

MINUTES OF THE REGULAR MEETING OF **July 17, 2024**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, **July 17, 2024**, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 1:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Holly Wingate, Mr. Bruce Mears, Mr. Brian Butler, and Mr. Scott Collins. Also, in attendance were Mr. Jamie Whitehouse – Planning & Zoning Director, Mr. Vincent Robertson – Assistant County Attorney, Ms. Lauren Devore – Planner III and Ms. Jessica Iarussi – Recording Secretary.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

PUBLIC COMMENT

Ms. Adele Jones stated that she is a Sussex County resident, born and raised, and she wanted the Commission to know that she thinks the overdevelopment of Sussex County is ruining the quality of her life.

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission stating that this explanation is a little different because of the unique circumstances we have and the nature of the public hearing scheduled before the Sussex County Planning Commission; that these proceedings are conducted by the rules of the planning and Zoning Commission and being silently broadcast on the Internet at sussexcountytde.gov; that Sussex County, and its zoning and land use decisions does not discriminate persons based on race, color, religion, national origin, source of income, handicap or disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity. Public comments made based on bias or stereotypes concerning people within these protected classes will not be taken into account by Sussex County and its deliberations. All Commission matters are discussed and voted on publicly and in open meetings everyone present is invited to stay throughout the Commission meeting to view the Commission deliberate and the votes on the pending applications. Everyone in attendance must conduct in an orderly fashion, no applause or other disruptive behavior is permitted. Please do not distract from these proceedings and we ask that you follow the terms of the chairman. Also, if you have a telephone or similar device, we ask that you turn it off or switch it to silent. Today's hearing will be conducted follows, first, although there are technically 4 separate hearings on the agenda, the Commission is going to consider them all during a single presentation. That means that the applicant will make a single presentation about the entire project that includes all four applications. Likewise, there will be a single opportunity for public comment on any aspect of the

four applicants, however, the Commission will act upon each application separately. The agenda also mentions that there will be a recess in the middle of the actions, since all four applications will be consolidated into a single hearing, the chairman will determine the appropriate time for recess. Once we get started with the hearing, each of the four applications will be announced by the chairman and then the director will review the applications and describe the comments or correspondence that has been received for all of them. Then, because this project is located in the Henlopen Transportation District, we have asked DelDOT representatives to give a brief presentation on the TID for the benefit of the Commission and the public, so this information is on the record. This presentation by DelDOT will occur before the applicant makes their presentation. The DelDOT represents will also be available throughout most of the hearing. If there are any follow up questions that are that arise as a result of the applicant's presentation or publication. On behalf of the Commission, we thank DelDOT and its representatives here today for their willingness to participate in the county's planning and zoning. After DelDOT's presentation about the TID, the applicant will present and explain its application to the Commission and the applicant may present any exhibits and testimony in support of the applications, the Commission may question the applicant and its witnesses at any time After the applicant's presentation, the chairman will invite public comment. People who wish to speak in favor of the application will go first, followed by any opponents to the application. Sussex Preservation Coalition has a presentation to make with speakers so we will allow them to make their presentation first, then if a spokesperson or an attorney representing another organized group they can speak next, followed by anyone else who wishes to speak. I should point out that there is additional space set aside in the building for overflow attendance with audio and video feeds of the hearing. There is county staff available in these areas. Anyone watching the hearing from these should notify county staff if they wish to speak so that they can come to this room and give comments at the podium and on the record. For those of you who wish to speak, we ask them to come to the podium and identify yourself with name and place of residence for the record. We ask that you be concise in your statements and avoid being repetitious. If there is more than one witness in favor of or in opposition to these applications, please do not repeat points that a prior has already stated. Please understand that it is the quality of the testing, not the quantity of it that is persuasive. The chairman has the ability to set reasonable time limits on testimony from the applicant and the audience and authority to terminate testimony from anyone when that testimony is irrelevant or undulating. No direct questioning or cross examination of the applicant, from supporters or opponents, will be permitted. Any questions should be directed to the Commission, and they will direct the question to the appropriate person if necessary. At the conclusion of today, the Commission may take action on each application or defer a decision on each one until a later date. Once the record is closed, the Commission, on my advice, will not read or respond subtly to any mail, e-mail or other communications or conversations about applications. The Commission's decisions will be based solely on the record from the public hearing.

C/Z 2025 Northstar Property, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3

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

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

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.

C/Z 2026 Northstar Property, LLC

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

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicant survey and rezoning plan, a copy of the applicants 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.

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.

2023-14 Northstar Property, LLC

A Coastal Area cluster subdivision to divide 379.042 acres +/- into 758 single-family lots to be located on a certain parcel of land containing 433.071 acres as recently surveyed or 419.64 acres as scaled and shown on the Sussex County Tax Map lying and being in Lewes and Rehoboth Hundred, Sussex County. 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). Zoning: MR (Medium Density Residential).

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicants preliminary subdivision plan, a copy of the state plus response letter, a copy of the applicants exhibit booklet which contains a phasing plan, a copy of the Environmental Assessment and Public Facilities Evaluation reports, a copy of the applicants Chapter 89 written response, a copy of the applicants response to the plus comments, a copy of the DelDOT traffic TID participation letter, a copy of the applicants archaeological assessments, a copy of the applicants design review submittal, a copy of a forest delineation report, a copy of the applicant's drainage assessment report, a copy of the applicants resource buffer management report along with an ability to serve letter and the proposed deed restrictions for the subdivision; a written waiver request letter regarding grading, within the packet we have the Technical Advisory Committee comments that have been received, including written comments from the state historical and Cultural Affairs Division, a copy of a letter received from the Sussex County Engineering Department Utility Planning Division, a letter from the US Department of Agriculture, a letter from the state Fire Marshall's office, a letter from Delaware Electric Co-op, a letter from the Delaware Division of Public Health, a letter from the division of Watershed Stewardship, a copy of the Staff review letter and the applicants response to that staff review letter and for the subdivision we received 73 written responses, including a 258 signed signature petition.

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 **2023-14 Northstar Property, LLC**. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 5 - 0.

C/U 2499 Northstar Property, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR - MEDIUM DENSITY RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS. The property is lying on the southeast side of Lewes-Georgetown Highway (Rt. 9) and the northwest and southeast sides of Beaver Dam Road (S.C.R. 285/Rt. 23) approximately 2.4 miles

southwest of Coastal Highway (Rt. 1). 911 Address: N/A. Tax Map Parcel: 334-5.00-175.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicants conceptual site plan, a copy of the applicants 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 of Lewes Georgetown Highway, Route 9 and the South West frontage of Beaver Dam Rd, Route 23; that the first is classified as a major arterial roadway per the County Code and the second is listed as a major collector per DelDOT's functional classification map; that the TID makes this project unique as typically a project this size would have been required to do studies analyzing dozens of intersections and roadways, including roads that are queued for signals and all of that has been done by DelDOT and their consultants; that Northstar per the TID, was assigned trips for 771 single family residential units and 96,188 square feet of commercial space in consultation with DelDOT; that this project as proposed, is within the threshold of the assigned and planned trips for this property; that the project will be required to enter into a recoupment agreement with DelDOT, and the agreement shall be recorded with Sussex County Recorder of Deeds prior to final plan approval; that there are several projects within the TID, but specifically the ones that are along our property limits are the widening of Lewes Georgetown Highway, US Route 9, and the widening of Beaver Dam Rd along the Northstar southern frontage as part of the Traffic Improvement District and will be done before 2045; that the creation of the Mulberry Knoll Rd, which would include two (2) eleven-foot wide travel lanes, 8-foot shoulders/shared use path and an open drainage ditch is the third project within the TID; that the portion of the Mulberry Knoll Rd that goes through the Northstar Project is not required to be completed by the developer; that the developer offered to build that road as part of this project, recognizing the need for the extension on Burnell Road and by building that up in lieu of paying cash; that this will help push along DelDOT to finish the other parts of the road that's been identified; that the review of the floodplain map shows no wetlands as of 2015, but when Mr. Ed Linnae completed a wetlands delineation he found some differences in the mapping; that those findings were submitted to the Army Corps of Engineers for review; that the soil survey was done and the soils on site are suitable for all four applications; that there is an Ag Preservation with the wetlands delineation plan in it; that due to the environmental features, a drainage assessment

report was required to be completed, a resource buffer management plan was required to be prepared, and the resource buffers and other protections that are referenced in the preliminary plan are listed; that Conservation A is an area of non-regulated wetlands, then there is a proposed 35 foot wide buffer, of forestation, as we plan on a foresting that area and then additional land that would be forest staying protected as part of the conservation easement for the plan; that Conservation B contains some wetlands with a 30 foot wide existing forested buffer that will be retained in full and other areas that will remain; that Conservation E contains regulated wetlands with an Ag crossing in it and we will improve it slightly as part of this project with a 30 foot wide resource buffer and expanded that to 45 foot wide as mitigation for the impact of the wetlands and the resource buffer that would not exist in that area; that there was a couple waivers requested this, first being a waiver regarding to signage for resource protection and buffers; that the code currently requires 100 foot spacing and we're requesting that increment be changed to be 200 feet versus the required 100 feet; that there's some forest in this area classified as Tier 3 forest; that the report found there were no specimen trees on the property, specimen trees are trees that are specific with certain caliber diameter or a species, none of those were found on this property; that an archaeological assessment was completed by Doctor Ed Otter, and the developer hired Foresight Associates to review this preliminary plan and their letter and the design intent is to create ecological corridors with natural landscaping to minimize the need for grass cutting and providing ecosystems and vibrant recreational areas throughout the site; that as for the site itself, the cluster subdivision with the perimeter buffer is this outer edge around the side including BJ Lane; that we provide a varying width buffer along that outer boundary with all lots located outside the 30 foot forested buffer where appropriate and/or the 50 foot agricultural buffer; that there are agricultural lands that require a 50 foot buffer per the code; that all lots except those along BJ Lane and those east of the stables are located at least 50 feet from the outer boundary, including areas that are both wooded and non-wooded, if you have a wooded parcel, we have a 30 foot forested buffer and another 20 foot space before lot line begins so the lots are at least 50 foot off the outer perimeter line; that the reason there's not a 30 foot landscape buffer along BJ Lane as the code only requires a 30 foot buffer where lots abut an agriculture area and where their dwellings are located within 50 foot of existing residential development, BJ Lane did not qualify for that; that we have a 20 foot buffer from BJ lane within that section of the roadway; that as the proposed buffer as defined with the number of trees will add over 2400 trees just in the buffer area alone; that the property contains approximately 28.1 acres of woodlands that are split into four areas and we are preserving approximately 23 acres of those woodlands and the areas that are being removed will be replenished, while preserving to the max and practical in those areas; that all lots abut open space throughout the community, there are no lots that are back-to-back and every lot will have open space as their backyards; that Mulberry Knoll Rd. extended will be built, designed, constructed and accepted by DelDOT and will be a state maintained roadway and all other roadways in the community will be designed for public use, but privately maintained and designed and approved in accordance with Chapter 99 of the Sussex County Code; that the East West spine route will not have any lots directly accessing it and will act like a boulevard; that it will consist of 28 foot wide paved roadways, eight foot wide shared use path, tree lined streets and a drainage channel with naturalized planning to provide stormwater management as it bisects the property; that stormwater will travel in a North South direction from Route 9 to Beaver Dam Rd.; that the rest of the roadway will be 24 foot wide with a shared use path on one side and on the other side

a shared use path linkage from Mulberry Knoll Rd. extended all the way down to Beaver Dam Rd.; that all other roads will be 24 foot wide and have 5 foot sidewalks on both sides of the road; that the proposed open space is approximately 166.5 acres of land, or approximately 44% of the project area; that all active open space amenities include two clubhouses, one with the minimum size of 3000 square feet and the other minimum size of 5000 square feet; two pools, one with the minimum water surface area of 1800 square feet and the other minimum water surface area of 2250 square feet, a splash pad or kiddie pool, free sports courts, four playgrounds and four open play areas; that the locations of the active amenities will be shown on the final subdivision plans and those amenities will be separately approved through the site plan process; that there are several pedestrian connections throughout the community that links all the way to that central open space, linking all the spaces together to create a pedestrian friendly neighborhood; that affordable community application site plan consists of four buildings for a total of 94 affordable housing units; that three buildings each have 24 units and one building has 22 units located on 12.69 acres of land; that the amenities for that project will include a playground, unorganized play area, bike lockers, maintenance shed and the backup generator; that building #4 is the 22 unit building that is designed as a resiliency center and also where they have areas for kids to join after school programs; that the resiliency center is provided with backup power, so the residents will have access to heat/air, kitchen equipment, plus the ability to charge cell phones, etc. and be able to subside and communicate during a power outage; that the site will be constructed in two phases, with two buildings constructed in each phase; that in discussing phasing. the residence cluster division will be approved and constructed in phases; that it will change as we get into conversation with DelDOT about improvements, sewer, water and light; that the reason why Mulberry Knoll Rd. is a separate project is because it's a lot of work to workout with DelDOT through that approval process; that this is why the phasing is going to change, the timing, etc.; that it will all be discussed during the plan approval process and the record plan phasing notes and products required, including the recruitment agreement as far as what's going to constructed in kind versus cash contribution; that it would be two years at least before the final plan approval would go through, but based on the economy there is no set time frame for the build out on this project; that the Mulberry Knoll Rd. phase of the project is currently scheduled as the 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 plans of metals; that we should seek a quick clarification to clarify that requirement; that the bulk grading plan would not be an appropriate tool to require for the preliminary plan; that when I reviewed the plan the engineering department is on record that “A”, it's an oversight from 2017 and “B” that the bulk grading plan is not the appropriate one and it's not asked for, it says a grading plan, so we need to tie it into our own three tier grading system; that for the record, that's what the engineering department and the Planning department agree upon; that the preferred way to show this at this level would be detailed existing grade, so you can gauge the impact of certain roadways, where they cross, where they get cut, where they have fields; that the bulk grading plan has very specific requirements, very detailed requirements in terms of what has to be shown on them and that gets submitted in the first engineering review; that if you have a multi-phase project you would get the bulk grading plan for the entire site and the detailed grading plan for phase one; that we have a common dashboard with DelDOT which tracks DelDOT off site and entrance plan requirements and permit requirements based on building permits; that Mulberry Knoll Rd. in all construction could be similar and could be tracked on our common dashboard; that for example, if the Commission adds a particular threshold we could track that on the common dashboard and the dashboard has in the past prevented building permits from being issued and we have checks and balances in place between the Department of Transportation and the County; that it's real time, as a building permit is issued, the dashboard is updated on both sides.

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

Recess

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

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

Space ordinance and we contest the C3 zoning as the appropriate for the commercial area; that it should more appropriately be B1 or C1.

Mr. Rich Barrasso, co-founder of SARG, spoke in opposition to the application in regards to transportation/traffic around the Northstar project; that they want to discuss the Henlopen TID, the Capital Transportation Program (CTP) and the Route 9/SR 16 corridor study; that there is confusion on why the 2018 (2021-2026 CTP) is used in relation to the Northstar project and not a newer one since 2 more have been completed; that the level of service that exists today for intersections in the proposed area is better, worse or the same as when this study was done; that in the coordination manual Section 2.41, it state a Transportation Improvement District is a geographic area defined for the purpose of securing required improvements; that the first section in the manual with regards to transportation improvement districts refers to what is required as elements of the of the TID; that the first required element is that a land use, transportation plan or an LUTP be completed for the TID; that it is a forecast identifying the improvements needed to bring all the roads and other transparent facilities in the TID to applicable state or local standards; that the LUTP should consider what is the existing land use of a specific date?; that Development approved and/or recorded but not yet built as of that date. The development expected or in the land development process, but not approved as of that date and then develop and not proposed but projected; that the manual references the LUTP, is it the same thing that was referenced earlier relative to the 2022 analysis of the TID, because there was no reference by the developer or by DelDOT with regards to this requirement of an LUTP; that the LUTP speak to service standards as outlined in the manual; that it states that service standards must be established for the TID and the creation of the LUTP to specify what is considered adequate transportation infrastructure; that if you use the LUTP to update the TID, since it's five years since it was implemented, have you identified what the levels of standards are today or at the time that it was updated; that it establishes a baseline of what the level of standards at any intersection in the impact area; that the manual refers to a monitoring program that states it may be appropriate to make transportation improvements gradually overtime; that the TID agreement should include a program for monitoring conditions in the TID, involve tracking land development, transportation improvements, and the need for transportation improvements in the TID, and it will provide information necessary for updates of the LUTP; that the manual talks of a build out analysis and it states while it is possible to create a TID considering only a target horizon, examination of conditions when all land in the TID is considered to be fully developed can often be useful in the planning process; that if build out analysis is to be done, the TID agreement should specify what degree of development is considered to be the build out and what use is it to be made of in the results of the analysis; that does the LUTP have all the elements needed; that the TID agreement between DelDOT, the County and the developer states that in exchange for following the payment schedule, homes and commercial space constructed and the developer would get something in exchange; that two very important pieces of exchange were stated was that the developer would not be required to submit a TIS and the developer would not be required to phase, so construction could start immediately; that with a TIS there would be a queuing analysis and a safety analysis and because they are located within the TID none of that would be required by the County; that in terms of the Capital Transportation Program (CTP), what is the infrastructure plan for this area;

that there are over 100 different projects that are in the DelDOT CTP program and Northstar is ranked #7 with the US9 widening Ward Ave. to old Mine Rd.; that preliminary engineering Right of Way is planned between 2025 and 2026 with construction to begin in 2027 and then completed around 2030; that Mulberry Knoll Rd. Cedar Grove Rd. To US 9. Old Vine and Vineyards extension, the preliminary engineering doesn't even start until 2028, with no construction on that based on the CTP until sometime into the early 2030s; that Beaver Dam Rd. widening SR.12 Farm Rd. has no construction, based on its rank at 88 in the 2025-2030 CTP, until after fiscal 2030; that the analysis says there is no phasing to be done which means 5-8 years of "D" or less level of service; that a level of service of "D" means barely acceptable; that DelDOT should state what phasing is appropriate for the subject land use application and clearly state those phasing requirements to Sussex County so that Sussex County can clearly incorporate them into its various approvals as appropriate; that the County cannot act alone on requiring phasing they would need DelDOT to say phasing is appropriate and allow the County to incorporate phasing as part of the approval process; that the TID places restrictions on the ability of the County to require phasing and places restrictions in terms of how much of an impact study can be required; that the County in cooperation and guidance of DelDOT, can determine if phasing is appropriate; that the US9 SR16 Coastal Quarter study initiated in 2019 with the final report completed last month, which focused on identifying transportation solutions for East-West routes in Sussex County, including SR.16 US.9, 113 and SR.1; that these roadways are East-West corridors in the northern part of Sussex County that are currently congested or at risk for congestion based on anticipated growth; that this study was initiated in 2019 and was finalized in 2024 and is available to view on the State website; that there were three key recommendations, but the one that is relevant to this application, which is accommodating traffic growth on US.9; that US 9/SR.5 is the most congested signal lighted intersection in the planning area and is forecast to be at or near capacity by 2050 without improvements; that when DelDOT makes its projections they set the timeline into 2045; that their assumption on terms of traffic growth as stated in the study is 0.6% a year; that at 0.6% a year, you could be safe until 2045, but why would we use an assumption of 0.6% growth when we have information that traffic is increasing more than the 0.6%; that if we have current active applications that in terms of the impact, the threshold for dualizing a highway in Delaware is 20,000 vehicle trips a day and we're at 17 right now with current conditions and add 13,000 more; that DelDOT provided information through a software system called Synchro Delay Data; that there is data on US.9/SR.30, Sweetbriar/US9, Sweetbriar/Dairy Farm, Airport Rd/Park Ave./SR.5, Hudson and Fisher, but no sync data on Beaver Dam and the new roundabout that was just completed, Beaver Dam Road and Dairy Farm Road and the US.9 at Old Vine; that that's the type of information that a TIS would provide; that the Synchro Delay Data will be helpful in terms of land use on Route 9, but it's not the complete pick; that some specific recommendations have the likelihood to potentially require. Sussex County Land use code changes in the future; that one is widening US9 and at SR.5; that the study states it's near impossible to dualize Route 9 at the intersection of SR5 and US9; that DelDOT has real concerns about the ability to dualize Route 9 at that intersection, which includes a cemetery and it will have an impact on anything East or West of that intersection; that a second recommendation is to conduct an analysis to determine appropriate set back requirements along US9 between. Georgetown and SR1; that currently building setbacks along US 9 vary based on the zoning of the parcel, with a minimum front yard setbacks of 25 feet up to 60

feet; that the study is going to look at those setbacks relative to where they may widen and are we approving developments whose setbacks based on current codes are inappropriate; that the state is going to review what the setbacks should be based on their view and then come back to sizes can say what possibly can you do with regards to your zoning codes; that the third recommendation is to explore code revisions to reduce the extent to which parking and stormwater facilities are permitted in the front yard setback; that current subdivisions have these wet ponds that are too close to the road and in terms of the potential for widening roads going forward, there's likely to be some action coming down from these recommendations; that if commercial parking lots are too close to the road, there's probably going to be more stringent requirements for those going forward too; that our recommendation is to pause any decisions on the Northstar development until the completion of the US9 2024-2025 Coastal Quarter study; that the next 12 months they're going to be looking at US9 based on the original study; that NorthStar's residential commercial construction must be coordinated with completion and operability of barrier road improvements in the CTP; that any type of phasing puts a tremendous burden on the developer and the developers financiers, but not doing it puts an even more greater burden on the public.

Ms. Jill Hicks spoke on behalf of Sussex Preservation Coalition in opposition to the application; that she was entering into record a petition with 827 signatures in opposition to the application; that the letter from DelDOT states that they approve improvements needed for the area around the application but not the traffic impact over the entire corridor or roadway; that she going to walk through observations and recommendations regarding the application, the remarkable safety risks posed by the plan, why the plan does not meet superior design standards, the impact of the surrounding communities and the overkill of the C3 zoning request; that this plan asked us, scribed by its own application, as a mixed-use community should have been therefore submitted and reviewed as an RPC; that the staff review letter recommend that the applicant consider submittal of this project as a residential plan community, RPC, rather than a series of four separate applications; that the applicants response was this applicant considered and appreciated staff's recommendation, but intends to leave the project as four separate applications, with no reason given no explanation, not even a counter reply; that the developer applies as a Mixed-use Community, rides the coattails of the affordable housing units to expedite the so-called mixed-use project, and then after it receives the expedited status, separates the project into four separate pieces; that the affordable housing that was expedited in the first place will have no access to the amenities of the community and cannot be a part of the HOA; that it's a bait and switch, the ploy of offering something desirable to gain favor then thwarting expectations; that The Willows at Northstar is a part of the community by name only; that The Willows are segregated from the community, geographically and by conditions of exclusion; that what is the plan if the states workforce housing plan falls through? Does the entire project continue? Where does the connection begin? And what is the status of the funding after initial postponement of the P&Z hearing in March, where deadlines missed, according to a letter between developer and Ingerman dated December 4th, part of the funding is proposed to be accomplished through low income housing tax credits from the Delaware State Housing Authority and the applications are due in April 2024, which has come and gone; that having to wait a year or more to be able to seek the low income housing tax credits from the Delaware State Housing Authority would be a

considerable setback in the timing of opening the doors to these proposed apartments for low and moderate income households in need of affordable housing; that will The Willows at Northstar be funded and built first, as promised by the developer? And what is the funding status?; that SPC recommends two options regarding this dilemma, first, is to expedite the entire project as an RPC, as requested by planning and zoning staff to provide a holistic approach to the mixed-use project as it should be a level playing field for all developers and second option would be to proceed with separate applications as filed, expedite the MR application for the affordable housing, but the cluster subdivision and the C3 go back into the queue 14 to 17 months after the filing date of December 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/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.

Chairman Wheatley discussed keeping the record open at the request of the public and how there needs to be an actual reason to leave the record open; that once there is an established reason then the Commission can consider this.

Ms. Wingate stated that there were conversations between herself and the school district concerning the increased number of students and how the district is already at capacity on all schools except the new middle school and the new elementary school.

The Commissioners discussed the build out of Mulberry Knoll Rd. and the need to get answers from DelDOT about timing and phasing and to possibly come to an agreement about the process of getting this part of the project completed right away as it is a request of the Fire Department as well as the public.

Meeting adjourned at 7:29 p.m.

Planning and Zoning Commission meetings can be monitored on the internet at www.sussexcountyde.gov.
