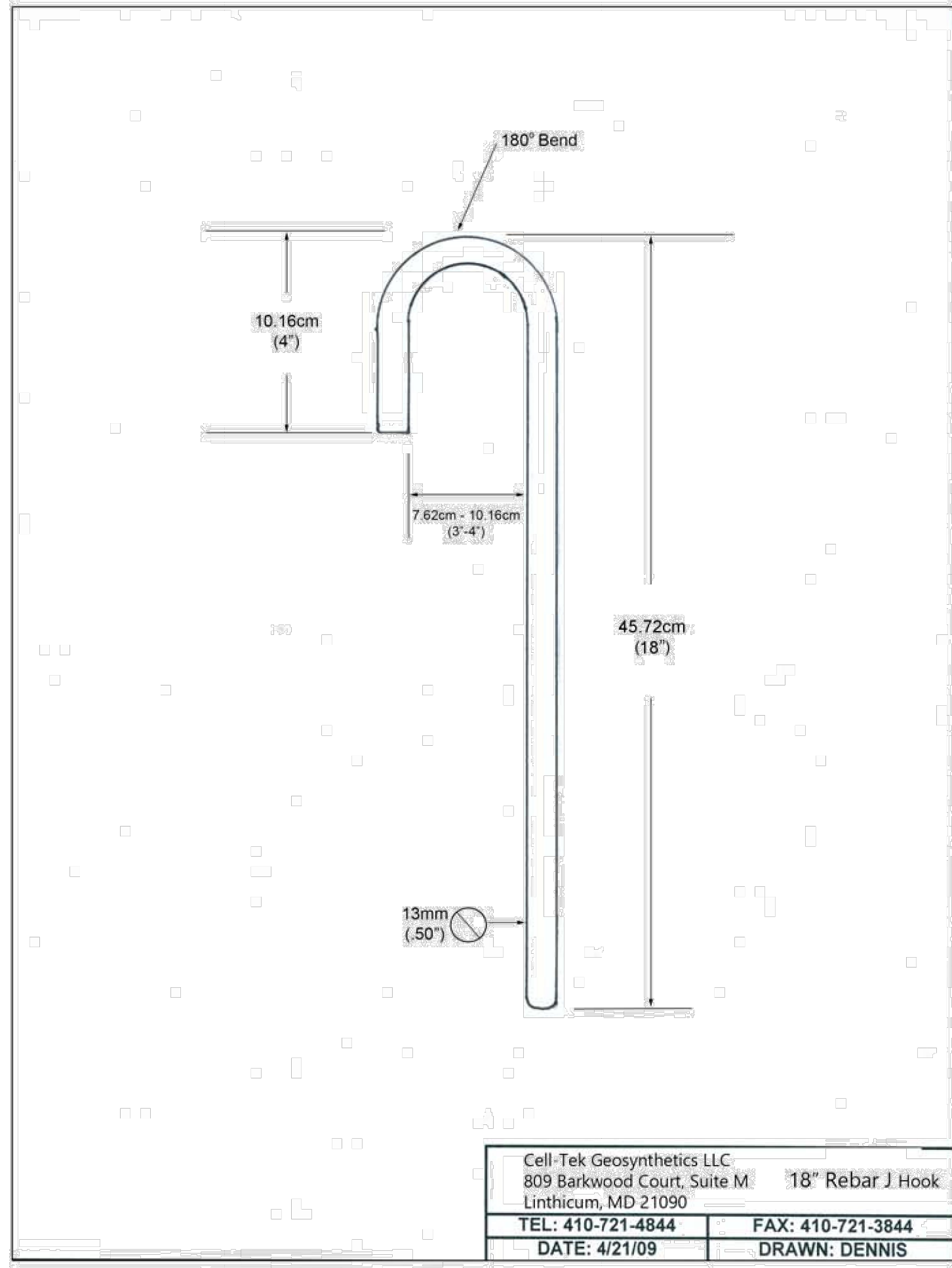


CELL-TEK  
Geosynthetics  
809 Barkwood Ct., Suite M  
Linthicum Heights, MD 21090  
Phone: 410.721.4844  
Fax: 410.721.3844  
Email: info@celltekdirect.com  
www.celltekdirect.com



NOTES:  
• Max weight per Cell Depth  
- 3" = 8000 lbs (axle loads: 18kN)  
- 4" = H10 Loading 40,000 lbs (axle loads:75kN)  
- 6" = H20 Loading 80,000 lbs (axle loads:145kN)

120516



Cell-Tek Geosynthetics LLC  
809 Barkwood Court, Suite M  
Linthicum, MD 21090  
TEL: 410-721-4844 FAX: 410-721-3844  
DATE: 4/21/09 DRAWN: DENNIS

KINGS HIGHWAY  
ADVANCED UTILITY RELOCATION  
LEWES & REHOBOTH HUNDRED  
SUSSEX COUNTY, DELAWARE

DAVIS  
BOWEN &  
FRIEDEL, INC.  
ARCHITECTS • ENGINEERS • SURVEYORS  
BALTIMORE, DELAWARE  
410.241.1411  
BAYTON, MARYLAND  
410.770.1741

Date: FEBRUARY, 2025  
Scale: HORIZ: 1" = 50'  
VERT: 1" = 5'  
Dwn.By: SHF  
Proj.No.: P1897B25.094

FORCEMAIN  
DETAILS

Dwg.No.:

C-524



# CHRISTIANA EXCAVATING COMPANY

2016 Sunset Lake Rd., Newark, DE. 19702  
(Newark) 302-738-8660 (Milford) 302-424-8343 FAX 302-738-3515

April 8, 2025

Jack Lingo Asset Management  
246 Rehoboth Avenue  
Rehoboth Beach, De 19971

## PROPOSAL

Attn: Zachary Rhoad

PVC Force Main Relocate  
Lewes, De  
Tax Parcels #335-12.00-3.00

**Bid From Plans Prepared by Davis Bowen & Fridel Inc. Dated February 2025 with No Revisions**

- Forcemain Plan & Profile, Sheets C-521 to C-522
- Forcemain Details, Sheet C-523

**We hereby propose to provide all labor, materials, and equipment necessary to perform the following scope of work per attached Bid Form:**

### Sanitary Sewer Force Main – Sussex County

**\$2,210,880.00**

- Provide Traffic Control, Flaggers & TMA as Required
- Test Digging to verify Existing Utilities
- Remove ~40 LF Existing 24" PVC Force Main & Tie into Existing Tee Wye
- Install 4,380 LF 24" PVC C-900 Force Main pipe w/ 57 Stone Bedding
- Install 1 ea. 24"x8" Tee, 1 ea. 24" Valve & 1 ea. 8" Valve
- Install various 24" Bends w/ 1 ea. 24" Cap w/ 2" BO
- Install 3 ea. 24" depressions
- Install 3 ea. Air Release Valves w/ Manholes
- Install 24" Megs & Kickers as Required
- Install 3 ea. Jack & Bores w/ 30" Steel Casing & 24" DIP Carrier Pipe
  - 165' Jack & Bore
  - 55' Jack & Bore
  - 135' Jack & Bore
- Install temporary bypass 1,260 LF 4" HDPE pipe (above ground) with fusions
- Tie in 8" Existing force main into proposed 24" Force Main
- Remove Temporary 4" HDPE
- Install 1,600' Green Paving over Force Main
  - Geogrid Fabric
  - Cell Tech Grid, 4"
  - GABC, 4"
  - Topsoil, Seed & Straw
- Install Detection Tape & Wire
- Testing for Sussex County Engineering Acceptance
- Replace Existing SUP 10'w as Needed for Force Main Alignment
- Topsoil, Seed & Mat Disturbed Areas

**SITEWORK TOTAL:**

**\$2,210,880.00**

**Two Million Two Hundred Ten Thousand Eight Hundred Eighty Dollars and No Cents**

**The following list of Notes / Exclusions are an integral and binding part of our proposal to provide the above scope of work and must be included in any subsequent Contractual Agreement:**

1. Engineering, Permits and Bonding are not included unless specified otherwise.
2. Undercutting of unsuitable &/or unstable soils and backfilling are not included.
3. Pipe trenches will be backfilled with on-site excavated materials.
4. Relocation &/or Removal of existing utilities is excluded.
5. CEC is not responsible for verification of existing utilities and/or re-engineering to avoid conflicts if required.
6. Additional S & E Controls not shown on the plans or required by a Regulating Authority are excluded.
7. Cost for a Certified Construction Reviewer is excluded.
8. Compaction Testing and Geotechnical Services are excluded.
9. Landscaping is excluded.
10. Per conversation with Hans Medlarz with Sussex County Engineering, the two tie ins for the temporary 4" HDPE & the 24" force main for the existing 8" force main will be two separate shutdowns at the pump station. No insertion valves or wet taps are estimated for this scope of work.
11. The following is included/excluded for the jack & bore:
  - a. PE Stamped calculations are excluded
  - b. Ground penetrating radar is excluded
  - c. The soils must be cohesive to support the pilot tubes during the guided boring process
  - d. Any delays or shutdowns not caused by CEC will be invoiced at the hourly rate of \$900/hr based on a daily rate of a 10-hour day of \$9,000.00
12. All work is priced out for daytime hours, no night work is included. If nightwork is required, additional pricing will occur.
13. Our proposal does not include prevailing wages, if required.
14. Testing of Excavated Materials for potential contamination is excluded.
15. Well pointing is excluded from our proposal.
16. Placement of Property Markers/Monuments is excluded.
17. Survey and Construction Layout for CEC work is included in our proposal. As Built Plans for the force main is included in our proposal.
18. All pricing is priced off daytime hours. Any after-hours dictated by other agencies for nightwork is excluded, if required. If nightwork is required, additional pricing will occur.
19. CEC reserves the right to verify the existing topography to check for any discrepancies with plan grades and conditions. Adjustments, if required, will be made to bid quantities based on our verification and a change order issued if warranted.
20. This Bid & Lump Sum costs shown was based on the above referenced plans. CEC reserves the right to review, evaluate, & revise any portion of this bid pending receipt of revised &/or approved plans.
21. Any damage, etc. that occurs due to an Act of God will be corrected on a Time & Material basis.
22. Removal, excavation and/or disposal of any underground tanks, plumbing, contaminated soils or other appurtenances and debris is specifically excluded unless otherwise specified.
23. Any item not specifically listed &/or addressed above is not included, if required.

**Likewise, the following Special Notes are also an integral and binding part of our Proposal/Contract and must be included in any subsequent Contractual Agreement.**

**1. PRICING:** All prices quoted herein are subject to renegotiation or change after One Hundred Twenty (120) days from the date of this proposal. All Contracts are subject to CEC's approval &/or acceptance of Customer's financing, credit arrangements, and payment terms. Prices quoted are based on CEC being able to complete the job without interruptions or delays. Should interruptions or delays occur during the course of the job, CEC, reserves the right to renegotiate or change the contract price(s). The job is to progress in a timely manner. Quoted prices are subject to CEC's review of final plans.

**2. DEFINITION OF EXTRA WORK:** Only excavation classified as dry earth is included in this Proposal/Contract. Rock excavation, quicksand, sink holes, water conditions, unsuitable and unstable soils are not included and will be treated as Extra

Work, for which an additional charge will be made. Likewise, any and all changes in scope of work or increases in quantities will result in additional charges.

**3. EXTRA WORK CHARGES:** Extra work not included in the Proposal/Contract scope may either be quoted separately on a Change Order/Extra Work Order, or performed on a time and material basis, at the discretion of the Customer. The Customer, or his Authorized Representative, will be required to execute a Change Order/Extra Work Order/Purchase Order form or sign the time and material work completion slips, to authorize the work and payment in accordance with contract with CEC.

**4. SCOPE CHANGES:** While the customer may make certain changes which increase or reduce the scope of work after a project has begun, any adds/deducts for such scope changes must be in writing and reviewed and approved by CEC before they will be incorporated into the Contract. Since scope changes may affect other aspects of the Contract, the Customer should not assume that unit prices referenced in the initial proposal would necessarily be used to determine the value of scope increases/reductions.

**5. ROCK EXTRA CHARGES:** Rock will be defined as immovable sub-surface strata greater than one half (1/2) contiguous cubic yard. Should we encounter rock on your job a price for removal will be determined at the time of encounter depending on the quantity.

**6. EXCESSIVE DEWATERING:** Excessive Dewatering will be defined as well point systems required by CEC to safely & efficiently control subsurface water conditions in any utility and/or SWM excavations that cannot be handled by utilizing one 200 GPM submersible dewatering pump. The determination to utilize Well Pointing to control subsurface water is at the sole discretion of CEC to safely and efficiently execute our work.

**7. BACKCHARGES:** No back charges will be accepted by CEC, or deducted from moneys due to CEC, without prior written authorization by Christiana Excavating Company.

**8. RETAINAGE:** No retainage will be accepted by CEC, or deducted from moneys due to CEC, without prior written authorization by Christiana Excavating Company.

**9. PERFORMANCE DEADLINES:** CEC will not conform to any project deadlines or construction schedules unless they are negotiated, mutually agreed upon, and included as an attachment to this Contract. Deadlines imposed after execution of this Contract must be reviewed by CEC for approval and acceptance or to allow for revised pricing to be prepared.

**10. PERMITS / INSPECTIONS / BONDING:** Customer is responsible for acquiring and paying for all necessary permits, inspections, and bonding. This shall include blasting permits and dewatering (well pointing) permits.

**11. HAZARDOUS MATERIALS / DEBRIS:** Customer shall be responsible for any and all hazardous materials or debris found on the job site, and will hold CEC harmless from any responsibility associated with same.

**12. SEDIMENT & EROSION CONTROLS:** Sediment & Erosion Controls were included in this proposal/contract as per the site plans. Additional Sediment & Erosion Controls not shown on plans will be treated as an Extra Work Charge. Also, reinstallation, repair, modification, and maintenance of any S & E Controls due to damage by others or inclement weather will be treated as an Extra Work Charge.

**13. PAYMENT TERMS:** CEC will render invoices periodically as work progresses. Customer agrees to make payment within 30 days of date of invoice. Thereafter Interest on unpaid balance will accrue at the rate of 1.5% per month from date of invoice (18% on an annual basis). In the event invoices are not paid when due, including any additional charges and/or Change Orders, CEC shall have the unqualified right to suspend or terminate its performance upon written notice. Any disputed charges shall be identified by written notice provided to CEC within Five (5) business days of the invoice date setting forth in specific detail the reason in support of the dispute. If written notice is not received within time specified, the charge(s) shall be deemed accepted and the invoice amount correct and shall be deemed a waiver of any and all rights related or in regard to said charge. Any other payment Schedule or Terms must be negotiated, mutually agreed upon, and included as an attachment to this Contract.

**14. CONTRACT SUSPENSION / CANCELLATION:** In the event of Suspension or Termination of work by CEC, including its agents or subcontractors, CEC shall not be liable for any damages, direct, indirect, liquidated, consequential, or any other type or variety, as a result of such Suspension or Termination. Christiana Excavating Company reserves all rights to recover lost overhead, profit and any Attorney fees incurred if Customer defaults on Contractual Agreement.

**15. CONTRACT DOCUMENTS:** No alterations, adjustments, modifications, deletions, additions, etc. to any contract documents will be accepted &/or honored by CEC unless reviewed and approved by CEC.

**16. CURB / SIDEWALK REPLACEMENT:** CEC will not be responsible for cracked &/or damaged curb or sidewalk by others. In addition, CEC will not be responsible for surface scaling and/or damaged concrete within the R/W as a result of Deicing or Snow Removal Controls by others. Curb and Sidewalk will be inspected immediately after installation by Inspector, Owner Representative, and CEC Representative. Any defects will be noted at this time and CEC will correct these at that time at CEC's expense.

**CONTRACTOR: CHRISTIANA EXCAVATING COMPANY**

**AUTHORIZATION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACCEPTANCE OF PROPOSAL**

The above prices, specifications, and conditions are satisfactory and are hereby fully and unconditionally accepted. Christiana Excavating Company is authorized to do the work as specified. This proposal may be withdrawn if not accepted within 30 days. By acceptance, this proposal and all accompanying documents become a binding contract. No alterations &/or adjustments to this proposal/contract will be accepted &/or honored by CEC unless reviewed and approved by Christiana Excavating Company.

**ACCEPTED BY: JACK LINGO ASSET MANAGEMENT**

**SIGNATURE:** \_\_\_\_\_

# CHRISTIANA EXCAVATING COMPANY

2016 Sunset Lake Rd., Newark, DE. 19702  
(Newark) 302-738-8660 (Milford) 302-424-8343 FAX 302-738-3515

April 8, 2025

Jack Lingo Asset Management  
246 Rehoboth Avenue  
Rehoboth Beach, De 19971

## PROPOSAL

Attn: Zachary Rhoad

DIP Force Main Relocate  
Lewes, De  
Tax Parcels #335-12.00-3.00

**Bid From Plans Prepared by Davis Bowen & Fridel Inc. Dated February 2025 with No Revisions**

- Forcemain Plan & Profile, Sheets C-521 to C-522
- Forcemain Details, Sheet C-523

**We hereby propose to provide all labor, materials, and equipment necessary to perform the following scope of work per attached Bid Form:**

### **Sanitary Sewer Force Main – Sussex County Interior Force Main**

**\$1,940,130.00**

- Survey/Stakeout for CEC's scope of work (Includes Asbuilt)
- Install 2,575 LF 30" TJ CL50 DIP P401 Lined Force Main w/ 57 Stone Bedding
- Install 13 ea. 30" Bends
- Install 1 ea. 30" Depression w/ 45 Bends
- Install 2 ea. Air Release Valves w/ Manholes
- Install 30" Megs & Concrete Kickers
- Install 1,600' Green Paving over Force Main
  - Geogrid Fabric
  - Cell Tech Grid, 4"
  - GABC, 4"
  - Topsoil, Seed & Straw
- Install Detection Tape & Wire
- Testing for Sussex County Acceptance

### **King's Highway**

**\$412,200.00**

- Provide Traffic Control, Flaggers, TMA & Jersey Barrier as Required
- Test Digging for Existing Utilities
- Install Shoring as Required (Excluded Sheet Piling)
- Install 1 ea. Line Stop
- Install 1 ea. ~80 LF 20" DIP Bypass w/ all thread fittings
- Tie into Existing Main w/ 30" MJ Wye
- Remove Line Stop & Bypass Pipe/Fittings

## Gill's Neck Road

**\$697,700.00**

- Provide Traffic Control, Flaggers, TMA & Jersey Barrier as Required
- Test Digging for Existing Utilities
- Install Shoring as Required (Excludes Sheet Piling)
- Install 1 ea. Line Stop
- Install 1 ea. ~80 LF 20" DIP Bypass w/ all thread fittings
- Install 2 ea. Jack & Bore Pits
- Install 155' 30" Jack & Bore w/ Steel Casing
- Tie into Existing Main w/ 30" MJ Wye
- Remove Line Stop & Bypass Pipe/Fittings
- Install Concrete Road Patch as Required
- Install 2" Mill & Overlay (100' Mill)
- Install Permanent Striping as Required

### **SITEWORK TOTAL:**

**\$3,050,030.00**

**Three Million Fifty Thousand Thirty Dollars and No Cents**

**The following list of Notes / Exclusions are an integral and binding part of our proposal to provide the above scope of work and must be included in any subsequent Contractual Agreement:**

1. Engineering, Permits and Bonding are not included unless specified otherwise.
2. Undercutting of unsuitable &/or unstable soils and backfilling are not included.
3. Pipe trenches will be backfilled with on-site excavated materials.
4. Relocation &/or Removal of existing utilities is excluded.
5. CEC is not responsible for verification of existing utilities and/or re-engineering to avoid conflicts if required.
6. Additional S & E Controls not shown on the plans or required by a Regulating Authority are excluded.
7. Cost for a Certified Construction Reviewer is excluded.
8. Compaction Testing and Geotechnical Services are excluded.
9. Landscaping is excluded.
10. Our proposal in the area of King's Highway does not consider any future DelDot Improvements for JLAM's commercial plans or DelDot future work. Our proposal is priced out as is current conditions of King's Highway. Any future improvements on King's Highway will result in additional pricing.
11. Our proposal for Gill's Neck Road is estimated to be a 100' Mill & Overlay since Gill's Neck Road will have new finished improvements completed before the tie in install.
12. The line stop price is based on equipment being installed for 5 days or less. If any delays occur outside of CEC's control an additional charge of \$1,050/day will be charged (including weekend days).
13. The flow may have to be isolated or reduced for a short period of time while inserting the line stopping head.
14. Line stops are designed to hold back fluid with constant pressure against them. If the system has faulty check valves or leaks where the pressure is relieved, CEC will not be responsible for damage to pipe line or line stop equipment due to the hammering of water or sewage hitting the Line stop when the system cycles. An extra cost will be charged if damage is done to line stop equipment or damage where line stop can't be retracted from pipeline.
15. The following is included/excluded for the jack & bore:
  - a. PE Stamped calculations are excluded
  - b. Ground penetrating radar is excluded
  - c. The soils must be cohesive to support the pilot tubes during the guided boring process
  - d. Any delays or shutdowns not caused by CEC will be invoiced at the hourly rate of \$900/hr based on a daily rate of a 10-hour day of \$9,000.00
16. All work is priced out for day time hours, no night work is included. If nightwork is required additional pricing will occur.
17. Our proposal does not include prevailing wages, if required.
18. Testing of Excavated Materials for potential contamination is excluded.
19. Well pointing is excluded from our proposal.
20. Placement of Property Markers/Monuments is excluded.
21. Survey and Construction Layout for CEC work is included in our proposal. As Built Plans for the force main is included in our proposal.

22. All pricing is priced off daytime hours. Any after-hours dictated by other agencies for nightwork is excluded, if required. If nightwork is required, additional pricing will occur.
23. CEC reserves the right to verify the existing topography to check for any discrepancies with plan grades and conditions. Adjustments, if required, will be made to bid quantities based on our verification and a change order issued if warranted.
24. This Bid & Lump Sum costs shown was based on the above referenced plans. CEC reserves the right to review, evaluate, & revise any portion of this bid pending receipt of revised &/or approved plans.
25. Any damage, etc. that occurs due to an Act of God will be corrected on a Time & Material basis.
26. Removal, excavation and/or disposal of any underground tanks, plumbing, contaminated soils or other appurtenances and debris is specifically excluded unless otherwise specified.
27. Any item not specifically listed &/or addressed above is not included, if required.

**Likewise, the following Special Notes are also an integral and binding part of our Proposal/Contract and must be included in any subsequent Contractual Agreement.**

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**3. EXTRA WORK CHARGES:** Extra work not included in the Proposal/Contract scope may either be quoted separately on a Change Order/Extra Work Order, or performed on a time and material basis, at the discretion of the Customer. The Customer, or his Authorized Representative, will be required to execute a Change Order/Extra Work Order/Purchase Order form or sign the time and material work completion slips, to authorize the work and payment in accordance with contract with CEC.

**4. SCOPE CHANGES:** While the customer may make certain changes which increase or reduce the scope of work after a project has begun, any adds/deducts for such scope changes must be in writing and reviewed and approved by CEC before they will be incorporated into the Contract. Since scope changes may affect other aspects of the Contract, the Customer should not assume that unit prices referenced in the initial proposal would necessarily be used to determine the value of scope increases/reductions.

**5. ROCK EXTRA CHARGES:** Rock will be defined as immovable sub-surface strata greater than one half (1/2) contiguous cubic yard. Should we encounter rock on your job a price for removal will be determined at the time of encounter depending on the quantity.

**6. EXCESSIVE DEWATERING:** Excessive Dewatering will be defined as well point systems required by CEC to safely & efficiently control subsurface water conditions in any utility and/or SWM excavations that cannot be handled by utilizing one 200 GPM submersible dewatering pump. The determination to utilize Well Pointing to control subsurface water is at the sole discretion of CEC to safely and efficiently execute our work.

**7. BACKCHARGES:** No back charges will be accepted by CEC, or deducted from moneys due to CEC, without prior written authorization by Christiana Excavating Company.

**8. RETAINAGE:** No retainage will be accepted by CEC, or deducted from moneys due to CEC, without prior written authorization by Christiana Excavating Company.

**9. PERFORMANCE DEADLINES:** CEC will not conform to any project deadlines or construction schedules unless they are negotiated, mutually agreed upon, and included as an attachment to this Contract. Deadlines imposed after execution of this Contract must be reviewed by CEC for approval and acceptance or to allow for revised pricing to be prepared.

**10. PERMITS / INSPECTIONS / BONDING:** Customer is responsible for acquiring and paying for all necessary permits, inspections, and bonding. This shall include blasting permits and dewatering (well pointing) permits.

**11. HAZARDOUS MATERIALS / DEBRIS:** Customer shall be responsible for any and all hazardous materials or debris found on the job site, and will hold CEC harmless from any responsibility associated with same.

**12. SEDIMENT & EROSION CONTROLS:** Sediment & Erosion Controls were included in this proposal/contract as per the site plans. Additional Sediment & Erosion Controls not shown on plans will be treated as an Extra Work Charge. Also, reinstallation, repair, modification, and maintenance of any S & E Controls due to damage by others or inclement weather will be treated as an Extra Work Charge.

**13. PAYMENT TERMS:** CEC will render invoices periodically as work progresses. Customer agrees to make payment within 30 days of date of invoice. Thereafter Interest on unpaid balance will accrue at the rate of 1.5% per month from date of invoice (18% on an annual basis). In the event invoices are not paid when due, including any additional charges and/or Change Orders, CEC shall have the unqualified right to suspend or terminate its performance upon written notice. Any disputed charges shall be identified by written notice provided to CEC within Five (5) business days of the invoice date setting forth in specific detail the reason in support of the dispute. If written notice is not received within time specified, the charge(s) shall be deemed accepted and the invoice amount correct and shall be deemed a waiver of any and all rights related or in regard to said charge. Any other payment Schedule or Terms must be negotiated, mutually agreed upon, and included as an attachment to this Contract.

**14. CONTRACT SUSPENSION / CANCELLATION:** In the event of Suspension or Termination of work by CEC, including its agents or subcontractors, CEC shall not be liable for any damages, direct, indirect, liquidated, consequential, or any other type or variety, as a result of such Suspension or Termination. Christiana Excavating Company reserves all rights to recover lost overhead, profit and any Attorney fees incurred if Customer defaults on Contractual Agreement.

**15. CONTRACT DOCUMENTS:** No alterations, adjustments, modifications, deletions, additions, etc. to any contract documents will be accepted &/or honored by CEC unless reviewed and approved by CEC.

**16. CURB / SIDEWALK REPLACEMENT:** CEC will not be responsible for cracked &/or damaged curb or sidewalk by others. In addition, CEC will not be responsible for surface scaling and/or damaged concrete within the R/W as a result of Deicing or Snow Removal Controls by others. Curb and Sidewalk will be inspected immediately after installation by Inspector, Owner Representative, and CEC Representative. Any defects will be noted at this time and CEC will correct these at that time at CEC's expense.

**CONTRACTOR: CHRISTIANA EXCAVATING COMPANY**

**AUTHORIZATION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

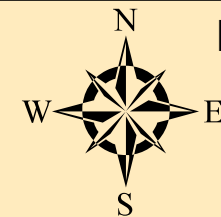
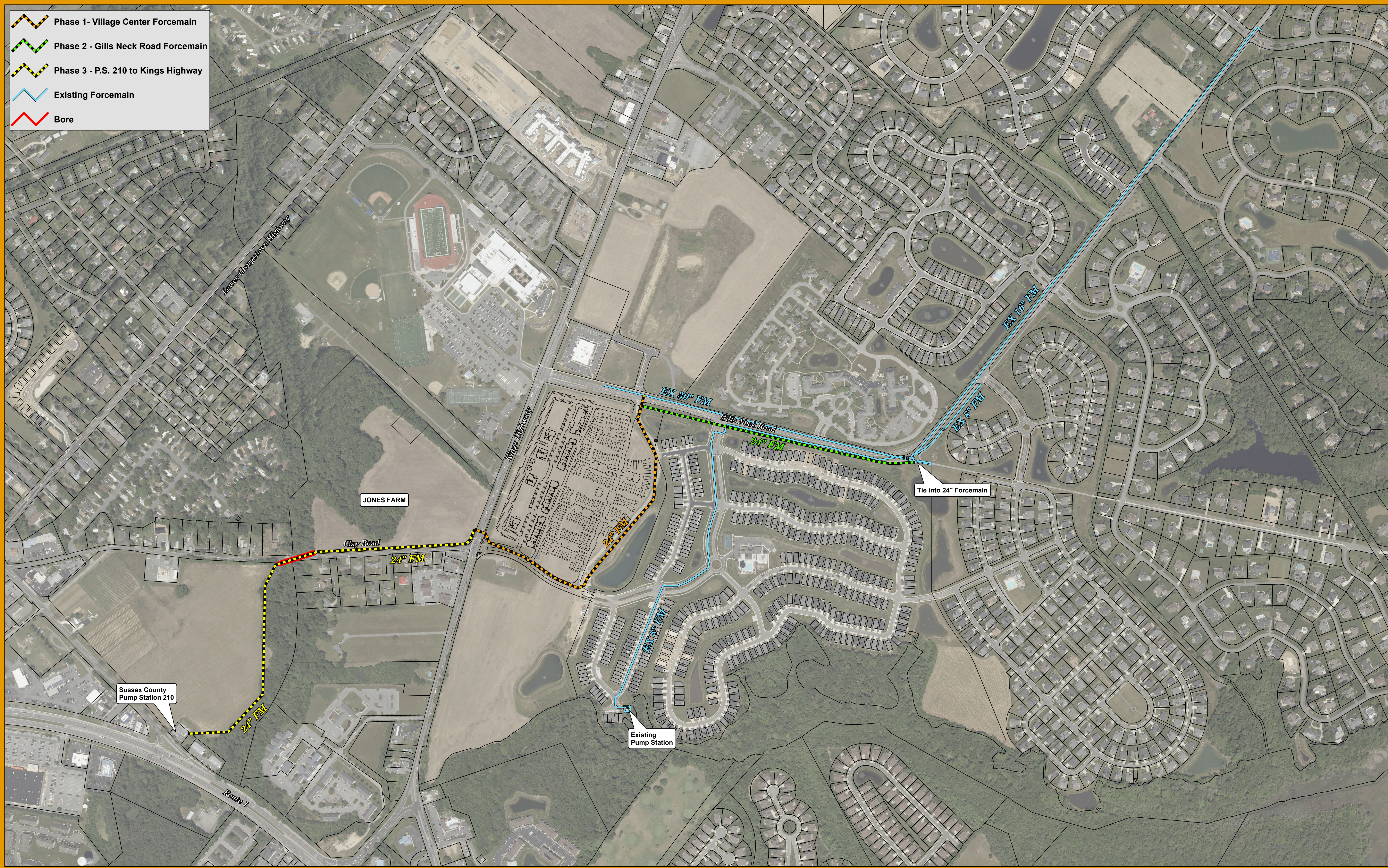
**ACCEPTANCE OF PROPOSAL**

The above prices, specifications, and conditions are satisfactory and are hereby fully and unconditionally accepted. Christiana Excavating Company is authorized to do the work as specified. This proposal may be withdrawn if not accepted within 30 days. By acceptance, this proposal and all accompanying documents become a binding contract. No alterations &/or adjustments to this proposal/contract will be accepted &/or honored by CEC unless reviewed and approved by Christiana Excavating Company.

**ACCEPTED BY: JACK LINGO ASSET MANAGEMENT**

**SIGNATURE:** \_\_\_\_\_







## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

(302) 855-7370 T  
(302) 854-5391 F  
mike.harmer@sussexcountype.gov



**Sussex County**  
DELAWARE  
sussexcountype.gov

### Memorandum

TO: Sussex County Council  
The Honorable Douglas B. Hudson, President  
The Honorable John L. Rieley, Vice President  
The Honorable Jane Gruenebaum  
The Honorable Matthew R. Lloyd  
The Honorable Steve C. McCarron

FROM: Hans Medlarz, P.E., Project Engineer

RE: ***Wolfe Neck Regional Wastewater Facility***  
***A. Denali Sludge Removal Agreement – Change Order No. 1***  
***B. Staging Area Pad Site – Purchase Order Award***

DATE: April 29, 2025

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001. Council reaffirmed GHD as the "Engineer of Record" South Coastal in September of 2016 and again on May 14, 2019, at which time Council also included professional services associated with the City of Rehoboth Beach's Wastewater Treatment Plant.

In July of 2016, County Council authorized agreement negotiations with other wastewater service providers for the utilization of existing unallocated wastewater treatment capacity. On September 20, 2016, Council approved the initial agreement with the Lewes Board of Public Works (LBPW) for wastewater treatment and disposal. It allowed for the transmission of a year-round base flow rate of up to 75,000 gallons per day into the BPW's system with a seasonal ramp up of up to 300,000 gallons per day during the fall/winter season.

As per the LBPW's request, the County utilized George, Miles & Buhr, Inc., the Board's Engineer of Record for the design of the proposed improvements. Following the design completion and permitting Council approved on August 29, 2017, LBPW's assistance request under the FY18 General Labor & Equipment Contract for a joint project.

In March of 2018, the LBPW requested an amendment to the Agreement allowing LBPW's service area tie-in(s) to the County's system and on March 20, 2018, Council approved Amendment No. 1 allowing wastewater to be transmitted and treated in the most cost-effective manner with the billing to be accomplished on a net zero metering basis.



On September 26, 2018, the County presented a request to increase the flow contributions at a Board meeting. Subsequently, the Board instructed their Counsel to draw up Amendment No. 2, which was accepted by County Council on January 8, 2018.

In 2021 both parties independently started planning for capital treatment plant improvements and expansions using GHD, Inc., the consultant already representing both entities. In addition, County Council committed substantial ARPA funding to the upgrade of wastewater treatment facilities in general and the Wolfe Neck RWF in particular. In this context, the County Engineer was authorized to initiate discussion with the Board.

The possible cooperation presented an opportunity to significantly reduce the LBPW's future long-term capital costs concerning sustainability of the wastewater treatment plant, especially compared to other potential options. Therefore, the Board held a series of workshops for public discussion and input and on March 31, 2022, decided to evaluate the following three (3) options with variations:

1. Maintain wastewater treatment facility in its current flood plain location at its current capacity while "hardening" the perimeter to deal with climate change.
2. Relocate wastewater treatment facility outside of the flood plain, increase capacity to meet ultimate demand and investigate (2a) land treatment disposal, (2b) continued Canal discharge and (2c) ocean outfall.
3. Relocate wastewater treatment facility to Wolfe Neck in a partnership with County using the same capacity assumptions while investigating (3a) continued piped Canal discharge versus (3b) biological polishing.

On May 24, 2022, Council approved to fund 50% of the long-range study in the amount of \$124,250.00 utilizing allocated ARPA. The results of the study were presented to County Council on December 6, 2022. Since then, the LBPW held workshops on February 10th, March 22nd, April 12<sup>th</sup>, May 17<sup>th</sup> and June 14<sup>th</sup> to continue the open decision-making process.

In late June of 2023 Sussex County was informed by DNREC officials of significant findings during a Phase 1 archeological study at the Wolfe Neck RWF. These findings triggered a Phase 2 archeological study, encompassing the entire spray lease area. The impact has created uncertainty for biological polishing under option 3b as well as the proposed facility conversion from center pivot irrigation to a fixed-head irrigation in managed forests.

During the LBPW workshop on August 9<sup>th</sup> the concept of an ocean outfall from the Wolfe Neck RWF emerged as study Option 3c. Under this scenario the County would construct a new 5.25 mgd treatment facility relying mainly on the outfall and only spray irrigate at agronomically required rates using the exiting irrigation systems. With LBPW's waste load allocation in the Lewes-Rehoboth Canal no longer an asset, Option 3c would be a flow-based partnership requiring a new agreement detailing future operation and maintenance.

The Wolfe Neck RWF has been in operation for 30 years but no biosolids were ever removed from the primary treatment lagoon. Any Wolfe Neck treatment expansion can only occur in the location of the primary or secondary treatment lagoon requiring even more urgent removal of the accumulated biosolids. As a precursor of the removal, all incoming flows must be transferred to treatment lagoons 2 & 3. For the support of the biosolids removal and

dewatering equipment a new electrical service and power distribution center had to be designed and constructed to accommodate both the immediate power needs as well as the future plant expansion.

On August 15, 2023, Council approved GHD's Amendment 22 – Advanced Electrical Design in the not to exceed amount of \$427,138.72 and Amendment 23 for the expansion of the long-range study to include Option 3c in the not to exceed amount of \$95,000.00.

Subsequently GHD developed construction documents for the associated electrical and general construction at the Wolfe Neck Facility with the option to bid on one or both segments. Bids were advertised, five (5) contractors attended the pre-bid meeting but on April 18, 2024, only two (2) bids were received for the Electrical Construction and one (1) bid was received for the General Construction.

BW Electric, Inc.'s low bid for the Electrical Construction was within budget. However, the bid for General Construction came in well above budget. At the time of bid the County had three (3) open general construction projects with different companies. All three, Bancroft, Whayland and Ronca can perform the scope but chose not to bid. Therefore, the Engineering Department recommended, and Council concurred to approach each company requesting competitive proposals for a change order under their respective open contract.

On April 30, 2024, Council approved the award of the Electrical Construction to BW Electric, Inc. in the low bid amount of \$5,000,000.00, rejecting the sole General Construction bid and soliciting three proposals under an alternate delivery method.

The Whayland Company, Bancroft Construction, and M.F. Ronca were sent a request for proposals. BW Electric was later invited to bid since they were awarded the electrical portion of the project. Out of the four (4) proposals received on June 7, 2024, the lowest responsible offer was made by Bancroft Construction at \$1,376,000.00 and on June 11, 2024, Council approved issuance of Change Order No. 1 under Bancroft Construction's James Farm contract in the full amount of \$1,376,000.00 but with separate accounting and schedule of values.

The Engineering Department requested GHD to submit Amendment 25 for construction phase engineering services for both contracts at the Wolfe Neck Facility which Council approved on June 11, 2024 in the not to exceed amount of \$736,342.23.

The initial design approach for the lagoon solar project anticipated a "behind the meter" component connected to the new main power distribution panel. However, in the final design both projects connect directly to the utility transformer. The lagoon solar alignment routing was initially laid out outside of the County's project envelope on State owned lands. The archeological findings necessitated the consolidation of all construction activities on previously disturbed areas under County ownership. Therefore, GHD, prepared modified drawings incorporating an advanced construction duct bank between the building and the generator for us by Noria-Chaberton JV LLC under the lagoon solar project while at the same time removing the solar connection to the main power distribution panel. BW Electric, Inc. priced out the work in the aggregate amount of \$87,423.45. On August 13, 2024, Council approved BW Electric, Inc.'s Change Order No. 1 for the same amount.

The electrical project also included a new Process Control System Cabinet, which will initially communicate with existing SCADA and ultimately be incorporated into the new site-wide SCADA system for the expanded facility. This Cabinet was to include a County-furnished Industrial PC (IPC) to match recent projects and direction given by Environmental Services. However, Environmental Services has recently decided to phase out IPCs and instead use Operator Interface Terminals. BW Electric, Inc. priced out the work in the amount of \$6,102.82 which was approved under Change Order No. 2 by Council on November 19, 2024.

The exact dimensions of the solar duct bank penetrations in the building foundation issued under Change Order No.1 to BW Electric were still being finalized in the submittal process when Bancroft started on the building footers and foundation walls. GHD informed Bancroft of the delay on December 20<sup>th</sup> and the issue was resolved one month later on January 20<sup>th</sup>. GHD and the Engineering Department supported a 3-week delay and an allowance for remobilization after subtracting weather-related delays. Based on the recommendation, County Council issued Change Order No. 3 to Bancroft Construction in the amount of \$19,717.76 on February 11, 2025.

Environmental Services and the Engineering Department had planned for the removal of a series of initial discussions with Denali and Synagro, the only two (2) firms capable of delivering such a massive removal project. Starting in July 2024, GHD was tasked with laying out options for efficient project execution. Subsequently, GHD developed an RFP with input from the firms, circulating a draft before issuing a final version. Upon receipt of the draft, the two firms conducted site visits confirming sludge depth and consistency as well as developed questions which resulted in a revised RFP capturing the updated information and operational details. On February 28, 2025, proposals were received.

Denali's proposal was lower in cost than either one of Synagro's options. Denali was initially the more engaged and responsive bidder – although Synagro ended up asking several relevant questions in the week leading up to the RFP due date. Denali offered a \$(75,000.00) credit for not restoring the staging area to existing conditions. Having a staging area for larger upgrade project currently under preliminary design is beneficial and the credit was incorporated in Council's approval of the agreement with the Denali Corporation in the amount of \$3,850,800.00 on March 25, 2025.

When Denali was debriefed with regards to the exact power requirements, GHD and the Engineering Department first pursued a series of smaller breakers but then pivoted to a generator driven approach for an estimated six (6) months project period allowing the project schedule to be accelerated prior to the original fall 2025 start date. This would allow the initial underwater dredging to proceed in the summer months while the later removal stages with exposed, potentially odorous sludge would occur later in the year. Denali offered to provide the on-site power generation for six (6) months for \$175,000.00 as well as credit the baseline staging area expense in the amount of (\$210,000.00). In addition, an equal or greater credit will be created in the electrical construction balancing change order at the end of the project for the deleted bank of breakers.

The Engineering Department worked with Denali on a value engineered design of an enhanced staging area which met their needs but could also be made permanent and serve for the upgrade construction project and ultimately the future operation of the facility. It was directly sent to five (5) site contractors for pricing but only two (2) bids were received. The other contractors declined to bid due to workforce limitations and the tight project timeline. The lowest unit cost bid was submitted by A.P. Croll in the amount of \$482,027.50 with most of the cost in stone. The Engineering Department will review the pavement cross section and make further cost-saving adjustments.

In summary, the Department recommends issuing Change Order No. 1 to Denali Corporation in the aggregate credit amount of (\$35,000.00) and issuance of a purchase order to A.P. Croll in the not to exceed amount of \$482,027.50.



***SUSSEX COUNTY  
CHANGE ORDER REQUEST***

**A. ADMINISTRATIVE:**

1. Project Name: **Denali Sludge Removal Agreement**
2. Sussex County Project No. RFP
3. Change Order No. 1
4. Date Change Order Initiated 4/23/25
5.
  - a. Original Contract Sum \$3,850,800.00
  - b. Net Change by Previous Change Orders \$ 0
  - c. Contract Sum Prior to Change Order \$3,850,800.00
  - d. Requested Change - \$35,000.00
  - e. Net Change (No. of days)
  - f. New Contract Amount \$3,815,800.00
6. Contact Person: Mike Harmer, P.E.  
Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

- ☒ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☒ 4. Design Change
- ☐ 5. Overrun/Underrun in Quantity

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Staging Area Pad Site Credit -\$210,000.00  
Six (6) Months Power Generation \$175,000.00

**D. JUSTIFICATION FOR CHANGE ORDER**

**INCLUDED?** Yes     X     No           

**E. APPROVALS**

1. Denali Water Solutions, LLC

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Representative's Name in Block Letters

2. Sussex County Engineer

 4/24/2025  
\_\_\_\_\_  
Signature Date

3. Sussex County Council President

\_\_\_\_\_  
Signature Date



**From:** [Charlie Golden](#)  
**To:** [Hans Medlarz](#)  
**Cc:** [Steven Clark](#); [Kaycee Widen](#); [Becky Pierce](#);  
**Subject:** RE: [EXT]Denali - Generator Rates  
**Sent:** 3/28/2025 2:46:20 PM

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Sounds good, thank you.

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**From:** Hans Medlarz <[hans.medlarz@sussexcountysde.gov](mailto:hans.medlarz@sussexcountysde.gov)>  
**Sent:** Friday, March 28, 2025 2:20 PM  
**To:** Charlie Golden <[charlie.golden@denaliwater.com](mailto:charlie.golden@denaliwater.com)>  
**Cc:** Steven Clark <[Steven.Clark@ghd.com](mailto:Steven.Clark@ghd.com)>; Kaycee Widen <[kwiden@sussexcountysde.gov](mailto:kwiden@sussexcountysde.gov)>; Becky Pierce <[Becky.Pierce@denaliwater.com](mailto:Becky.Pierce@denaliwater.com)>  
**Subject:** RE: [EXT]Denali - Generator Rates

Hi Charlie,

Should we go beyond the six (6) months timeline we will modify the CO through another Council action. In the meantime we will request pricing next week using the June 1 completion date. Once the pricing is in hand we will circle back with you.

Have a great weekend.

Hans

---

**From:** Charlie Golden <[charlie.golden@denaliwater.com](mailto:charlie.golden@denaliwater.com)>  
**Sent:** Friday, March 28, 2025 2:01 PM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountysde.gov](mailto:hans.medlarz@sussexcountysde.gov)>  
**Cc:** Steven Clark <[Steven.Clark@ghd.com](mailto:Steven.Clark@ghd.com)>; Kaycee Widen <[kwiden@sussexcountysde.gov](mailto:kwiden@sussexcountysde.gov)>; Becky Pierce <[Becky.Pierce@denaliwater.com](mailto:Becky.Pierce@denaliwater.com)>  
**Subject:** RE: [EXT]Denali - Generator Rates

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Hans,

I'm being told you and Derick spoke, and we agree that Denali does not need the disconnects installed on the pad. Denali agrees to the generator and fuel costing below. Once you receive quotes for the build of the laydown area we can circle back to discuss as we are open to using the most cost-effective contractor. We would prefer the pad be completed by June 1<sup>st</sup> if possible as our mobilization and setup will take some time. Currently, the grinder we are waiting on should be delivered around June 15<sup>th</sup> and we prefer to start running the day it arrives if everything aligns well. It's not the end of the world if the pad isn't finished by June 1<sup>st</sup> but the earlier the better for us. If you have any questions or concerns, please let me know.

Thanks and Have a Great Weekend!  
Charlie Golden

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**From:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Sent:** Friday, March 28, 2025 9:08 AM  
**To:** Charlie Golden <[charlie.golden@denaliwater.com](mailto:charlie.golden@denaliwater.com)>  
**Cc:** Steven Clark <[Steven.Clark@ghd.com](mailto:Steven.Clark@ghd.com)>; Kaycee Widen <[kwiden@sussexcountyde.gov](mailto:kwiden@sussexcountyde.gov)>; Becky Pierce <[Becky.Pierce@denaliwater.com](mailto:Becky.Pierce@denaliwater.com)>  
**Subject:** [EXT]Denali - Generator Rates

You don't often get email from [hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov). [Learn why this is important](#)

Greetings Charlie:

Thank you for your voice mail explaining the anticipated length of generator usage. To be sure I suggest we add one month for a worst case scenario of six (6) months. Based on that input and Denali's willingness to limit the mark-up to 5% the County will accept Denali's offer. However, the quote contains MD gross receipts tax and another undisclosed tax I assume is a MD sales tax. Both should not apply in DE. Since Denali is using one of it's own generators it would definitely not apply to that unit.

In order to move the change order onto the Council's schedule I suggest we base it on the following:

1. Mobilization/de-mobilization - \$1,800.00
2. Monthly rental of two (2) generators - \$15,000.00
3. Weekly rental (also applies to any partial week) - \$3,500.00
4. Fuel cost incurred + 5% estimated at \$850/day

Estimated 6-months not to exceed change order value = +/- \$175,000.00. If this arrangement works for Denali we will tee up the CO.

In addition, we are working on the Conservation District permitting. Please review the attached layout plan which is based on your concept. If it works we will submit it and start pricing it out with three vendors including Bearing. Should bearing be low we let the scope stay in your contract if no we will credit their cost out of your contract and install ourselves with a delivery date of 7/1/2025.

Please advise on both issues.

Thanks, Hans

**Hans M. Medlarz, P.E.**  
Sussex County Engineering Department  
2 The Circle; P.O. Box 589  
Georgetown, DE 19947  
[Hans.Medlarz@sussexcountyde.gov](mailto:Hans.Medlarz@sussexcountyde.gov)  
(302) 855-7728

---

**From:** Charlie Golden <[charlie.golden@denaliwater.com](mailto:charlie.golden@denaliwater.com)>  
**Sent:** Thursday, March 27, 2025 2:41 PM  
**To:** Steven Clark <[Steven.Clark@ghd.com](mailto:Steven.Clark@ghd.com)>  
**Cc:** Becky Pierce <[Becky.Pierce@denaliwater.com](mailto:Becky.Pierce@denaliwater.com)>  
**Subject:** Rehoboth Generator Rates

Steven,

Circling back on the Generator rental and fuel. Considering I might use one company-owned generator I want to agree on the rental rates below. The attached quote is for the two generators we need to run everything.

$\$16,709.25 - (\text{Mob Demob}) \$1800 = \$14,909.25 \times 5\% = \$745.46 + \$14,909.25 = \$15,654.71$

Denali will charge \$15,654.71 per month for the generator rentals. The County can either provide the fuel for the units or we will keep receipts and bill the fuel at cost plus 5%.

Please discuss with the County a sampling procedure to agree on dry tons. Typically we would take grab samples throughout the day and split them with the plant. Its up to the county how many they want to run themselves. We will bill off of the % solids results while using the weight tickets from the landfill.

Let me know if you need anything else.

Thanks,  
Charlie Golden



**Charlie Golden • VP of Operations, North Division**

1221 Bruceville Road, Unit B, Keymar, MD 21757

C: 479-890-1698

[Charlie.Golden@denaliwater.com](mailto:Charlie.Golden@denaliwater.com)

[www.DenaliWater.com](http://www.DenaliWater.com)

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**[EXTERNAL EMAIL]** This email is not from a Denali Water employee using an @denaliwater.com email address. **DO NOT CLICK** links or open attachments unless you recognize the sender and email address and know the content is safe.

**From:** [Hans Medlarz](#)  
**To:** [Kaycee Widen](#)  
**Subject:** Denali - Site Discount  
**Sent:** 4/24/2025 9:57:30 AM

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For use in Memo

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**From:** Charlie Golden <[charlie.golden@denaliwater.com](mailto:charlie.golden@denaliwater.com)>  
**Sent:** Wednesday, April 23, 2025 5:09 PM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Cc:** Becky Pierce <[Becky.Pierce@denaliwater.com](mailto:Becky.Pierce@denaliwater.com)>; Brian Clarke <[brian.clarke@denaliwater.com](mailto:brian.clarke@denaliwater.com)>  
**Subject:** Denali – Site Discount  
Hans,

Denali agrees to credit you \$210,000 on mobilization line item to let the County construct the pad. This will now change our Mob line item to \$125,000 and our Demob to \$50,000 ( since we already credited the 75k for removing pad).

If you need anything else let me know.

Thanks,  
Charlie



**Charlie Golden • VP of Operations, North Division**  
1221 Bruceville Road, Unit B, Keymar, MD 21757  
**C:** 479-890-1698  
[Charlie.Golden@denaliwater.com](mailto:Charlie.Golden@denaliwater.com)  
[www.DenaliWater.com](http://www.DenaliWater.com)

# WOLFE NECK RFP EVALUATION FORM

Wolfe Neck RWF Sludge Removal Project

A.P. Croll & Son, Inc.

Atlantic Contracting & Material Co.

Bearing Construction Co.

Melvin L. Joseph Construction Co.

Thompson & Sons Contracting Inc.

Bid Item	Description of Work	Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Average Unit Price
<b>PART A</b>														
1	Mobilization/ Demobilization incl. E&S	1	LS	\$12,300.00	\$12,300.00	\$70,000.00	\$70,000.00							
2	Strip topsoil and respread on farm land (1/2 mile distance) as directed	1	LS	\$36,750.00	\$36,750.00	\$63,000.00	\$63,000.00							
3	Tie-in Site Grading at Lagoon Bank incl. East Coast Erosion Blanket ECC-2B	1	LS	\$14,750.00	\$14,750.00	\$18,000.00	\$18,000.00							
4	Furnish and Install Slope Stabilization with No. 3 Stone	150	TON	\$105.00	\$15,750.00	\$84.00	\$12,600.00							
5	Furnish, Place and Compact Type "C" Backfill	5,500	TON	\$25.50	\$140,250.00	\$36.00	\$198,000.00							
6	Furnish, Place and Roll No.3 Stone	2,200	TON	\$65.75	\$144,650.00	\$76.00	\$167,200.00							
7	Furnish, Place and Roll CR-6	1,500	TON	\$56.50	\$84,750.00	\$73.00	\$109,500.00							
8	Furnish and Place MIRAFI 500X Geotextile	5,000	SY	\$1.65	\$8,250.00	\$2.00	\$10,000.00							
9	Remove and Replace 6-Foot Chain Link Fencing	120	LF	\$57.00	\$6,840.00	\$69.00	\$8,280.00							
10	Furnish and Install 30-Foot Wide 2-Leave Swing Gate	1	LS	\$4,000.00	\$4,000.00	\$6,500.00	\$6,500.00							
11	Furnish and Install Super Silt Fence	250	LF	\$9.35	\$2,337.50	\$29.00	\$7,250.00							
12	Furnish and Install Hot Mix Type B	40	TON	\$285.00	\$11,400.00	\$385.00	\$15,400.00							
<b>TOTALs</b>					<b>\$482,027.50</b>		<b>\$685,730.00</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$0.00</b>	

**From:** [Scott Fowler](#)  
**To:** [Hans Medlarz](#)  
**Subject:** Wolfe Neck Laydown Yard  
**Attachments:** [Wolfe Neck RWF RFP Bid Table AP Croll.xls](#)  
**Sent:** 4/23/2025 1:31:13 PM

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Good afternoon Hans,

Please find our attached spread sheet bid for Wolfe Neck Laydown Yard attached. We are comfortable with completing this project prior to July 4<sup>th</sup>.

Respectfully Submitted,

Scott L. Fowler



A.P. Croll and Son, Inc.  
22997 Lewes Georgetown Highway  
P.O. Box 748  
Georgetown, DE 19947

Email: [scott.fowler@crollconstruction.com](mailto:scott.fowler@crollconstruction.com)

Phone : 302-856-6177  
Fax: 302-856-3482

**From:** [Bonnie Thompson](#)  
**To:** [Hans Medlarz](#)  
**Subject:** Re: Wolfe Neck Lay Down Yard - RFP  
**Sent:** 4/16/2025 8:19:58 AM

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good Morning Hans,

Thompson & Sons Contracting Inc. would like to Thank you for considering us for your bid for Wolfe Neck Lay Down Yard.

Due to the schedule of completion of work, we will not be able to bid on this project. Pierce states we would not be able to meet the schedule for the project. With the work we have on hand and the weather that has held us up is the reason.

Respectfully best wishes

*Bonnie F Thompson*  
*Office Administrator/Corporate Secretary*  
*Thompson & Sons Contracting Inc.*  
*P: 302-335-3404 F: 302-335-3422*  
**300 Torbert RD**  
**Milford, DE 19963**  
*Email: [thompsonsonsync@Comcast.net](mailto:thompsonsonsync@Comcast.net)*  
*Linked Email: [office@thompsonsonsync.net](mailto:office@thompsonsonsync.net)*

---

**From:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Sent:** Monday, April 14, 2025 3:18 PM  
**To:** Bonnie Thompson <[Office@ThompsonSonsInc.Net](mailto:Office@ThompsonSonsInc.Net)>  
**Subject:** RE: Wolfe Neck Lay Down Yard - RFP

Bonnie, you are on top it. Much appreciated. Hans

---

**From:** Bonnie Thompson <[Office@ThompsonSonsInc.Net](mailto:Office@ThompsonSonsInc.Net)>  
**Sent:** Monday, April 14, 2025 2:58 PM  
**To:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Subject:** Re: Wolfe Neck Lay Down Yard - RFP

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hans,

Thank you..

I've printed out for Pierce to price. Made him aware of the tight time line of bid and completion of work.

Respectfully

Received and have printed out for Pierce to quote.

*Bonnie F Thompson*

*Office Administrator/Corporate Secretary*

*Thompson & Sons Contracting Inc.*

*P: 302-335-3404 F: 302-335-3422*

**300 Torbert RD**

**Milford, DE 19963**

Email: [thompsonsonsincc@Comcast.net](mailto:thompsonsonsincc@Comcast.net)

Linked Email: [office@thompsonsonsincc.net](mailto:office@thompsonsonsincc.net)

---

**From:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>

**Sent:** Monday, April 14, 2025 2:26 PM

**To:** Bonnie Thompson <[Office@ThompsonSonsInc.Net](mailto:Office@ThompsonSonsInc.Net)>

**Subject:** FW: Wolfe Neck Lay Down Yard - RFP

Hi Bonnie, good talking to you.

I am glad I followed up otherwise I would be waiting a long time for a response. Lol.

Best regards, Hans

---

**From:** Hans Medlarz

**Sent:** Friday, April 11, 2025 3:04 PM

**To:** Scott Fowler <[scott.fowler@crollconstruction.com](mailto:scott.fowler@crollconstruction.com)>; Ken Adams <[kadams@melvinjoseph.com](mailto:kadams@melvinjoseph.com)>;

[jim@bearingconstruction.net](mailto:jim@bearingconstruction.net); [conventionalbuilders@comcast.net](mailto:conventionalbuilders@comcast.net); Lynn Kenney <[lkenney@acmpave.com](mailto:lkenney@acmpave.com)>

**Subject:** Wolfe Neck Lay Down Yard - RFP

Good Friday afternoon Contractor Friends:

The County is requesting pricing for a permanent lay down yard at the Wolfe Neck RWF off Wolfe Neck Road. This RFP is by invitation only, please do not forward. Please use the attached spreadsheet to submit your bid.

This is a unit cost project on a tight time line. Therefore, we request your responses by 4/23 at 4:00 p.m. The award is scheduled for 4/29 with a Notice to Proceed any time thereafter. However, it has to be completed before the July 4<sup>th</sup> Holiday.

Any questions should be directed to me and I will distribute responses to all parties if necessary.

The County appreciates your interest but in case you cannot accommodate our timeline let me know too.

Have a great weekend. Hans

**Hans M. Medlarz, P.E.**

Sussex County Engineering Department

2 The Circle; P.O. Box 589

Georgetown, DE 19947

[Hans.Medlarz@sussexcountyde.gov](mailto:Hans.Medlarz@sussexcountyde.gov)

(302) 855-7728



**From:** [Jamie Yoder](#)  
**To:** [Hans Medlarz](#)  
**Cc:** [Sam Merrell](#); [Jim Merrell](#);  
**Subject:** RE: Wolfe Neck Lay Down Yard - RFP  
**Sent:** 4/23/2025 2:37:38 PM

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hans ,I am sorry to say Bearing Construction will not be submitting a proposal for the Wolfe Neck Lay Down Yard due to the time frame, please keep Bearing Construction in mind for future projects .

Thank You.



**Jamie Yoder**

Estimator

☎ 410-556-6100  
📠 410-490-7547  
✉ [jamie@bearingconstruction.net](mailto:jamie@bearingconstruction.net)  
🌐 [www.bearingconstruction.net](http://www.bearingconstruction.net)

**From:** Jim Merrell <[jim@bearingconstruction.net](mailto:jim@bearingconstruction.net)>  
**Sent:** Friday, April 18, 2025 8:48 AM  
**To:** Jamie Yoder <[jamie@bearingconstruction.net](mailto:jamie@bearingconstruction.net)>  
**Subject:** FW: Wolfe Neck Lay Down Yard - RFP



**Jim Merrell**

President

☎ 410-708-0811  
✉ [jim@bearingconstruction.net](mailto:jim@bearingconstruction.net)  
🌐 [www.bearingconstruction.net](http://www.bearingconstruction.net)

**From:** Hans Medlarz <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
**Sent:** Thursday, April 17, 2025 5:06 PM  
**To:** Scott Fowler <[scott.fowler@crollconstruction.com](mailto:scott.fowler@crollconstruction.com)>; Ken Adams <[kadams@melvinjoseph.com](mailto:kadams@melvinjoseph.com)>; Jim Merrell <[jim@bearingconstruction.net](mailto:jim@bearingconstruction.net)>; Bonnie Thompson <[Office@ThompsonSonsInc.Net](mailto:Office@ThompsonSonsInc.Net)>; Lynn Kenney <[lkenney@acmpave.com](mailto:lkenney@acmpave.com)>  
**Subject:** RE: Wolfe Neck Lay Down Yard - RFP

**CAUTION - EXTERNAL**

Greetings Friends:

We received a few questions triggering the following clarifications:

- Topsoil Stockpile: No silt fence around the stockpile is required as long as it is graded out to a 4to1 slope. County staff will use it to fill holes during the summer, hence no temp vegetation is needed.
- Grading Tie-in at Lagoon: - The grading on the north side of the new laydown yard is to blend into the lagoon slope and immediate stabilized with matting. No silt fence is required on that side.
- Construction Layout: Elevation accuracy is not critical. Therefore, County will release CAD file for use in GPS based construction approach.
- Tree Clearing: Tree removal to ground level should be included in item 2 but stumping should be excluded. Select fill can be placed and compacted over flush stumps.

Happy Easter, Hans

**Hans M. Medlarz, P.E.**

Sussex County Finance Department

2 The Circle; P.O. Box 589

Georgetown, DE 19947

[Hans.Medlarz@sussexcountyde.gov](mailto:Hans.Medlarz@sussexcountyde.gov)

(302) 855-7728

---

**From:** Hans Medlarz

**Sent:** Friday, April 11, 2025 3:04 PM

**To:** Scott Fowler <[scott.fowler@crollconstruction.com](mailto:scott.fowler@crollconstruction.com)>; Ken Adams <[kadams@melvinjoseph.com](mailto:kadams@melvinjoseph.com)>;  
[jim@bearingconstruction.net](mailto:jim@bearingconstruction.net); [conventionalbuilders@comcast.net](mailto:conventionalbuilders@comcast.net); Lynn Kenney <[lkenney@acmpave.com](mailto:lkenney@acmpave.com)>

**Subject:** Wolfe Neck Lay Down Yard - RFP

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Any questions should be directed to me and I will distribute responses to all parties if necessary.

The County appreciates your interest but in case you cannot accommodate our timeline let me know too.

Have a great weekend. Hans

**Hans M. Medlarz, P.E.**

Sussex County Engineering Department

2 The Circle; P.O. Box 589

Georgetown, DE 19947

[Hans.Medlarz@sussexcountyde.gov](mailto:Hans.Medlarz@sussexcountyde.gov)

(302) 855-7728

**From:** [Chuck Ewing](#)  
**To:** [Hans Medlarz](#)  
**Cc:** [Ken Adams](#); [Michael Seaton](#);  
**Subject:** Re: Wolfe Neck Lay Down Yard - RFP  
**Sent:** 4/23/2025 3:04:46 PM

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hans, Thank you for the invitation to bid this project. Unfortunately we are going to have to pass on this one. Due to current workload and time constraints we are unable to bid this contract. Please keep us in mind for future bids.

Best Regards,

----- Forwarded message -----

From: **Ken Adams** <[kadams@melvinjoseph.com](mailto:kadams@melvinjoseph.com)>  
Date: Fri, Apr 11, 2025 at 3:32 PM  
Subject: Fwd: Wolfe Neck Lay Down Yard - RFP  
To: Chuck Ewing <[cewing@melvinjoseph.com](mailto:cewing@melvinjoseph.com)>

Kenneth P. Adams  
President  
[Melvin L. Joseph Construction Co.](#)  
P:302.856.7396 F: 302.856.1725



----- Forwarded message -----

From: **Hans Medlarz** <[hans.medlarz@sussexcountyde.gov](mailto:hans.medlarz@sussexcountyde.gov)>  
Date: Fri, Apr 11, 2025, 3:04 PM  
Subject: Wolfe Neck Lay Down Yard - RFP  
To: Scott Fowler <[scott.fowler@crollconstruction.com](mailto:scott.fowler@crollconstruction.com)>, Ken Adams <[kadams@melvinjoseph.com](mailto:kadams@melvinjoseph.com)>, [jim@bearingconstruction.net](mailto:jim@bearingconstruction.net) <[jim@bearingconstruction.net](mailto:jim@bearingconstruction.net)>, [conventionalbuilders@comcast.net](mailto:conventionalbuilders@comcast.net) <[conventionalbuilders@comcast.net](mailto:conventionalbuilders@comcast.net)>, Lynn Kenney <[lkenney@acmpave.com](mailto:lkenney@acmpave.com)>

Good Friday afternoon Contractor Friends:

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Any questions should be directed to me and I will distribute responses to all parties if necessary.

The County appreciates your interest but in case you cannot accommodate our timeline let me know too.

Have a great weekend. Hans

**Hans M. Medlarz, P.E.**

Sussex County Engineering Department

2 The Circle; P.O. Box 589

Georgetown, DE 19947

[Hans.Medlarz@sussexcountyde.gov](mailto:Hans.Medlarz@sussexcountyde.gov)

(302) 855-7728

--

**Chuck Ewing**

Melvin L Joseph Construction

25136 DuPont Boulevard

Georgetown, De. 19947

Phone 302-856-7396

Fax 302-856-1725

--

**Mike Seaton**

410-713-8067

Melvin L. Joseph Construction Co. Inc.

25136 Dupont Boulevard

Georgetown De. 19947 Phone 302-856-7396

Fax 302-856-1725

--

**Chuck Ewing**

Melvin L Joseph Construction

25136 DuPont Boulevard

Georgetown, De. 19947

Phone 302-856-7396



Standard Sediment & Stormwater Construction Notes

1. The Sussex Conservation District shall be notified in writing 5 days prior to commencing with construction. Failure to do so constitutes a violation of the approved Sediment and Stormwater Management Plan.
2. Review and/or approval of the Sediment and Stormwater Management Plan shall not relieve the contractor from his or her responsibilities for compliance with the requirements of the Delaware Sediment and Stormwater Regulations, nor shall it relieve the contractor from errors or omissions in the approved plan.
3. If the approved plan needs to be modified, additional sediment and stormwater control measures may be required as deemed necessary by DNREC or the Delegated Agency.
4. Following soil disturbance or redistribution, permanent or temporary stabilization shall be completed for all perimeter sediment controls, soil stockpiles, and all other disturbed or graded areas on the project site within 14 calendar days unless more restrictive Federal requirements apply.
5. All erosion and sediment control practices shall comply with the Delaware Erosion and Sediment Control Handbook, latest edition.
6. At any time a dewatering operation is used, it shall be previously approved by the Agency Construction Site Reviewer for a non-erosive point of discharge, and a dewatering permit should be approved by the DNREC Well Permitting Branch.
7. Approval of a Sediment and Stormwater Management Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.
8. The contractor shall at all times protect against sediment or debris laden runoff or wind from leaving the site. Perimeter controls shall be checked daily and adjusted or repaired to fully contain and control sediment from leaving the site. Accumulated sediment shall be removed when it has reached half of the effective capacity of the control. In addition, the contractor may need to adjust or alter measures in times of adverse weather conditions, or as directed by the Agency Construction Site Reviewer.
9. Before any earthwork or excavation takes place, the contractor should call Miss Utility at 811 or 1-800-282-8555 at least 48 hours prior to construction, to have all existing utilities marked onsite.
10. Best available technology (BAT) shall be employed to manage turbid discharges in accordance with requirements of 7 Del.C. Ch. 60, Regulations Governing the Control of Water Pollution, Section 9.1.02, known as Special Conditions for Stormwater Discharges Associated with Construction Activities, and DNREC policies, procedures, and guidance.
11. It shall be the responsibility of the contractor to maintain and repair all erosion and sediment control and stormwater management practices during construction and utility installation.
12. Seeding/Mulch/Topsoil
  - 12.1. Temporary seeding of disturbed areas shall comply with Mix No. 5 from figure 3.4.3, as shown on sheet 501.
  - 12.2. Permanent seeding of disturbed areas shall comply with Mix No. 7 from figure 3.4.3, as shown on sheet 501.
    - 12.2.1. All areas not covered by buildings, equipment, stone or pavement, shall be seeded with the permanent seeding mixture listed above.
    - 12.2.2. A minimum of 4" of topsoil shall be applied to all areas requiring seeding. Areas of "cut" shall be undercut and final grades established with a minimum of 4" of topsoil.
13. If construction activity is completed or ceases for a period of 14 days, all disturbed areas are to be stabilized with temporary or permanent seeding per this plan.

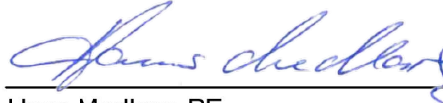
OWNER'S CERTIFICATION STATEMENT

"I, the undersigned, certify that all land clearing, construction and development shall be done pursuant to the approved standard plan and that responsible personnel (i.e., Blue Card Holder) involved in the land disturbance will have a Certification of Training prior to initiation of the project, at a DNREC sponsored or approved training course for the control of erosion and sediment during construction. In addition, I grant the DNREC Sediment and Stormwater Program and/or the relevant Delegated Agency the right to conduct onsite reviews.

Hans Medlarz, PE  
2 The Circle, Georgetown DE 19947  
(302) 855-7728  
hans.medlarz@sussexcountytde.gov

ENGINEER'S STATEMENT

"I hereby certify that this plan has been prepared under my supervision and to the best of my knowledge complies with the applicable state and local regulations and ordinances."

  
Hans Medlarz, PE  
2 The Circle, Georgetown DE 19947  
(302) 855-7728  
hans.medlarz@sussexcountytde.gov

4/11/2025

SCD APPROVAL

# Wolfe Neck Sludge Removal Standard Plan

Lewes & Rehoboth Hundred, Sussex County, Delaware  
Inland Bays Watershed, HUC 8: Chincoteague,  
HUC 10: Rehoboth Bay



LOCATION MAP  
SCALE: 1" = 800'



## Sussex County Engineering Department

2 The Circle, P.O. Box 589, Georgetown, DE 19947

Ph: 302-855-7718, Fax: 302-855-7799

SHEET INDEX

- |        |  |
|--------|--|
| 1 of 5 | Cover Sheet                                |
| 2 of 5 | Site Plan                                  |
| 3 of 5 | Erosion & Sediment & Control Plan          |
| 4 of 5 | Erosion & Sediment Control Plan & Details  |
| 5 of 5 | Erosion & Sediment Control Notes & Details |




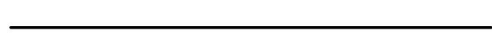

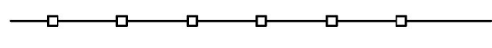



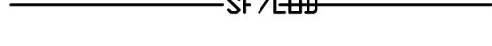
Project Data

Date:	April 10, 2025
Owner/Developer/Designer:	Sussex County c/o Hans Medlarz, PE Project Engineer 2 The Circle, P.O. Box 589 Georgetown, DE 19947 Ph: (302) 855-7728 email: hans.medlarz@sussexcountytde.gov
Tax Map #:	334-7.00-30.01
PLUS #	N/A
Site Address	36160 Wolfe Neck Rd, Rehoboth Beach, DE 19971
Lat/Long:	38.742800, -75.116519, center of lot
Existing Site Area:	100.00 AC
Proposed Site Area:	100.00 AC
Existing Wetland Area:	N/A
Proposed Condition:	Wastewater Treatment Plant
Total LOD:	1.16 AC
Vertical Datum:	NAVD 88
Horizontal Datum:	NAD 83/91
3rd Party CCR Required:	No

General Notes

1. A BOUNDARY SURVEY WAS NOT PERFORMED FOR THIS PROJECT. PROPERTY LINES SHOWN REFERENCE THE DELAWARE FIRSTMAP STATE PARCELS LAYER.
2. THIS PLAN DOES NOT VERIFY THE EXISTENCE OR NON EXISTENCE OF ANY EASEMENTS OR RIGHTS OF WAY.
3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, LOCAL BUILDING CODES, AND THE STANDARD SPECIFICATIONS.
4. ALL DISTURBED AREAS SHALL BE SMOOTHLY GRADED TO PROMOTE POSITIVE DRAINAGE AND STABILIZED WITH TOPSOIL, SEED, AND MULCH. IF SETTLEMENT OCCURS, TOPSOIL, SEEDING, AND MULCH SHALL BE REPEATED UNTIL SETTLEMENT SUBSIDES.
5. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO (2) WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL COORDINATE ALL CONSTRUCTION PHASES WITH THEM:  
SUSSEX COUNTY ENGINEERING . . . . . 302-855-7728  
SUSSEX CONSERVATION DISTRICT . . . . . 302-856-2105
6. THE CONTRACTOR ASSUMES ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS.
7. SEDIMENT AND EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO COMMENCING LAND DISTURBING ACTIVITIES.
8. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE OWNER/ENGINEER IN A TIMELY MANNER IF ANY DISCREPANCIES ARE FOUND.
9. EQUIPMENT SHALL NOT BE STORED IN THE DRIP LINE AREA OF ANY TREE.
10. IF THE APPROVED E&S PLANS NEED TO BE MODIFIED DUE TO SITE CONDITIONS DURING CONSTRUCTION, ADDITIONAL SEDIMENT & STORMWATER CONTROLS MAY BE REQUIRED AS DEEMED NECESSARY BY THE SUSSEX CONSERVATION DISTRICT. ALL COSTS FOR THE ADDITIONAL MEASURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
11. ALL PAVING, FENCING, SIGNS, OBJECTS, ETC., DAMAGED BY THE WORK SHALL BE RESTORED TO ORIGINAL CONDITION BY THE CONTRACTOR.
12. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEBRIS, INCLUDING TREES AND STUMPS DURING CONSTRUCTION. ANY SOLID WASTE FOUND DURING THE EXCAVATION OF STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED.
13. THE CONTRACTOR IS NOT TO EXCEED THE LIMIT OF DISTURBANCE (LOD) AS SHOWN IN THIS PLAN WITHOUT THE WRITTEN PERMISSION OF THE OWNER AND THE AGENCY CONSTRUCTION SITE REVIEWER.
14. DRAWINGS AND SPECIFICATIONS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL APPLICABLE RULES AND REGULATIONS.
15. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION.
16. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.

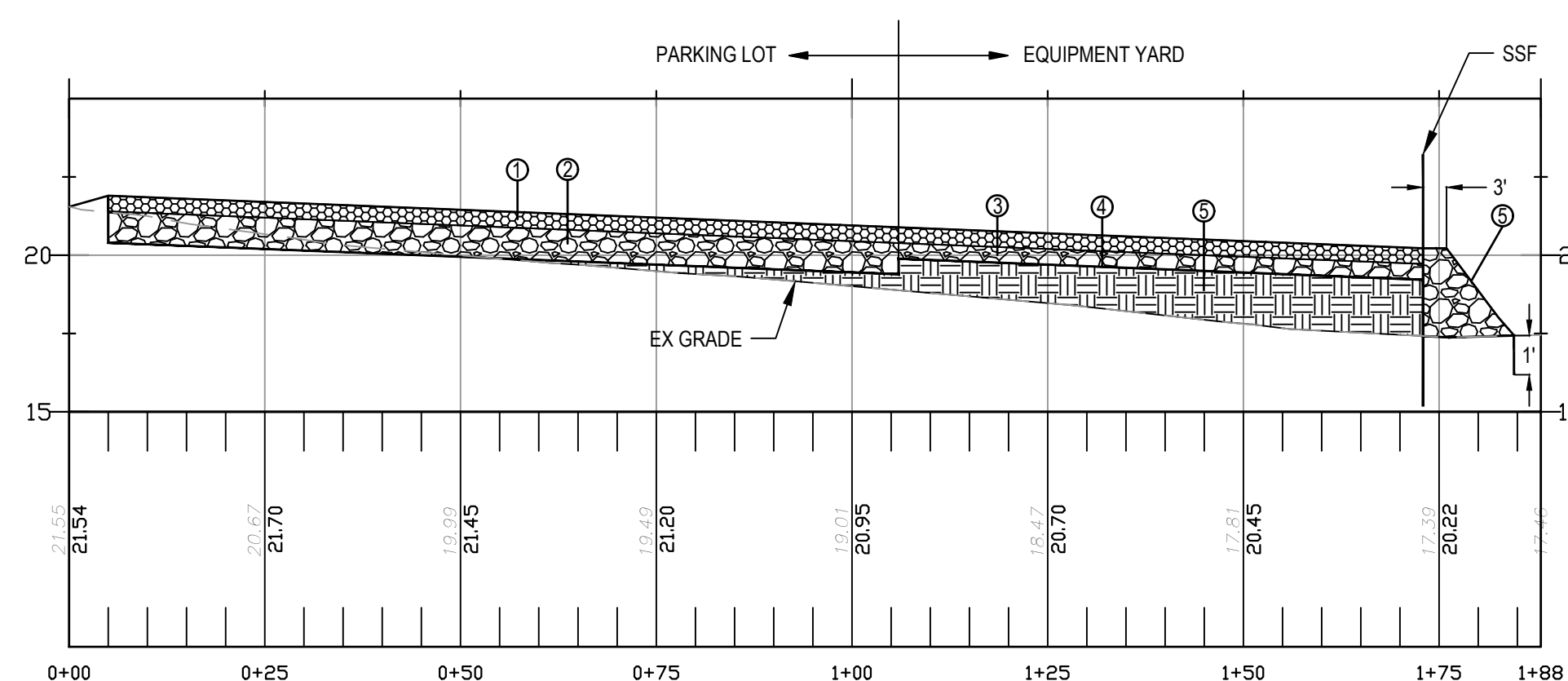
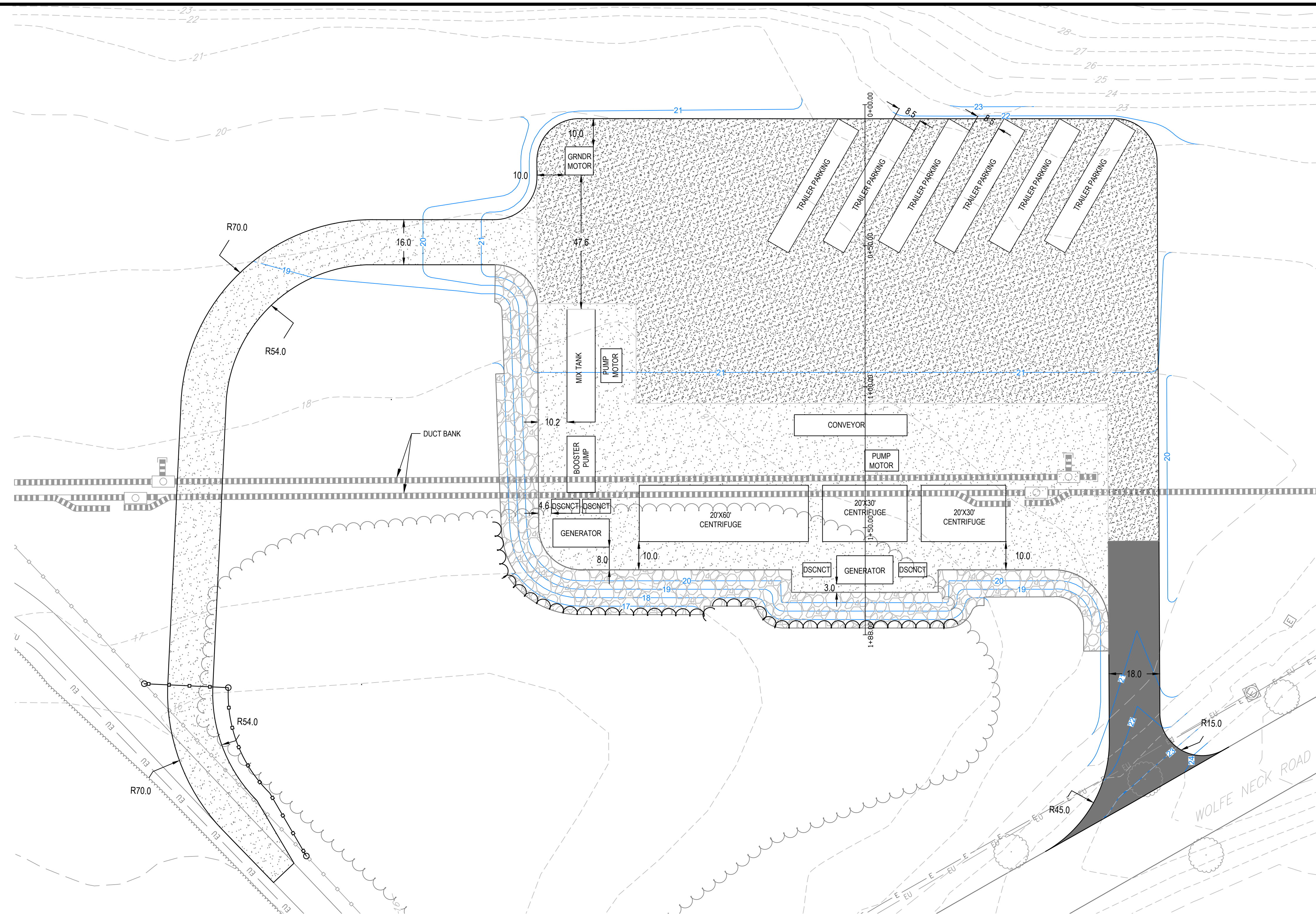
LEGEND

	PR SPOT GRADE
	EX TREE LINE
	PR TREE LINE
	PR EDGE OF PAVEMENT/PARKING LOT
	EX FENCE
	PR FENCE
	EX GRADE
	PR GRADE
	SUPER S/LT FENCE
	SILT FENCE/LIMIT OF DISTURBANCE

Sheet No.:

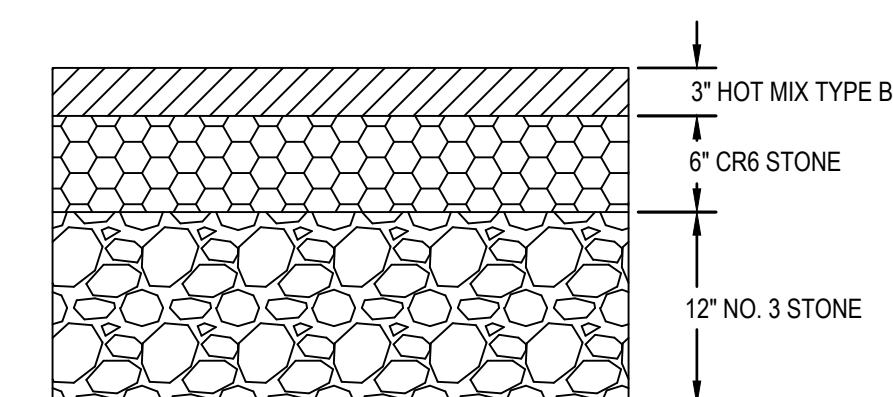
1 of 5





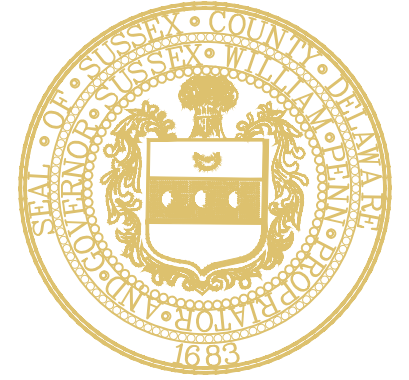
SECTION A-A  
HORIZONTAL: 1" = 20'  
VERTICAL: 1" = 5'

- LEGEND
- ① 6" CR6 STONE
  - ② 12" NO. 3 STONE
  - ③ 6" NO. 3 STONE
  - ④ MIRAFI 500X GEOTEXTILE
  - ⑤ SELECT FILL, DEPTH VARIES
  - ⑥ NO. 3 STONE, 3:1 SLOPE



PAVEMENT SECTION DETAIL

SCALE: 1" = 1'



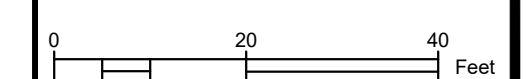
Sussex County  
Engineering Department  
2 The Circle, P.O. Box 589  
Georgetown, DE 19947  
Ph: 302-855-7718  
Fax: 302-855-7799

Site Plan

Rev1:  
Rev2:  
Rev:  
Rev:  
Rev:

Wolfe Neck Sludge Removal  
Tax Map #334-7.00-30.01

Professional Seal

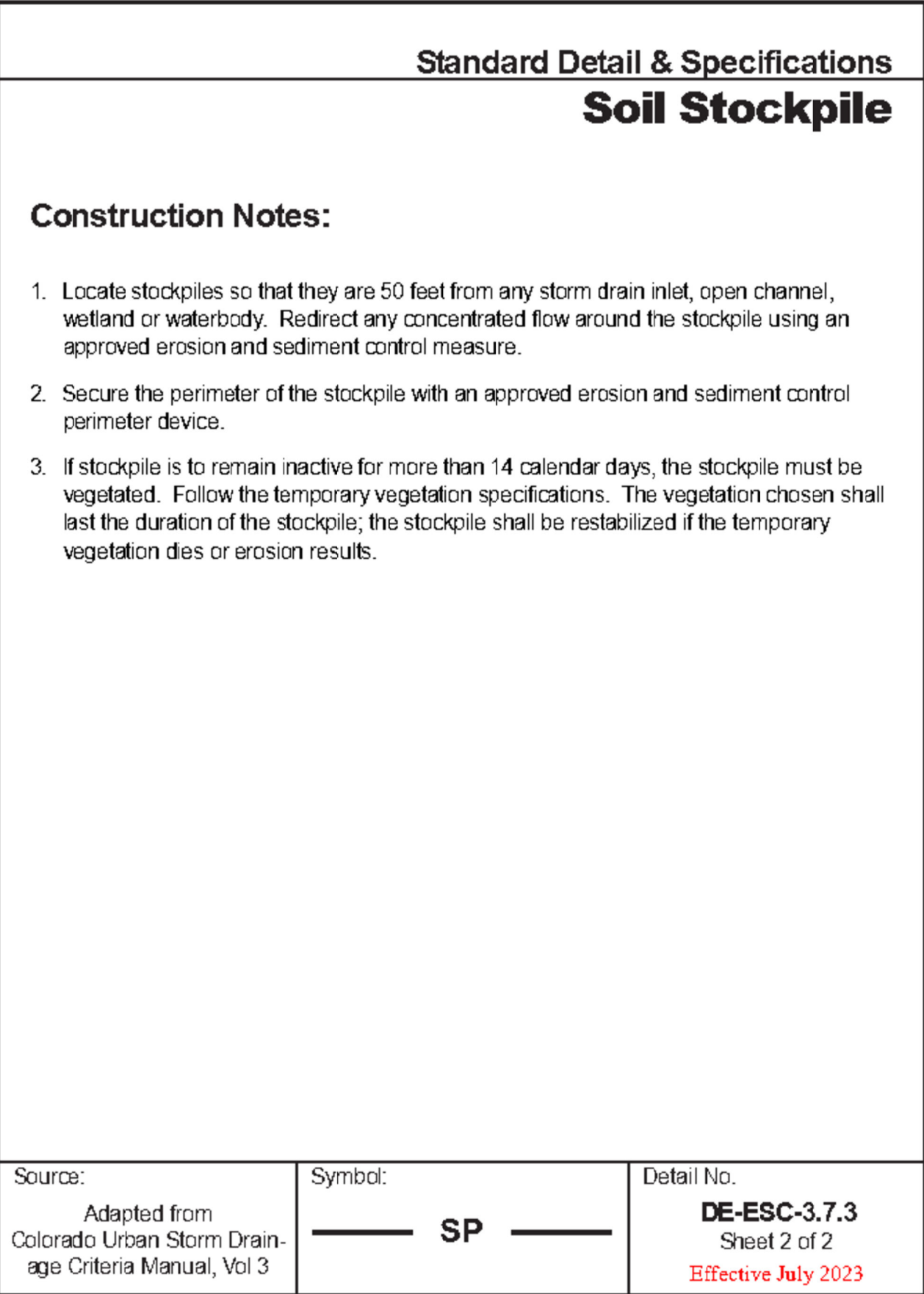
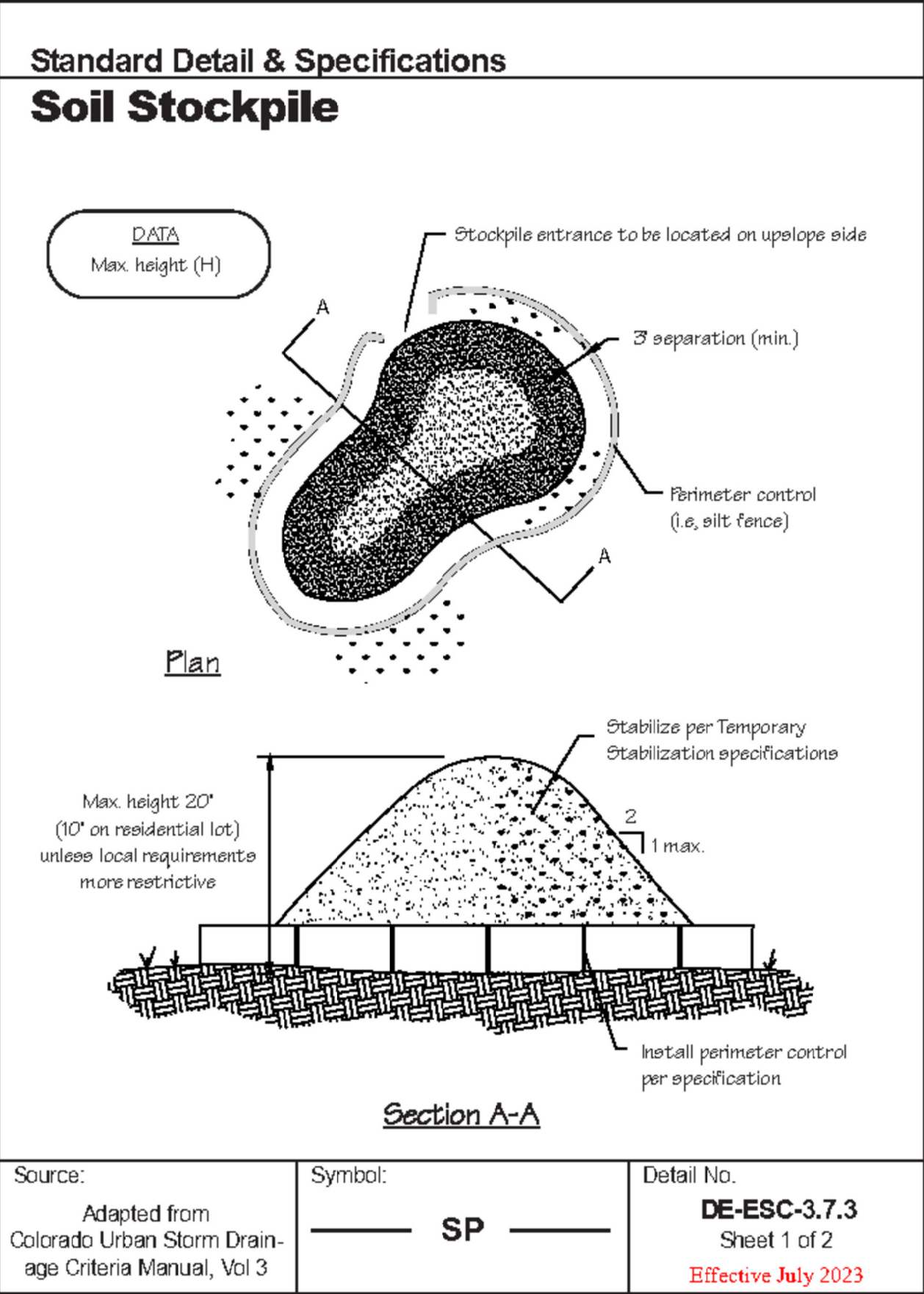
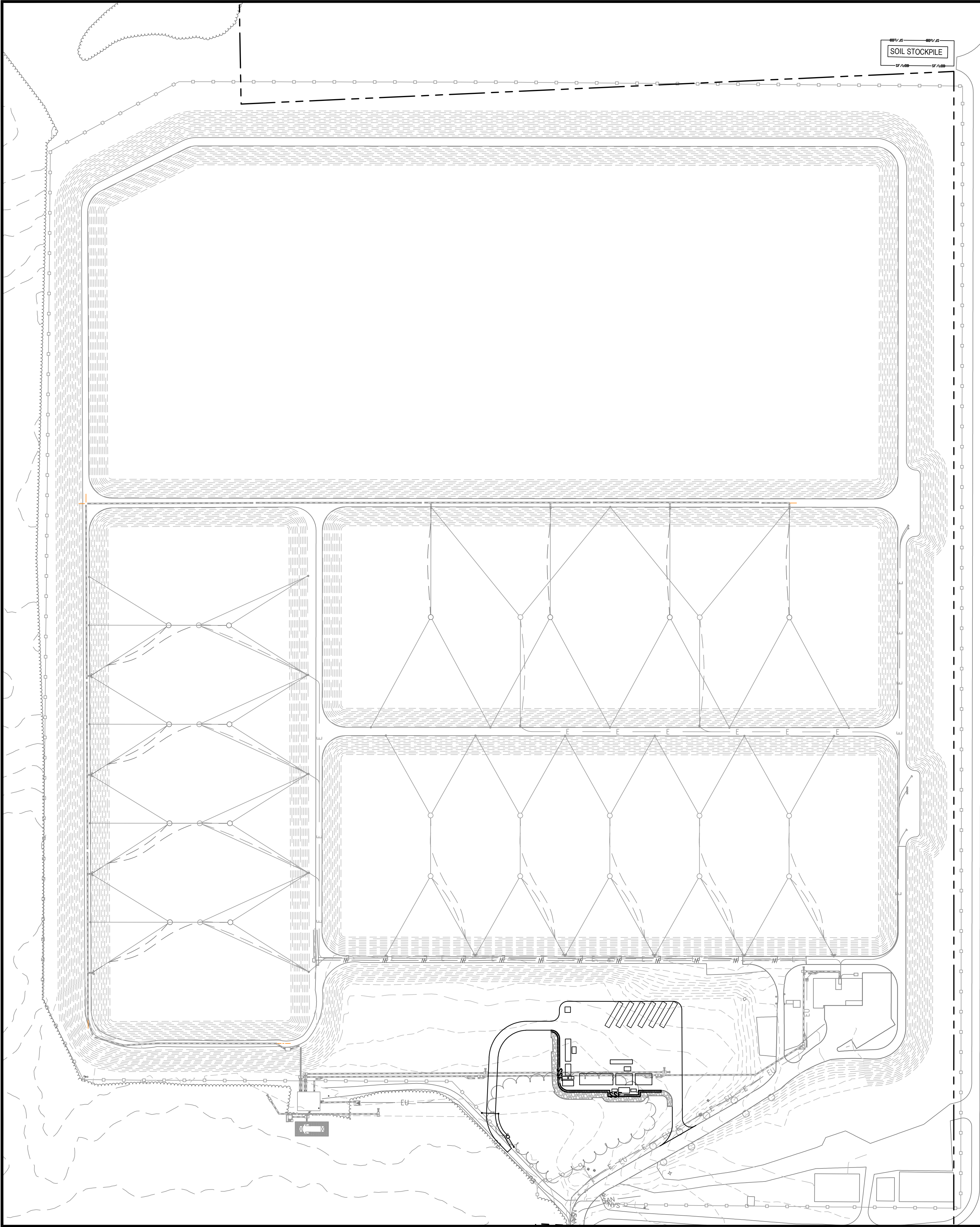


Drawn By: VT Date: 04/10/2025  
Project No: XXX-XX Scale: 1" : 20'  
Sheet:









Erosion & Sediment Control Plan & Details				
	Rev:	Rev:	Rev:	Rev:

**Wolfe Neck Sludge Removal**  
Tax Map #334-7.00-30.01









## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 23, 2025

RE: County Council Report for C/Z 2025 filed on behalf of Northstar Property, LLC

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The Planning and Zoning Department received an application (C/Z 2025 filed on behalf of Northstar Property, LLC) for change of zone from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial Zoning District at Tax Parcel 334-5.00-175.00. The property is located on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (SCR 285/Rt 23), approximately 2.4 miles southwest of Coastal Highway (Rt.1). The parcel size is 419.64 ac. +/- and the change of zone request relates to a 12.69 Ac. portion.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the Planning & Zoning Commission recommended approval of the application for the 10 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation ("DelDOT"), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

Below is a link to the minutes of the March 11, 2025, County Council meeting:

[Link to the Minutes of the March 11, 2025, County Council Meeting](#)



Below are the minutes from the Planning & Zoning Commission meeting on July 17, 2024, and October 9, 2024. The minutes of the July 24, 2024, and September 11, 2024, are also included as the application was discussed at these meetings also.

Minutes of the July 17, 2024, Planning & Zoning Commission Meeting

**C/Z 2025 Northstar Property, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.07 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS.** The property is lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 285/Rt. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1). Address: N/A. Tax Map Parcel: 334-5.00-175.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into record were a copy of the rezoning plan from the applicants, a copy of the applicants exhibit booklet, a copy of the staff analysis, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division with the applicant's environment assessment and public facilities evaluation report, and 32 comments, including a petition with 258 signatures.

Ms. Pamela Steinbach spoke on behalf of DelDOT, in reference to the Application and the processes behind the TID and how it relates to this group of applications; that a transportation improvement district is a geographical area defined for the purpose of securing required improvements to transportation facilities in that area to meet the demands and growth development consistent with a comprehensive plan; that means taking a proactive approach to transportation and land use and trying to forecast and accommodate what a growth area is going to be, making sure we have the appropriate traffic analysis and forecasting as it's related to the comprehensive plan; that DelDOT works closely with the County and can plan for growth in advance which makes the transportation planning easier; that it allows them to see what an area is supposed to grow to and allows DelDOT to plan for the associated transportation improvements; that the benefit to developers in the TID is that if their development is consistent with DelDOT and the County then they can forego having to do a TIS which takes a fair amount of time; that the TIS requires counts, average daily traffic and to analyze what intersections level of service is; that by having that information in advance and the developer building consistent with what the TID states; that if the developer pays a fee that has been agreed upon by the County and they'll complete any offsite improvements and are required to do all of their entrances it makes dealing with DelDOT a lot faster; that it's more predictable and we can then use those developer contributions to fund projects since we know where some funding coming from; that they take a master plan, a land use plan, a transportation plan or a comprehensive plan and determine parcel by parcel what the use of that parcel is and what the maximum number of trips for each of those parcels could generate; that once we do that then we determine what the infrastructure fee is based on whether its residential or commercial; that it's a certain amount per square foot for the commercial and then there are specific fees for whether it's single family, a townhouse, multifamily

condos or apartments; that every five years they update the study by confirming that the parcels are still the same and by doing a traffic analysis; that this helps determine how many trips each development is going to generate; that it can determine what the improvements to the roads are going to be, things like a shared multi model, shared use paths, sidewalks, widening the roads to the functional classification of the road is supposed to be; that it could be widening the lanes, widening the shoulders, it could be widening from 2 lanes to four lanes or it could be a new road, a roundabout or a signal; that once we have all of that information it is shared to any developer that wants to develop in the geographical area of the TID; that they have a much better idea when they do their planning as to what the max number of trips that they can accommodate as part of their development; that with the contributions that the developers make and the funding from the Feds and the State then we fund the Capital Transportation projects and they go into our six year capital transportation plan; that the Henlopen TID was established in 2020 and it took three years to complete as DelDOT worked with the County and went parcel by parcel basis and covering each intersection within a 24sq mile area; that there is about \$321 million in projects within this TID and as part of the fee structure the developers are contributing 24% of that money; that currently we have 28 agreements signed, about 7 in process and about 1.4 million has been collected and about \$800,000 are equated to the developer, in some instances it is required to dedicate right of way and then instead of paying lump sum TID fees they build some of the transportation improvements getting it done faster than if DelDOT were to do them.

Ms. Wingate asked about the construction of Mulberry Knoll Road and that it would be a separate contract from DelDOT and the developer would need to hire and contract that out separately; that with that being a separate contract what would the timing look like and would DelDOT require the developer to handle those improvements first? And will the money being contributed by the developer be utilized to help with this project's road improvements?

Ms. Steinbach stated that the developer has not entered into the phase of the record plans and entrance plans and until they do no time frame or phasing of improvements will be established; that the money contributed is held by the County and that money can only be used for any projects within the TID and its improvements.

Mr. Collins asked about the rest of the development of Mulberry Knoll Road and connecting it to the rest of the roads and what is the timeline on that?

Ms. Steinbach stated that one of the hardest parts is to get into the CTP because we have to be fiscally constrained in our CTP; that there are projects up and down the state, but this is CDP, so that is a project that will get funded, but it was just put in the last CTP; that the preliminary engineering is supposed to start around 2026; that the rest of that Mulberry Knoll Road is going to be built just no date is set yet..

Mr. Roberston stated that the original traffic analysis was done in 2018 and updated around 2022; that we get asked all the time, does the study take into account not only the baseline of assumptions of development for land based on its zoning, but does that also take into account approved but not yet built developments?

Ms. Steinbach stated that the TID is based on a full build out of the of all of those parcels so even as long as it is zoned to be built to grow up to be something then we have counted that as part of the

analysis.

Mr. Mears stated that it would be good to inform the public and have it on record as to how DelDOT decides whether or not the roads can handle large communities and how the Commission relies on DelDOT to advise if the infrastructure is capable of handling such increases.

Ms. Steinbach stated that when speaking in terms of developments for DelDOT's purpose it is concerned with the number of trips in and out of the parcels and that those number coincide with the zoning designation.

Mr. Todd Sammons, the Assistant Director of development coordination, for DelDOT stated that it is not DelDOT's prerogative to make those decisions as they are reactive to the land use decisions and with our analysis and information we then let Planning & Zoning and County Council make those determinations on whether they want to improve land uses or not

Ms. Steinbach stated that responsibility of DelDOT and as part of the division of planning is to do wider range planning that not only take into account what the Delaware Population Consortium estimates as to how many people are going to be here in the next 25-30 years, but also where they're going to be; that it is a collective approach trying to plan for what roads need to be widened, what roads need a roundabout, but it's a multi-faceted problem that is complex; that with TID's and TIS' we are making sure that the developer is doing what the transportation improvement requires it to do.

Mr. Mears stated that he would just like the public to have a firm position about whether or not a road that currently exists in its current state can handle and accommodate the additional traffic that new projects and developments will bring.

Ms. Steinbach stated that with the TID in place, the 33 projects that are planned throughout it have already pre-determined that the road is capable and supposed to be able to handle them based on the full build out of that geographic area.

Mr. Robertson stated that because this project is within the TID that it is different than other cases normally presented; that the TID is a geographically designed area in which DelDOT did the full build out of the roads, going into detail on intersection by intersection basis with redesigns of those roadways to accommodate the development of the properties as anticipated by the county's current zoning and the comp plan; that that's already been taken into account in the TID on this case, but it's a different process because we're not getting a TIS review letter that says what the impact is; that the bigger issue is whether this project or any other project in the TID stay within those projections that were based on the TID in the first place; that if it stays within those project projections, which were the roadway improvements necessary to accommodate the two units to the acre, then it has already been built into the designs that are in the TID; that the funding that was generated based on those designs and the developer and state contributions that go into it; that the County is stuck because the public may say that a project should not be built as it will have an adverse impact on traffic, but DelDOT doesn't have any objection to the project as long as the developer builds the necessary roadway improvements as stated within the TID; that this has been forecasted out in the TID and that the only concern then becomes, does the development stay within the confines of the original projection.

Ms. Wingate stated that she spoke with the Chief of the Lewes Fire Department, who stated that the completion of the Mulberry Knoll Rd. would be key to the response time for their emergency calls; that

it would be encouraged that the County, DelDOT and the developer work closely together on this piece of the project to ensure that it is a priority if the project is approved.

Mr. David Hutt, Esq., from Morris James firm, spoke on behalf of the applicant Northstar Property, LLC., that the applications were expedited at the request of the applicant in order to try to bring affordable housing to Eastern Sussex County as soon as possible; that the County has been trying to figure out answers to affordable housing; that the attention paid to affordable housing during the 2018 Comprehensive Plan Review process and the housing chapter of the comprehensive plan had a great deal of attention paid to it; that in 2019 Sussex County commissioned the housing opportunities and market evaluation by LSA and the impact of these two reports continues to this day; that the County has adopted amendments to the Sussex County Rental Program and most recently the County modified the Accessory Dwelling Unit Ordinance to address affordable housing in Sussex County; that the Sussex County Rental Program and the Accessory Dwelling Unit Ordinance, were both concerns raised and referenced in the home report that was commissioned in 2019, as well as the comprehensive plan; that the affordable housing opportunity that's presented by Northstar through the low income Housing Tax program will help in Eastern Sussex County; that given the scale of the Northstar project the developer recognized at the outset from the time it contracted to purchase this property that this land mass presented an opportunity for affordable housing in Eastern Sussex County, where the need is a very acute; that not being an expert in the best way to provide affordable housing opportunities, Northstar property sought out experts in the industry to see how best the property could be used and met with Ingerman, regarding affordable housing, being they are a leader in affordable housing in the Mid-Atlantic region; that during the meetings with Ingerman two concerns arose, the first concern with respect to creating affordable housing in Eastern Sussex County was the cost of the land and the second was the amount of time it takes to get through the entitlement process; that it is difficult to secure funding when there's an unknown with respect to the land use entitlements; that to address the first issue, the cost of land, Northstar Property, LLC offered to donate the land for the affordable housing section of the Northstar Project to provide a suitable location in Eastern Sussex County for affordable housing; that Northstar told Ingerman that it would handle the entitlement process and walk Ingerman through the entitlement process; that the second concern that was relayed by Ingerman, was the time of the entitlement process; that based upon the County's position on expediting applications through the Sussex County Rental program, a letter was submitted requesting that this application for the Northstar Project be expedited to help address affordable housing recognizing the necessity in Eastern Sussex County, the county, did agree to expedite the applications; that the Northstar Project is master planned infill in its compliance and consistency with the land use and planning tools that are provided by the State of Delaware and various agencies; that with all of those various agencies taken into account, this plan has been designed and structured to carefully comply with those codes; that the property totals 433 acres and is located just South of Lewes Georgetown Highway or Route 9; that the land South of Route 9 and parcels of the land that are on the opposite side of Beaver Dam Rd. are significant to this application; that the piece across Beaver Dam Rd. is residual lands that is not included in this acreage, so the area totals approximately 33 acres of residual, and the remaining 400 acres are the subject matter of this application.

Mr. Robertson asked for clarification for the record that the parcel that's considered residual lands, is not included in the acreage of any of the projects, therefore not used in any of the open space calculations, density calculations or anything of that nature.

Mr. Hutt stated that there is approximately 166 acres of open space and that does not include the 33 acres of those residual lands; that across Route 9 from the project is The Vineyards, which is a mixture of high

density residential and commercial properties, including professional offices and retail; that then the next community is Lewes Crossing, which is a single-family subdivision being on both sides of Beaver Dam Rd.; that along the Southern boundary of Northstar is the Gosling Creek subdivision which is single family homes; that then the Jintown community off of Jintown Rd. and the 33 acres of residual lands; that then the Coastal Club community ends the southern boundary of the project; that the project borders the lands of the Pam An Riding Stables and the Elks Lodge; that the Western border runs along with the Reserves at Lewes Landing another single family subdivision; that back at the Route 9 stretch there is the Sussex East and West manufactured home park and heading East is Seaspray Village, a single family subdivision; that Northstar is the property that connects all of these various communities physically and will provide important linkage amongst various communities; that the property consists of approximately 400 acres and four applications; that first, is the Cluster Subdivision application 2023-14 which is 379 acres with 758 proposed single family lots, then the C/Z 2025, a change of zone application seeking to change the designation of the portion of the property directly across from The Vineyards, this is 12.69 acres and is seeking a C-3 heavy designation zoning under the County's. Zoning ordinance; that directly across the proposed extension of Mulberry Knoll Rd. is C/Z 2026 which is a 7.88 acre parcel seeking a change in zoning designation from AR-1 to MR medium density residential district for the same 7.88 acres; then there's C/U 2499 seeking 94 affordable housing multifamily units for that site; that there are various land planning tools that exist to help the government and property owners know how to plan; that the Office of State Planning Coordination, a state agency that issues the strategies for state policies and spending every five years; that the last update was in 2020, which includes mapping the various investment levels in the state; that the map shows the Northstar property and the properties surrounding it; that the majority of the property is within the states investment Level 2, with a number of ribbons of area at various points in the project that are investment Level 3; that the state strategies for state policies and spendings specifically describes what a Level 2 area is, that like investment Level 1 areas, state investments and policy should support and encourage a wide range of uses and promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity; that investments should encourage departure from the typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable; that the state's intent is to use its spending and management tools to promote well designed development in these areas, such development provides for a variety of housing types, user friendly transportation systems, essential open spaces and recreation facilities, other public facilities and services to promote a sense of community; that based on that description of investment Level 2, under the Office of State Planning Coordination's state strategy maps, it's likely why that based on NorthStar's location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 strategies for state policies and spending; that not only is Northstar consistent with the state strategies that were just relayed, but is also consistent with the 2018 Comprehensive Plan; that Chapter 4 of the Comprehensive Plan, the future land use chapter includes Table 4.5-2, entitled Zoning Districts Applicable to Future Land Use categories; that both the requested C3 Heavy commercial district and the MR Medium density residential district are applicable zoning districts in the coastal area; that based on that table and the significance of their designation on the 2045 Future Land Use Map the comprehensive plan indicates what are permitted uses within each of the various growth areas with respect to the coastal area; that a range of housing types should be permitted in coastal areas including single family homes, townhouses and multifamily 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; that appropriate mixed-use development should also be allowed; that a

mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenience services and to allow people to work close to home; that the request for the C3 Heavy Commercial that is requested along Route 9, should be found along arterial highways and DelDOT would refer to Route 9 as a principal arterial; that the Sussex County Code refers to Route 9 as a major arterial highway and the commercial zoning that it proposed for this project aligns with the commercial zoning designation that exists presently in The Vineyards community; that it's an appropriate place, not only because of the highway, but because of the intersection, which presently an entrance into The Vineyards; that it's a signalized intersection and Mulberry Knoll Rd. will be extended and be a fourth leg of that intersection; that the commercial is proposed as a signalized intersection along a major arterial highway; that the planning for the MR portion mirrors what is across the street in The Vineyards with a high density residential and multi family style use with apartments and condominiums; that the proposed MR zoning portion of the property is consistent with what is in The Vineyards immediately across the street from there.

Mr. Ring Lardner, principal and professional engineer, from Davis, Bowen and Friedel, spoke on behalf of the applicant that in terms of the transportation portion of the project, the project has two road frontages, the East and West frontage or Lewes Georgetown Highway, Route 9 and the South West frontage or Beaver Dam Rd, Route 23; that the first is classified as a major arterial roadway per the County Code and the second is listed as a major collector per DelDOT's functional classification map; that the TID makes this project unique as typically a project this size would have been required to do studies analyzing dozens of intersections and roadways, including roads that are queued for signals and all of that has been done by DelDOT and their consultants; that Northstar per the TID, was assigned trips for 771 single family residential units and 96,188 square feet of commercial space in consultation with DelDOT; that this project as proposed, is within the threshold of the assigned and planned trips for this property; that the project will be required to enter into a recoupment agreement with DelDOT, and the agreement shall be recorded with Sussex County Recorder of Deeds prior to final plan approval; that there are several projects within the TID, but specifically the ones that are along our property limits are the widening of Lewes Georgetown Highway, US Route 9, and the widening of Beaver Dam Rd along the Northstar southern frontage as part of the Traffic Improvement District and will be done before 2045; that the creation of the Mulberry Knoll Rd, which would include two (2) eleven-foot wide travel lanes, 8-foot shoulders/shared use path and an open drainage ditch is the third project within the TID; that the portion of the Mulberry Knoll Rd that goes through the Northstar Project is not required to be completed by the developer; that the developer offered to build that road as part of this project, recognizing the need for the extension on Burnell Road and by building that up in lieu of paying cash; that this will help push along DelDOT to finish the other parts of the road that's been identified; that the review of the floodplain map shows no wetlands as of 2015, but when Mr. Ed Linnae completed a wetlands delineation he found some differences in the mapping; that those findings were submitted to the Army Corps of Engineers for review; that the soil survey was done and the soils on site are suitable for all four applications; that there is an Ag Preservation with the wetlands delineation plan in it; that due to the environmental features, a drainage assessment report was required to be completed, a resource buffer management plan was required to be prepared, and the resource buffers and other protections that are referenced in the preliminary plan are listed; that Conservation A is an area of non-regulated wetlands, then there is a proposed 35 foot wide buffer, of forestation, as we plan on a foresting that area and then additional land that would be forest staying protected as part of the conservation easement for the plan; that Conservation B contains some wetlands with a 30 foot wide existing forested buffer that will be retained in full and



other areas that will remain; that Conservation E contains regulated wetlands with an Ag crossing in it and we will improve it slightly as part of this project with a 30 foot wide resource buffer and expanded that to 45 foot wide as mitigation for the impact of the wetlands and the resource buffer that would not exist in that area; that there was a couple waivers requested this, first being a waiver regarding to signage for resource protection and buffers; that the code currently requires 100 foot spacing and we're requesting that increment be changed to be 200 feet versus the required 100 feet; that there's some forest in this area classified as Tier 3 forest; that the report found there were no specimen trees on the property, specimen trees are trees that are specific with certain caliber diameter or a species, none of those were found on this property; that an archaeological assessment was completed by Doctor Ed Otter, and the developer hired Foresight Associates to review this preliminary plan and their letter and the design intent is to create ecological corridors with natural landscaping to minimize the need for grass cutting and providing ecosystems and vibrant recreational areas throughout the site; that as for the site itself, the cluster subdivision with the perimeter buffer is this outer edge around the side including BJ Lane; that we provide a varying width buffer along that outer boundary with all lots located outside the 30 foot forested buffer where appropriate and/or the 50 foot agricultural buffer; that there are agricultural lands that require a 50 foot buffer per the code; that all lots except those along BJ Lane and those east of the stables are located at least 50 feet from the outer boundary, including areas that are both wooded and non-wooded, if you have a wooded parcel, we have a 30 foot forested buffer and another 20 foot space before lot line begins so the lots are at least 50 foot off the outer perimeter line; that the reason there's not a 30 foot landscape buffer along BJ Lane as the code only requires a 30 foot buffer where lots abut an agriculture area and where their dwellings are located within 50 foot of existing residential development, BJ Lane did not qualify for that; that we have a 20 foot buffer from BJ lane within that section of the roadway; that as the proposed buffer as defined with the number of trees will add over 2400 trees just in the buffer area alone; that the property contains approximately 28.1 acres of woodlands that are split into four areas and we are preserving approximately 23 acres of those woodlands and the areas that are being removed will be replenished, while preserving to the max and practical in those areas; that all lots abut open space throughout the community, there are no lots that are back-to-back and every lot will have open space as their backyards; that Mulberry Knoll Rd. extended will be built, designed, constructed and accepted by DelDOT and will be a state maintained roadway and all other roadways in the community will be designed for public use, but privately maintained and designed and approved in accordance with Chapter 99 of the Sussex County Code; that the East West spine route will not have any lots directly accessing it and will act like a boulevard; that it will consist of 28 foot wide paved roadways, eight foot wide shared use path, tree lined streets and a drainage channel with naturalized planning to provide stormwater management as it bisects the property; that stormwater will travel in a North South direction from Route 9 to Beaver Dam Rd.; that the rest of the roadway will be 24 foot wide with a shared use path on one side and on the other side a shared use path linkage from Mulberry Knoll Rd. extended all the way down to Beaver Dam Rd.; that all other roads will be 24 foot wide and have 5 foot sidewalks on both sides of the road; that the proposed open space is approximately 166.5 acres of land, or approximately 44% of the project area; that all active open space amenities include two clubhouses, one with the minimum size of 3000 square feet and the other minimum size of 5000 square feet; two pools, one with the minimum water surface area of 1800 square feet and the other minimum water surface area of 2250 square feet, a splash pad or kiddie pool, free sports courts, four playgrounds and four open play areas; that the locations of the active amenities will be shown on the final subdivision plans and those amenities will be separately approved through the site plan process; that there are several pedestrian connections throughout the

community that links all the way to that central open space, linking all the spaces together to create a pedestrian friendly neighborhood; that affordable community application site plan consists of four buildings for a total of 94 affordable housing units; that three buildings each have 24 units and one building has 22 units located on 12.69 acres of land; that the amenities for that project will include a playground, unorganized play area, bike lockers, maintenance shed and the backup generator; that building #4 is the 22 unit building that is designed as a resiliency center and also where they have areas for kids to join after school programs; that the resiliency center is provided with backup power, so the residents will have access to heat/air, kitchen equipment, plus the ability to charge cell phones, etc. and be able to subside and communicate during a power outage; that the site will be constructed in two phases, with two buildings constructed in each phase; that in discussing phasing. the residence cluster division will be approved and constructed in phases; that it will change as we get into conversation with DelDOT about improvements, sewer, water and light; that the reason why Mulberry Knoll Rd. is a separate project is because it's a lot of work to workout with DelDOT through that approval process; that this is why the phasing is going to change, the timing, etc.; that it will all be discussed during the plan approval process and the record plan phasing notes and products required, including the recruitment agreement as far as what's going to constructed in kind versus cash contribution; that it would be two years at least before the final plan approval would go through, but based on the economy there is no set time frame for the build out on this project; that the Mulberry Knoll Rd. phase of the project is currently scheduled as the 3<sup>rd</sup> phase of the project due to the numerous designs and various processes involved in building the road in conjunction with DelDOT; that the developers are committed to the road build out and this allows some cash flow to happen to help offset some of the costs alleviate the amount of upfront costs it takes to build more road; that the project has been designed to be pedestrian and bicycle friendly and connect with off-site buses and multimodal pass; that the DART Route 206 in the East West direction of Route 9 has linkages to Georgetown and Lewes to grab all the bus routes to go further into the state; that there are two existing bus stops that exist along this route on the Northstar frontage, there is one east of it and across the road at the Route 9 signal there are three other bus stops; that there's 6 bus stop right along our frontage or within a couple 100 feet of our frontage which is important to the affordable housing component as a lot of the residents there need access to public transportation; that is one of the reasons it is located in this portion of the project; that we'll be installing approximately 3.3 miles of shared use path, along Route 9, both sides of Mulberry Knoll Road, both sides Beaver Dam Rd.; that the developer will be installing 1.3 miles shared path along the East West Corridor linking Millburn Rd. East/West and back down to Beaver Dam Rd.; that there's another .8 miles of trail paths linking up to the central open spaces and 14 miles of sidewalks; that the residents can take walks on a one mile loop or up to a five mile loop or any other route of their choice; that there will be active play areas for varying ages of kids, unorganized play areas so it could be a wiffle ball field one day and lacrosse another; that there will be several viewing pavilions spread throughout the community, some place to go relax and view and enjoy nature; that a contemplation feature or art feature are going to be included somewhere within the community to provide some additional activities; that the coastal plain meadows intent is to provide natural plants throughout the community; that they want to put various things in meadow condition to help lower the maintenance and allow insects and ecology to grow and work together; that they want to link all these different wetlands together and then put a nature path through the forest to minimize tree disturbance by weaving it through; that the 2nd waiver we had asked for was regarding a grading plan, during the creation of Ordinance 2489 or the Grading and Drainage Ordinance; that the ordinance did not address the need for a grading plan during preliminary plan review as one of the code requirements,

nor did it describe the type of grading plan that's required; that we don't have the appropriate information to do the grading plan at that point because we don't have stormwater management numbers, we don't have storm pipes designed, we don't sewer pipes designed; that we've requested to submit bulk grading plans during the construction document approval process that will be reviewed and approved as part of the County Engineering Review; that we will be able to follow the natural contours of the natural drainage feature of the property; that there will be some recontouring but not a significant amount of Earth moving to achieve the grading to meet all the various requirements of Sussex County, DNREC Center stormwater regulations and DelDOT because they will all be reviewing parts of the drain with Mulberry Knoll Rd. extended and Route 9, Beaver Dam Rd.; that a portion of the major subdivision is located in excellent recharge area; that based on preliminary calculations and conservative calculations, we found that the impervious area may be around 38%, just above the requirement where nothing is required to be done per Chapter 89; that the impervious area will be verified during the design and the information required to demonstrate per Chapter 89 will be submitted to the engineering department for the review; that the commercial area does not require a site plan as part of rezoning application; that the subdivision includes over 166 acres of open space, approximately 81% of the wooded area will be preserved, a permanent buffer, excluding road frontages, will consist of a minimum planted or existing woodland width of 30 feet, water will be provided by Tidewater, sewer will be provided by Sussex County, the subdivision will meet sediment stormwater regulations, sidewalks and shared use paths will be located throughout the community and the project is located within the Henlopen Transportation Improvement District; that we identified the wetlands in the property as delineated by our office, we identified the woodland areas within the site and confirmed by Watershed Eco, we identified critical roadways, the first being Mulberry Knoll Rd. extended as stated by DelDOT through their study, we identified East/West roadway linking Mulberry Knoll Rd. to Beaver Dam Rd. and Route 9 with access points that would be preferred by DelDOT as they align with existing entrances on the opposite side of the road to create four way intersections; that under a cluster subdivision it is required to provide 30% of open space and with the 379 acres plus or minus, it would require 113.71 acres of land where we are providing 166.5 acres of land or 44%; that for this project, we chose the western portion which contains wetlands, woodlands and lands of conservation easement; it is contiguous and provides wildlife corridors linking the wooded area at The Reserves at Lewes Landing to the isolated wetlands then the wooded area and agriculture easement and on to additional wetlands and active open space; that the code allows a connection via one route crossing and thus connect; that the acres of the first area is 46.30 acres, which is 40% of the required 113.71 acres of open space and 27.80% of the proposed 166.5 acres of open space; that when including the second area, the connected open space is 63.60 acres, which is 55.93% of the required open space and 38.20% of the proposed open space; that one concern is the setbacks and buffering between Lewes Crossing, The Willows at Northstar; that the affordable home community provides a 30 foot wide forested buffer and when combined with the existing 30-foot buffer of Lewes Crossing results in a 60 foot wide forested buffer; that the building height for Willows at Northstar will be less than 42 feet with a setback of 50 feet is required; that the building close to Lewes Crossing will be a minimum of 100 feet from the shared property line with Lewes Crossing.

Mr. David Hutt stated that in reference to the C/Z 2025 application, the C1 General Commercial District across the street in the vineyards is consistent with the comprehensive plan and the zoning map for those parcels aligning and to stay within the character of the area; that there's a reference to 96,118 square feet of commercial space proposed; that if tenants or purchasers of that space want to construct a commercial business, they would be able to submit a site plan and then meet all of the various requirements, of

Chapter 89 or parking; that it would be considered by the Planning and Zoning staff and then go through the site plan review process for the County; that the 96,118 square feet of commercial space is the amount of commercial that was forecasted by DelDOT as part of the Henlopen. TID; that with 96,118 square feet of commercial area, when you look at the various components of the Sussex County Zoning Code, the only zoning classification that presently allows for that square footage of commercial area is the C3 zoning district; that the square footage proposed, being the land use forecast and recognizing the existing C1 across the property C3 is the most similar to the C1 zoning district which is the reason for the C3; that C/Z 2026 for 7.8 acres to be zoned as MR Medium Density Residential coordinates with the C/U 2499 seeking 94 affordable multifamily housing units; that this site was selected because of the multifamily uses that exist in The Vineyards and because of the wooded area that buffers a significant portion of the Lewes Crossing property and homes from that site; that multifamily dwellings are the conditional use within the MR Zoning District and in the code a good description of the multifamily conditional use states that these uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare; that affordable housing is of a public or semipublic character and essential and desirable for the county; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are or expected to become generally urban in character, which describes Route 9; that there are apartments and condominiums directly across the street in The Vineyards and this demonstrates how these units integrate into the surrounding zoning and are compatible with the area uses; that medium and higher density is described as 4 to 12 units per acre with other considerations such as, there is central water and sewer, it's near a significant number of commercial uses and employment centers and it's keeping with the character of the area; that it is situated along a main road or at or near a major intersection and is there adequate level of service.

Mr. David Holden, spoke on behalf of the affordable housing aspect of the application; that the company's business portfolio includes affordable housing, low income, housing, luxury housing and senior housing in Delaware, Maryland, Pennsylvania and New Jersey; that company includes a development arm, a construction arm and a management company and they've built over \$100 billion worth of developments and we managed about 8000 units; that the nearest development to the Willows is in Millsboro, called Foster Commons, and that opened last year including 60 units of and similar to what we're what we're proposing; that The Willows will go through two phases that's driven by funding that's available to build affordable housing; that it's administered by the Delaware State Housing Authority and the statewide competitive program and basically the way that the funding is allocated, the project is broken it into the two phases; that The Willows will include a mix of 1,2 and three bedroom units, approximately 700 square feet for the ones 850 for the twos, and 1000 for the threes in the three story; that the buildings that have been mentioned the income levels are households earning between \$34,000 and \$68,000 annually and that's driven by the Sussex County median and incomes; that the rents will range between \$700.00 and \$1200 a month, not including utilities and will have full time staff, amenities that include a community room or clubhouse that will have a kitchenette and activity program that will have staff to coordinate programming for the residents; that there will be a resiliency center as a priority for the episodes where we've lost power or had flooding and it would be available to the residents of the Willows and beyond; that the units will all have Energy Star washer and dryers, an outdoor space either a porch or a patio and the ground floor units will all be handicapped accessible; that there is a letter from Sussex County Community Development and Housing identifying the need for affordable housing as well as the Neighborhood Good Partners, which is based in Dover at the statewide organization that finances and advocates for affordable housing throughout the State of Delaware; that currently there is



659 families on the waiting list for the affordable housing units in Millsboro, which shows they are in high demand.

Mr. David Hutt stated that Subdivision 2023-14 is to fill in the area in ways that are similar to the adjacent properties: that where there were single family communities on AR-1 land the goal is to be consistent with that; that all of the various communities in the area are either single family, multifamily or a mixture of both; that The Vineyards has a density of 11.88 units per acre, consistent with the MR zoning classification, similar to the 11.9 units per acre that's proposed for the Willow at Northstar, on the first side of Beaver Dam Rd. it's 2.17 units per acre, on the other side, it's 2.15 units per acre; that is consistent with the two units an acre that's proposed for Northstar; that on the opposite side of Lewes Crossing is an Henlopen Landing that's 2.63 units per acre; that Gosling Creek purchase is 1.25 units per acre, Coastal Club is 1.63 units per acre. The Reserves at Lewes Landing is 0.95 units per acre; that Sussex West is 3.51 units per acre, Sussex East is 4.59 units per acre and Seaspray Village is 2.39 units per acre; that it follows the consistency of 2 units per acre for the Northstar Subdivision and the purposeful design to putting the more intense C3 and higher density along a major arterial roadways; that the homes and amenities that are clustered on the most environmentally portioned, environmentally appropriate portions of the. It also results in improvements to the property of that avoid wetlands and the cluster subdivision design. As you saw on some of those maps, creates conservation areas around wetlands with setbacks in areas greater than those required by the Sussex County Code; that the cluster subdivision process includes extensive tree preservation by preserving almost 23 acres of existing woodlands or 81% of the trees on the property with approximately 166 acres of land and open space, or approximately 44% of the site; that exceeds the 30% required under the ordinance and exceeds the open space under a standard subdivision; that the design utilizes the existing topography for stormwater management and the cluster subdivision design allows for the open space to be integrated into the community with no back-to-back lots; that the project took resources, which have specific setbacks per Section 115-193, the plan has 9.86 acres of additional land outside of what's required under the Sussex County Code to further protect those environmental areas; that these conservation areas that are proposed as part of the resource buffer management plan become part of the restrictive covenants; that they become the responsibility of the future Property Owners Association to maintain and manage in keeping with the Sussex County codes requirements; that DelDOT sent an SFR response that stated "The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it for residential and nonresidential developments that are consistent with the land use and transportation plan developed for the TID. The applicant is required to pay a fee per dwelling unit and a fee per square foot of nonresidential space in lieu of doing a TIS and making offsite improvements in accordance therewith. The proposed development is consistent with the land use transportation plan. Therefore, the developer will be required to pay the TID fees"; that the developer is proffering that they would handle the construction of the first third of Mulberry Knoll Rd. extended; that the impact of interconnection with Lewes Crossing was discussed and the first set of preliminary subdivision plans that were filed had full interconnection proposed at Oakley St.; that one of the first meetings with the members of the board from Lewes Crossing identified a concern was that point of interconnection; that Northstar agreed that the community could tell us what it wanted to occur at that location; that the community conducted a vote and informed us that the Community did not want any interconnectivity between that portion of Lewes Crossing and the Northstar community; that the revised preliminary subdivision plan has been modified to remove that point of interconnection; that a benefit for the Lewes Crossing is that point of interconnection would have gone through a wooded

area of the property and now more woods remain in that area; that the effect on schools, public buildings and community facilities is often questioned and Northstar put together projections based on Ersi data as well as Census Bureau data, and Northstar retained the Sage Policy group to estimate the number of pupils for the Cape Henlopen High school district that would be generated by Northstar; that Sage Policy Group background states that they have done demographic analysis for Baltimore County public schools and Columbus, OH, City Schools; that they are familiar with estimating those numbers, and that's what its expertise is; that the demographic analysis undertaken by SAGE is that the single family homes and the affordable homes have different outcomes with respect to the number of children that would be contributed or added into the Cape Henlopen school district; that the estimate of school age children from 758 single family homes is 47 school age children as an estimate; that the estimate of school age children from the 94 affordable homes is 32 school aged children with a total of 79 school aged children, 40% of those children coming from the affordable housing units that are in the multifamily conditional use application; that that community opposition has historically prevented additional affordable housing from being built in Sussex County, particularly in the coastal areas where there are few affordable housing options but highly proficient schools, it's a description of the Cape Henlopen School District, it qualifies as a highly proficient school; that this affordable housing opportunity provides access to this highly proficient school for those students; that the Sage Policy group used the city of Lewes' average household size of for the analysis, rather than the statewide 2020 Census Bureau data that this was done by design to more accurately reflect the anticipated community of purchasers that would exist within Northstar; that there will be a number of second home buyers, seasonal home purchasers and many retirees, basically 1.99 people in a home are largely a retiree community; that in addition to considering those demographics, tax revenues were estimated using the values of local homes in the area; that tax revenues were conservatively calculated to add more than \$1.25 million to the Cape Henlopen School District and Sussex Technical High School; that tax bills also provide support to community facilities like the library system and those estimates are conservative as Sussex County is currently in a reassessment process and it is anticipated that those assessment rates and amounts may increase; that Northstar met with the Lewes Fire Department to determine what its needs are and they need more volunteers, hoping many people and residents from Northstar will volunteer for the Lewes Fire Department; that the other significant need is money for equipment; that Northstar is proffering an initial contribution to the Lewes Fire Department of \$150,000, paid in increments of \$50,000 over the first three years of the project; that, there'd be a \$500 contribution to the Lewes Fire Department for each of the single family home building permit that is issued for the project and when the first building permit is issued in the commercial area, there'd be \$150,000 contribution to the Lewes Fire department; that would be \$679,000 to the Lewes Fire Department; that the conditions for change through C/U 2499 are Condition A states that the maximum number of units shall not exceed 94, Condition B is how the county can enforce the affordable housing component of the project and it states the multifamily units shall be part of an affordable housing program, whether through a federal, state or county Low Income Housing Tax Program; that Condition J states that a 30 foot landscape buffer shall be installed along the perimeter of the property adjacent to Lewes Crossing to complement their existing 30 foot buffer, creating a 60 foot buffer; that Condition LL is when the amenities in the Community have to be constructed and pursuant to Section 115-194.5, where it's a 60% requirement; that the code says about 60% of the total residential building permits and for this project the amenities will be completed with the construction of the second building, that accomplishes that 60% again; that Condition K. Condition K is how the Planning Commission has started to refer to amenities by

minimum square footage of size and surface areas and pools; that the amenities in a particular phase shall be constructed and open to use by residents of the development on or before the issuance of the residential building permit, representing 60% of the total residential building permits for that phase of the development; that both pools and clubhouses shall be constructed and open to use by the residents of the development on or before the issuance of the residential building permit representing 60% of the total residential building permits for the entirety of the subdivision; that we're trying to make sure is that there's never a time you couldn't build one of the phases that didn't have a pool; that Condition N states that the conservation areas on the preliminary site plan would reference one of the waivers; that the request is for the signage required around resource buffers or their perimeter to be at 200 foot intervals rather than 100 foot intervals because what's proposed with these conservation areas is actually outside of the resource buffers that are required; that the conservation area would have signage at 200 foot intervals, the resource buffer would have signage at 100 foot intervals and the perimeter buffer requires signage at 300 foot intervals; that Northstar with the size of the perimeters and those other issues, would have a substantial amount of signage and what's proposed is to eliminate the signage; that they will have it around the conservation area, which again is outside of that perimeter buffer area; that Condition Q is the proffer by the applicant regarding contributions to the Lewes Fire Department; that Condition S is the second waiver which is the final site plan shall include a grading plan for each phase; that Comprehensive Plan Goal, 8.2 states that the County should ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations; that Objective 8.2 states that the county should affirmatively further affordable and fair housing opportunities in the county to better accommodate the housing needs for all residents; that the first strategy states that the county should explore ways for private developers to provide more multifamily and affordable housing opportunities like what's proposed with the Northstar project; that Objective 8.2.1 in the comprehensive plan talks about these objectives and goals of the County with respect to housing; that Objective 8.2.3 states that the County should facilitate and promote land use policies that enable an increase in supply of affordable housing; that the areas with adequate infrastructure under that objective states that it is to promote increasing affordable housing options, including the supply of rental units near employment centers, just as exists here; that this application demonstrates compliance and consistency with the comprehensive plan; that this plan is consistent with the state strategies, DelDOT's traffic agreement with the county and the Henlopen TID, the comprehensive plan and the zoning for properties across the street; that it is consistent with adjacent uses and density and it fills in missing pedestrian and vehicular linkages, providing 19.4 miles of new walkways in the Northstar project; that when you connect that with the existing shared use paths and multimodal paths this links those up to create more than 21 miles of walkways in this area; that it creates the first third of the extension of Mulberry Knoll Rd. much quicker than it would be accomplished by DelDOT and it's consistent with the county's affordable housing goals in a location where it's desperately needed.

Mr. Collins asked about the phasing of the building and the coordination between the developer and DelDOT to create Mulberry Knoll Rd along with a timeline of construction.

Mr. Hutt stated that if these applications were to be acted upon then it would begin a process with DelDOT to coordinate timeframes.

Mr. Lardner stated that there's the capital transportation program process before that process begins; that there's a ranking system where every two years, Delaware ranks the projects and has these rankings come into play, so that as these TID projects come online ranks change everything; that there is no

definitive timeline and there's going to be times where we may be headed down to certain applications depending where they are with funding, as some projects are more expensive than others and they have their own requirements to meet from a fiscal responsibility; that they have their process to go through and it kind of works together, but we may get ahead of them a little bit, but that's inevitable for district this big with the 2045 build out structure.

Mr. Collins asked if they would need to come back for individual site plan approvals for each phase of the project to ensure that the phases are aligning with the development.

Mr. Lardner stated that it would not be a public hearing, but a new payment plan with conditional approval, TIS notes and phasing notes with the final subdivision plan approval.

Mr. Robinson stated that you stated you can build Mulberry Knoll Rd. quicker and faster than DelDOT, but it's the third phase, but we're not sure when that phase is going to get done and there's nothing to guarantee or confirm that that would happen; that what if you start phase three and sit on it, then you move to Phase 4, 5 6 or 7; that how does the County and the Commission confirm your statements and proffers that you can do it faster and quicker.

Mr. Lardner stated that a separate phase is necessary because that Mulberry Knoll Rd. is DelDOT review approval only; that it is a separate parcel and it has to get deed transfer; that there is a review and approval process, their bonding process, their inspection agreement; that is why it's a separate phase and phasing can be constructed out of order; that when phase one comes back through for approval, there will be some type of phasing plan that will be agreed upon with DelDOT because they are going to have the same concern; that there will be a code planning period and in phase one, phasing notes have to be agreed upon, because you can't record phase one without having everything else already pre coordinated; that from a timing standpoint, phase one would not get approved without some type of agreement that this has to happen by X and that has to happen by Y&Z and that will be the check that will be the agreed upon improvements at that time.

Mr. Robinson stated that the County doesn't have any voice in that discussion with DelDOT at that point and you're putting emphasis on Mulberry Knoll Rd. being constructed in a timely fashion in support of your request for the County to approve this development, yet the discussion you just described, the County doesn't have a voice; that you would be saying this is what's been agreed upon with DelDOT and we have to live with it; that is there a condition involved with the timing or thresholds that can be made from the County's point of view with regard to the construction of Mulberry Knoll Road.

Ms. Wingate stated that DelDOT has held building permits before and I would like to see that happen for Mulberry Knoll Rd.; that the DelDOT entrance for the community is going to be the same standards and all the same procedures they have to go through to get that community done; that I would like to see Mulberry Knoll Road be a priority after speaking to the Chief of Lewes Fire Department.

Mr. Lardner stated that DelDOT has an interesting process going through review, construction, inspection and acceptance and if it takes two years to build the road and get it accepted, that's two years and we hit a threshold and we're done for two years and that's the concern; that issuing some type of condition that addresses this concern; that I propose something like, at the 39th permit if the road is not completed then do not issue any more permits; that maybe Mr. White House or some of



the staff could be part of this conversations is to represent the County, but I think you understand my hesitation of dealing with an unknown process we have not done before and I don't want to just define those type of things.

Chairman Wheatley stated that not only is the County a stakeholder in that conversation, we have the ability to place conditions and I suspect there will be a condition that at least addresses this issue, it may not be completely definitive, but it is going to give us some ability to affect the outcome; that that's a major piece of what you're what you're planning to do and everybody wants it; that DelDOT would be aware and understand that, and perhaps we could ask them to expedite their processing in order to accommodate, you know what everyone agrees is something that needs to happen.

Ms. Wingate stated that per the affordable housing letter from Brandy Nauman phase one is slotted to have 46 rental housing units and not the full 94 and that they will all be affordable housing not just the ones listed in phase one; that there is concern about the proposed number of students that they have projected as she spoke with the Director of Operations for the Cape Henlopen School District and they are at capacity; that when you reach 85% for the State of Delaware, that is their capacity currently, all five of the elementary schools, two of the three middle schools and the high school are operating at capacity.

Mr. Mears stated that for the record, affordable housing is not Section 8; that the public sometimes perceives it as that and just to ensure them that there is a difference; that there is concern about pedestrian safety and crossing of the road being that there is communities on both sides of the road and that there is a plan in place with DelDOT to ensure that they are safely crossing.

Mr. Robertson stated that he wanted to make it clear for the record that Sussex County does not discriminate against any types of housing, whether it's Section 8 with Sussex County's residential housing program, affordable housing of any type, it doesn't matter what type of housing it is.

Mr. Robertson stated that there was a lot of statement and emphasis on the affordable housing aspect of the project and then Condition B was proffered and the question is if they're all going to be affordable housing units, but the condition is the multifamily units shall be part of an affordable housing program, whether through a federal, state or county program; that there's a lot of reporting, accountability monitoring just to make sure that what is proffered and what's approved with our projects; that CRP projects get density bumps and that it's monitored; that I would suggest that you provide more clarity on the type of program and/or the duration of the program, when you get to County Council, because that that's a significant aspect; that we've had affordable housing projects that weren't CRP projects, but they also had substantial reporting requirements to make sure that they remain that way; that questions about the waivers have come up and I would ask that Mr. Medlarz, who is a retired Sussex County engineer and he now works with the county on a consultant basis, come to the podium and speak about them and the new resource buffer and the bulk grading plan waiver requirements.

Mr. Medlarz stated that with the drainage assessment report we reviewed the draft and commented on it and our comments were addressed; that we reviewed the final drainage assessment report and we find it to be in compliance with the current requirements; that we also looked at the buffer maintenance side and that is in compliance; that there was a general requirement of the preliminary plan submission which says submit a grading plan; that when we created the three tier grading plan requirements from bulk to detail to lot certification, which essentially is lot lines and grades

certification, we did not see that reference in the preliminary plans of metals; that we should seek a quick clarification to clarify that requirement; that the bulk grading plan would not be an appropriate tool to require for the preliminary plan; that when I reviewed the plan the engineering department is on record that “A”, it's an oversight from 2017 and “B” that the bulk grading plan is not the appropriate one and it's not asked for, it says a grading plan, so we need to tie it into our own three tier grading system; that for the record, that's what the engineering department and the Planning department agree upon; that the preferred way to show this at this level would be detailed existing grade, so you can gauge the impact of certain roadways, where they cross, where they get cut, where they have fields; that the bulk grading plan has very specific requirements, very detailed requirements in terms of what has to be shown on them and that gets submitted in the first engineering review; that if you have a multi-phase project you would get the bulk grading plan for the entire site and the detailed grading plan for phase one; that we have a common dashboard with DelDOT which tracks DelDOT off site and entrance plan requirements and permit requirements based on building permits; that Mulberry Knoll Rd. in all construction could be similar and could be tracked on our common dashboard; that for example, if the Commission adds a particular threshold we could track that on the common dashboard and the dashboard has in the past prevented building permits from being issued and we have checks and balances in place between the Department of Transportation and the County; that it's real time, as a building permit is issued, the dashboard is updated on both sides.

The Commission noted that they would not be waiving the bulk grading plan requirements, just the timing of what happens and at the same time, notwithstanding that, there's still a topographical requirement as part of a Preliminary Site Plan.

### **Recess**

Mr. Joe Pika, a board member of Sussex Preservation Coalition, spoke in opposition to the application; that SPC is a grassroots organization of about 4000 supporters and followers with about 20 groups that are associated allies to us and we are committed to a number of issues, such as conserving natural resources, balancing growth with environmental sustainability and maintaining livable communities; that we have gone over the materials about this set of applications, we've looked at the county and state documents, the applicant file, we've had conversations with the applicants as well as state and county officials; that the developers have done their homework, they're very thorough, they're very professional and among the people that we spoke to David Hutt has been especially forthcoming in inviting us for a briefing about the development; that he's attended 6 months' worth of our public meetings where we have discussed Northstar; that because this is so complex, one of our important requests to the Commission is that you leave the record open for some period of time after today; that the discussion about school enrollment, I have an interest in that and I contacted Jason Hale and he did not have the opportunity to review the study that was completed by the applicant; that Jason's response was that he felt their projections for the overall population of the development when built out, were low and he initially gave an estimate of school age population five times greater than the one that the specialist the consultant provided; that the General Assembly delegated responsibility to the counties to preserve, promote and improve the quality of life on public health, safety and the general welfare; that county officials determine what is to be built and when; that as part of that decision process, making recommendations to the County Council, you are part of the process that determines the most appropriate use of land, water, and resources consistent with the public interest; that we have two principal concerns, one is traffic and the impact of the traffic generated by Northstar in the area on the health, safety and well-being of the current residents; that we are concerned about some design

flaws particularly about safety; that we are not challenging that there will be development at that location, it is not going to remain a cornfield; that our position is not to oppose any development, all development, that's not our argument; that the key issues for us is the level and volume of traffic on Route 9, Beaver Dam Rd. and we recognize that the new construction of the Mulberry Knoll extension is significant and will have impact on traffic and the access and well-being of residents and of other public services in the area; that the 2023 data that is available on DelDOT's interactive traffic counts states that on Route 9, the average annual daily traffic count is more than 17,000 vehicles and it jumps by at least 10%, possibly more, during the summer; that on Beaver Dam, the traffic is roughly 3710, so these are data that are a matter of a few months, perhaps a year; that Northstar is projected to generate 13,359 vehicle trips daily, which suggests that without improvements; that the context of the TID that allows for improvements, for coordination, volume and improvements; that DelDOT concluded that this project has a major impact to local area roadways; that as part of a memo that was sent to Mr. Whitehouse dated November 29, 2023; that the question is how well can that be accommodated? For how long will it be accommodated? And when will the improvements come along that make that accommodation more feasible?; that the impact of Northstar is not alone in terms of what will happen on Route 9 and Beaver Dam, Cool Springs impact would be primarily on Route 9 and other developments will have an impact on Beaver Dam; that the other unknown is the impact of the Mulberry Knoll extension; that it is intended to relieve the pressure on Route 1 and traffic would move from Route 24 on to Route 1 and then potentially want to go on to Route 9 will instead be able to come up the Mulberry Knoll extension; that the importance of Mulberry Knoll is for the development, but also will add an influx of traffic and no one knows how much; that they want to recommend that, 1.) Pause any decisions on Northstar until the completion of a new study from DelDOT on Route 9, 2.) NorthStar's residential and commercial construction needs to be coordinated with the operability of the area road improvements, on Route 9 and the widening of Beaver Dam Rd., 3.) the County should consider the unintended consequences to the TID and the impact on the general health, safety and welfare of residents and 4.) traffic impacts need to be viewed holistically as what is happening in general and what can be expected on that roadway; that there are design questions concerning open space, are the residents of the affordable housing going to be considered as part of the Northstar community, why this project isn't being treated as a RPC, the adverse impact on neighboring communities and safety issues for residents as the development straddles to busy roadways; that Commission should require Northstar to resubmit its application as an RPC and we recognize that that would delay the construction of the affordable Community Housing, but suggest that application be approved and move forward; that the cluster subdivision and the C3 applications be put back into the regular queue rather than to be expedited; that Northstar should be required to meet the standards for pedestrian and cyclist safety, which may happen when they meet with DelDOT, but we want a commitment; that the conditions that protect the adjacent properties in Lewes Crossing and the natural environment; that Northstar meet the letter of Open Space ordinance and we contest the C3 zoning as the appropriate for the commercial area; that it should more appropriately be B1 or C1.

Mr. Rich Barrasso, co-founder of SARG, spoke in opposition to the application in regards to transportation/traffic around the Northstar project; that they want to discuss the Henlopen TID, the Capital Transportation Program (CTP) and the Route 9/SR 16 corridor study; that there is confusion on why the 2018 (2021-2026 CTP) is used in relation to the Northstar project and not a newer one since 2 more have been completed; that the level of service that exists today for intersections in the proposed area is better, worse or the same as when this study was done; that in the coordination

manual Section 2.41, it state a Transportation Improvement District is a geographic area defined for the purpose of securing required improvements; that the first section in the manual with regards to transportation improvement districts refers to what is required as elements of the of the TID; that the first required element is that a land use, transportation plan or an LUTP be completed for the TID; that it is a forecast identifying the improvements needed to bring all the roads and other transparent facilities in the TID to applicable state or local standards; that the LUTP should consider what is the existing land use of a specific date?; that Development approved and/or recorded but not yet built as of that date. The development expected or in the land development process, but not approved as of that date and then develop and not proposed but projected; that the manual references the LUTP, is it the same thing that was referenced earlier relative to the 2022 analysis of the TID, because there was no reference by the developer or by DelDOT with regards to this requirement of an LUTP; that the LUTP speak to service standards as outlined in the manual; that it states that service standards must be established for the TID and the creation of the LUTP to specify what is considered adequate transportation infrastructure; that if you use the LUTP to update the TID, since it's five years since it was implemented, have you identified what the levels of standards are today or at the time that it was updated; that it establishes a baseline of what the level of standards at any intersection in the impact area; that the manual refers to a monitoring program that states it may be appropriate to make transportation improvements gradually overtime; that the TID agreement should include a program for monitoring conditions in the TID, involve tracking land development, transportation improvements, and the need for transportation improvements in the TID, and it will provide information necessary for updates of the LUTP; that the manual talks of a build out analysis and it states while it is possible to create a TID considering only a target horizon, examination of conditions when all land in the TID is considered to be fully developed can often be useful in the planning process; that if build out analysis is to be done, the TID agreement should specify what degree of development is considered to be the build out and what use is it to be made of in the results of the analysis; that does the LUTP have all the elements needed; that the TID agreement between DelDOT, the County and the developer states that in exchange for following the payment schedule, homes and commercial space constructed and the developer would get something in exchange; that two very important pieces of exchange were stated was that the developer would not be required to submit a TIS and the developer would not be required to phase, so construction could start immediately; that with a TIS there would be a queuing analysis and a safety analysis and because they are located within the TID none of that would be required by the County; that in terms of the Capital Transportation Program (CTP), what is the infrastructure plan for this area; that there are over 100 different projects that are in the DelDOT CTP program and Northstar is ranked #7 with the US9 widening Ward Ave. to old Mine Rd.; that preliminary engineering Right of Way is planned between 2025 and 2026 with construction to begin in 2027 and then completed around 2030; that Mulberry Knoll Rd. Cedar Grove Rd. To US 9. Old Vine and Vineyards extension, the preliminary engineering doesn't even start until 2028, with no construction on that based on the CTP until sometime into the early 2030s; that Beaver Dam Rd. widening SR.12 Farm Rd. has no construction, based on its rank at 88 in the 2025-2030 CTP, until after fiscal 2030; that the analysis says there is no phasing to be done which means 5-8 years of "D" or less level of service; that a level of service of "D" means barely acceptable; that DelDOT should state what phasing is appropriate for the subject land use application and clearly state those phasing requirements to Sussex County so that Sussex County can clearly incorporate them into its various approvals as appropriate; that the County cannot act alone on requiring phasing they would need DelDOT to say phasing is appropriate and allow the County to incorporate phasing as part of



the approval process; that the TID places restrictions on the ability of the County to require phasing and places restrictions in terms of how much of an impact study can be required; that the County in cooperation and guidance of DelDOT, can determine if phasing is appropriate; that the US9 SR16 Coastal Quarter study initiated in 2019 with the final report completed last month, which focused on identifying transportation solutions for East-West routes in Sussex County, including SR.16 US.9, 113 and SR.1; that these roadways are East-West corridors in the northern part of Sussex County that are currently congested or at risk for congestion based on anticipated growth; that this study was initiated in 2019 and was finalized in 2024 and is available to view on the State website; that there were three key recommendations, but the one that is relevant to this application, which is accommodating traffic growth on US.9; that US 9/SR.5 is the most congested signal lighted intersection in the planning area and is forecast to be at or near capacity by 2050 without improvements; that when DelDOT makes its projections they set the timeline into 2045; that their assumption on terms of traffic growth as stated in the study is 0.6% a year; that at 0.6% a year, you could be safe until 2045, but why would we use an assumption of 0.6% growth when we have information that traffic is increasing more than the 0.6%; that if we have current active applications that in terms of the impact, the threshold for dualizing a highway in Delaware is 20,000 vehicle trips a day and we're at 17 right now with current conditions and add 13,000 more; that DelDOT provided information through a software system called Synchro Delay Data; that there is data on US.9/SR.30, Sweetbriar/US9, Sweetbriar/Dairy Farm, Airport Rd/Park Ave./SR.5, Hudson and Fisher, but no sync data on Beaver Dam and the new roundabout that was just completed, Beaver Dam Road and Dairy Farm Road and the US.9 at Old Vine; that that's the type of information that a TIS would provide; that the Synchro Delay Data will be helpful in terms of land use on Route 9, but it's not the complete pick; that some specific recommendations have the likelihood to potentially require. Sussex County Land use code changes in the future; that one is widening US9 and at SR.5; that the study states it's near impossible to dualize Route 9 at the intersection of SR5 and US9; that DelDOT has real concerns about the ability to dualize Route 9 at that intersection, which includes a cemetery and it will have an impact on anything East or West of that intersection; that a second recommendation is to conduct an analysis to determine appropriate set back requirements along US9 between. Georgetown and SR1; that currently building setbacks along US 9 vary based on the zoning of the parcel, with a minimum front yard setbacks of 25 feet up to 60 feet; that the study is going to look at those setbacks relative to where they may widen and are we approving developments whose setbacks based on current codes are inappropriate; that the state is going to review what the setbacks should be based on their view and then come back to sizes can say what possibly can you do with regards to your zoning codes; that the third recommendation is to explore code revisions to reduce the extent to which parking and stormwater facilities are permitted in the front yard setback; that current subdivisions have these wet ponds that are too close to the road and in terms of the potential for widening roads going forward, there's likely to be some action coming down from these recommendations; that if commercial parking lots are too close to the road, there's probably going to be more stringent requirements for those going forward too; that our recommendation is to pause any decisions on the Northstar development until the completion of the US9 2024-2025 Coastal Quarter study; that the next 12 months they're going to be looking at US9 based on the original study; that NorthStar's residential commercial construction must be coordinated with completion and operability of barrier road improvements in the CTP; that any type of phasing puts a tremendous burden on the developer and the developers financiers, but not doing it puts an even more greater burden on the public.

Ms. Jill Hicks spoke on behalf of Sussex Preservation Coalition in opposition to the application; that she was entering into record a petition with 827 signatures in opposition to the application; that the letter from DelDOT states that they approve improvements needed for the area around the application but not the traffic impact over the entire corridor or roadway; that she going to walk through observations and recommendations regarding the application, the remarkable safety risks posed by the plan, why the plan does not meet superior design standards, the impact of the surrounding communities and the overkill of the C3 zoning request; that this plan asked us, scribed by its own application, as a mixed-use community should have been therefore submitted and reviewed as an RPC; that the staff review letter recommend that the applicant consider submittal of this project as a residential plan community, RPC, rather than a series of four separate applications; that the applicants response was this applicant considered and appreciated staff's recommendation, but intends to leave the project as four separate applications, with no reason given no explanation, not even a counter reply; that the developer applies as a Mixed-use Community, rides the coattails of the affordable housing units to expedite the so-called mixed-use project, and then after it receives the expedited status, separates the project into four separate pieces; that the affordable housing that was expedited in the first place will have no access to the amenities of the community and cannot be a part of the HOA; that it's a bait and switch, the ploy of offering something desirable to gain favor then thwarting expectations; that The Willows at Northstar is a part of the community by name only; that The Willows are segregated from the community, geographically and by conditions of exclusion; that what is the plan if the states workforce housing plan falls through? Does the entire project continue? Where does the connection begin? And what is the status of the funding after initial postponement of the P&Z hearing in March, where deadlines missed, according to a letter between developer and Ingerman dated December 4th, part of the funding is proposed to be accomplished through low income housing tax credits from the Delaware State Housing Authority and the applications are due in April 2024, which has come and gone; that having to wait a year or more to be able to seek the low income housing tax credits from the Delaware State Housing Authority would be a considerable setback in the timing of opening the doors to these proposed apartments for low and moderate income households in need of affordable housing; that will The Willows at Northstar be funded and built first, as promised by the developer? And what is the funding status?; that SPC recommends two options regarding this dilemma, first, is to expedite the entire project as an RPC, as requested by planning and zoning staff to provide a holistic approach to the mixed-use project as it should be a level playing field for all developers and second option would be to proceed with separate applications as filed, expedite the MR application for the affordable housing, but the cluster subdivision and the C3 go back into the queue 14 to 17 months after the filing date of December 4<sup>th</sup> to level the playing field for all developers; that it would allow The Willows at Northstar, to be expedited without precedent and the cluster subdivision and commercial projects could proceed regardless of securing affordable housing from the state program or any unforeseen circumstances; that there are remarkable safety concerns with this plan, and how can its design be considered superior if it's unsafe for its residents, the surrounding communities and/or the county at large?; that one main selling point and characteristic of a mixed-use community and RPC or the upcoming MPZ is that it is pedestrian and bike friendly; that it is supposed to promote community and belonging among its residents, divided into 5 fragments by two major state thoroughfares, Northstar is none of these; that this cluster subdivision is riddled with hazards, speed on Mulberry Knoll Rd. today is 50 mph and to believe that drivers will slow down or obey a lower speed limit through Northstar or Mulberry Knoll Rd. extension is unrealistic; that

speed limit on Beaver Dam Rd. which divides Northstar is 45 mph; that Northstar residents will have to cross Beaver Dam Rd. and Mulberry Knoll Rd. extension to reach the amenity centers or the commercial retail space; that not only is speed a factor, but what are the vehicle trip projections for the Mulberry Knoll Rd. extension? That there are no parking spaces shown for the amenity centers, so it is safe to assume that residents are expected to walk, ride bikes, scooters, motorized wheelchairs, etcetera to reach and enjoy these amenity centers; that Planning and Zoning staff noted on page ten of their review letter, please include location, dimensions and purposes of any and all crosswalks and easements to be provided on the plan specifically for the proposed 80 lots to be located on the South side of Beaver Dam Rd.; that there is no traffic light provided to safely cross Mulberry Knoll Rd. extension to reach the amenity center directly across; that the Affordable Housing residents must cross Mulberry Knoll Rd. extension or Lewes Georgetown Highway if they want to get over to The Vineyards to reach commercial retail areas; that pedestrians will undoubtedly cut through the buffer instead of trekking to the light and then cut back to the retail center; that according to the code, a cluster subdivision requires 30% open space, so Northstar must provide 114 acres of open space, and they have 166 acres of open space, and 9% of the site must be contiguous open space or in their case 34 acres; that only one area of this site is large enough for that amount, Open Space A is 46.3 acres; that Open Space A is actually six small fragmented open spaces connected by a perimeter buffer and this space does not meet the intent of the contiguous open space requirement to accept; that 115-25F(3A)(3B) states required open space must be designed to be beneficial to the residents or users of the open space it shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies with a maximum of one street; that the subdivision design appears to be fragmented and a better proposal would be that the parcel on the South side of Beaver Dam Rd. that contains wetlands and juts into Lewes Crossing should have been left for contiguous open space or put into conservation; that perimeter buffers for several lots appear insufficient, BJ Lane buffer is 20 feet, which should be 30 feet to meet cluster subdivision code; that the 30 foot buffer that is owned by Northstar LLC, is that wooded? This is the buffers between Lewes Crossing and Lewes Landing; that when they show the wooded buffers, is that the woods that already exist in Lewes Crossing or is it a 30 foot wooded buffer within that parcel; that security lighting is a concern as it will shine into Lewes Crossing as the parking area for the MR section is on the outside with the buildings in the middle; that a 50-100 foot forested buffer should be required in this area to prevent the lighting from affecting the residents of Lewes Crossing.

Mr. Hutt stated that the reasoning for the expedited application for the low-income housing is that the Ingerman Group applied for the Low-Income Tax Credit Program in the beginning, but due to the difficulty to qualify for those programs with no land use entitlements the opportunity was missed.

Mr. Holden stated that the application was submitted in April, as it's a competitive statewide process and they scored well, but there was no land use approval and they were told to return upon having that, which is the plan with this application.

Mr. Hutt stated that BJ Lane doesn't have a 30-foot perimeter buffer because the code doesn't require a 30-foot buffer in all circumstances in a cluster subdivision and the property owner who abuts this piece of the project submitted a letter of support with just a 20-foot buffer.

Mr. Ralph Patterson, spoke on behalf of the Members of the Cape Henlopen Elks Lodge, in opposition to the application due to the affect that the construction of this development will have on their lodge as the main entrance for Phase I will be about 40ft from their property line; that it is said that there will be a traffic signal placed at that entrance upon completion of construction and that will limit the accessibility of patrons to their location; that currently the closest traffic device is a three way stop sign at Beaver Dam Rd. and Dairy Farm Rd. and during busy times nearly every day, traffic to waiting to pass through that control device, it backs up to our property and to the property of our neighbors; that we are nearly one half mile from that sign and that's with today's traffic, add additional vehicle trips per day and it will only exacerbate the situation; that the bad traffic situation on Beaver Dam Rd. will not be improved by 800 new units and a worst case scenario, DelDOT will actually widen Beaver Dam Rd. in which case we would lose a third of our parking, a very nice sign that we just paid a lot of money for and a flagpole; that if developed they request that a vegetated buffer be put between our property and theirs; that the 30 foot standard should be strictly enforced and a much wider buffer should be considered; that the existing natural buffer to our North should not be taken down; that they are asking for a physical barrier to separate Northstar from our property, a privacy fence constructed and maintained by Northstar with a six foot height minimum should be considered sufficient to screen our property; that we would like to work with the developer and DelDOT to ensure that if Beaver Dam is widened, our parking, flagpole and electronic sign be preserved or relocated at NorthStar's expenses; that we would like to be good neighbors, but the Northstar development, if built, will present real problems for the Cape Henlopen Elks Lodge.

Mr. Johanes Sayer, of Red Mill Pond, spoke in opposition to the application in regards to the concern of the impact it will have on traffic; that he submitted a petition with 212 signatures from residents of his development that stated "We oppose the Northstar development Project 2023-14 as currently proposed, which would be located a short distance east of our community. Our community would be directly affected by the 13,359 daily vehicle trips Northstar is projected to add to area roads. Traffic on Route 9 now regularly backs up West to Minos Conway Rd. from the Route 5 intersection on off season weekdays outside of rush hour. Current plans to dualize Route 9 westward end at Sweetbriar Rd. making that intersection a choke point. We would have to transit to access our community. Area traffic is already often impassable as development would worsen that problem. Route 9 is the major emergency evacuation route westward from the Lewes area. Our community is in evacuation zones, B&D in an emergency, the additional traffic produced by this project would worsen congestion in the evacuation path, which can already be anticipated to be grave, to impassable. Local emergency responder agencies already report that they're understaffed to keep pace with local population growth. The fact that retirees are substantial proportion of new residents and as senior citizens contribute a higher number of calls for service per person compounds this problem. The population growth brought by the 852 residents as proposed by the project can be anticipated to have a similar demographic mix and will further exacerbate the problem. The same problems exist with the availability of health care for the same reasons and with the same expectation of future worsening and impacts from this project. Last, this project would add another projected 210 students to Cape Henlopen School District. That was the number we were working with in a time when the districts are already struggling to pay for infrastructure to support new student arrivals, which are currently increasing every year. Before property development projects are approved, particularly ones of the scale of Northstar, County government and all other stakeholders need to form and implement a practicable plan for limiting the population growth, such projects introduce to stay within the limits of available natural and municipal resources.



Ms. Sarita Hall, spoke on behalf of herself as a member of Coastal Club, in opposition to the application; that there are several questions that they have concerning the project; that DelDOT stated that they did a TID analysis in 2022, but was the potential build out considered into that analysis; that by rezoning this area does it change the impact; that the community is concerned with the water runoff, the idea that cluster subdivisions are in urban communities and they don't want Lewes to become urban and will the community have their property value affected due to the amount of traffic on Beaver Dam Rd.

Fern Goodhart spoke on behalf of herself in opposition to the application in regards to the impact the development will have on traffic and safety; that by adding 10's of thousands of vehicle trips will compound the risk of bicyclist and pedestrians, including bicycle clubs who have to travel in the bike lanes because the trails do not connect continuously; that not only are the roads being affected by the increase in the number of people and developments, but so are the bike trails being overwhelmed.

Mr. Melvin Mousley, owner of Pam Ann Stables, spoke on behalf of himself and his wife in opposition to the application in regards to the buffer separating his property and the Northstar development; that the concern is that the people are going to cross the buffer in order to see the horses and will either get bit or kicked and he will have a lawsuit on hand; that they suggest a 100 foot buffer and leave the existing tree buffer that's real thick and has high growth; that they also want to make a fence around it, like a stockade so you can't climb through it or see through it to make it safe for everybody; that placing no trespassing and do not pet the animals signs may help, but won't guarantee that it will keep people off of his property.

Mr. David Selby spoke on behalf of himself and his family in opposition to the application in regards to the impact the traffic will have on the people of Jimtown Rd and how it will ultimately become a shortcut for people trying to go down to Plantations Rd; that Council should request a traffic study be completed and include Jimtown Rd into it; that before widening the roads to consider the people of Jimtown Rd who have lived there for many years and most of their properties do not comply with the new setback codes and to widen those areas would hurt those families; that when you're putting houses of this magnitude in you're going to have a problem of you don't have as wetlands and somebody's going to be living next to a wetland because where is the water runoff from the ground disturbance going to go because that's now replaced by houses.

Dr. Lynn Carmen spoke on behalf of herself in opposition to the application in regard to life safety and the need for ambulance or immediate medical care being hindered by the volume of traffic; that the rise in the population makes the ability to get a physician near impossible and the number of older people that are within this area requires a lot of medical care, to which we are depleted.

Ms. Marian Utter spoke on behalf of herself in opposition to the application in regard to the idea that how the developers can forgo the TIS by paying a fee and the concern for the wellbeing of people in the area is disregarded.

Ms. spoke on behalf of herself in opposition to the application in regards to the health, safety and wellness of the surrounding communities; that the concern is the evacuation route during the hurricane season which appears to be the East/West corridor of 23/24; that maybe a shoulder for a paramedic to come through, or a cop to stop traffic or if there's an accident, somebody's got to go in a different direction; that the reality is most people just take the shoulder as if it's lane; that I would

like some consideration from the paramedics on the major corridors that we have to use to evacuate when the flooding happens.

Mr. John Miller spoke on behalf of himself in opposition to the application in regard to the traffic impact of such a large development; that all of the commercial development is along Route 1 which causes all of the traffic to push in that direction with nowhere else to go; that the concern of growth happening too fast is something that the County should look into as services for the people are not readily available.

Mr. Dale Sands spoke on behalf of himself in opposition to the application in regard to the possibility of the interconnectivity to Lewes Crossing and to be sure that it was on the record that the members of Lewes Crossing did not want that and that if there was ever an appeal process it was on the record.

Mr. Michael Johnson spoke on behalf of himself in regards to the affordable housing aspect and with it being separated from the rest of the Northstar development and not being considered as members of the Northstar Community; that there is a need for workforce housing, but what I'm hearing is affordable housing; that with workforce housing, if you have a nurse making decent money they probably wouldn't qualify under those guidelines of about \$28,000 to \$68,000; that maybe we need to rethink what that project really is going to be because there definitely is a need in this community for more affordable housing; that with the commercial properties along Route 9, there is concern that Route 9 is becoming another 24 or Route 1; that at what point is it going to be stop and go traffic on there, at what point you going to have people pulling in and out to get in and out of these stores or to get to the stores and what kind of traffic back up and accidents for that going to cost?; that we should designate all of Route 9 as commercial and just rezone both sides of it.

Mr. Dave Green spoke on behalf of himself in regard to the HOA and involvement of them in the affordable housing development; that it would not be feasible for an HOA to maintain that and there would need to be some other management company in charge of that aspect; that are the roads within the development private or public and who is maintaining them.

Mr. Matthew Puhalski spoke on behalf of himself in regard to the impact the development would have on traffic and how the infrastructure cannot handle the influx of people that are coming to the area; that in order to have a development like Northstar, there needs to be preparations done to handle it; that if Northstar was to be approved there would be an entrance to the development directly across from the entrance to Coastal Club in which there is only one way in and one way out of with 700 residents; that add the additional traffic from NorthStar's residents and the contractors, landscapers, etc. and it creates a huge impact of traffic.

Ms. Judy Rose Seibert spoke on behalf of herself in opposition to the application in regard to the traffic and the width of Beaver Dam Rd. specifically along the property line of the Northstar project; that she requests that a condition be put in place that requires the roads to be widened enough to accommodate safety personnel to travel with limited issues and that no building permits be issued until this has been done.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/Z 2025 Northstar Property, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5 - 0.

Minutes of the July 24, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 17, 2024.

The Commission discussed the following points in reference to the application:

1. The design and configuration of the proposed “open space” and how it appears to be fragmented in the current plans. Mr. Whitehouse noted that the open space areas were large enough to enable them to be re-configured. For example, lots 221-226 could be reconfigured, along with Road, B, Road, C and Road E to achieve a contiguous and less fragmented open space.
2. How the open space is proposed to be maintained; that some areas may be proposed to be meadows that would not be mowed; that it is important that these areas be clarified so that property owners know which areas are to be left to grow as meadows.
3. Phasing and the time frame for the construction of Mulberry Knoll Road. and the ability to hold the developer accountable for maintaining said time frames within any potential conditions of approval. Mr. Roberston confirmed that he had reviewed the master agreement for TIDs between the County and DelDOT and that there is no prohibition against the imposition of conditions of approval relating to construction phasing in developments that were proceeding forward with a TID.
4. The Commission discussed the implementation and enforcement of any potential conditions and the potential penalties for any potential non-compliance.
5. The Commission discussed the potential mechanisms for the potential tracking of affordable housing and keeping the units affordable and asked about the penalties and enforcement mechanisms to ensure that affordable units continue to remain affordable.
6. The phasing of the development and whether the developer could be required to complete the affordable housing portions first.
7. The Commission discussed the overall integration of units within the proposed community as a whole, and inter-connectivity. Concerns were raised that some aspects of the community may be physically and/or functionally separate from some of the amenities. For example, would occupiers of the multi-family units be able to access HOA amenities.
8. That any Final site plan needs to be clear and precise to provide buyers predictability on what is intended for development.

Ms. Wingate moved that the Commission reopen the record for Subdivision 2023-14, C/Z 2026, CU 2499, and C/Z 2025, all regarding Northstar Property, LLC, for the limited purpose of officially notifying the Cape Henlopen School District about these four applications and to receive any official written comment that the district may have concerning the applications. The record shall be held open until the close of business on August 20th, 2024, for official written comment from the district on the applications. Then the record shall remain open until the close of business on September 4th, 2024, for written comment only from the applicant and the public and limited solely to comments received from the district with respect to the applications.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to reopen the record for the limited purpose on C/Z 2025 NORTHSTAR PROPERTY, LLC for the reasons stated. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

#### Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

Mr. Whitehouse stated that the record was initially held up until the close of business on August 20, 2024, for the official written comments from the school district and then the record was left open until the close of business on September 4, 2024, for a written comment from the applicant and the public, and now that that has passed all of those documents are found in the paperless packet.

Chairman Wheatley stated that they are announcing today that the letter from the school district was received, related public comments have been received and the record closed on September 4 of 2024; that anyone who wishes to review the file, it is available online and these items will appear on an agenda for discussion and a possible vote at a later meeting.

Mr. Robertson stated that the letter from the school district, a letter from Mr. Hutt on behalf of the applicant in response to the school districts letter and a letter from the Sussex Preservation Coalition in response to the district's letter are all in the docket.

#### Minutes of the October 9, 2024, Planning & Zoning Commission Meeting

Mr. Collins moved the Commission to recommend approval of C/Z 2025 NORTHSTAR PROPERTY, LLC for a change in zone from AR-1 to C-3 “Heavy Commercial” based upon the record made during the public hearing and for the following reasons:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices and vehicle service stations.
2. The site has frontage along Route 9. Route 9 is identified a “Major Arterial Roadway” in the Sussex County Code. This location is appropriate for C-3 zoning.
3. The proposed C-3 zoning is consistent with other zonings and uses along this area of Route 9, including a large property across the road that is developing within the C-1 District with a mixed use of commercial and residential units. There are also properties that are zoned B-1. The variety of business and commercial uses in the area include a mixture of shops, a strip-mall center, commercial pad sites, a large grocery store, an HVAC business and warehouse, an indoor activity center, hardware store, landscaping supply business and many other businesses, commercial and office uses. Finally, the site is in relatively close proximity to the Route One



Five Points intersection and the C-1 commercial corridor that exists there. The change in zone to C-3 is appropriate in this location given the surrounding development trends.

4. Based on all of the information in the record, it is not apparent that this change in zone will have an adverse effect on the neighboring or adjacent roadways.
5. The site will be served by central water and sewer.
6. According to the current Sussex County Comprehensive Plan, this site is designated as being in the “Coastal Area” which is a “Growth Area”. Table 4.5-2 of the Comprehensive Plan states that C-3 zoning is appropriate within the Coastal Area. The Plan also states that “retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads.” Based upon the directions of our Comprehensive Plan, C-3 zoning is appropriate in this location.
7. The property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID fee prior to the issuance of every commercial building permit. DelDOT has stated that this rezoning is consistent with its projections for the development of this property and the planned roadway improvements within the TID.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
10. For all of these reasons, it is appropriate to recommend approval of this Change in Zone from AR-1 to C-3 at this location.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 2025 Northstar Property, LLC for the reasons and the conditions stated in the motion. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
J. BRUCE MEARS  
GREGORY SCOTT COLLINS  
BRIAN BUTLER



## Sussex County

DELAWARE  
SUSSEXCOUNTYDE.GOV  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 17<sup>th</sup>, 2024

Application: C/Z 2025 Northstar Property LLC

Applicant: Northstar Property LLC  
107 W. Market Street  
Georgetown DE 19947

Owner: Delaware Farm LLC and RCTDE, LLC  
1908 Cliff Valley Way NE  
Atlanta GA 30329

Site Location: Lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium Commercial (C-3) Zoning District

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Ms. Gruenbaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater Utilities, Inc

TID: Henlopen Transportation Improvement District (TID)

Site Area: 12.696 acres +/-

Tax Map ID: 334-5.00-175.00 (p/o)





## Memorandum

To: Sussex County Planning Commission Members  
From: Mr. Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 28, 2024  
RE: Staff Analysis for C/Z 2025 - Northstar Property LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 2025 – Northstar Property LLC to be reviewed during the July 17, 2024 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.

**Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 334-5.00-175.00 (p/o)

**Proposal:** The request is for a Change of Zone for a portion of Tax Parcel: 334-5.00-175.00 from Agricultural Residential (AR-1) to Medium Commercial (C-3) to allow for commercial improvements on a (12.696 +/-) acre portion of a parcel lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1).

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east and west of the subject property are zoned Agricultural Residential (AR-1) and parcels to the north are zoned Agricultural Residential (AR-1) and General Commercial (C-1). Parcels to the south are zoned Agricultural Residential (AR-1), Medium-Density Residential (MR-RPC), & General Residential (GR).



Additionally, a Change of Zone Application (C/Z 2026) (AR-1 - MR) is included with the Applicant's submission. This is for the (7.882) acre portion across the Mulberry Knoll Road extension to east and fronting on Route 9 to allow for (4) multifamily dwellings structures comprised of (94) units.

### **Future Land Use Map Designation w/in Comprehensive Plan:** Coastal Area

**Applicability to Comprehensive Plan:** The project lies within the Growth Area and is categorized as “Coastal Area” (per the 2018 Comprehensive Plan).

Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan also notes “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units” (2018 Sussex County Comprehensive Plan, 4-15) and “medium and higher density (4-12 units per acre) can be appropriate in certain locations” (2018 Sussex County Comprehensive Plan, 4-16).

The Plan additionally notes *“retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads”* (2018 Sussex County Comprehensive Plan, 4-16).

The Plan’s proposed Medium Commercial (C-3) Zoning District is listed as an Applicable Zoning District in the Coastal Area per Table 4.5-2 – *Zoning Districts Applicable to Future Land Use Categories* in the Plan (2018 Sussex County Comprehensive Plan, 4-16).

### **Comprehensive Plan - Design & Development Items**

Staff have included a selection of design goals and recommendations from the Comprehensive Plan which may inform the Planning & Zoning Commission’s review of the Plan.

Staff recommend that any commercial or multifamily use approved as part of the Applications include designs that prioritize open space, connectivity, and aesthetic character along the frontage on Route 9 in this area given its high visibility along an arterial route in the County.



## **12.3 DESIGN & DEVELOPMENT CHARACTERISTICS**

### **12.3.4 Parking Location**

Whenever practical, parking should be located to the rear or side of the buildings, so that the front yard can be landscaped. When parking and garages are placed to the rear of lots, with access using alleys (Sussex County Comprehensive Plan 12-5). Staff note that the multifamily and commercial improvements proposed as part of this Plan will have significant frontage on Lewes Georgetown Highway and



recommend design considerations which serve to soften the visual impact along this corridor should be incorporated into the design.

#### 13.3.5 Key Corridor Visions

- Together, agencies would need to consider techniques such as, parallel service roads, consolidated intersections and entrances, and increased setbacks. Buildings that front the through roads with rear parking along service roads, and the provision of transit, bicycle, and pedestrian connections are other techniques to be explored. PG 13-32
- Setbacks could be increased to allow for future capacity.
- Service roads could link local residents to commercial parking lots at the rear of the buildings. This would increase the aesthetic benefits to the community too. PG 13-33

**Staff recommend the Applicant consider a design locating the parking to the rear of commercial improvements to preserve the character along this portion of the Route 9 Corridor.**

#### 2.3.11 Landscaped Entrances

- Creation of well landscaped boulevard-style entrances can provide a great first impression.
- Open space should be provided along major roads to maintain some of the rural character and to reduce noise conflicts between homes and traffic.  
(Sussex County Comprehensive Plan 12-7).

**Staff recommend the Plan include robust and thoughtful landscaping design of native species along the frontages on both Route 9 and Mulberry Knoll Road as well as a gateway treatment at the intersection of Route 9 and Mulberry Knoll Road.**

#### 12.3.16 Buffering and Landscaping

- Forested buffers should continue to be provided within and around new residential developments. Buffering is also particularly important between new businesses and residential neighborhoods. A buffer yard in some cases can be strengthened with a berm. To minimize the amount of land that is consumed by a berm, a retaining wall could be used on the business side of the berm. The County should also encourage fencing when needed on the business side of buffer yard landscaping.

#### 12.3.1 Trees

- The planting of street trees can improve aesthetics and eventually provide a canopy of shade over streets. Studies show that mature street trees can also increase the value of homes up to 10 percent. If it is not appropriate to have shade trees in the right-of-way, they can also be planted immediately outside of the right-of-way.

**Due to the high community visibility of parking areas on a parcel with frontage on Route 9, Staff recommend parking islands with plantings as well as trees lining the linear parking bays in a manner similar to street trees.**

**Additionally, Staff have concerns about the lack of any detail related to buffering and/or screening (Landscaping, Fencing, Berm) to be provided between all proposed commercial zoning and both the proposed multifamily improvements and cluster subdivision.**

## **Connectivity**

- **Objective 12.1.4** Encourage development design that promotes increased access between developments and community facilities including parks, schools, and libraries.  
**Strategy 12.1.4.1** Encourage pedestrian connectivity between developments with sidewalks, paths, trails, and easements
- **13.2.6 Overview of Other Significant Issues - Disconnected Land Uses** - lack of street interconnectivity and segregation of land uses also contribute to sprawl and its impacts on access and mobility.

### **13.3.5 Key Corridor Visions**

#### **US 9 – from Georgetown to Lewes**

- Setbacks could be increased to allow for future capacity. Intersections and commercial entrances could be consolidated to reduce access points. Service roads could link local residents to commercial parking lots at the rear of the buildings. PG 13-33

Staff recommend the Plan include multiple access points connecting the proposed commercial site to the proposed cluster subdivision framing the site to both the west and south. Multiple access points providing vehicular and multimodal access would serve overall connectivity. Staff recommend a stub or easement be included for connectivity at the western end of the parcel near the frontage on Route 9 to accommodate future improvements which may occur along this portion of the corridor.

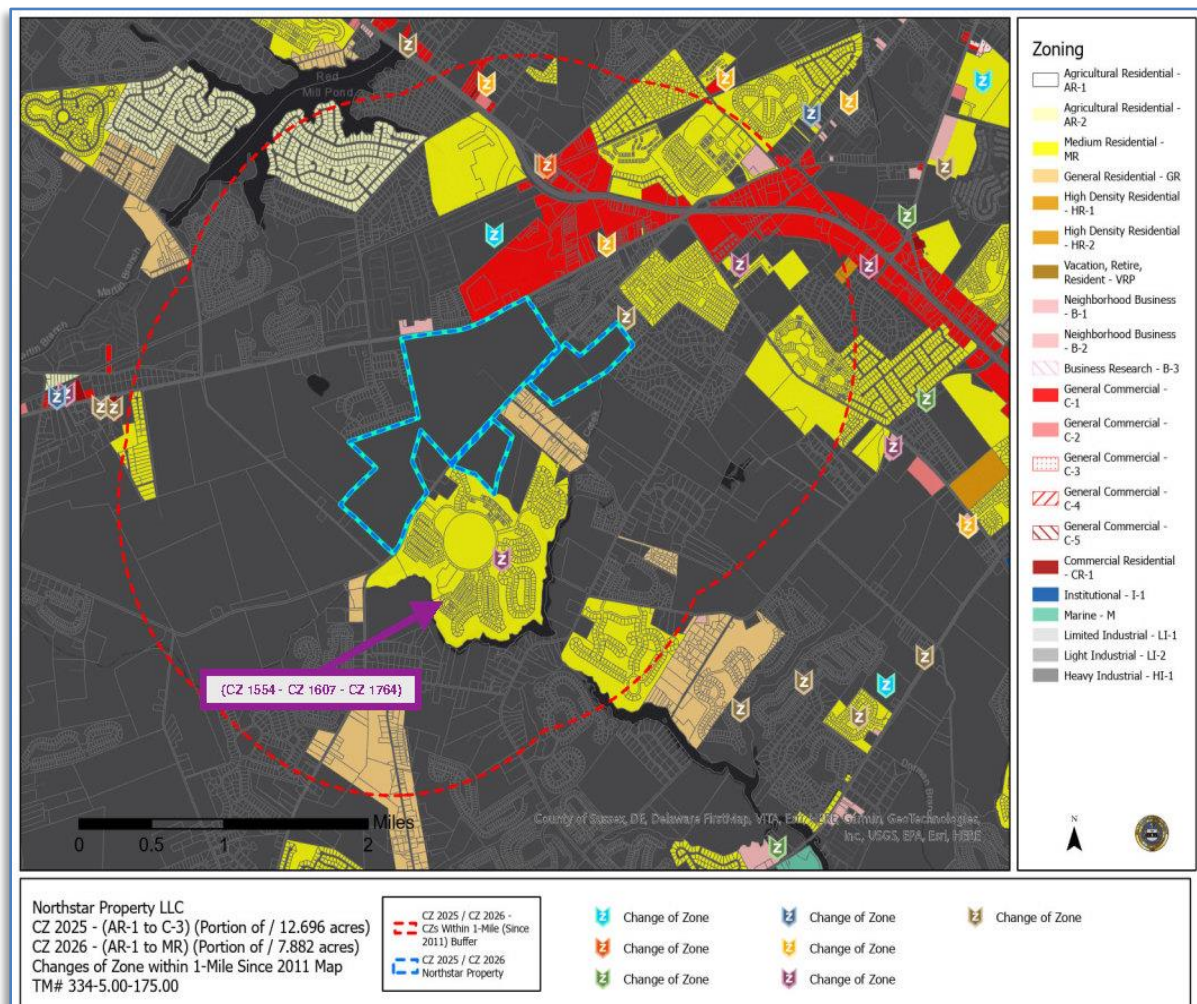
#### **Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** The Plan does not provide for direct vehicular connection to the Reserves at Lewes Landing Subdivision which shares a common boundary to the west.
- **Transportation Improvement District (TID):** The parcel is located within the Henlopen Transportation Improvement District. Any Plan will require the Applicant to coordinate with DelDOT regarding the administration and payment of all required TID fees.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone X and in areas of “Good” and “Excellent” Groundwater Recharge Potential. Any plan for the commercial improvements

as part of this plan will be required to meet the standards based on impervious coverage quotients (*Chapter 89 Source Water Protection* (§89-7(A)) for all improvements in Excellent Groundwater Recharge areas.

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 Commercial (C-3) District to allow for commercial use could be considered as being consistent with the land use, subject to size and scale, with area zoning and surrounding uses.

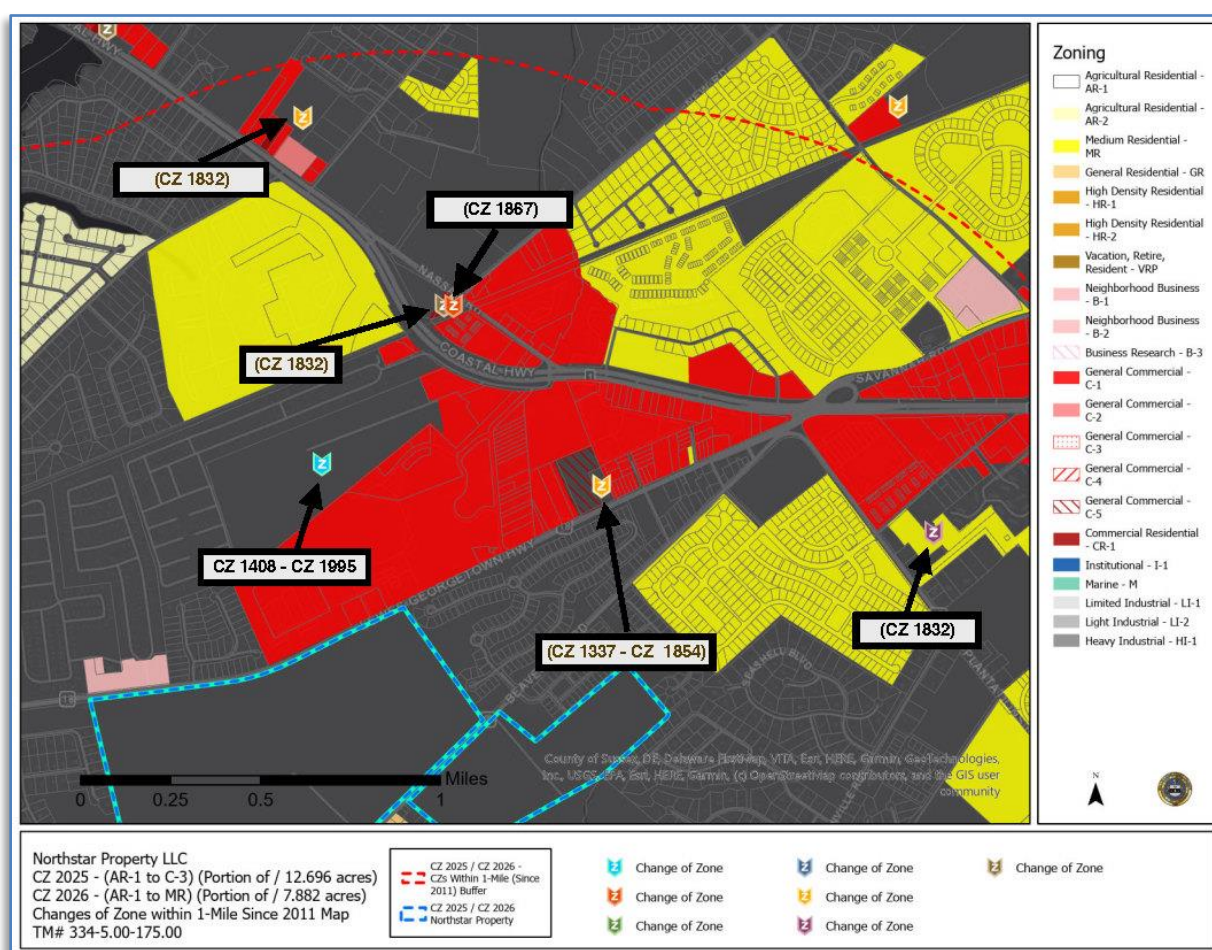
**Changes of Zone within the Vicinity of the Subject Site (Since 2011):** A Data Table and Supplemental Maps have been supplied which provide further background regarding the location of previous Change of Zone Applications less than 1 mile distance from the subject site.



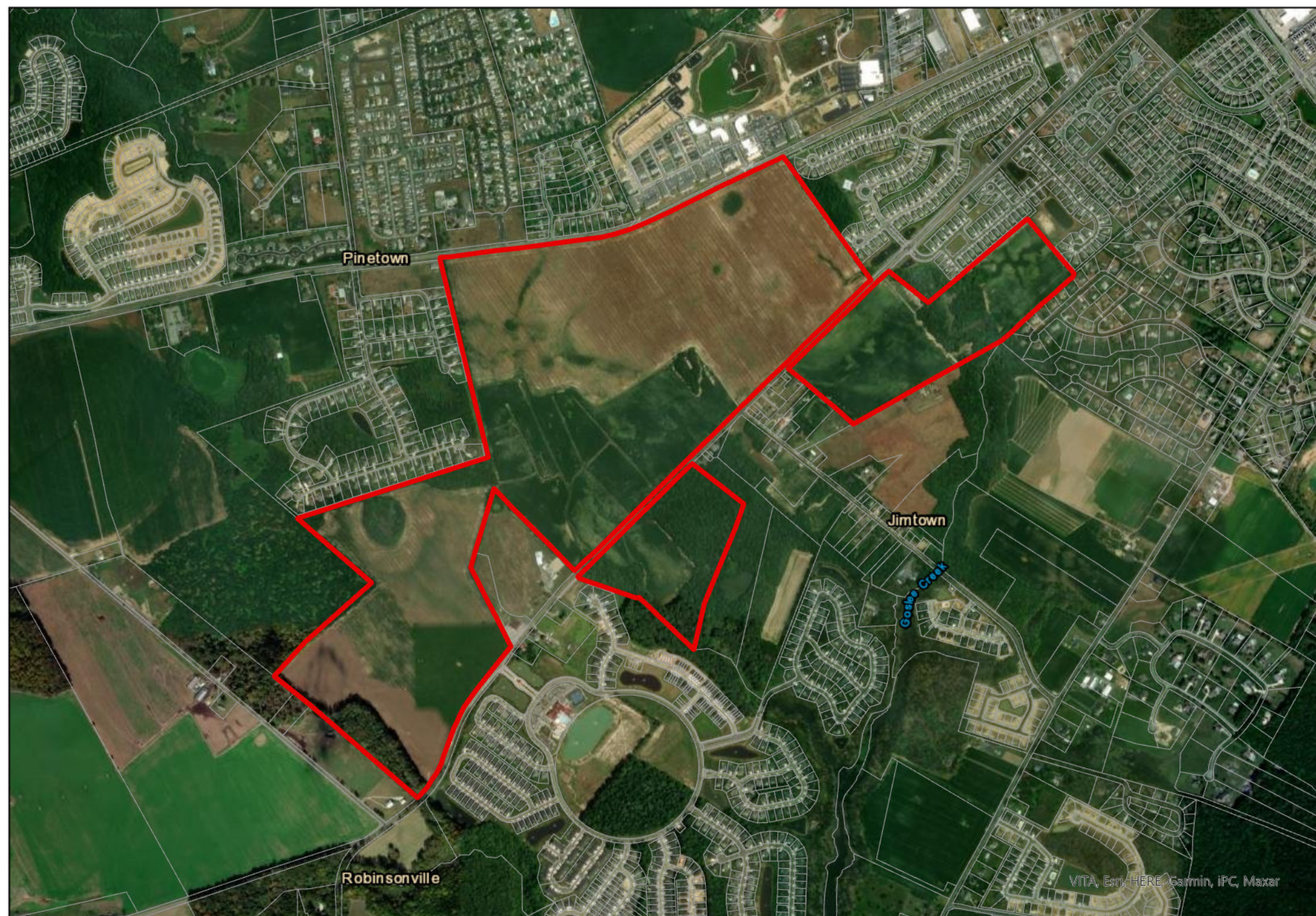


<b>Change of Zone Applications</b> <b>(Within a 1-mile radius of the subject site)</b>						
<b>Application CZ Number</b>	<b>Application Name</b>	<b>Zoning District</b>	<b>Proposed Zoning</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ordinance Number</b>
1764	Coastal Club LLC	MR-RPC	MR-RPC	Approved	8/18/2015	2413
1554	Marine Farm L.L.C.	AR-1	MR/RPC	Approved	4/19/2005	1770
1607	Marine Farm LLC	MR/RPC	AR-1/RPC	Approved	6/27/2006	1857
1408	AAA Storage Limited	AR-1	C-1	Approved	8/8/2000	1389
1971	Janice CRP3, LLC	C-1	MR	<b>Withdrawn</b>	N/A	N/A
1972	Janice CRP3, LLC	AR-1	MR	<b>Withdrawn</b>	N/A	N/A
1995	Janice CRP3, LLC	AR-1/C- 1	MR-RPC	Denied	6/20/2023	N/A
1861	Nassau DE Acquisitions, LLC	AR-1	C-2	Approved	12/11/2018	2622
1860	Nassau DE Acquisitions, LLC	AR-1	MR	Denied	12/11/2018	N/A
1882	Nassau DE Acquisitions, LLC	AR-1 & C-2	HR-1- RPC	Withdrawn	9/24/2019	N/A
1749	Bruce & Cathy King	AR-1	CR-1	Approved	7/15/2014	2356
1867	Four C's Property, LLC	AR-1	C-2	N/A	N/A	N/A

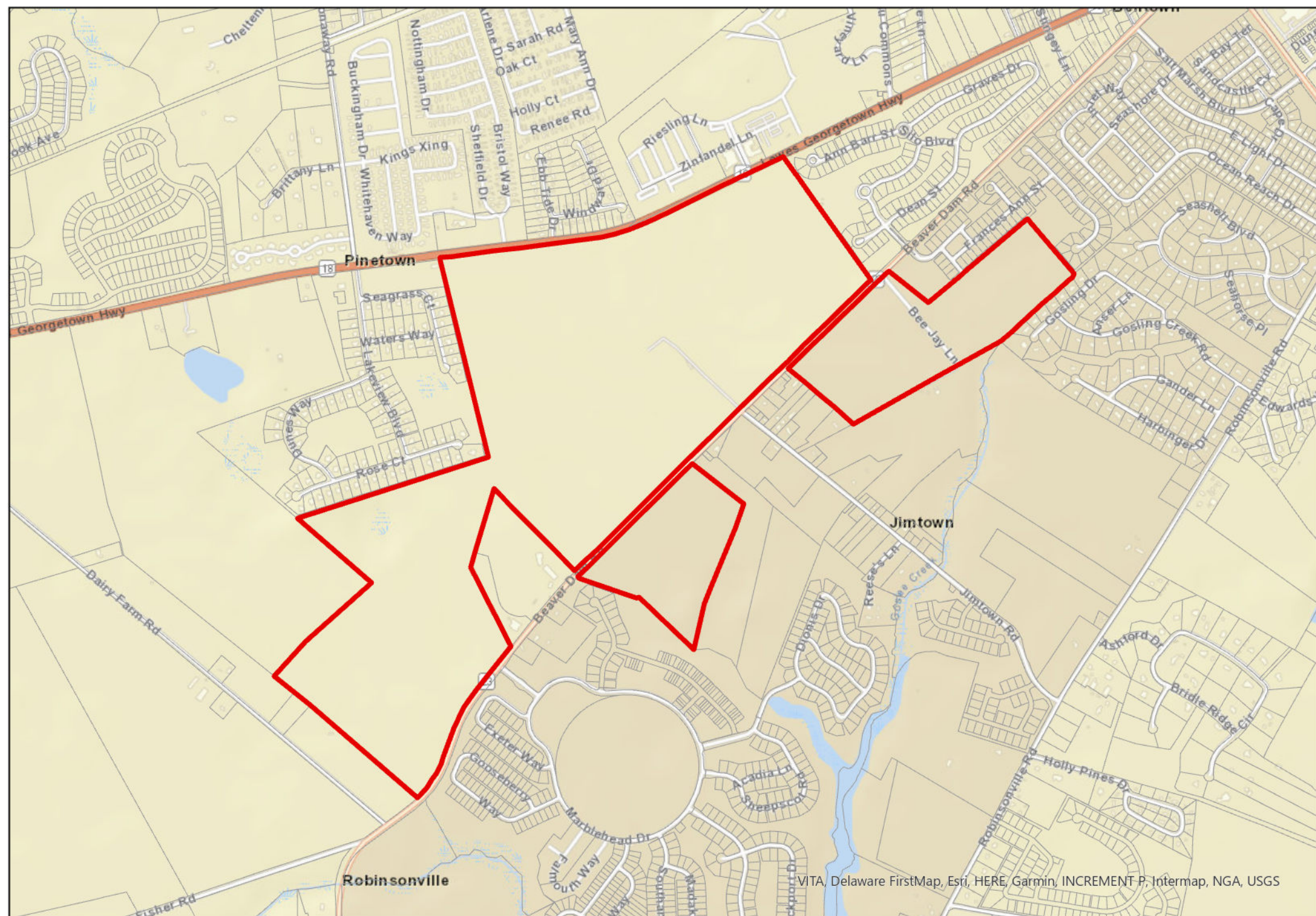
1337	Hilda Louise Norwood & Delores P.N.	C-1	AR-1	Approved	6/2/1998	1237
1854	Ferguson Enterprises, Inc.	AR-1	C-5	Approved	9/11/2018	2598
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565







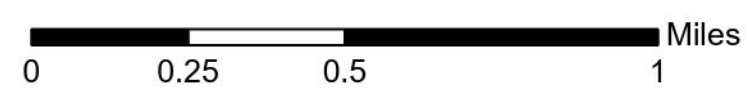




VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

CZ 2025 - Northstar Property LLC - (AR-1 to C-3)  
Street Map  
TM# 334-5.00-175.00  
(Portion of / 12.696 acres)

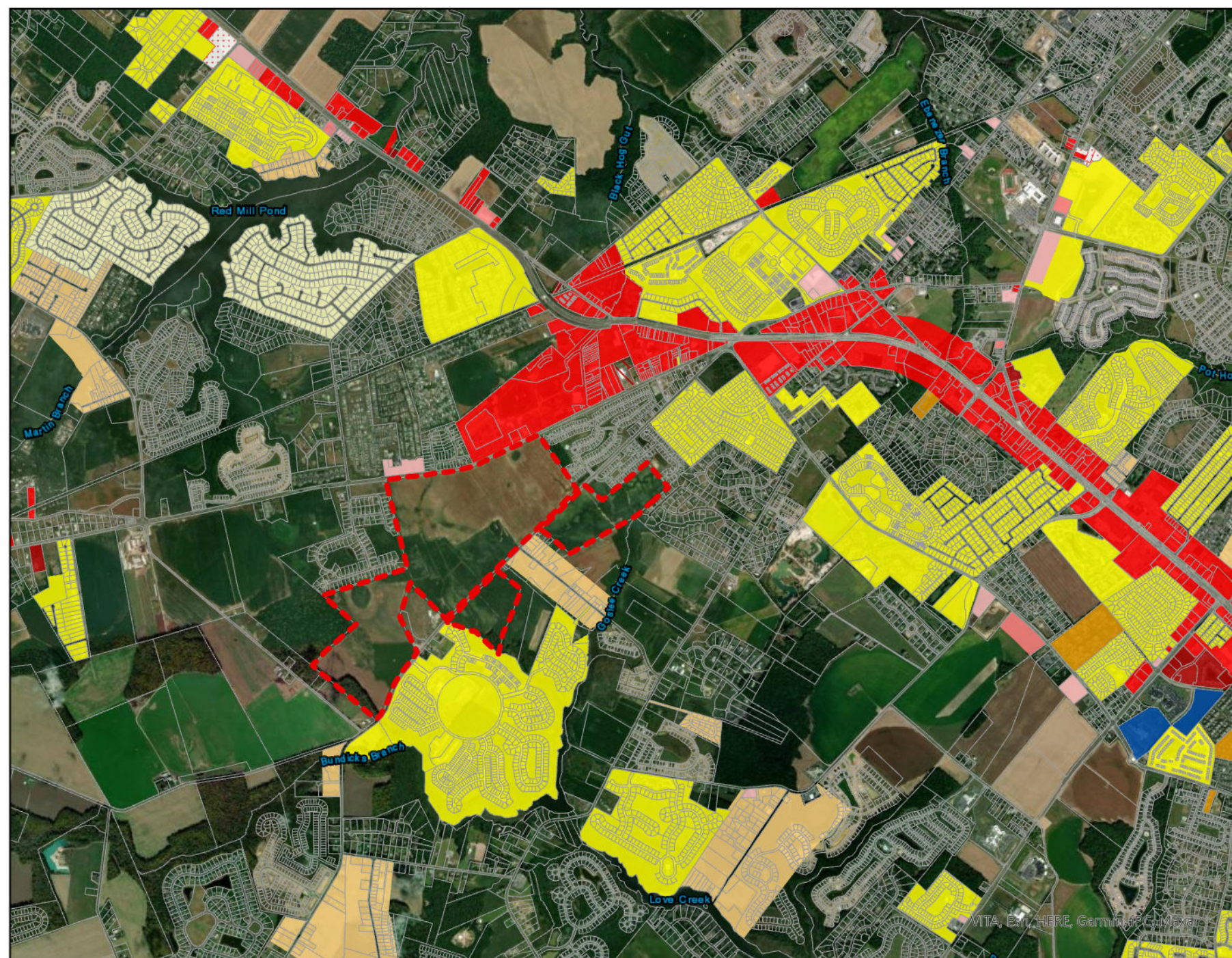
 CZ 2025 Northstar Property






# Zoning

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Neighborhood Business - B-1
-  Neighborhood Business - B-2
-  Business Research - B-3
-  General Commercial - C-1
-  General Commercial - C-2
-  General Commercial - C-3
-  General Commercial - C-4
-  General Commercial - C-5
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  CZ 2025 Northstar Property



CZ 2025- Northstar Property LLC - (AR-1 to C-3)  
 Zoning Map  
 TM# 334-5.00-175.00  
 (Portion of / 12.696 acres)

 CZ 2025 Northstar Property

 Miles  
 0 0.5 1 2





**Introduced: 6/11/24**

**Council District 3: Ms. Gruenebaum  
Tax I.D. No.: 334-5.00-175.00 (P/O)  
911 Address: N/A**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS**

**WHEREAS, on the 5<sup>th</sup> day of December 2023, a zoning application, denominated Change of Zone No. 2025 was filed on behalf of Northstar Property, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2025 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-3 Heavy Commercial District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 285/Rt. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1) and being more particularly described in the attached legal description prepared by Davis, Bowen, & Friedel, Inc., said parcel (portion of) containing 12.696 ac., more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**





## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 23, 2025

RE: County Council Report for C/Z 2026 filed on behalf of Northstar Property, LLC

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The Planning and Zoning Department received an application (C/Z 2026 filed on behalf of Northstar Property, LLC) for a change of zone from an AR-1 Agricultural Residential District to an MR Medium Density Residential Zoning District at Tax Parcel 334-5.00-175.00. The property is located on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (SCR 285/Rt 23), approximately 2.4 miles southwest of Coastal Highway (Rt.1). The parcel size is 419.64 Ac. +/- and the change of zone request relates to a 7.882-acre. portion.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting on October 9, 2024, the Planning & Zoning Commission recommended approval of the application for the 9 reasons as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation ("DelDOT"), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

Below is a link to the minutes of the March 11, 2025, County Council meeting:

[Link to the Minutes of the March 11, 2025, County Council Meeting](#)



Below are the minutes from the Planning & Zoning Commission meeting on July 17, 2024, and October 9, 2024. The minutes of the July 24, 2024, and September 11, 2024, are also included as the Northstar applications were discussed at these meetings also.

Minutes of the July 17, 2024, Planning & Zoning Commission Meeting

**C/Z 2026 Northstar Property, LLC**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS.** The property is and lying on the southeast side of Lewes-Georgetown Highway (Rt. 9), and the northwest and southeast sides of Beaver Dam Road (S.C.R. 285/Rt. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1). Address: N/A. Tax Map Parcel: 334-5.00-175.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into record were a copy of the Applicant's survey and rezoning plan, a copy of the Applicant's exhibit booklet, a copy of the Applicant's Environmental Assessment and Public Facilities Evaluation Report, a copy of the staff analysis and 31 comments, including a petition with 258 signatures.

Ms. Pamela Steinbach spoke on behalf of DelDOT, in reference to the Application and the processes behind the TID and how it relates to this group of applications; that a transportation improvement district is a geographical area defined for the purpose of securing required improvements to transportation facilities in that area to meet the demands and growth development consistent with a comprehensive plan; that means taking a proactive approach to transportation and land use and trying to forecast and accommodate what a growth area is going to be, making sure we have the appropriate traffic analysis and forecasting as it's related to the comprehensive plan; that DelDOT works closely with the County and can plan for growth in advance which makes the transportation planning easier; that it allows them to see what an area is supposed to grow to and allows DelDOT to plan for the associated transportation improvements; that the benefit to developers in the TID is that if their development is consistent with DelDOT and the County then they can forego having to do a TIS which takes a fair amount of time; that the TIS requires counts, average daily traffic and to analyze what intersections level of service is; that by having that information in advance and the developer building consistent with what the TID states; that if the developer pays a fee that has been agreed upon by the County and they'll complete any offsite improvements and are required to do all of their entrances it makes dealing with DelDOT a lot faster; that it's more predictable and we can then use those developer contributions to fund projects since we know where some funding coming from; that they take a master plan, a land use plan, a transportation plan or a comprehensive plan and determine parcel by parcel what the use of that parcel is and what the maximum number of trips for each of those parcels could generate; that once we do that then we determine what the infrastructure fee is based on whether its residential or commercial; that it's a certain amount per square foot for the commercial and then there are specific fees for whether it's single family, a townhouse, multifamily

condos or apartments; that every five years they update the study by confirming that the parcels are still the same and by doing a traffic analysis; that this helps determine how many trips each development is going to generate; that it can determine what the improvements to the roads are going to be, things like a shared multi model, shared use paths, sidewalks, widening the roads to the functional classification of the road is supposed to be; that it could be widening the lanes, widening the shoulders, it could be widening from 2 lanes to four lanes or it could be a new road, a roundabout or a signal; that once we have all of that information it is shared to any developer that wants to develop in the geographical area of the TID; that they have a much better idea when they do their planning as to what the max number of trips that they can accommodate as part of their development; that with the contributions that the developers make and the funding from the Feds and the State then we fund the Capital Transportation projects and they go into our six year capital transportation plan; that the Henlopen TID was established in 2020 and it took three years to complete as DelDOT worked with the County and went parcel by parcel basis and covering each intersection within a 24sq mile area; that there is about \$321 million in projects within this TID and as part of the fee structure the developers are contributing 24% of that money; that currently we have 28 agreements signed, about 7 in process and about 1.4 million has been collected and about \$800,000 are equated to the developer, in some instances it is required to dedicate right of way and then instead of paying lump sum TID fees they build some of the transportation improvements getting it done faster than if DelDOT were to do them.

Ms. Wingate asked about the construction of Mulberry Knoll Road and that it would be a separate contract from DelDOT and the developer would need to hire and contract that out separately; that with that being a separate contract what would the timing look like and would DelDOT require the developer to handle those improvements first? And will the money being contributed by the developer be utilized to help with this project's road improvements?

Ms. Steinbach stated that the developer has not entered into the phase of the record plans and entrance plans and until they do no time frame or phasing of improvements will be established; that the money contributed is held by the County and that money can only be used for any projects within the TID and its improvements.

Mr. Collins asked about the rest of the development of Mulberry Knoll Road and connecting it to the rest of the roads and what is the timeline on that?

Ms. Steinbach stated that one of the hardest parts is to get into the CTP because we have to be fiscally constrained in our CTP; that there are projects up and down the state, but this is CDP, so that is a project that will get funded, but it was just put in the last CTP; that the preliminary engineering is supposed to start around 2026; that the rest of that Mulberry Knoll Road is going to be built just no date is set yet..

Mr. Roberston stated that the original traffic analysis was done in 2018 and updated around 2022; that we get asked all the time, does the study take into account not only the baseline of assumptions of development for land based on its zoning, but does that also take into account approved but not yet built developments?

Ms. Steinbach stated that the TID is based on a full build out of the of all of those parcels so even as long as it is zoned to be built to grow up to be something then we have counted that as part of the



analysis.

Mr. Mears stated that it would be good to inform the public and have it on record as to how DelDOT decides whether or not the roads can handle large communities and how the Commission relies on DelDOT to advise if the infrastructure is capable of handling such increases.

Ms. Steinbach stated that when speaking in terms of developments for DelDOT's purpose it is concerned with the number of trips in and out of the parcels and that those number coincide with the zoning designation.

Mr. Todd Sammons, the Assistant Director of development coordination, for DelDOT stated that it is not DelDOT's prerogative to make those decisions as they are reactive to the land use decisions and with our analysis and information we then let Planning & Zoning and County Council make those determinations on whether they want to improve land uses or not

Ms. Steinbach stated that responsibility of DelDOT and as part of the division of planning is to do wider range planning that not only take into account what the Delaware Population Consortium estimates as to how many people are going to be here in the next 25-30 years, but also where they're going to be; that it is a collective approach trying to plan for what roads need to be widened, what roads need a roundabout, but it's a multi-faceted problem that is complex; that with TID's and TIS' we are making sure that the developer is doing what the transportation improvement requires it to do.

Mr. Mears stated that he would just like the public to have a firm position about whether or not a road that currently exists in its current state can handle and accommodate the additional traffic that new projects and developments will bring.

Ms. Steinbach stated that with the TID in place, the 33 projects that are planned throughout it have already pre-determined that the road is capable and supposed to be able to handle them based on the full build out of that geographic area.

Mr. Robertson stated that because this project is within the TID that it is different than other cases normally presented; that the TID is a geographically designed area in which DelDOT did the full build out of the roads, going into detail on intersection by intersection basis with redesigns of those roadways to accommodate the development of the properties as anticipated by the county's current zoning and the comp plan; that that's already been taken into account in the TID on this case, but it's a different process because we're not getting a TIS review letter that says what the impact is; that the bigger issue is whether this project or any other project in the TID stay within those projections that were based on the TID in the first place; that if it stays within those project projections, which were the roadway improvements necessary to accommodate the two units to the acre, then it has already been built into the designs that are in the TID; that the funding that was generated based on those designs and the developer and state contributions that go into it; that the County is stuck because the public may say that a project should not be built as it will have an adverse impact on traffic, but DelDOT doesn't have any objection to the project as long as the developer builds the necessary roadway improvements as stated within the TID; that this has been forecasted out in the TID and that the only concern then becomes, does the development stay within the confines of the original projection.

Ms. Wingate stated that she spoke with the Chief of the Lewes Fire Department, who stated that the completion of the Mulberry Knoll Rd. would be key to the response time for their emergency calls; that

it would be encouraged that the County, DelDOT and the developer work closely together on this piece of the project to ensure that it is a priority if the project is approved.

Mr. David Hutt, Esq., from Morris James firm, spoke on behalf of the applicant Northstar Property, LLC., that the applications were expedited at the request of the applicant in order to try to bring affordable housing to Eastern Sussex County as soon as possible; that the County has been trying to figure out answers to affordable housing; that the attention paid to affordable housing during the 2018 Comprehensive Plan Review process and the housing chapter of the comprehensive plan had a great deal of attention paid to it; that in 2019 Sussex County commissioned the housing opportunities and market evaluation by LSA and the impact of these two reports continues to this day; that the County has adopted amendments to the Sussex County Rental Program and most recently the County modified the Accessory Dwelling Unit Ordinance to address affordable housing in Sussex County; that the Sussex County Rental Program and the Accessory Dwelling Unit Ordinance, were both concerns raised and referenced in the home report that was commissioned in 2019, as well as the comprehensive plan; that the affordable housing opportunity that's presented by Northstar through the low income Housing Tax program will help in Eastern Sussex County; that given the scale of the Northstar project the developer recognized at the outset from the time it contracted to purchase this property that this land mass presented an opportunity for affordable housing in Eastern Sussex County, where the need is a very acute; that not being an expert in the best way to provide affordable housing opportunities, Northstar property sought out experts in the industry to see how best the property could be used and met with Ingerman, regarding affordable housing, being they are a leader in affordable housing in the Mid-Atlantic region; that during the meetings with Ingerman two concerns arose, the first concern with respect to creating affordable housing in Eastern Sussex County was the cost of the land and the second was the amount of time it takes to get through the entitlement process; that it is difficult to secure funding when there's an unknown with respect to the land use entitlements; that to address the first issue, the cost of land, Northstar Property, LLC offered to donate the land for the affordable housing section of the Northstar Project to provide a suitable location in Eastern Sussex County for affordable housing; that Northstar told Ingerman that it would handle the entitlement process and walk Ingerman through the entitlement process; that the second concern that was relayed by Ingerman, was the time of the entitlement process; that based upon the County's position on expediting applications through the Sussex County Rental program, a letter was submitted requesting that this application for the Northstar Project be expedited to help address affordable housing recognizing the necessity in Eastern Sussex County, the county, did agree to expedite the applications; that the Northstar Project is master planned infill in its compliance and consistency with the land use and planning tools that are provided by the State of Delaware and various agencies; that with all of those various agencies taken into account, this plan has been designed and structured to carefully comply with those codes; that the property totals 433 acres and is located just South of Lewes Georgetown Highway or Route 9; that the land South of Route 9 and parcels of the land that are on the opposite side of Beaver Dam Rd. are significant to this application; that the piece across Beaver Dam Rd. is residual lands that is not included in this acreage, so the area totals approximately 33 acres of residual, and the remaining 400 acres are the subject matter of this application.

Mr. Robertson asked for clarification for the record that the parcel that's considered residual lands, is not included in the acreage of any of the projects, therefore not used in any of the open space calculations, density calculations or anything of that nature.

Mr. Hutt stated that there is approximately 166 acres of open space and that does not include the 33 acres of those residual lands; that across Route 9 from the project is The Vineyards, which is a mixture of high

density residential and commercial properties, including professional offices and retail; that then the next community is Lewes Crossing, which is a single-family subdivision being on both sides of Beaver Dam Rd.; that along the Southern boundary of Northstar is the Gosling Creek subdivision which is single family homes; that then the Jintown community off of Jintown Rd. and the 33 acres of residual lands; that then the Coastal Club community ends the southern boundary of the project; that the project borders the lands of the Pam An Riding Stables and the Elks Lodge; that the Western border runs along with the Reserves at Lewes Landing another single family subdivision; that back at the Route 9 stretch there is the Sussex East and West manufactured home park and heading East is Seaspray Village, a single family subdivision; that Northstar is the property that connects all of these various communities physically and will provide important linkage amongst various communities; that the property consists of approximately 400 acres and four applications; that first, is the Cluster Subdivision application 2023-14 which is 379 acres with 758 proposed single family lots, then the C/Z 2025, a change of zone application seeking to change the designation of the portion of the property directly across from The Vineyards, this is 12.69 acres and is seeking a C-3 heavy designation zoning under the County's. Zoning ordinance; that directly across the proposed extension of Mulberry Knoll Rd. is C/Z 2026 which is a 7.88 acre parcel seeking a change in zoning designation from AR-1 to MR medium density residential district for the same 7.88 acres; then there's C/U 2499 seeking 94 affordable housing multifamily units for that site; that there are various land planning tools that exist to help the government and property owners know how to plan; that the Office of State Planning Coordination, a state agency that issues the strategies for state policies and spending every five years; that the last update was in 2020, which includes mapping the various investment levels in the state; that the map shows the Northstar property and the properties surrounding it; that the majority of the property is within the states investment Level 2, with a number of ribbons of area at various points in the project that are investment Level 3; that the state strategies for state policies and spendings specifically describes what a Level 2 area is, that like investment Level 1 areas, state investments and policy should support and encourage a wide range of uses and promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity; that investments should encourage departure from the typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable; that the state's intent is to use its spending and management tools to promote well designed development in these areas, such development provides for a variety of housing types, user friendly transportation systems, essential open spaces and recreation facilities, other public facilities and services to promote a sense of community; that based on that description of investment Level 2, under the Office of State Planning Coordination's state strategy maps, it's likely why that based on NorthStar's location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 strategies for state policies and spending; that not only is Northstar consistent with the state strategies that were just relayed, but is also consistent with the 2018 Comprehensive Plan; that Chapter 4 of the Comprehensive Plan, the future land use chapter includes Table 4.5-2, entitled Zoning Districts Applicable to Future Land Use categories; that both the requested C3 Heavy commercial district and the MR Medium density residential district are applicable zoning districts in the coastal area; that based on that table and the significance of their designation on the 2045 Future Land Use Map the comprehensive plan indicates what are permitted uses within each of the various growth areas with respect to the coastal area; that a range of housing types should be permitted in coastal areas including single family homes, townhouses and multifamily 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; that appropriate mixed-use development should also be allowed; that a



mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenience services and to allow people to work close to home; that the request for the C3 Heavy Commercial that is requested along Route 9, should be found along arterial highways and DelDOT would refer to Route 9 as a principal arterial; that the Sussex County Code refers to Route 9 as a major arterial highway and the commercial zoning that it proposed for this project aligns with the commercial zoning designation that exists presently in The Vineyards community; that it's an appropriate place, not only because of the highway, but because of the intersection, which presently an entrance into The Vineyards; that it's a signalized intersection and Mulberry Knoll Rd. will be extended and be a fourth leg of that intersection; that the commercial is proposed as a signalized intersection along a major arterial highway; that the planning for the MR portion mirrors what is across the street in The Vineyards with a high density residential and multi family style use with apartments and condominiums; that the proposed MR zoning portion of the property is consistent with what is in The Vineyards immediately across the street from there.

Mr. Ring Lardner, principal and professional engineer, from Davis, Bowen and Friedel, spoke on behalf of the applicant that in terms of the transportation portion of the project, the project has two road frontages, the East and West frontage or Lewes Georgetown Highway, Route 9 and the South West frontage or Beaver Dam Rd, Route 23; that the first is classified as a major arterial roadway per the County Code and the second is listed as a major collector per DelDOT's functional classification map; that the TID makes this project unique as typically a project this size would have been required to do studies analyzing dozens of intersections and roadways, including roads that are queued for signals and all of that has been done by DelDOT and their consultants; that Northstar per the TID, was assigned trips for 771 single family residential units and 96,188 square feet of commercial space in consultation with DelDOT; that this project as proposed, is within the threshold of the assigned and planned trips for this property; that the project will be required to enter into a recoupment agreement with DelDOT, and the agreement shall be recorded with Sussex County Recorder of Deeds prior to final plan approval; that there are several projects within the TID, but specifically the ones that are along our property limits are the widening of Lewes Georgetown Highway, US Route 9, and the widening of Beaver Dam Rd along the Northstar southern frontage as part of the Traffic Improvement District and will be done before 2045; that the creation of the Mulberry Knoll Rd, which would include two (2) eleven-foot wide travel lanes, 8-foot shoulders/shared use path and an open drainage ditch is the third project within the TID; that the portion of the Mulberry Knoll Rd that goes through the Northstar Project is not required to be completed by the developer; that the developer offered to build that road as part of this project, recognizing the need for the extension on Burnell Road and by building that up in lieu of paying cash; that this will help push along DelDOT to finish the other parts of the road that's been identified; that the review of the floodplain map shows no wetlands as of 2015, but when Mr. Ed Linnae completed a wetlands delineation he found some differences in the mapping; that those findings were submitted to the Army Corps of Engineers for review; that the soil survey was done and the soils on site are suitable for all four applications; that there is an Ag Preservation with the wetlands delineation plan in it; that due to the environmental features, a drainage assessment report was required to be completed, a resource buffer management plan was required to be prepared, and the resource buffers and other protections that are referenced in the preliminary plan are listed; that Conservation A is an area of non-regulated wetlands, then there is a proposed 35 foot wide buffer, of forestation, as we plan on a foresting that area and then additional land that would be forest staying protected as part of the conservation easement for the plan; that Conservation B contains some wetlands with a 30 foot wide existing forested buffer that will be retained in full and

other areas that will remain; that Conservation E contains regulated wetlands with an Ag crossing in it and we will improve it slightly as part of this project with a 30 foot wide resource buffer and expanded that to 45 foot wide as mitigation for the impact of the wetlands and the resource buffer that would not exist in that area; that there was a couple waivers requested this, first being a waiver regarding to signage for resource protection and buffers; that the code currently requires 100 foot spacing and we're requesting that increment be changed to be 200 feet versus the required 100 feet; that there's some forest in this area classified as Tier 3 forest; that the report found there were no specimen trees on the property, specimen trees are trees that are specific with certain caliber diameter or a species, none of those were found on this property; that an archaeological assessment was completed by Doctor Ed Otter, and the developer hired Foresight Associates to review this preliminary plan and their letter and the design intent is to create ecological corridors with natural landscaping to minimize the need for grass cutting and providing ecosystems and vibrant recreational areas throughout the site; that as for the site itself, the cluster subdivision with the perimeter buffer is this outer edge around the side including BJ Lane; that we provide a varying width buffer along that outer boundary with all lots located outside the 30 foot forested buffer where appropriate and/or the 50 foot agricultural buffer; that there are agricultural lands that require a 50 foot buffer per the code; that all lots except those along BJ Lane and those east of the stables are located at least 50 feet from the outer boundary, including areas that are both wooded and non-wooded, if you have a wooded parcel, we have a 30 foot forested buffer and another 20 foot space before lot line begins so the lots are at least 50 foot off the outer perimeter line; that the reason there's not a 30 foot landscape buffer along BJ Lane as the code only requires a 30 foot buffer where lots abut an agriculture area and where their dwellings are located within 50 foot of existing residential development, BJ Lane did not qualify for that; that we have a 20 foot buffer from BJ lane within that section of the roadway; that as the proposed buffer as defined with the number of trees will add over 2400 trees just in the buffer area alone; that the property contains approximately 28.1 acres of woodlands that are split into four areas and we are preserving approximately 23 acres of those woodlands and the areas that are being removed will be replenished, while preserving to the max and practical in those areas; that all lots abut open space throughout the community, there are no lots that are back-to-back and every lot will have open space as their backyards; that Mulberry Knoll Rd. extended will be built, designed, constructed and accepted by DelDOT and will be a state maintained roadway and all other roadways in the community will be designed for public use, but privately maintained and designed and approved in accordance with Chapter 99 of the Sussex County Code; that the East West spine route will not have any lots directly accessing it and will act like a boulevard; that it will consist of 28 foot wide paved roadways, eight foot wide shared use path, tree lined streets and a drainage channel with naturalized planning to provide stormwater management as it bisects the property; that stormwater will travel in a North South direction from Route 9 to Beaver Dam Rd.; that the rest of the roadway will be 24 foot wide with a shared use path on one side and on the other side a shared use path linkage from Mulberry Knoll Rd. extended all the way down to Beaver Dam Rd.; that all other roads will be 24 foot wide and have 5 foot sidewalks on both sides of the road; that the proposed open space is approximately 166.5 acres of land, or approximately 44% of the project area; that all active open space amenities include two clubhouses, one with the minimum size of 3000 square feet and the other minimum size of 5000 square feet; two pools, one with the minimum water surface area of 1800 square feet and the other minimum water surface area of 2250 square feet, a splash pad or kiddie pool, free sports courts, four playgrounds and four open play areas; that the locations of the active amenities will be shown on the final subdivision plans and those amenities will be separately approved through the site plan process; that there are several pedestrian connections throughout the

community that links all the way to that central open space, linking all the spaces together to create a pedestrian friendly neighborhood; that affordable community application site plan consists of four buildings for a total of 94 affordable housing units; that three buildings each have 24 units and one building has 22 units located on 12.69 acres of land; that the amenities for that project will include a playground, unorganized play area, bike lockers, maintenance shed and the backup generator; that building #4 is the 22 unit building that is designed as a resiliency center and also where they have areas for kids to join after school programs; that the resiliency center is provided with backup power, so the residents will have access to heat/air, kitchen equipment, plus the ability to charge cell phones, etc. and be able to subside and communicate during a power outage; that the site will be constructed in two phases, with two buildings constructed in each phase; that in discussing phasing. the residence cluster division will be approved and constructed in phases; that it will change as we get into conversation with DelDOT about improvements, sewer, water and light; that the reason why Mulberry Knoll Rd. is a separate project is because it's a lot of work to workout with DelDOT through that approval process; that this is why the phasing is going to change, the timing, etc.; that it will all be discussed during the plan approval process and the record plan phasing notes and products required, including the recruitment agreement as far as what's going to constructed in kind versus cash contribution; that it would be two years at least before the final plan approval would go through, but based on the economy there is no set time frame for the build out on this project; that the Mulberry Knoll Rd. phase of the project is currently scheduled as the 3<sup>rd</sup> phase of the project due to the numerous designs and various processes involved in building the road in conjunction with DelDOT; that the developers are committed to the road build out and this allows some cash flow to happen to help offset some of the costs alleviate the amount of upfront costs it takes to build more road; that the project has been designed to be pedestrian and bicycle friendly and connect with off-site buses and multimodal pass; that the DART Route 206 in the East West direction of Route 9 has linkages to Georgetown and Lewes to grab all the bus routes to go further into the state; that there are two existing bus stops that exist along this route on the Northstar frontage, there is one east of it and across the road at the Route 9 signal there are three other bus stops; that there's 6 bus stop right along our frontage or within a couple 100 feet of our frontage which is important to the affordable housing component as a lot of the residents there need access to public transportation; that is one of the reasons it is located in this portion of the project; that we'll be installing approximately 3.3 miles of shared use path, along Route 9, both sides of Mulberry Knoll Road, both sides Beaver Dam Rd.; that the developer will be installing 1.3 miles shared path along the East West Corridor linking Millburn Rd. East/West and back down to Beaver Dam Rd.; that there's another .8 miles of trail paths linking up to the central open spaces and 14 miles of sidewalks; that the residents can take walks on a one mile loop or up to a five mile loop or any other route of their choice; that there will be active play areas for varying ages of kids, unorganized play areas so it could be a wiffle ball field one day and lacrosse another; that there will be several viewing pavilions spread throughout the community, some place to go relax and view and enjoy nature; that a contemplation feature or art feature are going to be included somewhere within the community to provide some additional activities; that the coastal plain meadows intent is to provide natural plants throughout the community; that they want to put various things in meadow condition to help lower the maintenance and allow insects and ecology to grow and work together; that they want to link all these different wetlands together and then put a nature path through the forest to minimize tree disturbance by weaving it through; that the 2nd waiver we had asked for was regarding a grading plan, during the creation of Ordinance 2489 or the Grading and Drainage Ordinance; that the ordinance did not address the need for a grading plan during preliminary plan review as one of the code requirements,



nor did it describe the type of grading plan that's required; that we don't have the appropriate information to do the grading plan at that point because we don't have stormwater management numbers, we don't have storm pipes designed, we don't sewer pipes designed; that we've requested to submit bulk grading plans during the construction document approval process that will be reviewed and approved as part of the County Engineering Review; that we will be able to follow the natural contours of the natural drainage feature of the property; that there will be some recontouring but not a significant amount of Earth moving to achieve the grading to meet all the various requirements of Sussex County, DNREC Center stormwater regulations and DelDOT because they will all be reviewing parts of the drain with Mulberry Knoll Rd. extended and Route 9, Beaver Dam Rd.; that a portion of the major subdivision is located in excellent recharge area; that based on preliminary calculations and conservative calculations, we found that the impervious area may be around 38%, just above the requirement where nothing is required to be done per Chapter 89; that the impervious area will be verified during the design and the information required to demonstrate per Chapter 89 will be submitted to the engineering department for the review; that the commercial area does not require a site plan as part of rezoning application; that the subdivision includes over 166 acres of open space, approximately 81% of the wooded area will be preserved, a permanent buffer, excluding road frontages, will consist of a minimum planted or existing woodland width of 30 feet, water will be provided by Tidewater, sewer will be provided by Sussex County, the subdivision will meet sediment stormwater regulations, sidewalks and shared use paths will be located throughout the community and the project is located within the Henlopen Transportation Improvement District; that we identified the wetlands in the property as delineated by our office, we identified the woodland areas within the site and confirmed by Watershed Eco, we identified critical roadways, the first being Mulberry Knoll Rd. extended as stated by DelDOT through their study, we identified East/West roadway linking Mulberry Knoll Rd. to Beaver Dam Rd. and Route 9 with access points that would be preferred by DelDOT as they align with existing entrances on the opposite side of the road to create four way intersections; that under a cluster subdivision it is required to provide 30% of open space and with the 379 acres plus or minus, it would require 113.71 acres of land where we are providing 166.5 acres of land or 44%; that for this project, we chose the western portion which contains wetlands, woodlands and lands of conservation easement; it is contiguous and provides wildlife corridors linking the wooded area at The Reserves at Lewes Landing to the isolated wetlands then the wooded area and agriculture easement and on to additional wetlands and active open space; that the code allows a connection via one route crossing and thus connect; that the acres of the first area is 46.30 acres, which is 40% of the required 113.71 acres of open space and 27.80% of the proposed 166.5 acres of open space; that when including the second area, the connected open space is 63.60 acres, which is 55.93% of the required open space and 38.20% of the proposed open space; that one concern is the setbacks and buffering between Lewes Crossing, The Willows at Northstar; that the affordable home community provides a 30 foot wide forested buffer and when combined with the existing 30-foot buffer of Lewes Crossing results in a 60 foot wide forested buffer; that the building height for Willows at Northstar will be less than 42 feet with a setback of 50 feet is required; that the building close to Lewes Crossing will be a minimum of 100 feet from the shared property line with Lewes Crossing.

Mr. David Hutt stated that in reference to the C/Z 2025 application, the C1 General Commercial District across the street in the vineyards is consistent with the comprehensive plan and the zoning map for those parcels aligning and to stay within the character of the area; that there's a reference to 96,118 square feet of commercial space proposed; that if tenants or purchasers of that space want to construct a commercial business, they would be able to submit a site plan and then meet all of the various requirements, of

Chapter 89 or parking; that it would be considered by the Planning and Zoning staff and then go through the site plan review process for the County; that the 96,118 square feet of commercial space is the amount of commercial that was forecasted by DelDOT as part of the Henlopen. TID; that with 96,118 square feet of commercial area, when you look at the various components of the Sussex County Zoning Code, the only zoning classification that presently allows for that square footage of commercial area is the C3 zoning district; that the square footage proposed, being the land use forecast and recognizing the existing C1 across the property C3 is the most similar to the C1 zoning district which is the reason for the C3; that C/Z 2026 for 7.8 acres to be zoned as MR Medium Density Residential coordinates with the C/U 2499 seeking 94 affordable multifamily housing units; that this site was selected because of the multifamily uses that exist in The Vineyards and because of the wooded area that buffers a significant portion of the Lewes Crossing property and homes from that site; that multifamily dwellings are the conditional use within the MR Zoning District and in the code a good description of the multifamily conditional use states that these uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare; that affordable housing is of a public or semipublic character and essential and desirable for the county; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are or expected to become generally urban in character, which describes Route 9; that there are apartments and condominiums directly across the street in The Vineyards and this demonstrates how these units integrate into the surrounding zoning and are compatible with the area uses; that medium and higher density is described as 4 to 12 units per acre with other considerations such as, there is central water and sewer, it's near a significant number of commercial uses and employment centers and it's keeping with the character of the area; that it is situated along a main road or at or near a major intersection and is there adequate level of service.

Mr. David Holden, spoke on behalf of the affordable housing aspect of the application; that the company's business portfolio includes affordable housing, low income, housing, luxury housing and senior housing in Delaware, Maryland, Pennsylvania and New Jersey; that company includes a development arm, a construction arm and a management company and they've built over \$100 billion worth of developments and we managed about 8000 units; that the nearest development to the Willows is in Millsboro, called Foster Commons, and that opened last year including 60 units of and similar to what we're what we're proposing; that The Willows will go through two phases that's driven by funding that's available to build affordable housing; that it's administered by the Delaware State Housing Authority and the statewide competitive program and basically the way that the funding is allocated, the project is broken it into the two phases; that The Willows will include a mix of 1,2 and three bedroom units, approximately 700 square feet for the ones 850 for the twos, and 1000 for the threes in the three story; that the buildings that have been mentioned the income levels are households earning between \$34,000 and \$68,000 annually and that's driven by the Sussex County median and incomes; that the rents will range between \$700.00 and \$1200 a month, not including utilities and will have full time staff, amenities that include a community room or clubhouse that will have a kitchenette and activity program that will have staff to coordinate programming for the residents; that there will be a resiliency center as a priority for the episodes where we've lost power or had flooding and it would be available to the residents of the Willows and beyond; that the units will all have Energy Star washer and dryers, an outdoor space either a porch or a patio and the ground floor units will all be handicapped accessible; that there is a letter from Sussex County Community Development and Housing identifying the need for affordable housing as well as the Neighborhood Good Partners, which is based in Dover at the statewide organization that finances and advocates for affordable housing throughout the State of Delaware; that currently there is

659 families on the waiting list for the affordable housing units in Millsboro, which shows they are in high demand.

Mr. David Hutt stated that Subdivision 2023-14 is to fill in the area in ways that are similar to the adjacent properties: that where there were single family communities on AR-1 land the goal is to be consistent with that; that all of the various communities in the area are either single family, multifamily or a mixture of both; that The Vineyards has a density of 11.88 units per acre, consistent with the MR zoning classification, similar to the 11.9 units per acre that's proposed for the Willow at Northstar, on the first side of Beaver Dam Rd. it's 2.17 units per acre, on the other side, it's 2.15 units per acre; that is consistent with the two units an acre that's proposed for Northstar; that on the opposite side of Lewes Crossing is an Henlopen Landing that's 2.63 units per acre; that Gosling Creek purchase is 1.25 units per acre, Coastal Club is 1.63 units per acre. The Reserves at Lewes Landing is 0.95 units per acre; that Sussex West is 3.51 units per acre, Sussex East is 4.59 units per acre and Seaspray Village is 2.39 units per acre; that it follows the consistency of 2 units per acre for the Northstar Subdivision and the purposeful design to putting the more intense C3 and higher density along a major arterial roadways; that the homes and amenities that are clustered on the most environmentally portioned, environmentally appropriate portions of the. It also results in improvements to the property of that avoid wetlands and the cluster subdivision design. As you saw on some of those maps, creates conservation areas around wetlands with setbacks in areas greater than those required by the Sussex County Code; that the cluster subdivision process includes extensive tree preservation by preserving almost 23 acres of existing woodlands or 81% of the trees on the property with approximately 166 acres of land and open space, or approximately 44% of the site; that exceeds the 30% required under the ordinance and exceeds the open space under a standard subdivision; that the design utilizes the existing topography for stormwater management and the cluster subdivision design allows for the open space to be integrated into the community with no back-to-back lots; that the project took resources, which have specific setbacks per Section 115-193, the plan has 9.86 acres of additional land outside of what's required under the Sussex County Code to further protect those environmental areas; that these conservation areas that are proposed as part of the resource buffer management plan become part of the restrictive covenants; that they become the responsibility of the future Property Owners Association to maintain and manage in keeping with the Sussex County codes requirements; that DelDOT sent an SFR response that stated "The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it for residential and nonresidential developments that are consistent with the land use and transportation plan developed for the TID. The applicant is required to pay a fee per dwelling unit and a fee per square foot of nonresidential space in lieu of doing a TIS and making offsite improvements in accordance therewith. The proposed development is consistent with the land use transportation plan. Therefore, the developer will be required to pay the TID fees"; that the developer is proffering that they would handle the construction of the first third of Mulberry Knoll Rd. extended; that the impact of interconnection with Lewes Crossing was discussed and the first set of preliminary subdivision plans that were filed had full interconnection proposed at Oakley St.; that one of the first meetings with the members of the board from Lewes Crossing identified a concern was that point of interconnection; that Northstar agreed that the community could tell us what it wanted to occur at that location; that the community conducted a vote and informed us that the Community did not want any interconnectivity between that portion of Lewes Crossing and the Northstar community; that the revised preliminary subdivision plan has been modified to remove that point of interconnection; that a benefit for the Lewes Crossing is that point of interconnection would have gone through a wooded



area of the property and now more woods remain in that area; that the effect on schools, public buildings and community facilities is often questioned and Northstar put together projections based on Ersi data as well as Census Bureau data, and Northstar retained the Sage Policy group to estimate the number of pupils for the Cape Henlopen High school district that would be generated by Northstar; that Sage Policy Group background states that they have done demographic analysis for Baltimore County public schools and Columbus, OH, City Schools; that they are familiar with estimating those numbers, and that's what its expertise is; that the demographic analysis undertaken by SAGE is that the single family homes and the affordable homes have different outcomes with respect to the number of children that would be contributed or added into the Cape Henlopen school district; that the estimate of school age children from 758 single family homes is 47 school age children as an estimate; that the estimate of school age children from the 94 affordable homes is 32 school aged children with a total of 79 school aged children, 40% of those children coming from the affordable housing units that are in the multifamily conditional use application; that that community opposition has historically prevented additional affordable housing from being built in Sussex County, particularly in the coastal areas where there are few affordable housing options but highly proficient schools, it's a description of the Cape Henlopen School District, it qualifies as a highly proficient school; that this affordable housing opportunity provides access to this highly proficient school for those students; that the Sage Policy group used the city of Lewes' average household size of for the analysis, rather than the statewide 2020 Census Bureau data that this was done by design to more accurately reflect the anticipated community of purchasers that would exist within Northstar; that there will be a number of second home buyers, seasonal home purchasers and many retirees, basically 1.99 people in a home are largely a retiree community; that in addition to considering those demographics, tax revenues were estimated using the values of local homes in the area; that tax revenues were conservatively calculated to add more than \$1.25 million to the Cape Henlopen School District and Sussex Technical High School; that tax bills also provide support to community facilities like the library system and those estimates are conservative as Sussex County is currently in a reassessment process and it is anticipated that those assessment rates and amounts may increase; that Northstar met with the Lewes Fire Department to determine what its needs are and they need more volunteers, hoping many people and residents from Northstar will volunteer for the Lewes Fire Department; that the other significant need is money for equipment; that Northstar is proffering an initial contribution to the Lewes Fire Department of \$150,000, paid in increments of \$50,000 over the first three years of the project; that, there'd be a \$500 contribution to the Lewes Fire Department for each of the single family home building permit that is issued for the project and when the first building permit is issued in the commercial area, there'd be \$150,000 contribution to the Lewes Fire department; that would be \$679,000 to the Lewes Fire Department; that the conditions for change through C/U 2499 are Condition A states that the maximum number of units shall not exceed 94, Condition B is how the county can enforce the affordable housing component of the project and it states the multifamily units shall be part of an affordable housing program, whether through a federal, state or county Low Income Housing Tax Program; that Condition J states that a 30 foot landscape buffer shall be installed along the perimeter of the property adjacent to Lewes Crossing to complement their existing 30 foot buffer, creating a 60 foot buffer; that Condition LL is when the amenities in the Community have to be constructed and pursuant to Section 115-194.5, where it's a 60% requirement; that the code says about 60% of the total residential building permits and for this project the amenities will be completed with the construction of the second building, that accomplishes that 60% again; that Condition K. Condition K is how the Planning Commission has started to refer to amenities by

minimum square footage of size and surface areas and pools; that the amenities in a particular phase shall be constructed and open to use by residents of the development on or before the issuance of the residential building permit, representing 60% of the total residential building permits for that phase of the development; that both pools and clubhouses shall be constructed and open to use by the residents of the development on or before the issuance of the residential building permit representing 60% of the total residential building permits for the entirety of the subdivision; that we're trying to make sure is that there's never a time you couldn't build one of the phases that didn't have a pool; that Condition N states that the conservation areas on the preliminary site plan would reference one of the waivers; that the request is for the signage required around resource buffers or their perimeter to be at 200 foot intervals rather than 100 foot intervals because what's proposed with these conservation areas is actually outside of the resource buffers that are required; that the conservation area would have signage at 200 foot intervals, the resource buffer would have signage at 100 foot intervals and the perimeter buffer requires signage at 300 foot intervals; that Northstar with the size of the perimeters and those other issues, would have a substantial amount of signage and what's proposed is to eliminate the signage; that they will have it around the conservation area, which again is outside of that perimeter buffer area; that Condition Q is the proffer by the applicant regarding contributions to the Lewes Fire Department; that Condition S is the second waiver which is the final site plan shall include a grading plan for each phase; that Comprehensive Plan Goal, 8.2 states that the County should ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations; that Objective 8.2 states that the county should affirmatively further affordable and fair housing opportunities in the county to better accommodate the housing needs for all residents; that the first strategy states that the county should explore ways for private developers to provide more multifamily and affordable housing opportunities like what's proposed with the Northstar project; that Objective 8.2.1 in the comprehensive plan talks about these objectives and goals of the County with respect to housing; that Objective 8.2.3 states that the County should facilitate and promote land use policies that enable an increase in supply of affordable housing; that the areas with adequate infrastructure under that objective states that it is to promote increasing affordable housing options, including the supply of rental units near employment centers, just as exists here; that this application demonstrates compliance and consistency with the comprehensive plan; that this plan is consistent with the state strategies, DelDOT's traffic agreement with the county and the Henlopen TID, the comprehensive plan and the zoning for properties across the street; that it is consistent with adjacent uses and density and it fills in missing pedestrian and vehicular linkages, providing 19.4 miles of new walkways in the Northstar project; that when you connect that with the existing shared use paths and multimodal paths this links those up to create more than 21 miles of walkways in this area; that it creates the first third of the extension of Mulberry Knoll Rd. much quicker than it would be accomplished by DelDOT and it's consistent with the county's affordable housing goals in a location where it's desperately needed.

Mr. Collins asked about the phasing of the building and the coordination between the developer and DelDOT to create Mulberry Knoll Rd along with a timeline of construction.

Mr. Hutt stated that if these applications were to be acted upon then it would begin a process with DelDOT to coordinate timeframes.

Mr. Lardner stated that there's the capital transportation program process before that process begins; that there's a ranking system where every two years, Delaware ranks the projects and has these rankings come into play, so that as these TID projects come online ranks change everything; that there is no

definitive timeline and there's going to be times where we may be headed down to certain applications depending where they are with funding, as some projects are more expensive than others and they have their own requirements to meet from a fiscal responsibility; that they have their process to go through and it kind of works together, but we may get ahead of them a little bit, but that's inevitable for district this big with the 2045 build out structure.

Mr. Collins asked if they would need to come back for individual site plan approvals for each phase of the project to ensure that the phases are aligning with the development.

Mr. Lardner stated that it would not be a public hearing, but a new payment plan with conditional approval, TIS notes and phasing notes with the final subdivision plan approval.

Mr. Robinson stated that you stated you can build Mulberry Knoll Rd. quicker and faster than DelDOT, but it's the third phase, but we're not sure when that phase is going to get done and there's nothing to guarantee or confirm that that would happen; that what if you start phase three and sit on it, then you move to Phase 4, 5 6 or 7; that how does the County and the Commission confirm your statements and proffers that you can do it faster and quicker.

Mr. Lardner stated that a separate phase is necessary because that Mulberry Knoll Rd. is DelDOT review approval only; that it is a separate parcel and it has to get deed transfer; that there is a review and approval process, their bonding process, their inspection agreement; that is why it's a separate phase and phasing can be constructed out of order; that when phase one comes back through for approval, there will be some type of phasing plan that will be agreed upon with DelDOT because they are going to have the same concern; that there will be a code planning period and in phase one, phasing notes have to be agreed upon, because you can't record phase one without having everything else already pre coordinated; that from a timing standpoint, phase one would not get approved without some type of agreement that this has to happen by X and that has to happen by Y&Z and that will be the check that will be the agreed upon improvements at that time.

Mr. Robinson stated that the County doesn't have any voice in that discussion with DelDOT at that point and you're putting emphasis on Mulberry Knoll Rd. being constructed in a timely fashion in support of your request for the County to approve this development, yet the discussion you just described, the County doesn't have a voice; that you would be saying this is what's been agreed upon with DelDOT and we have to live with it; that is there a condition involved with the timing or thresholds that can be made from the County's point of view with regard to the construction of Mulberry Knoll Road.

Ms. Wingate stated that DelDOT has held building permits before and I would like to see that happen for Mulberry Knoll Rd.; that the DelDOT entrance for the community is going to be the same standards and all the same procedures they have to go through to get that community done; that I would like to see Mulberry Knoll Road be a priority after speaking to the Chief of Lewes Fire Department.

Mr. Lardner stated that DelDOT has an interesting process going through review, construction, inspection and acceptance and if it takes two years to build the road and get it accepted, that's two years and we hit a threshold and we're done for two years and that's the concern; that issuing some type of condition that addresses this concern; that I propose something like, at the 39th permit if the road is not completed then do not issue any more permits; that maybe Mr. White House or some of



the staff could be part of this conversations is to represent the County, but I think you understand my hesitation of dealing with an unknown process we have not done before and I don't want to just define those type of things.

Chairman Wheatley stated that not only is the County a stakeholder in that conversation, we have the ability to place conditions and I suspect there will be a condition that at least addresses this issue, it may not be completely definitive, but it is going to give us some ability to affect the outcome; that that's a major piece of what you're what you're planning to do and everybody wants it; that DelDOT would be aware and understand that, and perhaps we could ask them to expedite their processing in order to accommodate, you know what everyone agrees is something that needs to happen.

Ms. Wingate stated that per the affordable housing letter from Brandy Nauman phase one is slotted to have 46 rental housing units and not the full 94 and that they will all be affordable housing not just the ones listed in phase one; that there is concern about the proposed number of students that they have projected as she spoke with the Director of Operations for the Cape Henlopen School District and they are at capacity; that when you reach 85% for the State of Delaware, that is their capacity currently, all five of the elementary schools, two of the three middle schools and the high school are operating at capacity.

Mr. Mears stated that for the record, affordable housing is not Section 8; that the public sometimes perceives it as that and just to ensure them that there is a difference; that there is concern about pedestrian safety and crossing of the road being that there is communities on both sides of the road and that there is a plan in place with DelDOT to ensure that they are safely crossing.

Mr. Robertson stated that he wanted to make it clear for the record that Sussex County does not discriminate against any types of housing, whether it's Section 8 with Sussex County's residential housing program, affordable housing of any type, it doesn't matter what type of housing it is.

Mr. Robertson stated that there was a lot of statement and emphasis on the affordable housing aspect of the project and then Condition B was proffered and the question is if they're all going to be affordable housing units, but the condition is the multifamily units shall be part of an affordable housing program, whether through a federal, state or county program; that there's a lot of reporting, accountability monitoring just to make sure that what is proffered and what's approved with our projects; that CRP projects get density bumps and that it's monitored; that I would suggest that you provide more clarity on the type of program and/or the duration of the program, when you get to County Council, because that that that's a significant aspect; that we've had affordable housing projects that weren't CRP projects, but they also had substantial reporting requirements to make sure that they remain that way; that questions about the waivers have come up and I would ask that Mr. Medlarz, who is a retired Sussex County engineer and he now works with the county on a consultant basis, come to the podium and speak about them and the new resource buffer and the bulk grading plan waiver requirements.

Mr. Medlarz stated that with the drainage assessment report we reviewed the draft and commented on it and our comments were addressed; that we reviewed the final drainage assessment report and we find it to be in compliance with the current requirements; that we also looked at the buffer maintenance side and that is in compliance; that there was a general requirement of the preliminary plan submission which says submit a grading plan; that when we created the three tier grading plan requirements from bulk to detail to lot certification, which essentially is lot lines and grades

certification, we did not see that reference in the preliminary plans of metals; that we should seek a quick clarification to clarify that requirement; that the bulk grading plan would not be an appropriate tool to require for the preliminary plan; that when I reviewed the plan the engineering department is on record that “A”, it's an oversight from 2017 and “B” that the bulk grading plan is not the appropriate one and it's not asked for, it says a grading plan, so we need to tie it into our own three tier grading system; that for the record, that's what the engineering department and the Planning department agree upon; that the preferred way to show this at this level would be detailed existing grade, so you can gauge the impact of certain roadways, where they cross, where they get cut, where they have fields; that the bulk grading plan has very specific requirements, very detailed requirements in terms of what has to be shown on them and that gets submitted in the first engineering review; that if you have a multi-phase project you would get the bulk grading plan for the entire site and the detailed grading plan for phase one; that we have a common dashboard with DelDOT which tracks DelDOT off site and entrance plan requirements and permit requirements based on building permits; that Mulberry Knoll Rd. in all construction could be similar and could be tracked on our common dashboard; that for example, if the Commission adds a particular threshold we could track that on the common dashboard and the dashboard has in the past prevented building permits from being issued and we have checks and balances in place between the Department of Transportation and the County; that it's real time, as a building permit is issued, the dashboard is updated on both sides.

The Commission noted that they would not be waiving the bulk grading plan requirements, just the timing of what happens and at the same time, notwithstanding that, there's still a topographical requirement as part of a Preliminary Site Plan.

### **Recess**

Mr. Joe Pika, a board member of Sussex Preservation Coalition, spoke in opposition to the application; that SPC is a grassroots organization of about 4000 supporters and followers with about 20 groups that are associated allies to us and we are committed to a number of issues, such as conserving natural resources, balancing growth with environmental sustainability and maintaining livable communities; that we have gone over the materials about this set of applications, we've looked at the county and state documents, the applicant file, we've had conversations with the applicants as well as state and county officials; that the developers have done their homework, they're very thorough, they're very professional and among the people that we spoke to David Hutt has been especially forthcoming in inviting us for a briefing about the development; that he's attended 6 months' worth of our public meetings where we have discussed Northstar; that because this is so complex, one of our important requests to the Commission is that you leave the record open for some period of time after today; that the discussion about school enrollment, I have an interest in that and I contacted Jason Hale and he did not have the opportunity to review the study that was completed by the applicant; that Jason's response was that he felt their projections for the overall population of the development when built out, were low and he initially gave an estimate of school age population five times greater than the one that the specialist the consultant provided; that the General Assembly delegated responsibility to the counties to preserve, promote and improve the quality of life on public health, safety and the general welfare; that county officials determine what is to be built and when; that as part of that decision process, making recommendations to the County Council, you are part of the process that determines the most appropriate use of land, water, and resources consistent with the public interest; that we have two principal concerns, one is traffic and the impact of the traffic generated by Northstar in the area on the health, safety and well-being of the current residents; that we are concerned about some design

flaws particularly about safety; that we are not challenging that there will be development at that location, it is not going to remain a cornfield; that our position is not to oppose any development, all development, that's not our argument; that the key issues for us is the level and volume of traffic on Route 9, Beaver Dam Rd. and we recognize that the new construction of the Mulberry Knoll extension is significant and will have impact on traffic and the access and well-being of residents and of other public services in the area; that the 2023 data that is available on DelDOT's interactive traffic counts states that on Route 9, the average annual daily traffic count is more than 17,000 vehicles and it jumps by at least 10%, possibly more, during the summer; that on Beaver Dam, the traffic is roughly 3710, so these are data that are a matter of a few months, perhaps a year; that Northstar is projected to generate 13,359 vehicle trips daily, which suggests that without improvements; that the context of the TID that allows for improvements, for coordination, volume and improvements; that DelDOT concluded that this project has a major impact to local area roadways; that as part of a memo that was sent to Mr. Whitehouse dated November 29, 2023; that the question is how well can that be accommodated? For how long will it be accommodated? And when will the improvements come along that make that accommodation more feasible?; that the impact of Northstar is not alone in terms of what will happen on Route 9 and Beaver Dam, Cool Springs impact would be primarily on Route 9 and other developments will have an impact on Beaver Dam; that the other unknown is the impact of the Mulberry Knoll extension; that it is intended to relieve the pressure on Route 1 and traffic would move from Route 24 on to Route 1 and then potentially want to go on to Route 9 will instead be able to come up the Mulberry Knoll extension; that the importance of Mulberry Knoll is for the development, but also will add an influx of traffic and no one knows how much; that they want to recommend that, 1.) Pause any decisions on Northstar until the completion of a new study from DelDOT on Route 9, 2.) NorthStar's residential and commercial construction needs to be coordinated with the operability of the area road improvements, on Route 9 and the widening of Beaver Dam Rd., 3.) the County should consider the unintended consequences to the TID and the impact on the general health, safety and welfare of residents and 4.) traffic impacts need to be viewed holistically as what is happening in general and what can be expected on that roadway; that there are design questions concerning open space, are the residents of the affordable housing going to be considered as part of the Northstar community, why this project isn't being treated as a RPC, the adverse impact on neighboring communities and safety issues for residents as the development straddles to busy roadways; that Commission should require Northstar to resubmit its application as an RPC and we recognize that that would delay the construction of the affordable Community Housing, but suggest that application be approved and move forward; that the cluster subdivision and the C3 applications be put back into the regular queue rather than to be expedited; that Northstar should be required to meet the standards for pedestrian and cyclist safety, which may happen when they meet with DelDOT, but we want a commitment; that the conditions that protect the adjacent properties in Lewes Crossing and the natural environment; that Northstar meet the letter of Open Space ordinance and we contest the C3 zoning as the appropriate for the commercial area; that it should more appropriately be B1 or C1.

Mr. Rich Barrasso, co-founder of SARG, spoke in opposition to the application in regards to transportation/traffic around the Northstar project; that they want to discuss the Henlopen TID, the Capital Transportation Program (CTP) and the Route 9/SR 16 corridor study; that there is confusion on why the 2018 (2021-2026 CTP) is used in relation to the Northstar project and not a newer one since 2 more have been completed; that the level of service that exists today for intersections in the proposed area is better, worse or the same as when this study was done; that in the coordination



manual Section 2.41, it state a Transportation Improvement District is a geographic area defined for the purpose of securing required improvements; that the first section in the manual with regards to transportation improvement districts refers to what is required as elements of the of the TID; that the first required element is that a land use, transportation plan or an LUTP be completed for the TID; that it is a forecast identifying the improvements needed to bring all the roads and other transparent facilities in the TID to applicable state or local standards; that the LUTP should consider what is the existing land use of a specific date?; that Development approved and/or recorded but not yet built as of that date. The development expected or in the land development process, but not approved as of that date and then develop and not proposed but projected; that the manual references the LUTP, is it the same thing that was referenced earlier relative to the 2022 analysis of the TID, because there was no reference by the developer or by DelDOT with regards to this requirement of an LUTP; that the LUTP speak to service standards as outlined in the manual; that it states that service standards must be established for the TID and the creation of the LUTP to specify what is considered adequate transportation infrastructure; that if you use the LUTP to update the TID, since it's five years since it was implemented, have you identified what the levels of standards are today or at the time that it was updated; that it establishes a baseline of what the level of standards at any intersection in the impact area; that the manual refers to a monitoring program that states it may be appropriate to make transportation improvements gradually overtime; that the TID agreement should include a program for monitoring conditions in the TID, involve tracking land development, transportation improvements, and the need for transportation improvements in the TID, and it will provide information necessary for updates of the LUTP; that the manual talks of a build out analysis and it states while it is possible to create a TID considering only a target horizon, examination of conditions when all land in the TID is considered to be fully developed can often be useful in the planning process; that if build out analysis is to be done, the TID agreement should specify what degree of development is considered to be the build out and what use is it to be made of in the results of the analysis; that does the LUTP have all the elements needed; that the TID agreement between DelDOT, the County and the developer states that in exchange for following the payment schedule, homes and commercial space constructed and the developer would get something in exchange; that two very important pieces of exchange were stated was that the developer would not be required to submit a TIS and the developer would not be required to phase, so construction could start immediately; that with a TIS there would be a queuing analysis and a safety analysis and because they are located within the TID none of that would be required by the County; that in terms of the Capital Transportation Program (CTP), what is the infrastructure plan for this area; that there are over 100 different projects that are in the DelDOT CTP program and Northstar is ranked #7 with the US9 widening Ward Ave. to old Mine Rd.; that preliminary engineering Right of Way is planned between 2025 and 2026 with construction to begin in 2027 and then completed around 2030; that Mulberry Knoll Rd. Cedar Grove Rd. To US 9. Old Vine and Vineyards extension, the preliminary engineering doesn't even start until 2028, with no construction on that based on the CTP until sometime into the early 2030s; that Beaver Dam Rd. widening SR.12 Farm Rd. has no construction, based on its rank at 88 in the 2025-2030 CTP, until after fiscal 2030; that the analysis says there is no phasing to be done which means 5-8 years of "D" or less level of service; that a level of service of "D" means barely acceptable; that DelDOT should state what phasing is appropriate for the subject land use application and clearly state those phasing requirements to Sussex County so that Sussex County can clearly incorporate them into its various approvals as appropriate; that the County cannot act alone on requiring phasing they would need DelDOT to say phasing is appropriate and allow the County to incorporate phasing as part of

the approval process; that the TID places restrictions on the ability of the County to require phasing and places restrictions in terms of how much of an impact study can be required; that the County in cooperation and guidance of DelDOT, can determine if phasing is appropriate; that the US9 SR16 Coastal Quarter study initiated in 2019 with the final report completed last month, which focused on identifying transportation solutions for East-West routes in Sussex County, including SR.16 US.9, 113 and SR.1; that these roadways are East-West corridors in the northern part of Sussex County that are currently congested or at risk for congestion based on anticipated growth; that this study was initiated in 2019 and was finalized in 2024 and is available to view on the State website; that there were three key recommendations, but the one that is relevant to this application, which is accommodating traffic growth on US.9; that US 9/SR.5 is the most congested signal lighted intersection in the planning area and is forecast to be at or near capacity by 2050 without improvements; that when DelDOT makes its projections they set the timeline into 2045; that their assumption on terms of traffic growth as stated in the study is 0.6% a year; that at 0.6% a year, you could be safe until 2045, but why would we use an assumption of 0.6% growth when we have information that traffic is increasing more than the 0.6%; that if we have current active applications that in terms of the impact, the threshold for dualizing a highway in Delaware is 20,000 vehicle trips a day and we're at 17 right now with current conditions and add 13,000 more; that DelDOT provided information through a software system called Synchro Delay Data; that there is data on US.9/SR.30, Sweetbriar/US9, Sweetbriar/Dairy Farm, Airport Rd/Park Ave./SR.5, Hudson and Fisher, but no sync data on Beaver Dam and the new roundabout that was just completed, Beaver Dam Road and Dairy Farm Road and the US.9 at Old Vine; that that's the type of information that a TIS would provide; that the Synchro Delay Data will be helpful in terms of land use on Route 9, but it's not the complete pick; that some specific recommendations have the likelihood to potentially require. Sussex County Land use code changes in the future; that one is widening US9 and at SR.5; that the study states it's near impossible to dualize Route 9 at the intersection of SR5 and US9; that DelDOT has real concerns about the ability to dualize Route 9 at that intersection, which includes a cemetery and it will have an impact on anything East or West of that intersection; that a second recommendation is to conduct an analysis to determine appropriate set back requirements along US9 between. Georgetown and SR1; that currently building setbacks along US 9 vary based on the zoning of the parcel, with a minimum front yard setbacks of 25 feet up to 60 feet; that the study is going to look at those setbacks relative to where they may widen and are we approving developments whose setbacks based on current codes are inappropriate; that the state is going to review what the setbacks should be based on their view and then come back to sizes can say what possibly can you do with regards to your zoning codes; that the third recommendation is to explore code revisions to reduce the extent to which parking and stormwater facilities are permitted in the front yard setback; that current subdivisions have these wet ponds that are too close to the road and in terms of the potential for widening roads going forward, there's likely to be some action coming down from these recommendations; that if commercial parking lots are too close to the road, there's probably going to be more stringent requirements for those going forward too; that our recommendation is to pause any decisions on the Northstar development until the completion of the US9 2024-2025 Coastal Quarter study; that the next 12 months they're going to be looking at US9 based on the original study; that NorthStar's residential commercial construction must be coordinated with completion and operability of barrier road improvements in the CTP; that any type of phasing puts a tremendous burden on the developer and the developers financiers, but not doing it puts an even more greater burden on the public.

Ms. Jill Hicks spoke on behalf of Sussex Preservation Coalition in opposition to the application; that she was entering into record a petition with 827 signatures in opposition to the application; that the letter from DelDOT states that they approve improvements needed for the area around the application but not the traffic impact over the entire corridor or roadway; that she going to walk through observations and recommendations regarding the application, the remarkable safety risks posed by the plan, why the plan does not meet superior design standards, the impact of the surrounding communities and the overkill of the C3 zoning request; that this plan asked us, scribed by its own application, as a mixed-use community should have been therefore submitted and reviewed as an RPC; that the staff review letter recommend that the applicant consider submittal of this project as a residential plan community, RPC, rather than a series of four separate applications; that the applicants response was this applicant considered and appreciated staff's recommendation, but intends to leave the project as four separate applications, with no reason given no explanation, not even a counter reply; that the developer applies as a Mixed-use Community, rides the coattails of the affordable housing units to expedite the so-called mixed-use project, and then after it receives the expedited status, separates the project into four separate pieces; that the affordable housing that was expedited in the first place will have no access to the amenities of the community and cannot be a part of the HOA; that it's a bait and switch, the ploy of offering something desirable to gain favor then thwarting expectations; that The Willows at Northstar is a part of the community by name only; that The Willows are segregated from the community, geographically and by conditions of exclusion; that what is the plan if the states workforce housing plan falls through? Does the entire project continue? Where does the connection begin? And what is the status of the funding after initial postponement of the P&Z hearing in March, where deadlines missed, according to a letter between developer and Ingerman dated December 4th, part of the funding is proposed to be accomplished through low income housing tax credits from the Delaware State Housing Authority and the applications are due in April 2024, which has come and gone; that having to wait a year or more to be able to seek the low income housing tax credits from the Delaware State Housing Authority would be a considerable setback in the timing of opening the doors to these proposed apartments for low and moderate income households in need of affordable housing; that will The Willows at Northstar be funded and built first, as promised by the developer? And what is the funding status?; that SPC recommends two options regarding this dilemma, first, is to expedite the entire project as an RPC, as requested by planning and zoning staff to provide a holistic approach to the mixed-use project as it should be a level playing field for all developers and second option would be to proceed with separate applications as filed, expedite the MR application for the affordable housing, but the cluster subdivision and the C3 go back into the queue 14 to 17 months after the filing date of December 4<sup>th</sup> to level the playing field for all developers; that it would allow The Willows at Northstar, to be expedited without precedent and the cluster subdivision and commercial projects could proceed regardless of securing affordable housing from the state program or any unforeseen circumstances; that there are remarkable safety concerns with this plan, and how can its design be considered superior if it's unsafe for its residents, the surrounding communities and/or the county at large?; that one main selling point and characteristic of a mixed-use community and RPC or the upcoming MPZ is that it is pedestrian and bike friendly; that it is supposed to promote community and belonging among its residents, divided into 5 fragments by two major state thoroughfares, Northstar is none of these; that this cluster subdivision is riddled with hazards, speed on Mulberry Knoll Rd. today is 50 mph and to believe that drivers will slow down or obey a lower speed limit through Northstar or Mulberry Knoll Rd. extension is unrealistic; that



speed limit on Beaver Dam Rd. which divides Northstar is 45 mph; that Northstar residents will have to cross Beaver Dam Rd. and Mulberry Knoll Rd. extension to reach the amenity centers or the commercial retail space; that not only is speed a factor, but what are the vehicle trip projections for the Mulberry Knoll Rd. extension? That there are no parking spaces shown for the amenity centers, so it is safe to assume that residents are expected to walk, ride bikes, scooters, motorized wheelchairs, etcetera to reach and enjoy these amenity centers; that Planning and Zoning staff noted on page ten of their review letter, please include location, dimensions and purposes of any and all crosswalks and easements to be provided on the plan specifically for the proposed 80 lots to be located on the South side of Beaver Dam Rd.; that there is no traffic light provided to safely cross Mulberry Knoll Rd. extension to reach the amenity center directly across; that the Affordable Housing residents must cross Mulberry Knoll Rd. extension or Lewes Georgetown Highway if they want to get over to The Vineyards to reach commercial retail areas; that pedestrians will undoubtedly cut through the buffer instead of trekking to the light and then cut back to the retail center; that according to the code, a cluster subdivision requires 30% open space, so Northstar must provide 114 acres of open space, and they have 166 acres of open space, and 9% of the site must be contiguous open space or in their case 34 acres; that only one area of this site is large enough for that amount, Open Space A is 46.3 acres; that Open Space A is actually six small fragmented open spaces connected by a perimeter buffer and this space does not meet the intent of the contiguous open space requirement to accept; that 115-25F(3A)(3B) states required open space must be designed to be beneficial to the residents or users of the open space it shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies with a maximum of one street; that the subdivision design appears to be fragmented and a better proposal would be that the parcel on the South side of Beaver Dam Rd. that contains wetlands and juts into Lewes Crossing should have been left for contiguous open space or put into conservation; that perimeter buffers for several lots appear insufficient, BJ Lane buffer is 20 feet, which should be 30 feet to meet cluster subdivision code; that the 30 foot buffer that is owned by Northstar LLC, is that wooded? This is the buffers between Lewes Crossing and Lewes Landing; that when they show the wooded buffers, is that the woods that already exist in Lewes Crossing or is it a 30 foot wooded buffer within that parcel; that security lighting is a concern as it will shine into Lewes Crossing as the parking area for the MR section is on the outside with the buildings in the middle; that a 50-100 foot forested buffer should be required in this area to prevent the lighting from affecting the residents of Lewes Crossing.

Mr. Hutt stated that the reasoning for the expedited application for the low-income housing is that the Ingerman Group applied for the Low-Income Tax Credit Program in the beginning, but due to the difficulty to qualify for those programs with no land use entitlements the opportunity was missed.

Mr. Holden stated that the application was submitted in April, as it's a competitive statewide process and they scored well, but there was no land use approval and they were told to return upon having that, which is the plan with this application.

Mr. Hutt stated that BJ Lane doesn't have a 30-foot perimeter buffer because the code doesn't require a 30-foot buffer in all circumstances in a cluster subdivision and the property owner who abuts this piece of the project submitted a letter of support with just a 20-foot buffer.

Mr. Ralph Patterson, spoke on behalf of the Members of the Cape Henlopen Elks Lodge, in opposition to the application due to the affect that the construction of this development will have on their lodge as the main entrance for Phase I will be about 40ft from their property line; that it is said that there will be a traffic signal placed at that entrance upon completion of construction and that will limit the accessibility of patrons to their location; that currently the closest traffic device is a three way stop sign at Beaver Dam Rd. and Dairy Farm Rd. and during busy times nearly every day, traffic to waiting to pass through that control device, it backs up to our property and to the property of our neighbors; that we are nearly one half mile from that sign and that's with today's traffic, add additional vehicle trips per day and it will only exacerbate the situation; that the bad traffic situation on Beaver Dam Rd. will not be improved by 800 new units and a worst case scenario, DelDOT will actually widen Beaver Dam Rd. in which case we would lose a third of our parking, a very nice sign that we just paid a lot of money for and a flagpole; that if developed they request that a vegetated buffer be put between our property and theirs; that the 30 foot standard should be strictly enforced and a much wider buffer should be considered; that the existing natural buffer to our North should not be taken down; that they are asking for a physical barrier to separate Northstar from our property, a privacy fence constructed and maintained by Northstar with a six foot height minimum should be considered sufficient to screen our property; that we would like to work with the developer and DelDOT to ensure that if Beaver Dam is widened, our parking, flagpole and electronic sign be preserved or relocated at NorthStar's expenses; that we would like to be good neighbors, but the Northstar development, if built, will present real problems for the Cape Henlopen Elks Lodge.

Mr. Johanes Sayer, of Red Mill Pond, spoke in opposition to the application in regards to the concern of the impact it will have on traffic; that he submitted a petition with 212 signatures from residents of his development that stated "We oppose the Northstar development Project 2023-14 as currently proposed, which would be located a short distance east of our community. Our community would be directly affected by the 13,359 daily vehicle trips Northstar is projected to add to area roads. Traffic on Route 9 now regularly backs up West to Minos Conway Rd. from the Route 5 intersection on off season weekdays outside of rush hour. Current plans to dualize Route 9 westward end at Sweetbriar Rd. making that intersection a choke point. We would have to transit to access our community. Area traffic is already often impassable as development would worsen that problem. Route 9 is the major emergency evacuation route westward from the Lewes area. Our community is in evacuation zones, B&D in an emergency, the additional traffic produced by this project would worsen congestion in the evacuation path, which can already be anticipated to be grave, to impassable. Local emergency responder agencies already report that they're understaffed to keep pace with local population growth. The fact that retirees are substantial proportion of new residents and as senior citizens contribute a higher number of calls for service per person compounds this problem. The population growth brought by the 852 residents as proposed by the project can be anticipated to have a similar demographic mix and will further exacerbate the problem. The same problems exist with the availability of health care for the same reasons and with the same expectation of future worsening and impacts from this project. Last, this project would add another projected 210 students to Cape Henlopen School District. That was the number we were working with in a time when the districts are already struggling to pay for infrastructure to support new student arrivals, which are currently increasing every year. Before property development projects are approved, particularly ones of the scale of Northstar, County government and all other stakeholders need to form and implement a practicable plan for limiting the population growth, such projects introduce to stay within the limits of available natural and municipal resources.

Ms. Sarita Hall, spoke on behalf of herself as a member of Coastal Club, in opposition to the application; that there are several questions that they have concerning the project; that DelDOT stated that they did a TID analysis in 2022, but was the potential build out considered into that analysis; that by rezoning this area does it change the impact; that the community is concerned with the water runoff, the idea that cluster subdivisions are in urban communities and they don't want Lewes to become urban and will the community have their property value affected due to the amount of traffic on Beaver Dam Rd.

Fern Goodhart spoke on behalf of herself in opposition to the application in regards to the impact the development will have on traffic and safety; that by adding 10's of thousands of vehicle trips will compound the risk of bicyclist and pedestrians, including bicycle clubs who have to travel in the bike lanes because the trails do not connect continuously; that not only are the roads being affected by the increase in the number of people and developments, but so are the bike trails being overwhelmed.

Mr. Melvin Mousley, owner of Pam Ann Stables, spoke on behalf of himself and his wife in opposition to the application in regards to the buffer separating his property and the Northstar development; that the concern is that the people are going to cross the buffer in order to see the horses and will either get bit or kicked and he will have a lawsuit on hand; that they suggest a 100 foot buffer and leave the existing tree buffer that's real thick and has high growth; that they also want to make a fence around it, like a stockade so you can't climb through it or see through it to make it safe for everybody; that placing no trespassing and do not pet the animals signs may help, but won't guarantee that it will keep people off of his property.

Mr. David Selby spoke on behalf of himself and his family in opposition to the application in regards to the impact the traffic will have on the people of Jimtown Rd and how it will ultimately become a shortcut for people trying to go down to Plantations Rd; that Council should request a traffic study be completed and include Jimtown Rd into it; that before widening the roads to consider the people of Jimtown Rd who have lived there for many years and most of their properties do not comply with the new setback codes and to widen those areas would hurt those families; that when you're putting houses of this magnitude in you're going to have a problem of you don't have as wetlands and somebody's going to be living next to a wetland because where is the water runoff from the ground disturbance going to go because that's now replaced by houses.

Dr. Lynn Carmen spoke on behalf of herself in opposition to the application in regard to life safety and the need for ambulance or immediate medical care being hindered by the volume of traffic; that the rise in the population makes the ability to get a physician near impossible and the number of older people that are within this area requires a lot of medical care, to which we are depleted.

Ms. Marian Utter spoke on behalf of herself in opposition to the application in regard to the idea that how the developers can forgo the TIS by paying a fee and the concern for the wellbeing of people in the area is disregarded.

Ms. spoke on behalf of herself in opposition to the application in regards to the health, safety and wellness of the surrounding communities; that the concern is the evacuation route during the hurricane season which appears to be the East/West corridor of 23/24; that maybe a shoulder for a paramedic to come through, or a cop to stop traffic or if there's an accident, somebody's got to go in a different direction; that the reality is most people just take the shoulder as if it's lane; that I would



like some consideration from the paramedics on the major corridors that we have to use to evacuate when the flooding happens.

Mr. John Miller spoke on behalf of himself in opposition to the application in regard to the traffic impact of such a large development; that all of the commercial development is along Route 1 which causes all of the traffic to push in that direction with nowhere else to go; that the concern of growth happening too fast is something that the County should look into as services for the people are not readily available.

Mr. Dale Sands spoke on behalf of himself in opposition to the application in regard to the possibility of the interconnectivity to Lewes Crossing and to be sure that it was on the record that the members of Lewes Crossing did not want that and that if there was ever an appeal process it was on the record.

Mr. Michael Johnson spoke on behalf of himself in regards to the affordable housing aspect and with it being separated from the rest of the Northstar development and not being considered as members of the Northstar Community; that there is a need for workforce housing, but what I'm hearing is affordable housing; that with workforce housing, if you have a nurse making decent money they probably wouldn't qualify under those guidelines of about \$28,000 to \$68,000; that maybe we need to rethink what that project really is going to be because there definitely is a need in this community for more affordable housing; that with the commercial properties along Route 9, there is concern that Route 9 is becoming another 24 or Route 1; that at what point is it going to be stop and go traffic on there, at what point you going to have people pulling in and out to get in and out of these stores or to get to the stores and what kind of traffic back up and accidents for that going to cost?; that we should designate all of Route 9 as commercial and just rezone both sides of it.

Mr. Dave Green spoke on behalf of himself in regard to the HOA and involvement of them in the affordable housing development; that it would not be feasible for an HOA to maintain that and there would need to be some other management company in charge of that aspect; that are the roads within the development private or public and who is maintaining them.

Mr. Matthew Puhalski spoke on behalf of himself in regard to the impact the development would have on traffic and how the infrastructure cannot handle the influx of people that are coming to the area; that in order to have a development like Northstar, there needs to be preparations done to handle it; that if Northstar was to be approved there would be an entrance to the development directly across from the entrance to Coastal Club in which there is only one way in and one way out of with 700 residents; that add the additional traffic from NorthStar's residents and the contractors, landscapers, etc. and it creates a huge impact of traffic.

Ms. Judy Rose Seibert spoke on behalf of herself in opposition to the application in regard to the traffic and the width of Beaver Dam Rd. specifically along the property line of the Northstar project; that she requests that a condition be put in place that requires the roads to be widened enough to accommodate safety personnel to travel with limited issues and that no building permits be issued until this has been done.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/Z 2026 Northstar Property, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5 - 0.

Minutes of the July 24, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 17, 2024.

The Commission discussed the following points in reference to the application:

1. The design and configuration of the proposed “open space” and how it appears to be fragmented in the current plans. Mr. Whitehouse noted that the open space areas were large enough to enable them to be re-configured. For example, lots 221-226 could be reconfigured, along with Road, B, Road, C and Road E to achieve a contiguous and less fragmented open space.
2. How the open space is proposed to be maintained; that some areas may be proposed to be meadows that would not be mowed; that it is important that these areas be clarified so that property owners know which areas are to be left to grow as meadows.
3. Phasing and the time frame for the construction of Mulberry Knoll Road. and the ability to hold the developer accountable for maintaining said time frames within any potential conditions of approval. Mr. Roberston confirmed that he had reviewed the master agreement for TIDs between the County and DelDOT and that there is no prohibition against the imposition of conditions of approval relating to construction phasing in developments that were proceeding forward with a TID.
4. The Commission discussed the implementation and enforcement of any potential conditions and the potential penalties for any potential non-compliance.
5. The Commission discussed the potential mechanisms for the potential tracking of affordable housing and keeping the units affordable and asked about the penalties and enforcement mechanisms to ensure that affordable units continue to remain affordable.
6. The phasing of the development and whether the developer could be required to complete the affordable housing portions first.
7. The Commission discussed the overall integration of units within the proposed community as a whole, and inter-connectivity. Concerns were raised that some aspects of the community may be physically and/or functionally separate from some of the amenities. For example, would occupiers of the multi-family units be able to access HOA amenities.
8. That any Final site plan needs to be clear and precise to provide buyers predictability on what is intended for development.

Ms. Wingate moved that the Commission reopen the record for Subdivision 2023-14, C/Z 2026, CU 2499, and C/Z 2025, all regarding Northstar Property, LLC, for the limited purpose of officially notifying the Cape Henlopen School District about these four applications and to receive any official written comment that the district may have concerning the applications. The record shall be held open until the close of business on August 20th, 2024, for official written comment from the district on the applications. Then the record shall remain open until the close of business on September 4th, 2024, for written comment only from the applicant and the public and limited solely to comments received from the district with respect to the applications.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to reopen the record for the limited purpose on C/Z 2026 NORTHSTAR PROPERTY, LLC for the reasons stated. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

#### Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

Mr. Whitehouse stated that the record was initially held up until the close of business on August 20, 2024, for the official written comments from the school district and then the record was left open until the close of business on September 4, 2024, for a written comment from the applicant and the public, and now that that has passed all of those documents are found in the paperless packet.

Chairman Wheatley stated that they are announcing today that the letter from the school district was received, related public comments have been received and the record closed on September 4 of 2024; that anyone who wishes to review the file, it is available online and these items will appear on an agenda for discussion and a possible vote at a later meeting.

Mr. Robertson stated that the letter from the school district, a letter from Mr. Hutt on behalf of the applicant in response to the School District's letter and a letter from the Sussex Preservation Coalition in response to the district's letter are all in the docket.

#### Minutes of the October 9, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since September 11, 2024.

Mr. Collins moved the Commission to recommend approval of C/Z 2026 NORTHSTAR PROPERTY, LLC for a change in zone from AR-1 to MR based upon the record made during the public hearing and for the following reasons:

1. This application seeks a change in zone from AR-1 to MR. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available.
2. The stated purpose of the MR District is satisfied for this site. Both central water and central sewer will be available. It is also in an area with a more urban character, including a variety of large and small business, commercial and office uses and higher density residential development across Route 9 from this site. The location along Route 9 is also in close proximity to Route One and the Five Points intersection and the commercial corridor of business and commercial uses there. It is also located along one of DART's bus routes. This rezoning is consistent with other zoning and land uses in the area.



3. The proposed MR Zoning meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
4. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. MR Zoning is appropriate in this Area according to the Plan.
5. The intended use of this property will be to allow the development of it with affordably priced multi-family residential rental units. This is an appropriate use for this location given its surroundings.
6. The Comprehensive Plan suggests that higher densities such as those permitted in the MR District can be appropriate where there is water and sewer available, there are appropriate roadways to handle the density, and there are nearby commercial or employment centers. All of those factors are satisfied with regard to this application.
7. DelDOT has stated that the proposed rezoning to MR will have a “minor” impact upon local area roadways. However, the property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID “per-unit” fee prior to the issuance of every residential building permit.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
9. For all of these reasons, MR zoning is appropriate for this site.

Motion by Mr. Collins, seconded by Mr. Mears and carried unanimously to recommend approval of C/Z 2026 Northstar Property, LLC for the reasons and the conditions stated in the motion. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
J. BRUCE MEARS  
GREGORY SCOTT COLLINS  
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## Sussex County

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302-854-5079 F  
JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 17<sup>th</sup>, 2024

Application: C/Z 2026 Northstar Property LLC

Applicant: Northstar Property LLC  
107 W. Market Street  
Georgetown DE 19947

Owner: Delaware Farm LLC and RCTDE, LLC  
1908 Cliff Valley Way NE  
Atlanta GA 30329

Site Location: Lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium-Density Residential (MR) Zoning District

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Ms. Gruenbaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater Utilities, Inc

TID: Henlopen Transportation Improvement District (TID)

Site Area: 7.882 acres +/-

Tax Map ID: 334-5.00-175.00 (p/o)





## Memorandum

To: Sussex County Planning Commission Members  
From: Mr. Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 28, 2024  
RE: Staff Analysis for C/Z 2026 - Northstar Property LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 2026 – Northstar Property LLC to be during the July 17, 2024 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.

**Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 334-5.00-175.00 (p/o)

**Proposal:** The request is for a Change of Zone for a portion of Tax Parcel: 334-5.00-175.00 from Agricultural Residential (AR-1) to Medium-Density Residential (MR) to allow for (4) multifamily dwellings structures comprised of (94) units on a portion of a parcel lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) and approximately 2.4 miles southwest of Coastal Highway (Rt. 1). The portion of the parcel is comprised of 7.882 acres +/-.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east and west of the subject property are zoned Agricultural Residential (AR-1) and parcels to the north are zoned Agricultural Residential (AR-1) and General Commercial (C-1). Parcels to the south are zoned Agricultural Residential (AR-1), Medium-Density Residential (MR-RPC), & General Residential (GR).



Additionally, a Change of Zone Application (C/Z 2025) (AR-1 - C-3) is included with the Applicant's submission. This is for the (12.696) acre portion across the Mulberry Knoll Road extension to west and fronting on Route 9 to allow for (≈96,000) square feet of commercial improvements.



**Future Land Use Map Designation w/in Comprehensive Plan:** Coastal Area

**Applicability to Comprehensive Plan:** The project lies within the Growth Area and is categorized as “Coastal Area” (per the 2018 Comprehensive Plan).

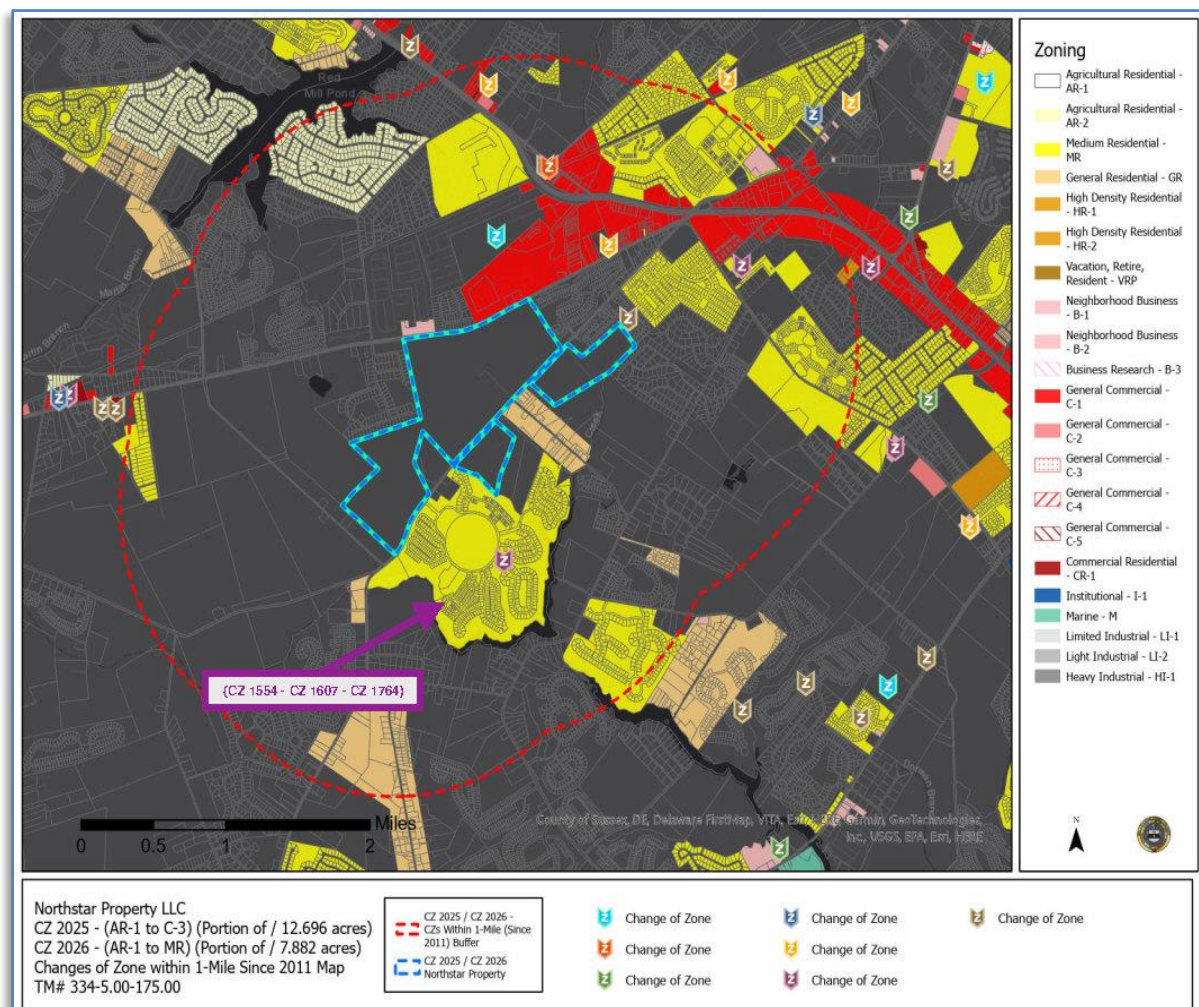
Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan also notes “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units” (2018 Sussex County Comprehensive Plan, 4-15) and “medium and higher density (4-12 units per acre) can be appropriate in certain locations” (2018 Sussex County Comprehensive Plan, 4-16).

The Plan recommends higher density development be situated in areas on “central water/sewer, near commercial/employment centers, keeping with the character of the area, along a main road/major intersection, and where there is adequate Level of Service” (2018 Sussex County Comprehensive Plan, 4-16).

The Plan’s proposed (MR) Medium-Density Residential Zoning District is listed as an Applicable Zoning District in the Coastal Area per Table 4.5-2 – *Zoning Districts Applicable to Future Land Use Categories* in the Plan (2018 Sussex County Comprehensive Plan, 4-16).

**Further Site Considerations:**

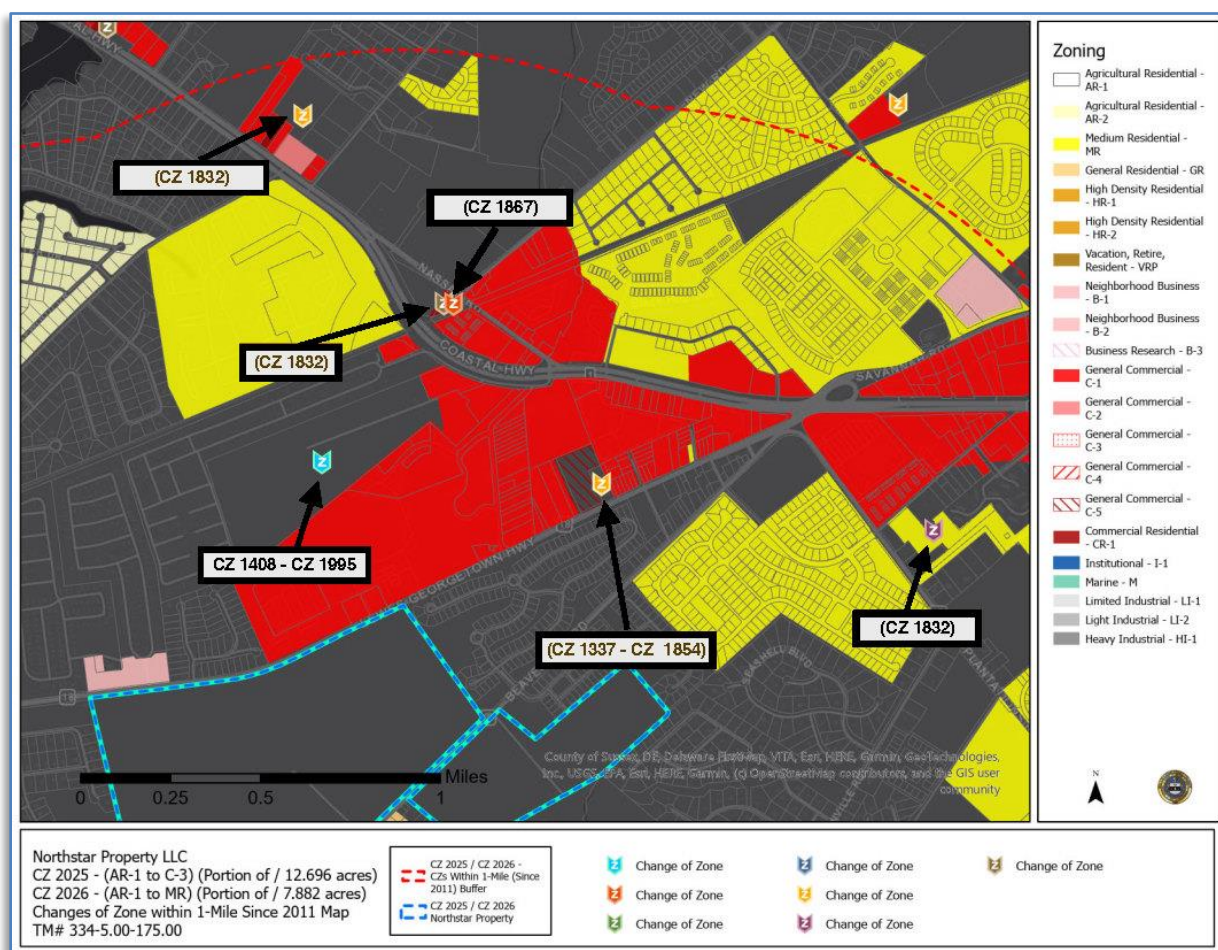
- **Density:** 11.9 DU/AC
- **Open Space Provisions:** (4.652) acres (59%)
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** The Plan does not provide for direct vehicular, multimodal, or pedestrian connection to the Lewes Crossing Subdivision which shares a common boundary to the east.
- **Transportation Improvement District (TID):** The parcel is located within the Henlopen Transportation Improvement District. Any Plan will require the Applicant to coordinate with DelDOT regarding the administration and payment of all required TID fees.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A



<b>Change of Zone Applications</b> <b>(Within a 1-mile radius of the subject site)</b>						
<b>Application CZ Number</b>	<b>Application Name</b>	<b>Zoning District</b>	<b>Proposed Zoning</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ordinance Number</b>
1764	Coastal Club LLC	MR-RPC	MR-RPC	Approved	8/18/2015	2413
1554	Marine Farm L.L.C.	AR-1	MR/RPC	Approved	4/19/2005	1770
1607	Marine Farm LLC	MR/RPC	AR-1/RPC	Approved	6/27/2006	1857
1408	AAA Storage Limited	AR-1	C-1	Approved	8/8/2000	1389
1971	Janice CRP3, LLC	C-1	MR	<b>Withdrawn</b>	N/A	N/A
1972	Janice CRP3, LLC	AR-1	MR	<b>Withdrawn</b>	N/A	N/A
1995	Janice CRP3, LLC	AR-1/C- 1	MR-RPC	Denied	6/20/2023	N/A
1861	Nassau DE Acquisitions, LLC	AR-1	C-2	Approved	12/11/2018	2622
1860	Nassau DE Acquisitions, LLC	AR-1	MR	Denied	12/11/2018	N/A
1882	Nassau DE Acquisitions, LLC	AR-1 & C-2	HR-1- RPC	Withdrawn	9/24/2019	N/A
1749	Bruce & Cathy King	AR-1	CR-1	Approved	7/15/2014	2356
1867	Four C's Property, LLC	AR-1	C-2	N/A	N/A	N/A



1337	Hilda Louise Norwood & Delores P.N.	C-1	AR-1	Approved	6/2/1998	1237
1854	Ferguson Enterprises, Inc.	AR-1	C-5	Approved	9/11/2018	2598
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565
1832	MDI Investment Group, LLC	AR-1	MR	Approved	3/20/2018	2565







VITA, Esri, HERE, Garmin, IPC, Maxar

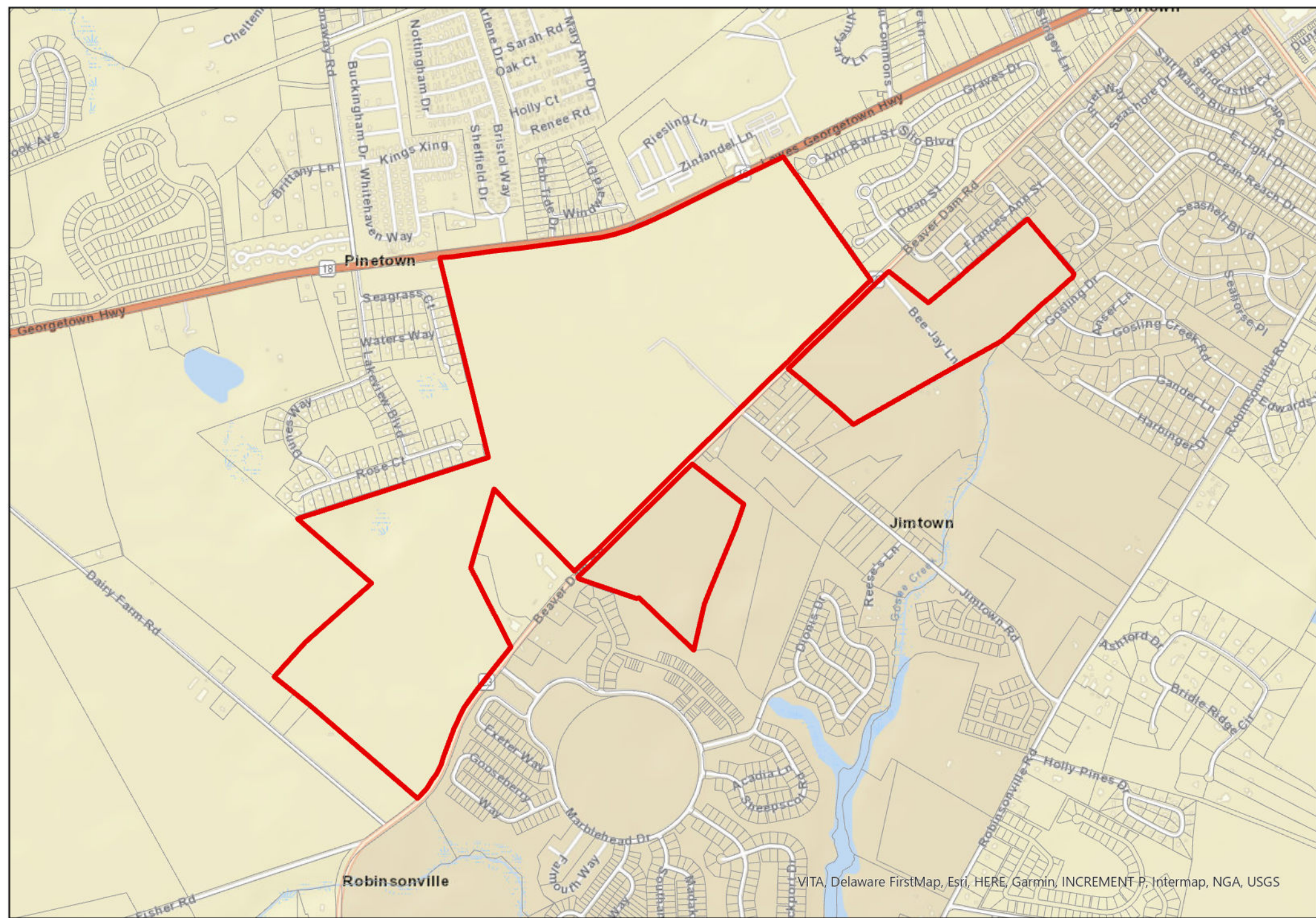
CZ 2026 - Northstar Property LLC - (AR-1 to MR)  
Aerial Map  
TM# 334-5.00-175.00  
(Portion of / 7.882 acres)



CZ 2026 Northstar Property



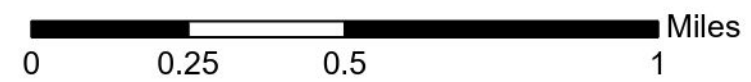




VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

CZ 2026 - Northstar Property LLC - (AR-1 to MR)  
Street Map  
TM# 334-5.00-175.00  
(Portion of / 7.882 acres)

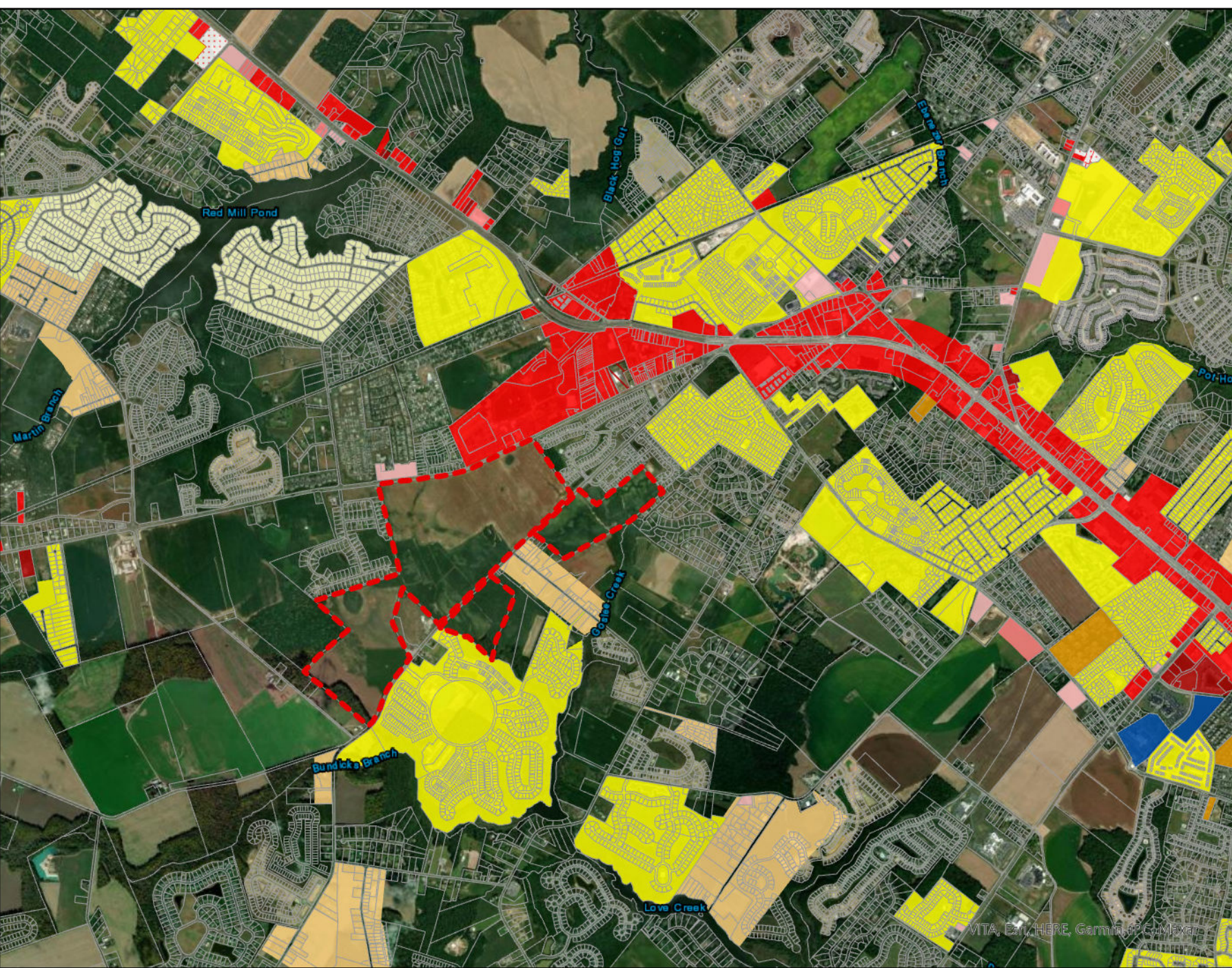
 CZ 2026 Northstar Property





# Zoning

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Neighborhood Business - B-1
-  Neighborhood Business - B-2
-  Business Research - B-3
-  General Commercial - C-1
-  General Commercial - C-2
-  General Commercial - C-3
-  General Commercial - C-4
-  General Commercial - C-5
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1



CZ 2026 - Northstar Property LLC - (AR-1 to MR)  
 Zoning Map  
 TM# 334-5.00-175.00  
 (Portion of / 7.882 acres)

 CZ 2026 Northstar Property





## Zoning

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County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, Esri, HERE

0 0.5 1 2 Miles

Northstar Property LLC  
 CZ 2025 - (AR-1 to C-3) (Portion of / 12.696 acres)  
 CZ 2026 - (AR-1 to MR) (Portion of / 7.882 acres)  
 Changes of Zone within 1-Mile Since 2011 Map  
 TM# 334-5.00-175.00

-  CZ 2025 / CZ 2026 - CZs Within 1-Mile (Since 2011) Buffer
-  CZ 2025 / CZ 2026 Northstar Property

-  Change of Zone
-  Change of Zone
-  Change of Zone

-  Change of Zone
-  Change of Zone
-  Change of Zone

-  Change of Zone



## Zoning



-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
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0 0.25 0.5 1 Miles

Northstar Property LLC  
 CZ 2025 - (AR-1 to C-3) (Portion of / 12.696 acres)  
 CZ 2026 - (AR-1 to MR) (Portion of / 7.882 acres)  
 Changes of Zone within 1-Mile Since 2011 Map  
 TM# 334-5.00-175.00

-  CZ 2025 / CZ 2026 - CZs Within 1-Mile (Since 2011) Buffer
-  CZ 2025 / CZ 2026 Northstar Property



Change of Zone



Change of Zone



Change of Zone



Change of Zone



Change of Zone



Change of Zone



Change of Zone



**Introduced: 6/11/24**

**Council District 3: Ms. Gruenebaum**

**Tax I.D. No.: 334-5.00-175.00 (P/O)**

**911 Address: N/A**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS**

**WHEREAS, on the 5<sup>th</sup> day of December 2023, a zoning application, denominated Change of Zone No. 2026 was filed on behalf of Northstar Property, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2026 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation MR Medium Density Residential District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1) and being more particularly described in the attached legal description prepared by Davis, Bowen, & Friedel, Inc., said parcel (portion of) containing 7.882 ac., more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**



## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 23, 2025

RE: County Council Report for C/U 2499 filed on behalf of Northstar Property, LLC

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The Planning and Zoning Department received an application (C/U 2499 filed on behalf of Northstar Property, LLC) for a Conditional Use application in an MR Medium Density Residential District for multi-family dwelling units (94 units) at Tax Parcel 334-5.00-175.00. The property is located on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (SCR 285/Rt 23), approximately 2.4 miles southwest of Coastal Highway (Rt.1). The parcel size is 419.64 Ac. +/- and the Conditional Use request relates to a 7.882-acre. portion.

The Planning & Zoning Commission held a Public Hearing on the application on July 17, 2024. At the meeting of October 9, 2024, the Planning & Zoning Commission recommended approval of the application for the 15 reasons and subject to the 18 recommended conditions as outlined within the motion (copied below).

The County Council held a Public Hearing on the application at the meeting on March 11, 2025. At the conclusion of the Public Hearing, the record was left open for a period of two weeks for Council to submit questions to Delaware Department of Transportation ("DelDOT"), and then for a period of two weeks for DelDOT to respond for the questions, followed by an additional period of two weeks for members of the public to submit any additional comments on the DelDOT response. The Public Record closed on April 22, 2025, at 4:30 pm.

Below is a link to the minutes of the March 11, 2025, County Council meeting:

[Link to the Minutes of the March 11, 2025, County Council Meeting](#)



Below are the minutes from the Planning & Zoning Commission meeting on July 17, 2024, and October 9, 2024. The minutes of the July 24, 2024, and September 11, 2024, are also included as the Northstar applications were discussed at these meetings also.

Minutes of the July 17, 2024, Planning & Zoning Commission Meeting

**C/U 2499 Northstar Property, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS.** The property is lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 285/Rt. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1). 911 Address: N/A. Tax Map Parcel: 334-5.00-175.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into record were a copy of the Applicant's conceptual site plan, a copy of the Applicant's exhibit booklet that includes the State PLUS comments, a copy of the DelDOT SLER letter, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, a copy of the staff analysis and 32 comments, including a petition with 258 signatures.

Ms. Pamela Steinbach spoke on behalf of DelDOT, in reference to the Application and the processes behind the TID and how it relates to this group of applications; that a transportation improvement district is a geographical area defined for the purpose of securing required improvements to transportation facilities in that area to meet the demands and growth development consistent with a comprehensive plan; that means taking a proactive approach to transportation and land use and trying to forecast and accommodate what a growth area is going to be, making sure we have the appropriate traffic analysis and forecasting as it's related to the comprehensive plan; that DelDOT works closely with the County and can plan for growth in advance which makes the transportation planning easier; that it allows them to see what an area is supposed to grow to and allows DelDOT to plan for the associated transportation improvements; that the benefit to developers in the TID is that if their development is consistent with DelDOT and the County then they can forego having to do a TIS which takes a fair amount of time; that the TIS requires counts, average daily traffic and to analyze what intersections level of service is; that by having that information in advance and the developer building consistent with what the TID states; that if the developer pays a fee that has been agreed upon by the County and they'll complete any offsite improvements and are required to do all of their entrances it makes dealing with DelDOT a lot faster; that it's more predictable and we can then use those developer contributions to fund projects since we know where some funding coming from; that they take a master plan, a land use plan, a transportation plan or a comprehensive plan and determine parcel by parcel what the use of that parcel is and what the maximum number of trips for each of those parcels could generate; that once we do that then we determine what the infrastructure fee is based on whether its residential or commercial; that it's a certain amount per square foot for the commercial and then there are specific fees for whether it's single family, a townhouse, multifamily



condos or apartments; that every five years they update the study by confirming that the parcels are still the same and by doing a traffic analysis; that this helps determine how many trips each development is going to generate; that it can determine what the improvements to the roads are going to be, things like a shared multi model, shared use paths, sidewalks, widening the roads to the functional classification of the road is supposed to be; that it could be widening the lanes, widening the shoulders, it could be widening from 2 lanes to four lanes or it could be a new road, a roundabout or a signal; that once we have all of that information it is shared to any developer that wants to develop in the geographical area of the TID; that they have a much better idea when they do their planning as to what the max number of trips that they can accommodate as part of their development; that with the contributions that the developers make and the funding from the Feds and the State then we fund the Capital Transportation projects and they go into our six year capital transportation plan; that the Henlopen TID was established in 2020 and it took three years to complete as DelDOT worked with the County and went parcel by parcel basis and covering each intersection within a 24sq mile area; that there is about \$321 million in projects within this TID and as part of the fee structure the developers are contributing 24% of that money; that currently we have 28 agreements signed, about 7 in process and about 1.4 million has been collected and about \$800,000 are equated to the developer, in some instances it is required to dedicate right of way and then instead of paying lump sum TID fees they build some of the transportation improvements getting it done faster than if DelDOT were to do them.

Ms. Wingate asked about the construction of Mulberry Knoll Road and that it would be a separate contract from DelDOT and the developer would need to hire and contract that out separately; that with that being a separate contract what would the timing look like and would DelDOT require the developer to handle those improvements first? And will the money being contributed by the developer be utilized to help with this project's road improvements?

Ms. Steinbach stated that the developer has not entered into the phase of the record plans and entrance plans and until they do no time frame or phasing of improvements will be established; that the money contributed is held by the County and that money can only be used for any projects within the TID and its improvements.

Mr. Collins asked about the rest of the development of Mulberry Knoll Road and connecting it to the rest of the roads and what is the timeline on that?

Ms. Steinbach stated that one of the hardest parts is to get into the CTP because we have to be fiscally constrained in our CTP; that there are projects up and down the state, but this is CDP, so that is a project that will get funded, but it was just put in the last CTP; that the preliminary engineering is supposed to start around 2026; that the rest of that Mulberry Knoll Road is going to be built just no date is set yet..

Mr. Roberston stated that the original traffic analysis was done in 2018 and updated around 2022; that we get asked all the time, does the study take into account not only the baseline of assumptions of development for land based on its zoning, but does that also take into account approved but not yet built developments?

Ms. Steinbach stated that the TID is based on a full build out of the of all of those parcels so even as long as it is zoned to be built to grow up to be something then we have counted that as part of the

analysis.

Mr. Mears stated that it would be good to inform the public and have it on record as to how DelDOT decides whether or not the roads can handle large communities and how the Commission relies on DelDOT to advise if the infrastructure is capable of handling such increases.

Ms. Steinbach stated that when speaking in terms of developments for DelDOT's purpose it is concerned with the number of trips in and out of the parcels and that those number coincide with the zoning designation.

Mr. Todd Sammons, the Assistant Director of development coordination, for DelDOT stated that it is not DelDOT's prerogative to make those decisions as they are reactive to the land use decisions and with our analysis and information we then let Planning & Zoning and County Council make those determinations on whether they want to improve land uses or not

Ms. Steinbach stated that responsibility of DelDOT and as part of the division of planning is to do wider range planning that not only take into account what the Delaware Population Consortium estimates as to how many people are going to be here in the next 25-30 years, but also where they're going to be; that it is a collective approach trying to plan for what roads need to be widened, what roads need a roundabout, but it's a multi-faceted problem that is complex; that with TID's and TIS' we are making sure that the developer is doing what the transportation improvement requires it to do.

Mr. Mears stated that he would just like the public to have a firm position about whether or not a road that currently exists in its current state can handle and accommodate the additional traffic that new projects and developments will bring.

Ms. Steinbach stated that with the TID in place, the 33 projects that are planned throughout it have already pre-determined that the road is capable and supposed to be able to handle them based on the full build out of that geographic area.

Mr. Robertson stated that because this project is within the TID that it is different than other cases normally presented; that the TID is a geographically designed area in which DelDOT did the full build out of the roads, going into detail on intersection by intersection basis with redesigns of those roadways to accommodate the development of the properties as anticipated by the county's current zoning and the comp plan; that that's already been taken into account in the TID on this case, but it's a different process because we're not getting a TIS review letter that says what the impact is; that the bigger issue is whether this project or any other project in the TID stay within those projections that were based on the TID in the first place; that if it stays within those project projections, which were the roadway improvements necessary to accommodate the two units to the acre, then it has already been built into the designs that are in the TID; that the funding that was generated based on those designs and the developer and state contributions that go into it; that the County is stuck because the public may say that a project should not be built as it will have an adverse impact on traffic, but DelDOT doesn't have any objection to the project as long as the developer builds the necessary roadway improvements as stated within the TID; that this has been forecasted out in the TID and that the only concern then becomes, does the development stay within the confines of the original projection.

Ms. Wingate stated that she spoke with the Chief of the Lewes Fire Department, who stated that the completion of the Mulberry Knoll Rd. would be key to the response time for their emergency calls; that

it would be encouraged that the County, DelDOT and the developer work closely together on this piece of the project to ensure that it is a priority if the project is approved.

Mr. David Hutt, Esq., from Morris James firm, spoke on behalf of the applicant Northstar Property, LLC., that the applications were expedited at the request of the applicant in order to try to bring affordable housing to Eastern Sussex County as soon as possible; that the County has been trying to figure out answers to affordable housing; that the attention paid to affordable housing during the 2018 Comprehensive Plan Review process and the housing chapter of the comprehensive plan had a great deal of attention paid to it; that in 2019 Sussex County commissioned the housing opportunities and market evaluation by LSA and the impact of these two reports continues to this day; that the County has adopted amendments to the Sussex County Rental Program and most recently the County modified the Accessory Dwelling Unit Ordinance to address affordable housing in Sussex County; that the Sussex County Rental Program and the Accessory Dwelling Unit Ordinance, were both concerns raised and referenced in the home report that was commissioned in 2019, as well as the comprehensive plan; that the affordable housing opportunity that's presented by Northstar through the low income Housing Tax program will help in Eastern Sussex County; that given the scale of the Northstar project the developer recognized at the outset from the time it contracted to purchase this property that this land mass presented an opportunity for affordable housing in Eastern Sussex County, where the need is a very acute; that not being an expert in the best way to provide affordable housing opportunities, Northstar property sought out experts in the industry to see how best the property could be used and met with Ingerman, regarding affordable housing, being they are a leader in affordable housing in the Mid-Atlantic region; that during the meetings with Ingerman two concerns arose, the first concern with respect to creating affordable housing in Eastern Sussex County was the cost of the land and the second was the amount of time it takes to get through the entitlement process; that it is difficult to secure funding when there's an unknown with respect to the land use entitlements; that to address the first issue, the cost of land, Northstar Property, LLC offered to donate the land for the affordable housing section of the Northstar Project to provide a suitable location in Eastern Sussex County for affordable housing; that Northstar told Ingerman that it would handle the entitlement process and walk Ingerman through the entitlement process; that the second concern that was relayed by Ingerman, was the time of the entitlement process; that based upon the County's position on expediting applications through the Sussex County Rental program, a letter was submitted requesting that this application for the Northstar Project be expedited to help address affordable housing recognizing the necessity in Eastern Sussex County, the county, did agree to expedite the applications; that the Northstar Project is master planned infill in its compliance and consistency with the land use and planning tools that are provided by the State of Delaware and various agencies; that with all of those various agencies taken into account, this plan has been designed and structured to carefully comply with those codes; that the property totals 433 acres and is located just South of Lewes Georgetown Highway or Route 9; that the land South of Route 9 and parcels of the land that are on the opposite side of Beaver Dam Rd. are significant to this application; that the piece across Beaver Dam Rd. is residual lands that is not included in this acreage, so the area totals approximately 33 acres of residual, and the remaining 400 acres are the subject matter of this application.

Mr. Robertson asked for clarification for the record that the parcel that's considered residual lands, is not included in the acreage of any of the projects, therefore not used in any of the open space calculations, density calculations or anything of that nature.

Mr. Hutt stated that there is approximately 166 acres of open space and that does not include the 33 acres of those residual lands; that across Route 9 from the project is The Vineyards, which is a mixture of high



density residential and commercial properties, including professional offices and retail; that then the next community is Lewes Crossing, which is a single-family subdivision being on both sides of Beaver Dam Rd.; that along the Southern boundary of Northstar is the Gosling Creek subdivision which is single family homes; that then the Jintown community off of Jintown Rd. and the 33 acres of residual lands; that then the Coastal Club community ends the southern boundary of the project; that the project borders the lands of the Pam An Riding Stables and the Elks Lodge; that the Western border runs along with the Reserves at Lewes Landing another single family subdivision; that back at the Route 9 stretch there is the Sussex East and West manufactured home park and heading East is Seaspray Village, a single family subdivision; that Northstar is the property that connects all of these various communities physically and will provide important linkage amongst various communities; that the property consists of approximately 400 acres and four applications; that first, is the Cluster Subdivision application 2023-14 which is 379 acres with 758 proposed single family lots, then the C/Z 2025, a change of zone application seeking to change the designation of the portion of the property directly across from The Vineyards, this is 12.69 acres and is seeking a C-3 heavy designation zoning under the County's. Zoning ordinance; that directly across the proposed extension of Mulberry Knoll Rd. is C/Z 2026 which is a 7.88 acre parcel seeking a change in zoning designation from AR-1 to MR medium density residential district for the same 7.88 acres; then there's C/U 2499 seeking 94 affordable housing multifamily units for that site; that there are various land planning tools that exist to help the government and property owners know how to plan; that the Office of State Planning Coordination, a state agency that issues the strategies for state policies and spending every five years; that the last update was in 2020, which includes mapping the various investment levels in the state; that the map shows the Northstar property and the properties surrounding it; that the majority of the property is within the states investment Level 2, with a number of ribbons of area at various points in the project that are investment Level 3; that the state strategies for state policies and spendings specifically describes what a Level 2 area is, that like investment Level 1 areas, state investments and policy should support and encourage a wide range of uses and promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity; that investments should encourage departure from the typical single family dwelling developments and promote a broader mix of housing types and commercial sites encouraging compact mixed-use development where applicable; that the state's intent is to use its spending and management tools to promote well designed development in these areas, such development provides for a variety of housing types, user friendly transportation systems, essential open spaces and recreation facilities, other public facilities and services to promote a sense of community; that based on that description of investment Level 2, under the Office of State Planning Coordination's state strategy maps, it's likely why that based on NorthStar's location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 strategies for state policies and spending; that not only is Northstar consistent with the state strategies that were just relayed, but is also consistent with the 2018 Comprehensive Plan; that Chapter 4 of the Comprehensive Plan, the future land use chapter includes Table 4.5-2, entitled Zoning Districts Applicable to Future Land Use categories; that both the requested C3 Heavy commercial district and the MR Medium density residential district are applicable zoning districts in the coastal area; that based on that table and the significance of their designation on the 2045 Future Land Use Map the comprehensive plan indicates what are permitted uses within each of the various growth areas with respect to the coastal area; that a range of housing types should be permitted in coastal areas including single family homes, townhouses and multifamily 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; that appropriate mixed-use development should also be allowed; that a

mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenience services and to allow people to work close to home; that the request for the C3 Heavy Commercial that is requested along Route 9, should be found along arterial highways and DelDOT would refer to Route 9 as a principal arterial; that the Sussex County Code refers to Route 9 as a major arterial highway and the commercial zoning that it proposed for this project aligns with the commercial zoning designation that exists presently in The Vineyards community; that it's an appropriate place, not only because of the highway, but because of the intersection, which presently an entrance into The Vineyards; that it's a signalized intersection and Mulberry Knoll Rd. will be extended and be a fourth leg of that intersection; that the commercial is proposed as a signalized intersection along a major arterial highway; that the planning for the MR portion mirrors what is across the street in The Vineyards with a high density residential and multi family style use with apartments and condominiums; that the proposed MR zoning portion of the property is consistent with what is in The Vineyards immediately across the street from there.

Mr. Ring Lardner, principal and professional engineer, from Davis, Bowen and Friedel, spoke on behalf of the applicant that in terms of the transportation portion of the project, the project has two road frontages, the East and West frontage or Lewes Georgetown Highway, Route 9 and the South West frontage or Beaver Dam Rd, Route 23; that the first is classified as a major arterial roadway per the County Code and the second is listed as a major collector per DelDOT's functional classification map; that the TID makes this project unique as typically a project this size would have been required to do studies analyzing dozens of intersections and roadways, including roads that are queued for signals and all of that has been done by DelDOT and their consultants; that Northstar per the TID, was assigned trips for 771 single family residential units and 96,188 square feet of commercial space in consultation with DelDOT; that this project as proposed, is within the threshold of the assigned and planned trips for this property; that the project will be required to enter into a recoupment agreement with DelDOT, and the agreement shall be recorded with Sussex County Recorder of Deeds prior to final plan approval; that there are several projects within the TID, but specifically the ones that are along our property limits are the widening of Lewes Georgetown Highway, US Route 9, and the widening of Beaver Dam Rd along the Northstar southern frontage as part of the Traffic Improvement District and will be done before 2045; that the creation of the Mulberry Knoll Rd, which would include two (2) eleven-foot wide travel lanes, 8-foot shoulders/shared use path and an open drainage ditch is the third project within the TID; that the portion of the Mulberry Knoll Rd that goes through the Northstar Project is not required to be completed by the developer; that the developer offered to build that road as part of this project, recognizing the need for the extension on Burnell Road and by building that up in lieu of paying cash; that this will help push along DelDOT to finish the other parts of the road that's been identified; that the review of the floodplain map shows no wetlands as of 2015, but when Mr. Ed Linnae completed a wetlands delineation he found some differences in the mapping; that those findings were submitted to the Army Corps of Engineers for review; that the soil survey was done and the soils on site are suitable for all four applications; that there is an Ag Preservation with the wetlands delineation plan in it; that due to the environmental features, a drainage assessment report was required to be completed, a resource buffer management plan was required to be prepared, and the resource buffers and other protections that are referenced in the preliminary plan are listed; that Conservation A is an area of non-regulated wetlands, then there is a proposed 35 foot wide buffer, of forestation, as we plan on a foresting that area and then additional land that would be forest staying protected as part of the conservation easement for the plan; that Conservation B contains some wetlands with a 30 foot wide existing forested buffer that will be retained in full and

other areas that will remain; that Conservation E contains regulated wetlands with an Ag crossing in it and we will improve it slightly as part of this project with a 30 foot wide resource buffer and expanded that to 45 foot wide as mitigation for the impact of the wetlands and the resource buffer that would not exist in that area; that there was a couple waivers requested this, first being a waiver regarding to signage for resource protection and buffers; that the code currently requires 100 foot spacing and we're requesting that increment be changed to be 200 feet versus the required 100 feet; that there's some forest in this area classified as Tier 3 forest; that the report found there were no specimen trees on the property, specimen trees are trees that are specific with certain caliber diameter or a species, none of those were found on this property; that an archaeological assessment was completed by Doctor Ed Otter, and the developer hired Foresight Associates to review this preliminary plan and their letter and the design intent is to create ecological corridors with natural landscaping to minimize the need for grass cutting and providing ecosystems and vibrant recreational areas throughout the site; that as for the site itself, the cluster subdivision with the perimeter buffer is this outer edge around the side including BJ Lane; that we provide a varying width buffer along that outer boundary with all lots located outside the 30 foot forested buffer where appropriate and/or the 50 foot agricultural buffer; that there are agricultural lands that require a 50 foot buffer per the code; that all lots except those along BJ Lane and those east of the stables are located at least 50 feet from the outer boundary, including areas that are both wooded and non-wooded, if you have a wooded parcel, we have a 30 foot forested buffer and another 20 foot space before lot line begins so the lots are at least 50 foot off the outer perimeter line; that the reason there's not a 30 foot landscape buffer along BJ Lane as the code only requires a 30 foot buffer where lots abut an agriculture area and where their dwellings are located within 50 foot of existing residential development, BJ Lane did not qualify for that; that we have a 20 foot buffer from BJ lane within that section of the roadway; that as the proposed buffer as defined with the number of trees will add over 2400 trees just in the buffer area alone; that the property contains approximately 28.1 acres of woodlands that are split into four areas and we are preserving approximately 23 acres of those woodlands and the areas that are being removed will be replenished, while preserving to the max and practical in those areas; that all lots abut open space throughout the community, there are no lots that are back-to-back and every lot will have open space as their backyards; that Mulberry Knoll Rd. extended will be built, designed, constructed and accepted by DelDOT and will be a state maintained roadway and all other roadways in the community will be designed for public use, but privately maintained and designed and approved in accordance with Chapter 99 of the Sussex County Code; that the East West spine route will not have any lots directly accessing it and will act like a boulevard; that it will consist of 28 foot wide paved roadways, eight foot wide shared use path, tree lined streets and a drainage channel with naturalized planning to provide stormwater management as it bisects the property; that stormwater will travel in a North South direction from Route 9 to Beaver Dam Rd.; that the rest of the roadway will be 24 foot wide with a shared use path on one side and on the other side a shared use path linkage from Mulberry Knoll Rd. extended all the way down to Beaver Dam Rd.; that all other roads will be 24 foot wide and have 5 foot sidewalks on both sides of the road; that the proposed open space is approximately 166.5 acres of land, or approximately 44% of the project area; that all active open space amenities include two clubhouses, one with the minimum size of 3000 square feet and the other minimum size of 5000 square feet; two pools, one with the minimum water surface area of 1800 square feet and the other minimum water surface area of 2250 square feet, a splash pad or kiddie pool, free sports courts, four playgrounds and four open play areas; that the locations of the active amenities will be shown on the final subdivision plans and those amenities will be separately approved through the site plan process; that there are several pedestrian connections throughout the



community that links all the way to that central open space, linking all the spaces together to create a pedestrian friendly neighborhood; that affordable community application site plan consists of four buildings for a total of 94 affordable housing units; that three buildings each have 24 units and one building has 22 units located on 12.69 acres of land; that the amenities for that project will include a playground, unorganized play area, bike lockers, maintenance shed and the backup generator; that building #4 is the 22 unit building that is designed as a resiliency center and also where they have areas for kids to join after school programs; that the resiliency center is provided with backup power, so the residents will have access to heat/air, kitchen equipment, plus the ability to charge cell phones, etc. and be able to subside and communicate during a power outage; that the site will be constructed in two phases, with two buildings constructed in each phase; that in discussing phasing. the residence cluster division will be approved and constructed in phases; that it will change as we get into conversation with DelDOT about improvements, sewer, water and light; that the reason why Mulberry Knoll Rd. is a separate project is because it's a lot of work to workout with DelDOT through that approval process; that this is why the phasing is going to change, the timing, etc.; that it will all be discussed during the plan approval process and the record plan phasing notes and products required, including the recruitment agreement as far as what's going to constructed in kind versus cash contribution; that it would be two years at least before the final plan approval would go through, but based on the economy there is no set time frame for the build out on this project; that the Mulberry Knoll Rd. phase of the project is currently scheduled as the 3<sup>rd</sup> phase of the project due to the numerous designs and various processes involved in building the road in conjunction with DelDOT; that the developers are committed to the road build out and this allows some cash flow to happen to help offset some of the costs alleviate the amount of upfront costs it takes to build more road; that the project has been designed to be pedestrian and bicycle friendly and connect with off-site buses and multimodal pass; that the DART Route 206 in the East West direction of Route 9 has linkages to Georgetown and Lewes to grab all the bus routes to go further into the state; that there are two existing bus stops that exist along this route on the Northstar frontage, there is one east of it and across the road at the Route 9 signal there are three other bus stops; that there's 6 bus stop right along our frontage or within a couple 100 feet of our frontage which is important to the affordable housing component as a lot of the residents there need access to public transportation; that is one of the reasons it is located in this portion of the project; that we'll be installing approximately 3.3 miles of shared use path, along Route 9, both sides of Mulberry Knoll Road, both sides Beaver Dam Rd.; that the developer will be installing 1.3 miles shared path along the East West Corridor linking Millburn Rd. East/West and back down to Beaver Dam Rd.; that there's another .8 miles of trail paths linking up to the central open spaces and 14 miles of sidewalks; that the residents can take walks on a one mile loop or up to a five mile loop or any other route of their choice; that there will be active play areas for varying ages of kids, unorganized play areas so it could be a wiffle ball field one day and lacrosse another; that there will be several viewing pavilions spread throughout the community, some place to go relax and view and enjoy nature; that a contemplation feature or art feature are going to be included somewhere within the community to provide some additional activities; that the coastal plain meadows intent is to provide natural plants throughout the community; that they want to put various things in meadow condition to help lower the maintenance and allow insects and ecology to grow and work together; that they want to link all these different wetlands together and then put a nature path through the forest to minimize tree disturbance by weaving it through; that the 2nd waiver we had asked for was regarding a grading plan, during the creation of Ordinance 2489 or the Grading and Drainage Ordinance; that the ordinance did not address the need for a grading plan during preliminary plan review as one of the code requirements,

nor did it describe the type of grading plan that's required; that we don't have the appropriate information to do the grading plan at that point because we don't have stormwater management numbers, we don't have storm pipes designed, we don't sewer pipes designed; that we've requested to submit bulk grading plans during the construction document approval process that will be reviewed and approved as part of the County Engineering Review; that we will be able to follow the natural contours of the natural drainage feature of the property; that there will be some recontouring but not a significant amount of Earth moving to achieve the grading to meet all the various requirements of Sussex County, DNREC Center stormwater regulations and DelDOT because they will all be reviewing parts of the drain with Mulberry Knoll Rd. extended and Route 9, Beaver Dam Rd.; that a portion of the major subdivision is located in excellent recharge area; that based on preliminary calculations and conservative calculations, we found that the impervious area may be around 38%, just above the requirement where nothing is required to be done per Chapter 89; that the impervious area will be verified during the design and the information required to demonstrate per Chapter 89 will be submitted to the engineering department for the review; that the commercial area does not require a site plan as part of rezoning application; that the subdivision includes over 166 acres of open space, approximately 81% of the wooded area will be preserved, a permanent buffer, excluding road frontages, will consist of a minimum planted or existing woodland width of 30 feet, water will be provided by Tidewater, sewer will be provided by Sussex County, the subdivision will meet sediment stormwater regulations, sidewalks and shared use paths will be located throughout the community and the project is located within the Henlopen Transportation Improvement District; that we identified the wetlands in the property as delineated by our office, we identified the woodland areas within the site and confirmed by Watershed Eco, we identified critical roadways, the first being Mulberry Knoll Rd. extended as stated by DelDOT through their study, we identified East/West roadway linking Mulberry Knoll Rd. to Beaver Dam Rd. and Route 9 with access points that would be preferred by DelDOT as they align with existing entrances on the opposite side of the road to create four way intersections; that under a cluster subdivision it is required to provide 30% of open space and with the 379 acres plus or minus, it would require 113.71 acres of land where we are providing 166.5 acres of land or 44%; that for this project, we chose the western portion which contains wetlands, woodlands and lands of conservation easement; it is contiguous and provides wildlife corridors linking the wooded area at The Reserves at Lewes Landing to the isolated wetlands then the wooded area and agriculture easement and on to additional wetlands and active open space; that the code allows a connection via one route crossing and thus connect; that the acres of the first area is 46.30 acres, which is 40% of the required 113.71 acres of open space and 27.80% of the proposed 166.5 acres of open space; that when including the second area, the connected open space is 63.60 acres, which is 55.93% of the required open space and 38.20% of the proposed open space; that one concern is the setbacks and buffering between Lewes Crossing, The Willows at Northstar; that the affordable home community provides a 30 foot wide forested buffer and when combined with the existing 30-foot buffer of Lewes Crossing results in a 60 foot wide forested buffer; that the building height for Willows at Northstar will be less than 42 feet with a setback of 50 feet is required; that the building close to Lewes Crossing will be a minimum of 100 feet from the shared property line with Lewes Crossing.

Mr. David Hutt stated that in reference to the C/Z 2025 application, the C1 General Commercial District across the street in the vineyards is consistent with the comprehensive plan and the zoning map for those parcels aligning and to stay within the character of the area; that there's a reference to 96,118 square feet of commercial space proposed; that if tenants or purchasers of that space want to construct a commercial business, they would be able to submit a site plan and then meet all of the various requirements, of

Chapter 89 or parking; that it would be considered by the Planning and Zoning staff and then go through the site plan review process for the County; that the 96,118 square feet of commercial space is the amount of commercial that was forecasted by DelDOT as part of the Henlopen. TID; that with 96,118 square feet of commercial area, when you look at the various components of the Sussex County Zoning Code, the only zoning classification that presently allows for that square footage of commercial area is the C3 zoning district; that the square footage proposed, being the land use forecast and recognizing the existing C1 across the property C3 is the most similar to the C1 zoning district which is the reason for the C3; that C/Z 2026 for 7.8 acres to be zoned as MR Medium Density Residential coordinates with the C/U 2499 seeking 94 affordable multifamily housing units; that this site was selected because of the multifamily uses that exist in The Vineyards and because of the wooded area that buffers a significant portion of the Lewes Crossing property and homes from that site; that multifamily dwellings are the conditional use within the MR Zoning District and in the code a good description of the multifamily conditional use states that these uses are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare; that affordable housing is of a public or semipublic character and essential and desirable for the county; that the purpose of the MR Zoning District is to provide for medium density residential development in areas which are or expected to become generally urban in character, which describes Route 9; that there are apartments and condominiums directly across the street in The Vineyards and this demonstrates how these units integrate into the surrounding zoning and are compatible with the area uses; that medium and higher density is described as 4 to 12 units per acre with other considerations such as, there is central water and sewer, it's near a significant number of commercial uses and employment centers and it's keeping with the character of the area; that it is situated along a main road or at or near a major intersection and is there adequate level of service.

Mr. David Holden, spoke on behalf of the affordable housing aspect of the application; that the company's business portfolio includes affordable housing, low income, housing, luxury housing and senior housing in Delaware, Maryland, Pennsylvania and New Jersey; that company includes a development arm, a construction arm and a management company and they've built over \$100 billion worth of developments and we managed about 8000 units; that the nearest development to the Willows is in Millsboro, called Foster Commons, and that opened last year including 60 units of and similar to what we're what we're proposing; that The Willows will go through two phases that's driven by funding that's available to build affordable housing; that it's administered by the Delaware State Housing Authority and the statewide competitive program and basically the way that the funding is allocated, the project is broken it into the two phases; that The Willows will include a mix of 1,2 and three bedroom units, approximately 700 square feet for the ones 850 for the twos, and 1000 for the threes in the three story; that the buildings that have been mentioned the income levels are households earning between \$34,000 and \$68,000 annually and that's driven by the Sussex County median and incomes; that the rents will range between \$700.00 and \$1200 a month, not including utilities and will have full time staff, amenities that include a community room or clubhouse that will have a kitchenette and activity program that will have staff to coordinate programming for the residents; that there will be a resiliency center as a priority for the episodes where we've lost power or had flooding and it would be available to the residents of the Willows and beyond; that the units will all have Energy Star washer and dryers, an outdoor space either a porch or a patio and the ground floor units will all be handicapped accessible; that there is a letter from Sussex County Community Development and Housing identifying the need for affordable housing as well as the Neighborhood Good Partners, which is based in Dover at the statewide organization that finances and advocates for affordable housing throughout the State of Delaware; that currently there is



659 families on the waiting list for the affordable housing units in Millsboro, which shows they are in high demand.

Mr. David Hutt stated that Subdivision 2023-14 is to fill in the area in ways that are similar to the adjacent properties: that where there were single family communities on AR-1 land the goal is to be consistent with that; that all of the various communities in the area are either single family, multifamily or a mixture of both; that The Vineyards has a density of 11.88 units per acre, consistent with the MR zoning classification, similar to the 11.9 units per acre that's proposed for the Willow at Northstar, on the first side of Beaver Dam Rd. it's 2.17 units per acre, on the other side, it's 2.15 units per acre; that is consistent with the two units an acre that's proposed for Northstar; that on the opposite side of Lewes Crossing is an Henlopen Landing that's 2.63 units per acre; that Gosling Creek purchase is 1.25 units per acre, Coastal Club is 1.63 units per acre. The Reserves at Lewes Landing is 0.95 units per acre; that Sussex West is 3.51 units per acre, Sussex East is 4.59 units per acre and Seaspray Village is 2.39 units per acre; that it follows the consistency of 2 units per acre for the Northstar Subdivision and the purposeful design to putting the more intense C3 and higher density along a major arterial roadways; that the homes and amenities that are clustered on the most environmentally portioned, environmentally appropriate portions of the. It also results in improvements to the property of that avoid wetlands and the cluster subdivision design. As you saw on some of those maps, creates conservation areas around wetlands with setbacks in areas greater than those required by the Sussex County Code; that the cluster subdivision process includes extensive tree preservation by preserving almost 23 acres of existing woodlands or 81% of the trees on the property with approximately 166 acres of land and open space, or approximately 44% of the site; that exceeds the 30% required under the ordinance and exceeds the open space under a standard subdivision; that the design utilizes the existing topography for stormwater management and the cluster subdivision design allows for the open space to be integrated into the community with no back-to-back lots; that the project took resources, which have specific setbacks per Section 115-193, the plan has 9.86 acres of additional land outside of what's required under the Sussex County Code to further protect those environmental areas; that these conservation areas that are proposed as part of the resource buffer management plan become part of the restrictive covenants; that they become the responsibility of the future Property Owners Association to maintain and manage in keeping with the Sussex County codes requirements; that DelDOT sent an SFR response that stated "The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it for residential and nonresidential developments that are consistent with the land use and transportation plan developed for the TID. The applicant is required to pay a fee per dwelling unit and a fee per square foot of nonresidential space in lieu of doing a TIS and making offsite improvements in accordance therewith. The proposed development is consistent with the land use transportation plan. Therefore, the developer will be required to pay the TID fees"; that the developer is proffering that they would handle the construction of the first third of Mulberry Knoll Rd. extended; that the impact of interconnection with Lewes Crossing was discussed and the first set of preliminary subdivision plans that were filed had full interconnection proposed at Oakley St.; that one of the first meetings with the members of the board from Lewes Crossing identified a concern was that point of interconnection; that Northstar agreed that the community could tell us what it wanted to occur at that location; that the community conducted a vote and informed us that the Community did not want any interconnectivity between that portion of Lewes Crossing and the Northstar community; that the revised preliminary subdivision plan has been modified to remove that point of interconnection; that a benefit for the Lewes Crossing is that point of interconnection would have gone through a wooded

area of the property and now more woods remain in that area; that the effect on schools, public buildings and community facilities is often questioned and Northstar put together projections based on Ersi data as well as Census Bureau data, and Northstar retained the Sage Policy group to estimate the number of pupils for the Cape Henlopen High school district that would be generated by Northstar; that Sage Policy Group background states that they have done demographic analysis for Baltimore County public schools and Columbus, OH, City Schools; that they are familiar with estimating those numbers, and that's what its expertise is; that the demographic analysis undertaken by SAGE is that the single family homes and the affordable homes have different outcomes with respect to the number of children that would be contributed or added into the Cape Henlopen school district; that the estimate of school age children from 758 single family homes is 47 school age children as an estimate; that the estimate of school age children from the 94 affordable homes is 32 school aged children with a total of 79 school aged children, 40% of those children coming from the affordable housing units that are in the multifamily conditional use application; that that community opposition has historically prevented additional affordable housing from being built in Sussex County, particularly in the coastal areas where there are few affordable housing options but highly proficient schools, it's a description of the Cape Henlopen School District, it qualifies as a highly proficient school; that this affordable housing opportunity provides access to this highly proficient school for those students; that the Sage Policy group used the city of Lewes' average household size of for the analysis, rather than the statewide 2020 Census Bureau data that this was done by design to more accurately reflect the anticipated community of purchasers that would exist within Northstar; that there will be a number of second home buyers, seasonal home purchasers and many retirees, basically 1.99 people in a home are largely a retiree community; that in addition to considering those demographics, tax revenues were estimated using the values of local homes in the area; that tax revenues were conservatively calculated to add more than \$1.25 million to the Cape Henlopen School District and Sussex Technical High School; that tax bills also provide support to community facilities like the library system and those estimates are conservative as Sussex County is currently in a reassessment process and it is anticipated that those assessment rates and amounts may increase; that Northstar met with the Lewes Fire Department to determine what its needs are and they need more volunteers, hoping many people and residents from Northstar will volunteer for the Lewes Fire Department; that the other significant need is money for equipment; that Northstar is proffering an initial contribution to the Lewes Fire Department of \$150,000, paid in increments of \$50,000 over the first three years of the project; that, there'd be a \$500 contribution to the Lewes Fire Department for each of the single family home building permit that is issued for the project and when the first building permit is issued in the commercial area, there'd be \$150,000 contribution to the Lewes Fire department; that would be \$679,000 to the Lewes Fire Department; that the conditions for change through C/U 2499 are Condition A states that the maximum number of units shall not exceed 94, Condition B is how the county can enforce the affordable housing component of the project and it states the multifamily units shall be part of an affordable housing program, whether through a federal, state or county Low Income Housing Tax Program; that Condition J states that a 30 foot landscape buffer shall be installed along the perimeter of the property adjacent to Lewes Crossing to complement their existing 30 foot buffer, creating a 60 foot buffer; that Condition LL is when the amenities in the Community have to be constructed and pursuant to Section 115-194.5, where it's a 60% requirement; that the code says about 60% of the total residential building permits and for this project the amenities will be completed with the construction of the second building, that accomplishes that 60% again; that Condition K. Condition K is how the Planning Commission has started to refer to amenities by

minimum square footage of size and surface areas and pools; that the amenities in a particular phase shall be constructed and open to use by residents of the development on or before the issuance of the residential building permit, representing 60% of the total residential building permits for that phase of the development; that both pools and clubhouses shall be constructed and open to use by the residents of the development on or before the issuance of the residential building permit representing 60% of the total residential building permits for the entirety of the subdivision; that we're trying to make sure is that there's never a time you couldn't build one of the phases that didn't have a pool; that Condition N states that the conservation areas on the preliminary site plan would reference one of the waivers; that the request is for the signage required around resource buffers or their perimeter to be at 200 foot intervals rather than 100 foot intervals because what's proposed with these conservation areas is actually outside of the resource buffers that are required; that the conservation area would have signage at 200 foot intervals, the resource buffer would have signage at 100 foot intervals and the perimeter buffer requires signage at 300 foot intervals; that Northstar with the size of the perimeters and those other issues, would have a substantial amount of signage and what's proposed is to eliminate the signage; that they will have it around the conservation area, which again is outside of that perimeter buffer area; that Condition Q is the proffer by the applicant regarding contributions to the Lewes Fire Department; that Condition S is the second waiver which is the final site plan shall include a grading plan for each phase; that Comprehensive Plan Goal, 8.2 states that the County should ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations; that Objective 8.2 states that the county should affirmatively further affordable and fair housing opportunities in the county to better accommodate the housing needs for all residents; that the first strategy states that the county should explore ways for private developers to provide more multifamily and affordable housing opportunities like what's proposed with the Northstar project; that Objective 8.2.1 in the comprehensive plan talks about these objectives and goals of the County with respect to housing; that Objective 8.2.3 states that the County should facilitate and promote land use policies that enable an increase in supply of affordable housing; that the areas with adequate infrastructure under that objective states that it is to promote increasing affordable housing options, including the supply of rental units near employment centers, just as exists here; that this application demonstrates compliance and consistency with the comprehensive plan; that this plan is consistent with the state strategies, DelDOT's traffic agreement with the county and the Henlopen TID, the comprehensive plan and the zoning for properties across the street; that it is consistent with adjacent uses and density and it fills in missing pedestrian and vehicular linkages, providing 19.4 miles of new walkways in the Northstar project; that when you connect that with the existing shared use paths and multimodal paths this links those up to create more than 21 miles of walkways in this area; that it creates the first third of the extension of Mulberry Knoll Rd. much quicker than it would be accomplished by DelDOT and it's consistent with the county's affordable housing goals in a location where it's desperately needed.

Mr. Collins asked about the phasing of the building and the coordination between the developer and DelDOT to create Mulberry Knoll Rd along with a timeline of construction.

Mr. Hutt stated that if these applications were to be acted upon then it would begin a process with DelDOT to coordinate timeframes.

Mr. Lardner stated that there's the capital transportation program process before that process begins; that there's a ranking system where every two years, Delaware ranks the projects and has these rankings come into play, so that as these TID projects come online ranks change everything; that there is no



definitive timeline and there's going to be times where we may be headed down to certain applications depending where they are with funding, as some projects are more expensive than others and they have their own requirements to meet from a fiscal responsibility; that they have their process to go through and it kind of works together, but we may get ahead of them a little bit, but that's inevitable for district this big with the 2045 build out structure.

Mr. Collins asked if they would need to come back for individual site plan approvals for each phase of the project to ensure that the phases are aligning with the development.

Mr. Lardner stated that it would not be a public hearing, but a new payment plan with conditional approval, TIS notes and phasing notes with the final subdivision plan approval.

Mr. Robinson stated that you stated you can build Mulberry Knoll Rd. quicker and faster than DelDOT, but it's the third phase, but we're not sure when that phase is going to get done and there's nothing to guarantee or confirm that that would happen; that what if you start phase three and sit on it, then you move to Phase 4, 5 6 or 7; that how does the County and the Commission confirm your statements and proffers that you can do it faster and quicker.

Mr. Lardner stated that a separate phase is necessary because that Mulberry Knoll Rd. is DelDOT review approval only; that it is a separate parcel and it has to get deed transfer; that there is a review and approval process, their bonding process, their inspection agreement; that is why it's a separate phase and phasing can be constructed out of order; that when phase one comes back through for approval, there will be some type of phasing plan that will be agreed upon with DelDOT because they are going to have the same concern; that there will be a code planning period and in phase one, phasing notes have to be agreed upon, because you can't record phase one without having everything else already pre coordinated; that from a timing standpoint, phase one would not get approved without some type of agreement that this has to happen by X and that has to happen by Y&Z and that will be the check that will be the agreed upon improvements at that time.

Mr. Robinson stated that the County doesn't have any voice in that discussion with DelDOT at that point and you're putting emphasis on Mulberry Knoll Rd. being constructed in a timely fashion in support of your request for the County to approve this development, yet the discussion you just described, the County doesn't have a voice; that you would be saying this is what's been agreed upon with DelDOT and we have to live with it; that is there a condition involved with the timing or thresholds that can be made from the County's point of view with regard to the construction of Mulberry Knoll Road.

Ms. Wingate stated that DelDOT has held building permits before and I would like to see that happen for Mulberry Knoll Rd.; that the DelDOT entrance for the community is going to be the same standards and all the same procedures they have to go through to get that community done; that I would like to see Mulberry Knoll Road be a priority after speaking to the Chief of Lewes Fire Department.

Mr. Lardner stated that DelDOT has an interesting process going through review, construction, inspection and acceptance and if it takes two years to build the road and get it accepted, that's two years and we hit a threshold and we're done for two years and that's the concern; that issuing some type of condition that addresses this concern; that I propose something like, at the 39th permit if the road is not completed then do not issue any more permits; that maybe Mr. White House or some of

the staff could be part of this conversations is to represent the County, but I think you understand my hesitation of dealing with an unknown process we have not done before and I don't want to just define those type of things.

Chairman Wheatley stated that not only is the County a stakeholder in that conversation, we have the ability to place conditions and I suspect there will be a condition that at least addresses this issue, it may not be completely definitive, but it is going to give us some ability to affect the outcome; that that's a major piece of what you're what you're planning to do and everybody wants it; that DelDOT would be aware and understand that, and perhaps we could ask them to expedite their processing in order to accommodate, you know what everyone agrees is something that needs to happen.

Ms. Wingate stated that per the affordable housing letter from Brandy Nauman phase one is slotted to have 46 rental housing units and not the full 94 and that they will all be affordable housing not just the ones listed in phase one; that there is concern about the proposed number of students that they have projected as she spoke with the Director of Operations for the Cape Henlopen School District and they are at capacity; that when you reach 85% for the State of Delaware, that is their capacity currently, all five of the elementary schools, two of the three middle schools and the high school are operating at capacity.

Mr. Mears stated that for the record, affordable housing is not Section 8; that the public sometimes perceives it as that and just to ensure them that there is a difference; that there is concern about pedestrian safety and crossing of the road being that there is communities on both sides of the road and that there is a plan in place with DelDOT to ensure that they are safely crossing.

Mr. Robertson stated that he wanted to make it clear for the record that Sussex County does not discriminate against any types of housing, whether it's Section 8 with Sussex County's residential housing program, affordable housing of any type, it doesn't matter what type of housing it is.

Mr. Robertson stated that there was a lot of statement and emphasis on the affordable housing aspect of the project and then Condition B was proffered and the question is if they're all going to be affordable housing units, but the condition is the multifamily units shall be part of an affordable housing program, whether through a federal, state or county program; that there's a lot of reporting, accountability monitoring just to make sure that what is proffered and what's approved with our projects; that CRP projects get density bumps and that it's monitored; that I would suggest that you provide more clarity on the type of program and/or the duration of the program, when you get to County Council, because that that's a significant aspect; that we've had affordable housing projects that weren't CRP projects, but they also had substantial reporting requirements to make sure that they remain that way; that questions about the waivers have come up and I would ask that Mr. Medlarz, who is a retired Sussex County engineer and he now works with the county on a consultant basis, come to the podium and speak about them and the new resource buffer and the bulk grading plan waiver requirements.

Mr. Medlarz stated that with the drainage assessment report we reviewed the draft and commented on it and our comments were addressed; that we reviewed the final drainage assessment report and we find it to be in compliance with the current requirements; that we also looked at the buffer maintenance side and that is in compliance; that there was a general requirement of the preliminary plan submission which says submit a grading plan; that when we created the three tier grading plan requirements from bulk to detail to lot certification, which essentially is lot lines and grades

certification, we did not see that reference in the preliminary plans of metals; that we should seek a quick clarification to clarify that requirement; that the bulk grading plan would not be an appropriate tool to require for the preliminary plan; that when I reviewed the plan the engineering department is on record that “A”, it's an oversight from 2017 and “B” that the bulk grading plan is not the appropriate one and it's not asked for, it says a grading plan, so we need to tie it into our own three tier grading system; that for the record, that's what the engineering department and the Planning department agree upon; that the preferred way to show this at this level would be detailed existing grade, so you can gauge the impact of certain roadways, where they cross, where they get cut, where they have fields; that the bulk grading plan has very specific requirements, very detailed requirements in terms of what has to be shown on them and that gets submitted in the first engineering review; that if you have a multi-phase project you would get the bulk grading plan for the entire site and the detailed grading plan for phase one; that we have a common dashboard with DelDOT which tracks DelDOT off site and entrance plan requirements and permit requirements based on building permits; that Mulberry Knoll Rd. in all construction could be similar and could be tracked on our common dashboard; that for example, if the Commission adds a particular threshold we could track that on the common dashboard and the dashboard has in the past prevented building permits from being issued and we have checks and balances in place between the Department of Transportation and the County; that it's real time, as a building permit is issued, the dashboard is updated on both sides.

The Commission noted that they would not be waiving the bulk grading plan requirements, just the timing of what happens and at the same time, notwithstanding that, there's still a topographical requirement as part of a Preliminary Site Plan.

### **Recess**

Mr. Joe Pika, a board member of Sussex Preservation Coalition, spoke in opposition to the application; that SPC is a grassroots organization of about 4000 supporters and followers with about 20 groups that are associated allies to us and we are committed to a number of issues, such as conserving natural resources, balancing growth with environmental sustainability and maintaining livable communities; that we have gone over the materials about this set of applications, we've looked at the county and state documents, the applicant file, we've had conversations with the applicants as well as state and county officials; that the developers have done their homework, they're very thorough, they're very professional and among the people that we spoke to David Hutt has been especially forthcoming in inviting us for a briefing about the development; that he's attended 6 months' worth of our public meetings where we have discussed Northstar; that because this is so complex, one of our important requests to the Commission is that you leave the record open for some period of time after today; that the discussion about school enrollment, I have an interest in that and I contacted Jason Hale and he did not have the opportunity to review the study that was completed by the applicant; that Jason's response was that he felt their projections for the overall population of the development when built out, were low and he initially gave an estimate of school age population five times greater than the one that the specialist the consultant provided; that the General Assembly delegated responsibility to the counties to preserve, promote and improve the quality of life on public health, safety and the general welfare; that county officials determine what is to be built and when; that as part of that decision process, making recommendations to the County Council, you are part of the process that determines the most appropriate use of land, water, and resources consistent with the public interest; that we have two principal concerns, one is traffic and the impact of the traffic generated by Northstar in the area on the health, safety and well-being of the current residents; that we are concerned about some design



flaws particularly about safety; that we are not challenging that there will be development at that location, it is not going to remain a cornfield; that our position is not to oppose any development, all development, that's not our argument; that the key issues for us is the level and volume of traffic on Route 9, Beaver Dam Rd. and we recognize that the new construction of the Mulberry Knoll extension is significant and will have impact on traffic and the access and well-being of residents and of other public services in the area; that the 2023 data that is available on DelDOT's interactive traffic counts states that on Route 9, the average annual daily traffic count is more than 17,000 vehicles and it jumps by at least 10%, possibly more, during the summer; that on Beaver Dam, the traffic is roughly 3710, so these are data that are a matter of a few months, perhaps a year; that Northstar is projected to generate 13,359 vehicle trips daily, which suggests that without improvements; that the context of the TID that allows for improvements, for coordination, volume and improvements; that DelDOT concluded that this project has a major impact to local area roadways; that as part of a memo that was sent to Mr. Whitehouse dated November 29, 2023; that the question is how well can that be accommodated? For how long will it be accommodated? And when will the improvements come along that make that accommodation more feasible?; that the impact of Northstar is not alone in terms of what will happen on Route 9 and Beaver Dam, Cool Springs impact would be primarily on Route 9 and other developments will have an impact on Beaver Dam; that the other unknown is the impact of the Mulberry Knoll extension; that it is intended to relieve the pressure on Route 1 and traffic would move from Route 24 on to Route 1 and then potentially want to go on to Route 9 will instead be able to come up the Mulberry Knoll extension; that the importance of Mulberry Knoll is for the development, but also will add an influx of traffic and no one knows how much; that they want to recommend that, 1.) Pause any decisions on Northstar until the completion of a new study from DelDOT on Route 9, 2.) NorthStar's residential and commercial construction needs to be coordinated with the operability of the area road improvements, on Route 9 and the widening of Beaver Dam Rd., 3.) the County should consider the unintended consequences to the TID and the impact on the general health, safety and welfare of residents and 4.) traffic impacts need to be viewed holistically as what is happening in general and what can be expected on that roadway; that there are design questions concerning open space, are the residents of the affordable housing going to be considered as part of the Northstar community, why this project isn't being treated as a RPC, the adverse impact on neighboring communities and safety issues for residents as the development straddles to busy roadways; that Commission should require Northstar to resubmit its application as an RPC and we recognize that that would delay the construction of the affordable Community Housing, but suggest that application be approved and move forward; that the cluster subdivision and the C3 applications be put back into the regular queue rather than to be expedited; that Northstar should be required to meet the standards for pedestrian and cyclist safety, which may happen when they meet with DelDOT, but we want a commitment; that the conditions that protect the adjacent properties in Lewes Crossing and the natural environment; that Northstar meet the letter of Open Space ordinance and we contest the C3 zoning as the appropriate for the commercial area; that it should more appropriately be B1 or C1.

Mr. Rich Barrasso, co-founder of SARG, spoke in opposition to the application in regards to transportation/traffic around the Northstar project; that they want to discuss the Henlopen TID, the Capital Transportation Program (CTP) and the Route 9/SR 16 corridor study; that there is confusion on why the 2018 (2021-2026 CTP) is used in relation to the Northstar project and not a newer one since 2 more have been completed; that the level of service that exists today for intersections in the proposed area is better, worse or the same as when this study was done; that in the coordination

manual Section 2.41, it state a Transportation Improvement District is a geographic area defined for the purpose of securing required improvements; that the first section in the manual with regards to transportation improvement districts refers to what is required as elements of the of the TID; that the first required element is that a land use, transportation plan or an LUTP be completed for the TID; that it is a forecast identifying the improvements needed to bring all the roads and other transparent facilities in the TID to applicable state or local standards; that the LUTP should consider what is the existing land use of a specific date?; that Development approved and/or recorded but not yet built as of that date. The development expected or in the land development process, but not approved as of that date and then develop and not proposed but projected; that the manual references the LUTP, is it the same thing that was referenced earlier relative to the 2022 analysis of the TID, because there was no reference by the developer or by DelDOT with regards to this requirement of an LUTP; that the LUTP speak to service standards as outlined in the manual; that it states that service standards must be established for the TID and the creation of the LUTP to specify what is considered adequate transportation infrastructure; that if you use the LUTP to update the TID, since it's five years since it was implemented, have you identified what the levels of standards are today or at the time that it was updated; that it establishes a baseline of what the level of standards at any intersection in the impact area; that the manual refers to a monitoring program that states it may be appropriate to make transportation improvements gradually overtime; that the TID agreement should include a program for monitoring conditions in the TID, involve tracking land development, transportation improvements, and the need for transportation improvements in the TID, and it will provide information necessary for updates of the LUTP; that the manual talks of a build out analysis and it states while it is possible to create a TID considering only a target horizon, examination of conditions when all land in the TID is considered to be fully developed can often be useful in the planning process; that if build out analysis is to be done, the TID agreement should specify what degree of development is considered to be the build out and what use is it to be made of in the results of the analysis; that does the LUTP have all the elements needed; that the TID agreement between DelDOT, the County and the developer states that in exchange for following the payment schedule, homes and commercial space constructed and the developer would get something in exchange; that two very important pieces of exchange were stated was that the developer would not be required to submit a TIS and the developer would not be required to phase, so construction could start immediately; that with a TIS there would be a queuing analysis and a safety analysis and because they are located within the TID none of that would be required by the County; that in terms of the Capital Transportation Program (CTP), what is the infrastructure plan for this area; that there are over 100 different projects that are in the DelDOT CTP program and Northstar is ranked #7 with the US9 widening Ward Ave. to old Mine Rd.; that preliminary engineering Right of Way is planned between 2025 and 2026 with construction to begin in 2027 and then completed around 2030; that Mulberry Knoll Rd. Cedar Grove Rd. To US 9. Old Vine and Vineyards extension, the preliminary engineering doesn't even start until 2028, with no construction on that based on the CTP until sometime into the early 2030s; that Beaver Dam Rd. widening SR.12 Farm Rd. has no construction, based on its rank at 88 in the 2025-2030 CTP, until after fiscal 2030; that the analysis says there is no phasing to be done which means 5-8 years of "D" or less level of service; that a level of service of "D" means barely acceptable; that DelDOT should state what phasing is appropriate for the subject land use application and clearly state those phasing requirements to Sussex County so that Sussex County can clearly incorporate them into its various approvals as appropriate; that the County cannot act alone on requiring phasing they would need DelDOT to say phasing is appropriate and allow the County to incorporate phasing as part of

the approval process; that the TID places restrictions on the ability of the County to require phasing and places restrictions in terms of how much of an impact study can be required; that the County in cooperation and guidance of DelDOT, can determine if phasing is appropriate; that the US9 SR16 Coastal Quarter study initiated in 2019 with the final report completed last month, which focused on identifying transportation solutions for East-West routes in Sussex County, including SR.16 US.9, 113 and SR.1; that these roadways are East-West corridors in the northern part of Sussex County that are currently congested or at risk for congestion based on anticipated growth; that this study was initiated in 2019 and was finalized in 2024 and is available to view on the State website; that there were three key recommendations, but the one that is relevant to this application, which is accommodating traffic growth on US.9; that US 9/SR.5 is the most congested signal lighted intersection in the planning area and is forecast to be at or near capacity by 2050 without improvements; that when DelDOT makes its projections they set the timeline into 2045; that their assumption on terms of traffic growth as stated in the study is 0.6% a year; that at 0.6% a year, you could be safe until 2045, but why would we use an assumption of 0.6% growth when we have information that traffic is increasing more than the 0.6%; that if we have current active applications that in terms of the impact, the threshold for dualizing a highway in Delaware is 20,000 vehicle trips a day and we're at 17 right now with current conditions and add 13,000 more; that DelDOT provided information through a software system called Synchro Delay Data; that there is data on US.9/SR.30, Sweetbriar/US9, Sweetbriar/Dairy Farm, Airport Rd/Park Ave./SR.5, Hudson and Fisher, but no sync data on Beaver Dam and the new roundabout that was just completed, Beaver Dam Road and Dairy Farm Road and the US.9 at Old Vine; that that's the type of information that a TIS would provide; that the Synchro Delay Data will be helpful in terms of land use on Route 9, but it's not the complete pick; that some specific recommendations have the likelihood to potentially require. Sussex County Land use code changes in the future; that one is widening US9 and at SR.5; that the study states it's near impossible to dualize Route 9 at the intersection of SR5 and US9; that DelDOT has real concerns about the ability to dualize Route 9 at that intersection, which includes a cemetery and it will have an impact on anything East or West of that intersection; that a second recommendation is to conduct an analysis to determine appropriate set back requirements along US9 between. Georgetown and SR1; that currently building setbacks along US 9 vary based on the zoning of the parcel, with a minimum front yard setbacks of 25 feet up to 60 feet; that the study is going to look at those setbacks relative to where they may widen and are we approving developments whose setbacks based on current codes are inappropriate; that the state is going to review what the setbacks should be based on their view and then come back to sizes can say what possibly can you do with regards to your zoning codes; that the third recommendation is to explore code revisions to reduce the extent to which parking and stormwater facilities are permitted in the front yard setback; that current subdivisions have these wet ponds that are too close to the road and in terms of the potential for widening roads going forward, there's likely to be some action coming down from these recommendations; that if commercial parking lots are too close to the road, there's probably going to be more stringent requirements for those going forward too; that our recommendation is to pause any decisions on the Northstar development until the completion of the US9 2024-2025 Coastal Quarter study; that the next 12 months they're going to be looking at US9 based on the original study; that NorthStar's residential commercial construction must be coordinated with completion and operability of barrier road improvements in the CTP; that any type of phasing puts a tremendous burden on the developer and the developers financiers, but not doing it puts an even more greater burden on the public.



Ms. Jill Hicks spoke on behalf of Sussex Preservation Coalition in opposition to the application; that she was entering into record a petition with 827 signatures in opposition to the application; that the letter from DelDOT states that they approve improvements needed for the area around the application but not the traffic impact over the entire corridor or roadway; that she going to walk through observations and recommendations regarding the application, the remarkable safety risks posed by the plan, why the plan does not meet superior design standards, the impact of the surrounding communities and the overkill of the C3 zoning request; that this plan asked us, scribed by its own application, as a mixed-use community should have been therefore submitted and reviewed as an RPC; that the staff review letter recommend that the applicant consider submittal of this project as a residential plan community, RPC, rather than a series of four separate applications; that the applicants response was this applicant considered and appreciated staff's recommendation, but intends to leave the project as four separate applications, with no reason given no explanation, not even a counter reply; that the developer applies as a Mixed-use Community, rides the coattails of the affordable housing units to expedite the so-called mixed-use project, and then after it receives the expedited status, separates the project into four separate pieces; that the affordable housing that was expedited in the first place will have no access to the amenities of the community and cannot be a part of the HOA; that it's a bait and switch, the ploy of offering something desirable to gain favor then thwarting expectations; that The Willows at Northstar is a part of the community by name only; that The Willows are segregated from the community, geographically and by conditions of exclusion; that what is the plan if the states workforce housing plan falls through? Does the entire project continue? Where does the connection begin? And what is the status of the funding after initial postponement of the P&Z hearing in March, where deadlines missed, according to a letter between developer and Ingerman dated December 4th, part of the funding is proposed to be accomplished through low income housing tax credits from the Delaware State Housing Authority and the applications are due in April 2024, which has come and gone; that having to wait a year or more to be able to seek the low income housing tax credits from the Delaware State Housing Authority would be a considerable setback in the timing of opening the doors to these proposed apartments for low and moderate income households in need of affordable housing; that will The Willows at Northstar be funded and built first, as promised by the developer? And what is the funding status?; that SPC recommends two options regarding this dilemma, first, is to expedite the entire project as an RPC, as requested by planning and zoning staff to provide a holistic approach to the mixed-use project as it should be a level playing field for all developers and second option would be to proceed with separate applications as filed, expedite the MR application for the affordable housing, but the cluster subdivision and the C3 go back into the queue 14 to 17 months after the filing date of December 4<sup>th</sup> to level the playing field for all developers; that it would allow The Willows at Northstar, to be expedited without precedent and the cluster subdivision and commercial projects could proceed regardless of securing affordable housing from the state program or any unforeseen circumstances; that there are remarkable safety concerns with this plan, and how can its design be considered superior if it's unsafe for its residents, the surrounding communities and/or the county at large?; that one main selling point and characteristic of a mixed-use community and RPC or the upcoming MPZ is that it is pedestrian and bike friendly; that it is supposed to promote community and belonging among its residents, divided into 5 fragments by two major state thoroughfares, Northstar is none of these; that this cluster subdivision is riddled with hazards, speed on Mulberry Knoll Rd. today is 50 mph and to believe that drivers will slow down or obey a lower speed limit through Northstar or Mulberry Knoll Rd. extension is unrealistic; that

speed limit on Beaver Dam Rd. which divides Northstar is 45 mph; that Northstar residents will have to cross Beaver Dam Rd. and Mulberry Knoll Rd. extension to reach the amenity centers or the commercial retail space; that not only is speed a factor, but what are the vehicle trip projections for the Mulberry Knoll Rd. extension? That there are no parking spaces shown for the amenity centers, so it is safe to assume that residents are expected to walk, ride bikes, scooters, motorized wheelchairs, etcetera to reach and enjoy these amenity centers; that Planning and Zoning staff noted on page ten of their review letter, please include location, dimensions and purposes of any and all crosswalks and easements to be provided on the plan specifically for the proposed 80 lots to be located on the South side of Beaver Dam Rd.; that there is no traffic light provided to safely cross Mulberry Knoll Rd. extension to reach the amenity center directly across; that the Affordable Housing residents must cross Mulberry Knoll Rd. extension or Lewes Georgetown Highway if they want to get over to The Vineyards to reach commercial retail areas; that pedestrians will undoubtedly cut through the buffer instead of trekking to the light and then cut back to the retail center; that according to the code, a cluster subdivision requires 30% open space, so Northstar must provide 114 acres of open space, and they have 166 acres of open space, and 9% of the site must be contiguous open space or in their case 34 acres; that only one area of this site is large enough for that amount, Open Space A is 46.3 acres; that Open Space A is actually six small fragmented open spaces connected by a perimeter buffer and this space does not meet the intent of the contiguous open space requirement to accept; that 115-25F(3A)(3B) states required open space must be designed to be beneficial to the residents or users of the open space it shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies with a maximum of one street; that the subdivision design appears to be fragmented and a better proposal would be that the parcel on the South side of Beaver Dam Rd. that contains wetlands and juts into Lewes Crossing should have been left for contiguous open space or put into conservation; that perimeter buffers for several lots appear insufficient, BJ Lane buffer is 20 feet, which should be 30 feet to meet cluster subdivision code; that the 30 foot buffer that is owned by Northstar LLC, is that wooded? This is the buffers between Lewes Crossing and Lewes Landing; that when they show the wooded buffers, is that the woods that already exist in Lewes Crossing or is it a 30 foot wooded buffer within that parcel; that security lighting is a concern as it will shine into Lewes Crossing as the parking area for the MR section is on the outside with the buildings in the middle; that a 50-100 foot forested buffer should be required in this area to prevent the lighting from affecting the residents of Lewes Crossing.

Mr. Hutt stated that the reasoning for the expedited application for the low-income housing is that the Ingerman Group applied for the Low-Income Tax Credit Program in the beginning, but due to the difficulty to qualify for those programs with no land use entitlements the opportunity was missed.

Mr. Holden stated that the application was submitted in April, as it's a competitive statewide process and they scored well, but there was no land use approval and they were told to return upon having that, which is the plan with this application.

Mr. Hutt stated that BJ Lane doesn't have a 30-foot perimeter buffer because the code doesn't require a 30-foot buffer in all circumstances in a cluster subdivision and the property owner who abuts this piece of the project submitted a letter of support with just a 20-foot buffer.

Mr. Ralph Patterson, spoke on behalf of the Members of the Cape Henlopen Elks Lodge, in opposition to the application due to the affect that the construction of this development will have on their lodge as the main entrance for Phase I will be about 40ft from their property line; that it is said that there will be a traffic signal placed at that entrance upon completion of construction and that will limit the accessibility of patrons to their location; that currently the closest traffic device is a three way stop sign at Beaver Dam Rd. and Dairy Farm Rd. and during busy times nearly every day, traffic to waiting to pass through that control device, it backs up to our property and to the property of our neighbors; that we are nearly one half mile from that sign and that's with today's traffic, add additional vehicle trips per day and it will only exacerbate the situation; that the bad traffic situation on Beaver Dam Rd. will not be improved by 800 new units and a worst case scenario, DelDOT will actually widen Beaver Dam Rd. in which case we would lose a third of our parking, a very nice sign that we just paid a lot of money for and a flagpole; that if developed they request that a vegetated buffer be put between our property and theirs; that the 30 foot standard should be strictly enforced and a much wider buffer should be considered; that the existing natural buffer to our North should not be taken down; that they are asking for a physical barrier to separate Northstar from our property, a privacy fence constructed and maintained by Northstar with a six foot height minimum should be considered sufficient to screen our property; that we would like to work with the developer and DelDOT to ensure that if Beaver Dam is widened, our parking, flagpole and electronic sign be preserved or relocated at NorthStar's expenses; that we would like to be good neighbors, but the Northstar development, if built, will present real problems for the Cape Henlopen Elks Lodge.

Mr. Johanes Sayer, of Red Mill Pond, spoke in opposition to the application in regards to the concern of the impact it will have on traffic; that he submitted a petition with 212 signatures from residents of his development that stated "We oppose the Northstar development Project 2023-14 as currently proposed, which would be located a short distance east of our community. Our community would be directly affected by the 13,359 daily vehicle trips Northstar is projected to add to area roads. Traffic on Route 9 now regularly backs up West to Minos Conway Rd. from the Route 5 intersection on off season weekdays outside of rush hour. Current plans to dualize Route 9 westward end at Sweetbriar Rd. making that intersection a choke point. We would have to transit to access our community. Area traffic is already often impassable as development would worsen that problem. Route 9 is the major emergency evacuation route westward from the Lewes area. Our community is in evacuation zones, B&D in an emergency, the additional traffic produced by this project would worsen congestion in the evacuation path, which can already be anticipated to be grave, to impassable. Local emergency responder agencies already report that they're understaffed to keep pace with local population growth. The fact that retirees are substantial proportion of new residents and as senior citizens contribute a higher number of calls for service per person compounds this problem. The population growth brought by the 852 residents as proposed by the project can be anticipated to have a similar demographic mix and will further exacerbate the problem. The same problems exist with the availability of health care for the same reasons and with the same expectation of future worsening and impacts from this project. Last, this project would add another projected 210 students to Cape Henlopen School District. That was the number we were working with in a time when the districts are already struggling to pay for infrastructure to support new student arrivals, which are currently increasing every year. Before property development projects are approved, particularly ones of the scale of Northstar, County government and all other stakeholders need to form and implement a practicable plan for limiting the population growth, such projects introduce to stay within the limits of available natural and municipal resources.



Ms. Sarita Hall, spoke on behalf of herself as a member of Coastal Club, in opposition to the application; that there are several questions that they have concerning the project; that DelDOT stated that they did a TID analysis in 2022, but was the potential build out considered into that analysis; that by rezoning this area does it change the impact; that the community is concerned with the water runoff, the idea that cluster subdivisions are in urban communities and they don't want Lewes to become urban and will the community have their property value affected due to the amount of traffic on Beaver Dam Rd.

Fern Goodhart spoke on behalf of herself in opposition to the application in regards to the impact the development will have on traffic and safety; that by adding 10's of thousands of vehicle trips will compound the risk of bicyclist and pedestrians, including bicycle clubs who have to travel in the bike lanes because the trails do not connect continuously; that not only are the roads being affected by the increase in the number of people and developments, but so are the bike trails being overwhelmed.

Mr. Melvin Mousley, owner of Pam Ann Stables, spoke on behalf of himself and his wife in opposition to the application in regards to the buffer separating his property and the Northstar development; that the concern is that the people are going to cross the buffer in order to see the horses and will either get bit or kicked and he will have a lawsuit on hand; that they suggest a 100 foot buffer and leave the existing tree buffer that's real thick and has high growth; that they also want to make a fence around it, like a stockade so you can't climb through it or see through it to make it safe for everybody; that placing no trespassing and do not pet the animals signs may help, but won't guarantee that it will keep people off of his property.

Mr. David Selby spoke on behalf of himself and his family in opposition to the application in regards to the impact the traffic will have on the people of Jimtown Rd and how it will ultimately become a shortcut for people trying to go down to Plantations Rd; that Council should request a traffic study be completed and include Jimtown Rd into it; that before widening the roads to consider the people of Jimtown Rd who have lived there for many years and most of their properties do not comply with the new setback codes and to widen those areas would hurt those families; that when you're putting houses of this magnitude in you're going to have a problem of you don't have as wetlands and somebody's going to be living next to a wetland because where is the water runoff from the ground disturbance going to go because that's now replaced by houses.

Dr. Lynn Carmen spoke on behalf of herself in opposition to the application in regard to life safety and the need for ambulance or immediate medical care being hindered by the volume of traffic; that the rise in the population makes the ability to get a physician near impossible and the number of older people that are within this area requires a lot of medical care, to which we are depleted.

Ms. Marian Utter spoke on behalf of herself in opposition to the application in regard to the idea that how the developers can forgo the TIS by paying a fee and the concern for the wellbeing of people in the area is disregarded.

Ms. spoke on behalf of herself in opposition to the application in regards to the health, safety and wellness of the surrounding communities; that the concern is the evacuation route during the hurricane season which appears to be the East/West corridor of 23/24; that maybe a shoulder for a paramedic to come through, or a cop to stop traffic or if there's an accident, somebody's got to go in a different direction; that the reality is most people just take the shoulder as if it's lane; that I would

like some consideration from the paramedics on the major corridors that we have to use to evacuate when the flooding happens.

Mr. John Miller spoke on behalf of himself in opposition to the application in regard to the traffic impact of such a large development; that all of the commercial development is along Route 1 which causes all of the traffic to push in that direction with nowhere else to go; that the concern of growth happening too fast is something that the County should look into as services for the people are not readily available.

Mr. Dale Sands spoke on behalf of himself in opposition to the application in regard to the possibility of the interconnectivity to Lewes Crossing and to be sure that it was on the record that the members of Lewes Crossing did not want that and that if there was ever an appeal process it was on the record.

Mr. Michael Johnson spoke on behalf of himself in regards to the affordable housing aspect and with it being separated from the rest of the Northstar development and not being considered as members of the Northstar Community; that there is a need for workforce housing, but what I'm hearing is affordable housing; that with workforce housing, if you have a nurse making decent money they probably wouldn't qualify under those guidelines of about \$28,000 to \$68,000; that maybe we need to rethink what that project really is going to be because there definitely is a need in this community for more affordable housing; that with the commercial properties along Route 9, there is concern that Route 9 is becoming another 24 or Route 1; that at what point is it going to be stop and go traffic on there, at what point you going to have people pulling in and out to get in and out of these stores or to get to the stores and what kind of traffic back up and accidents for that going to cost?; that we should designate all of Route 9 as commercial and just rezone both sides of it.

Mr. Dave Green spoke on behalf of himself in regard to the HOA and involvement of them in the affordable housing development; that it would not be feasible for an HOA to maintain that and there would need to be some other management company in charge of that aspect; that are the roads within the development private or public and who is maintaining them.

Mr. Matthew Puhalski spoke on behalf of himself in regard to the impact the development would have on traffic and how the infrastructure cannot handle the influx of people that are coming to the area; that in order to have a development like Northstar, there needs to be preparations done to handle it; that if Northstar was to be approved there would be an entrance to the development directly across from the entrance to Coastal Club in which there is only one way in and one way out of with 700 residents; that add the additional traffic from NorthStar's residents and the contractors, landscapers, etc. and it creates a huge impact of traffic.

Ms. Judy Rose Seibert spoke on behalf of herself in opposition to the application in regard to the traffic and the width of Beaver Dam Rd. specifically along the property line of the Northstar project; that she requests that a condition be put in place that requires the roads to be widened enough to accommodate safety personnel to travel with limited issues and that no building permits be issued until this has been done.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2499 Northstar Property, LLC. Motion by Mr. Collins to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 5 - 0.

Minutes of the July 24, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since July 17, 2024.

The Commission discussed the following points in reference to the application:

1. The design and configuration of the proposed “open space” and how it appears to be fragmented in the current plans. Mr. Whitehouse noted that the open space areas were large enough to enable them to be re-configured. For example, lots 221-226 could be reconfigured, along with Road, B, Road, C and Road E to achieve a contiguous and less fragmented open space.
2. How the open space is proposed to be maintained; that some areas may be proposed to be meadows that would not be mowed; that it is important that these areas be clarified so that property owners know which areas are to be left to grow as meadows.
3. Phasing and the time frame for the construction of Mulberry Knoll Road. and the ability to hold the developer accountable for maintaining said time frames within any potential conditions of approval. Mr. Roberston confirmed that he had reviewed the master agreement for TIDs between the County and DelDOT and that there is no prohibition against the imposition of conditions of approval relating to construction phasing in developments that were proceeding forward with a TID.
4. The Commission discussed the implementation and enforcement of any potential conditions and the potential penalties for any potential non-compliance.
5. The Commission discussed the potential mechanisms for the potential tracking of affordable housing and keeping the units affordable and asked about the penalties and enforcement mechanisms to ensure that affordable units continue to remain affordable.
6. The phasing of the development and whether the developer could be required to complete the affordable housing portions first.
7. The Commission discussed the overall integration of units within the proposed community as a whole, and inter-connectivity. Concerns were raised that some aspects of the community may be physically and/or functionally separate from some of the amenities. For example, would occupiers of the multi-family units be able to access HOA amenities.
8. That any Final site plan needs to be clear and precise to provide buyers predictability on what is intended for development.

Ms. Wingate moved that the Commission reopen the record for Subdivision 2023-14, C/Z 2026, CU 2499, and C/Z 2025, all regarding Northstar Property, LLC, for the limited purpose of officially notifying the Cape Henlopen School District about these four applications and to receive any official written comment that the district may have concerning the applications. The record shall be held open until the close of business on August 20th, 2024, for official written comment from the district on the applications. Then the record shall remain open until the close of business on September 4th, 2024, for written comment only from the applicant and the public and limited solely to comments received



from the district with respect to the applications.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to reopen the record for the limited purpose on C/U 2499 NORTHSTAR PROPERTY, LLC for the reasons stated. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

#### Minutes of the September 11, 2024, Planning & Zoning Commission Meeting

Mr. Whitehouse stated that the record was initially held up until the close of business on August 20, 2024, for the official written comments from the school district and then the record was left open until the close of business on September 4, 2024, for a written comment from the applicant and the public, and now that that has passed all of those documents are found in the paperless packet.

Chairman Wheatley stated that they are announcing today that the letter from the school district was received, related public comments have been received and the record closed on September 4 of 2024; that anyone who wishes to review the file, it is available online and these items will appear on an agenda for discussion and a possible vote at a later meeting.

Mr. Robertson stated that the letter from the school district, a letter from Mr. Hutt on behalf of the applicant in response to the School District's letter and a letter from the Sussex Preservation Coalition in response to the district's letter are all in the docket.

#### Minutes of the October 9, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since September 11, 2024.

Mr. Collins moved that the Commission recommend approval of C/U 2499 NORTHSTAR PROPERTY, LLC, for 94 Multi-Family Units based upon the record made during the public hearing and for the following reasons:

1. The purpose of the MR zone is to provide housing in an area which is expected to become urban in character and where central water and sewer is available. Central water and sewer are available to this site, and this application for multi-family units is in compliance with the purposes of the MR zone.
2. The property is in an area with a more urban character, including a variety of large and small business, commercial and office uses and higher density residential development across Route 9 from this site. There is a wide variety of zoning in the immediate area, including AR-1, MR, GR, C-1, CR-1 and B-1. The C-1 property across Route 9 from this project is being developed with a mixed use including residential units at a density similar to what is proposed with this project. The location along Route 9 is also in close proximity to Route One and the Five

Points intersection and the commercial corridor of business and commercial uses there. It is also located along one of DART's bus routes. This conditional use is consistent with other zoning and land uses in the area. Multi-family development is appropriate for this property adjacent to these roadways and this intersection.

3. The proposed use is consistent with the County's Comprehensive Land Use Plan. It is in the Coastal Area according to the Plan, which is a Growth Area. The Plan states that medium and higher densities can be appropriate where, like here, there are features such as central water and sewer and nearby commercial uses and employment centers. The Plan also states that a range of housing types should be permitted in the Coastal Area, including single family homes, townhouses and multifamily units.
4. In this case the purpose of the development is to provide 94 affordably priced rental units upon 7.882 acres on the eastern side of Sussex County. Because of the high price of homes and rentals in much of eastern Sussex County, housing can be unaffordable for a lot of residents in this area of the County. Many County residents cannot afford to live near where they work, resulting in long commuting time and increased traffic on County roadways. The project will provide affordable housing at a convenient location to Sussex County residents with low to moderate income levels who are a large part of the workforce in eastern Sussex County.
5. The project has a density of 11.93 units per acre, which is consistent with the density that is permitted "by-right" under the Sussex County Rental Program. However, under that program, only a portion of the units must be dedicated to affordable housing. Here, all of the units are being dedicated to affordable housing.
6. According to information stated in the record, the rental units will be available to households with incomes with less than 60% of the Sussex County median income. To comply with this, the project will be managed by a property management company that specializes in affordable housing projects, with more than 30 years of experience developing affordable housing throughout Delaware, Pennsylvania and New Jersey.
7. County Council declared in Chapter 72, Section 18 of the County Code that it is the public policy of the County to:
  - A. Encourage the creation of a full range of housing choices, conveniently located in suitable living environments, for all incomes, ages and family sizes.
  - B. Encourage the production of affordable rental units to meet the existing and anticipated future employment needs in the County.
  - C. Assure that affordable rental units are dispersed throughout the County consistent with the Comprehensive Plan.
  - D. Encourage developments in Growth Areas as defined within the County's most current comprehensive plan and Areas of Opportunity as defined by the Delaware State Housing Authority to include a minimum percentage of affordable rental units on public water and sewer systems.
  - E. Provide incentives for developers to construct affordable rental units through tools such as the density incentive and expedited review.The proposed development is in accordance with this stated County Public Policy.
8. The development is consistent with the Goals set forth in Chapter 8 of the Sussex County Comprehensive Plan regarding Housing. For example:
  - A. Goal 8.2: "Ensure that a diversity of housing opportunities are available to meet the needs of residents of different ages, income levels, abilities, national origins and household configurations."

- B. Objective 8.2.1: “Affirmatively further affordable and fair housing opportunities in the County to better accommodate the housing needs of all residents.”
- C. Strategy 8.2.1.3: “Explore ways for private developers to provide more multi-family and affordable housing opportunities.”
- D. Objective 8.2.3: “Facilitate and promote land use policies that enable an increase in the supply of affordable housing in areas with adequate infrastructure.”
- E. Strategy 8.2.3.1: “Promote increasing affordable housing options, including the supply of rental units, near employment opportunities.”

This project is consistent with each of these goals, and it is located in an area where the use is consistent with the existing and planned infrastructure, and it is located near numerous employment opportunities with access to many more employment opportunities given its location on an established DART route.

- 9. This project received expedited treatment because of the affordable rental housing being sought as justified by the County Code and the Comprehensive Plan. This project was also considered wholistically at the same time as Subdivision #2023-14 and a C-3 Rezoning. Because the other applications benefitted from the expedited review of this one, there is a condition of approval requiring this affordable housing project to be built first.
- 10. There are no wetlands located on the property.
- 11. DelDOT has stated that the proposed multi-family conditional use will have a “minor” impact upon local area roadways. However, the property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID “per-unit” fee prior to the issuance of every residential building permit.
- 12. As part of the Final Site Plan approval process, the stormwater management design will be reviewed and approved by the Sussex Conservation District, ensuring that the drainage system will be adequately designed and constructed to protect adjoining developments.
- 13. The proposed multi-family conditional use meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County in an appropriate location.
- 14. There is no evidence that this project will adversely affect the neighboring properties, area roadways or community facilities.
- 15. With conditions imposed, including the requirement that all of the units will be only be available to qualified low and moderate income County residents, the proposed conditional use meets the purpose of the Zoning Code and Comprehensive Plan in that it promotes the orderly growth, convenience, order, prosperity, and welfare of the County and its residents.
- 16. This recommendation is subject to the following conditions:
  - A. There shall be no more than 94 Units within the development.
  - B. All of the units shall be rented and occupied as part of an officially recognized Federal, State or County affordable housing program. The project shall also be managed by a property management company that is recognized and specializes in the management of affordably priced residential projects operated under Federal, State or County affordable housing programs. The name and experience of the property management company, and the nature, type and economic details of the affordable housing program shall be provided to Sussex County’s staff for review prior to review and approval of the Final Site Plan. The units must be occupied as the primary residence of the tenants. Once constructed, on the first 12-month anniversary of the first unit being occupied, and on an annual basis thereafter, the property manager for the development shall submit a certified and notarized report to the Sussex County Director of Community



Development and Housing in a format acceptable to the Director, which shall include the following information: (i) the affordable housing program(s) utilized by the property; (ii) the eligibility criteria for tenants used by the program(s) at the property; (iii) the number of units, by bedroom count, that are leased to eligible tenants and those that are vacant; (iv) the monthly rent charged for each unit; (v) for each unit, the household size and total household income as of the effective date of the lease and any renewals thereof; (vi) a statement that, to the best of the landlord's information and knowledge, tenants who are leasing the units meet the established eligibility criteria; and (vii) a status report about the type and usage of the service amenities described in Condition J below.

- C. All entrances, intersections, roadways and multimodal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's determination. In addition, the property is within the Henlopen Transportation Improvement District. Therefore, any future development will be required to enter into an infrastructure recoupment agreement and pay a TID "per-unit" fee prior to the issuance of every residential building permit. The applicant shall provide a phasing schedule that shall coordinate and establish the construction timeframe of the off-site entrance and roadway improvements that DelDOT will require as a result of the development that are not covered by the TID. This phasing schedule shall be presented to the Planning and Zoning Commission as part of the Final Site Plan and shall demonstrate that the off-site improvements required by DelDOT will be completed prior to or simultaneous with this project reaching substantial completion.
- D. Central sewer shall be provided to the development by Sussex County. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- E. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- F. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- G. Interior street design shall comply with or exceed Sussex County standards and sidewalks shall be installed that connect with the multi-modal paths required by DelDOT.
- H. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographical Information Office.
- I. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
- J. This community shall have both recreational amenities and service amenities. The recreational amenities shall include a clubhouse with a lounge, fitness center and management offices, bike storage lockers, a playground and play area. The size and details of these recreational amenities shall be shown on a separate amenities plan to be reviewed by the Commission as part of the Final Site Plan review. These recreational amenities shall be completed in accordance with Section 115-194.5 of the Code. In this instance, since the units are within larger buildings, this will require the recreational amenities to be completed prior to the issuance of the building permit for the third residential building. The service amenities shall include access to, and

assistance with, local facilities including but not limited to the YMCA and employment and educational opportunities and counseling. The status and use of these service amenities shall be provided in the annual report to the Sussex County Director of Community Development and Housing.

- K. Construction, site work, and deliveries shall only occur on the site between the hours of 7:00a.m. through 6:00p.m., Monday through Friday and between 7:00 am and 2:00 pm on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch “NOTICE” sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- L. A 30-foot-wide forested buffer shall be installed along the perimeter of the development adjacent to Lewes Crossing. This buffer area shall comply with the planning requirements for such a buffer as contained in Section 99-5 of the Sussex County Code.
- M. The Final Site Plan shall include a landscape plan for the development showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall include the “Limits of Disturbance” within the site and these “Limits of Disturbance” shall be clearly marked on the site itself.
- N. All lighting on the site shall not exceed 18 feet in height and it shall be shielded and downward screened so that it does not shine on neighboring properties or roadways. In addition, the external lighting shall be located no closer than 100 feet from the common boundary with Lewes Crossing and shall face away from the Lewes Crossing community.
- O. The Final Site plan shall state that the agricultural activities exist nearby, and it shall include the Agricultural Use Protection Notice.
- P. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- Q. Because this multi-family rental project was linked with Subdivision 2023-14 and the projects have both been expedited and considered simultaneously as a result, and because of the importance of providing affordable housing for Sussex County residents, construction of this project shall be substantially completed and receive its Certificate of Occupancy from Sussex County prior to the issuance of a Notice to Proceed for Phase Two of Subdivision 2023-14.
- R. The Final Site Plan shall depict or note these conditions of approval, and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2499 Northstar Property, LLC for the reasons and the conditions stated in the motion. Motion carried 5 -0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea

## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
J. BRUCE MEARS  
GREGORY SCOTT COLLINS  
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## Sussex County

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SUSSEXCOUNTYDE.GOV  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 17<sup>th</sup>, 2024

Application: CU 2499 Northstar Property LLC

Applicant: Northstar Property LLC  
107 W. Market Street  
Georgetown DE 19947

Owner: Delaware Farm LLC and RCTDE, LLC  
1908 Cliff Valley Way NE  
Atlanta GA 30329

Site Location: Lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1)

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: Multifamily Dwelling Structures – (Apartments / 94 Units)

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Ms. Gruenbaum

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater Utilities, Inc

TID: Henlopen Transportation Improvement District (TID)

Site Area: 7.882 acres +/-

Tax Map ID: 334-5.00-175.00 (p/o)





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SUSSEXCOUNTYDE.GOV  
302-855-7878 T  
302-854-5079 F  
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PLANNING & ZONING DIRECTOR

# Memorandum

To: Sussex County Planning Commission Members  
From: Mr. Michael Lowrey, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 28<sup>th</sup>, 2024  
RE: Staff Analysis for C/U 2499

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2499 Northstar Property LLC to be reviewed during the July 17, 2024 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.

**Please note that the following staff analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 334-5.00-175.00 (p/o)

**Proposal:** The request is for a Conditional Use for Tax Parcel 334-5.00-175.00 to allow for multifamily dwellings (94 Units) on a portion of a parcel lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1). The portion of the parcel is comprised 7.882 acres +/-.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the east and west of the subject property are zoned Agricultural Residential (AR-1) and parcels to the

north are zoned Agricultural Residential (AR-1) and General Commercial (C-1). Parcels to the south are zoned Agricultural Residential (AR-1), Medium-Density Residential (MR-RPC), & General Residential (GR).



Additionally, a Change of Zone Application (CZ 2025) (AR-1 - C-3) is included with the Applicant's submission. This is for the (12.696) acre portion across the Mulberry Knoll Road extension to west and fronting on Route 9 to allow for (≈96,000) square feet of commercial improvements.



**Future Land Use Map Designation w/in Comprehensive Plan:** Coastal Area

**Applicability to Comprehensive Plan:** The project lies within the Growth Area and is categorized as “Coastal Area” (per the 2018 Comprehensive Plan).

Coastal Areas are growth areas that the County encourages only the appropriate forms of concentrated new development, especially when environmental features are in play. The Coastal Area designation is intended to recognize the characteristics of both anticipated growth and ecologically important and sensitive characteristics. The Plan also notes “a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units” (2018 Sussex County Comprehensive Plan, 4-15) and “medium and higher density (4-12 units per acre) can be appropriate in certain locations” (2018 Sussex County Comprehensive Plan, 4-16).

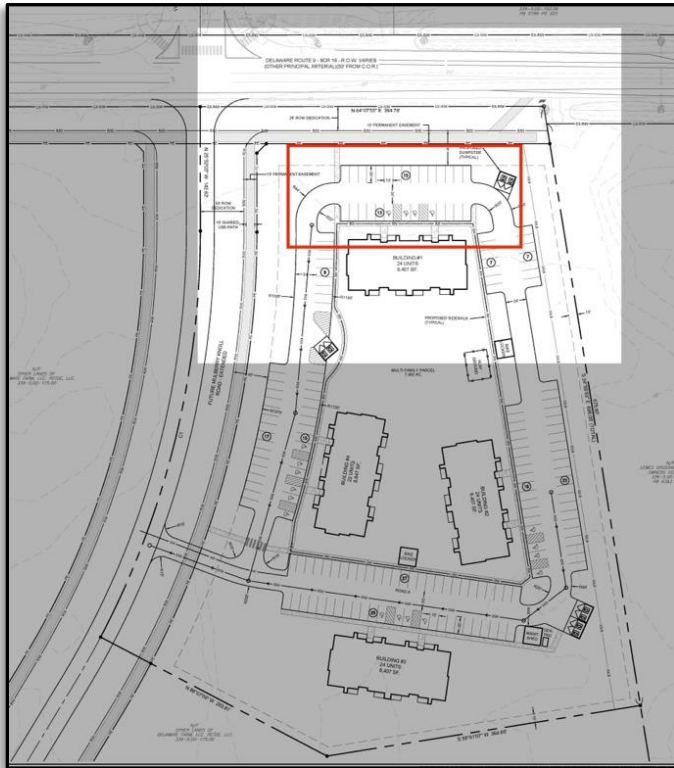
The Plan recommends higher density development be situated in areas on “central water/sewer, near commercial/employment centers, keeping with the character of the area, along a main road/major intersection, and where there is adequate Level of Service” (2018 Sussex County Comprehensive Plan, 4-16).

The Plan’s proposed (MR) Medium-Density Residential Zoning District is listed as an Applicable Zoning District in the Coastal Area per Table 4.5-2 – *Zoning Districts Applicable to Future Land Use Categories* in the Plan (2018 Sussex County Comprehensive Plan, 4-25).

**Comprehensive Plan - Design & Development Items**

Staff have included a selection of design goals and recommendations from the Comprehensive Plan which may inform the Planning & Zoning Commission’s review of the Plan.

Staff recommend that any commercial or multifamily use approved as part of the Applications include designs that prioritize open space, connectivity, and aesthetic character along the frontage on Route 9 in this area given its high visibility along an arterial route in the County.



## 12.3 DESIGN & DEVELOPMENT CHARACTERISTICS

### 12.3.4 Parking Location

Whenever practical, parking should be located to the rear or side of the buildings, so that the front yard can be landscaped. When parking and garages are placed to the rear of lots, with access using alleys (Sussex County Comprehensive Plan 12-5). Staff note that the multifamily and commercial improvements proposed as part of this Plan will have significant frontage on Lewes Georgetown Highway and recommend design considerations which serve to soften the visual impact along this corridor should be incorporated into the design.

### 13.3.5 Key Corridor Visions

- Together, agencies would need to consider techniques such as, parallel service roads, consolidated intersections and entrances, and increased setbacks. Buildings that front the through roads with rear parking along service roads, and the provision of transit, bicycle, and pedestrian connections are other techniques to be explored. PG 13-32
- Setbacks could be increased to allow for future capacity.
- Service roads could link local residents to commercial parking lots at the rear of the buildings. This would increase the aesthetic benefits to the community too. PG 13-33

**Staff recommend the Applicant consider a design locating the parking to the rear of the multifamily buildings.**

### 2.3.11 Landscaped Entrances

- Creation of well landscaped boulevard-style entrances can provide a great first impression.
- Open space should be provided along major roads to maintain some of the rural character and to reduce noise conflicts between homes and traffic. (Sussex County Comprehensive Plan 12-7).

**Staff recommend the Plan include robust and thoughtful landscaping design along the frontages on both Route 9 and Mulberry Knoll Road as well as a gateway treatment at the intersection of Route 9 and Mulberry Knoll Road.**



### 12.3.16 Buffering and Landscaping

- Forested buffers should continue to be provided within and around new residential developments. Buffering is also particularly important between new businesses and residential neighborhoods. A buffer yard in some cases can be strengthened with a berm. To minimize the amount of land that is consumed by a berm, a retaining wall could be used on the business side of the berm. The County should also encourage fencing when needed on the business side of buffer yard landscaping.

### 12.3.1 Trees

- The planting of street trees can improve aesthetics and eventually provide a canopy of shade over streets. Studies show that mature street trees can also increase the value of homes up to 10 percent. If it is not appropriate to have shade trees in the right-of-way, they can also be planted immediately outside of the right-of-way.

**Due to the high community visibility of parking areas on a parcel with frontage on Route 9, Staff recommend parking islands with plantings as well as trees lining the linear parking bays in a manner similar to street trees.**

**Additionally, Staff have concerns about the lack of any detail related to buffering and/or screening (Landscaping, Fencing, Berm) to be provided between all proposed commercial zoning and both the proposed multifamily improvements and cluster subdivision.**

### Connectivity

- **Objective 12.1.4** Encourage development design that promotes increased access between developments and community facilities including parks, schools, and libraries.  
**Strategy 12.1.4.1** Encourage pedestrian connectivity between developments with sidewalks, paths, trails, and easements
- **13.2.6 Overview of Other Significant Issues - Disconnected Land Uses** - lack of street interconnectivity and segregation of land uses also contribute to sprawl and its impacts on access and mobility.

**Staff note the Plan's location on the Route 9 Corridor across from Old Vines Boulevard (The Vineyards) and have included the design principles for Master Plans in 12.2.3 Master Planning and Small Area Plans in the Comprehensive Plan.**

### **12.2.3 Master Planning and Small Area Plans**

With goals to enhance quality of life, small area plans address elements of the built environment - housing, businesses, parks/open space, public improvements, and the transportation network that connects them. PG 12-3

- Greater attention is needed to the design of the open space to make sure it serves a valuable public purpose and is inter-connected. PG 12-10
- Wherever feasible, open space should be provided in locations that can connect to existing public or semi-public open spaces or preserve land along a waterway.

Staff recommend the Plan include stubs or easements for connection to the Lewes Crossing subdivision immediately to the east. Staff recommend connection be provided from both the multifamily apartments and the proposed cluster subdivision.

Staff recommend a design be considered which provides for a greenway/open space spanning from Route 9 to Beaver Dam Road as part of the overall design. The required open spaces across the Plans could be linked providing a multimodal linkage within a greenway from the multifamily portion (C/U 2026) to the natural resources in the far southwestern portion of the parcel on the south side of Beaver Dam Road (Page PL-21 - Subdivision Plan (2023-14)).

The project location provides a unique opportunity for the overall design to include a greenway corridor adjacent to the multimodal connection between the Route 9 and Beaver Dam Road along the Mulberry Knoll Road extension. Additionally, a greenway design which also connects the wetland resource area south of Beaver Dam Road would serve to meet the requirements of:

**Coastal Area (§115-194.3(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.

**Cluster (§115-25)(F)(3)(a)(3)(b))** Required open space must be designed to be beneficial to the residents or users of the open space. It shall not be constituted of fragmented lands with little open space value. Accordingly, 30% of all required open space shall be located on one contiguous tract of land, except that such open space may be separated by water bodies and a maximum of one street.

**Cluster (§115-25)(F)(3)(a)(3)(a))** The cluster development sketch plan and the preliminary plan of the cluster subdivision provides for a total environment and design which are superior, in the reasonable judgment of the Planning Commission, to that which would be allowed under the regulations for the standard option.

**Cluster (§115-25)(F)(3)(a)(3)(a)(3)(c)[vi])** Open space in a cluster development shall include a pedestrian trail system accessible to residents. This trail system shall connect to an adjacent trail, adjacent neighborhood, adjacent commercial area, or adjacent public open space, if any such areas exist adjacent to the proposed cluster development.



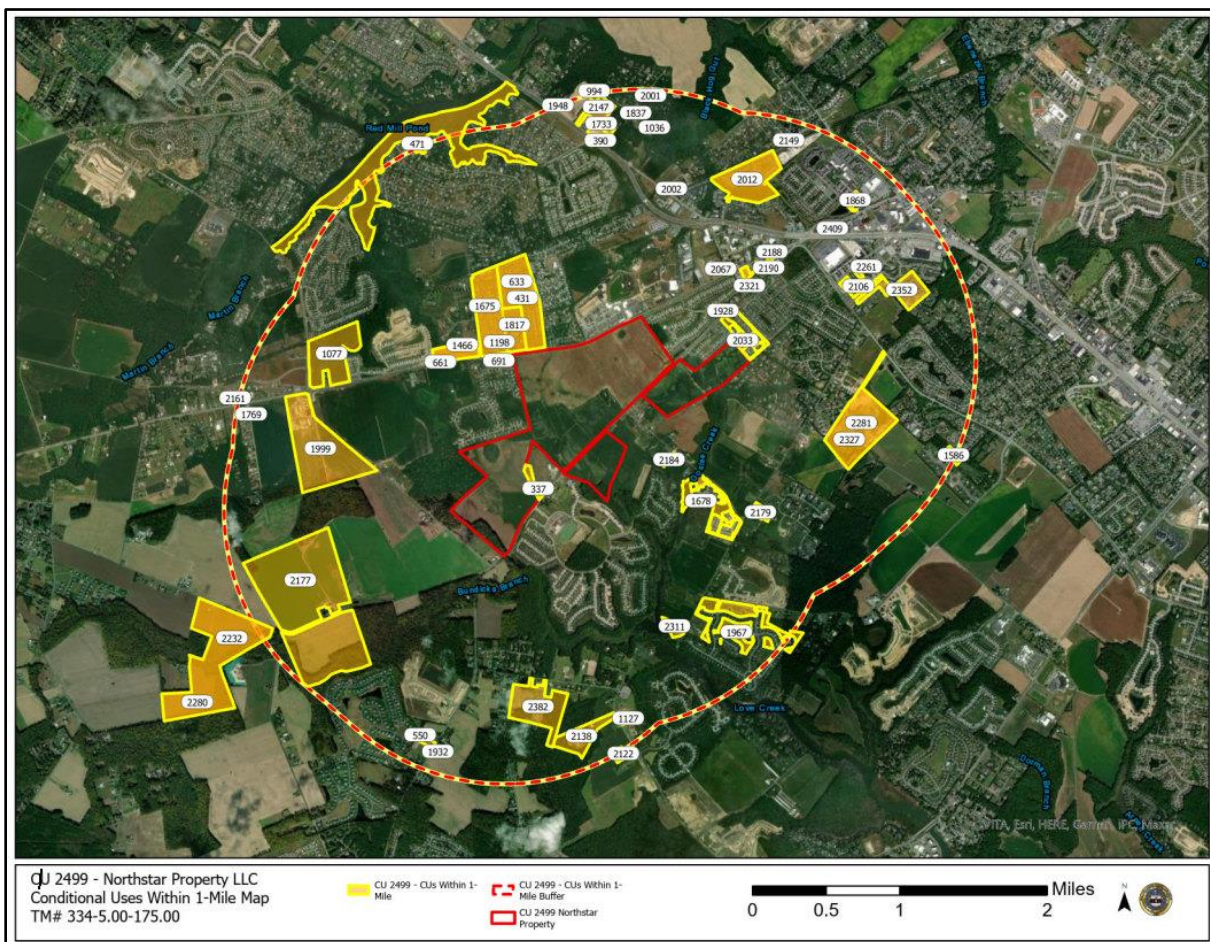
**Further Site Considerations:**

- **Density:** 11.9 DU/AC
- **Open Space Provisions:** (4.652) acres (59%)
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** The Plan does not provide for direct vehicular, multimodal, or pedestrian connection to the Lewes Crossing Subdivision which shares a common boundary to the east.
- **Transportation Improvement District (TID):** The parcel is located within the Henlopen Transportation Improvement District. Any Plan will require the Applicant to coordinate with DelDOT regarding the administration and payment of all required TID fees.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone X and in an area of “Good” Groundwater Recharge Potential.

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a (94) multifamily units, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

**Conditional Use Applications within the Vicinity of the Subject Site:** A Data Table and Supplemental Maps have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1 mile distance from the subject site.





## Conditional Use Applications

(Within a 1-mile radius of the subject site)

Application CU Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
<u>337</u>	Cape Henlopen Elks Lodge #2540	AR-1	Private Club	Approved	4/27/76	N/A
<u>390</u>	Cape Henlopen Funeral Home	AR-1	Addition To Funeral Home	Approved	12/28/76	<Null>
<u>431</u>	Mildred A Reed	AR-1	Mobile Home Park	Approved	8/16/77	<Null>
<u>471</u>	Robert M Raley	AR-1	Water Skiing, Fishing & Recreational Rentals	Approved	5/16/78	<Null>

<b><u>550</u></b>	John & Barbara Clark	GR	Upholstery Shop/Antique & Used Furniture Sales	<b>Approved</b>	10/16/79	<b>&lt;Null&gt;</b>
<b><u>633</u></b>	Mildred A. Reed	AR-1	Manufactured Home Park	<b>Approved</b>	6/30/81	<b>&lt;Null&gt;</b>
<b><u>661</u></b>	Southern State Co-Op	AR-1	Retail Farm Implement Sales	<b>Approved</b>	12/29/81	<b>&lt;Null&gt;</b>
<b><u>691</u></b>	Southern States Co-Op	AR-1	<Null>	<b>Withdrawn</b>	N/A	<b>N/A</b>
<b><u>994</u></b>	Charles E. Turner, Jr.	AR-1	Boat Storage, Repairs & Sales	<b>Approved</b>	3/5/92	<b>815</b>
<b><u>1036</u></b>	Padula Construction	AR-1	Construction Storage Yard	<b>Approved</b>	11/23/93	<b>937</b>
<b><u>1077</u></b>	Barbara H. Hearl	AR-1	Retail Sales Of Antiques	<b>Approved</b>	5/31/94	<b>971</b>
<b><u>1127</u></b>	Delaware Electric Cooperative,	AR-1	Electrical Substation	<b>Approved</b>	8/29/95	<b>1045</b>
<b><u>1198</u></b>	Colonial East, Ltd.	AR-1	Expansion To Existing MHP	<b>Approved</b>	10/21/97	<b>1187</b>
<b><u>1466</u></b>	Bridle Ridge Properties LLC	AR-1	Duplex Units	<b>Approved</b>	12/16/03	<b>1646</b>
<b><u>1586</u></b>	Far East Capital, Inc.	AR-1	Small Engine Repair	<b>Approved</b>	3/1/05	<b>1756</b>
<b><u>1675</u></b>	Colonial East, Ltd	AR-1	Ext. Mobile Home Park	<b>Approved</b>	6/12/07	<b>1906</b>
<b><u>1678</u></b>	Marine Farm, LLC	AR-1	Equestrian Facility	<b>Approved</b>	6/27/07	<b>1858</b>
<b><u>1733</u></b>	Edward A. O'Brien & Janet	AR-1	Sports Facility	<b>Approved</b>	6/17/08	<b>1978</b>
<b><u>1769</u></b>	Thomas Kucharik	AR-1	Landscaping	<b>Approved</b>	3/31/09	<b>2037</b>

<b><u>1817</u></b>	Colonial East, L.P.	AR-1/B-1	Ext. Manufactured Home Park	<b>Approved</b>	12/2/08	<b>2015</b>
<b><u>1837</u></b>	Harold J. Bowden	AR-1	Contracting Yard	<b>Approved</b>	8/10/10	<b>2139</b>
<b><u>1868</u></b>	Old Towne Pointe, L.L.C.	AR-1	Pharmacy/Community Service	<b>Approved</b>	5/24/11	<b>2196</b>
<b><u>1928</u></b>	Devin Rice	AR-1	Storage Of Equipment and A Home Office	<b>Approved</b>	5/15/12	<b>2256</b>
<b><u>1932</u></b>	Tanya Gibbs & Kimwuan Gibbs	GR	Automotive Sales Lot	<b>Denied</b>	1/15/13	<b>N/A</b>
<b><u>1948</u></b>	Sharon L. Sherwood/ Van Sherwood	AR-1	Professional Office	<b>Approved</b>	12/11/12	<b>2286</b>
<b><u>1967</u></b>	Tidewater Environmental Services	MR	Wastewater Treatment Plant to Treat Offsite Waste	<b>Denied</b>	10/1/13	<b>N/A</b>
<b><u>1998</u></b>	Todd Fisher	AR-1	Self-Storage Facility	<b>Denied</b>	12/16/14	<b>N/A</b>
<b><u>1999</u></b>	Hopkins Farm Creamery, Inc.	AR-1	BBQ Vendor	<b>Approved</b>	12/16/14	<b>2381</b>
<b><u>2001</u></b>	Christina Aloramovicz	AR-1	Veterinary Practice	<b>Approved</b>	1/20/15	<b>2385</b>
<b><u>2002</u></b>	Beach Bum Distilling	C-1	Distillery With Tours/Tasting/Retail	<b>Approved</b>	12/16/14	<b>2382</b>
<b><u>2012</u></b>	Ocean Atlantic Communities (Covered Bridge Trails)	MR	Multi-Family - Townhouses and Condo Units	<b>Approved</b>	12/15/15	<b>2430</b>
<b><u>2024</u></b>	Stockley Materials, LLC	AR-1	Commercial Landscaping Materials, Storage and Sales	<b>Approved</b>	9/15/15	<b>2417</b>
<b><u>2033</u></b>	BDRP, LLC	MR	Multi-Family Dwelling Structures (Duplexes)	<b>Withdrawn</b>	2/12/16	<b>N/A</b>

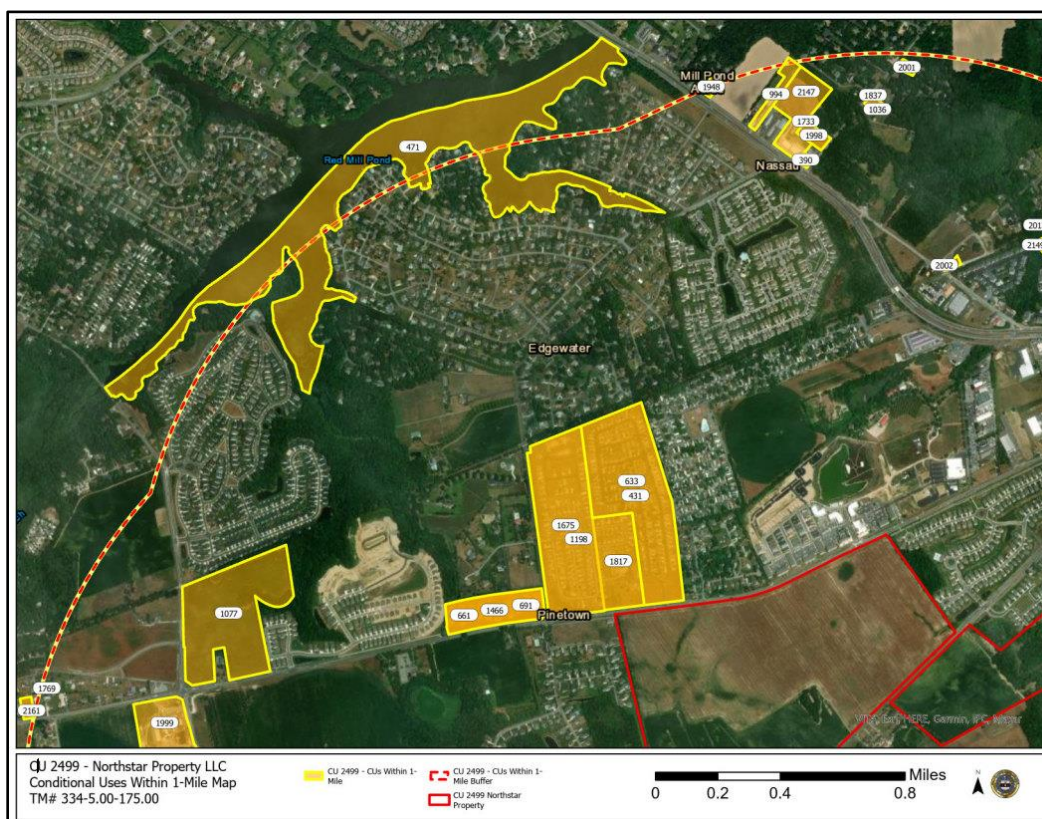


<b><u>2034</u></b>	Beachfire Brewery Co., LLC	AR-1	Restaurant And Brewery	<b>Approved</b>	3/8/16	<b>2438</b>
<b><u>2067</u></b>	Stockley Materials, LLC	AR-1	Landscaping Material Sales and Storage	<b>Approved</b>	4/11/17	<b>2492</b>
<b><u>2106</u></b>	MDI Investment Group, LLC	MR	Multi-Family (52 Townhouses)	<b>Approved</b>	3/20/18	<b>2566</b>
<b><u>2122</u></b>	Richard Thurman Jr. (Arbor Care)	AR-1	Plant, Tree and Lawn Care Diagnostic Center	<b>Approved</b>	4/17/18	<b>2573</b>
<b><u>2138</u></b>	Walker Construction Inc.	AR-1	Site Contracting Excavating Services, With Storage, Repair and Maintenance & Light Material Storage With Office	<b>Approved</b>	8/21/18	<b>2596</b>
<b><u>2147</u></b>	Nassau DE Acquisition Co, LLC	MR	Multifamily (150 Units)	<b>Denied</b>	12/11/18	<b>N/A</b>
<b><u>2149</u></b>	Covered Bridge Trails,	MR	Amended Condition of Approval of CU 2012	<b>Approved</b>	7/24/18	<b>2588</b>
<b><u>2161</u></b>	Howard Weston Development Company, LLC	AR-1	Professional Office for Accounting, Tax Preparation and Booking Services	<b>Approved</b>	3/19/19	<b>2639</b>
<b><u>2177</u></b>	Ingrid Hopkins	AR-1	Events Venue	<b>Approved</b>	7/30/19	<b>2670</b>
<b><u>2179</u></b>	Joseph & Patricia Prettyman	AR-1/C-1	Multi-Family, Storage Facility, Lawn Mower Repair Business, Public Stable and Riding Lessons	<b>Approved</b>	8/13/19	<b>2674</b>
<b><u>2184</u></b>	Linda Ann Yupco- Connors	GR	Office With Equipment Storage	<b>Denied</b>	11/12/19	<b>N/A</b>
<b><u>2188</u></b>	Donovan's Painting and Drywall, LLC	AR-1	Contractor's Office with Storage	<b>Approved</b>	10/29/19	<b>2686</b>

<b><u>2190</u></b>	Steven & Helene Falcone	AR-1	Office	<b>Approved</b>	1/7/20	<b>2699</b>
<b><u>2232</u></b>	Covered Bridge Inn	AR-1	Wedding Event Space	<b>Withdrawn</b>	12/29/20	<b>N/A</b>
<b><u>2261</u></b>	What Is Your Voice, Inc.	AR-1	Use Existing Garage Office Uses & One-Story Pole Building For Rental Storage Facilities (4 Units) W/ Non-Profit	<b>Approved</b>	9/14/21	<b>2800</b>
<b><u>2280</u></b>	Covered Bridge Inn, LLC	AR-1	Wedding Event Space (Resubmitted)	<b>Approved</b>	7/13/21	<b>2790</b>
<b><u>2281</u></b>	Susan Riter	AR-1	Borrow Pit	<b>Withdrawn</b>	6/8/21	<b>N/A</b>
<b><u>2311</u></b>	Phillip Jackson	AR-1	Tree Service Business	<b>N/A</b>	N/A	<b>N/A</b>
<b><u>2316</u></b>	Lighthouse Construction	AR-1	Office Building	<b>Approved</b>	9/27/22	<b>2888</b>
<b><u>2321</u></b>	Coastal Construction,	AR-1	Kitchen/Bathroom Showroom	<b>Denied</b>	1/3/23	<b>N/A</b>
<b><u>2327</u></b>	Howard L. Ritter & Sons, Inc.	AR-1	Expansion Of A Non-Conforming Borrow Pit	<b>Approved</b>	1/24/23	<b>2901</b>
<b><u>2352</u></b>	CB Lewes, LLC	MR	Multi-Family (30 Units)	<b>Approved</b>	6/14/22	<b>2866</b>
<b><u>2382</u></b>	Consolidated Edison	AR-1/GR	Solar Farm	<b>N/A</b>	N/A	<b>N/A</b>
<b><u>2409</u></b>	Bryan Stewart	C-1	Crab Shack Vendor	<b>N/A</b>	N/A	<b>N/A</b>

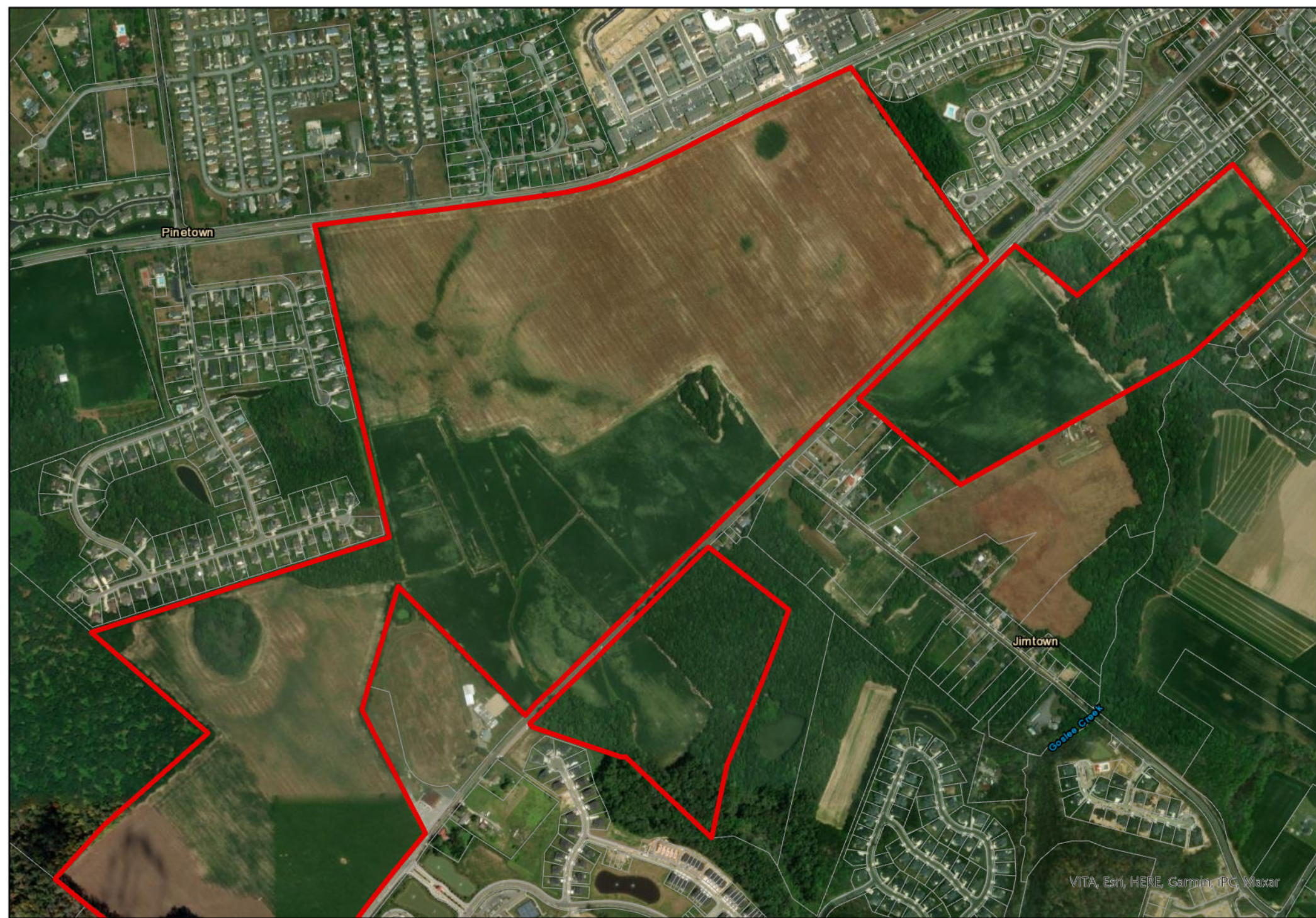


C/U  
Applications  
– 1-Mile  
Radius  
(Eastern  
portion)




C/U  
Applications  
– 1-Mile  
Radius  
(Western  
portion)





CU 2499 - Northstar Property LLC  
Aerial Map  
TM# 334-5.00-175.00

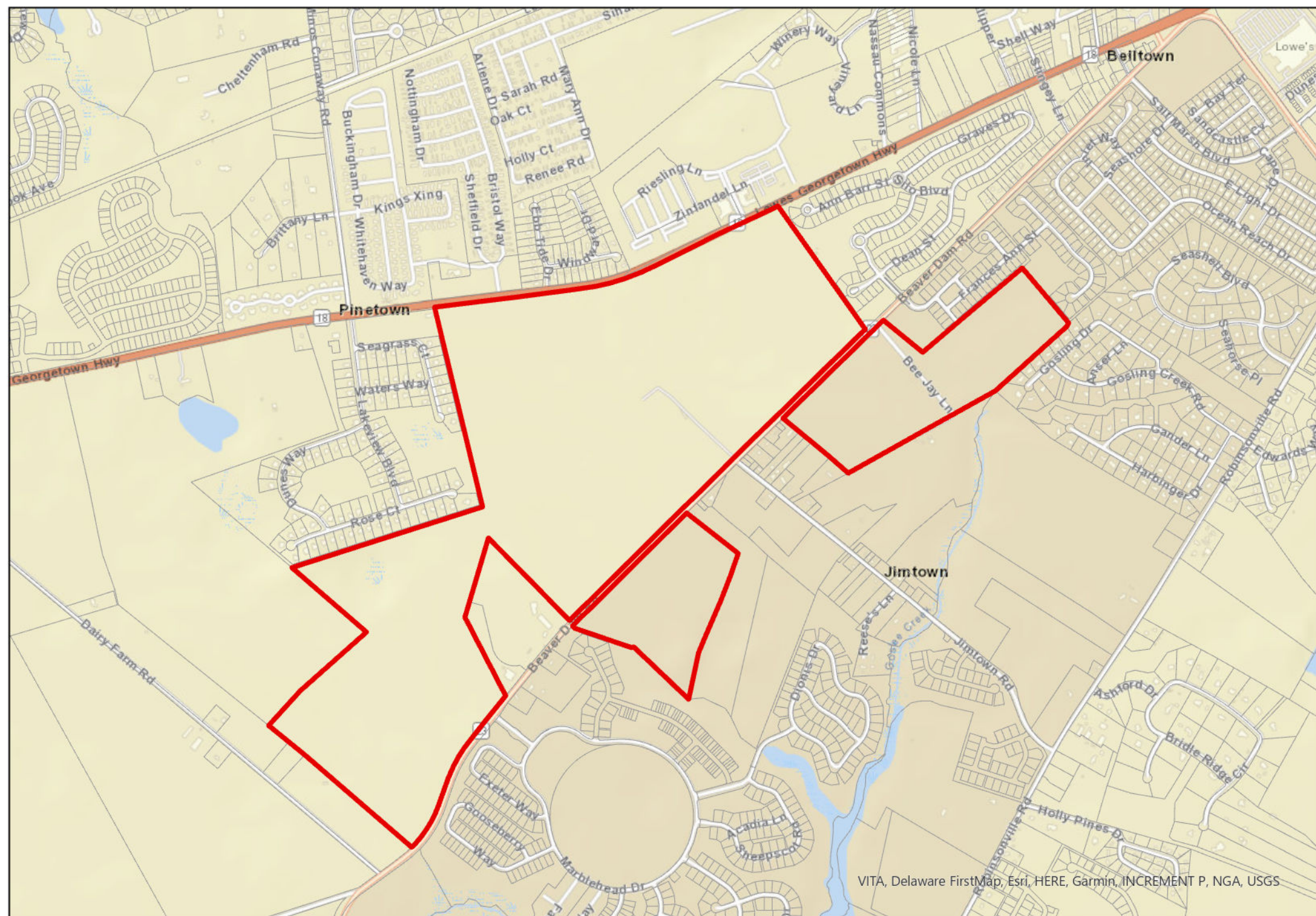
 CU 2499 Northstar Property

 Miles  
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VITA, Esri, HERE, Garmin, IGC, Maxar






VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2499 - Northstar Property LLC  
Street Map  
TM# 334-5.00-175.00

 CU 2499 Northstar Property

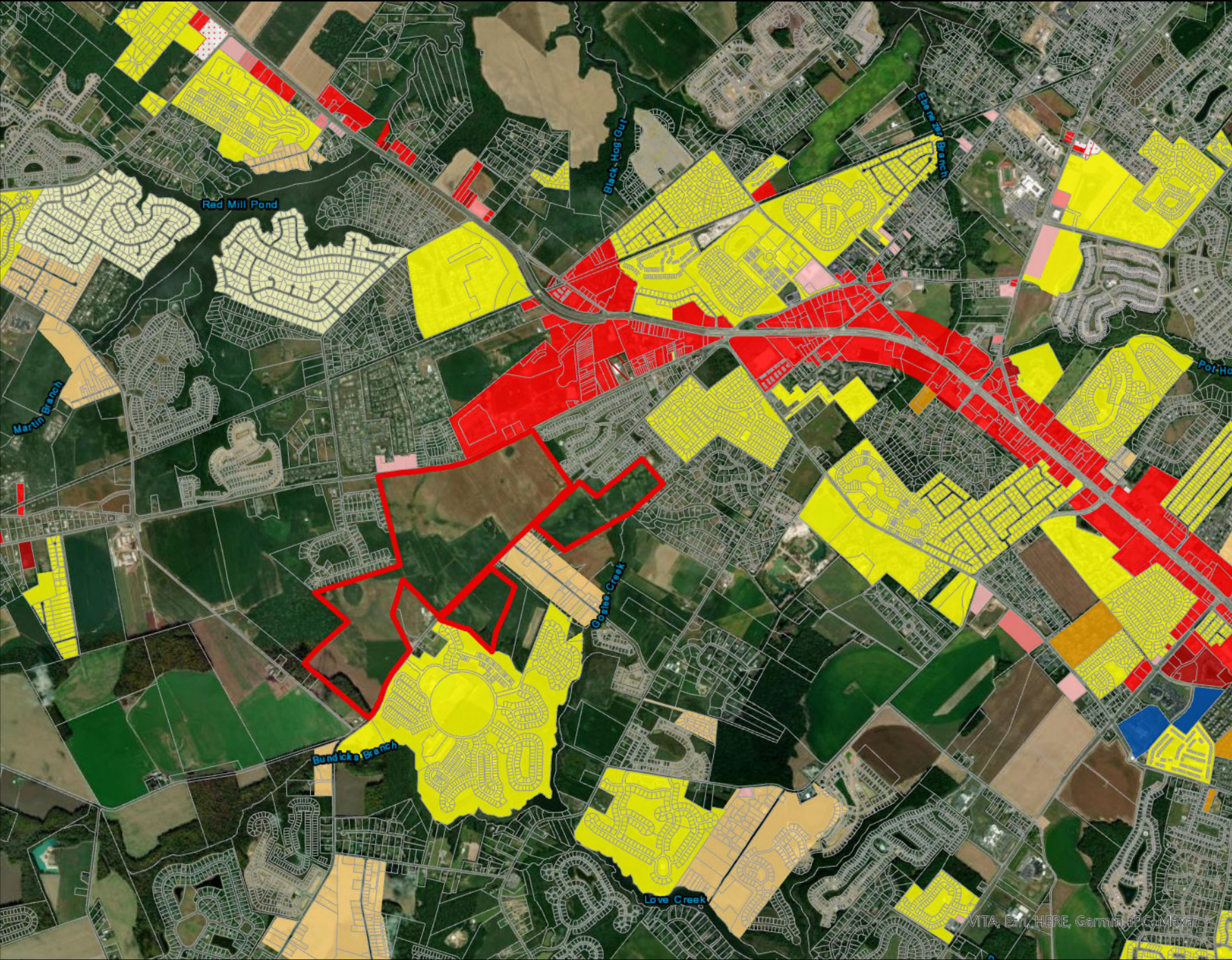
 Miles  
0 0.25 0.5 1






# Zoning

-  Agricultural Residential - AR-1
-  Agricultural Residential - AR-2
-  Medium Residential - MR
-  General Residential - GR
-  High Density Residential - HR-1
-  High Density Residential - HR-2
-  Vacation, Retire, Resident - VRP
-  Neighborhood Business - B-1
-  Neighborhood Business - B-2
-  Business Research - B-3
-  General Commercial - C-1
-  General Commercial - C-2
-  General Commercial - C-3
-  General Commercial - C-4
-  General Commercial - C-5
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1



CU 2499 - Northstar Property LLC  
 Zoning Map  
 TM# 334-5.00-175.00

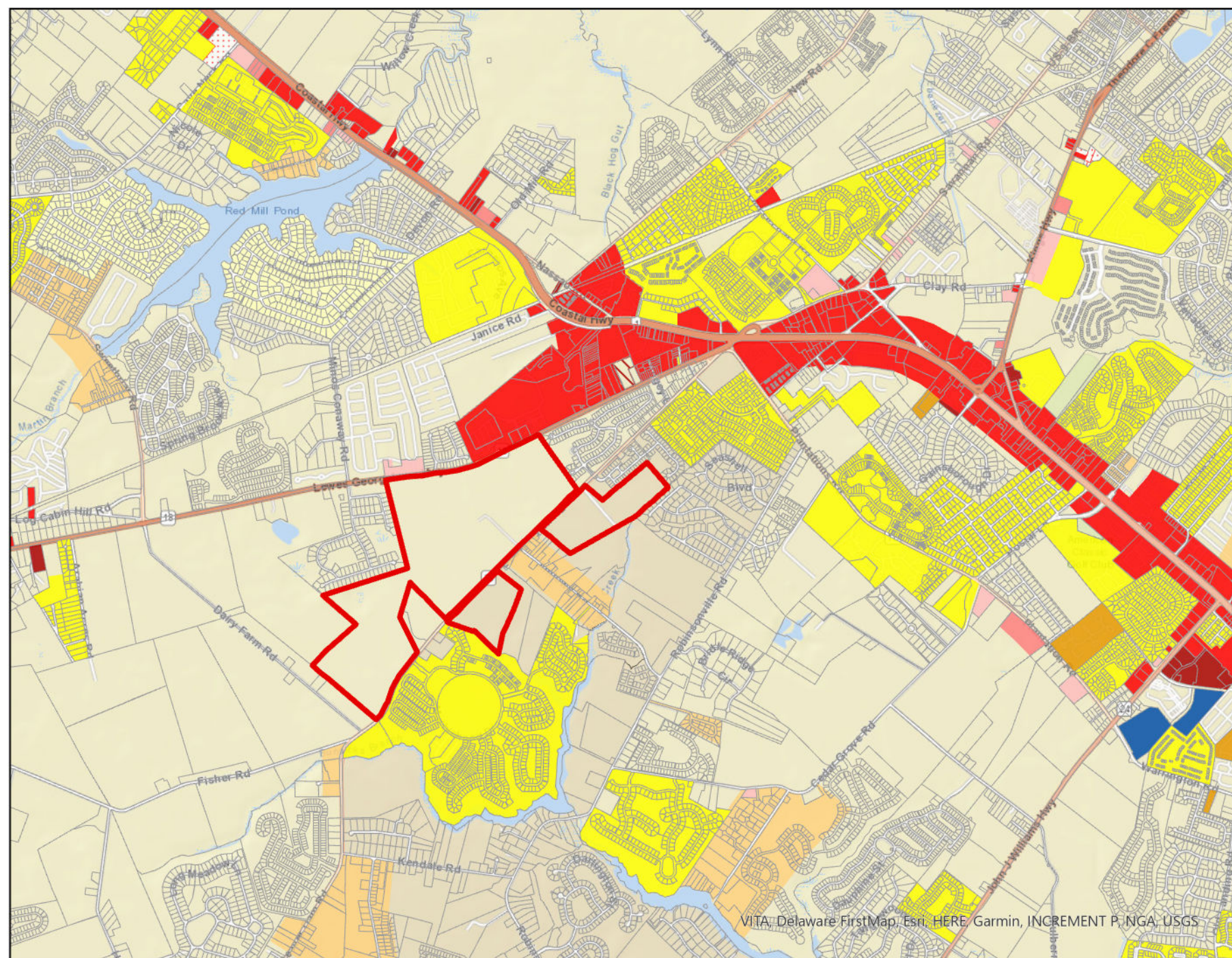
 CU 2499 Northstar Property






# Zoning

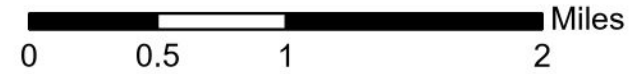
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VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

CU 2499 - Northstar Property LLC  
Zoning Map  
TM# 334-5.00-175.00

 CU 2499 Northstar Property





**Introduced: 6/11/24**

**Council District 3: Ms. Gruenebaum**

**Tax I.D. No.: 334-5.00-175.00 (p/o)**

**911 Address: N/A**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) USE TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS**

**WHEREAS, on the 5<sup>th</sup> day of December 2023, a conditional use application, denominated Conditional Use No. 2499 was filed on behalf of Northstar Property, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2499 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2499 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 23) approximately 2.4 miles southwest of Coastal Highway (Rt. 1) and being more particularly described in the attached legal description prepared by Davis, Bowen, & Friedel, Inc., said parcel (portion of) containing 7.882 ac., more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**



**Casey Hall**

Gwenebson

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Thursday, March 20, 2025 9:11 PM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

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### **Council Grant Form**

**Legal Name of  
Agency/Organization**

~~The~~ Cape Henlopen Senior Center ✓

**Project Name**

New Senior Center

**Federal Tax ID**

510105667 ✓

**Non-Profit**

Yes

**Does your  
organization or its  
parent organization  
have a religious  
affiliation? (If yes, fill  
out Section 3B.)**

No

**Organization's  
Mission**

To support adults 50 and over to lead their best lives  
To be a clearing house for information and services  
pertinent to seniors  
To be a central asset for recreational and social activities  
To enhance physical and emotional well-being  
To combat the harmful effects of isolation

**Address**

11 Christian Street

**City**

Rehoboth Beach

**State**

DE

<b>Zip Code</b>	19971-3001
<b>Contact Person</b>	Henry Joseph Henkel
<b>Contact Title</b>	Corporate and Foundation Relations
<b>Contact Phone Number</b>	6092060306
<b>Contact Email Address</b>	<a href="mailto:henryhenkel@verizon.net">henryhenkel@verizon.net</a>
<b>Total Funding Request</b>	2500.00
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	1
<b>Program Category (choose all that apply)</b>	Cultural Educational Health and Human Services
<b>Primary Beneficiary Category</b>	Elderly Persons (62 +)

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program**

3000

**Scope**

The 850-member Cape Henlopen Senior Center requires bigger, better facilities than our 1980-built, 8,640 square foot Rehoboth Beach building in order to better meet the needs of our dynamically expanding senior population as the Cape area transitions from resort spot to highly-desired retirement locale. The center was donated 6 acres in West Rehoboth which are now partially improved and we are presently embarked on completing a new campus there by 2026. The first \$1 million in capital funds has been raised and research has guided the design of 31,564 square foot building on a campus with parking for 200 vehicles and some outdoor recreation amenities. The new building design specifically includes features to attract allied senior-dedicated community partners in healthcare and other senior needs and to attract funds to ensure adequate operating revenue at a 1000+ member level with expanded facilities. An expanding stream of activity programs will be provided to help seniors maintain their physical and emotional independence and well-being.

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)**

11,000,000.00

**Description**

Land

**Amount**

8,000,000.00

**Description**

Redevelopment grants



<b>Amount</b>	1,500,000.00
<b>Description</b>	Site improvements
<b>Amount</b>	350,000.00
<b>Description</b>	Corporate Foundation Operating Fund Grants
<b>Amount</b>	50,000.00
<b>TOTAL EXPENDITURES</b>	9,900,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	1,100,000.00
<b>Name of Organization</b>	The Cape Henlopen Senior Center
<b>Applicant/Authorized Official</b>	Henry Henkel
<b>Date</b>	03/20/2025
<b>Affidavit Acknowledgement</b>	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
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**Sent:** Friday, March 28, 2025 2:50 PM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

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### **Council Grant Form**

**Legal Name of Agency/Organization** Bethany-Fenwick Area Chamber of Commerce ✓  
Bethany Beach - Fenwick Island  
Chamber of Commerce

**Project Name** 2025 Ocean to Bay Bike Tour

**Federal Tax ID** 510203227 ✓

**Non-Profit** Yes

**Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)** No

**Organization's Mission** The Chamber's mission is to develop and implement destination events, participate in advocacy efforts, and provide opportunities for networking, marketing, and education with a goal of improving member success and enhancing the quality of life throughout the Quiet Resorts.

**Address** 36913 Coastal Hwy.

**City** Fenwick Island

**State** DE

<b>Zip Code</b>	19944
<b>Contact Person</b>	Lauren Weaver
<b>Contact Title</b>	Executive Director
<b>Contact Phone Number</b>	3025392100
<b>Contact Email Address</b>	<a href="mailto:events@thequietresorts.com">events@thequietresorts.com</a>
<b>Total Funding Request</b>	4000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	Yes
<b>If YES, how much was received in the last 12 months?</b>	1000
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	35
<b>Program Category (choose all that apply)</b>	Other

**Program Category** Off-Season Event/Tourism  
**Other**

**Primary Beneficiary Category** Other

**Beneficiary Category** Community  
**Other**

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program** 8

**Scope** On behalf of the Bethany-Fenwick Area Chamber of Commerce, we are writing to request financial support for the 2025 Ocean to Bay Bike Tour. An estimated 1,800 - 2,000 cyclists will participate in this year's ride which has been taking place in Sussex County for over 35 years. The charitable ride will be held May 2-3, 2025. Key sponsors include Beazer Homes, Taylor Bank, Common Ground Hospitality, La Vida Hospitality Group along with 20+ other local member businesses. Cyclists have the option to ride a 30-, 50-, 62-, or 100 mile ride through the beautiful landscape of Sussex County with beautiful water vista points and inland routes, stopping at rest stops operated by volunteers from the community and sponsoring business. Millville VFC, Ocean View PD, Selbyville PD & EMS, Roxana VFC, Sussex County EMS, Bethany Beach VFC, and Fenwick Island PD are all participating as stakeholders to ensure the safety of cyclists at key intersections. For the remaining locations that cannot be filled by local first responders, the Chamber posts on Jobs4Blue to secure additional state troopers. The Ocean to Bay Bike Tour is an award winning event that has a reputation of a successful coordinated effort to provide additional safety support in high-traffic areas. In 2024, this event raised over \$10,000 for local non-profits and participating volunteer-based first responder



groups.

With increasing rates of state trooper assignments and permitting costs, the Chamber is seeking additional support to maintain a consistent amount of event donations. The Chamber is requesting financial support of up to \$4,000 to be used for the traffic safety assignments totaling 20 hours of coverage in 5 separate locations. We know that with the success in prior years, and continued growth in registrations, we can run an event that maintains it's reputation of being well-organized and safe as visitors and locals alike enjoy the beautiful landscape and communities in the Quiet Resorts.

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)**

0.00

**Description**

Safety (22 hours - Jobs4Blue)

**Amount**

4,500.00

**Description**

Local Fire Companies

**Amount**

4,500.00

**Description**

Sussex County EMS

**Amount**

1,500.00

**Description**

Fire Marshal

**Amount**

150.00

**Description**

SAG (Support and Gear Mechanics)

<b>Amount</b>	600.00
<b>TOTAL EXPENDITURES</b>	11,250.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-11,250.00
<b>Name of Organization</b>	Bethany-Fenwick Area Chamber of Commerce
<b>Applicant/Authorized Official</b>	Lauren Weaver
<b>Date</b>	03/28/2025
<b>Affidavit Acknowledgement</b>	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Wednesday, April 2, 2025 10:44 PM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

### **Council Grant Form**

**Legal Name of  
Agency/Organization**

The Nanticoke Indian Association Inc ✓

**Project Name**

The 47th Annual Nanticoke Indian Powwow

**Federal Tax ID**

51-0261316 ✓

**Non-Profit**

Yes

**Does your  
organization or its  
parent organization  
have a religious  
affiliation? (If yes, fill  
out Section 3B.)**

No

**Organization's  
Mission**

The Nanticoke Indian Association (NIA) is a community-driven organization that is dedicated to making a positive impact on the well-being of the Nanticoke Indian community.

Our mission is to raise awareness and promote the unique culture of American Indians in rural areas, while also preserving the existence of the Nanticoke Tribe as an aboriginal and indigenous society. We believe that education, cultural awareness, and conservation programs are essential in achieving these goals, and we are committed to making a difference through our efforts.



<b>Address</b>	27073 John J Williams Hwy
<b>City</b>	Millsboro
<b>State</b>	DE
<b>Zip Code</b>	19966
<b>Contact Person</b>	Avery "Leaving Tracks" Johnson
<b>Contact Title</b>	Chief
<b>Contact Phone Number</b>	3025840537
<b>Contact Email Address</b>	<a href="mailto:averyj@nanticokeindians.org">averyj@nanticokeindians.org</a>
<b>Total Funding Request</b>	12,500
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	Yes
<b>If YES, approximately what percentage of the project's funding</b>	15

**does the Council  
grant represent?**

**Program Category  
(choose all that  
apply)**

Cultural  
Educational  
Health and Human Services

**Primary Beneficiary  
Category**

Other

**Beneficiary Category  
Other**

All the above

**Approximately the  
total number of  
Sussex County  
Beneficiaries served,  
or expected to be  
served, annually by  
this program**

15000

**Scope**

The Nanticoke Indian Powwow is an official State of Delaware-recognized event that focuses on preserving indigenous culture and traditions, while singing to the Creator, dancing to the heartbeat of the drum, and welcoming both Native and non-Native participants from the surrounding community. This event raises the much-needed funds to support the daily operation of our community center, historic museum, annual educational scholarships, weekly food pantry service, and elder care programs that positively impact local communities through a variety of additional programs and services. In addition to the Nanticoke Indian Tribe, numerous other Native American tribes, as well as non-indigenous people from across the East Coast, attend our annual event. Based on previous Powwows, we anticipate that up to 15,000 visitors will attend this year. The Powwow is advertised throughout the State of Delaware and the Mid-Atlantic region through a variety of media, including press releases, radio advertisements, brochures, flyers, and more.

Please enter the  
current support your  
organization receives  
for this project (not  
entire organization  
revenue if not  
applicable to request)

20,000.00

**Description** Personnel - State Police, Traffic Control, & Security

**Amount** 15,000.00

**Description** Insurance, employees, fuel, Marketing & Advertising,

**Amount** 7,000.00

**Description** Caterer for workers, performers, paramedics etc

**Amount** 22,000.00

**Description** Land Rent

**Amount** 2,500.00

**Description** porta potties

**Amount** 5,000.00

**Description** Equipment, bleachers, canopies, generators etc

**Amount** 14,000.00

**Description** Food, Suppliesand associated cost

**Amount** 15,000.00

**Amount** 0.00

**TOTAL EXPENDITURES** 80,500.00



**TOTAL DEFICIT FOR  
PROJECT OR  
ORGANIZATION**      -60,500.00

**Name of Organization**      The Nanticoke Indian Association Inc

**Applicant/Authorized  
Official**      Chief Avery Johnson

**Date**      04/02/2025

**Affidavit  
Acknowledgement**      Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.



# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Georgetown-Millsboro Rotary Club  
PROJECT NAME: Flags for Heroes 2025 *Delaware Community Foundation.*  
FEDERAL TAX ID: 22-2804785 ✓ NON-PROFIT: ☒ YES ☐ NO  
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?  
☐ YES ☒ NO \*IF YES, FILL OUT SECTION 3B.  
ORGANIZATION'S MISSION: The Georgetown-Millsboro Rotary Club provides a variety of programs, projects and services to benefit the residents of the Georgetown and Millsboro communities.  
ADDRESS: Post Office Box 164  
Georgetown DE 19947  
(CITY) (STATE) (ZIP)  
CONTACT PERSON: Marlene Elliott Brown  
TITLE: Member  
PHONE: 302-270-1078 EMAIL: marleneelliottbrown07@gmail.com

**TOTAL FUNDING REQUEST: \$1,000**

Has your organization received other grant funds from Sussex County Government in the last year? ☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$1,000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? ☐ YES ☐ NO

Are you seeking other sources of funding other than Sussex County Council? ☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 3

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |  |   |                                      |
|--|---|--------------------------------------|
| <input type="checkbox"/> Fair Housing                | <input type="checkbox"/> Health and Human Services  | <input type="checkbox"/> Cultural    |
| <input type="checkbox"/> Infrastructure <sup>1</sup> | <input checked="" type="checkbox"/> Other Patriotic | <input type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |   |  |                                   |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence              | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons            | <input type="checkbox"/> Low to Moderate Income <sup>2</sup>       | <input type="checkbox"/> Youth    |
| <input type="checkbox"/> Minority                   | <input checked="" type="checkbox"/> Other Veterans/Community Needs |                                   |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

500

## SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The Georgetown-Millsboro Rotary Club is privileged to honor those who have done so much for all of us, both near and far. Flags are flown in several areas in Georgetown and Millsboro in honor and memory of veterans, military members, first responders and other frontline workers who have served our county and our country. The money raised by the sponsorship is then awarded to community groups that are serving our area.

For the 12th year, the Club will display over 500 American flags for Memorial Day week and smaller displays for Independence Day and Veterans Day. We have also added Delaware flags to this project which are flown on Delaware Day.

Over the span of this project, the Club has raised over \$200,000 which it has reinvested in our County. The 2024 project returned over \$25,000 to support the work of numerous community organizations. Beneficiaries of the 2024 program included Primeros Pasas, Sussex County Crisis Housing Service, Sussex County Habitat for Humanity, Read Aloud Delaware, Delmarva Boy Scouts of America, Kent-Sussex Industries, First Tee Delaware, Delaware Breast Cancer Coalition, and Vision to Learn.

The donations for this project are handled by the Delaware Community Foundation. Therefore, checks are payable to the Foundation and noted for the Georgetown-Millsboro Rotary Club Flags for Heroes Project. The Foundation's tax ID number is listed on this application. Donors and sponsors are recognized on signs at the flag displays, on social media, in print and at a Sponsors luncheon that is held at a later date.

The Georgetown-Millsboro Rotary Club wants to express our sincere appreciation for the County's support of this project and respectfully ask for your continued support.

**B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.**

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

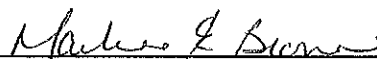
Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

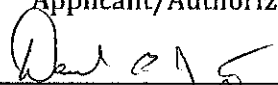


## SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

  
Applicant/Authorized Official Signature

4-8-25  
Date

 PRESIDENT  
Witness Signature

4-8-25  
Date

Completed application can be submitted by:

Email: [gjennings@sussexcountyde.gov](mailto:gjennings@sussexcountyde.gov)

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Mark E. Brown  
Applicant/Authorized Official Signature

Don J. [Signature] PRESIDENT  
Witness Signature

Member  
Title

4-8-25  
Date

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Friday, February 7, 2025 6:46 AM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

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### **Council Grant Form**

<b>Legal Name of Agency/Organization</b>	ABC <del>Bike Ministry</del> , Mariners Bethel Global Methodist Church
<b>Project Name</b>	ABC Bike Ministry
<b>Federal Tax ID</b>	32-0736848
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	Yes
<b>Organization's Mission</b>	<p>Assisting Bicycle Commuters (ABC), a ministry of Mariners Bethel Global Methodist Church, was founded on the belief that anyone who wants to work deserves access to reliable transportation. Since 2004, ABC has been refurbishing and providing bikes to people in need within our communities and J1 students in the local area who need a means of getting themselves to and from their place of employment.</p> <p>Many of the people in our communities who request a bicycle are in recovery, or a tough personal/social situation where being able to work is the path to a better life. Anyone in need can request a bike. ABC works in</p>

collaboration with other local churches and social service agencies to connect those in need with bicycle transportation. In these cases, bicycles are provided with no expectation of return.

**Address** 81 Central Ave.

**City** Ocean View

**State** DE

**Zip Code** 19970

**Contact Person** Michael Shriver

**Contact Title** Volunteer

**Contact Phone Number** 704-292-4481

**Contact Email Address** [glfnguy18@gmail.com](mailto:glfnguy18@gmail.com)

**Total Funding Request**

\$1,000

**Has your organization received other grant funds from Sussex County Government in the last year?**

No

**If YES, how much was received in the last 12 months?**

N/A

**Are you seeking other sources of funding other than Sussex County Council?**

Yes



<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	8
<b>Program Category (choose all that apply)</b>	Cultural Health and Human Services
<b>Primary Beneficiary Category</b>	Other
<b>Beneficiary Category Other</b>	low & mod income and international students
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	20
<b>Scope</b>	<p>ABC Bike Ministry started in Bob Parson's backyard in 2024. Over time, we grew in numbers and were embraced as a local ministry at Mariners Bethel Global Methodist Church.</p> <p>Assisting Bicycle Commuters (ABC), a ministry of Mariners Bethel Global Methodist Church, was founded on the belief that anyone who wants to work deserves access to reliable transportation. Since 2004, ABC has been refurbishing and providing bikes to those residents in the local area who need a means of getting themselves to and from their place of employment. Anyone in need can request a bike.</p> <p>In 2019, we moved into a portion of a new building provided by Mariner's. The space houses our fully functional and well-equipped bike shop and an inventory of nearly 300 bicycles. Each year all of our bikes are donated</p>

by people in the surrounding communities.

Today, we are 22 volunteers strong, supporting over 220 J1 students during the summer work season and over 15 people in need each year.

We also support the Shepherds Office homeless program in Georgetown by providing approximately 50 bikes each year and regularly maintaining and repairing their bicycle fleet.

ABC works in collaboration with other local churches and social service agencies to connect those in need with bicycle transportation. In these cases, bicycles are provided with no expectation of return.

#### International Connection

Most of ABC's bicycles are loaned, at no cost, seasonally to international college and university students.

During the busy tourist months, hundreds of these international students help our local businesses with staff needs because they can work before Memorial Day and after Labor Day when American students are in school. These workers enable businesses to continue to serve customers through the spring and fall shoulder seasons. They are an invaluable asset to the local economy during the peak revenue generating season.

Every foreign student who wishes to work in this country must obtain a US State Department issued J-1 visa, which permits three months of work. Accepted students reside in private residences or live in group apartments and typically travel some distance to their jobs. For these young people, driving is not an option. For many, bicycles loaned to them by ABC are their only available source of transportation to and from work for the duration of their stay.

#### **Religious Components**

The ABC Bike Ministry has a separate accounting for all of our revenue and expenses. The Church separately accounts for and documents all funds raised and expenses incurred for the mission. ABC does not currently use any funds from the Church. All funds needed for our operations are secured through our fundraising efforts.

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)

8,000.00

**Description** Bike supplies and parts

**Amount** 6,000.00

**Description** Utilities

**Amount** 1,000.00

**Description** Facilities

**Amount** 1,000.00

**Description** Safety equipment

**Amount** 5,000.00

**TOTAL EXPENDITURES** 13,000.00

**TOTAL DEFICIT FOR PROJECT OR ORGANIZATION** -5,000.00

**Name of Organization** Mariners Bethel Global Methodist Church

**Applicant/Authorized Official** Michael F. Shriver

**Date** 02/06/2025

**Affidavit Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.



## Casey Hall

---

**From:** Gina Jennings  
**Sent:** Wednesday, April 16, 2025 11:36 AM  
**To:** Casey Hall  
**Subject:** RE: Mariners J1 Bike program request

Looks good

**From:** Casey Hall <casey.hall@sussexcountyde.gov>  
**Sent:** Wednesday, April 16, 2025 11:18 AM  
**To:** Gina Jennings <gjennings@sussexcountyde.gov>  
**Subject:** Mariners J1 Bike program request

**From:** Michael Shriver <glfnguy18@gmail.com>  
**Sent:** Tuesday, April 15, 2025 11:06 AM  
**To:** Casey Hall <casey.hall@sussexcountyde.gov>  
**Cc:** Dennis Rader <Opsmgr@marinersbethel.org>  
**Subject:** Re: Form submission from: Council Grant Form

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Casey,

Thank you for sending along these questions.

We have indicated our responses to each below.

1. Are non-Christian faiths, atheist, agnostic, etc. individuals eligible to participate in your program and would they be welcome?  
Yes, absolutely. Our ABC bike ministry does not ask about a person's faith, or lack thereof, we only know and focus on the fact that they are in need.
  
2. How is your program advertised or marketed to potential individuals? Can you provide copies of any marketing materials and the application in order for the County to evaluate how the program is being represented?  
Mostly word of mouth. Many people in the community who are in need of bicycle transportation for employment find out about our ministry through others who we have directly helped. Because of our extensive relationship with the Shepherds Office in Georgetown, many people experiencing homelessness hear about ABC through that program. The ABC bike program is also well known to the Delaware State Department of social services caseworkers as many have contacted us for bikes to help individuals who they support.  
The community hears about us through our FaceBook posting, presentations at the Bethany Beach, and South Bethany Pedestrian and Bicycle Safety Programs. The Coastal Point has carried a number of

stories in their weekly publications. We also partner with the Delaware Office of Highway Safety, DelDot Bike program in Rehoboth, and our membership with the Bethany-Fenwick Area Chamber of Commerce.

Lastly, J1 students who we support each season find out about us through their sponsors, their employers, and our annual publications that advertise our bicycle services through SignUp Genius.

3. Is the program location used for religious activities? In other words, are there religious pamphlets or writings of any faith, bibles, advertisements for religious activities, religious pictures located on the property that could be viewed as attempting to influence visitors of the facility? No, our ABC Bike program and shop is located in a storage building on the grounds of Mariner's. The facility is used only for our bicycle storage and bike shop. All of our bicycle safety training is provided in the Hope Center and the adjacent church parking lot. We do not present any of the materials mentioned above. We do provide students with information about Mariner's various services like Feed My Sheep as many of the students visiting will take advantage of the free food available.

4. Please confirm that all funds used for secular purposes are segregated from any religious-related funds.

We confirm that Sussex County County grant funds will be used solely for the services provided by ABC Bike program activities. Mariner's Bethel maintains separate and segregated subaccounting for each of the ministries and programs, to ensure there is no co-minigling with funds raised specifically for the religious related activities.

Thanks, and Be Well,

Mike

704-292-4481

On Fri, Apr 11, 2025 at 2:49 PM Casey Hall <[casey.hall@sussexcountyde.gov](mailto:casey.hall@sussexcountyde.gov)> wrote:

Good afternoon.

As mentioned in communications this morning, because you are applying under the church, per our attorney, there are questions required for any religious entity applying for grant funds prior to processing:

1. Are non-Christian faiths, atheist, agnostic, etc. individuals eligible to participate in your program and would they be welcome?

2. How is your program advertised or marketed to potential individuals? Can you provide copies of any marketing materials and the application in order for the County to evaluate how the program is being represented?
3. Is the program location used for religious activities? In other words, are there religious pamphlets or writings of any faith, bibles, advertisements for religious activities, religious pictures located on the property that could be viewed as attempting to influence visitors of the facility?
4. Please confirm that all funds used for secular purposes are segregated from any religious-related funds.

Thank you,

*Casey Hall*

Casey Hall, Administrative Secretary

Sussex County Government

P.O. Box 589 | 2 The Circle | Georgetown, DE 19947

Tel: 302.855.7741 Fax: 302.855.7749

**To Be Introduced: 4/29/25**

**Council District 3: Ms. Gruenebaum**

**Tax I.D. No.: 235-15.00-29.00**

**911 Address: 27167 Round Pole Bridge Road, Milton**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIELD OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.80 ACRES, MORE OR LESS**

**WHEREAS, on the 15<sup>th</sup> day of January 2025, a Conditional Use application, denominated Conditional Use No. 2571 was filed on behalf of The Nature Conservancy; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County, and said Planning and Zoning Commission recommended that Conditional Use No. 2571 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2571 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situated in Broadkill Hundred, Sussex County, Delaware, and lying on the north side of Round Pole Bridge Road (S.C.R. 257), approximately 3,910 feet north of Cave Neck Road (S.C.R. 88), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, said parcel containing 3.80 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**



**To Be Introduced: 04/29/25**

**Council District: Mr. Hudson**

**Tax I.D. No. 533-11.00-23.00**

**911 Address: 36054 Zion Church Road, Frankford**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE/WAREHOUSE/OFFICE BUILDINGS AND A CAR WASH TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 24.87 ACRES, MORE OR LESS**

**WHEREAS, on the 5<sup>th</sup> day of March 2025, a conditional use application, denominated Conditional Use No. 2581, was filed on behalf of Zion Church Ventures, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2581 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2581 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the southwest side of Zion Church Road (Route 20), approximately 605 feet northwest of Deer Run Road (S.C.R. 388) and the north side of Deer Run Road (S.C.R. 388), approximately 159 feet southwest of Zion Church Road (Route 20) and being more particularly described in the attached legal description prepared by Parsons & Robinson, P.A., said parcel containing 24.87 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

**To Be Introduced: 4/29/25**

**Council District: Mr. McCarron**

**Tax I.D. No.: 230-19.00-23.03 & 23.00 (p/o)**

**911 Address: N/A**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE WITH OUTDOOR BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 4.485 ACRES, MORE OR LESS**

**WHEREAS, on the 15<sup>th</sup> day of July 2024, a Conditional Use application, denominated Conditional Use No. 2541 was filed on behalf of Hudson Pond, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2541 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2541 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece, or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the north and south sides of West Hudson Pond Road (S.C.R. 623), approximately 234-feet west of DuPont Boulevard (Rt. 113), and being more particularly described in the attached legal description prepared by Fuqua, Willard & Schab, P.A. said parcel containing 4.485 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

**To Be Reintroduced: 4/29/25**

**Council District 5: Mr. Rieley  
Tax I.D. No.: 135-20.00-81.00 (p/o)  
911 Address: 22318 Cedar Lane, Georgetown**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DISTRIBUTION WAREHOUSE TO BE LOCATED ON A 10.896 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 71.127 ACRES, MORE OR LESS**

**WHEREAS, on the 30<sup>th</sup> day of August 2022, a conditional use application, denominated Conditional Use No. 2395 was filed on behalf of Breeze-A-Bella Land Group, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2395 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2395 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the south side of Park Avenue (S.C.R. 318) at the intersection of Park Avenue (S.C.R. 318) and Cedar Lane (S.C.R. 321A) and being more particularly described in the attached legal description prepared by Atwell, LLC, said portion of the parcel containing 10.896 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

**To Be Introduced: 4/29/25**

**Council District 4: Mr. Hudson**

**Tax I.D. No.: 433-6.00-31.01**

**911 Address: 28615 Blueberry Lane, Frankford**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.14 ACRES, MORE OR LESS**

**WHEREAS, on the 25<sup>th</sup> day of March 2024, a zoning application, denominated Change of Zone No. 2029 was filed on behalf of Blueberry Lane, LLC (c/o Gary Derrickson); and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2029 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County, and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classifications of AR-1 Agricultural Residential District and C-1 General Commercial District adding in lieu thereof the designation C-3 Heavy Commercial District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the north side of Blueberry Lane (S.C.R. 402), approximately 587 feet west of DuPont Boulevard (Rt. 113) and being more particularly described in the attached legal description prepared by Haller & Hudson, said portion of the parcel containing 1.14 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**



To Be Introduced: 4/29/25

Council District 3: Ms. Gruenebaum

Tax I.D. No.: 334-12.00-126.00, 182.00, 183.00, 184.00, 185.00 & 188.00

911 Address: N/A, 20007 & 20008 Hitchens Lane, N/A, 19025 John J. Williams Hwy,  
Rehoboth Beach, and N/A

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.938 ACRES, MORE OR LESS**

WHEREAS, on the 29<sup>th</sup> day of August 2024, a zoning application, denominated Change of Zone No. 2036 was filed on behalf of Nickolaos Halkopoulos; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2036 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the east and west side of Hitchens Lane, and the south side of John J. Williams Highway (Rt. 24), east of Warrington Road (Rt. 1D); and being more particularly described in the attached legal descriptions prepared by Tunnell & Raysor, P.A., and Berl & Jones P.A., said parcels containing 2.938 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.



## Memorandum

To: Sussex County Council  
The Honorable Douglas B. Hudson  
The Honorable Jane Gruenebaum  
The Honorable Matt Lloyd  
The Honorable Steve McCarron  
The Honorable John L. Rieley

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 25, 2025

RE: County Council Report for C/Z 2019 filed on behalf of Citation Rentals, LLC

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The Planning and Zoning Department received an application (C/Z 2019 filed on behalf of Citation Rentals, LLC) for a change of zone from an AR-1 Agricultural Residential District to a C-2 Medium Commercial Zoning District for Tax Parcels 133-6.00-39.00, 41.00, and a portion of 42.00. The property is located at 26062 and 26072 DuPont Boulevard, Georgetown. The parcel size is 11.00 ac. +/- and the change of zone request relates to a 9.99 ac. portion +/-.

The Planning & Zoning Commission held a Public Hearing on the application on February 19, 2025. At the meeting on March 5, 2025, the Planning & Zoning Commission recommended approval of the application for the 10 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on February 19, 2025, and March 5, 2025.

### Minutes of the February 19, 2025, Planning & Zoning Commission Meeting

#### C/Z 2019 Citation Rentals, LLC

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99 ACRE PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.00 ACRES, MORE OR LESS.** The property is lying on the southwest side of DuPont Boulevard (Route 113), approximately 0.33 mile southeast of Governor Stockley Road (S.C.R. 432). 911 Address: 26062 and 26072 DuPont Boulevard, Georgetown. Tax Parcels: 133-6.00-39.00, 41.00 (p/o) & 42.00).



Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's exhibit book, which includes a copy of the applicant's proposed zoning plan, a copy of the staff analysis, a copy of the DelDOT SLER letter and zero comments.

Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the applicant that this is for the land surrounding Stockley Tavern on the Western side of DuPont Blvd.; that the property is surrounded by commercial zoning up and down DuPont Blvd.; that there is approximately just under ten (10) acres of land that is being sought to be changed to C2 Zoning District to include retail sales and performance of consumer services; that all areas along both sides of DuPont Blvd are long standing commercial zoning classifications which fits right in with what is being proposed here; that the property meets the height area and bulk requirements for a C2 Zoning classification, the zoning code requires a minimum of 15,000 square feet and this is almost ten (10) acres; that the zoning code requires a width of 75 feet of road frontage and this has hundreds of feet of frontage along around Rte. 113; that the required depth is 100 feet, which is again easily met by this site, there are no wetlands located on the property, the property is not within a flood zone as it is in the area that is shown as zone X on FEMA's flood maps; that the site has well drained soils that are suitable for on-site wastewater treatment; that the property soils that are designated as fair with respect to their potential for groundwater recharge; that the Comprehensive Plan describes zoning districts applicable to future land use categories, indicates that the C2 Medium Commercial Zoning district is one of the applicable zoning districts in the low density areas on the 2045 Future Land Use Map; that a Service Level Evaluation Request was sent to DelDOT and DelDOT asked in response that this application be considered without a traffic impact study as the determination of traffic would be made based upon a future submission with respect to a land use development plan, subdivision plan or site plan; and that the Planning Commission and the staff for the Planning and Zoning Office will be checking to make sure the site plan complied with the requirements of the zoning code, parking requirements were met, the State Fire Marshals requirements were met, stormwater management requirements were met and all of the other types of review when a site plan is submitted.

Mr. James Baxter, of 23073 Zoar Rd., spoke in favor of the application that he owns the land west of this property and believes that making this into a commercial property is a great idea and benefit to the County.

Mr. Terry Timmons, who owns the property across the street from the applicant and wants the Commission to know that he is in favor of this property becoming Commercial Zoned.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to C/Z 2019 Citation Rentals, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

#### Minutes of the March 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since February 19, 2025.

Ms. Wingate moved the Commission to recommend approval of C/Z 2019 CITATION RENTALS, LLC for a change in zone from AR-1 Agricultural-Residential zoning to C-2 “Medium Commercial” zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant’s property is 11.00 acres that has frontage along Route 113 between Georgetown and Millsboro. This roadway is identified as a “Principal Arterial” by DelDOT and a “Major Arterial Roadway” by Sussex County. Other commercial zoning districts in the area include C-1, CR-1, and C-2. Nearby uses include borrow pits, granite and stone sales, equipment rental, a sign company, Peninsula Homes, and a tool supply company. The property also surrounds the Stockley Tavern, which has been in operation in one form or another for decades. This is an appropriate location for C-2 Zoning.
3. Given the location of this property on Route 113 and the more appropriate designation under a commercial zoning category, it is no longer suitable for agricultural or residential uses under the existing AR-1 designation.
4. C-2 Zoning at this location will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
5. There is no evidence in the record that this rezoning will have an adverse impact on neighboring properties or area roadways.
6. The site is in the “Low Density Area” according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Low-Density Area according to the Plan.
7. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
8. No parties appeared in opposition to the rezoning application.
9. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
10. For all of these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend APPROVAL of C/Z 2019 Citation Rentals, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley – yea



## PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
SCOTT COLLINS  
J. BRUCE MEARS  
BRIAN BUTLER



## 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: February 19<sup>th</sup>, 2025

Sussex County Council Public Hearing Date: April 29<sup>th</sup>, 2025

Application: C/Z 2019 Citation Rentals, LLC

Applicant: Citation Rentals, LLC (Attention: Mr. Kenneth P. Adams)  
25136 DuPont Boulevard  
Georgetown, DE 19947

Owner: Citation Rentals, LLC (Attention: Mr. Kenneth P. Adams)  
25136 DuPont Boulevard  
Georgetown, DE 19947

Site Location: The property is lying on the southwest side of DuPont Boulevard (Route 113), approximately 0.33 mile southeast of Governor Stockley Road (S.C.R. 432) in Georgetown, Delaware.

Current Zoning: Agricultural Residential (AR-1) Zoning District & Commercial Residential (CR-1) District

Proposed Zoning: Medium Commercial (C-2) District

Comprehensive Land  
Use Plan Reference: Low Density

Councilmanic  
District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire Company

Sewer: Private (On-Site Septic)

Water: Private (On-Site Well)

Site Area: 9.99-acre portion of Parcels containing 11-acres total

Tax Map IDs: 133-6.00-39.00 (0.92 acres), 41.00 (p/o) (1.32 acre portion of a 2.33 acre Parcel) & 42.00 (7.75 acres)



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



**Sussex County**

DELAWARE  
sussexcountye.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Ms. Lauren DeVore, AICP, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: January 17, 2025  
RE: Staff Analysis for C/Z 2019 Citation Rentals, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/Z 2019 Citation Rentals, LLC to be reviewed during the February 19<sup>th</sup>, 2025, 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.

**Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel IDs:** 133-6.00-39.00, 41.00 (p/o) and 42.00

**Proposal:** The request is for a Change of Zone for Tax Parcels 133-6.00-39.00, 41.00 (portion of) and 42.00 to allow a Change of Zone from an Agricultural Residential (AR-1) District and a Commercial Residential (CR-1) District to a Medium Commercial (C-2) District. Staff note that though Parcel 41.00 is split-zoned, with the front portion of the Parcel along DuPont Boulevard (Route 113) being zoned Commercial Residential (CR-1) and the rear portion of the property being zoned Agricultural Residential (AR-1) District, only the AR-1 portion (an approximate 1.32-acre portion of a 2.33-acre Parcel) of this property is subject to this re-zoning Application to Medium Commercial (C-2) District. The portion of the Parcels that is the subject of this Application is 9.99 +/- acres of the Parcel comprised of a total of 11.00 acres +/- . The properties are located at 26062 and 26072 DuPont Boulevard in Georgetown, Delaware.

**Zoning Information:** The Parcels are currently zoned Agricultural Residential (AR-1) District with Parcel 41.00 being split-zoned with the front portion of the Parcel along DuPont Boulevard (Route 113) being zoned Commercial Residential (CR-1) and the rear portion of the property being zoned Agricultural Residential (AR-1) District. The parcel to the south and north of the subject properties (south of Parcel 41.00 and north of Parcel 39.00) is zoned General Commercial (C-1) District. Parcel 41.00 currently houses and is the site of the Stockley Tavern.

There is a Parcel (Parcel 43.00) 17.24 acres immediately to the northeast of Parcel 42.00 is zoned Medium Commercial (C-2) District. There is a single Parcel to the southeast of Parcel 43.00 which is zoned General Commercial (C-1) District.

It should be further noted that there are several properties to the north of the Parcels along DuPont Boulevard (Route 113) that are also zoned General Commercial (C-1) District forming part of a connected Commercial Corridor.



Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the proposed Medium Commercial (C-2) District is an applicable Zoning District within the “Low Density Area” Future Land Use Map Designation.

**Future Land Use Map Designation w/in Comprehensive Plan:** Low Density Area  
**Applicability to Comprehensive Plan:** 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 is designated as a Rural Area and has a land use designation of “Low Density Area.” The properties to the north on the opposite side of DuPont Boulevard (Route 113) east, west and south of the subject Parcel are also categorized as ‘Low Density Area,’ with a single Parcel to the south (Parcel 40.00) containing a Future Land Use Map Designation of “Commercial Area.”

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas “Sussex County hopes to retain the rural environment and set aside significant open space” and where the County “supports State and local land use policies that will preserve the value of farmland” (Sussex County Comprehensive Plan, 4-18).

**Further Site Considerations:**

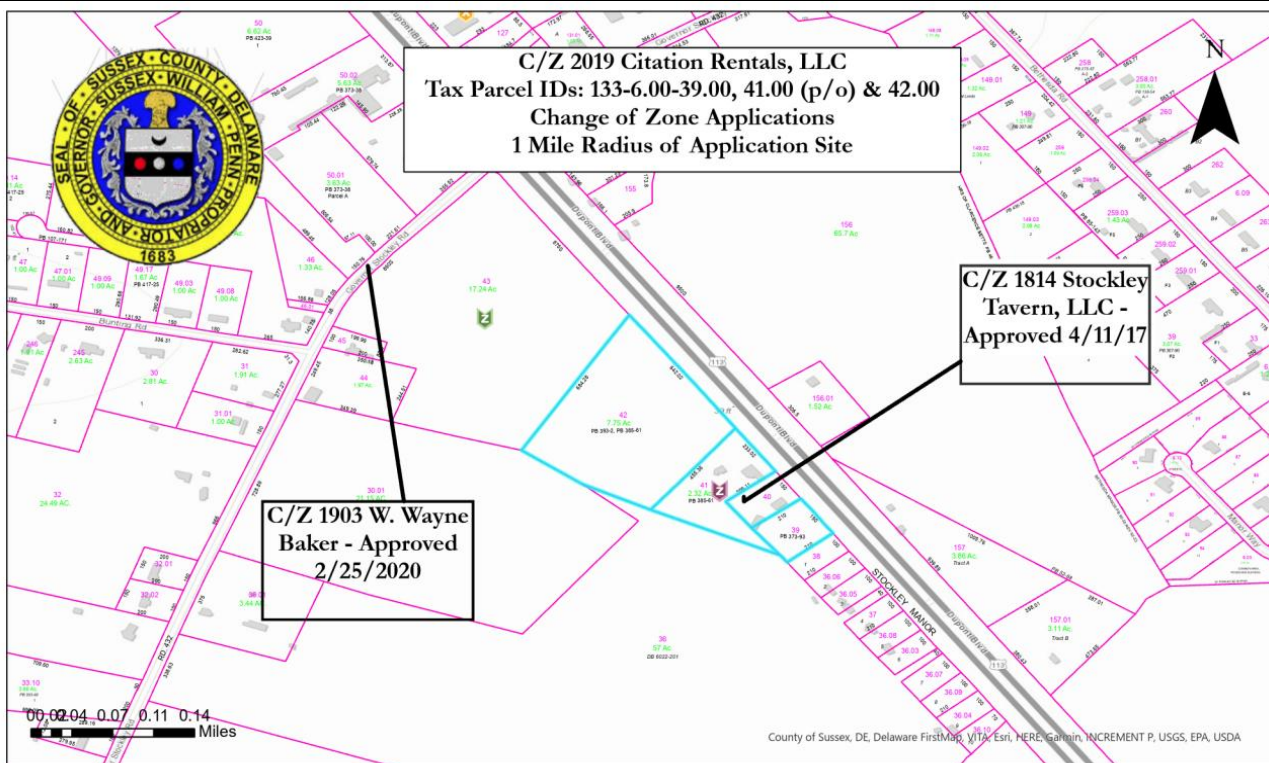
- **Density: N/A**
- **Open Space Provisions: N/A**
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands to include the Sipple Farm Expansion District to the south and southeast of the project Site. **Staff do note that a portion of the subject property to be re-zoned is within this Agricultural Preservation District and will require the Applicant to follow up with Delaware Department of Agriculture regarding any requirements or changes to ensure any proposed changes accord with their regulatory requirements in the establishment of this District.**
- **Interconnectivity: N/A**
- **Transportation Improvement District (TID):** The parcels are not within any established Transportation Improvement Districts (TIDs). The DelDOT Service Level Evaluation Response notes that the subject properties are located within the Corridor Capacity Preservation Program and shall be subject to its requirements.
- **Forested Areas: N/A**
- **Wetlands Buffers/Waterways: N/A**
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zones “X”, within an area of “Fair”

Groundwater Recharge Potential, and Staff note there are no Wellhead Protection Areas on the site.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone Application to allow for a Change of Zone from Agricultural Residential (AR-1) District and Commercial Residential (CR-1) District to a Medium Commercial (C-2) District, considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

**Existing Changes of Zone within the Vicinity of the Subject Site:** A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Change of Zone Applications that are less than 1 mile distance from the subject site.

Change of Zone Applications (w/in a 1-mile radius of the Application Site)						
Application Number	Applicant Name	Zoning	Proposed Zoning	CC Date	CC Decision	Ordinance No.
C/Z 1814	Stockley Tavern, LLC	AR-1	CR-1	4/11/2017	Approved	2491
C/Z 1903	W. Wayne Baker	AR-1	C-2	2/25/2020	Approved	2709





43  
4 Ac



**C/Z 2019 Citation Rentals, LLC**  
**Tax Parcel IDs: 133-6.00-39.00, 41.00 (p/o) & 42.00**  
**Streets Map**



293 REV 10/13

684.28

642.02

39 ft

DUPONT BOULEVARD

306.5

156.01  
1.52 Ac

42  
7.75 Ac  
PB 393-2, PB 385-61

233.02

455.36

41  
2.32 Ac  
PB 385-61

209.11

40

150

210

39  
PB 373-93

190

210

100

100

1005.76

157  
3.86 Ac  
Tract A

00.00 0.01 0.03 0.04 0.06  
Miles



**C/Z 2019 Citation Rentals, LLC**  
**Tax Parcel IDs: 133-6.00-39.00, 41.00 (p/o) & 42.00**  
**Zoning Map**



**42**  
**7.75 Ac**  
PB 393-2, PB 385-61

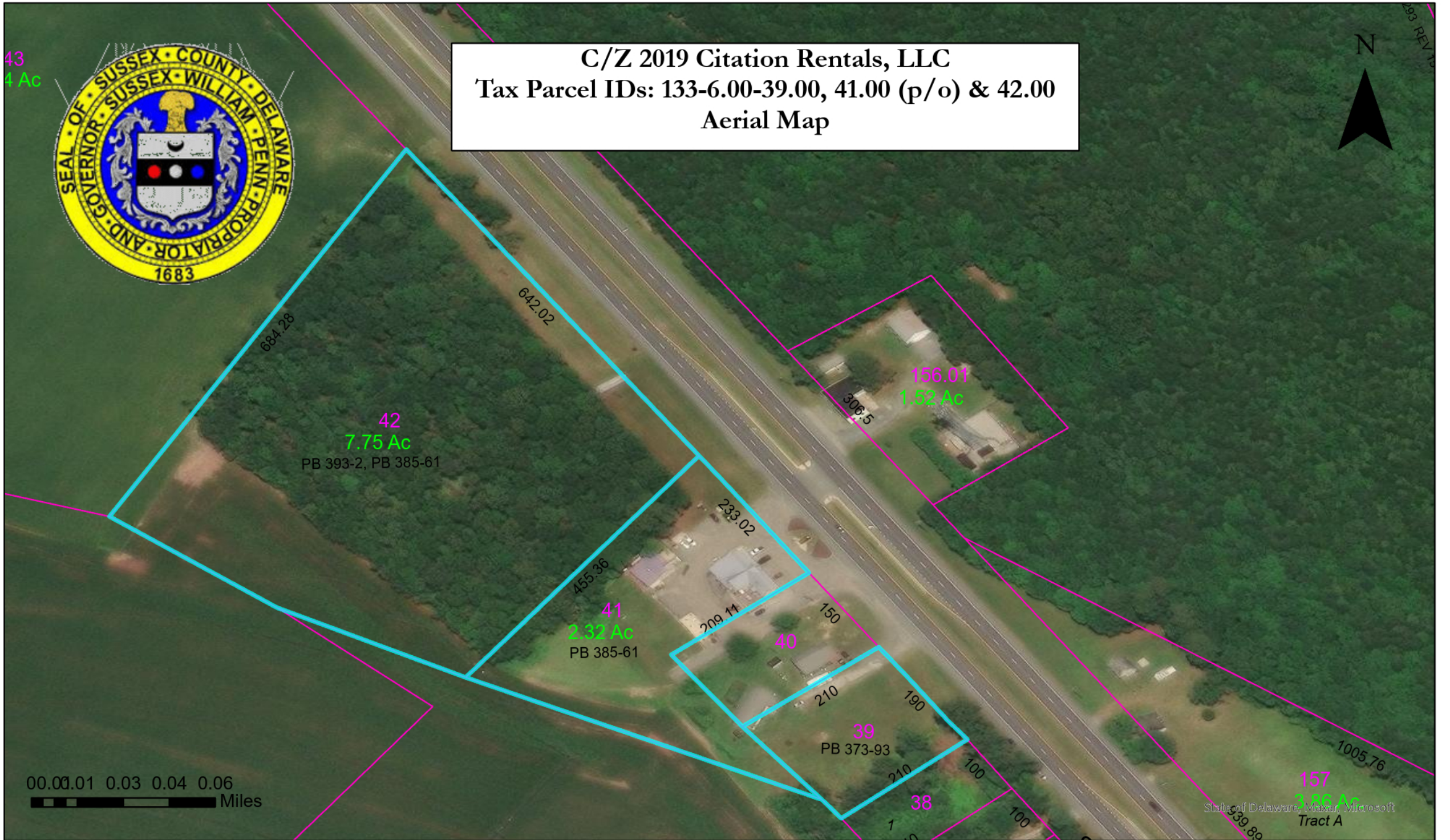
**41**  
**2.32 Ac**  
PB 385-61

**39**  
PB 373-93

**157**  
**3.86 Ac**  
Tract A

00.00 0.01 0.03 0.04 0.06  
Miles





C/Z 2019 Citation Rentals, LLC  
Tax Parcel IDs: 133-6.00-39.00, 41.00 (p/o) & 42.00  
Aerial Map



00.00 0.01 0.03 0.04 0.06  
Miles

157  
3.82 Ac  
Tract A  
State of Delaware, Maxar, Microsoft

**Introduced: 1/28/25**

**Council District 5: Mr. Rieley**

**Tax I.D. No.: 133-6.00-39.00, 41.00 (p/o), & 42.00**

**911 Address: 26062 and 26072 DuPont Boulevard, Georgetown**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A 9.99 ACRE PORTION OF CERTAIN PARCELS OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 11.00 ACRES, MORE OR LESS**

**WHEREAS, on the 2<sup>nd</sup> day of August 2023, a Zoning Application, denominated Change of Zone No. 2019 was filed on behalf of Citation Rentals, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 2019 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2025, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcels of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the southwest side of DuPont Boulevard (Rt. 113), approximately 0.33 mile southeast of Governor Stockley Road (S.C.R. 432) and being more particularly described in the attached legal description prepared by Pennoni, said parcels containing 9.99 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**