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Sussex County

DELAWARE
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PLEASE NOTE

This paperless packet is published on the County's website for convenience purposes, and only includes information received up to the close of business on the day before a public hearing. Documents received after this, or documents submitted during the public hearing are not uploaded to the Paperless Packet. The legal record is the paper record maintained in the Offices of the Planning & Zoning Department.



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



January 21, 2023

Thomas Natelli
Forest Landing Communities, LLC
tommy@natelli.com

RE: Bay Forest Club - Sprogell Infill Project - Ph. 6

Dear Natelli:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a copy of the approved application form and approved plan sets. Please retain a copy for your use, and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

This plan approval pertains to compliance with the Delaware Sediment and Stormwater Regulations. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at Sussexconservation.org. If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

Jessica Watson

Jessica Watson
Program Manager



CONDITIONS OF APPROVAL

NOTIFICATION

1. This approved plan will remain valid for 5 years from the date of this approval. If construction does not begin within five years, the approved plan will be considered to have expired and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.
2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge stormwater associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.
3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

CHANGES

1. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.
2. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

CONSTRUCTION AND CLOSEOUT

1. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer, and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.
2. Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
3. Keep available onsite, during all phases of construction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.
4. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
5. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any



adjacent watercourse or property owner.

6. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction, and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the Delaware Sediment and Stormwater Regulations.
7. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post-construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.



January 3, 2023

Mr. David L Edgell, AICP
Director, Office of State Planning
Haslet Armory
122 Martin Luther King Jr. Blv. South
Dover, DE 19901

RE: PLUS review 2022-11-09; White Mini-Storage Parcel 152

Dear Mr. Edgell;

Please allow this letter to serve as our response to the PLUS review of the White Mini-Storage Parcel 152.00 property. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and in different font for ease in review.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting.

The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Response: The developer will comply with all Federal, State, and local regulations regarding the development of this property. The developer will comply with all regulations / restrictions set forth by Sussex County.

Strategies for State Policies and Spending

This project is located within Investment Levels 2, 3, and 4 according to the 2020 Strategies for State Policies and Spending.

Based on its location in a Level 2 and Level 3 investment area, this project may be consistent with the 2020 Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and state plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource

protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands, and environmentally sensitive wetlands and, wildlife habitats, which should be, and in many cases have been preserved.

Because development within an Investment Level 4 is inconsistent with the 2020 Strategies for State Policies and Spending, the Office of State Planning is opposed to development in the Level 4 area. Therefore the applicant should concentrate the development of this parcel to the Level 2 and Level 3 area and remove any development within the Level 4 area.

According to Sussex County, commercial storage facilities may be appropriate as a Conditional Use in the Agricultural Residential (AR-1) Zoning District given specific site considerations. To rezone this property for a use that may be allowed under a conditional use would open this land to a wide range of new uses including heavy commercial and manufacturing uses that are of a greater scale and intensity than the proposed storage facility if the storage units do not come to fruition. The county should determine if the uses allowed under the proposed zoning are appropriate for this area.

Response: The site is located within areas of Investment Level 2 and 3. Portions of the site are located with Investment Level 4. It should be noted that the area within Level 4 is primarily limited to the tax ditch area towards the rear of the site. There are limited to no improvements shown in that area on the submitted site plan. The developed area of the site is mainly within the level 2 and 3 areas, which is consistent with the Strategies for State Policies and Spending. The site is also located within the Coastal Area on the Sussex County future land use maps which is identified as a growth area. The proposed plan may be considered light commercial. Which is appropriate per the comprehensive plan.

Code Requirements/Agency Permitting Requirements

Department of Transportation - Contact Stephen Bayer 302-760-4834

- The site access on Vines Creek Road (Delaware Route 26) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.6 of the Manual addresses principles for the location of site entrances.

DelDOT anticipates requiring the developer to align the site entrance with the entrance proposed by PLUS application 2022-11-10, White's Property Parcels 107 & 108 on the southwest side of Delaware Route 26, Tax Parcels: 134-11.00-107.00 and 134-11.00-108.00

- Each segment of State maintained road is assigned a Functional Classification in accordance with the States Functional Classification Map. Definitions of these classifications are found in Sections 1.6.4 to 1.6.8 of the Manual. The existing design of the road is not required to meet the design standards of the functional classification at the time the classification is assigned. All access designs shall meet the standards set forth in the Manual for the assigned functional class of the frontage road and/or affected segment of road. The developer is responsible for improving the segment of road along their site's frontage to meet the design standards of the road's functional class.
 - o Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Kevin Hickman. Mr. Hickman may be reached at Kevin.Hickman@delaware.gov or (302) 760-2461
 - o Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. Using the 11th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates that the subject development, consisting of 17,000 square feet of mini warehousing space, would generate 25 vehicle trip ends per day and estimates the weekday morning and evening peak hour trip ends at 2 and 3, respectively. Therefore, a TIS would not be required.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of Delaware Route 26. The following right-of-way dedication note is required, **"An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will

require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation.**"

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - o Depiction of all existing entrances within 450 feet of the proposed entrance on Delaware Route 26.
 - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required.

- Section 3.5 of the Manual provides DelDOT's requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT maintained public streets for subdivisions. DelDOT anticipates recommending that the County require an interconnection to the commercial property to the west of the parcel, Tax Parcels: 134-11.00-83.01 and 134-11.00-153.00.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Route 26.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Response: The Developer will work with DelDOT and comply with necessary regulation.

Department of Natural Resources and Environmental Control - Contact Clare Quinlan 302-735-3480

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

DNREC reviewers have no objections to the proposed rezoning.

Any future development should not take place on Level 4 lands within the Delaware State Strategies. Development should be restricted to lands within Levels 2 and 3.

Comments related to the proposed site plan are included below.

Concerns Identified Within the Development Footprint

Wetlands and Subaqueous Lands

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands on the site. The application indicates that wetlands have not been delineated. The application does not propose direct impacts to the wetlands.

Requirements:

- Include mapped wetland boundaries on site plans.
- If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply.
- A delineation of waterways and wetlands may be required, to be completed by a qualified professional hired by the landowner. For a list of consultants and engineers who can conduct wetland delineations, please visit the DNREC Wetlands and Subaqueous Lands Section link:

<http://www.dnrec.delaware.gov/wr/Documents/WSLS/Consultant%20List.pdf>

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.

Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

Response: It is understood that a wetland delineation may be required and the wetlands boundaries, if applicable, will be shown on the site plans.

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), a small portion in the northern area of this parcel is situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone AE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Structures and features such as roadways and portions of storage buildings are proposed within the floodplain.

Requirements:

- The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://floodplanning.dnrec.delaware.gov/>

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/>

Response: It is noted that the Developer must comply with all floodplain ordinance and regulations for areas within the 100-year floodplain. There are no improvements shown within the delineated floodplain.

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

Requirements:

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Response: The project will provide stormwater management and sediment and erosion control per local and state standards.

Tax Ditches

The Main Prong and Prong 2 of the St. Georges Tax Ditch lie on the northern and eastern portions of the site. Tax ditches are man-made channels created to move normal water flow off agricultural lands. These channels have associated tax ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during maintenance. Tax ditch ROWs vary by channel size and location. The Main Prong and Prong 2 of the St. Georges Tax Ditch both have 80-foot to Centerline (CL) ROWs extending into the project boundary.

Requirements:

- Proposed structures or construction lies within the existing tax ditch ROW. To reduce or change existing tax ditch ROWs, a Court Order Change must be submitted by the DNREC Drainage Program. The associated Land Development Project Review Request form is attached, as well as the aerial drainage map.
- Contact the DNREC Drainage Program to discuss the on-site tax ditch ROWs prior to the project application meeting with the appropriate plan review agency for construction stormwater management.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the tax ditch ROWs.
- Existing tax ditches on the property must be surveyed and compared to tax ditch design specifications for effective function. The channel should be cleared or excavated prior to the construction of the project if needed.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Tax Ditch guidelines: <https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf>

Response: It is noted that a tax ditch is located within the site. A tax ditch ROW modification is shown on the proposed plan. The modification of the ROW will proceed as required. It is also noted that the tax ditch must be surveyed, analyzed for effective function, and cleared/excavated as required.

Excellent Groundwater Recharge Area

An Excellent Groundwater Recharge Area is located on most of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for replenishing groundwater supplies and ensuring drinking water for future generations.

Requirements:

- The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.
Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

Response: It is noted that portions of the site are within excellent groundwater recharge areas. Site will comply with all county requirements regarding Excellent Groundwater Recharge.

Wastewater Disposal Systems - Small Systems

A small systems wastewater disposal system (septic) is proposed for this site.

Requirements:

- A Site Evaluation must be performed by a Delaware licensed Class D Soil Scientist to determine the type of disposal system allowed under current regulations and site conditions. A list of licensed Class D soil scientists can be found at the following website: <https://data.delaware.gov/Energy-and-Environment/Class-D-Site-Evaluator-Licensees-Based-on-Licensed/6yig-34rp>

Contact: DNREC Commercial and Government Services Section for projects proposed in Sussex County at (302) 856-4561.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Delaware Emergency Management Agency - Contact Phillip Cane 302-659-2325

Response: Noted. This site is not anticipating any need for a septic system.

Proposed Project Parcel Flood Concern

- The majority of this parcel is located within an area of **Minimal Flood Concern of 1000 years or greater**; however, the northern portion falls within a 1% or 100-year floodplain.



Parcel Status within County Evacuation Zone Location

- The parcel is located within Sussex County's Evacuation Zone A.

Response: Noted. As previously responded, the site will comply with local requirements for development within a floodplain as necessary.

State Historic Preservation Office -Contact Carlton Hall 302-736-7400

- There are no archaeological sites or historic properties on the parcel.
- The DE SHPO has record of a historic house (S02487) on the parcel that was demolished at some point in the early to mid-2000's. We have no information for the house that would indicate the age of the dwelling. Regardless, this dwelling could indicate potential for historic archaeological deposits to be present on the parcel.
- Furthermore, the area has high potential for the existence of precontact archaeological resources. This is due to the project area containing several environmental factors that would have been conducive to human occupation, some of which include a risen and stable landform, well drained soils, and immediate access to fresh water.
- Lastly, as the area contains high archaeological potential and disturbance in the parcel seems minimal, this office is requesting that archaeological survey be completed prior to any ground disturbing activity.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch.54).

Response: The project will comply with state and federal historic requirements as applicable.

Delaware State Fire Marshalls Office -Contact Duane Fox 302-739-4394

This document is for information purposes only and does not constitute any type of approval from the Delaware State Fire Marshal's Office.

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulations (DSFPR):

Fire Protection Water Requirements

- This site shall comply with Delaware State Fire Prevention Regulation 702, Chapter 6, Fire Flow Table 1, to include 15 foot setback for exposure hazards on the same property and 15 foot minimum set back from all property lines.

Fire Protection Features

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Show Fire Department Connection. Must be within 300 feet of fire hydrant detail as shown in the Delaware State Fire Prevention Regulations.
- Show Fire Lanes and Sign Detail as shown in the Delaware State Fire Prevention Regulations.
- Proposed building may be required to meet the Large Area Building requirements from Regulation 702, Chapter 5 of the Delaware State Fire Prevention Regulations.
- All mini-storage buildings greater than 2,500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:

(1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,

(2) the owner of the facility does not have unrestricted access to the storage units, and

(3) the items being stored are concealed from view from outside the storage unit.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision must be constructed so fire department apparatus may negotiate it.

- Any dead-end road more than 300 feet in length shall be provided with a tum-around or cul-de-sac arranged such that fire apparatus will be able to tum around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or tum-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property,

Gas Piping and System Information

- Provide type of fuel proposed and show locations of bulk containers on plan.

Required Notes

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Response: The project will comply with State Fire Marshal Regulations.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Response: It is understood that the following comments do not represent state code requirements and that the ideas and suggestions are in no way required.

Department of Transportation -Contact Stephen Bayer 302-760-4834

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Delaware Route 26.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2022. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Response: There are no proposed wastewater facilities with this site plan. Latest DelDOT notes will be used on the engineering plans.

Department of Natural Resources and Environmental Control- Contact Clare Quinlan 302-735-3480

Wetlands and Subaqueous Lands

- As proposed for this project, do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: <https://www.nap.usace.army.mil/Missions/Regulation/Contact/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.
Website: <https://dnrec.delaware.gov/water/wetlands-subaqueous/>

Response: Wetland delineation will be performed. Any wetland disturbances (if required) would be performed in accordance with regulation.

Removal of Mature Forest

The preliminary plan proposes the elimination of approximately 0.2 of 0.8 acres of forest on the site. analysis of historical data indicates that the forest area located on the site has likely maintained some degree of forest cover since 1937 and could be considered mature forest. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.

Contact: DNREC Division: of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/conservation/>

Response: Tree removal will be limited as feasible for the construction of the project. Most trees are anticipated to remain.

Sea Level Rise

The northern portion of this site is vulnerable to permanent inundation from sea level rise. By 2050, mean sea levels are projected to rise by 0.7 - 1.9 feet; by end of century sea levels are projected to increase by 1.7 - 5.0 feet. In addition to permanent inundation, as mean sea levels rise, the frequency and severity of tidal flooding events is expected to increase.

- In areas within 5 feet of mean sea level, avoid construction of permanent structures and infrastructure. All infrastructure and structures on the site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.

Contact: DNREC Climate and Sustainability Section at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/coastal-programs/planning-training/adapting-to-sea-level-rise/>

Response: Noted. There are no improvements proposed in the northern portion of the site.

Special Flood Hazard Area

- Locate all structures outside of the floodplain. If this is not possible, the developer should consider designing structures to a higher standard to avoid potential future flood damage and loss.

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplain/>

Response: As previously responded, the site will comply with local requirements for development within a floodplain as necessary. There are no proposed structures within the floodplain.

Key Wildlife Habitat

The non-tidal coastal plain stream on this property, Clarksville Branch, is mapped as a Key Wildlife Habitat in the Delaware Wildlife Action Plan because it is part of a large wetland complex that can support an array of plant and animal species across the landscape.

- Key Wildlife Habitat should be conserved to the maximum extent practicable and negative impacts should be minimized.
- Maintain an upland buffer of at least 100 feet, comprised of the existing vegetation or planted with Delaware native species of trees, shrubs, grasses, or wildflowers.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/conservation/>

Response: Disturbance will be limited as feasible for construction of improvements.

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Response: BMP design will be dependent on the soil conditions found upon exploration. Majority of existing wooded areas are anticipated to remain. Tree clearing will be limited as feasible.

Tax Ditches

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dmec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Tax Ditch guidelines: <https://documents.dmec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf>

Response: Noted. It should be noted that disturbance associated with tax ditch maintenance (if required) would be in opposition to previous recommendations to limit disturbance in this area. As previously responded, the disturbance to the site will be limited as much as feasible for construction of the improvements.

Water Quality (Pollution Control Strategies)

This site lies within the Indian River Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
 - Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.

- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Response: Improvements were placed 40' or more from the side and rear-yard boundaries. The site only has 31% impervious area.

Excellent Groundwater Recharge Area

- For Excellent Groundwater Recharge Areas, limit impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

Response: As previously responded, the site will comply with local requirements for Excellent Groundwater Recharge Areas.

Additional Sustainable Practices

- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Response: The Developer will review the above comments and determine if they are applicable for this project. It should be noted that this is a mini-storage facility and many of these recommendations may not be applicable.

Delaware Emergency Management Agency - Contact Phillip Cane 302-659-2325

Population

- The county's population density of **265.60** per square mile is based on the US 2020 Census report, an increase from 2010 at **208.90** persons per square mile.
- The specific census block(s) the project is located on has a total population of **158**, though, with development, this will undoubtedly change.
- The adjacent blocks aggregate, bringing the area to a total population of **1853**.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk of 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

Expected Annual Loss

x Social Vulnerability

Community Resilience

Risk Index

- According to FEMA's National Risk Index, the parcel(s) is considered **relatively moderate** for overall natural hazard risks.
- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.
- Its community resilience and social vulnerability are rated as **relatively moderate**.

Renewable Energy Commitment

- Regarding energy use and consumption, the parcel utilizes **electricity** as the predominant fuel for heating purposes.
- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure.
- Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs where applicable and allowable, and the like.
- DEMA recommends and encourages the **County Evacuation Zone Location** to be made publicly available to businesses and patrons through signs, pamphlets, or other means.

Response: Noted. The developer will review these comments to determine if they are applicable for this project. This project is for a mini-storage development. As such it will not add to the population, and some of these recommendations may not be applicable.

Other Recommendations/Information

- Though the majority of the parcel is not within the floodplain, it does appear that the northern section of the storage facility may fall within that 100 year floodplain. DEMA does not support nor encourage building or constructing any facility, utility, home, or the like in a 100 year floodplain. However, if construction proceeds anyway, we strongly encourage the use of any and all flood mitigation measures to reduce potential future losses from same. These include wet/dry flood proofing, moving all essential buildings/utilities above Base Flood Elevation plus freeboard, using mold preventative substances, and any other feasible measures. Lastly, mortgages within a 100-year floodplain do require a specific flood insurance policy under NFIP.
- **Response:** Noted. As previously responded, the site will comply with local requirements for development within a floodplain as necessary. The improvements are not located within the floodplain.

Delaware State Fire Marshall's Office - Contact Duane Fox 302-739-4394

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Response: Noted. The Developer will review the above comments and determine if they are applicable for this project.

It should be noted that minor revisions are anticipated as the project goes through entitlement process. However, no major plan revisions are anticipated at this time.

This concludes our response. If you have any questions, please contact us at your convenience.

Sincerely,

Solutions, IPEM


Jim Eriksen, PE

Planning & Zoning Commission Application
Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Conditional Use _____

Zoning Map Amendment ☒

Site Address of Conditional Use/Zoning Map Amendment

34371 Vines Creek Road, Dagsboro, DE 19939

Type of Conditional Use Requested:

Request to rezone parcel from AR-1 Agricultural Residential to C3 Heavy Commercial.

Tax Map #: 134-11.00-152.00 **Size of Parcel(s):** 3.64 Acres +/-

Current Zoning: AR-1 **Proposed Zoning:** C3 **Size of Building:** N/A

Land Use Classification: Residential

Water Provider: _____ **Sewer Provider:** _____

Applicant Information

Applicant Name: Gregory T. White and Patricia P. White

Applicant Address: 955 Beacon Lane

City: Vero Beach **State:** FL **ZipCode:** 32963

Phone #: (302) 542-9552 **E-mail:** greggwhiteconstruction@yahoo.com

Owner Information

Owner Name: Gregory T. White, Patricia P. White, Gregory A. White, Jennifer White,

Owner Address: Dennis A. White, and Russell P. White

City: See Applicant Information **State:** _____ **Zip Code:** _____

Phone #: _____ **E-mail:** _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC; Mackenzie M. Peet, Esq.

Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1

City: Lewes **State:** DE **Zip Code:** 19958

Phone #: (302) 645-2262 **E-mail:** mackenzie@bmbde.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ☒ Completed Application
- ☒ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - ☐ Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - ☐ Provide a PDF of Plans (may be e-mailed to a staff member)
 - ☐ Deed or Legal description
- ☒ **Provide Fee \$500.00**
- ☒ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ☒ **DelDOT Service Level Evaluation Request Response**
- ☐ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on by behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney

 Date: 2/14/2022

Signature of Owner

_____ Date: _____

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
Staff accepting application: _____ Application & Case #: _____
Location of property: _____

Subdivision: _____
Date of PC Hearing: _____ Recommendation of PC Commission: _____
Date of CC Hearing: _____ Decision of CC: _____

Sussex County P & Z Commission application

Page | 2

last updated 3-17-16

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 34371 Vines Creek Road, Dagsboro, DE 19939

Parcel #: 134-11.00-152.00

Site Address:

Parcel #:

Applicant Name: Gregory T. White and Patricia P. White

Owner Name: Gregory T. White and Patricia P. White

Type of Application:

Conditional Use: ☐
Change of Zone: ☒
Subdivision: ☐
Board of Adjustment: ☐

Date Submitted:

For office use only:

Date of Public Hearing:

File #:

Date list created:

Date letters mailed:

List created by:

Letters sent by:

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: _____ Gregory T. White and Patricia P. White
Applicant Address: _____ 955 Beacon Lane
City: _____ State: FL Zip: 32963
Phone #: (302) 542-9555 E-mail: greggwhiteconstruction@yahoo.com

Owner Information

Owner Name: See Applicant Information
Owner Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: _____ True North Land Surveying c/o Bradley Absher
Engineer/Surveyor Address: _____ 35380 Atlantic Avenue
City: _____ State: DE Zip: 19967
Phone #: (302) 645-2262 E-mail: brad@truenorthls.com

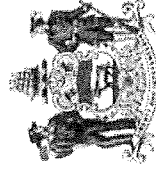
Agent/Attorney Information

Agent/Attorney/Name: _____ Baird Mandalas Brockstedt LLC; Mackenzie M. Peet, Esq.
Agent/Attorney/Address: _____ 1413 Savannah Road, Suite 1
City: _____ State: DE Zip: 19958
Phone #: (302) 645-2262 E-mail: mackenzie@bmbde.com

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____





STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION

800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

January 27, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Gregory T. White and Patricia P. White** proposed land use application, which we received on January 20, 2022. This application is for an approximately 2.83-acre parcel (Tax Parcel: 134-11.00-152.00). The subject land is located on the north side of Vines Creek Road (State Route 26) about 250 ft north of the intersection with Omar Road (Sussex Road 365). The subject land is currently zoned AR-1 (Agriculture Residential), with a proposed zoning of CR-1 (Commercial Residential).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along the section of Vines Creek Road from Omar Road to Stephen Drive, is 11,632 vehicles per day.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.



Mr. Jamie Whitehouse
Page 2 of 2
January 27, 2022

If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Ms. Annamaria Furnato, at Annamaria.Furnato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Gregory T. White and Patricia P. White, Applicant
Elliot Young, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furnato, Project Engineer, Development Coordination



EXHIBIT A

Property and Deed Information

PARID: 134-11.00-152.00
WHITE GREGORY T

ROLL: RP
34371 VINES CREEK RD

Property Information

Property Location:	34371 VINES CREEK RD
Unit:	
City:	DAGSBORO
Zip:	19939
State:	DE
Class:	RES-Residential
Use Code (LUC):	RV-RESIDENTIAL VACANT
Town	00-None
Tax District:	134 – BALTIMORE
School District:	1 - INDIAN RIVER
Council District:	4-Hudson
Fire District:	84-Millville
Deeded Acres:	0
Frontage:	.000
Depth:	
Irr Lot:	
Plot Book Page:	/PB
100% Land Value:	\$8,500
100% Improvement Value	
100% Total Value	

Legal

Legal Description	N/E HWY 26
	DAGS TO CLARKSVILLE

Owners

Owner	Co-owner	Address	City	State	Zip
WHITE GREGORY T	PATRICIA P WHITE	955 BEACON LN	VERO BEACH	FL	32963

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
08/14/2003	3018/147	\$239,000.00	\$3,585.00	0	
08/23/1996	/	\$75,000.00	\$1,500.00	1	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	WHITE GREGORY T	PATRICIA P WHITE	955 BEACON LN	VERO BEACH	FL	32963	3018/147
2021	WHITE GREGORY T	PATRICIA P WHITE	955 BEACON LN	VERO BEACH	FL	32963	3018/147
2020	WHITE GREGORY T	PATRICIA P WHITE	955 BEACON LN	VERO BEACH	FL	32963	3018/147
2019	WHITE GREGORY T	PATRICIA P WHITE	300 HOLLYWOOD ST	BETHANY BEACH	DE	19930	3018/147
2018	WHITE GREGORY T & PATRICIA P	WHITE	300 HOLLYWOOD ST	BETHANY BEACH	DE	19930	3018/147
2017	WHITE GREGORY T & PATRICIA P	WHITE	300 HOLLYWOOD ST	BETHANY BEACH	DE	19930	3018/147
2008	WHITE GREGORY T PATRICIA P		300 HOLLYWOOD ST	BETHANY BEACH	DE	19930	3018/147
2006	WHITE GREGORY T PATRICIA P		WHITE 30460 OTONKA TRL	DAGSBORO	DE	19939	3018/147
2006	WHITE GREGORY T PATRICIA P		4 OTONKA TRAIL	DAGSBORO	DE	19939	3018/147
2005	WHITE GREGORY T PATRICIA P		WHITE GREGORY A WHITE RR 2 BOX 91G	DAGSBORO	DE	19939	3018/147
2004	WHITE GREGORY T PATRICIA P		WHITE GREGORY A WHITE RR 2 BOX 91G	DAGSBORO	DE	19939	2871/230
1900	DERICKSON ALMIRA S					0	1032/291

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RV	0	0		

Land Summary

Line	1	
100% Land Value	8,500	
100% Values		
100% Land Value	100% Improv Value	100% Total Value
\$8,500		
50% Values		
50% Land Value	50% Improv Value	50% Total Value
\$4,250		

42798

03018 2147

Tax Map #1-34-11.00-152.00

Prepared by:

Raymond E. Tomasetti, Jr.
1209 Coastal Highway
Fenwick Island, Delaware 19944

Return to:

Gregory T. White, etal
Rd 2, Box 91G
Dagsboro, Delaware 19939

File No. 503-354CS

THIS CONFIRMATORY DEED, made this 21st
day of April, in the year of our LORD two thousand and four,

BETWEEN GREGORY T. WHITE and PATRICIA P. WHITE, husband and wife,
and GREGORY A. WHITE and JENNIFER A. WHITE, husband and wife, and DENNIS A.
WHITE and RUSSELL P. WHITE, of RD 2 Box 91G, Dagsboro, Delaware 19939 parties of the
first part,

-AND-

GREGORY T. WHITE and PATRICIA P. WHITE, husband and wife, and
GREGORY A. WHITE and JENNIFER A. WHITE, husband and wife, and DENNIS A.
WHITE and RUSSELL P. WHITE, of RD 2 Box 91G, Dagsboro, Delaware 19939, parties of the
second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum
of Ten And 00/100 Dollars (\$10.00), lawful money of the United States of America, the receipt
whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, as
TENANTS IN COMMON IN THE AFORESAID PROPERTY AS TO THE
FOLLOWING PERCENTAGES: FIFTY-ONE (51%) PERCENT TO GREGORY T.
WHITE and PATRICIA P. WHITE, husband and wife (HOWEVER, THE INTEREST
HELD BETWEEN GRETORY T. WHITE AND PATRICIA P. WHITE IS HELD AS
TENANTS BY THE ENTIRETY) ; FIFTEEN (15%) PERCENT TO GREGORY A.

1

Consideration:	\$0.00	Exempt Code: A
County	\$0.00	State
county		Total
		\$0.00
		Date: 08/18/2004

WHITE and JENNIFER A. WHITE, husband and wife; (HOWEVER, THE INTEREST HELD BETWEEN GREGORY A. WHITE and JENNIFER A. WHITE IS HELD AS TENANTS BY THE ENTIRETY), THIRTY (30%) PERCENT TO DENNIS A. WHITE; FOUR (4%) PERCENT TO RUSSELL P. WHITE.

ALL that certain lot, piece or parcel of land situate in Baltimore Hundred, Sussex County and State of Delaware, lying on the northeasterly side of Highway No. 26 leading from Dagsboro to Clarksville, adjoining other lands now or formerly of Ralph J. Brasure and wife, lands now or formerly of St. Georges Methodist Church and others, and more particularly bounded and described in a property and placement survey prepared by Wingate and Eschenback, Registered Land Surveyors, dated August 21, 1996, as follows, to-wit:

BEGINNING at a concrete monument lying on the northeasterly right of way line of Route 26 (Vine's Creek Road), said monument marking a common corner for this parcel being dedeed and lands now or formerly of Raymond E. & Hilda M. Mitchell; thence along and with the lands of the said Mitchells North 58 degrees 40 minutes 04 seconds East for a distance of 349.075 feet to a concrete monument lying on the line of the lands now or formerly of Joan S. Neft, said monument marking a common corner of this property being dedeed and the lands of the Mitchells; thence along and with the lands of the said Neft and the lands now or formerly of Fuzzy's Tire and Alignment, Inc., South 17 degrees 25 minutes 51 seconds East for a distance of 271.63 feet to a concrete monument, said monument a common corner for this property being dedeed the lands of Fuzzy's Tire and Alignment, Inc., and the lands now or formerly of St. George's M.E. Church; thence along and with the line of the lands of St. George's M.E. Church South 00 degrees 48 minutes 26 seconds West for a distance of 266.105 feet to a pipe, said pipe being dedeed and the lands of the said St. George's M.E. Church; thence continuing along and with the lands of the said St. George's M.E. Church North 87 degrees 11 minutes 34 seconds West for a distance of 161.395 feet to a concrete monument lying on the aforesaid northeasterly right of way line of Route 26 (Vine's Creek Road) thence clockwise along and with the curving right of way line of Route 26, said curve having a radius of 2,769.6 feet, for an arc distance of 97.24 feet, the chord having a bearing of North 33 degrees 20 minutes 21 seconds East and a length of 97.236 feet, to the point of tangency of said curve; thence continuing along and with the northeasterly right of way line of Route 26 (Vine's Creek Road) North 32 degrees 20 minutes 00 seconds West for a distance of 301.30 feet to the place of beginning, containing 2.8274 acres of land, more or less.

SUBJECT TO THE FOLLOWING:

1. Subject to Utility Agreements as recorded in the Office of the Recorder of Deeds in and for Sussex in Deed Book 255, Page 143 and Deed Book 430, Page 36.

2. Subject to Right of Way Agreement with Delmarva Power & Light as recorded in the aforesaid office in Deed Book 379, Page 349.

BEING THE SAME lands and premises which Gary L. Bechard and Cora L. Bechard, husband and wife, by Deed dated August 7, 2003 and recorded August 14, 2003 in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 2871, Page 230 did grant and convey unto Gregory T. White and Patricia P. White, husband and wife, Gregory A. White and Jennifer A. White, husband and wife, and Dennis A. White and Russell P. White, in fee.

SUBJECT, HOWEVER TO THE FOLLOWING RESTRICTION WHICH ARE DEEMED TO BE RESTRICTIONS RUNNING WITH THE LAND, AND ARE BINDING ON THE PARTIES OF THE SECOND PART, THEIR HEIRS, SUCCESSORS AND ASSIGNS AND MAY ONLY BE MODIFIED AND/ OR RESCINDED WITH THE WRITTEN CONSENT OF THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION:

1. THE AFORESAID PROPERTY IS HEREBY RESTRICTED FOR THE FOLLOWING USES ONLY: FURNITURE RETAIL STORE, A CONTRACTOR'S STORAGE BUILDING AND OFFICE, A HOME FLOOR COVERING SHOWROOM AND RETAIL SALES STORE, A DRY CLEANING STOREFRONT, A BICYCLE AND MOPED RETAIL SALES SHOP, APARTMENT RENTAL UNITS, A CONTRACTOR'S RETAIL SALES STORE, A KITCHEN CABINET SHOWROOM, RETAIL STORE.
2. ANY VIOLATION OF THESE RESTRICTIONS MAY BE ENFORCED IN THE COURT OF THE CHANCERY BY SUSSEX COUNTY COUNCIL, THE DELAWARE DEPARTMENT OF TRANSPORTATION AND/OR THE ADJACENT PROPERTY OWNERS.

IN WITNESS WHEREOF

hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

[Signature]

[Signature] {SEAL}
GREGORY T. WHITE

[Signature] {SEAL}
PATRICIA P. WHITE

State of Alabama : S.S.
County of Shelby)

BE IT REMEMBERED, that on April 7th, 2004, personally came before me, the subscriber, GREGORY T. WHITE and PATRICIA P. WHITE, husband and wife, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

[Signature]
Notary Public
Printed Name: _____
My Commission Expires: _____

5/5/07

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered
in the presence of

Margaret Mangum
Margaret Mangum

GREGORY A. WHITE {SEAL}
JENNIFER A. WHITE {SEAL}

State of Oregon : S.S.
County of Deschutes)

BE IT REMEMBERED, that on April 21, 2004, personally came before me, the subscriber, GREGORY A. WHITE and JENNIFER A. WHITE, husband and wife, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their acts and deeds.

Given under my Hand and Seal of office the day and year aforesaid.

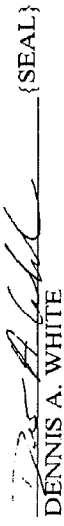
Linda P Williams
Notary Public, State of Delaware
My Commission Expires 7-23-08
Linda P. Williams
Notary Public
Printed Name: Linda P. Williams
My Commission Expires: 7-23-08

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered

in the presence of:


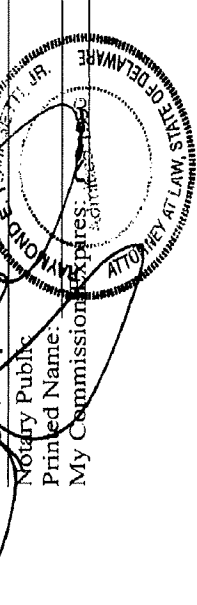


 {SEAL}
DENNIS A. WHITE

State of DE : S.S.
County of Sussex)

BE IT REMEMBERED, that on April 17, 2004, personally came before me, the subscriber, DENNIS A. WHITE, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

Given under my Hand and Seal of office the day and year aforesaid.


Notary Public
Printed Name: James J. Tompkins, Jr.
My Commission Expires: April 17, 2008


03018 2153

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

Carrie Green

Russell P. White {SEAL}
RUSSELL P. WHITE

State of Delaware

: S.S.

County of Delaware

BE IT REMEMBERED, that on August 24, 2004, personally came before me, the subscriber, RUSSELL P. WHITE, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

Linka P. Williams
Notary Public, State of Delaware
My Commission Expires 7-23-06

Linka P. Williams
Notary Public
Printed Name: Linka P. Williams
My Commission Expires: 7-23-06

7 RECORDER OF DEEDS
JOHN F. BRADY

04 AUG 10 PM 12:12

SUSSEX COUNTY
DOC. SURCHARGE PAID

Received

AUG 11 2004

ASSESSMENT DIVISION
OF SUSSEX CITY

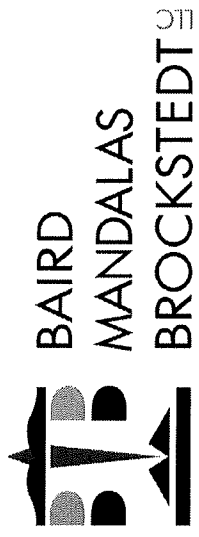
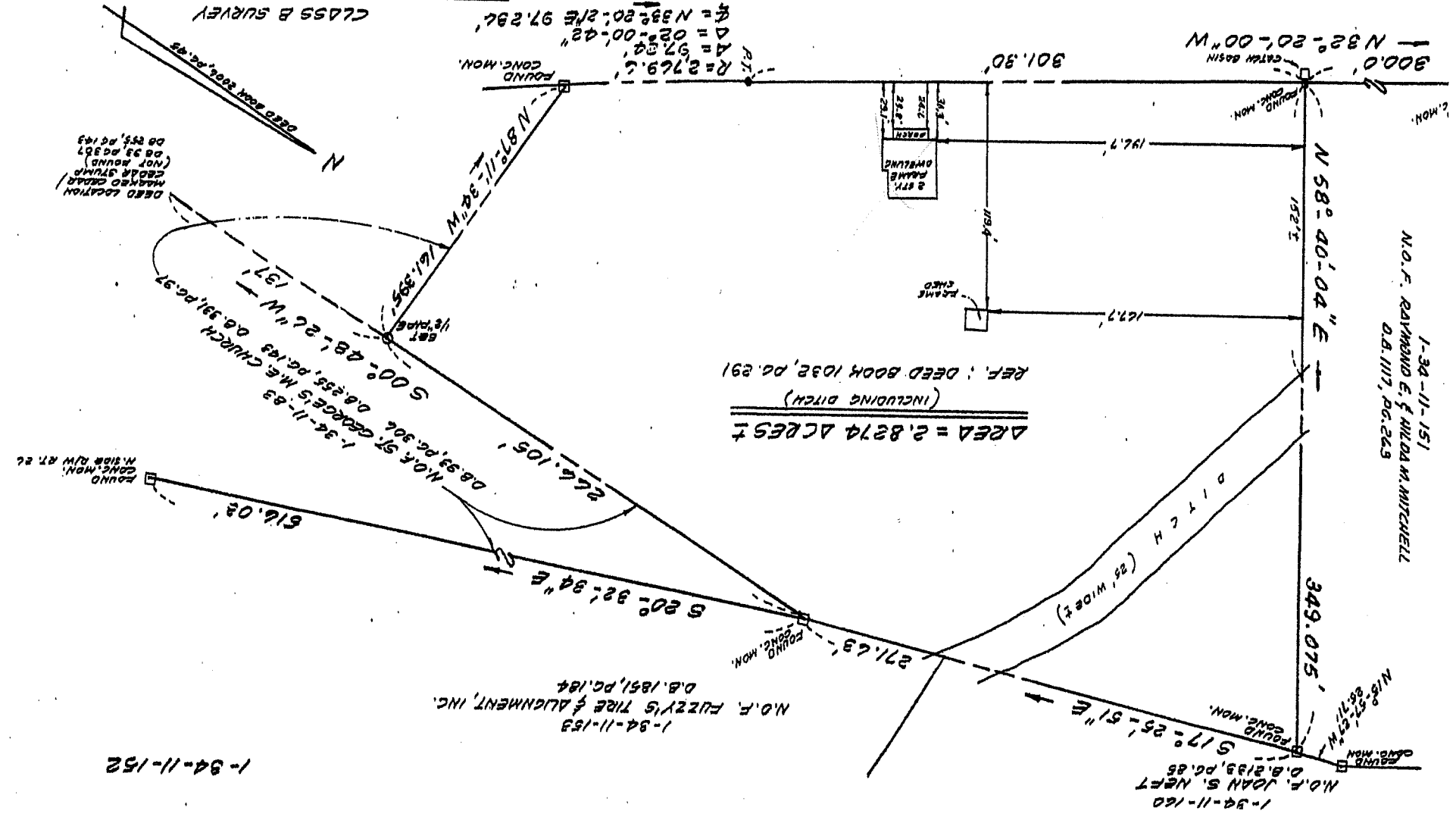


EXHIBIT B

Survey

PROPERTY & LOCATION SURVEY
 PREPARED FOR
 GARY L. & CORA L. BECHARD
 2.8274 AC. ON RT. 26 (VINE'S CREEK RD.)
 BALTIMORE HUND., SUSSEX CO., DELAWARE
 WINGATE & ESCHENBACH, REG. SURVEYORS
 REHOBOTH BEACH, DEL.



1-34-11-152
 N.O.F. FUZZY'S TRAIL & ALIGNMENT, INC.
 D.B. 1851, PG. 184
 1-34-11-153
 N.O.F. JOAN S. NEFT
 D.B. 2133, PG. 85
 1-34-11-160
 N.O.F. RAYMOND E. & WILDA M. MITCHELL
 D.B. 1117, PG. 263
 1-34-11-151

ROUTE 26 (70')
 (VINE'S CREEK ROAD)

PROPERTY IS IN FEMA ZONE X
 (AREA OUTSIDE 500 YR. FLOOD PLAIN)
 REF.: FIRM 100029 0492 F (6/16/95)

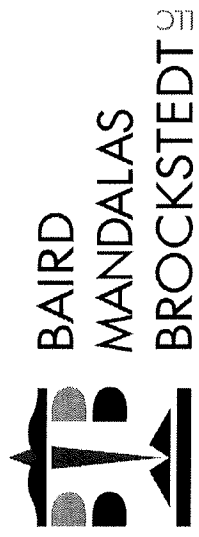


EXHIBIT C

Zoning Code

Chapter 115. Zoning

Article XIC. C-3 Heavy Commercial District

[Added 2-27-2018 by Ord. No. 2550]

§ 115-83.17. Purpose.

This district is generally intended for larger scale auto-oriented retail and service businesses along major arterial roads that serve local and regional residents as well as the travelling public. In addition to most commercial uses found in this zone, automobile, truck, recreational vehicle and boat sales, rental and major repair facilities may also be located in this district.

§ 115-83.18. Permitted uses.

- A. A building or land shall only be used for the following purposes:
- (1) Agriculture-related uses.
 - (a) Greenhouse, commercial.
 - (b) Wholesale, retail nurseries for sale of products produced on site.
 - (2) Residential uses.
 - (a) Hotel, motel or motor lodge.
 - (3) Sales and rental of goods, merchandise and equipment.
 - (a) Convenience store, fuel station (no restrictions on fuel dispensers or nozzles).
 - (b) Retail sales establishments.
 - (c) Pharmacy or related use.
 - (d) Restaurants.
 - (e) Brew pubs.
 - (f) Wholesale trade establishment.
 - (4) Office, clerical, research, personal service and similar enterprises not primarily related to goods.
 - (a) Business service establishments.
 - (b) Banks.
 - (c) Professional offices.
 - (d) Personal service establishments.

- (e) Entertainment establishments.
- (f) Social service establishments.
- (5) Manufacturing, assembling, processing.
 - (a) Winery, brewery or distillery under 7,500 square feet.
- (6) Educational, cultural, religious, philanthropic, social, fraternal.
 - (a) Recreation facility, commercial (indoor and outdoor).
 - (b) Club, indoor, such as clubs, lodges, and other annual membership clubs.
 - (c) Places of worship.
- (7) Institutional, residence, care confinement and medical facilities.
 - (a) Family child-care center (one to six children).
 - (b) Large family child-care homes (seven to 12 children).
 - (c) Early care and education and school-age centers (13+ children).
 - (d) Residential child-care facilities and day treatment programs.
 - (e) Child placing agencies.
 - (f) Medical clinic.
 - (g) Independent care facility.
 - (h) Assisted living facility.
 - (i) Extended care facility.
 - (j) Intermediate care facility.
 - (k) Long-term care facility.
 - (l) Surgical center.
 - (m) Fitness/wellness center.
 - (n) Museums, nonprofit art galleries.
 - (o) Community centers.
- (8) Transportation-related sales and service.
 - (a) Motor and nonmotor vehicle sales, rental, repair, service and storage.
 - (b) Motor vehicle washes.
- (9) Storage and parking.
 - (a) Distribution centers.
 - (b) Self-storage facility.
 - (c) Warehouse.
- (10) Public, semi-public, utilities, emergency.
 - (a) Government facilities and services.
 - (b) Parks.

- (c) Public safety facilities including ambulance, fire, police rescue and national security.
- (d) Utility service facilities.
- (e) Communication towers.
- (f) Recreational facilities, government.

(11) Not grouped elsewhere.

- (a) Commercial kennels, provided that no open runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from a property line.

- (b) Animal hospital or veterinary clinic.

- (c) Temporary removable vendor stands, including but not limited to food trucks and similar vehicles or trailers, located on the premises between March 15 and November 15 for the sale of food, agricultural products or other food-related goods. Such temporary removable vendor stands must comply with all of the following requirements:

- [1] No temporary removable vendor stand shall be permanently affixed to the premises. All temporary removable vendor stands shall be fully transportable and moveable within 24 hours.
- [2] There shall be no more than one temporary removable vendor stand on a parcel at any one time.
- [3] No temporary removable vendor stand shall be wider than eight feet six inches nor longer than 45 feet.
- [4] No temporary removable vendor stand shall be permanently connected to any utilities, including water, sewer, electric or gas.
- [5] No temporary removable vendor stand shall interfere with vehicular or pedestrian movement on a parcel or adjacent rights-of-way.
- [6] The owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with written approval of the existence and location of the stand by the property owner and a drawing showing the location of the stand upon the property. Upon presentation of this information, the Director may preliminarily approve the stand or require the owner to apply for a special use exception from the Board of Adjustment if there are concerns about the location, the size of the property, the effect(s) upon on-site parking, neighboring properties or roadways, or other good cause.
- [7] If preliminarily approved, the owner of a proposed temporary removable stand shall present the Director of Planning and Zoning with evidence of a current State of Delaware business license.
- [8] Upon approval by the Director, a Sussex County vendor stand sticker shall be issued in a form established by the Director. This sticker shall be visible on the stand at all times.
- [9] The approval of a temporary removable vendor stand shall be valid for one year.
- [10] The application for a temporary removable vendor stand shall be in a form established by the Director. The fee for filing such an application shall be \$100.

- (d) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, § 115-20A(16).
[Added 10-22-2019 by Ord. No. 2684]

- B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.

§ 115-83.19. Permitted accessory uses.

Permitted accessory uses are as follows:

- A. Residential within-structure commercial or office uses.
- B. Garage, public or commercial parking.
- C. Temporary buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.
[Added 10-8-2019 by Ord. No. 2683]

§ 115-83.20. Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment and in accordance with the provisions of Article **XXVII** of this chapter, and may include:

- A. Exceptions to parking and loading requirements, as follows:
 - (1) Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article **XXII**, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.
 - (2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
 - (3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.
 - (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.
- B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:
[Added 10-22-2019 by Ord. No. 2684]
 - (1) Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

§ 115-83.21. Permitted signs.

See Article **XXI**, § **115-159.5** for signs permitted in the C-3 District and other regulations relating to signs.

§ 115-83.22. Height, area and bulk requirements.

A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Minimum area**	Maximum area** (square feet)	Width* (feet)	Depth (feet)
Other	One acre	—	75	100

- *

NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.
- **

NOTE: Any lot which is not connected to a central sewer system, as defined by § 115-194A, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

B. Minimum yard requirements.

- (1)

Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § 115-194.1E of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Permitted use	60	5	5

- (2)

There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

Use	Maximum floor area (square feet)
Permitted use	150,000

D. Maximum height requirement. Maximum height requirements shall be as follows:

Use	Feet
Permitted use	42

§ 115-83.23. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

Article I, § 115-4, Definitions and word usage

Article XX, Tables

Article XXI, Signs

Article XXII, Off-Street Parking

Article XXIII, Off-Street Loading

Article XXV, Supplementary Regulations

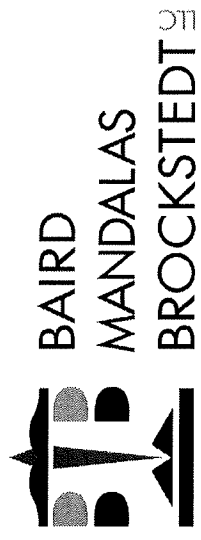


EXHIBIT D









Aerial Maps

White Property Aerial Map



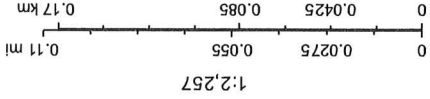
1000 ft

Legend

- 34360 Vines Creek Rd 
- CHINCOTEAGUE NATIONAL WILDLIFE REFUGE 
- Church 
- Delaware 
- Feature 1 
- Feature 2 
- Millville Volunteer Fire Company Station #2 
- This N' That Fitness 



polygonLayer
 Override 1
polygonLayer
 Override 1
 Tax Parcels
 911 Address
 Streets
 County Boundaries
 Municipal Boundaries
 TID



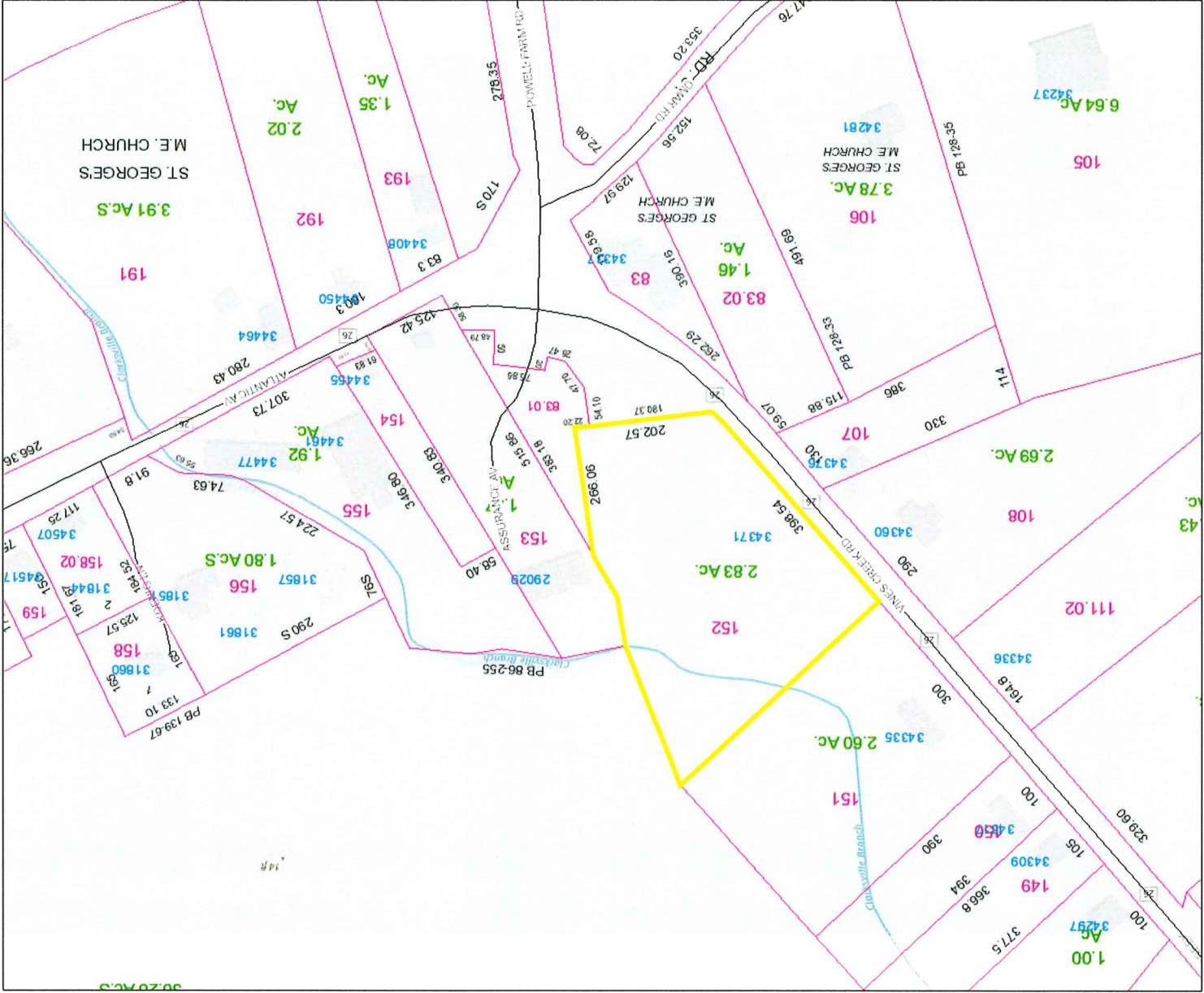
February 14, 2022



Sussex County

PIN: 134-11.00-152.00	
Owner Name	WHITE GREGORY T
Book	3018
Mailing Address	955 BEACON LN
City	VERO BEACH
State	FL
Description	N/E HWY 26
Description 2	DAGS TO CLARKSVILLE
Description 3	
Land Code	

- polyonLayer
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Municipal Boundaries
- TID

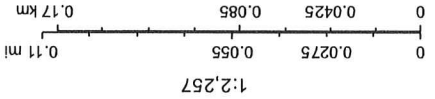
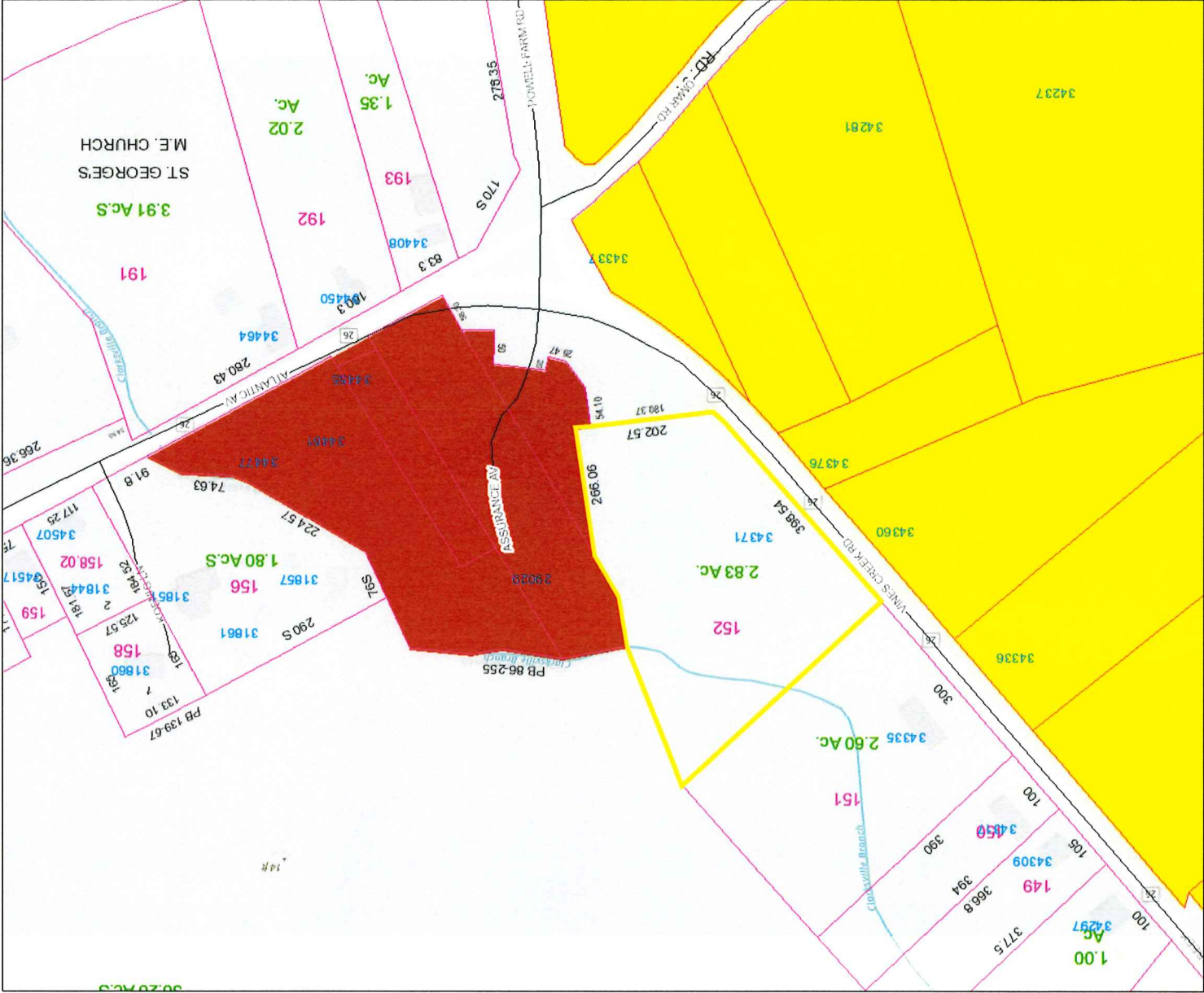




Sussex County

PIN: 134-11.00-152.00	
Owner Name	WHITE GREGORY T
Book	3018
Mailing Address	955 BEACON LN
City	VERO BEACH
State	FL
Description	N/E HWY 26
Description 2	DAGS TO CLARKSVILLE
Description 3	
Land Code	

- polyonLayer Override 1
- Tax Parcels
- Streets
- 911 Address
- polyonLayer Override 1



February 14, 2022

PIN: 134-11.00-152.00		Owner Name		WHITE GREGORY T	
Book		3018			
Mailing Address		955 BEACON LN			
City		VERO BEACH			
State		FL			
Description		N/E HWY 26			
Description 2		DAGS TO CLARKSVILLE			
Description 3					
Land Code					

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels

911 Address

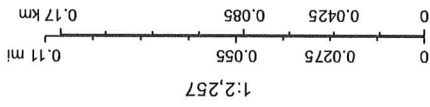
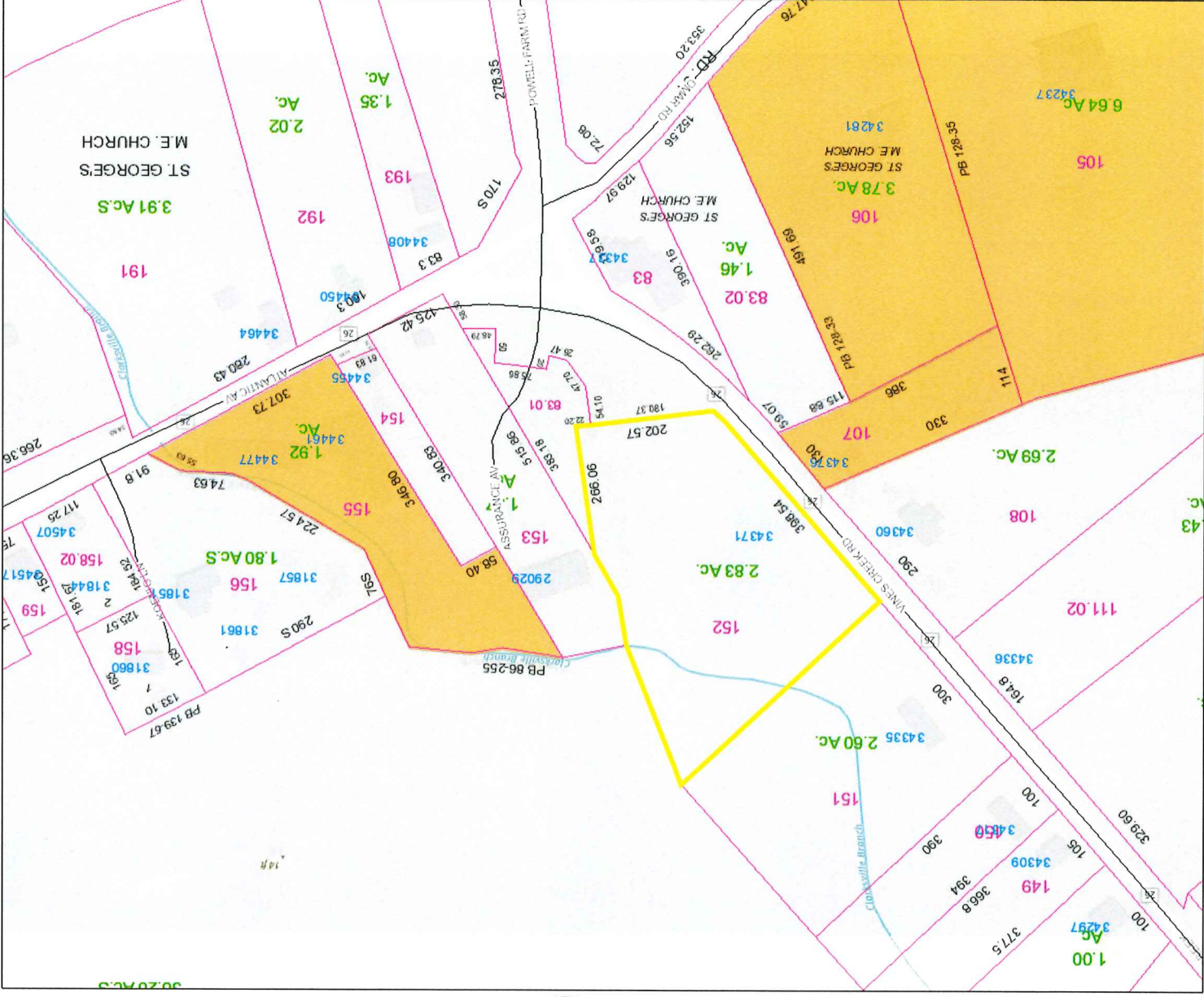
Streets

County Boundaries

Municipal Boundaries

TID

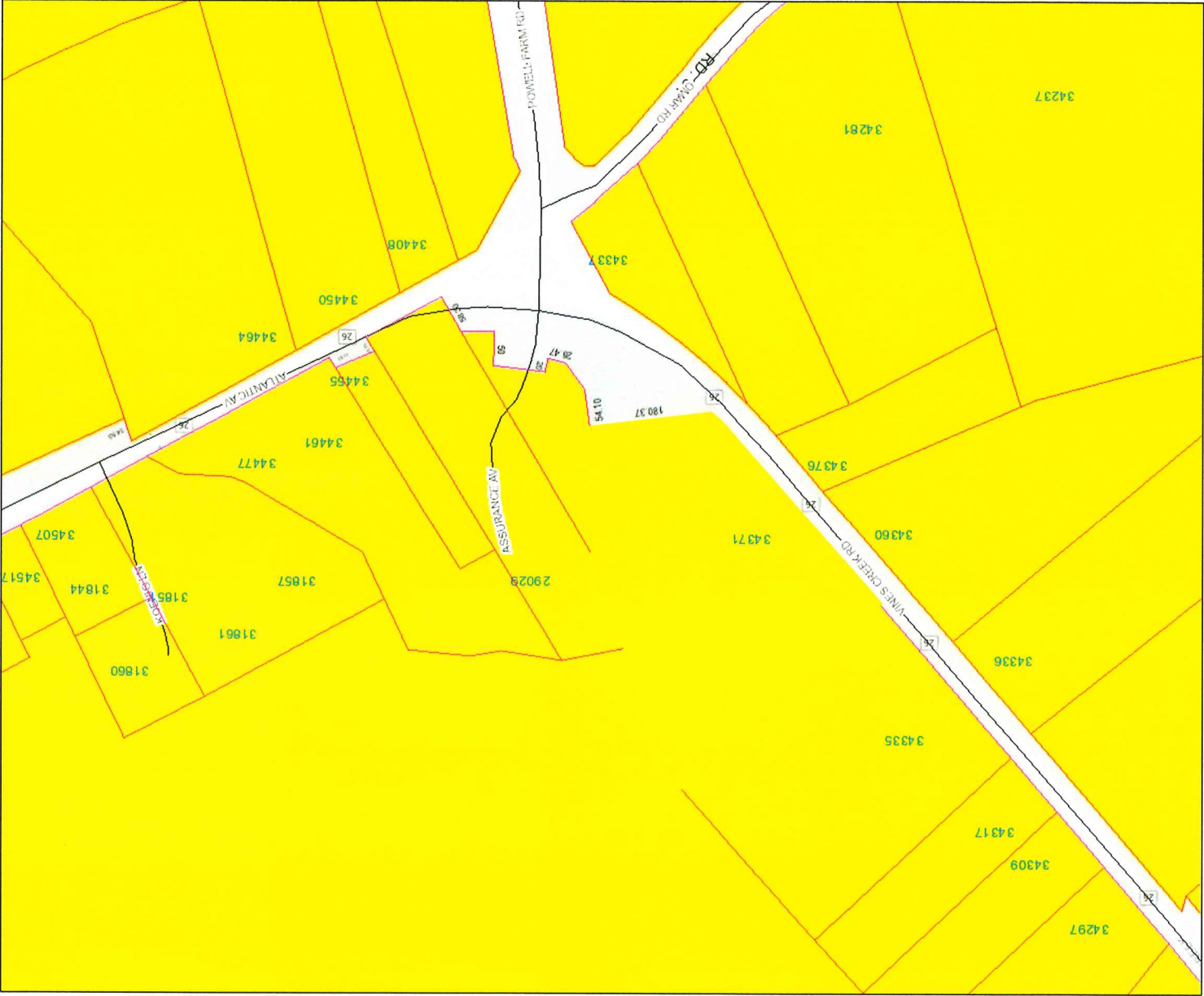
Conditional Use





Sussex County

PIN: 134-11.00-152.00	
Owner Name	WHITE GREGORY T
Book	3018
Mailing Address	955 BEACON LN
City	VERO BEACH
State	FL
Description	N/E HWY 26
Description 2	DAGS TO CLARKSVILLE
Description 3	
Land Code	



- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center
- Municipal Boundaries
- TID
- 2019 Future Land Use
- County Boundaries
- Streets
- 911 Address
- Tax Parcels
- polygonLayer
- polygonLayer
- Override 1
- Override 1
- Coastal Area
- Low Density

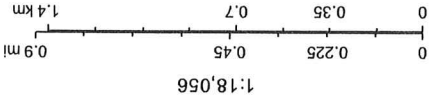
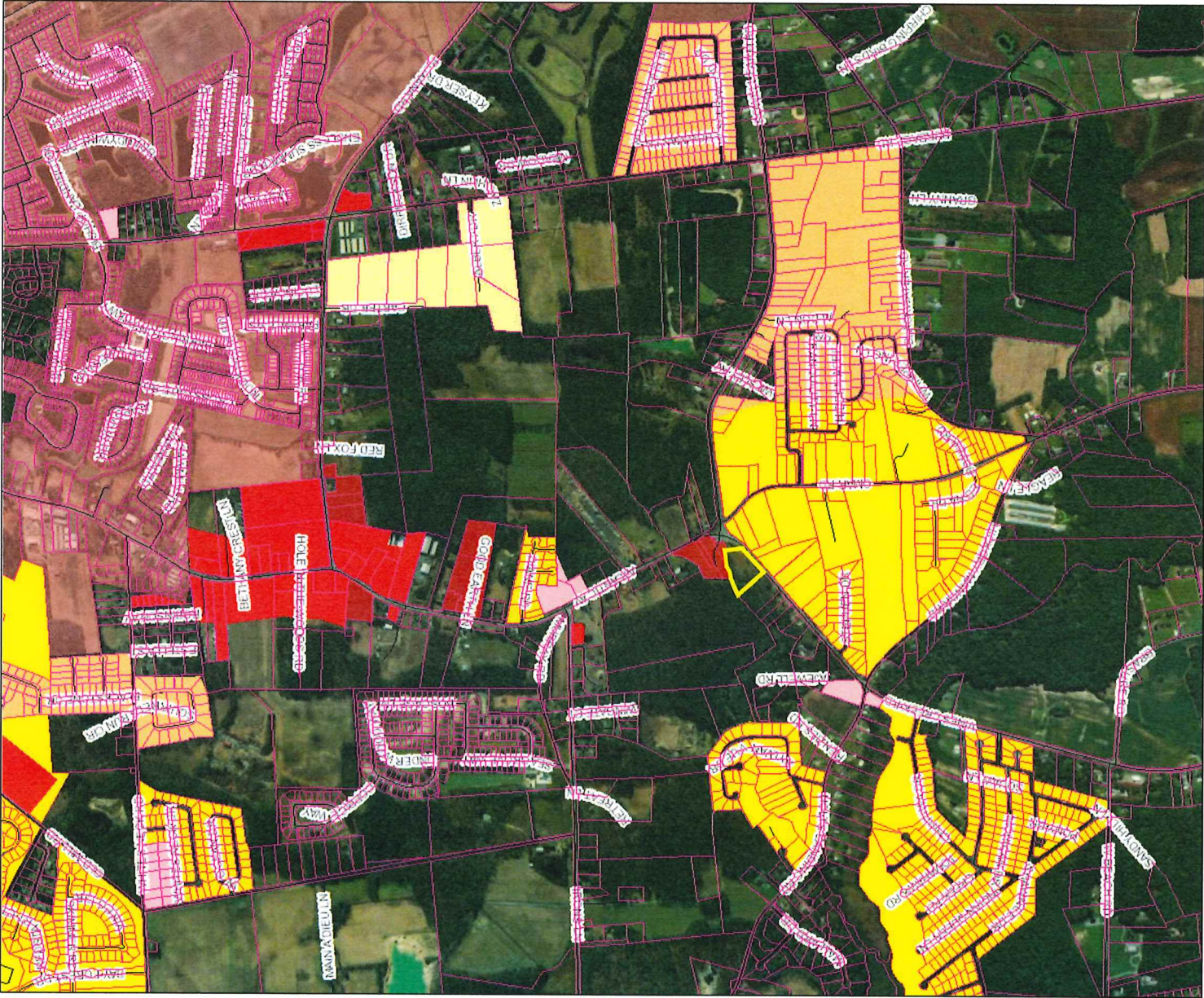
February 14, 2022



Sussex County

PIN: 134-11.00-152.00	
Owner Name	WHITE GREGORY T
Book	3018
Mailing Address	955 BEACON LN
City	VERO BEACH
State	FL
Description	N/E HWY 26
Description 2	DAGS TO CLARKSVILLE
Description 3	
Land Code	

polygonsLayer
Override 1
Tax Parcels
Streets

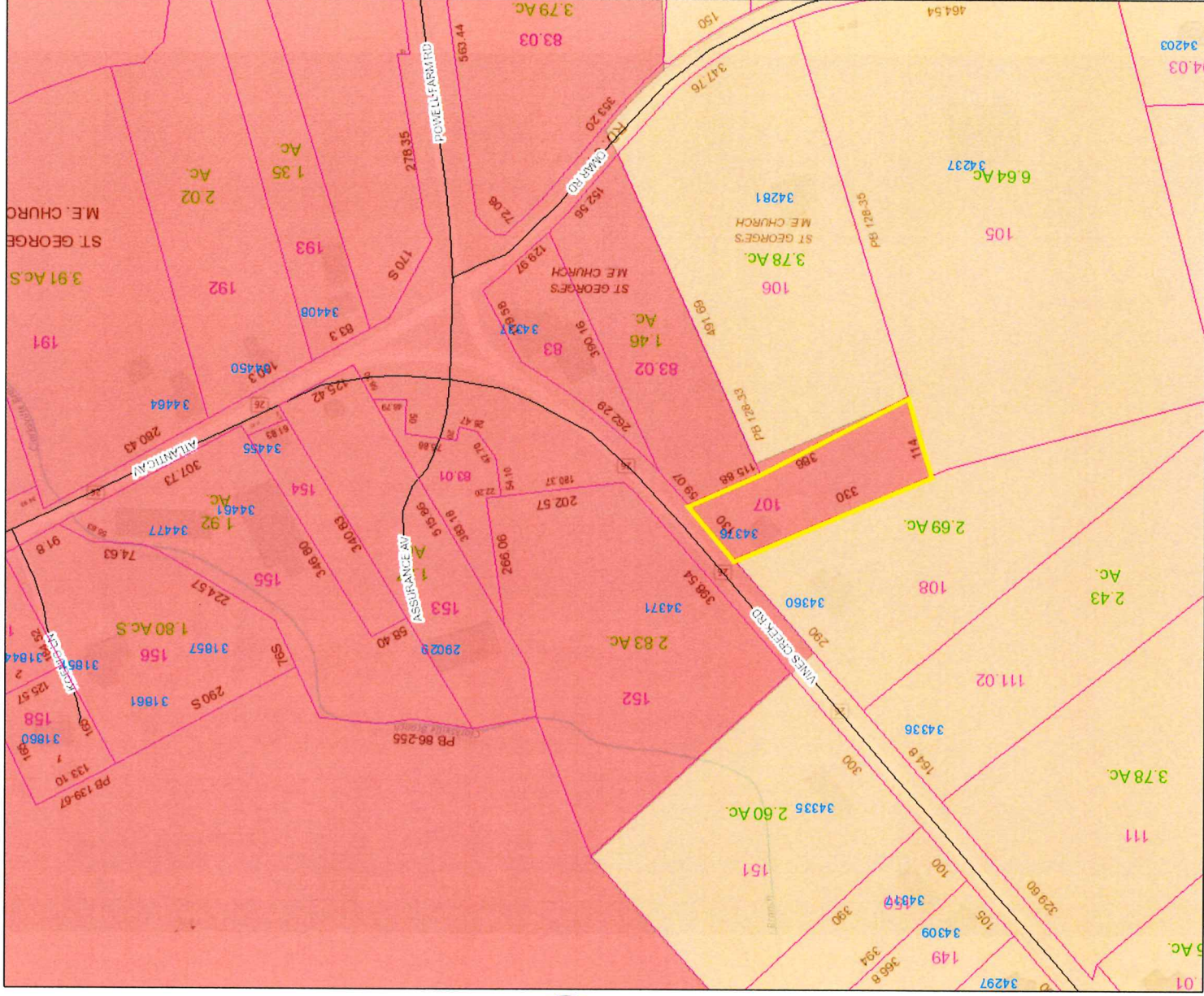


February 14, 2022



Sussex County

PIN: 134-11.00-107.00	
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Book	2940
Mailing Address	55 BEACON LN
City	VERO BEACH
State	FL
Description	SW RT 26
Description 2	DAGSBORO TO CLARKS
Description 3	LOT
Land Code	

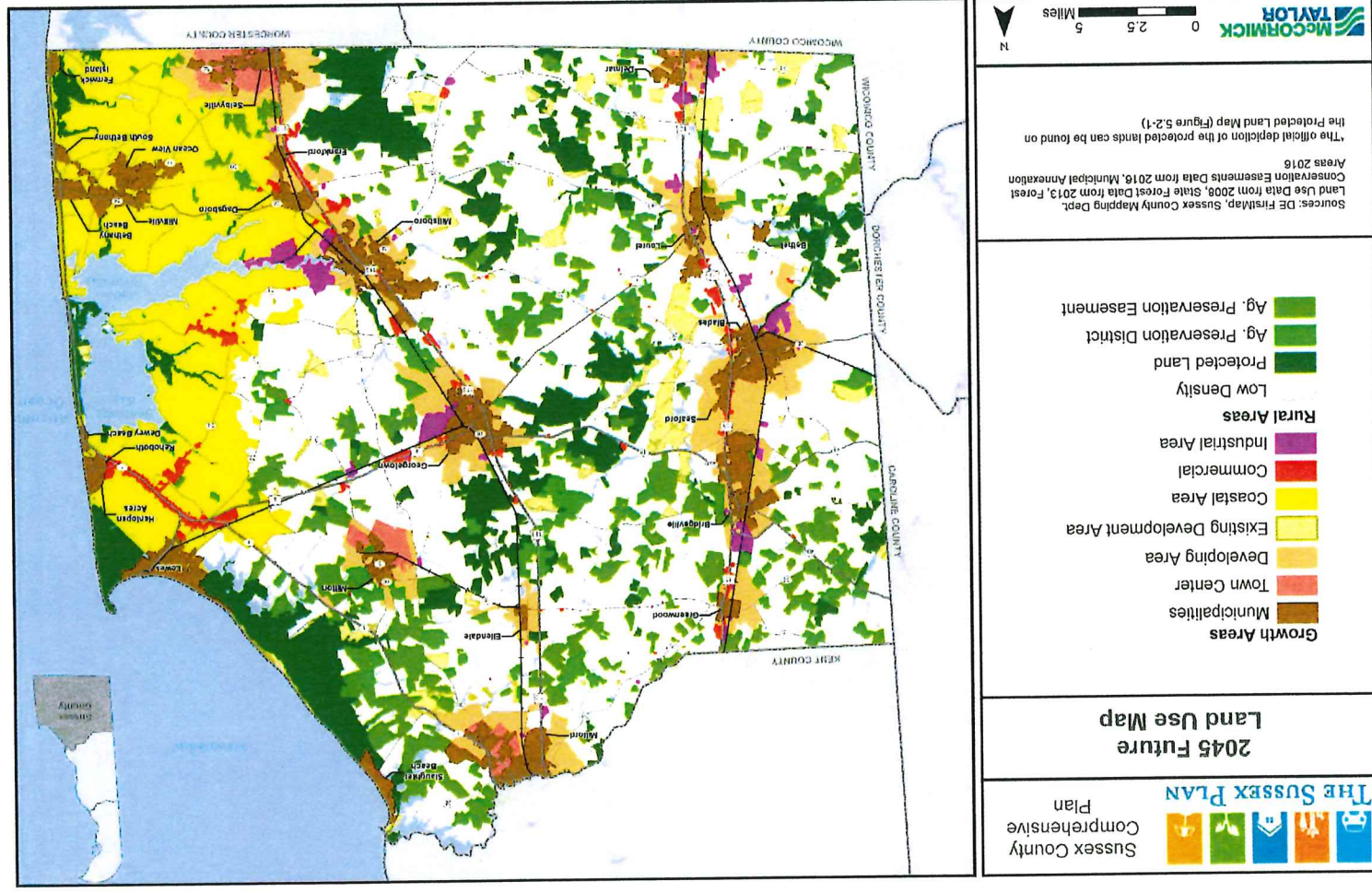


February 14, 2022



EXHIBIT E

Future Land Use





Since the comprehensive plan is a guide for the future use of land, the County's official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

According to state law, the County must amend its official zoning map to be consistent with the Future Land Use Map within 18 months of the date of adoption of the Comprehensive Plan. Additionally, future rezonings should also generally be consistent with the Future Land Use Plan.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
GROWTH AREAS	
Municipalities	N/A - town zoning applies
Town Center	Agricultural Residential District (AR-1)
	Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) Limited Industrial District (LI-1) Light Industrial District (LI-2) New Zoning Districts
Developing Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) Limited Industrial District (LI-1) Light Industrial District (LI-2) Heavy Industrial District (HI-1) New Zoning Districts

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
Coastal Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
	Medium Density Residential District (MR) General Residential District (GR) Agricultural Residential District (AR-1) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
Existing Development Area	Medium Density Residential District (MR) General Residential District (GR) Agricultural Residential District (AR-1) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
Commercial Area	Agricultural Residential District (AR-1) Limited Industrial District (LI-1) Light Industrial District (LI-2) Heavy Industrial District (HI-1) Service/Limited Manufacturing District (C-5) New Zoning Districts
Industrial Area	Agricultural Residential District (AR-1) Limited Industrial District (LI-1) Light Industrial District (LI-2) Heavy Industrial District (HI-1) Service/Limited Manufacturing District (C-5) New Zoning Districts
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts
Protected Lands	N/A - permanently protected Federally-owned, State-owned, or other land preserves, and conservation easements Agricultural Preservation Easements and Districts through the State's Farmland Preservation Program in Agricultural Residential District (AR-1)
Agricultural Preservation Easements and Districts	N/A - permanently protected Federally-owned, State-owned, or other land preserves, and conservation easements Agricultural Preservation Easements and Districts through the State's Farmland Preservation Program in Agricultural Residential District (AR-1)

Notes: Agricultural Residential District (AR-2), Neighborhood Business District (B-1), General Commercial District (C-1), Commercial Residential District (CR-1), Vacation Retirement Residential Park District (VRP), and Urban Business District (UB) are closed districts. These zoning may be located within any of the land use designations.

Each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general.

As described above, the Future Land Use Plan is not the County's official zoning map. The Future Land Use Map and all other aspects of this Comprehensive Plan will be considered primarily through ordinances and other programs that fulfill policy objectives.

4.6 IMPLEMENTATION OF THE FUTURE LAND USE PLAN THROUGH

STRATEGIES

4.6.1 Well-Planned Growth and Conservation Strategy

The Future Land Use Plan along with the County's Zoning and Subdivision and Land Development Regulations provides a framework for balanced land use and critical investment in Sussex County. Indeed, the County already provides an attractive environment for land use development; therefore, the Future Land Use Plan should establish sensible growth principles and strategies. Many of the goals, objectives, and strategies for this Chapter outlined in Section 4.7 are focused on ways to improve decisions related to future land use.

To effectuate such improved decisions, the Future Land Use Plan has established Growth Areas where the County has signaled future growth is expected. In addition, while development is inevitable, a priority has been made to better preserve the rural character and natural resources of the County. To achieve these goals, the County should consider larger buffers in sensitive environmental areas, increased building height in select areas, density bonuses for open space funding, and stream-lining the process for voluntary downzoning to AR-1.

The majority of development in the County is new development, but the County recognizes the importance of redevelopment to breathe new life into an area with pre-existing uses. Redevelopment also reduces development pressure on undeveloped land. The County would like to encourage more redevelopment and infill development by determining if incentives can be established for developers that propose redevelopment, particularly redevelopment of brownfield areas.

4.6.2 Supporting Agricultural Land Use and Agricultural Land Preservation

The County strongly supports efforts by the State, conservation organizations, and local landowners to preserve farmland through voluntary purchases of development rights. This is described in more detail in Chapter 6 of this Comprehensive Plan. The County views the voluntary sale of farmland development rights to the Delaware Agricultural Lands Preservation Foundation as an important tool for preserving the County's rural character and supporting a viable agricultural economy. The description of Low Density planning areas included earlier in this chapter describes additional strategies Sussex County now uses to help preserve the County's agricultural heritage.



EXHIBIT F

Miscellaneous

SITE MAPPING LEGEND



Area Proposed for Future Investigation for a Combined Commercial and Residential On-Site Wastewater Treatment and Disposal System (OWTDS); Wastewater Volume Not to Exceed 2,500 Gallons Per Day; Potential Sand-Lined Elevated Sand Mound OWTDS; 24 to 44± Inch Limiting Zones; 45 to 75± Minutes per Inch Subsoil Permeability Rates

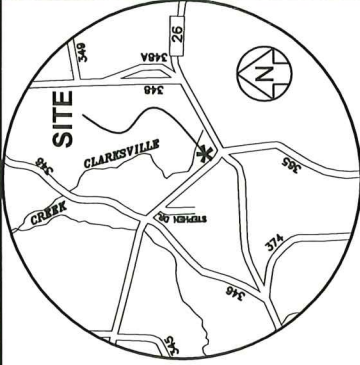
53

Tax Map Parcel

Adjacent Property Lines

Project Property Lines

Ditch/ Watercourse



NOTE: This information is provided for On-Site Wastewater Treatment and Disposal Systems (OWTDS) planning purposes only. Information is provided given current regulatory agency regulations and/ or policies and is subject to change pending more detailed investigations or regulatory agency review and approval. Due to the soil and site conditions present on these parcels, the mapping provided on this plan must be supplemented with additional preliminary testing (test pit investigations, subsoil permeability testing, and engineering studies) prior to additional site planning or financial transactions regarding the subject tract. Based on the field work collected to date, the soils on this parcel are suited for a small scale, mixed-use, residential and commercial development with OWTDS provided a judicial use of land area is exercised. Sand-Lined Elevated Sand Mound OWTDS may be suited within the soil interpretive mapping unit as cross-hatched on the plan. Soils are not suited for OWTDS over the remainder of the parcel based on soil morphology. Spatial information is setback to ditches (State designated shellfish waters), the height of the seasonal high water table as indicated by soil morphology. Spatial information is provided by A.R.M., Inc. utilizing field mapping techniques and public domain GIS data. The aerial photo is from the 2002 state flyover. Project boundaries were determined from the Sussex County tax map. This plan has been prepared for the exclusive use of Gregory and Patricia White. Any distribution or use by others is prohibited without written permission from A.R.M., Inc.

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ATLANTIC RESOURCE MANAGEMENT, INC.

Post Office Box 869



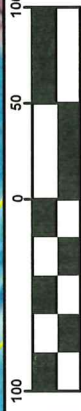
(302) 539-2029

Ocean View, DE 19970

Fax (302) 539-4601

DE@atlanticresource.net

ENVIRONMENTAL CONSULTANTS



LOT SIZE: 2.83 ACRES ±

REF: TAX MAP

DRAWN BY: J.T. MOORE

CHECKED BY: L. WOOD/L. ERICKSON

JOB #: 27-DS05-SR

TAX MAP: 1-34-11.00, PARCEL 152.00

DATE: FEBRUARY 03, 2005

SHEET NO: 1 OF 1

PROJECT: LANDS OF GREGORY T. &
PATRICIA P. WHITE

TITLE: SOILS RECONNAISSANCE
FOR OWTDS



January 3, 2023

Mr. David L Edgell, AICP
Director, Office of State Planning
Haslet Armory
122 Martin Luther King Jr. Blvd. South
Dover, DE 19901

RE: PLUS review - 2022-11-10; White Mini-Storage Parcels 107 & 108

Dear Mr. Edgell;

Please allow this letter to serve as our response to the PLUS review of the White Mini-Storage Parcels 107 & 108. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and in different font for ease in review.

Thank you for meeting with State agency planners on November 16, 2022, to discuss the proposed plans for the White Mini-Storage on Parcels 107 & 108. According to the information received, you are seeking review of a rezoning and site plan for mini storage on a parcel zoned MR (Medium Density Residential) with proposed zoning of AR-1 (Agricultural Residential) and a Conditional Use.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Response: The developer will comply with all Federal, State, and local regulations regarding the development of this property. The developer will comply with all regulations / restrictions set forth by Sussex County.

Strategies for State Policies and Spending

This project is located in a Level 2 investment area, which is consistent with the 2020 Strategies for State Policies and Spending. This site is also located in the Coastal area of the Sussex County comprehensive plan.

Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Development in Level 2 is consistent with the 2020 Strategies for State Policies and Spending; therefore, the Office of State Planning Coordination has no objections to this rezoning and site plan provided it meets the relevant codes and ordinances of Sussex County.

There were questions at the PLUS meeting as to why the owner of this property would request a downzoning to AR-I and apply for a conditional use for a commercial storage facility on this site while also applying to the county to upzone an AR-1 zoned property across the street to C-3 for a similar commercial storage facility. In the PLUS meeting the representative stated that they may move forward with an upzoning to C-2 for this property instead of what was stated on the application. If the applicant chooses to apply to the county for a different zoning than what was reviewed through PLUS, the rezoning may not be required to come through PLUS again; however, that determination would be made by the county.

According to Sussex County, commercial storage facilities may be appropriate as a Conditional Use in the Agricultural Residential (AR-1) Zoning District given specific site considerations. To rezone this property for a use that may be allowed under a conditional use would open this land to a wide range of new uses including heavy commercial and manufacturing uses that are of a greater scale and intensity than the proposed storage facility if the storage units do not come to fruition. The county should determine if the uses allowed under the proposed zoning are appropriate for this area.

Response: The site is located within areas of Investment Level 2. This is consistent with the Strategies for State Policies and Spending. The site is also located within the Coastal Area on the Sussex County future land use maps which is identified as a growth area. The proposed plan may be considered light commercial. Which is appropriate per the comprehensive plan. It is noted that an up-zoning may proceed forward without returning to PLUS at the discretion of the County.

Code Requirements/Agency Permitting Requirements

Department of Transportation-Contact Stephen Bayer 302-760-4834

- The site access on Vines Creek Road (Delaware Route 26) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivision/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?080220
17.
- Section 1.6 of the Manual addresses principles for the location of site entrances. DelDOT anticipates requiring the developer to align the site entrance with the entrance proposed by PLUS application 2022-11-09, White's Mini Storage Parcel 152 on the southwest side of Delaware Route 26, Tax Parcel: 134-11.00-152.00.
- Each segment of State maintained road is assigned a Functional Classification in accordance with the States Functional Classification Map. Definitions of these classifications are found in Sections 1.6.4 to 1.6.8 of the Manual. The existing design of the road is not required to meet the design standards of the functional classification at the time the classification is assigned. All access designs shall meet the standards set forth in the Manual for the assigned functional class of the frontage road and/or affected segment of road. The developer is responsible for improving the segment of road along their site's frontage to meet the design standards of the road's functional class.

Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Kevin Hickman. Mr. Hickman may be reached at Kevin.Hickman@delaware.gov or (302) 760-2461.

- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. Using the 11th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates that the subject development, consisting of 34,486 square feet of mini warehousing space, would generate 50 vehicle trip ends per day and estimates the weekday morning and evening peak hour trip ends at 3 and 5, respectively. Therefore, a TIS would not be required.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline of Delaware Route 26. The following right-of-way dedication note is required, **"An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot-wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot-wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 450 feet of the proposed entrance on Delaware Route 26.

- o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required.
- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Delaware Route 26.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Response: The Developer will work with DeIDOT and comply with necessary regulation.

Department of Natural Resources and Environmental Control - Contact Clare Quinlan 302-735- 3480

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

DNREC reviewers have no objections to the proposed rezoning.

Comments related to the proposed site plan are included below.

Concerns Identified Within the Development Footprint

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

Requirements:

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site; For this project, the plan review agency is the Sussex Conservation District.
- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically <https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856- 7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Response: The project will provide stormwater management and sediment and erosion control per local and state standards.

Tax Ditches

The project lies within the vicinity of the St. Georges Tax Ditch Watershed. Tax ditches are man-made channels created to move normal water flow off agricultural lands. The project site possesses no tax ditches and is currently not subject tax ditch ROWs.

Requirements:

- Development of the site may result in a change to the drainage pattern and associated tax ditch watershed boundary. To change existing tax ditch watershed boundaries, a Court Order Change must be submitted by the DNREC Drainage Program. To initiate this process, complete and submit the attached Land Development Project Review Request form. An aerial drainage map has been provided for your reference.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream or create any off-site drainage problems downstream due to increases in stormwater.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Tax Ditch guidelines:

<https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax-Ditch-Land-Development-Guidelines.pdf>

Response: It is noted the site is located in the vicinity of a tax ditch. Drainage patterns will be analyzed with the sediment and stormwater management review.

Wastewater Disposal Systems - Small Systems

An expired site evaluation (reference#: 476813) exists under the parcel number 134-11.00- 107.00 and an existing gravity system exists under the tax parcel number 134-11.00-108.00 in the Small System Branch database.

Requirements:

- Contact the DNREC Commercial and Government Services Section to discuss requirements for properly abandoning these systems.

Contact: DNREC Commercial and Government Services Section at (302) 856-4561

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/septic-systems/>

Response: Noted. It is anticipated that the site will connect to the County sanitary sewer in front of the site.

Delaware Emergency Management Agency - Contact Phillip Cane 302-659-2325

Proposed Project Parcel Flood Concern

- This parcel is located within an area of **Minimal Flood Concern of 1000 years or greater.**

Parcel Status within County Evacuation Zone Location

- The parcel is located within Sussex County's Evacuation Zone C.

Response: Noted. The site will comply with local requirements for development within a floodplain as necessary.

State Historic Preservation Office -Contact Carlton Hall 302-736-7400

- The DE SHPO has record of a historic house (S02486) on the parcel that burned down in 1998.
- The State Historic Preservation Office has no information for the house that would indicate the age of the dwelling.
- A possible cemetery is reported within the parcel based on previous survey of the area (S12625).
- Furthermore, the area has high potential for the existence of precontact archaeological resources.
- This is due to the project area containing several environmental factors that would have been conducive to human occupation, some of which include a risen and stable landform, well drained soils, and immediate access to fresh water.
- Lastly, as the area contains high archaeological potential and disturbance in the parcel seems minimal, this office will be requesting that archaeological survey be completed prior to any ground disturbing activity.

- It is important that the developer be aware of the Unmarked Human Burials and Human Skeletal Remains Law of 1987 (Delaware Code: Title 7, Chapter 54), which pertains to the discovery and disposition process of such remains. Abandoned or unmarked family cemeteries are very common in Delaware, especially on historic farm sites, rural areas, or open space lands. Disturbing unmarked burials triggers Delaware's Unmarked Human Burials and Human Skeletal Remains Law of 1987 (Delaware Code: Title 7, Chapter 54), and such discoveries can result in substantial delays while the procedures required under this law are carried out. The Delaware State Historic Preservation Office recommends that the owners and/or developers have a qualified archaeological consultant investigate this project area for the presence of such a cemetery. If one is discovered and delineated, it is very costly to have it archaeologically excavated and the burials moved.

Response: The project will comply with state and federal historic requirements as applicable. The cemetery will be investigated and accommodated if necessary.

Delaware State Fire Marshall's Office-Contact Duane Fox 302-739-4394

This document is for information purposes only and does not constitute any type of approval from the Delaware State Fire Marshal's Office.

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulations (DSFPR):

Fire Protection Water Requirements

- This site shall comply with Delaware State Fire Prevention Regulation 702, Chapter 6, Fire Flow Table 1, to include 15-foot setback for exposure hazards on the same property and 15 foot minimum set back from all property lines.

Fire Protection Features

- All structures over 10,000 sq ft aggregate will require automatic sprinkler protection.
- Buildings greater than 10,000 sq ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the Delaware State Fire Prevention Regulations.
- Show Fire Lanes and Sign Detail as shown in the Delaware State Fire Prevention Regulations.
- Proposed building may be required to meet the Large Area Building requirements from Regulation 702, Chapter 5 of the Delaware State Fire Prevention Regulations.
- All mini-storage buildings greater than 2,500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:

(1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,

(2) the owner of the facility does not have unrestricted access to the storage units, and

(3) the items being stored are concealed from view from outside the storage unit.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision must be constructed so fire department apparatus may negotiate it.

- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information

- Provide type of fuel proposed and show locations of bulk containers on plan.

Required Notes

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Response: Noted. The site will comply with State Fire Marshal regulations.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.**

They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped **(but in no way required)** that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Response: It is understood that the following comments do not represent state code requirements and that the ideas and suggestions are in no way required.

Department of Transportation- Contact Stephen Bayer 302-760-4834.

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Delaware Route 26.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2022. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Response: There are no proposed wastewater facilities with this site plan. Latest DelDOT notes will be used on the engineering plans.

Department of Natural Resources and Environmental Control - Contact Clare Quinlan 302-735-3480

Removal of Forest

The preliminary plan proposes the elimination of approximately 0.9 of 1.0 acres of forest on the site.

- Removing forested areas for development should be avoided to the greatest extent possible. Forests filter water for improved water quality, provide habitat for wildlife, absorb nutrients, infiltrate stormwater, moderate temperatures, and store atmospheric carbon which would otherwise contribute to climate change.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1st to July 31st. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/conservation/>

Response: Forest removal will be limited as feasible for construction of the project.

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Response: BMP design will be dependent on the soil conditions found upon exploration. Tree clearing will be limited as feasible.

Drainage

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.

- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Anny Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Tax Ditch Mapper: de.gov/taxditchmap

Tax Ditch guidelines:

<https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Tax- Ditch-Land-Development-Guidelines.pdf>

Response: Noted. There do not appear to be any known ditches on the property.

Water Quality (Pollution Control Strategies)

This site lies within the Indian River Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Response: BMP design will be dependent on the soil conditions found upon exploration. Tree clearing will be limited as feasible. Water Quality Standards will be met per DNREC Regulations

Wildlife Displacement

Development of this site is anticipated to displace local wildlife. Delaware is home to a rich array of wildlife species, which greatly depend on forests and other habitat types for food, water and cover.

- Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Forests are a key habitat type for wildlife in Delaware.
- Deer, groundhogs, and rabbits will browse on ornamental landscaping. Reduce the potential for future conflicts with wildlife by maintaining large blocks of forest, as opposed to small pockets of wooded areas.

Contact: DNREC Division of Fish and Wildlife, Species Conservation and Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

Response: Tree clearing will be limited as feasible and performed in accordance with the County code.

Additional Sustainable Practices

- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.

- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.
Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Response: The Developer will review the above comments and determine if they are applicable for this project.

Delaware Emergency Management Agency - Contact Philip Cane 302-659-2325

Population

- The county's population density of **265.60** per square mile is based on the US 2020 Census report, an increase from 2010 at **208.90** persons per square mile.
- The specific census block(s) the project is located on has a total population of **93** though, with development, this will undoubtedly change.
- The adjacent blocks aggregate, bringing the area to a total population of **567**.

FEMA National Risk Index

- The FEMA National Risk Index is an online mapping application that identifies communities most at risk of 18 natural hazards: Avalanche, Coastal Flooding, Cold Wave, Drought, Earthquake, Hail, Heat Wave, Hurricane, Ice Storm, Landslide, Lightning, Riverine Flooding, Strong Wind, Tornado, Tsunami, Volcanic Activity, Wildfire, and Winter Weather. The FEMA National Risk Index is calculated by multiplying the Expected Annual Loss times the Social Vulnerability and dividing that by the Community Resilience.

Expected Annual Loss

x Social Vulnerability

+ Community Resilience

- According to FEMA's National Risk Index, the parcel(s) is considered **relatively moderate** for overall natural hazard risks.
- Community Resilience is a consequence reduction risk component and a community risk factor that represents the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand/recover rapidly from disruptions. Social Vulnerability is a consequence-enhancing risk factor that represents the susceptibility of social groups to the adverse impacts of natural hazards.

Its community resilience and social vulnerability are rated as **relatively moderate**.

Renewable Energy Commitment

- Regarding energy use and consumption, the parcel utilizes **electricity** as the predominant fuel for heating purposes.
- DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities. Regarding utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems; the closer to 99%, the better, as well as A/C units of 20 Seer or greater. DEMA recommends using tankless water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure. Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs where applicable and allowable, and the like.
- DEMA recommends and encourages the **County Evacuation Zone Location** to be made publicly available to businesses and patrons through signs, pamphlets, or other means.

Response: The Developer will review the above comments and determine if they are applicable for this project. It should be noted that this is a mini-storage facility and many of these recommendations may not be applicable.

Delaware State Fire Marshall's Office - Contact Duane Fox 302-739-4394

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Response: Noted. The developer will review the above comments and determine if they are applicable for this project.

It should be noted that minor revisions are anticipated as the project goes through entitlement process. However, no major plan revisions are anticipated at this time.

This concludes our response. If you have any questions, please contact us at your convenience.

Sincerely,

Solutions, IPeM



Jim Eriksen, PE

Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department
2 The Circle (P.O. Box 417) Georgetown, DE 19947
302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)

Conditional Use _____

Zoning Map Amendment ☒**Site Address of Conditional Use/Zoning Map Amendment**

34360 & 34376 Vines Creek Road, Dagsboro, DE 19939; TMP 134-11.00-107.00, 108.00

Type of Conditional Use Requested:

Request to rezone TMP NOs. 134-11.00-107.00, 108.00 (parcels to be combined) from MR Medium Residential to C2 Medium Commercial.

Tax Map #: See Above.

Size of Parcel(s): 3.64 Acres +/-

Current Zoning: MR

Proposed Zoning: C2

Size of Building: N/A

Land Use Classification: Residential

Water Provider: _____

Sewer Provider: _____

Applicant Information

Applicant Name: Gregory T. White and Patricia P. White

Applicant Address: 955 Beacon Lane

City: Vero Beach

State: FL

Zip Code: 32963

Phone #: (302) 542-9552

E-mail: greggwhiteconstruction@yahoo.com

Owner Information

Owner Name: See Applicant Information

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC; Mackenzie M. Peet, Esq.

Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 645-2262

E-mail: mackenzie@bmbde.com



Check List for Sussex County Planning & Zoning Applications

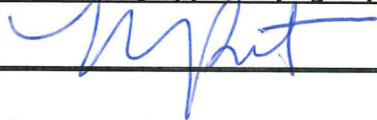
The following shall be submitted with the application

- ☒ **Completed Application**
- ☒ **Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- ☒ **Provide Fee \$500.00**
- ☒ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ☒ **DeIDOT Service Level Evaluation Request Response**
- ☐ **PLUS Response Letter** (if required)

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

Signature of Applicant/Agent/Attorney



Date: 02/14/2022

Signature of Owner

Date: _____

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

Please fill out this form and return it with your application. As a part of your application a Public Hearing is required. The property owners within 200' of the site of the application will be notified. Staff will notify the property owners.

Application Information:

Site Address: 34376 Vines Creek Road, Dagsboro, DE 19939

Parcel #: 134-11.00-107.00

Site Address: 34360 Vines Creek Road, Dagsboro, DE 19939

Parcel #: 134-11.00-108.00

Applicant Name: Gregory T. White and Patricia P. White

Owner Name: Gregory T. White and Patricia P. White

Type of Application:

Conditional Use: ☐
Change of Zone: ☒
Subdivision: ☐
Board of Adjustment: ☐

Date Submitted: _____

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Gregory T. White and Patricia P. White
Applicant Address: 955 Beacon Lane
City: Vero Beach State: FL Zip: 32963
Phone #: (302) 542-9555 E-mail: greggwhiteconstruction@yahoo.com

Owner Information

Owner Name: See Applicant Information
Owner Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: True North Land Surveying c/o Bradley Absher
Engineer/Surveyor Address: 35380 Atlantic Avenue
City: Millville State: DE Zip: 19967
Phone #: (302) 645-2262 E-mail: brad@truenorthls.com

Agent/Attorney Information

Agent/Attorney/Name: Baird Mandalas Brockstedt LLC; Mackenzie M. Peet, Esq.
Agent/Attorney/Address: 1413 Savannah Road, Suite 1
City: Lewes State: DE Zip: 19958
Phone #: (302) 645-2262 E-mail: mackenzie@bmbde.com

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____





STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

January 27, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning
P.O. Box 417
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Gregory T. White and Patricia P. White** proposed land use application, which we received on January 20, 2022. This application is for an approximately 3.84-acre assemblage of parcels (Tax Parcels: 134-11.00-107.00, 108.00). The subject lands are located on the south side of Vines Creek Road (State Route 26) about 300 ft north of the intersection with Omar Road (Sussex Road 365). The subject land is currently zoned MR (Medium Density Residential), with a proposed zoning of C2 (Medium Commercial) for a possible future self-storage facility.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Vines Creek Road from Omar Road to Stephen Drive, is 11,632 vehicles per day.

Our volume-based criteria for requiring a traffic impact study (TIS), addressed in Section 2.2.2.1 of the Development Coordination Manual, are that a development generates more than 500 trips per day or 50 trips during a weekly peak hour. While it seems that the above criteria could be met, we presently cannot predict the site's trip generation with enough accuracy to make a TIS useful. Thus, we recommend that this rezoning application be considered without a TIS and that the need for a TIS be evaluated when a subdivision or land development plan is proposed.



Mr. Jamie Whitehouse
Page 2 of 2
January 27, 2022

If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Gregory T. White and Patricia P. White, Applicant
Elliot Young, Sussex County Planning & Zoning
David Edgell, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination



EXHIBIT A

Property and Deed Information

Property Information

Property Location:	34376 VINES CREEK RD
Unit:	
City:	DAGSBORO
Zip:	19939
State:	DE
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	134 – BALTIMORE
School District:	1 - INDIAN RIVER
Council District:	4-Hudson
Fire District:	84-Millville
Deeded Acres:	1.1520
Frontage:	130
Depth:	386.000
Irr Lot:	
Plot Book Page:	/PB
100% Land Value:	\$5,000
100% Improvement Value	\$11,200
100% Total Value	\$16,200

Legal

Legal Description	SW RT 26 DAGSBORO TO CLARKS LOT
-------------------	---------------------------------------

Owners

Owner	Co-owner	Address	City	State	Zip
WHITE GREGORY T PATRICIA P	WHITE	55 BEACON LN	VERO BEACH	FL	32963

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
02/06/2004	2940/339	\$149,900.00	\$2,248.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	WHITE GREGORY T PATRICIA P	WHITE	55 BEACON LN	VERO BEACH	FL	32963	2940/339
2021	WHITE GREGORY T PATRICIA P	WHITE	55 BEACON LN	VERO BEACH	FL	32963	2940/339
2020	WHITE GREGORY T PATRICIA P	WHITE	55 BEACON LN	VERO BEACH	FL	32963	2940/339
2019	WHITE GREGORY T PATRICIA P	WHITE	300 HOLLYWOOD ST	BETHANY BEACH	DE	19930	2940/339
2018	WHITE GREGORY T PATRICIA P	WHITE	300 HOLLYWOOD ST	BETHANY BEACH	DE	19930	2940/339
2017	WHITE GREGORY T PATRICIA P	WHITE	300 HOLLYWOOD ST	BETHANY BEACH	DE	19930	2940/339
2006	WHITE GREGORY T PATRICIA P		WHITE 4 OTONKA TRAIL	DAGSBORO	DE	19939	2940/339
2004	WHITE GREGORY T PATRICIA P		WHITE 4 OTONKA TRAIL	DAGSBORO	DE	19939	2940/339
1900	STEELE MINNIE FLOSSIE SHOCKLEY					0	63/599

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RS	130	386	1.1520	

Land Summary

Line	1
------	---

100% Land Value 5,000

Residential

Card	1
Class	Residential
Style	Single Family
Year Built	1935
Occupancy	1
Stories	1.00
Basement	0-None
Total Fixtures	3
Heating	51 - Heat - Pipeless Hot Air
Air Condition	DN - A/C None
Electricity	3-Public
Foundation	31 - Foundation - Masonry
Exterior Wall	1-Frame or Block
Siding	1-Wood
Roof Type	1-Hip
Roofing	21 - Roofing - Wood
Elevator	-
Width	
Depth/Length	
Color	
Description	
MH Skirting	
MH Permit #	
MH Serial #	

Additions

Card #	Addition #	Area
1	0	896
1	1	180

Addition Details

1 of 2

Card #	1
Addition #	0
Lower	-
First	-
Second	-
Third	-
Area	896
Year Built	1935

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$5,000	\$11,200	\$16,200

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$2,500	\$5,600	\$8,100

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
09-NOV-2018	201811874	\$0	MV 4389
09-DEC-2016	201612826	\$28,024	32X62 DTT 3 CAR GARAGE W/ LEAN TOO
20-FEB-2013	201301961	\$0	MULIT-FAMILY 6 UNITS

Tax Map #1-34-11.00-107.00

Prepared by:
 Raymond E. Tomasetti, Jr.
 1209 Coastal Highway
 Fenwick Island, DE 19944

Return to:
 Mr. and Mrs. Gregory T. White
 4 Otonka Trail
 Dagsboro, DE 19939
 File No. 504-23

THIS DEED, made this 5 th day of February, in the year of our LORD two thousand and four,

BETWEEN ESTATE OF MINNIE FLOSSIE STEELE, by MARIE S. ROWE, EXECUTRIX, party of the first part, of C/O Marie Rowe, 115 Shady Park, Selbyville, DE 19975,

-AND-

GREGORY T. WHITE and PATRICIA P. WHITE, husband and wife, parties of the second part, of 4 Otonka Trail, Dagsboro, Delaware 19939.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One Hundred Forty Nine Thousand Nine Hundred And 00/100 Dollars (\$149,900.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part, as tenants by the entirety, their assigns and unto the survivor of them, and the survivor's personal representatives and assigns

ALL that certain lot tract, piece, or parcel of land situate in Baltimore Hundred, Sussex County, and State of Delaware, said tract being more particularly bounded and described by a survey prepared by Land Tech Land Surveying, LLC, dated February 2, 2004, as follows, to wit:

BEGINNING at a concrete marker located on the southwesterly R.O.W. of State Rt. 26, said concrete marker being a corner for this lot and lands N/F Susan E. & Myrtle L. Shaw; thence by and with the southwesterly R.O.W. of State Rt. 26, S 31 degrees 14 minutes 00 E, a distance of 128.67 feet to an iron pipe; thence by and with lands N/F Trustees of St. Georges U.M. Church S 76 degrees 51 minutes 16 seconds W, a distance of 369.62 feet to an iron pipe; thence by and with lands N/F Billy C. & Lemual J. Wingate, N 06 degrees 41 minutes 42

1

Consideration:	6149900.00	Exempt Code: A
County	State	Total
2248.50	2248.50	4497.00
counter	Date: 02/06/2004	

OK

seconds W, a distance of 115.33 feet to a concrete marker; thence by and with lands N/F Susan E. & Myrtle L. Shaw, N 75 degrees 27 minutes 36 seconds E, a distance of 316.81 feet to the point of beginning, containing 40,702 square feet, more or less.

BEING a part of the same lands and premises which George B. Steele and Emma L. Steele, husband and wife, by a Deed dated January 11, 1947 and recorded in Deed Book 370, Page 56, did grant and convey to Elmer B. Steele; and the said Elmer B. Steele departed this life testate on November 30, 1948 and by his Last Will and Testament filed in the Register of Wills in Georgetown, Delaware in Will Book 63, Page 599 he devised all his estate to his wife, Minnie Flossie Shockley Steele. The said Minnie Flossie Shockley Steele departed this life testate on November 3, 2003, and by her Last Will and Testament filed in the Register of Wills in Georgetown, Delaware in Will Book 419, Page 320, in item Third, she directed her Executrix, Marie S. Rowe to sell all my real property and the net proceeds therefrom shall become part of the residuary estate.

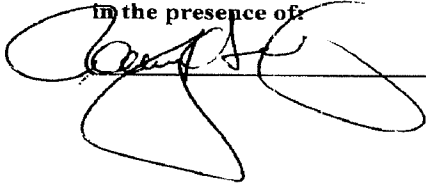
SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware.

02940 2341

IN WITNESS WHEREOF

, the party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, Sealed and Delivered
in the presence of



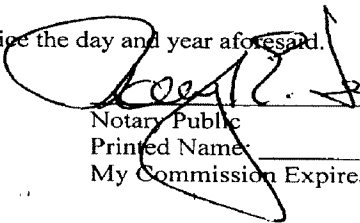
ESTATE OF MINNIE FLOSSIE STEELE

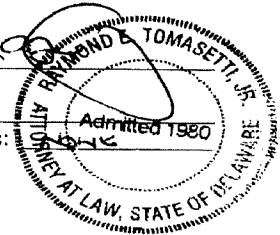
Marie S. Rowe {SEAL}
By, MARIE S. ROWE, EXECUTRIX

State of Delaware)
County of Sussex) S.S.

BE IT REMEMBERED, that on February 05, 2004, personally came before me, the subscriber, **MARIE S. ROWE, EXECUTRIX OF THE ESTATE OF MINNIE FLOSSIE STEELE**, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

Given under my Hand and Seal of office the day and year aforesaid.


Notary Public
Printed Name
My Commission Expires:



RECORDER OF DEEDS
JOHN E. GRADY

04 FEB -6 PM 2:39

SUSSEX COUNTY
DOC. SURCHARGE PAID

Received

FEB 09 2004

RECORDS DIVISION
OF SUSSEX COUNTY

PARID: 134-11.00-108.00
WHITE GREGORY T

ROLL: RP
34360 VINES CREEK RD

Property Information

Property Location:	34360 VINES CREEK RD
Unit:	
City:	DAGSBORO
Zip:	19939
State:	DE
Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	134 - BALTIMORE
School District:	1 - INDIAN RIVER
Council District:	4-Hudson
Fire District:	84-Millville
Deeded Acres:	2.6900
Frontage:	0
Depth:	.000
Irr Lot:	
Plot Book Page:	/PB
100% Land Value:	\$8,100
100% Improvement Value	\$20,000
100% Total Value	\$28,100

Legal

Legal Description	HWY.#26 DAGSBORO TO CLARKSVILLE 2.69 AC
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Owners

Owner	Co-owner	Address	City	State	Zip
WHITE GREGORY T	PATRICIA P WHITE	955 BEACON LN	VERO BEACH	FL	32963

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
07/22/2019	5092/317	\$125,000.00			WHITE GREGORY T
06/18/1984	3213/323	\$87,900.00	\$1,758.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	WHITE GREGORY T	PATRICIA P WHITE	955 BEACON LN	VERO BEACH	FL	32963	5092/317
2021	WHITE GREGORY T	PATRICIA P WHITE	955 BEACON LN	VERO BEACH	FL	32963	5092/317
2020	WHITE GREGORY T	PATRICIA P WHITE	955 BEACON LN	VERO BEACH	FL	32963	5092/317
2019	WHITE GREGORY T	PATRICIA P WHITE	300 HOLLYWOOD ST	BETHANY BEACH	DE	19930	5092/317
2018	KREMER STEVEN M SUSAN SHAW	KREMER TRUSTEES	101 GOSLING CREEK RD	LEWES	DE	19958	3213/323
2017	KREMER STEVEN M SUSAN SHAW	KREMER TRUSTEES	101 GOSLING CREEK RD	LEWES	DE	19958	3213/323
2013	KREMER STEVEN M SUSAN SHAW		KREMER TRUSTEES PO BOX 125	GEORGETOWN	DE	19958	3213/323
2006	KREMER STEVEN M SUSAN SHAW		KREMER TRUSTEES PO BOX 125	GEORGETOWN	DE	19947	3213/323
2005	BUEHLER SUSAN E.		PO BOX 125	GEORGETOWN	DE	19947	0/0
1900	BRASURE R JAMES JR MAXINE					0	1010/303

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RS	0	0	2.6900	

Land Summary

Line	1
100% Land Value	8,100

Residential

Card	1
Class	Residential
Style	Single Family
Year Built	1963
Occupancy	1
Stories	1.00
Basement	0-None
Total Fixtures	5
Heating	51 - Heat - Pipeless Hot Air
Air Condition	DN - A/C None
Electricity	3-Public
Foundation	31 - Foundation - Masonry
Exterior Wall	1-Frame or Block
Siding	3-Aluminum/Vinyl
Roof Type	2-Gable
Roofing	21 - Roofing - Wood
Elevator	-
Width	
Depth/Length	
Color	
Description	
MH Skirting	
MH Permit #	
MH Serial #	

Additions

Card #	Addition #	Area
1	0	1,144
1	1	416

Addition Details

1 of 2

Card #	1
Addition #	0
Lower	-
First	-
Second	-
Third	-
Area	1,144
Year Built	1963

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	GPF3-GENPURP FAIR 401-600	26	22	0	572
1	2	GPF2-GENPURP FAIR 201-400	20	16	0	320

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$8,100	\$20,000	\$28,100

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$4,050	\$10,000	\$14,050

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
30-JUL-2003	10299-1	\$2,895	ABOVE GROUND POOL-HWY 26

Tax Map and Parcel #: 134-11.00-108.00

PREPARED BY:
TOMASETTI LAW LLC
1100 Coastal Hwy., Unit 3
Fenwick Island, DE 19944
File No. 519-194/KR

RETURN TO:
GREGORY T. WHITE
PATRICIA P. WHITE
300 Hollywood Street
Bethany Beach, DE 19930

THIS DEED, made this 17 day of July, 2019,

- BETWEEN -

STEVEN M. KREMER, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF STEVEN M. KREMER DATED 10/7/05, as to an undivided one-half interest and SUSAN SHAW KREMER, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF SUSAN SHAW KREMER DATED 10/7/05, as to an undivided one-half interest, of 101 Gosling Creek Road, Lewes, DE 19958, parties of the first part,

- AND -

GREGORY T. WHITE and PATRICIA P. WHITE, of 300 Hollywood Street, Bethany Beach, DE 19930, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **One Hundred Twenty-Five Thousand and 00/100 Dollars (\$125,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as **TENANTS BY THE ENTIRETY:**

ALL that certain tract, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County and State of Delaware and more particularly described as follows, to wit:

Beginning at a concrete marker situate on the West right-of-way of State Route 26 (said State Route having a right-of-way of 70 feet), said concrete marker being 650 feet more or less North from the centerline of County Route 54, said concrete marker also being a corner for these lands and lands now or formerly of Minnie Flossie Shockley; thence following the right-of-way of said State Route 26, North 31 degrees 00 minutes 05 seconds West 290 feet to a concrete marker being a corner for these lands and lands now or formerly of Ralph J. Brasure, et ux.; thence leaving said State Route 26 following lands now or formerly of Ralph J. Brasure, et ex., South 58 degrees 34 minutes 01 seconds West 687.83 feet to a concrete marker being a corner for these lands, lands now or formerly of Ralph J. Brasure, et ux., and being in the line of lands now or formerly of Sarah C. Phillips Mitchell; thence following lands now or formerly of Sarah C. Phillips Mitchell, South 09 degrees 31 minutes 25 seconds East 25 feet to an iron pipe being a corner for these lands, lands now or formerly of Billy C. Wingate, et al and in line of lands now or formerly of Sarah G. Phillips Mitchell thence following lands now or formerly of Billy G. Wingate, North 82 degrees 35 minutes 55 seconds East 429.18 feet to a concrete marker being in the line of these lands and marking a corner for lands now or formerly of Billy C. Wingate, et al, and the aforementioned lands now or formerly of Minnie Flossie Shockley; thence following lands now or formerly of the aforementioned Minnie Flossie Shockley, North 75 degrees 27 minutes 36 seconds East 316.66 feet to a concrete marker which is home to the place of beginning, being and containing 2.69 acres of land, more or less and improved with a one-story dwelling and outbuildings, as surveyed by McCann Surveyors, Inc., Registered Surveyors, on September 19, 1982.

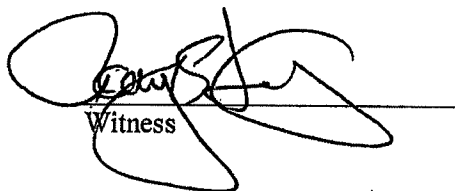
EXCEPTING AND RESERVING THEREFROM all outconveyances from the aforementioned property made by the parties of the first part.

BEING a part of the same lands as conveyed unto Steven M. Kremer, Trustee Under Revocable Trust Agreement of Steven M. Kremer dated 10/7/05, as to an undivided one-half interest and Susan Shaw Kremer, Trustee Under Revocable Trust Agreement of Susan Shaw Kremer dated 10/7/05, as to an undivided one-half interest, by Deed of Susan Shaw Kremer (formerly known as Susan E. Shaw), dated October 7, 2005 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3213, Page 323.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

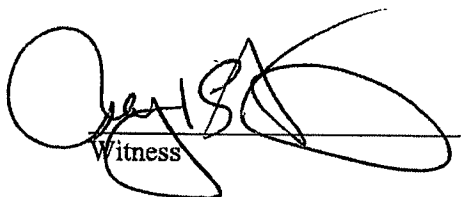
IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

STEVEN M. KREMER, TRUSTEE UNDER
REVOCABLE TRUST AGREEMENT OF
STEVEN M. KREMER DATED 10/7/05 AS TO
AN UNDIVIDED ONE-HALF INTEREST


Witness

By:  Trustee (SEAL)
STEVEN M. KREMER, TRUSTEE

SUSAN SHAW KREMER, TRUSTEE UNDER
REVOCABLE TRUST AGREEMENT OF
SUSAN SHAW KREMER DATED 10/7/05, AS
TO AN UNDIVIDED ONE-HALF INTEREST

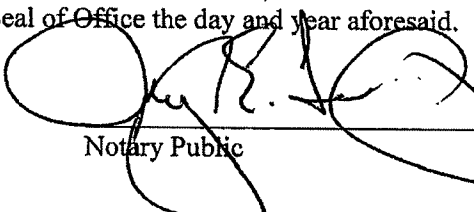

Witness

By:  Trustee (SEAL)
SUSAN SHAW KREMER, TRUSTEE

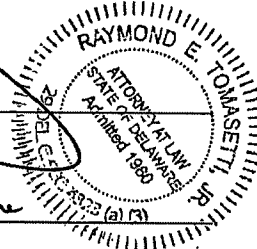
STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

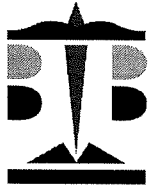
BE IT REMEMBERED, that on July 17, 2019, personally came before me, the subscriber, STEVEN M. KREMER, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF STEVEN M. KREMER DATED 10/7/05 as to an undivided one-half interest and SUSAN SHAW KREMER, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF SUSAN SHAW KREMER DATED 10/7/05, as to an undivided one-half interest, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my Hand and Seal of Office the day and year aforesaid.


Notary Public

My Commission Expires: Nov

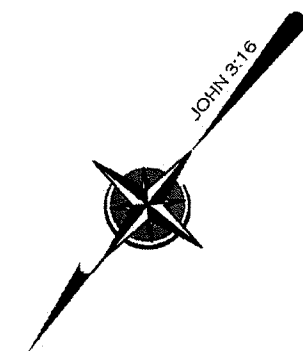
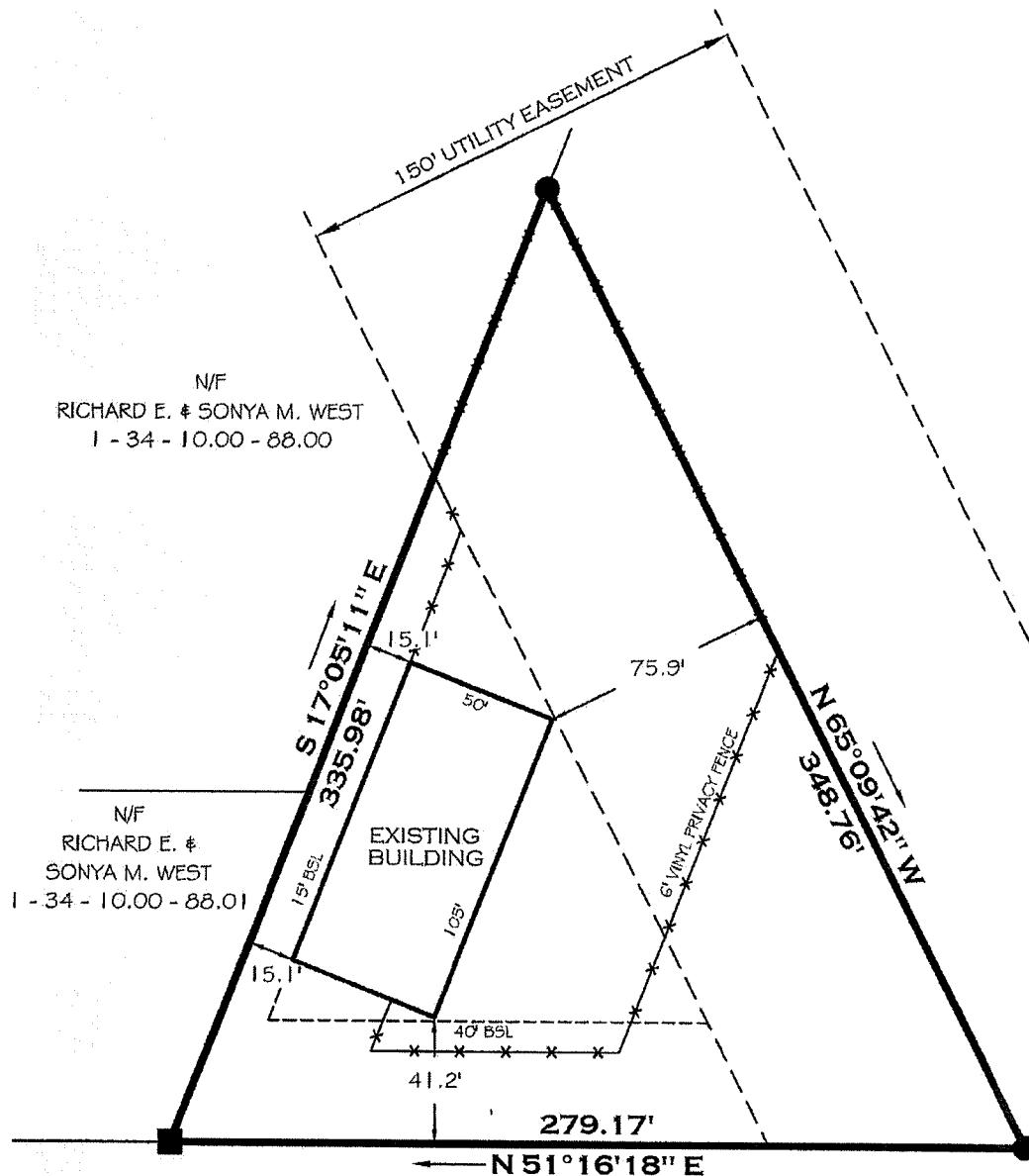




BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT B

Survey



N/F
TIMOTHY B. & VICKI O'HARE
1 - 34 - 10.00 - 62.01

NOTES

1. CLASSIFICATION OF SURVEY: RURAL
2. ZONE: AGRICULTURAL/RESIDENTIAL

3. BUILDING SETBACK LINES (BSL)
FRONT 40'
SIDE 15'

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

OMAR ROAD COUNTY ROAD #54 60' RIGHT OF WAY

I, BRADLEY A. ABSHER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

BRADLEY A. ABSHER, DE PLS # 735
DATE

7.29.21

LEGEND

- IRON ROD W/ CAP FOUND
- CONCRETE MONUMENT FOUND

TRUE NORTH



LAND SURVEYING

35380 ATLANTIC AVENUE
MILLVILLE, DE 19967
302-539-2488

TAX MAP	1-34 - 10.00 - 62.10
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	1.00 ± ACRES
DEED REF.	5419 / 30
PLAT REF.	302 / 77
DRAWN BY	WTM
DATE	07 / 29 / 2021
SCALE	1" = 60'
SURVEY #	DE - 00477

BOUNDARY SURVEY PLAN

PARCEL "E"

FOR
DELAWARE SITESCAPES, LLC

32414 OMAR RD, FRANKFORD, DE 19940

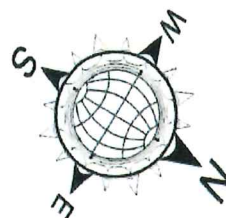
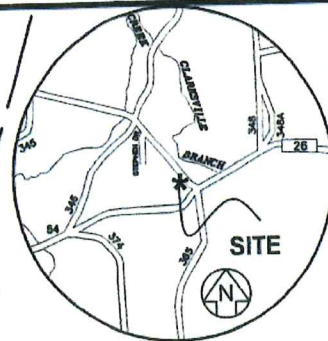


SOIL BORING



COPY

MIXED - AG/
POULTRY HOUSES
WELL > 150' FROM
EVALUATED AREA



CHURCH/ WELL
> 150' FROM
EVALUATED AREA

DWELLING

**VISIBLE
WELL**

STATE ROUTE 26

VACANT

DWELLING

VACANT

WELL
PER
OWNER

**TAX MAP # 1-34-11.00, PARCEL 107.00
SUSSEX COUNTY, DELAWARE**

ATLANTIC RESOURCE MANAGEMENT, INC.

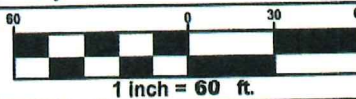
Post Office Box 869
Ocean View, DE 19970



(302) 539-2029
Fax (302) 539-4601

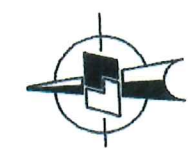
DE@atlanticresource.net

ENVIRONMENTAL CONSULTANTS



PROJECT:	GREGORY T. & PATRICIA P. WHITE
TITLE:	SOIL EVALUATION PLOT DRAWING

LOT SIZE: 40,702 SQ. FT. ±
REF: LAND TECH (2/04)
DRAWN BY: J.T. MOORE
CHECKED BY: L. WOOD/L. ERICKSON
JOB #: 469-DS04-SE
TAX MAP: 1-34-11.00, PARCEL 107.00
DATE: OCTOBER 15, 2004
SHEET NO: 1 OF 1



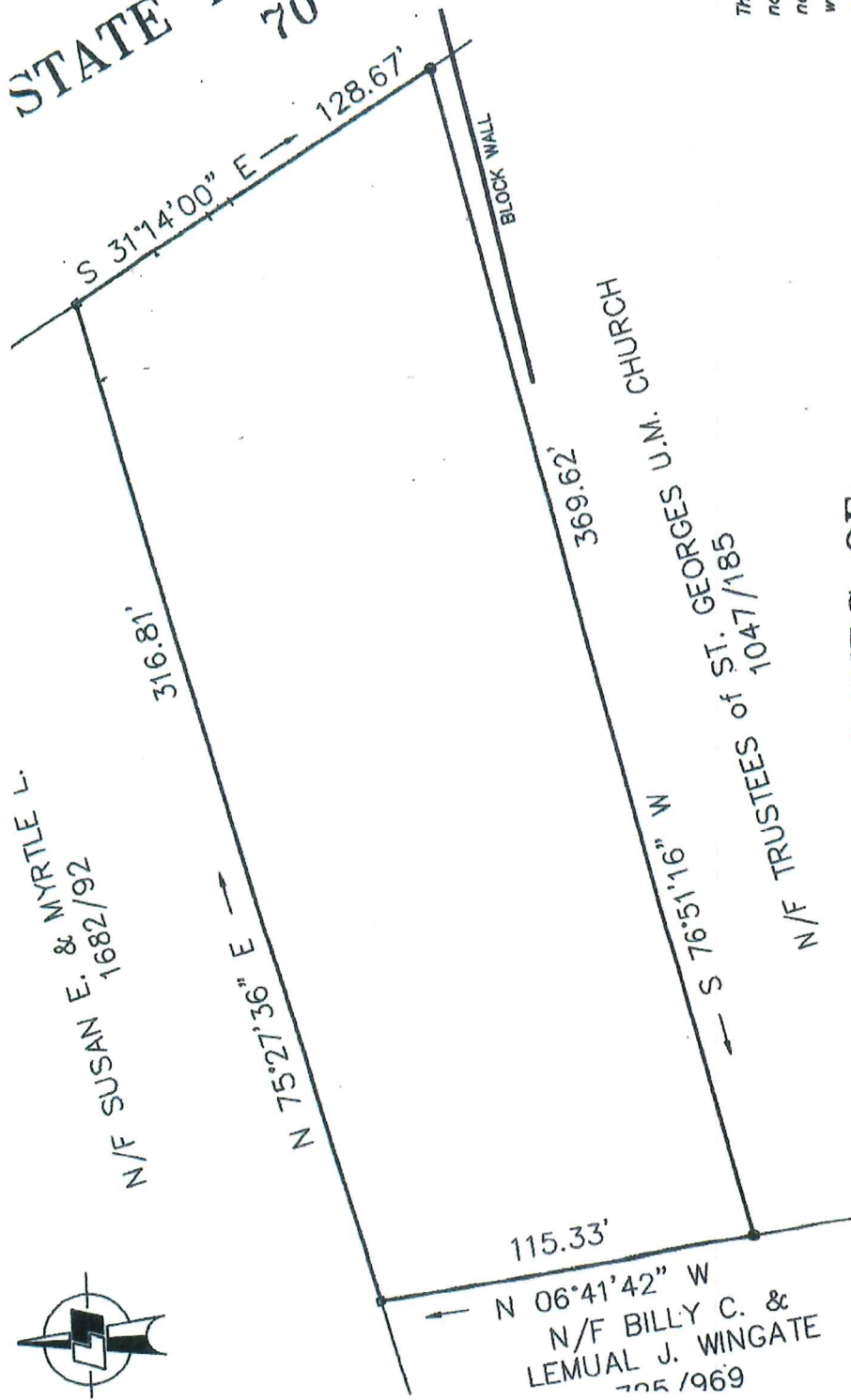
N/F SUSAN E. & MYRTLE L.
1682/92

STATE RT. 26
70' R.O.W.

Greg White
542-9552

Parcel 1

This plot and survey does
not verify the existence or
non-existence of right-of-
ways or easements on this
property.



LOT & LOCATION SURVEY

LANDS OF:
MINNIE F. STEELE
BALTIMORE HUNDRED - SUSSEX COUNTY - DELAWARE

- = 3" CONCRETE MARKER FOUND
- = 3/4" IRON PIPE FOUND
- = 3/4" IRON PIPE SET
- " SUBURBAN SURVEY "
- FLOOD ZONE: X

AREA: 40,702 sq. ft. ±

Scale: 1"=50'	Date: 2-2-04	Drawn By: E.M.M.
- PREPARED BY -		JOB NO. 04015
		F.B. NO. 306-44
LAND SURVEYING, LLC.		T.M. 1-34-11-107
ROUTE 1, BOX 17-B 118 ATLANTIC AVENUE OCEAN VIEW, DELAWARE 19070		1B-329
PHONE: (302) 539-2366 FAX: (302) 539-2499		DRAWING NO.



EXHIBIT C

Zoning Code

Chapter 115. Zoning

Article XIB. C-2 Medium Commercial District

[Added 2-27-2018 by Ord. No. 2550]

§ 115-83.10. Purpose.

This district supports uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and services businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

§ 115-83.11. Permitted uses.

A. A building or land shall only be used for the following purposes or uses:

(1) Agricultural-related uses.

(a) Wholesale, retail nurseries for sale of products produced on site.

(2) Residential uses.

(a) Bed-and-breakfast (tourist homes).

(b) Hotel, motel or motor lodge.

(3) Sales and rental of goods, merchandise and equipment.

(a) Convenience store.

(b) Convenience store, fuel station (one to six fuel dispensers; no restrictions on number of nozzles).

(c) Retail sales establishments 75,000 square feet or less.

(d) Pharmacy or related uses 35,000 square feet or less.

(e) Restaurants.

(f) Brew pubs.

(g) Wholesale trade establishments.

(4) Office, clerical, research, personal service and similar enterprises not primarily related to goods.

(a) Business service establishments.

(b) Banks.

- (c) Professional offices.
- (d) Personal service establishments.
- (e) Entertainment establishments.
- (f) Social service establishments.
- (5) Manufacturing, assembling, processing.
 - (a) Winery, brewery or distillery under 7,500 square feet.
- (6) Educational, cultural, religious, philanthropic, social, fraternal.
 - (a) Recreational facility (indoor).
 - (b) Club indoor, private, such as clubs, lodges, and other annual membership clubs.
 - (c) Places of worship.
- (7) Institutional, residence, care, confinement and medical facilities.
 - (a) Family day-care center (one to six children).
 - (b) Large family child-care homes (seven to 12 children).
 - (c) Early care and education and school-age centers (13+ children).
 - (d) Residential child-care facilities and day treatment programs.
 - (e) Child placing agencies.
 - (f) Medical clinics.
 - (g) Independent care facility.
 - (h) Assisted living facility.
 - (i) Extended care facility.
 - (j) Intermediate care facility.
 - (k) Long-term care facility.
 - (l) Fitness/wellness center.
 - (m) Museums, non-profit art galleries.
 - (n) Community centers.
- (8) Storage and parking.
 - (a) Self-storage facility.
 - (b) Warehouse.
- (9) Public, semi-public, utilities, emergency.
 - (a) Government facilities and services.
 - (b) Parks.
 - (c) Public safety facilities including ambulance, fire, police, rescue and national security.
 - (d) Utility service facilities.
 - (e) Communication towers.

- (f) Recreational facilities, government.
- (10) Not grouped elsewhere.
 - (a) Funeral home.
 - (b) Animal hospital and veterinary clinics.
 - (c) Use of a manufactured-home-type structure for any business, commercial or industrial use that is administratively approved by the Director or his or her designee, and subject to the requirements set forth in Article IV, § 115-20A(16).
[Added 10-22-2019 by Ord. No. 2684]
- B. Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.
- C. No outside storage or sales are permitted in this district.

§ 115-83.12. Permitted accessory uses.

Permitted accessory uses are as follows:

- A. Residential within structure commercial or business uses.
- B. Garage, public or commercial parking.
- C. Temporary buildings, including manufactured home type structures, the use of which is incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such construction or upon expiration of a period of two years of the time of erection of the temporary building, whichever is sooner. If construction operations or the initial sale of lots remain actively underway, the Director may grant extensions to this time period.
[Added 10-8-2019 by Ord. No. 2683]

§ 115-83.13. Special use exceptions.

Special use exceptions may be permitted by the Board of Adjustment and in accordance with the provisions of Article XXVII of this chapter, and may include:

- A. Exceptions to parking and loading requirements, as follows:
 - (1) Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.
 - (2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
 - (3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.
 - (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

- B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:
[Added 10-22-2019 by Ord. No. 2684]

- (1) Use of a manufactured-home-type structure for any business, commercial or industrial use when not approved administratively by the Director or his or her designee.

§ 115-83.14. Permitted signs.

See Article **XXI**, §§ **115-159.5** for signs permitted in the C-2 District and other regulations relating to signs.

§ 115-83.15. Height, area and bulk requirements.

- A. Minimum lot sizes. Minimum lot sizes shall be as follows:

Use	Minimum Area** (square feet)	Maximum Area** (square feet)	Width* (feet)	Depth (feet)
All permitted	15,000	—	75	100

* NOTE: A lot fronting on a numbered road shown on the General Highway Map for Sussex County of 1964, as revised, shall have a minimum lot width of 150 feet.

** NOTE: Any lot which is not connected to a central sewer system, as defined by § **115-194A**, or which is located within a planning area as defined by a sewer planning study approved by the Sussex County Council, shall have a minimum area of 3/4 acre.

- B. Minimum yard requirements.

- (1) Minimum yard requirements shall be as follows, except that, in addition, the requirements relating to minimum buffers and setbacks contained in § **115-194.1E** of this Code shall apply to all uses other than single-family dwellings and multifamily structures:

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
All permitted	60	5	5

- (2) There shall be a side yard not less than 20 feet in width on the side of the lot adjoining a residential district, and there shall be a rear yard not less than 30 feet in depth on the rear side of a lot adjoining a residential district.

- C. Maximum floor area requirement. Maximum floor area requirements shall be as follows:

Use	Maximum Floor Area (square feet)
All permitted	75,000

- D. Maximum height requirement. Maximum height requirements shall be as follows:

Use	Feet
All permitted	42

§ 115-83.16. Reference to additional regulations.

The regulations contained in this article are supplemented or modified by regulations contained in other articles of this chapter, especially the following:

Article **I**, § **115-4**, Definitions and word usage

Article **XX**, Tables

Article **XXI**, Signs

Article **XXII**, Off-Street Parking

Article **XXIII**, Off-Street Loading

Article **XXV**, Supplementary Regulations

Article **XXVII**, Board of Adjustment



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT D

Aerial Maps

White Property Aerial Map

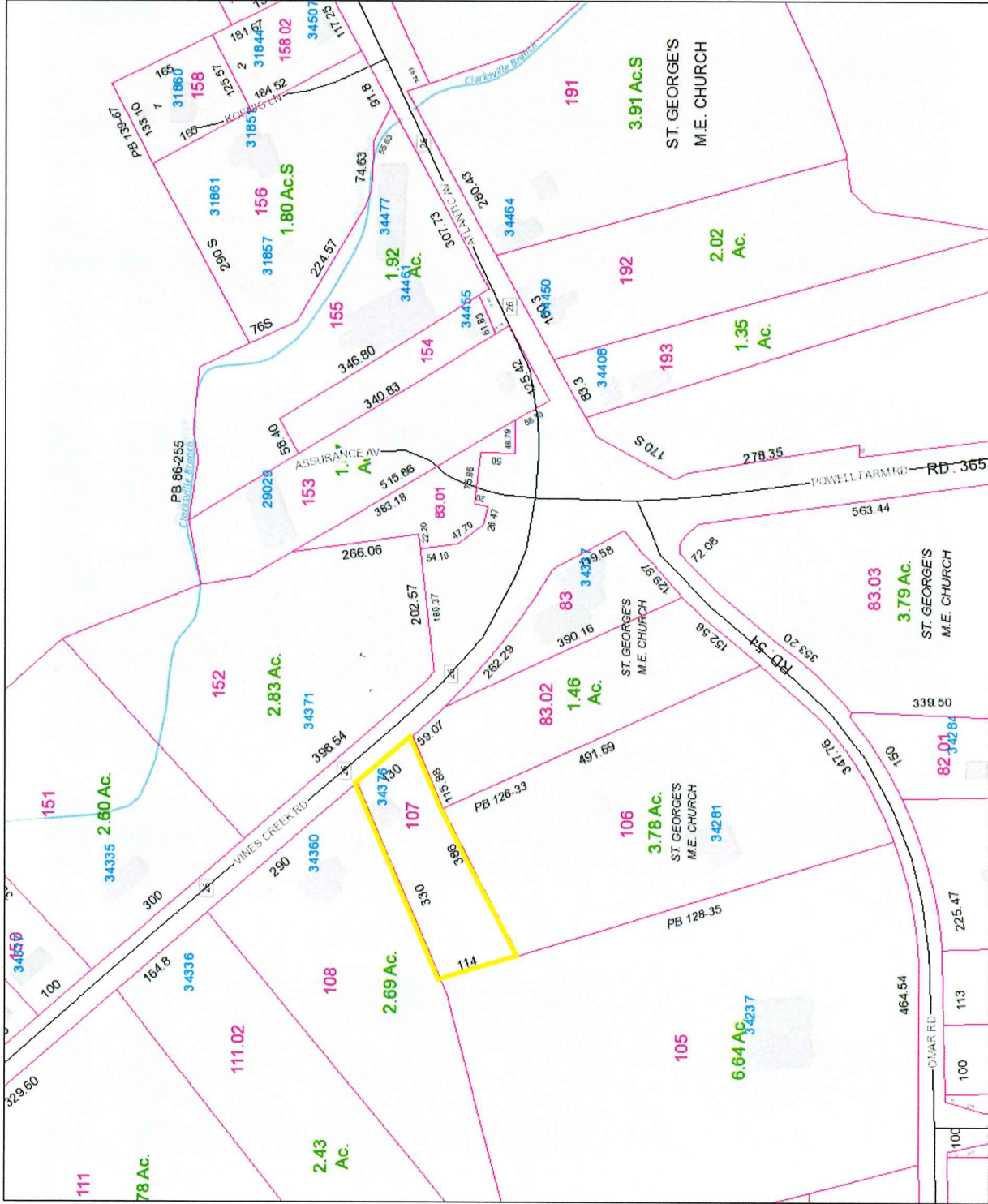
Legend

- 34360 Vines Creek Rd
- CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
- Church
- Delaware
- Feature 1
- Feature 2
- Millville Volunteer Fire Company Station #2
- This N' That Fitness



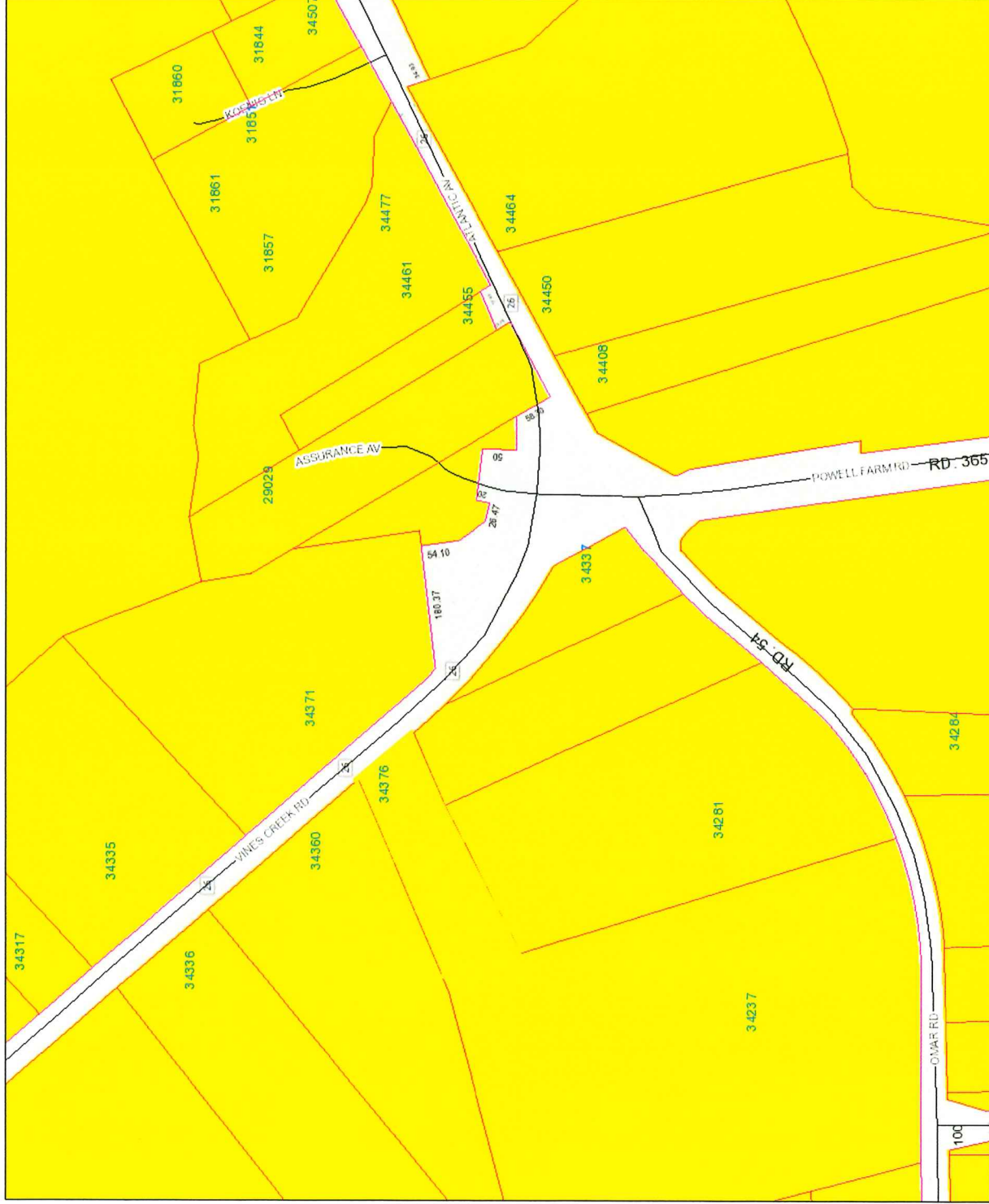


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 Override 1
polygonLayer
 Override 1
 Tax Parcels
 911 Address
 Streets
 County Boundaries
 Municipal Boundaries
 TID





Sussex County



PIN:	134-11.00-107.00
Owner Name	WHITE GREGORY T PATRICIA P
Book	2940
Mailing Address	55 BEACON LN
City	VERO BEACH
State	FL
Description	SW RT 26
Description 2	DAGSBORO TO CLARKS
Description 3	LOT
Land Code	

- Commercial

Developing Area

Existing Development Area

Industrial

Municipalities

Town Center

Municipal Boundaries

TID
- Override 1

Override 1

Tax Parcels

911 Address

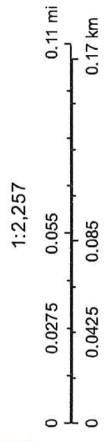
Streets

County Boundaries

2019 Future Land Use

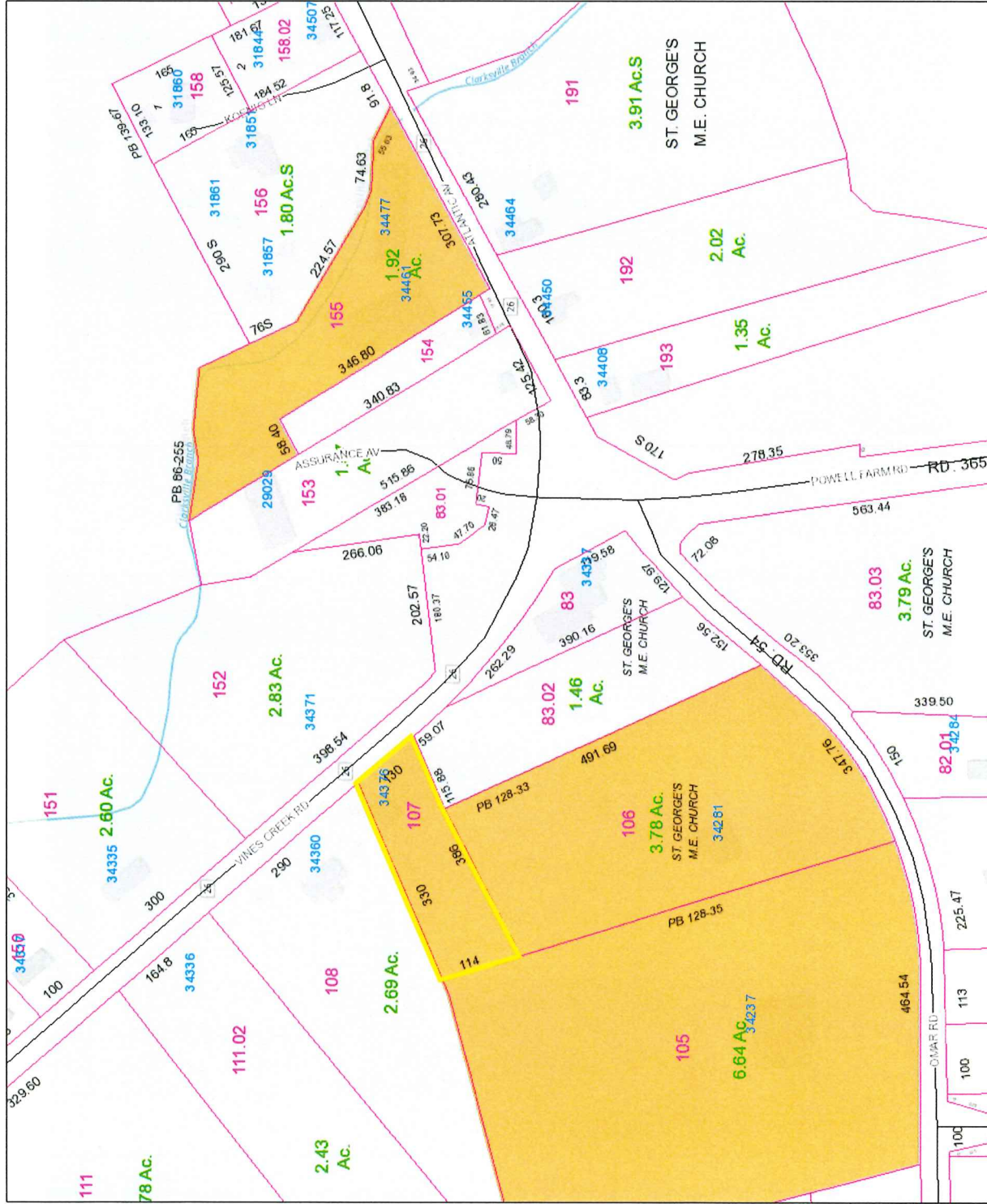
Low Density

Coastal Area



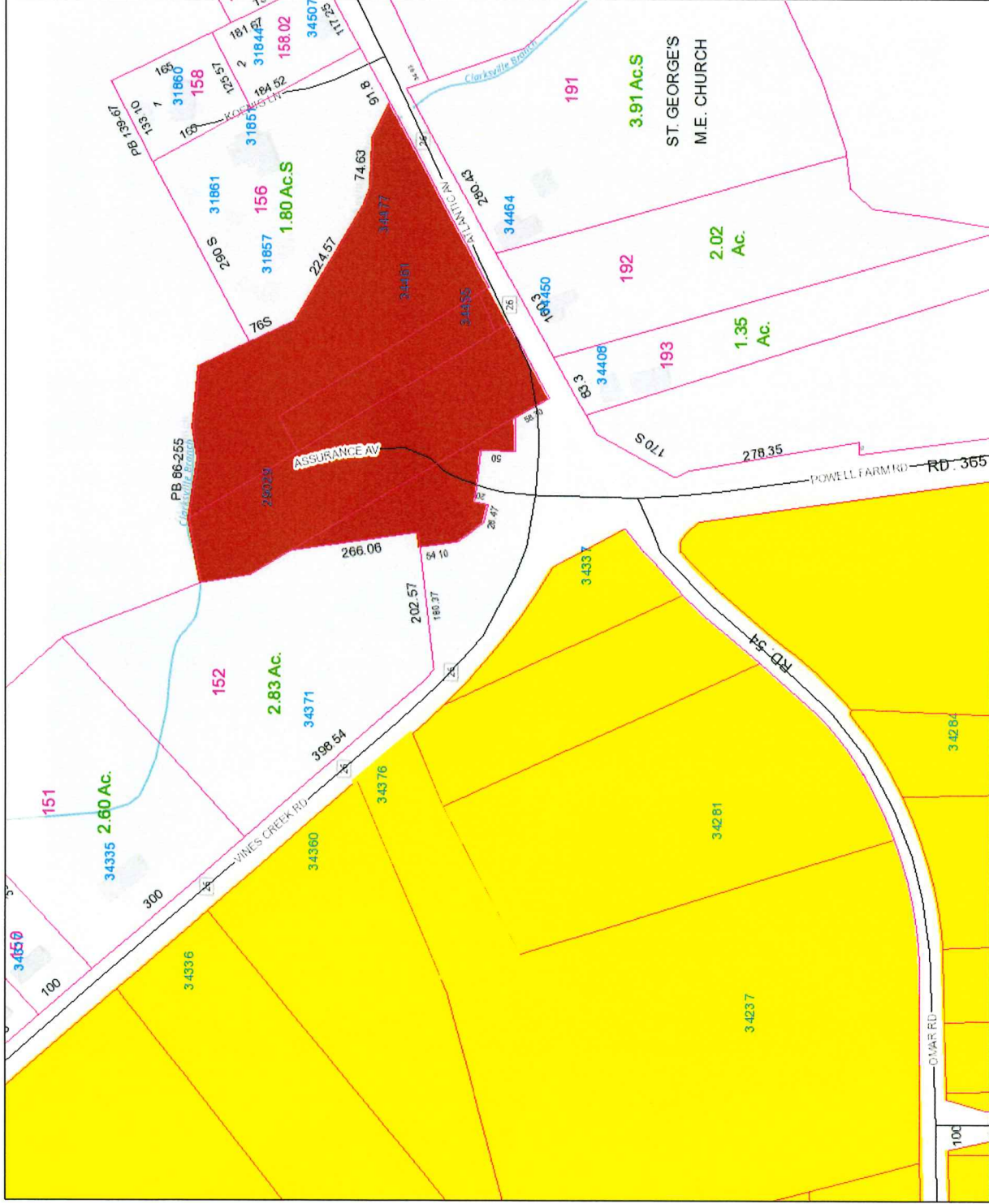


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polygonLayer
 Override 1
 Tax Parcels
 911 Address
 Streets
 County Boundaries
 Municipal Boundaries
 TID
 Conditional Use



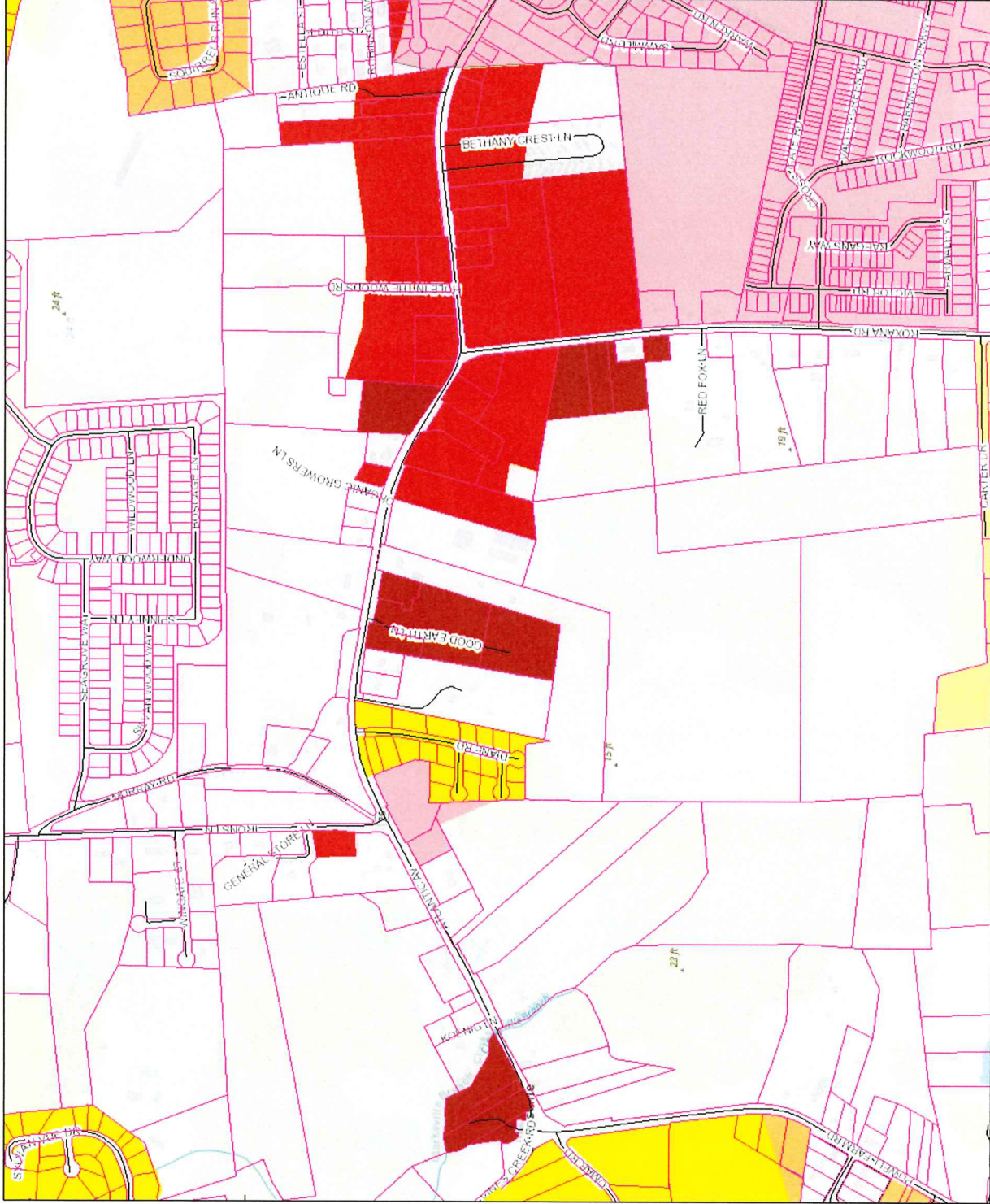


Sussex County



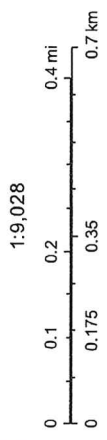


Sussex County



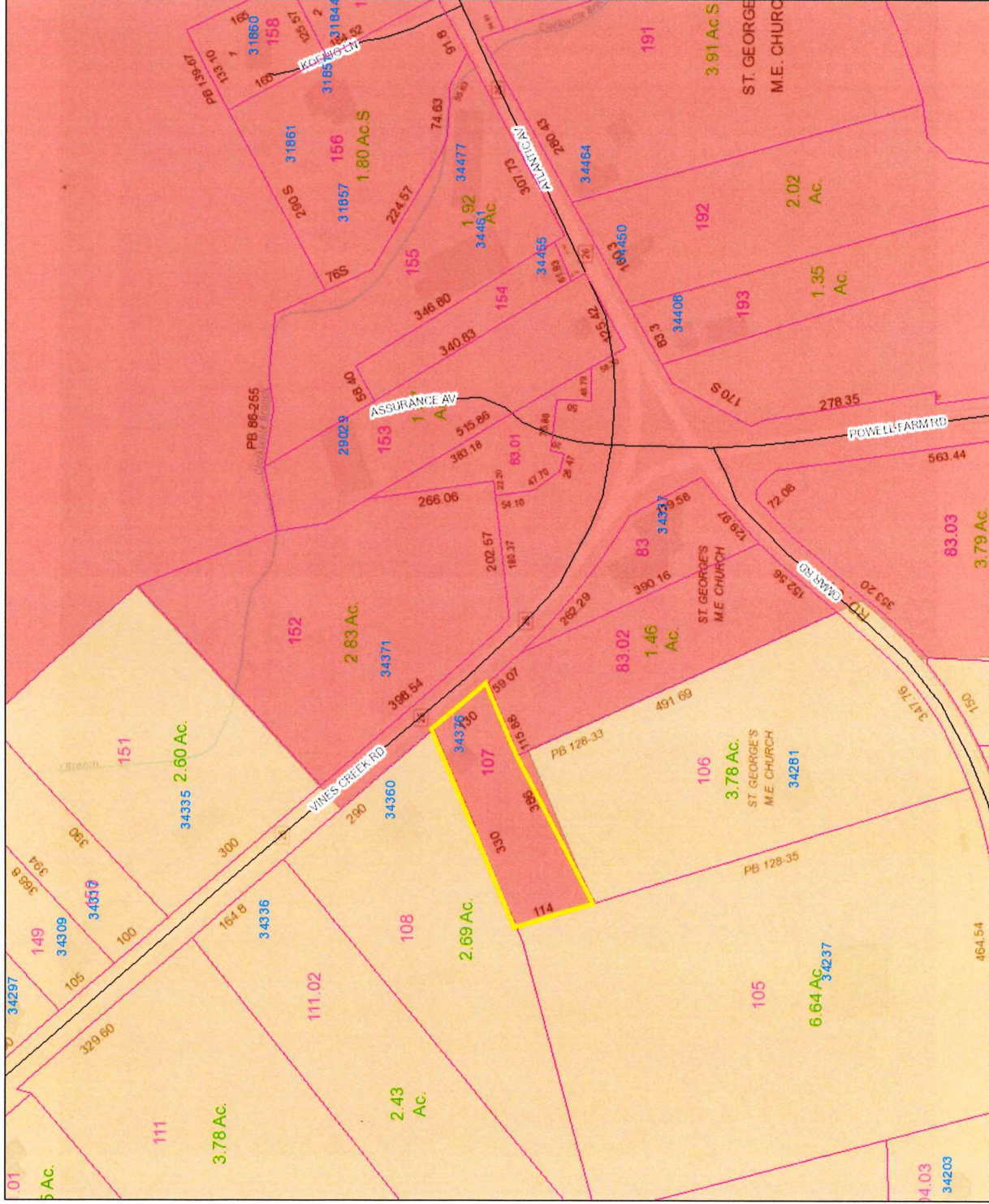
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Owner Name	WHITE GREGORY T PATRICIA P
Book	2940
Mailing Address	55 BEACON LN
City	VERO BEACH
State	FL
Description	SW RT 26
Description 2	DAGSBORO TO CLARKS
Description 3	LOT
Land Code	

- polyonLayer
Override 1
- polyonLayer
Override 1
- Tax Parcels
- Streets





Sussex County



PIN:	134-11.00-107.00
Owner Name	WHITE GREGORY T
	PATRICIA P
Book	2940
Mailing Address	55 BEACON LN
City	VERO BEACH
State	FL
Description	SW RT 26
Description 2	DAGSBORO TO CLARKS
Description 3	LOT
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

Sewer Tiers

Tier 1 - Sussex County Unified Sanitary Sewer District

Tier 2 - Sussex County Planning Area

Tier 3 - Coordinated CPCN Areas

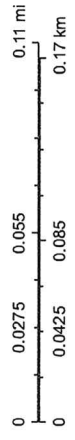
Tier 4 - System Optional Areas

Tier 5 - Regulated On-site Area

Municipal Boundaries

TID

1:2,257



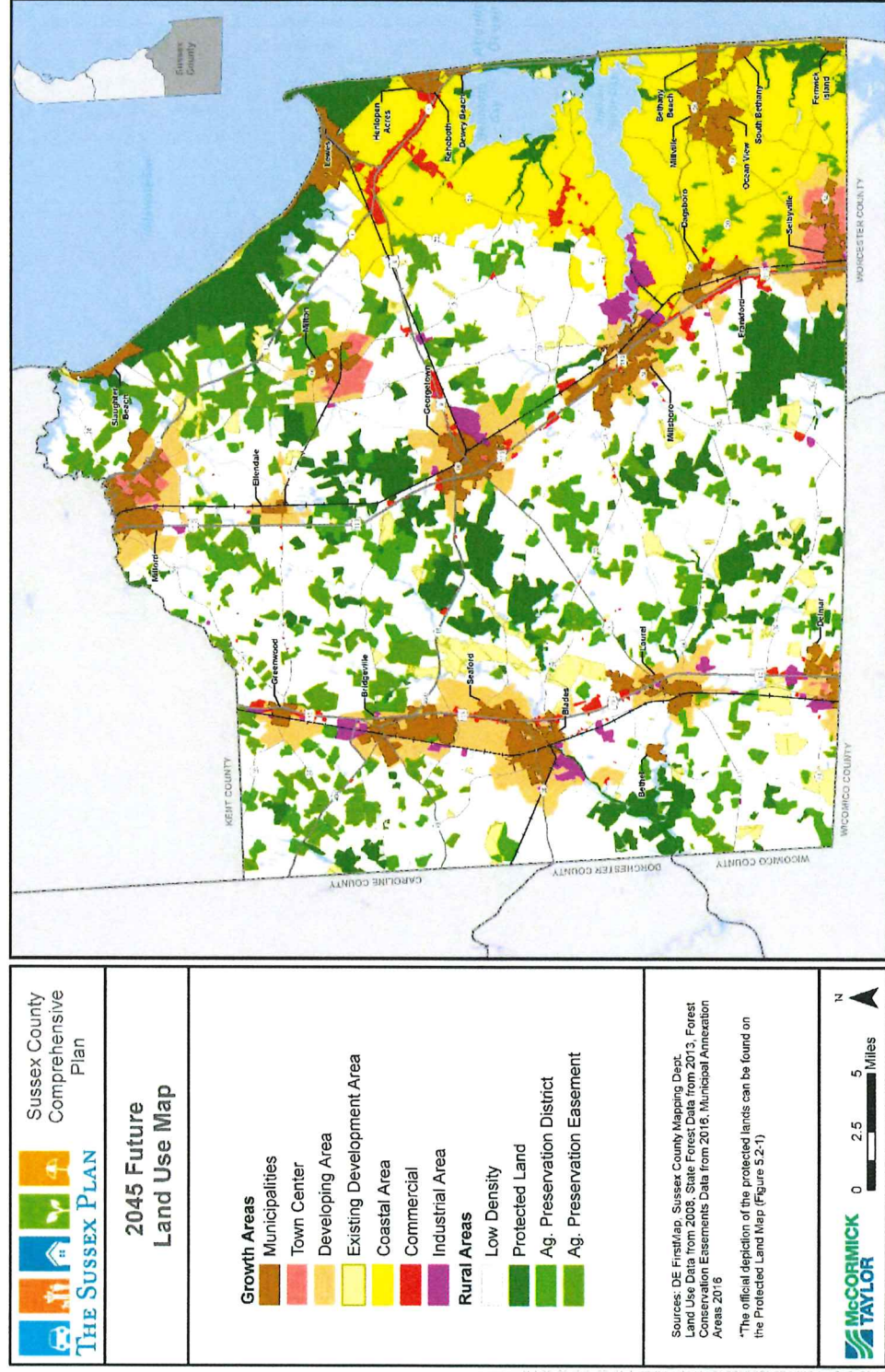


BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT E

Future Land Use

Figure 4.5-1 Sussex County 2045 Future Land Use





Since the comprehensive plan is a guide for the future use of land, the County's official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

According to state law, the County must amend its official zoning map to be consistent with the Future Land Use Map within 18 months of the date of adoption of the Comprehensive Plan. Additionally, future rezonings should also generally be consistent with the Future Land Use Plan.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
GROWTH AREAS	
Municipalities	N/A - town zoning applies
Town Center	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) Limited Industrial District (LI-1) Light Industrial District (LI-2) New Zoning Districts
Developing Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) Limited Industrial District (LI-1) Light Industrial District (LI-2) Heavy Industrial District (HI-1) New Zoning Districts

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
Coastal Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
Existing Development Area	Medium Density Residential District (MR) General Residential District (GR)
Commercial Area	Agricultural Residential District (AR-1) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
Industrial Area	Agricultural Residential District (AR-1) Limited Industrial District (LI-1) Light Industrial District (LI-2) Heavy Industrial District (HI-1) Service/Limited Manufacturing District (C-5) New Zoning Districts
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts
Protected Lands	N/A - permanently protected Federally-owned, State-owned, or other land preserves, and conservation easements
Agricultural Preservation Easements and Districts	Agricultural Preservation Easements and Districts through the State's Farmland Preservation Program in Agricultural Residential District (AR-1)

Notes: Agricultural Residential District (AR-2), Neighborhood Business District (B-1), General Commercial District (C-1), Commercial Residential District (CR-1), Vacation Retirement Residential Park District (VRP), and Urban Business District (UB) are closed districts. These zoning may be located within any of the land use designations.



Each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general.

As described above, the Future Land Use Plan is not the County's official zoning map. The Future Land Use Map and all other aspects of this Comprehensive Plan will be considered primarily through ordinances and other programs that fulfill policy objectives.

4.6 IMPLEMENTATION OF THE FUTURE LAND USE PLAN THROUGH STRATEGIES

4.6.1 Well-Planned Growth and Conservation Strategy

The Future Land Use Plan along with the County's Zoning and Subdivision and Land Development Regulations provides a framework for balanced land use and critical investment in Sussex County. Indeed, the County already provides an attractive environment for land use development; therefore, the Future Land Use Plan should establish sensible growth principles and strategies. Many of the goals, objectives, and strategies for this Chapter outlined in Section 4.7 are focused on ways to improve decisions related to future land use.

To effectuate such improved decisions, the Future Land Use Plan has established Growth Areas where the County has signaled future growth is expected. In addition, while development is inevitable, a priority has been made to better preserve the rural character and natural resources of the County. To achieve these goals, the County should consider larger buffers in sensitive environmental areas, increased building height in select areas, density bonuses for open space funding, and stream-lining the process for voluntary downzoning to AR-1.

The majority of development in the County is new development, but the County recognizes the importance of redevelopment to breathe new life into an area with pre-existing uses. Redevelopment also reduces development pressure on undeveloped land. The County would like to encourage more redevelopment and infill development by determining if incentives can be established for developers that propose redevelopment, particularly redevelopment of brownfield areas.

4.6.2 Supporting Agricultural Land Use and Agricultural Land Preservation

The County strongly supports efforts by the State, conservation organizations, and local landowners to preserve farmland through voluntary purchases of development rights. This is described in more detail in Chapter 6 of this Comprehensive Plan. The County views the voluntary sale of farmland development rights to the Delaware Agricultural Lands Preservation Foundation as an important tool for preserving the County's rural character and supporting a viable agricultural economy. The description of Low Density planning areas included earlier in this chapter describes additional strategies Sussex County now uses to help preserve the County's agricultural heritage.