

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
(302) 854-5079 F
sussexcountyde.gov

Sussex County Planning & Zoning Commission

AGENDA

February 27, 2020

6:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes – January 9, 2020 and January 23, 2020

Old Business

2019-31 Arturo Granados-Gonzalez

BM

This is a standard subdivision to divide 2.153 acres +/- into 2 single family lots to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County. The property is lying on the south side of Burbage Road approximately 400 ft. west of Jones Road. Tax Parcel: 134-14.00-20.04. Zoning District. AR-1 (Agricultural Residential District).

C/U 2211 – Indian River School District

KH

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a special needs school to be located on a certain parcel of land lying and being in Dagsboro hundred, Sussex County, containing 32.43 acres, more or less. The property is lying on east side of Patriots Way approximately 0.73 mile south of Zoar Road. 911 Address: N/A. Tax Parcel: 133-7.00-8.01

Public Hearings

C/Z 1905 – George Cole Jr. & Charles Cole

KS

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an MR-RPC Medium Density Residential District – Residential Planned Community to a MR-RPC Medium Density Residential District – Residential Planned Community to amend conditions of approval to allow for a mixed use building for Change of Zone no. 1005, Ordinance no. 600, for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 0.22 acre, more or less. The property is lying on the south side of Bethany Loop, approximately 80 feet west of Cedar Neck Road. 911 Address: 698 Bethany Loop, Bethany Beach. Tax Parcel: 134-13.00-1843.00



Other Business

<u>Dolle’s Candyland (S-20-03)</u> Preliminary Site Plan	KS
<u>MFC Murphy LLC (S-18-92)</u> Revised Preliminary Site Plan	HW
<u>The Woodlands Revised Amenity Plan (2005-49)</u> Revised Amenities Plan	HW
<u>Cross Key Village Subdivision</u> Preliminary Minor Subdivision	RW
<u>2019-2 Old Mill Landing South Subdivision</u> Request to Revise Conditions of Approval	HW
<u>2019-13 Old Mill Landing North Subdivision</u> Request to Revise Conditions of Approval	HW

Planning and Zoning Commission meetings can be monitored on the internet at
www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 20, 2020 at 5:45 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.

####

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
ACTING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date February 27, 2019

Application: CZ 1905 George Cole, Jr. and Charles Cole

Applicant/Owner: George Cole, Jr. and Charles Cole
900 North Pennsylvania Avenue
Bethany Beach, DE 19930

Site Location: South side of Bethany Loop, approximately 80 feet west of Cedar Neck Road.

Current Zoning: MR-RPC (Medium Residential District – Residential Planned Community)

Proposed Zoning: MR-RPC (Medium Residential District – Residential Planned Community)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmatic
District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Sussex County

Water: Bethany Beach Public Water

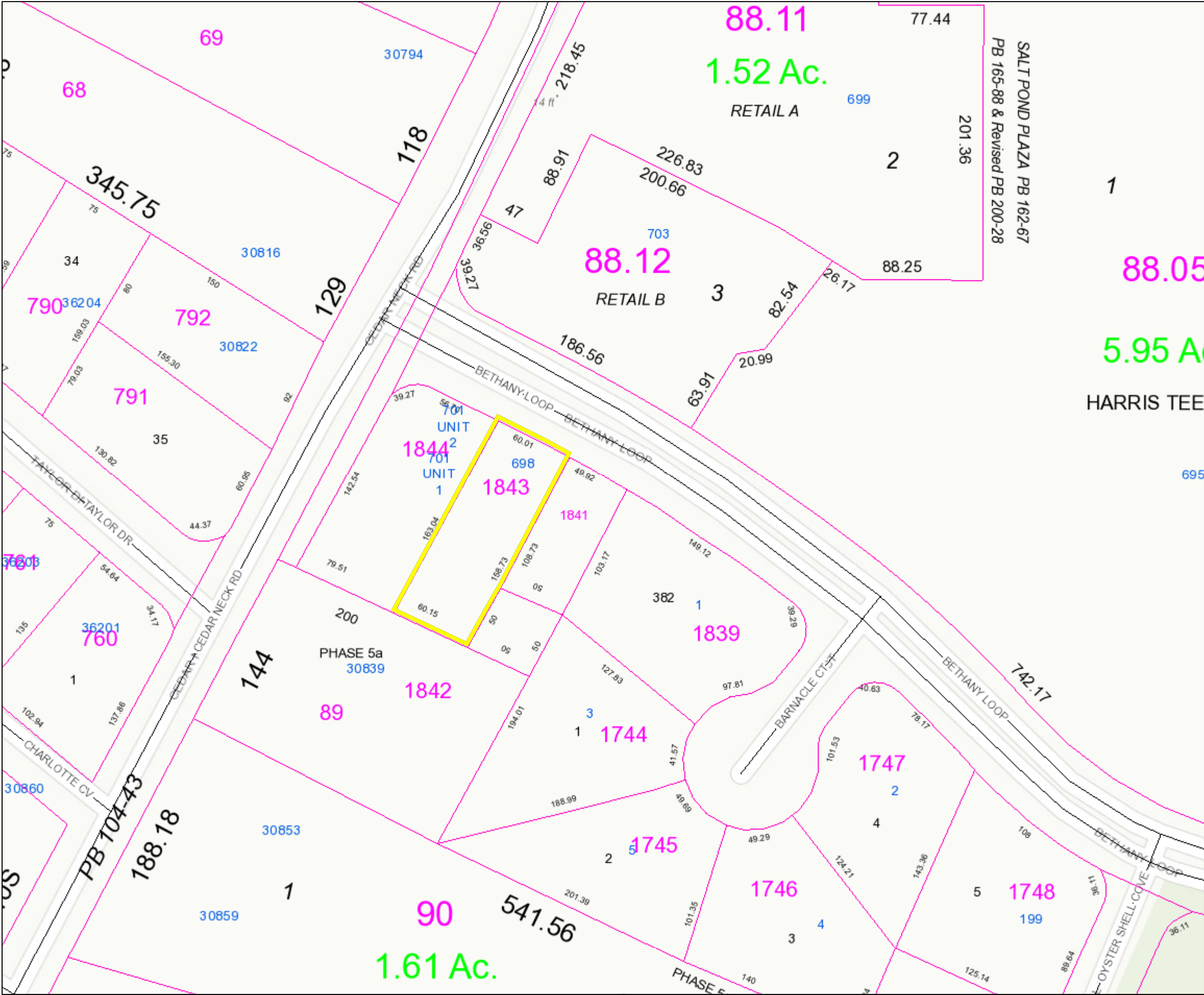
Site Area: 0.22 ac. +/-

Tax Map ID.: 134-13.00-1843.00





Sussex County



PIN:	134-13.00-1843.00
Owner Name	COLE GEORGE JR
Book	4732
Mailing Address	900 N PENNSYLVANIA AVE
City	BETHANY BEACH
State	DE
Description	THE SALT POND
Description 2	PHASE 5A
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

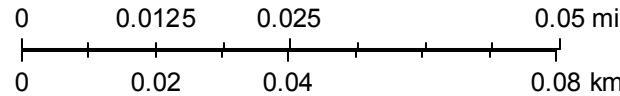
Override 1

Tax Parcels
911 Address

Streets

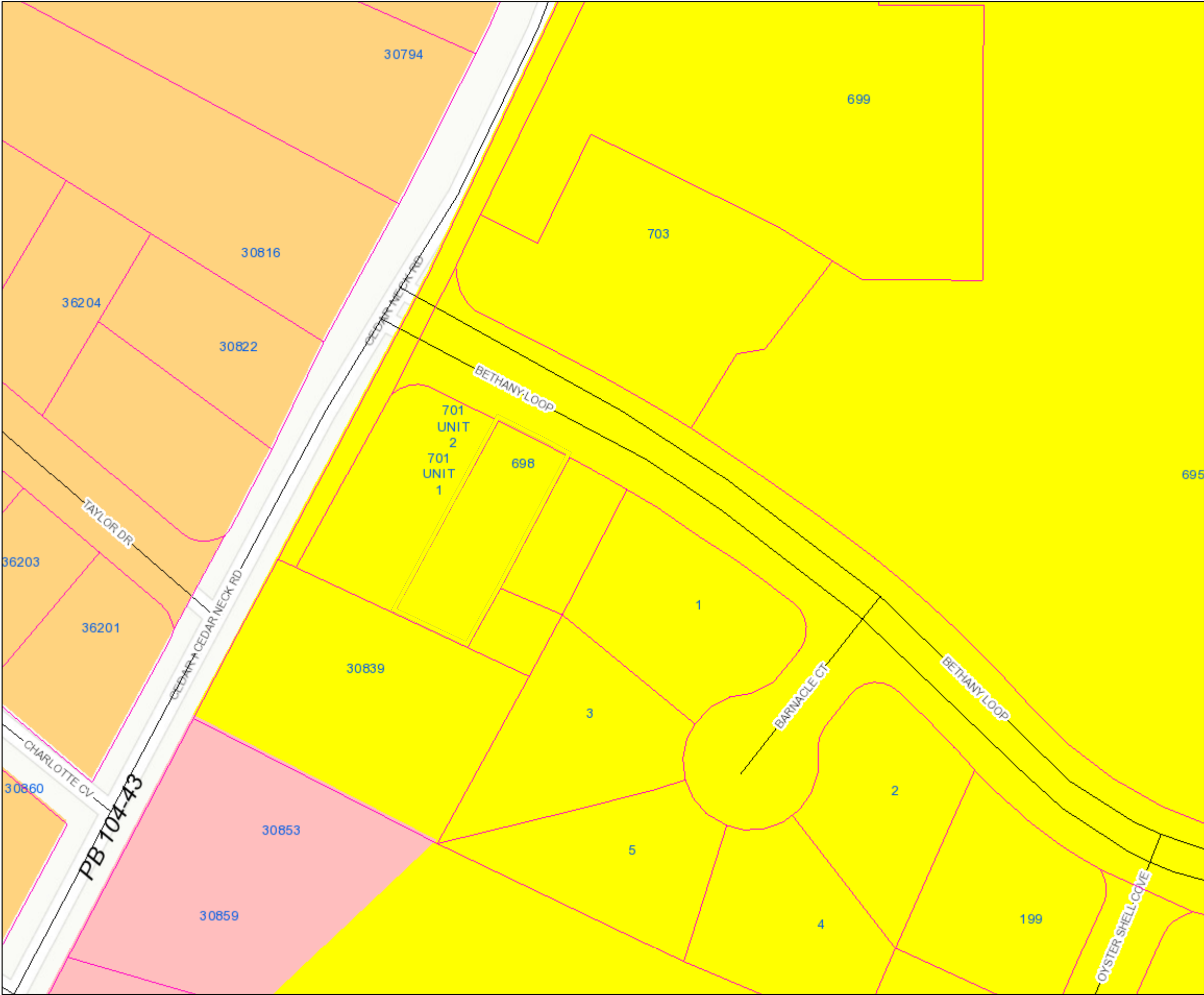
County Boundaries

1:1,128





Sussex County



PIN:	134-13.00-1843.00
Owner Name	COLE GEORGE JR
Book	4732
Mailing Address	900 N PENNSYLVANIA AVE
City	BETHANY BEACH
State	DE
Description	THE SALT POND
Description 2	PHASE 5A
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Land Code	

polygonLayer

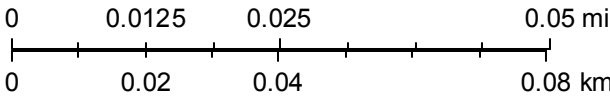
Override 1

polygonLayer

Override 1

- Tax Parcels
- 911 Address
- Streets

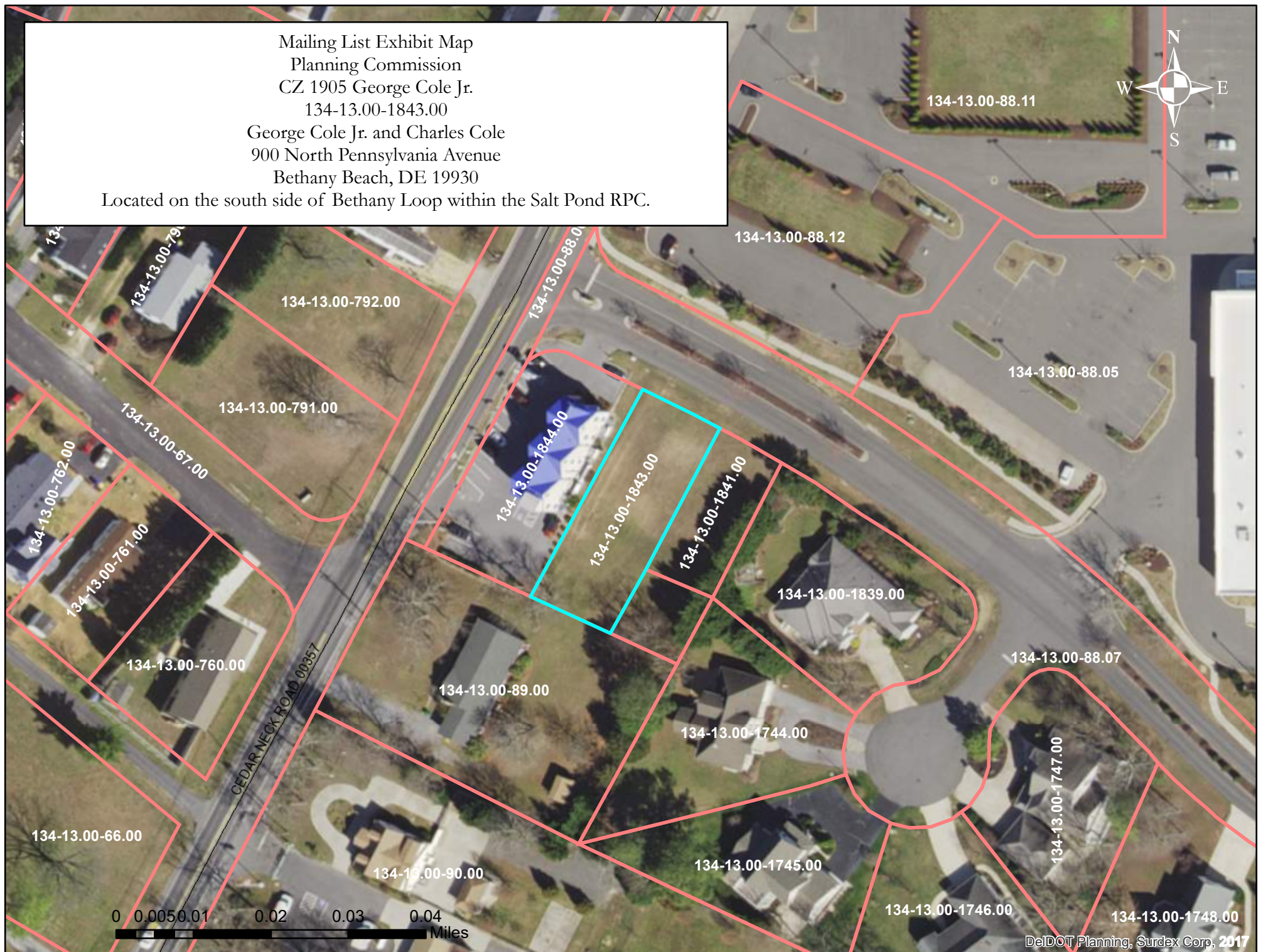
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Mailing List Exhibit Map
Planning Commission
CZ 1905 George Cole Jr.
134-13.00-1843.00

George Cole Jr. and Charles Cole
900 North Pennsylvania Avenue
Bethany Beach, DE 19930

Located on the south side of Bethany Loop within the Salt Pond RPC.



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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: February 19, 2020
RE: Staff Analysis for CZ 1905 George Cole Jr. & Charles Cole

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1905 to be reviewed during the February 27, 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 134-13.00-1843.00 from a Medium Density Residential District – Residential Planned Community (MR-RPC) to a Medium Density Residential District – Residential Planned Community (MR-RPC) to amend a Condition of Approval to allow for a mixed-use building for Change of Zone (CZ 1005), Ordinance No. 600. The parcel is located at 698 Bethany Loop in Bethany Beach, Delaware. The size of the property is 0.22 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 “Coastal Area.”

The areas to the north, south, east and west are also designated “Coastal Areas.” “Coastal Areas” are areas that can accommodate development provided special environmental concerns are addressed. The “Coastal Area” also supports a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed.

The Medium Density Residential (MR) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” of the 2018 Sussex County Comprehensive Plan.

The property is zoned Medium Density Residential (MR) Zoning District. The adjacent properties to the north, south and east of the application site are also zoned Medium Density Residential (MR). The properties to the west on the other side of Cedar Neck Road (S.C.R. 357) are zoned General Residential (GR). Two properties to the south are zoned Neighborhood Business (B-1).



Since 2011, there have been no Change of Zone applications within the vicinity of the application site:

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Density Residential District – Residential Planned Community (MR-RPC) Zoning District, and more specifically to allow for a mixed-use building, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: C21905
201911537

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

Bethany Loop within Salt Pond RPC, Not a numbered lot

Type of Conditional Use Requested:

C21005

This application is for a Zoning Map Amendment to the Salt Pond RPC Ordinance No. 600, to allow a second floor dwelling over an approved retail shop approved 3/22/2018 for designation within the Salt Pond B-1 use area.

Tax Map #: 134-13.00-1843.00

Size of Parcel(s): 9,665 square feet

Current Zoning: MR-RPC

Proposed Zoning: Same

Size of Building: 2,400 square feet

Land Use Classification: Residential Planned Community

Water Provider: Bethany Beach

Sewer Provider: Sussex County

Applicant Information

Applicant Name: George Cole, Jr. and Charles Cole

Applicant Address: 900 North Pennsylvania Avenue

City: Bethany Beach

State: DE

Zip Code: 19930

Phone #: (302) 537-9058

E-mail: bethanybikeshop@hotmail.com

Owner Information

Owner Name: Same as above

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Jeff Clark, RLA -Land Tech Land Planning, LLC

Agent/Attorney/Engineer Address: 32895 South Coastal Highway

City: Bethany Beach

State: DE

Zip Code: 19930

Phone #: (302) 539-2366

E-mail: jeffc@landtechllc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

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

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

☒ **Provide Fee \$500.00**

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

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

☐ **DelDOT Service Level Evaluation Request Response**

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

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

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

Signature of Applicant/Agent/Attorney

Date: 5/7/2019

Signature of Owner

Date: May 12 2019

For office use only:

Date Submitted: 05/11/19

Fee: \$500.00 Check #: 150393806

Staff accepting application: JN

Application & Case #: 201911579

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

June 13, 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 **George Cole, Jr. & Charles Cole** conditional use application, which we received on May 16, 2019. This application is for an approximately 0.23-acre parcel (Tax Parcel: 134-13.00-1843.00). The subject land is located on the south side of Bethany Loop, just southeast of Cedar Neck Road (Sussex Road 357) and Bethany Loop, north of the Town of Ocean View. The subject land is currently zoned as MR-RPC (Medium-Density Residential) with a Residential Planned Community overlay and the applicant is seeking a conditional use approval to build a 1,200 square-foot retail facility and a 1,200 square-foot residential unit above the retail facility.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Cedar Neck Road where the subject land is located, which is from the northeast Ocean View limits to Hickman Road (Sussex Road 359), are 7,137 and 9,185 vehicles per day, respectively.

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.

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.



Ms. Janelle M. Cornwell
Page 2 of 2
June 13, 2019

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
George Cole, Jr. & Charles Cole, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision 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
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/17/2020**

APPLICATION: **CZ 1905 George Cole, Jr. and Charles Cole**

APPLICANT: **George Cole, Jr. and Charles Cole**

FILE NO: **OM-2.07**

TAX MAP &
PARCEL(S): **134-13.00-1843.00**

LOCATION: **South side of Bethany Loop, approximately 80 feet east of Cedar Neck Road.**

NO. OF UNITS: **Unknown**

GROSS
ACREAGE: **0.22 ac.**

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, As Proposed** If not, what capacity is available? **N/A.**

(4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

RECEIVED

FEB 21 2020

SUSSEX COUNTY
PLANNING & ZONING

- (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: **Original allocation for this parcel was set at 1.0 EDU.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
Noell Warren

RECEIVED

FEB 18 2020

SUSSEX COUNTY
PLANNING & ZONING

Smith LLC
30560 Topside Ct
Ocean View, DE 19970
Feb. 13, 2020

Sussex P & Z

RZ: C/Z 1905

We do not need a change of zone
for a mixed use building.

Not in keeping with the adjacent
properties.

Thank you.

Ch Rupert Smith

ORDINANCE NO. 600
STIPULATIONS ATTACHED AS EXHIBIT A.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A RPC RESIDENTIAL PLANNED COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 378.77 ACRES, MORE OR LESS

WHEREAS, on the 31st day of March, 1989 a zoning application, denominated C/Z #1005, was filed on behalf of Salt Pond Associates; and

WHEREAS, on the 8th day of June, 1989 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/Z #1005 be approved; and

WHEREAS, on the 27th day of June, 1989 a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

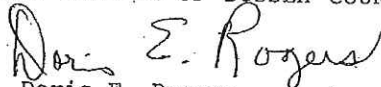
Section 1. That Ordinance No. 97, Article 3, Section 3, be amended by deleting from the Comprehensive Zoning Map of Sussex County, the zoning classification of [MR Medium Density Residential District] and adding in lieu thereof the designation of RPC Residential Planned Community District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware and lying at the southeast corner of the intersection of Route 360 and Route 357 and being more particularly described in Deed Book 1614 at page 81 in the Office of Recorder of Deeds in and for Sussex County. Said parcel containing 378.77 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.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 600 PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE 18TH DAY OF JULY, 1989.


Doris E. Rogers
CLERK OF THE COUNTY COUNCIL

The findings of facts and the recommendations of the Planning and Zoning Commission, the representations of the applicant, the Plat Plan exhibits, and the text "Salt Pond RPC" are hereby incorporated into the record and the findings of facts of the Council. By adopting this Ordinance, it has been found that the change of zone is appropriate legislative action based upon the following findings of facts:

1. The proposed land use promotes health, safety, and morale of the present and future inhabitants of Sussex County in that the proposal provides for lot sizes in excess of the minimum lot size provided by the Sussex County Comprehensive Zoning Ordinance and densities lower than those in the Ordinance; densities being approximately fifty percent (50%) of the permitted density. A proposed B-1 Neighborhood Business District will provide necessary shopping and services for the RPC, which shall help to limit traffic flow out of the RPC.
2. The proposed land use promotes the convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County in that development shall be phased over a nine (9) year period to provide for orderly construction. Council finds that appropriate stormwater techniques and buffer zone protections will be utilized. Sufficient recreational facilities are planned, but not presently specified. A low LESA score indicates that the site is not feasible for agricultural purposes. An environmental impact study was prepared by the applicant, and Council finds the study to be complete and reasonable.
3. Congestion of roads or streets shall be controlled or lessened by implementation of the proposal by the applicant's engineers, which was approved by DelDOT. Three entrances to the RPC are appropriately placed. The plan of the RPC roadways is conducive to safe traffic flows. Pedestrian and bike paths have been planned.
4. Proposed protection and security from fire, hazards and crime have been planned by the applicant, but no specific plan for the site or structures had been presented.
5. Excessive and wasteful scattering of the population in Sussex County is being avoided by providing shelter in a density which is compatible with the RPC sections of the Zoning Ordinance and with the Comprehensive Development Plan; that being less

than four (4) units per acre in areas which the Comprehensive Development Plan recommends four (4) units per acre. The applicant's proposal requests 240± less units than could be applied for under the maximum density allowance of the Ordinance. Council finds that the RPC plan is suitable and complies with the recommendations of the South Coastal Land Use Plan.

6. Private franchise will supply water unless public or municipal service is acquired.
7. Public sewer service is anticipated to be available in the area. South Coastal Wastewater Treatment Facility presently serves nearby districts.
8. Sufficient educational facilities exist in the area to support the proposed land use.
9. No opposition was expressed to the RPC at the public hearing other than comments which addressed a pending easement issue, which issue must be resolved by the landowners by negotiation or civil litigation separate from the zoning process. Council has attached Stipulations on the RPC preliminary plan pursuant to Ordinance No. 97, Article 14, which conditions are attached hereto and shall be part of the record of these proceedings.

STIPULATIONS FOR ORDINANCE NO. 600

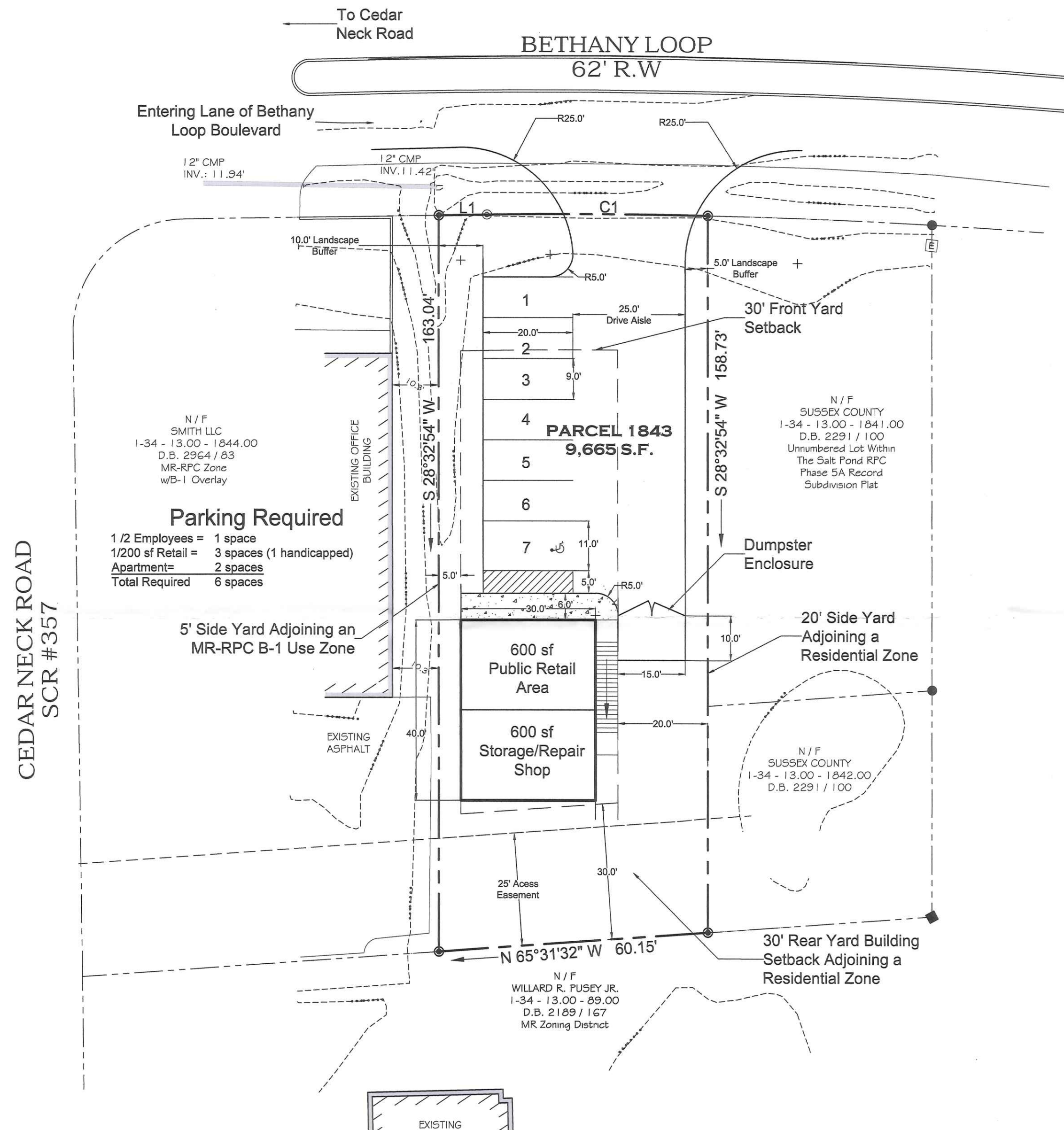
EXHIBIT A

1. Maximum number of units shall be six hundred thirty-nine (639), of which no more than twenty-five percent (25%) shall be multi-family units.
2. Units shall be constructed per a phasing plan approved by the Sussex County Council. Final site plan for each phase shall be reviewed for compliance by the Planning and Zoning Commission.
3. Wastewater shall be disposed at the South Coastal Regional Wastewater Facility per Sussex County Engineering Department specifications and agreement. Holding tanks shall not be permitted after fifty percent (50%) of the homes are completed in the first phase.
4. A central water system shall be provided for drinking water and fire protection, subject to approval by the Department of Natural Resources, Office of the State Fire Marshal, and the Public Service Commission, if necessary.
5. Stormwater management, erosion and sediment control, and disturbance of wetlands shall be controlled. A review of the site plans and construction drawings shall be performed by the Sussex County Engineering Department, Sussex Conservation District, Department of Natural Resources, and the Army Corps of Engineers.
6. Lot and buffer setbacks shall be as indicated on the preliminary plan. More protective setbacks may be incorporated by the developer.
7. The Department of Natural Resources and Environmental Control Natural Heritage Program shall be permitted to do a heritage survey for rare plants and animals.
8. The Bureau of Archaeology shall be permitted to do a survey for archaeological data on site.
9. Recreation facilities shall be constructed to coincide with the phasing schedule.
10. Business area and business use shall conform to the B-1 Neighborhood Business District zoning requirements.
11. The developer shall provide land for the housing of safety equipment for the Millville Volunteer Fire Company, as proposed by the developer at the public hearing.

LINE	BEARING	DISTANCE
L1	S 62°16'00" E	10.83'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1362.05'	49.17'	49.17'	S 61°13'57" E

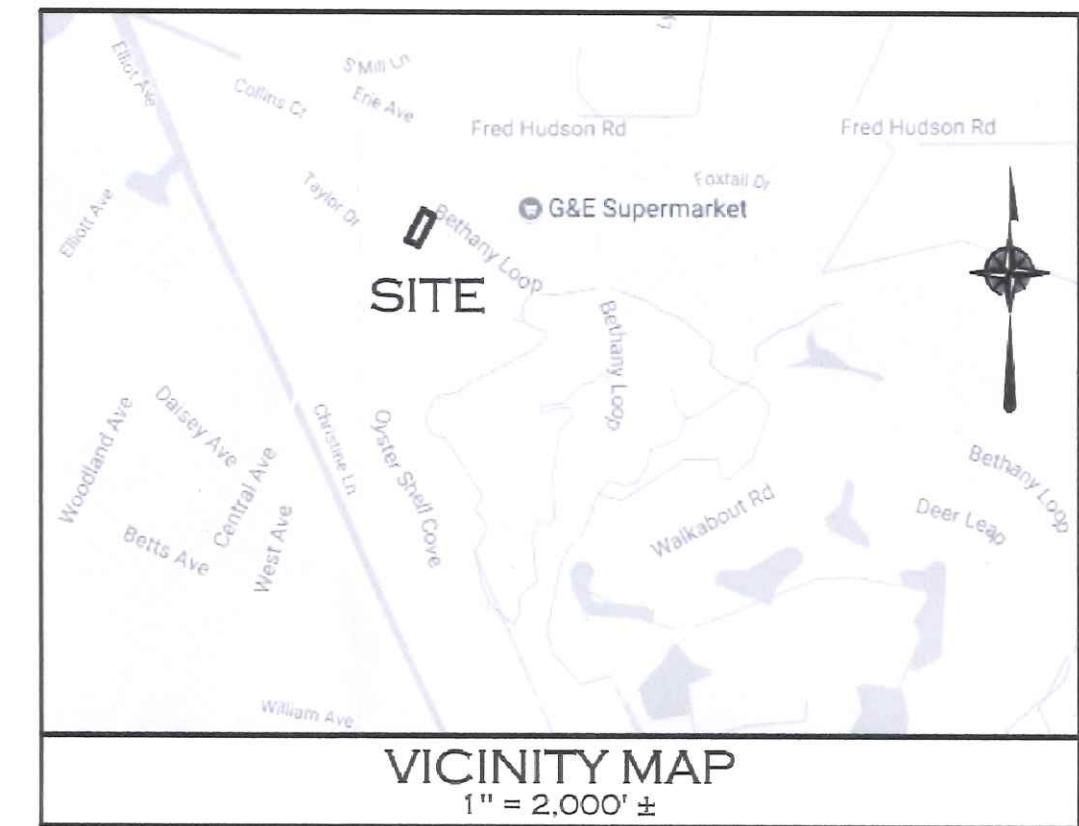
Beach Plaza at Salt Pond LLC
Salt Pond RPC B-1 Use Area



OWNER'S CERTIFICATION

We hereby certify that we are the owner 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 desire the plan to be developed as shown in accordance with all the applicable laws and regulations.

Signature [Signature] Date 9/30/19



SITE DATA

Tax Parcel: 1-34-13.00-1843.00
Existing Zoning: B-1
Proposed Zoning: Second Floor Apartment Conditional Use
Site Area: 9,665 sf
Owner/Developer: George Cole, Jr. & Charles Cole
900 North Pennsylvania Avenue
Bethany Beach, DE 19930

Height, Area & Bulk Requirements:

Front Yard: 30 feet
Side Yard: 5 feet adjoining B-1 Use and 20 ft adjoining existing residential zone
Rear Yard: 30 feet adjoining existing residential zone
Proposed Use: Second floor apartment over an approved retail shop with associated small storage area on ground floor
Sign(s): Sign(s) shall be constructed in conformance with Sussex County Code Chapter 115, Article XXI, Sections 115-159.5, 160 & 161.
Sanitary Sewer: Sussex County Regional - Bethany Beach Sanitary District
Water Service: Bethany Beach Public Water - Public water potable & fire protection supply
Site Lighting: There is no parking lot lighting proposed.

Note:
This tax parcel was included within the overall grading and drainage storm water management plan approved for the Salt Pond RPC.

Approved B-1 Uses Within the Salt Pond MR-RPC

The Salt Pond MR-RPC Record Master Plan (Plat Book 43, Page 175) total approved B-1 Use area within the RPC = 6.39 acres.

On August 22, 1996, the Planning and Zoning Commission approved B-1 Use area within the RPC to tax parcel 1-34-13.00-1844 = 0.3 acres (13,174 s.f.).

Salt Pond Plaza Final Site Plan (dated approved 9-28-2017) B-1 Use area = 5.68 acres

B-1 Use area not yet allocated within the Salt Pond MR-RPC = 0.4 acres (17,753 s.f.)

B-1 Use area requested for tax parcel 1-34-13.00-1843 = 0.2 acres (9,665 s.f.)

Approved Conditions for Salt Pond MR-RPC (Ordinance No. 600)

- Maximum number of units shall be six hundred thirty-nine (639), of which no more than twenty-five percent 25% shall be multi-family units.
- Units shall be constructed per a phasing plan approved by the Sussex County Council. Final site plan for each phase shall be reviewed for compliance by the Planning and Zoning Commission.
- Wastewater shall be disposed at the South Central Coastal Regional Wastewater Facility per Sussex County Engineering Department specifications and agreement. Holding tanks shall not be permitted after fifty percent (50%) of the homes are completed in the first phase.
- A central water system shall be provided for drinking water and fire protection, subject to approval by the Department of Natural Resources, Office of the State Fire Marshal and the Public Service Commission, if necessary.
- Stormwater management, erosion and sediment control, and disturbance of wetlands shall be controlled. A review of the site plans and construction drawings shall be performed by the Sussex County Engineering Department, Sussex Conservation District, Department of Natural Resources and the Army Corps of Engineers.
- Lot and buffer setbacks shall be as indicated on the preliminary plan. More protective setbacks may be incorporated by the developer.
- The Department of Natural Resources and Environmental Control Natural Heritage Program shall be permitted to do a heritage survey for rare plants and animals.
- The Bureau of Archaeology shall be permitted to do a survey for archaeological data on site.
- Recreation facilities shall be constructed to coincide with the phasing schedule.
- Business area and business use shall conform to the B-1 Neighborhood Business District zoning requirements.
- The developer shall provide land for the housing of safety equipment for the Millville Volunteer Fire Company, as proposed by the developer at the public hearing.



REVISIONS	DATE	BY	DESCRIPTION
2/5/18		PW	Add notes, enlarge scale & place on larger sheet
3/7/18		JAC	Planning & Zoning comments of 2-15-18
9/30/19			Plan Title

DRAWN BY:	PW
CHECK BY:	JAC
FILE NAME:	Salt Pond Survey
T.M. No.:	1-34-13-1843.00
DATE:	5/7/19
SCALE:	1" = 20'

PROJECT No.	1 of 1
SHEET No.	



PRELIMINARY
SITE PLAN
TOWN OF BETHANY BEACH
SUSSEX COUNTY, DELAWARE
Salt Pond RPC
Proposed Amendment



Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, Acting Director, Department of Planning & Zoning; Lauren DeVore, Planner III; Jenny Norwood, Planner I, and Christin Headley, Planner I

CC: Vince Robertson, Assistant County Attorney

Date: February 20, 2020

RE: Other Business for February 27, 2020 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the February 27, 2020 Planning Commission meeting.

Dolle's Candyland (S-20-03)

KS

Preliminary Site Plan

This is a Preliminary Site Plan for a proposed 5,125 square foot building for the retail, production and storage of goods (candy). The site shall include 12 proposed parking spaces and associated site improvements on a 1-acre parcel of land accessed from Coastal Highway (Route 1). Additionally, the site lies within the Combined Highway Corridor Overlay Zoning District (CHCOZ). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 235-16.00-16.00. Zoning: C-1 (General Commercial Zoning District). Staff are awaiting agency approvals.

MFC Murphy LLC (S-18-92)

HW

Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for a proposed 1,550 square foot office addition and two (2) proposed storage buildings measuring 7,200 square foot each and other associated site improvements on a 2.279-acre parcel of land accessed from Zion Church Rd. The Applicant is requesting approval for relief from the inter-connectivity requirement for commercial uses. The Revised Preliminary Site Plan otherwise complies with the Sussex County Zoning Code. Tax Parcel: 533-11.00-76.02. Zoning District: B-1 (Neighborhood Business Zoning District). Staff is awaiting agency approvals.

The Woodlands Revised Amenity Plan (2005-49)

HW

Revised Amenities Plan

This is a Revised Amenities Plan for the construction of a proposed 2,702 square foot clubhouse and associated site improvements. The Planning Commission approved a Final Amenities Plan on June 27, 2019 for two (2) swimming pools and a bath house. The applicant is seeking a provision to allow for parking the front yard setback, there will be two (2) parking spaces in the front yard setback with the remaining proposed parking spaces beyond the front yard setback. If the request is granted, the Revised Amenities Plan otherwise complies with the Sussex County Zoning Code. Tax Parcel: 134-19.00-30.02. Zoning District: MR (Medium Residential Zoning District). Staff is awaiting agency approvals.

Cross Key Village Subdivision

RW

Preliminary Minor Subdivision



This is a Preliminary Plan for a minor subdivision for the subdivision of three (3) lots, 3) lots, proposed Parcel A will measure 7.74-acres +/-, Parcel B will measure 8.20-acres +/-, and Parcel C will measure 6.00-acres +/-, the Proposed Outlot A will measure 0.34-acres +/-, and the residual lands will measure 9.84-acres +/- off a 50-ft easement over an existing driveway located off of Phillips Hill Rd. The Preliminary Subdivision Plan complies with the Sussex County Subdivision Code. Tax Parcel: 133-19.00-31.00. Zoning District: AR-1 (Agricultural Residential Zoning District). Staff is awaiting agency approvals.

2019-2 - Old Mill Landing South

HW

Request to Revise Conditions of Approval

This is a request to revise the wording of conditions of approval for the 156-lot cluster/coastal area subdivision to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County. The property is lying on the southeast corner of Old Mill Bridge Rd. and Miller Neck Rd. At its meeting on February 13, 2020 the Planning and Zoning Commission granted Preliminary Subdivision Plan approval subject to Conditions "I" and "B". Condition "I" states that "*As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets.*" The Applicant has submitted a request to modify Condition "I" by deleting the words "both sides" and substituting "one side". Condition "B" states that "*In consideration of the mature woodlands and the sensitive environment of this site and adjacent and surrounding lands, the areas identified as Lots 77 through 85 on the proposed plan shall remain undisturbed.*" The Applicant is requesting to delete Condition "B". Tax Parcel: 134-21.00-6.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

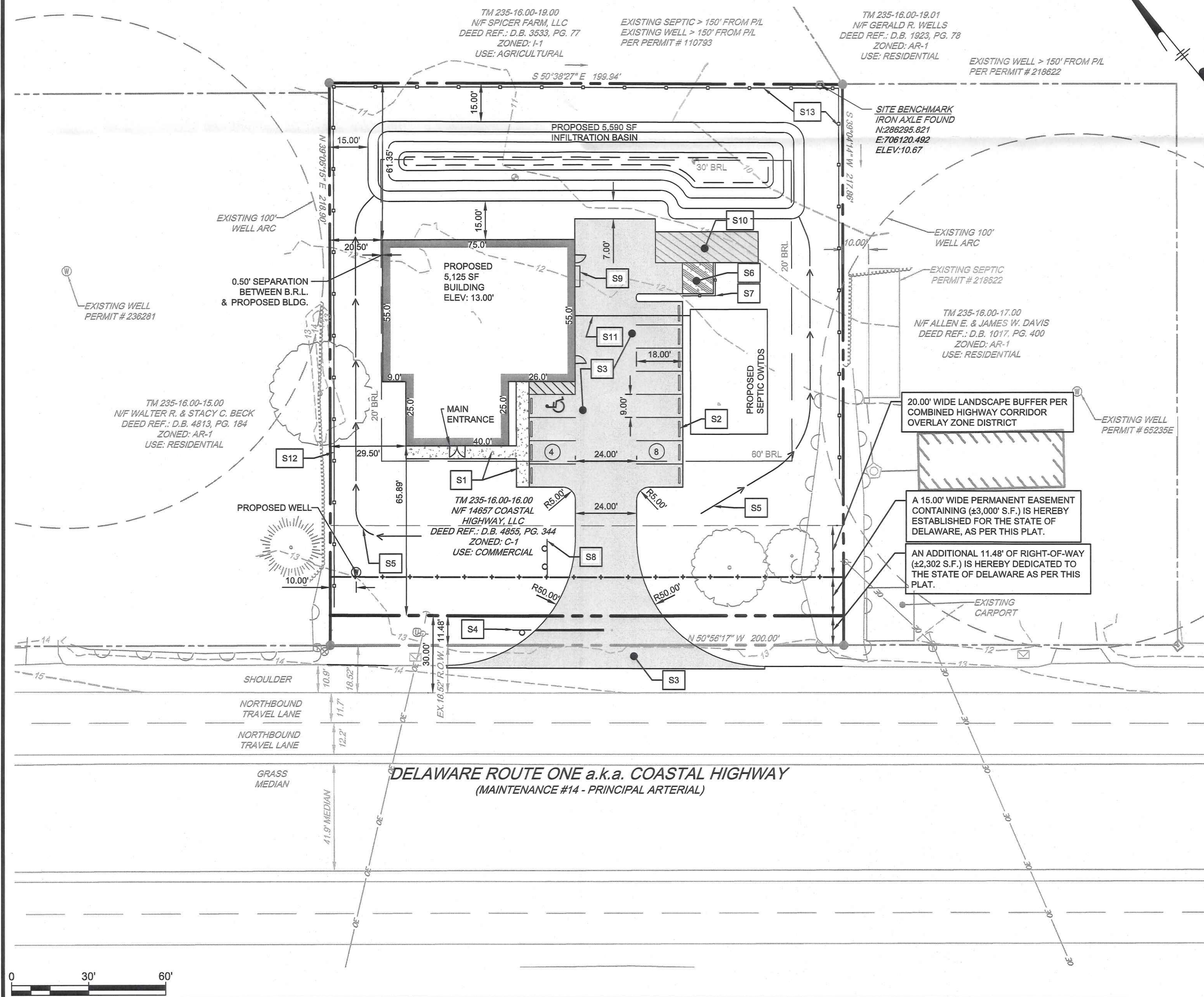
2019-13 - Old Mill Landing North

HW

This is a request to revise the wording of conditions of approval for the 71 single family lot cluster subdivision to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County. The property is lying on the southeast corner of Old Mill Bridge Rd. and Miller Neck Rd. At its meeting on February 13, 2020 the Planning and Zoning Commission granted Preliminary Subdivision Plan approval subject to Condition "G". Condition "G" states "*As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets.*" The Applicant has submitted a request to modify Condition "G" to delete the words "both sides" and substituting "one side". Tax Parcel: 134-21.00-6.00 (portion of). Zoning District. AR-1 (Agricultural Residential District).

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		BUILDING
		FULL DEPTH PAVEMENT
		CURB
		EDGE OF PAVEMENT
		EDGE OF GRAVEL
		EASEMENT
		FENCE
		POWER, UTILITY POLE
		PROPERTY, LINE
		LEGAL RIGHT-OF-WAY
		PROPERTY, CORNER FOUND
		PROPERTY, ADJOINING LINED
		SITE, MAIL BOX
		SITE, TRAFFIC SIGN
		SOIL BOUNDARY
		SOIL LABEL
		STORM SEWER, INLET
		STORM SEWER, HEADWALL
		STORM SEWER, MANHOLE
		STORM SEWER, UNDERGROUND
		MINOR CONTOUR
		MAJOR CONTOUR
		SPOT ELEVATION
		BUILDING RESTRICTION LINE
		SWALE/DITCH
		WATER, UNDERGROUND
		TREE LINE
		VEGETATION BRUSH LINE
		FENCE
		LANDSCAPE BUFFER
		SIDEWALK
		HEAVY DUTY CONCRETE (DUMPSTER PAD)



FIRE MARSHAL SITE DATA:

- SITE NAME/ADDRESS: DOLLE'S PRODUCTION FACILITY
14657 COASTAL HIGHWAY
MILTON, DE 19968
BROADKILL HUNDRED
SUSSEX COUNTY, DELAWARE
- OWNER INFORMATION:
CURRENT OWNER: DOLLES CANDYLAND, INC.
14657 COASTAL HIGHWAY, LLC
REHOBOTH BEACH, DE 19971
DEVELOPER INFORMATION: THOMAS I IBACH
DOLLES CANDYLAND, INC.
1 REHOBOTH AVENUE
REHOBOTH BEACH, DE 19971
BROADKILL HUNDRED
SUSSEX COUNTY, DELAWARE
PHONE: (302) 227-0757
- WATER SUPPLIER: PRIVATE WELL
- MAXIMUM BUILDING HEIGHT: 42'
- AUTOMATIC SPRINKLERS: NO
- FIRE DISTRICT: MILTON VOLUNTEER FIRE CO. (85)

NOTES:

- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.
- ALL ACCESS TO DWELLINGS SHALL BE CLEARED A MINIMUM OF 15' WIDE.

BUILDING USE AND CONSTRUCTION

BUILDING	USE	CONSTRUCTION TYPE	SF	SPRINKLER
PR. BLDG	RETAIL/PRODUCTION FACILITY	1-STORY TYPE METAL STUDS/CONCRETE	5,125	NO

KEYED NOTES

- PROPOSED 5' WIDE CONCRETE SIDEWALK, TYPICAL
- PROPOSED CURB STOP (TYP.), (SEE DETAIL 8/CS6001)
- FULL DEPTH LIGHT DUTY ASPHALT PAVING, (SEE DETAIL 6/CS8001)
- PROPOSED "STOP SIGN" AND "STOP BAR"
- PROPOSED SWALE(S)
- PROPOSED HEAVY DUTY CONCRETE (SEE DETAIL 9/CS6001)
- PROPOSED CONCRETE DUMPSTER PAD TO BE ENCLOSED BY 6' HIGH VINYL PRIVACY FENCE (OWNER TO DECIDE FENCING COVER AND STYLE)
- PROPOSED BUSINESS SIGN
- PROPOSED OVERHEAD DOOR
- PROPOSED 40' X 12' LOADING ZONE
- PROPOSED SEPTIC CONNECTION
- PROPOSED 8' HIGH VINYL PRIVACY FENCE (203 LF). (OWNER TO DECIDE FENCING COLOR AND STYLE)
- PROPOSED 6' HIGH VINYL PRIVACY FENCE (350 LF). (OWNER TO DECIDE FENCING COLOR AND STYLE)
- STATE INVESTMENT AREA: COMPREHENSIVE PLAN AREA: SCHOOL DISTRICT: FIRE DISTRICT: SUSSEX COUNTY: LEVEL 4 COMMERCIAL AREA CAPE HENLOPEN MILTON (STATION 85) COMBINED HIGHWAY CORRIDOR OVERLAY ZONE DISTRICT. (CHCOZ) DISTRICT.
- LATITUDE AND LONGITUDE STATE PLANE COORDINATES: LONGITUDE: W75°14'34" LATITUDE: N38°47'9.02"
- WETLAND AREA: 0.00 ACRES
- LIMIT OF DISTURBANCE: 0.99± ACRES
- PROPOSED DISCHARGE LOCATION: SURFACE INFILTRATION BASIN BROADKILL RIVER WATERSHED
- SITE AREA AND ACREAGE: 43,669 SF/ 1.00± ACRES
NET DEVELOPMENT AREA/GROSS ACRES:
BUILDING: EX: 1,977 SF 0.05 (5%) PR: 5,125 SF 0.12 (12%)
PARKING AND IMPERVIOUS: EX: 5,617 SF 0.13 (13%) PR: 11,749 SF 0.27 (27%)
WOODED AREA: EX: 18,862 SF 0.43 (43%) PR: 0 SF (0%)
OPEN SPACE: EX: 17,213 SF 0.39 (39%) PR: 28,616 SF 0.61 (61%)
TOTAL: EX: 43,669 SF 1.00 (100%) PR: 43,669 SF 1.00 (100%)
- DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD88
- LOCAL GOVERNMENT RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY

ENGINEER CERTIFICATION:

IT IS HEREBY CERTIFIED 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 COMPLIES WITH APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. THE DESIGN REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SIGNATURE DATE

ALAN DECKTOR, PE (DE PE#17771)
PENNONI ASSOCIATES, INC
18072 DAVIDSON DRIVE
MILTON, DE 19968
OFFICE (302) 684-8030 - FAX (302) 684-8054

OWNER CERTIFICATION:

IT IS HEREBY CERTIFIED THAT I AM THE OWNER/DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE DATE

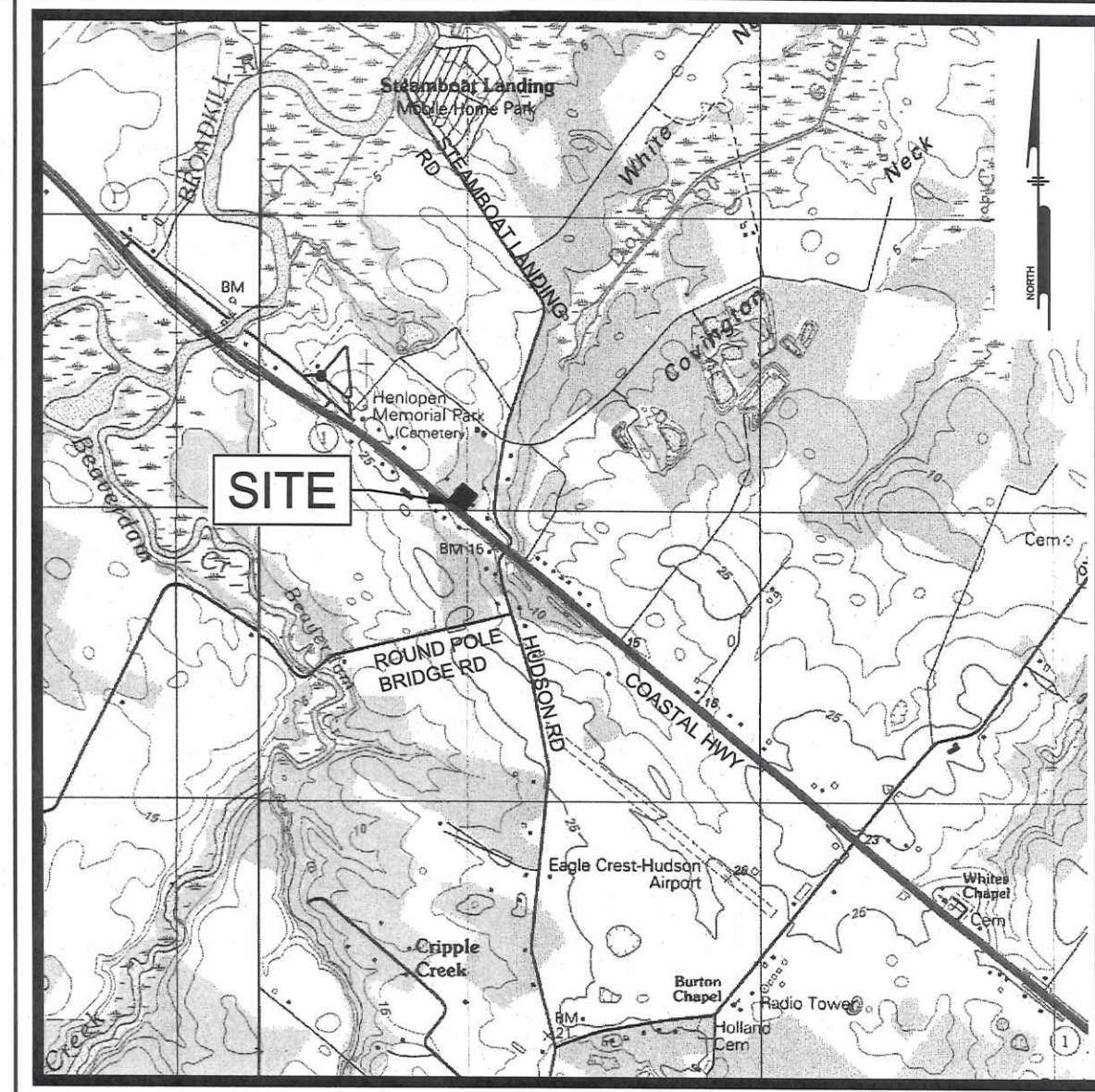
THOMAS I IBACH
14657 COASTAL HIGHWAY, LLC
1 REHOBOTH AVENUE
REHOBOTH BEACH, 19971
(302) 227-0757

DEVELOPER CERTIFICATION:

IT IS HEREBY CERTIFIED THAT I AM THE OWNER/DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT. IT IS MY DESIRE TO HAVE THE PLAN RECORDED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

SIGNATURE DATE

THOMAS I IBACH
DOLLES CANDYLAND, INC.
1 REHOBOTH AVENUE
REHOBOTH BEACH, 19971
(302) 227-0757



USGS LOCATION MAP

Scale: 1" = 2000'

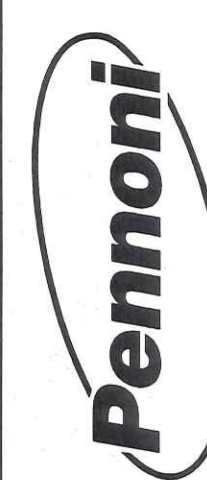
SITE DATA TABLE:

- TAX MAP NUMBER: 235-16.00-16.00
DEED BOOK: D 4855, PG 344
- OWNER/DEVELOPER: DOLLES CANDYLAND, INC.
14657 COASTAL HIGHWAY, LLC
1 REHOBOTH AVENUE
REHOBOTH BEACH, DE 19971
- ADDRESS LOCATION: 14657 COASTAL HIGHWAY
MILTON, DE 19968
HUNDRED: BROADKILL
COUNTY: SUSSEX
- CURRENT ZONING: C-1
- PRESENT USE: VEHICLE REPAIR/RETAIL
PROPOSED USE: PRODUCTION FACILITY = 4,125 SF
WAREHOUSE RETAIL = 1,000 SF
- REQUIRED SETBACKS (B.R.L.):
FRONT: (PER 115-82 B) 60 FT
SIDE: (A 20' SIDE YARD SETBACK IS REQUIRED WHEN ADJACENT TO RESIDENTIAL ZONING DISTRICTS) 5 FT
REAR: (A 30' REAR YARD SETBACK IS REQUIRED WHEN ADJACENT TO RESIDENTIAL ZONING DISTRICTS) 5 FT
- BUILDING HEIGHT: (PER 115-82 C) 42' ALLOWED
- REQUIRED LOT SIZE (MIN.):
DEPTH: 100 FT (PER 115-82A)
WIDTH: 75 FT
AREA: 10,000 FT (PER 115-82A)
- PARKING (ARTICLE XXII: OFF-STREET PARKING, CODE SECTION 115-162)
RETAIL: (1 SPACE PER 200 SF AND 1 SPACE PER 2 EMPLOYEES)
1,000 SF/200 = 5 SPACES, 1 SPACE FOR EMPLOYEES = 6 SPACES
WHOLESALE/MANUFACTURING: (1 SPACE FOR EVERY 2 EMPLOYEES)
12 EMPLOYEES = 6 SPACES
TOTAL REQUIRED SPACES: 12 SPACES
PROVIDED SPACES: 12 SPACES
HANDICAP SPACES: 1 SPACE INCLUDED
- LOADING SPACE REQUIRED: 1 SPACE
LOADING SPACE PROVIDED: 1 SPACE
- UTILITY SERVICES:
SANITARY SEWER SUPPLIER: PROPOSED PRIVATE SEPTIC
WATER SUPPLIER: PROPOSED PRIVATE ON-SITE WELL
WATER IS SUBJECT TO THE APPROVAL OF THE DELAWARE STATE DEPARTMENTS OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND THE DELAWARE DIVISION OF PUBLIC HEALTH.
A. SUBJECT PROPERTY IS WITHIN AN AREA OF "GOOD" GROUNDWATER RECHARGE.
B. SUBJECT PROPERTY IS NOT LOCATED IN A WELLHEAD PROTECTION AREA.
- STATE INVESTMENT AREA: LEVEL 4
COMPREHENSIVE PLAN AREA: COMMERCIAL AREA
SCHOOL DISTRICT: CAPE HENLOPEN
FIRE DISTRICT: MILTON (STATION 85)
SUSSEX COUNTY: COMBINED HIGHWAY CORRIDOR OVERLAY ZONE DISTRICT. (CHCOZ) DISTRICT.
- LATITUDE AND LONGITUDE STATE PLANE COORDINATES: LONGITUDE: W75°14'34" LATITUDE: N38°47'9.02"
- WETLAND AREA: 0.00 ACRES
- LIMIT OF DISTURBANCE: 0.99± ACRES
- PROPOSED DISCHARGE LOCATION: SURFACE INFILTRATION BASIN BROADKILL RIVER WATERSHED
- SITE AREA AND ACREAGE: 43,669 SF/ 1.00± ACRES
NET DEVELOPMENT AREA/GROSS ACRES:
BUILDING: EX: 1,977 SF 0.05 (5%) PR: 5,125 SF 0.12 (12%)
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- DATUM: HORIZONTAL = NAD83, VERTICAL = NAVD88
- LOCAL GOVERNMENT RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY

DOLLE'S PRODUCTION FACILITY

SUSSEX COUNTY, TAX MAP: 235-16.00-16.00
BROADKILL HUNDRED, SUSSEX COUNTY - MILTON

PRELIMINARY RECORD PLAN

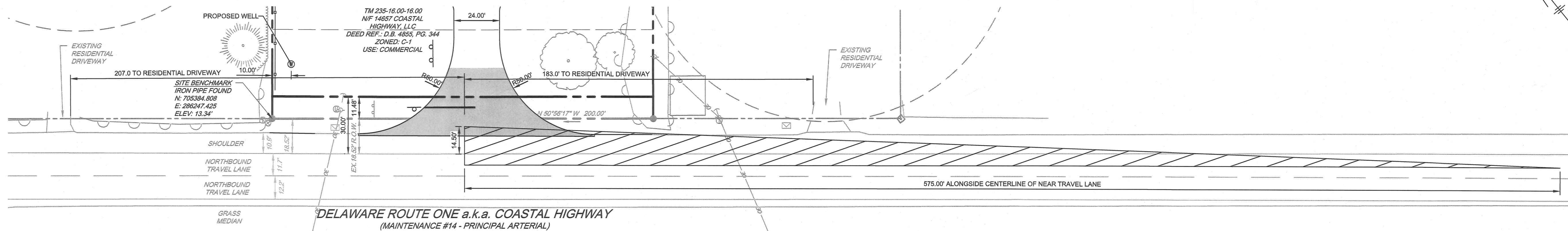
DOLLES CANDYLAND, INC.
1 REHOBOTH AVENUE
REHOBOTH BEACH, 19971ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORKPENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19968
T 302.684.8030 F 302.684.8054ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES
ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE
PROJECT. THEY ARE NOT INTENDED OR REPRESENTED
TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON
THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER
PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION
OR ADAPTATION BY PENNONI ASSOCIATES FOR THE
SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS
SOLE RISK AND WITHOUT LIABILITY OR LEGAL
EXPOSURE TO PENNONI ASSOCIATES, AND OWNER
SHALL INDEMNIFY AND HOLD HARMLESS PENNONI
ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND
EXPENSES ARISING OUT OF OR RESULTING THEREFROM.PROJECT: ETDGX19001
DATE: 2020-02-10
DRAWING SCALE: 1"= 30'
DRAWN BY: SJD
APPROVED BY: AMD

RP1001

SHEET 1 OF 2

1. ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE UNLESS PREVIOUSLY OBTAINED BY OWNER.
2. THE CONTRACTOR SHALL IMMEDIATELY INFORM THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THEY DISCOVER IN THE PLAN.
3. DEVIATION FROM THESE PLANS AND NOTES WITHOUT THE PRIOR CONSENT OF THE OWNER OR HIS REPRESENTATIVE OR THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE REJECTED.
4. ALL MATERIALS SHALL BE NEW AND SHALL BE ASBESTOS AND VERMICULITE FREE.
5. THE SUSSEX CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, OR MODIFY ANY EROSION AND SEDIMENT CONTROL MEASURES AS THEY DEEM NECESSARY.
6. ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOP-SOILED (6" MINIMUM) FERTILIZED AND SEED.
7. THE ENTRANCES/EXITS ARE PROPOSED ONLY, AND ARE SUBJECT TO REVIEW AND APPROVAL BY THE DELAWARE DEPARTMENT OF TRANSPORTATION BEFORE A CONSTRUCTION PERMIT IS ISSUED.
8. DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK TO BE PERFORMED. IT MUST BE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970, AS AMENDED AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
9. PRIOR TO CONSTRUCTION, CONTRACTOR TO FIELD LOCATE AND RECORD AND DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REMOVED OR REPLACED, ENGINEER TO VERIFY LOCATION AND EXTENT OF DAMAGE.
10. DAMAGE TO EXISTING PAVING, SIDEWALK, CURB OR STRUCTURES NOT TO BE REPLACED OR REMOVED DURING CONSTRUCTION SHALL BE IMMEDIATELY REPORTED TO ENGINEER, CONTRACTOR SHALL REPAIR OR REPLACE ALL DAMAGED WORK WITHOUT CHARGE TO THE OWNER.
11. BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) NUMBER 100060186K, EFFECTIVE DATE MARCH 16, 2015, THE ENTIRE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS FLOOD ZONE "X" (UNSHADED), WHICH IS AN AREA THAT HAS BEEN DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN.
12. SUBJECT PROPERTY IS CURRENTLY ZONED C-1 COMMERCIAL.
13. THE SUBJECT SITE WILL BE CONSTRUCTED AS ONE PHASE.
14. TOTAL AREA FOR SUBJECT SITE IS 1.00 ACRES.
15. SURVEY DATUM: HORIZONTAL - NAD83, VERTICAL - NAVD83.
16. BUILDING LIGHTING IS TO BE PROVIDED WITH BUILDING PLANS. NO PARKING LOT LIGHTS ARE PROPOSED.
17. ALL SITE LIGHTING SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
18. NO WETLANDS ARE FOUND TO BE ON SITE PER THE DNREC NAVMAP ONLINE MAPPING SYSTEM.
19. STORMWATER WILL BE HANDLED BY THE PROPOSED SURFACE STORMWATER SYSTEM. THE MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITY WITHIN THE SITE SHALL BE THE RESPONSIBILITY OF THE OWNER.
20. ALL FIRE LANCES, EXITS, STANDPIPE AND SPRINKLER CONNECTIONS WILL BE MARKED IN ACCORDANCE WITH STATE FIRE PREVENTION REGULATIONS. EXISTING BUILDING CONSTRUCTION IS STEEL, CONCRETE, AND WOOD, ONE STORY AND WILL NOT HAVE SPRINKLERS.
21. FIRE ALARM REQUIRED - THE FIRE ALARM SIGNALING SYSTEM SHALL BE AUTOMATIC, SUPERVISED OFF-SITE AND SHALL CONSIST OF FULL COVERAGE BY SMOKE DETECTION AND ALARM NOTIFICATION, WHERE SMOKE DETECTION DEVICES WILL NOT FUNCTION BY REASON OF DEVICE LIMITATION, HEAT DETECTION SHALL BE PROVIDED IN THOSE SPECIFIC LOCATIONS FIRE ALARM SIGNALING SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED FOR REVIEW.
22. MISS UTILITY SHALL BE NOTIFIED THREE (3) DAYS PRIOR TO EXCAVATION.
23. SANITARY SEWER FOR THIS SITE WILL USE A PROPOSED SEPTIC.
24. WATER FOR THIS SITE WILL BE PROVIDED BY A PROPOSED ON-SITE WELL.
25. PER CHAPTER 115, ZONING ARTICLE XXVII, THE TOPOGRAPHIC CONTOURS AT ONE-FOOT INTERVALS WILL BE ADDED TO THE GRADING AND UTILITY PORTION OF THE PLANS. THE PROPOSED SITE WILL BE A RELATIVELY FLAT WITH SURFACE RUNOFF TO THE EXISTING POND.
26. THE HEIGHT, LOCATION, AND MATERIAL OF ALL FENCES, WALLS, SCREEN PLANTING AND LANDSCAPING WILL BE SHOWN ON THE FINAL SITE PLAN.
27. ANY PROPOSED SIGN DETAILS WILL BE SUBMITTED SEPARATELY.

1. ALL ENTRIES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATIONS (DELDOTS) CURRENT DEVELOPMENT COORDINATION MANUAL (CDM) AND SHALL BE SUBJECT TO ITS APPROVAL.
2. ALL EASEMENTS SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE EASEMENTS ARE COMPLIANT WITH SECTION 3.2 OF THE DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE RIGHT-OF-WAY OR U.S. PROPERTY OR AN ADJACENT SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN, IF THE ESTABLISHED ADJACENT SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ON AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHALL BE SUBMITTED AND APPROVED WITH ALL ADJACENT PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
4. DRIVEWAYS WILL NOT BE PERMITTED TO CROSS AT OR BELOW THE CATCH BASIN.
5. TO MINIMIZE RUTS AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
6. THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOTS DEVELOPMENT COORDINATION MANUAL.
7. 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 PLACED AT EACH CORNER OF THE RIGHT-OF-WAY AND PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.



SCALE: 1" = 30'



U:\Accounts\ETD\GX\ETD\GX19001 - DOLLES Production Facility\DESIGN_SHEETS\RP1002.dwg PLOTTED: 2/7/2020 3:59 PM, BY: Shawn J. Davis PLOTSTYLE: Pennoni NCS.sbt PROJECT STATUS: ---

PROJECT STATUS: ---
PLOTTED: 2/7/2020 3:59 PM, BY: Shawn J. Davis PLOTSTYLE: Pennoni NCS.slb

J:\Accounts\ETDGI\ETDGI19001 - DOLLE'S Production Facility\DESIGN\SHEETS\RP-1002.dwg

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

DOLLE'S PRODUCTION FACILITY

SUSSEX COUNTY, TAX MAP: 235-16.00-16.00
BROADKILL HUNDRED, SUSSEX COUNTY - MILTON

PRELIMINARY RECORD PLAN NOTES AND DETAILS

DOLLES CANDYLAND, INC.
1 REHOBOTH AVENUE

[illegible]

ALL DOCUMENTS PREPARED BY PENNONTI 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 OR TO THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONTI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXTENSION TO PENNONTI ASSOCIATES. OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONTI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

PROJECT ETDGX19001

DATE 2020-02-10

DRAWING SCALE 1"=

DRAWN BY FML

APPROVED BY _____ FML

RP1002

SHEET 2 OF 2



PLITKO, LLC

CIVIL ENGINEERING
32133 OMAR ROAD
FRANKFORD, DE 19945
PH: 302.222.2075

February 17, 2020

Sussex County Planning & Zoning
2 The Circle
PO Box 589
Georgetown, DE 19947

REF: **MFC MURPHY,LLC (S-18-92)**
TAX PARCEL: 533-11.00-76.02
Comment Response to Staff Review Letter dated February 3, 2020

Ms. Norwood,

In response to your review letter dated February 3, 2020, the plans have been revised as described below.

1. The warehouses have been revised to Accessory Storage Buildings with a reference to Zoning code 115-70A in the Plan Data notes.
2. The zoning has been updated to B-1.
3. The square footage of the existing office building has been noted.
4. There is adequate space for the loading zones and they have direct access to the proposed drive aisle.
5. A dumpster has been shown on the Site Plan.
6. The hours of operation of this site are from 7:30am to 4:30pm and therefore no lighting is proposed for nighttime operations.
7. The fence details have been shown on the Site Plan.
8. The applicant seeks relief for the interconnectivity requirement per Zoning Code 115-221 B(18) to Tax Parcel 533-11.00-76.01. The existing business and subsequent proposed use of the site will be enclosed with fencing and a gate which will be locked after hours. With the addition of the fencing needed for the security of the current business and the proposed office addition, there currently will be inadequate land available to provide an interconnection to the requested adjacent parcel. Also, the proposed western portion of the site, along Zion Church Road, that is not enclosed with fencing will be restricted to an interconnection to the requested parcel due to an existing septic mound that will remain in use.
9. Comment noted and we are moving forward with the required agency approvals.

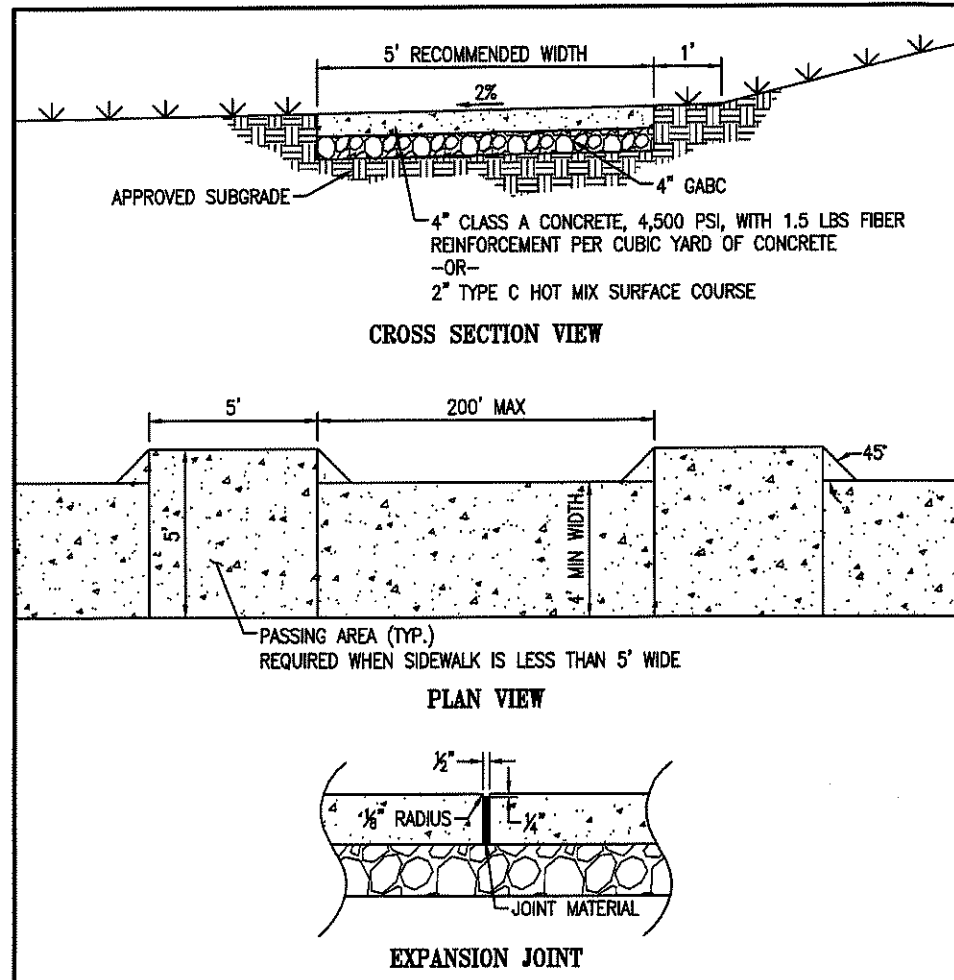
Sincerely,

Rob Plitko, Jr., P.E.

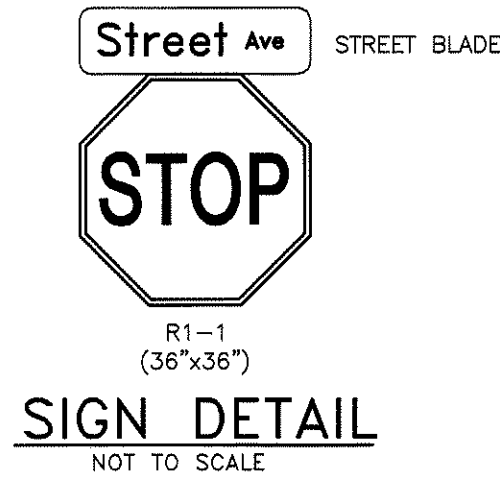
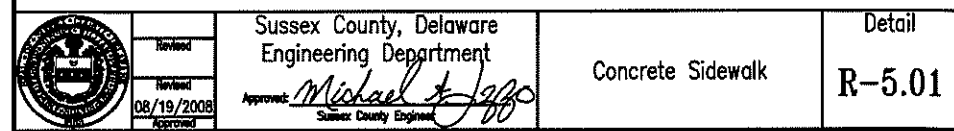
PLITKO, LLC

ph 302-222-2075

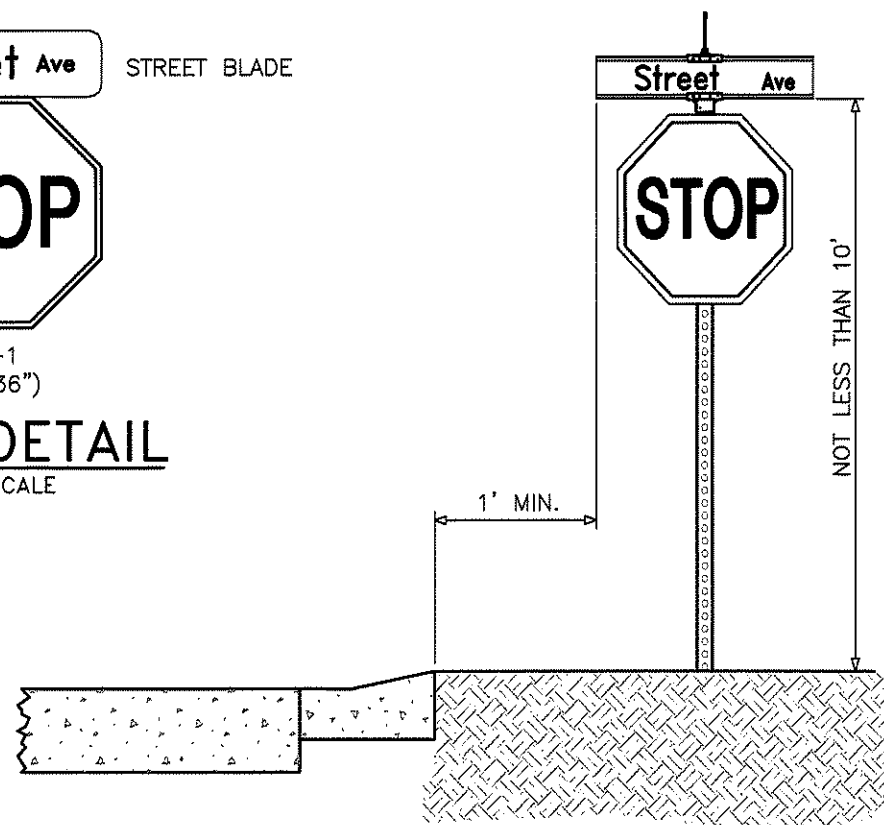
rplitko@hotmail.com



- NOTES:
1. CONCRETE SIDEWALKS SHALL BE CONTINUOUS AND SHALL NOT BREAK OR STOP AT DRIVEWAY CROSSINGS.
 2. CONCRETE SIDEWALKS SHALL BE MARKED INTO RECTANGULAR SLABS 5' LONG BY SCORING WITH APPROVED EDGING TOOLS.
 3. EXPANSION JOINTS SHALL BE PLACED ACROSS CONCRETE SIDEWALKS NOT MORE THAN 20' APART.
 4. WHEN A 5' WIDE SIDEWALK IS NOT POSSIBLE DUE TO SITE CONSTRAINTS, A 4' WIDE SIDEWALK MAY BE USED WITH 5'x5' PASSING AREAS SPACED AT 200' OR CLOSER INTERVALS. REFER TO THE LATEST ADA AND ADA ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES.

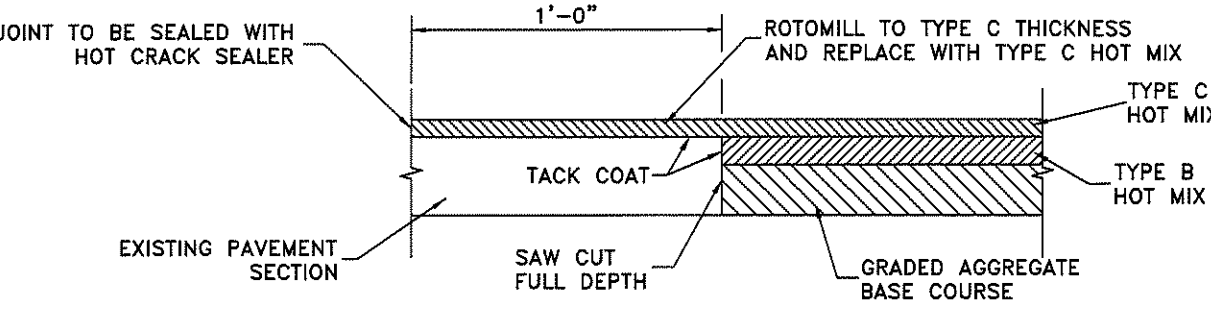


SIGN DETAIL
NOT TO SCALE

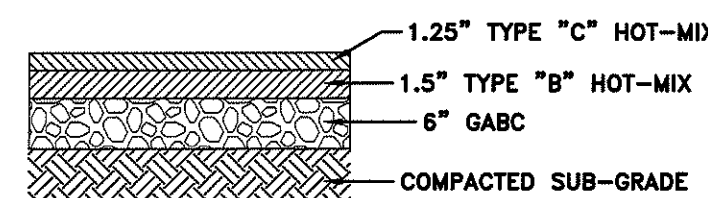


NOTE: ANY CHANGES TO STOP SIGN MUST BE APPROVED BY PUBLIC WORKS DEPARTMENT

TYPICAL SIGN INSTALLATION
NOT TO SCALE



PAVEMENT TIE-IN DETAIL
NOT TO SCALE



PARKING LOT PAVEMENT SECTION
NOT TO SCALE

ARTESIAN WATER COMPANY NOTES:

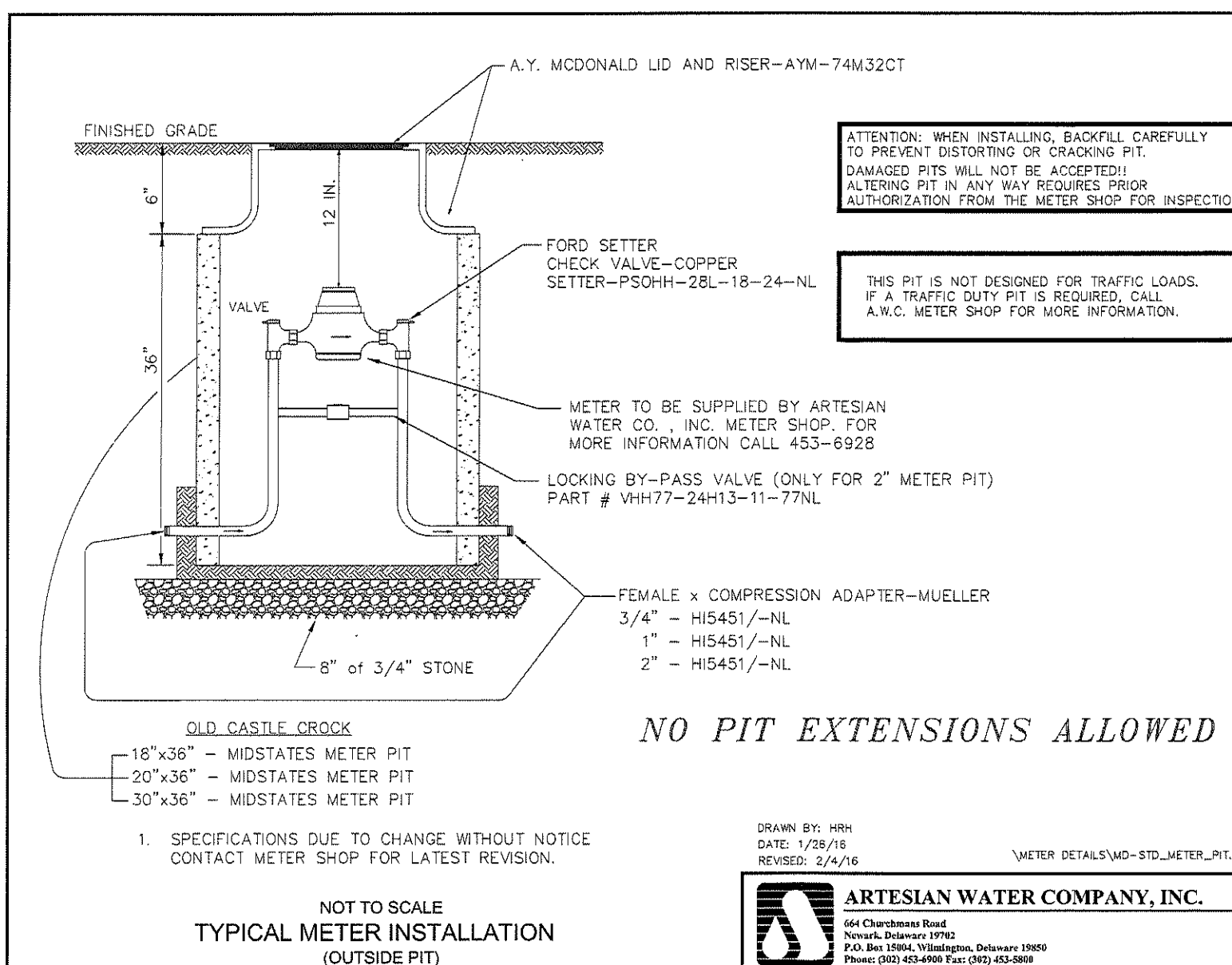
- ALL MATERIAL AND INSTALLATION SHALL CONFORM TO ARTESIAN WATER COMPANY, INC. SPECIFICATIONS AND 10 STATES STANDARDS.
- DEPTH OF THE PROPOSED WATER MAIN SHALL BE A MINIMUM OF 42" FROM FINISHED GRADE TO TOP OF PIPE, INCLUDING SERVICES.
- DEPTH OF THE PROPOSED WATER MAIN MAY VARY DUE TO EXISTING FACILITIES.
- A MINIMUM OF 18" VERTICAL CLEARANCE BETWEEN ALL UTILITIES IS TO BE MAINTAINED.
- ALL ROADWAY PATCH SHALL BE TO STATE SPEC.
- ALL CONCRETE CURB SHALL NOT BE DISTURBED UNLESS IT IS UNAVOIDABLE.
- ALL CONCRETE SIDEWALK PATCHES SHALL BE 4" THICK WITH 4" OF CRUSHER RUN.
- THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTACT THE STATE INSPECTOR FOR STATE RELEASED CONCRETE, HOT MIX AND ETC.
- SET ALL CURB BOXES ON THE R.O.W. LINE.
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH BEST AVAILABLE INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY AND ALLOW FOR THEIR LOCATION.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEM DUE TO HIS NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT HIS EXPENSE.
- EXACT LOCATIONS OF FIRE HYDRANTS ARE TO BE DETERMINED BY THE ARTESIAN WATER INSPECTOR IN THE FIELD.
- INSTALL WATER MAINS 2' FROM BACK OF CURB.
- METER PITS SHALL BE INSTALLED INSIDE GRASS AREAS OUTSIDE OF PAVING AND CURBING.
- FIRE HYDRANTS, WATER VALVES, TEES, CROSSES, REDUCERS, WATER METERS AND BLOW-OFF SYMBOLS ON THE SITE PLAN ARE FOR GENERAL LOCATIONS. FOR PROPER LOCATION OF INSTALLATION OF THE ABOVE ITEMS, REFER TO DETAIL SHEET 03.

GENERAL NOTES:

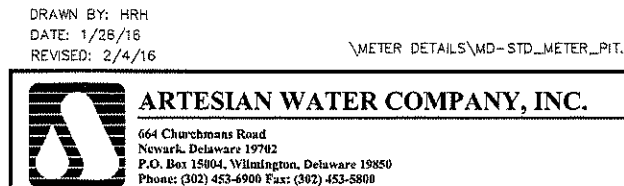
1. CONTRACTOR TO INSTALL TRACER WIRE ON SERVICE LINE FOR THE POOL HOUSE.
2. THE DESIGNATED HOMEOWNERS ASSOCIATION ASSUMES RESPONSIBILITY FOR THE AMENITIES AT THE WOODLANDS.
3. RECREATIONAL AMENITIES TO SERVE THE RESIDENTS OF THE THE WOODLANDS SUBDIVISION.
4. HANDICAP CURB RAMPS SHALL CONFORM TO ADA STANDARDS AND SPECIFICATIONS.
5. POOL BACKWASH WILL NOT BE ACCEPTED INTO THE SANITARY SEWER SYSTEM.

FIRE PROTECTION NOTES

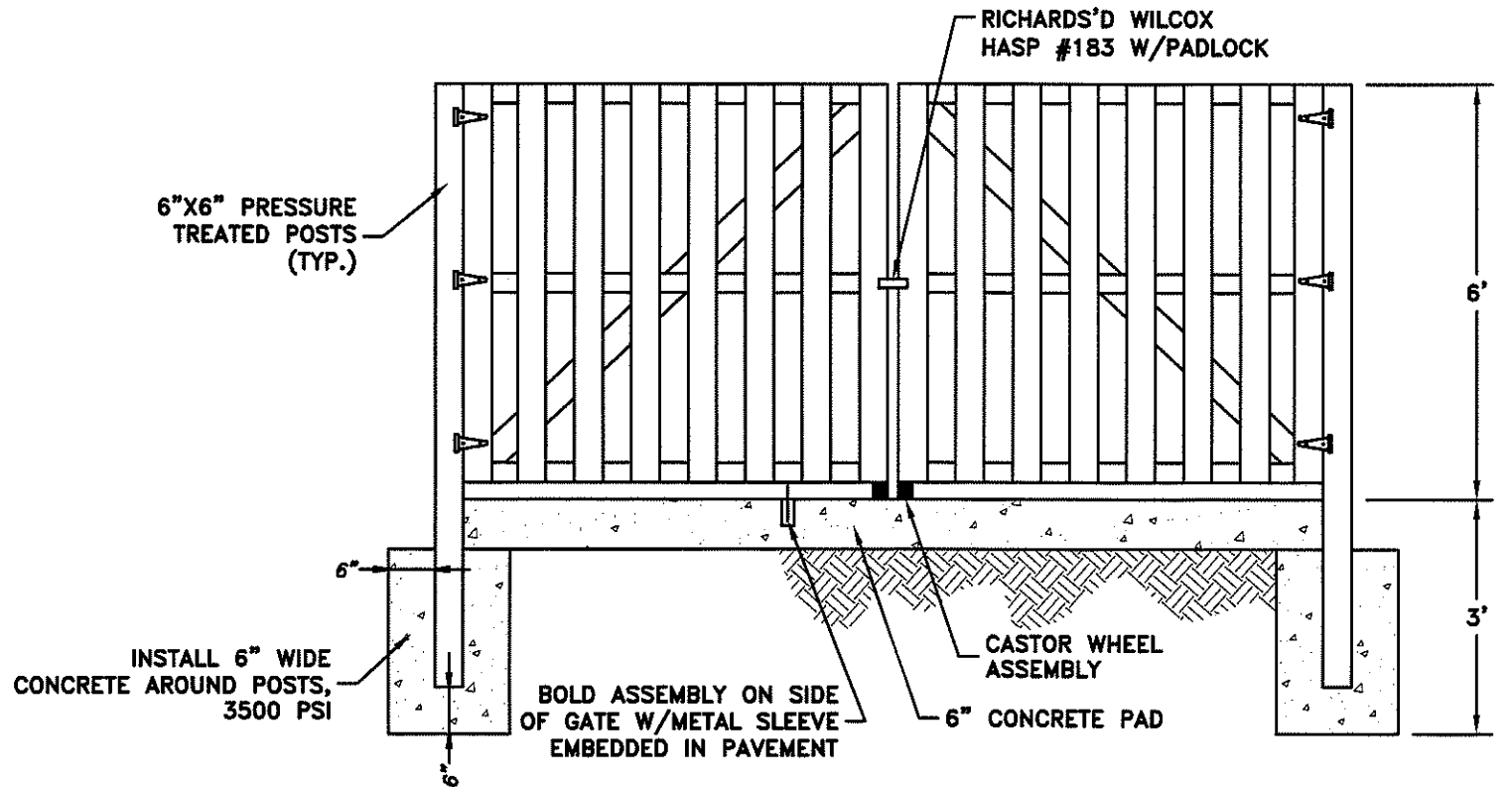
1. ALL FIRE LANES, HYDRANTS, EXITS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS (DSPFR, 705, CHAPTER 5).
2. WATER PROVIDER: ARTESIAN WATER COMPANY, INC.
3. PROPOSED BUILDING CONSTRUCTION: TYPE V (111)
4. INTENDED USE: CLUB HOUSE, POOL AND POOL DECK - ASSEMBLY
5. PROPOSED BUILDING HEIGHT: 1 STORY; 29 FEET
6. PROPOSED BUILDING SQUARE FOOTAGE: 2,702± S.F.
7. SITE WILL BE SERVED BY AN UNDERGROUND CLOSED PIPE NATURAL GAS OR PROPANE SYSTEM.
8. AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.



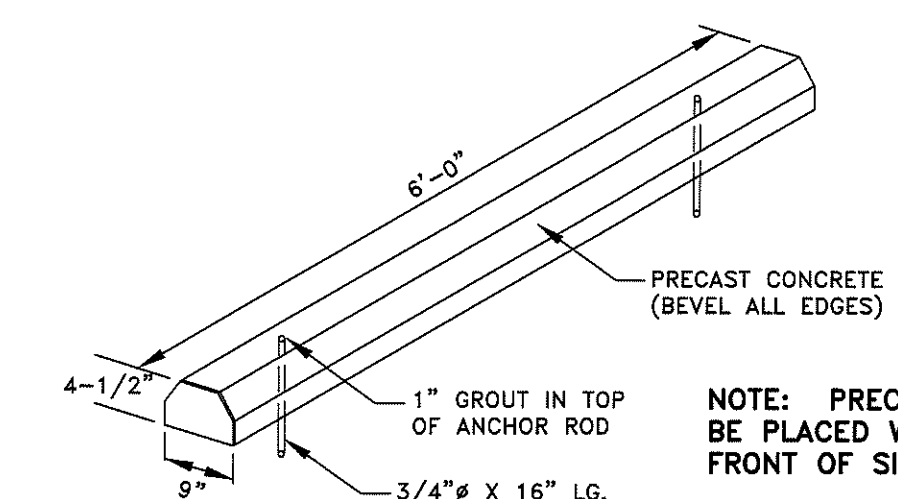
NO PIT EXTENSIONS ALLOWED



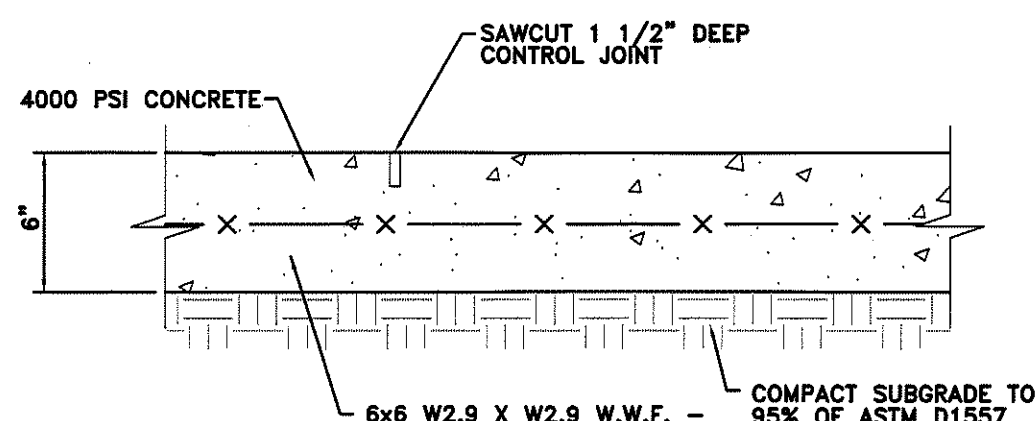
GATE HARDWARE:
LATCH: STANLEY #1290 THUMB LATCH
HINGE: STANLEY #908 HEAVY T-HINGE (OR EQUAL)
CANE BOLT: STANLEY #1010, 24" LONG (OR EQUAL)



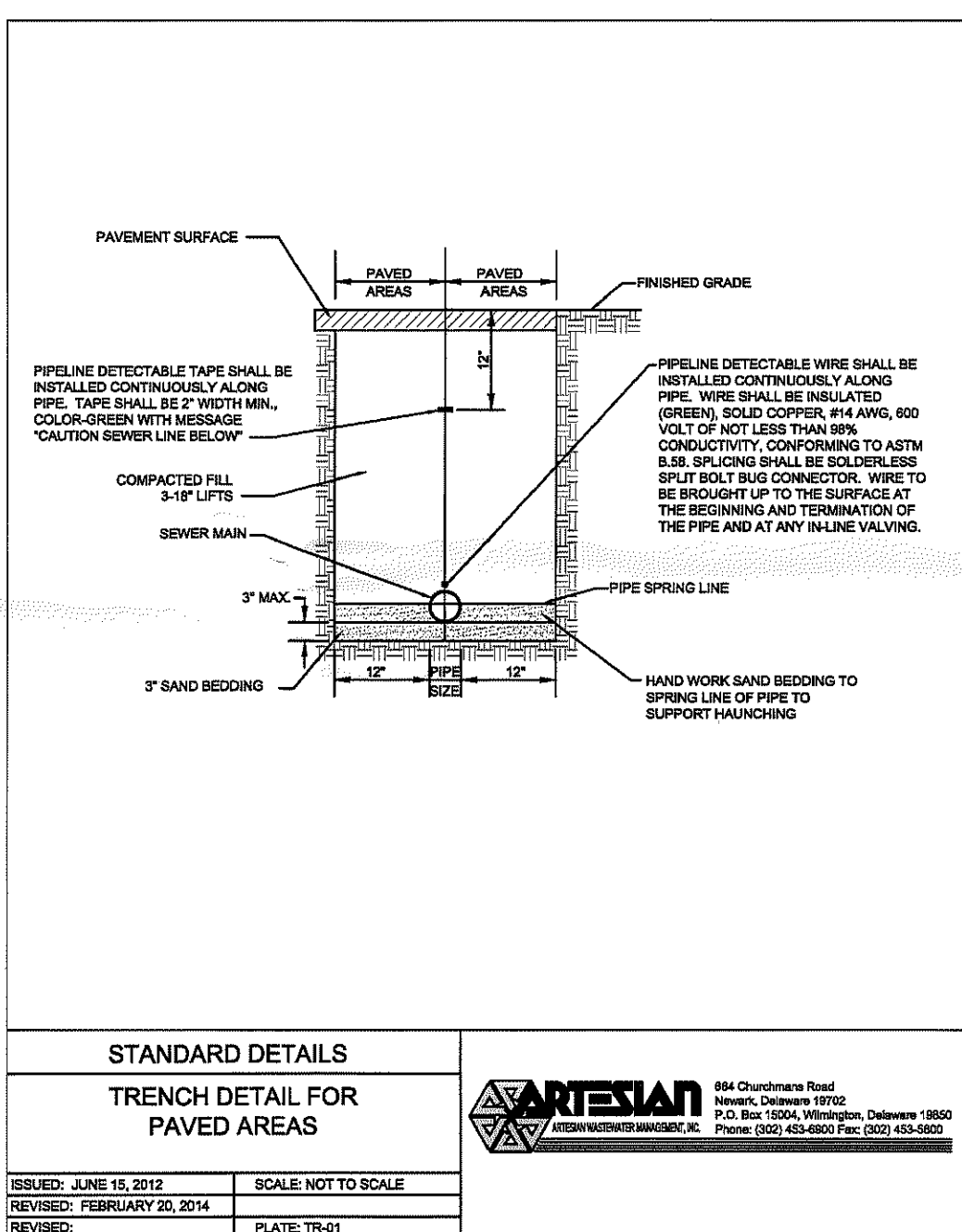
DUMPSTER PAD ENCLOSURE GATE/FENCE DETAIL
NOT TO SCALE



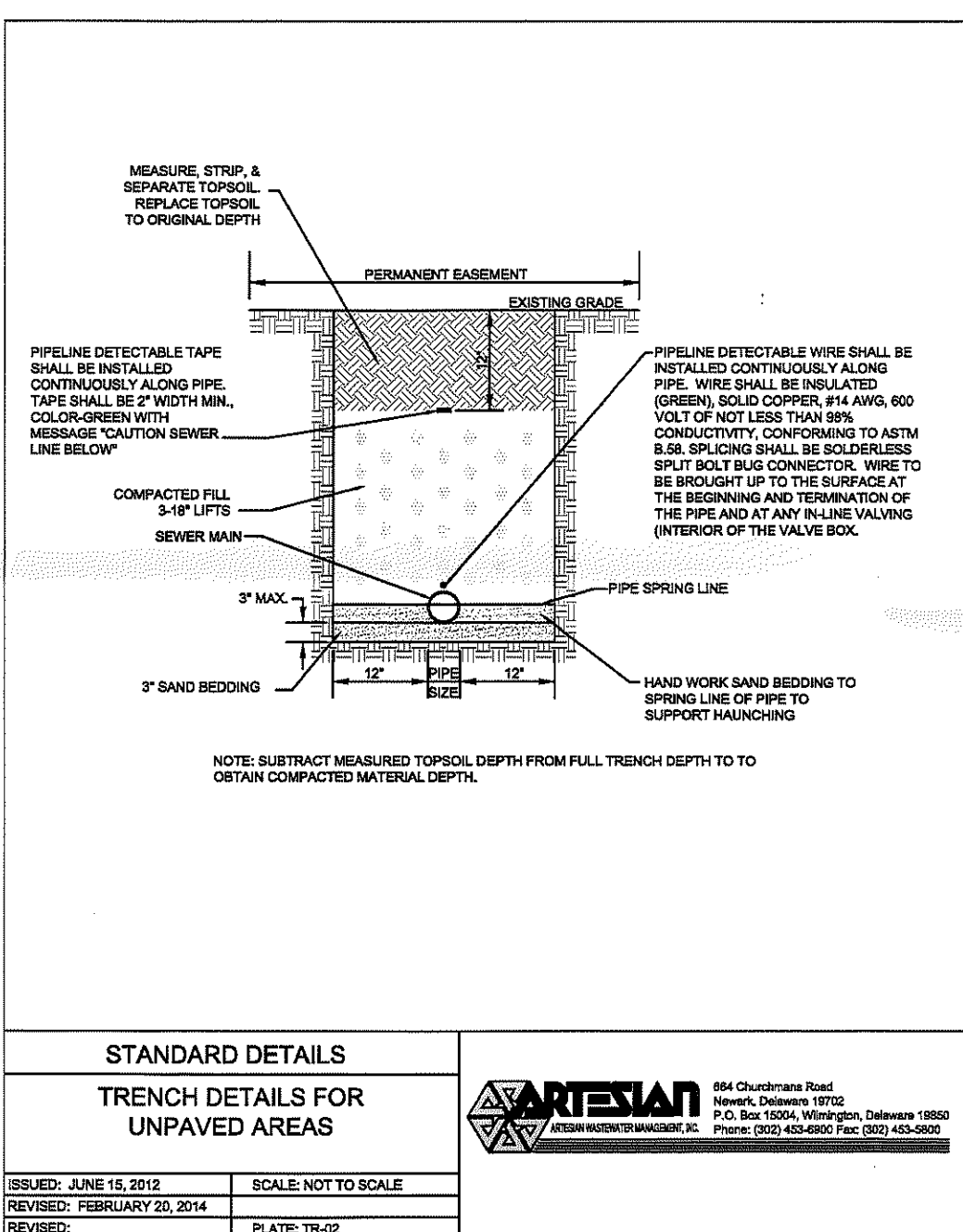
PRECAST CONCRETE WHEEL STOP
NOT TO SCALE



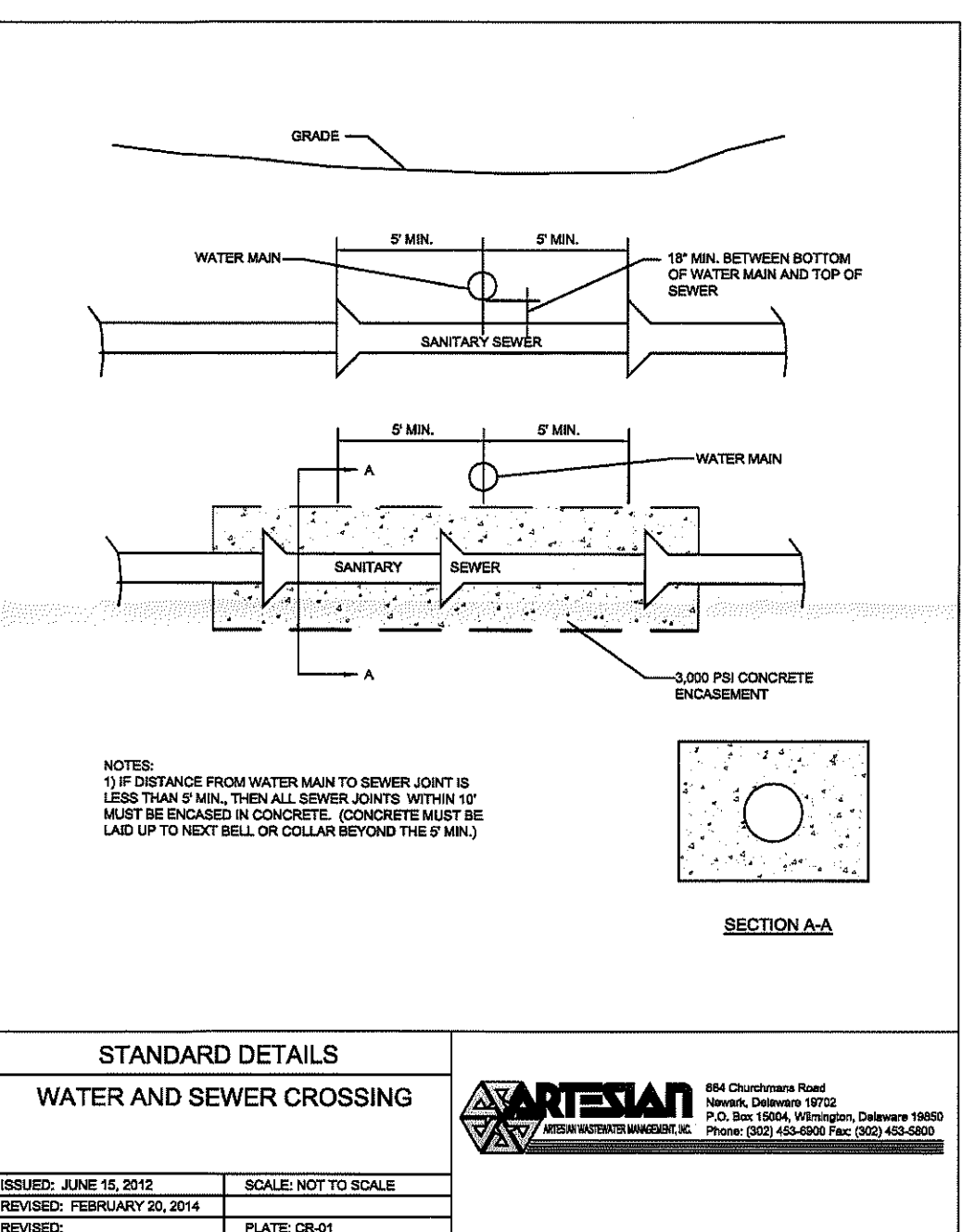
DUMPSTER PAD DETAIL
NOT TO SCALE



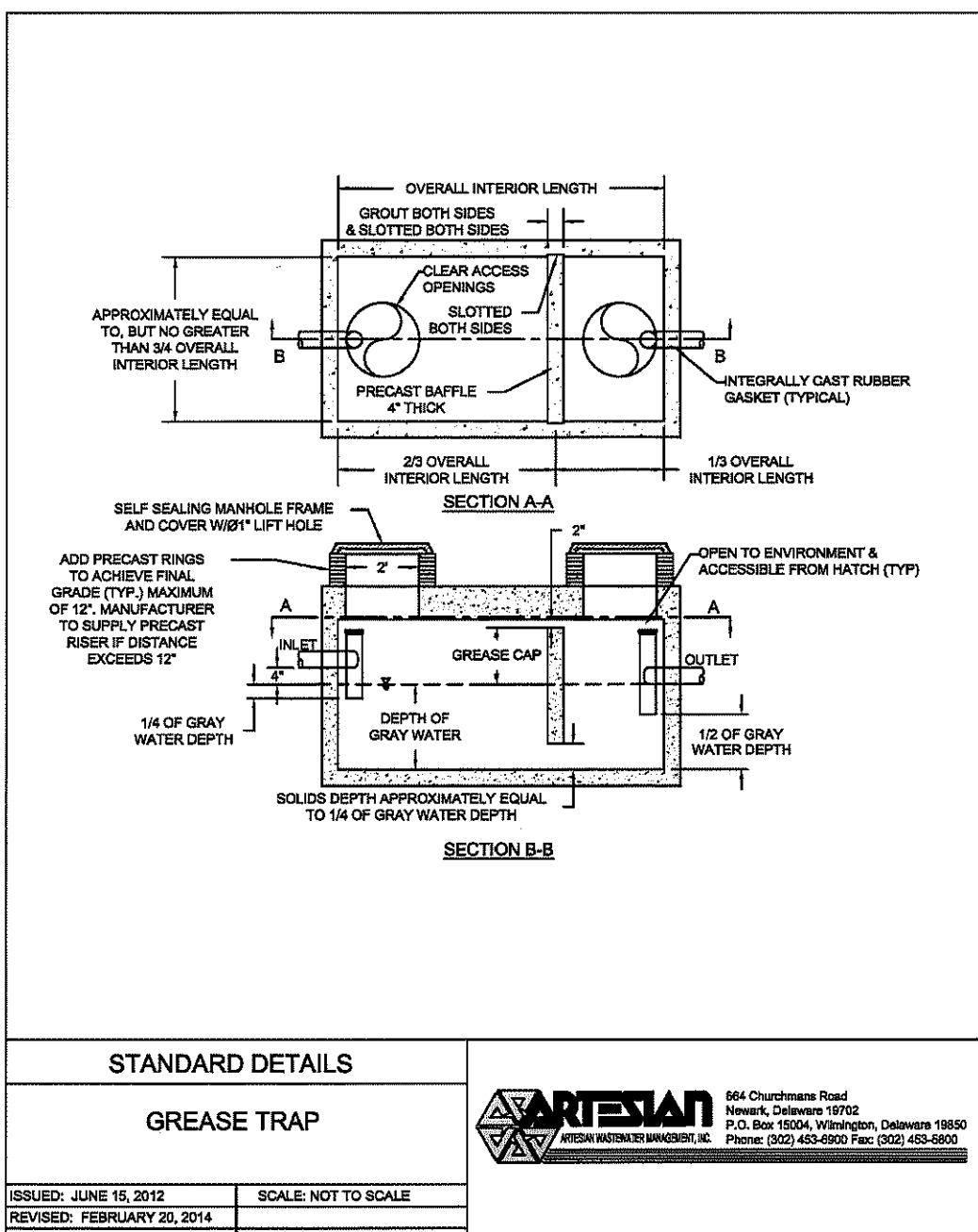
STANDARD DETAILS	
TRENCH DETAIL FOR PAVED AREAS	
ISSUED: JUNE 15, 2012	SCALE: NOT TO SCALE
REVISED: FEBRUARY 20, 2014	PLATE: TR-01



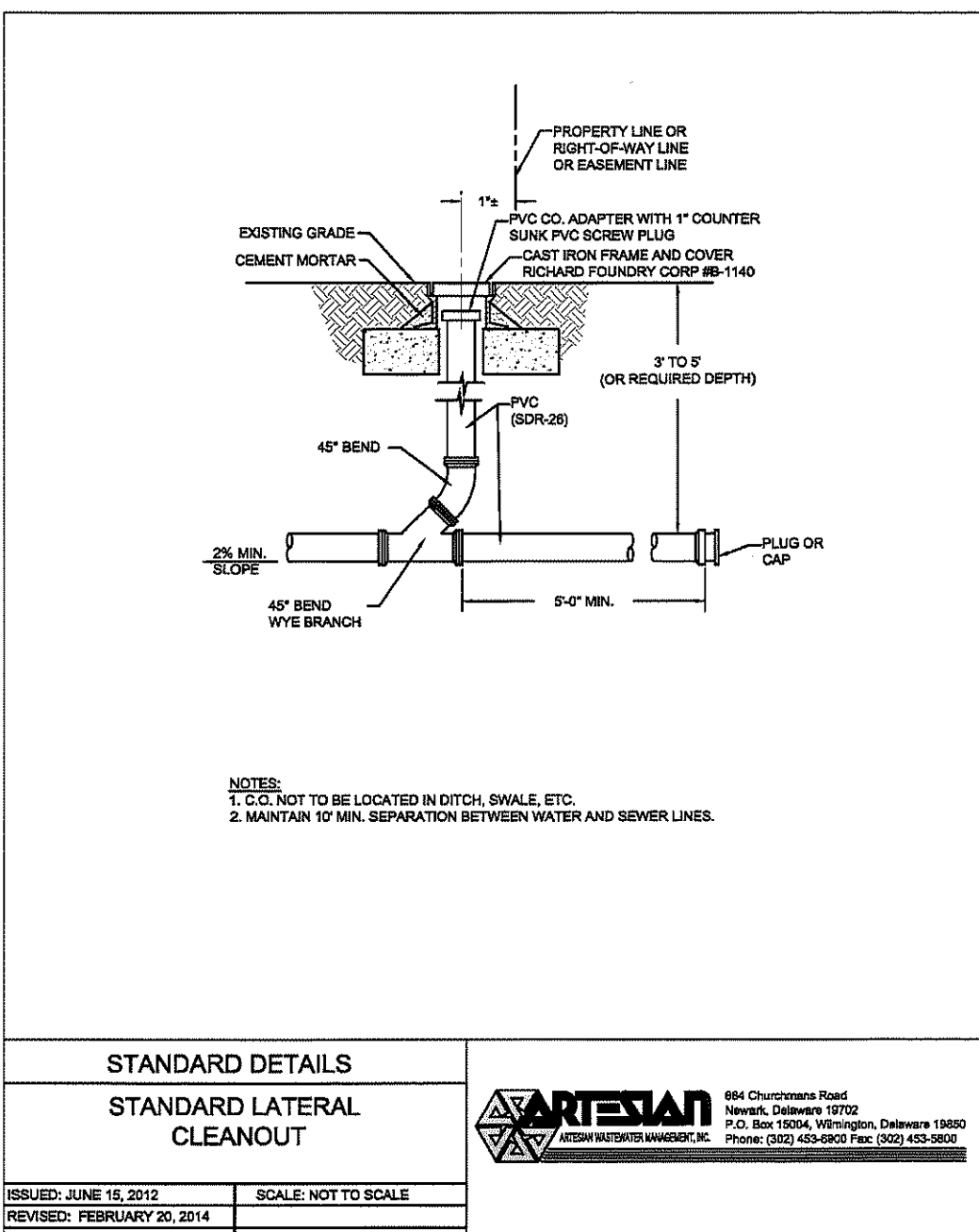
STANDARD DETAILS	
TRENCH DETAIL FOR UNPAVED AREAS	
ISSUED: JUNE 15, 2012	SCALE: NOT TO SCALE
REVISED: FEBRUARY 20, 2014	PLATE: TR-02



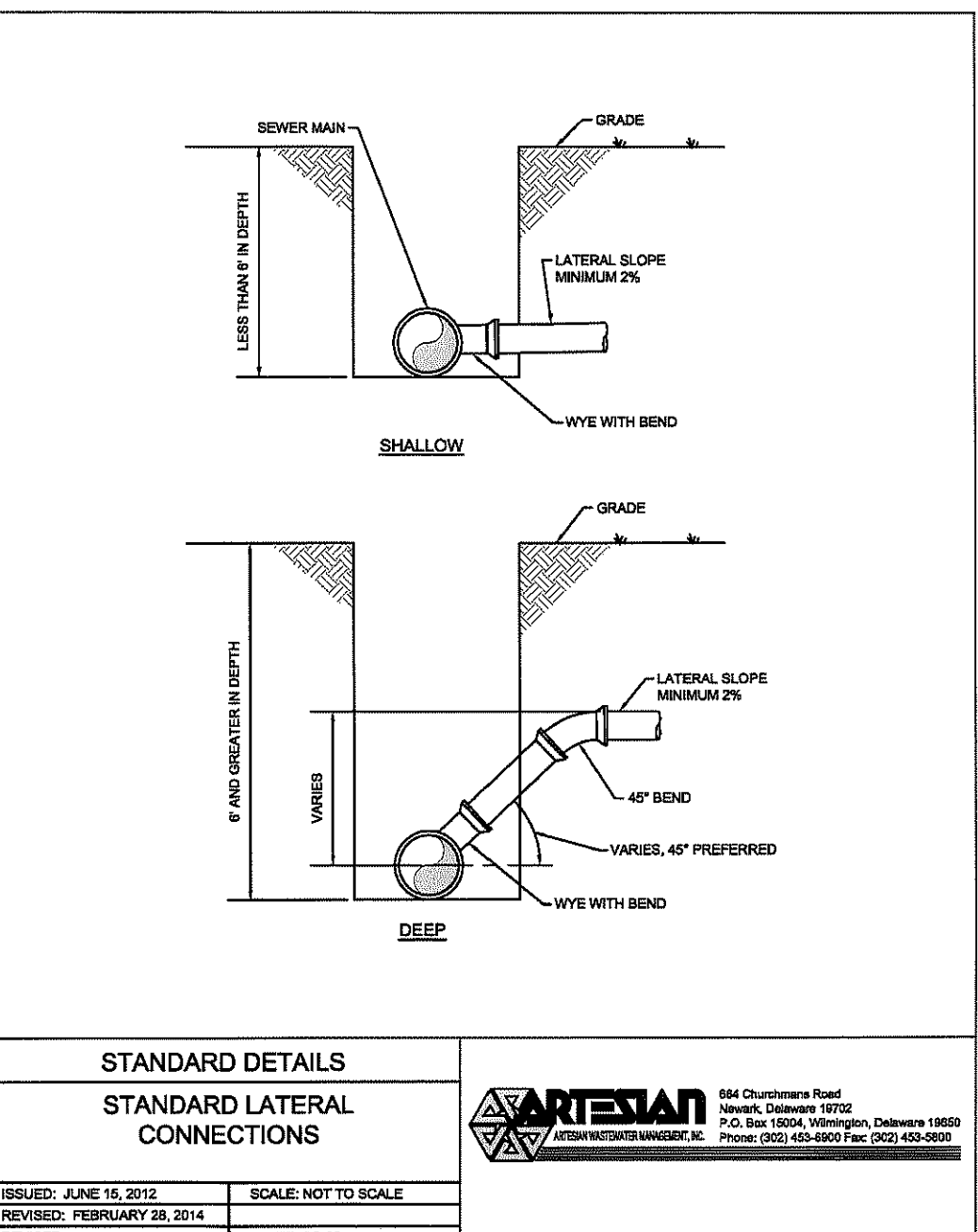
STANDARD DETAILS	
WATER AND SEWER CROSSING	
ISSUED: JUNE 15, 2012	SCALE: NOT TO SCALE
REVISED: FEBRUARY 20, 2014	PLATE: CR-01



STANDARD DETAILS	
GREASE TRAP	
ISSUED: JUNE 15, 2012	SCALE: NOT TO SCALE
REVISED: FEBRUARY 20, 2014	PLATE: GT-01



STANDARD DETAILS	
STANDARD LATERAL CLEANOUT	
ISSUED: JUNE 15, 2012	SCALE: NOT TO SCALE
REVISED: FEBRUARY 20, 2014	PLATE: CO-01



STANDARD DETAILS	
STANDARD LATERAL CONNECTIONS	
ISSUED: JUNE 15, 2012	SCALE: NOT TO SCALE
REVISED: FEBRUARY 20, 2014	PLATE: CO-02

DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS ENGINEERS SURVEYORS
SUSSEX, DELAWARE
410-433-2000
410-433-1441
410-433-1441
410-770-4744

THE WOODLANDS CLUBHOUSE
BETHANY BEACH
SUSSEX COUNTY, DELAWARE

Revisions:
Date: DECEMBER 2019
Scale: AS NOTED
Dwn.By: DJR
Proj.No.: 2269C001
Dwg.No.: 02

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.*

February 18, 2020

Jennifer Norwood
Sussex County Planning
2 The Circle,
P.O. Box 589
Georgetown, DE 19947

RE: Woodlands Clubhouse
DBF #2269C001

Dear Ms. Norwood:

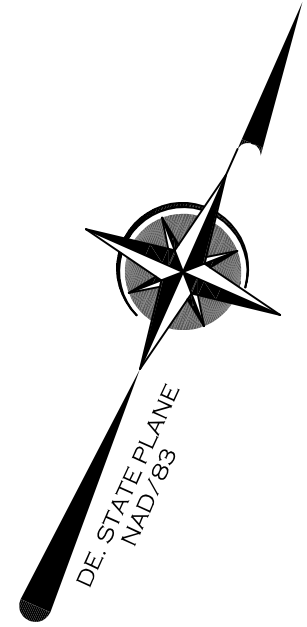
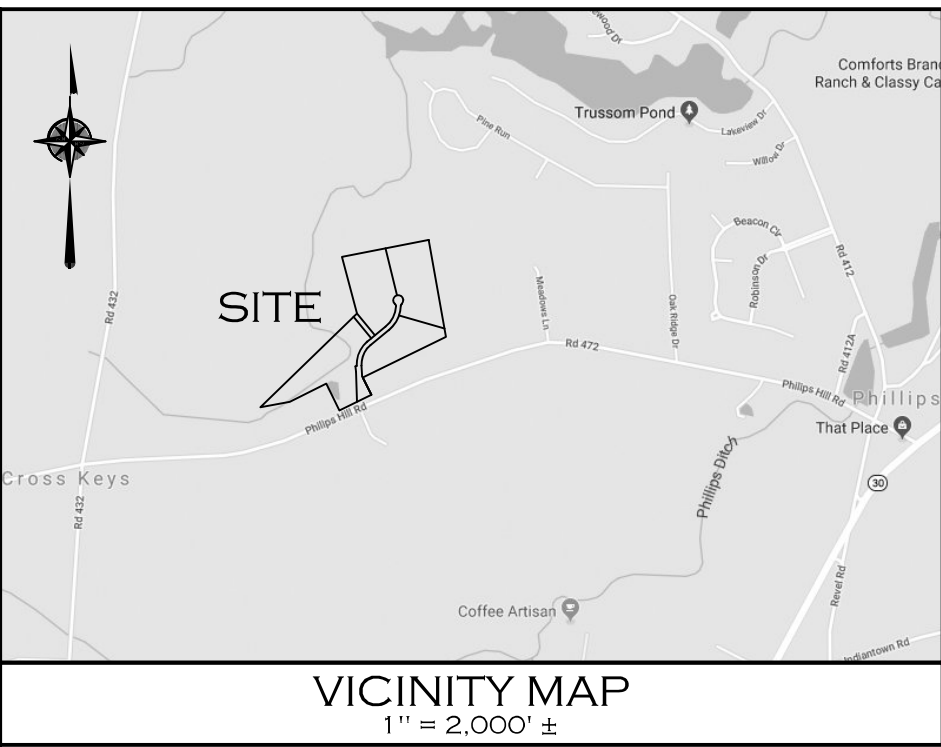
On behalf of our client Woodlands Development, LLC., we are formally requesting that the Sussex County Planning Commission allow us to provide parking in the front yard setback for the proposed clubhouse and amenity area at the Woodlands at Bethany. We have provided landscape screening along the side property lines to the right-of-way which should screen the proposed parking from adjacent owners.

If you should have any questions or require additional information, please call me at (302) 424-1441.

Sincerely,



Jamie Sechler, P.E.



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	303.74'	299.63'	N 25°37'54" E	278.78'	54°38'01"
C2	300.00'	245.34'	N 29°31'14" E	238.56'	46°51'21"
C3	25.00'	24.49'	N 21°57'59" W	23.52'	58°07'05"
C4	53.00'	258.87'	N 89°54'02" E	68.24'	279°51'06"
C5	25.00'	19.86'	S 27°07'55" W	19.29'	45°23'20"
C6	350.00'	296.34'	S 26°41'35" W	287.97'	48°30'40"
C7	253.74'	241.95'	S 25°37'54" W	232.89'	54°38'01"

- NOTES
- THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY PROSPECTIVE VENTURES LLC, 25252 SUMMER ROAD, MILLSBORO, DE, 19966
 - TAX MAP: 133-19.00-31.00
DEED REF: 4480/316
PLAT REF: 117/63
 - ZONING: AR-1
SETBACKS: FRONT: 40' PHILLIPS HILL RD
SIDE: 30' KEYWAY COURT
REAR: 20'
MAXIMUM BUILDING HEIGHT: 42'
 - TOTAL SITE AREA: 24.15 ± ACRES
 - MINIMUM LOT SIZE ALLOWABLE: 32,670 SF (0.75 ACRES)
 - NUMBER OF LOTS PROPOSED: 4
 - AREAS: PARCEL A 7.74 ± ACRES
PARCEL B 8.20 ± ACRES
PARCEL C 6.00 ± ACRES
OUTLOT A 0.34 ± ACRES
KEYWAY COURT / OPEN SPACE: 1.87 ± ACRES
 - SANITARY SEWER: INDIVIDUAL ON-SITE SEPTIC SYSTEM
 - WATER SERVICE: INDIVIDUAL WELL
 - ELECTRIC: DELAWARE ELECTRIC COOPERATIVE
 - CATV: MEDIA COM
 - FLOOD PLAIN: ZONE X, AREA OF MINIMAL FLOODING
FIRM # 10005G0453J, DATED 01/06/05
 - OTHER THAN SHOWN, THIS SURVEY PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS ON THIS PROPERTY. NO TITLE SEARCH WAS REQUESTED OR PERFORMED.
 - TOPOGRAPHICAL INFORMATION SHOWN HEREON TAKEN FROM SURVEY BY MILLER-LEWIS.
 - OUTLOT "A" IS FOR THE EXCLUSIVE USE BY PARCEL B AND PARCEL C LOT OWNERS WITHIN THE CROSS KEY VILLAGE SUBDIVISION TO ACCESS THE ADJOINING PROPERTY OWNED BY DELAWARE DNREC.
 - THE MAINTENANCE AND UPKEEP OF KEYWAY COURT WITHIN THE CROSS KEY VILLAGE SUBDIVISION SHALL BE SHARED EQUALLY AMONG PARCELS A, B & C AS WELL AS TAX PARCEL 133-19.00-31.03.

N/F
STATE OF DELAWARE DEPARTMENT OF NATURAL RESOURCES
225 + ENVIRONMENTAL CONTROL
1-33-19.00-37.00
EXISTING FOREST
ZONED: AR-1

133-19.00-31.03
9.84 ± ACRES
OTHER LANDS OF PROSPECTIVE VENTURES LLC
EXISTING FOREST
ZONED: AR-1

PARCEL A
7.74 ± ACRES

PARCEL B
8.20 ± ACRES

PARCEL C
6.00 ± ACRES

KEYWAY COURT
EASEMENT WIDTH VARIES

SCR #472 - PHILLIPS HILL ROAD
50' R/W - LOCAL ROAD

A 5-FOOT STRIP IS HEREBY
RESERVED FOR THE STATE OF
DELAWARE AS PER THIS PLAT, FOR
FUTURE RIGHT-OF-WAY NEEDS.

LEGEND

- CONCRETE MONUMENT FOUND
- IRON PIPE FOUND
- STONE FOUND
- POINT
- UTILITY POLE

OWNER CERTIFICATION

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

PROSPECTIVE VENTURES LLC
REPRESENTATIVE

DATE

LAND SURVEYOR CERTIFICATION

I, BRADLEY A. ABSHER, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND IN MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

BRADLEY A. ABSHER
PROFESSIONAL LAND SURVEYOR # 735

DATE

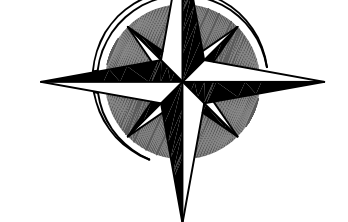
TAX MAP #	1-33-19.00-31.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	DAGSBORO
TOWN	- - -
DEED REF.	4480 / 316
PLAT REF.	- - -
DRAWN BY	CJP / MCS
DATE	01 / 05 / 20
REVISED	- - -
SCALE	1" = 80'
SURVEY #	DE - 06044
SHEET #	1 OF 1

CROSS KEY VILLAGE
SUBDIVISION

OF THE LANDS OF
PROSPECTIVE VENTURES LLC
PARCEL 31

PHILLIPS HILL ROAD, MILLSBORO, DE 19966

TRUE NORTH



LAND SURVEYING
118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DE 19970
DE 302-539-2488
MD 410-435-2992
WEB: TRUENORTHUS.COM

FUQUA, WILLARD, STEVENS & 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@fwsslaw.com

JAMES A. FUQUA, JR.
WILLIAM SCHAB
TIMOTHY G. WILLARD
TASHA MARIE STEVENS
MELISSA S. LOFLAND
NORMAN C. BARNETT
www.fwsslaw.com

HART HOUSE ☐
9 CHESTNUT STREET
GEORGETOWN, DELAWARE 19947
PHONE 302-856-9024
FAX 302-856-6360
realestate@fwsslaw.com

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

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

February 20, 2020

Robert C. Wheatley, Chairman
Planning & Zoning Commission
P.O. Box 417
Georgetown, DE 19947

RECEIVED

FEB 20 2020

SUSSEX COUNTY
PLANNING & ZONING

Re: Old Mill Landing (South) / Subdivision #2019-2

Dear Chairman Wheatley:

The Applicant, Old Mill Bridge, LLC, respectfully requests that the Planning and Zoning Commission reconsider Conditions "I" and "B" imposed on the preliminary site plan approval of Old Mill Landing (South) / SUB #2019-2, (the subdivision) for the following reasons:

CONDITION "I"

Condition "I" states in part, "As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets." Actually, the Applicant proposed that sidewalks be located on one side of all streets. This was proposed for the purpose of reducing impervious cover on the site. There is no provision in the Zoning or Subdivision Ordinances requiring sidewalk on both sides of streets and even under the design criteria of the AR-1 Cluster Development Option, sidewalks are only required on one side of subdivision streets. (Sec. 115-25(F)(3)(a)(9).)

It is requested that Condition "I" be amended by deleting the words "both sides" and substituting "one side".

CONDITION "B"

Condition "B" states "In consideration of the mature woodlands and the sensitive environment of this site and adjacent and surrounding lands, the areas identified as Lots 77 through 85 on the proposed plan shall remain undisturbed."

A. Condition "B" Has No Statutory Basis

There is no legal basis in the Sussex County Zoning or Subdivision Ordinances for removing lots 77 through 85 from the Preliminary Site Plan and requiring that area remain undisturbed.

1. Under the 2008 Sussex County Comprehensive Plan, the site of the subdivision was designated as being located in the "Environmentally Sensitive Developing Area" (ESDA). Under the 2019 Comprehensive Plan, the site is designated as being in the "Coastal Area". Under either of those designations, clustering of single family detached lots to a minimum lot size of 7,500 square feet is permitted by right. (Sec. 115-194.3 (C) (3)). This section of the zoning ordinance is the "clustering" authority for the proposed subdivision and that section imposes no conditions or restrictions on the development of a site related to woodlands or other natural features. The development of the area containing Lots 77 through 85 of the subdivision is permitted by right.
2. As stated, the proposed cluster subdivision is permitted in the ESDA/Coastal Area overlay zone and approval was not being requested under the provisions of the AR-1 Cluster Development Option (Sec. 115-25 (B) (2)) which is not applicable to the proposed subdivision.

However, even under the recently revised AR-1 Cluster Development Option¹, the design criteria, which promotes clustering of the subdivision on the environmentally suitable portions of a property, specifically states, "This does not inhibit the development of wooded parcels". (Sec. 115-25(F) (3) (a) (1)).

1. The subdivision application was filed on January 4, 2019 and predates the AR-1 cluster option amendments which were adopted on June 11, 2019 and did not take effect until six months after that date, being December 11, 2019. The subdivision is not subject to this ordinance since the Application was filed prior to the Effective date of the Amendments and, as stated, was filed as a "cluster" subdivision in the ESDA/ Coastal Area Overlay Zone.

The fundamental Rule of Statutory Construction is that if a statute is unambiguous, it is given the literal meaning of the words used. In addition, the Zoning Ordinance provides that words used in the ordinance shall be interpreted in accord with their normal dictionary meaning and customary usage. (Sec. 115-4 (A) (5)). The language of the ordinance states “This does not inhibit the development of wooded parcels”. Inhibit is defined as “to prohibit from doing something” (Merriam-Webster Dictionary). In other words, the ordinance means that the language used does not prohibit the development of wooded parcels.

As a result, even under the recently amended AR-1 Cluster Development Option, wooded parcels can be developed. The proposed subdivision, which is not subject to the AR-1 Cluster Option, clearly has no statutory prohibition on tree removal.

B. Condition “B” Has No Discretionary Basis

Detached single family dwellings on individual lots are a permitted use in the AR-1 zoning district (Sec. 115-20(a)(1)) and lot size can be reduced to a minimum of 7,500 square feet in the ESDA/Coastal Overlay Zone. (Sec. 115-194.3 (C)(3)). The subdivision is permitted by right provided it complies with requirements of the ordinance.

While the Commission may impose reasonable conditions on the approval of a site plan to minimize adverse impacts, it cannot impose Ad Hoc requirements on the use of land not specified anywhere in the ordinances. If it were allowed to do so it would create uncertainty on all landowners as to whether they can safely rely on the permitted uses conferred on their land under the zoning ordinance. Nor does the Commission have the authority to reject a site plan because the area residents do not want the land used for a project that is a permitted use under the applicable zoning classification. (See East Lake Partners v City of Dover Planning Comm’n, 655 A.2d 821, 1994 Del. Super Lexis 668)

Condition “B” requires that the Area comprised of Lots 77 through 85 remain undisturbed “In consideration of the mature woodlands and sensitive natural environment of this site and the adjoining and surrounding lands.” This Ad Hoc restriction was imposed despite the fact the County ordinances have no requirements for buffers from non-tidal wetlands, no restrictions on

the application of nutrients by individual lot owners, no requirements for reforestation and no requirements that sensitive environmental features of a site be placed in a Conservation Easement. Although not required, the Applicant voluntarily proffered to subject the subdivision to such restrictions as incorporated in Conditions F, S, T and U included in the Commission's conditions of approval. The Applicant considered the "Sensitive Natural Environment" of the site in the planning and design of the subdivision.

If the County desires to enact reasonable ordinances restricting development of a site due to environmental conditions, which ordinances would be applicable to all landowners, it has the authority to do so. The Commission, however, does not have the power to single out a particular site plan for an Ad Hoc restriction not authorized by existing County Ordinances.

C. OTHER CONSIDERATION

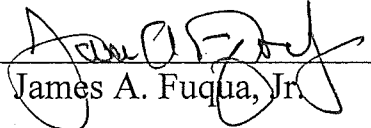
1. Constitutional Issue. The prohibition on the Applicant's use of the site area containing Lots 77 through 85 is a taking of the Applicant's property without just compensation in violation of the State of Delaware and United States Constitutions.
2. Precedent. If Condition "B" is not removed, it will act as a notice to future applicants to remove trees from sites prior to submitting to the County for development approval.
3. Zoning Laws. Zoning laws are interpreted in favor of the land owner. Permissive terms in a zoning ordinance should be construed expansively, so as to afford the land owner the broadest possible use and enjoyment of his land.

For the reasons stated, the Applicant respectfully requests that Condition "T" be amended and Condition "B" be deleted as conditions of approval of subdivision # 2019-2. Thank you for your consideration.

Respectfully submitted,

FUQUA, WILLARD,
STEVENS & SCHAB, P.A.

By: _____


James A. Fuqua, Jr.

JAF/jel

Pc: Planning & Zoning Commission

Jamie Whitehouse, Acting Director

Vince G. Robertson, Esquire

James P. Sharp, Esquire

Everett Moore, Esquire

FUQUA, WILLARD, STEVENS & 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@fwsslaw.com

JAMES A. FUQUA, JR.
WILLIAM SCHAB
TIMOTHY G. WILLARD
TASHA MARIE STEVENS
MELISSA S. LOFLAND
NORMAN C. BARNETT
www.fwsslaw.com

HART HOUSE ☐
9 CHESTNUT STREET
GEORGETOWN, DELAWARE 19947
PHONE 302-856-9024
FAX 302-856-6360
realestate@fwsslaw.com

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

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

February 20, 2020

Robert C. Wheatley, Chairman
Planning & Zoning Commission
P.O. Box 417
Georgetown, DE 19947

RECEIVED

FEB 20 2020

SUSSEX COUNTY
PLANNING & ZONING

Re: Old Mill Landing (North) Subdivision #2019-13

Dear Chairman Wheatley:

The Applicant, Old Mill Bridge, LLC, respectfully requests that the Planning and Zoning Commission reconsider Condition "G" imposed on the preliminary site plan approval of Old Mill Landing (North) / Subdivision #2019-13, (the subdivision) for the following reasons:

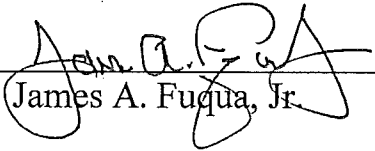
CONDITION "G"

Condition "G" states in part "As proffered by the Applicant, sidewalks shall be installed on both sides of all internal streets". Actually, the Applicant proposed that sidewalks be located on one side of all streets. This was proposed for the purpose of reducing impervious cover on the site. There is no provision in the Zoning or Subdivision Ordinances requiring sidewalk on both sides of streets and even under the design criteria of the AR-1 Cluster Development Option, sidewalks are only required on one side of subdivision streets. (Sec. 115-25(F)(3)(a)(9)).

For the reasons stated, the Applicant respectfully requests that Condition "G" be amended by deleting the words "both sides" and substituting "one side".

Respectfully submitted,

FUQUA, WILLARD,
STEVENS & SCHAB, P.A.

By: 
James A. Fuqua, Jr.

JAF/jel

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