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**Sussex County**

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JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

March 14<sup>th</sup>, 2024

Mr. Jason Palkewicz, P.E. LEED AP  
Chief Executive Officer  
Solutions IPEM  
303 N. Bedford Street  
Georgetown, DE 19947

By email to: [jpalkewicz@solutionsipem.com](mailto:jpalkewicz@solutionsipem.com)

RE: Notice of Decision Letter for Conditional Use C/U 2402 McKee Builders, LLC (Lilyvale) for multifamily dwellings (174 townhome units) on a parcel lying on the west side of Central Avenue (Route 84), approximately 0.25 mile east of Peppers Corner Road (S.C.R. 365) and consisting of 51.23 +/- acres  
Tax Parcels: 134-19.00-13.00 & 13.04

Dear Mr. Palkewicz,

At their meeting of **Tuesday, February 6<sup>th</sup>, 2024**, the Sussex County Council **approved** the **Conditional Use (C/U 2402 McKee Builders, LLC (Lilyvale))** Application for **multifamily improvement (174 townhome units)** filed on behalf of McKee Builders, LLC. The Conditional Use shall be substantially underway within three (3) years of the County Council approval otherwise the Conditional Use shall expire. A Site Plan showing the conditions of approval shall be reviewed and approved by the Planning Commission prior to commencement of the use on the parcel. This approval is subject to eighteen (18) conditions, and they are as follows:

- A. There shall be no more than 174 units within the development.
- B. Approximately 29.78 acres or 58.1% of the site shall remain as Open Space.
- C. All entrances, intersections, roadways, and multimodal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.
- D. All recreational amenities including the pool, deck, clubhouse, and dog park shall be completed in accordance with the Sussex County Zoning Code.
- E. Central sewer shall be provided to the development. The developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- F. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- G. Approximately 97% of the existing woodlands on the site shall be preserved. These areas shall be marked on the Final Site Plan clearly as "Non-Disturbance Areas" on the site itself.
- H. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.



- I. Interior street design shall comply with or exceed Sussex County standards.
- J. Road naming and addressing shall be subject to the review and approval of the Sussex County Geographic Information Department.
- K. The developer shall consult with the local school district's transportation manager to determine if a school bus stop is necessary. If it is, the location of the bus stop shall be shown on the Final Site Plan.
- L. Construction, site work, and deliveries shall only occur on the site between the hours of 7:30AM through 7:00PM, Monday through Friday, and between 8:00AM and 2:00PM on Saturdays. No Sunday hours are permitted. A 24-inch by 36-inch "NOTICE" sign confirming these hours in English and Spanish shall be prominently displayed at the site entrance during construction.
- M. The Final Site Plan shall include a Landscape Plan for the development showing the proposed tree and shrub landscape design, including the buffer areas. The Landscape Plan shall identify all "Limits of Disturbance" within the site and these "Limits of Disturbance" shall be clearly marked on the site itself. The Landscape Plan shall also include a planting schedule for all buffer areas.
- N. The Applicant shall form a Homeowners or Condominium Association that shall be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities, and Open Space.
- O. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- P. The recorded Final Site Plan and recorded condominium documents (including the Declaration Plan) shall state that hunting activities existing on nearby properties.
- Q. There is a Tax Ditch with Tax Ditch Easements that runs through this site. The developer shall verify that it is in compliance with all existing or modified Tax Ditch easements and other requirements.
- R. The Final Site Plan shall depict or note these Conditions of Approval and it shall be subject to the review and approval of the Sussex Planning & Zoning Commission.

The Final Site Plan shall be prepared by a licensed Delaware Surveyor or Engineer and shall contain the Conditions of Approval on the plan. The Final Site Plan shall be approved prior to the commencement of the use on the property. The Site Plan shall be reviewed and approved by the Planning Commission. Agency approvals include but are not limited to: the Delaware Department of Transportation (DelDOT), Sussex Conservation District, and the Office of the State Fire Marshal, Delaware Department of Natural Resources and Environmental Control (DNREC) (in relation to the reduction or relocation of any Tax Ditch Rights-Of-Way (ROW) on the property), the Sussex County Engineering Department (for sewer provision to the property).

Please submit a minimum of two (2) full size paper copies and an electronic copy (PDF) of the Preliminary Site Plan to the Planning and Zoning Office for review.

An approved copy of the Ordinance granting approval of the Conditional Use will be sent to you from the Clerk of Council.

Please feel free to contact the Planning and Zoning Department with any questions during business hours 8:30 a.m. to 4:30 p.m., Monday through Friday, at (302)-855-7878.

Sincerely,

A handwritten signature in black ink that reads "Lauren DeVore". The signature is written in a cursive, flowing style.

Ms. Lauren DeVore, AICP  
Planner III

CC: Ms. Susan Isaacs, Sussex County Engineering Project Coordinator Engineering – Public Works  
Mr. Andy Wright, Chief of Building Code – Sussex County Building Code  
Mr. John Ashman, Director of Utility Planning & Design – Engineering  
Ms. Denise A. Draper, Clerk IV – Constable's Office  
Mr. James A. Fuqua, Jr., Esquire – Attorney - Fuqua, Willard & Schab, P.A.