

COUNTY COUNCIL

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MATT LLOYD
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Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

March 11, 2025

1:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - March 4, 2025

[Draft Minutes 030425](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. **Recognition of Retiree – Loretta Benson**
2. **Administrator's Report**

Gina Jennings, Finance Director

1. **Pension Committee Update and Recommendation**
[Pension Committee Update & Recommendation](#)
2. **Public Interview of Possible Pension Committee Member**
[Possible Pension Appointment](#)



Patrick Brown, Project Engineer III

1. **2019 Miscellaneous Engineering Base Contract**
 - A. **George, Miles & Buhr – Amendment No. 3 – Warwick Park Phase I**
[Warwick Park Phase I Amendment No. 3](#)

Hans Medlarz, Project Manager

1. **Lochwood Community Area, Sewer Expansion Project S22-17**
 - A. **Change Order 4**
[Lochwood CO No. 4](#)

Old Business

1. **[Conditional Use No. 2454 filed on behalf of H&K Group, Inc.](#)**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS” (property lying on northwest side of Shiloh Church Road [Rt. 74] approximately 0.38 mile west of East Trap Pond Road [Rt. 62]) (911 Address: N/A) (Tax Map Parcel: 232-8.00-44.01)

[Old Business CU2454](#)

Grant Request

1. **Town of Blades for Community Outreach program**
[Town of Blades](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CZ2049 CU2580](#)

Council Members' Comments

1:30 p.m. Public Hearings

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])

[Public Hearing CZ2025](#)

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])

[Public Hearing CZ2026](#)

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])

[Public Hearing CU2499](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on March 4, 2025 at 4:30 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://sussexcountype.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://sussexcountype.gov/agendas-minutes/county-council>.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MARCH 4, 2025

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 4, 2025, at 9:00 a.m., at the Public Safety Complex, with the following present:

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

Mr. Bob Wheatley, Mr. Scott Collins, Mr. Bruce Mears and Mr. Brian Butler Planning & Zoning Commissioners and Mr. Vince Robertson, Assistant County Attorney were also present for the DeIDOT presentation.

**Call to
Order**

Mr. Hudson called the meeting to order.

**M 095 25
Approve
Agenda**

A Motion was made by Mr. McCarron, seconded by Mr. Lloyd, to approve the Agenda as presented.

Motion Adopted: 5 Yeas

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

**Presentation
Delaware
Department
of
Transport-
ation**

Shante Hastings, Delaware Department of Transportation Secretary discussed safety of the roadways and the responsibilities of DeIDOT.

Lanie Clymer, Delaware Department of Transportation Deputy Secretary presented financial information for the department.

Mrs. Hastings discussed the capital transportation program and provided project updates.

John Sisson, DART CEO provided a presentation on the transit program.

Mrs. Hastings provided information on the Corridor Capacity Preservation Program.

Ms. Pam Steinebach, DeIDOT Director of Planning discussed Coastal Corridors and Transportation Improvement Districts.

M 096 25

A Motion was made by Mr. Lloyd seconded by Mr. McCarron to recess

Recess **until 1:00 p.m. and return to the County Administrative Offices at 2 The Circle.**

Motion Adopted: 5 Yeas

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

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

M 097 25 **At 1:00 p.m., a Motion was made by Mr. McCarron, seconded by Mr. Lloyd**
Reconvene **to reconvene.**

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 February 25, 2025 were approved by consensus.**

Corre- **Mr. Moore reported that a letter was received from ReTemp, Inc. thanking**
spondence **Council for their support.**

Public **Public comments were heard, and the following people spoke:**
Comments

Lissa Dulang spoke about Osprey Point plans and development in rural areas.

Mr. DJ Hughes spoke about Transportation Improvement Districts.

Mr. Darrin Cogoni spoke about his property and issues that he has had in the past.

M 098 25 **A Motion was made by Mr. Rieley, seconded by Mr. McCarron to approve**
Consent **the following items under the Consent Agenda:**
Agenda

**Use of Existing Wastewater Infrastructure Agreement
Bridgewater, Miller Creek Area**

**Use of Existing Wastewater Infrastructure Agreement
Sundance Club, Millville Area**

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. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Kestral Court Minor Subdivision (FKA Marvel Lane Subdivision) (Plan Review & Construction Record) effective February 11th; Middle Creek Preserve – Phase 3A (Construction Record) effective February 14th; Scenic Harbor (FKA Estates at Mulberry Knoll & Scenic Manor – Phase 3 (Construction Record) and Phase 4 (Construction Record) effective February 20th and Brentwood (FKA Coral Lakes & Coral Crossing) – Phase 2 (Construction Record) effective February 21st.

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

Extension Request

Jamie Whitehouse, Planning & Zoning Director presented a request for an extension for application 2021-05 filed on behalf of Turnberry (Formerly Known as Unity Branch). Mr. Whitehouse reported that the request was made due to utility conflicts which required a redesign. The Planning & Zoning Commission approved the request during their meeting on January 22, 2025

M 099 25 Approve Time

A Motion was made by Mr. Lloyd, seconded by Mr. Rieley, be it moved that the Sussex County Council grants a 6-month time request for Turnberry, application 2021-05.

Extension Request/ Turnberry

Motion Adopted: 5 Yeas

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

Aeronautical Consultant Services

Robert Bryant, Airport Manager presented a recommendation to award for professional services contract for professional aeronautical consultant services for Council's consideration.

M 100 25 Approve Consultant Services

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum, that be it moved based upon the recommendation of the Sussex County Engineering Department that the Sussex County Council award a professional aeronautical consultant service agreement to Delta Airport Consultants at the Delaware Coastal Airport to implement projects under the current FAA airport master plan and in accordance with the FAA approved airport capital improvement plan over a 5-year period and further recommend Council to direct the Engineering Department to negotiate an agreement

with Delta Airport Consultants for project scope, schedule and fees that receive FAA concurrence.

Motion Adopted: 5 Yeas

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

IB Tank Purchase Order Hans Medlarz, Project Engineer presented a standalone elevated storage tank purchase order for Inland Bays Loop project for Council's consideration.

M 101 25 Approve Standalone Storage Tank A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum that be it moved based upon the recommendation of the Sussex County Engineering Department, that County Council approve a purchase order to Pittsburg Tank & Tower Group in the amount of \$1,903,250.00 for treated effluent elevated storage tank as part of the loop project.

Motion Adopted: 5 Yeas

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

Grant Request Mrs. Jennings presented a grant request for Council's consideration.

M 102 25 American Legion Post 8 A Motion was made by Mr. Rieley, seconded by Mr. Lloyd to give \$2,200 (\$2,000 from Mr. Rieley's Councilmanic Grant Account and \$200 from Mr. Lloyd's Councilmanic Grant Account) to American Legion Post 8, Inc. for their emergency aid to veteran's project.

Motion Adopted: 5 Yeas

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

Proposed Ordinance Introductions Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.00 ACRE, MORE OR LESS" filed on behalf of Juan Edward Johnson.

Mr. Rieley introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A HARDSCAPE BUSINESS WITH AN

Proposed Ordinance Introductions (continued)

OFFICE, SHOWROOM, STORAGE, AND PARKING TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.14 ACRES, MORE OR LESS” filed on behalf of Hardscapes Jimenez, LLC.

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 135-11.00-65.00”.

Ms. Gruenebaum 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 C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS” filed on behalf of Belmead Farm, LLC.

The Proposed Ordinances will be advertised for a Public Hearing.

CM Comments

Mr. Lloyd commented that this morning a meeting was held with the Department of Transportation which he found to be valuable in answering his questions.

Rules

Mr. Moore reviewed the procedures for public hearings.

Public Hearing/ CBDG

A Public Hearing was held for the 2025 Community Development Block Grant application, to be submitted to the Delaware State Housing Authority. The Community Development Block Grant (CBDG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for funding by making application to DSHA.

Brandy Nauman, Director of Sussex County Community Development & Housing, reported that the guidelines dictate the use of the funding. The funding is used for rehabilitation including roofing, doors, windows, electrical, plumbing and energy upgrades. In order to qualify, a home must be owner-occupied, primary residence of the owners, low to moderate income household (80% AMI or below), the home must be insured or insurable, County taxes and utilities must be current. Mrs. Nauman explained that a lien is placed on every property that receives assistance regardless of the age of the beneficiary. A ten-year zero interest pro-rated lien is placed on the property dependent on how much funding is provided.

Mrs. Nauman reviewed the current income guidelines for program eligibility.

Mr. Mike Jones, Rehabilitation Program Coordinator shared pictures of some projects that have recently been completed through the program. In addition, metal ramps were ordered and are now being used as part of the

**Public
Hearing/
CBDG
(continued)**

program.

Mrs. Nauman updated the Council on what was being done this year. She reviewed lead guidelines that have recently been changed. The application schedule was reviewed and discussed as well as federal funding for the future. The emergency funding provided by the County Council was discussed showing what it can be used for and how many projects were completed with the funding.

Mr. Jones explained the application process and shared the Towns that participate in the program. In addition, communities in targeted areas that they submit for through the program.

There were no public comments.

The Public Hearing and public record were closed.

**M 103 25
Adopt R 005
25/Further-
ing Fair
Housing**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to Adopt Resolution No. R 005 25 entitled “AFFIRMATIVELY FURTHERING FAIR HOUSING”.

Motion Adopted: 5 Yeas

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

**M 104 25
Adopt R 006
25
Submit
Applications**

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt Resolution No. R 006 25 entitled “AUTHORIZATION TO SUBMIT APPLICATIONS”.

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/
Warwick
Park Phase
II**

A Public Hearing was held on an Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,963,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE II PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Mr. Mike Harmer, County Engineer provided background information for the project. Mr. Harmer reported that the Warwick Park community consists of 192 lots. The connection of the Warwick Park community to the County’s sewer system will eliminate an estimated 7,200 pounds of Total Nitrogen per year from the Indian River and Indian River Bay.

There were no public comments.

The Public Hearing and public record were closed.

**M 105 25
Adopt
Ordinance
No. 3079/
Warwick
Park Phase
II**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron to Adopt Ordinance No. 3079 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,963,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE WARWICK PARK PHASE II PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

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/
Travalini
Expansion
into
SCUSSD**

A Public Hearing was held on the Travalini Expansion into the Sussex County Unified Sanitary Sewer District (Millville Area).

John Ashman, Director of Utility Planning & Design Review reported that County Council granted approval to prepare and post notices for the public hearing on January 14, 2025, for this expansion. The Engineering Department received a request from Louis Travalini owner of parcel 134-11.00-141.00 adjacent to the existing Millville Area of the SCUSSD. The parcel is along Hickory Manor Road and providing an easement for the adjacent Hunters Creek (Salt Air) project for stormwater conveyance. In exchange Hunters Creek will pay to connect the parcels on the Travalini parcel. The project will be responsible to system connection charges at the time of connection. To date, there has been no correspondence received in support or opposition to this proposed annexation.

There were no public comments.

The Public Hearing and public record were closed.

**M 106 25
Adopt
Resolution
No. 007 25/
Travalini
Expansion
into
SCUSSD**

A Motion was made by Mr. Lloyd, seconded by Ms. Gruenebaum to Adopt Resolution No. R 007 25 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), NORTH MILLVILLE AREA, TO INCLUDE 134-11.00-141.00. LOCATED ON THE WEST SIDE OF HICKORY MANOR ROAD IN BALITMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

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/
Bay Oaks
Community
Annexation
into
SCUSSD**

A Public Hearing was held for the Bay Oaks Community Annexation into the Sussex County Unified Sanitary Sewer District (Angola Neck Area). John Ashman, Director of Utility Planning & Design Review reported that the County received a request from the Board of Directors of the Bay Oaks Homeowners Association expressing interest in having the community put on the list for sewer service from the county when available. The County Council granted permission to prepare and post notices on December 10, 2024. If voted in the affirmative the Engineering & Finance Departments will apply for State and Federal funding for the installation of a sewer system in the Bay Oaks community. The Engineering Department will complete design once funding has been received, and consultant engineers will develop bid documents. The Engineering Department will accept bids for the project and County Council may award the contract based on the department's recommendation. Mr. Ashman reviewed the timeline for the project and the estimated rates.

There were no public comments.

The Public Hearing and public record were closed.

**M 107 25
Adopt
Resolution
No. R 008
25/
Bay Oaks
Annexation
into
SCUSSD**

A Motion was made by Ms. Gruenebaum, seconded by Mr. Lloyd to Adopt Resolution No. R 008 25 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), ANGOLA NECK AREA, TO INCLUDE THE BAY OAKS SUBDIVISION WITH THE EXCEPTION OF LOTS 9, 10, 11, & 12, LOCATED ON THE SOUTH SIDE OF WATERVIEW ROAD LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas

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

Rules

Mr. Moore read the rules of procedure for zoning hearings.

**Public Hearing/
CZ2039**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS" (properties lying on the south side of Sharon Lane and accessed from the east side of Parker House Road [S.C.R. 362] approximately 0.44 mile north of Beaver Dam Road [S.C.R. 368]) (911

**Public
Hearing/
CZ2039
(continued)**

**Address: 38143, 38277, 38357, & 38487 Sharon Lane, Ocean View) (Tax Map
Parcels: 134-17.00-17.10, 17.11, 17.12, & 17.13) filed on behalf of Melson
Funeral Services, LTD.**

Jamie Whitehouse, Planning & Zoning Director presented the application.

**The Planning & Zoning Commission held a Public Hearing on the
application on January 8, 2025. At the meeting of January 8, 2025, the
Planning & Zoning Commission recommended approval of the application
for the 6 reasons as outlined.**

**The Council found that Mr. Zach Crouch, P.E., of Davis, Bowen & Friedel,
spoke on behalf of the Applicant that this is an application changing the
property from a B-1 (Neighborhood Business District) to an AR-1
(Agricultural Residential) zoning district; that the applicant wants to rezone
5.171 acres from B-1 to AR-1, which is a down zoning; that the property is
located between Parker House Rd. and Muddy Neck Rd.; that the original
property was 12.59 acres and it was divided into three lots, one which has
Melson Funeral Services, one which has the three residential lots on the
East side and then finally this to the South which the Applicant is trying to
expand into four more residential lots; that when the Applicant originally
applied for a minor subdivision for those four lots it was discovered that the
property should not have residential lots on it; that the applicant has
already received DelDOT approval for access on Parker House Rd. and
received Sussex County Engineering approval for the sewer extension,
which is coming off of Muddy Neck Rd.; that there is Fire Marshal
approval, Sussex Conservation District and Tidewater approval; that the
parcel rezoning request is in line with what is there now; that to the South,
the property right behind it is all AR-1 and to the East is the three
residential properties, which are B-1, but they are residential parcels and
Melson Funeral Services is to the North.**

**Mr. Rieley asked how the center lots would receive access; that there is an
access road that is shown on the plans.**

**Mr. Lloyd commented there are many AR-1 parcels in the County; that he
questioned why it was zoned B-1 from the start. He added that when he
looks around the area, there are many houses, but he questions what
services are offered there.**

There were no public comments.

The Public Hearing and public record were closed.

**M 108 25
Adopt
Ordinance
No. 3080/
CZ2039**

**A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt
Ordinance No. 3080 entitled "AN ORDINANCE TO AMEND THE
COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1
NEIGHBORHOOD BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING**

**M 108 25
Adopt
Ordinance
No. 3080/
CZ2039
(continued)**

AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.171 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

- 1. This property currently is located at the rear of the Applicant’s existing funeral home property. It is zoned B-1. The Applicant seeks to downzone this property so that it can be used and developed residentially.**
- 2. Downzoning this property to AR-1 is consistent with the Sussex County Comprehensive Plan and its Future Land Use Map.**
- 3. The Applicant does not conduct any business from this property and has no plans to do so.**
- 4. The property is currently planned to be used for residential purposes, which makes it nonconforming under the existing B-1 Zoning. DelDOT has already granted the residential entrance approvals and Sussex County Engineering has signed off on the sewer expansion for the residential properties. Rezoning this property to AR-1 will bring the use of the property into conformity with the requirements of the Sussex County Zoning Code.**
- 5. There was no opposition to this downzoning to AR-1.**
- 6. For all of these reasons, the rezoning of this property from B-1 to AR-1 is appropriate.**

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/
CU2458**

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 SOLAR ARRAY TO BE LOCATED ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 ACRES, MORE OR LESS” (property lying on the north side of Oneals Road [S.C.R. 485] approximately 500 ft. southwest of Sussex Highway [Rt. 13]) 911 Address: 27720 Oneals Road, Seaford) (Tax Map Parcel: 132-6.00-303.00 [p/o]) filed on behalf of Oneals Solar, LLC.

Mr. Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on January 8, 2025. At the meeting of January 22, 2025, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 9 recommended conditions as outlined.

**Public
Hearing/
CU2458
(continued)**

The Council found that Mr. Jeremy Karpf, of Summer Ridge Energy, spoke on behalf of the Applicant that this is an application for a solar project; that this project consists of approximately 8,000 panels on single access trackers for a project size of 3.53 megawatts DC and 3 megawatts AC; that the property coverage area will be approximately 16.4 acres; that Summer Ridge will manage subscribers that will be put into Delmarva's grid; that the project is expected to produce about 6,000 megawatt hours of power per year; that the project promotes Sussex County goal 7.3 of the Comprehensive Plan; that the access driveway crossing the neighbor's parcel via easement that will come into the project as the access road with a turnaround; that this will also be the location of the transformer and inverter pad; that the driveway will be 15 feet wide and along the street, there will be 5 poles, a utility recloser, a utility meter, a customer disconnect, a customer recloser and a customer riser; that they will conform to the 50 foot property line set back; that along the access road they will be maintaining the existing tree line as well as existing stormwater, with improvements as necessary; that the screening will be facing the properties on the North side of the parcel to screen it from the neighbors; that they will abide by the 200 foot dwelling set back and 15 foot side yard setback; that the entire project will be fenced and there will be a Knox box located on site; that the stormwater improvements will be done with a silt fence as well as providing permanent stabilization and a local seed mixture for the ground of the parcel; that there will be a locked fence around the property as well as a 24 hour sign with 24 hour contact number; that they would like to do more of an agricultural style fence and it would not change site lines.

A discussion was held about the assessment of the property which will increase once the Conditional Use is granted.

Mr. Rieley questioned what an agricultural fence would look like. Mr. Karpf replied that it would be closer to stockade to block the view. It was noted that the property is currently actively being farmed and would continue through this planting season. They plan to use a pollinator friendly mix underneath the panels and around.

Mr. Lloyd questioned the species of the trees.

Public comments were heard.

Mr. Ramnath, the property owner spoke about the application; that he is aware of the property tax increase; that the increase has been addressed in the lease; that he hopes that they approve the application.

The Public Hearing and public record were closed.

**M 109 25
Defer
Action/
CU2458**

A Motion was made by Mr. Lloyd, seconded by Mr. McCarron 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 SOLAR ARRAY TO BE LOCATED

ON A PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 49.7 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/
CU2501**

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 LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS” (property is lying on the west side of McColleys Chapel Road [S.C.R. 213], approximately 510 feet south of Deer Forest Road [S.C.R. 565]) (911 Address: 18206 McColleys Chapel Road, Georgetown) (Tax Map Parcel: 135-5.00-100.01) filed on behalf of Jose Luis Vivar.

Jamie Whitehouse, Planning & Zoning Director presented the application.

The Planning & Zoning Commission held a Public Hearing on the application on January 8, 2025. At the meeting of January 22, 2025, the Planning & Zoning Commission recommended denial of the application for the 9 reasons as outlined.

The Council found that Shayla and Mr. Jose Luis Vivar, the Applicant, spoke on behalf of the application; that she knows that they have been denied; that their neighbor has caused issues with their application; that they have a shop that they keep their inventory in; that they are unaware of the steps of how to get permission; that they are learning how to get the permission; that permission has been granted by the fire marshal and DelDOT; that the trash is taken to the landfill every other weekend; that they have a trailer that they use to keep their trash on; that pictures were distributed of the property; that the neighbors have called animal control numerous times; that they are willing to follow any conditions given; that there was a pole barn that was not permitted; that there are 7 employees; that the employees come on the site during the week to pick up vehicles from the site; that there is storage for blocks on site; that there are loaders with a backup beeper; that the hours are 7:00 a.m. to 6:00 p.m.

Mr. Whitehouse explained that when staff visited on July 21, 2023, as part of the original investigation, there was an accumulation of tires that have been dealt with. At that time, the only permit issued was for a house with an addition. Therefore, a violation was issued for the building without permits including sheds, chicken coops and fencing. In addition, there was a sign in

**Public
Hearing/
CU2501
(continued)**

the front yard advertising the business as well as a setback violation for the chicken coops.

Mr. Lloyd questioned what the pole building was being used for. The applicant replied that it is used just storage. It was reported that there are about 7 large trucks, 5 trailers and a skid loader.

Ms. Gruenebaum asked what the chickens were used for. The applicant responded for eggs for themselves. Ms. Gruenebaum questioned if they were used for fighting. The applicant replied that they are not used for fighting. She added that hens and roosters do fight but they play around like that especially during mating season.

The applicant would love to have the shop on their property for financial reasons; that it will benefit them; that the smaller equipment will fit in the pole building but the larger equipment cannot; that the fence will go down to the next door neighbors and then behind their house.

Public comments were heard.

Mr. Mark Givens spoke in opposition to the application; that he lives next door to the property; that he hopes that the Council agrees with the Planning & Zoning Commission's recommendation; that there are various start times from 6:00 a.m. until sometimes up to 9:00 p.m. when there is good weather; that there is a lot of noise that they hear; that this all started July 20, 2023; that they had built a pole building; that he noticed that there were no permits or inspections; that they received a notice of violation; that they added 32 more feet after receiving a violation; that the applicant also co-owns a property further down the road; that they were also operating a business out of that location and given a violation; that they cleaned that property up and left; that given the history of non-compliance, it would not be in the best interest of the County or people in the area to grant this Conditional Use.

Mr. Whitehouse provided a background of the violations and constable visits to the property including the building permits that were issued or in the process.

Mrs. Billie Givens spoke in opposition of the application; that she lives next door to the property; that she has one horse and one donkey that roam; that she distributed pictures of what it looks like when she walks out her back door; that she has lived here for thirty years; that Mr. Vivar lives in Milton; that they have repeatedly broken the rules that are put in place for a reason; that this is a residential neighborhood; that they left the dog out in freezing cold weather with no place to go.

The Public Hearing and public record were closed.

M 110 25

A Motion was made by Mr. Rieley, seconded by Ms. Gruenebaum to Adopt

**Approve
CU2501/
DENIED**

a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.04 ACRES, MORE OR LESS”.

Motion DENIED: 4 Nays, 1 Yea

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

**M 111 25
Go Into
Executive
Session**

At 3:28 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Lloyd to enter into Executive Session for the purpose of discussing matters relating to land acquisition.

Motion Adopted: 5 Yeas

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

**Executive
Session**

At 3:30 p.m., an Executive Session was held in the Council Chambers to discuss matters relating to land acquisition. The Executive Session ended at 4:15 p.m.

**M 112 25
Reconvene**

At 4:16 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Lloyd to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

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

E/S Action

There was no action related to Executive Session matters.

**M 113 25
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. McCarron to adjourn at 4:16 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.}

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.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: Gina A. Jennings
Finance Director/COO

DATE: March 7, 2025

RE: **SUSSEX COUNTY PENSION UPDATE AND ACTUARIAL CHANGES**

Attached you will find the quarterly pension report and the minutes of the February 20th Pension Committee meeting. At the February pension meeting, we had two presentations:

- Marquette Associates, the County's investment advisor, reviewed the County's investment performance
- Cheiron, the County's actuary, gave the results of our actuarial experience study

At Tuesday's meeting, I will give a brief update on the performance of our pension funds and provide a presentation on the actuary's report. A copy of the presentation is attached. The result of the actuary's report is changing multiple assumptions that impact our actuarial liability and annual pension contributions.

At the end of the presentation, I will be requesting your approval to make Cheiron's recommended changes, which the pension committee unanimously supports.

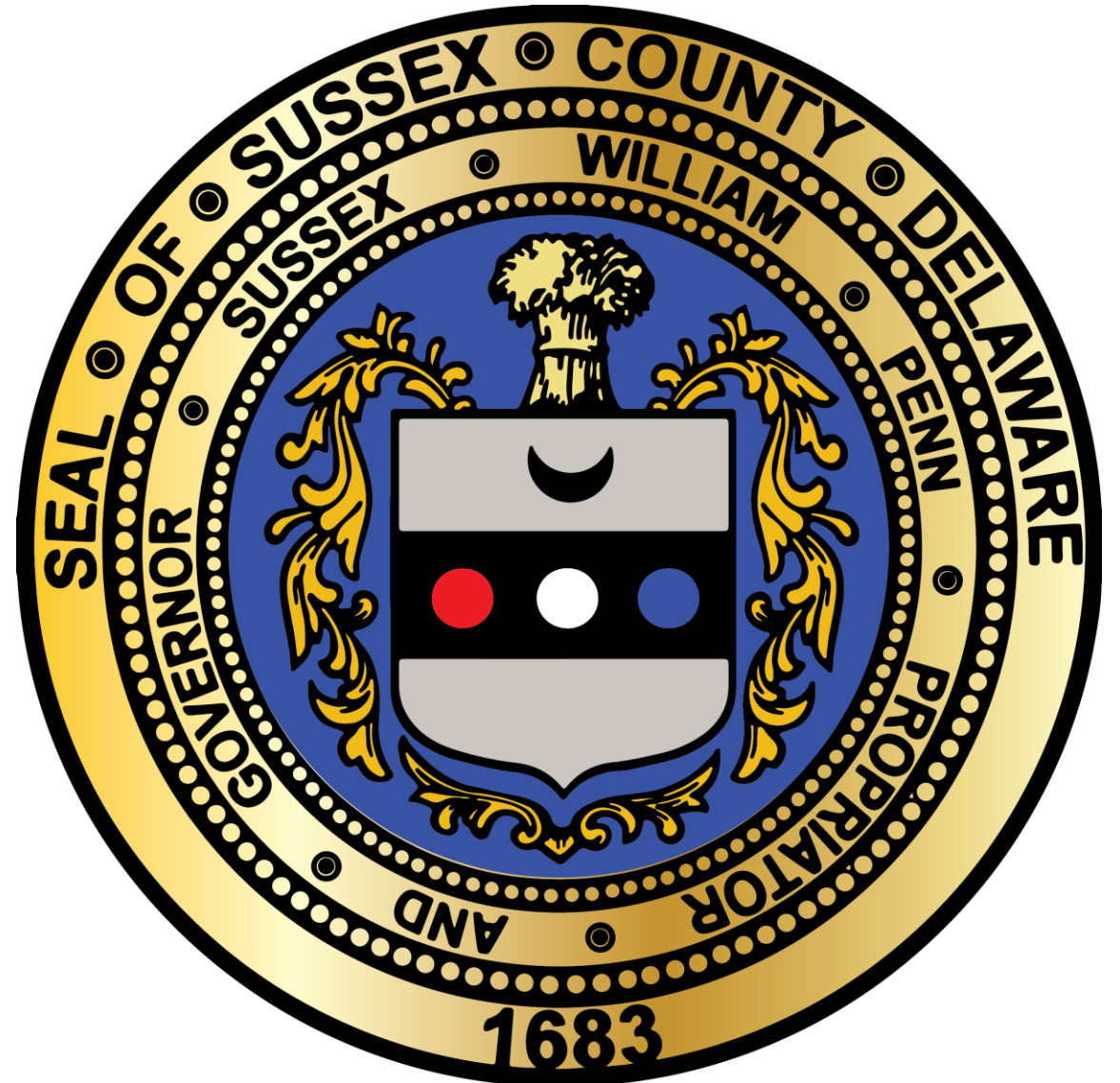
Please contact me if you have any questions or concerns.

Attachments



SUSSEX COUNTY PENSION UPDATE

MARCH 11, 2025



TOPICS

- Investment Performance
- Actuarial Experience Study
- Proposal to Change Various Pension Assumptions



PERFORMANCE

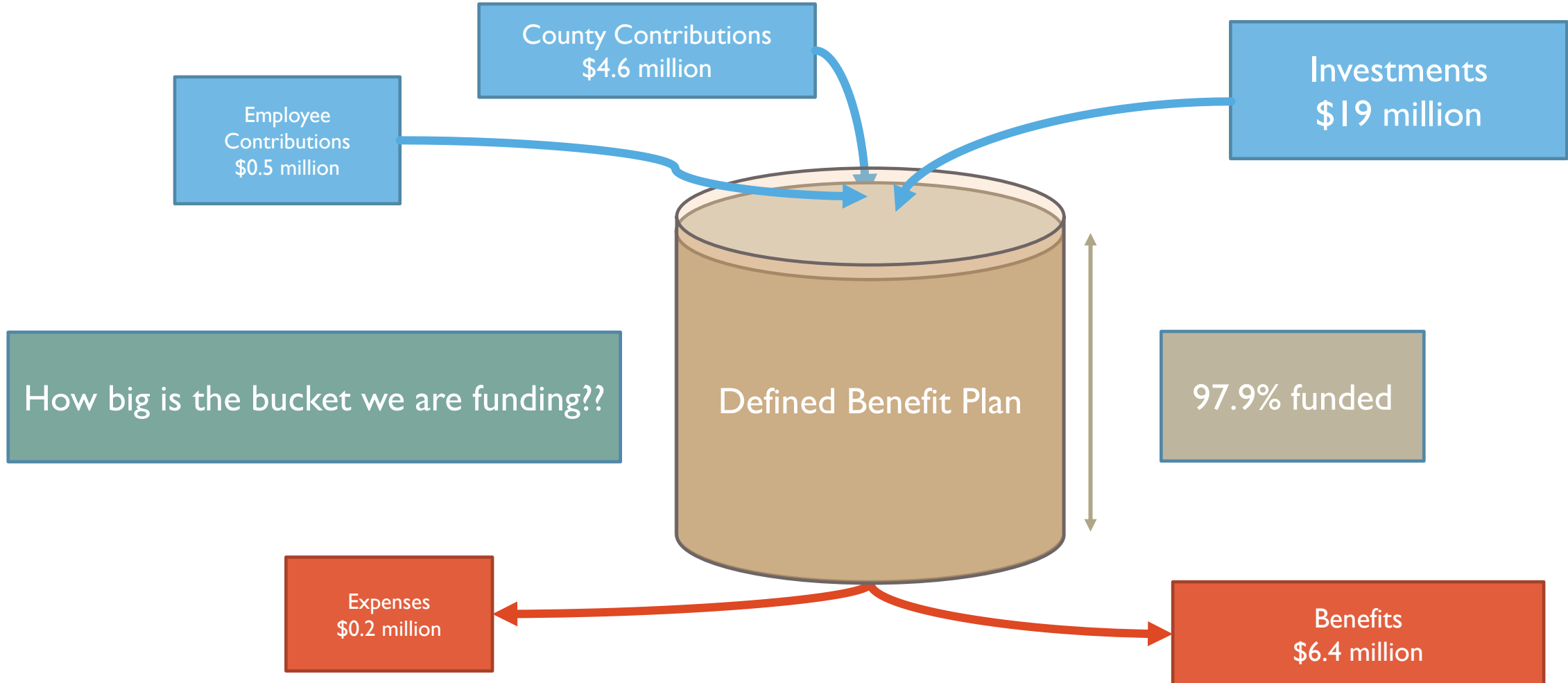
■ Pension Fund

- Market Value (1/31/25): \$175.8M
- Returns:
 - Fiscal Year to Date return (Thru 1/31/25): 6.7% (policy index (7.3%))
 - Assumed Rate of Return = 6.75%

■ OPEB Fund

- Market Value (1/31/25): \$71.6M
- Returns:
 - Fiscal Year to Date return (Thru 1/31/25): 6.7% (policy index (7.3%))
 - Assumed Rate of Return = 6.75%

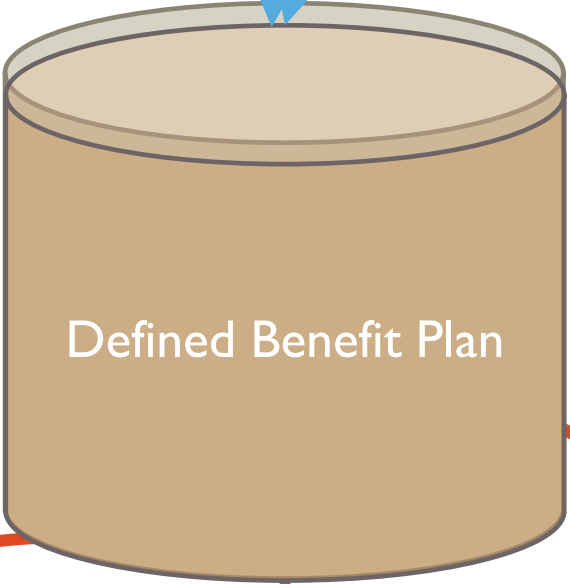
ACTUARIAL VALUATION PROCESS - PENSION



ACTUARIAL VALUATION PROCESS - OPEB



How big is the bucket we are funding??



101.8% funded



EXPERIENCE STUDY – JULY 1, 2018 – JUNE 30, 2024

DONE TO SEE HOW ASSUMPTIONS LINED UP WITH ACTUAL EXPERIENCE; SHOULD WE TWEAK THOSE ASSUMPTIONS GOING FORWARD?

Demographic Assumptions

- Mortality Rates
- Retirement Rates
- Termination Rates
- Marriage Assumption – no change

Economic Assumptions

- Salary Increases
- Inflation Rate – no change
- Cost-of-Living Adjustment – no change
- Investment Return – no change

MORTALITY RATES

Change Recommended

- Sussex has not accumulated sufficient data to develop credible experience-based mortality assumptions
- Recommend moving to a public employee mortality table referred to as Pub-2010 General published by Society of Actuaries in 2019 (previous assumption was a 2014 table)
- Recommend projection Scale MP-2021 (previous assumption was a 2018 table)

RETIREMENT RATES

Change Recommended for employees

No Change Recommended for Inactive Individuals who are vested

The following retirement rates have been used for Non-Elected and Elected Officials.

Age	< 30 Years of Service (%)	30+ Years of Service (%)
<55	0	15 10%
56-59	0	8 10%
60	20 30%	8 35%
61	20 10%	40 35%
62	20 10%	30 35%
63	25 20%	30 35%
64	10 20%	10 35%
65	25	50 60%
66-67	10 25%	10 60%
68	15 25%	10 60%
69	15 25%	100 60%
70+	100	100

The following retirement rates have been used for Paramedics and Dispatchers.

Age	< 25 Years of Service (%)	25-29 Years of Service (%)	30+ Years of Service (%)
<55	0	30 20%	100
55-59	0	50 20%	100
60-64	50	50 30%	100
65+	100	100	100

Service	Current	Proposed
0	10.0%	14.0%
1	9.0%	12.0%
2	8.0%	10.0%
3	7.0%	8.0%
4	12.0%	7.0%
5	3.0%	6.0%
6	3.0%	5.0%
7	3.0%	4.0%
8	3.0%	6.0%
9	3.0%	5.0%
10	10.0%	5.0%
11	5.0%	5.0%
12	5.0%	5.0%
13	5.0%	4.0%
14	5.0%	3.0%
15	1.0%	2.0%
16 - 19	1.0%	1.0%
20 - 24	1.0%	0.5%

TERMINATION RATES

CHANGE RECOMMENDED BASED ON EXPERIENCE

Recommend increase salary rates across the board by 0.5%

Years of Service	Current	Proposed
0 – 4	5.00%	5.50%
5 – 9	4.50%	5.00%
10 – 24	4.00%	4.50%
25 or more	3.50%	4.00%

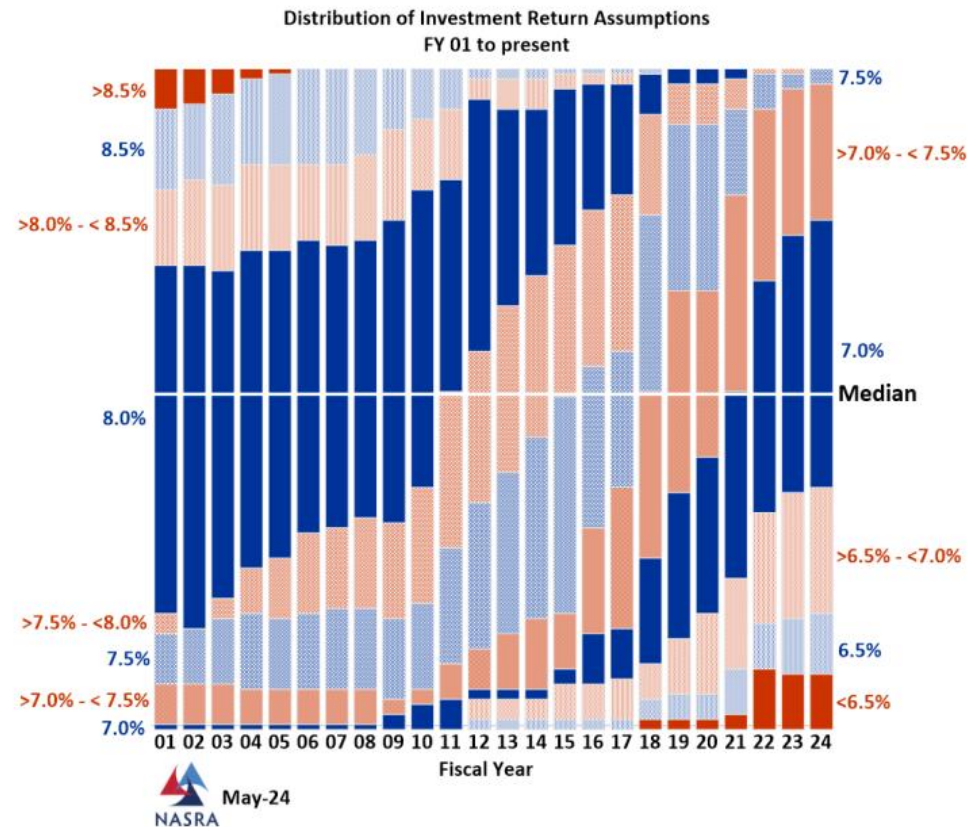
SALARY INCREASES

CHANGE BASED ON EXPERIENCE

INVESTMENT RETURN

No Change Recommended

- Current rate is 6.75%
- Lower rate means high contributions
- The County's assumed rate is still below the median rate of 7%



INVESTMENT RETURN

No Change Recommended

- Peer Review

System	Discount Rate
Delaware State	7.00%
City of Dover, DE	6.50%
City of Wilmington, DE	7.20%
New Castle County, DE	7.00%
Kent County, DE	6.75%

- Actual Returns

Investment Returns on Market Value of Assets Plan Year Ending June 30,	Return
2016	-0.5%
2017	11.9%
2018	8.1%
2019	6.8%
2020	3.3%
2021	25.4%
2022	-8.5%
2023	9.5%
2024	13.0%
Compounded Averages up to June 30, 2024	
Last 5 Years (2020 - 2024)	8.0%
All Years (2016 - 2024)	7.3%

Pension - Estimated Cost Impact of Assumption Changes

	Actuarial Liability		Annual Contribution*	
	Liability	Funded Ratio	Contribution	% of Pay
Baseline	\$ 163,250,000	97.9%	\$ 4,063,000	11.6%
Assumption Change	Impact (\$)		Impact (\$)	
Mortality	\$ 3,129,000	96.0%	\$ 473,000	13.0%
Retirement	116,000	96.0%	8,000	13.0%
Termination	818,000	95.5%	79,000	13.2%
Salary	1,410,000	94.7%	442,000	14.5%
Total Change	\$ 5,473,000		\$ 1,002,000	
Final at 6.75%	\$ 168,723,000	94.7%	\$ 5,065,000	14.5%

OPEB - Estimated Cost Impact of Assumption Changes

	Actuarial Liability		Annual Contribution	
	Liability	Funded Ratio	Contribution	% of Pay
Baseline	\$ 64,168,000	101.8%	\$ 1,618,000	4.7%
Assumption Change	Impact (\$)		Impact (\$)	
Mortality	\$ 1,432,000	99.6%	\$ 123,000	5.1%
Retirement	(511,000)	100.4%	(75,000)	4.8%
Termination	540,000	99.6%	55,000	5.0%
Salary	(504,000)	100.3%	(21,000)	4.9%
Total Change	\$ 957,000		\$ 82,000	
Final at 6.75%	\$ 65,125,000	100.3%	\$ 1,700,000	4.9%

COST IMPACT

When actual experience in a specific year does not match up with the actuarial assumption, the actuary amortized it over a certain period to determine what the governments annual contribution should be for the next year.

Current Amortization:

Pension: 20-year closed period beginning July 1, 2015

OPEB: 30-year closed period beginning July 1, 2018

Recommend Amortization:

20-year layered amortization

AMORTIZATION METHOD

Pension - Estimated Cost Impact of Assumption Changes

	Actuarial Liability		Annual Contribution	
	Liability	Funded Ratio	Contribution	% of Pay
Baseline	\$ 163,250,000	97.9%	\$ 4,063,000	11.6%
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Salary	1,410,000	94.7%	442,000	14.5%
Total Change	\$ 5,473,000		\$ 1,002,000	
Final at 6.75%	\$ 168,723,000	94.7%	\$ (329,000)	13.6%

OPEB - Estimated Cost Impact of Assumption Changes

	Actuarial Liability		Annual Contribution	
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Baseline	\$ 64,168,000	101.8%	\$ 1,618,000	4.7%
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Termination	540,000	99.6%	55,000	5.0%
Salary	(504,000)	100.3%	(21,000)	4.9%
Total Change	\$ 957,000		\$ 82,000	
Final at 6.75%	\$ 65,125,000	100.3%	\$ (2,000)	4.9%
			\$ 1,698,000	4.9%

COST IMPACT

MOTIONS

Be it moved that the Sussex County Council, based on the recommendation from the Pension Committee and Cheiron through their experience study, revise the following assumptions for both funds as presented: mortality rates, retirement rates, termination rates, and salary increases.

Be it moved that the Sussex County Council, based on the recommendation from the Pension Committee and Cheiron, change the actuarial amortization method for both funds to a 20-year layered approach.



Sussex County, Delaware

Employee Pension Plan OPEB Plan

Quarterly Performance Report
as of December 31, 2024



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EXHIBITS

Marquette Update	I
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Marquette Update



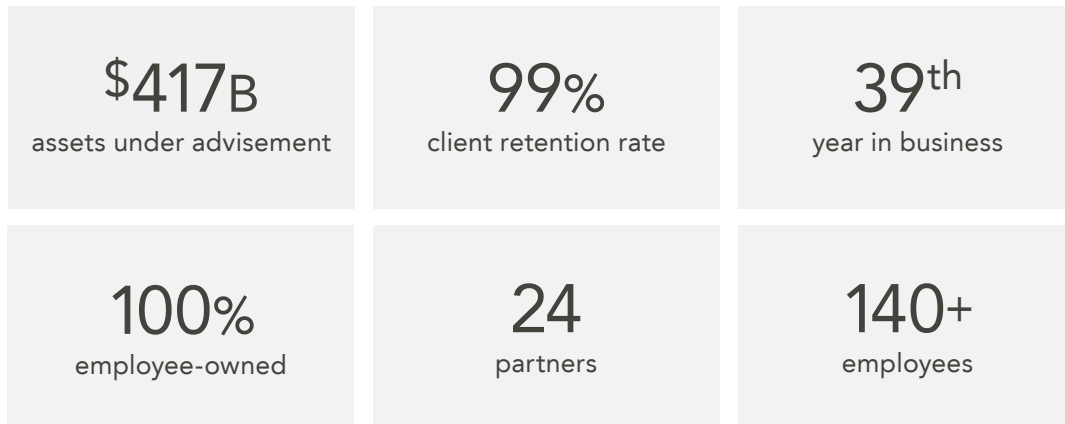
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Marquette Update

1Q 2025



Our 2025 Market Preview webinar hosted by our research team will be held live on Thursday, January 16 at 1:00pm CT, analyzing 2024 across the economy and various asset classes as well as themes we'll be monitoring in 2025. Reach out to our team for registration information at clientservice@marquetteassociates.com. We'll post the recording to our website and YouTube channel on January 17.



[Subscribe to research email alerts](#) Follow us on [LinkedIn](#) [YouTube](#)

2025 CLIENT TEAM PROMOTIONS

Jesus Jimenez
Principal

Billy Torre, Jr., CFA, CAIA
Principal

Jack Sannes, CFA, CAIA
Vice President

Jacob Schwister, CFA
Vice President

Kevin McDonnell, CPA, RPA
Associate Director of OCIO Services, Vice President

Kevin Kern
AVP, Performance Analysis

Colin Graeme
AVP, Client Service

John Waghorne
AVP, Client Service

Israel Lopez
Senior Client Analyst

Mike Kleinman
Assoc. Client Analyst, OCIO Services

Joe Rohaly
Associate Client Analyst

Connor Buggy
Sr. Performance Analyst

Jordan Clark
Sr. Performance Analyst

Lauren Smith
Sr. Performance Analyst

Bridget DeZellar
Sr. Performance Analyst

UPCOMING SPEAKING ENGAGEMENTS

- ▶ Dave Smith speaking at CFNEIA Professional Advisor Education Series 1/15 ([link](#))
- ▶ Lee Martin and Greg Leonberger speaking at KORIED 2025 Plan Sponsor Educational Institute 1/21–24 ([link](#))
- ▶ Frank Valle and Evan Frazier speaking at Maryland GFOA Winter Conference 1/24
- ▶ Evan Frazier speaking at Private Credit Investor Forum 2025 1/27 ([link](#))
- ▶ Dave Smith and Jessica Noviskis speaking at Chicago Finance Exchange 2025 Annual Economic Update 2/4 ([link](#))
- ▶ Kweku Obed speaking at CFA Society Chicago Distinguished Speaker Series 2/12 ([link](#))



Client data as of September 30, 2024; firm data as of January 2025. Client retention rate calculated 2014–2023. Owned by current and former employees. Marquette is an independent investment adviser registered under the Investment Advisers Act of 1940, as amended. Registration does not imply a certain level of skill or training. More information about Marquette including our investment strategies, fees and objectives can be found in our ADV Part 2, which is available upon request and on our website.

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Market Environment



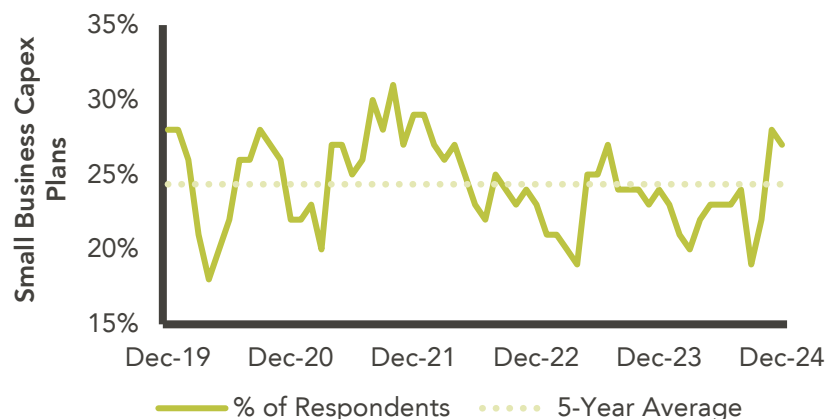
U.S. Economy

- U.S. economic activity decelerated in Q4, with real GDP growing at an annualized pace of 2.3%, as a slowdown in business capital goods spending and private inventory investment more than offset a surge in consumer spending.
- While business spending was a little softer in Q4, investment in manufacturing structures (data center, green industry, electric, etc.) has surged over the past couple of years. Fiscal initiatives (Inflation Reduction Act and the CHIPS & Science Act) have played a large role, incentivizing and subsidizing these investments.
- It's important to note that firms benefiting from these initiatives and making these investments are typically larger corporations. Small businesses have seen a slower environment for capex since interest rates began rising. More recently, however, the percentage of small businesses planning any capex in the next 3–6 months hit its highest level since January 2022, according to the NFIB survey.

U.S. Real GDP Growth¹



% of NFIB Respondents Planning Any Capex in Next 3-6 Months



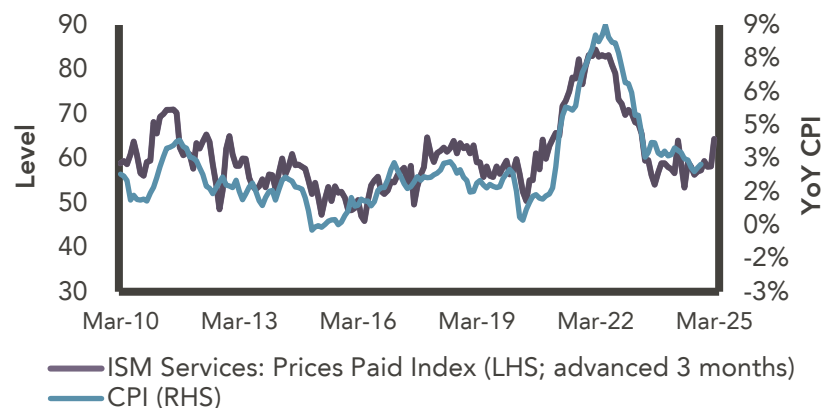
Source: Refinitiv, The Wall Street Journal

¹Striped bars reflect economist estimates from The Wall Street Journal Economic Forecasting Survey

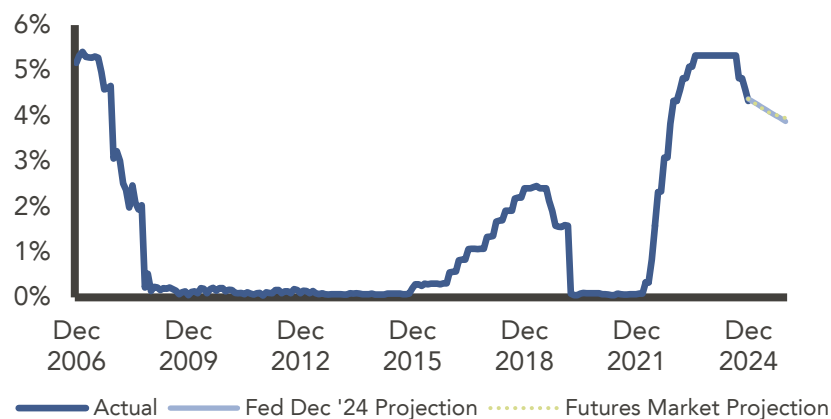
U.S. Economy

- The U.S. economy shows few signs of a protracted slowdown in the near term, absent an unexpected economic shock. The December payroll employment report, for example, showed an increase in monthly job gains above most economist estimates, while the unemployment rate edged down to 4.1% from 4.2%.
- Amid continued economic strength, there have been some signs that inflation may tick up in the coming months, despite soft PPI and CPI releases in early January. More specifically, the December ISM Services Survey's Prices Paid Index hit its highest level since May 2023.
- The Federal Reserve ("Fed") cut rates twice in Q4, bringing its cumulative rate reduction to 100 basis points ("bps") in 2024. Its revised Summary of Economic Projections, however, showed a base case of an additional 50 bps of cuts in 2025, down from 100 bps in its September forecast. Markets, meanwhile, are now pricing in less than two full rate cuts in 2025.

ISM Services Survey Index: Prices Paid vs. Inflation



Short-Term Interest Rates

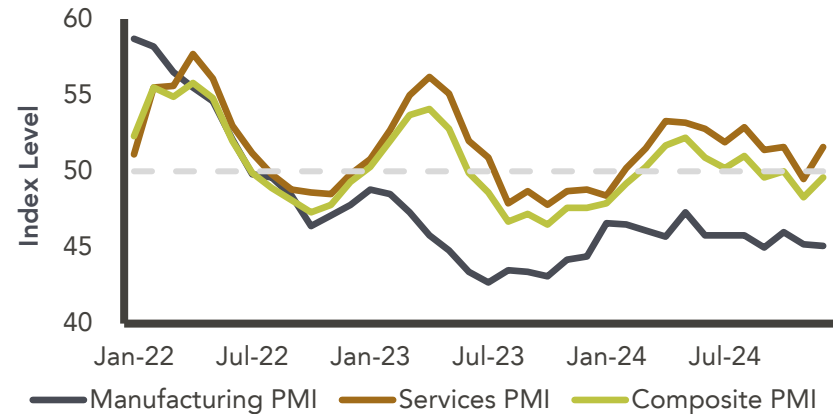


Source: Apollo, Refinitiv

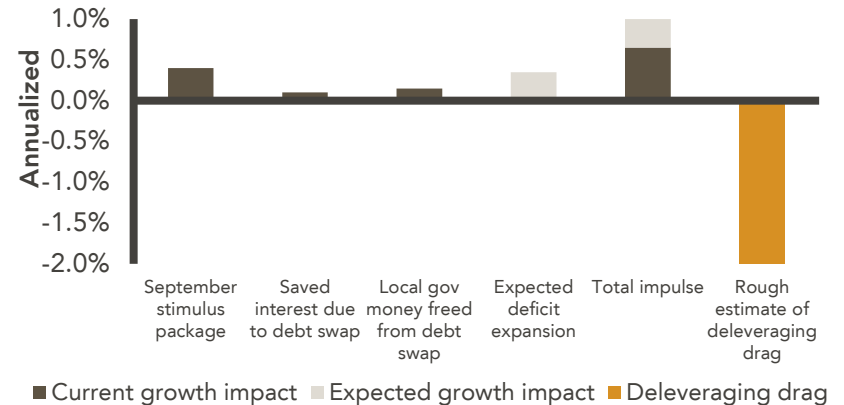
Global Economy

- Unlike the U.S., economic growth remains relatively stagnant in Europe. Notably, the Manufacturing PMI has been below 50—the level which marks expansion from contraction—for 30 consecutive months, the longest streak since the data began in 1997.
- While European domestic demand has been subdued, poor economic activity in China has also played a role. Since China is the EU's largest trading partner, Europe has seen slower growth in industries heavily reliant on exports to China.
- China continues to experience weak demand amid a poor real estate market, decelerating money supply growth, etc., despite large policymaker stimulus programs announced last year. Bridgewater estimates that current and future stimulus will offset only half of the ongoing deleveraging drag on China's economic conditions.

Eurozone PMI



Policy Impact on Economic Growth in China

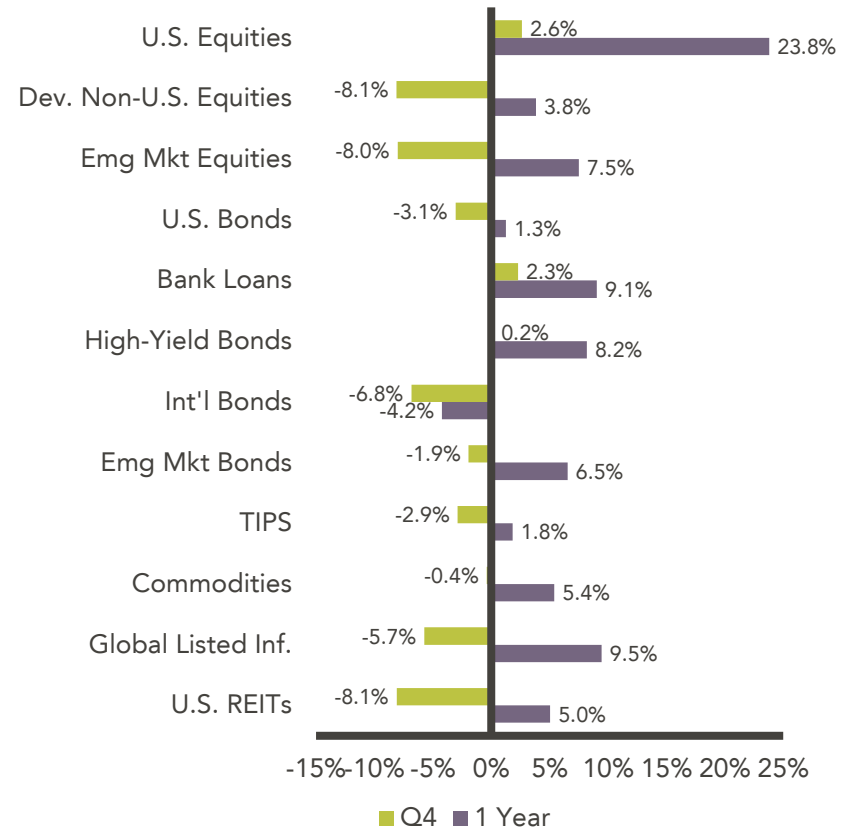


Source: Bridgewater, JP Morgan Asset Management, Refinitiv

Global Asset Class Performance

- Global equities posted a marginal decline in Q4, though the headline return masks significant dispersion across major regions. U.S equities generated a positive return, and vastly outperformed developed non-U.S. and emerging markets. U.S. dollar strength exacerbated losses for unhedged U.S.-based investors, detracting approximately 7.5 and 3.6 percentage points, respectively, from non-U.S. developed and emerging markets returns.
- Fixed income markets were mixed amid rising yields. Investment-grade bonds were firmly in the red as rates rose across most maturities. Sub-investment grade debt, on the other hand, posted gains, with bank loans topping high-yield debt given their floating-rate characteristics.
- Inflation-sensitive assets were in the red for Q4. TIPS declined amid rising real yields, though bested their nominal government bond counterparts amid rising inflation expectations. Global listed infrastructure and REITs lagged broad equity markets as higher rates drove relative underperformance. Commodities, meanwhile, were marginally negative despite higher oil prices.

Asset Class Returns: Select Asset Class Performance

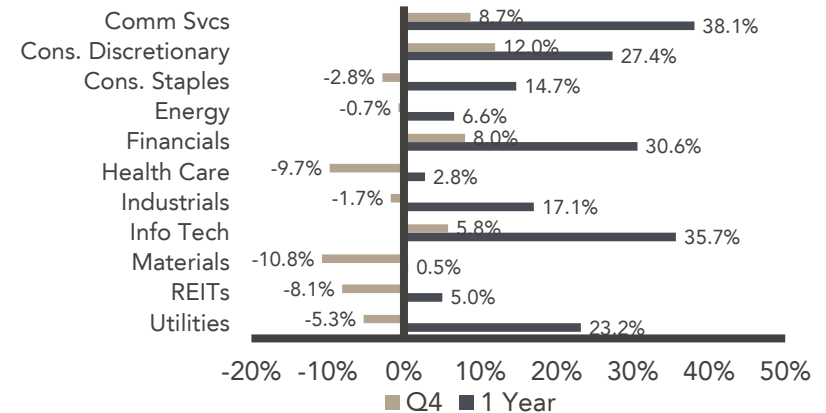


Source: Refinitiv

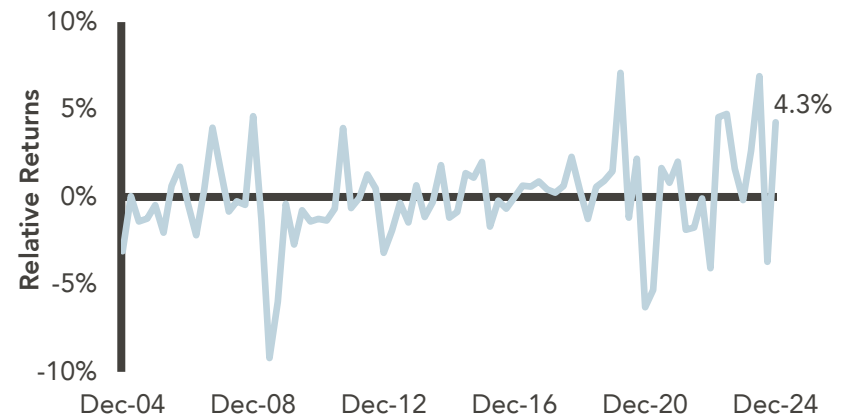
U.S. Equity Markets

- Economic sector performance for the quarter largely mimicked Q2, with most sectors in the red, despite broad market gains. Materials and Health Care were the worst-performing sectors. At the other end of the spectrum, Consumer Discretionary led the way, followed by Communication Services.
- From a style perspective, growth stocks topped value stocks in Q4. For the year, growth outperformed value by nearly 19 percentage points (as measured by their respective Russell 3000 Indices) thanks to outperformance by a handful of mega-cap growth stocks. Small- and mid-cap stocks, meanwhile, were essentially flat in Q4 as market breadth deteriorated notably.
- The S&P 500 Index topped its equal-weighted counterpart by more than four percentage points—marking its sixth quarter of outperformance out of the past eight. For the year, the cap-weighted index beat the equal-weighted index by more than 12 percentage points, which was in line with the outperformance seen in 2023.

Sector Returns



Quarterly Performance: S&P 500 vs. S&P 500 Equal Weighted



Source: Refinitiv

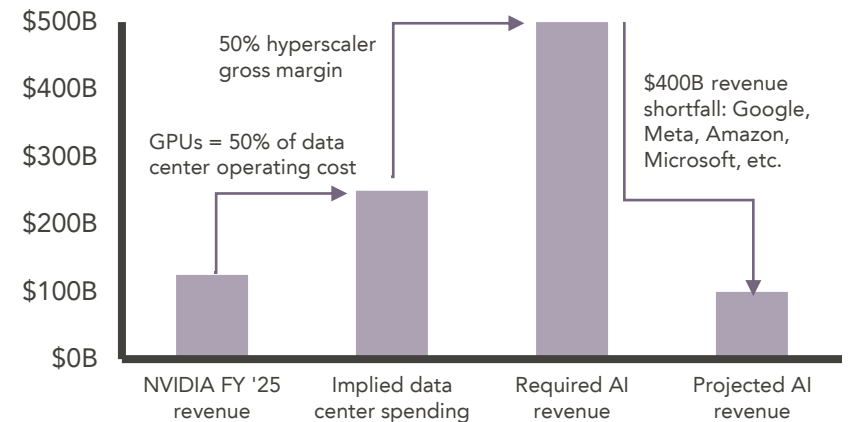
U.S. Equity Markets

- Mega-cap outperformance has been driven by the so-called “Magnificent 7” stocks, which have generated superior sales growth and earnings growth compared to the broad market over the past couple of years.
- While fundamentals for these stocks have been strong, valuations (using the IT sector as a rough proxy) currently hover around 2021 highs and are comfortably above 10- and 20-year averages as rising equity prices have outpaced the increase in forecasted earnings growth.
- It’s not yet clear, however, how successful these firms will be at monetizing recent AI-related capital expenditures. According to Sequoia, the hyperscalers (Google, Meta, Amazon, Microsoft, etc.) would need approximately \$400 billion in new revenues to earn their traditional 50% gross margin on projected \$250 billion of annual data center spending.
- In other words, investors have celebrated the “picks and shovels” spending on AI. At some point, they will shift their focus to the ROI on this spending, which remains an open question.

Forward Price-to-Earnings Ratio for the MSCI U.S. IT Sector



The Hyperscaler Revenue Gap

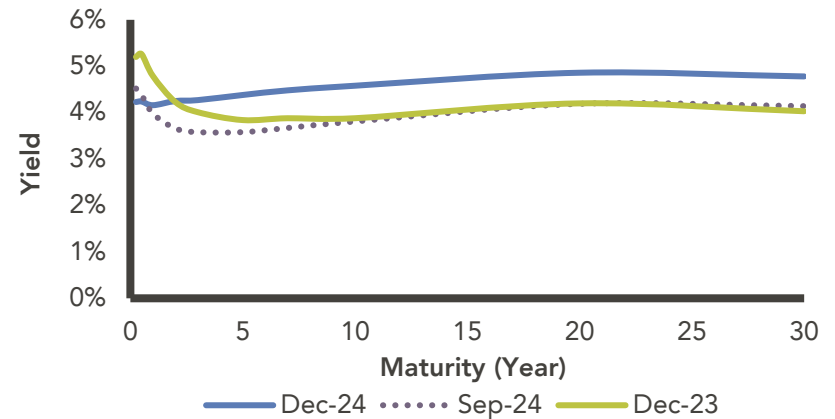


Source: JP Morgan Asset Management, Refinitiv, Sequoia

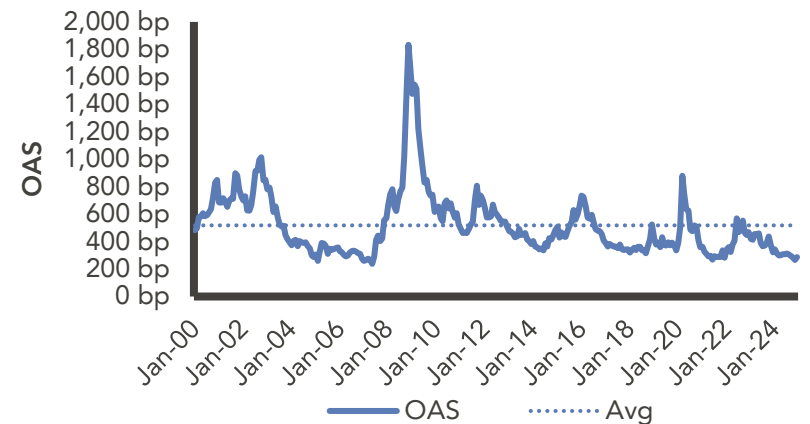
U.S. Fixed Income

- Treasury yields rose across most maturities in Q4, despite multiple rate cuts by the Fed. At both its November and December meetings, the Fed cut short-term rates by 25 bps. That said, its Summary of Economic Projections showed a base case of an additional 50 bps of cuts in 2025, down from 100 bps in its September forecast.
- A decline in projected rate cuts, coupled with the potential for continued expansionary fiscal policy, led to a notable increase in the term premium, which is the additional yield investors require to hold longer-dated bonds.
- Given the move in rates, the broad investment-grade bond market returned -3.1% in Q4. Sub-investment grade debt, on the other hand, posted marginal gains, with bank loans topping high-yield debt given their floating-rate characteristics. High-yield spreads ended Q4 at just 287 basis points, which is well below the long-term average.

Yield Curve



High Yield Spread



Source: Refinitiv

Global Index Returns

DOMESTIC EQUITY	QTR	YTD	1 Year	3 Year	5 Year	10 Year
S&P 500 Index	2.4	25.0	25.0	8.9	14.5	13.1
Russell 3000 Index	2.6	23.8	23.8	8.0	13.9	12.5
Russell 3000 Growth Index	6.8	32.5	32.5	9.9	18.2	16.2
Russell 3000 Value Index	(1.9)	14.0	14.0	5.4	8.6	8.4
Russell TOP 200 Index	3.4	27.4	27.4	9.9	15.8	14.0
Russell TOP 200 Growth Index	6.9	35.2	35.2	11.7	20.6	18.1
Russell TOP 200 Value Index	(2.1)	15.2	15.2	6.5	8.7	8.7
Russell 1000 Index	2.7	24.5	24.5	8.4	14.3	12.9
Russell 1000 Growth Index	7.1	33.4	33.4	8.4	19.0	16.8
Russell 1000 Value Index	(2.0)	14.4	14.4	5.6	8.7	8.5
Russell Mid-Cap Index	0.6	15.3	15.3	3.8	9.9	9.6
Russell Mid-Cap Growth Index	8.1	22.1	22.1	4.0	11.5	11.5
Russell Mid-Cap Value Index	(1.7)	13.1	13.1	3.9	8.6	8.1
Russell 2000 Index	0.3	11.5	11.5	1.2	7.4	7.8
Russell 2000 Growth Index	1.7	15.2	15.2	0.2	6.9	8.1
Russell 2000 Value Index	(1.1)	8.1	8.1	1.9	7.3	7.1
DOMESTIC EQUITY BY SECTOR (MSCI)						
Communication Services	8.7	38.1	38.1	7.9	13.4	11.4
Consumer Discretionary	12.0	27.4	27.4	4.4	15.5	13.8
Consumer Staples	(2.8)	14.7	14.7	5.1	8.7	8.4
Energy	(0.7)	6.6	6.6	20.2	12.7	4.3
Financials	8.0	30.6	30.6	9.4	11.7	11.5
Health Care	(9.7)	2.8	2.8	(0.1)	7.3	8.9
Industrials	(1.7)	17.1	17.1	9.5	12.3	11.0
Information Technology	5.8	35.7	35.7	13.7	22.9	21.2
Materials	(10.8)	0.5	0.5	0.4	9.0	7.8
Real Estate	(8.1)	5.0	5.0	(4.3)	3.3	5.8
Utilities	(5.3)	23.2	23.2	4.9	6.1	8.3

Source: Refinitiv

Global Index Returns

INTERNATIONAL/GLOBAL EQUITY	QTR	YTD	1 Year	3 Year	5 Year	10 Year
MSCI EAFE (Net)	(8.1)	3.8	3.8	1.6	4.7	5.2
MSCI EAFE Growth (Net)	(9.1)	2.0	2.0	(2.6)	4.0	5.8
MSCI EAFE Value (Net)	(7.1)	5.7	5.7	5.9	5.1	4.3
MSCI EAFE Small Cap (Net)	(8.4)	1.8	1.8	(3.2)	2.3	5.5
MSCI AC World Index (Net)	(1.0)	17.5	17.5	5.4	10.1	9.2
MSCI AC World Index Growth (Net)	2.6	24.2	24.2	5.7	13.1	11.9
MSCI AC World Index Value (Net)	(4.7)	10.8	10.8	4.6	6.4	6.2
MSCI Europe ex UK (Net)	(10.6)	0.1	0.1	(0.0)	5.1	5.5
MSCI United Kingdom (Net)	(6.8)	7.5	7.5	5.3	4.4	3.8
MSCI Pacific ex Japan (Net)	(9.1)	4.6	4.6	1.5	3.2	4.4
MSCI Japan (Net)	(3.6)	8.3	8.3	2.8	4.8	6.2
MSCI Emerging Markets (Net)	(8.0)	7.5	7.5	(1.9)	1.7	3.6

Source: Refinitiv

Global Index Returns

FIXED INCOME	QTR	YTD	1 Year	3 Year	5 Year	10 Year
Merrill Lynch 3-month T-Bill	1.2	5.3	5.3	3.9	2.5	1.8
Barclays Intermediate Gov't./Credit	(1.6)	3.0	3.0	(0.2)	0.9	1.7
Barclays Aggregate Bond	(3.1)	1.3	1.3	(2.4)	(0.3)	1.3
Barclays Short Government	(0.1)	4.0	4.0	1.4	1.4	1.4
Barclays Intermediate Government	(1.7)	2.4	2.4	(0.5)	0.5	1.2
Barclays Long Government	(8.6)	(6.4)	(6.4)	(11.9)	(5.2)	(0.6)
Barclays Investment Grade Corp.	(3.0)	2.1	2.1	(2.3)	0.3	2.4
Barclays High Yield Corp. Bond	0.2	8.2	8.2	2.9	4.2	5.2
Credit Suisse Leveraged Loan	2.3	9.1	9.1	6.8	5.7	5.1
JPMorgan Global ex US Bond	(6.8)	(4.2)	(4.2)	(6.3)	(3.4)	(0.9)
JPMorgan Emerging Market Bond	(1.9)	6.5	6.5	(0.9)	0.1	3.1
INFLATION SENSITIVE						
Consumer Price Index	0.1	1.0	2.9	4.2	4.2	3.0
BC TIPS	(2.9)	1.8	1.8	(2.3)	1.9	2.2
Commodities	(0.4)	5.4	5.4	4.1	6.8	1.3
Gold	(0.5)	26.6	26.6	12.3	10.4	7.4
FTSE Nareit All Equity REITs	(8.2)	4.9	4.9	(4.3)	3.3	5.8
FTSE EPRA/NAREIT Global REITs	(9.9)	0.6	0.6	(6.1)	(1.9)	2.0
NCREIF ODCE*	1.0	(2.3)	(2.3)	(3.1)	2.0	4.9

*Data are preliminary.

Source: Refinitiv



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Employee Pension Plan

Portfolio Overview



Observations

- Market Value as of December 31, 2024, was \$172.3 million
 - Q4-24 net investment change of **-\$1.4** million, returning **-0.8%** (net), vs. policy index of **-0.2%**
- Positive attribution for the quarter from:
 - Asset Allocation
 - Outperformance by JPMorgan IIF and Clarion LPF
- Negative attribution for the quarter from:
 - Equity Structure
 - Underperformance by most active equity managers

Looking Ahead

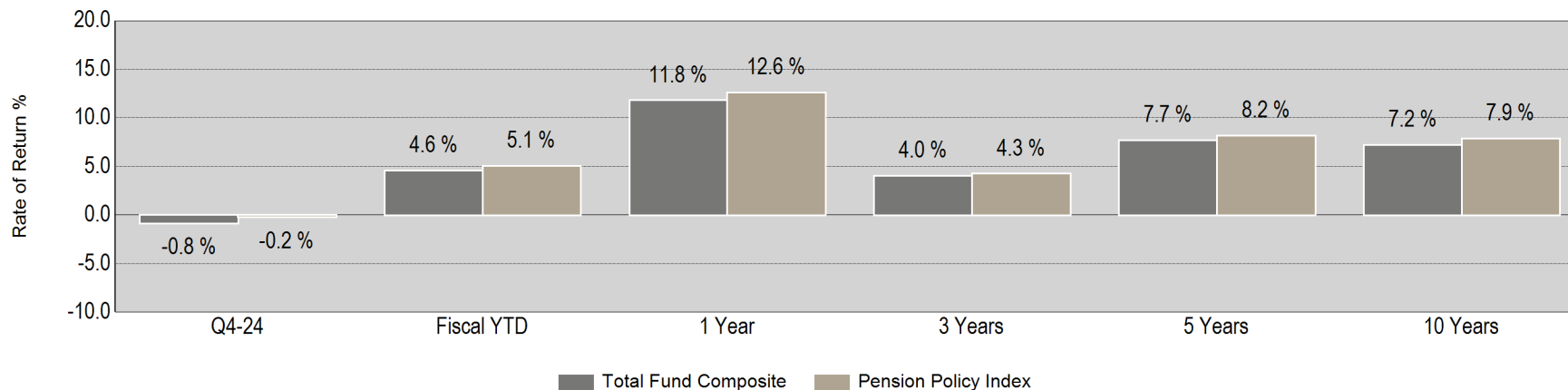
- 2025 Outlook

As of December 31, 2024

Summary of Cash Flows

	Fourth Quarter	Fiscal Year-To-Date	One Year	Three Years	Five Years	Ten Years
Beginning Market Value	\$173,520,563	\$164,440,126	\$155,518,191	\$158,812,510	\$123,789,115	\$71,652,479
Contributions	\$164,038	\$351,470	\$604,260	\$1,525,619	\$2,087,237	\$23,541,928
Withdrawals	-\$17,118	-\$73,899	-\$2,123,564	-\$6,975,535	-\$7,813,226	-\$8,956,180
Net Cash Flow	\$146,920	\$277,571	-\$1,519,304	-\$5,449,915	-\$5,725,989	\$14,585,748
Net Investment Change	-\$1,411,122	\$7,538,664	\$18,257,474	\$18,893,767	\$54,193,235	\$86,018,134
Ending Market Value	\$172,256,361	\$172,256,361	\$172,256,361	\$172,256,361	\$172,256,361	\$172,256,361

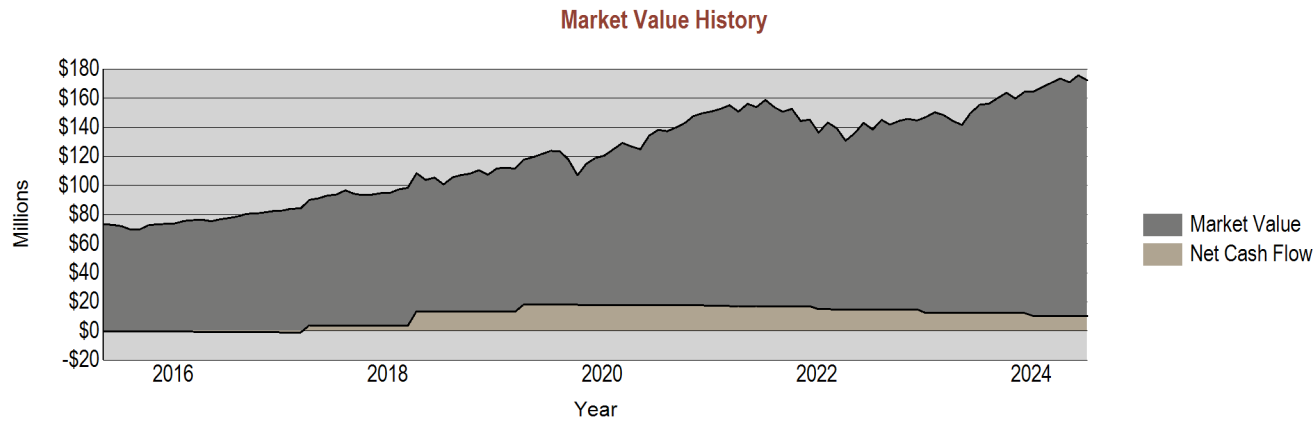
Return Summary (Net)



Asset Allocation vs. Target

	Current	Policy	Difference*	Policy Range	Within Range
U.S. Equity	37.4%	36.0%	\$2,384,935	31.0% - 41.0%	Yes
Global Equity	14.4%	15.0%	-\$1,014,515	10.0% - 20.0%	Yes
Non-U.S. Equity	8.4%	9.0%	-\$1,070,929	4.0% - 14.0%	Yes
Real Estate	3.1%	3.0%	\$131,990	0.0% - 6.0%	Yes
Infrastructure	7.1%	7.0%	\$201,863	0.0% - 14.0%	Yes
U.S. Fixed Income	24.8%	26.0%	-\$2,103,469	21.0% - 31.0%	Yes
Bank Loans	2.8%	3.0%	-\$342,360	0.0% - 6.0%	Yes
Cash Equivalent	2.1%	1.0%	\$1,812,484	0.0% - 5.0%	Yes
Total	100.0%	100.0%			

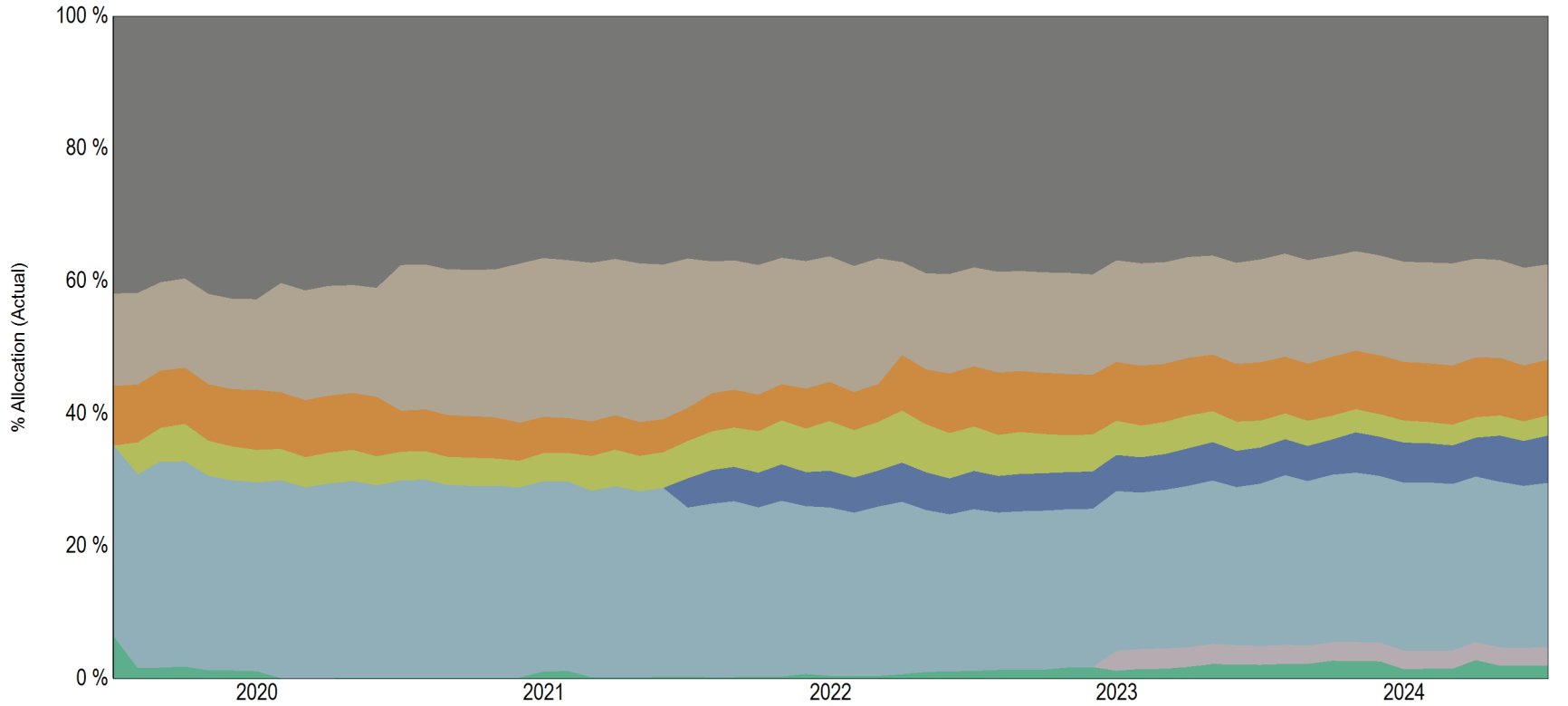
As of December 31, 2024



Cash Flow Summary by Manager for Quarter Ending December 31, 2024

	Beginning Market Value	Net Cash Flow	Net Investment Change	Ending Market Value
Fidelity 500 Index	\$51,786,446	\$0	\$1,247,595	\$53,034,041
Eaton Vance Atlanta Capital SMID	\$5,294,055	\$0	-\$156,957	\$5,137,099
Vanguard Small-Cap Value Index	\$6,273,863	\$0	-\$47,777	\$6,226,086
Dodge & Cox Global Stock	\$8,714,351	\$0	-\$637,964	\$8,076,387
Artisan Global Opportunities	\$8,657,131	\$0	-\$140,259	\$8,516,872
MFS Low Volatility Global Equity	\$8,557,158	\$0	-\$326,478	\$8,230,680
Fidelity Total International Index	\$11,569,240	\$0	-\$878,086	\$10,691,154
Harding Loevner Int'l Small Companies Portfolio	\$1,362,374	\$0	-\$144,124	\$1,218,249
DFA Emerging Markets Core Equity	\$2,708,845	\$0	-\$186,105	\$2,522,740
Clarion Lion Properties Fund	\$5,379,416	-\$168,707	\$88,972	\$5,299,681
JPMorgan IIF Hedged LP	\$10,170,856	\$1,750,000	\$338,952	\$12,259,808
Aristotle Pacific Floating Rate Fund	\$4,725,561	\$0	\$99,770	\$4,825,331
Wilmington Trust Fixed Income	\$19,823,146	-\$7,382	-\$300,303	\$19,515,461
Fidelity Intern. Treasury Bond Index	\$10,963,898	\$0	-\$427,021	\$10,536,878
Lord Abbett Short Duration Income	\$12,595,516	\$0	\$35,330	\$12,630,846
Wilmington U.S. Govt MM Fund - MF Acct	\$3,363,425	-\$1,591,021	\$20,192	\$1,792,597
M&T Bank Municipal MM Savings	\$1,575,280	\$164,030	\$3,141	\$1,742,451
Total	\$173,520,563	\$146,920	-\$1,411,122	\$172,256,361

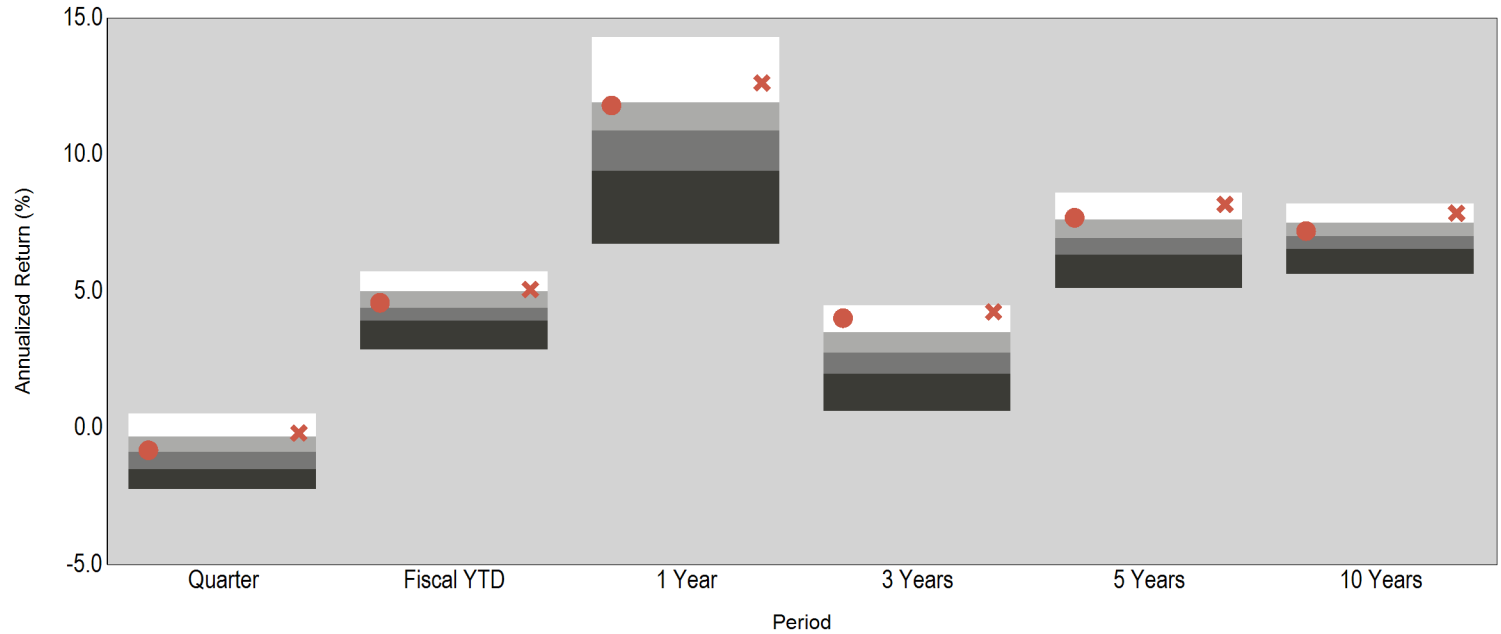
Asset Allocation History
5 Years Ending December 31, 2024



U.S. Equity Global Equity Non-U.S. Equity Real Estate Infrastructure U.S. Fixed Income Bank Loans Cash Equivalent

As of December 31, 2024

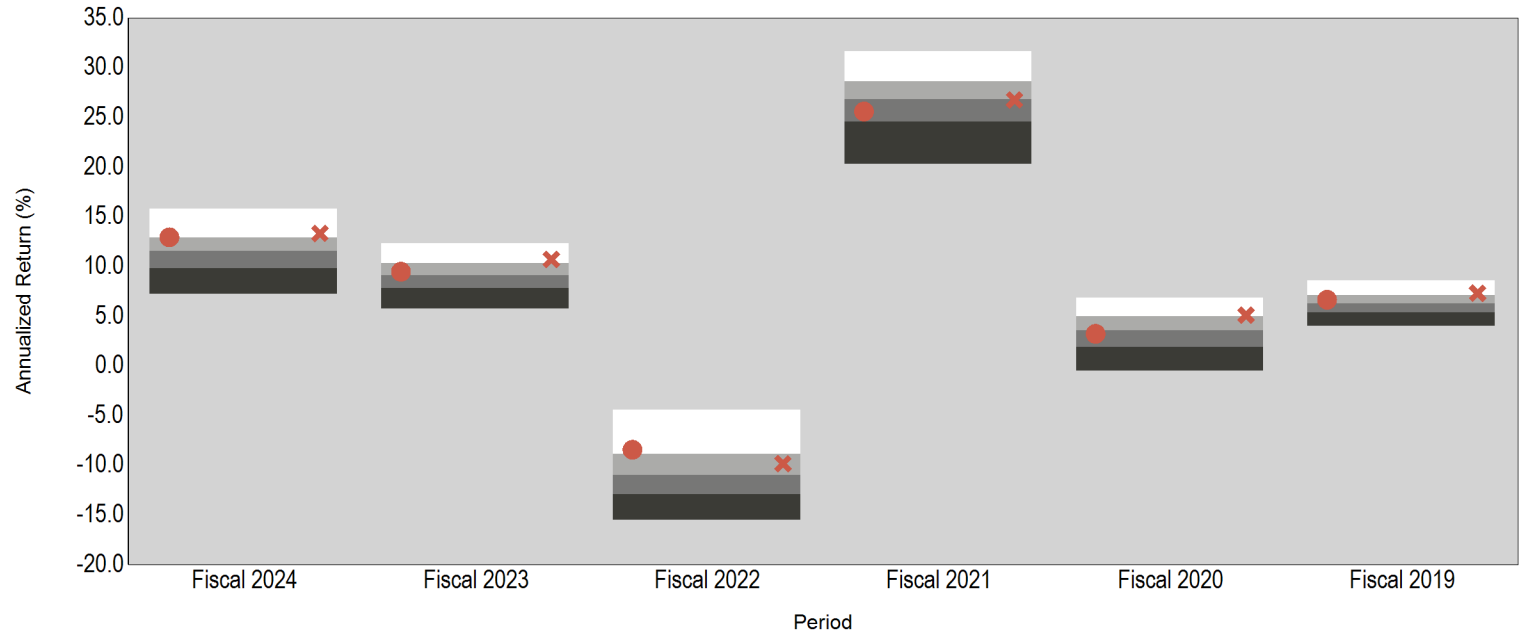
InvMetrics Public DB Net Return Comparison



	Return (Rank)											
	Quarter		Fiscal YTD		1 Year		3 Years		5 Years		10 Years	
5th Percentile	0.5		5.7		14.3		4.5		8.6		8.2	
25th Percentile	-0.3		5.0		11.9		3.5		7.6		7.5	
Median	-0.9		4.4		10.9		2.8		6.9		7.0	
75th Percentile	-1.5		3.9		9.4		2.0		6.3		6.5	
95th Percentile	-2.2		2.9		6.7		0.6		5.1		5.6	
# of Portfolios	490		486		482		459		441		385	
● Total Fund Composite	-0.8	(46)	4.6	(41)	11.8	(27)	4.0	(12)	7.7	(23)	7.2	(40)
✕ Pension Policy Index	-0.2	(20)	5.1	(22)	12.6	(16)	4.3	(8)	8.2	(11)	7.9	(12)

As of December 31, 2024

InvMetrics Public DB Net Return Comparison



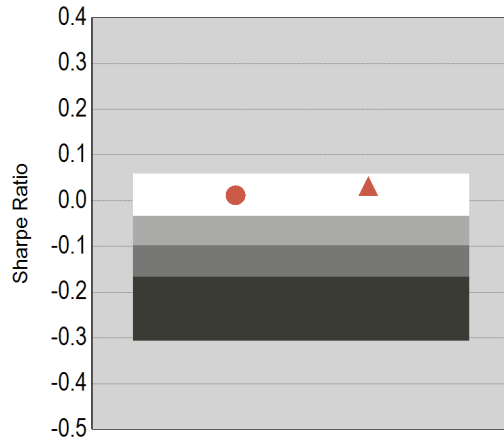
	Return (Rank)											
	Fiscal 2024		Fiscal 2023		Fiscal 2022		Fiscal 2021		Fiscal 2020		Fiscal 2019	
5th Percentile	15.8		12.3		-4.4		31.6		6.9		8.6	
25th Percentile	12.9		10.3		-8.9		28.6		5.0		7.1	
Median	11.6		9.1		-11.0		26.8		3.6		6.2	
75th Percentile	9.8		7.8		-12.9		24.6		1.9		5.4	
95th Percentile	7.3		5.7		-15.5		20.3		-0.5		4.0	
# of Portfolios	554		543		585		603		574		527	
● Total Fund Composite	12.9	(25)	9.5	(41)	-8.4	(21)	25.6	(64)	3.2	(56)	6.7	(36)
✕ Pension Policy Index	13.3	(21)	10.7	(18)	-9.8	(35)	26.8	(52)	5.1	(24)	7.3	(20)

Sussex County Employee Pension Plan

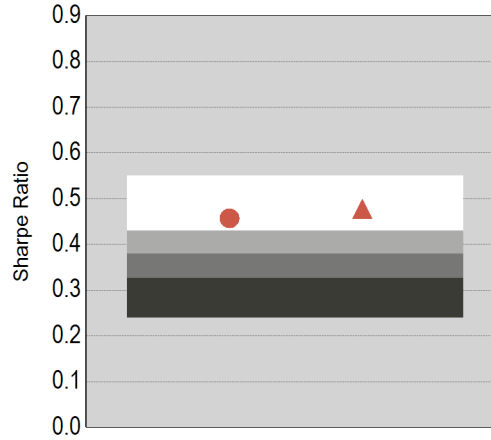
Peer Ranking (Net)

As of December 31, 2024

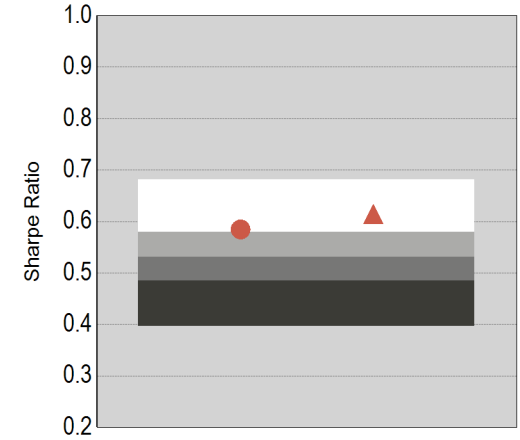
Sharpe Ratio vs. InvMetrics Public DB Net
3 Years Ending December 31, 2024



Sharpe Ratio vs. InvMetrics Public DB Net
5 Years Ending December 31, 2024



Sharpe Ratio vs. InvMetrics Public DB Net
10 Years Ending December 31, 2024



● Total Fund Composite	
Value	0.0
Rank	11
▲ Pension Policy Index	
Value	0.0
Rank	7
Universe	
5th %tile	0.1
25th %tile	0.0
Median	-0.1
75th %tile	-0.2
95th %tile	-0.3

● Total Fund Composite	
Value	0.5
Rank	17
▲ Pension Policy Index	
Value	0.5
Rank	12
Universe	
5th %tile	0.6
25th %tile	0.4
Median	0.4
75th %tile	0.3
95th %tile	0.2

● Total Fund Composite	
Value	0.6
Rank	24
▲ Pension Policy Index	
Value	0.6
Rank	15
Universe	
5th %tile	0.7
25th %tile	0.6
Median	0.5
75th %tile	0.5
95th %tile	0.4

RISK RETURN STATISTICS
January 01, 2020 Through December 31, 2024

	Total Fund Composite	Pension Policy Index
RETURN SUMMARY STATISTICS		
Number of Periods	60	60
Maximum Return	7.47	8.27
Minimum Return	-9.16	-9.24
Annualized Return	7.69	8.19
Total Return	44.87	48.20
Annualized Excess Return Over Risk Free	5.28	5.77
Annualized Excess Return	-0.49	0.00

	Total Fund Composite	Pension Policy Index
RISK SUMMARY STATISTICS		
Beta	0.95	1.00
Upside Deviation	5.96	6.64
Downside Deviation	7.13	7.65

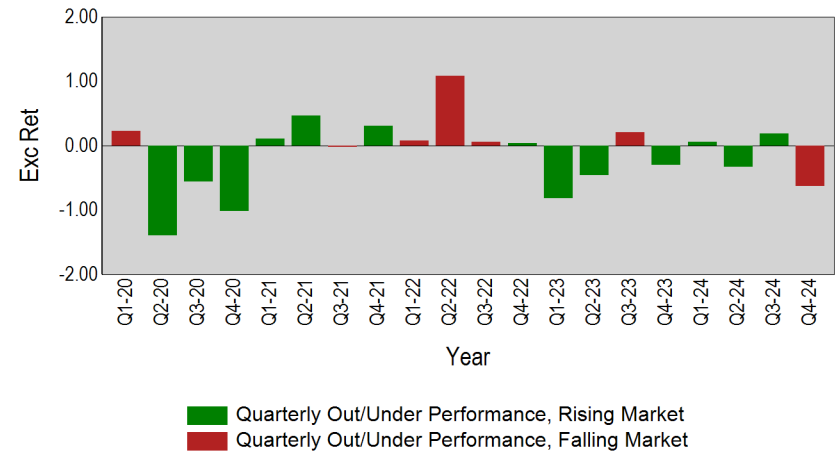
	Total Fund Composite	Pension Policy Index
RISK/RETURN SUMMARY STATISTICS		
Annualized Standard Deviation	11.55	12.07
Alpha	-0.01	0.00
Sharpe Ratio	0.46	0.48
Excess Return Over Market / Risk	-0.04	0.00
Tracking Error	1.07	0.00
Information Ratio	-0.46	--

	Total Fund Composite	Pension Policy Index
CORRELATION STATISTICS		
R-Squared	0.99	1.00
Correlation	1.00	1.00

Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending December 31, 2024



Quarterly Excess Performance
Total Fund Composite vs. Pension Policy Index



Sussex County Employee Pension Plan

Performance Summary (Net)

As of December 31, 2024

	3 Mo	Fiscal YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Total Fund Composite	-0.8	4.6	11.8	4.0	7.7	172,256,361	100.0	100.0	8.0	Nov-11
<i>Pension Policy Index</i>	-0.2	5.1	12.6	4.3	8.2				8.6	Nov-11
<i>InvMetrics Public DB Net Rank</i>	46	41	27	12	23				46	Nov-11
Total Equity Composite	-1.2	5.6	17.1	5.7	10.5	103,653,308	60.2	60.0	12.2	Nov-11
<i>Total Equity Policy Index</i>	0.0	6.8	19.0	6.2	11.4				12.6	Nov-11
U.S. Equity Composite	1.6	8.4	22.8	8.0	13.6	64,397,225	37.4	36.0	13.6	Jan-20
<i>Russell 3000</i>	2.6	9.0	23.8	8.0	13.9				13.9	Jan-20
<i>Fidelity 500 Index</i>	2.4	8.4	25.0	8.9	14.5	53,034,041	30.8	29.5	16.0	Jul-20
<i>S&P 500</i>	2.4	8.4	25.0	8.9	14.5				16.0	Jul-20
<i>Large Cap MStar MF Rank</i>	37	30	31	21	29				20	Jul-20
<i>Eaton Vance Atlanta Capital SMID</i>	-3.0	6.9	13.7	--	--	5,137,099	3.0	3.0	17.9	Sep-22
<i>Russell 2500</i>	0.6	9.4	12.0	--	--				16.6	Sep-22
<i>SMID Blend MStar MF Rank</i>	91	71	35	--	--				40	Sep-22
<i>Vanguard Small-Cap Value Index</i>	-0.8	9.7	12.4	5.8	9.9	6,226,086	3.6	3.5	16.6	Jul-20
<i>CRSP US Small Cap Value TR USD</i>	-0.8	9.7	12.4	5.7	9.9				16.6	Jul-20
<i>Small Value MStar MF Rank</i>	67	32	24	34	35				46	Jul-20
Global Equity Composite	-4.3	2.5	11.2	3.5	6.6	24,823,939	14.4	15.0	6.6	Jan-20
<i>MSCI ACWI IMI Net USD</i>	-1.2	5.5	16.4	4.9	9.7				9.7	Jan-20
<i>Dodge & Cox Global Stock</i>	-7.3	-0.2	5.1	6.0	8.8	8,076,387	4.7	5.0	9.5	Dec-20
<i>MSCI ACWI Value NR USD</i>	-4.7	4.3	10.8	4.6	6.4				8.2	Dec-20
<i>Global Large Stock Value Mstar MF Rank</i>	95	95	87	28	15				30	Dec-20
<i>Artisan Global Opportunities</i>	-1.6	2.6	15.2	-0.3	9.6	8,516,872	4.9	5.0	3.1	Dec-20
<i>MSCI ACWI Growth</i>	2.6	6.8	24.2	5.7	13.1				8.5	Dec-20
<i>Global Large Stock Growth Mstar MF Rank</i>	60	58	52	78	57				72	Dec-20
<i>MFS Low Volatility Global Equity</i>	-3.8	5.0	13.2	6.1	8.2	8,230,680	4.8	5.0	8.9	May-18
<i>MSCI ACWI Minimum Volatility Index</i>	-3.5	6.0	11.4	2.5	4.7				6.4	May-18
<i>eV Global Low Volatility Equity Net Rank</i>	61	57	40	19	9				6	May-18

Sussex County Employee Pension Plan

Performance Summary (Net)

As of December 31, 2024

	3 Mo	Fiscal YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Non-U.S. Equity Composite	-7.7	-0.6	4.5	-0.3	4.1	14,432,144	8.4	9.0	4.1	Jan-20
MSCI ACWI ex USA IMI	-7.6	0.0	5.2	0.5	4.1				4.1	Jan-20
Fidelity Total International Index	-7.6	-0.3	5.0	0.5	4.1	10,691,154	6.2	6.5	2.4	Dec-20
MSCI ACWI ex USA IMI	-7.6	0.0	5.2	0.5	4.1				2.4	Dec-20
Foreign Large Blend MStar MF Rank	61	43	46	58	64				66	Dec-20
Harding Loevner Int'l Small Companies Portfolio	-10.6	-2.7	-6.7	--	--	1,218,249	0.7	1.0	-4.5	Jan-22
MSCI ACWI ex US Small Cap Growth NR USD	-7.2	0.6	3.1	--	--				-1.3	Jan-22
eV ACWI ex-US Small Cap Growth Equity Net Rank	92	92	97	--	--				69	Jan-22
DFA Emerging Markets Core Equity	-6.9	-0.7	--	--	--	2,522,740	1.5	1.5	4.8	Mar-24
MSCI Emerging Markets	-8.0	0.0	--	--	--				5.0	Mar-24
Diversified Emerging Mkts MStar MF Rank	47	47	--	--	--				29	Mar-24
Real Estate Composite						5,299,681	3.1	3.0		
Clarion Lion Properties Fund	1.7	1.8	-3.0	-4.0	1.8	5,299,681	3.1	3.0	1.8	Jan-20
NFI-ODCE	1.0	1.0	-2.3	-3.1	2.0				2.0	Jan-20
InvMetrics Public DB Real Estate Priv Net Rank	10	18	80	78	65				65	Jan-20
Infrastructure Composite	2.8	5.3	10.7	10.0	--	12,259,808	7.1	7.0	10.0	Dec-21
CPI +4%	1.1	2.4	7.0	8.4	--				8.4	Dec-21
JPMorgan IIF Hedged LP	2.8	5.3	10.7	10.3	--	12,259,808	7.1	7.0	10.3	Dec-21
CPI +4%	1.1	2.4	7.0	8.4	--				8.4	Dec-21

Sussex County Employee Pension Plan

Performance Summary (Net)

As of December 31, 2024

	3 Mo	Fiscal YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Bank Loan Composite						4,825,331	2.8	3.0		
Aristotle Pacific Floating Rate Fund	2.1	4.0	8.6	--	--	4,825,331	2.8	3.0	10.2	Jun-23
Credit Suisse Leveraged Loans	2.3	4.4	9.1	--	--				10.4	Jun-23
Bank Loan MStar MF Rank	58	73	48	--	--				32	Jun-23
Fixed Income Composite	-1.6	2.4	3.1	-0.1	1.0	42,683,185	24.8	26.0	1.6	Nov-11
Bloomberg US Govt/Credit Int TR	-1.6	2.5	3.0	-0.2	0.9				1.8	Nov-11
Wilmington Trust Fixed Income	-1.5	2.4	3.1	0.1	1.0	19,515,461	11.3	13.0	1.6	Nov-11
WT Fixed Income Policy Index	-1.6	2.5	3.0	-0.2	0.9				1.6	Nov-11
eV US Interm Duration - Govt/Credit Net Rank	32	52	47	23	35				88	Nov-11
Fidelity Interm. Treasury Bond Index	-3.9	1.3	0.4	-3.0	-0.7	10,536,878	6.1	6.0	-0.8	Dec-19
Bloomberg US Treasury 5-10 Yr TR	-3.9	1.3	0.2	-3.0	-0.7				-0.8	Dec-19
Intermediate Government MStar MF Rank	99	98	93	96	51				64	Dec-19
Lord Abbett Short Duration Income	0.3	3.2	5.4	2.1	2.1	12,630,846	7.3	7.0	2.1	Dec-19
ICE BofA 1-3 Yrs US Corporate TR	0.2	3.4	5.4	2.2	2.1				2.2	Dec-19
Short-Term Bond MStar MF Rank	26	45	37	48	44				44	Dec-19
Cash & Equivalents						3,535,048	2.1	1.0		
Wilmington U.S. Govt MM Fund - MF Acct	1.1	2.4	5.1	3.8	2.4	1,792,597	1.0	1.0	2.1	Apr-17
ICE BofA 91 Days T-Bills TR	1.2	2.6	5.3	3.9	2.5				2.2	Apr-17
M&T Bank Municipal MM Savings						1,742,451	1.0	0.0		

Sussex County Employee Pension Plan

Fee Summary

As of December 31, 2024

Investment Manager Fees

Investment Name	Ticker	Market Value	Allocation	Estimated Annual Fee	Annual Expense Ratio
Fidelity 500 Index	FXAIX	\$53,034,041	30.8%	\$7,955	0.02%
Eaton Vance Atlanta Capital SMID	ERASX	\$5,137,099	3.0%	\$42,124	0.82%
Vanguard Small-Cap Value Index	VSIIX	\$6,226,086	3.6%	\$3,736	0.06%
Dodge & Cox Global Stock	DODWX	\$8,076,387	4.7%	\$50,074	0.62%
Artisan Global Opportunities	APHRX	\$8,516,872	4.9%	\$77,504	0.91%
MFS Low Volatility Global Equity	-	\$8,230,680	4.8%	\$27,161	0.33%
Fidelity Total International Index	FTIHX	\$10,691,154	6.2%	\$6,415	0.06%
Harding Loevner Int'l Small Comp. Portfolio	HLRZX	\$1,218,249	0.7%	\$12,182	1.00%
DFA Emerging Markets Core Equity	DFCEX	\$2,522,740	1.5%	\$9,839	0.39%
Clarion Lion Properties Fund	-	\$5,299,681	3.1%	\$45,047	0.85%
JPMorgan IIF Hedged LP	-	\$12,259,808	7.1%	\$95,627	0.78%
Aristotle Pacific Floating Rate Fund	-	\$4,825,331	2.8%	\$19,301	0.40%
Wilmington Trust Fixed Income	-	\$19,515,461	11.3%	\$29,273	0.15%
Fidelity Interm. Treasury Bond Index	FUAMX	\$10,536,878	6.1%	\$3,161	0.03%
Lord Abbett Short Duration Income	LDLVX	\$12,630,846	7.3%	\$39,156	0.31%
Wilmington U.S. Govt MM Fund - MF Acct	WGOXX	\$1,792,597	1.0%	\$4,481	0.25%
M&T Bank Municipal MM Savings	-	\$1,742,451	1.0%	\$0	0.00%
Totals:		\$172,256,361		\$473,036	0.27%

Management Fees

Description	Estimated Annual Fee	Annual Expense Ratio
Investment Consultant Fee Marquette Associates, Inc. 14 basis points on first \$100m, 9 basis thereafter*	\$190,564	0.11%
Totals:	\$190,564	0.11%

Total Fees	Estimated Annual Fee	Annual Expense Ratio
	\$663,600	0.39%

*Investment Consultant Fee calculated on aggregate market value of the Employee Pension Plan & the OPEB Plan.

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OPEB Plan

Portfolio Overview



Observations

- Market Value as of December 31, 2024, was \$70.1 million
 - Q4-24 net investment change of **-\$0.6 million**, returning **-0.8%** (net), vs. policy index of **-0.2%**
- Positive attribution for the quarter from:
 - Asset Allocation
 - Outperformance by JPMorgan IIF and Clarion LPF
- Negative attribution for the quarter from:
 - Equity Structure
 - Underperformance by most active equity managers

Looking Ahead

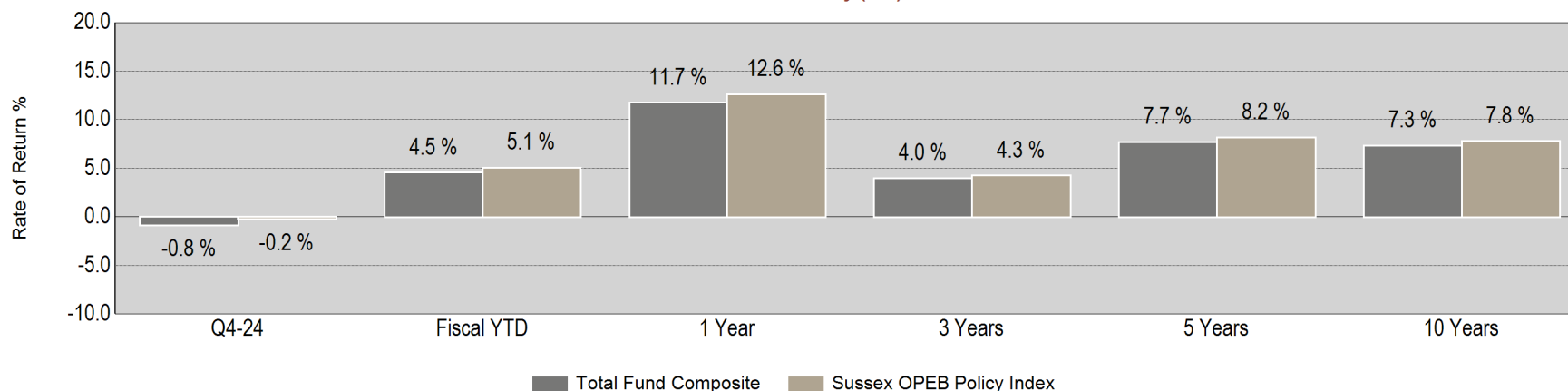
- 2025 Outlook

As of December 31, 2024

Summary of Cash Flows

	Fourth Quarter	Fiscal Year-To-Date	One Year	Three Years	Five Years	Ten Years
Beginning Market Value	\$70,712,629	\$67,137,225	\$63,064,916	\$63,601,383	\$49,247,187	\$30,290,648
Contributions	\$4	\$4	\$500,004	\$786,335	\$1,197,779	\$7,745,812
Withdrawals	-\$7,573	-\$57,155	-\$821,493	-\$1,953,582	-\$2,172,137	-\$3,185,013
Net Cash Flow	-\$7,569	-\$57,151	-\$321,489	-\$1,167,247	-\$974,358	\$4,560,798
Net Investment Change	-\$574,228	\$3,050,758	\$7,387,405	\$7,696,697	\$21,858,003	\$35,279,386
Ending Market Value	\$70,130,832	\$70,130,832	\$70,130,832	\$70,130,832	\$70,130,832	\$70,130,832

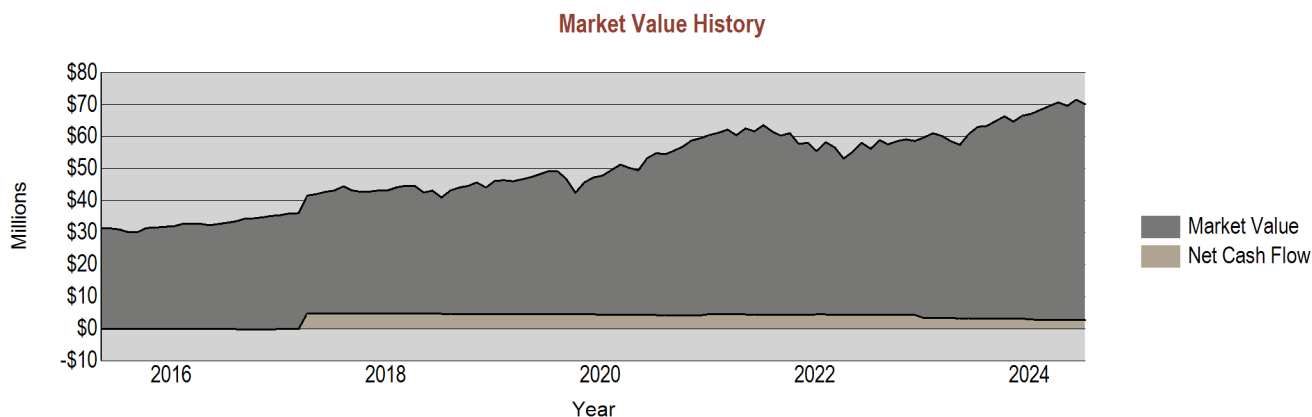
Return Summary (Net)



Asset Allocation vs. Target

	Current	Policy	Difference*	Policy Range	Within Range
U.S. Equity	37.5%	36.0%	\$1,078,294	31.0% - 41.0%	Yes
Global Equity	14.3%	15.0%	-\$498,940	10.0% - 20.0%	Yes
Non-U.S. Equity	8.4%	9.0%	-\$410,235	4.0% - 14.0%	Yes
Real Estate	3.1%	3.0%	\$58,241	0.0% - 6.0%	Yes
Infrastructure	7.1%	7.0%	\$86,866	0.0% - 14.0%	Yes
U.S. Fixed Income	24.9%	26.0%	-\$790,697	21.0% - 31.0%	Yes
Bank Loans	2.8%	3.0%	-\$144,684	0.0% - 6.0%	Yes
Cash Equivalent	1.9%	1.0%	\$621,155	0.0% - 5.0%	Yes
Total	100.0%	100.0%			

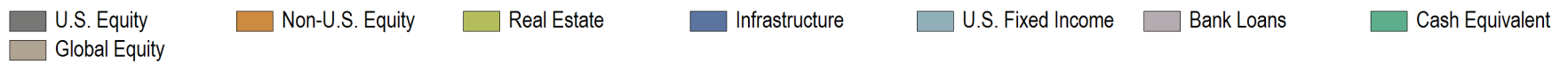
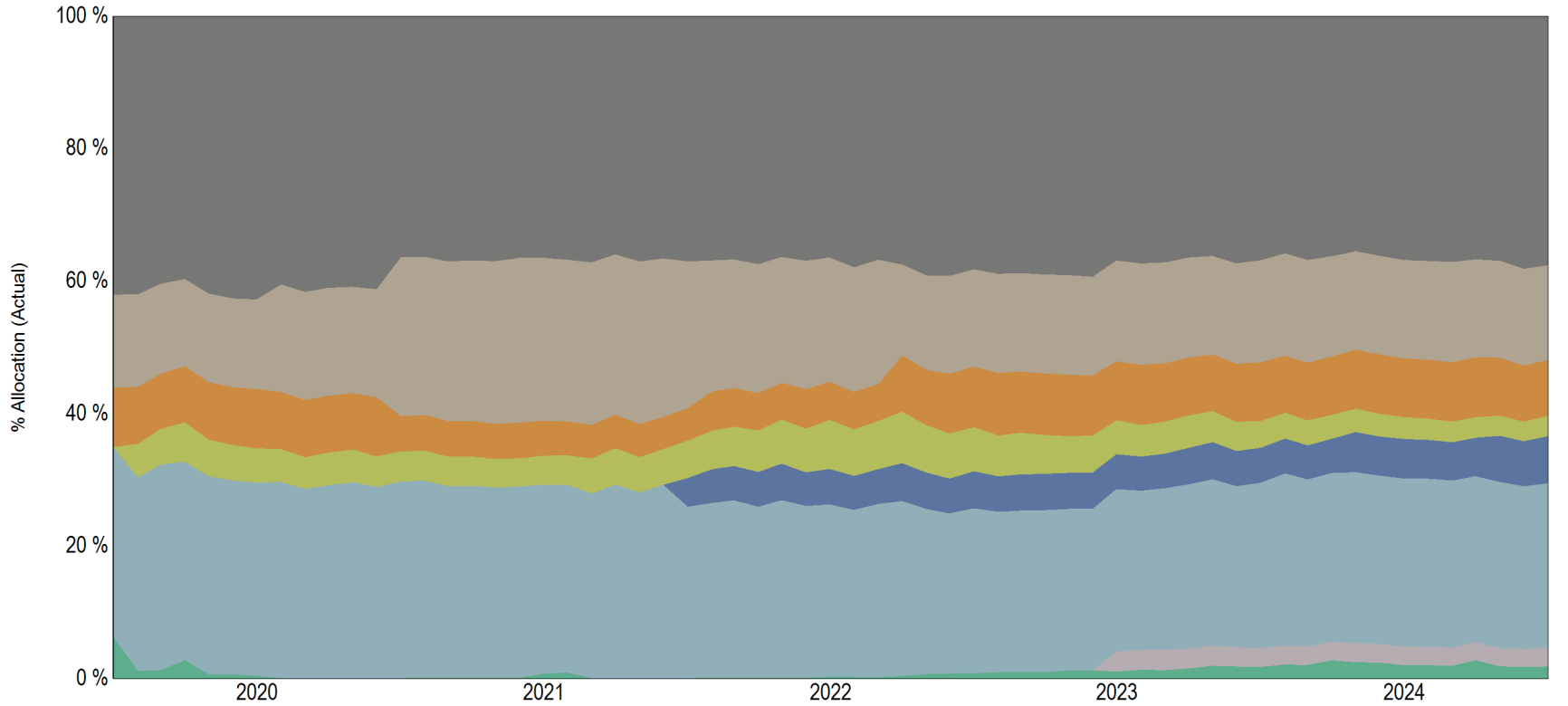
As of December 31, 2024



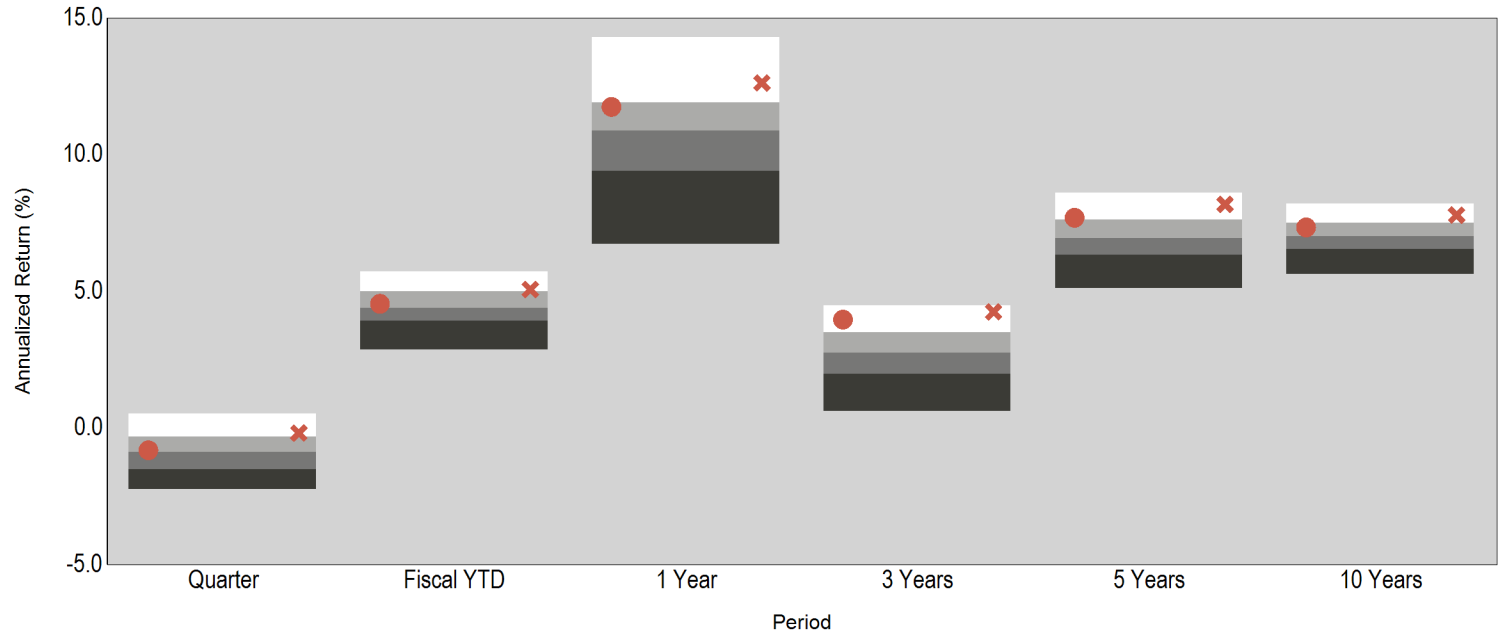
Cash Flow Summary by Manager for Quarter Ending December 31, 2024

	Beginning Market Value	Net Cash Flow	Net Investment Change	Ending Market Value
Fidelity 500 Index	\$21,204,814	\$0	\$510,848	\$21,715,662
Eaton Vance Atlanta Capital SMID	\$2,145,531	\$0	-\$63,610	\$2,081,921
Vanguard Small-Cap Value Index	\$2,547,208	\$0	-\$19,398	\$2,527,810
Dodge & Cox Global Stock	\$3,525,922	\$0	-\$258,127	\$3,267,794
Artisan Global Opportunities	\$3,460,227	\$0	-\$56,061	\$3,404,166
MFS Low Volatility Global Equity	\$3,483,970	\$0	-\$135,246	\$3,348,724
Fidelity Total International Index	\$4,698,470	\$0	-\$356,606	\$4,341,864
Harding Loevner Int'l Small Companies Portfolio	\$580,451	\$0	-\$61,405	\$519,046
DFA Emerging Markets Core Equity	\$1,117,399	\$0	-\$76,768	\$1,040,630
Clarion Lion Properties Fund	\$2,191,032	-\$65,165	\$36,299	\$2,162,166
JPMorgan IIF Hedged LP	\$4,107,915	\$750,000	\$138,108	\$4,996,024
Aristotle Pacific Floating Rate Fund	\$1,918,731	\$0	\$40,510	\$1,959,241
Wilmington Trust Fixed Income	\$8,987,140	-\$3,347	-\$137,497	\$8,846,296
Fidelity Intern. Treasury Bond Index	\$4,032,790	\$0	-\$157,069	\$3,875,721
Lord Abbett Short Duration Income	\$4,708,097	\$0	\$13,206	\$4,721,303
Wilmington U.S. Govt MM Fund - MF Acct	\$1,331,644	-\$689,057	\$7,318	\$649,905
M&T Bank Municipal MM Savings	\$671,289	\$0	\$1,270	\$672,559
Total	\$70,712,629	-\$7,569	-\$574,228	\$70,130,832

Asset Allocation History
5 Years Ending December 31, 2024



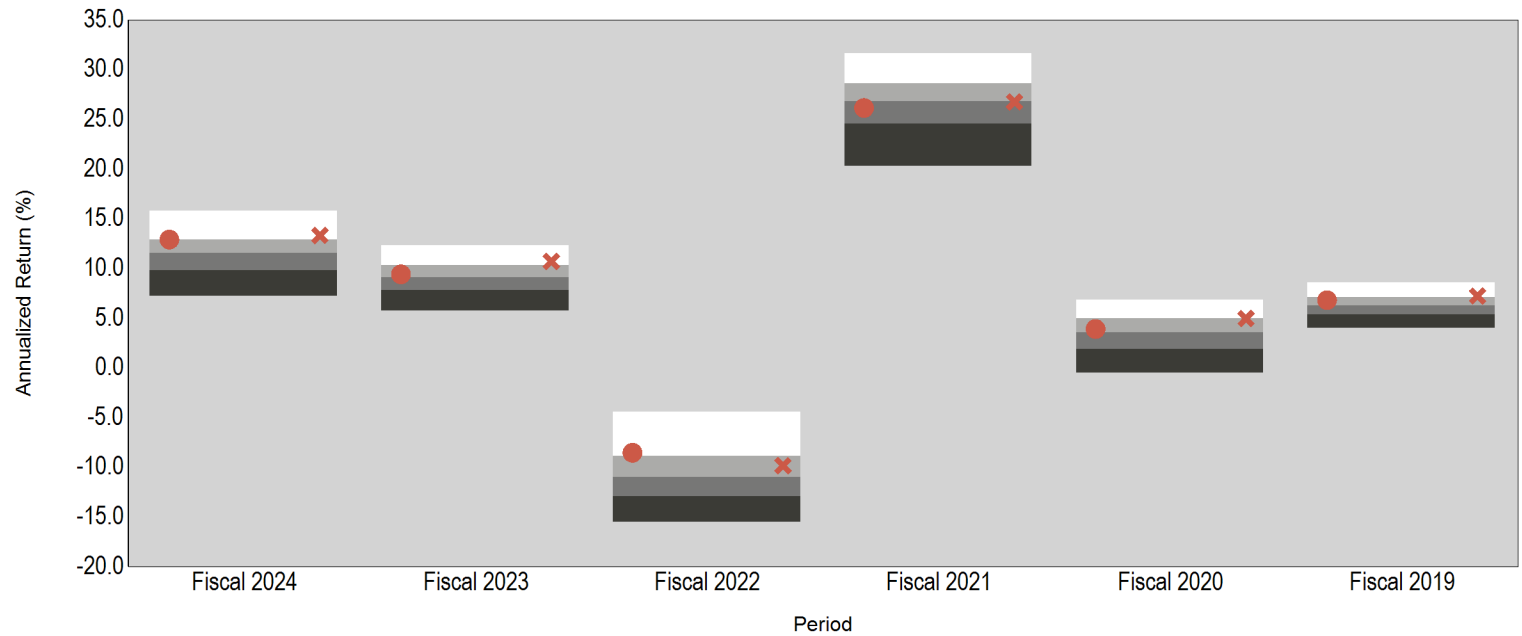
InvMetrics Public DB Net Return Comparison



	Return (Rank)											
5th Percentile	0.5		5.7		14.3		4.5		8.6		8.2	
25th Percentile	-0.3		5.0		11.9		3.5		7.6		7.5	
Median	-0.9		4.4		10.9		2.8		6.9		7.0	
75th Percentile	-1.5		3.9		9.4		2.0		6.3		6.5	
95th Percentile	-2.2		2.9		6.7		0.6		5.1		5.6	
# of Portfolios	490		486		482		459		441		385	
● Total Fund Composite	-0.8	(46)	4.5	(42)	11.7	(27)	4.0	(13)	7.7	(23)	7.3	(31)
✕ Sussex OPEB Policy Index	-0.2	(20)	5.1	(22)	12.6	(16)	4.3	(8)	8.2	(11)	7.8	(13)

As of December 31, 2024

InvMetrics Public DB Net Return Comparison

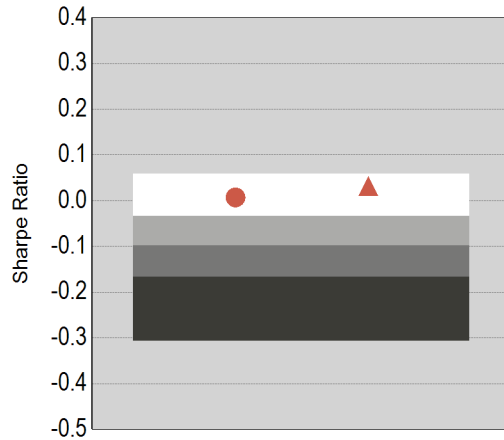


Return (Rank)

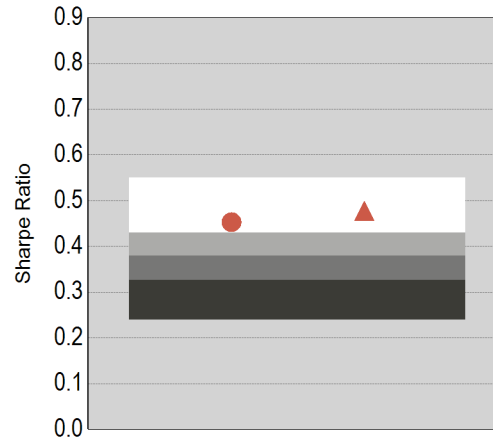
5th Percentile	15.8	12.3	-4.4	31.6	6.9	8.6						
25th Percentile	12.9	10.3	-8.9	28.6	5.0	7.1						
Median	11.6	9.1	-11.0	26.8	3.6	6.2						
75th Percentile	9.8	7.8	-12.9	24.6	1.9	5.4						
95th Percentile	7.3	5.7	-15.5	20.3	-0.5	4.0						
# of Portfolios	554	543	585	603	574	527						
● Total Fund Composite	12.9	(26)	9.4	(43)	-8.5	(22)	26.1	(59)	3.9	(43)	6.8	(33)
✕ Sussex OPEB Policy Index	13.3	(21)	10.7	(18)	-9.8	(35)	26.8	(52)	5.0	(26)	7.2	(21)

As of December 31, 2024

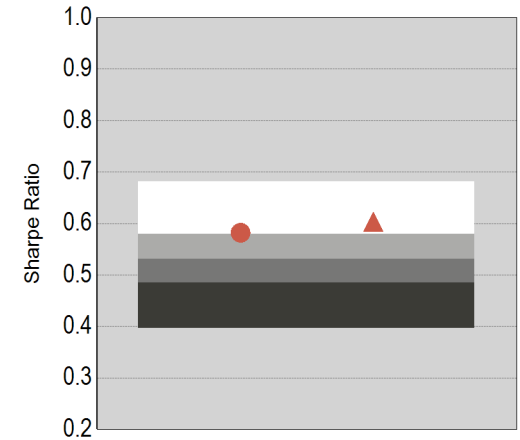
Sharpe Ratio vs. InvMetrics Public DB Net
3 Years Ending December 31, 2024



Sharpe Ratio vs. InvMetrics Public DB Net
5 Years Ending December 31, 2024



Sharpe Ratio vs. InvMetrics Public DB Net
10 Years Ending December 31, 2024



● Total Fund Composite	
Value	0.0
Rank	12
▲ Sussex OPEB Policy Index	
Value	0.0
Rank	7
Universe	
5th %tile	0.1
25th %tile	0.0
Median	-0.1
75th %tile	-0.2
95th %tile	-0.3

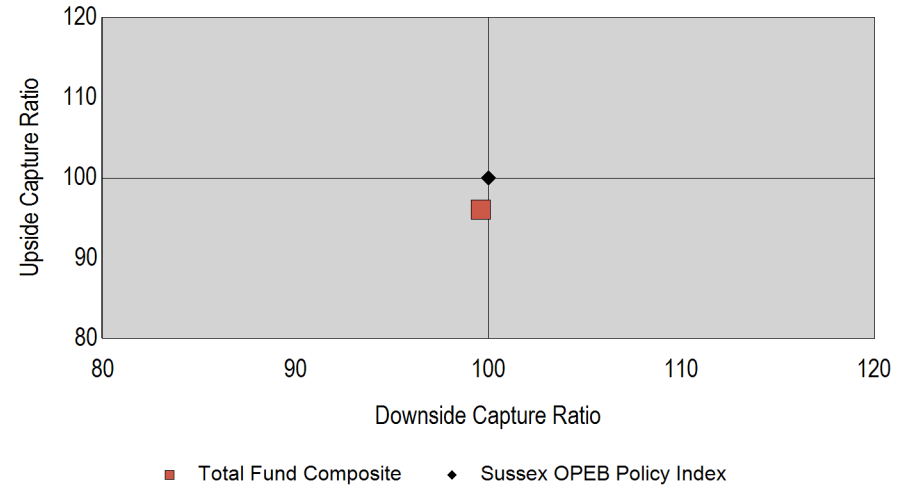
● Total Fund Composite	
Value	0.5
Rank	19
▲ Sussex OPEB Policy Index	
Value	0.5
Rank	12
Universe	
5th %tile	0.6
25th %tile	0.4
Median	0.4
75th %tile	0.3
95th %tile	0.2

● Total Fund Composite	
Value	0.6
Rank	25
▲ Sussex OPEB Policy Index	
Value	0.6
Rank	17
Universe	
5th %tile	0.7
25th %tile	0.6
Median	0.5
75th %tile	0.5
95th %tile	0.4

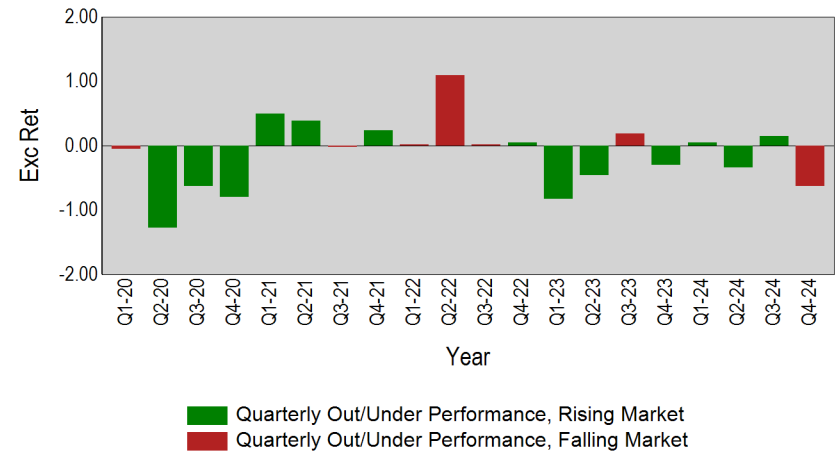
RISK RETURN STATISTICS
January 01, 2020 Through December 31, 2024

	Total Fund Composite	Sussex OPEB Policy Index
RETURN SUMMARY STATISTICS		
Number of Periods	60	60
Maximum Return	7.67	8.27
Minimum Return	-9.24	-9.24
Annualized Return	7.69	8.19
Total Return	44.87	48.20
Annualized Excess Return Over Risk Free	5.28	5.77
Annualized Excess Return	-0.49	0.00
RISK SUMMARY STATISTICS		
Beta	0.96	1.00
Upside Deviation	6.09	6.64
Downside Deviation	7.15	7.65
RISK/RETURN SUMMARY STATISTICS		
Annualized Standard Deviation	11.65	12.07
Alpha	-0.02	0.00
Sharpe Ratio	0.45	0.48
Excess Return Over Market / Risk	-0.04	0.00
Tracking Error	1.02	0.00
Information Ratio	-0.48	--
CORRELATION STATISTICS		
R-Squared	0.99	1.00
Correlation	1.00	1.00

Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending December 31, 2024



Quarterly Excess Performance
Total Fund Composite vs. Sussex OPEB Policy Index



Sussex County OPEB Plan

Performance Summary (Net)

As of December 31, 2024

	3 Mo	Fiscal YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Total Fund Composite	-0.8	4.5	11.7	4.0	7.7	70,130,832	100.0	100.0	7.7	Nov-11
<i>Sussex OPEB Policy Index</i>	-0.2	5.1	12.6	4.3	8.2				8.5	Nov-11
<i>InvMetrics Public DB Net Rank</i>	46	42	27	13	23				61	Nov-11
Total Equity Composite	-1.2	5.6	17.0	5.7	10.5	42,247,618	60.2	60.0	11.3	Nov-11
<i>Equity Policy Index</i>	0.0	6.8	19.0	6.2	11.4				12.1	Nov-11
U.S. Equity Composite	1.7	8.4	22.8	8.0	13.7	26,325,394	37.5	36.0	13.7	Jan-20
<i>Russell 3000</i>	2.6	9.0	23.8	8.0	13.9				13.9	Jan-20
<i>Fidelity 500 Index</i>	2.4	8.4	25.0	8.9	--	21,715,662	31.0	29.5	16.0	Jul-20
<i>S&P 500</i>	2.4	8.4	25.0	8.9	--				16.0	Jul-20
<i>Large Cap MStar MF Rank</i>	37	30	31	21	--				20	Jul-20
<i>Eaton Vance Atlanta Capital SMID</i>	-3.0	6.9	13.7	--	--	2,081,921	3.0	3.0	17.9	Sep-22
<i>Russell 2500</i>	0.6	9.4	12.0	--	--				16.6	Sep-22
<i>SMID Blend MStar MF Rank</i>	91	71	35	--	--				40	Sep-22
<i>Vanguard Small-Cap Value Index</i>	-0.8	9.7	12.4	5.8	--	2,527,810	3.6	3.5	16.6	Jul-20
<i>CRSP US Small Cap Value TR USD</i>	-0.8	9.7	12.4	5.7	--				16.6	Jul-20
<i>Small Value MStar MF Rank</i>	67	32	24	34	--				46	Jul-20
Global Equity Composite	-4.3	2.4	11.0	3.3	7.2	10,020,684	14.3	15.0	7.2	Jan-20
<i>MSCI ACWI IMI Net USD</i>	-1.2	5.5	16.4	4.9	9.7				9.7	Jan-20
<i>Dodge & Cox Global Stock</i>	-7.3	-0.2	5.1	6.0	--	3,267,794	4.7	5.0	9.5	Dec-20
<i>MSCI ACWI Value NR USD</i>	-4.7	4.3	10.8	4.6	--				8.2	Dec-20
<i>Global Large Stock Value Mstar MF Rank</i>	95	95	87	28	--				30	Dec-20
<i>Artisan Global Opportunities</i>	-1.6	2.6	15.2	-0.3	--	3,404,166	4.9	5.0	3.1	Dec-20
<i>MSCI ACWI Growth</i>	2.6	6.8	24.2	5.7	--				8.5	Dec-20
<i>Global Large Stock Growth Mstar MF Rank</i>	60	58	52	78	--				72	Dec-20
<i>MFS Low Volatility Global Equity</i>	-3.9	4.8	12.8	5.7	7.8	3,348,724	4.8	5.0	8.1	Dec-14
<i>MSCI ACWI Minimum Volatility Index</i>	-3.5	6.0	11.4	2.5	4.7				6.9	Dec-14
<i>eV Global Low Volatility Equity Net Rank</i>	64	65	44	25	16				14	Dec-14

Sussex County OPEB Plan

Performance Summary (Net)

As of December 31, 2024

	3 Mo	Fiscal YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Non-U.S. Equity Composite	-7.7	-0.6	4.5	-0.5	2.3	5,901,540	8.4	9.0	2.3	Jan-20
<i>MSCI ACWI ex USA IMI</i>	-7.6	0.0	5.2	0.5	4.1				4.1	Jan-20
Fidelity Total International Index	-7.6	-0.3	5.0	0.5	--	4,341,864	6.2	6.5	2.4	Dec-20
<i>MSCI ACWI ex USA IMI</i>	-7.6	0.0	5.2	0.5	--				2.4	Dec-20
<i>Foreign Large Blend MStar MF Rank</i>	61	43	46	58	--				66	Dec-20
Harding Loevner Int'l Small Companies Portfolio	-10.6	-2.7	-6.7	--	--	519,046	0.7	1.0	-4.5	Jan-22
<i>MSCI ACWI ex US Small Cap Growth NR USD</i>	-7.2	0.6	3.1	--	--				-1.3	Jan-22
<i>eV ACWI ex-US Small Cap Growth Equity Net Rank</i>	92	92	97	--	--				69	Jan-22
DFA Emerging Markets Core Equity	-6.9	-0.7	--	--	--	1,040,630	1.5	1.5	4.8	Mar-24
<i>MSCI Emerging Markets</i>	-8.0	0.0	--	--	--				5.0	Mar-24
<i>Diversified Emerging Mkts MStar MF Rank</i>	47	47	--	--	--				29	Mar-24
Real Estate Composite						2,162,166	3.1	3.0		
Clarion Lion Properties Fund	1.7	1.8	-3.0	-4.0	1.8	2,162,166	3.1	3.0	1.8	Jan-20
<i>NFI-ODCE</i>	1.0	1.0	-2.3	-3.1	2.0				2.0	Jan-20
<i>InvMetrics Public DB Real Estate Priv Net Rank</i>	10	18	76	78	65				65	Jan-20
Infrastructure Composite	2.8	5.3	10.7	10.0	--	4,996,024	7.1	7.0	10.0	Dec-21
<i>CPI +4%</i>	1.1	2.4	7.0	8.4	--				8.4	Dec-21
JPMorgan IIF Hedged LP	2.8	5.3	10.7	10.3	--	4,996,024	7.1	7.0	10.3	Dec-21
<i>CPI +4%</i>	1.1	2.4	7.0	8.4	--				8.4	Dec-21

Sussex County OPEB Plan

Performance Summary (Net)

As of December 31, 2024

	3 Mo	Fiscal YTD	1 Yr	3 Yrs	5 Yrs	Market Value	% of Portfolio	Policy %	Inception	Inception Date
Bank Loan Composite						1,959,241	2.8	3.0		
Aristotle Pacific Floating Rate Fund	2.1	4.0	8.6	--	--	1,959,241	2.8	3.0	10.2	Jun-23
Credit Suisse Leveraged Loans	2.3	4.4	9.1	--	--				10.4	Jun-23
Bank Loan MStar MF Rank	58	73	48	--	--				32	Jun-23
Fixed Income Composite	-1.6	2.4	3.1	-0.1	1.2	17,443,320	24.9	26.0	1.6	Nov-11
Bloomberg US Govt/Credit Int TR	-1.6	2.5	3.0	-0.2	0.9				1.8	Nov-11
Wilmington Trust Fixed Income	-1.5	2.4	3.1	0.1	1.0	8,846,296	12.6	13.0	1.6	Mar-12
WT Fixed Income Policy Index	-1.6	2.5	3.0	-0.2	0.9				1.6	Mar-12
eV US Interm Duration - Govt/Credit Net Rank	33	63	48	25	41				89	Mar-12
Fidelity Interm. Treasury Bond Index	-3.9	1.3	0.4	-3.0	--	3,875,721	5.5	6.0	-2.5	May-21
Bloomberg US Treasury 5-10 Yr TR	-3.9	1.3	0.2	-3.0	--				-2.5	May-21
Intermediate Government MStar MF Rank	99	98	93	96	--				90	May-21
Lord Abbett Short Duration Income	0.3	3.2	5.4	2.1	--	4,721,303	6.7	7.0	1.7	May-21
ICE BofA 1-3 Yrs US Corporate TR	0.2	3.4	5.4	2.2	--				1.7	May-21
Short-Term Bond MStar MF Rank	26	45	37	48	--				42	May-21
Cash & Equivalents						1,322,464	1.9	1.0		
Wilmington U.S. Govt MM Fund - MF Acct	1.1	2.4	5.1	3.8	2.3	649,905	0.9	1.0	1.3	Jul-12
ICE BofA 91 Days T-Bills TR	1.2	2.6	5.3	3.9	2.5				1.4	Jul-12
M&T Bank Municipal MM Savings						672,559	1.0	0.0		

Sussex County OPEB Plan

Fee Summary

As of December 31, 2024

Investment Manager Fees

Investment Name	Ticker	Market Value	Allocation	Estimated Annual Fee	Annual Expense Ratio
Fidelity 500 Index	FXAIX	\$21,715,662	31.0%	\$4,343	0.02%
Eaton Vance Atlanta Capital SMID	ERASX	\$2,081,921	3.0%	\$17,072	0.82%
Vanguard Small-Cap Value Index	VSIX	\$2,527,810	3.6%	\$1,517	0.06%
Dodge & Cox Global Stock	DODWX	\$3,267,794	4.7%	\$20,260	0.62%
Artisan Global Opportunities	APHRX	\$3,404,166	4.9%	\$30,978	0.91%
MFS Low Volatility Global Equity	MVGNX	\$3,348,724	4.8%	\$22,771	0.68%
Fidelity Total International Index	FTIHX	\$4,341,864	6.2%	\$2,605	0.06%
Harding Loevner Int'l Small Comp. Portfolio	HLRZX	\$519,046	0.7%	\$5,190	1.00%
DFA Emerging Markets Core Equity	DFCEX	\$1,040,630	1.5%	\$4,058	0.39%
Clarion Lion Properties Fund	-	\$2,162,166	3.1%	\$18,378	0.85%
JPMorgan IIF Hedged LP	-	\$4,996,024	7.1%	\$38,969	0.78%
Aristotle Pacific Floating Rate Fund	-	\$1,959,241	2.8%	\$7,837	0.40%
Wilmington Trust Fixed Income	-	\$8,846,296	12.6%	\$13,269	0.15%
Fidelity Interm. Treasury Bond Index	FUAMX	\$3,875,721	5.5%	\$1,163	0.03%
Lord Abbett Short Duration Income	LDLVX	\$4,721,303	6.7%	\$14,636	0.31%
Wilmington U.S. Govt MM Fund - MF Acct	WGOXX	\$649,905	0.9%	\$1,625	0.25%
M&T Bank Municipal MM Savings	-	\$672,559	1.0%	\$0	0.00%
Totals:		\$70,130,832		\$204,672	0.29%

Management Fees

Description		Estimated Annual Fee	Annual Expense Ratio
Investment Consultant Fee	Marquette Associates, Inc.	\$77,584	0.11%
14 basis points on first \$100m, 9 basis thereafter*			
Totals:		\$77,584	0.11%

Total Fees	Estimated Annual Fee	Annual Expense Ratio
	\$282,257	0.40%

*Investment Consultant Fee calculated on aggregate market value of the Employee Pension Plan & the OPEB Plan.

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Sussex County, Delaware

Composite Information



RISK RETURN STATISTICS

January 01, 2020 Through December 31, 2024

Total Equity Composite Total Equity Policy Index

RETURN SUMMARY STATISTICS

Number of Periods	60	60
Maximum Return	11.23	12.50
Minimum Return	-13.99	-14.09
Annualized Return	10.55	11.43
Total Return	65.09	71.79
Annualized Excess Return Over Risk Free	8.13	9.01
Annualized Excess Return	-0.88	0.00

RISK SUMMARY STATISTICS

Beta	0.96	1.00
Upside Deviation	9.19	10.06
Downside Deviation	10.99	11.58

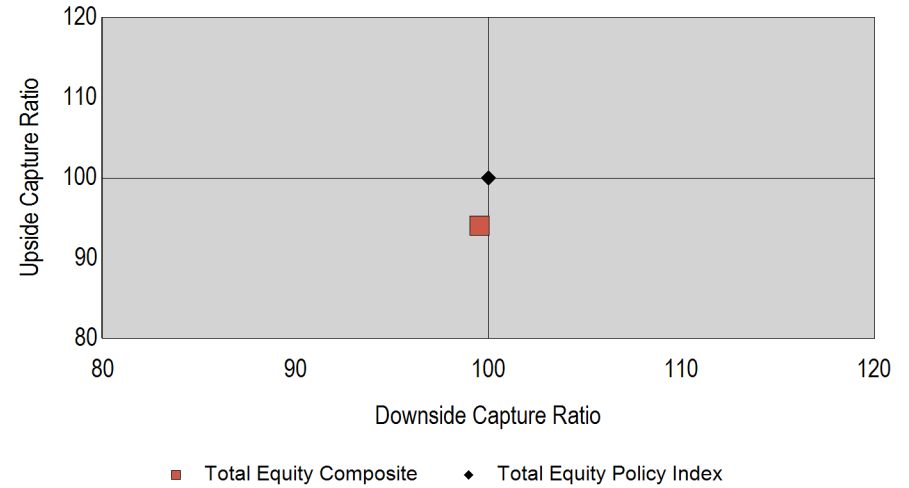
RISK/RETURN SUMMARY STATISTICS

Annualized Standard Deviation	17.46	18.12
Alpha	-0.03	0.00
Sharpe Ratio	0.47	0.50
Excess Return Over Market / Risk	-0.05	0.00
Tracking Error	1.55	0.00
Information Ratio	-0.57	--

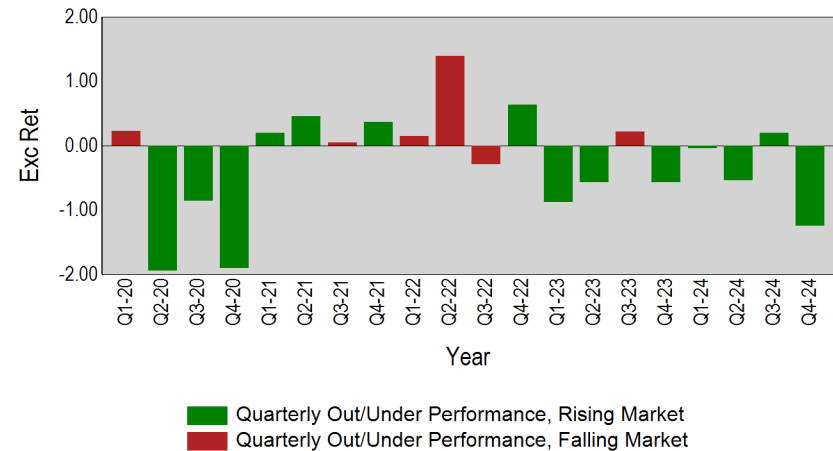
CORRELATION STATISTICS

R-Squared	0.99	1.00
Correlation	1.00	1.00

Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending December 31, 2024



Quarterly Excess Performance
Total Equity Composite vs. Total Equity Policy Index



Characteristics

	Portfolio	MSCI ACWI IMI Net USD
Number of Holdings	10,169	8,558
Weighted Avg. Market Cap. (\$B)	674.3	683.2
Median Market Cap. (\$B)	1.9	2.3
Price To Earnings	22.5	21.9
Price To Book	3.6	3.6
Price To Sales	2.0	2.0
Return on Equity (%)	18.8	19.2
Yield (%)	1.7	1.9

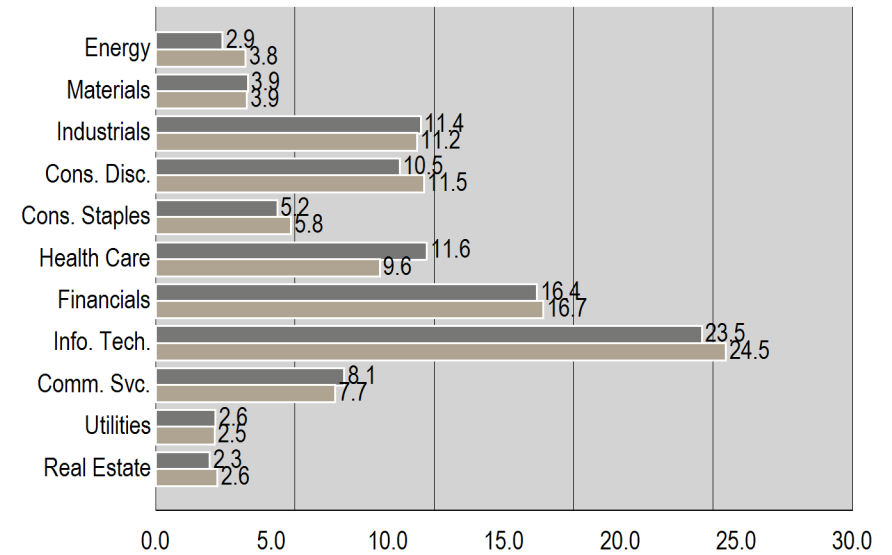
Top Holdings

APPLE INC	4.3%
MICROSOFT CORP	3.6%
NVIDIA CORPORATION	3.5%
AMAZON.COM INC	2.6%
ALPHABET INC	1.5%
META PLATFORMS INC	1.4%
TESLA INC	1.2%
ALPHABET INC	1.2%
BROADCOM INC	1.1%
BERKSHIRE HATHAWAY INC	0.9%
Total	21.2%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Total Equity Composite	13.3%	16.6%	66.8%	3.3%
MSCI ACWI IMI Net USD	17.1%	15.0%	67.9%	0.0%
<i>Weight Over/Under</i>	-3.9%	1.6%	-1.0%	3.3%

Sector Allocation (%) vs MSCI ACWI IMI Net USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	1.8%	2.8%	-0.9%
United States	73.4%	65.4%	8.0%
Europe Ex U.K.	8.5%	10.2%	-1.6%
United Kingdom	3.2%	3.2%	0.0%
Pacific Basin Ex Japan	2.1%	2.5%	-0.5%
Japan	3.0%	5.4%	-2.4%
Emerging Markets	7.3%	10.2%	-2.9%
Other	0.7%	0.4%	0.3%
Total	100.0%	100.0%	0.0%

Characteristics

	Portfolio	Russell 3000
Number of Holdings	1,283	2,942
Weighted Avg. Market Cap. (\$B)	927.0	980.7
Median Market Cap. (\$B)	8.9	2.8
Price To Earnings	25.5	26.9
Price To Book	4.3	4.5
Price To Sales	2.5	2.9
Return on Equity (%)	25.8	22.7
Yield (%)	1.3	1.3

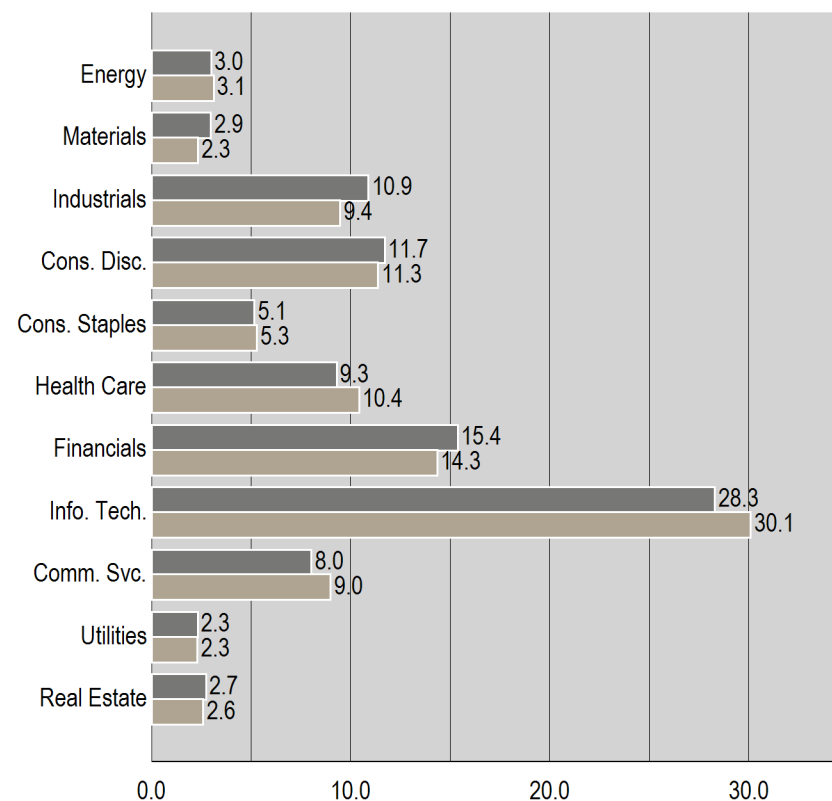
Top Holdings

APPLE INC	6.3%
NVIDIA CORPORATION	5.5%
MICROSOFT CORP	5.2%
AMAZON.COM INC	3.4%
META PLATFORMS INC	2.1%
TESLA INC	1.9%
ALPHABET INC	1.8%
BROADCOM INC	1.8%
ALPHABET INC	1.5%
BERKSHIRE HATHAWAY INC	1.4%
Total	31.1%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
U.S. Equity Composite	2.5%	25.7%	70.6%	1.2%
Russell 3000	6.1%	19.1%	74.8%	0.0%
<i>Weight Over/Under</i>	-3.5%	6.6%	-4.3%	1.2%

Sector Allocation (%) vs Russell 3000



Common Holdings Matrix

	<i>Fidelity 500 Index</i>		<i>Eaton Vance Atlanta Capital SMID</i>		<i>Vanguard Small-Cap Value Index</i>	
	#	%	#	%	#	%
Fidelity 500 Index	--	--	19	37	53	16
Eaton Vance Atlanta Capital SMID	19	1	--	--	20	6
Vanguard Small-Cap Value Index	53	1	20	39	--	--

Characteristics

	Portfolio	MSCI ACWI IMI Net USD
Number of Holdings	212	8,558
Weighted Avg. Market Cap. (\$B)	314.9	683.2
Median Market Cap. (\$B)	54.9	2.3
Price To Earnings	21.3	21.9
Price To Book	3.3	3.6
Price To Sales	1.8	2.0
Return on Equity (%)	20.1	19.2
Yield (%)	1.8	1.9

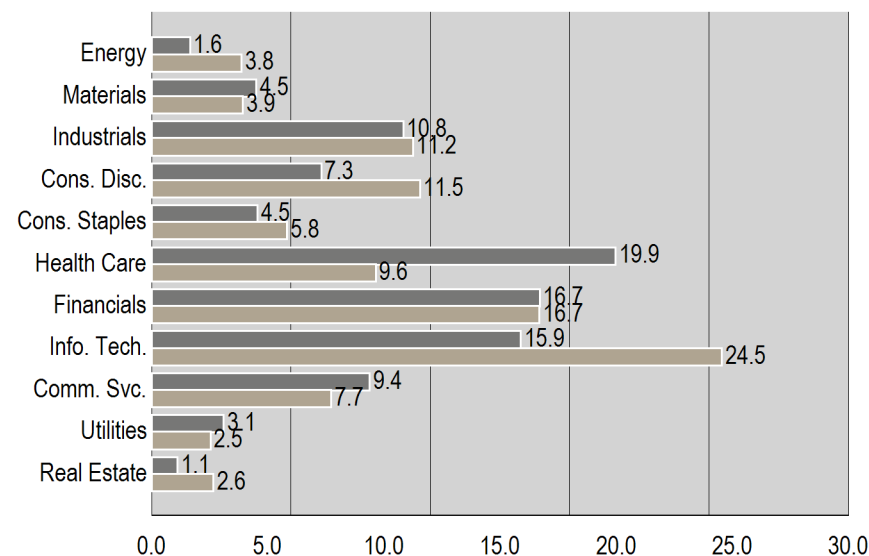
Top Holdings

NETFLIX INC	1.9%
BOSTON SCIENTIFIC CORP	1.8%
AMAZON.COM INC	1.8%
TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	1.6%
ARGEN-X SE	1.5%
ALPHABET INC	1.3%
EATON CORPORATION PLC	1.3%
ADVANCED MICRO DEVICES INC	1.3%
LONDON STOCK EXCHANGE GROUP PLC	1.3%
APPLE INC	1.3%
Total	15.2%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Global Equity Composite	6.3%	19.3%	65.4%	9.1%
MSCI ACWI IMI Net USD	17.1%	15.0%	67.9%	0.0%
<i>Weight Over/Under</i>	<i>-10.8%</i>	<i>4.3%</i>	<i>-2.5%</i>	<i>9.1%</i>

Sector Allocation (%) vs MSCI ACWI IMI Net USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	4.0%	2.8%	1.2%
United States	52.1%	65.4%	-13.3%
Europe Ex U.K.	16.5%	10.2%	6.3%
United Kingdom	7.5%	3.2%	4.3%
Pacific Basin Ex Japan	4.6%	2.5%	2.1%
Japan	5.4%	5.4%	0.0%
Emerging Markets	8.7%	10.2%	-1.5%
Other	1.2%	0.4%	0.8%
Total	100.0%	100.0%	0.0%

Common Holdings Matrix

	<i>Dodge & Cox Global Stock</i>		<i>Artisan Global Opportunities</i>		<i>MFS Low Volatility Global Equity</i>	
	#	%	#	%	#	%
Dodge & Cox Global Stock	--	--	1	3	8	9
Artisan Global Opportunities	1	2	--	--	4	5
MFS Low Volatility Global Equity	8	10	4	8	--	--

Characteristics

	Portfolio	MSCI ACWI ex USA IMI
Number of Holdings	8,854	6,260
Weighted Avg. Market Cap. (\$B)	89.3	96.0
Median Market Cap. (\$B)	1.5	1.9
Price To Earnings	15.5	16.0
Price To Book	2.5	2.5
Price To Sales	1.2	1.3
Return on Equity (%)	13.4	13.8
Yield (%)	3.0	3.0

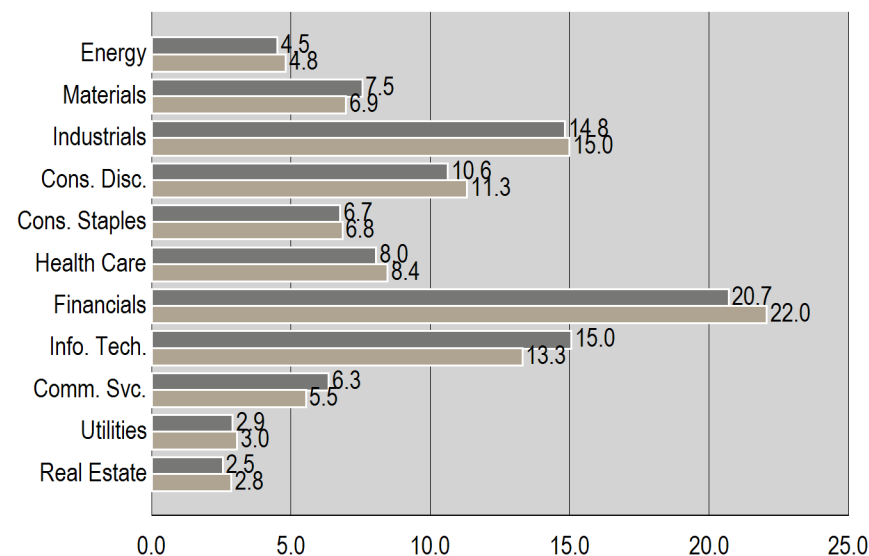
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	2.9%
TENCENT HOLDINGS LTD	1.4%
ASML HOLDING NV	0.7%
NOVO NORDISK A/S	0.7%
SAMSUNG ELECTRONICS CO LTD	0.7%
SAP SE	0.6%
ALIBABA GROUP HOLDING LTD	0.6%
NESTLE SA, CHAM UND VEVEY	0.5%
TOYOTA MOTOR CORP	0.5%
ASTRAZENECA PLC	0.5%
Total	9.3%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Non-U.S. Equity Composite	36.7%	20.0%	40.4%	2.9%
MSCI ACWI ex USA IMI	29.7%	22.2%	48.1%	0.0%
<i>Weight Over/Under</i>	7.0%	-2.2%	-7.7%	2.9%

Sector Allocation (%) vs MSCI ACWI ex USA IMI



Region Allocation Summary

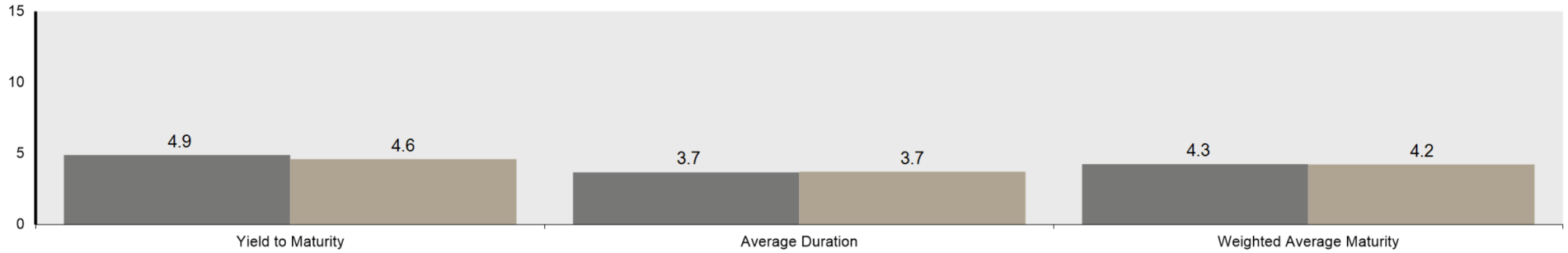
Region	% of Total	% of Bench	% Diff
North America ex U.S.	6.0%	8.0%	-1.9%
United States	0.6%	0.0%	0.6%
Europe Ex U.K.	26.6%	29.4%	-2.8%
United Kingdom	7.0%	9.2%	-2.2%
Pacific Basin Ex Japan	7.1%	7.3%	-0.2%
Japan	12.7%	15.7%	-2.9%
Emerging Markets	37.9%	29.4%	8.5%
Other	2.0%	1.1%	0.9%
Total	100.0%	100.0%	0.0%

Common Holdings Matrix

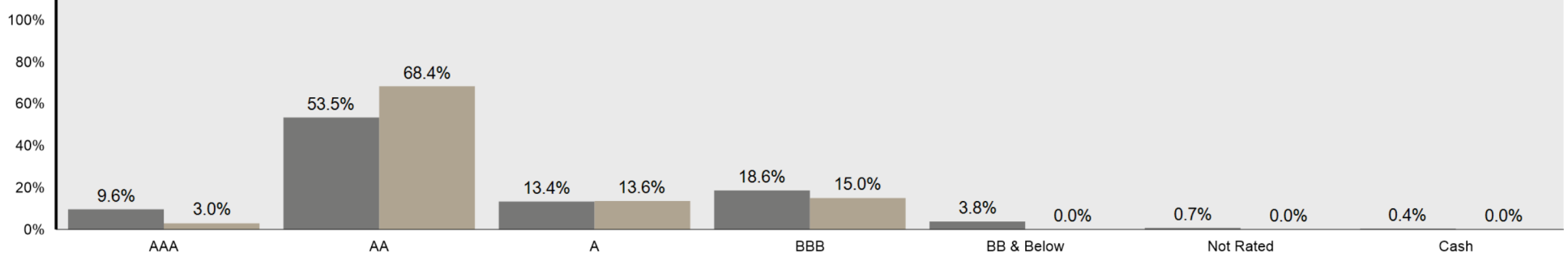
	<i>Fidelity Total International Index</i>		<i>Harding Loevner Int'l Small Companies Portfolio</i>		<i>DFA Emerging Markets Core Equity</i>	
	#	%	#	%	#	%
Fidelity Total International Index	--	--	51	66	1,581	76
Harding Loevner Int'l Small Companies Portfolio	51	1	--	--	13	0
DFA Emerging Markets Core Equity	1,581	27	13	12	--	--

As of December 31, 2024

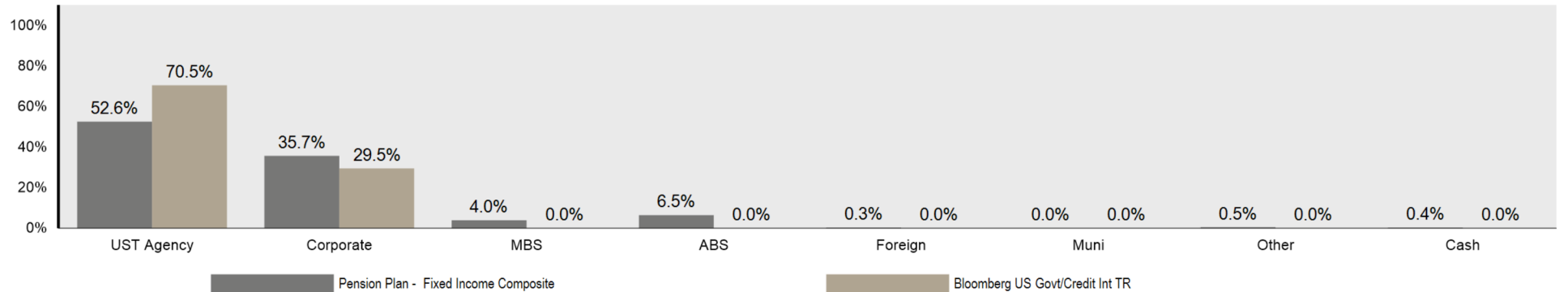
Yield to Maturity



Credit Quality



US Sector



RISK RETURN STATISTICS
January 01, 2020 Through December 31, 2024

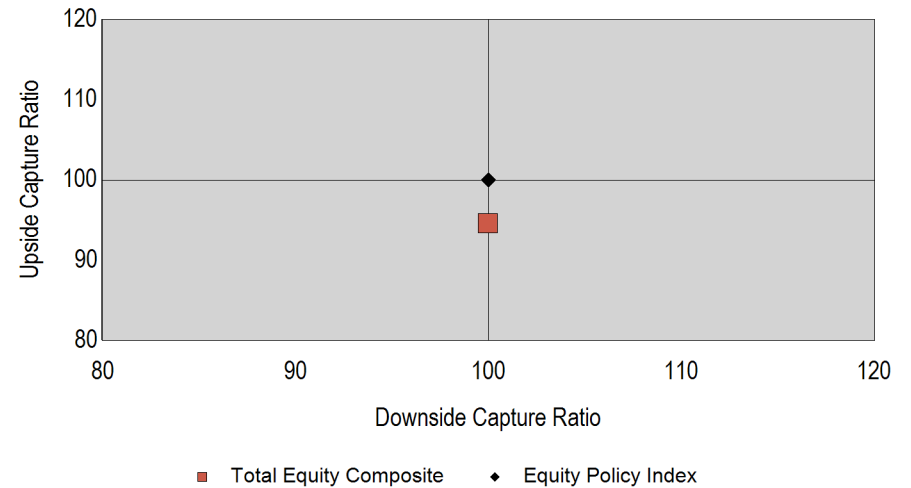
	Total Equity Composite	Equity Policy Index
RETURN SUMMARY STATISTICS		
Number of Periods	60	60
Maximum Return	11.54	12.50
Minimum Return	-14.13	-14.09
Annualized Return	10.48	11.43
Total Return	64.61	71.79
Annualized Excess Return Over Risk Free	8.06	9.01
Annualized Excess Return	-0.95	0.00

	Total Equity Composite	Equity Policy Index
RISK SUMMARY STATISTICS		
Beta	0.97	1.00
Upside Deviation	9.37	10.06
Downside Deviation	11.04	11.58

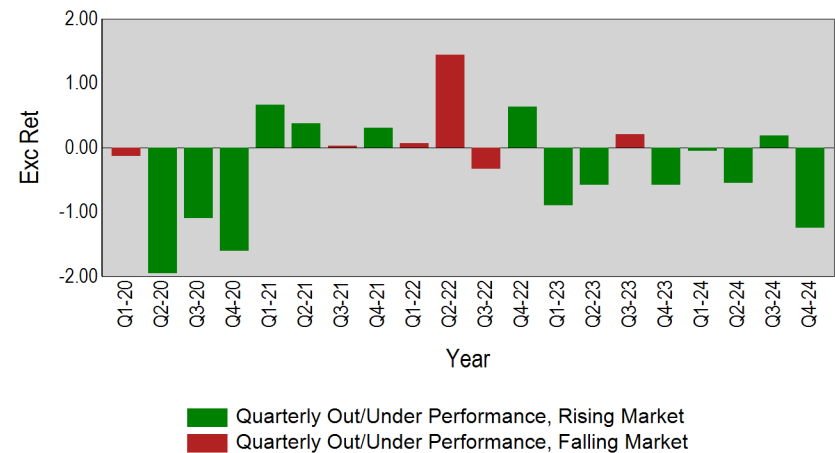
	Total Equity Composite	Equity Policy Index
RISK/RETURN SUMMARY STATISTICS		
Annualized Standard Deviation	17.59	18.12
Alpha	-0.05	0.00
Sharpe Ratio	0.46	0.50
Excess Return Over Market / Risk	-0.05	0.00
Tracking Error	1.51	0.00
Information Ratio	-0.63	--

	Total Equity Composite	Equity Policy Index
CORRELATION STATISTICS		
R-Squared	0.99	1.00
Correlation	1.00	1.00

Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending December 31, 2024



Quarterly Excess Performance
Total Equity Composite vs. Equity Policy Index



Characteristics

	Portfolio	MSCI ACWI IMI Net USD
Number of Holdings	10,153	8,558
Weighted Avg. Market Cap. (\$B)	669.6	683.2
Median Market Cap. (\$B)	1.9	2.3
Price To Earnings	22.7	21.9
Price To Book	3.7	3.6
Price To Sales	2.0	2.0
Return on Equity (%)	18.7	19.2
Yield (%)	1.7	1.9

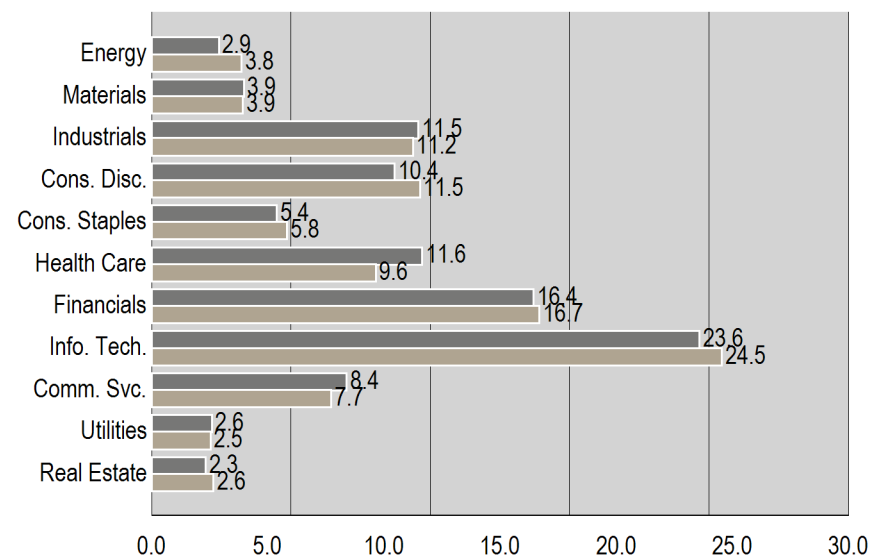
Top Holdings

APPLE INC	4.3%
MICROSOFT CORP	3.6%
NVIDIA CORPORATION	3.5%
AMAZON.COM INC	2.6%
ALPHABET INC	1.5%
META PLATFORMS INC	1.4%
TESLA INC	1.2%
ALPHABET INC	1.2%
BROADCOM INC	1.1%
TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	0.9%
Total	21.3%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Total Equity Composite	13.3%	16.9%	68.0%	1.9%
MSCI ACWI IMI Net USD	17.1%	15.0%	67.9%	0.0%
<i>Weight Over/Under</i>	-3.8%	1.8%	0.1%	1.9%

Sector Allocation (%) vs MSCI ACWI IMI Net USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	1.8%	2.8%	-0.9%
United States	72.9%	65.4%	7.6%
Europe Ex U.K.	8.7%	10.2%	-1.5%
United Kingdom	3.1%	3.2%	-0.1%
Pacific Basin Ex Japan	2.1%	2.5%	-0.5%
Japan	3.0%	5.4%	-2.4%
Emerging Markets	7.7%	10.2%	-2.5%
Other	0.7%	0.4%	0.3%
Total	100.0%	100.0%	0.0%

Characteristics

	Portfolio	Russell 3000
Number of Holdings	1,283	2,942
Weighted Avg. Market Cap. (\$B)	928.4	980.7
Median Market Cap. (\$B)	8.9	2.8
Price To Earnings	25.5	26.9
Price To Book	4.3	4.5
Price To Sales	2.5	2.9
Return on Equity (%)	25.8	22.7
Yield (%)	1.3	1.3

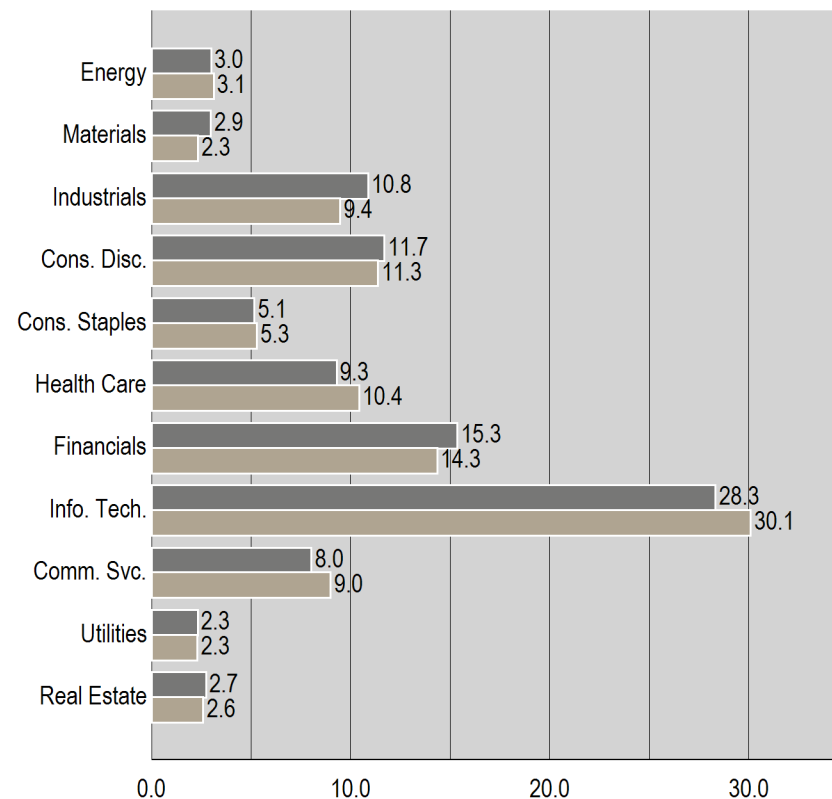
Top Holdings

APPLE INC	6.3%
NVIDIA CORPORATION	5.5%
MICROSOFT CORP	5.2%
AMAZON.COM INC	3.4%
META PLATFORMS INC	2.1%
TESLA INC	1.9%
ALPHABET INC	1.9%
BROADCOM INC	1.8%
ALPHABET INC	1.5%
BERKSHIRE HATHAWAY INC	1.4%
Total	31.1%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
U.S. Equity Composite	2.5%	25.7%	70.7%	1.2%
Russell 3000	6.1%	19.1%	74.8%	0.0%
<i>Weight Over/Under</i>	<i>-3.5%</i>	<i>6.5%</i>	<i>-4.1%</i>	<i>1.2%</i>

Sector Allocation (%) vs Russell 3000



Common Holdings Matrix

	<i>Fidelity 500 Index</i>		<i>Eaton Vance Atlanta Capital SMID</i>		<i>Vanguard Small-Cap Value Index</i>	
	#	%	#	%	#	%
Fidelity 500 Index	--	--	19	37	53	16
Eaton Vance Atlanta Capital SMID	19	1	--	--	20	6
Vanguard Small-Cap Value Index	53	1	20	39	--	--

Characteristics

	Portfolio	MSCI ACWI IMI Net USD
Number of Holdings	207	8,558
Weighted Avg. Market Cap. (\$B)	306.0	683.2
Median Market Cap. (\$B)	55.9	2.3
Price To Earnings	22.4	21.9
Price To Book	3.4	3.6
Price To Sales	1.9	2.0
Return on Equity (%)	18.8	19.2
Yield (%)	1.8	1.9

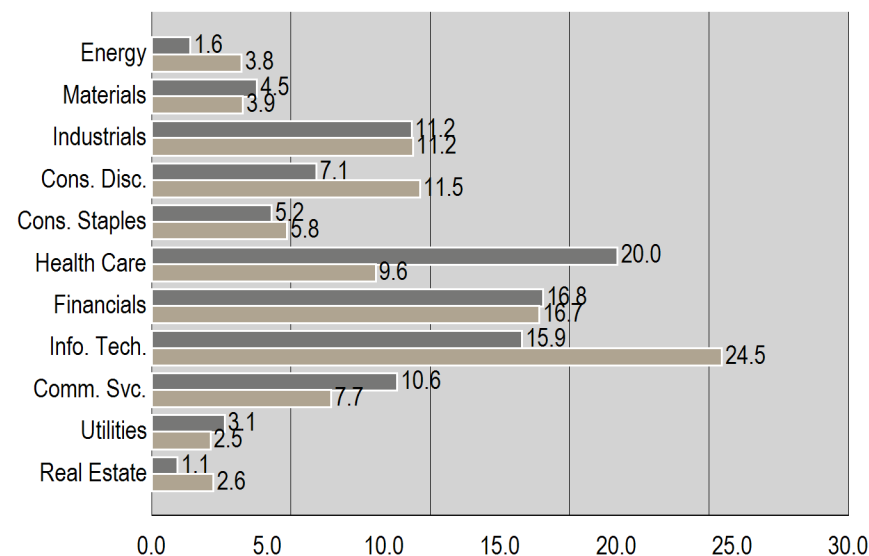
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	2.1%
NETFLIX INC	1.8%
BOSTON SCIENTIFIC CORP	1.8%
AMAZON.COM INC	1.7%
ARGEN-X SE	1.4%
TENCENT HOLDINGS LTD	1.4%
ALPHABET INC	1.3%
EATON CORPORATION PLC	1.3%
ADVANCED MICRO DEVICES INC	1.3%
LONDON STOCK EXCHANGE GROUP PLC	1.3%
Total	15.6%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Global Equity Composite	6.4%	20.4%	70.1%	3.2%
MSCI ACWI IMI Net USD	17.1%	15.0%	67.9%	0.0%
<i>Weight Over/Under</i>	-10.8%	5.4%	2.2%	3.2%

Sector Allocation (%) vs MSCI ACWI IMI Net USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	4.0%	2.8%	1.3%
United States	49.7%	65.4%	-15.7%
Europe Ex U.K.	17.1%	10.2%	7.0%
United Kingdom	7.6%	3.2%	4.4%
Pacific Basin Ex Japan	4.6%	2.5%	2.1%
Japan	5.5%	5.4%	0.1%
Emerging Markets	10.3%	10.2%	0.1%
Other	1.2%	0.4%	0.8%
Total	100.0%	100.0%	0.0%

Common Holdings Matrix

	<i>Dodge & Cox Global Stock</i>		<i>Artisan Global Opportunities</i>		<i>MFS Low Volatility Global Equity</i>	
	#	%	#	%	#	%
Dodge & Cox Global Stock	--	--	4	14	8	9
Artisan Global Opportunities	4	4	--	--	5	6
MFS Low Volatility Global Equity	8	10	5	10	--	--

Characteristics

	Portfolio	MSCI ACWI ex USA IMI
Number of Holdings	8,854	6,260
Weighted Avg. Market Cap. (\$B)	89.0	96.0
Median Market Cap. (\$B)	1.5	1.9
Price To Earnings	15.5	16.0
Price To Book	2.5	2.5
Price To Sales	1.2	1.3
Return on Equity (%)	13.4	13.8
Yield (%)	3.0	3.0

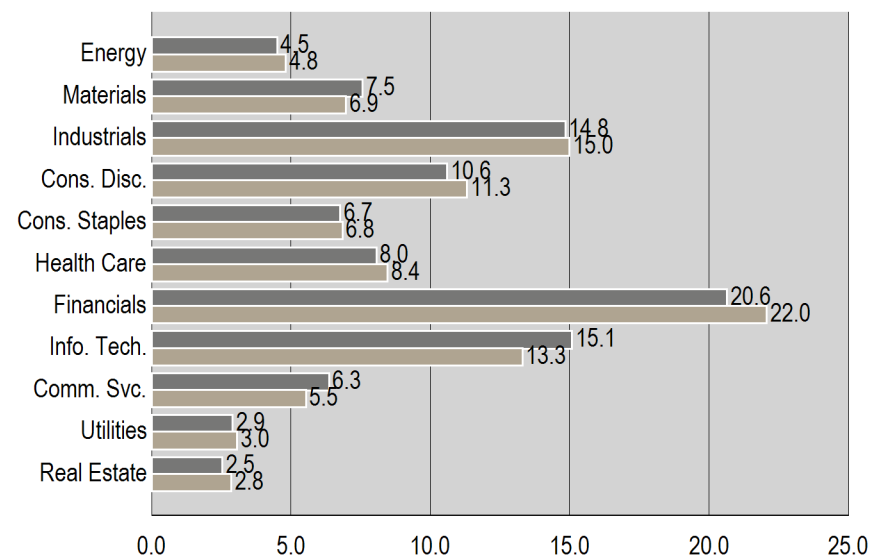
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	2.9%
TENCENT HOLDINGS LTD	1.4%
ASML HOLDING NV	0.7%
NOVO NORDISK A/S	0.7%
SAMSUNG ELECTRONICS CO LTD	0.7%
SAP SE	0.6%
ALIBABA GROUP HOLDING LTD	0.6%
NESTLE SA, CHAM UND VEVEY	0.5%
TOYOTA MOTOR CORP	0.5%
ASTRAZENECA PLC	0.5%
Total	9.2%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Non-U.S. Equity Composite	36.9%	19.9%	40.2%	2.9%
MSCI ACWI ex USA IMI	29.7%	22.2%	48.1%	0.0%
<i>Weight Over/Under</i>	7.2%	-2.3%	-7.9%	2.9%

Sector Allocation (%) vs MSCI ACWI ex USA IMI



Region Allocation Summary

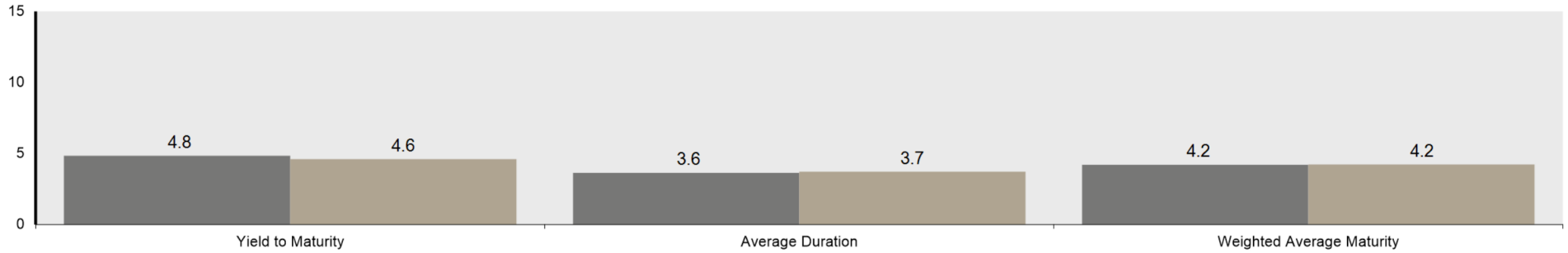
Region	% of Total	% of Bench	% Diff
North America ex U.S.	6.0%	8.0%	-1.9%
United States	0.6%	0.0%	0.6%
Europe Ex U.K.	26.6%	29.4%	-2.8%
United Kingdom	7.0%	9.2%	-2.2%
Pacific Basin Ex Japan	7.1%	7.3%	-0.2%
Japan	12.7%	15.7%	-3.0%
Emerging Markets	38.0%	29.4%	8.6%
Other	2.0%	1.1%	1.0%
Total	100.0%	100.0%	0.0%

Common Holdings Matrix

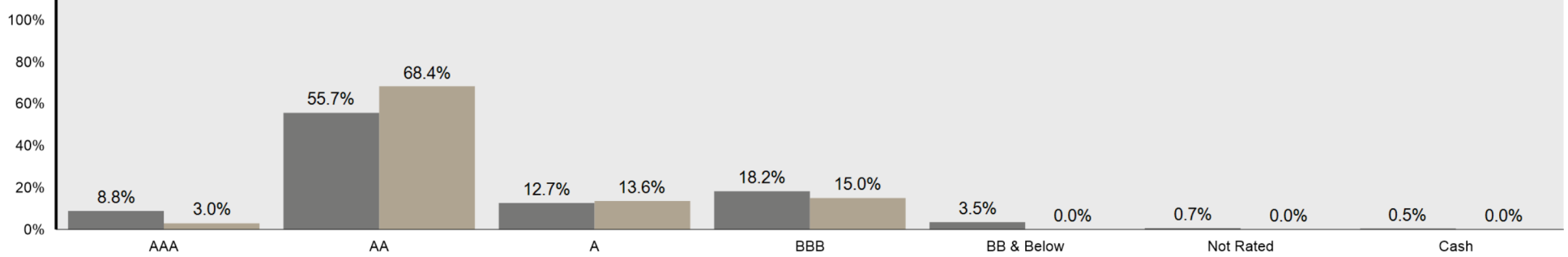
	<i>Fidelity Total International Index</i>		<i>Harding Loevner Int'l Small Companies Portfolio</i>		<i>DFA Emerging Markets Core Equity</i>	
	#	%	#	%	#	%
Fidelity Total International Index	--	--	51	66	1,581	76
Harding Loevner Int'l Small Companies Portfolio	51	1	--	--	13	0
DFA Emerging Markets Core Equity	1,581	27	13	12	--	--

As of December 31, 2024

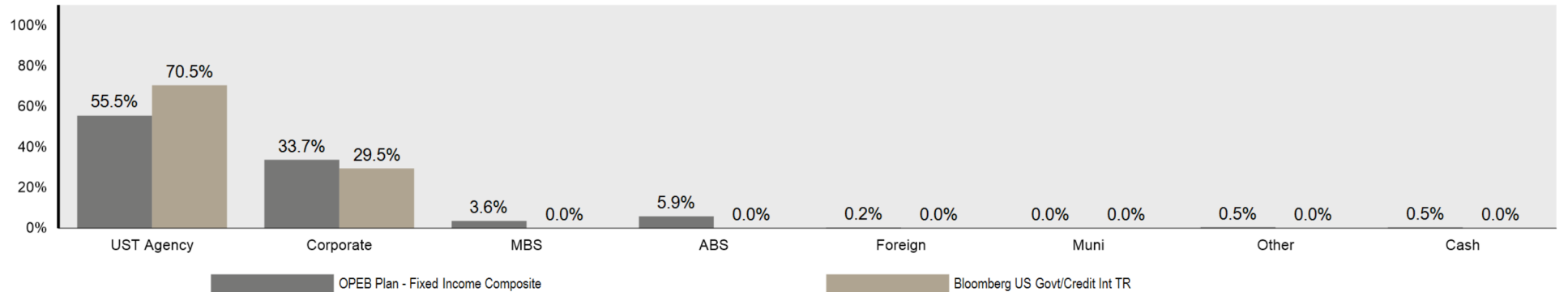
Yield to Maturity



Credit Quality



US Sector



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Sussex County, Delaware

Investment Managers



Manager Summary: Passively-managed. Seeks to provide investment results that correspond to the total return performance of common stocks publicly traded in the United States. Normally investing at least 80% of assets in common stocks included in the S&P 500 Index, which broadly represents the performance of common stocks publicly traded in the United States.

Characteristics

	Portfolio	S&P 500
Number of Holdings	496	503
Weighted Avg. Market Cap. (\$B)	1,114.1	1,098.2
Median Market Cap. (\$B)	37.0	37.1
Price To Earnings	27.6	27.6
Price To Book	5.0	5.0
Price To Sales	3.3	3.3
Return on Equity (%)	35.0	34.8
Yield (%)	1.3	1.3

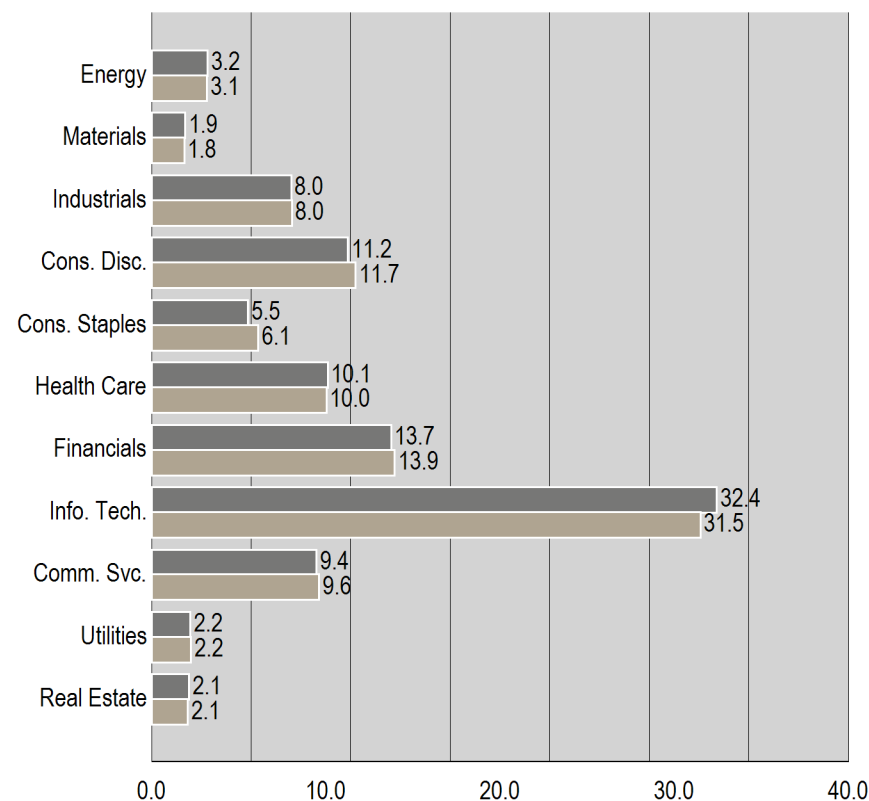
Top Holdings

APPLE INC	7.7%
NVIDIA CORPORATION	6.7%
MICROSOFT CORP	6.4%
AMAZON.COM INC	4.2%
META PLATFORMS INC	2.6%
TESLA INC	2.3%
ALPHABET INC	2.2%
BROADCOM INC	2.2%
ALPHABET INC	1.8%
BERKSHIRE HATHAWAY INC	1.7%
Total	37.7%

Market Capitalization

	Small Cap	Mid Cap	Large Cap
Fidelity 500 Index	0.0%	14.0%	86.0%
S&P 500	1.0%	13.7%	85.3%
Weight Over/Under	-1.0%	0.3%	0.7%

Sector Allocation (%) vs S&P 500



Manager Summary: Focus on investing in high-quality companies with a history of stable and consistent earnings. Emphasize innovative business models, shareholder-friendly managements and companies with limited Wall Street coverage. Seek high levels of free cash flow with low volatility over time. Portfolio comprised of companies with high credit ratings - tends to outperform when quality is in favor.

Characteristics

	Portfolio	Russell 2500
Number of Holdings	52	2,436
Weighted Avg. Market Cap. (\$B)	14.3	7.7
Median Market Cap. (\$B)	12.0	1.6
Price To Earnings	22.9	19.7
Price To Book	3.7	2.6
Price To Sales	2.0	1.5
Return on Equity (%)	23.8	9.0
Yield (%)	0.9	1.6

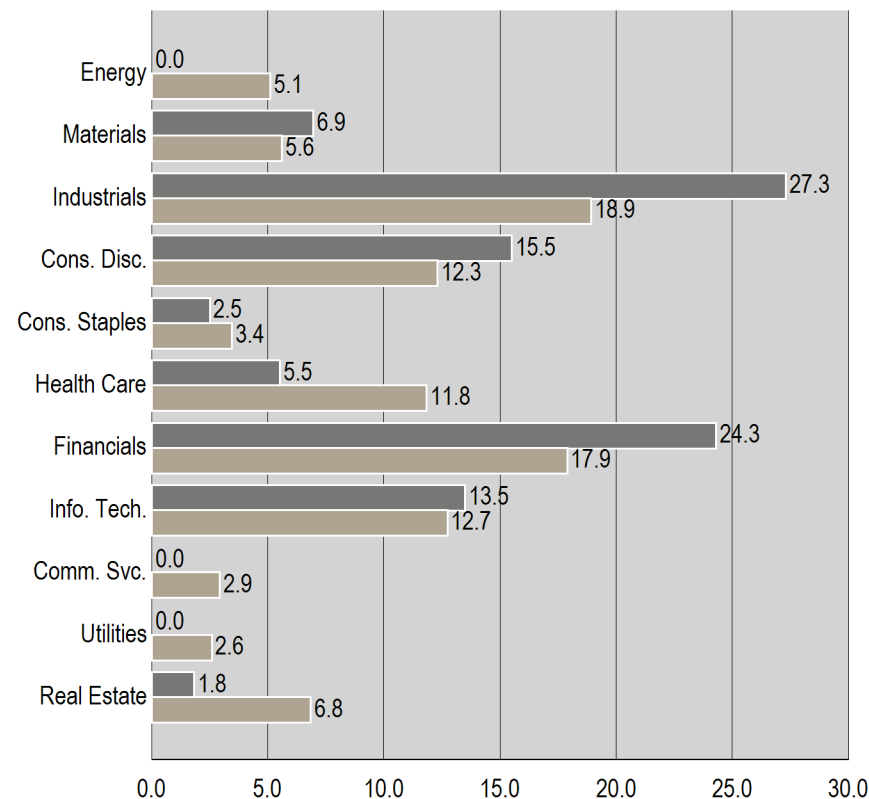
Top Holdings

BERKLEY (W.R.) CORP	4.9%
CARLISLE COS INC	4.2%
GODADDY INC	3.9%
MORNINGSTAR INC	3.5%
MARKEL GROUP INC	3.3%
CACI INTERNATIONAL INC	3.1%
TELEFLEX INC	2.9%
BOOZ ALLEN HAMILTON HOLDING CORPORATION	2.9%
LKQ CORPORATION	2.9%
BURLINGTON STORES INC	2.8%
Total	34.4%

Market Capitalization

	Small Cap	Mid Cap	Large Cap
Eaton Vance Atlanta Capital SMID	2.7%	97.3%	0.0%
Russell 2500	39.3%	60.7%	0.0%
<i>Weight Over/Under</i>	<i>-36.5%</i>	<i>36.5%</i>	<i>0.0%</i>

Sector Allocation (%) vs Russell 2500



As of December 31, 2024

Manager Summary: Passively managed to track the performance of the CRSP US Small Cap Value Index. Follows a full-replication approach whereby the fund attempts to hold the same securities at the same weights as the benchmark. Low expense ratio means the returns will also track the benchmark closely on a net-of-fees basis.

Characteristics

	Portfolio	CRSP US Small Cap Value TR USD
Number of Holdings	825	823
Weighted Avg. Market Cap. (\$B)	8.4	8.5
Median Market Cap. (\$B)	3.5	3.6
Price To Earnings	16.8	16.8
Price To Book	2.1	2.1
Price To Sales	1.1	1.1
Return on Equity (%)	11.7	11.7
Yield (%)	2.1	2.2

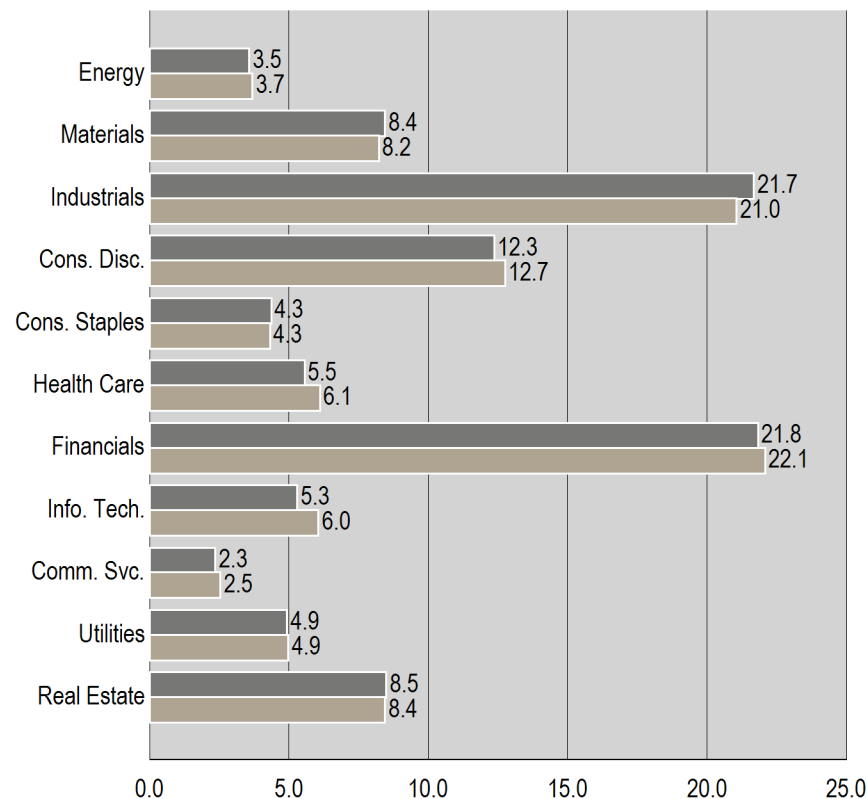
Top Holdings

SMURFIT WESTROCK PLC	0.8%
FIRST CITIZENS BANCSHARES INC	0.7%
EMCOR GROUP INC.	0.7%
ATMOS ENERGY CORP	0.6%
BUILDERS FIRSTSOURCE INC	0.6%
CHESAPEAKE ENERGY CORP	0.6%
CARLISLE COS INC	0.6%
NRG ENERGY INC	0.6%
BOOZ ALLEN HAMILTON HOLDING CORPORATION	0.5%
PENTAIR PLC	0.5%
Total	6.1%

Market Capitalization

	Small Cap	Mid Cap	Large Cap
Vanguard Small-Cap Value Index	86.0%	14.0%	0.0%
CRSP US Small Cap Value TR USD	87.5%	12.5%	0.0%
<i>Weight Over/Under</i>	<i>-1.4%</i>	<i>1.4%</i>	<i>0.0%</i>

Sector Allocation (%) vs CRSP US Small Cap Value TR USD



Manager Summary: Focuses on identifying large, well-established companies across the globe that trade at a discount to their long-term profit opportunities. Emphasize fundamental research, attempting to understand risks facing businesses over a 3-5-year time horizon. Seeks companies with solid management teams and strong, competitive franchises. Strategy tends to hold deep value stocks that may be out-of-favor in the short-term but offer good value for the long-term investor.

Characteristics

	Portfolio	MSCI ACWI
Number of Holdings	86	2,641
Weighted Avg. Market Cap. (\$B)	251.3	757.6
Median Market Cap. (\$B)	48.7	14.6
Price To Earnings	17.4	22.6
Price To Book	2.3	3.9
Price To Sales	1.1	2.3
Return on Equity (%)	12.2	22.1
Yield (%)	2.4	1.9

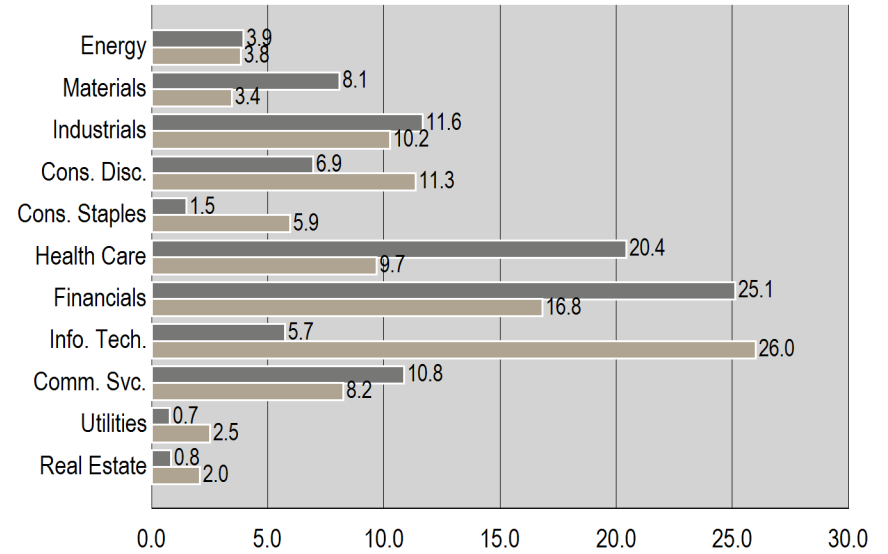
Top Holdings

SCHWAB (CHARLES) CORP	3.5%
ALPHABET INC	3.2%
SANOFI	2.9%
CHARTER COMMUNICATIONS INC	2.8%
FISERV INC.	2.7%
GSK PLC	2.7%
HDFC BANK LIMITED	2.4%
RTX CORP	2.3%
JOHNSON CONTROLS INTERNATIONAL PLC	2.3%
FEDEX CORP.	2.1%
Total	26.9%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Dodge & Cox Global Stock	5.3%	21.3%	69.1%	4.3%
MSCI ACWI	7.7%	16.3%	76.0%	0.0%
<i>Weight Over/Under</i>	<i>-2.4%</i>	<i>5.0%</i>	<i>-6.9%</i>	<i>4.3%</i>

Sector Allocation (%) vs MSCI ACWI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	3.2%	2.7%	0.5%
United States	48.9%	66.7%	-17.7%
Europe Ex U.K.	23.6%	10.3%	13.3%
United Kingdom	8.2%	3.1%	5.1%
Pacific Basin Ex Japan	1.0%	2.3%	-1.3%
Japan	2.1%	4.8%	-2.7%
Emerging Markets	12.9%	9.8%	3.2%
Other	0.0%	0.3%	-0.3%
Total	100.0%	100.0%	0.0%

Manager Summary: Targets high-quality companies with above-average and sustainable earnings growth. Holdings tend to be global franchises with strong industry positioning. Portfolio will typically include 50-70 stocks and tends to have low turnover. Relatively unconstrained with respect to country, sector & position weights.

Characteristics

	Portfolio	MSCI ACWI
Number of Holdings	47	2,641
Weighted Avg. Market Cap. (\$B)	456.8	757.6
Median Market Cap. (\$B)	92.8	14.6
Price To Earnings	39.9	22.6
Price To Book	7.2	3.9
Price To Sales	5.6	2.3
Return on Equity (%)	25.3	22.1
Yield (%)	0.4	1.9

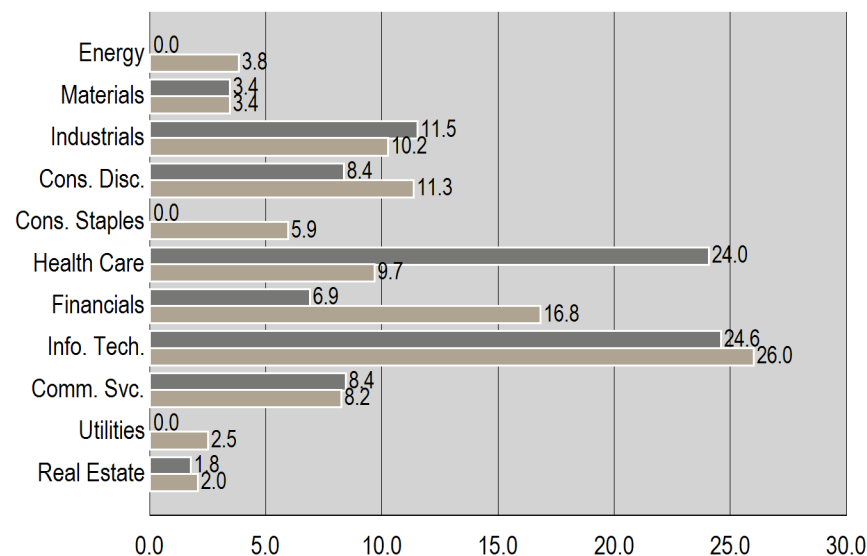
Top Holdings

NETFLIX INC	5.6%
BOSTON SCIENTIFIC CORP	5.5%
TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	4.9%
ARGEN-X SE	4.4%
ADVANCED MICRO DEVICES INC	4.0%
LONDON STOCK EXCHANGE GROUP PLC	4.0%
LONZA GROUP AG	3.5%
AMAZON.COM INC	3.4%
APPLE INC	3.2%
ADIDAS AG	3.1%
Total	41.5%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Artisan Global Opportunities	0.0%	11.9%	66.1%	22.0%
MSCI ACWI	7.7%	16.3%	76.0%	0.0%
<i>Weight Over/Under</i>	<i>-7.7%</i>	<i>-4.4%</i>	<i>-9.9%</i>	<i>22.0%</i>

Sector Allocation (%) vs MSCI ACWI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	2.5%	2.7%	-0.2%
United States	54.0%	66.7%	-12.6%
Europe Ex U.K.	15.3%	10.3%	4.9%
United Kingdom	12.0%	3.1%	8.9%
Pacific Basin Ex Japan	5.8%	2.3%	3.4%
Japan	3.7%	4.8%	-1.2%
Emerging Markets	5.5%	9.8%	-4.3%
Other	1.2%	0.3%	0.9%
Total	100.0%	100.0%	0.0%

Manager Summary: Strategy seeks to produce long-term excess market returns with less volatility than the market. Investment process combines quantitative inputs and fundamental analysis. Only stocks that exhibit low volatility are considered for further analysis. Fundamental inputs include analyst expectations for earnings and valuation. Stocks are then rated buy, hold, or sell. Strategy typically holds 80-120 names with a maximum position limit of 4%.

Characteristics

	Portfolio	MSCI ACWI
Number of Holdings	93	2,641
Weighted Avg. Market Cap. (\$B)	256.8	757.6
Median Market Cap. (\$B)	53.7	14.6
Price To Earnings	20.0	22.6
Price To Book	3.1	3.9
Price To Sales	2.0	2.3
Return on Equity (%)	27.3	22.1
Yield (%)	2.4	1.9

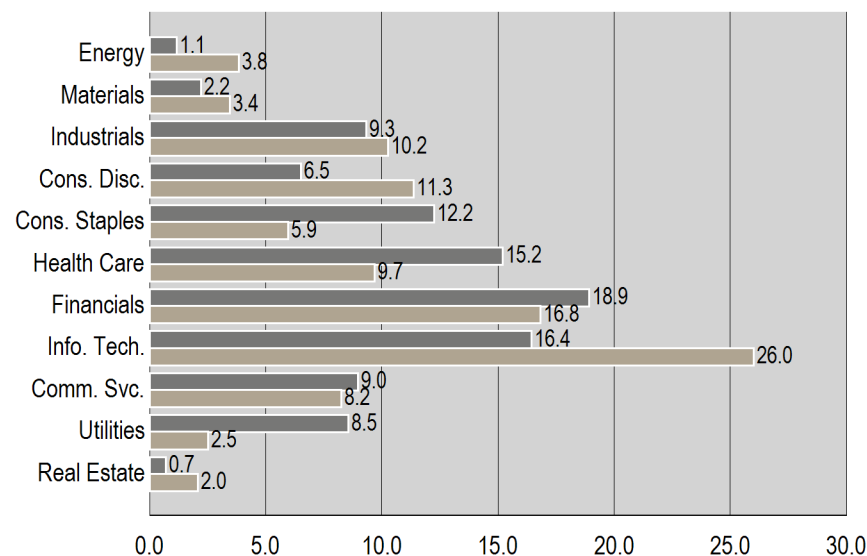
Top Holdings

DBS GROUP HOLDINGS LTD	3.4%
MCKESSON CORP	3.3%
COLGATE-PALMOLIVE CO	3.1%
MICROSOFT CORP	2.6%
CONSTELLATION SOFTWARE INC	2.4%
JOLLIBEE FOODS CORP	2.2%
ADVANCED INFO SERVICE PUBLIC CO LTD	2.1%
JOHNSON & JOHNSON	2.1%
KDDI CORP	2.1%
CLP HOLDINGS LTD	2.1%
Total	25.5%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
MFS Low Volatility Global Equity	13.8%	25.1%	61.0%	0.0%
MSCI ACWI	7.7%	16.3%	76.0%	0.0%
<i>Weight Over/Under</i>	6.1%	8.9%	-14.9%	0.0%

Sector Allocation (%) vs MSCI ACWI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	6.3%	2.7%	3.6%
United States	53.0%	66.7%	-13.6%
Europe Ex U.K.	11.0%	10.3%	0.6%
United Kingdom	2.5%	3.1%	-0.6%
Pacific Basin Ex Japan	6.8%	2.3%	4.4%
Japan	10.4%	4.8%	5.5%
Emerging Markets	8.0%	9.8%	-1.8%
Other	2.2%	0.3%	1.9%
Total	100.0%	100.0%	0.0%

As of December 31, 2024

Manager Summary: The investment seeks to provide investment results that correspond to the total return of foreign developed and emerging stock markets. The fund normally invests at least 80% of assets in securities included in the MSCI ACWI (All Country World Index) ex USA Investable Market Index and in depository receipts representing securities included in the index. The MSCI ACWI (All Country World Index) ex USA Investable Market Index is a market capitalization-weighted index designed to measure the investable equity market performance for global investors of large, mid, and small-cap stocks in developed and emerging markets, excluding the U.S.

Characteristics

	Portfolio	MSCI ACWI ex USA IMI
Number of Holdings	4,077	6,260
Weighted Avg. Market Cap. (\$B)	95.2	96.0
Median Market Cap. (\$B)	3.2	1.9
Price To Earnings	16.0	16.0
Price To Book	2.5	2.5
Price To Sales	1.3	1.3
Return on Equity (%)	13.8	13.8
Yield (%)	3.0	3.0

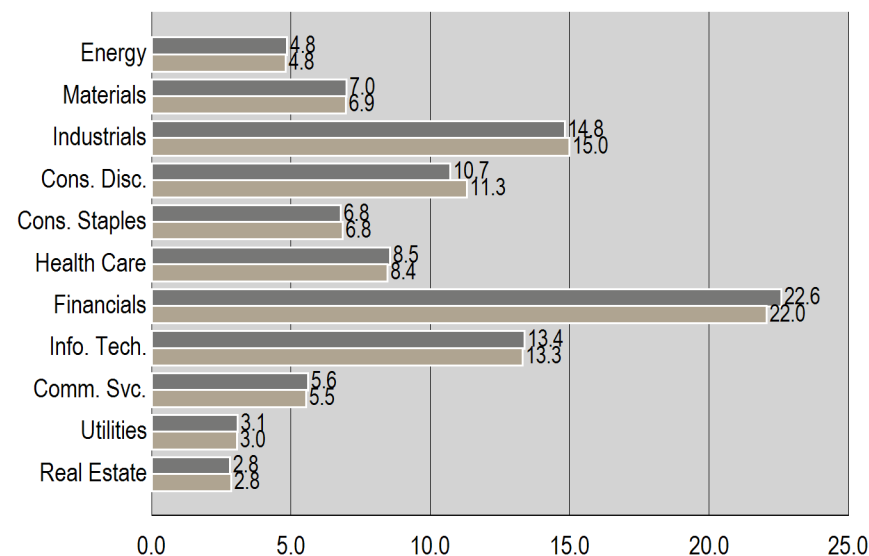
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	2.7%
TENCENT HOLDINGS LTD	1.2%
ASML HOLDING NV	1.0%
NOVO NORDISK A/S	0.9%
SAP SE	0.9%
NESTLE SA, CHAM UND VEVEY	0.7%
TOYOTA MOTOR CORP	0.7%
ASTRAZENECA PLC	0.7%
ROCHE HOLDING AG	0.7%
SHELL PLC	0.7%
Total	10.2%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Fidelity Total International Index	26.5%	22.5%	48.2%	2.7%
MSCI ACWI ex USA IMI	29.7%	22.2%	48.1%	0.0%
<i>Weight Over/Under</i>	-3.2%	0.3%	0.1%	2.7%

Sector Allocation (%) vs MSCI ACWI ex USA IMI



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	8.0%	8.0%	0.0%
United States	0.4%	0.0%	0.4%
Europe Ex U.K.	30.9%	29.4%	1.5%
United Kingdom	7.7%	9.2%	-1.5%
Pacific Basin Ex Japan	8.4%	7.3%	1.1%
Japan	15.9%	15.7%	0.3%
Emerging Markets	27.1%	29.4%	-2.3%
Other	1.5%	1.1%	0.5%
Total	100.0%	100.0%	0.0%

Manager Summary: Employs a fundamental bottom-up investing approach with a focus on growth at a reasonable price. Fundamental research is employed to identify investments with four key criteria: competitive advantage, quality management, financial strength, and sustainable growth. The strategy generally holds 75-150 names and will include emerging markets and frontier markets, with the total of the two capped at 30%.

Characteristics

	Portfolio	MSCI ACWI ex US Small Cap Growth NR USD
Number of Holdings	78	2,275
Weighted Avg. Market Cap. (\$B)	3.7	3.1
Median Market Cap. (\$B)	2.5	1.3
Price To Earnings	19.1	20.1
Price To Book	2.6	2.7
Price To Sales	1.4	1.5
Return on Equity (%)	12.5	12.9
Yield (%)	2.5	1.9

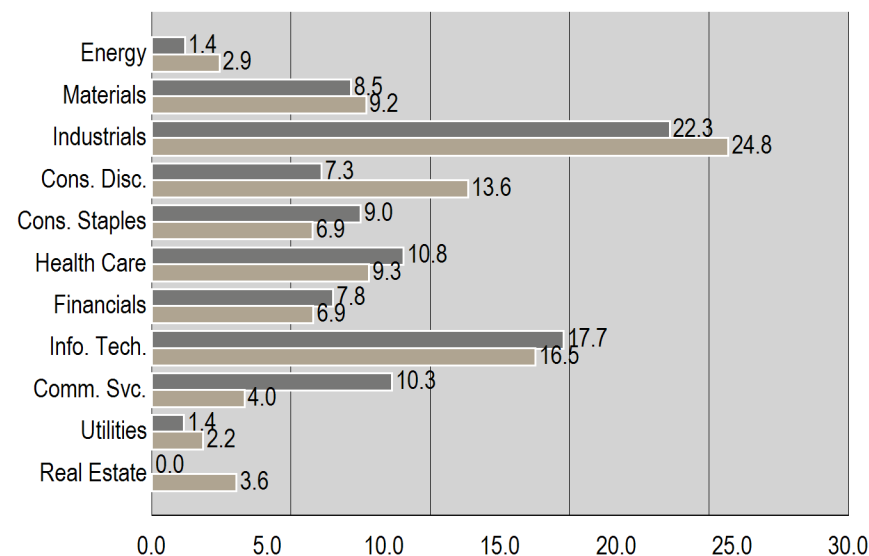
Top Holdings

CYBERARK SOFTWARE LTD	3.0%
HOA PHAT GROUP JOINT STOCK CO	3.0%
SENIOR PLC	3.0%
DIPLOMA	2.5%
REPLY SPA, TORINO	2.5%
CRANSWICK PLC	2.4%
SIAULIU BANKAS AB	2.3%
MAX FINANCIAL SERVICES LIMITED	2.0%
CLARKSON PLC	2.0%
FUCHS SE	1.9%
Total	24.6%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
Harding Loevner Int'l Small Companies Portfolio	88.1%	3.0%	0.0%	8.9%
MSCI ACWI ex US Small Cap Growth NR USD	99.9%	0.1%	0.0%	0.0%
<i>Weight Over/Under</i>	<i>-11.8%</i>	<i>2.9%</i>	<i>0.0%</i>	<i>8.9%</i>

Sector Allocation (%) vs MSCI ACWI ex US Small Cap Growth NR USD



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	1.2%	7.2%	-6.0%
United States	3.0%	0.0%	3.0%
Europe Ex U.K.	43.0%	19.7%	23.2%
United Kingdom	14.8%	8.5%	6.3%
Pacific Basin Ex Japan	1.3%	8.9%	-7.6%
Japan	10.8%	23.0%	-12.2%
Emerging Markets	18.5%	30.2%	-11.7%
Other	7.5%	2.5%	5.0%
Total	100.0%	100.0%	0.0%

Manager Summary: Invests in a broad range of non-U.S. securities with an increased exposure to small cap equities and value stocks. Portfolio invests in a diverse group of countries, which may include emerging and frontier markets that DFA has designated as approved markets. Stocks are considered value stocks primarily because of a company's high book-to-market value. Additional considerations may include price-to-cash flows, price-to-earnings, economic developments and industry specific developments.

Characteristics

	Portfolio	MSCI Emerging Markets
Number of Holdings	6,326	1,250
Weighted Avg. Market Cap. (\$B)	103.2	178.9
Median Market Cap. (\$B)	0.8	8.2
Price To Earnings	13.2	14.0
Price To Book	2.5	2.8
Price To Sales	0.9	1.2
Return on Equity (%)	13.3	15.3
Yield (%)	3.1	2.8

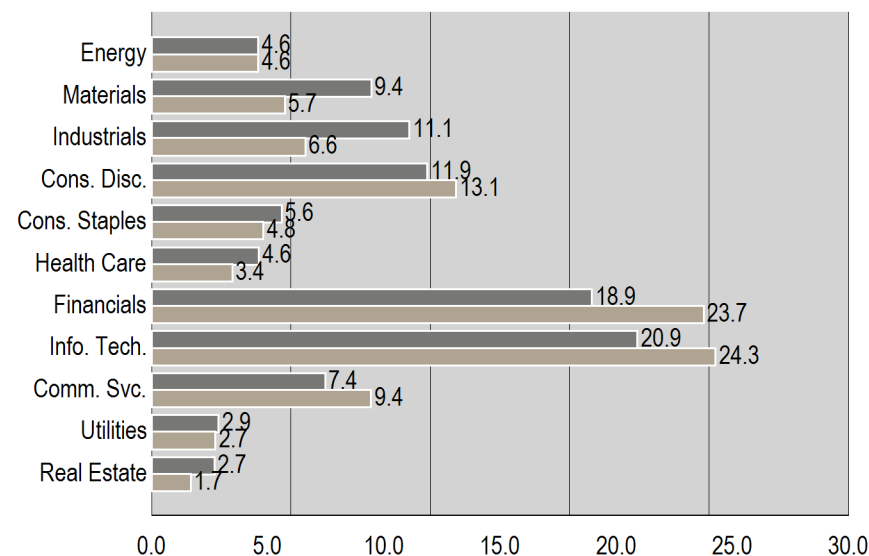
Top Holdings

TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	5.0%
TENCENT HOLDINGS LTD	3.2%
TAIWAN SEMICONDUCTOR MANUFACTURING CO LTD	1.8%
SAMSUNG ELECTRONICS CO LTD	1.5%
ALIBABA GROUP HOLDING LTD	1.0%
CHINA CONSTRUCTION BANK CORP	0.8%
INFOSYS LTD	0.7%
RELIANCE INDUSTRIES LTD	0.6%
PING AN INSURANCE GROUP CO OF CHINA LTD	0.5%
BHARTI AIRTEL LTD	0.5%
Total	15.5%

Market Capitalization

	Small Cap	Mid Cap	Large Cap	Unclassified
DFA Emerging Markets Core Equity	40.8%	23.6%	34.8%	0.7%
MSCI Emerging Markets	17.4%	27.1%	55.5%	0.0%
<i>Weight Over/Under</i>	<i>23.4%</i>	<i>-3.5%</i>	<i>-20.7%</i>	<i>0.7%</i>

Sector Allocation (%) vs MSCI Emerging Markets



Region Allocation Summary

Region	% of Total	% of Bench	% Diff
North America ex U.S.	0.0%	0.0%	0.0%
United States	0.1%	0.0%	0.1%
Europe Ex U.K.	0.5%	0.5%	0.1%
United Kingdom	0.0%	0.0%	0.0%
Pacific Basin Ex Japan	4.5%	0.0%	4.5%
Japan	0.0%	0.0%	0.0%
Emerging Markets	93.5%	98.8%	-5.3%
Other	1.4%	0.7%	0.6%
Total	100.0%	100.0%	0.0%

Characteristics

Fund GAV (\$MM)	\$18,678.0
Fund NAV (\$MM)	\$12,948.0
Cash (% of NAV)	2.3%
# of Investments	199
% in Top 10 by NAV	22.9%
Leverage %	26.7%
Occupancy	90.8%
# of MSAs	42
1-Year Dividend Yield	3.7%
As of Date	31-Dec-24

Strategy Breakdown

	% of Portfolio
Pre-Development	5.8%
Development	2.7%
Initial Leasing	3.7%
Operating	83.7%
Re-Development	
Other	4.1%

Top Five Metro Areas	% of NAV
Boston-Cambridge-Quincy, MA	11.1%
Los Angeles-Long Beach-Santa Ana, CA	10.3%
San Francisco-Oakland-Fremont, CA	8.5%
Seattle-Tacoma-Bellevue, WA	6.9%
Riverside-San Bernardino-Ontario, CA	6.2%

Queue In:

Contribution Queue (\$MM)	
Anticipated Drawdown (Months)	

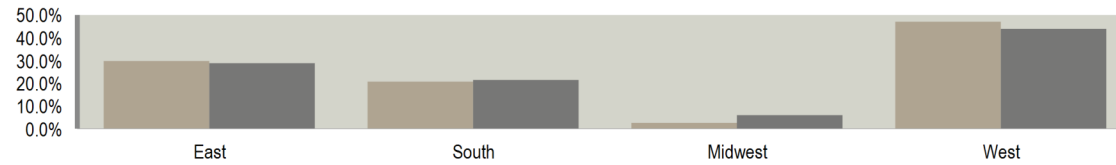
Queue Out:

Redemption Queue (\$MM)	\$3,292.00
Anticipated Payout (Months)	

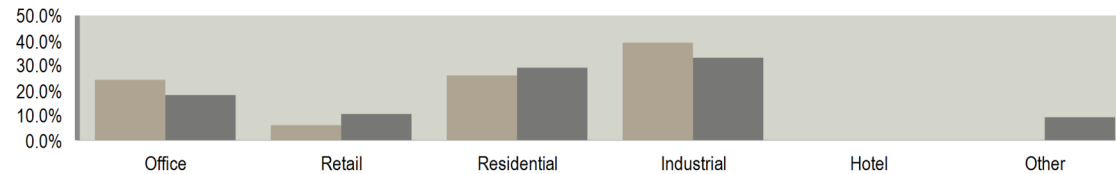
Top Ten Holdings Investment Detail

#	Property	Type	Location	% of Fund NAV
1	75-125 Binney Street	Life Science	Cambridge, MA	3.1%
2	One Marina Park Drive	Office	Boston, MA	2.7%
3	Silver State Commerce Center	Industrial	North Las Vegas, NV	2.5%
4	Mansfield Logistics Park	Industrial	Mansfield, NJ	2.5%
5	245 First Street	Life Science	Cambridge, MA	2.3%
6	Research Tri-Center	Industrial	Durham, NC	2.2%
7	Cranbury Station	Industrial	Cranbury, NJ	2.1%
8	Savoy	Apartment	Sunnyvale, CA	1.9%
9	213 East Grand Avenue	Life Science	South San Francisco, CA	1.8%
10	Millbrae Station	Life Science	Millbrae, CA	1.8%
Total				22.9%

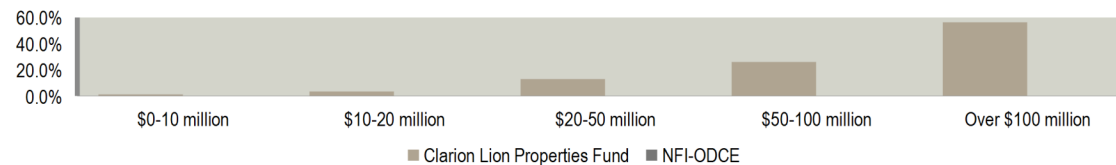
Regional Breakdown by NAV (Excluding Cash & Debt)



Property Type Breakdown by NAV (Excluding Cash & Debt)



Property Size Breakdown by NAV (Excluding Cash & Debt)



■ Clarion Lion Properties Fund ■ NFI-ODCE

Characteristics

JPMorgan	
Fund Inception/Vintage Year	2007
Total Fund GAV (\$M)	\$75,219.0
Total Fund NAV (\$M)	\$38,387.0
Cash Balance % of NAV	
% in Top 10 by NAV	81.7%

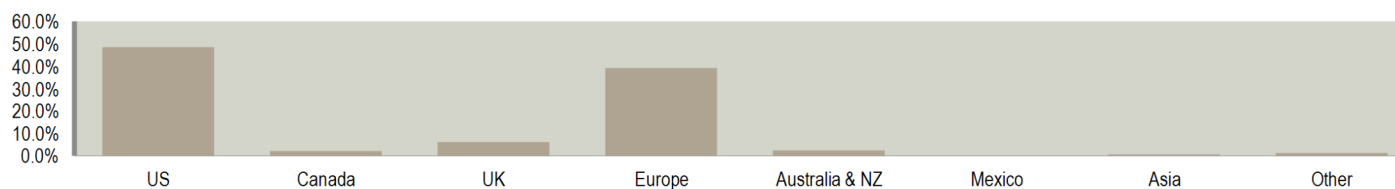
Strategy Breakdown

# of Investments	19		
# of Investors	1328		
# OECD Countries	26		
Trailing 12-month Dividend Yield	6.3%		
Queue Out:	\$470.0	Queue In:	\$303.8

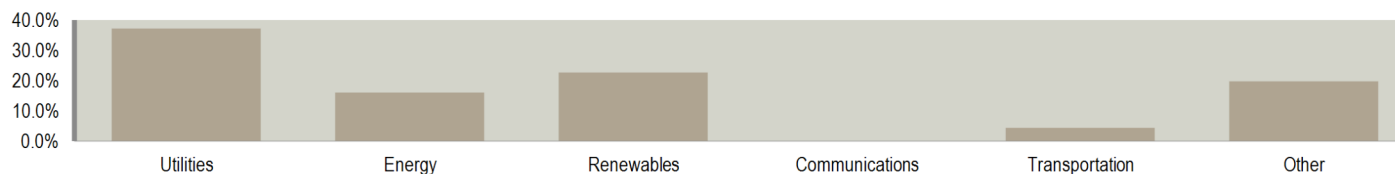
Top 10 Fund investments by NAV

Investment	Sector	Location	Investment (\$M)	Fair Mkt Val (\$M)	% of Portfolio
South Jersey Industries	Gas	United States		\$5,779.1	14.6%
GETEC	Other	Europe		\$4,952.8	12.5%
Nadara	Wind	UK/Europe/US		\$4,748.8	12.0%
Onward Energy	Wind	United States		\$2,994.8	7.6%
El Paso Electric	Electric	United States		\$2,895.6	7.3%
Summit Utilities	Gas	United States		\$2,820.5	7.1%
Sonnedix Power Holdings	Solar	Various OECD		\$2,413.2	6.1%
Chane	Storage	Netherlands		\$2,377.2	6.0%
Adven	Other	Finland/Sweden		\$1,875.0	4.7%
BWC Terminals	Storage	United States		\$1,475.0	3.7%
Total			\$0.0	\$32,331.8	81.7%

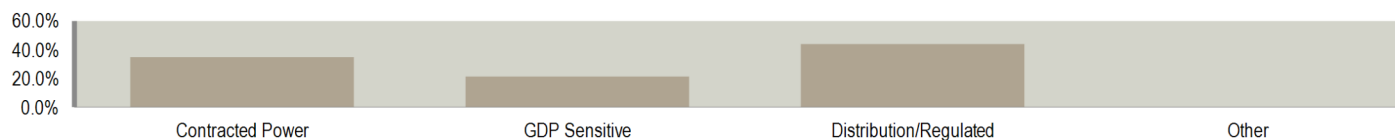
Country Breakdown of Active Assets



Sector Breakdown of Active Assets

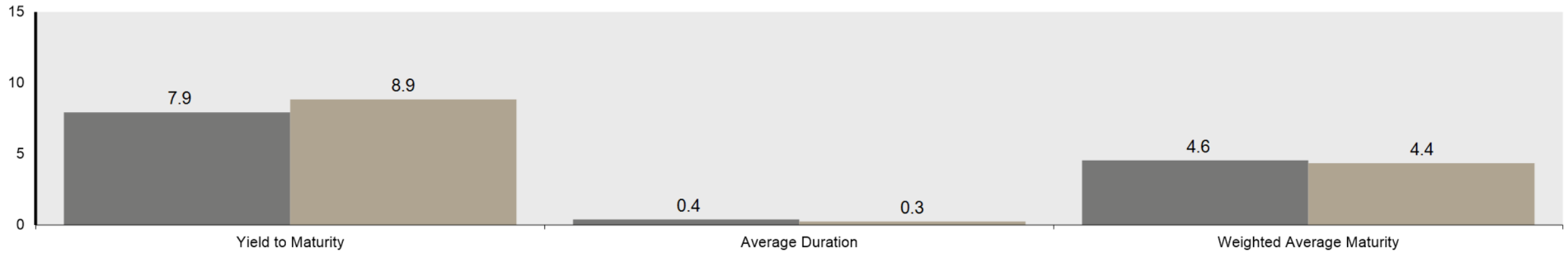


Investment by Revenue Source

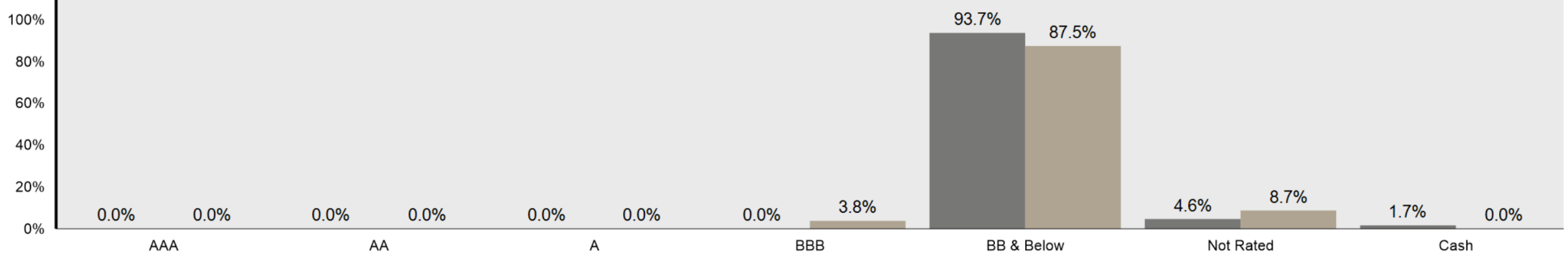


Manager Summary: The strategy focuses on larger, more liquid issuers with a margin of safety to help improve downside risk. The portfolio will tend to be more concentrated, taking meaningful positions in companies where there is strong conviction. Portfolio management team that specializes in fixed-income asset management based on a foundation of corporate credit research.

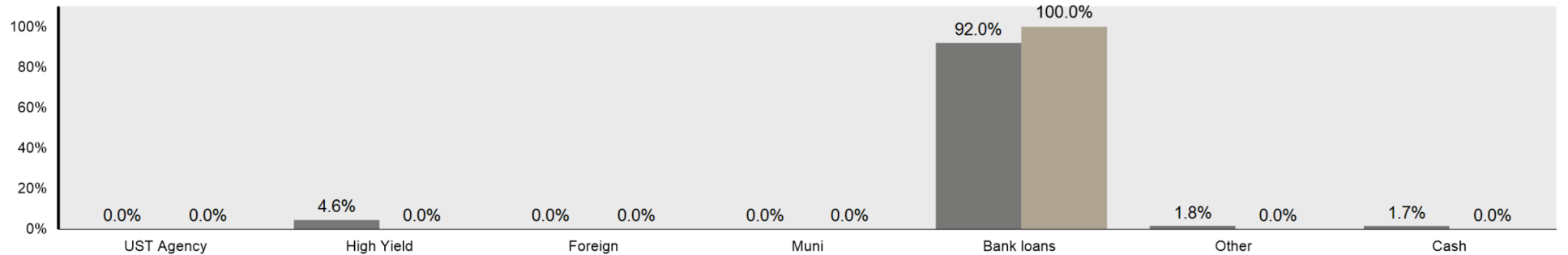
Yield to Maturity



Credit Quality



US Sector

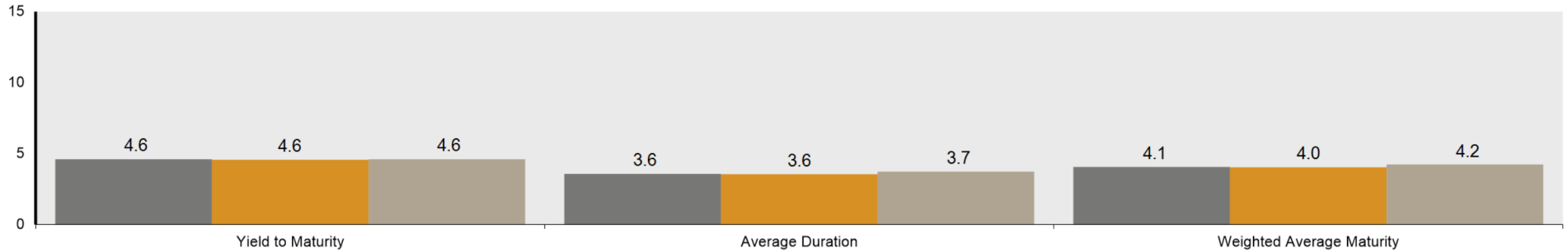


Aristotle Pacific Floating Rate Fund

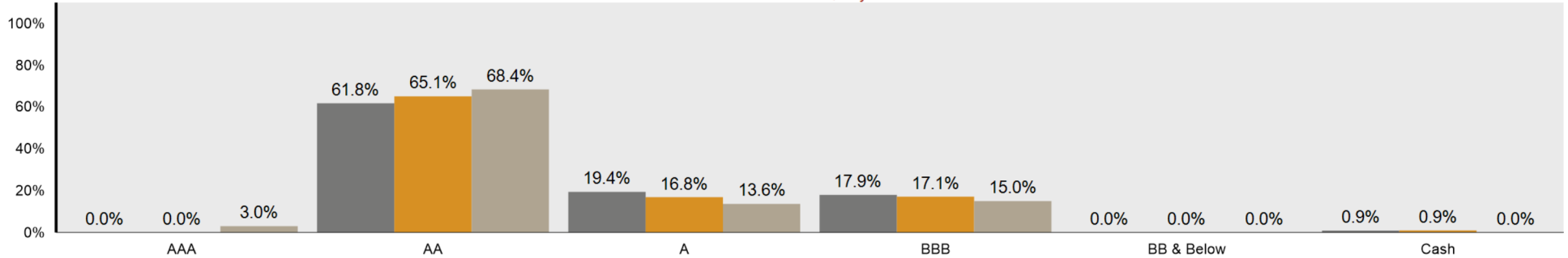
Credit Suisse Leveraged Loans

Manager Summary: Strategy focuses equally on duration management, sector selection and yield curve exposure. Assess overall market environment and position portfolio to benefit from realistic expectations. Will actively trade, including analysis of technical factors, price momentum, interest rate outlook and yield curve movement.

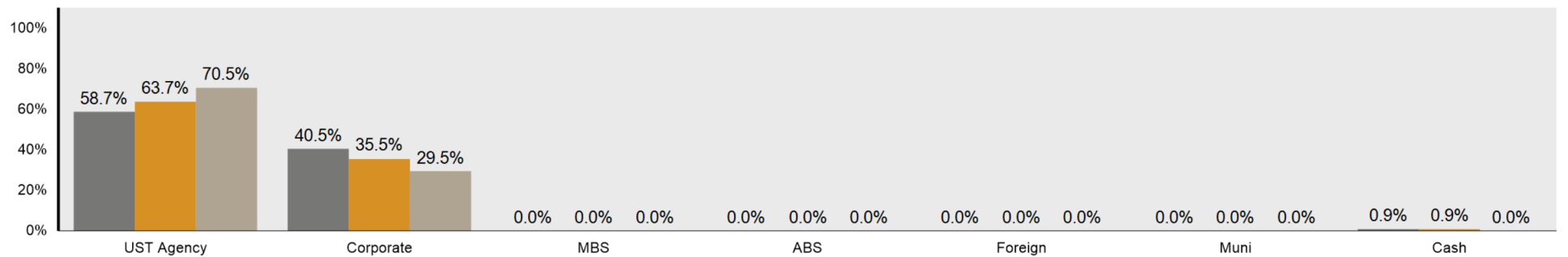
Yield to Maturity



Credit Quality



US Sector



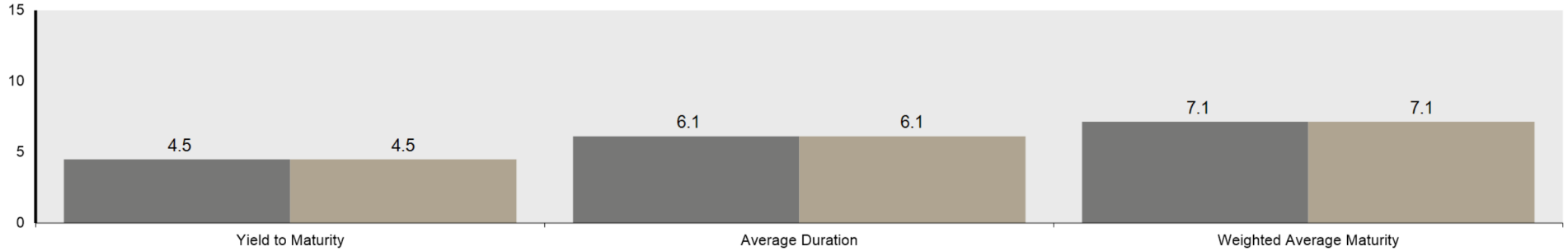
Pension Plan - Wilm. Trust Fixed Income

OPEB Plan - Wilm. Trust Fixed Income

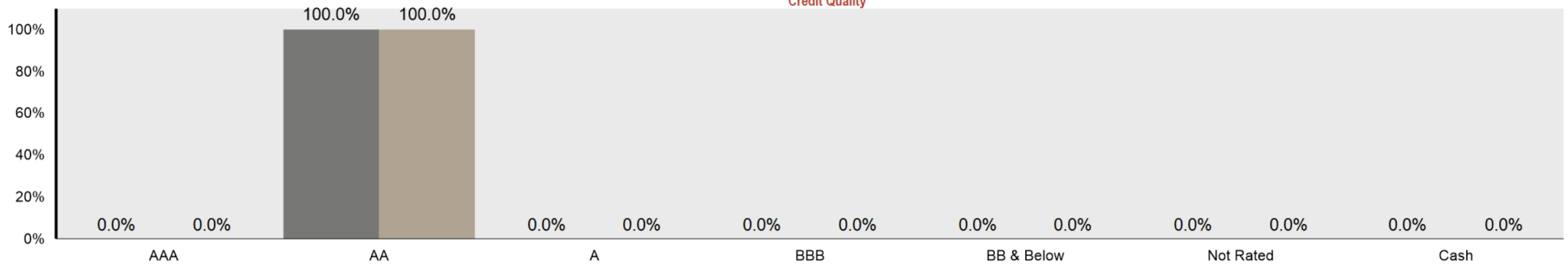
Bloomberg US Govt/Credit Int TR

Manager Summary: Passively-managed using an index sampling approach. Seeks to track the performance of Barclays Capital U.S. 5-10 year Treasury Index. Invests only in U.S. Treasury securities. Intermediate duration portfolio. a smaller number of securities.

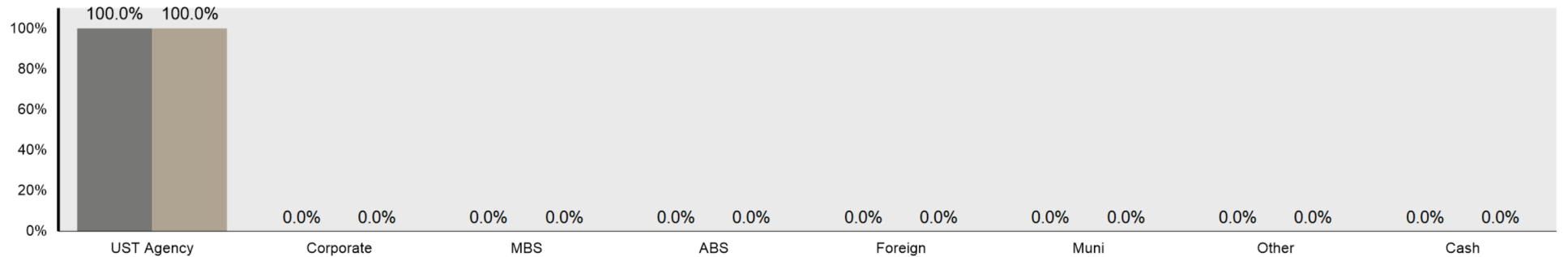
Yield to Maturity



Credit Quality



US Sector

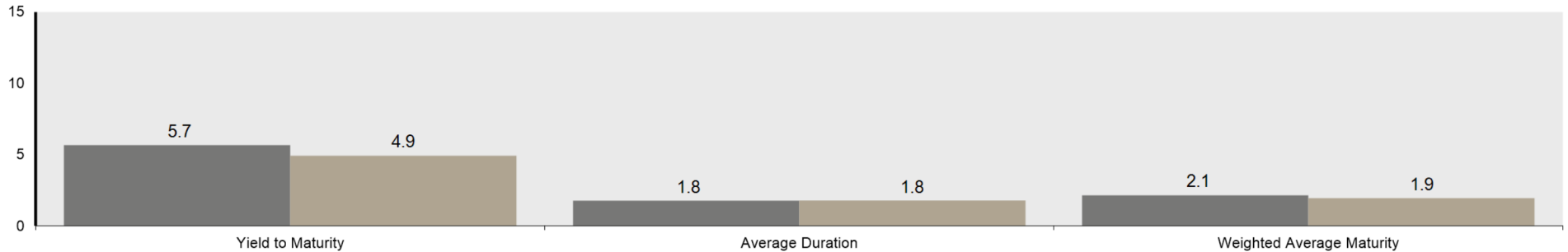


Fidelity Intern. Treasury Bond

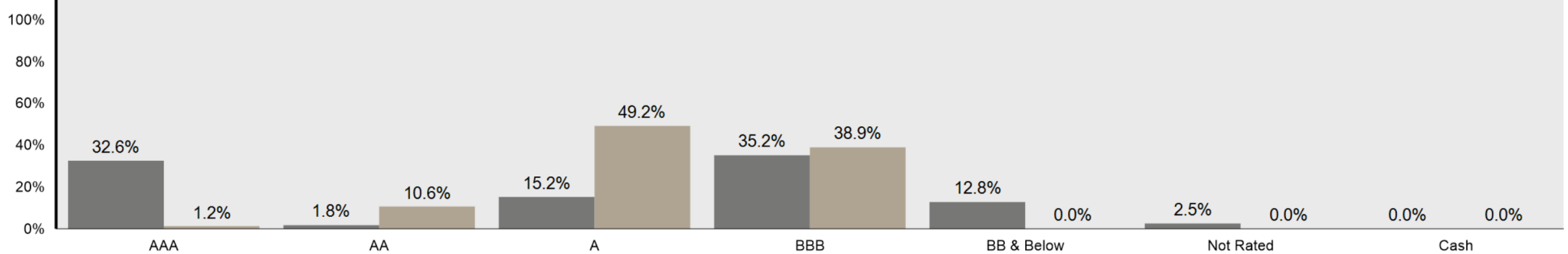
BBgBarc US Treasury 5-10 Yr TR

Manager Summary: Seeks to add value through sector rotation and security selection among short-duration securities. Approach combines top-down decisions making with bottom-up security selection. A separate quantitative team helps monitor risk allocation as well as the relative attractiveness of securities and sectors. The strategy employs a duration-neutral position versus the benchmark.

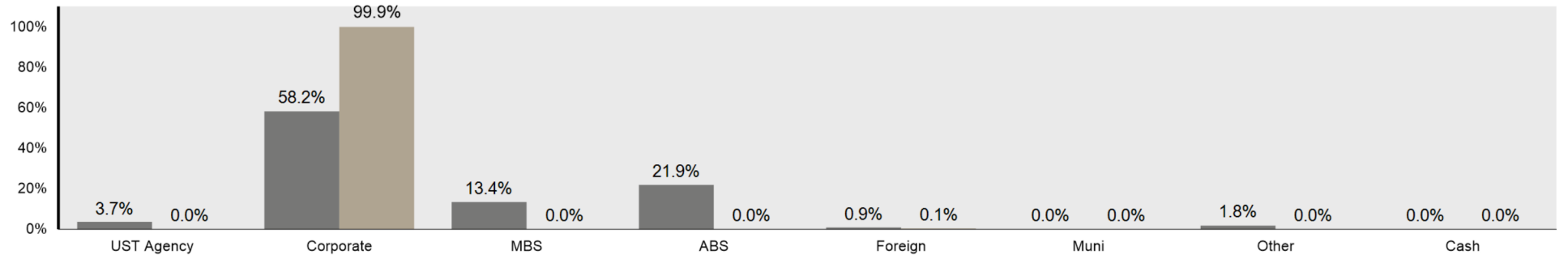
Yield to Maturity



Credit Quality



US Sector



Lord Abbett Short Duration Income Fund

ICE BofAML 1-3 Year U.S. Corp. Index

Sussex County Employee Pension Plan

Performance Summary (Net)

As of January 31, 2025

	QTD	Fiscal YTD	Market Value	% of Portfolio	Policy %
Total Fund Composite	2.1	6.7	175,821,241	100.0	100.0
<i>Pension Policy Index</i>	2.1	7.3			
Total Equity Composite	3.1	8.9	106,907,955	60.8	60.0
<i>Total Equity Policy Index</i>	3.3	10.3			
U.S. Equity Composite	2.8	11.5	66,209,807	37.7	36.0
<i>Russell 3000</i>	3.2	12.5			
Fidelity 500 Index	2.8	11.4	54,509,301	31.0	29.5
<i>S&P 500</i>	2.8	11.5			
Eaton Vance Atlanta Capital SMID	2.2	9.2	5,249,492	3.0	3.0
<i>Russell 2500</i>	3.5	13.3			
Vanguard Small-Cap Value Index	3.6	13.7	6,451,015	3.7	3.5
<i>CRSP US Small Cap Value TR USD</i>	3.6	13.7			
Global Equity Composite	4.0	6.7	25,821,679	14.7	15.0
<i>MSCI ACWI IMI Net USD</i>	3.3	9.0			
Dodge & Cox Global Stock	5.4	5.2	8,512,311	4.8	5.0
<i>MSCI ACWI Value NR USD</i>	4.2	8.7			
Artisan Global Opportunities	5.0	7.7	8,944,660	5.1	5.0
<i>MSCI ACWI Growth</i>	2.6	9.6			
MFS Low Volatility Global Equity	1.6	6.8	8,364,708	4.8	5.0
<i>MSCI ACWI Minimum Volatility Index</i>	2.6	8.8			
Non-U.S. Equity Composite	3.1	2.5	14,876,468	8.5	9.0
<i>MSCI ACWI ex USA IMI</i>	3.7	3.6			
Fidelity Total International Index	3.5	3.2	11,065,305	6.3	6.5
<i>MSCI ACWI ex USA IMI</i>	3.7	3.6			
Harding Loevner Int'l Small Companies Portfolio	4.9	2.1	1,277,587	0.7	1.0
<i>MSCI ACWI ex US Small Cap Growth NR USD</i>	1.3	2.0			
DFA Emerging Markets Core Equity	0.4	-0.3	2,533,577	1.4	1.5
<i>MSCI Emerging Markets</i>	1.8	1.8			
Real Estate Composite			4,947,347	2.8	3.0
Clarion Lion Properties Fund	0.0	1.8	4,947,347	2.8	3.0
<i>NFI-ODCE</i>	0.0	1.0			

Sussex County Employee Pension Plan

Performance Summary (Net)

As of January 31, 2025

	QTD	Fiscal YTD	Market Value	% of Portfolio	Policy %
Infrastructure Composite	0.0	5.3	12,259,808	7.0	7.0
<i>CPI +4%</i>	0.0	2.4			
JPMorgan IIF Hedged LP	0.0	5.3	12,259,808	7.0	7.0
<i>CPI +4%</i>	0.0	2.4			
Bank Loan Composite			4,854,910	2.8	3.0
Aristotle Pacific Floating Rate Fund	0.6	4.7	4,854,910	2.8	3.0
<i>Credit Suisse Leveraged Loans</i>	0.7	5.2			
Fixed Income Composite	0.6	3.0	42,949,281	24.4	26.0
<i>Bloomberg US Govt/Credit Int TR</i>	0.6	3.1			
Wilmington Trust Fixed Income	0.6	3.0	19,621,190	11.2	13.0
<i>WT Fixed Income Policy Index</i>	0.6	3.1			
Fidelity Intern. Treasury Bond Index	0.7	2.0	10,609,758	6.0	6.0
<i>Bloomberg US Treasury 5-10 Yr TR</i>	0.7	1.9			
Lord Abbett Short Duration Income	0.7	3.9	12,718,333	7.2	7.0
<i>ICE BofA 1-3 Yrs US Corporate TR</i>	0.5	3.9			
Cash & Equivalents			3,901,939	2.2	1.0
Wilmington U.S. Govt MM Fund - MF Acct	0.4	2.8	2,142,658	1.2	1.0
<i>ICE BofA 91 Days T-Bills TR</i>	0.4	2.9			
M&T Bank Municipal MM Savings			1,759,282	1.0	0.0

Sussex County OPEB Plan

Performance Summary (Net)

As of January 31, 2025

	QTD	Fiscal YTD	Market Value	% of Portfolio	Policy %
Total Fund Composite	2.1	6.7	71,573,570	100.0	100.0
<i>Sussex OPEB Policy Index</i>	2.1	7.3			
Total Equity Composite	3.1	8.9	43,572,422	60.9	60.0
<i>Equity Policy Index</i>	3.3	10.3			
U.S. Equity Composite	2.8	11.5	27,066,335	37.8	36.0
<i>Russell 3000</i>	3.2	12.5			
Fidelity 500 Index	2.8	11.4	22,319,732	31.2	29.5
<i>S&P 500</i>	2.8	11.5			
Eaton Vance Atlanta Capital SMID	2.2	9.2	2,127,471	3.0	3.0
<i>Russell 2500</i>	3.5	13.3			
Vanguard Small-Cap Value Index	3.6	13.7	2,619,132	3.7	3.5
<i>CRSP US Small Cap Value TR USD</i>	3.6	13.7			
Global Equity Composite	4.0	6.6	10,422,847	14.6	15.0
<i>MSCI ACWI IMI Net USD</i>	3.3	9.0			
Dodge & Cox Global Stock	5.4	5.2	3,444,174	4.8	5.0
<i>MSCI ACWI Value NR USD</i>	4.2	8.7			
Artisan Global Opportunities	5.0	7.7	3,575,152	5.0	5.0
<i>MSCI ACWI Growth</i>	2.6	9.6			
MFS Low Volatility Global Equity	1.6	6.5	3,403,521	4.8	5.0
<i>MSCI ACWI Minimum Volatility Index</i>	2.6	8.8			
Non-U.S. Equity Composite	3.1	2.5	6,083,240	8.5	9.0
<i>MSCI ACWI ex USA IMI</i>	3.7	3.6			
Fidelity Total International Index	3.5	3.2	4,493,813	6.3	6.5
<i>MSCI ACWI ex USA IMI</i>	3.7	3.6			
Harding Loevner Int'l Small Companies Portfolio	4.9	2.1	544,327	0.8	1.0
<i>MSCI ACWI ex US Small Cap Growth NR USD</i>	1.3	2.0			
DFA Emerging Markets Core Equity	0.4	-0.3	1,045,100	1.5	1.5
<i>MSCI Emerging Markets</i>	1.8	1.8			
Real Estate Composite			2,018,421	2.8	3.0
Clarion Lion Properties Fund	0.0	1.8	2,018,421	2.8	3.0
<i>NFI-ODCE</i>	0.0	1.0			

Sussex County OPEB Plan

Performance Summary (Net)

As of January 31, 2025

	QTD	Fiscal YTD	Market Value	% of Portfolio	Policy %
Infrastructure Composite	0.0	5.3	4,996,024	7.0	7.0
<i>CPI +4%</i>	0.0	2.4			
JPMorgan IIF Hedged LP	0.0	5.3	4,996,024	7.0	7.0
<i>CPI +4%</i>	0.0	2.4			
Bank Loan Composite			1,971,251	2.8	3.0
Aristotle Pacific Floating Rate Fund	0.6	4.7	1,971,251	2.8	3.0
<i>Credit Suisse Leveraged Loans</i>	0.7	5.2			
Fixed Income Composite	0.6	3.0	17,550,265	24.5	26.0
<i>Bloomberg US Govt/Credit Int TR</i>	0.6	3.1			
Wilmington Trust Fixed Income	0.6	3.0	8,893,733	12.4	13.0
<i>WT Fixed Income Policy Index</i>	0.6	3.1			
Fidelity Intern. Treasury Bond Index	0.7	2.0	3,902,528	5.5	6.0
<i>Bloomberg US Treasury 5-10 Yr TR</i>	0.7	1.9			
Lord Abbett Short Duration Income	0.7	3.9	4,754,004	6.6	7.0
<i>ICE BofA 1-3 Yrs US Corporate TR</i>	0.5	3.9			
Cash & Equivalents			1,465,187	2.0	1.0
Wilmington U.S. Govt MM Fund - MF Acct	0.4	2.8	792,200	1.1	1.0
<i>ICE BofA 91 Days T-Bills TR</i>	0.4	2.9			
M&T Bank Municipal MM Savings			672,987	0.9	0.0

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Sussex County

DELAWARE
sussexcountyde.gov

PENSION FUND COMMITTEE

Minutes of Meeting

February 20, 2025

The Sussex County Pension Fund Committee met on February 20, 2025, at 10:00 a.m. by teleconference. Those in attendance included members: Gina Jennings, Todd Lawson, Karen Brewington, Kathy Roth, Lance Rogers, Robin Griffith, Kathleen Ryan, and Kathy Roth. Also in attendance were Pat Wing of Marquette Associates, the County's Pension Investment Consultant; Janet Cranna, Brett Warren, and Ryan Benitez of Cheiron, the County's Actuary.

Ms. Jennings called the meeting to order.

1. **Approval of Minutes**

The minutes of the November 21, 2024, meeting were approved by consent.

2. **Public Comment**

There was no public comment.

3. **Performance Reports of the Pension and OPEB Funds**

Mr. Wing reviewed copies of a report entitled, "Sussex County Quarterly Performance Report as of December 31, 2024". The Investment Performance Report includes information regarding the market environment for the fourth quarter of 2024, as well as quarterly and annual performance of the Pension and OPEB Plans. The report should be referenced for a detailed analysis.

Mr. Wing referred members to the U.S. Economy and gave an overview of the economic and market environment. U.S. economic remained strong in Q4 with real GDP increasing at an annual rate of 2.3%.

Mr. Wing reviewed the Global Asset Class Performance in Q4 and the U.S. Equity Markets.



Mr. Wing then directed members to the Pension Fund Performance Report.

Observations as of December 31, 2024, included:

- The Pension Plan market value was \$172.3 million. Q4-24 net investment change of -\$1.4 million, returning -0.8% (net), vs. policy index of -0.2%.
- Positive attribution for the quarter resulted from asset allocation and outperformance by JP Morgan IIF and Clarion LPF
- Negative attribution for the quarter resulted from equity structure and underperformance by most active energy managers.

Mr. Wing directed members to the OPEB Fund Performance Report.

The market value as of December 31, 2024, was \$70.1 million. Q4-24 net investment change of -\$0.6 million, returning -0.8% (net), vs policy index of -0.2%. Positive attribution for the quarter resulted from asset allocation and outperformance by JP Morgan IIF and Clarion LPF and negative attribution for the quarter resulted from equity structure and underperformance by most active equity managers.

Mr. Rogers mentioned that fixed income is off to a better start so far this year and inquired about Marquette's outlook for the remainder of the year. Mr. Wing responded that the outlook depends on the Federal Reserve's policy decisions. They expect a possible rate cut from the Fed, despite current conditions suggesting otherwise. He also noted that from a policy perspective the environment is highly volatile, making it difficult to predict its impact. While the path may be uncertain, there's a possibility that the year may end with fixed income levels similar to where they are now, though it could be a volatile journey.

4. Experience Study

Ms. Jennings explained that an Experience Study is conducted approximately every five years to review the assumptions in the annual actuarial report. Ms. Cranna, Mr. Warren, and Mr. Benitz were present to present the assumptions and offer recommendations. Ms. Cranna and Mr. Warren addressed the Pension Plan, while Mr. Benitz discussed the OPEB Plan. The last Experience Study was completed in 2019. A report titled *Experience Study July 1, 2018 through June 30, 2024* was distributed to members. The discussion covered an overview of the study, demographic assumptions (including mortality, retirement, termination, and marriage assumptions), economic assumptions (such as salary increases, inflation rate, cost-of-living adjustments, and investment return), and the cost impact of the recommended changes to both the Pension and OPEB Plans.

Cheiron recommended the following changes: 1) Demographic assumptions – for other employees – decrease rates under age 60 and increase rates thereafter; for paramedics and dispatchers decrease rates prior to age 65 for < 30 years of service; 2) Termination rates – increase rates prior to 10 years and decrease rates thereafter; 3) Economic assumptions – increase salary rates across the board by 0.5%. Cheiron also recommended that the County consider changing the amortization method to layers: 10-years, 15-years, or 20 years where each year's gain or loss is amortized over a separate closed layer.

Ms. Ryan stated that the assumption changes make sense, however she questioned whether the County could afford to do that on the contribution side. Mrs. Jennings explained that she worked with Ms. Cranna on the 20-year amortization. Mrs. Jennings stated that the study shows the facts and if it is not funded the way the facts show, then we would not be supporting our pensioners like we stated we would. Mrs. Jennings stated she felt we needed to follow the recommendations as presented by Cheiron.

A Motion was made by Ms. Roth, seconded by Ms. Brewington, that the Sussex County Pension Committee recommend to the Sussex County Council that based on the experience study performed by Cheiron that County Council change the following assumptions to both the Pension and OPEB Plans: change the mortality table to Pub-2010 General published by the Society of Actuaries in 2019, change the mortality improvement scale to the Scale MP – 2021; retirement rates, termination rates and salary rates as recommended and presented by Cheiron.

Motion Adopted: 7 Yeas.

Vote by Rolls Call: Mr. Rogers, Yea; Ms. Griffith, Yea;
Ms. Brewington, Year; Mr. Lawson, Yea
Ms. Ryan, Yea; Ms. Roth, Yea; Ms. Jennings, Yea.

A Motion was made by Ms. Ryan, seconded by Ms. Roth that the Sussex County Pension Committee recommend to County Council to change the amortization method to a 20-year layered method as also supported by Cheiron, the county's actuary. This will apply to both funds.

Motion Adopted: 7 Yeas

Vote by Rolls Call: Mr. Rogers, Yea; Ms. Griffith, Yea;
Ms. Brewington, Year; Mr. Lawson, Yea
Ms. Ryan, Yea; Ms. Roth, Yea; Ms. Jennings, Yea.

5. **Additional Business**

Mrs. Jennings announced that this is Ms. Ryan's last meeting, as her term has ended, and she is not seeking reappointment. Mrs. Jennings expressed gratitude to Ms. Ryan for her valuable insights and contributions to the Pension Committee.

6. **Adjourn**

At 11:37 a.m., a Motion was made by Ms. Brewington, seconded by Mr. Lawson, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Bobbi L. Albright
Executive Administrative Assistant

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.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: Gina A. Jennings
Finance Director/COO

DATE: March 7, 2025

RE: **PENSION COMMITTEE APPOINTMENT**

On Tuesday, we will be interviewing a possible new pension committee member. In February, one of your community member appointment's term expired, and she no longer wanted to serve due to her retirement from the investment field.

The committee is made up of seven members. Whoever is serving in the position of the County Finance Director, County Administrator, and County Human Resources Director are always members of the Committee. Two Sussex County community members, a current Sussex County employee and a retired Sussex County employee, who currently receives a County pension are appointed by County Council to a four-year term.

The appointment to be filled is one of the two community member seats. Coincidentally, we had a community member who is well qualified reach out to me expressing interest to serve if there was ever an opening. This community member, George Spindell, lives in Lewes. Some of his experience included overseeing \$80 billion line of retirement plans, providing leadership to those managing IRA, retiree health and investment plan products, and having a professional affiliation with the National Association of Government Defined Contribution Administrators. After his interview, Council will have the option to appoint Mr. Spindell to a four-year term to the pension committee. Mr. Spindell's resume is attached for your reference.

If you have any questions, please feel free to contact me.

GEORGE SPINDELL, ChFC

Lewes, DE 19958 | (704) 858-1185

gspindell@gmail.com

www.linkedin.com/in/georgespindell/

SUMMARY

An innovative and strategic-thinking **Financial Services Executive** with a successful record of accomplishment in product management, product development/launch, strategy implementation, change management, financial planning, and business development. Proven aptitude in building strategy, driving high-value and high-visibility product initiatives, and leading diverse and cross-functional teams. Serves as a champion of an inclusive workplace. A versatile and driven producer with a longstanding history of creating product and channel solutions, strengthening process efficiencies, and building key relationships to facilitate product growth and redefine expectations. Independent Board Director and Treasurer.

KEY ACCOMPLISHMENTS

- Designed, developed, and implemented suite of income solutions, generating asset inflows of more than \$100M per year to help participants fund financially secure retirement.
- Created and launched 403(b) line of business, resulting in multiple new plan wins in first year of business.
- Extensive experience in diverse financial services organizations, with proven record of accomplishments, productivity, quality, and integrity.
- Led high-performing, customer-centric business lines.
- Identified key measures for tracking effectiveness of overall customer experience, specific journeys, and touchpoints.
- Managed multiple successful product development initiatives from concept to launch.
- Served as successful project portfolio sponsor of multimillion-dollar projects in highly matrixed environments.
- Spearheaded strategic plan development and execution.
- Modeled leadership core values including accountability, agility, inclusivity, and courage with active participation in diversity and inclusion activities.
- Built strong, trusted relationships with key partners/vendors to consistently drive achievement of business goals.
- Developed annuity product championed as “The Best Annuity Bargain on the Planet” in nine months and on budget.
- Presented at industry conferences and workshops; served as panelist on industry panel discussions.
- Cited in national and industry publications.
- Selected by Alaska governor Governor Knowles to educate native Alaskans in debt reduction and financial planning techniques.

EXPERIENCE

MISSIONSQUARE RETIREMENT (formerly ICMA-RC), Washington, D.C.

Vice President, Product and Platform Leader Education, Healthcare and Not-for-Profit Markets, 2006-2023

Developed and launched entirely new line of business. Oversaw ongoing product management and development for \$80B line of retirement plans. Led cross-divisional development and implementation teams as project sponsor. Directed change management function needed to expand company’s client base to new markets. Built strategy and implementation plan for retirement income management solution. Created and managed new product line business case, P&L, and budget. Coordinated corporate and competitor research resources to determine product positioning. Provided leadership to those managing IRA, retiree health, and employer investment plan products.

- Fostered corporate-wide culture change needed to embrace new business lines and create internal advocates.
- Led design and implementation of innovative new products and services and enhancements to existing lines of business.
- Developed, coordinated, and implemented product line enhancements to increase sales and distribution opportunities.

TIAA, New York, New York

Director, Wealth Management Products, 2000-2005

Oversaw projects with budgets up to \$30M and led teams of 50+ in development and implementation. Ushered new products from idea through to successful launch. Developed compelling business case documents to obtain product funding. Directed portfolio of projects and provided leadership and development for team of project managers.

- Created annuity product recognized as “The Best Annuity Bargain on the Planet” in nine months and on budget.
- Drove annual contribution inflow growth from \$300M to \$1B by establishing online and advisor distribution channels to maximize marketing, advertising, and direct mail initiatives.

ADDITIONAL EXPERIENCE

TIAA, New York, New York, **Product Manager, After-Tax Annuities.**

TIAA, New York, New York, **Manager, Annuity Operations.**

TIAA, New York, New York, **Long-Term Care Marketing Representative.**

TIAA, New York, New York, **Regional Manager, Retirement Plan Counseling.**

CONSULTING EXPERIENCE

WELLS FARGO, Charlotte, North Carolina, **Director, Product Manager.** Renegotiated multimillion-dollar print on demand and data mining contract, resulting in high-six-figure savings. Provided product expertise and analysis of guaranteed income option vendors for inclusion in 401(k). Oversaw \$5M departmental budget through budget challenge process.

EDUCATION

WILLIAM PATERSON UNIVERSITY, Wayne, New Jersey, **B.A., Communications**

LICENSURE

FINRA Series 7, 63, and 65

CERTIFICATIONS

*Project Management Certification, University of North Carolina
Chartered Financial Consultant*

AFFILIATIONS

*Independent Director and Treasurer, InFirst Federal Credit Union
Retirement Income Industry Association
American Society of Financial Services Professionals
NAGDCA (National Association of Government Defined Contribution Administrators)
SPARK Institute*

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: Patrick Brown, Project Engineer

RE: ***2019 MISCELLANEOUS ENGINEERING BASE CONTRACT***
A. GEORGE, MILES & BUHR – AMENDMENT 3
WARWICK PARK PHASE 1, PROJECT S24-13

DATE: February 11, 2025

In August of 2022, County Council granted Permission to Prepare and Post Notices for an expansion of the Sussex County Unified Sanitary Sewer District (Oak Orchard Area) to include Warwick Cove and Gull Point, considered together as Phase 1, followed then by Warwick Park as a Phase 2. The Engineering Department distributed polling letters to all residents of the communities. The Public Hearing was held on October 29, 2022, and the vast majority of property owners present supported the project.

On January 10, 2023, County Council adopted Resolution No. R 004 23 approving the expansion of the Sanitary Sewer District Boundary to include the Warwick Park Area.

In June of 2023, the Engineering and Finance Departments submitted the project's Phase 1 to DNREC for funding consideration under the Clean Water State Revolving Fund and on March 26, 2024, the State issued a binding commitment offer in the amount of \$1,225,000.00 to be repaid within 20-years with 2.0% interest.

On September 12, 2023, County Council approved George, Miles & Buhr (GMB), one of the County's five (5) selected consultants for miscellaneous engineering services, to provide design and bid phase services for Warwick Park – Phase 1 in the amount of \$108,495.00. The awarded scope of services excluded geotechnical investigations.



With utility easements recently secured the project design has advanced, and permit applications are anticipated to soon occur. A final component of design work is a geotechnical investigation with soil borings in proximity to the proposed sewage pumping station and gravity sewer. GMB provided a scope with estimated \$8,122.00 fee for additional services related to completing the Phase 1 project design.

The Engineering Department recommends approval of Amendment No. 3 in said not to exceed amount.

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated August 20, 2019.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 3

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of Owner-Engineer Agreement: August 20, 2019

Owner: Sussex County

Engineer: George, Miles & Buhr, LLC

Project: **Warwick Park Project, Project #S24-13**

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:

Geotechnical Phase Services as per attached proposal dated March 4, 2025.

Agreement Summary:

Original agreement amount:	<u>\$ 295,000.00</u>
Net change for prior amendments:	<u>\$ 108,495.00</u>
This amendment amount:	<u>\$ 8,122.00</u>
Adjusted Agreement amount:	<u>\$ 411,617.00</u>

Change in time for services (days or date, as applicable): _____

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

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:

Sussex County

By: _____

Print

name: Douglas B. Hudson

Title: President, Sussex County Council

Date Signed: _____

ENGINEER:

George Miles & Buhr, LLC

By: James C Hoageson, P.E.

Print

name: James C. Hoageson, P.E.

Title: Sr. Vice President

Date Signed: 3/5/2025

PREVIOUSLY APPROVED FORM

◆◆◆◆
ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
salisbury@gmbnet.com

SALISBURY
BALTIMORE
SEAFORD
LEWES
OCEAN VIEW

www.gmbnet.com

◆◆◆◆

JAMES H. WILLEY, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LYTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

PETER A. BOZICK, JR., P.E.
JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. BURNS
CHRISTOPHER J. PFEIFER, P.E.
BENJAMIN K. HEARN, P.E.

March 4, 2025

Sussex County Engineering Department
2 The Circle
PO Box 589
Georgetown, DE 19947

Attn: Mr. Patrick Brown, PE
County Engineer

Re: Proposal for Geotechnical Phase Services
Warwick Sewer Project – Phase 1

Dear Mr. Brown,

George, Miles & Buhr, LLC (GMB) is pleased to present this proposal for geotechnical phase services in support of the Warwick Sewer Project Phase I for the Warwick Cove and Gull Point developments located off River Road in Millsboro, Delaware. Our proposal is more particularly described as follows.

PROJECT DESCRIPTION

The Warwick Sewer project proposes a new pump station to be constructed within Warwick Cove off Warwick Cove Way. Gravity sewer would be extended from the proposed pump station to connect Gull Point and Warwick Cove. A proposed force main would be extended along River Road from the proposed pump station to a County sewer manhole located in River Road east of Warwick Drive.

In support of the proposed pump station, gravity sewer, and force main construction, two (2) geotechnical borings are proposed to be subcontracted to Hillis-Carnes Engineering Associates (HCEA). After completion of field exploration and laboratory testing, a geotechnical engineering report will be prepared and submitted. The report will include the logs of all test holes and a summary of the laboratory testing program results. Engineering analyses and recommendations for the geotechnical design and construction of the project will be provided.

The proposed geotechnical services will follow the recommendations as stated in the Warwick Sewer Project – Phase 1 Proposal to Provide Geotechnical Engineering Services, dated March 3, 2025. A copy of this proposal is attached to this proposal.

SCOPE OF SERVICES:

A. Geotechnical Phase Services

1. Provide services of a survey crew to locate and stake out two (2) geotechnical boring locations.
2. Provide review and comment of the geotechnical report.
3. Submit geotechnical report to SCED for review and comment.

4. Address SCED comments to the geotechnical report.
5. Include final geotechnical report with the Project Manual.

EXCLUSION, ASSUMPTIONS, AND CONSIDERATIONS

- Assumes the County will coordinate access to the Boring No. 2 location within Warwick Park.
- Excludes coordination with DeIDOT. Work within the DeIDOT right-of-way is not anticipated.
- Excludes coordination with the Gull Point and Warwick Park HOAs for access.
- Excludes coordination with electric, water, and cable utility companies. Utility location services are part of the HCEA proposal.
- Excludes Maintenance of Traffic plans as those are part of the HCEA proposal.
- Excludes obtaining permits from DNREC as those are part of the HCEA proposal.
- Any item not specifically indicated herein is excluded from this agreement.

FEE SUMMARY

We propose to provide the above defined Geotechnical Phase Services in accordance with EJCDC, EXHIBIT C - COMPENSATION PACKET BC-2: Basic Services – Standard Hourly Rates per the following breakdown of fees:

Geotechnical Phase Services:

Direct Labor:	\$ 1,965.00
Travel and Equipment:	\$ 237.00
Geotechnical (HCEA):	<u>\$ 5,920.00</u>
Subtotal	\$ 8,122.00

TOTAL GEOTECHNICAL PHASE SERVICES FEE: \$ 8,122.00

This proposal is valid for a period of sixty (60) days at which time GMB reserves the right to modify the fee and/or schedule.

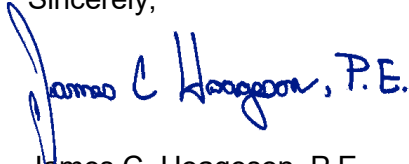
SCHEDULE

We propose to begin the Geotechnical Phase Design for this project within one (1) week upon receipt of this signed proposal. We estimate six (6) weeks to have the completed geotechnical report from HCEA and submit to SCED.

If this proposal meets with your approval, please execute in the space provided below and return one (1) copy to our office as acceptance and notification to proceed.

If you have any questions, do not hesitate to call me. We thank you for this opportunity.

Sincerely,



James C. Hoageson, P.E.
Sr. Project Manager

JCH/slh

Enclosures

Amendment No. 3

Manhour Estimates – Geotechnical Phase Services

HCEA Proposal to Provide Geotechnical Engineering Services

APPROVED BY SUSSEX COUNTY ENGINEERING:

By: _____

Printed Name: _____

Date: _____

Title: _____

Phone Number: _____

Email Address: _____

EXHIBIT A.1 - WORK PROGRAM MANHOUR ESTIMATES, STANDARD HOURLY RATES & REIMBURSABLES

PART 1 - GENERAL

1. Grantee Sussex County, Delaware		2. Grant Number	
3. Name of Consultant George, Miles & Buhr, LLC		4. Date of Proposal 4-Mar-25	
5. Address of Consultant 206 West Main St Salisbury, MD 21801-4907		6. TYPE OF SERVICE TO BE FURNISHED Geotechnical Phase Services - Warwick Park	

PART II - COST SUMMARY

7. DIRECT LABOR	ESTIMATED HOURS	HOURLY RATE	ESTIMATED COST	TOTALS	
Project Director	2	\$ 230.00	\$ 460.00		
Project Manager(s)	-	\$ 190.00	\$ -		
Project Engineer	-	\$ 140.00	\$ -		
Graduate Engineer	4	\$ 130.00	\$ 520.00		
Construction Rep	-	\$ 125.00	\$ -		
Project Coordinator	-	\$ 105.00	\$ -		
Sr. Designer	-	\$ 125.00	\$ -		
Designer	-	\$ 100.00	\$ -		
Surveyor	1	\$ 185.00	\$ 185.00		
Survey Crew	5	\$ 160.00	\$ 800.00		
DIRECT LABOR TOTAL:	12				\$ 1,965.00
8. INDIRECT COSTS	RATE	x BASE =	ESTIMATED COST		
Overhead and Fringe	-	\$ 1,965.00	\$ -		
INDIRECT COSTS TOTAL:				\$ -	
9. OTHER DIRECT COSTS					
a. TRAVEL			ESTIMATED COST		
(1) TRANSPORTATION	mileage	150.00 mi @ \$0.58/mi	\$ 87.00		
(2) PER DIEM	meals				
TRAVEL SUBTOTAL:			\$ 87.00		
b. EQUIPMENT, MATERIALS, SUPPLIES			ESTIMATED COST		
	QTY.	COST			
plots/prints	-	\$ 3.00	\$ -		
copies b/w	-	\$ 0.20	\$ -		
copies color	-	\$ 0.50	\$ -		
postage	-	\$ 50.00	\$ -		
survey equipment	1	\$ 150.00	\$ 150.00		
EQUIPMENT SUBTOTAL:			\$ 150.00		
c. SUBCONTRACTS					
		Electrcial	\$ -		
		Geotechnical	\$ 5,920.00		
		Private Ultility Locator	\$ -		
SUBCONTRACTS SUBTOTAL:			\$ 5,920.00		
OTHER DIRECT COSTS TOTAL:				\$ 6,157.00	
10. ESTIMATED COST				\$ 8,122.00	
11. FEE	Included in Standard Hourly Rate			\$ -	
12. TOTAL ESTIMATED STANDARD HOURLY RATE FEE				\$ 8,122.00	

HILLIS-CARNES

ENGINEERING ASSOCIATES

417 Maryland Avenue
Delmar, MD 21875
Phone (410) 749-0940
Fax (410) 896-3478
www.hcea.com

March 3, 2025

Mr. J.B Moore
Engineer
George Miles & Buhr, LLC
206 West Main Street
Salisbury, MD 21801

Re: Proposal to Provide Geotechnical Engineering Services
Warwick Sewer Project - Phase I
River Road, Millsboro, DE 21869
HCEA Proposal Number P250070SAL

Mr. Moore:

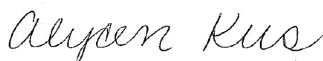
Hillis-Carnes Engineering Associates, Inc. (HCEA) is pleased to submit this proposal to provide subsurface exploration and geotechnical engineering services for the above-referenced project. This proposal outlines our understanding of the project, details our approach to the work, and presents the unit rates which will be applicable for this work and the estimated total cost of our services. This proposal also contains specific and general terms and conditions.

Based on a request for a proposal (RFP) provided by J.B. Moore, EI, of George Miles, & Buhr (GMB) dated February 24, 2025, and attached, the project consists of the proposed expansion of sanitary sewer and force main for the Warwick Park Pump Station Phase I near Millsboro, Delaware.

If this proposal is acceptable, please sign and return a completed Proposal Acceptance Sheet to HCEA to serve as our signed agreement. Should you require additional services beyond those listed in this proposal or if any of the outlined assumptions should be modified, please notify us so that this proposal can be revised as required.

Thank you for the opportunity to present this proposal. If you have any questions or require any additional information, please do not hesitate to contact us at your convenience.

Sincerely,
HILLIS-CARNES ENGINEERING ASSOCIATES, INC.



Alycen Kus
Project Manager
akus@hcea.com



Jeremy Boehm, PE
Branch Manager
jboehm@hcea.com

Corporate Headquarters - Annapolis Junction, MD

Maryland ♦ Washington, DC ♦ Delaware ♦ Pennsylvania ♦ Virginia ♦ New Jersey ♦ Florida ♦ Caribbean

SCOPE OF SERVICES

I. PROJECT DESCRIPTION

A scope of services for this project has been developed based on a request for proposal (RFP) provided by J.B. Moore, EI, of George Miles, & Buhr (GMB) dated February 24, 2025, and attached. It is our understanding that the project consists of the proposed expansion of sanitary sewer and force main for the Warwick Park Pump Station Phase I near Millsboro, Delaware.

II. OBJECTIVES AND SCOPE

The services provided by HCEA will involve exploring the site of work, the performance of laboratory tests, engineering analyses, and the preparation of a geotechnical report.

To accomplish this, we will:

1. Consult available published geologic and project references.
2. Explore and test in-situ conditions at boring locations.
3. Perform laboratory tests on representative samples of soil and/or rock.
4. Analyze the results of our office, field, and laboratory studies.
5. Develop design criteria for foundations and related geotechnical considerations.

III. FIELD EXPLORATION AND LABORATORY TESTING

To accomplish these objectives, GMB proposes a subsurface exploration program consisting of two borings totaling approximately 60-ft of exploratory drilling. One boring location will be in a non-DelDOT road (Warwick Cove Way) in the middle of the travel lane and a pavement core will be obtained. Light traffic control including cones and signage will also be utilized. The second boring is off the road and located in an approved construction easement for a force main.

Actual boring depths will be based on the subsurface conditions encountered during our exploration and may be more or less than those proposed.

Samples of the subsurface materials generally will be obtained using a split barrel sampler and the Standard Penetration Test Procedure, as described in ASTM D 1586. Soil sampling will typically occur at 2.5-foot intervals. If unusual subsurface conditions are encountered or if more detailed information is required within certain intervals of depth, then additional split barrel sampling will be performed.

Laboratory testing will be performed to establish the physical and strength characteristics and design parameters of the soils. Laboratory testing will generally include classification tests, Atterberg Limits tests, and natural moisture content tests. Please note that more sophisticated laboratory testing may be necessary to properly evaluate the properties of cohesive soils.

IV. BORING STAKEOUT AND ACCESS REQUIREMENTS

As required by law, HCEA will contact and coordinate with MISS UTILITY at least 48 hours before drilling operations. It should be noted that privately owned utilities or utility lines located on property not in the public right-of-way may not be covered by MISS UTILITY.

HCEA requires a private utility locator be utilized to locate and mark the locations of private underground utilities.

HCEA requests utility plans or as-builts of subsurface obstructions such as utility lines, stormwater management features, below-ground tanks, etc. be provided to us before finalizing boring locations. These plans can be utilized in conjunction with utility location procedures, but are not sufficient for utility clearance without field verification. HCEA will not be responsible for damage to any private utilities or other underground obstructions not marked by MISS UTILITY or the private utility locator, including any associated losses, delays, or consequential damages. We reserve the right to relocate or eliminate any portion of the subsurface exploration program in areas where appropriate utility location has not been provided.

It is our understanding that the proposed boring locations will be staked in the field by GMB for our use. The borings should be staked to allow sufficient time to obtain utility location clearance before our mobilization to the site. If information relating to existing ground surface elevations at the boring locations is required, that information should be provided to HCEA by others.

The test borings will be backfilled with auger cuttings following completion and the measurement of water levels. Patching of the boring locations and site restoration is included in our proposed scope and fee. Pavement repair and site restoration will be completed to Sussex County standards (this includes returning all private property areas to a condition equal to, or better than existing, including items such as spreading and leveling cuttings, lawn or turf repair, removal of tire ruts, etc.) and maintenance of all restorations.

Our proposed fee assumes the boring locations will be clear, relatively level, and accessible to our drill equipment. Costs associated with light traffic control including cones and signage for the boring completed in Warwick Cove Way is included in our proposed fees.

V. REPORT

After completion of all field exploration and laboratory testing, a geotechnical engineering report will be prepared and submitted. The report will include the logs of all test holes and a summary of the laboratory testing program results. We will include our engineering analyses and recommendations for the geotechnical design and construction of the project.

The geotechnical report and any associated documents prepared by HCEA are intended for the sole use of our client as designated by our agreement for services and are not intended to be utilized or relied upon by any other party. If requested, HCEA may grant reliance to additional parties following authorization from our client and the receipt of a reliance fee from each entity requesting reliance. Additional parties granted reliance will be bound by the same terms, conditions, and limitations as presented in our proposal, agreement for services, and report.

Based on our current schedule, HCEA will be able to mobilize to the site within two weeks following acceptance of our proposal, boring stakeout (if that service is to be provided by others), and utility clearance. During the progress of our study, we will be available to consult with you or your representative and provide preliminary information and

recommendations as they are developed. It is anticipated that our final report will be available within 10 days following completion of the fieldwork. If a shorter turnaround time is needed, HCEA will make every effort to work with your schedule.

“Exhibit A”



ARCHITECTS
ENGINEERS

208 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4482
salisbury@gmbnet.com

SALISBURY
BALTIMORE
SEAFORD
LEWES
OCEAN VIEW

www.gmbnet.com

February 24, 2025

Hillis-Carnes Engineering Associates
417 Maryland Avenue
Delmar, MD 21875

Attn: Mr. Vernon Opdyke

Re: RFP for Geotechnical Services
Warwick Park Pump Station Phase I
Millsboro, Delaware
GMB No. 230182

Dear Vernon:

George, Miles & Buhr, LLC (GMB) is pleased to request a proposal from your firm for geotechnical investigation for the expansion of sanitary sewer and force main for the Warwick Park Pump Station Phase I near Millsboro, Delaware.

SCOPE OF WORK

The scope of work includes approximately two (2) borings with approximately 60-ft of exploratory drilling. One boring location will be in a non-DeIDOT road (Warwick Cove Way) in the middle of the travel lane and a pavement core will be necessary. The second boring is off the road and located in an approved construction easement for a force main. The attached Fee Schedule (page 3) is to be completed and returned as your fee proposal. Please note that the stakeout for soil borings shall be performed by GMB and is not part of your scope of work.

Enclosed please find one copy of the Key Sheet C1.0 (1" = 60') schematically illustrating the boring locations. We ask that you visit the site of the proposed work and review traffic control and safety, access, and proximity to power lines prior to formulating your pricing. All costs associated with traffic control should be included in the price for the borings. The borings shall be backfilled with suitable fill. Borings located on the roadway shall be patched per the latest DeIDOT standards and specifications.

Note: None of the borings are in the DeIDOT R.O.W. and a utility permit will not be required for this work.

The geotechnical consultant shall be responsible for all pavement repair and site restoration to Sussex County standards (this includes returning all private property areas to a condition equal to, or better than existing, including items such as spreading and leveling cuttings, lawn or turf repair, removal of tire ruts, etc.) and maintenance of all restorations. All geotechnical activity is the responsibility of the geotechnical consultant. Sussex County, GMB, and private property owners shall remain harmless of any and all liability which occurs during the boring activities.

The results of your investigations shall be verbally reported to GMB each day as you proceed. All boring logs and testing results shall be presented in one report, which shall include a summary of the boring (location, number, depth, groundwater depth, and standard penetration test data), in addition to techniques and the testing methods

JAMES H. WILLEY, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGSON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
ROLAND E. HOLLAND, P.E.
JASON M. LITTLE, P.E.
CHRIS B. DERBYSHIRE, P.E.
MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOOKY, P.E.
ANDREW J. LYONS, JR., P.E.

PETER A. BOBOK, JR., P.E.
JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNS/ORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. BURNS
CHRISTOPHER J. PRISPER, P.E.
BENJAMIN K. HEARN, P.E.



Mr. Vernon Opdyke
February 24, 2025
Page 2

employed to perform soil classification of samples. Soils classification shall include sieve analysis and Atterberg Limits testing, liquid and plastic, as necessary to complete the classification in a professional manner. The cost of such testing shall be included in the lump sum price for classification. It is expected that this written data will be submitted to GMB no later than ten (10) working days after the completion of the field work. This information will be made part of the project's Contract Documents and must be prepared accordingly.

Please include a schedule which states the earliest date you will be able to start field work, and the expected number of working days needed to complete the field work.

You must notify James Hoageson P.E., with GMB (410-742-3115), a minimum of five (5) working days prior to field work to coordinate the stakeout of borings and notify all necessary parties. Miss Utility shall be notified a minimum of 48 hours in advance of any excavation. The geotechnical consultant is responsible for locating utilities for any borings located within private property.

PAYMENT

Invoices shall be submitted to GMB for payment and will be processed monthly. Work performed under this contract will be paid on a unit price basis for the quantity of work completed in accordance with the attached Fee Schedule. Work must be in accordance with the requirements of this Request for Proposals, and in accordance with professional standards.

PROPOSAL SUBMITTAL

Proposals must include the executed Fee Schedule, a schedule, and a statement that you have performed satisfactory site visits and agency interviews necessary to prepare your proposal.

Thank you for your interest and please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads 'J.B. Moore'.

J.B. Moore, EI
Project Engineer

JBM/sh

Enclosures: Fee Schedule
Key Sheet C1.0



Soil Borings and Pavement Core
Fee Schedule

GMB No. 230182

Item	Quantity	Unit Price	Total Price
1. Utility Soil Borings	60 V.F.	\$ 22.00	\$ 1,320.00
2. Mobilization/ Demobilization	L.S.	\$ 400.00	\$ 400.00
3. Traffic Control and Signage	L.S.	\$ 500.00	\$ 500.00
4. Classification of Samples (Unified Soil Classification System)	L.S.	\$ 800.00	\$ 800.00
5. Project Management and Report	L.S.	\$ 2,000.00	\$ 2,000.00
6. Private Utility Locator	L.S.	\$ 900.00	\$ 900.00
Total Not-to-Exceed Estimate			\$ 5,920.00

Note:

1. All soil borings shall be completed to 2.5-ft sample intervals (SPT to ASTM D-1586).

Vernon Opdyke
C=US, E=vopdyke@hcea.com,
O=Hillis-Carnes Engineering
Associates, Inc. *, OU=Branch
Manager/Assistant Vice President,
CN=Vernon Opdyke
2025.03.03 12:18:09-05'00'

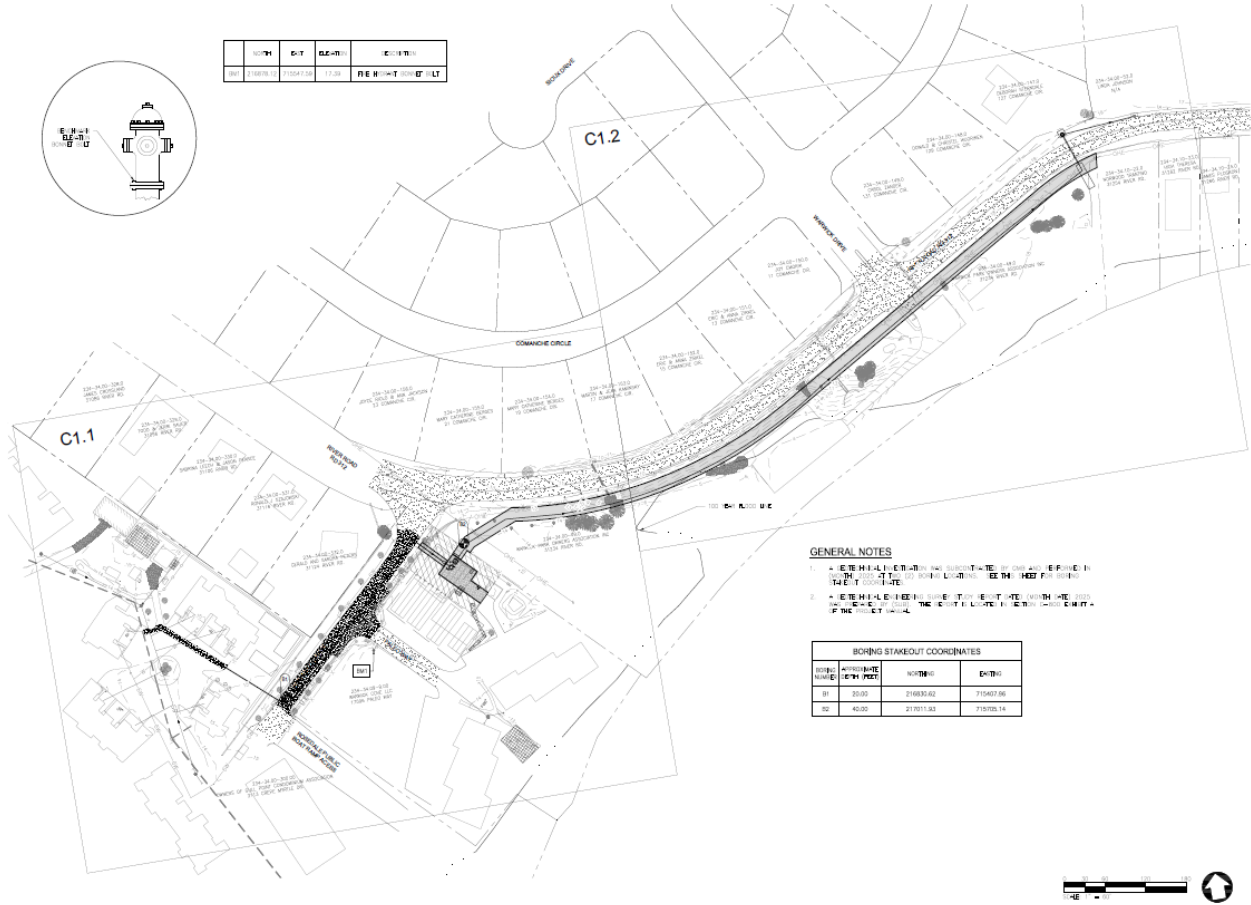
Signature: _____

Printed Name: Vernon Opdyke

Title: Assistant Vice President/Branch Manager

Firm Name: Hillis-Carnes Engineering Associates, Inc.

Date: March 3, 2025



Warwick Sewer Project - Phase I:

DESCRIPTION	QTY	RATE	U/M	ITEM TOTAL
DRILLING SERVICES				
Mobilization/Demobilization	1	\$ 400.00	Each	\$ 400.00
Utility Soil Borings	60	\$ 22.00	LF	\$ 1,320.00
Traffic Control and Signage	1	\$ 500.00	LS	\$ 500.00
SUBTOTAL				\$ 2,220.00
GEOTECHNICAL SERVICES				
Project Management and Report	1	\$ 2,000.00	LS	\$ 2,000.00
Classification of Samples	1	\$ 800.00	LS	\$ 800.00
Private Utility Locator	1	\$ 900.00	LS	\$ 900.00
SUBTOTAL				\$ 3,700.00
TOTAL BUDGET ESTIMATE				\$ 5,920.00

PROPOSAL ACCEPTANCE SHEET

PROPOSAL FEE SCHEDULE AND TERMS ACCEPTED BY:

Client Signature	Date
Print Name	Title
E-mail address	

PAYMENT TERMS: Payment for services is due 30 days upon receipt of invoice, and is subject to the provisions outlined in the Terms and Conditions of this contract. In an effort to promote environmentally sustainability practices, HCEA is providing an option for Clients to receive invoices electronically, in lieu of hard copies of the invoices being mailed. If you would like to receive electronic invoices in lieu of hard copies, please select from the options below.

- For this project, submit electronic invoices only
- For this project and for all future projects for Client Account, submit electronic invoices only

For Payment of Invoice via Client's Account: Charge Invoice to the Account of: (If any errors appear, please make corrections):

Client:	Office #:
Address:	Fax #:
	Cell #:
Attention Name:	E-mail:

For Approval of Charges by Another Party: If the invoice is to be submitted for approval by a party other than the "Attention Name" above (to an Accounts Payable Representative, for example), please indicate in the space below.

Firm: _____

Address: _____

Attention: _____ E-Mail: _____ Phone: _____

REPORT DISTRIBUTION AND RELIANCE: In an effort to promote environmentally sustainability practices, HCEA will provide digital copies of all reports, unless otherwise specified. Please indicate the name(s) and e-mail address(es) of those who are to receive copies of the reports.

Attention Name: _____ E-Mail Address: _____

Names and E-mail address of Additional Parties Who Are to Receive Reports:

Name: _____	E-Mail Address: _____
Name: _____	E-Mail Address: _____

If hard copies of the report are to be distributed, please list below the applicable report distribution information. Please note that the distribution of reports to a party other than the Client does not infer reliance on the report by that third party, unless expressed in writing by HCEA. There may be a charge if hard report copies are requested, either at the original time of completion of the report or after.

Name: _____ Address: _____

Name: _____ Address: _____

This is a legal and binding contract between the Client and HCEA, as referenced in the attached proposal, including the terms and conditions included in the proposal.

GENERAL TERMS & CONDITIONS

1. SCOPE OF WORK

Hillis-Carnes Engineering Associates, Inc. (HCEA) shall perform the services described in this contract and shall invoice the Client at the associated unit rates described in this proposal. Any fee or cost estimate is based on the assumed schedule, scope of work and documents provided at the time this proposal was developed. Any changes in the scope or design may result in additional fees. HCEA will provide additional services under the contract, if requested by the Client, and invoice the Client for those additional services in accordance with the rates in the contract or at rates negotiated at the time of the request of the additional services. Services not expressly set forth in writing in the contract are excluded from HCEA's scope of work and HCEA assumes no duty to the Client to perform such services or to provide professional opinions related to such services.

2. STANDARD OF CARE

Services performed by HCEA under this contract will be conducted in accordance with industry standards and generally accepted professional practices in the same or similar localities related to the nature and circumstances of the work at the time the services are performed. No warranty, express or implied, is made. HCEA's services and reports are solely for the use and benefit of the Client and do not relieve the contractor or others of their obligations under the contract documents or construction documents. HCEA assumes no responsibility for construction means, methods, techniques or sequences, or for jobsite safety or for the health and safety of person's other than HCEA's direct employees.

3. RIGHT OF ENTRY

The Client shall be fully responsible for obtaining the necessary authorizations to allow HCEA, its agents, subcontractors and representatives to have access to the site and buildings thereon, including interiors, at reasonable times throughout performance of work by HCEA. HCEA will take reasonable precautions to minimize damage to the site from use of equipment, but unintentional damage or alteration may occur and the Client agrees to assume responsibility for such unintentional damage or alteration. If the site contains wooded land or areas of significant undergrowth, HCEA will not perform clearing of vegetation that could be considered impassable by the individual(s) performing the site work, unless otherwise stated in the contract.

4. DELAYS IN WORK

HCEA will pursue the work in an efficient and expeditious manner consistent with good quality practices. HCEA will not be responsible for delays in the work caused by the Client or its agents, consultants, contractors, or subcontractors. Stand-by or non-productive time for delays in HCEA's work caused by others will be charged as work time in accordance with the rates in the contract or at rates negotiated at the time of the delay.

5. SAFETY

HCEA is only responsible for the on-site safety of its own employees. However, this shall not be construed to relieve the Client or any of its contractors from their responsibilities for maintaining a safe job site. Neither the professional activities of HCEA, nor the presence of HCEA's employees, shall be construed to imply HCEA has any responsibility for the safety of on-site personnel other than HCEA's employees.

6. OWNERSHIP OF DOCUMENTS/RELIANCE

Client will furnish HCEA such reports, data, studies, plans, specifications, documents, and other information necessary for proper performance of HCEA's services. HCEA may rely upon documents provided by the Client or other third parties in performing the services under this contract; however, HCEA will not conduct an independent evaluation of the accuracy or completeness of such information, and shall not be responsible for any errors or omissions contained in such information. Unless requested by the Client, HCEA will retain for its own purposes, the documents provided by the Client. Reports, recommendations, and other materials resulting from HCEA's services are intended for the sole use of the Client. The Client may provide the reports, recommendations, and other materials generated by HCEA to third parties; however, the contents thereof may not be relied upon by any third party, without the express written consent and authorization of HCEA as to the specific nature, extent and scope of reliance desired for any given third party. Drawings, sketches, reports, and other documents, including those in electronic format, which are prepared by HCEA are Instruments of Service to which HCEA retains the exclusive common law and statutory copyright. So long as the Client is not in breach of its obligations pursuant to this proposal or agreement, HCEA grants to Client a nonexclusive license to use such Instruments of Service for the project for which the services are rendered and for no other project. HCEA will retain all pertinent records relating to services performed for a minimum period of three years following submission of a report, during which period the records will be made available to Client at all reasonable times. Normal report distribution is three (3) copies to the Client. There may be a charge if additional report copies are requested, either at the original time of completion of the report or after, to cover the costs of color copies, shipping and labor (e.g., retrieval of archived files, re-assembly of report, copying of report, etc.). The distribution of reports to a party other than the Client does not infer reliance on the report by that third party, unless expressed in writing by HCEA.

7. FAILURE TO FOLLOW RECOMMENDATIONS

HCEA will not be held liable for problems that may occur if HCEA's recommendations are not followed or if HCEA is not requested in writing to provide recommendations. Accordingly, the Client waives any claim against HCEA, and agrees to defend, indemnify and hold HCEA harmless from any claim or liability for injury or loss, including attorney's fees, that results from failure to implement HCEA's recommendations, or from implementation of HCEA's recommendations in a manner that is not in strict accordance with them, or from the use/reliance of a report which did not include unrequested recommendations. The Client also agrees to compensate HCEA for any time spent and expenses, including attorney's fees, incurred by HCEA in defense of any such claim, with such compensation to be based upon HCEA's prevailing fee schedule and expense reimbursement policy.

8. INSURANCE/GENERAL LIABILITY

HCEA represents that it and its staff and consultants are protected by workers' compensation insurance and that HCEA has such coverage under public liability and property damage insurance policies which HCEA deems to be adequate. Certificates for all such policies of insurance shall be provided to the Client upon request in writing. HCEA shall not be responsible for any loss, damage, injury or liability arising from acts by the Client, its agents, staff and other consultants or contractors of any tier employed by the Client.

9. INDEMNIFICATION

To the fullest extent permitted by law, Client agrees to defend, indemnify, and hold HCEA, its agents, subcontractors and employees harmless from and against any and all claims,

defense costs, including attorney's fees, damages, and other liabilities arising out of or in any way related to the presence, release, or threatened release of asbestos, hazardous substances, or pollutants on or from the site, provided that such does not result from the sole negligence or intentional misconduct of HCEA, its agents, subcontractors or employees. Further, Client shall indemnify, defend and hold harmless HCEA, its agents, subcontractors and employees against any and all claims, damages, liabilities and costs, including defense costs and attorney fees ("Claims") to the extent caused in whole or in part by Client or its personnel, agents consultants, contractors or subcontractors of any tier, provided that the Claim is not caused by the sole negligence or intentional misconduct of HCEA, its agents, subcontractors or employees.

10. SPECIAL OR CONSEQUENTIAL DAMAGES

Client and HCEA agree that, to the fullest extent permitted by law, HCEA shall not be liable to Client for any special, indirect or consequential damages whatsoever, whether caused by HCEA's negligence, errors, omissions, strict liability, breach of contract, breach of warranty or other cause or causes whatsoever.

11. FORCE MAJEURE

Neither party to this contract will be liable to the other party in performing the services nor for the direct or indirect cost resulting from such delays that may result from labor strikes, riots, war, acts of governmental authorities, extraordinary weather conditions or other natural catastrophe or any other cause beyond the reasonable control or contemplation of either party.

12. CONFLICTS

Should any element of these General Terms and Conditions be deemed in conflict with any provision of term of the contract, unless the contract clearly voids the conflicting provision of term in the General Terms and Conditions, wording of the General Terms and Conditions shall govern. Any provision of term of this agreement later held to violate a law or regulation shall be deemed void to the minimum extent necessary to bring the offending parts of the provision into compliance with the law or regulation, but all remaining provisions shall continue in force.

13. ASSIGNMENT

Neither the Client nor HCEA may delegate, assign, sublet or transfer its duties or interest in this contract without the written consent of the other party.

14. TERMINATION

Either party may terminate this contract by seven (7) days written notice in the event of substantial failure to perform in accordance with the terms of the contract by the other party through no fault of the terminating party. If this contract is terminated, it is agreed that HCEA shall be paid for total charges for labor performed through the termination notice date plus reimbursable charges.

15. GOVERNING LAW

The terms and conditions of this contract are to be governed by the laws of the State of Maryland.

16. CLAIMS AGAINST HCEA

If the Client asserts a claim against HCEA but fails to prove such claim, the Client shall pay all costs incurred by HCEA, including counsel and expert fees, in the defense of such action.

17. STATUTE OF LIMITATIONS

Any cause of action between the parties pertaining to acts or failure to act, whether based on breach of contract, negligence

or otherwise, shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the last date on which HCEA provides services pursuant to this proposal or agreement.

18. MILEAGE SURCHARGE

HCEA will add an additional \$0.05 /mile charge on all invoices if the average mid-Atlantic fuel price on AAA's website goes above \$3.50/gallon, with an additional \$0.05 for every additional increase of \$0.50 in the average gallon price above \$3.50/gallon.

19. LIMITATION OF LIABILITY

The Client recognizes and assumes the inherent risks connected with construction and particularly in connection with sampling activities and services associated with subsurface and earthwork analysis and/or construction. For its part, HCEA will strive to perform its services in accordance with generally accepted principles and practices. HCEA's liability for damages arising out of professional negligence, including errors, omissions, or other professional acts, and including unintentional breach of contract, will be limited to an amount not to exceed HCEA's fees on this project. The Client further agrees to require of the contractor and his subcontractors an identical limitation of HCEA's liability for damages suffered by the contractor or the subcontractors arising from HCEA's professional acts, errors, or omissions. HCEA will not be liable for consequential damages, including, without limitation, loss of use or loss of profits, regardless of whether such damages are caused by breach of contract, willful misconduct, reckless negligent act or omission, or other wrongful act.

No employee or agent of HCEA shall have any individual principal, liability to the Client in addition to, or in excess of, HCEA's liability under these contract terms and conditions. The work product(s) generated under the scope of this Agreement are for the sole and exclusive use of the Client. Use and reproduction of any documents produced as instruments of service without the express permission of HCEA is unauthorized and is at the sole risk of the user.

20. UTILITY CLEARANCE

HCEA will notify Miss Utility or the appropriate agency to locate public utilities on the Site. In addition, HCEA will speak with the Client to verify that any private utilities do not interfere with the proposed areas of investigation. If the Client, or Client's representative, is not able to verify that the private utility locations do not interfere with the proposed areas of investigation, a private utility locator can be retained, if requested, at an additional cost. Hillis-Carnes will not be responsible for damage to utilities not delineated properly by Miss Utility, private utility locators or the Client prior to field work.

21. DISPUTE RESOLUTION

Any and all claims, demands and dispute arising out of or relating to this agreement, or to HCEA's services in connection with the Project, with the exception of mechanics lien proceedings, shall be resolved exclusively in American Arbitration Association arbitration under the Construction Industry Arbitration Rules. AAA mediation shall be a condition precedent to arbitration. HCEA may join its subconsultants or subcontractors in any such mediation or arbitration; however, no construction contractors or subcontractors may be joined or impleaded.



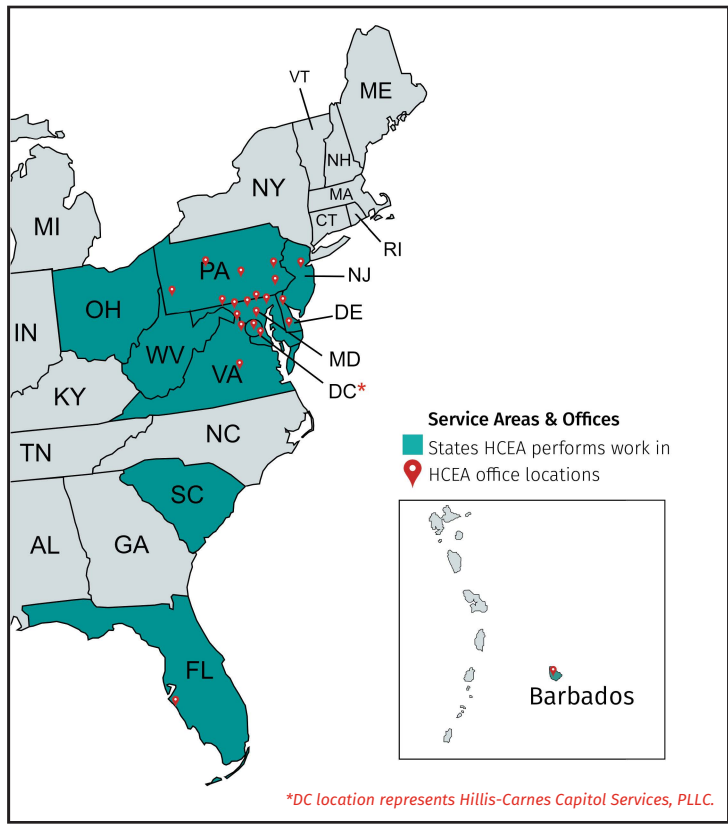
COMPANY OVERVIEW

CONSIDER HILLIS-CARNES FOR YOUR ENGINEERING CONSULTING NEEDS!

◆ OVERVIEW

Established in 1989, Hillis-Carnes Engineering Associates, Inc. (HCEA) is an employee-owned, multi-disciplined consulting engineering firm based in the Mid-Atlantic Region. HCEA specializes in a number of services (listed below). With over 450 experienced employees and over 25 Professional Engineers, HCEA has provided its services and expertise to both public and private sector Clients for over 35 years. We provide our Clients with the best available technology, as well as providing them with excellent service, regardless of a project's technical challenges, size, or location.

HCEA's Corporate Headquarters is located in Annapolis Junction, Maryland and has 20 additional branch offices located throughout Maryland, DC, Delaware, Pennsylvania, Virginia, New Jersey, and Barbados.



◆ SNAPSHOT

- 35+ YEARS OF EXPERIENCE
- 450+ EMPLOYEES AND GROWING
- 21 OFFICE LOCATIONS

◆ SERVICES

- Geotechnical Engineering
- Construction Materials Testing and Inspections
- Drilling and Subsurface Explorations
- Environmental Consulting
- Industrial Hygiene Services
- Geotechnical Engineering
- Deep Foundations
- Specialty Geotechnical Construction
- Facilities Consulting
- Construction Consulting/Third-Party Inspections
- Geoscience
- Laboratory Testing
- Drone Inspections

GET IN TOUCH

If you would like to inquire about a service, please contact your local office!

<https://www.hcea.com/contact/>



ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.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., Director of Special Projects

DATE: March 11, 2025

RE: *Lochwood Community Area, Sewer Expansion Project S22-17
A. Change Order No. 4*

In October of 2018, the Lochwood Property Owners Association requested the County distribute a polling letter. The responses to the polling letter being favorable the Engineering Department conducted a public hearing on September 7, 2019. The hearing results were presented to County Council who voted to extend the Sewer District on September 17, 2019.

On May 14, 2020, the Preliminary Engineering Report and the Environmental Information Documents combined with the \$8,440,000.00 USDA/Rural Development funding application prepared by the Finance Department were filed. On May 21, 2021, County Council accepted the letter of conditions and on May 24, 2021, approved the obligating documents associated in the loan amount of \$4,723,000 and \$3,717,000 of grant funding.

On June 15, 2021, Council approved the USDA Loan Resolution and introduction of the debt ordinance authorizing the issuance of general obligation bonds which was approved on July 13, 2021. On September 19, 2023, the Engineering & Finance Department submitted a supplemental funding request to USDA/Rural Development for \$844,000.00.

On May 14, 2019, County Council awarded a five (5) year base contract for miscellaneous engineering services to Davis, Bowen & Friedel, Inc. (DBF) The Engineering Department determined that DBF was the most suitable on-call firm to implement the design of the project and on October 26, 2021, Council approved the Lochwood sewer area expansion design project in the not to exceed amount of \$179,850.00. In the spring of 2023, the Department requested DBF to revise the agreement to include construction phase services. On July 25, 2023, with the construction awarded, Council approved the revised, all-inclusive agreement in the not to exceed amount of \$554,000.00.



Invitations to Bid were advertised, five (5) contractors attended the pre-bid meeting on March 29, 2023, and on April 19, 2023, four (4) bids were received. All bids were significantly higher than the available funding. The Engineering Department debriefed the contractors and concluded that several value engineering options could be incorporated in a rebid. One of the recommendations was to break out the scope in two contracts with the piping under contract A and the vacuum station under contact B. On May 16, 2023, Council rejected all bids and approved the contract be value engineered and rebid.

Invitations for the Re-Bid were advertised, four (4) contractors attended the pre-bid meeting on June 21, 2023, and on July 7, 2023, four (4) bids were received. Lindstrom Excavating submitted the lowest bid of \$5,749,640.00 for Construction Contract A and on July 25, 2023, Council awarded Contract A to Lindstrom Excavating, Inc.

The only bidder for Contract B was Chesapeake Turf in the amount of \$1,809,470.00 and their bid was higher than the average bids for this scope item from the original bid. Therefore, Council rejected Chesapeake Turf's bid and authorized the pursuit of a pre-purchase agreement for the equipment. After the \$417,000.00 direct purchase order for the AirVac equipment was issued on August 15, 2023, the Engineering Department requested a change order for the building and equipment installation from Lindstrom Excavating.

The vacuum station was included in the first round of Lochwood bidding and resulted in a four-bid average of \$1,631,682.25 (bid item 3) not including a portion of the mobilization (bid item 1). The rebid amount was \$1,809,470.00 and Lindstrom change order proposal was \$1,221,350.00. This approach allowed the County (i) to provide competitive pricing below the average cost during the first round of bidding and (ii) advance the supplemental funding request in federal FY 23 for <10% of original budget.

Change Order No. 1 for Lindstrom Excavating, Inc. in the amount of \$1,221,350.00, for award of the building portion of the Lochwood Project was approved on September 26, 2023.

In Mid-August 2024, Lindstrom Excavating, Inc. performed test pits in preparation for the excavation of the most challenging section of vacuum mains on Lake Shore Drive next to Burton Pond. The encountered ground water table elevations were one to two feet higher than anticipated, based on the 2022 Geotechnical Report. The approved design called for 8-foot deep set sectional vacuum pits along Lake Shore Drive requiring dewatering under a DNREC permit. The entire project area is in the groundwater management zone of the County's legacy landfill prohibiting groundwater extraction.

The contractor and the Department developed a solution returning fifteen (15) of 8-foot deep set sectional vacuum pits and purchase 15 of the 6-foot one-piece units allowing installation without dewatering. Lindstrom Excavating, Inc. agreed, in the spirit of cooperation, to waive any of the contractually allowed mark-ups and on September 17, 2024 Council approved Lindstrom Excavating, Inc.'s Change Order No. 2 for \$8,907.18.

In the course of construction Lindstrom Excavating, Inc. lost production time due to numerous "hits" of unmarked utilities triggering work stoppages. In addition, several vacuum pit locations required the relocation of the potable water service connection resulting in more lost

production days. The associated cost issues are covered under contingency unit cost items which will be adjusted accordingly in the final balancing change order to be presented in the spring of 2025 after all paving components are complete. However, the time initial extension had to be granted for USDA to approve partial payment applications and on January 7, 2025 Council approved Lindstrom Excavating, Inc.'s Change Order No. 3 extending the contract by eighty-nine (89) days.

Over the course of the construction period DBF and the USDA Community Program Specialist have been tracking the following out of contract scope items in cooperation with Lindstrom Excavating, Inc.'s:

- Advanced Shop Drawing Coordination (PCO3): AirVac's shop drawings required a certain layout configuration for each pump station component. Some of them came into conflict with DBF's building steel design, which required adjustment of the steel framing.
- Differing Site Conditions (PCOs5&6): The installation of a central sewer system in a mature utility environment inevitably leads to conflicts due inaccurate or missing information provided by some of the utilities. Furthermore, the lack of field mark outs and the resulting underground conflicts were confirmed by DBF's field personnel and impacted time and costs until rectified by the other utility.
- Maintenance Improvements PCOs7&8): Environmental Services requested the addition of on-site lifting equipment for performing service and ultimately replacement functions on the pump station equipment more safely while at the same time reducing personnel expense.

Therefore, the Engineering Department request approval of Lindstrom Excavating, Inc.'s Change Order No. 4 extending the contract by ninety-nine (99) days and increasing the contract by \$44,777.99, contingent upon USDA concurrence.

CHANGE ORDER NO.: 4

Owner:	Sussex County Engineering	Owner's Project No.:	S22-07
Engineer:	Davis, Bowen & Friedel, Inc.	Engineer's Project No.:	1897B023.A01
Contractor:	Lindstrom Excavating Inc.	Contractor's Project No.:	
Project:	Lochwood Sewer Expansion Project		
Contract Name:			
Date Issued:	August 7, 2023	Effective Date of Change Order:	February 17, 2025

The Contract is modified as follows upon execution of this Change Order:

Description:

Structural steel and floor grating to be revised due to conflict with vertical pipe connection between vacuum pump and vacuum tank, lost time and days due to unmarked utilities, installation of tank drain line as requested by the County, installation of a hoist base plate, and delays by DEC to install power thus delaying start-up.

Attachments:

PCO #3 – Structural Stee/Poly Matting; PCO#5 Unknown Obstruction; PCO #6 Unknown Obstructions; PCO #7 Tank Drain; PCO #8 Electric Hoist Base Plate.

Change in Contract Price	Change in Contract Times [State Contract Times as either a specific date or a number of days]
Original Contract Price: \$ <u>5,749,640.00</u>	Original Contract Times: Substantial Completion: <u>330</u> Ready for final payment: <u>360</u>
Increase from previously approved Change Orders No. 1 to No.2: \$ <u>1,230,257.18</u>	Increase from previously approved Change Orders No.1 to No. 3: Substantial Completion: <u>179</u> Ready for final payment: <u>179</u>
Contract Price prior to this Change Order: \$ <u>6,979,897.18</u>	Contract Times prior to this Change Order: Substantial Completion: <u>509</u> Ready for final payment: <u>539</u>
Increase this Change Order: \$ <u>44,777.99</u>	Increase this Change Order: Substantial Completion: <u>99</u> Ready for final payment: <u>99</u>
Contract Price incorporating this Change Order: \$ <u>7,024,675.17</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>608</u> Ready for final payment: <u>638</u>

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.

February 26, 2025

United States Department of Agriculture
Rural Development
1221 College Park Drive
Suite 200
Dover, DE 19904

Attn: Ms. Jean E. Fabi
Community Program Specialist

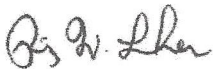
RE: Lochwood Sewer Extension Project
Sussex County, Delaware
DBF #1897B023.A01

Dear Ms. Fabi:

The contractor has requested a 99-day contract extension for the Lochwood Sewer Extension Project. The extension is needed as the power to the vacuum site was not energized until February 17, 2025. The County has been working with Airvac to schedule a start-up date and it is tentatively scheduled for April 1, 2 and 3. Upon completion of start-up, the contractor will need to complete punch list items, install check valves, and complete final paving. The requested substantial completion date is June 10, 2025 and final completion is July 8, 2025.

We have reviewed the request and support the contract time extension request. If you have any questions or concerns, please feel free to contact me at (302) 424-1441 or by email to rwf@dbfinc.com.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.



Ring W. Lardner, P.E.
Principal

LINDSTROM EXCAVATING CONTRACTORS, INC.

25820 Still Pond Neck Road

Worton, MD 21678

Office 410-778-6344

Fax 410-778-0477

April 20, 2024

Attn: Ring Lardner, Davis Bowen & Friedel Inc, President

Project: Lochwood Sewer Extension

Draft PCO #3 Pump Station Structural Steel Shift and Poly Matting

This PCO is for Whyland's sub shifting the structural steel in floor on the building after initial installation to accommodate for the piping between the tank in the basement and pumps on the first floor. In addition this PCO covers the added cost of installing the poly mats under the pump skid on the first floor per owners request.

Whyland price increase for moving existing beams(see attached)	\$1,745.70
<u>Lindstrom Excavating markup</u>	<u>5%</u>
Total shifting steel beams	\$1,832.99
Poly Mats (Alturnamats)	\$3,900.00
<u>Lindstrom discounting mats (due to having to buy pack)</u>	<u>-25%</u>
Sub Total	\$2,925
Additional crane rental to reset pump skid in building on mats	\$1,000.00
Forman 2 hour to set skid on mat/cut mat	\$180.00
<u>2 Laborers 4 hours to set skid on mat/cut mat</u>	<u>\$200.00</u>
Sub Total	\$1,380.00
Total amount of PCO #3	\$6,137.99
Additional time to be added to contract for PCO #3	(2 calendar days)

LINDSTROM EXCAVATING CONTRACTORS, INC.

25820 Still Pond Neck Road
Worton, MD 21678
Office 410-778-6344
Fax 410-778-0477

Revised November 18, 2024

Attn: Ring Lardner, Davis Bowen & Friedel Inc, President

Project: Lochwood Sewer Extension

Draft PCO #5 Delays for unmarked utilities as of the end of July Mainline

This PCO is for delays associated with hitting unmarked utilities as well as digging around identified utilities in the field. The lists of delays and times excel sheet is where this information comes from. In total as of the end of July there has been 14 hours for the mainline crew. I have broken out the crew below for reference;

Mainline Crew

Labor	Quantity	Price/hour/Employee	Total
Forman	1	\$90.00	\$90.00
Operator	4	\$65.00	\$260.00
Laborer	3	\$50.00	\$150.00
Total			\$500.00

Equipment	Quantity	Price/hour	Total
245 Hitachi w/GPS	1	\$200.00	\$200.00
85 JD Excavator with tamper	1	\$135.00	\$135.00
67 Kawasaki Loader	1	\$120.00	\$120.00
Prinoth T16 track truck	1	\$200.00	\$200.00
Triaxle	1	\$75.00	\$75.00
Light Tower	1	\$50.00	\$50.00
GPS Base Station	1	\$50.00	\$50.00
Total			\$830.00

Lindstrom Excavating mainline crew costs per hour	\$1,330.00
Lindstrom Excavating mainline crew hours	(14)
Total amount for Mainline delays	\$18,620.00

Total amount of PCO #5 **\$18,620.00**

Additional time to be added to contract for PCO #5 **(2 calendar days)**

LINDSTROM EXCAVATING CONTRACTORS, INC.

25820 Still Pond Neck Road

Worton, MD 21678

Office 410-778-6344

Fax 410-778-0477

November 18, 2024

Attn: Ring Lardner, Davis Bowen & Friedel Inc, President

Project: Lochwood Sewer Extension

Draft PCO #6 Delays for unmarked utilities as of the end of October on services

This PCO is for delays associated with hitting unmarked lines, hand digging additional lines not shown on drawings and working with utility providers to get better mark outs. In some cases over 20 additional lines were on properties in our work area in addition to what was shown on the drawings, usually spaced in a manner that forced large sections to be completely hand dug. In the few cases around on the Lochwood Project that everything was marked correctly in the field and no additional lines were present we have demonstrated that it takes no more than 7 hours to install a pit/cleanout/vacuum line/connect to main/completely backfill and topsoil. Meanwhile our pit crew hours are showing that we are averaging roughly 14.5 hours per pit. As of the end of October we had installed 151 pits meaning we have lost almost 142 crew days on pits compared with what was expected.

Having said the above I am only looking at compensation in the form on time for the delays. As I agree some of this is to be expected on every project, but no one would've expected these properties to have up to thirty different dry utility lines running through their front yard.

Additional time to be added to contract for PCO #6

(90 calendar days)

LINDSTROM EXCAVATING CONTRACTORS, INC.

25820 Still Pond Neck Road

Worton, MD 21678

Office 410-778-6344

Fax 410-778-0477

February 17, 2025

Attn: Ring Lardner, Davis Bowen & Friedel Inc, President

Project: Lochwood Sewer Extension

Draft PCO #7 Pump Station Tank Drain Line

This PCO is for installing a tank drain line as show in the detail provided by DBF November 2024.
Additional information provided in subcontractor quote;

Subcontractor I.D. Griffith amount	\$15,700.00
<u>LEC overhead and profit (10%)</u>	<u>\$ 1,570.00</u>

Total amount of PCO #7	\$17,270.00
Additional time to be added to contract for PCO #7	(3 calendar days)



735 South Market Street
Wilmington, Delaware 19801
Tel.: 302-656-8253 Fax: 302-656-8268

February 3, 2025

To: Kyle Lindstrom

RE: Lewis Pump House
Furnish and install new ductile iron pipe for vacuum truck

Proposal

I.D. Griffith, Incorporated is pleased to offer the following proposal to furnish and install new 3" ductile iron pipe with flanged ends and fittings for vacuum truck to empty tank. Our proposal will be: *(\$15,700.00) Fifteen Thousand, Seven Hundred Dollars*

Scope of Work:

- Furnish and install 3" ductile iron pipe with flanged spool pieces
- Furnish and install 3" ductile iron flanged fittings
- Furnish and install 3" screwed flange for vacuum truck to tie into (exterior of building)
- Furnish and install all necessary Stainless Steel hangers and supports for piping as per drawings
- All work will be regular working hours. (7:00am-3:30pm Monday thru Friday)

If you have any questions, please call me. I can be reached in the office (302-225-7343)
Thank you,

I.D. Griffith, Incorporated "Quality, Integrity, Pride"
Gordon Lindlmoed
Project Manager / Estimator

LINDSTROM EXCAVATING CONTRACTORS, INC.

25820 Still Pond Neck Road
Worton, MD 21678
Office 410-778-6344
Fax 410-778-0477

February 17, 2025

Attn: Ring Lardner, Davis Bowen & Friedel Inc, President

Project: Lochwood Sewer Extension

Draft PCO #8 Electric Hoist Pedestal Base

This PCO is for installing a 3/8" steel baseplate with supported cylinder as shown on detail from DBF November 2024 to support an electric hoist the county maintenance staff has in their possession. Baseplate will be welded to grating below and spaced as to insure it is supported by more than just the grating;

Estimated Time 16 hours at \$125/hr	\$2000.00
Materials	\$ 500.00
<u>Markup (10%)</u>	<u>\$ 250.00</u>

Total amount of PCO #8 **\$2,750.00**

Additional time to be added to contract for PCO #8 **(2 calendar days)**

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: March 6, 2025

RE: County Council Old Business Report for C/U 2454 filed on behalf of H&K Group, Inc.

The Planning and Zoning Department received an application (C/U 2454 filed on behalf of H&K Group, Inc.) for a borrow pit, to be located in an AR-1 Agricultural Residential Zoning District at Tax Parcel 232-8.00-44.01. The property is located on the northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62). The parcel size is 309.59 ac. +/-

The Planning & Zoning Commission held a Public Hearing on the application on January 22, 2025. At the meeting of February 5, 2025, the Planning & Zoning Commission recommended **denial** of the application due to the lack of three affirmative votes on an earlier motion to recommend approval of the application. That earlier motion was to recommend approval of the application for the 11 reasons and 18 recommended conditions of approval as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on January 22, 2025, and February 5, 2025.

The County Council held a Public Hearing on the application at the meeting on February 11, 2025. At the conclusion of the Public Hearing, the Council closed the Public Record and action on the application was deferred for further consideration. Below is a link to the minutes of the February 11, 2025 County Council meeting.

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



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Minutes of the January 22, 2025, Planning & Zoning Commission Meeting

C/U 2454 H&K Group, Inc.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS. The property is lying on northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62). 911 Address: N/A. Tax Map Parcel: 232-8.00-44.01.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's exhibit booklet, a copy of the Applicant's conceptual site plan, a copy of the Applicant's proposed conditions and findings, a copy of the traffic analysis, a copy of the staff analysis, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division a copy of the DelDOT SLER submitted by the Applicant and the Technical Advisory and 14 comments which are included in your paperless packet.

Mr. David Hutt, Esq., of Morris James, LLP, spoke on behalf of the Applicant, H&K Group, Inc.; that his client is the long term tenant of the property that is the subject of this afternoon's application; that the Planning & Zoning Commission heard this application about 3 months ago, so I'm going to give an abbreviated presentation focused primarily on things that have changed or have been updated since the application was in front of the Planning & Zoning Commission on October 9, 2024; that the property is a total of 309.6 acres and the conditional use area is 269 acres; that the 269 acres starts where the sand plant would be located and where the burrow pit would start; that the property entrance lies off of Shiloh Church Rd. and this property as well as most of the properties that surround it are zoned AR-1; that the Future Land Use Map is in a low density area; that there are seven burrow pit operations that exist in this area between Millsboro and Laurel; that burrow pits are a special conditional use that have special conditions set forth in the code, that there are specific requirements that the code has; that during the last public hearing and in the project book materials, it was demonstrated how those requirements were met; that one of those special conditions relates to odors, dust and the entrance to this property; that that was one of the changes that was made to this application; that there was concern at the last meeting that the trucks would arrive to the pit before the gate opened and trucks would be stacked at the entrance; that the neighbors were very concerned about the traffic and during the previous public hearing, based upon those comments that were made and the discussion that followed by the Planning & Zoning Commission, the Applicant retained Carl Wilson, a traffic engineer, to perform an analysis, not a traffic impact study in this short period of time, but he did do an analysis of the traffic along Shiloh Church Rd.; that the results of his finding were that all of those intersections function and operate correctly with the borrow pit; that a review was done of 10 borrow pits within Sussex County that are in operation and they were analyzed with respect to their entrances; that the road classification on which the borrow pit operation was located, the road types, and whether or not they have things like an accelerating or descending on DelDOT's functional road classification, what is the lane width on each of those roads, and whether or not it has a shoulder; that five of the borrow pits are on a local road and many of those do not have shoulders and have similar or narrower lane widths than what is proposed for this borrow pit along Shiloh Church Rd.; that Shiloh Church Road is a minor collector, which is a step up from a functional

classification of that road network from local road; that this report was done to demonstrate that borrow pits are approved on these types of roads in Sussex County, and how similar the entrances would be and in some respects better than entrances at those locations; that

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 2454 H&K Group, Inc. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 5-0.

Minutes of the February 5, 2025, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 22, 2025.

Ms. Wingate moved that the Commission recommend approval of C/U 2454 for H&K Group, Inc. for a borrow pit based upon the record made at the public hearing and for the following reasons:

1. This Application previously received a recommendation for approval by the Commission. This second hearing was conducted to address a concern about the legal notice for the earlier hearing. The record from the prior hearing was incorporated into the record of this hearing.
2. This application is for a 269.07 acre borrow pit operation within a 309.6-acre site. The excavated area will not exceed 195.83 acres, more or less.
3. A need exists in the area for dirt, sand and gravel. The material removed from this site will be used throughout the County for a variety of residential and commercial uses and road construction.
4. The borrow pit is within a much larger wooded parcel owned by the Applicant. The preserved woodlands will provide an extensive buffer between the borrow pit operations and adjacent properties and roadways. It is not likely to be visible from nearby homes or roadways. This is an appropriate location for this use.
5. Based upon information in the record, the area used for borrow pit operations and processing will be at least 1,000 feet from Shiloh Church Road and there will be approximately 1,700 feet between these operations and the nearest off-site home (not including an abandoned dwelling approximately 230 feet away).
6. The Applicant will provide dust control to keep the area roadways free of dirt and dust from trucks leaving the site.
7. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on traffic or the neighboring properties. In support of this, the Applicant commissioned a Traffic Analysis of the project and its potential impacts on area roadways. That analysis confirmed that the use will not have any impact on the “A” or “B” Level of Service that exists at the adjacent intersections of Johnson Road and East Trap Pond Road with Shiloh Church Road. That Analysis also compared this proposed use with other existing borrow pits and found that the traffic impact of this borrow pit will be no greater than what occurs as a result of other existing borrow pits throughout Sussex County.
8. DelDOT has stated that the use will have a negligible impact on area roadways. DelDOT has also inserted an entrance authorization for the use.

9. The property contains approximately 17.19 acres of non-tidal wetlands. The proposed use will create a minimum 50-foot-wide buffer from these wetlands and will obtain a permit from the U.S. Army Corps of Engineers for any crossing of these wetlands.
10. As a source of fill dirt available to the entire County, the project is essential and desirable for the general convenience, safety and welfare of the current and future residents of the County.
11. The use is subject to approvals from State Agencies including DelDOT and DNREC.
12. This recommendation for approval is subject to the following conditions and stipulations:
 - A. No materials shall be brought from off the site for processing, mixing or similar purposes.
 - B. The excavated area of the borrow pit shall not exceed 196-acres.
 - C. Water or a water truck shall be available to control dust from road traffic when conditions require.
 - D. The only entrance to the pit shall be a paved road from Cedar Lane. The entrance shall be fenced or gated to prevent access, but the gate shall be set back at least 500 feet from Shiloh Church Road to allow trucks and equipment to pull completely off of Shiloh Church Road when the gate is closed.
 - E. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.
 - F. The hours of operation including any dredging shall be between the hours of 7:00 a.m. to 5:00 p.m. Monday through Saturday. No Sunday hours shall be permitted.
 - G. No materials shall be stored on any access roads or within any buffer area.
 - H. Temporary fuel tank storage will be permitted on-site and must be placed and maintained according to State and County standards and requirements.
 - I. No “Jake Brakes” or compression release engine brakes shall be used within the site.
 - J. No stumps, branches, debris or similar items shall be buried or placed in the site of the borrow pit.
 - K. The proposed pit will have a 3:1 side slope down to a 10-foot level bench that will be approximately near or one (1) foot below the static water surface.
 - L. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance and protect existing and future developments.
 - M. The Applicant shall comply with all State and County erosion and sediment control regulations.
 - N. The Applicant shall comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.
 - O. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation and there shall be “No Trespassing/Danger” signs posted at 200-foot intervals around the perimeter of the property.

- P. The non-tidal wetlands on the site shall be delineated and they shall have a buffer that is at least 50-feet-wide except where permitted wetland crossings exist.
- Q. A violation of any of these conditions may result in the termination of this conditional use.
- R. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Butler to recommend approval of C/U 2454 H&K Group, Inc. for the reasons and the conditions stated in the motion.

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

Ms. Wingate voted yea, for the reasons and the conditions stated in her motion.

Mr. Collins voted nay, for his reasons previously mentioned at the November 13th, 2024, Planning & Zoning Commission meeting, which consisted of the traffic carrying capacity and current state of Shiloh Church Road.

Mr. Butler voted yea, for the reasons and the conditions stated in the motion.

Chairman Wheatley voted nay, for his reasons previously mentioned at the November 13th, 2024, Planning & Zoning Commission meeting, which consisted of the multiple concerns expressed by the public during the public hearing on October 8th, 2024.

The application for C/U 2454 H&K Group, Inc. was recommended for denial due to the lack of obtaining three affirmative votes.

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: January 22, 2025

Application: CU 2454 H&K Group, Inc.

Applicant: H&K Group, Inc.
2052 Lucon Road, P.O. Box 196
Skippack, PA 199474

Owner: Ellis Family Investments, LLC
34364 Fox Hound Lane
Millsboro, DE 19966

Site Location: The site is located on northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62)

Current Zoning: Agricultural Residential (AR-1)

Proposed: Borrow Pit

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: District 1 – Mr. Lloyd

School District: Laurel School District

Fire District: Laurel Fire Company

Sewer: Private septic

Water: Private Well

TID: Not Applicable

Site Area: 309.59 acres +/-

Tax Map ID: 232-8.00-44.01



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: December 19th, 2024
RE: Staff Analysis for CU 2454 H&K Group, Inc.

This memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application CU 2454 H&K Group, LLC to be reviewed during the January 22nd, 2025 Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 232-8.00-44.01 to allow for the construction of a borrow pit on the site. The property is located northwest side of Shiloh Church Road (Rt. 74), approximately 0.38 mile west of East Trap Pond Road (Rt. 62). The parcel is comprised of a total of 309.59 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Low Density Area." All surrounding properties to the north, south, and west of the subject site contain the Future Land Use Map designation of "Low Density Area." The surround parcels to the also have a Future Land Use Map designation of "Low Density Area."

As outlined in the 2018 Sussex County Comprehensive Plan, "Low Density" Areas are areas that the County envisions as "a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property" (Sussex County Comprehensive Plan, 4-18). The Plan notes in reference to permitted uses: "The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted." (Sussex County Comprehensive Plan, 4-19).

Zoning Information

The subject properties are zoned Agricultural Residential (AR-1) with all the immediately surrounding properties zoned (AR-1) as well. The closest commercial use zoning districts lie approximately 3 miles to the west adjacent to Route 13 and the Town of Laurel.



Further Site Considerations:

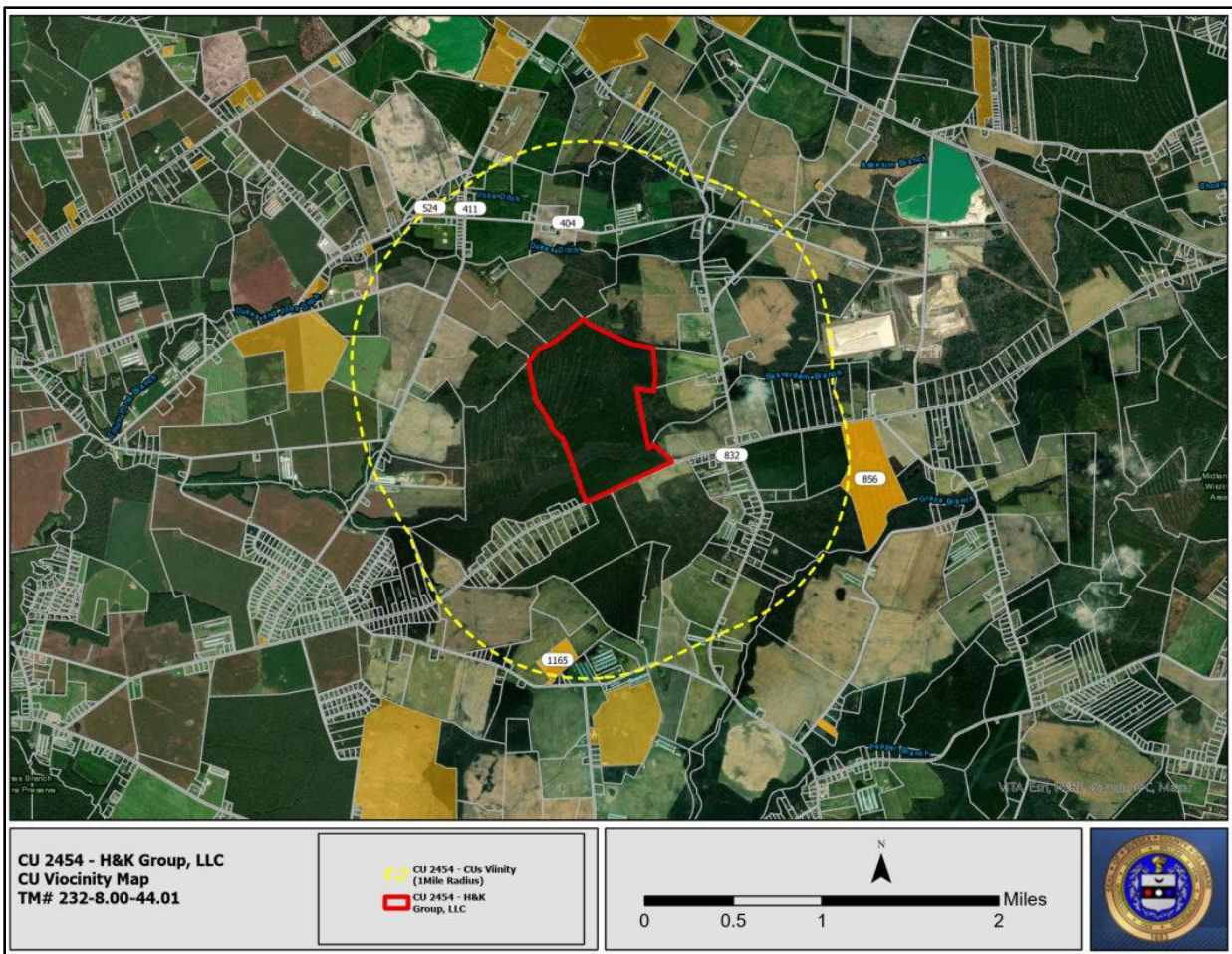
- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands. The “Kirk Expansion” Agricultural Preservation District Easement lies immediately adjacent to the north of the subject parcel and the Hitchens Crossroads Agricultural Preservation District Easement lies immediately adjacent to the east.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The site is not within the Henlopen TID.
- **Forested Areas:** The site includes existing forest on a majority of the property.
- **Wetlands Buffers/Waterways:** State and County data indicates the possible presence of regulatory and/or jurisdictional wetlands on the southern portion of the Parcel. The Applicant will be required to provide a delineation of the wetland area on any future site plan submitted if the use were to be permitted.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is partially located within the Flood Zone “X” with areas of “Fair”, “Good” and “Water Areas” classifications of Groundwater Recharge Potential on the site. The parcel is not located in a Wellhead Protection Area.

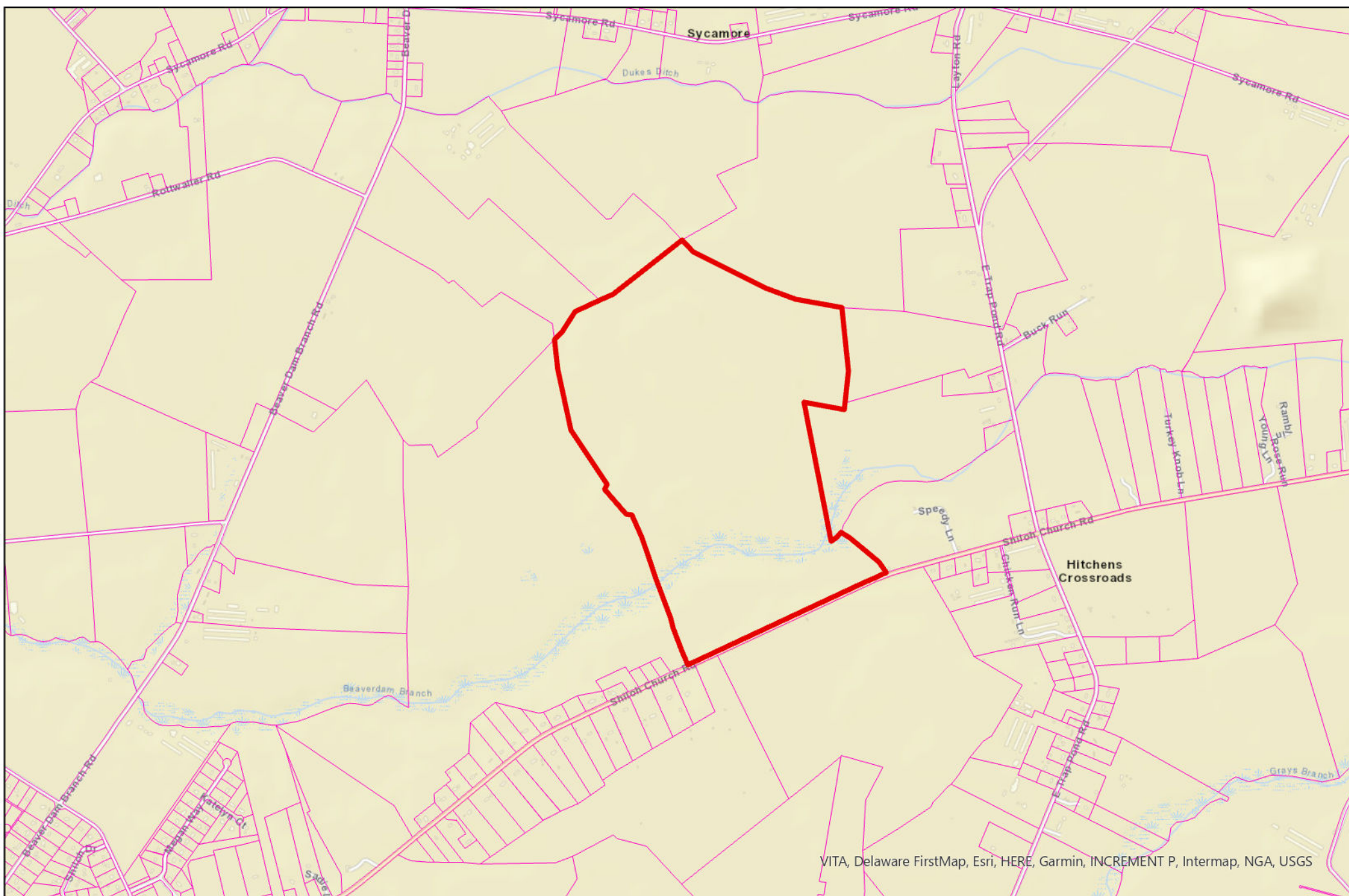
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of a borrow pit in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses 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 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 Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number


404	Edward W Littleton & Linda	AR-1	Beauty Salon	Approved	3/1/1977	N/A
411	Everett Messick	AR-1	Poultry House on Less Than 5-Acres	Approved	5/17/1977	N/A
524	Epworth Fellowship Church Inc	AR-1	Christian School	Approved	5/1/1979	N/A
832	James E. Wharton	AR-1	Poultry House on Less Than 5 Acres	Approved	9/3/1985	296
856	Elmer M. Cox	GR	Manufactured Home Park	Withdrawn	N/A	N/A
1165	John J. Reed	AR-1	Private Runway	Approved	10/15/1996	1108






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


CU 2454 H&K Group, LLC
Streets Map
TM# 232-8.00-44.01

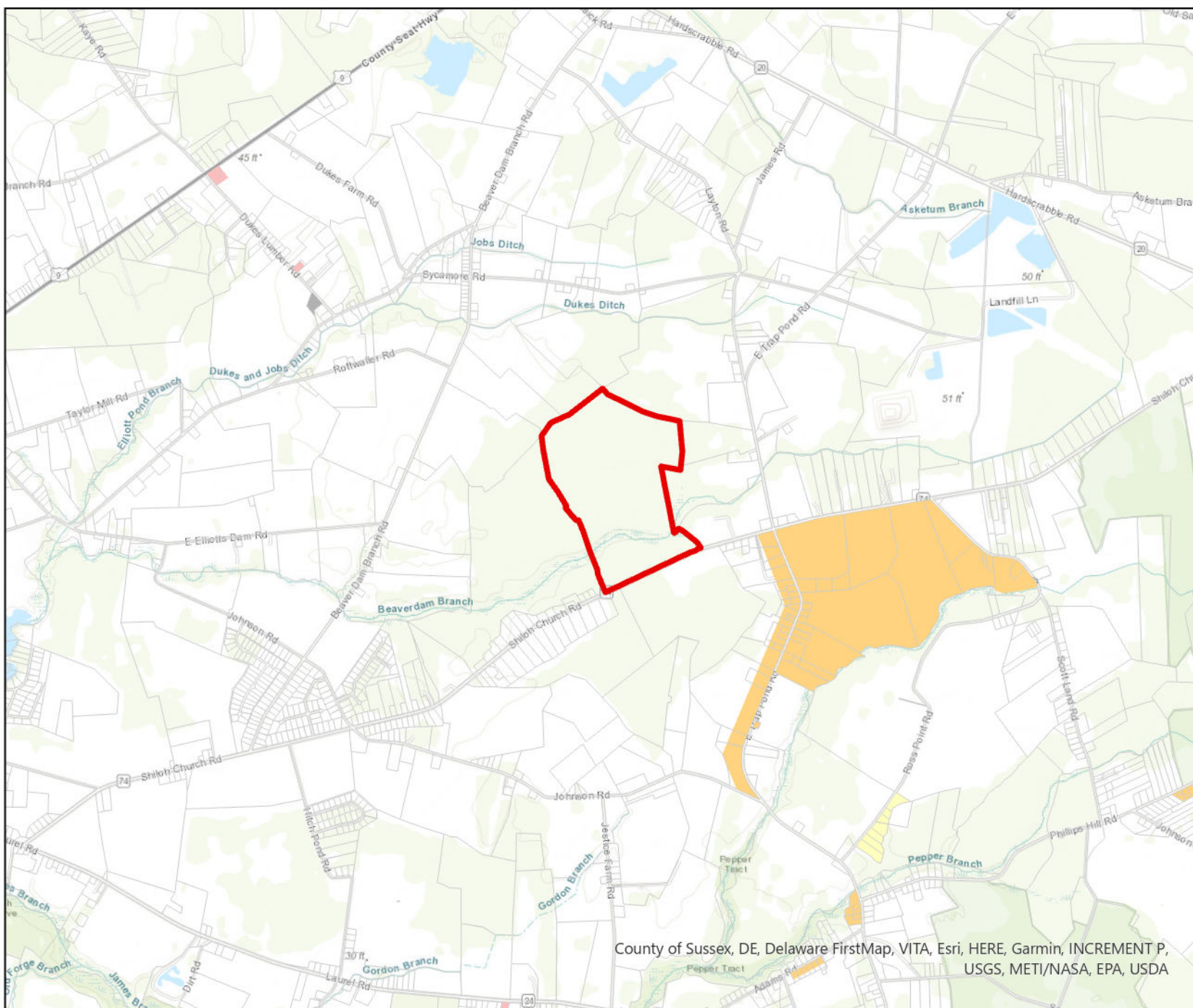
 **CU 2454 - H&K Group, LLC**

N



0 0.13 0.25 0.5 Miles







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
-  Commercial Residential - CR-1
-  Institutional - I-1
-  Marine - M
-  Limited Industrial - LI-1
-  Light Industrial - LI-2
-  Heavy Industrial - HI-1
-  C1: General Commercial
-  C2: Medium Commercial
-  C3: Heavy Commercial
-  C4: Planned Commercial
-  C5: Service/Limited Manufacturing
-  B-1: Neighborhood Business
-  B-2: Business Community District
-  B-3: Business Research

County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

CU 2454 H&K Group, LLC
Zoning Map
TM# 232-8.00-44.01

 CU 2454 - H&K Group, LLC

N



Miles

 0 0.25 0.5 1





VITA, Esri, HERE, Garmin, IPC, Maxar

CU 2454 H&K Group, LLC
Aerial Map
TM# 232-8.00-44.01

 **CU 2454 - H&K Group, LLC**

N

0 0.13 0.25 0.5 Miles



Introduced: 9/17/24

Council District 1: Mr. Lloyd
Tax I.D. No. 232-8.00-44.01
911 Address N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 309.59 ACRES, MORE OR LESS

WHEREAS, on the 26th day of May 2023, a conditional use application, denominated Conditional Use No. 2454 was filed on behalf of H&K Group, Inc.; 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. 2454 be _____; and

WHEREAS, on the ____ day of _____ 2023, 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. 2454 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 Broad Creek Hundred, Sussex County, Delaware, and lying on northwest side of Shiloh Church Road (Rt. 74) approximately 0.38 mile west of East Trap Pond Road (Rt. 62), and being more particularly described in the attached deed prepared by Susan Pittard Weidman, P.A., said parcel containing 309.59 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.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Friday, February 21, 2025 1:31 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 Blades Police Department

Project Name Community Outreach Program

Federal Tax ID 51-6001393

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 Mission of the Community Outreach Program is to provide/improve the relationship between police department and the community and the surrounding areas.

Address 20 West 4th St.

City Blades

State Delaware

Zip Code 19973

Contact Person	Martin Willey
Contact Title	Chief of Police
Contact Phone Number	3026297329
Contact Email Address	martin.willey@cj.state.de.us
Total Funding Request	\$1,500.00
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	2250
Are you seeking other sources of funding other than Sussex County Council?	No
If YES, approximately what percentage of the project's funding does the Council grant represent?	N/A
Program Category (choose all that apply)	Other
Program Category Other	Coummity Outreach

Primary Beneficiary Category	Other
Beneficiary Category Other	Community Outreach
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	2500
Scope	<p>The Community Outreach Program that the Blades Police Department has is designed to give back to the community. We sponsor multiple events every year and open it up to the community. Some of the events are easter egg hunt, National Night Out, breakfast with Santa Claus and movie night is just a couple of them. We currently have 7 events scheduled for this coming year. It is our way to give back to the community. It allows the public to interact with the police officers and other community members in a different light. It allows the community to see the police department other than just law enforcement which helps to improve our relationship with the community. These events allow people to meet each other and to get to know one another and the same with the police officers. This program will serve roughly serve over 2,500 people during these events. All these events are fully funded by donations only. Without these donations these events would not be possible. We get donations from business and individuals for this outreach program.</p>
Religious Components	N/A
Please enter the current support your organization receives for this project (not	0.00

entire organization
revenue if not
applicable to request)

Description donations

Amount 1,500.00

TOTAL EXPENDITURES 1,500.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -1,500.00

Name of Organization Blades Police Department

**Applicant/Authorized
Official** Chief Martin Willey

Date 02/21/2025

**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 with any questions.

To Be Introduced: 3/11/25

Council District 5: Mr. Rieley
Tax I.D. No.: 234-32.00-60.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-2 COMMUNITY BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS

WHEREAS, on the 28th day of February 2025, a zoning application, denominated Change of Zone No. 2049 was filed on behalf of Toney Floyd Trucking, 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. 2049 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 [B-2 Community Business District] and adding in lieu thereof the designation AR-1 Agricultural 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 Indian River Hundred, Sussex County, Delaware, and lying on the southeast side of John J. Williams Highway (Rt. 24), approximately 520 feet northeast of Layton Avenue and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, PA said parcel containing 0.9505 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: 3/11/25

Council District 5: Mr. Rieley
Tax I.D. No.: 234-32.00-60.00
911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS

WHEREAS, on the 28th day of February 2025, a Conditional Use application, denominated Conditional Use No. 2580 was filed on behalf of Toney Floyd Trucking, 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. 2580 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. 2580 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 Indian River Hundred, Sussex County, Delaware, and lying on the southeast side of John J. Williams Highway (Rt. 24), approximately 520 feet northeast of Layton Avenue and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, PA said parcel containing 0.9505 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

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: March 6, 2025

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

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).

Below are the minutes from the Planning & Zoning Commission meeting on July 17, 2024, and October 9, 2025. 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



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

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 Jimtown community off of Jimtown 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 on Lewes Georgetown Highway, Route 9 and the South West frontage on 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 work out 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 be 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 3rd 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 plants 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 4th 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. Johannes 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



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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 17th, 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. Gruenebaum

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)



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Sussex County

DELAWARE
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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.

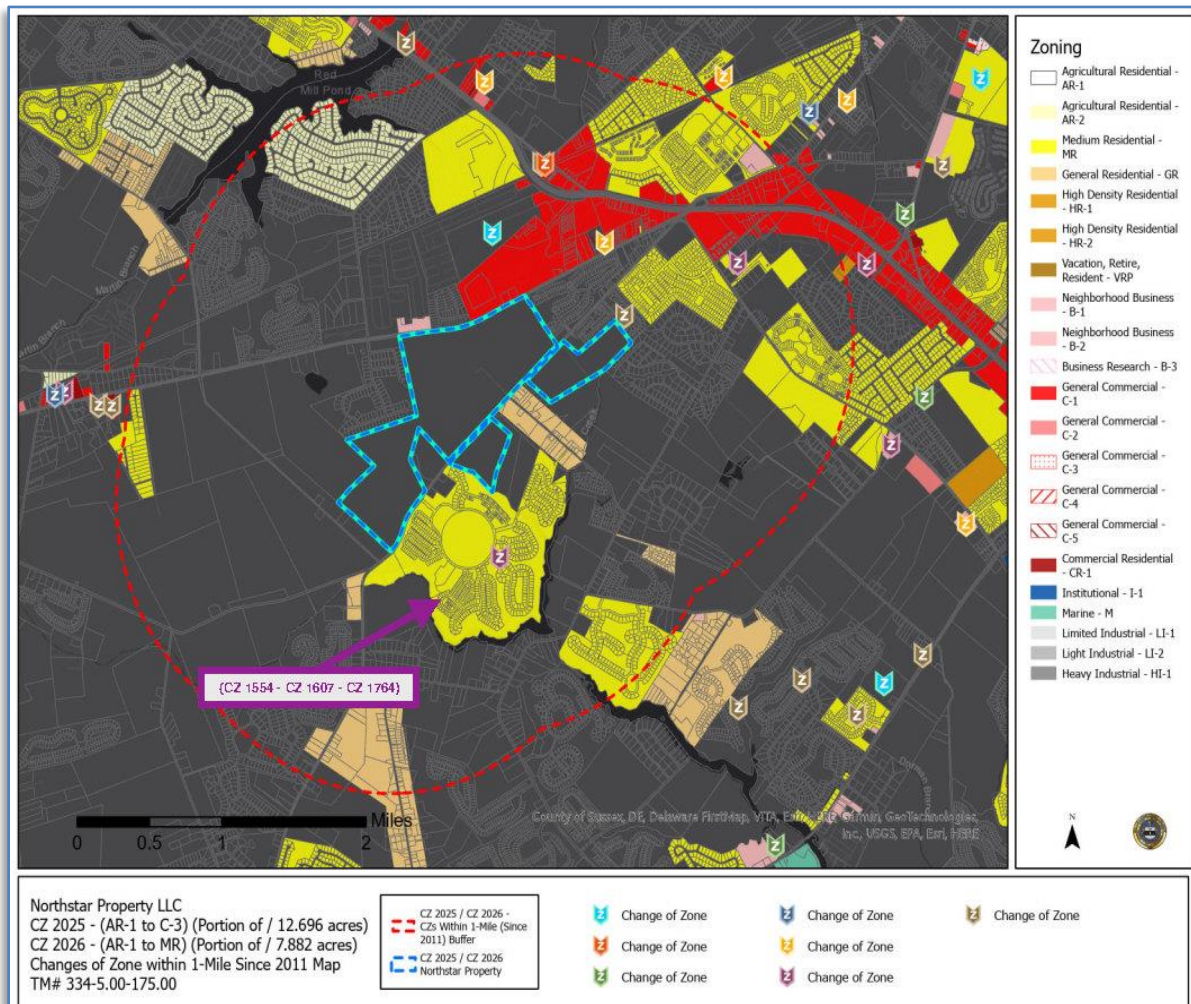
Further Site Considerations:

- **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.

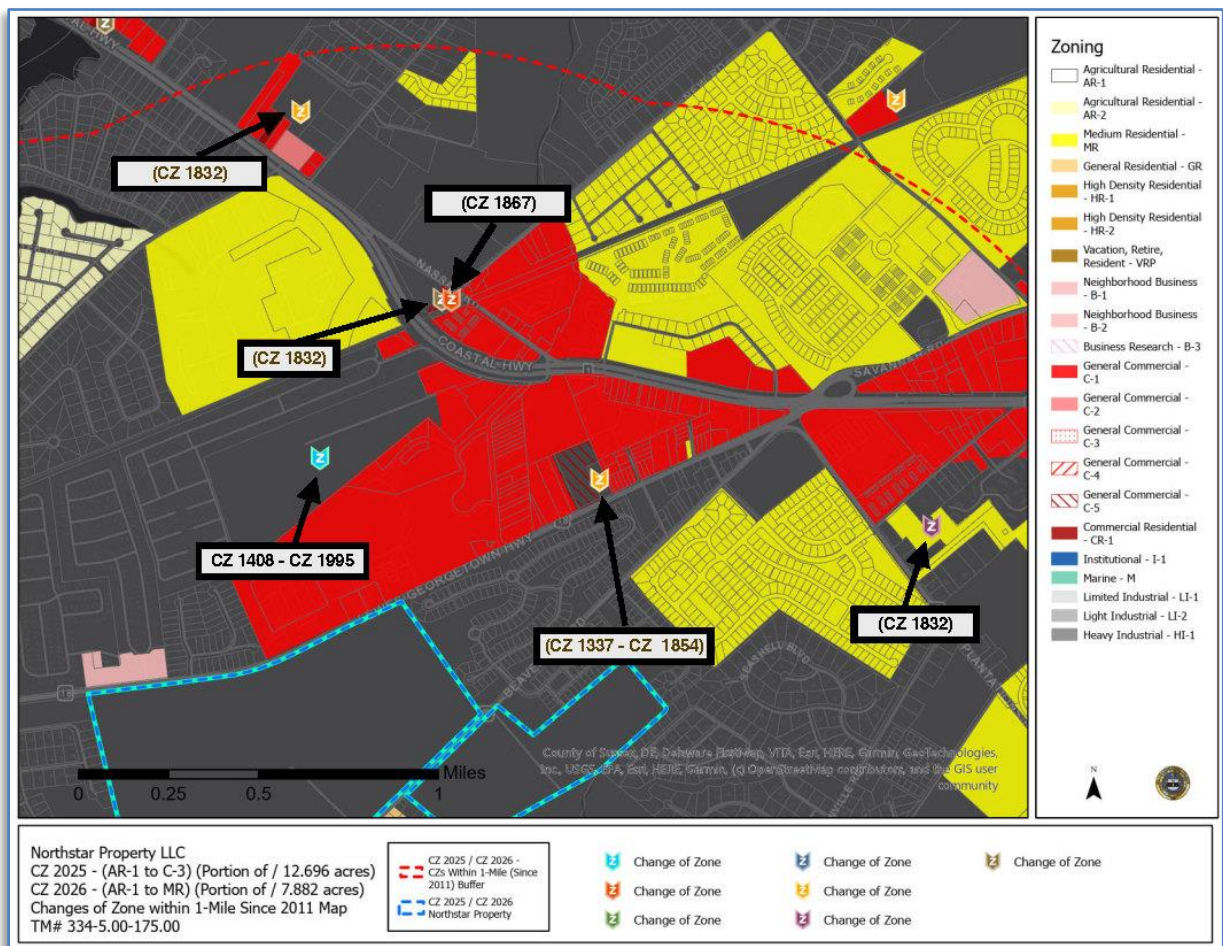
Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-3) District to allow for commercial use could be considered as being consistent with the land use, subject to size and scale, with area zoning 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.



Change of Zone Applications						
(Within a 1-mile radius of the subject site)						
Application CZ Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
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	Withdrawn	N/A	N/A
1972	Janice CRP3, LLC	AR-1	MR	Withdrawn	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





Pinetown

Jimtown


Gosler Creek

Robinsonville

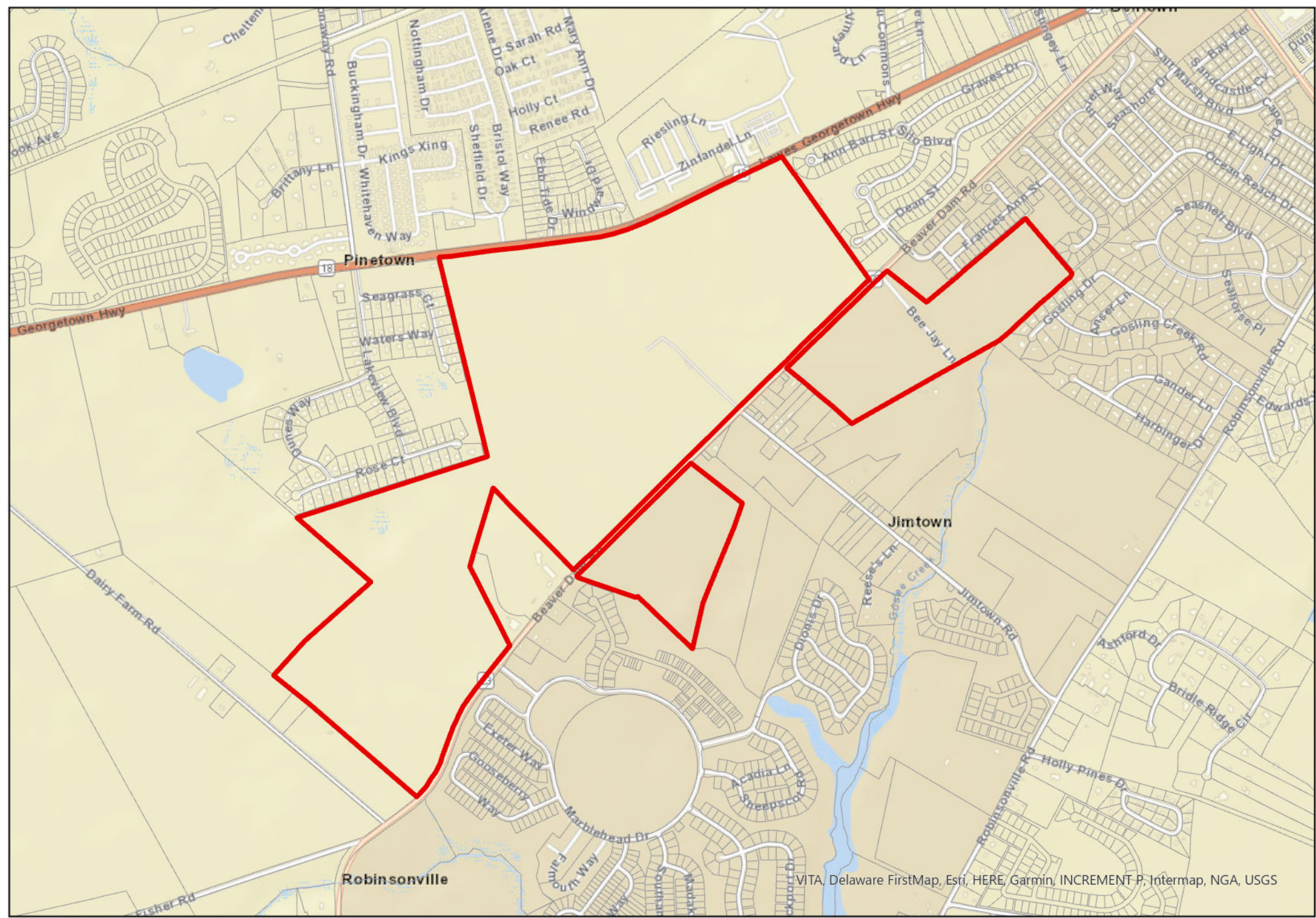
VITA, Esri, HERE, Garmin, IPC, Maxar

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

 CZ 2025 Northstar Property

 Miles
0 0.25 0.5 1

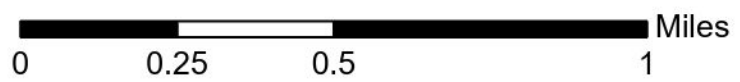




VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

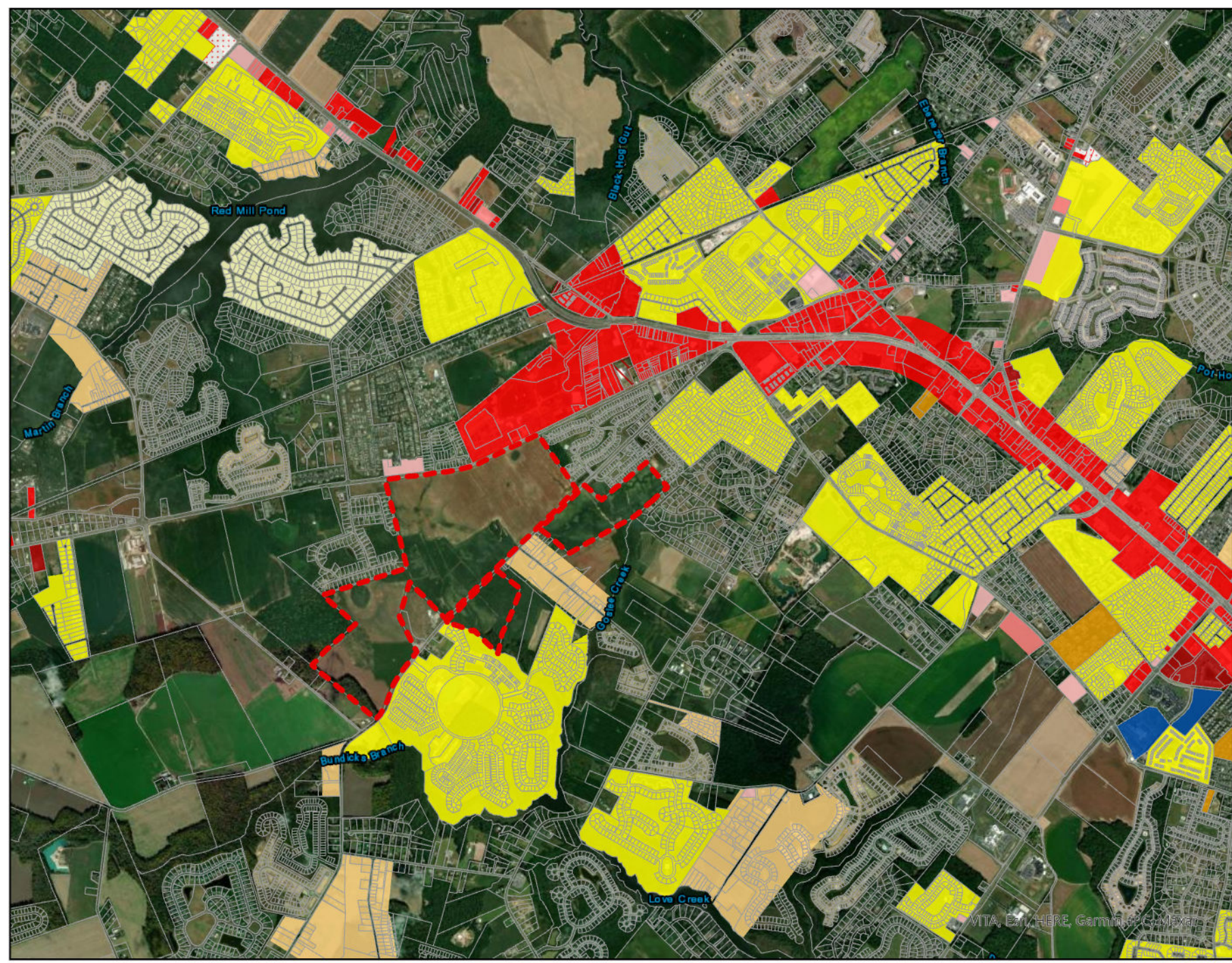
CZ 2025 - Northstar Property LLC - (AR-1 to C-3)
Street Map
TM# 334-5.00-175.00
(Portion of / 12.696 acres)

 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



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 5th 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
pandz@sussexcountyde.gov



Sussex County

DELAWARE
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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: March 6, 2025

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

The Planning and Zoning Department received an application (C/Z 2026 filed on behalf of Northstar Property, LLC) for 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 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 9 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on July 17, 2024, and October 9, 2025. 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



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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 Jimtown community off of Jimtown 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 on Lewes Georgetown Highway, Route 9 and the South West frontage on 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 work out 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 be 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 3rd 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 roadway; 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 plants 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 4th 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. Johannes 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
BRIAN BUTLER



Sussex County

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JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: July 17th, 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. Gruenebaum

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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Sussex County

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sussexcountyde.gov

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.



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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).

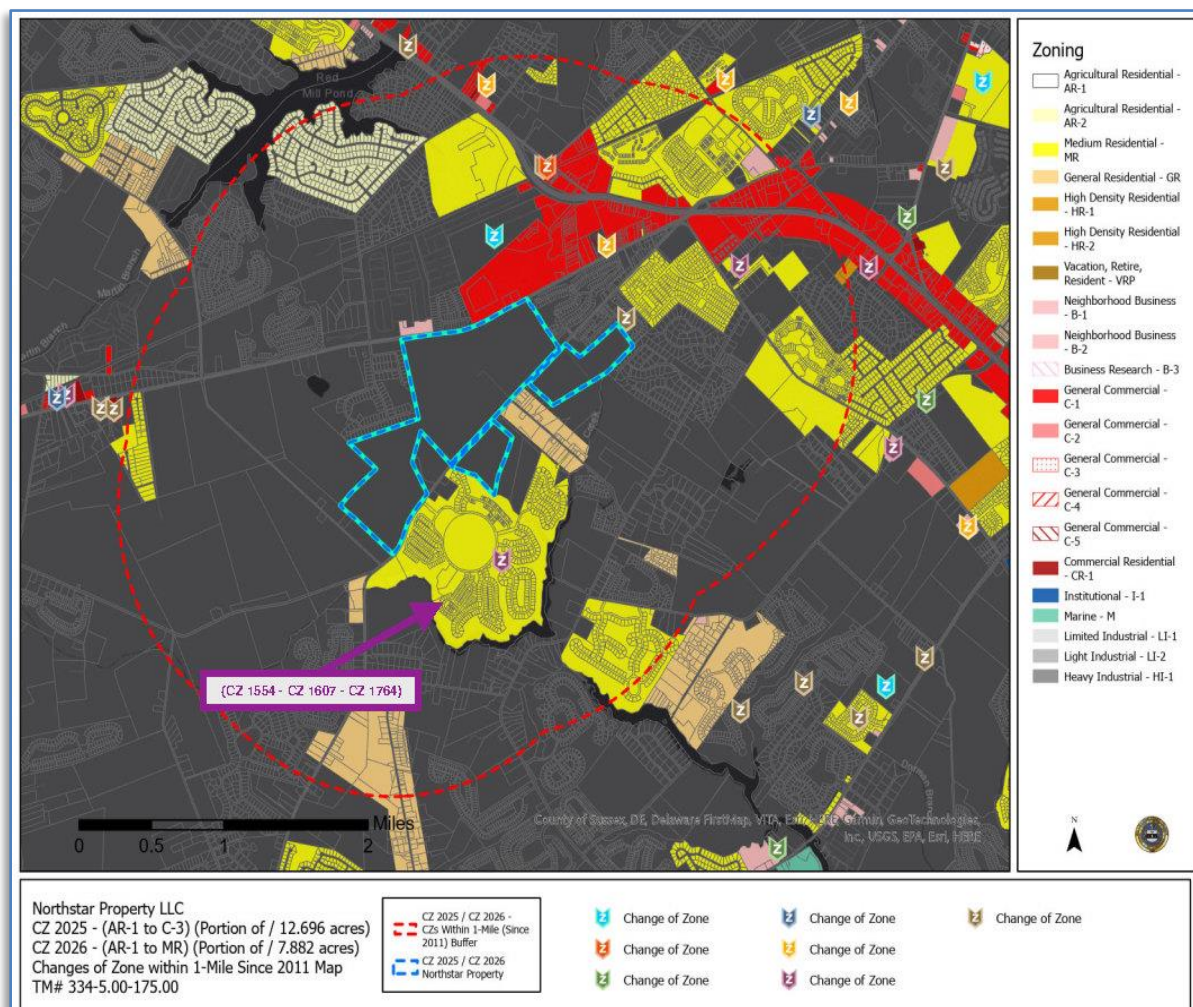
Further Site Considerations:

- **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

- **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.

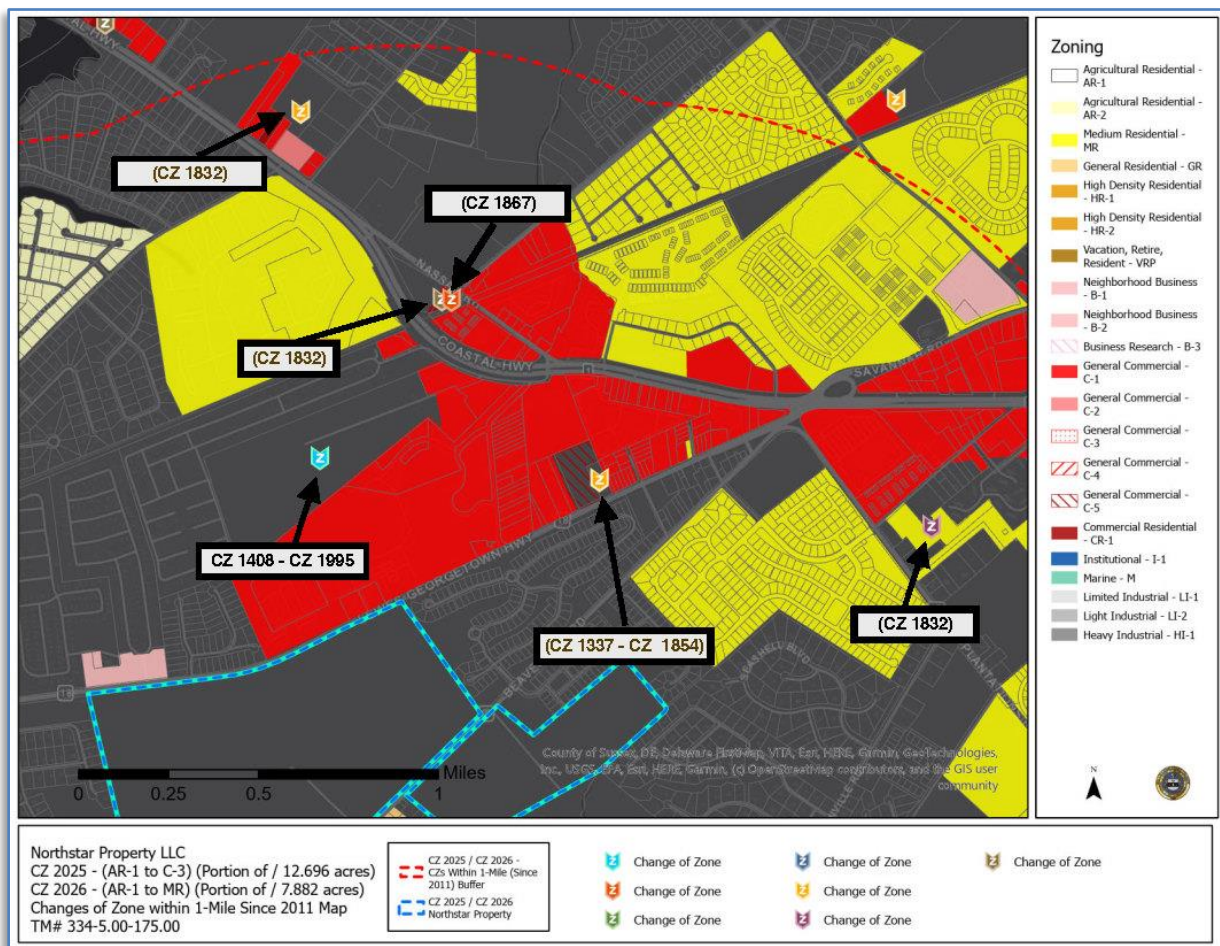
Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Medium Commercial (MR) District to allow for multifamily dwellings (94 units) could be considered as having a degree of consistency with the land use, based on size 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 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.



Change of Zone Applications						
(Within a 1-mile radius of the subject site)						
Application CZ Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
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	Withdrawn	N/A	N/A
1972	Janice CRP3, LLC	AR-1	MR	Withdrawn	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

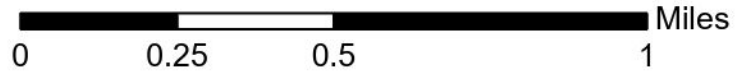


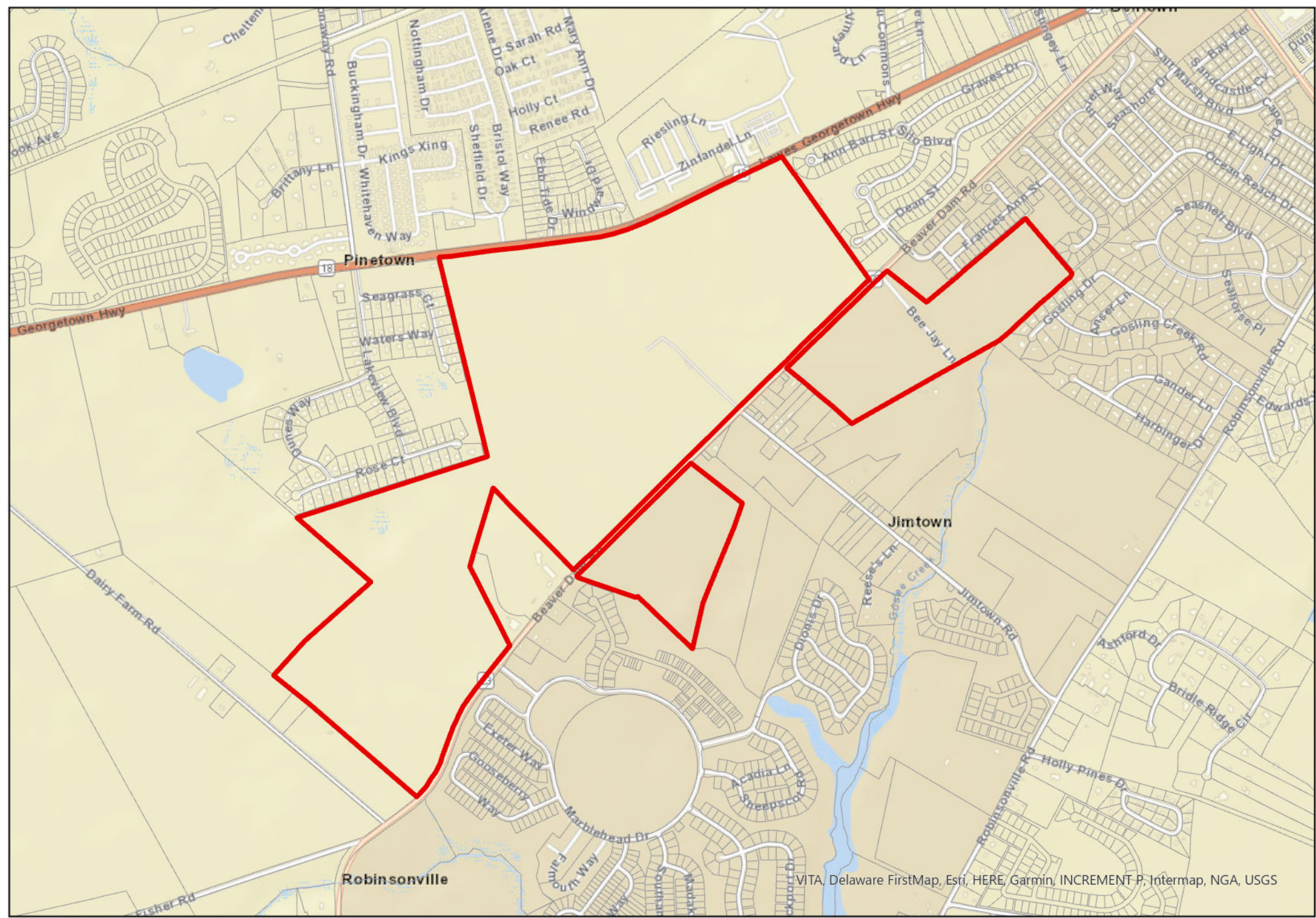


VITA, Esri, HERE, Garmin, IPC, Maxar

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

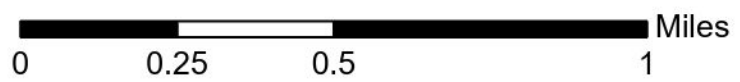




VITA, Delaware FirstMap, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

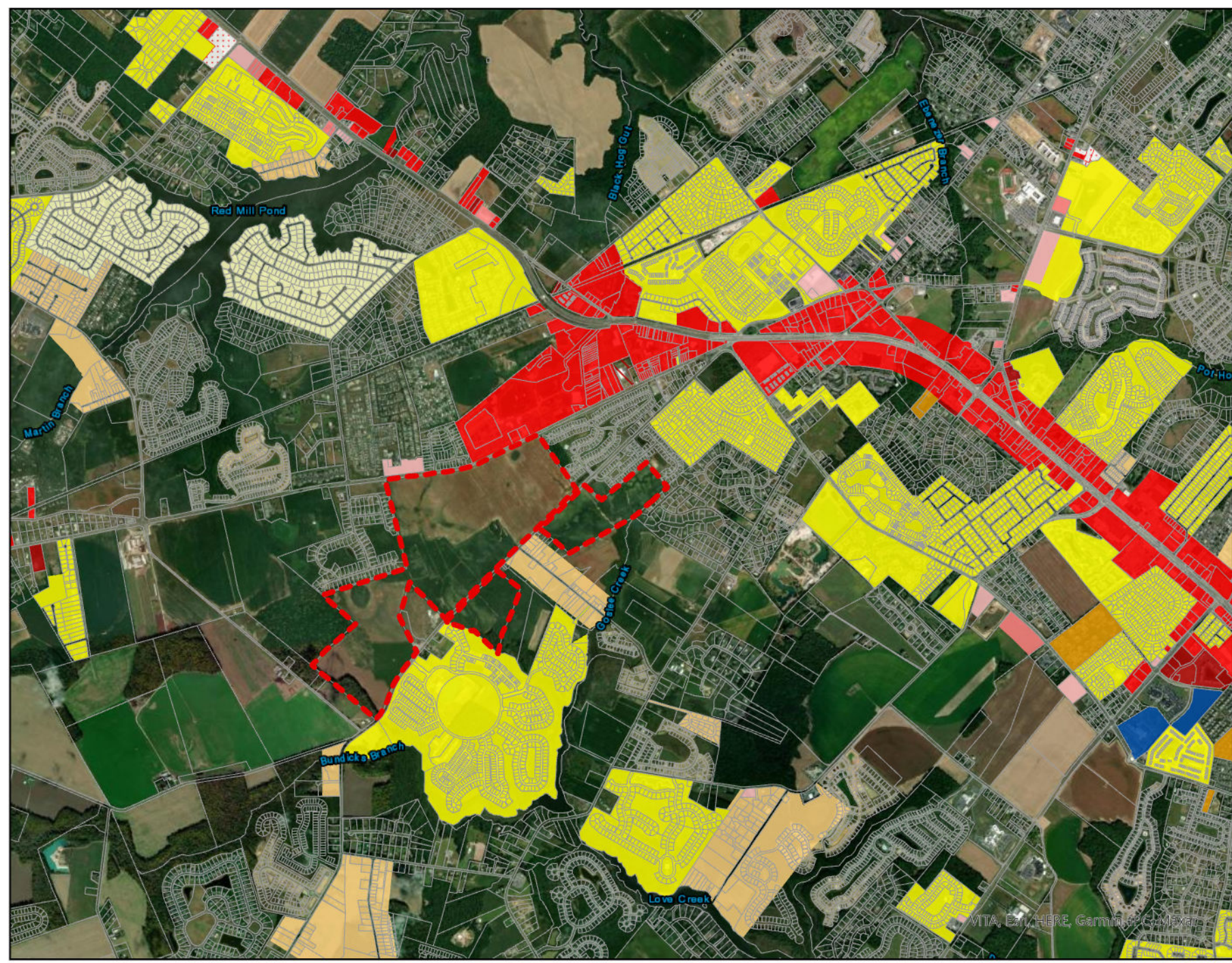
CZ 2026 - Northstar Property LLC - (AR-1 to MR)
Street Map
TM# 334-5.00-175.00
(Portion of / 7.882 acres)

 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



Introduced: 6/11/24

Council District 3: Ms. Schaeffer
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 5th 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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pandz@sussexcountyde.gov



Sussex County

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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: March 6, 2025

RE: County Council Report for C/U 2499 filed on behalf of Northstar Property, LLC

The Planning and Zoning Department received an application (C/U 2499 filed on behalf of Northstar Property, LLC) for 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 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 15 reasons and subject to the 18 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting on July 17, 2024, and October 9, 2025. 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



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GEORGETOWN, DELAWARE

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 Jimtown community off of Jimtown 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 on Lewes Georgetown Highway, Route 9 and the South West frontage on 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 site 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 be 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 3rd 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 plants 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 4th 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
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 17th, 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. Gruenebaum

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)



PLANNING & ZONING COMMISSION

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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 28th, 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).

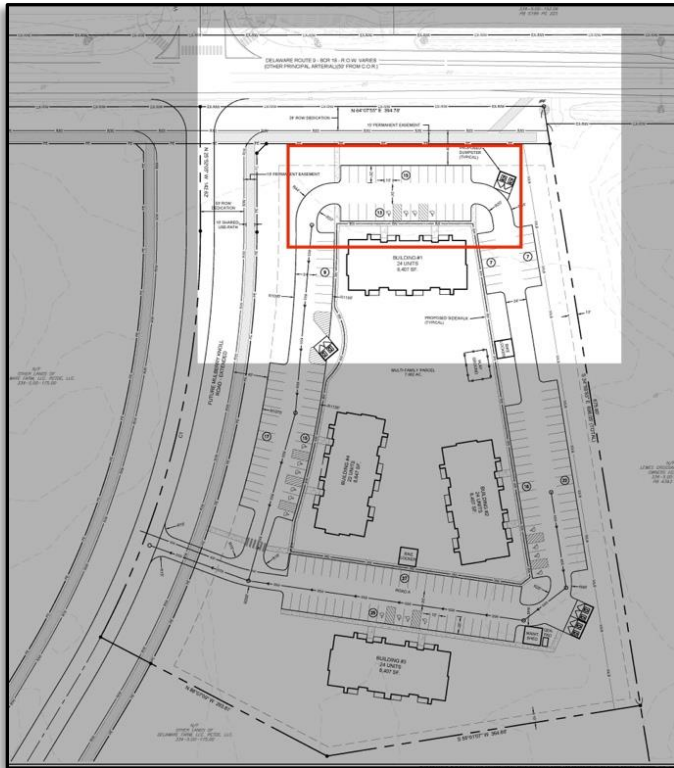
The Plan recommends higher density development be situated in areas on “central water/sewer, near commercial/employment centers, keeping with the character of the area, along a main road/major intersection, and where there is adequate Level of Service” (2018 Sussex County Comprehensive Plan, 4-16).

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.

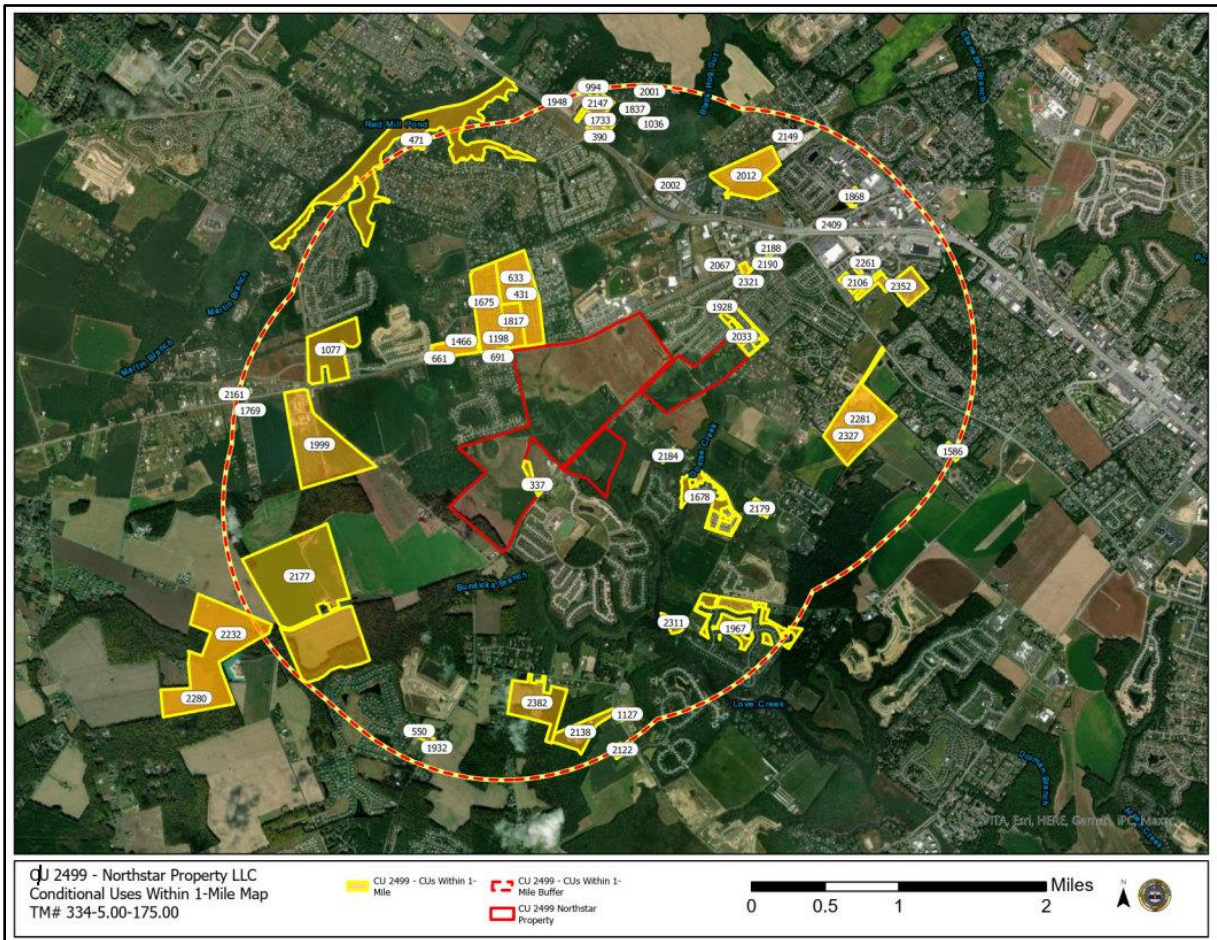


Further Site Considerations:

- **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>

<u>550</u>	John & Barbara Clark	GR	Upholstery Shop/Antique & Used Furniture Sales	Approved	10/16/79	<Null>
<u>633</u>	Mildred A. Reed	AR-1	Manufactured Home Park	Approved	6/30/81	<Null>
<u>661</u>	Southern State Co-Op	AR-1	Retail Farm Implement Sales	Approved	12/29/81	<Null>
<u>691</u>	Southern States Co-Op	AR-1	<Null>	Withdrawn	N/A	N/A
<u>994</u>	Charles E. Turner, Jr.	AR-1	Boat Storage, Repairs & Sales	Approved	3/5/92	815
<u>1036</u>	Padula Construction	AR-1	Construction Storage Yard	Approved	11/23/93	937
<u>1077</u>	Barbara H. Hearl	AR-1	Retail Sales Of Antiques	Approved	5/31/94	971
<u>1127</u>	Delaware Electric Cooperative,	AR-1	Electrical Substation	Approved	8/29/95	1045
<u>1198</u>	Colonial East, Ltd.	AR-1	Expansion To Existing MHP	Approved	10/21/97	1187
<u>1466</u>	Bridle Ridge Properties LLC	AR-1	Duplex Units	Approved	12/16/03	1646
<u>1586</u>	Far East Capital, Inc.	AR-1	Small Engine Repair	Approved	3/1/05	1756
<u>1675</u>	Colonial East, Ltd	AR-1	Ext. Mobile Home Park	Approved	6/12/07	1906
<u>1678</u>	Marine Farm, LLC	AR-1	Equestrian Facility	Approved	6/27/07	1858
<u>1733</u>	Edward A. O'Brien & Janet	AR-1	Sports Facility	Approved	6/17/08	1978
<u>1769</u>	Thomas Kucharik	AR-1	Landscaping	Approved	3/31/09	2037

<u>1817</u>	Colonial East, L.P.	AR-1/B-1	Ext. Manufactured Home Park	Approved	12/2/08	2015
<u>1837</u>	Harold J. Bowden	AR-1	Contracting Yard	Approved	8/10/10	2139
<u>1868</u>	Old Towne Pointe, L.L.C.	AR-1	Pharmacy/Community Service	Approved	5/24/11	2196
<u>1928</u>	Devin Rice	AR-1	Storage Of Equipment and A Home Office	Approved	5/15/12	2256
<u>1932</u>	Tanya Gibbs & Kimwuan Gibbs	GR	Automotive Sales Lot	Denied	1/15/13	N/A
<u>1948</u>	Sharon L. Sherwood/ Van Sherwood	AR-1	Professional Office	Approved	12/11/12	2286
<u>1967</u>	Tidewater Environmental Services	MR	Wastewater Treatment Plant to Treat Offsite Waste	Denied	10/1/13	N/A
<u>1998</u>	Todd Fisher	AR-1	Self-Storage Facility	Denied	12/16/14	N/A
<u>1999</u>	Hopkins Farm Creamery, Inc.	AR-1	BBQ Vendor	Approved	12/16/14	2381
<u>2001</u>	Christina Aloramovicz	AR-1	Veterinary Practice	Approved	1/20/15	2385
<u>2002</u>	Beach Bum Distilling	C-1	Distillery With Tours/Tasting/Retail	Approved	12/16/14	2382
<u>2012</u>	Ocean Atlantic Communities (Covered Bridge Trails)	MR	Multi-Family - Townhouses and Condo Units	Approved	12/15/15	2430
<u>2024</u>	Stockley Materials, LLC	AR-1	Commercial Landscaping Materials, Storage and Sales	Approved	9/15/15	2417
<u>2033</u>	BDRP, LLC	MR	Multi-Family Dwelling Structures (Duplexes)	Withdrawn	2/12/16	N/A

<u>2034</u>	Beachfire Brewery Co., LLC	AR-1	Restaurant And Brewery	Approved	3/8/16	2438
<u>2067</u>	Stockley Materials, LLC	AR-1	Landscaping Material Sales and Storage	Approved	4/11/17	2492
<u>2106</u>	MDI Investment Group, LLC	MR	Multi-Family (52 Townhouses)	Approved	3/20/18	2566
<u>2122</u>	Richard Thurman Jr. (Arbor Care)	AR-1	Plant, Tree and Lawn Care Diagnostic Center	Approved	4/17/18	2573
<u>2138</u>	Walker Construction Inc.	AR-1	Site Contracting Excavating Services, With Storage, Repair and Maintenance & Light Material Storage With Office	Approved	8/21/18	2596
<u>2147</u>	Nassau DE Acquisition Co, LLC	MR	Multifamily (150 Units)	Denied	12/11/18	N/A
<u>2149</u>	Covered Bridge Trails,	MR	Amended Condition of Approval of CU 2012	Approved	7/24/18	2588
<u>2161</u>	Howard Weston Development Company, LLC	AR-1	Professional Office for Accounting, Tax Preparation and Booking Services	Approved	3/19/19	2639
<u>2177</u>	Ingrid Hopkins	AR-1	Events Venue	Approved	7/30/19	2670
<u>2179</u>	Joseph & Patricia Prettyman	AR-1/C-1	Multi-Family, Storage Facility, Lawn Mower Repair Business, Public Stable and Riding Lessons	Approved	8/13/19	2674
<u>2184</u>	Linda Ann Yupco-Connors	GR	Office With Equipment Storage	Denied	11/12/19	N/A
<u>2188</u>	Donovan's Painting and Drywall, LLC	AR-1	Contractor's Office with Storage	Approved	10/29/19	2686

<u>2190</u>	Steven & Helene Falcone	AR-1	Office	Approved	1/7/20	2699
<u>2232</u>	Covered Bridge Inn	AR-1	Wedding Event Space	Withdrawn	12/29/20	N/A
<u>2261</u>	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	Approved	9/14/21	2800
<u>2280</u>	Covered Bridge Inn, LLC	AR-1	Wedding Event Space (Resubmitted)	Approved	7/13/21	2790
<u>2281</u>	Susan Riter	AR-1	Borrow Pit	Withdrawn	6/8/21	N/A
<u>2311</u>	Phillip Jackson	AR-1	Tree Service Business	N/A	N/A	N/A
<u>2316</u>	Lighthouse Construction	AR-1	Office Building	Approved	9/27/22	2888
<u>2321</u>	Coastal Construction,	AR-1	Kitchen/Bathroom Showroom	Denied	1/3/23	N/A
<u>2327</u>	Howard L. Ritter & Sons, Inc.	AR-1	Expansion Of A Non-Conforming Borrow Pit	Approved	1/24/23	2901
<u>2352</u>	CB Lewes, LLC	MR	Multi-Family (30 Units)	Approved	6/14/22	2866
<u>2382</u>	Consolidated Edison	AR-1/GR	Solar Farm	N/A	N/A	N/A
<u>2409</u>	Bryan Stewart	C-1	Crab Shack Vendor	N/A	N/A	N/A



C/U
 Applications
 – 1-Mile
 Radius
 (Eastern
 portion)

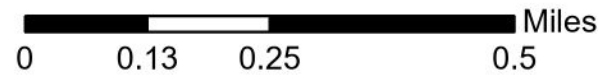


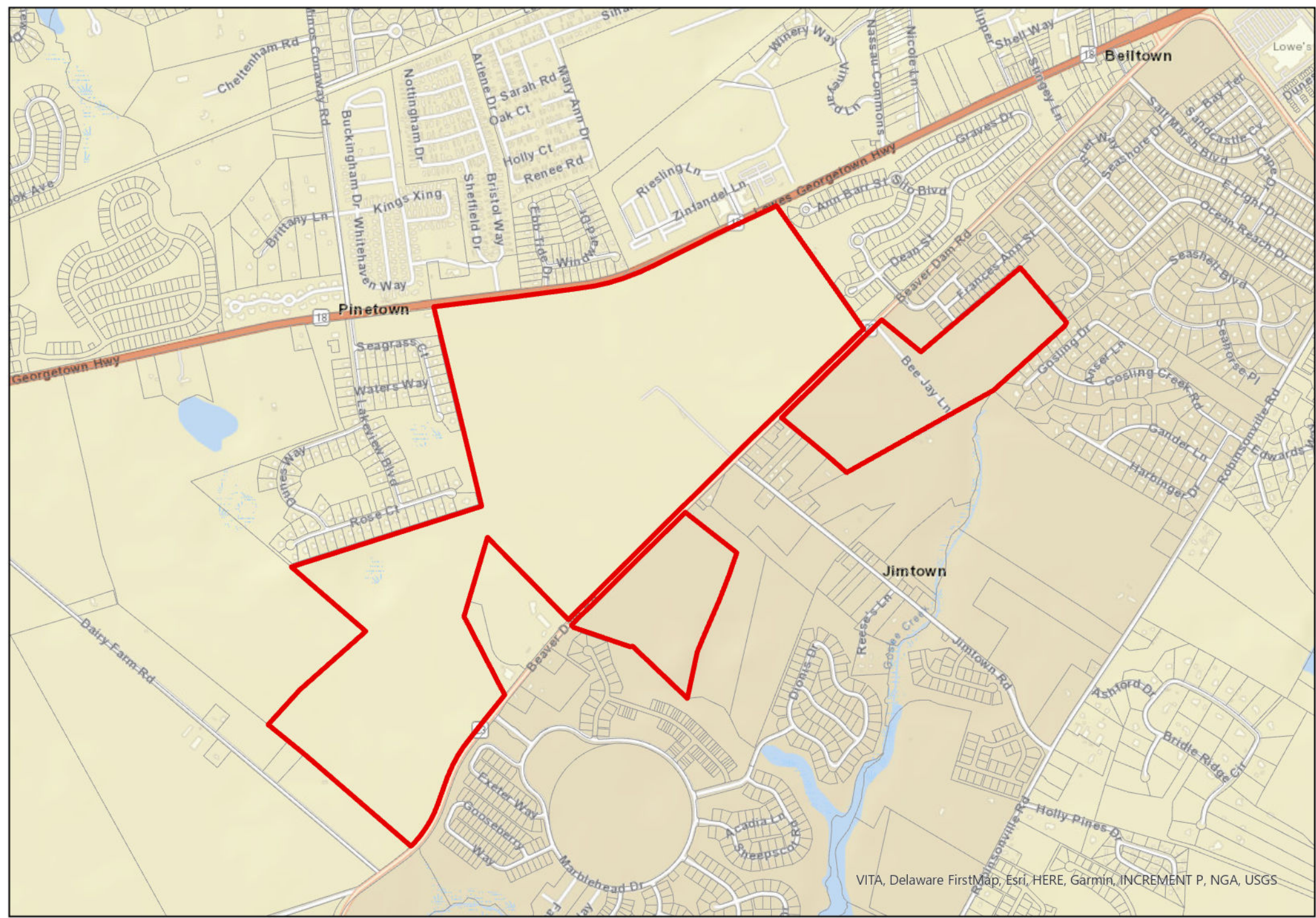
C/U
 Applications
 – 1-Mile
 Radius
 (Western
 portion)



CU 2499 - Northstar Property LLC
Aerial Map
TM# 334-5.00-175.00

 CU 2499 Northstar Property





CU 2499 - Northstar Property LLC
Street Map
TM# 334-5.00-175.00

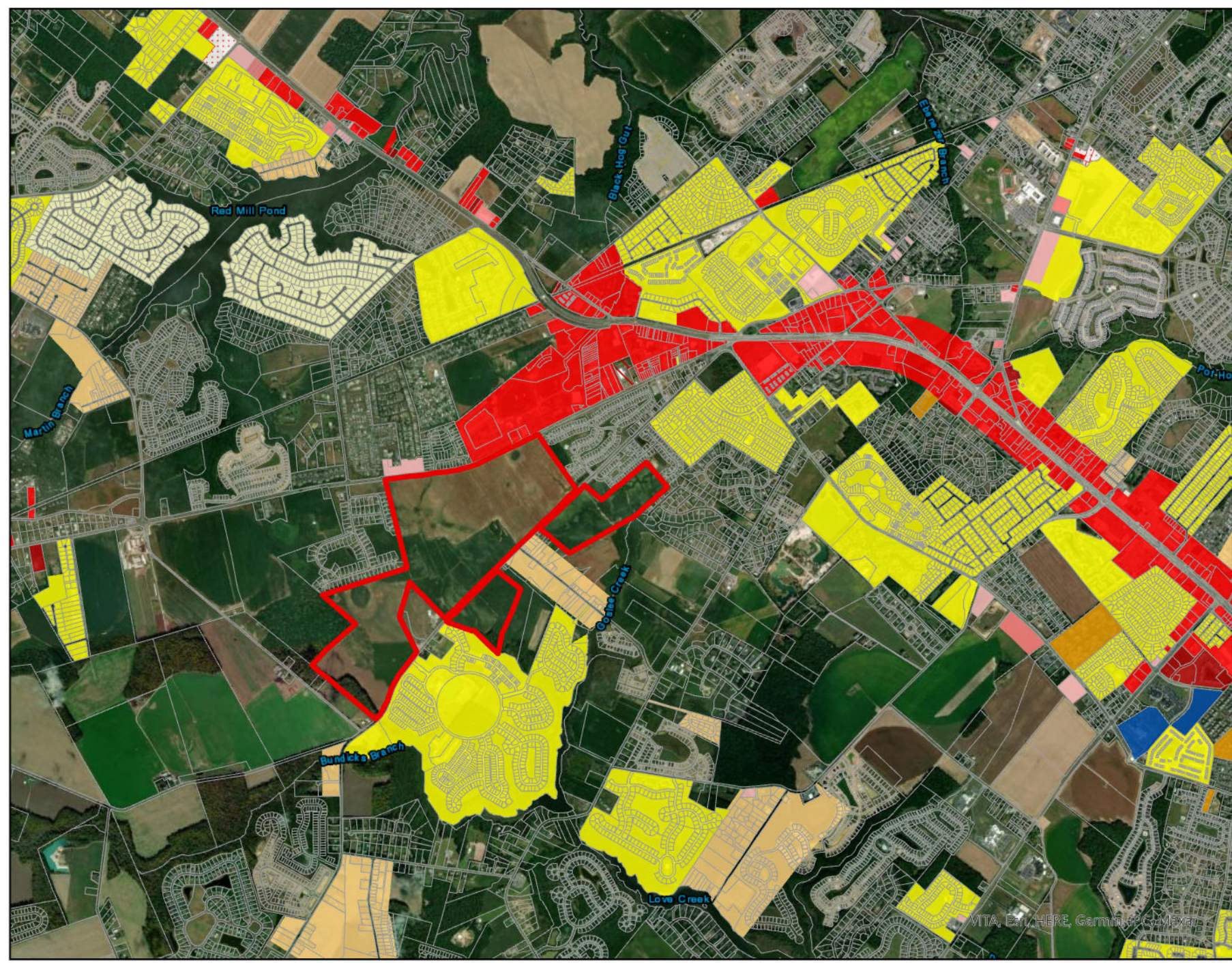
 CU 2499 Northstar Property




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

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



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 5th 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.