

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



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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: December 9th, 2021

Application: CU 2279 Ron Sutton (Winward Village)

Applicant: Ron Sutton
55 W. Main St
Middletown, DE 19709

Owner: Christopher Land, LLC
10461 White Granite Drive Suite 250
Oakton, VA 22124

Site Location: Lying on the east side of Kent Ave. (S.C.R 361) approximately 0.66
mile south of Garfield Parkway. (Route 26)

Current Zoning: Medium Density (MR) Zoning District

Proposed Use: Multi-Family (11 Units)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Bethany Beach Fire Department

Sewer: Artesian

Water: Sussex County

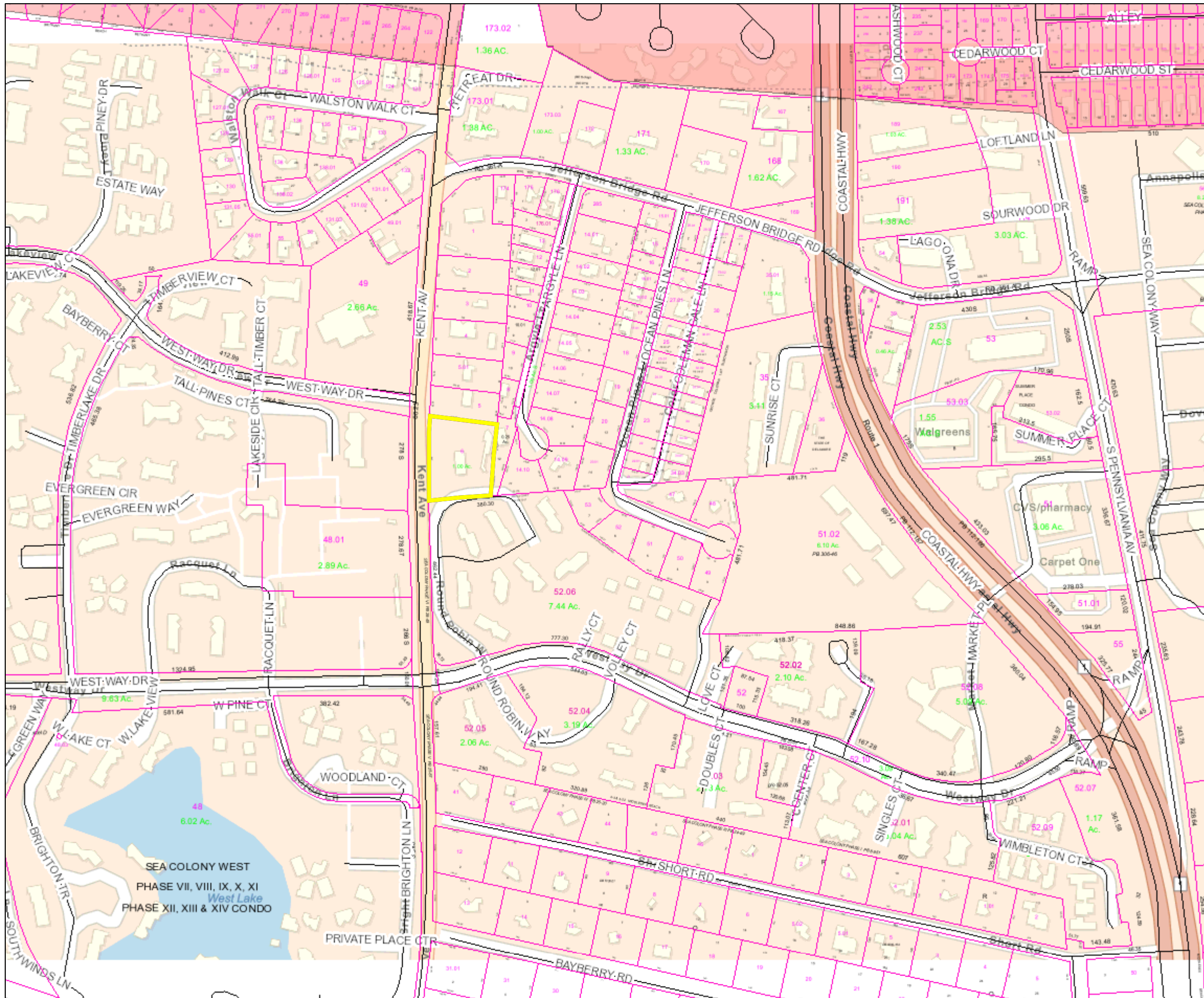
Site Area: 1.035 acres +/-

Tax Map ID.: 134-17.11-6.00





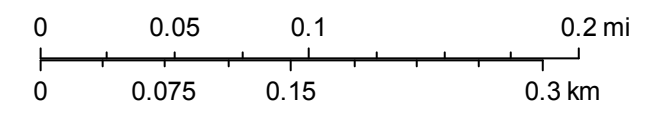
Sussex County



PIN:	134-17.11-6.00
Owner Name	MERGARD LLC
Book	4432
Mailing Address	33309 KENT AVE
City	BETHANY BEACH
State	DE
Description	E/RD BETHANY BH TO
Description 2	JEFFERSON BRIDGE
Description 3	N/A
Land Code	

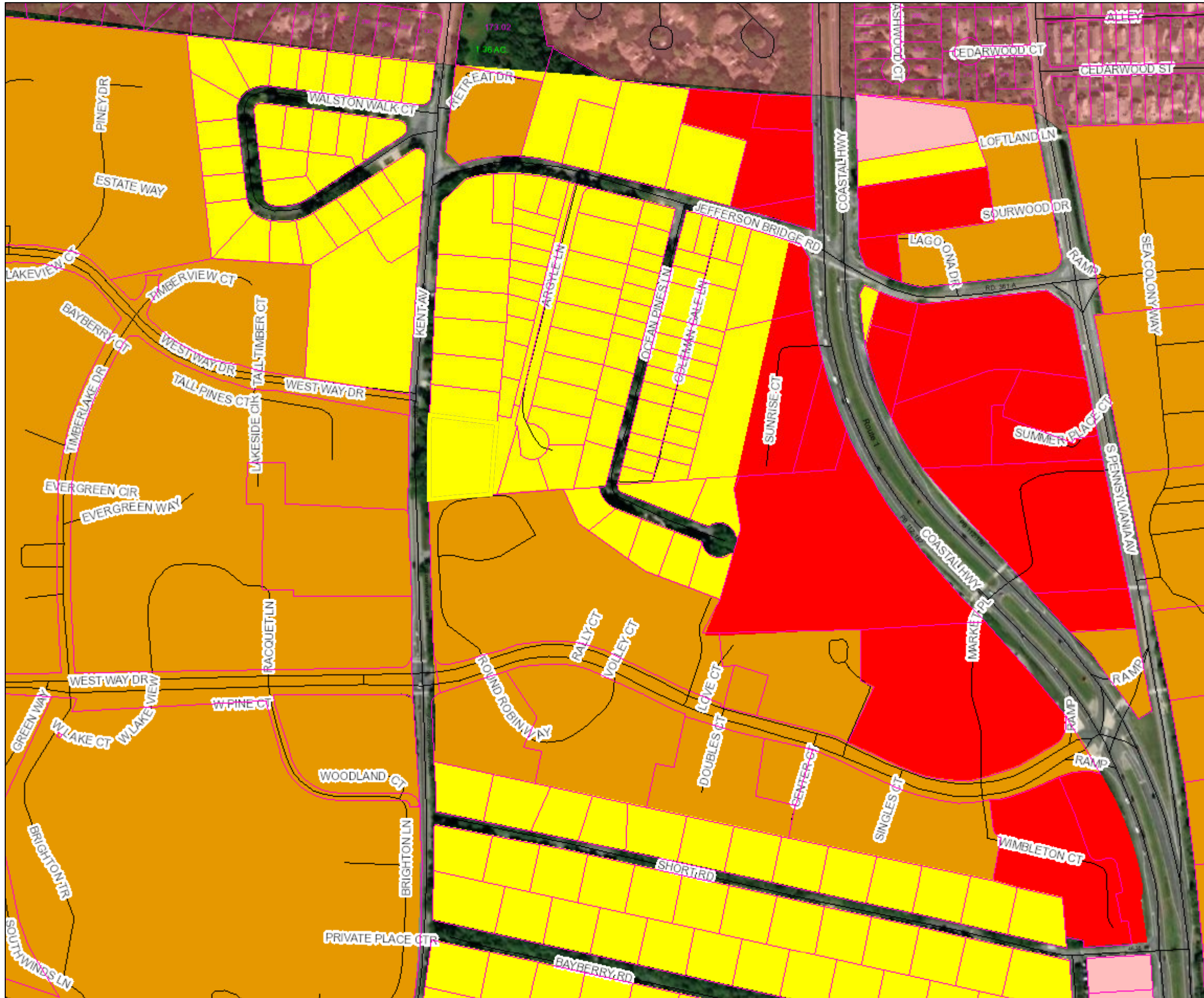
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| | Tax Parcels |
| | Streets |
| | County Boundaries |
| | Municipal Boundaries |

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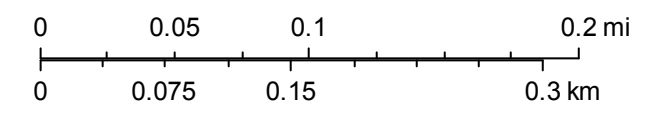
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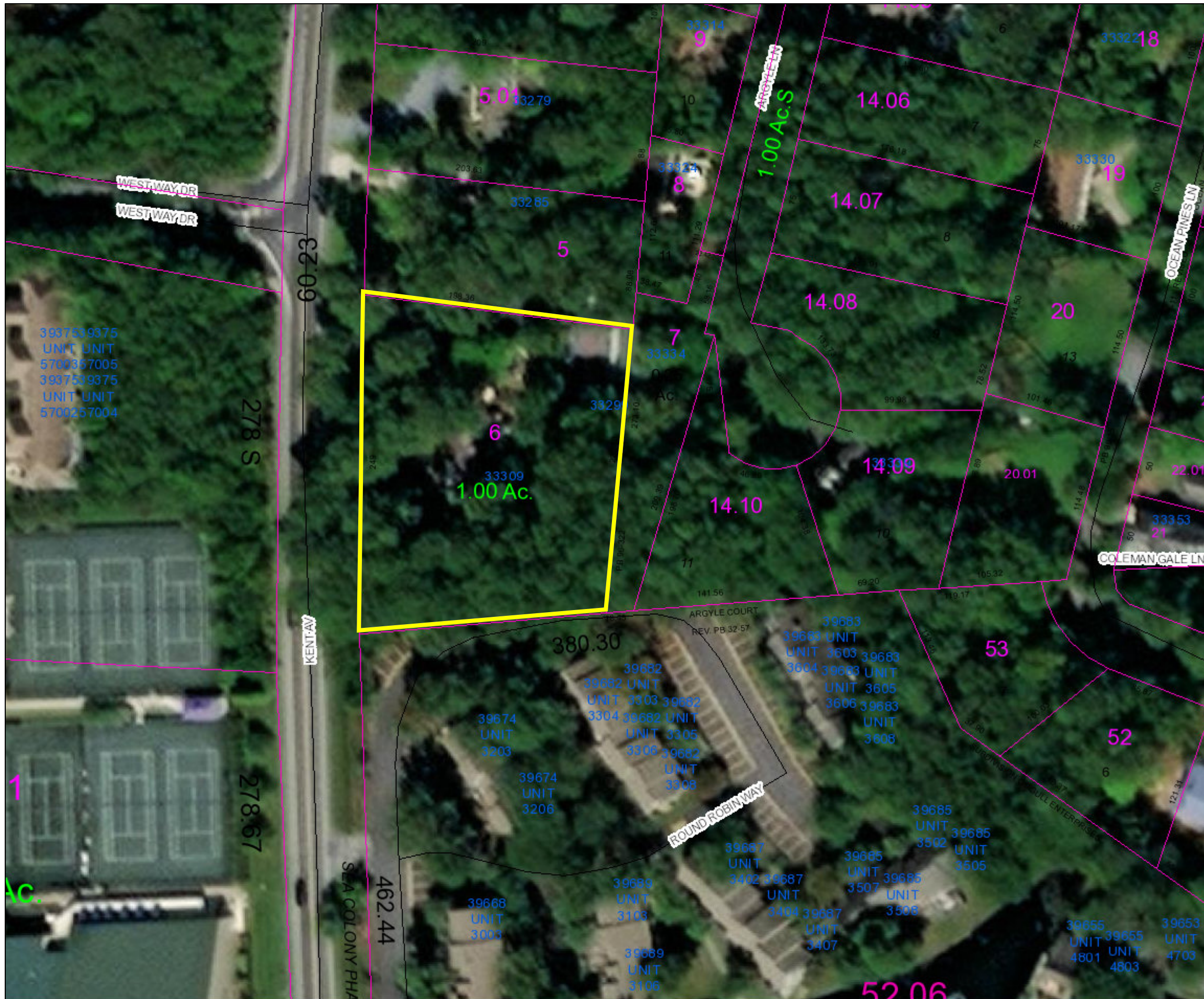
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- Override 1
- Tax Parcels
- Streets

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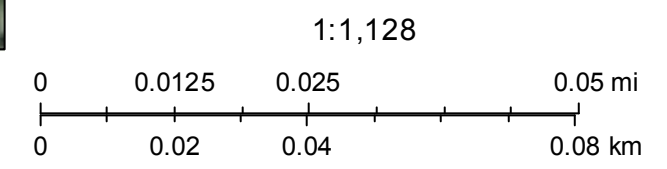


Sussex County



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



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Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: December 2, 2021
RE: Staff Analysis for CU 2279 Ron Sutton

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2279 Ron Sutton to be reviewed during the December 9, 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: 134-17.11-6.00 to allow for multi-family condominiums. The parcel is lying on the east side of Kent Avenue (S.C.R. 361), approximately 0.66 mile south of Garfield Parkway (Route 26). The parcel consists of 1.035 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 parcel has a designation of "Coastal Area". The surrounding and adjacent parcels to the north, south, west and east also contain the "Coastal Area" land use designation.

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 and east of the subject site are also zoned Medium Residential (MR). The adjacent properties to the south and across Kent Avenue are zoned High Density Residential (HR-1). Properties further east are zoned General Commercial (C-1) Zoning District.

Since 2011, there has been one (1) Conditional Use application within a 1-mile radius of the application site. Conditional Use No. 2222 was approved by the Sussex County Council on Tuesday, June 9, 2020, through Ordinance No. 2713, to allow for a mini golf course.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use for multi-family condominiums, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: CU2279
202105288

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

33309 Kent Ave Bethany Beach, DE 19930

Type of Conditional Use Requested:

MULTI-FAMILY CONDOMINIUMS

Tax Map #: 134-17.11-6.00 Size of Parcel(s): 1.035 Ac

Current Zoning: MR Proposed Zoning: MR Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: ARTESIAN WATER CO Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON
Applicant Address: 55 W. MAIN STREET
City: MIDDLETOWN State: DE Zip Code: 19709
Phone #: (302) 574-2444 E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: CHRISTOPHER LAND, LLC
Owner Address: 10461 WHITE GRANITE DRIVE, SUITE 250
City: OAKTON State: VA Zip Code: 22124
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



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.

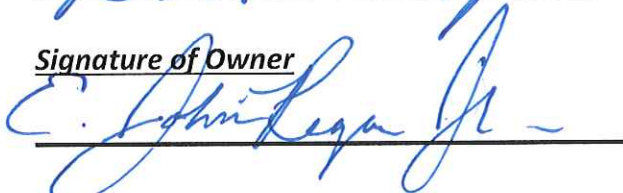
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 3-24-21

Signature of Owner



Date: 3-23-21

For office use only:

Date Submitted: 4/8/2021

Fee: \$500.00 Check #: 2823

Staff accepting application: NAT

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

NICOLE MAJESKI
SECRETARY

March 24, 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 **Civil Engineering Associates** proposed land use application, which we received on February 12, 2021. This application is for an approximately 1.00- acre parcel (Tax Parcel: 134-17.11-6.00). The subject land is located east of Kent Avenue (Sussex Road 361). The subject land is currently zoned MR (Medium-Density Residential) and the applicant seeks a conditional use approval to build 11 Condominiums.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Kent Avenue (Sussex Road 361), from Westway Drive to Atlantic Avenue (Sussex Road 26), is 3,903 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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



Mr. Jamie Whitehouse
Page 2 of 2
March 24, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

Enclosure

cc: Civil Engineering Associates, 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 Furmato, 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 DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 2/12/21

Site Information:

Site Address/Location: 33309 Kent Ave Bethany Beach, DE 19930

Tax Parcel Number: 134-17.11-6.00

Current Zoning: MR

Proposed Zoning: MR

Land Use Classification: Residential

Proposed Use(s): Multifamily residential - condominiums
(Conditional Use)

Square footage of any proposed buildings or number of units: 11

Applicant Information:

Applicant's Name: Civil Engineering Associates

Applicant's Address: 55 W. Main Street

City: Middletown State: DE Zip Code: 19709

Applicant's Phone Number: (302) 584-6632

Applicant's e-mail address: sroberts@cea-de.com



**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/23/2021**

APPLICATION: **CU 2279 Ron Sutton (Winward Village)**

APPLICANT: **Ron Sutton**

FILE NO: **OM-3.07**

TAX MAP &
PARCEL(S): **134-17.11-6.00**

LOCATION: **Lying on the east side of Kent Ave. (SCR 361), approximately
0.66 mile south of Garfield Parkway.**

NO. OF UNITS: **Multi-Family (11 units)**

GROSS
ACREAGE: **1.035**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

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 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** 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? **There are currently 4.67 EDU's being billed on the parcel. If those are disconnected as part of the project that would result in a 4.67 EDU credit..** Is it likely that additional SCCs will be required? **Yes**

If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- 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? **N/A**
- (8). Comments: **The parcel is currently served with one 6-inch lateral, and at a minimum, will need to be upgraded to an 8-inch lateral.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Denise Burns

WINDWARD VILLAGE

DESIGN SUMMARY & SUPPLEMENTAL DATA

CONDITIONAL USE APPLICATION CU-2279

Proposed MR – Multifamily Dwelling Structures

Tax Parcel 1-34-17.00-6.00

BALTIMORE HUNDRED
SUSSEX COUNTY
DELAWARE



FOR:



PREPARED BY:



CIVIL ENGINEERING ASSOCIATES, LLC

55 W. Main Street
Middletown, DE 19709
(302) 376-8833

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- A. CONDITIONAL USE APPLICATION FORM**
- B. PROPERTY SURVEY & DEED**
- C. PRELIMINARY PLANS**
- D. SUSSEX COUNTY CODE DESIGN CONSIDERATIONS (SECTION 99-9 C.)**
- E. ENVIRONMENTAL ASSESSMENT & PUBLIC FACILITY EVALUATION REPORT**
- F. DELDOT SERVICE LEVEL EVALUATION REQUEST FORM/DELDOT RESPONSE**
- G. ZONING & COMPREHENSIVE PLAN CONTEXT & MAPPING**
- H. SUSSEX COUNTY SSCE COMPLETED FORM**

APPENDIX A

CONDITIONAL USE APPLICATION FORM

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

33309 Kent Ave Bethany Beach, DE 19930

Type of Conditional Use Requested:

MULTI-FAMILY CONDOMINIUMS

Tax Map #: 134-17-116.0

Size of Parcel(s): 1.035 Ac

Current Zoning: MR

Proposed Zoning: MR

Size of Building: N/A

Land Use Classification: RESIDENTIAL

Water Provider: ARTESIAN WATER CO

Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: RON SUTTON

Applicant Address: 55 W. MAIN STREET

City: MIDDLETOWN

State: DE

Zip Code: 19709

Phone #: (302) 574-2444

E-mail: RON@CEA-DE.COM

Owner Information

Owner Name: CHRISTOPHER LAND, LLC

Owner Address: 10461 WHITE GRANITE DRIVE, SUITE 250

City: OAKTON

State: VA

Zip Code: 22124

Phone #:

E-mail:

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: SAME AS APPLICANT

Agent/Attorney/Engineer Address:

City:

State:

Zip Code:

Phone #:

E-mail:



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: 3-24-21

Signature of Owner



Date: 3-23-21

For office use only:

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

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

APPENDIX B

PROPERTY SURVEY & DEED

1-34-17.11-6.00
Prepared By/Return To:
The Lawson Firm, LLC
402 Rehoboth Avenue, P.O. Box 739
Rehoboth Beach, DE 19971

RECEIVED
AUG 13, 2015
ASSESSMENT DIVISION
OF SUSSEX COUNTY

THIS QUITCLAIM DEED, made this 5th day of August, 2015

- BETWEEN -

REVERE HIGH YIELD FUND, LP, a Delaware limited partnership, of 105 Rowayton Avenue, Suite 100, Rowayton, Connecticut 06853, party of the first part

- AND -

MERGARD, L.L.C., a Delaware limited liability company, of P.O. Box 730, Bethany Beach, Delaware, party of the second part.

WITNESSETH, that the said party of the first part, without consideration, hereby remises, quitclaims and releases unto the party of the second part, its successors and/or assigns, in fee simple,

33309 Kent Avenue, Bethany Beach, Sussex County, State of Delaware, identified as Tax ID: 1-34-17.11-6.00, more particularly described as follows, to wit:

ALL that certain lot, piece or parcel of land situate, lying and being in Baltimore Hundred, Sussex County, Delaware, lying on the east side of the County Road leading from Bethany Beach to Jefferson's Bridge and described as follows, to wit:

BEGINNING on the east side of the said County Road, thence, with lands now or formerly of George W. Bunting to lands now or formerly of John G. Bunting; thence, in a southerly direction with the east line of lands now or formerly of George W. Bunting to lands now or formerly of Louis L. Drexler, known as Farlow tract, thence, with said Drexler's tract to east side of County Road; thence, with the same having a frontage of about 249 feet to the place of beginning. Containing one acre of land, be the same more or less, with all improvements thereon.

BEING the same lands and premises conveyed unto Revere High Yield Fund, LP, by deed of MerGard, L.L.C., dated December 17, 2014, and recorded on June 25, 2015, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 4412, Page 305.

SUBJECT to any restrictions, reservations, easements, covenants, agreements, etc. of record.

Consideration: .00

1

County	.00
State	.00
Town Total	.00
Received: Sue D Aug 13, 2015	

TC

AS

TO HAVE AND TO HOLD, said real property, with all appurtenances, estate, title and interest thereto belonging to said Party of the Second Part, its successors and assigns, forever.

Said Party of the First Part does hereby covenant with said Party of the Second Part that said Party of the First Part, its successors and representatives, shall warrant and defend title to said real property unto said Party of the Second Part, its successors and assigns, against the lawful claims of all persons claiming, by and through or under said Party of the First Part, but now otherwise.

GRANTEE'S ADDRESS: MerGard, L.L.C.
P.O. Box 730
Bethany Beach, DE 19930

IN WITNESS WHEREOF, the said party of the first part has hereunto caused its hand and seal to be hereunto set, the day and year aforesaid.

SEALED AND DELIVERED
IN THE PRESENCE OF:

Revere High Yield Fund, LP
By: Revere GP, LLC, a Connecticut limited liability company, its General Partner

Witness Lincoln J. Dailey

By [Signature]
Clark Briner, Manager
Brigitte White, Authorized Signatory

STATE OF Georgia)
) ss:
COUNTY OF Chatham)

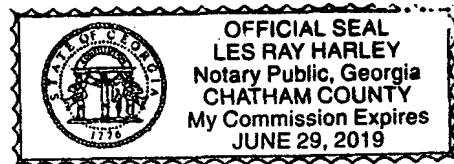
I HEREBY CERTIFY, that on this 5th day of August, 2015, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, ~~Clark Briner, Manager~~ Brigitte White, Authorized Signatory of Revere GP, LLC, a Connecticut limited liability company, the General Partner of Revere High Yield Fund, LP, who acknowledged the foregoing Quitclaim Deed to be the act of said company and made oath in due form of law that no consideration in said Quitclaim Deed is true and bona fide as therein set forth.

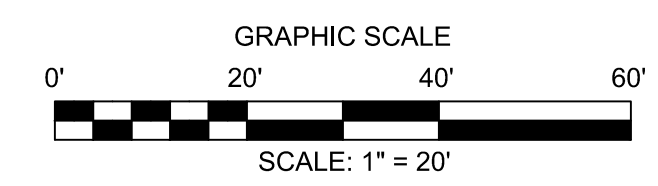
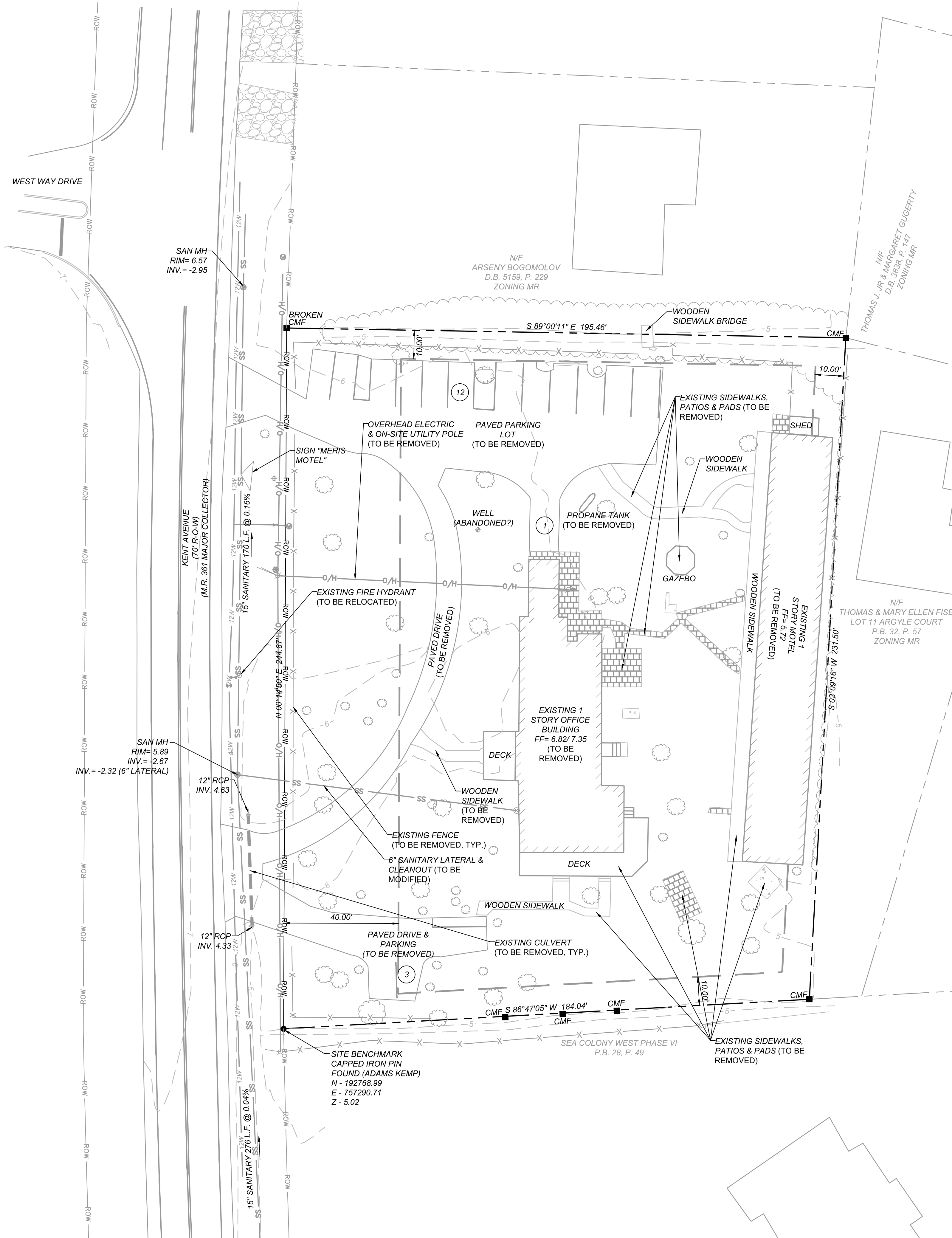
AS WITNESS my Hand and Notarial Seal.

[Signature]
Notary Public
Printed Name: Les Ray Harley
My Commission Expires: June 29, 2019



Recorder of Deeds
Scott Dailey
Aug 13, 2015 03:42P
Sussex County
Doc. Surcharge Paid





EXISTING CONDITIONS PLAN
FOR
WINDWARD VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DATE: DECEMBER 2, 2021

DESIGNED BY: JTW

APPROVED BY: RHS

FILE:

SHEET NO.: **EX-1**

Civil Engineering Associates, LLC
• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
55 W. MAIN STREET
MIDDLETOWN, DE 19709
PHONE (302) 376-8833
FAX (302) 376-8834
WWW.CEA-DE.COM

REVISION	DATE	DESCRIPTION

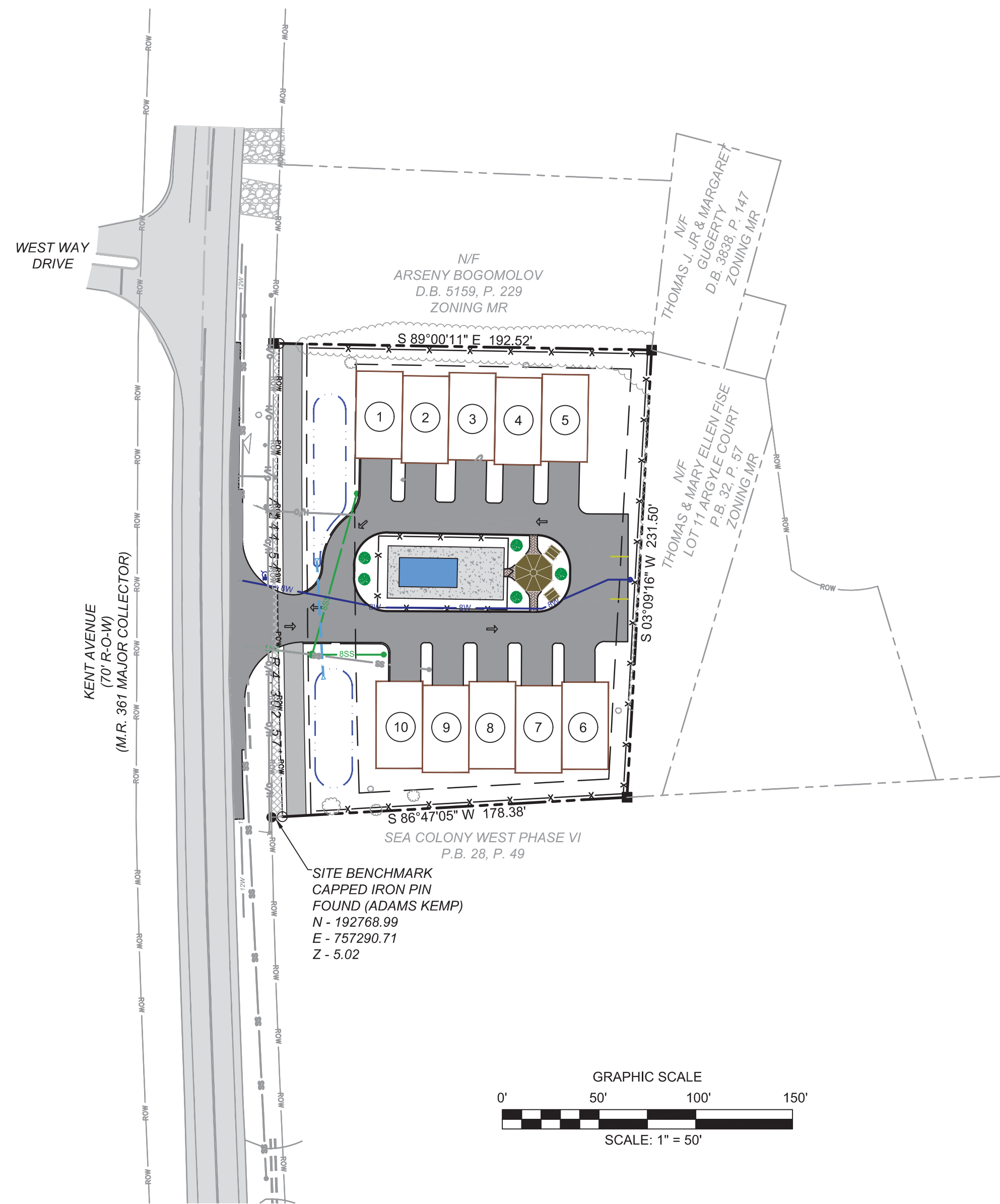
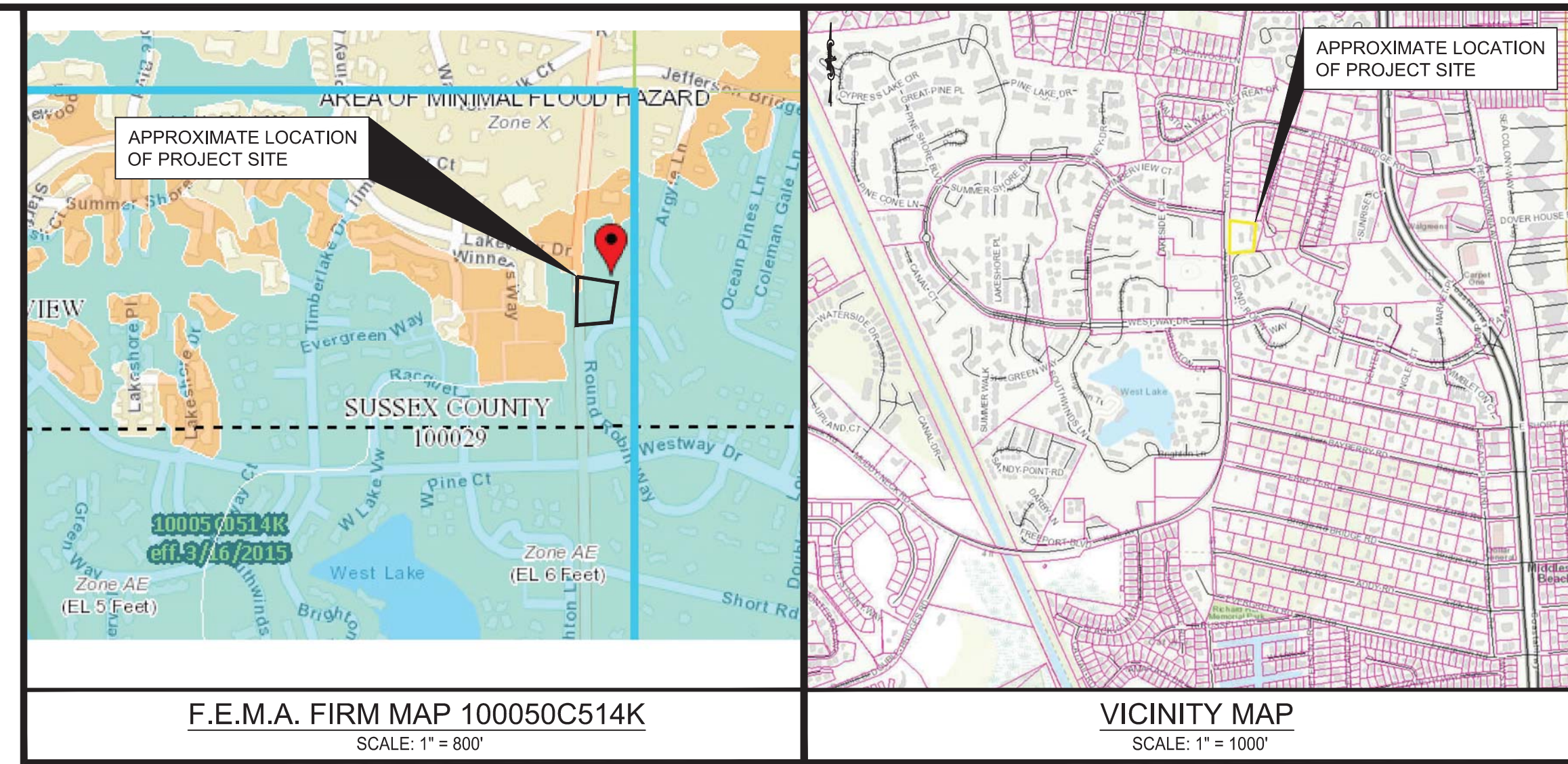
DATE

APPENDIX C

PRELIMINARY PLANS

PRELIMINARY SITE PLAN FOR WINDWARD VILLAGE

BALTIMORE HUNDRED
TAX PARCEL #: 134-17.11-6.00
SUSSEX COUNTY, DELAWARE



LEGEND

PROPERTY LINE	---
ADJOINING PROPERTY LINE	---
PROPOSED PROPERTY LINE	---
PROPOSED BUILDING	---
EXISTING RIGHT-OF-WAY	---ROW---
RIGHT-OF-WAY	---ROW---
PROPOSED EASEMENT	---
BUILDING SETBACK LINE	---
EXISTING CONTOURS	---10---
PROPOSED CONTOURS	---10---
EXISTING SANITARY SEWER	---SS---
PROPOSED SANITARY SEWER	---SSS---
EXISTING WATER MAIN	---12W---
PROPOSED WATER MAIN	---RW---
EXISTING WOODS LINE	---
EXISTING SANITARY SEWER MANHOLE	⊙
PROPOSED SANITARY SEWER MANHOLE	⊙
EXISTING SANITARY SEWER CLEANOUT	⊙
PROPOSED SANITARY SEWER CLEANOUT	⊙
EXISTING FIRE HYDRANT	⊙
PROPOSED FIRE HYDRANT	⊙
EXISTING TREES	⊙
PROPOSED PATH	---
EXISTING PAVEMENT	---
PROPOSED PAVEMENT	---

SITE DATA:

- OWNER: MERGARD, LLC
33309 KENT AVENUE
BETHANY BEACH, DE 19930
- EQUITABLE OWNER: CHRISTOPHER LAND, LLC
10461 WHITE GRANITE DRIVE, SUITE 103
OAKTON, VA 22124
- ENGINEER: CIVIL ENGINEERING ASSOCIATES
55 WEST MAIN STREET
MIDDLETOWN, DE 19709
P(302) 376-8833
CONTACT: RONALD H. SUTTON, JR.
- PROPERTY INFORMATION: TAX PARCEL ID: 134-17.00-6.00
DEED REFERENCE: D.B. 4432, P. 332
- EXISTING ZONING: MR
- PROPOSED ZONING: MR
- SETBACKS:
FRONT YARD: 40 FEET
SIDE YARD: 10 FEET
REAR YARD: 10 FEET
MAXIMUM BUILDING HEIGHT: 42 FEET
- PROPOSED USE: RESIDENTIAL - 10 CONDOMINIUMS
- AREAS:
EXISTING SITE AREA 45,100.15 S.F. +/- = 1.035 AC. +/-
IMPERVIOUS AREA 14,406.03 S.F. +/-
WOODEN SURFACE AREA 2,092.79 S.F. +/-
PROPOSED SITE AREA 44,332.70 S.F. +/- = 1.017 AC. +/-
DEDICATED ROW 767.45 S.F. +/- = 0.018 AC. +/-
BUILDING AREA 10,800.00 S.F. +/- = 0.248 AC. +/-
PRIVATE STREET/PARKING AREA 10,788.89 S.F. +/- = 0.248 AC. +/-
OPEN SPACE 22,743.82 S.F. +/- = 0.522 AC. +/-
STORMWATER MANAGEMENT AREA 2260.40 S.F. +/- = 0.052 AC. +/-
- PARKING: REQUIRED = 20 SPACES (2 SPACES PER UNIT MIN. X 10 UNITS)
PROVIDED = 22 SPACES + 3 ADDITIONAL SPACES = 25 SPACES
- FLOODPLAIN: PER F.E.M.A. FIRM MAP 10005C0514K, EFFECTIVE MARCH 16, 2015, THE ENTIRE SITE LIES WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE AE, ELEVATION= 6.0.
- WETLANDS: PER THE NATIONAL WETLANDS INVENTORY MAP, THE PARCEL IS NOT AFFECTED BY THE EXISTENCE OF WETLANDS.
- UTILITIES: WATER: ARTESIAN WATER COMPANY, INC.
SANITARY SEWER: SUSSEX COUNTY
- FIRE LANES: ALL FIRE LANES, FIRE HYDRANTS, AND FIRE CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH DELAWARE FIRE PREVENTION REGULATIONS.
- BOUNDARY & TOPOGRAPHY: BOUNDARY AND TOPOGRAPHY WAS PERFORMED BY CIVIL ENGINEERING ASSOCIATES IN DECEMBER 2020.

INDEX OF DRAWINGS

SHEET NUMBER	SHEET TITLE
T-1	COVER SHEET
EX-1	EXISTING CONDITIONS PLAN
C-1	SITE & UTILITY PLAN
G-1	GRADING PLAN

OWNER'S CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION. I FURTHER CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION, AND DEVELOPMENT SHALL BE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL INVOLVED WILL HAVE A CERTIFICATE OF TRAINING FROM DNREC. DNREC AND SUSSEX COUNTY PERSONNEL SHALL HAVE THE RIGHT TO CONDUCT ON-SITE INSPECTIONS

NAME

DATE

ENGINEER'S CERTIFICATION:

I, RONALD H. SUTTON JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON OTHER THAN THE PROPERTY BOUNDARY AND EXISTING TOPOGRAPHY, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO THE EXTENT THAT IT DESCRIBES THE BEARINGS AND DISTANCES OF SUBDIVIDED LANDS.

NAME

DATE

REVISIONS

DESCRIPTION

REVISION DATE

REVISION DATE

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DATE: DECEMBER 2, 2021

DESIGNED BY: JTW

APPROVED BY: RHS

FILE:

SHEET NO.:

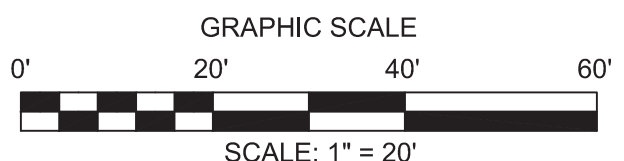
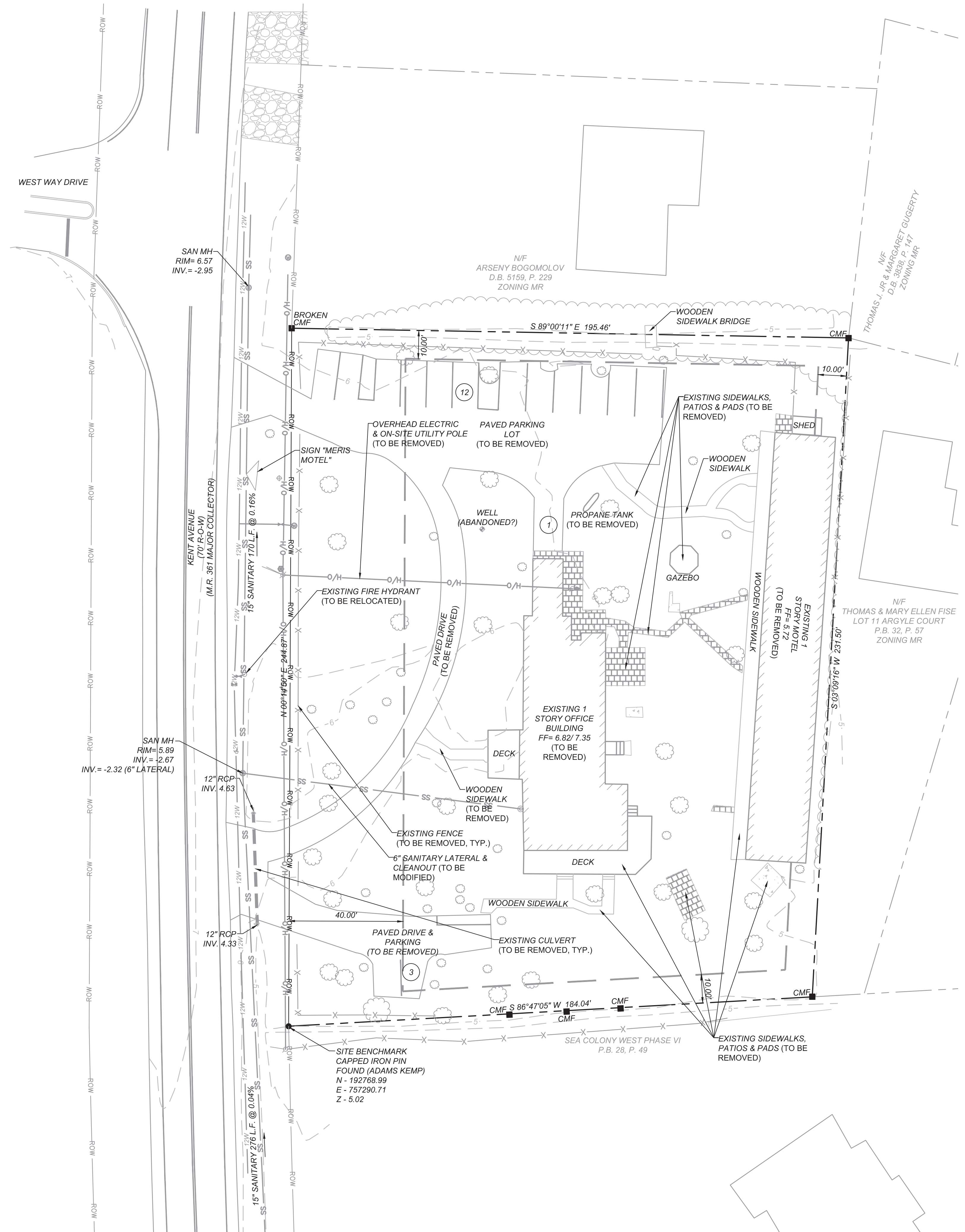
T-1

CIVIL ENGINEERING ASSOCIATES, LLC
SURVEYING • CONSTRUCTION SERVICES

55 W. MAIN STREET
MIDDLETOWN, DE 19709
PHONE (302) 376-8833
FAX (302) 376-8834
WWW.CEA-DE.COM

COVER SHEET FOR WINDWARD VILLAGE BALTIMORE HUNDRED SUSSEX COUNTY, DELAWARE

DATE



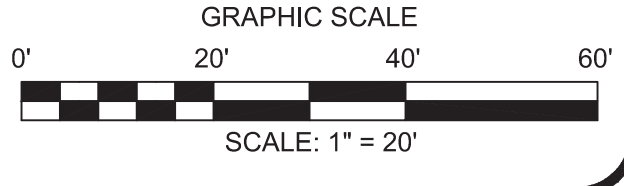
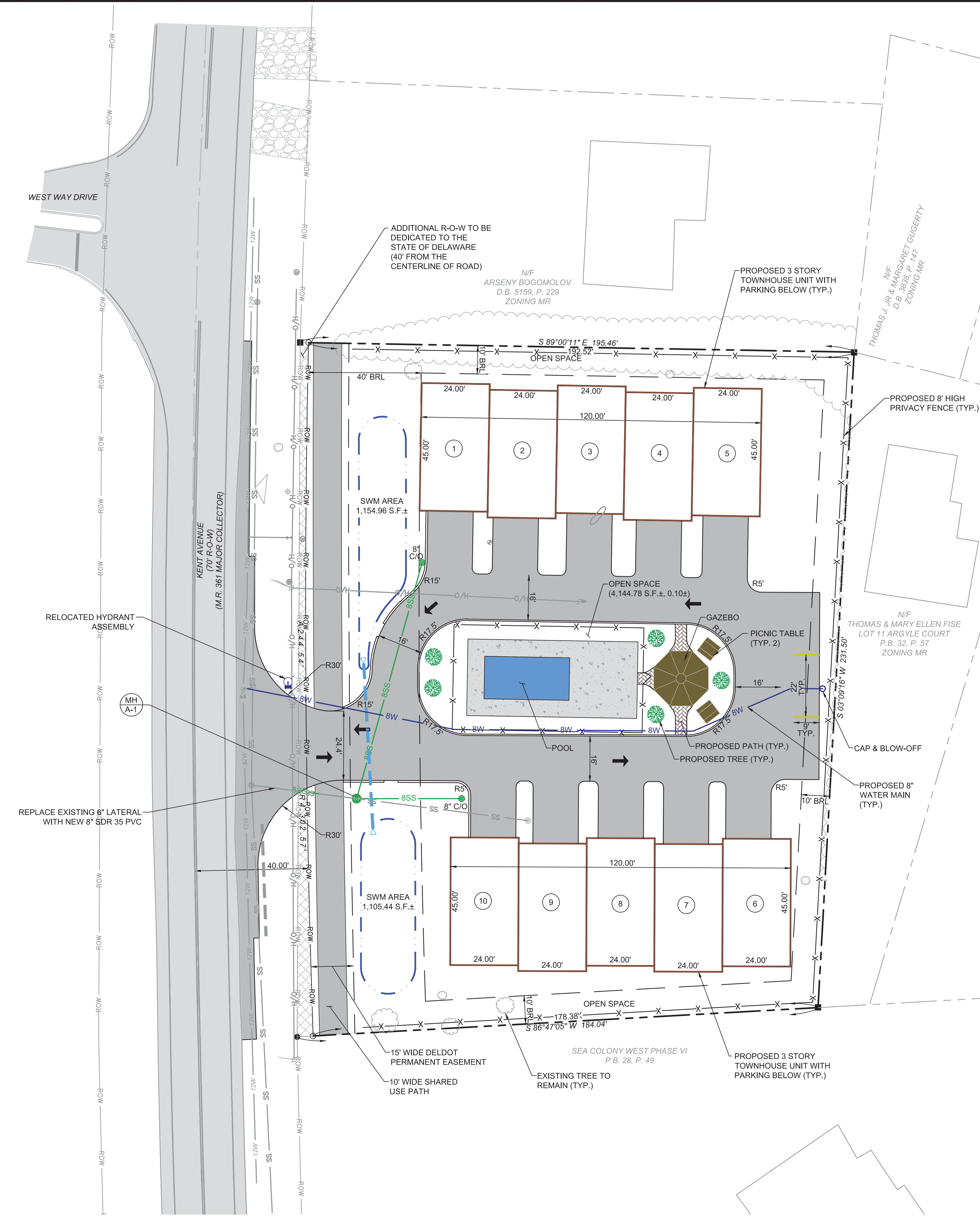
EXISTING CONDITIONS PLAN
 FOR
WINDWARD VILLAGE
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

CFA CIVIL ENGINEERING ASSOCIATES, LLC
 ENGINEERING SURVEYING CONSTRUCTION SERVICES
 55 W. MAIN STREET
 MIDDLETOWN, DE 19709
 WWW.CEA-DE.COM
 PHONE (302) 376-8833
 FAX (302) 376-8834

DATE: DECEMBER 2, 2021
 DESIGNED BY: JTW APPROVED BY: RHS
 FILE:
 SHEET NO.: **EX-1**

REVISION	DATE	DESCRIPTION

DATE _____



SITE & UTILITY PLAN
FOR
WINDWARD VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

Civil Engineering
C&A ASSOCIATES, LLC
CONSTRUCTION SERVICES
SURVEYING
ENGINEERING
55 W. MAIN STREET
MIDDLETOWN, DE 19709
WWW.C&A-DE.COM

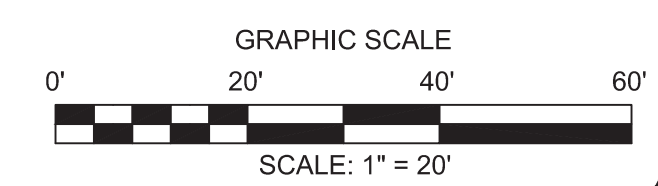
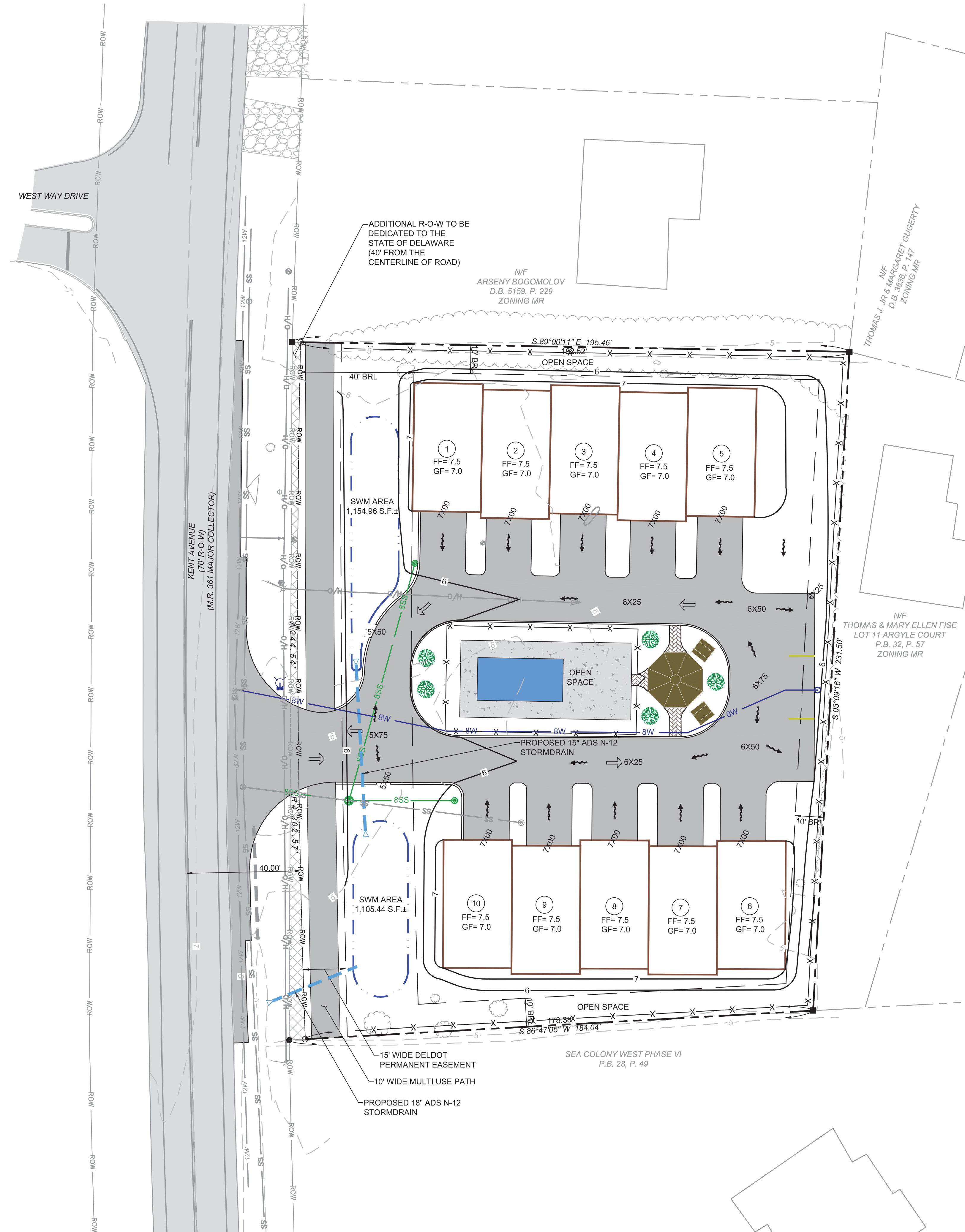
PHONE (302) 376-8833
FAX (302) 376-8834

REVISIONS	
REVISION	DESCRIPTION

DATE: FEBRUARY 3, 2021	
DESIGNED BY: JTW	APPROVED BY: RHS
FILE:	

SHEET NO.: **C-1**

DATE



GRADING PLAN
FOR
WINDWARD VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

CFA CIVIL ENGINEERING ASSOCIATES, LLC
• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES

55 W. MAIN STREET
MIDDLETOWN, DE 19709
WWW.CEA-DE.COM

PHONE (302) 376-8833
FAX (302) 376-8834

REVISION	DATE	DESCRIPTION

DATE: DECEMBER 2, 2021
DESIGNED BY: JTW APPROVED BY: RHS
FILE:
SHEET NO.: **G-1**

DATE

APPENDIX D

SUSSEX COUNTY DESIGN CONSIDERATIONS (SECTION 99.9 C.)

**SUSSEX COUNTY
DESIGN CONSIDERATIONS
(SECTION 99-9 C.)**

INTEGRATION OF THE PROPOSED SUBDIVISION INTO EXISTING TERRAIN AND SURROUNDING LANDSCAPE

The proposed project is a redevelopment of an existing bed & breakfast/motel and will consist of 10 condominiums. The property is surrounded by existing landscaping/woods that will be maintained. Sufficient landscaping will be installed to supplement the surrounding woods.

MINIMAL USE OF WETLANDS AND FLOODPLAINS

There are no wetlands existing on site.

PRESERVATION OF NATURAL AND HISTORICAL FEATURES

As stated, this is a redevelopment of an existing motel. There are no existing natural or historical features.

PRESERVATION OF OPEN SPACE AND SCENIC VIEWS

Because this is a redevelopment surrounded by other development as well as fairly dense vegetation, there are no scenic views from the property. Proposed open space will exceed the 30% requirement.

MINIMIZATION OF TREE, VEGETATION AND SOIL REMOVAL AND GRADE CHANGES

The existing motel and associated access roads will be removed. Care will be taken to preserve as many of the large trees surrounding the property as well as any vegetation not impinging on the development. Proposed grades will closely match existing to tie-into the surrounding developed areas.

SCREENING OF OBJECTIONABLE FEATURES FROM NEIGHBORING PROPERTIES AND ROADWAYS

As stated above, the property is surrounded by existing woods which will be maintained and supplemented with additional landscaping. In addition, there will be an 8-foot privacy fence surrounding the property.

PROVISION FOR WATER SUPPLY

Water will be provided by Tidewater Utilities.

PROVISION FOR SEWAGE DISPOSAL

Sanitary sewer will be provided by Sussex County.

PREVENTION OF POLLUTION OF SURFACE AND GROUNDWATER

Surface and groundwater pollution will be prevented with the onsite stormwater management system. All surface runoff will be conveyed into the 2 stormwater facilities along Kent Avenue. All stormwater design will be reviewed and approved by Sussex Conservation District.

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

Surface and groundwater pollution will be prevented with the onsite stormwater management system. All surface runoff will be conveyed into the 2 stormwater facilities along Kent Avenue. All stormwater design will be reviewed and approved by Sussex Conservation District.

PROVISION FOR SAFE VEHICULAR AND PEDESTRIAN MOVEMENT WITHIN THE SITE AND TO ADJACENT WAYS

The proposed layout of the road consists of a 16-foot wide one-way travel lane around

an internal amenity area with access to each individual condominium unit. A shared use path is proposed along the frontage of the property to allow for pedestrian movement.

EFFECT ON AREA PROPERTY VALUES

We anticipate that property values in the surrounding area will increase due to this project.

PRESERVATION AND CONSERVATION OF FARMLAND

As stated before, a bed & breakfast/motel currently occupies this property, there is no existing farmland to be preserved.

EFFECT ON SCHOOLS, PUBLIC BUILDINGS AND COMMUNITY FACILITIES

No negative impact to the surrounding school, public buildings, or community is expected due to proposed development.

EFFECT ON AREA ROADWAYS AND PUBLIC TRANSPORTATION

We do not anticipate any negative impacts to the roadways or public transportation. The existing bed & breakfast/motel consists of 14 rooms and an office generating approximately 25 trips per day. The proposed project will produce an additional 28 trips per day for a total ADT of 53. No auxiliary lanes are required by DeIDOT as the existing ADT of Kent Avenue is 3,103 trips.

COMPATIBILITY WITH OTHER AREA LAND USES

The surrounding land uses consists of residential homes (both seasonal and off-season). We are proposing a residential use to replace the existing bed and breakfast/motel which is compatible with the surrounding areas.

EFFECT ON AREA WATERWAYS

We do not anticipate any effects on area waterways due to the re-development.

APPENDIX E

ENVIRONMENTAL ASSESSMENT & PUBLIC FACILITY EVALUATION REPORT

ENVIRONMENTAL ASSESSMENT
&
PUBLIC FACILITY EVALUATION
REPORT

FOR

WINDWARD VILLAGE

**BALTIMORE HUNDRED
SUSSEX COUNTY
DELAWARE**

PREPARED BY:



CIVIL ENGINEERING ASSOCIATES, LLC

55 West Main Street
Middletown, DE 19709
(302) 376-8833

DATE:
December 2021

Seal

TABLE OF CONTENTS

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- Scope of Project.....1

B. ENGINEER'S REPORT

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- Drainage and Stormwater Runoff.....2
- Potable Water.....2
- Wastewater Treatment and Disposal.....2
- Impacts to Surrounding Roadways.....2
- Endangered or Threatened Species.....2
- Preservation and Protection of Tidal and Non-Tidal Wetlands.....3
- Open Space and Buffers.....3
- Proposed Public and Private Infrastructure.....3
- Economic & Recreational Benefits.....3
- Historic or Cultural Resources.....3
- Affirmation of Conformance with Sussex County Comprehensive Plan.....3
- Actions Taken to Mitigate Proposed Impacts of the Development.....3

A. EXECUTIVE SUMMARY

Introduction

This Report has been prepared in accordance with Chapter 115 – Zoning: Article XXV Supplementary Regulations, 194.3 Coastal Area of the Sussex County Code. This Report provides a summary of site-specific information and accompanies the Preliminary Plans submittal, dated February 3, 2021.

Scope of Project:

The proposed project will include ten (10) condominiums on the property currently known as the Meris Gardens Bed and Breakfast located on Kent Avenue in Bethany Beach, Delaware. The existing zoning designation is MR.

The project will involve typical construction activities associated with new roads, stormwater management facilities, home construction, and utility installation. The utilities for the site will consist of electric, telecommunications, sewer, and water services to each home. Stormwater management for the site will be provided by two (2) stormwater management areas.

B. ENGINEER'S REPORT

Drainage and Stormwater Runoff

Stormwater quality will be met by managing the Resource Protection Event (RPv) and quantity management will be met by managing the Conveyance Event and the Flooding Event (Cv and Fv) this will be achieved through the proposed stormwater management area and will be denoted on the plans as Stormwater Management Area. It will discharge into an existing ditch that is in good working condition.

The runoff from the areas that are being developed will be collected and directed to the proposed stormwater management areas by downspouts or by grass lined swales.

Potable Water

A water connection to Tidewater Utilities facilities is anticipated along Kent Avenue. During the Sussex County approval process, Water Plans will be submitted to Tidewater Utilities for approval as well. Once the Tidewater Utilities approves the connection, both domestic and fire flows will be provided.

No private wells are expected to be impacted.

Wastewater Treatment and Disposal

The proposed site lies within the South Bethany Sanitary Sewer District, it is anticipated to connect and be served by an existing gravity sewer line situated along Kent Avenue. Ordinance No. 38 Plans will be submitted to the County for approval.

No impacts to the surrounding surface or groundwaters are expected.

Impacts to Surrounding Roadways

The Windward Garden development is proposed to contain 10 condominium units. Based upon the latest Institute of Transportation Engineers Traffic Generation Manual, a condominium (multifamily midrise) is anticipated to generate approximately 5.44 vehicle trips per day (1/2 entering the site, 1/2 leaving the site), and the site is anticipated to generate approximately 53 vehicle trips per day (27 entering, 26 leaving).

Based upon the 2020 DeIDOT Traffic Counts, Kent Avenue currently carries 3,103 average annual daily vehicles. Therefore, it is anticipated that the Windward Village development will not cause any adverse impacts to the surrounding road network.

Endangered or Threatened Species

Based upon a review of the site, existence of any endangered or threatened species is not expected.

Preservation and Protection of Tidal and Non-Tidal Wetlands

Based on site evaluations and a review of the National Inventory Mapping it has been determined that no wetlands exist on this site.

Open Space and Buffers

The total area of the site is 1.035 acres. Proposed open space will be comprised of approximately 0.397 acres, or 38.4% which fulfills the required minimum open space of 30%.

A forested buffer is not proposed nor is required for this project; however, sufficient landscaping will be installed to supplement the existing woods surrounding the property.

Proposed Public and Private Infrastructure

This is a redevelopment of an existing project. Public infrastructure exists on site and impacts to surrounding areas will be minimal

Economic & Recreational Benefits

The proposed project is anticipated to provide several economic benefits. These benefits include:

- Anticipated increase the tax base of Sussex County
- Increase to surrounding home values

The proposed project is a private condominium complex and will provide recreational benefits to the private condominium owners.

Historic and Cultural Resources

There is no presence of any historic or cultural resources listed on the National register of Historic Places at the site.

Affirmation of Conformance with Sussex County Comprehensive Plan

The proposed development has been designed in accordance to the current Sussex County Comprehensive Plan.

Actions Taken to Mitigate Proposed Impacts of the Development

No negative impact to the environment and its surrounding community is projected to originate from the proposed development.

APPENDIX F

DELDOT SERVICE LEVEL EVALUATION REQUEST FORM/DELDOT RESPONSE

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 DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date:

Site Information:

Site Address/Location:

Tax Parcel Number:

Current Zoning:

Proposed Zoning:

Land Use Classification:

Proposed Use(s):

Square footage of any proposed buildings or number of units:

Applicant Information:

Applicant's Name:

Applicant's Address:

City:

State:

Zip Code:

Applicant's Phone Number:

Applicant's e-mail address:





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

NICOLE MAJESKI
SECRETARY

March 24, 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 **Civil Engineering Associates** proposed land use application, which we received on February 12, 2021. This application is for an approximately 1.00- acre parcel (Tax Parcel: 134-17.11-6.00). The subject land is located east of Kent Avenue (Sussex Road 361). The subject land is currently zoned MR (Medium-Density Residential) and the applicant seeks a conditional use approval to build 11 Condominiums.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Kent Avenue (Sussex Road 361), from Westway Drive to Atlantic Avenue (Sussex Road 26), is 3,903 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

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



Mr. Jamie Whitehouse

Page 2 of 2

March 24, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

Enclosure

cc: Civil Engineering Associates, 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 Furmato, Project Engineer, Development Coordination

APPENDIX G

ZONING & COMPREHENSIVE PLAN CONTEXT & MAPPING

Figure 4.2-1 Existing Land Use

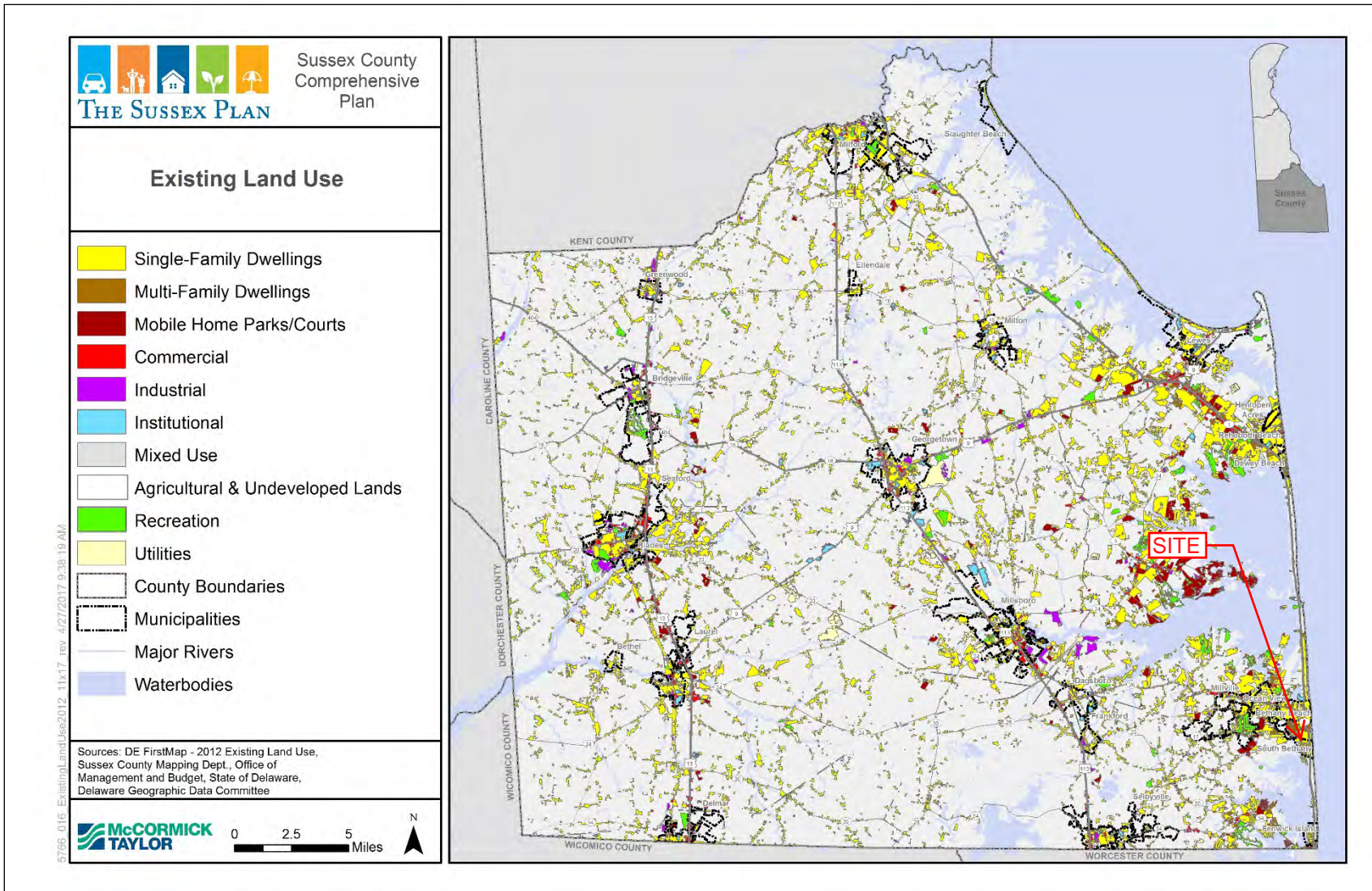


Figure 4.5-1 Sussex County 2045 Future Land Use

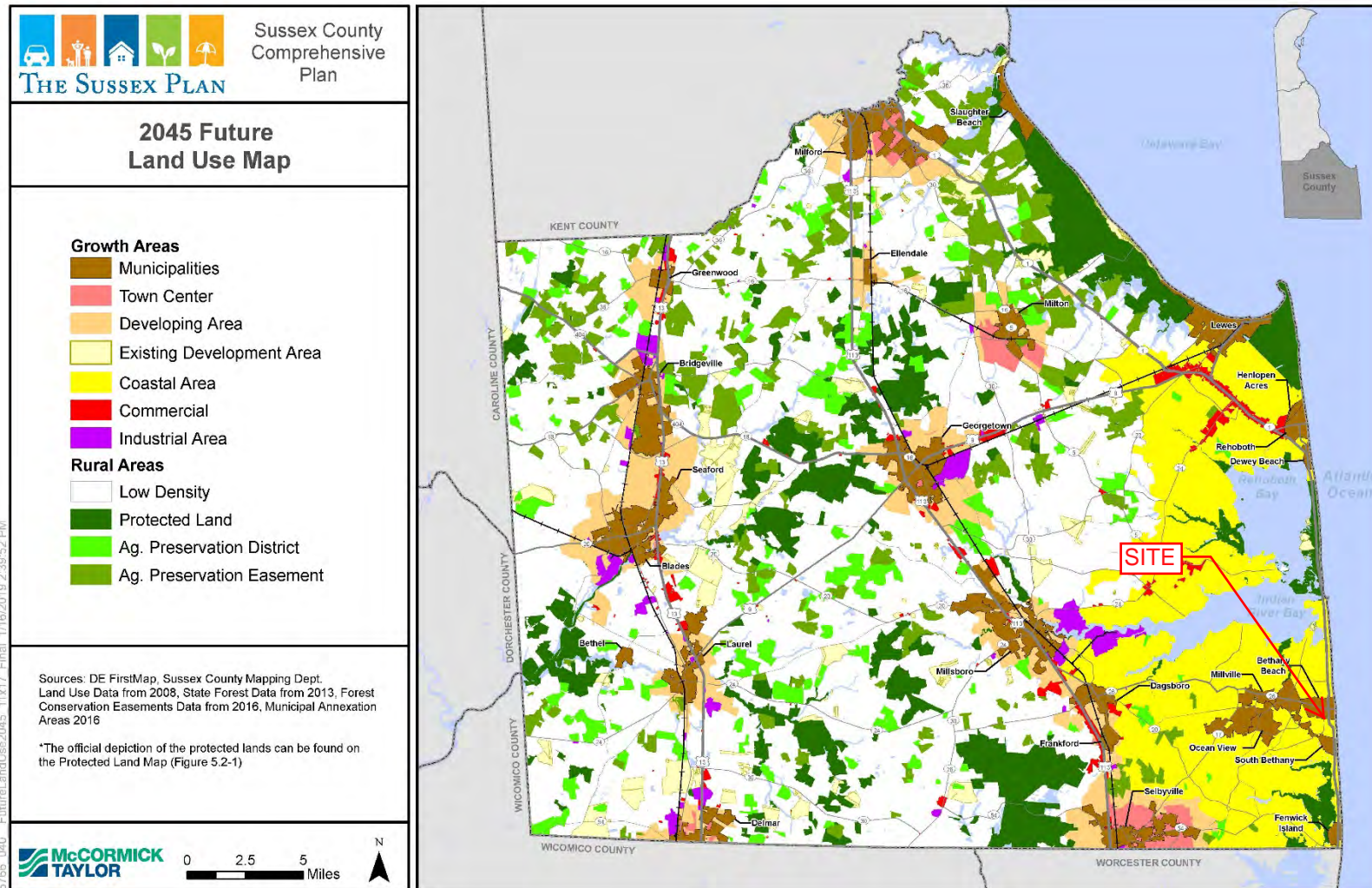


Figure 4.4-1 Strategies for State Policies and Spending

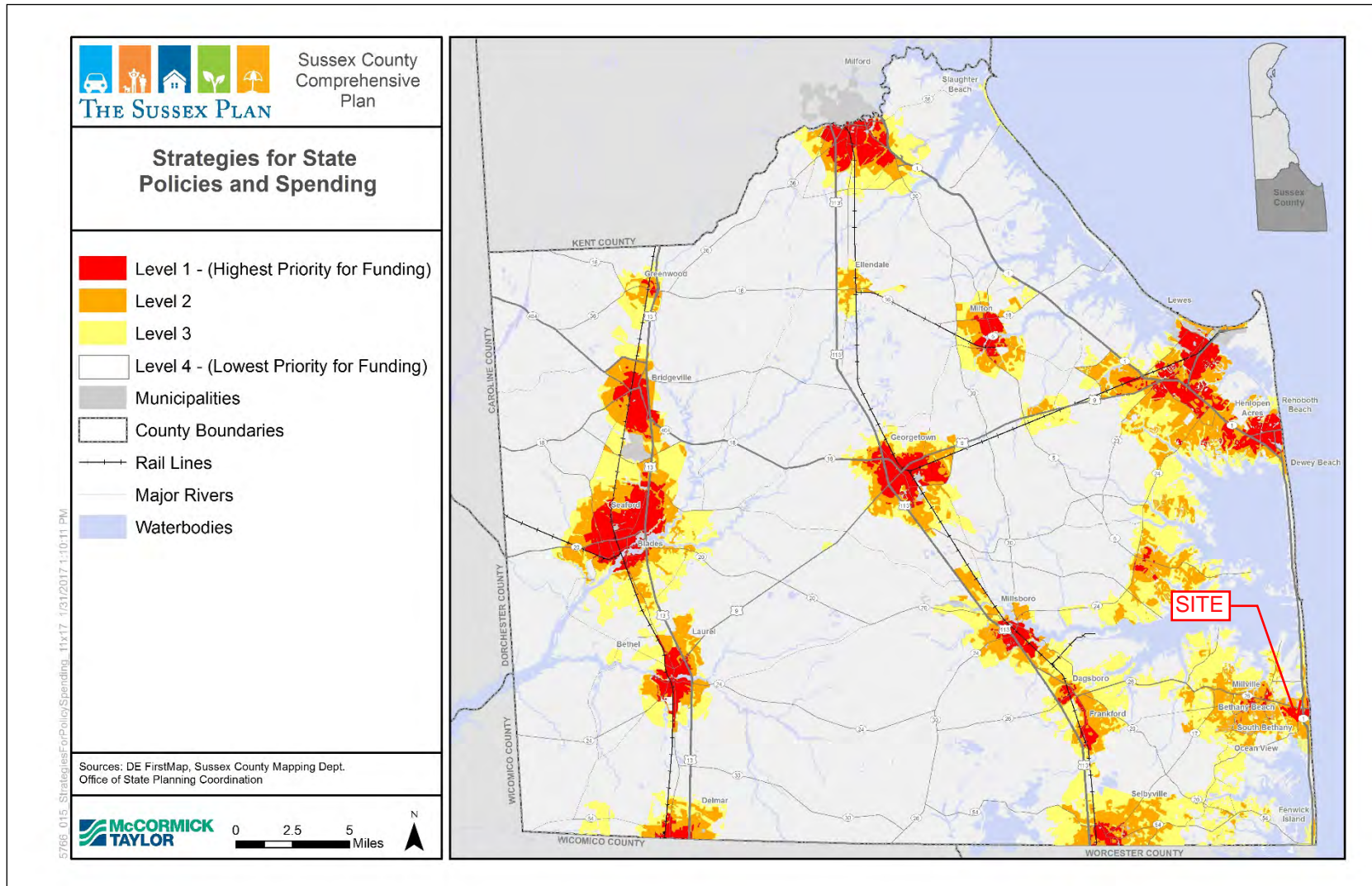
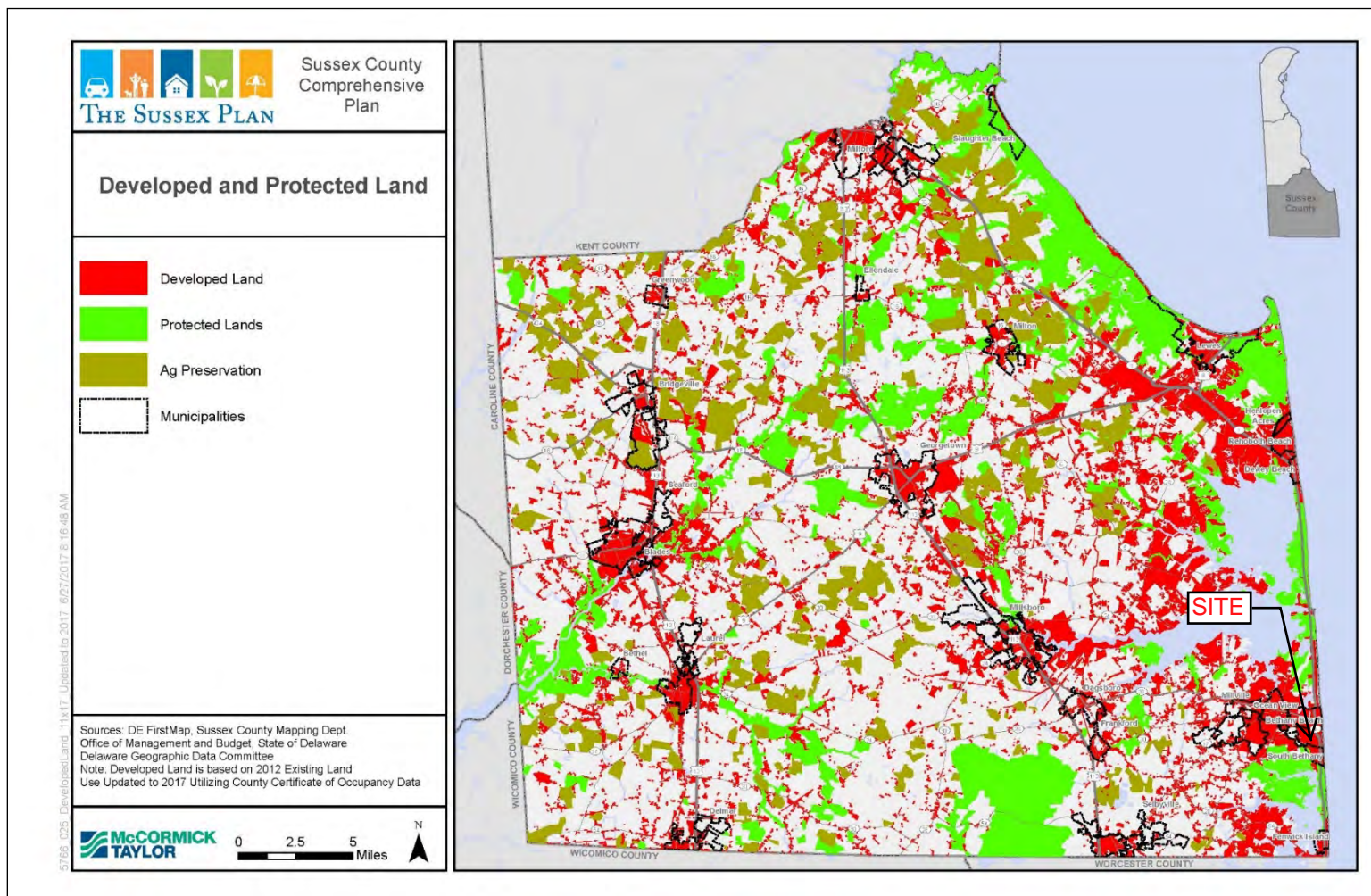


Figure 4.2-2 Developed and Protected Land *

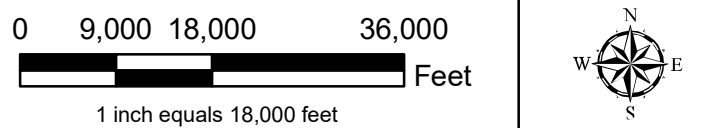
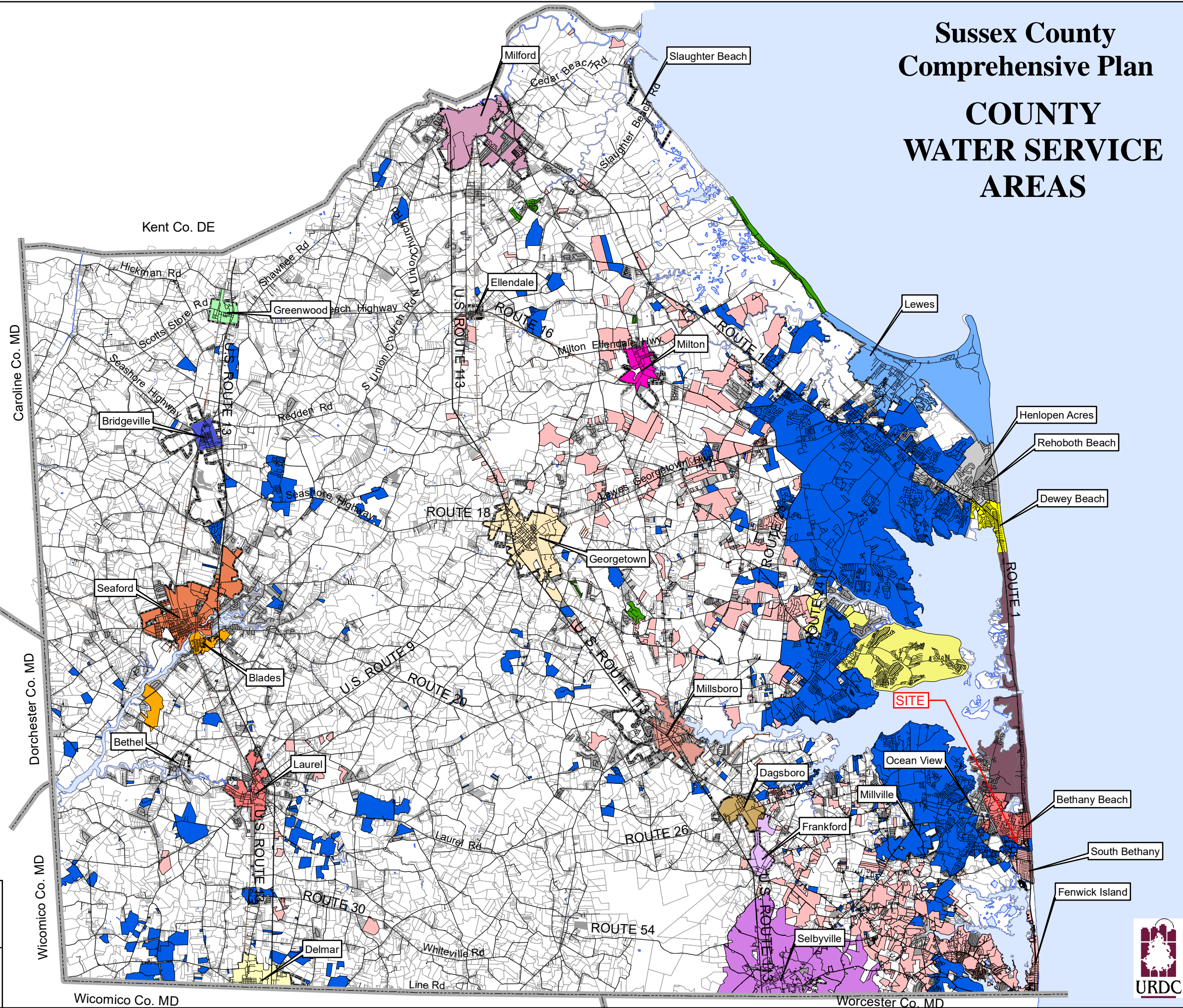


* Parcels enrolled in the State's Agricultural Lands Preservation Program change frequently and that the Delaware Department of Agriculture can be contacted for latest update.

Sussex County Comprehensive Plan COUNTY WATER SERVICE AREAS

Water Providers

- Unknown
- Artesian Water Company
- Bethany Beach
- Blades
- Bridgeville
- Dagsboro
- Delmar
- Frankford
- Georgetown
- Greenwood
- J.H. Wilkerson & Son
- Laurel
- Lewes
- Long Neck Water Co.
- Milford
- Millsboro
- Milton
- Rehoboth
- Seaford
- Selbyville
- Sussex County Council
- Sussex Shores Water Co.
- Tidewater Utilities

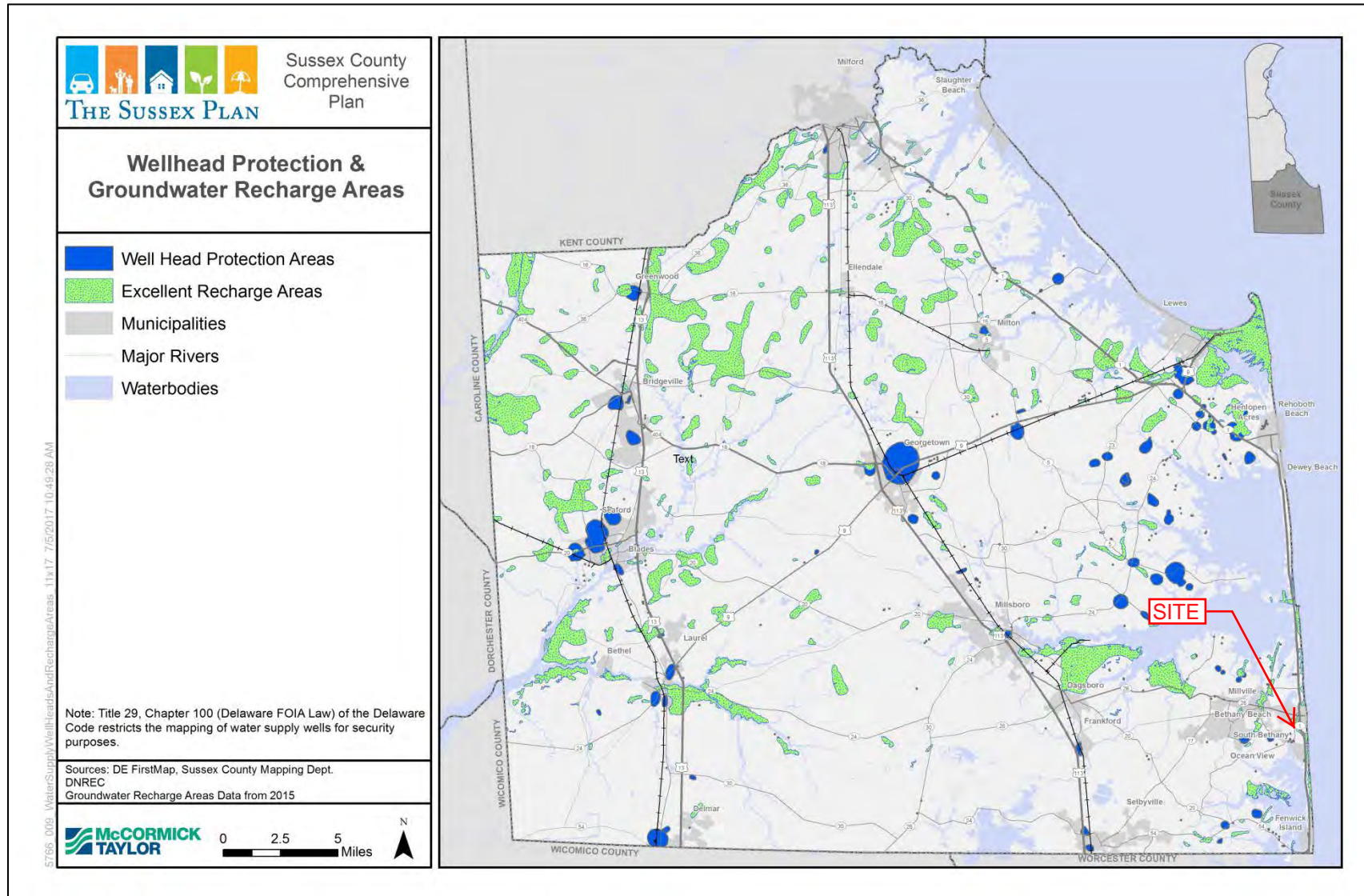


Base Map Provided By: Sussex County Mapping Department

Sources: DNREC, Sussex County Mapping Department












Figure 7.2-2 Wellhead Protection & Excellent Recharge Areas



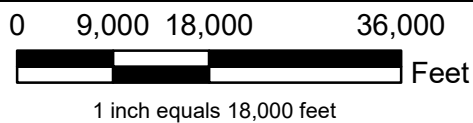
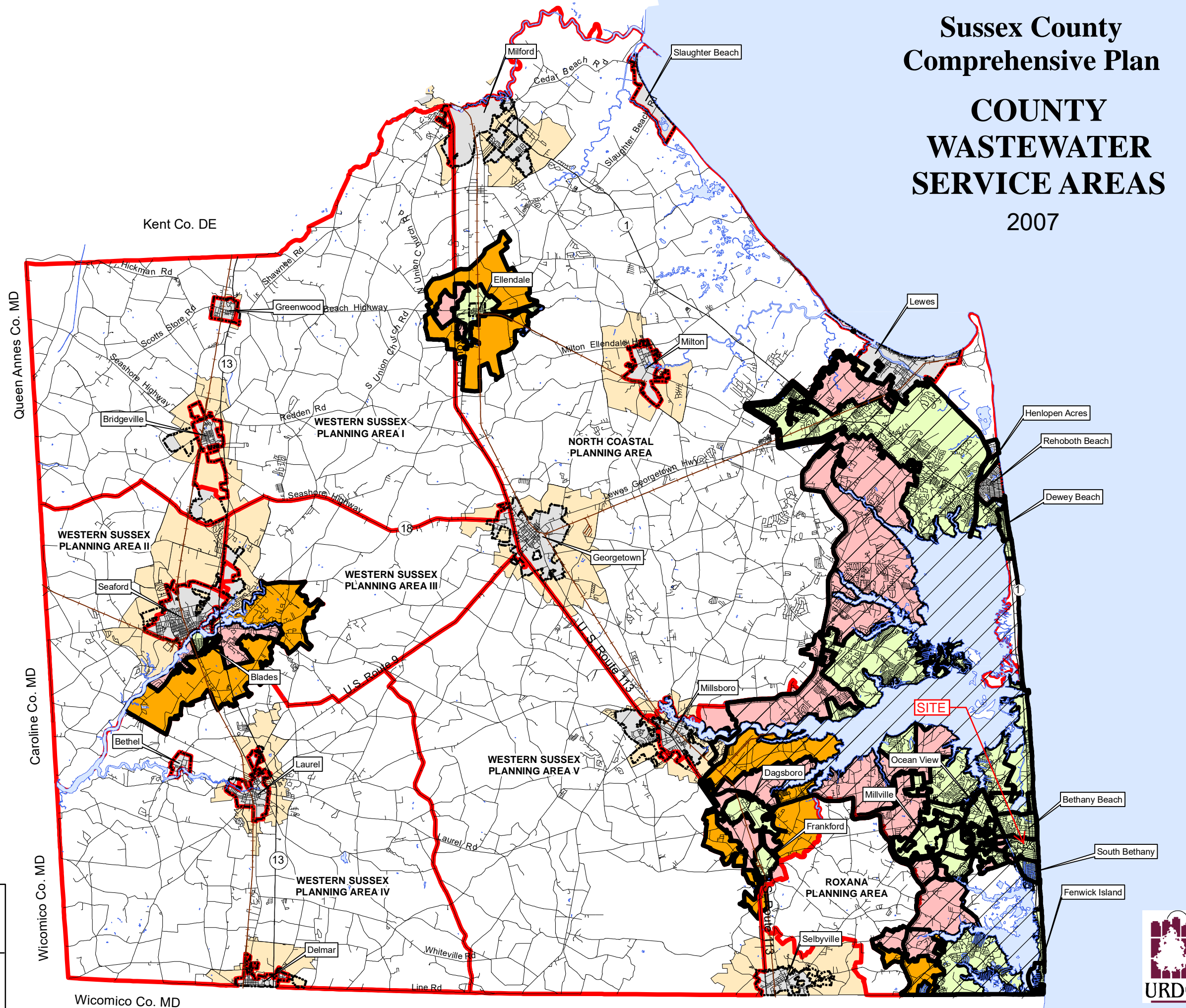
Sussex County Comprehensive Plan

COUNTY WASTEWATER SERVICE AREAS

2007

-  Environmentally Sensitive Development Area (ESDA)
-  Roads
-  Boundaries of Sewer Planning Areas
-  Existing County Sewer Districts
-  Primary County Service Areas
-  Secondary County Service Areas
-  Unclassified Service Areas
-  Town/City Potential Annexation Areas (intended to be eventually served by Town/City in most cases.)
-  Municipal Boundaries

Please see text for planning area and service area definitions.



Base Map Provided By: Sussex County Mapping Department
Sources: Sussex County Engineering Department



Figure 7.3-1 Wastewater Service Areas that have Received Certificates of Public Convenience and Necessity

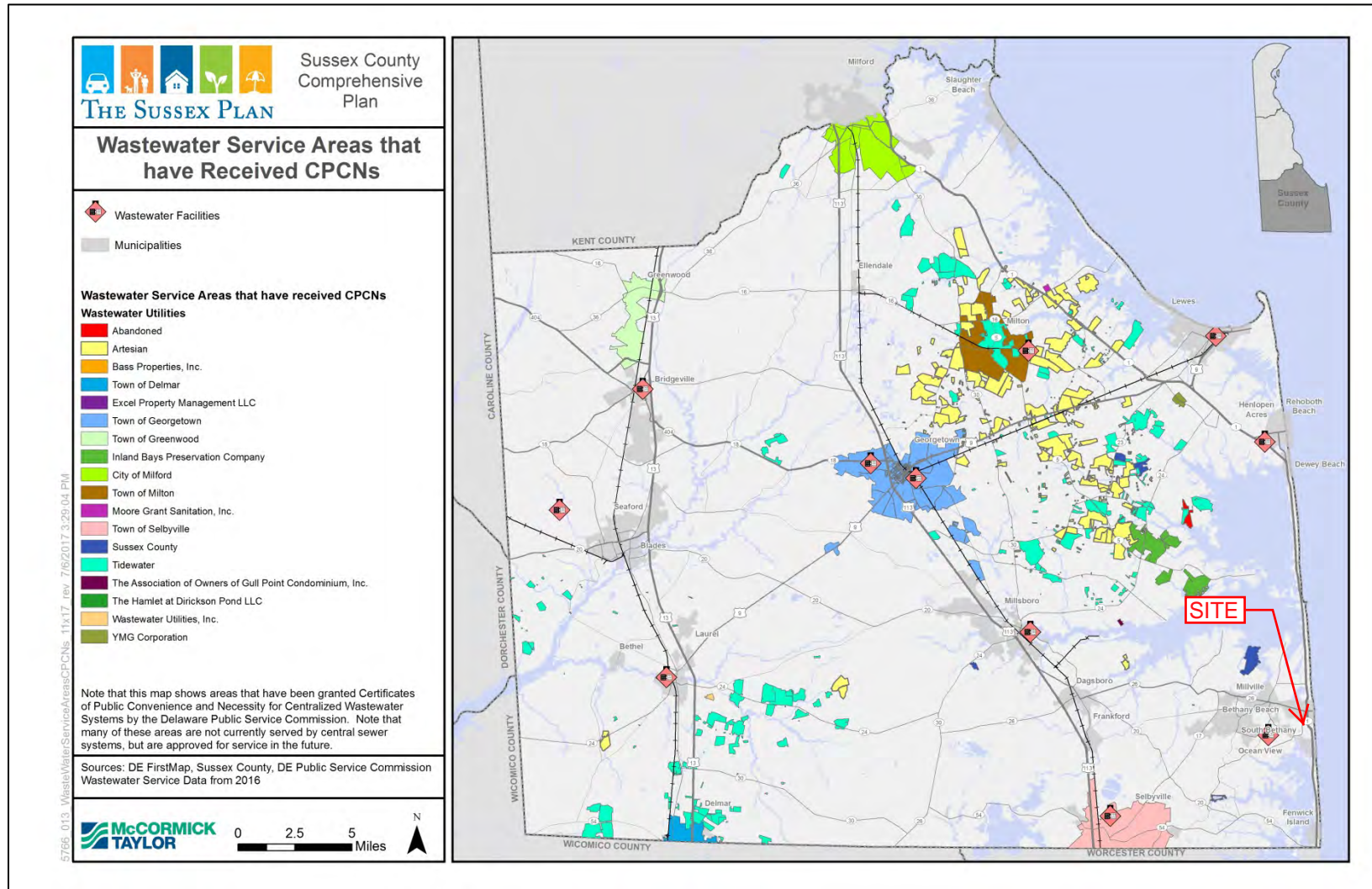
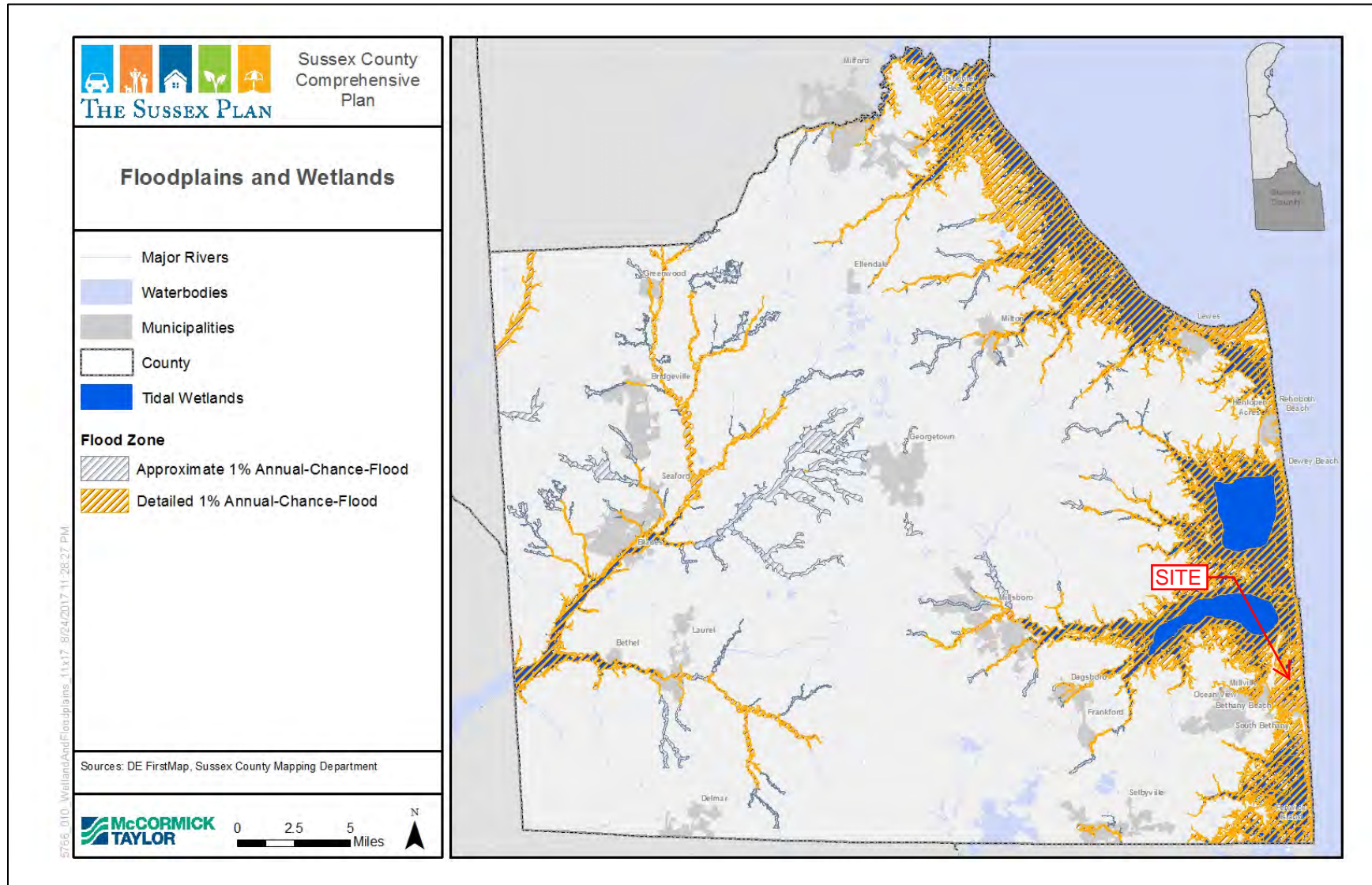
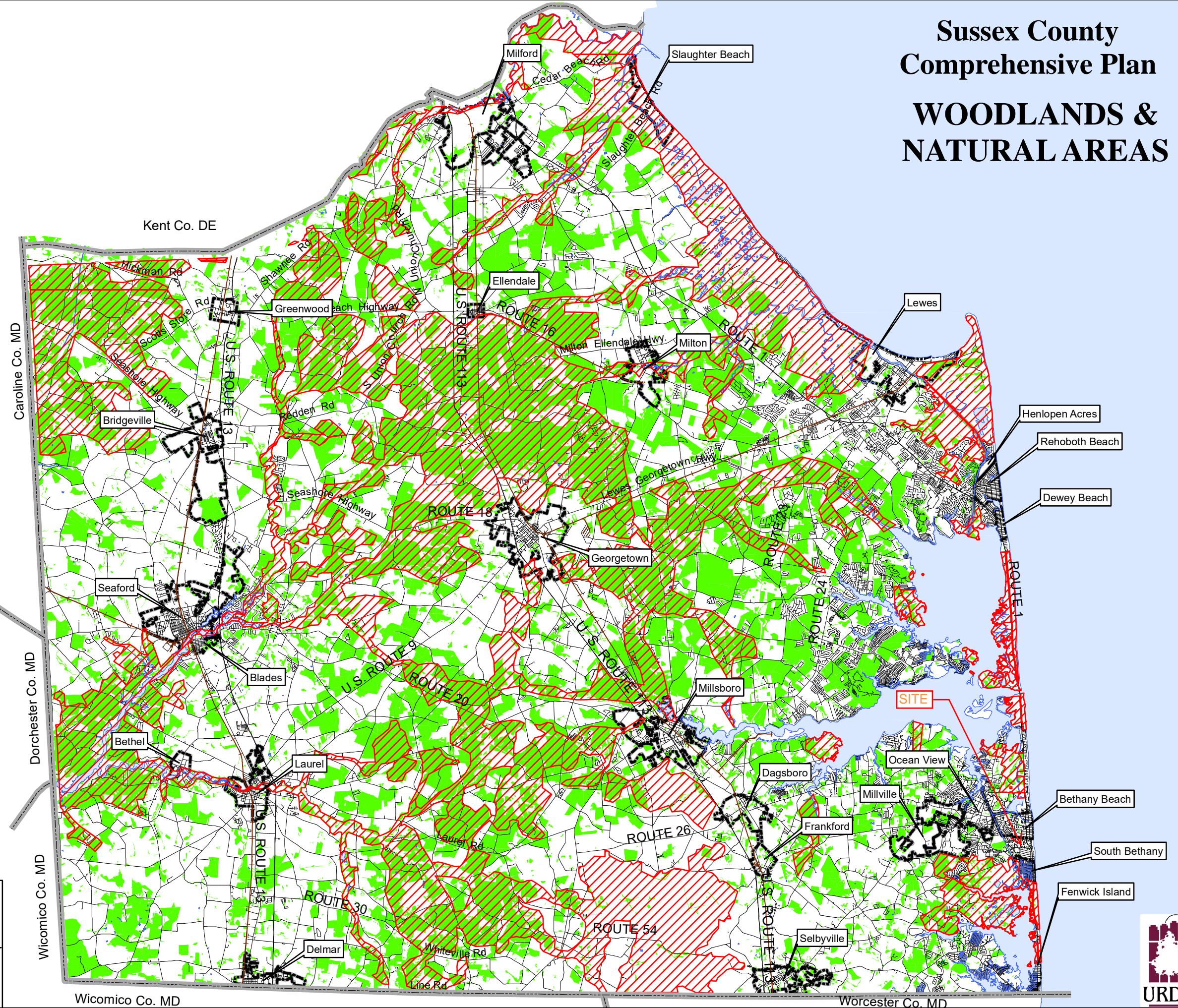


Figure 5.2-4 Wetlands and Floodplains



Sussex County Comprehensive Plan WOODLANDS & NATURAL AREAS

-  **Woodlands**
-  **Natural Areas**



0 9,000 18,000 36,000
Feet

1 inch equals 18,000 feet



Base Map Provided By:
Sussex County
Mapping Department

Sources:
DNREC
Sussex County Mapping Department



APPENDIX H

SUSSEX COUNTY SSCE COMPLETED FORM



**WINDWARD GARDENS
SEWER SERVICE CONCEPT EVALUATION
SUSSEX COUNTY, DELAWARE**

Engineer:

Civil Engineering Associates
55 W. Main Street
Middletown, De 19709
Scott Roberts
302-584-6632

Developer:

Christopher Land, LLC
10461 Oakton Granite Drive, Suite 250
Oakton, VA 22124
703-927-8669

Project Name:

Windward Gardens

Tax Map:

134-17.00-6.00

Proposed EDUs:

8 Multifamily Units (Condominiums) = 6 EDUs (0.75 EDU/SF Unit)

Current Zoning:

MR

Proposed Zoning:

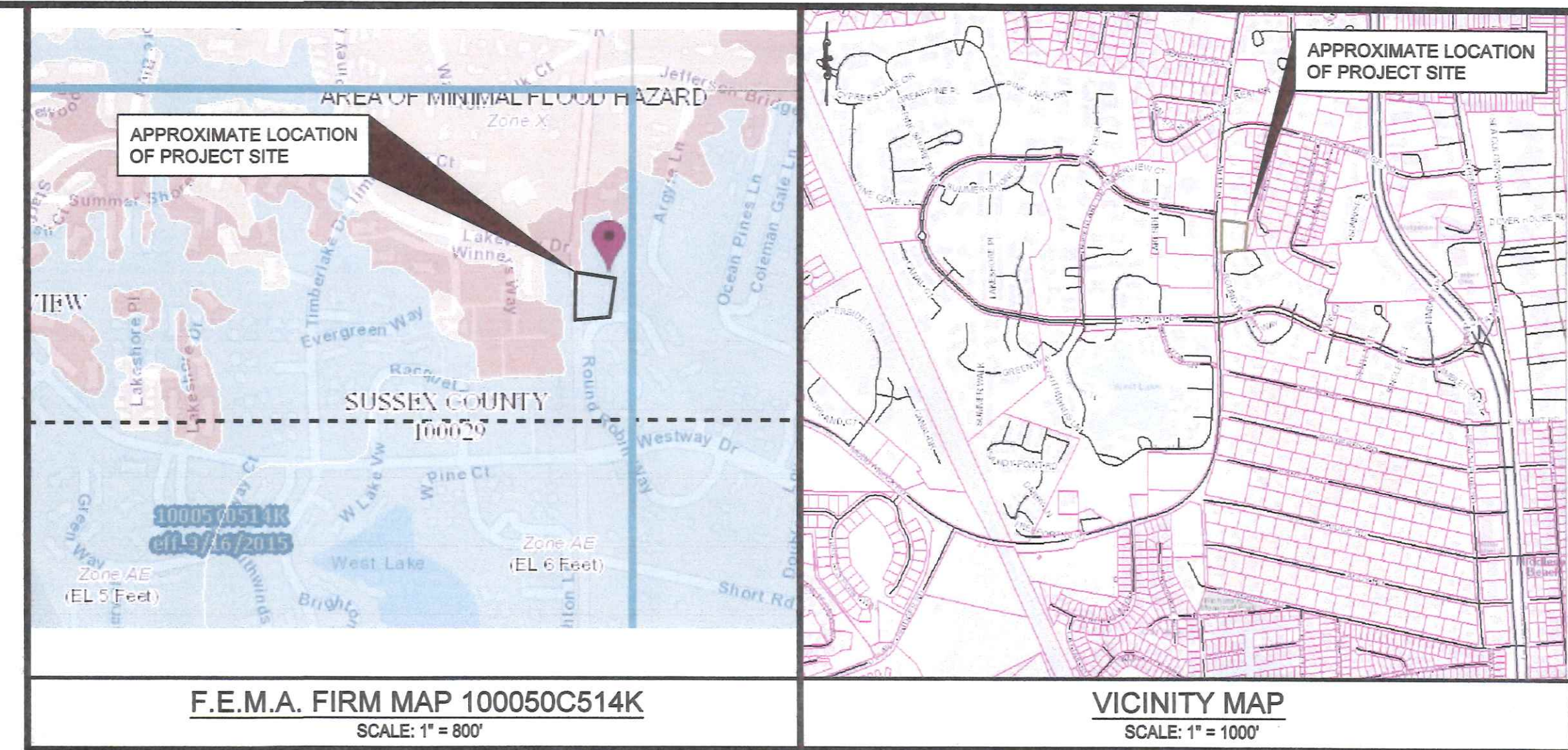
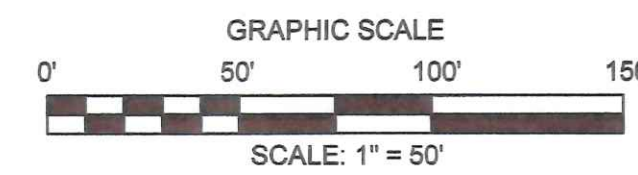
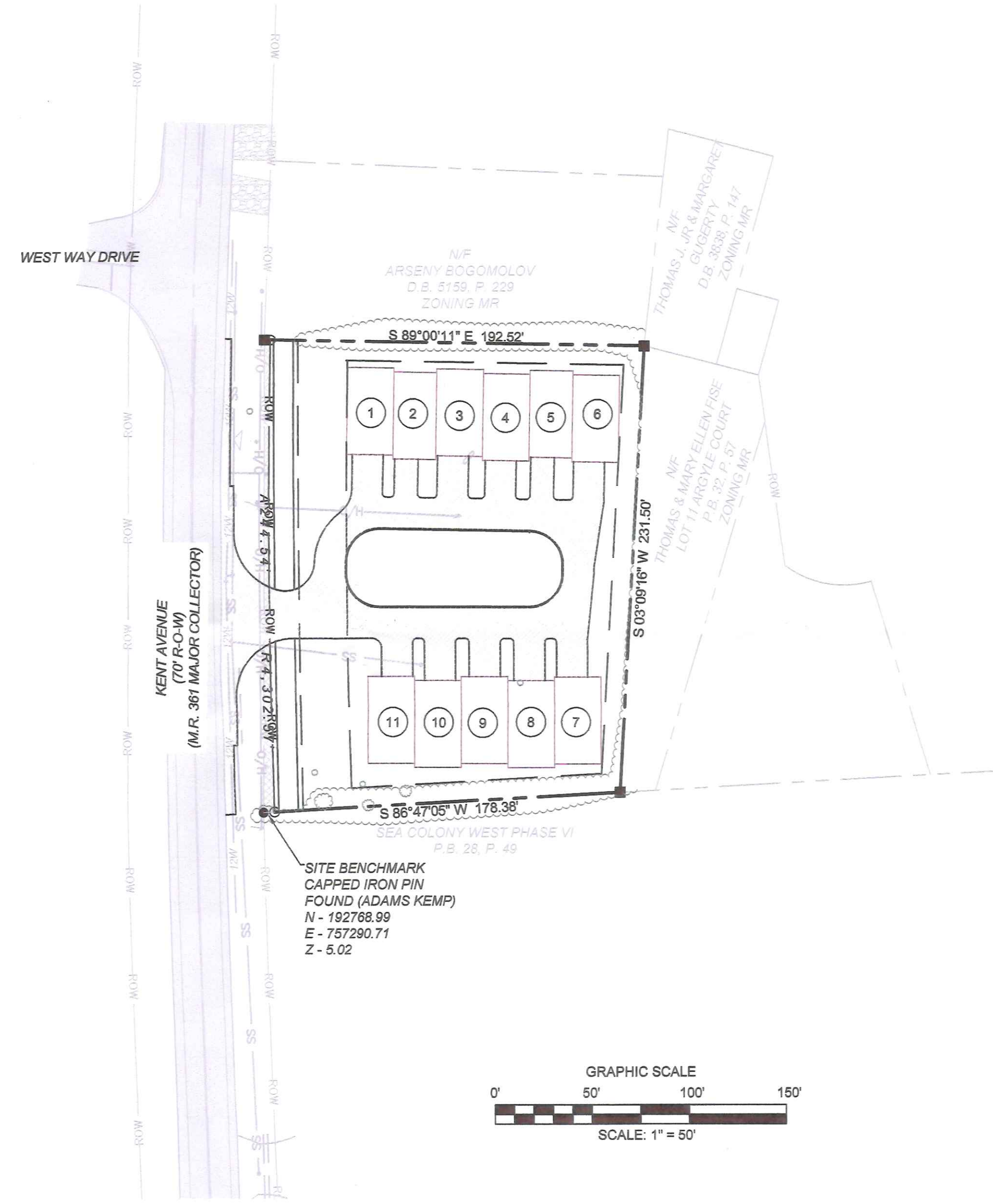
MR

Acreage:

1.035 Acres

PRELIMINARY SITE PLAN FOR WINDWARD VILLAGE

BALTIMORE HUNDRED
TAX PARCEL #: 134-17.11-6.00
SUSSEX COUNTY, DELAWARE



LEGEND	
PROPERTY LINE	---
ADJOINING PROPERTY LINE	---
PROPOSED PROPERTY LINE	---
PROPOSED BUILDING	---
EXISTING RIGHT-OF-WAY	---
RIGHT-OF-WAY	---ROW---
PROPOSED EASEMENT	---
BUILDING SETBACK LINE	---
EXISTING CONTOURS	---
PROPOSED CONTOURS	---
EXISTING SANITARY SEWER	SS
PROPOSED SANITARY SEWER	SS
EXISTING WATER MAIN	WM
PROPOSED WATER MAIN	WM
EXISTING WOODS LINE	---
EXISTING SANITARY SEWER MANHOLE	⊕
PROPOSED SANITARY SEWER MANHOLE	⊕
EXISTING SANITARY SEWER CLEANOUT	⊕
PROPOSED SANITARY SEWER CLEANOUT	⊕
EXISTING FIRE HYDRANT	⊕
PROPOSED FIRE HYDRANT	⊕
EXISTING TREES	☁
PROPOSED PATH	---
EXISTING PAVEMENT	---
PROPOSED PAVEMENT	---

SITE DATA:

- OWNER: MERGARD, LLC
33309 KENT AVENUE
BETHANY BEACH, DE 19930
- EQUITABLE OWNER: CHRISTOPHER LAND, LLC
10481 WHITE GRANITE DRIVE, SUITE 250
OAKTON, VA 22124
- ENGINEER: CIVIL ENGINEERING ASSOCIATES
55 WEST MAIN STREET
MIDDLETOWN, DE 19709
P(302) 376-8833
CONTACT: RONALD H. SUTTON, JR.
- PROPERTY INFORMATION: TAX PARCEL ID: 134-17.00-6.00
DEED REFERENCE: D.B. 4432, P. 332
- EXISTING ZONING: MR
- PROPOSED ZONING: MR
- SETBACKS:
FRONT YARD: 40 FEET
SIDE YARD: 10 FEET
REAR YARD: 10 FEET
MAXIMUM BUILDING HEIGHT: 42 FEET
- PROPOSED USE: RESIDENTIAL - 11 CONDOMINIUMS
- AREAS:
EXISTING SITE AREA 45,100.15 S.F. +/- = 1.035 AC. +/-
IMPERVIOUS AREA 14,406.03 S.F. +/-
WOODEN SURFACE AREA 2,092.79 S.F. +/-
PROPOSED SITE AREA 44,332.70 S.F. +/- = 1.017 AC. +/-
DEDICATED ROW 767.45 S.F. +/- = 0.018 AC. +/-
BUILDING AREA 11,700.00 S.F. +/- = 0.269 AC. +/-
PRIVATE STREET/PARKING AREA 15,303.41 S.F. +/- = 0.351 AC. +/-
OPEN SPACE 17,329.29 S.F. +/- = 0.397 AC. +/-
STORMWATER MANAGEMENT AREA 2260.40 S.F. +/- = 0.052 AC. +/-
- PARKING: REQUIRED = (2 SPACES PER UNIT MIN.)(11 UNITS) = 22 SPACES PROVIDED = (2 SPACES PER UNIT MAX.)(11 UNITS) = 22 SPACES + 3 ADDITIONAL SPACES = 25 SPACES PROVIDED
- FLOODPLAIN: PER F.E.M.A FIRM MAP 100050C0514K, EFFECTIVE MARCH 16, 2015, THE ENTIRE SITE LIES WITHIN A SPECIAL FLOOD HAZARD AREA, ZONE AE, ELEVATION= 6.0.
- WETLANDS: PER THE NATIONAL WETLANDS INVENTORY MAP, THE PARCEL IS NOT AFFECTED BY THE EXISTENCE OF WETLANDS.
- UTILITIES: WATER: ARTESIAN WATER COMPANY, INC.
SANITARY SEWER: SUSSEX COUNTY
- FIRE LANES: ALL FIRE LANES, FIRE HYDRANTS, AND FIRE CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH DELAWARE FIRE PREVENTION REGULATIONS.
- BOUNDARY & TOPOGRAPHY: BOUNDARY AND TOPOGRAPHY WAS PERFORMED BY CIVIL ENGINEERING ASSOCIATES IN DECEMBER 2020.

INDEX OF DRAWINGS

SHEET NUMBER	SHEET TITLE
T-1	COVER SHEET
EX-1	EXISTING CONDITIONS PLAN
C-1	SITE & UTILITY PLAN
G-1	GRADING PLAN

OWNER'S CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION. I FURTHER CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION, AND DEVELOPMENT SHALL BE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL INVOLVED WILL HAVE A CERTIFICATE OF TRAINING FROM DNREC. DNREC AND SUSSEX COUNTY PERSONNEL SHALL HAVE THE RIGHT TO CONDUCT ON-SITE INSPECTIONS

E. Robert Lopez Jr.
NAME DATE 2/4/21

ENGINEER'S CERTIFICATION:

I, RONALD H. SUTTON JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON OTHER THAN THE PROPERTY BOUNDARY AND EXISTING TOPOGRAPHY, IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED SURVEYING STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO THE EXTENT THAT IT DESCRIBES THE BEARINGS AND DISTANCES OF SUBDIVIDED LANDS.

Ronald H. Sutton Jr.
NAME DATE 2-8-21

REVISION	DATE	DESCRIPTION

CIVIL ENGINEERING ASSOCIATES, LLC
ENGINEERING • SURVEYING • CONSTRUCTION SERVICES

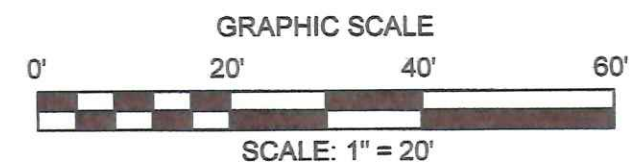
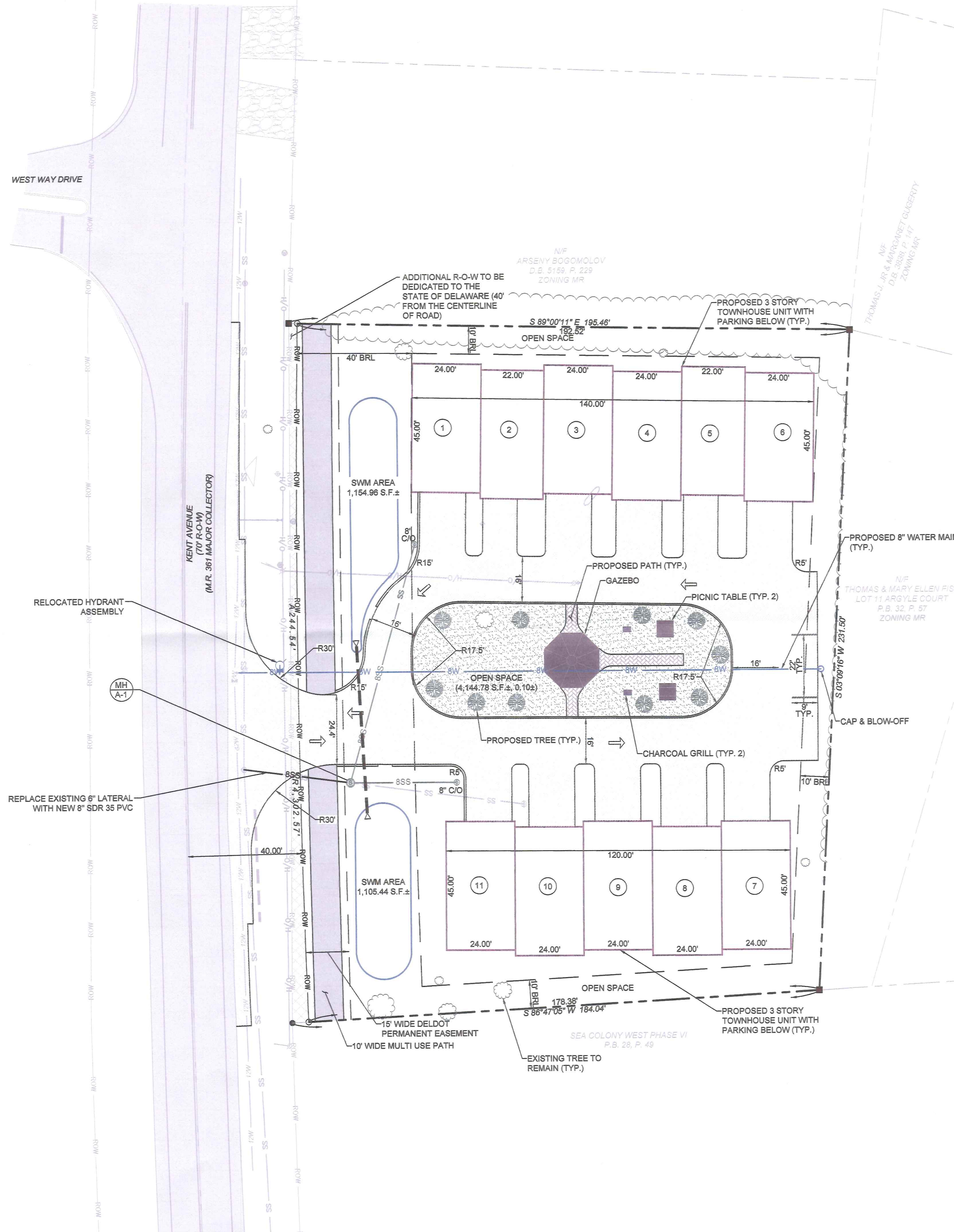
55 W. MAIN STREET
MIDDLETOWN, DE 19709
PHONE (302) 376-8833
FAX (302) 376-8834
WWW.CEA-DE.COM

COVER SHEET FOR WINDWARD VILLAGE

BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DATE: FEBRUARY 3, 2021	
DESIGNED BY: JTW	APPROVED BY: RHS
FILE:	
SHEET NO.: T-1	

Ronald H. Sutton Jr.
DATE 2-8-21



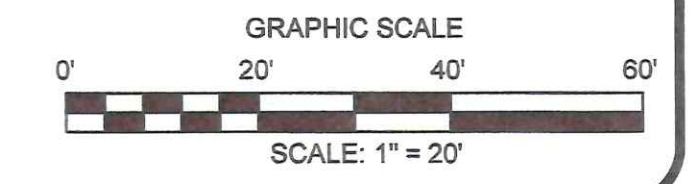
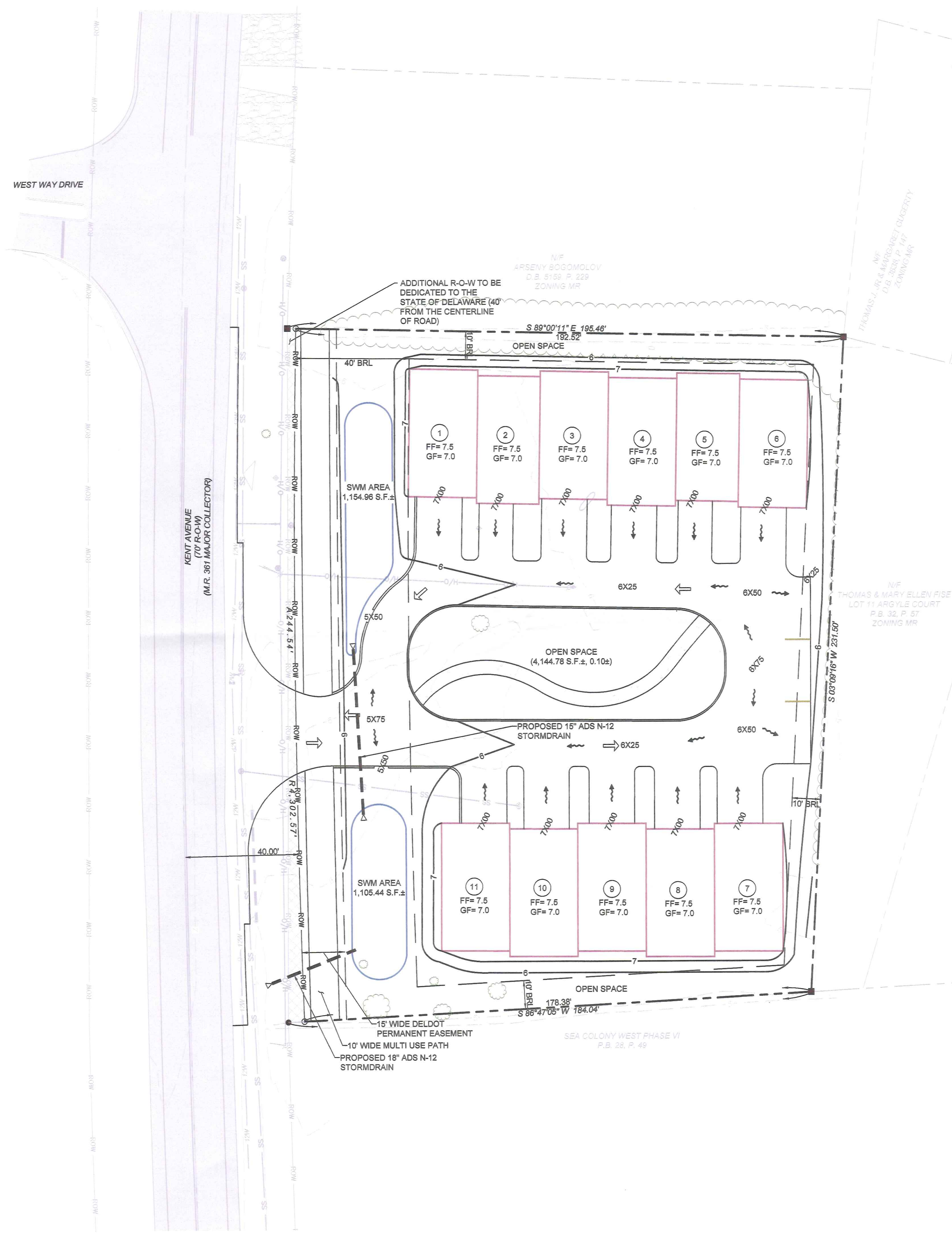
REVISION	DATE	DESCRIPTION

CEA CIVIL ENGINEERING ASSOCIATES, LLC
 ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
 55 W. MAIN STREET
 MIDDLETOWN, DE 19709
 WWW.CEA-DE.COM
 PHONE (302) 376-8833
 FAX (302) 376-8834

SITE & UTILITY PLAN
 FOR
WINDWARD VILLAGE
 BALTIMORE HUNDRED
 SUSSEX COUNTY, DELAWARE

DATE: FEBRUARY 3, 2021
 DESIGNED BY: JTW
 APPROVED BY: RHS
 FILE:
 SHEET NO.: **C-1**

[Signature]
 2-8-21
 DATE



GRADING PLAN
FOR
WINDWARD VILLAGE
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE

DATE: FEBRUARY 3, 2021
DESIGNED BY: JTW
APPROVED BY: RHS
FILE:

SHEET NO.: **G-1**

CIVIL ENGINEERING
ASSOCIATES, LLC
• ENGINEERING • SURVEYING • CONSTRUCTION SERVICES
55 W. MAIN STREET
MIDDLETOWN, DE 19709
WWW.CEA-DE.COM
PHONE (302) 376-8833
FAX (302) 376-8834

REVISION	DATE	DESCRIPTION

[Signature]
2-8-21
DATE



WINDWARD VILLAGE

33309 KENT AVENUE BETHANY BEACH, DE 19930



LOCATION

- The site is located on Kent Avenue.
- Surrounding roads include:
 - Westway Drive (to the North)
 - Argyle Lane (to the East)
 - Round Robin Way (to the South)





EXISTING SITE

- Two existing buildings:
 - Office
 - Motel
- All existing buildings and existing pavement are to be removed.
- Entire site is canopied by the existing trees.
 - Existing trees around perimeter are to remain.





EXISTING SITE PICTURES



STREET VIEW - NORTH PROPERTY LINE

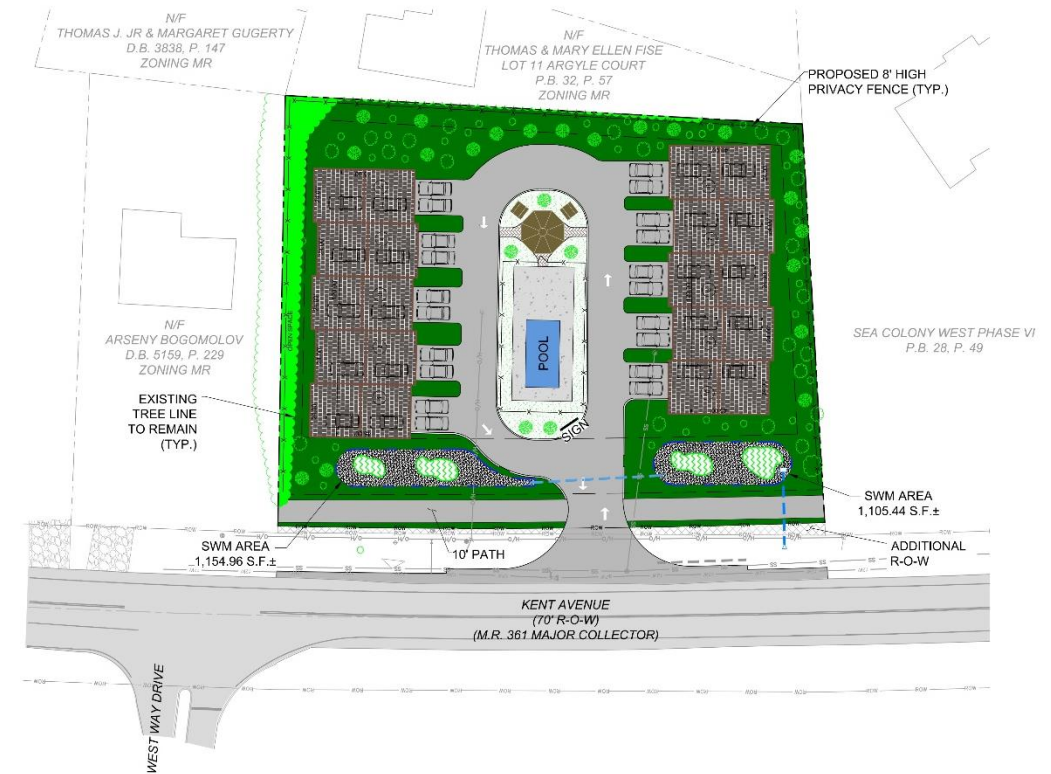


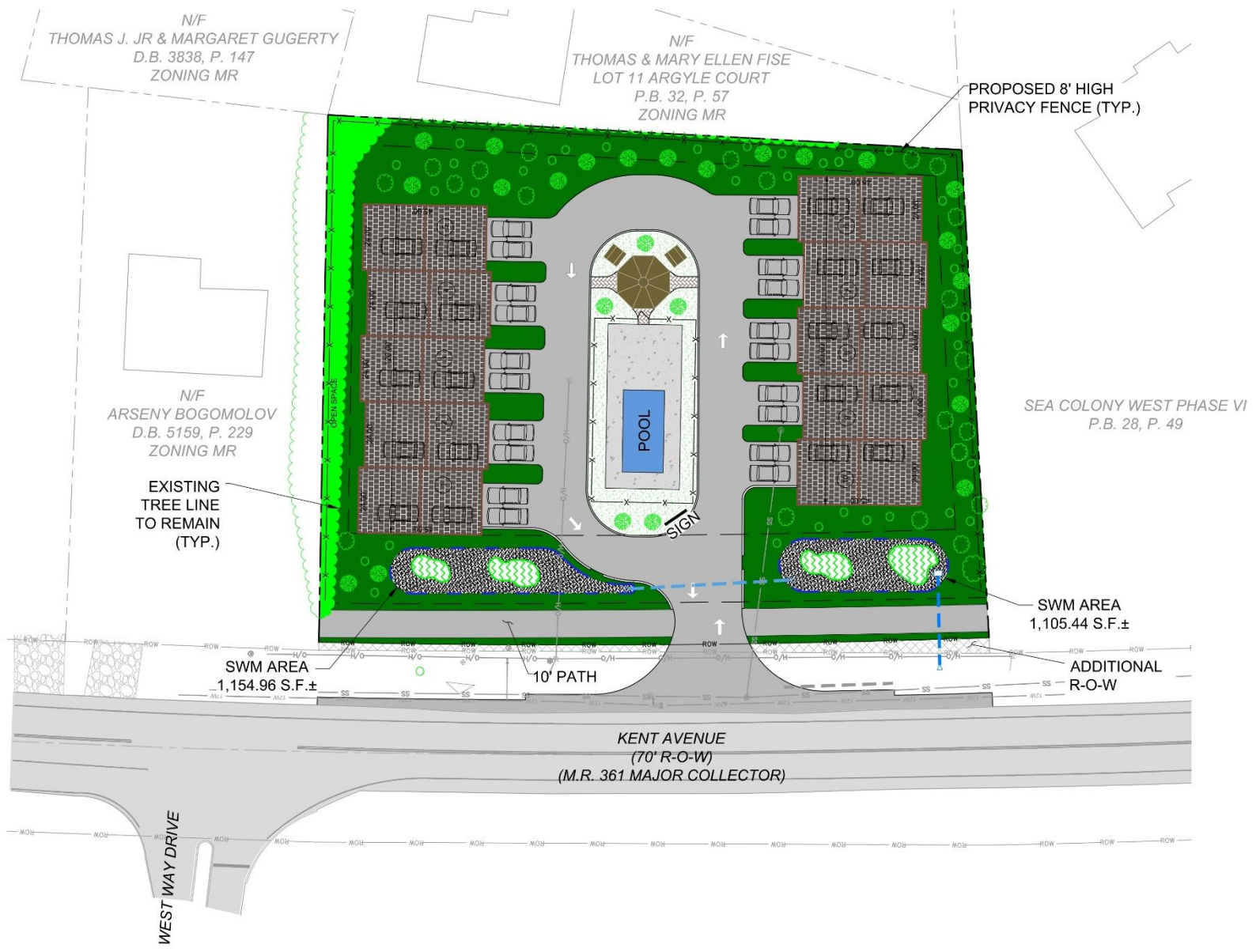
STREET VIEW – SOUTH PROPERTY LINE



PROPOSED SITE

- Eleven proposed condominiums
- Proposed amenity area includes:
 - Pool
 - Gazebo
 - Picnic tables
- Proposed vinyl fencing to surround the sides and rear of property.
- Proposed stormwater management area
- Sussex County parking requirement = 22 spaces
- Proposed parking = 45 spaces





N/F
THOMAS J. JR & MARGARET GUGERTY
D.B. 3838, P. 147
ZONING MR

N/F
THOMAS & MARY ELLEN FISE
LOT 11 ARGYLE COURT
P.B. 32, P. 57
ZONING MR

PROPOSED 8' HIGH
PRIVACY FENCE (TYP.)

N/F
ARSENY BOGOMOLOV
D.B. 5159, P. 229
ZONING MR

SEA COLONY WEST PHASE VI
P.B. 28, P. 49

EXISTING
TREE LINE
TO REMAIN
(TYP.)

SWM AREA
1,105.44 S.F.±

SWM AREA
1,154.96 S.F.±

10' PATH

ADDITIONAL
R-O-W

KENT AVENUE
(70' R-O-W)
(M.R. 361 MAJOR COLLECTOR)

WEST WAY DRIVE

COMPARABLE FINISHED CONDOMINIUM

- The Townes at Bayshore
- Located on Lighthouse Road in Fenwick Island, DE







QUESTIONS?



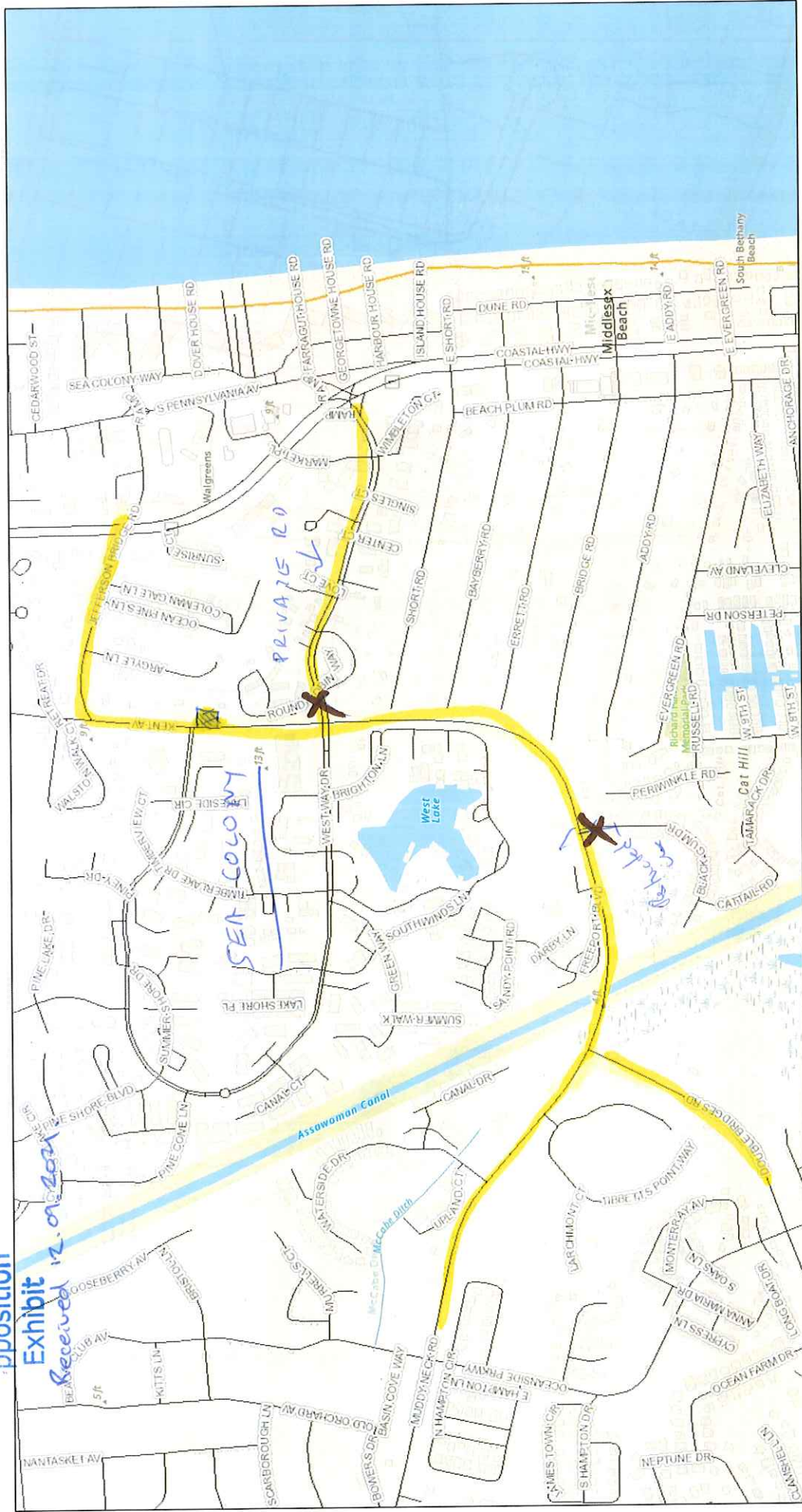
FILE COPY

Opposition

Exhibit
Received 12.09.2021

MAP # 1

Sussex County



December 9, 2021

Streets

County Boundaries

RECEIVED

DEC 09 2021

SUSSEX COUNTY
PLANNING & ZONING

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCo, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government

Christin Scott

From: CLAIRE ALBERT <ecalbert@comcast.net>
Sent: Thursday, December 9, 2021 12:43 PM
To: Planning and Zoning; Andy Beck
Subject: RE: FW: Oppose development on Kent Avenue, Bethany Beach

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.

I am definitely opposed to this development because of the heavy traffic on Jefferson Bridge Road in the summer. I own the home at 33311 Ocean Pines Lane and sometimes I cannot even get out of my street.

Jefferson Bridge is the only access to Coastal Highway for all of the development back on Double Bridges and other developments in that area. Also because of Sea Colony's SELFISH attitude towards the rest of the residents in this area, there is just too much traffic there. Sea Colony is the acerbating an already bad situation. They do not want any one to go through to Coastal Highway on THEIR streets, but they run their trams up and down Jefferson Bridge road all day long. Their trams are as long as 3 or 4 cars so you can imagine how long it takes them to turn left off Jefferson Bridge onto Kent or how much space they take up waiting for the light at Coastal Highway while on Jefferson Bridge Road. Also there is no sidewalk on Jefferson Bridge road and it is very dangerous to walk there now. We hardly need more traffic on it. This new proposed development is a very bad idea. Elizabeth Claire Albert, 33311 Ocean Pines Lane. Cell phone 410-382-6857

On 12/06/2021 4:08 PM Planning and Zoning <pandz@sussexcountyde.gov> wrote:

You may express any motions of support or opposition through email if you wish.

Elliott Young, Planner I

Sussex County Planning and Zoning Department

2 The Circle

Georgetown, DE 19947

302-855-7878

RECEIVED

DEC 09 2021

SUSSEX COUNTY
PLANNING & ZONING

From: CLAIRE ALBERT <ecalbert@comcast.net>
Sent: Monday, December 6, 2021 3:37 PM
To: Planning and Zoning <pandz@sussexcountyde.gov>
Subject: RE: FW: Oppose development on Kent Avenue, Bethany Beach

Christin Scott

From: leweslinda@aol.com
Sent: Thursday, December 9, 2021 2:13 PM
To: Planning and Zoning
Subject: Opposition to #C/U2279 : 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00
Attachments: CU2279 Petition, Argyle and Kent Ave - Opposition to Multi-Family Development 4867-9057-1524 v 1.doc
Categories: Christin

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Sussex County Planning and Zoning Committee,

I am writing to express my opposition to the proposed development Kent Ave, Bethany Beach. For years the quaint motel that has operated in that location has existed without intrusion on the peace and tranquility of this area. The proposed development is too big for this property and will impinge on the properties surrounding it.

My concerns are:

- Water run/off issues due to development in the area
- Too many units that are too big for the property
- Increased traffic on Kent Ave and Double Bridges Road which are already a death-walk for pedestrians. Sea Colony buses use Jefferson Bridge Road to access the beach instead of their private roads due to improper licensing of their buses for travel on Route One.

Having lived on Ocean Pines Lane, I can attest to the water issues that largely started with the filling in of the corner of Route 1 and Jefferson bridge Road. That area which used to be used as a fluid dumping ground by a local company (most likely illegally so) was filled upon construction causing water to be directed to Ocean Pines Lane and Argyle Lane which has never been resolved.

Find attached my electronic signature on the petition.

Please oppose this proposed development in its current form.

Linda Teplica

RECEIVED
DEC 09 2021
SUSSEX COUNTY
PLANNING & ZONING

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

Linda Teplíca

117 Oakmont Drive Ocean View, DE 19970

Christin Scott

From: Arseny Bogomolov <arseny.bogomolov@gmail.com>
Sent: Thursday, December 9, 2021 8:23 AM
To: Planning and Zoning
Cc: Katherine McAllister
Subject: Comments for Planning & Zoning Hearing on 12/09/2021- C/U 2279 Ron Sutton

Categories: Christin

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To Whom It May Concern:

My name is Arseny Bogomolov and my wife (CC'ed) is Katherine McAllister. We are the owners of the property at 33285 Kent Ave, Bethany Beach, DE 19930, which is the lot next to 33309 Kent Ave, where an 11 unit condominium is being proposed (first topic in Public hearings agenda, C/U 2279 Ron Sutton).

We apologize for the late comment submission, but wanted to send this in nonetheless, as we are not sure if we'll have a chance to ask the questions by phone (we unfortunately are unable to attend the meeting in person).

We wanted to log our concerns regarding the following:

1. **Drainage.** We fear that the proposed property with its increased lot coverage will exacerbate existing drainage issues in the area. Our property already continuously experiences storm water drainage issues and standing water, especially on the side bordering the lot in question, especially since the swails around our properties are not cleared. We have also observed significant drainage issues during heavy rains even on the existing motel property, where the swails on Kent Ave are filled and there is consistently standing water in the front yard/lawn of the motel following heavy rains.

We respectfully request that the developer, if the project is approved, goes beyond the required minimums to address the storm water management concerns from the neighborhood.

2. **Proximity to the Property Line.** We understand that the proposed project is within the required 10' BRL, although only by 1 or 2 feet. However, we are looking at at least 5 units backing to our property line, which is quite different from the normal single family dwellings that is the standard in the neighborhood. We did not previously have the same situation with the motel, as there was only a parking lot backing to our property line. We also have a concern with fire separation due to close proximity; will there be sprinklers installed in the new properties? If not, we are concerned that a fire in a large structure so close to our house could easily spread with the current setbacks.

We respectfully request that the developer, if the project is approved, adds additional space between our two properties.

Best regards,
Arseny Bogomolov & Katherine McAllister

RECEIVED
DEC 09 2021
SUSSEX COUNTY
PLANNING & ZONING

Christin Scott

From: Haig Ellian <he9329@aol.com>
Sent: Wednesday, December 8, 2021 10:08 AM
To: Planning and Zoning
Subject: re Opposition to #C/U2279

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.

Department of Planning & Zoning Commission
ATTN: Planning & Zoning Commission 2 The Circle
Georgetown, DE 19947

RE: Opposition to #C/U2279
Ron Sutton
Site: 3309 Kent Avenue. Bethany Beach, DE 19930 TMP 134-17.11-6.00

Dear Commissioners:

My husband and I purchased 12 Eugene Lane which is now 33334 Argyle Lane, Bethany Beach, DE 19930 41 years ago. We chose Bethany because it was a quiet peaceful place to build our second home, a quiet peaceful beach cottage for our family. which we have enjoyed for 41 years.

Having a motel so close to us was a concern but because it was one level like our cottage and very quiet we continued to enjoy our wonderful peaceful second home. Our son lived in our cottage for 13 years while he was a policeman in South Bethany.

It is very upsetting to think our cottage will be overshadowed by this development of 11 units 4 stories high. We will be directly impacted because our property runs along the length of the proposed development. Our family, along with our neighbors would appreciate a development more in tune with our neighborhood, not a huge block of buildings which is not smart development and will create more noise for our peaceful neighborhood and more traffic on Jefferson Bridge Road.

Respectfully,

Suzanne Ellian
33334 Argyle Lane, Bethany Beach, DE 19930
4317 Curtis Rd., Chevy Chase, MD 20815
he9329@aol.com
240 426 5325

Levon Ellian
33334 Argyle Lane, Bethany Beach DE 19930
25223 Military RD, Cascade MD 21719
MCP246@aol.com
240 418 7274

Jan Seilhamer (wife of Levon Ellian)
3334 Argyle Lane, Bethany Beach DE 19930
25223 Military Rd., Cascade MD 21719

Email to: pandz@sussexcountryde.gov

Submitted: December 8, 2021 at 9 am, EST

Neighborhood Petition Signed by 28 Owner Residents Urging Denial of Application No. C/U 2279, Ron Sutton. 33309 Kent Avenue, Bethany Beach 19930: TMP 134-17.11-6.00, Argyle Lane, Ocean Pines Lane, Kent Avenue and Surrounding, December 8 PandZ Hearing

This is a request that you please enter into the official record, and share with Commissioners, the attached Petition signed by the following 28 Owner Residents Urging Denial of Application No. C/U 2279, Ron Sutton. 33309 Kent Avenue, Bethany Beach 19930: TMP 134-17.11-6.00, Argyle Lane, Ocean Pines Lane, Kent Avenue and Surrounding, for December 8 PandZ Hearing.

Signers:

- ✓ Thomas F. Fise
- ✓ Mary Ellen R. Fise
- ✓ Craig Curtis
- ✓ Susan Curtis
- ✓ Suzanne Ellian
- ✓ Levon Ellian
- ✓ Jan Seilhamer
- ✓ Candace Minner
- ✓ Dale Minner
- ✓ Edward Petronzio
- ✓ Melanie Petronzio
- ✓ Robert Frumkin
- ✓ Maureen Frumkin
- ✓ Scott Frumkin
- ✓ Neal Frumkin
- ✓ Frumkin
- ✓ Joseph W. Howard
- ✓ Ann E. Howard
- ✓ Nina S. Holvey
- ✓ Andrew Beck
- ✓ Vicki Beck
- ✓ Thomas Gugerty
- ✓ Margaret Gugerty
- ✓ David Connolly
- ✓ Joan Connolly
- ✓ Brent Hayhurst
- ✓ Ellen Feeney
- ✓ John Feeney

I look forward to participating in the December 9 hearing; many of the above residents will be present in person or virtually. In addition other owner-residents in opposition to C/U 2279 have already provided written statements of their opposition, and others will be participating to register their opposition during the course of the hearing.

Thank you, and please let me know if anything else may be needed from me to accomplish entry of this petition and its signers' opposition into the hearing record, or to otherwise assist your efforts in any other way.

Thomas F. Fise

tomfise@mindspring.com

Cell: 202-270-7630

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

[Signature]

33339 Argyle Lane, Bethany Beach DE 19930

Mary Ellen R Fise

33339 Argyle Lane, Bethany Beach, DE 19930

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME	ADDRESS
<u><i>Carol A. Curtis</i></u>	<u>3378 Ocean Pines Lane B.B. DE</u>
<u><i>Susana Curtis</i></u>	<u>33378 Ocean Pines Lane B.B. DE</u>
_____	_____
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PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

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NAME	ADDRESS
Suzanne Ellian	33334 Argyle Lane Bethany Beach, DE 19930 4317 Curtis Road Chevy Chase, MD 20815
Levon Ellian	33334 Argyle Lane Bethany Beach, DE 19930 25223 Military Rd Cascade, MD 21719
Jan Seilhamer	33334 Argyle Lane Bethany Beach, DE 19930 25223 Military Rd Cascade, MD 21719
_____	_____
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_____	_____

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

Cardace C. Minner
Pale Minner

39500 Jefferson Bridge Rd. Bethany
" " " " "

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME	ADDRESS
<i>Edna [unclear]</i>	<i>33309 Kent Ave. Bethany Beach 19930</i>
<i>[unclear]</i>	<i>[unclear] Bethany Beach, DE 19930</i>

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-600.

NAME	ADDRESS
Robert Franklin	33309 Argyle Lane Bethany Beach, DE
Maureen Franklin	33301 Argyle Lane Bethany Beach, DE
Maureen Franklin	
	33307 Argyle Lane Bethany Beach, DE
	33307 Argyle Lane Bethany Beach, DE
	33307 Argyle Lane Bethany Beach, DE

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME	ADDRESS
Joseph W. Howard	33380 Ocean Pines La
Joseph W. Howard	Bethany Beach DE 19930
Ann E. Howard	33380 Ocean Pines La
Ann E. Howard	Bethany Beach DE 19930

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council DENY Application No. CU 2270 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17-11-6.00

NAME

ADDRESS

Mina S. Holwey

33296 Argyle Ln Bethany Beach

Lined area for additional signatures and addresses.

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council DENY Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

[Signature]
Debra Beck

33378 Ocean Pines Lane
33315 Ocean Pines Lane, B.B.

ALSO OWN

LOT # 3 GULL ENTERPRISES
SUBDIVISION

LOT # 7 GULL ENTERPRISES
SUBDIVISION

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00,

NAME

ADDRESS

Thomas Gugerby / Jr
Margaret Gugerby

33324 Argyle Lane Bethany Beach, DE. 19936
33324 Argyle Lane, Bethany Beach
Delaware 199

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council DENY Application No. C U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

David Connelly
Jean Connelly

39682 Round Robin Way, Bethany Beach
39682 Round Robin Way, Bethany Beach

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council **DENY** Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

Ellen Feeney

54044 Sundial Place Bethany

Ellen Feeney

Beach Delaware

John Feeney

54044 Sundial Place Bethany

John Feeney

Beach Delaware

PETITION IN OPPOSITION TO APPLICATION CONDITIONAL USE NO. 2270

We, the undersigned, do hereby submit the following Petition, respectfully requesting that the Sussex County Planning and Zoning Commission and County Council DENY Application No. C/U 2279 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, and located at 33309 Kent Avenue, Bethany Beach, Delaware 19930, further identified as Tax Map Parcel No. 134-17.11-6.00.

NAME

ADDRESS

Christ T. Redwood

Argyle Court LOT 9

Frances S. Johnson

Argyle Court LOT 9

Elliott Young

From: Candy Minner <cminner423@comcast.net>
Sent: Sunday, December 5, 2021 10:33 PM
To: Planning and Zoning
Subject: Opposition to #C/U2279 Ron Sutton; 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00

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Department of Planning and Zoning
Attn: Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, De 19947

Re: Opposition to #C/U2279
Ron Sutton
Site: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00

SUSSEX COUNTY
PLANNING & ZONING
DEC 05 2021
RECEIVED

Dear Commissioners:

My name is Dale Minner. My wife and I have been Bethany homeowners for the past 25 years. I would like to express my concern and opposition of the proposed development on Kent Avenue in Bethany Beach.

Our property is on the corner of Jefferson Bridge Road and Argyle Lane. We are already extremely concerned about the heavy traffic on Jefferson Bridge Road. The number of cars associated with this proposed complex of eleven, 4-story, 4-bedroom units would make that road even more dangerous than it already is!

In addition, current ditching and storm drainage in the area of Kent, Jefferson Bridge, and Argyle Lane is inadequate and can only be exacerbated by the amount of run-off that would be created by a development that would double the current lot coverage.

We **strongly oppose** this development for numerous reasons including the fact that a development of this magnitude is not in character with homes in the neighborhood. Even the Sea Colony villas are two-story buildings..... not 11 condos with 44 bedrooms positioned on a 1-acre lot!

I respectfully request that you DENY Application No. C/U 2279.

Thank you for your consideration.

Sincerely,
Dale Minner

Elliott Young

From: capt.a.j.beck@gmail.com
Sent: Saturday, December 4, 2021 2:33 PM
To: Planning and Zoning
Subject: Opposition to #C/U2279
Attachments: 1202210904_HDR.jpg; 1202210903_HDR.jpg

RECEIVED
DEC 04 2021
SUSSEX COUNTY
PLANNING & ZONING

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**Department of Planning and Zoning
Attn: Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947**

**RE: Opposition to #C/U2279
Ron Sutton
Site: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00**

Sir/Madam:

I am writing you today to express my absolute opposition to the above captioned Conditional Use application that you will hear this Thursday, 9 December 2021. My wife and I intend to be at the meeting to voice our objections to this application.

Since 1976, we have owned eight different properties on Ocean Pines Lane, all of which are in near proximity to the subject property. We currently make our home at 33378 Ocean Pines Lane in a new home we finished just last year. Also, we currently own two vacant lots on Ocean Pines Lane adjacent to our home.

We have seen many changes over the years, but nothing in comparison to what has happened over the past couple of years in terms of new development and construction that has negatively impacted the long time residents of this neighborhood. The negative impacts to our neighborhood if this conditional use application is approved include but are not limited to the following:

- 1. 11 is way too many units.** The issue that we want to emphasize is that the proposed density is not in character with homes adjacent to and in the immediate vicinity of the Site—the Meris Bed & Breakfast consists of two one-story buildings, eleven units of one bedroom each which is a long way from 11 condos with 44 bedrooms.
- 2. 42 foot height for this many buildings would change the character of the neighborhood.** This is a big issue and what the developer is proposing is not in character with single family homes nearby. The vast majority of nearby homes are single family dwellings; those multi-family units nearby--the Sea Colony villas—are only two-story buildings.

3. **Lighting from traffic on property will be a nuisance to surrounding homes.** Picture 44 cars (when these four BR homes are fully leased or otherwise occupied) coming in and out of the complex in the evening. There may be additional concerns from spotlights or other building lighting given that the plan calls for the buildings to be within 10 feet of the property line.
4. **Traffic—**
 - a. Adding 44 BRs and 44 cars (and likely more in July/August) to the traffic and parking mix.
 - b. Jefferson Bridge Rd. traffic, already treacherous (one recent pedestrian fatality), will be made much worse because Sea Colony is erecting a gate as an absolute limit on people driving west to east through Sea Colony.
6. **Swails—runoff, ditches and storm drainage already are a big overflow problem in the area already near the old motel/planned condo; likely would be made worse by new construction, congestion and many more people.** We should recognize that State law has created and requires the developer to go through an agency approval process with the Sussex Conservation District (SCD), so Commissioners generally tend to defer to the Sussex Conservation District as to opposition based on stormwater issues. This suggests NOT making this your dominant point; perhaps just emphasizing that developer's plan would double the current lot coverage and while we understand that the developer will have to comply with Sediment and Stormwater Regulations, we have experienced, and have continued concern with present stormwater issues that may be exacerbated by the development of the site in the manner proposed by the Applicant.
7. **Condos – Developers will leave all enforcement of rules to a condo board.** The developer/applicant held a preliminary meeting on October 27, during which the developer representatives repeatedly suggested that many of our concerns would be addressed down the road in community governing documentation. We recognize that the design of this project will be determined by the Commission and ultimately the Council, hopefully in a manner that will address our concerns now rather than post site plan approval in condominium governing documents where owners of the surrounding community of long-term, primarily single-family dwellings will be very unlikely to have any voice.
8. **Inadequate Sewer Capacity.** Our information is that there are only 5.5 EDU's of sewer capacity available to this property. By what authority are these developers entitled to double the sewer capacity already allocated, and at whose expense will this additional capacity be created?

In the past year, Virginia builder Evergreen Homes has built seven homes in our immediate neighborhood. Photos of these homes taken this morning show how imposing these buildings are on the streetscape. These buildings have been built setback to setback to setback, and up to the maximum allowed building height. Every single cubic foot of the building envelope has been filled with plastic-sided structures that resemble cheaply built barracks on a military base. Every single tree on these seven lots has been cut down to accommodate the over-building of the seven lots. What the applicant is proposing to do with the subject property is more of the same; clear-cutting the property of all trees and then filling the entire building envelop with plastic-sided architecturally vacuous structures that destroy the character of the neighborhood.

WE look forward to rising in opposition to this project this coming Thursday evening.

Sincerely,

Andrew J. Beck

Vicki L. Beck

Andrew J. Beck

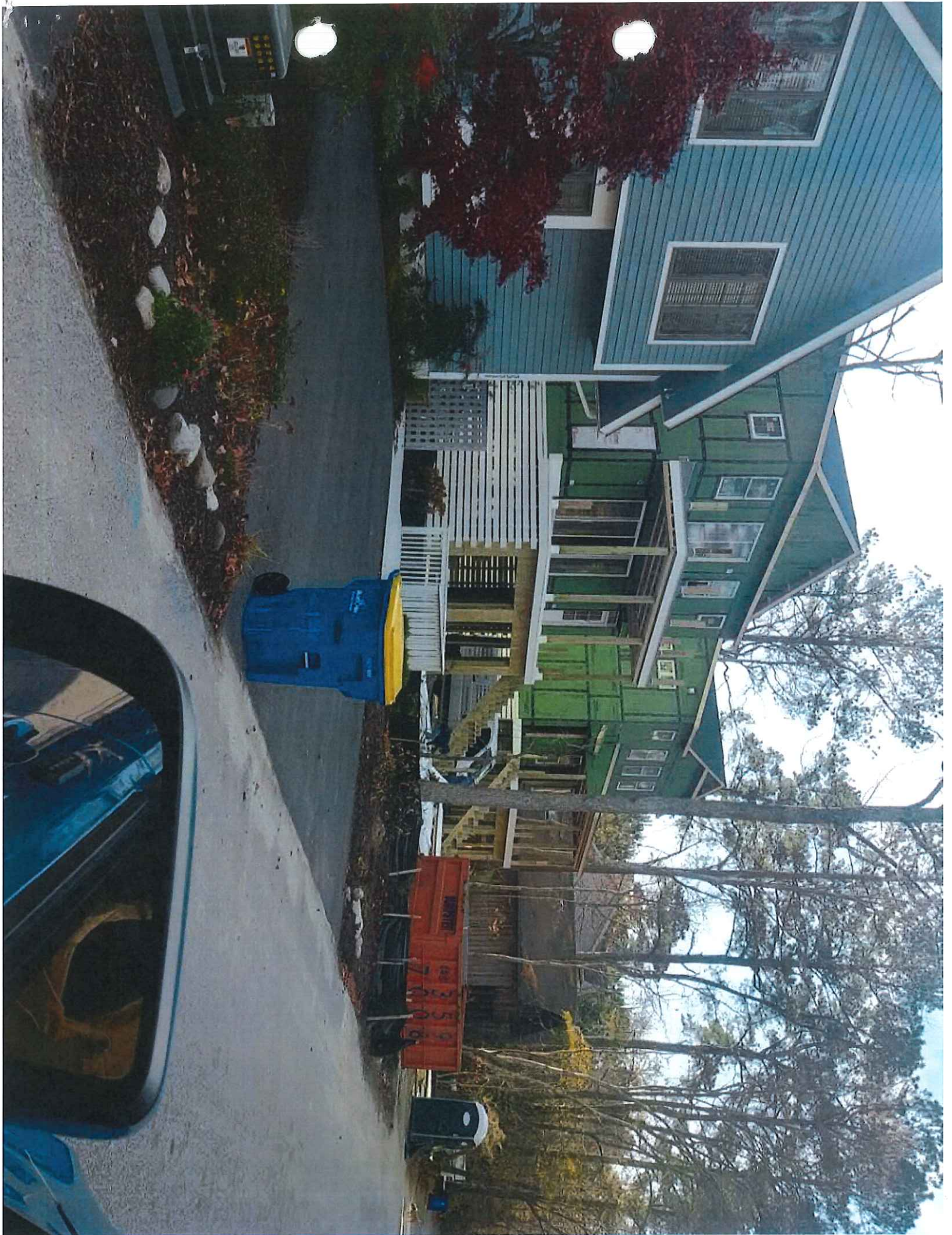
33378 Ocean Pines Lane

Bethany Beach, Delaware 19930

e-mail: capt.a.j.beck@gmail.com

Phone/text: 843-345-8288





Elliott Young

From: Susan Curtis <slcurtis000@gmail.com>
Sent: Friday, December 3, 2021 2:21 PM
To: Planning and Zoning
Subject: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00
Attachments: Zoning Letter BB.pdf

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Department of Planning and Zoning
Commissioners,

Attached is my letter in opposition of the proposed development of 33309 Kent Ave. in Bethany Beach DE.

Please consider this when determining approval of this project.

Susan Curtis

RECEIVED
DEC 03 2021
SUSSEX COUNTY
PLANNING & ZONING

Susan and Craig Curtis
533 Fern Trail
Signal Mountain TN 37377
Scurtis000@gmail.com

December 3, 2021

Department of Planning and Zoning
Attn: Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Opposition to #C/U2279

Ron Sutton

Site: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00

My husband and I own the property at 33378 Ocean Pines Lane which was transferred to us by my mother in January 2021. My parents had owned this property since the 1970's along with 3 other lots and a small house at 33343 Ocean Pines Lane. I have spent significant time in Bethany Beach throughout my youth and adulthood, sometimes living year round and sometimes travelling from as far away as Southern California to spend time there. I have shared this special place with my children and plan to develop the lot we now own as a family retreat.

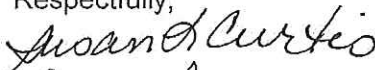
In part what has been so important to us is that the surrounding area to the proposed rezoning for 33309 Kent Avenue was quieter than Bethany Beach proper and nearby communities, without homes being on top of each other, and the scale of what has been built, until recently, has been fitting within the current character of the area.

The slow creep of high density development is impacting the community greatly, traffic has increased and infrastructure has not kept up. Road safety for pedestrians has deteriorated and needs to be addressed.

All in all granting high density development without generous setbacks to maintain mature vegetation will damage the quality of life for all current residence. Thoughtful improvements while maintaining the special character of this area are desired, high density development which alters it is not.

Bethany Beach's motto has always been "The Quiet Resort" please maintain that to the greatest extent possible.

Respectfully,



Susan and Craig Curtis



Jennifer Norwood

From: Ellen Feeney <ellenfeeney@icloud.com>
Sent: Monday, November 29, 2021 12:28 PM
To: Planning and Zoning
Cc: tomfise@mindspring.com
Subject: opposition to #C/U2279 Ron Sutton

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Department of Planning and Zoning

Attn: Planning & Zoning Commission

2 The Circle

P.O. Box 417

Georgetown, DE 19947

RE: Opposition to #C/U2279

Ron Sutton

Site: 33309 Kent Avenue, Bethany Beach, DE 19930; TMP 134-17.11-6.00

I am a homeowner in Sea Colony West. I want it to be known that I am strongly against the building of the 11 unit condominium on the site of 33309 Kent Ave.

This proposed density is definitely not in keeping with the character of the homes adjacent to and in the vicinity of the site.

In addition the height of the proposed buildings - 42 feet - would NOT fit into this area. This height would change the character of the area into a commercialized site.

The additional traffic and noise would change our lovely neighborhood into a much busier and commercialized site.

If condominiums need to be built, at least cut the size in half. This new 11 unit development would be a huge detriment to the existing area and all the people that currently enjoy and have invested in this space.

Again, I am a current homeowner that is STRONGLY opposed to this development plan.

Ellen Feeney

Sea Colony homeowner

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 OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CU 2282 Lawrence Davies

Applicant: Lawrence Davies
85 Windjammer Drive
Ocean Pines, MD 21811

Owner: Bethany Bay Brewing Co., LLC
38450 Hickman Road
Ocean View, DE 19970

Site Location: The property is lying on the southeast corner of the intersection of Cedar Neck Rd. (S.C.R. 357) and Hickman Rd. (S.C.R. 359)

Current Zoning: General Commercial (C-1) Zoning District

Proposed Use: Microbrewery

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: Sussex Shores Water Co.

Site Area: 2.35 acres +/-

Tax Map ID.: 134-9.00-27.00





Sussex County



PIN:	134-9.00-27.00
Owner Name	JAKK LLC
Book	4686
Mailing Address	30447 CEDAR NECK RD
City	OCEAN VIEW
State	DE
Description	RD OCEAN VIEW TO
Description 2	COTTON PATCH HILLS
Description 3	N/A
Land Code	

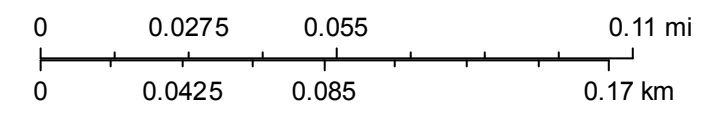
- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries
- Tax Ditch Segments**

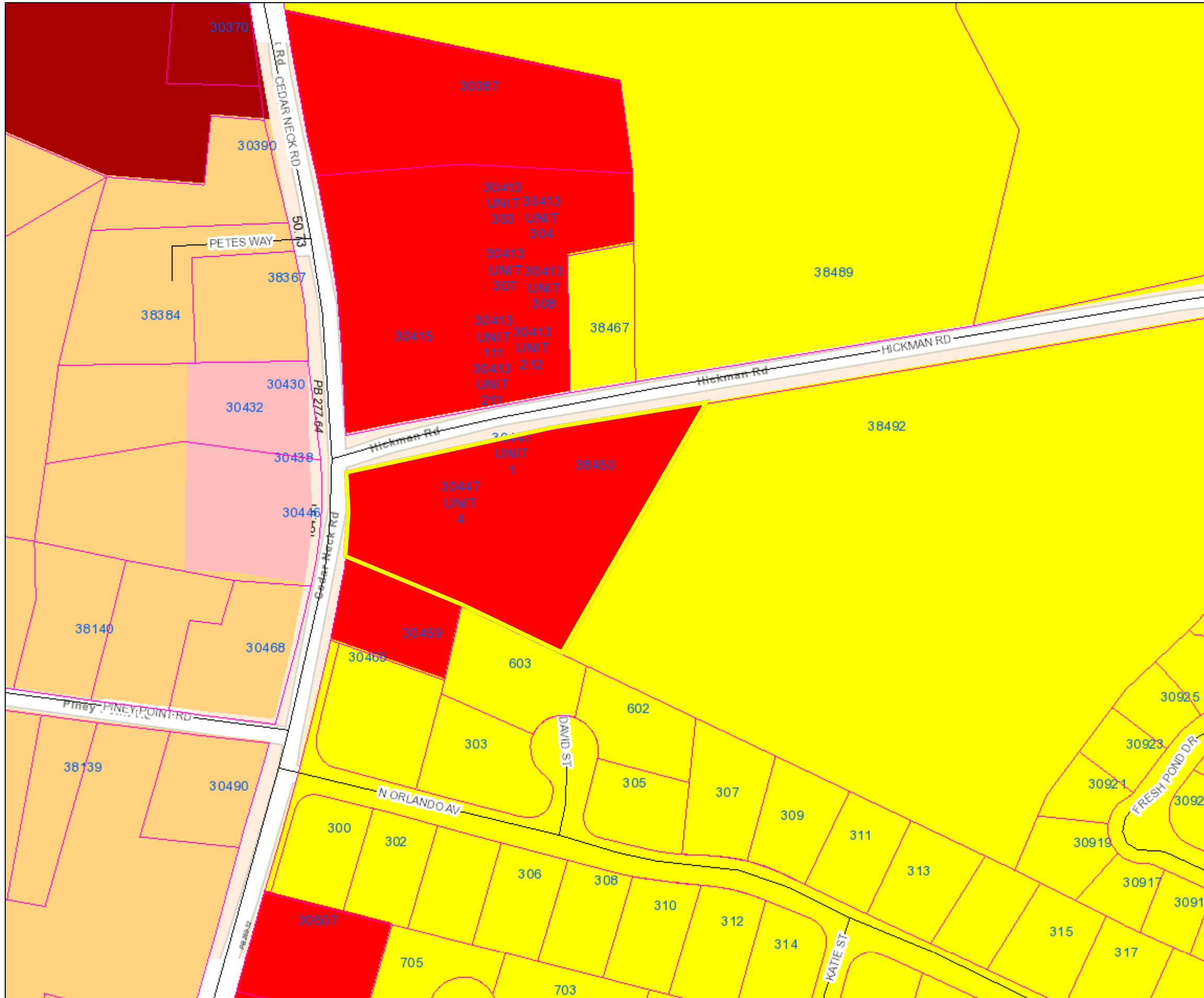
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
 - Extent of Right-of-Way
 - Municipal Boundaries
 - TID

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Sussex County



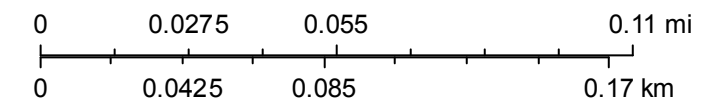
PIN:	134-9.00-27.00
Owner Name	JAKK LLC
Book	4686
Mailing Address	30447 CEDAR NECK RD
City	OCEAN VIEW
State	DE
Description	RD OCEAN VIEW TO
Description 2	COTTON PATCH HILLS
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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

1:2,257





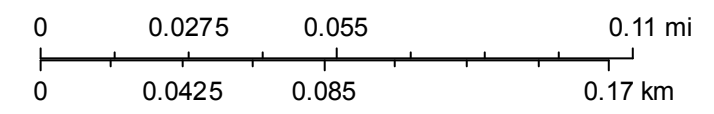
Sussex County



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Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
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- Override 1
- Tax Parcels
- 911 Address
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- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID

1:2,257



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
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: December 2, 2021
RE: Staff Analysis for CU 2282 Lawrence Davies

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2282 Lawrence Davies to be reviewed during the December 9, 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: 134-9.00-27.00 to allow for a microbrewery. The parcel is lying on the southeast corner of the intersection of Cedar Neck Road (S.C.R. 357) and Hickman Road (S.C.R. 359). The parcel consists of 2.35 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 parcel has a designation of "Coastal Area". The surrounding and adjacent parcels to the north, south, west and east also contain the "Coastal Area" land use designation.

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 General Commercial (C-1). The adjacent properties to the south and east of the subject site are zoned Medium Residential (MR). An adjacent property to the south and properties across Hickman Road are zoned General Commercial (C-1). Properties across Cedar Neck Road are zoned Neighborhood Business (B-1) and General Residential (GR).

Since 2011, there has been nine (9) Conditional Use applications within a 1-mile radius of the application site. Please refer to the attached map and spreadsheet that references the Conditional Use applications within a 1-mile radius of this site that have been approved since 2011.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use for a microbrewery, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



Name	Conditional Use Number	Tax Parcel #	APPLICANT	911 Address or Road Name	Current Zoning	Proposed Use	P&Z Initial Hearing Date	P&Z Decision	P&Z Decision Date	CC Initial Hearing Date	CC Decision Date	CC Decision	Ordinance Number	Application Number	Development Name	Application Rcvd Date	Introduced to CC	Advertised Date	acreage	Assigned Planner	parcel id 2	parcel id 3
134-9.00-12.00	1924	134-9.00-12.00	Colony Pool Service Inc.	DE Route 1	MR	Above Ground Storage Tank	3/8/2012	Recommended Approval	3/22/2012	4/3/2012	4/3/2012	Approved	2247	201400794		1/5/2012	1/24/2012	2/3/2012				
134-9.00-21.00	1986	134-9.00-21.00	Castaways Bethany, LLC	Cedar Neck Rd	MR	Multi-Family Dwelling Structures	4/24/2014	Recommended Approval	5/22/2014	6/17/2014	7/22/2014	Approved	2359				2/3/2014		3/26/2014			
134-9.00-88.00	2085	134-9.00-88.00	Land and Materials Corp (Salt Aire) The	38112 Sandy Cove Rd	GR	multi-family (19 SF dwellings)	7/13/2017	Recommended Approval	7/27/2017	8/22/2017	9/26/2017	Approved	2519			2/8/2017	2/21/2017	6/21/2017			134-9.00-80.01	134-9.00-80.06
134-13.00-72.00	2130	134-13.00-72.00	Evergreene Companies, LLC (pallots corner)	30733 Cedar Neck Rd.	MR	Multi-family (20 Townhomes)	6/14/2018	Recommended Approval	6/28/2018	7/24/2018	10/30/2018	Approved	2609	201800228	Pallots Corner	1/11/2018	1/23/2018		2.38		134-13.00-72.01	
134-9.00-21.00	2131	134-9.00-21.00	CBB Cedar Pines, LLC	Cedar Neck Rd	MR	Multi-Family (30 Units)	6/14/2018	Recommended Approval	6/14/2018	7/24/2018	7/24/2018	Approved	2587	201800515		1/22/2018	2/6/2018		11.53			
134-9.00-21.00	2207	134-9.00-21.00	CBB Cedar Pines, LLC (Marlin Run)	Cedar Neck Rd.	MR	Multi-family (75 SF & TH)	3/25/2021	Recommended Approval	4/8/2021	4/27/2021	4/27/2021	Approved	2772	201910926	Marlin Chase	9/24/2019	2/4/2020		29.34	Lauren		
134-9.00-67.00	2239	134-9.00-67.00	Coastal Properties LLC	30430 & 30432 Cedar Neck Rd	B-1/GR	General Contracting Business	9/24/2020	Recommended Approval	10/8/2020	10/27/2020	10/27/2020	Approved	2749	202005400		5/1/2020	8/11/2020		1.08	Christin		
134-13.00-72.02	2259	134-13.00-72.02	The Evergreen Companies, LLC	Fred Hudson Road	MR	30 single family conominum units	6/24/2021	Recommended Approval	7/22/2021	8/10/2021	8/10/2021	Deferred		201301402		1/5/2021	3/23/2021		11.96	Nick		



Conditional Use Map - CU's Within 1 Mile
CU 2282 Lawrence Davies
134-9.00-27.00



File #: CU # 2282

202106640

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

38450 Hickman Road, Ocean View, DE 19970

Type of Conditional Use Requested:

Microbrewery

Tax Map #: 134-9.00-27.00

Size of Parcel(s): 2.35 acres

Current Zoning: C-1

Proposed Zoning: C-U

Size of Building: 44' X 58'-6 1/2"

Land Use Classification: CO

Water Provider: Sussex Shores Water Co.

Sewer Provider: County Wastewater Sewer District

Applicant Information

Applicant Name: Lawrence Davies

Applicant Address: 58 Windjammer Drive

City: Ocean Pines

State: MD

Zip Code: 21811

Phone #: (410) 430-6929

E-mail: brewinop@gmail.com

Owner Information

Owner Name: Bethany Bay Brewing Co., LLC

Owner Address: 38450 Hickman Road

City: Ocean View

State: DE

Zip Code: 19970

Phone #: (410) 430-6929

E-mail: brewinop@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MacKenzie M. Peck

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

City: LEWES

State: DE

Zip Code: 19958

Phone #: 302-645-2262

E-mail: macKenzie@bmbde.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

I also certify that I or an agent on 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: 9/26/2021

Signature of Owner



Date: 9/26/2021

For office use only:

Date Submitted: 4/29/2021

Fee: \$500.00 Check #: 1012

Staff accepting application: cer

Application & Case #: 202106640

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

NICOLE MAJESKI
SECRETARY

April 12, 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 **Lawrence Davies** proposed land use application, which we received on April 6, 2021. This application is for an approximately 2.75- acre parcel (Tax Parcels: 134-9.00-27.00). The subject land is located on the southeast corner of Hickman Road (Sussex Road 359) and Cedar Neck Road (Sussex Road 357). The subject land is currently zoned C-1 (General Commercial) and the applicant seeks a conditional use approval for a Microbrewery.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hickman Road, is 370 vehicles per day. The annual average daily traffic volume along Cedar Neck Road from Hickman Road to Fred Hudson Road (Sussex Road 360), is 7,468 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

DelDOT's description of this application as diminutive in the context of our agreement with the County regarding land development coordination assumes that the use of the site will be limited to the manufacture of beer and similar products. To the extent that ancillary bar or



Mr. Jamie Whitehouse
Page 2 of 2
April 12, 2021

restaurant uses are also permitted, the subject development may generate more traffic. Even then, however, DeIDOT does not anticipate this use generating enough trips to meet the minimum TIS warrants.

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
Enclosure

cc: Lawrence Davies, 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

**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/23/2021**

APPLICATION: **CU 2282 Lawrence Davies**

APPLICANT: **Lawrence Davies**

FILE NO: **CN-1.05**

TAX MAP &
PARCEL(S): **134-9.00-27.00**

LOCATION: **Lying on the southeast corner of the intersection of Cedar Neck Road (SCR 357) and Hickman Road (SCR 359)**

NO. OF UNITS: Click or tap here to enter text.

GROSS
ACREAGE: **2.35**

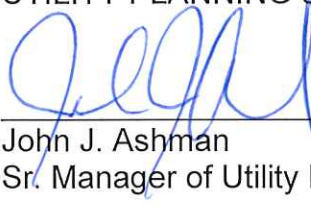
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

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 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **Yes** 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? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Denise Burns** at **302-855-7719** for additional information on charges.

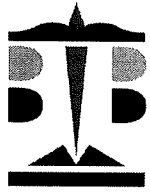
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **Parcel is currently served with two 8-inch laterals. One on Cedar Neck Road and the other on Hickman Road.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Denise Burns



BAIRD
MANDALAS
BROCKSTEDT PC

Mackenzie M. Peet
mackenzie@bmbde.com
(302)645-2262

November 29, 2021

VIA EMAIL ONLY

Planning & Zoning Department
c/o Director Jamie Whitehouse
2 The Circle (P.O. Box 417)
Georgetown, DE 19947
Email: jamie@sussexcountyde.gov

RE: Conditional Use No. 2282 Bethany Bay Brewing Co., LLC
Site: 30447 Cedar Neck Road, Unit 1, Ocean View, Delaware
TMP: 134-9.00-27.00

Director Whitehouse:

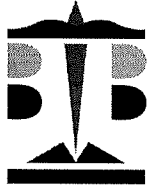
Please accept the exhibits labeled Exhibit A through Exhibit J attached to this letter as Bethany Bay Brewing Co., LLC's supplemental submission for their Conditional Use Application denominated CU No. 2282 to be heard by the Planning & Zoning Commission on December 9, 2021.

Should you have any questions, please contact us by email at mackenzie@bmbde.com or by phone at 302-645-2262.

Sincerely,

/S/ Stephen W. Spence, Esq.
/S/ Mackenzie M. Peet, Esq.

Stephen W. Spence, Esq.
Mackenzie M. Peet, Esq.
SWS/MMP



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT A

Property and Deed Information

Property Information

Property Location: 30447 CEDAR NECK RD
 Unit:
 City: OCEAN VIEW
 Zip: 19970
 State: DE
 Class: COM-Commercial
 Use Code (LUC): CO-COMMERCIAL
 Town: 00-None
 Tax District: 134 - BALTIMORE
 School District: 1 - INDIAN RIVER
 Council District: 4-Hudson
 Fire District: 84-Millville
 Deeded Acres: 2.7500
 Frontage: 0
 Depth: .000
 Irr Lot:
 Plot Book Page: /PB
 100% Land Value: \$27,500
 100% Improvement Value: \$238,900
 100% Total Value: \$266,400

Legal

Legal Description: RD OCEAN VIEW TO
 COTTON PATCH HILLS

Owners

Owner	Co-owner	Address	City	State	Zip
JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
03/30/2017	4686/173	\$2,500,000.00	\$37,500.00	2	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2021	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2020	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2019	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2018	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2017	JAKK LLC		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	4686/173
2012	HICKMAN LLOYD H TRUSTEE		30447 CEDAR NECK RD	OCEAN VIEW	DE	19970	2732/175
2009	HICKMAN LLOYD H TRUSTEE		PO BOX 186	OCEAN VIEW	DE	19970	2732/175
2005	HICKMAN LLOYD H TRUSTEE		PO BOX 186	OCEAN VIEW	DE	19970	2732/175
2003	HICKMAN LLOYD H TRUSTEE		PO BOX 186	OCEAN VIEW	DE	19970	2732/175
2001	HICKMAN LLOYD H DOLLIE M		RR 1 BOX 186	OCEAN VIEW	DE	19970	0/0
1900	UNKNOWN					0	382/564

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	COM	CO	0	0	2.7500	

Land Summary

Line	1
100% Land Value	27,500

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$27,500	\$238,900	\$266,400

50% Values

50% Land Value	50% Improv Value	50% Total Value
\$13,750	\$119,450	\$133,200

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
16-FEB-2021	202014898	\$65,000	HICKMAN'S LIQUORS
14-JUN-2013	201307157	\$0	OFF PREMISE SIGN
27-NOV-2007	25383-13	\$40,000	REPLACE ROOF-RD OCEAN VIEW-COTTON PATCH HIL
09-JUN-2004	25383-12	\$20,000	ADDITION TO BAR-OCEAN VIEW TO PATCH HILLS
23-MAR-1995	25383-11	\$0	SIGN-E/35730'N/HICKMAN RD.
17-FEB-1993	25383-10	\$81,000	PACKAGE STORE ADD.-E/357S/HICKMAN RD.
11-JUN-1990	25383-9	\$0	SIGN-RT.357AT INT.RT.359
11-OCT-1989	25383-8	\$60,000	STORE-SE/RT 357 AT RT 359
27-MAY-1988	25383-7	\$6,000	10 BARNS-S/359INT.RT.357
30-JUL-1986	25383-6	\$7,100	10 BARNS-E/357AT INT.RT.360A
02-DEC-1985	25383-5	\$400	SHED-E/357INT.RT.359
28-JUN-1985	25383-4	\$4,900	7 MINI STORAGE BLDGS-E/357 S/359
08-APR-1985	25383-3	\$2,100	3 STORAGE BARNS-E/357 AT INT.RT.359
28-FEB-1984	25383-2	\$12,000	ADDITIONAL SHOPS-E/357 S/359
11-JAN-1984	25383-1	\$75,000	ADDITION TO STORE-ROUTE 357 INT. RTE.358

12017

BK: 4686 PG: 173

TAX MAP #: 1-34 9.00 27.00 & 1-34
9.00 30.00

PREPARED BY & RETURN TO:

Tunnell & Raysor, P.A.
323 Rehoboth Avenue
Suite E
Rehoboth Beach, DE 19971
File No. AS10008/KMH

RECEIVED
Mar 30, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

THIS DEED, made this March 24, 2017,

- BETWEEN -

LLOYD H. HICKMAN, TRUSTEE OF THE LLOYD H. HICKMAN
REVOCABLE TRUST DATED JULY 22, 2002, as amended of 38492 Hickman Road,
Ocean View, DE 19970, party of the first part,

- AND -

JAKK LLC, of 34156 Citizens Dr., Lewes, DE 19958, as sole owner, party of the
second part.

WITNESSETH: That the said party of the first part, for and in consideration of the
sum of **ONE DOLLAR (\$1.00)**, lawful money of the United States of America, the receipt
whereof is hereby acknowledged, hereby grants and conveys unto the party of the second
part, and its heirs and assigns, in fee simple, the following described lands, situate, lying
and being in Sussex County, State of Delaware:

TRACT NO. 1: 1-34 9.00 27.00

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

BEGINNING for this description at a concrete monument placed on the easterly right-of-way of Road 357 and on the southerly right-of-way of Road 359, at the intersection of said right-of-way lines; thence, from said point of beginning, and by and with the said southerly right-of-way of Road 359, North 87 degrees 07 minutes 8 seconds East, 542.50 feet to a concrete monument and the easterly line of Hickman tract; thence, by and with the said easterly line, South 42 degrees 11 minutes 30 seconds West, 435.05 feet to a concrete monument, a southerly corner for the Hickman property; thence, North 57 degrees 28 minutes 34 seconds West, 335.59 feet to a concrete monument placed on the easterly right-of-way of the aforesaid Road 357; thence, by and with the said easterly right-of-way line, North 16 degrees 12 minutes 43 seconds East, 119.38 feet to the place of Beginning, containing 2.3545 acres of land, be the same more or less, as surveyed by Foresight Services, Registered Surveyors on March 22, 2017.

TRACT NO. 2: 1-34 9.00 30.00

ALL that certain lot, piece or parcel of land with the improvements thereon erected situated in Baltimore Hundred, Sussex County, Delaware lying on the Easterly side of County Road 357 Cedar Neck Road, a short distance North of North Orlando Avenue, and being more particularly bounded and described in accordance with a recent survey prepared by Foresight Services, Registered Surveyors on March 22, 2017.

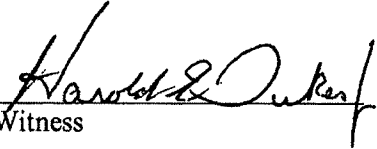
BEGINNING at a concrete monument located on the eastern edge of Cedar Neck Road, said monument being South 16 degrees 12 minutes 43 seconds West a distance of 119.38 of the intersection of Cedar Neck Road and Hickman Road and the corner of Tax Map & Parcel Number 1-34 9.00 27.00 thence with Tax Map and Parcel Number 1-34 9.00 27.00 North 57 degrees 28 Minutes 34 seconds West a distance of 171.21 feet to the corner of Lot 4 Murray Estates and a concrete monument; thence following the edge of Lot 4 South 19 degrees 31 minutes 45 seconds East a distance of 112.42 feet to a concrete monument at the corner of Lot 2 Murray Estates; thence following Lot 2 North 63 degrees 42 minutes 5 seconds West a distance of 168 feet to a concrete monument located at the edge of Cedar Neck Road; thence following Cedar Neck Road North 19 degrees 31 minutes 45 seconds East a distance of 131.11 feet home to the place and point of beginning containing 20.314 square feet.


BEING a portion of the same lands conveyed to Lloyd H. Hickman, Trustee of the Lloyd H. Hickman Revocable Trust dated July 22, 2002 from Lloyd H. Hickman and Dollie M. Hickman, by Deed dated July 22, 2002, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on July 24, 2002, in Deed Book 2732, Page 75.

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

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

SIGNED, SEALED, AND DELIVERED, **THE LLOYD H. HICKMAN REVOCOABLE TRUST**
IN THE PRESENCE OF: **DATED JULY 22, 2002**

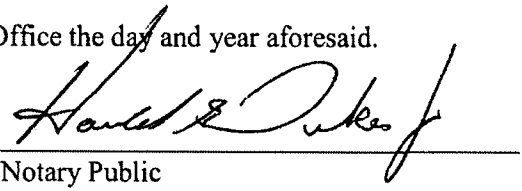

Witness


Lloyd H. Hickman, Trustee of the Lloyd H. Hickman Revocable Trust dated July 22, 2002

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 24, 2017, personally came before me, the subscriber, Lloyd H. Hickman, Trustee of The Lloyd H. Hickman Revocable Trust dated July 22, 2002, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be its act and deed.

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


Notary Public

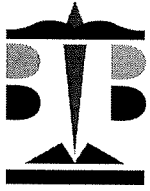
HAROLD E. DUKES, JR.
ATTORNEY AT LAW WITH
POWER TO ACT AS NOTARY PUBLIC
PER 29 DEL. C SEC 4323 (A)3

My Commission Expires: _____

Consideration: 2,500,000.00

County 37,500.00
State 37,500.00
Town Total 75,000.00
Received: Teresa C Mar 30, 2017

Recorder of Deeds
Scott Dailey
Mar 30, 2017 12:12P
Sussex County
Doc. Surcharge Paid



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT B
Preliminary Site Plan
& Interior Plans

INTERIOR RENOVATIONS FIT OUT

FOR
HICKMAN ROAD NANOBREWERY
38450 HICKMAN ROAD, OCEAN VIEW, DE 19770

DRAWING INDEX

GENERAL
COVER SHEET
ARCHITECTURAL
EXISTING CONDITIONS & DEMOLITION PLAN
A-101
NEW WORK PLAN
A-102
ENLARGED PLAN - BOILER ROOM
S-0A1

CODE ANALYSIS

SECTION	DESCRIPTION	REVISIONS	DATE
2017 EDITION	INTERNATIONAL RESISTANCE COEFFICIENT R-C VALUE (R-10) DEMANDS ARE REDUCED TO R-5		
2015 EDITION	INTERNATIONAL RESISTANCE COEFFICIENT R-C VALUE (R-10) DEMANDS ARE REDUCED TO R-5		
SECTION CLASSIFICATION (INTERNAL ONLY)			
TYPE	TYPE		
1. GENERAL	1. GENERAL		
2. MASONRY	2. MASONRY		
3. METALS	3. METALS		
4. WOOD	4. WOOD		
5. PLASTER	5. PLASTER		
6. PAINTS	6. PAINTS		
7. GLASS	7. GLASS		
8. FINISHES	8. FINISHES		
9. MECHANICAL	9. MECHANICAL		
10. ELECTRICAL	10. ELECTRICAL		
11. PLUMBING	11. PLUMBING		
12. HAZARDOUS MATERIALS	12. HAZARDOUS MATERIALS		
13. ENERGY EFFICIENCY	13. ENERGY EFFICIENCY		
14. ACCESSIBILITY	14. ACCESSIBILITY		
15. OTHER	15. OTHER		
16. OCCUPANCY	16. OCCUPANCY		
17. ALTERNATIVE DISPOSITIONS	17. ALTERNATIVE DISPOSITIONS		
18. SPECIAL REQUIREMENTS	18. SPECIAL REQUIREMENTS		
19. OTHER	19. OTHER		
20. OTHER	20. OTHER		
21. OTHER	21. OTHER		
22. OTHER	22. OTHER		
23. OTHER	23. OTHER		
24. OTHER	24. OTHER		
25. OTHER	25. OTHER		
26. OTHER	26. OTHER		
27. OTHER	27. OTHER		
28. OTHER	28. OTHER		
29. OTHER	29. OTHER		
30. OTHER	30. OTHER		

ALL WORK SHALL BE IN ACCORDANCE WITH THE 2017 INTERNATIONAL RESISTANCE COEFFICIENT R-C VALUE (R-10) DEMANDS ARE REDUCED TO R-5

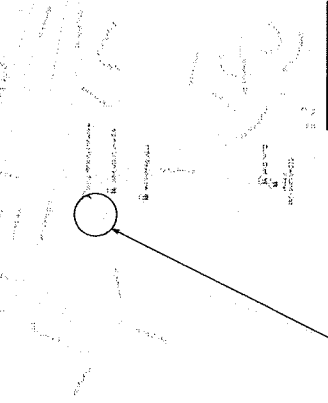
GENERAL NOTES

- INLET EXHAUST AIR FOR THE EXHAUST USE CHANGELINE SHALL BE CLASSIFIED AS EXHAUST AIR PER THE MECHANICAL CODE. THE EXHAUST AIR SHALL BE EXHAUSTED TO THE OUTSIDE OF THE BUILDING. THE EXHAUST AIR SHALL BE EXHAUSTED TO THE OUTSIDE OF THE BUILDING. THE EXHAUST AIR SHALL BE EXHAUSTED TO THE OUTSIDE OF THE BUILDING.
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REQUIREMENTS FOR EQUIPMENT AND STRUCTURE OF BARS

- ALL EQUIPMENT SHALL BE INSTALLED ON A FOUNDATION OF CONCRETE OR MASONRY. ALL EQUIPMENT SHALL BE INSTALLED ON A FOUNDATION OF CONCRETE OR MASONRY. ALL EQUIPMENT SHALL BE INSTALLED ON A FOUNDATION OF CONCRETE OR MASONRY.
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VICINITY MAP



PROJECT 11, ADDRESS: 38450 HICKMAN RD, OCEAN VIEW, DE 19770
PROJECT 11, ADDRESS: 38450 HICKMAN RD, OCEAN VIEW, DE 19770
PROJECT 11, ADDRESS: 38450 HICKMAN RD, OCEAN VIEW, DE 19770

NO.	DATE	REVISIONS	DESCRIPTION

DATE:	11/16/2021
JOB NUMBER:	Q21025
SCALE:	As indicated
DRAWN BY:	JPH
DESIGNED BY:	JPH
APPROVED BY:	SGR

Sheet No.: CS-001
File Name: CS-001

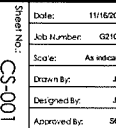
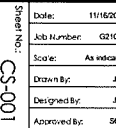
COVER SHEET

for

INTERIOR RENOVATIONS FIT OUT

38450 HICKMAN RD, OCEAN VIEW, DE 19770

Prepared For: HICKMAN ROAD NANOBREWERY



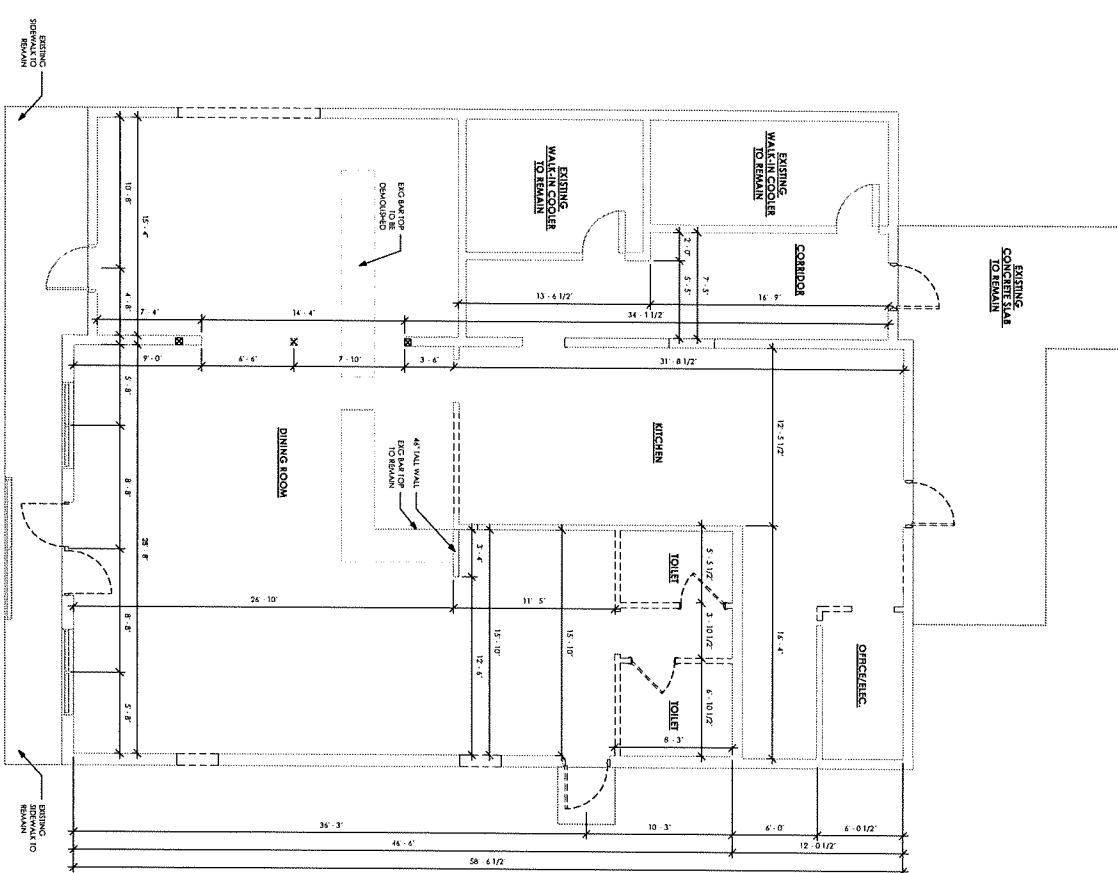
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JOB NUMBER:	Q21025
SCALE:	As indicated
DRAWN BY:	JPH
DESIGNED BY:	JPH
APPROVED BY:	SGR

Sheet No.: CS-001
File Name: CS-001

PROJECT 11, ADDRESS: 38450 HICKMAN RD, OCEAN VIEW, DE 19770
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PROJECT 11, ADDRESS: 38450 HICKMAN RD, OCEAN VIEW, DE 19770

11/16/2021 2:21:54 PM

DEMOLITION LEGEND		DEMOLITION NOTES	
	EXISTING PARTITION TO REMAIN	1.	REMOVE ALL EXISTING PARTITIONS TO REMAIN TO COMPLETE DEMOLITION AND REPAIRS OF ALL ITEMS AS INDICATED. C.C. SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PARTITIONS TO REMAIN.
	EXISTING PARTITION TO BE DEMOLISHED	2.	REMOVE ALL EXISTING PARTITIONS TO BE DEMOLISHED TO COMPLETE DEMOLITION AND REPAIRS OF ALL ITEMS AS INDICATED. C.C. SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING PARTITIONS TO REMAIN.
	EXISTING DOOR & FRAME TO REMAIN	3.	REMOVE ALL EXISTING DOORS & FRAMES TO BE DEMOLISHED TO COMPLETE DEMOLITION AND REPAIRS OF ALL ITEMS AS INDICATED. C.C. SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DOORS & FRAMES TO REMAIN.
	EXISTING DOOR & FRAME TO BE DEMOLISHED	4.	REMOVE ALL EXISTING DOORS & FRAMES TO BE DEMOLISHED TO COMPLETE DEMOLITION AND REPAIRS OF ALL ITEMS AS INDICATED. C.C. SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING DOORS & FRAMES TO REMAIN.
		5.	REMOVE ALL EXISTING CONCRETE SLAB TO BE DEMOLISHED TO COMPLETE DEMOLITION AND REPAIRS OF ALL ITEMS AS INDICATED. C.C. SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING CONCRETE SLABS TO REMAIN.
		6.	REMOVE ALL EXISTING FLOORING TO BE DEMOLISHED TO COMPLETE DEMOLITION AND REPAIRS OF ALL ITEMS AS INDICATED. C.C. SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FLOORING TO REMAIN.
		7.	REMOVE ALL EXISTING CEILING TO BE DEMOLISHED TO COMPLETE DEMOLITION AND REPAIRS OF ALL ITEMS AS INDICATED. C.C. SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING CEILING TO REMAIN.
		8.	REMOVE ALL EXISTING MECHANICAL SYSTEMS TO BE DEMOLISHED TO COMPLETE DEMOLITION AND REPAIRS OF ALL ITEMS AS INDICATED. C.C. SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING MECHANICAL SYSTEMS TO REMAIN.



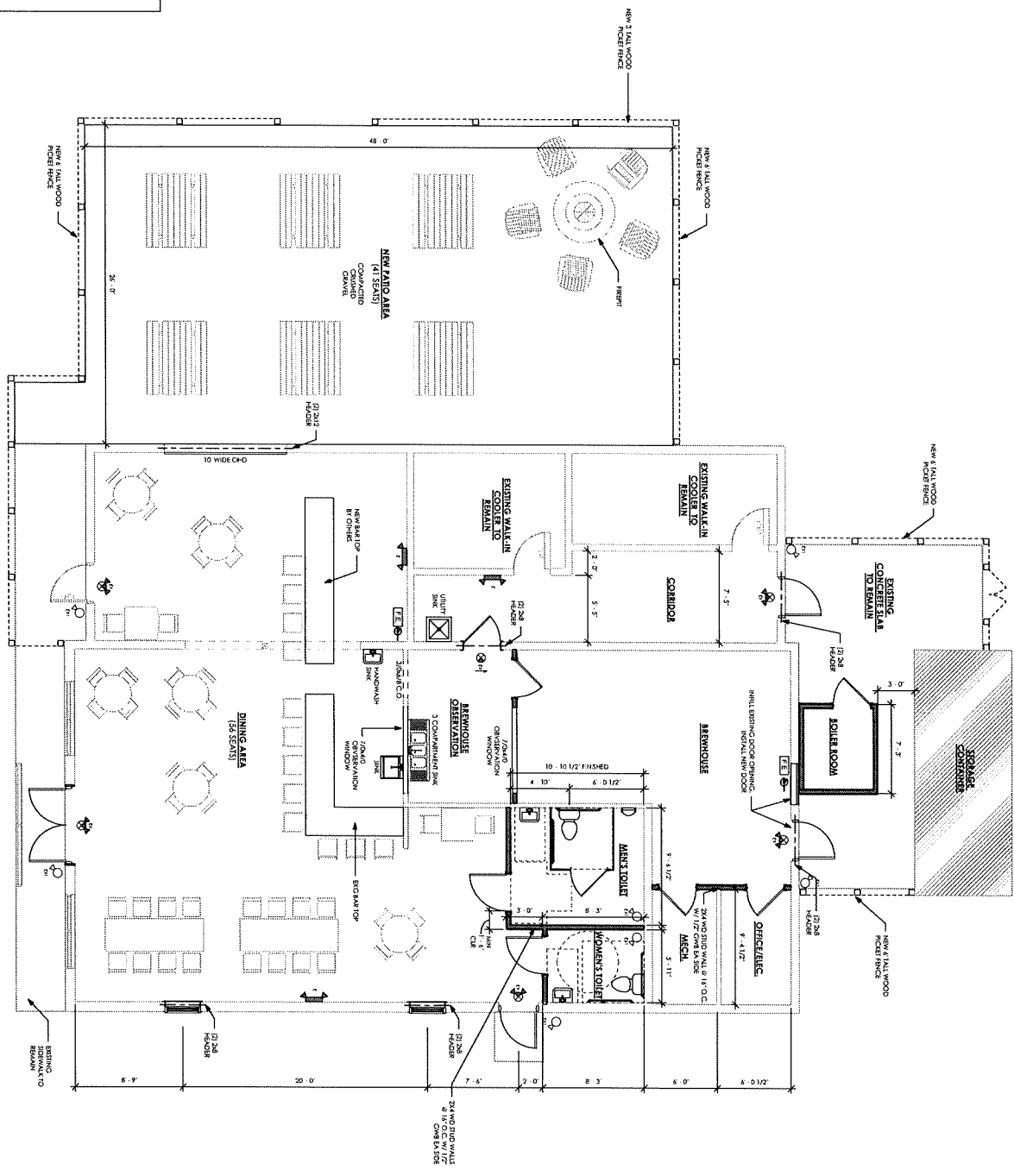
EXISTING CONDITIONS & DEMOLITION PLAN
1/4" = 1'-0"

PERMIT DRAWINGS NOT FOR CONSTRUCTION	38450 HICKMAN RD, OCEAN VIEW, DE 19970 302.438.2200 www.solutions.com															
	solutions															
REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION													38450 HICKMAN RD, OCEAN VIEW, DE 19970 302.438.2200 www.solutions.com
NO.	DATE	DESCRIPTION														
EXISTING CONDITIONS & DEMOLITION PLAN for INTERIOR RENOVATIONS FIT OUT 38450 HICKMAN RD, OCEAN VIEW, DE 19970 Prepared For: HICKMAN ROAD NANOBREWERY	Date: 11/15/2021 Job Number: 0210025 Scale: 1/4" = 1'-0" Drawn By: JMR Designed By: JMR Approved By: SMR															
SHEET NO. A-101	11/16/2021 2:21:51 PM															

EMERGENCY LIGHTING & EGRESS LEGEND

- EXIT DISCHARGE FLOOD
- EXIT SIGN
- ARROW INDICATES DIRECTION OF EGRESS
- EXIT SIGN W/ FLOODS - ARROW INDICATES DIRECTION OF EGRESS
- EMERGENCY FLOODS

NEW WORK FLOOR PLAN
1/4" = 1'-0"



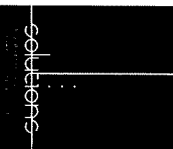
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 Designed By: JH
 Approved By: SGR

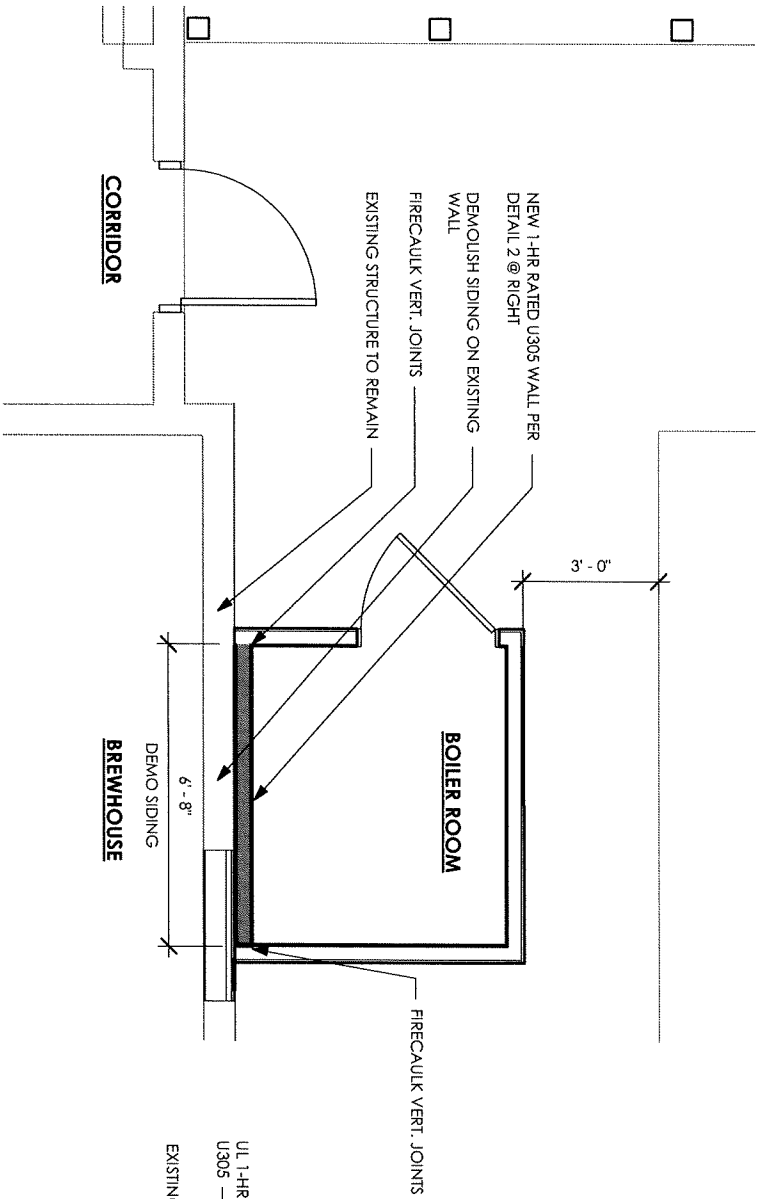
NEW WORK PLAN
 for
INTERIOR RENOVATIONS FIT OUT
 38450 HICKMAN RD, OCEAN VIEW, DE 19770
 Prepared For: HICKMAN ROAD NANOBREWERY

REVISIONS		
NO.	DATE	DESCRIPTION

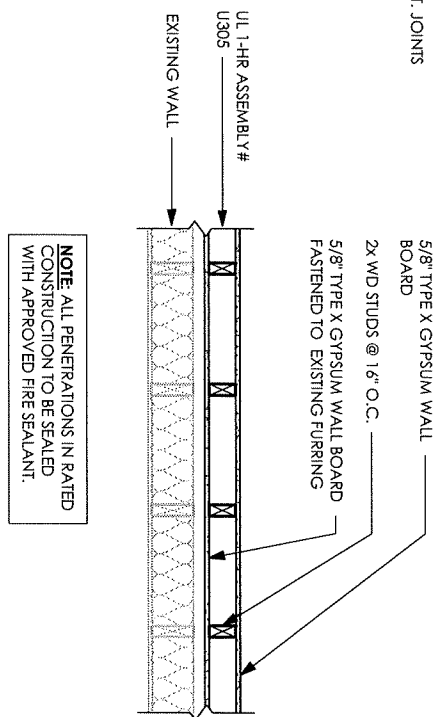
PERMIT DRAWINGS
 NOT FOR CONSTRUCTION

11/15/2021 11:51 AM
 38450 HICKMAN RD
 OCEAN VIEW, DE 19770
 302.433.7888
 1702 WESTBURY



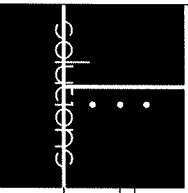


① ENLARGED PLAN AT BOILER ROOM
3/8" = 1'-0"



NOTE: ALL PENETRATIONS IN RATED CONSTRUCTION TO BE SEALED WITH APPROVED FIRE SEALANT.

③ PROPOSED NEW WALL PLAN SECTION - UL DESIGN # U305 - 1 HR FR WALL
3/4" = 1'-0"

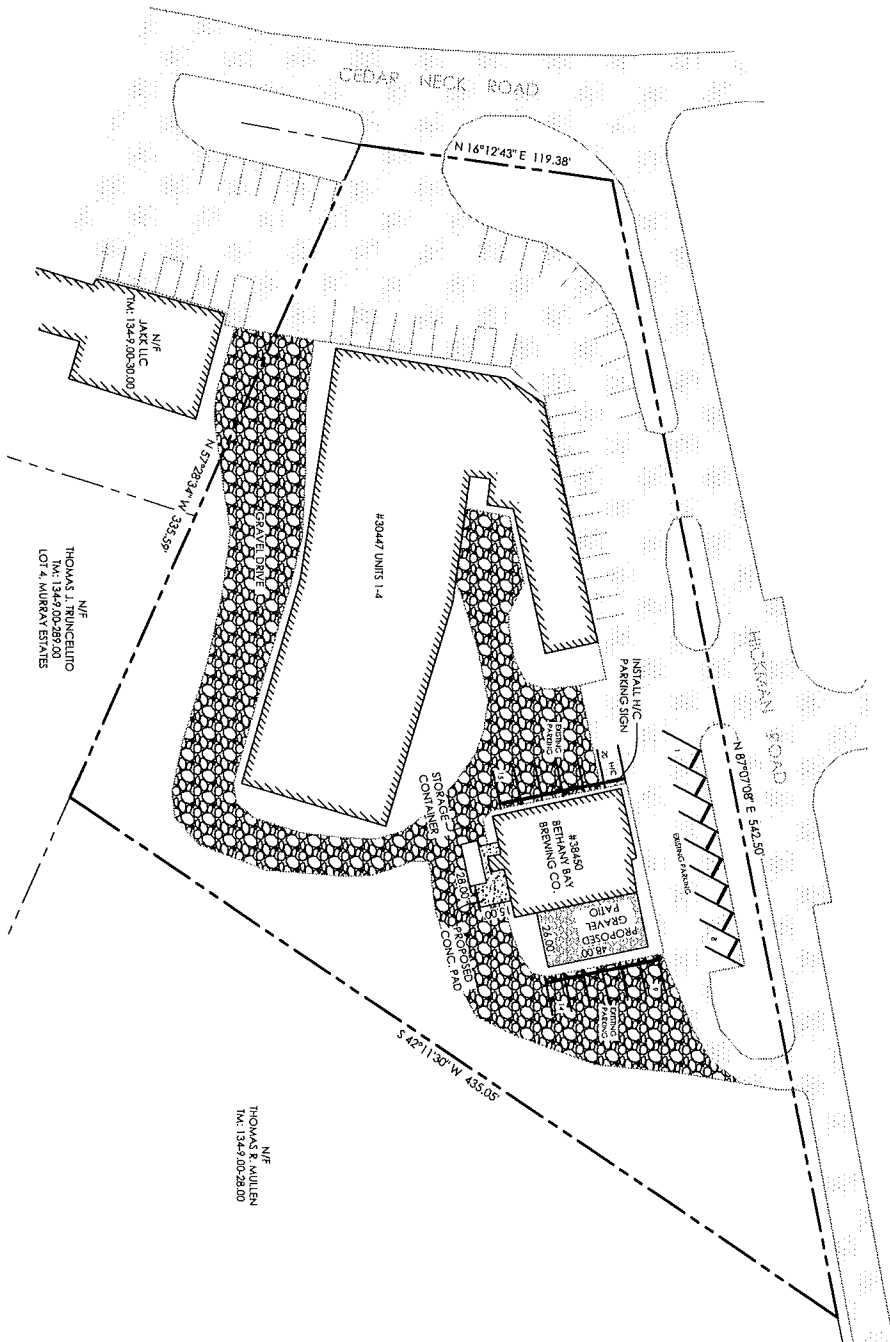


HICKMAN ROAD NANOBREWERY
INTERIOR RENOVATIONS FIT OUT

SKA-01
ENLARGED PLAN - BOILER ROOM

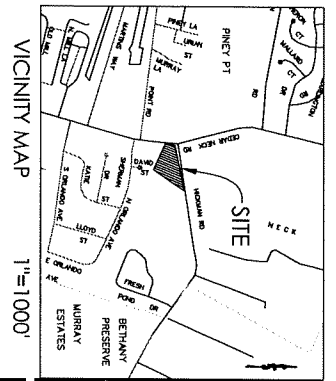
FOR FIRE MARSHAL REVIEW

Checked by	SGR
Drawn by	JJH
Date	11/16/2021
Project number	G21025
Scale	As indicated



LEGEND

	EXISTING GRAVEL HATCH		PROPOSED GRAVEL HATCH
	EXISTING CONCRETE HATCH		PROPERTY LINE
	EXISTING BITUMINOUS PAVEMENT HATCH		ADJACENT PROPERTY LINE



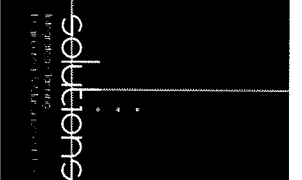
- GENERAL NOTES**
- CURRENT OWNER: JACK LLC, 3844 CEDAR NECK ROAD, OCEAN VIEW, DELAWARE 19770
 - TAX REFERENCE: 1249.0027.00
 - DEED REFERENCE: 4688 / 173
 - LOT AREA: 2.35 ACRES +/-
 - PREMISE ADDRESS: 38459 HICKMAN ROAD, OCEAN VIEW, DE 19770
 - PERMITS: C-1 GENERAL COMMERCIAL
 - PERMITTED USE: CRAFT BREWERY, RESTAURANT
 - PROPOSED USE: CRAFT BREWERY
 - PROPERTY LINES SHOWN HEREON WERE PLOTTED FROM THE CURRENT DEED DESCRIPTION. A BOUNDARY SURVEY HAS NOT BEEN PROVIDED.
 - BUILDING AREA, EXISTING: 2,773 SF
 - PROPOSED: 2,773 SF
 - PARKING SPACES, EXISTING: 20
 - PROPOSED: 20

REVISIONS

DATE	DESCRIPTION

Feller-Hoff
A VINNY COMPANY SUBSIDIARY
3 ASSOCIATES, INC.

300 N. Redford St.
Georgetown, DE 19841
3000 Market Mall Road
Smyrna, MD 21158
Tel: 410.382.8822
Fax: 410.382.8823
www.fellerhoff.com Copyright © 2021



SITE PLAN
for
BETHANY BAY BREWING COMPANY
38459 HICKMAN ROAD, BALTIMORE HUNDRED
OCEAN VIEW, SUSSEX COUNTY, DELAWARE

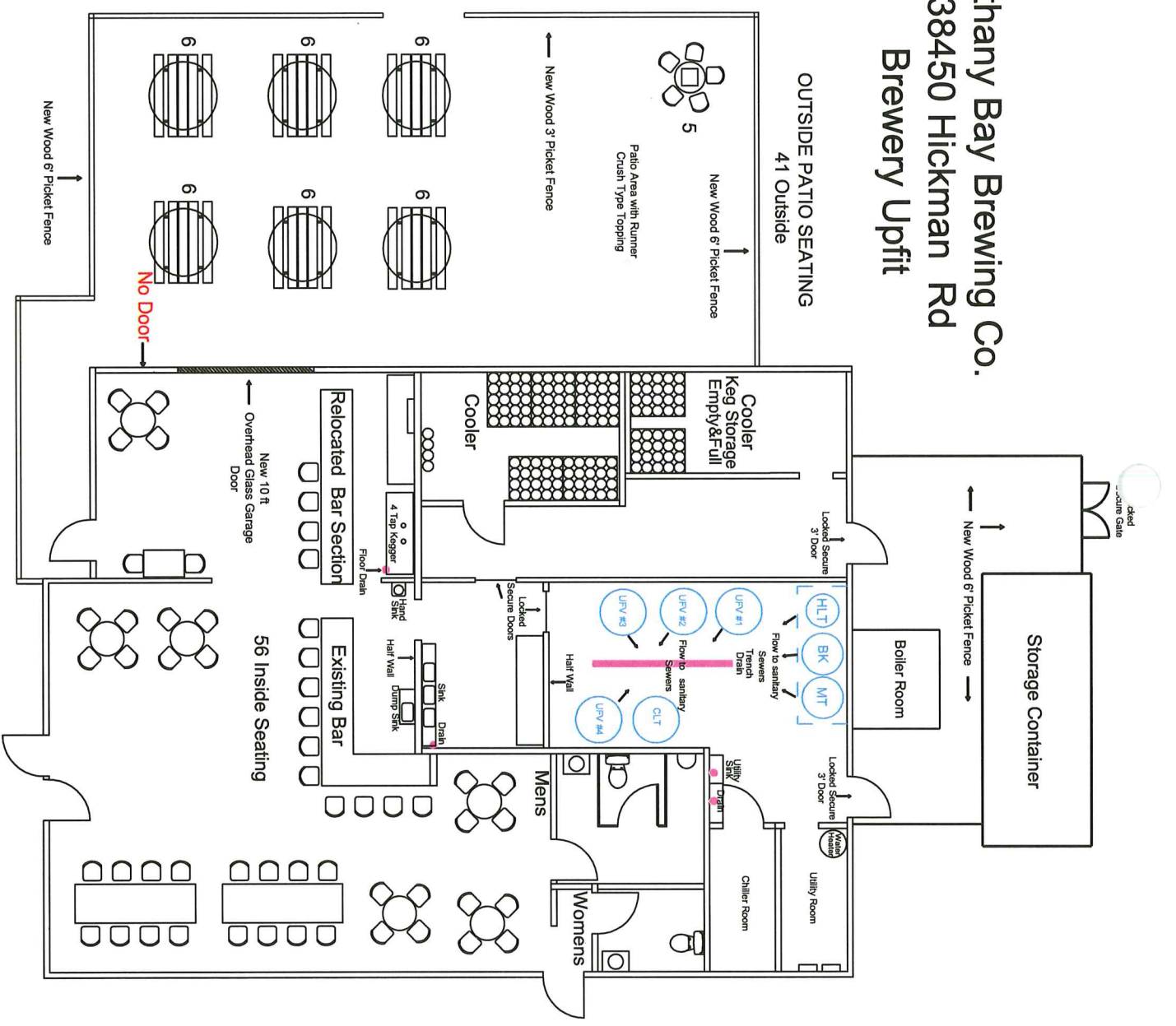
Date: 03-24-2021
Job Number: G21025
Scale: 1" = 40'
Drawn By: RAM
Designed By:
Approved By: SWF

Sheet No.: 1

File Name: C:\1025 Site Plan.dwg

Bethany Bay Brewing Co.

38450 Hickman Rd
Brewery Upfit



New Wood 6' Picket Fence

No Door

New 10 ft Overhead Glass Garage Door

OUTSIDE PATIO SEATING
41 Outside

New Wood 6' Picket Fence
Patio Area with Runner
Crush Type Topping

New Wood 3' Picket Fence

New Wood 6' Picket Fence

Storage Container

Boiler Room

Keypad Gate

Cooler
Keg Storage
Empty & Full

Flow to sanitary
Sewers
Floor Drain

UV/V #1
UV/V #2
UV/V #3
UV/V #4

CLT

Relocated Bar Section

Existing Bar

56 Inside Seating

Chiller Room

Utility Room

Mens

Womens



BAIRD
MANDALAS
BROCKSTEDT^{LLP}

EXHIBIT C

Zoning Code

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-79. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Bus terminals

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Drive-in theaters

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums

Institutions, educational or philanthropic, including museums, art galleries and libraries

Outdoor amusement places and open-air drive-in theaters. Outdoor amusement places include, but are not limited to, batting cages, skating rinks, waterslides, miniature golf model racing tracks and similar recreational activities. Mobile or fixed-type cranes or lifting devices, not designed, not approved for, not manufactured for or not intended to carry, transport or in any fashion move individual(s) or person(s), shall be prohibited and shall not be used for amusement purposes.

[Added 8-11-1992 by Ord. No. 849; amended 3-30-1993 by Ord. No. 887; 8-22-2006 by Ord. No. 1870]

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations, substations and transmission lines utilizing multilegged structures

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as

a permitted use under § **115-79** shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Swimming or tennis clubs, private, nonprofit or commercially operated

Chapter 115. Zoning

Article XI. C-1 General Commercial District

§ 115-82. Height, area and bulk requirements.

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

Use	Area** (square feet)	Width* (feet)	Depth (feet)
Single-family dwelling	10,000	75	100
Other	10,000	75	100

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

[Added 11-7-1989 by Ord. No. 632; amended 7-20-1999 by Ord. No. 1328]

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

[Added 7-15-1997 by Ord. No. 1157]

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

Use	Depth of Front Yard (feet)	Width of Side Yard (feet)	Depth of Rear Yard (feet)
Single-family dwelling	40 (30)*	10	10
Other	60**	5*	5*
Multifamily-type structure	(See Table II, included at the end of this chapter.)		

*NOTE: See also the table of district regulations at the end of this chapter.

**NOTE: See also § 115-194.1.

- C. Maximum height requirements. Maximum height requirements shall be as follows:
 [Amended 10-31-1995 by Ord. No. 1062]

Use	Feet
Single-family dwelling	42
Other	42

Chapter 115. Zoning

Article XXII. Off-Street Parking

§ 115-162. Requirements.

- A. When any building or structure is hereafter erected or structurally altered or any building or structure is converted for any use listed below, accessory off-street parking spaces shall be provided as follows:

Use	Parking Spaces Required
Single-family dwellings, single-family manufactured homes and apartments [Amended 3-25-1997 by Ord. No. 1131; 2-2-1999 by Ord. No. 1286; 5-2-2000 by Ord. No. 1371; 10-12-2010 by Ord. No. 2152]	2 per family unit
Multifamily dwellings and townhouses [Amended 3-25-1997 by Ord. No. 1131; 2-2-1999 by Ord. No. 1286; 8-15-2006 by Ord. No. 1869]	See Subsection B .
Rooming, boarding- or tourist houses	1 per rental room, plus 2 for the resident owner or manager
Hotels, motels or lodging inns	1 1/2 per rental room or suite, plus 1 per 3 employees. If a restaurant open to the public is operated in connection with such use, additional off-street parking space meeting the minimum requirements for a restaurant must be provided
Eating places, taverns, bars and nightclubs	1 for each 50 square feet assigned for patron use, plus 1 per 2 employees on the largest shift
Indoor commercial recreation	1 per 150 square feet of floor area or 1 per 4 seats for patron use, whichever is applicable to the particular use
Offices, office buildings, banks or other financial offices	1 per 200 square feet of floor area, exclusive of basement, if not used for office or customer service purposes
Retail stores or supermarkets	1 per 200 square feet of floor area used for sales or display of merchandise purposes, plus 1 for each 2 employees on the largest shift
Beauty and barber shops or other personal services	1 per 200 square feet of floor area
Shopping centers	5 per 1,000 square feet of gross leasable area
Furniture and appliance stores	1 per 400 square feet of floor area devoted to sales and display purposes

Use**Parking Spaces Required**

Funeral homes

1 per 20 square feet of floor area used for seating accommodations, plus 1 per employee

Commercial nurseries, sales of outdoor equipment or furniture or sales of new and used cars, trucks, boats, manufactured homes and campers

2 per salesman during peak period of employment

[Amended 10-12-2010 by Ord. No. 2152]

Car wash establishments

Coin-do-it yourself

2 at waiting area for each lane; 1 at exit area for each lane

Coin-operated automatic drive-through

4 at waiting area for each lane; 2 at exit area for each lane

Employee-operated

8 at waiting area for each lane; 2 at exit area for each lane

Gasoline filling stations

2 for employees, plus 1 for each service bay

Automobile service and repair garages

1 per 500 square feet of floor area, plus 1 per employee during peak period of employment

Wholesaling or manufacturing

1 for every 2 employees on the major shift establishments

Day nurseries, day-care centers or private preschools or kindergartens

1 per 1,000 square feet of floor area, plus 1 per employee

Elementary and junior high or middle schools

3 per room used for administrative purposes, plus 1 per classroom, plus 1 for each 5 seats in the auditorium or gymnasium or other facility open to the public

Senior high, trade and vocational schools, colleges and universities

3 per room used for administrative offices, plus 1 for every 10 pupils enrolled, plus 1 for each 5 seats in the auditorium, gymnasium or other facility open to the public

Stadiums, assembly halls, theaters and community centers

1 per 4 fixed seats in the assembly area or for each 50 square feet of floor area for rooms having movable seats

Public libraries

1 per 400 square feet of floor area for public use, plus 1 per 2 employees

Nursing homes, convalescent homes and homes for the aged

1 for each 4 patient beds, plus 1 per 2 employees on the largest shift

Hospitals

1 for each 3 patient beds, except bassinets, plus 1 per medical staff member, plus 1 per 2 employees on the largest shift

Medical and dental clinics and offices

1 for each 2 employees, plus 4 per doctor or dentist

Churches or other places of worship

1 for each 4 seats

B. Multifamily dwellings and townhouses. The number of off-street parking spaces per dwelling unit shall be as indicated below:

[Amended 8-15-2006 by Ord. No. 1869]

- (1) Two spaces per dwelling unit plus 0.5 space for each bedroom over three bedrooms with a maximum of three spaces per dwelling unit. For one-bedroom and efficiency units, the required number of parking spaces will be 1.5 spaces per unit.

- (2) For each development in excess of 50 units, the required number of parking spaces shall be reduced by 15% from the required number of spaces set forth in Subsection **B(1)** above after those spaces required for the first 50 units have been provided; and for each development in excess of 200 units, the required number of parking spaces shall be reduced by 20% from the required number of spaces set forth in Subsection **B(1)** above after those spaces required for the first 200 units have been provided. In calculating the required parking, the number of one-bedroom and efficiency units shall be proportionally distributed if the development exceeds 50 units. When the total number of parking spaces required for a project has been reduced according to this section, the land area saved shall be used only for open space, landscaping or pedestrian walkways.
- (3) A minimum of one space per dwelling unit must be outside of a private enclosed garage and accessible to guests.
- (4) For the purposes of this section, an "efficiency unit" shall mean a one-story room, the size of which may not exceed 500 square feet, that is not susceptible to permanent division and that contains a kitchen or kitchenette and not more than one bathroom. An efficiency or room that is larger than 500 square feet is considered to be a "one-bedroom unit" for the purposes of this Code. An accessory room shall mean any room in a dwelling unit other than a bedroom, bathroom, kitchen or one living room, one dining room or living-dining room combination, including, but not necessarily limited to, a den, library, family room, game room, patio room, Florida room, bar, nursery, etc. Any room as defined as being an "accessory room" is to be treated in the same manner as a bedroom, and required parking shall be computed accordingly. This shall apply to all residential buildings except detached single-family dwellings.

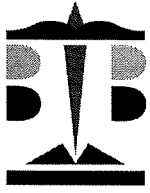
§ 115-165. Joint use and off-site facilities.

- A. All parking spaces required herein shall be located on the same lot with the building or use served.
- B. Shared parking. The Planning and Zoning Commission may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another with a maximum distance from the farthest parking space (or in the case of a parking garage, the pedestrian entrance to the garage) of 600 feet to the public entrances or a lighted, semi-weather-proofed covered walkway leading to the public entrances for commercial uses and with a maximum distance of 600 feet (or in the case of a parking garage, the pedestrian entrance to the garage) to the residential entrances that are being considered in the shared uses and, which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:

[Amended 2-14-2006 by Ord. No. 1826^[1]]

- (1) Location. All uses that participate in a single shared parking plan shall be located on the same lot or on lots that share a common boundary. The shared parking lot shall be developed and used as though the uses on the lots were a single unit.
- (2) Shared parking study. A shared parking study signed and sealed by a Delaware licensed professional engineer in a form acceptable to the Planning Director shall be submitted which clearly establishes those uses that will utilize the shared spaces at different times of the day, week, month and year, including seasonal or mode adjustment factors. The study shall:
 - (a) Be based on the most current Urban Land Institute's shared parking study methodology or other generally accepted methodology;
 - (b) Address the size and type of activities, the composition of occupants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads;
 - (c) Provide for a reduction by not more than 50% of the combined parking required for each use;

- (d) Provide for no reduction in the number of spaces reserved for persons with disabilities;
 - (e) Provide a plan to convert the reserved area to parking area if it is ever required; and
 - (f) Be reviewed and approved by the Planning Director and the Planning and Zoning Commission.
- (3) Agreement for shared parking plan. A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Planning Director who shall forward a copy to the County Attorney for review and approval. Proof of recordation of the agreement shall be presented to the Planning Director prior to issuance of a certificate of occupancy. The agreement shall:
- (a) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - (b) Provide a legal description of the land;
 - (c) Include a site plan showing the area of the parking parcel and the open space reserved area which would provide for future parking and any required stormwater management facilities;
 - (d) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - (e) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - (f) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;
 - (g) Describe the obligations of each party, including the maintenance responsibility to retain and develop reserved open space for additional parking spaces if the need arises;
 - (h) Incorporate the shared parking study by reference; and
 - (i) Describe the method by which the covenant shall, if necessary, be revised.
- (4) Change in use. Should any of the shared parking uses be changed, or should the Planning Director find that any of the conditions described in the approved shared parking study or agreement no longer exist or if the Planning Director and Planning and Zoning Commission determine that insufficient parking is an issue, the owner shall have the option of submitting a revised shared parking study and an amended shared parking agreement in accordance with the standards of this subsection or of providing the number of spaces required for each use as if computed separately. If the Planning Director determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificates of occupancy shall be issued until the full number of off-street parking spaces are provided.
- (5) Revocation of permits. Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this Code and shall specifically be cause for revocation of a certificate of occupancy.
- [1] *Editor's Note: This ordinance also repealed former Subsection C, which immediately followed and provided for the establishment of shared parking spaces by covenant or agreement.*



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT D

Service Level Evaluation Request



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

NICOLE MAJESKI
SECRETARY

April 12, 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 **Lawrence Davies** proposed land use application, which we received on April 6, 2021. This application is for an approximately 2.75- acre parcel (Tax Parcels: 134-9.00-27.00). The subject land is located on the southeast corner of Hickman Road (Sussex Road 359) and Cedar Neck Road (Sussex Road 357). The subject land is currently zoned C-1 (General Commercial) and the applicant seeks a conditional use approval for a Microbrewery.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hickman Road, is 370 vehicles per day. The annual average daily traffic volume along Cedar Neck Road from Hickman Road to Fred Hudson Road (Sussex Road 360), is 7,468 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

DelDOT's description of this application as diminutive in the context of our agreement with the County regarding land development coordination assumes that the use of the site will be limited to the manufacture of beer and similar products. To the extent that ancillary bar or



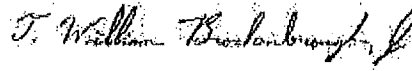
Mr. Jamie Whitehouse
Page 2 of 2
April 12, 2021

restaurant uses are also permitted, the subject development may generate more traffic. Even then, however, DelDOT does not anticipate this use generating enough trips to meet the minimum TIS warrants.

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

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

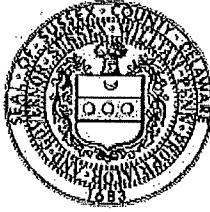


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff
Enclosure

cc: Lawrence Davies, 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 Furmato, 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 DelDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 4/5/21

Site Information:

Site Address/Location: 38450 Hickman Road, Ocean View, DE 19970

Tax Parcel Number: 134-9.00-27.00

Current Zoning: C-1

Proposed Zoning: C-1

Land Use Classification: _____

Proposed Use(s): Microbrewery

Square footage of any proposed buildings or number of units: No new building; using existing building

Applicant Information:

Applicant's Name: Lawrence Davies

Applicant's Address: 58 Windjammer Drive

City: Ocean Pines State: MD Zip Code: 21811

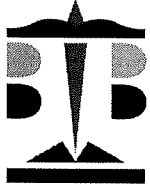
Applicant's Phone Number: (410) 430-6929

Applicant's e-mail address: brewinop@gmail.com



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

Last updated 3-12-20



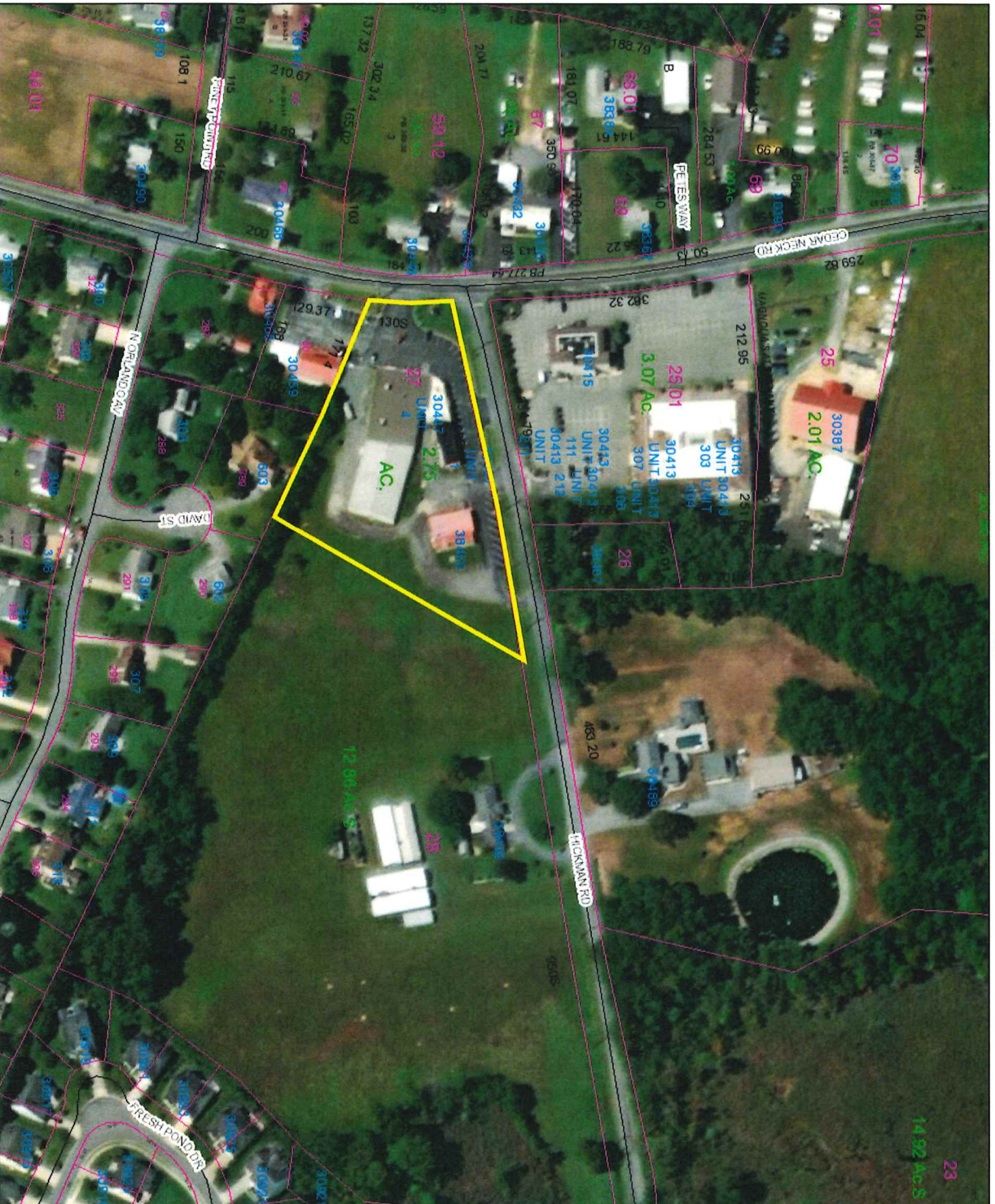
BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT E

Aerial Images

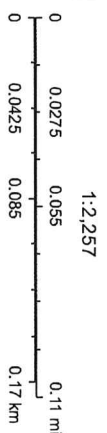


Sussex County



PN:	134-9-00-27.00
Owner Name	JAKK LLC
Book	4686
Mailing Address	30447 CEDAR NECK RD
City	OCEAN VIEW
State	DE
Description	RD OCEAN VIEW TO COTTON PATCH HILLS
Description 2	COTTON PATCH HILLS
Description 3	N/A
Land Code	






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



1992 Aerial Map



Legend

-  30447 Cedar Neck Rd
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Custom Concepts Fiberglass & Repair
-  Feature 1

Google Earth Pro

Image U.S. Geological Survey

900 ft









Aerial View



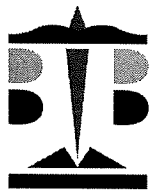
Google Earth

Legend

-  30447 Cedar Neck Rd
-  Bethany Bay Brewing Company
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Ellen Rice Fine Art Studio and?
-  Feature 1

500 ft





BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT F






Street Front Images

Street View Image

Intersection of Hickman Road and Cedar Neck Road



Legend

-  30447 Cedar Neck Rd
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Custom Concepts Fiberglass & Repair
-  Feature 1

Google Earth

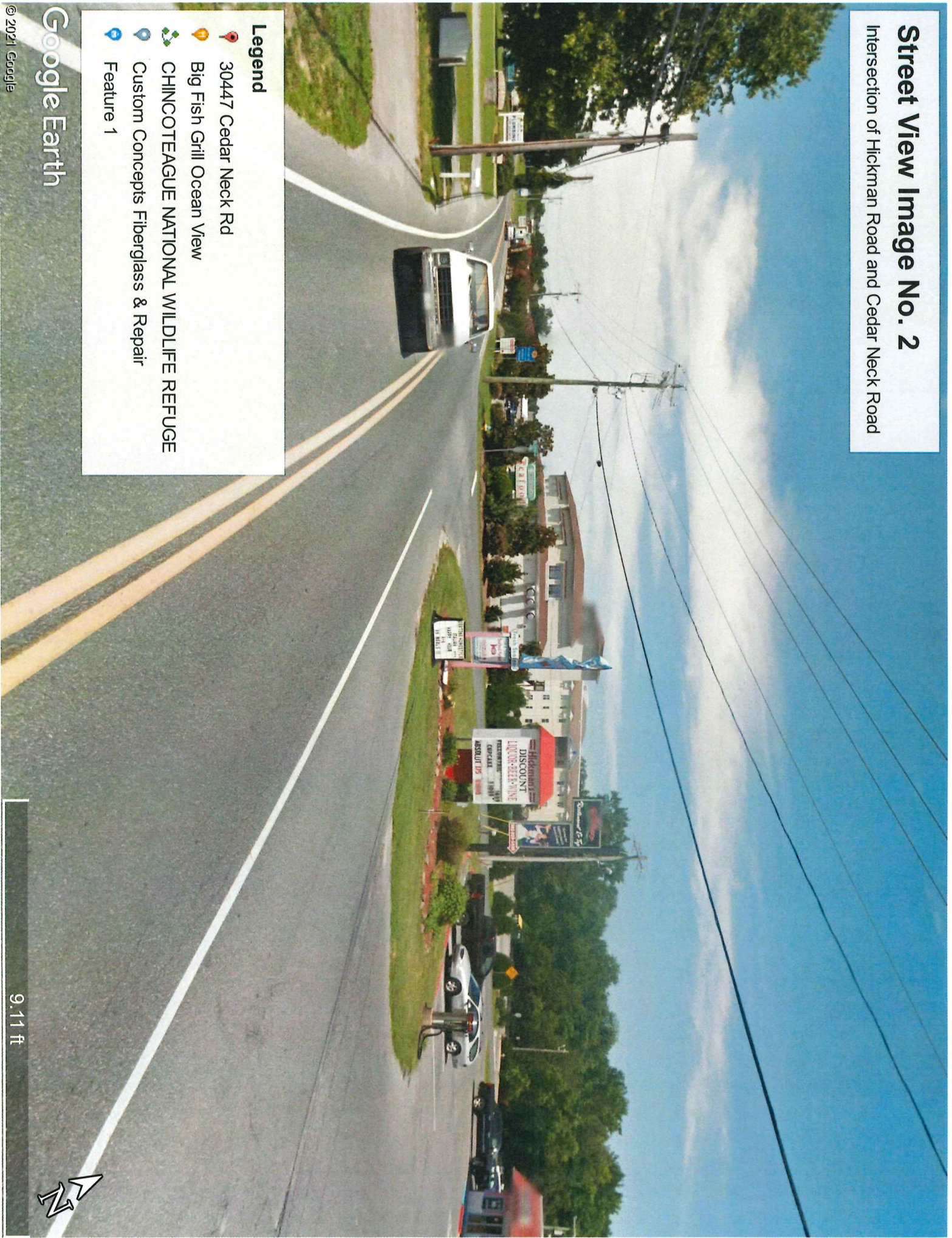
© 2021 Google

6.88 ft








Street View Image No. 2

Intersection of Hickman Road and Cedar Neck Road



Legend

-  30447 Cedar Neck Rd
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Custom Concepts Fiberglass & Repair
-  Feature 1

Google Earth

© 2021 Google






9.11 ft



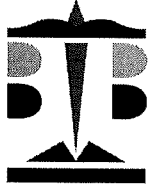
Street View Image No. 3

Intersection of Hickman Road and Cedar Neck Road

Legend

-  30447 Cedar Neck Rd
-  Big Fish Grill Ocean View
-  CHINCOTEAGUE NATIONAL WILDLIFE REFUGE
-  Custom Concepts Fiberglass & Repair
-  Feature 1





BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT G

Zoning District Map



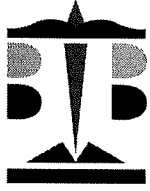
Sussex County



PIN:	134-9,00-27,00
Owner Name	JAKK LLC
Book	4686
Mailing Address	30447 CEDAR NECK RD
City	OCEAN VIEW
State	DE
Description	RD OCEAN VIEW TO
Description 2	COTTON PATCH HILLS
Description 3	N/A
Land Code	

- polygon:layer**
Override 1
- polygon:layer**
Override 1
- Tax Parcels
- 911 Address
- Streets



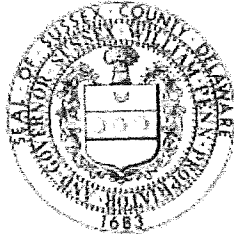


BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT H

Land Use and Permitting History

CONSTABLE
LESTER R. SHAFFER
CHIEF COUNTY CONSTABLE
(302) 855-7810 F
(302) 855-7798 F



Sussex County
DELAWARE
sussexcountycde.gov

NOTICE OF VIOLATION

August 24, 2021

JAKK LLC
30447 CEDAR NECK RD
OCEAN VIEW, DE 19970

REFERENCE NUMBER: 5247
PARCEL: 134-9.00-27.00
PARCEL DESCRIPTION: RD OCEAN VIEW TO COTTON PATCH HILLS
LOCATION: 30447 CEDAR NECK ROAD UNIT 1 OCEAN VIEW

Violation: §115-79 FAILURE TO OBTAIN CONDITIONAL USE.

On 08-24-21 a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the above parcel and is described as:

Failure to obtain a conditional use for Micro Brewery on the property.

Within fifteen (15) calendar days, the owner or occupant is required to comply with the County Code. Failure to comply will result in a summons issued for you to appear in the Justice of the Peace Court or other court of competent jurisdiction as may be determined by Sussex County. Violations are subject to the remedies in the Sussex County Code outlined below, and such other remedies as may be available to Sussex County in law or in equity.

§ 115-229 Violations and penalties.

Any person or corporation who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

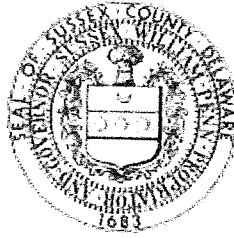
If you have questions regarding this violation, please contact the office to discuss. If you have any documentation that disputes the preliminary findings, please provide copies to the Planning & Zoning Department for their review. **Please include this notice with any documentation you present.**

The office is in the County Administration Building, 2 The Circle, Georgetown, Delaware. The office hours are 8:30AM – 4:30PM, Monday through Friday.

This Notice of Violation is being issued under the authority of the Sussex County Planning and Zoning Director.

ALAN SHIELDS
Sussex County Constable

CONSTABLE
LESTER R. SHAFFER
CHIEF COUNTY CONSTABLE
(302) 855-7819 T
(302) 855-7798 F



Sussex County
DELAWARE
sussexcountyde.gov

NOTICE OF VIOLATION

August 24, 2021

JAKK LLC
30447 CEDAR NECK RD
OCEAN VIEW, DE 19970

REFERENCE NUMBER: 5247
PARCEL: 134-9.00-27.00
PARCEL DESCRIPTION: RD OCEAN VIEW TO COTTON PATCH HILLS
LOCATION: 30447 CEDAR NECK ROAD UNIT 1 OCEAN VIEW

Violation: §115-224. Building without a permit.

The County Code requires a permit to be obtained for the placement or improvement of any structure. The permit will indicate the required setbacks for the structure or improvement.

On 08-24-21 a site visit was conducted by the Sussex County Constable's Office. Based on observations made at that time, there is reason to believe a violation of the County Code exists on the above parcel and is described as:

Building without a permit for the interior remodel.

Within five (5) business days, the owner or occupant is required to obtain a permit for the above described structure and shall discontinue all construction activity until a valid building permit has been issued. Failure to comply will result in a summons issued for you to appear in the Justice of the Peace Court or other court of competent jurisdiction as may be determined by Sussex County. Violations are subject to the remedies in the Sussex County Code outlined below, and such other remedies as may be available to Sussex County in law or in equity.

§ 115-229 Violations and penalties.

Any person or corporation who shall violate any of the provisions of this chapter or who shall fail to comply therewith or with any of the requirements thereof or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner

or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who has assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction thereof, shall be fined as hereinbefore provided.

If you have questions regarding this violation, please contact the office to discuss. If you have any documentation that disputes the preliminary findings, please provide copies to the Planning & Zoning Department for their review. **Please include this notice with any documentation you present.**

The office is in the County Administration Building, 2 The Circle, Georgetown, Delaware. The office hours are 8:30AM – 4:30PM, Monday through Friday.

This Notice of Violation is being issued under the authority of the Sussex County Finance Director and Sussex County Planning and Zoning Director.

ALAN SHIELDS
Sussex County Constable



Larry Davies <brewinop@gmail.com>

RE: 134-9.00-27.00 Microbrewery

6 messages

Jennifer Norwood <jnorwood@sussexcountyde.gov>

Wed, Aug 25, 2021 at 1:26 PM

To: Alan Shields <alan.shields@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>
Cc: "brewinop@gmail.com" <brewinop@gmail.com>

Alan,

I am reaching out to let you know that Mr. Davies has been in contact with our Department regarding his Conditional Use and building permit. I told Mr. Davies I would email an update for your records regarding the violation notice. Since he has contacted Building Code and Planning and Zoning regarding his building permit within the 5-days and cannot obtain a building permit until the Conditional Use process is completed, will he be subject to violation fees.

Thanks,

Jenny

Jennifer Norwood

Jennifer Norwood

Planning Manager

Planning and Zoning Department

[2 The Circle](#)

PO Box 417

Georgetown, DE 19947

Office Phone (302)855-7878

Direct Line (302)858-5501

[Jnorwood@sussexcountyde.gov](mailto:jnorwood@sussexcountyde.gov)**Alan Shields** <alan.shields@sussexcountyde.gov>

Wed, Aug 25, 2021 at 1:50 PM

To: Jennifer Norwood <jnorwood@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>, Lester Shaffer <lester.shaffer@sussexcountyde.gov>
Cc: "brewinop@gmail.com" <brewinop@gmail.com>

Case 5247 Jakk LLC

Thank you Jennifer for the update. I did explain to Mr. Davies that as long he was actively pursuing compliance with the County that we would not issue fines. However I added the Chief Constable in this thread as he would be the deciding factor.

I will continue to monitor this process until a decision has been made per the hearing which has been set for in December.

Thanks again.

Alan W. Shields

Code Enforcement Officer II

County Constable's Office

Georgetown, De. 302-855-7819 Ext. 1711

9/13/21, 11:28 AM

Gmail - RE: 134-9.00-27.00 Microbrewery

Sussex County Government

[Quoted text hidden]

Larry Davies <brewinop@gmail.com>
To: **Pete Backus** <epbackus@gmail.com>

Wed, Aug 25, 2021 at 1:51 PM

FYI

[Quoted text hidden]

Larry Davies <brewinop@gmail.com>
To: "ayan484@yahoo.com" <ayan484@yahoo.com>

Thu, Aug 26, 2021 at 9:34 AM

----- Forwarded message -----

From: **Jennifer Norwood** <jnorwood@sussexcountyde.gov>
Date: Wed, Aug 25, 2021 at 1:26 PM
Subject: RE: 134-9.00-27.00 Microbrewery
To: Alan Shields <alan.shields@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>
CC: brewinop@gmail.com <brewinop@gmail.com>

[Quoted text hidden]

Larry Davies <brewinop@gmail.com>
To: **Pete Backus** <epbackus@gmail.com>

Sun, Aug 29, 2021 at 8:09 AM

----- Forwarded message -----

From: **Jennifer Norwood** <jnorwood@sussexcountyde.gov>
Date: Wed, Aug 25, 2021 at 1:26 PM
Subject: RE: 134-9.00-27.00 Microbrewery
To: Alan Shields <alan.shields@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>
CC: brewinop@gmail.com <brewinop@gmail.com>

[Quoted text hidden]

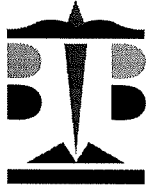
Larry Davies <brewinop@gmail.com>
To: **Larry Davies** <brewinop@gmail.com>

Mon, Aug 30, 2021 at 7:03 PM

----- Forwarded message -----

From: **Jennifer Norwood** <jnorwood@sussexcountyde.gov>
Date: Wed, Aug 25, 2021 at 1:26 PM
Subject: RE: 134-9.00-27.00 Microbrewery
To: Alan Shields <alan.shields@sussexcountyde.gov>, Andy Wright <awright@sussexcountyde.gov>
CC: brewinop@gmail.com <brewinop@gmail.com>

[Quoted text hidden]



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT I

Letters of Support

Christin Scott

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, September 21, 2021 7:52 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 21, 2021 - 7:51pm

Name: David Riseberg

Email address: drise64@gmail.com

Phone number: 410-300-8704

Subject: Bethany Bay Brewing Company

Message: Hello I am writing in support of the zoning application for Bethany Bay Brewing Company. Breweries have become an integral part of many communities in the past few years. They offer a pleasant family friendly gathering place not only for the appreciation of beer but also for people to congregate and enjoy each other's company and to make new friends. They offer a very different environment than bars. Ocean View and the nearby area has no breweries and while I look forward to the new SoDel brewery I believe that will be more of a restaurant feel. I support all efforts to allow the opening of Bethany Bay Brewing Company as soon as is feasible. Thank you

Christin Scott

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, September 21, 2021 8:16 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 21, 2021 - 8:16pm

Name: Sharon Alm

Email address: sharonbalm@hotmail.com

Phone number: 2405067513

Subject: Permit for Bethany Bay Brewing Company

Message: I am writing in support of the permit request submitted by the subject business. I live nearby and I support this request and believe this restaurant and brewery will be a great asset to the community. Thank you, Sharon Alm



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT J

Proposed Conditions of Approval

Proposed Conditions of Approval
Bethany Bay Brewing Company C/U 2282

- A. The Applicant must comply with all State and Federal requirements for the brewery and tasting room operations.
- B. The hours of operation for public access to the microbrewery shall be between 11:00 a.m. and 10:00 p.m., Monday through Sunday.
- C. There shall be no outdoor music on the patio.
- D. Signage shall comply with the sign requirements of the underlying C-1 General Commercial District.
- E. The use shall comply with all parking requirements contained in the Sussex County Code.
- F. Any waste or spent materials from the brewing operation shall be stored inside the building until hauled away by appropriate means.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Sussex County Planning and Zoning Commission
2 The Circle, PO Box 417
Georgetown, DE 19947

Re: CU 2282
Lawrence Davies/Bethany Bay Brewing Company

To Whom it May Concern,

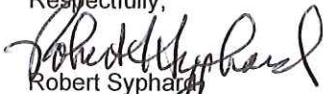
I'm retired and a full time resident of Ocean View. I'm writing this letter in support of the proposed Bethany Bay Brewing Company.

As a former city planner I handled a request to establish a microbrewery in the Town of Bel Air, Harford County, Maryland. The location the brewer chose was very similar to that of the Bethany Bay Brewing Company request: a mixed-use area in close proximity to an existing hiker-biker trail. My office worked closely with the business owner, guiding him through the required Special Exception process while addressing various concerns expressed by area residents (noise, hours of operation, parking, etc.). The microbrewery was approved, opened, and has since flourished. The brewery has become a trail-users gathering space, is supported by area residents and businesses, and has become an economic asset for the community. The use has helped spur additional interest in improving and expanding the hiker-biker opportunities in the area.

I've had the opportunity to speak with Mr. Davies on several occasions regarding the proposed brewery. On a daily basis I watch people access Fresh Pond Park for hiking, biking, hunting and fishing. I firmly believe Bethany Bay Brewing Company will be a great addition to the community, and its location will draw attention to further efforts to improve existing recreational activities provided at Fresh Pond Park. I fully support Mr. Davies' vision and trust the County will determine the use meets all requisite zoning requirements.

I appreciate the opportunity to comment on this proposed use.

Respectfully,


Robert Syphard
30740 Panyard Aly
Ocean View, DE 19970

RECEIVED

NOV 24 2021

SUSSEX COUNTY
PLANNING & ZONING

Christin Scott

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, September 21, 2021 7:52 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 21, 2021 - 7:51pm

Name: David Riseberg

Email address: drise64@gmail.com

Phone number: 410-300-8704

Subject: Bethany Bay Brewing Company

Message: Hello I am writing in support of the zoning application for Bethany Bay Brewing Company. Breweries have become an integral part of many communities in the past few years. They offer a pleasant family friendly gathering place not only for the appreciation of beer but also for people to congregate and enjoy each other's company and to make new friends. They offer a very different environment than bars. Ocean View and the nearby area has no breweries and while I look forward to the new SoDel brewery I believe that will be more of a restaurant feel. I support all efforts to allow the opening of Bethany Bay Brewing Company as soon as is feasible. Thank you

Christin Scott

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, September 21, 2021 8:16 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 21, 2021 - 8:16pm

Name: Sharon Alm

Email address: sharonbalm@hotmail.com

Phone number: 2405067513

Subject: Permit for Bethany Bay Brewing Company

Message: I am writing in support of the permit request submitted by the subject business. I live nearby and I support this request and believe this restaurant and brewery will be a great asset to the community. Thank you, Sharon Alm

Jennifer Norwood

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Tuesday, January 11, 2022 12:13 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form
Categories: Jenny

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, January 11, 2022 - 12:12pm

Name: Brian J Milmoe
Email address: brianmilmoe@yahoo.com
Phone number: 5712164342
Subject: C/U 2282 Lawrence Davies BM, for decision 1/13/22

Message:

C/U 2282 Lawrence Davies BM. The proposed C/U condition as agreed to by the applicant was that there would not be any outside music, without qualification. Note that there are functioning outside speakers currently on the property that have the capability of playing radio, recorded, and/or streamed audio.

At the public hearing, counsel for the applicant stated twice in response to questions posed to her that no live music would be played outside. Clarification is needed, and if the applicant is proposing to play music of any kind outside of the microbrewery, I and many of my neighbors in the Bethany Preserve community (located just south of the property in question off Hickman Road) strongly oppose C/U 2282 on that basis.

Thank you for your consideration.

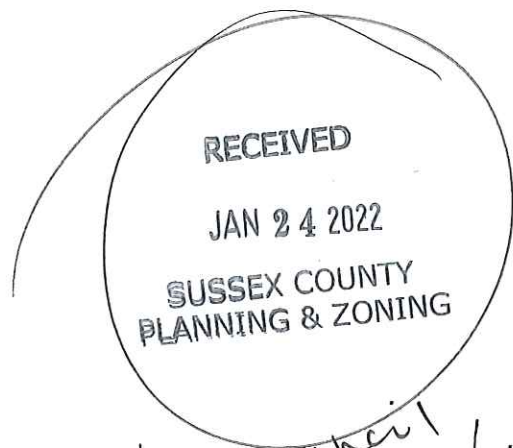
Chase Phillips

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Sunday, January 23, 2022 9:39 AM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form
Categories: Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Sunday, January 23, 2022 - 9:38am

Name: Bryan Clifford
Email address: bfcmail1@gmail.com
Phone number: (609) 203-3154
Subject: Approval of Bethany Bay Brewery
Message: Please approve!



*to council
for 02/01/2022*

SUPPORT EXHIBIT

Jesse Lindenberg

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, January 6, 2022 5:31 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, January 6, 2022 - 5:30pm

Name: Greg Olsen
Email address: grolsen@gmail.com
Phone number: 4107077089
Subject: Bethany Brewing Company

Message:

My wife and I own a house in Bethany Beach. We are strongly in favor of review and approval of the alcohol permit for Bethany Brewing Company on Cedar Neck Rd. This sounds like a great business for the area and the permitting process should not be so delayed/arduous as to be a significant business risk for new and up and coming businesses in the area. Please review/approve the permits. Thank you!!

Jesse Lindenberg

From: webmaster@sussexcountyde.gov on behalf of Sussex County DE
<webmaster@sussexcountyde.gov>
Sent: Thursday, January 6, 2022 4:45 PM
To: Planning and Zoning
Subject: Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, January 6, 2022 - 4:44pm

Name: Thomas McElroy
Email address: tmcElroy702@gmail.com
Phone number: 302-537-1614
Subject: Zoning Application for Bethany Brewing Company in Ocean View

Message:

To the members of the Sussex County Planning and Zoning Commission - I am a year round resident of the Salt Pond just off of Cedar Neck Rd in Ocean View and am I requesting your expedited decision to review and approve the Application of the Bethany Brewing Company for its planned operations on Hickman Rd in Ocean View, DE. I am not familiar with the details of the application other than it needs the approval fo the Commission. I and other members of my family believe that the proposed location is ideal for a brewery and would be a nice addition to the Ocean View Community along Cedar Neck Rd

My contact information was provided with this notice. Please call me if you need of additonal input Tom McElroy

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 OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CZ 1940 Community Bank Delaware c/o Stephen W. Spence

Applicant: Community Bank Delaware c/o Stephen W. Spence
16982 Kings Highway
Lewes, DE 19958

Owner: Sandy Trantino Norwood
P.O. Box 205
Milton, DE 19968

Site Location: The property is lying on the southwest corner of the intersection of Indian Mission Rd. (Rt. 5) and John J. Williams Hwy. (Rt. 24)

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area & Commercial Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

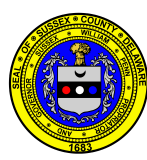
Sewer: Sussex County

Water: Tidewater

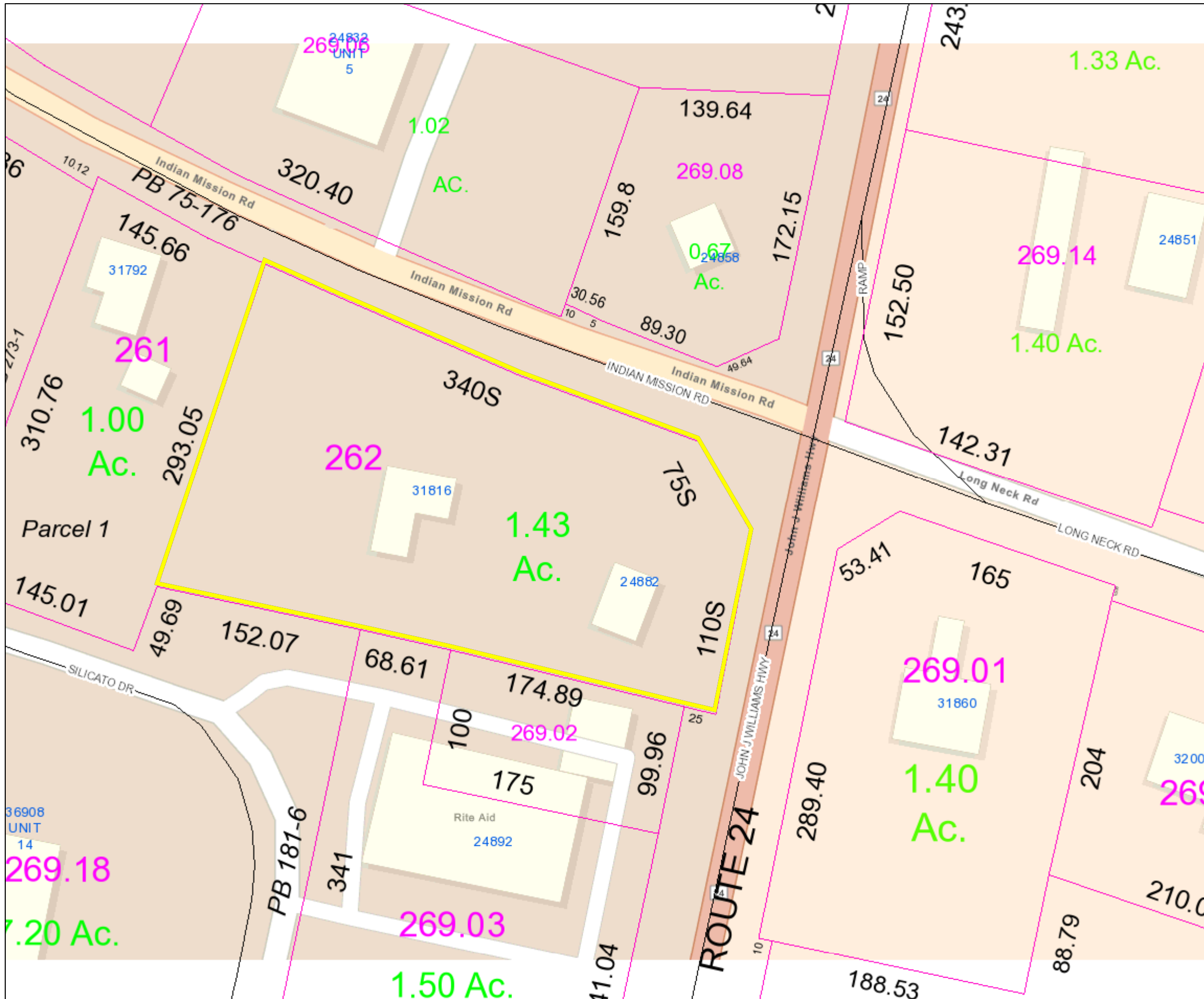
Site Area: 1.76 acres +/-

Tax Map ID.: 234-23.00-262.00





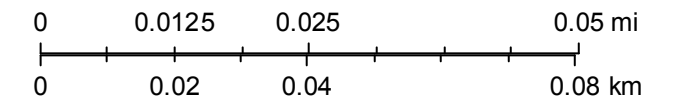
Sussex County



PIN:	234-23.00-262.00
Owner Name	NORWOOD TRANTINO SANDY
Book	1892
Mailing Address	PO BOX 205
City	MILTON
State	DE
Description	RD HARBESON TO
Description 2	MILLSBORO
Description 3	N/A
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- ⋯ 911 Address
- Streets
- ⋯ County Boundaries
- Tax Ditch Segments**
- + Tax Ditch Channel
- Pond Feature
- + Special Access ROW
- ⋯ Extent of Right-of-Way
- ⋯ Municipal Boundaries
- ⋯ TID

1:1,128





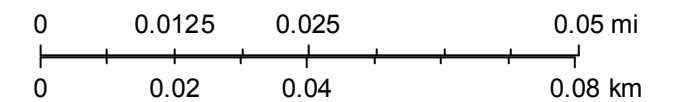
Sussex County



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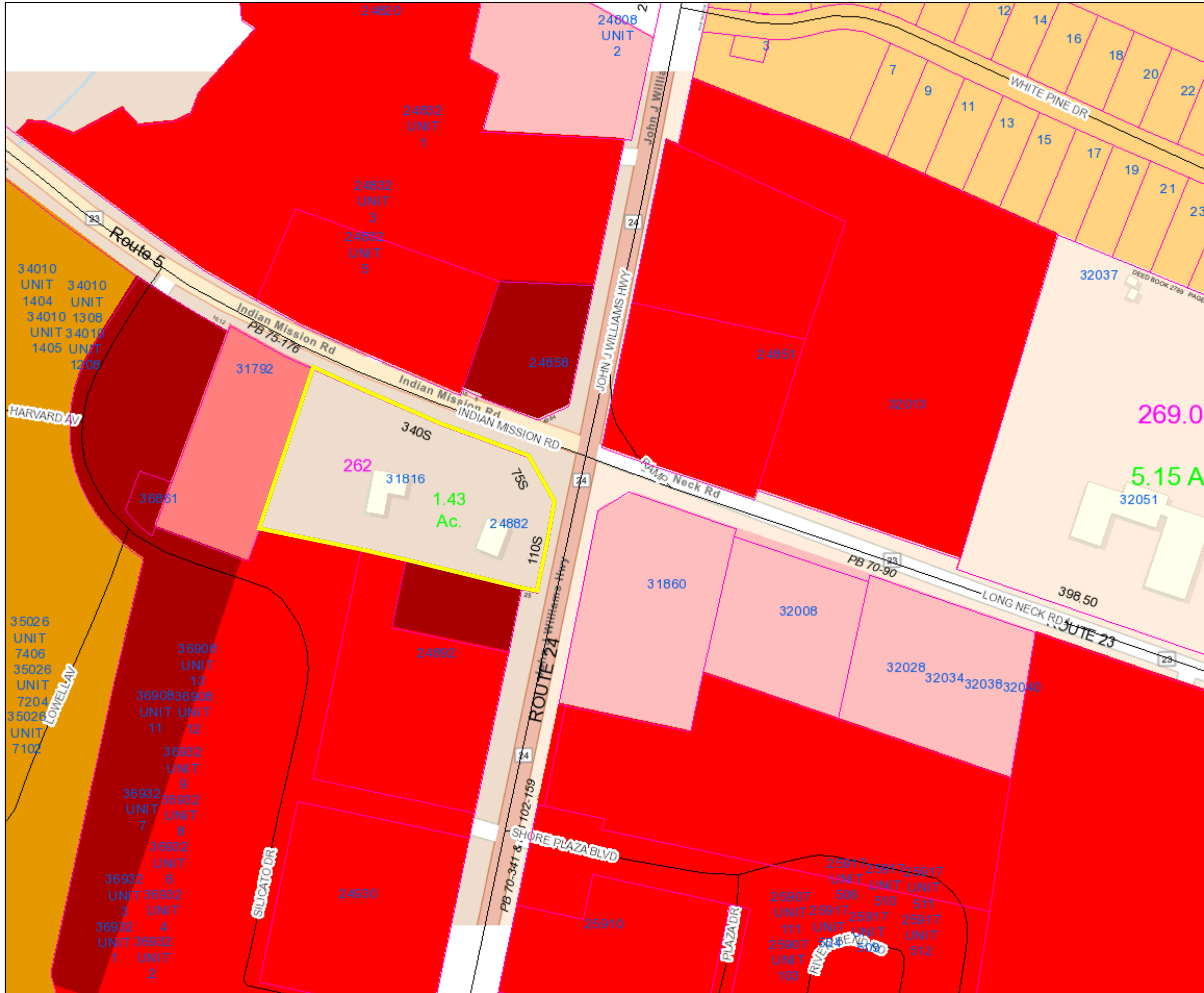
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1:1,128





Sussex County

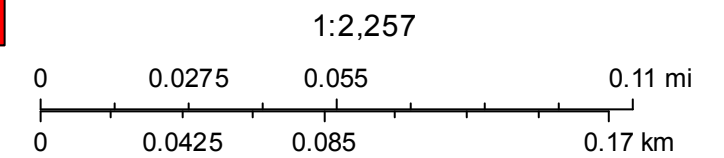


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- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- 911 Address
- Streets



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: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: December 2, 2021
RE: Staff Analysis for CZ 1940 Community Bank Delaware

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1940 Community Bank Delaware to be reviewed during the December 9, 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 Change of Zone for Tax Parcel 234-23.00-262.00 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2). The property is lying on the southwest corner of the intersection of Indian Mission Road (Rt. 5) and John J. Williams Highway (Rt. 24). The parcel to be rezoned contains 1.76 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" and "Commercial Area." The properties to the north, south, east, and west also have the land use designation of "Commercial Area" with properties directly adjacent to the south having a land use designation of "Coastal Area" and "Commercial Area". The properties further north, south, east, and west have a 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. Commercial Areas are areas that include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas.



The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcel to the north is zoned Medium Commercial (C-2) Zoning District. The adjacent property to the south is split zoned General Commercial (C-1) Zoning District and Commercial Residential (CR-1) Zoning District. Across Indian Mission Road and John J. Williams Highway, properties are zoned General Commercial (C-1) Zoning District, Commercial Residential (CR-1) Zoning District, and Neighborhood Business (B-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 Medium Commercial District (C-2) is listed as an applicable zoning district in the “Coastal Area” and “Commercial Area”.

Since 2011, there have been three (3) Change of Zone applications within a 1-mile radius of the application site. Change of Zone 1788 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, December 1, 2015 through Ordinance No. 2427. Change of Zone 1880 for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2) was approved by the Sussex County Council on Tuesday, July 16, 2019 through Ordinance No. 2669. And Change of Zone 1791 for a change of zone from an Agricultural Residential Zoning District (AR-1) and General Commercial Zoning District (C-1) to a High-Density Residential Zoning District (HR-1) was approved by the Sussex County Council on Tuesday, April 12, 2016 through Ordinance No. 2444.

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 Medium Commercial Zoning District (C-2) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

File #: CZ 1940
202102873

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

Southwest Corner of Rt. 5 (Indian Mission Rd.) and Rt. 24 (John J. Hwy.) Int.

Type of Conditional Use Requested:

N/A

Tax Map #: 234-23.00-262.00

Size of Parcel(s): 1.7 +/- ACRES

Current Zoning: AR-1

Proposed Zoning: C-2

Size of Building: TBD

Land Use Classification: Commercial/Coastal (Level 1/2)

Water Provider: Public - Tidewater

Sewer Provider: Public - Sussex County

Applicant Information

Applicant Name: Community Bank Delaware c/o Stephen W. Spence

Applicant Address: 16982 Kings Highway

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 645-2262

E-mail: sws@bmbde.com

Owner Information

Owner Name: _____

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MARK H DAVIDSON | PENNONI

Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 684-8030

E-mail: MDAVIDSON@PENNONI.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.**
- De/DOT 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

Stephen W. Spence Digitally signed by Stephen W. Spence
Date: 2021.02.24 16:43:01 -0500 Date: 2/24/21

Signature of Owner

 ROBERT G. GIBBS, ESQ.
 ATTORNEY AT LAW
 Date: 2/25/2021

For office use only:
 Date Submitted: 2/26/21 Fee: \$500.00 Check #: 2349
 Staff accepting application: 205 Application & Case #: CZ 1940
 Location of property: _____

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



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

NICOLE MAJESKI
SECRETARY

February 25, 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 **Community Bank Delaware c/o Stephen W. Spence** proposed land use application, which we received on January 8, 2021. This application is for an approximately 1.43- acre parcel (Tax Parcel: 234-23.00-262.00). The subject land is located southwest corner of Indian Mission Road (State Route 5) and John J. Williams Highway (State Route 24). The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of C-2 (Medium Commercial). The applicant seeks to build a drive-in bank of 3,000 to 10,000 square feet and 1 to 2 floors.

Per the 2019 Delaware Vehicle Volume Summary, the average daily traffic volumes on average day and on an average summer day along Indian Mission Road, from John J. Williams Highway to Harmons Hill Road (Road 302), are 6,740 and 8,666 vehicles per day, respectively. The average daily traffic volumes on average day and on an average summer day along the segment of John J. Williams Highway where the subject land is located, which is from Mt. Joy (Road 297) to Indian Mission Road, are 18,682 and 24,044 vehicles per day, respectively.

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Community Bank Delaware c/o Stephen W. Spence, 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 Furrato, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/23/2021**

APPLICATION: **CZ 1940 Community Bank Delaware c/o Stephen W. Spence**

APPLICANT: **Community Bank Delaware c/o Stephen W. Spence**

FILE NO: **OM-7.12**

TAX MAP &
PARCEL(S): **234-23.00-262.00**

LOCATION: **Lying on the southwest corner of the intersection of Indian
Mission Road (Rt. 5) and John J. Williams Hwy (Rt. 24)**

NO. OF UNITS: **Building a bank**

GROSS
ACREAGE: **1.76**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

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 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** 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? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Nicole Messeck** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- 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? **N/A**
- (8). Comments: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Nicole Messeck

COMMUNITY BANK DELAWARE

CASE NO. CZ 1940

ZONING MAP AMENDMENT FROM AR-1 TO C-2

EQUITABLE OWNER/DEVELOPER:

COMMUNITY BANK DELAWARE C/O ALEX PIRES, CEO
 16982 KINGS HIGHWAY
 LEWES, DE 19958

LEGAL:

BAIRD, MANDALAS, BROCKSTEDT, LLC
 1413 SAVANNAH ROAD, SUITE 1
 LEWES, DE 19958
 STEPHEN W. SPENCE, ESQUIRE
 MACKENZIE M. PEET, ESQUIRE

PLANNER/ENGINEER/SURVEYOR:

PENNONI
 18072 DAVIDSON DRIVE
 MILTON, DE 19968
 MARK H. DAVIDSON, PRINCIPAL LAND PLANNER
 ALAN DECKTOR, PE., ENV SP
 JOHN W. HAUPT, PLS
 ERIC W. WAHL, RLA

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 NOTICE OF HEARING

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- a. APPLICATION
- b. EXISTING CONDITIONS PLAN
- c. LEGAL DESCRIPTION
- d. SERVICE LEVEL RESPONSE LETTER

TAB 2 EXHIBITS

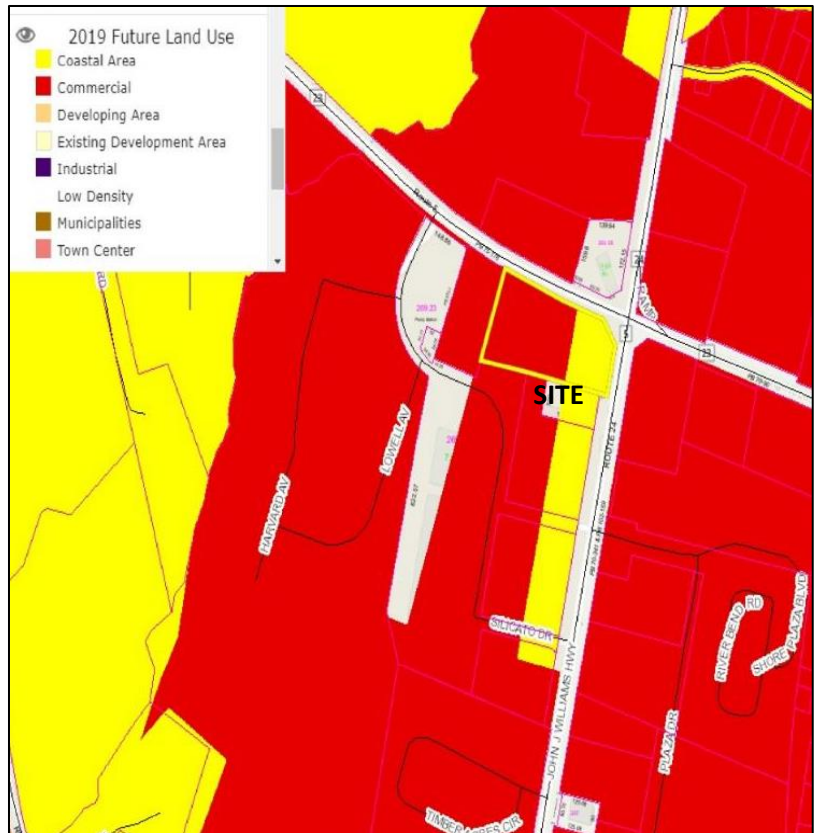
- a. COMMUNITY BANK CONCEPT PLAN
- b. UTILITY SERVICE AVAILABILITY

TAB 3 MAPS/PLANS

- a. 2021 AERIAL IMAGE
- b. COUNTY ZONING
- c. FUTURE LAND USE MAP
- d. 2020 STATE STRATEGIES
- e. ADJACENT COMMERCIAL AREAS

TAB 4 FINDINGS

- a. FINDINGS OF FACT



PROJECT TEAM

Equitable Owner

Community Bank Delaware
16982 Kings Highway
Lewes, DE 19958

Applicant

Community Bank Delaware
C/O Alex Pires, CEO
16982 Kings Highway
Lewes, DE 19958

Principal Consultant

Pennoni Associates Inc.
Mark H Davidson, VP
18072 Davidson Drive
Milton, Delaware 19968

Project Surveyor

Pennoni Associates Inc.
John W Haupt, PLS
Kevin Ellis, LSIT
18072 Davidson Drive
Milton, Delaware 19968

Project Engineer(s)

Pennoni Associates Inc.
Alan M. Decktor, PE, ENV, SP
Milton Delaware 19968

Landscape Architect

Pennoni Associates Inc.
Eric W. Wahl, RLA, ASLA
18072 Davidson Drive
Milton, Delaware 19968

Pennoni Associates Inc., established in 1966, is a multi-disciplined engineering and design consulting firm that provides personalized services and solutions to meet the needs of our diverse clients. Pennoni employs 1,467 professional, technical, and administrative personnel in 34 offices throughout Pennsylvania, New Jersey, Delaware, New England, Maryland, Florida, North Carolina, Ohio, Virginia, and New York. Pennoni provides services to local, state, and federal governments, private, commercial, industrial, and construction clients as well as to other professional firms.

Pennoni Associates Inc. Key Personnel:

**Mark H. Davidson, Vice President
Office Director**

Principal Land Planner/Consultant

Experience: 36-years

Education: University of Delaware 1986-1990 – Civil Engineering

Delaware Technical & Community College 1984-1986 – Land Surveying

Land Surveying Business Diploma 1998

Institute for Public Administration 2006 – Land Planning

Delaware TR-20 Hydrology 1993

Reducing Flood Hazard Coastal Development 1996

Wastewater Microbiology 1997

Land Conservation/Historic Preservation 2003

Licenses/Certifications: Delaware DNREC Class A & B License #2418

Sediment & Stormwater Management Certification, DE #860, MD #4914

DNREC Certified Construction Reviewer DE #1270

IPA Delaware State Planning Certification

- ❖ Civil Engineering/Land Surveying
- ❖ Project/Construction Management
- ❖ Land Planning/Consulting
- ❖ Transportation engineering
- ❖ Soils/Wetlands Permitting/Consulting
- ❖ Water/Wastewater Engineering
- ❖ Contract Writing/Negotiating
- ❖ Policy Planning & Reporting
- ❖ FEMA Permitting
- ❖ Stormwater/Wastewater Management
- ❖ Municipal Engineering
- ❖ Local/State Highway & Road Planning/Design
- ❖ Shore, Dune and Beach Replenishment Design
- ❖ Pollution Control Strategy Permitting
- ❖ Strategic Planning
- ❖ Comprehensive Land Use Planning
- ❖ Project & Business Development

**Alan M. Decktor, PE, ENV SP, Senior Project Engineer/
Civil Engineer**

Experience: 15-years

Education: University of Delaware, Bachelor of Science in Civil Engineering

Licenses/Certifications:

Delaware Professional Engineer #17771

Delaware DNREC Class B & C License #5912.

Pennsylvania Professional Engineer #PE081635

Maryland Professional Engineer #51306

NCEES Record #54878

Envision Sustainable Professional, ISI

- ❖ Civil Engineering
- ❖ Survey Experience
- ❖ Project Management, Proposal Preparation
- ❖ Residential and Commercial Design/Permitting
- ❖ Municipal Services/Design
- ❖ Contract Administration
- ❖ Construction Administration/Review
- ❖ Subdivision Street and Entrance Design
- ❖ Local/State Highway and Road Planning/Design
- ❖ Innovative Stormwater Design, Hydrology and Hydraulics
- ❖ Erosion and Sediment Control Plans
- ❖ Water and Wastewater Design
- ❖ Utility Design
- ❖ Land Planning Consulting
- ❖ Sustainable Design Experience

Eric W. Wahl, RLA, ASLA**Landscape Architect****Experience:** 20 years**Education:** Bachelor of Science in Landscape Architecture,
Temple University 2001**Licenses/Certs:**

Delaware Landscape Architect # 409

Maryland Landscape Architect #3387

Pennsylvania Landscape Architect #2665 (inactive)

- ❖ Landscape and Lighting Design
- ❖ Residential and Commercial Design
- ❖ Institutional and Campus Design
- ❖ Master Plans and Vision Plans
- ❖ Subdivision Design and Layout
- ❖ Land Planning/Town Planning
- ❖ Wayfinding and Circulation Analysis
- ❖ Innovative Buffer Design
- ❖ Resilient Landscapes with Native Plant Focus
- ❖ Adjunct Professor (Landscape Design & Native

Plants)

John W Haupt, PLS, Principal Surveyor**Experience:** 44-years**Education:** University of Maryland**Licenses/Certifications:**

DE Licensed Professional Land Surveyor #585,

MD Licensed Professional Land Surveyor #21545

- ❖ Residential & Commercial Land Surveying
- ❖ Industrial and Municipal Land Surveying
- ❖ Topography and Wetlands Surveying
- ❖ Construction Stakeout
- ❖ FEMA/Floodplain Surveying
- ❖ State Highway and Local Roads Surveying
- ❖ GPS Surveying
- ❖ Deed Research & Interpretation
- ❖ Boundary and Easement Descriptions
- ❖ Shore, Dune and Beach Replenishment Surveying
- ❖ Boundary Survey Determinations/Management
- ❖ High Definition Laser Scanning / 3D Reality Capture
- ❖ ALTA/NSPS Land Title Surveys

❖

Using state-of-the-art technology and equipment, **Pennonni** offers full-service capabilities in the following areas:**Bridge & Highway Engineering****Civil Engineering****Construction & Fabrication Management****Construction Material Testing****Electrical Engineering****Environmental Engineering****Environmental Sciences****Geographic Information Systems (GIS)****Geotechnical Engineering****Inspection & Testing****Landscape Architecture****Mechanical Engineering****Planning****Plumbing/Fire Protection Engineering****Kevin B Ellis, LSIT, Senior Surveyor****Experience:** 24-years**Licenses/Certifications:**

MD E&S Control Certification # RPC010231

- ❖ Residential & Commercial Land Surveying
- ❖ Municipal Land Surveying
- ❖ Topography and Wetlands Surveying
- ❖ Construction Stakeout
- ❖ FEMA/Floodplain Surveying/Permitting
- ❖ State Highway and Local Roads Surveying
- ❖ GPS Surveying
- ❖ Deed Research & Interpretation
- ❖ Metes and Bounds Descriptions
- ❖ Municipal and Highway Engineering
- ❖ Stormwater Management Design/Permitting
- ❖ Boundary Survey Determinations/Management
- ❖ ALTA/NSPS Land Title Surveys

Site Design**Solid & Hazardous Waste Management****Land Surveying****Transportation Engineering****Underwater Inspections****Water & Wastewater Management****Municipal Engineering****Printing and Reproduction****Project Management & Consulting****Construction Management (CCR Reporting and Inspection)****Multiple Federal, State and County Permitting****Conservation Design and Consulting Services****Energy**

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



Sussex County

DELAWARE
sussexcountyde.gov

November 18, 2021

Mark H. Davidson
PENNONI
18072 Davidson Drive
Milton, DE 19968

Email: MDAVIDSON@PENNONI.COM

Dear Mark H. Davidson:

C/Z 1940 Community Bank Delaware c/o Stephen W. Spence

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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.76 ACRES, MORE OR LESS. The property is lying on the southwest corner of the intersection of Indian Mission Road (Rt. 5) and John J. Williams Highway (Rt. 24). 911 Address: 31816 & 24882 Indian Mission Road, Millsboro. Tax Parcel: 234-23.00-262.00.

The **Planning and Zoning Commission** will hold a Public Hearing on **Thursday, December 9, 2021, at 5:00 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

The **Sussex County Council** will hold a Public Hearing on **Tuesday, January 4, 2022, at 1:30 pm** in the Sussex County Council Chambers located in the County Administrative Office at 2 The Circle Georgetown, DE, 19947.

It will be necessary for you the applicant to participate at the hearings before both the Commission and County Council. If you do not participate or are not represented, the Commission and/or County Council reserve the right to refuse to act on your application and may require that a new application be filed, and fees paid at your expense.

If an attorney, or agent, will be representing you, the applicant, it is your duty to notify them as to the dates and times of the hearings as herein set forth, as the Commission and County Council will not notify your counsel.

Further instructions describing the method of public participation and the manner of viewing the hearings will be contained within the Agendas for both of these meetings that will be posted at least 7 days in advance of each meeting at sussexcountyde.gov.

Sincerely,
Planning and Zoning Department



TAB 1
APPLICATION

**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

Type of Conditional Use Requested:

Tax Map #: _____ **Size of Parcel(s):** _____
Current Zoning: _____ **Proposed Zoning:** _____ **Size of Building:** _____

Land Use Classification:

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

Applicant Information

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

Owner Information

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

Agent/Attorney/Engineer Information

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



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

Stephen W. Spence Digitally signed by Stephen W. Spence
Date: 2021.02.24 12:00:01 -0500

Date: 2/24/21

Signature of Deputy

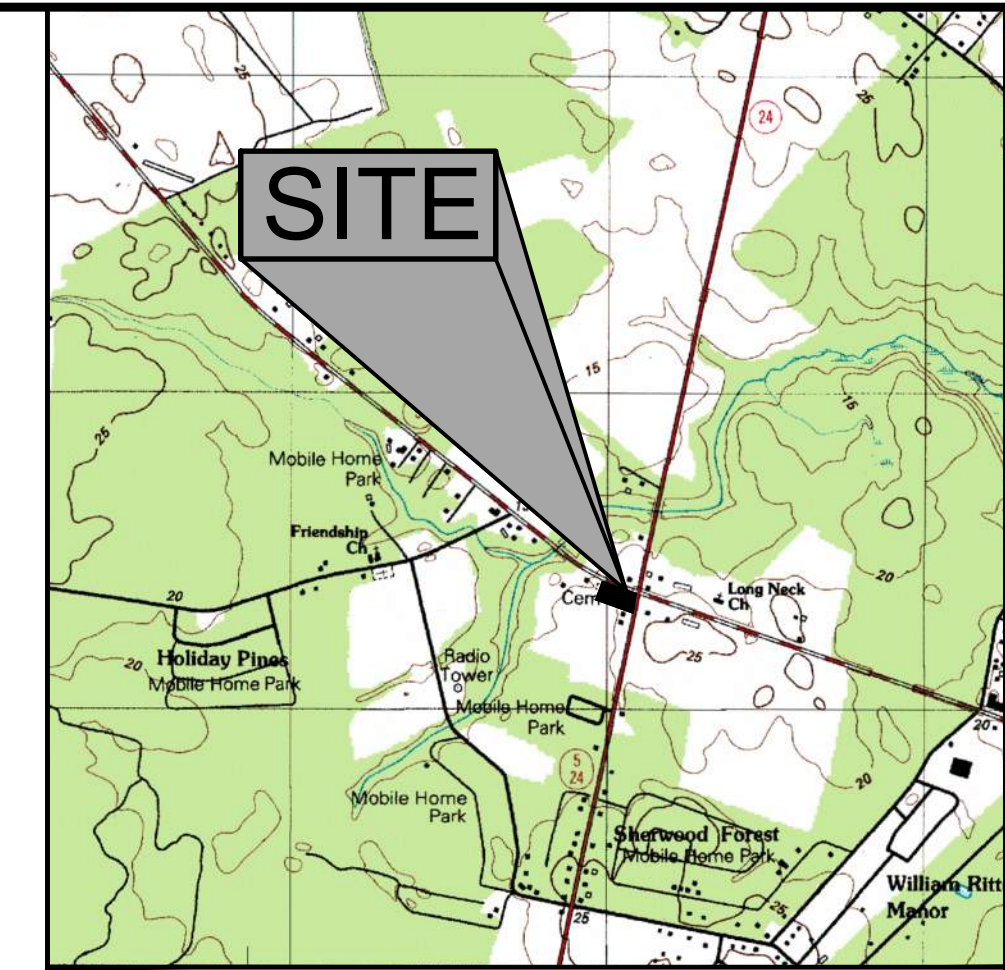

ROBERT G. GIBBS, ESQ.

Date: 2/25/2021

for office use only: ATTY. FOR OWNER

Date Submitted: _____ Fee: \$500.00 Check #: _____
 Staff accepting application: _____ Application & Case #: _____
 Location of property: _____
 Subdivision: _____
 Date of PC Hearing: _____ Recommendation of PC Commission: _____
 Date of CC Hearing: _____ Decision of CC: _____

U:\Amd\ETDGT020001 - Rt. 5 and Rt. 24 Community Bank\ETDGT020001 - LSP.dwg PLOT DATE: 2/26/24 1:59 PM BY: Sjamir L Davis PROJECT STATUS: PLOTTED BY: Pannoni KCS db



VICINITY MAP
SCALE: 1" = 2000'

LEGEND

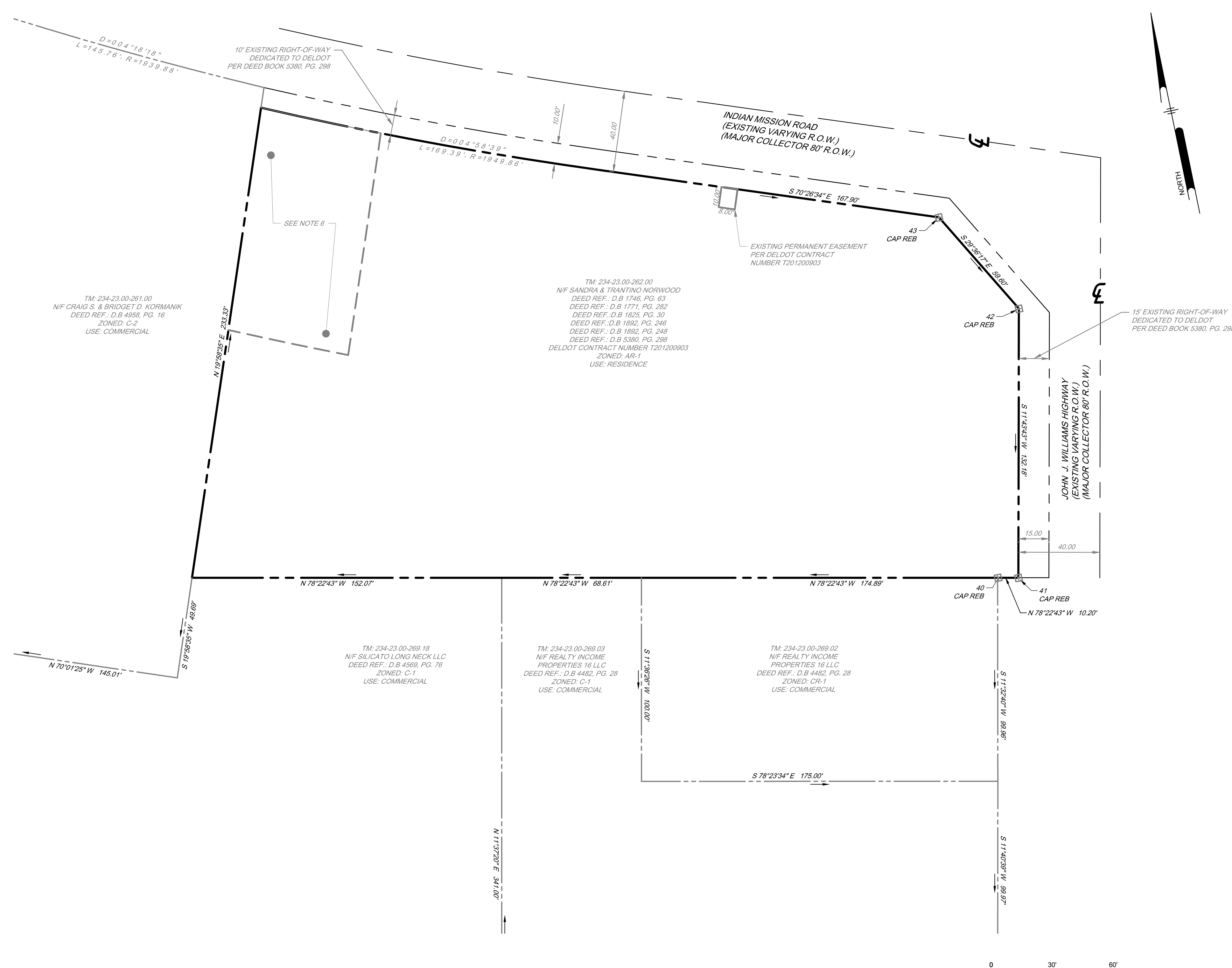
- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- CAPPED REBAR
(PER DELDOT CONTRACT NUMBER T201200903)

GENERAL NOTES :

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. NO FIELD SURVEY VERIFICATION WAS CONDUCTED BY PENNONI.
DEED REFERENCE:
-DEED BOOK 1746, PAGE 63.
-DEED BOOK 1771, PAGE 282.
-DEED BOOK 1825, PAGE 30.
-DEED BOOK 1892, PAGE 246.
-DEED BOOK 1892, PAGE 248.
-DEED BOOK 5308, PAGE 298.
-DELDOT HSIP, SR 24 AT SR 5/SR23 INTERSECTION IMPROVEMENTS CONTRACT NUMBER T201200903
-ALTANSPS LAND TITLE SURVEY PERFORMED BY CONTROL POINT ASSOCIATES, INC. (DATED 1-3-2019).
- THIS SURVEY DOES NOT VERIFY THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
- THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 234-23.00-262.00.
- THERE ARE NO WETLAND AREAS ON THE PROPERTY, PER THE DNREC ENVIRONMENTAL NAVIGATOR WEBSITE.
- THE PROPERTY IS LOCATED IN ZONE "X" ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 10005C340K MAP REVISED MARCH 16, 2015. ZONE "X" IS AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN. (NO IMPACT). ZONE "A" IS AN AREA DETERMINED TO HAVE NO BASE FLOOD ELEVATIONS.
- PARCEL 234-23.00-262.00 (ALSO KNOWN AS PARCEL 10-L) CONTAINS AN UNMARKED CEMETERY AND ANY WORK OR CONSTRUCTION ACTIVITIES BEYOND THE ILLUSTRATED LOC ARE STRICTLY PROHIBITED. TWO WEEKS PRIOR TO CONSTRUCTION ADJACENT TO PARCEL 10-L, DELDOT ARCHAEOLOGIST KYLE EDWARDS MUST BE CONTACTED TO ARRANGE FOR CONSTRUCTION MONITORING. IF GRAVE SHAFTS, HUMAN REMAINS, OR GRAVE MARKERS ARE ENCOUNTERED DURING CONSTRUCTION, ALL WORK IN THE AREA SHALL STOP IMMEDIATELY AND DELDOT ARCHAEOLOGIST KYLE E. EDWARDS WILL BE CONTACTED PER DELDOT CONTRACT NUMBER T201200903.

SITE DATA:

TAX MAP NUMBERS :	234-23.00-262.00
OWNER INFO:	SANDRA & TRANTINO NORWOOD PO BOX 205 HARBESON, DE 19951
SITE ADDRESS :	31816 INDIAN MISSION ROAD MILLSBORO, DE 19966 INDIAN RIVER HUNDRED SUSSEX COUNTY
EXISTING TOTAL ACREAGE:	1.76 ACRES± (TOTAL)
FUTURE LAND USE AREA:	COMMERCIAL/ COASTAL AREA 2019 SUSSEX COUNTY COMPREHENSIVE PLAN
ZONING EXISTING PROPOSED	AR-1 C-2 MEDIUM COMMERCIAL (ARTICLE XIB)
PRESENT USE:	RESIDENTIAL DWELLINGS
PROPOSED USE:	COMMUNITY BANK
SEWER PROVIDER:	PUBLIC (SUSSEX COUNTY)
WATER PROVIDER:	PUBLIC (TIDEWATER UTILITIES)
BUILDING RESTRICTION LINES:	FRONT - 60 FEET SIDE - 5 FEET and 20 FEET (115-83.15 B. (1) & (2)) REAR - 30 FEET (115-83.15 B. (2))



Pennonni
PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.9030 F 302.684.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

RT. 5 AND RT. 24 COMMUNITY BANK
31816 INDIAN MISSION ROAD
MILLSBORO, DE 19966

BOUNDARY PLAT

COMMUNITY BANK
16892 KINGS HIGHWAY
LEWES, DE 19958

NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	ETDGX20001
DATE	2021-02-24
DRAWING SCALE	1"=30'
DRAWN BY	SJD
APPROVED BY	AMD

PARTICULAR DESCRIPTION

LANDS OF TRANTINO AND SANDRA NORWOOD INDIAN RIVER HUNDRED, SUSSEX COUNTY DELAWARE

Sussex County Tax Map Parcel 234-23.00-262.00

All that certain piece and parcel of land, situated in Indian River Hundred, Sussex County, Delaware and being more particularly described as follows:

Beginning at a capped iron rebar, said rebar lying on the westerly right-of-way of John J. Williams Highway and being a corner for this Parcel; thence by and work this Parcel North 78 degrees, 22 minutes, 43 seconds West, 405.77 feet (crossing over a capped rebar at 10.20 feet) to a point, said point being a corner for this Parcel and Lands now or formerly of Silicato Long Neck, LLC and lying on the property line of lands now or formerly of Craig S. and Bridget D. Kormanik; thence by and with this Parcel and lands now or formerly of Craig S. and Bridget D. Kormanik, North 19 degrees, 58 minutes, 35 seconds East, 233.33 (crossing over an unmarked cemetery at 123.00 feet also known as Parcel 10-L per DelDot contract number T201200903) to a point, said point lying on the southerly right-of-way of Indian Mission Road and being a corner for the unmarked cemetery and lands now or formerly of Craig S. and Bridget D. Kormanik; thence by and with the unmarked cemetery parcel and the southerly right-of-way Indian Mission road the following three (3) courses and distances, 1.) with a curve to the left, said curve having a radius of 1949.86 feet, an arc distance of 169.39 feet and a chord bearing and distance, South 67 degrees, 57 minutes, 14 seconds East, 169.34 feet (crossing over and ending the unmarked cemetery at 60.13) to a point, 2.) South 70 degrees, 26 minutes, 34 seconds East, 167.90 feet (crossing over an existing 80 square foot DelDot permanent easement per contract number T201200903) to a capped rebar, 3.) South 29 degrees, 36 minutes, 17 seconds East, 59.60 feet to a capped rebar, said rebar being a corner for this Parcel and lying on the westerly right-of-way of John J. Williams; thence by and with the westerly right-of-way of John J. Williams Highway South 11 degrees, 43 minutes, 43 seconds West, 132.18 feet to a capped rebar, said rebar being the Point of Beginning for this description.

The total acreage of this Parcel is 1.76 Acres, more or less.



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

NICOLE MAJESKI
SECRETARY

February 25, 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 **Community Bank Delaware c/o Stephen W. Spence** proposed land use application, which we received on January 8, 2021. This application is for an approximately 1.43- acre parcel (Tax Parcel: 234-23.00-262.00). The subject land is located southwest corner of Indian Mission Road (State Route 5) and John J. Williams Highway (State Route 24). The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of C-2 (Medium Commercial). The applicant seeks to build a drive-in bank of 3,000 to 10,000 square feet and 1 to 2 floors.

Per the 2019 Delaware Vehicle Volume Summary, the average daily traffic volumes on average day and on an average summer day along Indian Mission Road, from John J. Williams Highway to Harmons Hill Road (Road 302), are 6,740 and 8,666 vehicles per day, respectively. The average daily traffic volumes on average day and on an average summer day along the segment of John J. Williams Highway where the subject land is located, which is from Mt. Joy (Road 297) to Indian Mission Road, are 18,682 and 24,044 vehicles per day, respectively.

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 25, 2021

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

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

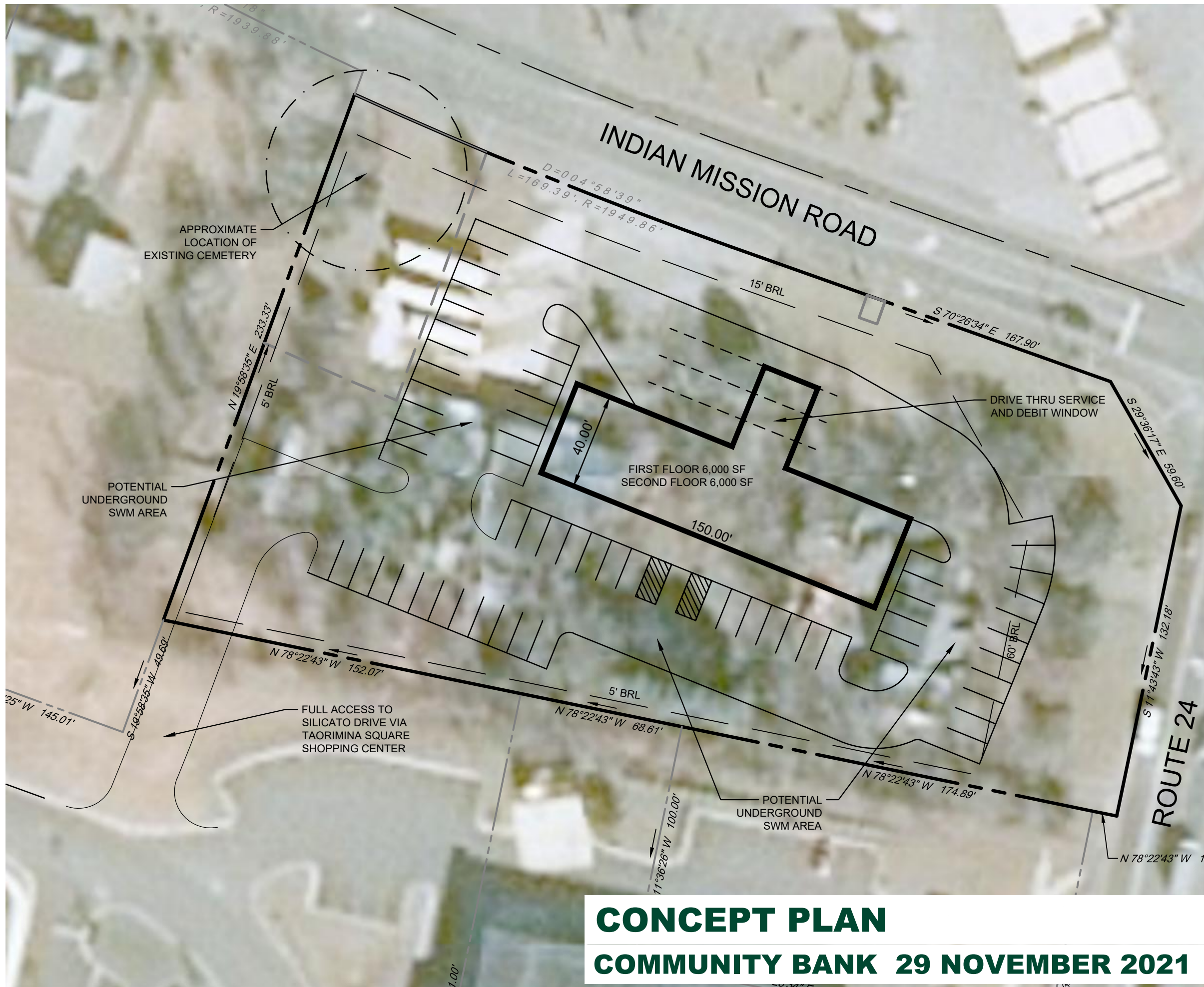


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

cc: Community Bank Delaware c/o Stephen W. Spence, 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 Furmato, Project Engineer, Development Coordination

TAB 2
EXHIBITS



SITE STATISTICS

TAX ID 234-23.00-262.00

GROSS AREA APPROX. 1.76 ACRES

EXISTING ZONING AR-1

PROPOSED ZONING C-2

BANKS WITH DRIVE-THRUS ARE PERMITTED USE

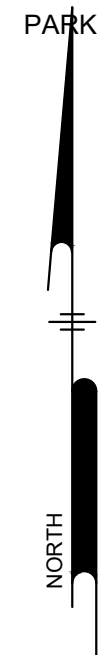
FIRST FLOOR 6,000 SF OFFICES/BANK
SECOND FLOOR 6,000 SF OFFICES

TOTAL 12,000 SF BUILDING

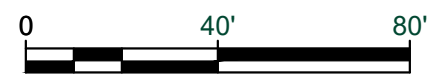
SETBACKS FY 60' (RT 24)
SY 5'
CORNER SY 15' (INDIAN MISSION)
RY 5'

PARKING REQUIRED
1 SPACE PER 200 SF FLOOR AREA
12,000 SF / 200 SF = 60 SPACES

PARKING PROVIDED: 62 SPACES



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054



CONCEPT PLAN
COMMUNITY BANK 29 NOVEMBER 2021



November 29, 2021

Mr. Alan M. Decktor, PE ENV SP
Pennoni
18072 Davidson Drive
Milton, DE 19968

**RE: Willing & Able Letter – Tax Parcel No. 234-23.00-262.00 Indian Mission Rd.
Route 24 in Long Neck**

Dear Mr. Decktor:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, *including fire protection*, to the following parcel(s) identified as Tax Map Parcel No. 234-23.00-262.00. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner. This parcel is located within Tidewater's existing water Certificate of Public Convenience and Necessity franchise area.

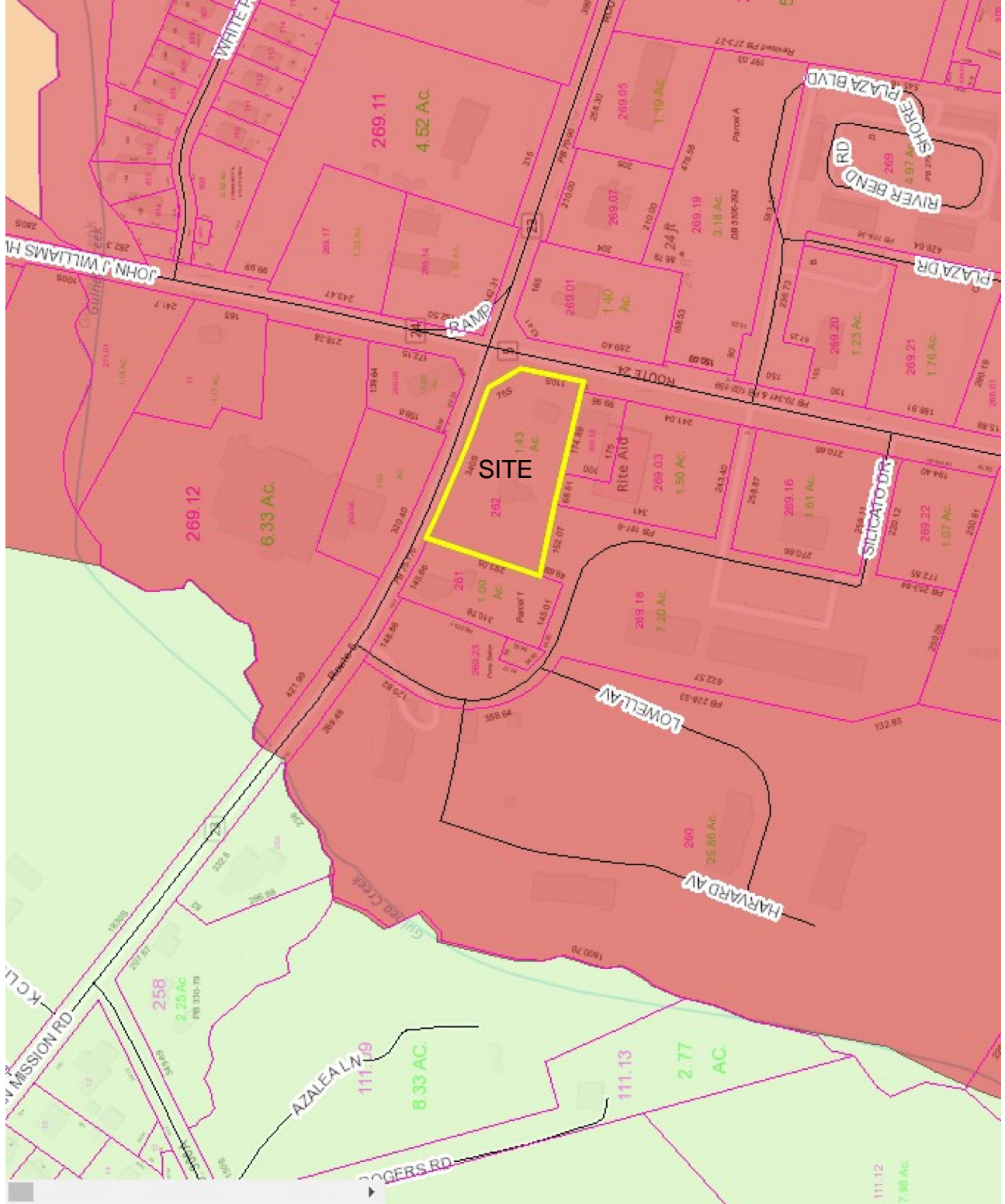
Please send a site plan and construction schedule to Tidewater. Please feel free to contact me at 302-747-1325 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

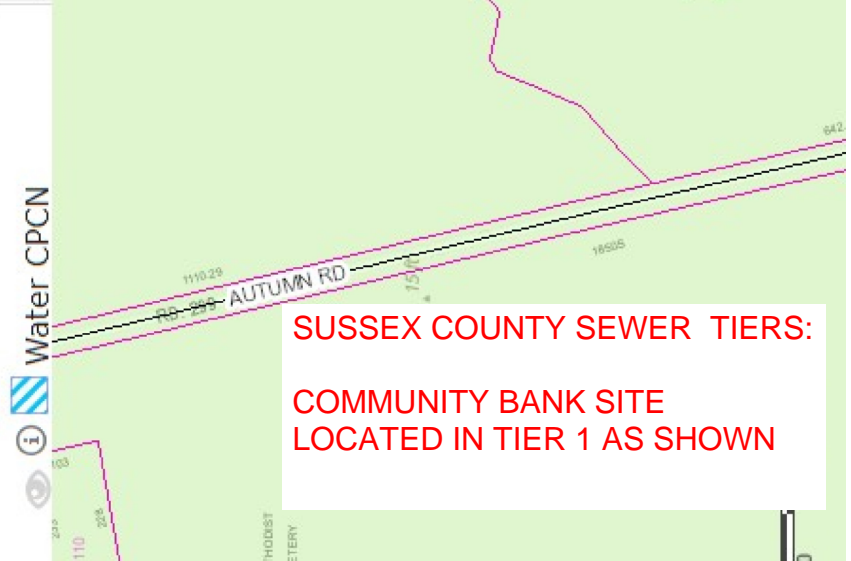
A handwritten signature in cursive script that reads "Kirsten E. Higgins".

Kirsten Higgins
Vice President, Development & Contract
Administration

cc: Brian Carbaugh, P.E., Tidewater Utilities, Inc.



- Sewer Tiers**
- Tier 1 - Sussex County Unified Sanitary Sewer District
 - Tier 2 - Sussex County Planning Area
 - Tier 3 - Coordinated CPCN Areas
 - Tier 4 - System Optional Areas
 - Tier 5 - Regulated On-site Area


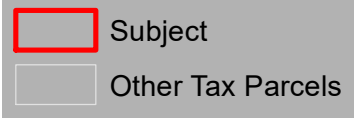


SUSSEX COUNTY SEWER TIERS:
COMMUNITY BANK SITE
LOCATED IN TIER 1 AS SHOWN

TAB 3

MAPS



Figure 1 of 5. 1	2021 Aerial Image		
	Community Bank		
	ETDGX21001		

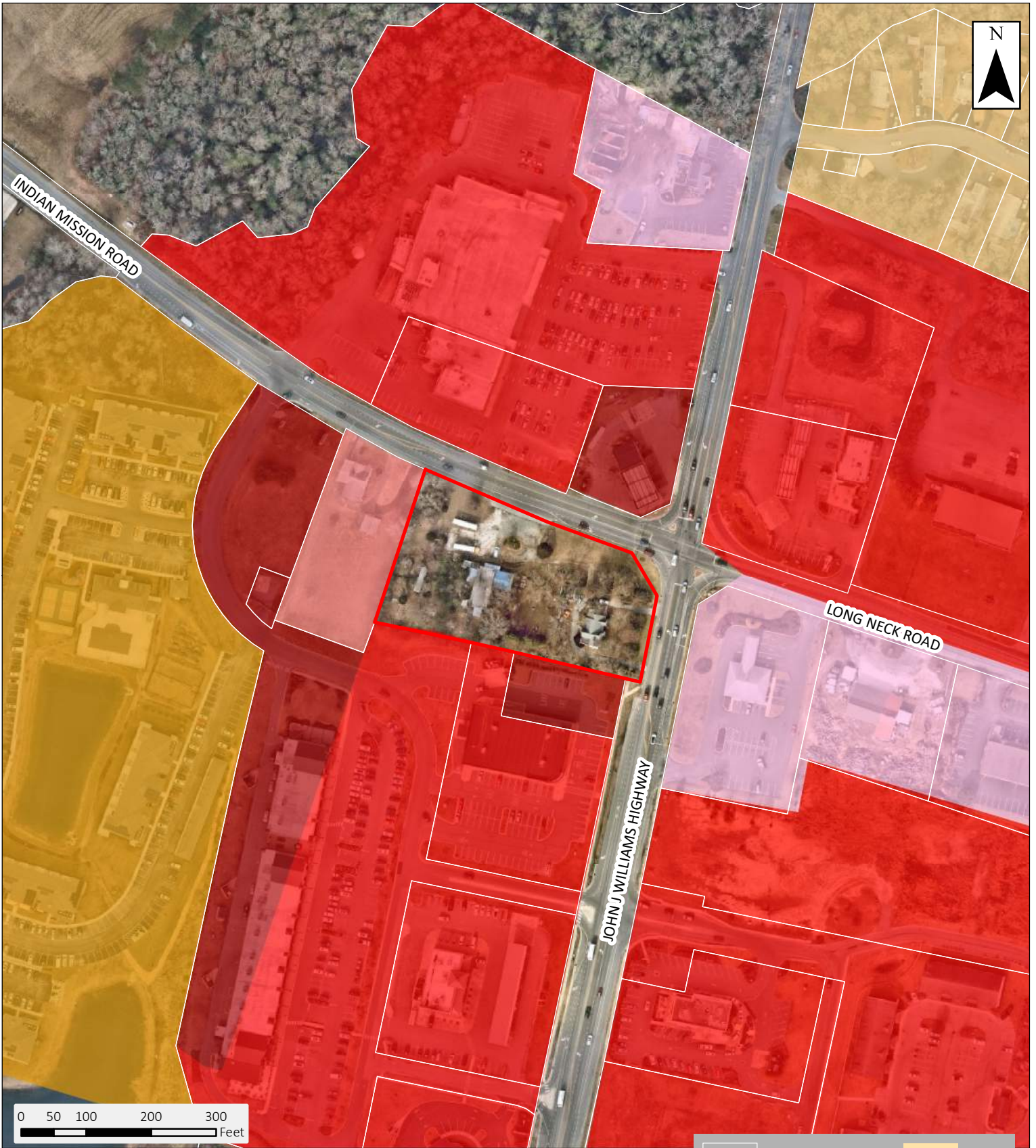
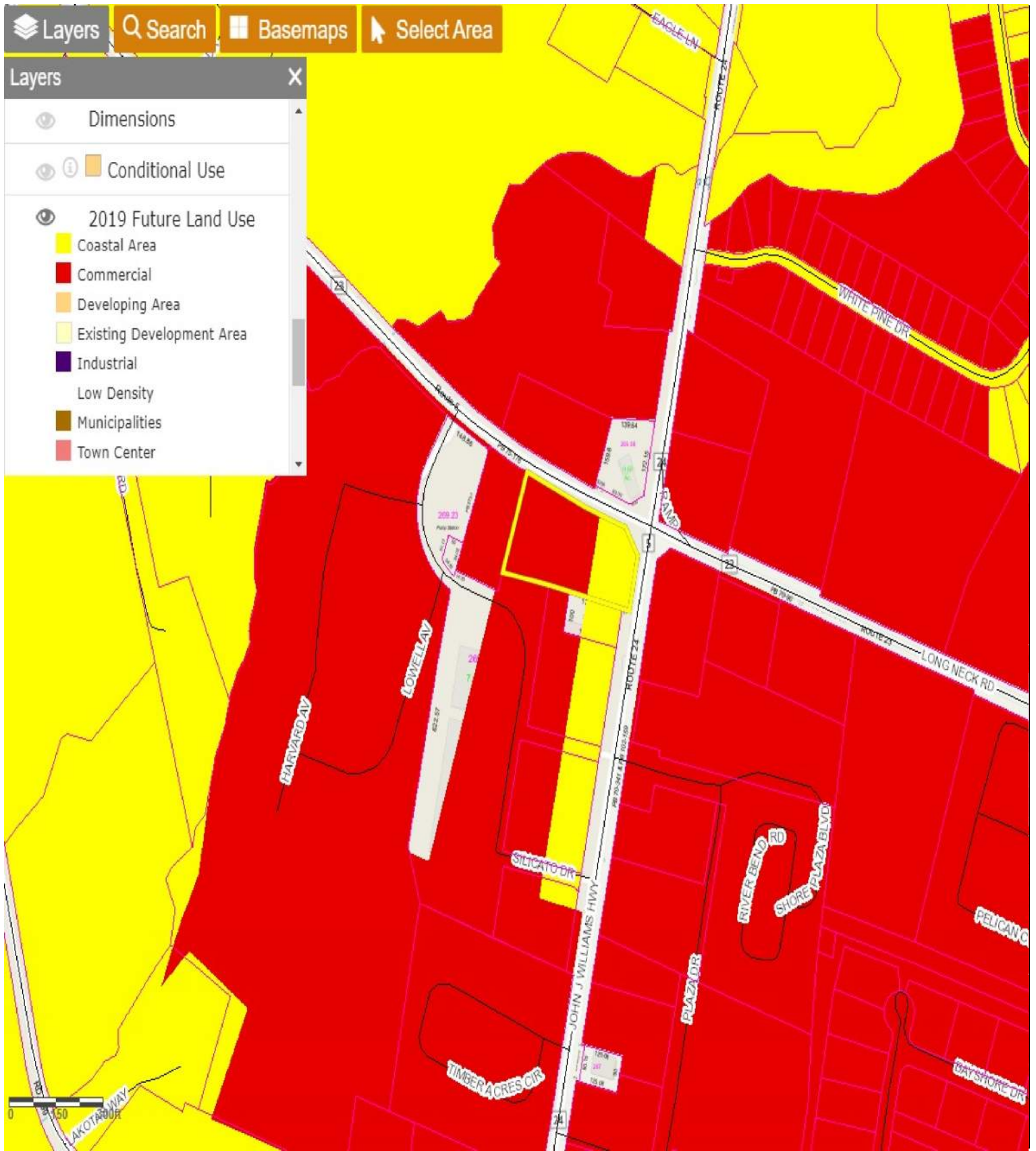


Figure 2 of 5.
2

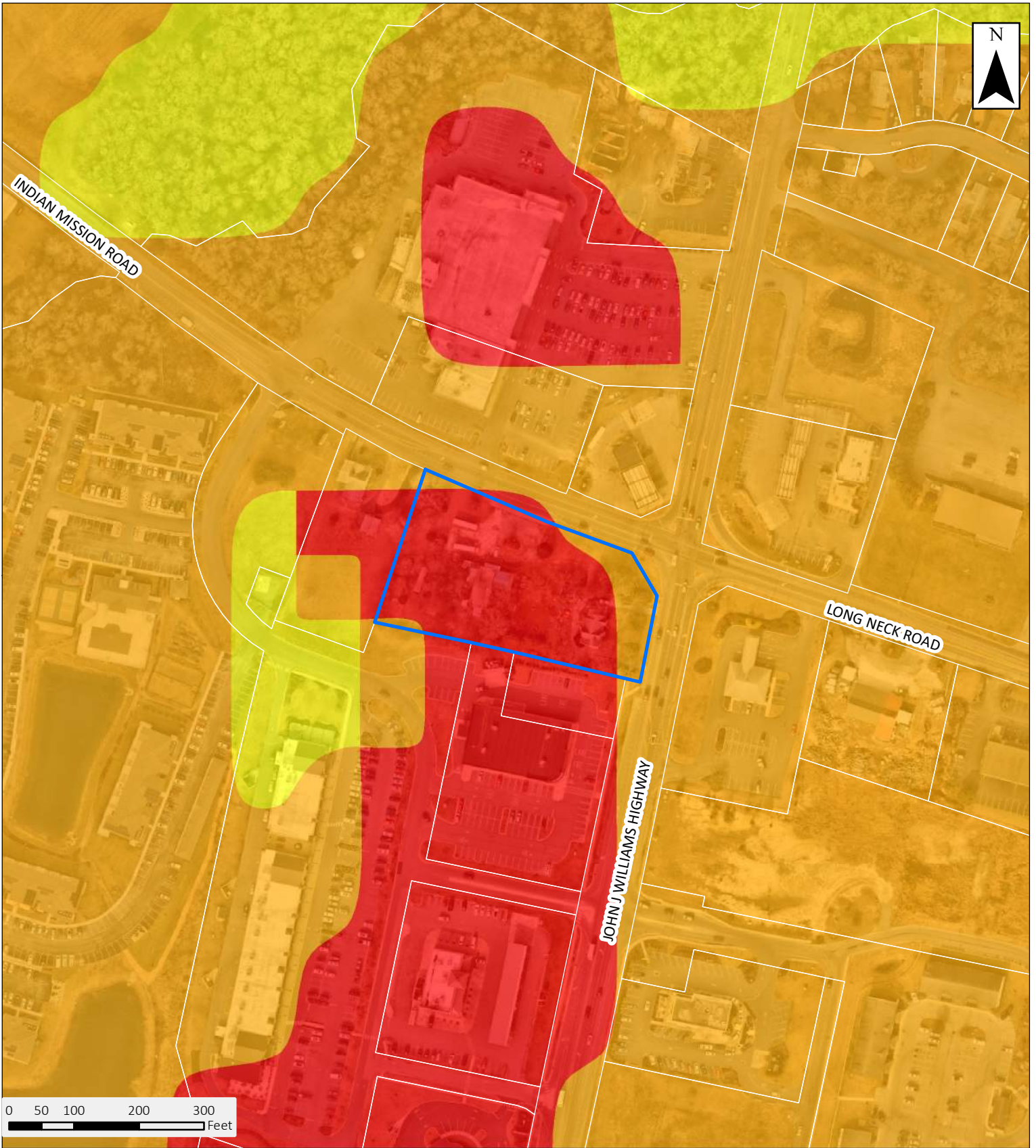
County Zoning
Community Bank
ETDGX21001



AR-1 (Unshaded)	GR
CR-1	HR-1
C-1	B-1
C-2	



<p>Figure 3 of 5.</p> <p>3</p>	<p>Future Land Use Map</p>		
	<p>Community Bank</p>		
	<p>ETDGX21001</p>		



<p>Figure 4 of 5.</p> <p>4</p>	<p>2020 Delaware State Strategies & Investment Levels</p>		<p>Investment Level</p> <ul style="list-style-type: none"> Level 1 Level 2 Level 3
	<p>Community Bank</p>		
	<p>ETDGX21001</p>		

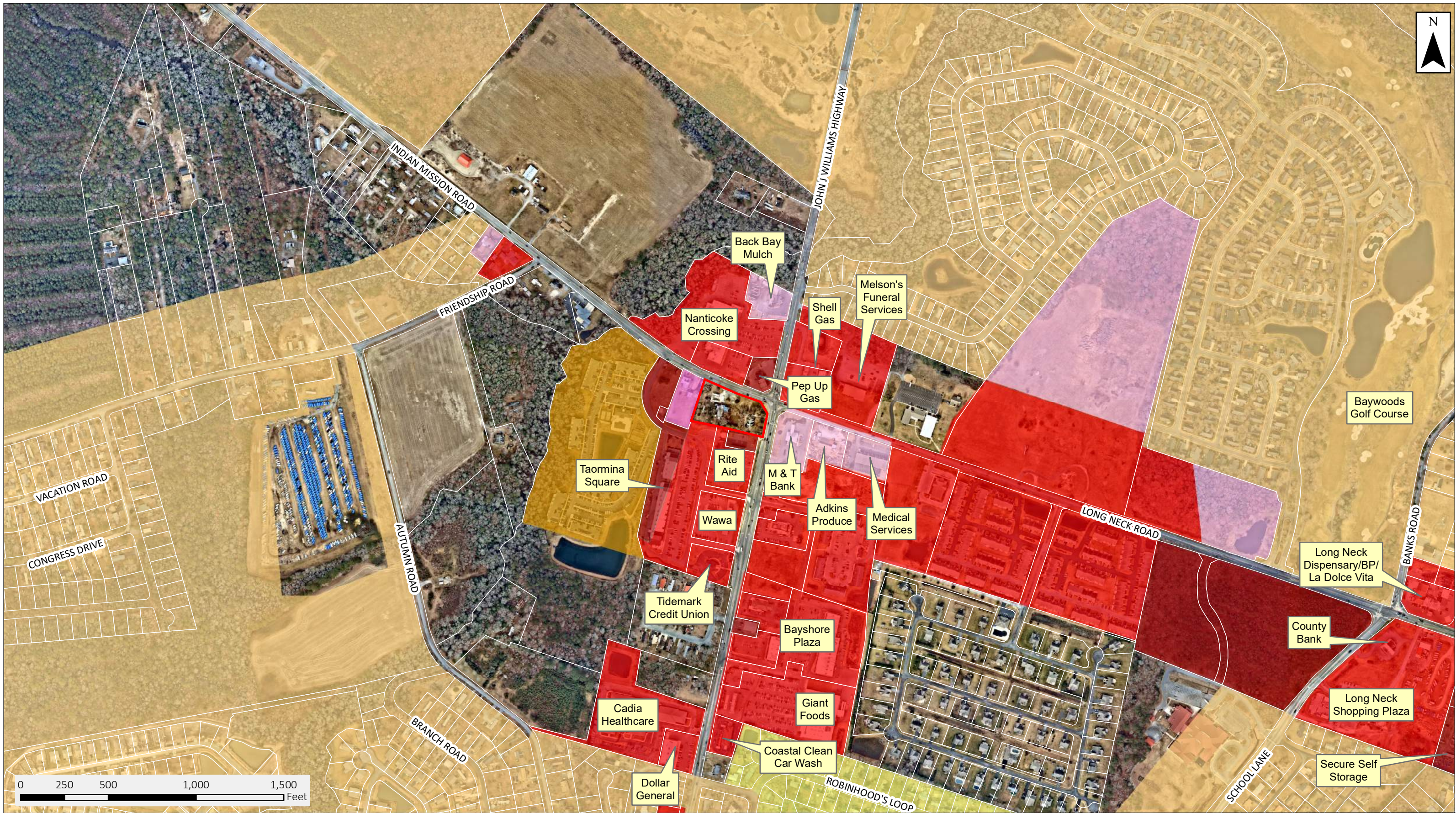


Figure 5 of 5.

5

Area Commercial Uses

Community Bank

ETDGX21001

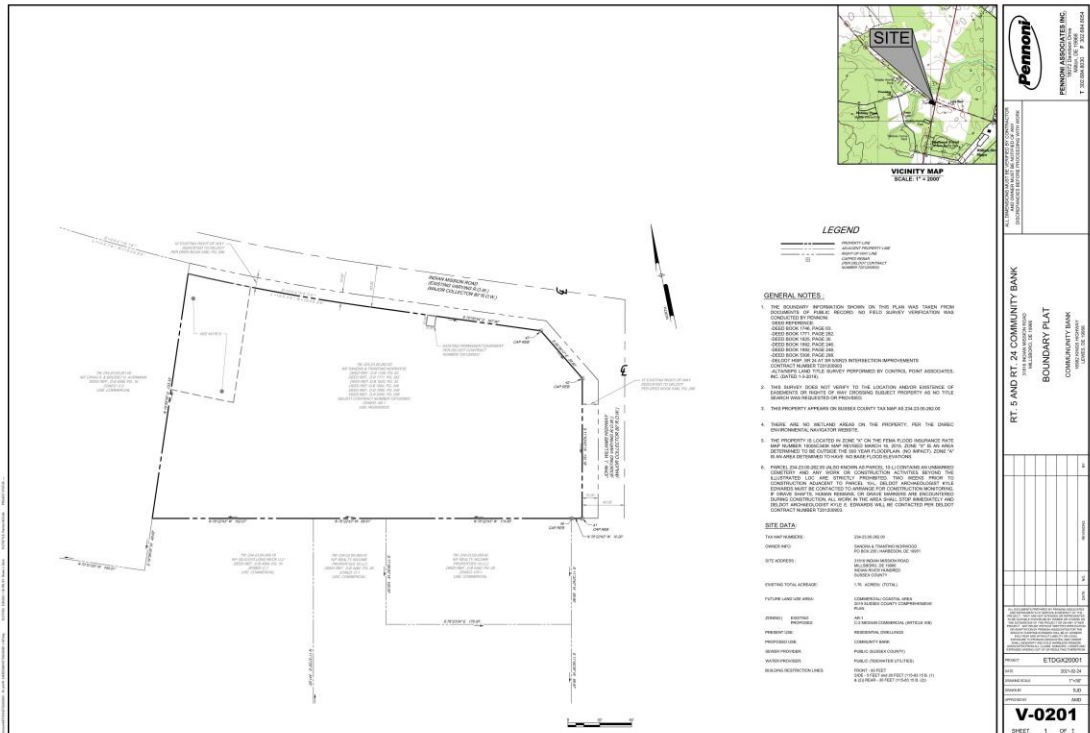


TAB 4

FINDINGS OF FACT

COMMUNITY BANK DELAWARE
CHANGE OF ZONE #1940
PROPOSED FINDINGS OF FACT

1. This is an application to grant a rezoning of a portion of lands in an AR-1 Agricultural Residential District located on 1.76 acres, more or less in the Indian River Hundred located on the south side of Indian Mission Road and west side of John J. Williams Highway to C-2, Medium Commercial District.



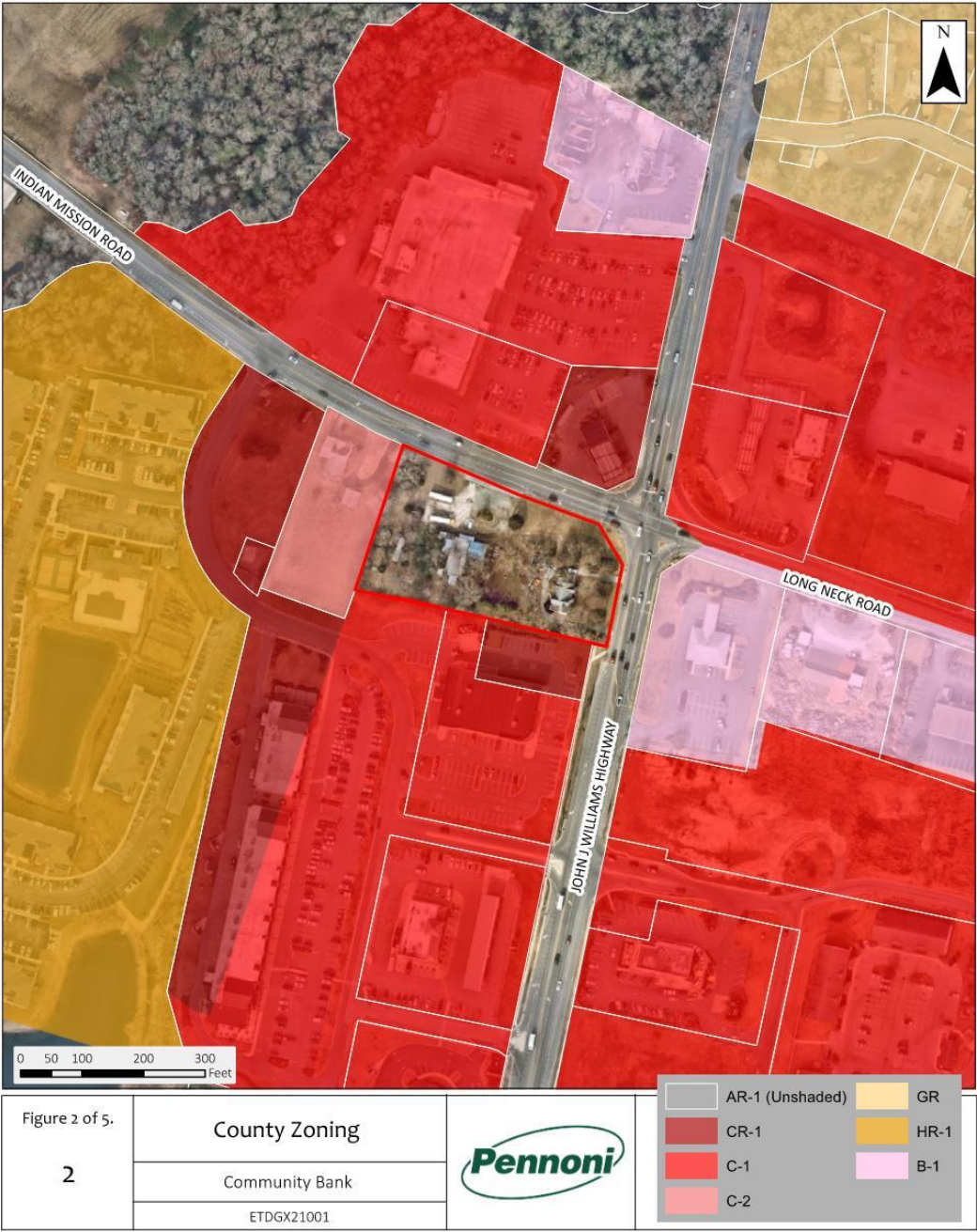
2. The property is under contract to be purchased by the Applicant, Community Bank Delaware with president, Jack Riddle and CEO, Alex Pires.

3. The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 234-23.00 Parcel 262.00.



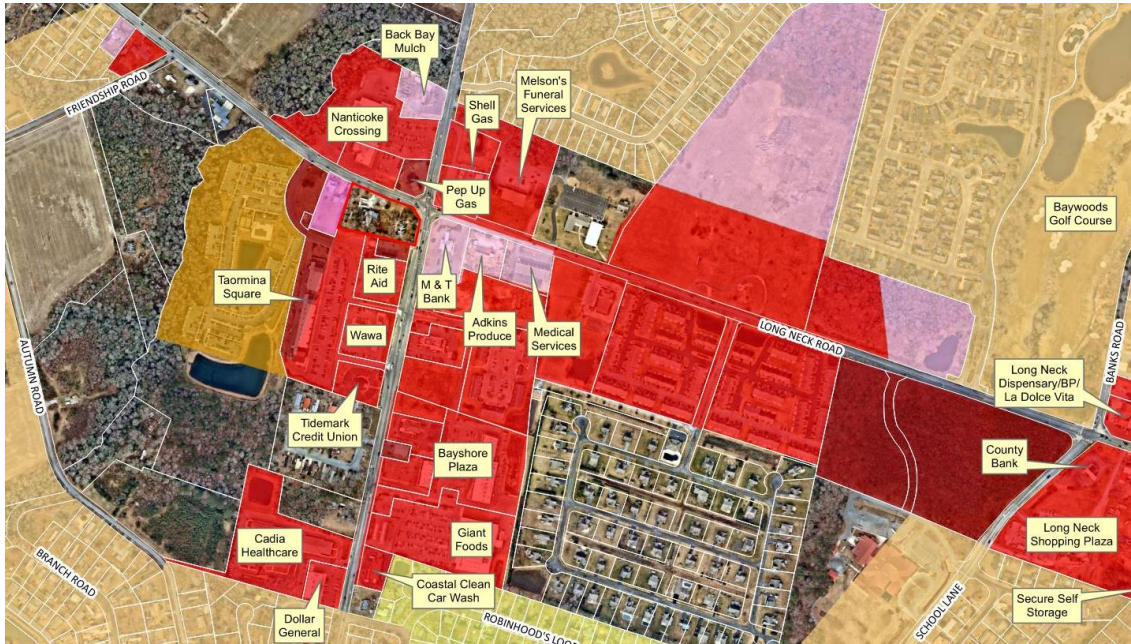
4. The property is bordered on:
 - a. East with John J. Williams Highway.

- b. North by Indian Mission Road.
- c. West by other commercially zoned property.
- d. South by other commercially zoned property as part of the existing shopping center.



Date: 11/24/2021 Document Path: C:\Users\MWalls\Documents\GIS Projects\Community Bank Long Neck\02 County Zoning.mxd

- The Commercial Zoning is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures.

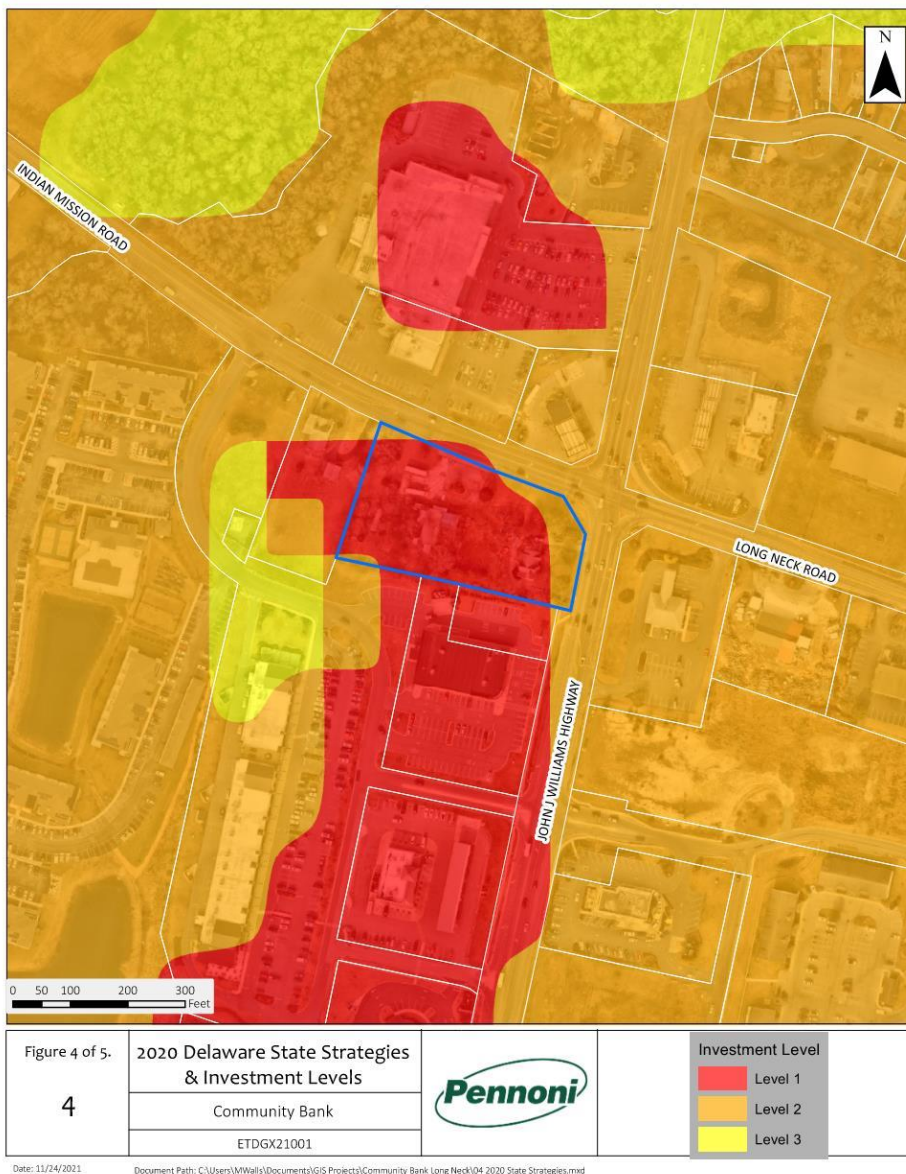


- In the 2019 Sussex County Comprehensive Plan – the property proposed for rezoning for commercial property is identified to be in a Commercial and Coastal Area land use categories. Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Both the Commercial area and Coastal Area are considered Growth areas under the Comprehensive Plan. Consistent with the Comprehensive Plan’s Future Land Use Chapter the County considers the development along arterial roads such as John J. Williams Highway as a business corridor with a mix of residential and commercial uses.

- The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located

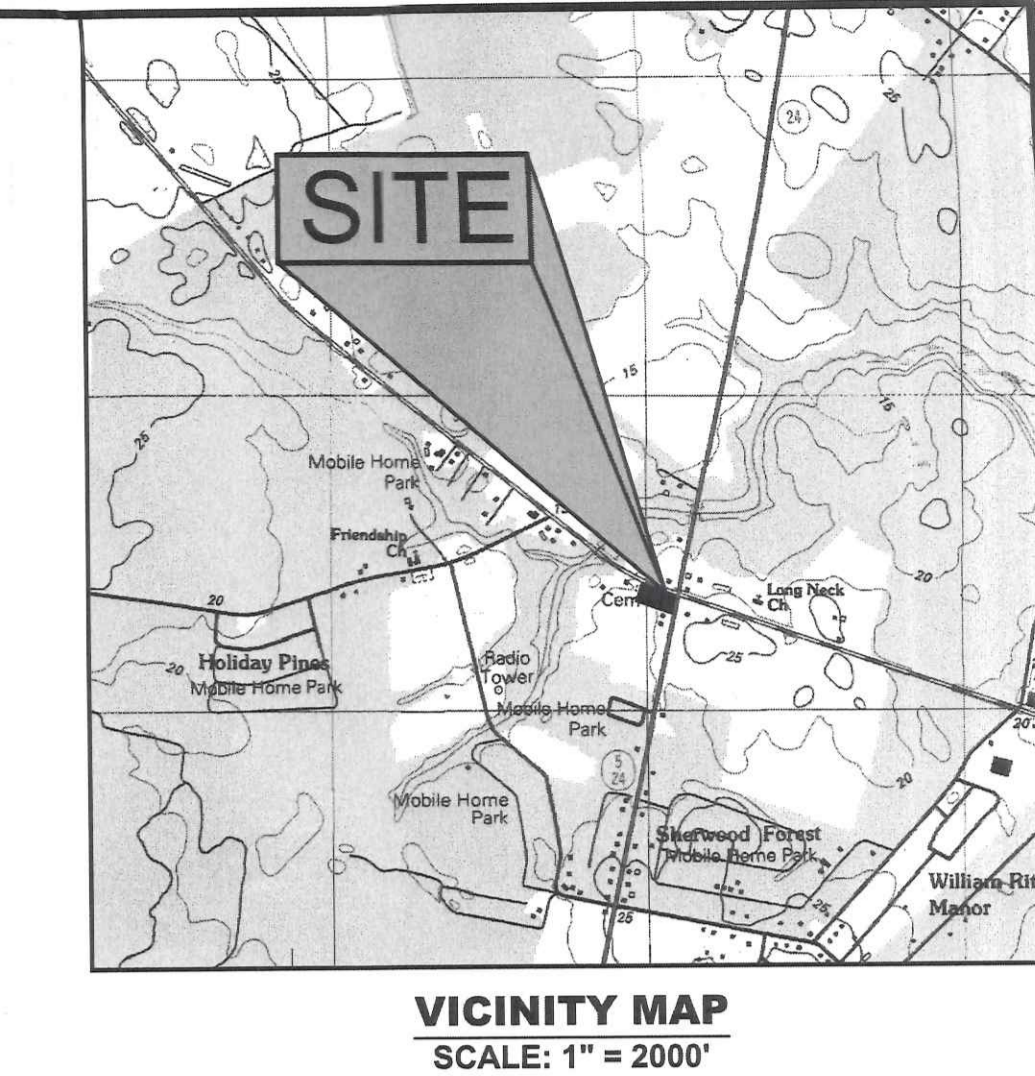
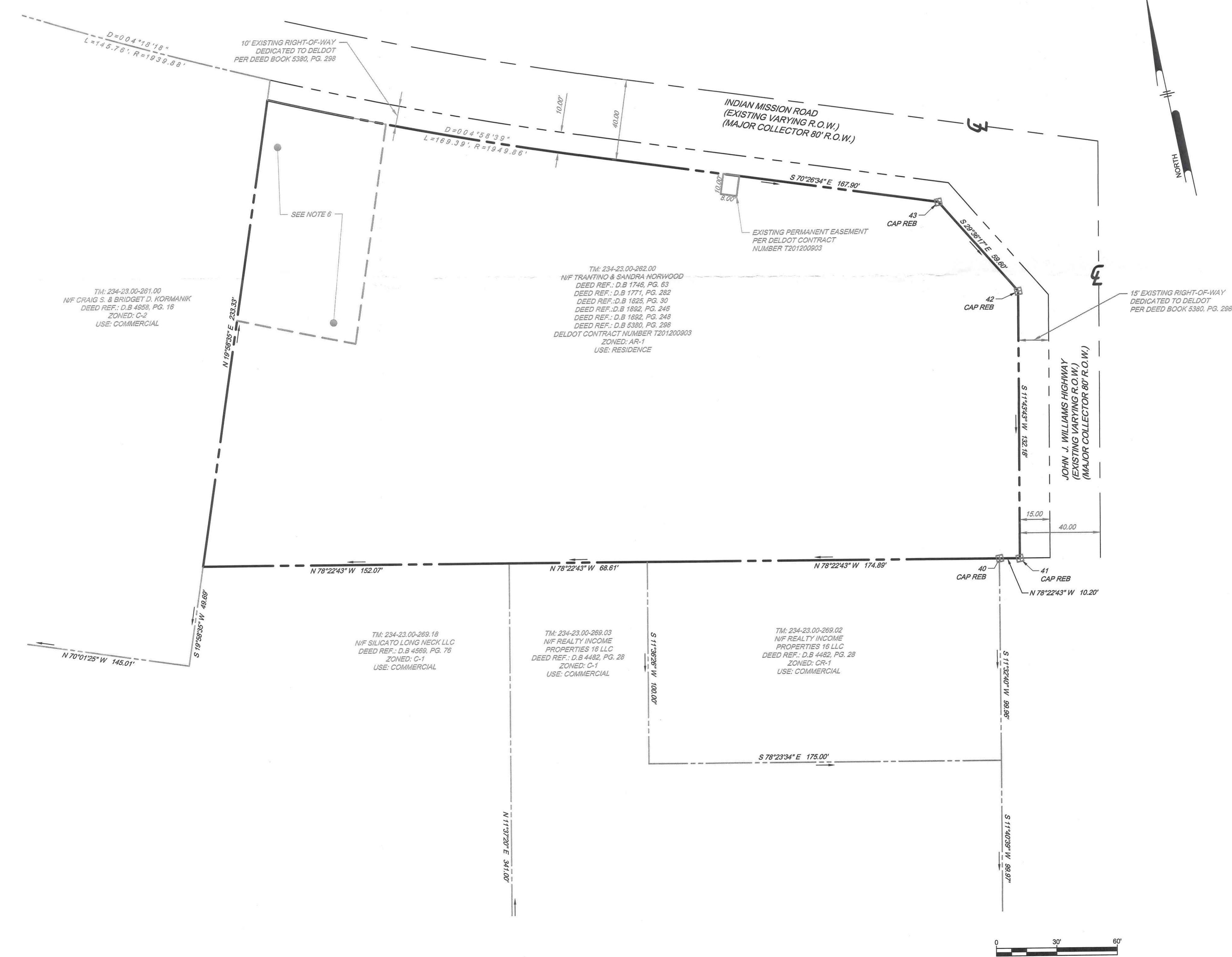
near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

8. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.
9. The applicant proposes to utilize the site as a bank with drive-through service. Community Bank Delaware has an established presence in Sussex County and is locally owned and locally managed. Their mission is to build and maintain the highest possible degree of customer, shareholder, employee, and community loyalty.
10. There are no wetlands on the property; the property is located in a Flood Zone X Unshaded; there may be historical features on the property, located in the north-west portion of the site and will not be impacted by any construction activity; stormwater will be onsite and use infiltration as its primary BMP for handling stormwater runoff; the properties are not in any Groundwater Protection Zones; the property is served public water and sewer service (Tidewater.)
11. The 2020 Strategies for State Policies and Investment Levels Map identifies the area as being in Investment Levels 1 and 2. These areas are designated growth areas where investments are directed in accordance with state strategies.



12. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development in area that is located along a Principal Arterial that will dedicate sufficient right-of-way for expansion of the highway and where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.

U:\Account\ETDGT000001 - Rt. 5 and Rt. 24\DESIGN\NETD000001_VSP.dwg PLOTTED: 2/26/2021 1:10 PM BY: Shann J. Davis PROJECT STATUS: — PLOT TITLE: Pennoni\INC.sab



- GENERAL NOTES:**
- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. NO FIELD SURVEY VERIFICATION WAS CONDUCTED BY PENNONI.
DEED REFERENCE:
-DEED BOOK 1746, PAGE 63.
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-DEED BOOK 1825, PAGE 30.
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-DEED BOOK 1892, PAGE 248.
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-ALTA/NSPS LAND TITLE SURVEY PERFORMED BY CONTROL POINT ASSOCIATES, INC. (DATED 1-3-2019).
 - THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
 - THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 234-23.00-262.00.
 - THERE ARE NO WETLAND AREAS ON THE PROPERTY, PER THE DNREC ENVIRONMENTAL NAVIGATOR WEBSITE.
 - THE PROPERTY IS LOCATED IN ZONE "X" ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 10005C340K MAP REVISED MARCH 16, 2015. ZONE "X" IS AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN. (NO IMPACT). ZONE "A" IS AN AREA DETERMINED TO HAVE NO BASE FLOOD ELEVATIONS.
 - PARCEL 234-23.00-262.00 (ALSO KNOWN AS PARCEL 10-L) CONTAINS AN UNMARKED CEMETERY AND ANY WORK OR CONSTRUCTION ACTIVITIES BEYOND THE ILLUSTRATED LOC ARE STRICTLY PROHIBITED. TWO WEEKS PRIOR TO CONSTRUCTION ADJACENT TO PARCEL 10-L, DELDOT ARCHAEOLOGIST KYLE EDWARDS MUST BE CONTACTED TO ARRANGE FOR CONSTRUCTION MONITORING. IF GRAVE SHAFTS, HUMAN REMAINS, OR GRAVE MARKERS ARE ENCOUNTERED DURING CONSTRUCTION, ALL WORK IN THE AREA SHALL STOP IMMEDIATELY AND DELDOT ARCHAEOLOGIST KYLE E. EDWARDS WILL BE CONTACTED PER DELDOT CONTRACT NUMBER T201200903.

SITE DATA:

TAX MAP NUMBERS:	234-23.00-262.00
OWNER INFO:	TRANTINO & SANDRA NORWOOD PO BOX 205 HARBESON, DE 19951
SITE ADDRESS:	31816 INDIAN MISSION ROAD MILLSBORO, DE 19966 INDIAN RIVER HUNDRED SUSSEX COUNTY
EXISTING TOTAL ACREAGE:	1.76 ACRES± (TOTAL)
FUTURE LAND USE AREA:	COMMERCIAL/ COASTAL AREA 2018 SUSSEX COUNTY COMPREHENSIVE PLAN
ZONING EXISTING PROPOSED:	AR-1 C-2 MEDIUM COMMERCIAL (ARTICLE XIB)
PRESENT USE:	RESIDENTIAL DWELLINGS
PROPOSED USE:	COMMUNITY BANK
SEWER PROVIDER:	PUBLIC (SUSSEX COUNTY)
WATER PROVIDER:	PUBLIC (TIDEWATER UTILITIES)
BUILDING RESTRICTION LINES:	FRONT - 60 FEET SIDE - 5 FEET and 20 FEET (115-83.15 B. (1) & (2)) REAR - 30 FEET (115-83.15 B. (2))

Pennonni
PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.664.8030 F 302.664.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR. OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.

ALAN M. DECKTOR
LICENSED PROFESSIONAL ENGINEER
No. 17771
DELAWARE
2/26/2021

RT. 5 AND RT. 24 COMMUNITY BANK
31816 INDIAN MISSION ROAD
MILLSBORO, DE 19966
BOUNDARY PLAT
COMMUNITY BANK
16882 KINGS HIGHWAY
LEWES, DE 19958

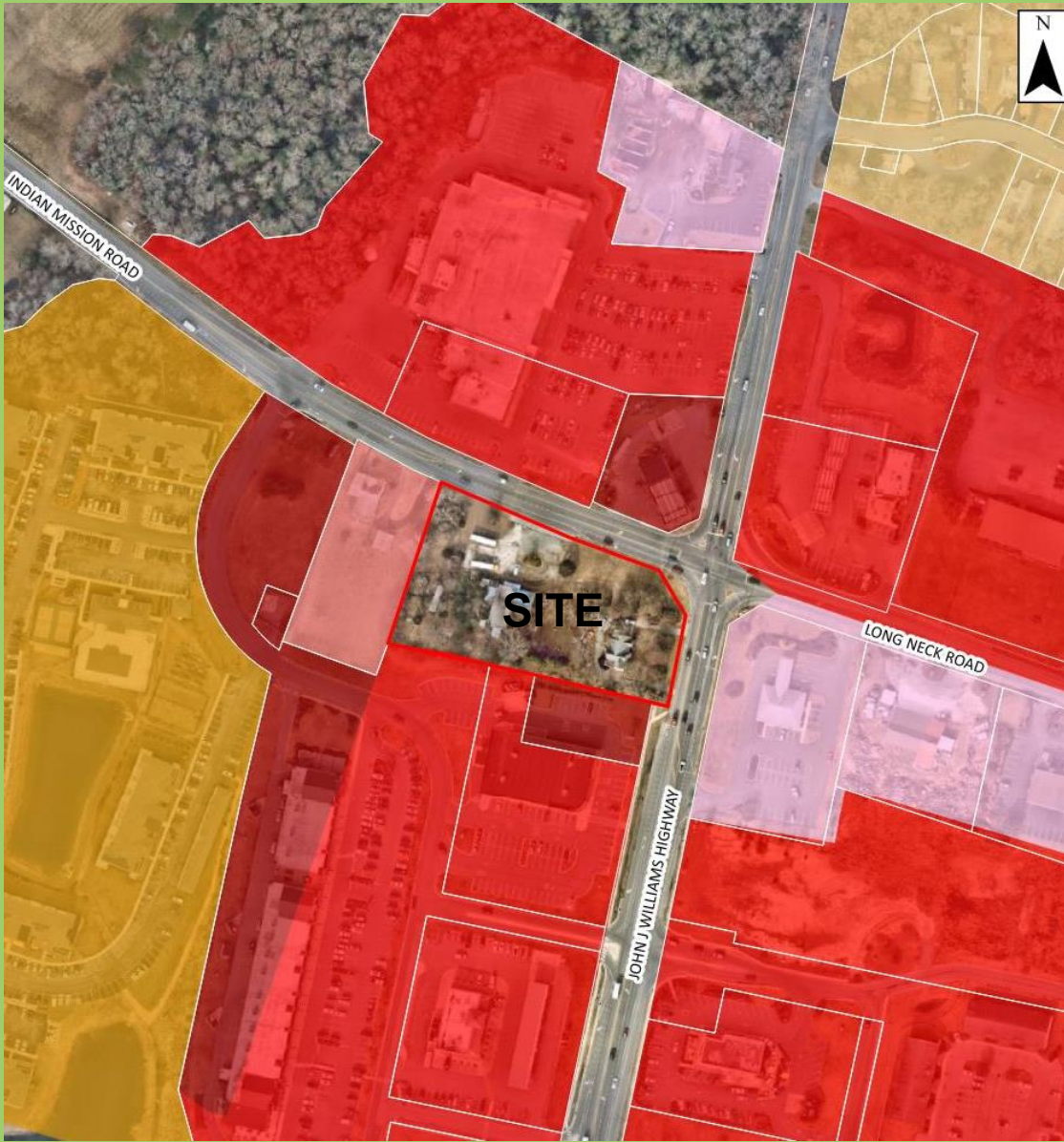
NO.	DATE	REVISIONS	BY

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT	ETDGX20001
DATE	2021-02-24
DRAWING SCALE	1"=30'
DRAWN BY	SJD
APPROVED BY	AMD

V-0201
SHEET 1 OF 1

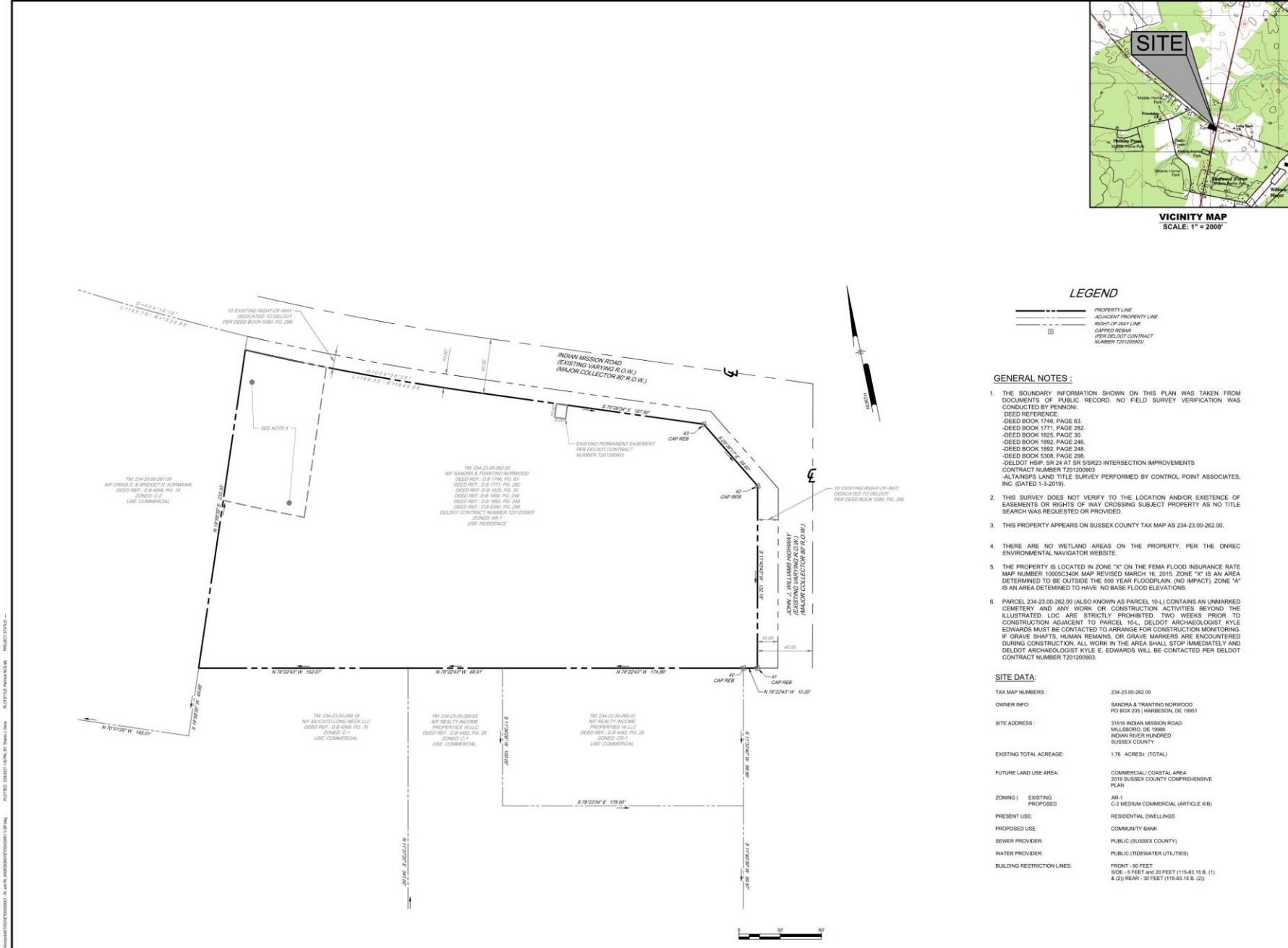
Community Bank Delaware – CZ 1940 Zoning Map Amendment from AR-1 to C-2



AR-1 (Unshaded)	GR
CR-1	HR-1
C-1	B-1
C-2	

Sussex County Zoning





VICINITY MAP
SCALE: 1" = 2000'

LEGEND

- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - RIGHT-OF-WAY LINE
- CAPPED REBAR PER DELDOT CONTRACT NUMBER T20120093

GENERAL NOTES:

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. NO FIELD SURVEY VERIFICATION WAS CONDUCTED BY PENNONI. DEED REFERENCE: -DEED BOOK 1748, PAGE 83. -DEED BOOK 1771, PAGE 282. -DEED BOOK 1825, PAGE 30. -DEED BOOK 1892, PAGE 246. -DEED BOOK 1892, PAGE 248. -DEED BOOK 5308, PAGE 298. -DEDOT HSP: SR 24 AT SR SR5R23 INTERSECTION IMPROVEMENTS CONTRACT NUMBER T20120093. -ALTANPS LAND TITLE SURVEY PERFORMED BY CONTROL POINT ASSOCIATES, INC. (DATED 1-3-2019).
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 234-23-00-262.00.
4. THERE ARE NO WETLAND AREAS ON THE PROPERTY, PER THE DNR/C ENVIRONMENTAL NAVIGATOR WEBSITE.
5. THE PROPERTY IS LOCATED IN ZONE "X" ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 1005C340K MAP REVISED MARCH 16, 2015. ZONE "X" IS AN AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN. (NO IMPACT). ZONE "A" IS AN AREA DETERMINED TO HAVE NO BASE FLOOD ELEVATIONS.
6. PARCEL 234-23-00-262.00 (ALSO KNOWN AS PARCEL 10-L) CONTAINS AN UNMARKED CEMETERY AND ANY WORK OR CONSTRUCTION ACTIVITIES BEYOND THE ILLUSTRATED LOC ARE STRICTLY PROHIBITED. TWO WEEKS PRIOR TO CONSTRUCTION ADJACENT TO PARCEL 10-L, DELDOT ARCHAEOLOGIST KYLE EDWARDS MUST BE CONTACTED TO ARRANGE FOR CONSTRUCTION MONITORING. IF GRAVE SHAFTS, HUMAN REMAINS, OR GRAVE MARKERS ARE ENCOUNTERED DURING CONSTRUCTION, ALL WORK IN THE AREA SHALL STOP IMMEDIATELY AND DELDOT ARCHAEOLOGIST KYLE E. EDWARDS WILL BE CONTACTED PER DELDOT CONTRACT NUMBER T20120093.

SITE DATA:

SITE MAP NUMBERS:	234-23-00-262.00
OWNER INFO:	SANDRA & TRANTINO NORWOOD PO BOX 205 HARBESON, DE 19951
SITE ADDRESS:	3116 INDIAN MISSION ROAD MILLSBORO, DE 19966 INDIAN RIVER HUNDRED SUSSEX COUNTY
EXISTING TOTAL ACREAGE:	1.76 ACRES (TOTAL)
FUTURE LAND USE AREA:	COMMERCIAL/ COASTAL AREA 2018 SUSSEX COUNTY COMPREHENSIVE PLAN
ZONING EXISTING PROPOSED:	AR-1 C-2 MEDIUM COMMERCIAL (ARTICLE XIB)
PROPOSED USE:	RESIDENTIAL DWELLINGS
PROPOSED USE:	COMMUNITY BANK
SEWER PROVIDER:	PUBLIC (SUSSEX COUNTY)
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BUILDING RESTRICTION LINES:	FRONT - 40 FEET SIDE - 5 FEET and 20 FEET (115-83.15 B. (1) & (2)) REAR - 30 FEET (115-83.15 B. (2))

PENNONI ASSOCIATES INC.
1807Z Division Drive
DE, DC, F
T. 302.884.8000 F. 302.884.8054

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
DISCREPANCIES BEFORE PROCEEDING WITH WORK

RT. 5 AND RT. 24 COMMUNITY BANK
3116 INDIAN MISSION ROAD
MILLSBORO, DE 19966
BOUNDARY PLAT
COMMUNITY BANK
1807Z DIVISION DRIVE
LEWES, DE 19956

NO.	DATE	REVISIONS

PROJECT: ETDGX20001
DATE: 2021-02-24
DRAWING SCALE: 1"=30'
DRAWN BY: SJD
APPROVED BY: AMD
V-0201
SHEET 1 OF 1



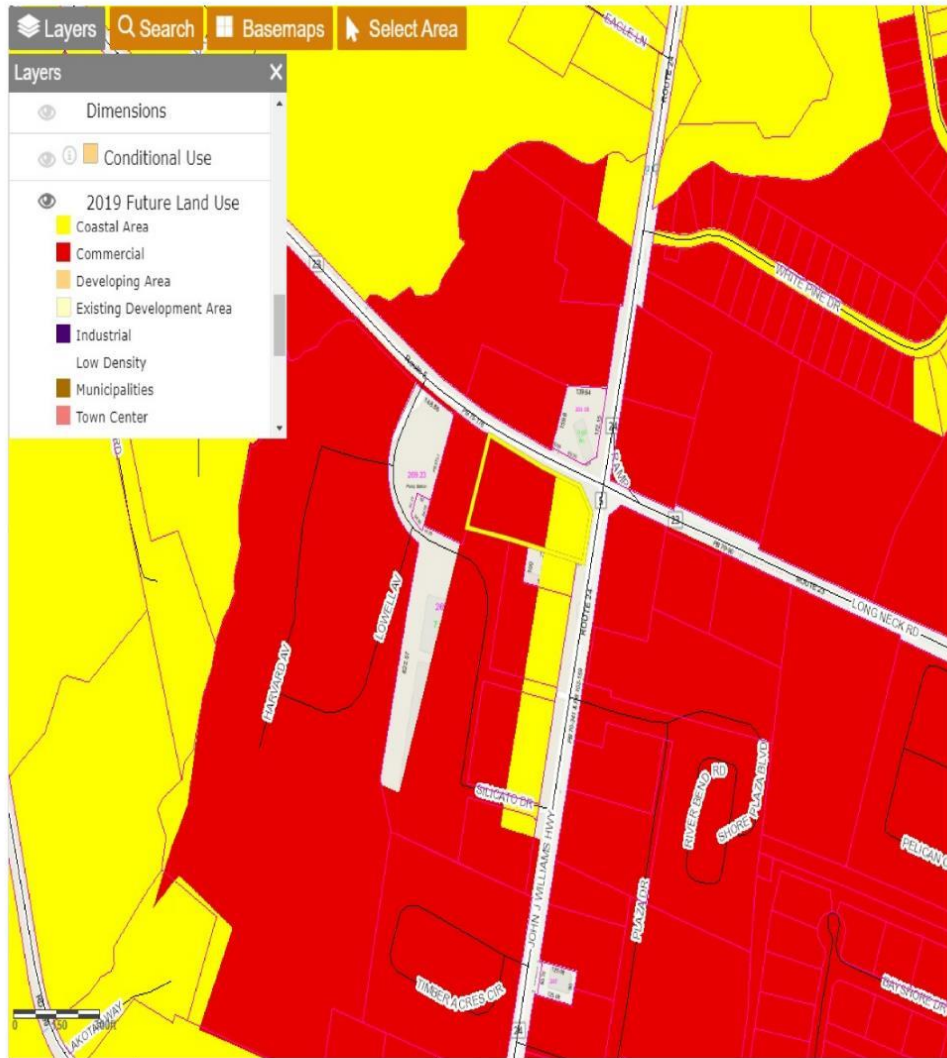


Figure 3 of 5. 3	Future Land Use Map		
	Community Bank		
	ETDGX21001		

Date: 11/24/2021 Document Path: C:\Users\MWalls\Documents\GIS Projects\Community Bank Long Neck\03 Future Land Use.mxd

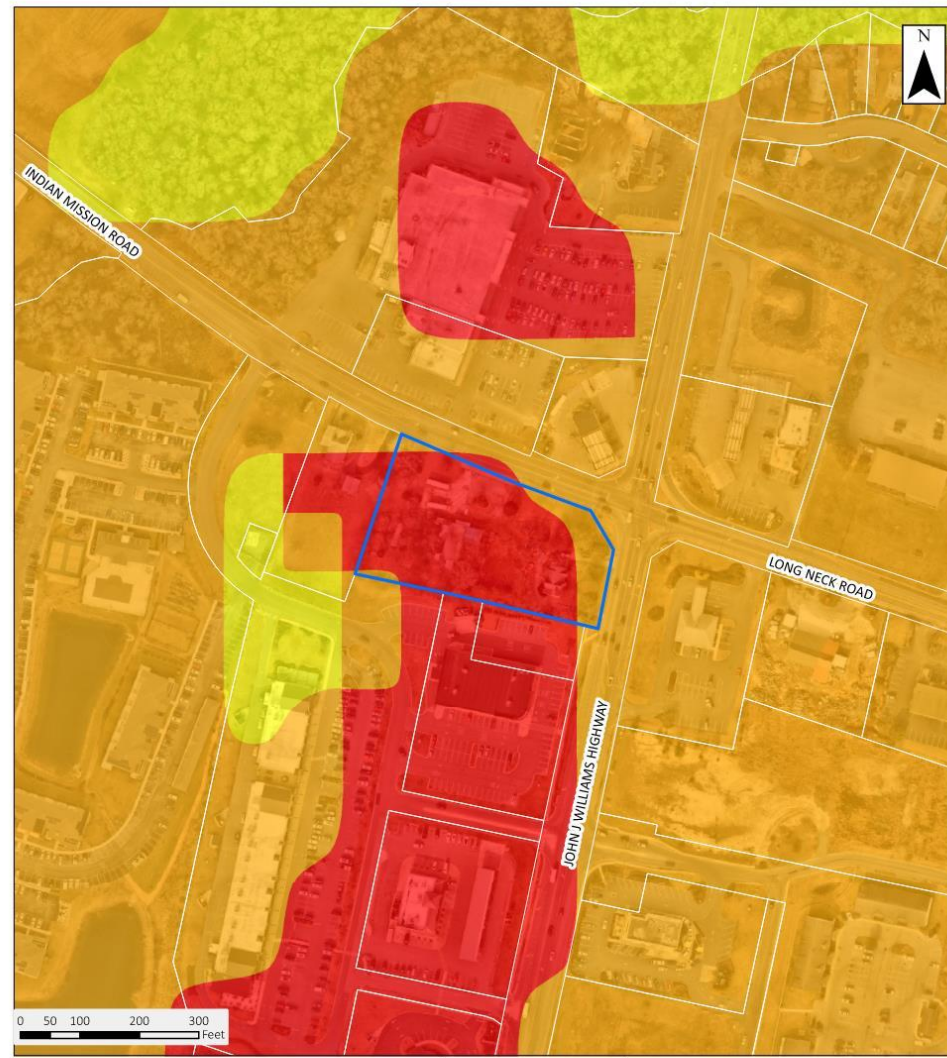


Figure 4 of 5. 4	2020 Delaware State Strategies & Investment Levels		Investment Level Level 1 (red) Level 2 (orange) Level 3 (yellow)
	Community Bank		
	ETDGX21001		

Date: 11/24/2021 Document Path: C:\Users\MWalls\Documents\GIS Projects\Community Bank Long Neck\04 2020 State Strategies.mxd



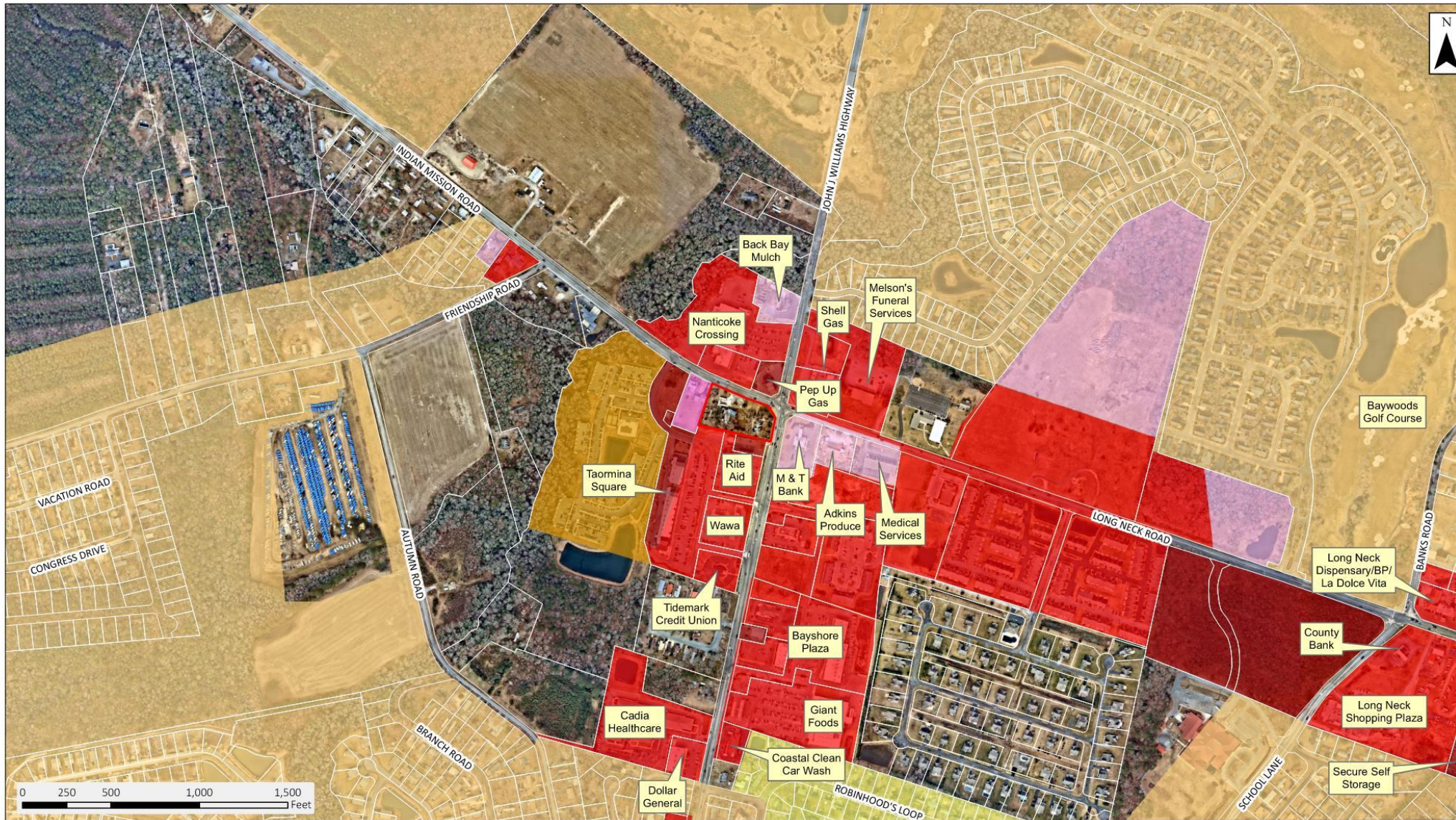


Figure 5 of 5.

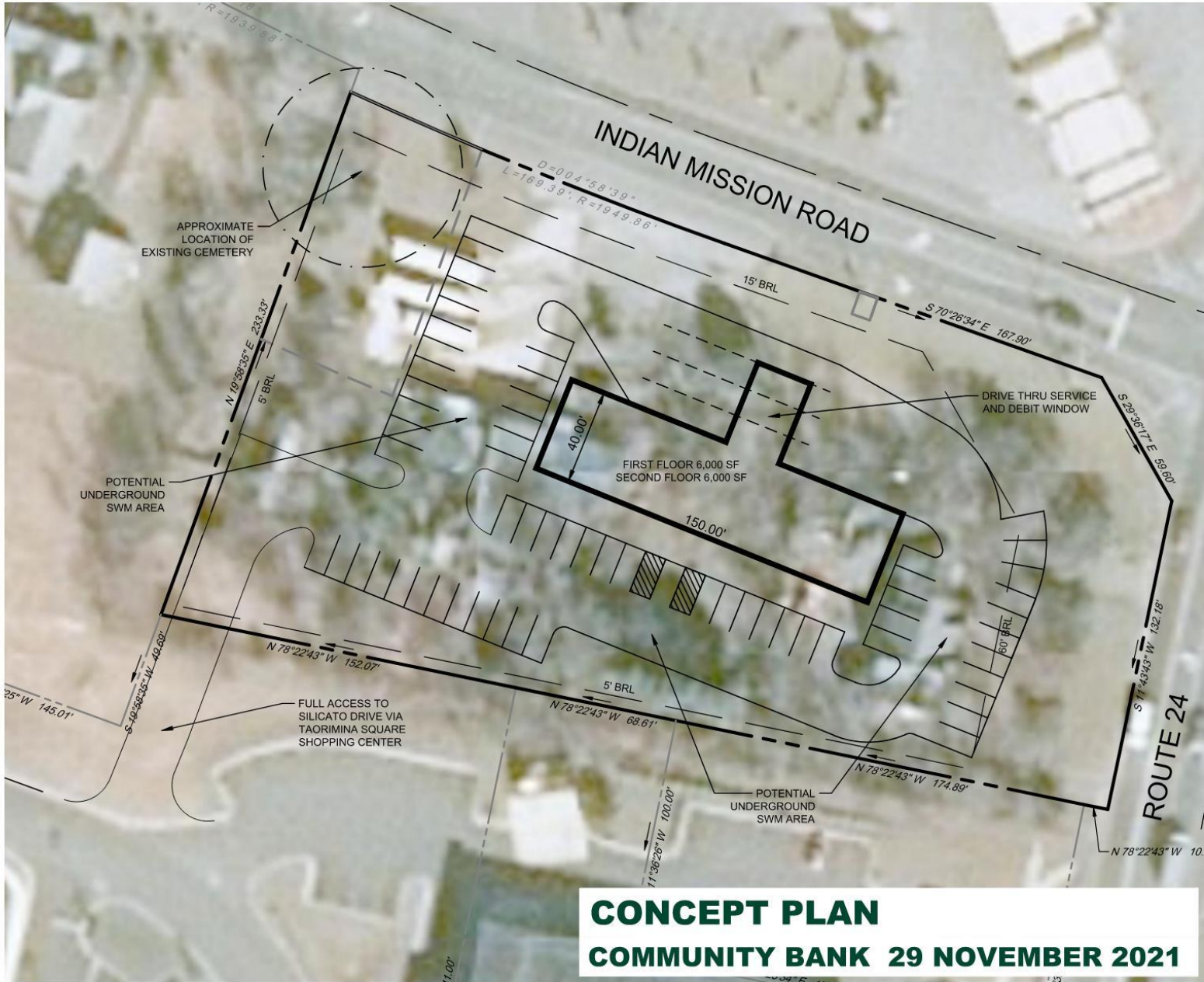
5

Area Commercial Uses

Community Bank

ETDGX21001





**CONCEPT PLAN
COMMUNITY BANK 29 NOVEMBER 2021**

SITE STATISTICS

TAX ID 234-23.00-262.00
 GROSS AREA APPROX. 1.76 ACRES
 EXISTING ZONING AR-1
 PROPOSED ZONING C-2
 BANKS WITH DRIVE-THRUS ARE PERMITTED USE
 FIRST FLOOR 6,000 SF OFFICES/BANK
 SECOND FLOOR 6,000 SF OFFICES
 TOTAL 12,000 SF BUILDING
 SETBACKS FY 60' (RT 24)
 SY 5'
 CORNER SY 15' (INDIAN MISSION)
 RY 5'

PARKING REQUIRED
 1 SPACE PER 200 SF FLOOR AREA
 12,000 SF / 200 SF = 60 SPACES
PARKING PROVIDED: 62 SPACES



PENNONI ASSOCIATES INC.
 18072 Davidson Drive
 Milton, DE 19968
 T 302.684.8030 F 302.684.8054



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, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: December 9th, 2021

Application: CZ 1944 Executive Lawn Property Management, LLC

Applicant: Executive Lawn Property Management, LLC c/o John Huss
P.O. Box 91
Nassau, DE 19969

Owner: Executive Lawn Property Management, LLC, a Delaware LLC
P.O. Box 91
Nassau, DE 19969

Site Location: 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).

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

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Low Density Area

Councilmanic District: Mr. Schaeffer

School District: Indian River School District

Fire District: Georgetown Fire Department

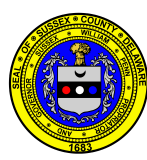
Sewer: Private (On-Site Septic)

Water: Private (On-Site Well)

Site Area: 3.68 acres +/-

Tax Map ID.: 235-30.00-6.20



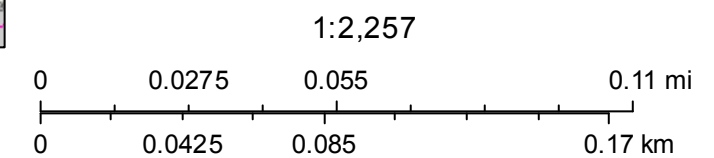


Sussex County



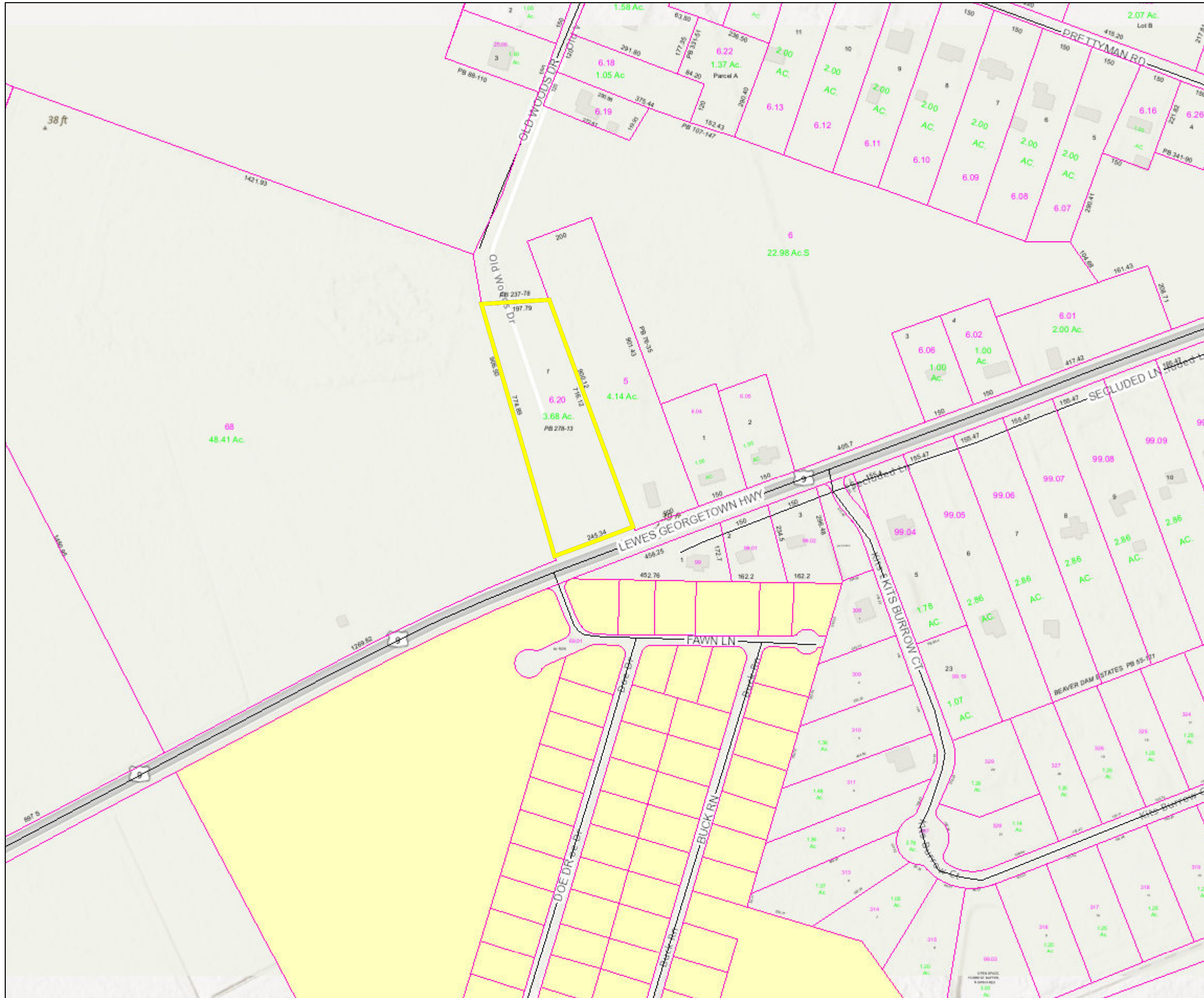
PIN:	235-30.00-6.20	
Owner Name	EXECUTIVE PROPERTY	LAWN
Book	4899	
Mailing Address	PO BOX 91	
City	NASSAU	
State	DE	
Description	LOT 1 W / IMPROVEMENTS	
Description 2	N/A	
Description 3	N/A	
Land Code		

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





Sussex County



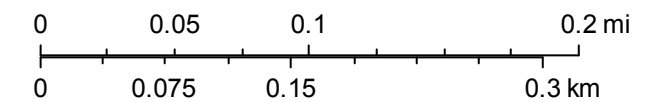
PIN:	235-30.00-6.20	
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Description	LOT 1 W / IMPROVEMENTS	
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Description 3	N/A	
Land Code		

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Override 1
- polygonLayer**

Override 1
- Tax Parcels
- Streets

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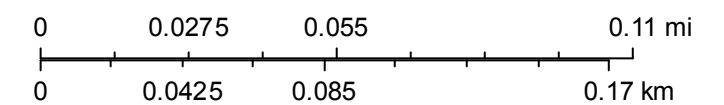
Sussex County



PIN:	235-30.00-6.20	
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Description 2	N/A	
Description 3	N/A	
Land Code		

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

1:2,257



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: December 3, 2021
RE: Staff Analysis for CZ 1944 Executive Lawn Property Management, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1944 Executive Lawn Property Management, LLC to be reviewed during the December 9, 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 Change of Zone for Tax Parcel 235-30.00-6.20 to allow for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial District (C-2). 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) at 25141 Lewes-Georgetown Highway in Georgetown, Delaware. The parcel to be rezoned contains 3.68- acres +/-.

It is worth noting that the property was also the subject of a previously approved Conditional Use application (C/U 2093 John Huss & DA Huss, Inc. (Executive Lawns)) to permit a landscape business with equipment storage to be located on the property. The Sussex County Council approved this application at their meeting of September 26, 2017 through Ordinance No. 2521.

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 "Low Density Area." The properties to the north, south, east, and west also have the land use designation of Low Density Area.

As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size, and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north, east and west are also zoned Agricultural Residential (AR-1) Zoning District. The properties



to the south on the opposite side of Route 9 are all zoned Agricultural Residential (AR-2). To the east, at the intersection of Lewes-Georgetown Highway (Route 9) and Harbeson Road (Route 5) are several parcels with various zoning designations including General Commercial (C-1), Commercial Residential (CR-1), Medium Density Residential (MR) and Heavy Industrial (HI-1).

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 Medium Commercial (C-2) Zoning District is listed as an applicable zoning district in the Low Density Area.

Since 2011, there have been (6) Change of Zone application within a 0.5-mile radius of the application site. The first application is Change of Zone 1726 Robert M. and Sandra E. Davidson for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential District (CR-1) which was approved by the Sussex County Council on Tuesday, March 26, 2013 and adopted through Ordinance No. 2298. The second application is Change of Zone 1778 John Floyd Lingo for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Commercial Residential District (CR-1) which was approved by the Sussex County Council on Tuesday, August 11, 2015 and adopted through Ordinance No. 2412. The third application is Change of Zone 1838 Two Farms, Inc. for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Neighborhood Business District (B-1) which was approved by the Sussex County Council on Tuesday, January 9, 2018 through Ordinance No. 2539. The fourth application is Change of Zone 1868 Ronald Nanney for a change of zone from an Agricultural Residential Zoning District (AR-1) to a Medium Commercial District (C-2) which was denied by the Sussex County Council on Tuesday, April 30, 2019.

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 Medium Commercial District (C-2) could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

File #: CZ1944
20210720

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

25141 Lewes Georgetown Highway, Georgetown, DE 19947

Type of Conditional Use Requested:

N/A; Request for change of zone from AR-1 Agricultural Residential to C2 Medium Commercial District for operation of landscape business with equipment storage.

Tax Map #: 235-30.00-6.20

Size of Parcel(s): +/-3.68 Acres

Current Zoning: AR-1

Proposed Zoning: C-2

Size of Building: _____

Land Use Classification: Commercial

Water Provider: _____

Sewer Provider: _____

Applicant Information

Applicant Name: Executive Lawn Property Management LLC c/o John Huss

Applicant Address: PO Box 91

City: Nassau

State: DE

Zip Code: 19969

Phone #: (302) 664-1439

E-mail: executivelawns1@gmail.com

Owner Information

Owner Name: Executive Lawn Property Management LLC, a Delaware LLC

Owner Address: PO Box 91

City: Nassau

State: DE

Zip Code: 19969

Phone #: (302) 664-1439

E-mail: executivelawns1@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC c/o Glenn Mandalas, Esquire

Agent/Attorney/Engineer Address: 1314 Savannah Road, Suite 1

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 645-2262

E-mail: mackenzie@bmbde.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney



Date: 9/14/21

Signature of Owner



Date: 9/14/21

For office use only:

Date Submitted: 5/19/21

Fee: \$500.00 Check #: 3004

Staff accepting application: NT

Application & Case #: CZ1944/202107720

Location of property: _____

Subdivision: _____

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

Date of CC Hearing: _____ Decision of CC: _____

ORDINANCE NO. 2521

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.740 ACRES, MORE OR LESS

WHEREAS, on the 31st day of March 2017, a conditional use application, denominated Conditional Use No. 2093, was filed on behalf of John Huss; and

WHEREAS, on the 24th day of August 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th day of September 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2093 be approved with conditions; and

WHEREAS, on the 26th day of September 2017, 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2093 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 Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Lewes Georgetown Highway (Route 9) and Prettyman Road, and being more particularly described per the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 3.740 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. This use shall be limited to a landscaping business with equipment storage. No retail sales shall be conducted from the site.**
- B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials, and also includes the dyeing of mulch or similar materials.**
- C. One lighted sign, not to exceed 32 square feet, located on the side of the building, shall be permitted.**
- D. The hours of operation shall be limited to 6:30 a.m. through 6:00 p.m. Monday through Saturday.**
- E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- F. The Applicant shall comply with all DeIDOT requirements, including any entrance or roadway improvements.**
- G. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.**
- H. As stated by the Applicant, there shall be no dumping on the site, and any dumpsters on the site shall be screened from view of neighboring properties and roadways.**
- I. The Final Site Plan shall clearly show all areas for equipment storage, and parking in these areas shall be clearly marked on the site itself; there shall not be any parking or storage within 60 feet of the front right-of-way line.**
- J. Several nearby property owners wanted the dirt road that runs along the western side of the property to be closed. The Applicant has stated that the area of the existing dirt roadway along the western boundary of the property shall be removed within his property. This shall be shown on the Final Site Plan.**
- K. The Final Site Plan shall be designed to allow interconnectivity with adjacent properties along Route 9 if those properties are developed in the future.**
- L. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2521 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF SEPTEMBER 2017.

**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 John Huss for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a landscape business with equipment storage be located on certain parcel of land lying and being in Broadkill Hundred, Sussex County containing 3.740 acres, more or less (located on the northwest corner of Lewes Georgetown Highway (Route 9) and Prettyman Road) (Tax I.D. No. 235-30.00-6.20) (911 Address: None Available).
- B.** Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Glen Mandalas, Esquire, with Baird Mandalas Brockstedt, LLC, and Mr. John Huss were present on behalf of the application; that they are proposing a 3,200 square foot building for equipment storage; that vehicles will be stored in the back of the property; that three (3) vehicles will not be located within the building and will be stored behind the building; that he has thirteen (13) employees; that he would like to keep hours of operation of 7 a.m. – 5:00 p.m.; that employees show up on site and pick up a work vehicle and leave so there is not a lot of traffic during the day; that there is no storage of chemicals on the site; that there are no major deliveries to the site; and that they typically load and unload lawn mowers on trucks in the morning that may create some noise.
- C.** Council also found that the Delaware Turkish Educational Foundation is located to the east of the site where they plan to plant an evergreen buffer; that the Deerwood subdivision with approximately sixty-five (65) homes is across the street with some buffer; that to the west of the site is a 48-acre wooded area; that the use is consistent with uses and zonings along Route 9; that there will be no manufacturing or dying of mulch on site; that they will screen the dumpsters; that the applicant is typically on site around 6:30 a.m. to do paperwork and employees show up on site at 7 a.m., leave by 7:30 a.m. and come back no later than 5:30 p.m.; that work on equipment is done elsewhere and not on the site; that they have no mechanic on staff; that they would like a sign on the building; that they will provide low voltage lighting for night; that the Route 9 entrance will be the only access to the site; that he has eight (8) trucks and most are stored within the building; that no materials are stored onsite; that he purchases the material from Stockley Materials and dump at the end of the day there; that he keeps a clean site; that he recognizes the potential for interconnectivity with the adjacent properties; and that there are no deed restrictions regarding the operation of a business on the site.
- D.** Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (6a. – m.), as amended, Council found that:
- 1.** The property is located along Route 9, which is an appropriate location for this limited type of use.
 - 2.** The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business with equipment storage is consistent with the underlying agricultural zoning of the property.
 - 3.** The applicant has stated that all landscaping work is performed offsite, and that there will not be any dumping on the site. Also, there will not be any major deliveries to the site as part of the business.

4. **There will be no retail sales from the property, and the use is limited in nature. It will not adversely affect neighboring properties, roadways or traffic.**
5. **The applicant has stated that his landscaping company provides a service to a wide variety of Sussex County residents and businesses. This intended use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.**
6. **Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to thirteen (13) conditions (A - M), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**



STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 77B
DOVER, DELAWARE 19903

NICOLE MAJESKI
SECRETARY

March 31, 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 **Executive Lawn Property Management LLC, a Delaware LLC** proposed land use application, which we received on March 23, 2021. This application is for an approximately 3.68- acre parcel (Tax Parcel: 235-30.00-6.20). The subject land is located north of Lewes Georgetown Highway (Sussex Road 18). The subject land is currently zoned AR- 1 (Agricultural Residential) with a proposed zoning of C-2 (Medium Commercial) for a landscaping business with equipment storage.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along Lewes Georgetown Highway (Sussex Road 18), from Steiner Road (Sussex Road 320) to Harbeson Road (Sussex Road 22), are 16,128 vehicles per day and 20,738 vehicles per day, respectively.

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.

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



Mr. Jamie Whitehouse
Page 2 of 2
March 31, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

cc: Executive Lawn Property Management LLC, a Delaware LLC, 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 Furmato, Project Engineer, Development Coordination

**SUSSEX COUNTY ENGINEERING DEPARTMENT
UTILITY PLANNING & DESIGN REVIEW DIVISION
C/U & C/Z COMMENTS**

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/23/2021**

APPLICATION: **CZ 1944 Executive Lawn Property Management, LLC**

APPLICANT: **Executive Lawn Property Management, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **235-30.00-6.20**

LOCATION: **Lying on the northwest corner of Lewes-Georgetown Highway
(Rt. 9) and Prettyman Road**

NO. OF UNITS: **Upzone from AR-1 to C-2**

GROSS
ACREAGE: **3.68**

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? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **N/A** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** 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? **N/A**
- 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 CZ is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service at this time.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
No Permit Tech Assigned



BAIRD
MANDALAS
BROCKSTEDT LLP

EXHIBIT A

Property and Deed Information

Property Information

Property Location: 25141 LEWES GEORGETOWN HWY
 Unit:
 City: GEORGETOWN
 State: DE
 Zip: 19947
 Class: COM-Commercial
 Use Code (LUC): CO-COMMERCIAL
 Town: 00-None
 Tax District: 235 - BROAD KILL
 School District: 1 - INDIAN RIVER
 Council District: 3-Schaeffer
 Fire District: 77-Georgetown
 Deeded Acres: 3.6800
 Frontage: 0
 Depth: .000
 Irr Lot:
 Zoning 1: -
 Zoning 2: -
 Plot Book Page: 278 13/PB
 100% Land Value: \$18,400
 100% Improvement Value: \$24,500
 100% Total Value: \$42,900

Legal

Legal Description: LOT 1 W / IMPROVEMENTS

Owners

Owner	Co-owner	Address	City	State	Zip
EXECUTIVE LAWN PROPERTY	MANAGEMENT LLC	PO BOX 91	NASSAU	DE	19969

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
06/06/2018	4899/79	\$185,000.00			EXECUTIVE LAWN PROPERTY

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2020	EXECUTIVE LAWN PROPERTY	MANAGEMENT LLC	PO BOX 91	NASSAU	DE	19969	4899/79
2019	EXECUTIVE LAWN PROPERTY	MANAGEMENT LLC	PO BOX 91	NASSAU	DE	19969	4899/79
2018	EXECUTIVE LAWN PROPERTY	MANAGEMENT LLC	113 FALLS RD	MILTON	DE	19968	4899/79
2017	EXECUTIVE LAWN PROPERTY	MANAGEMENT LLC	113 FALLS RD	MILTON	DE	19968	4899/79

Land

Line	Class	Land Use Code	Act Front	Depth	Deeded Acres	Ag
1	RES	CO	0	0	3.6800	

Land Summary

Line	1
100% Land Value	18,700

100% Values

100% Land Value
\$18,400

100% Improv Value
\$24,500

100% Total Value
\$42,900

50% Values

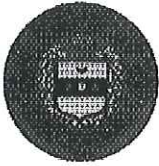
50% Land Value,
\$9,200

50% Improv Value
\$12,250

50% Total Value
\$21,450

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
05-SEP-2018	201805920	\$50,000	EXECUTIVE LAWNS PROPERTY MANAGEMENT LLC - STORAGE BLDG



Sussex County

Scott Dailey
Recorder of Deeds
Georgetown, DE 19947

Instrument Number: 2018-20515

Parties:

Recorded As: EREC-DEED

Direct- PRETTYMAN SANDRA M

Recorded On: June 06, 2018

Indirect- EXECUTIVE LAWN PROPERTY MANAGEMENT LLC

Recorded At: 02:50:14 pm

Receipt Number: 871971

Number of Pages: 4

Processed By: Sue D

Book-VI/Pg: Bk-D VI-4899 Pg-79

Total Rec Fee(s): \$7,458.00

** Examined and Charged as Follows **

RECEIVED ASSESSMENT DIVISION OF SUSSEX COUNTY

Erec-D \$ 58.00

	Tax Amount	Consid Amt	RS#/CS#	
STATE AND COUNTY OF SUSSEX	\$ 7400.00	\$ 185000.00	State of Delaware	\$ 4625.00
			Sussex County	\$ 2775.00
Tax Charge:	\$ 7400.00			

I hereby certify that the within and foregoing was recorded in the Recorder's Office in Sussex County

*****DO NOT REMOVE - THIS PAGE IS PART OF THE RECORDED DOCUMENT*****

TAX MAP AND PARCEL #: 2-35 30.00 6.20

PREPARED BY & RETURN TO:

Baird Mandalas Brockstedt

6 S. State Street

Dover, DE 19901

File No. RE18-0005/MW

NO NEW SURVEY MADE OR REQUESTED

THIS DEED, made this 31st day of May, 2018,

- BETWEEN -

SANDRA M. PRETTYMAN, of 26068 Prettyman Road, Georgetown, DE 19947, party of the first part,

- AND -

EXECUTIVE LAWN PROPERTY MANAGEMENT LLC, a Delaware Limited Liability Company, of 113 Falls Road, Milton, DE 19968, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **One Hundred Eighty-Five Thousand and 00/100 Dollars (\$185,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece or parcel of land, lying and being situated in Broadkill Hundred, Sussex County, State of Delaware, being designated as Lot 1, "Subdivision Survey Plan Prepared for Sandra M. Prettyman", prepared by Adams-Kemp Associates, Inc., Professional Land Surveyors, as per Survey Plan No. 160615-D recorded in Plot Book 237, Page 78 in the Office of the Recorder of Deeds in and for Sussex County in the County Administration Building in Georgetown, Delaware, more particularly described as follows to wit:

BEGINNING at a found concrete monument along the northerly right of way line of U.S. Route 9 (A.K.A. Seashore Highway at 60 feet wide) at a corner for this lot and lands now or formerly of the American Turkish Friendship Association; said found concrete monument being located 2,728 feet in a Westerly direction from County Road 254; thence along the Northerly right of way line of U.S. Route 9, South 69 deg. 27 min. 03 sec. West 246.07 feet to a found concrete monument at a corner for this lot and lands now or formerly of John Floyd Lingo,

Trustee, et al.; Thence along the line of lands now or formerly of John Floyd Lingo, Trustee, et al., North 16 deg. 21 min. 03 sec. West 774.89 feet to a set iron bar; thence along a new line, North 86 deg. 06 min. 39 sec. East 197.79 feet to a set iron bar along the line of lands now or formerly of the American Turkish Friendship Association; Thence along the line of lands now or formerly of the American Turkish Friendship Association, South 20 deg. 32 min. 14 sec. East 716.12 feet to the point and place of beginning. Containing with described metes and bounds 3.740 acres of lands be the same more or less.

BEING part of the same lands conveyed to Francis H. Prettyman and Sandra Prettyman from Francis H. Prettyman, Jr. and Francis H. Prettyman and Sandra M. Prettyman, by deed dated February 11, 2014 and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 4226, Page 280.

Francis H. Prettyman did depart this life on or about February 22, 2015 leaving Sandra Prettyman as the surviving joint tenant.

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

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

Signed, Sealed and Delivered in the presence of:

Sandra M. Prettyman (SEAL)

STATE OF FLORIDA, COUNTY OF Alachua : to-wit

BE IT REMEMBERED, that on ²⁰¹⁸ June 31, 2018, personally came before me, the subscriber, Sandra M. Prettyman, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

Notary Public



DAVID C SHEPHERD
MY COMMISSION # GG 052274
EXPIRES: December 4, 2020
Bonded Third Budget Notary Services

My Commission Expires: 12-4-2020

ORDINANCE NO. 2521

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPE BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.740 ACRES, MORE OR LESS

WHEREAS, on the 31st day of March 2017, a conditional use application, denominated Conditional Use No. 2093, was filed on behalf of John Huss; and

WHEREAS, on the 24th day of August 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 14th day of September 2017, said Planning and Zoning Commission recommended that Conditional Use No. 2093 be approved with conditions; and

WHEREAS, on the 26th day of September 2017, 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 IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2093 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 Broadkill Hundred, Sussex County, Delaware, and lying on the northwest corner of Lewes Georgetown Highway (Route 9) and Prettyman Road, and being more particularly described per the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 3.740 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. This use shall be limited to a landscaping business with equipment storage. No retail sales shall be conducted from the site.**
- B. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials, and also includes the dyeing of mulch or similar materials.**
- C. One lighted sign, not to exceed 32 square feet, located on the side of the building, shall be permitted.**
- D. The hours of operation shall be limited to 6:30 a.m. through 6:00 p.m. Monday through Saturday.**
- E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.**
- F. The Applicant shall comply with all DeIDOT requirements, including any entrance or roadway improvements.**
- G. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.**
- H. As stated by the Applicant, there shall be no dumping on the site, and any dumpsters on the site shall be screened from view of neighboring properties and roadways.**
- I. The Final Site Plan shall clearly show all areas for equipment storage, and parking in these areas shall be clearly marked on the site itself; there shall not be any parking or storage within 60 feet of the front right-of-way line.**
- J. Several nearby property owners wanted the dirt road that runs along the western side of the property to be closed. The Applicant has stated that the area of the existing dirt roadway along the western boundary of the property shall be removed within his property. This shall be shown on the Final Site Plan.**
- K. The Final Site Plan shall be designed to allow interconnectivity with adjacent properties along Route 9 if those properties are developed in the future.**
- L. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.**
- M. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2521 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 26TH DAY OF SEPTEMBER 2017.

**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 John Huss for the consideration of a Conditional Use of land in an AR-1 Agricultural Residential District for a landscape business with equipment storage be located on certain parcel of land lying and being in Broadkill Hundred, Sussex County containing 3.740 acres, more or less (located on the northwest corner of Lewes Georgetown Highway (Route 9) and Prettyman Road) (Tax I.D. No. 235-30.00-6.20) (911 Address: None Available).
- B.** Based on testimony before the Planning & Zoning Commission and the public hearing before the Sussex County Council, Council found that Glen Mandalas, Esquire, with Baird Mandalas Brockstedt, LLC, and Mr. John Huss were present on behalf of the application; that they are proposing a 3,200 square foot building for equipment storage; that vehicles will be stored in the back of the property; that three (3) vehicles will not be located within the building and will be stored behind the building; that he has thirteen (13) employees; that he would like to keep hours of operation of 7 a.m. – 5:00 p.m.; that employees show up on site and pick up a work vehicle and leave so there is not a lot of traffic during the day; that there is no storage of chemicals on the site; that there are no major deliveries to the site; and that they typically load and unload lawn mowers on trucks in the morning that may create some noise.
- C.** Council also found that the Delaware Turkish Educational Foundation is located to the east of the site where they plan to plant an evergreen buffer; that the Deerwood subdivision with approximately sixty-five (65) homes is across the street with some buffer; that to the west of the site is a 48-acre wooded area; that the use is consistent with uses and zonings along Route 9; that there will be no manufacturing or drying of mulch on site; that they will screen the dumpsters; that the applicant is typically on site around 6:30 a.m. to do paperwork and employees show up on site at 7 a.m., leave by 7:30 a.m. and come back no later than 5:30 p.m.; that work on equipment is done elsewhere and not on the site; that they have no mechanic on staff; that they would like a sign on the building; that they will provide low voltage lighting for night; that the Route 9 entrance will be the only access to the site; that he has eight (8) trucks and most are stored within the building; that no materials are stored onsite; that he purchases the material from Stockley Materials and dump at the end of the day there; that he keeps a clean site; that he recognizes the potential for interconnectivity with the adjacent properties; and that there are no deed restrictions regarding the operation of a business on the site.
- D.** Based on the record and recommendation of the Planning and Zoning Commission and the Planning and Zoning Commission's Findings (1 through 5) and Conditions (6a. – m.), as amended, Council found that:
- 1.** The property is located along Route 9, which is an appropriate location for this limited type of use.
 - 2.** The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business with equipment storage is consistent with the underlying agricultural zoning of the property.
 - 3.** The applicant has stated that all landscaping work is performed offsite, and that there will not be any dumping on the site. Also, there will not be any major deliveries to the site as part of the business.

4. **There will be no retail sales from the property, and the use is limited in nature. It will not adversely affect neighboring properties, roadways or traffic.**
5. **The applicant has stated that his landscaping company provides a service to a wide variety of Sussex County residents and businesses. This intended use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.**
6. **Based on the record and recommendation of the Planning & Zoning Commission, the Conditional Use is approved subject to thirteen (13) conditions (A - M), as amended, which will serve to minimize any potential impacts on the surrounding area and adjoining properties.**

THE MINUTES OF THE REGULAR MEETING OF OCTOBER 1, 2019

The regular meeting of the Sussex County Planning and Zoning Commission was held on Thursday evening, October 1, 2019, in the County Council Chamber, Sussex County Administration Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Kim Hoey-Stevenson, Mr. Keller Hopkins, Ms. Holly Wingate, Mr. J. Bruce Mears, with Mr. Vincent Robertson – Assistant County Attorney, Ms. Janelle Cornwell – Director of Planning & Zoning, Mr. Jamie Whitehouse – Planning & Zoning Manager and Mrs. Samantha Bulkilvish – Planner I.

Chairman Wheatley announced that the hearing for C/U 2189 Grace Malone, would not be heard by the Commission at this meeting and would be re-advertised for a future meeting of the Planning & Zoning Commission. Motion by Ms. Wingate, seconded by Mr. Hopkins and carried unanimously to approve the Agenda as posted and circulated and with the removal of case C/U 2189 Grace Malone. Motion carried 5-0.

PUBLIC HEARINGS

Mr. Robertson described the procedures for the public hearings before the Planning and Zoning Commission.

C/U 2189 Grace Malone

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an events venue to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 4.59 acres. The property being a landlocked parcel of land lying on the south side of Laurel Road, approximately 0.38 miles east of Sussex Highway (Route 13). 911 Address: N/A. Tax Parcel: 332-2.00-75.00.

Chairman Wheatley announced that the hearing for C/U 2189 Grace Malone, would not be heard by the Commission at this meeting and would be re-advertised for a future meeting of the Planning & Zoning Commission.

C/Z 1890 W&B Hudson Family Ltd

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and an MR Medium Density Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 37.08 acres, more or less. The property is lying on the south side of Lewes-Georgetown Highway (Route 9), approximately 340 feet east of Harbeson Road (Route 5) and on the east side of Harbeson Road (Route 5), approximately 456 feet south of Lewes-Georgetown Highway (Route 9). 911 Address: N/A. Tax Parcels: 235-30.00-62.00, 64.00, 66.00, 67.00, 70.00, & 72.00.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, a Site Plan, and Exhibit Booklet, the Applicant's response back to the Preliminary Land Use Service

S-19-31 Lands of Robert & Debora Reed

Preliminary Site Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Site Plan for 24 single-family condominium units, parking and other site improvements to be located off Savannah Road. A Conditional Use for multi-family dwellings in a Medium Residential Zoning District was approved on June 18, 2019, by the Sussex County Council. The Preliminary Site Plan complies with the Zoning Code. Tax Parcel: 335-12.06-1.00. Zoning: MR (Medium Residential District). Staff are awaiting agency approvals.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to approve the Preliminary Site Plan with final by staff subject to receipt of all agency approval. Motion carried 5-0.

2018-03 Fox Haven II Subdivision

Preliminary Amenities Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Amenity Site Plan for the construction of a clubhouse, swimming pool, and other site improvements. The Planning and Zoning Commission approved Phase 1 of the Fox Haven Subdivision on February 28, 2019, for 47 lots of the 95 single-family lots. The Planning and Zoning Commission approved the request to amend the wording of Condition H, "*The development shall be served by its own on-site active amenities such as pool and clubhouse. The developer shall begin construction of the active amenities before the issuance of the 30th residential Building Permit and the developer shall complete all amenities prior to the issuance of the 60th residential Building Permit*". The Preliminary Amenities Site Plan complies with the Zoning Code. Tax Parcel: 533-11.00-48.02. Zoning: GR (General Residential Zoning District). The staff is in receipt of all necessary agency approvals.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to approve the Preliminary Amenities Plan and Final Amenities Plan. Motion carried 4-0. Ms. Wingate abstained.

2017-15 Kindleton

Preliminary Amenities Plan

Ms. Bulkilvish advised the Commission that this is a Preliminary Amenities Site Plan for the construction of a bathhouse, swimming pool, and other site improvements. The Final Subdivision Plan was approved for 90-lots by the Planning and Zoning Commission on March 14, 2019. The approval included Condition K "*The developer shall complete all amenities within 2 years of the issuance of the first residential Building Permit.*" The Preliminary Amenities Site Plan complies with the Zoning Code. Tax Parcel: 334-11.00-81.06. Zoning: AR-1 (Agricultural Residential Zoning District). The staff is in receipt of all agency approvals.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to approve the Preliminary Amenities Plan and a Final. Motion carried 5-0.

Jay Huss (CU 2093)

Request for Clarification of Conditions of Approval

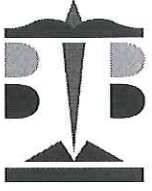
Mr. Whitehouse advised the Commission that this is a request for clarification of Conditions of approval associated with Conditional Use 2093 approved by County Council on September 26, 2017. Condition 'A' requires that *"This use shall be limited to a landscaping business with equipment storage. No retail sales shall be conducted from the site"*. Following discussions with Staff, the Applicant is requesting clarification as to two matters. The first matter is whether the proposed additional business activity falls within the definition of *"nursery"* and the second matter is whether the effect of Condition 'A' is to prevent use of part of the site for the activities proposed. The Applicant has stated that, in addition to the landscape business, they would like to acquire a stock of plants off-premises to be kept, maintained, nurtured, treated, and possibly re-potted on-premises. Mature plants would eventually be used in connection with Mr. Huss' lawn care and landscaping business or sold to the public from the premises. The Applicant does not propose the sale of any gardening tools or hardscaping materials and does not desire to construct any additional permanent structures on the property. The Applicant has submitted a supporting letter, outlining that they believe the activity described to fall within the definition of a *"nursery"*, and that case law suggests that Conditions of Approval for a Conditional Use cannot prohibit use that is otherwise permitted within the AR-1 Zoning District. Tax Parcel 235-30.00-6.20. Zoning: AR-1 (Agricultural Residential Zoning District).

Mr. Robertson stated can they have a nursery on the site that has a Conditional Use on the site; that a nursery is a permitted use in AR-1 (Agricultural Residential District) just like farming or placing a house on the site; that the Commission cannot through the Conditional Use process effectively 'un-permit' something that is permitted by the Zoning Code; that Chairman Wheatley stated a Conditional Use is for something additional; that if it is permitted under the AR-1 District then it is permitted; that there was a prohibition on retail sales but that would be the type of things that would not be permitted through the underlying AR-1 Zone; that the extra activity would include the sale of materials; that Mr. Robertson stated yes it would be an extra activity for the sales of materials; that the Applicant would still have to comply with what a nursery is; that it was approved as a landscape with equipment storage business and if there are plants on the site, it would be used as part of the landscaping business; that there is a definition for nurseries that talks about growing plants, trees, and shrubs; that if they can do a nursery that is permitted in a AR-1 District, the question is whether they are just brining in truck loads of nursery products and putting them out for sale the site and whether is that a nursery or not; that if truck loads of plants are being brought to the property and the plants are not then planted, is that a nursery or not; that for an example, like a commercial garden center such as Lowes; that if a nursery is permitted, then they would have to operate like a nursery; that Ms. Stevenson asked if the Applicant would have to plant all the plants that are on the property; that Mr. Robertson stated that not all the plants would need to be planted; that there has to be some element of growing the plants; that whether it is making the plants larger or growing the plants from a seed; that they cannot just pull the plants off the truck and sell them; that there would have to be some agricultural step in the process; that Chairman Wheatley asked what the Applicant is representing that he would be doing; that Mr. Robertson stated the Applicant would like to *"acquire stocks of plants off premise to be kept and maintained, nurtured, treated, and possibly repotted on the premises; that the mature plants would eventually be used in connection with the Applicants lawn care and landscaping business or sold to the public"*; that Chairman Wheatley stated that if it was a wholesale retail activity it would likely be a violation; that the way it was presented to the Commission, it appears that it conforms to the underlying Zoning; that Ms. Stevenson questioned the reasoning for originally prohibiting

retail sales and whether this was because the Commission did not want this to be a spot that people were pulling into and out of all the time; that Mr. Robertson stated there was an access road from Route 9 all the way back to Prettyman Road and one of the conditions imposed was that access road be closed off because the residents behind the property wanted the access road closed; and that there were some neighbor concerns and the concerns went away once the road was closed. The Commission agreed that wholesale retail activities were no, however, permitted.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to clarify that the nursery operations described by the Applicant would be permitted on this property, with the clarification that there is a prohibition on direct wholesaling/retail activity, for Jay Huss Conditional Use 2093. Motion carried 5-0.

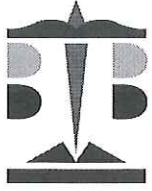
Meeting adjourned at 7:57 p.m.



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EXHIBIT B

Survey



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BROCKSTEDT LLC

EXHIBIT C

County Code

Chapter 115. Zoning

Article XXVIII. Administration and Enforcement

§ 115-216. Changes and amendments.

- A. Initiation of change. The County Council may from time to time amend, supplement or change, by ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the County Council or by motion of the Planning and Zoning Commission or by petition of any property owner addressed to the County Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Planning and Zoning Commission.
- B. Report from Planning and Zoning Commission. Before taking any action on any proposed amendment, supplement or change, the County Council shall submit the same to the Planning and Zoning Commission for its recommendations and report. Failure of the Commission to report within 45 days after the first meeting of the Planning and Zoning Commission after the proposal has been referred to the Planning and Zoning Commission shall be deemed approval.
- C. Notice and hearings. The Planning and Zoning Commission shall hold a public hearing on any proposed amendment, supplement or change before submitting its report to the County Council and, for this purpose, may request the submission of all pertinent data and information by any person concerned. Before acting on any report by the Planning and Zoning Commission concerning a proposed amendment, supplement or change, the County Council shall hold a public hearing thereon.
- D. Reconsideration, one-year limitation. Whenever a petition requesting an amendment, supplement or change has been denied by the County Council, such petition or one substantially similar shall not be reconsidered sooner than one year after the previous denial; provided, however, that if a petitioner, applicant or appellant fails to appear, or appear by agent, at the scheduled hearing for reasons beyond his control, the applicant may submit a petition for reconsideration as set forth in the County Council's Rules of Procedure. The petition shall be submitted within 15 days and contain facts sufficient to demonstrate the failure to appear was beyond applicant's control. After discussion, if the failure to appear occurred before the Planning and Zoning Commission, the Planning and Zoning Commission shall vote to approve or deny the request for reconsideration or, if the failure to appear occurred before the County Council, the Council shall vote to approve or deny the request for reconsideration; provided, however, that the County Council shall not act upon any matter in which the applicant failed to appear before the Planning and Zoning Commission. If a majority of members of the Planning and Zoning Commission or the County Council, as applicable, vote to approve reconsideration of the application, the public hearing will be rescheduled.
[Amended 5-5-2015 by Ord. No. 2396]
- E. Withdrawal. A petition requesting an amendment, supplement or change, by ordinance, of the boundaries of a zoning district of the county's zoning regulations may not be withdrawn within two business days prior to the day of the holding of the public hearing before the County Council;

provided, however, that a petition may be withdrawn thereafter for good cause shown if a majority of the members of the County Council shall vote to allow such withdrawal.

[Added 11-26-1991 by Ord. No. 804]

- F. Failure to appear. If a petitioner, applicant or appellant fails to appear, or appear by agent, or fails to withdraw his application as provided for in Subsection **E** hereof, a petition requesting an amendment, supplement or change substantially similar shall not be reconsidered sooner than one year after the previous failure to appear or failure to withdraw, unless the applicant's failure to appear was beyond his control and the applicant's petition for reconsideration is approved in accordance with Subsection **D** hereof.

[Added 11-26-1991 by Ord. No. 804; amended 5-5-2015 by Ord. No. 2396]

Chapter 115. Zoning

Article XIB. C-2 Medium Commercial District

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

§ 115-83.10. Purpose.

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

§ 115-83.11. Permitted uses.

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

(1) Agricultural-related uses.

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

(2) Residential uses.

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

(b) Hotel, motel or motor lodge.

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

(a) Convenience store.

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

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

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

(e) Restaurants.

(f) Brew pubs.

(g) Wholesale trade establishments.

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

(a) Business service establishments.

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

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

§ 115-83.12. Permitted accessory uses.

Permitted accessory uses are as follows:

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

§ 115-83.13. Special use exceptions.

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

- A. Exceptions to parking and loading requirements, as follows:
 - (1) Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of Article XXII, where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve congestion in the streets would be best served by permitting such parking off the premises.

- (2) Waiver or reduction of the parking and loading requirement in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities.
- (3) Waiver or reduction of loading space requirements where adequate community loading facilities are provided.
- (4) Waiver or reduction of loading space requirements for uses which contain less than 10,000 square feet of floor area where construction of existing buildings, problems of access or size of lot make impractical the provision of required loading space.

B. Temporary and conditional permits for a period not to exceed five years, such period to be determined by the Board, for the following uses:

[Added 10-22-2019 by Ord. No. 2684]

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

§ 115-83.14. Permitted signs.

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

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

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

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

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

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

B. Minimum yard requirements.

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

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

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

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

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

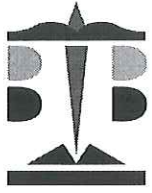
D. Maximum height requirement. Maximum height requirements shall be as follows:

Use	Feet
All permitted	42

§ 115-83.16. Reference to additional regulations.

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

- Article I, § 115-4, Definitions and word usage
- Article XX, Tables
- Article XXI, Signs
- Article XXII, Off-Street Parking
- Article XXIII, Off-Street Loading
- Article XXV, Supplementary Regulations
- Article XXVII, Board of Adjustment



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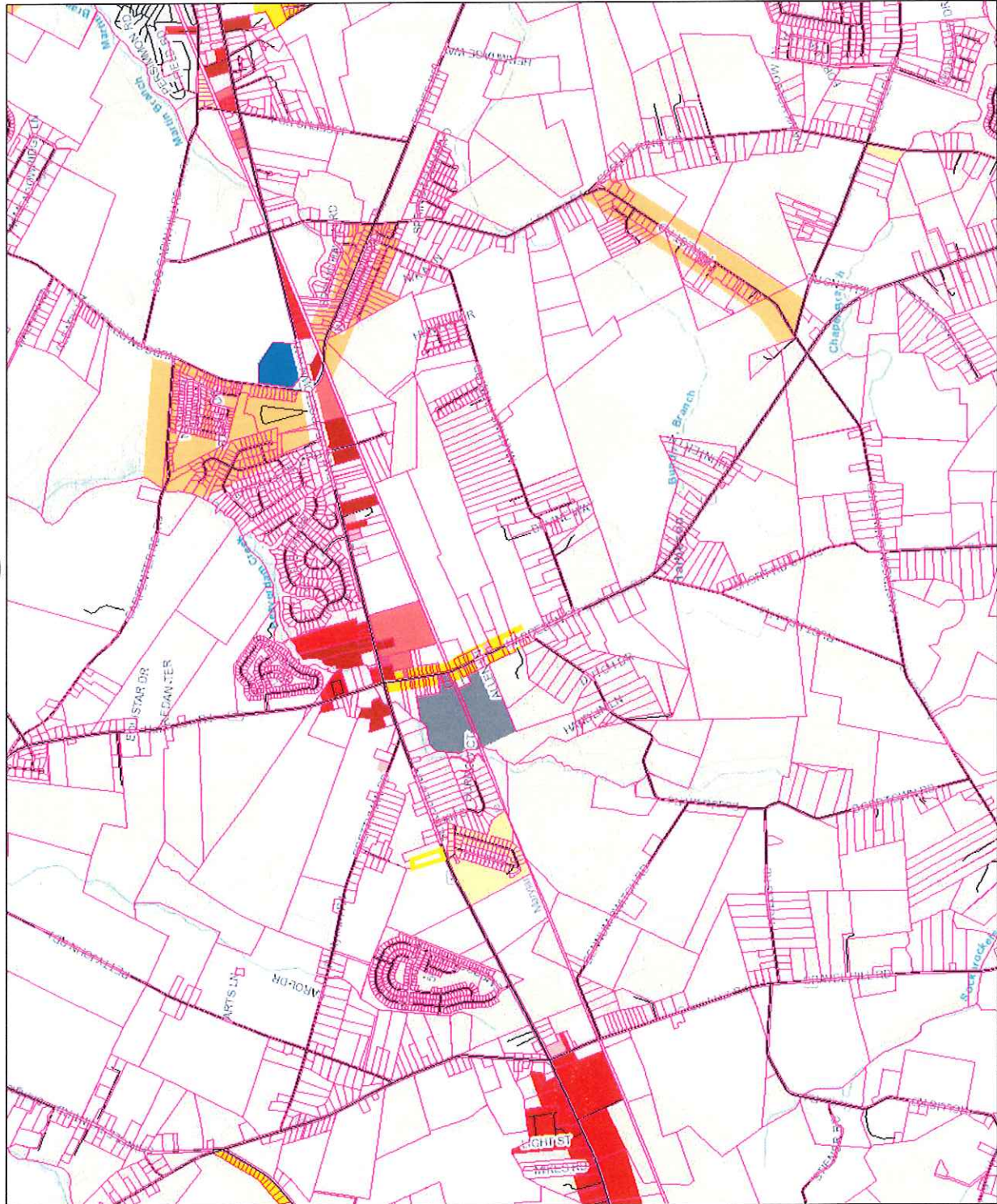
EXHIBIT D

Zoning Map

Present



Sussex County

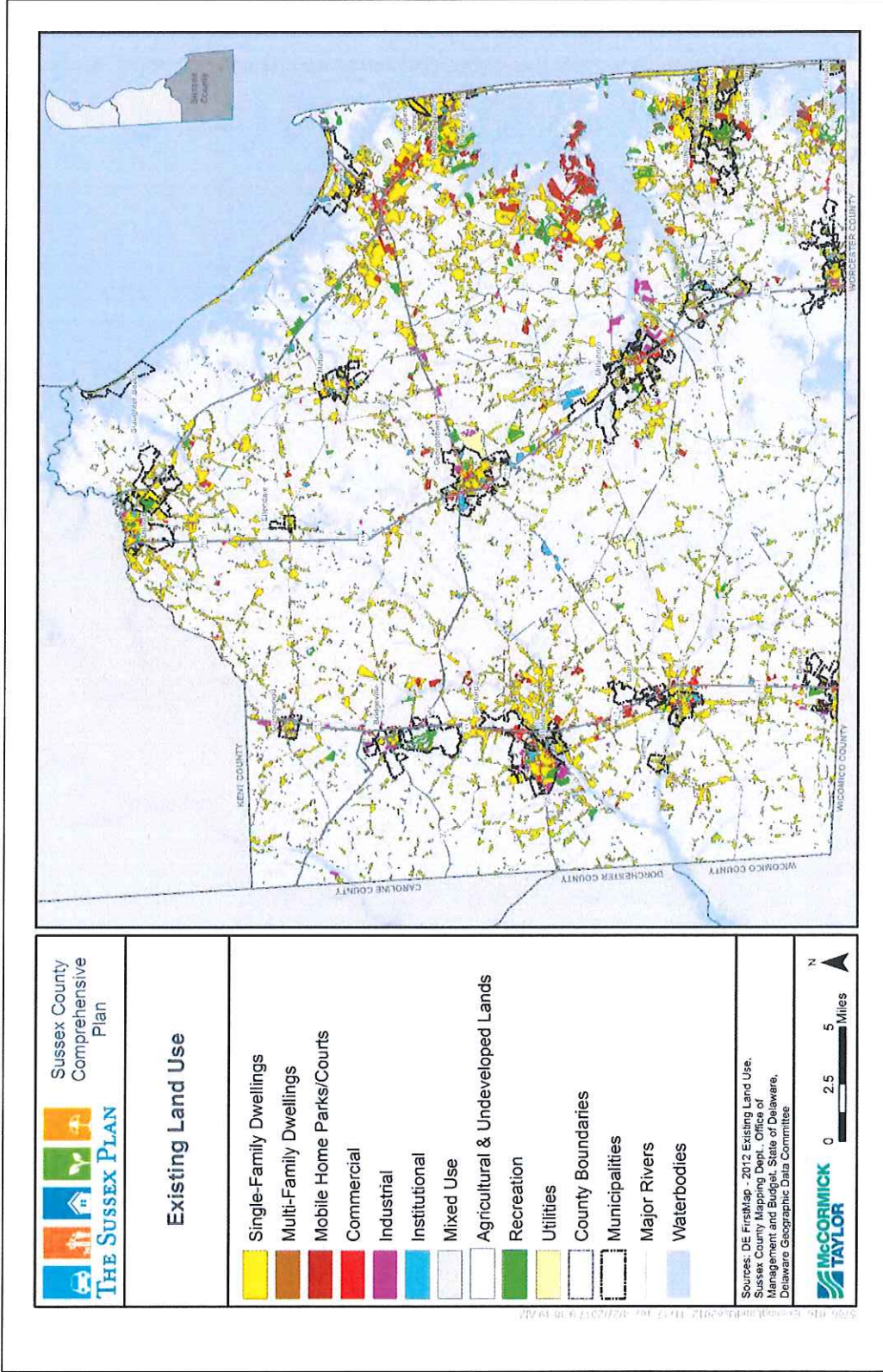


PIN:	235-30.00-6.20
Owner Name	EXECUTIVE LAWN PROPERTY
Book	4899
Mailing Address	PO BOX 91
City	NASSAU
State	DE
Description	LOT 1 W / IMPROVEMENTS
Description 2	N/A
Description 3	N/A
Land Code	

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- polygonLayer Override 1
- Tax Parcels
- Streets

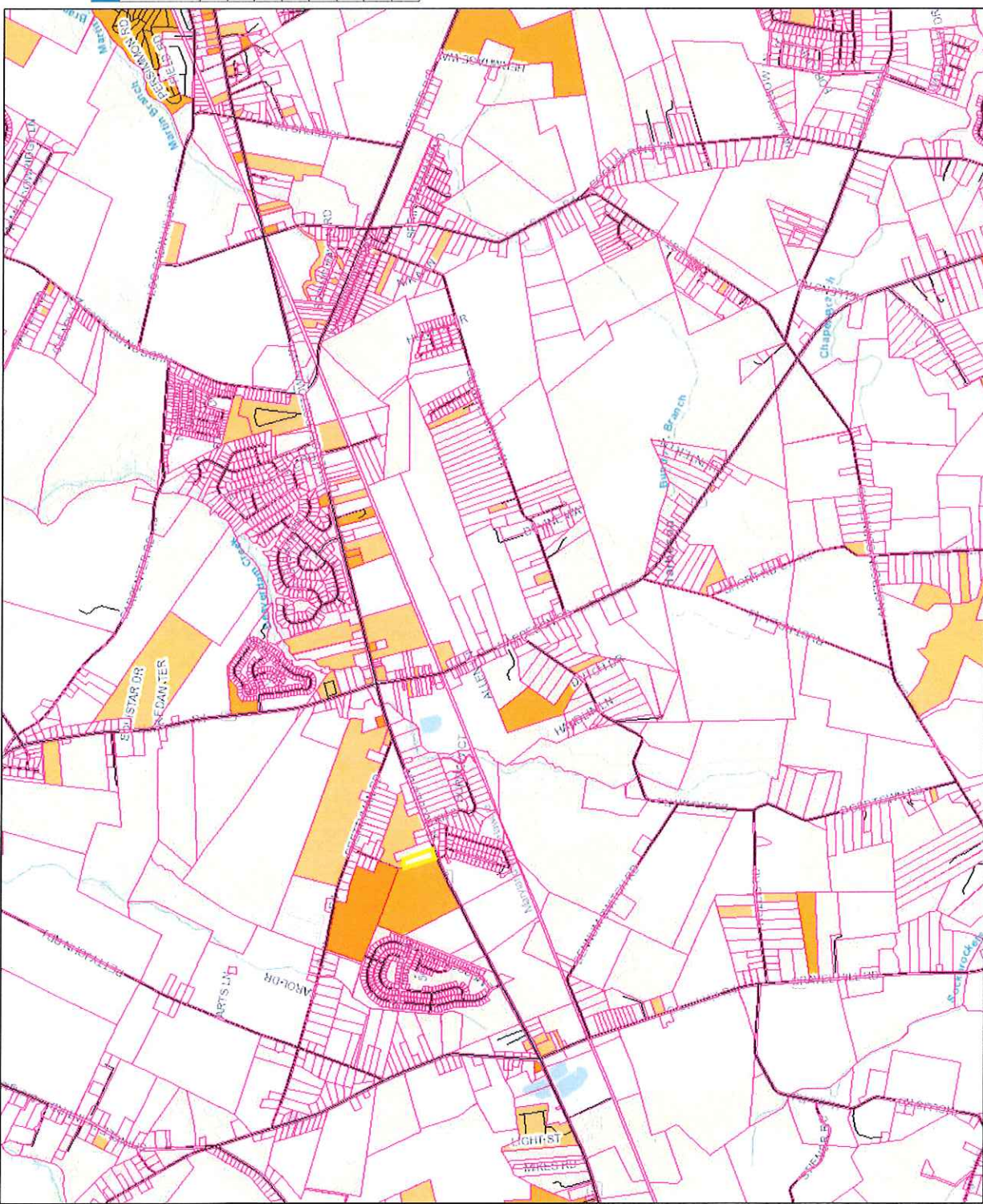


Figure 4.2-1 Existing Land Use





Sussex County



PIN:	235-30.00-6.20
Owner Name	EXECUTIVE LAWN PROPERTY
Book	4899
Mailing Address	PO BOX 91
City	NASSAU
State	DE
Description	LOT 1 W / IMPROVEMENTS
Description 2	N/A
Description 3	N/A
Land Code	

polygonLayer
Override 1

polygonLayer
Override 1

- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries
- TID
- Conditional Use

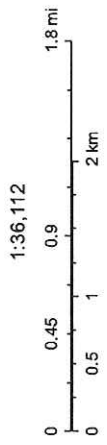
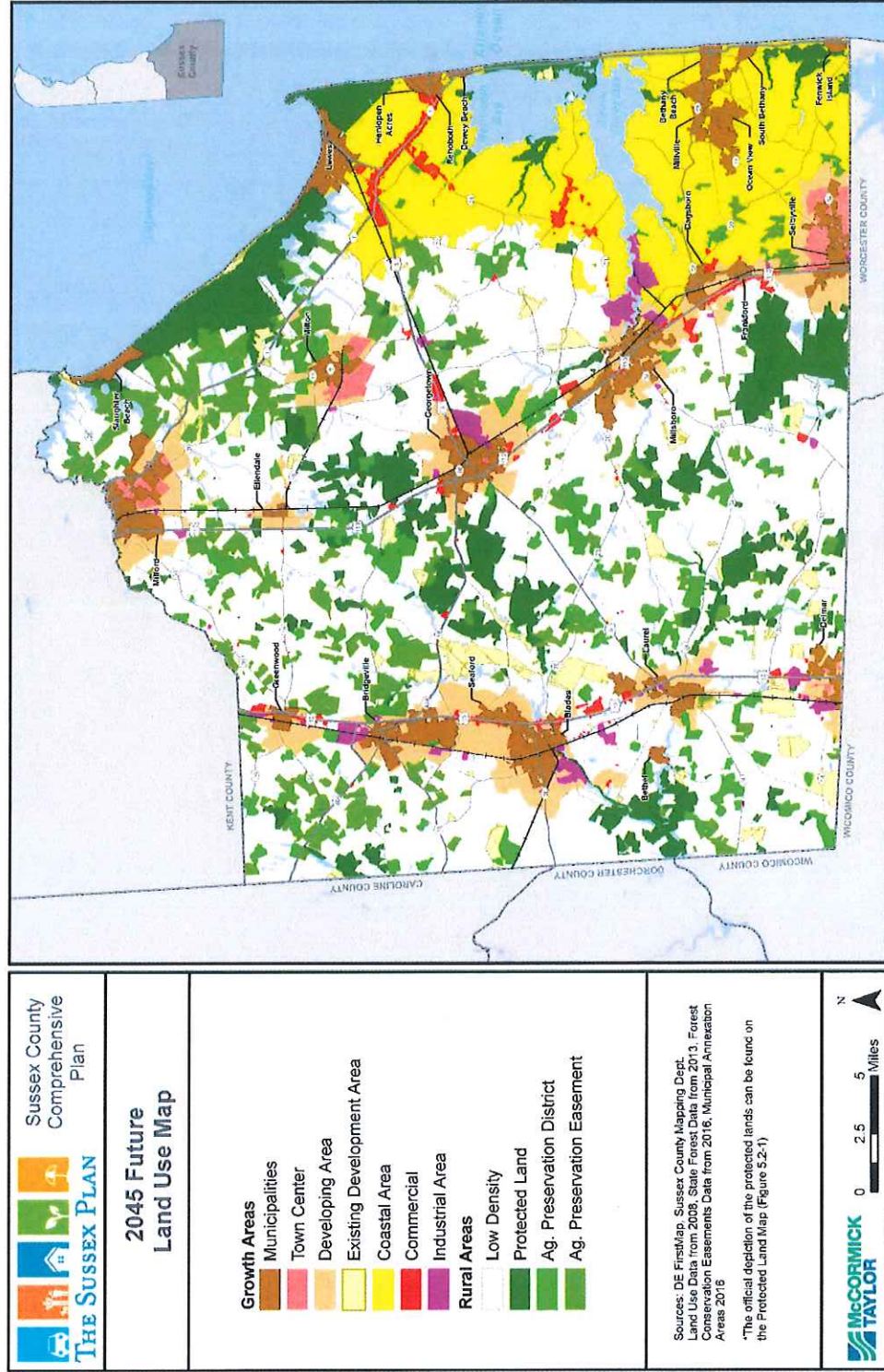




Figure 4.5-1 Sussex County 2045 Future Land Use





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

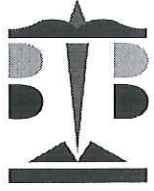
According to state law, the County must amend its official zoning map to be consistent with the Future Land Use Map within 18 months of the date of adoption of the Comprehensive Plan. Additionally, future rezonings should also generally be consistent with the Future Land Use Plan.

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

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories

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

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



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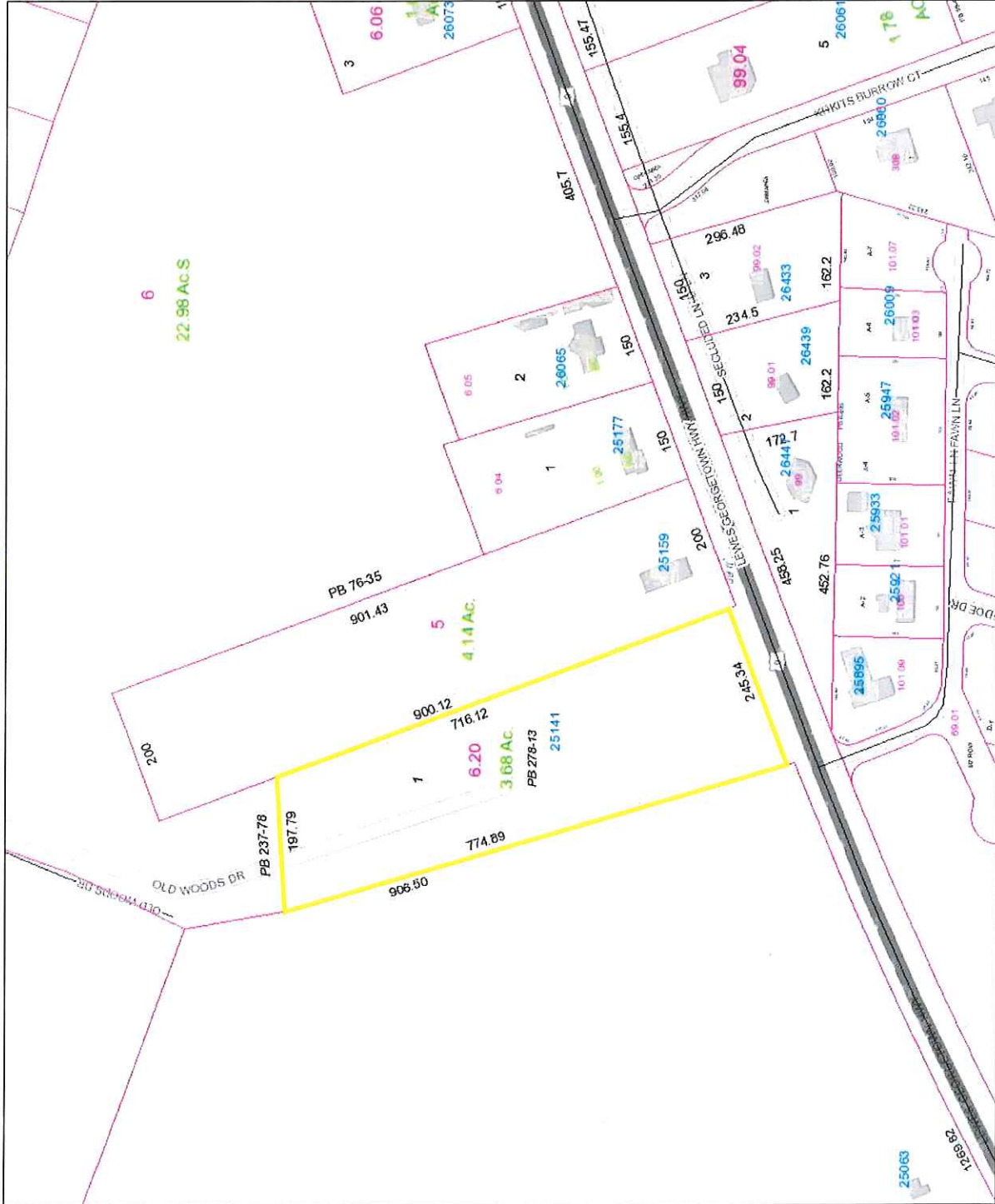
EXHIBIT E

Aerial Maps



Sussex County

PIN:	235-30.00-6.20
Owner Name	EXECUTIVE LAWN PROPERTY
Book	4899
Mailing Address	PO BOX 91
City	NASSAU
State	DE
Description	LOT 1 W / IMPROVEMENTS
Description 2	
Description 3	
Land Code	



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



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**Applicant
Exhibit**

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