

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



Sussex County

DELAWARE
sussexcountyde.gov

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

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY WINGATE



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GEORGETOWN, DE 19947
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sussexcountyde.gov

Sussex County Planning & Zoning Commission

AGENDA

January 13, 2022

5:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes – December 9, 2021, December 16, 2021

Other Business

Assawoman Lakes RPC (FKA Evergreen RPC) (CZ 1900) HW
Preliminary Site Plan and Landscape Plan

Patriot's Glen MR-RPC (CZ 1877) BM
Final Subdivision Plan

Brasure's Pest Control HW
Preliminary Site Plan

Old Business

C/U 2279 Ron Sutton BM
An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for multi-family dwellings (11 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.035 acres, more or less. The property is lying on the east side of Kent Avenue (S.C.R. 361), approximately 0.66 mile south of Garfield Parkway (Rt. 26). 911 Address: 33309 Kent Avenue, Bethany Beach. Tax Parcel: 134-17.11-6.00

C/U 2282 Lawrence Davies BM
An Ordinance to grant a Conditional Use of land in a C-1 General Commercial District for a microbrewery to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.35 acres, more or less. The property is lying on the southeast corner of the intersection of Cedar Neck Road (S.C.R. 357) and Hickman Road (S.C.R. 359). 911 Address: 38450 Hickman Road, Ocean View. Tax Parcel: 134-9.00-27.00



C/Z 1944 Executive Lawn Management Property, LLC (c/o John Huss) KS
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.68 acres, more or less. The property is lying on the north side of Lewes Georgetown Highway (Route 9) approximately 0.55 mile west of Prettyman Road (S.C.R. 254). 911 Address: 25141 Lewes Georgetown Highway, Georgetown. Tax Parcel: 235-30.00-6.20.

C/Z 1948 The Grande at Canal Point Maintenance Corporation BM
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a MR-RPC Medium-Density Residential District, Residential Planned Community to a MR-RPC Medium-Density Residential District, Residential Planned Community to amend Conditions of Approval Number 15 of C/Z 1538 (Ordinance No. 1700) and C/Z 1926 (Ordinance No. 2786) in relation to piers, docks, boat ramps and other water related recreational facilities for a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 180.60 acres, more or less. The property is lying on the east side of Hebron Road, approximately 0.19 mile south of the intersection of Hebron Road and Holland Glade Road (S.C.R. 271). 911 Address: N/A. Tax Parcel: 334-13.00-334.00, 1448.00-1750.00.

C/U 2277 Avalon Woods Owners Association, Inc. KS
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District and a GR General Residential District to designate Lot 39, Block A within the existing Avalon Woods Subdivision as open space and to allow for a shed amenity to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.42 acres, more or less. The property is lying on the southwest side of Avalon Drive within the existing Avalon Woods Subdivision, approximately 0.25 mile south of Avalon Road (S.C.R. 302A). 911 Address: 27826 Avalon Drive, Georgetown. Tax Parcel: 234-15.00-81.00.

C/Z 1947 Kenneth P. Adams KH
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District and AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for certain parcels of land lying and being in Dagsboro Hundred, Sussex County, containing 4.33 acres and 0.08 acre, more or less. The property is lying on the southwest side of DuPont Boulevard (Route 113) approximately 351 feet northwest of Governor Stockley Road (S.C.R. 432). 911 Addresses: 25116, 25076 & 25136 DuPont Boulevard, Georgetown. Tax Parcels: 133-6.00-50.00 & p/o 50.02.

Public Hearings

2021-15 Cobb Property HW
A Coastal Area cluster subdivision to divide 54.38 acres +/- into 68 single family lots to be located on a certain parcel of land and lying and being in Baltimore Hundred, Sussex County. The property is located on the northeast side of Zion Church Road (Route 20), approximately 0.5 mile northwest of Lighthouse Road (Route 54). Tax Parcels: 533-12.00-21.00 & 21.03. Zoning: AR-1 (Agricultural Residential District).

2021-12 Miralon (F.K.A. Cool Spring)

KS

A cluster subdivision to divide 72.20 acres +/- into 144 single family lots to be located on a certain parcel of land and lying and being in Indian River and Lewes & Rehoboth Hundred, Sussex County. The property is located on the northeast side of Cool Spring Road (S.C.R. 290), approximately 1.1 mile south of Fisher Road (S.C.R. 262). Tax Parcel: 234-5.00-37.00. Zoning: AR-1 (Agricultural Residential District).

C/U 2297 Schell Brothers, Inc.

BM

An Ordinance to grant a Conditional Use of land in a MR Medium Residential District for an amendment of conditions of approval for Conditional Use No. 2046 (Ordinance No. 2479) related to permitted hours of construction to be located on a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 36.61 acres, more or less. The property is lying on the northeast side of Warrington Road (S.C.R. 275) approximately 0.25 mile southeast of John J. Williams Highway (Rt. 24). 911 Address: N/A. Tax Parcel: 334-12.00-127.02

C/Z 1938 MARS-RE, LLC

BM

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a HR-2 High-Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.91 acres, more or less. The property is lying on the south side of Atlantic Avenue (Rt. 26) approximately 475 ft. east of Powell Farm Road (S.C.R. 365). 911 Address: 34464 Atlantic Avenue, Ocean View. Tax Parcel: 134-11.00-191.00

C/Z 1939 Gerald R. & Valerie V. Campbell, Trustees

KH

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a B-2 Business Community District for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 3.16 acres, more or less. The property is lying on the west side of Sussex Highway (Route 13), approximately 0.81 mile south of Adams Road (S.C.R. 583). 911 Addresses: 9155 & 9167 Campbell Lane, Bridgeville. Tax Parcel: 530-17.00-2.01.

C/Z 1960 OA Oaks, LLC

HW

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a HR-1/RPC High Density Residential District – Residential Planned Community to a HR-1/RPC High Density Residential District - Residential Planned Community to amend conditions of approval of Change of Zone No. 1858 (Ordinance No. 2621) relating to the workforce housing requirements, internal road standards and amenities deadlines for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 14.8455 acres, more or less. The property is lying on the northeast side of Zion Church Road (Rt. 20) approximately 0.27 mile northwest of Bayard Road (S.C.R. 384). 911 Address: N/A. Tax Parcel: 533-11.00-82.00

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 6, 2022 at 5:10 p.m., and at least seven (7) days in advance of the meeting.

This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

-MEETING DETAILS-

The meeting will be streamed live at: <https://sussexcountyde.gov/council-chamber-broadcast>

The County provides a dial-in telephone number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in by telephone should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1 302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments for those items listed under Public Hearings on this agenda.

The Planning & Zoning Commission meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:00 P.M on Wednesday, January 12, 2022.

####

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2 THE CIRCLE | PO BOX 417
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PLANNING & ZONING COMMISSION

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JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 13th, 2022

Application: 2021-15 Cobb Property

Applicant: Beazer Homes, LLC – Attn: Brian Knauff
6085 Marshalee Dr, Suite 350
Elkridge, MD 21075

Owner: Peggy Jean Timmons Cobb
36341 Zion Church Rd
Selbyville, DE 19975

Site Location: The property is located on the northeast side of Zion Church Road (Route 20), approximately 0.5 mile northwest of Lighthouse Road (Route 54).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: 68 Single-Family Lots as a Cluster Subdivision

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Indian River School District

Fire District: Roxana Fire Company

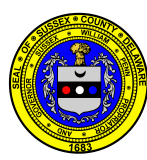
Sewer: Sussex County

Water: Artesian Water Company

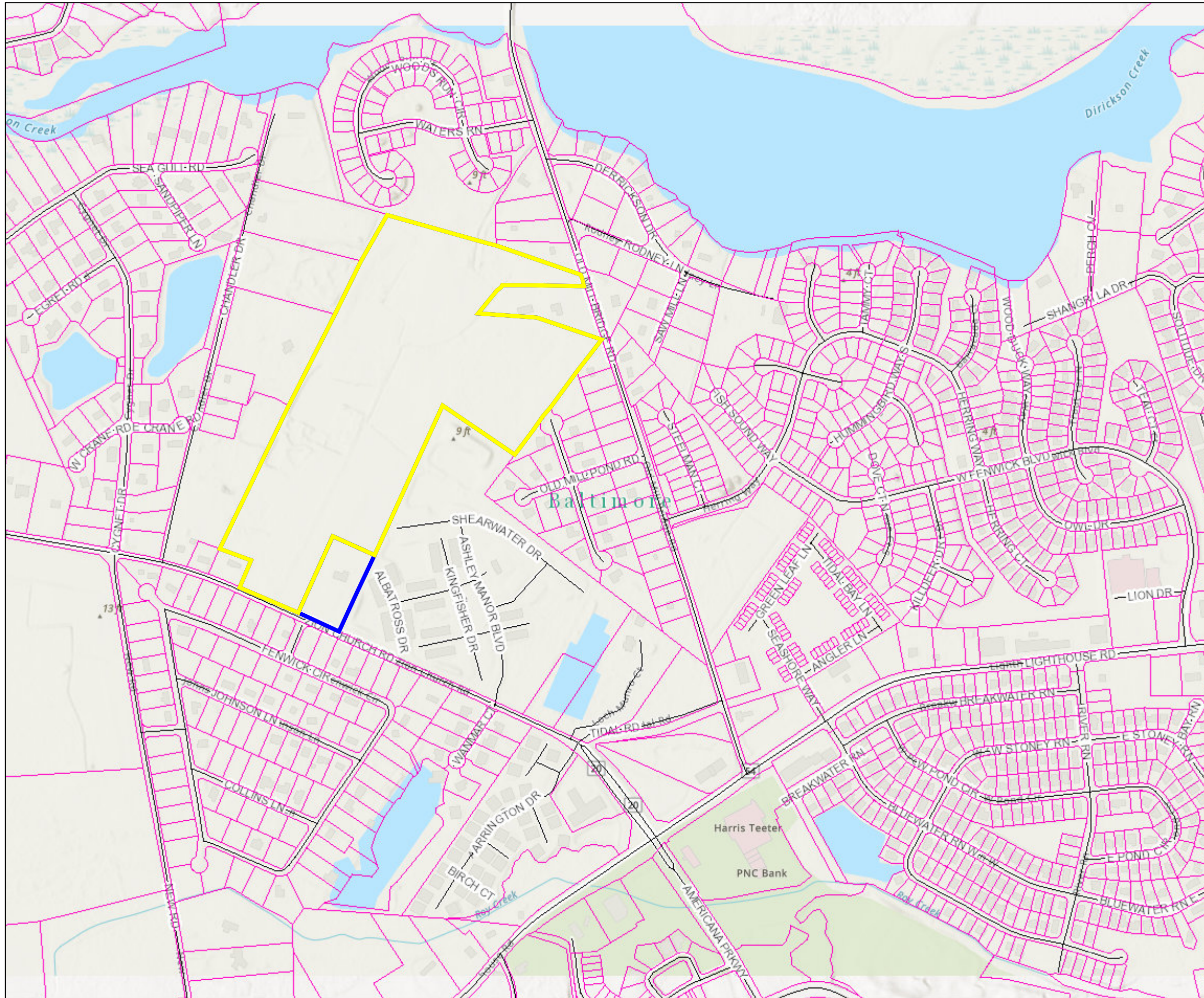
Site Area: 54.38 +/- acres

Tax Map ID: 533-12.00-21.00 & 21.03





Sussex County



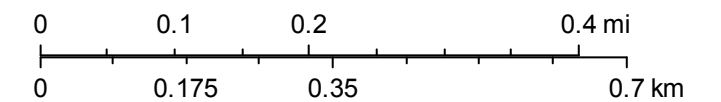
PIN:	533-12.00-21.00	
Owner Name	TIMMONS	PEGGY JEAN REV TR
Book	3058	
Mailing Address	10038 W HOLLAND CIR	
City	BERLIN	
State	MD	
Description	NE/RD 382	
Description 2	2385'NW/RT 54	
Description 3	FX	
Land Code		

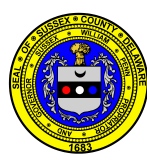
- polygonLayer**

 - Override 1
- polygonLayer**

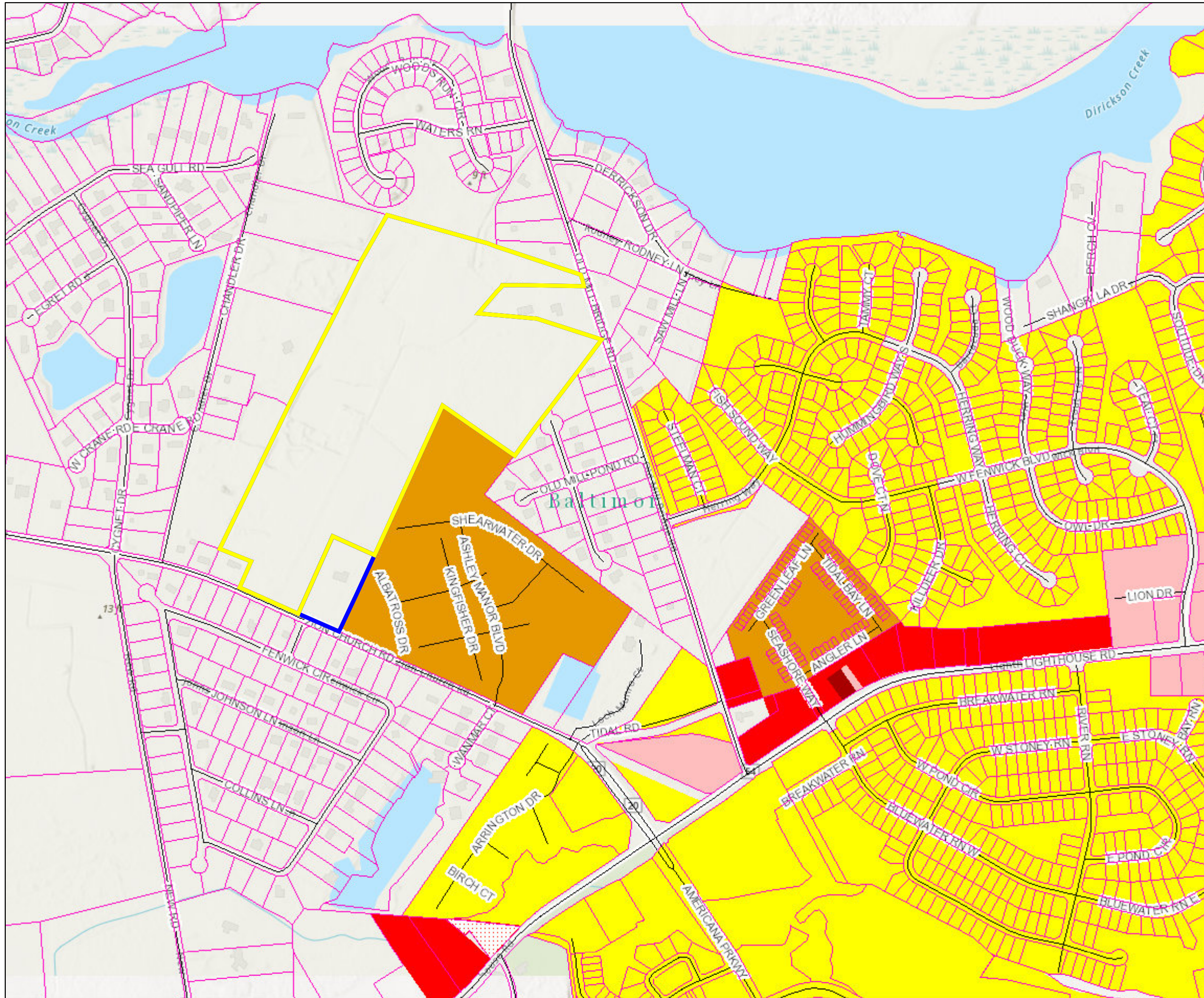
 - Override 1
 - Tax Parcels
 - Streets
 - Hundred Boundaries
 - County Boundaries

1:9,028





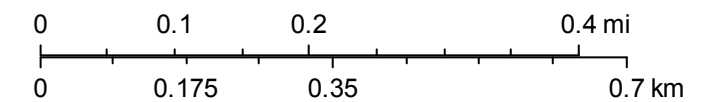
Sussex County



PIN:	533-12.00-21.00	
Owner Name	TIMMONS	PEGGY JEAN REV TR
Book	3058	
Mailing Address	10038 W HOLLAND CIR	
City	BERLIN	
State	MD	
Description	NE/RD 382	
Description 2	2385'NW/RT 54	
Description 3	FX	
Land Code		

- polygonLayer
 Override 1
- polygonLayer
 Override 1
- Tax Parcels
- Streets

1:9,028



File #: 2021-15
Pre-App Date: _____
202105374
202105378

Sussex County Major Subdivision 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

RECEIVED

APR 09 2021

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Standard:

Cluster:

Coastal Area:

Location of Subdivision:

North side of Zion Church Road, approximately 0.47 miles from the intersection of Zion Church Road and Route 54 (Lighthouse Road) between Selbyville and Fenwick Island.

Proposed Name of Subdivision:

Cobb

Tax Map #: 533-12.00-21.00 & 21.03 Total Acreage: 54.38

Zoning: AR-1 Density: 1.21 Minimum Lot Size: 7500 sf Number of Lots: 68

Open Space Acres: 29.91

Water Provider: Artesian Water Company Sewer Provider: Sussex County

Applicant Information

Applicant Name: Beazer Homes, LLC - Attn: Brian Knauff

Applicant Address: 6085 Marshalee Drive, Suite 350

City: Elkridge State: MD Zip Code: 21075

Phone #: 443-539-9249 E-mail: brian.knauff@beazer.com

Owner Information

Owner Name: Peggy Jean Timmons Cobb

Owner Address: 36341 Zion Church Road

City: Selbyville State: DE Zip Code: 19975

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: George, Miles & Buhr, LLC - Stephen L. Marsh, P.E.

Agent/Attorney/Engineer Address: 206 West Main Street

City: Salisbury State: MD Zip Code: 21801

Phone #: 410-742-3115 E-mail: smarsh@gmbnet.com



Check List for Sussex County Major Subdivision Applications

The following shall be submitted with the application

- Completed Application
- Provide ten (10) copies of the Site Plan or Survey of the property and a PDF (via e-mail)
 - o Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. Per Subdivision Code 99-22, 99-23 & 99-24
 - o Provide compliance with Section 99-9.
 - o Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- Provide Fee \$500.00
- Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) 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.
- PLUS Response Letter (if required) Environmental Assessment & Public Facility Evaluation Report (if within Coastal Area)
- 51% of property owners consent if applicable

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 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

Handwritten signature in blue ink

Date: 4-9-21

Signature of Owner

Handwritten signature: Jesse S. Cobb

Date: 4-1-21

For office use only:

Date Submitted: 4/9/21
Staff accepting application: _____
Location of property: _____

Fee: \$500.00 Check #: 3360
Application & Case #: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Sussex County, Delaware
Technical Advisory Committee

Comment Sheet



DATE OF REVIEW: July 8, 2021

REVIEWING AGENCY: Delaware State Fire Marshal's Office, Sussex Office

INDIVIDUAL REVIEWERS: Duane T. Fox, CFPS, CFPE, CFI, Asst. Chief Technical Services
Dennett E. Pridgeon, CFPS, CFPE, CFI, Sr. Fire Protection Specialist
Jefferson L. Cerri, CFI, Sr. Fire Protection Specialist
Desiree B. McCall, CFI, Sr. Fire Protection Specialist
John A. Colpo, Fire Protection Specialist

AGENCY PHONE NUMBERS: 302-856-5298, Fax: 302-856-5800

RE: COBB PROPERTY (21-015)

The reasons and conditions applied to this project and their sources are itemized below:

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 Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers. (Assembly)
- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required. (One & Two- Family Dwelling)
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

b. **Fire Protection Features:**

- All structures over 10,000 sqft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sqft, 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 DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

c. **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 from Zion Church Road must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- 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.

d. **Gas Piping and System Information:**

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

e. **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

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.

THIS DOCUMENT IS INFORMATIONAL ONLY, AND DOES NOT CONSTITUTE ANY TYPE OF APPROVAL FROM THE DELAWARE STATE FIRE MARSHAL'S OFFICE



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
DIVISION OF WATERSHED STEWARDSHIP
21309 BERLIN RD
UNIT #6
GEORGETOWN, DE 19947

PHONE: (302) 855-1930
FAX: (302) 670-7059

DRAINAGE PROGRAM

June 29, 2021

Lauren DeVore
Sussex County
Planning and Zoning Office
2 The Circle
Georgetown, DE 19947

RE: Parcel # 533-12.00-21.00 & 21.03, Cobb Property

The Delaware Department of Natural Resources and Environmental Control (DNREC), Drainage Program has reviewed the preliminary plans submitted by George, Miles, and Buhr, LLC. for the above noted property.

The Drainage Program has performed a preliminary review and offers the following guidance:

- The proposed project is not located within a Tax Ditch watershed. However, the Henry C. Johnson Tax Ditch watershed is near the proposed project site. If the proposed development activity will be draining into the Henry C. Johnson Tax Ditch watershed, a Court Order Change (COC) will need to be processed by the DNREC Drainage Program.
- There are multiple reported drainage concerns near the proposed project area including one from 2020, regarding ground saturation due to poor drainage within the adjacent development.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess

structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.

If you have any questions or concerns, please contact the Drainage Program at (302) 855-1930.

Sincerely,

Allison Wheatley

Allison Wheatley
Environmental Planner II

cc: Brittany L. Haywood, Tax Ditch Program Manager I



June 30, 2021

Ms. Lauren DeVore
Sussex County Planning & Zoning Commission
PO Box 417
Georgetown, DE 19947

Re: Sussex County Technical Advisory Committee

Dear Ms. DeVore:

The Division of Public Health Office of Engineering is in receipt of the following applications:

1. ***Application:*** ***2021-22 The Woods at Burton Pond Extended***

This application indicates central water will be supplied by Tidewater Utilities, Inc. *This project requires an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction.

Prior to receiving an Approval to Operate for this project, the Office of Engineering requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met.

2. ***Application:*** ***2021-15 Cobb Property***

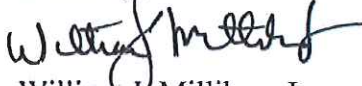
This application indicates central water will be supplied by Artesian Water Company, Inc. *This project requires an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction.

Ms. Lauren DeVore
Sussex County Planning & Zoning
June 30, 2021
Page 2

Prior to receiving an Approval to Operate for this project, the Office of Engineering requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met.

Please do not hesitate to contact me at 302-741-8646 with questions or comments.

Sincerely,



William J. Milliken, Jr.
Engineer III
Office of Engineering



DELAWARE DEPARTMENT OF
AGRICULTURE

2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685
FAX: (302) 697-6287

July 29, 2021

Lauren DeVore, Planner III
Planning & Zoning Commission
P.O. Box 417
Georgetown, Delaware 19947

Subject: Preliminary Plans for Cobb Property

Dear Ms. DeVore,

Thank you for providing preliminary plans for Cobb Property submitted by George, Miles & Buh, LLC. The plans submitted to our section dated January 2021 are sufficient to meet the Sussex County Planning and Zoning Forested Buffer Ordinance.

The Delaware Forest Service recommends the plans reflect tree planting specifications and that the ISA ANSI A300 best management practices are followed for newly installed trees. DFS recommends planting a 70/30 mix of hardwood and evergreen tree species. There are several tree species that are not recommended for planting in the state due to their invasive nature or the susceptibility to pests and diseases. These species are listed on our department website.

The Delaware Forest Service has no further comment to Cobb Property's preliminary subdivision plans dated January 2021 at this time.

If you have any questions please feel free to contact me at taryn.davidson@delaware.gov.

Sincerely,

Taryn Davidson
Urban Forestry Program
Delaware Forest Service

Christin Scott

From: Detrick, Dave <ddetrick@chpk.com>
Sent: Friday, June 25, 2021 12:49 PM
To: Christin Scott
Cc: Vandervort, Jennifer
Subject: RE: TAC Review 2021-15 Cobb Property & 2021-22 Woods at Burton Pond Extended

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hi Christin –

Please add Jen Vandervort (copied) to this distribution list.

Thanks much!

Dave Detrick, C.E.M
Manager, Growth and Retention
500 Energy Lane, Suite 100, Dover, DE 19901
302-363-0986



From: Christin Scott <christin.scott@sussexcountyde.gov>
Sent: Friday, June 25, 2021 10:08 AM
To: Beth Krumrine <beth.krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; Chris Calio <ccalio@sussexcountyde.gov>; Detrick, Dave <ddetrick@chpk.com>; Holden, Dean <dholden@chpk.com>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Duane.Fox@delaware.gov; James Sullivan <James.Sullivan@delaware.gov>; jennifer.cinelli@delaware.gov; jessica.watson@sussexconservation.org; John J. Ashman <jashman@sussexcountyde.gov>; John.Hayes@delaware.gov; John.kennel@delaware.gov; John.Martin@delaware.gov; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; Kate.Flemming@Delaware.gov; Gabbard, Kelley <kgabbard@chpk.com>; McCabe, Richard (DeL DOT) <Richard.McCabe@delaware.gov>; meghan.crystall@delaware.gov; michael.tholstrup@delaware.gov; Milton.melendez@delaware.gov; mindy.Anthony@delaware.gov; subdivision@delaware.gov; Susan Isaacs <sisaac@sussexcountyde.gov>; tdickerson@decoop.com; Terri Dukes <tdukes@sussexcountyde.gov>; Giroux, Tiffany <tgiroux@chpk.com>; Vince Robertson <vrobertson@pgslegal.com>
Subject: [EXTERNAL] TAC Review 2021-15 Cobb Property & 2021-22 Woods at Burton Pond Extended

All,

Sussex County Planning Office has received two (2) applications that require TAC review. Attached is a memo regarding the applications and PDFs of the plans submitted.

Please provide comments on or before Friday, August 27, 2021.

Please feel free to contact me with any questions.

Thank you,

Christin Scott

Christin Scott
Planner I
Department of Planning & Zoning
2 the Circle
Georgetown, DE 19947
(302) 855-7878
8:30AM – 4:30PM

Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountyde.gov/sussex-county-mapping-applications>

Chesapeake Utilities Corporation (“Chesapeake Utilities”) is an energy delivery company publicly traded on the New York Stock Exchange under the ticker symbol “CPK” (NYSE: CPK). Chesapeake Utilities is not, nor has it ever been, affiliated with Chesapeake Energy Corporation. This email, together with any attachments, is intended only for the use of the party to which it is addressed and may contain information that is proprietary, privileged, confidential, and/or otherwise protected by law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this email or its contents is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to the message, and permanently delete this email from your computer and destroy all copies of it.

Christin Scott

From: Dickerson, Troy <TDickerson@delaware.coop>
Sent: Friday, June 25, 2021 10:58 AM
To: Christin Scott; Beth Krumrine; Brad Hawkes; Chris Calio; Dave Detrick; dholden@chpk.com; C. Daniel Parsons; Duane.Fox@delaware.gov; James Sullivan; jennifer.cinelli@delaware.gov; jessica.watson@sussexconservation.org; John J. Ashman; John.Hayes@delaware.gov; John.kennel@delaware.gov; John.Martin@delaware.gov; Jordan T. Dickerson; Kate.Flemming@Delaware.gov; kgabbard@chpk.com; McCabe, Richard (DelDOT); megan.crystall@delaware.gov; michael.tholstrup@delaware.gov; Milton.melendez@delaware.gov; mindy.Anthony@delaware.gov; subdivision@delaware.gov; Susan Isaacs; Terri Dukes; tgiroux@chpk.com; Vince Robertson
Subject: RE: TAC Review 2021-15 Cobb Property & 2021-22 Woods at Burton Pond Extended
Categories: TAC Comments

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good Morning Christin,

Both of these developments are located within DEC's service territory and we have facilities in the area to serve both of them.

If you have any additional questions, please let me know.

Thanks!

Troy W. Dickerson, P.E.
Assistant V.P. of Engineering
Voice: (302) 349-3125
Cell: (302) 535-9048
Fax: (302) 349-5891
tdickerson@delaware.coop



DELAWARE ELECTRIC CO-OP
"We Keep the Lights On"

From: Christin Scott
Sent: Friday, June 25, 2021 10:08 AM
To: Beth Krumrine <beth.krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; Chris Calio <ccalio@sussexcountyde.gov>; Dave Detrick <ddetrick@chpk.com>; dholden@chpk.com; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Duane.Fox@delaware.gov; James Sullivan <James.Sullivan@delaware.gov>; jennifer.cinelli@delaware.gov; jessica.watson@sussexconservation.org; John J. Ashman <jashman@sussexcountyde.gov>; John.Hayes@delaware.gov; John.kennel@delaware.gov; John.Martin@delaware.gov; Jordan T. Dickerson <jordan.dickerson@sussexcountyde.gov>; Kate.Flemming@Delaware.gov; kgabbard@chpk.com; McCabe, Richard (DelDOT) <Richard.McCabe@delaware.gov>; megan.crystall@delaware.gov; michael.tholstrup@delaware.gov; Milton.melendez@delaware.gov; mindy.Anthony@delaware.gov; subdivision@delaware.gov; Susan Isaacs <sisaacs@sussexcountyde.gov>; Dickerson, Troy

<TDickerson@delaware.coop>; Terri Dukes <tdukes@sussexcountyde.gov>; tgiroux@chpk.com; Vince Robertson <vrobertson@pgslegal.com>

Subject: TAC Review 2021-15 Cobb Property & 2021-22 Woods at Burton Pond Extended

All,

Sussex County Planning Office has received two (2) applications that require TAC review. Attached is a memo regarding the applications and PDFs of the plans submitted.

Please provide comments on or before Friday, August 27, 2021.

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Christin Scott
Planner I
Department of Planning & Zoning
2 the Circle
Georgetown, DE 19947
(302) 855-7878
8:30AM – 4:30PM

Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountyde.gov/sussex-county-mapping-applications>

GENERAL NOTES:

1. ALL ON-SITE STREETS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNER'S ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE STREETS SHALL BE BY THE RESPECTIVE ORGANIZATION.
2. STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX CONSERVATION DISTRICT, AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY GREEN TECHNOLOGIES, AND BMP FACILITIES SUCH AS DETENTION PONDS, MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNERS.
3. ALL OPEN SPACE, INCLUDING FORESTED AREAS AND PLANTED BUFFERS, SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
4. TOPOGRAPHY SHOWN HEREIN PER LIDAR DATA, DELAWARE STATE PLAN COORDINATE SYSTEM NAD 83/91 AND NAVD88 VERTICAL DATUM.
5. BOUNDARY SHOWN HEREIN PER ALTA/ASCN LAND TITLE SURVEY PROVIDED BY MORRIS & RITCHE ASSOCIATES, INC. DATED SEPTEMBER 17, 2020.
6. THIS SITE CONTAINS FEDERAL JURISDICTIONAL WETLANDS.
7. ALL LOTS IN THE SUBDIVISION WILL HAVE ACCESS TO INTERNAL SUBDIVISION STREETS ONLY. NO ACCESS WILL BE GRANTED FOR INTERNAL LOTS TO ZION CHURCH ROAD. A RESIDUAL LOT WILL HAVE FRONTAGE ON OLD MILL BRIDGE ROAD.
8. THIS PROJECT IS NOT LOCATED WITHIN A TRANSPORTATION IMPROVEMENT DISTRICT.
9. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODOORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
10. FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES.
11. ANY ADDITIONAL SIGNAGE WILL REQUIRE THE ISSUANCE OF A SEPARATE PERMIT FROM THE COUNTY.

COBB PROPERTY

TM 533-12.00-21.00 & 21.03
PRELIMINARY SUBDIVISION PLAN - 2021-15
 SUSSEX COUNTY, DELAWARE
 GMB File No. 200145-A

SITE DATA:

OWNER: PEGGY JEAN TIMMONS REVOCABLE TRUST & JESSE SAMUEL COBB
 10038 W HOLLAND CIRCLE
 BERLIN, MD 21811
 TM 533-12.00-21.00
 DB 3058 PG 293

PEGGY JEAN TIMMONS TRUSTEE
 36341 ZION CHURCH RD
 SELBYVILLE, DE 19975
 TM 533-12.00-21.03
 DB 2975 PG 74

APPLICANT: BEAZER HOMES CORP.
 6085 MARSHALEE DR.
 SUITE 350
 ELKRIOR, MD 21075
 PHONE: (410)-539-9249
 CONTACT: BRIAN A. KNAUFF

CIVIL ENGINEER: GEORGE, MILES & BUHR, LLC
 206 WEST MAIN ST
 SALISBURY, MD 21801
 PHONE: 410.742.3115
 CONTACT: STEPHEN L. MARSH, P.E.

EXISTING ZONING: AR-1 AGRICULTURAL RESIDENTIAL

PROPOSED ZONING: AR- CLUSTER - DEVELOPMENT OPTION FOR LOTS USING A CENTRAL SEWER SYSTEM

COMPREHENSIVE PLAN MAP: COASTAL AREA

EX. TOTAL SITE AREA COMBINED: 54.38 ACRES
EX. SITE AREA PARCEL 21.00: 51.47 ACRES
EX. SITE AREA PARCEL 21.03: 02.91 ACRES

COBB PROPERTY SUBDIVISION		RESIDUAL LANDS LOT	
TOTAL SITE AREA	±52.40 ACRES	TOTAL SITE AREA	1.98 ACRES
DNREC WETLANDS:	0 ACRES	DNREC WETLANDS:	0 ACRES
FEDERAL WETLANDS:	±18.42 ACRES	FEDERAL WETLANDS:	±0.37 ACRES
GROSS DEVELOPMENT AREA:	±52.40 ACRES	GROSS DEVELOPMENT AREA:	1.98 ACRES
GROSS AREA/21,780 SF:	104 LOTS	GROSS AREA/21,780 SF:	3 LOTS
LOTS PROPOSED:	68 LOTS	LOTS PROPOSED:	1 LOT
MINIMUM ALLOWABLE LOT SIZE:	7,500 SF	MINIMUM ALLOWABLE LOT SIZE:	20,000 SF
MINIMUM LOT SIZE PROPOSED:	7,500 SF	LOT SIZE PROPOSED:	1.98 ACRES
TOTAL OPEN SPACE PROPOSED:	34.64 (66%)		
OPEN SPACE A:	34.35		
OPEN SPACE B:	0.29		

UNIT COUNT PARCEL 21.00		UNIT COUNT RESIDUAL LANDS	
SINGLE FAMILY LOTS:	68	SINGLE FAMILY LOTS:	1
REQUIRED PARKING: (2/UNIT)	136	REQUIRED PARKING: (2/UNIT)	2
PROVIDED PARKING:	141	PROVIDED PARKING:	2

BUILDING SETBACKS LOT 21.00:		BUILDING SETBACKS RESIDUAL LANDS:	
FRONT:	25'	FRONT:	40'
SIDE:	10' (15' AT CORNER LOTS)	SIDE:	15'
REAR:	10'	REAR:	20'
MIN LOT WIDTH:	60'	MIN LOT WIDTH:	150'
MAX BUILDING HEIGHT:	42'	MAX BUILDING HEIGHT:	42'

FLOOD ZONE: SPECIAL FLOOD HAZARD AREA ZONE X, PER FEMA MAP 10050C0651K DATED MARCH 16, 2015

SOURCEWATER PROTECTION: THIS SITE IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
 THIS SITE IS LOCATED WITHIN AN AREA OF FAIR GROUNDWATER RECHARGE POTENTIAL.

UTILITIES:
 CENTRAL WATER: ARTESIAN
 PUBLIC SEWER: SUSSEX COUNTY

AMENITIES:
 POOL, BATHHOUSE, GAMES LAWN, PASSIVE OPEN SPACE

WOODED AREA EXISTING: 29.64 ACRES
WOODED AREA TO REMAIN: 24.91 ACRES

APPLICANT'S CERTIFICATION:
 I HEREBY CERTIFY THAT I AM AN OWNER OF THE PROPERTY DESCRIBED AS SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION. THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT THE SUSSEX CONSERVATION DISTRICT OR THEIR DESIGNATED AGENT SHALL HAVE RIGHT TO CONDUCT ON-SITE INSPECTIONS.

BRIAN A. KNAUFF
 VICE PRESIDENT, LAND DEVELOPMENT
 BEAZER HOMES - MARYLAND/DELAWARE

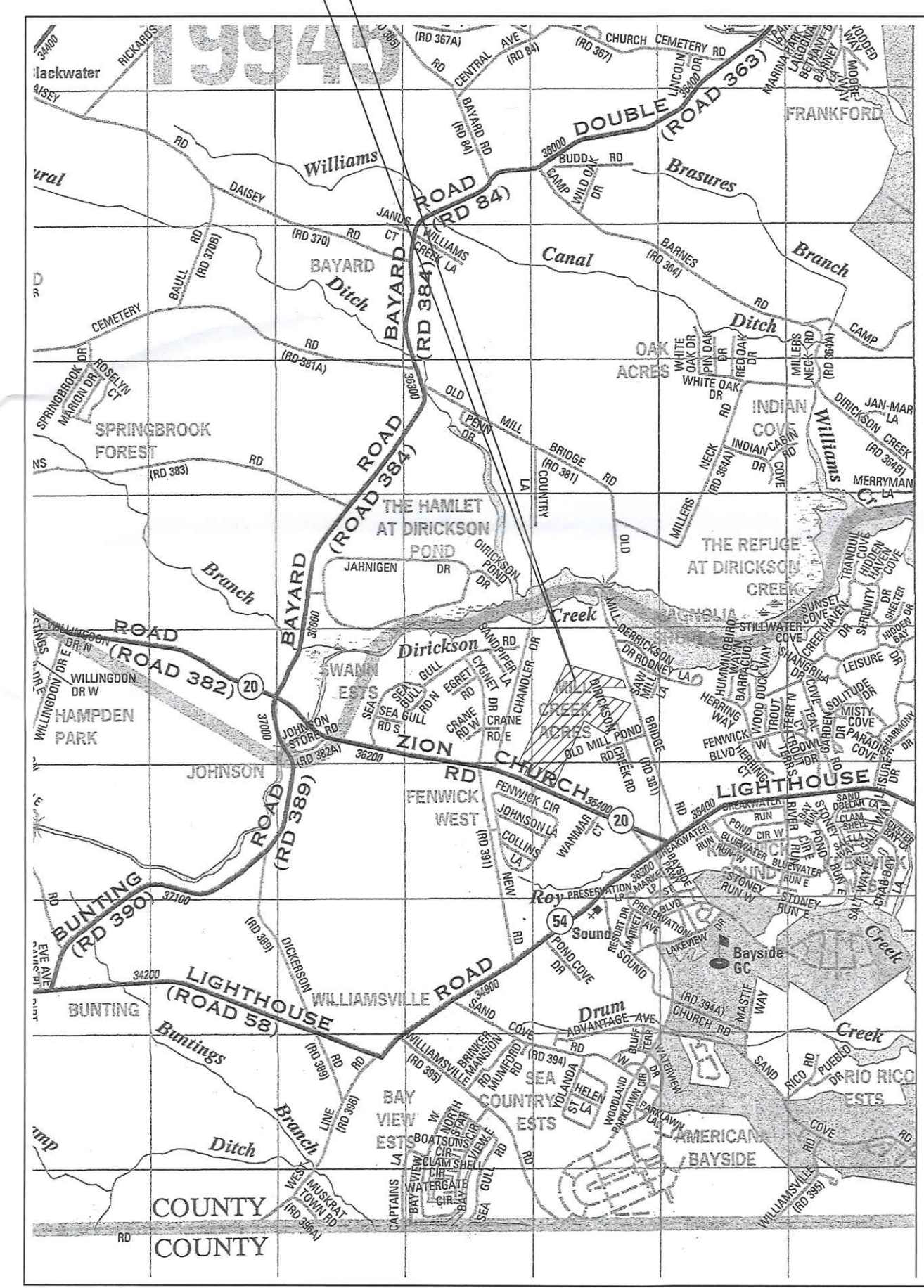
DATE _____

ENGINEER'S CERTIFICATION:
 I HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

ENGINEER: GEORGE, MILES & BUHR, LLC
 SENIOR VICE PRESIDENT, GEORGE, MILES & BUHR, LLC

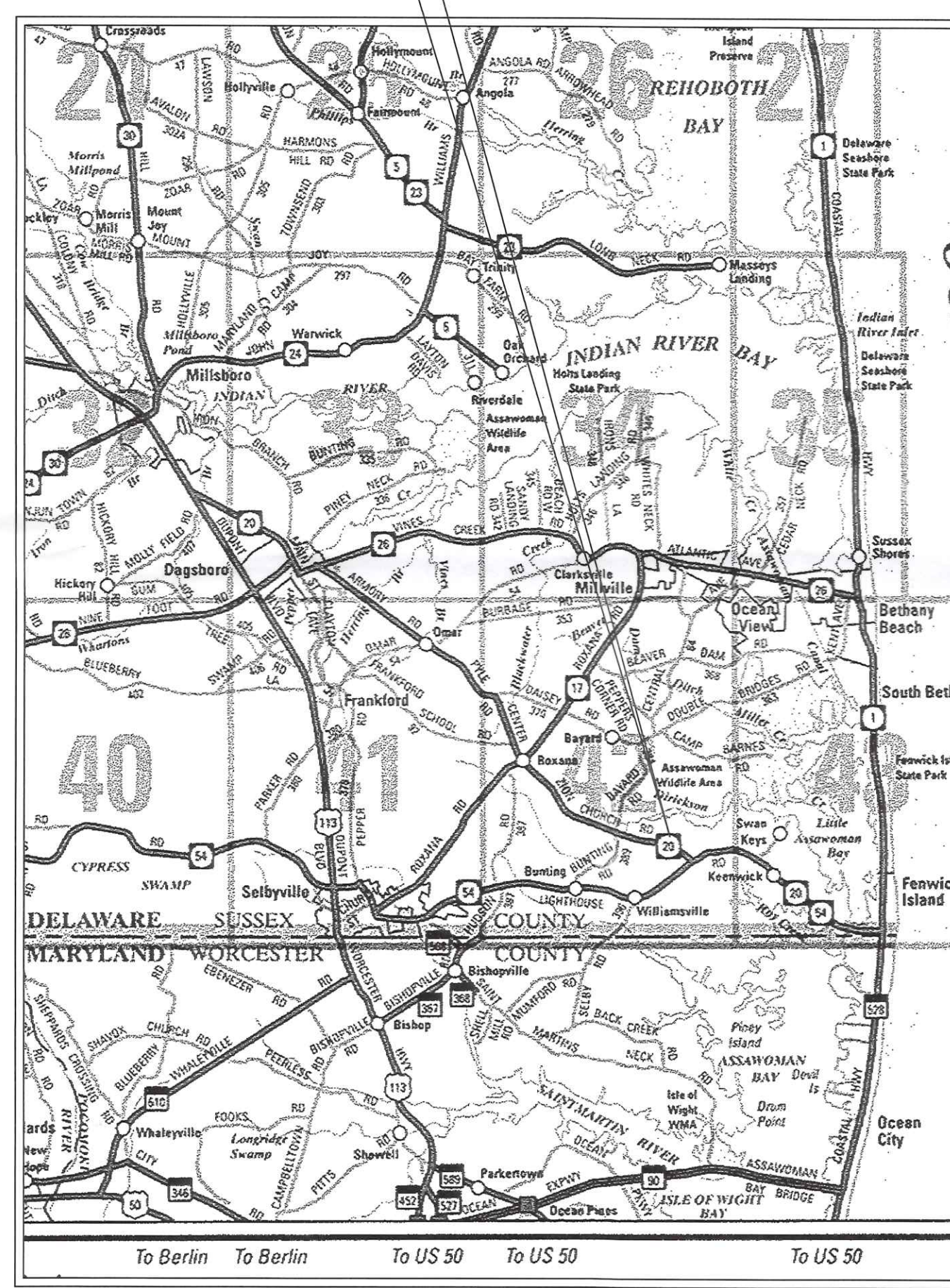
DATE _____

PROJECT AREA



LOCATION MAP
 SCALE: 1" = 1,000'

PROJECT AREA



VICINITY MAP
 SCALE: 1" = 1 MILE

- PSP1.0 COVER SHEET
- PSP2.0 EXISTING CONDITIONS
- PSP3.0 KEY SHEET
- PSP4.0 PRELIMINARY SITE PLAN
- PSP4.1 PRELIMINARY SITE PLAN
- PSP5.0 PRELIMINARY SITE PLAN RENDERING

APPROVED _____ BY _____
 SUSSEX COUNTY COUNCIL
 PRESIDENT

APPROVED _____ BY _____
 SUSSEX COUNTY
 PLANNING AND ZONING COMMISSION

APPROVED _____ BY _____
 SUSSEX COUNTY
 SOIL CONSERVATION DISTRICT

PRINTS ISSUED FOR:	
DATE	REVISIONS
NO.	

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-742-3115, FAX 410-548-9780
 www.gmbnet.com

COBB PROPERTY
 SUSSEX COUNTY, DELAWARE

COVER SHEET

SCALE : AS SHOWN	SHEET NO.
DESIGN BY : OTHERS	PSP1.0
DRAWN BY : RLM	
CHECKED BY :	
GMB FILE : 200145-A	
DATE : JAN 2021	

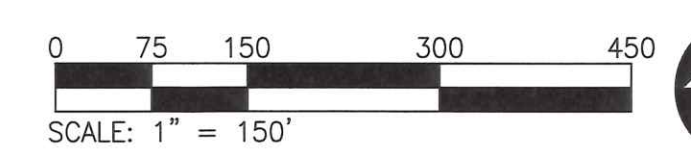
G:\Projects\2021\200145-A_Cobb_Property_Preliminary_Site_Plan\Drawings\Working_Sets\Preliminary_Site_Plan\PS-1 COVER SHEET.dwg, 10/17/2021 8:42 AM, Landon Myrick
 PLOT CODE: PS-1 COVER SHEET (1.00mm) 24x36 (1.00mm)
 PLOT CODE: PS-2 COVER SHEET (1.00mm) 24x36 (1.00mm)
 PLOT CODE: PS-3 COVER SHEET (1.00mm) 24x36 (1.00mm)
 PLOT CODE: PS-4 COVER SHEET (1.00mm) 24x36 (1.00mm)
 PLOT CODE: PS-5 COVER SHEET (1.00mm) 24x36 (1.00mm)

C:\Projects\2020\200145-A_Cobb_Property_Preliminary_Site_Plan\Drawings\Working_Sets\Preliminary_Site_Plan\PSp2-2_EXISTING_CONDITIONS.dwg, 10/4/2021 8:42 AM, London Myrick

- FINI-RED 0.08 INCHES (1.5mm) 0.07 INCHES (1.8mm)
- FINI-YELLOW 0.07 INCHES (1.8mm) 0.07 INCHES (1.8mm)
- FINI-GREEN 0.10 INCHES (2.5mm) 0.10 INCHES (2.5mm)
- FINI-BLUE 0.00 INCHES (0.0mm) 0.00 INCHES (0.0mm)
- FINI-WHITE 0.07 INCHES (1.8mm) 0.07 INCHES (1.8mm)
- FINI-MASTODA 0.07 INCHES (1.8mm) 0.07 INCHES (1.8mm)
- FINI-ORANGE 0.08 INCHES (2.0mm) 0.08 INCHES (2.0mm)



- SOIL TYPES:**
- AsA** ASKECKSY LOAMY SAND, 0-2 % SLOPES
 - HmA** HAMMONTON LOAMY SAND, 0-2 % SLOPES
 - KsA** KLEJ LOAMY SAND, 0-2 % SLOPES
 - MmA** MULLICA MUCKY SANDY LOAM, 0-2 % SLOPES
 - PpA** PEPPERBOX LOAMY SAND, 0-2 % SLOPES
 - PsA** PEPPERBOX ROSEDALE COMPLEX, 0-2 % SLOPES
 - RuA** RUNCLINT LOAMY SAND, 0-2 % SLOPES
 - UbB** UDORTHERTS, BORROW AREA, 0-5 % SLOPES



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REVIEW

NO.	REVISIONS	DATE

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SAUSBURY · BALTIMORE · SEAFORD
 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-742-3115, FAX 410-546-5790
 www.gmbnet.com

**COBB PROPERTY
 SUSSEX COUNTY, DELAWARE**

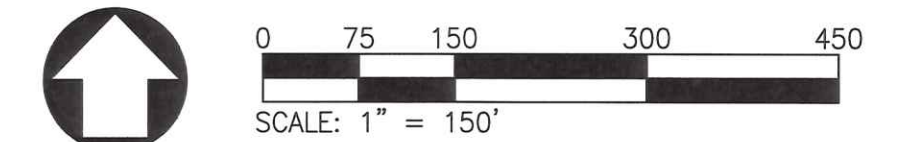
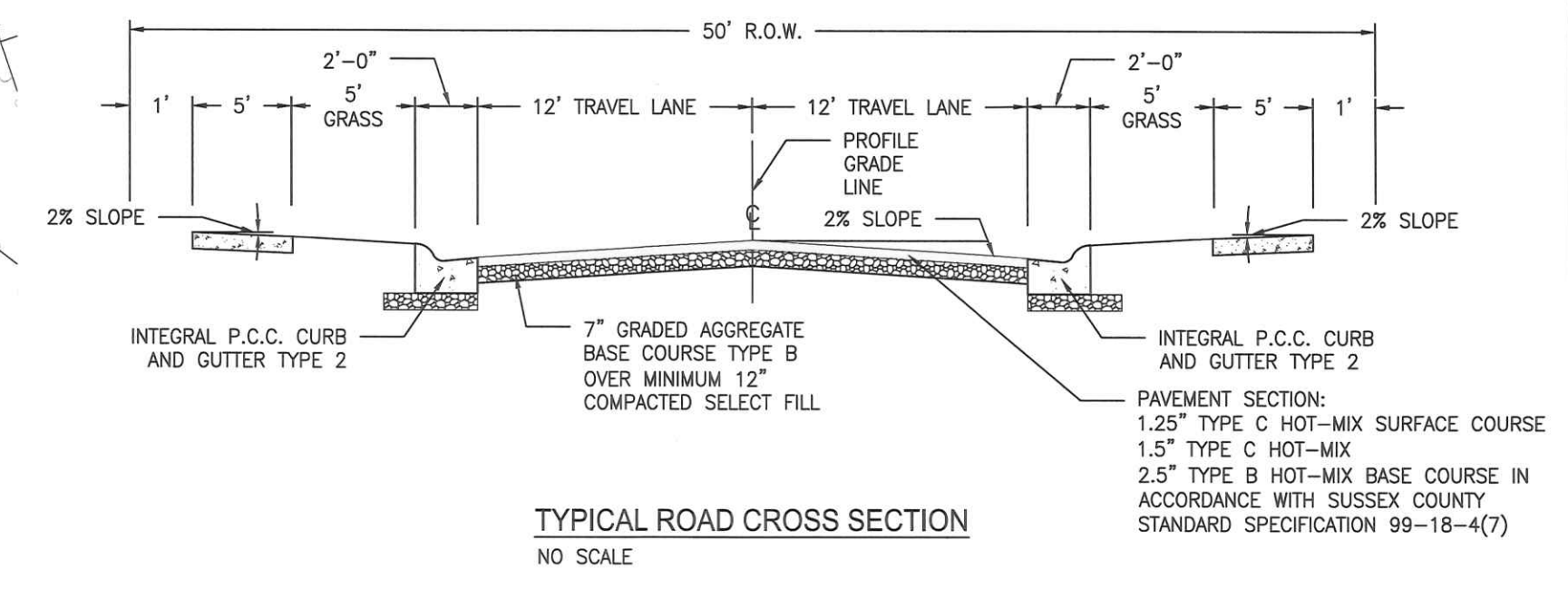
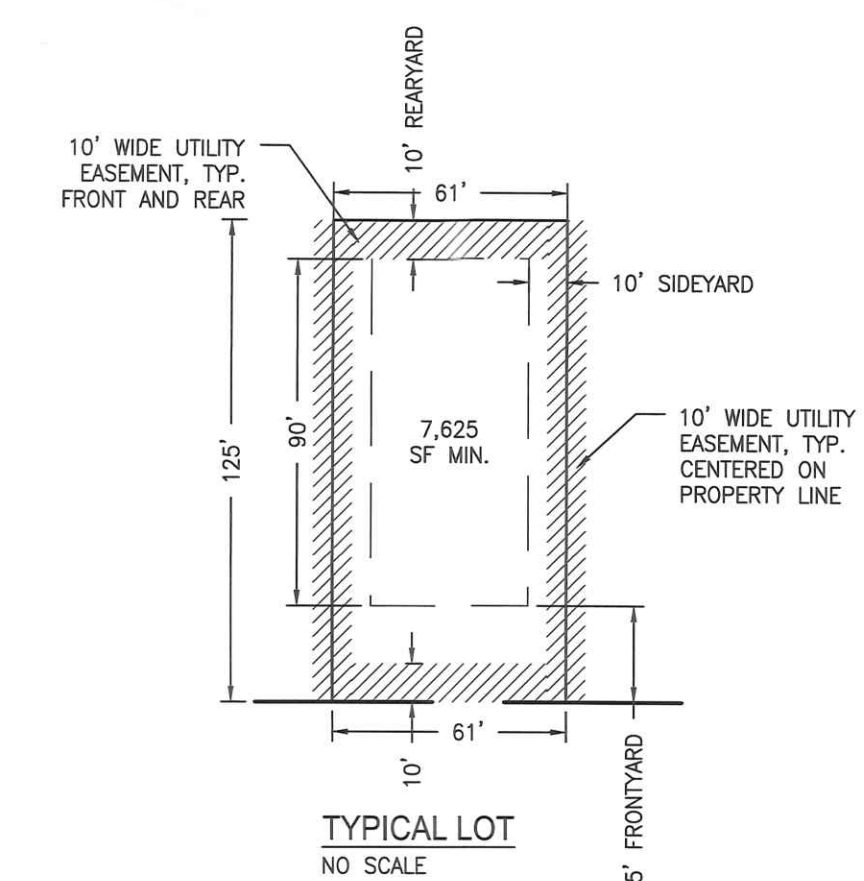
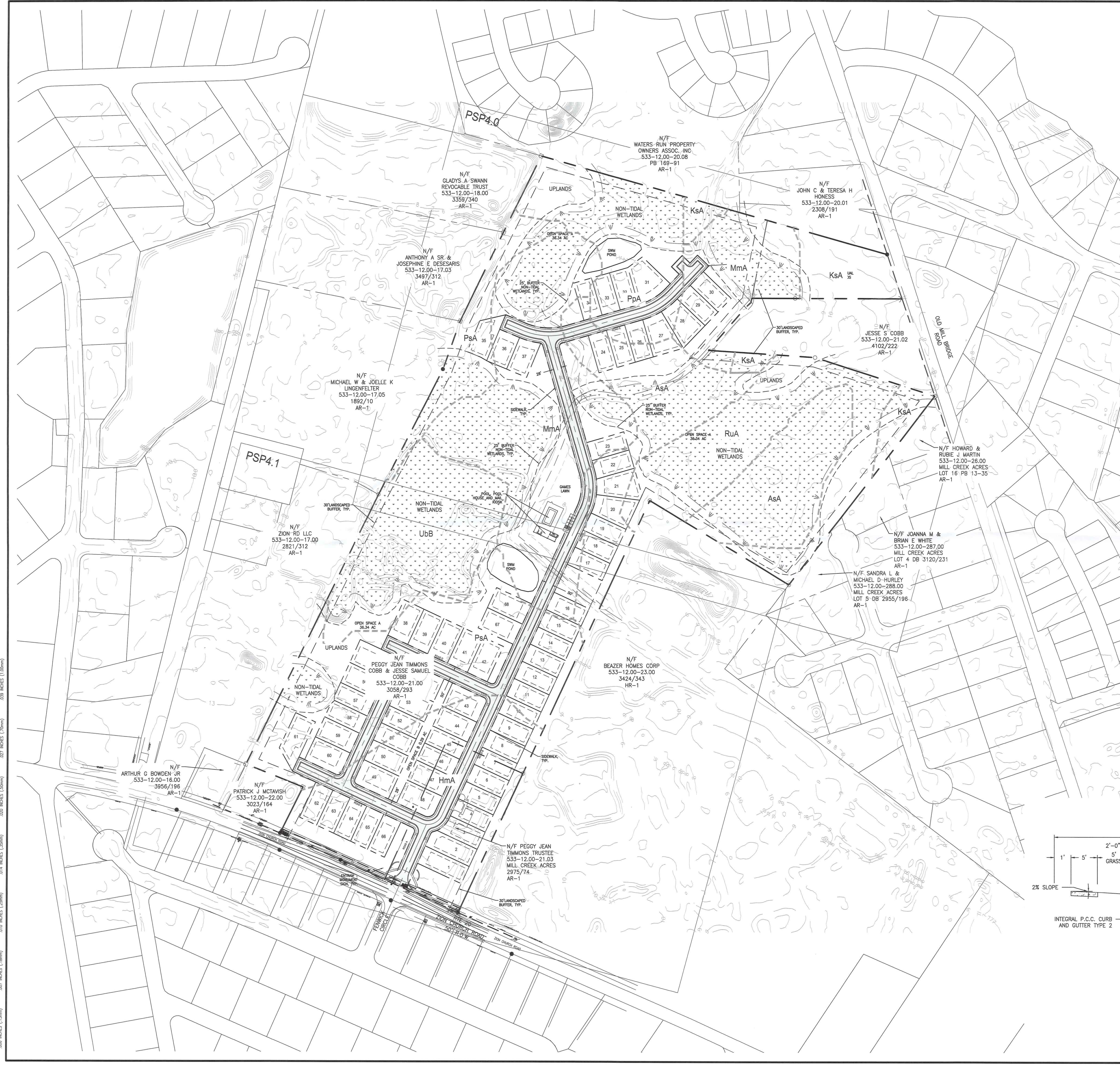
**EXISTING
 CONDITIONS**

SCALE : 1" = 150'
 DESIGN BY : OTHERS
 DRAWN BY : RLM
 CHECKED BY :
 GMB FILE : 200145-A
 DATE : JAN 2021

SHEET NO.
PSP2.0

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G:\Projects\2020\200145-A Cobb Property Preliminary Site Plan\Drawings\Working Sets\Preliminary Site Plan\Drawings\10/4/2021 8:42 AM, Issue



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 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-742-3115, FAX 410-548-5790
 www.gmbnet.com

COBB PROPERTY
 SUSSEX COUNTY, DELAWARE

KEY SHEET

SCALE : 1" = 150'
 DESIGN BY : OTHERS
 DRAWN BY : RLM
 CHECKED BY :
 GMB FILE : 200145-A
 DATE : JAN 2021

SHEET NO.
PSP3.0

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G:\Projects\2020\200145-A_Cobb_Property_Preliminary_Site_Plan\Drawings\Working_Sets\Plan\PSP4 - PRELIMINARY SITE PLAN.dwg, 10/17/2021 8:42 AM, London Myrick

PLOT CODE
 P001-RED 0.00 INCHES (1.5mm)
 P002-YELLOW 0.07 INCHES (1.8mm)
 P003-GREEN 0.01 INCHES (0.25mm)
 P004-BLUE 0.02 INCHES (0.5mm)
 P005-MAGENTA 0.07 INCHES (1.8mm)
 P007-WHITE 0.03 INCHES (0.8mm)



PRINTS ISSUED FOR:
REVIEW

NO.	REVISIONS	DATE

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GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEAFORD
 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-774-5500 Fax: 410-846-5796
 www.gmbnet.com

COBB PROPERTY
SUSSEX COUNTY, DELAWARE

SITE PLAN

SCALE : 1" = 60'

DESIGN BY : OTHERS

DRAWN BY : RLM

CHECKED BY :

GMB FILE : 200145-A

DATE : JAN 2021

SHEET NO.
PSP4.0

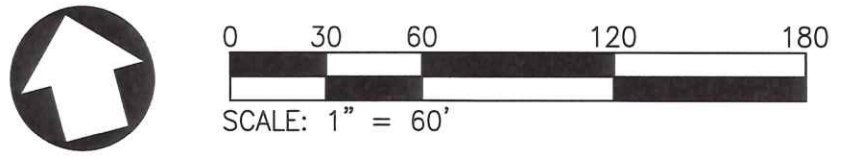
© COPYRIGHT 2021 GEORGE, MILES & BUHR, LLC

G:\Projects\2020\200145-A Cobb Property Preliminary Site Plan\Drawings\Working Sets\Preliminary Site Plan\PSP-4 PRELIMINARY SITE PLAN.dwg, 10/4/2021 8:43 AM, London

PLT-COOL
014 INCHES (3.6mm)
PLOT-BLUE
020 INCHES (5.0mm)
PLOT-ORANGE
019 INCHES (4.9mm)
PLOT-RED
008 INCHES (2.0mm)



87 9 10 11 12 13 14 15 16 17 18



PRINTS ISSUED FOR:
REVIEW

DATE

REVISIONS

NO.

GMB
GEORGE, MILES & BUHR, LLC
ARCHITECTS & ENGINEERS
SALISBURY · BALTIMORE · SEAFORD
206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

COBB PROPERTY
SUSSEX COUNTY, DELAWARE

SITE PLAN

SCALE : 1" = 60'
DESIGN BY : OTHERS
DRAWN BY : RLM
CHECKED BY :
GMB FILE : 200145-A
DATE : JAN 2021

SHEET NO.
PSP4.1

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G:\Projects\2020\00145-A Cobb Property Preliminary Site Plan\Drawings\Working\Site Plan\Proposed Site Plan Rendering 2021.04.dwg, 11/11/2021, Landon Myrick

- PEN-RED .006 INCHES (1.5mm)
- PEN-YELLOW .007 INCHES (1.8mm)
- PEN-ORANGE .010 INCHES (2.5mm)
- PEN-GREEN .014 INCHES (3.5mm)
- PEN-BLUE .020 INCHES (5.0mm)
- PEN-MAGENTA .027 INCHES (7.0mm)
- PEN-WHITE .039 INCHES (1.00mm)



SITE DATA:

OWNER:
 PEGGY JEAN TIMMONS REVOCABLE TRUST & JESSE SAMUEL COBB
 10038 W HOLLAND CIRCLE
 BERLIN, MD 21811
 TM 533-12.00-21.00
 DB 3058 PG 293

APPLICANT:
 BEAZER HOMES CORP.
 6085 MARSHALEE DR.
 SUITE 350
 ELK RIDGE, MD 21075
 PHONE: (410)-539-9249
 CONTACT: BRIAN A. KNAUFF

CIVIL ENGINEER:
 GEORGE, MILES & BUHR, LLC
 208 WEST MAIN ST
 SALISBURY, MD 21801
 PHONE: 410.742.3115
 CONTACT: STEPHEN L. MARSH, P.E.

EXISTING ZONING: AR-1 AGRICULTURAL RESIDENTIAL
PROPOSED ZONING: AR-CLUSTER - DEVELOPMENT OPTION FOR LOTS USING A CENTRAL SEWER SYSTEM
COMPREHENSIVE PLAN MAP: COASTAL AREA

EX. TOTAL SITE AREA COMBINED: 54.38 ACRES
EX. SITE AREA PARCEL 21.00: 51.47 ACRES
EX. SITE AREA PARCEL 21.03: 02.91 ACRES

COBB PROPERTY SUBDIVISION	RESIDUAL LANDS LOT	
TOTAL SITE AREA:	±52.40 ACRES	1.98 ACRES
FEDERAL WETLANDS:	0 ACRES	0 ACRES
GROSS DEVELOPMENT AREA:	±18.42 ACRES	±0.37 ACRES
GROSS AREA/21,780 SF:	±52.40 ACRES	1.98 ACRES
LOTS PROPOSED:	104 LOTS	3 LOTS
MINIMUM ALLOWABLE LOT SIZE:	68 LOTS	1 LOT
MINIMUM LOT SIZE PROPOSED:	7,500 SF	20,000 SF
TOTAL OPEN SPACE PROPOSED:	7,500 SF	1.98 ACRES
OPEN SPACE A:	34.64 (66%)	
OPEN SPACE B:	34.35	
	0.29	

UNIT COUNT PARCEL 21.00	UNIT COUNT RESIDUAL LANDS	
TOTAL SITE AREA:	68	1
SINGLE FAMILY LOTS:	138	2
REQUIRED PARKING: (2/UNIT)	141	
PROVIDED PARKING:		

BUILDING SETBACKS LOT 21.00:	BUILDING SETBACKS RESIDUAL LANDS:
FRONT: 25'	FRONT: 40'
SIDE: 10' (15' AT CORNER LOTS)	SIDE: 15'
REAR: 10'	REAR: 20'
MIN LOT WIDTH: 60'	MIN LOT WIDTH: 150'
MAX BUILDING HEIGHT: 42'	MAX BUILDING HEIGHT: 42'

FLOOD ZONE: SPECIAL FLOOD HAZARD AREA ZONE X, PER FEMA MAP 10005C0651K DATED MARCH 16, 2015

SOURCEWATER PROTECTION: THIS SITE IS NOT LOCATED WITHIN A WELLHEAD PROTECTION AREA.
 THIS SITE IS LOCATED WITHIN AN AREA OF FAIR GROUNDWATER RECHARGE POTENTIAL.

UTILITIES:
 CENTRAL WATER: ARTESIAN
 PUBLIC SEWER: SUSSEX COUNTY

AMENITIES:
 POOL, BATHHOUSE, GAMES LAWN, PASSIVE OPEN SPACE

WOODED AREA EXISTING: 29.84 ACRES
WOODED AREA TO REMAIN: 24.81 ACRES

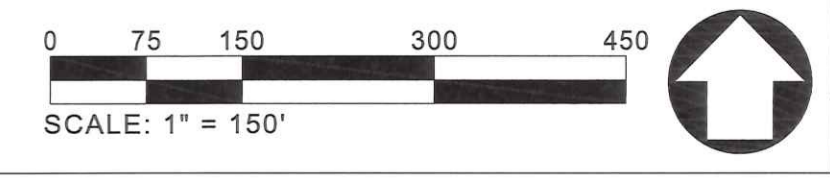
PRINTS ISSUED FOR:
DRAWINGS STAGE

DATE	REVISIONS	NO.

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEAFORD
 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-742-3115, FAX 410-646-5790
 www.gmbnet.com

COBB PROPERTY
 SUSSEX COUNTY, DELAWARE

PROPOSED SITE PLAN RENDERING



SCALE : 1" = 150'	SHEET NO.
DESIGN BY : OTHERS	PSP5.0
DRAWN BY : RLM	
CHECKED BY :	
GMB FILE : 200145	
DATE : SEPT 2021	

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



Sussex County

DELAWARE
sussexcountyde.gov

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 13th, 2022

Application: 2021-12 Miralon (F.K.A. Cool Spring)

Applicant: Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

Owner: Elsie Otto Walls, Trustee
122 S. Michigan Ave, Suite 1220
Chicago, IL 60603

Site Location: The property is lying on the northeast side of Cool Spring Road (S.C.R. 290), approximately 1.1 mile south of Fisher Road (S.C.R. 262).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: 144 Single-Family Lots as a Cluster Subdivision

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

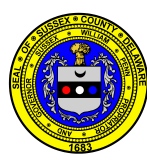
Sewer: Artesian Water Company

Water: Artesian Wastewater Management, Inc.

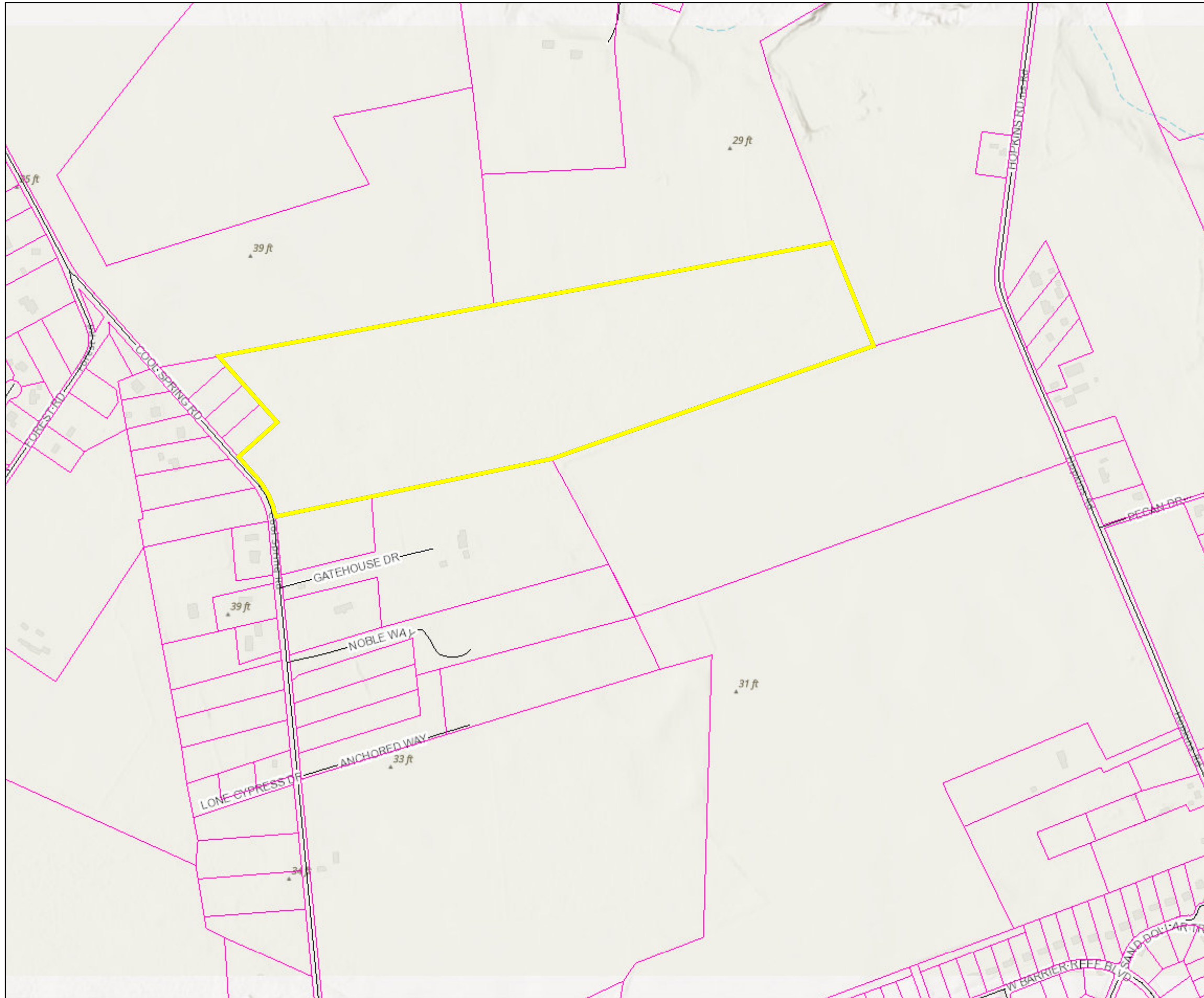
Site Area: 72.20 +/- acres

Tax Map ID: 234-5.00-37.00





Sussex County



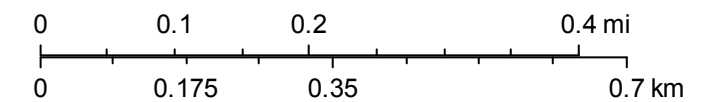
PIN:	234-5.00-37.00
Owner Name	OTTO ELSIE WALLS TRUSTEE
Book	2958
Mailing Address	122 S MICHIGAN AVE SUITE
City	CHICAGO
State	IL
Description	NE/RD 290 APPR 1420'
Description 2	SE/RD 292
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

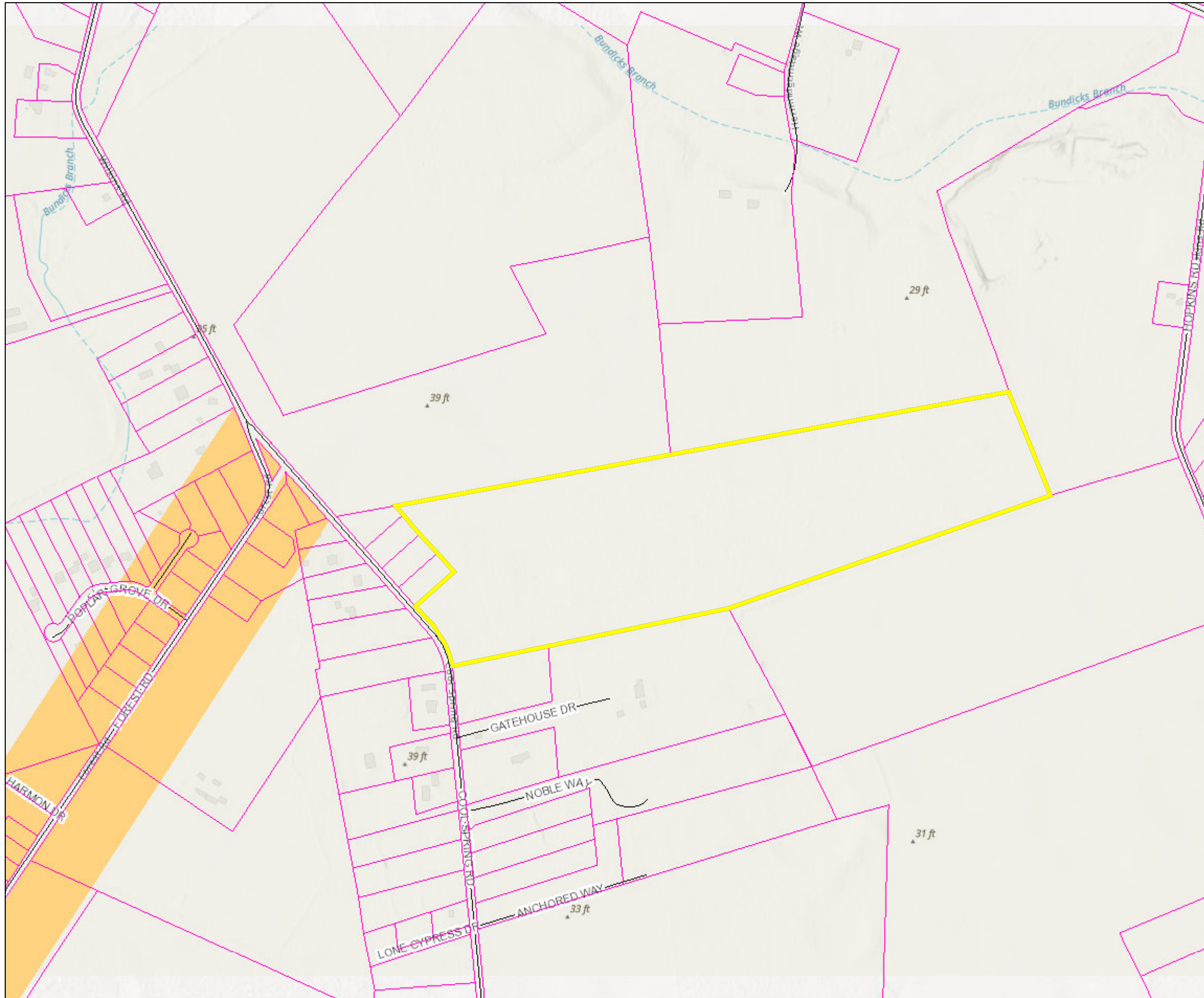
 - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028





Sussex County



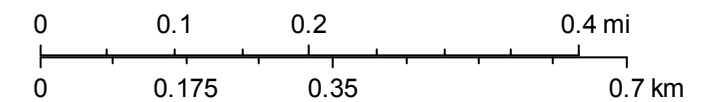
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- polygonLayer**

 - Override 1
- polygonLayer**

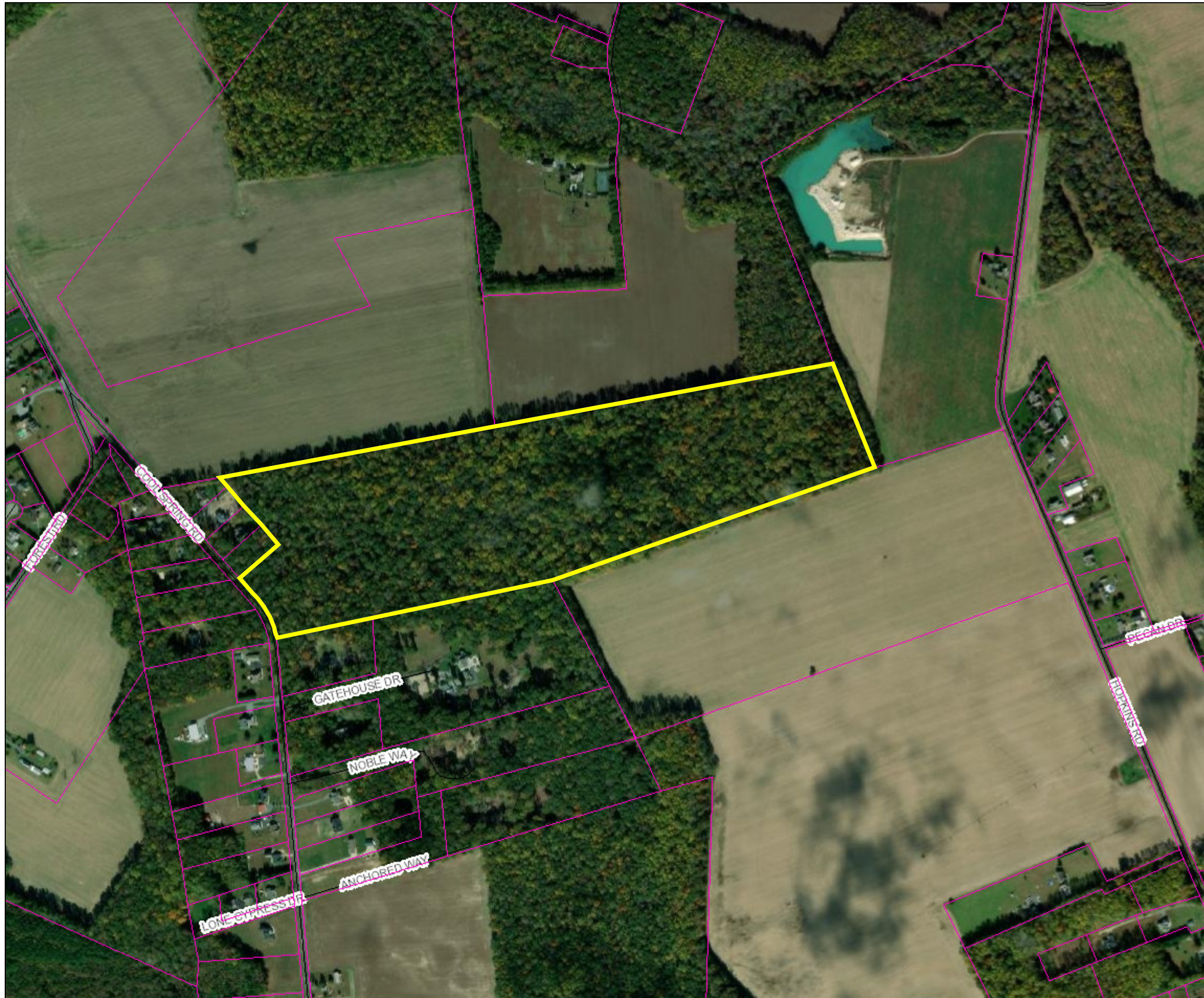
 - Override 1
- Tax Parcels
- Streets

1:9,028





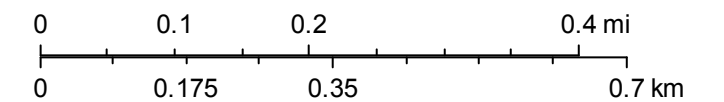
Sussex County



PIN:	234-5.00-37.00
Owner Name	OTTO ELSIE WALLS TRUSTEE
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Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028



File #: 2021-12
Pre-App Date: _____

Sussex County Major Subdivision Application 202100568
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)

Standard:
Cluster:
Coastal Area:

Location of Subdivision:

East side of Cool Spring Road, South of Forest Road.

Proposed Name of Subdivision:

Cool Spring

Tax Map #: 234-5-37 **Total Acreage:** 72.2

Zoning: AR-1 **Density:** 1.994 **Minimum Lot Size:** 7,500 **Number of Lots:** 144

Open Space Acres: 38

Water Provider: Artesian **Sewer Provider:** Artesian

Applicant Information

Applicant Name: Schell Brothers, LLC
Applicant Address: 20184 Phillips Street
City: Rehoboth Beach State: DE Zip Code: 19971
Phone #: (302) 226-1994 E-mail: greg@oacompanies.com

Owner Information

Owner Name: Elsie Otto Walls, Trustee
Owner Address: 122 S Michigan Ave, Suite 1220
City: Chicago State: IL Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt, LLC (Attn: Mackenzie 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





DELAWARE DEPARTMENT OF
AGRICULTURE

2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
AGRICULTURE.DELAWARE.GOV

TELEPHONE: (302) 698-4500
TOLL FREE: (800) 282-8685
FAX: (302) 697-6287

April 14, 2021

Chase Phillips, Planner I
Planning & Zoning Commission
P.O. Box 417
Georgetown, Delaware 19947

Subject: **Preliminary Plans for Cool Spring**

Dear Mr. Phillips,

Thank you for providing preliminary plans for Cool Spring submitted by Solutions Integrated Planning Engineering & Management, LLC. The plans submitted to our section dated January 5th, 2021 are sufficient to meet the Sussex County Planning and Zoning Forested Buffer Ordinance.

The Delaware Forest Service recommends the plans reflect tree planting specifications and that the ISA ANSI A300 best management practices are followed for newly installed trees. DFS recommends planting a 70/30 mix of hardwood and evergreen tree species. There are several tree species that are not recommended for planting in the state due to their invasive nature or the susceptibility to pests and diseases. These species are listed on our department website.

The Delaware Forest Service has no further comment to Cool Spring preliminary subdivision plans dated January 5th, 2021 at this time.

If you have any questions please feel free to contact me at taryn.davidson@delaware.gov.

Sincerely,

Taryn Davidson
Urban Forestry Program
Delaware Forest Service

Transmittal Letter

Solutions, IPEM

Jason Palkewicz, PE
303 North Bedford Street
Georgetown, DE 19947
p: 302.297.9215
e: ideas@solutionsipem.com



May 13, 2021

To:
Sussex County, Planning and Zoning
2 The Circle
Georgetown, DE 19947

Attention: Lauren DeVore

Re: Cool Spring

Job Number: G20060

We are sending you:

Enclosed Under Separate Cover

Delivery via:

UPS US Mail Fed Ex Hand Carried Picked up Other

Quantity	Description
2	Full Size Preliminary Plat
7	11" x 17" Preliminary Plat

These are transmitted as checked below

As requested For your use Resubmit copies for review Resubmit copies for approval

Comments:

Copy to:

Signature

RECEIVED
MAY 17 2021
SUSSEX COUNTY
PLANNING & ZONING

Christin Scott

From: Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>
Sent: Thursday, March 11, 2021 11:56 AM
To: Planning and Zoning
Subject: RE: TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

Categories: Christin

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Good morning,

DNREC's Division of Waste and Hazardous Substances has no comments on either of the referenced projects.

Mindy Anthony
Planner IV
DNREC-Div. of Waste & Hazardous Substances
89 Kings Hwy
Dover, DE 19901
Phone: 302-739-9466
Fax: 302-739-5060
Mindy.Anthony@delaware.gov

Integrity. Respect. Openness. Customer Focus. Quality.



<https://de.gov/recycling>
www.facebook.com/delawarerecycles

From: Christin Headley <christin.headley@sussexcountyde.gov>
Sent: Tuesday, February 09, 2021 8:09 AM
To: Beth Krumrine <Beth.Krumrine@delaware.gov>; Brad Hawkes <bhawkes@sussexcountyde.gov>; C. Daniel Parsons <dparsons@sussexcountyde.gov>; Dean Holden - Chesapeake Electric <dholden@chpk.com>; Butler, Eileen M. (DNREC) <Eileen.Butler@delaware.gov>; Fox, Duane T. (FireMarshal) <Duane.Fox@delaware.gov>; Cinelli, Jennifer (DeIDOT) <jennifer.cinelli@delaware.gov>; Jessica Watson – Sussex Conservation <Jessica.watson@state.de.us>; John J. Ashman <jashman@sussexcountyde.gov>; John Martin <jmartin@chpk.com>; john.hayes@delaware.gov; john.kennel@delaware.gov; John.Martin@delaware.gov; kate.fleming@delaware.gov; Kelley Gabbard <kgabbard@chpk.com>; Laws, Susanne K (DeIDOT) <Susanne.Laws@delaware.gov>; Crystall, Meghan (DNREC) <Meghan.Crystall@delaware.gov>; Mike Brady <MBRADY@sussexcountyde.gov>; Melendez, Milton (DDA) <milton.melendez@delaware.gov>; Anthony, Mindy (DNREC) <Mindy.Anthony@delaware.gov>; Rob Davis – Planning Tech Utility Planning <rdavis@sussexcountyde.gov>; Subdivision (MailBox Resources) <Subdivision@delaware.gov>; Susan Isaacs <sisaaacs@sussexcountyde.gov>; Terri Dukes <tdukes@sussexcountyde.gov>; Tholstrup, Michael S. (DNREC) <Michael.Tholstrup@delaware.gov>; Tiffany Giroux <tgiroux@chpk.com>; Troy Dickerson <TDickerson@decoop.com>; Vince Robertson <vrobertson@pgslegal.com>
Cc: Chase Phillips <chase.phillips@sussexcountyde.gov>
Subject: TAC Review 2021-11 Fisher Rd & 2021-12 Cool Spring

All,

Sussex County Planning Office has received two (2) applications that requires TAC review. Attached is a memo regarding the applications and a PDF of the plans submitted.

Please provide comments on or before April 6th, 2021.

Please feel free to contact me with any questions.

Thanks,

Christin Scott

Christin Scott, Planner I
Planning & Zoning Department
2 The Circle
PO Box 417
Georgetown, DE 19947
302-855-7878
christin.headley@sussexcountyde.gov

Much of the County's Planning and Zoning Information can be found online at:
<https://sussexcountyde.gov/sussex-county-mapping-applications>

Information on the 2018 Sussex County Comprehensive Plan can be found at:
<https://sussexcountyde.gov/2018-comp-plan-documents>

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
PUBLIC WORKS (302) 855-7703
RECORDS MANAGEMENT (302) 854-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov
HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
MICHAEL E. BRADY
DIRECTOR OF PUBLIC WORKS

Date February 17, 2021

REF: **T. A. C. COMMENTS
COOL SPRING
SEWER TIER 3
SUSSEX COUNTY ENGINEERING DEPARTMENT
SUSSEX COUNTY TAX MAP NUMBER
234-5.00 PARCEL 37.00
PROJECT CLASS-3
AGREEMENT NO. 1167**

The following comments are the result of the Sussex County Engineering Department's review of the preliminary site plan for the above referenced project:

DESIGN REVIEW COMMENTS

1. Proposed developments with private roads or projects required to meet or exceed the County street design requirements shall be regulated by and conform to Sussex County Code and the comments here listed.
2. This project is not located within the limits of a Ground Water Management Zone (GMZ). Projects located within a GMZ must be forwarded to the County Engineer for review and comment.
3. Project Construction Drawings shall show, in detail, the proposed improvements. The work required includes preparation and delivery of an AutoCAD 2012 digitized plan showing existing and proposed lines, grades, topography and features in a given area, which was utilized in preparing plans for construction. The individual sheet types will be in a separate design to show plan views on sheets separate from profile views. In addition, each sheet of the plans shall be submitted in a PDF format.
4. All work shall be geo-referenced to the Delaware State Grid System NAD-83 (HARN) and provided in an AutoCAD 2012 format. North will always be shown in an up direction on all plans.
5. Topographic contours at one-foot intervals shall be shown and referenced to United States Geological Survey Mean Sea Level Datum NAVD 1988 Datum.
6. The plans shall be provided on 24" x 36" drawing sheets at a scale of 1" = 50'.

The plans shall show and address the following items at minimum:

7. The project requires professional land surveying services to accurately delineate, and show the following items but is not limited to the following: all property and right-of-



way lines, established at a minimum, two (2) horizontal and vertical control concrete project benchmarks, survey monuments, easements, existing and proposed topographic contours at 1-foot vertical intervals and spot elevations as necessary to establish grades, the locations of all existing structures, highway and roadway pavements, shoulders, curbs, driveways, sidewalks, lighting structures, traffic control signs, and all public and private utilities, including, but not limited to, electric power and telephone lines, poles and boxes, underground electric, telephone, and communication lines, potable water lines, fire hydrants and valve boxes, gas lines, wells, sanitary sewers including septic systems, rim and invert elevations of manholes and cleanouts, and the rims and invert elevations and type of storm water structures, drainage ditches, ponds, streams and waterways, flood zones and flood zone boundaries and elevations, and State and Federal wetlands, trees, cemeteries and historic features, and the finished floor elevations of buildings.

8. Plans shall show the seal and signature of a registered Delaware land surveyor or registered Delaware professional engineer.
9. The plan requires a Certification Signature and/or a Certification Block for the Delaware Professional Engineer or Delaware Land Surveyor.
10. The plan requires a Certification Signature and/or a Certification Block for the Owner or Representative of the Owner.
11. The plan requires a Certification Signature and/or a Certification Block for the Professional Wetlands Delineator.
12. The name, address, phone number and contact person's name of the Owner of Record, the Developer and the Engineer or Surveyor preparing the plan.
13. Indicate the location of all wetlands, both state and federal, in order to facilitate compliance with County, State and Federal requirements.
14. Define the courses and distances of the property perimeter and the approximate acreage contained therein. Establish and set in the field two (2) CONCRETE MONUMENT project benchmarks, preferably at property perimeter corners, geo-referenced to the Delaware State Plane Coordinate system NAD 83 and show the location including the North and East coordinates of the marks on the plans.
15. Indicate the development construction phases proposed showing the boundaries of each phase. Phasing boundaries shall include buildings, residential units, amenities, roads, storm water management facilities, wastewater systems and all other improvements and utilities required to service each phase.
16. Show the layout, width and names of all streets, alleys, crosswalks and easements proposed to be dedicated for private or public use. Street names shall not duplicate nor closely resemble existing street names in the same hundred or postal district, except for extensions of existing streets.
17. When on site individual septic tank systems are to be used and the lot topography is to be modified by cuts and fills it is required that the Design Engineer contact the Delaware Department of Natural Resources and Environmental Control, Division of Groundwater Water Discharge Section, 20653 DuPont Boulevard, Unit 5,

Georgetown, DE 19947 phone number 302-856-4561 subject to mass grading operations for documented approval.

18. Provide the limits and elevations of the one hundred (100) year flood. This may require the design engineer to complete an analysis and provide a report including the depiction of the subject watershed(s), calculations and other technical data necessary to determine the limits and elevations of the base flood.
19. The pavement radius for all cul-de-sacs shall be no less than 38 feet in diameter or as otherwise required by the State Fire Marshall's office or the County Engineering Department.
20. False berms shall not be utilized to create roadside drainage swale back slopes.
21. For parking lots and drives, provide spot elevations at the edge of pavement, right-of-way or travel way centerline, at changes in grade, and high points and low points, to the nearest drainage facilities. Show the limits of the various surface materials and provide construction sections.
22. Provide and show the locations and details of all ADA compliant accessible walks and ramp features.
23. If the site has a cemetery located on it the Developer shall contact the Delaware State Historic Preservation Office and satisfy the requirements of that Office prior to beginning any construction activity. This area shall not be disturbed by this project. Adequate access to the site and buffers to protect the site, shall be provided.
24. Private rights-of-way adjacent to and abutting parcels not part of the project shall be located and designed to provide adequate buffer so that construction activities do not encroach onto adjacent properties.
25. Provide statements explaining how and when the developer proposes to provide and install the required water supply, sewers or other means of sewage disposal, street pavement, drainage structures and any other required improvements.
26. Provide statements concerning any proposed deed restrictions to be imposed by the owner.
27. Where special physical conditions exist, which may act as constraints on normal development or may preclude development, the developer may be required to submit special technical data, studies or investigations. This information must be prepared by individuals technically qualified to perform such work. Additional information may include but is not limited to the following: on-site sanitary sewage disposal feasibility, water supply surveys, such as test well drilling, storm water runoff computations and identification of areas subject to periodic flooding.
28. If special conditions are found to exist, the Engineering Department may elect to withhold approval of a construction plan until it is determined that it is technically feasible to overcome such conditions. The Engineering Department may then require the developer to incorporate specific improvement design criteria into the plat as a condition to its approval.
29. When special studies or investigations pertain to a regulatory program of another public

agency, the developer shall submit the results of these studies or investigations to said public agencies for technical review and approval. Approvals and/or written comments from these agencies shall be supplied to Sussex County by the developer.

UTILITY PLANNING COMMENTS

REVIEWER: **Chris Calio**

APPLICATION: **Cool Spring 2021-12**

APPLICANT: **Schell Brothers, LLC**

FILE NO: NCPA-5.03

TAX MAP &
PARCEL(S): **234-5.00-37.00**

LOCATION: **East side of Cool Spring Road (SCR 290), approximately 1.0 mile north of Stockley Road (SCR 280)**

NO. OF UNITS: 144 single-family lots

GROSS
ACREAGE: 72.2

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
- b. If no, see question (7).
- (2). Which County Tier Area is project in? Tier 3
- (3). Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A.
- (4). Is a Construction Agreement required? N/A If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? No If yes, how many? N/A. Is it likely that additional SCCs will be required? **No**

If yes, the current System Connection Charge Rate is **Choose an item.** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed subdivision is not located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**

(9). Is a Sewer System Concept Evaluation required? **No**

(10). Is a Use of Existing Infrastructure Agreement Required? **No**

If the above items, as applicable, are incorporated into the development plans, then preliminary approval is recommended. However, final plan approval should be withheld pending the approval of the construction plans by the Sussex County Engineering Department.



DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

Office of Engineering
Phone: (302) 741-8640
Fax: (302) 741-8641

February 5, 2021

Ms. Christin Scott
Sussex County Planning & Zoning Commission
PO Box 417
Georgetown, DE 19947

Re: Sussex County Technical Advisory Committee

Dear Ms. Scott:

The Division of Public Health Office of Engineering is in receipt of the following applications:

1. **Applications:** **2021-11 Fisher Road**
 2021-12 Cool Spring

These applications indicate central water will be supplied by Artesian Water Company, Inc. *These projects require an Approval to Construct and an Approval to Operate from the Office of Engineering when constructing a new water system or altering an existing water system.* In order to obtain an Approval to Construct, plans and specifications must be prepared by a registered Delaware professional engineer. Plans for the system, including water mains or extensions thereto, storage facilities, treatment works, and all related appurtenances, must be approved by the Office of Engineering prior to construction. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction.

Prior to receiving an Approval to Operate for these projects, the Office of Engineering requires one set of as-built drawings, including profile markups, for all plans approved for construction. An Approval to Operate will be issued after all applicable requirements are met.

Please do not hesitate to contact me at 302-741-8646 with questions or comments.

Sincerely,

A handwritten signature in black ink that reads "William J. Milliken, Jr." in a cursive script.

William J. Milliken, Jr.
Engineer III
Office of Engineering

SITE DATA:

OWNER: ELSIE WALLS OTTO (TRUSTEE)
122 S MICHIGAN AVE
CHICAGO, IL 60603

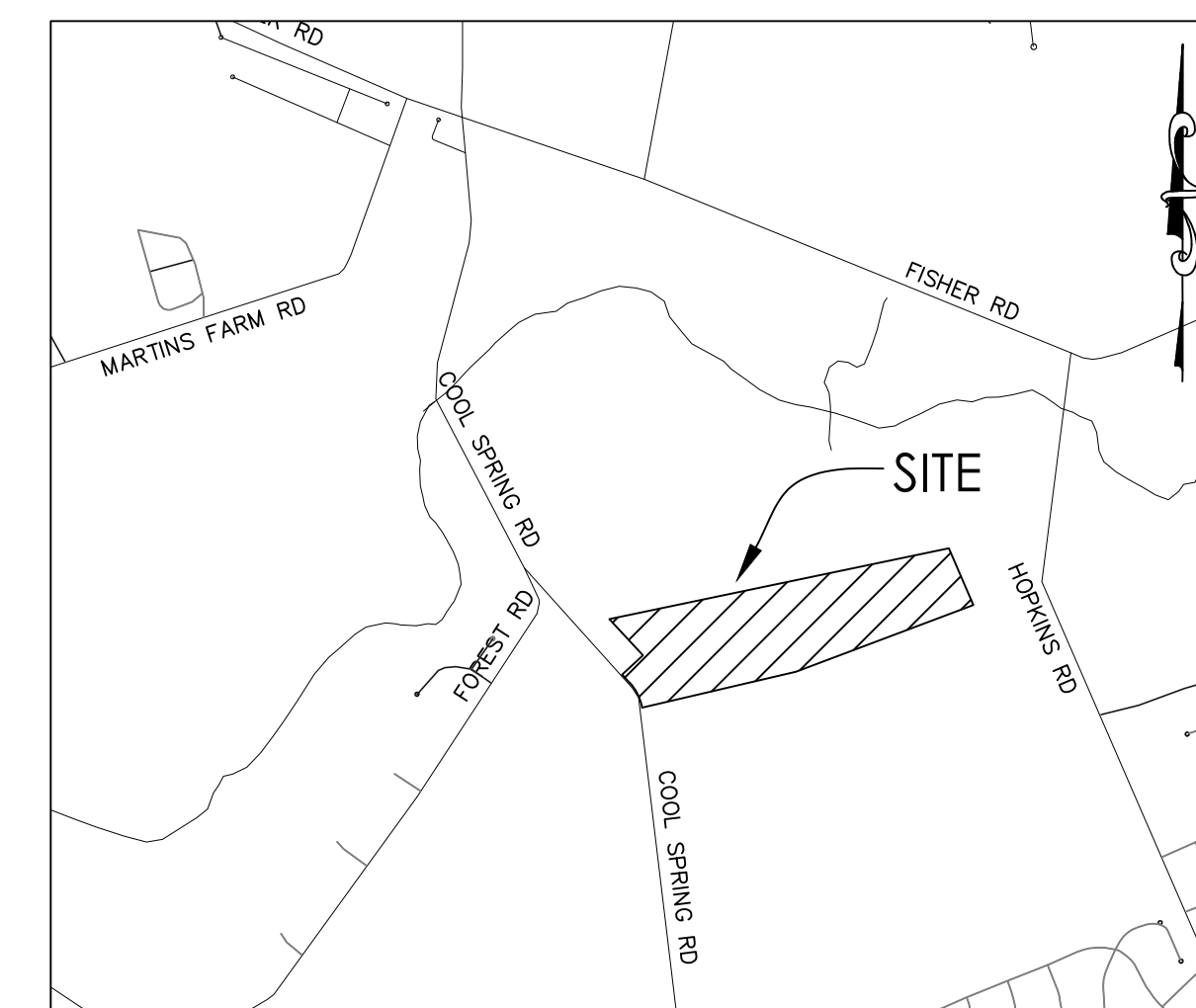
DEVELOPER: SCHELL BROTHERS, LLC
20184 PHILLIPS STREET
REHOBOTH BEACH, DE 19971
MR. CHRIS SCHELL

ENGINEER/
LAND PLANNER: SOLUTIONS IPEM, LLC
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JASON PALKEWICZ, PE

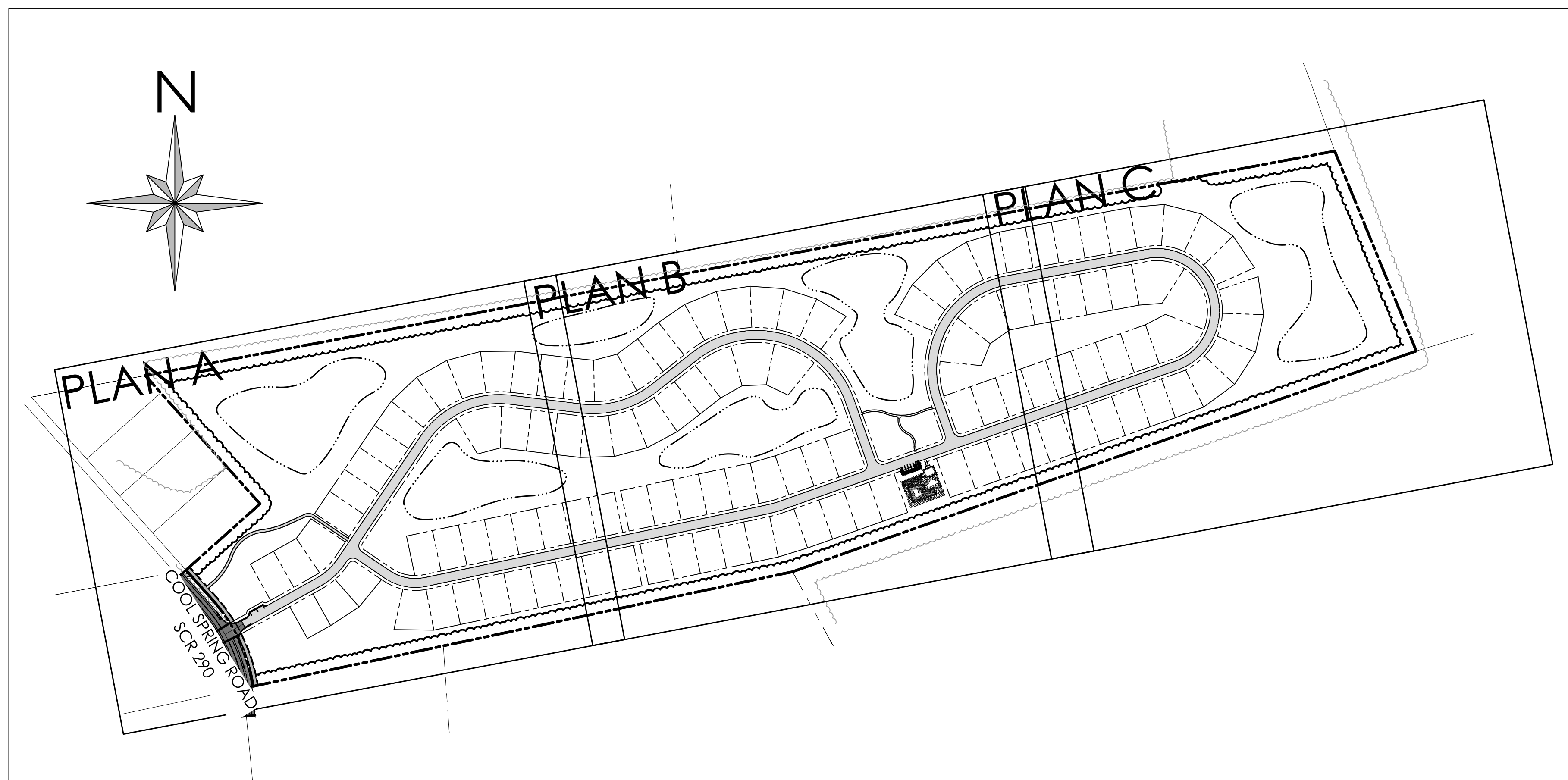
- TAX MAP 234-5-00-37.00
DEED REFERENCE: 2968/248
PLAT REFERENCE: 207/32
- EXISTING ZONING: AR-1
- PROPOSED USE: AR-1 CLUSTER
- SINGLE FAMILY LOTS = 119 LOTS
MIN. LOT AREA = 7,500 S.F.
MIN. LOT WIDTH = 60'
- MAXIMUM BUILDING HEIGHT: 42'
- FRONT YARD = 25' (15' ON CORNER)
SIDE YARD = 10'
REAR YARD = 10'
- BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON ARE AS PROVIDED BY SOLUTIONS IPEM LLC
- FLOOD ZONE: PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), PER FIRM MAP NUMBER 1000SC0330J, MAP REVISED JANUARY 6, 2005
- WATER SUPPLY: ARTESIAN WATER COMPANY
- SANITARY SEWER: ARTESIAN WATER COMPANY
- SOIL CLASSIFICATIONS:
DoA & DoCb - DOWNER SANDY LOAM - HYDROLOGIC SOIL GROUP: A
FhA - FORT MOTT HENLOPEN COMPLEX - HYDROLOGIC SOIL GROUP: A
IeA - INGLESIDE LOAMY SAND - HYDROLOGIC SOIL GROUP: A
- BOUNDARY SHOWN HEREIN ARE AS PROVIDED BY SOLUTIONS IPEM LLC.
- GROSS AREA = 72.2 AC.±
ALLOWABLE UNITS = 2 DU/AC * 72.2 AC.± = 144.4
PROPOSED UNITS = 119
(1.648 DU/AC.)
- AREAS:
OPEN SPACE AREA = 36.42 AC.± (50% ±)
NON-TIDAL WETLANDS AREA = 0.0 AC.±
- EXISTING WOODLANDS = 72.3 AC.±
WOODLANDS TO REMAIN = 5.0 AC.± (6.9%)
WOODLANDS TO BE REMOVED = 67.3 AC.± (93.1%)
SUBJECT TO FINAL ENGINEERING.
- SITE IS LOCATED IN THE FAIR GROUNDWATER RECHARGE AREA.
- SITE IS NOT LOCATED IN WELLHEAD PROTECTION AREA.
- PROPERTY IS LOCATED IN A LOW DENSITY AREA ACCORDING TO THE FUTURE LAND USE MAP.
- THE PROPERTY DOES NOT CONTAIN TIDAL OR NON-TIDAL WETLANDS.
- ALL PROPOSED LOTS SHALL HAVE ACCESS TO INTERNAL SUBDIVISION ROADS ONLY.
- THIS PROJECT IS NOT LOCATED WITHIN ANY TRANSPORTATION IMPROVEMENT DISTRICT.
- SOME ADJACENT PARCELS ARE PRIMARILY USED FOR AGRICULTURAL PURPOSES. SEE PLANS FOR LOCATIONS.

PRELIMINARY PLAT FOR MIRALON

AKA COOL SPRING LEWES & REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE SUSSEX COUNTY PROJECT #2021-12



VICINITY MAP
SCALE: 1" = 2,000'



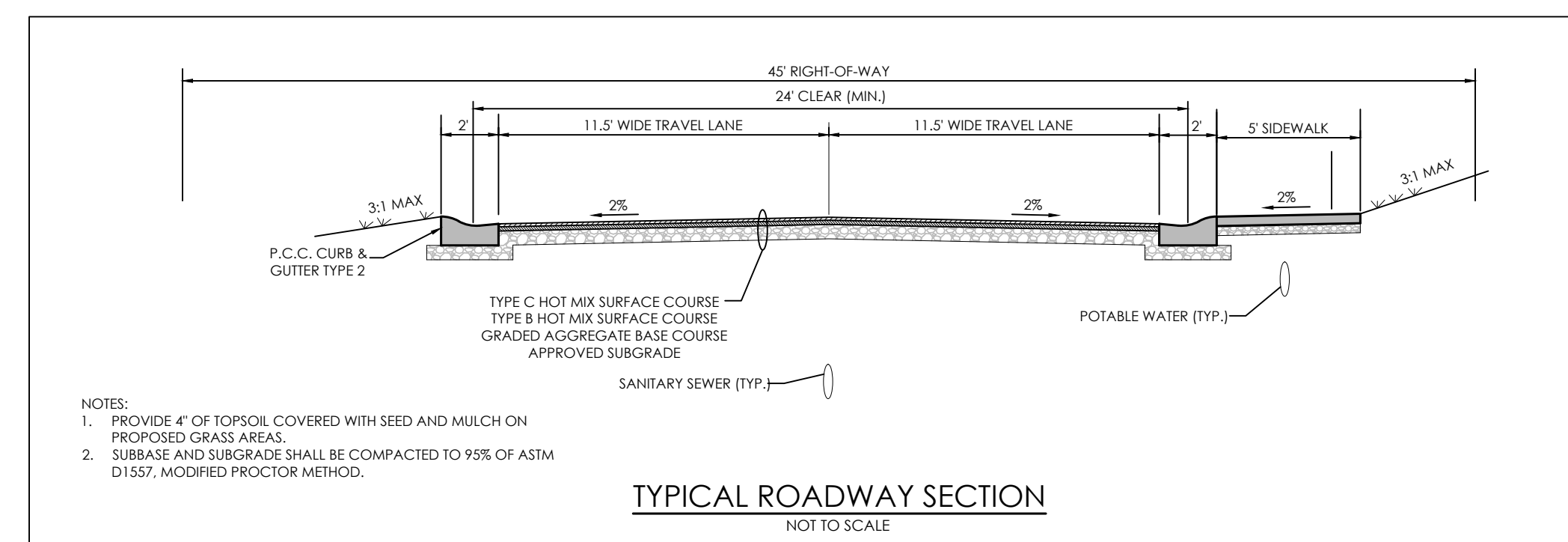
KEY PLAN
SCALE: 1"=250'

		EXISTING	PROPOSED
PROPERTY LINE		---	---
EASEMENT LINE		---	---
SETBACK LINE		N/A	---
R.O.W. LINE		---	---
CONTOUR		---10---	N/A
SPOT ELEVATION		N/A	28.00
ROAD CENTERLINE		---	---
EDGE OF CONCRETE		N/A	---
EDGE OF PAVEMENT		---	---
CURB		N/A	---
DELDOT PAVEMENT HATCH		---	---
SIDEWALK		N/A	---
SIDEWALK HATCH		N/A	---
TRAIL		N/A	---
EDGE OF POND		N/A	---
CURB INLET		N/A	---
YARD INLET		N/A	---
STORM MANHOLE		N/A	---
STORM PIPE		N/A	SD
SANITARY MANHOLE		N/A	SS
SANITARY PIPE		N/A	SS
WATER PIPE		N/A	W
TREE LINE		---	---

LEGEND

PRELIMINARY PLAT

- PRELIMINARY PLAT COVER SHEET
- EXISTING CONDITIONS PLAN
- PRELIMINARY PLAT - PLAN A
- PRELIMINARY PLAT - PLAN B
- PRELIMINARY PLAT - PLAN C



TYPICAL ROADWAY SECTION
NOT TO SCALE

NOTES:

- ALL ON-SITE STREETS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE STREETS SHALL BE BY THE RESPECTIVE ORGANIZATION.
- STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX COUNTY CONSERVATION DISTRICT AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY MULTIPLE WET PONDS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE ABOVE PROACTIVE SHALL BE BY THE RESPECTIVE ORGANIZATION.
- ALL OPEN SPACE, INCLUDING BUFFERS AND FOREST STRIPS, SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- FOR ANY NEW DEVELOPMENT LOCATED IN WHOLE OR IN PART WITH 50 FEET OF THE BOUNDARY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL FOR A RESIDENTIAL TYPE USE SHALL BE CONSTRUCTED WITHIN 50 FEET OF THE BOUNDARY OF THE LANDS USED PRIMARILY FOR AGRICULTURAL PURPOSES.
- POTABLE WATER, SANITARY SEWER, STORM DRAINAGE, STREET PAVEMENT SHALL BE CONSTRUCTED BY DEVELOPER. PHASING OF IMPROVEMENTS SHALL BE PER COUNTY AND CONSERVATION DISTRICT REQUIREMENTS.



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REVISIONS		DESCRIPTION
NO.	DATE	DESCRIPTION
1	5/14/21	LOT WIDTH ADJUSTMENTS
2	7/12/21	REVISIONS PER AGENCY REVIEW LETTER DATED 7/19/21
3	9/29/21	COMMUNITY NAME CHANGE

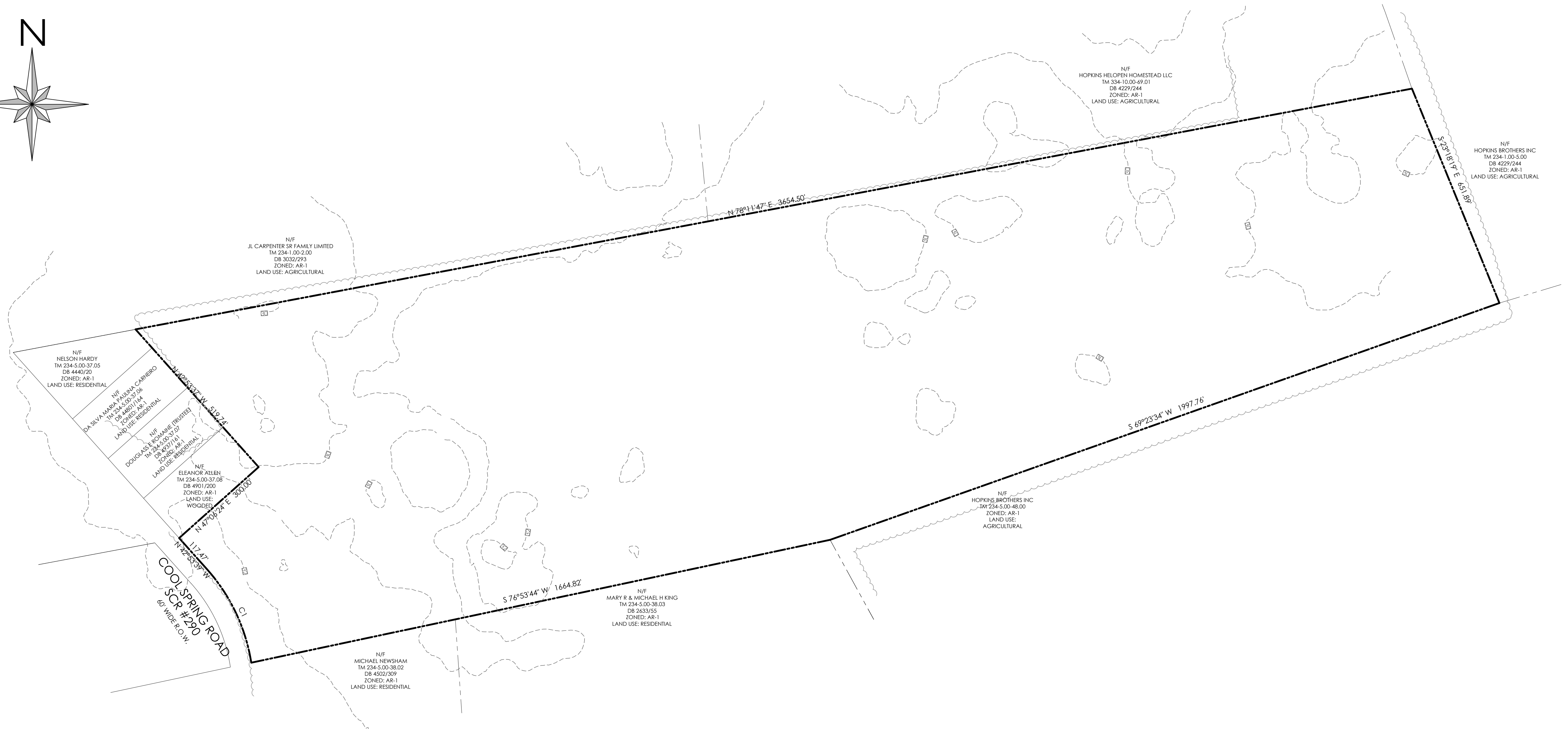
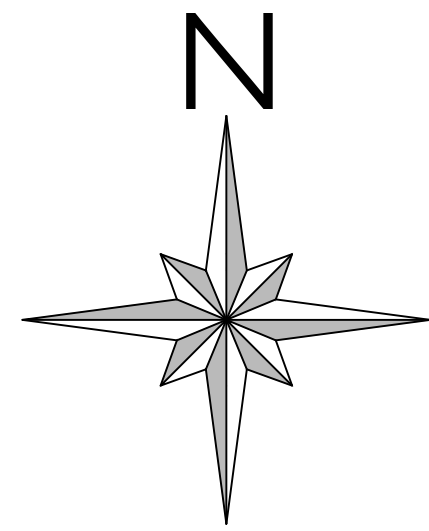
PRELIMINARY PLAT COVER SHEET

for
MIRALON
AKA COOL SPRING
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

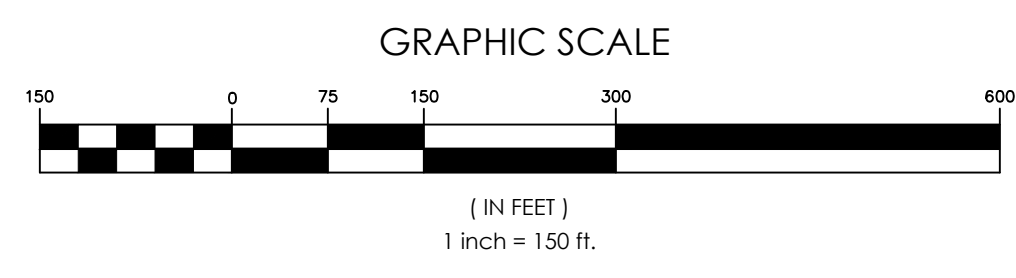
Date:	1/5/21
Job Number:	20060
Scale:	AS NOTED
Drawn By:	ML
Designed By:	JIP
Approved By:	JIP

Sheet No.: 1

File Name: 20060-prelim-cover



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
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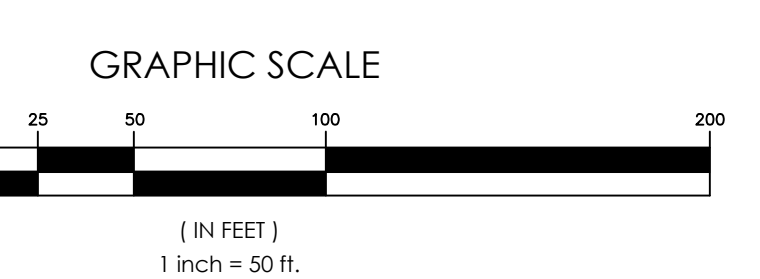
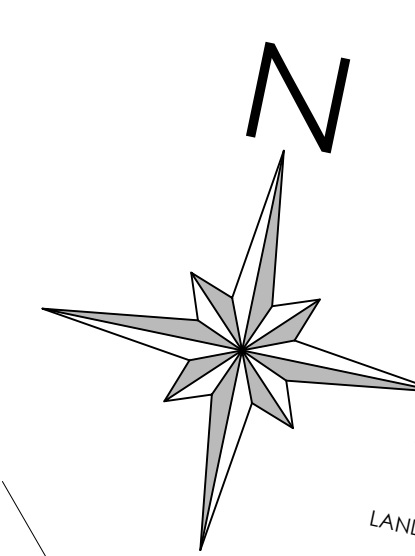
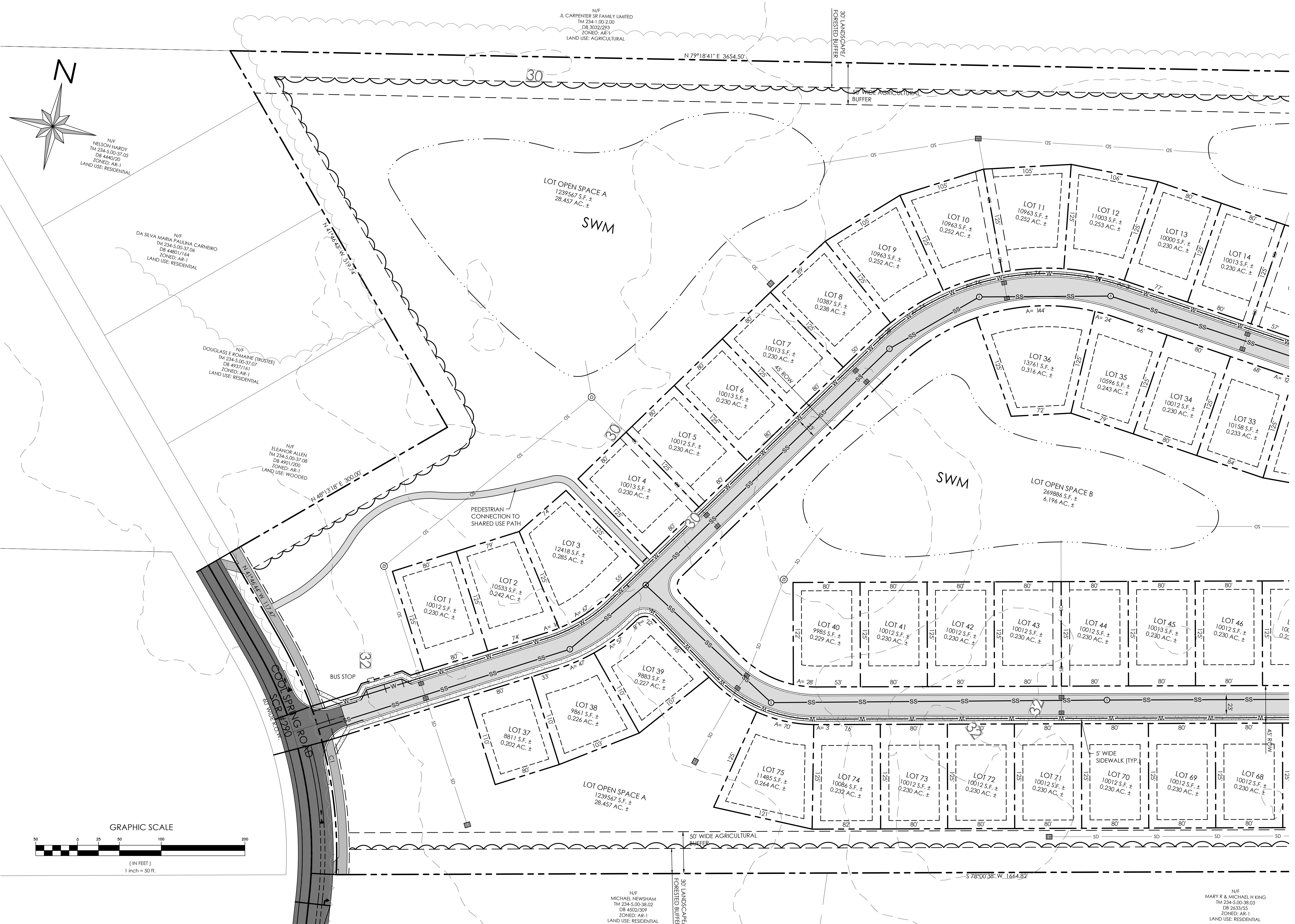


NO.	DATE	DESCRIPTION
1	5/4/21	LOT WIDTH ADJUSTMENTS
2	7/12/21	REVISIONS PER AGENCY REVIEW LETTER DATED 7/8/21
3	9/29/21	COMMUNITY NAME CHANGE

EXISTING CONDITIONS PLAN
for
MIRALON
AKA COOL SPRING
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	1/5/21
Job Number:	20060
Scale:	1" = 150'
Drawn By:	ML
Designed By:	JIP
Approved By:	JIP

Sheet No.:



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NO.	DATE	DESCRIPTION
1	5/4/21	LOT WIDTH ADJUSTMENTS
2	7/12/21	REVISIONS PER AGENCY REVIEW LETTER DATED 7/8/21
3	9/29/21	COMMUNITY NAME CHANGE

PRELIMINARY PLAN - PLAN A
 for
MIRALON
 AKA COOL SPRING
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

Date:	1/5/21
Job Number:	20060
Scale:	1"=50'
Drawn By:	ML
Designed By:	JIP
Approved By:	JIP

Sheet No.: **3**
 File Name: 20060.prelim-plot

N/F
 J.L. CARPENTER, SR. FAMILY LIMITED
 TM 234-100-2.00
 DB 3032/293
 ZONED: AR-1
 LAND USE: AGRICULTURAL

N/F
 NELSON HARDY
 TM 234-5.00-37.05
 DB 4440/20
 ZONED: AR-1
 LAND USE: RESIDENTIAL

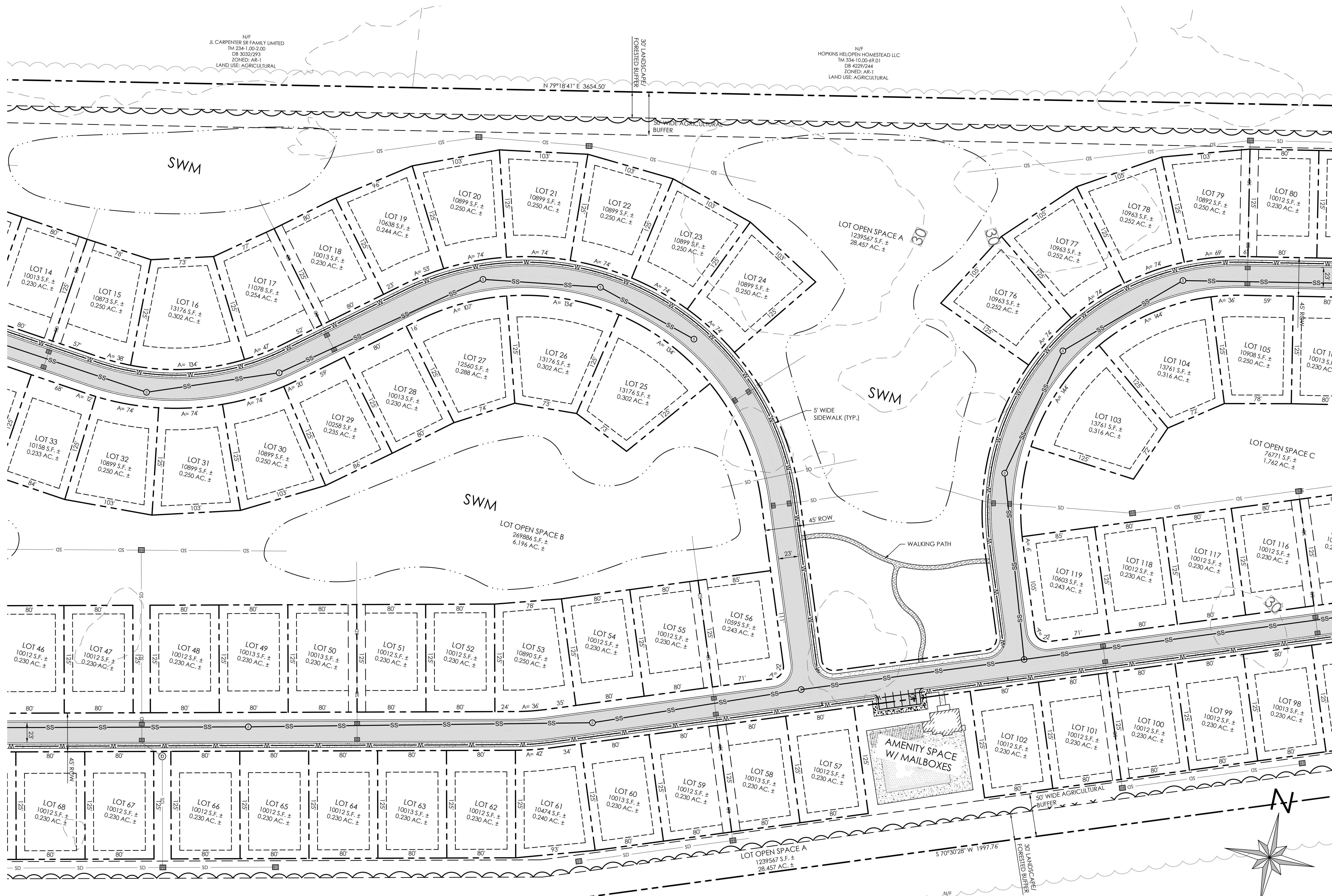
N/F
 DA SILVA MARIA PAULINA CARNEIRO
 TM 234-5.00-37.06
 DB 44801/164
 ZONED: AR-1
 LAND USE: RESIDENTIAL

N/F
 DOUGLASS E ROMANE (TRUSTEE)
 TM 234-5.00-37.07
 DB 4937/161
 ZONED: AR-1
 LAND USE: RESIDENTIAL

N/F
 ELEANOR ALLEN
 TM 234-5.00-37.08
 DB 4901/200
 ZONED: AR-1
 LAND USE: WOODED

N/F
 MICHAEL NEWSHAM
 TM 234-5.00-38.02
 DB 4502/309
 ZONED: AR-1
 LAND USE: RESIDENTIAL

N/F
 MARY R & MICHAEL H KING
 TM 234-5.00-38.03
 DB 2433/155
 ZONED: AR-1
 LAND USE: RESIDENTIAL

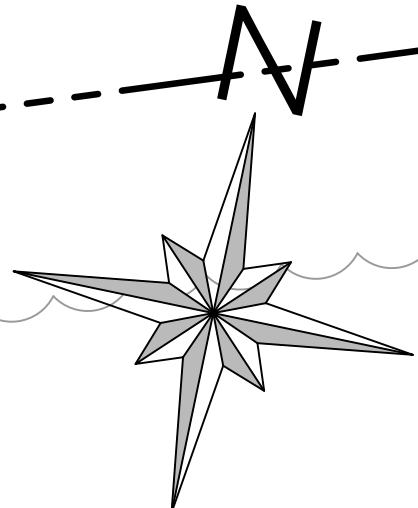
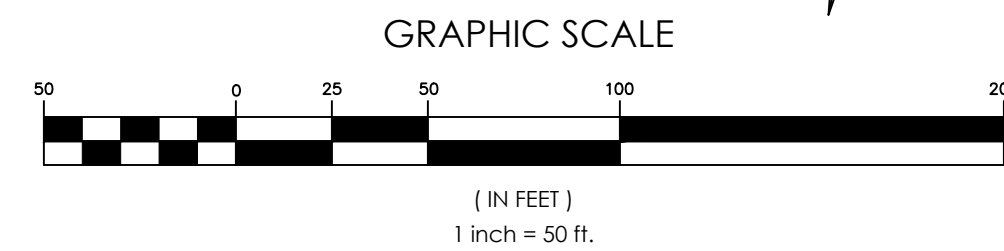


N/F
JL CARPENTER SR FAMILY LIMITED
TM 234-1.00-2.20
DB 3032/293
ZONED: AR-1
LAND USE: AGRICULTURAL

N/F
HOPKINS HELOPEN HOMESTEAD LLC
TM 334-10.00-69.01
DB 4229/244
ZONED: AR-1
LAND USE: AGRICULTURAL

N/F
AARY R & MICHAEL H KING
TM 234-5.00-38.03
DB 2633/55
ZONED: AR-1
LAND USE: RESIDENTIAL

N/F
HOPKINS BROTHERS INC
TM 234-5.00-48.00
ZONED: AR-1
LAND USE: AGRICULTURAL



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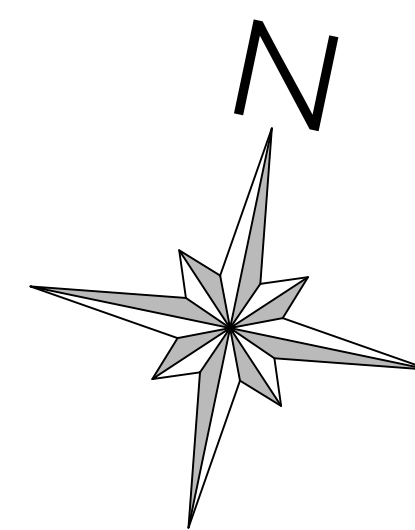
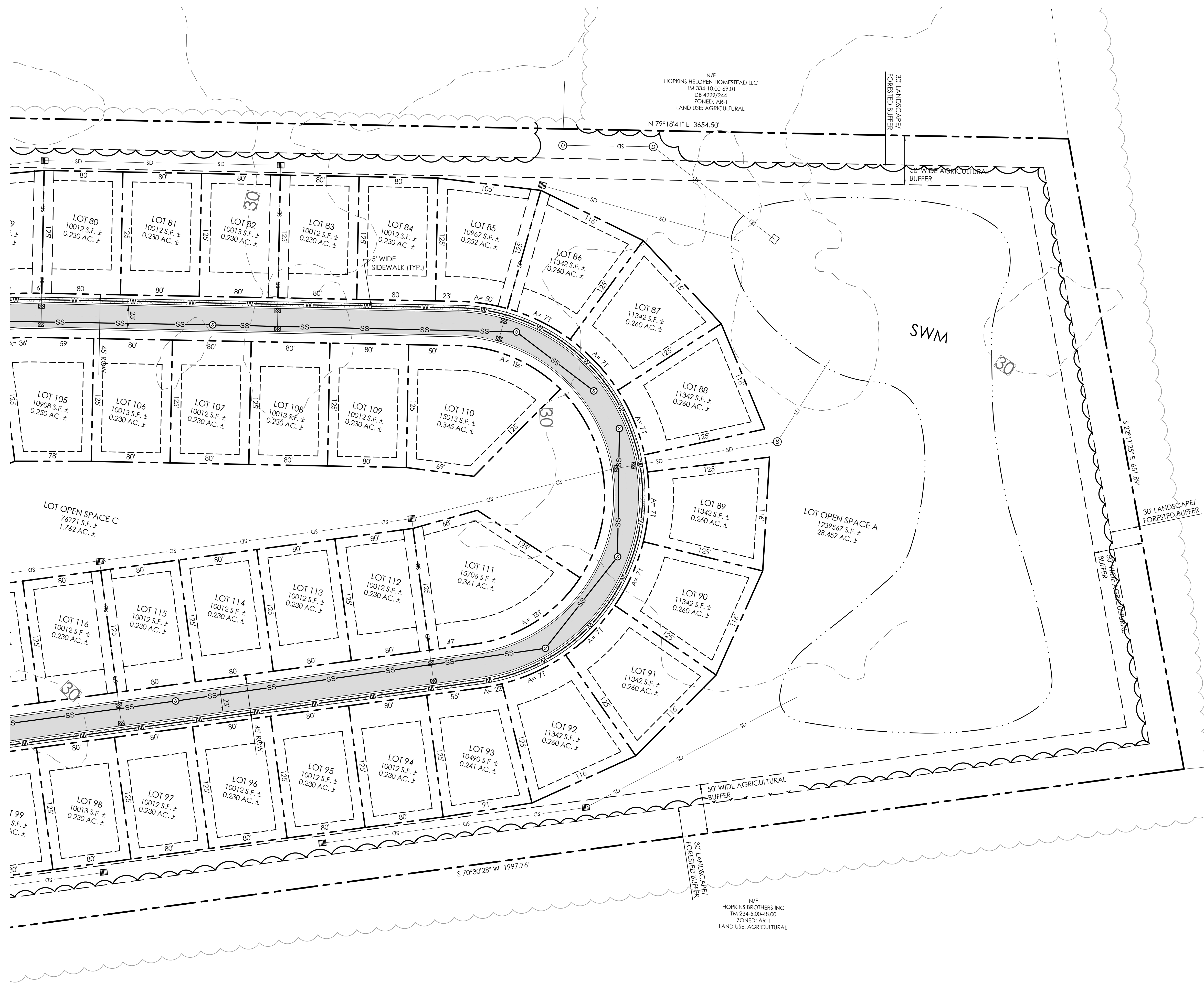


NO.	DATE	DESCRIPTION
1	5/4/21	LOT WIDTH ADJUSTMENTS
2	7/12/21	REVISIONS PER AGENCY REVIEW LETTER DATED 7/19/21
3	9/29/21	COMMUNITY NAME CHANGE

PRELIMINARY PLAT - PLAN B
for
MIRALON
AKA COOL SPRING
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	1/5/21
Job Number:	20060
Scale:	1"=50'
Drawn By:	ML
Designed By:	JIP
Approved By:	JIP

Sheet No.: 4
File Name: 20060.prelim-plat



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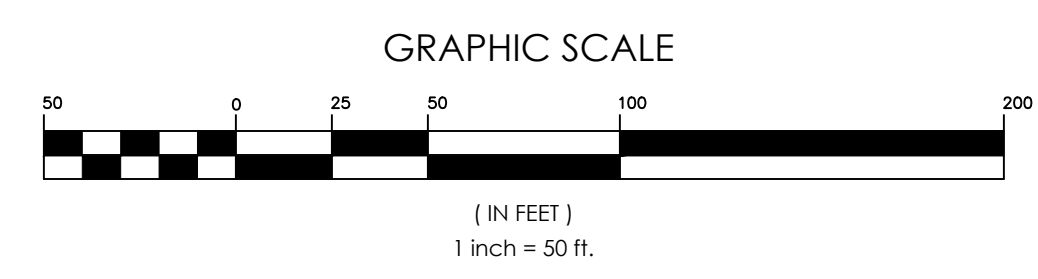


REVISIONS	
NO.	DESCRIPTION
1	LOT WIDTH ADJUSTMENTS
2	REVISIONS PER AGENCY REVIEW LETTER DATED 7/18/21
3	COMMUNITY NAME CHANGE

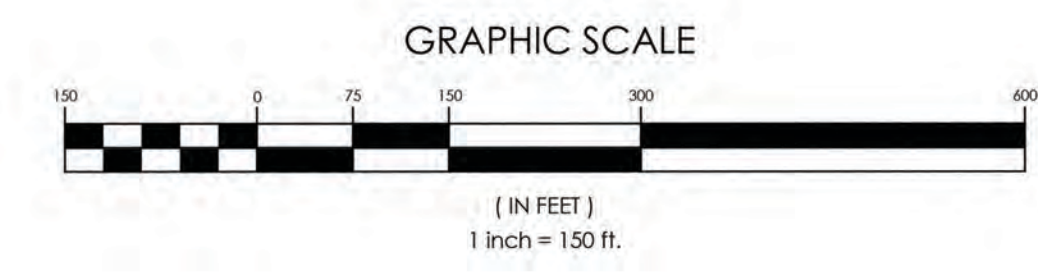
PRELIMINARY PLAT - PLAN C
 for
MIRALON
 AKA COOL SPRING
 LEWES & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

Date:	1/5/21
Job Number:	20060
Scale:	1"=50'
Drawn By:	ML
Designed By:	JIP
Approved By:	JIP

Sheet No.: **5**
 File Name: 20060.prelim-plat



MIRALON



Miralon

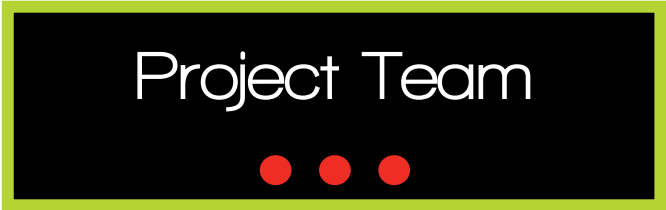
Project Reference Material

AR-1 Cluster



October 2021





APPLICANT/DEVELOPER:

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Rehoboth Beach, DE 19971
Telephone: 302.226.1994
Email: tgreen@schellbrothers.com

CIVIL ENGINEER/
LAND PLANNER

Solutions IPEM, LLC

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ENVIRONMENTAL

Environmental Resources, Inc

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Telephone: 302.436.9637
Email: elaunay@ericonsultants.com

ATTORNEY:

Baird Mandalas Brockstedt, LLC

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1413 Savannah Road, Suite 1
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Telephone: 302.645.2262
Email: mackenzie@bmbde.com

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Resumes:

Jason Palkewicz, PE



I. Executive Summary

Miralon is a proposed 72.2 acre Cluster Subdivision composed of 119 single-family detached homes on individual lots. The site is located on the East side of Cool Spring Road adjacent to the existing Spring Town Farms residential community. The land is currently zoned AR-1.

Miralon is located within Investment Level 4 of the State Strategies for Policies and Spending Map.

The proposed community provides 119 homes on roads within private rights-of-way with curb and gutter with sidewalk on one side, streetlights and preserved wooded areas. The project contains a total of 36.42 +/- acres (50%) of interconnected open space.

A centrally located recreation facility is provided which includes a pool and bathhouse. A trail connects the sidewalks to the proposed DeIDOT multi-modal path. A school bus stop and central mail facility will also be provided.

Proposed Density and Calculations:

Project Area

72.2 acres

Allowable Homes Calculation (AR-1 Cluster):

2.0 homes/acre
72.2 x 2.0 = 144 homes

Proposed Homes:

119 Homes

Actual Density:

119 / 72.2 = 1.65 homes/acre

In conclusion, the proposed community has been thoughtfully planned to achieve a superior living environment for future residents. This plan provides appealing amenities that will result in sustainable property values with neutral to positive impacts on property values in nearby neighborhoods while promoting the health, safety and welfare of the citizens of Sussex County.

II. Project Overview

A. Boundary Plat, Topographic & Non-Tidal Wetlands Survey

A boundary topographic survey for the property was prepared by Solutions IPEM, LLC. The total area of the property is 72.2 +/- acres. No wetlands exist on the site.

B. Overview of Current Site Conditions

The property for the proposed Miralon community is located East of Cool Spring Road, adjacent to the Spring Town Farms community. The proposed development is in the vicinity of the residential communities of Spring Town Farms, Ridings at Rehoboth, Ocean Meadows, Coolspring Farm, and Spring Haven.

The property is located within flood Zone X, (areas determined to be outside the 0.2% annual chance floodplain), per map number 10005C Panel 0330J, map revised January 6, 2005. The site is located within areas of good and fair groundwater recharge potential.

A soils report was prepared by GTA. The project contains Class A soils. The site is suitable for development including infrastructure, home construction and stormwater management.

C. Land Plan and Amenities

The land plan takes into account:

- Existing site conditions
 - Forest Land
 - Existing Grades
- Stormwater outfalls
- Adjacent communities
- Existing roadways
- Current housing trends
- Recreational needs

The resultant plan has:

- A 30' landscaped buffer (partially existing woods).
- Proposed lots are more than 50' from the perimeter of the site.
- Sidewalks one side of the road along with an anticipated trail connecting to the proposed DeIDOT multi-modal path.
- Main recreation facility including:
 - Pool
 - Bathhouse
- Streetlights.
- Community mailbox cluster.
- School bus stop.
- An efficient stormwater management system that acts as an amenity.
- Large tracks of open space
 - Open Space Required (30%) = 21.66 acres
 - Open Space Provided = 36.4 acres
 - Contiguous Open Space Required (30% of Required Open Space) = 6.5 acres

- Contiguous Open Space Provided = 33 acres

D. DeIDOT Improvements

A series of discussions were held with DeIDOT officials concerning area roadway improvements related to Cool Spring Road specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include turn lanes into the development.

E. Preliminary Land Use Service (PLUS)

A concept plan for Miralon was presented to PLUS on December 16, 2020. A response letter was provided to PLUS which addressed their comments point by point.

F. Sanitary Sewer Planning Area

The Miralon community is anticipated to be served by Artesian. The site is located within the Sussex County Tier 3 – Coordinated CPCN Area.

III. Compliance with Applicable Regulations

A. Compliance with AR-1 (Agricultural Residential District)

The project is located within the AR-1 zone. The site is being developed with residential lots lines within the AR-1 zone and will meet the requirements of the AR-1 Cluster as existed at the time of application.

The proposed land use is in conformity with the Zoning Ordinance which allows 2.0 dwelling units per acre based on the gross site area.

Purpose: Miralon conforms with the purpose of the AR-1 code in as much as it is a low density residential community that protects water resources, watersheds, forest area and scenic views. Specific design elements include:

- Recreation facilities such as pool and bathhouse are provided.
- Sidewalks and a connection to the multi modal path are provided.
- No wetlands are impacted.
- There are no wellhead protection areas on the property.

Permitted Uses: The AR-1 allows the proposed single-family cluster development.

Permitted Accessory Uses: The zoning allows outdoor amenities for use of occupants and their guests.

Conditional Uses: Miralon is not applying for any conditional uses.

Special Use Exceptions: Miralon is not applying for any special use exceptions.

Permitted Signs: All proposed development signage will conform to the regulations provided in 115-159.2.

Height, Area and Bulk Requirements: The height, area and bulk requirements are set forth in the AR-1 zoning article. The following is a summary of the lot dimensions and setbacks for Miralon, all of which are in conformity with County requirements:

Single Family Lots -

- Minimum Lot Area = 7,500 S.F.
- Minimum Lot Width = 60'
- Front Yard = 25' (15' Corner Lot)
- Side Yard = 10'
- Rear Yard = 10'
- Maximum Building Height = 42'

B. Statement of Compliance with Chapter 115-25, E. Design Requirements for Cluster Development

(1) All development shall be in accordance with the latest amendment to the community design standards. The proposed cluster subdivision is in compliance with the Community Design section of the County's comprehensive plan.

(2) Housing types in the low-density area, as shown on the Sussex County Comprehensive Plan, are limited to single-family detached dwellings and manufactured homes where permitted by ordinance. Only single-family detached home types are proposed within the cluster subdivision.

(3) A forested buffer area with a minimum width of 30 feet shall be provided for lots abutting an agricultural area. A 30' buffer is provided to the adjacent properties.

(4) Dwellings located within 50 feet of an existing residential development shall provide adequate transition in density or shall provide a thirty-foot buffer meeting the standards below and maintained by a designated entity. A 30' buffer is provided.

(5) No lots shall have direct access to any state-maintained roads. No proposed lots have access to state-maintained roads.

(6) All lots shall be configured to be contained completely outside of all wetlands. The proposed lots are not located within wetlands.

(7) Any development using the option in Subsection B(2) shall have central water and wastewater systems operated and maintained by companies authorized by the State of Delaware to perform such services. Wastewater collection and treatment systems must be designed in accordance with the requirements of Sussex County ordinances and conform to the requirements for a central sewer system as defined in § 115-194A of the Sussex County Zoning Ordinance. The proposed community will be served by both central water and wastewater systems.

C. Statement of Compliance with Chapter 115-25, F. (3) Planning and Zoning Requirements

(a) [1] The proposed lots and amenities are located within the environmentally suitable portions of the site. Specifically, wetlands and waterways are avoided. Clearing of the woods are limited to the amount required to develop the project.

(a) [3] The open space meets the requirements of the County Code. The required open space (30% of site) is 21.66 acres, 36.4 acres have been provided. Of the required open space (21.66 acres), 30% (6.5 acres) is required to be on one contiguous tract of land (separated by water and up to one street). The project provided 33 acres of contiguous open space. The sidewalk system is proposed to be connect to the DelDOT multi-modal system.

(a) [4] No wetlands exist on-site.

(a) [5] Stormwater management shall be provided per DNREC and Sussex Conservation District. Recharge or structurally equivalent BMPs shall be provided. Soils testing and reports have been prepared by GTA showing the existing is suitable for development.

(a) [6] Tree removal shall be limited to necessary to construct the project.

(a) [7] Scenic views are preserved for the homeowners and passersby by limiting back-to-back lots and providing gaps between lots.

(a) [8] The land plan preserved natural facilities (woods) and includes sidewalks and connections to DelDOT's multi-modal path. Open space adjacent to natural features has been prioritized. Existing grades and drainage area are considered in the lot layout.

(a) [9] Sidewalks are provided on one side of each street.

(b) Natural and historic features are preserved as part of the land plan.

(c) Section 99-9C items are addressed herein.

(d) The cluster subdivision is not located within a designated growth area.

D. Statement of Compliance with Chapter 99, Sussex County Subdivision of Land

Chapter 99-9 (C)

The proposed development plan has taken into consideration all items listed within the Subdivision of Land – Chapter 99, Section C within the Sussex County Code and complies with it in the following manner:

1. *"Integration of the proposed subdivision into existing terrain and surrounding landscape."*

- a. The Developer has taken great effort to utilize the additional land as open space. The proposed location of storm water management facilities was also based on extensive soils borings and a soil report.
- b. A 50' setback is provided to adjacent agricultural uses.
- c. A minimum 30' landscaped buffer has been provided adjacent to all surrounding property lines.
- d. The proposed lots within the community are a minimum of 50' from the outbounds of the property.

2. *"Minimal use of wetlands and floodplains."*

- a. No wetlands exist on site.
- b. The proposed lots are located within flood Zone X (unshaded), areas determined to be outside the 0.2% annual chance floodplain.

3. "Preservation of natural and historic features."

- a. There are no known historic sites.
- b. The roadway system, stormwater features and lots were designed in such a way to minimize impacts/disturbance of steep slopes.

4. "Preservation of open space and scenic views."

- a. Large tracts of open space are being persevered including wooded areas, buffers and flood zone.

5. "Minimization of tree, vegetation, and soil removal and grade changes."

- a. Disturbance to the site will be limited to only those areas required for homes, roads, storm water management and utility installation. All undisturbed vegetation that is compatible with native vegetation shall remain.
- b. Grade changes to the site shall be limited to those necessary to provide positive drainage and proper cover over utilities.

6. "Screening of objectionable features from neighboring properties and roadways."

- a. Screening of objectionable features on the site from adjacent properties and roadways shall be provided utilizing the required 30' landscaped buffer around the perimeter of the site or existing forested areas and storm water management facilities where those exist.
- b. The proposed lots within the community are a minimum of 50' from the outbounds of the property.

7. "Provision for water supply."

- a. Artesian will provide potable water and fire protection for the development.

8. "Provision for sewage disposal."

- a. The community wastewater service is intended to be provided by Artesian.

9. "Provision for solid waste disposal."

- a. Arrangements will be made with a commercial trash hauler to provide trash collection for Miralon.

10. "Prevention of surface and groundwater pollution."

- a. All runoff from the Miralon site will be directed via the closed road section and storm drain network into a storm water management system consisting of Best Management

Practices (BMP) for treatment and discharge. The storm water management facilities will be designed in accordance with Delaware / Sussex County standards.

- b. Ultimately, through post-development design, runoff will receive better treatment than during pre-development conditions. The project will meet the current storm water management regulations as required by DNREC.

11. *“Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.”*

- a. As stated above, stormwater management quality and quantity will be provided by a storm water management system consisting of Best Management Practices (BMP) for treatment and discharge. The BMP’s will be designed per Delaware / Sussex County standards. The stormwater collection/treatment system will be adequately sized to prevent flooding.
- b. Erosion and sediment control will be provided by methods approved by the Sussex Conservation District. An erosion and sediment control plan will be prepared and submitted for review.

12. *“Provision for safe vehicular and pedestrian movement within the site and to adjacent ways.”*

- a. Entrance to the site shall be designed per current DeIDOT standards.
- b. To promote pedestrian traffic within the development, 5’ sidewalks are provided along one side of the road.
- c. All roads will be designed in accordance with Sussex County standards.

13. *“Effect on area property values.”*

- a. It is expected that the proposed Miralon community will cause current property values to remain the same if not increase the value of the properties in the area. Great attention has been paid to the detail and aesthetic qualities of the plan, the livability of the community and amenities provided.

14. *“Preservation and conservation of farmland.”*

- a. The proposed subdivision will not adversely affect adjacent farmland due to landscaped buffers and other natural wooded areas that separate the community from farmland.

15. *“Effect on schools, public buildings, and community facilities.”*

- a. Miralon will have little to no adverse effect on schools, public buildings and community.

- b. Community amenities will include a pool and bathhouse. In addition, Miralon includes several open space areas for other active and passive uses.

16. "Effect on area roadways and public transportation."

- a. A series of discussions were held with DelDOT officials concerning area roadway improvements related to Miralon specifically with regard to off-site transportation improvements and frontage improvements. Entrance improvements are anticipated to include turn lanes into the property.

17. "Compatibility with Other Land Uses."

- a. The project is relatively adjacent to other residential communities of Spring Town Farms, Ridings at Rehoboth, Ocean Meadows, Coolspring Farm and Spring Haven, thus being compatible in density, home style and land use.

18. "Effect on Area Waterways."

- a. Runoff will be treated for water quality and quantity prior to discharge.

E. Statement of Conformity with Sussex County, Delaware, Comprehensive Plan Update, March 2019

Chapter 4 Future Land Use:

The site is located within the Low Density Area and complies as follows:

- The proposed land plan addresses environmental concerns.
 - o Greater than 20% of the site is set aside as open space.
 - o 30' perimeter landscape buffer.
- Single-family homes are permitted.
- The proposed density of 1.65 du/ac is in compliance with the 2 du/ac as appropriate in this location.
- Central water and sewer will be available to the site.

Chapter 5 Conservation:

The proposed community complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas nor excellent ground recharge areas within the proposed site.
- No wetlands are located on-site.
- The proposed lots are not located within flood zones.
- Central water and sewer will be available to the site.

Chapter 6 Recreation and Open Space:

The proposed community complies with the Recreation and Open Space section as follows:

- The site is located within Region 5 of the Delaware Statewide Comprehensive Outdoor Recreation Plan and provides the following:
 - o High Priorities:

- Swimming pools
 - Walking/jogging paths (multi-modal)
 - Bike paths (multi-modal)
- In addition, the community provides:
 - Sidewalks

Chapter 7 Utilities:

The proposed community complies with the Utilities section as follows:

- Water will be provided by Artesian who has the CPCN for the project.
- The Miralon community wastewater service will be provided by Artesian.
- Adequate areas are provided for stormwater management and stormwater drainage.
- It is anticipated that solid waste collection will be by a licensed commercial hauler.

Chapter 8 Housing:

The proposed community complies with the Housing section as follows:

- The community is located West of the Lewes / Rehoboth Beach region and will provide housing for retirees as well as those working in the County.

Chapter 9 Economic Development:

The proposed community complies with the Economic Development section as follows:

- This development project will directly provide employment/opportunities in:
 - Construction
 - Professional, Business and IT Services
 - Finance, Insurance and Real Estate
 - Utilities
- The development will also indirectly provide job opportunities in:
 - Leisure and Hospitality
 - Education and Healthcare

Chapter 10 Historic Preservation:

The proposed community complies with the Historic Preservation section as follows:

- There are no known historic sites located on the site.

Chapter 12 Community Design:

The proposed community complies with the Community Design section as follows:

- The proposed community is a cluster subdivision, which is widely used in AR-1 zoning.
- Street lighting will be provided.
- Sidewalks are proposed on one side of the roadways.
- The lot sizes within the cluster make rear garages impossible and side loads very unlikely.
- The narrower right-of-way allows for homes to be placed closer to the road.
- The proposed homes will be limited to 42' in height.
- No variances to the required setbacks are proposed.
- Although no direct connection of walking trails or bicycle paths to the existing adjacent communities is possible, the community will connect to multi-modal paths within DeLDOT's right-of-way.
- The entrance to the community will be landscaped.
- Cross walks will be provided.

- Landscape/forested buffers will be provided along the perimeter.
- Utilities are proposed to be underground.
- Street signage will be provided throughout the community.

Chapter 13 Mobility Element:

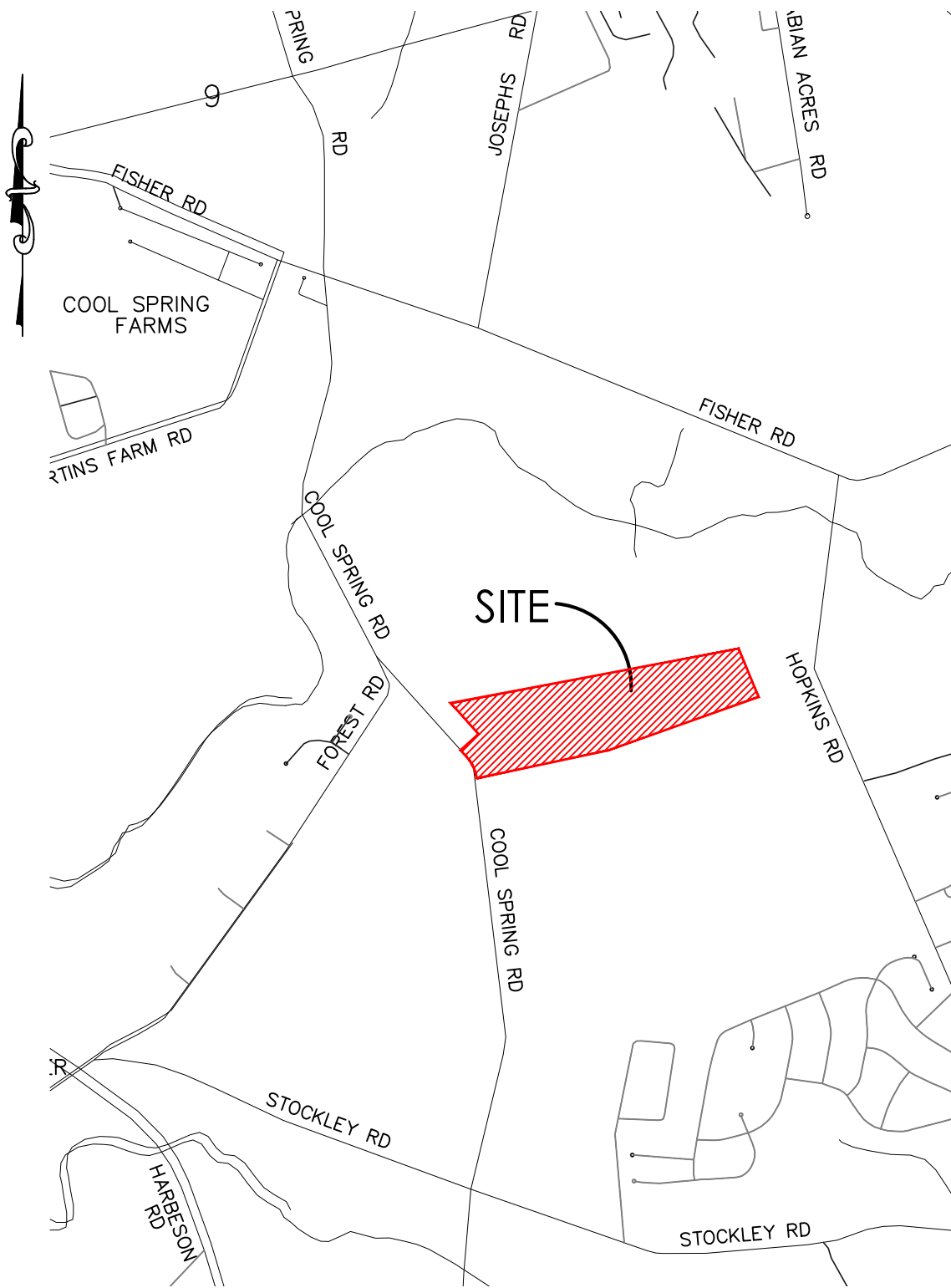
The proposed community complies with the Mobility Element section as follows:

- Entrance, roadway and off-site improvements necessitated by DeIDOT will be designed and constructed per DeIDOT standards.

IV. Conclusion

The proposed community of Miralon will enhance the area with a well-planned design, upscale homes, amenities, and no negative impact on the land. The design preserves large amounts of open space while preserving attractive views within and into the community. The homes will have a neutral to positive impact on the value of the surrounding neighborhoods and will provide the County with additional tax revenue. Active amenities include pool, and bathhouse as well as dedicated open spaces for other activities. The design also preserves and enhances existing views through non-disturbance and accentuates certain features of the existing terrain.

The proposed Community of Miralon meets the standards set forth by the County and State and will provide a superior living environment for future residents without placing a burden on the County, State or taxpayers to serve this community.



VICINITY MAP

MIRALON



January 19, 2021

Mrs. Constance C. Holland, AICP, State Planning Director
Haslet Armory
122 Martin Luther King Jr. Blv. South
Dover, DE 19901

RE: PLUS review 2020-12-03; Cool Spring Road

Dear Mrs. Holland;

Please allow this letter to serve as our response to the PLUS review of the Cool Spring Road 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.

Thank you for meeting with State agency planners on December 16, 2020 to discuss the Cool Spring project. According to the information received you are seeking review of a proposed 144 unit subdivision on 72.2 acres along Cool Spring Road in Level 4 in Sussex County

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 any and all regulations/ restrictions set forth by Sussex County.

Strategies for State Policies and Spending

This project represents a residential development within a Level 4 area according to the 2020 Strategies for State Policies and Spending. 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 residential development activities are not supported in Investment Level 4 areas. 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.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed will bring a new residential development to an

transportation. To provide some examples, the State government funds 100% of road maintenance and drainage improvements for the transportation system, and 100% of the cost of police protection in the unincorporated portion of Sussex County where this development is proposed. Over the longer term, the unseen negative ramifications of this development will become even more evident as the cost of maintaining infrastructure and providing services increases.

Because the development is inconsistent with the 2020 *Strategies for State Policies and Spending*, the State does not support the development of this parcel.

With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property.

Response: Understood.

Department of Transportation - Contact Bill Brockenbrough 760-2109

- The site access on Cool Spring Road (Sussex Road 290) 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?080220
- 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. From the PLUS application, the total daily trips are estimated at 1,396 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT calculates this number as 1,454 and estimates the weekday morning and evening peak hour trip ends at 107 and 144, respectively.

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is

calculated as \$10 per daily trip or, in this case, \$14,540. AWS Fees are used to fund traffic studies, not to build improvements.

Presently, there is a TIS under review for a larger development located nearby on Fisher Road and DelDOT anticipates identifying off-site improvements applicable to the subject development through their review of that study. Also relevant are a 2006 TIS for Cool Spring Meadows, planned south of this project at Stockley Road, and a DelDOT project at the intersection of Cool Spring Road and Delaware Route 5.

In addition to whatever other offsite improvements are identified, DelDOT anticipates requiring the developer to improve Cool Spring Road, within the limits of their frontage, to meet DelDOT's Local Road standards. Local Road standards include 11-foot lanes and 5-foot shoulders. Frontage, as defined in Section 1.8 of the Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel comers to the roadway. In this instance, it would include the frontage of Tax Parcel Nos. 234-5.00-37.05 through 37.08.

- 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 on Cool Spring Road. By this regulation, this dedication is to provide a minimum of 30 feet from the physical centerline of Cool Spring Road. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- 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 on Cool Spring Road. 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 established for the State of Delaware, as per this plat.**"
- 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 600 feet of the entrance on Cool Spring Road.
 - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.

- 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.
 - o Consistent with the notes on the plan creating four lots (Tax Parcel Nos. 234-5.00-37.05 through 37.08) on Cool Spring Road north of the proposed site entrance, DelDOT anticipates requiring that a subdivision street or a common driveway and easement be provided, possibly in the area of proposed Lot 4, to connect the four lots to the development's street system.
 - o Referencing the lot numbers shown on the plan accompanying the PLUS application, DelDOT recommends that the developer provide stub streets to adjacent parcels as follows for improved connections to the surrounding area and better circulation within the development:
 - o Tax Parcel No. 234-1.00-2.00, possibly in the area of proposed Lots 13 and 14;
 - o Tax Parcel No. 334-10.00-69.01, possibly in the area of proposed Lots 36 and 37;
 - o Tax Parcel No. 234-1.00-5.00, possibly in the area of proposed Lots 45 and 46; and
 - o Tax Parcel No. 234-5.00-48.00, possibly along the west side of proposed Lot 62.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Path and sidewalks. For projects in Level 1 and 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. For Level 3 and 4 Investment Areas, the requirement is at DelDOT's discretion but given the developing nature of the area, DelDOT anticipates requiring a Shared Use Path along the site frontage.
- 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 Cool Spring Road.
- 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 entrance on Fisher Road 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.
- 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 Cool Spring Road.
- 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 DeIDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Response: The developer will continue to coordinate with DeIDOT regarding final frontage improvements, off-site improvements, final entrance locations, and cost sharing. Record and Entrance Plans will be submitted to DeIDOT in accordance with the latest DeIDOT regulations.

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

Concerns Identified Within the Development Footprint

Old Growth Forest

This 72.2-acre site, located in Delaware State Strategies level 4 lands, proposes a cluster subdivision with 144 units. The project application indicates that 60 of 72.2 acres of forest is proposed to be eliminated from the site. An analysis of historical data indicates that the entire site has likely maintained some degree of forest cover since 1937. In the PLUS meeting, clarification was provided that the design is a cluster development under Sussex County Section 115-25F. To be considered a superior design, the removal of mature/healthy trees will be limited.

- Consolidate housing to set aside intact and untouched areas of mature forest, which should be designated as community open space. Removing forested areas for development, especially mature forests, should be avoided to the greatest extent possible. Mature forests possess the potential for rare, threatened, or endangered species that rely on this type of habitat. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, which reduces carbon that contributes to climate change.
- A forest assessment should be conducted to determine if mature forest resources exist on the property and to delineate their boundaries. Additionally, a forest assessment would include the identification of specimen trees and forest-dependent wildlife. If mature forests are found, these areas should be conserved to the maximum extent practicable.

- 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 Wildlife Species Conservation & Research Program at (302) 735-3600.
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Delaware Ecological Network

The entire site is located within lands of the Delaware Ecological Network. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on this site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600.
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Stormwater Management

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency, the Sussex Conservation District, prior to any land disturbing activity taking place on the site.
- Additionally, 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 (http://apps.dnrec.state.de.us/eN_I/default.aspx) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the Sussex Conservation District prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.
Website: <http://www.usexconservation.org/>

- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.
Website: <http://www.dnrec.delaware.gov/swc/Pages/SedimentStormwater.aspx>.
- 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.

Water Quality (Pollution Control Strategies)

Pollution Control Strategies have been developed for the following watersheds in Delaware: Appoquinimink, Broadkill, Christina Basin, Inland Bays, Mispillion and Cedar, Murderkill, Nanticoke, St. Jones, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- This site lies within the Rehoboth Bay Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.
Website: <https://www.sussexconservation.org/>

General Drainage Recommendations

- 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, U.S. Army Corp of Engineers, or the DNREC Sediment and Stormwater Program prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.

- Contact: DNREC Drainage Program at (302) 855-1930.
Website: http://www.dnrec.delaware.gov/swc/Pages/DrainageTaxDitch_WaterMgt.aspx

Wastewater permits - Large Systems

Artesian (permittee) holds existing permit(s) with the DNREC Groundwater Discharges Section's Large Systems Branch.

Requirements:

- It is the responsibility of Artesian to complete the permit application and notify the Large Systems Branch, if the capacity of the rate of wastewater disposal is to be updated.
- Contact: DNREC Groundwater Discharges Section at (302) 739-9948. Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

Nutrient Management Plan

This project proposes open space of 38 acres, exceeding the threshold of 10 acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

Additional Sustainable Practices

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- For the "Amenity Space" indicated in the preliminary plans, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Energy efficiency upgrades for your project may be eligible for funding through the Division of Climate, Coastal, & Energy. Website: www.de.gov/greenenergy, www.de.gov/eeif.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of

structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.

Concerns Identified Outside the Development Footprint

Natural Areas

The project lies immediately south of the Love Creek Natural Area. Natural Areas contain lands of statewide significance identified by the Natural Areas Advisory Council as the highest quality and most important natural lands remaining in Delaware.

- Reduce environmental impacts near Natural Areas by avoiding sensitive areas such as wetlands and forest habitat. Where possible, design site features to avoid the removal of contiguous tracts of forests.
- For forest lands adjacent to natural areas, the developer could also investigate dedicating forested areas as a Nature Preserve through a conservation easement or donation of land. For more information, please contact the DNREC Planning Preservation and Development Section.
- Contact: DNREC Planning Preservation and Development Section at (302) 739-9235. Website: <https://dnrec.alpha.delaware.gov/parks/natural-areas/>

Drainage Concerns Documented

There was one reported drainage concern near the proposed site location (on the opposite side of Cool Springs Rd.) from 2013. The concern was regarding flooding of a new paved driveway. DelDOT was to install a pipe below the driveway to resolve the issue.

Response: The developer will comply with all County and State requirements regarding wetlands, open space, flood zone, etc.

Delaware State Fire Marshall's Office - Contact Duane Fox 259-7037

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 Regulation:

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

Accessibility:

- All premises, which the fire department may be called upon to protect in case of fire shall be accessible to fire apparatus. This means that the access road to the subdivision must

be constructed so fire department apparatus may negotiate it in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the subdivision. Additionally, where trees are to be situated adjacent to travel roads in the subdivision, some forethought should be exercised regarding how future growth of the trees may affect fire department travel throughout the subdivision.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- 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"
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads
- Although not a requirement of the State Fire Prevention Regulations, the Office of the State Fire Marshal encourages home builders to consider the benefits of home sprinkler protection in dwellings. The Office of the State Fire Marshal also reminds home builders that they are obligated to comply with requirements of Subchapter III of Chapter 36 of Title 6 of the Delaware Code which can be found at the following website: <http://delcode.delaware.gov/titl.e6/c036/sc03/index.shtml>
- 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: The developer will comply with Delaware State Fire Prevention Regulations.

Department of Agriculture - Contact: Milton Melendez 698-4534

- The proposed project is adjacent to a property protected through the State's Agricultural Lands Preservation Program (DSWA District S-07-11-250 Parcel 234-10.00-15.00, 234-16.00-12.00). Therefore, the activities conducted on this preserved property are protected by the agricultural use protections outlined in Title 3, Del. C., Chapter 9. These protections effect adjoining developing properties. The 300-foot notification requirement

affects all new deeds in a subdivision located in whole or part within 300 feet of an Agricultural District/Easement. Please take note of these restrictions as follows:

§ 910. Agricultural use protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within 300 feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within 50 feet of the boundary of an Agricultural Preservation District, no improvement requiring an occupancy approval shall be constructed within 50 feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future county or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an owner of lands located in an Agricultural Preservation District, such owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees (68 Del. Laws, c. 118, § 2.).

- In addition, if any wells are to be installed, Section 4.01(A)(2) of the Delaware Regulations Governing the Construction and Use of Wells will apply. This regulation states:

(2) For any parcel, lot, or subdivision created or recorded within fifty (50) feet of, or within the boundaries of, an Agricultural Lands Preservation District (as defined in Title 3, Del. C., Chapter 9); all wells constructed on such parcels shall be located a minimum of fifty (50) feet from any boundary of the Agricultural Lands Preservation District. This requirement does not apply to parcels recorded prior to the implementation date of these Regulations. However, it is recommended that all wells be placed the maximum distance possible from lands which are or have been used for the production of crops which have been subjected to the application of land applied federally regulated chemicals.

The Department of Agriculture strongly encourages the developer to work with the Department's Forestry Section during the design and implementation of the project to plant an effective forested buffer between the proposed residential development and existing preserved properties. It is important that suitable tree species be selected and planted to create an effective mitigation barrier between this new development and the existing agricultural operation enrolled in the Agricultural Lands Preservation Program. This farm generates dust, noise and odors that new residents may not be familiar with.

Response: Noted.

Sussex County Housing - Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County's "Affordable Housing Support Policy". The policy along with other resources are available on the County's Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County's Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Response: Noted.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

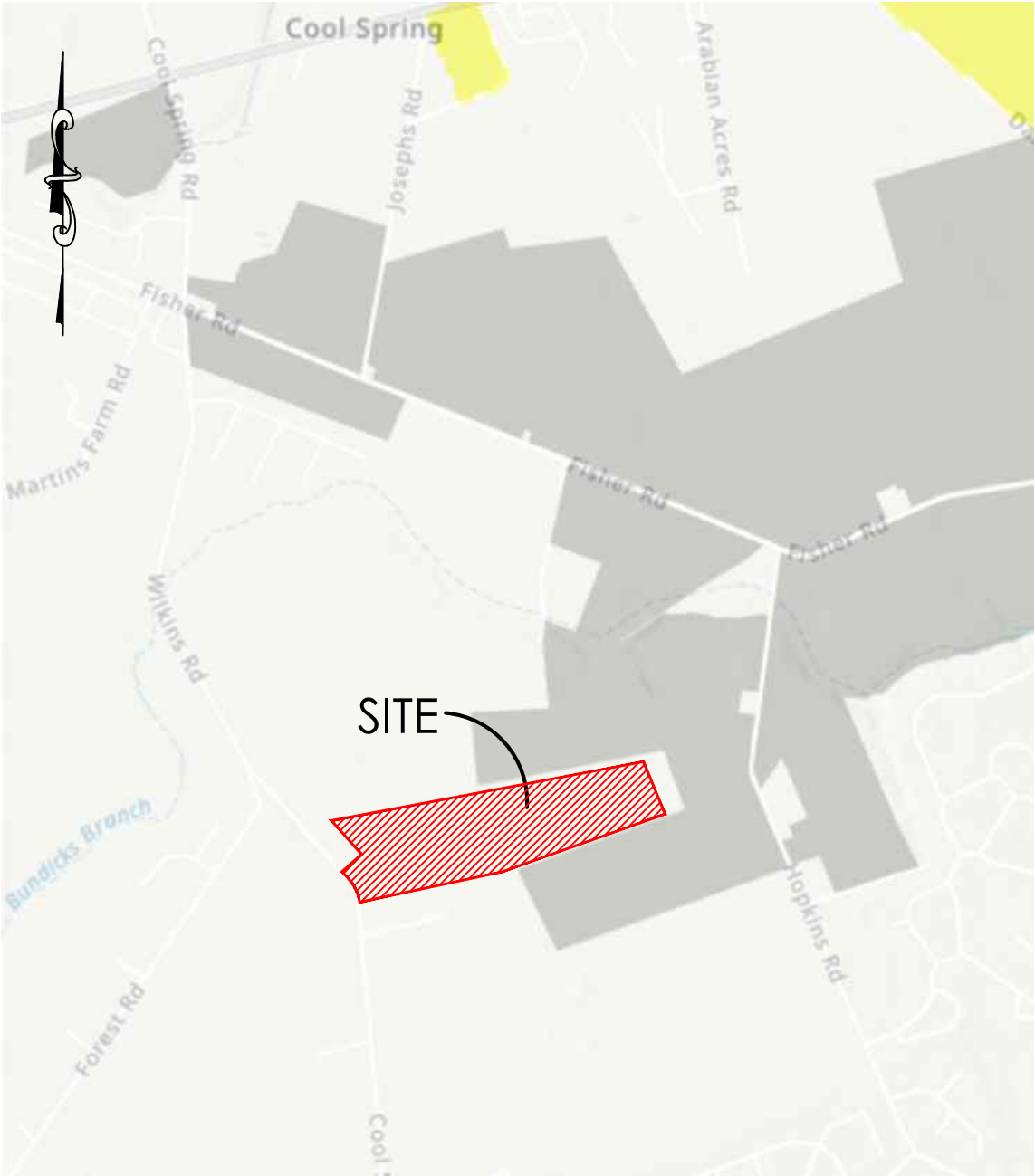
This concludes our response. If you have any questions, please contact us at your convenience.

Sincerely,

Solutions, IPEM


Jason Palkewicz, PE

STATE SPENDING STRATEGIES



OUT OF PLAY

INVESTMENT LEVEL 3




INVESTMENT LEVEL 4

MIRALON



DEVELOPED AND PROTECTED LANDS



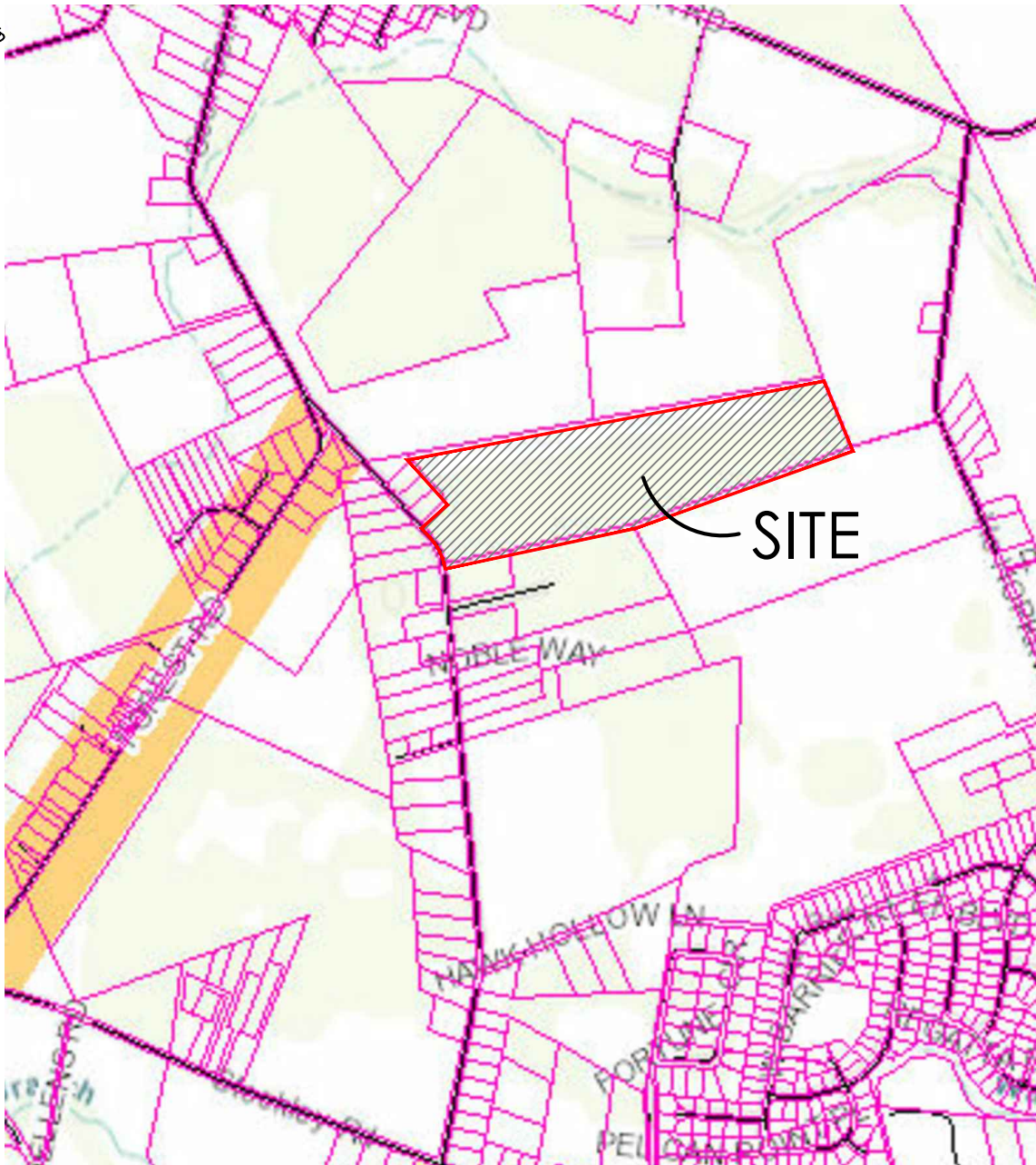
-  DEVELOPED LANDS
-  PROTECTED LANDS
-  MAJOR PROPOSED DEVELOPMENTS



MIRALON





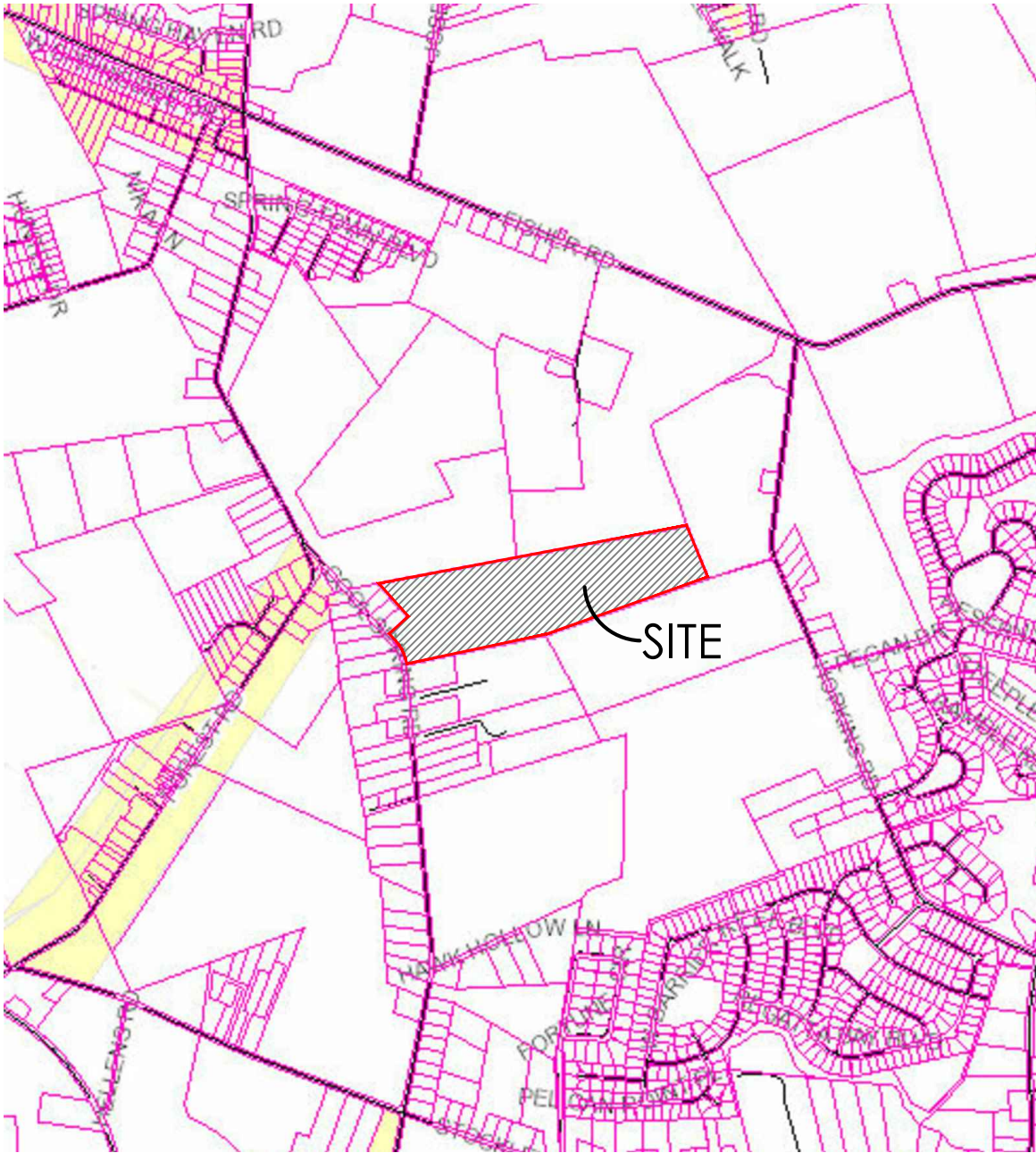
ZONING MAP



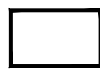
-  AGRICULTURAL - AR-1
-  HIGH DENSITY RESIDENTIAL - HI-1

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EXISTING DEVELOPMENT AREA



LOW DENSITY AREA

FUTURE LAND USE PLAN

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AERIAL

MIRALON








FLOOD MAP

PROPERTY IS LOCATED IN FLOOD X (UNSHADED) - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP 10005C0326J AND 100005C0330J, MAP REVISED JANUARY 6, 2005.

MIRALON





-  GOOD GROUNDWATER RECHARGE
-  FAIR GROUNDWATER RECHARGE
-  POOR GROUNDWATER RECHARGE

MIRALON

GROUNDWATER RECHARGE PLAN





OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company



Artesian Wastewater Management



Artesian Utility Development



Artesian Water Pennsylvania



Artesian Water Maryland



Artesian Wastewater Maryland

July 30, 2021

Mr. Chris Schell
Schell Brothers, LLC
20184 Phillips Street
Rehoboth Beach, Delaware 19971

RE: Cool Spring Subdivision Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for Cool Spring Subdivision Project on Cool Spring Road in Lewes-Rehoboth Hundred, Sussex County, Delaware, with tax parcel number 234-5.00-37.00 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian has the wastewater Certificate of Public Convenience and Necessity ("CPCNs") from the Delaware Public Service Commission. The developer will need to petition for the water Certificate of Public Convenience and Necessity ("CPCNs") from the Delaware Public Service Commission after they purchase the Property to be given to Artesian.

Based on current conditions and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

This letter shall expire if Agreements are not executed within one year of the date of this letter.

If you have any questions, please do not hesitate to contact us.

Yours very truly,

Katherine E. Garrison

Katherine E. Garrison
Senior Planning Designer

GEO-TECHNOLOGY ASSOCIATES, INC.

GEOTECHNICAL AND
ENVIRONMENTAL CONSULTANTS

A Practicing Geoprofessional Business Association Member Firm



March 19, 2021

Schell Brothers, LLC
18949 Coastal Highway, Unit 301
Rehoboth Beach, Delaware 19971

Attn: Mr. Greg Tobias

Re: Report of Subsurface Exploration
Cool Spring
Sussex County, Delaware

Ladies & Gentlemen:

In accordance with our agreement dated January 12, 2021, Geo-Technology Associates, Inc. (GTA) has performed subsurface exploration for stormwater management (SWM). The purpose of the subsurface exploration was to evaluate the estimated normal and seasonal high groundwater elevation; and present our recommendations with respect to SWM pond construction. A plan titled *Cool Spring* prepared by Solutions IPEM dated January 5, 2021 was referenced for this report. The results of our subsurface exploration are summarized below.

Referring to the Site Location Plan and Exploration Location Plan included as Figure Nos. 1 and 2 in Appendix A, the project site consists of a generally rectangularly shaped parcel located in Sussex County, Delaware. The subject property is located at the east side of Cool Spring Road, approximately ¼-mile south of Forest Road. The site consists of mature woods. The site is generally flat, with the ground surface elevation ranging from approximate Elevation 27 to 33 Mean Sea Level (MSL) at the boring locations.

According to the Geologic Map of the Fairmount and Rehoboth Beach Quadrangle, Delaware (2011) published by the Delaware Geological Survey, the site is within the Coastal Plain Physiographic Province. Coastal Plain sediments were generally deposited in commonly estuarine environments of the Quaternary geologic ages. The Pleistocene deposits are designated as the Lynch Heights Formation of the Delaware Bay Group and typically consist of Clean, white to pale-yellow, well-sorted, fine to coarse sand with scattered very coarse to pebble laminae and silty clay laminae... thin (10 ft and in most areas <3 ft thick) layer of heterogenous deposits ranging from reddish-brown, pale-yellow, and light-gray, silty, clayey, very coarse to fine sand, to pale-yellow to light-gray gravelly sand to sandy gravel." Please refer to the publication for additional information.

21133 Sterling Avenue, Suite 7, Georgetown, DE 19947 (302) 855-9761

◆ Abingdon, MD ◆ Baltimore, MD ◆ Laurel, MD ◆ Frederick, MD ◆ Waldorf, MD ◆ Sterling, VA ◆ Fredericksburg, VA ◆ Malvern, OH
◆ Somerset, NJ ◆ NYC Metro ◆ New Castle, DE ◆ Georgetown, DE ◆ York, PA ◆ Quakertown, PA ◆ Charlotte, NC ◆ Raleigh, NC

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From review of the USDA Soil Survey, the soils predominately conform to Downer sandy loam (0 to 2 percent slopes). Site soils also conform to Downer loamy sand (2 to 5 percent slopes, Northern Tidewater Area), Fort Mott-Henlopen Complex (0 to 2 percent slopes) and ingleside loamy sand (0 to 2 percent slopes). The soils map information is attached.

From review of the attached Monthly Groundwater Depth for Qe44-01, Columbia Aquifer, taken from the Delaware Geological Survey website, the groundwater depth at Well Qe44-01 (east of Laurel, Delaware), was near the normal seasonal high in November 2020. When the borings were performed in February 2021, the groundwater level was above the normal seasonal high. It should be noted that the magnitude of fluctuation between the current groundwater level and the seasonal high groundwater level decreases towards the coast.

GTA performed 40 Standard Penetration Test (SPT) borings, designated as SWM-1 through SWM-40 to depths ranging from 10 to 12 feet below the ground surface. Longer-term water readings were taken 1 to 15 days after completion and the holes were backfilled after the longer-term water readings were taken. The exploration locations were selected and staked with ground surface elevations determined by Solutions IPEM. Relative locations are shown on the attached Exploration Location Plan. The exploration locations indicated on the plan should be considered approximate. The exploration logs are attached.

The soils were visually classified in accordance with the Unified Soil Classification System (USCS) and the United States Department of Agriculture (USDA) classification system. Beneath an approximately 1- to 12-inch-thick surface topsoil layer, the explorations generally encountered native subsoils visually classified as predominately consisting of Clayey SANDs (USCS: SC; USDA: Sandy Clay Loam), Silty SANDs (SM; Sandy Loam), Poorly-graded SANDs with Silt (SP-SM; Loamy Sand), and Poorly-graded SANDs (SP; Sand). The relative densities of the granular soils were very loose to medium dense based on SPT N-values of Weight of Hammer (WOH) to 16 blows per foot (bpf). Intermixed layers of fine-grained soil were encountered, and were visually classified as predominately consisting of Lean CLAYs (CL; Clay Loam). The relative consistencies of the fine-grained soils were medium stiff to stiff based on SPT N-values of 6 to 12 bpf.

GTA’s estimate of the seasonal high groundwater level is based upon water levels below seasonal high; and soil coloring, mottling and/or saturation. The results of the groundwater level readings and GTA’s opinion of the estimated seasonal high groundwater depth are summarized as follows:

GROUNDWATER DATA SUMMARY

Exploration No.	Existing Ground Surface Elevation (MSL)	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One To Fifteen Days After Completion	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Normal Groundwater
SWM-1	EL 32.4	4.1 / EL 28.3	3.5 / EL 28.9	3 / EL 29	5 / EL 27
SWM-2	EL 32.4	4.0 / EL 28.4	3.4 / EL 29.0	3 / EL 29	5 / EL 27

Exploration No.	Existing Ground Surface Elevation (MSL)	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One To Fifteen Days After Completion	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Normal Groundwater
SWM-3	EL 30.7	4.8 / EL 25.9	4.8 / EL 25.9	5 / EL 26	7 / EL 25
SWM-4	EL 31.2	3.5 / EL 27.7	2.8 / EL 28.4	3 / EL 28	5 / EL 26
SWM-5	EL 29.9	4.8 / EL 25.1	4.8 / EL 25.1	5 / EL 25	7 / EL 23
SWM-6	EL 30.1	5.0 / EL 25.1	5.1 / EL 25.0	5 / EL 25	7 / EL 23
SWM-7	EL 30.3	7.4 / EL 22.9	7.5 / EL 22.8	5 / EL 25	7 / EL 23
SWM-8	EL 30.4	6.5 / EL 23.9	5.0 / EL 25.4	5 / EL 25	7 / EL 23
SWM-9	EL 27.3	1.5 / EL 25.8	1.0 / EL 26.3	1 / EL 26	3 / EL 24
SWM-10	EL 30.1	5.0 / EL 25.1	4.9 / EL 25.2	4 / EL 26	6 / EL 24
SWM-11	EL 31.4	6.8 / EL 24.6	3.5 / EL 27.9	3 / EL 28	5 / EL 26
SWM-12	EL 31.3	5.5 / EL 25.8	5.6 / EL 25.7	5 / EL 26	7 / EL 24
SWM-13	EL 30.7	6.0 / EL 24.7	5.7 / EL 25.0	5 / EL 26	5 / EL 26
SWM-14	EL 31.1	6.0 / EL 25.1	3.0 / EL 28.1	3 / EL 28	5 / EL 26
SWM-15	EL 30.8	6.0 / EL 24.8	4.9 / EL 25.9	5 / EL 26	7 / EL 24
SWM-16	EL 30.8	6.0 / EL 24.8	5.3 / EL 25.5	5 / EL 26	7 / EL 24
SWM-17	EL 30.5	5.0 / EL 25.5	4.8 / EL 25.7	5 / EL 26	7 / EL 24
SWM-18	EL 30.8	5.5 / EL 25.3	4.8 / EL 26.0	5 / EL 26	7 / EL 24
SWM-19	EL 30.5	5.6 / EL 24.9	5.0 / EL 25.5	5 / EL 26	7 / EL 24
SWM-20	EL 31.2	7.0 / EL 24.2	4.4 / EL 26.8	4 / EL 27	6 / EL 25
SWM-21	EL 31.3	7.0 / EL 24.3	5.0 / EL 26.3	5 / EL 26	7 / EL 24
SWM-22	EL 31.5	7.5 / EL 23.8	5.0 / EL 26.5	5 / EL 27	7 / EL 25
SWM-23	EL 31.1	7.7 / EL 23.4	6.8 / EL 24.3	6 / EL 25	8 / EL 27
SWM-24	EL 30.8	7.8 / EL 23.0	4.8 / EL 26.0	5 / EL 26	7 / EL 24
SWM-25	EL 30.8	8.0 / EL 22.8	4.8 / EL 26.0	5 / EL 26	7 / EL 24
SWM-26	EL 31.1	7.5 / EL 23.6	5.5 / EL 25.6	5 / EL 26	7 / EL 24
SWM-27	EL 32.8	8.5 / EL 24.3	6.8 / EL 26.0	7 / EL 26	9 / EL 24
SWM-28	EL 32.4	7.5 / EL 24.9	7.1 / EL 25.3	7 / EL 25	9 / EL 23
SWM-29	EL 29.1	6.0 / EL 23.1	5.7 / EL 23.4	5 / EL 24	5 / EL 24
SWM-30	EL 30.3	6.0 / EL 24.3	5.8 / EL 24.5	5 / EL 25	7 / EL 23
SWM-31	EL 29.9	6.5 / EL 23.4	6.2 / EL 23.7	5 / EL 25	7 / EL 23
SWM-32	EL 30.2	7.0 / EL 23.2	6.3 / EL 23.9	6 / EL 24	8 / EL 22
SWM-33	EL 30.3	7.5 / EL 22.8	6.8 / EL 23.5	6 / EL 24	8 / EL 22

Exploration No.	Existing Ground Surface Elevation (MSL)	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater at Completion	Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Groundwater At One To Fifteen Days After Completion	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Seasonal High Groundwater	*Depth Below Existing Ground Surface (ft.)/ Elevation (MSL) to Estimated Normal Groundwater
SWM-34	EL 29.5	9.0 / EL 20.5	7.5 / EL 22.0	6 / EL 24	8 / EL 22
SWM-35	EL 30.6	8.0 / EL 22.6	7.0 / EL 23.6	7 / EL 24	5 / EL 26
SWM-36	EL 30.5	Dry to 10 / Dry to EL 20.5	6.7 / EL 23.8	7 / EL 24	5 / EL 26
SWM-37	EL 29.9	7.0 / EL 22.9	6.2 / EL 23.7	6 / EL 24	4 / EL 26
SWM-38	EL 29.7	8.0 / EL 21.7	1.7 / EL 28.0 (Perched)	2 / EL 28 (Perched)	4 / EL 26
SWM-39	EL 30.0	7.0 / EL 23.0	6.2 / EL 23.8	6 / EL 24	8 / EL 22
SWM-40	EL 30.4	8.0 / EL 22.4	6.8 / EL 23.6	6 / EL 24	8 / EL 22

*Seasonal high groundwater estimate based upon observed soil mottling, color and/or saturation and should be considered approximate.

The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Please refer to the exploration logs provided in the attachments for further information.

Selected samples obtained from the borings was tested for grain-size analysis, Atterberg Limits and natural moisture content. The grain-size analysis and Atterberg Limits testing were performed to determine the Unified Soil Classification System (USCS) designation for the soil. The results of testing are as follows:

SUMMARY OF LABORATORY TESTING

EXPLORATION NO.	DEPTH (FT.)	USCS CLASSIFICATION	LL (%)	PI (%)	NMC %
SWM-4	1.0 – 4.0	Silty SAND (SM)	NP	NP	11.0
SWM-28	1.0 – 4.0	Silty SAND (SM)	NP	NP	14.5

Note: LL=Liquid Limit PI=Plastic Index NP=Non-plastic NMC=Natural Moisture Content NT=Not Tested

Near surface bulk samples were tested for moisture-density relationships in accordance with the Standard Proctor (ASTM D-698) method for use in evaluating the suitability of these soils for use as fill. Results of these tests are summarized in the following table.

SUMMARY OF MOISTURE-DENSITY TESTING (ASTM D-698, Standard Proctor)

EXPLORATION NO.	DEPTH (FT.)	MAXIMUM DRY DENSITY (PCF)	OPTIMUM MOISTURE (%)	NATURAL MOISTURE (%)
SWM-4	1.0 – 4.0	117.1	8.6	11.0
SWM-28	1.0 – 4.0	126.1	8.5	14.5

Please refer to the attached laboratory test results for additional information.

Based upon the boring data, it is our opinion that the estimated seasonal high groundwater ranges from approximate Elevation 24 to 29 MSL and normal groundwater levels range from approximate Elevation 22 to 27 MSL at most locations. In general, with the predominant presence of soil and groundwater subsurface conditions with relatively poor infiltration characteristics, wet pond construction appears more suitable for this site.

The groundwater levels can be expected to fluctuate with seasonal changes, precipitation, and other factors such as development activity. Additionally, perched water conditions develop in granular soils overlying fine-grained soils during the “wet season” as well as during periods of precipitation. The estimated average seasonal high groundwater elevation and average normal groundwater elevation at each pond are summarized below:

Pond Number	Pond Boring Range	Elevation (MSL) of Estimated Average Seasonal High Groundwater	Elevation (MSL) of Estimated Average Normal Groundwater
1	SWM-1 through SWM-8	EL 27	EL 25
2	SWM-9 through SWM-14	EL 27	EL 25
3	SWM-15 through SWM-19	EL 26	EL 24
4	SWM-20 through SWM-25	EL 26	EL 24
5	SWM-26 through SWM-31	EL 25	EL 23
6	SWM-32 through SWM-40	EL 24	EL 22

Once pond bottom elevations have been established, GTA should be consulted to evaluate if a pond liner is necessary. Depending upon conditions observed in the field at the time of construction and to assist in maintaining the wet pond levels during extended dry weather, irrigation wells may be considered to provide a supplemental water source for the ponds due to potential loss of pond water levels mostly due to evaporation and during times of below normal average groundwater conditions. A sufficient quantity of USCS SC and CL materials does not appear to be available on site for a pond liner. If a pond liner is deemed necessary, GTA recommends a Geosynthetic Clay Liner (GCL; Bentonite matrix) or an appropriate PVC liner with relief valves may be used. Both types of liners will need to be provided with a 1-foot-thick granular soil cover. The GCL or PVC liners should be installed in accordance with manufacturer’s recommendations. On-site granular soils, similar to the bulk sample tested, are considered suitable for use as a pond liner cover material if they are dried to near optimum. Pond liner cover materials should meet AASHTO classification designation A-2-4 or more granular and be approved by GTA.

If pond fill embankment construction will be required, GTA recommends that prior to construction of pond fill embankment and after stripping the surface topsoil, construct a four-foot deep (below stripped ground surface and stepped below the spillway invert) cutoff trench along the pond embankment length and extending to the 10-year event elevation at each end of the fill embankment alignment. Also, upon completion of the cutoff trench, an embankment core should

extend to the top elevation of the 10-year event. The side slopes of the cutoff trench and embankment core should be at 1H:1V inclination or flatter. The bottom of the cutoff trench and the top of embankment core should be at least 4 feet wide. The cutoff and embankment core should be formed of USCS CL or SC materials. The balance of embankment may be constructed of onsite materials conforming to USCS SC, SM, SP-SM or SP.

Structural fill should be constructed in maximum 8-inch loose lifts and compacted to 95 percent of the maximum dry density as determined by ASTM D-698 (AASHTO T-99). If practical, GTA recommends reinforced concrete pipe be used as the principal spillway pipe. Also, a concrete cradle and anti-seep collar should be provided for the spillway pipe.

For wet pond construction, water levels will likely be above at least a portion of the pond bottom level during construction. The contractor should be prepared to stabilize and dewater pond excavations. Subgrades excavated below the water table will be prone to instability and softening.

All SWM pond construction should conform to *Delaware Conservation Practice Standard Pond Code 378* and *Code 521*, latest editions and *Delaware Sediment and Stormwater Regulations*, latest edition, as applicable.

Limitations

This report, including all supporting exploration logs, field data, field notes, estimates, and other documents prepared by GTA in connection with this project, has been prepared for the exclusive use of Schell Brothers, LLC pursuant to the agreement between GTA and Schell Brothers, LLC dated January 12, 2021, and in accordance with generally accepted engineering practice. All terms and conditions set forth in the Agreement are incorporated herein by reference. No warranty, express or implied, is given herein. Use and reproduction of this report by any other person without the expressed written permission of Schell Brothers, LLC is unauthorized and such use is at the sole risk of the user.

The analysis and recommendations contained in this report are based on the data obtained from limited observation and testing of the encountered materials. Explorations indicate soil and groundwater conditions only at specific locations and times and only to the depths penetrated. They do not necessarily reflect strata variations that may exist between the exploration locations. Consequently, the analysis and recommendations must be considered preliminary until the subsurface conditions can be verified by direct observation at the time of construction. If variations in subsurface conditions from those described are noted during construction, recommendations in this report may need to be re-evaluated.

In the event that any changes in the nature, design, or location of the facilities are planned, the conclusions and recommendations contained in this report should not be considered valid unless the changes are reviewed and conclusions of this report are verified in writing. Geo-Technology Associates, Inc. is not responsible for any claims, damages, or liability associated

with interpretation of subsurface data or reuse of the subsurface data or engineering analysis without the expressed written authorization of Geo-Technology Associates, Inc.

The scope of our services for this geotechnical exploration did not include any environmental assessment or investigation for the presence or absence of wetlands, or hazardous or toxic materials in the soil, surface water, groundwater or air, on or below or around this site. Any statements in this report or on the logs regarding odors or unusual or suspicious items or conditions observed are strictly for the information of our Client. The subject matter of this report is limited to the facts and matters stated herein. Absence of a reference to any other conditions or subject matter shall not be constructed by the reader to imply approval by the writer.

We appreciate the opportunity to be of assistance on this project. Should you have any questions or require additional information, please contact our office at (302) 855-9761.

Sincerely,
GEO-TECHNOLOGY ASSOCIATES, INC.



Travis P. Caraway, EIT
Project Geotechnical Professional



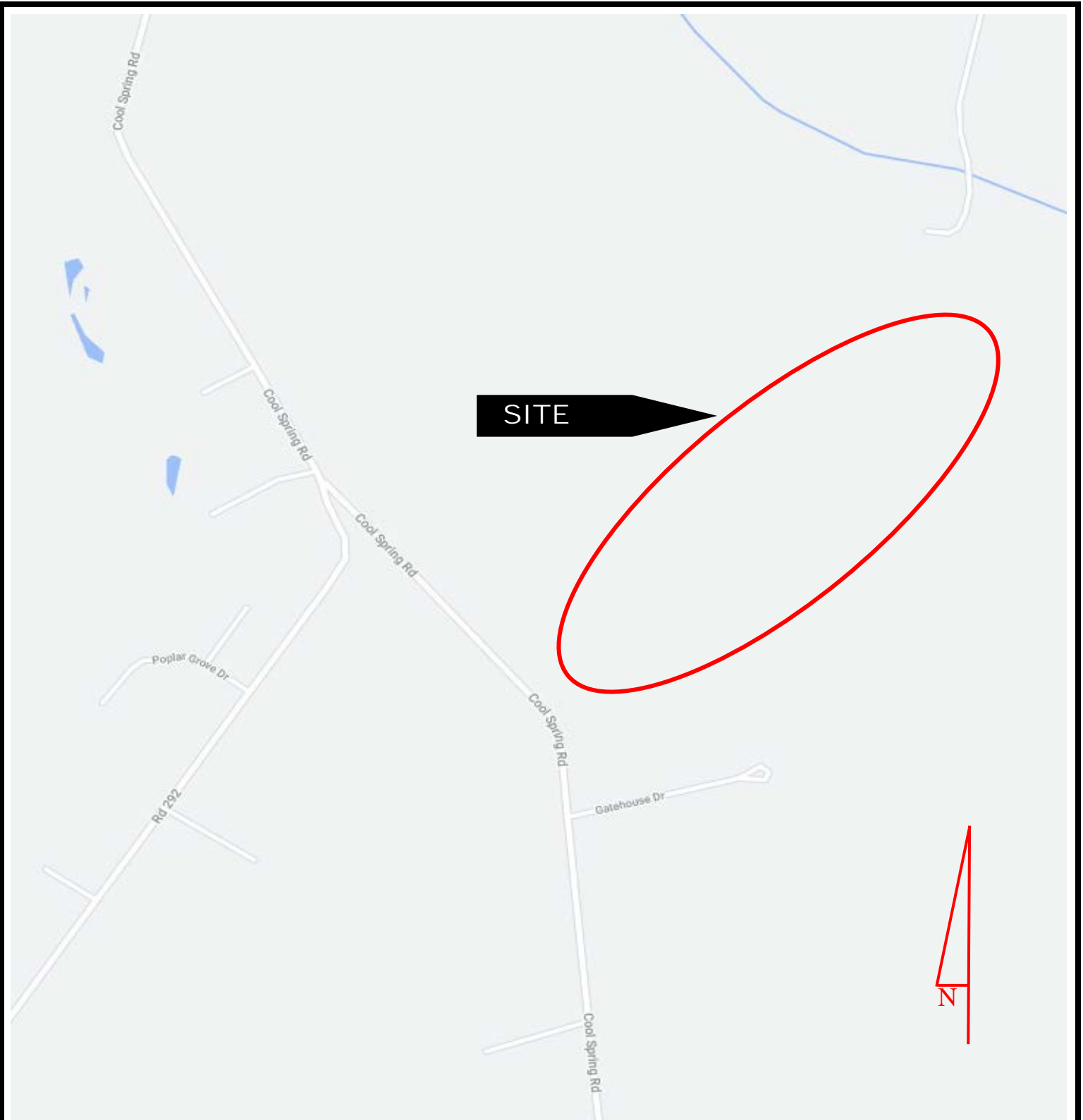
Gregory R. Sauter, P.E
Vice President



GRS/TPC/llh
31210094

S:\1 Job File\2021 Projects\31210094-CoolSpring\Report\CoolSpring - GTA Report for Subsurface Exploration.doc

Attachments: Site Location Plan (1 page)
Exploration Location Plan (1 page)
Subsurface Profile (8 pages)
USDA Soil Survey Map (3 pages)
Qe44-01 Monthly Groundwater Depth (1 page)
Notes for Exploration Logs (1 page)
Exploration Logs (40 pages)
Particle Size Distribution Report (2 pages)
Moisture Density Relationship Test Report (2 pages)
GBA – Important Information about your Geotechnical Engineering Report (2 pages)




Site Location Plan taken from Google Maps

	GEO-TECHNOLOGY ASSOCIATES, INC. GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS 21133 Sterling Avenue, Suite 7 Georgetown, Delaware 19947 (302) 855-9761 Fax (302) 856-3388			Site Location Plan Cool Spring Sussex County, Delaware	
	SCALE NTS	DATE February 2021	DRAWN BY GTA	DESIGN BY Google Maps	REVIEW BY GRS



Exploration Location Plan taken from Google Earth and a Plan titled *Cool Spring* prepared by Solutions IPEM and dated January 5, 2021.

 Exploration Location



GEO-TECHNOLOGY ASSOCIATES, INC.
 GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS
 21133 Sterling Avenue, Suite 7
 Georgetown, Delaware 19947
 (302) 855-9761 Fax (302) 856-3388

Exploration Location Plan
Cool Spring
Sussex County, Delaware

SCALE 11X17	DATE	DRAWN BY	DESIGN BY	REVIEW BY	JOB NO.	Figure
1" ~ 305'	January 2021	GTA	Solutions	GRS	-	1

Jason Palkewicz, Professional Engineer

CEO

EDUCATION

BE, Environmental Eng., 1995
Hofstra University

MS, Civil Eng., 1999
University of Toledo

REGISTRATIONS

- Professional Engineer
MD # 25088
- Professional Engineer
DE # 12083
- Professional Engineer
VA # 035417

MEMBERSHIPS

- LEED, AP

PROFESSIONAL SUMMARY

Mr. Palkewicz is a Professional Engineer and Project Manager with licenses in Maryland, Virginia and Delaware, with over 25 years of experience successfully overseeing all phases of planning, engineering and survey projects for government and private-sector clients. He is a highly skilled team leader, detail oriented with the ability to solve problems with limited resources while never losing sight of the big picture.

SPECIAL PROJECT EXPERIENCE

- **Pot-Nets Bayside, Sussex County, DE** – Provided design and permitting drawings for the rehabilitation and replacement of approximately 10,000 lf of vinyl marina bulkhead including dozens of piers, hundreds of piles and two boat launching facilities.
- **Pelican Point, Sussex County, DE** – Prepared construction drawings and plats for a 379 unit residential along Rte 5 outside of Long Neck. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station
- **Chase Oaks, Sussex County, DE** – The civil engineer project manager for this 253 unit coastal area cluster subdivision located on Robinsonville Road. The project included planning, entitlement, roadway, grading, stormwater management, sanitary sewer, pump station and DelDOT entrance design.
- **Headwater Cove, Sussex County, DE** – Prepared construction drawings and plats for a 163 unit residential subdivision on Dorman Road. Plans included roadway, grading, sediment and erosion control, potable water, gravity sanitary sewer and sanitary pump station.

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



Sussex County

DELAWARE
sussexcountyde.gov

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 13th, 2022

Application: CU 2297 Schell Brothers, LLC

Applicant: Schell Brothers LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

Owner: Arbor Lyn Rehoboth Beach, LLC
26412 Broadkill Road
Milton, DE 19968

Site Location: Lying on north side of Warrington Road (S.C.R. 275) approximately .35 miles west of the 4-way intersection of Old Landing Road (S.C.R. 274), Strawberry Way, and Warrington Road.

Current Zoning: Medium Residential (MR-1) Zoning District

Proposed Zoning: Medium Residential (MR) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Department

Sewer: Sussex County

Water: Tidewater Utilities

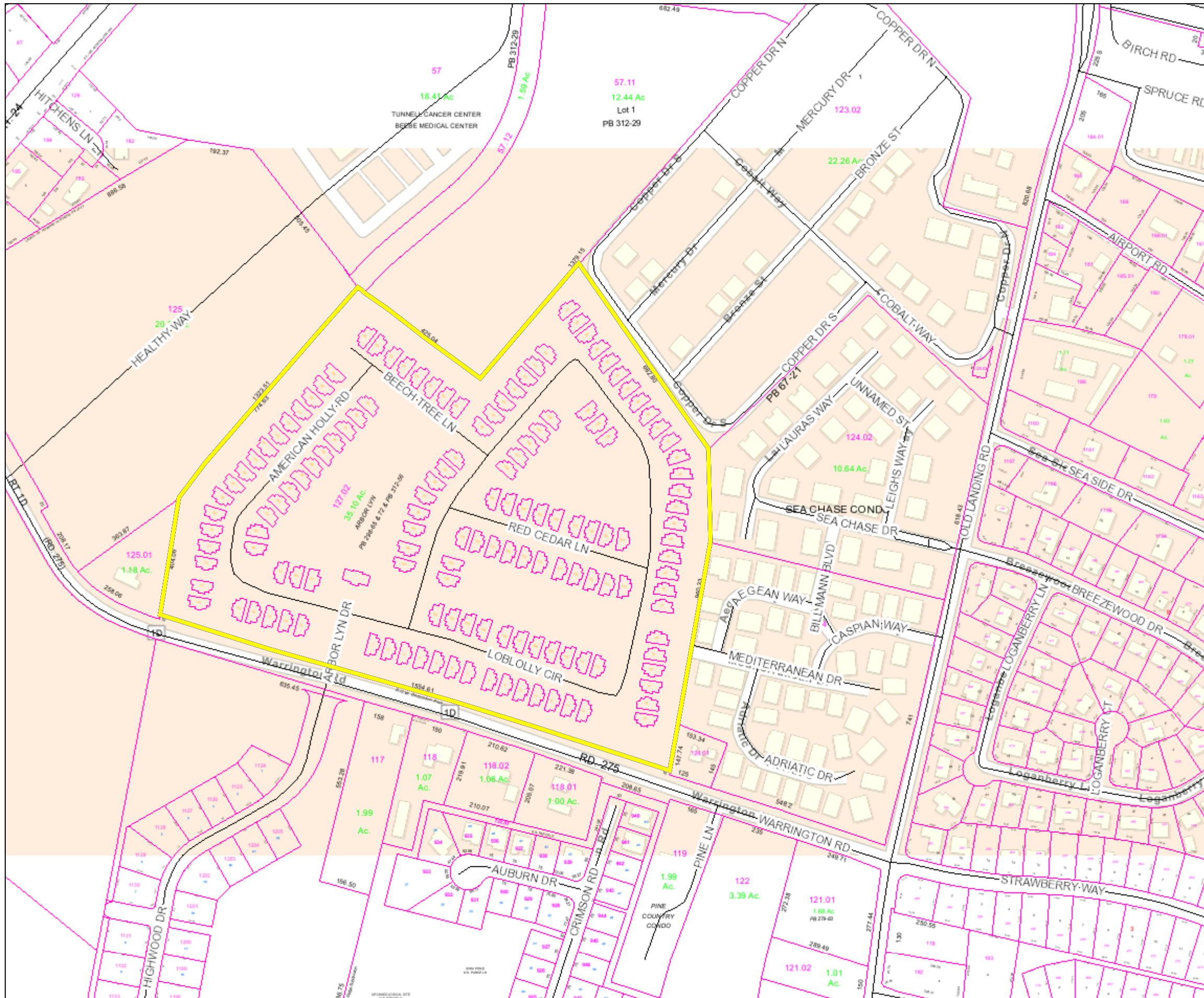
Site Area: 36.61 acres +/-

Tax Map ID.: 334-12.00-127.02





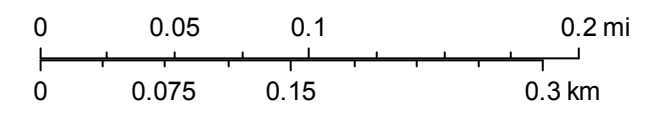
Sussex County



PIN:	334-12.00-127.02	
Owner Name	ARBOR REHOBOTH LLC	LYN BEACH
Book	4812	
Mailing Address	26412 BROADKILL RD	
City	MILTON	
State	DE	
Description	ARBOR LYN REHOBOTH BEACH	
Description 2	LLC CONDOMINIUM	
Description 3	N/A	
Land Code		

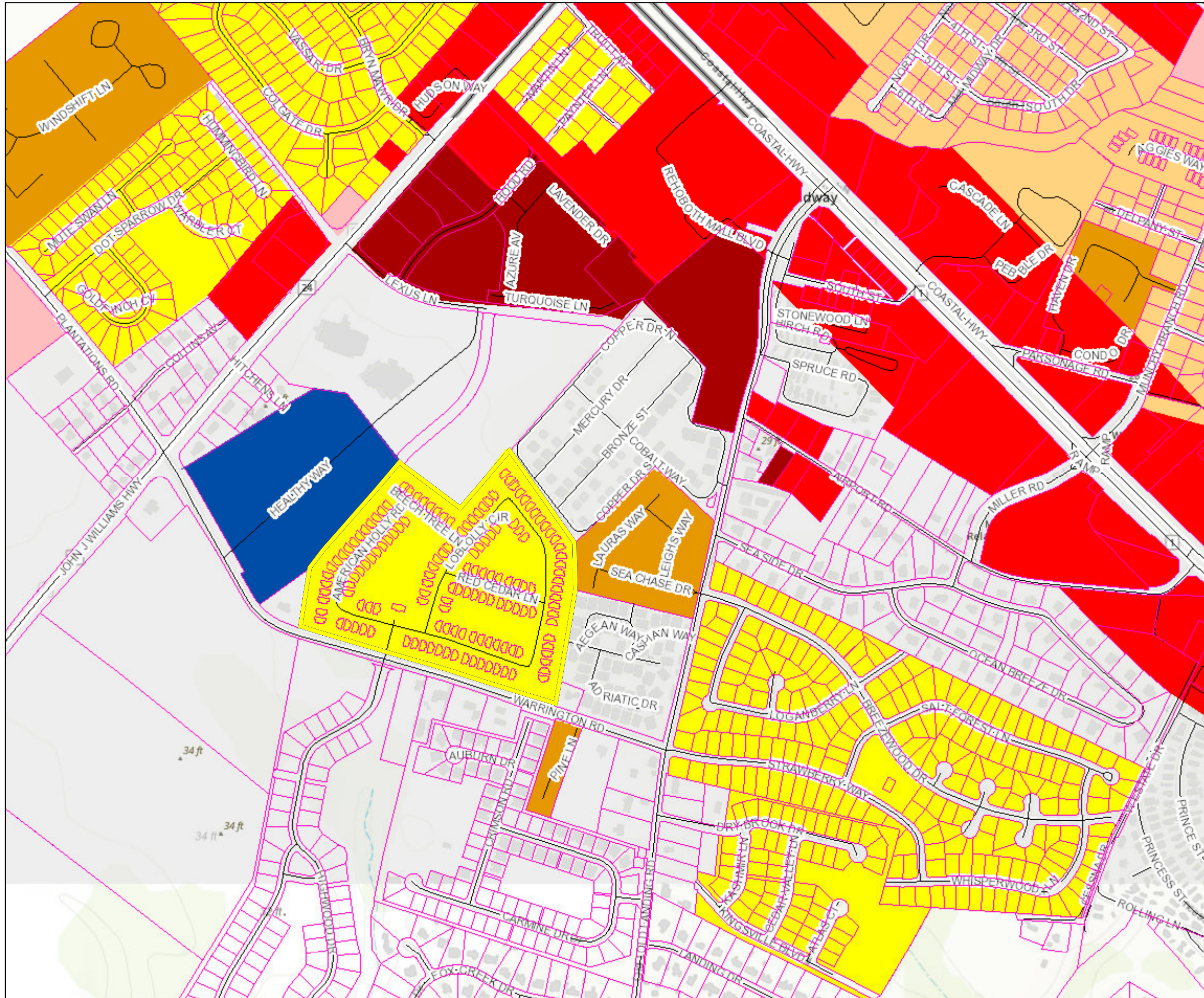
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- polygonLayer**
 - Override 1
 - Tax Parcels
 - Streets
 - County Boundaries
- Public Schools**
 - Adult
 - Elementary School
 - Early Childhood Center
 - Elementary - High School
 - Elementary - Middle School
 - High School
 - Intensive Learning Center
 - Middle School
 - Middle - High School
 - Administrative
 - DE Adolescent Program Inc. (DAPI)
 - Centers
 - Alternative Schools

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Sussex County



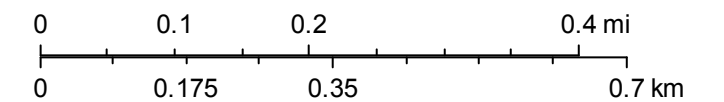
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Owner Name	ARBOR REHOBOTH LLC	LYN BEACH
Book	4812	
Mailing Address	26412 BROADKILL RD	
City	MILTON	
State	DE	
Description	ARBOR LYN REHOBOTH B	
Description 2	LLC CONDOMINIUM	
Description 3	N/A	
Land Code		

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 - Override 1
- polygonLayer**

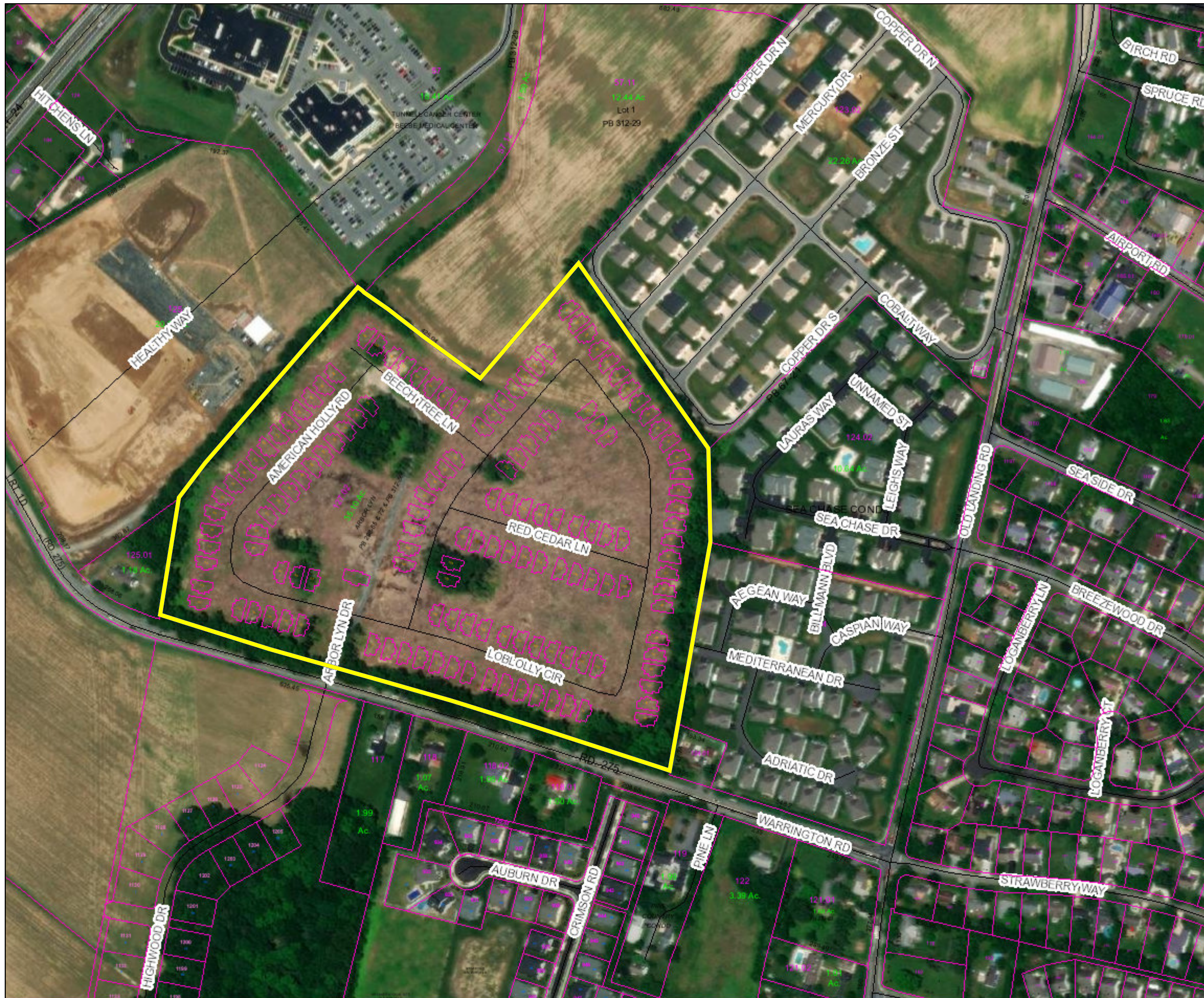
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- Tax Parcels
- Streets

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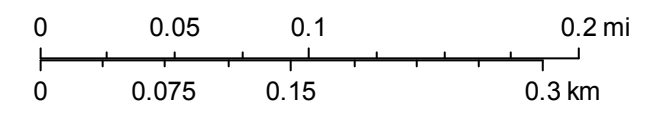
Sussex County



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Description 3	N/A	
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- polygonLayer**
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 - Alternative Schools

1:4,514



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountyde.gov



Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: January 6, 2022
RE: Staff Analysis for CU 2297 Schell Brothers, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2297 Schell Brothers, LLC to be reviewed during the January 13, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 334-12.00-127.02 to amend Conditional Use No. 2046 (Ordinance No. 2479, condition "K" relating to permitted hours of construction. The parcel is lying on the northeast side of Warrington Road (S.C.R. 275), approximately 0.25 mile southeast of John J. Williams Highway (Rt. 24). The parcel consists of 36.61 acres +/-.

The parcel has a previously approved Conditional Use Application. The parcel is subject to a Conditional Use Application (Conditional Use No. 2046) to allow for 202 multi-family units. The Conditional Use was approved by the Sussex County Council at their meeting of Tuesday, December 13, 2016 and the change was adopted through Ordinance No. 2479.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject property also lie within the "Coastal Area" Future Land Use Map designation as well as the "Commercial" Area.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned Medium Residential (MR). The adjacent properties to the north, south, east, and west of the subject sites are also zoned Agricultural Residential (AR-1). One adjacent property to the west is zoned Institutional (I-1), while another parcel to the east is zoned High-Density Residential (HR-2).



Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to amend Conditional Use No. 1920 (Ordinance No. 2240) to allow for office space, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

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

Arbor Lyn Drive at intersection of Warrington Road

Type of Conditional Use Requested:

Amendment to Condition K of Ordinance 2479 (C/U No. 2046)

Tax Map #: 3-34-12.00-127.02

Size of Parcel(s): 36.61

Current Zoning: MR

Proposed Zoning: MR

Size of Building: Varies

Land Use Classification: Conditional Use for Multifamily Structures

Water Provider: Tidewater Utilities, Inc.

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Schell Brothers LLC

Applicant Address: 20184 Phillips Street

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 226-1994

E-mail: Carmen@schellbrothers.com

Owner Information

Owner Name: Arbor Lyn Rehoboth Beach, LLC

Owner Address: 26412 Broadkill Road

City: Milton

State: DE

Zip Code: 19968

Phone #:

E-mail: dal@lockwooddesigns.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc. (Ring W. Lardner, P.E.)

Agent/Attorney/Engineer Address: 1 Park Avenue

City: Milford

State: DE

Zip Code: 19963

Phone #: (302) 424-1441

E-mail: rwl@dbfinc.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

Jonathan Horner Digitally signed by Jonathan Horner
Date: 2021.06.30 16:53:28 -04'00'

Date: 6/30/21

Signature of Owner



Date: 7/2/21

For office use only:

Date Submitted: 07/02/2021

Fee: \$500.00 Check #: 3419

Staff accepting application: CHASE P

Application & Case #: 202110021 and CU 2297

Location of property: Arbor Lyn and Warrington Road

334-12.00-127.02

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: Arbor Lyn Drive at intersection with Warrington Road

Parcel #: 3-34-12.00-127.02

Site Address: _____

Parcel #: _____

Applicant Name: Schell Brothers LLC

Owner Name: Arbor Lyn Rehoboth Beach LLC

Type of Application:

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

Date Submitted: 6/25/21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____

ORDINANCE NO. 2479

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS

WHEREAS, on the 15th day of January 2016, a conditional use application, denominated Conditional Use No. 2046 was filed on behalf of Lockwood Design and Construction, Inc.; and

WHEREAS, on the 24th day of March 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th day of April, 2016, said Planning and Zoning Commission recommended that Conditional Use No. 2046 be approved with conditions; and

WHEREAS, on the 14th day of June 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2046 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Warrington Road (Road 275) 0.25 mile southeast of John J. Williams Highway (Route 24) and being more particularly described as follows:

BEGINNING at a point on the northerly side of Warrington Road (Road 275), said point being 0.25 mile southeast of John J. Williams Highway (Route 24) and east of lands of the City of Rehoboth; thence north 09°33'10" east 404.05 feet along lands of the City of Rehoboth to a concrete monument; thence north 42°06'04" east 774.63 feet along lands of Beebe Medical Center, Inc., to a concrete monument; thence continuing along lands of Beebe Medical Center, Inc., south 53°09'06" east 305.54 feet to an iron pipe and north 40°57'30" east 439.29 feet to an iron pipe; thence south 37°40'32" east 682.80 feet along lands, now or formerly, of Old Landing Road, Inc., to a concrete monument; thence south 08°27'51" west 960.53 feet along lands, now or formerly, of Robino Sea Chase, LLC, and Colleen A. Lowe to an iron pipe on the northerly side of Warrington Road; thence northwesterly by and along the northerly side of Warrington Road 1,491.05 feet to the point and place of beginning, said parcels containing 35.45 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. There shall be no more than 142 units within the development.
- B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
- C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.
- D. All entrances and roadway improvements shall comply with all of DeDDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
- E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
- H. The project shall be served by Sussex County sewer.
- I. As proffered by the Applicant, the developer shall construct the pool and community building no later than the issuance of the 75th residential building permit for the project.

- J. As proffered by the Applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.
- K. Construction, site work, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.
- L. The Applicant shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.
- M. This Preliminary Approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2479 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 13TH DAY OF DECEMBER 2016.


ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

The Council found that the Conditional Use was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Lockwood Design and Construction, Inc. for a Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 35.45 acres, more or less (located on the northeast side of Warrington Road (Road 275), 0.25 mile southeast of John J. Williams Highway (Route 24) (Tax I.D. No. 334-12.00-127.02, 127.04, 127.05) (911 Address: None Available).
- B. Council found that the Sussex County Engineering Department, Utility Planning Division, commented that the property is not currently located in a sewer district; however, it could be annexed into a sewer district.
- C. Based on testimony before the Planning & Zoning Commission and the Public Hearing before the Sussex County Council, Council found that Mr. and Mrs. Robert Hood, Pete Malmberg, Don Lockwood, and John Barwick, of Lockwood Design were present at the Planning and Zoning Commission's Public Hearing with Gene Bayard, Esquire of Morris James Wilson Halbrook & Bayard, LLP; and Robert Hood, Don Lockwood, and John Barwick of Lockwood Design, and Roger Gross of Merestone Consultants, Inc. were present at the Sussex County Council's Public Hearing with Dennis Schrader, Esquire of Morris James Wilson Halbrook & Bayard, LLP; and they stated that this application was initially submitted as a HR-RPC (C/Z 1780); that the Planning and Zoning Commission recommended denial of C/Z 1780 and, thereafter, the Applicant resubmitted for a Conditional Use project and a Change of Zone from AR-1 to MR thereby reducing the density to the lower densities provided for in Medium Density Residential Districts; that a record of the hearing for C/Z 1780 was made part of the record for this application; that the only change is the zoning classification; that C/Z 1780 was recommended to be denied for excess density if the zoning was approved and the RPC classification lapsed; that when the RPC overlay lapses in HR-1 zoning the density restriction in the RPC lapses and the zoning classification of HR-1 increases the density; that in the Motion to recommend denial, the

Planning and Zoning Commission stated that the MR zoning classification with a Conditional Use is a more appropriate application; that there are multiple commercially zoned properties in the area; that there are properties zoned MR, CR-1, HR-2, and two (2) conditional uses with significant density; that Sterling Crossing and Sea Chase both have approximately six (6) units to the acre; that to the north of the property is the Beebe Medical Center; and that in the last 15 years, at least 12 Change of Zone applications or Conditional Use applications have been approved in that area.

D. Council also found that the application is for a Medium Density Residential Development (Arbor-Lyn) containing 35.45 acres, more or less, of which 3.1 acres are in streets, 23 acres in lots, and open space of 21.17 acres (59.5% of the project); that the property is currently wooded and has a single family dwelling on it; that their proposal is to develop the site with a mixture of residential unit types; that the proposed use will be marketed to empty-nesters and 55 and over families; that water will be provided by Tidewater Utilities and sewer will be provided by Sussex County; that any upgrades are at the Developer's expense; that the project has been reviewed by PLUS and TAC, stormwater design reviewed by Soil Conservation; and Envirotech has studied the woods; that there are no wetlands or endangered species on the site; that the Applicant met the Sussex County Planning Manager's suggestions to have incorporated additional sidewalks for future connection to the Beebe Medical property; that the Applicant plans to preserve as many trees as possible; that the project did not require a Traffic Impact Study; that the Applicant will participate in the cost of intersection improvements; that DelDOT has a timeline for improvements to the intersection of Old Landing Road and Warrington Road; that the response still does not define whether a traffic light will be required; that the response does define that road improvements will begin in Fiscal Year 2017; and that the road improvements will coincide with Final Site Plan approval of this project and the Osprey Landing project, if approved.

E. Council further found that the project is consistent with the Zoning Ordinance, Comprehensive Land Use Plan, and Future Land Use Map; that the density housing mix is consistent with the Zoning Code and the neighboring developments; that residents from this project will have walking access to the neighboring CR-1 zoned property; that there will be 14 acres of impervious area; that stormwater management ponds and swales will cover approximately 60% of the property; that with the Conditional Use, the Commission is able to define the density of this project; that this project follows the residential character and development of this area; that this parcel is the last large undeveloped parcel in the area; that this property is in a Level 1 and Level 2 State growth area; and that it should be treated accordingly.

F. Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 8), as amended, and Conditions (9A through 9N), as amended, Council found that:

1. The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.
2. The development will be consistent with surrounding developments that include other multi-family uses.
3. The development will not adversely affect neighboring properties, roadways or communities.
4. The development will be required to comply with all DelDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.
5. The multi-family development will be served by central sewer provided by Sussex County.
6. The multi-family development will be served by central water.

7. The proposed development at a density of approximately 4.0 units per acre is consistent with surrounding densities and is appropriate for this location.

8. The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.

9. Based on the record and recommendation of the Planning and Zoning Commission, the Conditional Use is approved subject to fourteen (14) conditions (A – N), as amended, which will serve to minimize any potential impacts on the surrounding areas and adjoining properties.



June 25, 2021

Via Email

Mr. Jamie Whitehouse
Planning and Zoning Manager
2 The Circle
Georgetown, DE 19947

RE: Arbor Lyn – Construction Restrictions

Dear Mr. Whitehouse:

I am general counsel for Schell Brothers LLC ("Schell"). As you are aware, we are currently constructing single family condominiums in the community known as Arbor Lyn, located on Rd 275 13A in Rehoboth Beach. The final site plan for Arbor Lyn, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Plot Book 298, Page 65, contains a restriction in note K from Ordinance No. 2479 which limits construction activities to Monday through Saturday from 8:00 A.M. to 6:00 P.M. (the "Work Restriction").

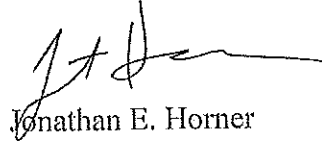
The purpose of this letter is to request limited relief from the Work Restriction to allow construction activities to commence one hour earlier at 7am. As you are aware, we are experiencing an unprecedented boom in the construction industry combined with a shortage in the labor force and massive issues and disruptions in our supply chain. Additionally, summer weather conditions are the most conducive to construction activities and there is a strong necessity to take advantage of these conditions. Furthermore, summer traffic worsens the later in the morning and allowing earlier work hours will relieve traffic during rush hours while also allowing our workforce to maximize their productivity.

It is essential to our business, the construction industry in Sussex County and the county itself that homes are completed in an expedient and efficient manner to facilitate closing on the home, the payment of laborers and the payment of transfer tax. We feel that this small concession to increase morning work hours will have a profound impact on our ability to do that not just in Arbor Lyn, but across all of our projects as the increased hours will free crews up to work diligently in other communities. Additionally, the increased construction speed in Arbor Lyn will lead to the quicker completion of the project which, as you are aware, would constitute the end of all construction activities in the community and end any and all disturbances related to such activities.

Mr. Jamie Whitehouse
June 25, 2021
Page 2

Should you have any further questions, please feel free to contact me by telephone at (302) 212-2490 or by email at jon.horner@schellbrothers.com.

Very truly yours,



Jonathan E. Horner

cc: Zac Crouch
Carmen Marinelli

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



Sussex County

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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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 13th, 2022

Application: CZ 1938 Mars-Re, LLC

Applicant: MARS-RE, LLC C/O Roger Schwandtner
35637 Central Park Circle
Dagsboro, DE 19939

Owner: MARS-RE, LLC C/O Roger Schwandtner
35637 Central Park Circle
Dagsboro, DE 19939

Site Location: Lying on southwest side of Atlantic Ave. (Rt. 26) approximately 350' east of the 4-way intersection of Powell Farm Road (S.C.R. 365), Omar Road (Rt. 54), Vines Creek Road (Rt. 26) and Atlantic Avenue.

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: High Density Residential (HR-2) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: Sussex County

Water: Tidewater Utilities

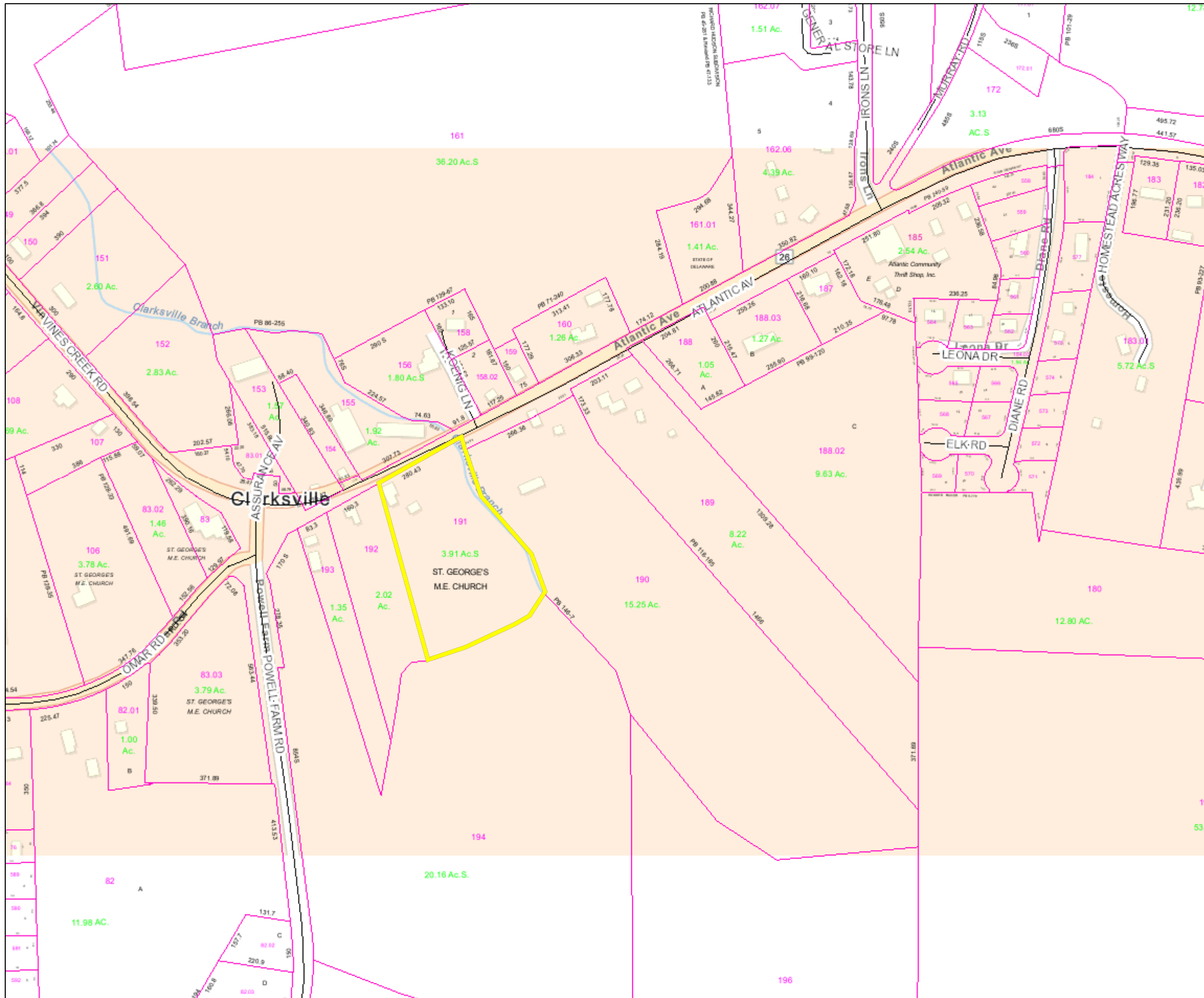
Site Area: 3.826 acres +/-

Tax Map ID.: 134-11.00-191.00





Sussex County



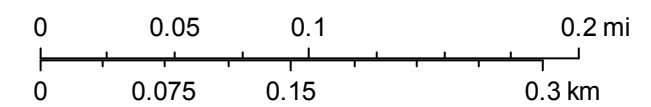
PIN:	134-11.00-191.00
Owner Name	MARS-RE LLC
Book	5146
Mailing Address	35637 CENTRAL PARK CIR
City	DAGSBORO
State	DE
Description	SE/RT 26
Description 2	330' NE/RD 365
Description 3	12950
Land Code	

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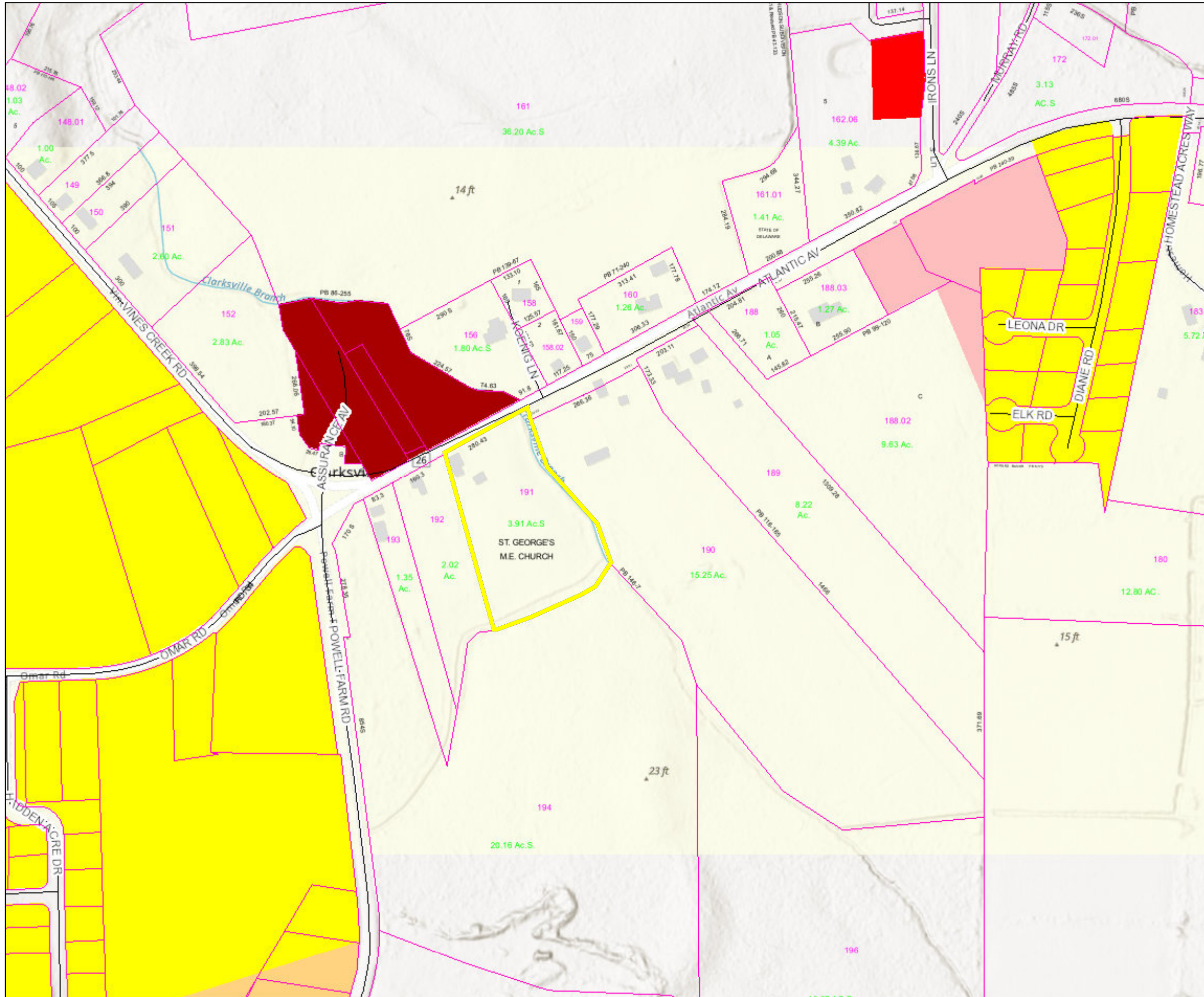
Override 1
- ⋯ Tax Parcels
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Sussex County



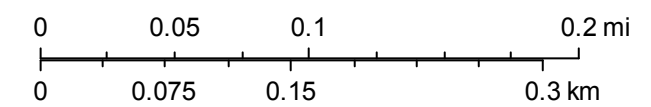
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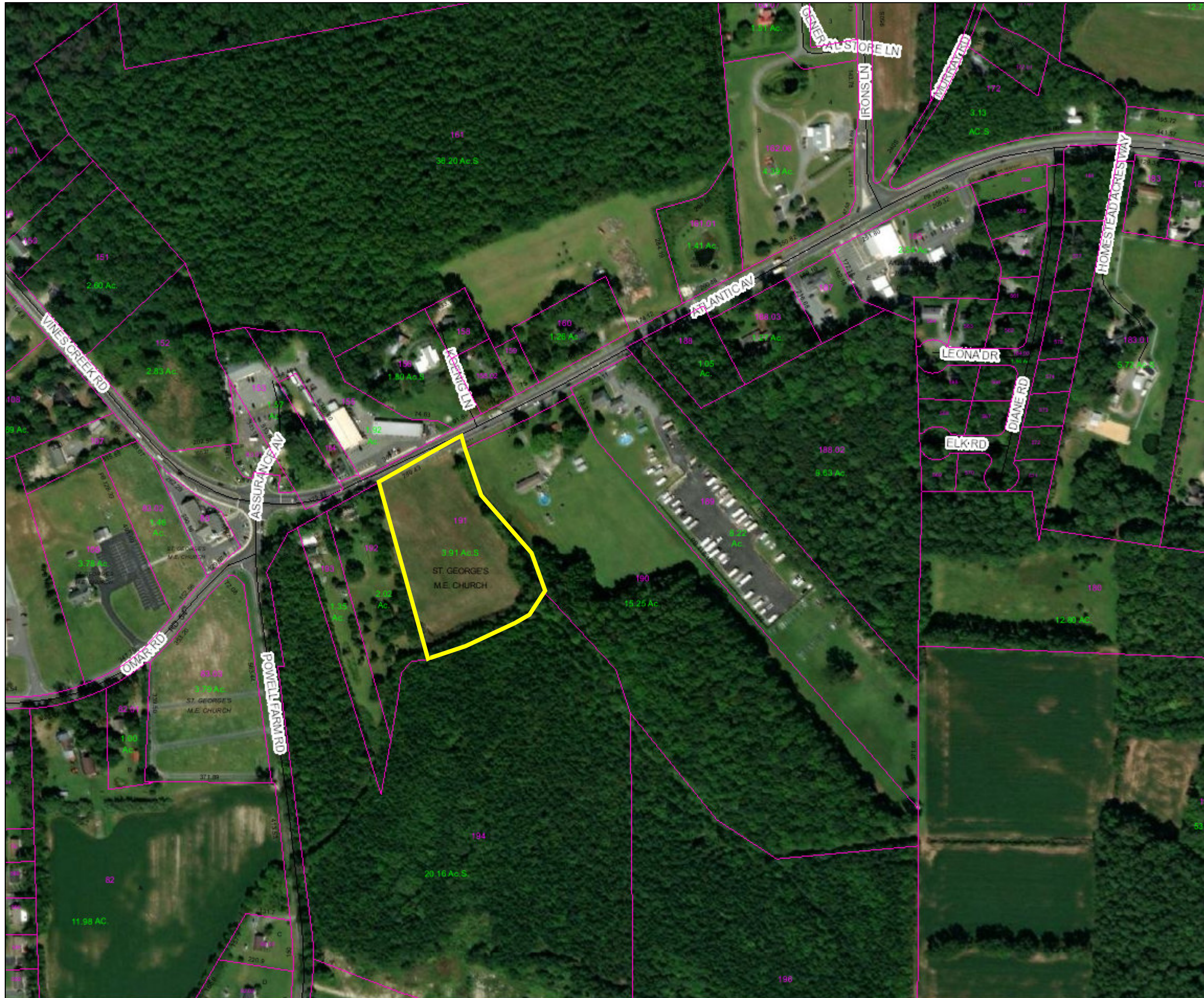
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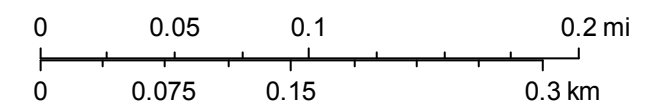
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PLANNING & ZONING DIRECTOR
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(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: January 6, 2022
RE: Staff Analysis for CZ 1939 Mars-Re, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1938 Mars-Re, LLC to be reviewed during the January 13, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 134-11.00-191.00 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a High-Density Residential District (HR-2). The property is lying on the south side of Atlantic Avenue (Rt. 26), approximately 475 feet east of Powell Farm Road (S.C.R. 365). The parcel to be rezoned contains 3.826 acres +/-.

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

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the east, south and west are all zoned Agricultural Residential (AR-1) Zoning District. Across Atlantic Avenue 9Rt. 26 the property is zoned Commercial Residential (CR-1) Zoning District. Properties further east and west are zoned Medium Density Residential (MR) Zoning District, Neighborhood Business (B-1) Zoning District and General Commercial (C-1) Zoning District.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the High-Density Residential District (HR-2) is listed as an applicable zoning district in the "Coastal Area".



Since 2011, there have been six (6) Change of Zone applications within a 1-mile radius of the application site. Change of Zone 1735 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, September 24, 2013 through Ordinance No. 2321. Change of Zone 1738 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Neighborhood Business Zoning District (B-1) was approved by the Sussex County Council on Tuesday, December 3, 2013 through Ordinance No. 2331. Change of Zone 1789 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, April 5, 2016 through Ordinance No. 2439. Change of Zone 1798 for a change of zone from an Agricultural Residential Zoning District (AR-1) and General Commercial Zoning District to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, June 21, 2016, through Ordinance No. 2457. Change of Zone 1825 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, September 19, 2017, through Ordinance No. 2518. Change of Zone 1840 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential Zoning District (CR-1) was approved by the Sussex County Council on Tuesday, January 30, 2018 through Ordinance No. 2544.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential Zoning District (AR-1) to a High-Density Residential Zoning District (HR-2) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

File #: CZ1938

202102074

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

34464 Atlantic Avenue, Ocean View, DE 19970

Type of Conditional Use Requested:

Seeking change of zone from agricultural residential (AR-1) to High-Density Residential (HR-2) for a mixed use development (45 condominiums & 5,741 s.f. Retail/Restaurant)

Tax Map #: 134-11.00-191.00

Size of Parcel(s): 3.826 Ac.

Current Zoning: AR-1

Proposed Zoning: HR-2

Size of Building: 20,131 s.f. footprint

Land Use Classification: Mixed Residential

Water Provider: Tidewater Utilities

Sewer Provider: Sussex County

Applicant Information

Applicant Name: MARS-RE, LLC C/O Roger Schwandtner

Applicant Address: 35637 Central Park Circle

City: Dagsboro

State: DE

Zip Code: 19939

Phone #: (302) 604-1333

E-mail: Roger@ardllc.net

Owner Information

Owner Name: Same as Applicant

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: The Kercher Group, Inc.

Agent/Attorney/Engineer Address: 37385 Rehoboth Ave. Ext, Unit #11

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 781-4346

E-mail: kts@kerchergroup.com



Check List for Sussex County Planning & Zoning Applications

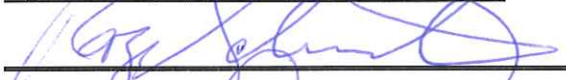
The following shall be submitted with the application

- 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: 2/2/21

Signature of Owner



Date: 2/2/21

For office use only:

Date Submitted: 2/5/21

Fee: \$500.00 Check #: 578

Staff accepting application: NT

Application & Case #: 221938

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: 34464 Atlantic Avenue

Ocean View, DE 19970

Parcel #: 134-11.00-191.00

Site Address: _____

Parcel #: _____

Applicant Name: MARS-RE, LLC C/O Roger Schwandtner

Owner Name: Same as Applicant

Type of Application:

Conditional Use:

Change of Zone:

Subdivision:

Board of Adjustment:

Date Submitted: 2/2/21

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: MARS-RE, LLC C/O Roger Schwandtner
Applicant Address: 35637 Central Park Circle
City: Dagsboro State: DE Zip: 19939
Phone #: (302) 604-1333 E-mail: Roger@ardllc.net

Owner Information

Owner Name: Same as Applicant
Owner Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: The Kercher Group, Inc.
Engineer/Surveyor Address: 37385 Rehoboth Ave. Ext., Unit #11
City: Rehoboth Beach State: DE Zip: 19971
Phone #: (302) 781-4346 E-mail: kts@kerchergroup.com

Agent/Attorney Information

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

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

February 4, 2021

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 **Mars-RE, LLC C/O Roger Schwandtner** proposed land use application, which we received on February 3, 2021. This application is for an approximately 3.8-acre parcel (Tax Parcel: 134-11.00-191.00). The subject land is located on the south side of Atlantic Avenue, east of the intersection with Omar Road. The subject land is currently zoned AR-1 (Agricultural Residential) with a proposed zoning of HR-1 (High-Density Residential District) and a conditional use approval requested to permit 45 condo units and 5741 square feet of Retail/Restaurant uses.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Atlantic Avenue where the subject land is located, which is from Stephen Drive to Roxana Road (SR 17), is 11,632 vehicles per day.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse
Page 2 of 2
February 4, 2021

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 Fumato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

cc: Roger Schwandtner, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director
(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DeIDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 2/2/21

Site Information:

Site Address/Location: 34464 Atlantic Avenue, Ocean View, DE 19970

Tax Parcel Number: 134-11.00-191.00

Current Zoning: AR-1

Proposed Zoning: HR-2

Land Use Classification: Mixed Residential

Proposed Use(s): 45 Condo Units &
5,741 s.f. Retail/Restaurant

Square footage of any proposed buildings or number of units: 20,131 s.f. footprint (71,129 s.f. total)

Applicant Information:

Applicant's Name: MARS-RE, LLC C/O Roger Schwandtner

Applicant's Address: 35637 Central Park Circle

City: Dagsboro

State: DE

Zip Code: 19939

Applicant's Phone Number: (302) 604-1333

Applicant's e-mail address: Roger@ardllc.net



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Last updated 3-12-20



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

April 22, 2021

Kevin Smith
The Kercher Group, Inc.
37385 Rehoboth Ave Ext, Unit #11
Rehoboth Beach, DE 19971

RE: PLUS review 2021-03-03; 34464 Atlantic Avenue

Dear Mr. Smith:

Thank you for meeting with State agency planners on March 24, 2021 to discuss the proposed plans for the 34464 Atlantic Avenue project. According to the information received you are seeking review of a proposed rezoning of 3.826 acres from AR-1 to HR-2 in anticipation of a site plan for 45 residential units and 5,741 square feet of commercial space along Atlantic Ave in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the 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.**

Strategies for State Policies and Spending

This project is located in Investment Levels 2 and 3 according to the 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. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Atlantic Avenue (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 1.6.1 of the Manual addresses the location of proposed entrances. Preliminarily, DelDOT anticipates requiring that the entrance be aligned directly opposite the entrance from which it is presently proposed to be slightly offset.
- 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. From the PLUS application, the total daily trips are estimated at 486 vehicle trip ends per day. DelDOT confirms this number as being correctly calculated for the Saturday Average Daily Traffic if the first-floor commercial uses are treated as a Shopping Center. However, DelDOT finds that it may be more appropriate to break out the proposed restaurant use and treat it separately. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual and floor areas from the parking space calculation shown on the site plan, as shown in the table below, DelDOT calculates 1,041 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 30 and 99, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Retail	820	3,860	146	2	2	7	8
Restaurant	931	1,881	158	1	0	10	5
Multifamily Housing (Mid-Rise)	221	45	244	4	12	13	8
Total			548	7	14	30	21

Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$5,480. AWS Fees are used to fund traffic studies, not to build improvements.

The purpose of a TIS is to determine what off-site improvements are needed to support a proposed development. DelDOT has not identified any capital projects in which they would require the developer to participate but reserves the right to do so. DelDOT does anticipate requiring the developer to improve Route 26, within the limits of their projected frontage, to meet DelDOT’s Minor Arterial Road standards, which include 12-foot lanes and 8-foot shoulders.

Questions regarding the site’s trip generation should be directed to the County Coordinator, Mr. T. William Brockenbrough. Mr. Brockenbrough may be reached at Thomas.Brockenbrough@delaware.gov or (302) 760-2109. Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. R. Stephen McCabe. Mr. McCabe may be reached at Richard.mccabe@delaware.gov or (302) 760-2276.

- 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 on Route 26. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, **“An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.”**
- 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 established for the State of Delaware, as per this plat.”**

- 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 entrance on Route 26.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- 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. In response to the discussion at the PLUS meeting, DelDOT recommends that the plan be modified to provide for a future interconnection with the parcel to the west (Tax Parcel No. 134-11.00-192.00) if it is proposed for redevelopment with a compatible use.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 26.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring a walkway to connect the interior of the site to Route 26.
- 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 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>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane into the site from Route 26. The volumes shown on the Traffic Generation Diagram on the site plan may not warrant a right turn lane but, as mentioned above, DelDOT questions the proposed trip generation. DelDOT also questions the proposed trip distribution. A relatively small change in either regard would cause a right turn lane to be warranted. Trip generation and distribution will need to be agreed upon before the Pre-Submittal Meeting and the need for a right turn lane should be discussed at the meeting.

- 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.

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

Concerns Identified Within the Development Footprint

Stormwater Management

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- 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, 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.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate 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/>

Water Quality (Pollution Control Strategies)

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- This site lies within the Indian River Bay Watershed. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
- Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>

Tax Ditches

The parcel (134-11.00-191.00) of the proposed project is located within the St. Georges Tax Ditch Watershed. The Main Prong and Prong 3 of the St. Georges Tax Ditch are located within or along the parcel boundary. Tax Ditch channels have associated Tax Ditch Rights-of-Way (ROW) that are utilized for access as well as sediment and debris disposal during tax ditch maintenance. Permanent obstructions are not permitted in the ROW. Tax Ditch ROWs vary by channel size and location. For this particular site, both channels have an existing ROW of 80' from centerline.

- The preliminary plans show a proposed ROW of 30' from top of bank. To reduce 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.
- If the site and/or stormwater management features are designed to discharge into the Main Prong or Prong 3, comparison of existing conditions versus the proposed design specifications for each should be considered. Please consult with the DNREC Drainage Program for As-Built design information if necessary.
- Permanent obstructions including, but not limited to, stormwater management facilities, buildings, sheds, streets, wells, and septic systems are not allowed within the Tax Ditch ROW.
- 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

Wetlands

Maps from the Statewide Wetlands Mapping Project indicate the presence of riverine wetlands on the site. According to the project application, the wetland delineation has been completed, with 0.45 acres of non-tidal wetlands present.

- If the project proposes to disturb (dredge or fill) jurisdictional wetlands under the U.S. Army Corps of Engineers, a delineation of waterways and wetlands is required. In certain circumstances, additional certifications from DNREC Wetlands & Subaqueous Lands Section will be required as part of the U.S. Army Corps of Engineers permit process.
- Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Vegetated Buffer Zones

Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.

Wastewater Permitting – Large Systems

Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch.

- It is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch if the capacity of the rate of wastewater disposal is to be updated.
- Contact: DNREC Large Systems Branch at (302) 739-9948.
Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- Prehistoric archaeological potential is low on the eastern side, and moderate on the western side. Western portion has well-drained soils and it is within favorable distance to Clarksville Branch. Eastern portion is poorly drained soils. Deforestation that occurred in 2002 and subsequent tilling may have disturbed the integrity of any sites.
- Historic potential is low to moderate. Two (?) houses along the northern edge of the parcel are shown in early 20th century topos, but they may not have significant archaeological value. The rest of the parcel is low.
- 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).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: www.achp.gov

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 the suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site plan presented shows a group of nine head-in parking spaces on the east side of the building, accessed by a drive aisle that will be relatively busy. DelDOT suggests that the developer consider placing parallel parking spaces there and designating them as handicap spaces, or possibly as pick-up spaces for the proposed restaurant.
- 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 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 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480
Concerns Identified Within the Development Footprint

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.

Drainage

- 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.

Wetlands

- Recommendations for buffers are prescribed below under the heading, Vegetated Buffer Zones.

Vegetated Buffer Zones

- A 25-foot vegetated buffer has been included in the preliminary plans. Incorporate a 100-foot vegetated buffer zone from the edge of tax ditches and wetlands to protect water quality and to provide an additional margin of safety from flooding.
- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance (LOD) on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Vegetated buffer zones should be deeded as community open space. Signage should be installed at the edge and within the buffer zones to deter residents from encroaching into these common areas.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is

shrinking due to development and climate change.

- In general, grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Additional Sustainable Practices

- Install electric vehicle charging stations for residents and visitors. Electric vehicles are rapidly becoming commonplace. Installing the infrastructure to serve electric vehicles during initial construction will prevent costly upgrades later and provide a marketing tool for your project. Funding for charging stations and technical assistance are available from the DNREC Division of Climate, Coastal and Energy at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/ev-charging-equipment-rebates/>.
- Consider using renewable energy infrastructure such as solar to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives may be available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.
- 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 to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.
- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.

Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878

- Sussex County encourages the applicant to participate in a pre-application meeting with Planning and Zoning staff. Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID). Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

For the Change of Zone, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application. Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “fair/good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7). Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel. The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162). Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.

Sussex County Housing – Contact: Brandy Nauman 855-7779

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: www.sussexcountyde.gov/affordable-and-fair-housing-resource-center. The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.

- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and county sources, as well as private funding sources that also promote affordable housing in Sussex County.
- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

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

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

Attachments

Date Received: _____

Date Submitted: _____

Land Development Project Review Request Form

Project Name: _____

Attach Site Plan of proposed request(s), include all structures, easements, setbacks, etc. that make your proposal as requested necessary. Include existing tax ditch channel and rights-of-way for comparison. Check out <https://de.gov/taxditchmap> for planning and illustrating purposes.

Owner(s) Contact Information:

Name: _____

Phone Number: _____

Email: _____

Authorized Signer(s) Contact Information:

Name and Title: _____

Phone Number: _____

Email: _____

Project Representative/Consultant Information:

Name and Title: _____

Phone Number: _____

Email: _____

Tax Ditch Organization(s) Affected: _____

Tax Parcel(s) Affected: _____

Request of Tax Ditch Organization (Check all that apply):

<input type="checkbox"/>	Outfall/Discharge Into Tax Ditch Channel(s)
<input type="checkbox"/>	Relocate/Eliminate Tax Ditch Channel(s)
<input type="checkbox"/>	Reduce/Increase Tax Ditch Rights-of-Way
<input type="checkbox"/>	Change Tax Ditch Watershed Boundary _____

Please specify Tax Ditch Channel(s) affected, existing and requested tax ditch rights-of-way extents whenever applicable please use space below and attach additional pages as appropriate.

Date Received:

Date Submitted: _____

For Internal Use Only:

COC Required	COC Receipt from Prothonotary	LONO Required
COC Drafted	COC Instructions for Filing to Owner	S&S Plans Received Date:
COC Reviewed		Plans Reviewed by PM
COC Out of Signature		Plans Reviewed by Engineer
COC Signed. Date _____		Plans Approved by TD Officer
		LONO Issued Date:

Tax Ditch Web Map



3/9/2021, 8:18:27 AM

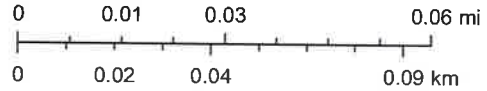
1:2,257

DE_Road_Inventory - Road Inventory
 — Minor Arterial
 — Local

DE_StateParcels - Sussex
 — Approx. Watershed Boundary
 — Extent of Right-of-Way

Tax Ditch Segments
 — Tax Ditch Channel
 — Special Access ROW

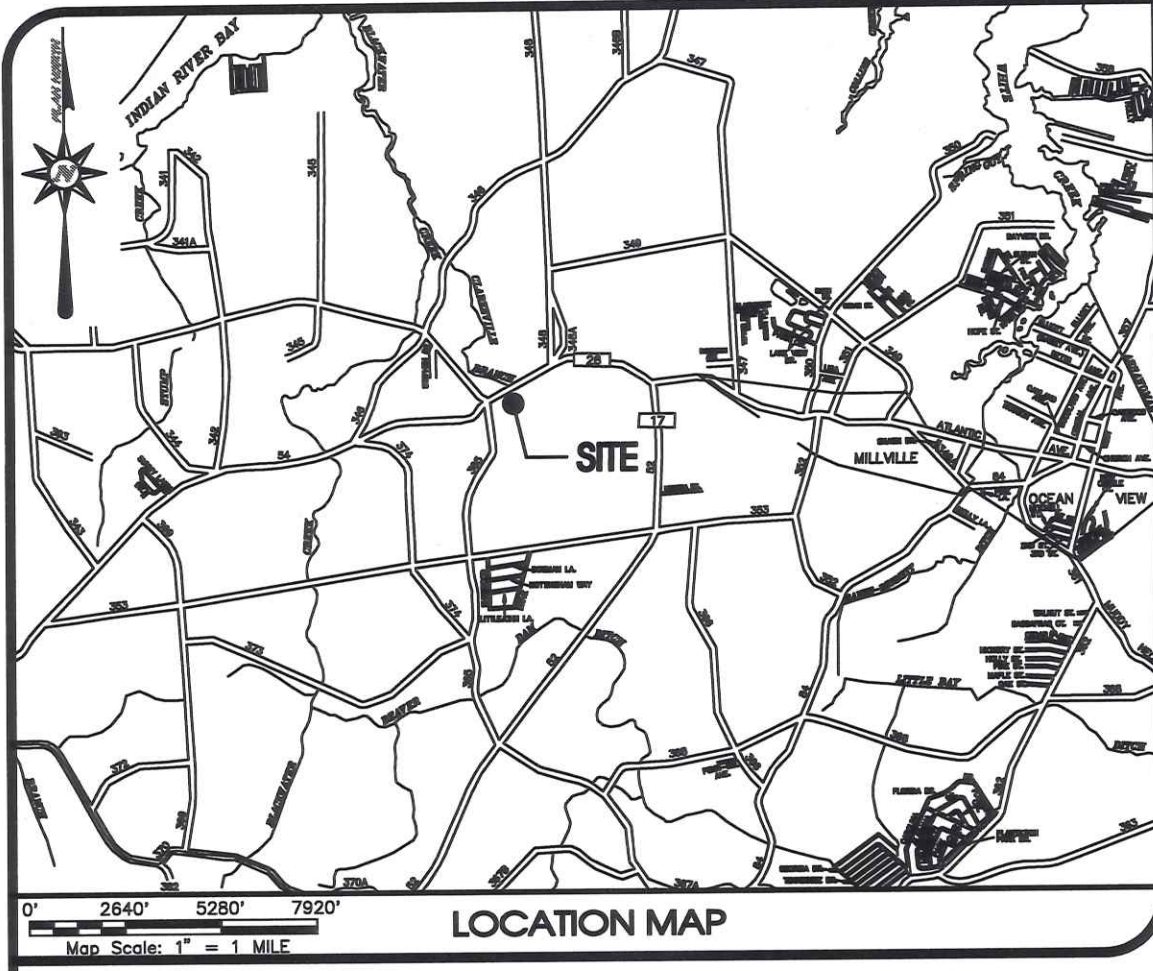
Municipalities
 — Communities
 — State and County Boundaries



Delaware Office of State Planning Coordination, GeoEye, Maxar, Microsoft

DNREC, Division of Watershed Stewardship, Drainage Program

These maps do not replace the official documents on file in the Prothonotary's Office, and are not to be used for engineering purposes.



SITE DATA and ZONING SCHEDULE

TAX PARCEL No.:	134-11.00-191.00	
PROPERTY ADDRESS:	34464 ATLANTIC AVE OCEAN VIEW, DE 19970	
EXISTING NUMBER OF LOTS:	1	
EXISTING SITE USE:	VACANT (PREVIOUSLY RESIDENTIAL)	
EXISTING ZONING:	AR-1	
PROPOSED NUMBER OF LOTS:	1	
PROPOSED SITE USE:	45 CONDO UNITS & 5,741 S.F. RETAIL/RESTAURANT	
PROPOSED ZONING:	HR-2	
GROSS PROPERTY AREA:	3.826 Acres	
DEDICATED R.O.W. AREA:	0.000 Acres	
NET PROPERTY AREA:	3.826 Acres	
INVESTMENT LEVEL:	2 (FRONT) / 3 (REAR)	
PROPOSED DENSITY:	11.78 Units per Ac.	
EXISTING FORESTED AREA:	0.000 Acres	
PROPOSED FORESTED AREA REMOVAL:	0.000 Acres	
PROPOSED FORESTED AREA TO REMAIN:	0.000 Acres	

ORDINANCE ITEM	REQUIREMENT:	PROVIDED:
MINIMUM LOT AREA	2 Acres	3.826 Acres
MINIMUM LOT WIDTH	150 Ft.	278.13 Ft.
MINIMUM LOT DEPTH	100 Ft.	503.90 Ft.
MINIMUM SETBACKS:		
FRONT	40 Ft.	40 Ft.
SIDE	10 Ft.	10 Ft.
REAR	10 Ft.	10 Ft.
MAXIMUM BUILDING HEIGHT	52 Ft.	52 Ft.

PARKING SPACE CALCULATION:	
Multifamily Units:	1.5 Spaces/Unit (9)=14 Spaces 2 Spaces/Unit (36)=72 Spaces
1 BR & 3 BR:	1/200 s.f. sole floor area + 1/2 Employees 990 s.f./200 s.f. + 12 Emp./2=11 Spaces 1/50 s.f. patron use + 1/2 Employees 1861 s.f./50 s.f. + 12 Emp./2=44 Spaces
Restaurants:	1861 s.f./50 s.f. + 12 Emp./2=44 Spaces
Total Spaces:	141 Spaces

SEWER SERVICE: CENTRAL SEWER SUSSEX COUNTY
 WATER SERVICE: CENTRAL WATER TIDEWATER UTILITIES

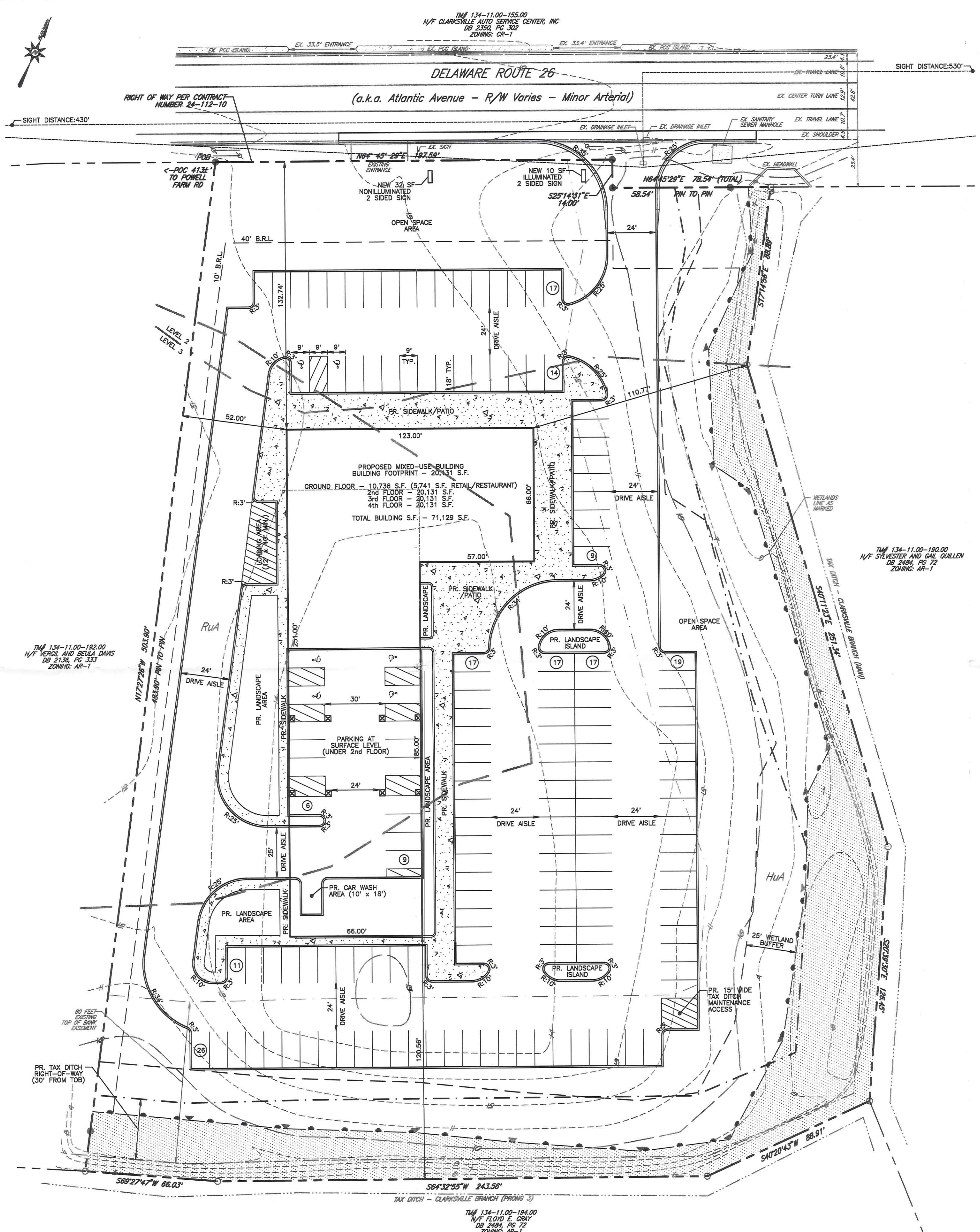
PROPERTY OWNER/DEVELOPER:
 MARS-RE, LLC
 35837 CENTRAL PARK CIRCLE
 DASSBORO, DE 19939
 Phone: 302.841.1333
 Email: Roger@ardic.net

PROPERTY AREA:	
IMPERVIOUS AREA (PAVING, BUILDINGS, ETC.):	2.144 Ac. (56.0%)
OPEN SPACE AREA:	0.774 Ac. (20.2%)
WETLAND BUFFER AREA:	0.458 Ac. (12.0%)
NON-TIDAL WETLAND AREA:	0.450 Ac. (11.8%)
TOTAL AREA:	3.826 Ac.
PROPOSED DENSITY:	11.78 Units per Ac.

PLAN LEGEND

- SUPPLEMENTAL CONTOUR (1' INTERVAL)
- INDEX CONTOUR (5' INTERVAL)
- EXISTING PROPERTY BOUNDARY
- EXISTING ADJACENT PROPERTY BOUNDARY
- EXISTING WETLANDS LIMITS
- EXISTING EDGE OF PAVEMENT
- EXISTING PAINT STRIPING
- EXISTING SOIL SERIES LIMITS
- EXISTING OSP (PLUS) INVESTMENT LIMIT
- EXISTING PCC CURB
- EXISTING TAX DITCH EASEMENT (80')
- EXISTING TAX DITCH TOP OF BANK
- PROPOSED TAX DITCH EASEMENT (30')
- PROPOSED BUILDING RESTRICTION LINE
- PROPOSED BUILDING
- PROPOSED EDGE OF PAVEMENT
- PROPOSED PCC CURB
- PROPOSED PAINT STRIPING
- PROPOSED WETLAND BUFFER
- EXISTING UTILITY POLE
- EXISTING IRON PIN (PROPERTY MARKER)
- POINT (AT PROPERTY CORNER)
- EXISTING WETLAND FLAG

- EXISTING WETLAND HATCH
- EXISTING CONCRETE
- PROPOSED CONCRETE

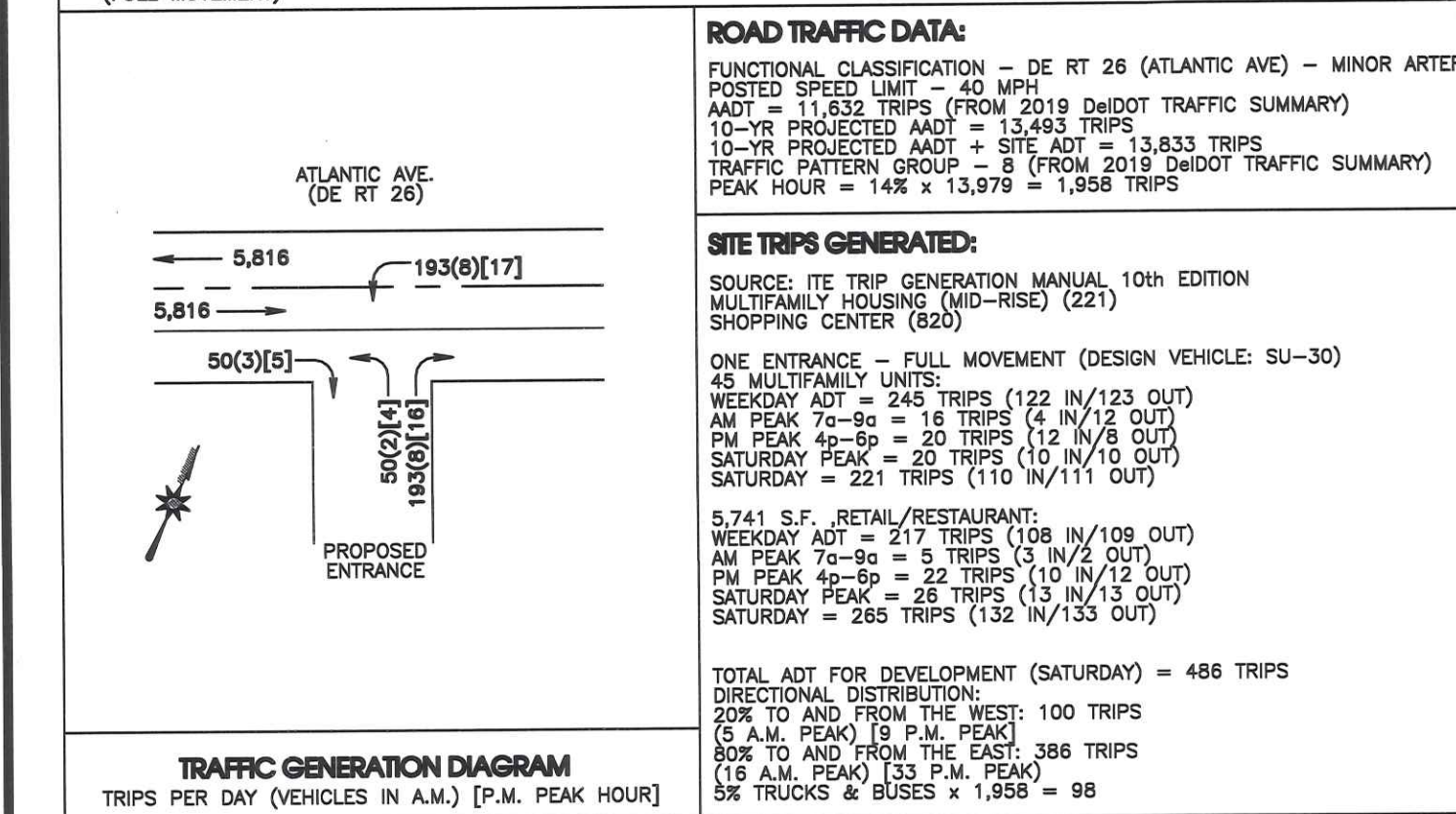


SOILS DATA

SOILS MAPPED FROM: <https://websoilsurvey.sc.egov.usda.gov>

Soils Name	Slopes	Hydrolic Soils Group
HuA Hurlock loamy sand	0 to 2 percent slopes	A/D
RuA Runclint loamy sand	0 to 2 percent slopes	A

TRIP GENERATION - ATLANTIC AVENUE (DE RT 26)



GENERAL NOTES

- THE PROJECT SITE IS KNOWN AS 34464 ATLANTIC AVE - MIXED USE, (T.P.: 134-11.00-191.00), AND IS LOCATED AT THE SOUTH SIDE OF ATLANTIC AVENUE (DE RT 26) AND POWELL FARM ROAD (SUSSEX) NEAR CLARKSVILLE, DELAWARE.
- THE BOUNDARY EXISTING CONDITIONS, WETLAND DELINEATION LINE, AND TOPOGRAPHY SHOWN WERE OBTAINED FROM A SURVEY TITLED "BOUNDARY SURVEY PLAN AND TOPOGRAPHY FOR ROGER SCHROEDER AND MAXWELL ALLEN OF THE LANCES NOW OR FORMERLY OF SLESTER AND GAIL QUILLEN, PREPARED BY ALAN O. KENT LAND SURVEYING, LLC (SEAFORD, DE 19973), DATED AUGUST 23, 2019.
- THE WETLAND LINE SHOWN ON THE PLAN WAS DELINEATED BY BRUCE B. BAGLEY, MS, CPSS, CPA, CCA (LAUREL OAK LAND CONSULTING, LLC) ON FEBRUARY 15, 2021.
- MAINTENANCE OF THE DRIVE AISLES/PARKING AREAS WITHIN THIS DEVELOPMENT WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE UNIT LEASEES WITHIN THIS DEVELOPMENT OR BOTH. THE STATE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE DRIVE AISLES/PARKING AREAS.
- ALL PROPOSED STORMWATER MANAGEMENT FACILITIES, BUFFERS AND OPEN SPACE ARE TO BE MAINTAINED BY THE DEVELOPER, THE UNIT LEASEES WITHIN THIS DEVELOPMENT OR BOTH.
- ALL UNITS SHALL HAVE ACCESS FROM THE INTERNAL DRIVE AISLES AND DIRECT ACCESS TO DE RT 26 WILL NOT BE PROVIDED.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
- ALL CONTRACTORS WORKING ON THIS PROJECT SHALL BE RESPONSIBLE FOR ENSURING THAT ALL CONSTRUCTION ACTIVITIES RELATED TO THIS PROJECT ARE PERFORMED IN ACCORDANCE WITH ALL O.S.H.A. (OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION) STANDARDS AND REQUIREMENTS.
- ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
- CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW SUSSEX COUNTY SPECIFICATIONS AND STANDARD DRAWINGS, LATEST EDITION.
- EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY ALAN O. KENT LAND SURVEYING, LLC. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN ADJACENT TO THE PROJECT DESIGN. THE INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO ASSURANCE OR IMPLIED RESPONSIBILITY FOR UTILITY LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXIST BETWEEN EXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS THE OBLIGATION OF THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 10005C0495 K, MAP NUMBER 10005C0495K, DATED MARCH 16, 2015, THIS PROPERTY IS IN A ZONE "X" UNSHADDED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 101.1, THE DEVELOPER SHALL PROVIDE TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION OVER THE DEVELOPMENT DRAWINGS SHOWING EACH LOT LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL PROPERTIES IN A CONSECUTIVE MANNER AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH HOME TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED.
- MIXED USE STRUCTURE TO BE OF WOOD FRAME CONSTRUCTION WITH A MAXIMUM BUILDING HEIGHT OF FOUR STORIES, NOT TO EXCEED 52'.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE USE OF CHEMICALS AND NIGHTTIME FARM OPERATIONS, THE USE AND ENJOYMENT OF PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY LICENSE OR INCONEVENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- MAINTENANCE OF THE MULTI-USE PATH SHALL BE THE RESPONSIBILITY OF WITHIN THIS DEVELOPMENT OR BOTH. THE STATE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE MULTI-USE PATH, TIDEWATER UTILITIES AND ITS SUBSIDIARIES HEREBY HAS ACCESS TO MAINTAIN FACILITIES WITHIN THE MULTI-USE PATH.
- BLANKET EASEMENTS WITHIN ALL PRIVATE RIGHT-OF-WAYS TO BE DEDICATED TO TIDEWATER UTILITIES AND SUSSEX COUNTY FOR THE MAINTENANCE AND INSPECTION OF ALL INSTALLED UTILITIES.
- THE INTERIOR DRIVE AISLES/PARKING AREA DESIGN SHALL BE IN ACCORDANCE WITH OR EXCEED SUSSEX COUNTY DESIGN REQUIREMENTS. DESIGN SHALL INCLUDE CURBS, SIDEWALK (AS DICTATED ON THE CONSTRUCTION PLANS) AND STREETLIGHTS.
- STREET LIGHTS SHALL BE PROVIDED WITHIN THE DEVELOPMENT, THE EXACT LOCATIONS WILL BE DETERMINED BY THE ELECTRICAL SUPPLIER.
- MAINTENANCE OF THE PROPOSED LANDSCAPE AREAS WITHIN THIS DEVELOPMENT WILL BE THE RESPONSIBILITY OF THE DEVELOPER, THE UNIT LEASEES WITHIN THIS DEVELOPMENT OR BOTH.

DELDOT RECORD PLAN - GENERAL NOTES

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A RIGHT OF EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER OR BOTH SHARED-USE PATH PARTNERS ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES AND RESTORE TO GROUND. SUCH ACTION SHALL BE COMPLETED AT THE DISCRETION OF DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER. THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17-131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION, THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SIGNING REQUIREMENTS OF CHAPTER 7 AND LIMITATIONS ON THE NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7, HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- A PERPETUAL CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED BY THIS PLAN. THE EXACT LOCATION OF SAID EASEMENT IS TO BE DETERMINED BY DELDOT AT A LATER DATE.

SCD APPROVAL

SCD APPROVAL: _____ DATE: _____

OWNER CERTIFICATE

I HEREBY CERTIFY THAT I AM THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE BY MY DIRECTION. I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

MARS-RE, LLC
 35837 CENTRAL PARK CIRCLE
 DASSBORO, DE 19939
 Phone: 302.841.1333
 Fax: Roger@ardic.net

WETLANDS CERTIFICATION

THIS PROPERTY HAS BEEN EXAMINED BY LAUREL OAK LAND CONSULTING, LLC FOR THE PRESENCE OF WATERS OF THE UNITED STATES INCLUDING WETLANDS (SECTION 404 AND SECTION 101) STATE SUBAGUOUS LANDS AND STATE TIDAL WETLANDS BASED ON THE CRITERIA SET FORTH BY THE REVIEWING AGENCIES IN THE FORM OF MANUALS, POLICIES AND PROCEDURES IN PLACE AT THE TIME INVESTIGATION WAS CONDUCTED. ANY OF THE ABOVE RESOURCES THAT WERE FOUND ON THE PROPERTY ARE CLEARLY MAPPED ON THIS PLAN IN ACCORDANCE WITH OUR FIELD INVESTIGATIONS AND DETAILED IN REPORTS BY LAUREL OAK LAND CONSULTING, LLC USING THEIR BEST PROFESSIONAL JUDGMENT.

BRUCE B. BAGLEY, MS, CPSS, CPA, CCA
 LAUREL OAK LAND CONSULTING, LLC
 420 COSDEN ROAD
 P.O. BOX 298
 SUDLERSVILLE, MD 21668-0295
 410.708.3554 PHONE

REVISIONS

NO.	DATE	DESCRIPTION

DESIGN PROFESSIONAL DATE

APPROVED BY: DESIGNED BY: DRAWN BY: LAYER LISTS: B-D-C2
 J.C.P. K.T.S. K.T.S. K.T.S. J.C.P. J.C.P.

ONLY PLANS INCORPORATING A BARRER PROFESSIONAL SEAL ARE VALID. THIS PLAN HAS BEEN PREPARED SPECIFICALLY FOR THE CLIENT AND NOT FOR REUSE. ANY REUSE OF THIS PLAN WITHOUT THE WRITTEN CONSENT OF THE ENGINEER IS STRICTLY PROHIBITED.
 © COPYRIGHT 2023 THE KERCHER GROUP, INC. ALL RIGHTS RESERVED.

MARS-RE, LLC
 35837 CENTRAL PARK CIRCLE
 DASSBORO, DE 19939
 Phone: 302.841.1333
 Email: Roger@ardic.net

T.M.F. 134-11.00-191.00
 35837 CENTRAL PARK CIRCLE
 DASSBORO, DE 19939
 GROSS AREA: 1,618.00 ACRES
 NET AREA: 3,826 ACRES

PRELIMINARY PLAN (Not to Be Recorded)

34464 ATLANTIC AVE - MIXED USE
 BALTIMORE HUNDRED - SUSSEX COUNTY - DELAWARE

THE KERCHER GROUP, INC.
 CONSULTING & SYSTEMS • ENGINEERING
 37268 REDBORO AVE., INT 11 - REDBORO BEHOLD, DELAWARE 19971
 302.854.5022 (Voice) 302.854.5022 (Fax) www.kerchergroup.com

JOB No: 19-0906ES
 PLAN DATE: Jan. 29, 2021
 SHEET No.: S1

34464 Atlantic Ave. - Mixed Use (Use, Feb. 2, 2021 (3:53:08))

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 13th, 2021

Application: CZ 1939 Gerald R. & Valerie V. Campbell, Trustees

Applicant: Gerald R. & Valerie V. Campbell
P.O. Box 2
Greenwood, DE 19950

Owner: Gerald R. & Valerie V. Campbell
P.O. Box 2
Greenwood, DE 19950

Site Location: 9155 & 9167 Sussex Highway (Route 13).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Business Community (B-2) Zoning District

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Ms. Green

School District: Indian River School District

Fire District: Georgetown Fire Department

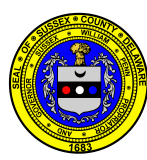
Sewer: Private (On-Site Septic)

Water: Private (On-Site Well)

Site Area: 3.16 acres +/-

Tax Map ID.: 530-17.00-2.01



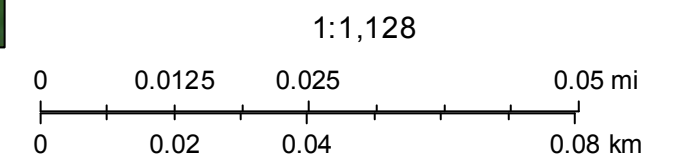


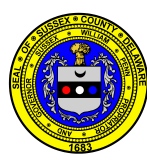
Sussex County



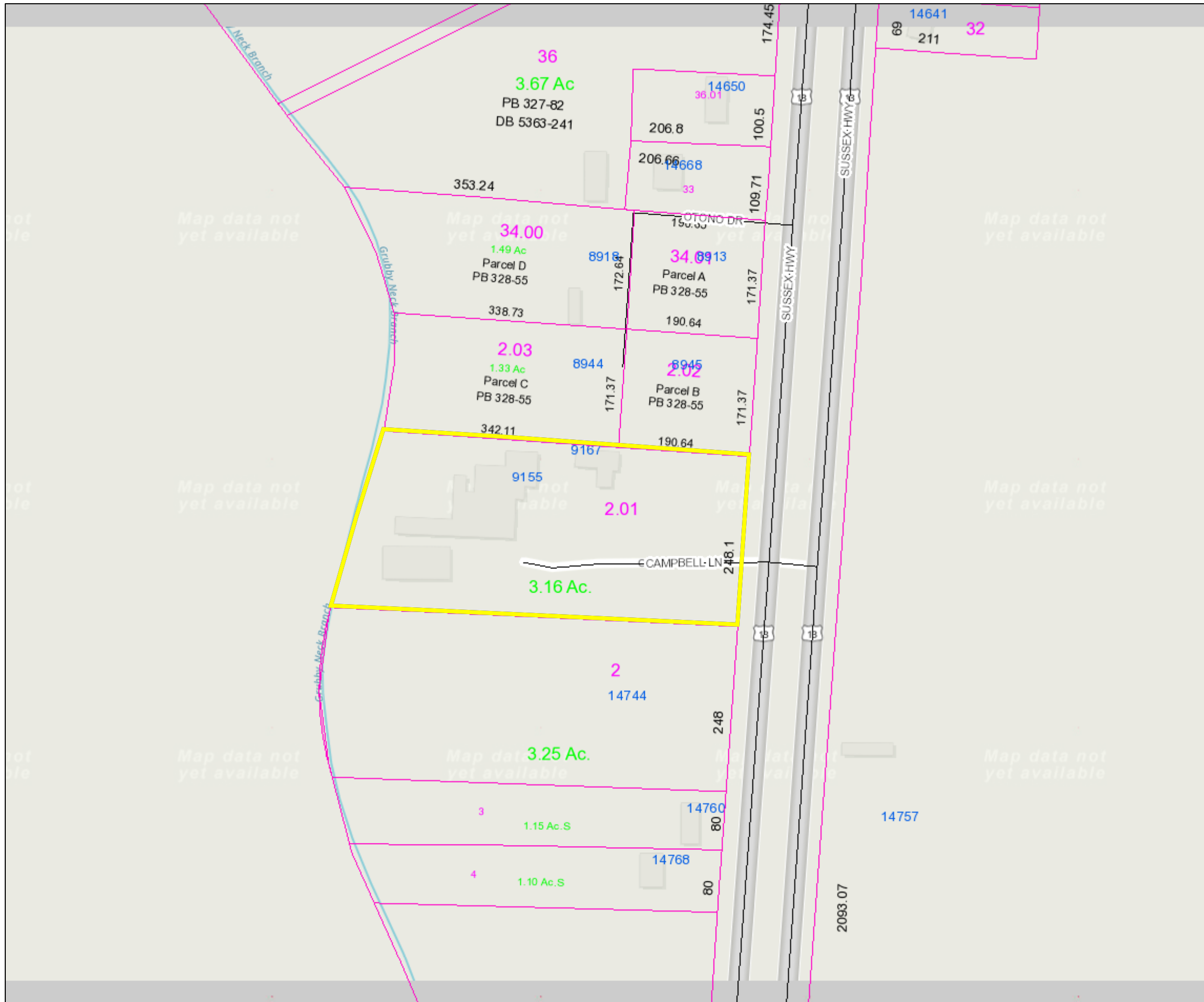
PIN:	530-17.00-2.01
Owner Name	CAMPBELL GERALD R & VALERIE V
Book	3707
Mailing Address	PO BOX 2
City	GREENWOOD
State	DE
Description	W/RT 13
Description 2	4300'S/RT 583
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries





Sussex County

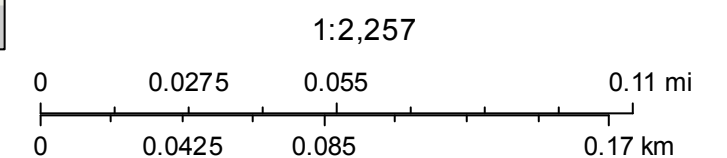


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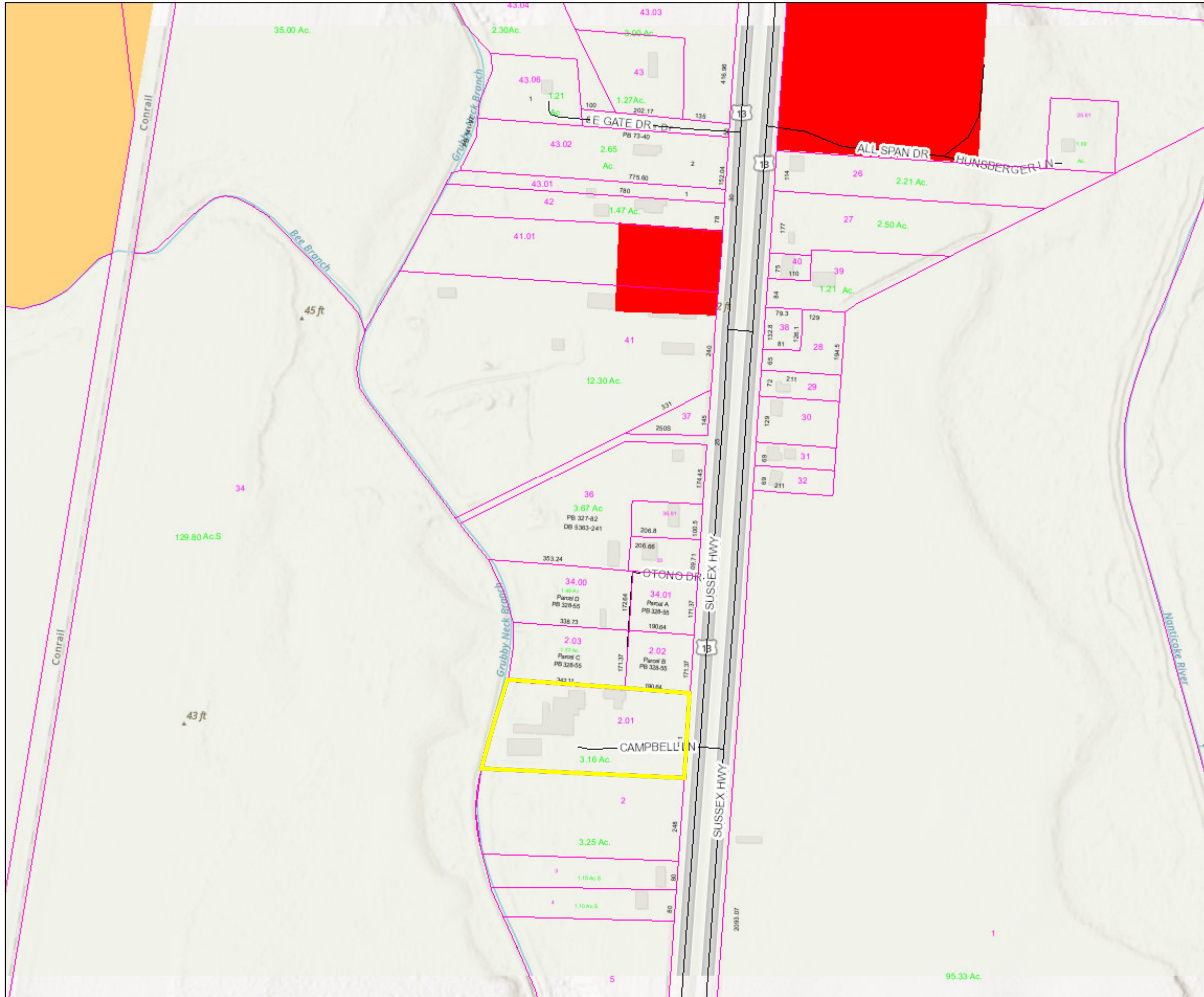
 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries





Sussex County



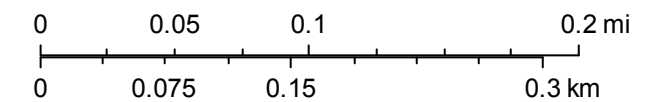
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City	GREENWOOD
State	DE
Description	W/RT 13
Description 2	4300'S/RT 583
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets

1:4,514



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner II. Primary Contact - Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney
Date: January 7th, 2022
RE: Staff Analysis for CZ 1939 Gerald and Valerie Campbell

This memo provides background and an analysis for the Planning Commission to consider as a part of Change of Zone No. 1939 which has been filed on behalf of applicants Gerald R. and Valerie Campbell. This analysis has been completed for the January 13th, 2022 Planning and Zoning Commission meeting, and it should be included in the record. This analysis is subject to comments and information that may be presented during the public hearing.

The request is for Tax Parcel 530-17.00-2.01 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Business Community (B-2) Zoning District. The property is on the west side of Sussex Highway (Rt. 13), approximately 0.81 of a mile south of Adams Road (S.C.R. 583). The entire parcel is proposed to be rezoned, and the area of this property is 3.16 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) includes a Future Land Use Map that helps determine how land uses should change over time. The Future Land Use Map in the plan indicates that the subject property has a land use designation of "Low Density." The properties to the north, south, east, and west also have the land use designation of "Low Density."

As outlined in the 2018 Sussex County Comprehensive Plan, land designated as Low Density is most suited to accommodate low density, single family housing and to support various agricultural uses. The Comprehensive Plan states that land uses in Low Density areas should either maintain or improve the rural landscape as well as retain open space.

Zoning

The parcel is currently within the Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east and west is also within the AR-1 Zoning District.

The 2018 Sussex County Comprehensive Plan organizes zoning districts by their applicability to each Future Land Use category through Table 4.5-2. This table establishes that the Business Community (B-2) Zoning District is an applicable zoning district in the Low Density Area.



Existing Conditional Use and Historical Zoning Map Amendments

This parcel of land received a Conditional Use for a cabinet shop by the Sussex County Council on April 3rd, 1973. This is Conditional Use No. 115. Despite its relatively significant age, staff have no information to suggest that the Conditional Use has ceased or lapsed. Additionally, there is no record of zoning violations associated with the Conditional Use. Lastly, there have been no zoning map amendments within a one-mile radius in the past 10 years.

Transportation

The Delaware Department of Transportation (DelDOT) has completed a Service Level Evaluation Response (SLER) for this proposal. SLERs provide DelDOT with the opportunity to analyze the ways in which traffic may change given a potential change in zoning districts. SLERs, in general, also determine if a Traffic Impact Study (TIS) is required. The SLER for this application was completed on January 21st, 2021 and is attached in the published packet.

Based on the analysis provided, a change from an Agricultural Residential (AR-1) Zoning District to a Business Community (B-2) Zoning District could be considered as consistent with the surrounding land uses and zoning.

File #: CZ 1939
202102734

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

RECEIVED

FEB 24 2021

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

1955 Campbell Lane, Bridgeville, DE 19933

Type of Conditional Use Requested:

N/A

Complies w/ FLU map

Change of zone from AR-1 to B-2

Tax Map #: 5-30-17.00-2.01

Size of Parcel(s): 3.16 acres

Current Zoning: AR-1 **Proposed Zoning:** B-2 / **Size of Building:** 9,161 sq. ft./500 sq. ft.

Land Use Classification: RES-Residential

Water Provider: N/A-existing on-site well

Sewer Provider: NA - existing on-site septic system

Applicant Information

Applicant Name: Gerald R. & Valerie V. Campbell, Trustees under Revocable Trust Agreements

Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens

City: Georgetown **State:** _____ **Zip Code:** 19947

Phone #: (302) 855-1260 **E-mail:** john@sussexattorney.com

Owner Information

Owner Name: Same as applicants

Owner Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Phone #: (302) 855-1260 **E-mail:** john@sussexattorney.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown **State:** DE **Zip Code:** 19947

Phone #: 302-855-1260 **E-mail:** john@sussexattorney.com



FNI - CU 115 attached hereto as Exhibit "A."



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 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: _____

Signature of Owner

X. Gerald R. Campbell

Date: X 1-23-2021

For office use only:

Date Submitted: 2/25/21

Staff accepting application: CAF

Location of property: _____

Fee: \$500.00 Check #: 9124

Application & Case #: 202102734

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

33996

BK: 3707 PG: 208

Tax Parcel # 5 - 30 - 17.00 - 2.01
Prepared by: David W. Baker, Esq., P. A.
P.O. Box 551, 109 S. Race St.
Georgetown, Delaware 19947
Return to: GERALD R. CAMPBELL
VALERIE V. CAMPBELL
P.O. Box 2
Greenwood, Delaware 19950

NO TITLE OR LIEN SEARCH
PERFORMED - NONE REQUESTED

This Deed, made this 27th day of AUGUST, in the year of our Lord Two Thousand Nine.

Between GERALD R. CAMPBELL and VALERIE V. CAMPBELL, husband and wife, of P.O. Box 2, Greenwood, Delaware 19950, parties the first part,

-and-

GERALD R. CAMPBELL, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF GERALD R. CAMPBELL DATED 8/27/09, as to an undivided one-half interest, and VALERIE V. CAMPBELL, TRUSTEE UNDER REVOCABLE TRUST AGREEMENT OF VALERIE V. CAMPBELL DATED 8/27/09, as to an undivided one-half interest, of P.O. Box 2, Greenwood, Delaware 19950, parties of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said parties of the second part, its Successors and Assigns,

ALL that certain piece, parcel and tract of land situate in North West Fork Hundred, Sussex County, State of Delaware, more particularly described as follows, to wit:

BEGINNING at a concrete monument, said concrete monument being located on the Western edge of the right of way line of the South bound lane of U.S. Route #13; said concrete monument also being located at a common corner of the lands now or formerly owned by Eretheia H. Evans; thence continuing by and along the right of way of the said U.S. Route #13, North 12° 13' 30" East

G

5

BK: 3707 PG: 209

248.10 feet to a concrete monument, a corner for this lot and lands now or formerly of Theodore Quail, Jr.; thence turning and running by and along the common boundary line of said lot North 77° 30' West 510.75 feet to a pipe; thence continuing along the said line 22 feet, more or less, to the center line of Bee Branch; thence turning and running down the center line of Bee Branch, a "tie line" distance of South 21° 45' West 251.37 feet to a point; thence turning and running South 77° 30' East 25 feet more or less to a pipe; thence continuing along the same line 551.15 feet to a concrete monument, home to the place of beginning and said to contain 3.158 acres, more or less, as surveyed by Thomas A. Temple, Jr., Registered Surveyor, on October 18, 1972.

BEING the same lands conveyed unto GERALD R. CAMPBELL and VALERIE V. CAMPBELL, husband and wife, AS TENANTS IN COMMON AND NOT AS TENANTS BY THE ENTIRETY, by deed of GERALD R. CAMPBELL and VALERIE V. CAMPBELL, husband and wife, dated the 18th day of May, 1988, and filed of record in the Office of the Recorder of Deeds, in and for Sussex County, State of Delaware, in Deed Book 1566, at Page 306.

Said Trustees shall have and hold the herein described property in fee simple and with full power and authority in said Trustees to sell, contract, exchange, convey, mortgage, encumber, lease, subdivide, or otherwise dispose of and deal with said property.

No party dealing with the Trustees in relation to said property in any manner whatsoever shall be obligated to (a) see to the application of any purchase money, rent or money borrowed or otherwise advanced on the property, (b) to see that the terms of this trust have been complied with, (c) to inquire into the authority, necessity or expediency of any act of the Trustee, or (d) be privileged to inquire into any of the terms of the trust agreement.

Every deed, mortgage, lease, or trust or other instrument executed by the Trustees in relation to the property shall be conclusive evidence in favor of every person claiming any right, title or interest thereunder (a) that at the time of the delivery thereof, this deed was in full force and effect, (b) that such instrument was executed in accordance with the trust, terms and conditions thereof and of the trust agreement and is binding upon all beneficiaries thereunder, (c) that the Trustees are duly authorized and empowered to execute and deliver every such instrument, and (d) if such conveyance has been made by a successor or successors in trust, or a Trustee or Trustees have been substituted, that such successor or successors have been properly and are fully vested with all the right, title, estate,

BK: 3707 PG: 210

powers and duties of his or her predecessor in trust. The Trustees shall have no individual liability or obligation whatsoever arising from their ownership as Trustees of the legal title to said property or with respect to any act done or contract entered into or indebtedness incurred by their dealing with said property or in otherwise acting as such Trustees except only so far as said trust property and any trust funds in actual possession of the Trustees shall be applicable to the payment and discharge thereof.

BK: 3707 PG: 211

IN WITNESS WHEREOF, the parties of the first part have hereunto set its Hands and Seals the day and year first above written.

[Signature]
Witness

Gerald R. Campbell (Seal)
GERALD R. CAMPBELL

[Signature]
Witness

Valerie V. Campbell (Seal)
VALERIE V. CAMPBELL

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

Recorder of Deeds
John F. Brady
Sep 02, 2009 01:44P
Sussex County
Doc. Surcharge Paid

BE IT REMEMBERED, that on this 27th day of AUGUST, A.D. 2009 personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, GERALD R. CAMPBELL and VALERIE V. CAMPBELL, parties 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.

DAVID W. BAKER
ATTORNEY AT LAW
NOTARY PUBLIC - STATE OF DELAWARE
My Commission Has No Expiration
29 Del. C. § 4323(a)(3)

[Signature] (SEAL)
Notary Public

RECEIVED

SEP 02 2009
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Consideration: .00

County .00
State .00
Town Total .00
Received: Mary W Sep 02, 2009



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

NICOLE MAJESKI
SECRETARY

January 21, 2021

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 **Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust** rezoning application, which we received on December 21, 2020. This application is for an approximately 3.16-acre parcel (Tax Parcel: 530-17.00-2.01). The subject land is located on the west side of US Route 13, approximately 4,300 feet south of Adams Road (Sussex Road 583), south of Greenwood. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 (Neighborhood Business).

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of US Route 13 where the subject land is located, which is from Newton Road (Sussex Road 582) to Governors Avenue (Sussex Road 647), is 20,855 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.

The subject property is adjacent to US Route 13, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. According to the Office of State Planning, *Strategies for State Policies and Spending document*, the property is located within a Level 4 Investment Area.



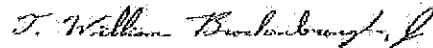
Mr. Jamie Whitehouse
Page 2 of 2
January 21, 2021

In a Level 4 Investment Area, State policies encourage the preservation of a rural lifestyle and discourage new development. Per Program policy, if a site has an existing entrance, the entrance can be expanded to accommodate a maximum of 100 vehicle trips per day (vpd), entrance improvements may be required to accommodate the 100 vpd. This site has an existing entrance; therefore the site's future trip generation would be permitted to increase by 100 vpd. The trip generation is determined by using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.delldot.gov.

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 Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence or Mr. Thomas Felice, at (302) 760-2338, if you have questions concerning the Corridor Capacity Preservation Program.

Sincerely,



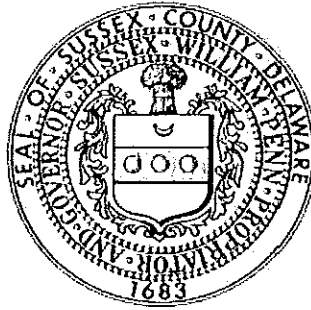
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Expedited Review Team Lead, Development Coordination
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Thomas Felice, Corridor Capacity Preservation Program Manager, 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furrato, Project Engineer, Development Coordination

PLANNING & ZONING COMMISSION

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B. HUDSON
ROBERT C. WHEATLEY



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE M. CORNWELL, AICP
DIRECTOR

SERVICE LEVEL

EVALUATION REQUEST

This form **shall** be submitted to the Planning and Zoning Office and a response **shall** be received back from DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: December 21, 2020

Site Information:

Site Address / Location: 9155 Campbell Lane, Bridgeville, DE 19933

Tax Parcel Number: 5-30-17.00-2.01

Current Zoning: AR-1/ with C.U. No. 115¹

Proposed Zoning: B-2

Land Use Classification: RES

Proposed Use(s): Seeking a rezoning to B-2. There is a business operating on the property under C.U. 115.

Square Footage of any proposed buildings or number of units: _____

Application Information:

Applicant's Name: Gerald R. and Valerie V. Campbell, Trustees under the Revocable Trust Agreements dated 8/27/09, c/o John A. Sergovic, Jr., Esquire, Sergovic Carmean Weidman McCartney & Owens, P.A., 25 Chestnut Street, Georgetown, DE 19947

Applicant's Address: 9155 Campbell Lane

City: Bridgeville State: DE Zip: 19933

Applicant's Attorney's Phone Number: 302-855-1260 (John A. Sergovic, Jr., Esq.)

Applicant's Attorney's Email: john@sussexattorney.com

¹ CU 115 approval attached hereto as Exhibit "1."

RECEIVED

DEC 21 2020

SUSSEX COUNTY
PLANNING & ZONING

On a motion by Councilman Chandler, seconded by Councilman Hill, be it,

RESOLVED, that the application of Gerald Campbell for a conditional use of land in an ARI Agricultural Residential District located on the westerly side of Route 13, 1.1 miles north of Route 584, .8 mile south of Route 583, a public hearing for which was held April 3, 1973 be and the same is hereby granted:

ALL that certain plot, piece or parcel of land situated in North West Fork Hundred, Sussex County, Delaware bounded and described as follows:

BEGINNING at a concrete monument located on the westerly right of way of Route 13, .8 mile south of Route 583 being corner of these lands and lands now or formerly of Theodore Quail; thence North 77° 30' West 510.75 feet to a pipe located 22 feet more or less east of centerline of Bee Branch; thence with the line of Bee Branch South 21° 45' West 251.37 feet to a pipe located 25 feet east of centerline of Bee Branch, point being on line of these lands and lands now or formerly of Eretheia H. Evans; thence South 77° 30' East 551.15 feet along said Evans line to a concrete monument located at the westerly right of way of Route 13; thence North 12° 30' East 248.10 feet by and along westerly right of way of Route 13 to the point and place of beginning and containing 3.158 acres more or less.

and be it

FURTHER RESOLVED, that this Conditional Use is granted subject to compliance with the Comprehensive Zoning Ordinance of Sussex County and the following:

Site development plan required approval of Planning and Zoning Commission. It is stipulated by this resolution that no commercial activity be within 300 feet of the right of way of Route 13.

Ingress and Egress location required to have approval by Division of Highways.

Upon a vote being taken, the result was:

President of County Council, Cannon	Voting yes
Councilman Benson	Voting yes
Councilman Hill	Voting yes
Councilman Chandler	Voting yes
Councilman Timmons	Voting yes

Date

April 4, 1973

€

€

EXHIBIT “A”

On a motion by Councilman Chandler, seconded by Councilman Hill, be it,

RESOLVED, that the application of Gerald Campbell for a conditional use of land in an ARI Agricultural Residential District located on the westerly side of Route 13, 1.1 miles north of Route 584, .8 mile south of Route 583, a public hearing for which was held April 3, 1973 be and the same is hereby granted:

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BEGINNING at a concrete monument located on the westerly right of way of Route 13, .8 mile south of Route 583 being corner of these lands and lands now or formerly of Theodore Quail; thence North 77° 30' West 510.75 feet to a pipe located 22 feet more or less east of centerline of Bee Branch; thence with the line of Bee Branch South 21° 45' West 251.37 feet to a pipe located 25 feet east of centerline of Bee Branch, point being on line of these lands and lands now or formerly of Erethela H. Evans; thence South 77° 30' East 551.15 feet along said Evans line to a concrete monument located at the westerly right of way of Route 13; thence North 12° 30' East 248.10 feet by and along westerly right of way of Route 13 to the point and place of beginning and containing 3.158 acres more or less.

and be it

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Site development plan required approval of Planning and Zoning Commission. It is stipulated by this resolution that no commercial activity be within 300 feet of the right of way of Route 13.

Ingress and Egress location required to have approval by Division of Highways.

Upon a vote being taken, the result was:

President of County Council, Cannon	Voting yes
Councilman Benson	Voting yes
Councilman Hill	Voting yes
Councilman Chandler	Voting yes
Councilman Timmons	Voting yes

Date April 4, 1973

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that on April 3, 1973, the Sussex County Council approved the following applications for Conditional Uses and Amendments to the Zoning Map:

- a) Application by Robert Baysinger for an extension of an existing mobile home park in an AR Agricultural Residential District in Little Creek Hundred located 401 feet off Road 419, 1 mile east of Route 13 and containing 4.547 acres.
- b) An application by Gerald Campbell for a cabinet shop in an AR Agricultural Residential District in North West Fork Hundred on the west side of Route 13, 1.1 mile north of Road 584, .8 mile south of Road 583 and containing 3.158 acres.
- c) Application by Hayward R. Daisey for a barber shop in an AR Agricultural Residential District in Baltimore Hundred on the south side of Road 361, approximately 1500 feet north of Road 368 and containing 7.865 acres.
- d) Application by John Vallerani for a restaurant in an MR Medium Density Residential District in Broadkill Hundred on the northwesterly corner of Roads 16 and 5, containing 1.2 acres.
- e) Application by Barn, Inc. for a mobile home sales office in an AR Agricultural Residential District on Lewes and Rehoboth Hundred on Lot #1 in Nassau Park located north of Route 18, west of Route 14.
- f) Application by New Market Village, Inc. for an addition to an existing mobile home park in an AR Agricultural Residential District in Cedar Creek Hundred on the south side of Road 231, 1 mile east of Road 226 containing 99.5 acres.
- g) Application to amend the zoning map by changing from AR1 Agricultural Residential to AR2 Agricultural Residential District in Georgetown Hundred, on the south side of Route 18, 3,035 feet west of Road 254 being lands of J. Floyd Lingo and containing 52.275 acres more or less.

Text and maps of these applications may be examined by any interested parties in the Planning and Zoning Office, Room 112, Court House, Georgetown, Delaware.

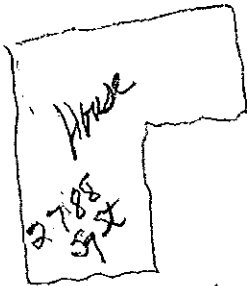
RT 135

Fence

Flag Line

Fence

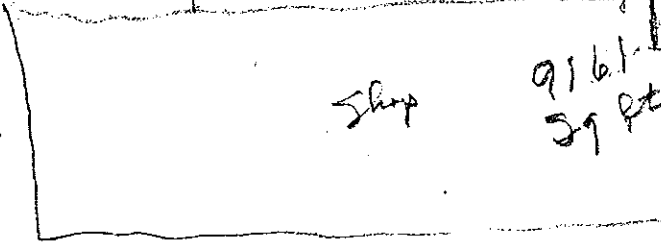
300 ft
x
100 ft



12 ft
x
100 ft

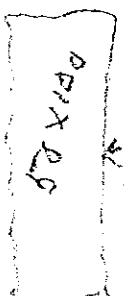
Parking

6 ft



18 ft
x
100 ft

loading



20 ft
x
100 ft

Ditch

Google Maps

9155 Campbell Ln

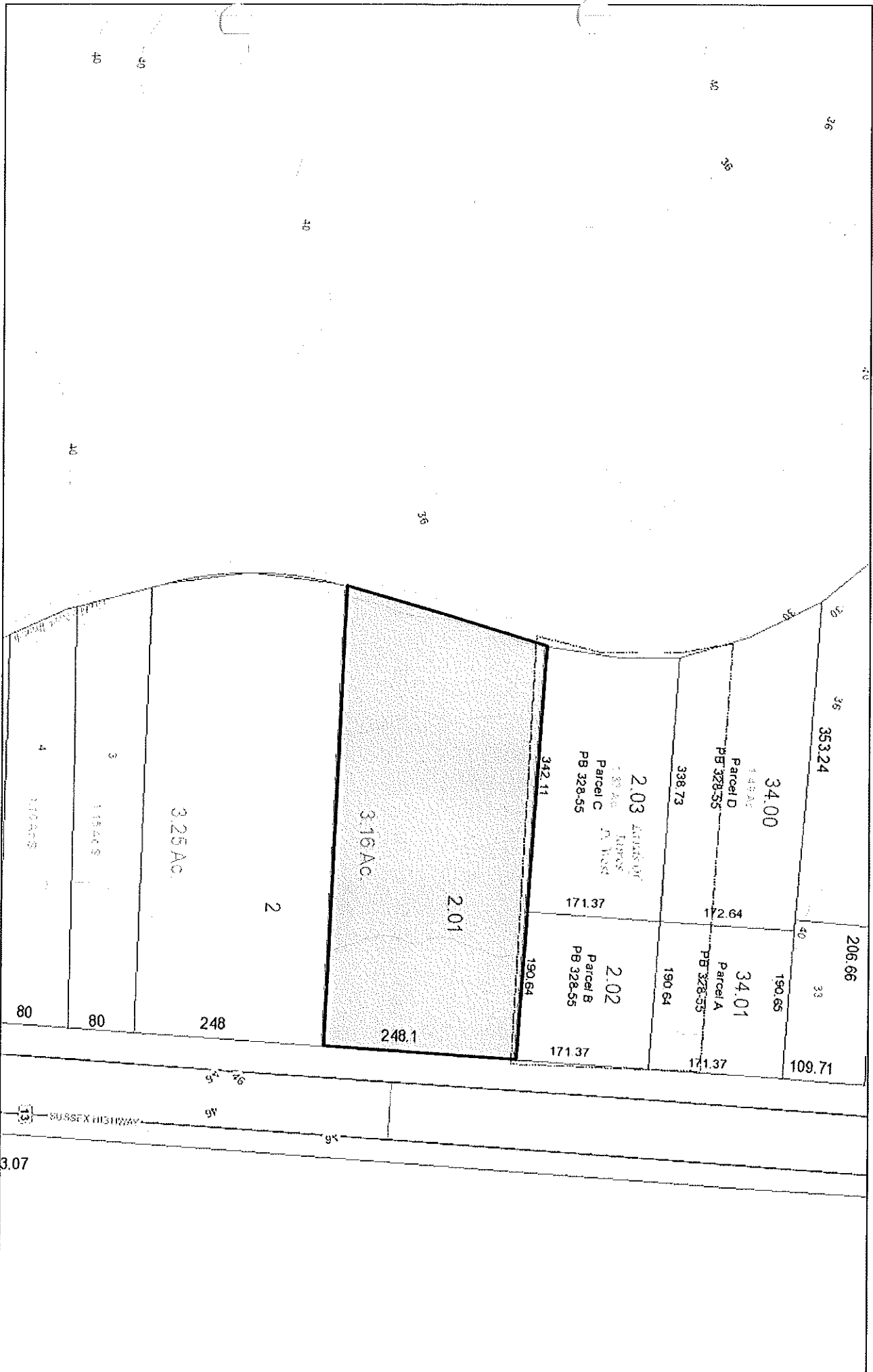


Google

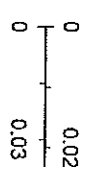
Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021

50 ft

530-17.00-2.01 9155 CAMPBELL LN, BRIDGEVILLE, DE, 19933



January 4, 2021



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



Sussex County

DELAWARE
sussexcountyde.gov

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: January 13th, 2022

Application: CZ 1960 Ashton Oaks

Applicant: Schell Brothers LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

Owner: Arbor Lyn Rehoboth Beach, LLC
26412 Broadkill Road
Milton, DE 19968

Site Location: Lying on north side of Zion Church Road (Rt. 20) approximately .25 miles northwest of the 4-way intersection of Bayard Road (S.C.R. 384), Johnson Road (S.C.R. 389), and Zion Church Road.

Current Zoning: High Density Residential (HR-1/RPC) Zoning District

Proposed Zoning: High Density Residential (HR-1/RPC) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Reiley

School District: Indian River School District

Fire District: Roxana Fire Department

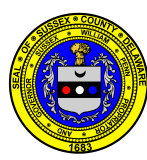
Sewer: Sussex County

Water: Artesian Water Company Inc.

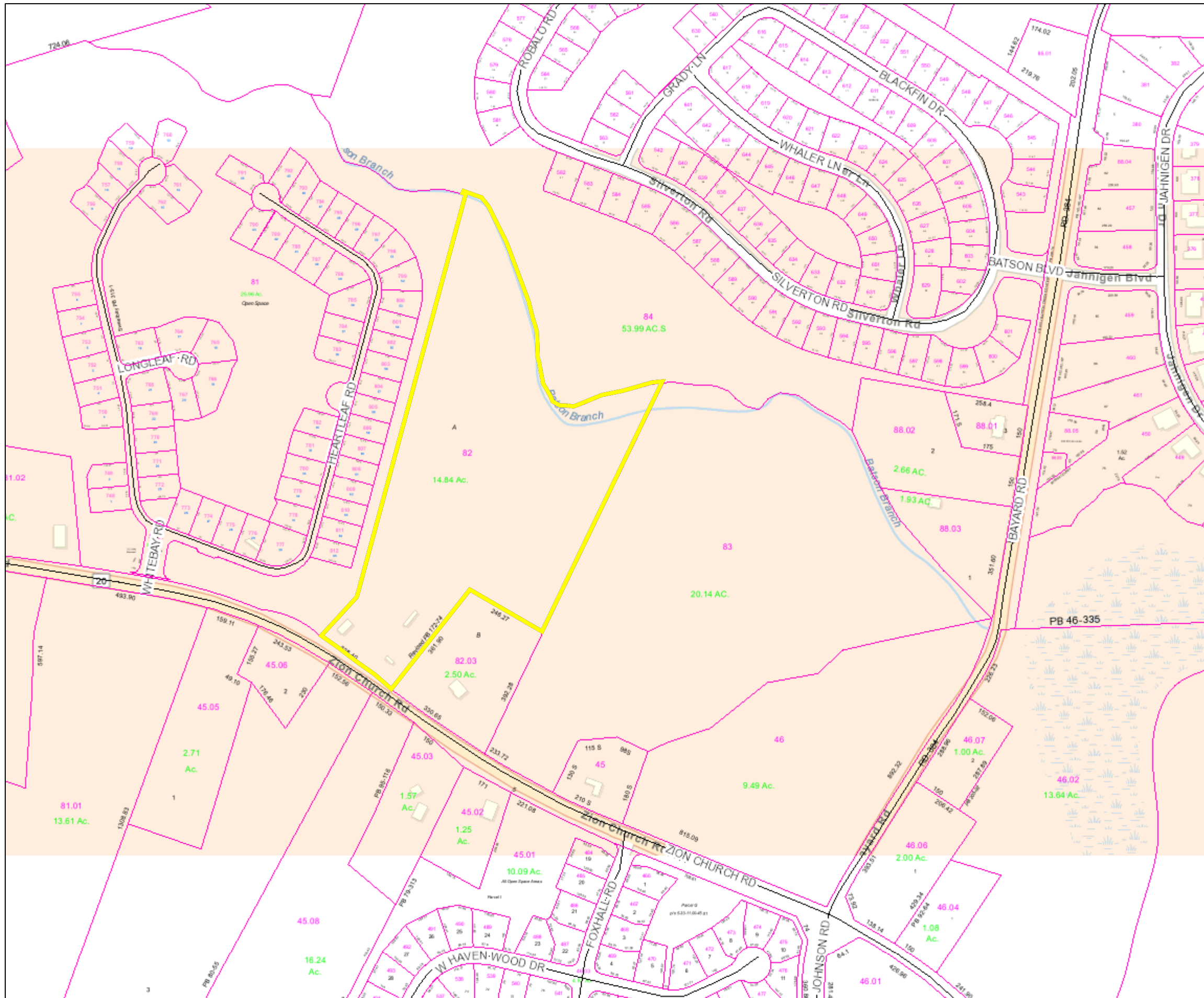
Site Area: 14.8455 acres +/-

Tax Map ID.: 533-11.00-82.00





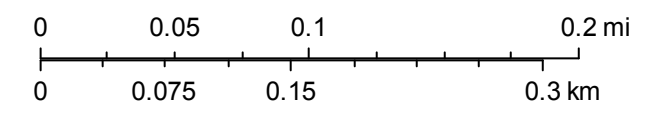
Sussex County

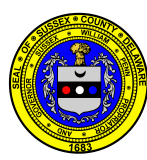


PIN:	533-11.00-82.00
Owner Name	OA OKS LLC
Book	5582
Mailing Address	18949 COASTAL HWY SUIT
City	REHOBOTH BEACH
State	DE
Description	N/RT 20
Description 2	PARCEL A
Description 3	N/A
Land Code	

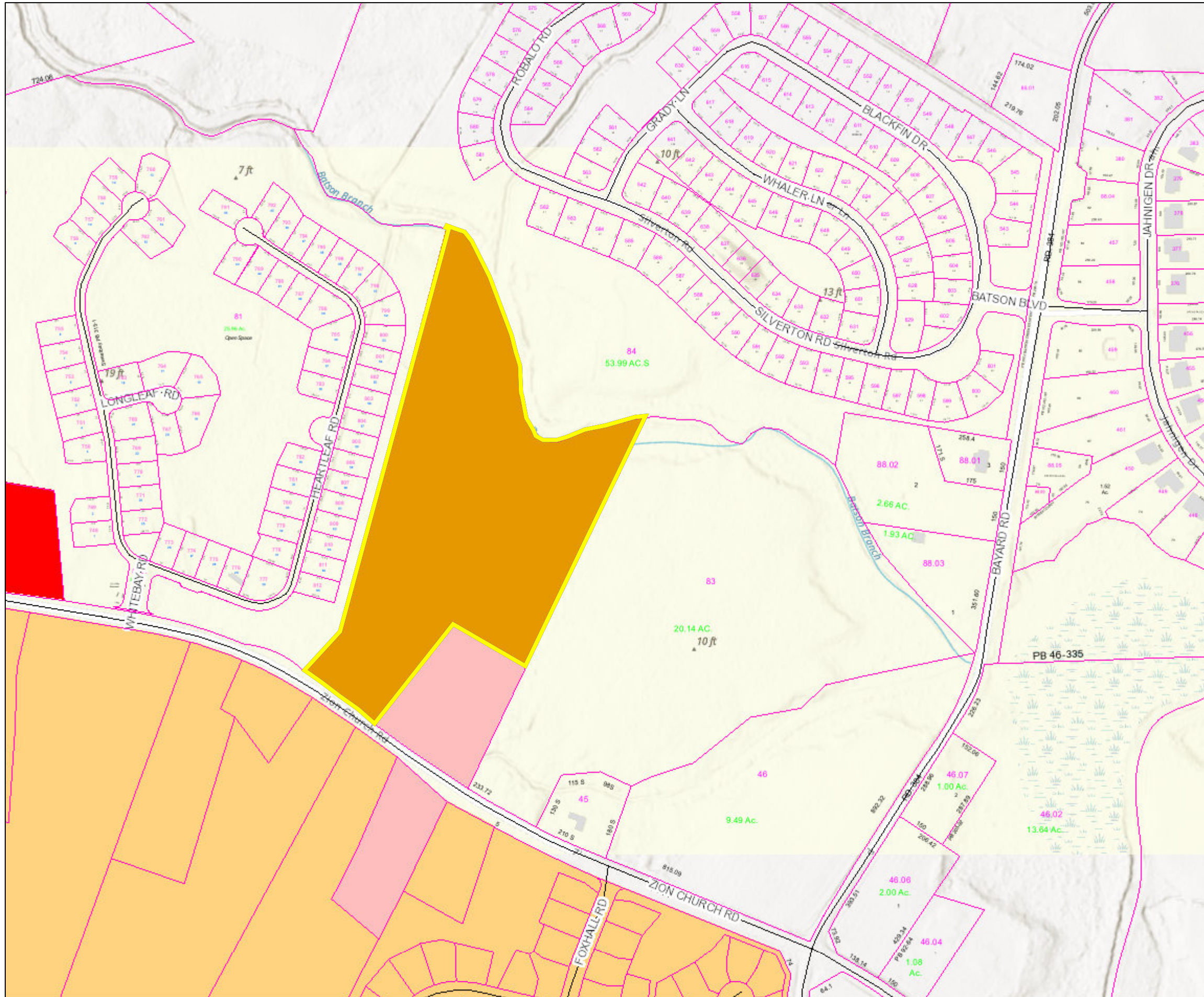
- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- Streets
- County Boundaries
- Public Schools**
 - Adult
 - Elementary School
 - Early Childhood Center
 - Elementary - High School
 - Elementary - Middle School
 - High School
 - Intensive Learning Center
 - Middle School
 - Middle - High School
 - Administrative
 - DE Adolescent Program Inc. (DAPI)
 - Centers
 - Alternative Schools

1:4,514





Sussex County



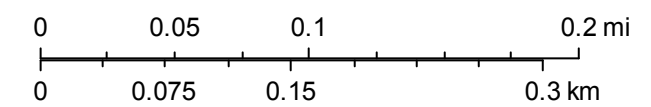
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State	DE
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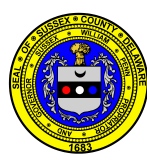
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 - Override 1
- polygonLayer**

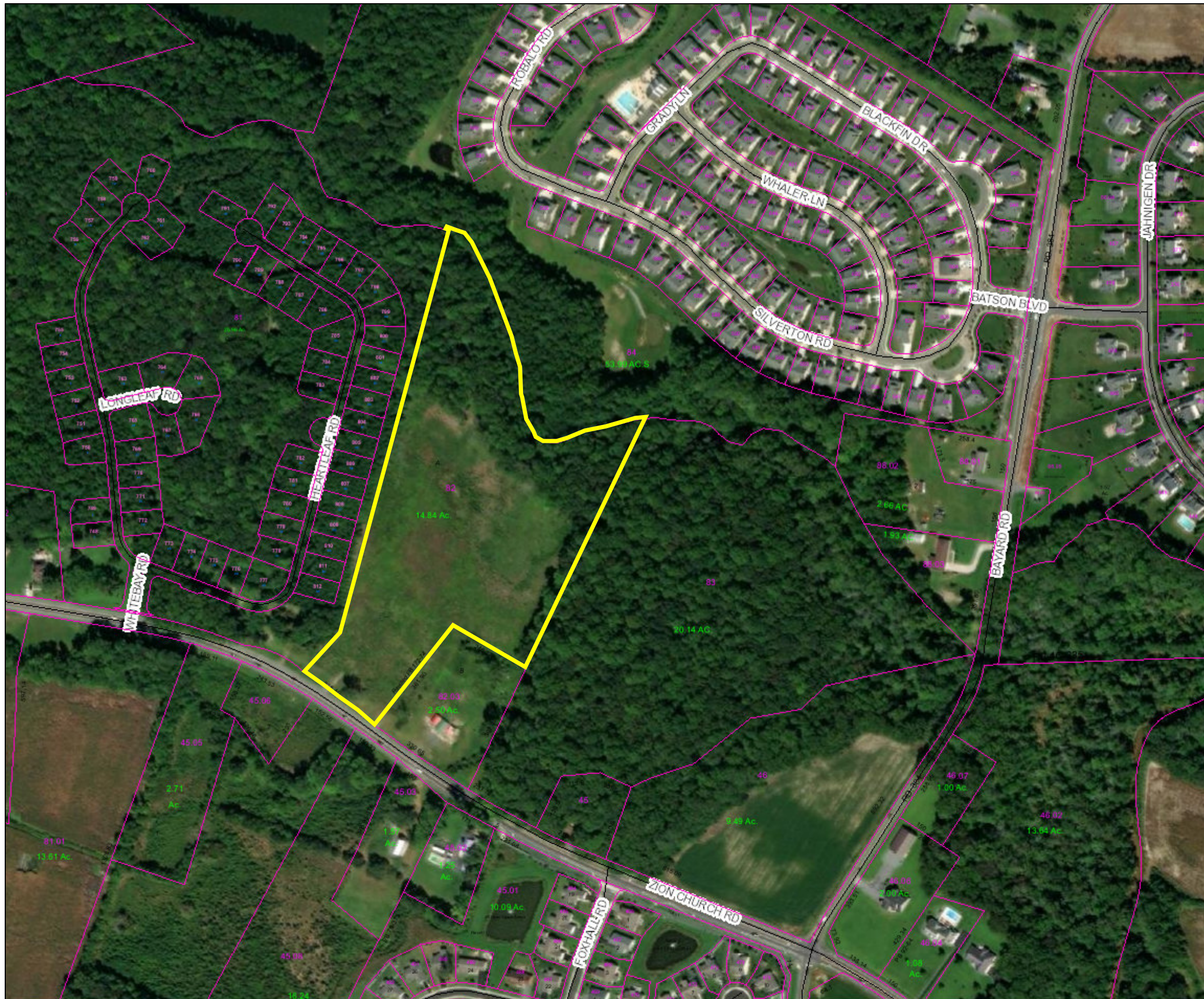
 - Override 1
- Tax Parcels
- Streets

1:4,514





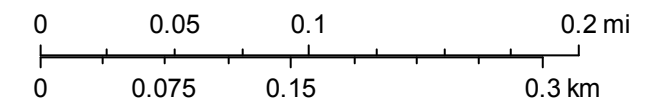
Sussex County



PIN:	533-11.00-82.00
Owner Name	OA OKS LLC
Book	5582
Mailing Address	18949 COASTAL HWY SUIT
City	REHOBOTH BEACH
State	DE
Description	N/RT 20
Description 2	PARCEL A
Description 3	N/A
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
 - Tax Parcels
 - Streets
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- Public Schools**
 - Adult
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 - Centers
 - Alternative Schools

1:4,514



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: January 5, 2022
RE: Staff Analysis for CZ 1960 OA-Oaks, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1960 OA-Oaks, LLC to be reviewed during the January 13, 2022 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 533-11.00-82.00 to allow for a change of zone from a High-Density Residential District – Residential Planned Community (HR-1/RPC) Zoning District to a High-Density Residential District – Residential Planned Community (HR-1/RPC) Zoning District. The parcel is located on the northeast side of Zion Church Road (Route 20) approximately 0.27 miles northwest of the intersection of Bayard Rd (S.C.R. 384). The change of zone is for an amendment to the Conditions of Approval set forth in CZ 1858, approved by County Council on December 11, 2018.

The requested amendment affects Condition “B” (Clarification of terms regarding restricted units and eligible income), condition “G” (Clarification of entrance road and internal sidewalk improvements) and Condition “I” (Clarification of time for completion of recreational amenities). All other conditions of approval are unaffected.

The applicant seeks to modify condition B. Related to the 36 restricted units providing workforce housing. Condition B (1) seeks the ability to set rental rates based on 30% of 70% of the Area Median Income (AMI) for Sussex County adjusted for household and unit size. This modification allows for fixed rental rates, based on unit size, and offers a predictable income amount for each unit available. Condition B (2) seeks to provide a definition of eligible income for the Restricted Units as households with incomes between 50 and 80% AMI. The original approved condition stated that Restricted Units, “shall be rented to tenant with gross household incomes equal to or less than 70% AMI”. Understandably, it is difficult to find tenants with household incomes precisely at 70% AMI and the request for flexibility is reasonable. However, to align with the original intent, it is suggested that the definition be expanded upon to include the following language: provided that the annual household income average for the Restricted Units is at or below 70% AMI. Condition B (5) seeks leasing flexibly.

In relation to Condition “G” the condition of approval states, “Interior street design shall meet or exceed Sussex County’s street design requirements. There shall also be sidewalks on both sides of the streets within the RPC”. The applicant is seeking to change the condition in such



that the entrance road and up to the first intersection must meet or exceed Sussex County Code 99-18- street design standards. The amendment also states that there shall be a fully interconnected, ADA compliant, internal sidewalk and multimodal path pedestrian system serving all buildings. There shall also be an extension of the internal pedestrian system to the public right-of-way.

Condition “I” states, “Recreational amenities, including the clubhouse, outdoor swimming pool and deck, playground, walking trail and enclosed dog park, shall be completed prior to issuance of a building permit for the fourth multi-family building. The applicant wishes to amend the condition in that the amenities listed be completed prior to the issuance of a Certificate of Occupancy for the fourth multi-family building. Staff would note that recent coordination efforts with DelDOT have led to the use of Building Permits as the trigger for implementing deliverables. The request to use Certificates of Occupancy would be contrary to this approach.

A staff analysis on the surrounding parcels zoning and future land use designations was completed prior to the approval of CZ 1858. As there are no proposed changes in density or access, the analysis has not been repeated for the current application.

Based on the previous analysis of the land use, surrounding zoning and uses, and the future land use map amendment, the changes requested could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: _____

202115682

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

RECEIVED

OCT 25 2021

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use _____
Zoning Map Amendment _____

Site Address of Conditional Use/Zoning Map Amendment

36161 Zion Church Road, Frankford, DE 19945

Type of Conditional Use Requested:

Amendment of Conditions of approval of CZ No. 1858 (Ashton Oaks)
(See Exhibit "A" and "B" attached)

Tax Map #: 533-11.00-82.00 Size of Parcel(s): 14.8455 Acres

Current Zoning: HR1/RPC Proposed Zoning: _____ Size of Building: _____

Land Use Classification: _____

Water Provider: Artesian Water Co. Inc. Sewer Provider: Sussex County

Applicant Information

Applicant Name: OA Oaks LLC
Applicant Address: 18949 Coastal Highway, Suite 301
City: Rehoboth Beach State: DE Zip Code: 19971
Phone #: 302-227-6115 E-mail: preston@oacompanies.com

Owner Information

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

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: James A. Fuqua, Jr.
Agent/Attorney/Engineer Address: P.O. Box 250
City: Georgetown State: DE Zip Code: 19947
Phone #: 302-227-7727 E-mail: jimf@fwsslaw.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

- o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- o 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.

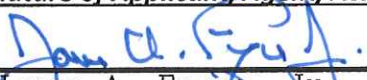
DelDOT Service Level Evaluation Request Response

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 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.

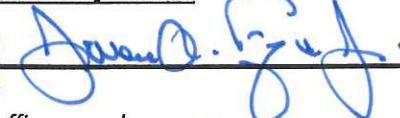
Signature of Applicant/Agent/Attorney



James A. Fuqua, Jr.

Date: Oct. 25, 2021

Signature of Owner

by 

Date: Oct. 25, 2021

For office use only:

Date Submitted: 10/25/21

Fee: \$500.00 Check #: 14183

Staff accepting application: ac

Application & Case #: 202115682

Location of property: _____

Subdivision: _____

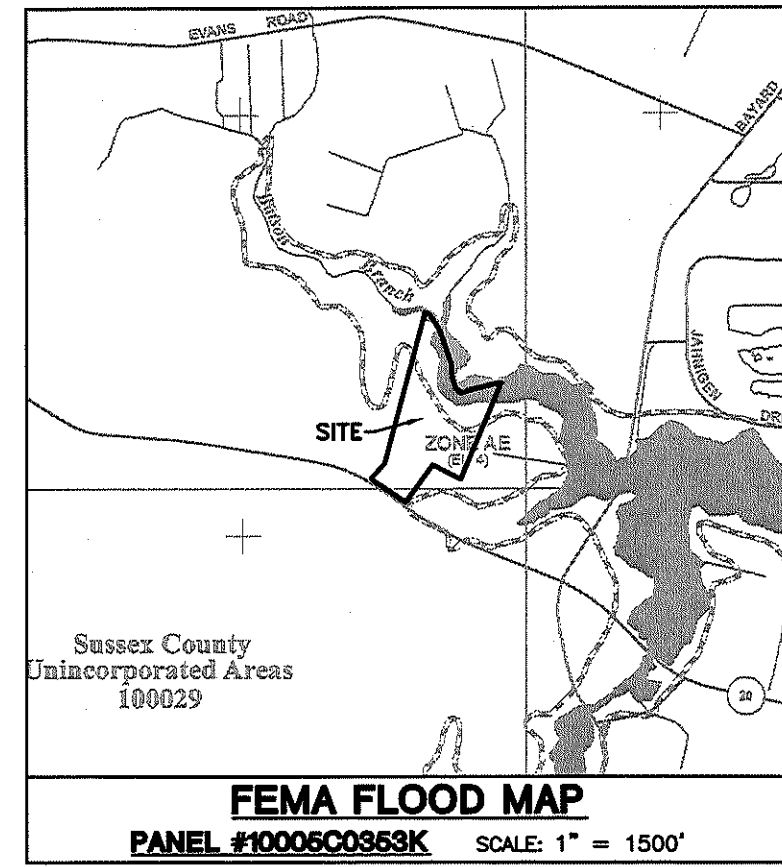
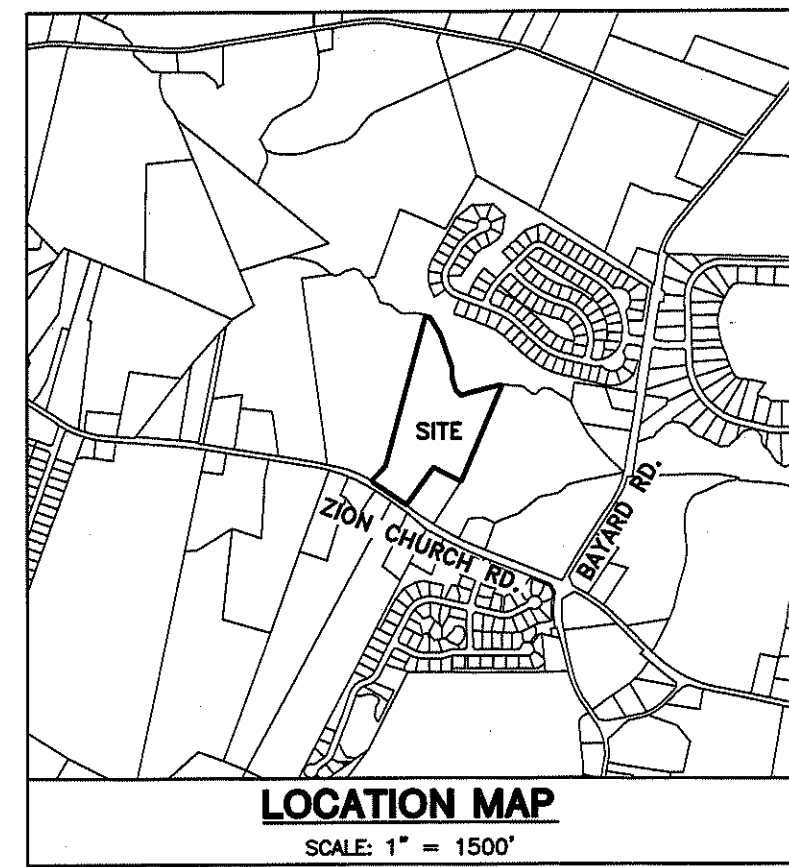
Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

EXHIBIT

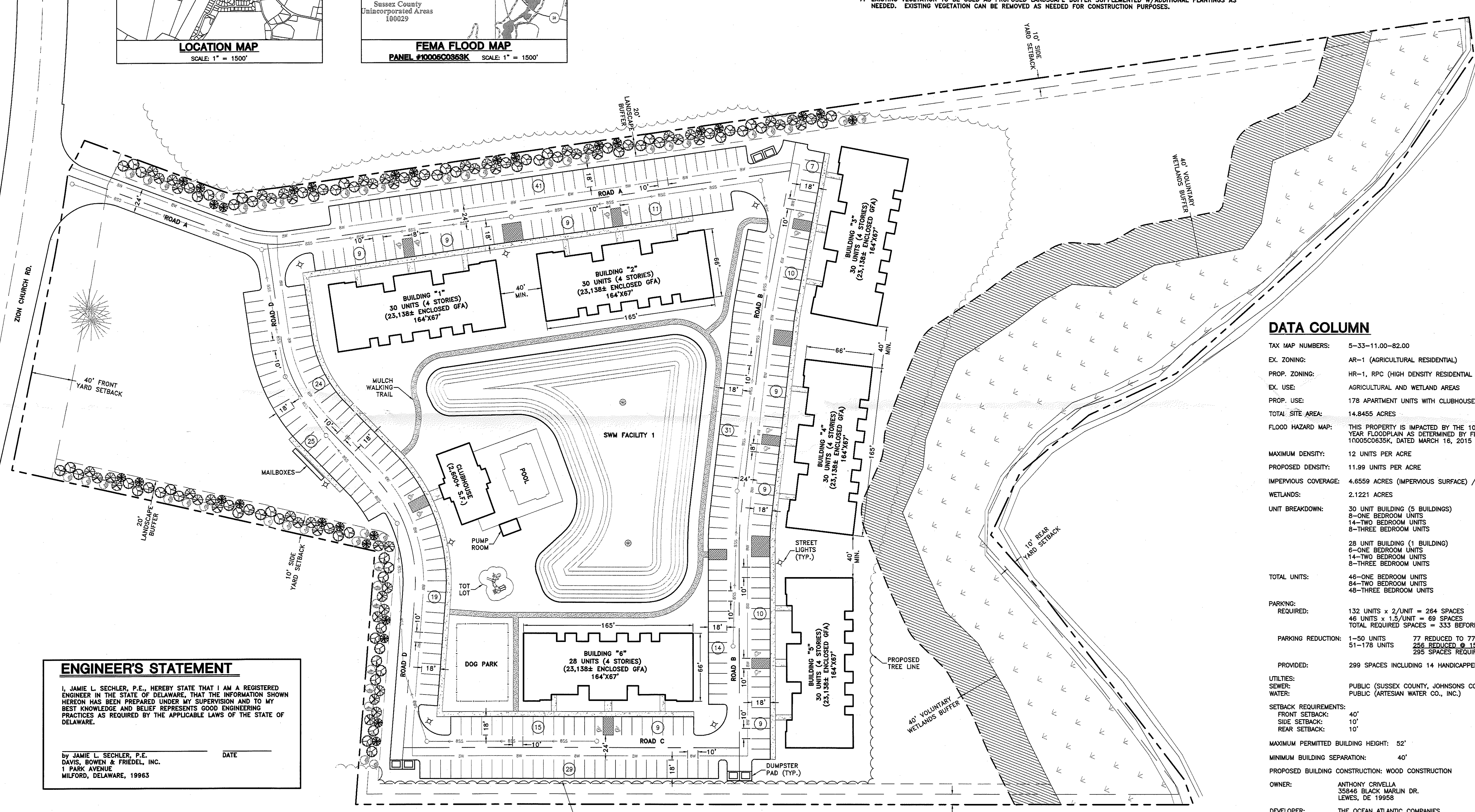
CZ No. 1858 was approved by the Sussex County Council on December 11, 2018, subject to Conditions "A" thru "S". The Applicant requests the conditions of approval be amended as stated in Exhibit "A". Exhibit "B" is a red lined copy of the original conditions of approval indicating the requested deletions and additions.

The requested amendment affects Condition "B" (Clarification of terms regarding restricted units and eligible income), Condition "G" (Clarification of entrance road and internal sidewalk improvements) and Condition "T" (Clarification of time for completion of recreational amenities). All other conditions of approval are unaffected.



GENERAL NOTES

- TOPOGRAPHY SURVEY PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. SEPTEMBER, 2017.
- THIS SITE AS SHOWN HEREON CONTAINS STATE OR FEDERALLY REGULATED SECTION 10 WETLANDS, BASED ON NWI AND DNREC WETLAND MAPS.
- SUBDIVISION STREETS CONSTRUCTED WITHIN THE LIMITS OF COMMON AREAS OR WITHIN PRIVATE RIGHT-OF-WAYS ARE TO BE OWNED, OPERATED, AND MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THE OWNERSHIP IS TRANSFERRED TO THE PRIVATE PROPERTY OWNER'S ASSOCIATION. SUSSEX COUNTY ASSUMES NO MAINTENANCE RESPONSIBILITY FOR PRIVATE ROADWAYS.
- ALL STORMWATER FACILITIES ARE TO BE OWNED, OPERATED, AND MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THE OWNERSHIP IS TRANSFERRED TO THE PRIVATE PROPERTY OWNER'S ASSOCIATION. SUSSEX COUNTY ASSUMES NO MAINTENANCE RESPONSIBILITY FOR STORMWATER FACILITIES.
- ALL COMMON SPACE SHALL BE OWNED, OPERATED, AND MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME THE OWNERSHIP IS TRANSFERRED TO THE PRIVATE PROPERTY OWNER'S ASSOCIATION. SUSSEX COUNTY ASSUMES NO MAINTENANCE RESPONSIBILITY FOR COMMON SPACE.
- ALL SEWER AND WATER WILL BE OWNED, OPERATED, AND MAINTAINED BY THE DEVELOPER UNTIL IT IS COMPLETE AND HAS RECEIVED FINAL ACCEPTANCE BY SUSSEX COUNTY & ARTESIAN WATER COMPANY, INC.
- EXISTING VEGETATION TO BE USED AS PROPOSED LANDSCAPE BUFFER SUPPLEMENTED W/ADDITIONAL PLANTINGS AS NEEDED. EXISTING VEGETATION CAN BE REMOVED AS NEEDED FOR CONSTRUCTION PURPOSES.



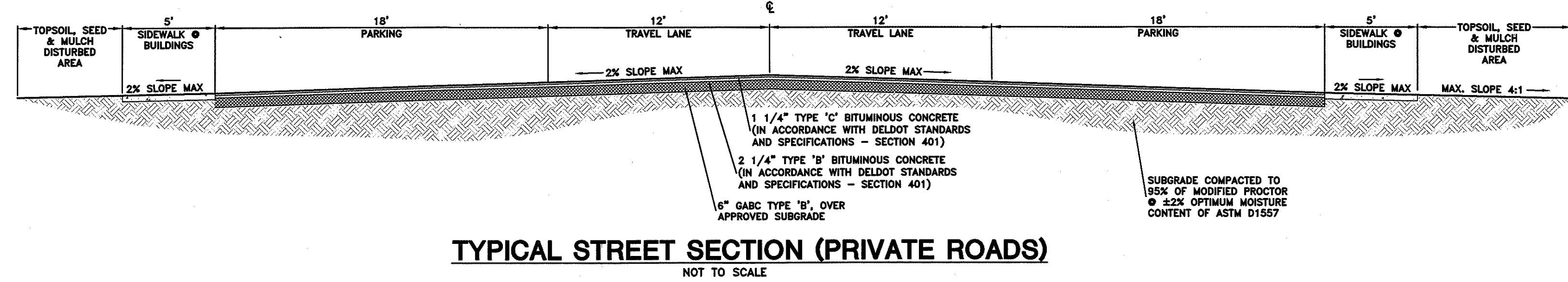
DATA COLUMN

TAX MAP NUMBERS:	5-33-11.00-82.00
EX. ZONING:	AR-1 (AGRICULTURAL RESIDENTIAL)
PROP. ZONING:	HR-1, RPC (HIGH DENSITY RESIDENTIAL PLANNED COMMUNITY)
EX. USE:	AGRICULTURAL AND WETLAND AREAS
PROP. USE:	178 APARTMENT UNITS WITH CLUBHOUSE
TOTAL SITE AREA:	14.8455 ACRES
FLOOD HAZARD MAP:	THIS PROPERTY IS IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 1005C0363K, DATED MARCH 16, 2015
MAXIMUM DENSITY:	12 UNITS PER ACRE
PROPOSED DENSITY:	11.99 UNITS PER ACRE
IMPERVIOUS COVERAGE:	4.6559 ACRES (IMPERVIOUS SURFACE) / 14.8455 ACRES (TOTAL SITE) = 31.4%
WETLANDS:	2.1221 ACRES
UNIT BREAKDOWN:	30 UNIT BUILDING (5 BUILDINGS) 8-ONE BEDROOM UNITS 14-TWO BEDROOM UNITS 8-THREE BEDROOM UNITS
TOTAL UNITS:	46-ONE BEDROOM UNITS 84-TWO BEDROOM UNITS 48-THREE BEDROOM UNITS
PARKING:	REQUIRED: 132 UNITS x 2/UNIT = 264 SPACES 46 UNITS x 1.5/UNIT = 69 SPACES TOTAL REQUIRED SPACES = 333 BEFORE REDUCTION
PARKING REDUCTION:	1-50 UNITS 77 REDUCED TO 77 SPACES 51-178 UNITS 255 REDUCED @ 15% TO 218 SPACES 295 SPACES REQUIRED
PROVIDED:	299 SPACES INCLUDING 14 HANDICAPPED ACCESSIBLE
UTILITIES:	SEWER: PUBLIC (SUSSEX COUNTY, JOHNSONS CORNER SSD) WATER: PUBLIC (ARTESIAN WATER CO., INC.)
SETBACK REQUIREMENTS:	FRONT SETBACK: 40' SIDE SETBACK: 10' REAR SETBACK: 10'
MAXIMUM PERMITTED BUILDING HEIGHT:	52'
MINIMUM BUILDING SEPARATION:	40'
PROPOSED BUILDING CONSTRUCTION:	WOOD CONSTRUCTION
OWNER:	ANTHONY CRIVELLA 35849 BLACK MARLIN DR. LEWES, DE 19958
DEVELOPER:	THE OCEAN ATLANTIC COMPANIES 18949 COASTAL HIGHWAY, UNIT 301 REHOBOTH BEACH, DE 19971 (302) 227-3573
PREPARED BY:	DAVIS, BOWEN & FRIEDEL, INC. 1 PARK AVENUE MILFORD, DE 19963 (302) 424-1441

ENGINEER'S STATEMENT

I, JAMIE L. SECHLER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

By JAMIE L. SECHLER, P.E. DATE _____
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVENUE
MILFORD, DELAWARE, 19963



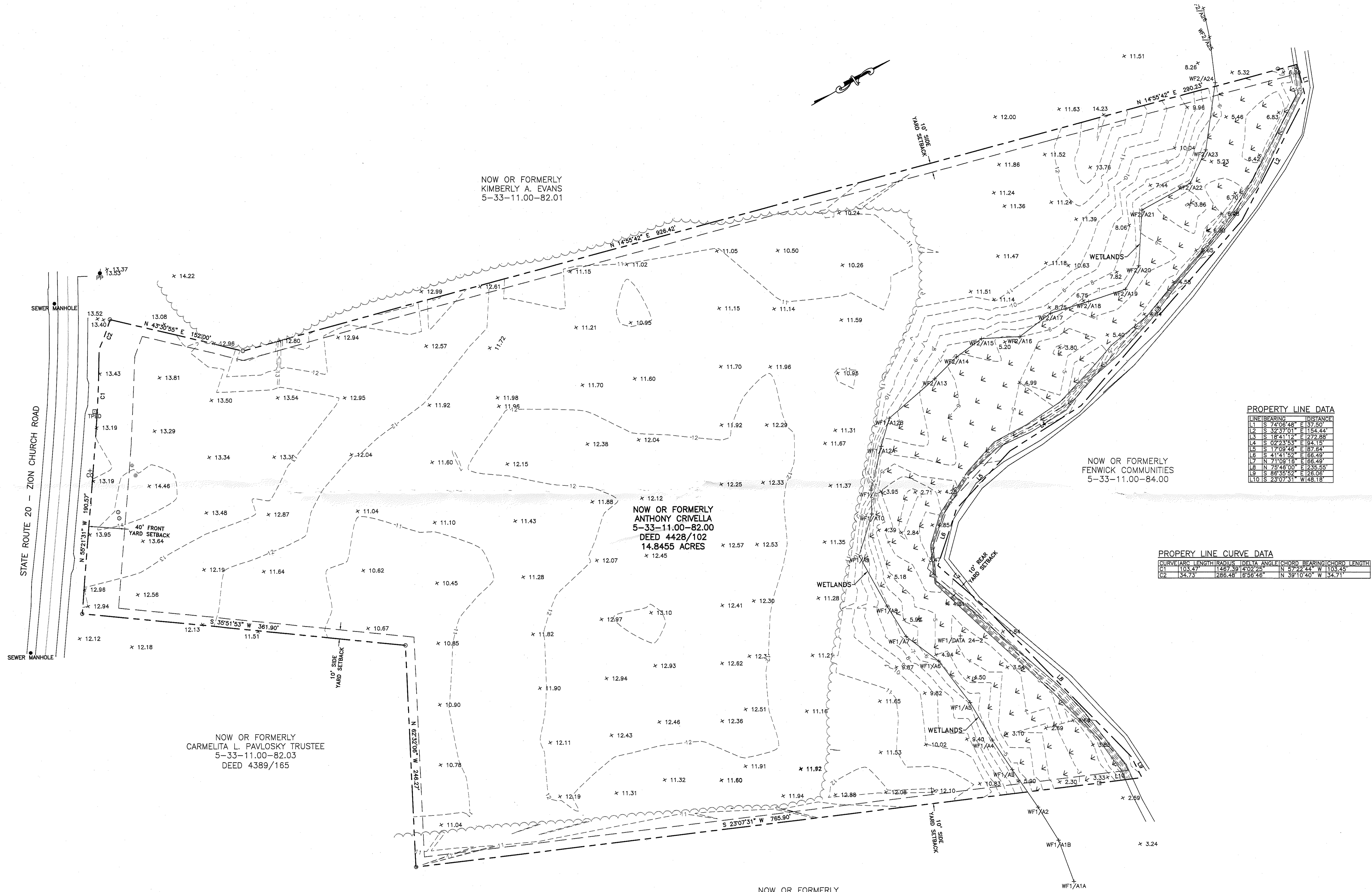
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALSBUURY, MARYLAND (410) 543-9091
MILFORD, DELAWARE (302) 424-1441

SITE PLAN

ASHTON OAKS
APARTMENT COMMUNITY
SUSSEX COUNTY, DELAWARE

Date: DECEMBER 2017
Scale: 1" = 50'
Dwn. By: DJR
Proj. No.: 0818C027.N01
Dwg. No.:

1
FILE COPY



NOW OR FORMERLY
KIMBERLY A. EVANS
5-33-11.00-82.01

NOW OR FORMERLY
ANTHONY CRIVELLA
5-33-11.00-82.00
DEED 4428/102
14.8455 ACRES
x 12.45

NOW OR FORMERLY
CARMELITA L. PAVLOSKY TRUSTEE
5-33-11.00-82.03
DEED 4389/165

NOW OR FORMERLY
NELLIE V. BRASURE
5-33-11.00-83.00

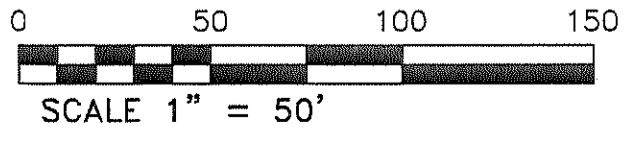
NOW OR FORMERLY
FENWICK COMMUNITIES
5-33-11.00-84.00

PROPERTY LINE DATA

LINE	BEARING	DISTANCE
L1	S 74°06'48" E	137.50
L2	S 32°37'01" E	154.44
L3	S 18°41'12" E	272.88
L4	S 02°23'53" E	94.15
L5	S 17°08'46" E	87.64
L6	S 41°41'52" E	66.49
L7	N 71°09'16" E	66.49
L8	N 75°45'00" E	235.55
L9	S 88°35'52" E	28.06
L10	S 23°07'31" W	48.18

PROPERTY LINE CURVE DATA

CURVATURE	LENGTH	RADIUS	TRIPLE ANGLE	CHORD BEARING	CHORD LENGTH
C1	103.47	1497.39	4°02'24"	N 37°22'44" W	103.45
C2	34.73	286.48	6°56'46"	N 39°10'40" W	34.71



ARCHITECTS ENGINEERS SURVEYORS
SALISBURY, MARYLAND (410) 543-0991
MILFORD, DELAWARE (302) 424-1441

DAVIS, BOWEN & FRIEDEL, INC.

EXISTING CONDITIONS
of the Lands of
ANTHONY CRIVELLA
TAX PARCEL 5-33-11.00-82.00
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Revisions:

Date: **SEPT. 2017**
Scale: **1"=50'**
Dwn.By: **EWT**
Proj.No.: **0818C027**
Dwg.No.:

ORDINANCE NO. 2621

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 – RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS

WHEREAS, on the 15th day of May 2018, a zoning application, denominated Change of Zone No. 1858, was filed on behalf of OA Oaks, LLC (Ashton Oaks); and

WHEREAS, on the 11th day of October 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 29th day of November 2018, said Planning and Zoning Commission recommended that Change of Zone No. 1858 be denied; and

WHEREAS, on the 13th day of November 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of HR-1 – RPC High Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore

EXH. "A"

Hundred, Sussex County, Delaware, and lying on the northeast side of Zion Church Road, approximately 0.27 mile northwest of Bayard Road, and being more particularly described in the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 14.8455 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of apartment units shall not exceed 178.
- B. As offered by the Applicant, for a period of 30 years following the date the first building receives its certificate of occupancy, 36 of the units shall be designated as “Restricted Units” for the purpose of providing “workforce housing” subject to the following terms and conditions:
 1. **Rent** – The Restricted Units shall have rent established based upon 30% of gross household income for 70% of the area median income for Sussex County as established by the U.S. Department of Housing and Urban Development (“HUD”) and updated annually and as adjusted for household and unit size.
 2. **Eligible Income** – Eligible income is 50% to 80% of the area median income for Sussex County adjusted for household size and as updated annually by HUD.
 3. **Vacant Units** – During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered to Qualifying Tenants if the total number of leased Restricted Units is less than the targeted amount (36). If no Qualifying Tenants are available at the time a unit becomes vacant that unit may be leased at market rates to any tenant. At all times in which the number of Restricted Units is less than 36, the next available unit(s) must be offered for lease to any known and available Qualified Tenant(s), until such time as the 36-unit target for Restricted Units is achieved.
 4. **Qualifying Tenants** – Eligible tenants for the Restricted Units must:
 - a. Provide proof of citizenship.
 - b. Be of eligible income as defined in “2”, above.
 - c. Be employed and live in Sussex County for at least one year preceding the date of application.

- d. **Occupy of Restricted Unit as the tenant's principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant's principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.**
 - e. **Comply with other requirements that apply to tenants of Non-Restricted Units.**
5. **Unit Integration – Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fitout from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times, the number of type of Restricted Units shall remain in proportion to the number of the same type of Market Rate Unit with the exception that the Applicant may have up to 10% more 3-Bedroom Restricted Units, and, therefore fewer 1 and 2-Bedroom Units in proportion to the total number of apartment units. For example, if 25% of the units are 3-Bedroom Units, then between 25% and 35% of the Restricted Units must be 3-Bedroom Units.**
6. **Restricted Unit Leases – The following requirements shall apply to Restricted Unit Leases:**
 - a. **The landlord shall determine the tenant's eligibility to rent a Restricted Unit and lease agreements shall not be signed until tenant eligibility is determined. Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under these conditions.**
 - b. **All lease agreements of Restricted Units shall cover a period of one year. An eligible tenant already occupying a restricted unit has first option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as a Qualifying Tenant.**
 - c. **Tenants of Restricted Units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.**
 - d. **In the event the tenant of a Restricted Unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within 30 days of written request for such affidavit, then the lease shall automatically terminate, become null and void and the occupant shall vacate the unit within 30 days of written notice from the landlord.**
 - e. **Leases of Restricted Units shall prohibit tenants from subletting or subleasing the Restricted Unit.**

7. **Examination by an Independent Certified Public Accountant** - The developer shall contract with an independent Delaware Certified Public Accountant that has no other relationship with the Developer/Owner/Manager of the Project to perform annual agreed-upon procedures with respect to the Project, reporting upon elements of compliance with the conditions of approval for the Project related to the rental of the “Restricted Units” and the “Qualifying Tenants” in the Project. In this engagement, the Delaware Certified Public Accountant will perform agreed-upon procedures in accordance with attestation standards established by the American Institute of Certified Public Accountants. This annual agreed-upon procedures engagement shall be used to confirm that the project remains in compliance with all of Condition B of this approval, and (i) the status of each of the 36 Restricted Units; (ii) the status and duration of any vacancy of any Restricted Unit; (iii) the marketing efforts to re-let any vacant Restricted Unit to a Qualifying Tenant; (iv) the status of any list of Qualifying Tenants waiting for a Restricted Unit to come available; and (v) such other information as the Delaware Certified Public Accountant and/or Office of Planning & Zoning may deem appropriate and necessary. This information shall be submitted to both the Office of Planning & Zoning and the Community Development & Housing Office no later than March 1 of each year.
8. **Penalties** - In the event that more than 142 of the units are rented at Market Rate because fewer than 36 units are leased to Qualified Tenants (the “Excess Market Rate Units”), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.
- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT’s requirements.
- D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
- E. The RPC shall be served by central water.
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- G. The entrance road up to and including the first intersection must meet or exceed Sussex County Code § 99-18 – street design standards. There shall be a fully interconnected, ADA compliant, internal sidewalk and multimodal path pedestrian system serving all buildings. There shall be an extension of the internal pedestrian system to the public right-of-way.
- H. As offered by the Applicant, a voluntary 40-foot minimum buffer will be established from any wetlands located on the site and a 20-foot landscaped or wooded buffer shall be

established along the boundary of the site adjacent to property of other ownership to the east and west. The existing vegetation in the wetlands buffer area shall not be disturbed.

- I. Recreational amenities, including the clubhouse, outdoor swimming pool and deck, playground, walking trail and enclosed dog park, shall be completed prior to issuance of a certificate of occupancy for fourth multi-family building.
- J. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.
- K. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- L. Construction activities, including sitework and deliveries, shall only occur between 7:30 am and 7:00 pm Monday through Friday, and 8:00 am through 5:00 pm on Saturdays.
- M. Space in the community clubhouse or in Unit #1 shall be permitted as an on-site management office.
- N. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- O. The Applicant or its assigns shall be responsible for the maintenance of interior drives and parking areas, buildings, buffers, stormwater management, recreational amenities and all open space.
- P. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- Q. The building height shall be limited to 42 feet. This limitation shall not apply to pitched roofs or chimneys, vents, elevator towers or similar items.
- R. As proffered by the Applicant and as authorized by §115-125(B) of the Zoning Code, there shall be a deed restriction imposed upon, and recorded against, the 14.84-acre parcel that is the subject of this rezoning application. This deed restriction shall be approved by the Office of Planning & Zoning and shall be recorded in the Office of the Recorder of Deeds, in and for Sussex County, within 30 days of the approval of this ordinance. It shall include the following statement:

“On the 11th day of December, 2018, the Sussex County Council rezoned this 14.84 acre parcel to an HR-1/RPC for the specific purpose of developing a 178-unit apartment development as depicted on the RPC Preliminary Site Plan submitted as part of CZ #1858. In the event the RPC is not developed and is declared null and void by Sussex County pursuant to §99-9B or §99-40A of the Sussex County Code, which are incorporated into §115-218 of the Zoning Code regarding RPCs by reference, then the permitted density of this 14.84 acre parcel shall not exceed 2.178 units per acre, representing the density prior to the approval of CZ #1858. This restriction shall not be amended nor modified without

REDLINE

ORDINANCE NO. 2621

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 – RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS

WHEREAS, on the 15th day of May 2018, a zoning application, denominated Change of Zone No. 1858, was filed on behalf of OA Oaks, LLC (Ashton Oaks); and

WHEREAS, on the 11th day of October 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 29th day of November 2018, said Planning and Zoning Commission recommended that Change of Zone No. 1858 be denied; and

WHEREAS, on the 13th day of November 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of HR-1 – RPC High Density Residential District – Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore

EXH. B (REDLINE)

Hundred, Sussex County, Delaware, and lying on the northeast side of Zion Church Road, approximately 0.27 mile northwest of Bayard Road, and being more particularly described in the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 14.8455 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- A. The maximum number of apartment units shall not exceed 178.
- B. As offered by the Applicant, for a period of 30 years following the date the first building receives its certificate of occupancy, 36 of the units shall be designated as “Restricted Units” for the purpose of providing “workforce housing” subject to the following terms and conditions:
 1. Rent Restricted Units – For a period of 30 years following the date the first building receives its certificate of occupancy, 36 of the total number of units offered for lease (The “Restricted Units”), shall have be rented established based upon 30% of tenants with gross household income for s equal to or less than 70% of the area median income for Sussex County (“Qualifying Tenants”) as established by the U.S. Department of Housing and Urban Development (“HUD”) and updated annually for a rental rate, and as adjusted for household and unit size as per HUD guidelines, no greater than 30% of gross household income.
 - 1.2. Eligible Income – Eligible income is 50% to 80% of the area median income for Sussex County adjusted for household size and as updated annually by HUD.
 - 2.3. Vacant Units – During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered to Qualifying Tenants if the total number of leased Restricted Units is less than the targeted amount (36). If no Qualifying Tenants are available at the time a unit becomes vacant that unit may be leased at market rates to any tenant. At all times in which the number of Restricted Units is less than 36, the next available unit(s) must be offered for lease to any known and available Qualified Tenant(s), until such time as the 36-unit target for Restricted Units is achieved.
 - 3.4. Qualifying Tenants – Eligible tenants for the Restricted Units must:
 - a. Provide proof of citizenship.

- b. Be of eligible income as defined in “21”, above.
- c. Be employed and live in Sussex County for at least one year preceding the date of application.
- d. Occupy of Restricted Unit as the tenant’s principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant’s principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.
- e. Comply with other requirements that apply to tenants of Non-Restricted Units.

4.5. Unit Integration – Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fit out from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times, the number of type of Restricted Units shall remain in proportion to the number of the same type of Market Rate Unit with the exception that the Applicant may have up to 10% more 3-Bedroom Restricted Units, and, therefore fewer 1 and 2-Bedroom Units in proportion to the total number of apartment units. For example, if 2533% of the Market Rate Units are 3-Bedroom Units, then between 25% and 35%33% of the Restricted Units must be 3-Bedroom Units.

5.6. Restricted Unit Leases – The following requirements shall apply to Restricted Unit Leases:

- a. The landlord shall determine the tenant’s eligibility to rent a Restricted Unit and lease agreements shall not be signed until tenant eligibility is determined. Lease agreements shall contain the same terms and conditions as the lease agreements with market-rate renters with the exception of the rental rates and other terms and conditions as required under these conditions.
- b. All lease agreements of Restricted Units shall cover a period of one year. An eligible tenant already occupying a restricted unit has first option to renew the lease agreement each year, as long as the tenant maintains good standing with the landlord and continues to qualify as a Qualifying Tenant.
- c. Tenants of Restricted Units shall provide an executed affidavit on an annual basis certifying their continuing occupancy of the unit as their principal residence. Tenants shall provide such affidavit to the landlord by the date that may be specified in their lease or that may otherwise be specified by the landlord.
- d. In the event the tenant of a Restricted Unit fails to provide his or her landlord with an executed affidavit as provided for in the preceding paragraph within 30 days of written request for such affidavit, then the lease shall automatically

terminate, become null and void and the occupant shall vacate the unit within 30 days of written notice from the landlord.

- e. Leases of Restricted Units shall prohibit tenants from subletting or subleasing the Restricted Unit.

6.7. Examination by an Independent Certified Public Accountant - The developer shall contract with an independent Delaware Certified Public Accountant that has no other relationship with the Developer/Owner/Manager of the Project to perform annual agreed-upon procedures with respect to the Project, reporting upon elements of compliance with the conditions of approval for the Project related to the rental of the "Restricted Units" and the "Qualifying Tenants" in the Project. In this engagement, the Delaware Certified Public Accountant will perform agreed-upon procedures in accordance with attestation standards established by the American Institute of Certified Public Accountants. This annual agreed-upon procedures engagement shall be used to confirm that the project remains in compliance with all of Condition B of this approval, and (i) the status of each of the 36 Restricted Units; (ii) the status and duration of any vacancy of any Restricted Unit; (iii) the marketing efforts to re-let any vacant Restricted Unit to a Qualifying Tenant; (iv) the status of any list of Qualifying Tenants waiting for a Restricted Unit to come available; and (v) such other information as the Delaware Certified Public Accountant and/or Office of Planning & Zoning may deem appropriate and necessary. This information shall be submitted to both the Office of Planning & Zoning and the Community Development & Housing Office no later than March 1 of each year.

7.8. Penalties - In the event that more than 142 of the units are rented at Market Rate because fewer than 36 units are leased to Qualified Tenants (the "Excess Market Rate Units"), the Applicant or owner of the project shall be required to pay to Sussex County the monthly market rent collected from any Excess Market Rate Units. Any such funds collected by Sussex County shall be used and administered for housing purposes by the Sussex County Office of Community Development and Housing.

- C. All entrances, intersections, interconnections, roadways and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's requirements.
- D. The RPC shall be served as part of a Sussex County Sanitary Sewer District. The Developer shall comply with all requirements and specifications of the County Engineering Department.
- E. The RPC shall be served by central water.
- F. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- G. ~~Interior street design shall meet or exceed Sussex County's street design requirements. There shall also be sidewalks on both sides of the streets within the RPC. The entrance road~~

up to and including the first intersection must meet or exceed Sussex County Code § 99-18 – street design standards. There shall be a fully interconnected, ADA compliant, internal sidewalk and multimodal path pedestrian system serving all buildings. There shall be an extension of the internal pedestrian system to the public right-of-way.

- H. As offered by the Applicant, a voluntary 40-foot minimum buffer will be established from any wetlands located on the site and a 20-foot landscaped or wooded buffer shall be established along the boundary of the site adjacent to property of other ownership to the east and west. The existing vegetation in the wetlands buffer area shall not be disturbed.
- I. Recreational amenities, including the clubhouse, outdoor swimming pool and deck, playground, walking trail and enclosed dog park, shall be completed prior to issuance of a **building permit/certificate of occupancy** for fourth multi-family building.
- J. If requested by the local school district, a school bus stop shall be provided. The location of the bus stop area shall be shown on the Final Site Plan.
- K. Road naming and addressing shall be subject to the review and approval of Sussex County Mapping and Addressing Departments.
- L. Construction activities, including sitework and deliveries, shall only occur between 7:30 am and 7:00 pm Monday through Friday, and 8:00 am through 5:00 pm on Saturdays.
- M. Space in the community clubhouse or in Unit #1 shall be permitted as an on-site management office.
- N. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- O. The Applicant or its assigns shall be responsible for the maintenance of interior drives and parking areas, buildings, buffers, stormwater management, recreational amenities and all open space.
- P. The Final Site Plan shall include a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- Q. The building height shall be limited to 42 feet. This limitation shall not apply to pitched roofs or chimneys, vents, elevator towers or similar items.
- R. As proffered by the Applicant and as authorized by §115-125(B) of the Zoning Code, there shall be a deed restriction imposed upon, and recorded against, the 14.84-acre parcel that is the subject of this rezoning application. This deed restriction shall be approved by the Office of Planning & Zoning and shall be recorded in the Office of the Recorder of Deeds, in and for Sussex County, within 30 days of the approval of this ordinance. It shall include the following statement:

“On the 11th day of December, 2018, the Sussex County Council rezoned this 14.84 acre parcel to an HR-1/RPC for the specific purpose of developing a 178-unit apartment



January 2nd, 2022

Mr. Jamie Whitehouse
Director, Sussex County Planning and Zoning
2 The Circle
Georgetown, DE 19947

RE: Ordinance 2621, change of zone 1858

Dear Mr. Whitehouse:

This letter is meant to explain the changes proposed in the upcoming hearing on the Conditions of Approval to the Ashton Oaks project. When reading the redline version of the changes on a standalone basis it is both difficult to determine what the changes are and the problem/issue that necessitated the requested change.

In general, the changes are meant to correct for some problems caused by our original language in an effort to broaden the number of workforce households that qualify for the restricted units as well as revise language that was problematic when a household earned more income.

Below I will attempt to further explain the changes one-by-one as they appear in proposed revised ordinance:

B. Simply moved the 30-year restriction language to this paragraph from section B.1, which is now subtitled "Rent"

B.1. Revised language makes clear that rents are set based on HUD-issued prices for households making 70% of area median income ("AMI"). The old language, with clauses such as "equal to or less than" and "no greater than" made rent a moving target that was set based upon the household's income and moved up, annually, as that household's income moved up. This served to somewhat discourage households from increasing their income as doing so would cause a corresponding increase in their rent upon renewal. That language has been removed. The old language also made managing and financing the restricted units, with the potential for unique rents for each unit that changed annually, problematic. We also removed the language concerning qualifying households from this clause and included it below in a new paragraph B.2.

B.2. This change broadens the households that can qualify for the restricted units to those making up to 80% of AMI. The earlier language made it so as soon as a household made above 70% of AMI, we could not renew their lease. This served to penalize households that were able to improve upon their income and cause increased turnover within the community. Now a household can continue to increase their income up to 80% of AMI and still have their rents set, equal to all other restricted units, based on 70% of AMI.

B.5. In speaking with more experienced professionals within the restricted housing field, including those from the Delaware Housing Coalition, Delaware State Housing Authority and Milford Housing Development Corporation, they encouraged us to build some flexibility into the numbers of larger apartments that could be rented as restricted units to lower income workforce households. The revised language allows us to restrict more three bedrooms units than the original language that required us to restrict units in the exact proportion to total units within the project.

G. This change was done to better reflect the nuances of the site plan and the fact that the bulk of the internal streets are parking aisles and not necessarily subdivision streets based on County Code. It also served to expand upon the internal sidewalk and multimodal path requirements within the project. These changes were made in consultation with Hans Medlarz, Director of Sussex County Engineering.

I. Earlier language was too restrictive and failed to recognize the quick, continuous-build nature of rental communities (as opposed to the more common for-sale communities). We strive to start a new building every four to six weeks to allow the trades to move from one building to the next. This, coupled with our more extensive clubhouse and amenities package (which takes about six months to complete) made it so even if we start the clubhouse at the same time we start building one, we may have to put building four start on hold for a couple months as we complete the amenities. If the trades leave the site, particularly in today's climate, it is really hard to get them back. The change still keeps us focused on completing the amenities while better recognizing the build starts and timelines of rental apartment projects.

Thank you for your consideration of these requested changes to our conditions of approval. We truly believe these changes will better serve those in need of discounted restricted housing options in our County and make the inclusive housing within Ashton Oaks more successful.

Thank you,



Preston Schell

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



Sussex County

DELAWARE
sussexcountyde.gov

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



Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, AICP, Director, Department of Planning & Zoning; Jenny Norwood, Planning and Zoning Manager; Lauren DeVore, Planner III; Christin Scott, Planner I; and Elliott Young, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: January 6, 2022
RE: Other Business for the January 13, 2022 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the January 13, 2022 Meeting of the Planning & Zoning Commission.

Patriot's Glen MR-RPC (CZ 1877)

BM

Final Subdivision Plan

This is a Final Subdivision Plan for the creation of a Residential Planned Community (RPC) subdivision to consist of 161 single-family lots with access off of John J. Williams Hwy. (Rt. 24). The plan complies with Chapters 99 and 115 of the Sussex County Code and all conditions that have been established by the Commission. Tax Parcels: 234-29.00-66.00, 66.01, & 66.02. Zoning District: MR-RPC (Medium Residential District – Residential Planned Community). Staff are in receipt of all agency approvals.

Assawoman Lakes RPC (FKA Evergreens)

HW

Preliminary Subdivision Plan

This is a Preliminary Subdivision Plan for the creation of a Residential Planned Community (RPC) subdivision to consist of 45 single-family lots with access off of Parker House Road (S.C.R. 362). The plan complies with Chapters 99 and 115 of the Sussex County Code and all conditions that have been established by the Commission. Tax Parcel: 134-16.00-51.00. Zoning District: GR-RPC (General Residential – Residential Planned Community). Staff are awaiting receipt of agency approvals.

Brasures Pest Control

HW

Preliminary Site Plan

This is a Preliminary Site Plan for CU 2271 for the amendment to CU 1920 (Ordinance No. 2240) to allow for office space to be located on the parcel and other land improvements. Having access off the east side of Dickerson Road (S.C.R. 389). Staff note that there is existing and proposed parking within the front setback, the applicant has written a letter to forgo this requirement. The plan complies with the Sussex County Zoning Code and all conditions that have been established by the Commission. Tax Parcels: 533-18.00-24.00 & 25.00. Zoning District: AR-1 (Agricultural Residential) Zoning District. Staff are awaiting agency approvals.



PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
PLANNING & ZONING DIRECTOR

November 5, 2021

Mr. Phillip L. Tolliver, P.E.
Morris & Ritchie Associates, Inc.
18 Boulden Circle, Suite 36
New Castle, DE

By email to: ptolliver@mragta.com

RE: Notice of Decision Letter for the Preliminary Site Plan for the Patriots Glen Residential Planned Community RPC (Phase 1) for the establishment of a 161 lot Residential Planned Community to be located on the southeast side of John J. Williams Highway (Route 24), approximately 0.45 mile southwest of Oak Orchard Road
Tax Parcels: 234-29.00-66.00, 66.01 & 66.02

Dear Mr. Tolliver,

At their meeting of **Thursday, November 4, 2021** the Planning & Zoning Commission **approved** the **Preliminary Site Plan** for the **Patriots Glen Residential Planned Community RPC (Phase 1)** to allow for the establishment of a one-hundred and sixty-one (161) lot Residential Planned Community and related amenities including a clubhouse/multi-purpose building, in-ground pool and patio area with at least 24 parking spaces set aside for these areas. **Additionally, the Commission also granted the written request to reduce right-of-way throughout portions of Patriots Glen (Phase 1).** The proposal is to be located on the southeast side of John J. Williams Highway (Route 24), approximately 0.45 mile southwest of Oak Orchard Road. The Sussex County Council approved a Change of Zone for the parcels through CZ 1877 at their meeting of Tuesday, July 16, 2019 from a Commercial Residential District (CR-1) and Medium Density Residential District (MR) to a Medium Density Residential District, Residential Planned Community (MR-RPC). The parcels also lie within the Coastal Area per Sussex County's 2018 Comprehensive Plan Update.

Please submit a minimum of **two (2) full-sized, signed and sealed copies** of a Final Site Plan to the Planning and Zoning Office for staff review. **One (1) copy** of the plans will serve as a hard copy for the file and the **one (1) copy** will serve as a review copy for staff. Staff will review the Final Site Plan for compliance with the provisions of the Zoning and Subdivision Code and will send any additional staff review comments as part of a subsequent Staff Review Letter. The updated plans will be required to be scheduled on a future agenda of the Planning and Zoning Commission as an item of "Other Business" for Commission consideration and approval.

Please feel free to contact me with any questions during regular business hours from 8:30AM-4:30PM, Monday through Friday, at 302-855-7878.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Sincerely,

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

Ms. Lauren DeVore
Planner III

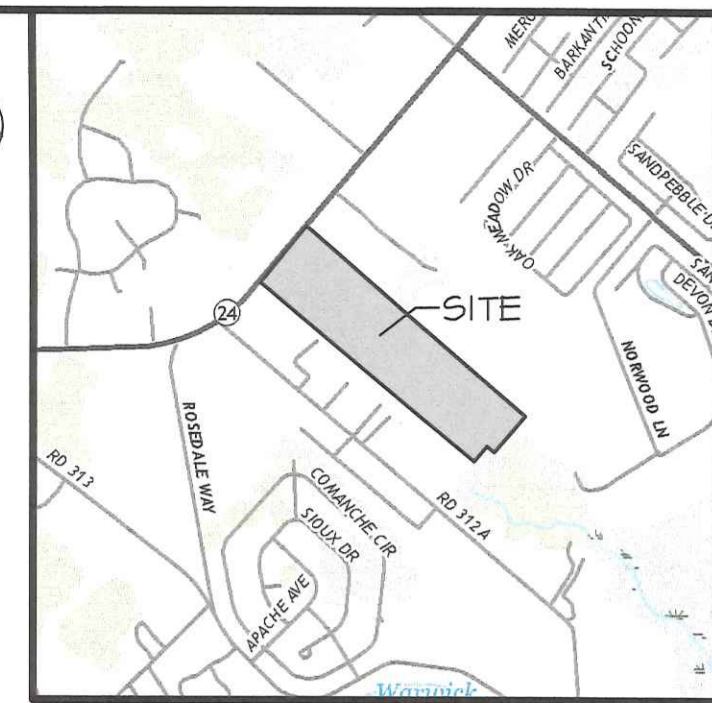
CC: Andy Wright, Chief Code Official – Building Code
Susan Isaacs, Engineering Project Coordinator – Public Works - Engineering
John Ashman, Director of Utility Planning – Engineering
Christopher J. Flathers, P.E., Senior Project Manager – Morris & Ritchie Associates, Inc.
Patriots Glen Site Plan File

PATRIOTS GLEN

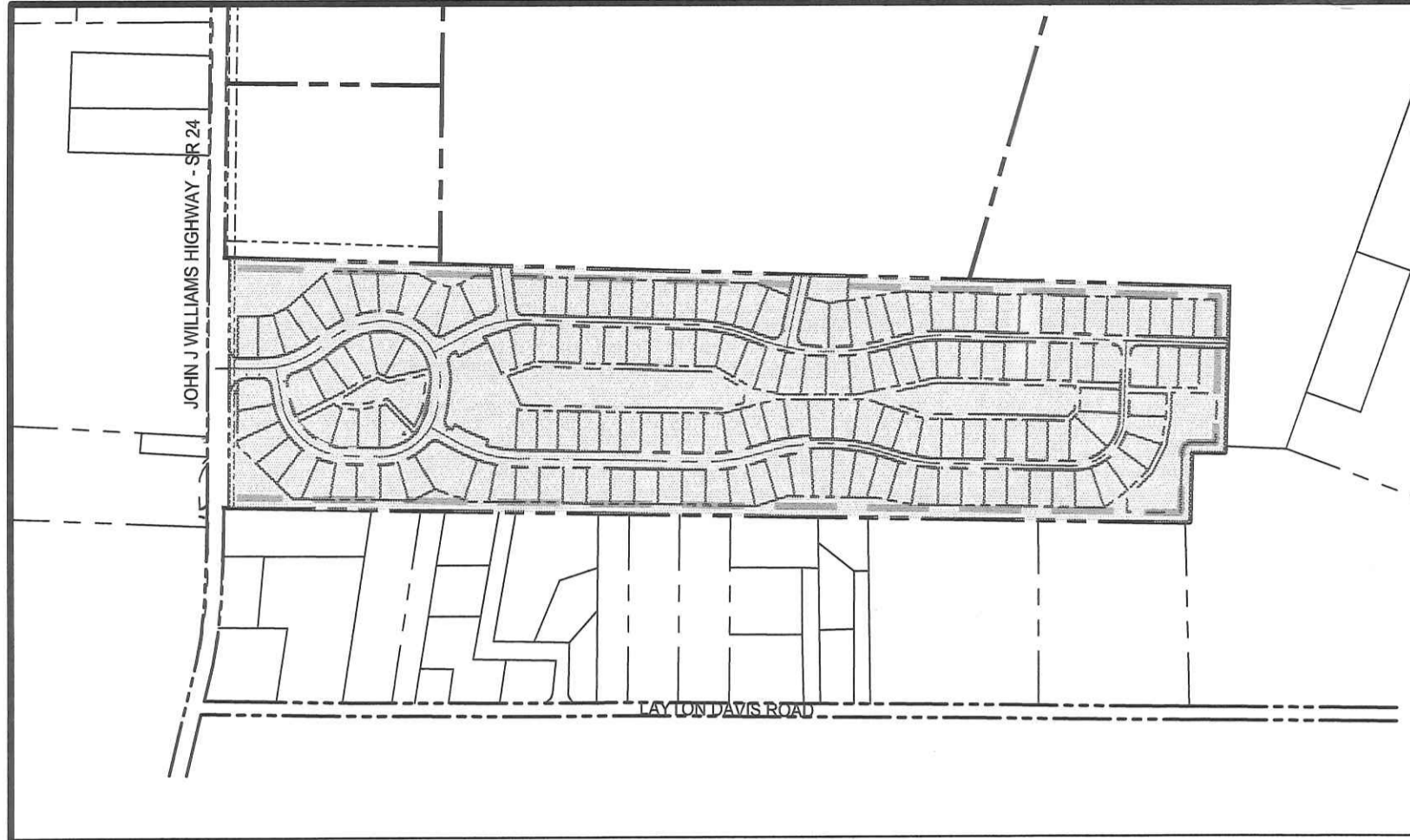
PHASE 1

SUSSEX COUNTY, DELAWARE

FINAL SITE PLAN

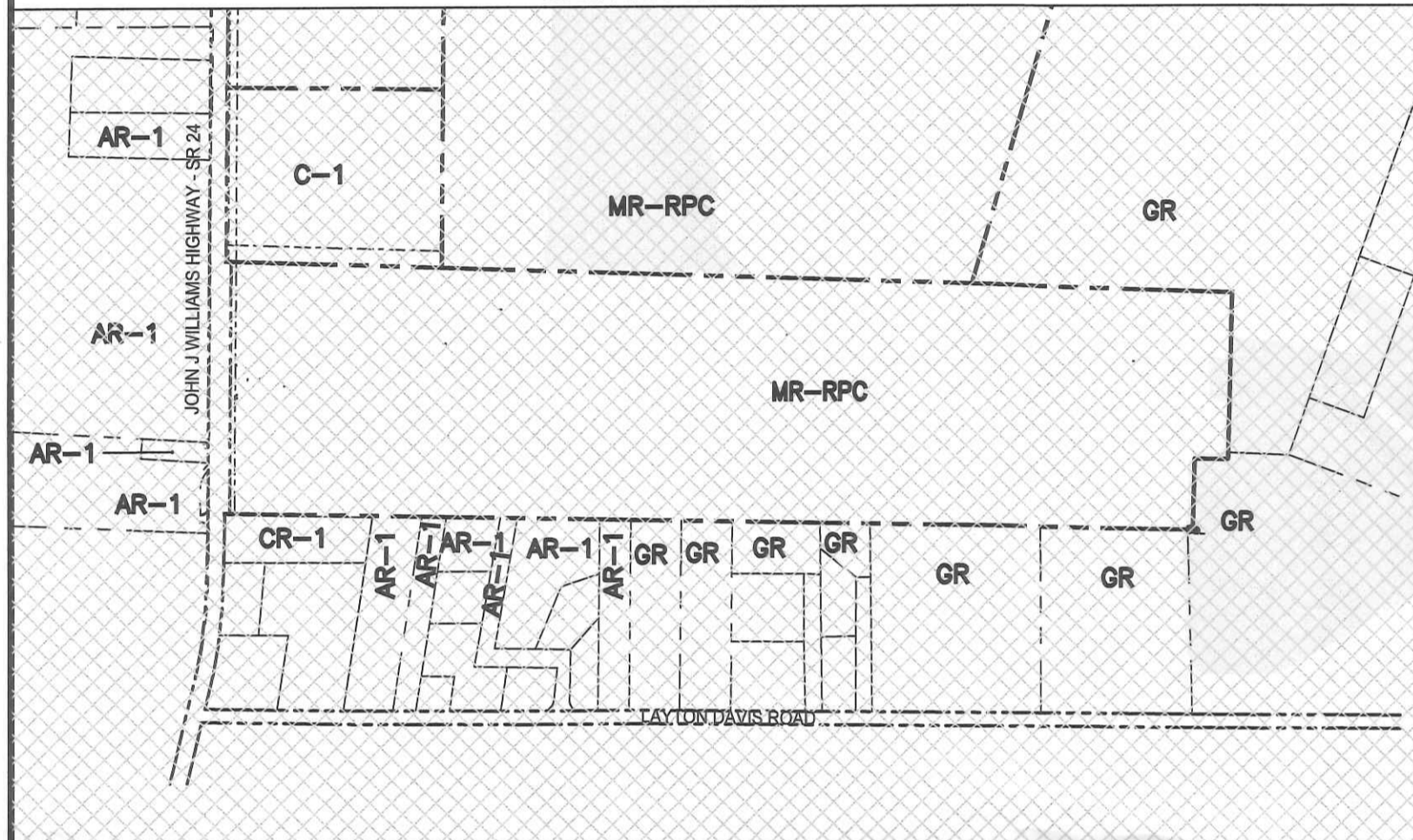


LOCATION MAP
SCALE: 1" = 2000'



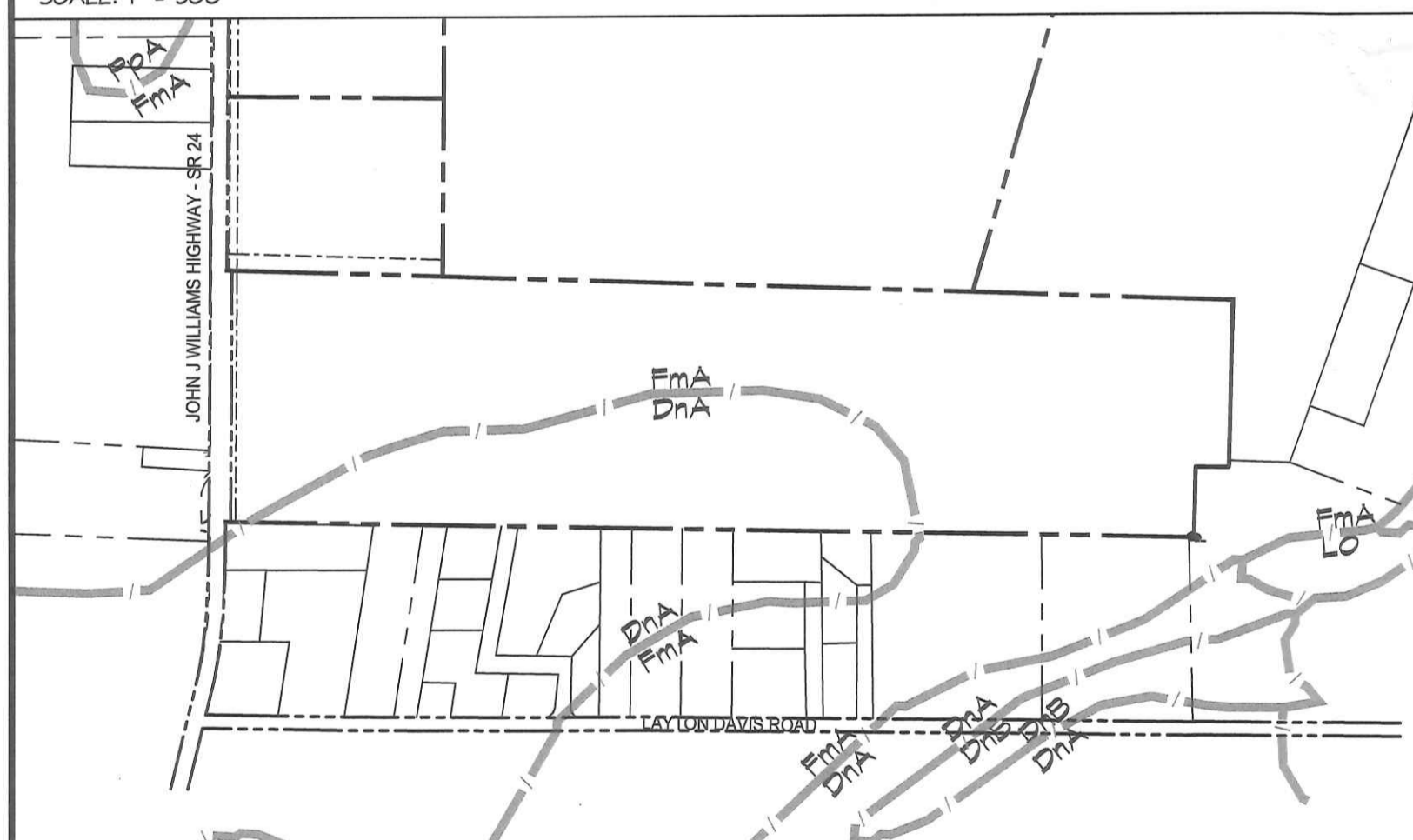
PHASING MAP
SCALE: 1" = 500'

THE PROJECT WILL BE APPROVED AS A SINGLE PHASE PROJECT WITH THREE (3) OPERATIONAL BREAKS FOR PURPOSES OF BONDING, BENEFICIAL OCCUPANCY INSPECTION, RELEASE OF USE AND OCCUPANCY PERMITS.



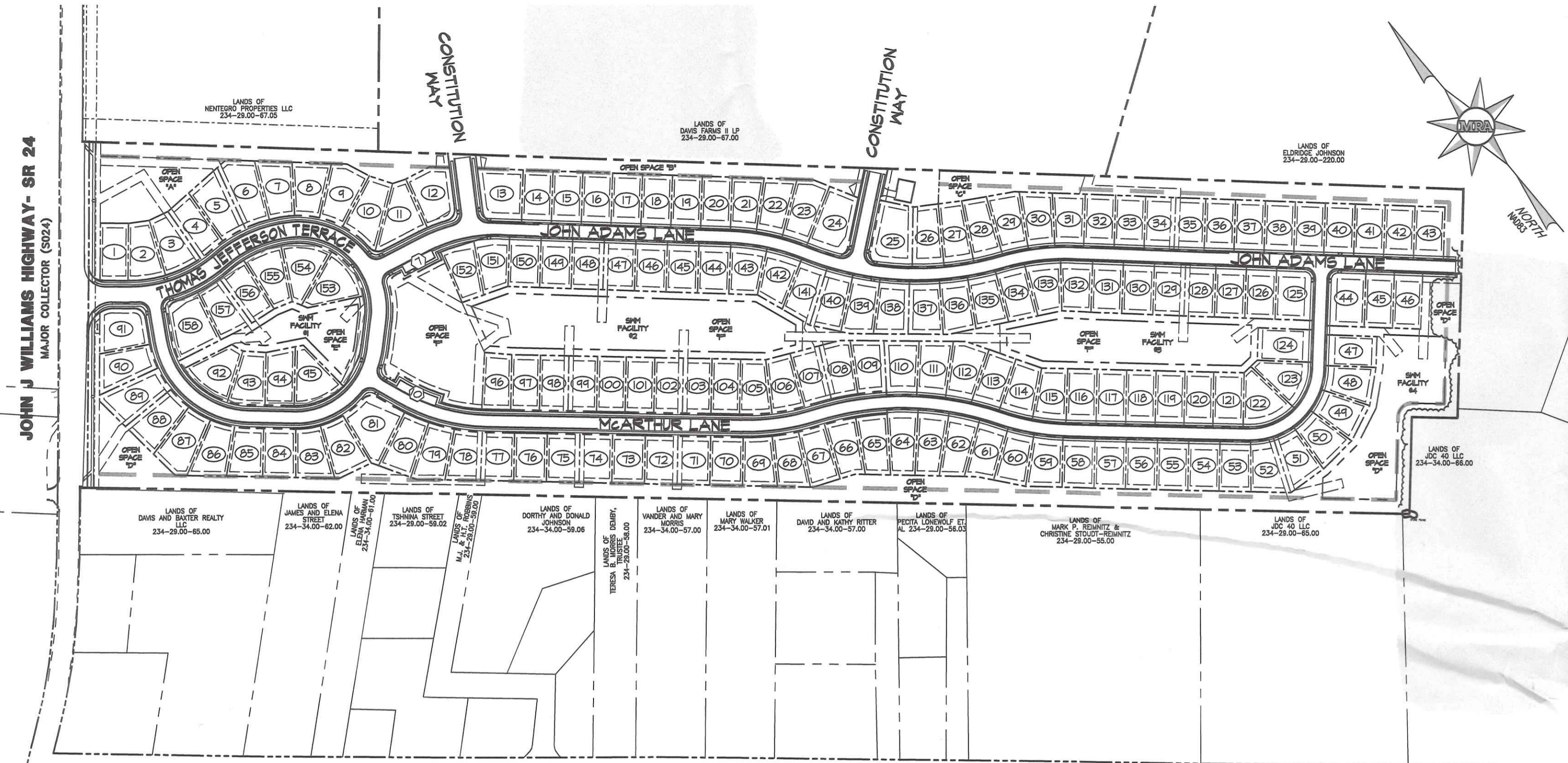
ZONING MAP
SCALE: 1" = 500'

AR-1 - AGRICULTURAL RESIDENTIAL
CR-1 - COMMERCIAL RESIDENTIAL
GR - GENERAL RESIDENTIAL
MR - MEDIUM RESIDENTIAL



SOILS MAP
SCALE: 1" = 500'

DnA, DnB - DONNER LOAMY SAND
FmA - FORT MOTT LOAMY SAND
Lc - LONGMARSH AND INDIANTOWN SOILS
PpA - PERPPERBOX LOAMY SAND



LAYTON DAVIS ROAD
LOCAL ROAD (S312A)

RPC C/Z #1877 CONDITIONS OF APPROVAL

- THERE SHALL BE NO MORE THAN 161 RESIDENTIAL UNITS WITH THE PROJECT.
- THE BULK AREA STANDARDS FOR THE 161 UNITS SHALL BE AS FOLLOWS:
 - FRONT YARD - 25 FT.
 - SIDE YARD - 10 FT.
 - REAR YARD - 10 FT.
 - CORNER YARD - 15 FT.
 - MINIMUM LOT WIDTH - 60 FT.
 - MINIMUM LOT AREA - 7500 SF.
- SITE PLAN REVIEW SHALL BE REQUIRED FOR EACH PHASE OF THE DEVELOPMENT.
- ALL ENTRANCES, INTERSECTION, INTERCONNECTION ROADWAY AND MULTI-MODAL IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED BY THE APPLICANT IN ACCORDANCE WITH DELDOT'S REQUIREMENTS OR IN ACCORDANCE WITH ANY FURTHER MODIFICATIONS REQUIRED BY DELDOT.
- THE DEVELOPMENT SHALL BE SERVED AS PART OF A SUSSEX COUNTY SANITARY SEWER DISTRICT IN ACCORDANCE WITH THE SUSSEX COUNTY ENGINEERING DEPARTMENT'S SPECIFICATIONS AND REGULATIONS.
- THE MR-RPC SHALL BE SERVED BY A PUBLIC CENTRAL WATER SYSTEM PROVIDING ADEQUATE DRINKING WATER AND FIRE PROTECTION AS REQUIRED BY APPLICABLE REGULATIONS.
- STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE STATE AND COUNTY REQUIREMENTS. THESE FACILITIES SHALL BE OPERATED IN A MANNER THAT IS CONSISTENT WITH BEST MANAGEMENT PRACTICES (BMPs). THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF SUSSEX COUNTY'S CONSERVATION DISTRICT.
- THE INTERIOR STREET DESIGN SHALL BE IN ACCORDANCE WITH OR EXCEED SUSSEX COUNTY'S STREET DESIGN REQUIREMENTS AND SPECIFICATION. THE STREET DESIGN SHALL INCLUDE SIDEWALKS ON BOTH SIDES OF THE STREET.
- THERE SHALL BE A 30-FOOT FORESTED OR LANDSCAPED BUFFER AROUND THE ENTIRE PERIMETER OF THE SITE.
- THE APPLICANT SHALL SUBMIT AS PART OF THE SITE PLAN REVIEW A LANDSCAPE PLAN SHOWING THE PROPOSED TREE AND SHRUB LANDSCAPE DESIGN, INCLUDING LANDSCAPING IN ALL OF THE BUFFER AREAS.
- CONSTRUCTION AND DELIVERIES SHALL ONLY OCCUR FROM MONDAY THROUGH FRIDAY AND ONLY BETWEEN THE HOURS OF 6:00 A.M. AND 6:00 P.M.
- THE APPLICANT SHALL FORM A HOMEOWNER'S ASSOCIATION TO BE RESPONSIBLE FOR THE MAINTENANCE OF THE STREETS, ROADS, BUFFERS, OPEN SPACES, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS.
- THE RESTRICTIVE COVENANTS AND FINAL SITE PLAN SHALL STATE THAT AGRICULTURAL ACTIVITIES EXIST NEARBY, AND THEY SHALL INCLUDE THE AGRICULTURAL USE PROTECTION NOTICE.
- THE AMENITIES SHALL INCLUDE A CLUBHOUSE/MULTI-PURPOSE BUILDING, POOL AND PATIO AREA, WITH AT LEAST 24 OFF-STREET PARKING SPACE SET ASIDE FOR THESE AREAS. THESE AMENITIES SHALL BE COMPLETED AND OPEN TO USE BY THE RESIDENTS OF THE DEVELOPMENT PRIOR TO THE ISSUANCE OF THE 01ST BUILDING PERMIT.
- IF REQUIRED BY THE INDIAN RIVER SCHOOL DISTRICT, A PROTECTED SCHOOL BUS SHELTER WITH RELATED PARKING SHALL BE INSTALLED AT THE ENTRANCE TO THE DEVELOPMENT. ALTERNATIVELY, THE DEVELOPER SHALL COORDINATE WITH THE SCHOOL DISTRICT FOR ANOTHER LOCATION, WITH A PREFERENCE FOR THE CLUBHOUSE BUILDING.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

SITE OVERVIEW

SCALE: 1" = 200'
0 100 200
SCALE: 1" = 200'

LEGEND

INDISTURBED FORESTED AREA

PROJECT TEAM

DEVELOPER: SCHIFF LAND DEVELOPMENT CO., LLC
16054 S. DUPONT HWY.
HARRINGTON, DE 19822
ATTN: MR. T.J. SCHIFF

LAND PLANNERS, CIVIL ENGINEER: MORRIS & RITCHIE ASSOCIATES, INC.
18 BOULDER CIRCLE, SUITE 36
NEW CASTLE, DE 19720
ATTN: MR. PHILLIP L. TOLLIVER, P.E.

SURVEYOR: MORRIS & RITCHIE ASSOCIATES, INC.
8 WEST MARKET STREET
GEORGETOWN, DE 19847
ATTN: MR. GARY POWERS

ENVIRONMENTAL CONSULTANT: GEO-TECHNOLOGY ASSOCIATES, INC.
3445 BOX HILL CORPORATE CENTER DRIVE, SUITE A
ABINGDON, MD 21004
ATTN: MR. ANDY STANSFIELD

GEOTECHNICAL ENGINEER: GEO-TECHNOLOGY ASSOCIATES, INC.
2133 STERLING AVENUE, SUITE 7
GEORGETOWN, DE 19847
ATTN: MR. GREG SAUTER

TRAFFIC CONSULTANT: THE TRAFFIC GROUP
9900 FRANKLIN SQUARE DR. - SUITE H
BALTIMORE, MD 21236
ATTN: MR. JOE GALOGERO, P.E.

ATTORNEY: MORRIS JAMES HILSON HALBROOK & BAYARD LLP
107 W. MARKET STREET
P.O. BOX 640
GEORGETOWN, DE 19847
ATTN: MR. DAVID C. HUTT

PLAN APPROVALS

APPROVED BY: _____ DATE _____
CHAIRMAN OR SECRETARY
SUSSEX COUNTY PLANNING
AND
ZONING COMMISSION

APPROVED BY: _____ DATE _____
SUSSEX COUNTY COUNCIL PRESIDENT

SUSSEX CONSERVATION DISTRICT APPROVAL BLOCK

ADJACENT OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE ADJACENT PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

John V. Simpson 11/29/21
DAVIS FARM II LP DATE

DEVELOPER'S CERTIFICATION

I, UNDERSIGNED, AS DEVELOPER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

James Schiff 11-29-21
SCHIFF LAND DEVELOPMENT CO., LLC DATE
16054 S. DUPONT HWY.
HARRINGTON, DE 19822

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

Tara Dougherty 11/24/2021
TARA DOUGHERTY DATE

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

Mark Sammons 11/24/21
MARK SAMMONS DATE

WETLANDS STATEMENT

GEO-TECHNOLOGY ASSOCIATES, INC. (GTA) HAS CONDUCTED A FIELD REVIEW WITHIN THE BOUNDARIES OF THIS PLAT TO EVALUATE THE PRESENCE OR ABSENCE OF POTENTIAL STATE AND FEDERAL JURISDICTIONAL WETLANDS FOR THE PURPOSES OF DELAWARE WETLAND AND SUBAQUEOUS LAND REGULATIONS AND SECTION 404 OF THE CLEAN WATER ACT. GTA'S REVIEW WAS CONDUCTED IN GENERAL ACCORDANCE WITH THE TECHNIQUES AND CRITERIA PROVIDED IN THE 1987 CORPUS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPUS OF ENGINEERS WETLANDS DELINEATION MANUAL: ATLANTIC AND GULF COASTAL PLAN REGION (VERSION 2.0), DATED NOVEMBER 2010. THE LIMITS OF THE WETLANDS WERE EVALUATED IN THE FIELD BY GTA PERSONNEL USING BEST PROFESSIONAL JUDGMENT. NO WETLANDS OR WATERWAYS WERE OBSERVED WITHIN THE BOUNDARIES OF THIS PLAT. NO STATE OR FEDERAL JURISDICTIONAL APPROVAL WAS OBTAINED FOR THIS PROPERTY.

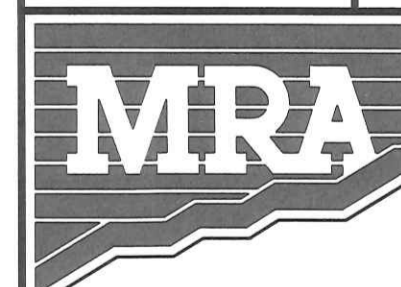
J.G. Stansfield 11/29/2021
ANDY STANSFIELD DATE
GEO-TECHNOLOGY ASSOCIATES, INC.

ENGINEER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO THE EXTENT THAT IT DESCRIBES THE PROPOSED MANNER AND LAYOUT OF THE SUBDIVISION.

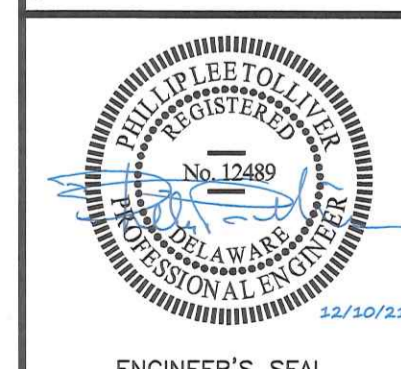
Phillip L. Tolliver 12/10/21
PHILLIP L. TOLLIVER, P.E. DATE
DE LICENSE NO. #12489

PLAT



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDER CIRCLE, SUITE 36
NEW CASTLE, DELAWARE 19720
(302) 326-2200

WWW.MRAGTA.COM



FINAL SITE PLAN
TITLE SHEET
FOR
PATRIOTS GLEN
PHASE 1

DATE	REVISIONS	JOB NO.: 20296
		SCALE: AS NOTED
		DATE: 11/29/2021
		DRAWN BY: JPH/RDG
		DESIGN BY: JPH/RDG
		REVIEW BY: CJF/PLT
		SHEET: 1 OF 5

CONSTRUCTION NOTES

- CONTRACTOR SHALL NOTIFY "MISS UTILITY" AT (1-800-282-8555) AT LEAST (3) WORKING DAYS PRIOR TO EXCAVATION, TO HAVE EXISTING UNDERGROUND UTILITIES LOCATED AND MARKED.
- ALL MATERIALS & WORKMANSHIP SHALL MEET THE STATE OF DELAWARE STANDARDS & SPECIFICATIONS.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS, AND PROJECT SPECIFICATIONS.
- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
 - SCHIFF LAND DEVELOPMENT CO., LLC 302-398-8014
 - SUSSEX COUNTY ENGINEERING DEPARTMENT 302-855-7718
 - TIDEWATER UTILITIES 302-845-8880
 - SUSSEX CONSERVATION DISTRICT 302-856-2105
 - SHARP ENERGY 302-734-6799
 - VERIZON 302-422-1484
 - DELAWARE COOPERATIVE 302-345-5911
 - DNREC 302-856-5488
- CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL RIGHT-OF-WAY LINES AND PROPERTY LINES TO HIS OWN SATISFACTION. ALL PROPOSED UTILITIES ARE TO BE CONSTRUCTED WITHIN THE ROADWAY OR EASEMENT RIGHT-OF-WAY. DISTURBED AREAS BEYOND THE EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION.
- INFORMATION SHOWN HEREON IS BASED UPON A SURVEY PERFORMED BY MRA IN JULY OF 2019.
- EXISTING UNDERGROUND UTILITIES SHOWN ON THE PLANS ARE BASED UPON THE BEST AVAILABLE INFORMATION AND ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR ONLY. NO GUARANTEE IS MADE OR IMPLIED REGARDING THE ACCURACY OR COMPLETENESS THEREOF. CONTRACTOR IS RESPONSIBLE FOR THE VERIFICATION OF DEPTH, SIZE AND MATERIAL OF ALL UNDERGROUND UTILITIES TO HIS OWN SATISFACTION BEFORE BEGINNING ANY EXCAVATION OR UTILITY INSTALLATION. THE OWNER AND ENGINEER DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF SAID INFORMATION. IF THE CONTRACTOR RELIES ON SAID INFORMATION, HE DOES SO AT HIS OWN RISK. THE GIVING OF THE INFORMATION ON THE PLANS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATIONS TO SUPPORT AND PROTECT ALL SHOWN OR NOT SHOWN EXISTING UTILITIES AND APPURTENANCES. SHOULD ANY EXISTING UTILITIES BE DAMAGED BY THE CONTRACTOR, THE CONTRACTOR SHALL REPAIR THE DAMAGE CAUSED TO THE UTILITY OWNER'S SATISFACTION, AT THE CONTRACTOR'S EXPENSE.
- DRAWINGS DO NOT INCLUDE THE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE PERFORMED IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THEREO APPURTENANT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC IN ALL WORK AREAS.
- ROUGH GRADING SHALL BE COMPLETE PRIOR TO THE CONSTRUCTION OF WATER & SEWER SYSTEMS.
- USE ONLY SUITABLE AND APPROVED GRANULAR MATERIAL IN ACCORDANCE WITH SECTION 209 OF THE DELAWARE DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS AND REFERENCED BY SUSSEX COUNTY ORDINANCE 38 SECTION 5-05 EXCAVATION AND BACKFILL FOR PIPE TRENCHES SUSSEX COUNTY MATERIALS
- CONTRACTOR SHALL ADJUST TO FINISH GRADE AS NECESSARY ANY VALVE BOXES, MANHOLES, CATCH BASINS ETC., PRIOR TO PLACING PAVING.
- CONTRACTOR SHALL PROVIDE STAKEOUT NECESSARY FOR THE INSTALLATION OF UTILITIES, STORMDRAINS, PAVING AND ALL OTHER SITE WORK INCLUDED IN THESE PLANS. ALL STAKEOUT WORK IS TO BE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE.
- CONTRACTOR TO MAINTAIN MINIMUM OF 3.0 FEET OF COVER OVER ALL NEW WATER LINES AS MEASURED FROM TOP OF PIPE TO FINISHED GRADE, UNLESS OTHERWISE NOTED.
- SEWER LINES SHALL HAVE MINIMUM VERTICAL CLEARANCE OF 18 INCHES FROM WATER MAINS AT CROSSINGS. MAINTAIN A 10 FOOT MINIMUM PLAN SEPARATION BETWEEN SEWER AND WATER MAINS. SEWER LINES SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 12 INCHES FROM OTHER UTILITIES. IF THESE CLEARANCES CANNOT BE MAINTAINED, THEN PROVISIONS FOR PROPERLY ENCASING THE PIPE IN CONCRETE MUST BE PROVIDED.
- LATERALS SHALL BE 6 INCHES IN DIAMETER, WITH VERTICAL CLEANOUTS OF 6 INCHES IN DIAMETER AND TO HAVE A MINIMUM OF 3" OF COVER FROM SUSSEX COUNTY CLEANOUT TO MAIN LINE.
- ALL GRAVITY SEWER PIPES SHALL BE PVC SDR 35. FOR PIPE SLOPES SEE FINAL CONSTRUCTION DRAWINGS FOR SANITARY SEWER PROFILES.
- MATERIAL OF CONSTRUCTION FOR SEWER FORCE MAINS SHALL BE AS NOTED ON THE FINAL CONSTRUCTION DRAWINGS. FORCE MAIN SHALL BE INSTALLED AS PROFILED TO PREVENT FORMATION OF UNANTICIPATED HIGH POINTS IN THE INSTALLATION.
- ALL SEWER LINES MUST BE SUCCESSFULLY TESTED ACCORDING TO SUSSEX COUNTY ORDINANCE 38, SECTION 5.09, E, 1-4, ON PAGE 515 THROUGH 518, ACCEPTANCE TESTING, PRIOR TO FINAL ACCEPTANCE.
- ALL SANITARY SEWER SYSTEM CONSTRUCTION PERFORMED SHALL BE IN ACCORDANCE WITH SUSSEX COUNTY ORDINANCE 38, THESE PLANS AND ALL APPLICABLE CONSTRUCTION PERMITS.
- ALL DROP MANHOLES TO BE 5'-0" IN DIAMETER.
- FITTINGS SHOWN ON THE PLANS ILLUSTRATE ANTICIPATED ANGLE OF DEFLECTION. THIS INFORMATION IS SHOWN FOR GENERAL INFORMATION AND IS NOT GUARANTEED. ACTUAL ANGLE MAY VARY DUE TO FIELD CONDITIONS. USE OF ADDITIONAL FITTINGS SHALL BE AUTHORIZED BY THE ENGINEER.
- THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
- ALL DISTURBED AREAS IN THE STATED RIGHT OF WAY, BUT NOT IN THE PAVEMENT SECTION, MUST BE TOPSOILED (6" MINIMUM), FERTILIZED, MULCHED, AND SEEDED.
- ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE PLACED IN ACCORDANCE WITH THE M.U.T.C.D. MANUAL, MOST CURRENT EDITION.
- ALL PROPOSED STORM DRAIN DESIGNATED AS "RCCP" IS TO BE REINFORCED CONCRETE CIRCULAR PIPE, MEETING ASHTO M-170 SPECIFICATIONS. SEE FINAL CONSTRUCTION PLAN & PROFILES FOR SPECIFIC PIPE CLASS.
- ALL LENGTHS OF SANITARY SEWER PIPE ARE MEASURED HORIZONTALLY FROM CENTER LINES OF INLETS, MANHOLES OR FITTINGS. ALL LENGTHS OF STORM DRAIN PIPE ARE MEASURED HORIZONTALLY FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE. ACTUAL TRUE LENGTHS OF PIPES ARE TO BE DETERMINED IN THE FIELD.
- WHERE SPECIFIED, HDPE STORM DRAIN PIPE SHALL BE ADS N-12 (SMOOTH INTERIOR) PIPE WITH ADS PRO-LINK WT (BELL/BELL COUPLER) FOR WATER TIGHT CONNECTIONS. REFER TO PLAN AND PROFILES FOR MATERIALS USED.
- ALL EMBEDMENT MATERIALS USED FOR BEDDING, HAUNCHING, AND INITIAL BACKFILL FOR HDPE PIPE SHALL CONFIRM TO ASHTO SECTION 30 AND ASTM D-2321 AS PER MANUFACTURER INSTALLATION REQUIREMENTS. CONTRACTOR SHALL ENSURE THAT PROPER LINE AND GRADE IS ESTABLISHED WITHIN TRENCH BEDDING PRIOR TO PLACEMENT OF PIPE AND THAT PROPER MATERIALS ARE USED AND COMPACTION IS ACHIEVED DURING HAUNCHING AND INITIAL BACKFILL. A GEOTECHNICAL ENGINEER SHALL BE RETAINED TO VERIFY SUITABILITY OF MATERIALS USED AND PROPER COMPACTION. ANY DEVIATION IN LINE AND GRADE OR OBVIOUS JOINT SEPARATION SHALL BE CORRECTED PRIOR TO ESTABLISHMENT OF FINAL SUBGRADE AND PAVEMENT SURFACE. THE CONTRACTOR SHALL TAKE EVERY CARE TO ENSURE CORRECT PIPE INSTALLATION.
- UNLESS OTHERWISE SPECIFIED ALL ROADWAY INLETS SHALL HAVE A TYPE 1 INLET GRATE AND TYPE S TOP UNIT PER DELDOT STANDARDS, CURRENT REVISION.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER EXISTS AFTER PAVING IS COMPLETE.

SUSSEX COUNTY CONSTRUCTION NOTES:

- ROADWAY STAKEOUTS:
 - RIGHT-OF-WAY STAKES SHALL BE OFFSET A MINIMUM OF FIVE (5) FEET OUTSIDE THE RIGHT-OF-WAY.
 - STATION NUMBERS TO BE INDICATED ON EACH SIDE OF THE STAKE.
 - THE CENTERLINE ROADWAY CUT AND CUT-LINE SHALL BE LOCATED ON THE SIDE OF THE STAKE WHICH FACES THE CENTERLINE, ALSO A "CL" DESIGNATION SHALL BE INCLUDED.
 - THE SWALE CUT AND CUT-LINE SHALL BE LOCATED ON THE OUTSIDE OF THE STAKE, WHILE ALSO CONTAINING A "SW" DESIGNATION.
- THE CONTRACTOR SHALL PROVIDE TWO (2) WORKING DAYS NOTICE TO THE COUNTY INSPECTOR PRIOR TO PAVING. AT THIS TIME, THE INSPECTOR MAY REQUIRE THE CONTRACTOR COMPLETE RELATED OR UNRELATED WORK ITEMS BEFORE PAVING MAY BEGIN.
- SURFACE TREATMENT SHALL NOT BE APPLIED: (SURFACE TREATMENT NOT USED)
 - AFTER NOVEMBER 1 OR PRIOR TO APRIL 1; OR
 - WHEN THE TEMPERATURE IS BELOW 50° F; OR
 - ON ANY WET OR FROZEN SURFACE.
- HOT MIX SHALL NOT BE APPLIED:
 - WHEN THE TEMPERATURE IS BELOW 40° F; OR
 - ON ANY WET OR FROZEN SURFACE.
- FOR ALL WOODED AREAS, A SUFFICIENT AREA BEYOND THE RIGHT-OF-WAY SHALL BE CLEARED AND GRUBBED TO ALLOW PROPER GRADING OF THE ROADWAY SWALE BACKSLOPES.
- ALL DISTURBED AREAS MUST BE STABILIZED WITH 4 INCHES OF TOPSOIL, SEED, AND MULCH.

DELDOT RECORD PLAN NOTES:

(REVISED MARCH 21, 2019)

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET.
- DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

LETTER AGREEMENT REQUIREMENTS:

- THE DEVELOPER SHALL ASSUME 100% RESPONSIBILITY FOR THE COSTS AND IMPLEMENTATION OF THE DESIGN AND CONSTRUCTION OF "ROAD IMPROVEMENTS A" WHICH INCLUDES CONSTRUCTION REQUIRED TO IMPROVE JOHN J. WILLIAMS HIGHWAY (SCR 024), WITHIN THE LIMITS OF THE SITE FRONTAGE AS OUTLINED BELOW.
 - ROAD IMPROVEMENTS A SHALL INCLUDE, BUT NOT BE LIMITED TO, CONSTRUCTION OF THE FULL MOVEMENT SITE ENTRANCE ON JOHN J. WILLIAMS HIGHWAY (SCR 024), 40'-FOOT RIGHT TURN LANE INCLUDING TAPER, 8' (FIVE) FOOT WIDE BIKE LANE, PAVEMENT MODIFICATIONS INCLUDING FULL DEPTH CONSTRUCTION AND MILL AND OVERLAY, DRAINAGE AND UTILITY RELOCATIONS, SIGNAGE, STRIPING, AND ANY ASSOCIATED WORK OR INCIDENTALS NECESSARY FOR THE COMPLETED CONSTRUCTION, IN A MANNER TO BE DETERMINED BY THE DEPARTMENT. THE LIMITS OF ROAD IMPROVEMENTS A SHALL EXTEND FROM STATION 284+00 TO 289+50 PER THE DEVELOPER'S ENTRANCE PLANS LAST REVISED 9/7/2021 AS SUBMITTED TO THE DEPARTMENT FOR REVIEW.
 - ROAD IMPROVEMENTS A SHALL BE DESIGNED BY THE DEVELOPER'S ENGINEER PER THE DEPARTMENT'S LATEST STANDARDS AND SPECIFICATIONS. THE DEVELOPER SHALL OBTAIN APPROVAL OF THE CONSTRUCTION PLANS FROM THE DEPARTMENT PRIOR TO CONSTRUCTION BEGINNING FOR ROAD IMPROVEMENTS A.
 - THE DEVELOPER SHALL BEGIN CONSTRUCTION OF AND SHALL BE COMPLETED WITH ROAD IMPROVEMENTS A INCLUDING ACCEPTANCE BY THE DEPARTMENT, PRIOR TO THE ISSUANCE OF THE 1ST BUILDING PERMIT OF PHASE I.
 - A SEPARATE CONSTRUCTION AGREEMENT BASED ON THE TERMS AND CONDITIONS SET FORTH HEREIN WILL BE EXECUTED BY THE DEVELOPER FOR ROAD IMPROVEMENTS A. THE DEVELOPER SHALL PROVIDE THE DEPARTMENT WITH SECURITY, (ON THE FORM OF A SURETY BOND, A COMMERCIAL LETTER OF CREDIT OR A CERTIFIED CHECK WITH ESCROW AGREEMENT), IN AN AMOUNT EQUAL TO 150% OF THE ROAD IMPROVEMENTS A CONSTRUCTION AGREEMENT. AT THE DEPARTMENT'S DISCRETION, THE SECURITY MAY BE REDUCED AS THE IMPROVEMENTS ARE COMPLETED, BUT A MUTUALLY AGREED UPON REPLACEMENT SECURITY IN AN AMOUNT SPECIFIED BY THE DEPARTMENT MUST BE IN FORCE PRIOR TO ANY REDUCTION OR RELEASE OF THE ORIGINAL SECURITY. THE DEPARTMENT SHALL HAVE THE RIGHT TO DRAW ON THE BOND OR LETTER OF CREDIT, FOR USE BY THE DEPARTMENT, IN THE EVENT THAT THE DEVELOPER DOES NOT CONSTRUCT ROAD IMPROVEMENTS A IN ACCORDANCE WITH THE FOLLOWING:
 - THE DEPARTMENT'S STANDARDS AND REQUIREMENTS;
 - THE PROVISIONS OF THE APPROVED CONSTRUCTION PLANS AND THIS AGREEMENT;
 - THE TIMEFRAME(S) SET FORTH IN THE CONSTRUCTION AGREEMENT OR AS ESTABLISHED AT THE TIME OF THE NOTICE TO PROCEED (NTP).
- THE DEVELOPER SHALL ASSUME 100% RESPONSIBILITY FOR THE COSTS AND IMPLEMENTATION OF THE DESIGN AND CONSTRUCTION OF "ROAD IMPROVEMENTS B" WHICH INCLUDES CONSTRUCTION REQUIRED TO IMPROVE JOHN J. WILLIAMS HIGHWAY (SCR 024), WITHIN THE LIMITS OF THE SITE FRONTAGE AS OUTLINED BELOW.
 - ROAD IMPROVEMENTS B SHALL INCLUDE, BUT NOT BE LIMITED TO, 12 (TWELVE) FOOT WIDE TRAVEL LANE AND 8 (EIGHT) FOOT WIDE SHOULDER EASTBOUND, AND 11 (ELEVEN) FOOT WIDE TRAVEL LANE AND 10 (TEN) FOOT WIDE SHOULDER WESTBOUND, AUXILIARY LANE (A MINIMUM 335 FOOT LEFT TURN LANE INCLUDING TAPER), AND ALL ASSOCIATED ROAD WORKING ON JOHN J. WILLIAMS HIGHWAY (SCR 024) ALONG THE SITE FRONTAGE. PAVEMENT MODIFICATIONS, INCLUDING FULL DEPTH RECONSTRUCTION AND MILL AND OVERLAY, 5' (FIVE) FOOT WIDE SIDEWALK, DRAINAGE AND UTILITY RELOCATIONS, SIGNAGE, STRIPING, AND ANY ASSOCIATED WORK OR INCIDENTALS NECESSARY FOR THE COMPLETED CONSTRUCTION, IN A MANNER TO BE DETERMINED BY THE DEPARTMENT. THE LIMITS OF ROAD IMPROVEMENTS B SHALL EXTEND FROM STATION 282+20.51 TO 296+91.26 PER THE DEVELOPER'S ENTRANCE PLANS LAST REVISED 9/7/2021 AS SUBMITTED TO THE DEPARTMENT FOR REVIEW.
 - ROAD IMPROVEMENTS B SHALL BE DESIGNED BY THE DEVELOPER'S ENGINEER PER THE DEPARTMENT'S LATEST STANDARDS AND SPECIFICATIONS. THE DEVELOPER MUST OBTAIN APPROVAL OF THE CONSTRUCTION PLANS FROM THE DEPARTMENT, PRIOR TO CONSTRUCTION BEGINNING FOR ROAD IMPROVEMENTS B.
 - THE DEVELOPER SHALL OBTAIN APPROVAL OF THE ROAD IMPROVEMENTS B CONSTRUCTION PLANS FROM THE DEPARTMENT PRIOR TO THE ISSUANCE OF THE 1ST BUILDING PERMIT OF PHASE I.
 - THE DEVELOPER SHALL BEGIN CONSTRUCTION OF, AND BE SUBSTANTIALLY COMPLETED WITH, AS DEFINED PER THE DEPARTMENT'S STANDARD SPECIFICATIONS, ROAD IMPROVEMENTS B PRIOR TO ISSUANCE OF THE 30TH BUILDING PERMIT OF PHASE I, AND SHALL BE COMPLETED WITH, INCLUDING ACCEPTANCE BY THE DEPARTMENT, PRIOR TO THE ISSUANCE OF THE 30TH BUILDING PERMIT OF PHASE I.
 - A SEPARATE CONSTRUCTION AGREEMENT BASED ON THE TERMS AND CONDITIONS SET FORTH HEREIN WILL BE EXECUTED BY THE DEVELOPER FOR ROAD IMPROVEMENTS B. THE DEVELOPER SHALL PROVIDE THE DEPARTMENT WITH SECURITY, (ON THE FORM OF A SURETY BOND, A COMMERCIAL LETTER OF CREDIT OR A CERTIFIED CHECK WITH ESCROW AGREEMENT), IN AN AMOUNT EQUAL TO 150% OF THE ROAD IMPROVEMENTS B CONSTRUCTION AGREEMENT. AT THE DEPARTMENT'S DISCRETION, THE SECURITY MAY BE REDUCED AS THE IMPROVEMENTS ARE COMPLETED, BUT A MUTUALLY AGREED UPON REPLACEMENT SECURITY IN AN AMOUNT SPECIFIED BY THE DEPARTMENT MUST BE IN FORCE PRIOR TO ANY REDUCTION OR RELEASE OF THE ORIGINAL SECURITY. THE DEPARTMENT SHALL HAVE THE RIGHT TO DRAW ON THE BOND OR LETTER OF CREDIT, FOR USE BY THE DEPARTMENT, IN THE EVENT THAT THE DEVELOPER DOES NOT CONSTRUCT ROAD IMPROVEMENTS B IN ACCORDANCE WITH THE FOLLOWING:
 - THE DEPARTMENT'S STANDARDS AND REQUIREMENTS;
 - THE PROVISIONS OF THE APPROVED CONSTRUCTION PLANS AND THIS AGREEMENT;
 - THE TIMEFRAME(S) SET FORTH IN THE CONSTRUCTION AGREEMENT OR AS ESTABLISHED AT THE TIME OF THE NOTICE TO PROCEED (NTP).
- THE DEVELOPER SHALL CONTRIBUTE IN A MANNER ACCEPTABLE TO THE DEPARTMENT TOWARD THE COST OF 1200711201 HSP SR 24 AT MOUNT JOY ROAD AND SR 24 AT BAY FARM ROAD INTERSECTION IMPROVEMENTS, HERINAFTER KNOWN AS "ROAD IMPROVEMENTS C" WHICH INCLUDES IMPROVEMENTS REQUIRED TO THE THREE INTERSECTIONS OF DELAWARE ROUTE 24 (SCR 024) / MOUNT JOY ROAD (SCR 297) AND DELAWARE ROUTE 24 (SCR 024) / OAK ORCHARD ROAD (SCR 229); DELAWARE ROUTE 24 (SCR 024) / ALBION ROAD (SCR 298); AND DELAWARE ROUTE 24 (SCR 024) / BAY FARM ROAD (SCR 299) AND DELAWARE ROUTE 24 (SCR 024) / AUTUMN ROAD (SCR 299), AS OUTLINED BELOW:
 - ROAD IMPROVEMENTS C SHALL INCLUDE, BUT NOT BE LIMITED TO, PAVEMENT MODIFICATIONS, RELOCATION OF THE SIDEWALK, DRAINAGE AND UTILITY RELOCATIONS, SIGNAGE, STRIPING AND RE-STRIPING, TRAFFIC SIGNALS, LIGHTING AND ANY ASSOCIATED WORK OR INCIDENTALS NECESSARY FOR THE COMPLETED CONSTRUCTION.
 - THE DEPARTMENT SHALL DETERMINE THE LIMITS AND METHODS OF CONSTRUCTION.
 - DEVELOPER'S SOLE RESPONSIBILITY FOR ROAD IMPROVEMENTS C SHALL BE TO MAKE ITS CONTRIBUTION, HERINAFTER KNOWN AS "EQUITABLE SHARE CONTRIBUTION C," WHICH IS CALCULATED BY DIVIDING THE LAND DEVELOPMENT PROJECT'S GENERATED PM PEAK TRIPS PASSING THROUGH THE INTERSECTION OF DELAWARE ROUTE 24 (SCR 024) / MOUNT JOY ROAD (SCR 297) AND DELAWARE ROUTE 24 (SCR 024) / OAK ORCHARD ROAD (SCR 297) BY THE TOTAL NUMBER OF PM PEAK TRIPS EXPECTED TO PASS THROUGH THAT INTERSECTION DURING THE PM PEAK HOUR, MULTIPLIED BY THE TOTAL ESTIMATED CONSTRUCTION COST OF ROAD IMPROVEMENTS C, OR 4.54% OF THE TOTAL COST OF \$11,549,914 BASED ON PEAK HOUR TURNING MOVEMENTS. THE AMOUNT OF THE EQUITABLE SHARE CONTRIBUTION IS \$524,247.
 - EQUITABLE SHARE CONTRIBUTION C SHALL BE MADE BY THE DEVELOPER AND RECEIVED BY THE DEPARTMENT IN THE FOLLOWING MANNER:
 - ONE-THIRD (1/3) OF EQUITABLE SHARE CONTRIBUTION C (\$174,749.00) SHALL BE PAID TO THE DEPARTMENT PRIOR TO ISSUANCE OF BOTH BUILDING PERMIT OF PHASE I.
 - ONE-THIRD (1/3) OF EQUITABLE SHARE CONTRIBUTION C (\$174,749.00) SHALL BE PAID TO THE DEPARTMENT PRIOR TO THE ISSUANCE OF THE 30TH BUILDING PERMIT OF PHASE I.
 - THE REMAINING ONE-THIRD (1/3) OF EQUITABLE SHARE CONTRIBUTION C (\$174,749.00) SHALL BE PAID TO THE DEPARTMENT PRIOR TO THE ISSUANCE OF THE 125TH BUILDING PERMIT OF PHASE I.
 - THE DEPARTMENT SHALL ESTABLISH AN ESCROW FUND FOR COLLECTION OF THE EQUITABLE SHARE CONTRIBUTION C FOR DISBURSEMENT TO 1200711201 HSP SR 24 AT MOUNT JOY ROAD AND SR 24 AT BAY FARM ROAD INTERSECTION IMPROVEMENTS.

GENERAL NOTES:

- SUBDIVISION STREETS ARE TO REMAIN PRIVATE AND ARE TO BE CONSTRUCTED IN ACCORDANCE WITH SUSSEX COUNTY REGULATIONS.
- MAINTENANCE OF THE STREET WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE OWNER/DEVELOPER AND/OR HOME OWNER'S ASSOCIATION. THE STATE AND SUSSEX COUNTY ASSUMES NO RESPONSIBILITY FOR FUTURE MAINTENANCE OF THE STREETS.
- ACCESS TO ALL LOTS IS TO BE FROM SUBDIVISION STREETS OR DRIVE ACCESS LOOPS.
- MAINTENANCE OF THE STORM WATER MANAGEMENT AREAS WILL BE THE RESPONSIBILITY OF THE OWNER/DEVELOPER AND/OR HOMEOWNER'S ASSOCIATION.
- THE PROPOSED ENTRANCES/EXITS ARE CONCEPTUAL ONLY AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION BEFORE A CONSTRUCTION PERMIT IS ISSUED.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES MAY NOW, OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODOORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTING OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- NO DEED RESTRICTIONS ARE PROPOSED AS PART OF THIS PLAN.
- MAINTENANCE OF ALL FORESTED AND/OR LANDSCAPE BUFFERS WILL BE THE RESPONSIBILITY OF THE HOME OWNER'S ASSOCIATION. THE STATE AND SUSSEX COUNTY ASSUME NO RESPONSIBILITY FOR MAINTENANCE OF THESE AREAS.
- INSTALLATION OF SUBDIVISION SIGN IS SUBJECT TO PERMIT REQUIREMENTS OF SUSSEX COUNTY.
- AS NOTED ON SHEET 3, A SEPARATE SITE PLAN SHALL BE SUBMITTED FOR SITE PLAN REVIEW AND APPROVAL BY SUSSEX COUNTY PLANNING & ZONING COMMISSION.

PROJECT PHASING

PHASE 1 - 4 YEARS
 TOTAL PROJECT BUILDOUT - 4 YEARS
 ESTIMATED PROJECT COMPLETION DATE - DECEMBER 2023

THE PROJECT IS BE APPROVED AS A SINGLE PHASE PROJECT, WITH THREE (3) OPERATIONAL BREAKS FOR PURPOSES OF BONDING, BENEFICIAL OCCUPANCY INSPECTION, RELEASE OF USE AND OCCUPANCY PERMITS.

OPEN SPACE SUMMARY			
AREA	SWM FACILITY	ACTIVE OPEN SPACE	PASSIVE OPEN SPACE
A	-	-	1.422 AC.±
B	-	-	0.627 AC.±
C	-	-	1.247 AC.±
D	0.983 AC.±	-	4.785 AC.±
E	0.420 AC.±	-	0.747 AC.±
F	2.792 AC.±	1.107 AC.±	4.078 AC.±

DELDOT PROJECT DATA

- HUNDRED: INDIAN RIVER
- ACCESS ROAD MAINTENANCE NUMBER: S024
- INVESTMENT LEVEL AREA: 3
- TD: N/A
- DATUM: HORIZONTAL: DELAWARE COORDINATE SYSTEM '83/'86
VERTICAL: N.A.Y.D. '88

SITE DATA

- PROJECT TITLE/NAME: PATRIOTS GLEN
- TAX PARCEL: 234-29.00-66.00; -66.01; -66.02
- OWNER INFORMATION: TARA DOUGHTY AND MARK SAMMONS 30756 MT. JOY ROAD MILLSBORO, DE
- DEVELOPER: SCHIFF LAND DEVELOPMENT CO., LLC 18054 S. DUPONT HWY. HARRINGTON, DE 19952
- ZONING: MR - RPC
- EXISTING: MR - RPC
- DEVELOPMENT TYPE: RESIDENTIAL PLANNED COMMUNITY (RPC) SINGLE FAMILY DETACHED
- BULK AREA STANDARDS (MR-RPC)

MIN. FRONT YARD	25'
MIN. SIDE YARD	10'
MIN. REAR YARD	10'
MIN. CORNER YARD	15'
MIN. LOT WIDTH	60'
MIN. LOT AREA	7,500 SF
DENSITY:	4.356 D.U./AC.
- LAND USE: EXISTING USE: AGRICULTURAL
PROPOSED USE: RESIDENTIAL
- DEVELOPMENT DENSITY COMPUTATIONS:

NET DEVELOPMENT AREA:	
TOTAL SITE AREA =	49.748 AC. ±
PROPOSED ROAD ROW:	6.379 AC. ±
NET DEVELOPMENT AREA:	43.369 AC. ±
- ALLOWABLE DWELLING UNITS:

NET DEVELOPMENT AREA * ALLOWABLE DENSITY =	ALLOWABLE D.U.
43.369 AC. x 4.356 D.U. / AC. =	188 D.U.
- PROPOSED DENSITY:

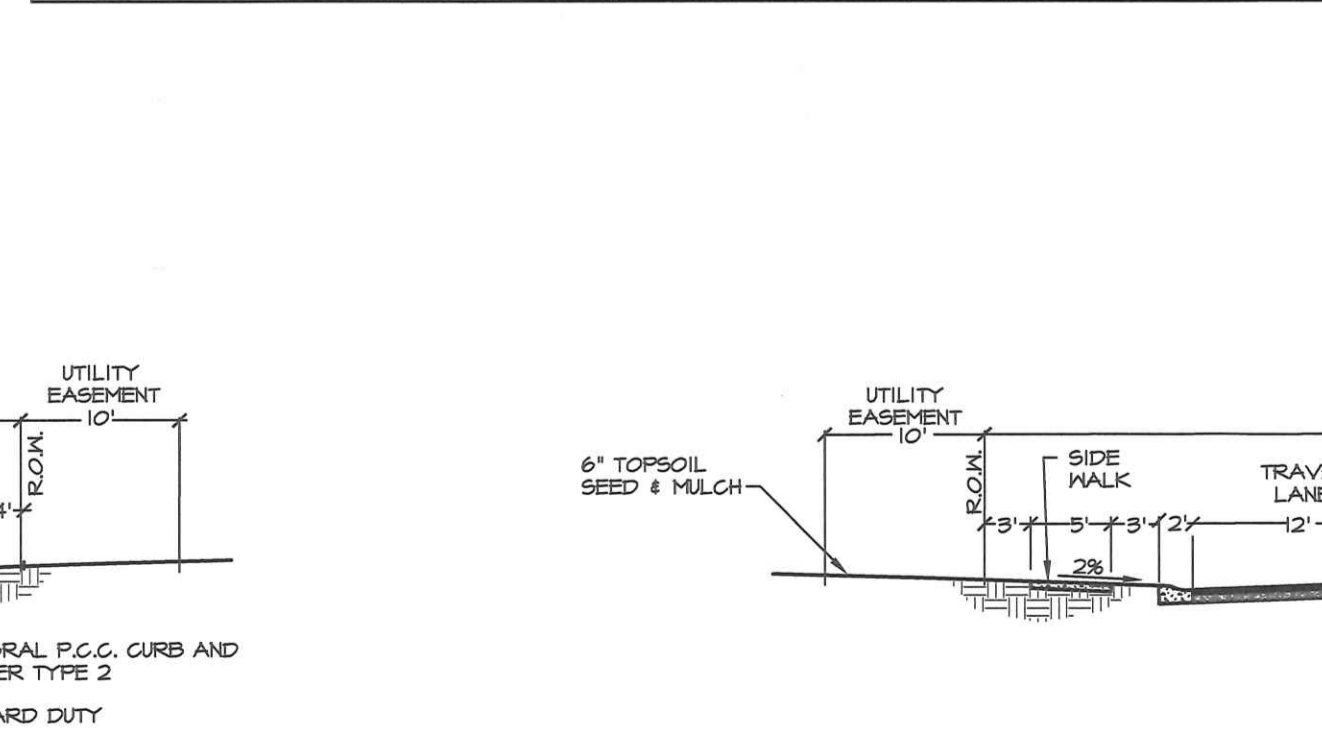
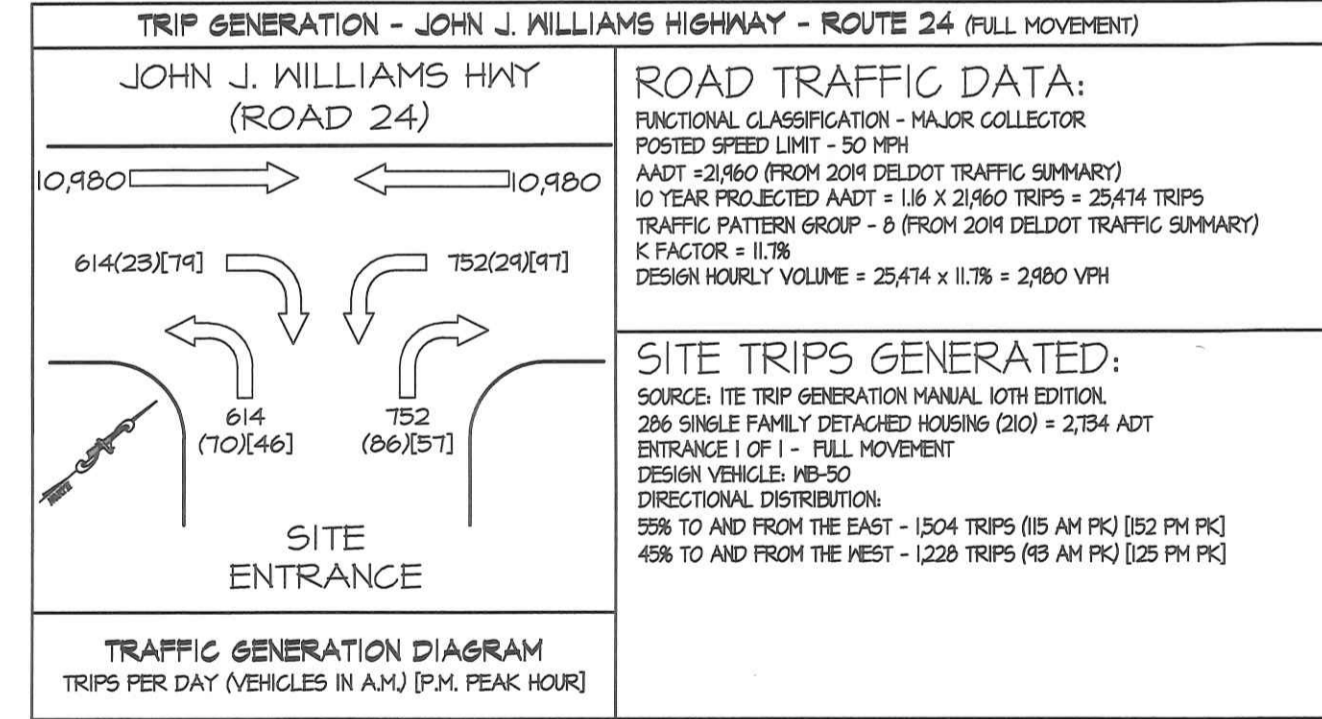
158 D.U. / 42.34 AC. ± =	3.67 D.U./AC. (NET)
158 D.U. / 50.01 AC. ± =	3.18 D.U./AC. (GROSS)
- SITE AREA BREAKDOWN:

TOTAL SITE AREA =	49.748 AC. ±
TOTAL STATE WETLANDS =	0.000 AC. ±
TOTAL DELDOT R.O.W. =	0.000 AC. ±
TOTAL EXISTING R.O.W. =	6.379 AC. ±
NET ACREAGE =	43.369 AC. ±
- ESTIMATED IMPERVIOUS COVER: 42%
- OPEN SPACE AREAS:

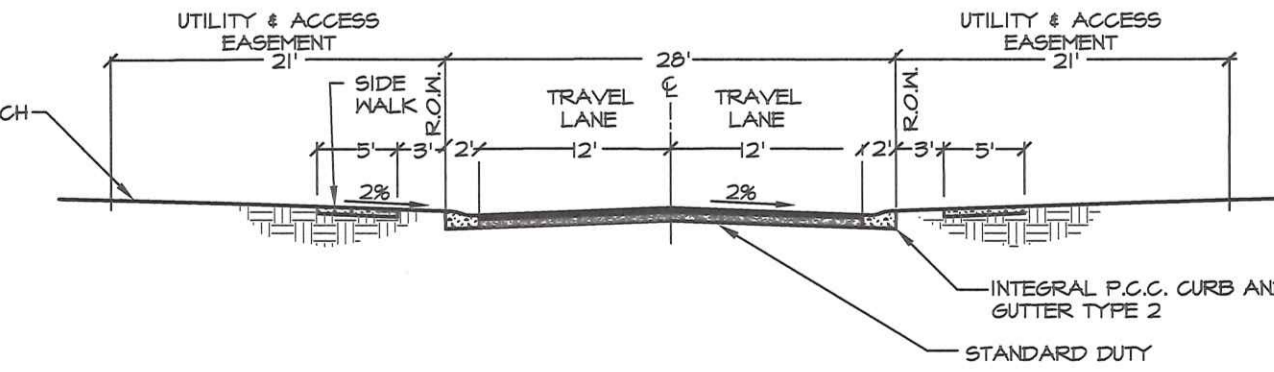
REQUIRED [SECTION 99.21(D)]:	100% X 49.748 AC. ± =	4.975 AC. ±
PROPOSED:		12.907 AC. ±
PASSIVE:	(INCL. NATURAL FOREST & BUFFER AREAS, STORMWATER MANAGEMENT AREAS, PUMP STATION AREA, ETC.)	
ACTIVE:	(INCL. COMMUNITY POOL & RECREATION AREA)	1.107 AC. ±
TOTAL PROPOSED		14.014 AC. ±
(14.014 AC. / 49.748 AC.) =		28.2 %
- FOREST COVER:

EXIST. FOREST:	1.221 AC. ±
FOREST CLEARED:	0.829 AC. ±
FOREST REMAINING:	0.392 AC. ±
REFORESTATION:	0.00 AC. ±
PROPOSED TOTAL:	0.392 AC. ±
- WATER SERVICE: PUBLIC (TIDEWATER UTILITY COMPANY)
- SANITARY SEWER: PUBLIC (SUSSEX COUNTY)
- PROPOSED LOTS: 158 SINGLE FAMILY LOTS
- PARKING ANALYSIS:

PARKING REQUIRED:	158 SFD X 2 SP/DU = 316 SP
PARKING PROVIDED:	158 SFD X 3 SP/DU + 17 SP = 491 SP
- A PRELIMINARY WETLANDS EVALUATION WAS PERFORMED IN JULY 2018 BY GEO-TECHNOLOGY ASSOCIATES, INC. (GTA). NO JURISDICTIONAL "WATERS OF THE U.S." OR WETLANDS WERE DETERMINED TO BE PRESENT ON SITE.
- THIS SITE LIES WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAN) PER FEMA MAPS 10005C0477K EFFECTIVE MARCH 16, 2015.
- ALL DROP MANHOLES TO BE 5' OR LARGER IN DIAMETER.
- ALL FACILITIES TO MEET SUSSEX COUNTY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS.
- CLEANOUTS TO BE AT EDGE OF ROAD PAVEMENT OR EDGE OF RIGHT-OF-WAY; 6-INCH LATERAL FOR ALL SINGLE FAMILY HOUSES.
- NO CHURCHES, SCHOOLS, OR COMMERCIAL USE AREAS PROPOSED ON THIS SITE.
- PROJECT SITE IS NOT LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).
- PORTIONS OF THE SUBJECT PROJECT AREA ARE LOCATED WITHIN THE LIMITS OF A DESIGNATED WELLHEAD PROTECTION AREA.
- THE PROJECT AREA IS LOCATED WITHIN AREAS OF "GOOD", "FAIR", AND "POOR" GROUNDWATER RECHARGE POTENTIAL.



TYPICAL CLOSED SECTION ROAD: 50' ROW



TYPICAL CLOSED SECTION ROAD: 28' ROW

TYPICAL SECTION - ENTRANCE ROAD & 60' ROW

PLAT

MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 18 BOULDEN CIRCLE, SUITE 36
 NEW CASTLE, DELAWARE 19720
 (302) 326-2200

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FINAL SITE PLAN NOTES & DETAILS
 FOR
PATRIOTS GLEN
 PHASE 1

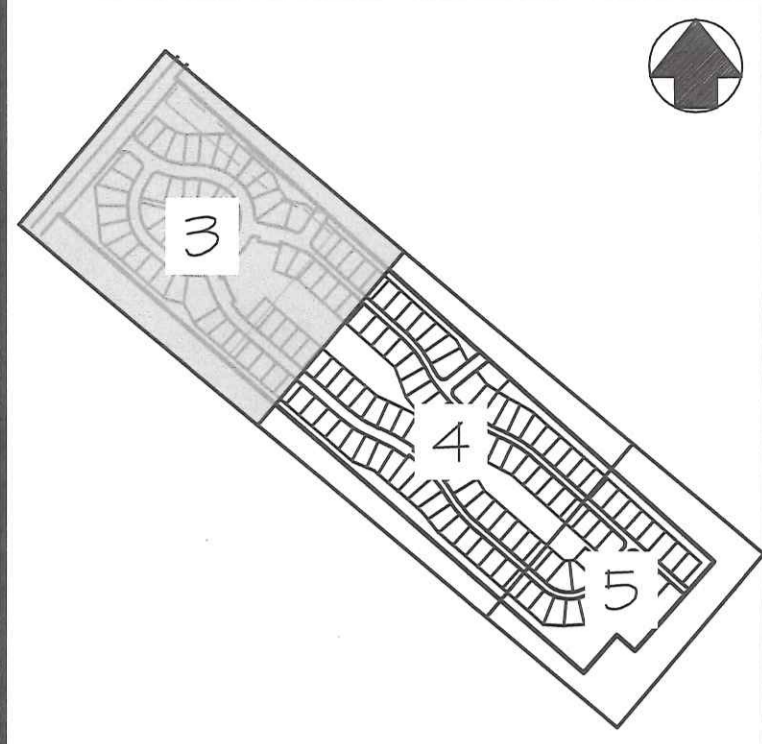
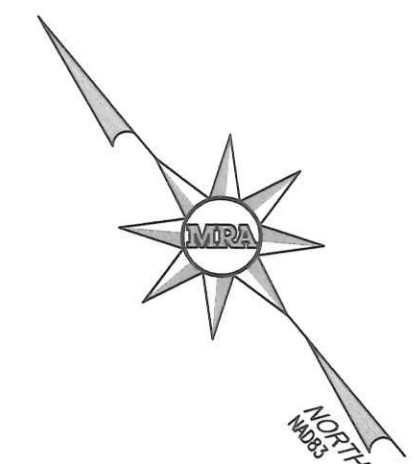
DATE	REVISIONS	JOB NO.:
6/30/21	PER DELDOT COMMENTS	SCALE: AS NOTED
9/7/21	PAVING SECTIONS REMOVED	DATE: 4/19/2021
11/11/21	PER DELDOT COMMENTS	DRAWN BY: JPH/RDG
11/29/21	PER DELDOT COMMENTS	DESIGN BY: JPH/RDG
12/2/21	PER DELDOT COMMENTS	REVIEW BY: CJF/PLT
		SHEET: 2 OF 5

G:\20296-Patriots Glen\02\PLAT\0296_PLAT_TITLE_SHEET-ph.dwg, 12/9/2021 8:56:53 PM, Copyright 2021, Morris & Ritchie Associates, Inc.

LEGEND

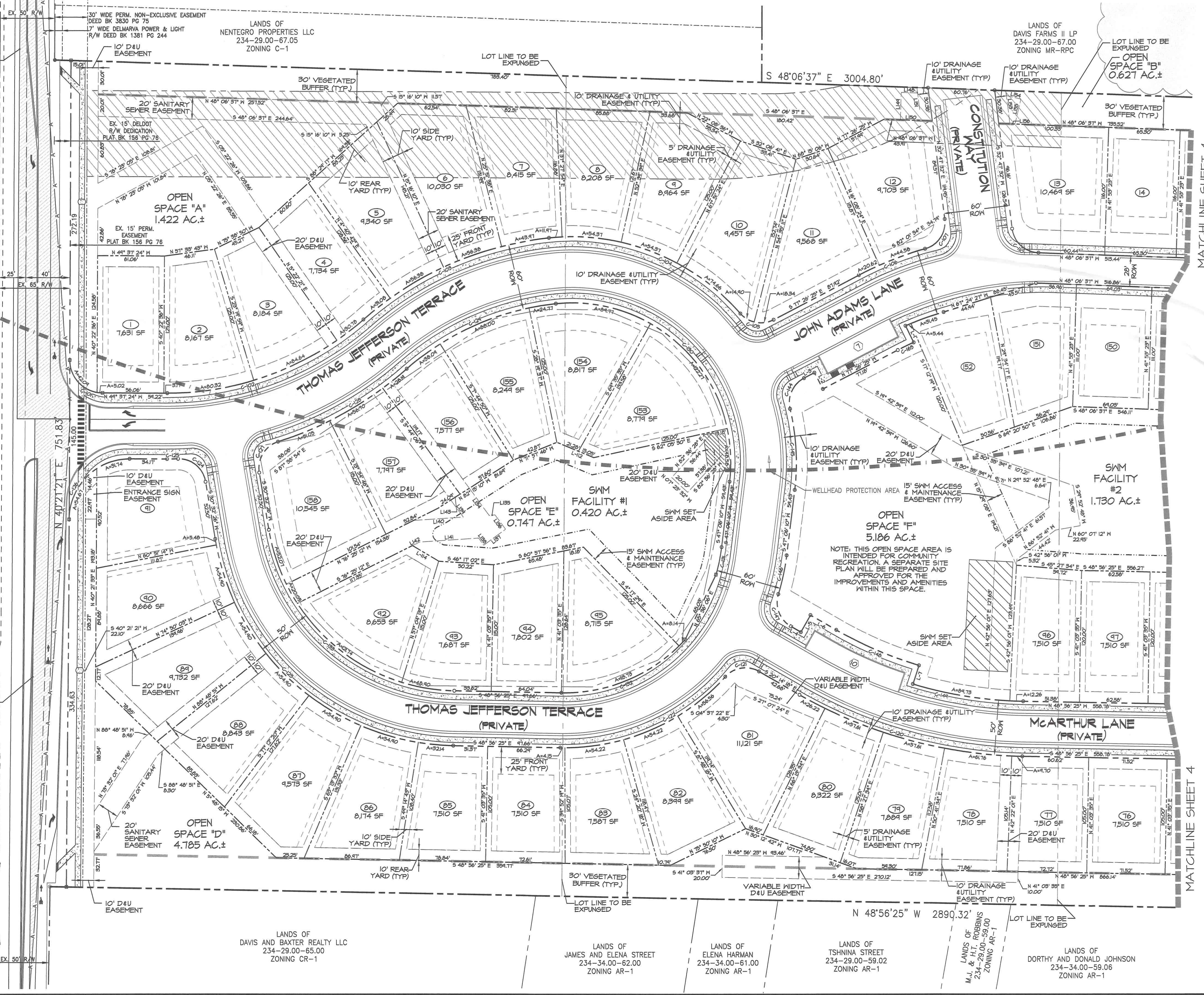
- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- WELLHEAD PROTECTION AREA
- UNDISTURBED FORESTED AREA
- PROPOSED CONCRETE SIDEWALK
- LOT LINE TO BE EXPUNGED *
- EASEMENT PER PLAT BK 156 PG 76 TO BE EXPUNGED / RELEASED / ABANDONED *

* LOT LINES AND EASEMENT (SEE PB 156 PG 76) TO BE EXPUNGED PER THIS PLAT



KEY MAP
SCALE: 1"=800'

JOHN J WILLIAMS HIGHWAY - SR 24
MAJOR COLLECTOR (S024)

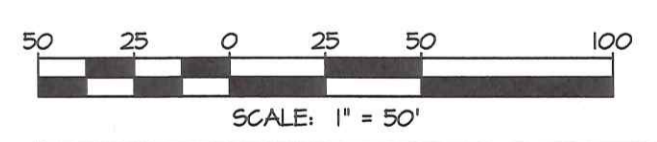


CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C-101	30.00'	47.11'	S 04° 38' 01" E	42.42'
C-102	210.00'	145.74'	S 10° 29' 30" E	141.48'
C-103	905.00'	187.81'	S 73° 31' 11" E	184.85'
C-104	205.00'	145.37'	S 28° 34' 34" E	146.06'
C-105	25.00'	33.23'	S 34° 21' 24" E	30.84'
C-106	930.00'	65.20'	N 71° 46' 44" M	65.09'
C-107	25.00'	35.38'	N 73° 20' 04" E	32.50'
C-110	25.00'	35.30'	N 07° 31' 33" M	32.44'
C-120	425.00'	212.90'	S 34° 35' 21" E	210.68'
C-121	25.00'	33.67'	S 58° 44' 07" E	31.18'
C-122	200.00'	164.15'	S 73° 10' 10" E	164.16'
C-123	225.00'	312.12'	S 04° 12' 00" E	287.64'
C-124	25.00'	35.74'	S 10° 24' 40" E	32.71'
C-125	930.00'	10.02'	S 50° 24' 33" E	10.02'
C-126	35.00'	54.67'	S 68° 50' 01" M	52.45'
C-127	25.00'	35.74'	S 71° 24' 32" M	32.71'
C-128	930.00'	135.95'	N 74° 21' 24" M	134.94'
C-129	245.00'	150.86'	N 73° 31' 11" M	148.44'
C-130	145.00'	260.62'	S 04° 23' 18" E	226.93'
C-131	145.00'	25.57'	S 52° 04' 15" M	25.53'
C-132	150.00'	126.86'	S 73° 10' 10" E	123.12'
C-133	175.00'	242.76'	S 04° 12' 00" E	223.76'
C-144	25.00'	33.74'	S 64° 28' 38" M	30.84'
C-145	205.00'	74.09'	S 36° 44' 56" M	73.64'
C-146	205.00'	36.15'	S 52° 04' 15" M	36.10'
C-147	25.00'	33.74'	S 18° 24' 01" M	31.28'
C-148	357.25'	82.31'	S 26° 50' 14" E	82.12'
C-149	375.00'	101.94'	N 41° 08' 55" M	101.68'
C-155	253.25'	16.10'	N 75° 37' 04" M	16.10'

LINE TABLE

LINE	BEARING	DISTANCE
L-1	S 13° 46' 04" M	16.76'
L-2	N 12° 33' 35" E	16.75'
L-3	N 77° 26' 25" M	10.75'
L-4	S 20° 14' 18" E	10.51'
L-5	N 64° 45' 42" E	17.75'
L-6	S 20° 14' 18" E	27.04'
L-7	S 58° 17' 08" M	17.76'
L-112	N 27° 35' 12" M	36.34'
L-114	S 14° 52' 44" E	27.18'
L134	N 03° 44' 06" E	30.51'
L135	N 55° 42' 04" M	5.41'
L136	N 03° 44' 06" E	16.21'
L137	S 56° 15' 54" E	24.65'
L138	S 03° 44' 06" M	8.00'
L139	S 03° 44' 06" M	14.15'
L140	N 53° 42' 46" M	45.18'
L141	S 53° 42' 46" E	53.85'
L142	S 76° 10' 41" E	7.50'
L143	S 82° 15' 10" E	20.05'
L149	N 48° 06' 37" M	15.02'
L144	S 41° 53' 23" M	25.00'
L150	S 48° 06' 37" E	14.01'
L151	N 52° 41' 20" E	25.32'
L153	N 32° 47' 32" E	25.84'
L154	S 36° 34' 51" E	13.61'
L155	S 53° 20' 04" M	23.28'
L156	N 48° 06' 37" M	4.64'



PLAT

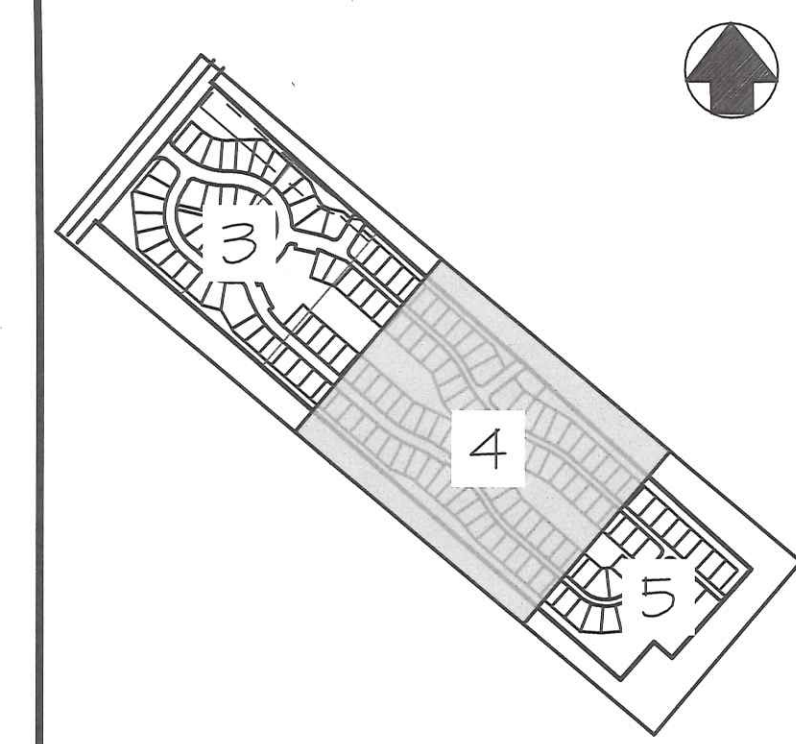
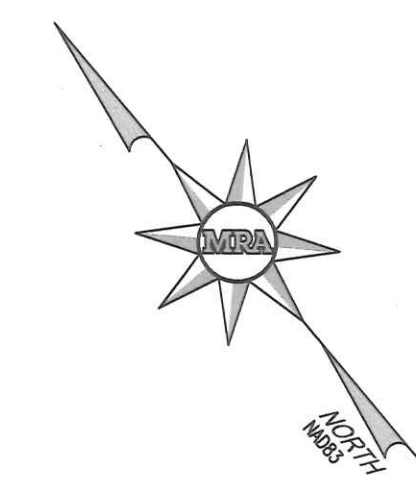
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FINAL SITE PLAN FOR PATRIOTS GLEN PHASE 1

INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.:
6/30/21	PER DELDOT COMMENTS	20296
8/7/21	PER SCED & DELDOT COMMENTS	SCALE: 1"= 50'
11/11/21	PER DELDOT COMMENTS	DATE: 4/19/2021
11/24/21	PER TIDEWATER COMMENTS	DRAWN BY: RDG/JPH
		DESIGN BY: RDG/JPH
		REVIEW BY: CJF/PLT
		SHEET: 3 OF 5

LANDS OF
DAVIS FARMS II LP
234-29.00-67.00
ZONING MR-RPC

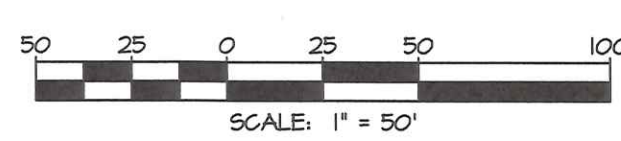


LINE TABLE

LINE	BEARING	DISTANCE
L-8	S 38° 21' 30" E	41.50'
L120	N 40° 26' 11" E	20.00'
L121	S 44° 33' 44" E	130.76'
L122	N 44° 33' 44" N	111.76'
L123	S 38° 21' 30" E	13.54'
L124	N 64° 23' 32" W	9.04'
L125	S 04° 51' 33" W	13.51'
L126	S 51° 04' 56" W	1.58'
L127	S 38° 21' 30" E	10.03'
L128	S 25° 16' 17" E	10.04'
L129	N 51° 04' 56" E	10.71'
L130	N 04° 51' 33" E	10.50'
L132	S 04° 51' 33" W	10.15'
L133	S 26° 24' 21" W	3.71'
L134	S 64° 21' 51" E	20.00'
L135	N 26° 24' 21" E	6.36'
L136	N 04° 51' 33" E	1.25'
L137	N 44° 33' 44" N	23.23'
L138	N 78° 51' 40" W	18.62'
L158	S 11° 08' 20" W	21.60'
L159	N 51° 54' 41" E	28.52'

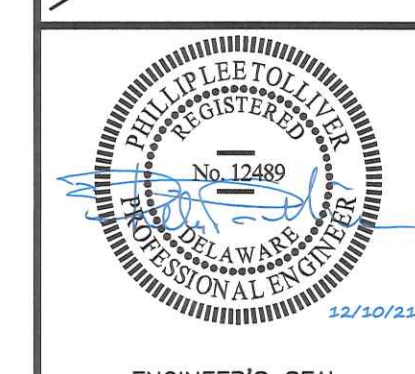
CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C-109	514.00'	178.45'	S 38° 04' 52" E	177.56'
C-110	24.98'	41.93'	S 80° 44' 30" E	36.71'
C-111	25.00'	41.32'	N 04° 33' 52" E	36.71'
C-112	636.00'	263.07'	N 54° 31' 56" N	261.20'
C-113	514.00'	164.81'	N 51° 11' 46" N	164.11'
C-116	514.00'	158.31'	S 40° 01' 01" E	157.68'
C-117	636.00'	244.06'	S 42° 11' 13" E	242.56'
C-118	625.00'	153.92'	S 60° 20' 08" E	153.53'
C-119	525.00'	164.06'	S 58° 04' 56" E	160.33'
C-136	486.00'	168.73'	N 38° 04' 52" W	167.88'
C-137	664.00'	443.44'	N 41° 21' 01" W	435.24'
C-139	486.00'	155.83'	N 51° 11' 46" N	155.17'
C-142	486.00'	144.68'	N 40° 01' 01" W	144.04'
C-153	475.00'	152.96'	N 58° 04' 56" W	152.30'
C-154	675.00'	167.78'	N 60° 16' 12" W	167.33'
C-156	664.00'	56.77'	N 34° 31' 44" N	56.75'
C-196	646.77'	57.46'	S 30° 48' 24" E	57.44'



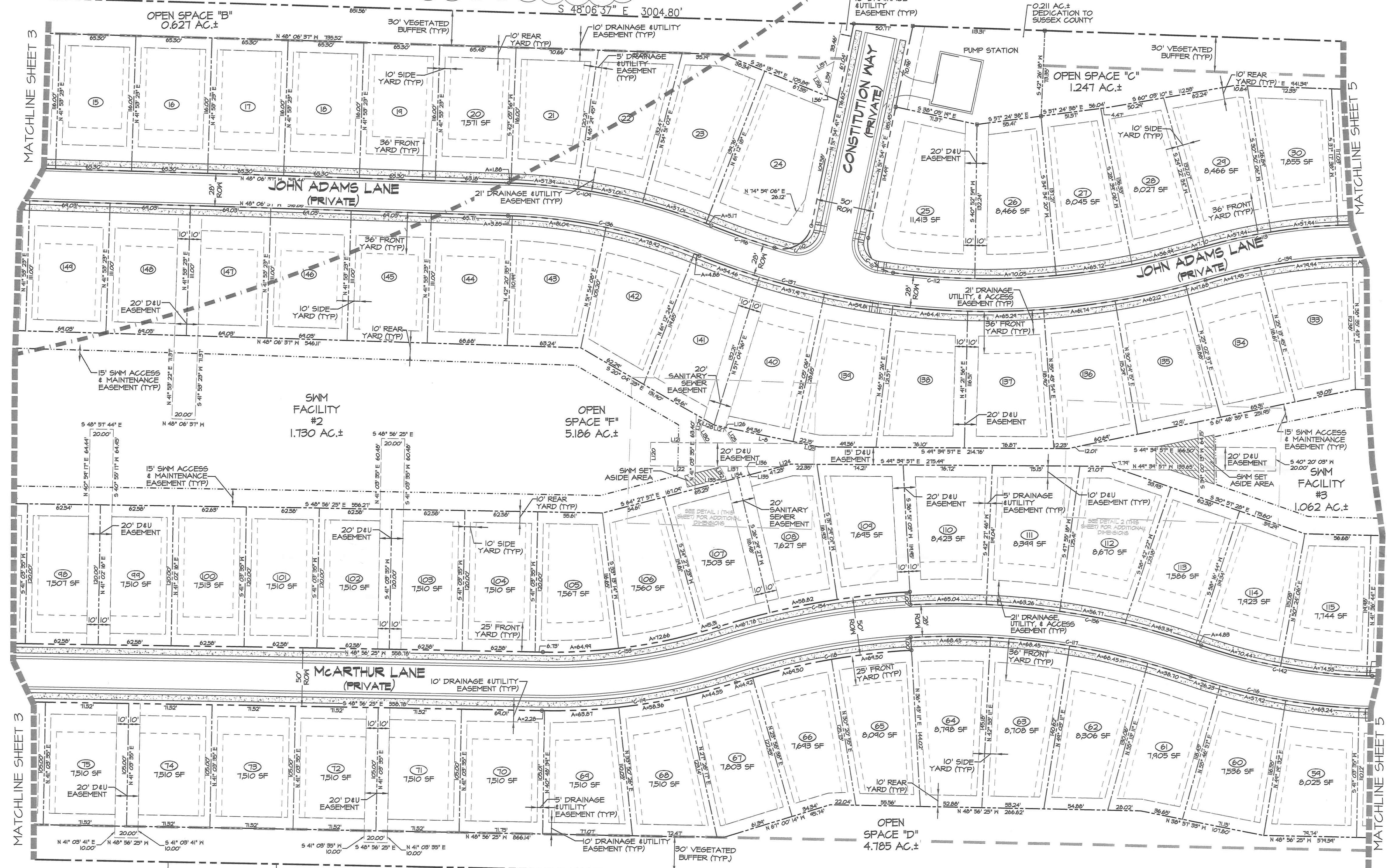
PLAT

MORRIS & RITCHIE ASSOCIATES, INC.
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NEW CASTLE, DELAWARE 19720
(302) 326-2200
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**FINAL SITE PLAN
FOR
PATRIOTS GLEN
PHASE 1**

DATE	REVISIONS	JOB NO.: 20296
		SCALE: 1" = 50'
		DATE: 9/7/2021
		DRAWN BY: RDG/JPH
		DESIGN BY: RDG/JPH
		REVIEW BY: CJF/PLT
		SHEET: 4 OF 5



LANDS OF
DORTHY AND DONALD JOHNSON
234-34.00-59.06
ZONING AR-1

LANDS OF
TERESA B. MORRIS-DEMBY,
TRUSTEE
234-29.00-58.00
ZONING AR-1

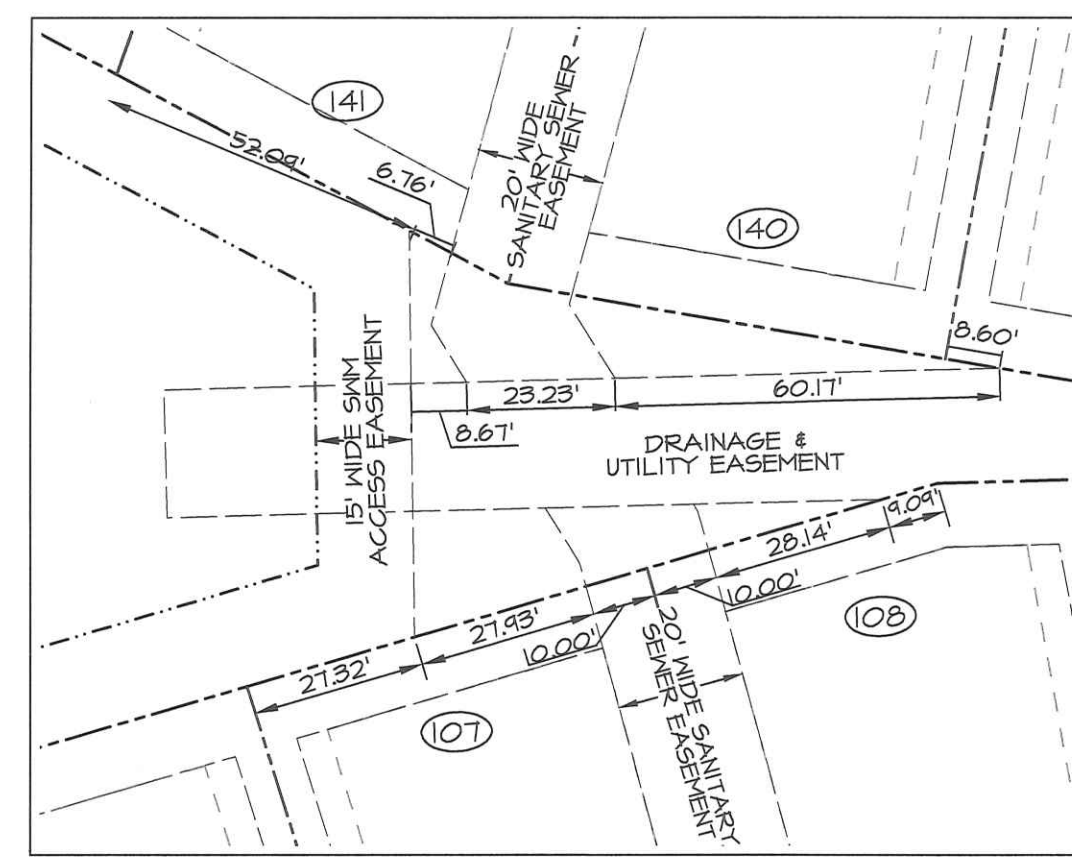
LANDS OF
VANDER AND MARY MORRIS
234-29.00-57.00
ZONING GR

LANDS OF
MARY WALKER
234-29.00-57.01
ZONING GR

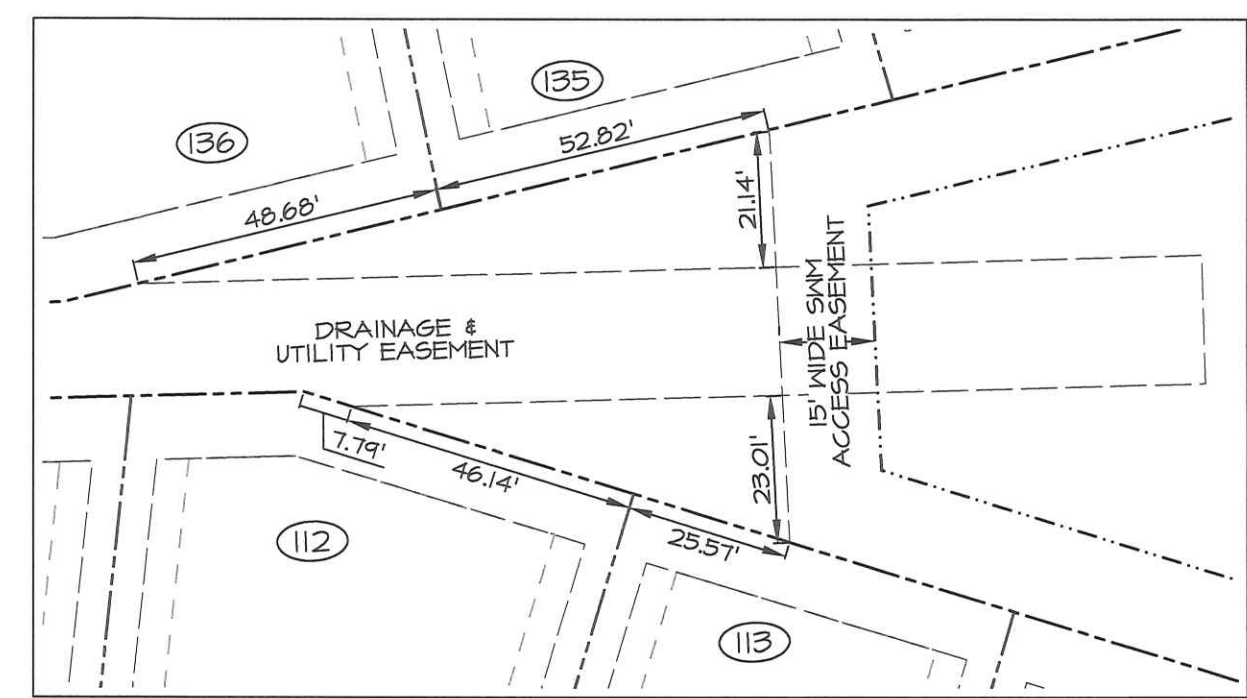
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DAVID AND KATHY RITTER
234-29.00-57.00
ZONING GR

LANDS OF
PEOTA LONEWOLF ET. AL
234-29.00-56.03
ZONING GR

LANDS OF
MARK P. REINITZ &
CHRISTINE STOUDT-REINITZ
234-29.00-55.00
ZONING GR



DETAIL 1
SCALE: 1"=30'

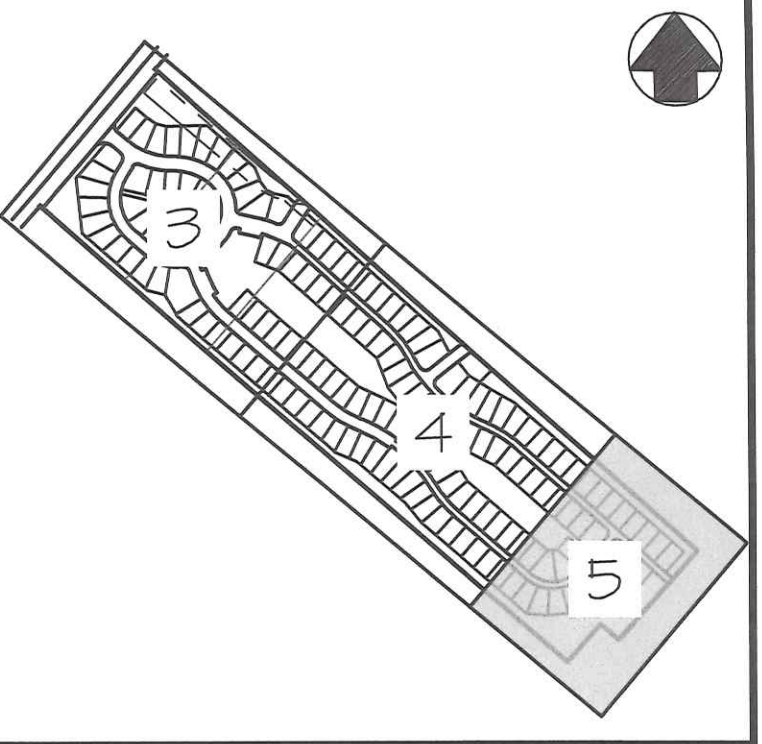


DETAIL 2
SCALE: 1"=30'

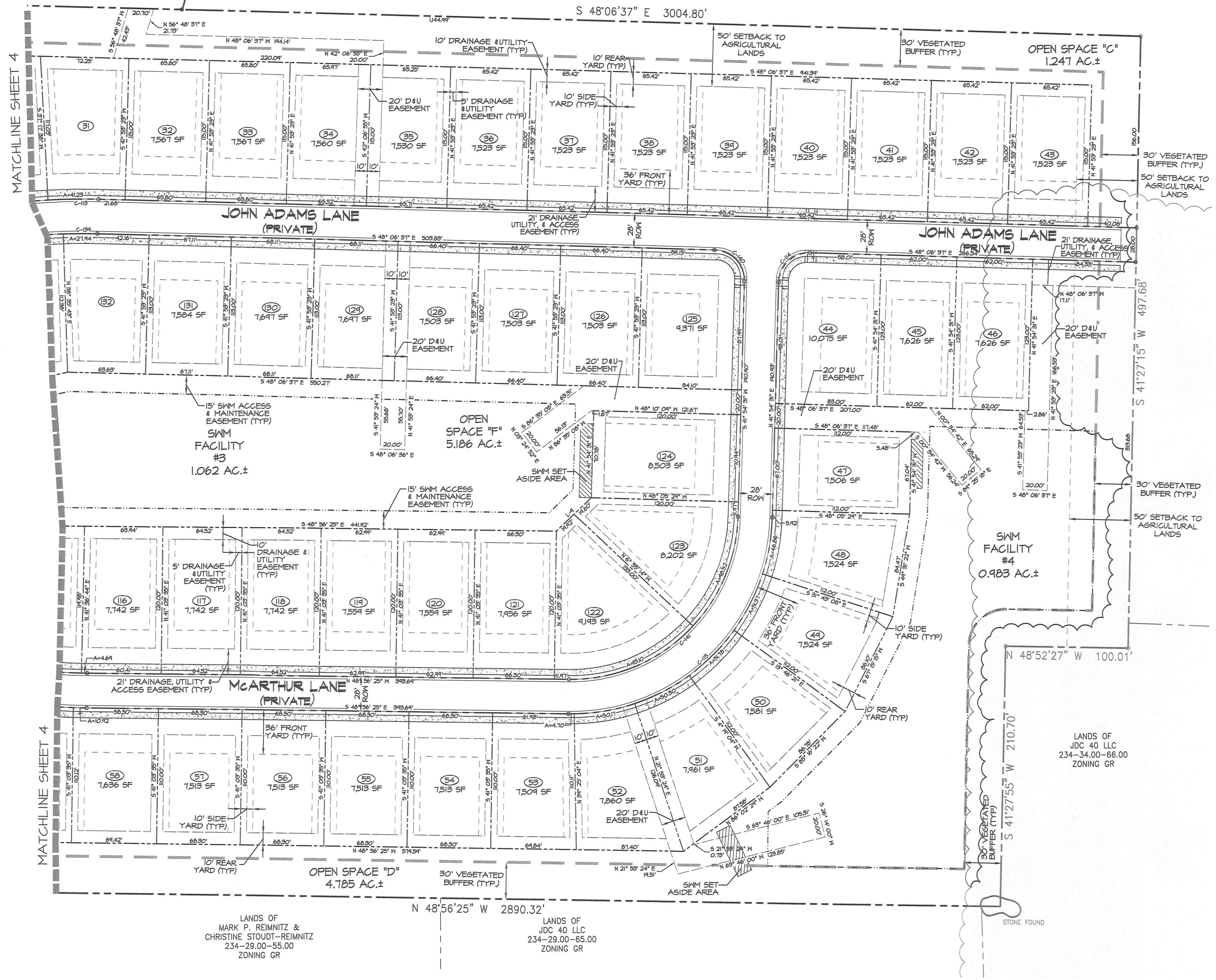
LEGEND

- EXISTING PROPERTY LINE
- - - LANDSCAPE BUFFER
- - - ADJACENT PROPERTY LINE
- - - PROPOSED LOT LINE
- - - PROPOSED RIGHT OF WAY LINE
- - - PROPOSED STORMWATER MANAGEMENT AREA
- - - LINE OF SIGHT
- - - PROPOSED SETBACK LINE
- - - EXISTING EASEMENT LINE
- - - PROPOSED EASEMENT LINE
- - - WELLHEAD PROTECTION AREA
- - - UNDISTURBED FORESTED AREA
- - - PROPOSED CONCRETE SIDEWALK
- - - LOT LINE TO BE EXPANDED *
- - - EASEMENT PER PLAT BK 156 PG 76 TO BE EXPANDED / RELEASED / ABANDONED *

* LOT LINES AND EASEMENT (SEE PB 156 PG 76) TO BE EXPANDED PER THIS PLAT



KEY MAP
SCALE: 1"=800'



CURVE TABLE

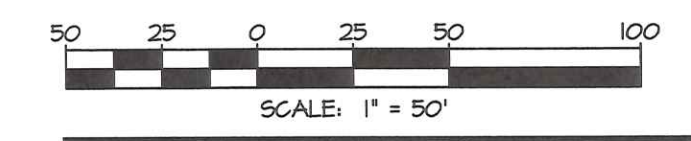
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C-13	514.00'	164.81'	N 51° 17' 46" W	164.11'
C-14	25.00'	34.26'	N 86° 53' 51" E	35.35'
C-15	164.00'	250.48'	N 85° 34' 41" E	226.84'
C-16	514.00'	158.91'	S 40° 07' 01" E	157.68'
C-134	486.00'	155.83'	N 51° 17' 46" W	155.17'
C-140	25.00'	34.26'	S 03° 06' 03" E	35.36'
C-141	136.00'	211.61'	S 86° 24' 03" W	140.90'
C-142	486.00'	144.68'	N 40° 07' 01" W	144.09'

LEGEND

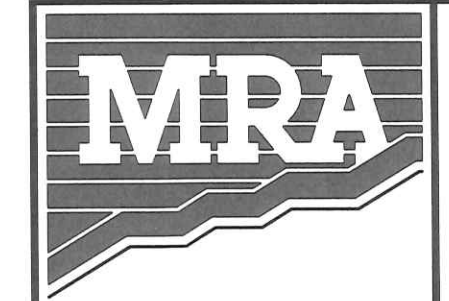
- EXISTING PROPERTY LINE
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- WELLHEAD PROTECTION AREA
- UNDISTURBED FORESTED AREA
- PROPOSED CONCRETE SIDEWALK
- LOT LINE TO BE EXPUNGED *
- EASEMENT PER PLAT BK 156 PG 76 TO BE EXPUNGED / RELEASED / ABANDONED *

* LOT LINES AND EASEMENT (SEE PB 156 PG 76) TO BE EXPUNGED PER THIS PLAT

** NOTE:
TAX PARCEL 234-29.00-220.00 IS CURRENTLY ACTIVELY FARMED. SEE SHEET 2, GENERAL NOTE #6.

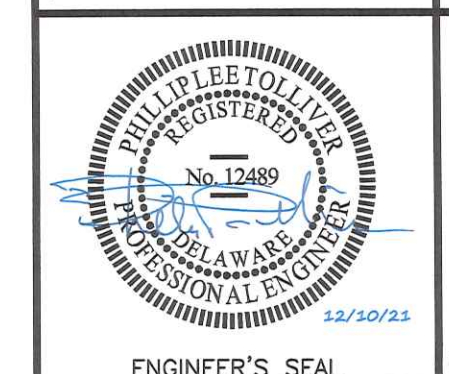


PLAT



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NEW CASTLE, DELAWARE 19720
(302) 326-2200

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FINAL SITE PLAN
FOR
PATRIOTS GLEN
PHASE 1

DATE	REVISIONS	JOB NO.: 20296
		SCALE: 1" = 50'
		DATE: 9/7/2021
		DRAWN BY: RDG/JPH
		DESIGN BY: RDG/JPH
		REVIEW BY: CJF/PLT
		SHEET: 5 OF 5

CALL BEFORE YOU DIG
MISS UTILITY OF DELMARVA
1-800-282-8555 (IN DE)
PLEASE GIVE THREE WORKING
DAYS ADVANCE NOTICE

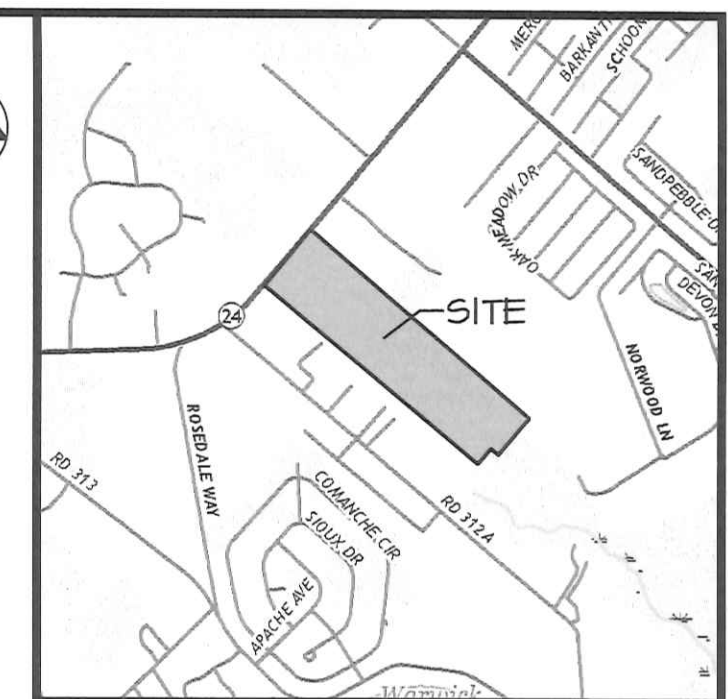
ALL CONSTRUCTION MUST BE DONE IN
COMPLIANCE WITH THE OCCUPATIONAL
SAFETY AND HEALTH ACT OF 1970 AND
ALL RULES AND REGULATIONS THERETO
APPURTENANT.



Know what's below.
Call before you dig.

PROTECT YOURSELF, GIVE THREE
WORKING DAYS NOTICE

THIS DRAWING DOES NOT INCLUDE NECESSARY
COMPONENTS FOR CONSTRUCTION SAFETY. ALL
CONSTRUCTION MUST BE DONE IN COMPLIANCE
WITH THE OCCUPATIONAL SAFETY AND HEALTH
ACT OF 1970 AND ALL RULES AND REGULATIONS
THERE TO APPURTENANT.



LOCATION MAP
SCALE: 1" = 200'

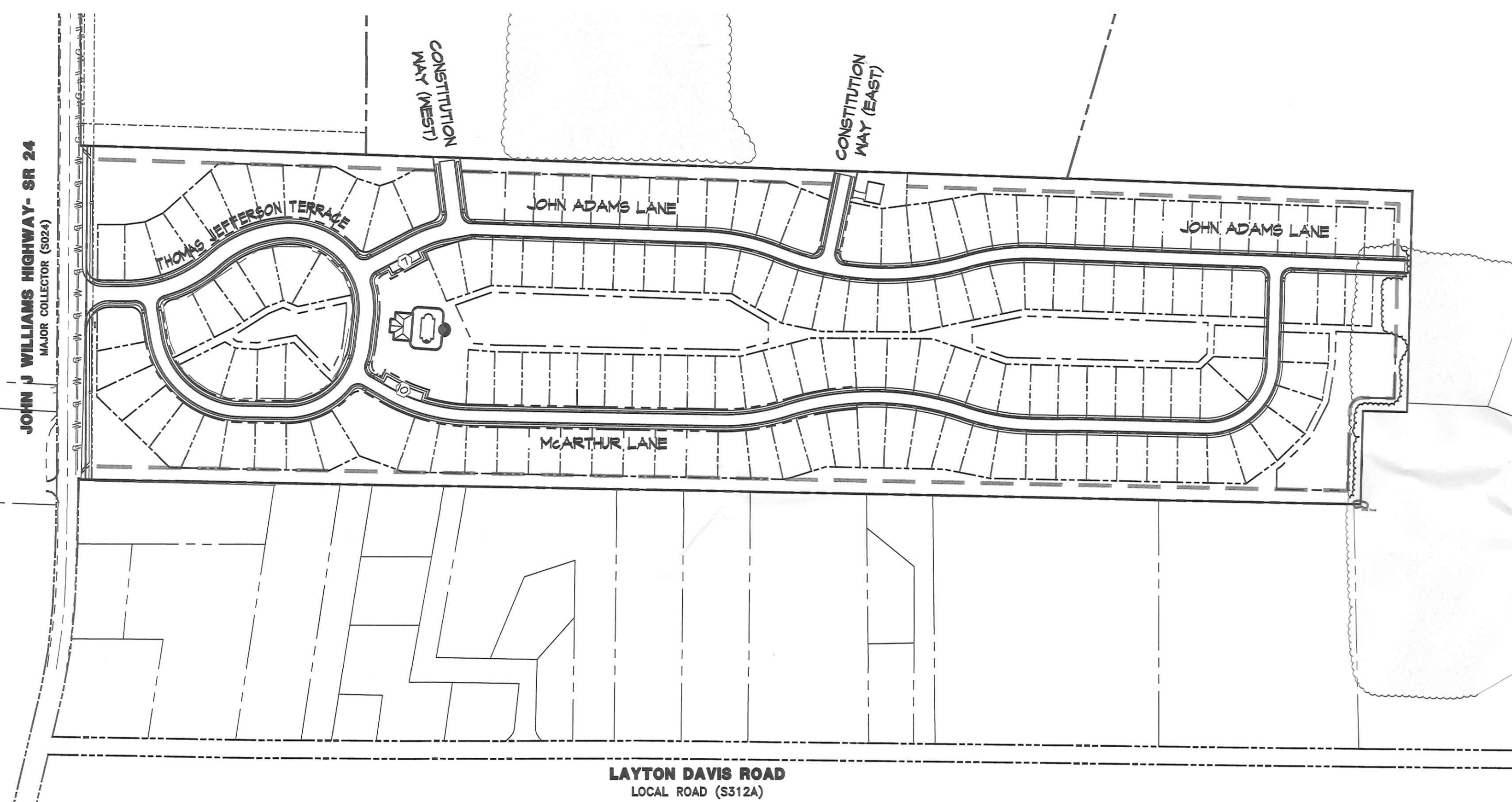
PATRIOTS GLEN

PHASE 1

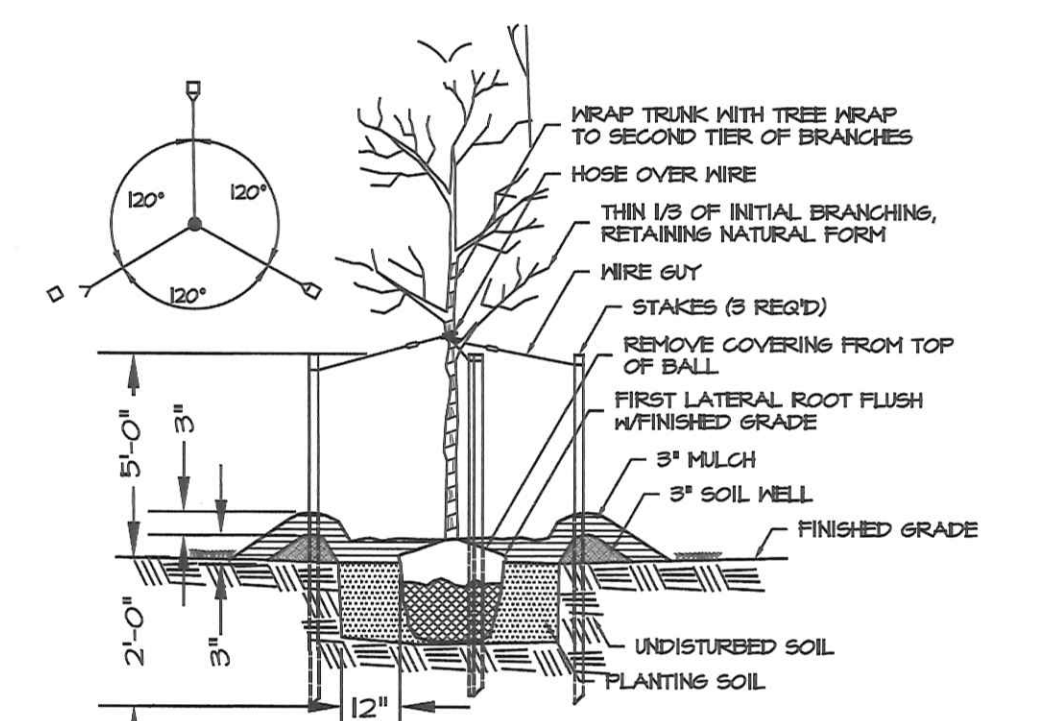
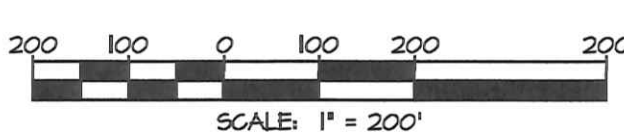
SUSSEX COUNTY, DELAWARE LANDSCAPE PLANS SUSSEX COUNTY PLANNING # 2018-23

GENERAL PLANTING NOTES

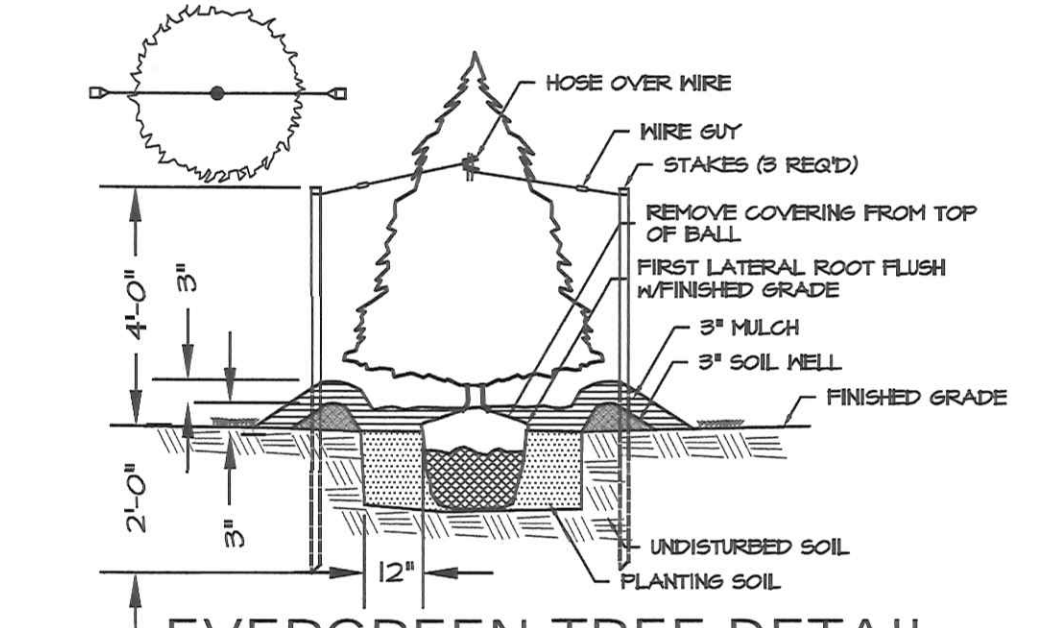
1. PLANT MATERIAL SHALL BE FURNISHED AND INSTALLED AS INDICATED INCLUDING ALL LABOR, MATERIALS, PLANTS, EQUIPMENT, INCIDENTALS AND CLEANUP.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PLANTING AT CORRECT GRADES AND ALIGNMENT. PLANTS SHALL BE TYPICAL OF THEIR SPECIES AND VARIETY, HAVE NORMAL GROWTH HABITS, WELL DEVELOPED BRANCHES, DENSE FOLIAGE, VIGOROUS ROOT SYSTEMS, AND BE FREE FROM DEFECTS AND INJURIES.
3. THE CONTRACTOR SHALL REPORT ANY SOIL OR DRAINAGE CONDITIONS CONSIDERED DETRIMENTAL TO THE GROWTH OF THE PLANT MATERIAL.
4. ALL PLANT MATERIAL SHALL BE GUARANTEED BY THE CONTRACTOR TO BE IN VIGOROUS GROWING CONDITION. PROVISIONS SHALL BE MADE FOR A GROWTH GUARANTEE OF AT LEAST ONE (1) YEAR FOR TREES AND A MINIMUM OF ONE (1) YEAR FOR SHRUBS. REPLACEMENT SHALL BE MADE AT THE BEGINNING OF THE FIRST SUCCEEDING PLANTING SEASON. ALL REPLACEMENTS SHALL HAVE A GUARANTEE EQUAL TO THAT STATED ABOVE. THE DEVELOPER IS EXPECTED TO MAINTAIN PLANTINGS, INCLUDING WATERING ALL PLANTS ANY TIME FROM APRIL TO DECEMBER WHEN NATURAL RAINFALL IS LESS THAN ONE INCH PER WEEK.
5. IN SO FAR AS IS PRACTICABLE, PLANT MATERIALS SHALL BE PLANTED ON THE DAY OF DELIVERY. IN THE EVENT THIS IS NOT POSSIBLE, THE CONTRACTOR SHALL PROTECT STOCK NOT PLANTED. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN A THREE (3) DAY PERIOD AFTER DELIVERY. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF ROOTBALLS SHALL BE IN ACCORDANCE WITH ANSI Z60.1-1986 (OR CURRENT EDITION) "AMERICAN STANDARD FOR NURSERY STOCK," LAST REVISION, AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERMEN, INC.
6. ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPERED AS BACKFILLING PROGRESSES. NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, ETC., SHALL BE USED FOR PLANTING.
7. PLANTS SHALL NOT BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK AND BREAK BRANCHES. PLANTS SHALL BE HANDLED FROM THE BOTTOM OF THE ROOTBALL ONLY.
8. PLANTING OPERATIONS SHALL BE PERFORMED DURING PERIODS WITHIN THE PLANTING SEASON WHEN WEATHER AND SOIL CONDITIONS ARE SUITABLE AND IN ACCORDANCE WITH ACCEPTED LOCAL PRACTICE.
9. NO PLANT, EXCEPT GROUND COVERS, SHALL BE PLANTED LESS THAN TWO (2) FEET FROM EXISTING STRUCTURES AND SIDEWALKS.
10. SET PLANTS PLUMB AND STRAIGHT. SET AT SUCH LEVEL THAT, AFTER SETTLEMENT, A NORMAL OR NATURAL RELATIONSHIP TO THE GROWN OF THE PLANT WITH THE GROUND SURFACE WILL BE ESTABLISHED. LOCATE PLANT IN THE CENTER OF THE PIT.
11. ALL INJURED ROOTS SHALL BE PRUNED TO MAKE CLEAN ENDS BEFORE PLANTING. IT IS ADVISABLE TO PRUNE APPROXIMATELY 1/3 OF THE GROWTH OF LARGE TREES (2" CALIPER AND OVER) BY THE REMOVAL OF SUPERFLUOUS BRANCHES, THOSE WHICH CROSS, THOSE WHICH RUN PARALLEL, ETC. MAIN LEADER OF TREES MUST NOT BE CUT BACK. LONG SIDE BRANCHES, HOWEVER, MUST BE SHORTENED.
12. EACH TREE AND SHRUB SHALL BE PRUNED IN ACCORDANCE WITH STANDARD HORTICULTURAL PRACTICE TO PRESERVE NATURAL CHARACTER OF THE PLANT. PRUNING SHALL BE DONE WITH CLEAN, SHARP TOOLS.
13. TREES SHALL BE SUPPORTED IMMEDIATELY AFTER PLANTING ONLY WHEN CONDITIONS MERIT. ALL TREES SIX (6) INCHES AND OVER IN CALIPER SHALL BE GUYED. SMALLER TREES SHALL BE STAKED. GUYING WIRES AND STAKES SHALL BE INSTALLED AS INDICATED.
14. SHOULD A PLANT BE UNAVAILABLE AT THE TIME OF INSTALLATION, ALL SUBSTITUTIONS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT.
15. AREAS TO BE LANDSCAPED SHALL RECEIVE STOCKPILED TOPSOIL TO A MINIMUM DEPTH OF FOUR (4) TO SIX (6) INCHES. ORGANIC MATTER CONTENT OF TOPSOIL SHALL BE A MINIMUM OF 4%, IN THE EVENT THAT ORGANIC MATTER CONTENT IS DEFICIENT, SOIL AMENDMENTS SHALL BE ADDED AS NECESSARY TO ACHIEVE THE REQUIRED PERCENTAGE.
16. PLANTING OPERATIONS SHALL INCLUDE THE COMPLETE REMOVAL OF ALL SYNTHETIC MATERIAL (IF USED) FROM THE ROOTBALL PRIOR TO PLANTING.
17. ALL DISTURBED AREAS NOT PAVED OR MULCHED SHALL BE SEEDED.
18. WHEN TREE GROWTH BEGINS, ALL STAKES AND/OR GUYING SHALL BE REMOVED.
19. THE CONTRACTOR SHALL LOCATE AND VERIFY THE EXISTENCE OF ALL UTILITIES PRIOR TO STARTING WORK.
20. THE CONSTRUCTION / IMPROVEMENT OF OPEN SPACE AREAS SHALL BE COMPLETED IN A PROPORTION EQUAL TO OR GREATER THAN THE PROPORTION OF RESIDENTIAL DWELLING UNITS COMPLETED, EXCEPT THAT 100% OF THE RECREATION AREAS SHALL BE COMPLETED PRIOR TO ISSUING BUILDING PERMITS FOR THE FINAL 20% OF THE DWELLING UNITS PROPOSED, UNLESS WRITTEN AGREEMENT IS IN PLACE BETWEEN THE APPLICANT AND THE PLANNING SERVICES DEPARTMENT.



SITE OVERVIEW
SCALE: 1" = 200'



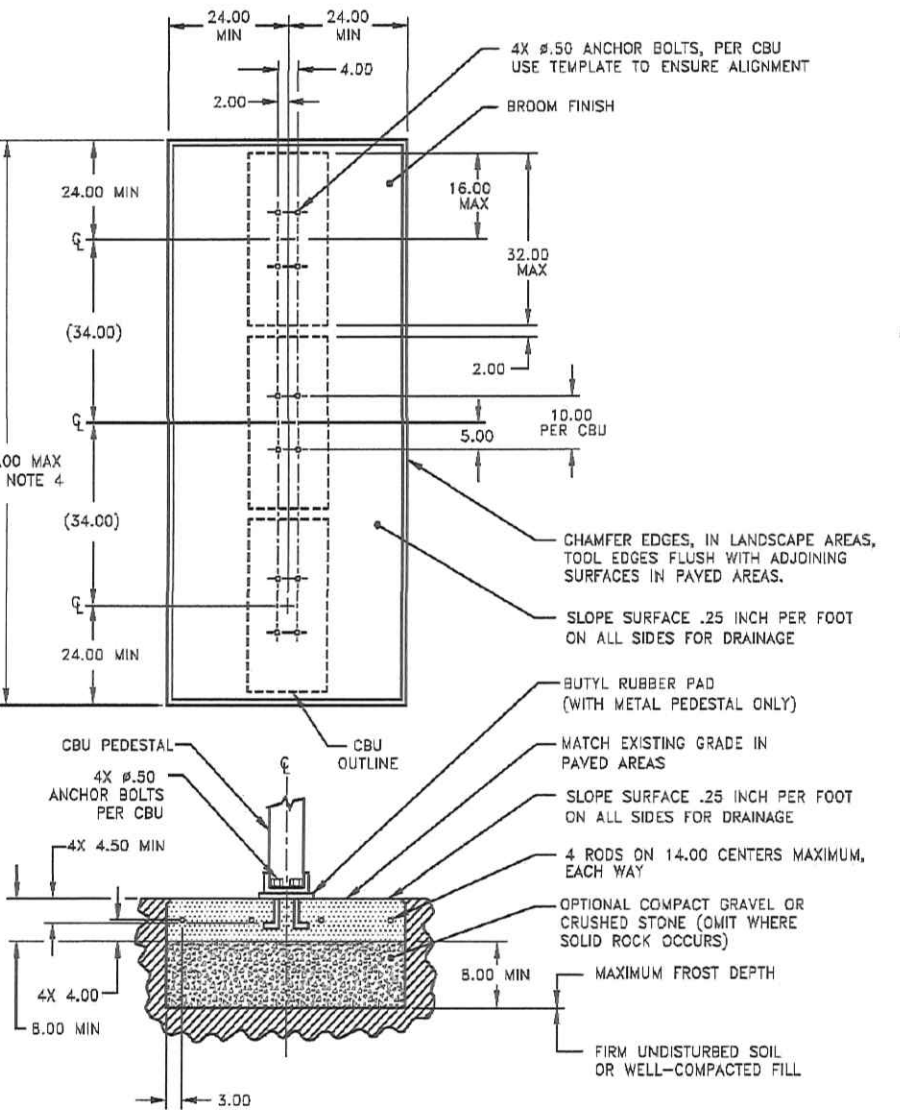
DECIDUOUS TREE DETAIL
NOT TO SCALE



EVERGREEN TREE DETAIL
NOT TO SCALE

INDEX OF DRAWINGS

- SHEET 1 LANDSCAPE TITLE SHEET
- SHEET 2 LANDSCAPE PLAN
- SHEET 3 LANDSCAPE PLAN
- SHEET 4 LANDSCAPE PLAN



CLUSTER BOX UNIT (CBU)
-CONCRETE PAD REQUIREMENTS-

- 1 UNIT SINGLE PAD 4' X 4'
- 2 UNITS DOUBLE PAD 4' X 7'
- 3 UNITS TRIPLE PAD 4' X 10'
- 4 UNITS QUAD PAD 4' X 13'

*** WHEN PLACING A PARCEL LOCKER AT ANY CBU LOCATION, INCREASE THE PAD SIZE BY AN ADDITIONAL 4' X 4' ***

MAIL CLUSTER BOX UNIT DETAIL
NOT TO SCALE

NOT TO SCALE

CBU's must be level and mounted firmly in concrete, using one of the following methods.

1. The J-bolt method is the preferred method of installation of CBU's on concrete pads; however, the J-bolt pattern must be accurate with the CBU pedestal plate. When using J-bolts, in order to prevent any damage or accident that could result from the exposed bolts, consideration should be given as to the time lapse between pouring the concrete and the actual installation. Expansion anchors must be installed in accordance with the manufacturer's instructions.
2. The use of anchor bolts for the installation of CBU's on concrete pads is also acceptable as long as the methods described below are followed.
 - a. Hilti Kwik bolt II, 1/2" diameter X 5-1/2" overall length
Catalog Number: 000-453-896, KB II 12-512
Stainless Steel Catalog Number: 000-454-744
Minimum embedment in concrete must be no less than 3-1/2"
 - b. ITW Ramset Redhead Trubolt, galvanized, 1/2" diameter X 7" overall length
Catalog Number: 7324
Minimum embedment in concrete must be no less than 4"
 - c. Rawl Stud, 1/2" diameter X 5 1/2" overall length, galvanized.
Catalog Number: 7324
Minimum embedment in concrete must be no less than 4"

LANDSCAPE BUFFER RATIONALE

PERIMETER 6,549 LINEAR FEET
- EXISTING FORESTED BUFFER 703 LINEAR FEET
REMAINING PERIMETER = 5,841 LINEAR FEET
PERIMETER x 15 TREES / 100 LF = 876 TREES REQUIRED

DECIDUOUS TREES REQUIRED (70% OF TOTAL): 613
EVERGREEN TREES REQUIRED (30% OF TOTAL): 263

PLANTING SCHEDULE

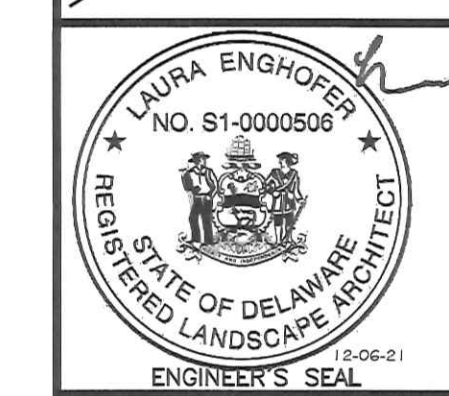
Qty.	Key	Botanical Name	Common Name	Size	Root
CANOPY TREES					
32	As	<i>Acer saccharum</i>	Sugar Maple	2.5" Cal.	B#B
34	Cp	<i>Carpinus betulus</i>	European Hornbeam	2.5" Cal.	B#B
35	Coc	<i>Celtis occidentalis</i>	Common Hackberry	2.5" Cal.	B#B
38	Fg	<i>Fagus grandifolia</i>	American Beech	2.5" Cal.	B#B
26	Fp	<i>Fraxinus pennsylvanica</i>	Green Ash	2.5" Cal.	B#B
35	Ls	<i>Liquidambar styraciflua</i>	Sweet Gum	2.5" Cal.	B#B
40	Ns	<i>Nyssa sylvatica</i>	Black Gum	2.5" Cal.	B#B
59	Op	<i>Quercus phellos</i>	Willow Oak	2.5" Cal.	B#B
52	Tl	<i>Tilia tomentosa</i>	Silver Linden	2.5" Cal.	B#B
33	Zs	<i>Zelkova serrata</i>	Japanese Zelkova	2.5" Cal.	B#B
FLOWERING TREES					
62	Ac	<i>Amelanchier canadensis</i>	Shadblow Serviceberry	1"-1.5"	B#B
49	Cc	<i>Cercis canadensis</i>	Eastern Redbud	1"-1.5"	B#B
59	Cf	<i>Cornus florida</i>	Flowering Dogwood	1"-1.5"	B#B
59	Col	<i>Cornus obovatus</i>	American Smoketree	1"-1.5"	B#B
EVERGREEN TREES					
53	Ct	<i>Chamaecyparis thyoides</i>	American Whitecedar	6"-8"	B#B
34	Io	<i>Ilex opaca</i>	American Holly	6"-8"	B#B
60	Jv	<i>Juniperus virginiana 'Glauca'</i>	Silver Cedar	6"-8"	B#B
39	Ps	<i>Pinus strobus</i>	White Pine	6"-8"	B#B
39	To	<i>Thuja occidentalis 'Wintergreen'</i>	American Arborvitae	6"-8"	B#B
38	Tp	<i>Thuja plicata 'Green Giant'</i>	Western Cedar	6"-8"	B#B

876 TOTAL NUMBER OF TREES PROPOSED

LAND



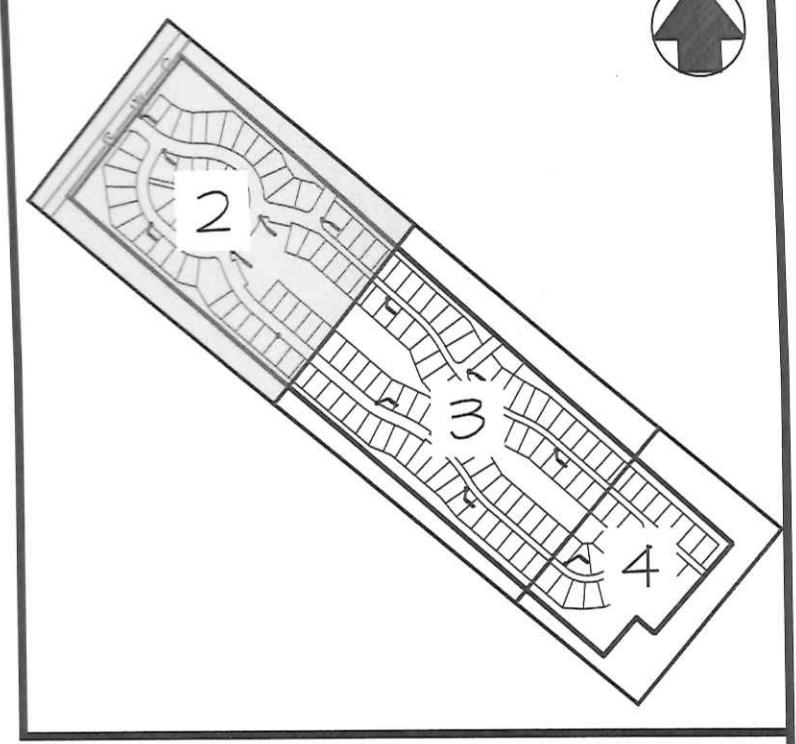
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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NEW CASTLE, DELAWARE 19720
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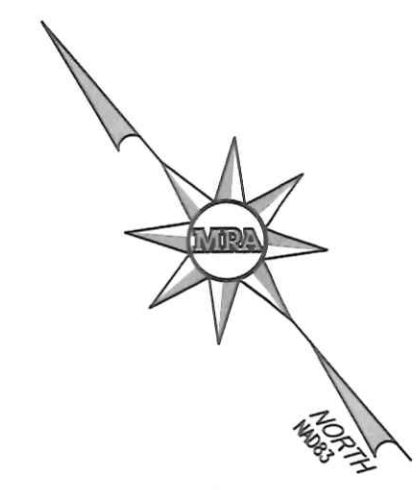
LANDSCAPE TITLE SHEET
FOR
PATRIOTS GLEN
PHASE 1

DATE	REVISIONS	JOB NO.: 20296
		SCALE: AS NOTED
		DATE: 4/19/2021
		DRAWN BY: JPH/LE
		DESIGN BY: JPH/LE
		REVIEW BY: LE/PLT
		SHEET: 1 OF 4

G:\2020\Projects\02096_Patriots_Glen\LIB\PILOT\Phase 1\LANDSCAPE\202096_LAND_TITLE_SHEET.dwg, 12/16/2021, 11:12:24 AM, Copyright 2021 Morris & Ritchie Associates, Inc.



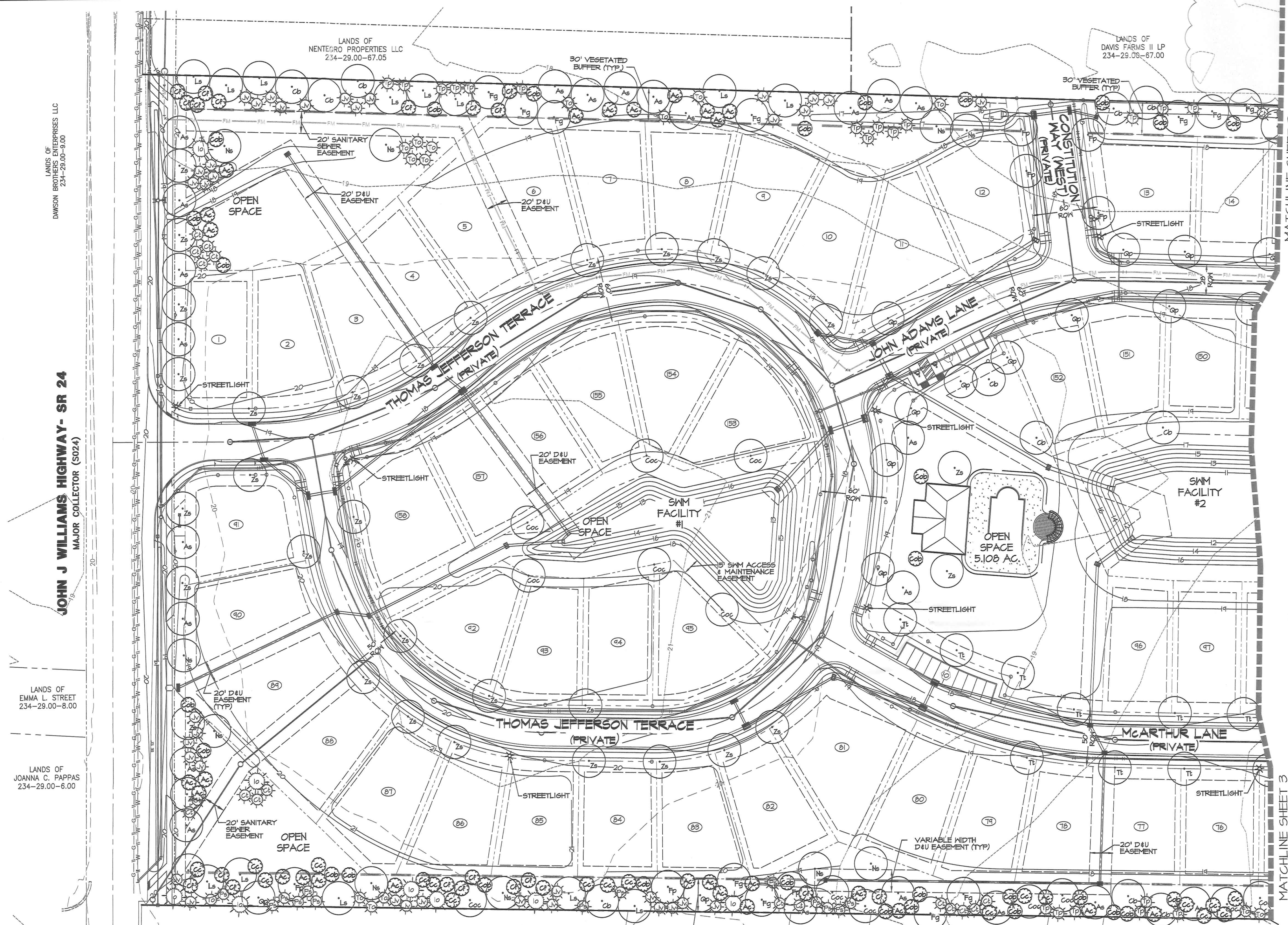
KEY MAP
SCALE: 1"=800'



LEGEND

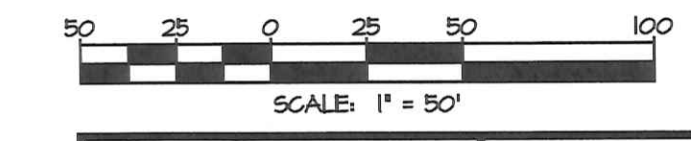
- EXISTING TREE LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING ROAD CENTER LINE
- EXISTING RIGHT OF WAY
- TRACT BOUNDARY LINE
- PROPOSED ROAD CENTER LINE
- PROPOSED TREE LINE
- PROPOSED CURB & GUTTER
- PROPOSED EASEMENT
- PROPOSED CANOPY TREE
- PROPOSED EVERGREEN
- PROPOSED FLOWERING TREE
- PROPOSED STREETLIGHT

NOTE: A SITE PLAN FOR THE CLUBHOUSE AND POOL IS TO BE SUBMITTED AS A SEPARATE APPLICATION. UNDER THIS APPLICATION, THE EXACT LOCATION AND SPECIES OF PLANT MATERIAL MAY BE MODIFIED, HOWEVER, THE UNIT TYPE (SHADE TREE, SHRUB, ETC) AND QUANTITIES PROPOSED UNDER THE FUTURE APPLICATION SHALL REMAIN THE SAME AS THOSE PROPOSED BY THIS PLAN.

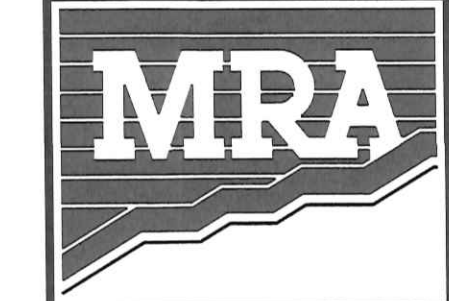


MATCHLINE SHEET 3

MATCHLINE SHEET 3

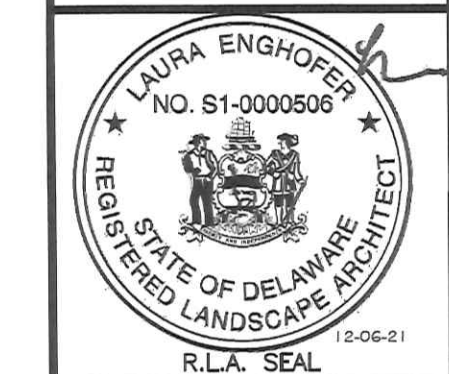


LAND



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LANDSCAPE PLAN
FOR
PATRIOTS GLEN
PHASE 1

R.L.A. SEAL INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.:
9/7/21	SHIFT TREE POSITIONS AS NEEDED	20296
		SCALE: 1"= 50'
		DATE: 4/19/2021
		DRAWN BY: RDG/JPH
		DESIGN BY: RDG/JPH
		REVIEW BY: CJF/PLT
		SHEET: 2 OF 4

LANDS OF DAWSON BROTHERS ENTERPRISES LLC 234-29.00-9.00
JOHN J WILLIAMS HIGHWAY - SR 24
MAJOR COLLECTOR (S024)

LANDS OF EMMA L. STREET 234-29.00-8.00
LANDS OF JOANNA C. PAPPAS 234-29.00-6.00

LANDS OF DAVIS AND BAXTER REALTY LLC 234-29.00-65.00

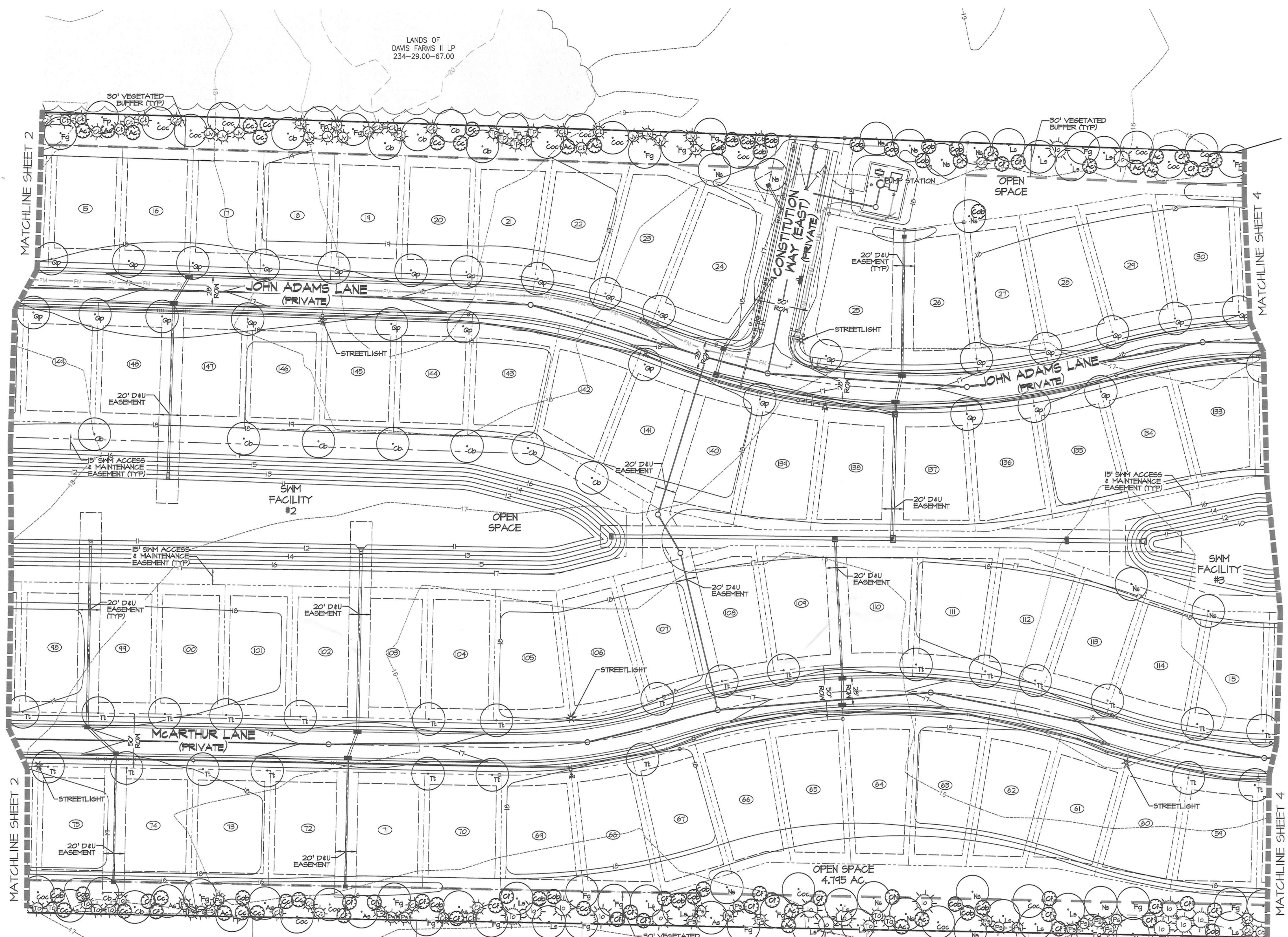
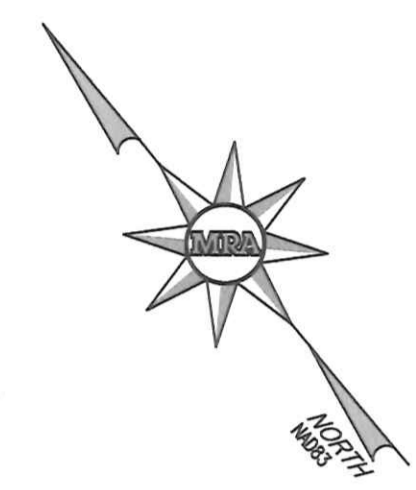
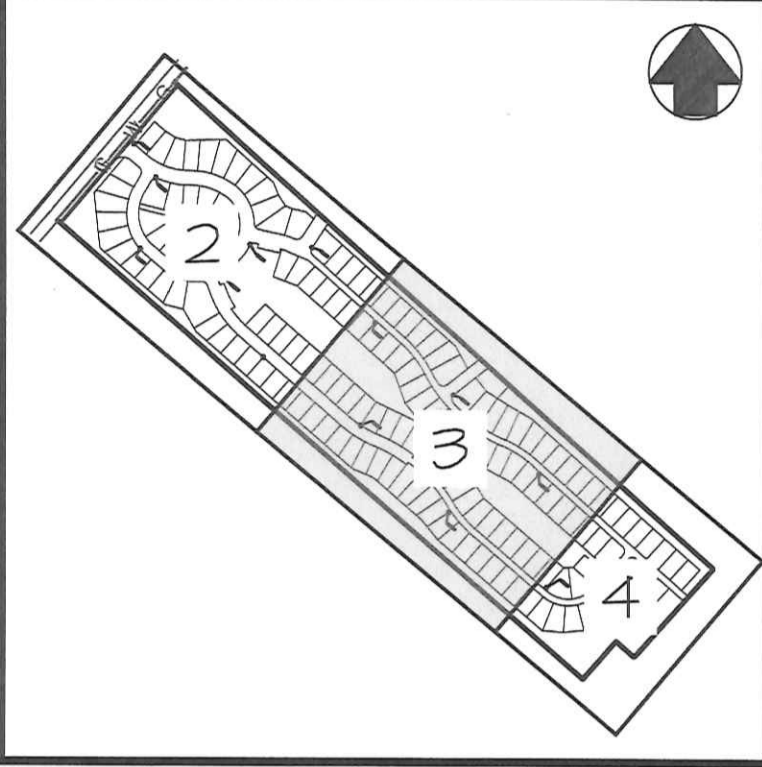
LANDS OF JAMES AND ELENA STREET 234-34.00-62.00

LANDS OF ELENA HARMAN 234-34.00-61.00

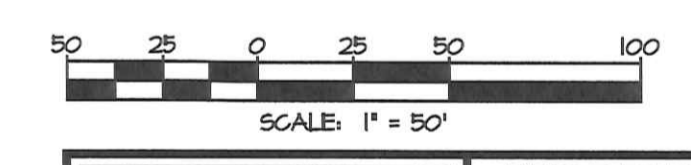
LANDS OF TSHINNA STREET 234-29.00-59.02

LANDS OF M.J. & H.T. ROBBINS 234-29.00-59.00

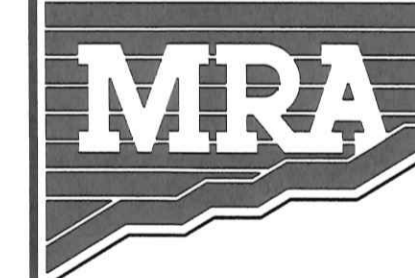
LANDS OF DORTHY AND DONALD JOHNSON 234-34.00-59.06



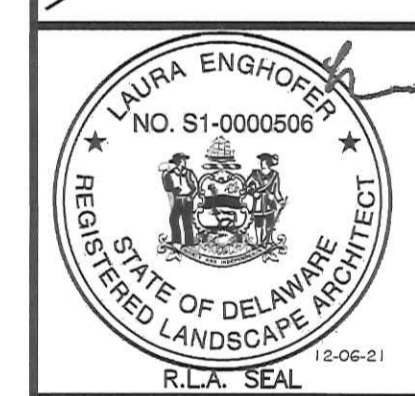
- LEGEND**
- EXISTING TREE LINE
 - EXISTING EDGE OF PAVEMENT
 - EXISTING ROAD CENTER LINE
 - EXISTING RIGHT OF WAY
 - TRACT BOUNDARY LINE
 - PROPOSED ROAD CENTER LINE
 - PROPOSED TREE LINE
 - PROPOSED CURB & GUTTER
 - PROPOSED EASEMENT
 - PROPOSED CANOPY TREE
 - PROPOSED EVERGREEN
 - PROPOSED FLOWERING TREE
 - PROPOSED STREETLIGHT



LAND



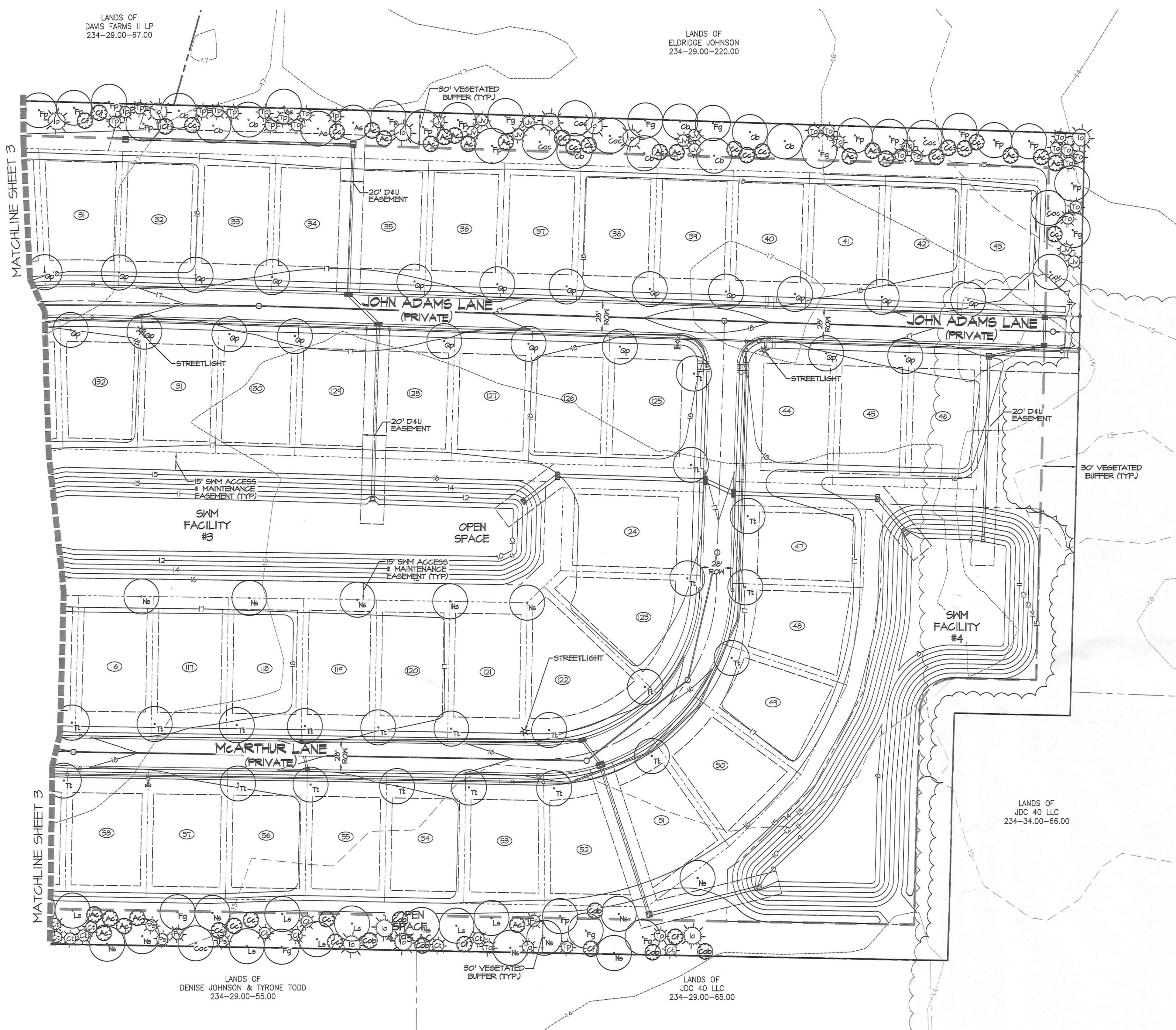
MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 18 BOULDEN CIRCLE, SUITE 36
 NEW CASTLE, DELAWARE 19720
 (302) 326-2200
 WWW.MRAGTA.COM



LANDSCAPE PLAN
 FOR
PATRIOTS GLEN
 PHASE 1
 INDIAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE

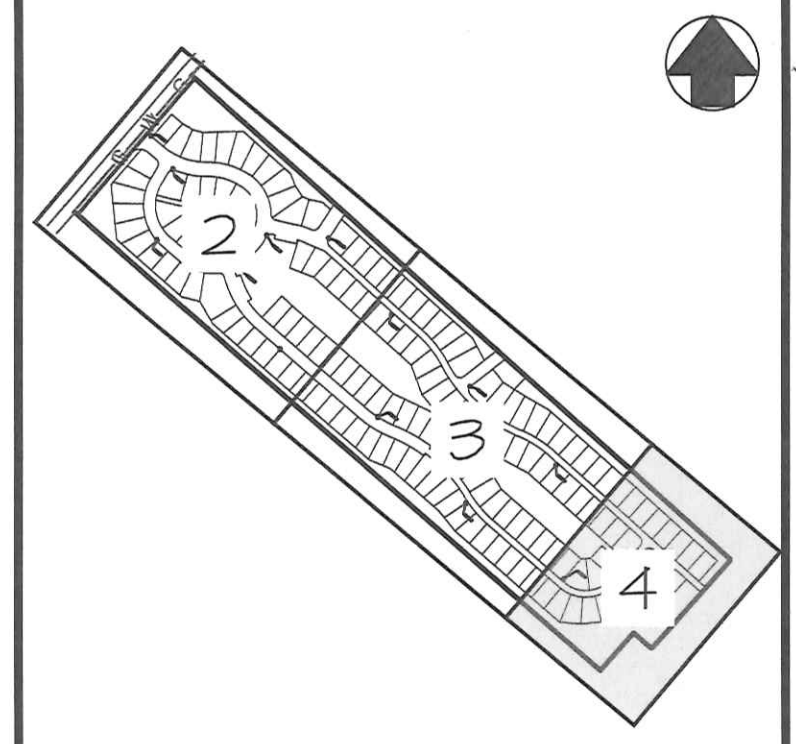
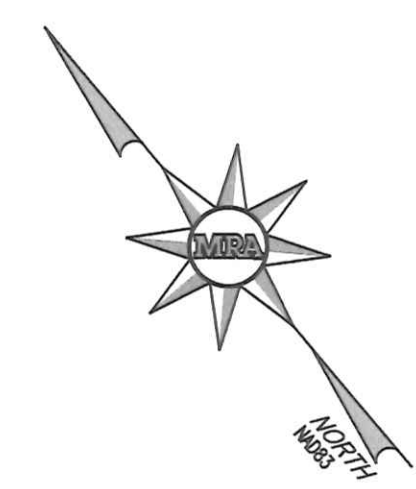
DATE	REVISIONS	JOB NO.:
9/7/21	SHIFT TREE POSITIONS AS NEEDED	20296
		SCALE: 1"= 50'
		DATE: 4/19/2021
		DRAWN BY: RDG/JPH
		DESIGN BY: RDG/JPH
		REVIEW BY: CJF/PLT
		SHEET: 3 OF 4

G:\20296 - Patriots Glen\LIB\DCI\Phase 1\LANDSCAPE\20296_LAND_PLAN-rpl.dwg, 12/6/2021 11:17:57 PM, Copyright 2021 Morris & Ritchie Associates, Inc.

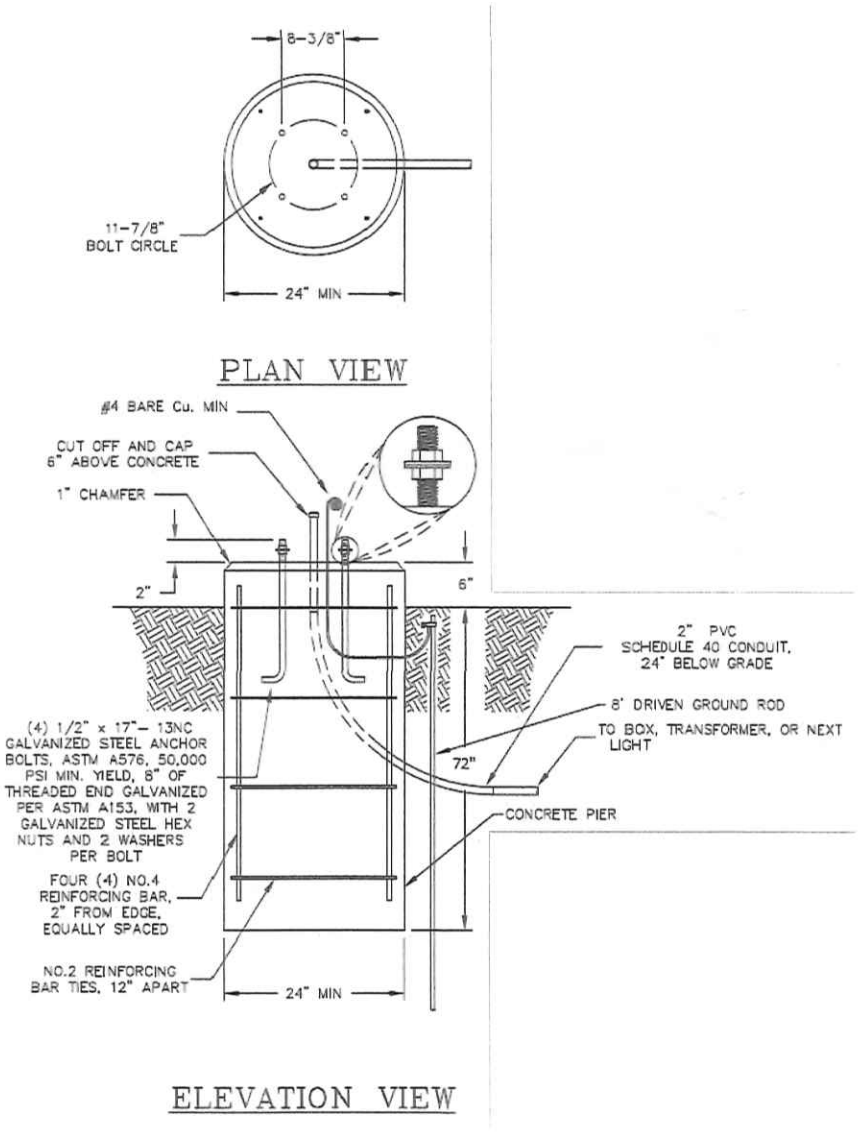


LEGEND

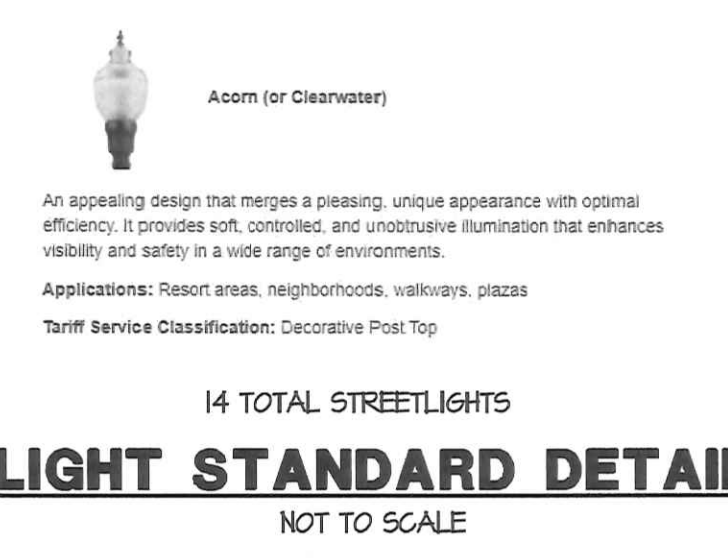
- EXISTING TREE LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING ROAD CENTER LINE
- EXISTING RIGHT OF WAY
- TRACT BOUNDARY LINE
- PROPOSED ROAD CENTER LINE
- PROPOSED TREE LINE
- PROPOSED CURB & GUTTER
- PROPOSED EASEMENT
- PROPOSED CANOPY TREE
- PROPOSED EVERGREEN
- PROPOSED FLOWERING TREE
- PROPOSED STREETLIGHT



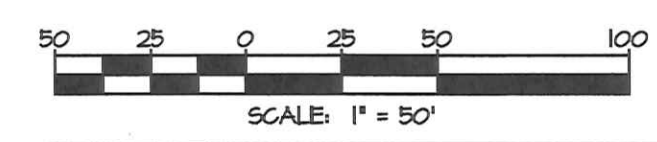
KEY MAP
SCALE: 1"=800'



LIGHT POLE FOOTING DETAIL
NOT TO SCALE

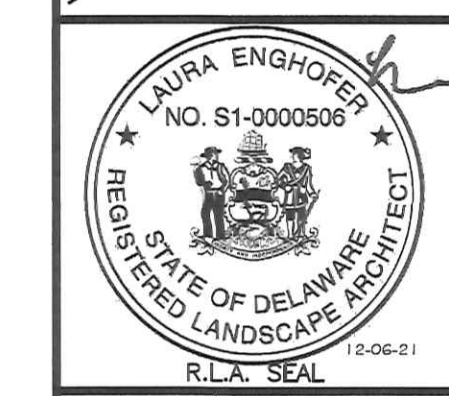


LIGHT STANDARD DETAIL
NOT TO SCALE



LAND

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
18 BOULDEN CIRCLE, SUITE 36
NEW CASTLE, DELAWARE 19720
(302) 326-2200
WWW.MRAGTA.COM



LANDSCAPE PLAN
FOR
PATRIOTS GLEN
PHASE 1

DATE	REVISIONS	JOB NO.:
9/7/21	SHIFT TREE POSITIONS AS NEEDED	20296
		SCALE: 1"= 50'
		DATE: 4/19/2021
		DRAWN BY: RDG
		DESIGN BY: RDG/JPH
		REVIEW BY: CJF/PLT
		SHEET: 4 OF 4

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REV	DESCRIPTION OF REVISION	DATE	BY	CHECKED BY
1	RESPONSE TO AGENCY COMMENTS	12-27-2021	KRC	MJF
2	ADD PERIMETER PLANTINGS	11-15-2021	MJF	MJF
3				
4				
5				

TM134-16.00-63.01
N/F JOHN T. OBERLY
SR.
LOT 12 PLANTATION
PARK
PB 8 PG 176

TM134-16.00-63.00
N/F CHRISTOPHER J.
BUTTON
LOT 11 PLANTATION
PARK
PB 8 PG 176

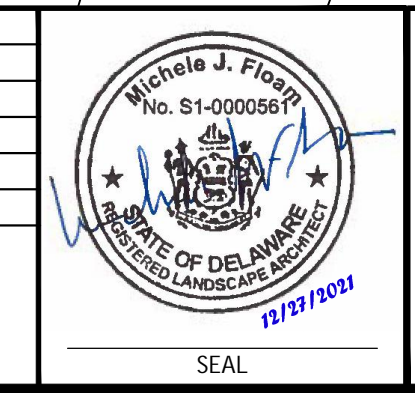
TM134-16.00-62.00
N/F JOHN R. BRAUER.
LOT 10 PLANTATION
PARK
PB 8 PG 176

TM134-16.00-61.00

ENGINEER: KRC
DESIGNER: MJF
DRAFTER: MJF
CHECKED BY: MJF
DATE: 9/3/2021
TAX MAP: 134-16.00-51.00

0 30' 60'

24" X 36" 1 inch = 30 ft.
11" X 17" 1 inch = 60 ft.



AXIOM
ENGINEERING L.L.C.

18 CHESTNUT STREET
GEORGETOWN, DE 19947
(302) 855-0810
FAX: 855-0812
EMAIL: AXIOM@AXENG.COM
WEB: WWW.AXENG.COM

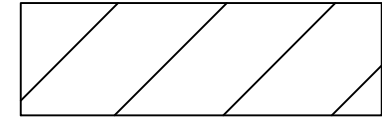
LANDSCAPE PLAN

ASSAWOMAN LAKES
RESIDENTIAL PLANNED COMMUNITY - F.K.A. EVERGREEN RPC
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO: 0188-1502
DRAWING: LS-2
SHEET: 2 of 3

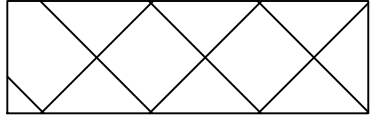
SWM POND PLANTING SCHEDULE

ZONE 1 - ELEVATION 12.6-13.1



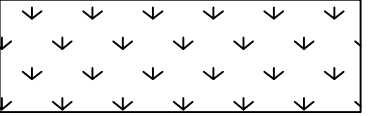
QTY	SCIENTIFIC NAME	COMMON NAME	SIZE
50	IRIS VERSICOLOR	BLUE IRIS	2" PLUG
50	SAGITTARIA LATIFOLIA	DUCK POTATO	2" PLUG
50	SCIRPUS PUNGENS	THREE-SQUARE BULRUSH	2" PLUG

ZONE 2 - ELEVATION 13.1-14.1



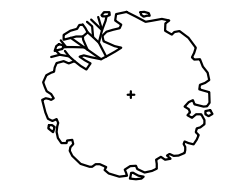
QTY	SCIENTIFIC NAME	COMMON NAME	SIZE
40	SYMPHYOTRICHUM NOVAE-ANGLIAE	NEW ENGLAND ASTER	2" PLUG
40	CAREX STRICTA	TUSSOCK SEDGE	2" PLUG
40	EUTROCIUM DUBIUM	JOE-PYE WEED	2" PLUG
11	CORNUS RACEMOSA	GRAY DOGWOOD	3 GAL CONT
11	VIRBURNUM DENTATUM	SOUTHERN ARROWWOOD	3 GAL CONT

ZONE 3 - ELEVATION 14.1-15.93



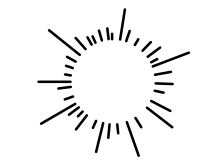
QTY	SCIENTIFIC NAME	COMMON NAME	SIZE
70	ECHINACEA PURPUREA	PURPLE CONE FLOWER	2" PLUG
70	PANICUM VIRGATUM	SWITCH GRASS	2" PLUG
70	LOBELIA CARDINALIS	CARDINAL FLOWER	2" PLUG
21	CORNUS RACEMOSA	GRAY DOGWOOD	3 GAL CONT
21	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY	3 GAL CONT

DECIDUOUS TREE PLANTING SCHEDULE



QTY	SCIENTIFIC NAME	COMMON NAME	SIZE
23	ACER RUBRUM	RED MAPLE	1.5" CAL B&B
17	LIRIODENDRON TULIPIFERA	YELLOW POPLAR	1.5" CAL B&B
18	TILIA AMERICANA	BASSWOOD	1.5" CAL B&B
16	QUERCUS PHELLOS	WILLOW OAK	1.5" CAL B&B

EVERGREEN TREE PLANTING SCHEDULE

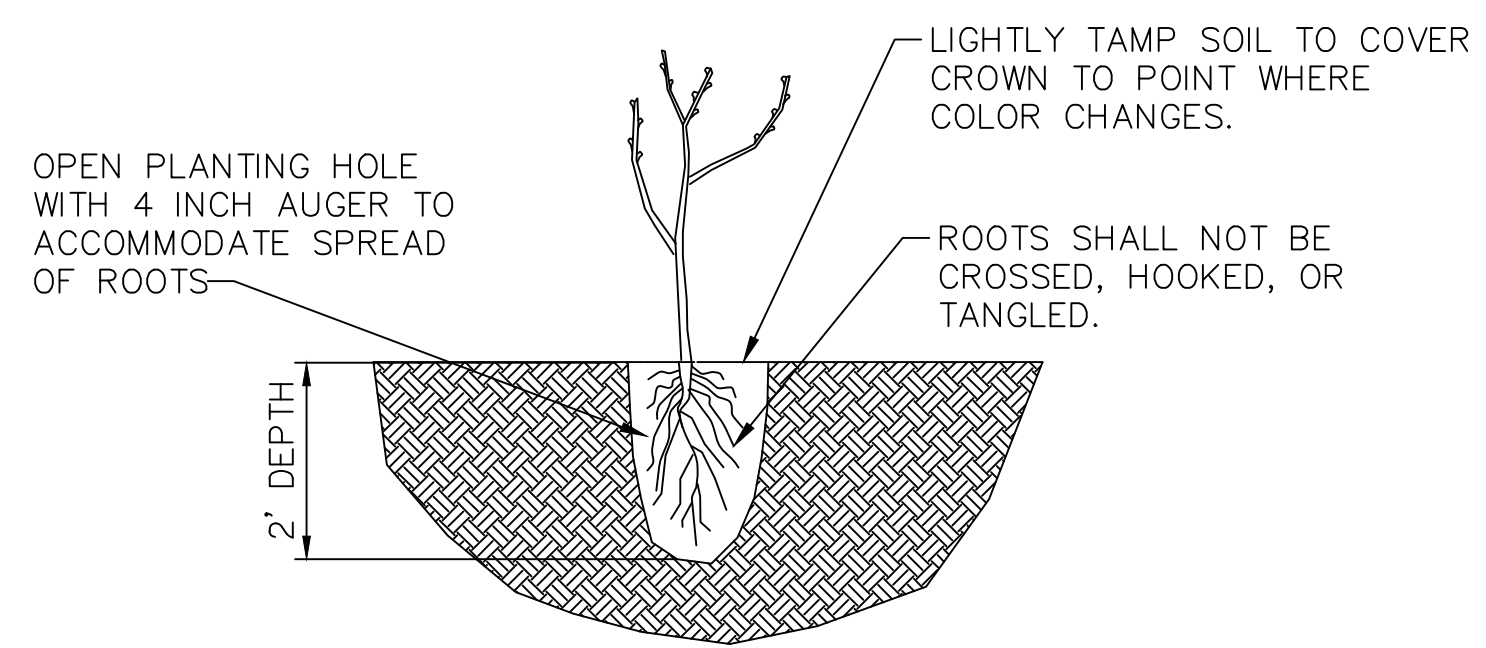


QTY	SCIENTIFIC NAME	COMMON NAME	SIZE
12	ILEX OPACA	AMERICAN HOLLY	5' HT B&B
14	JUNIPERUS VIRGINIANA	EASTER RED CEDAR	5' HT B&B

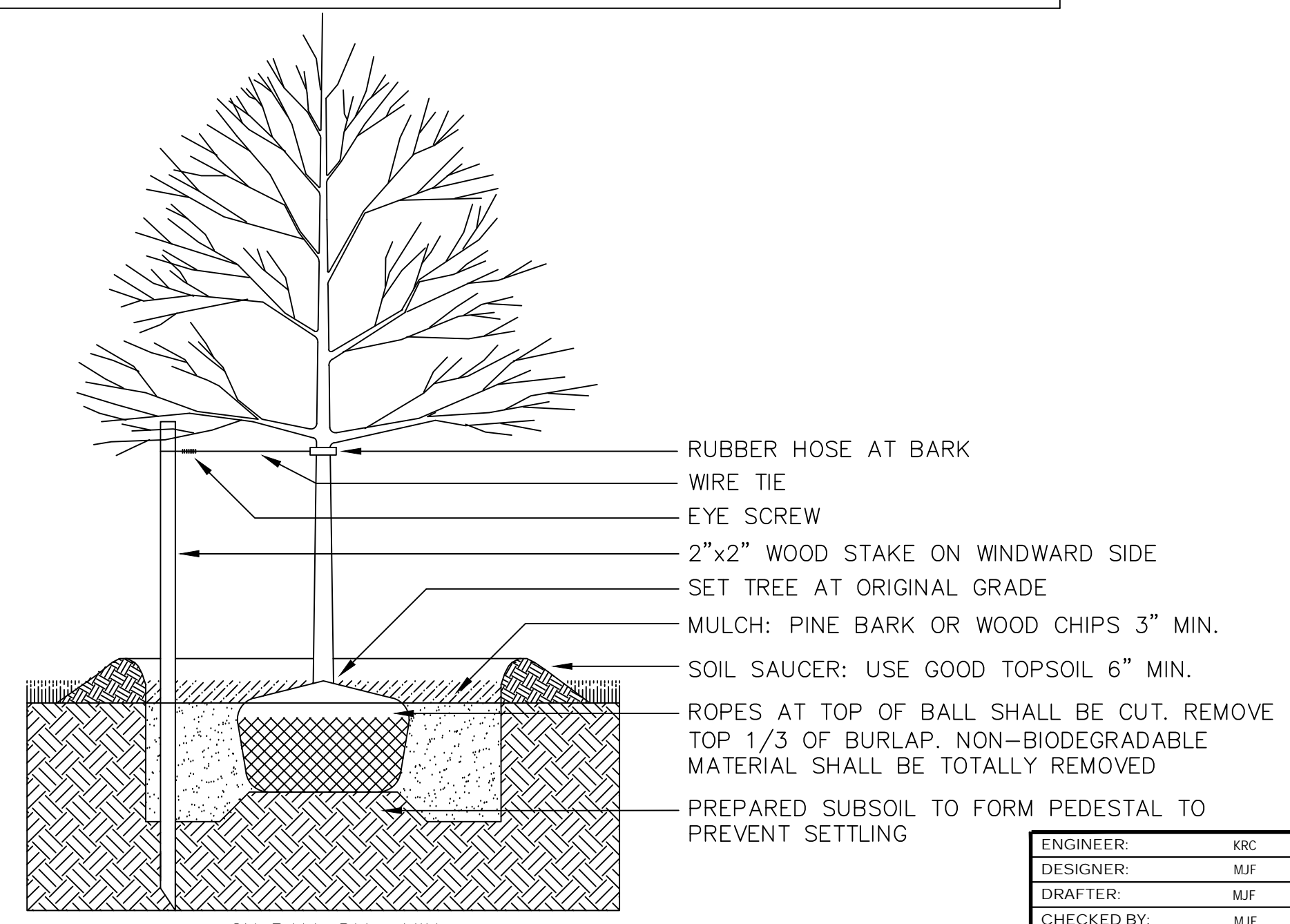
SUSSEX COUNTY CODE, CHAPTER 99.5
DEFINITION OF FORESTED AND/OR LANDSCAPE BUFFER STRIP:

THE FOLLOWING CONDITIONS SHALL APPLY TO THE FORESTED BUFFER:

- ALL DECIDUOUS TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM CALIPER OF 1.5 INCHES AND A MINIMUM HEIGHT OF SIX FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THE TREES WILL BE CAPABLE OF OBTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN FIVE YEARS OF BEING PLANTED.
- ALL EVERGREEN TREES THAT ARE PLANTED TO ESTABLISH THE BUFFER PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF FIVE FEET ABOVE GROUND WHEN PLANTED IN ORDER TO INSURE THAT THEY ARE REASONABLY CAPABLE OF ATTAINING A MINIMUM HEIGHT OF 10 FEET ABOVE GROUND WITHIN FIVE YEARS OF BEING PLANTED.
- THE BUFFER AREA SHALL HAVE A FINAL GRADE THAT CONTAINS A MINIMUM OF FOUR INCHES OF TOPSOIL AND A SUITABLE GRASS MIX PLANTED AS SACRIFICIAL COVER BETWEEN THE BUFFER TREES FOR SOIL STABILIZATION UNTIL THE NEWLY PLANTED TREES BECOME LARGER. THE PLAN MAY SUBSTITUTE WOODCHIPS FOR PLANTED GRASS BETWEEN THE BUFFER TREES IN RESPECT TO BOTH NEWLY PLANTED AND EXISTING TREES, AS DETERMINED BY THE LANDSCAPE ARCHITECT.
- THE FORESTED AND/OR LANDSCAPE BUFFER SHALL BE INSTALLED WITHIN 18 MONTHS FROM THE DATE SITE WORK IS AUTHORIZED TO COMMENCE, AS DOCUMENTED BY A NOTICE TO PROCEED LETTER FROM THE COMMISSION. FOR SUBDIVISIONS THAT ARE APPROVED TO BE CONSTRUCTED IN PHASES, THE BUFFER FOR EACH PHASE MUST BE COMPLETED BEFORE COUNTY APPROVALS OR PERMITS WILL BE GRANTED TO CONSTRUCT THE NEXT PHASE.
- THE LAND DEVELOPER SHALL BE HELD RESPONSIBLE FOR THE HEALTH AND SURVIVAL OF THE TREES, INCLUDING REGULAR NECESSARY WATERING FOR A MINIMUM OF TWO YEARS OR UNTIL SUCH LATER DATE AS THE MAINTENANCE RESPONSIBILITIES ARE TRANSFERRED TO A HOMEOWNERS' ASSOCIATION; PROVIDED, HOWEVER, THAT THE DEVELOPER SHALL REPLACE ANY TREES THAT DIE DURING THE MINIMUM TWO-YEAR DEVELOPER MAINTENANCE PRIOR TO TRANSFERRING MAINTENANCE RESPONSIBILITIES TO A HOMEOWNERS' ASSOCIATION.
- THE PERPETUAL MAINTENANCE OF THE BUFFER PLANTINGS BY A HOMEOWNERS' ASSOCIATION SHALL BE ASSURED THROUGH THE RESTRICTIVE COVENANTS AND/OR HOMEOWNERS' ASSOCIATION DOCUMENTS. THE PERPETUAL MAINTENANCE PLAN SHALL INCLUDE THE REQUIREMENT THAT ANY TREES THAT DIE MUST BE REPLANTED WITH TREES OF THE SAME TYPE AND SPECIES AND IN ACCORDANCE WITH THE ORIGINAL LANDSCAPE PLAN APPROVED BY THE COUNTY. THE PERPETUAL MAINTENANCE PLAN SHALL ALSO INCLUDE A REQUIREMENT THAT THE FORESTED BUFFER AREA BE PLANTED AND MAINTAINED ACCORDING TO BEST MANAGEMENT PRACTICES IN THE FORESTRY INDUSTRY. THE RESPONSIBILITY FOR THE PERPETUAL MAINTENANCE OF THE BUFFER STRIP AND ITS PLANTINGS SHALL BE ASSURED THROUGH RESTRICTIVE COVENANTS WHICH ARE OBLIGATORY UPON THE PURCHASERS THROUGH ASSESSMENTS BY THE HOMEOWNERS' ASSOCIATION. THE APPLICANT AND/OR LAND DEVELOPER MUST PROVIDE THE COMMISSION WITH SATISFACTORY PROOF THAT THE COVENANTS INCLUDE A PERPETUAL MAINTENANCE PLAN WHICH SHALL BE BINDING UPON THE APPLICANT AND/OR DEVELOPER DURING THE MINIMUM TWO-YEAR PERIOD DESCRIBED IN SUBSECTION G ABOVE AND THEREAFTER BY THE HOMEOWNERS' ASSOCIATION. THE COMMISSION AND ITS ATTORNEY SHALL REVIEW AND APPROVE THE PERPETUAL MAINTENANCE PLAN PRIOR TO THE RESTRICTIVE COVENANTS BEING RECORDED AND PRIOR TO GRANTING FINAL SITE PLAN APPROVAL.



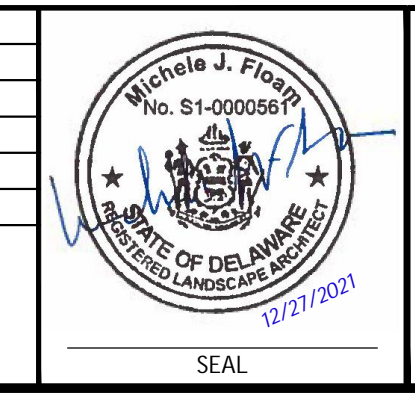
HERBACEOUS PLANTING DETAIL - PLUG



DECIDUOUS/EVERGREEN TREE PLANTING DETAIL - B&B

THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO AND APPURTENANT.

ENGINEER:	KRC
DESIGNER:	MJF
DRAFTER:	MJF
CHECKED BY:	MJF
DATE:	9/3/2021
TAX MAP:	134-16-00-51-00



AXIOM ENGINEERING L.L.C.

18 CHESTNUT STREET
GEORGETOWN, DE 19947
PHONE: 855-0810
FAX: 855-0812
E-MAIL: AXIOM@AXIOM.COM
WEB: WWW.AXIOM.COM

LANDSCAPE DETAILS

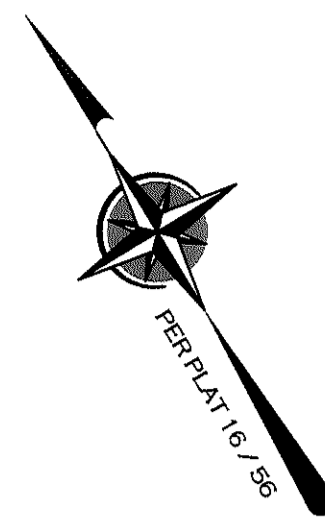
ASSAWOMAN LAKES

RESIDENTIAL PLANNED COMMUNITY - F.K.A. EVERGREEN RPC

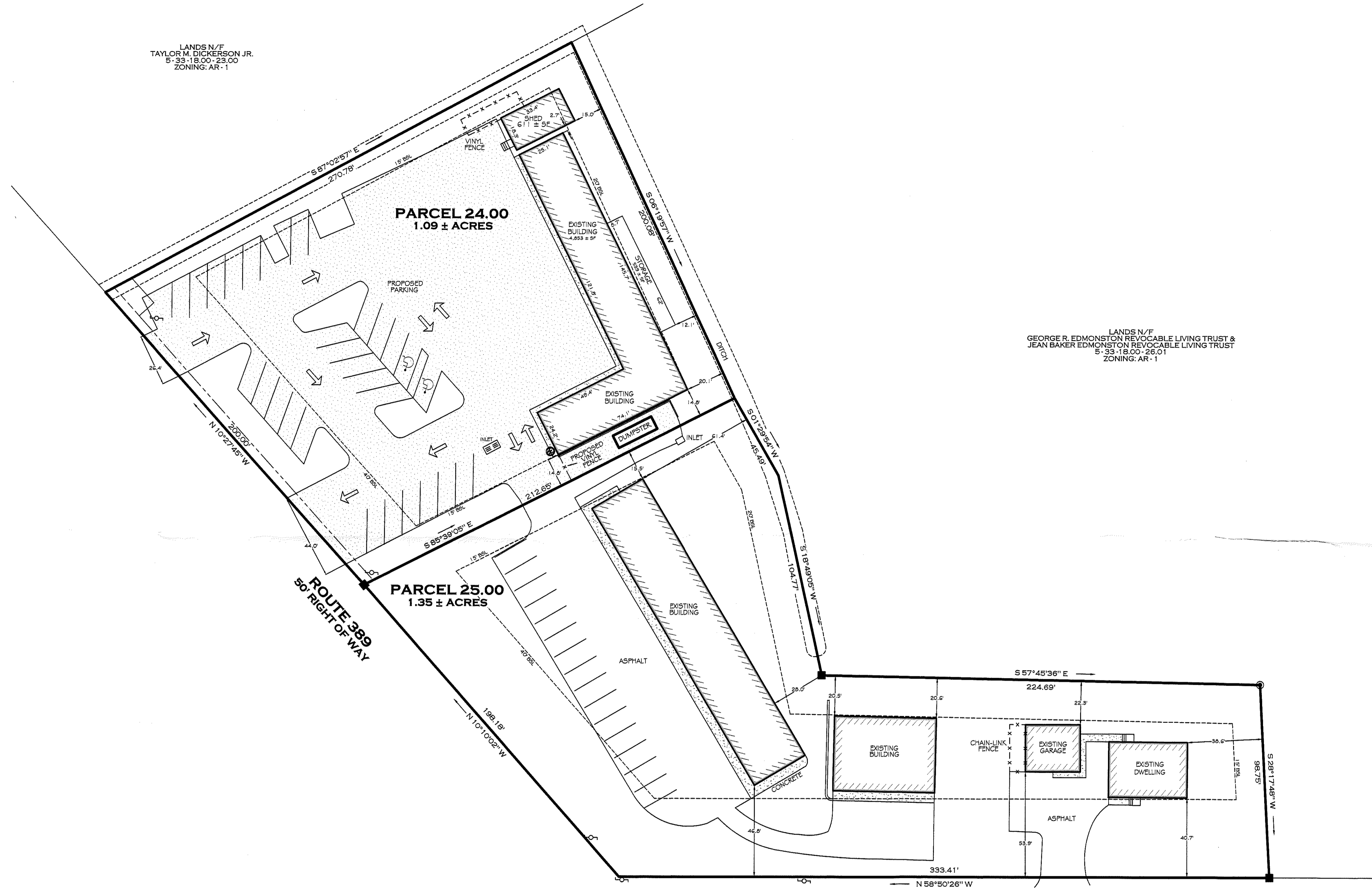
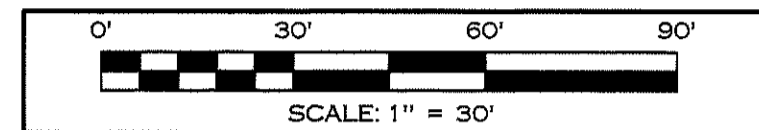
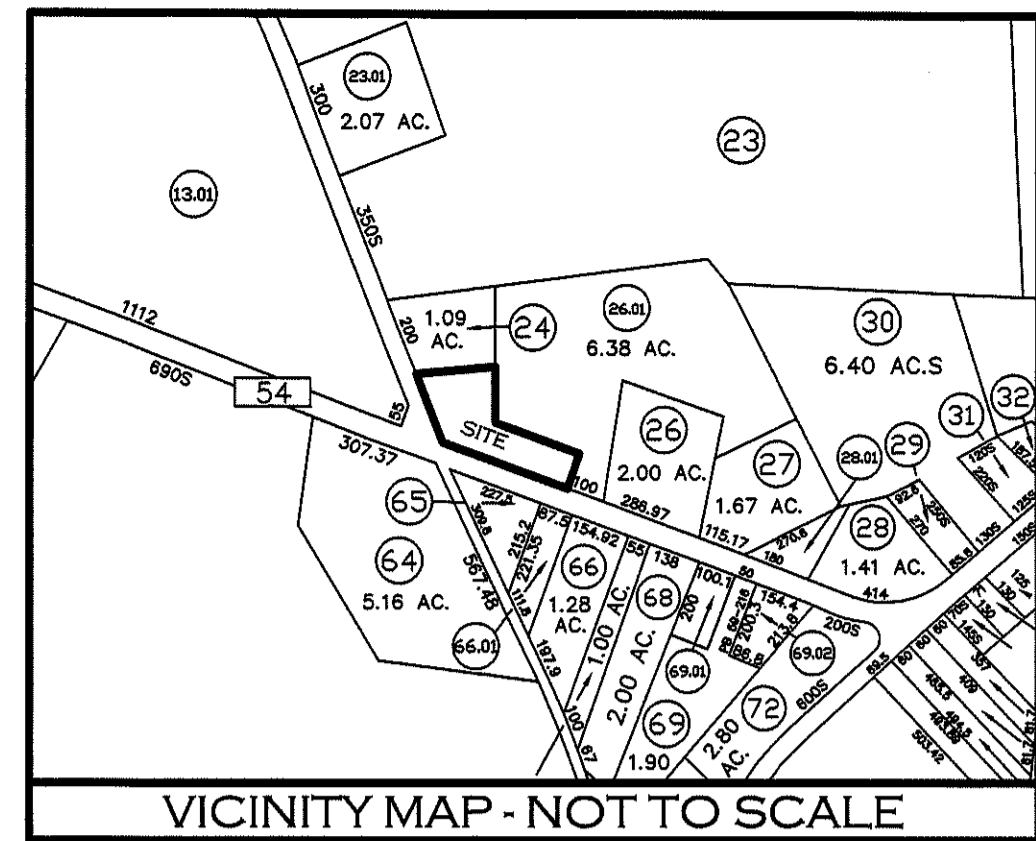
BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

PROJECT NO:	0188-1502
DRAWING:	LS-3
SHEET:	3 of 3

REV	DESCRIPTION OF REVISION	REVISED BY DATE	CHECKED BY DATE
△			
△			
△			
△			
△	RESPONSE TO AGENCY COMMENTS	KRC 12-27-2021	MJF 12-27-2021
△	ADD PERIMETER PLANTINGS	KRC 11-15-2021	MJF 11-15-2021
△			



LANDS N/F
TAYLOR M. DICKERSON JR.
S-33-18.00-23.00
ZONING: AR-1



LANDS N/F
GEORGE R. EDMONSTON REVOCABLE LIVING TRUST &
JEAN BAKER EDMONSTON REVOCABLE LIVING TRUST
S-33-18.00-26.01
ZONING: AR-1

SITE DATA

- THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY CARROLL W. & DIANE B. BRASURE
- DEED BOOK REF: 2275 / 161; 3876 / 230
- PLAT BOOK REF: -
- AREA: AS SHOWN
- ZONING: AR-1
- ZONING: CONDITIONAL USE # 1920 - STORAGE GARAGE FOR TRUCKS & EQUIPMENT AND A PARKING AREA
- EXISTING VARIANCE FOR EXISTING SHED/STORAGE AREA: BOA CASE NO. 12414, APPROVED 12/18/2020
- THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MAY BE REVEALED BY A THOROUGH TITLE SEARCH.
- CLASSIFICATION OF SURVEY: SUBURBAN
- BUILDING SETBACKS:
FRONT: 25'
SIDE: 15'
REAR: 30'
- ALL SETBACK INFORMATION IS THE RESPONSIBILITY OF THE PROPERTY OWNER AND/OR THE GENERAL CONTRACTOR.
- PARKING SPACE CALCULATIONS
1 SPACE PER 200 SF OF FLOOR AREA:
MAIN BUILDING: 4,853 / 200 = 24.3 = 25 SPACES REQUIRED

CERTIFICATION

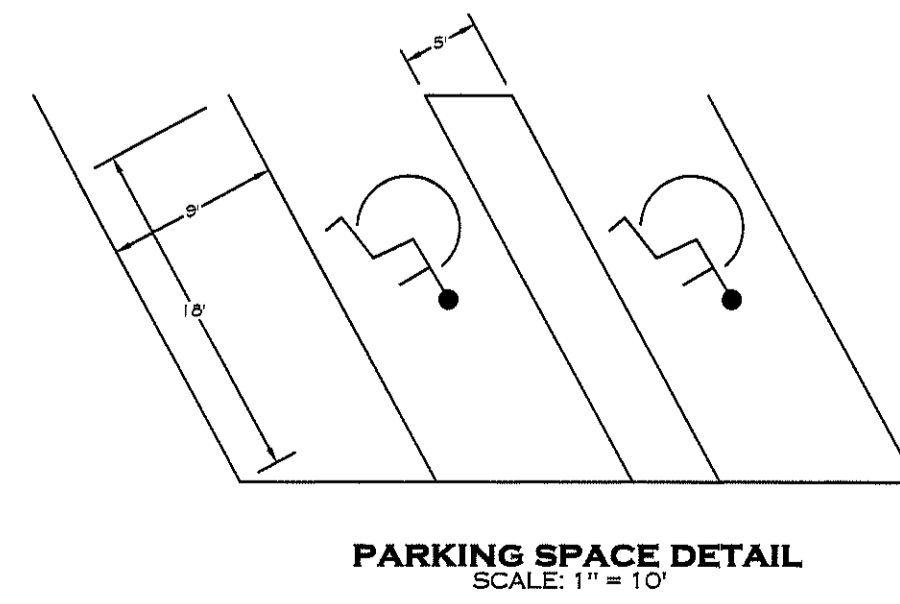
I, BRADLEY A. ABSHER, REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY 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 12-7-21
BRADLEY A. ABSHER, DE PLS # 735 DATE

CONDITIONS

CONDITIONAL USE # 1920

- THE USE SHALL BE FOR VEHICLE AND EQUIPMENT STORAGE INSIDE THE STORAGE BUILDING AND OUTSIDE PARKING OF EMPLOYEE VEHICLES. NO OTHER OUTSIDE STORAGE SHALL BE PERMITTED.
- ANY SECURITY LIGHTS SHALL BE SCREENED SO THAT THEY DO NOT SHINE ON NEIGHBORING PROPERTIES.
- NO CHEMICALS OR OTHER HAZARDOUS MATERIALS SHALL BE STORED ON THE PREMISES, EXCEPT THOSE CHEMICALS NORMALLY FOUND ON THE VEHICLES.
- ONE LIGHTED SIGN, NOT TO EXCEED 32 SQUARE FEET IN SIZE, SHALL BE PERMITTED.
- THE FINAL SITEPLAN SHALL INDICATE ALL PARKING SPACES AND DRIVEWAY AREAS.
- AS STATED BY THE APPLICANT, ACCESS SHALL BE VIA THE EXISTING ENTRANCE TO BRASURE'S PEST CONTROL FROM ROAD 389 WITH AN INTERNAL DRIVEWAY TO THE SITE.
- ANY DUMPSTERS OR TRASH RECEPTACLES UTILIZED ON THE SITE SHALL BE SCREENED FROM NEIGHBORING PROPERTIES OR ROADWAYS.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.



**ROUTE 54
50' RIGHT OF WAY**

TAX MAP	S-33 - 18.00 - 24.00 & 25.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	- - -
AREA	AS SHOWN
DEED REF.	2275 / 161 & 3876 / 230
PLAT REF.	- - -
DRAWN BY	BAA / MCS / WTM
DATE	10 / 29 / 2021
REVISED	12 / 07 / 2021
SCALE	1" = 30'
SURVEY #	DE - 00616
SHEET #	1 OF 1

SITE PLAN

OF THE LANDS OF
CARROLL W. & DIANE B. BRASURE
&
COLLINS 54, LLC

33095 LIGHTHOUSE ROAD, SELBYVILLE, DE 19975

LEGEND

- WELL
- CONCRETE MONUMENT FOUND
- FENCE POST FOUND
- UTILITY POLE

TRUE NORTH

LAND SURVEYING
118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DE 19970
DE 302-329-2488
DE 410-430-2592
WEB: TRUENORTHLS.COM

Brasure's[®]
PEST CONTROL, INC.
Established 1971

December 7, 2021

Planning & Zoning Commission
Sussex County Delaware
Mr. Elliott Young
Planner I

By email to: elliott.young@sussexcountyde.gov

RE: Staff Review of the Preliminary Site Plan for CU 2271 for the amendment to CU 1920 (Ordinance No. 2240). The parcel is located on the north side of Lighthouse Road (Rt. 54) and is zoned Agricultural Residential (AR-1) Zoning District. Response to Preliminary Site Plan (No. 1).

To whom it may concern:

Regarding the existing parking that is located within the front setback, please forgo the standard that is requiring it to be removed/altered. The existing sixteen (16) parking spaces are intended to be used for office staff and customers to park. Building requirements state that twenty-five (25) spaces are necessary, and we wish to use the existing five (5) that are located within the setback towards that total amount.

Please feel free to contact our office with any questions or concerns during business hours: 8:00 AM – 4:00 PM, Monday through Friday at 302-436-8140.

Sincerely,



Christopher Brasure
Vice President
Brasure's Pest Control, Inc.
PO Box 1100
Selbyville, DE 19975
800-908-1000
302-436-8140