

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

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



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
(302) 855-7878 T
pandz@sussexcountyde.gov
www.sussexcountyde.gov

Sussex County Planning & Zoning Commission

AGENDA

February 9, 2023

3:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes – November 17, 2022 (Revised), January 12, 2023, and January 26, 2023

Public Comment

Other Business

- | | |
|---|----|
| <u>S-22-39 Southern Delaware Medical Center, LLC (C/U 2316)</u>
Final Site Plan & Landscape Plan | KS |
| <u>S-22-45 Lands of Reed Ventures, LLC</u>
Revised Preliminary Site Plan | KS |
| <u>2019-29 Scenic Manor Subdivision</u>
Request to Revise Conditions of Approval in relation to Hours of Site Work | KS |
| <u>Lank Farm District (Edwin, LLC) (S-22-10-304)</u>
Consideration of Agricultural Preservation District | KH |
| <u>Lands of Erbe</u>
Minor Subdivision off of a 50-ft Easement | HW |
| <u>Lands of Givens, Trustees</u>
Minor Subdivision off of a 50-ft Easement | KH |
| <u>Lands of Ponderosa Acres, LLC</u>
Minor Subdivision off of a 15-ft Easement | KS |



Old Business

Ord. 23-02

An Ordinance to amend the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcel No. 334-5.00-153.00 and 334-5.00-153.02. The property is lying on the west side of Janice Road, approximately 0.10 mile west of Nassau Commons Boulevard. 911 Address: 32172 Janice Road, Lewes. Tax Parcel: 334-5.00-153.00 and 334-5.00-153.02.

C/Z 1995 Janice CRP3, LLC

KS

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and C-1 General Commercial District to an MR-RPC Medium-Density Residential – Residential Planned Community District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 61.39 acres, more or less. The property is lying on the west side of Janice Road, approximately 0.10 mile west of Nassau Commons Boulevard. 911 Address: 32172 Janice Road, Lewes. Tax Parcel: 334-5.00-153.02.

Ord. 22-07

An Ordinance to amend the Future Land Use Map of the Comprehensive Plan in relation to Tax Parcels 135-15.00-98.00 & 98.01. The properties are located on the south side of Lewes Georgetown Highway (Route 9), approximately 0.4-miles east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes Georgetown Highway. 911 Address: 22242 Lewes Georgetown Highway, Georgetown. Tax Parcels: 135-15.00-98.00 & 98.01.

C/U 2369 Leeward Chase DE, LLC

HW

An Ordinance to grant a Conditional Use of land in an Agricultural Residential District for multi-family dwellings (106 units) to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 50.80 acres, more or less. The properties are located on the south side of Lewes Georgetown Highway (Route 9), approximately 0.4-miles east of the intersection of Sand Hill Road (S.C.R. 319) and Lewes Georgetown Highway. 911 Address: 22242 Lewes Georgetown Highway, Georgetown. Tax Parcels: 135-15.00-98.00 & 98.01.

C/U 2370 William D. & Carol Emmert

HW

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for amendments to Conditional Use No. 1334 (Ordinance No. 1383) to allow for an additional commercial building for storage and operations of a construction business to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 3.93 acres, more or less. The property is lying on the north side of Four of Us Road, approximately 234 feet west of Hollyville Road (S.C.R. 48). 911 Address: 28816 Four of Us Road, Harbeson. Tax Parcel: 234-10.00-12.09.

C/Z 1974 Gregory T. White and Patricia P. White

BM

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.83 acres, more or less. The property is lying on the northeast side of Vines Creek Road (Rt. 26), approximately 425 feet northwest of Powell Farm Road (S.C.R. 365). 911 Address: 34371 Vines Creek Road, Dagsboro. Tax Parcel: 134-11.00-152.00.

C/Z 1975 Gregory T. White and Patricia P. White BM
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an MR Medium Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.64 acres, more or less. The properties are lying on the southwest side of Vines Creek Road (Rt. 26) approximately 450 feet northwest of Powell Farm Road (S.C.R. 365). 911 Address: 34360 & 34376 Vines Creek Road, Dagsboro. Tax ID: 134-11.00-107.00 and 108.00.

Recess

Public Hearings

Ord. 23-03
AN ORDINANCE TO AMEND CHAPTER 99, § 99-39B.(2)(c) OF THE CODE OF SUSSEX COUNTY RELATING TO THE TIME PERIOD FOR COUNCIL TO RENDER A DECISION ON APPEAL.

C/U 2374 Jose Netto and Karyne DeSilva KS
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for an esthetician business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.28 acre, more or less. The property is lying on the west side of John J. Williams Highway (Rt. 24), approximately 0.38 mile southwest of Mulberry Knoll Road (S.C.R. 284). 911 Address: 20036 John J. Williams Highway, Lewes. Tax Parcel: 334-12.00-23.00.

C/U 2376 Jose Hernandez HW
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a swimming pool business to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 6.56 acres, more or less. The property is lying on the north side of Hollyville Road (S.C.R. 48), approximately 0.28 mile southwest of Harbeson Road (Rt. 5). 911 Address: 23086 Hollyville Road, Harbeson. Tax Parcel: 234-10.00-70.03.

C/U 2340 Inland Bays Preservation Company, LLC KS
An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a wastewater reclamation treatment facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 26.05 acres, more or less. The property is lying on the northeast side of Banks Road (S.C.R. 298), approximately 400 feet northwest of Green Road (S.C.R. 298A). 911 Address: N/A Tax Parcel: 234-17.00-170.00 (P/O).

C/U 2349 Lessard Builders BM
An Ordinance to grant a conditional use of land in an MR Medium Density Residential District for multi-family (10 units) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.84 acre, more or less. The property is lying on the northwest side and the southeast side of Oak Orchard Road (Rt. 5), approximately 300 feet east of River Road (S.C.R. 312). 911 Address: 32768 Oak Orchard Road, Millsboro. Tax Parcel: 234-35.09-6.00.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 2, 2023 at 4:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

-MEETING DETAILS-

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

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

To join the meeting via telephone, please dial:

Conference Number: 1 302-394-5036

Conference Code: 570176

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

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

If any member of the public would like to submit comments electronically, these may be sent to pandz@sussexcountyde.gov. All comments are encouraged to be submitted by 4:00 P.M on Wednesday, February 8, 2023.

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



Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, AICP, Director, Department of Planning & Zoning; Jenny Norwood, Planning and Zoning Manager; Lauren DeVore, AICP, Planner III; Michael Lowrey, Planner III; Chase Phillips, Planner II; Christin Scott, Planner II; Elliott Young, Planner I & Jesse Lindenberg, Planner I

CC: Vince Robertson, Assistant County Attorney

Date: February 1st, 2023

RE: Other Business for the February 9th, 2023, Planning Commission Meeting

This memo provides background for the Planning Commission to consider as a part of the Other Business to be reviewed during the February 9th, 2023, Meeting of the Planning & Zoning Commission.

S-22-39 Southern Delaware Medical Center, LLC (C/U 2316)

KS

Final Site Plan & Landscape Plan

This is a Final Site Plan & Landscape Plan for Southern Delaware Medical Center, LLC (C/U 2316) for the construction of a 2-story 31,600 square foot building for medical and professional uses and other site improvements. At their meeting of Tuesday, September 27th, 2022, the Sussex County Council approved a Conditional Use for multiple parcels through Conditional Use No. 2316 for the use of medical and professional office spaces. The change was adopted through Ordinance No. 2888. At their meeting of Thursday, December 15th, 2022, the Sussex County Planning and Zoning Commission approved the Preliminary Site Plan with final approval to be set by Commission. A condition was set that interconnectivity along the east property line was to be more accessible and not have any intrusion from the Landscaped Buffer. The property is located on the southeast side of Shady Road (Route 276), 0.14-mile northeast of the intersection of Shady Road and Plantations Road (Route 1D). The Final Site Plan complies with the Sussex County Zoning Code and all Conditions of Approval. Tax Parcels: 334-6.00-511.02, 511.06 & 513.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals.

S-22-45 Lands of Reed Ventures, LLC

KS

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the construction of a 2-story 15,840 square foot building with retail and office space, a 1,275 square foot proposed drive thru restaurant, parking, and landscaping along Route 1. The parcel is 1.65 acres +/- and is located on the southwest side of Coastal Highway (Route 1), in the Combined Highway Corridor Overlay Zone (CHCOZ). The property is also with the Henlopen Transportation Improvement District (TID). The Applicant has submitted a letter requesting parking to be proposed within the front setback. The Revised Preliminary Site Plan otherwise complies with the Sussex County Zoning Code. Tax Parcel: 334-6.00-479.00. Zoning: C-1 (General Commercial District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting final approvals to be made subject to staff upon the receipt of all agency approvals.



(2019-29) Scenic Manor (FKA Estates at Mulberry Knoll)

Request to Amend Conditions of Approval

The Planning and Zoning Department has received a request to amend Conditions of Approval of the Final Subdivision Plan for Scenic Manor (2019-29) as approved by the Planning & Zoning Commission at their meeting of Thursday, September 21, 2022. On January 6, 2023, staff received a formal request to amend Condition J of the Plan's approval. The Applicant requests that Condition J, requiring "Construction, site work and deliveries shall only occur on the site between the hours of 8:00AM through 5:00PM, Monday through Friday, and 8:00AM and 2:00PM on Saturdays. No Sunday hours are permitted", be amended to permit working hours of 7:00AM through 6:00PM on Monday through Friday. This AR-1 cluster subdivision contains three-hundred and nineteen (319) single-family lots on 166.83 acres +/- and is located on the east and west side of Mulberry Knoll Road (S.C.R. 284), approximately 270 feet north of Stardust Drive. Tax Parcel: 334-18.00-43.00. Zoning: AR-1 (Agricultural Residential District).

Lank Farm District (Edwin, LLC) (S-22-10-304)

KH

Consideration of Agricultural Preservation District

The State of Delaware Department of Agriculture has notified the Planning & Zoning Department of a new proposed Agricultural Preservation District submitted to the Delaware Agricultural Lands Preservation Foundation. The new proposed APD comprises 229.38 Acres to be located on the north and south side of Obier Road, at the corner of Obier Road and Neals School Road. Tax Parcel: 531-5.00-6.00. Zoning: AR-1 (Agricultural Residential Zoning District).

Lands of Erbe

HW

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) lot to consist of 1.828 acres +/-, with residual land to consist of 5.770 acres +/- . The proposed lot will have frontage to Radish Road, while the residual land will be accessed through a 50-foot access easement. The property is located on the south side of Radish Road (S.C.R. 338), approximately 0.25 mile southwest of Hickory Hill Road in Millsboro. The Minor Subdivision complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 133-20.00-49.25. Zoning: AR-1 (Agricultural Residential). Staff are in receipt of all agency approvals; therefore, this plan is eligible for preliminary and final approvals.

Lands of Givens, Trustees

KH

Minor Subdivision off a 50-ft Easement

This is a Minor Subdivision Plan for the creation of one (1) lot to consist of 2.0755 acres +/-, with residual land to consist of 19.2676 acres +/- . The proposed lot will be located off a 12-foot paved drive and a 50-foot access easement. The property is located on the south side of Baker Mill Road (S.C.R. 483), approximately 0.44 mile west of Fleetwood Pond Road in Seaford. The Minor Subdivision Plan complies with the Sussex County Zoning and Zoning Codes. Tax Parcel: 231-17.00-40.00. Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals; therefore, this plan is eligible for preliminary and final approvals.

Lands of Ponderosa Acres, LLC

KS

Minor Subdivision off a 15-ft Easement

This is a Minor Subdivision Plan for the subdivision of a 61.47-acre +/- parcel into one (1) lot and residual lands with access off an existing 15-ft ingress/egress access easement. The Plan also proposes

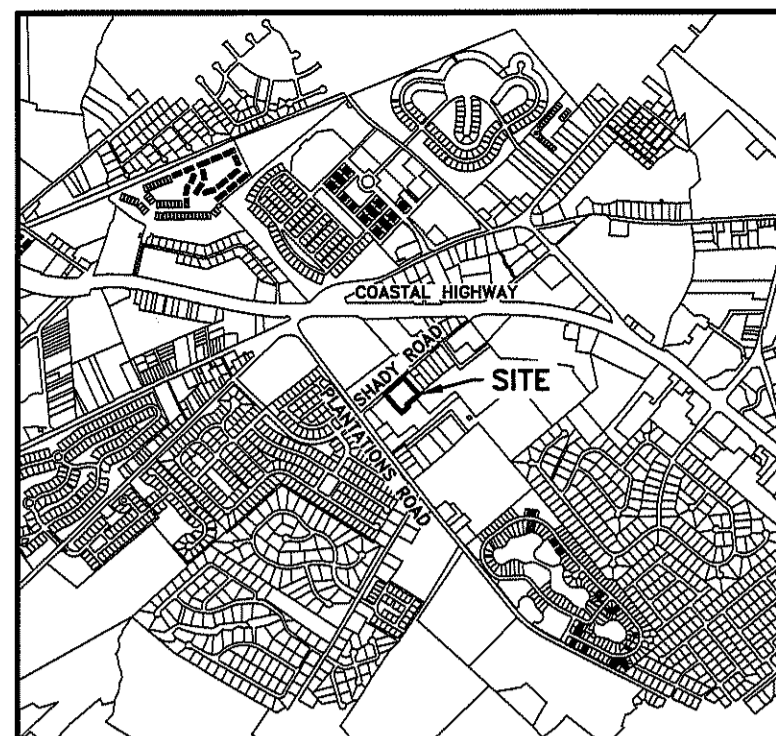
to both reconfigure and lengthen the existing easement to 906 feet. A cul-de-sac has also been provided in accordance with Chapter 99 Street Design Standards, which are required for dead-end streets greater than 300 feet in length. Proposed Lot #9 consists of 1.00 acre +/- and the residual land consists of 60.47 acres +/- . The property is located on the north side of Johnson Road (S.C.R. 207) and the east side of Route 113 (DuPont Boulevard). A shared use maintenance agreement shall be established for use of the shared access drive. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 130-6.00-113.04. Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting final approvals to be made subject to staff upon the receipt of all agency approvals.

SHADY ROAD COMMERCIAL

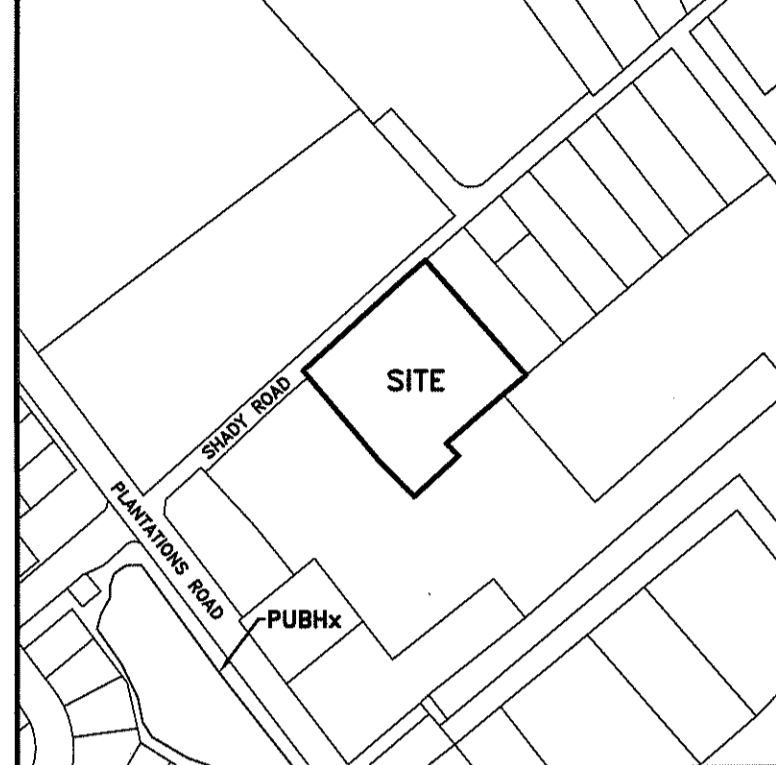
BROADKILL RIVER WATERSHED
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

DBF #2916A014
JULY 2022

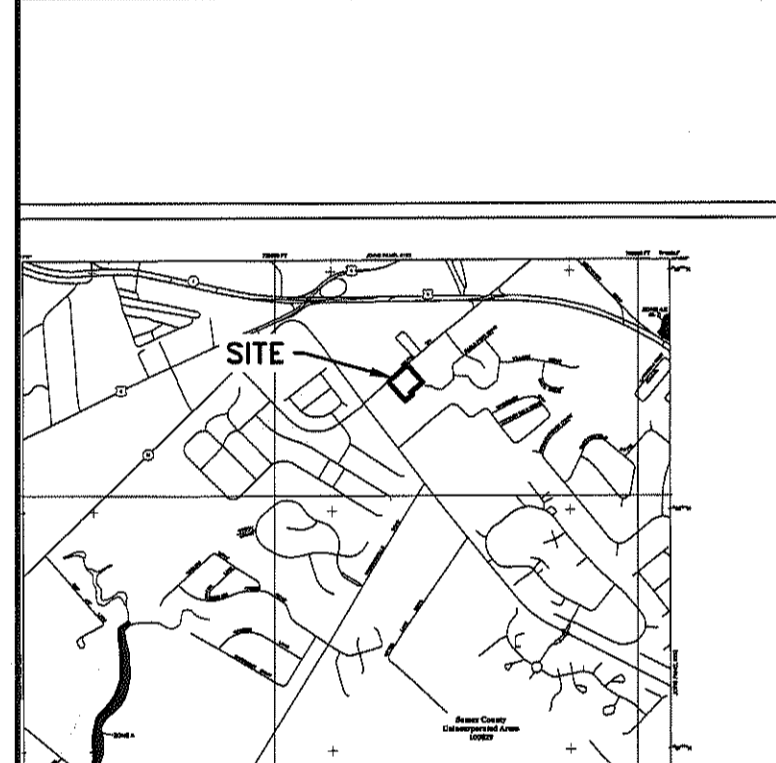
CONSTRUCTION PLANS



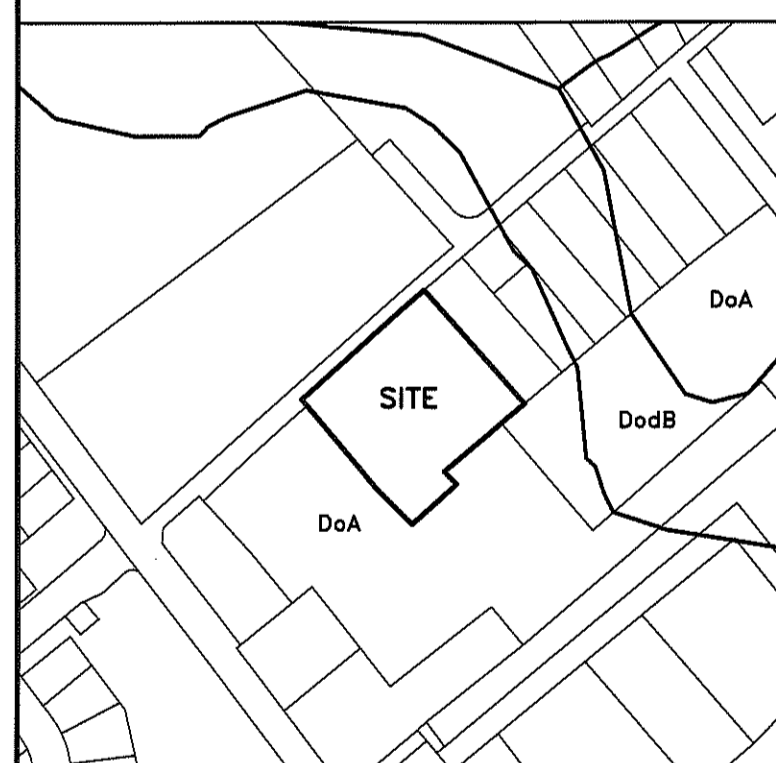
LOCATION MAP
1" = 1/2 MILE



NWI WETLANDS
1" = 400'



FEMA FLOOD MAP
PANEL #10005C0331K SCALE: 1" = 1/2 MILE



SOILS MAP
1" = 400'

SOILS DATA		
LABEL	SOIL NAME	TYPE
DoA	Downer sandy loam, 0-2% slopes, Northern Tidewater Area	A

DATA COLUMN

TAX MAP ID: 3-34-6.00-511.02
3-34-6.00-511.06
3-34-6.00-513.00

DEED REF: D 5514/264

DATUM: NAVD 88
VERTICAL: NAD 83 (DE STATE PLANE)
HORIZONTAL:

EXISTING ZONING: AR-1
3-34-6.00-511.02
3-34-6.00-511.06
3-34-6.00-513.00

PROPOSED ZONING: AR-1

EXISTING LOTS: 3
PROPOSED LOTS: 1

EXISTING USE: RESIDENTIAL
PROPOSED USE: COMMERCIAL

PROPOSED CONSTRUCTION: WOOD/CONCRETE BLOCK

FLOOD HAZARD MAP: THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0331K (DATED MARCH 16, 2015).

WETLANDS: THE PROPERTY AS SHOWN DOES NOT CONTAIN STATE OR FEDERALLY (404 NON-TIDAL) REGULATED WETLANDS.

SOURCE WATER PROTECTION: PROJECT IS NOT WITHIN A WELLHEAD PROTECTION AREA. PROJECT IS NOT WITHIN THE "EXCELLENT", "GOOD" AND "POOR" GROUNDWATER RECHARGE AREAS.

EXISTING SITE AREA: 2.297 ACRES±
GROSS LEASABLE AREA: 31,600 S.F.

AREAS:
PARKING/OPEN SPACE: 1.651 AC.±
BUILDING AREA: 0.364 AC.±
R.O.W. DEDICATION: 0.040 AC.±
IMPERVIOUS COVER: 1.484 AC.± (65%)
NET DEVELOPMENT AREA: 0.773 AC.± (34%)

SETBACK REQUIREMENTS:
FRONT YARD: 60 FT.
SIDE YARD: 20 FT.
REAR YARD: 30 FT.

PARKING:
REQUIRED: 1 SPACE PER 200 S.F.
25,280 S.F. / 200 S.F. = 126.40 SPACES OR 127 SPACES
TOTAL REQUIRED SPACES = 127
PROVIDED: 127 SPACES INCLUDING 4 HANDICAPPED ACCESSIBLE

LOADING:
REQUIRED: 2 LOADING SPACES ARE REQUIRED FOR 25,000 - 100,000 S.F.
PROVIDED: 1 LOADING SPACE PROVIDED, 1 LOADING SPACE WAIVED

PROPOSED MAXIMUM BUILDING HEIGHT: 42 FT. (3-1/2 STORIES)

PROPOSED CONSTRUCTION PHASES: 1

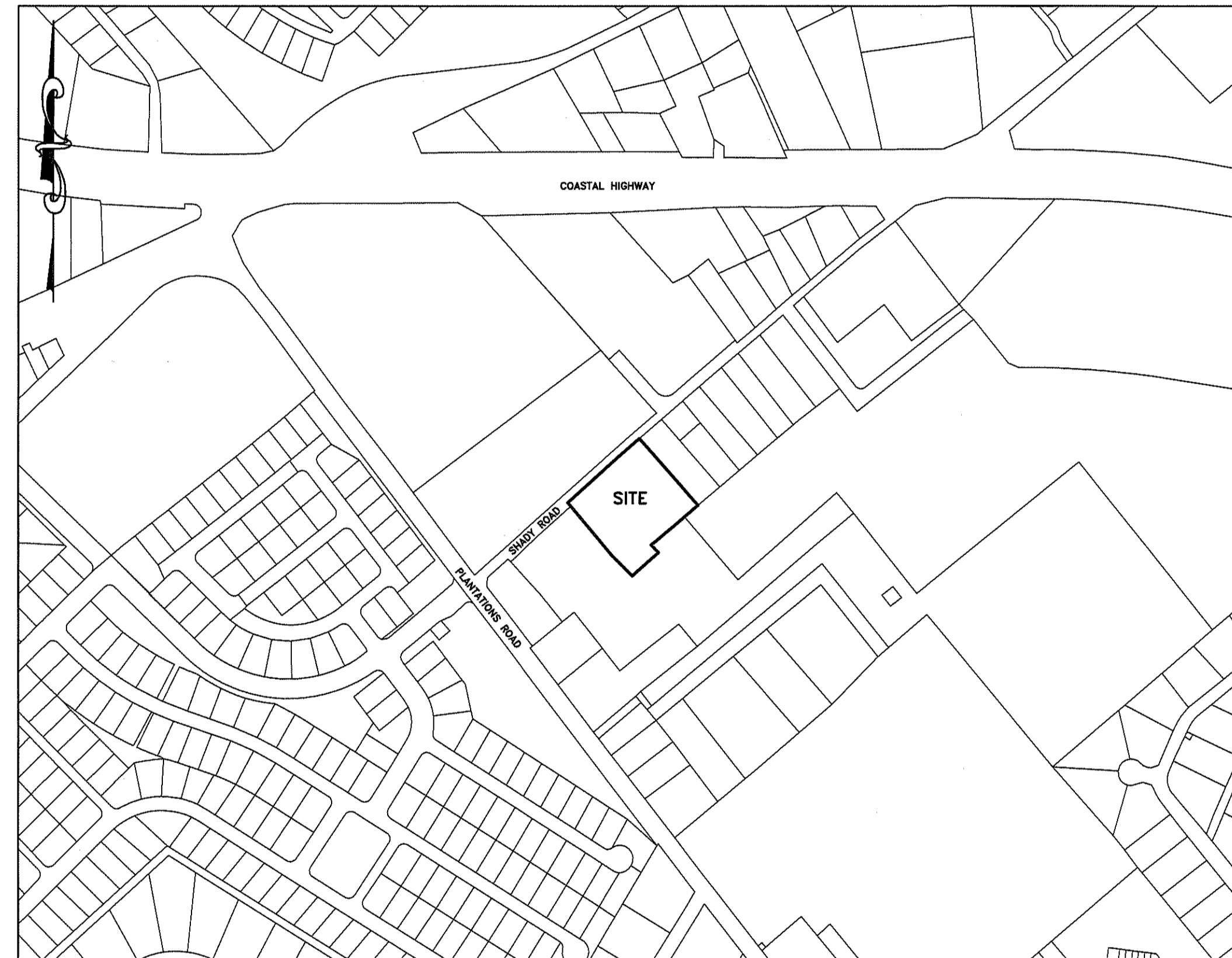
SANITARY SEWER: WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SSD
WATER SUPPLY: TIDEWATER UTILITIES, INC.

TID DISTANCE: INSIDE HENLOPEN TID (IN OPERATION)

STATE INVESTMENT LEVEL: 1

OWNER/DEVELOPER:
SOUTHERN DELAWARE MEDICAL CENTER, LLC
859 GOLF LINKS LANE
MAGNOLIA, DE 19962
CONTACT: G. MICHAEL GLICK
PHONE: 302-677-1965
EMAIL: MGLICK@LHCONSTRUCTION.COM

PREPARED BY:
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DE 19963
PHONE: 302-424-1441
FAX: 302-424-0430



LOCATION MAP
SCALE: 1"=400'



INDEX OF SHEETS	
C-001	TITLE
C-002	LEGEND
C-003	GENERAL NOTES
C-101	SITE PLAN
C-102	SITE DETAILS
C-201	STORMWATER PIPE PROFILES
C-301	GRADING PLAN
C-401 - C-409	STORMWATER MANAGEMENT PLANS
C-501	UTILITY PLAN
C-502	UTILITY PROFILES
C-504	SEWER DETAILS
C-505	WATER DETAILS
V-101	RECORD TITLE
V-102	RECORD PLAN

BENCHMARK INFORMATION			
Bm#	DESCRIPTION	LOCATION	ELEVATION
1	IRON ROD W/CAP	N:271653.3047 E:726704.5612	26.13' (NAVD 88)

OWNER/DEVELOPER STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION, I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

SOUTHERN DELAWARE MEDICAL CENTER, LLC _____ DATE _____
859 GOLF LINKS LANE
MAGNOLIA, DE 19962

ENGINEER'S STATEMENT

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

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

DAVIS
BOWEN &
FRIEDEL, INC.
ARCHITECTS - ENGINEERS - SURVEYORS
MILFORD, DELAWARE 302.424.1444
EASTON, MARYLAND 410.770.4744
SALISBURY, MARYLAND 410.543.7091

SHADY ROAD COMMERCIAL
OFFICE BUILDING
SUSSEX COUNTY, DELAWARE

DATE	COMMENTS

Date: JULY 2022
Scale: AS NOTED
Dwn.By: RPK
Proj.No.: 2916A014

TITLE
C-001

MANMADE ROADSIDE FEATURES			
FEATURE DESCRIPTION	EXISTING	PROPOSED	ID
BOLLARD			
CURB, TYPE 1 AND 3			
CURB OPENING WITH SIDEWALK			
FENCE - CHAINLINK OR STRANDED			
LAMP AND POST - RESIDENTIAL			
MAILBOX			
TRAFFIC SIGN AND POST			
CURB OPENING			

DRAINAGE FEATURES			
FEATURE DESCRIPTION	EXISTING	PROPOSED	ID
FLARED END SECTION			
DRAINAGE MANHOLE			
DRAINAGE INLET			
DIRECTIONAL FLOW ARROW			
RIPRAP			
DRAINAGE PIPE			
UNDERDRAIN			
UNDERDRAIN OUTLET			
SAFETY END SECTION			
BIOFILTRATION SWALE			
DITCH CENTERLINE			
DRAINAGE JUNCTION BOX			
DRAINAGE PIPE HEADWALL			

IDENTIFIERS	
FEATURE DESCRIPTION	ID
ABANDON BY CONTRACTOR	
ABANDON BY OTHERS	
ADJUST BY CONTRACTOR	
ADJUST BY OTHERS	
CONVERT TO JUNCTION BOX	
CONVERT TO DRAINAGE MANHOLE	
DO NOT DISTURB	
PEDESTRIAN CONNECTION/TYPE	
PEDESTRIAN CONNECTION/TYPE WITHOUT DETECTABLE WARNING SYSTEM	
RELOCATE BY CONTRACTOR	
RELOCATE BY OTHERS	
REMOVE BY CONTRACTOR	
REMOVE BY OTHERS	

UTILITY FEATURES		
FEATURE DESCRIPTION	EXISTING	PROPOSED
ELECTRIC - UNDERGROUND		
ELECTRIC MANHOLE		
ELECTRIC METER		
ELECTRIC TRANSFORMER		
GAS - UNDERGROUND		
GAS MANHOLE		
GAS METER		
LIGHT POLE		
GAS VALVE		
RAILROAD TRACKS		
SANITARY MAIN		
SANITARY SEWER MANHOLE		
SOIL BORING LOCATION		
TELEPHONE TEST POINT		
UTILITY POLE GUY WIRE ANCHOR		
UTILITY POLE		
WATER MAIN		
WATER - FIRE HYDRANT		
WATER VALVE		
WATER METER/LATERAL		
SANITARY SEWER CLEANOUT/LATERAL		

NATURAL FEATURES		
FEATURE DESCRIPTION	EXISTING	PROPOSED
HEDGEROW OR THICKET		
SHRUBBERY		
TREE - CONIFEROUS		
TREE - DECIDUOUS		
TREE LINE		
CONTOUR ELEVATION & LABEL		
ELEVATION	44.70 x	21.96

RIGHT-OF-WAY FEATURES		
FEATURE DESCRIPTION	EXISTING	PROPOSED
PERMANENT EASEMENT		
PROPERTY LINE		
RIGHT-OF-WAY BASELINE		
RIGHT-OF-WAY LINE		
TAX DITCH RIGHT OF WAY		
DELDOT PERMANENT EASEMENT		
TEMPORARY CONSTRUCTION EASEMENT		

SURVEY CONTROL & MONUMENTATION		
FEATURE DESCRIPTION	EXISTING	PROPOSED
SURVEY BENCHMARK LOCATION		
IRON ROD WITH CAP SET		
CONCRETE MONUMENT		
IRON PIPE FOUND		
IRON ROD FOUND		

MISCELLANEOUS FEATURES		
FEATURE DESCRIPTION	EXISTING	PROPOSED
LIMIT OF DISTURBANCE		
WETLAND BOUNDARY - DELINEATED		

DAVIS BOWEN & FRIEDEL, INC.
ARCHITECTS - ENGINEERS - SURVEYORS
MILFORD, DELAWARE 19967
SUSSEX COUNTY, DELAWARE 19967
410.363.7974

SHADY ROAD COMMERCIAL
OFFICE BUILDING
SUSSEX COUNTY, DELAWARE

DATE	COMMENTS

Date: JULY 2022
Scale: AS NOTED
Dwn.By: RPK
Proj.No.: 2916A014

LEGEND

Dwg.No.: C-002

CIVIL PLAN GENERAL NOTES

- THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPRISE AND COORDINATE DURING ALL PHASES OF CONSTRUCTION:
 SUSSEX COUNTY ENGINEERING DEPARTMENT 302-855-7718
 DAVIS, BOWEN & FRIEDEL, INC. 302-424-1441
 SUSSEX CONSERVATION DISTRICT 302-856-2105
 DEPARTMENT OF TRANSPORTATION, SOUTH DISTRICT PERMITS SUPERVISOR 302-853-1342
 TIDEWATER UTILITIES, INC. 877-720-9272
- ORIGINAL BOUNDARY AND TOPOGRAPHIC SURVEY WAS PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. JULY 2021.
- CONTRACTOR SHALL PROVIDE STAKEOUT NECESSARY FOR THE INSTALLATION OF UTILITIES, STORM DRAINS, PAVING AND ALL OTHER SITE WORK INCLUDED IN THESE PLANS. ALL STAKEOUT WORK IS TO BE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF DELAWARE.
- THE CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY DEVIATION FROM THESE PLANS UNLESS WRITTEN APPROVAL HAS BEEN PROVIDED BY THE ENGINEER.
- ACCORDING TO FEMA FLOOD INVENTORY MAP #1000500331K, DATED MARCH 16, 2015, THE SITE IS IMPACTED BY THE 100 YEAR FLOODPLAIN.
- THE CLUBHOUSE PLANS FOR THE SUBDIVISION WILL BE PROVIDED IN A SEPARATE SUBMISSION.

DRAINAGE, GRADING AND SEDIMENT CONTROL GENERAL NOTES

- ALL STORM DRAIN PIPING, INLET, MANHOLE, AND END SECTION INSTALLATION SHALL BE IN ACCORDANCE WITH SUSSEX COUNTY CONSTRUCTION STANDARDS.
- ALL STORM DRAIN DESIGNATED AS RCP IS TO BE REINFORCED CONCRETE PIPE, MEETING AASHTO M 170 SPECIFICATIONS, STORM DRAIN SEE PIPE SCHEDULE FOR PIPE CLASSIFICATION.
- PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
- ALL SEALS MUST BE WATERTIGHT WITH NON SHRINK GROUT OR RUBBER GASKETS AND CONCRETE STRUCTURES MUST BE PRECAST OR POURED IN PLACE.
- CONTRACTOR SHALL GRADE, TOPSOIL, SEED AND MULCH ALL DISTURBED AREAS OF CONSTRUCTION, INCLUDING PIPE INSTALLATION OR DITCH CONSTRUCTION. EROSION CONTROL MATTING SHALL BE PROVIDED ON ALL SLOPES GREATER THAN 3:1.
- THE CONTRACTOR SHALL PROVIDE SEDIMENT CONTROL MEASURES TO PROTECT STOCKPILE AREAS AND STORAGE AREAS. ALL AREAS USED BY THE CONTRACTOR FOR STAGING OPERATIONS SHALL BE FULLY RESTORED BY THE CONTRACTOR UPON COMPLETION OF THE PROJECT. IF THE STAGING AREA IS PAVED, IT SHALL BE RESTORED TO ITS ORIGINAL CONDITION. IF THE STAGING AREA IS UNPAVED, IT SHALL BE RE-GRADED, TOPSOILED, SEEDED AND MULCHED TO THE SATISFACTION OF THE ENGINEER. ALL COSTS ASSOCIATED WITH RESTORATION OF THE STAGING AREA SHALL BE AT THE CONTRACTOR'S EXPENSE. IF THE ENGINEER DETERMINES THAT A SATISFACTORY STAND OF GRASS DOES NOT EXIST AT THE TIME OF FINAL INSPECTION, ALL COSTS ASSOCIATED WITH RE-ESTABLISHING A SATISFACTORY STAND OF GRASS SHALL BE AT THE CONTRACTOR'S EXPENSE.
- EQUIPMENT AND/OR STOCKPILE MATERIAL SHALL NOT BE STORED IN THE DRIPLINE AREA OF ANY TREE.
- IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE SUSSEX CONSERVATION DISTRICT.
- CORRUGATED POLYETHYLENE PIPE SHALL BE INSTALLED IN ACCORDANCE WITH DELDOT SPECIAL PROVISIONS 6125XX.
- ADDITIONAL EROSION AND SEDIMENT CONTROL NOTES CAN BE FOUND ON THE EROSION AND SEDIMENT CONTROL PLANS.
- A TEN (10) FOOT STRIP IS HEREBY RESERVED AS AN EASEMENT FOR DRAINAGE AND UTILITIES ALONG ALL STREET RIGHT OF WAYS, FRONT, SIDE AND REAR LOT LINES.

DEMOLITION AND SAFETY GENERAL NOTES

- MISS UTILITY OF DELMARVA SHALL BE NOTIFIED THREE CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-8555.
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NOT GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATION AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS/HER NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA.
- THE CONTRACTOR SHALL REMOVE AND IMMEDIATELY REPLACE, RELOCATE, RESET OR RECONSTRUCT ALL OBSTRUCTIONS IN THE ROAD WAY, INCLUDING, BUT NOT LIMITED TO, MAILBOXES, SIGNS, LANDSCAPING, LIGHTING, PLANTERS, CULVERTS, DRIVEWAYS, PARKING AREAS, CURBS, GUTTERS, FENCES, OR OTHER NATURAL OR MAN-MADE OBSTRUCTIONS. TRAFFIC CONTROL, REGULATORY, WARNING AND INFORMATIONAL SIGNS SHALL REMAIN FUNCTIONAL AND VISIBLE TO THE APPROPRIATE LANES OF TRAFFIC AT ALL TIMES, WITH THEIR RELOCATION KEPT TO A MINIMUM DISTANCE. THE COST SHALL BE INCLUDED IN THE COST OF ITEMS BID.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS AND ORDERS OF ANY PUBLIC BODY HAVING JURISDICTION. THE CONTRACTOR SHALL ERECT AND MAINTAIN, AS REQUIRED BY THE CONDITIONS AND PROGRESS OF THE WORK, ALL NECESSARY SAFEGUARDS FOR SAFETY AND PROTECTION.
- DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES. ANY SOLID WASTE FOUND DURING THE EXCAVATION FOR STRUCTURES AND UTILITY LINES ON AND OFF SITE MUST BE REMOVED AND PROPERLY DISCARDED. ANY REMEDIAL ACTION REQUIRED IS THE RESPONSIBILITY OF THE CONTRACTOR TO PERFORM. ADDITIONAL COSTS WILL BE NEGOTIATED WITH THE OWNER.
- DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL WORK MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

INTERNAL PAVING / CONCRETE NOTES

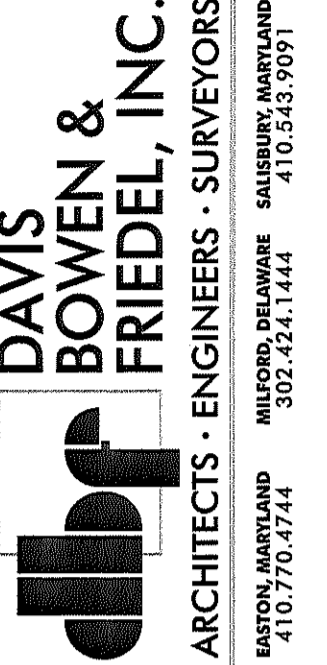
- BITUMINOUS CONCRETE SHALL BE INSTALLED IN ACCORDANCE WITH THE 2001 DELDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION INCLUDING SPECIAL PROVISIONS:
 1.1. SECTION 401 FOR PLACEMENT OF TACK COAT AND BITUMINOUS CONCRETE.
 1.2. BITUMINOUS CONCRETE SHALL BE FROM A DELDOT APPROVED PLANT.
 1.3. BITUMINOUS CONCRETE SHALL NOT BE APPLIED WHEN THE TEMPERATURE IS BELOW 40° F OR ON ANY WET OR FROZEN SURFACE.
- ALL DISTURBED AREAS NOT COVERED WITH IMPERVIOUS MATERIAL, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED, SEEDED AND MULCHED.
- ALL SIGNING AND MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION).
- FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, I.E. SYMBOLS/LEGENDS.
- ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE 2011 DELAWARE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (LATEST EDITION), AND SHALL BE NCHRP - 350 APPROVED AND SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS. DETAIL CAN BE FOUND IN DELDOT'S STANDARD CONSTRUCTION DETAILS.
- PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT PAVING IS INSTALLED TO THE ELEVATIONS SHOWN AND THAT NO PONDING OF WATER EXISTS AFTER PAVING IS COMPLETE. PONDING IS DEFINED AS WATER STANDING IN AN AREA MORE THAN 1 HOUR AFTER A RAINFALL EVENT THAT PRODUCES RUNOFF. ELIMINATION OF PONDING WILL BE COMPLETED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- OPEN-CUT TRENCHES AND PROVIDE PAVEMENT RESTORATION IN ACCORDANCE WITH DELDOT STANDARDS AND SPECIFICATIONS.
- CONCRETE SHALL BE PLACED IN ACCORDANCE WITH DELDOT STANDARD SPECIFICATIONS.

POTABLE WATER DISTRIBUTION GENERAL NOTES

- TIDEWATER UTILITIES RESIDENT PROJECT REPRESENTATIVE SHALL BE ON-SITE AT ALL TIMES WHEN THE CONTRACTOR IS INSTALLING AND/OR TESTING THE WATER DISTRIBUTION AND HOUSE SERVICE SYSTEM.
- THE DEVELOPER SHALL PURCHASE THE METER PIT FROM TIDEWATER UTILITIES AND INSTALL IT IN ACCORDANCE WITH TIDEWATER UTILITIES STANDARDS AND SPECIFICATIONS.
- ALL WORK MUST BE IN CONFORMANCE WITH TIDEWATER UTILITIES STANDARDS AND SPECIFICATIONS.
- ALL WORK MUST BE HYDROSTATICALLY TESTED AND THEN DISINFECTED. CONTRACTOR SHALL SUPPLY ALL MATERIALS TO TEST AND DISINFECT THE SYSTEM. CONTRACTOR IS REQUIRED TO OBTAIN A CERTIFICATE TO OPERATED FROM DHSS OFFICE OF DRINKING WATER.
- ALL AREAS DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION. IF ADDITIONAL WORK IS REQUIRED IN THE FUTURE THEN THE AREA SHALL BE STABILIZED IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL PLANS.
- WATER MAINS SHALL BE LAID AT LEAST 10 FEET HORIZONTALLY FROM SEWER MAINS. WATER CROSSING SEWER MAINS SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 18" TO OUTSIDE OF PIPES. IF AN 18" CLEARANCE CANNOT BE OBTAINED, A 10 LINEAR FOOT CONCRETE ENCASEMENT SHALL BE USED ON THE SEWER MAIN.
- THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
- PLAN LOCATIONS AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE SPECIFIED BY THE ENGINEER. THE CONTRACTOR SHALL ADJUST WATERLINE LOCATIONS AS REQUIRED TO AVOID CONFLICTS WITH OTHER UTILITIES.
- THE DEVELOPER SHALL CONFIRM THE LOCATION OF VALVES BETWEEN PHASES OF THE WATER SYSTEM TO FACILITATE CONSTRUCTION OF FUTURE PHASES OF THE DEVELOPMENT.
- ALL TIDEWATER UTILITIES, INC. WATER MAINS 6" AND UP SHALL BE C-909 CL235. WATER MAINS 4" SHOULD BE C-900 DR18 PVC.
- THE OWNER SHALL BE REQUIRED TO PROVIDE A REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY (RPBP) FOR THE DOMESTIC AND FIRE SERVICE LINES. FOR THE DOMESTIC SERVICE, THE RPBP IS TO BE INSTALLED AFTER THE WATER METER AND PRIOR TO THE FIRST BRANCH LINE IN THE PLUMBING SYSTEM. FOR THE FIRE SERVICE, THE RPBP IS TO BE INSTALLED AFTER THE FIRE SERVICE SHUTOFF VALVE AND PRIOR TO THE FIRST BRANCH IN THE PLUMBING SYSTEM. THE RPBP MUST BE ASSE 1013 CERTIFIED AND IT MAY EITHER BE LOCATED INSIDE THE BUILDING OR OUTSIDE IN AN ABOVE GROUND ENCLOSURE.

SANITARY SEWER GENERAL NOTES

- CONTRACTOR SHALL PROVIDE STAKEOUT SURVEY NECESSARY FOR THE INSTALLATION OF UTILITY WORK AND APPURTENANCES AS REQUIRED PER SUSSEX COUNTY ENGINEERING DEPARTMENT, STANDARDS AND SPECIFICATIONS.
- SANITARY SEWER CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH SUSSEX COUNTY ENGINEERING DEPARTMENTS, STANDARDS AND SPECIFICATIONS AND DETAILS.
- ALL SANITARY SEWER MATERIALS AND APPURTENANCES SHALL MEET OR EXCEED THOSE REQUIRED BY SUSSEX COUNTY ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS AND DETAILS.
- SANITARY SEWER LATERAL SHALL BE 6" SDR-35 PVC (UNLESS OTHERWISE NOTED). SEWER LATERAL SHALL INCLUDE A 6" CLEANOUT, WYE, AND CAP JUST INSIDE THE RIGHT-OF-WAY LINE OR UTILITY EASEMENT. LATERAL FOR BATH HOUSE & POOL SHALL BE 8".
- ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
- TOP OF MANHOLE ELEVATIONS ARE TOP OF MANHOLE FRAME AND COVER.
- PIPE SPAN LENGTHS ARE MEASURED FROM C/L OF STRUCTURE TO C/L OF STRUCTURE, WHERE APPLICABLE ARE ROUNDED TO THE NEAREST FOOT.
- THE CONTRACTOR SHALL FIELD VERIFY INVERTS AND LOCATION OF EXISTING SANITARY SEWER MAINS OR MANHOLES TO WHICH NEW CONSTRUCTION WILL CONNECT.
- THE SEWER LATERAL SHALL HAVE A MINIMUM COVER OF 3.0 FEET FROM PROPOSED GRADE, AS MEASURED FROM THE TOP OF PIPE.
- THE CONTRACTOR SHALL OPEN ONLY THAT SECTION OF TRENCH OR ACCESS PITS WHICH CAN BE BACKFILLED AND STABILIZED AT THE END OF EACH WORKING DAY. STEEL PLATES SHALL BE USED ON ANY TRENCH OR ACCESS PITS WHICH MUST REMAIN OPEN OVERNIGHT. THIS REQUIREMENT DOES NOT APPLY TO AREAS COMPLETELY CLOSED AND SECURE FROM VEHICULAR OR PEDESTRIAN TRAFFIC.
- FINAL APPROVED SET OF PLANS AND SPECIFICATIONS SHALL BE MAINTAINED ON THE JOB SITE. FAILURE TO COMPLY WITH THIS PROVISION SHALL BE CONSIDERED CAUSE TO STOP THE WORK.
- THE CONTRACTOR SHALL MAINTAIN ONE COMPLETE SET OF CONTRACT DRAWINGS ON WHICH HE SHALL NOTE, IN RED, THE ALIGNMENTS AND INVERTS OF ALL UNDERGROUND UTILITIES INSTALLED OR ENCOUNTERED DURING THE PROSECUTION OF THE WORK. ALL DISCREPANCIES BETWEEN THE PLAN LOCATIONS AND ELEVATIONS OF BOTH THE EXISTING AND PROPOSED UTILITIES SHALL BE SHOWN ON THE AS-BUILT DRAWINGS TO BE MAINTAINED BY THE CONTRACTOR IN THE FIELD.
- THE CONTRACTOR SHALL TAKE PRECAUTIONS TO LOCATE PROPERTY LINES, EASEMENTS, AND RIGHT-OF-WAY LINES PRIOR TO CONSTRUCTION AND AVOID CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY AND/OR RIGHTS OF WAYS WHERE SAID CONSTRUCTION IS PROHIBITED. THE CONTRACTOR MAY CONDUCT CONSTRUCTION ACTIVITIES ON PRIVATE PROPERTY PROVIDED HE HAS OBTAINED PRIOR WRITTEN PERMISSION FROM THE PROPERTY OWNER AND HAS SUBMITTED A COPY OF SAID WRITTEN PERMISSION TO SUSSEX COUNTY ENGINEERING DEPARTMENT. ANY DISTURBED AREAS BEYOND THE RIGHT-OF-WAY OR EASEMENT LINES SHALL BE RESTORED IMMEDIATELY TO THEIR ORIGINAL CONDITION. PAYMENT FOR THIS WORK SHALL BE INCLUDED IN THE COST OF ITEMS BID.
- ALL TESTING AND INSPECTION SHALL BE PERFORMED IN ACCORDANCE WITH THE SUSSEX COUNTY ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS.
- ALL SANITARY SEWER PIPE SHALL BE POLYVINYL CHLORIDE (PVC), SDR 35 OR DUCTILE IRON (EPOXY COATED) PIPE (DIP), CLASS 52. ALL DIP SHALL HAVE AN BITUMINOUS COATING ON THE OUTSIDE SURFACE. ALL FITTINGS SHALL BE SDR-26.
- ALL PIPE SHALL HAVE DETECTOR TAPE AS REQUIRED BY THE SUSSEX COUNTY ENGINEERING DEPARTMENT STANDARDS AND SPECIFICATIONS.
- SEWER AND FORCE MAINS SHALL BE LAID AT LEAST 10 FEET HORIZONTALLY FROM WATER MAINS. SEWER CROSSING WATER MAINS SHALL HAVE A MINIMUM VERTICAL CLEARANCE OF 18" TO OUTSIDE OF PIPES. IF AN 18" CLEARANCE CANNOT BE OBTAINED, A 10 LINEAR FOOT CONCRETE ENCASEMENT SHALL BE USED ON THE SEWER MAIN.
- IF A MANHOLE IS LOCATED IN A CROSSWALK, SIDEWALK OR MULTI-USE PATH, YOU MUST APPLY ADA COMPLIANT MAHOLE COVER (SUSSEX COUNTY DETAIL EJ 1970C REV. 4/14/21)
- POOL HOUSE LATERAL SHALL BE 8"
- CONTRACTOR TO PERFORM A SANITARY SEWER BY-PASS FROM EXIST. SMH-1 TO THE PUMP STATION TO ALLOW FOR THE INSTALLATION OF PROPOSED MANHOLE SS-101.



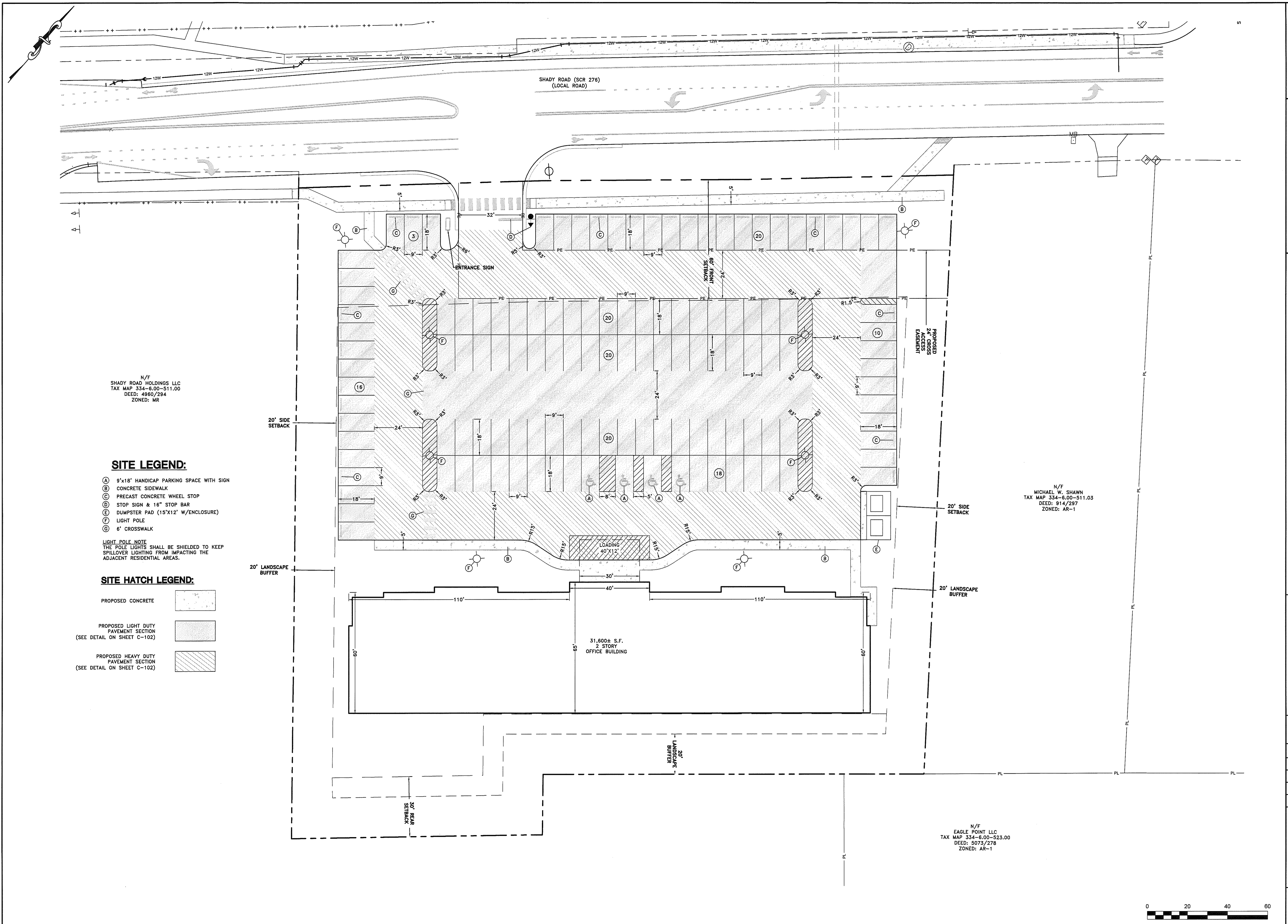
SHADY ROAD COMMERCIAL
 OFFICE BUILDING
 SUSSEX COUNTY, DELAWARE

DATE	COMMENTS

Date: JULY 2022
 Scale: AS NOTED
 Dwn.By: RPK
 Proj.No.: 2916A014

GENERAL NOTES

Dwg.No.: C-003



N/F
SHADY ROAD HOLDINGS LLC
TAX MAP 334-6.00-511.00
DEED: 4960/294
ZONED: MR

SITE LEGEND:

- (A) 9'x18' HANDICAP PARKING SPACE WITH SIGN
- (B) CONCRETE SIDEWALK
- (C) PRECAST CONCRETE WHEEL STOP
- (D) STOP SIGN & 16" STOP BAR
- (E) DUMPSTER PAD (15'x12' W/ENCLOSURE)
- (F) LIGHT POLE
- (G) 6' CROSSWALK

LIGHT POLE NOTE
THE POLE LIGHTS SHALL BE SHIELDED TO KEEP SPILLOVER LIGHTING FROM IMPACTING THE ADJACENT RESIDENTIAL AREAS.

SITE HATCH LEGEND:

- PROPOSED CONCRETE [Hatched Pattern]
- PROPOSED LIGHT DUTY PAVEMENT SECTION (SEE DETAIL ON SHEET C-102) [Dotted Pattern]
- PROPOSED HEAVY DUTY PAVEMENT SECTION (SEE DETAIL ON SHEET C-102) [Diagonal Line Pattern]

N/F
MICHAEL W. SHAWN
TAX MAP 334-6.00-511.03
DEED: 914/297
ZONED: AR-1

N/F
EAGLE POINT LLC
TAX MAP 334-6.00-523.00
DEED: 5073/273
ZONED: AR-1

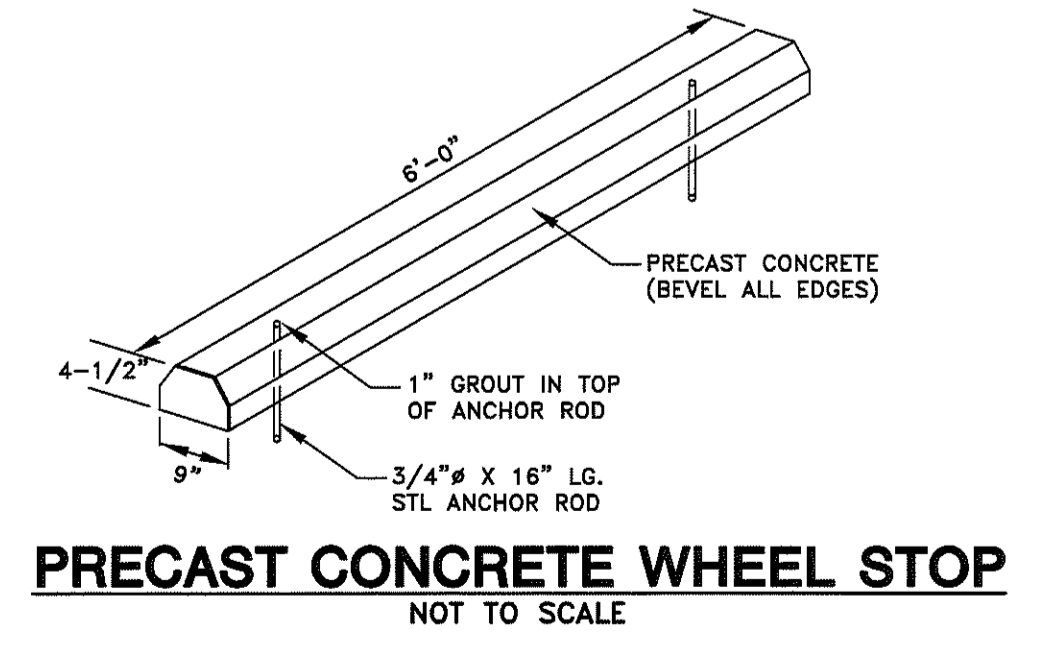
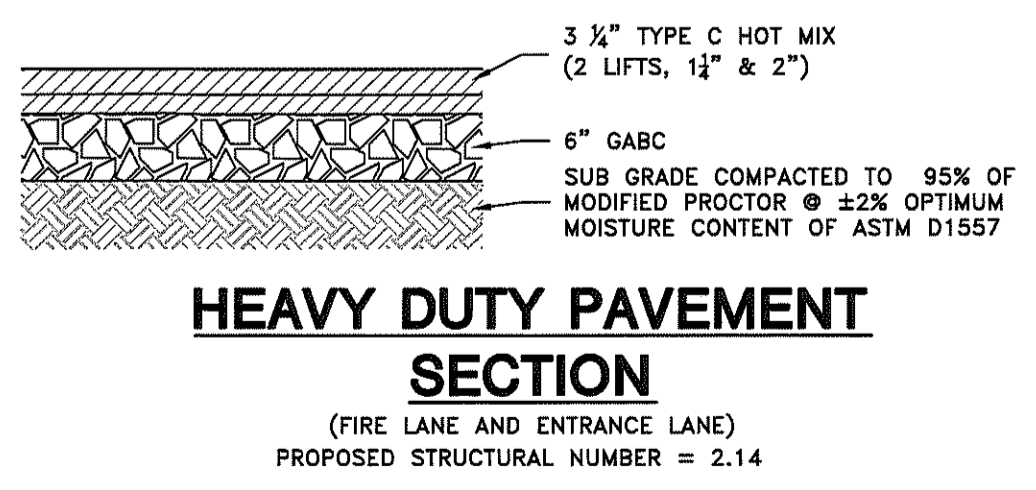
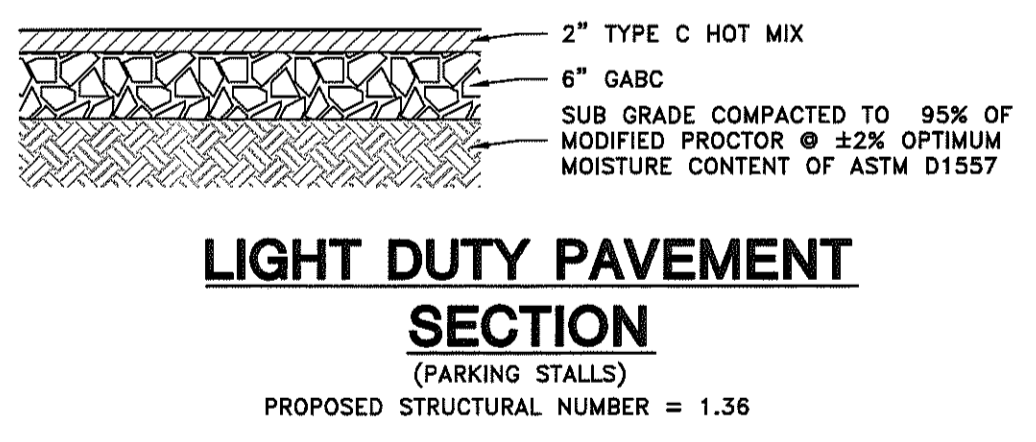
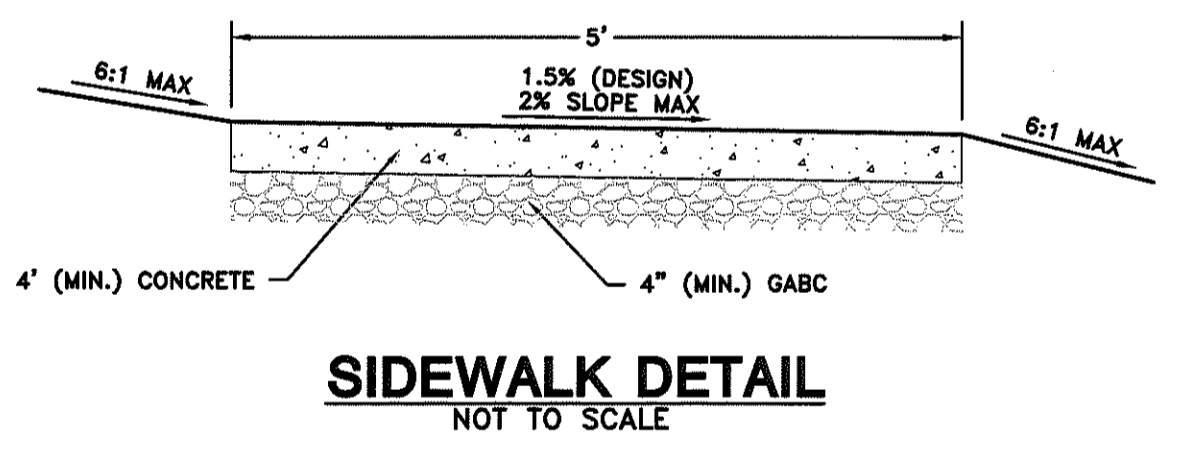
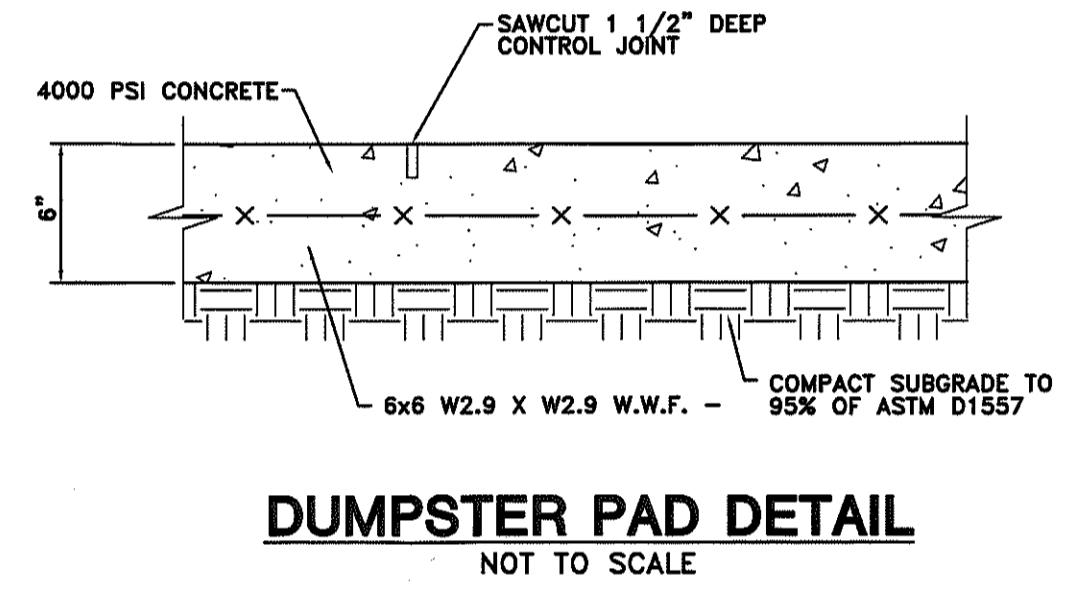
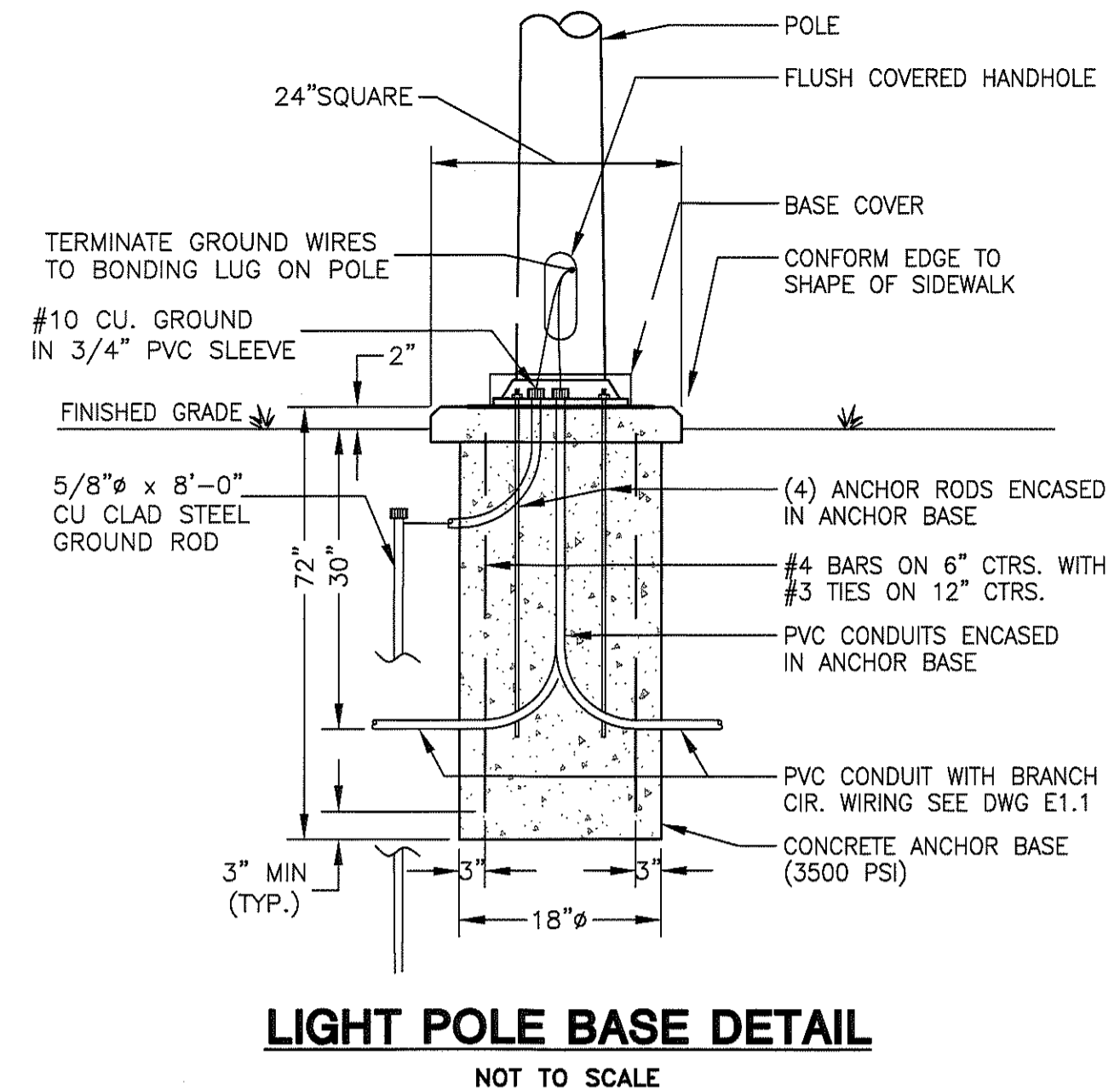
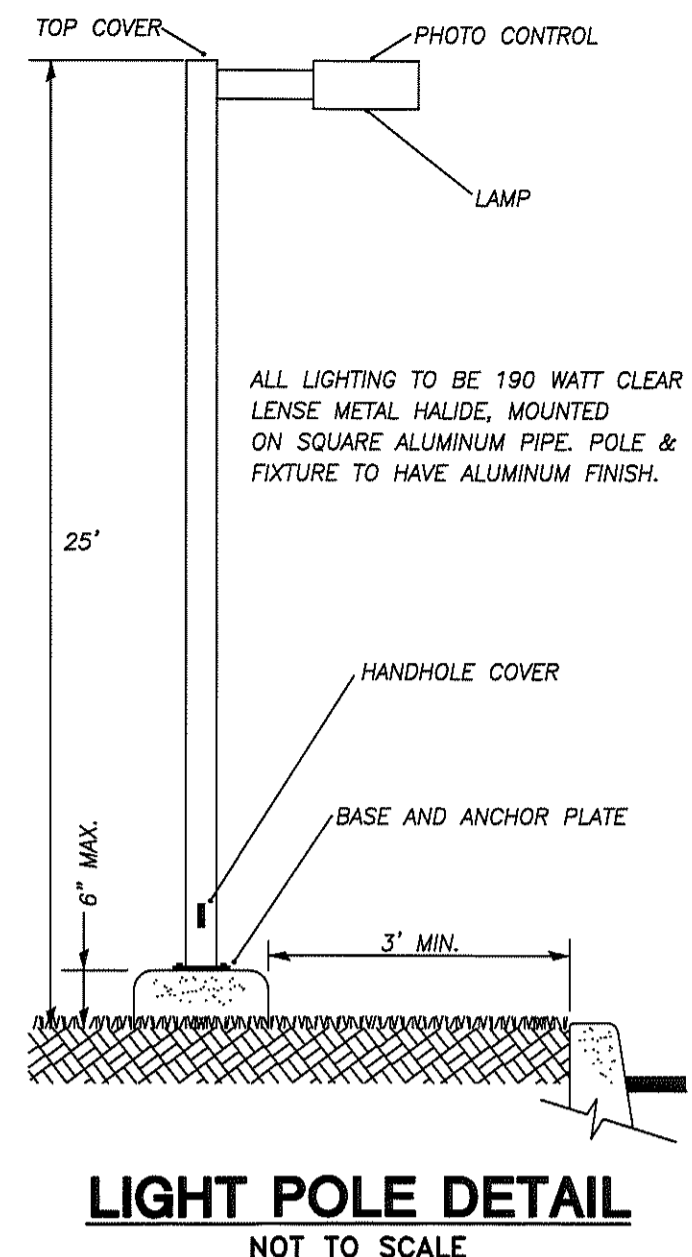
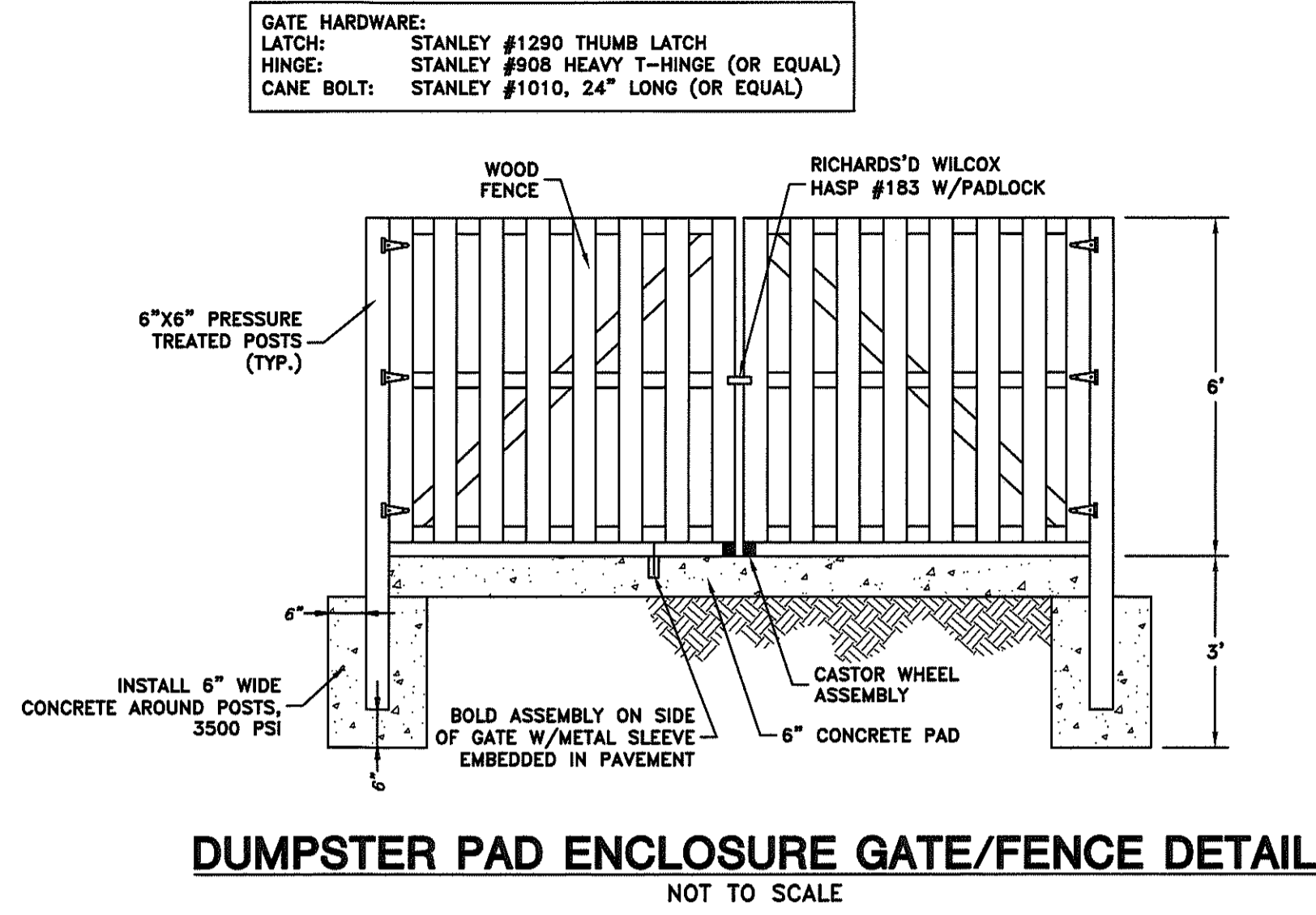
SHADY ROAD COMMERCIAL OFFICE BUILDING
SUSSEX COUNTY, DELAWARE

DATE	COMMENTS

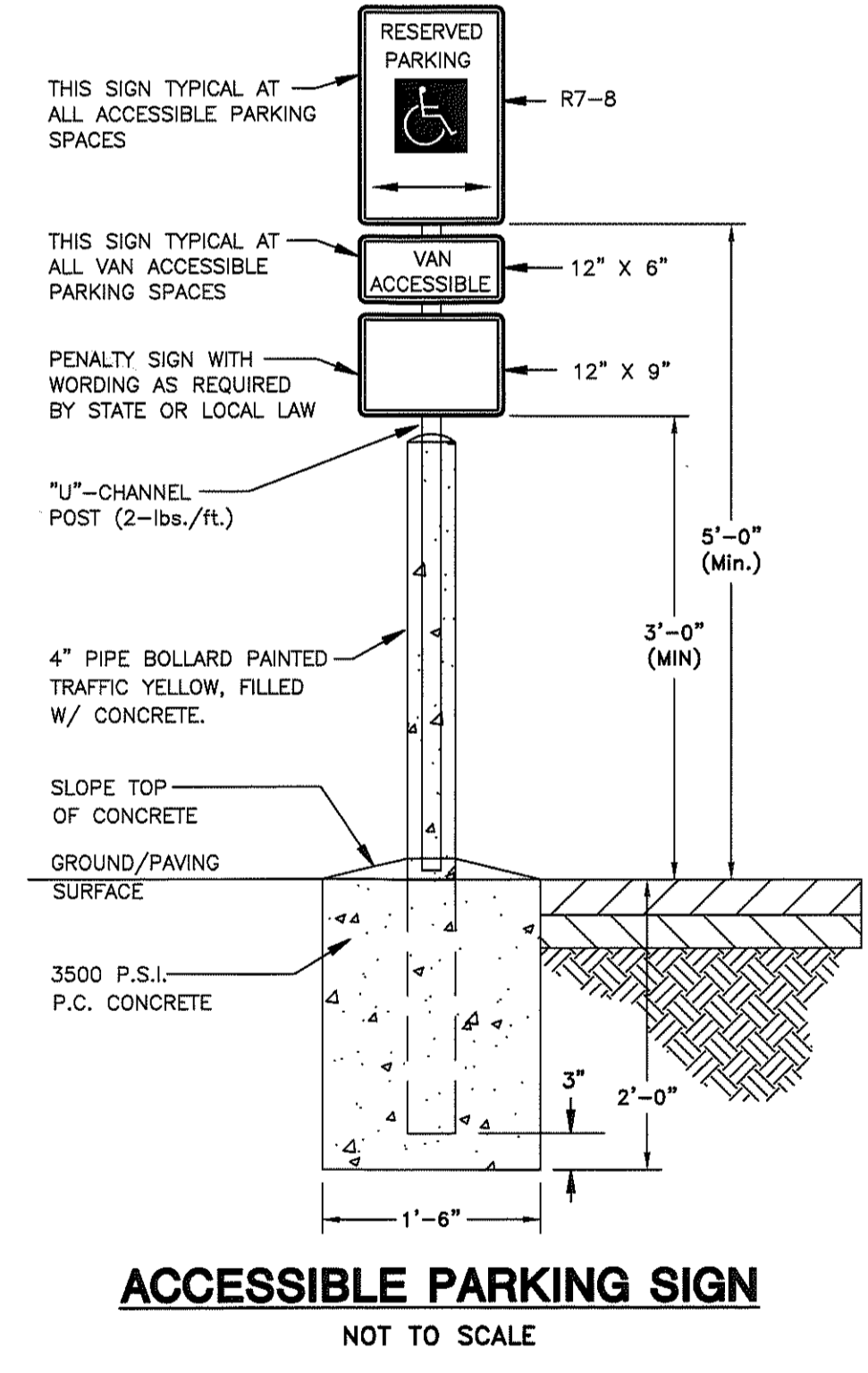
Date: JULY 2022
Scale: 1"=20'
Dwn.By: DJR
Proj.No.: 2916A014

SITE PLAN
Dwg.No.: **C-101**





NOTE: PRECAST CONCRETE WHEEL STOPS TO BE PLACED WHERE PARKING SPOTS ARE IN FRONT OF SIDEWALK OR BUILDINGS.



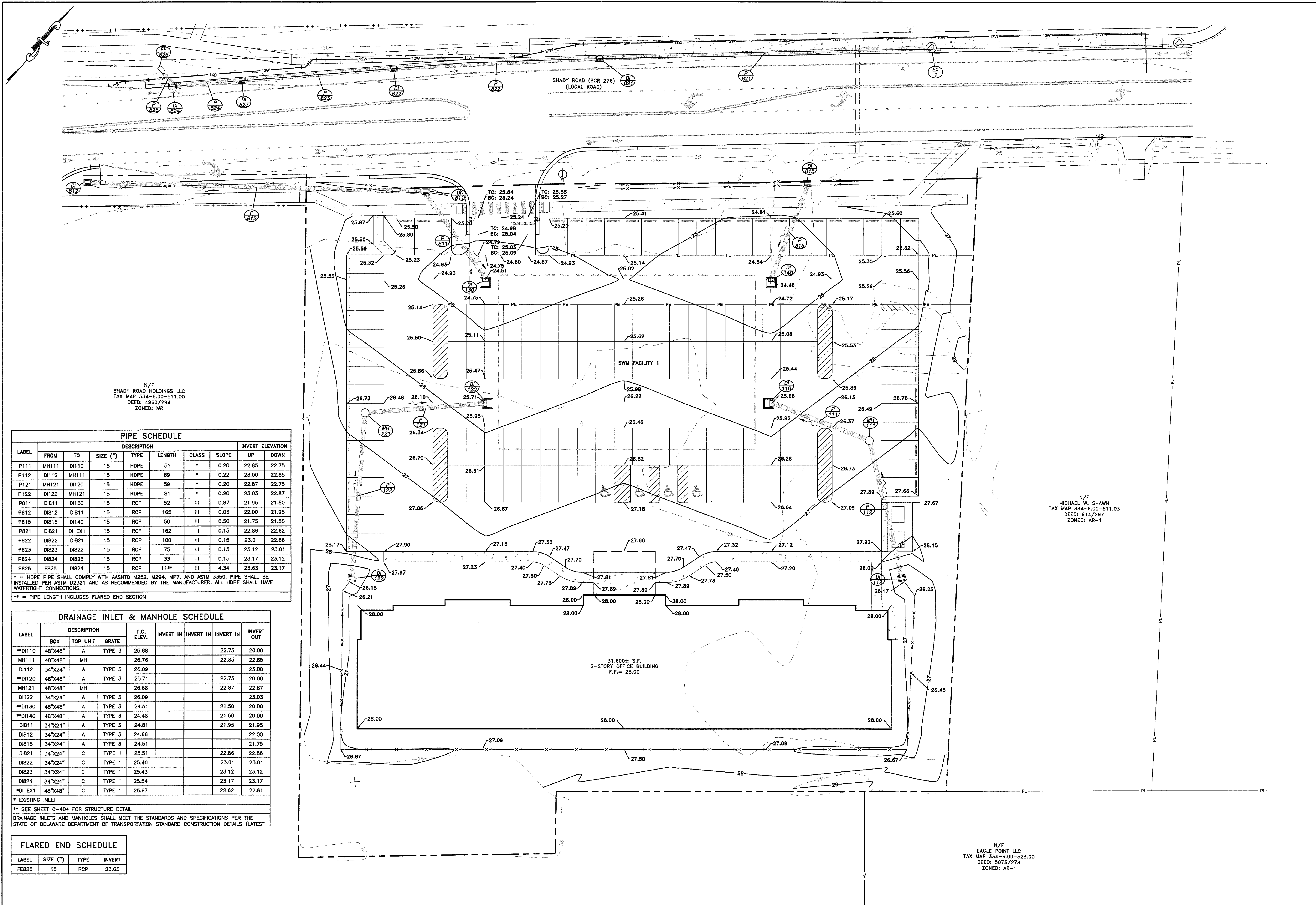
SHADY ROAD COMMERCIAL OFFICE BUILDING
 SUSSEX COUNTY, DELAWARE

DAVIS BOWEN & FRIEDEL, INC.
 ARCHITECTS - ENGINEERS - SURVEYORS
 EASTON, MARYLAND 410.707.7474
 WILMINGTON, DELAWARE 302.421.1444
 SALES@DBF.COM

DATE	COMMENTS

Date: JULY 2022
 Scale: 1"=20'
 Dwn.By: DJR
 Proj.No.: 2916A014

SITE DETAILS
 Dwg.No.: **C-102**



N/F
SHADY ROAD HOLDINGS LLC
TAX MAP 334-6.00-511.00
DEED: 4960/294
ZONED: MR

N/F
MICHAEL W. SHAWN
TAX MAP 334-6.00-511.03
DEED: 914/297
ZONED: AR-1

N/F
EAGLE POINT LLC
TAX MAP 334-6.00-523.00
DEED: 5073/278
ZONED: AR-1

PIPE SCHEDULE

LABEL	DESCRIPTION							INVERT ELEVATION	
	FROM	TO	SIZE (")	TYPE	LENGTH	CLASS	SLOPE	UP	DOWN
P111	MH111	DI110	15	HDPE	51	*	0.20	22.85	22.75
P112	DI112	MH111	15	HDPE	69	*	0.22	23.00	22.85
P121	MH121	DI120	15	HDPE	59	*	0.20	22.87	22.75
P122	DI122	MH121	15	HDPE	81	*	0.20	23.03	22.87
P811	DI811	DI130	15	RCP	52	III	0.87	21.95	21.50
P812	DI812	DI811	15	RCP	165	III	0.03	22.00	21.95
P815	DI815	DI140	15	RCP	50	III	0.50	21.75	21.50
P821	DI821	DI EX1	15	RCP	162	III	0.15	22.86	22.62
P822	DI822	DI821	15	RCP	100	III	0.15	23.01	22.86
P823	DI823	DI822	15	RCP	75	III	0.15	23.12	23.01
P824	DI824	DI823	15	RCP	33	III	0.15	23.17	23.12
P825	FB25	DI824	15	RCP	11**	III	4.34	23.63	23.17

* = HDPE PIPE SHALL COMPLY WITH AASHTO M252, M294, MP7, AND ASTM 3350. PIPE SHALL BE INSTALLED PER ASTM D2321 AND AS RECOMMENDED BY THE MANUFACTURER. ALL HDPE SHALL HAVE WATER-TIGHT CONNECTIONS.
** = PIPE LENGTH INCLUDES FLARED END SECTION

DRAINAGE INLET & MANHOLE SCHEDULE

LABEL	DESCRIPTION			T.G. ELEV.	INVERT IN	INVERT IN	INVERT IN	INVERT OUT
	BOX	TOP UNIT	GRATE					
**DI110	48"x48"	A	TYPE 3	25.68			22.75	20.00
MH111	48"x48"	MH		26.76			22.85	22.85
DI112	34"x24"	A	TYPE 3	26.09			23.00	23.00
**DI120	48"x48"	A	TYPE 3	25.71			22.75	20.00
MH121	48"x48"	MH		26.68			22.87	22.87
DI122	34"x24"	A	TYPE 3	26.09			23.03	23.03
**DI130	48"x48"	A	TYPE 3	24.51			21.50	20.00
**DI140	48"x48"	A	TYPE 3	24.48			21.50	20.00
DI811	34"x24"	A	TYPE 3	24.81			21.95	21.95
DI812	34"x24"	A	TYPE 3	24.66			22.00	22.00
DI815	34"x24"	A	TYPE 3	24.51			21.75	21.75
DI821	34"x24"	C	TYPE 1	25.51			22.86	22.86
DI822	34"x24"	C	TYPE 1	25.40			23.01	23.01
DI823	34"x24"	C	TYPE 1	25.43			23.12	23.12
DI824	34"x24"	C	TYPE 1	25.54			23.17	23.17
*DI EX1	48"x48"	C	TYPE 1	25.67			22.62	22.61

* EXISTING INLET
** SEE SHEET C-404 FOR STRUCTURE DETAIL
DRAINAGE INLETS AND MANHOLES SHALL MEET THE STANDARDS AND SPECIFICATIONS PER THE STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD CONSTRUCTION DETAILS (LATEST EDITION)

FLARED END SCHEDULE

LABEL	SIZE (")	TYPE	INVERT
FB25	15	RCP	23.63

DAVIS BOWEN & FRIEDEL, INC.
ARCHITECTS - ENGINEERS - SURVEYORS
MILFORD, DELAWARE 302.424.1442
BALTIMORE, MARYLAND 410.764.7474

SHADY ROAD COMMERCIAL OFFICE BUILDING
SUSSEX COUNTY, DELAWARE

DATE	COMMENTS

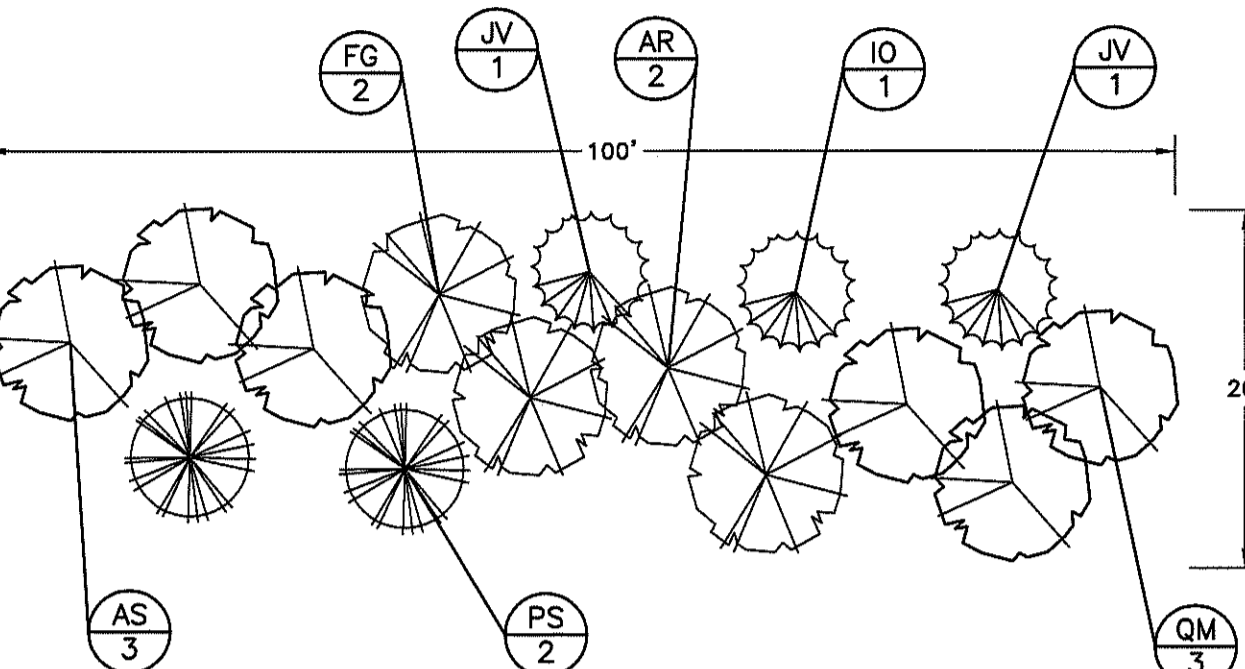
Date: JULY 2022
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GRADING PLAN

Dwg. No.: **C-301**



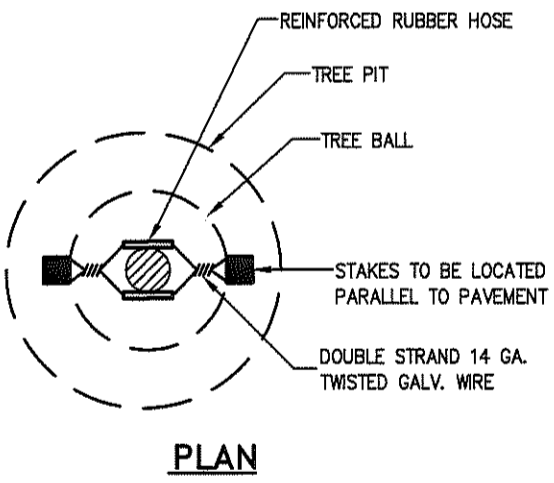
FORESTED BUFFER PLANT SCHEDULE				
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	SIZE
DECIDUOUS TREE				
AR		ACER rubrum	RED MAPLE	1 3/4 - 2" Cal., B&B
AS		ACER saccharum 'GREEN MOUNTAIN'	SUGAR MAPLE	1 3/4 - 2" Cal., B&B
QM		QUERCUS phellos	WILLOW OAK	1 3/4 - 2" Cal., B&B
FG		FAGUS grandifolia	AMERICAN BEECH	1 3/4 - 2" Cal., B&B
EVERGREEN TREE				
PS		PINUS strobus	EASTERN WHITE PINE	5'-6" Ht., B&B
JV		JUNIPERUS virginiana	EASTERN RED CEDAR	5'-6" Ht., B&B
IO		ILEX opaca	AMERICAN HOLLY	5'-6" Ht., B&B



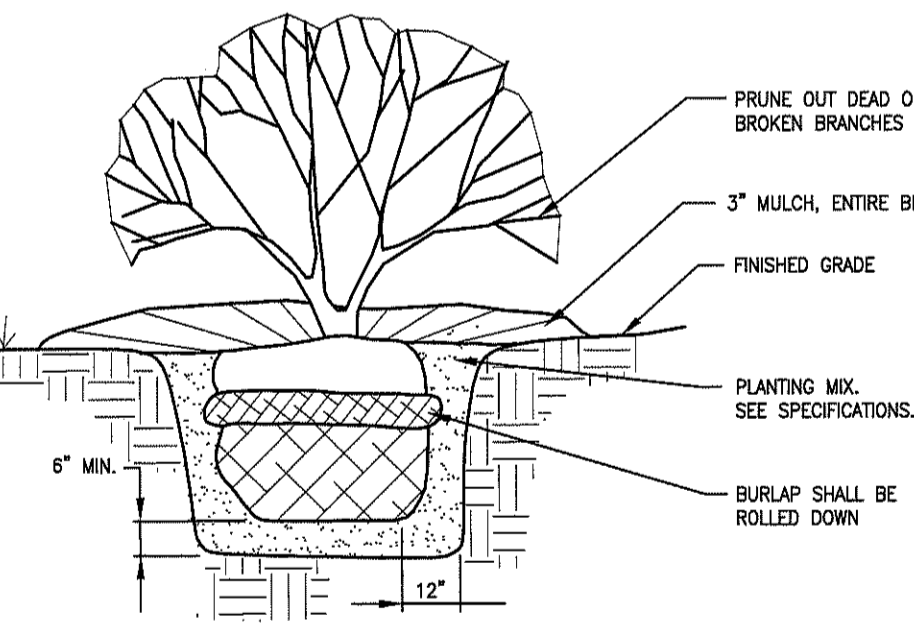
TYPICAL FORESTED BUFFER 100'X20'
NO SCALE

GENERAL LANDSCAPE NOTES

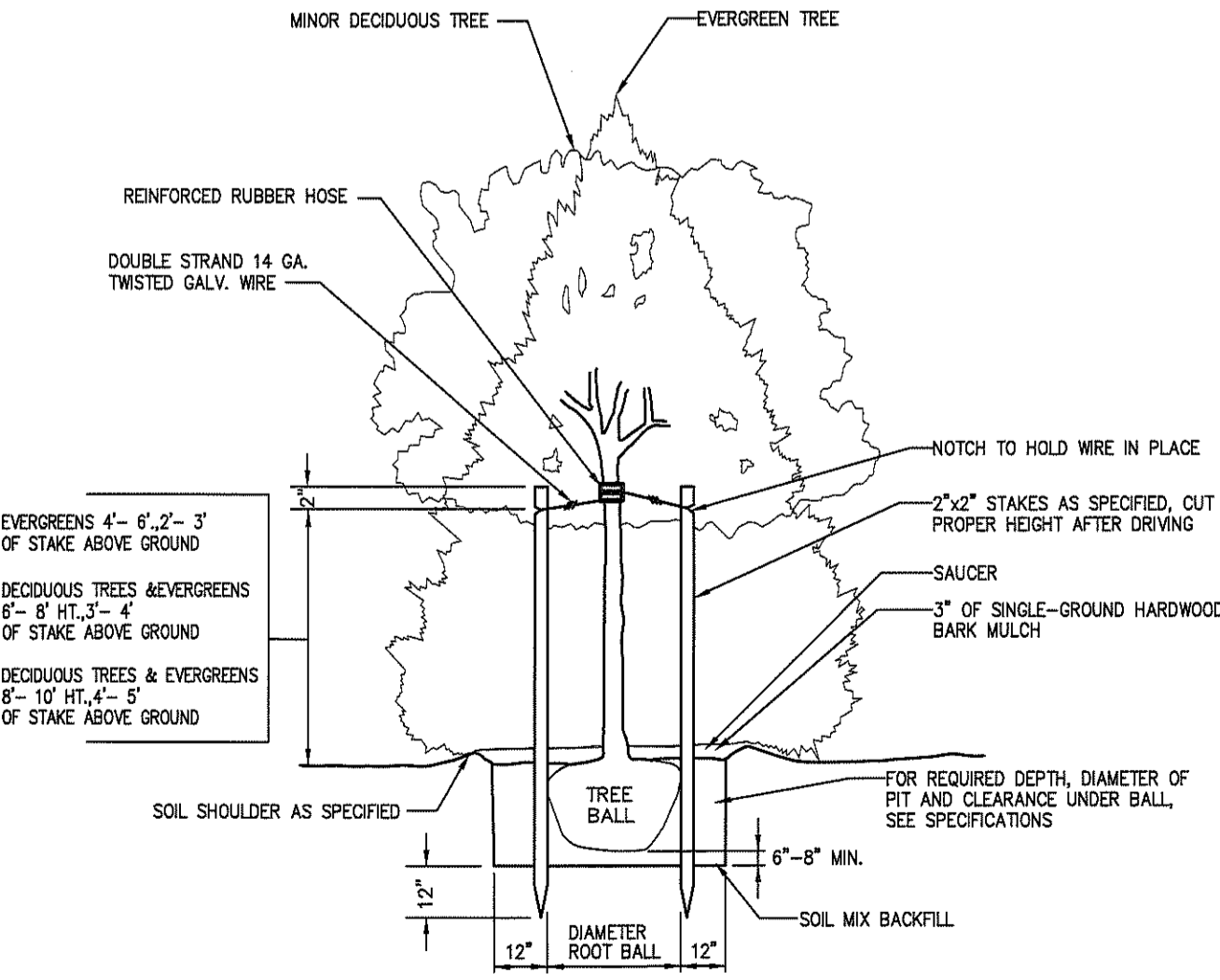
1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF ROOT BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK".
2. CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANT MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND FINAL ACCEPTANCE OF PHASE I SITE WORK HAS BEEN GIVEN. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER.
5. ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN.)
6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
7. ALL DECIDUOUS SHADE TREES SHALL BRANCH A MINIMUM OF 7'-0" ABOVE GROUND LEVEL. TREES SHALL BE PLANTED AND STAKED IN ACCORDANCE WITH THE STAKING DETAIL SHOWN.
8. THE FULL EXTENT OF ALL PLANTING BEDS SHALL RECEIVE 4" OF TOPSOIL AND 3" OF SHREDDED HARDWOOD MULCH PER SPECIFICATIONS.
9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTINGS SHOWN ON THIS DRAWING AND AS SPECIFIED.
10. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISHED GRADE AS THE PLANT'S ORIGINAL GRADE BEFORE DIGGING.
11. THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON.
12. TREE PROTECTION SHALL BE USED FOR ALL EXISTING TREES TO REMAIN.
13. DURING CONSTRUCTION EXISTING TREES TO BE SAVED WHERE FEASIBLE.



PLAN



SHRUB PLANTING DETAIL
NOT TO SCALE



SECTION STAKING DETAIL
NOT TO SCALE

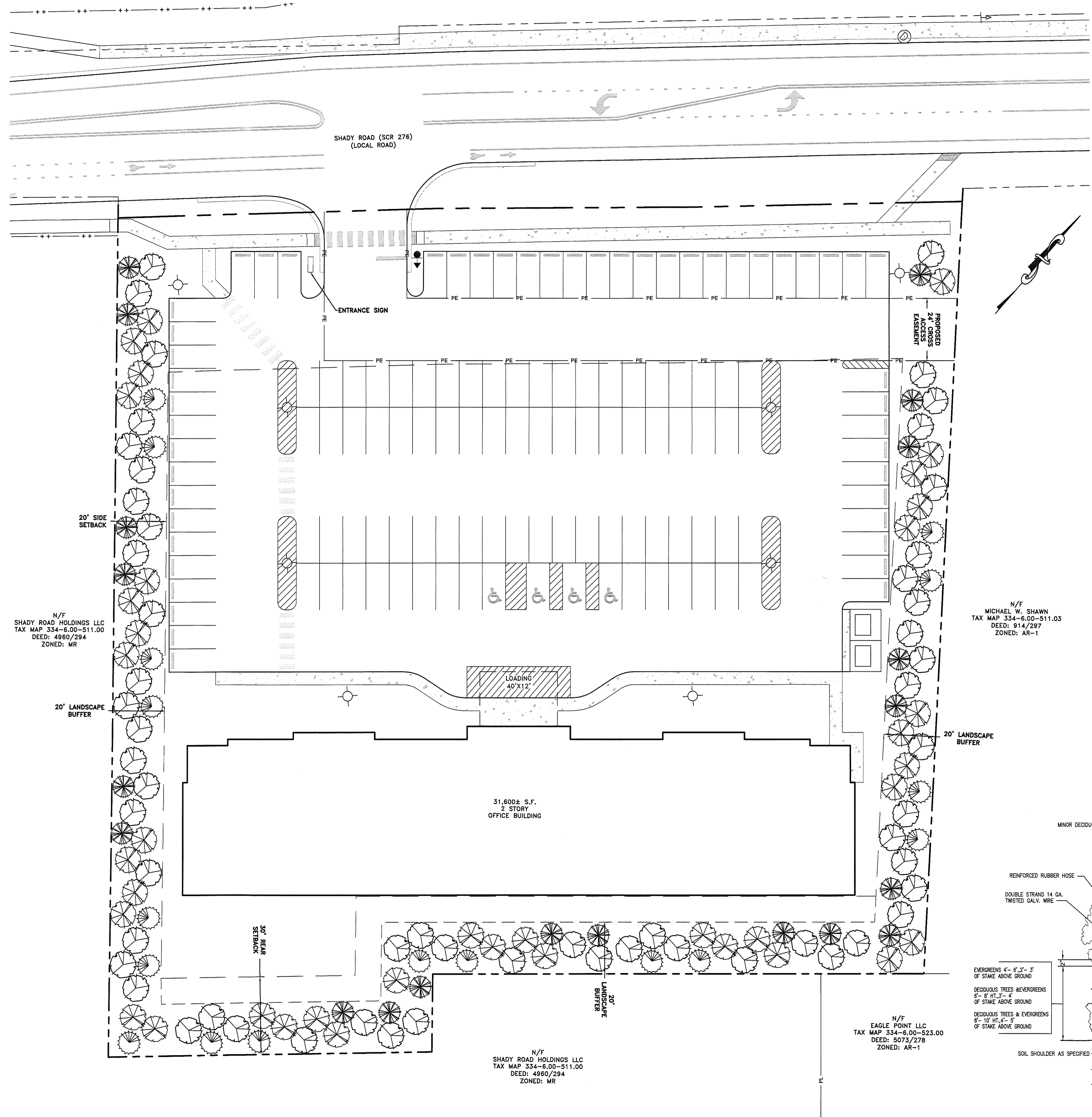


LANDSCAPE ARCHITECT'S STATEMENT

I, TIMOTHY M. METZNER, HEREBY STATE THAT I AM A REGISTERED LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

by TIMOTHY M. METZNER,
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DELAWARE, 19963

DATE



N/F
SHADY ROAD HOLDINGS LLC
TAX MAP 334-6.00-511.00
DEED: 4960/294
ZONED: MR

N/F
MICHAEL W. SHAWN
TAX MAP 334-6.00-511.03
DEED: 914/297
ZONED: AR-1

31,600± S.F.
2 STORY
OFFICE BUILDING

N/F
SHADY ROAD HOLDINGS LLC
TAX MAP 334-6.00-511.00
DEED: 4960/294
ZONED: MR

N/F
EAGLE POINT LLC
TAX MAP 334-6.00-523.00
DEED: 5073/278
ZONED: AR-1

DATE	COMMENTS

Date: JULY 2022
Scale: 1"=20'
Dwn. By: DJR
Proj. No.: 2916A014

LANDSCAPE PLAN

Dwg. No.: **L-101**

SHADY ROAD COMMERCIAL

BROADKILL RIVER WATERSHED LEWES AND REHOBOTH HUNDRED SUSSEX COUNTY, DELAWARE

DBF #2916A014

JULY 2022

RECORD PLANS

GENERAL NOTES: REVISED 3/21/2019

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- A PERPETUAL CROSS ACCESS INGRESS/EGRESS EASEMENT IS HEREBY ESTABLISHED AS SHOWN ON THIS PLAN.
- ALL LIGHTING IS TO BE DOWNWARD SCREENED TO MINIMIZE GLARE ON ADJACENT PROPERTIES WITHIN A RESIDENTIAL AREA.
- THE DEVELOPER WILL BE PARTICIPATING IN THE HENLOPEN TID. THE INFRASTRUCTURE RECOUPMENT AGREEMENT IS RECORDED UNDER BOOK 5792 PG 284 IN THE OFFICE OF THE SUSSEX COUNTY RECORDER OF DEEDS.

ROAD TRAFFIC DATA - SHADY ROAD (SUSSEX COUNTY ROAD 276)

FUNCTIONAL CLASSIFICATION - LOCAL ROADWAY	
POSTED SPEED LIMIT - 35	
AADT (2021 DELAWARE VEHICLE VOLUME SUMMARY)	= 5,461
10 YR PROJECTED AADT = 1.18 X 5,461	= 6,335
TRAFFIC PATTERN GROUP (2021 VEHICLE VOLUME SUMMARY)	= 4
K-FACTOR = 12.09%, D-FACTOR = 61.35%, TRUCKS = 8.06%	
(2021 DELAWARE VEHICLE VOLUME SUMMARY)	

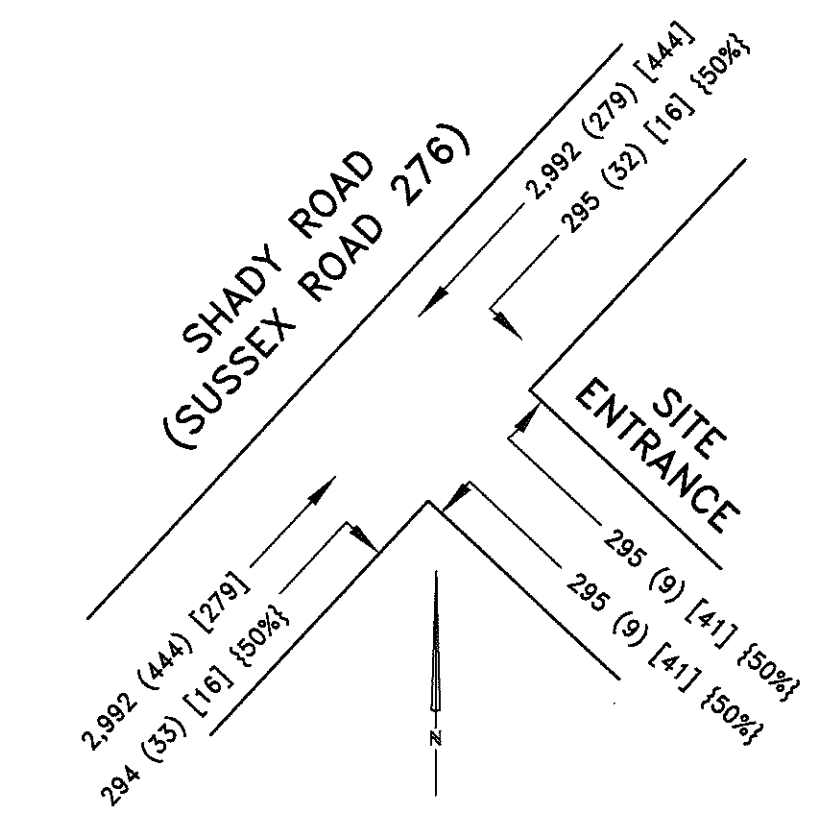
SITE ACCESS DESIGN VOLUMES (AUXILIARY LANE WORKSHEET)

10 YR PROJECTED AADT (6,335) + SITE ADT E OF SITE (590)	= 6,925
10 YR PROJECTED AADT (6,335) + SITE ADT W OF SITE (589)	= 6,924
ROADWAY PEAK HOUR = 10 YR PROJECTED AADT (6,335) X 12.09%	= 766
DIRECTIONAL SPLIT = 61.35% / 38.65%	= 444/279
SHADY ROAD AADT (HIGHEST LEG PER HIGHWAY SAFETY MANUAL PAGE 10-6)	= 6,574
RIGHT-TURN ADT	= 294
LEFT-TURN PEAK HOUR VOLUME (AM)	= 32
OPPOSING PEAK HOUR VOLUMES (AM)	= 477

SITE TRAFFIC DATA

TYPE OF DEV.	ITE	SO. FT.	AM	PM	WKDY
MEDICAL OFFICE	720	32,950	83	114	1,179

NOTES:
SOURCE: ITE TRIP GENERATION MANUAL 10TH EDITION.
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE: SU-30
PEAK HOUR HV% OF PROPOSED SITE = 3%
TRIP DISTRIBUTION BASED ON DELDOT TDM



LEGEND

##	WKDY ADT
(##)	AM PEAK
##)	PM PEAK
##)	TRIP DISTRIBUTION

CU 2316 CONDITIONS OF APPROVAL

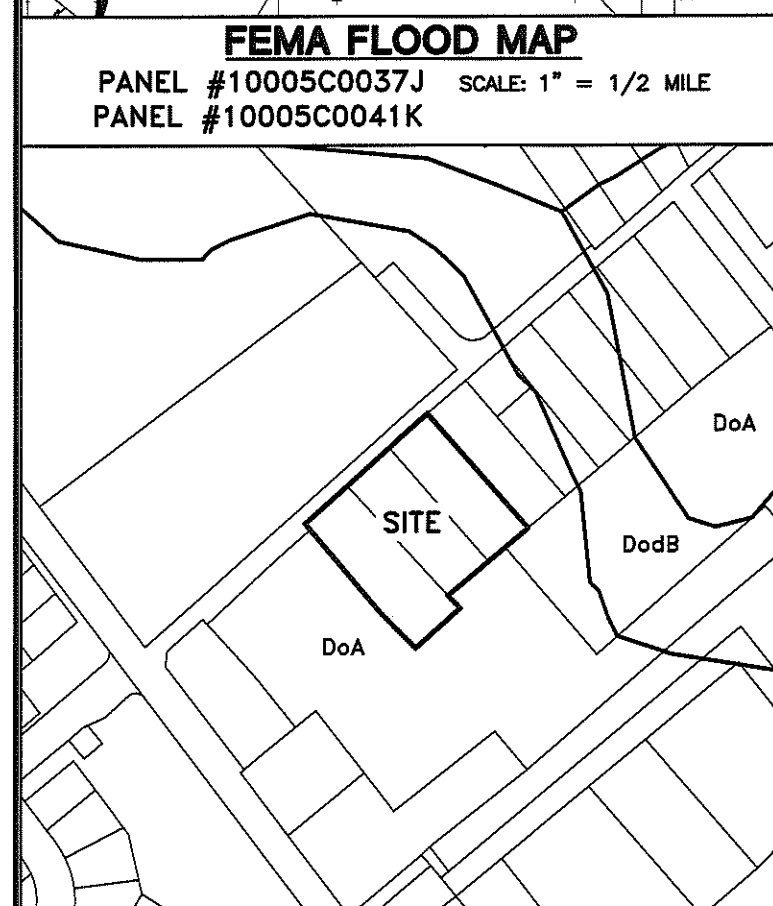
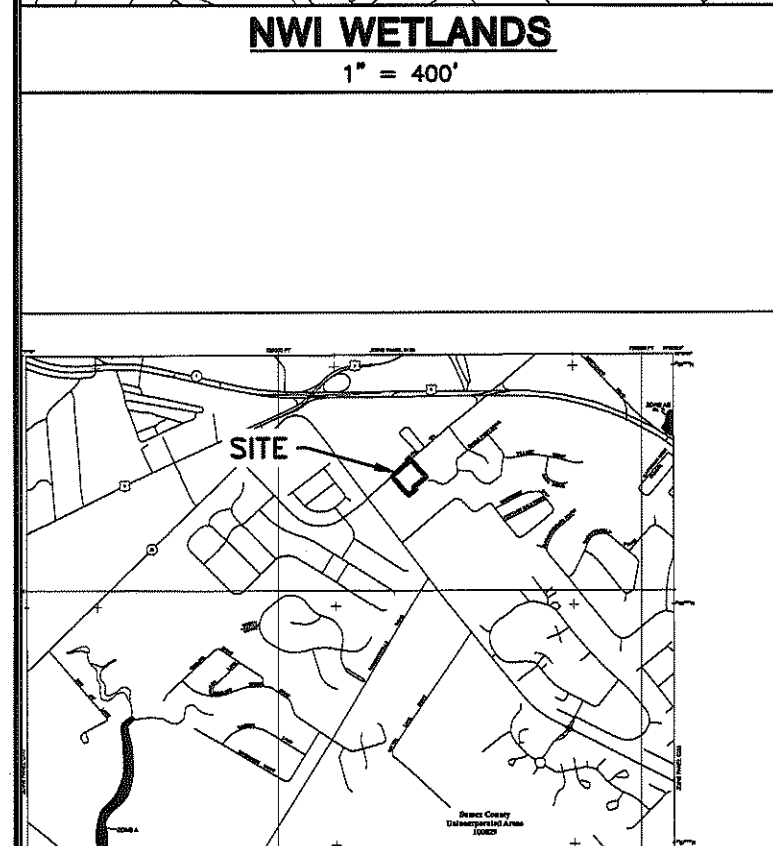
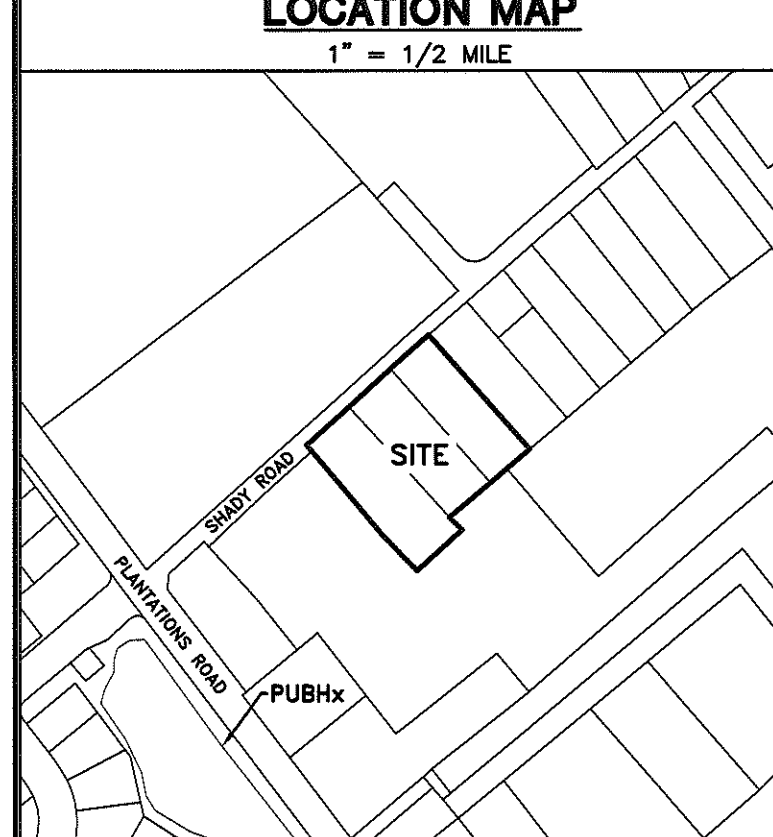
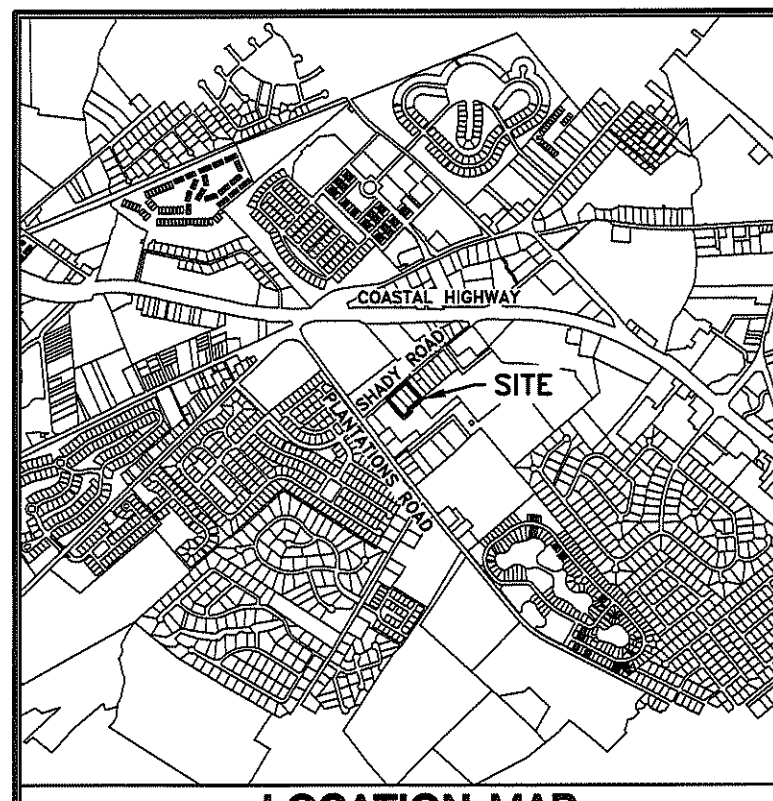
- AS STATED BY THE APPLICANT, THERE SHALL BE NO MORE THAN 32,960 SQUARE FEET OF MEDICAL AND PROFESSIONAL OFFICE SPACE.
- AS STATED BY THE APPLICANT, THE HOURS OF OPERATION SHALL BE BETWEEN 7:00 A.M. AND 7:00 P.M. MONDAY THROUGH FRIDAY, AND BETWEEN 8:00 A.M. AND 4:00 P.M. ON SATURDAYS. ADDITIONAL HOURS FOR EMERGENCY PURPOSES ARE PERMITTED.
- ONE LIGHTED SIGN, NOT TO EXCEED 50 SQUARE FEET, SHALL BE PERMITTED ON THE BUILDING. IN ADDITION, THE APPLICANT MAY INSTALL ONE ADDITIONAL LIGHTED GROUND SIGN THAT DOES NOT EXCEED 32 SQUARE FEET IN SIZE PER SIDE.
- THE USE SHALL COMPLY WITH THE PARKING REQUIREMENTS SET FORTH IN THE ZONING CODE. IN ADDITION, THE LOCATION SHOWN FOR POSSIBLE INTERCONNECTION WITH THE PROPERTY TO THE EAST SHALL BE INCLUDED ON THE FINAL SITE PLAN.
- THERE SHALL BE A 20-FOOT LANDSCAPED BUFFER INSTALLED ALONG THE SITE'S REAR PROPERTY LINE AND ALONG THE COMMON PROPERTY LINE WITH TAX PARCEL # 334-6.00-511.05.
- ALL ENTRANCE, INTERSECTION, AND ROADWAY IMPROVEMENTS REQUIRED BY DELDOT SHALL BE COMPLETED IN ACCORDANCE WITH DELDOT'S REQUIREMENTS.
- ALL EXTERIOR LIGHTING SHALL BE DIRECTED DOWNWARDS SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- ANY DUMPSTERS SHALL BE SCREENED FROM VIEW OF NEIGHBORING PROPERTIES AND ROADWAYS.
- THE SITE SHALL BE SERVED BY CENTRAL WATER AND CENTRAL SEWER.
- STORM WATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL FACILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE STATE AND COUNTY REQUIREMENTS. THESE FACILITIES SHALL BE DESIGNED AND OPERATED USING BEST MANAGEMENT PRACTICES. THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING & ZONING COMMISSION.

DATA COLUMN

TAX MAP ID:	3-34-6.00-511.02 3-34-6.00-511.06 3-34-6.00-515.00
DEED REF:	D 5514/284
DATUM	NAVD 88
VERTICAL:	NAD 83 (DE STATE PLANE)
HORIZONTAL:	
EXISTING ZONING:	AR-1
PROPOSED ZONING:	AR-1
EXISTING LOTS:	3
PROPOSED LOTS:	1
EXISTING USE:	RESIDENTIAL
PROPOSED USE:	COMMERCIAL
PROPOSED CONSTRUCTION:	WOOD/CONCRETE BLOCK
FLOOD HAZARD MAP:	THE PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 10005C0311K (DATED MARCH 16, 2015).
WETLANDS:	THE PROPERTY AS SHOWN DOES NOT CONTAIN STATE OR FEDERALLY (404 NON-TIDAL) REGULATED WETLANDS.
SOURCE WATER PROTECTION:	PROJECT IS NOT WITHIN A WELLHEAD PROTECTION AREA. PROJECT IS NOT WITHIN THE "EXCELLENT", "GOOD" AND "POOR" GROUNDWATER RECHARGE AREAS.
EXISTING SITE AREA:	2.297 ACRES±
GROSS LEASABLE AREA:	31,600 S.F.
AREAS	
PARKING/OPEN SPACE:	1,651 AC.±
BUILDING AREA:	0.806 AC.±
R.O.W. DEDICATION:	0.040 AC.±
IMPERVIOUS COVER:	1.090 AC.± (47%)
SETBACK REQUIREMENTS	
FRONT YARD:	60 FT.
SIDE YARD:	20 FT.
REAR YARD:	30 FT.
PARKING:	
REQUIRED:	1 SPACE PER 200 S.F. 25,280 S.F. / 200 S.F. = 126.4 SPACES OR 127 SPACES TOTAL REQUIRED SPACES = 127
PROVIDED:	127 SPACES INCLUDING 4 HANDICAPPED ACCESSIBLE
PROPOSED MAXIMUM BUILDING HEIGHT:	42 FT. (3-½ STORIES)
PROPOSED CONSTRUCTION PHASES:	1
SANITARY SEWER:	WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SSD
WATER SUPPLY:	TIDEWATER UTILITIES, INC.
TID DISTANCE:	INSIDE HENLOPEN TID (IN OPERATION)
STATE INVESTMENT LEVEL:	1

OWNER/DEVELOPER:
SOUTHERN DELAWARE MEDICAL CENTER, LLC
859 GOLF LINKS LANE
MAGNOLIA, DE 19962

PREPARED BY:
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DE 19963
PHONE: 302-424-1441
FAX: 302-424-0430



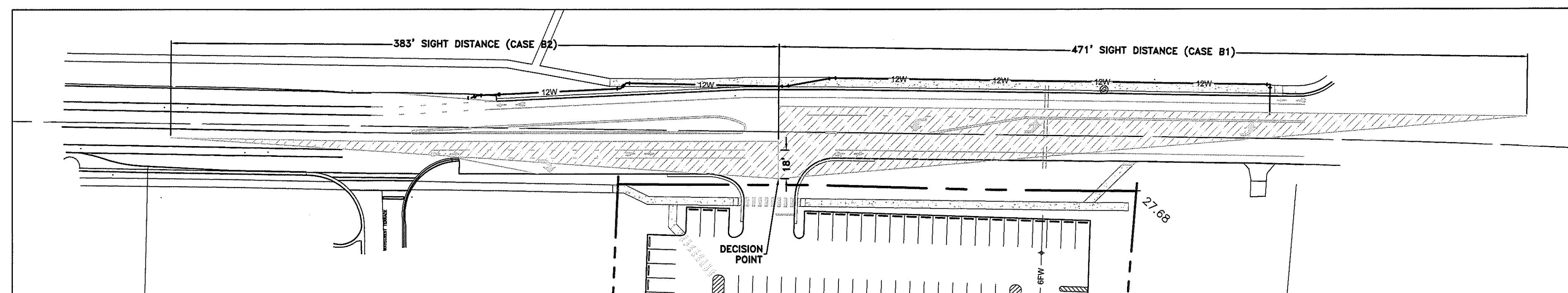
SOILS DATA

LABEL	SOIL NAME	TYPE
DoA	Downer sandy loam, 0-2% slopes, Northern Tidewater Area	A



INDEX OF SHEETS

V-101	RECORD TITLE
V-102	RECORD PLAN



OWNER/DEVELOPER STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THE PLAN WAS MADE AT MY DIRECTION. I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

Megan Marie Owe
SOUTHERN DELAWARE MEDICAL CENTER, LLC.
859 GOLF LINKS DRIVE
MAGNOLIA, DE 19962
DATE: 12-12-2022

ENGINEER'S STATEMENT

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

JAMIE L. SECHLER, P.E.
DAVIS, BOWEN & FRIEDEL, INC.
1 PARK AVE.
MILFORD, DELAWARE, 19963
DATE: 12-12-2022

SHADY ROAD COMMERCIAL
SHADY RD. (SCR 276)
LEWES & REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS - ENGINEERS - SURVEYORS
1 PARK AVE.
MILFORD, DE 19963
PHONE: 302-424-1441
FAX: 302-424-0430

DATE	COMMENTS
10-10-2022	DNIDOT COMMENTS
11-16-2022	TUI COMMENTS
12-01-2022	DNIDOT COMMENTS
12-05-2022	DNIDOT COMMENTS

Date: JULY 2022
Scale: AS NOTED
Dwn. By: RPK
Proj. No.: 2916A014

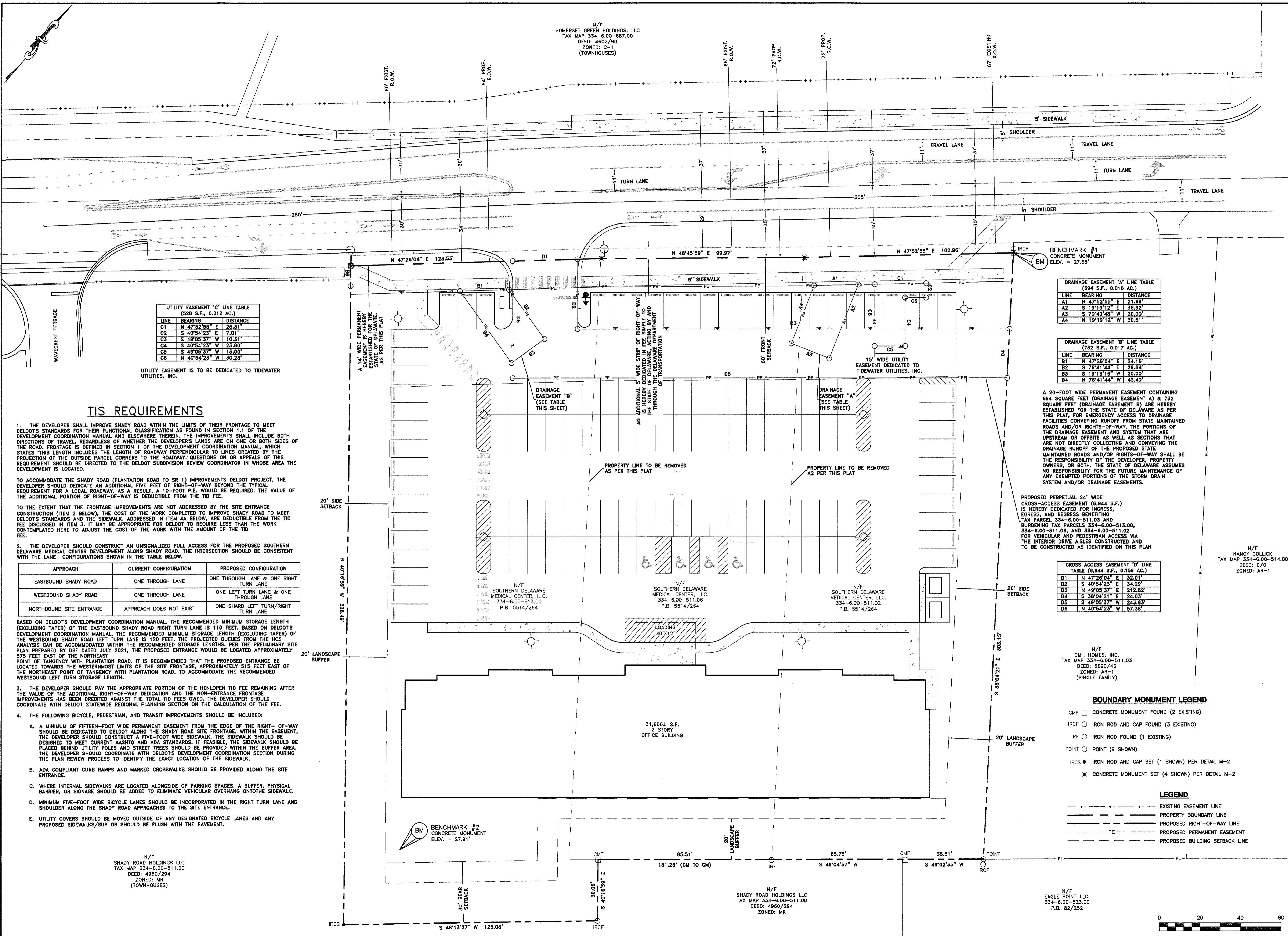
RECORD TITLE

Dwg. No.: V-101

DATE	COMMENTS
10-10-2022	DEDOT COMMENTS
11-18-2022	TULOC COMMENTS
12-01-2022	DEDOT COMMENTS
12-05-2022	DEDOT COMMENTS

Date: JULY 2022
 Scale: AS NOTED
 Dwn. By: RPK
 Proj. No.: 2916A014

N/F
 SOMERSET GREEN HOLDINGS, LLC
 TAX MAP 334-6.00-687.00
 DEED: 4602/90
 ZONED: C-1
 (TOWNHOUSES)



UTILITY EASEMENT 'C' LINE TABLE
 (528 S.F., 0.012 AC.)

LINE	BEARING	DISTANCE
C1	N 47°52'55" E	25.31'
C2	S 40°54'23" E	7.01'
C3	S 49°05'37" W	10.31'
C4	S 40°54'23" W	23.80'
C5	S 49°05'37" W	15.00'
C6	N 40°54'23" W	30.28'

DRAINAGE EASEMENT 'A' LINE TABLE
 (694 S.F., 0.016 AC.)

LINE	BEARING	DISTANCE
A1	N 47°52'55" E	21.69'
A2	S 19°18'12" E	38.92'
A3	S 70°40'48" W	20.00'
A4	N 19°18'12" W	30.51'

DRAINAGE EASEMENT 'B' LINE TABLE
 (732 S.F., 0.017 AC.)

LINE	BEARING	DISTANCE
B1	N 47°26'04" E	24.16'
B2	S 76°41'44" E	29.84'
B3	S 13°18'16" W	20.00'
B4	N 76°41'44" W	43.40'

A 20-FOOT WIDE PERMANENT EASEMENT CONTAINING 694 SQUARE FEET (DRAINAGE EASEMENT A) & 732 SQUARE FEET (DRAINAGE EASEMENT B) ARE HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAN, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

PROPOSED PERPETUAL 24' WIDE CROSS-ACCESS EASEMENT (6,944 S.F.) IS HEREBY DEDICATED FOR INGRESS, EGRESS, AND REGRESS BENEFITING TAX PARCEL 334-6.00-511.03 AND BURDENING TAX PARCELS 334-6.00-513.00, 334-6.00-511.06, AND 334-6.00-511.02 FOR VEHICULAR AND PEDESTRIAN ACCESS VIA THE INTERIOR DRIVE AISLES CONSTRUCTED AND TO BE CONSTRUCTED AS IDENTIFIED ON THIS PLAN

CROSS ACCESS EASEMENT 'D' LINE TABLE
 (6,944 S.F., 0.159 AC.)

LINE	BEARING	DISTANCE
D1	N 47°26'04" E	32.01'
D2	S 40°54'23" E	34.29'
D3	N 49°05'37" E	212.82'
D4	S 38°04'21" E	24.03'
D5	S 49°05'37" W	243.63'
D6	N 40°54'23" W	57.36'

BOUNDARY MONUMENT LEGEND

- CMF CONCRETE MONUMENT FOUND (2 EXISTING)
- IRCF IRON ROD AND CAP FOUND (3 EXISTING)
- IRFO IRON ROD FOUND (1 EXISTING)
- POINT POINT (9 SHOWN)
- IRCS IRON ROD AND CAP SET (1 SHOWN) PER DETAIL M-2
- CONCRETE MONUMENT SET (4 SHOWN) PER DETAIL M-2

LEGEND

- EXISTING EASEMENT LINE
- PROPERTY BOUNDARY LINE
- PROPOSED RIGHT-OF-WAY LINE
- PROPOSED PERMANENT EASEMENT LINE
- PROPOSED BUILDING SETBACK LINE

TIS REQUIREMENTS

- THE DEVELOPER SHALL IMPROVE SHADY ROAD WITHIN THE LIMITS OF THEIR FRONTAGE TO MEET DELDOT'S STANDARDS FOR THEIR FUNCTIONAL CLASSIFICATION AS FOUND IN SECTION 1.1 OF THE DEVELOPMENT COORDINATION MANUAL AND ELSEWHERE THEREIN. THE IMPROVEMENTS SHALL INCLUDE BOTH DIRECTIONS OF TRAVEL, REGARDLESS OF WHETHER THE DEVELOPER'S LANDS ARE ON ONE OR BOTH SIDES OF THE ROAD. FRONTAGE IS DEFINED IN SECTION 1 OF THE DEVELOPMENT COORDINATION MANUAL, WHICH STATES "THIS LENGTH INCLUDES THE LENGTH OF ROADWAY PERPENDICULAR TO LINES CREATED BY THE PROJECTION OF THE OUTSIDE PARCEL CORNERS TO THE ROADWAY. QUESTIONS OR APPEALS OF THIS REQUIREMENT SHOULD BE DIRECTED TO THE DELDOT SUBDIVISION REVIEW COORDINATOR IN WHOSE AREA THE DEVELOPMENT IS LOCATED.
- TO ACCOMMODATE THE SHADY ROAD (PLANTATION ROAD TO SR 1) IMPROVEMENTS DELDOT PROJECT, THE DEVELOPER SHOULD DEDICATE AN ADDITIONAL FIVE FEET OF RIGHT-OF-WAY BEYOND THE TYPICAL REQUIREMENT FOR A LOCAL ROADWAY. AS A RESULT, A 10-FOOT P.E. WOULD BE REQUIRED. THE VALUE OF THE ADDITIONAL PORTION OF RIGHT-OF-WAY IS DEDUCTIBLE FROM THE TID FEE.
- TO THE EXTENT THAT THE FRONTAGE IMPROVEMENTS ARE NOT ADDRESSED BY THE SITE ENTRANCE CONSTRUCTION (ITEM 2 BELOW), THE COST OF THE WORK COMPLETED TO IMPROVE SHADY ROAD TO MEET DELDOT'S STANDARDS AND THE SIDEWALK, ADDRESSED IN ITEM 4A BELOW, ARE DEDUCTIBLE FROM THE TID FEE DISCUSSED IN ITEM 5. IT MAY BE APPROPRIATE FOR DELDOT TO REQUIRE LESS THAN THE WORK CONTEMPLATED HERE TO ADJUST THE COST OF THE WORK WITH THE AMOUNT OF THE TID FEE.

APPROACH	CURRENT CONFIGURATION	PROPOSED CONFIGURATION
EASTBOUND SHADY ROAD	ONE THROUGH LANE	ONE THROUGH LANE & ONE RIGHT TURN LANE
WESTBOUND SHADY ROAD	ONE THROUGH LANE	ONE LEFT TURN LANE & ONE THROUGH LANE
NORTHBOUND SITE ENTRANCE	APPROACH DOES NOT EXIST	ONE SHARD LEFT TURN/RIGHT TURN LANE

BASED ON DELDOT'S DEVELOPMENT COORDINATION MANUAL, THE RECOMMENDED MINIMUM STORAGE LENGTH (EXCLUDING TAPER) OF THE EASTBOUND SHADY ROAD RIGHT TURN LANE IS 110 FEET. BASED ON DELDOT'S DEVELOPMENT COORDINATION MANUAL, THE RECOMMENDED MINIMUM STORAGE LENGTH (EXCLUDING TAPER) OF THE WESTBOUND SHADY ROAD LEFT TURN LANE IS 120 FEET. THE PROJECTED QUEUES FROM THE ICS ANALYSIS CAN BE ACCOMMODATED WITHIN THE RECOMMENDED STORAGE LENGTHS. PER THE PRELIMINARY SITE PLAN PREPARED BY DBF DATED JULY 2021, THE PROPOSED ENTRANCE WOULD BE LOCATED APPROXIMATELY 575 FEET EAST OF THE NORTHEAST POINT OF TANGENCY WITH PLANTATION ROAD. IT IS RECOMMENDED THAT THE PROPOSED ENTRANCE BE LOCATED TOWARDS THE WESTERMOST LIMITS OF THE SITE FRONTAGE, APPROXIMATELY 515 FEET EAST OF THE NORTHEAST POINT OF TANGENCY WITH PLANTATION ROAD, TO ACCOMMODATE THE RECOMMENDED WESTBOUND LEFT TURN STORAGE LENGTH.

- THE DEVELOPER SHOULD PAY THE APPROPRIATE PORTION OF THE HENLOPEN TID FEE REMAINING AFTER THE VALUE OF THE ADDITIONAL RIGHT-OF-WAY DEDICATION AND THE NON-ENTRANCE FRONTAGE IMPROVEMENTS HAS BEEN CREDITED AGAINST THE TOTAL TID FEES OWED. THE DEVELOPER SHOULD COORDINATE WITH DELDOT STATEWIDE REGIONAL PLANNING SECTION ON THE CALCULATION OF THE FEE.
- THE FOLLOWING BICYCLE, PEDESTRIAN, AND TRANSIT IMPROVEMENTS SHOULD BE INCLUDED:
 - A MINIMUM OF FIFTEEN-FOOT WIDE PERMANENT EASEMENT FROM THE EDGE OF THE RIGHT-OF-WAY SHOULD BE DEDICATED TO DELDOT ALONG THE SHADY ROAD SITE FRONTAGE. WITHIN THE EASEMENT, THE DEVELOPER SHOULD CONSTRUCT A FIVE-FOOT WIDE SIDEWALK. THE SIDEWALK SHOULD BE DESIGNED TO MEET CURRENT AASHTO AND ADA STANDARDS. IF FEASIBLE, THE SIDEWALK SHOULD BE PLACED BEHIND UTILITY POLES AND STREET TREES SHOULD BE PROVIDED WITHIN THE BUFFER AREA. THE DEVELOPER SHOULD COORDINATE WITH DELDOT'S DEVELOPMENT COORDINATION SECTION DURING THE PLAN REVIEW PROCESS TO IDENTIFY THE EXACT LOCATION OF THE SIDEWALK.
 - ADA COMPLIANT CURB RAMPS AND MARKED CROSSWALKS SHOULD BE PROVIDED ALONG THE SITE ENTRANCE.
 - WHERE INTERNAL SIDEWALKS ARE LOCATED ALONGSIDE OF PARKING SPACES, A BUFFER, PHYSICAL BARRIER, OR SIGNAGE SHOULD BE ADDED TO ELIMINATE VEHICULAR OVERHANG ONTO THE SIDEWALK.
 - MINIMUM FIVE-FOOT WIDE BICYCLE LANES SHOULD BE INCORPORATED IN THE RIGHT TURN LANE AND SHOULDER ALONG THE SHADY ROAD APPROACHES TO THE SITE ENTRANCE.
 - UTILITY COVERS SHOULD BE MOVED OUTSIDE OF ANY DESIGNATED BICYCLE LANES AND ANY PROPOSED SIDEWALKS/SUP OR SHOULD BE FLUSH WITH THE PAVEMENT.

N/F
 SHADY ROAD HOLDINGS LLC
 TAX MAP 334-6.00-511.00
 DEED: 4960/294
 ZONED: MR
 (TOWNHOUSES)

N/F
 SHADY ROAD HOLDINGS LLC
 TAX MAP 334-6.00-511.00
 DEED: 4960/294
 ZONED: MR





**OFFICE OF THE STATE FIRE MARSHAL
Technical Services**

22705 Park Avenue
Georgetown, DE 19947



FIRE PROTECTION PLAN REVIEW REPORT

Plan Review Number: 2022-04-211218-MJS-02

Tax Parcel Number: 334-6.00-511.02

Status: Not Approved as Submitted

Date: 01/30/2023

Project

Shady Road Commercial

Shady Road

Shady Road Commercial
Phase #: 1

Lewes DE 19958

Scope of Project

Number of Stories:

Square Footage:

Construction Class:

Fire District: 82 - Lewes Fire Dept Inc

Occupant Load Inside:

Occupancy Code: 9681

Applicant

Jamie Sechler
1 Park Avenue
Milford, DE 19963

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

A handwritten signature in black ink, appearing to read "D. McCall".

Desiree McCall

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2022-04-211218-MJS-02

Tax Parcel Number: 334-6.00-511.02

Status: Not Approved as Submitted

Date: 01/30/2023

PROJECT COMMENTS

- 1002 A This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) ADOPTED September 1, 2021. The Delaware State Fire Prevention Regulations are available on our website at www.statefiremarshal.delaware.gov. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes. The Office of the State Fire Marshal recommends the installation of fire sprinkler systems in all residential occupancies, including one- and two-family dwellings, duplexes, and townhomes. For additional information on residential sprinkler systems, please see here: https://statefiremarshal.delaware.gov/wp-content/uploads/sites/110/2017/07/Home_Sprinkler_Brochure.pdf
- 1040 A This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.
- 1500 A All plans must be reviewed and approved by this Agency prior to any work. Plan review status shall remain "NOT APPROVED AS SUBMITTED" until the following items have been received and approved by this Agency: NOTE: When revised plans are required to be resubmitted, a narrative letter does not suffice.
- 1417 A All Fire Lanes shall be marked and identified in accordance with DSFPR Regulation 705, Chapter 5, Section 7.0.
- 1411 A Fire Lane signs shall be placed at each end of the fire lane and spaced at 150 foot intervals maximum. All Fire Lane signs shall be located no less than six feet and no higher than eight feet above the pavement and shall face oncoming traffic. Where no parking is provided between the building and the Fire Lane, Fire Lane signs shall be posted along the inner curb, building line, or edge of the roadway immediately adjacent to the fire lane. (DSFPR Regulation 705, Chapter 6, Section 7.0).

SHOW FIRE LANE SIGNS - THE DSFPR DOES NOT ALLOW WORDING ON THE ROAD IN THIS SCENARIO. SIGNS SHALL BE USED

1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.



December 16, 2022

Mr. Jamie Sechler
DBF, Inc.
jls@dbfinc.com

**RE: Shady Road Commercial
Ready for Approval**

Mr. Sechler:

The Sussex Conservation District has reviewed the sediment and stormwater management plans submitted for the above referenced project. The District has found the submittal to be acceptable, please provide the District with the following:

- Submit 5 sets of plans for approval.
- Submit 1 set scaled 12 x 18 for approval.
- Submit an electronic copy (PDF) of the project's complete construction set.
- Submit an electronic copy (PDF) of the Stormwater Report (and all exhibits).
- Provide a check for inspection fee for \$3,450 and maintenance fee for \$850. (These fees can be combined on one check.)

Please note:

- Every plan sheet is to be signed and sealed by a qualified design professional.
- The SCD Owners Certification Statement is to be signed in ink on each set of plans.
- DelDOT Entrance Permit is required prior to scheduling a Pre-Construction meeting. (if applicable)
- DNREC Drainage Section approval is required prior to SCD final approval. (if applicable)

If plans are submitted with any of the above items missing, they will **not** be approved. Be advised if there are any deficiencies which cannot be addressed within 72 hours the plans will be considered withdrawn and therefore, you will need to entirely resubmit. We appreciate your cooperation in this matter as we are trying to maintain a professional and structured office to better serve you.

If ownership is going to change, the District will require a new application and two sets of plans with the new owner's information and signed certification statement. In addition, the authorization to discharge stormwater under the regulations *Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities*, must be transferred by the original owner to the new owner, please contact DNREC at 302-739-9921 for assistance.

If you have any questions or concerns regarding the aforementioned, please do not hesitate to contact the District at 302-856-2105.

Sincerely,

John Justice

John Justice
Stormwater Plan Reviewer



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

NICOLE MAJESKI
SECRETARY

December 16, 2022

Mr. Jamie Whitehouse, Director
Sussex County Planning & Zoning Commission
Sussex County Administration Building
P.O. Box 417
Georgetown, Delaware 19947

SUBJECT: Letter of No Objection to Recordation
Shady Road Commercial
Tax Parcel # 334-6.00-511.02, 511.06, 513.00
Shady Road (SCR 276)
Lewes & Rehoboth Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Site Plan, dated July, 2022 (last revised December 1, 2022), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawings. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Site Plan is not recorded prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

This letter does not authorize the commencement of entrance construction. Entrance plans shall be developed in accordance with DelDOT's Development Coordination Manual and submitted to the Development Coordination Section for review and approval.

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There

Shady Road Commercial
Mr. Jamie Whitehouse
Page 2
December 16, 2022

may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

If I can be of any further assistance, please call me at (302) 760-2266.

Very truly yours,



Wendy L. Polasko, P.E.
Subdivision Engineer
Development Coordination

cc: Michael Glick, Lighthouse Construction, Inc.
Jamie Sechler, Davis, Bowen & Friedel, Inc.
Sussex County Planning & Zoning
Jessica L. Watson, Sussex Conservation District
Matt Schlitter, South District Public Works Engineer
James Argo, South District Project Reviewer
James Smith, South District Entrance Permit Supervisor
Jennifer Pinkerton, Chief Materials & Research Engineer
Linda Osiecki, Pedestrian Coordinator
John Fiori, Bicycle Coordinator
Mark Galipo, Traffic Development Coordination Engineer
Tim Phillips, Maintenance Support Manager
Dan Thompson, Safety Officer North District
Jared Kauffman, DTC Planner
James Kelley, JMT
Kevin Hickman, Sussex County Review Coordinator
Brian Yates, Sussex County Reviewer

PRELIMINARY SITE PLAN

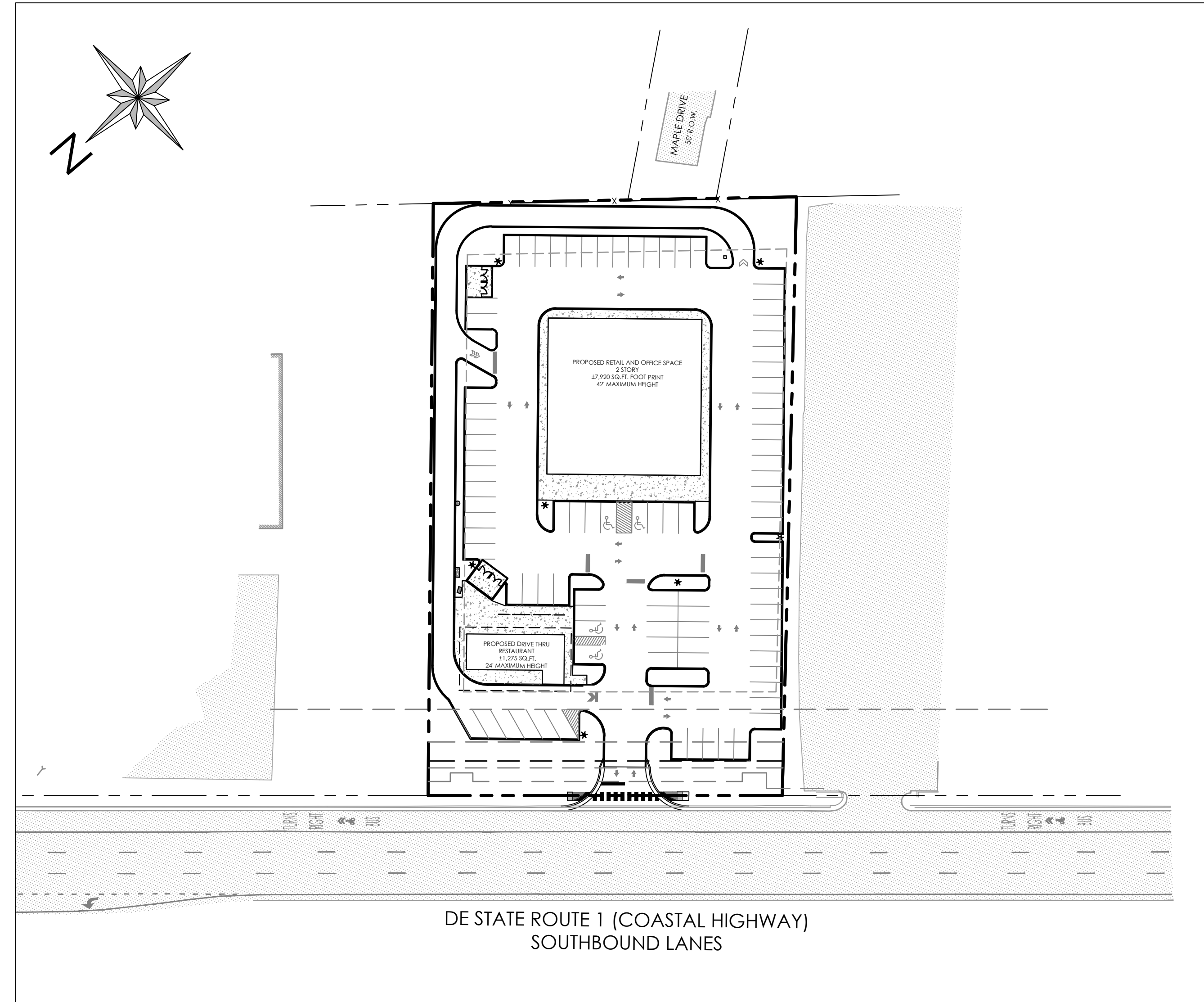
FOR

18422 COASTAL HIGHWAY

LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY, DELAWARE

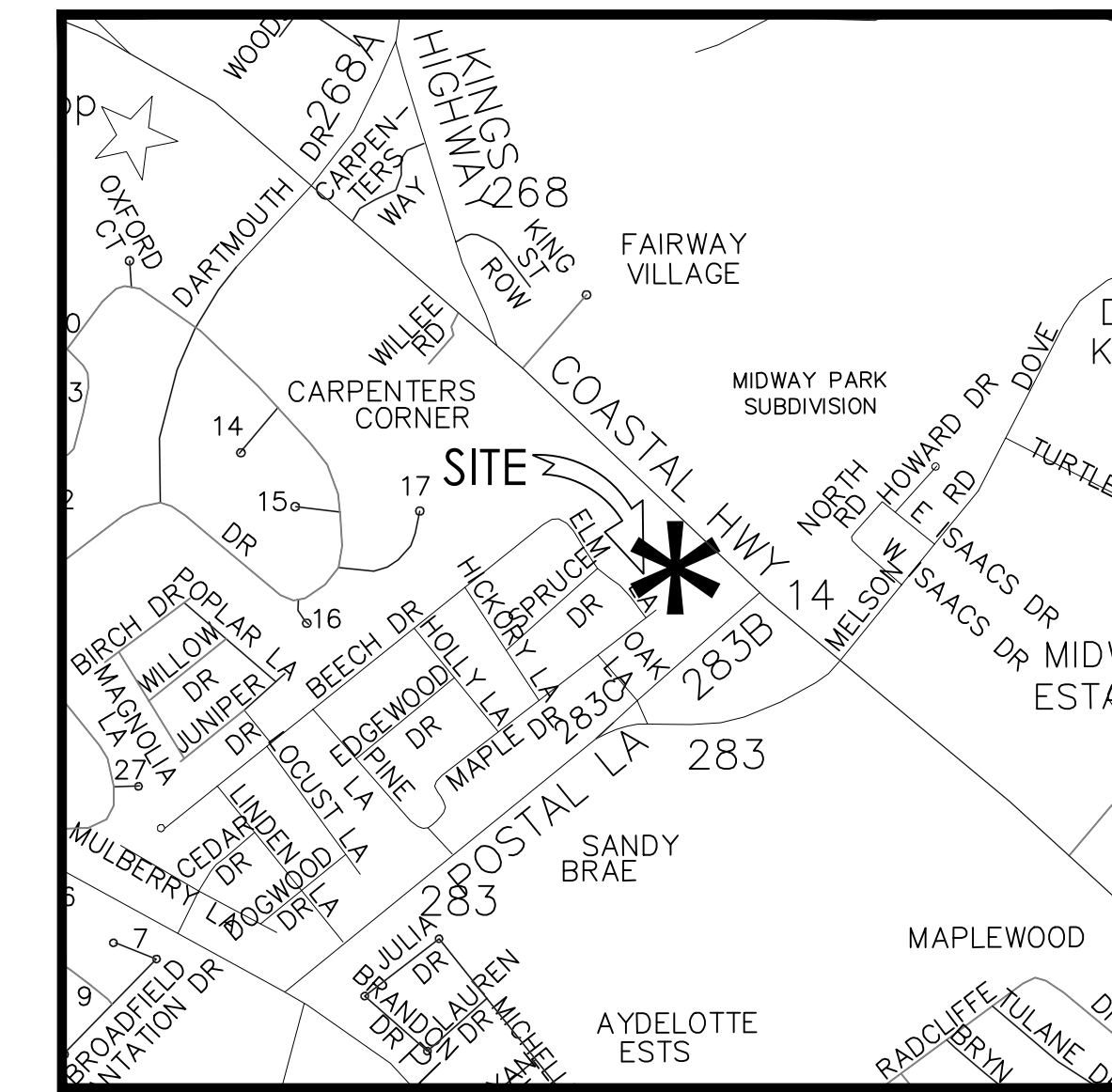
LEGEND

PROPERTY LINE	---	---
EASEMENT LINE	- - - - -	- - - - -
SETBACK LINE	---	---
SPOT ELEV. LABEL	x 19.25	19.25
MAJOR CONTOUR	- - - - -10	10
MINOR CONTOUR	- - - - -7	7
ROAD CENTERLINE	---	---
EDGE OF CONCRETE	---	---
EDGE OF PAVEMENT	---	---
EDGE OF GRAVEL	---	N/A
PAINT STRIPE	---	---
CURB	---	---
PAVEMENT HATCH	▨	▨
CONCRETE HATCH	▩	▩
BUILDING OUTLINE	---	---
SIDEWALK	---	---
SIDEWALK HATCH	▨	▨
SIGN	⊙	⊙
EDGE OF WETLAND	---	N/A
STORM MANHOLE	⊙	⊙
CURB INLET	⊙	⊙
YARD INLET	⊙	⊙
STORM PIPE	---	---
RIP RAP	▨	▨
SANITARY MANHOLE	N/A	⊙
SANITARY CLEANOUT	N/A	⊙
SANITARY PIPE	N/A	---
WATER VALVE	N/A	⊙
WATER PIPE	N/A	---
FIRE HYDRANT	N/A	⊙
LIGHT POLE	☆	☆



SHEET INDEX

- COVER SHEET
- SITE PLAN
- BULK GRADING PLAN



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA:

OWNER/
DEVELOPER REED VENTURES, LLC
28855 GEORGETOWN HIGHWAY
SUITE B
LEWES, DE 19958

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

- TAX MAP: 334-6.00-479.00
- GROSS AREA = 1.65 AC.±
- NET DEVELOPMENT AREA = 1.65 AC.± (100%)
- SITE IMPERVIOUS AREA = 1.36 AC.± (82.6%)
- EXISTING ZONING: C-1 (GENERAL COMMERCIAL)
- SETBACKS: FRONT= 60'
SIDE= 5' ADJACENT TO COMMERCIAL USE
20' ADJACENT TO RESIDENTIAL USE
REAR= 30' (ADJACENT TO RESIDENTIAL USE)
- PROPOSED USE: DRIVE-THRU RESTAURANT, RETAIL & OFFICE SPACE
- BUILDING SIZES: PROPOSED DRIVE THRU RESTAURANT BUILDING ±1,275 SQ.FT.
PROPOSED COMMERCIAL BUILDING ±7,920 SQ.FT.
- PARKING: REQUIRED: 91 SPACES
PROVIDED: 92 SPACES
DRIVE-THRU STACKING SPACES: (24) 10'x20' SPACES
- SEWER SERVICE: SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
- WATER SERVICE: TIDEWATER UTILITIES, INC.
- SOIL TYPE: GuB - GREENWICH-URBAN LAND COMPLEX - HYDROLOGIC SOIL GROUP B
- PROPERTY IS LOCATED IN FLOOD ZONE X UNSHADED - AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP NUMBER 10005C0332K, MAP REVISED MARCH 16, 2015.
- THIS PARCEL IS NOT LOCATED IN A WELLHEAD PROTECTION ARE.
- THIS PARCEL IS LOCATED IN AN AREA OF "GOOD" GROUNDWATER RECHARGE POTENTIAL.
- THIS PARCEL IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID).

REQUIRED PARKING FOR PROPOSED USES

RETAIL STORES -
1 PER 200 SQ.FT. OF FLOOR AREA USED FOR SALES OR DISPLAY OF MERCHANDISE PURPOSES, PLUS 1 FOR EACH 2 EMPLOYEES ON THE LARGEST SHIFT

$$(7,920 \text{ SF} \times 80\% \times \frac{1}{200 \text{ SF}}) + (12 \text{ EMPLOYEES} \times 1 \text{ SPACE}/2 \text{ EMPLOYEE}) = 38 \text{ REQUIRED SPACES}$$

OFFICE -
1 PER 200 SQ. FT. OF FLOOR AREA, EXCLUSIVE OF BASEMENT, IF NOT USED FOR OFFICE OR CUSTOMER SERVICE PURPOSES
(7,920 SF x $\frac{1}{200 \text{ SF}}$) = 40 REQUIRED SPACES

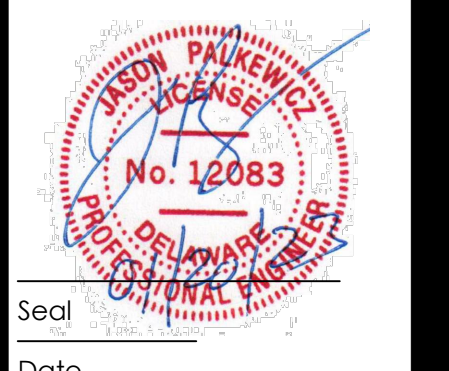
EATING PLACES, TAVERNS, BARS AND NIGHTCLUBS -
1 FOR EACH 50 SQ.FT. ASSIGNED FOR PATRON USE, PLUS 1 PER 2 EMPLOYEES ON THE LARGEST SHIFT

$$1 \text{ SPACE}/50 \text{ SF} \times 500 \text{ SF} + 6 \text{ EMPLOYEES} \times 1 \text{ SPACE}/2 \text{ EMPLOYEE} = 13 \text{ REQUIRED SPACES}$$

TOTAL SPACES REQUIRED = 91 SPACES

solutions
IPEM, LLC
Professional Engineering Firm

303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215
3033 Manitt Mill Road
Salisbury, MD 21804
T. 410.572.8833
www.solutionsipem.com Copyright © 2023



NO.	DATE	DESCRIPTION
1	1-20-23	REVISIONS PER COUNTY COMMENTS 1-12-23

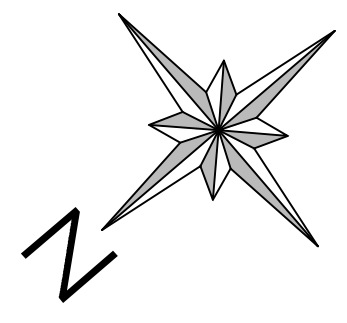
COVER SHEET
for
18422 COASTAL HIGHWAY
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	11/21/22
Job Number:	G21090
Scale:	AS SHOWN
Drawn By:	JPR
Designed By:	JPR
Approved By:	JRE

Sheet No.: 1

File Name: G21090-COVER

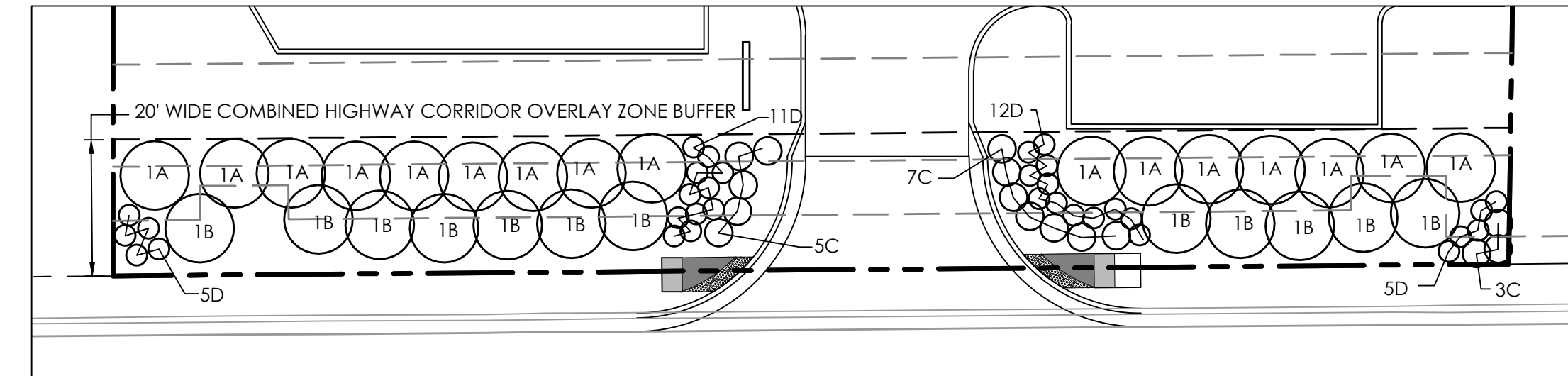
SUSSEX CONSERVATION DISTRICT APPROVAL:



Lands N/F
WILLIAM S. & MELISSA A. BELOTE
Tax Map: 334-6.00-473.00
DB 2069/239
Zoned: MR

Lands N/F
RONALD HILL
Tax Map: 334-6.00-382.00
DB 5158/16
Zoned: MR

MAPLE DRIVE
50' R.O.W.



CHDOZ LANDSCAPING PLAN
SCALE: 1"=20'

LANDSCAPE SCHEDULE					
KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	PLACEMENT	SPECIFICATION
A	15	Cercis canadensis	Eastern Redbud	10' O.C.	5' HGT. MIN.
B	12	Ilex opaca	American Holly	10' O.C.	5' HGT. MIN.
C	15	Ilex glabra 'Compacta'	Compact Inkberry	5' O.C.	2 GALLON CONT.
D	23	Aronia arbutifolia	Red Chokeberry	4' O.C.	2 GALLON CONT.

PROPOSED DUMPSTER ENCLOSURE - COMMERCIAL SPACE (SCREENED W/ 8' TALL CONCRETE MASONRY BLOCK)

DIRECTIONAL SIGNAGE
THANK YOU / DO NOT ENTER

Lands N/F
LEWES ASSEMBLY OF GOD CHURCH
Tax Map: 334-6.00-478.00
Zoned: MR

PRE-ORDER BOARD

ORDER POINT CANOPY
MENU BOARD

PROPOSED OUTDOOR SEATING AREA ±500 SQ.FT.

PROPOSED DRIVE THRU RESTAURANT
±1,275 SQ.FT.
24' MAXIMUM HEIGHT

PROPOSED EMPLOYEE PARKING

PROPOSED PYLON SIGN

PROPOSED RETAIL AND OFFICE SPACE
2 STORY
±7,920 SQ.FT. FOOT PRINT
42' MAXIMUM HEIGHT

30' REAR YARD SETBACK

CLEARANCE BAR
DIRECTIONAL SIGNAGE
LIGHT POLE (TYP.)

Lands N/F
MORRIS & MORRIS LTD PARTNERSHIP
Tax Map: 334-6.00-480.00
DB 5277/190
Zoned: C-1

EXISTING PARKING LOT

EXISTING PARKING LOT

EXISTING DELMARVA POWER AND LIGHT EASEMENT

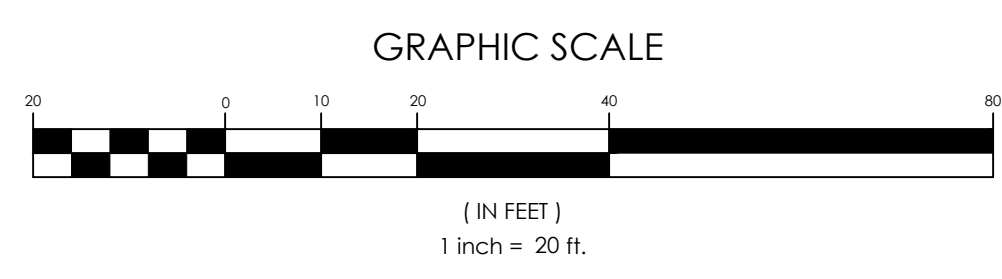
20' WIDE COMBINED HIGHWAY CORRIDOR OVERLAY ZONE BUFFER

EXISTING DELDOT EASEMENT

15' SUSSEX COUNTY UTILITY EASEMENT

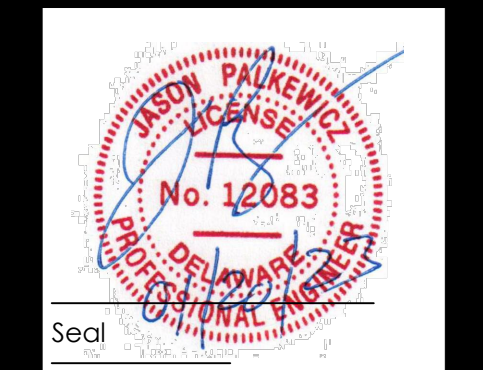
TURN RIGHT
BUS

DE STATE ROUTE 1 (COASTAL HIGHWAY)
SOUTHBOUND LANES



solutions
Landscape Architecture

303 North Bedford Street
Georgetown, DE 19842
T. 302-297-9215
3033 Manitt Mill Road
Salisbury, MD 21804
T. 410-572-8833
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Seal
Date

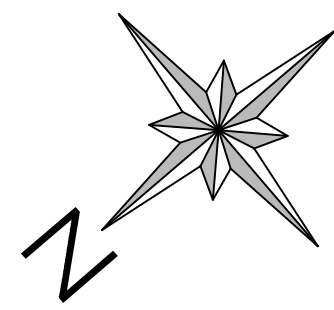
REVISIONS	
NO.	DESCRIPTION
1	REVISIONS PER COUNTY COMMENTS 1-12-23

SITE PLAN
for
18422 COASTAL HIGHWAY
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	11/22/22
Job Number:	G21090
Scale:	1" = 20'
Drawn By:	JPR
Designed By:	JPR
Approved By:	JRE

Sheet No.:

File Name:
G21090-SITE PLAN

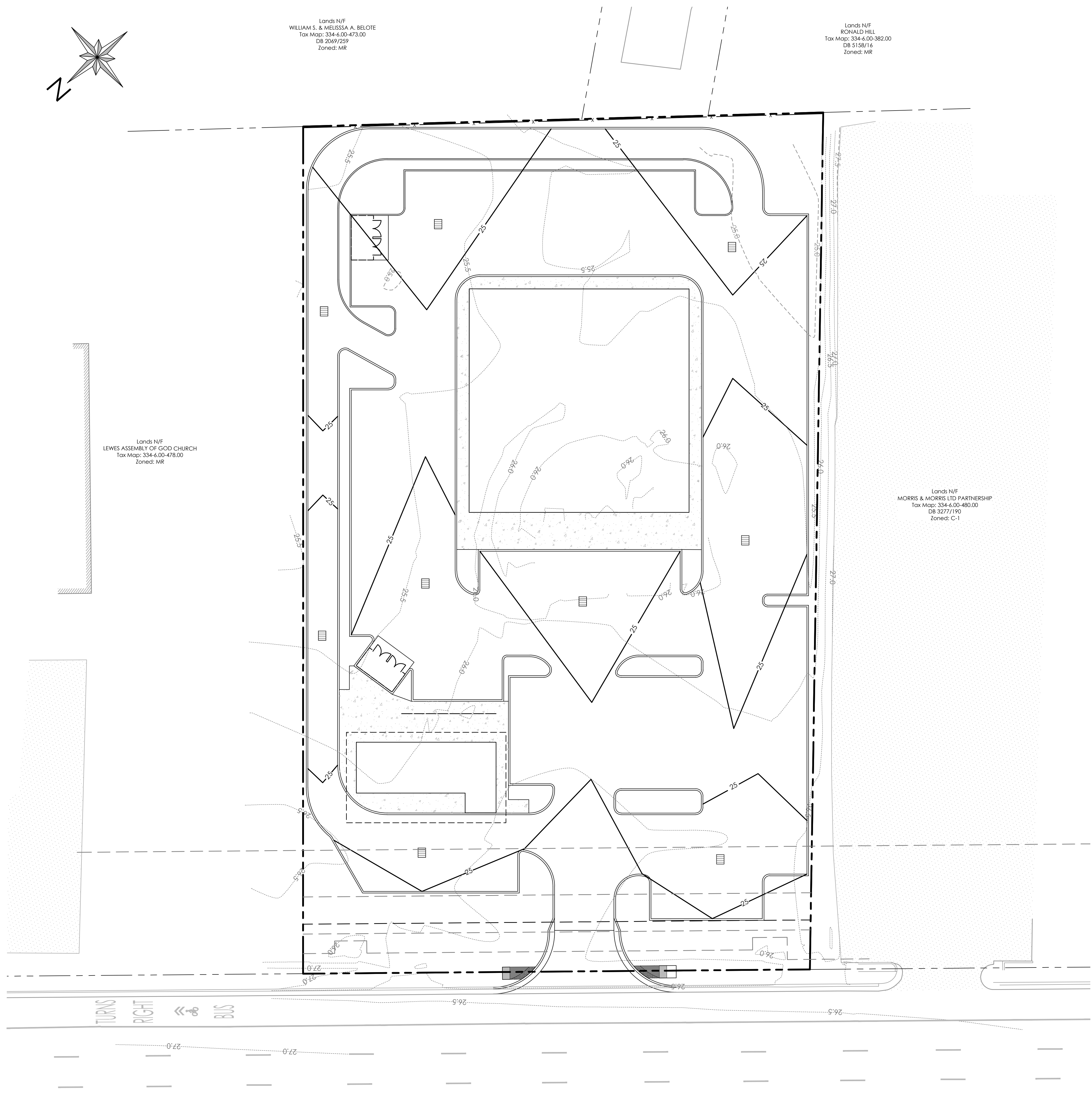


Lands N/F
WILLIAM S. & MELISSA A. BELOTE
Tax Map: 334-6.00-473.00
DB 2069/239
Zoned: MR

Lands N/F
RONALD HILL
Tax Map: 334-6.00-382.00
DB 5158/16
Zoned: MR

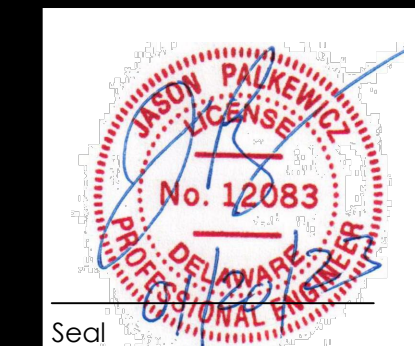
Lands N/F
LEWES ASSEMBLY OF GOD CHURCH
Tax Map: 334-6.00-478.00
Zoned: MR

Lands N/F
MORRIS & MORRIS LTD PARTNERSHIP
Tax Map: 334-6.00-480.00
DB 3277/190
Zoned: C-1



solutions
Engineering & Construction
Professional Services, LLC

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Seal
Date

NO.	DATE	DESCRIPTION
1	1-20-23	REVISIONS PER COUNTY COMMENTS 1-12-23

BULK GRADING PLAN
for
18422 COASTAL HIGHWAY
LEWES AND REHOBOTH HUNDRED
SUSSEX COUNTY, DELAWARE

Date: 11/22/22
Job Number: G21090
Scale: 1" = 20'
Drawn By: JPR
Designed By: JPR
Approved By: JRE

Sheet No.: 3

File Name: G21090-BULK GRADING PLAN

solutions

Integrated Planning
Engineering & Management, LLC

January 20, 2023

Mr. Jamie Whitehouse, AICP, MRTPI
Director, Department of Planning and Zoning
Sussex County
2 The Circle, PO Box 417
Georgetown, DE 19947

**RE: 18422 Coastal Highway – Parking
Via Email**

Dear Jamie:

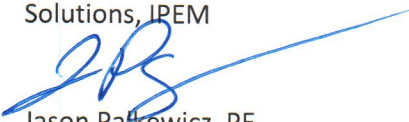
Solutions IPEM has submitted a preliminary site plan for commercial development on TM 334-6, P 479, located at 18422 Coastal Highway. Per 115-116 C, parking within the front yard setback shall be discouraged and subject to site plan review.

The proposed site plan does propose parking within the front setback. However, there is no parking proposed in the Combined Highway Corridor Overlay Zone. Furthermore, the proposed parking is 15' further back from Coastal Highway than the neighbors to the north and south. Parking in the front setback is very common along this section of Coastal Highway.

Please include this letter requesting parking in the front yard setback as part of our submittal package to the Planning and Zoning Commission.

Sincerely,

Solutions, IPEM



Jason Parkewicz, PE
CEO

FUQUA, WILLARD & SCHAB, P.A.

PAYNTER HOUSE
26 THE CIRCLE OR P.O. BOX 250
GEORGETOWN, DELAWARE 19947
PHONE 302-856-7777
FAX 302-856-2128
onthecircle@fwsdelaw.com

JAMES A. FUQUA, JR.
WILLIAM SCHAB
TIMOTHY G. WILLARD
www.fwsdelaw.com

LEWES REAL ESTATE OFFICE
16698 KINGS HIGHWAY, SUITE B
LEWES, DELAWARE 19958
PHONE 302-645-6626
FAX 302-645-6620
realestate@fwsdelaw.com

BLUE BUILDING
105 W. 4TH STREET
LEWES, DE 19958
PHONE 302-856-9024
FAX 302-856-6360

REHOBOTH OFFICE
20245 BAY VISTA RD., UNIT 203
REHOBOTH BEACH, DE 19971
PHONE 302-227-7727
FAX 302-227-2226

January 6, 2023

Jamie Whitehouse, Director
Sussex County Planning Dept.
2 The Circle
Georgetown, DE 19947

**Re: Sub. 2019-29
Scenic Manor**

Dear Mr. Whitehouse:

RECEIVED
JAN 06 2023
SUSSEX COUNTY
PLANNING & ZONING

In reference to the above, the applicant respectfully request the Planning and Zoning Commission to revise Condition "J" of the Conditions of Approval.

The condition currently limits site work on Monday through Friday to the hours of 8:00 a.m. through 5:00 p.m. It is requested to revise those hours to "7:00 a.m. through 6:00 p.m.".

Please place this request on the Commission's Agenda as other business at the next available date.

Respectfully submitted,

FUQUA, WILLARD & SCHAB, P.A.

By: James A. Fuqua, Jr.
James A. Fuqua, Jr.

JAF/jel

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

September 9, 2022

Mr. Phillip L. Tolliver, P.E.
Principal
Morris & Ritchie Associates, Inc.
18 Boulden Circle, Suite 36
New Castle, DE 19720

By email to: ptolliver@mragta.com

RE: Notice of Decision Letter for Final Subdivision & Landscape Plan for Scenic Manor (2019-29) (F.K.A. Estates at Mulberry Knoll) for a Coastal Area cluster subdivision to divide 166.83 acres +/- into 319 single-family lots, private roads, open space and amenities to include a clubhouse, walking paths and two (2) tot lots to be located on the east and west sides of Mulberry Knoll Road (S.C.R. 284), approximately 0.67 mile south of John J. Williams Highway (Route 24)
Tax Parcel: 334-18.00-43.00

Dear Mr. Tolliver,

At their meeting of **Thursday, September 8, 2022**, the Planning & Zoning Commission **approved** the **Final Subdivision Plan and Landscape Plan** for **Scenic Manor (2019-29 (F.K.A. Estates at Mulberry Knoll))** for a Coastal Area Cluster Subdivision to divide 166.83 acres +/- into three hundred and nineteen (319) single-family lots, private roads, open space and amenities to include a clubhouse, walking paths and two (2) tot lots. The on the east and west sides of Mulberry Knoll Road (S.C.R. 284), approximately 0.67 mile south of John J. Williams Highway (Route 24). The property is zoned Agricultural Residential (AR-1) District and lies within the Coastal Area Future Land Use Map designation per Sussex County's 2019 Comprehensive Plan.

The subject property is located within the Henlopen Transportation Improvement District (TID) and shall be subject to all requirements as prescribed in the Henlopen TID Agreement ("Infrastructure Recoupment Agreement), including payment of all related TID fees to the County, which has been recorded at DB 5687, PG 273. Payment of all TID fees shall be made at the time of Developer Application to the County for a building permit for the property.

Please submit a minimum of **four (4) full-sized (24" x 36") signed and sealed paper copies** of the **Final Subdivision Plan** to the Planning and Zoning Office for approval. **Two (2) copies** will be retained for the file and **one (1) copy** is necessary for recording purposes. Additional copies of the plan may also be submitted for endorsement by staff.



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

Please note that the plan shall be recorded in the Sussex County Recorder of Deeds Office within sixty (60) days from the Planning and Zoning Commission's final plan approval of 9/8/2022. The Final Subdivision Plan shall be valid for a period of five (5) years from the date of approval by the County. Any such Final Subdivision Plan shall be rendered null and void if substantial construction is not actively and continuously underway on the use within five (5) years of the date of approval by the County.

Please note that a \$10.00 per lot fee is required to be paid prior to the approval of any Final Subdivision Plan. For three-hundred and nineteen (319) lots, the total is \$3,190.00.

Please feel free to contact me during business hours with any question from 8:30 AM – 4:30 PM, Monday through Friday, at 302-855-7878.

Sincerely,

A handwritten signature in cursive script that reads "Lauren DeVore".

Ms. Lauren DeVore, AICP
Planner III

CC: Mr. Andy Wright, Chief Code Official – Building Code
Mr. John Ashman, Director of Utility Planning & Design – Engineering – Utility Planning
Ms. Susan Isaacs, Engineering Project Coordinator – Engineering – Public Works
Mr. Christopher Flathers, Senior Project Manager – Morris & Ritchie Associates, Inc.
Mr. Cory Tieste, Project Designer II – Morris & Ritchie Associates, Inc.
Scenic Manor (2019-29) (F.K.A. Estates at Mulberry Knoll) Subdivision Plan File

CONDITIONS OF APPROVAL

- THERE SHALL BE NO MORE THAN 3/4 LOTS WITHIN THE SUBDIVISION.
- THE SUBDIVISION SHALL BE SERVED BY A CENTRAL WATER SYSTEM FOR POTABLE WATER AND FIRE PROTECTION.
- THE SITE SHALL BE SERVED BY CENTRAL SEWER AS PART OF THE SUSSEX COUNTY SEWER SYSTEM.
- THE DEVELOPER SHALL ESTABLISH A HOMEOWNER'S ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF STREETS, BUFFERS, STORMWATER MANAGEMENT FACILITIES AND OTHER COMMON AREAS.
- THE STORMWATER MANAGEMENT SYSTEM SHALL MEET OR EXCEED THE REQUIREMENTS OF THE STATE AND COUNTY. THE FINAL SITE PLAN SHALL CONTAIN THE APPROVAL OF THE SUSSEX CONSERVATION DISTRICT FOR THE DESIGN AND LOCATION OF ALL STORMWATER MANAGEMENT AREAS AND EROSION AND SEDIMENTATION CONTROL FACILITIES. THE SYSTEM SHALL BE MAINTAINED AND OPERATED USING BEST MANAGEMENT PRACTICES.
- THERE SHALL BE A VEGETATED OR FORESTED BUFFER THAT IS AT LEAST 20 FEET WIDE INSTALLED ALONG THE PERIMETER OF THIS SUBDIVISION. THIS BUFFER SHALL UTILIZE FOREST OR SIMILAR VEGETATION AS MUCH AS POSSIBLE WITH LIMITED DISTURBANCE.
- THE DEVELOPMENT SHALL COMPLY WITH ALL DELDOT ENTRANCE AND ROADWAY IMPROVEMENT REQUIREMENTS, INCLUDING THE REQUIREMENTS OF THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT.
- STREET DESIGN SHALL MEET OR EXCEED SUSSEX COUNTY STANDARDS.
- ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
- CONSTRUCTION, SITE WORK AND DELIVERIES SHALL ONLY OCCUR ON THE SITE BETWEEN THE HOURS OF 8:00AM THROUGH 5:00PM, MONDAY THROUGH FRIDAY, AND 8:00AM AND 2:00PM ON SATURDAYS. NO SUNDAY WORK IS PERMITTED.
- THE APPLICANT SHALL COORDINATE WITH THE LOCAL SCHOOL DISTRICT REGARDING THE LOCATION OF A SCHOOL BUS STOP. THE LOCATION AND DETAILS OF THIS AREA SHALL BE SHOWN ON THE FINAL SITE PLAN.
- THE DEVELOPMENT SHALL BE SERVED BY ITS OWN ON-SITE AMENITIES INCLUDING A CLUBHOUSE THAT IS AT LEAST 3000 SQUARE FEET IN SIZE, AN OUTDOOR POOL AND TWO CHILDREN'S PLAYGROUNDS THAT ARE ON EACH SIDE OF MULBERRY KNOLL ROAD. AS REQUESTED BY THE APPLICANT, AND SUBJECT TO ANY REQUIRED STATE AND FEDERAL APPROVALS, A KAYAK LAUNCHING AREA SHALL BE PERMITTED. NO MOTORIZED VESSELS SHALL USE ANY DOCK ASSOCIATED WITH THIS DEVELOPMENT.
- ALL AMENITIES SHALL BE COMPLETED AND OPEN FOR USE PRIOR TO THE ISSUANCE OF THE 14TH RESIDENTIAL BUILDING PERMIT.
- AS STATED BY THE APPLICANT, THERE SHALL BE A BUFFER THAT IS AT LEAST 50 FEET WIDE FROM ALL TIDAL WATERS AND TIDAL WETLANDS. IN ADDITION, THERE SHALL NOT BE ANY DISTURBANCE OF TREES OR OTHER VEGETATION WITHIN THESE BUFFER AREAS AND THE REQUIRED SILT FENCING SHALL BE UPLAND OF THESE BUFFER AREAS TO AVOID DISTURBANCE.
- THERE SHALL BE SIDEWALKS ON BOTH SIDES OF ALL STREETS AND THE SIDEWALK SYSTEM SHALL CONNECT WITH DELDOT'S MULTIMODAL PATH.
- AS STATED BY THE APPLICANT, A SYSTEM OF FULLY-SHIELDED AND DOWNWARD SCREENED STREETLIGHTING SHALL BE PROVIDED.
- THE DEVELOPER SHALL COORDINATE WITH DELDOT FOR A SAFE CROSSING OF MULBERRY KNOLL ROAD BETWEEN THE TWO SECTIONS OF THIS SUBDIVISION. THE DEVELOPER SHALL INDICATE THE MEANS OF SAFE CROSSING ON THE FINAL SITE PLAN, AND NO WORK SHALL BE CONSTRUCTED ON THE WEST SIDE OF MULBERRY KNOLL ROAD UNTIL THOSE SAFETY MEASURES ARE INSTALLED.
- THE APPLICANT SHALL COMPLY WITH ALL OF THE TERMS AND CONDITIONS OF THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT INFRASTRUCTURE RECOUPMENT AGREEMENT DATED MARCH 1TH, 2022, INCORPORATED HEREIN BY REFERENCE.
- THE FINAL SITE PLAN SHALL INCLUDE A LANDSCAPE PLAN CONFIRMING ALL LANDSCAPING TO BE PROVIDED, THE PRESERVATION OF ALL BUFFER AREAS, AND THE FORESTED AREAS THAT WILL BE PRESERVED.
- A COPY OF THE FINAL ARCHEOLOGICAL REPORT PREPARED BY EDWARD OTTER, INC. SHALL BE SENT TO THE STATE HISTORICAL PRESERVATION OFFICE PRIOR TO THE SUBMISSION OF A FINAL SITE PLAN.
- A REVISED PRELIMINARY SITE PLAN EITHER DEPICTING OR NOTING THESE CONDITIONS MUST BE SUBMITTED TO THE OFFICE OF PLANNING AND ZONING.
- THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.

NOTE: IF REQUIRED BY THE CAPE HENLOPEN SCHOOL DISTRICT A PROTECTED SCHOOL BUS SHELTER WITH RELATED PARKING SHALL BE INSTALLED AT THE ENTRANCE TO THE DEVELOPMENT. ALTERNATIVELY, THE DEVELOPER SHALL COORDINATE WITH THE SCHOOL DISTRICT FOR ANOTHER LOCATION, WITH A PREFERENCE FOR THE CLUBHOUSE BUILDING.

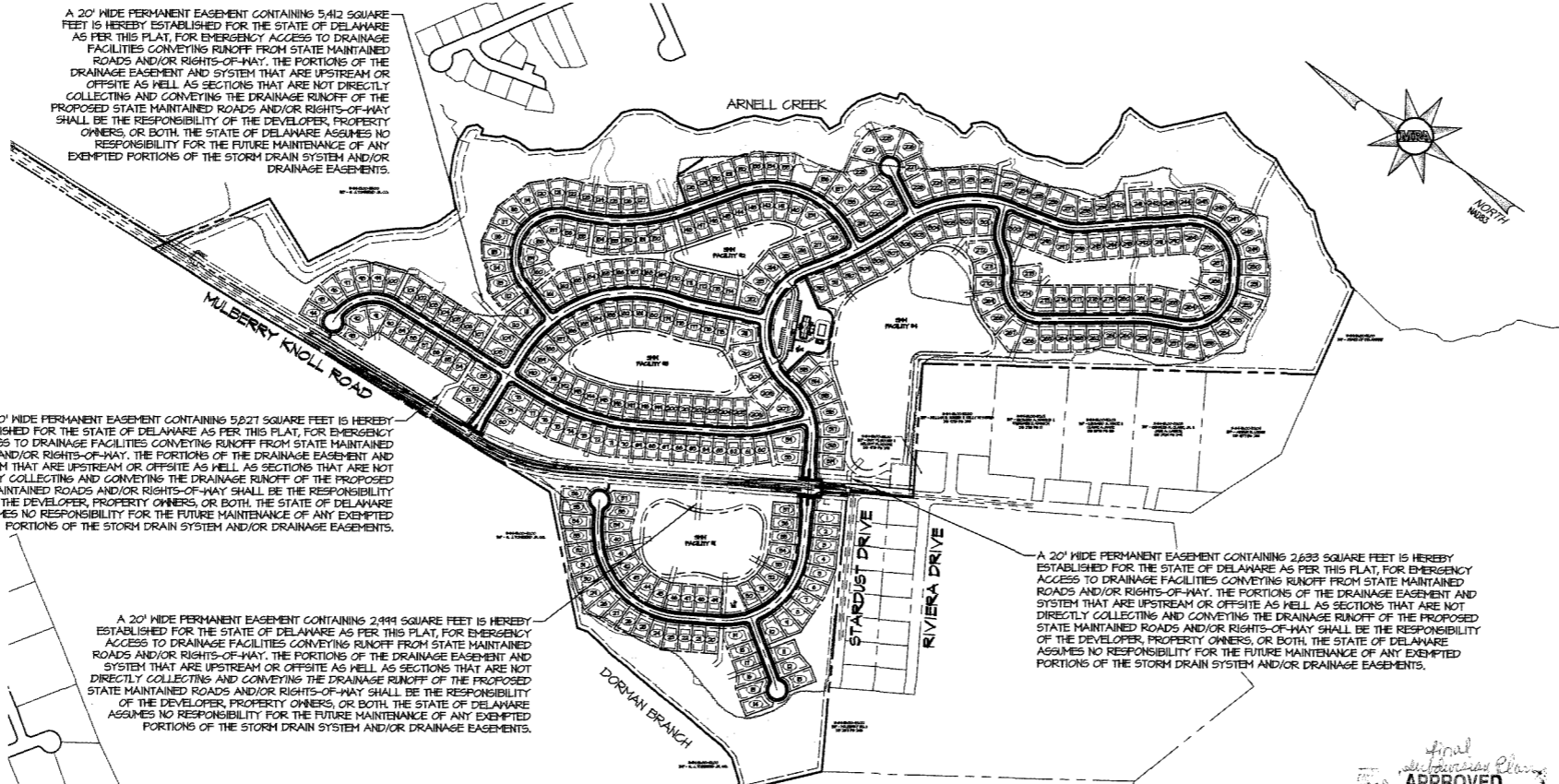
INDEX OF DRAWINGS

- FINAL RECORD PLATS TITLE SHEET
- FINAL RECORD PLATS NOTES & DETAILS
- FINAL RECORD PLATS
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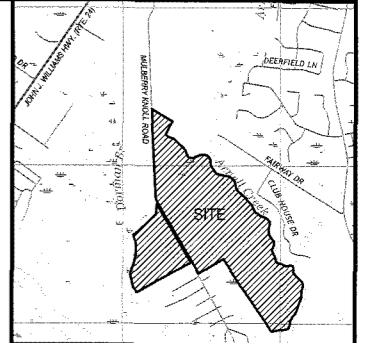
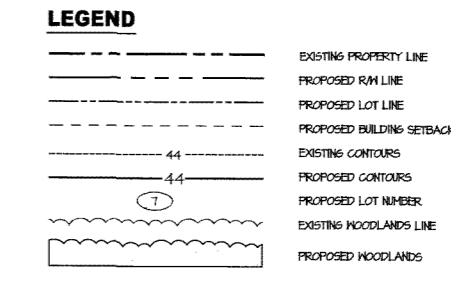
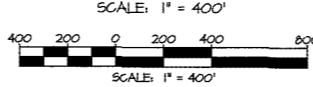
SCENIC MANOR

F.K.A. ESTATES AT MULBERRY KNOLL SUSSEX COUNTY, DELAWARE FINAL RECORD PLATS

AR-1 CLUSTER SUSSEX COUNTY PLANNING # 2019-29



OVERALL SITE PLAN
 SCALE: 1" = 400'



LOCATION MAP
 SCALE: 1" = 2000'

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

Barbara E. Best 9-13-22 DATE
 BARBARA BEST, MEMBER THOMAS BEST & SONS INC.

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

William E. Smith 9-14-22 DATE
 WILLIAM TRUITT, JR. MEMBER THOMAS BEST & SONS INC.

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

Bruce Nowakowski 9-14-22 DATE
 BRUCE NOWAKOWSKI, MEMBER THOMAS BEST & SONS INC.

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

Robert Best 09-13-22 DATE
 ROBERT BEST, SR. PRESIDENT THOMAS BEST & SONS INC.

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

Randall Best 9/13/2022 DATE
 RANDALL BEST, VICE PRESIDENT THOMAS BEST & SONS INC.

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

Carolyn Timmons 9/13/2022 DATE
 CAROLYN TIMMONS, SECRETARY THOMAS BEST & SONS INC.

PROJECT TEAM

DEVELOPER: MKR LAND INVESTMENT, LLC
 181 JOHN RICHARDSON
 260 HOPKINSON ROAD
 CHURCHVILLE, MD 21026

LAND PLANNERS, CIVIL ENGINEER: MORRIS & RITCHE ASSOCIATES, INC.
 18 BOULDEN CIRCLE, SUITE 36
 NEW CASTLE, DE 19700
 ATTN: MR. PHILLIP L. TOLLIVER, P.E.

SURVEYOR: MORRIS & RITCHE ASSOCIATES, INC.
 8 WEST MARKET STREET
 GEORGETOWN, DE 19347
 ATTN: MR. GARY FOWERS

ENVIRONMENTAL CONSULTANT: GEO-TECHNOLOGY ASSOCIATES, INC.
 3445 BOX HILL CORPORATE CENTER DRIVE, SUITE A
 ABINGDON, MD 21004
 ATTN: MR. MATTHEW JENNETTE

GEOTECHNICAL ENGINEER: GEO-TECHNOLOGY ASSOCIATES, INC.
 2183 STERLING AVENUE, SUITE 1
 GEORGETOWN, DE 19347
 ATTN: MR. GREG SAUTER

TRAFFIC CONSULTANT: THE TRAFFIC GROUP
 4520 FRANKLIN SQUARE DR. - SUITE H
 BALTIMORE, MD 21236
 ATTN: MR. JOE CALOSGERO, P.E.

ATTORNEY: FUGIA, HILLARD, STEVENS & SCHAB, P.A.
 20245 BAY VISTA ROAD #203
 REHOBOTH BEACH, DE 19371
 ATTN: MR. JAMES A. FUGIA, JR.

OWNER'S CERTIFICATION

I, UNDERSIGNED, AS OWNER OF THE PROPERTY SHOWN, HEREBY APPROVE THESE PLANS FOR DEVELOPMENT AS SHOWN OR OTHERWISE NOTED.

Alfred Best, Jr. 9/13/22 DATE
 ALFRED BEST, JR. TREASURER THOMAS BEST & SONS INC.

WETLANDS STATEMENT

GEO-TECHNOLOGY ASSOCIATES, INC. (GTA) HAS CONDUCTED A FIELD REVIEW WITHIN THE BOUNDARIES OF THIS PLAT TO EVALUATE THE PRESENCE OR ABSENCE OF POTENTIAL STATE AND FEDERAL JURISDICTIONAL WETLANDS FOR THE PURPOSES OF DELAWARE WETLAND AND SUBAQUEOUS LAND REGULATIONS AND SECTION 404 OF THE CLEAN WATER ACT. GTA'S REVIEW HAS CONDUCTED IN GENERAL ACCORDANCE WITH THE TECHNIQUES AND CRITERIA PROVIDED IN THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL ATLANTIC AND GULF COASTAL PLAN REGION (VERSION 2.0), DATED NOVEMBER 2000. THE LIMITS OF THE WETLANDS WERE EVALUATED IN THE FIELD BY GTA PERSONNEL USING BEST PROFESSIONAL JUDGEMENT.

Matthew Jenette 9/15/2022 DATE
 MATTHEW JENNETTE, GEO-TECHNOLOGY ASSOCIATES, INC.

ENGINEER'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THE PLAN SHOWN AND DESCRIBED HEREON IS TRUE AND CORRECT TO THE ACCURACY REQUIRED BY ACCEPTED STANDARDS AND PRACTICES AND BY THE SUSSEX COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS TO THE EXTENT THAT IT DESCRIBES THE PROPOSED MANNER AND LAYOUT OF THE SUBDIVISION.

Phillip L. Tolliver, P.E. 9/15/22 DATE
 PHILLIP L. TOLLIVER, P.E. DE LICENSE NO. #12464

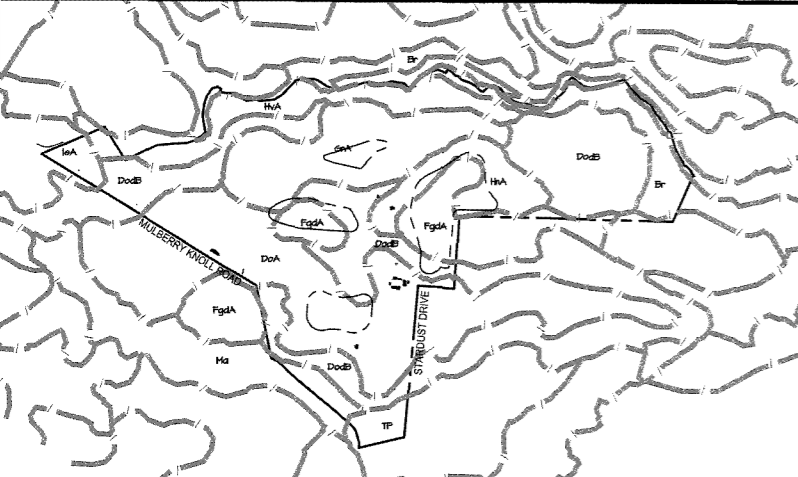
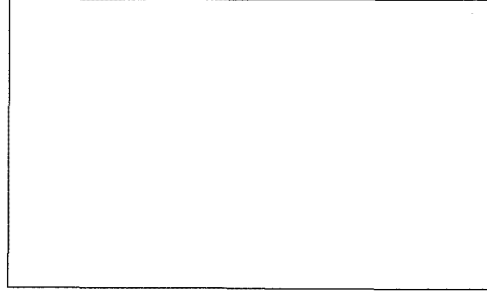
TID NOTE:
 THE DEVELOPER WILL BE PARTICIPATING IN THE HENLOPEN TID. THE INFRASTRUCTURE RECOUPMENT AGREEMENT IS RECORDED UNDER BOOK 3667 PAGE 219 IN THE OFFICE OF THE SUSSEX COUNTY RECORDER OF DEEDS.

PHASING NOTE:
 THE CONTRACTOR SHOULD BE AWARE THAT THE RELEASE OF BUILDING PERMITS FOR THIS PROJECT IS BEING PHASING. A PHASING AGREEMENT BETWEEN THE DEVELOPER AND DELDOT HAS BEEN EXECUTED.

APPROVED
 SUSSEX COUNTY PLANNING & ZONING COMMISSION
 September 21, 2022
 14 sheets

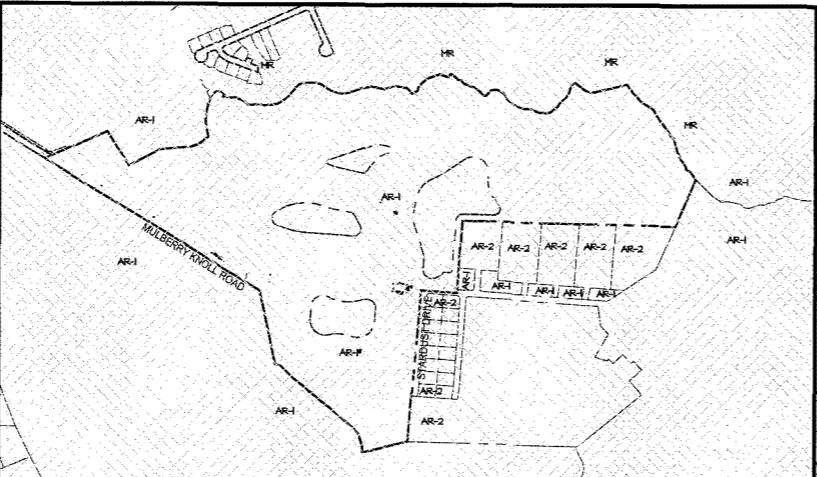
APPROVED
 SEDIMENT CONTROL & STORMWATER MANAGEMENT
 Prepared by: [Signature] Date: 9/21/22
 Approved by: [Signature] Date: 9/21/22

SUSSEX CONSERVATION DISTRICT APPROVAL BLOCK



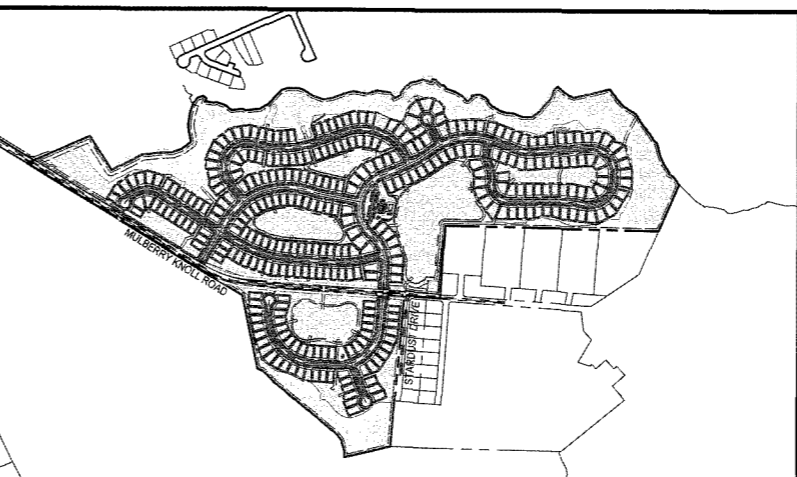
SOILS MAP
 SCALE: 1" = 800'

DoB - BROADKILL MUCKY PEAT	Ha - HERRING CREEK MUCKY SILT LOAM
DoA - DOWNER SANDY LOAM	Ma - MANAHAN MUCK
FgA - FALLSINGTON LOAMS	TP - TRANSQUAKINS AND MISPELLION SOILS
GfA - GREENWICH LOAM	
Ha - HAMMONTON SANDY LOAM	



ZONING MAP
 SCALE: 1" = 800'

COASTAL AREA (FORMERLY ESDDOZ)	AR-1 - AGRICULTURAL RESIDENTIAL
	AR-2 - AGRICULTURAL RESIDENTIAL
	MR - MEDIUM RESIDENTIAL

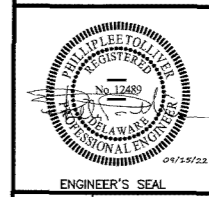


PHASING MAP
 SCALE: 1" = 800'

THE PROJECT WILL BE APPROVED AS A SINGLE PHASE PROJECT WITH SIX (6) OPERATIONAL BREAKS FOR PURPOSES OF BONDING, BENEFICIAL OCCUPANCY INSPECTION, RELEASE OF USE AND OCCUPANCY PERMITS.



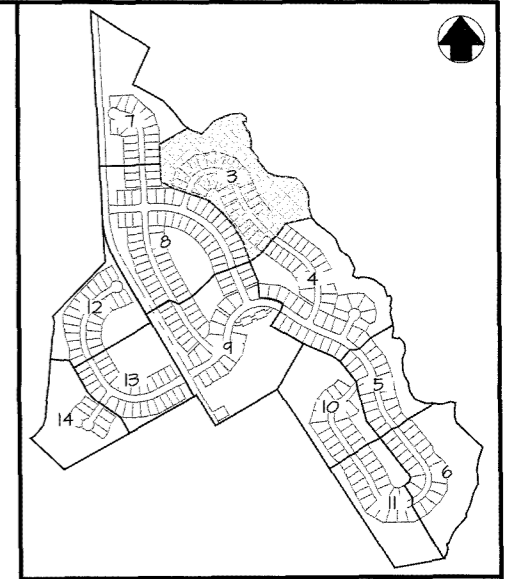
MORRIS & RITCHE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 18 BOULDEN CIRCLE, SUITE 36
 NEW CASTLE, DELAWARE 19720
 (302) 326-2200
 FAX: (302) 326-2399
 WWW.MRAGTA.COM



FINAL RECORD PLATS TITLE SHEET
 FOR
SCENIC MANOR
 SCR 284

LEWIS & REHOBOTH HUNDRED
 SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.:
6/2/22	DELDOT COMMENTS	20572
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	SCALE: AS NOTED
		DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 1 OF 14



KEY MAP
 SCALE: 1"=800'

LINE TABLE

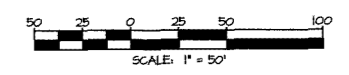
LINE #	LENGTH	DIRECTION
L-64	23.25	S 05° 07' 24" E
L-65	26.00	S 45° 00' 34" E
L-66	26.26	S 74° 35' 57" W
L-67	50.32	S 60° 37' 05" E
L-68	40.30	S 16° 34' 49" E
L-83	33.08	S 03° 08' 35" W

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C169	875.00'	507.33'	S 36° 11' 51" E	500.25'
C170	225.00'	558.51'	N 89° 18' 04" E	425.77'
C177	925.00'	536.32'	S 36° 11' 51" E	528.84'
C178	175.00'	434.40'	N 89° 18' 04" E	331.15'

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING STORM DRAIN
- TIDAL WETLANDS
- WETLANDS BUFFER
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- PROPOSED ROAD STRIPING
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL
- PROPOSED SHARED USE PATH
- EXISTING WOODLANDS LINE
- PROPOSED WOODLANDS
- PROPOSED MONUMENT



MRA
MORRIS & RITCHE ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 18 BOULDER CIRCLE, SUITE 36
 WILMINGTON, DE 19720
 (302) 326-2200
 FAX: (302) 326-2399
 MRAGTA.COM
 © 2022 MORRIS & RITCHE ASSOCIATES, INC.

FINAL RECORD PLATS
 FOR
SCENIC MANOR
SCR 284

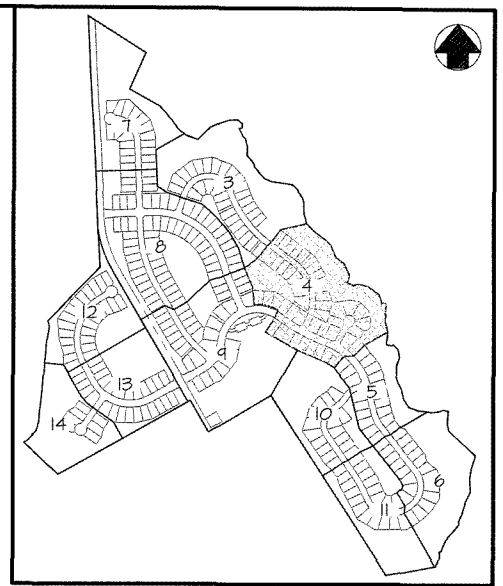
ENGINEER'S SEAL: LEWIS & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.:
6/2/22	DELDOT COMMENTS	20572
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	SCALE: 1"= 50'
		DATE: 5/20/21
		DESIGN BY: BS
		DRAWN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 3 OF 14

A 20' WIDE PERMANENT EASEMENT CONTAINING 5,412 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAN, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

PLAT

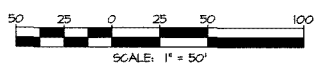
CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C134	24.78'	40.24'	S 17° 34' 27" E	35.98'
C135	605.00'	41.45'	S 67° 50' 39" E	41.44'
C136	25.00'	37.28'	N 71° 23' 40" E	33.92'
C137	25.00'	21.03'	N 04° 34' 32" E	20.41'
C138	25.00'	21.03'	S 52° 45' 55" W	20.41'
C139	25.00'	37.28'	S 14° 03' 13" E	33.92'
C142	270.00'	573.33'	S 66° 26' 53" W	471.52'
C145	24.78'	40.24'	N 74° 24' 31" E	35.96'
C156	1530.00'	456.28'	N 61° 15' 49" W	454.59'
C157	545.00'	429.15'	S 47° 14' 55" E	418.15'
C159	605.00'	372.07'	S 39° 09' 33" E	366.24'
C166	50.00'	241.19'	S 61° 19' 46" E	66.67'
C167	1470.00'	160.13'	S 66° 41' 11" E	160.05'
C168	425.00'	602.50'	S 12° 11' 43" E	553.30'
C174	330.00'	297.46'	N 78° 32' 34" W	287.49'
C175	1470.00'	176.51'	N 56° 09' 36" W	176.40'
C176	375.00'	531.62'	S 12° 11' 43" E	488.21'



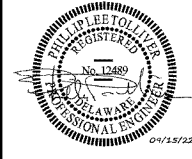
LINE TABLE		
LINE #	LENGTH	DIRECTION
L-60	20.13	N 18° 08' 14" E
L-63	24.63	S 24° 03' 19" E
L-69	22.42	N 64° 03' 49" E
L-70	52.41	S 86° 34' 19" E
L-71	28.76	N 81° 00' 41" E
L-72	23.04	S 24° 49' 32" E
L-73	35.47	S 17° 37' 31" W

LEGEND

- EXISTING PROPERTY LINE
- - - EXISTING EDGE OF PAVEMENT
- - - EXISTING STORM DRAIN
- TIDAL WETLANDS
- - - WETLANDS BUFFER
- - - LANDSCAPE BUFFER
- - - ADJACENT PROPERTY LINE
- - - PROPOSED LOT LINE
- - - PROPOSED RIGHT OF WAY LINE
- - - PROPOSED STORMWATER MANAGEMENT AREA
- - - PROPOSED ROAD STRIPING
- - - LINE OF SIGHT
- - - PROPOSED SETBACK LINE
- - - PROPOSED EASEMENT LINE
- - - PROPOSED CONCRETE SIDEWALK
- - - PROPOSED BITUMINOUS WALKING TRAIL
- - - PROPOSED SHARED USE PATH
- - - EXISTING WOODLANDS LINE
- - - PROPOSED WOODLANDS
- PROPOSED MONUMENT



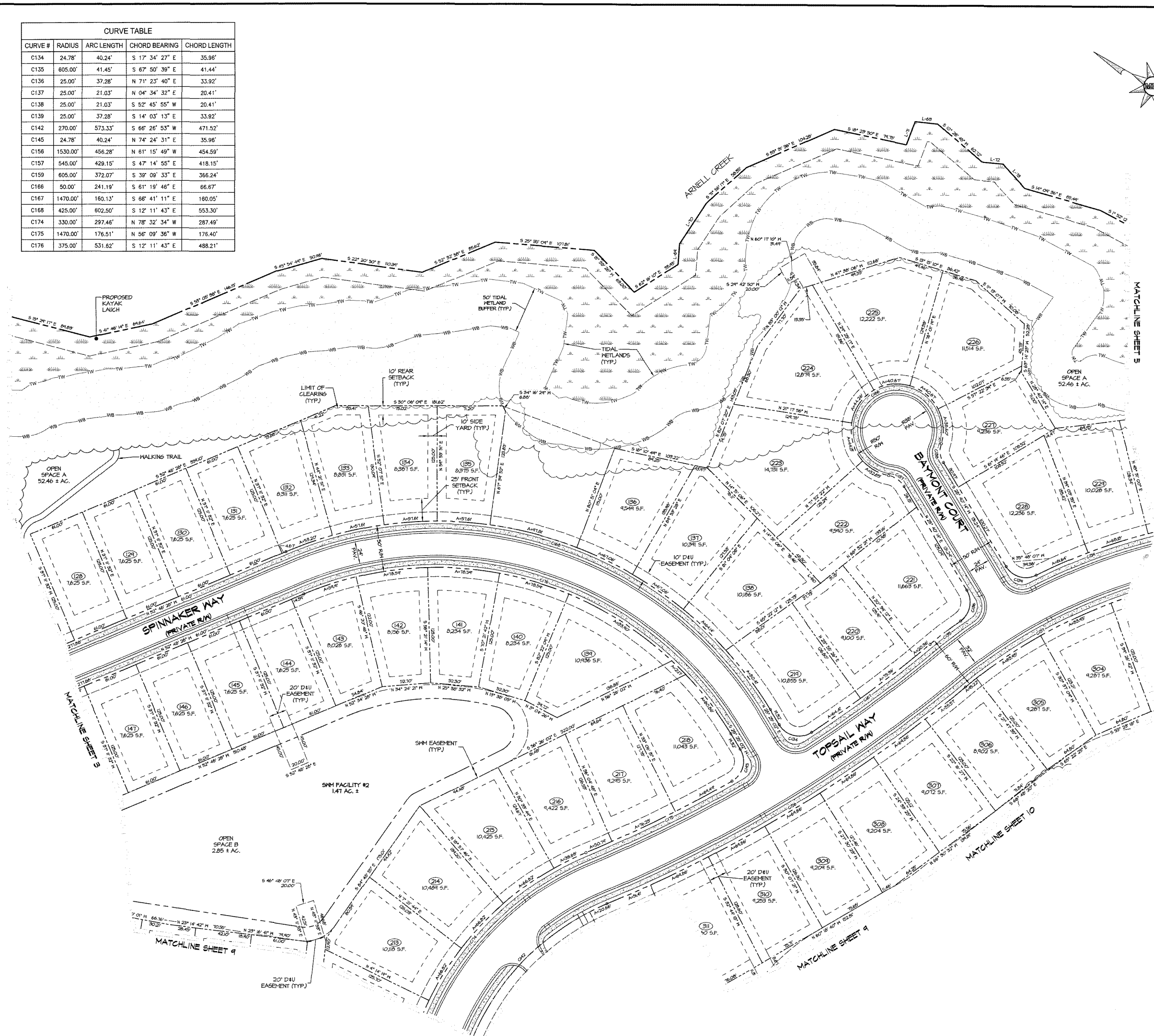
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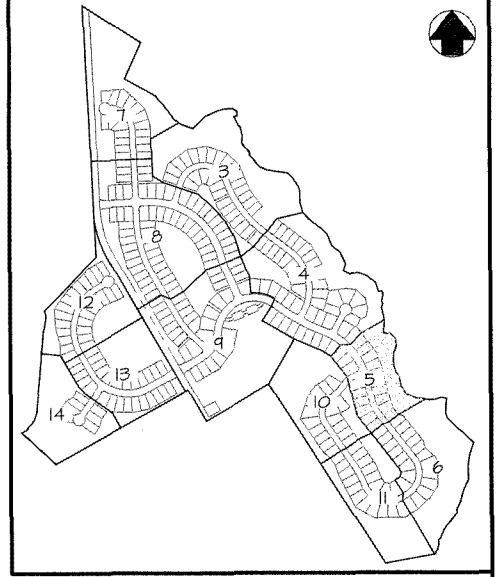
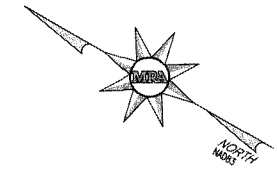
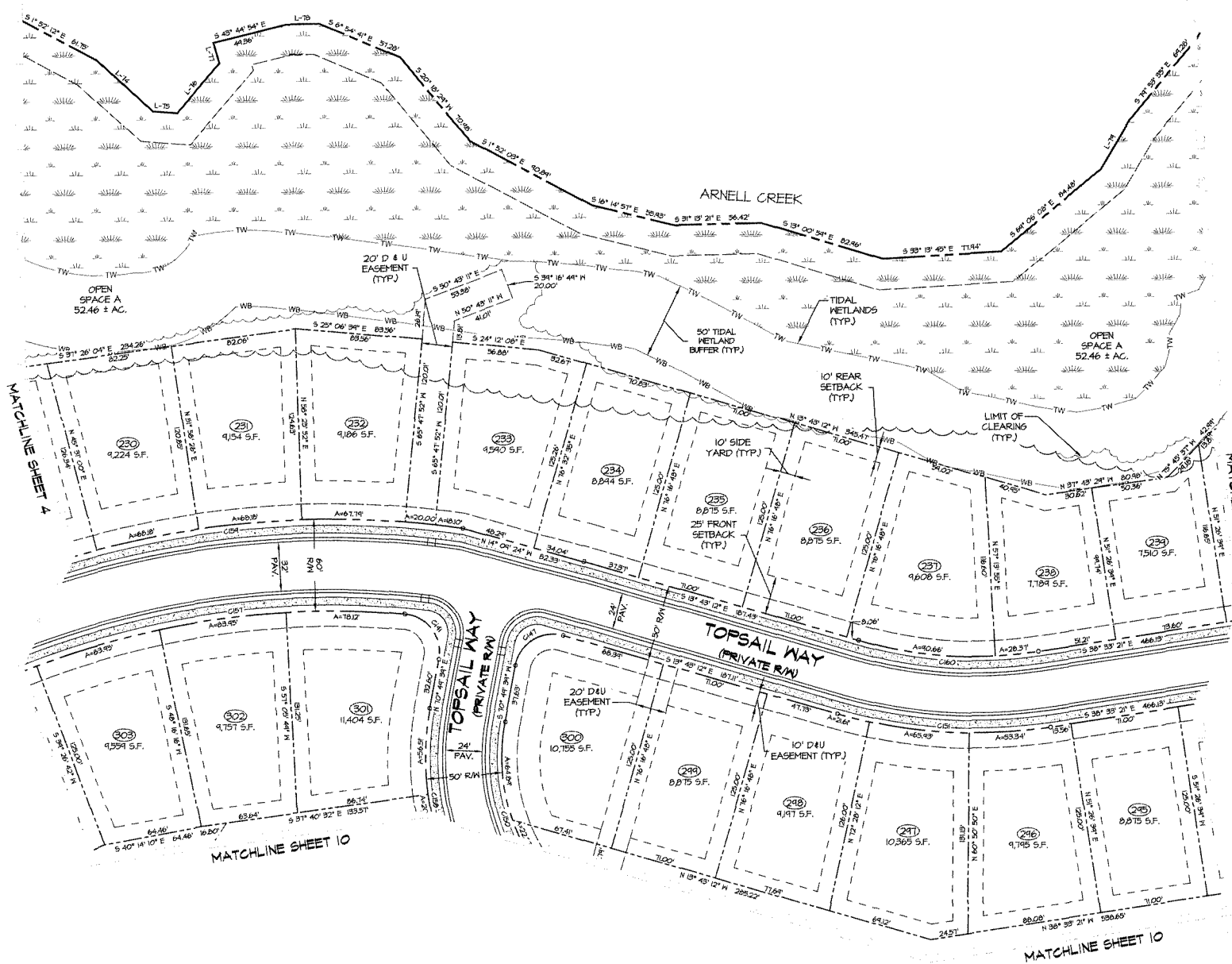


FINAL RECORD PLATS
 FOR
SCENIC MANOR
 SCR 284

DATE	REVISIONS	JOB NO.:
6/2/22	DELDOT COMMENTS	20572
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	SCALE: 1" = 50'
		DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 4 OF 14

PLAT





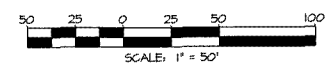
KEY MAP
SCALE: 1"=800'

CURVE TABLE			
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING
C141	25.00'	41.68'	N 23° 04' 07" E
C147	25.00'	41.65'	N 61° 26' 47" W
C150	125.00'	87.12'	N 50° 51' 42" E
C151	325.00'	140.88'	S 26° 08' 16" E
C157	545.00'	429.15'	S 47° 14' 55" E
C158	175.00'	121.96'	N 50° 51' 42" E
C159	605.00'	372.07'	S 39° 09' 33" E
C160	270.00'	119.04'	S 26° 09' 33" E

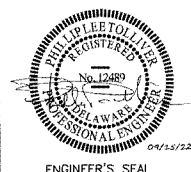
LINE TABLE		
LINE #	LENGTH	DIRECTION
L-74	50.69	S 12° 03' 31" W
L-75	15.84	S 25° 35' 10" E
L-76	42.45	S 78° 55' 43" E
L-77	13.99	N 43° 33' 08" E
L-78	21.92	S 30° 50' 24" E
L-79	37.05	S 89° 30' 57" E

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING STORM DRAIN
- TIDAL WETLANDS
- WETLANDS BUFFER
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- PROPOSED ROAD STRIPING
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL
- PROPOSED SHARED USE PATH
- EXISTING WOODLANDS LINE
- PROPOSED WOODLANDS
- PROPOSED MONUMENT



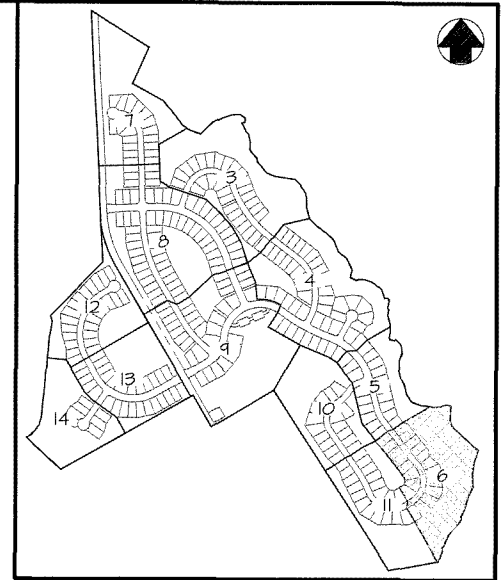
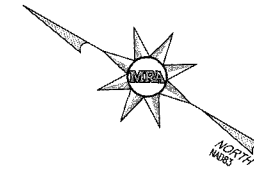
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FINAL RECORD PLATS
 FOR
SCENIC MANOR
 SCR 284

ENGINEER'S SEAL		SUSSEX COUNTY, DELAWARE
DATE	REVISIONS	JOB NO.: 20572
6/2/22	DELDOT COMMENTS	SCALE: 1"= 50'
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 5 OF 14

PLAT



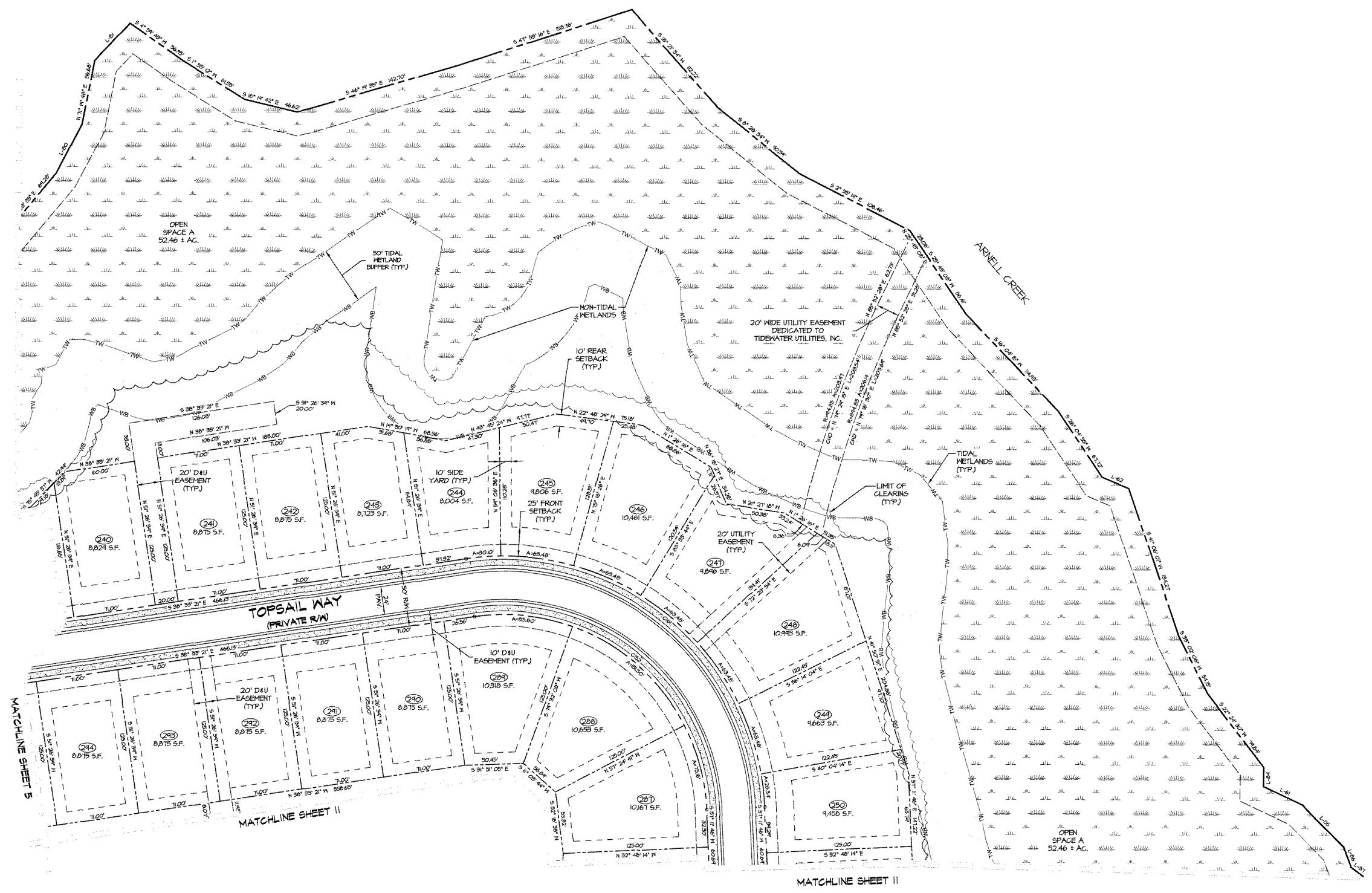
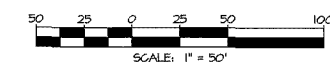
KEY MAP
SCALE: 1"=200'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L-61	37.25	S 04° 47' 44" E
L-62	25.30	S 06° 57' 25" E
L-80	47.19	N 87° 43' 18" E
L-81	43.78	S 76° 30' 23" E
L-84	16.37	S 61° 00' 02" W
L-85	50.38	S 15° 06' 08" W
L-86	18.66	S 39° 24' 42" W
L-87	18.57	S 07° 15' 33" W

CURVE TABLE			
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING
C152	175.00'	292.46'	S 09° 19' 13" W
C161	225.00'	376.02'	S 09° 19' 13" W

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING STORM DRAIN
- TIDAL WETLANDS
- WETLANDS BUFFER
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- PROPOSED ROAD STRIPING
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
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- PROPOSED SHARED USE PATH
- EXISTING WOODLANDS LINE
- PROPOSED WOODLANDS
- PROPOSED MONUMENT

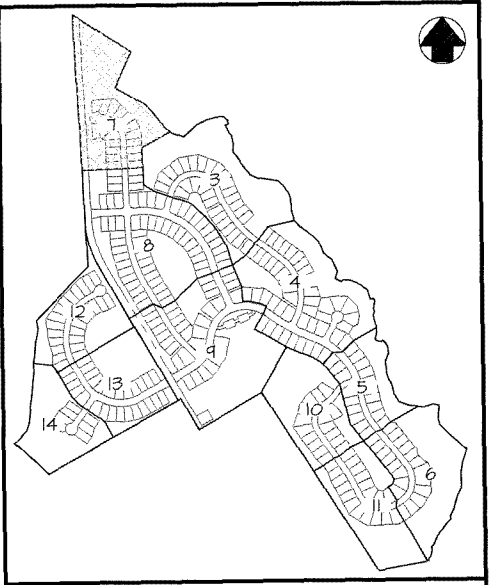
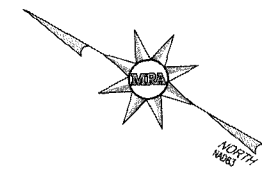


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ENGINEER'S SEAL		LEWIS & REHOBOTH HUNDRED	SUSSEX COUNTY, DELAWARE
DATE	REVISIONS	JOB NO.: 20572	
6/2/22	DELDOT COMMENTS	SCALE: 1"= 50'	
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	DATE: 5/20/21	
		DRAWN BY: BS	
		DESIGN BY: CJF/CMT	
		REVIEW BY: CJF	
		SHEET: 6 OF 14	

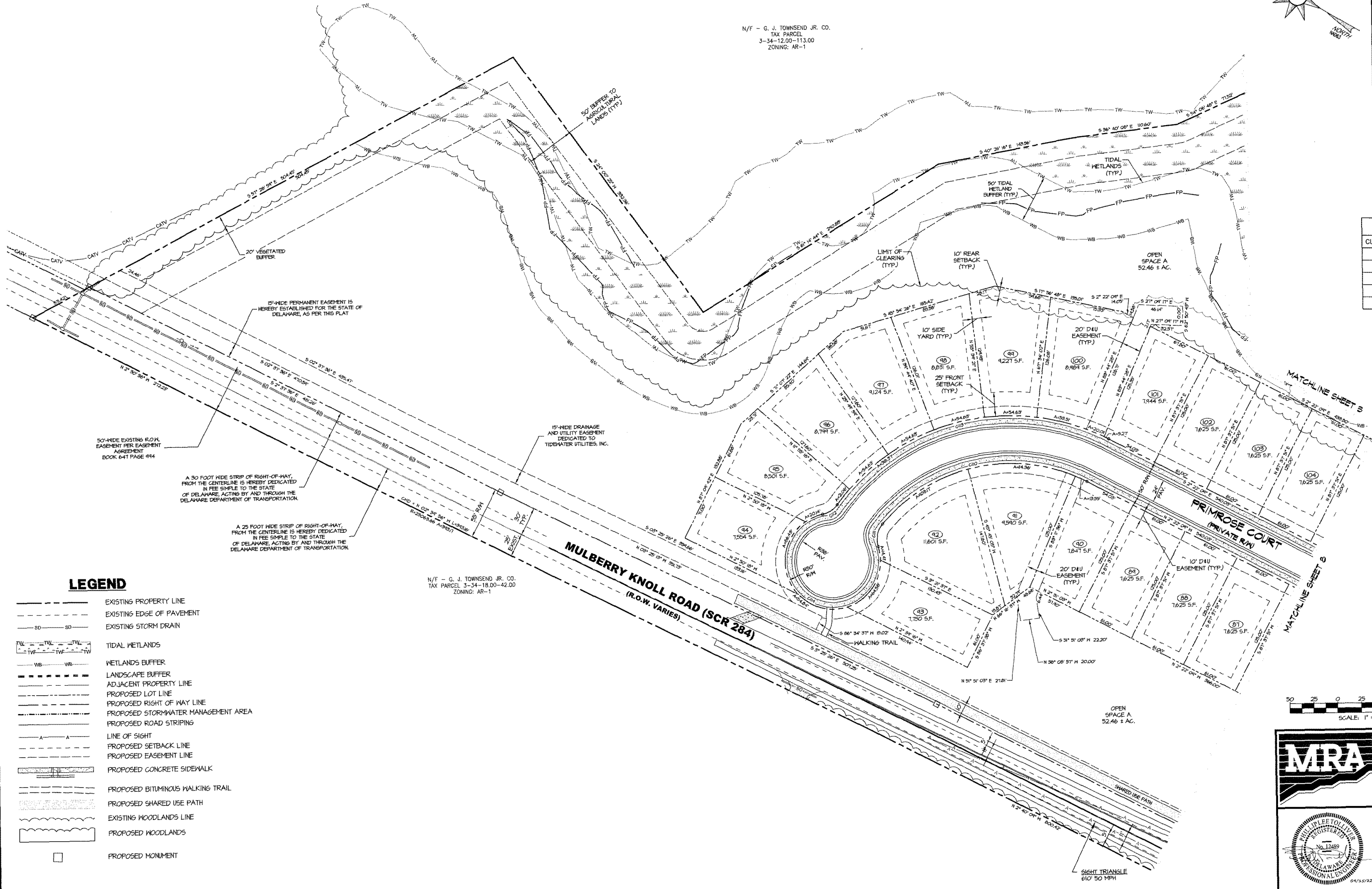
PLAT

N/F - G. J. TOWNSEND JR. CO.
 TAX PARCEL
 3-34-12.00-113.00
 ZONING: AR-1



KEY MAP
 SCALE: 1"=800'

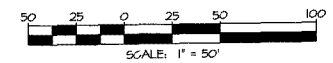
CURVE TABLE			
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING
C110	175.00'	236.08'	S 41° 00' 57" E
C111	25.00'	24.95'	N 71° 44' 55" E
C112	25.00'	18.39'	N 62° 22' 06" W
C113	225.00'	318.37'	N 42° 54' 18" W
C114	50.00'	240.46'	N 00° 55' 55" E



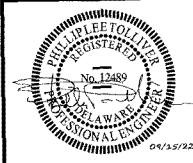
LEGEND

- EXISTING PROPERTY LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING STORM DRAIN
- TIDAL WETLANDS
- WETLANDS BUFFER
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- PROPOSED ROAD STRIPING
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL
- PROPOSED SHARED USE PATH
- EXISTING WOODLANDS LINE
- PROPOSED WOODLANDS
- PROPOSED MONUMENT

N/F - G. J. TOWNSEND JR. CO.
 TAX PARCEL 3-34-18.00-42.00
 ZONING: AR-1



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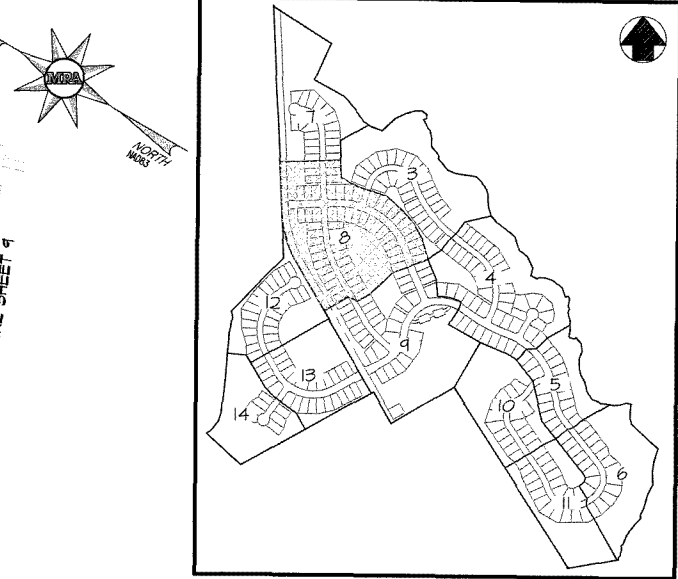
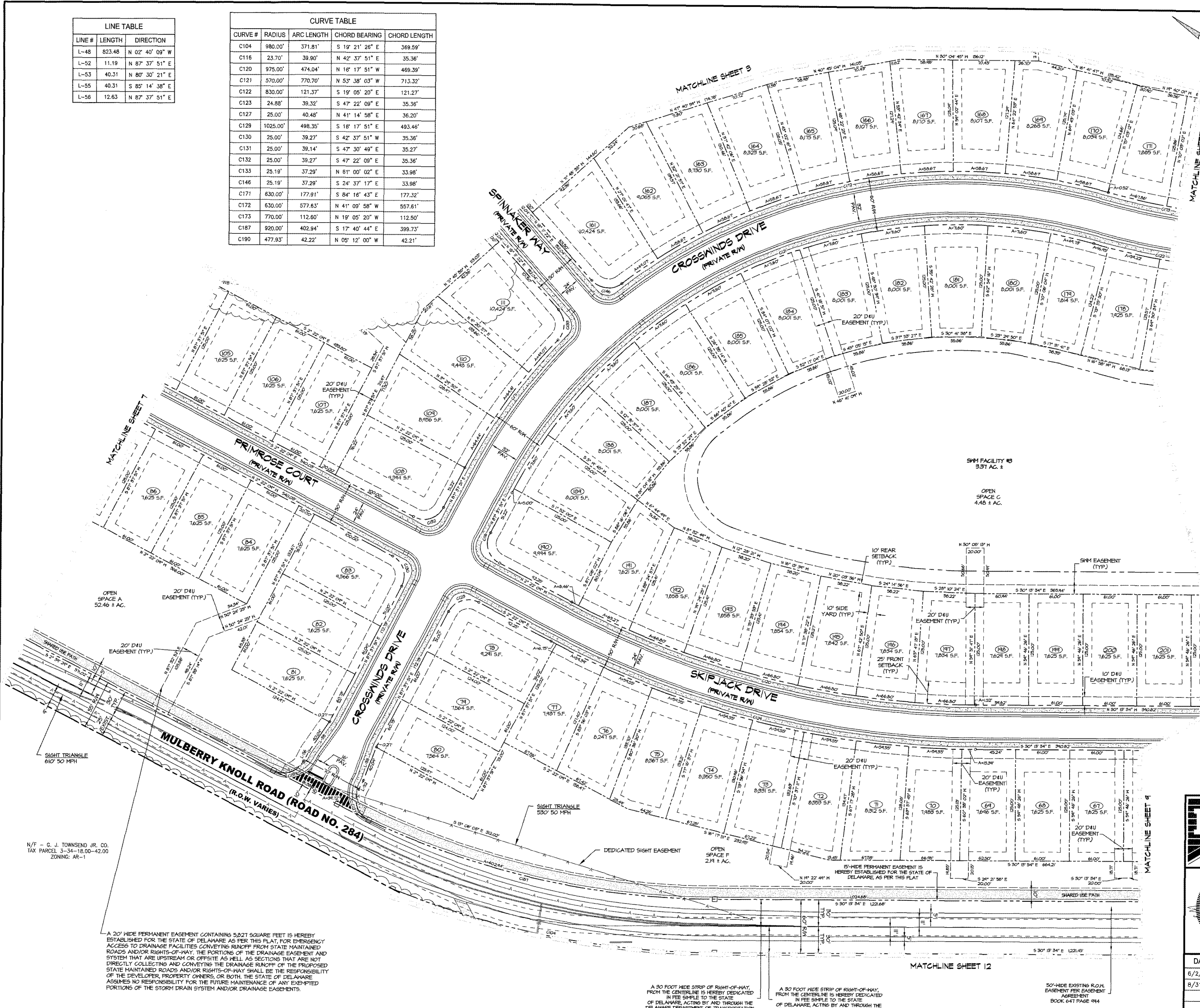
FINAL RECORD PLATS
 FOR
SCENIC MANOR
 SCR 284

DATE	REVISIONS	JOB NO.:
8/2/22	DELDOT COMMENTS	20572
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	SCALE: 1"= 50'
		DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: C.JF/CMT
		REVIEW BY: C.JF
		SHEET: 7 OF 14

PLAT

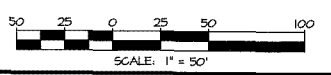
LINE TABLE		
LINE #	LENGTH	DIRECTION
L-48	823.48	N 02° 40' 09" W
L-52	11.19	N 87° 37' 51" E
L-53	40.31	N 80° 30' 21" E
L-55	40.31	S 85° 14' 38" E
L-56	12.63	N 87° 37' 51" E

CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C104	980.00'	371.81'	S 19° 21' 26" E	369.59'
C116	23.70'	39.90'	N 42° 37' 51" E	35.36'
C120	975.00'	474.04'	N 16° 17' 51" W	469.39'
C121	570.00'	770.70'	N 53° 38' 03" W	713.32'
C122	830.00'	121.37'	S 19° 05' 20" E	121.27'
C123	24.88'	39.32'	S 47° 22' 09" E	35.36'
C127	25.00'	40.48'	N 41° 14' 58" E	36.20'
C129	1025.00'	498.35'	S 16° 17' 51" E	493.46'
C130	25.00'	39.27'	S 42° 37' 51" W	35.36'
C131	25.00'	39.14'	S 47° 30' 49" E	35.27'
C132	25.00'	39.27'	S 47° 22' 09" E	35.36'
C133	25.19'	37.29'	N 61° 00' 02" E	33.98'
C146	25.19'	37.29'	S 24° 37' 17" E	33.98'
C171	630.00'	177.91'	S 84° 16' 43" E	177.32'
C172	630.00'	577.63'	N 41° 09' 58" W	557.61'
C173	770.00'	112.60'	N 19° 05' 20" W	112.50'
C187	920.00'	402.94'	S 17° 40' 44" E	399.73'
C190	477.93'	42.22'	N 05° 12' 00" W	42.21'

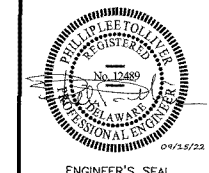


LEGEND

	EXISTING PROPERTY LINE
	EXISTING EDGE OF PAVEMENT
	EXISTING STORM DRAIN
	TIDAL WETLANDS
	WETLANDS BUFFER
	LANDSCAPE BUFFER
	ADJACENT PROPERTY LINE
	PROPOSED LOT LINE
	PROPOSED RIGHT OF WAY LINE
	PROPOSED STORMWATER MANAGEMENT AREA
	PROPOSED ROAD STRIPING
	LINE OF SIGHT
	PROPOSED SETBACK LINE
	PROPOSED EASEMENT LINE
	PROPOSED CONCRETE SIDEWALK
	PROPOSED BITUMINOUS WALKING TRAIL
	PROPOSED SHARED USE PATH
	EXISTING WOODLANDS LINE
	PROPOSED WOODLANDS
	PROPOSED MONUMENT



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FINAL RECORD PLATS
 FOR
SCENIC MANOR
 SCR 284

DATE	REVISIONS	JOB NO.:
6/2/22	DELDOT COMMENTS	20572
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	SCALE: 1"= 50'
		DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 8 OF 14

PLAT

A 20' WIDE PERMANENT EASEMENT CONTAINING 5,821 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

A 30 FOOT WIDE STRIP OF RIGHT-OF-WAY FROM THE CENTERLINE IS HEREBY DEDICATED IN FEE SIMPLE TO THE STATE OF DELAWARE, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF TRANSPORTATION.

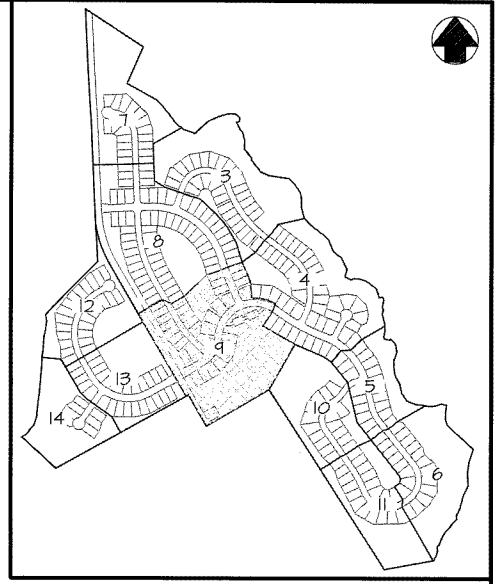
A 30 FOOT WIDE STRIP OF RIGHT-OF-WAY FROM THE CENTERLINE IS HEREBY DEDICATED IN FEE SIMPLE TO THE STATE OF DELAWARE, ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF TRANSPORTATION.

50'-WIDE EXISTING R.O.P. EASEMENT PER EASEMENT AGREEMENT BOOK 641 PAGE 984

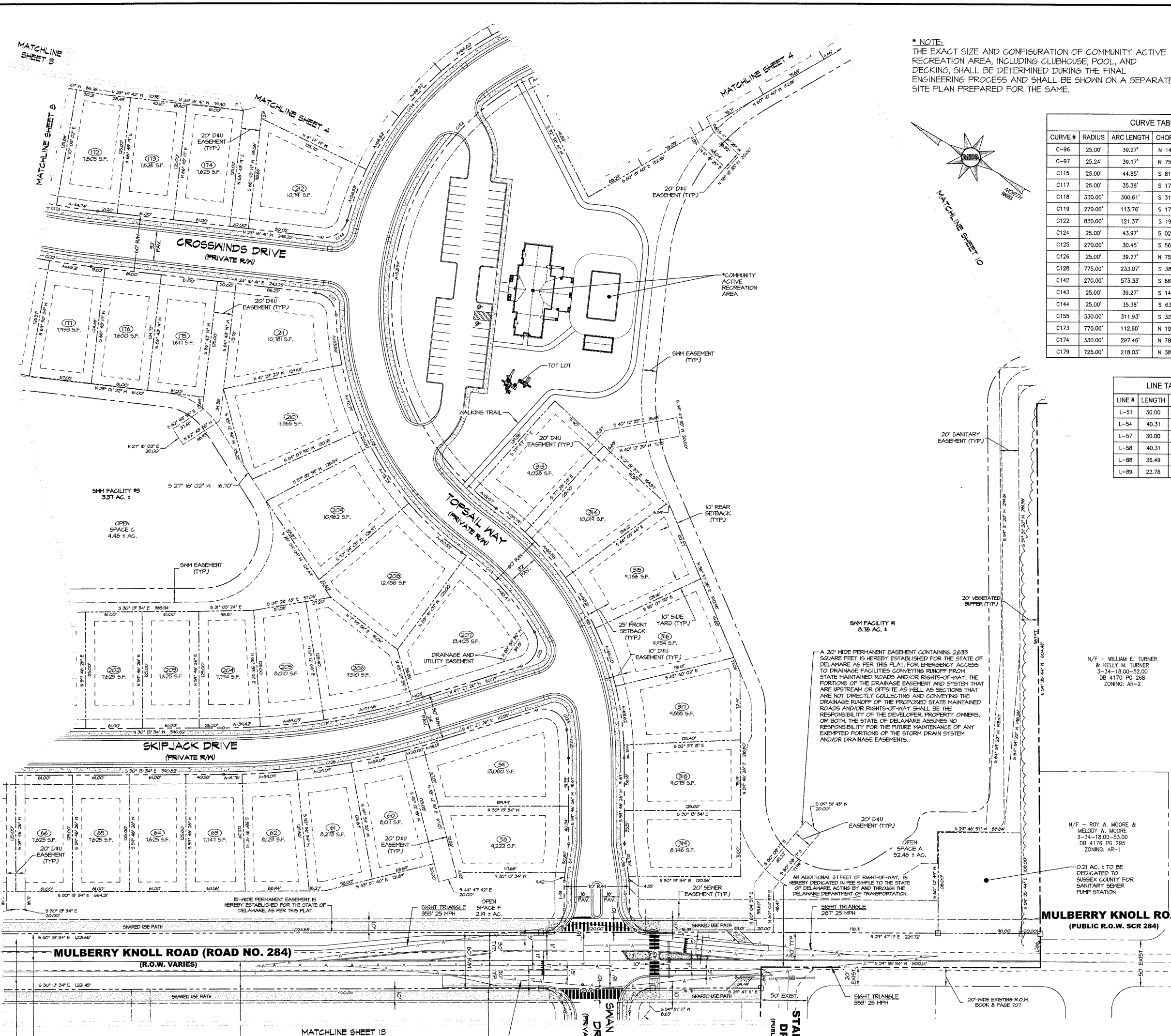
NOTE:
 THE EXACT SIZE AND CONFIGURATION OF COMMUNITY ACTIVE RECREATION AREA, INCLUDING CLUBHOUSE, POOL, AND DECKING, SHALL BE DETERMINED DURING THE FINAL ENGINEERING PROCESS AND SHALL BE SHOWN ON A SEPARATE SITE PLAN PREPARED FOR THE SAME.

CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C-96	25.00'	39.27'	N 14° 46' 26" E	35.36'
C-97	25.24'	39.17'	N 75° 13' 34" W	35.36'
C115	25.00'	44.85'	S 81° 09' 00" W	39.07'
C117	25.00'	35.38'	S 17° 15' 56" W	32.50'
C118	330.00'	300.61'	S 31° 42' 46" W	290.32'
C119	270.00'	113.76'	S 17° 41' 12" W	112.92'
C122	830.00'	121.37'	S 19° 05' 20" E	121.27'
C124	25.00'	43.97'	S 02° 55' 40" W	38.52'
C125	270.00'	30.45'	S 56° 32' 35" W	30.43'
C126	25.00'	39.27'	N 75° 13' 35" W	35.36'
C128	775.00'	233.07'	S 38° 50' 30" E	232.19'
C142	270.00'	573.33'	S 66° 26' 53" W	471.52'
C143	25.00'	39.27'	S 14° 46' 26" W	35.36'
C144	25.00'	35.38'	S 63° 49' 18" E	32.50'
C155	330.00'	311.93'	S 32° 41' 42" W	300.44'
C173	770.00'	112.60'	N 19° 05' 20" W	112.50'
C174	330.00'	297.46'	N 78° 32' 34" W	287.49'
C179	725.00'	218.03'	N 38° 50' 30" W	217.21'

LINE TABLE		
LINE #	LENGTH	DIRECTION
L-51	30.00'	S 59° 46' 26" W
L-54	40.31'	S 66° 53' 56" W
L-57	30.00'	S 59° 46' 26" W
L-58	40.31'	S 52° 38' 56" W
L-88	36.49'	S 59° 35' 44" W
L-89	22.78'	S 60° 51' 22" W

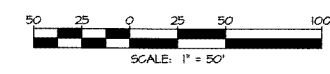


KEY MAP
 SCALE: 1"=800'



LEGEND

	EXISTING PROPERTY LINE
	EXISTING EDGE OF PAVEMENT
	EXISTING STORM DRAIN
	TIDAL WETLANDS
	WETLANDS BUFFER
	LANDSCAPE BUFFER
	ADJACENT PROPERTY LINE
	PROPOSED LOT LINE
	PROPOSED RIGHT OF WAY LINE
	PROPOSED STORMWATER MANAGEMENT AREA
	PROPOSED ROAD STRIPING
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	PROPOSED CONCRETE SIDEWALK
	PROPOSED BITUMINOUS WALKING TRAIL
	PROPOSED SHARED USE PATH
	EXISTING WOODLANDS LINE
	PROPOSED WOODLANDS LINE
	PROPOSED MONUMENT



A 20' WIDE PERMANENT EASEMENT CONTAINING 2,638 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAN, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXPEDITED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

N/F - WILLIAM E. TURNER & KELLY M. TURNER
 3-34-18.00-52.00
 DB 4176 PG 288
 ZONING: AR-2

N/F - ROY W. MOORE & MELODY W. MOORE
 3-34-18.00-53.00
 DB 4176 PG 295
 ZONING: AR-1

MULBERRY KNOLL ROAD
 (PUBLIC R.O.W. SCR 284)



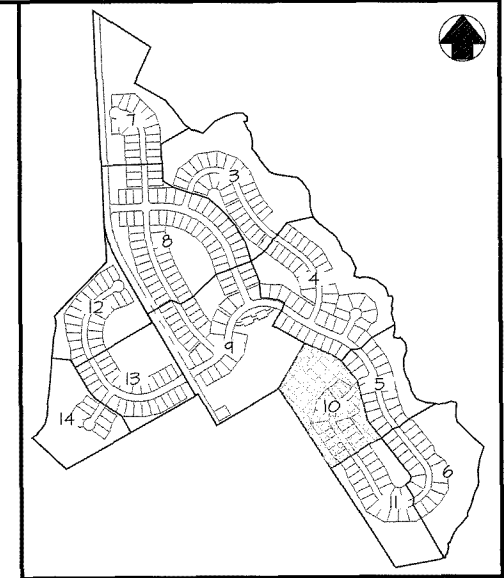
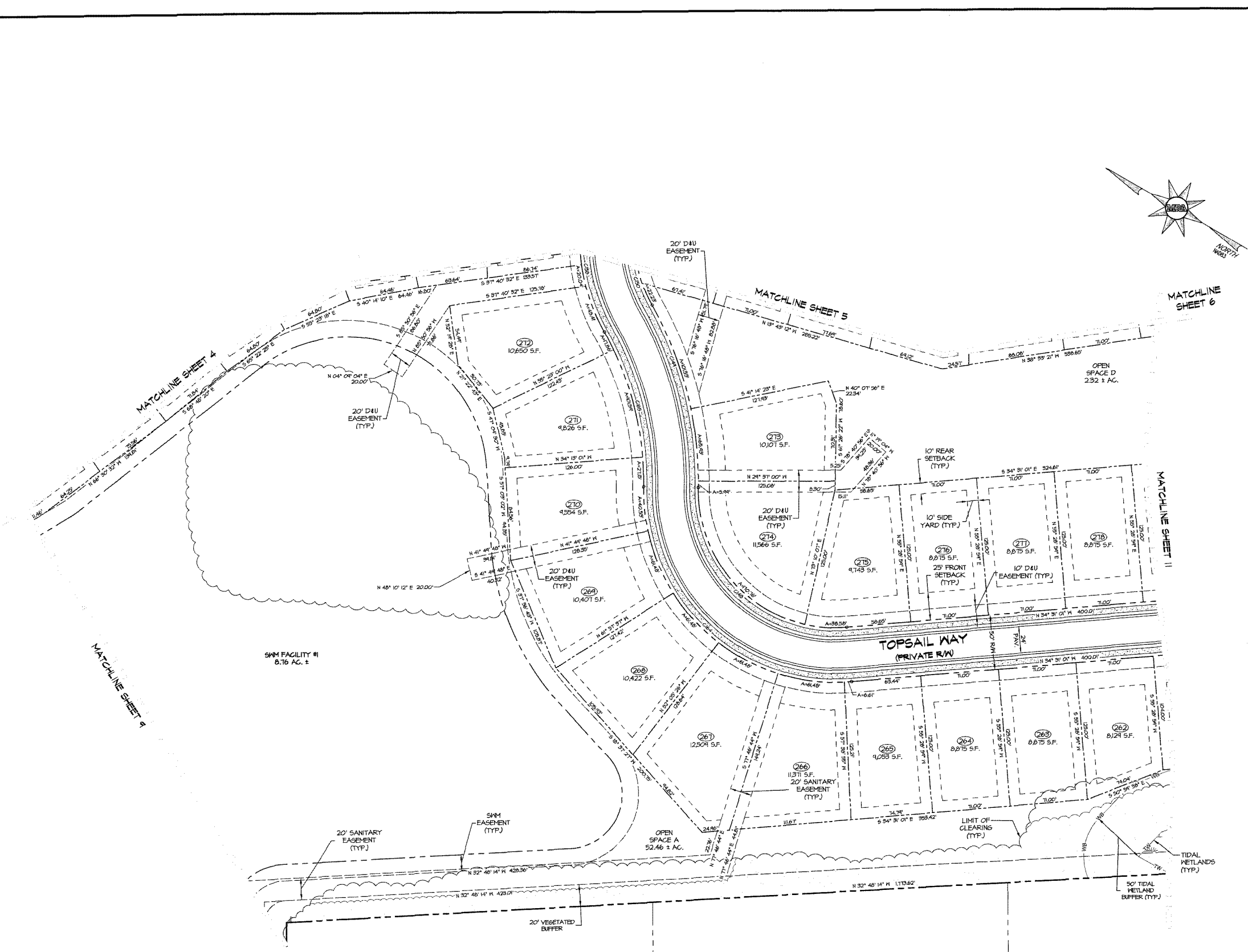
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FINAL RECORD PLATS
 FOR
SCENIC MANOR
 SCR 284

DATE	REVISIONS	JOB NO.:
6/2/22	DELDOT COMMENTS	20572
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	SCALE: 1"= 50'
		DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: C.J.F./C.M.T.
		REVIEW BY: C.J.F.
		SHEET: 9 OF 14

PLAT

30'-WIDE EXISTING R.O.W. EASEMENT PER EASEMENT AGREEMENT BOOK 641 PAGE 144
 A 30 FOOT WIDE STRIP OF RIGHT-OF-WAY FROM THE CENTERLINE IS HEREBY DEDICATED IN FEE SIMPLE TO THE STATE OF DELAWARE ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF TRANSPORTATION.
 A 30 FOOT WIDE STRIP OF RIGHT-OF-WAY FROM THE CENTERLINE IS HEREBY DEDICATED IN FEE SIMPLE TO THE STATE OF DELAWARE ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF TRANSPORTATION.
 A 30 FOOT WIDE STRIP OF RIGHT-OF-WAY FROM THE CENTERLINE IS HEREBY DEDICATED IN FEE SIMPLE TO THE STATE OF DELAWARE ACTING BY AND THROUGH THE DELAWARE DEPARTMENT OF TRANSPORTATION.
 15'-WIDE PERMANENT EASEMENT IS HEREBY ESTABLISHED TO THE STATE OF DELAWARE, AS PER THIS PLAN.



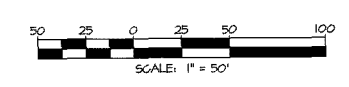
KEY MAP
 SCALE: 1"=800'

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C148	125.00'	209.34'	N 13° 27' 40" E	185.72'
C149	325.00'	173.25'	N 46° 10' 04" E	171.21'
C150	125.00'	87.12'	N 50° 51' 42" E	85.36'
C158	175.00'	121.96'	N 50° 51' 42" E	119.51'
C184	175.00'	293.08'	N 13° 27' 40" E	260.01'
C165	275.00'	146.60'	N 46° 10' 04" E	144.87'

LEGEND


- EXISTING PROPERTY LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING STORM DRAIN
- TIDAL WETLANDS
- WETLANDS BUFFER
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- PROPOSED ROAD STRIPING
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL
- PROPOSED SHARED USE PATH
- EXISTING WOODLANDS LINE
- PROPOSED WOODLANDS
- PROPOSED MONUMENT



N/F - WILLIAM E. TURNER
 & KELLY M. TURNER
 3-34-18.00-52.00
 DB 4170 PG 268
 ZONING: AR-2


N/F - RICHARD A. MARSCH &
 STEPHANIE N. MARSCH
 3-34-18.00-52.01
 DB 2716 PG 17
 ZONING: AR-2

N/F - LEONARD A. WADE &
 CLAIRE A. WADE
 3-34-18.00-52.02
 DB 3378 PG 156
 ZONING: AR-2



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FINAL RECORD PLATS
 FOR
SCENIC MANOR
 SCR 284



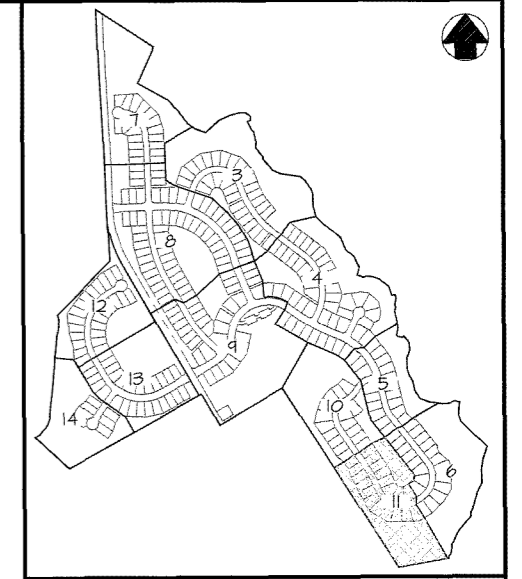
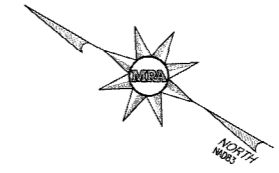
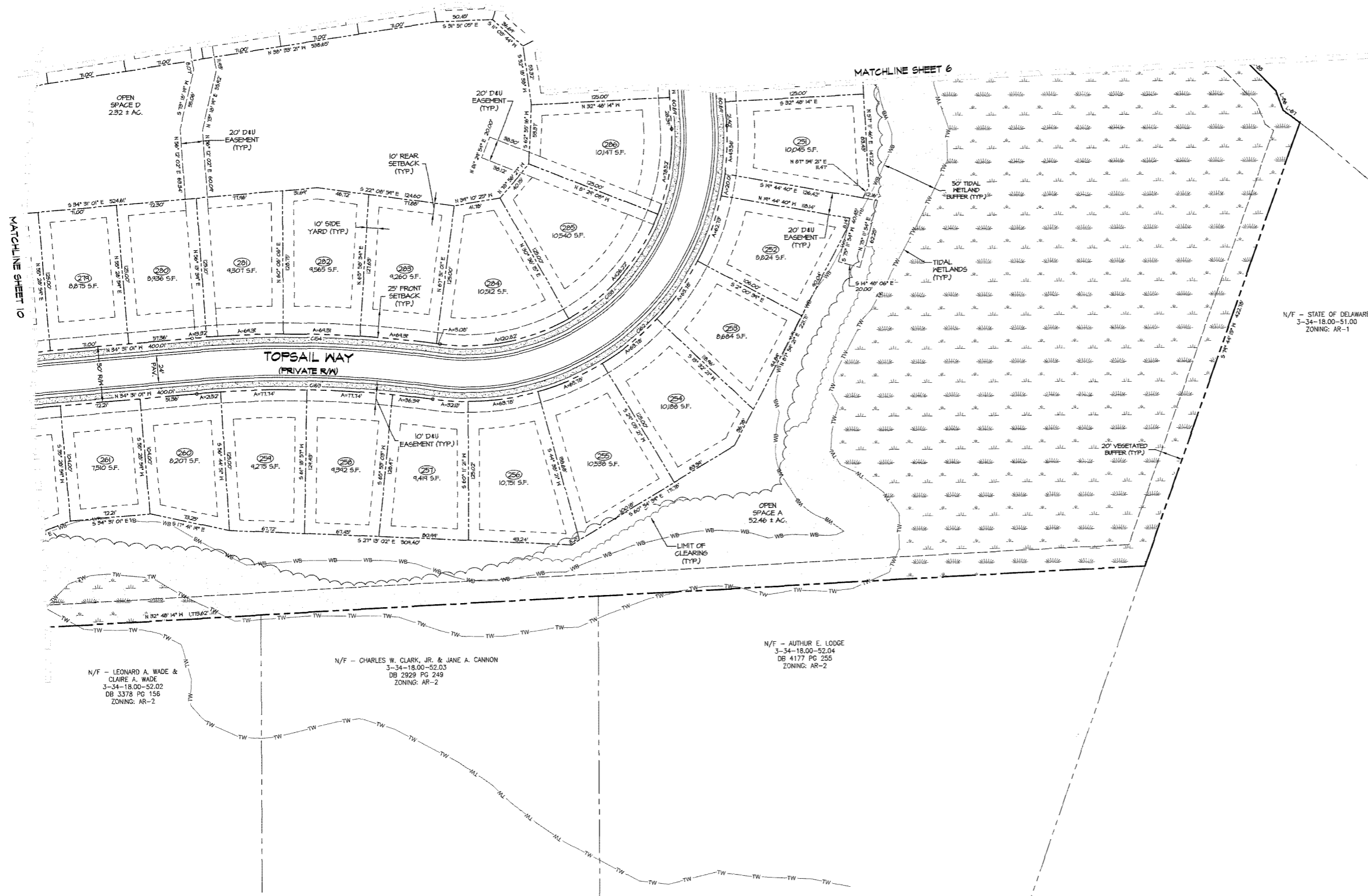
ENGINEER'S SEAL

LEWES & REHOBOTH HUNDRED

SUSSEX COUNTY, DELAWARE

DATE	REVISIONS	JOB NO.:
8/2/22	DELDOT COMMENTS	20572
8/31/22	SUSSEX COUNTY PLANNING AND ZONING COMMENTS	SCALE: 1"= 50'
		DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 10 OF 14

PLAT



KEY MAP
SCALE: 1"=800'

LINE TABLE

LINE #	LENGTH	DIRECTION
L-85	50.38	S 15° 06' 06" W
L-86	18.66	S 39° 24' 42" W
L-87	18.57	S 07° 15' 33" W

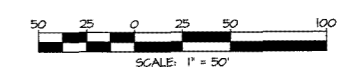
CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C153	185.00'	325.55'	N 72° 23' 26" W	285.14'
C154	1025.00'	224.33'	N 28° 14' 50" W	223.88'
C162	235.00'	413.54'	N 72° 23' 26" W	362.21'
C163	975.00'	213.38'	N 28° 14' 50" W	212.96'

N/F - STATE OF DELAWARE
 3-34-18.00-51.00
 ZONING: AR-1

LEGEND

- EXISTING PROPERTY LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING STORM DRAIN
- TW TW TIDAL WETLANDS
- WB WB WETLANDS BUFFER
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT OF WAY LINE
- PROPOSED STORMWATER MANAGEMENT AREA
- PROPOSED ROAD STRIPING
- LINE OF SIGHT
- PROPOSED SETBACK LINE
- PROPOSED EASEMENT LINE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED BITUMINOUS WALKING TRAIL
- PROPOSED SHARED USE PATH
- EXISTING HOODLANDS LINE
- PROPOSED WOODLANDS
- PROPOSED MONUMENT

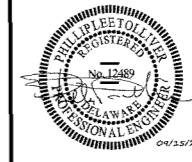


N/F - LEONARD A. WADE & CLAIRE A. WADE
 3-34-18.00-52.02
 DB 3378 PD 155
 ZONING: AR-2

N/F - CHARLES W. CLARK, JR. & JANE A. CANNON
 3-34-18.00-52.03
 DB 2929 PG 249
 ZONING: AR-2

N/F - AUTHUR E. LODGE
 3-34-18.00-52.04
 DB 4177 PG 255
 ZONING: AR-2

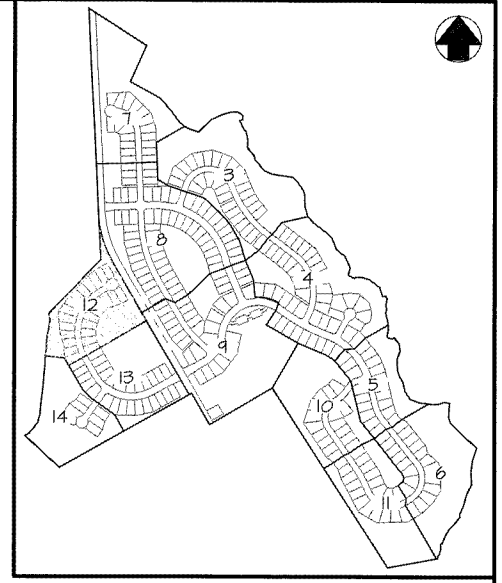
MRA MORRIS & RITCHE ASSOCIATES, INC.
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FINAL RECORD PLATS
 FOR
SCENIC MANOR
 SCR 284

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		DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 11 OF 14

PLAT

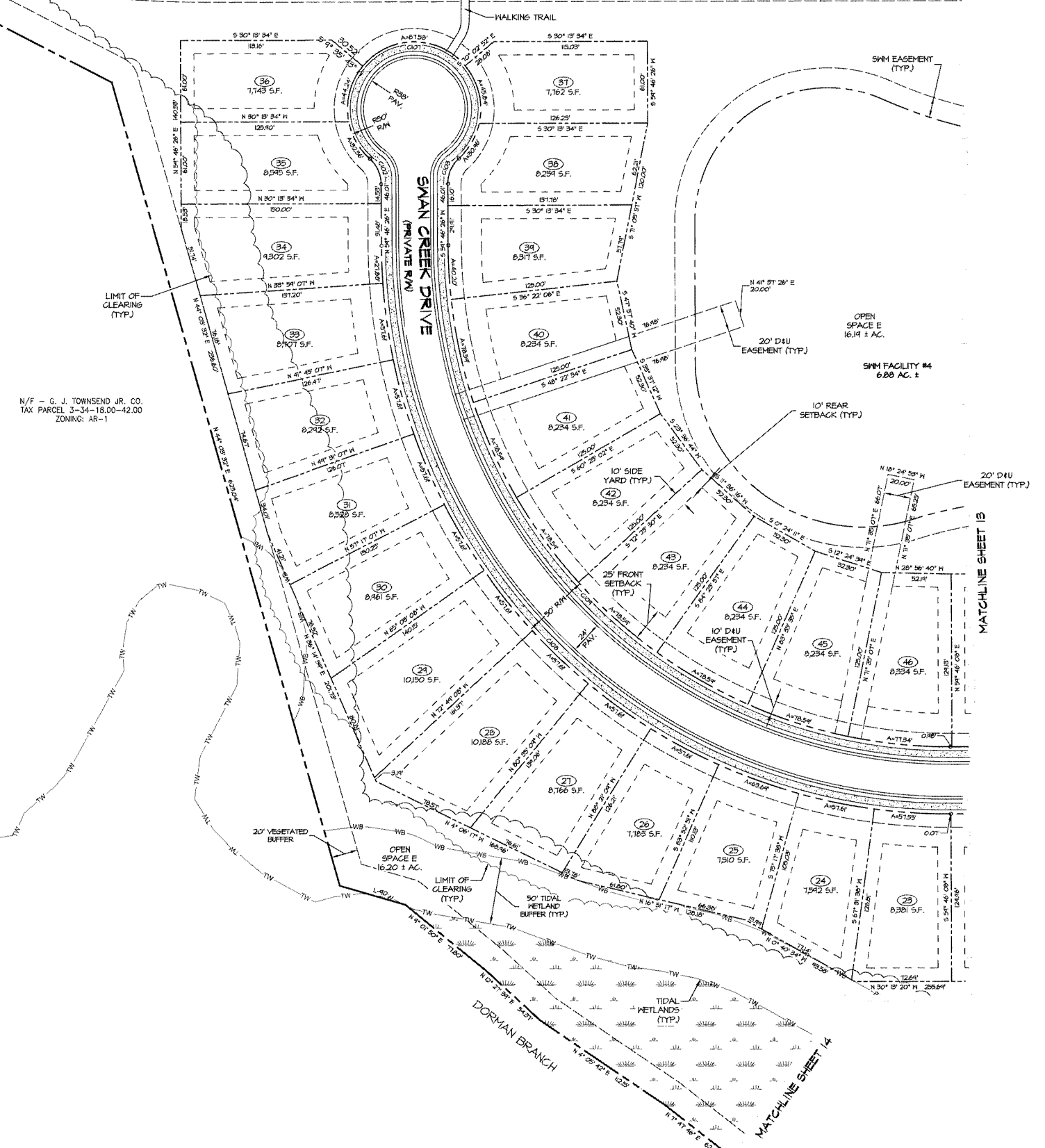
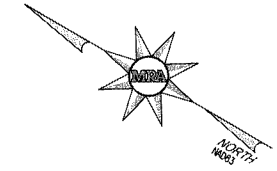


KEY MAP
SCALE: 1"=800'

MULBERRY KNOLL ROAD (ROAD NO. 284)
(R.O.W. VARIES)

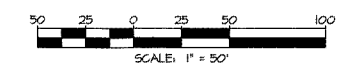
MATCHLINE SHEET 8

MATCHLINE SHEET 9



LEGEND

- EXISTING PROPERTY LINE
- - - EXISTING EDGE OF PAVEMENT
- - - EXISTING STORM DRAIN
- TIDAL WETLANDS
- WETLANDS BUFFER
- LANDSCAPE BUFFER
- ADJACENT PROPERTY LINE
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- PROPOSED BITUMINOUS WALKING TRAIL
- PROPOSED SHARED USE PATH
- EXISTING WOODLANDS LINE
- PROPOSED WOODLANDS
- PROPOSED MONUMENT



LINE TABLE

LINE #	LENGTH	DIRECTION
L-48	823.48	N 02° 40' 09" W
L-90	51.18	N 13° 53' 34" W

CURVE TABLE

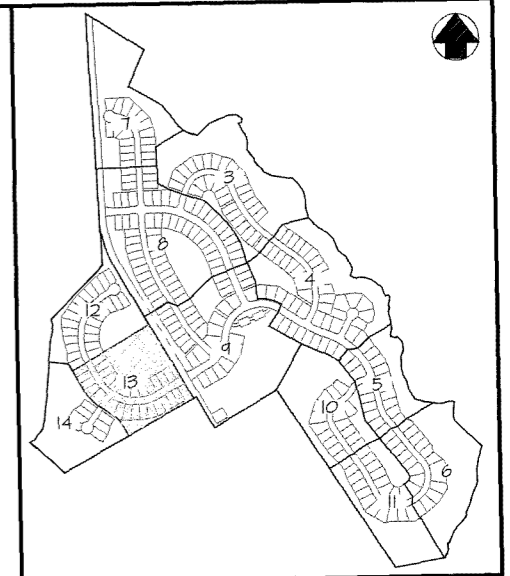
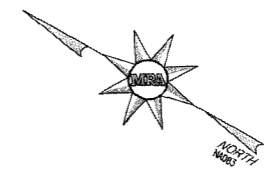
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C102	25.00'	21.03'	N 35° 40' 44" E	20.41'
C103	25.00'	21.03'	S 83° 52' 07" W	20.41'
C104	980.00'	371.81'	S 19° 21' 26" E	369.59'
C107	50.00'	241.19'	S 30° 13' 34" E	66.67'
C108	425.00'	667.62'	N 14° 46' 17" E	601.07'
C109	375.00'	589.08'	N 14° 46' 17" E	530.35'
C127	25.00'	40.48'	N 41° 14' 58" E	36.20'
C131	25.00'	39.14'	S 47° 30' 49" E	35.27'
C187	920.00'	402.94'	S 17° 40' 44" E	399.73'
C190	477.93'	42.22'	N 05° 12' 00" W	42.21'

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SCR 284

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6/2/22	DELDOT COMMENTS	20572
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		DRAWN BY: BS
		DESIGN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 12 OF 14

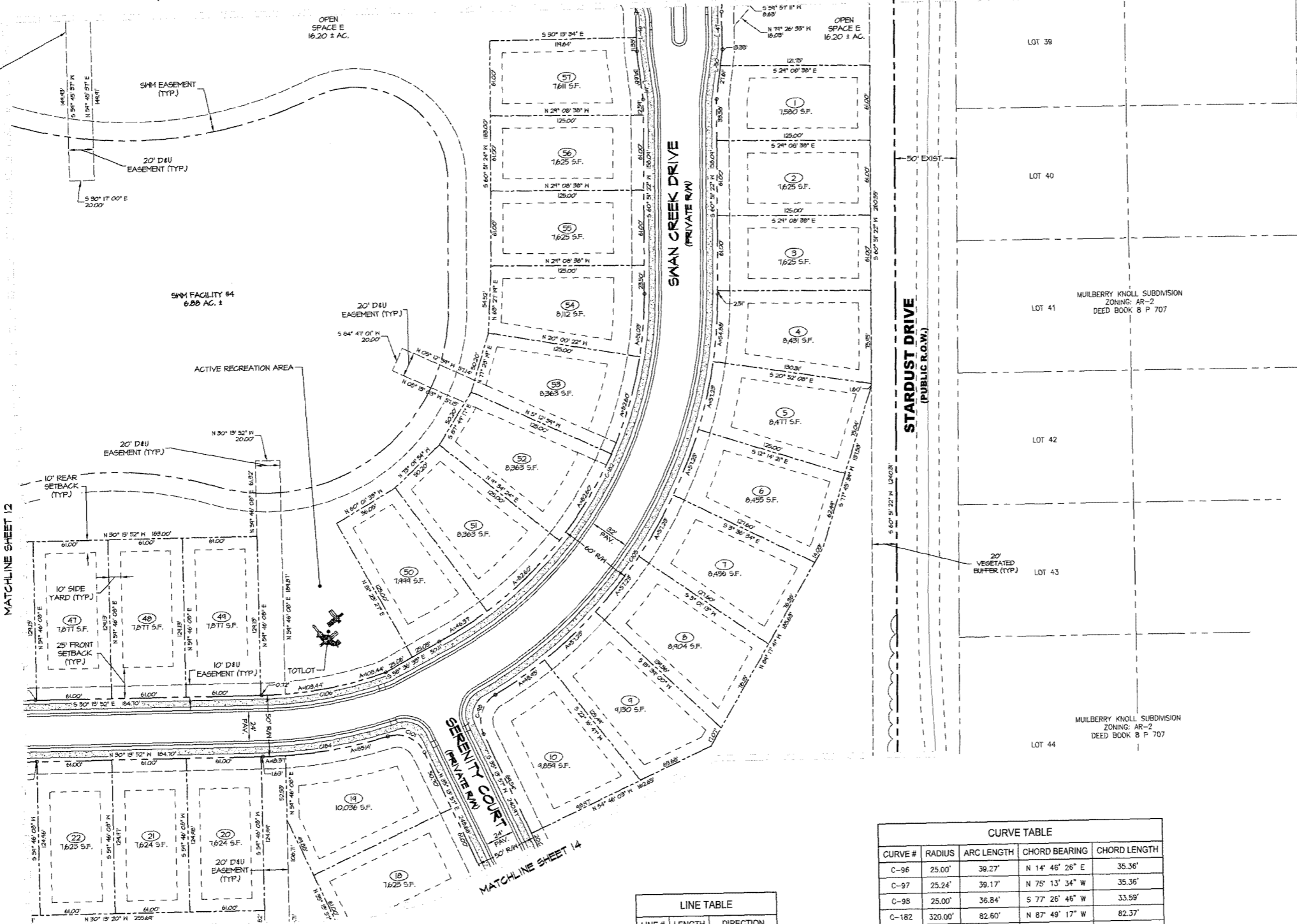
PLAT



MULBERRY KNOLL ROAD (ROAD NO. 284)
 (R.O.W. VARIES)

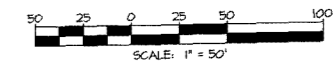
MATCHLINE SHEET 9

A 20' WIDE PERMANENT EASEMENT CONTAINING 4,080 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAN, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXCEPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.



LEGEND

- EXISTING PROPERTY LINE
- - - EXISTING EDGE OF PAVEMENT
- - - - - EXISTING STORM DRAIN
- TIDAL WETLANDS
- - - - - WETLANDS BUFFER
- - - - - LANDSCAPE BUFFER
- - - - - ADJACENT PROPERTY LINE
- - - - - PROPOSED LOT LINE
- - - - - PROPOSED RIGHT OF WAY LINE
- - - - - PROPOSED STORMWATER MANAGEMENT AREA
- - - - - PROPOSED ROAD STRIPING
- - - - - LINE OF SIGHT
- - - - - PROPOSED SETBACK LINE
- - - - - PROPOSED EASEMENT LINE
- - - - - PROPOSED CONCRETE SIDEWALK
- - - - - PROPOSED BITUMINOUS WALKING TRAIL
- - - - - PROPOSED SHARED USE PATH
- - - - - EXISTING WOODLANDS LINE
- - - - - PROPOSED WOODLANDS
- PROPOSED MONUMENT



LINE TABLE

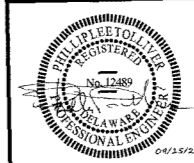
LINE #	LENGTH	DIRECTION
L-46	19.12	N 59° 46' 26" E
L-47	30.45	S 59° 46' 26" W
L-49	39.68	S 53° 21' 57" W
L-50	13.33	S 67° 36' 36" W
L-88	36.49	S 59° 35' 44" W
L-89	22.78	S 60° 51' 22" W

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C-96	25.00'	39.27'	N 14° 46' 26" E	35.36'
C-97	25.24'	39.17'	N 75° 13' 34" W	35.36'
C-98	25.00'	36.84'	S 77° 26' 45" W	33.59'
C-182	320.00'	82.60'	N 87° 49' 17" W	82.37'
C101	24.89'	35.50'	N 05° 24' 19" W	32.56'
C105	380.00'	390.00'	N 89° 44' 31" W	373.11'
C106	325.00'	103.44'	N 39° 20' 55" W	103.00'
C126	25.00'	39.27'	N 75° 13' 35" W	35.36'
C143	25.00'	39.27'	S 14° 46' 26" W	35.36'
C184	364.61'	103.51'	N 38° 08' 14" W	103.16'



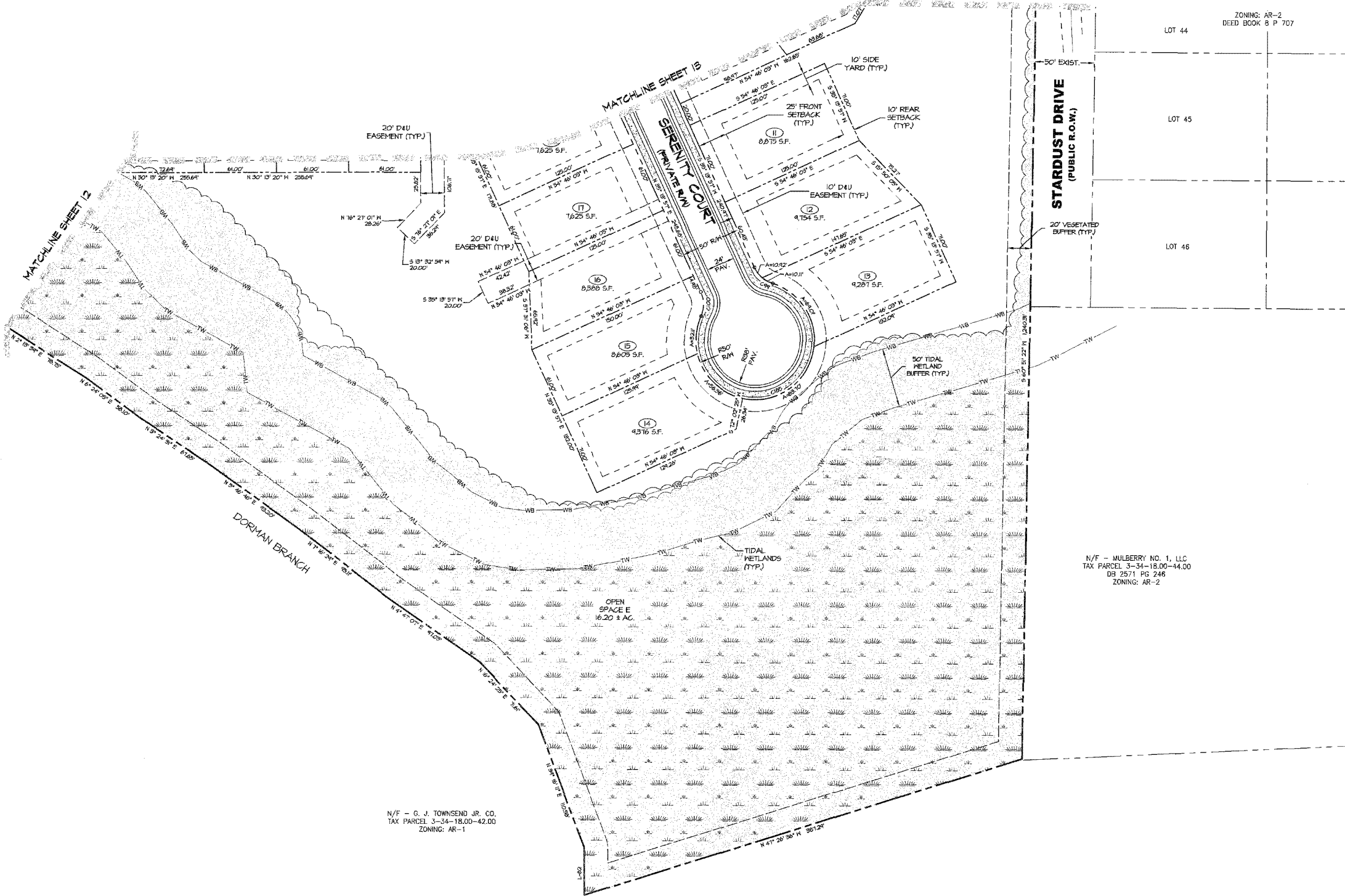
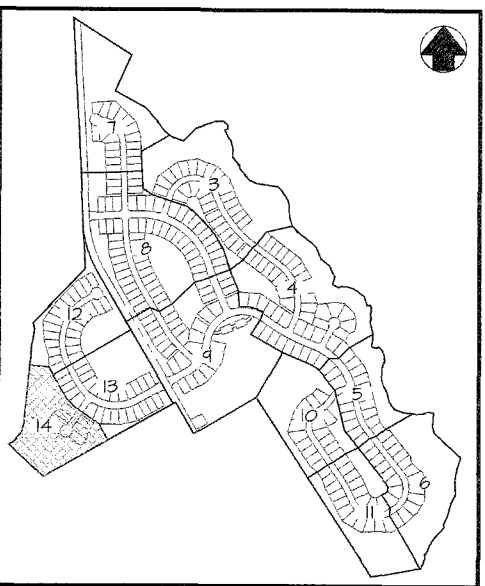
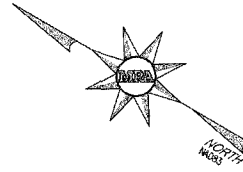
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FINAL RECORD PLATS
 FOR
SCENIC MANOR
 SCR 284

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		DATE: 5/20/21
		DRAWN BY: BS
		DESIGN BY: CJF/CMT
		REVIEW BY: CJF
		SHEET: 13 OF 14

PLAT



LINE TABLE

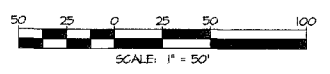
LINE #	LENGTH	DIRECTION
L-82	40.00	N 59° 52' 00" E

CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C99	25.00'	21.03'	S 11° 08' 16" W	20.41'
C100	25.00'	21.03'	N 59° 19' 39" E	20.41'
C185	50.00'	241.19'	N 54° 46' 03" W	96.67'

LEGEND

- EXISTING PROPERTY LINE
- - - EXISTING EDGE OF PAVEMENT
- SD SD EXISTING STORM DRAIN
- TW TW TW TW TIDAL WETLANDS
- WB WB WETLANDS BUFFER
- LANDSCAPE BUFFER
- - - ADJACENT PROPERTY LINE
- PROPOSED LOT LINE
- - - PROPOSED RIGHT OF WAY LINE
- - - PROPOSED STORMWATER MANAGEMENT AREA
- - - PROPOSED ROAD STRIPING
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- PROPOSED MONUMENT

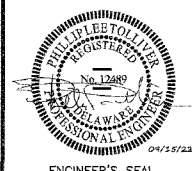


N/F - G. J. TOWNSEND JR. CO.
 TAX PARCEL 3-34-18.00-42.00
 ZONING: AR-1

N/F - MULBERRY NO. 1, LLC
 TAX PARCEL 3-34-18.00-44.00
 DB 25/1 PG 246
 ZONING: AR-2



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		REVIEW BY: CJF
		SHEET: 14 OF 14

PLAT



AGRICULTURAL PRESERVATION DISTRICT APPLICATION

Return to: The Delaware Agricultural Lands Preservation Foundation

2320 S DuPont Highway, Dover, DE 19901

Phone (302)698-4530, or Toll Free in DE Only (800)282-8685

File# S-22-10-304

Date 10-21-22

Name of Petitioner(s) EDWIN LLC

Email Address: BDJ1001@HOTMAIL.COM

Mailing Address 22942 BLOXOM SCHOOL ROAD

SEAFORD, DE 19973

Primary Contact Person BRENDA JOHNSON Preferred Contact Number: 302-745-7331

Farm Location SUSSEX

Total Acreage of Farm 229.38

Adjoining Roads NEALS SCHOOL & O'BIER ROADS

County Tax Parcel Number(s) 531-5.00-6.00

Zoning Designation AR1

(call County Planning for zoning designation)

Type of Farm Operation: CROP PRODUCTION

Type of Land Use **Crop Land** 181.62

Acres **Aquaculture** **Acres**

Woodland 47.76

Acres **Pasture Land** **Acres**

Farmland Structures

Acres **Tidal Wetlands** **Acres**

Residence

Acres **Other (specify)** **Acres**

Of Dwelling Units: _____ Occupant's Name(s) & Relationship _____

Easements/Rights-of-Way (if any) NONE

Does the farm have a certified nutrient management plan? Yes No

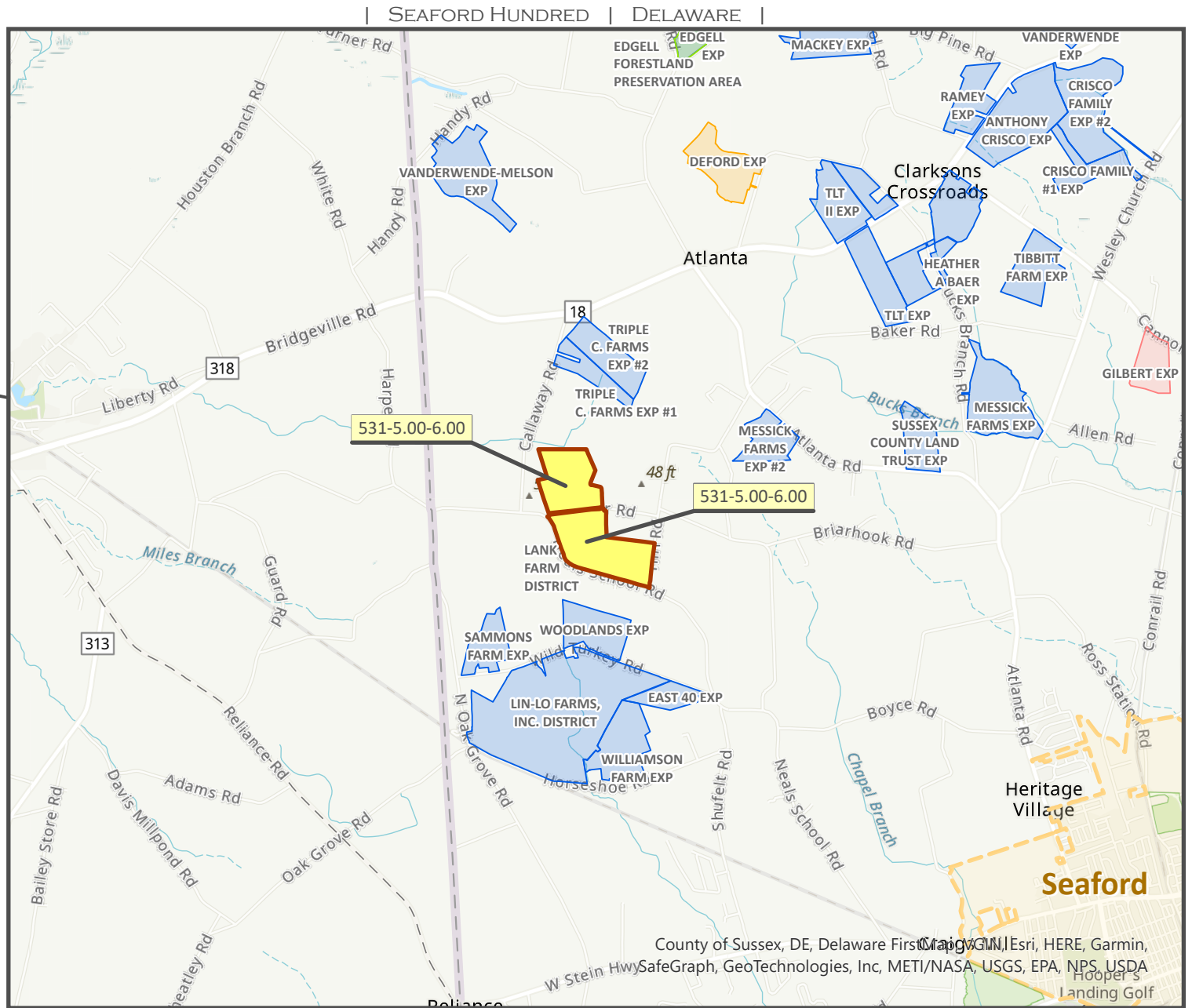
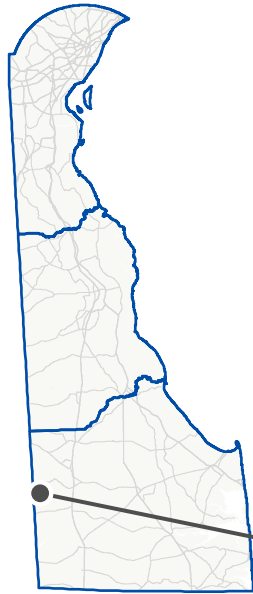
Is any portion of the proposed District/Expansion currently subject to subdivision? Yes No

Is the property land locked? (no road frontage) Yes No If yes please provide access rights documentation

District Name You Would Prefer: LANK FARM DISTRICT

Monitor Zone 5 Do you wish to have your farm appraised for the next round of Aglands easement selections? Yes No

LANC FARM DISTRICT



AGRICULTURAL PRESERVATION DISTRICT

Farm Parcel Boundary

Public Protected Lands

Project ID: S-22-10-304

Total Preserved Acres: 229.38

Program Status: Pending

Priority Zone: No

Parcel ID	County	Acres
531-5.00-6.00	Sussex	229.38

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

Eric Reid - Planner III
 Delaware Dept of Agriculture
 2320 S. Dupont Hwy
 Dover, DE 19901

Pending / Contingent

Contingent

Pending

Agricultural Easement

Agricultural District

Agricultural Expansion

Forestland Area

Forestland Easement

Young Farmer



THIS PLAN IS A COMPILATION OF AVAILABLE INFORMATION OF RECORD AND IS NOT TO BE USED FOR ENGINEERING PURPOSES.

Exported: 11/17/2022

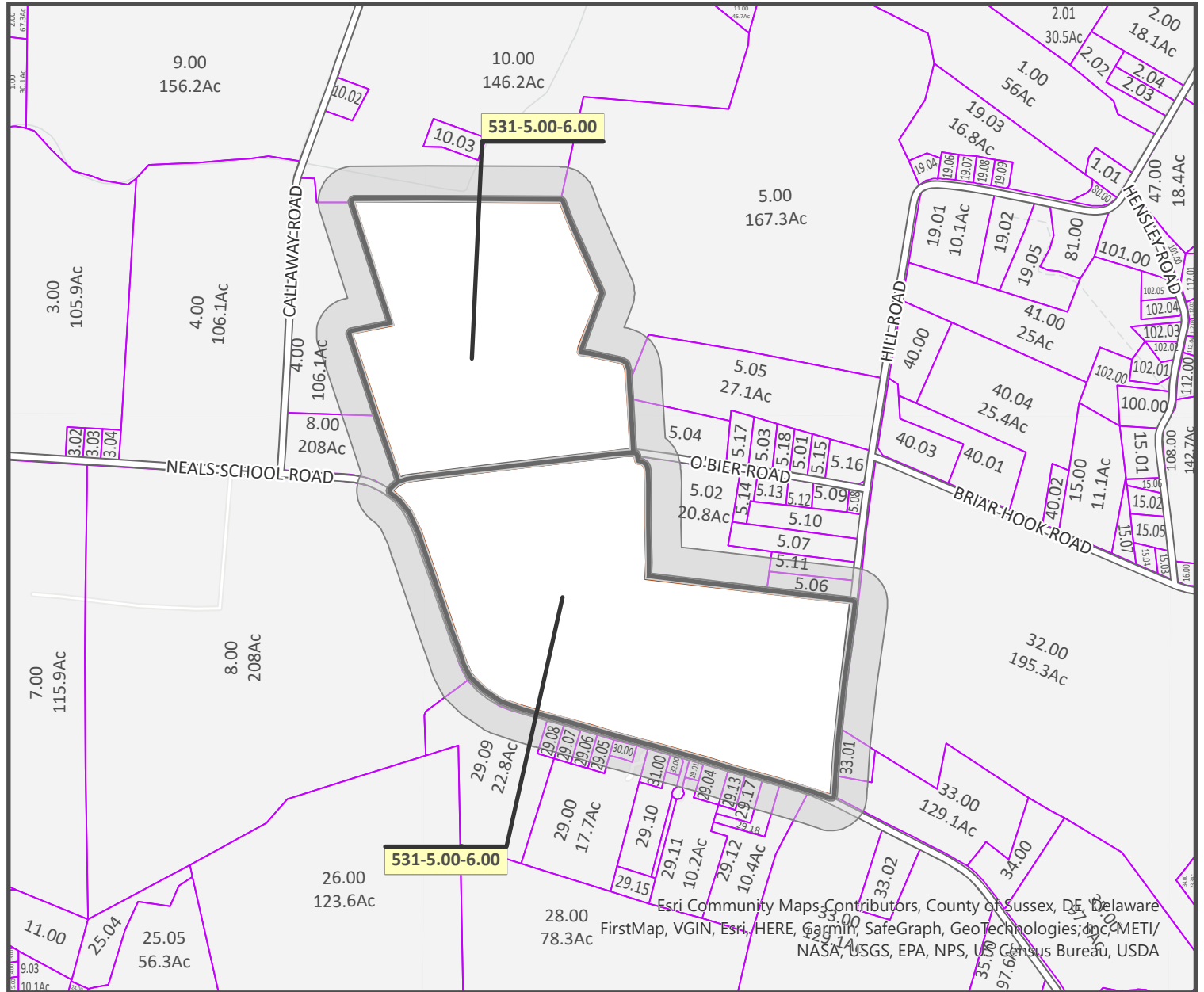
EXHIBIT A

LANCK FARM DISTRICT

Project ID: S-22-10-304

Total Preserved Acres: 229.38

Parcel ID	County Acres
531-5.00-6.00	Sussex 229.38



50 feet

IS THE 50' BOUNDARY LINE FROM AG DISTRICT; NO BUILDINGS FOR NON-AG PURPOSES CAN BE CONSTRUCTED INSIDE THIS AREA. "FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN FIFTY (50) FEET OF THE BOUNDARY OF AN AGRICULTURAL PRESERVATION DISTRICT, NO IMPROVEMENT REQUIRING AN OCCUPANCY APPROVAL SHALL BE CONSTRUCTED WITHIN FIFTY (50) FEET OF THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT," PURSUANT TO 3 DEL. C. ss910 (a) (2)

300 feet

IS THE 300' BOUNDARY LINE; NOTICE MUST BE GIVEN TO ALL NEW HOMEOWNERS IN NEW SUBDIVISIONS FILED AFTER THE APPROVAL DATE OF THIS DISTRICT. "FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN THREE HUNDRED (300) FEET OF THE BOUNDARY OF AN AGRICULTURAL PRESERVATION DISTRICT, THE OWNER SHALL PROVIDE IN THE DEED RESTRICTIONS AND ANY LEASES OR AGREEMENTS OF SALE FOR ANY RESIDENTIAL LOT OR DWELLING UNIT THE FOLLOWING NOTICE: 'AGRICULTURAL PRESERVATION DISTRICT: THIS PROPERTY IS LOCATED IN THE VICINITY OF AN ESTABLISHED AGRICULTURAL PRESERVATION DISTRICT IN WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USE ACTIVITIES.'" PURSUANT TO 3 DEL. C. ss910 (a) (1)



Eric Reid - Planner III
 Delaware Dept of Agriculture
 2320 S. Dupont Hwy
 Dover, DE 19901
 Exported: 11/17/2022



2

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION HEREBY CERTIFIES THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN, AND SUBJECT TO AN AGRICULTURAL PRESERVATION DISTRICT AGREEMENT FILED AND RECORDED WITH THE RECORDER OF DEEDS IN AND FOR SUSSEX COUNTY, DELAWARE, CONSTITUTE AN AGRICULTURAL PRESERVATION DISTRICT AS PROVIDED IN LEGAL REF. 3 DEL. C. CHAP. 9. FURTHER, I WITNESS THAT THIS DISTRICT HAS BEEN PROPERLY APPROVED AND THAT THE FOUNDATION DESIRES THAT THIS PLAN BE RECORDED ACCORDING TO LAW.

CHAIRMAN OR AUTHORIZED DESIGNEE
 DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

DATE

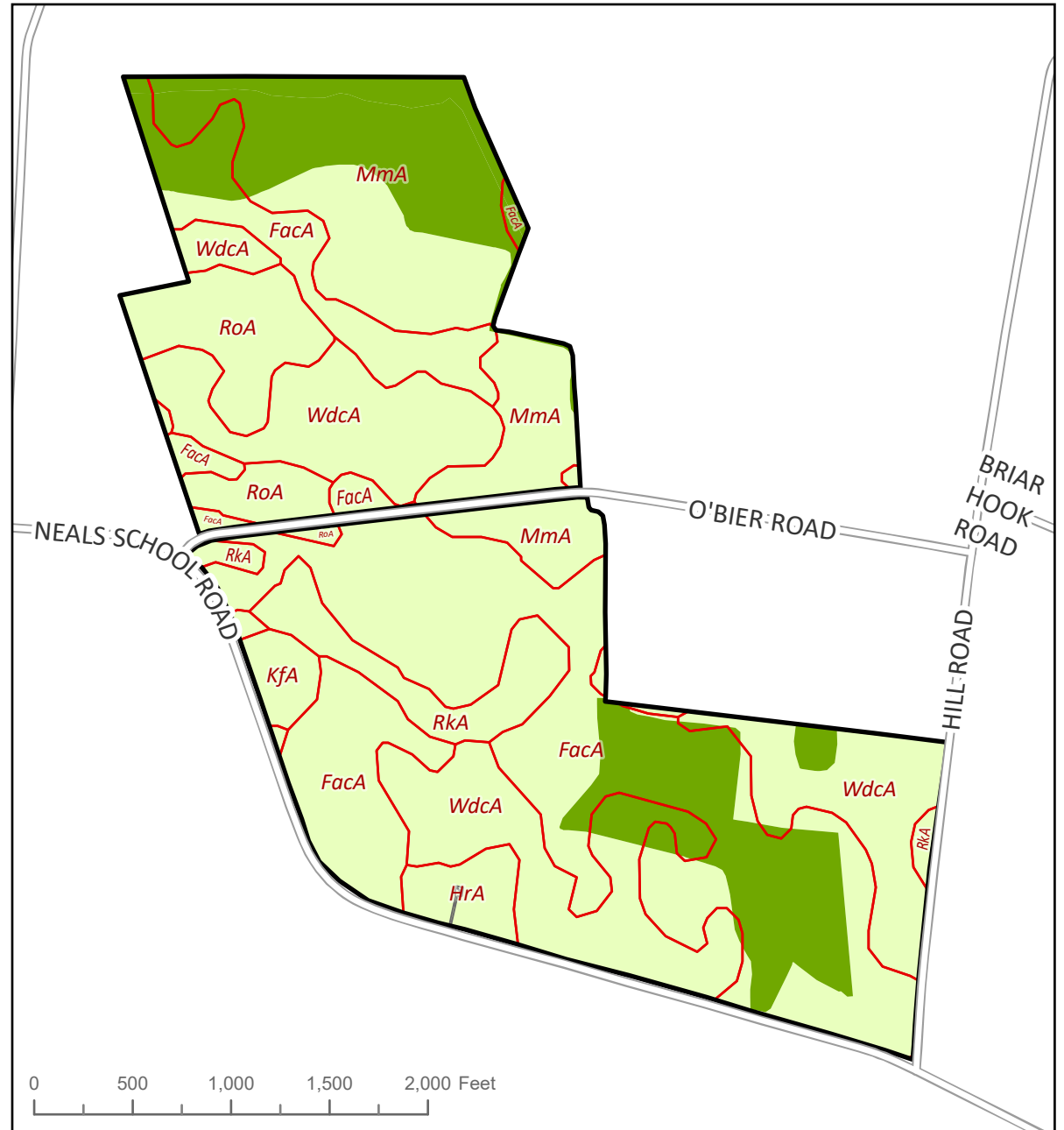
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LANK FARM DISTRICT

NRCS Soils Present

- FacA, Fallsington sandy loams, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain
- HbA, Hambrook sandy loam, 0 to 2 percent slopes
- HrA, Henlopen-Rosedale complex, 0 to 2 percent slopes
- KfA, Keyport fine sandy loam, 0 to 2 percent slopes
- MmA, Mullica mucky sandy loam, 0 to 2 percent slopes
- RkA, Rockawalkin loamy sand, 0 to 2 percent slopes
- RoA, Rosedale loamy sand, 0 to 2 percent slopes
- WdcA, Woodstown sandy loam, 0 to 2 percent slopes, Mid-Atlantic Coastal Plain

Parcel ID	Class	Soil	Rating	Acres
531-5.00-6.00	Agriculture	FacA	Farmland of statewide importance	67.297
531-5.00-6.00	Agriculture	HbA	All areas are prime farmland	0.479
531-5.00-6.00	Agriculture	HrA	Prime farmland if irrigated	4.605
531-5.00-6.00	Agriculture	KfA	All areas are prime farmland	3.107
531-5.00-6.00	Agriculture	MmA	Prime farmland if drained	26.241
531-5.00-6.00	Agriculture	RkA	Prime farmland if irrigated	11.181
531-5.00-6.00	Agriculture	RoA	Prime farmland if irrigated	15.311
531-5.00-6.00	Agriculture	WdcA	All areas are prime farmland	52.544
531-5.00-6.00	Forest	FacA	Farmland of statewide importance	23.482
531-5.00-6.00	Forest	HbA	All areas are prime farmland	0.013
531-5.00-6.00	Forest	MmA	Prime farmland if drained	21.091
531-5.00-6.00	Forest	RoA	Prime farmland if irrigated	0.064
531-5.00-6.00	Forest	WdcA	All areas are prime farmland	3.967



Total: 229.38 Ac
 Cropland: 180.76 Ac
 Forest: 48.62 Ac

Prime Soil: 229.38 Ac
 Impervious Cover: 0.08 Ac
 Road Frontage: 10,559 Ft

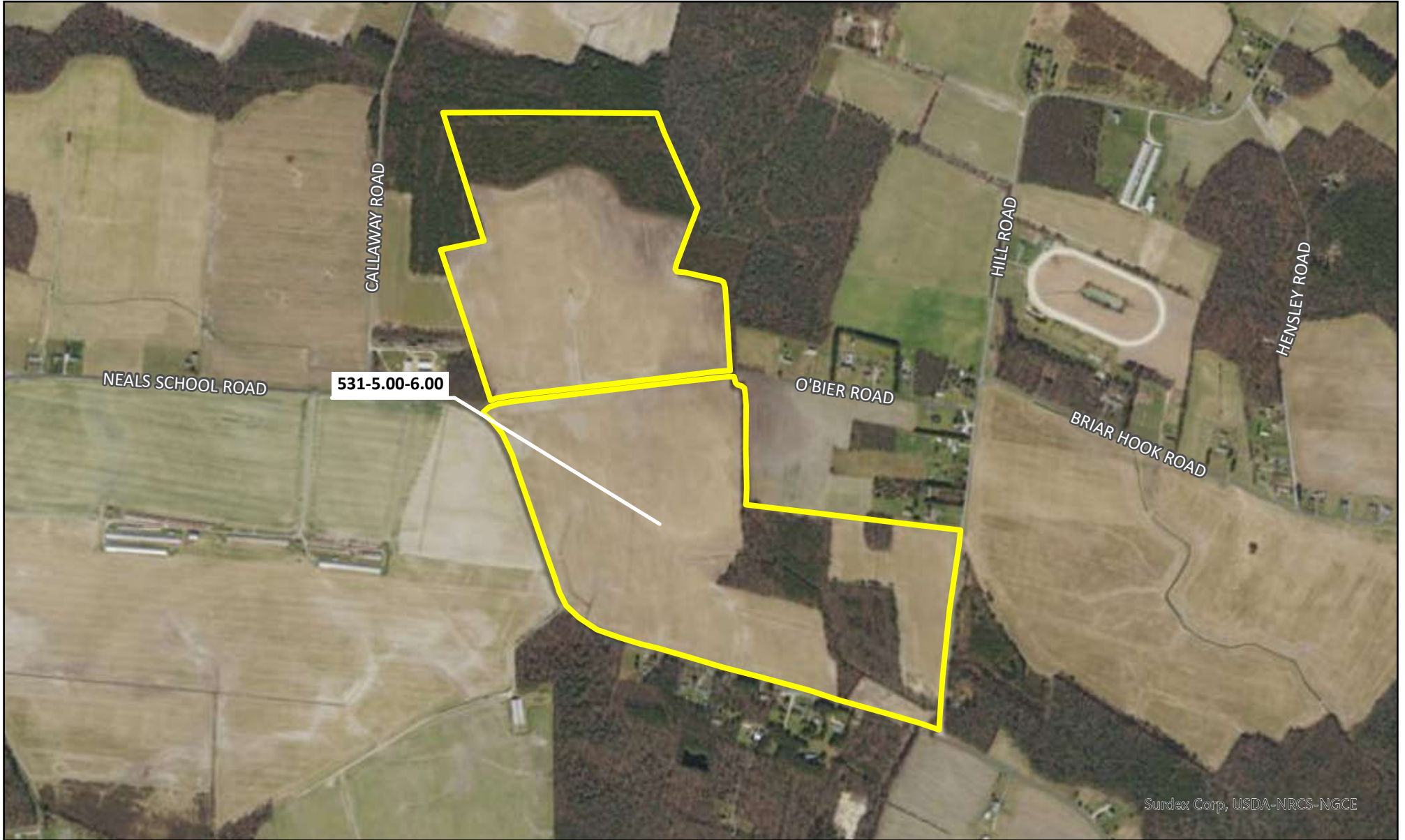
 Agriculture	 Wetland
 Forest	 Other
 Urban	 Impervious



EXHIBIT B

S-22-10-304

LANK FARM DISTRICT



Surdex Corp, USDA-NRCS-NGCE

Eric Reid - Planner III
 Delaware Dept of Agriculture
 2320 S. Dupont Hwy
 Dover, DE 19901
 Aerial Photo: April 2017
 Exported: 11/17/2022

Parcel ID	Dwellings	Residential Acres	Road Frontage	Acres
531-5.00-6.00	0	0	10,559 ft	229.38

Farms in Agricultural Preservation are allowed 1 acre of residential land use for every 20 total acres, with a minimum of 1 and maximum of 10 acres. Up to 3 dwellings may be placed on the residential acres. Allowances may be further assigned to parcels by subsequent acknowledgements. Refer to the district agreement, easement, and any recorded acknowledgments for current allowances.

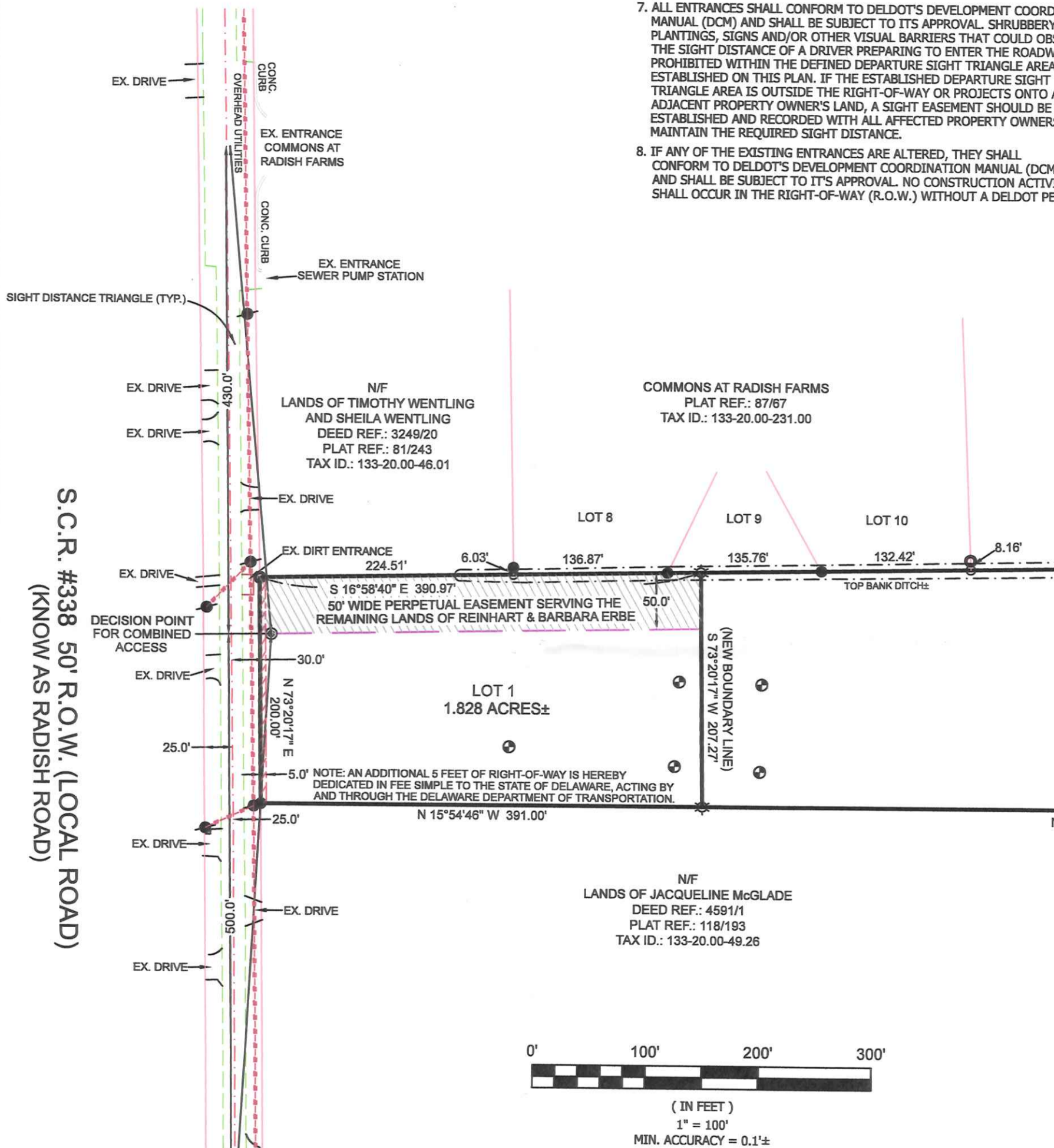
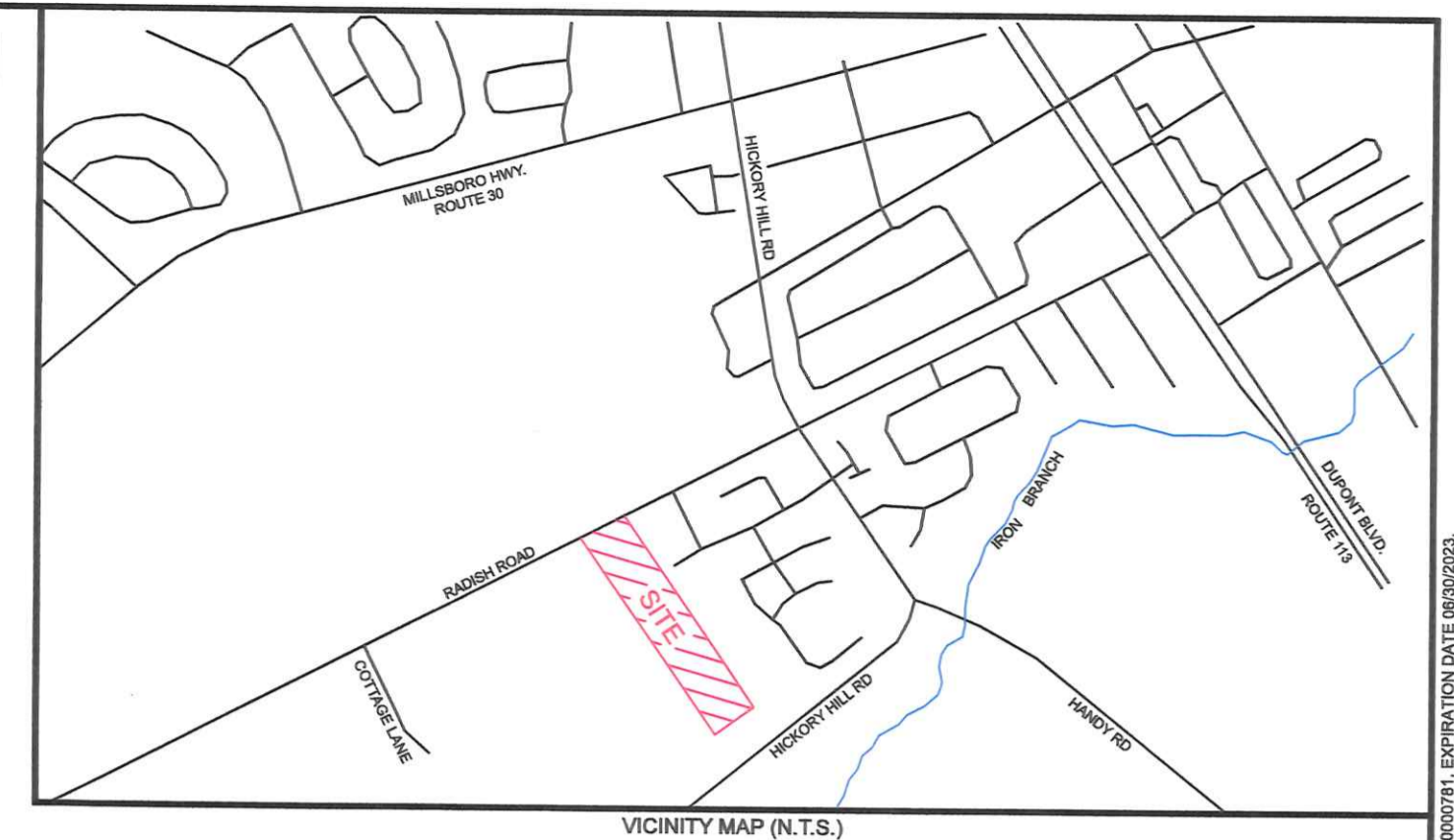
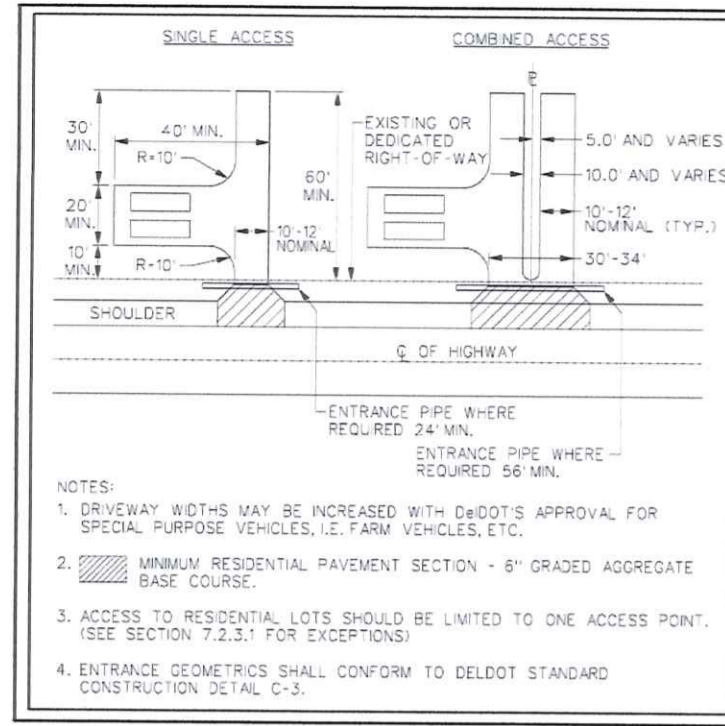


NOTES:

- REMAINING LANDS OF REINHART & BARBARA ERBE SHALL HAVE ACCESS TO S.C.R. #38 VIA 50' WIDE PERPETUAL EASEMENT. SAID EASEMENT SHALL BE USED FOR INGRESS/EGRESS, DRAINAGE & UTILITIES, AS SHOWN HERE ON THIS MINOR SUBDIVISION PLAN.
- IF THE REMAINING LANDS OF REINHART & BARBARA ERBE, ARE EVER DEVELOPED AS A SUBDIVISION, LOT 1 WILL HAVE DIRECT ACCESS TO S.C.R. #38. THE REMAINING LANDS WILL HAVE DIRECT ACCESS TO S.C.R. #38 VIA 50' WIDE PERPETUAL EASEMENT.
- ALL ENTRANCES SHALL CONFORM TO THE CURRENT DELDOT DEVELOPMENT COORDINATION MANUAL.
- ALL EXISTING DRIVEWAYS AND ENTRANCES ON S.C.R. #38 ARE SHOWN WITHIN THE EXISTING SIGHT TRIANGLES.
- THE REMAINING LANDS OF REINHART & BARBARA ERBE WILL HAVE THE RESPONSIBILITY FOR THE MAINTENANCE AND REPAIRS OF SAID 50' WIDE PERPETUAL EASEMENT.
- A 50' WIDE PERPETUAL EASEMENT, TO BE USED FOR INGRESS/EGRESS, DRAINAGE & UTILITIES IS HEREBY ESTABLISHED AS PER THIS PLAT.

ENTRANCE NOTES:

- WHERE DRIVEWAY SERVES TWO ADJACENT RESIDENCES (COMBINED DRIVEWAY ACCESS) THE DRIVEWAY WIDTH AT THE RIGHT OF WAY LINE WILL BE 29 FEET.
- DRIVEWAY WIDTHS MAY BE INCREASED WITH THE DIVISION OF HIGHWAYS APPROVAL FOR SPECIAL PURPOSE VEHICLES (I.E. FARM VEHICLES, ETC.)
- ENTRANCE PIPE FURNISHED BY THE PROPERTY OWNER WILL BE INSTALLED BY THE DIVISION OF HIGHWAYS UPON REQUEST.
- MINIMUM RESIDENTIAL PAVEMENT SECTION BITUMINOUS SURFACE TREATMENT ON 6" SELECT BORROW BASE COURSE.
- ACCESS TO RESIDENTIAL LOTS SHALL BE LIMITED TO ONE ACCESS POINT.
- AN ENTRANCE PERMIT MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- IF ANY OF THE EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM), AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (R.O.W.) WITHOUT A DELDOT PERMIT.



LOT AREA TABLE

CURRENT OWNER	ORIGINAL AREA	SUBTRACTION	ADDITION	REVISED LOT AREA
REINHART & BARBARA ERBE	7.598 ACRES±	1.828 ACRES±	N/A	5.770 ACRES±
LOT 1	N/A	N/A	1.828 ACRES±	1.828 ACRES±
ERBE REMAINING LANDS (LOT 2)	N/A	N/A	N/A	5.770 ACRES±

CERTIFICATION OF OWNERSHIP

I/WE THE UNDERSIGNED, CERTIFY THAT I/WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THIS PLAN WAS MADE AT MY DIRECTION AND I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO DELAWARE STATE LAW.

OWNER: REINHART D. ERBE
38385 MAPLE LANE
SELBYVILLE, DE. 19975
DATE: 1/4/23

OWNER: BARBARA A. ERBE
38385 MAPLE LANE
SELBYVILLE, DE. 19975
DATE: 1/04/2023

DeIDOT
NO OBJECTION TO RECORDATION
January 13, 2023
DATE



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

RUSSELL T. HAMMOND, DELAWARE PROFESSIONAL LAND SURVEYOR, LICENSE NO. S6 0000781, EXPIRATION 06/30/2023
DATE: 1/04/2023

MINOR SUBDIVISION PLAN
LANDS OF REINHART D. ERBE AND BARBARA A. ERBE
DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE

RUSSELL T. HAMMOND
Surveying, LLC

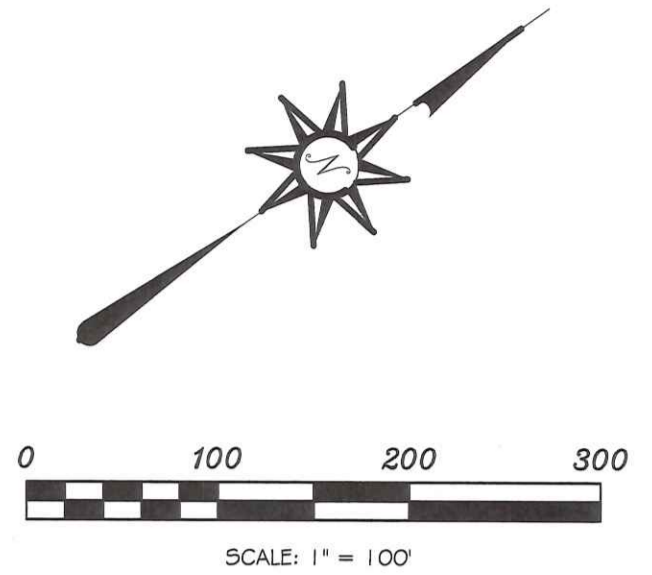
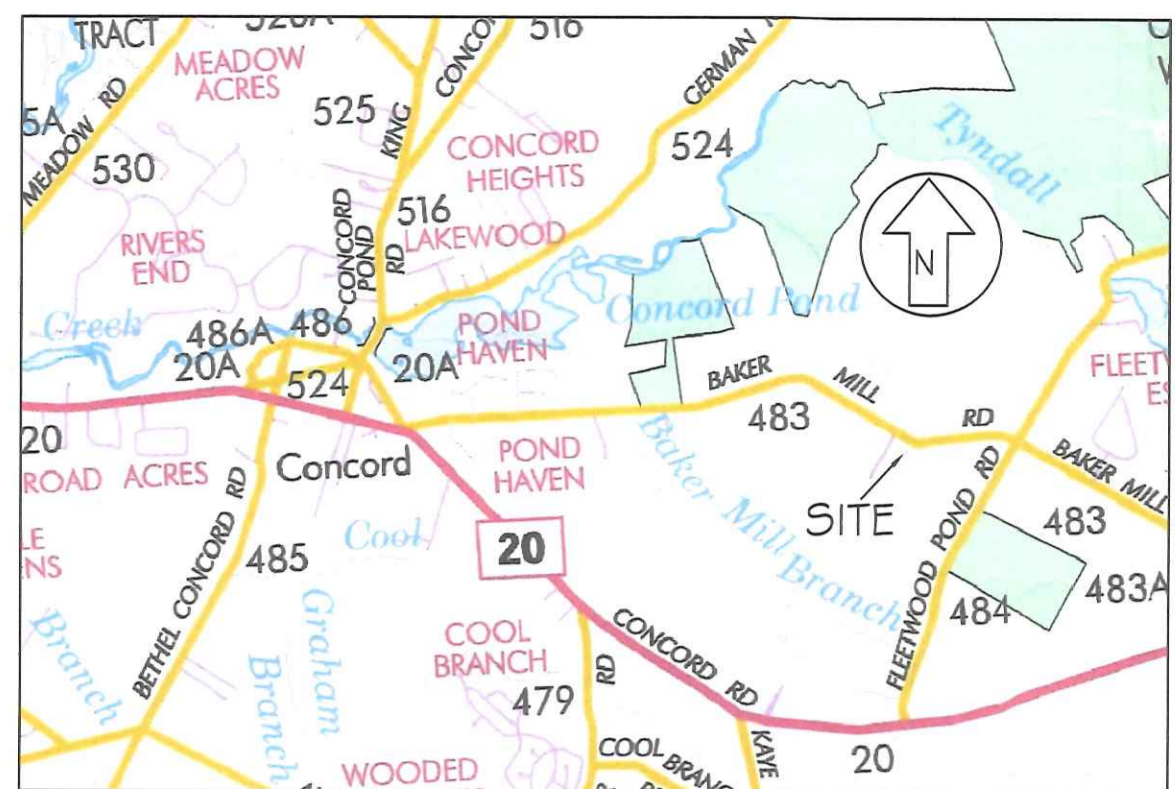
SURVEYING - LAND PLANNING
10310 Hotel Road Bishopville, MD 21813
(410) 352-5674 - (410) 726-8076

DESIGNED BY	N/A	SURVEYED BY	RS/BB	FILE #	2022-3249
DRAWN BY	R. SAVAGE	DATE	07/20/2022		
CHECKED BY	R.T. Hammond	SCALE	1" = 100'	SHEET 1 OF 1	

NOTE: THIS PLAT REFLECTS THE DESCRIPTION OF THE LOT/PARCEL AS NOTED IN THE TITLE OF THIS PLAT, AS SHOWN ON THE RECORD PLAT AND DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS OF WAY, WETLANDS, UTILITIES OR EASEMENTS PERTAINING TO THIS PROPERTY OTHER THAN THOSE AS SHOWN ON SAID RECORD PLAT. NO TITLE SEARCH OR COVENANTS PROVIDED OR STIPULATED.

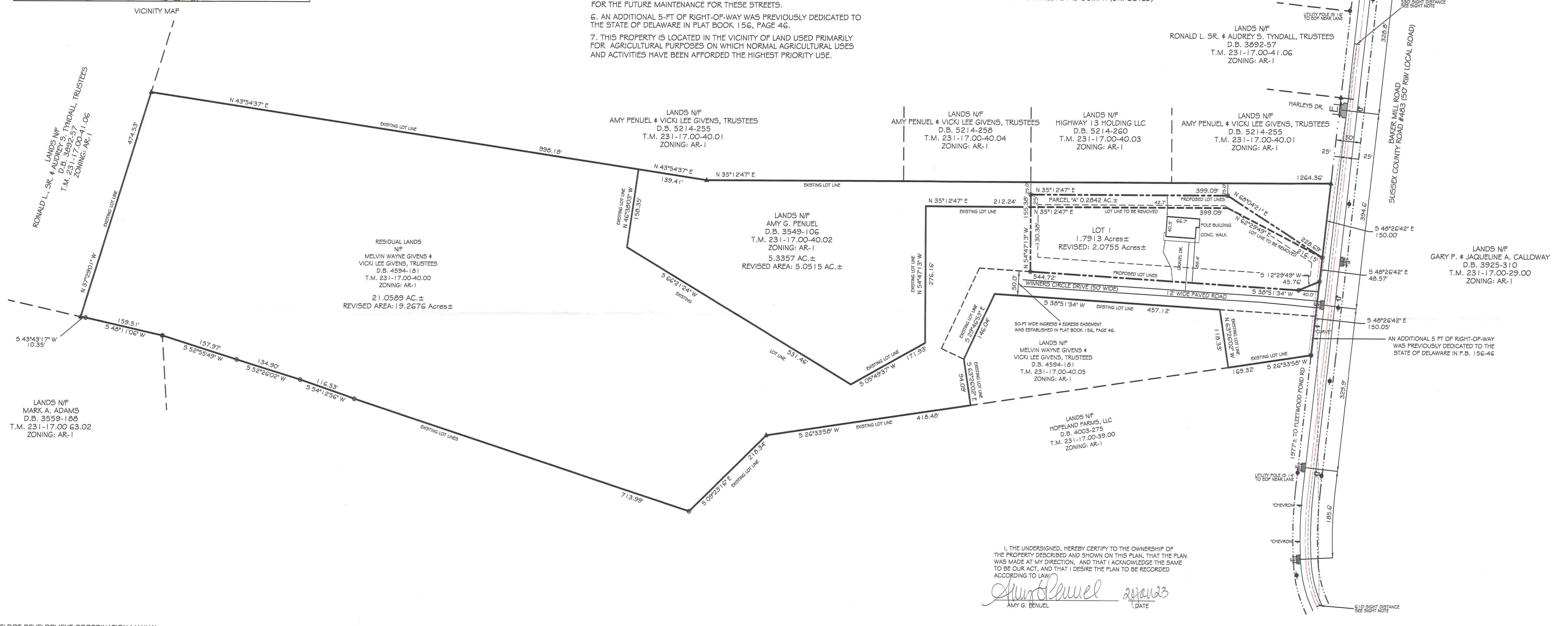
RUSSELL T. HAMMOND SURVEYING, L.L.C. RESERVES ITS COMMON LAW COPYRIGHT IN THESE PLANS, PLATS, OR OTHER DOCUMENTS. ANY AMENDMENTS, COPYING OR DISTRIBUTION, INCLUDING COMPUTER GENERATED AMENDMENTS, IS PROHIBITED UNLESS PERMITTED IN WRITING BY RUSSELL T. HAMMOND SURVEYING, L.L.C.

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF DELAWARE LICENSE NO. S6 0000781, EXPIRATION DATE 06/30/2023.



- GENERAL NOTES: 1. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET. 2. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DEL.D.O.T.'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL. 3. THERE IS A FIFTY FOOT BUILDING SETBACK FROM LANDS USED FOR AGRICULTURAL PURPOSES. 4. LOT #1 AND THE RESIDUAL LANDS SHALL HAVE ACCESS VIA THE 50-FT WIDE INGRESS AND EGRESS EASEMENT KNOWN AS "WINNERS CIRCLE DRIVE." SHOULD ADDITIONAL LOTS EVER BE DEVELOPED FROM THE RESIDUAL LANDS, THEN THOSE SHALL HAVE ACCESS VIA THE SAME "WINNERS CIRCLE DRIVE." 5. PRIVATE MAINTENANCE: PRIVATE STREETS WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THE SUBDIVISION, OR BOTH (TITLE 17, SECTION 131). DELDOT ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THESE STREETS. 6. AN ADDITIONAL 5-FT OF RIGHT-OF-WAY WAS PREVIOUSLY DEDICATED TO THE STATE OF DELAWARE IN PLAT BOOK 156, PAGE 46. 7. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE.

DATA COLUMN: T.M. PART #231-17.00-40.00 ZONING: AR-1 SETBACK REQUIREMENTS: FRONT: 30' WINNERS CIRCLE DRIVE SIDE: 15' REAR: 20' TRACT AREA: 23.0589 ACRES± (INCLUDING RESIDUAL AREA) EXISTING LOTS: 1 PROPOSED LOTS: 2 TOTAL INCLUDING RESIDUAL LANDS PRESENT USE: AGRICULTURAL, WOODED PROPOSED USE: AGRICULTURAL/RESIDENTIAL ACCESS: S.C.R. #483 (BAKER MILL ROAD) ROADWAY CLASSIFICATION: LOCAL ROAD WATER AND SEWER: INDIVIDUAL ON-SITE 100 YEAR FLOODPLAIN: SITE IS NOT IMPACTED AS PER FIRM #1 0005C0270L DATED 06/20/18 LOCATION TO NEAREST TID IS "HENLOPEN" SPEED LIMIT ON BAKER MILL RD. IS 50MPH (UNPOSTED)



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, AND THAT I ACKNOWLEDGE THE SAME TO BE OUR ACT, AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW. Amy Penuel 1/29/2023

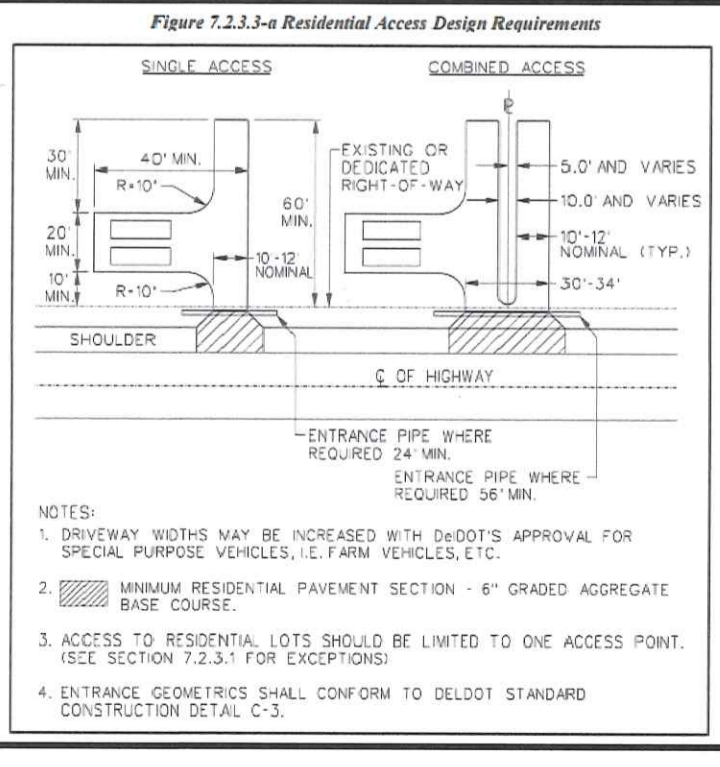
I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE OUR ACT, AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW. Vicki Lee Givens 1/20/2023

STEPHEN M. SELLERS REGISTERED AS A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, HEREBY STATE THAT THE INFORMATION SHOWN ON THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS ESTABLISHED BY THE STATE OF DELAWARE BOARD OF PROFESSIONAL LAND SURVEYORS. ANY CHANGES TO THE PROPERTY CONDITIONS, IMPROVEMENTS, BOUNDARY OR PROPERTY CORNERS AFTER THE DATE SHOWN HEREON SHALL NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE. Stephen M. Sellers, PLS 566 1/29/2023

LOT LINE ADJUSTMENT AND MINOR SUBDIVISION PLAN FOR MELVIN WAYNE GIVENS, TRUSTEE & VICKI LEE GIVENS, TRUSTEE

OWNERS ADDRESS: 25723 WINNERS CIRCLE DRIVE SEAFORD, DE 19973 Ph: 302-448-6970

DELDOT DEVELOPMENT COORDINATION MANUAL



- CONCRETE MONUMENT (FOUND) IRON PIPE (FOUND) PIPE TO BE SET WOOD POST (FD) POINT IRON AXLE (FOUND) IRON ROD (FOUND) EXISTING ENTRANCE PROPOSED ENTRANCE EXISTING AG. ENTRANCE MAILBOX UTILITY POLE TRAFFIC SIGN PHONE PULL BOX

- LEGEND: DASHED LINE: EXISTING RIGHT-OF-WAY LINE DASHED LINE: EXISTING 50' WIDE EASEMENT LINE DASHED LINE: EXISTING LOT LINE DASHED LINE: PROPOSED LOT LINE DASHED LINE: LOT LINE TO BE REMOVED DASHED LINE: CENTERLINE DASHED LINE: NEXT PROPERTY LINE DASHED LINE: EDGE OF PAVING DASHED LINE: DEDICATION LINE

OTHER THAN SHOWN, THIS SURVEY AND PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED. SURVEY CLASS: SUBURBAN

Table with columns: DATE, REVISION, COMMENTS. Includes entries for 09/28/2022 and 09/27/22.

MILLER LEWIS, INC. LAND SURVEYING 1560 MIDDLEFORD RD. SEAFORD, DELAWARE 19973 PH: 302-629-9695 FAX: 302-629-2391

Table with columns: HUNDRED, COUNTY, STATE, DRAWN BY, REF., FILE NO. Includes entries for Dagsboro, Sussex, Delaware, D.K. Miller, and CATALFAMO 231-17-40.

RECEIVED

JAN 19 2023

SUSSEX COUNTY
PLANNING & ZONING

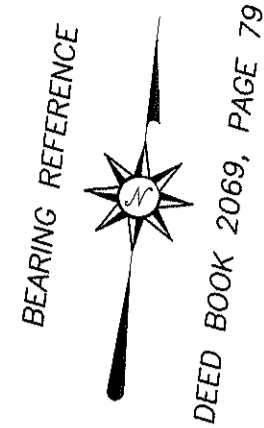
Douglas J. Annand
Professional Land Surveyor
10027 N. Old State Road
Lincoln, DE 19960
302-448-0320
douglasannand7@gmail.com

January 15, 2023

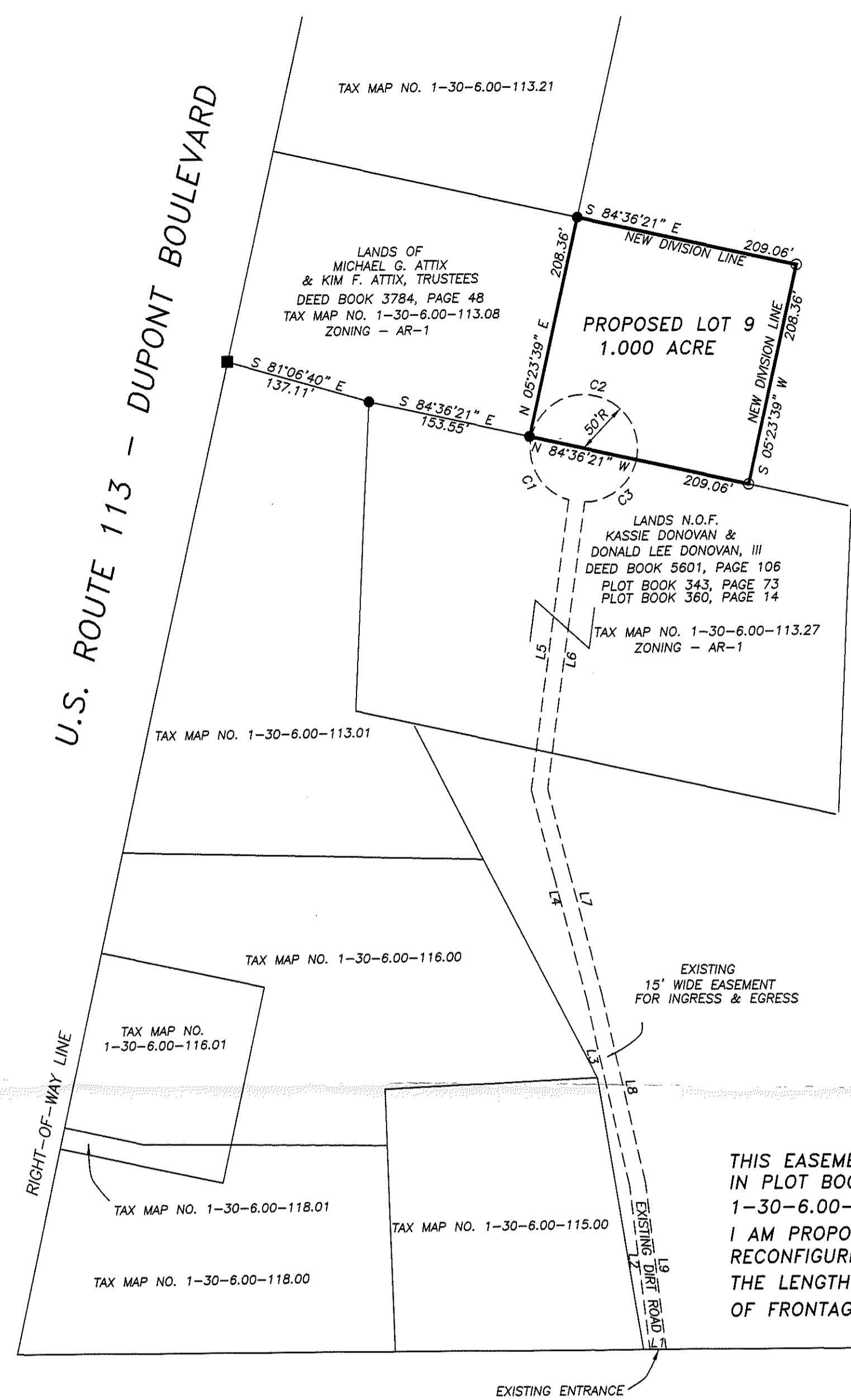
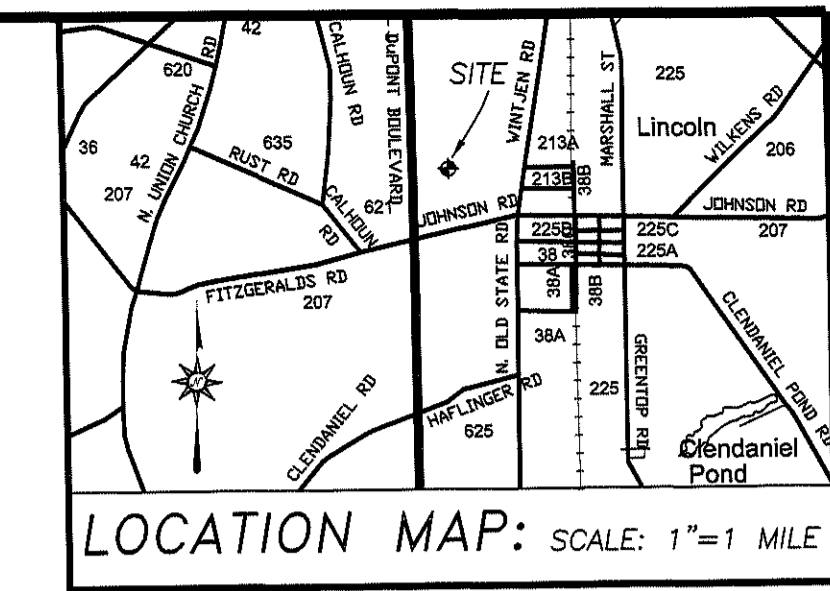
Sussex County Planning & Zoning
2 The Circle
Georgetown, DE 19947

Please, submit the enclosed minor subdivision survey plan to the planning commission for approval of the revised easement of ingress/egress.

Thanks, Douglas Annand, PLS



DEED BOOK 2069, PAGE 79



EASEMENT CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	75.13'	56.26'	N 37°39'00\"/>	

COURSES & DISTANCES WITH 15' WIDE EASEMENT

LINE	BEARING	DISTANCE
L1	S 83°10'57\"/>	

RESIDUAL LANDS OF PONDEROSA ACRES, LLC
 DEED BOOK 3549, PAGE 211
 TAX MAP NO. 1-30-6.00-113.04
 RESIDUAL AREA - 60.467 ACRES
 ZONING - AR-1

THIS EASEMENT WAS APPROVED & RECORDED ON JUNE 30, 2021 IN PLOT BOOK 343, PAGE 73, TO PROVIDE ACCESS TO TAX MAP PARCEL 1-30-6.00-113.27.
 I AM PROPOSING THAT THIS EASEMENT BE LENGTHENED AND RECONFIGURED TO PROVIDE ACCESS TO PROPOSED LOT 9.
 THE LENGTH OF THE EASEMENT IS 906 FEET AND IT PROVIDES 157.08 FEET OF FRONTAGE FOR PROPOSED LOT 9.

SCR 207- JOHNSON ROAD
 60' WIDE

- DATA COLUMN:**
- OWNER: PONDEROSA ACRES, LLC
 JOHN T. FITZGERALD, JR. & KAREN L. FITZGERALD
 18117 JOHNSON ROAD
 LINCOLN, DE 19960
 302-236-7746
 kattix@comcast.net
 - CLASS "B", SUBURBAN SURVEY
 - A TITLE SEARCH WAS NEITHER REQUESTED, PROVIDED OR UTILIZED FOR THIS SURVEY
 - TOTAL NUMBER OF NEW LOTS - 1
 - TAX MAP NO. 1-30-6.00-113.04
 RESIDUAL FRONTAGE - 990'+/-
 GROSS AREA - 61.467 ACRES+/-
 RESIDUAL AREA - 60.467 ACRES+/-
 - ZONING - AR-1
 - PRESENT USE - AGRICULTURAL
 - PROPOSED USE - RESIDENTIAL
 - WATER - ON SITE
 - SEPTIC - ON SITE
 - THIS PROPERTY IS NOT LOCATED WITHIN A FLOOD ZONE

SURVEYOR'S CERTIFICATION:
 I, DOUGLAS J. ANNAND, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRINCIPALS AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DOUGLAS J. ANNAND, PLS 622

OWNER'S CERTIFICATION:
 WE, JOHN T. FITZGERALD, JR., KAREN L. FITZGERALD, DONALD LEE DONOVAN, III & KASSIE DONOVAN, HEREBY CERTIFY THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND THAT WE DESIRE THE PLAN TO BE RECORDED ACCORDING TO THE LAW.

KAREN L. FITZGERALD DATE _____ KAREN L. FITZGERALD DATE _____
 (FOR JOHN T. FITZGERALD, JR.)

AGRICULTURAL USE PROTECTION NOTE:

THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS.

LEGEND:

- FOUND IRON PIPE
- SET IRON PIPE
- FOUND CONCRETE MONUMENT

DOUGLAS J. ANNAND, PLS 622

MINOR SUBDIVISION SURVEY PLAN

PREPARED FOR
PONDEROSA ACRES, LLC

PREPARED BY
 DOUGLAS J. ANNAND
 PROFESSIONAL LAND SURVEYOR
 10027 NORTH OLD STATE ROAD
 LINCOLN, DELAWARE 19960
 302-448-0320
 douglasannand7@gmail.com

SITUATED IN
 CEDAR CREEK HUNDRED
 SUSSEX COUNTY
 STATE OF DELAWARE
 SCALE: 1" = 100'
 DATE: JANUARY 14, 2022



1 **AN ORDINANCE TO AMEND CHAPTER 99, § 99-39B.(2)(c) OF**
2 **THE CODE OF SUSSEX COUNTY RELATING TO THE TIME**
3 **PERIOD FOR COUNCIL TO RENDER A DECISION ON**
4 **APPEAL.**

5
6 WHEREAS, Sussex County Code, Chapter 99, Article VIII.,
7 “Enforcement Amendments; Appeals”, § 99-39B.(2)(c) establishes a
8 time limit within which the Sussex County Council must render its decision
9 on appeals from a decision of the Planning and Zoning Commission; and

10 WHEREAS, Sussex County desires to amend Sussex County Code,
11 Chapter 99, Article VIII § 99-39B.(2)(c) to change the time period for
12 the Council to render its decision on such an appeal from 60 days to 120
13 days from the receipt of the transcript.

14 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY
15 ORDAINS:

16 Section 1. Sussex County Code, Chapter 99, Article VIII, § 99-
17 39B.(2)(c), entitled, “Appeals”, is hereby amended by adding the
18 underlined language and deleting the bracketed language as follows:

- 19 (c) Within 120[60] days from the receipt of the transcript, the
20 Council shall act on the record of the hearing before the
21 Commission and the Council shall not hold an additional
22 public hearing.

23 Section 2. Effective Date. This Ordinance shall become effective
24 upon its adoption.

25
26 Synopsis

27 This Ordinance amends Chapter 99, Article VIII, § 99-39B.(2)(c.),
28 by changing the time period for the Council to render its decision on an
29 appeal from a decision of the Planning and Zoning Commission from 60

30 days to 120 days from the receipt of the transcript. Deleted text is in
31 brackets. Additional text is underlined.

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 9th, 2023

Application: CU 2374 Jose Netto & Karyne DeSilva

Applicant: Jose Netto & Karyne DeSilva
36378 Tall Grass Court
Lewes, DE 19958

Owner: Jose Netto
36378 Tall Grass Court
Lewes, DE 19958

Site Location: Northwest side of John J Williams Hwy (Rt. 24), approximately 0.38-
miles southwest of Mulberry Knoll Rd. (S.C.R. 284)

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

Proposed Use: Esthetician Business to be operated within an existing residential
structure.

Comprehensive Land
Use Plan Reference: Commercial

Councilmanic
District: Mr. Mark Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Co.

Sewer: Sussex County Unified Sanitary Sewer District

Water: Sussex County

Site Area: 1 acre +/-

Tax Map ID.: 334-12.00-23.00



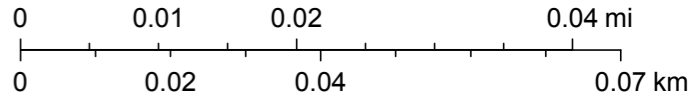
Sussex County



January 13, 2023

- | | | | | |
|-------------|---------------------------------|----------------------------------|-------------------------------|---------------------------|
| Override 1 | Zoning | High Density Residential - HR-2 | General Commercial - C-2 | Marine - M |
| Override 1 | Agricultural Residential - AR-1 | Vacation, Retire, Resident - VRP | General Commercial - C-3 | Limited Industrial - LI-1 |
| Tax Parcels | Agricultural Residential - AR-2 | Neighborhood Business - B-1 | General Commercial - C-4 | Light Industrial - LI-2 |
| 911 Address | Medium Residential - MR | Neighborhood Business - B-2 | General Commercial - C-5 | Heavy Industrial - HI-1 |
| Streets | General Residential - GR | Business Research - B-3 | Commercial Residential - CR-1 | County Boundaries |
| | High Density Residential - HR-1 | General Commercial - C-1 | Institutional - I-1 | |

1:1,128



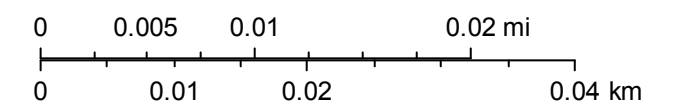
Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing



PIN:	334-12.00-23.00
Owner Name	NETTO JOSE
Book	5521
Mailing Address	36378 TALL GRASS CT
City	LEWES
State	DE
Description	NW/JOHN J WILLIAMS HWY
Description 2	N/A
Description 3	N/A
Land Code	

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







1:564



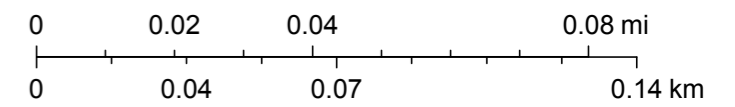
Sussex County



January 13, 2023

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

1:2,257



Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

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 and Zoning Commission Members
From: Mr. Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 23, 2023
RE: Staff Analysis for CU 2374 Jose Netto & Karyne DeSilva

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2374 Jose Netto & Karyne DeSilva to be reviewed during the February 9th, 2023, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 334-12.00-23.00, to allow for an esthetician business to be located off John J Williams Hwy (Rt. 24), Lewes, Delaware. The property is lying on the west side of John J Williams Highway, approximately 0.38-miles southeast of the intersection of John J Williams Highway and Mulberry Knoll Road (S.C.R. 284). The parcel consists of 0.28-acres +/-.

Comprehensive Plan Analysis

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 "Commercial Area." The adjoining parcels to the west and east also has a Future Land Use Map designation of "Commercial Area". The parcels to the south across John J Williams Highway (Rt. 24) also have a Future Land Use Map designation of "Commercial".

Commercial Areas 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 adjoining parcel to the north of the subject parcels contains the Future Land Use Map designation of "Coastal Area" and "Commercial".



As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided 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 also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the north, west, and east of the subject property are zoned Agricultural Residential (AR-1) District. The parcels to the south of the subject property, on the opposite side of John J Williams Highway, are also zoned Agricultural Residential (AR-1) District.

Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been five (5) Conditional Use applications within a half (0.5) mile radius of the application site. Five (5) out of the five (5) applications were approved by the County Council, while one (1) of the five (5) has yet to receive an official Ordinance Number. Below is a table with the five applications and their associated information.

Conditional Use No.	Applicant	Use	Zoning	CC Approval Date	Ordinance No.
2318	V & M, LLC	Convenience store & Office building	AR-1	5/17/2022	N/A
2240	Tidewater Utilities Inc.	Elevated Storage Tank	AR-1	11/10/2020	2751
2059	Julie Norwood	Beauty Salon	AR-1	10/25/2016	2478
2016	Cape Henlopen School District	Elementary School	AR-1	6/16/2015	2402
2015	Delaware Division of Facilities Management	Public Service Facility (State Police Troop)	AR-1	6/16/2015	2401

Based on the analysis provided, the Conditional use to allow for an esthetician business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

File #: CU 2374

20220847

RECEIVED

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

JUN 08 2022

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

20036 John J. Williams Hwy, Lewes, DE 19958

Type of Conditional Use Requested:

For operation of an Esthetician Business to be operated in part of the existing residential structure pursuant to Section 115-22 of the Code.

Tax Map #: 334-12.00-23.00 Size of Parcel(s): 1 acre +/-

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

Land Use Classification: Commercial/ Coastal Area

Water Provider: ? Sewer Provider: Sussex County

Applicant Information

Applicant Name: Jose Netto & Karyne DeSilva and/or assigns

Applicant Address: 36378 Tall Grass Court

City: Lewes State: DE Zip Code: 19958

Phone #: (443) 497-9204 E-mail: netto.21@aol.com

Owner Information

Owner Name: Jose Netto

Owner Address: 36378 Tall Grass Court

City: Lewes State: DE Zip Code: 19958

Phone #: (443) 497-9204 E-mail: netto.21@aol.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC c/o Mackenzie Pect, Esq.

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

City: Lewes State: DE Zip Code: 19958

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



Check List for Sussex County Planning & Zoning Applications

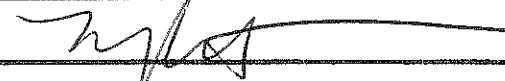
The following shall be submitted with the application

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

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

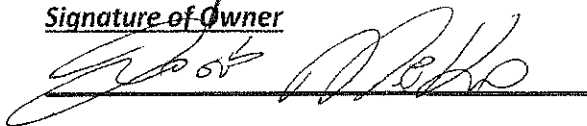
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 6/3/22

Signature of Owner



Date: 6/03/22

For office use only:

Date Submitted: 6/8/22

Fee: \$500.00 Check #: 6244

Staff accepting application: AL

Application & Case #: 202208417

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 20036 John J. Williams IIwy, Lewes, DE 19958

Parcel #: 334-12.00-23.00

Site Address: See above

Parcel #: _____

Applicant Name: Jose Netto & Karyne DaSilva and/or assigns

Owner Name: Jose Netto

Type of Application:

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

Date Submitted: 6/3/22

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____

File #: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Jose Netto & Karyne DaSilva and/or assigns
Applicant Address: 36378 Tall Grass Court
City: Lewes State: DE Zip: 19958
Phone #: (443) 497-9204 E-mail: netto.21@aol.com

Owner Information

Owner Name: Jose Netto
Owner Address: 36378 Tall Grass Court
City: Lewes State: DE Zip: 19958
Phone #: (443) 497-9402 E-mail: netto.21@aol.com

Engineer/Surveyor Information

Engineer/Surveyor Name: Foresight Services
Engineer/Surveyor Address: 2103A Coastal Highway
City: Dewey Beach State: DE Zip: 19971
Phone #: (302) 226-2229 E-mail: Stephen@foresightservices.com

Agent/Attorney Information

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

Other

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





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

NICOLE MAJESKI
SECRETARY

April 27, 2022

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Jose Netto & Karyne DaSilva** proposed land use application, which we received on April 1, 2022. This application is for an approximately 0.29- acre parcel (Tax Parcel: 334-12.00-23.00). The subject land is located on the northwest side of John J. Williams Highway (Delaware Route 24) approximately 1,900 feet south of the intersection with Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval to operate an esthetician business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J Williams Highway from Warrington Road (Sussex Road 275) to Camp Arrowhead Road (Sussex Road 279), are 19,793 and 25,451 vehicles per day, respectively.

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 DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DeIDOT'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. DeIDOT'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.

However, the subject development is located in the Henlopen Transportation Improvement District (TID), adopted by DeIDOT and Sussex County in accordance with Section 2.4 of the



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

Development Coordination Manual. The intent of the TID is to plan comprehensively and thereby to enable both land development and the transportation improvements needed to support it. For developments that are consistent with the Land Use and Transportation Plan (LUTP) developed for the TID, the applicant is required to pay a fee in lieu of doing a TIS and making off-site improvements in accordance therewith. The proposed development is consistent with the LUTP, therefore, the developer will be required to pay the TID fee as stated above if there is new building square footage. Any improvements required by DeIDOT beyond the site entrance construction will be creditable toward the fee.

The applicant should contact Ms. Sarah Coakley, Principal Planner in DeIDOT's Regional Systems Planning Section, for information regarding the TID and the associated fees. Ms. Coakley may be reached at Sarah.Coakley@delaware.gov or (302) 760-2236.

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 Annamaria.Furrato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Jose Netto & Karyne DaSilva, Applicant
Michael Lowrey, Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Sarah Coakley, Principal Planner, Regional Systems Planning Section,
T. William Brockenbrough, County Coordinator, 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
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: **1/13/2022**

APPLICATION: **CU 2374 Jose Netto & Karyne DeSilva**

APPLICANT: **Jose Netto & Karyne DeSilva**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **334-12.00-23.00**

LOCATION: **Northwest side of John J. Williams Highway (Rt. 24),
approximately 0.38 miles southwest of Mulberry Knoll Road
(SCR 284)**

NO. OF UNITS: **Esthetician Business to be operated within an existing
residential structure**

GROSS
ACREAGE: **1.0**

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? **Choose an item.** If yes, how many? **Click or tap here to enter text..** Is it likely that additional SCCs will be required? **Choose an item.**

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

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

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

(7). Is project adjacent to the Unified Sewer District? **N/A**

(8). Comments: **Applicant will need to install valve and lateral to connect to forcemain to obtain service and operate and maintain a privately owned grinder pump.**

(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:

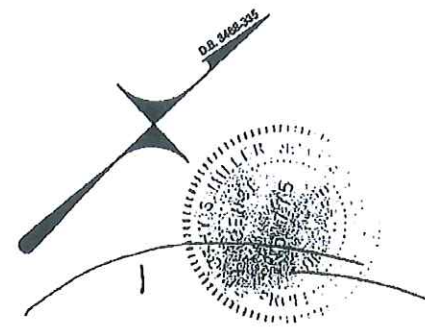
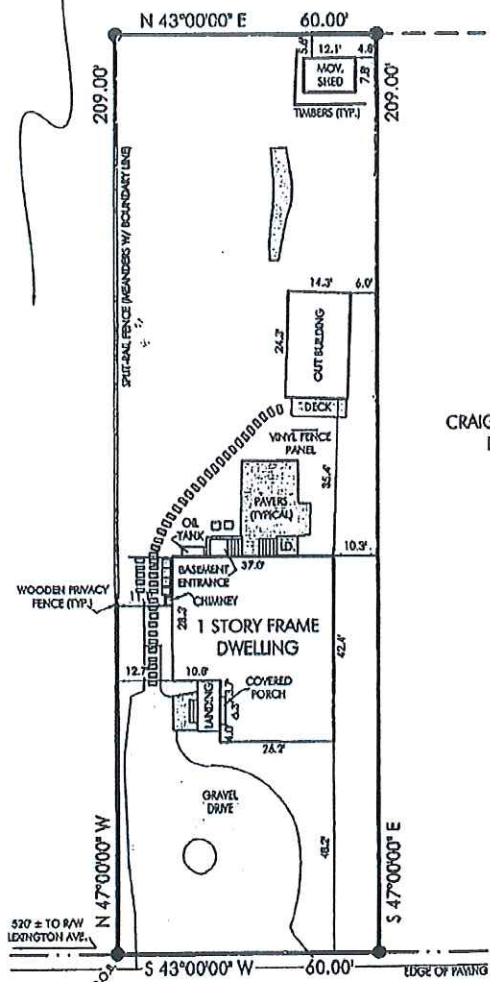


John J. Ashman
Director of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Christine Fletcher

T.M. #3-34-12.00-23.00

LANDS N/F
J.G. TOWNSEND, JR. & CO.



LEGEND:
● IRON PIPE (FOUND)

NOTES:
ALL RESTRICTIONS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY. THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, EIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED. SURVEY CLASS: SUBURBAN

LANDS N/F
CRAIG & ERINANN BEEBE
D.B. 5332-215

**BOUNDARY SURVEY PLAN FOR
JOSE NETTO**
TOTAL AREA: 12,540 SQ. FT.
DEED REFERENCE: BOOK 3488, PAGE 335
20036 JOHN J. WILLIAMS HIGHWAY, LEWES
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
FEBRUARY 14, 2022 SCALE: 1" = 30'

JOHN J. WILLIAMS HIGHWAY / ROUTE 24
(R/W VARIES)

Prepared by:
FORESIGHT Services
Surveying & Precision Measurement

302 226 2237 phone 302 226 2239 fax 2102A Coastal Highway Dewey Beach, DE 19921



BAIRD
MANDALAS
BROCKSTEDT LLC

Exhibit A

Property and Deed Information

PARID: 334-12.00-23.00
 NETTO JOSE

ROLL: RP
 20036 JOHN J WILLIAMS HWY

Property Information

Property Location: 20036 JOHN J WILLIAMS HWY
 Unit:
 City: LEWES
 Zip: 19958
 State: DE
 Class: RES-Residential
 Use Code (LUC): RS-RESIDENTIAL SINGLE FAMILY
 Town: 00-None
 Tax District: 334 - LEWES REHOBOTH
 School District: 6 - CAPE HENLOPEN
 Council District: 3-Schaeffer
 Fire District: 82-Lewes
 Deeded Acres: .2879
 Frontage: 60
 Depth: 209.000
 Irr Lot:
 Plot Book Page: /PB
 100% Land Value: \$3,000
 100% Improvement Value: \$23,100
 100% Total Value: \$26,100

Legal

Legal Description: HWY LEWES TO MILLS
 VIA LOVE CREEK BR

Owners

Owner	Co-owner	Address	City	State	Zip
NETTO JOSE		36378 TALL GRASS CT	LEWES	DE	19958

Sales

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
03/11/2022	5660/301	\$355,000.00			NETTO JOSE
08/22/2007	3488/335	\$235,000.00	\$3,525.00	0	
05/23/1998	/	\$75,000.00	\$1,500.00	0	

Owner History

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	NETTO JOSE		36378 TALL GRASS CT	LEWES	DE	19958	5660/301
2021	NETTO JOSE		36378 TALL GRASS CT	LEWES	DE	19958	5660/301
2020	BRITTON JAMIE	LAYLA BRITTON	41 BUGLER DR	NEW OXFORD	PA	17350	3488/335
2019	BRITTON JAMIE	LAYLA BRITTON	41 BUGLER DR	NEW OXFORD	PA	17350	3488/335
2018	BRITTON JAMIE	LAYLA BRITTON	41 BUGLER DR	NEW OXFORD	PA	17350	3488/335
2017	BRITTON JAMIE	LAYLA BRITTON	41 BUGLER DR	NEW OXFORD	PA	17350	3488/335
2012	BRITTON JAMIE		LAYLA BRITTON 41 BUGLER DR	NEW OXFORD	PA	17350	3488/335
2008	BRITTON JAMIE LAYLA BRITTON		41 BUGLER DR	NEW OXFORD	PA	17350	3488/335
2007	ROTH PAUL R CATHERINE ROTH		20036 JOHN J WILLIAMS HWY	LEWES	DE	19958	3357/249
2006	ROTH PAUL R		147 ROUTE 24	LEWES	DE	19958	2200/180
1900	LLEWELLYN DAVID W MAE D					0	467/370

Land

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RS	60	209	.2879	

Land Summary

Line 1
100% Land Value 3,000

Residential

Card 1
Class Residential
Style Single Family
Year Built 1956
Occupancy 1
Stories 1.00
Basement 0-None
Total Fixtures 3
Heating 54 - Heat - Steam/Hot Water
Air Condition DN - A/C None
Electricity 3-Public
Foundation 31 - Foundation - Masonry
Exterior Wall 1-Frame or Block
Siding 3-Aluminum/Vinyl
Roof Type 2-Gable
Roofing 21 - Roofing - Wood
Elevator -
Width
Depth/Length
Color
Description
MH Skirting
MH Permit #
MH Serial #

Additions

Card #	Addition #	Area
1	0	1,036
1	1	212
1	2	136
1	3	56

Addition Details

1 of 4

Card # 1
Addition # 0
Lower -
First -
Second -
Third -
Area 1,036
Year Built 1956

Outbuildings

Card	Line #	Code	Width	Length	Diameter	Area
1	1	UA3-UTILITY AVG 201-300	20	14	0	280

100% Values

100% Land Value	100% Improv Value	100% Total Value
\$3,000	\$23,100	\$26,100

50% Values

50% Land Value	50% Improv Value	50% Total Value

\$1,500

\$11,550

\$13,050

Permit Details

Permit Date:	Permit #:	Amount:	Note 1
09-APR-2008	67712-5	\$0	GROUND SIGN-HWY LEWES-MILLSBORO
28-DEC-2007	67712-4	\$5,000	INTERIOR REMODEL-HWY LEWES-MILLS
16-MAY-2005	67712-2	\$25,368	ADDITION/DET BLDG-LOVE CREEK BR
16-MAY-2005	67712-3	\$0	ADDITION/DET BLDG-LOVE CREEK BR
13-OCT-1982	67712-1	\$7,000	ENCL. PORCH-W/24 2000' S/284

Electronically Recorded Document# 2022000012771 BK: 5660 PG: 301
Recorder of Deeds, Scott Dailey On 3/11/2022 at 2:36:16 PM Sussex County, DE
Consideration: \$355,000.00 County/Town: \$5,325.00 State: \$8,875.00 Total: \$14,200.00
Doc Surcharge Paid Town: SUSSEX COUNTY

TAX PARCEL #: 3-34 12.00 23.00
PREPARED BY:
Hudson Jones Jaywork & Fisher
309 Rehoboth Avenue
Rehoboth Beach, DE 19971
File No. NETTO-P-21/JPB

RETURN TO:
Jose Netto
36378 Tall Grass Court
Lewes, DE 19958

THIS DEED, made this 11th day of March, 2022,

- BETWEEN -

JAMIE BRITTON and LAYLA BRITTON, of 573 Spangler School Road, Gettysburg, PA 17325, parties of the first part,

- AND -

JOSE NETTO, of 36378 Tall Grass Court, Lewes, DE 19958, as sole owner, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and his 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 situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, lying on the Northwest side of Route 24, and being more particularly described according to a Boundary Survey Plan for Jose Netto prepared by Foresight Services Surveying and Precision Measurements, dated February 14, 2022, to wit:

BEGINNING at a point on the northwest side of Route 24 at a corner for this lot and for other lands now or formerly of Craig and Erinann Beebe, said point situate 580 feet, more or less, northwest of the intersection of John J. Williams Highway/Route 24 and Lexington Avenue, and being 15 feet northwest of the right of way line of the aforesaid John J. Williams Highway, Route 24; thence from this point of beginning running parallel with the right of way line of Route 24, South 43 degrees 00 minutes 00 seconds West 60.00 feet to a point, said point situate 520 feet, more or less, northwest of the intersection of John J. Williams Highway/Route 24 and Lexington Avenue, and being 15 feet northwest of the right of way line of the aforesaid John J. Williams Highway, Route 24; thence turning and running with the line of lands now or formerly

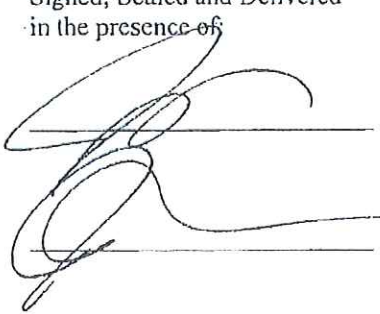
J.G. Townsend, Jr. & Co., North 47 degrees 00 minutes 00 seconds West 194.00 feet to a well point found; thence turning and containing to run with the aforesaid J.G. Townsend, Jr. & Co. lands North 43 degrees 00 minutes 00 seconds and 60.00 feet to iron pipe set; thence turning and running with the line of lands now or formerly of Craig and Erinann Beebe, South 47 degrees 00 minutes 00 seconds East 194.00 feet to the pipe found at the point and place of beginning, said to contain 11,640 square feet of land, more or less, together with any and all improvements located thereon.

BEING the same property conveyed to Jamie Britton and Layla Britton from Paul R. Roth and Catherine Roth, by deed dated August 20, 2007, and recorded on August 22, 2007, in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.


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

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

Signed, Sealed and Delivered
in the presence of



A large, stylized handwritten signature in black ink, positioned above a horizontal line.



A handwritten signature in black ink, positioned above a horizontal line.

Jamie Britton (SEAL)



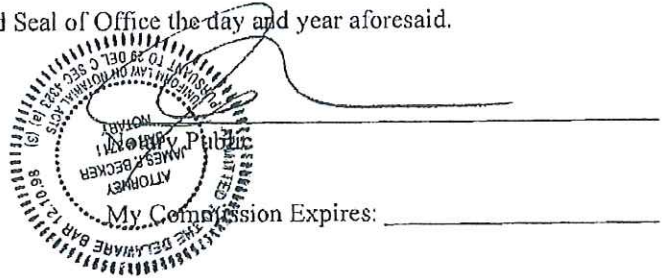
A handwritten signature in black ink, positioned above a horizontal line.

Layla Britton (SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 7, 2022, personally came before me, the subscriber, Jamie Britton and Layla Britton, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



A circular notary seal for James Beckner, Attorney, with a handwritten signature over it. Below the seal is the text "My Commission Expires:" followed by a blank line.

My Commission Expires: _____



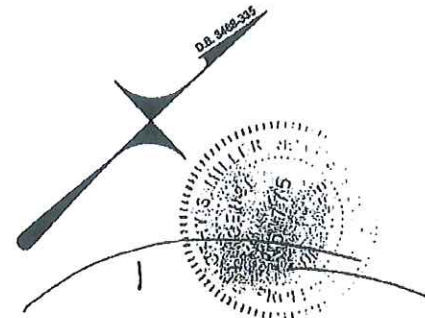
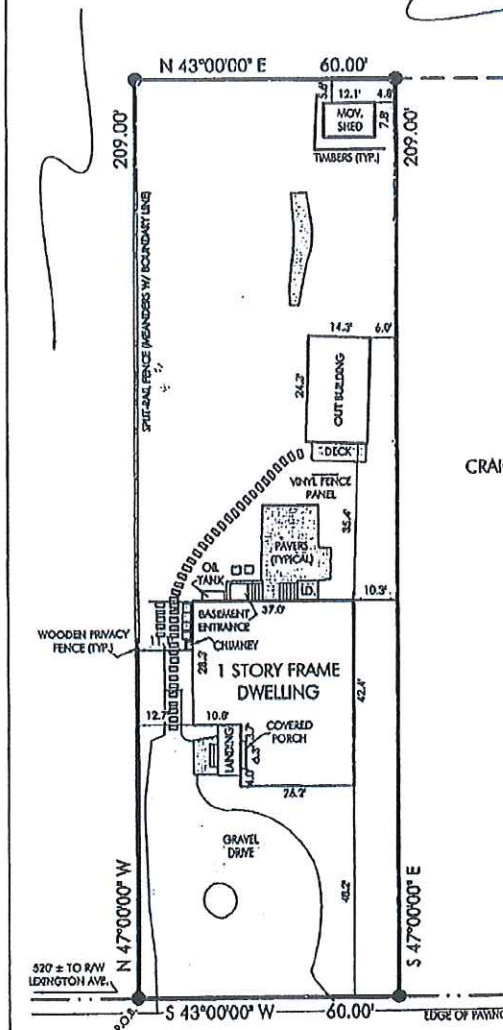
BAIRD
MANDALAS
BROCKSTEDT LLC

Exhibit B

Survey

T.M. #3-34-12.00-23.00

LANDS N/F
J.G. TOWNSEND, JR. & CO.



LEGEND:

● IRON PIPE (FOUND)

NOTES:

ALL RESTRICTIONS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CONTACT SUSSEX COUNTY. THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY. NO TITLE SEARCH PROVIDED OR STIPULATED. SURVEY CLASS: SUBURBAN

LANDS N/F
CRAIG & ERINANN BEEBE
D.B. 5332-215

**BOUNDARY SURVEY PLAN FOR
JOSE NETTO**
TOTAL AREA: 12,540 SQ. FT.
DEED REFERENCE: BOOK 3488, PAGE 335
20036 JOHN J. WILLIAMS HIGHWAY, LEWES
LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
FEBRUARY 14, 2022 SCALE: 1" = 30'

JOHN J. WILLIAMS HIGHWAY / ROUTE 24
(R/W VARIES)

Prepared by:

FORESIGHT Services

Surveying & Precision Measurement

302 226 2227 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971



BAIRD
MANDALAS
BROCKSTEDT LLC

Exhibit C

Zoning Code

Chapter 115. Zoning

Article IV. AR-1 and AR-2 Agricultural Residential Districts

§ 115-22. Conditional uses.

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

Agricultural related industry, provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment

[Added 1-27-2004 by Ord. No. 1658]

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

Aquariums, commercial

Beaches, commercial

Biotech campus

[Added 1-27-2004 by Ord. No. 1659]

Biotech industry not located within a biotech campus provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment.

[Added 1-27-2004 by Ord. No. 1659]

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

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See § 115-172B.)

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

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

Land application of sludge, treated sludge or any product containing these materials. For purposes of this section, "sludge" means the accumulated semiliquid suspension, settled solids or dried residue of these solids that is deposited from liquid waste in a wastewater treatment plant or surface or ground waters treated in a water treatment plant, whether or not these solids have undergone treatment. "Septage" is included herein as sludge. "Land application" means the placement of sludge, treated sludge or any other product containing these materials within two feet below the surface of land used to support vegetative growth.

[Added 5-8-1990 by Ord. No. 681]

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of this chapter when:

[Added 7-31-2007 by Ord. No. 1920]

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and
[Amended 5-21-2019 by Ord. No. 2656]
- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in the application, shall not exceed four dwelling units per gross acre, including land set aside for common

- open space and/or recreational uses; and
- F. The minimum percentage of the total site which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
- (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
 - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
 - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
 - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
 - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a manner that the dwelling units appear more green and less dense than if no landscaping had been required; and
 - (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
 - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as a conditional use under any other provision of this section which existed prior to the date of this amendment; and
- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to cluster developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

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

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Parks or campgrounds for mobile campers, tents, camp trailers, touring vans and the like

Private clubs

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 or substations, but not telephone central offices

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

[Added 4-6-2004 by Ord. No. 1677^[1]]

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 § 115-20 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

Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops

Structures for commercial poultry raising on farms of less than five acres

Swimming or tennis clubs, private, nonprofit or commercially operated

[1] *Editor's Note: This entry was previously repealed 1-27-2004 by Ord. No. 1658.*



BAIRD
MANDALAS
BROCKSTEDT LLC

Exhibit D

Aerial Maps

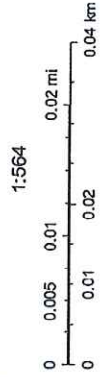


Sussex County



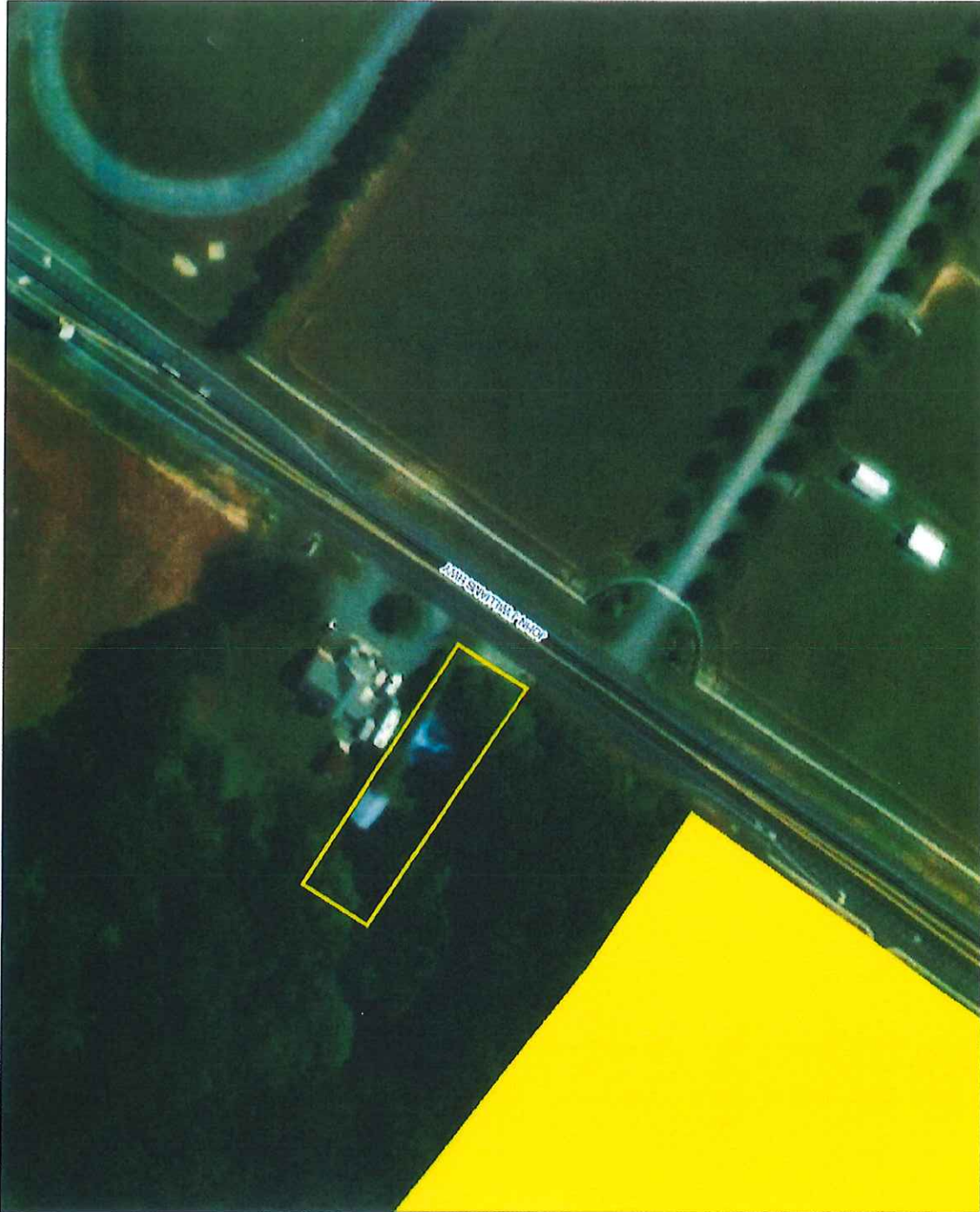
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Book	5660
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City	LEWES
State	DE
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Description 2	VIA LOVE CREEK BR
Description 3	N/A
Land Code	

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- Tax Parcels
- 911 Address
- Streets
- County Boundaries



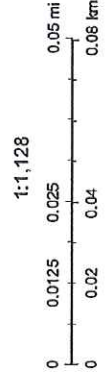


Sussex County



Owner Name	NETTO JOSE
Book	5660
Mailing Address	36378 TALL GRASS CT
City	LEWES
State	DE
Description	HWY LEWES TO MILLS
Description 2	VIA LOVE CREEK BR
Description 3	N/A
Land Code	

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 — Streets



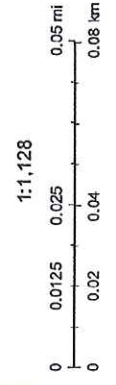


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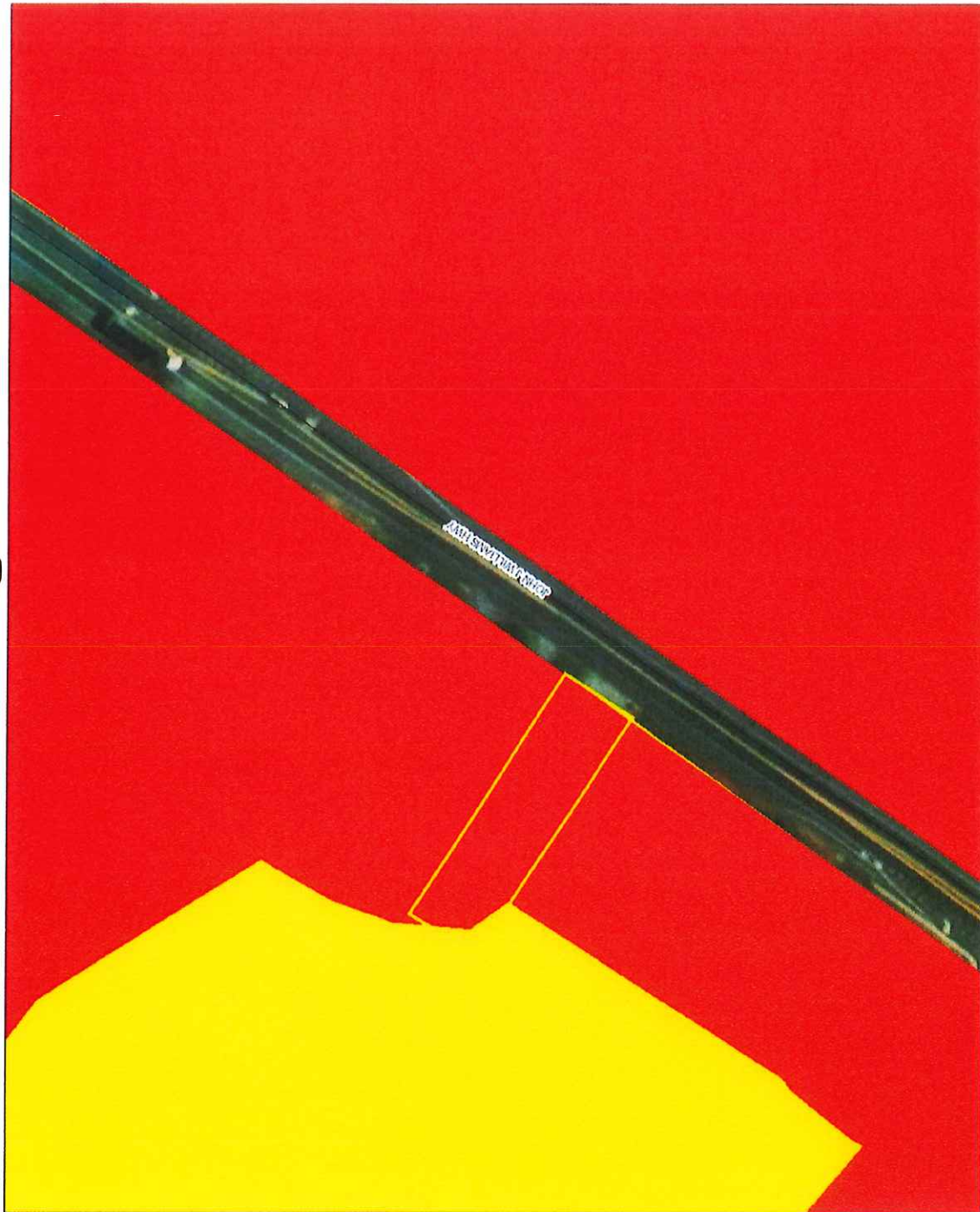
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Land Code	

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- County Boundaries
- Conditional Use



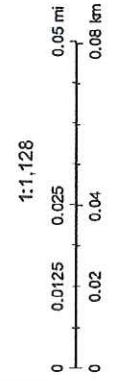


Sussex County



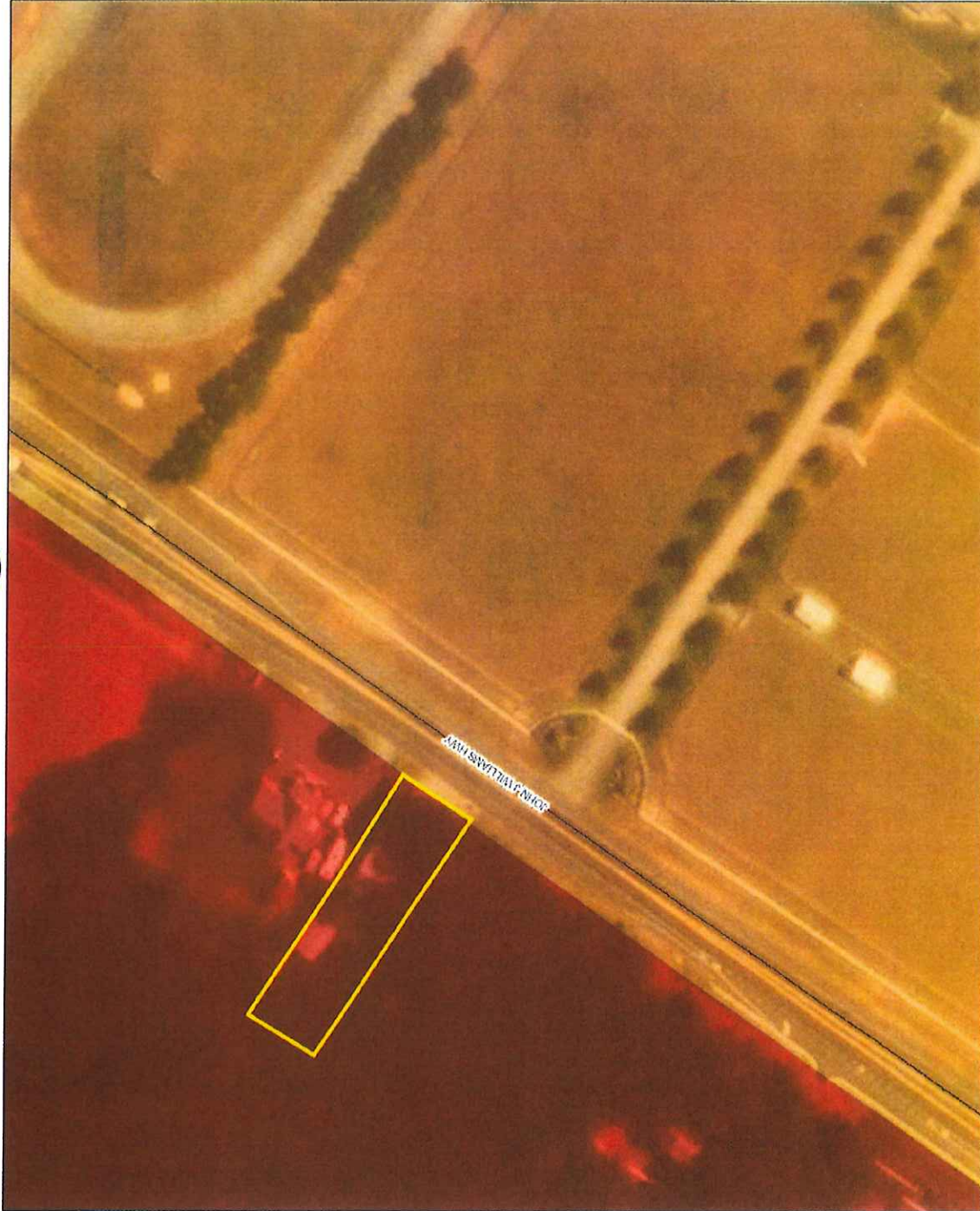
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Book	5660
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State	DE
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Land Code	

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- County Boundaries
- 2019 Future Land Use
 - Low Density
 - Coastal Area
 - Commercial
 - Developing Area
 - Existing Development Area
 - Industrial
 - Municipalities
 - Town Center



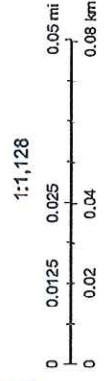


Sussex County



PIN	334-12 00-23 00
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Book	5660
Mailing Address	36378 TALL GRASS CT
City	LEWES
State	DE
Description	HWY LEWES TO MILLS
Description 2	VIA LOVE CREEK BR
Description 3	N/A
Land Code	

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



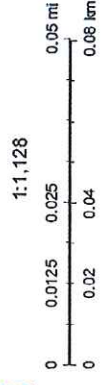


Sussex County



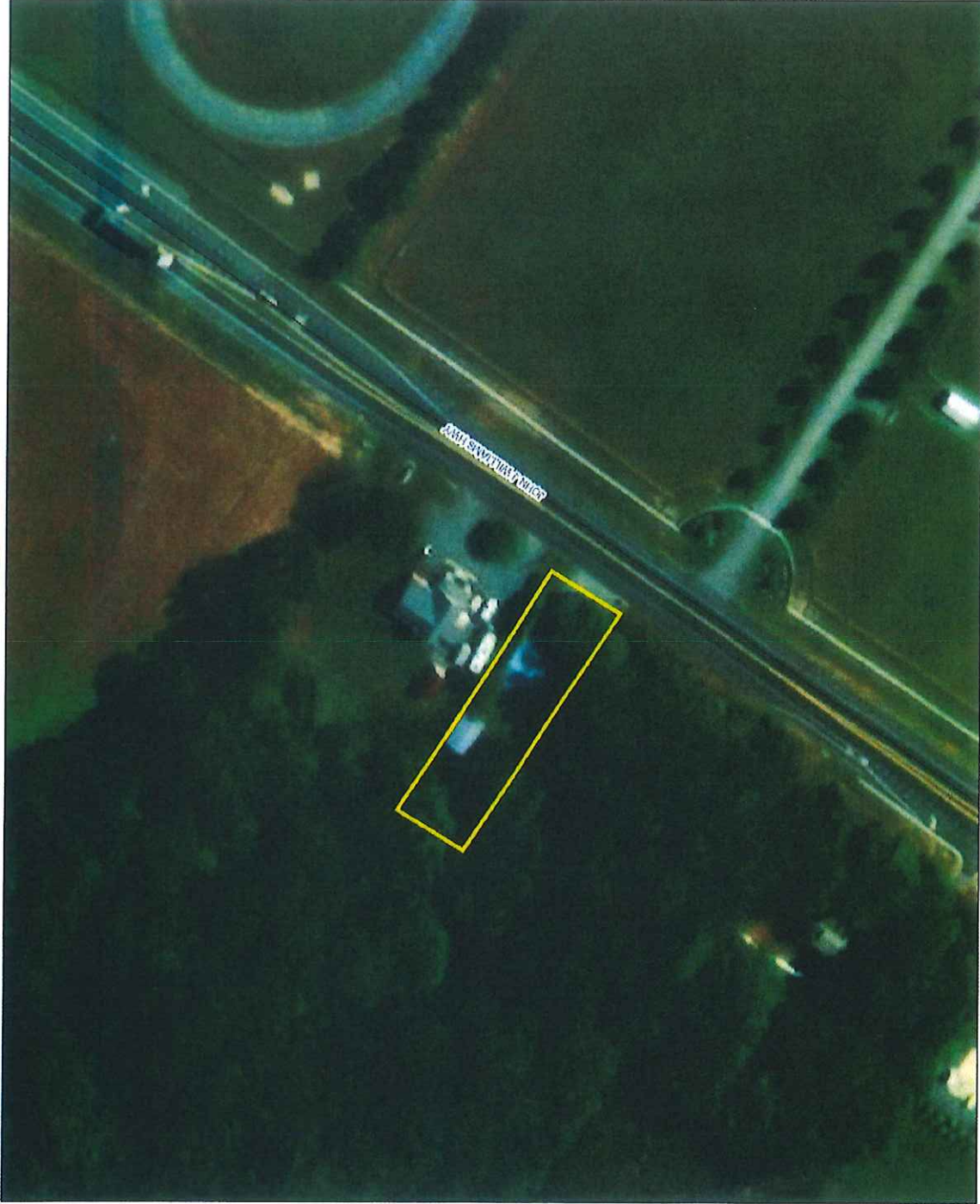
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- Wastewater CPCN



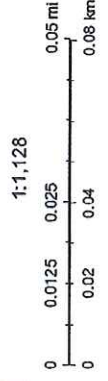


Sussex County



PIN	334-12 00-23 00
Owner Name	NETTO JOSE
Book	5660
Mailing Address	36378 TALL GRASS CT
City	LEWES
State	DE
Description	HWY LEWES TO MILLS
Description 2	VIA LOVE CREEK BR
Description 3	N/A
Land Code	

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- County Council Districts
- District 01
- District 02
- District 03
- District 04
- District 05
- County Boundaries

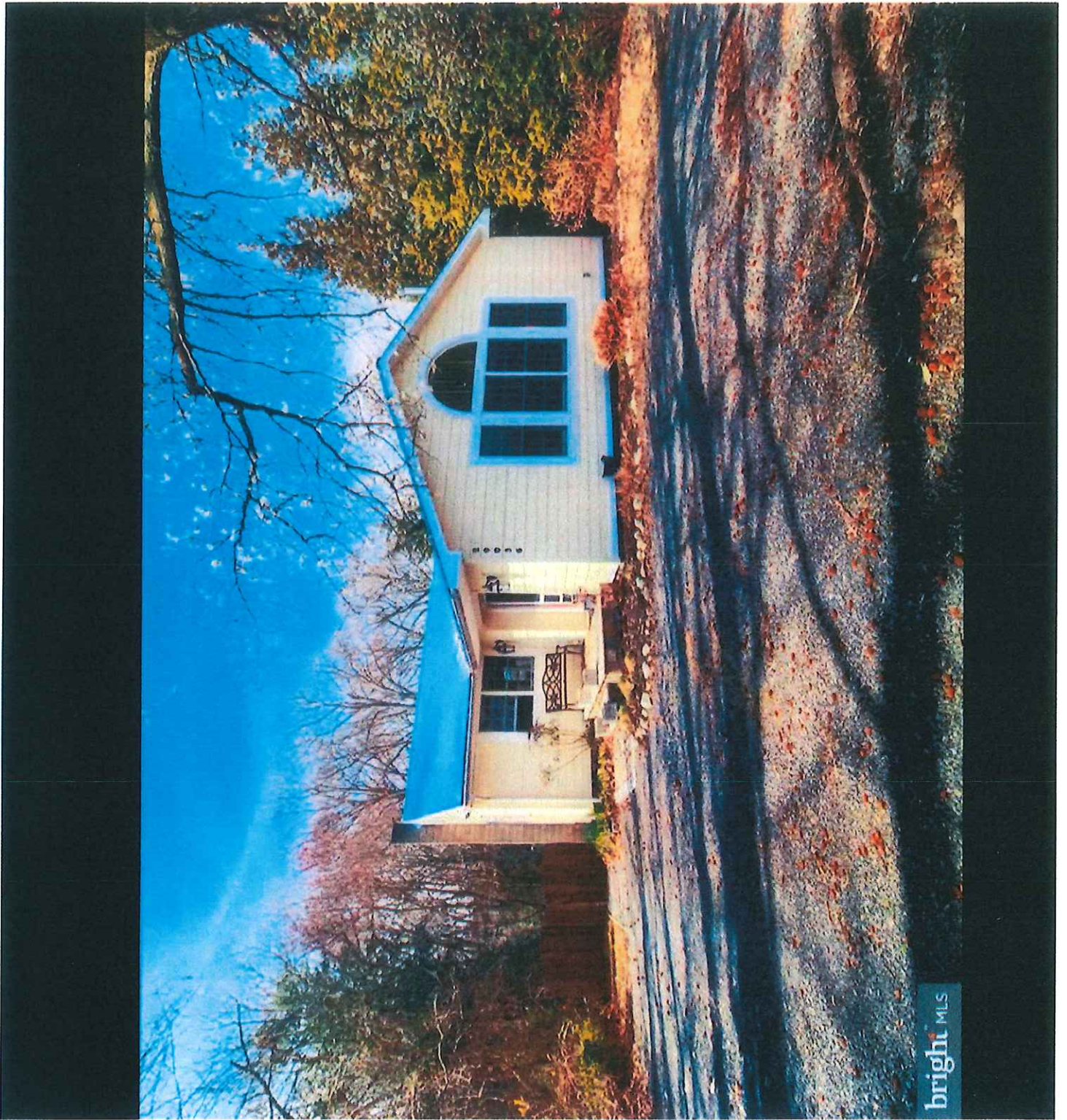




BAIRD
MANDALAS
BROCKSTEDT LLP

Exhibit E

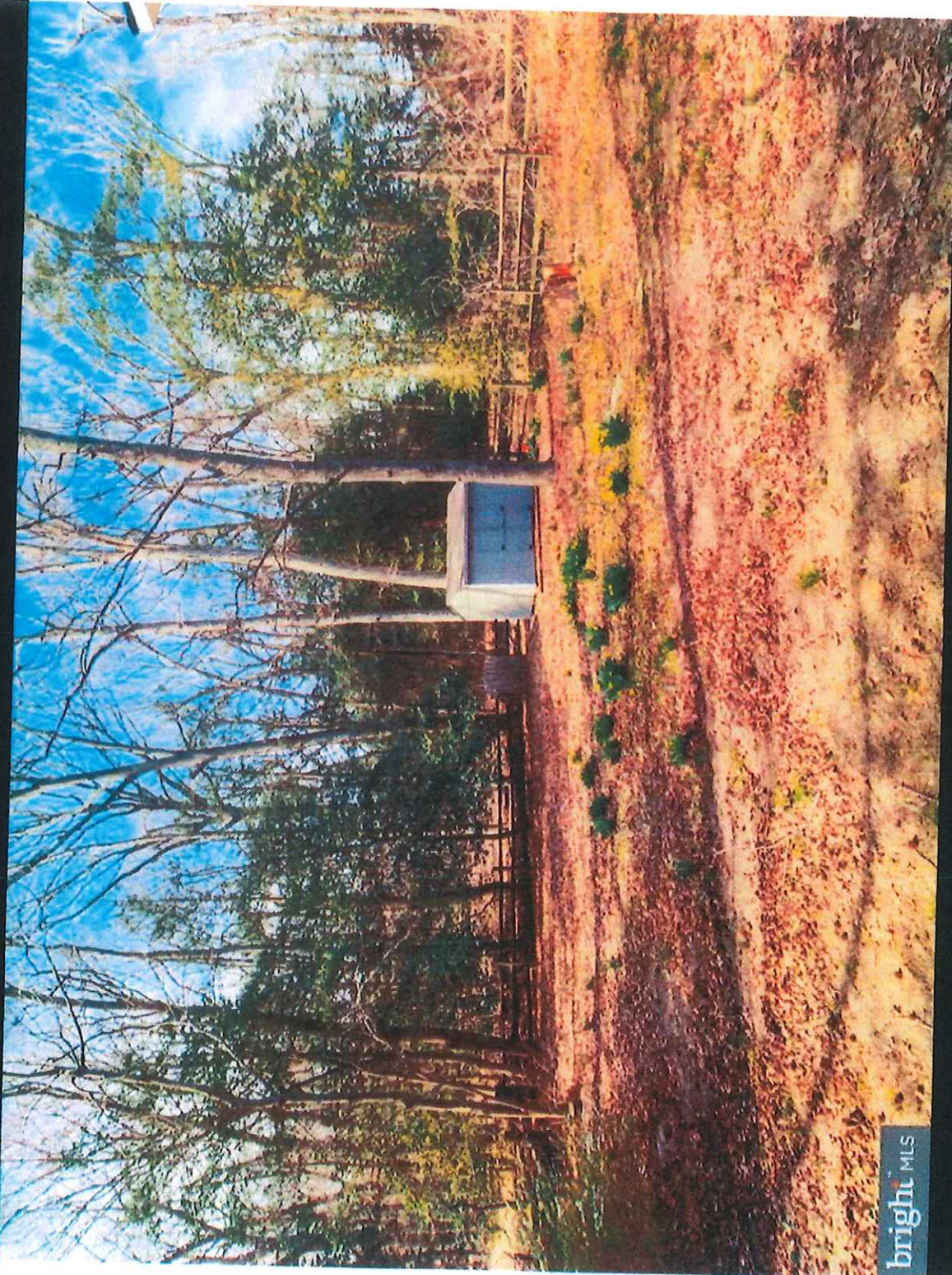
Property Images



brighiTM MLS



bright MLS



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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sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 9th, 2023

Application: CU 2376 Jose Hernandez

Applicant: Jose Hernandez
23086 Hollyville Road
Harbeson, DE 19951

Owner: Gustavo Hernandez
1 Neurys Lane
Newark, DE 19702

Site Location: North side of Hollyville Road (S.C.R. 48), approximately 0.28-miles southwest of the four-way intersection of Harbeson Road (Rt. 5), Indian Mission Road (Rt. 5), Hollymount Road (S.C.R. 48) and Hollyville Road.

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

Proposed Use: Operation of an existing pool company known as Pool Stars, LLC.

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. John Rieley

School District: Sussex Central School District

Fire District: Millsboro Fire Co.

Sewer: Private On-site Septic

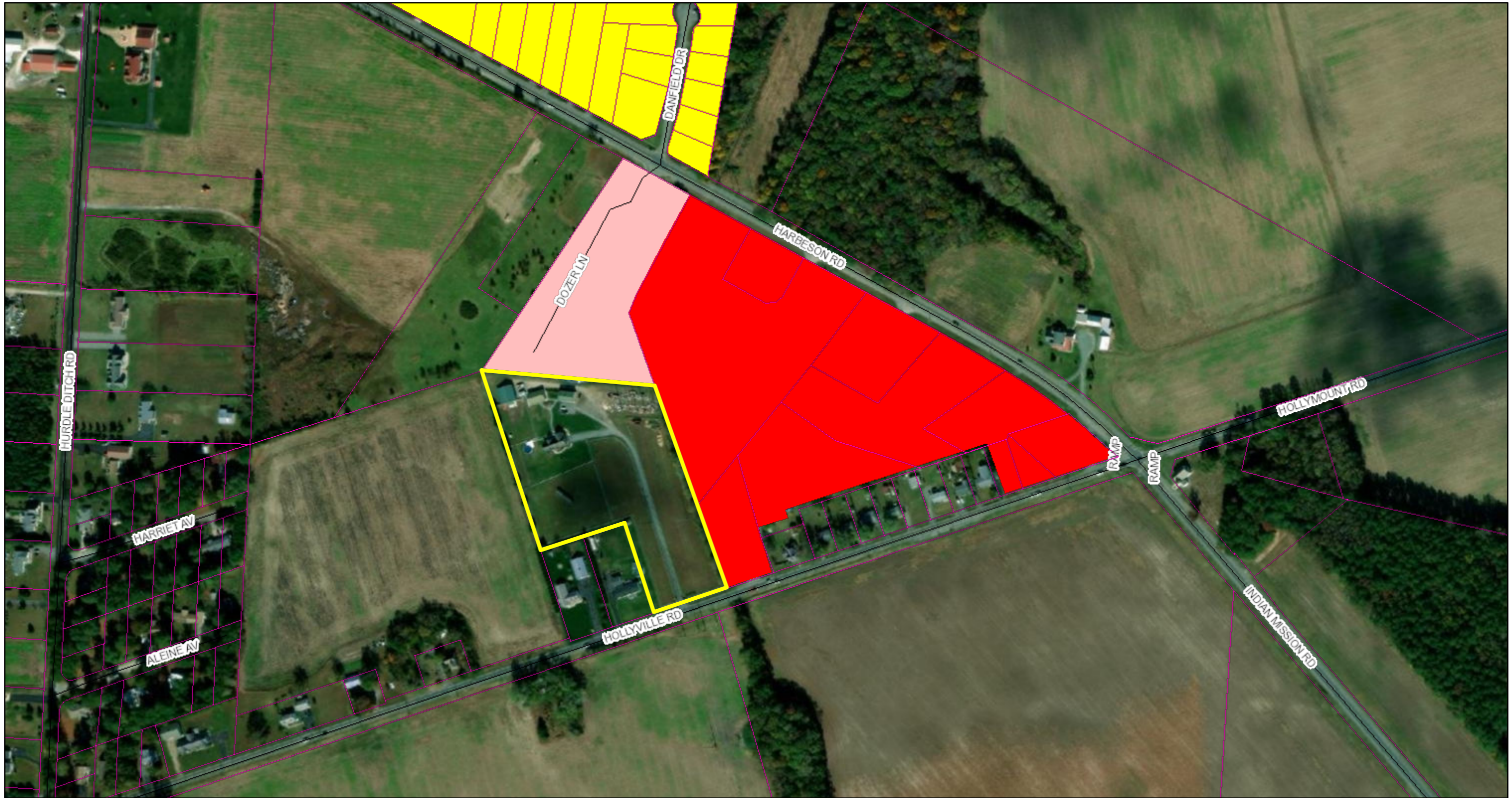
Water: Private Well

Site Area: 6.56-acres +/-

Tax Map ID.: 234-10.00-70.03



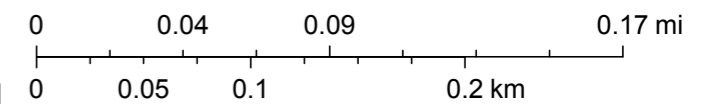
Sussex County



January 13, 2023

- | | | | | |
|---------------------------------|----------------------------------|-----------------------------|-------------------------------|-------------------------|
| Override 1 | Agricultural Residential - AR-2 | Neighborhood Business - B-1 | General Commercial - C-4 | Light Industrial - LI-2 |
| Override 1 | Medium Residential - MR | Neighborhood Business - B-2 | General Commercial - C-5 | Heavy Industrial - HI-1 |
| Tax Parcels | General Residential - GR | Business Research - B-3 | Commercial Residential - CR-1 | County Boundaries |
| Streets | High Density Residential - HR-1 | General Commercial - C-1 | Institutional - I-1 | |
| Zoning | High Density Residential - HR-2 | General Commercial - C-2 | Marine - M | |
| Agricultural Residential - AR-1 | Vacation, Retire, Resident - VRP | General Commercial - C-3 | Limited Industrial - LI-1 | |

1:4,514



Sussex County, Sussex County Government, Maxar



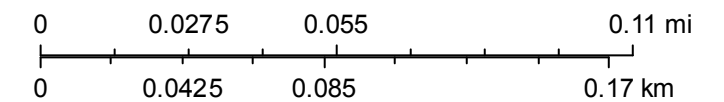
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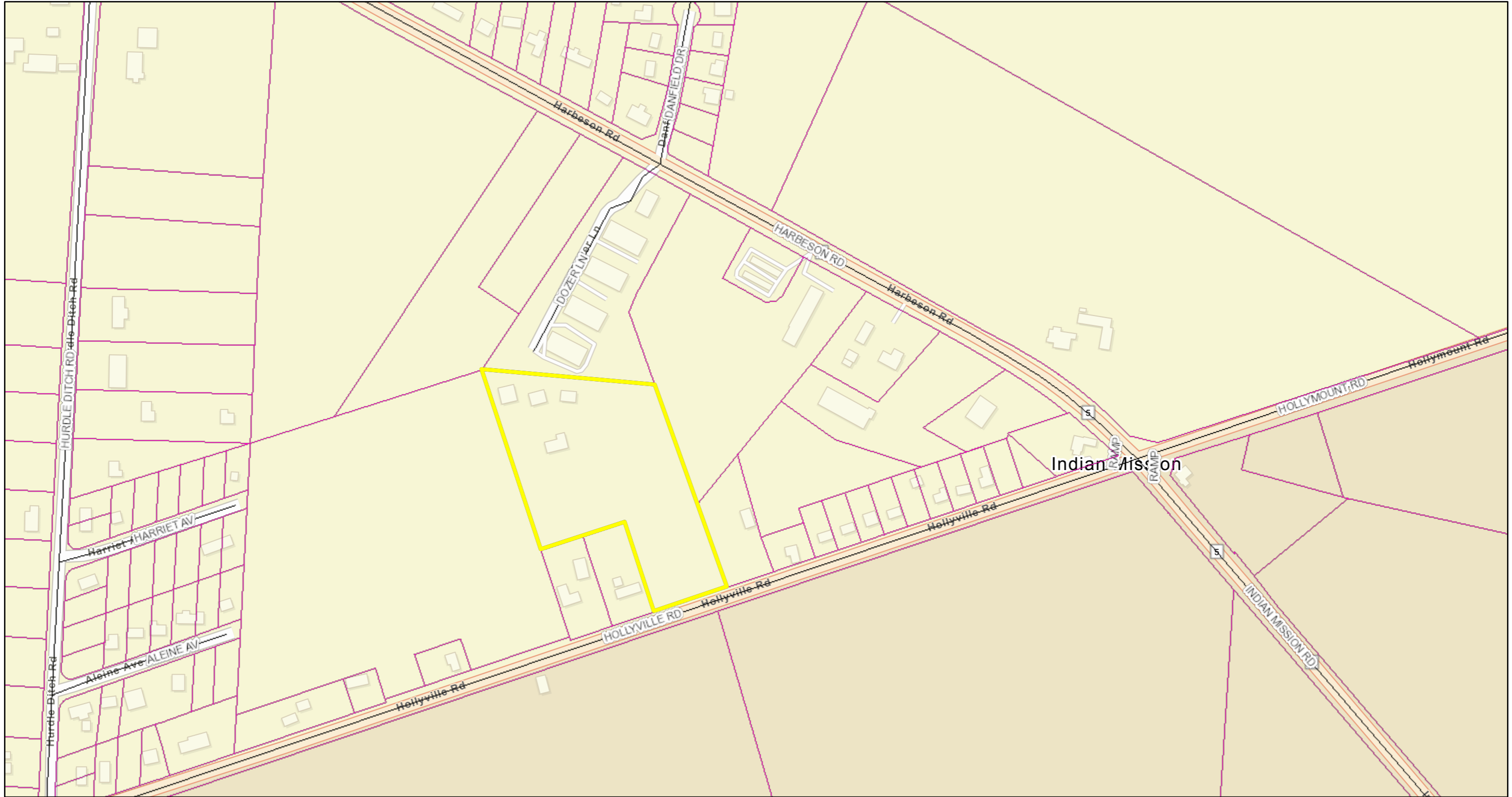
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Book	5016
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City	HARBESON
State	DE
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Description 2	1270'W/RT 5
Description 3	N/A
Land Code	

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- 911 Address
- Streets
- County Boundaries

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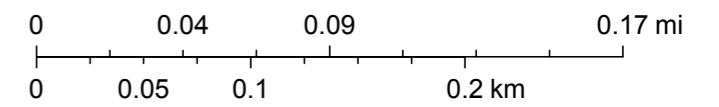
Sussex County



January 13, 2023

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

1:4,514



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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 and Zoning Commission Members
From: Mr. Elliott Young, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 24, 2023
RE: Staff Analysis for CU 2376 Jose Hernandez

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2376 Jose Hernandez to be reviewed during the February 9th, 2023, Planning and Zoning 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: 234-10.00-70.03, to allow for a swimming pool business to be located off Hollyville Road (S.C.R. 48), Harbeson, Delaware. The property is lying on the North side of Hollyville Road, approximately 0.39-miles northeast of the intersection of Hollyville Road and Hurdle Ditch Road (S.C.R. 290). The parcel consists of 6.56-acres +/-.

Comprehensive Plan Analysis

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 "Low Density". The surrounding and adjacent parcels to the north, south and west also contain the "Low Density" Future Land Use Map designation.

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density areas are intended to support agricultural uses and low-density single-family housing. Specifically, the Comprehensive Plan states that single family homes have a density of up to two dwelling units to the acre. It is envisioned that the Low-Density Areas allow for businesses that support nearby residents and the agricultural economy. More intense commercial uses could be limited in scale and impact. While residential growth is expected, the Comprehensive Plan intends for the rural landscape to be maintained and for farmland to be preserved in select locations.

The adjoining parcel to the east and surrounding parcels to the northeast of the subject parcel contain the Future Land Use Map designation of "Commercial".

Commercial Areas 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.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the south and west of the subject property are zoned Agricultural Residential (AR-1) District. The parcel to the north of the subject property is zoned Neighborhood Business (B-1) District and the parcels to the east of the subject property are zoned General Commercial (C-1) District.

Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been seven(7) Conditional Use applications within a mile radius of the application site. Two (2) out of the seven (7) applications were approved by the County Council, while three (3) of the seven (7) were either withdrawn before Commission or Council. The remaining two (2) application have yet to be heard by the County Council. Below is a table with the seven applications and their associated information.

Conditional Use No.	Applicant	Use	Zoning	CC Approval Date	Ordinance No.
2370	William & Carol Emmert	Amendment to CU 1334 for additional building	AR-1	N/A	N/A
2367	Attack Addiction Foundation	Housing for people with disabilities	AR-1	N/A	N/A
2266	MDO Dreamlands, LLC	Hardscaping, decking company, small dumpster rentals	AR-1	Withdrawn	N/A
2238	Michael Parsons	Go-cart track/go-cart repair/sales shop/ concession	AR-1	Withdrawn	N/A
2118	John W. Davidson	Professional office with contractor storage	AR-1	3/20/2018	2570
1991	Cool Springs LL/ Highway One	Outdoor Entertainment Events w/temporary camping facilities during events only	AR-1	Withdrawn	N/A
1978	John W. Davidson	Professional Office w/contractor storage	AR-1	3/8/2014	2340

Based on the analysis provided, the Conditional use to allow for a swimming pool business in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

Application # 202208907

File #: CU 2376

202208907

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

23086 Hollyville Road, Harbeson, DE 19951

Type of Conditional Use Requested:

Applicant requests a conditional use of land for purposes of operating an existing pool company known as Pool Stars LLC on the property.

Tax Map #: 234-10.00-70.03

Size of Parcel(s): 6.56 acres

Current Zoning: AR-1

Proposed Zoning: AR-1w/CU Size of Building: existing buildings

Land Use Classification: low density

Water Provider: existing private well

Sewer Provider: existing private on-site septic system

Applicant Information

Applicant Name: Jose Hernandez

Applicant Address: 23086 Hollyville Road

City: Harbeson

State: DE

Zip Code: 19951

Phone #: _____

E-mail: poolstarsinfo@gmail.com

Owner Information

Owner Name: Gustavo Hernandez

Owner Address: 1 Neurys Lane

City: Newark

State: DE

Zip Code: 19702

Phone #: (302) 354-1969

E-mail: Hernandezland@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C. Burton, Esquire, Sergovic Carmean Weidman, et al.

Agent/Attorney/Engineer Address: 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.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.
- ___ 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.

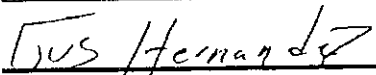
Signature of Applicant/Agent/Attorney



Jose Hernandez

Date: 6-15-22

Signature of Owner



Gustavo Hernandez

Date: 6-16-22

Gustavo Hernandez
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: _____

AFFIDAVIT

Jose Hernandez
Name of Applicant

Petition No.

The below listed persons are the true and lawful owners of all lands lying within two hundred (200) feet of all the boundaries of the property which is the subject of the above mentioned petitioner. I do solemnly swear that the names and addresses are true and correct and represent a complete listing of all owners of lands within two hundred (200) feet of the subject property which is the subject of this petition.

Name: Paul & Patricia L. Diantonio
Address: 33276 Harbor Reach Road
Lewes, DE 19958
SCTM: 234-10.00-70.01, 70.02

Name: C And T Properties LLC
Address: 20104 Doddtown Road,
Harbeson, DE 19951
SCTM: 234-10.00-70.16

Name: Paul W. Kercher II & Carrie
E. Kercher
Address: 29055 Pine Avenue, Big Pine Key,
FL 33043
SCTM: 234-10.00-70.08

Name: Christopher J & Debbie Connors
Address: 23034 Hollyville Road, Harbeson,
DE 19951
SCTM: 234-10.00-25.00


Name: Raymond W. & Cynthia D. Barry, Jr.
Address: 23100 Hollyville Road, Harbeson,
DE 19951
SCTM: 234-10.00-70.09

Name: Norwood Farm LLC
Address: 14144 Walton Dr., Manassas,
VA 20112
SCTM: 234-10.00-26.00

Name: Lois A. Szymanski
Address: 23096 Hollyville Road, Harbeson,
DE 19951
SCTM: 234-10.00-70.10

Name: R. Wayne Hellens and Michael Hellens
Address: 20949 Harbeson Rd., Harbeson, DE
19951
SCTM: 234-10.00-70.17

Name: Harold E. Dukes, Jr.
Address: 4 Read St., Rehoboth Beach,
DE 19971
SCTM: 234-10.00-70.11



Katie Geiszler, Esq., Authorized Agent

SWORN to and subscribed before me this 17th day of June, 2022.

Notary Public



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

NICOLE MAJESKI
SECRETARY

May 31, 2022

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Jose Hernandez** conditional use application, which we received on May 17, 2022. This application is for portion of a 6.97-acre parcel (Tax Parcel: 234-10.00-70.03). The subject land is located on the north side of Hollyville Road (Sussex Road 48) approximately 1,260 feet west of the intersection with Harbeson Road (Delaware Route 5). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant seeks a conditional use approval to operate a pool contracting business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hollyville Road, which is from Harbeson Road to Harmons Hill Road (Sussex Road 302), is 4,371 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

May 31, 2022

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

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Jose Hernandez, Applicant
Ann Lepore, Sussex County Planning & Zoning
Sussex Reviewer, Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, Development Coordination
Matt Schlitter, South District Public Works Engineer, 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
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: **1/13/2023**

APPLICATION: **CU 2376 Jose Hernandez**

APPLICANT: **Jose Hernandez**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **234-10.00-70.03**

LOCATION: **North side of Hollyville Road (SCR 48), approximately 0.28 miles southwest of the four-way intersection of Harbeson Road (Rt.5), Indian Mission Road (Rt.5), Hollymount Road (SCR 48) and Hollyville Road (SCR 48).**

NO. OF UNITS: **Operation of existing pool company known as Pool Stars, LLC**

GROSS
ACREAGE: **6.56**

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? **N/A**


(8). Comments: **Click or tap here to enter text.**

(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**

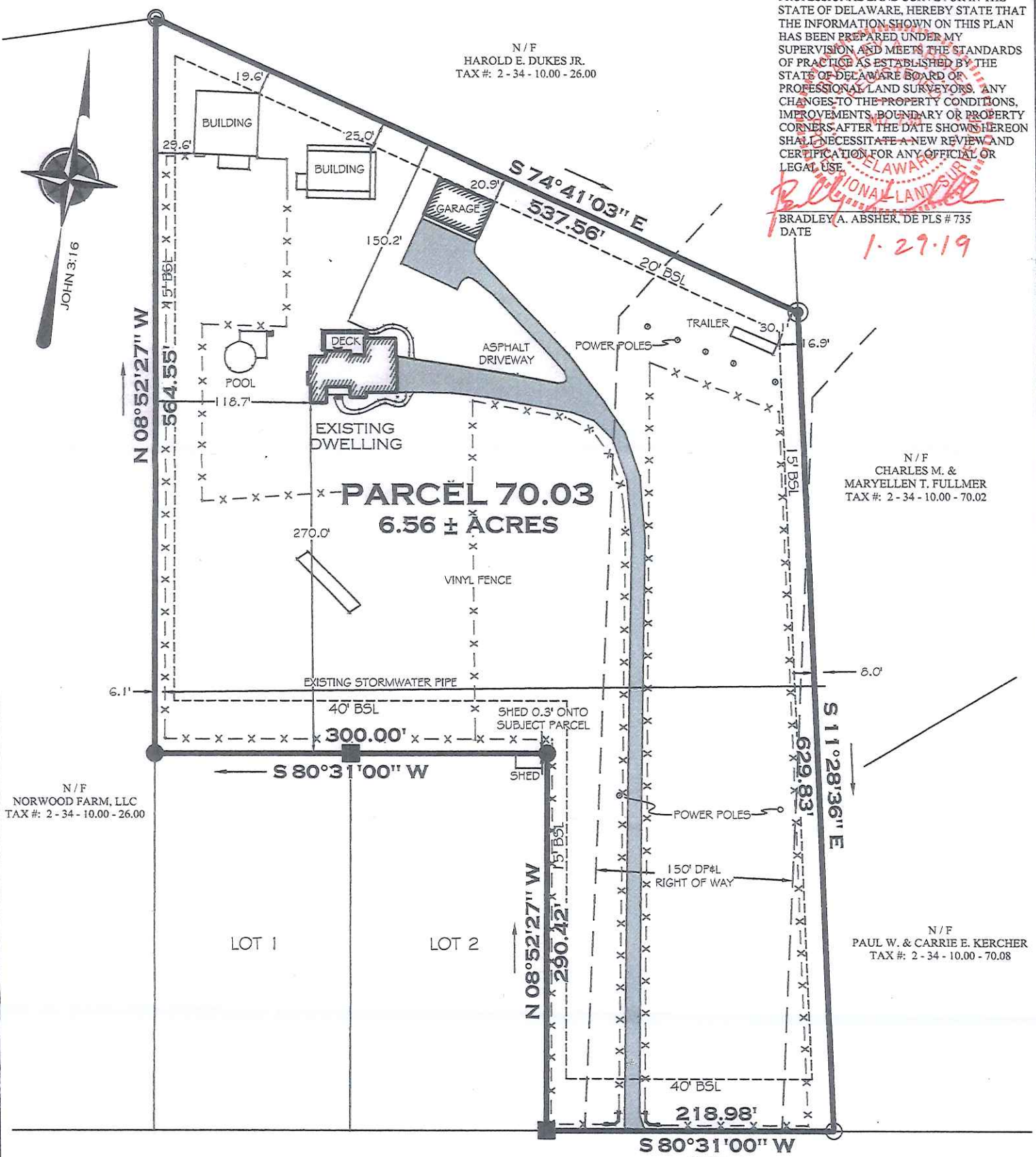
(11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Director of Utility Planning & Design Review

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



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

Bradley A. Absher
 BRADLEY A. ABSHER, DE PLS # 735
 DATE 1-29-19

N/F
 NORWOOD FARM, LLC
 TAX #: 2-34-10.00-26.00

N/F
 CHARLES M. &
 MARYELLEN T. FULLMER
 TAX #: 2-34-10.00-70.02

N/F
 PAUL W. & CARRIE E. KERCHER
 TAX #: 2-34-10.00-70.08

NOTES

1. CLASSIFICATION OF SURVEY: URBAN
2. ZONE: AR-1
3. BUILDING SETBACK LINES (BSL)
 FRONT 40'
 SIDE 15'
 REAR 20'

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

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

LEGEND	
	IRON PIPE FOUND
	IRON ROD FOUND
	IRON ROD W/ CAP FOUND
	CONCRETE MONUMENT FOUND
	IRON ROD W/ CAP SET

TAX MAP	2-34-10.00-70.03
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	INDIAN RIVER
CITY	HARBESON
AREA	6.56 ± ACRES
DEED REF.	4646/277
PLAT REF.	69/102 & 188/93
DRAWN BY	JMH
DATE	01/29/19
SCALE	1" = 100'
SURVEY #	DE-05327

BOUNDARY SURVEY PLAN

FOR
GUSTAVO HERNANDEZ & JOSE J. HERNANDEZ-OLIVARES

23086 HOLLYVILLE ROAD, HARBESON, DE 19951

TRUE NORTH

LAND SURVEYING
 118 ATLANTIC AVENUE, SUITE 202
 OCEAN VIEW, DE 19970
 DE: 302-539-2468
 MD: 410-430-2092

WRITTEN SUBMISSION

OF

**JOSE HERNANDEZ
POOL STARS LLC**

C/U NO. 2376

February 9, 2023

**Shannon Carmean Burton, Esquire
Sergovic Carmean Weidman
McCartney & Owens, P.A.
25 Chestnut St.
P.O. Box 751
Georgetown, DE 19947
(302) 855-1260**

INDEX
JOSE HERNANDEZ
POOL STARS LLC
APPLICATION FOR CONDITIONAL USE NO. 2376

1. Copy of the Application without exhibits
2. Deed of the lands seeking a conditional use
3. Conditional Use Boundary Survey Plan prepared by True North Land Surveying dated 1/29/2019
4. DelDOT Response Letter to Service Level Evaluation Request
5. Letters in Support of Application
6. Google Earth Aerial Image of Property
7. Photographs of the Property
8. Excerpt from the Sussex County Tax Map
9. Statement of Sergovic Carmean Weidman McCartney & Owens, P.A. explaining the Application and its compliance with the Comprehensive Plan and Zoning Code
10. Proposed Findings of Fact and Conditions

1

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

23086 Hollyville Road, Harbeson, DE 19951

Type of Conditional Use Requested:

Applicant requests a conditional use of land for purposes of operating an existing pool company known as Pool Stars LLC on the property.

Tax Map #: 234-10.00-70.03

Size of Parcel(s): 6.56 acres

Current Zoning: AR-1

Proposed Zoning: AR-1w/CU Size of Building: existing buildings

Land Use Classification: low density

Water Provider: existing private well

Sewer Provider: existing private on-site septic system

Applicant Information

Applicant Name: Jose Hernandez

Applicant Address: 23086 Hollyville Road

City: Harbeson

State: DE

Zip Code: 19951

Phone #: _____

E-mail: poolstarsinfo@gmail.com

Owner Information

Owner Name: Gustavo Hernandez

Owner Address: 1 Neury's Lane

City: Newark

State: DE

Zip Code: 19702

Phone #: (302) 354-1969

E-mail: Hernandezland@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Shannon C. Burton, Esquire, Sergovic Carmean Weidman, et al.

Agent/Attorney/Engineer Address: 25 Chestnut Street

City: Georgetown

State: DE

Zip Code: 19947

Phone #: (302) 855-1260

E-mail: shannonb@sussexattorney.com

JUN 17 2022

SUSSEX COUNTY
PLANNING & ZONING

Application # 202208907



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.

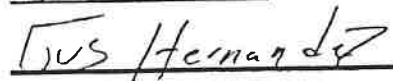
Signature of Applicant/Agent/Attorney



Jose Hernandez

Date: 6-15-22

Signature of Owner



Gustavo Hernandez

Date: 6-16-22

Gustavo Hernandez
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: _____

2

Electronically Recorded Document# 2019000005247 BK: 5016 PG: 144
Recorder of Deeds, Scott Dailey On 2/15/2019 at 11:14:14 AM Sussex County, DE
Consideration: \$385,000.00 County/Town: \$5,775.00 State: \$9,625.00 Total: \$15,400.00
Doc Surcharge Paid Town: SUSSEX COUNTY

Parcel No.: 234-10.00-70.03
Prepared By:
Ward & Taylor, LLC
2710 Centerville Road, Suite 200
Wilmington, DE 19808
2019-0271

Return To:
Gustavo Hernandez
23086 Hollyville Road
Harbeson, DE 19951

THIS DEED, made this 14th day of February, in the year Two Thousand Nineteen,
(2019)

BETWEEN Carol Walker Sussex County and the State of Delaware, party of the first part,

AND

Gustavo Hernandez, of Sussex County and the State of Delaware, party of the
second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said parties of the second part, their heirs and assigns, as sole owner, in fee simple:

ALL that certain lots, pieces or parcels of land, situate, lying and being in Indian River Hundred, City of Harbeson, Sussex County and State of Delaware, as shown on a recent survey prepared by True North Land Surveying, dated January 29, 2019, more particularly described as follows, to wit:

BEGINNING as a set iron bar on the North side of County Road 48, a corner for this land and lands now or formerly of the State of Delaware, said beginning point being 0.24 miles more or less West of State Route 5, said point also being 10 feet offset the centerline of a ditch; thence, by and with County Road 48, South 80 degrees 31 minutes 00 seconds West 218.98 feet to a found concrete monument; thence, turning and running by and with Lot 2, North 08 degrees 52 minutes 27 seconds West 290.4 feet to a found concrete monument; thence turning and running by and with Lot 2, North 08 degrees 52 minutes 27 seconds West 290.42 feet to a found concrete monument, thence turning and running by and with Lot 2, South 80 degrees 31 minutes 00 seconds West 150.00 feet to a found iron bar; thence by and with Lot 1, South 80 degrees 31

Document# 2019000005247 BK: 5016 PG: 145

Recorder of Deeds, Scott Dailey On 2/15/2019 at 11:14:14 AM Sussex County, DE

Doc Surcharge Paid

minutes West 150 feet to a found concrete monument a corner for this land and Lot 1, thence turning and running by and with lands now or formerly of David M. and Delena M. Norwood, North 08 degrees 52 minutes 27 seconds West 564.55 feet to a found iron pipe, a corner for this land' thence turning and running by and with lands now or formerly of Aleine E. Hurdle, South 74 degrees 41 minutes 03 seconds East 537.56 feet to a set concrete monument 10 feet offset the centerline of a ditch, a corner for this land and lands now or formerly of the State of Delaware, thence, turning and running by and with said lands now or formerly of the State of Delaware, and said ditch, South 11 degrees 28 minutes 36 seconds east 629.83 feet to the place of beginning, containing therein 6.562 acres of land, more or less.

SUBJECT TO ALL covenants, conditions, restrictions and easements of record.

BEING the same lands and premises which , by Deed dated , and recorded , in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in , did grant and convey unto Carol Walker, in fee.

GRANTEE'S ADDRESS:

23086 Hollyville Road
Harbeson, DE 19951

Document# 2019000005247 BK: 5016 PG: 146

Recorder of Deeds, Scott Dailey On 2/15/2019 at 11:14:14 AM Sussex County, DE

Doc Surcharge Paid

IN WITNESS WHEREOF, the Grantor has set her hand and seal the day and year first above written.

Rachel A. Long
Witness

Carol Walker (SEAL)
Carol Walker

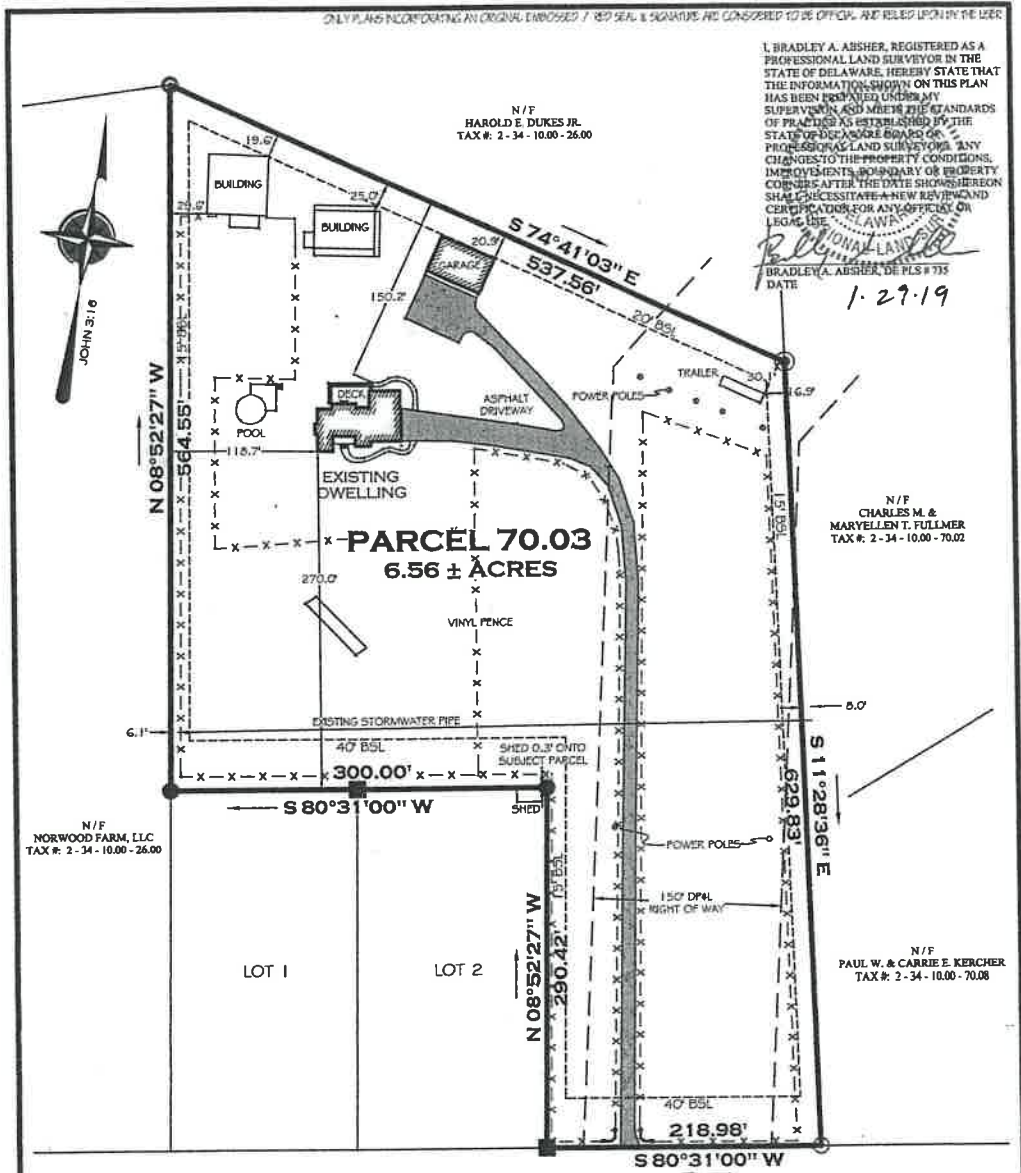
State of Delaware)
County of Sussex) SS.

The foregoing Deed was acknowledged before me this 11th day of February, 2019, by Carol Walker.

Rachel A. Long
Notary Public
Printed Name:
My commission expires:

RACHEL A. LONG
Notary Public
State of Delaware
My Commission Expires
11/16/2019

3



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

Bradley A. Absher
 BRADLEY A. ABSHER, DE PLS # 775
 DATE 1-29-19

N/F NORWOOD FARM, LLC
 TAX # 2-34-10.00-26.00

N/F CHARLES M. & MARYELLEN T. FULLMER
 TAX # 2-34-10.00-70.02

N/F PAUL W. & CARRIE E. KERCHER
 TAX # 2-34-10.00-70.08

NOTES

1. CLASSIFICATION OF SURVEY: URBAN
 2. ZONE: AR-1
 3. BUILDING SETBACK LINES (BSL)
 FRONT 40'
 SIDE 15'
 REAR 30'
- ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.
4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

**HOLLYVILLE ROAD
 50' RIGHT OF WAY**

LEGEND

- IRON PIPE FOUND
- IRON ROD FOUND
- IRON ROD W/ CAP FOUND
- CONCRETE MONUMENT FOUND
- IRON ROD W/ CAP SET


TAX MAP	2-34 - 10.00 - 70.03
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	INDIAN RIVER
CITY	HARBESON
AREA	6.56 ± ACRES
DEED REF.	4646 / 277
PLAT REF.	69 / 102 & 188 / 93
DRAWN BY	JMH
DATE	01 / 29 / 19
SCALE	1" = 100'
SURVEY #	DE - 05327

**BOUNDARY SURVEY
 PLAN**

FOR
GUSTAVO HERNANDEZ & JOSE J. HERNANDEZ-OLIVARES

23086 HOLLYVILLE ROAD, HARBESON, DE 19951

TRUE NORTH



LAND SURVEYING
 118 ATLANTIC AVENUE, SUITE 202
 OCEAN VIEW, DE 19970
 DE-302-630-2488
 MD-410-430-2092

4



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

NICOLE MAJESKI
SECRETARY

May 31, 2022

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Jose Hernandez** conditional use application, which we received on May 17, 2022. This application is for portion of a 6.97-acre parcel (Tax Parcel: 234-10.00-70.03). The subject land is located on the north side of Hollyville Road (Sussex Road 48) approximately 1,260 feet west of the intersection with Harbeson Road (Delaware Route 5). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant seeks a conditional use approval to operate a pool contracting business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hollyville Road, which is from Harbeson Road to Harmons Hill Road (Sussex Road 302), is 4,371 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.

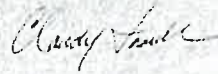
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse
Page 2 of 2
May 31, 2022

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

Sincerely,



Claudy Joinville
Project Engineer
Development Coordination

CJ:afm

cc: Jose Hernandez, Applicant
Ann Lepore, Sussex County Planning & Zoning
Sussex Reviewer, Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
T. William Brockenbrough, County Coordinator, Development Coordination
Matt Schlitter, South District Public Works Engineer, 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
Annamaria Furrato, Project Engineer, Development Coordination

5

Sussex County Planning & Zoning Department
Attn: Jamie Whitehouse, AICP, MRTP, Planning & Zoning Director
2 The Circle
Georgetown, DE 19947

RE: Jose Hernandez / Pool Stars LLC
TMP#234-10.00-70.03 / 23086 Hollyville Rd, Harbeson, DE
Conditional Use No. 2376

Dear Mr. Whitehouse:

I/ve own property located at 23100 Hollyville Rd, Harbeson, Delaware, which property is in close proximity to the above-referenced property. We are writing to advise that we support/do not oppose Jose Hernandez's request for a conditional use of land to allow Mr Hernandez to utilize the property in connection with his swimming pool business, Pool Stars LLC. The proposed use will not have an adverse impact on the use of my/our property or traffic.

Sincerely,




Sussex County Planning & Zoning Department
Attn: Jame Whitehouse, AICP, MRTPI, Planning & Zoning Director
2 The Circle
Georgetown, DE 19947

RE Jose Hernandez / Pool Stars LLC
TMP#234-10.00-70.03 / 23086 Hollyville Rd., Harbeson, DE
Conditional Use No. 2376

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Sincerely,

Luis Qi Szymanski

Sussex County Planning & Zoning Department
Attn: Jamie Whitehouse, AICP, MRTPI, Planning & Zoning Director
2 The Circle
Georgetown, DE 19947

RE: Jose Hernandez / Pool Stars LLC
TMP#234-10 00-70 03 / 23086 Hollyville Rd , Harbeson, DE
Conditional Use No 2376

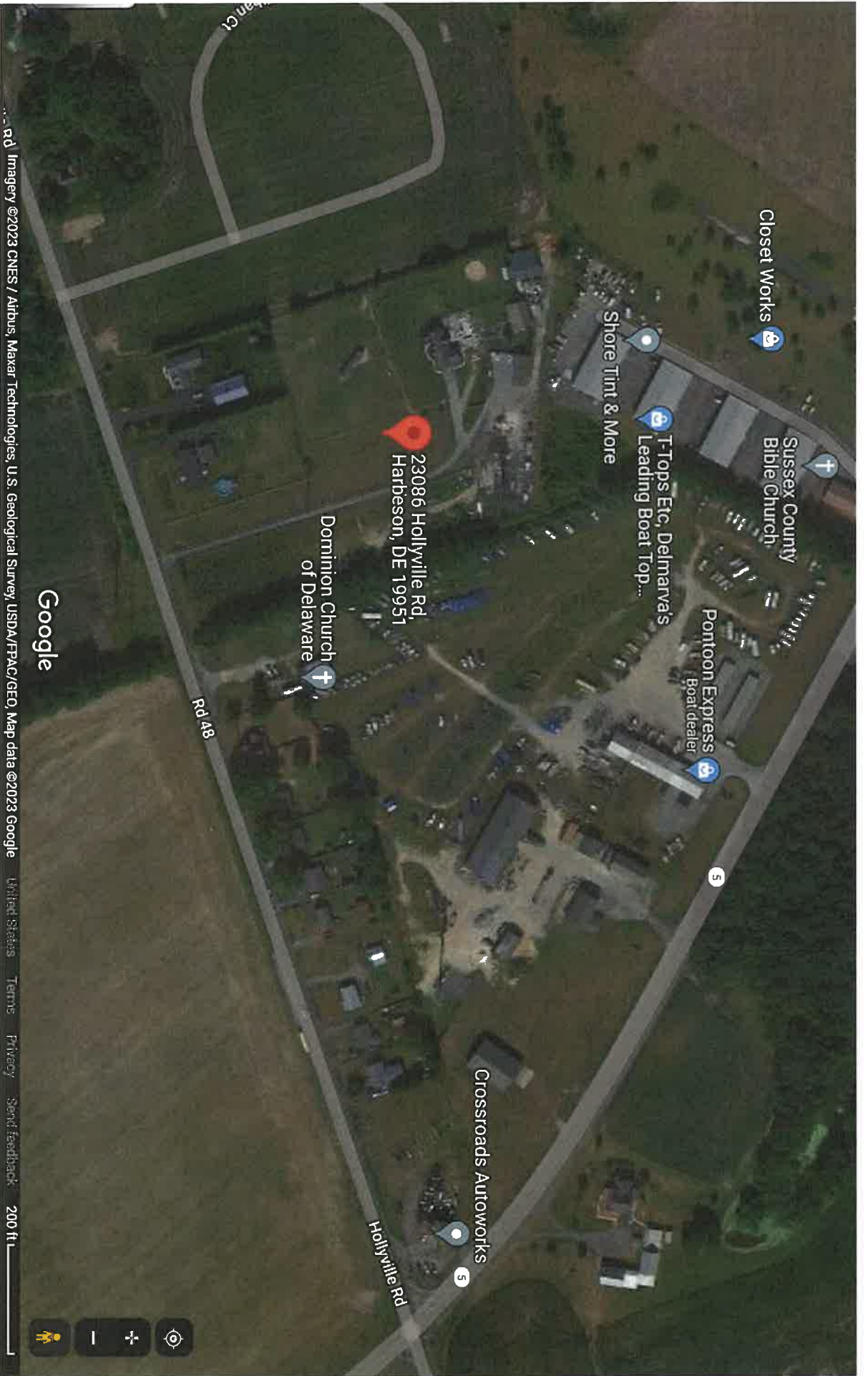
Dear Mr. Whitehouse:

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Sincerely,

STEVE BORING
[Signature]

6



Closet Works

Sussex County Bible Church

Shore Tint & More

T-Tops Etc, Delmarva's Leading Boat Top...

Pontoon Express Boat dealer

23086 Hollyville Rd
Harbeson, DE 19951

Dominion Church of Delaware

Crossroads Autoworks

Rd 48

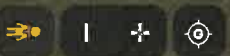
Hollyville Rd

Google

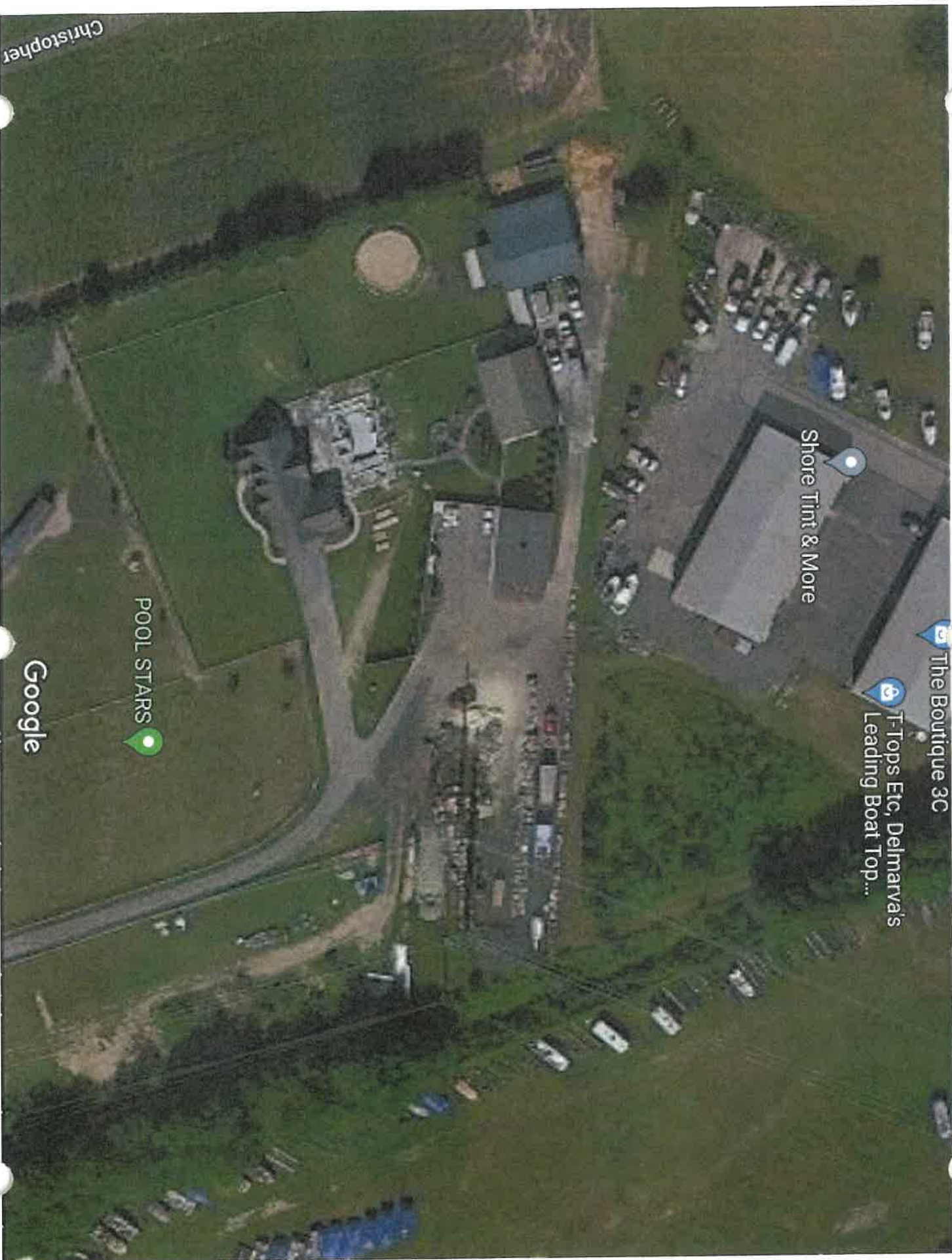
Imagery ©2023 CNES / Airbus, Maxar Technologies, U.S. Geological Survey, USDA/FPAAC/GEO, Map data ©2023 Google

United States Terms Privacy Send feedback

200 ft



Christopher



Shore Tint & More

The Boutique 3C

T-Tops Etc, Delmarva's
Leading Boat Top...

POOL STARS

Google

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SUSSEX COUNTY

D E L A W A R E

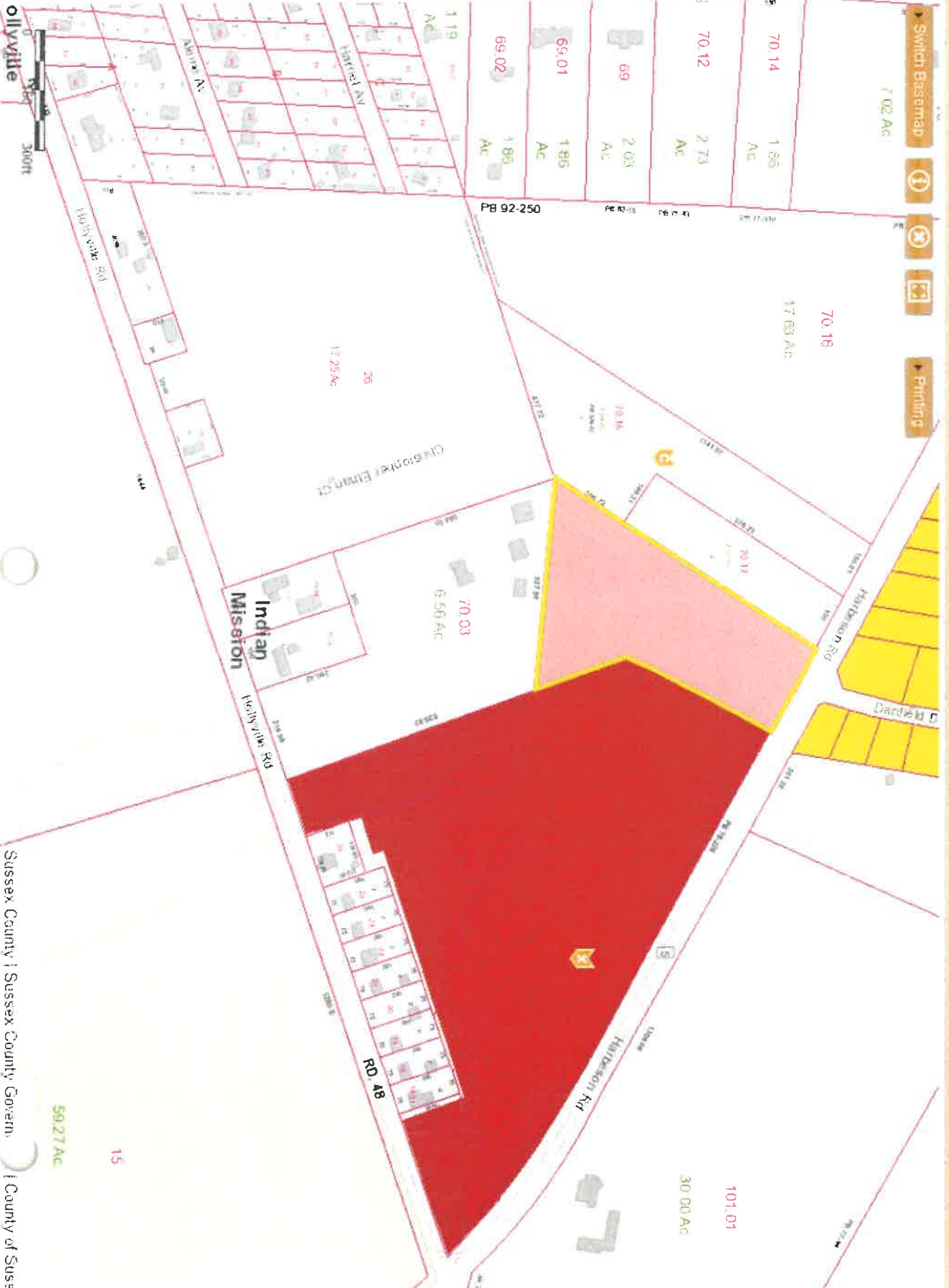
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**COMPLIANCE WITH COMPREHENSIVE PLAN AND
ZONING CODE OF SUSSEX COUNTY FOR C/U 2376**

The applicant, Jose Hernandez (hereinafter the “Applicant”), seeks an Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District (“AR-1”) to utilize existing buildings for office and storage uses in connection with the operation of the Applicant’s existing pool company known as Pool Stars LLC on a certain parcel of land lying and being in Indian River Hundred, Sussex County, Delaware, located on Hollyville Road, consisting of 6.56 acres, more or less. The subject property is designated by Sussex County Tax Mapping as District 234, Map 10.00, Parcel 70.03 (“Subject Property”). The Subject Property is owned by the Applicant’s brother, Gustavo Hernandez. It is a large, deep parcel that is currently improved with a residential dwelling which is used and occupied by the Applicant as a primary residence. In addition to the residential dwelling, the Property is improved with accessory structures that are currently used by the Applicant in connection with the operation of Pool Stars LLC.

Although Pool Stars LLC was not formed until 2021, the Applicant is not new to the industry. The Applicant has provided his clients with an outdoor experience and personalized pool services for over 15 years. The Applicant’s knowledge and experience enables Pool Stars LLC to design,

create and repair pools with the most suitable styles, reliable materials and cost efficiency. In addition to new pool construction, pool renovations and pool equipment repair, Pool Stars LLC creates outdoor living spaces and utilizes the best materials and equipment to achieve the ideal results for the client. This conditional use will enable the Applicant to meet the needs of the expanding population in Sussex County by providing pool related services and creating outdoor living spaces.

The Property is located in the AR-1 Agricultural Residential District under the Sussex County Zoning Code (the "Code"). The purpose of the AR-1 Zoning District is to provide for "a full range of agricultural activities and to protect agricultural lands, as one of the county's most valuable natural resources, from the depreciating effect of objectional, hazardous and unsightly uses." Conditional Uses allowed within the AR-1 District pursuant to Section 115-22 of the Code include, among other uses, agricultural related industries, "as well as residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit." Thus, the proposed use is a permitted conditional use under the Code.

In addition, the Subject Property is located within an area identified in the Sussex County Comprehensive Plan dated March 2019 ("The Sussex

Plan”) as Low Density. The Sussex Plan provides that the primary uses envisioned in the Low Density Areas include agricultural activities and homes. The Sussex Plan further provides that “[b]usiness development should be largely confined to businesses addressing the needs of these two uses...The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents.”¹

This location is appropriate for this type of use. It is in an area where other commercial and business uses exist, including a car sales lot, warehousing, a mini-storage facility, a boat sales and storage facility, a house moving and masonry yard as well as other business uses. The properties located to the east are zoned commercial, the property directly to the north of the Subject Property is zoned B-1 Neighborhood Business and there is an existing conditional use to the northwest of the Subject Property.

As permitted by the Code and the Sussex Plan, the Applicant is currently using the Property for residential purposes and for business uses that address the needs of the residents in Sussex County. Pool Stars LLC currently has 10 employees and 6 work trucks, which will be parked in the rear of the Subject Property. Pool Stars LLC is not open to the public, nor do they have a sales facility. The proposed hours of operation are Monday

¹ Sussex County Comprehensive Plan dated March 2019, at page 4-19.

through Saturday, 7:00 a.m. – 5:00 p.m. There is an existing sign on the Subject Property advertising Pool Stars LLC. The Applicant seeks permission to maintain the existing sign and does not seek permission for any other signs. The Applicant is not proposing any new buildings or structures on the Subject Property. Storage of pool equipment and materials will be maintained in the existing structures or outside. Materials such as pavers, stone, sand, pipes, etc. will be stored outside on the side and the rear of the Subject Property. The proposed use is of a public or semi-public character and is desirable for the general convenience and welfare of neighboring properties and uses in the area. As acknowledged by The Sussex Plan, Sussex County is the fastest growing county in the State of Delaware. The proposed use will serve the needs of the expanding population in this area by providing pool related services and creating outdoor living spaces for residents in Sussex County.

For the reasons set forth herein, the Applicant's use of the Subject Property is permitted under the Zoning Code and is consistent with the purposes and the goals of the Sussex Plan. The proposed use will not have any adverse impact on neighboring properties or the surrounding area or uses, as it is an extension of an existing commercial and business area. Rather, the Applicant has received the support of neighboring property

owners. In addition, the proposed use will have no adverse impact on traffic in the area. A Service Level evaluation was requested by the Applicant and DelDOT has advised that the traffic impact is diminutive. As a result, DelDOT did not recommend that a traffic impact study be performed for the proposed use. The proposed conditional use will simply facilitate the ability of the Applicant to not only reside at the Property, but to continue to operate his established, local business on the Subject Property and serve the residents of Sussex County.

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PROPOSED FINDINGS OF FACT AND CONDITIONS
C/U NO. 2376

Based upon the record presented in support of C/U No. 2376, the application of Jose Hernandez, for a conditional use of land in an AR-1 Agricultural Residential District for purposes of operating an existing pool company known as Pool Stars LLC, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions:

1. The application of Jose Hernandez seeks a conditional use of land in an AR-1 Agricultural Residential District for purposes of operating an existing pool company known as Pool Stars LLC.

2. The conditional use of land sought consists of approximately 6.56 acres of land lying and being in Indian River Hundred, Sussex County, Delaware, located on Hollyville Road.

3. The property is currently improved with a residential dwelling which is used and occupied by the Applicant as a primary residence. In addition to the residential dwelling, the property is improved with accessory structures that are currently used by the Applicant for his pool company, Pool Stars LLC.

4. The Applicant proposes to continue to operate the existing pool company on the property.

5. The property is served by an individual onsite well and an individual onsite septic system and shall comply with DNREC requirements.
6. The proposed use is consistent with the purposes and goals of the Comprehensive Land Use Plan.
7. The property is located in the Low Density Area under the Sussex County Comprehensive Land Use Plan.
8. A conditional use of land sought will have no adverse or detrimental impact on neighboring areas.
9. The proposed use is consistent with nearby uses, which include other businesses, offices, contractors and storage areas.
9. The Applicant received letters in support of the application.
10. A Service Level evaluation was requested by the Applicant and DelDOT has advised that a traffic impact study was not recommended.
11. The hours of operation of the business will be from 7:00 a.m. through 5:00 p.m. on Monday through Saturday. Extended hours are permitted to service customers during inclement weather conditions or emergency situations.
12. The business will not be open to the public.
13. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

14. The project shall be subject to all DelDOT requirements regarding entrances and roadway improvements.

15. The conditional use will afford an existing business to continue to operate from their home and service the needs of the community in the rapidly expanding district.

16. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Based upon the record and the above findings, the Planning & Zoning Commission recommends that the County Council approve the applied for conditional use of land as the proposed conditional use is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.

Sussex County Planning & Zoning Department
Attn. Jamie Whitehouse, AICP, MRIP, Planning & Zoning Director
2 The Circle
Georgetown, DE 19947

RE: Jose Hernandez / Pool Stars LLC
TMP#234-10.00-70.03 / 23086 Hollyville Rd, Harbeson, DE
Conditional Use No. 2376

Dear Mr. Whitehouse:

I/we own property located at 23100 Hollyville Rd, Harbeson, Delaware, which property is in close proximity to the above-referenced property. We are writing to advise that we support/do not oppose Jose Hernandez's request for a conditional use of land to allow Mr Hernandez to utilize the property in connection with his swimming pool business, Pool Stars LLC. The proposed use will not have an adverse impact on the use of my/our property or traffic.

Sincerely,


Cynthia Barry

Sussex County Planning & Zoning Department
Attn: Jamie Whitehouse, AICP, MRTPI, Planning & Zoning Director
2 The Circle
Georgetown, DE 19947

RE: Jose Hernandez / Pool Stars LLC
TMP#234-10.00-70.03 / 23086 Hollyville Rd., Harbeson, DE
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Sincerely,

Lais Qi Szymanski

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2 The Circle
Georgetown, DE 19947

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TMP#234-10 00-70 03 / 23086 Hollyville Rd , Harbeson, DE
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Sincerely,

STEVE BORING
[Signature]

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: February 9th, 2023

Application: CU 2340 Inland Bays Preservation

Applicant: Inland Bays Preservation Company, LLC
34026 Anna’s Way, Suite 1
Millsboro, DE 19966

Owner: Tunnell Companies, LP
34026 Anna’s Way, Suite 1
Millsboro, DE 19966

Site Location: Banks Road

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

Proposed Use: Regional Waste Water Treatment Facility

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Inland Bays Preservation Co. LLC

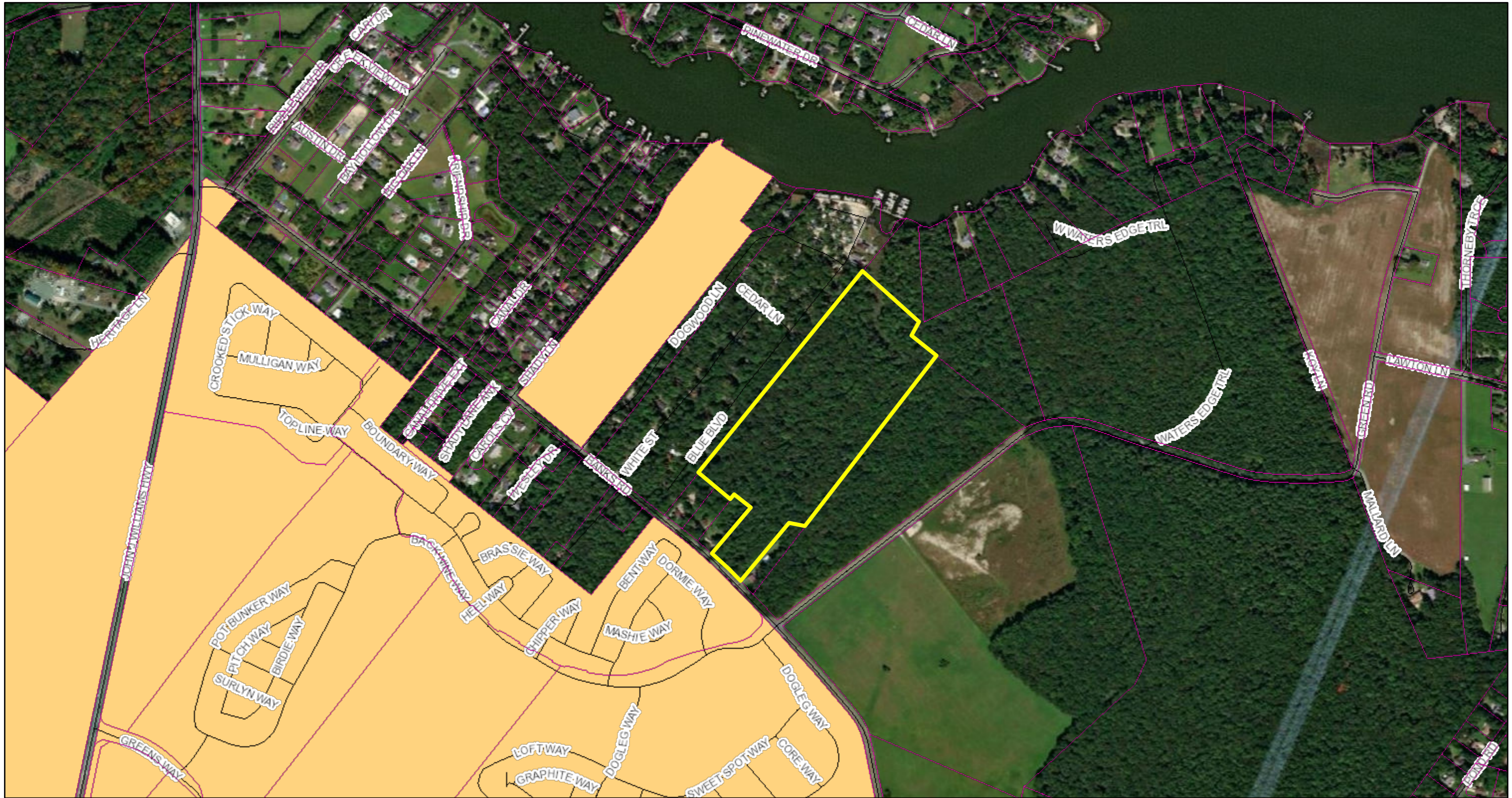
Water: Long Neck Water Co.

Site Area: 1.739 acres +/-

Tax Map ID.: 234-17.00-170.00 (P/O)



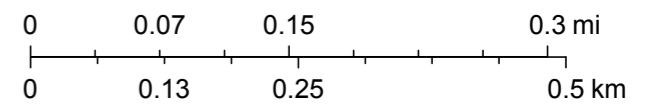
Sussex County



January 11, 2023

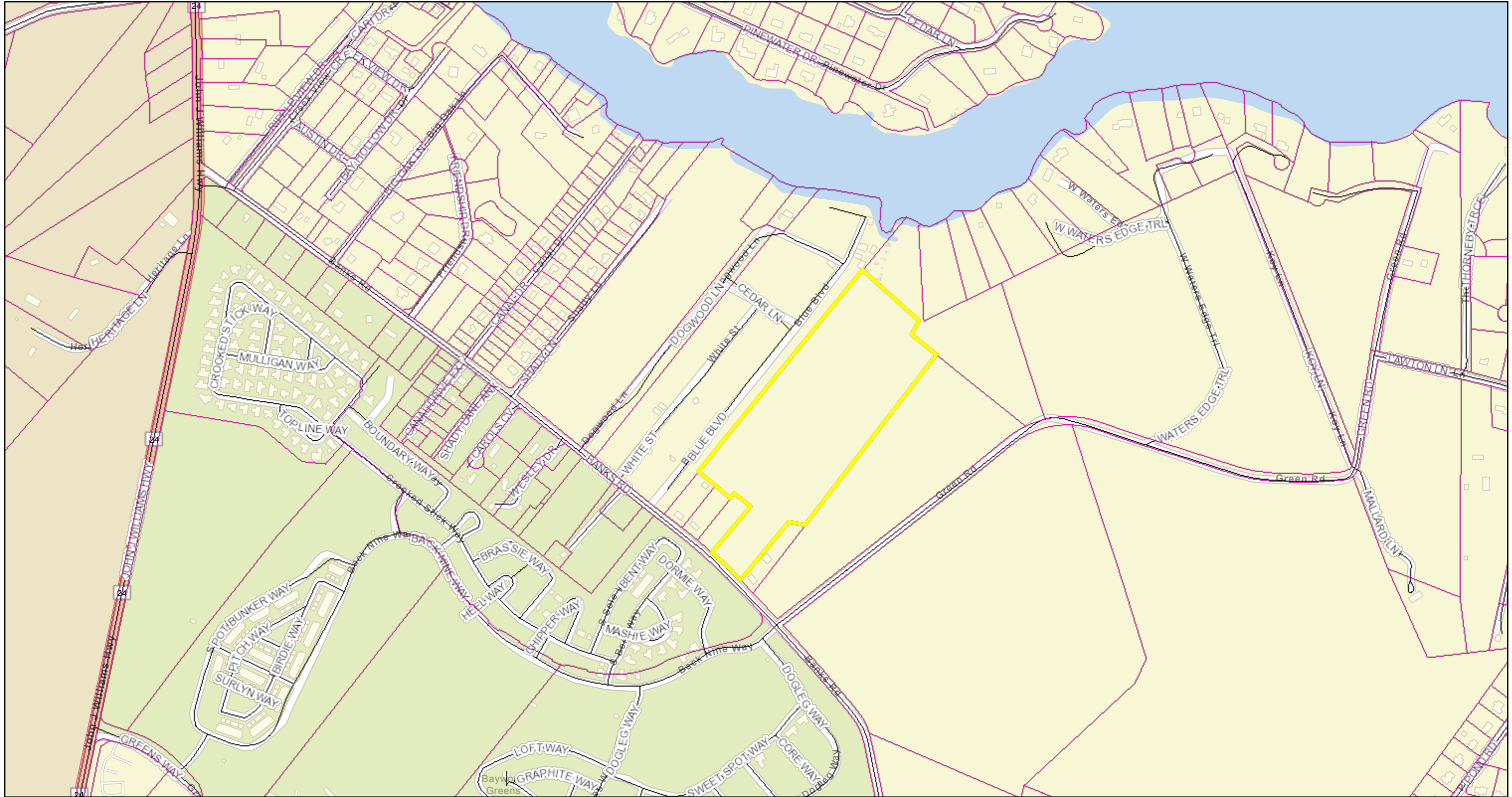
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|---------------------------------|----------------------------------|-----------------------------|-------------------------------|-------------------------|
| Override 1 | Agricultural Residential - AR-2 | Neighborhood Business - B-1 | General Commercial - C-4 | Light Industrial - LI-2 |
| Override 1 | Medium Residential - MR | Neighborhood Business - B-2 | General Commercial - C-5 | Heavy Industrial - HI-1 |
| Tax Parcels | General Residential - GR | Business Research - B-3 | Commercial Residential - CR-1 | County Boundaries |
| Streets | High Density Residential - HR-1 | General Commercial - C-1 | Institutional - I-1 | |
| Zoning | High Density Residential - HR-2 | General Commercial - C-2 | Marine - M | |
| Agricultural Residential - AR-1 | Vacation, Retire, Resident - VRP | General Commercial - C-3 | Limited Industrial - LI-1 | |








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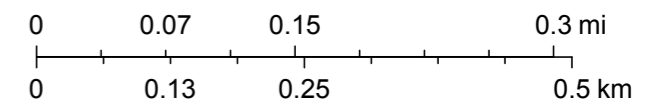
Sussex County



January 11, 2023

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

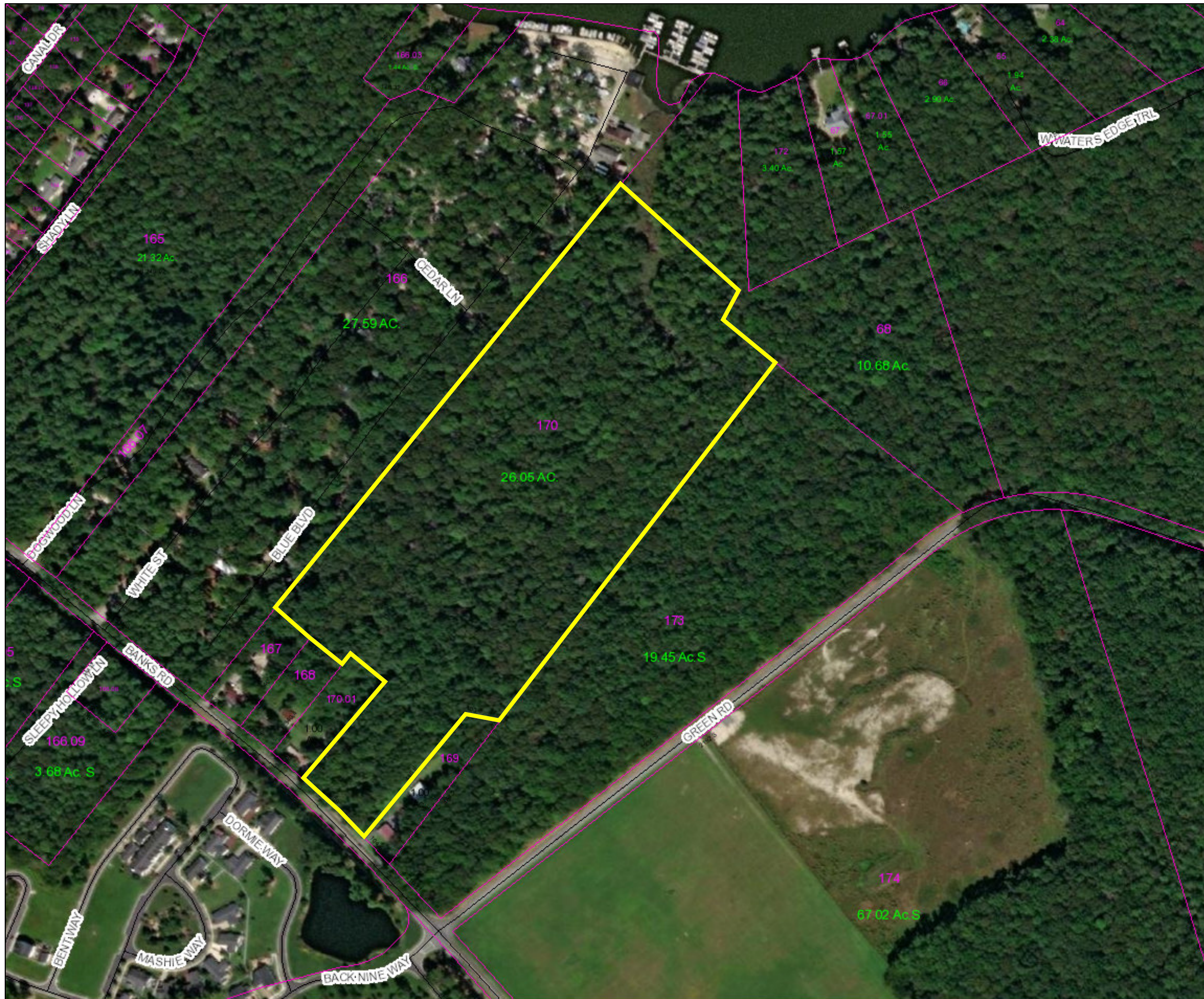
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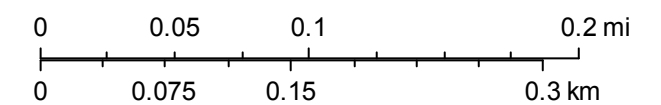
Sussex County



PIN:	234-17.00-170.00
Owner Name	KEASTONE BAY LLC
Book	5732
Mailing Address	34026 ANNAS WAY STE 7
City	MILLSBORO
State	DE
Description	RD LONG NECK TO
Description 2	ANGOLA
Description 3	N/A
Land Code	

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

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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 and Zoning Commission Members
From: Chase Phillips, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 23, 2023
RE: Staff Analysis for CU 2340 Inland Bays Preservation Company, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2340, Inland Bays Preservation Company, LLC., to be reviewed during the February 9th, 2023, Planning and Zoning 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 a regional wastewater treatment facility to be located on a portion of Tax Parcel 234-17.00-170.00. The property is located on the northeast side of Banks Road (S.C.R. 298) in Millsboro. The Conditional Use area is 1.739 acres +/- while the total area of the parcel is 26.05 acres +/-.

Comprehensive Plan Analysis

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 adjacent parcels to the north, south, east, and west are all also within the Coastal Area.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided 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 also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. The properties to the north, east, and west are also within the AR-1 Zoning District. The property to the south is within the General Residential (GR) Zoning District.



Existing Conditional Uses within the Vicinity of the Subject Property

Since 1971, there have been 14 Conditional Use applications within a one (1) mile radius of the application site. Below is a table that summarizes these applications:

Conditional Use Number	Tax Parcel #	APPLICANT	Proposed Use	CC Decision Date	CC Decision
3	234-17.00-20.00	Robert A. Raley	Camping and Tenting Area		Approved
1738	234-17.00-174.00	Baywood, LLC (Equestrian Center)	Equestrian Center	7/22/2008	Approved
1179	234-23.00-307.01	Destination Development	3 lot addition to MHP	5/13/1997	Approved
1797	234-23.00-270.00	Baywood, LLC	Multi-Family	1/5/2010	Approved
881	234-18.00-22.00	Thomas F. Griner	landing field for aerial advertising	6/14/1988	Denied
749	234-18.00-19.00	Angola Beach	campground for campers and tour vans	9/27/1983	Approved
1124	234-23.00-273.00	Tunnell Companies, L.P.	expand mobile home park	9/26/1995	Approved
262	234-23.00-287.00	Indian River Volunteer Fire Co	fire department substation		Approved
470	234-17.00-165.00	Creekside Mobile Home & Travel Trailer Park Inc	mobile home park		Denied
1275	234-18.00-1.00	Angola Community Partners, LLC	increase boat storage capacity	6/8/1999	Approved
1034	234-23.00-273.00	Tunnell Companies, L.P.	Manufactured Home Community/Golf Course	2/8/1994	Approved
1096	234-18.00-1.00	Angola Community Partners	dry boat storage for existing mhp	1/17/1995	Approved

986	234-18.00-1.00	Kuhn Family Sussex Partnership	Material & Equipment Storage	10/29/1991	Denied
2302	234-17.00-117.01	Carlos Batres	Crab Vendor		Withdrawn

Based on the analysis provided, the Conditional use to allow for a regional wastewater treatment facility could be considered to be consistent with the surrounding land use, zoning, and environment.

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

Northeast side of Banks Road, northwest of Green Road.

Type of Conditional Use Requested:

Regional waste water treatment facility.

Tax Map #: TM 234-17, Part Of Parcel 170 **Size of Parcel(s):** 1.739 ac +/-

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building:** 12,000 sf +/-

Land Use Classification: Residential

Water Provider: Long Neck Water Co. **Sewer Provider:** Inland Bays Preservation Co. LLC

Applicant Information

Applicant Name: Inland Bays Preservation Company, LLC Attn: Robert Tunnell

Applicant Address: 34026 Anna's Way, Suite 1

City: Millsboro **State:** DE **Zip Code:** 19966

Phone #: 302.945.9300 **E-mail:** rtunnell@potnets.com

Owner Information

Owner Name: Tunnell Companies, LP

Owner Address: 34026 Anna's Way, Suite 1

City: Millsboro **State:** DE **Zip Code:** 19966

Phone #: 302.945.9300 **E-mail:** rtunnell@potnets.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: James A Fuqua Jr., Esq.

Agent/Attorney/Engineer Address: 26 The Circle

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

Phone #: 302.856.7777 **E-mail:** jimf@fywlaw.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.

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: _____

Signature of Owner

_____ Date: 12/17/21

For office use only:

Date Submitted: 12/20/2021 01/11
Staff accepting application: Chase P / Fee: \$500.00 Check #: 03567
Location of property: Banks Road 234-17.00-170.00 Application & Case #: 202200343 CU 2240

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

January 25, 2022

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Inland Bays Preservation Company, LLC** proposed land use application, which we received on December 30, 2021. This application is for an approximately 26.05-acre parcel (Tax Parcel: 234-17.00-170.00). The subject land is located on the north side of Banks Road (Sussex Road 298) about 350 feet west of the intersection with Green Road (Sussex Road 298A). The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval to operate a regional wastewater treatment facility.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along Banks Road from John J. Williams Highway (State Route 24) to Bay Farm Road (Sussex Road 299), is 3,921 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** 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 negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.



Mr. Jamie Whitehouse

Page 2 of 2

January 25, 2022

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **1/13/2023**

APPLICATION: **CU 2340 Inland Bays Preservation**

APPLICANT: **Inland Bays Preservation Company, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **234-17.00-170.00 (P/O)**

LOCATION: **Banks Road, 105' northwest of Green Road.**

NO. OF UNITS: **Regional Waste Water Treatment Facility**

GROSS
ACREAGE: **1.739**

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 2**
- (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? **No** 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? **Yes**
- (8). Comments: **Sussex County Engineering Department requests an interconnectability location on Banks Road.**
- (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.**

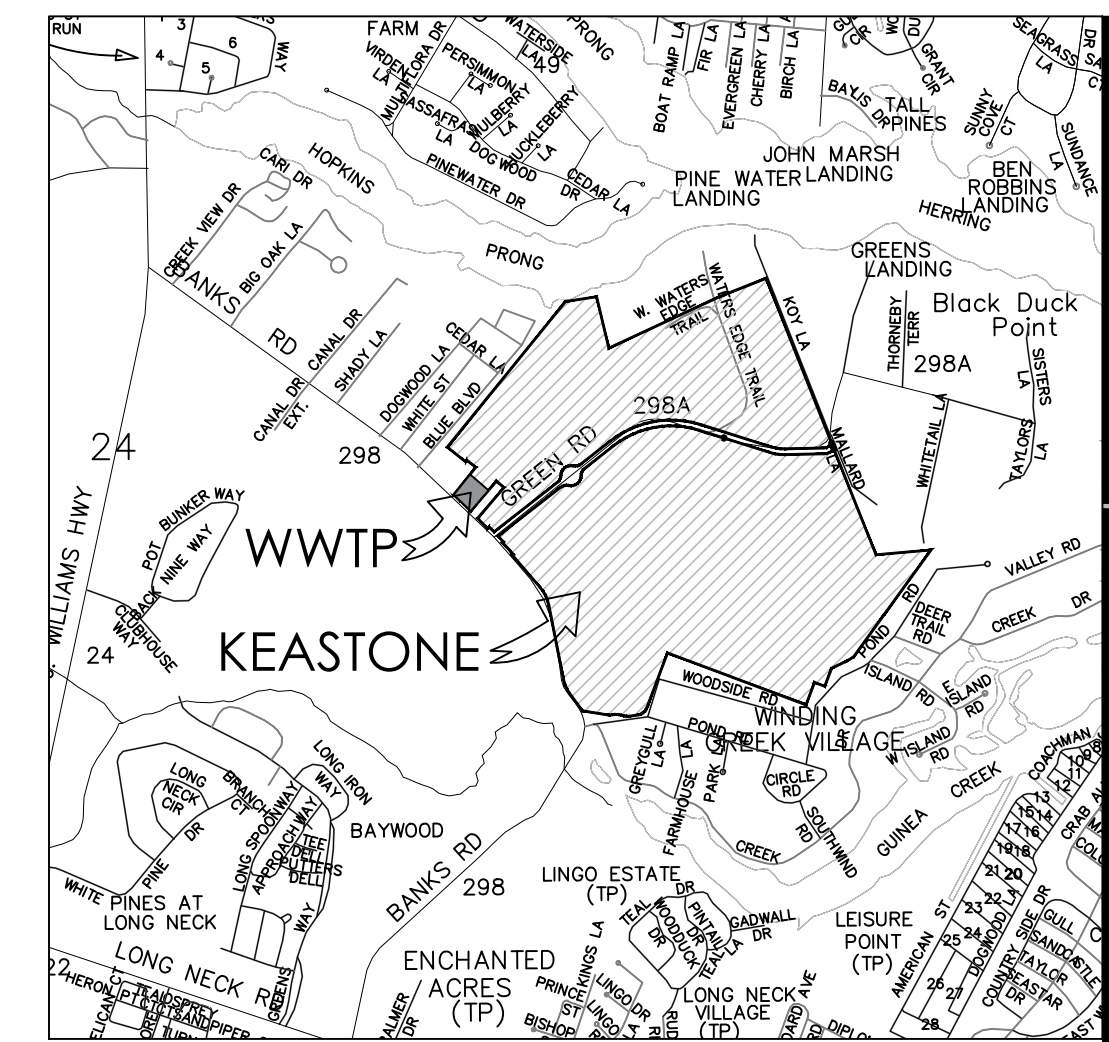
UTILITY PLANNING & DESIGN REVIEW APPROVAL:



John J. Ashman
Director of Utility Planning & Design Review

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

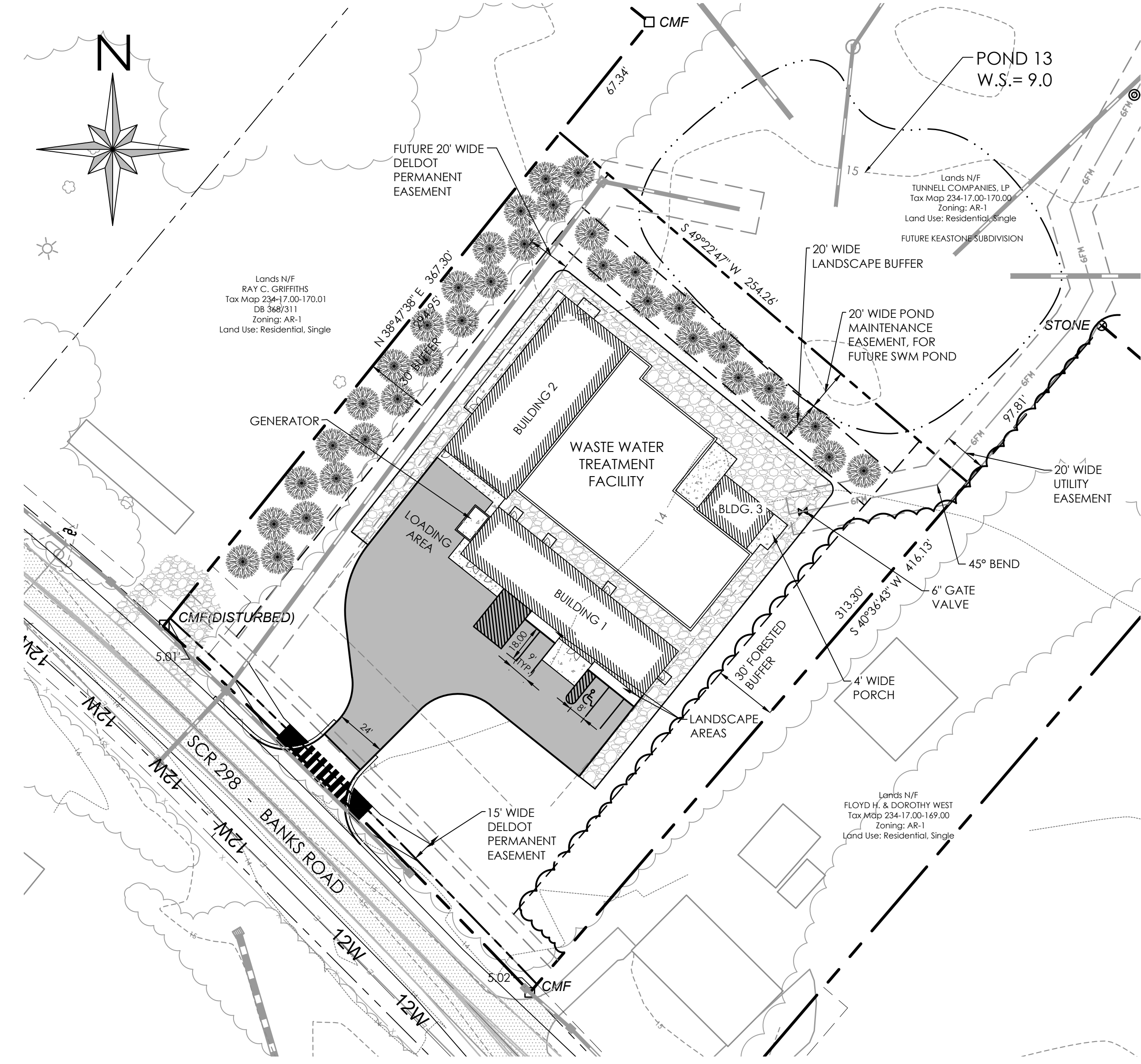
SITE PLAN FOR INLAND BAY PRESERVATION COMPANY WATER RECLAMATION FACILITY INDIAN RIVER HUNDRED - SUSSEX COUNTY, DELAWARE



VICINITY MAP
SCALE: 1" = 2,000'

LEGEND

PROPERTY LINE	---	---
EASEMENT/BUFFER LINE	- - - -	- - - -
SETBACK LINE	- · - · -	- · - · -
CONCRETE MONUMENT FOUND	CMF □	N/A
MAJOR CONTOUR	-----10-----	N/A
MINOR CONTOUR	-----7-----	N/A
ROAD CENTERLINE	-----	-----
EDGE OF CONCRETE	=====	=====
EDGE OF PAVEMENT	=====	=====
PAINT STRIPE	=====	=====
CURB	=====	=====
PAVEMENT HATCH	[Hatched Box]	[Hatched Box]
CONCRETE HATCH	[Dotted Box]	[Dotted Box]
BUILDING OUTLINE	=====	=====
SIDEWALK	N/A	N/A
SIDEWALK HATCH	N/A	N/A
FUTURE FORCEMAIN	N/A	N/A
OVERHEAD ELECTRIC	-----	N/A
UTILITY POLE	⊕	N/A
TREE LINE	~~~~~	~~~~~
BUFFER PLANTINGS	[Tree Symbol]	[Tree Symbol]



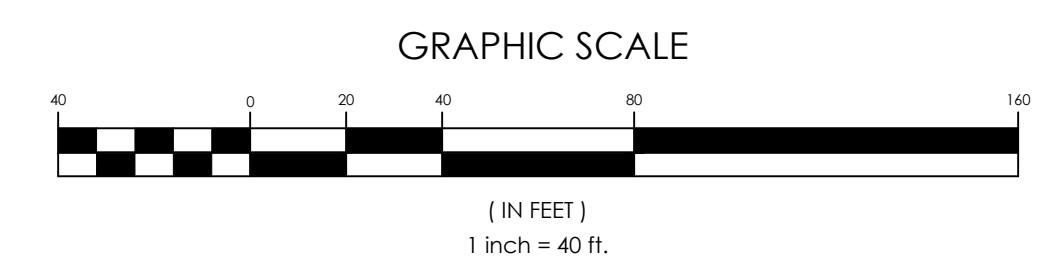
SITE DATA:

- OWNER/DEVELOPER:** TUNNELL COMPANIES, LP
34026 ANNA'S WAY, SUITE 1
MILLSBORO, DE 19966
PHONE: 302.945.9300
CONTACT: ROBERT TUNNELL
- ENGINEER/LAND PLANNER:** SOLUTIONS IPEM, LLC
303 NORTH BEDFORD STREET
GEORGETOWN, DE 19947
PHONE: 302.297.9215
CONTACT: JASON PALKEWICZ, PE
- P/O TAX MAP 234-17.00-170.00
AREA = 1,739 AC.±
 - EXISTING ZONING: AR-1 (COASTAL AREA)
 - DEED REFERENCE: 5177/231
 - PROPOSED USE: WASTE WATER TREATMENT PLANT (CONDITIONAL USE)
 - SETBACKS:
EXISTING:
FRONT YARD = 25'
SIDE YARD = 10'
REAR YARD = 10'
MAXIMUM BUILDING HEIGHT: 42'
PROPOSED:
FRONT YARD = 50'
SIDE YARD = 50'
REAR YARD = 50'
 - FLOOD ZONE:
PROPERTY IS LOCATED WITHIN FLOOD ZONE A (NO BASE FLOOD ELEVATIONS DETERMINED) AND ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FIRM MAP NUMBER 10005C0345K, MAP REVISED MARCH 16, 2015. PROJECT SITE IS LOCATED IN FLOOD ZONE X (UNSHADED)
 - WATER SUPPLY: LONG NECK WATER COMPANY
 - SANITARY SEWER: SUSSEX COUNTY - INLAND BAYS PRESERVATION COMPANY, LLC
 - SOIL TYPES: FhA - FORT MOTT-HENLOPEN COMPLEX - HYDROLOGIC SOIL A
 - PARKING PROVIDED:
4 SPACES
1 12'X40' LOADING SPACE
 - BUILDING SUMMARY
BUILDING 1:
AREA = 3017.9 S.F.±
BUILDING 2:
AREA = 3456.8 S.F.±
BUILDING 3:
AREA = 600.0 S.F.±

NOTES:
1. ROUTE 298 (BANKS ROAD) IMPROVEMENTS SHALL BE PER THE APPROVED DELAWARE DEPARTMENT OF TRANSPORTATION ENTRANCE PLANS.
2. SURVEY: THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREIN ARE AS PROVIDED BY SOLUTIONS IPEM, LLC
3. PROJECT DATUM:
HORIZONTAL: DELAWARE STATE PLANE NAD 83
VERTICAL: NAVD 88

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5051.06'	138.46'	138.46'	N 44°29'02" W	1°34'14"
C2	2030.00'	82.51'	82.51'	N 46°26'01" W	2°19'44"



ENGINEER'S CERTIFICATION
I HEREBY CERTIFY THAT THESE DRAWINGS HAVE BEEN PREPARED UNDER MY SUPERVISION.

JASON PALKEWICZ, PE DATE

DEVELOPER'S CERTIFICATION
THE DEVELOPER, TUNNELL COMPANIES LP, HEREBY CERTIFIES THAT THESE DRAWINGS HAVE BEEN APPROVED.

ROBERT TUNNELL DATE

303 North Bedford Street
Georgetown, DE 19947
T. 302.297.9215

3033 Merritt Hill Road
Salisbury, MD 21804
T. 410.572.8833

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REVISIONS		DESCRIPTION
NO.	DATE	DESCRIPTION
1	1/15/22	REVISED BOUNDARY
2	7/19/22	REVISED LAYOUT
3	1/20/23	REVISED LAYOUT

SITE PLAN for

WATER RECLAMATION FACILITY

INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

Date:	8/11/21
Job Number:	10006
Scale:	1"=30'
Drawn By:	ML
Designed By:	JIP
Approved By:	JIP

Sheet No.: 1

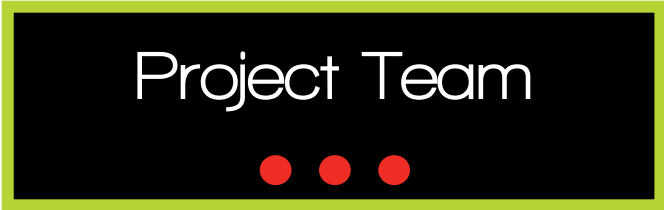
File Name: 10006-WWTP-site

Water Reclamation Facility

Project Reference Material

January 2023





APPLICANT/DEVELOPER:

Inland Bays Preservation Co. LLC

Contact: Robert Tunnell
34026 Anna's Way, Suite 1
Millsboro, DE 19966
Telephone: 302.945.9300
Email: rtunnell@potnets.com

CIVIL ENGINEER/
LAND PLANNER

Solutions IPEM, LLC

Contact: Jason Palkewicz, PE
303 North Bedford Street
Georgetown, DE 19947
Telephone: 302.297.9215
Email: jpalkewicz@solutionsipem.com

ATTORNEY:

Fuqua, Willard, Stevens & Schab, PA

Contact: Mr. James A. Fuqua Jr, Esq.
26 The Circle
Georgetown, DE 19947
Telephone: 302.856.7777
FAX: 302.856.2128
Email: jimf@fywlaw.com

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Resumes:

Jason Palkewicz, PE

Water Reclamation



I. Executive Summary

A. Overview and location:

The proposed Water Reclamation Facility (WRF) owned and operated by Inland Bays Preservation Co, LLC (IBPC) is located adjacent to Keastone Bay residential community on the North side of Banks Road in Millsboro, DE.

The proposed facility will replace the existing facility located within the existing Baywood Greens community. It will serve the existing Baywood Greens community, future phases of Baywood Greens, Baywood Gardens, and the Keastone Bay community.

The location of the facility is efficient in terms of wastewater collection, treatment, and disposal. The site was noted as a maintenance facility on the Bridlewood preliminary plat (an expired cluster subdivision that was reconstituted as Keastone Bay).

B. Summary design of water reclamation facility:

Inland Bays Preservation Company's proposed new Water Reclamation facility (WRF) will be designed to treat a daily average flow of 390,000.00 Gallons per Day (GPD) of domestic wastewater. Construction of the proposed WRF (concrete tanks, structures, equipment, and office buildings) is proposed to be completed in the first phase, with installation of process equipment phased in two Phases, in the first phase (Phase 1) process equipment will be installed to treat 193,000.0 (GPD) of domestic wastewater, and the second phase (Phase 2) additional process equipment will be installed to treat total of 390,000.0 (GPD) of domestic wastewater. Treatment unit processes will include fine screening, flow equalization, biological treatment with advanced nutrient removal (aerobic, anoxic), tertiary membrane filtration, biosolids (sludge) handling and management, and Ultraviolet Light (UV) disinfection to produce treated effluent that meets Delaware (DNREC) unlimited public access reuse standards. A preliminary schematic process flow diagram (PFD) for the proposed treatment process is include herein

The filtered and disinfected effluent from the new WRF is planned to be reused on permitted areas of the Baywood Greens Golf Course. The existing aerated lagoon WRF located in the Baywood Greens Golf Course is planned to be repurposed as covered storage basins for treated and disinfected effluent from the new WRF.

C. Design highlights to mitigate potential odor and noise

Mitigating Potential for nuisance odor: Special attention will be given to design and engineering of process operations areas of the WRF typically associated with potential for causing odor nuisance. The headworks (fence screen) operations building will be enclosed in a classified building-include ventilation, heating, and Biological Odor Control system designed to mitigate odor causing gases. The solids dewatering operations will be enclosed in a building and include ventilation, heating, and odor control scrubbing. The planned design and mitigation approaches described above should minimize or eliminate any potential for nuisance odors from the planned WRF.

Mitigating potential for noise: Special attention will be given to design and engineering of process operations areas of the WRF typically associated with potential for causing noise nuisance. The aeration blowers selected are designed with sound attenuating enclosures that limit noise levels to < 70 decibels within 3 ft of equipment. The blower enclosures will be located inside a separate blower room thus eliminating any potential noise from the blowers outside of the building. All other mechanical equipment such as pumps, motors, etc. have imperceptible noise signatures and will all be installed inside the planned equipment and operations building eliminating any potential noise.

D. Summary of planned operations

It is anticipated that the proposed WRF will be staffed with 3-4 full time employees and only be manned between 6:00 am to 4:00 PM on a regular basis, like an operations building. Off hours visits may be necessary from time to time to address any critical equipment fault, or operations needs that require immediate attention.

II. Project Overview

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

A boundary topographic survey for the property was prepared by Solutions IPEM, LLC as part of the Keastone Bay subdivision. The total area of the property is 1.7 +/- acres. No wetlands exist on the site.

B. Overview of Current Site Conditions

The property for the proposed WRF is located North side of Banks Road, part of the Keastone Bay residential community.

The property is located within flood Zone X, (areas determined to be outside the 0.2% annual chance floodplain), per map number 10005C Panel 0343K, map revised March 16, 2015.

C. Land Plan

The land plan takes into account:

- Existing site conditions
- Stormwater outfalls
- Adjacent properties
- Existing roadways

The resultant plan has:

- A 30' landscaped buffer to adjacent properties. A 20' buffer to the Keastone Bay community.
- A proposed 50' setback for the front, sides and rear yards.
- Access to the facility from Banks Road.
- Stormwater management will be integral with Keastone Bay.

D. DeIDOT Improvements

A Service Level Evaluation Request (SLER) was submitted to DeIDOT. The result is that the traffic impact from the proposed WRF is negligible. As such A Traffic Impact Study was not require, nor was an Area Wide Study Fee. A hammerhead entrance to the facility is anticipated. Banks Road in front of the property will be widened per the Keastone Bay DeIDOT improvements.

E. Preliminary Land Use Service (PLUS)

A concept plan for the WRF was presented to PLUS on December 15, 2021. A response letter was provided to PLUS which addressed their comments point by point. Items of note include:

- The Office of State Planning Coordination has no objections to the WRF.
- Access will be from Banks Road per DeIDOT design standards.
- The treatment facility will be designed per DNREC standards.
- Stormwater management and erosion control will be per DNREC and Sussex Conservation District standards.

III. Compliance with Applicable Regulations

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

Conditional Uses: The proposed WRF is permitted as a conditional use. "Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations or substations, but not telephone central offices."

Special Use Exceptions: The proposed WRF is not applying for any special use exceptions.

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

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

Single Family Lots -

Minimum Lot Area = 7,500 S.F.	Provided = 1.7 ac +/-
Minimum Lot Width = 60'	Provided = 250' +/-
Front Yard = 25' (15' Corner Lot)	Provided = 50'
Side Yard = 10'	Provided = 50'
Rear Yard = 10'	Provided = 50'
Maximum Building Height = 42'	Provided = Less Than 42'

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

Chapter 4 Future Land Use:

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

- Central water and sewer facilities are strongly encouraged. This proposed WRF will provide central sewer facilities to the existing Baywood communities and upcoming Keastone Bay community.

Chapter 5 Conservation:

The proposed facility complies with the Conservation section as follows:

- The site complies with surface water runoff requirements.
- There are no well head protection areas nor excellent ground recharge areas within the proposed site.
- No wetlands are located on-site.
- The project will provide central sewer service.

Chapter 7 Utilities:

The proposed facility complies with the Utilities section as follows:

- The proposed WRF will provide central sewer service to adjacent communities.
- Adequate areas are provided for stormwater management and stormwater drainage.

- It is anticipated that solid waste collection will be by a licensed commercial hauler.

Chapter 10 Historic Preservation:

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

- There are no known archeological or National Register listed properties located on the site.

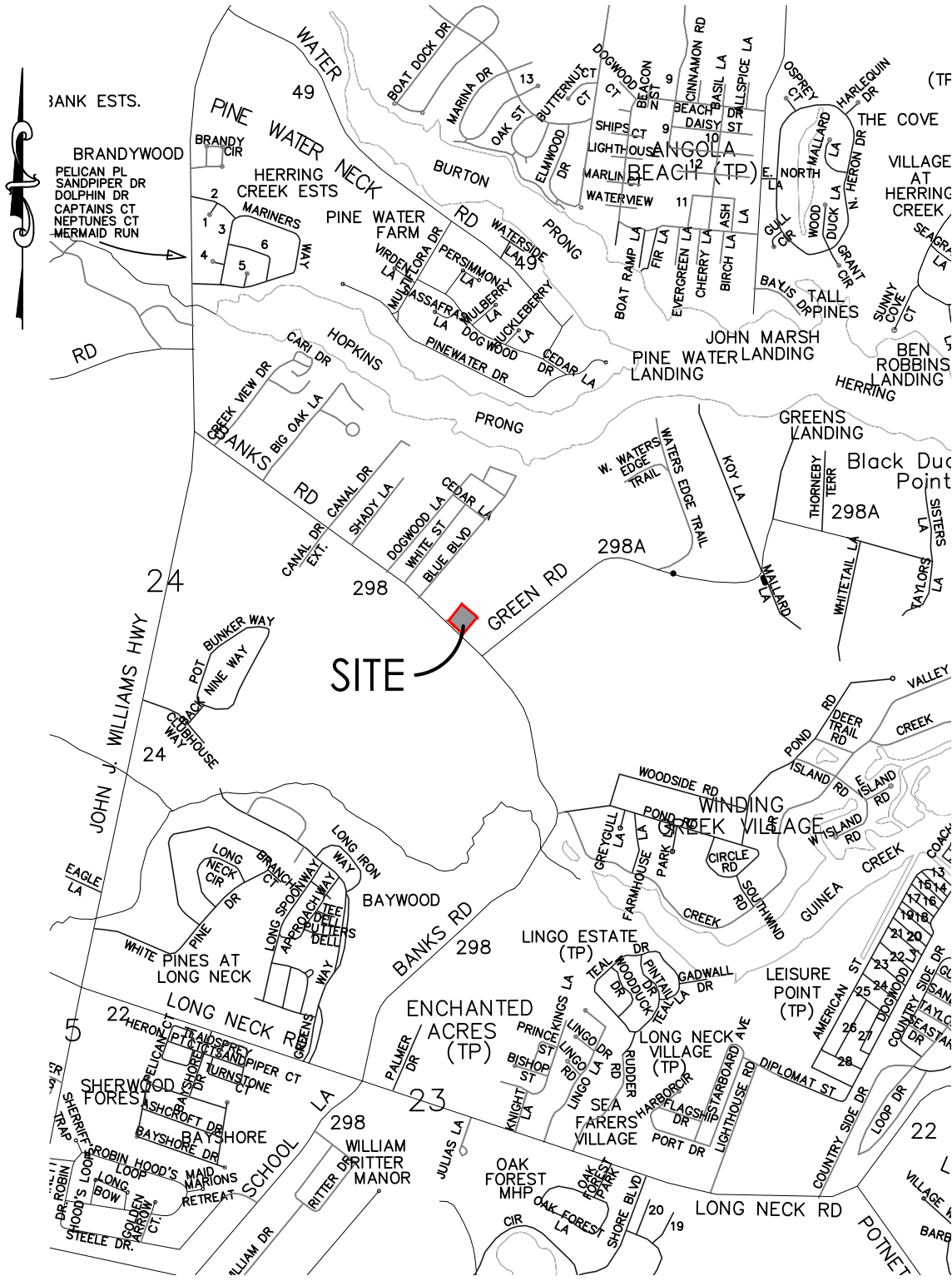
Chapter 13 Mobility Element:

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

- Site entrance will be designed and constructed per DeIDOT standards.

IV. Conclusion

The proposed facility will replace the existing facility located within the existing Baywood Greens community. It will serve the existing Baywood Greens community, future phases of Baywood Greens and the Keastone Bay community. Site layout and design of the proposed facility provide additional setbacks, screening as well as noise and odor mitigation. The location and site comply with the Conditional Use requirements and conform to the County's Comprehensive Plan.



May 18, 2022

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

RE: PLUS review 2021-12-03; Water Reclamation

Dear Mr. Edgell,

Please allow this letter to serve as our response to the PLUS review of the Water Reclamation Project. Answers to comments have been provided following each comment taken directly from your comment letter for ease of use. Our responses are in red and in different font for ease in review.

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

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

Strategies for State Policies and Spending

This project is primarily located in Investment Level 3 according to the Strategies for State Policies and Spending. This site is also located in the Coastal Area according to the Sussex County comp plan. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future. The OSPC has no objections to the proposed conditional use for Water Reclamation facility.

Response: The project is proposed to handle growth within the area served by Inland Bays Preservation Co. LLC.

Delaware Department of Transportation - Contact Bill Brockenbrough 760-2109

- The site access on Banks Road (Sussex Road 298) must be designed in accordance with DeIDOT's Development Coordination Manual, which is available at <http://www.deidot.gov/Business/subdivisions/index.shtml?dc=changes>. Preliminarily, DeIDOT anticipates that the access can be permitted through DeIDOT's South District office in accordance with Section 8.5 of the Manual.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips from the proposed development are estimated at 10 vehicle trip ends per day. A TIS is not warranted.

Response: The project will comply with DeIDOT requirement regarding access to the site and entrance improvements.

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

Wastewater Disposal Permitting -Large Systems

Inland Bays Preservation Company, LLC holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal. At the December 15¹ 2021 PLUS meeting, the applicant stated that they have an existing Spray Irrigation System permit with the DNREC Division of Water.

- Continue to work with the DNREC Division of Water for any permit updates and to determine any additional applicable requirements.
- Permittee, Inland Bays Preservation Company, LLC holds existing permits with the Groundwater Discharges Section's Large Systems Branch. It is the responsibility of Inland Bays Preservation Company, LLC to notify the Large Systems Branch if the capacity of the rate of wastewater disposal is to be updated.

Contact: DNREC Large Systems Branch at (302) 739-9948.

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

Response: The permittee will continue to work with DNREC on the permitting and approval of the proposed water reclamation facility.

Stormwater Management

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

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

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

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921 . E-mail: DNREC.Stormwater@delaware.gov.

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

Response: The project will comply with sediment and erosion and stormwater management requirements, including coordinating with the Keastone Bay community regarding drainage.

State Historic Preservation Office - Contact Carlton Hall 736-7400

- There are no known archaeological sites or National Register listed properties on the parcel.
- There is high potential for both prehistoric and historic archaeological resources to be affected by the proposed undertaking. The northeastern edge of the parcel is approximately 0.05 miles from Hopkins Prong, which feeds into Herring Creek. Soils on the parcel are well drained, and its remained relatively undisturbed in the past hundred years. There is one known prehistoric site within a half-mile radius in similar conditions on the northern side of Hopkins Prong. Potential for prehistoric archaeological sites is high because of favorable environmental conditions.
-

•
There is a recorded historic structure on the parcel along Banks Road (S02939). It was built by 1900 and is visible on historic maps and aerials until 2017. As there is a known historic structure on the parcel, there is high potential for historic archaeological resources on the parcel along Banks Road. The Delaware State Historic Preservation Office recommends an archaeological survey prior to any ground disturbance.

If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the

Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Response: The permittee has been made aware of the potential for both historic and pre-historic archeological sites and will comply with state and federal code.

Delaware State Fire Marshall's Office - Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for (Storage/Industrial/Mercantile) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features:

- All structures over 10,000 sq. ft aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Bank's Road must be constructed so fire department apparatus may negotiate it.
- Any dead-end road more than 300 feet in length shall be provided with a tum-around or cul-de-sac arranged such that fire apparatus will be able to tum around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or tum-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or tum around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:

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

Required Notes:

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

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

Recommendations/Additional Information

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

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

Department of Natural Resources and Environmental Control - Beth Krumrine 735-3480 Delaware Ecological Network

- The majority of the parcel lies within lands designated within the Delaware Ecological Network, a statewide network of interconnected lands of significant ecological value.
This GIS data layer is based on principles of landscape ecology and conservation biology, providing a consistent framework to identify and prioritize areas for natural resource protection. Forest disturbances on this site will jeopardize habitat on the parcel and likely beyond the parcel's boundary.
- Removing forested areas within the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while also reducing carbon that contributes to climate change.
reducing carbon that contributes to climate change.

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

Stormwater Management

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

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

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.

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

Drainage

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

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

All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

Contact: DNREC Drainage Program at (302) 855-1930. Website:
<https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Water Quality (Pollution Control Strategies)

- This site lies within the Rehoboth Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Additional Sustainable Practices

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

consumers and businesses money, while also helping to reduce pollution from power generation.

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

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

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

Delaware State Fire Marshall's Office - Contact John Rudd 323-5365

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

Delaware Emergency Management Agency - Contact Philip Cane 659-2325

- The primary bulk of the parcel is located within an area of minimal flood concern (1000 year or greater); however, the most western and northwestern section does touch on the 100-year flood plan and this is expected to increase over the next 30 years. First Street Foundation rates the community risk level of 2, which suggests a moderate risk from flooding, combining risks associated between residential properties, commercial properties, critical infrastructure facilities, social infrastructure facilities and roads, between now and the next 30 years.

The county has a population density of 265.20 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block has a total population of 515 people, though with development, this will certainly change. Adjacent blocks brings the area to a total population of 1945, primarily adults. The parcel is located within the County's evacuation zone A.

According to FEMA's National Risk Index, the parcel is considered relatively moderate for natural hazards with its community resilience also at relatively moderate. It's social vulnerability however, is currently rated as relatively high. In terms of energy use and consumption, the region utilizes liquid propane as the predominant fuel type, with electricity coming in second at nearly half the rate. As such, the parcel has a photovoltaic power potential of 1489 kWh per kWp. DEMA strongly encourages the use of renewable energies and high efficiency appliances and utilities. As such, should solar panels be utilized, we recommend an optimum tilt of the photovoltaic modules to be at approximately 34 degrees. In terms of utilities, DEMA suggests incorporating 90%

series furnaces/HYAC systems, the closer to 99% the better as well as A/C units of 20 Seer or greater. DEMA recommends using tankless hot water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure. Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roof where applicable and allowable, and the like.

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

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

Sincerely,

Solutions, IPEM

A handwritten signature in black ink, appearing to read 'JP', with a long, sweeping horizontal line extending to the right.

Jason Palkewicz, PE



- OUT OF PLAY
- INVESTMENT LEVEL 1
- INVESTMENT LEVEL 2
- INVESTMENT LEVEL 3

INLAND BAYS PRESERVATION COMPANY

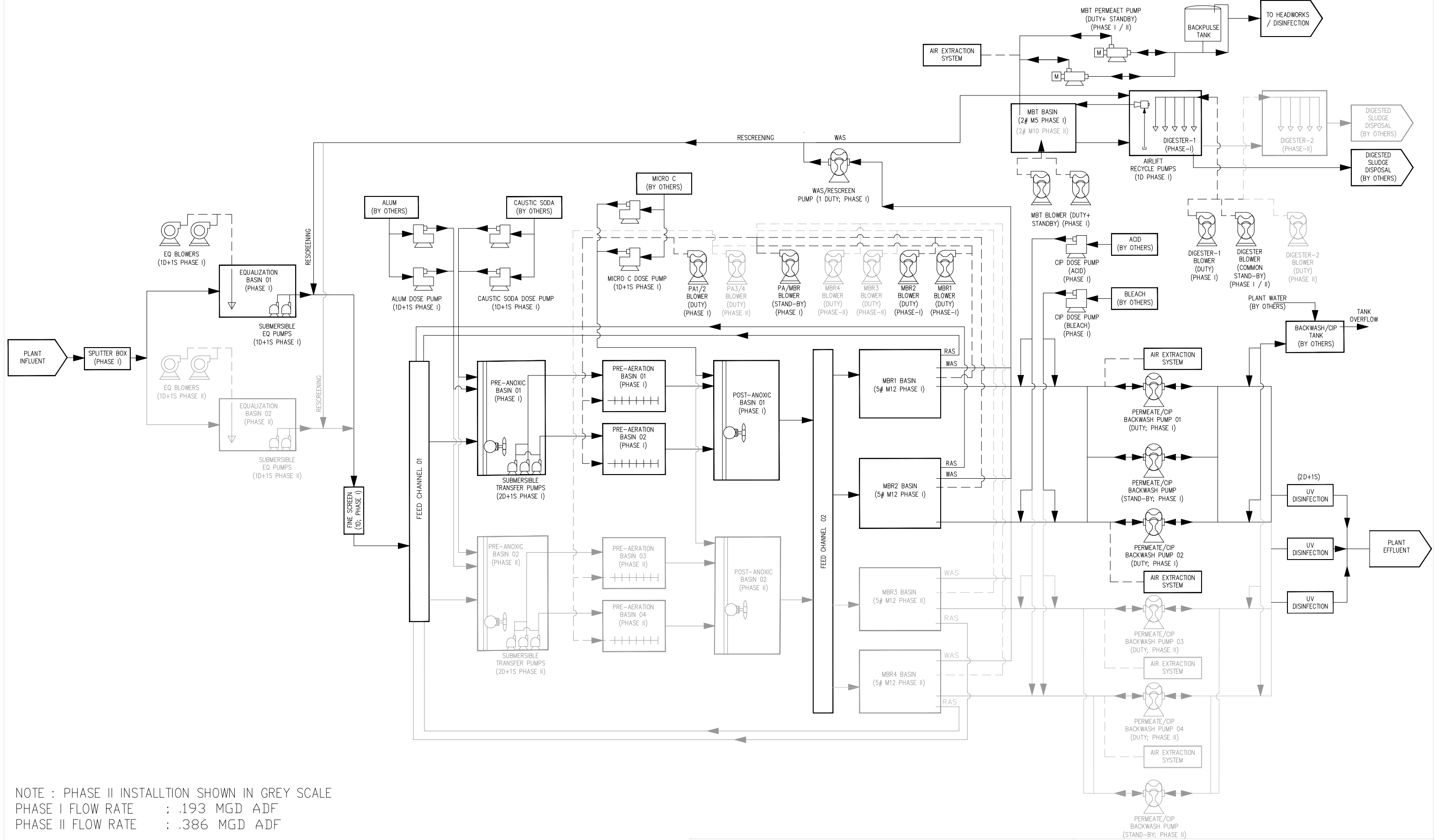




VICINITY MAP

INLAND BAYS PRESERVATION COMPANY





NOTE : PHASE II INSTALLTION SHOWN IN GREY SCALE
 PHASE I FLOW RATE : .193 MGD ADF
 PHASE II FLOW RATE : .386 MGD ADF

INITIAL RELEASE	REVISION	EN	BY	CHECK'D	DATE

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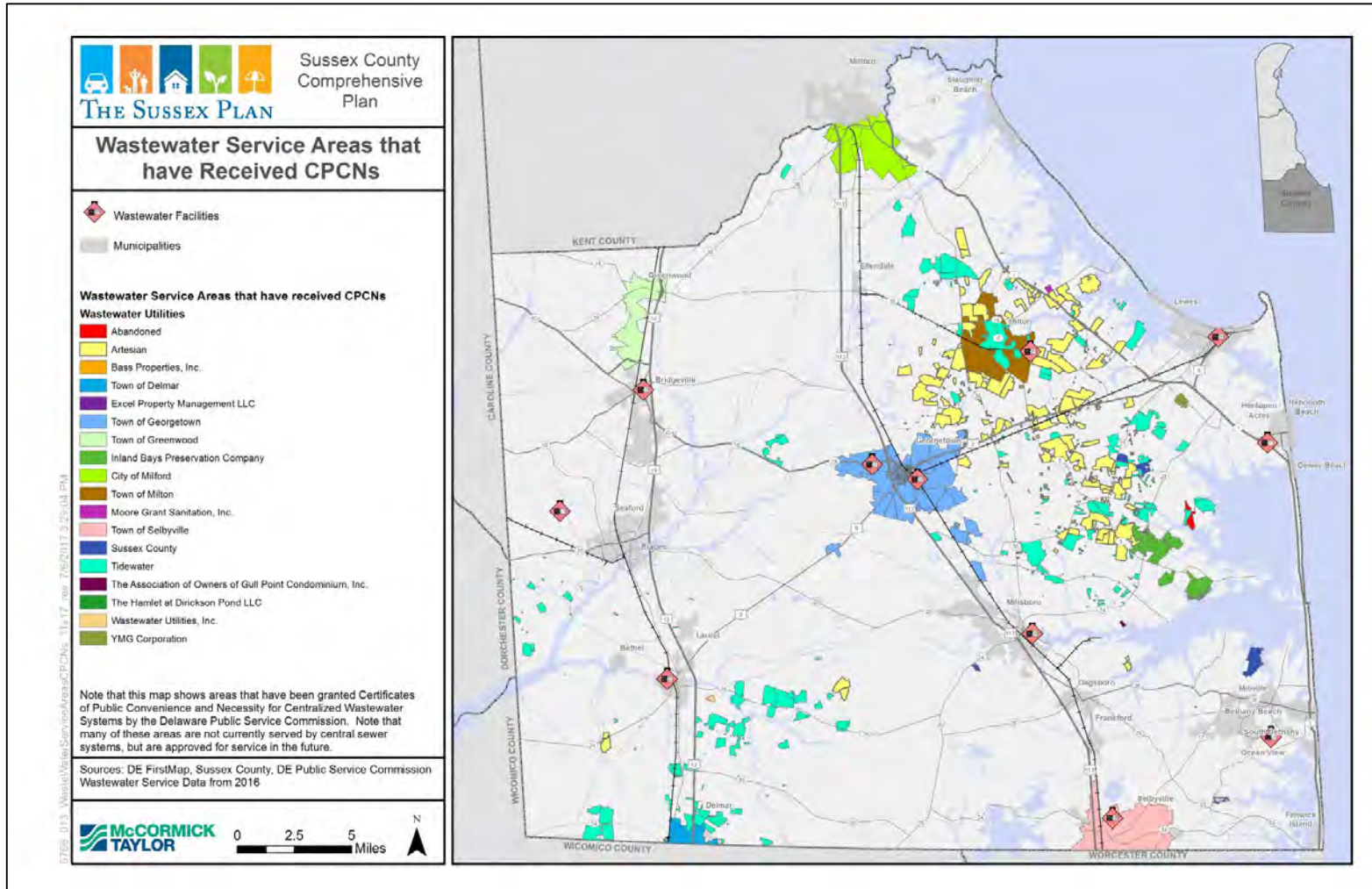
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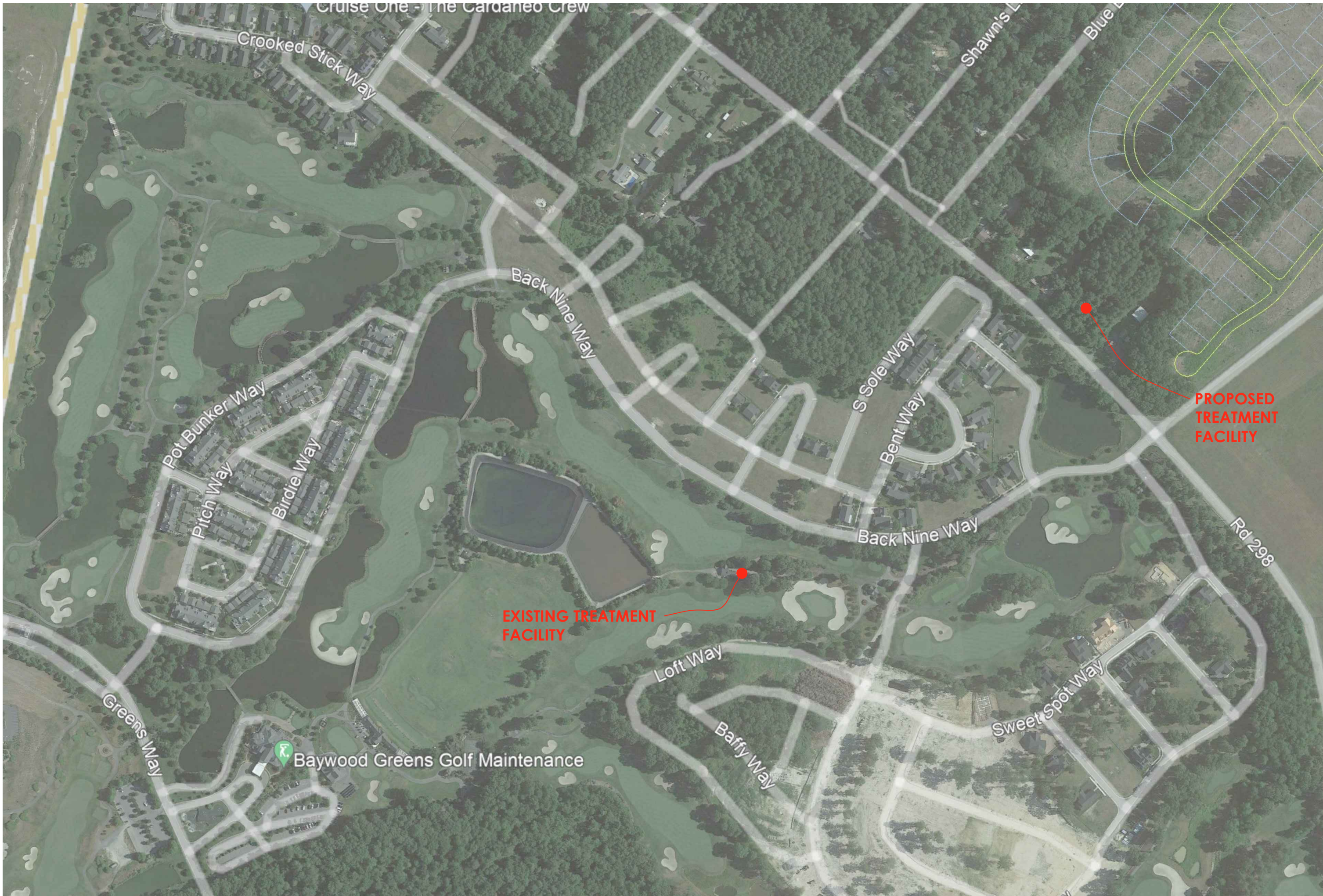
OVIVO
 Worldwide Experts in Water Treatment

DATE	BY	CHECK'D
DWG SCALE		
JOB NUMBER		
SHEET	OF	

INLAND BAYS PRESERVATION COMPANY, NEW WRF, LONG NECK, DE, PFD COVER SHEET

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





Cruise One - The Cardano Crew

Crooked Stick Way

Shawn's L

Blue

Back Nine Way

S Sole Way

Bent Way

**PROPOSED
TREATMENT
FACILITY**

Pot Bunker Way

Pitch Way

Birdie Way

Back Nine Way

Rd 298

**EXISTING TREATMENT
FACILITY**

Loft Way

Greens Way

Baywood Greens Golf Maintenance

Barry Way

Sweet Spot Way





Jason Palkewicz, Professional Engineer
CEO

EDUCATION

BE, Environmental Eng., 1995
Hofstra University

MS, Civil Eng., 1999
University of Toledo

REGISTRATIONS

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

MEMBERSHIPS

- LEED, AP

PROFESSIONAL SUMMARY

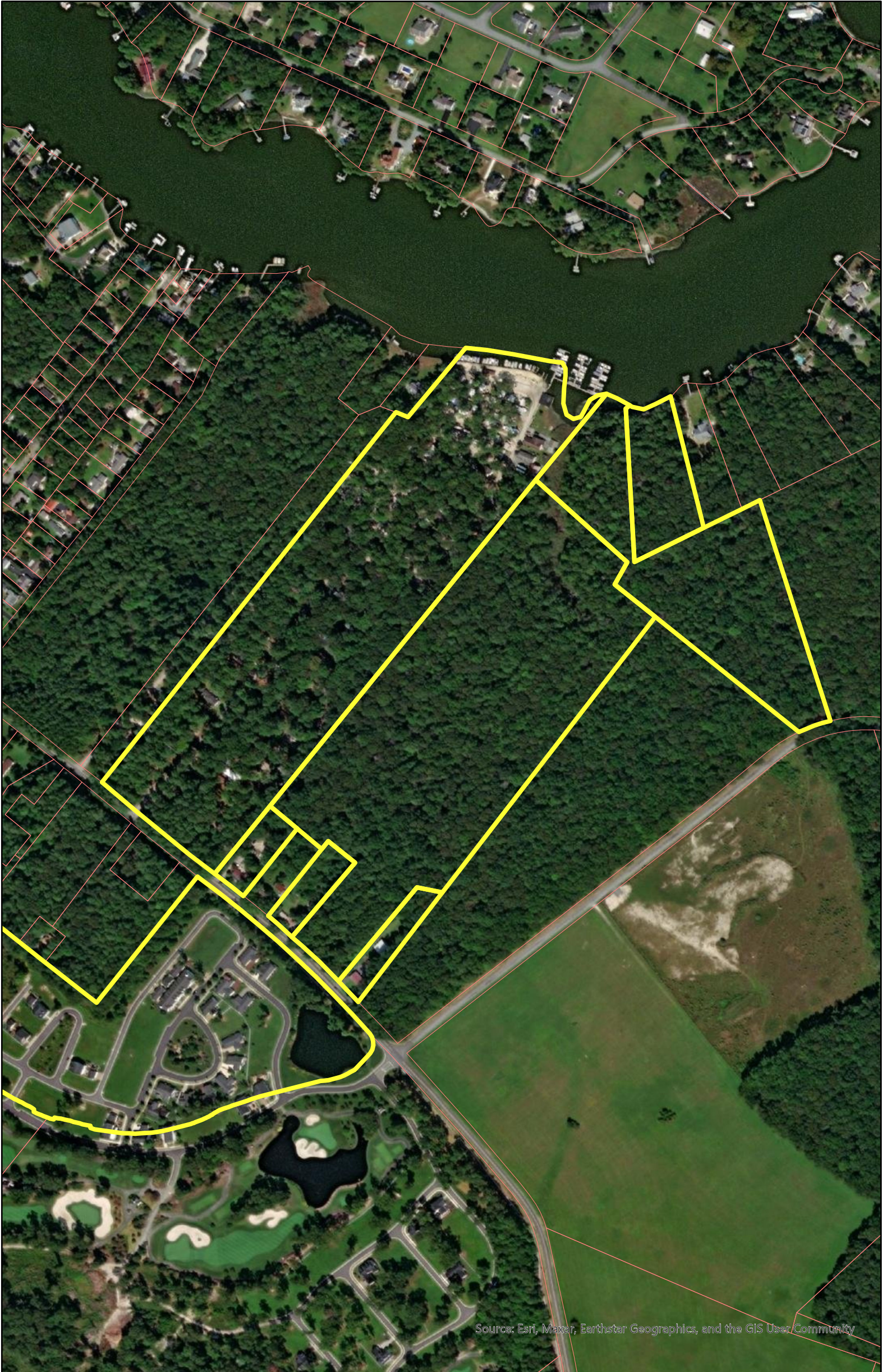
Mr. Palkewicz is a Professional Engineer and Project Manager with licenses in Maryland, Virginia and Delaware, with over 25 years of experience successfully overseeing all phases of planning, engineering and survey projects for government and private-sector clients. He is a highly skilled team leader,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

SPECIAL PROJECT EXPERIENCE

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

Owner Name	Second Owner Name	Mailing Address	City	State	Zipcode	PIN
BAYWOOD COMMUNTIES LLC		34026 ANNAS WAY UNIT 1	MILLSBORO	DE	19966	234-17.00-175.03
CULLEN LAWRENCE F JR	LINDA W CULLEN	24669 BANKS RD	MILLSBORO	DE	19966	234-17.00-168.00
FOX CHANDLER W AND MARIE B		24659 BANKS RD	MILLSBORO	DE	19966	234-17.00-167.00
GRIFFITHS RAY C		24683 BANKS RD	MILLSBORO	DE	19966	234-17.00-170.01
KEASTONE BAY LLC		34026 ANNAS WAY STE 7	MILLSBORO	DE	19966	234-17.00-170.00
MUMFORD TIMOTHY P		20693 BULL PINE RD	GEORGETOWN	DE	19947	234-17.00-166.00
WEST DOROTHY S		24715 BANKS RD	MILLSBORO	DE	19966	234-17.00-169.00

Mailing List Exhibit
CU 2340 Inland Bays Preservation, LLC



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: February 9th, 2023

Application: CU 2349 Lessard Builders

Applicant: Lessard Builders
257E Camden-Wyoming Avenue
Camden, DE 19934

Owner: Andrew & Carol Walton
2138 Graves Road
Hockessin, DE 19707

Site Location: Lying at the intersection of Oak Orchard Road and Smiths Landing Road extending from Indian River to Pine Street within the Orchard Manor Subdivision.

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

Proposed Use: Multi-family Dwellings

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Ms. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater Utilities, Inc.

Site Area: 0.84 acres +/-

Tax Map ID: 234-35.09-6.00





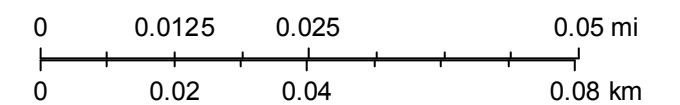
Sussex County

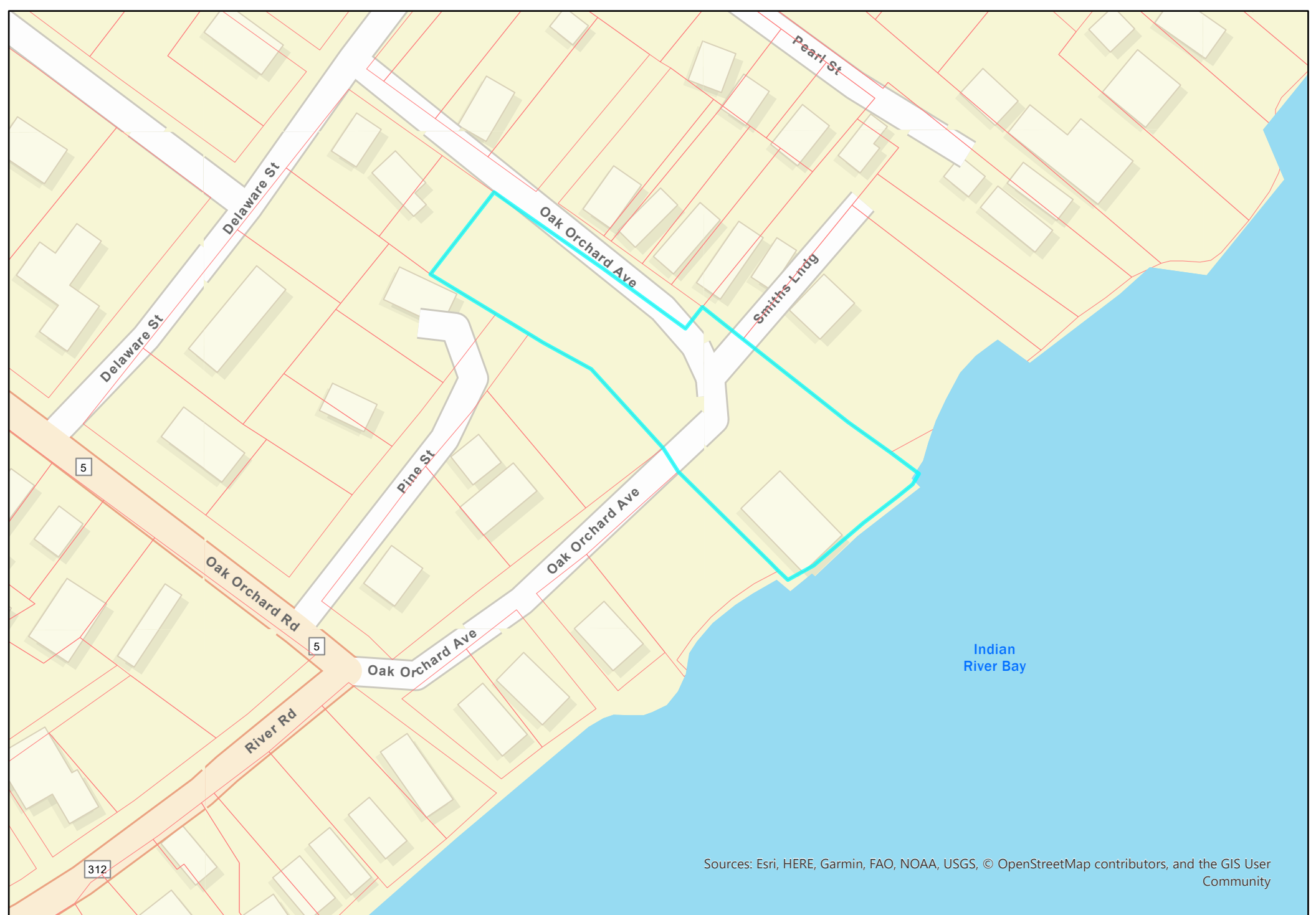


PIN:	234-35.09-6.00
Owner Name	WALTON COMMERCIAL PROPERTIES LLC
Book	4900
Mailing Address	2138 GRAVES RD
City	HOCKESSIN
State	DE
Description	OAK ORCHARD LOT 15
Description 2	PARCEL
Description 3	N/A
Land Code	

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- Tax Ditch Segments**
 - Tax Ditch Channel
 - DeIDOT Maintained
 - HOA Maintained
 - Pipe - DeIDOT
 - Pipe - Tax Ditch
 - Pipe - Private
 - Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Well Head Protection Areas
- Aglands Preservation Districts**
 - Ag Easement
 - District
 - Expansion
 - Forestland Area
 - Forestland Easement
 - Young Farmer
 - Municipal Boundaries
 - Easements
 - TID

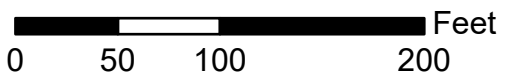
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Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Text



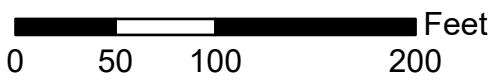


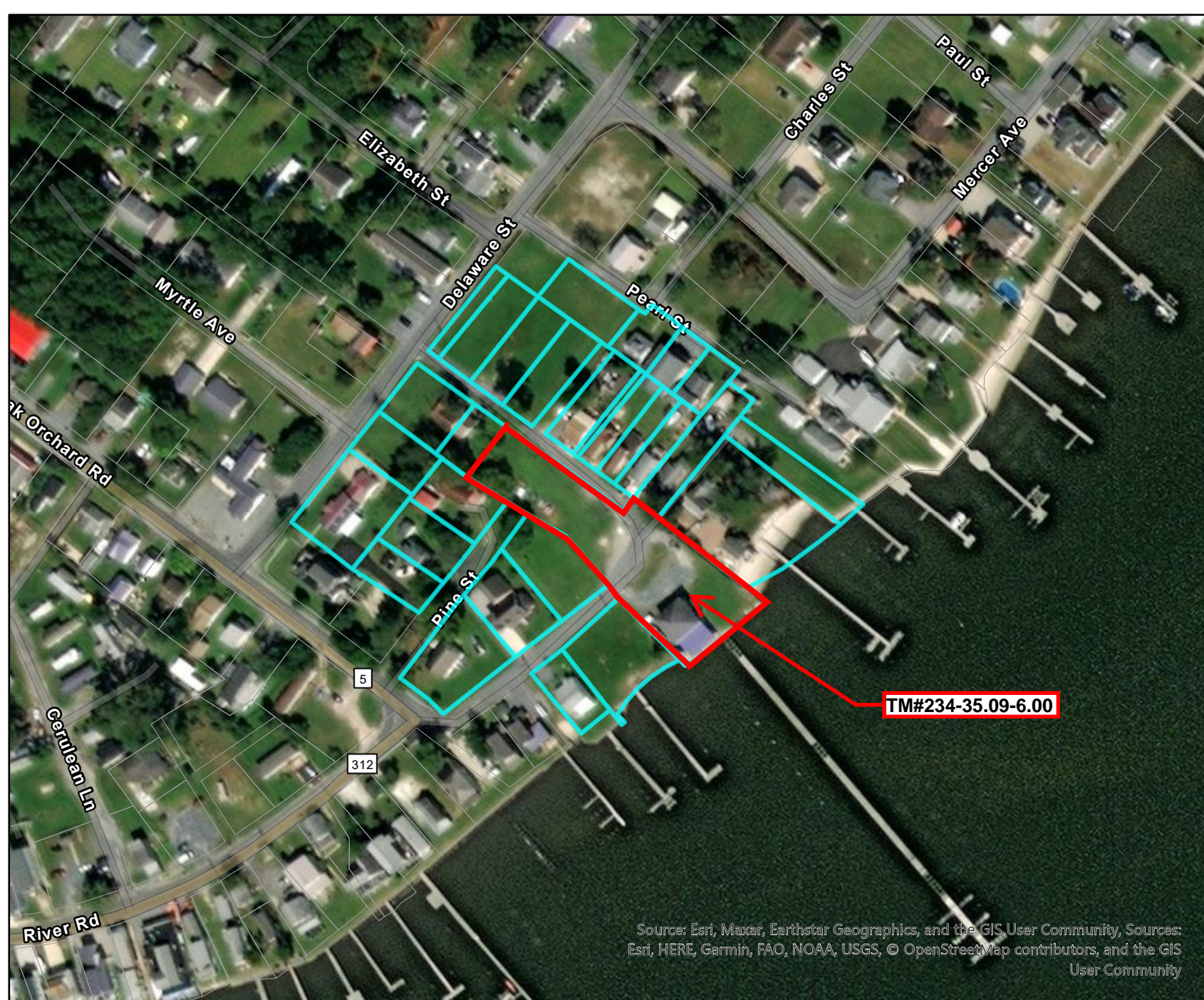
- ### Zoning
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - Neighborhood Business - B-2
 - Business Research - B-3
 - General Commercial - C-1
 - General Commercial - C-2
 - General Commercial - C-3
 - General Commercial - C-4
 - General Commercial - C-5
 - Commercial Residential - CR-1
 - Institutional - I-1
 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



Lessard Builders - CU 2349
 TM# 234-35.09-6.00
 Groundwater Recharge Potential

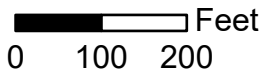




PIN
234-35.09-6.00
234-34.08-71.00
234-35.05-121.00
234-34.08-76.00
234-35.05-116.00
234-34.12-29.00
234-35.05-117.00
234-34.08-75.00
234-35.05-43.00
234-35.05-111.01
234-35.05-119.00
234-35.09-1.00
234-35.05-42.00
234-35.05-111.02
234-35.05-113.00
234-35.05-118.00
234-34.08-77.00
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234-34.12-30.00
234-34.08-73.00
234-35.09-3.00
234-34.08-70.00
234-35.09-4.00
234-34.12-31.00
234-34.08-72.00
234-35.05-115.00
234-35.05-111.00
234-35.05-114.00
234-34.08-74.01

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

CU 2349 Lessard Builders
Mailing List Map



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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Memorandum

To: Sussex County Planning Commission Members
From: Mr. Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 10, 2023
RE: Staff Analysis for C/U 2349 Lessard Builders

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2349 Lessard Builders to be reviewed during the February 9th, 2023, 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: 234-35.09-6.00 to allow for multifamily dwellings (10 units). The property is lying on the northwest side and the southeast side of Oak Orchard Road (Rt. 5), approximately 300 feet east of River Road (S.C.R. 312). The parcel is comprised of a total of 0.84 acres +/-.

Comprehensive Plan Analysis

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 (FLUM) 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 parcels have a Growth Area designation of “Coastal Area.” The parcels adjacent to the subject property landward and all along Indian River Bay also have the Future Land Use Map (FLUM) designation of “Coastal Area.”

Coastal Areas are growth areas that are among “the most desirable locations in Sussex County for new housing” and contain “ecologically important and sensitive characteristics.” The Plan also notes that these areas have “significant impact upon water quality within the adjacent bays and inlets” (2018 Sussex County Comprehensive Plan, 4-15). The Plan includes guidelines for growth in Coastal Areas noting “A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units.” Additionally, the Plan notes that “medium and higher density (4-12 units per acre) can be appropriate: “where there is central water and sewer, near sufficient commercial uses, keeping with the character of the area, and where it is along a main road” (2018 Sussex County Comprehensive Plan, 4-16).

Under the guidelines in the Plan, the proposed Conditional Use to permit multifamily dwellings (10 units) could be seen as appropriate at this site.



Zoning Information

The subject parcels are zoned Medium Density Residential (MR) District. The adjacent properties are zoned Medium Density Residential (MR) District as well.

Conditional Use Applications within the Vicinity of the Subject Site
 (Within a 1-mile radius of the subject site)

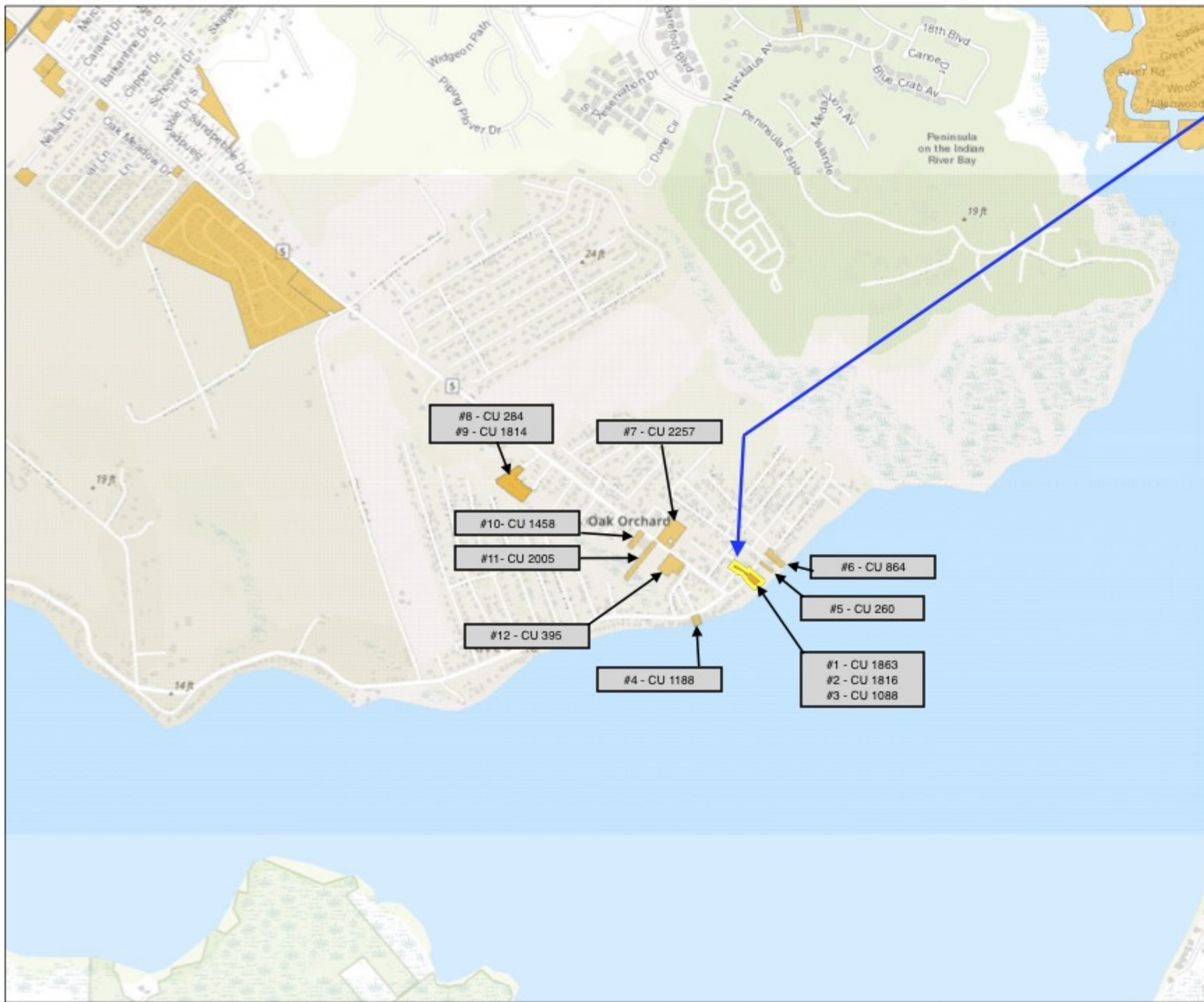
Change of Zone Applications (Within a 0.5-mile radius of the subject site)							
Item # on Attached Map	Application Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
#1	<u>CU 1863</u>	Andrew & Carol Walton	MR	Marina/Restaurant/Etc.	Approved	6/8/2010	Ord. No. 2124
#2	<u>CU 1816</u>	Andrew & Carol Walton	MR	Retail/Multifamily	Withdrawn	3/16/2010	N/A
#3	<u>CU 1088</u>	Andrew & Carol Walton	MR	Marina & Related Uses	Approved	9/13/1994	Ord. No. 985
#4	<u>CU 1188</u>	Indian River Marina Pier	C-1	Multifamily	Approved	7/29/1997	Ord. No. 1160
#5	<u>CU 260</u>	Ulrich & Ruth Willard	MR	Beauty Shop	Denied	3/18/1975	N/A
#6	<u>CU 864</u>	Jere & Janet Coxon	MR	Multifamily	Approved	5/12/1987	Ord. No. 417

#7	<u>CU 2257</u>	Indian River Volunteer Fire Co. Inc.	C-1 & GR	Boat Storage and Overflow Parking	Approved	9/14/2021	Ord. No. 2799
#8	<u>CU 284</u>	John Satterfield	GR	Water System	Approved	7/29/1975	N/A
#9	<u>CU 1814</u>	John Satterfield	GR	Water System	Withdrawn	N/A	N/A
#10	<u>CU 1458</u>	Indian River Vol. Fire Co., Inc.	GR	Expand Fire Station	Approved	7/16/2002	Ord. No. 1551
#11	<u>CU 2005</u>	Indian River Vol. Fire Co., Inc.	GR	Boat Storage Facility	Approved	3/10/2015	Ord. No. 2387
#12	<u>CU 395</u>	John Satterfield	C-3	Boat Display, Sales & Services	Approved	2/1/1977	N/A

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for the construction of multifamily dwellings (10 units) at this site, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



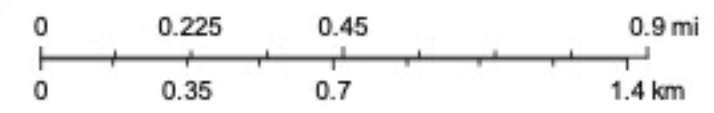
Sussex County



PIN:	234-35.09-6.00
Owner Name	WALTON COMMERCIAL PROPERTIES LLC
Book	4900
Mailing Address	2138 GRAVES RD
City	HOCKESSIN
State	DE
Description	OAK ORCHARD LOT 15
Description 2	PARCEL
Description 3	N/A
Land Code	

polygonLayer
 Override 1
 polygonLayer
 Override 1
 Conditional Use

1:18,056



File #: C/U 2349
202201773

Planning & Zoning Commission Application

Sussex County, Delaware

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

RECEIVED

FEB 08 2022

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Intersection of Oak Orchard Ave., Pine Street and Phillips Road

Type of Conditional Use Requested:

Conditional Use for 10 multi-family condo units .

Tax Map #: 234-35.09-6.00

Size of Parcel(s): 0.84 acres

Current Zoning: MR

Proposed Zoning: MR

Size of Building: 17,889 Sq. ft.

Land Use Classification: Residential

Water Provider: Tidewater Utilities, Inc.

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Lessard Builders

Applicant Address: 257E Camden-Wyoming Ave.

City: Camden

State: DE

Zip Code: 19934

Phone #: (302) 698-1091

E-mail: bpl@lessardbuilders.com

Owner Information

Owner Name: Andrew and Carol Walton

Owner Address: 2138 Graves Road

City: Hockessin

State: DE

Zip Code: 19707

Phone #: (302) 235-5955

E-mail: accontractinginc@msn.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc., c/o W. Zachary Crouch, P.E.

Agent/Attorney/Engineer Address: 1 Park Avenue

City: Milford

State: DE

Zip Code: 19963

Phone #: (302) 424-1441

E-mail: wzc@dbfinc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

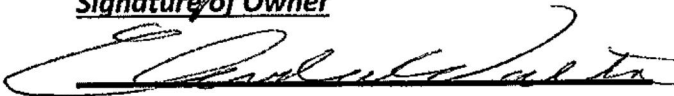
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 2-2-2022

Signature of Owner



Date: 2/2/22

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: _____



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

NICOLE MAJESKI
SECRETARY

December 15, 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 **Lessard Builders** proposed land use application, which we received on December 3, 2021. This application is for an approximately 1.30-acre parcel (Tax Parcel: 234-35.09-6.00). The subject land is located on the north and south of Oak Orchard Road (Sussex Road 312) about 290 ft east of the intersection with River Road (Sussex Road 312). The subject land is currently zoned MR (Medium Density Residential), and the applicant seeks a conditional use approval to build condo style beach homes.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along River Road, is 263 vehicles per day.

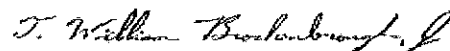
Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** 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. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

Mr. Jamie Whitehouse
Page 2 of 2
December 15, 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 Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **1/13/2023**

APPLICATION: **CU 2349 Lessard Builders**

APPLICANT: **Lessard Builders**

FILE NO: **OM-19.04**

TAX MAP &
PARCEL(S): **234-35.09-6.00**

LOCATION: **Lying at the intersection of Oak Orchard Road and Smiths
Landing Road.**

NO. OF UNITS: **Multi-family dwellings (10 units)**

GROSS
ACREAGE: **0.84**

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? **Choose an item.** If yes, how many? **Click or tap here to enter text..** Is it likely that additional SCCs will be required? **Choose an item.**
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? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **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:

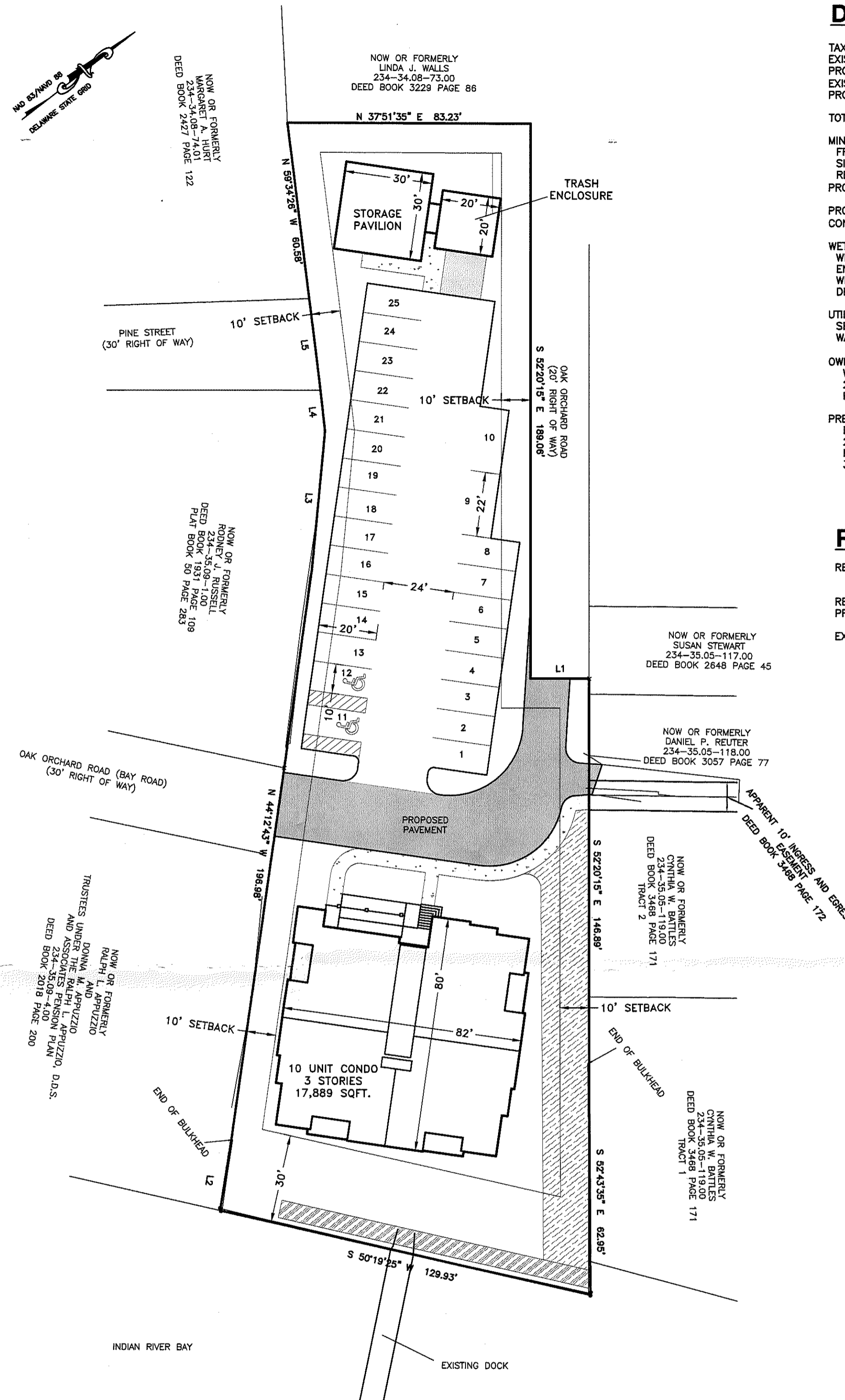
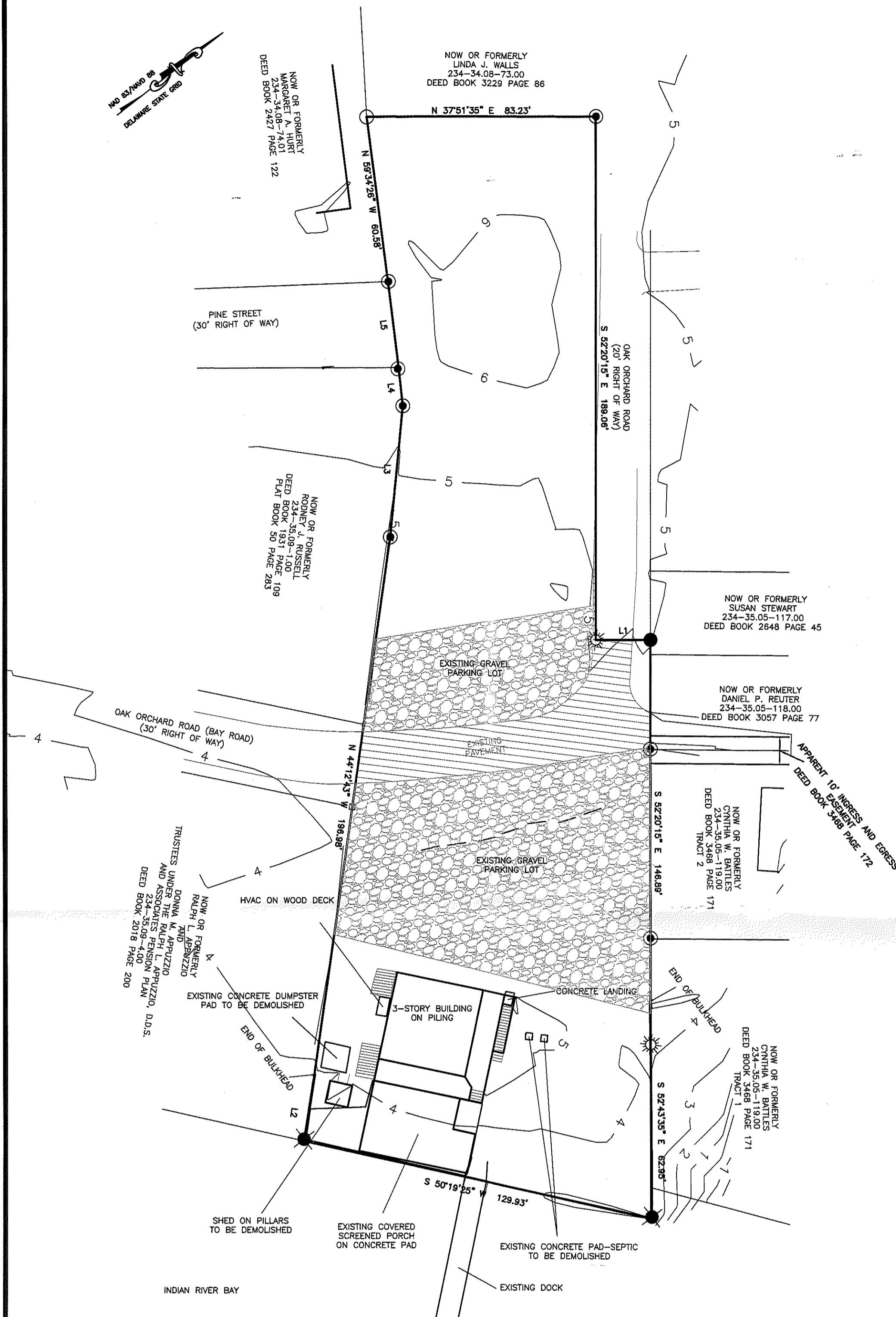


John J. Ashman
Director of Utility Planning & Design Review

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

EXISTING

PROPOSED



DATA COLUMN

TAX MAP NUMBER: 234-35.09-6.00
 EXISTING ZONING: MR WITH CONDITIONAL USE
 PROPOSED ZONING: MR WITH CONDITIONAL USE
 EXISTING USE: COMMERCIAL/MARINA
 PROPOSED USE: RESIDENTIAL

TOTAL CONDITIONAL USE SITE AREA: 0.84 ACRES

MINIMUM ZONING REQUIREMENTS:
 FRONT YARD SETBACK: 30 FT.
 SIDE YARD SETBACK: 10 FT.
 REAR YARD SETBACK: 10 FT.
 PROPOSED BUILDING HEIGHT: 42' MAXIMUM

PROPOSED BUILDING CONSTRUCTION: WOOD/CONCRETE BLOCK

WETLANDS: WETLANDS DO NOT EXIST ON SITE. WETLANDS EVALUATION WAS PERFORMED BY ENVIRONMENTAL RESOURCES, INC. IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND ASSOCIATED GUIDANCE.

UTILITIES:
 SEWER—OAK ORCHARD SANITARY SEWER DISTRICT
 WATER—PUBLIC WATER SUPPLY

OWNERS/DEVELOPER:
 WALTON COMMERCIAL PROPERTIES, LLC.
 2138 GRAVES ROAD
 HOCKESSIN, DE 19707

PREPARED BY:
 DAVIS, BOWEN, & FRIEDEL, INC.
 23 NORTH WALNUT STREET
 MILFORD, DE 19963
 302-424-1441

PARKING RATIONALE

RESIDENTIAL: 2 SPACES / UNIT
 10 UNITS x 2 = 20 SPACES

REQUIRED SPACES: 20
 PROPOSED SPACES: 25

EXISTING BOAT SLIPS: 10

LEGEND

- RIGHT OF WAY
- PROPERTY LINE
- BUILDING SETBACK LINE
- EXISTING CONTOUR
- IRON ROD & CAP FOUND
- IRON PIPE FOUND
- CONCRETE MONUMENT FOUND
- IRON ROD & CAP TO BE SET
- DELDOT MONUMENT TO BE SET
- ⊙ GEAR SPIKE FOUND
- ⊙ TIMBER SPIKE FOUND

GENERAL NOTES:

- ALL FIRELANES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD. THE PAVING RADIUS FOR ALL CUL-DE-SACS IS 38'.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
- ALL MATERIALS AND WORKMANSHIP SHALL BE CONSTRUCTED IN ACCORDANCE WITH DELDOT STANDARDS, SPECIFICATIONS, AND SUSSEX COUNTY ORDINANCE 38.
- ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDDED.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "DELAWARE 2000 TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS." (LATEST EDITION FEB. 1, 2000)
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES."
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARMING OPERATIONS.
- TOPOGRAPHIC SURVEY PERFORMED JUNE 2008, BY DAVIS, BOWEN, & FRIEDEL, INC. VERTICAL DATUM IS NAVD 88.

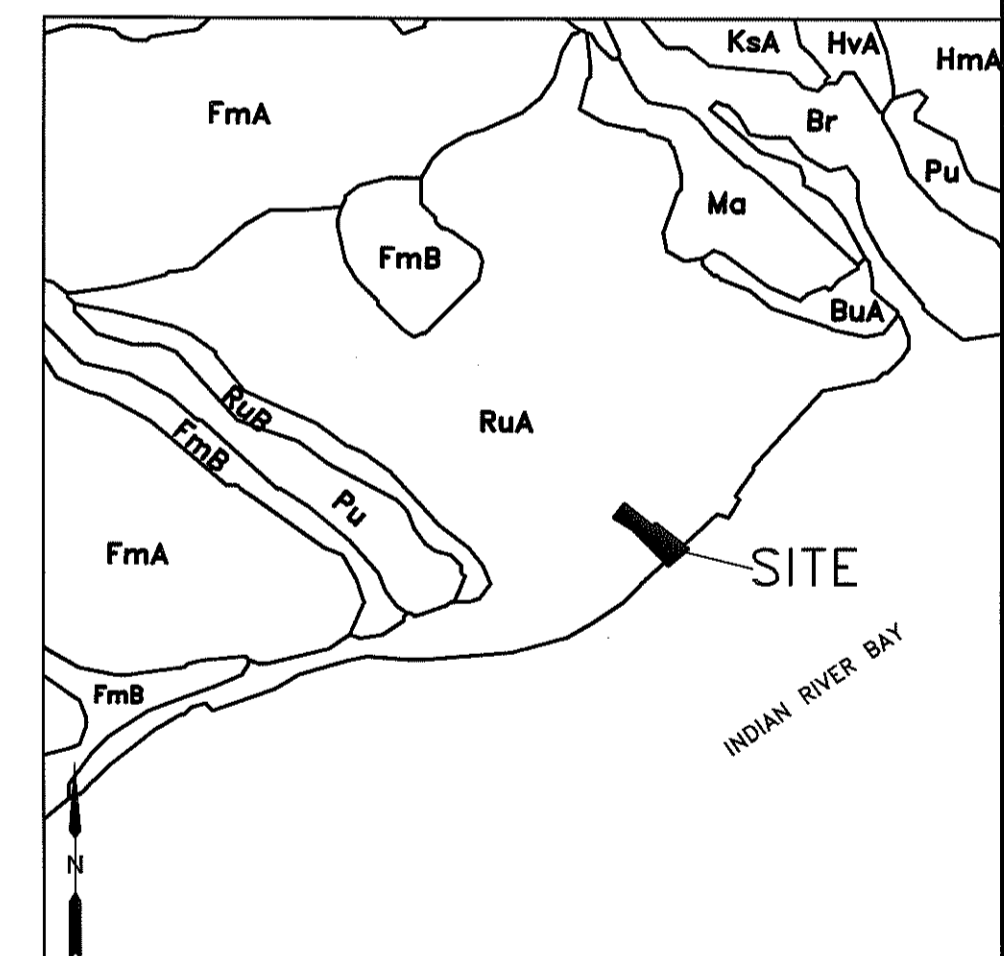
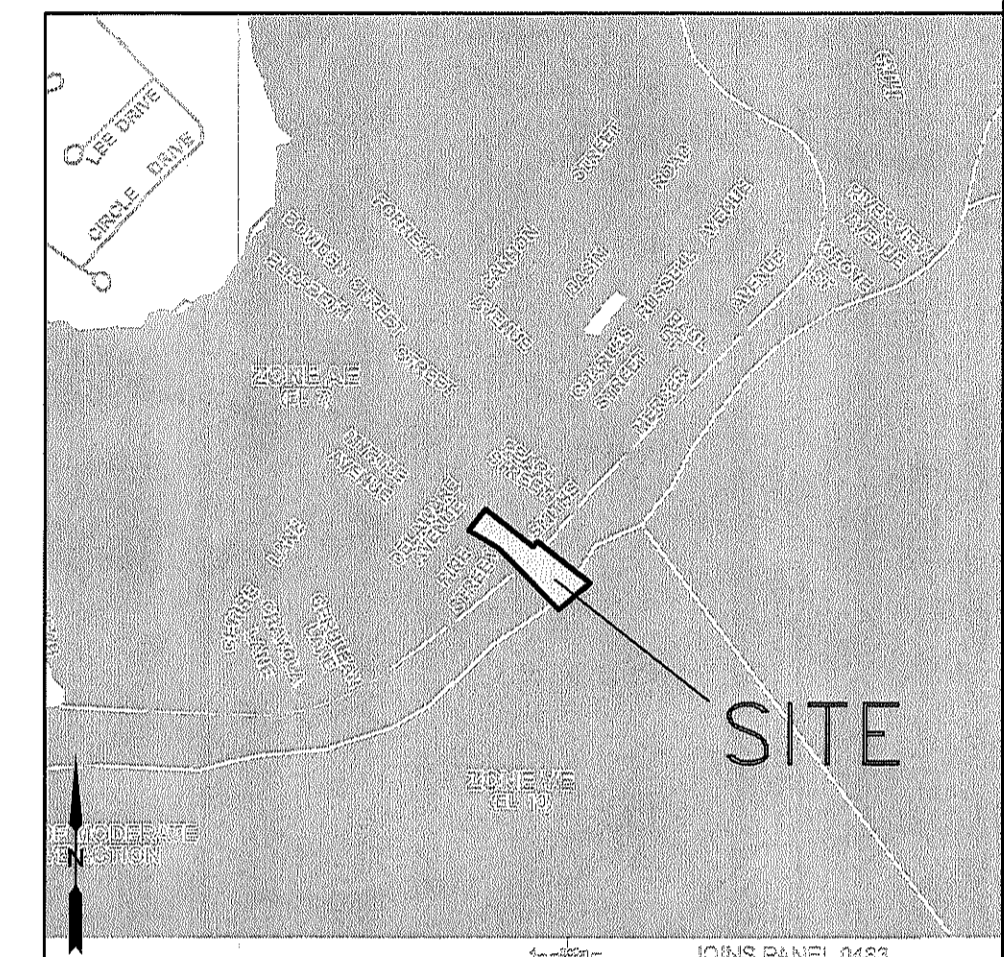
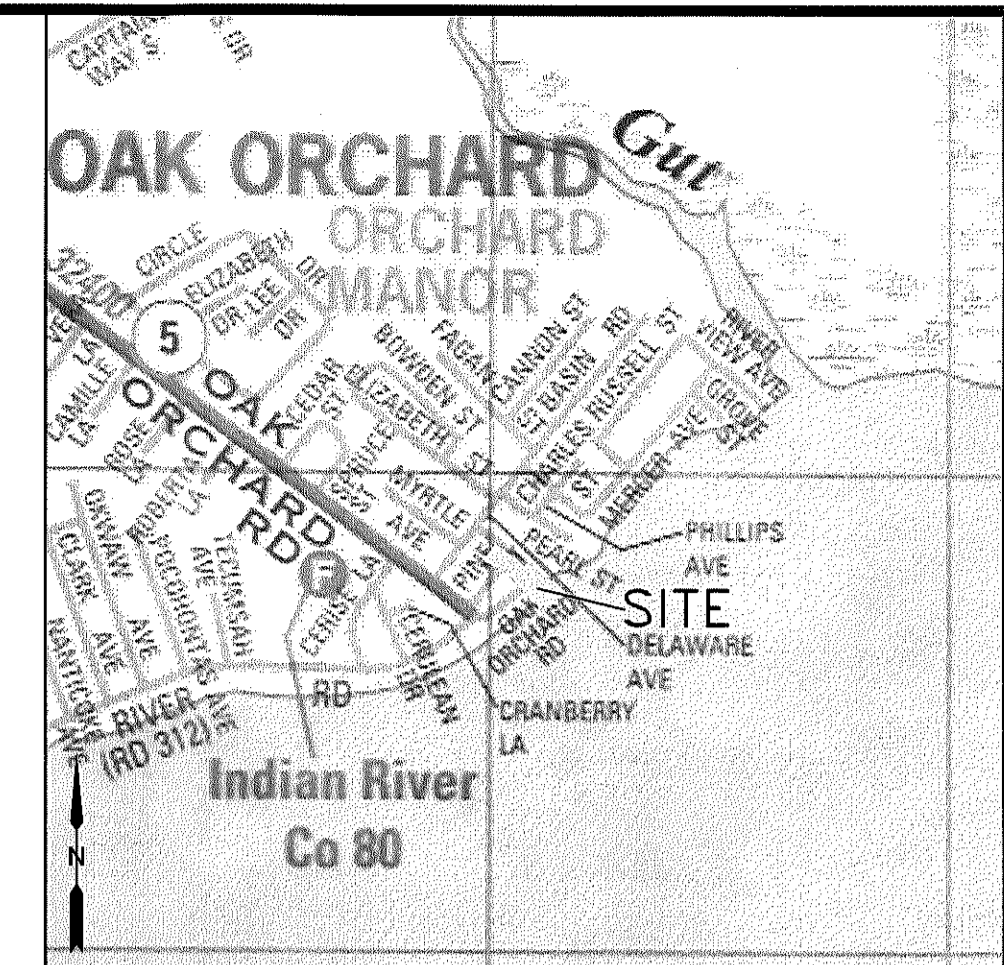
ENGINEERS' STATEMENT

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

SIGNATURE: _____

DATE: _____

SEAL: _____



FmA	FORT MOTT LOAMY SAND, 0-2% SLOPES
FmB	FORT MOTT LOAMY SAND, 2-5% SLOPES
Pu	PURNELL PEAT, VERY FREQUENTLY FLOODED, TIDAL
RuA	RUNCLINT LOAMY SAND, 0-2% SLOPES
RuB	RUNCLINT LOAMY SAND, 2-5% SLOPES
KsA	KLEJ LOAMY SAND, 0-2% SLOPES
Ma	MANAHAWKIN MUCK, FREQUENTLY FLOODED BROCKATONORTON-URBAN LAND COMPLEX, 0-2% SLOPES
BuA	BROADKILL MUCKY PEAT, VERY FREQUENTLY FLOODED, TIDAL
Br	BROADKILL MUCKY PEAT, VERY FREQUENTLY FLOODED, TIDAL
HvA	HURLOCK SANDY LOAM, 0-2% SLOPES
HmA	HAMMONTON LOAMY SAND, 0-2% SLOPES

EXISTING BOUNDARY LINE CHART

LINE	BEARING	DISTANCE
L1	N 37°39'45" E	20.00'
L2	N 43°13'18" W	23.79'
L3	N 46°52'18" W	47.50'
L4	N 58°41'58" W	13.90'
L5	N 59°24'42" W	31.26'

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



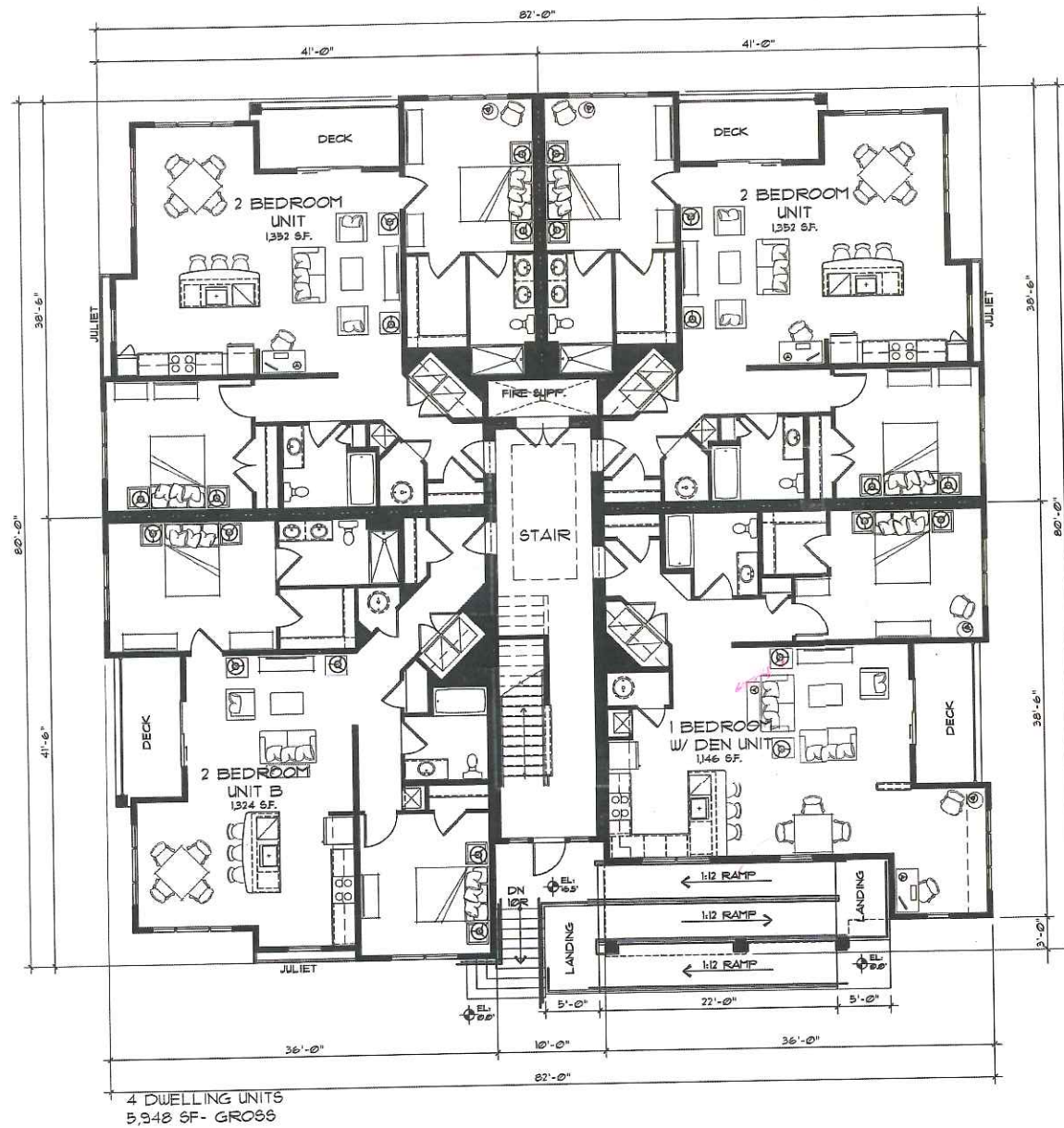
Conditional Use Plan

E. ANDREW & CAROL WALTON
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

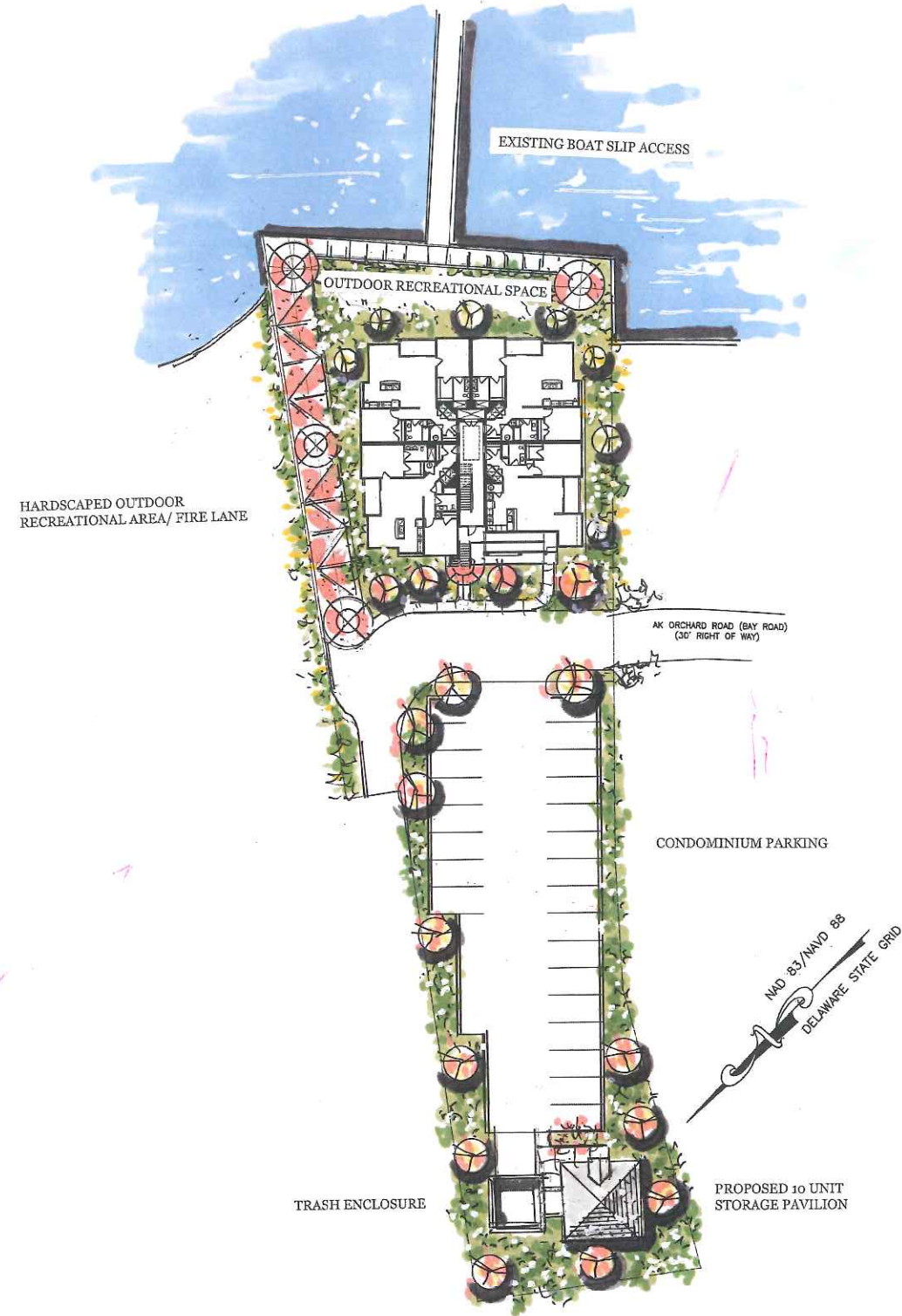
REVISED: 3-16-2010 PER OWNER

Date: AUGUST 2021
 Scale: 1" = 30'
 Dwn.By: JMJ
 Proj.No.: 2039A002.C01
 Dwg.No.:

FILE COPY



FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



SITE PLAN
SCALE: 1" = 30'-0"

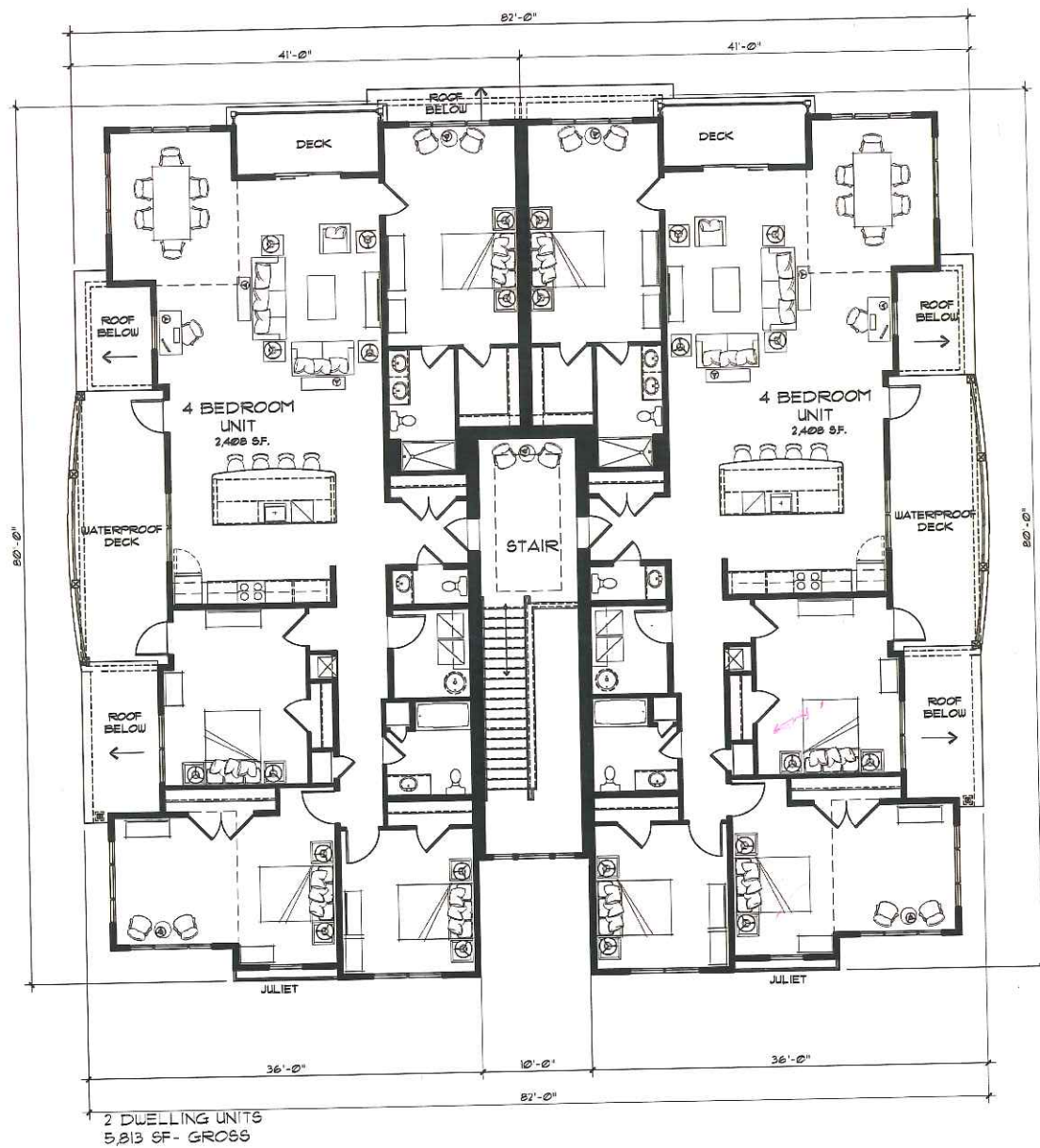
MAY 28, 20

OAK ORCHARD - 10 UNIT CONDOMINIUMS
32792 OAK ORCHARD AVENUE
MILLSBORO, DELAWARE

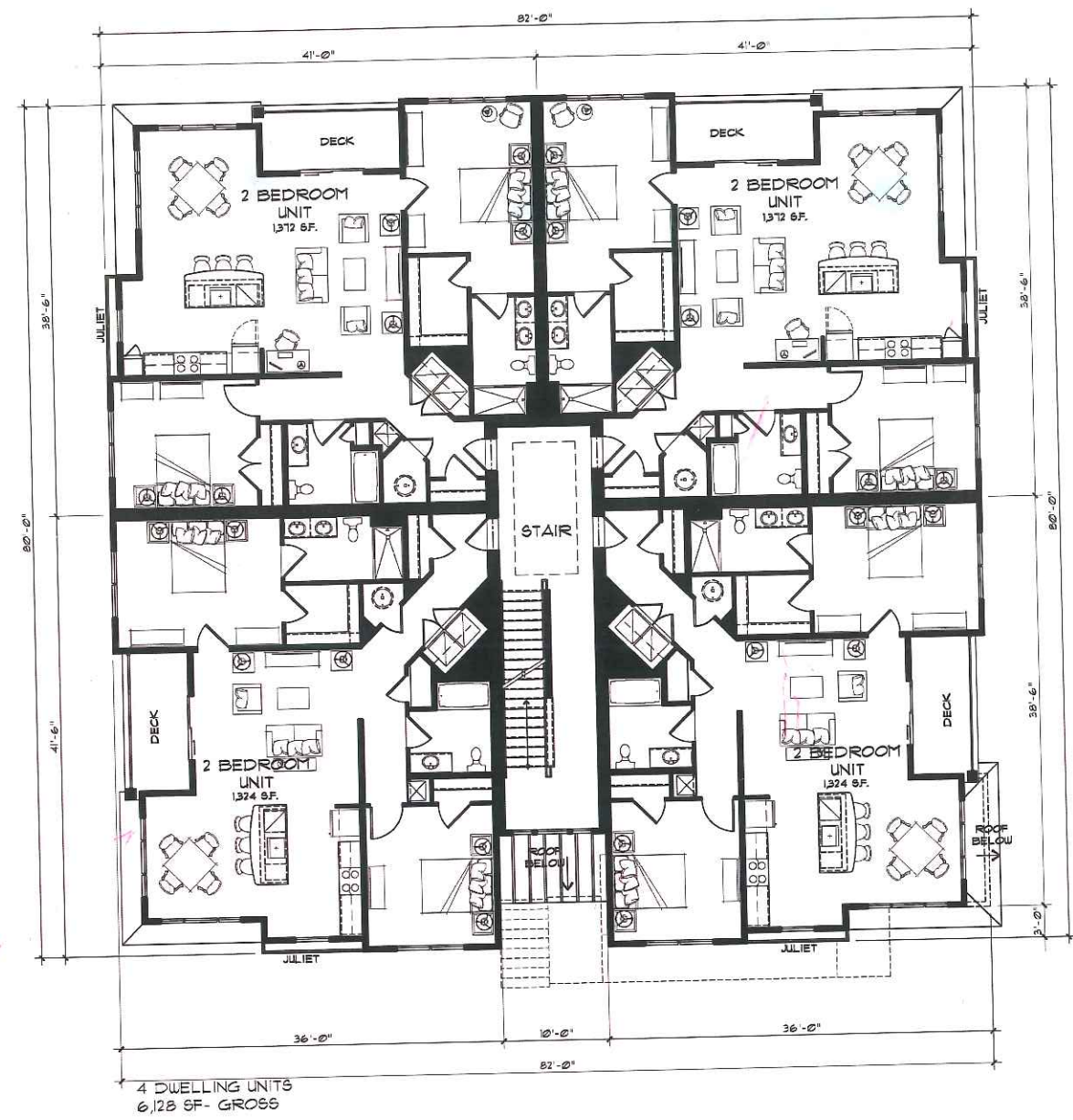
ALLIES ARCHITECTURE, INC.

285 SOUTH CHURCH STREET, SUITE 4, MOORESTOWN, NEW JERSEY 08057 (856) 231-1111

A1



THIRD FLOOR PLAN



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"
MAY 28, 2021

A2

OAK ORCHARD - 10 UNIT CONDOMINIUMS

32792 OAK ORCHARD AVENUE
MILLSBORO, DELAWARE

LESSARD BUILDERS

ALLIES ARCHITECTURE, INC.

285 SOUTH CHURCH STREET, SUITE 4, MOORESTOWN, NEW JERSEY 08057 (856) 244-7



BAY SIDE ELEVATION



OAK ORCHARD AVENUE ELEVATION

SCALE: 1/8" = 1'-0"
MAY 28, 2021

OAK ORCHARD - 10 UNIT CONDOMINIUMS

32792 OAK ORCHARD AVENUE

ALLIES 

FUQUA, WILLARD & SCHAB, P.A.

PAYNTER HOUSE

26 THE CIRCLE OR P.O. BOX 250
GEORGETOWN, DELAWARE 19947
PHONE 302-856-7777
FAX 302-856-2128
onthecircle@fwsdelaw.com

JAMES A. FUQUA, JR.
WILLIAM SCHAB
TIMOTHY G. WILLARD
www.fwsdelaw.com

LEWES REAL ESTATE OFFICE
16698 KINGS HIGHWAY, SUITE B
LEWES, DELAWARE 19958
PHONE 302-645-6626
FAX 302-645-6620
realestate@fwsdelaw.com

BLUE BUILDING

105 W. 4TH STREET
LEWES, DE 19958
PHONE 302-856-9024
FAX 302-856-6360

REHOBOTH OFFICE

20245 BAY VISTA RD., UNIT 203
REHOBOTH BEACH, DE 19971
PHONE 302-227-7727
FAX 302-227-2226

January 19, 2023

Jamie Whitehouse, Director
Sussex County Planning Dept.
2 The Circle
Georgetown, DE 19947

RECEIVED

JAN 25 2023

Re: CU No. 2349
Lessard Builders

SUSSEX COUNTY
PLANNING & ZONING

Dear Mr. Whitehouse:

Please include the attached in the record as part of the applicant's exhibits:

1. County Council and Planning and Zoning decisions on CU No. 1088/Clyde Hull
2. County Council and Planning and Zoning decisions on CU No. 1863/Andrew and Carol Walton

Thank you.

Very truly yours,

FUQUA, WILLARD & SCHAB, P.A.

By: 
James A. Fuqua, Jr.

JAF/jel

CU# 1088

#(1)

ORDINANCE NO. 935

WITH STIPULATIONS

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MD MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MARINA WITH BOAT RENTAL, BOAT SLIP RENTAL, BAIT AND TACKLE SALES, SANDWICH SHOP, CRABPING PIER, OFFICE AND RESIDENCE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 36,628 SQUARE FEET (0.841 ACRES), MORE OR LESS

WHEREAS, on the 19th day of July, 1994, a conditional use application, denominated C/U #1088, was filed on behalf of Clyde Hull; and

WHEREAS, on the 25th day of August, 1994, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that C/U #1088 be approved; and

WHEREAS, on the 13th day of September, 1994, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of C/U #1088 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 Indian River Hundred, Sussex County, Delaware, and lying on the western side of a twenty (20) foot private road,

2

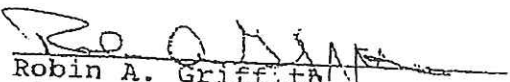
BEGINNING at a point on the western side of a twenty (20) foot private road, 140 feet south of Delaware Street. thence south 42°18'40" east 189.06 feet to a point, thence north 47°41'20" east 20.00 feet to a point, thence south 42°18'40" east 146.89 feet to a point, thence south 42°42'00" east 62.95 feet to a point, thence south 60°21'00" west 129.93 feet to a point, thence north 33°11'43" west 23.79 feet to a point, thence north 34°11'08" west 196.98 feet to a point, thence north 36°50'43" west 47.50 feet to a point, thence north 49°23'07" west 31.26 feet to a point, thence north 49°32'51" west 60.60 feet to a point, thence north 47°53'10" east 83.23 feet to said point of beginning as surveyed by Coast Survey, Inc., said parcel to contain 36,628 square feet (0.841 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 stipulations:

1. The maximum number of boats for rent shall be twenty.
2. No boat storage shall be permitted, except for boats belonging to the owner.
3. No boat motor repair shall be permitted.
4. No fuel sales shall be permitted.
5. The hours of operation shall be from 6:00 a.m. to 10:00 p.m. for use of the pier and boat rental.
6. There shall be no arcade.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 985 ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 13TH DAY OF SEPTEMBER, 1994.


Robin A. Griffith
Clerk of the County Council

The findings of fact and recommendations of the Planning and Zoning

ON THE 15TH DAY OF SEPTEMBER, 1991.

3


Robin A. Griffith
Clerk of the County Council

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of fact of the County Council. The County Council found that the proposed conditional use was appropriate legislative action and promoted the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council found that the proposed conditional use was of a public or semi-public character and was essential and desirable for the general convenience and welfare.

- M 388 94 (con't)
3. Maximum number of applications of sludge on this site shall be once per year; subject to the approval of the State DNREC.
 4. Hours for application of sludge shall be limited as follows: 6:00 a.m. to 8:00 p.m., Monday through Saturday.
 5. There shall be no stockpiling of sludge materials on site.
 6. The Conditional Use will be valid for five years; concurrent with the State DNREC permit.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Benson, Yea; Mr. Cole, Yea;
Mr. Collins, Yea; Mr. Stevenson, Yea;
Mr. Dukes, Yea

Findings
of Fact

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of fact of the County Council. The County Council found that the proposed conditional use was appropriate legislative action and promoted the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council found that the proposed conditional use was of a public or semi-public character and was essential and desirable for the general convenience and welfare.

Public
Hearing
(C/U
#1088)

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MARINA WITH BOAT RENTAL, BOAT SLIP RENTAL, BAIT AND TACKLE SALES, SANDWICH SHOP, CRABBING PIER, OFFICE AND RESIDENCE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 36,628 SQUARE FEET (0.841 ACRES), MORE OR LESS (Conditional Use No. 1088) filed on behalf of Clyde Hull. The Public Hearing was closed.

M 389 94
Adopt
Ordinance
No. 985
(C/U
#1088)

A Motion was made by Mr. Collins, seconded by Mr. Cole, to Adopt Ordinance No. 985 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MARINA WITH BOAT RENTAL, BOAT SLIP RENTAL, BAIT AND TACKLE SALES, SANDWICH SHOP, CRABBING PIER, OFFICE AND RESIDENCE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 36,628 SQUARE FEET (0.841 ACRES), MORE OR LESS (Conditional Use No. 1088) filed on behalf of Clyde Hull, with the following stipulations:

~~Motion by Mr. Ralph, seconded by Mrs. Monaco, and carried unanimously to defer action.~~

3. RE: C/U #1088 - Clyde Hull

Clyde Hull and Kenneth Clark, attorney, were present on behalf of this application to consider the Conditional Use of land in an MR Medium Density Residential District in Indian River Hundred for a Marina with Boat Rental, Boat Slip Rental, Bait and Tackle Sales, Sandwich Shop, Crabbing Pier, Office and Residence, lying on the west side of a twenty (20) foot private road, 140 feet south of Delaware Street (Route 297-A) to be located on a parcel containing 36,628 square feet (0.841 acre) more or less.

Mr. Lank summarized comments received from DelDOT, the Sussex Conservation District, the Indian River School District.

Mr. Lank summarized a letter in support from Patrick C. Miller and a petition in support which contains 11 signatures.

Mr. Lank read a letter from Scott Walls in opposition.

Mr. Clark advised the Commission that the applicant purchased the site in 1993, that the site was originally the site of the old Oak Orchard Hotel, that the hotel had a 520' pier, that the hotel/restaurant was torn down in 1986 and lost its non-conforming status, that the applicant proposes a community oriented marina, that the community has historically utilized the pier, that fees may be charges to fish or crab from the pier, that applications have been filed with DNREC for marina use of the pier, that a two story building is proposed with a bait and tackle shop, office, and sandwich shop on the first floor, and a residence on the second floor, that historically a need has existed for this type of activity in the Oak Orchard area, that over the years most of the river frontage has been privatized, that the use will allow access to the river, that the pier has recently been renovated per approvals from DNREC, that the closest bait and tackle shop is approximately 2 miles away at the intersection of Route 24 and Route 5 (Route 297), that the use will meet the criteria for a marina in the Conditional Use section of the Code, that the use will comply with all laws and Codes, that no fuel sales or storage are proposed, and that there will be no additional impact on navigation since the pier already existed and was only renovated.

Mr. Hull advised the Commission that he has been a lifetime visitor of the area, that he proposes a maximum of twenty (20) boats, that off-season storage of boats will be limited to boats that he owns, that no boat motor repair is proposed, that no arcade area is proposed, that the public will have access

to the pier, that the primary commercial use of the pier will be permitting crabbing and fishing from the pier, that if the DNREC rejects the slip rentals the crabbing activity and the sandwich shop will still proceed, that his deed does not reference any dedication of any roads, that the roads cross his property and will remain open, that ten (10) boat slips exist on the pier, that additional moorings exist for the boat rental, that he will occupy the residence, that the proposed building will be utilized for all of the uses, that a boat ramp does not exist and is not proposed, that no additional moorings are proposed, that the pier may be lighted, that the business may be open from 6:00 am to 10:00 pm, and that dry boat storage of his rental boats will be in the open area.

Mr. Clark added that as a resident of the area he can see a need for the use, that children enjoy crabbing, that the area needs an area that permits crabbing, that over the years the community started to decline, and that recently the community has started to upgrade.

Scott Walls spoke in support, after listening to the testimony, and stated that he was concerned about the area to be utilized for boat storage and access roads, that fencing should blend in with area fences, that the use will be good for the community, and that there are no known negative comments from the Oak Orchard/Riverdale Civic Association.

No parties appeared in opposition.

At the conclusion of the public hearings, the Chairman referred back to this application.

The Commission discussed the points and issues raised during the public hearing.

The Commission found, based on comments received from DelDOT, that the proposed change will have no significant impact on traffic.

The Commission found, based on comments received from the Sussex Conservation District, that the soils on site are mapped as Evesboro loamy sand, that the suitability of the soils for the intended use will have slight limitations that are easily overcome, that during any construction an erosion and sedimentation control plan should be followed and that after completion of any construction a vegetative cover should be maintained, that the farmland rating of the soil is of Statewide Importance, that no storm flood hazard area is affected, that it may not be necessary for any on-site or off-site drainage

improvements, and that no tax ditch is affected.

The Commission found, based on comments received from the Indian River School District, that at this time it does not appear that the proposed change will have a significant impact on the District.

The Commission found that a letter was received in support of the application.

The Commission found that a petition was received in support containing eleven (11) signatures of area residents.

The Commission found that the applicant and his attorney were present and advised the Commission that the applicant purchased the site in 1993, that the site was originally the site of the old Oak Orchard Hotel, that the hotel had a 520' pier, that the hotel/restaurant was torn down in 1986 and lost its non-conforming status, that the applicant proposes a community oriented marina, that the community has historically utilized the pier, that fees may be charges to fish or crab from the pier, that applications have been filed with DNREC for marina use of the pier, that a two story building is proposed with a bait and tackle shop, office, and sandwich shop on the first floor, and a residence on the second floor, that historically a need has existed for this type of activity in the Oak Orchard area, that over the years most of the river frontage has been privatized, that the use will allow access to the river, that the pier has recently been renovated per approvals from DNREC, that the closest bait and tackle shop is approximately 2 miles away at the intersection of Route 24 and Route 5 (Route 297), that the use will meet the criteria for a marina in the Conditional Use section of the Code, that the use will comply will all laws and Codes, that no fuel sales or storage are proposed, and that there will be no additional impact on navigation since the pier already existed and was only renovated, that the applicant has been a lifetime visitor of the area, that the applicant proposes a maximum of twenty (20) boats, that off-season storage of boats will be limited to boats that he owns, that no boat motor repair is proposed, that no arcade area is proposed, that the public will have access to the pier, that the primary commercial use of the pier will be permitting crabbing and fishing from the pier, that if the DNREC rejects the slip rentals the crabbing activity and the sandwich shop will still proceed, that the applicant deed does not reference any dedication of any roads, that the roads cross the applicant's property and will remain open, that ten (10) boat slips exist on the pier, that additional moorings exist for the boat rental, that the applicant will occupy the residence, that the proposed building will be utilized for all of

the uses, that a boat ramp does not exist and is not proposed, that no additional moorings are proposed, that the pier may be lighted, that the business may be open from 6:00 am to 10:00 pm, and that dry boat storage of the rental boats will be in the open area.

The Commission found that the attorney representing the applicant was also a resident of the area and advised them that as a resident of the area he can see a need for the use, that children enjoy crabbing, that the area needs an area that permits crabbing, that over the years the community started to decline, and that recently the community has started to upgrade.

The Commission found that the resident, who had written in opposition, spoke in support after listening to the testimony, and stated that he was concerned about the area to be utilized for boat storage and access roads, that fencing should blend in with area fences, that the use will be good for the community, and that there are no known negative comments from the Oak Orchard/Riverdale Civic Association.

The Commission found that no parties appeared in opposition.

Motion by Mr. Lynch, seconded by Mr. Phillips, and carried unanimously to forward this application to the Sussex County Council with the recommendation that it be approved with the following stipulations:

1. The maximum number of boats for rent shall be twenty (20).
2. No boat storage shall be permitted, except for boats belonging to the owner.
3. No boat motor repair shall be permitted.
4. No fuel sales shall be permitted.
5. The hours of operation shall be from 6:00 am to 10:00 pm for use of the pier and boat rental.

4. RE: ~~C/Z #1237 - Hunter Mill estates Partnership~~

~~No parties appeared on behalf of this application to amend the zoning map from AR-1 Agricultural Residential to GR General Residential in Broadkill Hundred, located on the east side of Hunters Mill Road, south of Circle Drive East, and north and west of Sawgrass Road within Hunters Mill Estates, 1,100 feet north of Route 9 and approximately one mile east of Route 5, lots 47, 48, and 50 through 61 of Hunters Mill Estates Subdivision to be located on a parcel containing 8.15 acres more or less.~~

~~Mr. Lank summarized comments received from the Sussex Conservation District.~~

#2

Sussex County
Planning & Zoning Commission
P.O. Box 417
Georgetown, DE 19947
302-855-7878
302-854-5079 (Fax)



Robert C. Wheatley
Michael B. Johnson
Rodney Smith
Martin L. Ross
Irwin G. Burton, III
Lawrence B. Lank, Director

CU # 1863

June 9, 2010



Andrew and Carol Walton
2138 Graves Road
Hockessin, DE 19707

RE: Conditional Use #1863
Marina with Restaurant, Retail and Multi-Family Dwelling Structures

Dear Mr. and Mrs. Walton,

This is to inform you that on June 8, 2010 the Sussex County Council approved the above referenced Conditional Use application with 14 conditions. This approval is valid for a three-year period. The approved use needs to be substantially underway within three years or the application is void.

The conditions of this approval are:

1. This Conditional Use shall replace Conditional Use #1088 for the property.
2. There shall be no more than 10 boat slips permitted, and all boat slips, dock, pier and marina activities shall be subject to all State and Federal requirements that may be applicable to the use.
3. All entrance, intersection and roadway improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.
4. No boat storage shall be permitted, except for boats belonging to the owner of the property.
5. No boat motor repair shall be permitted.
6. No fuel sales will be permitted.
7. There shall not be an arcade.
8. There shall be no more than 5 residential units on the property.
9. There shall be parking as required by the Zoning Code. The spaces shall be delineated on the site, and there shall be landscaping or a fence between the parking area and Oak Orchard Road to separate the parking area from the roadway.
10. The property shall be connected to the Oak Orchard Sanitary Sewer District and shall comply with all Sussex County Engineering Department requirements for the connection or system upgrades required to serve the property.
11. Storm water management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, using Best Management Practices.
12. Security lighting shall be screened from neighboring properties and roadways.

June 9, 2010

Page 2

13. All dumpsters or trash receptacles shall be screened from view.
14. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The final site plan shall be prepared by a Delaware Licensed Surveyor or Professional Engineer and shall contain the conditions of approval shown and depicted on it. Building permits will not be issued until the site plan has been approved by the Planning and Zoning Commission and upon receipt of all agency approvals. The following approvals are required for this project: DelDOT, Office of the State Fire Marshal, Sussex Conservation District and Sussex County Engineering Department.

An approved Ordinance will be sent to you in the near future from the Clerk of the County Council.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,



Shane Abbott
Assistant Director

cc: W. Zachary Crouch, P.E., Davis, Bowen & Friedel, Inc.

Mr. Phillips, Yea

**Public
Hearing
(C/U
No. 1863)**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MARINA WITH RESTAURANT, RETAIL AND MULTI-FAMILY DWELLING STRUCTURES (5 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.84 ACRE, MORE OR LESS” (Conditional Use No. 1863) filed on behalf of Andrew and Carol Walton.

**Public
Hearing
(C/U
No. 1863)
(continued)**

Lawrence Lank, Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on May 13, 2010 at which time action was deferred. On May 27, 2010, the Commission recommended that the application be approved with the following conditions:

- 1. This Conditional Use shall replace Conditional Use No. 1088 for the property.**
- 2. There shall be no more than 10 boat slips permitted, and all boat slips, dock, pier and marina activities shall be subject to all State and Federal requirements that may be applicable to the use.**
- 3. All entrance, intersection and roadway improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT’s determination.**
- 4. No boat storage shall be permitted, except for boats belonging to the owner of the property.**
- 5. No boat motor repair shall be permitted.**
- 6. No fuel sales will be permitted.**
- 7. There shall not be an arcade.**
- 8. There shall be no more than 5 residential units on the property.**
- 9. There shall be parking as required by the Zoning Code. The spaces shall be delineated on the site, and there shall be landscaping or a fence between the parking area and Oak Orchard Road to separate the parking area from the roadway.**
- 10. The property shall be connected to the Oak Orchard Sanitary Sewer District and shall comply with all Sussex County Engineering Department requirements for the connection or system upgrades required to serve the property.**
- 11. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, using Best Management Practices.**
- 12. Security lighting shall be screened from neighboring properties and roadways.**
- 13. All dumpsters or trash receptacles shall be screened from view.**
- 14. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the meeting of the Planning and Zoning Commission

dated May 13 and 27, 2010.)

Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission's Public Hearing.

Mr. Lank distributed Exhibit Books which were provided by the Applicant.

Public
Hearing
(C/U
No. 1863)
(continued)

Mr. Lank reported that one letter of correspondence was received on May 17, 2010, following the date of the Public Hearing before the Commission. The letter was from Margaret Hurt of Millsboro stating that she is in opposition to the retail aspect of the application but that she does not oppose the restaurant portion of the application. Ms. Hurt also questioned if sufficient parking would be available.

Andrew Walton was present on behalf of the application with Zach Crouch, Professional Engineer with Davis, Bowen & Friedel. They stated that the Applicant does not propose to close the roadway that runs across the property; that the site is subject to a previously approved application in 1994 for the marina with boat rental, boat slip rental, bait and tackle sales, sandwich shop, crabbing pier, office and residence (Conditional Use No. 1088); that the approval allowed for a maximum of 20 boat slips but only 10 boat slips exist and no additional boat slips are proposed; that the existing boat slips and docks will remain; that they are proposing to relocate the existing building to the north of the site and to convert it into a single family dwelling; that they are proposing four multi-family units above a restaurant and retail area; that the proposed building is proposed to include a 2,800 square foot restaurant facility with a 700 square foot patio, a 1,600 square foot retail store, and four apartments; that each apartment will contain 2,000 square feet and will be located on the second and third floors; that adequate space is available for parking on the site; that 29 parking spaces are required and 30 spaces are proposed (10 for the rental units and 20 for the restaurant); that the County will provide sewer service; that stormwater management will be Best Management Practices; that they will comply with the Pollution Control Strategies; that DelDOT did not require a Traffic Impact Study; that no wetlands exist on the site; and that the Owner is participating in the Delaware Clean Marina Program.

Public comments were heard.

Linda Walls spoke in support of the application and she stated that the project will be beneficial to the area and that traffic and parking is not a concern.

Councilmembers discussed whether or not the project provides sufficient parking. Mrs. Deaver stated that there should be parking for boat slips. It was noted that the County should consider addressing parking regulations for marinas.

The Public Hearing was closed.

M 311 10
Adopt
Ordinance
No. 2124
(C/U
No. 1863)
M 311 10
Adopt
Ordinance
No. 2124
(C/U
No. 1863)
(continued)

A Motion was made by Mr. Vincent, seconded by Mr. Wilson, to Adopt Ordinance No. 2124 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MARINA WITH RESTAURANT, RETAIL AND MULTI-FAMILY DWELLING STRUCTURES (5 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.84 ACRE, MORE OR LESS" (Conditional Use No. 1863) filed on behalf of Andrew and Carol Walton, with the following conditions:

1. This Conditional Use shall replace Conditional Use No. 1088 for the property.
2. There shall be no more than 10 boat slips permitted, and all boat slips, dock, pier and marina activities shall be subject to all State and Federal requirements that may be applicable to the use.
3. All entrance, intersection and roadway improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT's determination.
4. No boat storage shall be permitted, except for boats belonging to the owner of the property.
5. No boat motor repair shall be permitted.
6. No fuel sales will be permitted.
7. There shall not be an arcade.
8. There shall be no more than 5 residential units on the property.
9. There shall be parking as required by the Zoning Code. The spaces shall be delineated on the site, and there shall be landscaping or a fence between the parking area and Oak Orchard Road to separate the parking area from the roadway.
10. The property shall be connected to the Oak Orchard Sanitary Sewer District and shall comply with all Sussex County Engineering Department requirements for the connection or system upgrades required to serve the property.
11. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, using Best Management Practices.
12. Security lighting shall be screened from neighboring properties and roadways.
13. All dumpsters or trash receptacles shall be screened from view.
14. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Wilson, Yea;
Mr. Cole, Yea; Mr. Vincent, Yea;
Mr. Phillips, Yea


~~Agenda~~

~~Mr. Cole requested that the issue of sewer capacity be placed on a future~~

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2. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties or roadways.
3. As proposed by the Applicant, the hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m., Monday through Friday.
4. As stated by the Applicant, the building shall have a residential appearance.
5. The Applicant must comply will all DeDOT requirements concerning the entrance, easement and roadway improvements:
6. As stated by the Applicant, the use shall be a physical therapy practice.
7. The Final Site Plan shall include a landscape plan for the property.
8. The Applicant shall comply with all County Engineering Department requirements for connection of the property into the Sussex County Sewer District, including any system upgrades that are necessary to serve the property.
9. The site plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions and stipulations stated. Motion carried 5 – 0.

 **C/U #1863** – application of **ANDREW AND CAROL WALTON** to consider the Conditional Use of land in a MR Medium Density Residential District for a marina with restaurant, retail and multi-family dwelling structures (5 units) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.84 acres, more or less, lying southwest of Oak Orchard Road, northeast of Pine Street and northeast of Bay Road in Oak Orchard.

The Commission discussed this application, which has been deferred since May 13, 2010.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1863 for Andrew and Carol Walton for a marina with restaurant, retail and multi-family dwelling structures (5 units) based upon the record and for the following reasons:

- 1) This is the site of a prior Conditional Use approved for a marina with boat rental, boat slip rental, bait and tackle sales, sandwich shop, crabbing pier, office and residence. This new Conditional Use is consistent with the prior approved uses for the property.
- 2) Oak Orchard residents appeared in favor of the application, stating that it will be a benefit to the area.
- 3) The use, with the stipulations and conditions placed upon it, will not have an adverse effect on neighboring properties or the neighborhood.
- 4) The proposed use will not have an adverse effect upon traffic.
- 5) The use as a marina with restaurant and retail is of a public benefit to the residents of Oak Orchard and should help revitalize small businesses within the heart of Oak Orchard.
- 6) This recommendation for approval is subject to the following conditions:
 1. This Conditional Use shall replace Conditional Use #1088 for the property.
 2. There shall be no more than 10 boat slips permitted, and all boat slips, dock, pier and marina activities shall be subject to all State and Federal requirements that may be applicable to the use.

3. All entrance, intersection and roadway improvements required by DeIDOT shall be completed by the Applicant in accordance with DeIDOT's determination.
4. No boat storage shall be permitted, except for boats belonging to the owner of the property.
5. No boat motor repair shall be permitted.
6. No fuel sales will be permitted.
7. There shall not be an arcade.
8. There shall be no more than 5 residential units on the property.
9. There shall be parking as required by the Zoning Code. The spaces shall be delineated on the site, and there shall be landscaping or a fence between the parking area and Oak Orchard Road to separate the parking area from the roadway.
10. The property shall be connected to the Oak Orchard Sanitary Sewer District and shall comply with all Sussex County Engineering Department requirements for the connection or system upgrades required to serve the property.
11. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, using Best Management Practices.
12. Security lighting shall be screened from neighboring properties and roadways.
13. All dumpsters or trash receptacles shall be screened from view.
14. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

PUBLIC HEARINGS

Subdivision #2008-25 – application of **UNDERHILL PROPERTIES, LLC** to consider the subdivision of land in an AR-1 Agricultural Residential District in Indian River Hundred, Sussex County, by dividing 8.78 acres into 14 lots (Environmentally Sensitive Developing District Overlay Zone) expansion of 138 lot Environmentally Sensitive Developing District Overlay Zone (#2005-52), located 300 feet east of Road 279 and 700 feet north of Road 279A.

The Commission found that on May 14, 2010 the Applicant submitted an Exhibit Booklet for consideration which contains Projects Contacts, an Application, Subdivision #2008 – 25 Application Overview, a Development Report and Subdivision Considerations, Application Plans, Site Plan Details, Land Use Surrounding Zoning and Site Location Maps, Utility Providers and Covenants and Conditions.

Mr. Abbott advised the Commission that the Technical Advisory Committee Report of February 19, 2009 is a part of the record for this application.

The Commission found that Gene Bayard, Attorney, Tom Ford of Land Design Inc. and Michael Daniels of Underhill Properties, L.L.C. were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that this application is

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relocation of Old Orchard Road; that a traffic impact study was not required; that the peak a.m. hour increase in traffic is calculated as 16 additional vehicles, and the peak p.m. hour increase in traffic is calculated as 24 additional vehicles; that Tidewater Utilities are willing and able to serve the project with potable water; that the County will be providing sewer service; that the Applicants are aware that they may be required to participate in upgrades to the sewer system; that the proposed stormwater management facilities will include underground infiltration subject to the approval of the Sussex Conservation District; that parking is proposed in the front and rear yards and is similar to the adjacent Happy Harry's site; that they are planning on landscaping and fencing the north and east property lines; that the site is located in an Investment Level 2 according to the State Strategies; that the site is located in the Environmentally Sensitive Developing Area according to the Comprehensive Plan Update; that the Conditional Use will be consistent with the development taking place in the area where C-1 and B-1 zoning already existing along with many Conditional Use site for offices; that the adjoining land owners have voiced no objections to the use; and that the building has not yet been designed, but will maintain a residential appearance.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 - 0.



C/U #1863 – application of **ANDREW AND CAROL WALTON** to consider the Conditional Use of land in a MR Medium Density Residential District for a marina with restaurant, retail and multi-family dwelling structures (5 units) to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.84 acres, more or less, lying southwest of Oak Orchard Road, northeast of Pine Street and northeast of Bay Road in Oak Orchard.

The Commission found that the Applicant provided an Exhibit Booklet on May 3, 2010 which contains a presentation outline, a parcel map of the area showing zonings, a copy of the Findings for Conditional Use No. 1088 for Clyde Hull for the site permitting a marina with boat rental, boat slip rental, bait and tackle sales, sandwich shop, crabbing pier, an office and a residence; a series of photographs, a survey/site plan showing existing and proposed uses, a color rendering of the same, and a copy of a DelDOT Support Facilities Report, dated April 9, 2008.

The Commission found that the County Engineering Department Utility Planning Division provided comments on May 10, 2010 and advised that the site is located in the Oak Orchard Sanitary Sewer District; that wastewater capacity is available; that there are no deficient downstream lines at this time and the proposed project will not create a deficiency in the system; that the proposal exceeds design assumptions however; that the sewer capacity assumption for the parcel is 4.45 EDU, which reflects the current commercial use of this parcel; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$3,352.00 per EDU; that the parcel has been provided with one 6-inch lateral and one 8-inch lateral during

original construction; that prior to demolition or moving of the existing structure, or starting site work, the existing structure must be properly disconnected requiring a disconnection permit, disconnection by a County licensed plumber and inspection by the County; that conformity to the North Coastal Planning Study will be required; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments on May 11, 2010 and advised that the site contains one soil type; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; and that it may not be necessary for any off-site or on-site drainage improvements.

The Commission found that a letter was received on May 6, 2010 from Heath and Michelle Rinier in opposition to this application expressing concerns about the impact on the homes in the area which are predominantly one family and vacation homes, not multi-family dwellings; that retail places have tried to make it in this area and failed, leaving empty buildings and eye sores; and that the area is not marketable, due to the water front area.

The Commission found that Andy and Carol Walton were present with Zac Crouch, Professional Engineer with Davis, Bowen & Friedel, Inc. and that they stated in their presentation and in response to questions raised by the Commission that the site is located in the Environmentally Sensitive Developing District; that the site is subject to a previously approved application for Clyde Hull for the marina with boat rental, boat slip rental, bait and tackle sales, sandwich shop, crabbing pier, office and residence (C/U #1088); that the approval granted allowed for a maximum of 20 boat slips; that only 10 boat slips exists and no additional boat slips are proposed; that the marina updated their Operation and Maintenance Plan in 2009 and has been approved by DNREC as part of the Delaware Clean Marina Program; that they are proposing to relocate the existing building to the north of the site and to convert it into a single family dwelling; that they are proposing four multi-family units above a restaurant and retail area; that the proposed building is proposed to include a 3,200 restaurant facility with a 700 square foot patio, a 1,600 square foot retail store, and four apartments; that each apartment will contain 2,400 square feet and will be located on the second and third floors; that adequate space is available for parking on the site; that 29 spaces are required and 30 spaces are proposed; that they are proposing to use crusher run on the parking lot, rather than pavement, to abide by the Pollution Control Strategies; that they will provide parking bumpers to designate the parking spaces; that Tidewater Utilities will provide potable water; that the County will provide sewer; that the site is in close proximity to the Indian River Fire Company facility; that development of the site will not impact sewer capacity; that DelDOT did not require a traffic impact study; that there are no wetlands on the site; that all stormwater management requirements will be met; that they have no objection that a landscaping plan be required to be submitted with the Final Site Plan.

The Commission found that Linda Walls, a 40 year resident of the area, was present in support of the application and stated that the use will be beneficial to the area; that the area needs improvements; that traffic is not a concern; that the use should bring livelihood to the area; and that the area needs some attractions.

The Commission found that Attilio Cafini, the restaurant operator, was present in support of the application and stated that the use will be a plus to the neighborhood.

The Commission found that David Harper, an adjacent landowner, was present in support of the application and stated that the area needs construction activities; that the use will be a benefit to the area; and that the use should improve property values.

The Commission found that there were no parties present in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Ross, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

AN ORDINANCE PROVIDING FOR A SIX MONTH MORATORIUM ON APPLICATIONS FOR CASINO AND/OR GAMBLING OR GAMING VENUES IN SUSSEX COUNTY.

Mr. Robertson stated that he would like to take the opportunity to explain to the Commission and the audience the purpose of tonight's hearing on the Moratorium on casinos and/or gaming venues, so that everyone understands what is relevant to tonight's hearing, and what is not relevant; that this hearing is in furtherance of the Moratorium imposed by County Council several weeks ago on casinos and gaming venues; that the purpose of the Moratorium is simply to give Council time to determine how it wants to address casino and/or gaming venues through a Zoning Ordinance Amendment regarding those uses; that the Moratorium, and therefore this hearing, does not concern casinos or gaming venues, or possible regulations of them; that the hearing only deals with whether or not it is appropriate to impose a Moratorium to allow the Council time to do its work considering how it wants to address casinos and/or gaming venues; therefore, that's what any testimony should be limited to, and not the substance of any ordinance regulating casinos or gaming venues; and that the audience should be aware that anyone wishing to address the potential regulation of casinos will have an opportunity to do so at the time Council introduces whatever regulations it drafts on the subject, but not tonight.

Mr. Lank advised the Commission that on March 30, 2010 the Sussex County Council introduced this Ordinance providing, if approved, for a six month moratorium on receipt of applications for casino and/or gambling or gaming venues. The Ordinance would allow the County to study, prepare, and introduce Ordinance amendments providing definitions and restrictions/regulations relating to the zoning districts where such uses could be permitted, the location of such uses, and related requirements for parking, loading, signage, etc.

Mr. Lank advised the Commission that he has received 17 E-mails from interested parties relating to the construction of a casino with related parking and activities. One (1) letter supports the use, two (2) letters oppose the use, ten (10) letters oppose the use at the Indian River Inlet, and four (4) letters oppose the use at the Indian River Inlet, but not somewhere inland in Sussex County.

52782 Oak Orchard Ave



4/12/22, 3:06 PM

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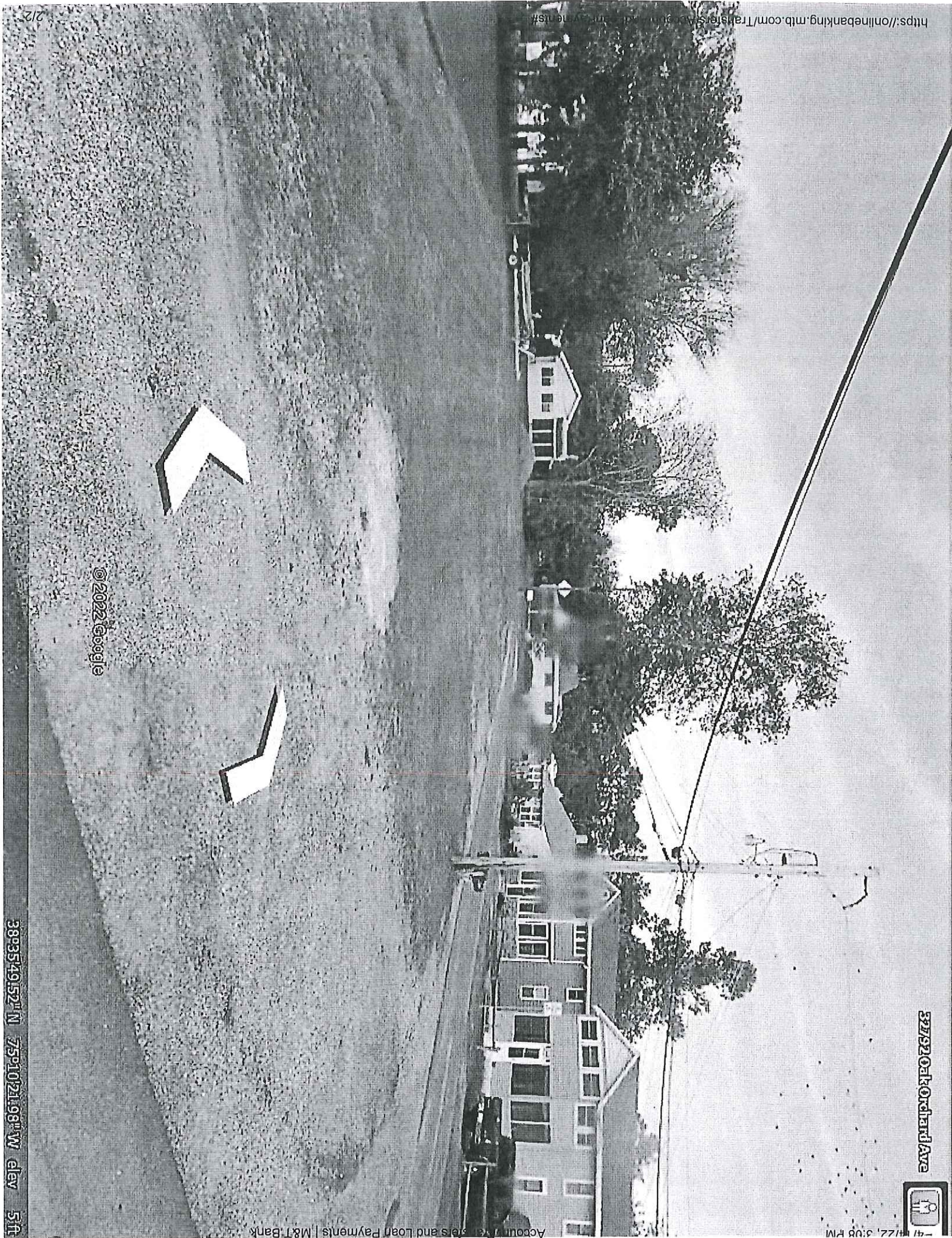
3893548.45" N 7591020.48" W elev 4 ft



32792016 Orchard Ave



1/11/22, 3:08 PM



© 2022 Google

38°35'49.52" N 75°10'21.98" W elev 51ft

2/2

https://onlinebanking.mlb.com/Transfers/Account/Details/Transfers/Account/Details/

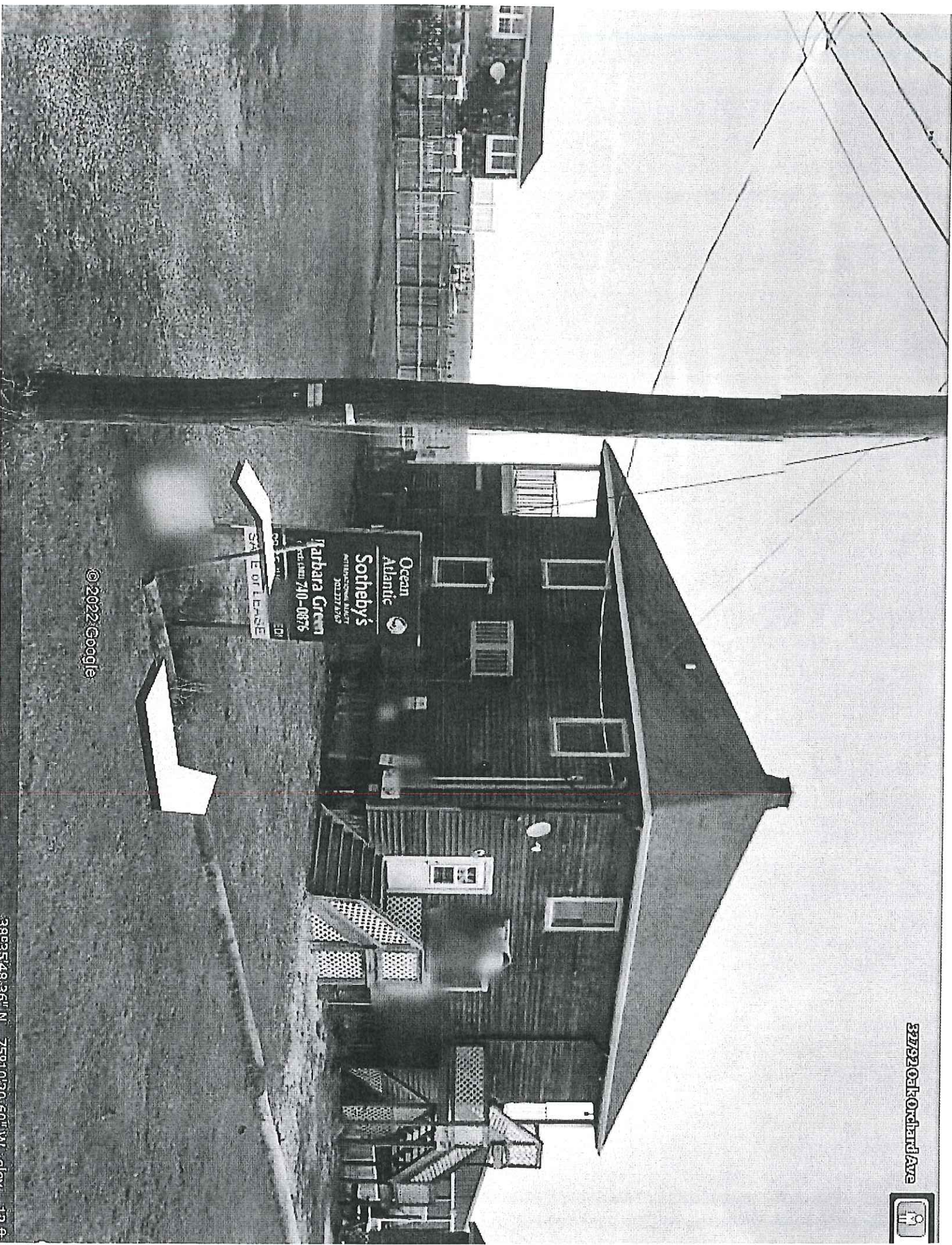
Account Details and Loan Payments | M&T Bank

32792 Oak Orchard Ave



© 2022 Google

38°35'48.36" N 75°10'20.60" W elev: 12.8



OAK ORCHARD CONDO BUILDING

CONDITIONAL USE APPLICATION

SUSSEX COUNTY, DELAWARE
2039A002.C01
FEBRUARY 2023



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A

Presentation Outline

A. Land Use & Zoning

1. The project is a proposed conditional use application consisting of 1 building containing 10 condo units.
2. The property is located on the southeast side of Oak Orchard Road, approximately 150 feet southeast of Delaware Avenue Road.
3. The Owner and developer of the parcel is Walton Commercial Properties, LLC.
4. The property is currently zoned MR-1 (Medium Residential) in Sussex County.
5. The property is in Investment Level Areas 4 on the 2020 State Strategies Map.
6. The property is designated as within the Coastal Area on Sussex Counties 2045 future land use map in the latest comprehensive plan.
7. The property was previously operated as a Restaurant & Hotel.

B. Land Utilization

1. The total acreage of the site is 0.84 acres of land.
2. The project proposed will consist of 10 condo units within 1 building.

C. Environmental

1. The property contains frontage along the Indian River Bay. A bulkhead is the property line border for the site.
2. State(Tidal) and Federal(Non-Tidal) wetlands do not exist on the property
3. The proposed project is located within an Excellent Groundwater Recharge Area.
4. The proposed project is not within a Wellhead Protection Area.
5. The property is impacted by the 100 year floodplain, Zone AE (Elev. 8') & Zone VE(Elev. 10') as determined by FEMA Map 10005C0481K (Dated March 16, 2015).

D. Traffic

1. The existing roadway is not a DeIDOT street but is being used by the public as a connection of Oak Orchard Avenue..
2. DeIDOT has determined that the project will generate less than 50 vehicle trips in any hour and fewer that 500 trips a day. A Traffic Impact Study is not warranted.

E. Civil Engineering

1. The street will be privately maintained and will meet or exceed the requirements of the Code of Sussex County.
2. The grading of the site will meet or exceed the requirements of the Code of Sussex County.
3. Drinking and fire protection water will be provided by Tidewater Utilities, Inc.
4. Wastewater will be provided by Susses County(Oak Orchard Sanitary Sewer District).
5. The stormwater management system will meet all State, County, and Conservation District requirements through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).
6. Fire protection will be provided by the Indian River Fire Department.
7. Electricity will be provided by Delmarva Power & Light.
8. The parcel is located in the Indian River School District.

F. Previous Applications

1. This parcel was approved for a conditional use as a Marina by Ordinance #935 and file as Conditional Use #1088 in 1994. (See Tab E)
2. This parcel was approved for a conditional use as a Marina with Restaurant, Retail & Multi-Family by Ordinance #1863 on June 8, 2010. (See Tab F)
3. The marina updated their Operation and Maintenance Plan in 2009 as approved by DNREC as part of the Delaware Clean Marina Program. (See Tab G)

B

Oak Orchard
Data Sheet

Owner/Developer: Walton Commercial Properties, LLC.
Engineer: Davis, Bowen & Friedel, Inc.
Legal Services: Fuqua, Willard, Stevens, & Schab, P.A.

Project Description

Physical Location: Property is located on the south side of Oak Orchard Road, approximately 150 feet southeast of Delaware Avenue.

Tax Parcel #: 234-35.09-6.00

Acreage: 0.84 +/- Acres

Proposed Units: 10 Single Family Dwelling

Proposed Density: 11.9 Units/Acre

Current Zoning: MR-1 (Medium Residential)

Proposed Zoning: MR-1(Medium Residential) – Conditional Use

Existing Land Use: Commercial/Marina

Proposed Land Use: Residential

County Future Land Use: Coastal Area

Existing Woodlands: None Exist

Parking Required: 2 spaces/unit = 20 Spaces

Parking Provided: 25 Spaces

Wetlands: Wetlands do not exist on site.

Flood Plain: Impacted by the 100 year flood, Zone AE(Elev.8') & Zone VE(Elev. 10') Map #10005C0481K (March 16, 2015)

Coastal Area: Project is within the Coastal Area

Source Water Protection: Project in not within a Wellhead Protection Area
Project is within the "Excellent" Groundwater Recharge Areas

Water Provider: Tidewater Utilities, Inc.

Wasterwater Provider: Sussex County - Oak Orchard Sanitary Sewer District

Electric Provide: Delmarva Power & Light

MR- Bulk and Area Regulations:

Minimum Lot Area: 10,000 SQFT.

Minimum Lot Width: 75 FT

Minimum Lot Depth: 100 FT

Front Yard Setback: 30 FT

Side Yard Setback: 10 FT

Corner Yard Setback: 15 FT

Rear Yard Setback: 10 FT

Maximum Building Height: 42 FT

C

**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

- 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:

Signature of Owner

Date:

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

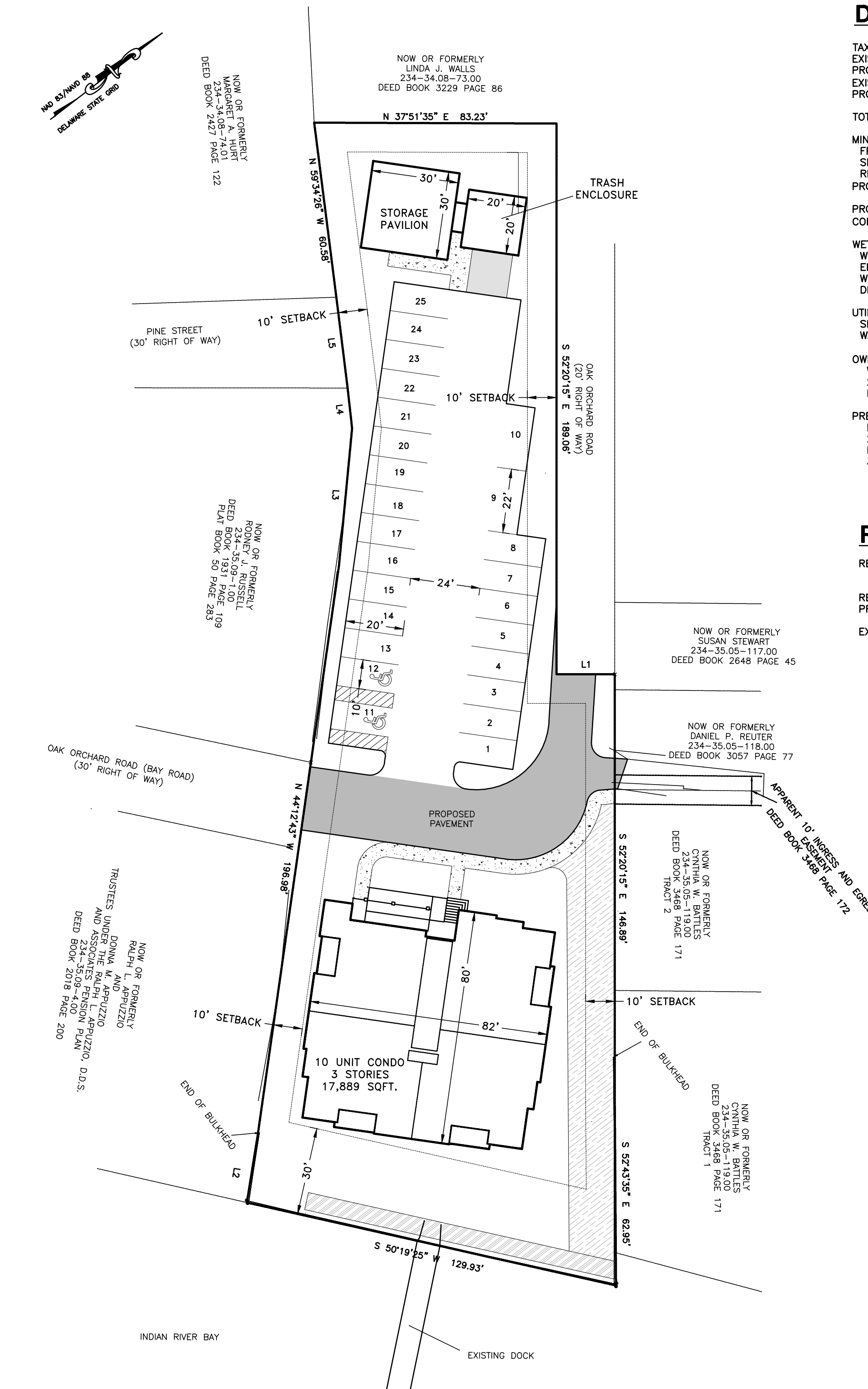
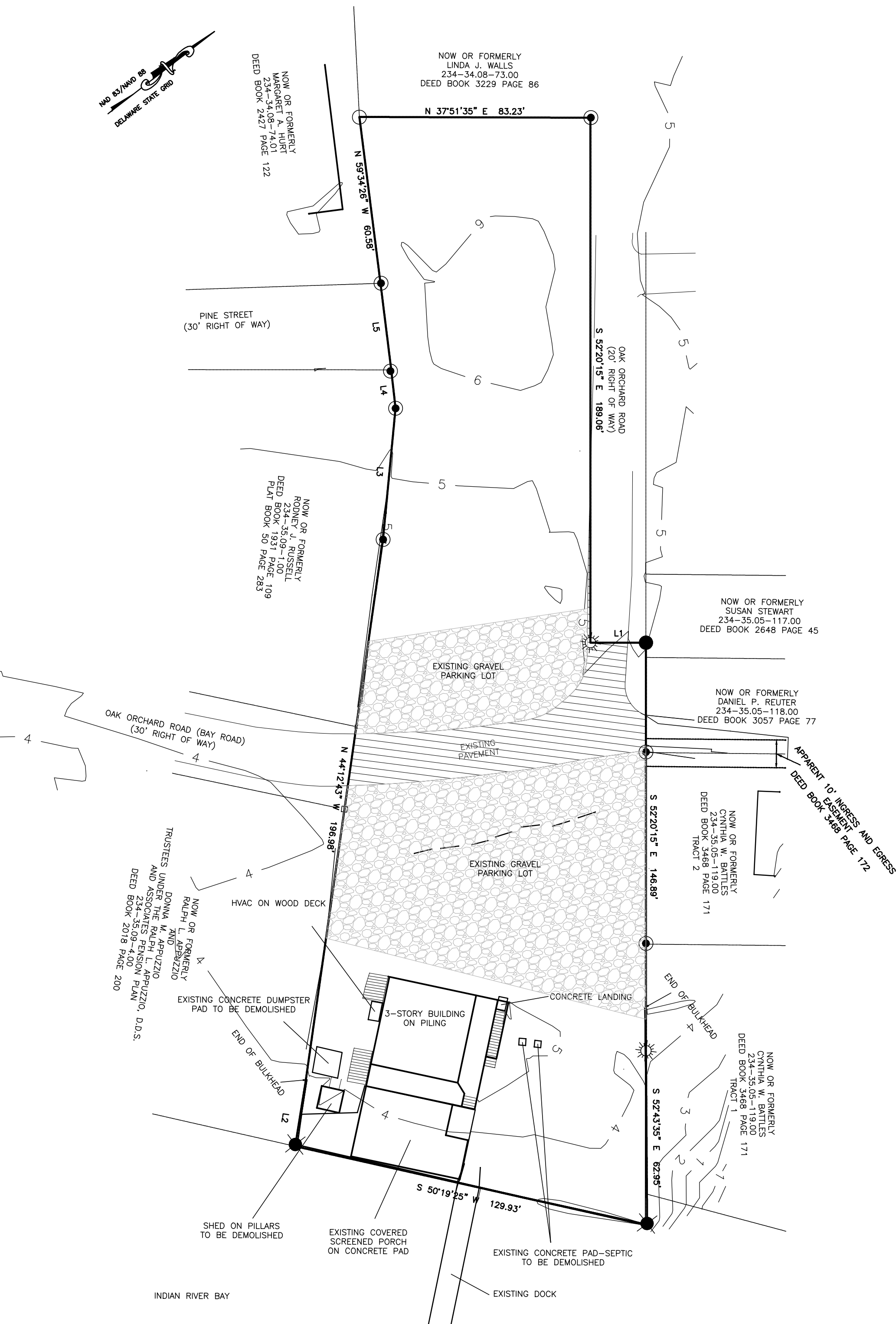
Date of CC Hearing: _____

Decision of CC: _____

D

EXISTING

PROPOSED



DATA COLUMN

TAX MAP NUMBER: 234-35.09-6.00
 EXISTING ZONING: MR WITH CONDITIONAL USE
 PROPOSED ZONING: MR WITH CONDITIONAL USE
 EXISTING USE: COMMERCIAL/MARINA
 PROPOSED USE: RESIDENTIAL

TOTAL CONDITIONAL USE SITE AREA: 0.84 ACRES

MINIMUM ZONING REQUIREMENTS:
 FRONT YARD SETBACK: 30 FT.
 SIDE YARD SETBACK: 10 FT.
 REAR YARD SETBACK: 10 FT.
 PROPOSED BUILDING HEIGHT: 42' MAXIMUM

PROPOSED BUILDING CONSTRUCTION: WOOD/CONCRETE BLOCK

WETLANDS: WETLANDS DO NOT EXIST ON SITE. WETLANDS EVALUATION WAS PERFORMED BY ENVIRONMENTAL RESOURCES, INC. IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL AND ASSOCIATED GUIDANCE.

UTILITIES:
 SEWER—OAK ORCHARD SANITARY SEWER DISTRICT
 WATER—PUBLIC WATER SUPPLY

OWNERS/DEVELOPER:
 WALTON COMMERCIAL PROPERTIES, LLC.
 2138 GRAVES ROAD
 HOCKESSIN, DE 19707

PREPARED BY:
 DAVIS, BOWEN, & FRIEDEL, INC.
 23 NORTH WALNUT STREET
 MILFORD, DE 19963
 302-424-1441

PARKING RATIONALE

RESIDENTIAL: 2 SPACES / UNIT
 10 UNITS x 2 = 20 SPACES

REQUIRED SPACES: 20
 PROPOSED SPACES: 25

EXISTING BOAT SLIPS: 10

LEGEND

- RIGHT OF WAY
- PROPERTY LINE
- BUILDING SETBACK LINE
- - - - - EXISTING CONTOUR
- IRON ROD & CAP FOUND
- IRON PIPE FOUND
- CONCRETE MONUMENT FOUND
- IRON ROD & CAP TO BE SET
- DELDOT MONUMENT TO BE SET
- ⊗ GEAR SPIKE FOUND
- ⚡ TIMBER SPIKE FOUND

GENERAL NOTES:

- ALL FIRELANES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. BUILDING CONSTRUCTION TO BE MASONRY AND WOOD. THE PAVING RADIUS FOR ALL CUL-DE-SACS IS 38'.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY OR DELETE ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
- THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE INSPECTION.
- ALL MATERIALS AND WORKMANSHIP SHALL BE CONSTRUCTED IN ACCORDANCE WITH DELDOT STANDARDS, SPECIFICATIONS, AND SUSSEX COUNTY ORDINANCE 3B.
- ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM), FERTILIZED AND SEEDDED.
- A 72 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT PERMIT SUPERVISOR PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY SHALL BE NOTIFIED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTORS RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "DELAWARE 2000 TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS." (LATEST EDITION FEB. 1, 2000)
- DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES."
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHTTIME FARMING OPERATIONS.
- TOPOGRAPHIC SURVEY PERFORMED JUNE 2008, BY DAVIS, BOWEN, & FRIEDEL, INC. VERTICAL DATUM IS NAVD 88.

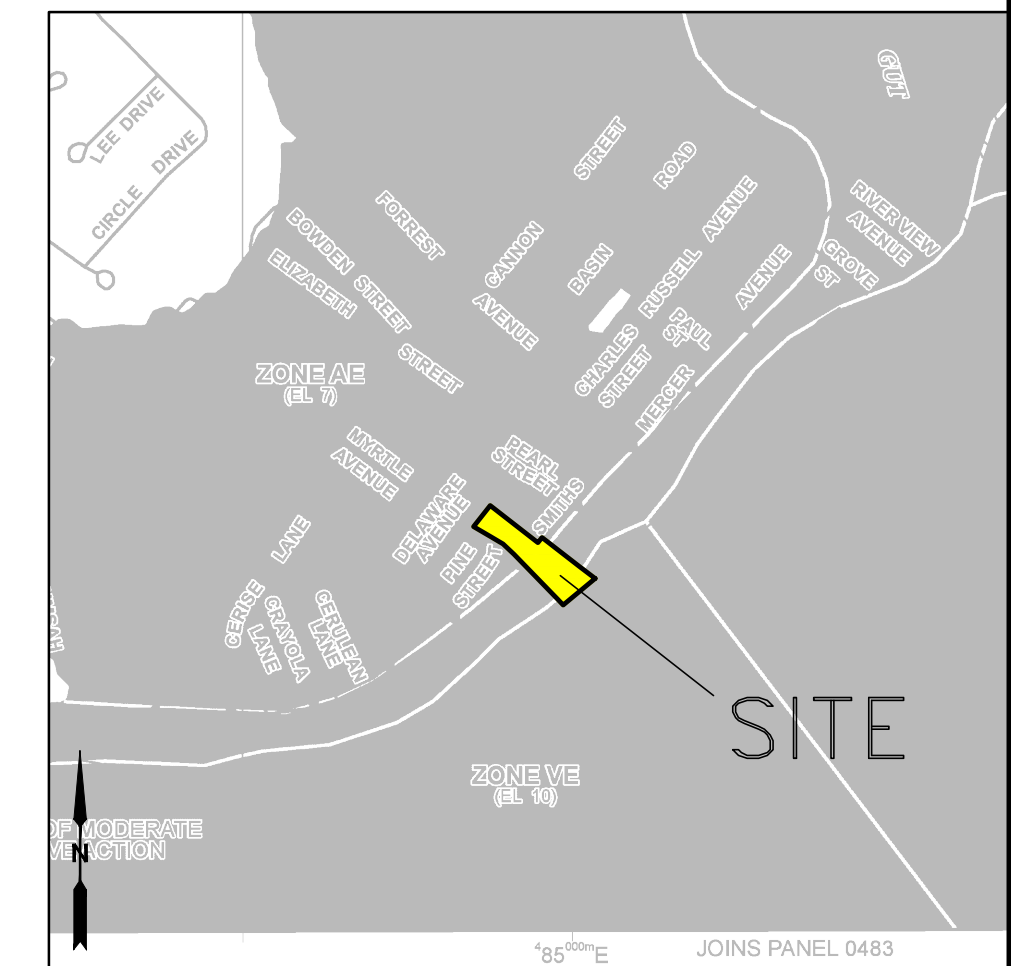
ENGINEERS' STATEMENT

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

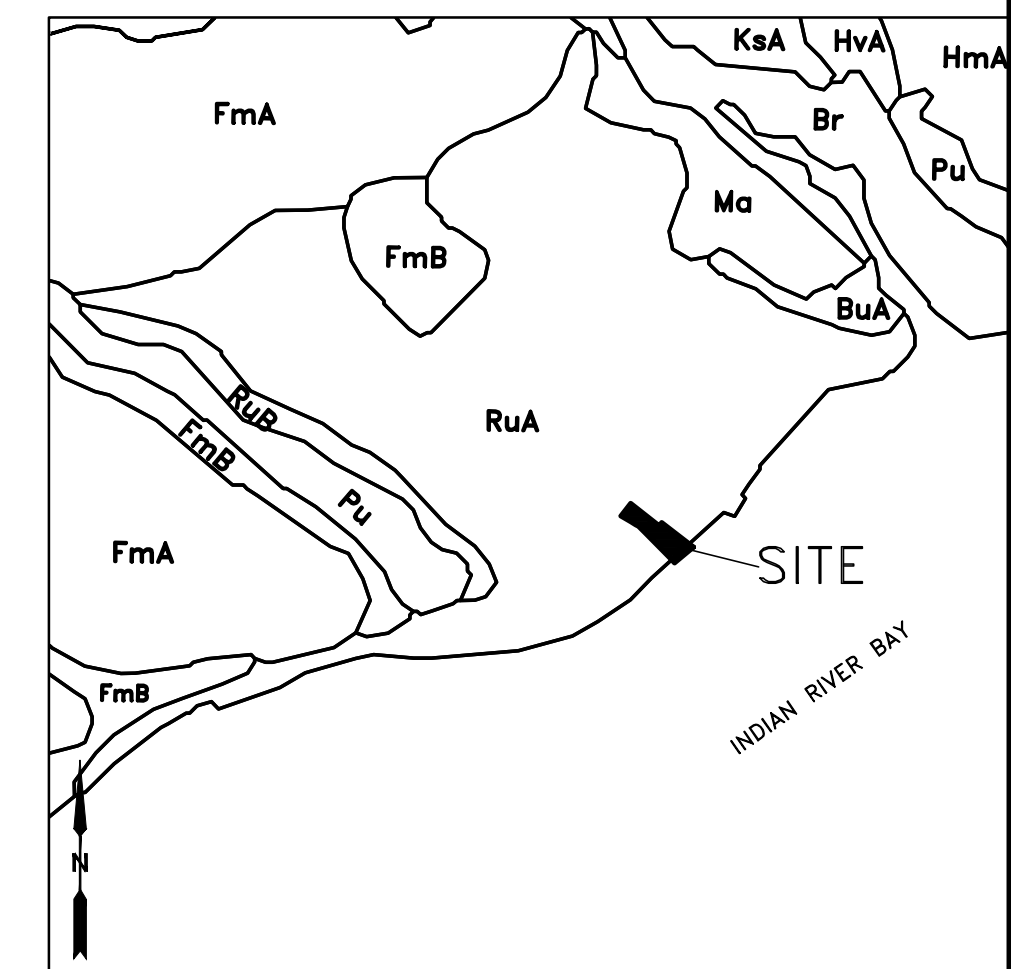
SIGNATURE: _____
 DATE: _____
 SEAL: _____



LOCATION MAP 1" = 1000'
 COPYRIGHT ACD THE MAP PEOPLE PERMITTED USE NO. 20609180



FEMA FLOODPLAIN MAP 1" = 600'
 MAP 10005C0481KJ MARCH 16, 2015



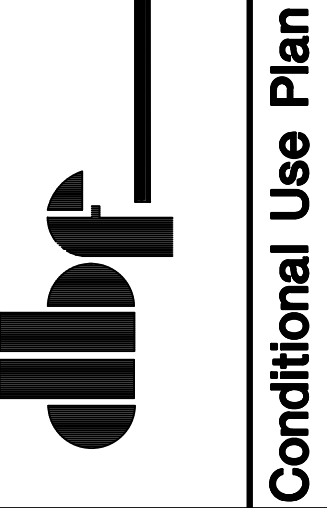
SOILS MAP 1" = 1000'

- FmA FORT MOTT LOAMY SAND, 0-2% SLOPES
- FmB FORT MOTT LOAMY SAND, 2-5% SLOPES
- Pu PURNELL PEAT, VERY FREQUENTLY FLOODED, TIDAL
- RuA RUNCLINT LOAMY SAND, 0-2% SLOPES
- RuB RUNCLINT LOAMY SAND, 2-5% SLOPES
- KsA KLEJ LOAMY SAND, 0-2% SLOPES
- Ma MANAHAWKIN MUCK, FREQUENTLY FLOODED BROCKATONORTON-URBAN LAND COMPLEX, 0-2% SLOPES
- Br BROADKILL MUCKY PEAT, VERY FREQUENTLY FLOODED, TIDAL
- HvA HURLOCK SANDY LOAM, 0-2% SLOPES
- HmA HAMMONTON LOAMY SAND, 0-2% SLOPES

EXISTING BOUNDARY LINE CHART

LINE	BEARING	DISTANCE
L1	N 37°39'45" E	20.00'
L2	N 43°13'18" W	23.79'
L3	N 46°52'18" W	47.50'
L4	N 58°41'58" W	13.90'
L5	N 59°24'42" W	31.26'

DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS



Conditional Use Plan

E. ANDREW & CAROL WALTON
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

REVISED:
 3-16-2010 PER OWNER

Date: AUGUST 2021
 Scale: 1" = 30'
 Dwn.By: JMJ
 Proj.No.: 2039A002.C01
 Dwg.No.:

E

①

ORDINANCE NO. 988
WITH STIPULATIONS

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MARINA WITH BOAT RENTAL, BOAT SLIP RENTAL, BAIT AND TACKLE SALES, SANDWICH SHOP, CRABBING PIER, OFFICE AND RESIDENCE, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 36,628 SQUARE FEET (0.841 ACRES), MORE OR LESS

WHEREAS, on the 19th day of July, 1994, a conditional use application, denominated C/U #1088, was filed on behalf of Clyde Hull; and

WHEREAS, on the 25th day of August, 1994, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that C/U #1088 be approved; and

WHEREAS, on the 13th day of September, 1994, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of C/U #1088 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 Indian River Hundred, Sussex County, Delaware, and lying on the western side of a twenty (20) foot private road,

②

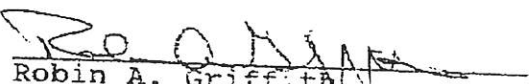
BEGINNING at a point on the western side of a twenty (20) foot private road, 140 feet south of Delaware Street. thence south $42^{\circ}18'40''$ east 189.06 feet to a point, thence north $47^{\circ}41'20''$ east 20.00 feet to a point, thence south $42^{\circ}18'40''$ east 146.89 feet to a point, thence south $42^{\circ}42'00''$ east 62.95 feet to a point, thence south $60^{\circ}21'00''$ west 129.93 feet to a point, thence north $33^{\circ}11'43''$ west 23.79 feet to a point, thence north $34^{\circ}11'08''$ west 196.98 feet to a point, thence north $36^{\circ}50'43''$ west 47.50 feet to a point, thence north $49^{\circ}23'07''$ west 31.26 feet to a point, thence north $49^{\circ}32'51''$ west 60.60 feet to a point, thence north $47^{\circ}53'10''$ east 83.23 feet to said point of beginning as surveyed by Coast Survey, Inc., said parcel to contain 36,628 square feet (0.841 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 stipulations:

1. The maximum number of boats for rent shall be twenty.
2. No boat storage shall be permitted, except for boats belonging to the owner.
3. No boat motor repair shall be permitted.
4. No fuel sales shall be permitted.
5. The hours of operation shall be from 6:00 a.m. to 10:00 p.m. for use of the pier and boat rental.
6. There shall be no arcade.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 985 ADOPTED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 13TH DAY OF SEPTEMBER, 1994.


Robin A. Griffith
Clerk of the County Council

The findings of fact and recommendations of the planning and zoning

ON THE 15TH DAY OF SEPTEMBER, 1997.

3


Robin A. Griffith
Clerk of the County Council

The findings of fact and recommendations of the Planning and Zoning Commission were incorporated into the record and into the findings of fact of the County Council. The County Council found that the proposed conditional use was appropriate legislative action and promoted the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County. The County Council found that the proposed conditional use was of a public or semi-public character and was essential and desirable for the general convenience and welfare.

F

Sussex County
Planning & Zoning Commission
P.O. Box 417
Georgetown, DE 19947
302-855-7878
302-854-5079 (Fax)



Robert C. Wheatley
Michael B. Johnson
Rodney Smith
Martin L. Ross
Irwin G. Burton, III
Lawrence B. Lank, Director

June 9, 2010

Andrew and Carol Walton
2138 Graves Road
Hockessin, DE 19707



RE: Conditional Use #1863
Marina with Restaurant, Retail and Multi-Family Dwelling Structures

Dear Mr. and Mrs. Walton,

This is to inform you that on June 8, 2010 the Sussex County Council approved the above referenced Conditional Use application with 14 conditions. This approval is valid for a three-year period. The approved use needs to be substantially underway within three years or the application is void.

The conditions of this approval are:

1. This Conditional Use shall replace Conditional Use #1088 for the property.
2. There shall be no more than 10 boat slips permitted, and all boat slips, dock, pier and marina activities shall be subject to all State and Federal requirements that may be applicable to the use.
3. All entrance, intersection and roadway improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determination.
4. No boat storage shall be permitted, except for boats belonging to the owner of the property.
5. No boat motor repair shall be permitted.
6. No fuel sales will be permitted.
7. There shall not be an arcade.
8. There shall be no more than 5 residential units on the property.
9. There shall be parking as required by the Zoning Code. The spaces shall be delineated on the site, and there shall be landscaping or a fence between the parking area and Oak Orchard Road to separate the parking area from the roadway.
10. The property shall be connected to the Oak Orchard Sanitary Sewer District and shall comply with all Sussex County Engineering Department requirements for the connection or system upgrades required to serve the property.
11. Storm water management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, using Best Management Practices.
12. Security lighting shall be screened from neighboring properties and roadways.

June 9, 2010

Page 2

13. All dumpsters or trash receptacles shall be screened from view.
14. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The final site plan shall be prepared by a Delaware Licensed Surveyor or Professional Engineer and shall contain the conditions of approval shown and depicted on it. Building permits will not be issued until the site plan has been approved by the Planning and Zoning Commission and upon receipt of all agency approvals. The following approvals are required for this project: DelDOT, Office of the State Fire Marshal, Sussex Conservation District and Sussex County Engineering Department.

An approved Ordinance will be sent to you in the near future from the Clerk of the County Council.

Should you have any questions, please do not hesitate to contact this office.

Sincerely,



Shane Abbott
Assistant Director

cc: W. Zachary Crouch, P.E., Davis, Bowen & Friedel, Inc.

G

Oak Orchard Marina
32678 Oak Orchard Road
Millsboro, Delaware 19966

Marina Operations and Maintenance Plan

Contact Name Andrew and Carol Walton
Contact Position Owners

Waterbody Indian River Bay

1. Introduction

The Marina is located approximately 400 feet east of the intersection of Oak Orchard Road (SR-5) and Oak Orchard Road. The Marina consists of a Restaurant, Apartment above the Restaurant, 2 Outbuildings and a pier. The pier consists of 6 mooring dolphin clusters (with 3 pilings each) and 6 docks which permits 10 slips. In addition, there are 7 mooring dolphins consisting of a single piling for other boats to dock. The purpose of the Marina is for guests to dock their boats while visiting the Restaurant.

The Owners acquired the property in February 2008 and are updating the Marina Operations and Maintenance Plan that was last updated in 2000.

2. Marina Design

Include a scaled plan of the marina. The plan must clearly identify the following features (if applicable):

Property Boundaries	Docking Structures (piers, docks, slips)
Boat Ramps	Parking Areas
Maintenance Buildings	Fueling Stations and Storage Tanks
Sanitation Facilities	Vessel Storage Areas
Fire Extinguishers	Spill Materials (sorbent pads, booms, etc)
Life Rings/Preservers	Other Buildings

Total Number of Wet Slips 10
Size and Number of Each Size All slips are the same size and are approximately 14' x 25'.

Total Number of Dry Stack Slips N/A
Size and Number of Each Size N/A

Tidal Range 0' to 3'

Water Depth Range

There is a minimum depth of 4' across the entire marina.

Seasonal Wet Storage

The lease term is from April 5 to October 31.

As per marina slips lease agreements/rental contracts, winter season wet storage is not permitted.

Tenants that have not removed their vessel(s) by the fall removal date will pay a fine of \$10.00 per day until the vessel(s) is/are removed.

Abandoned vessels will be removed at the expense of the owner.

3. Stormwater Management

- Parking areas are covered by an initial layer of crushed rock/stone.
- There are no solvents, paints, or fuels stored at this facility.
- There is to be no maintenance activity to be conducted at this facility.
- This is a carry in carry out facility.
- There are no fueling facilities at the marina.
- Damage to the dock or pier from any tenant or visitor of that tenant will be responsible for the repair.

4. Vessel Maintenance

There are no facilities for vessel repairs and maintenance at the Oak Orchard Marina. It is understood that some maintenance and repairs on vessels will be required on a routine basis. It is the responsibility of the owner of each vessel to provide safe,

acceptable means of storage and handling of all materials in order to prevent any leakage or spillage into the water. No fuel transfers are allowed in the marina. Fuel or auxiliary craft with outboard engines may be transferred to vessels in Coast Guard – approved OEM 6 gallon outboard motor fuel tanks. All oil and other lubricants shall be handled in such a manner as to prevent spillage. Any spillage within vessels must be removed using absorbent pads and disposed of legally. No discharge of bilge water containing hydrocarbons is allowed. Paints, epoxies and solvents shall be stored and handled to prevent leakage or spillage. No exterior painting or scraping of the sides or bottom of the vessels will be allowed in the marina. Any topside or exterior painting or scraping shall be done in a manner so that all materials can be collected and disposed of properly. Only biodegradable cleaning materials shall be used to clean any exterior portion of the vessels. Any corrosive cleaners, pesticides or other materials used on vessels shall be handled in such a way as to prevent spillage or leakage into the water.

No maintenance or repair materials will be stored at the site or used by marina personnel. None of the materials used in the construction of the marina require painting or lubricating.

5. Petroleum Control

There is to be no fueling at the Oak Orchard Marina facility. All fueling shall be conducted off-site.

Fuel Spill Plan

Absorbent booms and other spill containment materials are not located on this site. It is up to each boat owner to provide their own material in the event of a leak, breakage or spill. Kits may be purchased at one of the Out Buildings.

6. Sewage Handling

There are no provisions for Lesees, Renters or Visitors to empty Port a Johns or to dump there sanitary waste. Sewage pump out is available at the Indian River Marina located on the north side of the Indian River Inlet which is approximately 5.5 miles east of the Oak Orchard Marina.

Discharge of sewage in any form is illegal in the Oak Orchard Marina.

Discharge of untreated or inadequately treated sewage is illegal in Delaware coastal waters within three (3) miles of shore.

Marine Sanitation Devices *

The Federal Clean Water Act requires that any vessel with a toilet installed to be equipped with a certified Type I, Type II, or Type III marine sanitation device (MSD):

- Type I systems mechanically cut solids, disinfect the waste with a chemical additive or with chlorine disassociated from saltwater with an electronic jolt, and discharge the treated sewage overboard. The fecal coliform bacteria count of the effluent may be no greater than 1,000 per 100 milliliters and may not contain any floating solids.
- Type II systems are similar to Type I except that a Type II treat the sewage to a higher standard; effluent fecal coli form bacteria levels may not exceed 200 per 100 milliliters and total suspended solids may not be greater than 150 milligram per liter. Type II also require more space and have greater energy requirements.
- Type III systems do not allow sewage to be discharged. The most common form of a Type III system is a holding tank. Other forms include recirculation and incinerating systems.

Vessels 65 feet and under may have any of the three types of MSD's. Vessels over 65 feet must have a Type II or III system. Additionally, Type I and Type II systems must display a certification label affixed by the manufacturer. A certification label is not required on Type III systems. Per Federal regulation (USCG), vessels with Type III MSD with routes outside the three (3) miles may install a Y-valve to allow pumping overboard when beyond three (3) from shore. Whenever the vessel is inside the three (3) mile limit, the valve **MUST BE LOCKED** in the **CLOSED POSITION**, preventing discharge over the side. Operators on routes greater than three (3) miles from shore shall install a placard at the Y-valve that states; "THIS VALVE IS TO REMAIN LOCKED IN CLOSED POSITION WHEN WITHIN THREE (3) MILES OF THE MAINLAND SHORE."

MSD requirements do not apply to vessels with portable toilets. Portable toilets should be properly emptied on shore. **Remember it is illegal to discharge raw sewage into any state waterway.**

- Adopted from Delaware Clean Marina Guidebook

7. Waste Containment

Storage of Materials and Wastes

There are no materials stored at the marina facility. It is strictly a docking structure and accompanying restaurant facility which is leased by a different enterprise.

Marina Tenants

All refuse must be secured in plastic bags and carried off-site. This is a carry-in carry-out marina. Marina tenants are prohibited from practicing self-service activities in the yard.

Waste Disposal

This is a carry in carry out marina. The Waste Disposal bins are for use by the Owner and Businesses of the marina and not for Patron Use.

Fish Waste:

Fish Cleaning is permitted on the dock and piers. The cleaning is to be in compliance with the Fish Waste Policy attached to the Oak Orchard Marina Rules and Regulations.

Trash:

This is a carry in carry out Marina. The trash service is only for the Owners and Businesses that are operating on the Marina and not for Patron Use.

8. Emergency Procedure/Contacts

Emergency Contacts

Marina Staff:

Name Andy Walton Phone (302) 235-5955
Phone (302) 545-0505

Name Carol Walton Phone (302) 235-5955
Phone _____

Name _____ Phone _____
Phone _____

In the event of any emergency, marina personnel have the authority to board vessels and or take any preventative or remedial action necessary A) in the case of imminent or ongoing pollutant discharge, B) to secure a vessel or other property located at the marina in the event on severe weather, C) to protect a vessel or other property in fire-related emergency, and D) when any other emergency situation has been identified and staff must board a vessel to prevent damage or pollutant discharges.

a. **Fuel and Oil Spill Procedures**

- In the case of a fuel or oil spill, try to identify the type and the source of the spill. If possible stop the spill at the source to prevent any additional fuel or oil from spilling into the water or onto the ground.
- Contain spill using sorbent pads or booms.
- Contact a member of the marina personnel at the numbers listed above.
- Contact US Coast Guard National Response Center **1-800-424-8802**
- If necessary, contact DNREC Environmental Response Team **1-800-662-8802**
- Depending on size of spill, conduct cleanup yourself or have US Coast Guard or DNREC conduct cleanup activities.

The party responsible for the spill will be subject to clean up costs and any fines that may be applied by either the Coast Guard or DNREC. Any tenant who repeatedly causes fuel or oil spill may be subject to lease termination.

b. Fire Procedures

1) CALL 911

Advise them on location, type of fire, hazards, and any victims

2) Call US Coast Guard 1-800-424-8802

Advise them on location, type of fire, hazards, and any victims

3) Call marina personnel at numbers listed above

If cause of fire is found to be due to negligence on the part of a tenant by disregarding marina rules and regulations, the tenant will be subject to lease cancellation.

c. Sewage Spill Procedure

Overboard discharge is prohibited and violators will be subject to lease termination, fines incurred by DNREC and/or Coast Guard and any expense related to collection or cleanup of spill.

In the event of a sewage spill,

1) Call DNREC 1-800-662-8802

2) Call the US Coast Guard National Response Center 1-800-424-8802

3) Shut off source of spill if possible

4) Deploy spill containment material

5) Clean-up spill and properly dispose of spill containment materials.

d. Severe Weather/Hurricane Procedures

1) In the case of an approaching hurricane, a phone (e-mail) tree (distribution list) will be used to contact all tenants and inform them of impending severe weather. Whenever possible, the preferred practice is to have all vessels removed from water for storage inland or on higher ground.

2) Marina staff (Building Managers or their employees) will secure all outside equipment, materials, signage, trash cans, buildings, etc, that could sustain or cause damage during the storm

e. Sinking Vessel Procedures

If a vessel is seen to be taking on water:

1) Contact Marina personnel

2) Other tenants will try to identify leak and stop source if possible while watching for fuel leaks

3) Deploy spill containment material if necessary

4) Turn on manual bilge if present

5) Contact owner of vessel

In the event that a vessel sinks for any reason:

- 8) Contact Marina personnel
- 9) Other tenants will observe vessel location and identify whether it is leaking fuel
- 10) Deploy spill containment material if necessary
- 11) Contact owner of vessel

The marina will not be held responsible for damage incurred to vessels through taking on water or sinking for any reason. All costs for damages to vessels or surrounding structures and salvage will be the responsibility of the vessel owner.

9. EMPLOYEE TRAINING

Employee Training Coordinator: _____

Use this table to record spill prevention and response training.

Name of Employee	Date of Training	Type of Training/Topics Addressed

Marina Rules and Regulations

A copy of these rules and regulations will be supplied to all tenants and transient boaters. Violating any of the rules set forth in this section will result in the terminations of the slip lease agreement (in the case of tenants), prohibition from using this facility in the future (in the case of transient boaters) and possible fines incurred from spills or spill clean-up costs.

- 1) Sewage: tenants are instructed that overboard discharge of untreated/under-treated sewage is not permitted and operable "Y" valves connected to holding tanks are not acceptable. Coast Guard regulations require the "Y" valves be secured in the holding tank position with a wire tie or other device.
- 2) Fuel or Oil Spill

In the event of a spill or leak:

- In the case of a fuel or oil spill, try to identify the type and the source of the spill. If possible stop the spill at the source to prevent any additional fuel or oil from spilling into the water or onto the ground.
 - Contain spill using sorbent pads or boom.
 - Contact a member of the marina personnel at the numbers listed above.
 - Contact US Coast Guard National Response Center **1-800-424-8802**
 - If necessary, contact DNREC Environmental Response Team **1-800-662-8802**
 - Depending on size of spill, conduct cleanup yourself or have US Coast Guard or DNREC conduct cleanup activities.
- 3) Tenants must properly dispose of waste oil by transporting waste oil to the nearest recycling center, which is located at the Indian River Inlet.
 - 4) Pumping of oily bilge water is prohibited. Use of oil sorbent pads or material in the bilge is required.
 - 5) Open fires are not permitted in the marina. Use of gas or charcoal grills may be used with prior approval from marina personnel.

In the event of a fire:

- **CALL 911**, advise them on location, type of fire, hazards, and any victims
 - **Call US Coast Guard 1-800-424-8802**
advise them on location, type of fire, hazards, and any victims
 - Call marina personnel at numbers listed above
- 6) No swimming or diving in the Yard. No fishing or crabbing without expressed written permission by the Yard.
 - 7) All refuse must be secured in plastic bags and deposited off-site.

8) Vessel Maintenance

There is to be **no maintenance** performed at the Oak Orchard Marina facility, other than routine upkeep of the vessel.

- 9) Vessels will maintain a No Wake speed in the waters of the marina.
- 10) Loud noise, roughhousing, abusive language, intoxication, and general disturbances are prohibited. The volume from all sound equipment shall be at such a level so as not to disturb adjacent tenants.
- 11) Pets will not be permitted to disturb other tenants and shall be on leashes at all times. Owners shall be required to clean up after their pets.
- 12) Tenants shall use parking areas and spaces as designated.
- 13) No soliciting sale, charter, or other business activities will be placed on the vessel. No charter or other business activity shall be permitted in the Yard.
- 14) Interior and exterior halyards and lines and the like must be secured to eliminate slapping and noise.
- 15) No bathing suits, towels, or laundry may be hung outside of the vessel or at any location in the yard.
- 16) Children shall be accompanied by an adult at all times and should wear approved flotation/safety devices.
- 17) All spaces shall be kept neat and orderly, prompt notice shall be given to the Yard of any defects or breakage in any structure, equipment, or fixtures in the Yard.
- 18) Living aboard vessels at the marina is prohibited.

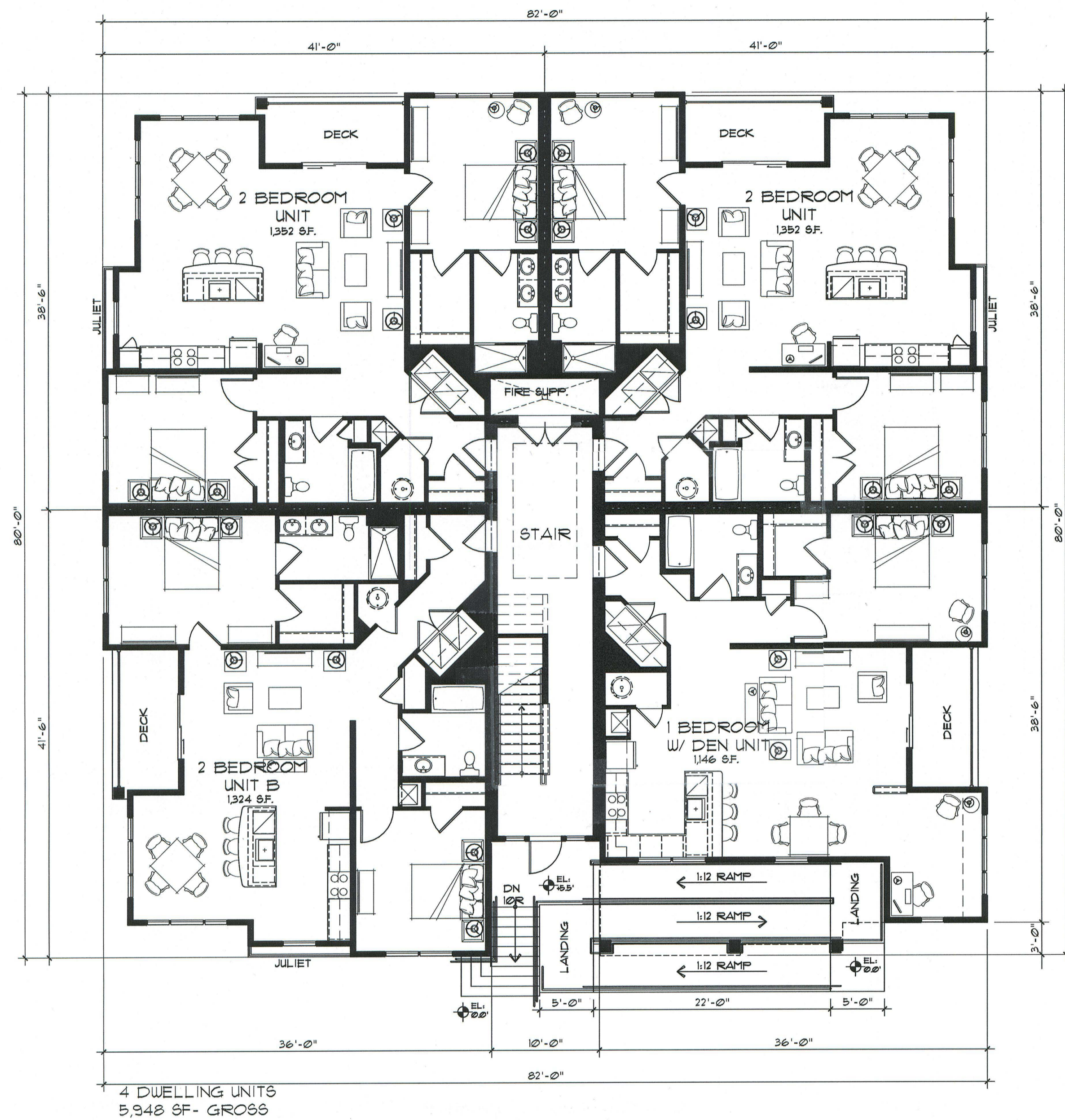
In the event of any emergency, marina personnel have the authority to board vessels and or take any preventative or remedial action necessary A) in the case of imminent or ongoing pollutant discharge, B) to secure a vessel or other property located at the marina in the event on severe weather, C) to protect a vessel or other property in fire-related emergency, and D) when any other emergency situation has been identified and staff must board a vessel to prevent damage or pollutant discharges. Emergency procedures will be posted on a board located at the end (landward side) of the pier.

- 19) In the case of impending severe weather or hurricane
 - a. In the case of an approaching hurricane, a phone (e-mail) tree (distribution list) will be used to contact all tenants and inform them of impending severe weather. Whenever possible, the preferred practice is to have all vessels removed from water for storage inland or on higher ground.

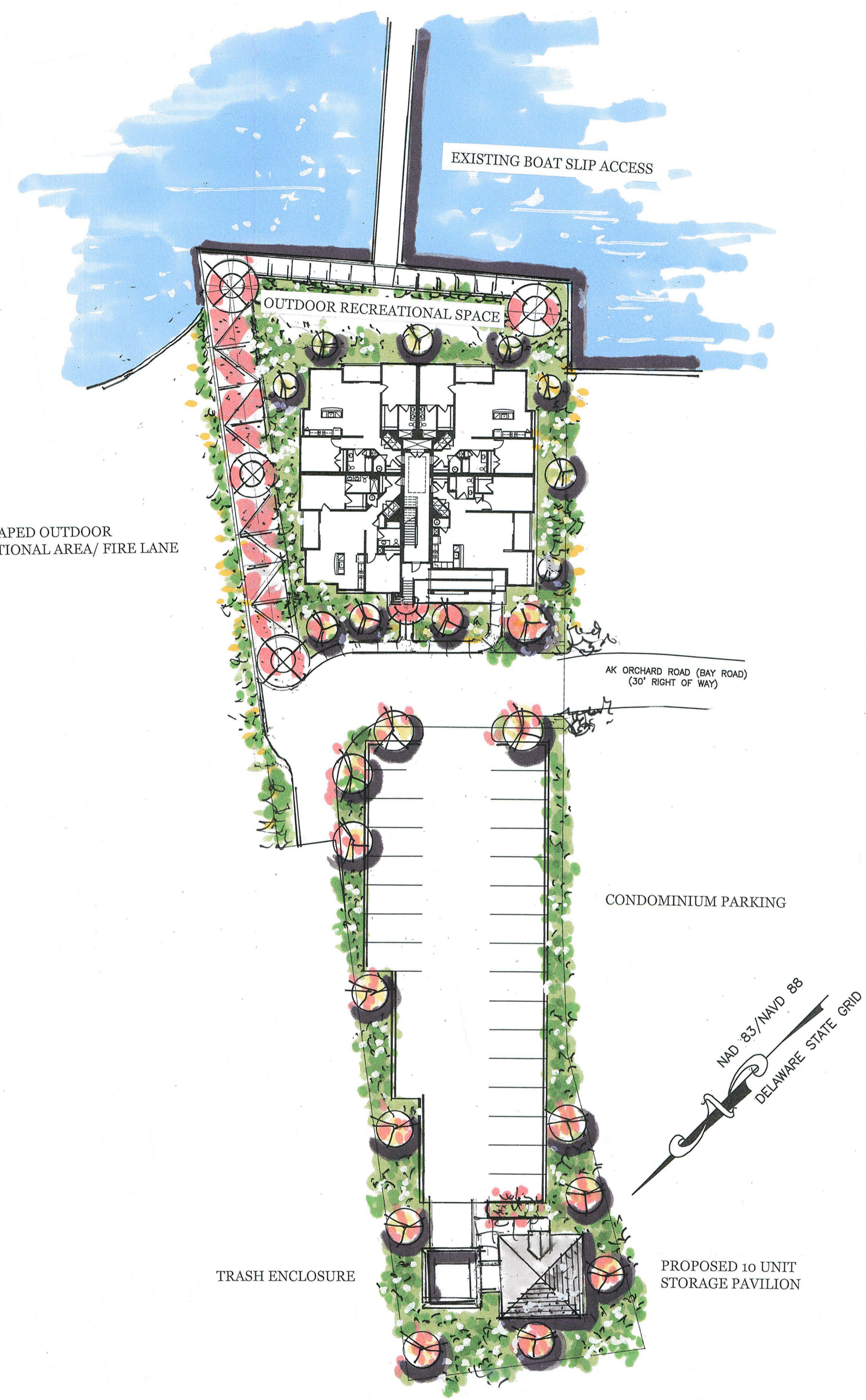
- b. Tenants are responsible for removing or securing their vessel(s). Any damage to a vessel resulting from a storm will be the responsibility of the vessel owner including payment of any fees or fines that may result from oil, fuel, or sewage spills from vessel and vessel damage.

20) Marina Personnel will not be responsible for theft or damage to the vessels while docked at Oak Orchard Marina.

H



FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



SITE PLAN
SCALE: 1" = 30'-0"

MAY 28, 2021

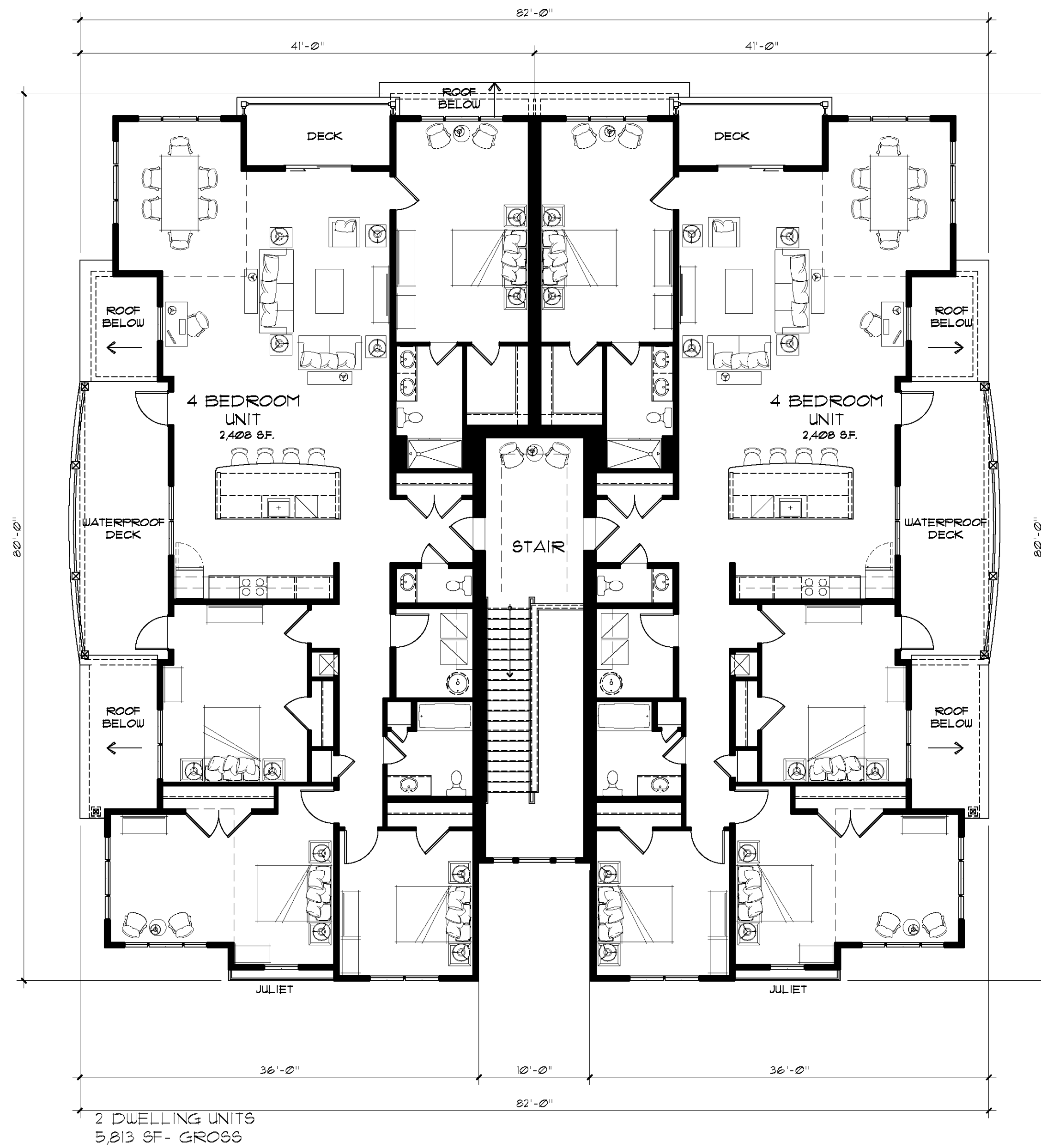
OAK ORCHARD - 10 UNIT CONDOMINIUMS

32792 OAK ORCHARD AVENUE
MILLSBORO, DELAWARE
LESSARD BUILDERS

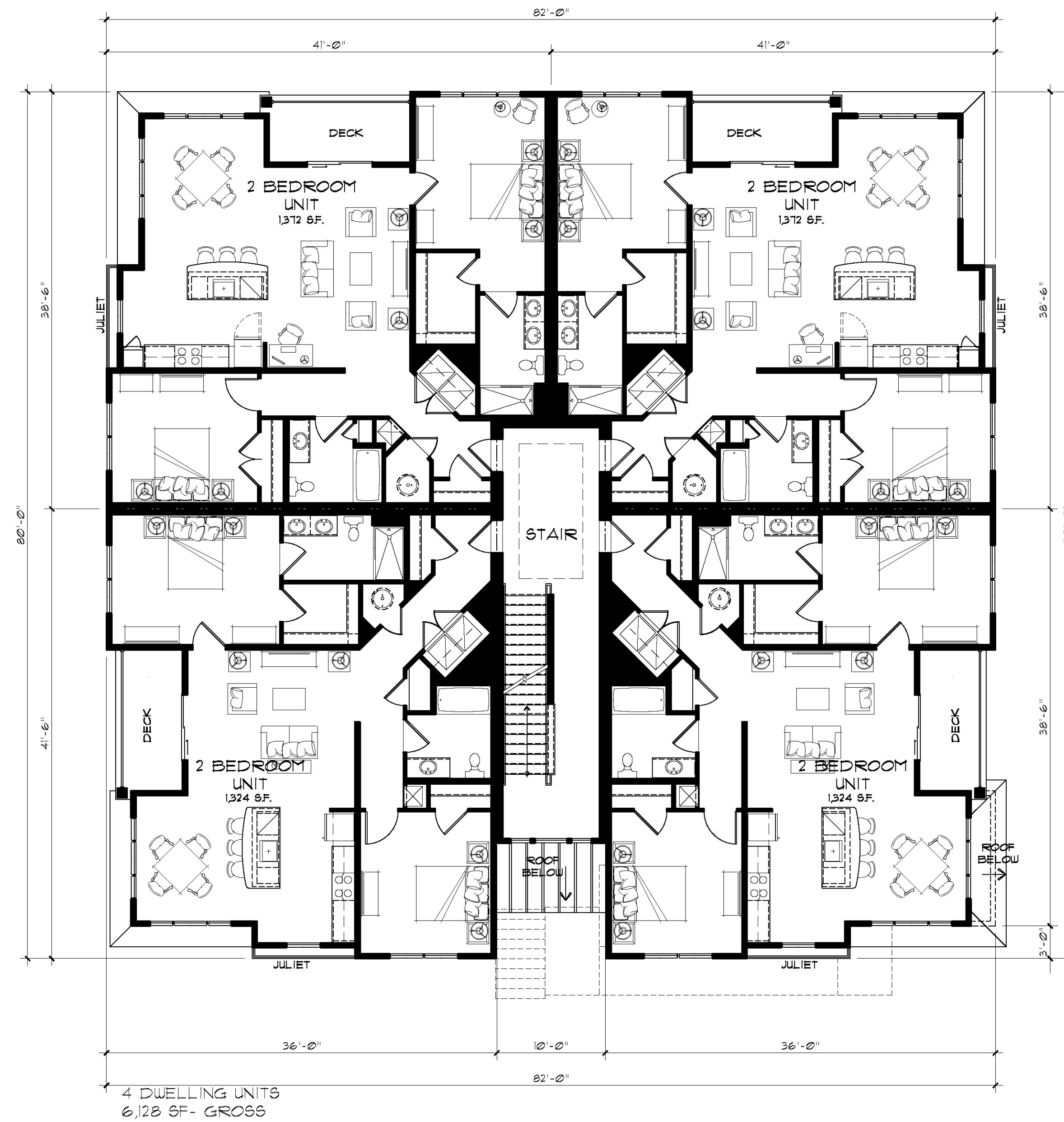
A1

ALLIES ARCHITECTURE, INC.

285 SOUTH CHURCH STREET, SUITE 4, MOORESTOWN, NEW JERSEY 08057 (856) 244-7766
© 2021 ALLIES ARCHITECTURE, INC.



THIRD FLOOR PLAN



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"
MAY 28, 2021

A2

OAK ORCHARD - 10 UNIT CONDOMINIUMS

32792 OAK ORCHARD AVENUE
MILLSBORO, DELAWARE
LESSARD BUILDERS

ALLIES 
ARCHITECTURE, INC.

285 SOUTH CHURCH STREET, SUITE 4, MOORESTOWN, NEW JERSEY 08057 (856) 244-7766

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BAY SIDE ELEVATION

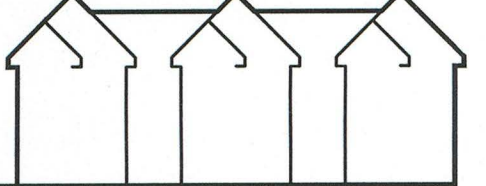


OAK ORCHARD AVENUE ELEVATION

SCALE: 1/8" = 1'-0"
MAY 28, 2021

A3

OAK ORCHARD - 10 UNIT CONDOMINIUMS
32792 OAK ORCHARD AVENUE
MILLSBORO, DELAWARE
LESSARD BUILDERS

ALLIES 
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285 SOUTH CHURCH STREET, SUITE 4, MOORESTOWN, NEW JERSEY 08057 (856) 244-7766
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1

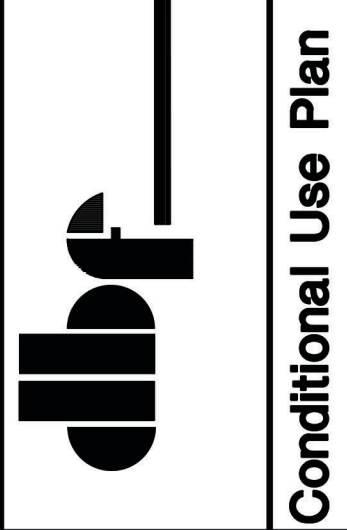
EXISTING



PROPOSED



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



E. ANDREW & CAROL WALTON
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE

REVISED:
3-16-2010 PER OWNER

Date: **AUGUST 2021**
Scale: **1" = 30'**
Dwn.By: **JMJ**
Proj.No.: **2039A002.C01**
Dwg.No.:

J

06/11/2008



15
M.P.H.

NO
STOPPING
STANDING
OR
PARKING

42884

REARVIEW MIRROR 945-0587
BEACH & FUN 1.75 PER HOUR FROM
8 AM TO 5 PM 3 TO 9 PM
SUN 12.00 MON 11.00
OAK OAK BEACH MARINA
CATERING FROM WATERFRONT
BEACH HOUSE
BOAT & BOULEVARD
945-0587 947-9374



06/11/2008



06/11/2008



06/11/2008

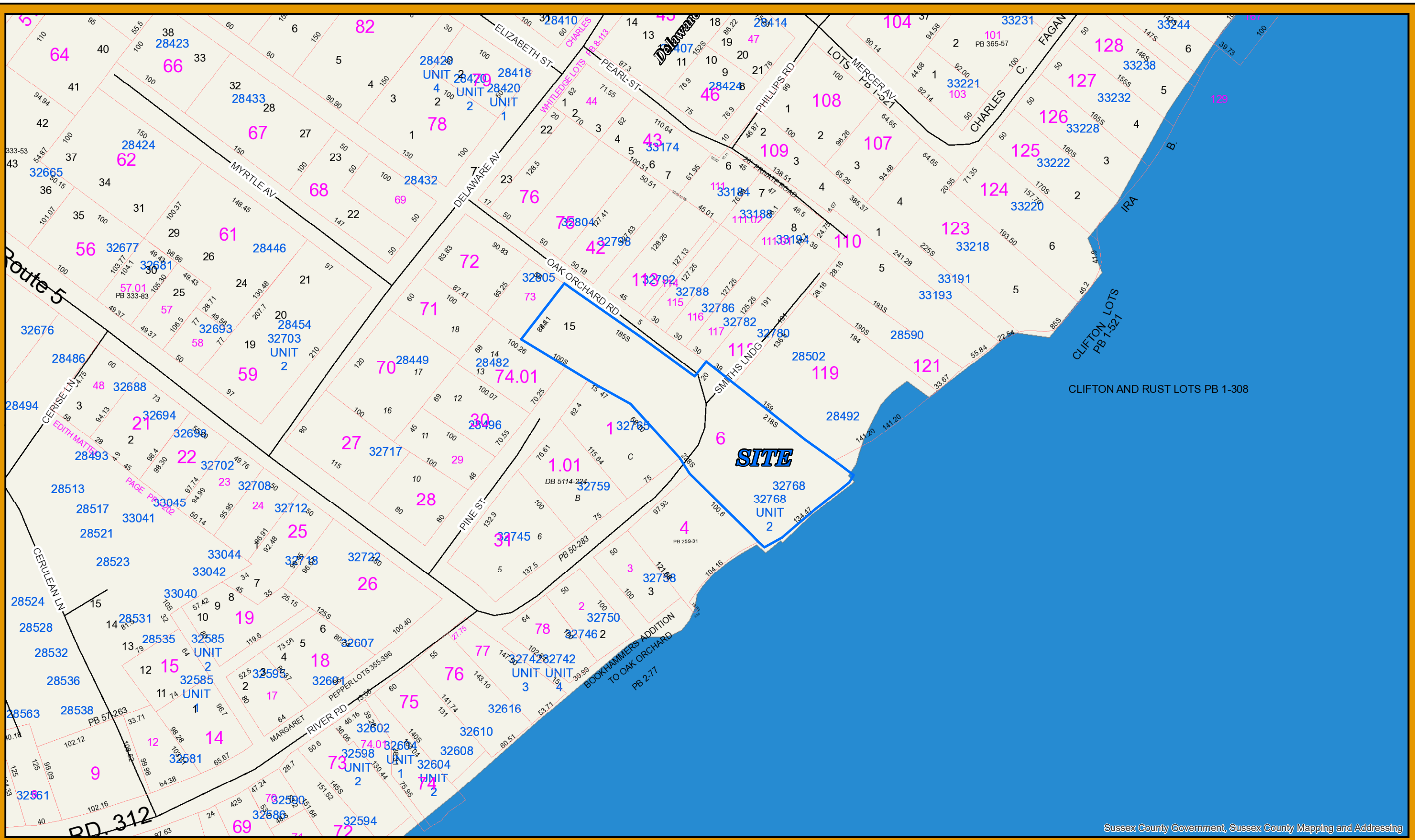
06/11/2008

WATCH
YOUR
WAKE

PRIVATE PIER
NO TRESPASSING
NO CRABBING
NO FISHING
NO SWIMMING



Exhibit 1



Sussex County Government, Sussex County Mapping and Addressing

Sources:
Tax Parcels per Sussex County

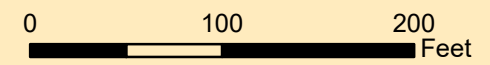


February 2023

Existing Tax Map

Walton Property

Sussex County, Delaware





Summer 2021
Aerial Photo

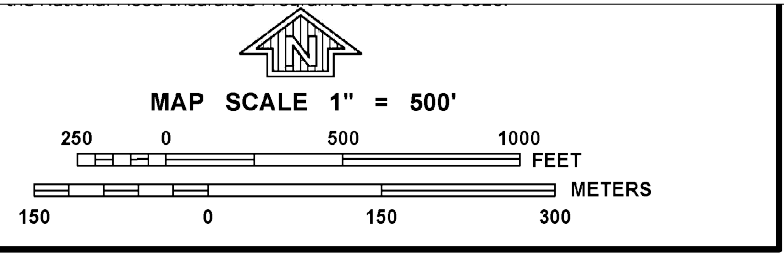
Sources:
Tax Parcels per Sussex County



Surrounding Communities Map

Walton Property
Sussex County, Delaware





NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0481K

FIRM

FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS


PANEL 481 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
SUSSEX COUNTY	100029	0481	K

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



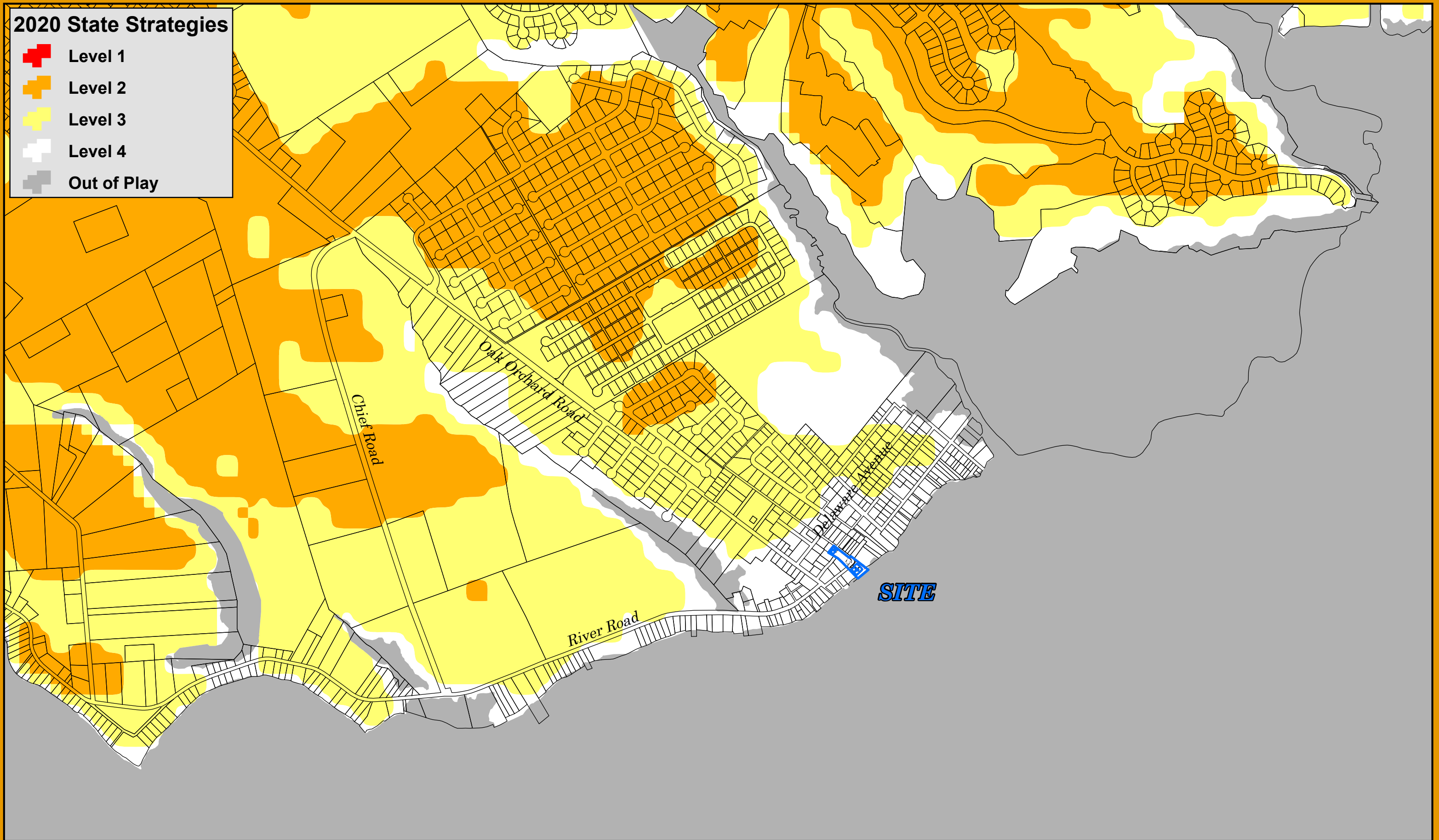
MAP NUMBER
10005C0481K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

2020 State Strategies

-  Level 1
-  Level 2
-  Level 3
-  Level 4
-  Out of Play



Sources:
Tax Parcels per Sussex County












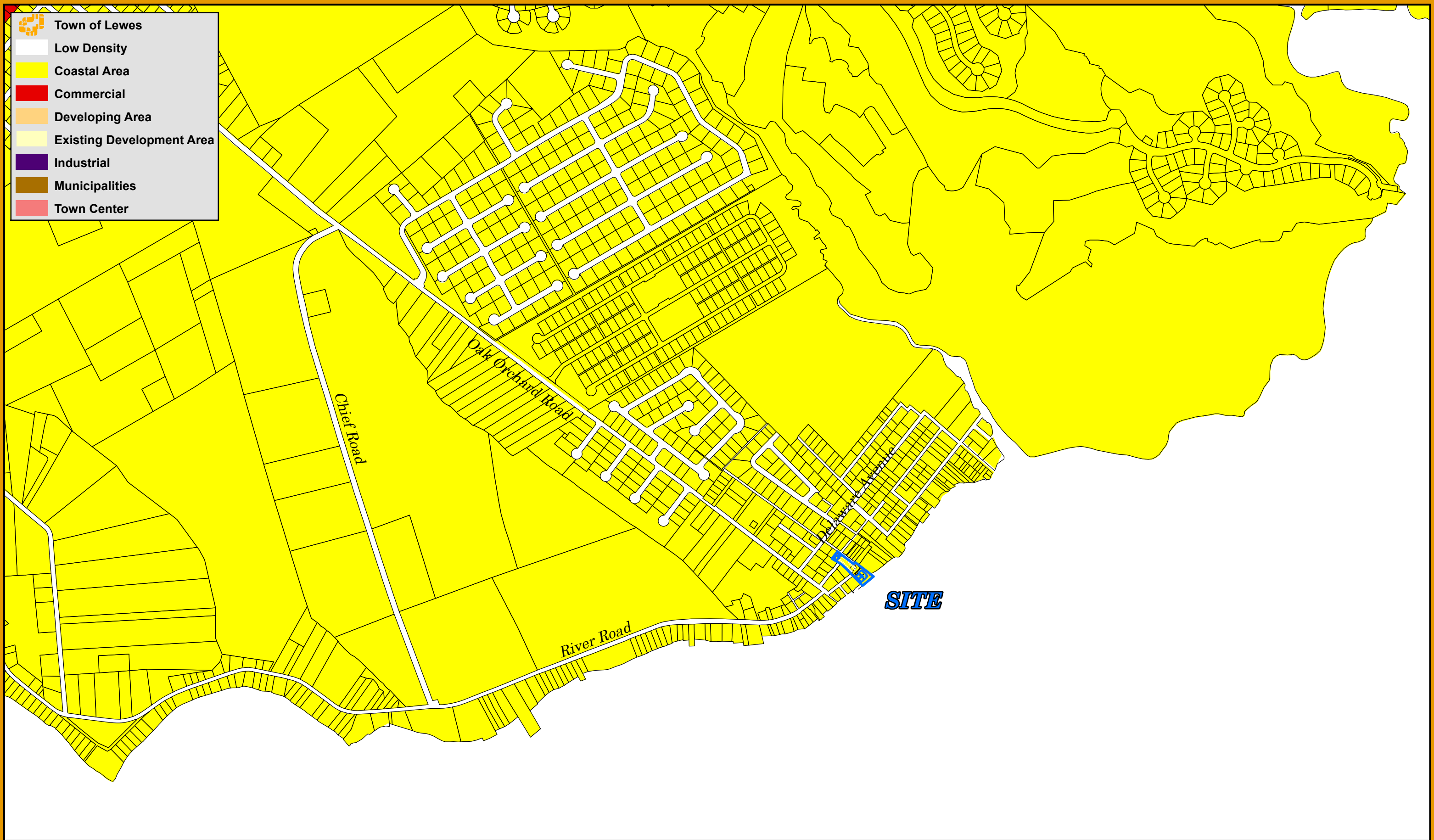
2020 State Strategies

Walton Property
Sussex County, Delaware

0 800 1,600 Feet



-  Town of Lewes
-  Low Density
-  Coastal Area
-  Commercial
-  Developing Area
-  Existing Development Area
-  Industrial
-  Municipalities
-  Town Center



Sources:
Tax Parcels per Sussex County

February 2023



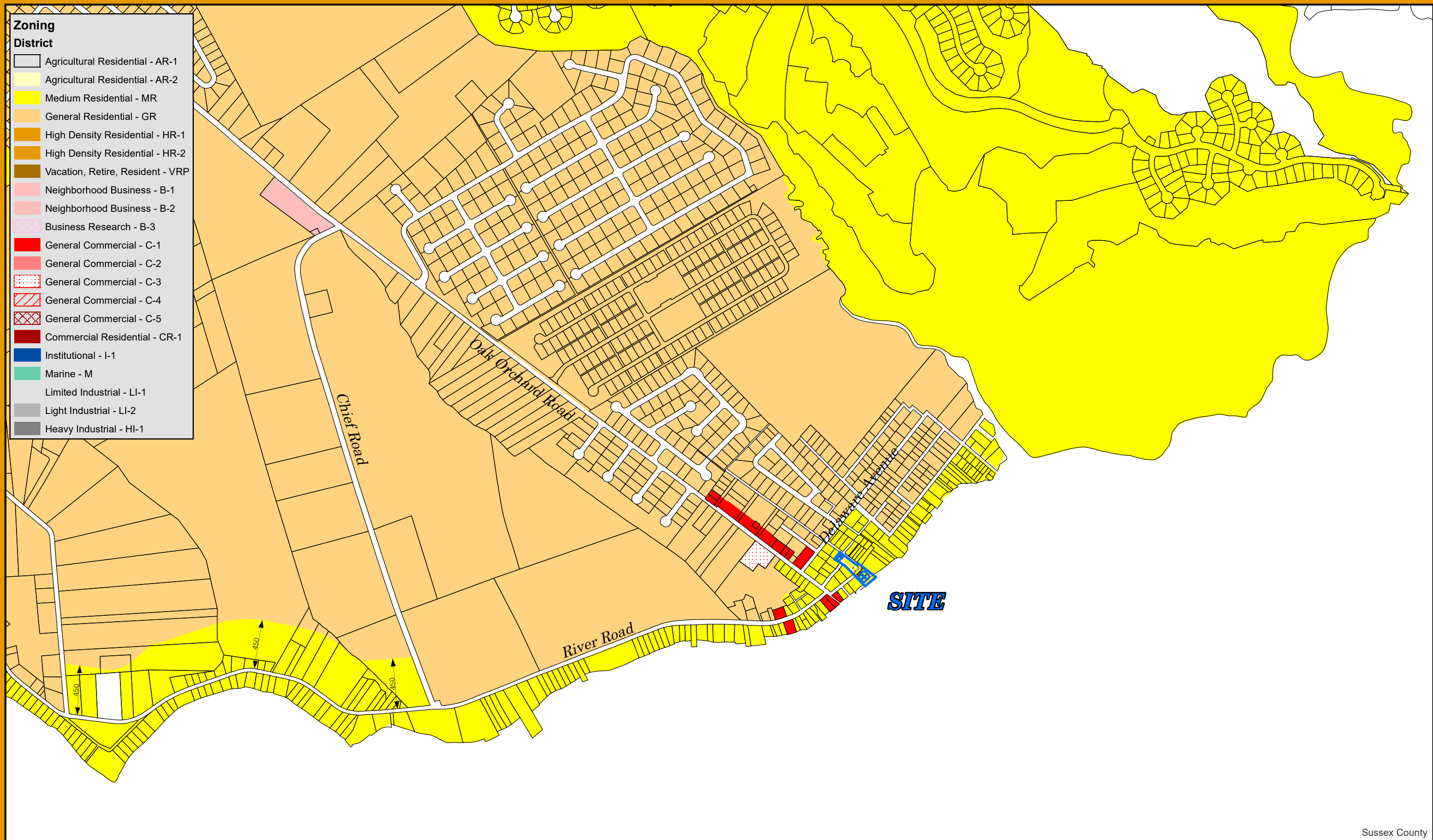
Sussex County 2045 Future Land Use Map

Walton Property
Sussex County, Delaware




Zoning District

	Agricultural Residential - AR-1
	Agricultural Residential - AR-2
	Medium Residential - MR
	General Residential - GR
	High Density Residential - HR-1
	High Density Residential - HR-2
	Vacation, Retire, Resident - VRP
	Neighborhood Business - B-1
	Neighborhood Business - B-2
	Business Research - B-3
	General Commercial - C-1
	General Commercial - C-2
	General Commercial - C-3
	General Commercial - C-4
	General Commercial - C-5
	Commercial Residential - CR-1
	Institutional - I-1
	Marine - M
	Limited Industrial - LI-1
	Light Industrial - LI-2
	Heavy Industrial - HI-1



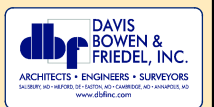
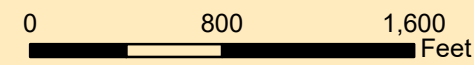
Sussex County

Sources:
Tax Parcels per Sussex County



Sussex County Zoning Map

Walton Property
Sussex County, Delaware





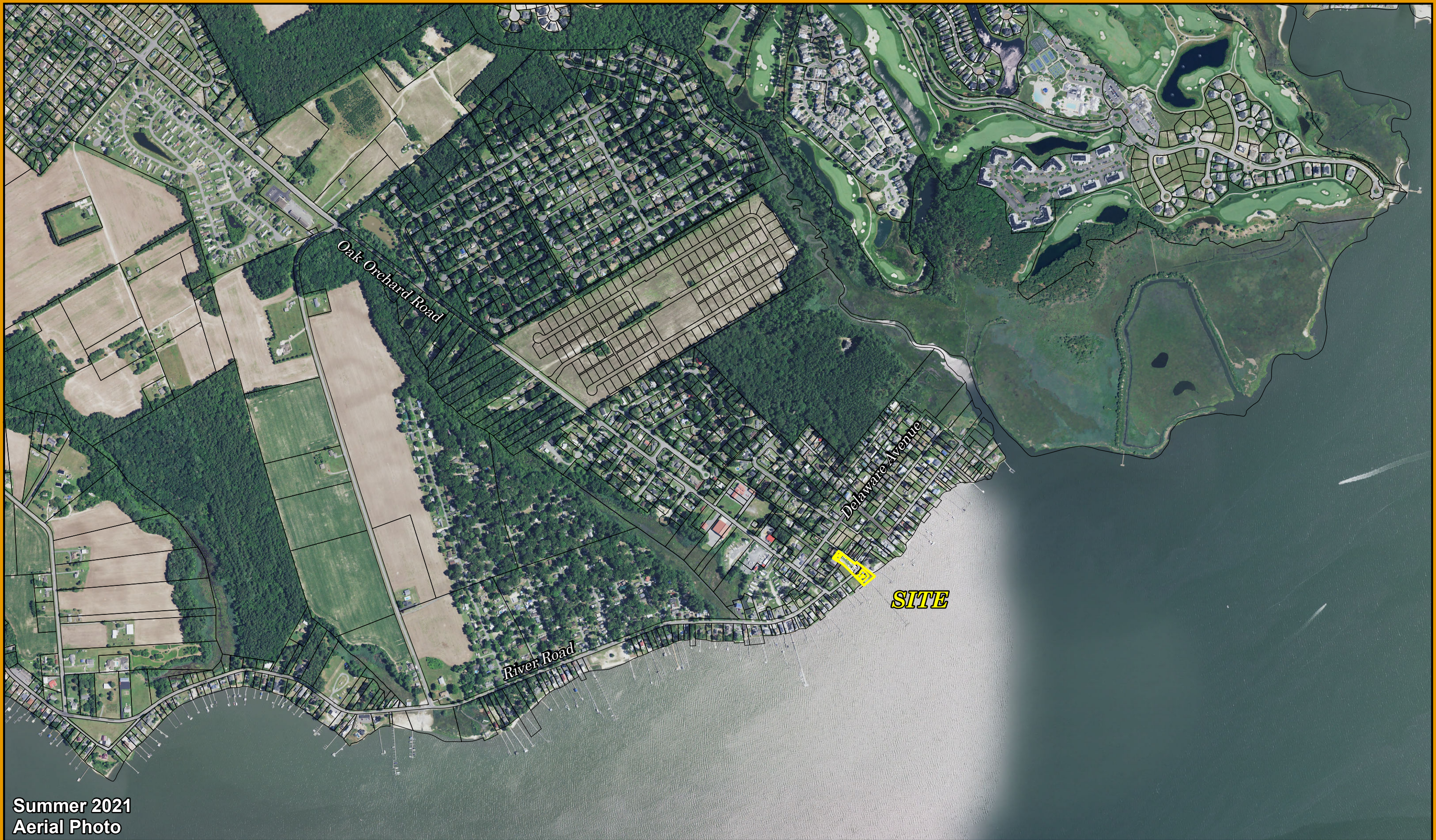
Spring 1992
Aerial Photo

Sources:
Tax Parcels per Sussex County



1992 Aerial Photo
Walton Property
Sussex County, Delaware





Summer 2021
Aerial Photo

Sources:
Tax Parcels per Sussex County



2021 Aerial Photo
Walton Property
Sussex County, Delaware

0 800 1,600
Feet



-  100-YR Flood Plain
-  NWI Wetlands
-  State Mapped Wetlands
-  State 2' Contours



Summer 2021
Aerial Photo

Sources:
Tax Parcels per Sussex County

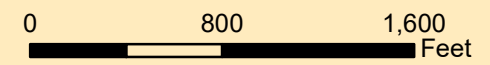
February 2023





Environmental Map

Walton Property

Sussex County, Delaware



-  Wellhead Protection Area
-  Excellent Recharge Area



Spring 2017
Aerial Photo

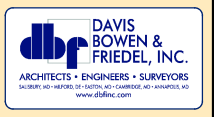
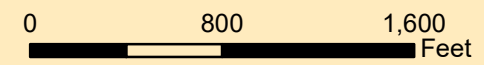
Sources:
Tax Parcels per Sussex County

February 2023



Source Water Protection Areas

Walton Property
Sussex County, Delaware





Summer 2021
Aerial Photo

Exhibit 2

p. 6
subject

1100008009
BK03553 PG00244

Tax Parcel No. 2-34 35.09 6.00

PREPARED BY : ROGER L. TRUEMPER
Elzufon Austin Reardon Tarlov & Mondell, P.A.
2500 Wrangle Hill Road
Building 1, Suite 210
Bear, DE 19701

RETURN TO:
E. Andrew Walton & Carol H. Walton
32768 Oak Orchard Road
Millsboro, DE 19966

008-00052

THIS DEED, made this 28th day of February, 2008.

Between

CLYDE A. HULL, party of the first part.

AND

E. ANDREW WALTON AND CAROL H. WALTON, husband and wife,
parties of the second part,

WITNESSETH:

That the said party of the first part, for and in consideration of the sum of **ONE MILLION ONE HUNDRED EIGHTY SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$1,187,500.00)** lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said parties of the second part, their heirs, successors and assigns, as tenants by the entirety:

All that certain lot, piece or parcel of land, with the buildings thereon erected, situate in Indian River Hundred, Sussex County and State of Delaware, known as 32768 Oak Orchard Road, being Lot No. 15, on the Plan of Bookhammer's Addition to Oak Orchard, as the Plan thereof is of record in the Office of the Recorder of Deeds, in and for Sussex County in Microfilm No. Plot Book 2, Page 77, and being more particularly bounded and described in accordance with a survey prepared by Coast Survey, Inc., Professional Land Surveyors, dated February 21, 2008, as follows to-wit:

BEGINNING at an iron pipe found at the northeast corner of the end of the right-of-way of Pine Street (30' wide), a corner for Lot "C" of Plat Book #50, Page #283 and along the line of Lot #15 of this parcel; thence crossing said end of Pine St., N 49-23-07 W, 31.26' to an iron pipe found, the corner of Pine St. and Lot #14 of "Bookhammer's Addition to Oak Orchard"; thence with Lot #14, in part, N 49-32-51 W, 60.60' to a 1" square shaft, a corner for this parcel and land of Linda Walls and along the line of Lot #14, thence turning and with said Walls, N 47-

Handwritten initials

53 10 E, 83.28' to a crimped iron pipe found on the southwesterly right-of-way line of Oak Orchard Road (20' wide); thence with said Oak Orchard Rd., S 42-18-40 E, 189.06' to a gear spike set in the paving; thence turning and crossing the end of the right-of-way, N 47-41-20 E, 20.00' to an iron pipe with cap set, a corner for this parcel and land of Susan Steward and land of Daniel P. Reuter; thence turning and with said Reuter and land of John Paul Hutcoe, S 42-18-40 E, 146.89' (passing over iron pipes found at 39.42' and an additional 69.00') to a gear spike set in a bulkhead; thence continuing with said Hutcoe, with said bulkhead and with waters of the Indian River Bay, S 42-42-00 E, 62.95' (passing over a spike at 62.29') to the corner of the bulkhead; thence turning and with said bulkhead and said Indian River Bay, S 60-21-00 W, 129.93' to the southerly corner of the bulkhead; and with said Indian River Bay, thence turning and with said bulkhead, N 33-11-43 W, 23.79' to a point; thence with land of Ralph & Donna Appuzzio, N 34-11-08 W, 98.82' to a concrete monument found; thence continuing with same bearing and crossing another end of Oak Orchard Road (formerly Bay Road - 30' wide), 30.06' to an iron pipe recovered, a corner for aforesaid Lot "C"; thence continuing with same bearing and with Lot "C", 68.10' to an iron pipe recovered; thence continuing with Lot "C", N 36-50-43 W, 47.50' to an iron pipe recovered (1.12' westerly from a shaft found); thence still with Lot "C", N 48-40-23 W, 13.90' to the point of beginning. Be the contents thereof what they may

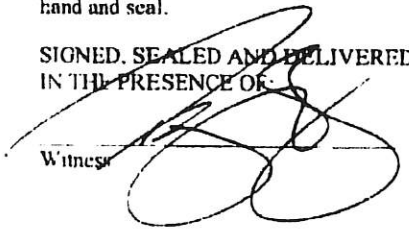
SUBJECT TO ALL other covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same.

BEING the same lands and premises which Wilmington Trust Company, by Deed dated July 22, 1993, and recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware, as Book 1925, Page 10, did grant and convey unto Clyde A. Hull, in fee.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Witness



 (Seal)
Clyde A. Hull

Grantee's Mailing Address:

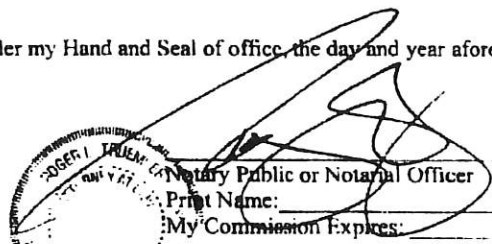
32768 Oak Orchard Road
Millsboro, DE 19966

000008009
PK03773 FG00246

STATE OF DELAWARE)
):
COUNTY OF NEW CASTLE) S.S.

BE IT REMEMBERED, that on this 28th day of February, 2008, came before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Clyde A. Hull, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed.

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



(Seal)
Notary Public or Notarial Officer
Print Name:
My Commission Expires:

RECORDER OF DEEDS
JOHN F. BRADY
03/03/2008 11:27A
SUSSEX COUNTY
DOC. SURCHARGE PAID

Consideration: \$1187500.0 External Code: A
County 17812.50 State 17812.50 Total 35625.00
Date: 03/03/2008

RECEIVED
MAR 04 2008
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Gerald G. Friedel, P.E.
Michael R. Wigley, AIA
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
Jo Anne Williams, P.E.
Charles A. Hauser, P.E.
W. Zachary Crouch, P.E.

LEGAL DESCRIPTION
LANDS OF
E. ANDREW & CAROL H. WALTON
234-35.09-6.00

June 30, 2008

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southerly side of Oak Orchard Road, (20 feet wide), and being located in Indian River Hundred, Sussex County, Delaware, as shown on a plat entitled "BOUNDARY SURVEY OF THE LANDS OF E. ANDREW & CAROL H. WALTON" completed by Davis, Bowen & Friedel, Inc., June 2008; said piece or parcel being more particularly described as follows:

BEGINNING at an iron rod & cap set at a point formed by the intersection of the southeasterly corner of the end of the right-of-way of Oak Orchard Road, with the southwesterly line of lands of, now or formerly Susan Stewart, as recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware in Deed Book 2648 Page 45,

- 1) Thence, leaving said Oak Orchard Road and coincident partially with said Stewart lands, also lands of, now or formerly Daniel P. Reuter, as recorded in the Office of the Recorder of Deeds in Deed Book 3057 Page 77, and lands of, now or formerly Cynthia W. Battles, as recorded in the Office of the Recorder of Deeds in Deed Book 3468 Page 171 the following (2) course and distances, South 52 degrees 20 minutes 15 seconds East 146.89 feet to a gear spike found in a wooden bulkhead,
- 2) Thence, South 52 degrees 43 minutes 35 seconds East passing over a timber spike found in said wooden bulkhead at 62.30 feet, a total distance of 62.95 feet to a point on the northwesterly side of the Indian River Bay,
- 3) Thence, coincident with said bulkhead and Indian River Bay South 50 degrees 19 minutes 25 seconds West 129.93 feet to a point on the northeasterly line of lands of, now or formerly Ralph L. Appuzzio and Donna M. Appuzzio Trustees Under The Ralph L. Appuzzio, D.D.S. and Associates Pension Plan, as recorded in the Office of the Recorder of Deeds,
- 4) Thence, leaving said Indian River Bay and coincident with said Appuzzio lands, crossing another end of Oak Orchard Road (formerly Bay Road 30 feet wide) and coincident with lands of, now or formerly Rodney J. Russell, as recorded in the Office of the Recorder of Deeds in Deed Book 1931 Page 109, the following (4) courses and

distances North 43 degrees 13 minutes 18 seconds West passing over a timber spike found in aforementioned wooden bulkhead at 0.64 feet, a total distance of 23.79 feet to a point at the end of said wooden bulkhead,

5) Thence, North 44 degrees 12 minutes 43 seconds West 196.98 feet to an iron pipe found,

6) Thence, North 46 degrees 52 minutes 18 seconds West 47.50 feet to an iron pipe found,

7) Thence, North 58 degrees 41 minutes 58 seconds West 13.90 feet to a point at the northeast corner of the end of the right-of-way of Pine Street (30 feet wide),

8) Thence, leaving aforementioned Russell lands and coincident with said end of Pine Street, North 59 degrees 24 minutes 42 seconds West 31.26 feet to a point on the northeasterly line of lands of, now or formerly Margaret A. Hurt, as recorded in the Office of the Recorder of Deeds in Deed Book 2427 Page 122,

9) Thence, leaving said Pine Street and coincident with said Hurt lands North 59 degrees 34 minutes 26 seconds West 60.58 feet to an iron rod found at a point on the southeasterly line of lands of, now or formerly Linda J. Walls, as recorded in the Office of the Recorder of Deeds in Deed Book 3229 Page 86,

10) Thence, leaving said Hurt lands and coincident with said Walls lands North 37 degrees 51 minutes 35 seconds East 83.23 feet to a point on the southwesterly right-of-line of aforementioned Oak Orchard Road,

11) Thence, leaving said Walls lands and coincident with said Oak Orchard Road, South 52 degrees 20 minutes 15 seconds East 189.06 feet to a gear spike found at point at the southerly corner of the end of the right-of-way of said Oak Orchard Road,

4) Thence, coincident with said end of Oak Orchard Road North 37 degrees 39 minutes 45 seconds East 20.00 feet to the point and place of beginning; **CONTAINING** 36,628 square feet of land.

Exhibit 3



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

NICOLE MAJESKI
SECRETARY

December 15, 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 **Lessard Builders** proposed land use application, which we received on December 3, 2021. This application is for an approximately 1.30-acre parcel (Tax Parcel: 234-35.09-6.00). The subject land is located on the north and south of Oak Orchard Road (Sussex Road 312) about 290 ft east of the intersection with River Road (Sussex Road 312). The subject land is currently zoned MR (Medium Density Residential), and the applicant seeks a conditional use approval to build condo style beach homes.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along River Road, is 263 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. Because the proposed land use would not meet these warrants, we consider the development's traffic impact to be **negligible** 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. DeIDOT's description of this application as negligible with regard to warranting a TIS does not mean that it is negligible in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

Mr. Jamie Whitehouse

Page 2 of 2

December 15, 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 Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

Exhibit 4

WETLAND STATEMENT

On June 27, 2008, Environmental Resources, Inc. inspected Tax Parcel 234-35.09-6.00 (Walton Property) along Oak Orchard Road, and fronting on Indian River, Sussex County, Delaware, for the presence of Corps jurisdictional waters, including nontidal wetlands, at the request of DBF. This investigation was completed according to the *Corps of Engineers Wetlands Delineation Manual* (1987), regulations, associated guidance at the time and best professional judgment. ERI concluded that landward of the bulkhead line the property is uplands; data was collected during the visit to document these conditions. A jurisdictional determination request has not been filed with the Corps of Engineers at this time.

Thomas D. Nobile
Professional Wetland Scientist: 000389
Certified Wetland Delineator through the Corps of Engineers
WDCP93MD0310001A

Exhibit 5

January 30, 2023

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.*

Sussex County Planning and Zoning Commission
County Administration Building
2 The Circle
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse
Director of Planning

RE: Walton Property
Chapter 99-9 C Response
Tax Parcel No.: 234-35.09-6.00
DBF #2039A002.C01

Dear Mr. Whitehouse:

On behalf of our client, Walton Commercial Properties, LLC. , we are pleased to provide you with our written response to the items listed in Chapter 99-9C.

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

- a. The site plan is a redevelopment of an existing building once used as a restaurant and hotel.
- b. The project is located in the center of the oak orchard community.
- c. The property has been used as a short cut for Oak Orchard Avenue traffic through private property. The site plan allows for permanent street enhancement and proper road design according to DeDOT standards
- d. All landscaping will use native species to aid in the proposed subdivisions fitting in and enhancing surrounding scenery.

2. Minimal use of wetlands and floodplains.

- a. The site borders Indian River Bay and an existing bulkhead marks the border of the property.
- b. No wetlands encroach onto the site.

- c. As with the majority of Oak Orchard Community, the property lies within the 100-yr flood zone with a flood elevation of 8'. The building will be elevated above acceptable flood risks.

3. Preservation of natural and historical features.

- a. The existing building is relatively new (does not show on the 1992 aerials) and therefore provide little historical value.
- b. The 1992 aerial show a vacant dirt lot on majority of the site. No natural features exist.
- c. Native landscaping is proposed to enhance the sites aesthetics.

4. Preservation of open space and scenic views.

- a. Street upgrades, landscaping and cleanup of the vacant lot will enhance the surrounding views and improve the communities value.
- b. With replacement of the existing hotel/restaurant, changes to scenic views will be limited

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

- a. The existing is a dirt and grass lot, no trees or vegetation exist on site.
- b. Grade changes will be minimized to the extent necessary to provide road construction to meet design requirements, flood protection and to ensure proper lot drainage.
- c. The addition of stormwater facilities and proper drainage will greatly improve direct runoff from the vacant dirt lot into Indian River Bay.

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

- a. Landscaping and a 4' vinyl fence will provide screening and enhance the properties aesthetics.
- b. Outbuildings and dumpster will be landscaped so not to be viewable from neighboring properties.

7. Provision for water supply.

- a. Tidewater Utilities, Inc. will supply water services.

8. Provision for sewage disposal.

- a. Sussex County will provide sanitary sewer conveyance and treatment for the proposed building. The property is located within the Oak Orchard Sanitary Sewer District. The building will be served by gravity sewer to an existing manhole on site.

9. Prevention of pollution of surface and groundwater.

- a. The storm drainage system will capture drainage from the site.
- b. Best Available Technologies (BATs) will be used during the design and construction of the property.
- c. Best Management Practices (BMPs) will be used during the design and construction of the property.

10. 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 is maximized.

- a. The stormwater management areas will be designed to meet all local, state and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants from leaving the site during construction.
- c. All storms will be controlled and discharged at the pre-development rate. The 100-year storm will be safely routed through this site.

11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.

- a. The existing roadway is not a DelDOT street but is being used by the public as a connection of Oak Orchard Avenue. The existing roadway is not up to standards and exists of rough pavement and loose gravel. Improving the roadway to DelDOT standards will increase vehicular and pedestrian safety.
- b. The road design will conform to Sussex County standards and specifications.
- c. Street lighting will be provided for this project.
- d. Sidewalks, lighting and road crossing will provide safer pedestrian movement.

12. Effect on area property values.

- a. The project's development should have a positive effect on property values in the area.

13. Preservation and conservation of farmland.

- a. Farmland does not exist on site or in the immediate area.

14. Effect on schools, public buildings and community facilities.

- a. The increase in tax revenue to the school district will assist in the maintenance and operations of schools within the Indian River School District.

15. Effect on area roadways and public transportation.

- a. The existing roadway is not a DelDOT street but is being used by the public as a connection of Oak Orchard Avenue. The existing roadway is not up to standards and exists of rough pavement and loose gravel.
- b. The roadway will be improved to DelDOT standards and the streets will be designed to Sussex County standards and specifications.

16. Compatibility with other area land uses.

- a. The site plan is a redevelopment of an existing building once used as a restaurant and hotel.
- b. The project is located within the center of the oak orchard community.
- c. The site is surrounded by residential uses in a MR Zoning

17. Effect on area waterways.

- a. The existing vacant dirt lot provided no treatment of stormwater currently and allowed direct runoff into Indian River Bay. The site will be designed to improve the quality of runoff from the site.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

On behalf of our client, we thank you for your review and consideration of this response. If you should have any questions or concerns, please contact me at (302) 424-1441

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

W. Zachary Crouch, P.E.
Principal

Exhibit 6

February 3, 2022

Sussex County Administrative Buildings
Planning and Zoning Department
2 The Circle
P.O. Box 589
Georgetown, DE 19947

Attn: Mr. Jamie Whitehouse
Planning Director

RE: Walton Property
PLUS Review Comment Response
Tax Parcel No. 234-35.09-6.00
DBF No: 2039A001.A01

Dear Mr. Whitehouse,

I appreciated the opportunity to meet with representatives of the various agencies at the PLUS meeting held on October 27, 2021. This letter is in response to comments received from State Planning Coordination dated November 18, 2021. We offer the following in response to those comments:

Strategies for State Policies and Spending

The State recognizes that this parcel is within the Coastal area according to the Sussex County comprehensive plan; however, this project represents a major land development that will result in 10 residential units in an Investment Level 4 area according to the 2020 Strategies for State Policies and Spending.

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

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to development in rural areas is an inefficient and wasteful use of the State's fiscal resources. Over the longer term, the unseen negative ramifications of this development will become even more evident as the community matures and the cost of maintaining infrastructure and providing services increases.

In addition, the development of this site may be environmentally inappropriate due to the following:

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA, LEED GA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

- *The entirety of this site is vulnerable to permanent inundation from sea level rise. By 2050, mean sea levels are projected to rise by 0.7 - 1.9 feet; by end of the century sea levels are projected to increase by 1.7 - 5.0 feet. Homes and roadways are proposed on land subject to inundation by sea level rise between 1 and 5 feet. In addition to permanent inundation, as mean sea levels rise, the frequency and severity of tidal flooding events are expected to increase.*
- *In areas within 5 feet of mean sea level, avoid construction of permanent structures and infrastructure. All infrastructure and structures on the site should incorporate the effects of sea level rise through the expected lifespan of the structures. This may include increasing the freeboard of structures, ensuring that critical infrastructure is elevated to withstand future sea level rise, construction of flood control measures, and incorporating green infrastructure for flood control.*
- *This site lies within the Indian River Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.*

Thank you for clarification on the state strategies level. While the majority of Level 4 is rural, this property falls in an area where the surrounding county zoning is MR, GR, & C-1 allowing for higher density development. The site is in the middle of the Oak Orchard Sanitary sewer district and is currently being served with existing water and sewer infrastructure. Building design and elevation will incorporate the risks of tidal flooding and the effects of sea level rise.

Department of Transportation - Contact Bill Brockenbrough 760-2109

- *The site access on Oak Orchard Avenue (Sussex Road 312, also known variously as River Road, Oak Orchard Road, and Bay Road) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.*

Access will be designed in accordance with DelDOT's Development Coordination Manual.

- *Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.*

A pre-submittal meeting will be set up prior to plans being submitted for review.

- *Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.*

Developer will work with DelDot and provide the required fees when appropriate.

- *Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips from the proposed development are estimated at 54 vehicle trip ends per day. Using the 10th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT confirms this number and estimates the weekday a.m. and p.m. peak hour volumes at 4 and 5 vehicle trip ends per hour, respectively. Therefore, the plan does not meet the warrants for a TIS.*

The purpose of a TIS, per DelDOT regulations, is to determine the offsite improvements for which the developer should be responsible to build or contribute toward. DelDOT anticipates requiring the developer to improve Oak Orchard Avenue, within the limits of their frontage, to meet DelDOT's standards associated with its Functional Classification. Oak Orchard Avenue is a Local Road, for which the standard includes 11-foot lanes and 5-foot shoulders. Frontage, as defined in Section 1.8 of the Development Coordination Manual, includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway. Given the character of the area, DelDOT anticipates receiving a request for a Design Deviation in this regard.

The Developer and engineer will work closely with DelDOT to determine any improvements warranted along Oak Orchard Avenue.

Section 3.2.5 and Figure 3.2.5-a of the Manual provide that DelDOT should require dedication of right-of-way along the site's frontage on Oak Orchard Avenue. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Oak Orchard Avenue. The following right-of-way dedication note is required, "An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat." Given the character of the area, DelDOT anticipates receiving a request for a Design Deviation in this regard.

The Developer and engineer will work closely with DelDOT in determining the amount of dedication required. Existing right-of-way of only 20' and 30' and the existing road configuration will most likely lead to a Design Deviation request. Plans will be submitted to DelDOT for their review and approval.

- *Section 3.2.5.1.2 of the Manual provides that DelDOT should require the establishment of a 15-foot-wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "A 15-foot-wide permanent easement is hereby established for the State of Delaware, as per this plat." Given the character of the area, DelDOT anticipates receiving a request for a Design Deviation in this regard.*

The Developer and engineer will work closely with DelDOT in determining requirements for a 15' wide permanent easement. Adjacent homes and their distance off the roadway prohibit the construction of a shared use path along Oak Orchard Road. A Design

Deviation request may be needed. Plans will be submitted to DelDOT for their review and approval.

- *Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:*
 - *A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.*
 - *Depiction of all existing entrances within 300 feet of the proposed entrance on Oak Orchard Avenue.*
 - *Notes identifying the type of off-site improvements, agreements (signal, letter) contributions, and when the off-site improvements are warranted.*

The final Record plan will include the required Traffic Generation Diagram, existing entrances within 300’, and all notes regarding improvements/agreements.

- *Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an existing path with which to connect. While there are no paths or sidewalks immediately adjoining the subject land, DelDOT supports the proposed sidewalk on the south side of Oak Orchard Avenue and may require sidewalk on the north side in the area of the parking lot entrance.*

The Developer will work with DelDOT in determining any sidewalk requirements.

- *In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Oak Orchard Avenue.*

Stormwater will meet DelDOT’s setback requirements.

- *In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.*

The auxiliary lane worksheet will be used to determine auxiliary lanes. With only 10 units and a 15mph speed limit we do not anticipate the need for any auxiliary lanes.

- *In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.*

Existing and proposed utilities will be shown on the plans. Should utilities need to be relocated a utility relocation plan will be submitted to DelDOT

Concerns Identified Within the Development Footprint

Special Flood Hazard Area

According to the newest Flood Insurance Rate Maps (FIRM), the entirety of this parcel and all areas surrounding this parcel are situated within a Special Flood Hazard Area, specifically within the mapped 100-year floodplain (1% annual chance of flooding). The Special Flood Hazard Area identified on the site lies within zone(s) AE and VE. In lands contained within the 100-year floodplain, the National Flood Insurance Program's floodplain management regulations must be enforced through the local floodplain ordinance, which can have higher standards. Homeowners with mortgages may be required to purchase flood insurance.

- *The applicant must comply with the local floodplain ordinance and regulations applicable to development or construction within the 100-year floodplain. The site plans refer to outdated FEMA Floodplain Maps dated January 6, 2005. In determining the boundary of the floodplain, use the most recent FIRM maps available, which can be found at <https://floodplanning.dnrec.delaware.gov/>*

Contact: DNREC Shoreline and Waterway Management Section at (302) 739-9921. Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/waterways/floodplains/>

Building design and base floor elevation will be designed based on the 100-yr flood elevation. The building construction will comply with all county floodplain ordinances and regulations.

Stormwater Management

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

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

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

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

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: DNREC.Stormwater@delaware.gov.

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

A detailed sediment and stormwater plan will be prepared and submitted to the Sussex Conservation District for their review and approval. The project consists of 0.84 acres, we do not anticipate the requirement for a NOI permit.

Excellent Groundwater Recharge Area

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

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

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

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

The development will comply with all county regulations for construction and uses in excellent groundwater recharge areas.

Wastewater Disposal Permitting-Large Systems

There is a record of an abandoned system within the Small Systems Database. Tidewater holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.

- *If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Tidewater) to notify the Large Systems Branch.*

Contact: DNREC Large Systems Branch at (302) 739-9948. Website:

<https://dnrec.alpha.delaware.gov/water/groundwater/>

With the establishment of Sussex Counties Oak Orchard Sanitary Sewer District and only proposing 10 units, we do not anticipate any capacity issues or upgrades.

State Historic Preservation Office - Contact Carlton Hall 736-7400

- *The Delaware SHPO does not support development in Level 4 areas. There are no known archaeological sites on the parcel and two known sites within a half-mile radius of the project area. The proposed parcel is composed of excessively drained soils and is within a favorable distance to fresh water. Despite favorable conditions, there is low archaeological potential. Historic maps show at least one building on the parcel by 1938 and aerials show the entire area developed sometime after 1961. Due to past disturbance, there is low archaeological potential on this parcel.*

Thank you for your archaeological review of the site.

Delaware State Fire Marshall's Office - Contact John Rudd 323-5365

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

Fire Protection Water Requirements:

- *Water distribution system capable of delivering at least 1000 gpm for a 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.*
- *Where a water distribution system is proposed for (business/educational/assembly/healthcare/multi-family) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.*

Water distribution will be provided by Tidewater Utilities, Inc. using existing infrastructure that meets flow and duration requirements.

Fire Protection Features:

- *All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.*
- *Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.*
- *Buildings greater than 10,000 sq ft, 3-stories or higher, over 35 feet in height, or classified as High Hazard, are required to meet fire lane marking requirements*
- *Show Fire Department Connection location (must be within 300 feet of fire hydrant), and detail as shown in the DSFPRs.*
- *Show Fire Lanes and Sign Detail as shown in DSFPRs.*

Sprinkler protection will be installed. Fire lanes will be marked according to requirements. Fire department connections, fire lanes and sign details will be provided on plans and submitted to the Fire Marshal's office for their review and approval.

Accessibility:

- *All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Oak Orchard Road must be constructed so fire department apparatus may negotiate it.*
- *Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.*

- *The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.*
- *The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.*

The site plan will comply with all Fire Department access requirements.

Gas Piping and system Information

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

There will be no fuel stored on site.

Required Notes:

- *Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"*

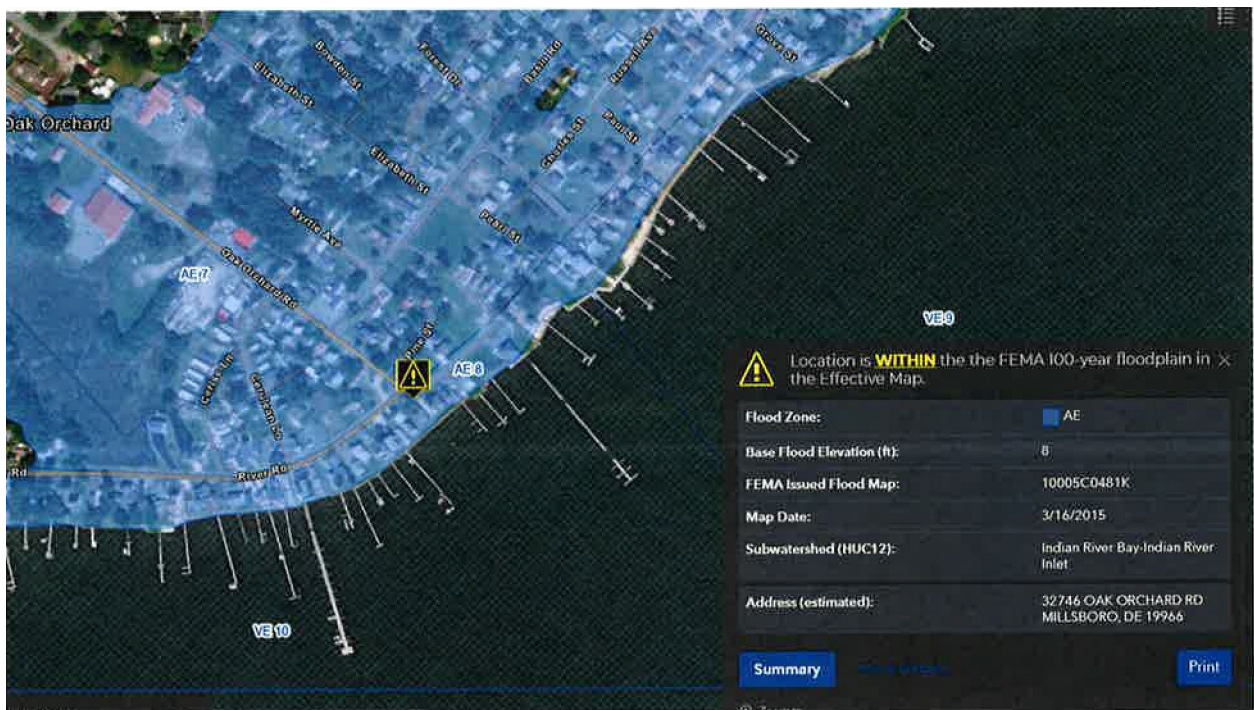
Proposed Use

- *Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units*
- *Square footage of each structure (Total of all Floors)*
- *National Fire Protection Association (NFPA) Construction Type*
- *Maximum Height of Buildings (including number of stories)*
- *Note indicating if building is to be sprinklered*
- *Name of Water Provider*
- *Letter from Water Provider approving the system layout*
- *Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered*
- *Provide Road Names, even for County Roads*

The required information and notes will be provided on the plans and submitted to the Fire Marshal for their review and approval.

Delaware Emergency Management Agency-Contact Philip Cane 659-2325

This property is located within FEMA's 100-year flood zone identified as AE 7 and AE 8, and is within a 3-foot and higher coastal flooding inundation zone in accordance with NOAA's MHHW maps. DEMA strongly encourages the homes to be elevated at the identified flood level plus freeboard in preparation for unknown future conditions. Further utilization of wet/dry floodproofing in accordance with FEMA recommendations on same. DEMA encourages the use of high-efficiency mechanics and utilities in new homes, as well as reusable energies where legal and appropriate. DEMA further encourages examining new and modern technologies to potentially include in homes (electric vehicle potential in garages, etc.).



Thank you for the information regarding flood elevations and flood proofing. Building design and base floor elevation will be designed based on the 100-yr flood elevation. The building construction will comply with all county floodplain ordinances and regulations.

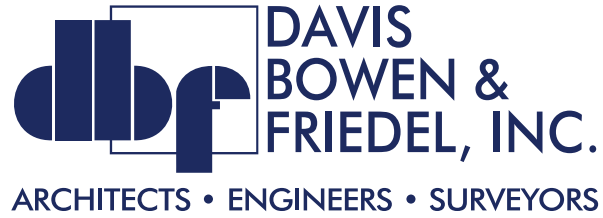
If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at wzc@dbfinc.com.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

Sincerely,

W. Zachary Crouch
Principal

CC: Dorothy Morris, AICP, Office of State Planning



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Ashley Paugh

CU 2349

From: bscarbro@comcast.net
Sent: Tuesday, January 31, 2023 10:09 AM
To: Ashley Paugh
Subject: Fwd: Objection to Rezoning of White Caps Restaurant, Oak Orchard, DE

Opposition
Exhibit

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Corrected typo of spelling of Restaurant!

Please let me know that you have received this letter of objection and that it will be filed for the hearing.

Thanks!

Becky Scarborough

----- Original Message -----

From: bscarbro@comcast.net

To: Ashley Paugh <ashley.paugh@sussexcountyde.gov>

Date: 01/31/2023 9:58 AM

Subject: Objection to Rezoning of White Caps Restaurant, Oak Orchard, DE

Dear Sussex County Planning and Zoning Commission Members,

I am registering my objection to the conditional use rezoning of the plot of land on Indian River Bay in Oak Orchard from an MR to Multi family density for the building of 10 units on a sensitive, flood prone area . This is where White Caps Restaurant presently stands and where the former historical Oak Orchard or old Indian River Hotel used to stand.

Such a rezoning not only would endanger the future residents of the 10 units to occupy the plot, but it also would significantly change the surrounding neighborhood of small, well-kept cottages that have been there for almost a hundred years.

Oak Orchard and surrounding area is an historically rich area and one of the earliest beach towns in all of Delaware. It is being negatively impacted by the uncontrolled growth of development sprawl all around it. Route 24 and what has happened to that once colorful country road is but one example of the exploitation of greedy developers responsible for changing the face of Sussex County for the worse! Such irresponsible development must come to a halt before the whole county becomes a megalopolis!

Sincerely,

Rebecca Scarborough
3068 Andrews Lake Road,
Frederica, Delaware 19946
and
32116 River Road
Millsboro, Delaware 19966
(302) 335-5027 (home)
(302) 668-7403 (cell)
(302) 945-5327 (cottage)

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SUSSEX COUNTY
PLANNING & ZONING



Station #1 – 32628 Oak Orchard Road
Millsboro, DE 19966
Phone: (302) 945-2800 * Fax: (302) 945-1130

Station #2 – 25375 Banks Road
Millsboro, DE 19966
Phone: (302) 945-2801 * Fax: (302) 947-9447

January 30, 2023

Sussex County Planning & Zoning Commission
County Administrative Offices
2 The Circle
Georgetown, DE 19947

RE: Public Hearing – Conditional Use Application – C/U 2349 – Lessard Builders

Dear Commissioners of the Sussex County Planning & Zoning Commission,

On behalf of the Board of Directors, Officers, and Members of the Indian River Volunteer Fire Company, we hereby submit this communication regarding the Application for Conditional Use by Lessard Builders. The synopsis of the Conditional Use Application is proposing a MR Medium Density Residential District for multi-family (10 units) structure to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 0.84 acre, more or less. The property is lying on the northwest side and the southeast side of Oak Orchard Road (Rt. 5), approximately 300 feet east of River Road (S.C.R. 312). 911 Address: 32768 Oak Orchard Road, Millsboro. Tax Parcel: 234-35.09-6.00

As you may be aware, the Indian River Volunteer Fire Company has been working with many entities within the State of Delaware, Sussex County, elected officials, and many others regarding the coastal drainage issues along this respective area of the Indian River Bay and its related tributaries. Please review the identified link for further information with specific emphasis on the Oak Orchard Study area: https://documents.dnrec.delaware.gov/swc/Drainage/Documents/Oak_Orchard_Coastal_Drainage_Engineering_Evaluation_Report.pdf

As specified in the previously identified report, the Oak Orchard community is composed primarily of single-family homes, mobile (manufactured) homes, and crop lands of which are diminishing quickly. Our localized drainage issues and flooding concerns result from both the hydrology and hydraulics of the area. The hydrology of the area is dependent on topography, existing land use, impervious area, soil types, and the precipitation amounts. Runoff increases when changes in land use reduce pervious area or when precipitation rates increase. The hydraulic systems include stormwater conveyance structures (e.g., pipes, ditches) that collect and transport stormwater runoff to receiving streams and/or other bodies of water. Where there are no stormwater conveyance systems, or where they are inadequate, runoff travels via concentrated flows, or ponds prior to infiltrating into the soils.

It would be a grave disparity not to highlight and mention some of the drainage deficiencies that continue to plague this specific area during periods of inclement weather and tidal flooding conditions. These deficiencies for the most part remain outstanding with minimal corrective action for any remedy in the designated area of this proposed conditional use application. This proposed conditional use application lies within 300 feet of the Oak Orchard Road and River Road intersection which has been identified as one of the areas for storm drain upgrades at the intersection. Ironically, this parcel's water run-off currently contributes to the drainage concerns at the specified area and is further compounded during periods of inclement weather and tidal conditions. Additionally, any significant increase in impervious surfaces could potentially exasperate this already strained drainage system.

Furthermore, approximately north on Oak Orchard Road passing the neighboring parcel #234-34.08-73.00 (Lands of now or formerly Linda J. Walls) is the intersection of Delaware Avenue and Oak Orchard Road is another High Priority Drainage Concern(s) with minimal to no correction action thus far. Therefore, it is more than likely that the proposed twenty-five (25) parking facility with any impervious parking surfaces will potentially compound and further exasperate an already strained drainage system this clearly documented as "High Priority Drainage Concerns" in need of corrective action.

In addition to the drainage and tidal flooding concerns, the Indian River Volunteer Fire Company wishes to clearly identify some of our other operational concerns that need consideration. There operational concerns include but not limited to:

- (1) Apparatus Access to all sides of the proposed residential complex - Apparatus Access is paramount to an already existing strained facility with limited aerial access because of overhead electrical wiring within the immediate vicinity of the proposed structure. Tentatively, the current and proposed building initiatives within this parcel and immediately neighboring parcel(s) necessitate a good deal of planning and forethought regarding emergency apparatus response, staging, and placement should an emergency incident occur. During previous times when fire struck the previous structures at and immediately adjacent to this location, apparatus placement and aerial devices were limited and stretched because of identified accessibility issues.
- (2) Residential Sprinkler Capabilities / Water Supply Access Concern -The proposed 10 unit residential structure is located in an area with public water service but not any fire hydrants and it would be paramount to incorporate residential sprinklers with fire external fire department connections. This would be essential in conjunction with #1 above should an unfortunate incident occur. Installation of an improved dry hydrant system with an intake BELOW the normal low tide mark with perpetual arrangements for maintenance of water intakes.
- (3) On-street parking prohibition based upon the narrow nature of Oak Orchard Road in this area, the prohibition of on-street parking is essential for safe passage and placement of emergency apparatus during periods of need.
- (4) Perpetual Roadway Through based upon the insinuation of previous owners of this specific parcel that the roadway openness is indicative of ownership preference. Apparatus access to this designated parcel and that of the Smith Landing needs greater entranceways, good turning radius and access from multiple directions.

The proposed conditional use application clearly lies between or near significant areas of roadway drainage and tidal flooding concerns which could preclude successful passage of emergency apparatus during these tidal flooding conditions. The Indian River Volunteer Fire Company can provide some photographs of these areas to highlight our concerns should you desire. Additionally, these concerns are being mentioned to highlight these flooding conditions which could impact passage of prospective residents to and from these areas until flooding concerns subside.

The Indian River Volunteer Fire Company is responsible to respond and mitigate any emergency incident within this designated area regardless of tidal concerns and other conditions; however, with adequate planning and resource allocation many of these deficiencies could be ameliorated.

If there are any questions, please do not hesitate to contact us at your earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patrick C. Miller', with a long horizontal stroke extending to the right.

Patrick C. Miller, President

ATTACHMENT

PCM:p

OAK ORCHARD COASTAL DRAINAGE ENGINEERING EVALUATION



Prepared for:



Delaware Department of Natural Resources and
Environmental Control
Division of Watershed Stewardship
89 Kings Highway
Dover, DE 19901

February 2015

URS

URS Corporation
12420 Milestone Center Drive, Suite 150
Germantown, MD 20876

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Acronyms and Abbreviations

DelDOT	Delaware Department of Transportation
DGS	Delaware Geologic Survey
DNREC	Delaware Department of Natural Resources and Environmental Control
GIS	Geographic Information System
NAVD88	North American Vertical Datum of 1988
NED	National Elevation Dataset
NGVD29	National Geodetic Vertical Datum of 1929
NRCS	Natural Resources Conservation Service
URS	URS Corporation
USACE	U.S. Army Corps of Engineers
USGS	U.S. Geological Survey

This report summarizes URS Corporation's (URS') analysis of the drainage and flooding concerns in the Oak Orchard community in Delaware and identifies opportunities to address these concerns.

The coastal Oak Orchard community is located east of the town of Millsboro, south of John J Williams Highway (Delaware Route 24), and north of the Indian River Bay in Sussex County, Delaware. The study area encompasses approximately 2 square miles, including approximately 1 mile of Indian River Bay shoreline.

The Delaware Department of Natural Resources and Environmental Control (DNREC) contracted URS to evaluate the drainage problems in the community and to develop and prioritize potential solutions.

As a part of this study, URS reviewed information provided by DNREC, including responses to a questionnaire sent to property owners (created in coordination with URS), information from two public meetings hosted and facilitated by DNREC, and geographic information system (GIS) data.

URS reviewed 76 questionnaires provided by DNREC and performed a site investigation at the location of each drainage concern. URS proposed 31 solutions and prioritized them based on:

- The questionnaires
- Field observations
- GIS data
- Community input from the public meetings

The solutions were prioritized using a variation of the DNREC prioritization matrix modified for the scope of coastal drainage projects. The prioritization matrix was used to help DNREC select high priority projects under DNREC jurisdiction for further analyses. For the high priority projects, URS developed conceptual designs that include a preliminary description of the recommended improvements, design considerations, feasibility, and planning level cost estimates. Prior to receiving the selection of high priority projects, a hydrologic analysis was performed for the Oak Orchard study area to estimate the runoff for the upland areas of the community. The results of this analysis were used to develop the conceptual designs.

Solutions that are under the jurisdiction of agencies other than DNREC are also identified (i.e., Delaware Department of Transportation [DelDOT] and homeowner associations). DNREC intends to forward information for these potential improvements to the respective agencies for implementation. Lastly, a summary of recommendations that can be implemented by homeowners on individual properties is provided that DNREC can use to assist to homeowners.

SECTION ONE: INTRODUCTION

1.1 Authorization

The Delaware Department of Natural Resources and Environmental Control (DNREC) retained URS Corporation (URS) to develop a detailed drainage and flooding report for Oak Orchard, an unincorporated community in Sussex County, Delaware. The project was funded by DNREC.

1.2 Background and Purpose

The coastal Oak Orchard community is located between John J Williams Highway (Delaware Route 24) and the Indian River Bay in Sussex County, Delaware. Residents of this community consist of both year-round and seasonal residents.

The Indian River Bay is coastally influenced and impacts several marsh areas within the community. The community is susceptible to frequent flooding due to coastal effects from the Indian River Bay and localized stormwater runoff.

Changes in development and the natural environment have intensified flooding issues for the community. In particular, residential and commercial areas have been built in the community over several decades, resulting in an increase in impervious area and therefore an increase in flooding frequency from localized runoff for several of the areas. Residential properties and roads also flood frequently from local runoff because of stormwater, drainage, and transportation infrastructure that is undersized or in disrepair. This flooding can range from nuisance flooding of yards and residential roads to severe flooding of access roads, which affects access to homes and businesses. Drainage and flooding mitigation in Oak Orchard was identified as a priority of the Delaware Governor and Legislature due to the frequency and severity of flooding.

The purpose of this study is to evaluate existing drainage problems and provide recommendations to DNREC for drainage improvements in the Oak Orchard community. The focus of this study is on developing small- to medium-scale drainage solutions to reduce the frequency and duration of flooding.

1.3 Related DNREC Studies

URS provided a Coastal Drainage Engineering Evaluation for the Delaware Bay Beach communities to DNREC in December 2014. The Bay Beach communities include three beaches in Kent County (Pickering Beach, Kitts Hummock, and South Bowers Beach) and four communities in Sussex County (Slaughter Beach, Prime Hook Beach, Broadkill Beach, and Lewes Beach). This Oak Orchard Coastal Drainage Engineering Evaluation report structure and study methodology closely follow that of the Bay Beach Study. These similarities include:

- Questionnaire numbering scheme
- Solution identification numbering
- Ranking criteria for proposed solutions
- Recommendations for homeowner implementations

SECTION TWO: STUDY AREA CHARACTERISTICS

2.1 Study Area Location

The coastal Oak Orchard community is located east of the town of Millsboro, south of the John J Williams Highway (Delaware Route 24), and north of the Indian River Bay in Sussex County, Delaware. The study area encompasses approximately 2 square miles, including approximately 1 mile of Indian River Bay shoreline (Figure 2.1).

River Road runs parallel to the Indian River Bay shoreline, with several marsh areas to the north. Oak Orchard Road and the John J Williams Highway are major collectors; all other roads in the community are local roads.

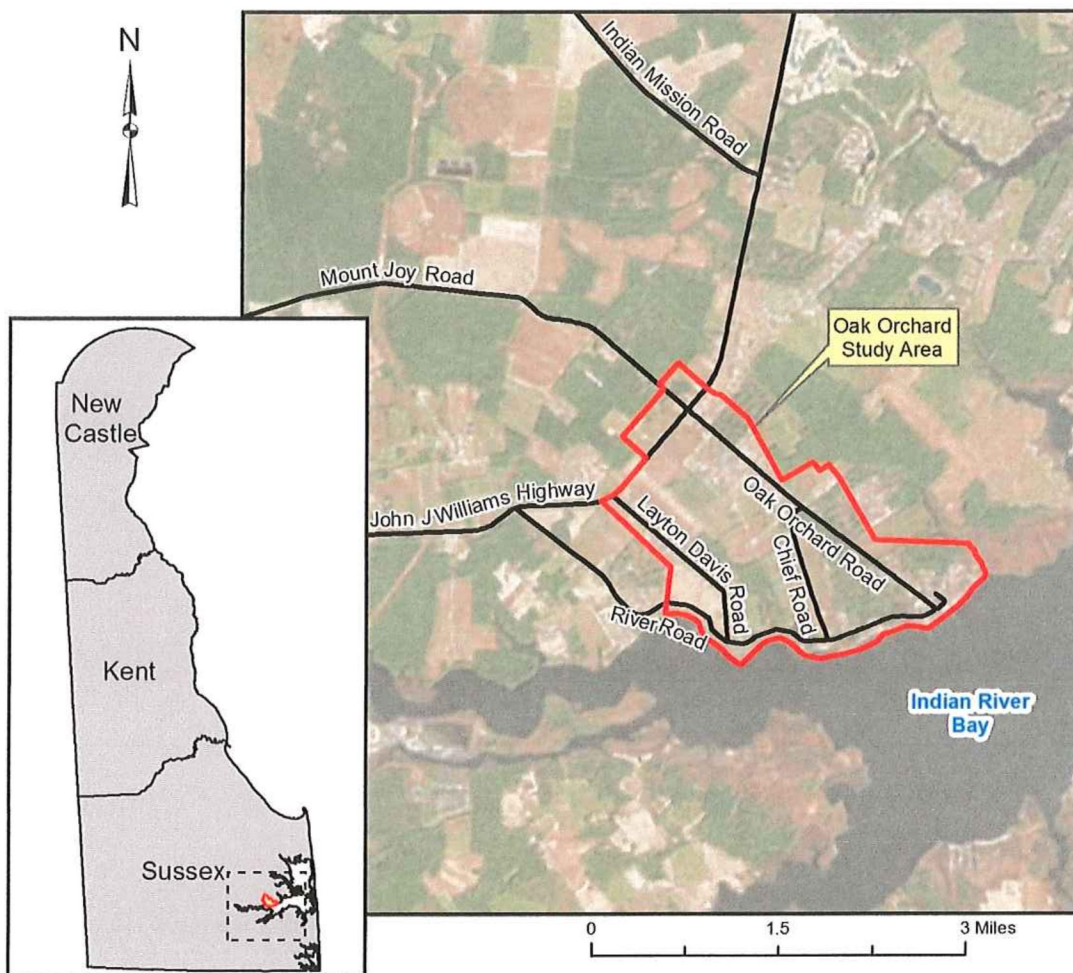


Figure 2.1: Oak Orchard Drainage Study Vicinity Map

2.2 Topography and Terrain

Contour data were provided by the Delaware Geological Survey (DGS), and the National Elevation Dataset (NED) 1/9-arc second (3-meter) raster was acquired from the U.S. Geological Survey (USGS). The vertical datum for both data sets is the North American Vertical Datum of 1988 (NAVD88).

The Oak Orchard community contains flat coastal lowland areas to the south, and steeper upland areas to the north. The lowland area extends from the Indian River Bay, north past River Road, with several marsh areas north of River Road connected to the bay via culverts. The maximum elevations north of the Indian River Bay in this lowland area typically range from 3 to 6 feet NAVD88, while the marsh elevations range from -1 to 2 feet NAVD88. The elevations of the upland areas generally range from 6 to 24 feet NAVD88.

2.3 Land Use

Land use data were provided by the Delaware Office of Management and Budget (2007) and aerial imagery (2011 and 2012). The Oak Orchard community is composed primarily of single-family homes, mobile home parks, and crop lands. The community is bounded to the south by the Indian River Bay, and there are both tidal and non-tidal wetlands adjacent to forested or residential areas north of River Road. The northeastern extent of the study area (at the intersection of Oak Orchard Road and John J Williams Highway) is a commercial area.

2.4 Soil and Groundwater

Soil data were obtained from the 2009 Soil Survey Geographic database of the Natural Resources Conservation Service (NRCS). The Oak Orchard study area is composed primarily of Fort Mott loamy sand and Downer loamy sand, which are hydrologic group A and B soils, respectively, that drain rapidly. The marsh areas on the landward side of River Road are primarily made up of Purnell peat. These soils are flooded frequently by tidal water and are hydrologic group D soils with poor infiltration and high clay content.

Digital water-table data were obtained from DGS. The normal water table is approximately 2 to 5 feet below the land surface elevation in the southern portion of the Oak Orchard community adjacent to the Indian River Bay and areas adjacent to the wetland areas. The normal water table depth is approximately 5 to 9 feet below the land surface for the upland areas.

2.5 Indian River Bay Water Surface Elevation

The USGS Indian River stream gage at Rosedale Beach (Gage 01484540) is less than one mile from the Oak Orchard community, and was used to estimate average low tide, average high tide, and overall average water surface elevations for the Indian River Bay (USGS, 2015). The data from the gage are in National Geodetic Vertical Datum of 1929 (NGVD29), and were converted to NAVD88 by applying a -0.78 foot correction to the NGVD29 elevation. According to daily data from 2006 to 2015, the average low tide elevation is -0.83 foot, the average high tide elevation is 1.83 feet, and the average water surface elevation is approximately 0.5 foot.

SECTION THREE: MAJOR DRAINAGE AND FLOODING CAUSES

3.1 Local Drainage and Flooding

In general, localized drainage issues and flooding result from both the hydrology and hydraulics of a drainage area. The hydrology of a drainage area is dependent on topography, existing land use, impervious area, soil types of the area, and the amount of precipitation. Runoff increases when changes in land use reduce pervious area or when precipitation rates increase (as has been the case throughout the United States in recent years).

Hydraulic systems include stormwater conveyance structures (e.g., pipes, ditches) that collect and transport stormwater runoff to receiving streams and other bodies of water. Where there are no stormwater conveyance systems, or where they are inadequate, runoff travels via concentrated flow, or it ponds prior to infiltrating into the soil. Catch basins, stormwater inlets, ditches, pipes, gates, culverts, and other stormwater conveyance structures must be cleaned on a regular basis to maintain hydraulic function. Materials that can hinder hydraulic function include accumulated sediments, debris, vegetation, log jams, trash, and fallen trees.

Coastal areas are also heavily influenced by coastal water bodies. The Oak Orchard community is bounded by the Indian River Bay to the south, with occasional coastally influenced marsh areas that extend north of River Road. The coastal water bodies can cause flooding directly by overflowing onto land surfaces, or indirectly by preventing runoff from draining through the conveyance systems. Significant coastal events such as nor'easters and hurricanes often overwhelm existing conveyance systems. The marsh areas, which are coastally influenced, can provide storage for runoff draining through conveyance systems; however, if the water surface elevations in the marsh are high due to high tides or previous rainfall events, the storage capacities may be compromised.

3.2 Sea Level Rise

The global mean sea level increased throughout the twentieth century, and this trend is expected to continue in the near future based on climate-related phenomena (IPCC, 2007). The two primary causes of global mean sea level rise are the thermal expansion of saltwater as it warms and melt-water from ice on land (e.g., glaciers). The published rates of sea level rise at Lewes Beach, Delaware and Ocean City, Maryland are approximately 3 millimeters/year (0.1 inch/year) and 5.5 millimeters/year (0.2 inch/year), respectively, although the rate is expected to increase throughout this century (DNREC, 2013). The DNREC Sea Level Rise Technical Work Group suggests planning scenarios for sea level increases ranging from 1.6 feet to 5 feet by 2100.

The Delaware coast is a vital ecologic resource and is a key component of the state's economy because it provides jobs and recreation (DNREC, 2013). Sea level rise can increase the rate of shoreline erosion, damaging dunes and other environmental features that protect the inland areas from coastal flooding. Overall, sea level rise is anticipated to exacerbate local drainage issues and flooding.

SECTION FOUR: STUDY METHODOLOGY

The purpose of this study was to evaluate existing drainage problems and provide recommendations to DNREC for future drainage improvements in the Oak Orchard community (including prioritization) while meeting the goals and expectations of DNREC and community residents. The focus of this study was on developing the most appropriate small- to medium-scale drainage solutions to reduce the frequency and duration of flooding that would also complement expected future projects (e.g., a DelDOT storm drain upgrade at the intersection of Oak Orchard Road and River Road). Structure-based flood mitigation measures (e.g., raising houses and flood proofing) were not considered in this study.

URS performed the following tasks as a part of this project:

1. **Evaluate Public Input:** This task included analyzing questionnaires from residents and notes from two public meetings between Oak Orchard residents and DNREC (Section 5).
2. **Review Existing Data:** This task involved a desktop analysis using GIS (Section 2).
3. **Field Reconnaissance:** This task involved investigating the location of drainage concerns identified by the public (Section 6).
4. **Identify Drainage Concerns:** This task involved consolidating information from the data review, public meetings, and field reconnaissance (Section 6).
5. **Develop Initial Recommendations for Improvements:** This task included developing recommendations for each of the drainage concerns, as well as identifying design considerations (Section 6).
6. **Prioritize Drainage Solution:** This task involved ranking each proposed recommendation using the criteria established in coordination with DNREC (Section 6).
7. **Conduct Hydrologic Analysis:** This task involved performing a hydrologic analysis of the Oak Orchard study area used for concept design hydraulic calculations (Section 6).
8. **Develop Concept Design Plans:** This task involved developing schematic concept plans for five recommended improvements selected by DNREC for additional analyses (Section 7).

The remaining sections of this report describe the analyses performed for this project.

SECTION FIVE: COMMUNITY INPUT

5.1 Questionnaires

As part of this study, URS and DNREC created a questionnaire to solicit information on drainage and flooding observations from residents of the Oak Orchard community. The questionnaire requested that residents provide:

- Resident contact information (i.e., name, address, and ownership information);
- Description of flooding and drainage concerns;
- The location of drainage and flooding concerns;
- The probable cause of drainage and flooding concerns (e.g., poor drainage system or low-lying area);
- When the drainage and flooding problems typically occur (e.g., during high tides, after every rain event, after large rain events, or during hurricanes); and
- Frequency of drainage and flooding issues.

DNREC distributed the questionnaire to the property owners in the study area in 2014. A blank questionnaire is provided in Appendix A. The completed questionnaires received by DNREC are available on the CD provided with this report. A total of 76 questionnaires were received in March 2014 and were reviewed for this study.

5.2 Public Meetings

DNREC and Delaware House of Representative Ruth Briggs-King hosted and facilitated two public meetings with members of the Oak Orchard community on July 16, 2013 and October 9, 2013. These meetings were held prior to the initiation of this study because the mitigation in Oak Orchard was identified as a priority of the Delaware Governor and Legislature. The intent of these meetings was to discuss drainage problems in the area. Information gathered from these meetings was used to supplement the questionnaires received and to identify additional drainage problems. Detailed notes from these meetings were provided by DNREC to URS on August 20, 2014.

SECTION SIX: IDENTIFICATION OF DRAINAGE DEFICIENCIES AND SOLUTIONS

6.1 Desktop Analysis

GIS data were compiled from DNREC and other state agencies. Data compiled included topography, land use, transportation, parcel, and groundwater data (as discussed in Section 2).

6.2 Identification of Drainage Deficiencies

The information from the questionnaires was input into a GIS database to spatially represent the data. For each questionnaire received, a unique 3-digit identification number was assigned and a point in the GIS database denotes the respondent's local address. When a resident had a drainage concern at a location other than his or her home address, a point was placed at the location of the identified concern (in addition to the point at the home address) and a decimal added to the identification number. Appendix B contains maps of the community showing the location of drainage concerns, as well as the location of homeowner addresses where there are no drainage concerns (over 150 total data points). A key for the identification numbers for each questionnaire is also provided in Appendix B. Figure 6.1 shows the spatial distribution of the drainage concerns received.

The drainage concerns were grouped based on apparent cause of the problem (e.g., undersized culvert west of the intersection of Chief Road and River Road). This was completed with the understanding that some of the groupings would change following field reconnaissance verification. These groupings were used to organize the potential drainage solutions described in Appendix C.

Drainage deficiencies include undersized or non-existent storm drain systems, storm drain systems that require maintenance, and low ground surface elevations. These deficiencies result in problems such as localized flooding, backwater flooding from inland marsh, or coastal inundation directly from the Indian River Bay.

Several of the drainage deficiencies are triggered or intensified by the flooding causes described in Section 3. For example, sea level rise can reduce storage for runoff by causing marsh levels to rise. Sea level rise also reduces the flow through culverts due to higher water surface elevations at the outlet.

Identification of Drainage Deficiencies and Solutions

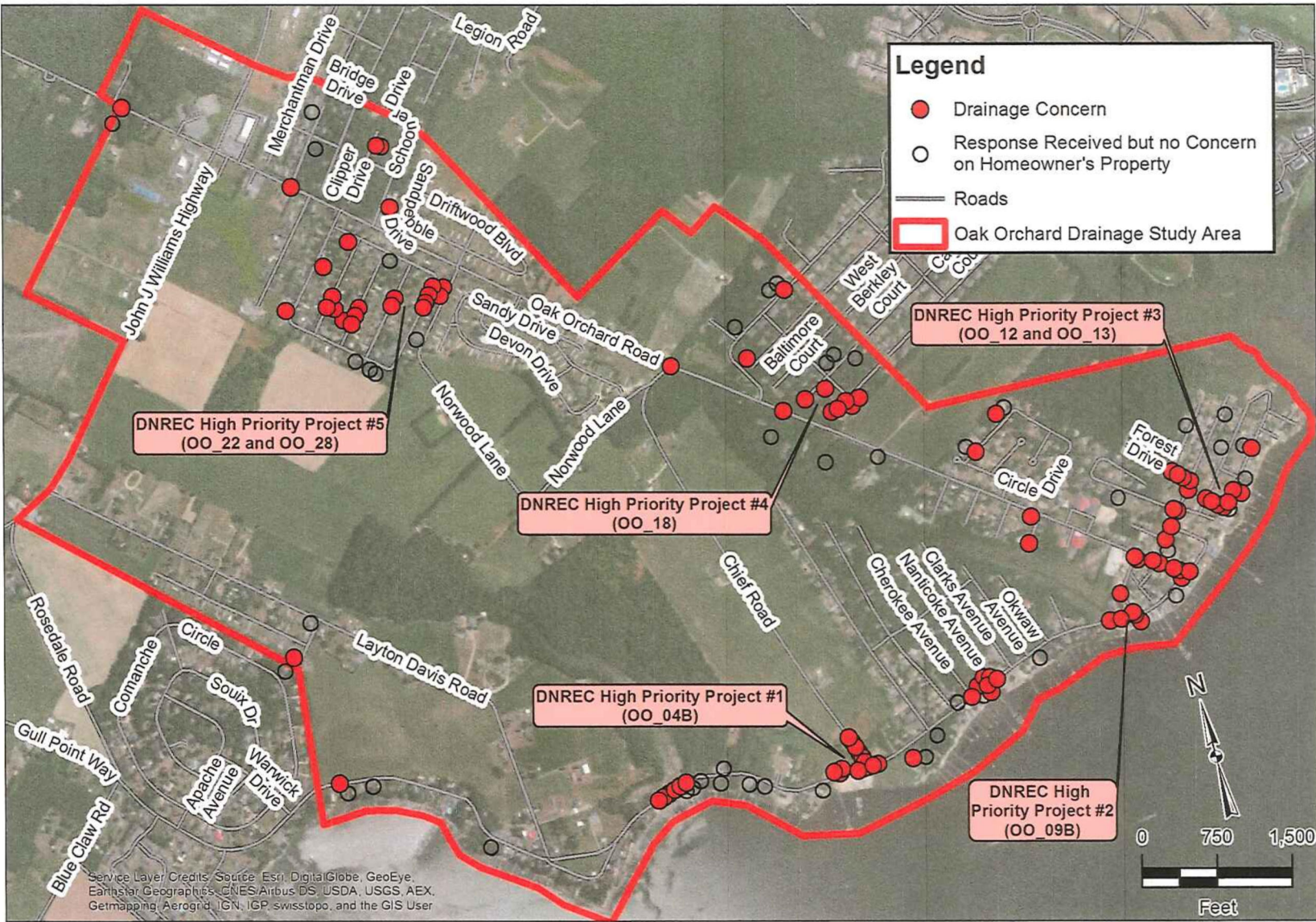


Figure 6.1: Oak Orchard Locations of Drainage Concerns and Approximate Locations of DNREC High Priority Projects

6.3 Field Reconnaissance

URS performed the initial field reconnaissance in September 2014. Field maps displayed contours, the locations of drainage concerns from the questionnaires, and infrastructure that could affect drainage. The team of engineers used these maps in tandem with the questionnaires to investigate each drainage concern described in the questionnaires and public meetings. Photographs from the field investigation are provided in Appendix D.

URS completed a field data form for each drainage concern group to capture the existing site conditions and potential drainage improvements including:

- Type of flooding (e.g., road, yard, coastal);
- Apparent cause of the problem (e.g., elevation, debris, ponding, ditch);
- Site ownership (e.g., state, private); and
- Design constraints (e.g., utility and environmental impacts).

Based on this information, URS identified at least one solution (e.g., re-grade road, ditch maintenance, upgrade culvert, install storm drain pipes, install bulkhead) for each site. Sketches of existing and proposed conditions at each drainage concern were developed and photographs were taken. A blank field data form is available in Appendix E. The completed field data forms are on the CD provided with this report.

6.4 Development of Drainage Solutions

The potential solutions identified in the field for each drainage concern were further developed following the field investigation. A total of 31 potential solutions were identified.

The solutions were labeled using the two-letter identifier “OO” (Oak Orchard) followed by a two-digit number. The two-letter identifier is used for consistency with the Bay Beach Drainage Study nomenclature. For each solution, the proposed project location, source of flooding, existing site conditions, recommendations, constraints, effectiveness, and property ownership were analyzed. Where two solutions were recommended at the same location, an “A” or “B” was added to the solution label. The solutions are discussed in Section 7.

Appendix C provides a summary of each identified drainage problem, potential solution, possible constraints, and expected effectiveness, cross referenced to questionnaire number. Existing drainage deficiencies are organized by proposed solution. Each proposed solution is also cross referenced to the drainage concerns from the questionnaires. Appendix B provides maps of each community showing the location of drainage concerns and approximate locations of the proposed solutions.

6.5 Hydrologic Analysis

To accurately assess the potential drainage improvements, hydrologic analyses are necessary to estimate runoff volume present in or conveyed by natural and engineered water systems such as channels, ditches, and culverts. A hydrologic analysis was performed for the contributing drainage areas in the Oak Orchard Study area using HEC-HMS (USACE, 2010) to develop hydrographs for the 2-, 10-, 25-, 50-, and 100-year storm events for existing land use conditions. Figure 6.2 displays the 8 watersheds and 31 sub-basins included in the hydrologic analysis. Figure 6.3 displays the sub-basins, 24 junctions, 8 outfalls, and the routing reaches modeled using HEC-HMS.

The peak flows were calibrated using a nearby stream gage outside the watershed, and were validated using the USGS Scientific Investigations Report 2006-5146 (Ries, 2006) regression equations. Table 6.1 presents the results of the hydrologic analysis. Appendix F is the hydrologic report summarizing the methods and results of the hydrologic analysis.

The results of the hydrologic analysis were used to develop solutions for the recommendations selected for concept design. In addition, the results of this study can be used by DNREC for future stormwater management improvements.

Identification of Drainage Deficiencies and Solutions

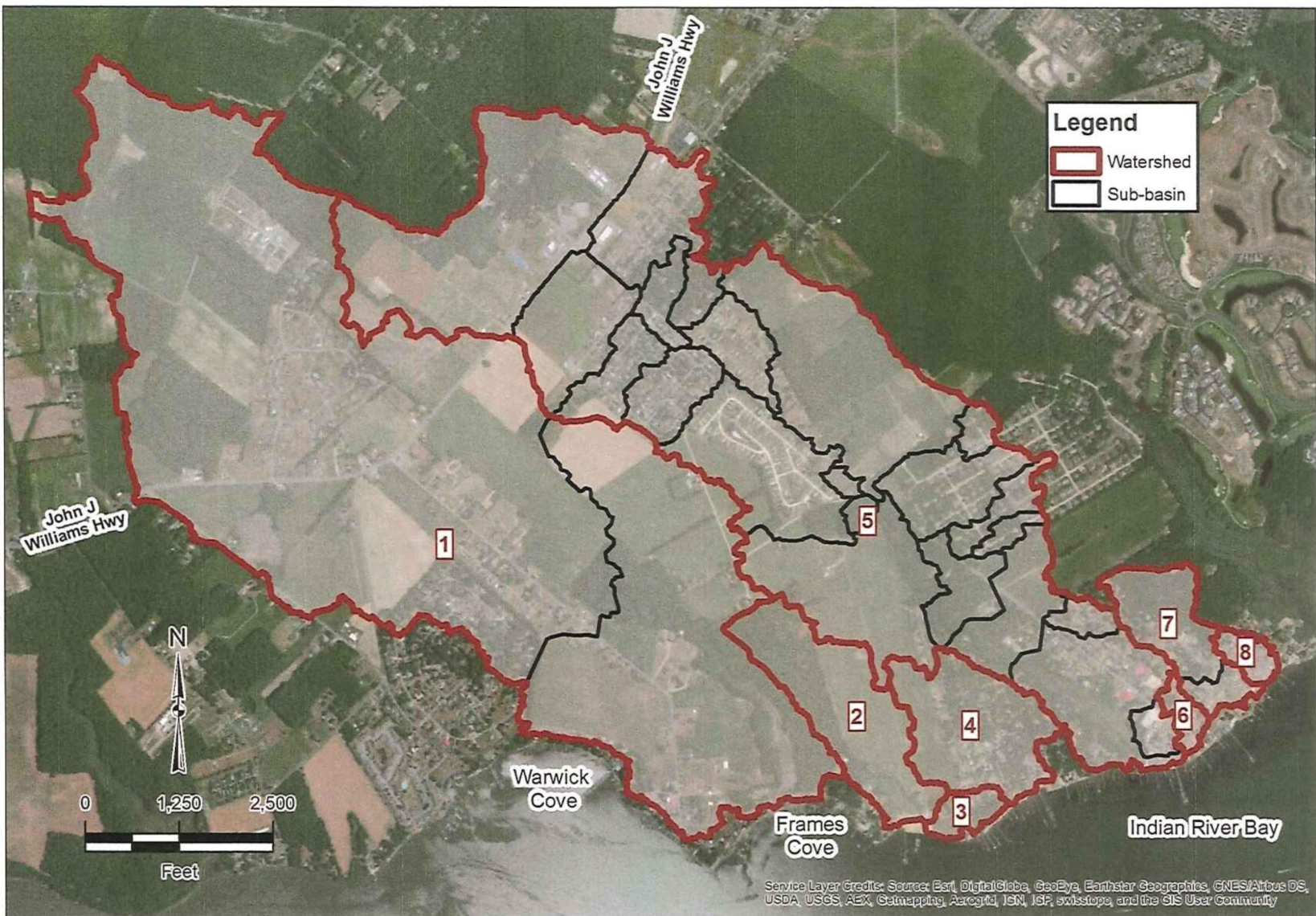


Figure 6.2: Oak Orchard Drainage Divide Map

Identification of Drainage Deficiencies and Solutions

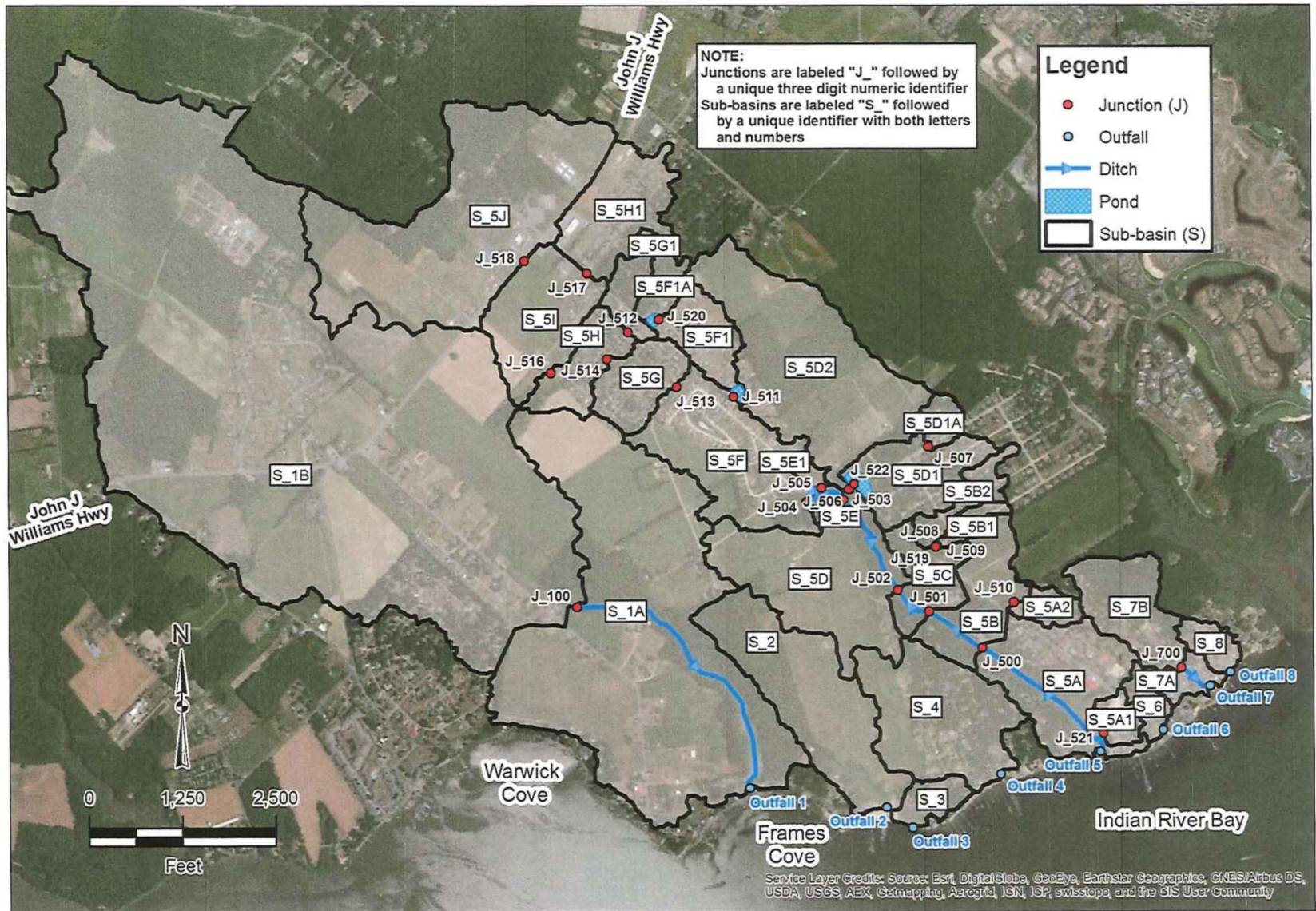


Figure 6.3: Oak Orchard Hydrologic Analysis Map

Identification of Drainage Deficiencies and Solutions

Table 6.1: Summary of Hydrologic Analysis

Name	Drainage Area, mi ²	Storm Event Flows (cubic feet per second)				
		2-year	10-year	25-year	50-year	100-year
J_100	1.10	56	122	178	230	289
J_500	1.14	64	156	246	334	436
J_501	1.07	71	168	259	345	445
J_502	1.04	71	174	268	356	457
J_503	0.89	65	150	233	307	389
J_504	0.64	48	109	160	207	261
J_505	0.01	3	5	8	10	13
J_506	0.24	23	52	77	100	127
J_507	0.01	2	5	8	10	13
J_508	0.02	4	10	15	20	26
J_509	0.01	3	6	9	12	16
J_510	0.01	4	8	12	16	21
J_511	0.05	3	15	25	34	43
J_512	0.02	4	9	13	17	21
J_513	0.48	42	91	134	174	220
J_514	0.44	39	87	128	167	211
J_516	0.39	35	77	114	149	190
J_517	0.07	10	23	34	44	56
J_518	0.25	18	40	61	80	103
J_519	0.03	7	16	24	31	40
J_520	0.02	1	5	8	11	14
J_521	0.01	4	9	13	17	22
J_522	0.01	6	26	41	54	70
J_700	0.05	4	10	16	22	28
Outfall 1	1.53	77	169	253	328	413
Outfall 2	0.12	10	22	33	44	57
Outfall 3	0.02	4	10	14	19	24
Outfall 4	0.11	15	33	49	64	81
Outfall 5	1.25	57	146	224	297	381
Outfall 6	0.01	3	6	9	12	15
Outfall 7	0.07	6	13	21	28	36
Outfall 8	0.01	2	5	8	10	13

6.6 Prioritization

The Bay Beach Workgroup developed an extensive drainage project prioritization ranking criteria in 2011. This worksheet included 38 prioritization categories in eight groups (public safety impacts, economic impacts, technical criteria, environmental/ecological impacts, agricultural impacts, public health impacts, societal impacts, and miscellaneous impacts). The Workgroup criteria were tailored for coastal drainage projects as part of the Bay Beach Coastal Drainage Study.

In an August 20, 2014 meeting, DNREC recommended that the prioritization matrix created for the Bay Beach Drainage Study be used for the Oak Orchard Coastal Drainage Study. Table 6.2 lists the ranking criteria URS used to score the proposed solutions. The criteria include 12 prioritization categories in six groups (the economic and societal impacts are incorporated into the ingress-egress prioritization category).

URS ranked the proposed engineering solutions using the DNREC approved ranking criteria. Solutions that did not require an engineering solution (i.e., maintenance or homeowner solutions) or solutions that would be solved by ongoing projects (e.g., ongoing DelDOT project at the intersection of Oak Orchard Road and River Road) were not ranked at this time. Appendix C shows the prioritization of the proposed solutions.

Identification of Drainage Deficiencies and Solutions

Table 6.2: Ranking Criteria for Proposed Solutions

Prioritization Category	Description	Score
PUBLIC SAFETY IMPACTS		
Number of Questionnaires with Observations	0 to 3	0
	4 to 9	6
	10 or more	12
Ingress and Egress	Does not affect	0
	Small vehicles may not be able to pass (6 inches or less of water) ^{1,2}	6
	Road impassible (6 inches or greater) ^{1,2}	12
TECHNICAL CRITERIA		
Frequency of Drainage/Flooding (as reported in questionnaires)	Occurs less frequently than every 10 years	2
	Every 2-10 years	4
	Yearly	6
	Several times per year	8
	Monthly	10
Flooding Severity	Yard/driveway flooding	4
	Nuisance road flooding	8
	Structural flooding/road closure	12
Complexity of Solution	Significant impact to utilities, roads (closure), business (closure or interruption), or drainage	0
	Minor impact to utilities, roads (partial closure), or drainage	4
	No impact to utilities, roads, or drainage	8
Easement/Right of Way Requirement	Solution entirely on private property, or requiring more than four easements through private property	0
	Solution primarily on public property, with one to three easements through private property	4
	Solution entirely public property (e.g., DelDOT, DNREC, U.S. Department of Interior)	8
ENVIRONMENTAL/ECOLOGICAL IMPACTS		
Environmental Impact of Proposed Solution	Construction in wetlands or streams, or involves removal of more than 10 trees	0
	Construction on edge of wetlands or streams, or involves removal of 1-9 trees	3
	No impact	6
Environmental Permitting	Required	0
	Not required	6
AGRICULTURAL IMPACTS		
Agricultural Impact	Long term	0
	Short term	4
	None	8
PUBLIC HEALTH IMPACTS		
Septic System Impact	Long term	0
	Short term	4
	None	8
MISCELLANEOUS IMPACTS		
Project Cost	High	0
	Medium	4
	Low	8
Maintenance Cost	High	0
	Medium	4
	Low	8

¹ If there are two or more access roads, multiply score by 0.5

² If there is one access road, multiply score by 1

6.7 DNREC Selection of High Priority Drainage Solutions

URS submitted the identified drainage deficiencies and initial solutions along with the ranking of the solutions to DNREC on October 17, 2014. URS discussed the potential solutions with DNREC at a meeting held on November 12, 2014, and comments were incorporated into the recommendations by URS.

DNREC selected five high priority projects to proceed to the concept design phase. DNREC based its selection on the prioritization matrix, responsible agency, and engineering judgment. Additional factors DNREC considered in the selection process included:

- Agency with jurisdiction over the project area;
- Ongoing or planned DNREC projects in the vicinity of the proposed projects;
- The complexity of the project;
- Whether a concept design for a similar project could be adapted for multiple sites; and
- The interdependence of proposed projects (e.g., improving the conveyance at Oak Meadows [OO_12] would likely worsen flooding at River Road [OO_09] if the existing culvert were not upgraded).

The development of the concept designs is discussed in Section 7.

SECTION SEVEN: POTENTIAL SOLUTIONS

The goal for this study is to identify, evaluate, and recommend potential solutions for drainage deficiencies in the Oak Orchard community. To facilitate implementation, the projects have been organized by the agency having jurisdiction of the project area (Table 7.1). The complete potential drainage solution table organized by community is available in Appendix C.

Table 7.1: Summary of Proposed Drainage Solutions by Agency

Agency	Number of Solutions
DNREC	19
Delaware Department of Transportation (DelDOT)	3
Homeowner Solution (DNREC Technical Assistance)	7
Homeowner Association (DNREC Technical Assistance)	2

7.1 DNREC Projects

The majority of the recommended drainage solutions are within DNREC jurisdiction. The DNREC projects are further subdivided into high priority projects, for which a concept design was developed, and lower priority drainage solutions.

7.1.1 High Priority Drainage Solutions

Concept designs were developed for the five high priority recommendations selected by DNREC. The approximate location of each high priority drainage solution site is shown in Figure 6.1. Appendix G contains concept design packages for each of the sites that were analyzed in detail. The package for each high priority site includes:

- A description of the existing problem;
- A description of potential solutions;
- Existing and proposed site condition graphics;
- Typical cross sections;



Collapsed headwall at River Road culvert during high tide, approximately 2,000 feet west of Chief Road (OO_04).

- Pertinent computations;
- Analysis of proposed improvements and benefits;
- Analysis of the feasibility of the solutions;
- A description of required plans and permits; and
- Cost estimates.

An additional field investigation was performed in February 2015 for the five high priority projects selected by DNREC. The purpose of this investigation was to acquire additional data on each site to establish a more detailed solution based on the preliminary recommendations provided in Appendix C.

The concept design packages include preliminary hydraulic calculations using the hydrologic data from the Oak Orchard hydrology report (Appendix F). Hydraulic calculations were performed using HY-8, Manning's equation, or Bentley Pond Pack software. The water surface elevation data for Indian River Bay, discussed in Section 2.5, were considered for culverts crossing River Road (OO_04B, OO_09B, and OO_12).

The feasibility of each proposed solution was assessed by considering:

- **Soil and Groundwater:** Most of the proposed solutions are in areas with hydrologic group A soils (sand) and groundwater depths of 5 feet or less. The effects of these soil and groundwater conditions were considered.
- **Construction Access:** Construction access to the proposed improvement site was identified. The proximity to roads, private property, and potential heavy equipment parking are noted.
- **Maintenance Considerations:** Activities required to maintain the function of the proposed improvements are described.
- **Utility Conflicts:** Potential utility conflicts, such as water, sewer, electric, cable, and power lines, were identified based on field observations, and data from the Sussex County Engineering Department.
- **Effectiveness:** The ability of the proposed solution to solve the existing problem is evaluated.
- **Environmental Issues:** Potential impacts to trees and wetlands are noted.
- **Easements:** Potential easements necessary for project construction are noted.
- **Plans and Permitting:** Anticipated construction documentation and plans are listed.

The conceptual costs were developed based on engineering judgment. The cost estimates include engineering, permitting, and construction costs. Typical unit costs are based on contractors' estimates and on unit price data for Anne Arundel County, Maryland and other

areas. Costs reflect current rates and geographic conditions. A qualitative cost-benefit analysis was performed by comparing the cost of each project with the expected benefits. The concept design data for each solution is provided in Appendix G, and a summary of each solution is presented in Table 7.2.

Table 7.2: Summary of Proposed High Priority Solutions Selected for Concept Design

Solution ID	Proposed Project Location	Recommendation	Cost
OO_04B	River Road, approximately 2,000 feet west of Chief Road	Install 1,000 feet of bulkhead north of River Road, and install three 30-inch culverts crossing River Road. Install backwater control check valves for each pipe. Repair the upstream and downstream face of the existing culvert, and slip line the pipe if needed. Install a headwall and tide gate at the downstream face of the existing culvert to allow saltwater flow to the marsh during low and average tides (promoting the biologic function of the marsh) while preventing inundation during high tide. Install three at-grade drainage inlets with one-way check valves to drain the roadway.	\$945,000
OO_09B	The intersection of Cerise Avenue and River Road, and Roberta Lane	Install 700 feet of bulkhead north of River Road, and install three 36-inch culverts crossing River Road. Install backwater control check valves for each pipe. Slip line the existing culvert if needed. Install a headwall and tide gate at the downstream face of the existing culvert to allow saltwater flow to the marsh during low and average tides (promoting the biologic function of marsh) while preventing inundation during high tide. Install three at-grade drainage inlets with one-way check valves to drain the roadway.	\$951,000
OO_12 and OO_13	Mercer Avenue and Forest Drive	Clean 650 feet of existing grass ditch along Mercer Avenue and Delaware Street and replace 400 feet of existing damaged storm drain system. Extend pipe into the Bay and install backflow prevention. Install two catch basins by the intersection of Forest Avenue with Delaware Street, and install 150 feet of storm drain pipe to the existing Mercer Avenue ditch.	\$218,000

Solution ID	Proposed Project Location	Recommendation	Cost
OO_18	West Fairfax Court and West James Court (southwest corner of Captains Grant), and Oak Orchard Road west of Captains Grant	Regrade 600 feet of grass ditch northeast of Oak Orchard Road from Fairfax Court to the 24-inch corrugated metal pipe culvert crossing Captains Way that flows to the existing wet pond. Install 400 feet of grass ditch northeast of Oak Orchard Road from West James Court to the existing ditch. Replace the existing culvert crossing Oak Orchard Road, and implement sediment reduction practice at existing catch basin.	\$76,000
OO_22 and OO_28	Oak Meadow Drive	Resize and replace 2,500 feet of existing storm drain pipes, and replace with a storm drain system. Pipes should be replaced from Briar Lane to the outlet into the Amber Drive wet pond. Install/upgrade ditches as needed, including from the driveway of 27706 Oak Meadows Drive to the existing catch basin. Install a ditch north of Briar Lane from the intersection of Oak Meadow Drive and Briar Lane to the existing catch basin. Install storm drain pipes under driveways as needed.	\$918,000

7.1.2 Additional DNREC Drainage Solutions

In addition to the high priority drainage solutions described in Section 7.1.1, there are lower priority engineering drainage solutions that are recommended for implementation. The most frequently recommended engineering solutions in this study involve improving existing stormwater conveyance systems. These stormwater conveyance systems include drainage ditches, storm drain pipes, and valley gutters. The improvements recommended in this study include:

- Installing Storm Drain Systems that Drain to Non-Tidal Area:** At-grade inlets and storm drain pipes are common in flat and urban areas. It is recommended that the inlets and pipes be placed in low-lying areas adjacent to roadways and connected to existing stormwater management facilities, or non-tidal marshes. Examples of recommendations to install or upgrade existing at-grade inlets and storm drain pipes that drain to non-tidal outfalls include OO_10, OO_16, and OO_21.



Catch Basin at River View Avenue

- **Installing Storm Drain Systems That Drain to Tidal Area:** Installing at-grade inlets and storm drain pipes that drain to tidal areas requires additional components to prevent inlet surcharging during abnormally high tides. Backwater prevention equipment is recommended in areas where storm drain pipes drain to the Indian River Bay or a tidally influenced marsh. Backwater prevention will allow localized runoff to drain lower tides and will deter flooding from the marsh during higher tides. Examples of recommendations to install or upgrade existing at-grade inlets and storm drain pipes that drain to tidal outfalls include OO_08 and OO_38.
- **Installing or Upgrading Existing Ditches:** Drainage ditches are shallow channels that allow water to drain to storm drain pipes, culverts, stormwater management ponds, or backwater marsh areas. Ditch drainage is limited by the water surface elevation of downstream water bodies. Examples of recommendations to install new ditches or improve existing ditches include OO_21 and OO_32.
- **Installing Valley Gutters:** Valley gutters are “v” shaped channels in the roadway that convey flow over a road or driveway without affecting traffic. Valley gutters are applicable when conveyance is required from a low point in the roadway to a ditch, catch basin, or sloped segment of roadway. This study recommends two valley gutters (OO_36 and OO_37) to convey ponded water.
- **Constructing a Stormwater Management Facility:** Stormwater management facilities such as wet ponds and dry ponds reduce the peak flow of a watershed by temporarily storing runoff. One stormwater management facility is recommended for this study (OO_34) to reduce the flow downstream. Stormwater management facilities are often costly, and typically have a relatively large footprint.



Existing Grass Ditch at the Corner of Oak Orchard Road and Caravel



The Intersection of Myrtle Avenue and Delaware Street with standing water



River Road near the intersection with Chief Road

7.2 DelDOT Projects

Three of the recommended drainage solutions in this study involve modifications to DelDOT roads. URS recommends raising River Road at several locations

(OO_04A, OO_06, and OO_09A) where the road is frequently flooded from Indian River Bay to the south or from marshland to the north. In these situations, the existing hydraulic conveyance capacity needs to be maintained or improved by adding culverts or other means to convey water. Both OO_04A, and OO_09A overlap with high priority DNREC projects and may require coordination between DeIDOT and DNREC. The projects under DeIDOT jurisdiction are summarized in Table 7.3 and will be shared with DeIDOT to assist in their capital planning efforts.

Table 7.3: Summary of Proposed Solutions under DeIDOT Jurisdiction

Solution ID	Proposed Project Location	Recommendation
OO_04A ¹	River Road, approximately 2,000 feet west of Chief Road	Raise approximately 400 linear feet of River Road from elevation 2 feet NAVD88 to a finished elevation of 3 to 4 feet NAVD88 (an increase of 1 to 2 feet) from 32026 River Road to 31362 River Road. Install ditch north of River Road if needed to connect to existing ditch system. Replace existing pipe, and install backflow prevention on the bay side of the pipe. If the marsh north of River Road is a salt water marsh, a tide gate may be required to allow saltwater flow to maintain environmental functions.
OO_06	Intersection of Chief Road. and River Road	Raise approximately 500 linear feet of River Road from an elevation of approximately 2 feet NAVD88 to a finished elevation of 4 feet NAVD88 (an increase of 1 to 2 feet) from 400 feet west of the intersection of River Road and Chief Road to 100 feet east of the intersection. Install approximately 300 feet of bulkhead to tie existing bulkhead south of existing parking lot to elevation of 4 feet NAVD88. Regrade boat ramp to keep tidewater from flooding the parking lot. Possibly replace existing storm drain pipe with a larger pipe with a backflow prevention valve on the bay side of pipe. If the marsh north of River Road is a saltwater marsh, a tide gate may be required to allow saltwater flow to maintain environmental functions.
OO_09A ¹	Intersection of Cerise Avenue, River Road, and Roberta Lane	Raise approximately 600 linear feet of River Road from an elevation of approximately 2 feet NAVD88 to a finished elevation of 3 feet NAVD88 (an increase of 0.5 to 1 foot). Resize the existing 30-inch storm drain pipe and install backflow prevention on the bayside of the pipe. If the marsh north of River Road is a saltwater marsh, a tide gate may be required to allow saltwater flow to maintain environmental functions.

¹ This solution is at the same location as a DNREC high priority project, and any future improvements may require coordination between DeIDOT and DNREC

7.3 Recommendations for Homeowner Implementation

During the field investigation, URS identified drainage solutions that homeowners or homeowner associations could implement. Structure-based mitigation options (e.g., flood proofing) are not discussed in this report. Solutions that are recommended for homeowner implementation fall into several general categories that are consistent with the homeowner solutions recommended for the Bay Beach Coastal Drainage Engineering Evaluation. Table 7.4 lists potential solutions for each type of problem that were developed for the Bay Beach Coastal Drainage Engineering Evaluation that are also applicable for residents of Oak Orchard. The

DNREC Homeowners Handbook (2011) and Prince George’s County Department of Environment Resources Homeowner’s Guide to Drainage Problems and Solutions (1998) were used to help generalize proposed solutions. In addition to the general solutions listed below, specific recommendations for the homeowner sites are included in Appendix C.

Table 7.4: Potential Solutions for Homeowner Implementation

Solution Type	Problem	Potential Solution	Applicability / Comments
Yard grading	Ponding areas in yards, swampy yards, backyard that remain wet long after rainfall events	<ul style="list-style-type: none"> • Grade yard to eliminate ponding areas and ensure water is directed away from home (e.g., fill low areas) • Direct sump pump discharge and gutter discharge away from home using a pipe and/or ditch 	<ul style="list-style-type: none"> • Backfill with non-organic and root-free soil that is more pervious, for best results • Eliminating ponding areas may reduce mosquito population • The proposed practices would be expected to reduce nuisance flooding from storm events, particularly when the yards are raised above the marsh elevation
Driveway grading	Ponding areas in driveway, water entering garage from driveway	<ul style="list-style-type: none"> • Raise driveway to provide positive drainage to road • Regrade driveway to eliminate low points or sags that collect water • For driveways sloped toward the house, install a lip / speed-bump to prevent water from entering garage/house and direct drainage away from house via sheet flow, ditch, or pipe 	<ul style="list-style-type: none"> • The proposed practices would be expected to reduce nuisance flooding from storm events
Removal of debris/obstacles	Restricted conveyance of stormwater, ponding upstream of conveyance system	<ul style="list-style-type: none"> • Clear debris, trash, sediment, etc. from culverts, channels, and ditches to ensure adequate conveyance • Remove structures or other objects, such as landscape materials, sheds, and man-made obstacles that inhibit the flow of water 	<ul style="list-style-type: none"> • The effectiveness of conveyance systems are reduced substantially when clogged

Potential Solutions

Solution Type	Problem	Potential Solution	Applicability / Comments
Gutter improvements	Ponding of water near house	<ul style="list-style-type: none"> • Direct gutter downspouts away from house (ideally to pervious areas via splash block) • Add plastic pipe to downspout outfalls or create ditch to divert water away from house • Maintain gutters and downspouts by cleaning them out twice a year or as needed • Inspect gutters to make sure that they are securely attached to the house and that the joints are not leaking • Direct gutter runoff to rain garden or rain barrel 	<ul style="list-style-type: none"> • Infiltration is limited when there is a high water table
Rain garden	Ponding of water near house	<ul style="list-style-type: none"> • Provide a vegetated area adjacent to house or driveway to capture runoff • Rain gardens require excavation, planting soil, and a thin mulch layer, and should be 2 feet above the seasonal high water table elevation 	<ul style="list-style-type: none"> • This is an infiltration option and should be considered only if the water table is at least 2 feet below the ground surface or if it is impossible to create positive drainage by another option (e.g., if garage is at a lower area than surrounding driveway/yard) • Rain gardens provide storage within the engineered soil bed
Waterproofing	Basement flooding	<ul style="list-style-type: none"> • Caulk gaps and cracks and seal joints and connections in basement walls and floors • Repaint interior of basement with a waterproofing agent • Professionally waterproof basement 	<ul style="list-style-type: none"> • These practices should be considered in tandem with surface drainage improvements
Sump pump improvements	Basement flooding	<ul style="list-style-type: none"> • Inspect/maintain sump pumps regularly per manufacturers' recommendations • Install a generator, back-up battery, or redundant pump that is powered by water pressure that turns on when the power goes out • Evaluate the size of the sump pump for adequacy and upgrade if needed • Verify that the sump pump discharges to an adequate outfall that provides positive drainage away from the house and that it will not result in erosion 	<ul style="list-style-type: none"> • These practices should be considered in tandem with surface drainage improvements

Potential Solutions

Solution Type	Problem	Potential Solution	Applicability / Comments
Perimeter French drain	Basement flooding	<ul style="list-style-type: none"> • Install perimeter French drain (e.g., gravel trench with permeable pipe) around house • Install sump pump (see "sump pump improvement" recommendations above) to pump water away from the property • The French drain can drain to a dry well where the water table is low 	<ul style="list-style-type: none"> • Applicable when a residential flooding is due to a raised groundwater table • These practices should be considered in tandem with surface drainage improvements
Yard Erosion Control	Eroding yards, lack of topsoil, small channels forming in yard	<ul style="list-style-type: none"> • Plant vegetation (e.g., grass) to stabilize soil • Send a soil sample to the University of Delaware Soiling Testing Program for soil testing and follow recommendations on the type of vegetation to plant and/or required soil improvements • Provide erosion protection (e.g., straw mulch, jute matting, or straw bales) while the vegetation is growing • Where severe erosion is occurring construct timber or rock erosion check dams to trap soil before it leaves the property 	<ul style="list-style-type: none"> • The proposed practices would be expected to reduce erosion from storm events and prevent impedance of downstream drainage
Ditch Erosion Control	Eroding ditch, meandering ditch	<ul style="list-style-type: none"> • Place riprap (Class I or larger) over filter fabric on eroded face of ditch with a minimum slope of 2 to 1 (horizontal to vertical) and extend at least 1 foot into the base of the ditch • Install retaining wall on eroding face of ditch using timber, pre-packaged concrete, or other suitable material 	<ul style="list-style-type: none"> • Retaining walls greater than 3 feet in height require structural design
General practices	As appropriate	<ul style="list-style-type: none"> • Consider the effect of all improvements on adjacent properties and discuss alternatives with other homeowners • Avoid encroachment of public land, especially wetland areas 	<ul style="list-style-type: none"> • Improvements installed in coordination with neighbors can be more effective than improvements installed individually

SECTION EIGHT: IMPLEMENTATION PLAN AND CONCLUSIONS

This report presents an analysis of the existing drainage issues for the Oak Orchard community. The evaluation of the drainage deficiencies and solutions is based on community input (i.e., questionnaires and public meetings), field reconnaissance, and GIS data. Potential solutions for the sites investigated in this study are described in Appendix C. A list of solutions that homeowners can implement is presented in Table 7.4, and detailed conceptual level designs for the five DNREC high priority projects are provided in Appendix G. Additional technical analyses, such as detailed design, geotechnical analyses, and field survey are required to confirm that solutions are feasible and constructible.

This report is intended to help the Oak Orchard community identify, prioritize, and implement solutions to drainage problems. The implementation plans for projects under the jurisdiction of each agency identified in this study are as follows:

- **DNREC:** The high priority projects will be considered for capital improvement projects in the 2015 fiscal year, and the low priority projects will be considered for future years.
- **DeIDOT:** DNREC will provide DeIDOT with recommended solutions under their jurisdiction to assist in capital planning.
- **Homeowners and Homeowner Associations:** DNREC will share potential solutions for homeowner implementation with residents of the Oak Orchard community and provide technical assistance as needed.

Implementing the solutions recommended can reduce the frequency of flooding in the Oak Orchard Community.

SECTION NINE: REFERENCES

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