

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

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 234-23.00-270.00**

WHEREAS, on March 9<sup>th</sup>, 2020, the Sussex County Planning and Zoning Office received an application for Change of Zone No. 1922

WHEREAS, the Sussex County Council will consider Change of Zone No. 1922 from a B-1 Neighborhood Business District, C-1 General Commercial District and CR-1 Commercial Residential District to a HR-RPC High Density Residential District Residential Planned Community for certain parcels of land lying and being in Indian River Hundred, Sussex County, containing 31.11 acres, more or less (The entirety of Tax Parcel No. 234-23.00-270.00) (the “Property”); and

WHEREAS, the Property is designated as being within the Commercial Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and the Commercial Area does not permit such HR-1 Zoning; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendment to the Future Land Use Map contained in the Plan.

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

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 234-23.00-270.00 from the Commercial Area to the Coastal Area. The Sussex County Parcel No. 234-23.00-270.00 so changed is identified in Exhibit A, attached hereto and incorporated herein.

**Section 2.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.



# Sussex County

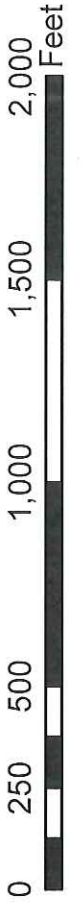


**Exhibit A**  
**Future Land Use Map Amendment**  
**234-23.00-270.00**



**Legend**

- Subject Parcel
- TaxParcels





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Jamie Whitehouse, AICP  
Director, Department of Planning & Zoning  
Sussex County  
2 The Circle  
P.O. Box 417  
Georgetown, DE 19947

RE: PLUS review 2021-06-10; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would change the Future Land Use Map for 4 parcels from the Commercial Area to the Coastal Area.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

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

These parcels were reviewed through PLUS as 2019-05-09, Baywood Gardens, which was reviewed for a 514 unit apartment complex. This PLUS application included parcel 234-23.00-270.00, 273.01, 273.02, 273.03, 273.05. At this time all parcels, with the exception of 234-23.00-270.00 is already in the Coastal Area according to the Sussex County Comprehensive plan.

Parcel 234-23.00-270.00 is surrounded by Coastal area and is currently slated for a higher use, commercial. It is also within levels 2 and 3 according to the Strategies for State Policies and Spending. The state has no objections to the amending the comprehensive plan to include 234-23.00-270.00 in the Coastal Area.

Please note that not objecting to the amendment does not constitute support from state agencies for future development. If it meets the PLUS criteria, any future development not already reviewed through PLUS would need to be reviewed for state agency comment.

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

- PLUS 2021-06-10 – This amendment would facilitate two developments known collectively as parts of Baywood Gardens. In November 2019 and December 2020, DelDOT provided comments on Traffic Impact Studies for those developments. Copies of those comments are available at [https://deldot.gov/Business/subdivisions/index.shtml?dc=Traffic\\_Studies](https://deldot.gov/Business/subdivisions/index.shtml?dc=Traffic_Studies).

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

- DNREC reviewers are not in support of this change as the intensity of use allowed in the Coastal Area is inconsistent with the resource constraints on site. In areas zoned as Coastal Areas, the density could be up to 12 units per acre. In addition, heavy commercial uses are allowed in this area.
- A Wellhead Protection Area lies within Parcel 234-23.00-270.00. Wellhead Protection Areas are the surface and subsurface areas surrounding a water well, or a public water supply wellfield. Contaminants leaching into the soil have the potential to reach the water supplies in these areas.
- Groundwater Recharge Areas are located on parcels 234-23.00-273.01, 234-23.00-273.02 and 234-23.00-273.03. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.
- Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

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

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

Parcel#: 234-23.00-270.00:

- Prehistoric archaeological potential is low to moderate. The area is almost completely well-drained soils, but it is just outside of favorable distance to a water source (Guinea Creek). Southern half of parcel has been disturbed, but the norther half has seen limited change. Moderate potential up north, but still not completely favorable.
- Historic archaeological potential is low. The location of the John J. Williams Dwelling at the southern border would have made it high in that area, but there appears to be a large amount of ground disturbance and earthmoving between 2002-2007, and the house has since been demolished according to Oct 2019 Google Street view. No other structures appear to be on the parcel. Any historic remains found in the middle of the parcel where ag fields were would likely be field scatter.

Parcel# 234-23.00-273.01:

- Prehistoric potential is low. Despite well-drained soils, there is no water source within favorable distance to the parcel. Some ground disturbance from deforestation and reforestation as well.
- Historic archaeological potential is low. No structures that are shown on historic maps, aerials, or topographic maps. Seems to have been either partial ag field or forested continuously.

Parcel# 234-23.00-273.02:

- Prehistoric potential is low. Despite well-drained soils, there is no water source within favorable distance to the parcel. Some ground disturbance from deforestation and reforestation as well.
- Historic archaeological potential is low. No structures that are shown on historic maps, aerials, or topographic maps. Seems to have been either partial ag field or forested continuously

Parcel# 234-23.00-273.03:

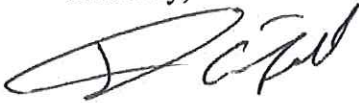
- Prehistoric potential is low. Despite well-drained soils, there is no water source within favorable distance to the parcel. Some ground disturbance from deforestation and reforestation as well.
- Historic archaeological potential is low. No structures that are shown on historic maps, aerials, or topographic maps. Seems to have been either partial ag field or forested continuously.

PLUS review 2021-06-10  
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Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Edgell', written in a cursive style.

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