

## 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  
JANELLE CORNWELL, AICP  
DIRECTOR

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date January 23, 2020.

Application: (CZ 1903) W. Wayne Baker

Applicant: W. Wayne Baker  
15046 Gravel Hill Road  
Milton, DE 19968

Owner: W. Wayne Baker  
15046 Gravel Hill Road  
Milton, DE 19968

Site Location: Located southwest of the intersection of U.S. Route 113 & Governor Stockley Road (S.C.R. 432).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial District (C-2)

Comprehensive Land  
Use Plan Reference: Low Density Area

Councilmatic  
District: Mr. Wilson

School District: Indian River School District

Fire District: Millsboro Fire District

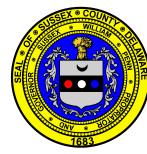
Sewer: Private, On-Site

Water: Private, On-Site

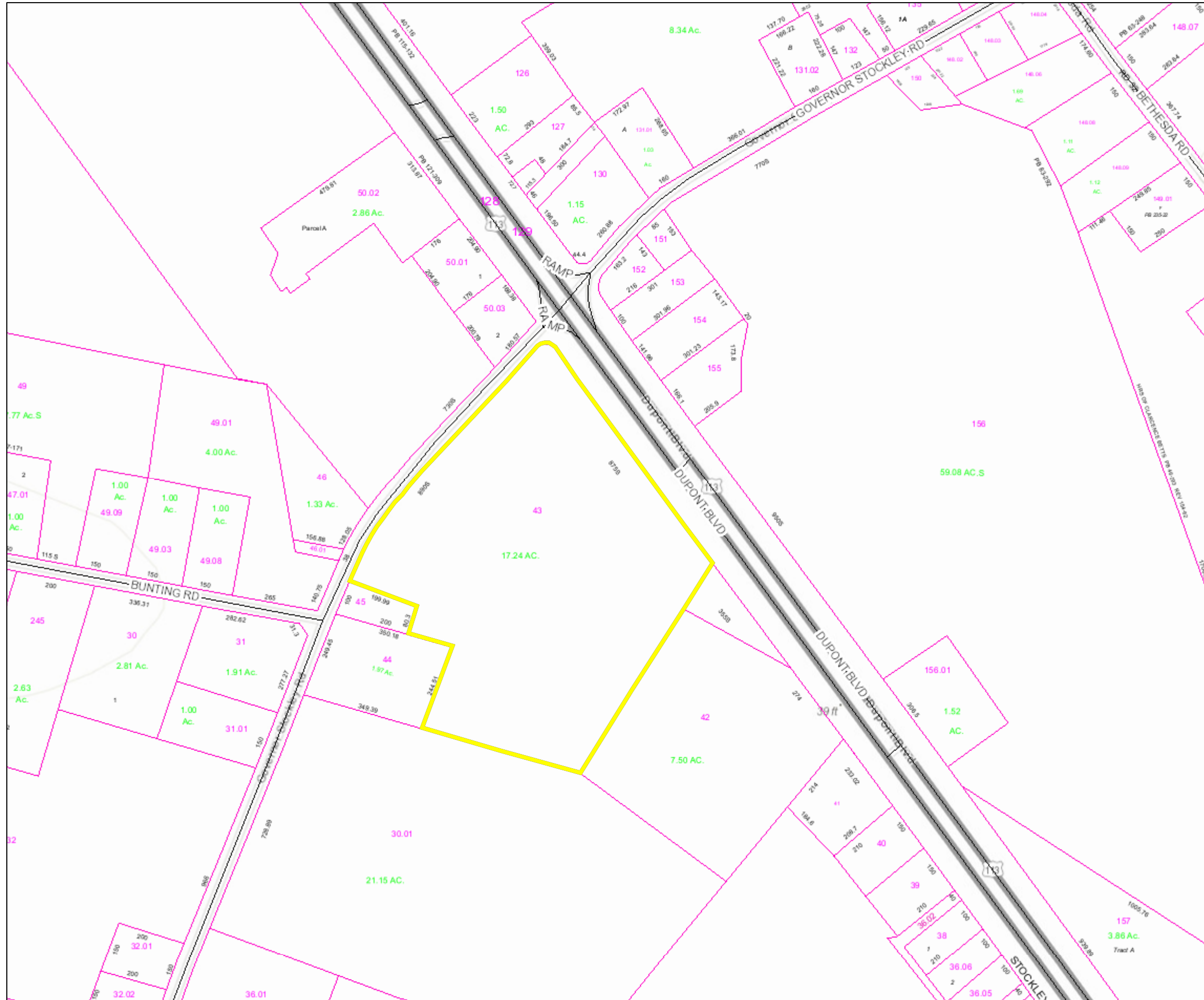
Site Area: 17.25 acres +/-

Tax Map ID.: 133-6.00-43.00





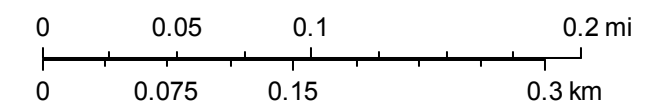
# Sussex County



<b>PIN:</b>	133-6.00-43.00
<b>Owner Name</b>	BAKER W WAYNE
<b>Book</b>	0
<b>Mailing Address</b>	17420 MINOS CONAWAY RD
<b>City</b>	LEWES
<b>State</b>	DE
<b>Description</b>	RD GUMBORO GEO #432
<b>Description 2</b>	17.24 ACRES W/IMP
<b>Description 3</b>	POSS REV
<b>Land Code</b>	

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

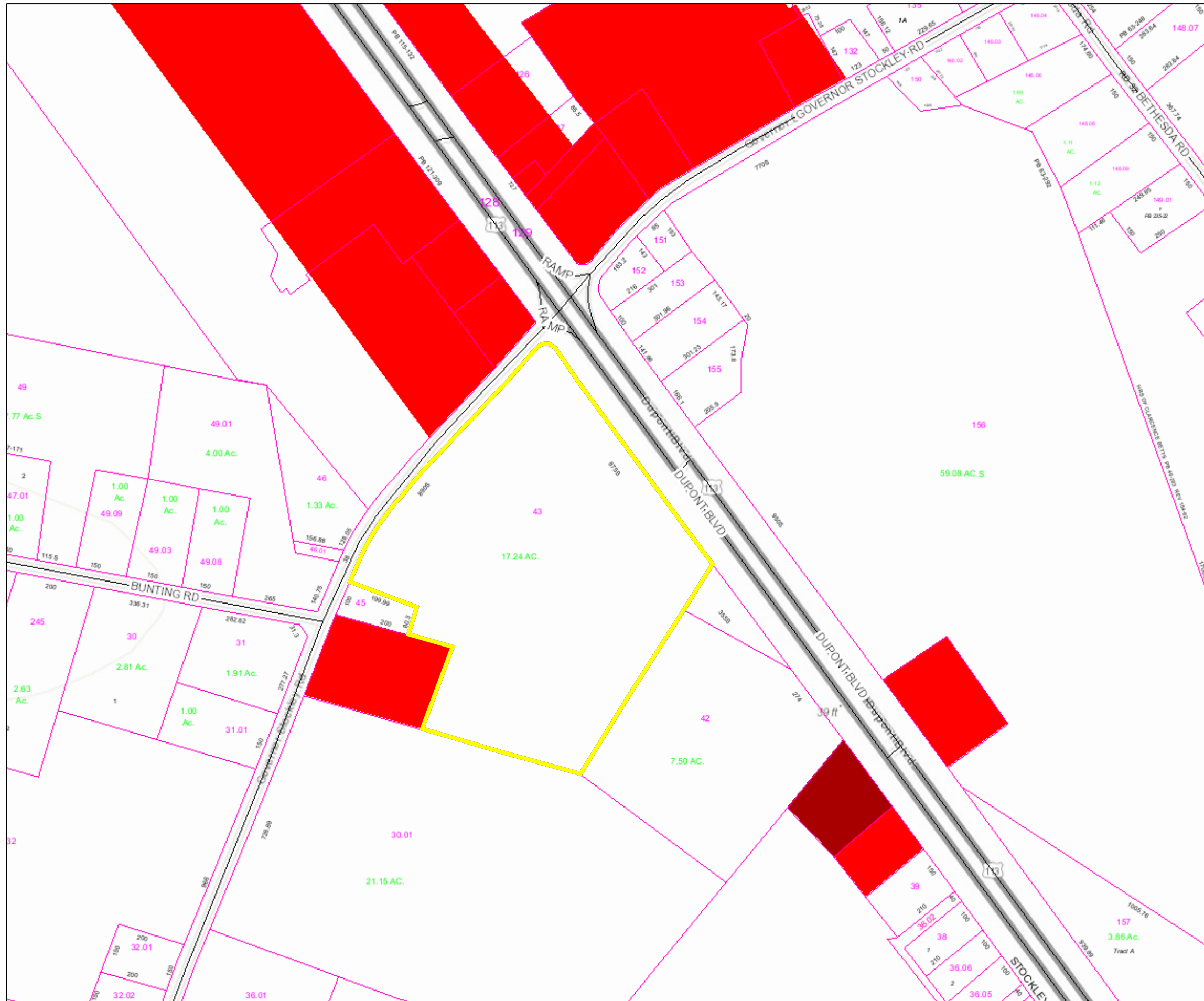
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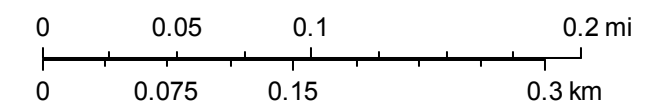
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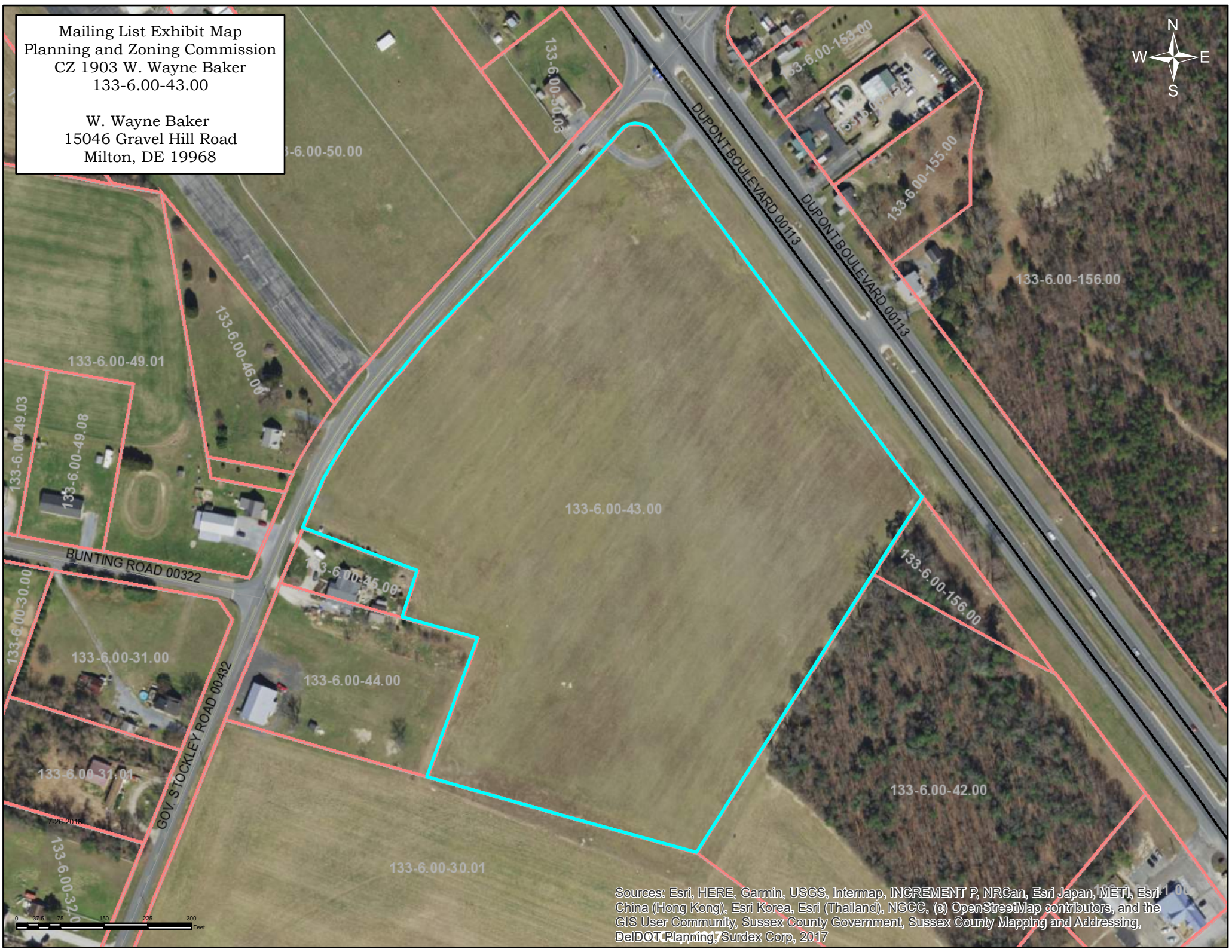
1:4,514





Mailing List Exhibit Map  
Planning and Zoning Commission  
CZ 1903 W. Wayne Baker  
133-6.00-43.00

W. Wayne Baker  
15046 Gravel Hill Road  
Milton, DE 19968



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri Korea (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, Sussex County Mapping and Addressing, DelDOT Planning, Surdex Corp, 2017





## Memorandum

To: Sussex County Planning Commission Members  
From: Jennifer Norwood, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: January 15, 2020  
RE: Staff Analysis for CZ 1903 W. Wayne Baker

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1903 W. Wayne Baker to be reviewed during the January 23, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 133-6.00-43.00 to facilitate a change from the Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District and is located on the southwest corner of DuPont Blvd. (Route 113) and Governor Stockley Rd.. The size of the property is 17.25 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Low Density."

The surrounding land use to the north, south, east, and west is designated on the Future Land Use Map as "Low Density Areas" (except for a parcel to the south designated "Commercial Area" and multiple parcels to the northwest of the property along both sides of DuPont Hwy are designated "Commercial Areas". Low Density Areas primarily recognize businesses that support agricultural activities and the development of single-family homes. The focus of retail and office uses in Low Density Areas should be for providing convenience goods and services to nearby residents.

Commercial Areas include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan states that the Medium Commercial (C-2) Zoning District may be appropriate in "Low Density" Areas. Additionally, the Medium Commercial District (C-2) Zoning is appropriate in Commercial Areas.

The property is zoned AR-1 (Agricultural Residential District). The surrounding parcels are zoned both AR-1 (Agricultural Residential District) and C-1 (General Commercial District).



The property is split-zoned General Commercial (C-1) and Commercial Residential (CR-1). The property directly to the north of the application site is zoned Light Industrial (LI-2) Zoning District. Properties to the north, east and west are zoned General Commercial (C-1). The parcels to the southeast and southwest are zoned Agricultural Residential (AR-1).

Since 2011, there has been a Conditional Use No. 2113 which was approved for a electrical generation and nutrient recovery facility by Sussex County Council on July 31, 2018.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Commercial (C-2), could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CZ1903  
201910148C

**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**

SW INTERSECTION US RT 113 & GOVERNOR STOCKLEY RD DAGSBORO HUNDRED, SUSSEX COUNTY

**Type of Conditional Use Requested:**

**Tax Map #:** 133-6.00-43.00

**Size of Parcel(s):** 17.25 +/- AC

**Current Zoning:** AR-1

**Proposed Zoning:** C-2

**Size of Building:** TBD

**Land Use Classification:** LOW DENSITY LEVEL 4 | ADJACENT TO COMMERCIAL LANDS

**Water Provider:** PRIVATE

**Sewer Provider:** PRIVATE

**Applicant Information**

**Applicant Name:** W.WAYNE BAKER

**Applicant Address:** 15046 Gravel Hill Road

**City:** Milton

**State:** DE

**Zip Code:** 19968

**Phone #:** 302-684-8569

**E-mail:** WAYNE@WILSONBAKER.COM

**Owner Information**

**Owner Name:** W.WAYNE BAKER

**Owner Address:** 15046 Gravel Hill Road

**City:** Milton

**State:** DE

**Zip Code:** 19968

**Phone #:** (302) 684-8569

**E-mail:** WAYNE@WILSONBAKER.COM

**Agent/Attorney/Engineer Information**

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

**PROJECT:** WBAKX19001

**Agent/Attorney/Engineer Address:** 18072 DAVIDSON DRIVE

**City:** MILTON

**State:** DE

**Zip Code:** 19968

**Phone #:** (302) 684-8030

**E-mail:** MDAVIDSON@PENNONI.COM



**RECEIVED**  
**SEP 04 2019**  
**SUSSEX COUNTY**  
**PLANNING & ZONING**





## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

☒ **Provide eight (8) copies of the Site Plan or Survey of the property**

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

☒ **Provide Fee \$500.00**

☐ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.

☒ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**

☒ **DeIDOT Service Level Evaluation Request Response**

☐ **PLUS Response Letter** (if required)

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

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

**Signature of Applicant/Agent/Attorney**

Date: 9/3/2019

**Signature of Owner**

Date: \_\_\_\_\_

**For office use only:**

Date Submitted: 9/4/19

Fee: \$500.00 Check #: 1368

Staff accepting application: CEH

Application & Case #: 201910148

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

JENNIFER COHAN  
SECRETARY

August 21, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Wayne Baker** rezoning application, which we received on July 29, 2019. This application is for an approximately 17.24-acre parcel (Tax Parcel: 133-6.00-43.00). The subject land is located on the southwest corner of the intersection of US Route 113 and Governor Stockley Road (Sussex Road 432), south of the Town of Georgetown. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to develop a community commercial complex with warehousing.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 113 where the subject land is located, which is from Shortly Road / S. Bedford Street (Sussex Road 431) to Delaware Route 20, are 25,127 and 32,338 vehicles per day, respectively. As the subject land also has frontage along Governor Stockley Road, the annual average and summer average daily traffic volumes along that road segment, which is from US Route 113 to Delaware Route 20, are 6,844 and 8,808 vehicles per day, respectively.

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

The subject property is adjacent to US Route 113, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. According to the Office of State Planning, *Strategies for State Policies and Spending document*, the property is located within a Level 4 Investment Area. In a Level 4 Investment Area, State policies



Ms. Janelle M. Cornwell  
Page 2 of 2  
August 21, 2019

encourage the preservation of a rural lifestyle and discourage new development. Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has reasonable secondary access along Governor Stockley Road. Therefore site access would be granted along the secondary road. The Corridor Capacity Preservation Program policy can be viewed on Department's website at [www.deldot.gov](http://www.deldot.gov).

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

Sincerely,

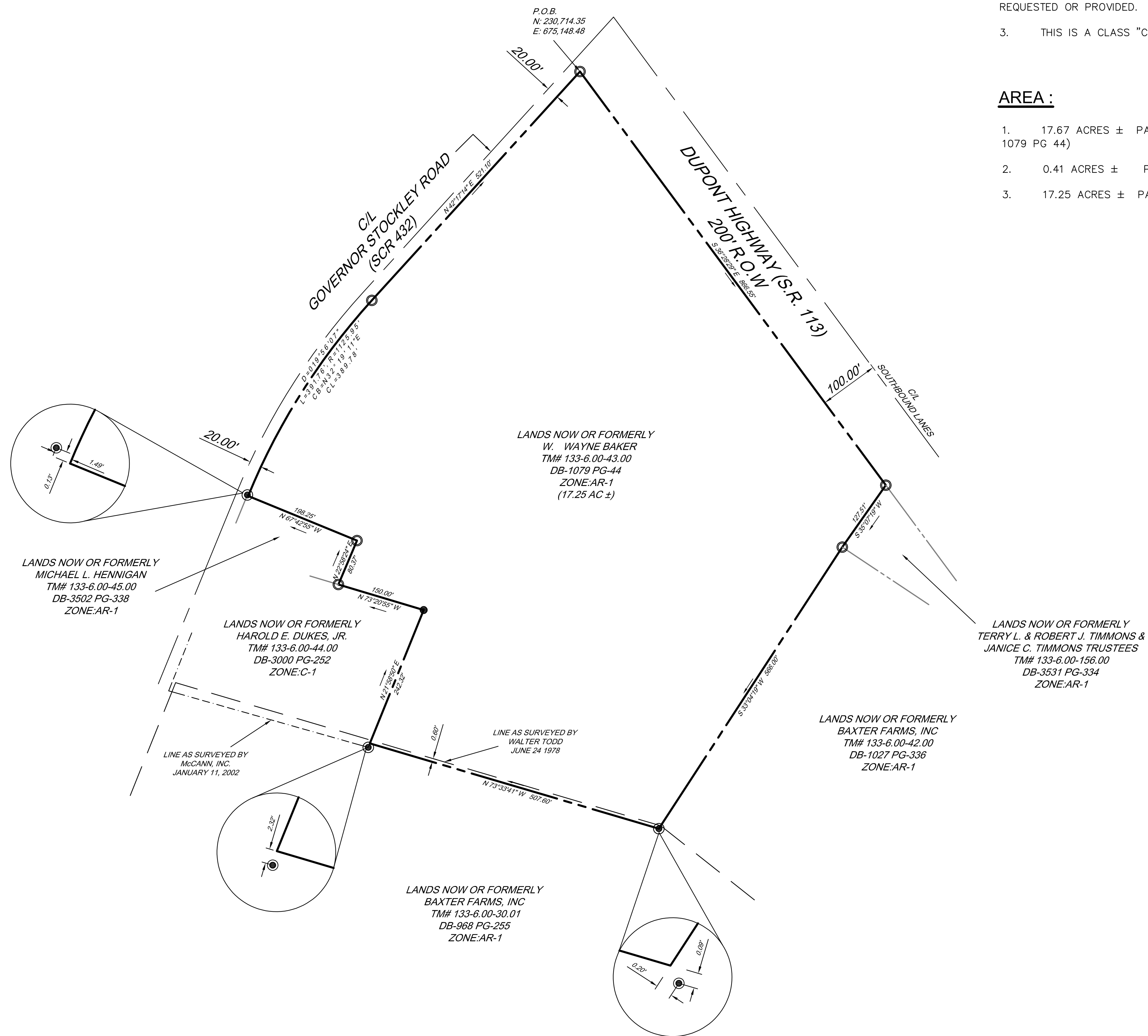
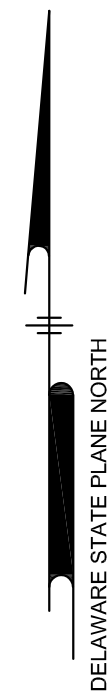


T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Wayne Baker, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



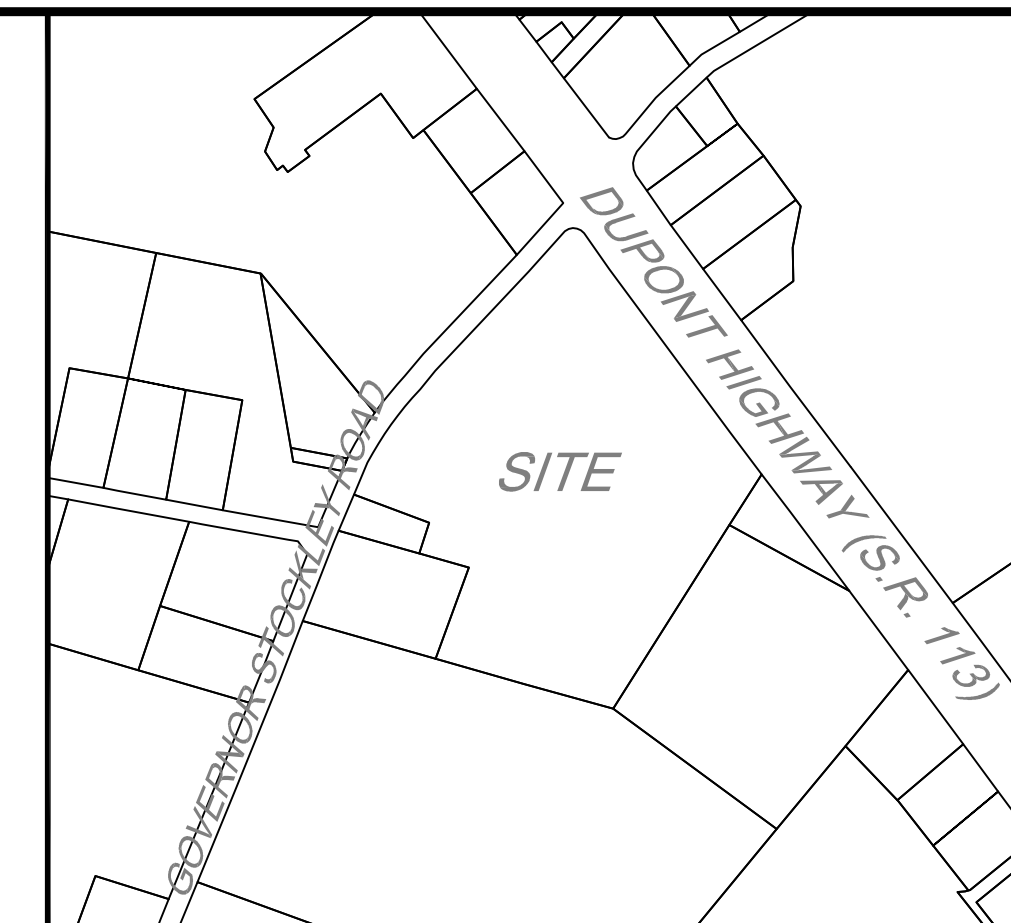


GENERAL NOTES :

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD IN ADDITION TO AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC. ON SEPTEMBER 3, 2019.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT OF WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS IS A CLASS "C" SURVEY.









AREA :

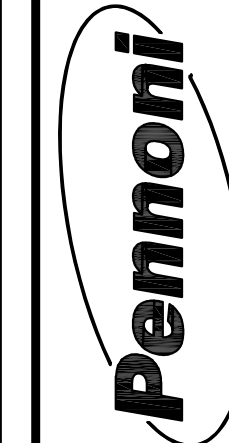
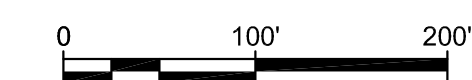
- |    |               |  |
|----|---------------|--|
| 1. | 17.67 ACRES ± | PARCEL 43.00 (TOTAL BY DEED BOOK 1079 PG 44) |
| 2. | 0.41 ACRES ±  | PARCEL 45.00 (OUTCONVEYANCE)                 |
| 3. | 17.25 ACRES ± | PARCEL 43.00 (ACTUAL REMAINING)              |



**VICINITY MAP**  
1" = 500'

## LEGEND

	<b>PROPERTY LINE</b>
	<b>ADJACENT PROPERTY LINE</b>
	<b>ROADWAY CENTERLINE</b>
	<b>DEED LINE</b>
	<b>DEED LINE</b>
	<b>IRON PIPE FOUND</b>
	<b>IRON PIPE TO BE SET</b>
	<b>IRON REBAR FOUND</b>



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

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

BOUNDARY SURVEY PLAN  
LANDS OF W. WAYNE BAKER  
TM: 133-6,00-43:00  
DAGSBORO HUNDRED  
SUSSEX COUNTY, DELAWARE

[illegible]

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

PROJECT	WBAKX19001
DATE	2019-09-03
DRAWING SCALE	1"=100'
DRAWN BY	PAI
APPROVED BY	AMD

# WAYNE W. BAKER

CASE NO. CZ1903

## ZONING MAP AMENDMENT FROM AR-1 TO C-2

### TABLE OF CONTENTS:

#### OWNER:

WAYNE W. BAKER  
15046 GRAVEL HILL ROAD  
MILTON, DE 19968

#### DEVELOPER:

WAYNE W. BAKER  
15046 GRAVEL HILL ROAD  
MILTON, DE 19968

#### PLANNER/ENGINEER/SURVEYOR:

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

#### TAB 1 APPLICATION

- a. APPLICATION
- b. LEGAL DESCRIPTION
- c. BOUNDARY PLAN
- d. SFR RESPONSE LETTER
- e. DEED

#### TAB 2 EXHIBITS

- a. SC TAX MAP
- b. LOCATION MAP
- c. COMMERCIAL PROPOSED USE BUBBLE PLAN

#### TAB 3 MAPS

- a. 2019 AERIAL, 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, 1937 ORTHO, 2015 STATE STRATEGIES, COUNTY ZONING MAP, 2012 LAND USE LAND COVER, NRCS SOILS, STATE WETLANDS, FEMA FLOODPLAIN, GROUNDWATER RECHARGE, USGS TOPO, AREA COMMERCIAL USES MAP

#### TAB 4 FINDINGS OF FACT

- a. FINDINGS OF FACT





# Mark H. Davidson / Vice President

## Principal Land Planner/Office Director

### EDUCATION

University of Delaware; Civil Engineering,  
(1986-1990)

Land Surveying, Delaware Technical &  
Community College (1984-1986) and  
Wastewater Microbiology Diploma  
(1997)

Land Planning, Institute for Public  
Administration (2006)

### CERTIFICATIONS

DNREC Class A Percolation Tester & Class  
B Septic Designer, (DE #2418)

Sediment & Stormwater Management,  
Responsible Personnel, DE (#8760) and  
MD (#4914)

DNREC Certified Construction Reviewer:  
DE (#1270)

Delaware Notary

### TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal  
Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware  
(2002)

Land Conservation and Historic  
Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni  
(2015)

### PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling  
Association

Delaware Onsite Wastewater Recycling  
Association

American Planning Association

American Institute of Certified Planners

### HONORS/AWARDS

Association of Professionals  
Philanthropy, Brandywine Chapter  
Fundraising Nominee (2014)

Notable Networker Award, BNI (2013)

### EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 33-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

Mark is a past director of the Delaware Onsite Wastewater Recycling Association as well as a member of the American Planning Association, American Institute of Certified Planners and has served in the past as a committee member of Delaware Low Impact Development Roundtable Committee, Delaware Pollution Control Strategy Committee, Delaware Sediment & Stormwater Regulatory Advisory Committee, and the Delaware Technical & Community College A/E Curriculum Committee. He was also nominated for the Brandywine Chapter Association of Fundraising Professionals Philanthropy Award and has won the BNI Notable Networker Award.

Along with all the experience and education stated and with many years of combined experience in Surveying, Engineering, Consulting and Land Planning, he has been responsible for providing consulting, layout and design in surveying, engineering and land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware, Maryland, Virginia and West Virginia. He has project managed, studied, planned, surveyed, designed and engineered sustainable, master-planned communities, commercial and urban redevelopment projects, and the public infrastructure that supports them.

Mark has provided nationwide land planning consulting services to a variety of clientele to help coordinate project startups as well as final construction consulting services when it came to commercial, residential, industrial, municipal, educational and community land planning. Provided additional consulting in civil/site engineering, stormwater management, erosion and sediment control, wastewater collection and disposal, transportation, and environmental. Market areas practiced; Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, North Dakota, Puerto Rico, Canada and Panama.

Additional Project experience includes cutting edge design and technology as well as value engineering to help clients through the ever-changing market including but not limited to solar voltaic and wind generation projects.

He was currently appointed by the Secretary of DNREC to serve 3-years on the On Site Septic Advisory Board for the State of Delaware.



File #: CZ1903  
201910148C

## 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**

SW INTERSECTION US RT 113 & GOVERNOR STOCKLEY RD DAGSBORO HUNDRED, SUSSEX COUNTY

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ZipCode: 19968

Phone #: 302-684-8569

E-mail: WAYNE@WILSONBAKER.COM

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Owner Name: W.WAYNE BAKER

Owner Address: 15046 Gravel Hill Road

City: Milton

State: DE

Zip Code: 19968

Phone #: (302) 684-8569

E-mail: WAYNE@WILSONBAKER.COM

**Agent/Attorney/Engineer Information**

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

PROJECT: WBAKX19001

Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE

City: MILTON

State: DE

Zip Code: 19968

Phone #: (302) 684-8030

E-mail: MDAVIDSON@PENNONI.COM



RECEIVED  
SEP 04 2019  
SUSSEX COUNTY  
PLANNING & ZONING



## Check List for Sussex County Planning & Zoning Applications

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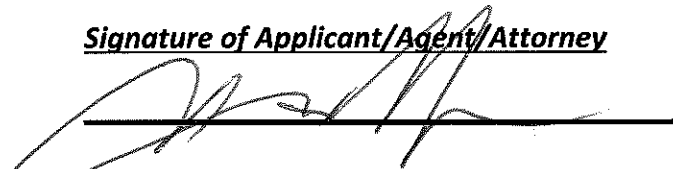
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**Signature of Applicant/Agent/Attorney**



Date:

9/3/2019

**Signature of Owner**



Date:

\_\_\_\_\_

**For office use only:**

Date Submitted: 9/4/19

Staff accepting application: CEH

Location of property: \_\_\_\_\_

Fee: \$500.00 Check #: 1368

Application & Case #: 201910148

Subdivision: \_\_\_\_\_

Date of PC Hearing: \_\_\_\_\_

Date of CC Hearing: \_\_\_\_\_

Recommendation of PC Commission: \_\_\_\_\_

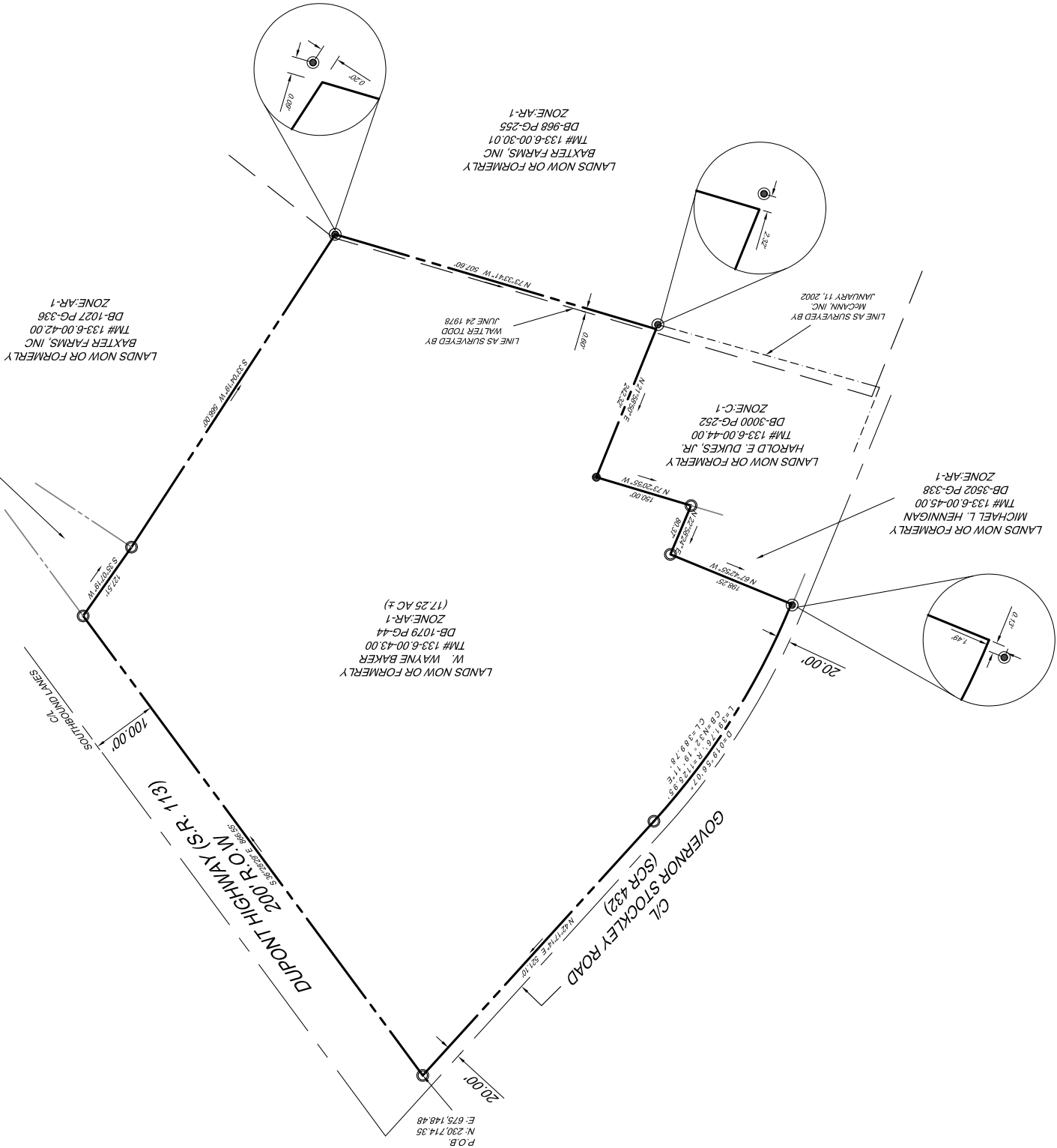
Decision of CC: \_\_\_\_\_

**PARTICULAR DESCRIPTION**  
**LANDS NOW OR FORMERLY OF**  
**W. WAYNE BAKER**  
**DEED BOOK 1079, PAGES 44 TO 47**  
**TAX MAP 133-6.00-43.00**

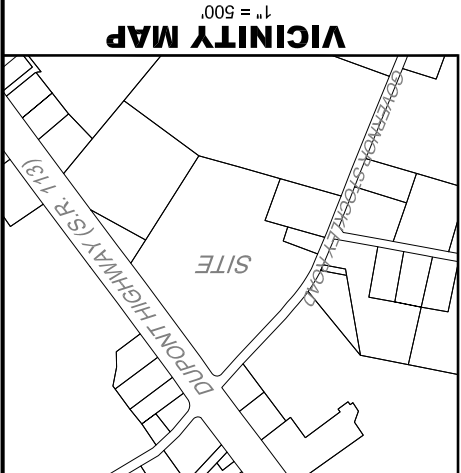
**All that certain tract, piece, or parcel of land situate, lying and being in the Dagsboro Hundred, Sussex County, Delaware and being more particularly described as follows, to wit:**

**BEGINNING** at the point of intersection of the Southeasterly right-of-way line of State Highway #432 leading from Gumboro to Stockley where it intersects the Southwesterly right-of-way line of State Highway #113 (Dupont State Highway), said point being an iron pipe to be set; thence along the Southwesterly right-of-way line of said State Highway #113 **South 36 degrees 28 minutes 29 seconds East** a distance of **866.55 feet** to an iron pipe to be set; thence **South 35 degrees 07 minutes 19 seconds West** a distance of **127.51 feet** to an iron pipe to be set; thence **South 33 degrees 04 minutes 19 seconds West** a distance of **566.00 feet** to a found iron pipe; thence **North 73 degrees 33 minutes 41 seconds West** a distance of **507.60 feet** to a found iron pipe; thence **North 21 degrees 58 minutes 50 seconds East** a distance of **242.32 feet** to a found iron rebar; thence **North 73 degrees 20 minutes 55 seconds West** a distance of **150.00 feet** to an iron pipe to be set; thence **North 22 degrees 58 minutes 24 seconds East** a distance of **80.37 feet** to an iron pipe to be set; thence **North 67 degrees 42 minutes 55 seconds West** a distance of **198.25 feet** to a found iron pipe, said point being on the Southeasterly right of way line of State Highway #432 and on a curve concave to the right having a radius of **1125.95 feet**; thence continuing along said curve a distance of **391.76 feet** to an iron pipe to be set; thence **North 42 degrees 17 minutes 14 seconds East** a distance of **521.10 feet** to an iron pipe to be set, said point also being the **POINT OF BEGINNING**.

This tract contains **751,102 square feet**, or **17.25 acres** of land, more or less.



- GENERAL NOTES :**
1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD IN ADDITION TO AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC. ON SEPTEMBER 3, 2019.
  2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT OF WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
  3. THIS IS A CLASS "C" SURVEY.
- AREA:**
1. 17.67 ACRES ± PARCEL 43.00 (TOTAL BY DEED BOOK 1079 PG 44)
  2. 0.41 ACRES ± PARCEL 45.00 (OUTCONVEYANCE)
  3. 17.25 ACRES ± PARCEL 43.00 (ACTUAL REMAINING)



LEGEND	
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	ROADWAY CENTERLINE
	DEED LINE
	DEED LINE
	IRON PIPE FOUND
	IRON PIPE TO BE SET
	IRON REBAR FOUND

SHEET 1 OF 1	
PROJECT	WBAKX19001
DATE	2019-09-03
DRAWING SCALE	1"=100'
DESIGNED BY	PAJ
APPROVED BY	AMD
BOUNDARY SURVEY PLAN LANDS OF W. WAYNE BAKER TM: 133-6-00-43.00 DAGSBORO HUNDRED SUSSEX COUNTY, DELAWARE	
ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK	
PENNONI ASSOCIATES INC. 18072 Davidson Drive Millsboro, DE 19966 T 302.684.8030 F 302.684.8054	





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

JENNIFER COHAN  
SECRETARY

August 21, 2019

Ms. Janelle Cornwell, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Wayne Baker** rezoning application, which we received on July 29, 2019. This application is for an approximately 17.24-acre parcel (Tax Parcel: 133-6.00-43.00). The subject land is located on the southwest corner of the intersection of US Route 113 and Governor Stockley Road (Sussex Road 432), south of the Town of Georgetown. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to develop a community commercial complex with warehousing.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 113 where the subject land is located, which is from Shortly Road / S. Bedford Street (Sussex Road 431) to Delaware Route 20, are 25,127 and 32,338 vehicles per day, respectively. As the subject land also has frontage along Governor Stockley Road, the annual average and summer average daily traffic volumes along that road segment, which is from US Route 113 to Delaware Route 20, are 6,844 and 8,808 vehicles per day, respectively.

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

The subject property is adjacent to US Route 113, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. According to the Office of State Planning, *Strategies for State Policies and Spending document*, the property is located within a Level 4 Investment Area. In a Level 4 Investment Area, State policies



Ms. Janelle M. Cornwell

Page 2 of 2

August 21, 2019

encourage the preservation of a rural lifestyle and discourage new development. Per Program policy, if a property has reasonable alternative access to a secondary road, no direct access to the corridor will be permitted. In this case, the property has reasonable secondary access along Governor Stockley Road. Therefore site access would be granted along the secondary road. The Corridor Capacity Preservation Program policy can be viewed on Department's website at [www.deldot.gov](http://www.deldot.gov).

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Wayne Baker, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

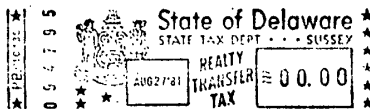
10922  
1124

LMD 1079 PAGE 41

**This Deed, Made this**26<sup>th</sup> day of August

in the year of

our LORD one thousand nine hundred and eighty-one,

BETWEEN, BESSIE M. BAKER, widow, of 204 West Market Street, Georgetown,  
Delaware 19947, party of the first part,A N DW. WAYNE BAKER, of P.O. Box 323, Rehoboth Beach, Delaware 19971, party of the  
second part,**Witnesseth.** That the said party of the first part, for and in consideration of the  
sum of ONE DOLLAR (\$1.00),

lawful money of the United States

of America, the receipt whereof is hereby acknowledged, hereby grants and conveys  
unto the said party of the second part, all her right, title and interest, in  
and to

TRACT I. ALL THAT certain tract, piece and  
parcel of land, situate and lying in Dagsboro Hundred, Sussex County, Delaware,  
on the road from Shortley to Gumboro, and more particularly described as  
follows, to wit: BEGINNING at a post at the Southwest corner of the lands of  
Charles S. Richards, and in line with these lands; thence along the lands of  
Charles S. Richards North 37-1/2 degrees East 73 perches to a post in corner of  
Cross Roads; thence continuing with the lands of Charles S. Richards, South  
74-1/2 degrees East 52.7 perches to a post in an old pine stump and corner  
for lands of James M. Tunnell, formerly the lands of Henry Vinson; thence  
along the lands of James M. Tunnell North 3 degrees West 31 perches to a post  
in an old spanish oak stump; thence continuing along the lands of James M.  
Tunnell, North 16-3/4 degrees West 27.7 perches to a white oak stump with a  
plow share thereon, and corner for lands of Elwood Workman, formerly lands of

LAW OFFICES.

WILSON, HALBROOK, BAYARD,  
BUNTING & MARSHALL  
WEST MARKET STREET  
GEORGETOWN, DELAWARE 19947

William Brasure; thence along the lands of Elwood Workman North 65-3/4 degrees West 70.5 perches to a post; thence North 47-3/4 degrees West 86 perches to a post a corner for lands of Louder Mitchell; thence along the lands of Louder Mitchell and Greensbury B. Elliott, South 42-1/4 degrees West 120 perches or such distance as is required to the run of Shealy's Branch Canal; thence along the run of Shealy's Branch Canal the following nineteen courses: South 61-1/4 degrees East 28 perches, thence South 34 degrees East 10.3 perches, thence South 62-1/2 degrees East 9.8 perches, thence South 45 degrees East 7.3 perches, thence South 4-1/4 degrees East 7.6 perches; thence South 33-3/4 degrees East 7 perches, thence South 53 degrees East 9 perches thence South 36-1/2 degrees East 6.3 perches, thence South 52-1/4 degrees East 6 perches, thence South 29-1/4 degrees East 6 perches, thence South 63-1/2 degrees East 20 perches, thence South 71-1/4 degrees East 15 perches, thence South 37 degrees East 5 perches, thence South 56 degrees East 6 perches, thence South 9-1/2 degrees East 8.5 perches, thence South 2-1/4 degrees West 6 perches, thence South 22 degrees East 7.5 perches, thence South 8-3/4 degrees East 3.7 perches, thence South 37-1/4 degrees East 5.6 perches, thence leaving said Shealy's Branch Canal North 37-1/2 degrees East 21 perches to a post the Southwest corner of Charles S. Richards land the place of beginning, containing one hundred and twenty-five (125) acres of land be the same more or less.

TRACT II. ALL THAT certain tract, piece or parcel of land situate, lying and being in Dagsboro Hundred, Sussex County, Delaware, and more particularly described as follows, to wit: BEGINNING at the point of intersection of the Southeasterly right-of-way line of State Highway #432 leading from Gumboro to Stockley where it intersects the Southwesterly right-of-way line of State Highway #113 (DuPont State Highway); thence along the Southwesterly right-of-way line of said State Highway #113 South 28 degrees 42 minutes East 863 feet to lands of P. Timmons; thence along the line of lands of P. Timmons and Joseph B. Marvel the following two courses; South 42 degrees 48 minutes West 130 feet to a stone, South 40-3/4 degrees West 566 feet to a stake, corner for lands of Fred Marvel; thence along the line of lands of Fred Marvel North 65 degrees 53 minutes West 508 feet to line of lands of Mack Hudson; thence around the lot of Mack Hudson the following two courses; North 29-3/4

LAW OFFICES

WILSON, HALBROOK, BAYARD,  
BUNTING & MARSHALL  
WEST MARKET STREET  
GEORGETOWN, DELAWARE 19947

degrees East 249 feet, North 65 degrees 53 minutes West 350 feet to the Southeasterly right-of-way line of State Highway #432; thence along the Southeasterly right-of-way line of said Highway leading from Cumboro to Stockley the following six courses; North 29-3/4 degrees East 111.5 feet; North 33 degrees 46 minutes East 100 feet; North 38 degrees 18 minutes East 100 feet; North 43 degrees 26 minutes East 100 feet; North 50 degrees East 100 feet; North 50-1/4 degrees East 500 feet, home to the beginning intersection containing Seventeen and Two-thirds (17-2/3) acres of land, be the same more or less.

BEING the same lands conveyed unto this Grantor and this Grantee by deed of Eugene H. Bayard, dated December 28, 1977, and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 875, Page 67, &c.

LAW OFFICES  
WILSON, HALBROOK, BAYARD,  
BUNTING & MARSHALL  
WEST MARKET STREET  
GEORGETOWN, DELAWARE 19947



In Witness Whereof, The said party of the first part has hereunto  
set her hand and seal the day and year aforesaid.

SIGNED, SEALED AND DELIVERED  
in the presence of

Margaret H. Coulbourne  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Bessie M. Baker (Seal)  
Bessie M. Baker  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Seal)

State of Delaware,  
SUSSEX

County, ss.

Be It Remembered, that on this 26<sup>th</sup> day of  
August, in the year of our Lord one thousand nine hundred and  
eighty-one, personally came before me, the subscriber, a Notary Public  
for the State and County aforesaid, BESSIE M. BAKER,

Party to this Indenture, known to me personally to be such, and she  
acknowledge this Indenture to be her Deed.

Given under my hand and Seal of Office, the day and year aforesaid

Ernest H. Hartog  
Notary Public

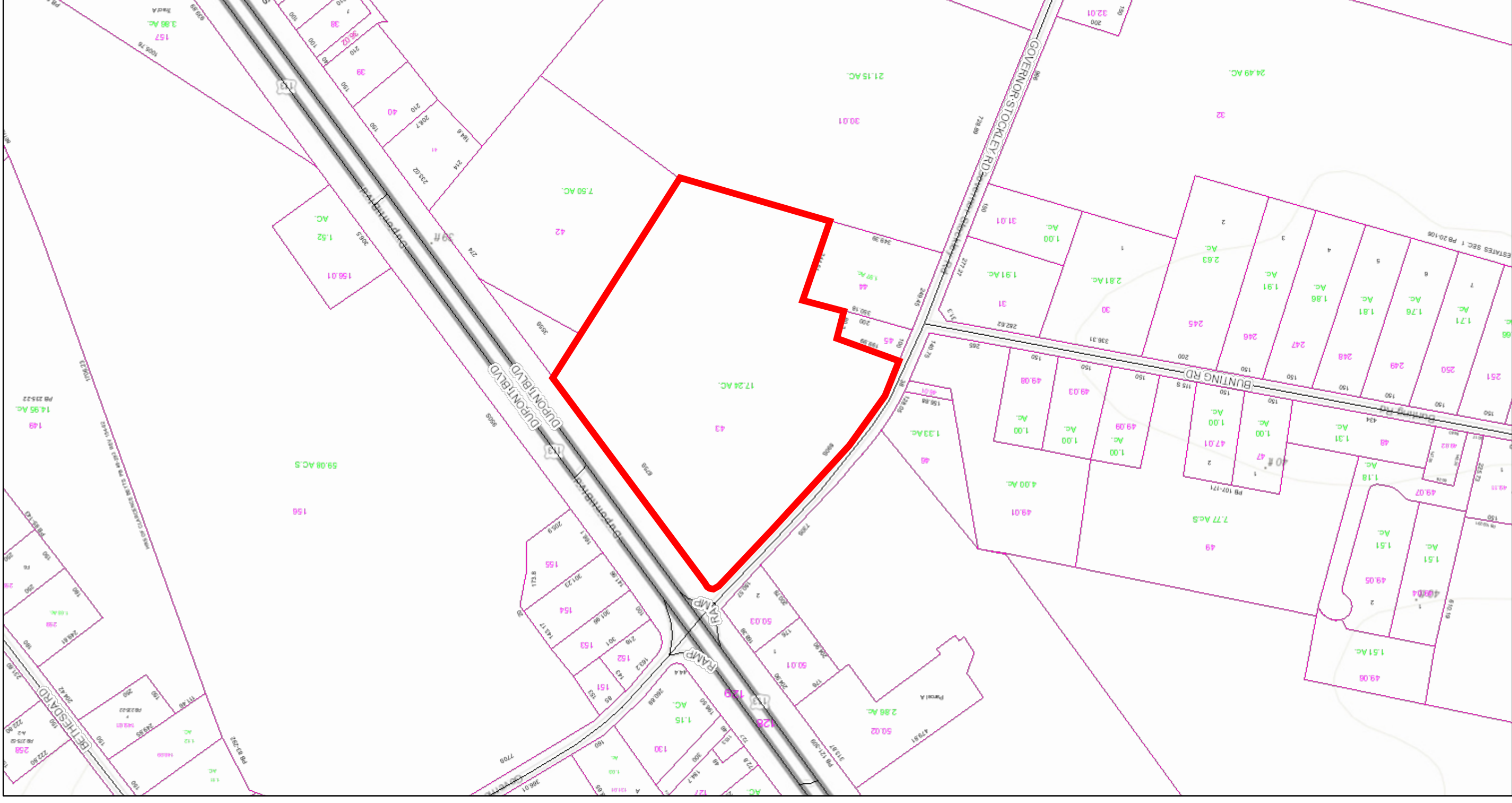
RECEIVED  
MARY ANN MCCABE  
AUG 27 1 24 PM '81  
RECORDER OF DEEDS  
SUSSEX COUNTY

LAW OFFICES  
WILSON, HALBROOK, BAYARD,  
BUNTING & MARSHALL  
WEST MARKET STREET  
GEORGETOWN, DELAWARE 19947

PURCHASERS REPORT MADE  
THIS 28<sup>th</sup> DAY OF Aug 1981  
ASSESSMENT DIVISION OF SUSSEX COUNTY

Wilson, Halbrook, Bayard, Bunting & Marshall 9.22.81

# Sussex County



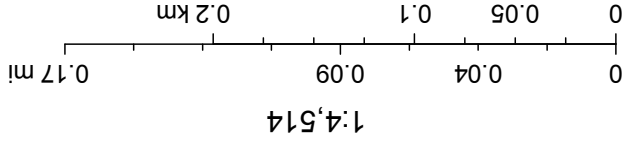
January 2, 2020

☐ Tax Parcels

Streets \_\_\_\_\_

County Boundaries

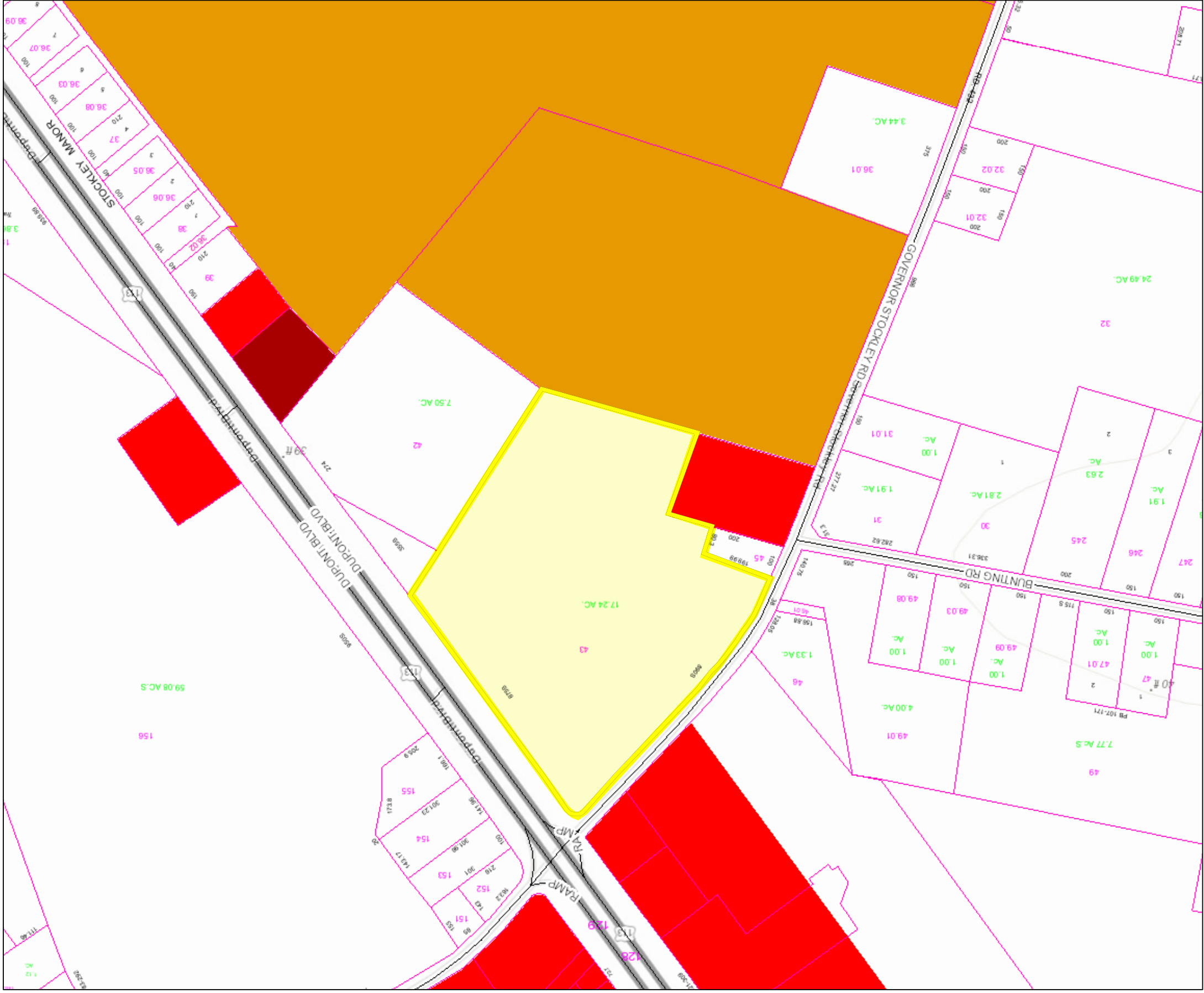
1 33-6.00-43.00



Delaware Department of Education, Delaware Geological Survey,  
DNREC, Division of Watershed Stewardship, Drainage Program,  
john.inhster@state.de.us; Sources: Est. HERR, Garming, Internap,  
Incment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase,  
IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China

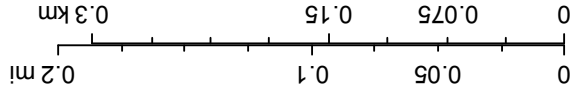


# Sussex County



polygonLayer Override 1  
polygonLayer Override 1  
Tax Parcels  
Streets

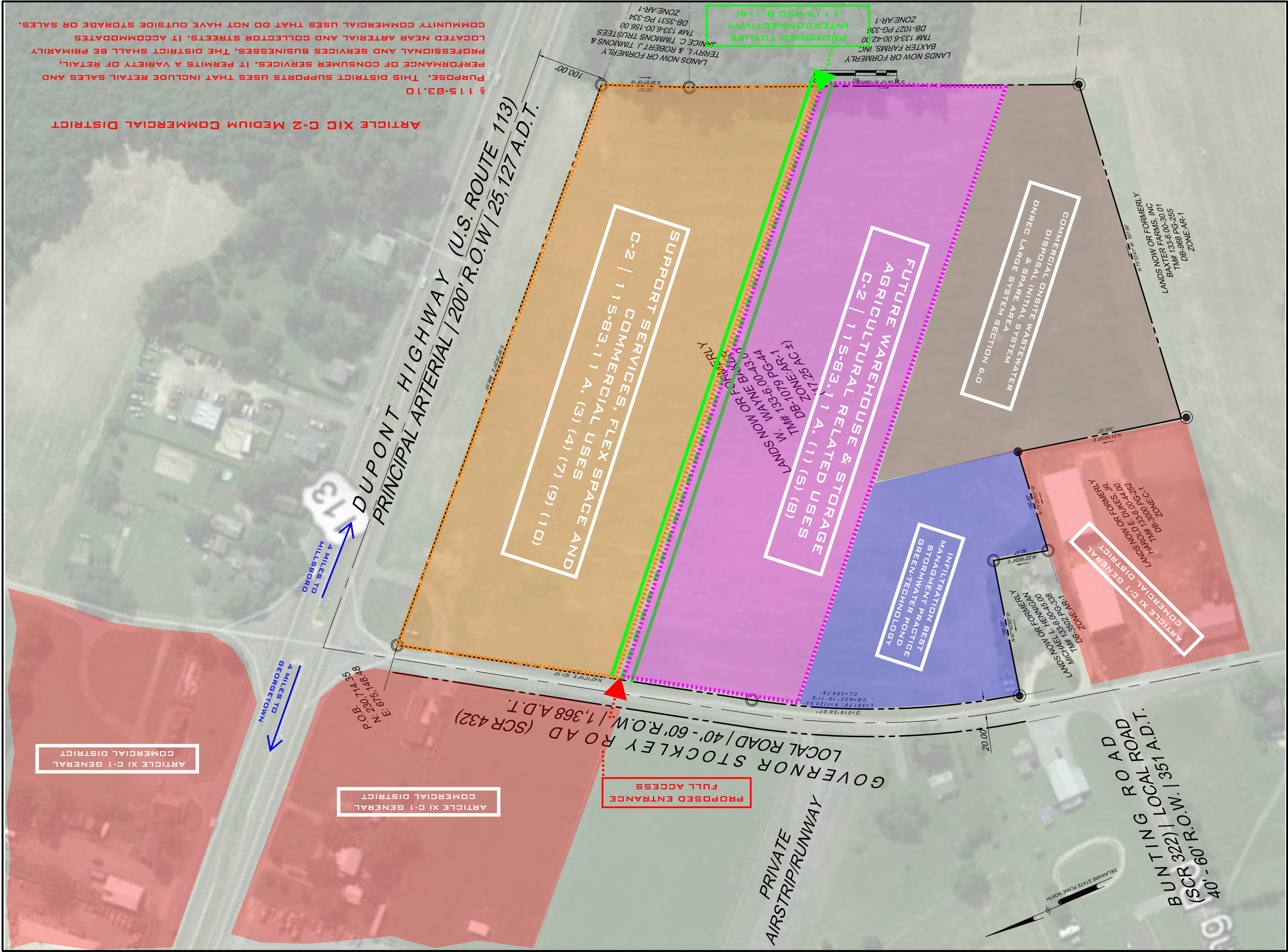
1:4,514



January 2, 2020

PIN: 133-6.00-43.00		Owner Name		BAKER W WAYNE	
Book		0			
Mailing Address		17420 MINOS CONAWAY RD			
City		LEWES			
State		DE			
Description		RD GUMBOROGO #432			
Description 2		17.24 ACRES W/IMP			
Description 3		POSS REV			
Land Code					





REZONING BUBBLE PLAN

LANDS OF W. WAYNE BAKER

TM: 133-6-00-43.00

DAGSBORO HUNDRED

SUSSEX COUNTY, DELAWARE

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR

DISCREPANCIES BEFORE PROCEEDING WITH WORK

PENNONI ASSOCIATES, INC.

18072 Davidson Drive

Milton, DE 19968

T 302.684.8030 F 302.684.8054

PROJECT

WBAKX19001

DATE

2019-09-25

DRAWING SCALE

1"=60'

DRAWN BY

MHD

APPROVED BY

MHD/AMD

SHEET

1

OF

1






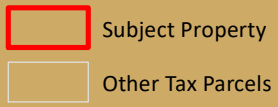

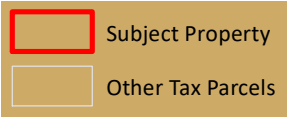
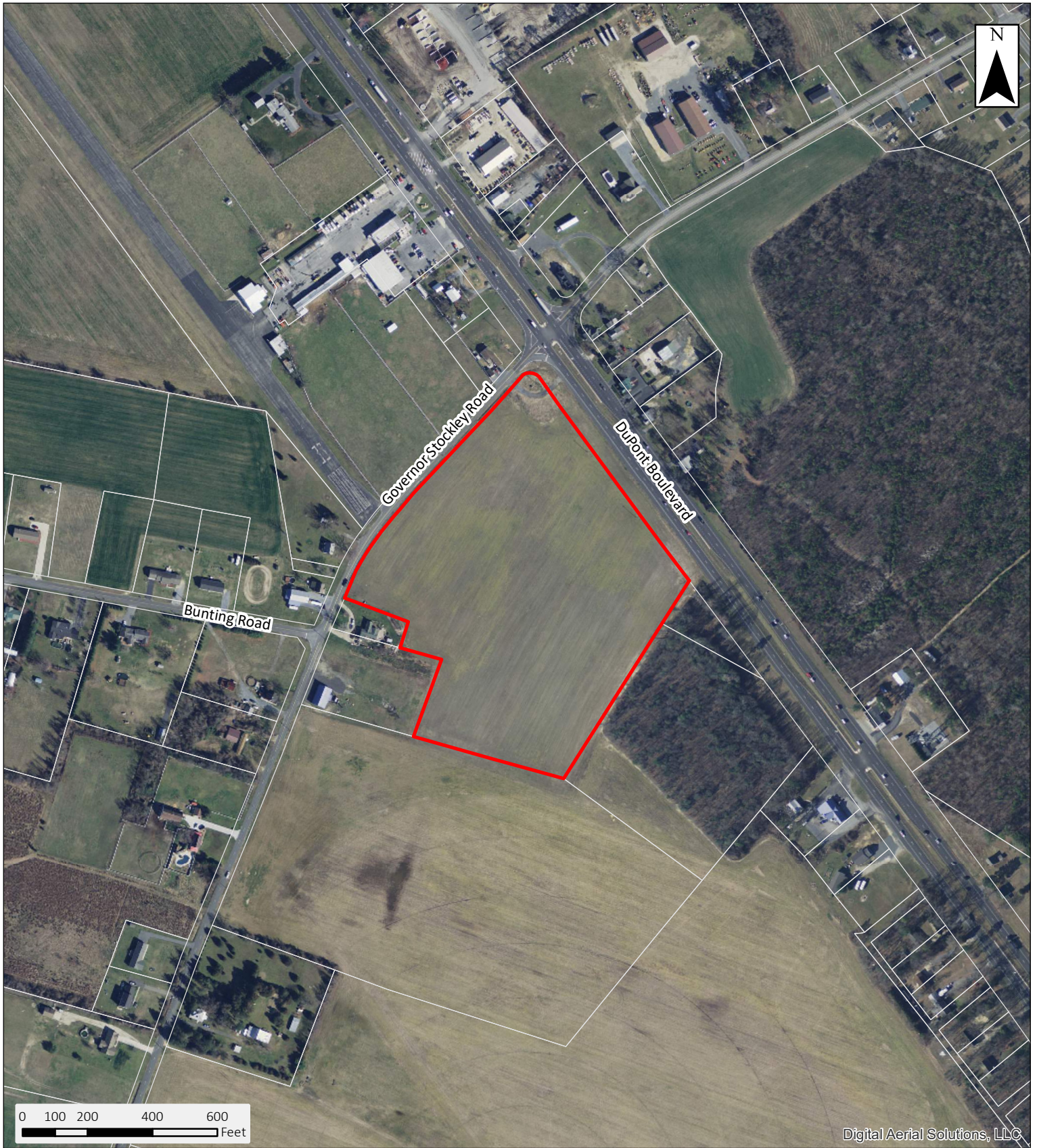
<p>Figure 1 of 20.</p> <p>1</p>	<p>2019 Aerial Image</p>		
	<p>Lands of W. Wayne Baker</p>		
	<p>WBAKX19001</p>		





Figure 2 of 20.  2	2017 Orthophoto		
	Lands of W. Wayne Baker		
	WBAKX19001		










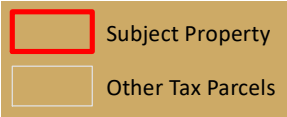
<p>Figure 4 of 20.</p> <p><b>4</b></p>	<p>2007 Orthophoto</p>		
	<p>Lands of W. Wayne Baker</p>		
	<p>WBAKX19001</p>		





Figure 5 of 20.  5	2002 Orthophoto		<div><div></div> Subject Property</div> <div><div></div> Other Tax Parcels</div>
	Lands of W. Wayne Baker		
	WBAKX19001		



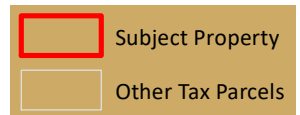









Figure 7 of 20.  7	1992 Orthophoto		 Subject Property  Other Tax Parcels
	Lands of W. Wayne Baker		
	WBAKX19001		






Figure 8 of 20.  8	1968 Orthophoto		<div><div></div> Subject Property</div> <div><div></div> Other Tax Parcels</div>
	Lands of W. Wayne Baker		
	WBAKX19001		









Figure 9 of 20.  9	1961 Orthophoto		 Subject Property  Other Tax Parcels
	Lands of W. Wayne Baker		
	WBAKX19001		





Figure 10 of 20.  10	1954 Orthophoto		 Subject Property  Other Tax Parcels
	Lands of W. Wayne Baker		
	WBAKX19001		

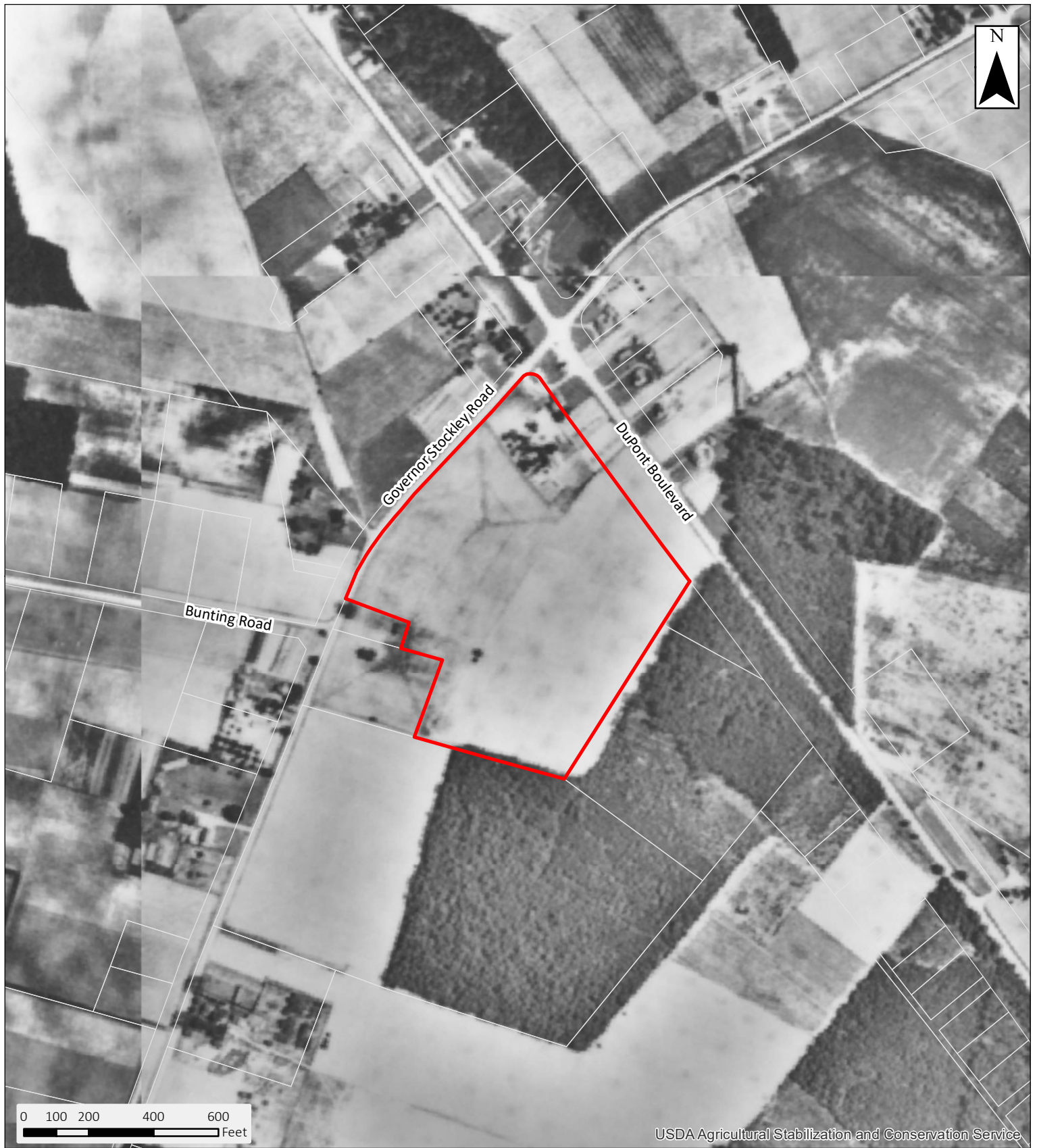


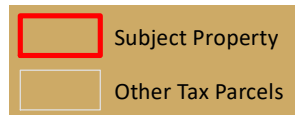
Figure 11 of 20.

11

1937 Orthophoto

Lands of W. Wayne Baker

WBAKX19001





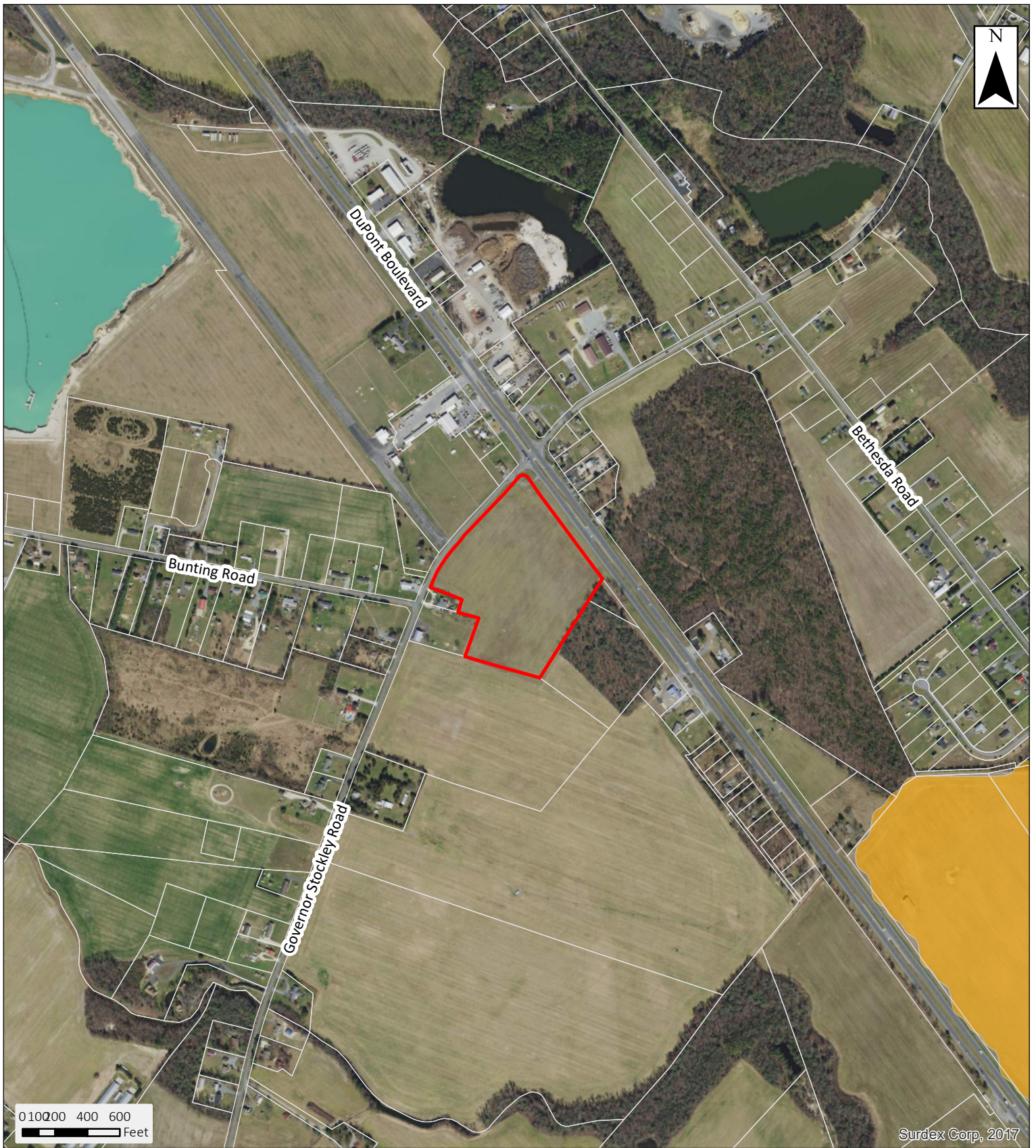


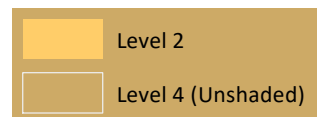
Figure 12 of 20.

12

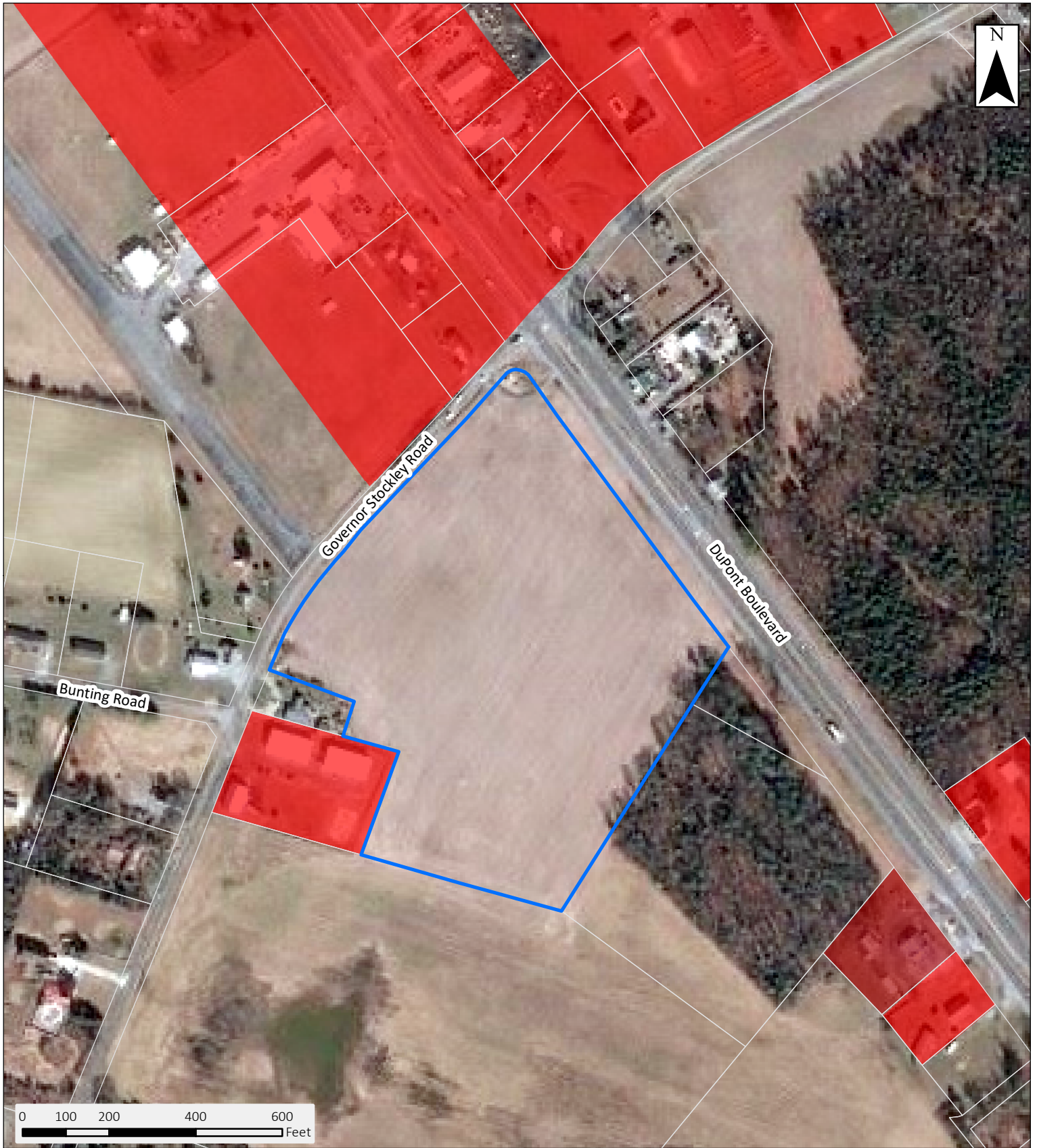
## 2015 State Strategies & Investment Levels


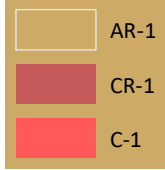
Lands of W. Wayne Baker

WBAKX19001

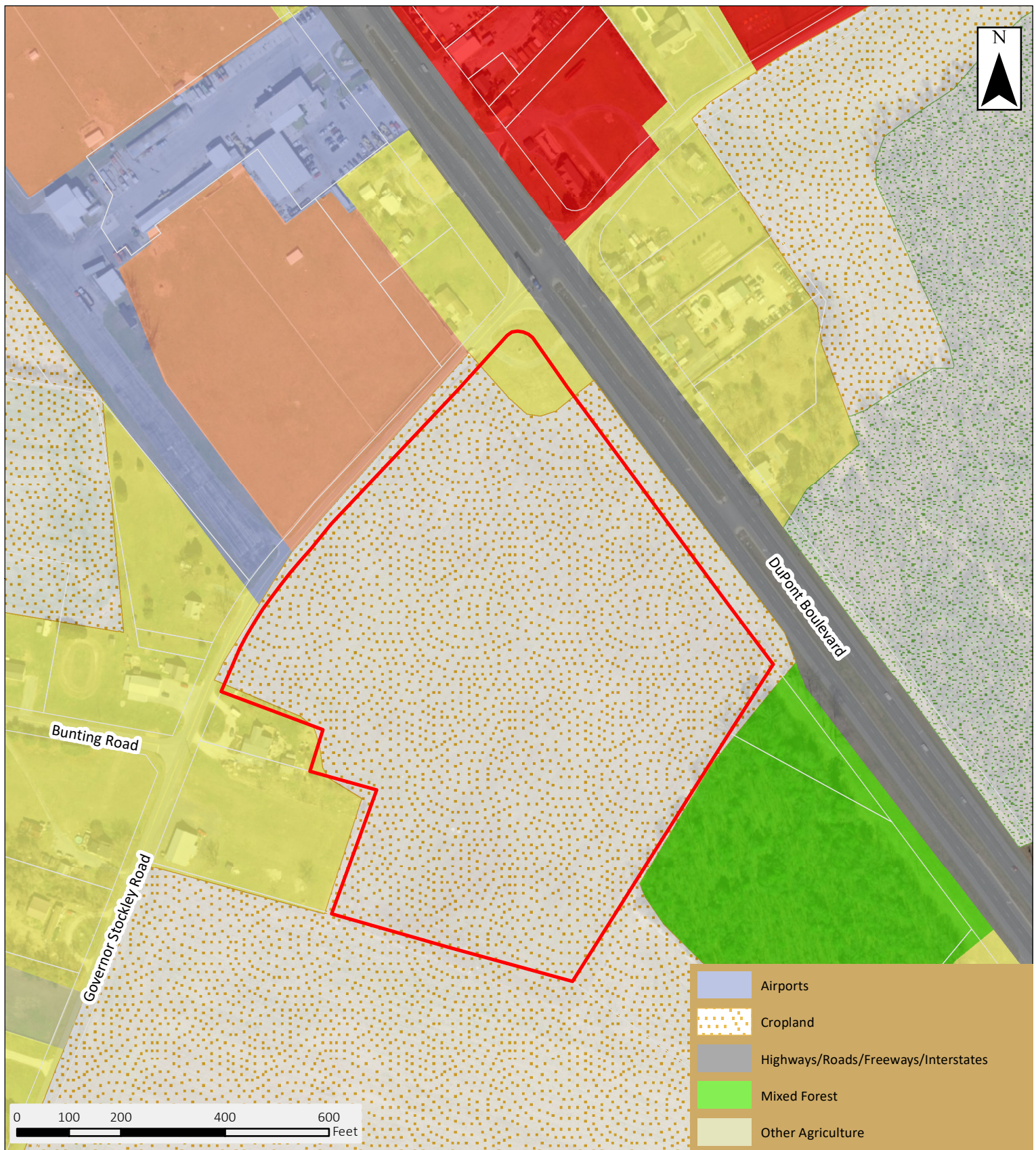






<p>Figure 13 of 20.</p> <p><b>13</b></p>	<p>County Zoning Map</p>		
	<p>Lands of W. Wayne Baker</p>		
	<p>WBAKX19001</p>		







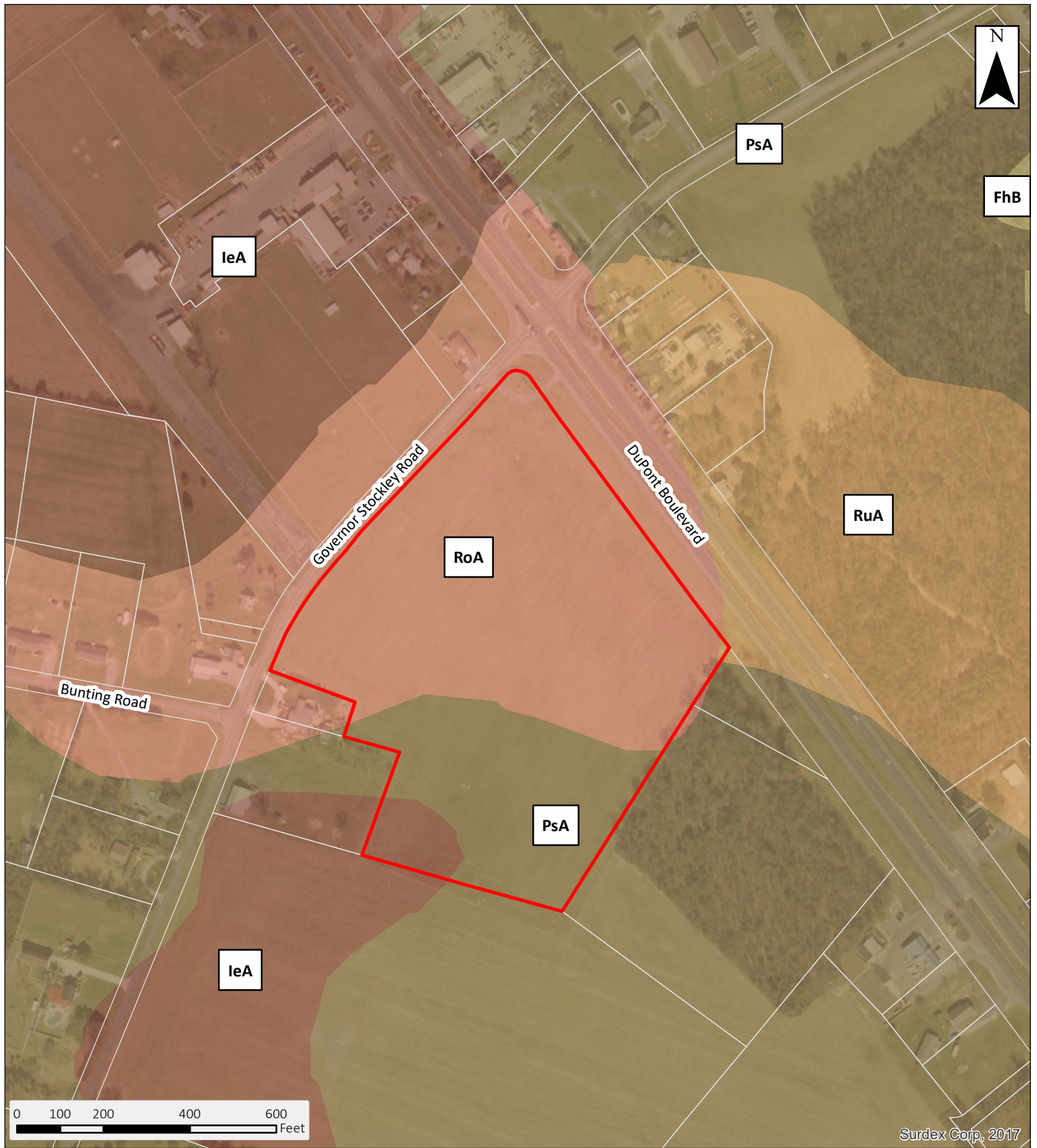



Figure 15 of 20.  15	NRCS Soils Map		Soil Types: leA - Ingleside loamy sand, Group A PsA - Pepperbox-Rosedale complex, Group A RoA - Rosedale loamy sand, Group A
	Lands of W. Wayne Baker		
	WBAKX19001		





Figure 16 of 20.

16

State Wetlands Mapping

Lands of W. Wayne Baker

WBAKX19001



DNREC Wetlands



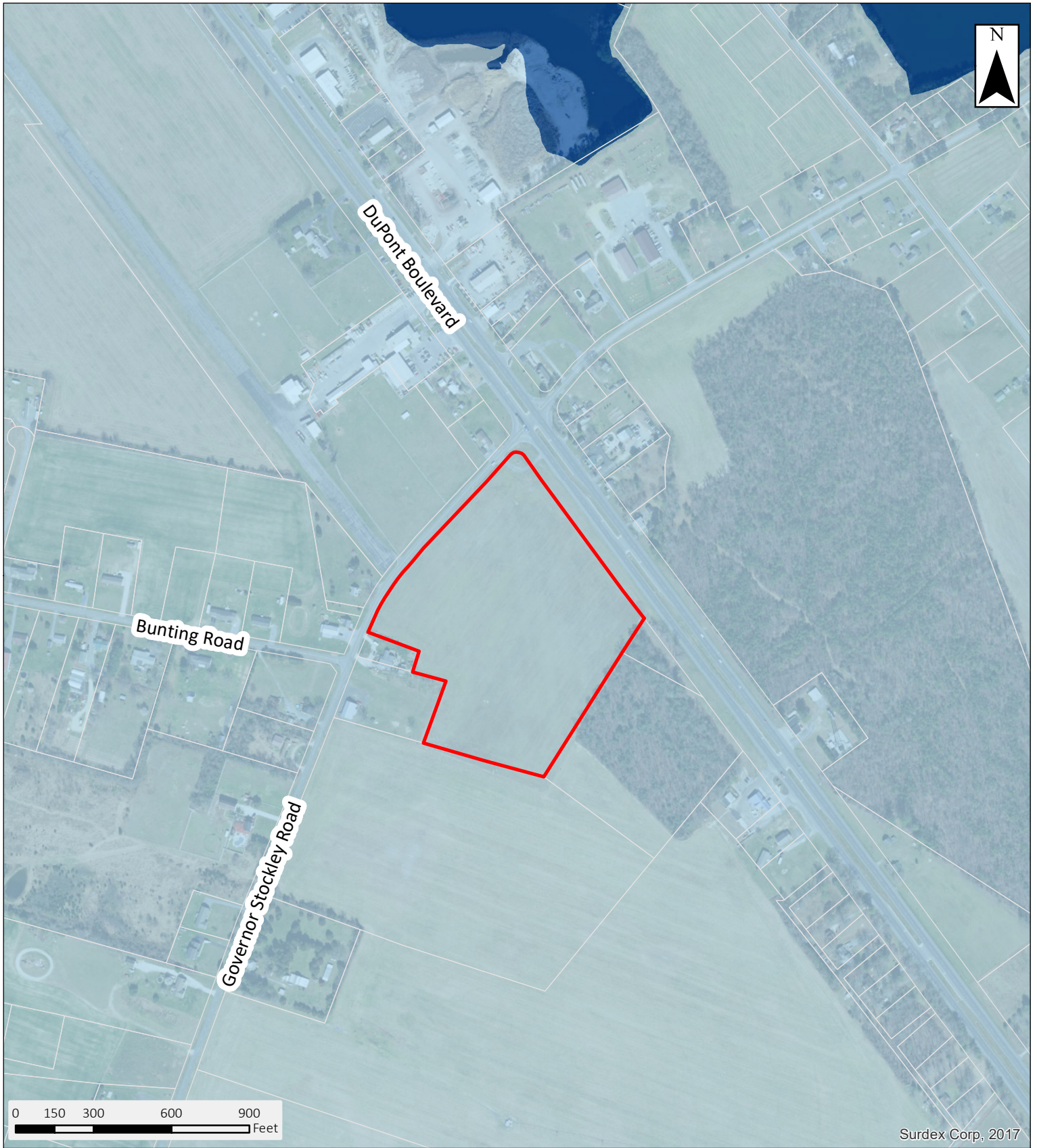


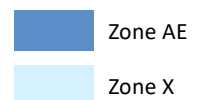
Figure 17 of 20.

17

## FEMA Floodplain Mapping

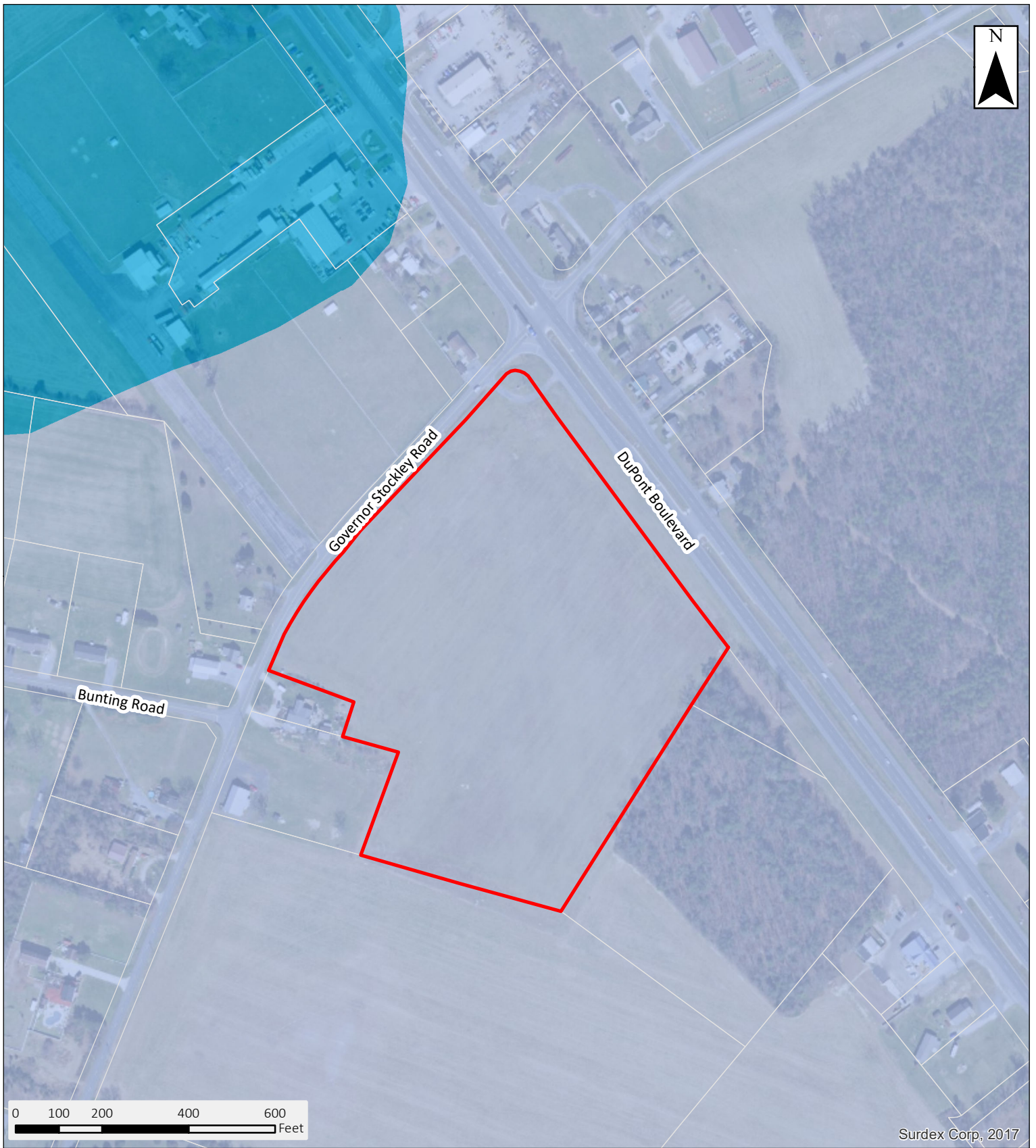
Lands of W. Wayne Baker




WBAKX19001



Flood Map #10005C0325L (6/20/18)





<p>Figure 18 of 20.</p> <p><b>18</b></p>	<p><b>Groundwater Recharge Potential</b></p>		<p> Fair</p> <p> Good</p>
	<p>Lands of W. Wayne Baker</p>		
	<p>WBAKX19001</p>		



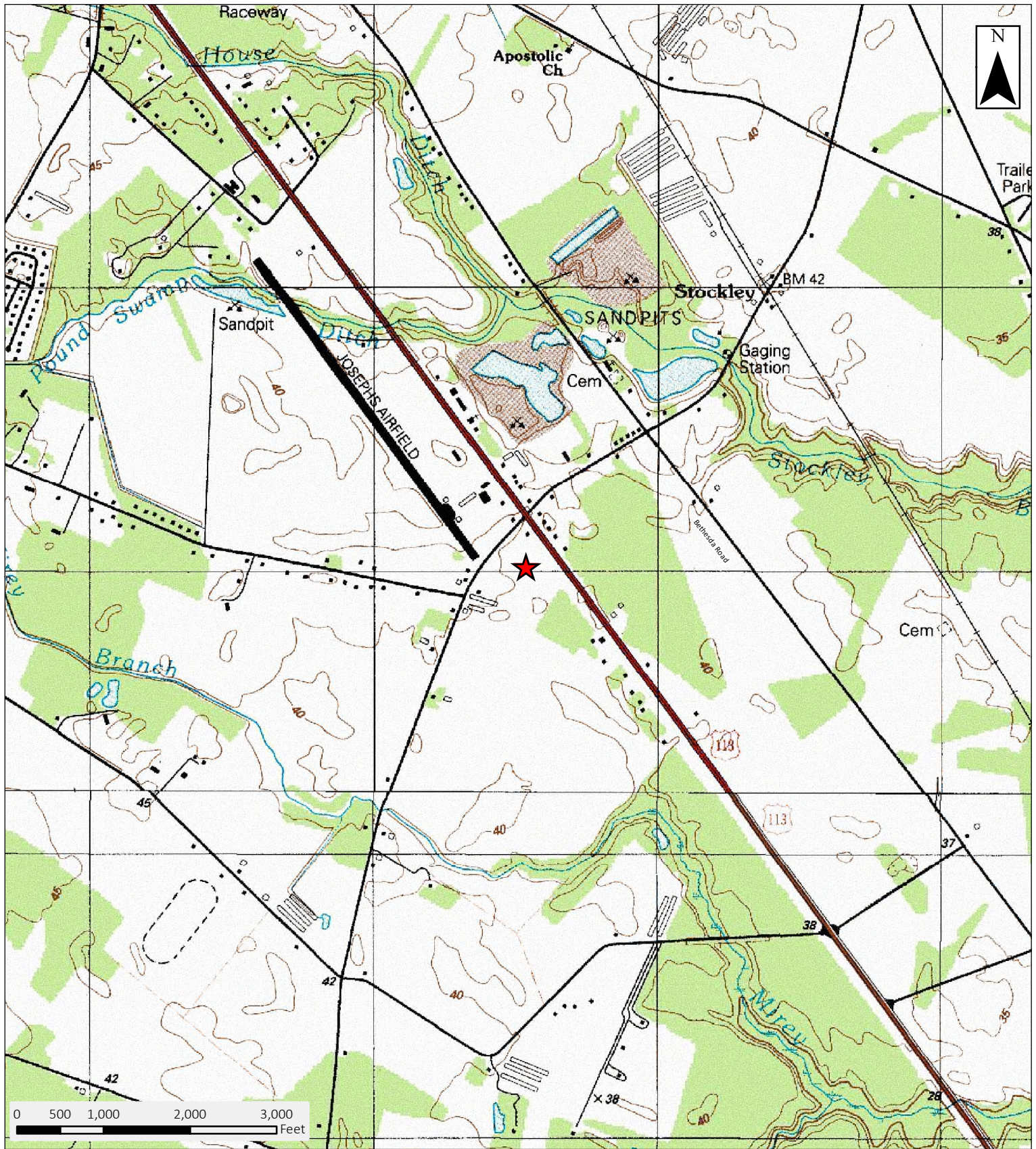


Figure 19 of 20.

19

USGS Topographic Map

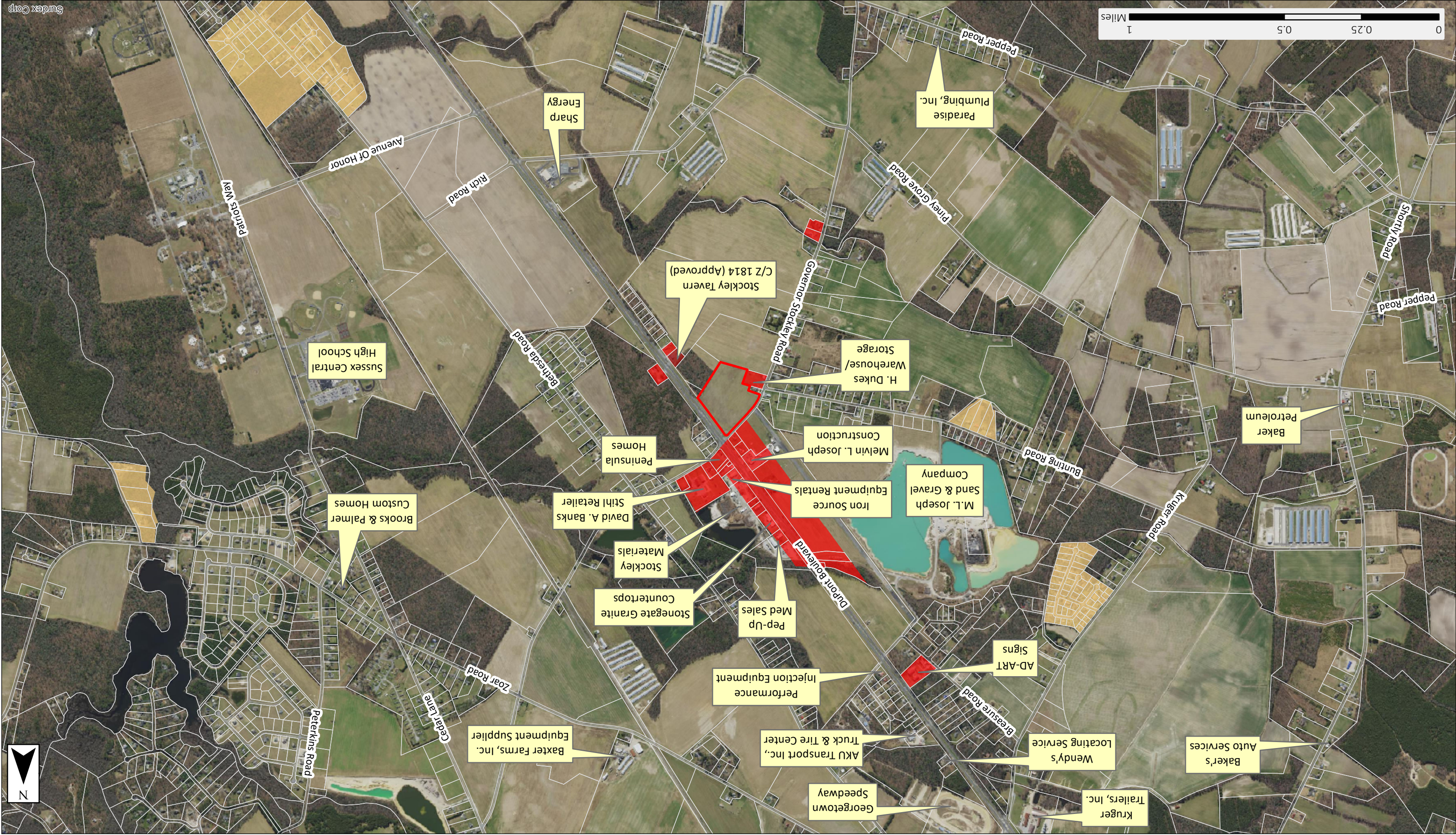
Lands of W. Wayne Baker

WBAKX19001





Figure 20 of 20.	20	Area Commercial Uses		County Zoning	AR-1	CR-1
		C-1			GR	





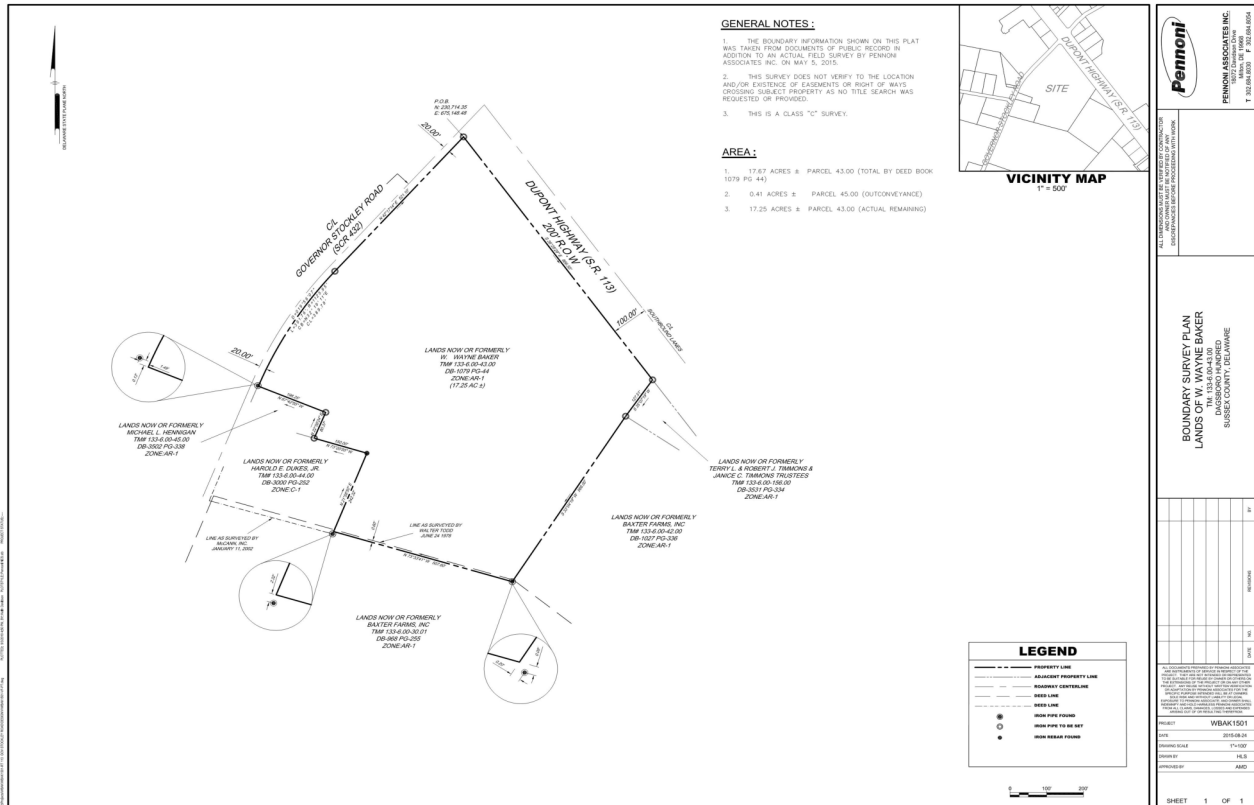
**WAYNE W. BAKER**  
**CHANGE OF ZONE #1903**  
**PROPOSED FINDINGS OF FACT**

1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 17.25 acres, more or less in the Dagsboro Hundred located on the south west corner of DuPont Highway | U.S. Route 113 and Governor Stockley Road | Sussex County Route 432 to C-2, Medium Commercial District.

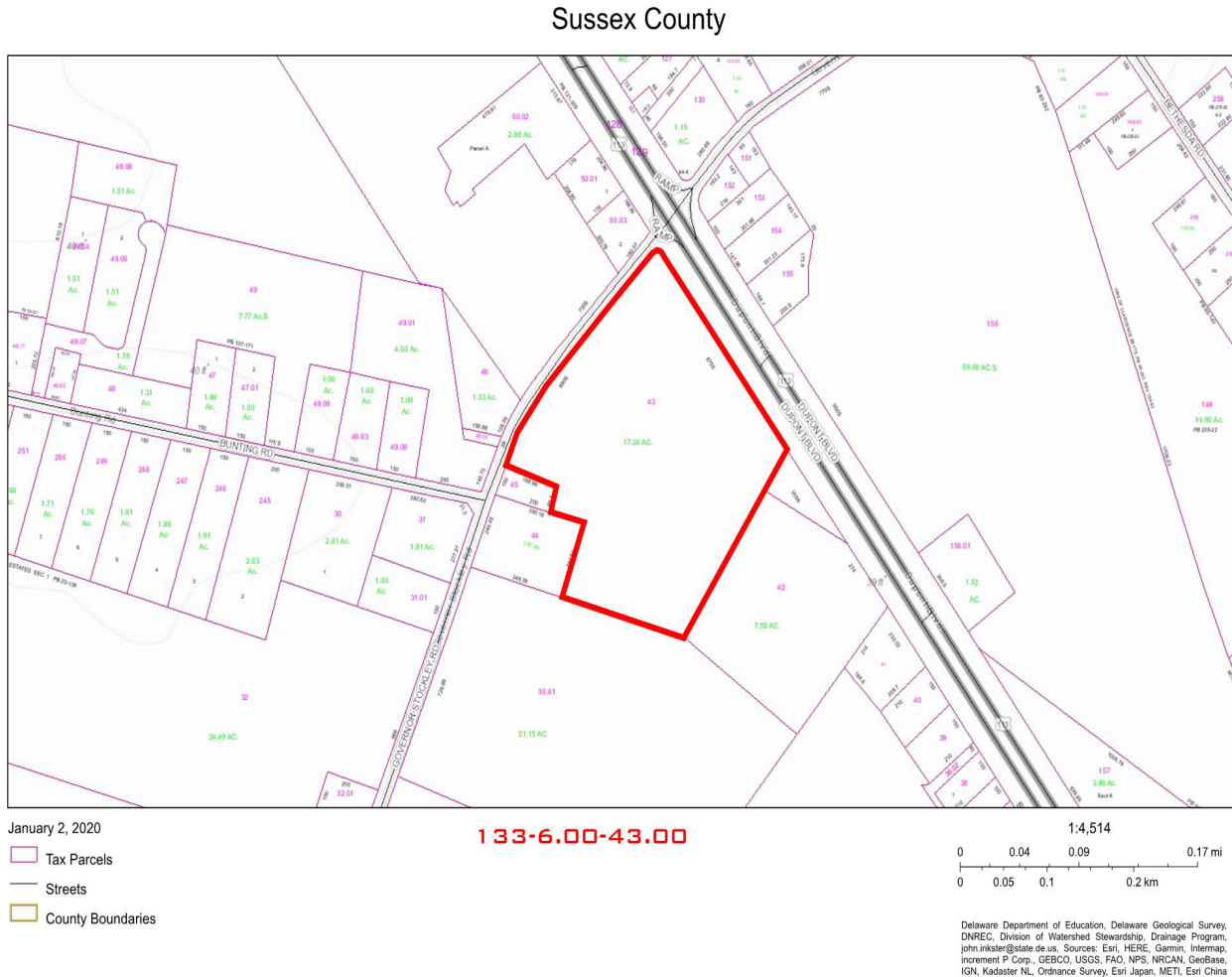




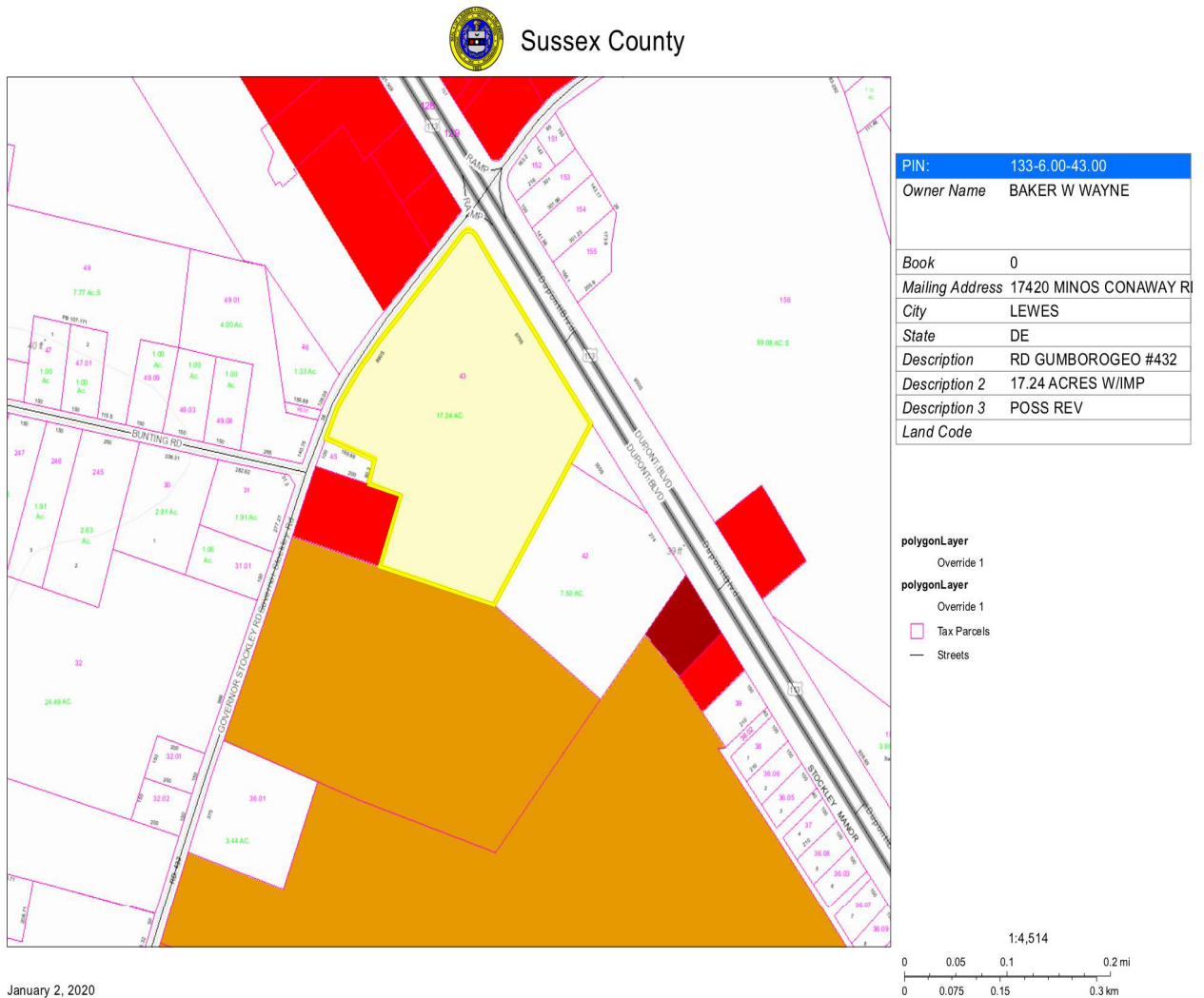
2. The applicant is Wayne w. Baker The subject property has been in the Baker Family since January 1964. Mr. Baker is owner of Baker Petroleum; family owned and operated since 1952, Baker Petroleum has spent more than half a century as one of Southern Delaware's leading energy companies. They serve all of Sussex and part of Kent Counties with the dependable delivery of propane, heating oils, diesel fuel and gasoline. They operate a number of convenient stores that provide goods a services to local communities in Delaware.



3. The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 133-6.00 Parcel 43.00.

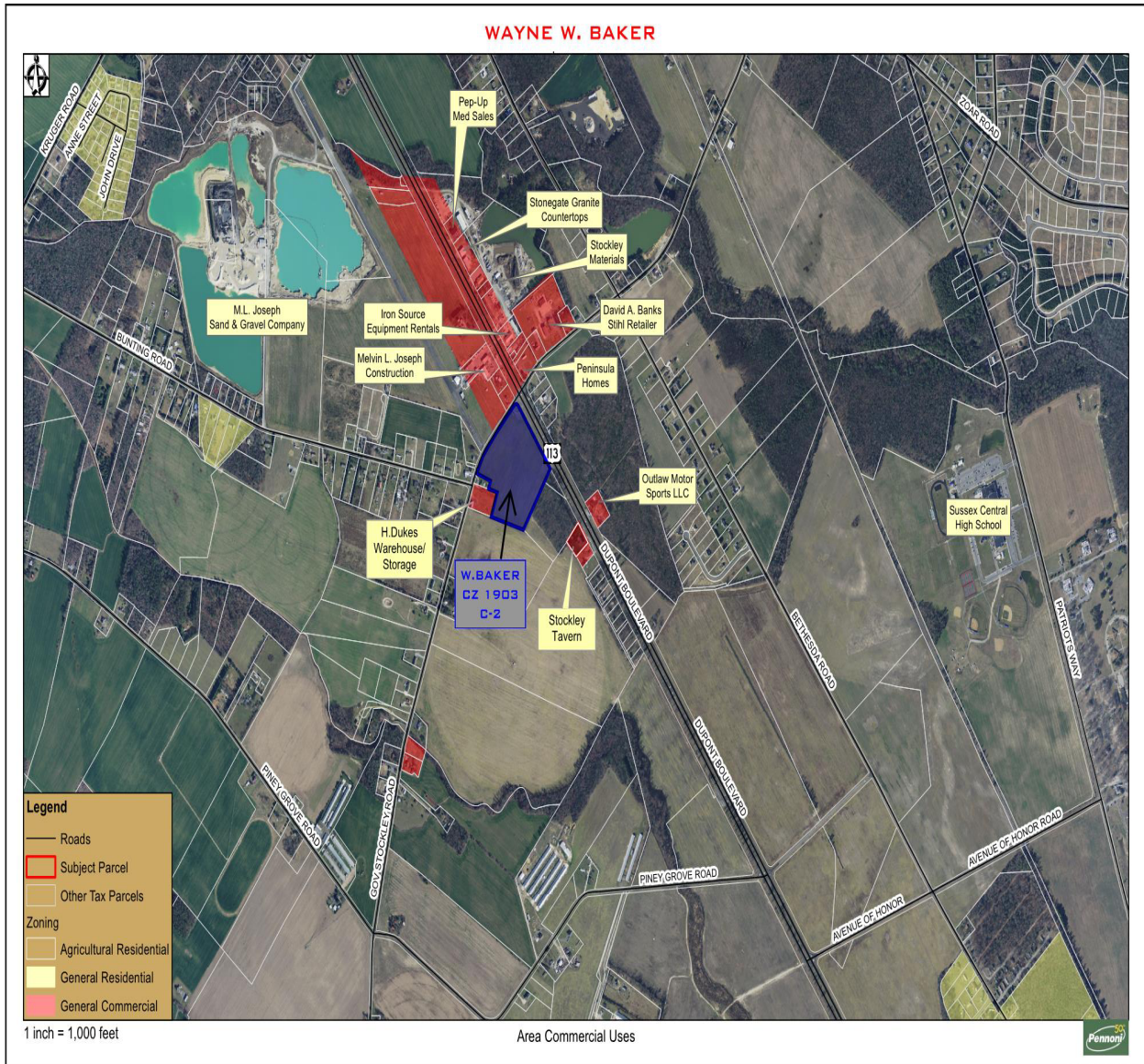


4. The properties are bordered on:
  - a. North and West with US RT 113 (DuPont highway and Governor Stockley Road;
  - b. South by AR-1 Lands in AG Preservation and C-1 Commercial Lands;
  - c. and on the East with Agricultural Residential Lands





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



6. In the 2019 Sussex County Comprehensive Plan – the property proposed for rezoning for commercial property is identified to be in a Low-Density area and business development should be largely confined to businesses addressing the needs of nearby homes and agricultural activities. Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts

7. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.
8. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.



- [illegible]

10. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 4. Developers and property owners will make local roadway improvements as development occurs. All infrastructure needs will be funded by the Developer. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements will be paid for by the Developer.
11. There are no wetlands on the property; the property is located in a Flood Zone X Unshaded; there are no historical or natural features on the property ; stormwater will be onsite and use infiltration as its primary BMP for handling stormwater runoff; the properties are not in any Groundwater Protection Zones Area; the property will be served by a commercial on-site wastewater disposal and an on-site domestic well; and there are no existing wooded areas on site that will need to be disturbed.
12. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development through community design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.