

## PLANNING & ZONING COMMISSION

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## 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 December 19, 2019

Application: CU 2202 John Passwaters

Applicant: John Passwaters  
18956 Sussex Highway  
Bridgeville, DE 19933

Owner: John Passwaters  
18956 Sussex Highway  
Bridgeville, DE 19933

Site Location: On the west side of Sussex Highway (Route 13) in Bridgeville, DE.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Landscape Office

Comprehensive Land  
Use Plan Reference: Developing Area

Councilmatic  
District: Mr. Vincent

School District: Woodbidge School District

Fire District: Bridgeville Fire District

Sewer: Private (On-Site)

Water: Private (On-Site)

Site Area: 6.35 acres +/-

Tax Map ID.: 131-15.00-17.00





Sussex County

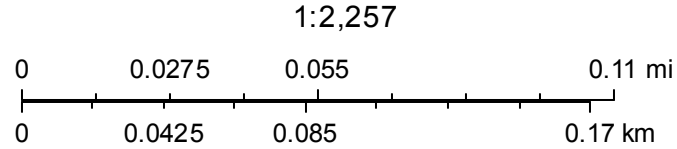


PIN:	131-15.00-17.00	
Owner Name	PASSWATERS	JOHN H
Book	5003	
Mailing Address	18956 SUSSEX HWY	
City	BRIDGEVILLE	
State	DE	
Description	SW/RT 13	
Description 2	1/4 MILE N/HERITAGE	
Description 3	SHORES DR LOT 1	
Land Code		

- polygonLayer

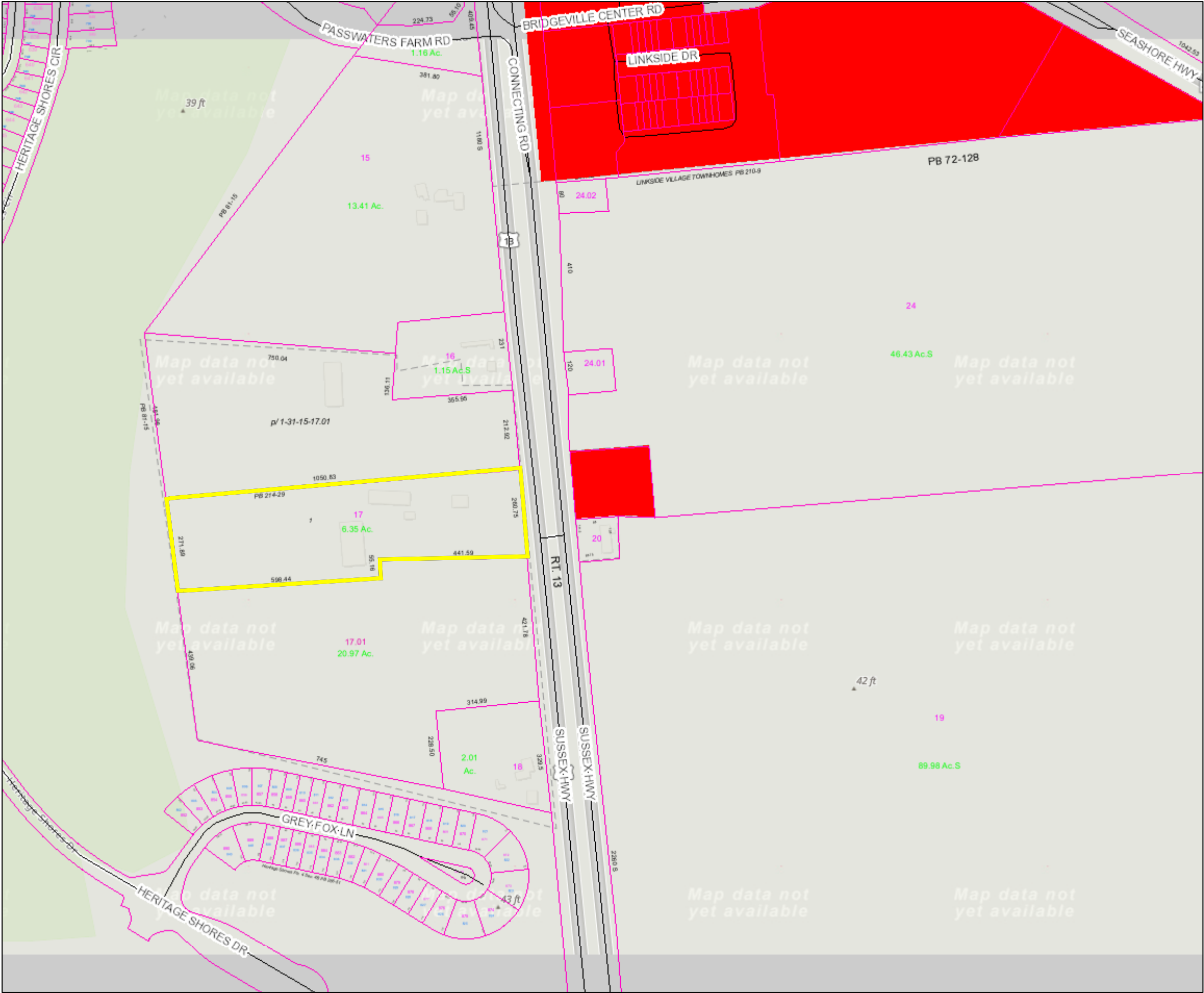
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Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries





Sussex County

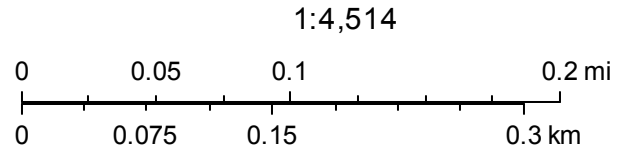


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Land Code		

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets





Mailing List Exhibit Map  
Planning Commission  
CU 2202 John Passwaters  
131-15.00-17.00

John Passwaters  
18956 Sussex Highway  
Bridgeville, DE 19933

Located at 18956 Sussex Highway, Bridgeville, DE 19933.



131-14.00-44.00

131-15.00-17.01

131-15.00-16.00

131-15.00-24.00

131-15.00-17.00

131-15.00-24.06

131-15.00-17.01

131-15.00-19.00

131-15.00-18.00

7-26-2018

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Feet





## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and Applicant  
Date: December 12, 2019  
RE: Staff Analysis for CU 2202 John Passwaters

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2202 John Passwaters to be reviewed during the December 19, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 131-15.00-17.00 to allow for a Landscaping Office to be located at 18956 Sussex Highway in Bridgeville, Delaware 19933. The size of the property is 6.35 acres +/-.

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

The surrounding land use to the north, south, east and west are designated on the Future Land Use Map as "Municipalities" (with the exception of the adjacent parcels directly to the north and south and two parcels on the opposite side of Route 13 (Sussex Highway) labeled as "Developing Area.") Developing Areas recognize a range of housing types including single family homes, townhomes, and multi-family units. Developing Areas may also include a variety of uses such as office uses, businesses, and careful mixtures of homes, with light commercial and institutional uses.

The property is zoned AR-1 (Agricultural Residential Zoning District.) The adjoining and surrounding parcels to the north, south, and west are all zoned Agricultural Residential (AR-1) (except for a single parcel to the east zoned General Commercial (C-1).

Since 2011, there have been no Conditional Use applications located within a 1-mile radius of the application site.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a landscaping business could be considered consistent with the land use, area zoning and surrounding uses.

File #: CU2202  
201909966

## 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

18956 Sussex Highway Bridgeville DE 19933

Type of Conditional Use Requested:

To Have Landscape office on Property

Tax Map #: 131-15.00-17.00

Size of Parcel(s): 6.35 Ac

Current Zoning: RS

Proposed Zoning: Conditional Use

Size of Building: 960 sq ft

Land Use Classification: \_\_\_\_\_

Water Provider: Well

Sewer Provider: \_\_\_\_\_

### Applicant Information

Applicant Name: John Passwaters

Applicant Address: 18956 Sussex Highway

City: Bridgeville

State: DE

Zip Code: 19933

Phone #: 302-542-8077

E-mail: passwaterslandscaping@gmail.com

### Owner Information

Owner Name: John Passwaters

Owner Address: 18956 Sussex Hwy

City: Bridgeville

State: DE

Zip Code: 19933

Phone #: 302-542-8077

E-mail: \_\_\_\_\_

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: \_\_\_\_\_

Agent/Attorney/Engineer Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

8/28/19

Signature of Owner



Date:

8/28/19

For office use only:

Date Submitted: 8/29/19

Staff accepting application: cen

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

Fee: \$500.00 Check #:

7456

Application & Case #:

2019 69960

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

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

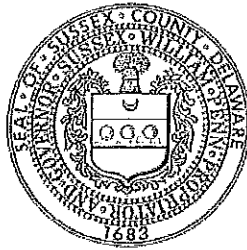
Date of CC Hearing: \_\_\_\_\_

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

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



**PLANNING & ZONING**  
JANELLE M. CORNWELL, AICP  
DIRECTOR  
(302) 855-7878 T  
(302) 854-6079 F



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## Service Level Evaluation Request Form

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

Date: 4/11/19

### Site Information:

Site Address/Location: 18956 Sussex Highway Bridgeville DE 19933

Tax Parcel Number: 131-15.00-17.00

Current Zoning: AR1

Proposed Zoning: Conditional use for a business

Land Use Classification: Residential

Proposed Use(s):

To use building AS A office for a business

Square footage of any proposed buildings or number of units: 960 sqft

### Applicant Information:

Applicant's Name: John Passwaters

Applicant's Address: 18956 Sussex Highway  
City: Bridgeville State: DE Zip Code: 19933

Applicant's Phone Number: 302-542-8077

Applicant's e-mail address: info@passwaters/awn.com

LEFT MESSAGE  
337 5/8/2019





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

JENNIFER COHAN  
SECRETARY

May 6, 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 **John Passwaters** conditional use application, which we received on April 11, 2019. This application is for a 6.35-acre of parcel (Tax Parcel: 131-15.00-17.00). The subject land located on the west side of US Route 13 and approximately half a mile (½) mile south of the intersection of US Route 13 and Delaware Route 404, south of the Town of Bridgeville. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing 960 square-foot building as an office for business.

Per the 2017 Delaware Vehicle Volume Summary, the annual average daily traffic volumes along the segment of US Route 13 where the subject land is located, which is from Cannon Road (Sussex Road 18) to Delaware Route 404, is 22,486 vehicles per day.

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

The respective land is located on US Route 13, and is therefore subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway. According to the Office of State Planning Coordination's *Strategies for State Policies and Spending* document, the property is located within a Level 2 Investment Area. In this area, State policies will encourage redevelopment and reinvestment. The property owner will be permitted to develop one rights-in / rights-out access to US Route 13. Median improvements / channelization along US Route 13 may be



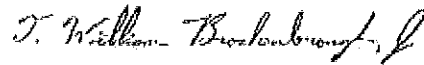
Ms. Janelle M. Cornwell  
Page 2 of 2  
May 6, 2019

required depending upon the number of trips generated by the proposed land use. Also, the Department would like to promote shared entrances and interconnections between properties. For additional information regarding the Corridor Capacity Preservation Program, an electronic manual detailing the policy can be viewed at [www.deldot.gov](http://www.deldot.gov). The manual is located under the publication link.

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 any 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  
John Passwaters, 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 and 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: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **11/27/2019**

APPLICATION: **CU 2202 John Passwaters**

APPLICANT: **John Passwaters**

FILE NO: **WS-4.06**

TAX MAP &  
PARCEL(S): **131-15.00-17.00**

LOCATION: **On the west side of Sussex Highway (Route 13) in Bridgeville,  
DE**

NO. OF UNITS: **Landscape office**

GROSS  
ACREAGE: **6.35 +/-**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes ☐ No ☒
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

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SUSSEX COUNTY  
PLANNING & ZONING

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **The proposed Conditional Use is contiguous to the Sussex County Unified Sanitary Sewer District (Western Sussex Service Area)**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned



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DEC 18 2019

SUSSEX COUNTY  
PLANNING & ZONING

## MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE: December 17, 2019

Attached you will find the comments for the following proposed zoning changes:

- 2019-26 – Lands of Michael W. Peterson & Mary E. Peterson
- 2019-27 – Harbour Homes, LLC
- CU 2202 – John Passwaters
- CU 2203 – Christopher F. Booth
- CU 2204 – Quality Care Homes

If you have any questions, I can be reached at 856-3990, ext. 3.

BJH

Enclosures







CU 2202  
TM #131-15.00-17.00  
John Passwaters














































Soil Map—Sussex County, Delaware  
(John Passwaters)



## MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	 Water Features
 Borrow Pit	 Streams and Canals
 Clay Spot	 Transportation
 Closed Depression	 Rails
 Gravel Pit	 Interstate Highways
 Gravelly Spot	 US Routes
 Landfill	 Major Roads
 Lava Flow	 Local Roads
 Marsh or swamp	 Background
 Mine or Quarry	 Aerial Photography
 Miscellaneous Water	
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slide or Slip	
 Sodic Spot	

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 20, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
ImB	Ingleside-Hammonton-Fallsington complex, 0 to 5 percent slopes	2.6	39.0%
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	4.1	61.0%
<b>Totals for Area of Interest</b>		<b>6.7</b>	<b>100.0%</b>





## Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

## Report—Selected Soil Interpretations

Selected Soil Interpretations—Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
ImB—Ingleside-Hammonton-Fallsington complex, 0 to 5 percent slopes							
Ingleside	35	Not limited		Somewhat limited		Very limited	
				Depth to saturated zone	0.73	Depth to saturated zone	1.00
						Restricted permeability	1.00
Hammonton	30	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
Fallsington, drained	15	Very limited		Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
						Restricted permeability	1.00
Fallsington, undrained	10	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Depth to saturated zone	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Ponding	1.00
						Restricted permeability	1.00



Selected Soil Interpretations--Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
WddA--Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area							
Woodstown	80	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00
						Restricted permeability	1.00

### Data Source Information

Soil Survey Area: Sussex County, Delaware  
 Survey Area Data: Version 20, Sep 13, 2019

## Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

*Prime farmland* is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

*Unique farmland* is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

## Report—Prime and other Important Farmlands

Prime and other Important Farmlands—Sussex County, Delaware		
Map Symbol	Map Unit Name	Farmland Classification
ImB	Ingleside-Hammonton-Fallsington complex, 0 to 5 percent slopes	All areas are prime farmland
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	All areas are prime farmland

## Data Source Information

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 20, Sep 13, 2019



# SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

## SOILS:

ImB Ingleside-Hammonton-Fallsington complex, 0 to 5 percent slopes  
WdA Woodstown sandy loam, 0 to 2 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE:  
See attached table for suitability.
- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
  - 1. DURING CONSTRUCTION:  
  
Follow recommended erosion and sediment control practices.
  - 2. AFTER CONSTRUCTION:  
  
Maintain vegetation.
- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):  
See attached table(s) for ratings.
- D. ADDITIONAL COMMENTS (IF APPLICABLE):





# DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

## DRAINAGE:

- A. Any Storm flood hazard area affected? ☐ Yes ☒ No
- B. Would the proposed project necessitate any off-site drainage improvements?  
*No*
- C. Would the proposed project necessitate any on-site drainage improvements?  
*No*
- D. Any Tax Ditch affected? ☐ Yes ☒ No

### Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

Document# 2019000001203 BK: 5003 PG: 218  
 Recorder of Deeds, Scott Dailey On 1/10/2019 at 2:31:06 PM Sussex County, DE  
 Consideration: \$0.00 County/Town: \$0.00 State: \$0.00 Total: \$0.00  
 Doc Surcharge Paid Town: SUSSEX COUNTY

TAX PARCEL NO. 131-15.00-17.00.

Prepared by and Return to:  
 Sussex County Engineering  
 P.O. Box 589  
 Georgetown, DE 19947

### EASEMENT AND AGREEMENT

THIS EASEMENT AND AGREEMENT is made and entered into this 27th day of December, A.D. 2018, by and between JOHN H. PASSWATERS AND LAURA ANN PASSWATERS, with an address of 18956 Sussex Highway, Bridgeville, Delaware 19933, party of the first part, (hereinafter referred to as "Grantor"), and SUSSEX COUNTY, a political subdivision of the State of Delaware, with an address of 2 The Circle, Georgetown, Delaware 19947 (hereinafter referred to as "Grantee").

WHEREAS, Grantor is the owner of that certain tract of lands and premises located in the North West Fork Hundred, Sussex County and State of Delaware, and said parcel of land (hereinafter referred to as "the Property", being described as Tax Parcel Number 131-15.00-17.00, and further described in Deed Book 4398 Page 61.

WHEREAS, SUSSEX COUNTY is preparing plans for certain improvements (hereinafter referred to as "Improvements") to its Sanitary Sewer Utilities (hereinafter referred to as "the Systems").

WHEREAS, it is necessary that the Improvements to the Systems pass under and through the Property.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, as well as the sum of ONE THOUSAND THREE HUNDRED DOLLARS (\$1,300.00) in hand paid to the Grantor, the receipt and sufficiency of which are hereby acknowledged, the parties to this Easement and Conveyance Agreement do hereby agree as follows:

1. The Grantor does hereby grant and convey unto the Grantee a fifteen (15) feet wide **permanent easement** parallel to the western property line under, across, and through a limited portion of the Property as defined and described herein below for the purpose of locating, establishing, laying, constructing, using, operating, maintaining, relaying, repairing and removing the Improvements to the Systems, including, but not limited to, any and all pipes and associated structures thereto, at any time, for the benefit of the Grantee, its successors heirs and assigns. The permanent easement and right of way granted hereunder shall be as shown on plate PL-11, dated July 2018 prepared by GMB, LLC attached as **EXHIBIT "A"**.

2. The Grantor does hereby grant a fifteen (15) feet wide **temporary construction easement** for access to the property as needed for construction and testing activities through substantial completion of the Improvements.

3. Notwithstanding the granting of the aforesaid permanent easement, the Grantor reserves unto itself and its successors, heirs and assigns, the full use and enjoyment of the property. However, the Grantor shall not construct or permit the construction of any structure with a permanent foundation within the boundaries of the aforesaid permanent utility easement.

Document# 2019000001203 BK: 5003 PG: 219

Recorder of Deeds, Scott Dailey On 1/10/2019 at 2:31:06 PM Sussex County, DE

Doc Surcharge Paid

4. As part of the Improvements Grantee shall install a tap in the Improvements approximately midpoint of said easement for the future use of the Grantor.

5. As part of the Improvements Grantee shall install a twelve feet wide gate at each end of the easement. Gates shall match existing fence in material and quality.

6. All earth which is removed shall be replaced in such a manner not to change any grades or disturb any existing drainage features, and after the construction of the Improvements to the Systems, or after any repairs to same, the Property shall be restored to its former condition, consistent with good engineering and construction practices.

7. Any latent settlement of the construction trench reported by the Grantor to Grantee shall be backfilled and restored by the Grantee within 30-days of notice for a period of 5-years from completion of the Improvements.

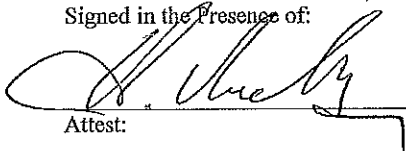
8. Grantee shall have uninterrupted right of ingress and egress to and from the easement with 48-hour notice to Grantee unless an emergency requires immediate access.

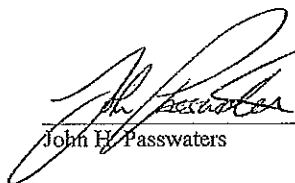
9. The easements and rights of way granted hereunder, all of the mutual promises and covenants contained herein shall be deemed to be easements, rights of way, and promises and covenants running with the land, and, accordingly, the same shall be binding upon the successors, heirs and assigns or the respective parties hereto.

10. Grantee agrees to abide by all applicable laws, rules and regulations pertaining to the use and operation of the Systems.

IN WITNESS WHEREOF, intending to be legally bound hereby, the parties to this Easement and Agreement have hereunto set their respective hands and seals on the day and year first above written.

Signed in the Presence of:

  
Attest:

 (SEAL)  
John H. Passwaters

STATE OF DELAWARE

:

: SS.

COUNTY OF Sussex

:

BE IT REMEMBERED, that on the 27 day of December, 2018, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, John H. Passwaters and, known to be personally to be such, and he acknowledged said Indenture to be his act and deed. Given under my hand and seal of office the day and year aforesaid.

JAYNE E. DICKERSON  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires on April 12, 2021

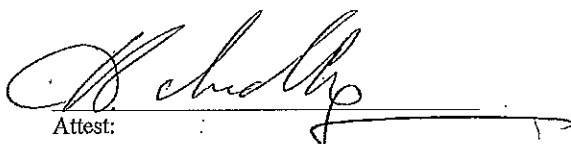
  
Notary Public

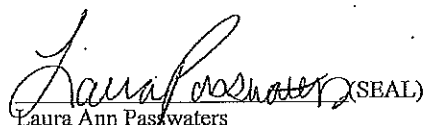


Document# 2019000001203 BK: 5003 PG: 220

Recorder of Deeds, Scott Dailey On 1/10/2019 at 2:31:06 PM Sussex County, DE

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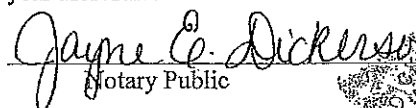
  
Attest:

 (SEAL)  
Laura Ann Passwaters

STATE OF DELAWARE :  
COUNTY OF Sussex : SS.

BE IT REMEMBERED, that on the 27<sup>th</sup> day of December, 2018, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Laura Ann Passwaters and, known to be personally to be such, and she acknowledged said Indenture to be her act and deed. Given under my hand and seal of office the day and year aforesaid.

JAYNE E. DICKERSON  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires on April 12, 2021

  
Notary Public

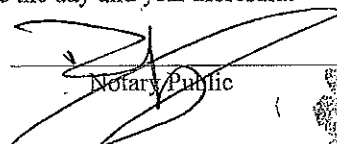
Attest:

STATE OF DELAWARE :  
COUNTY OF Sussex : SS.

 (SEAL)  
Michael H. Vincent, President

BE IT REMEMBERED, that on the 8<sup>th</sup> day of January, 2019, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Michael H. Vincent, President of the Sussex County Council, a political subdivision of the State of Delaware, known to be personally to be such, and he acknowledged said Indenture to be his act and deed and the act and deed of said county. Given under my hand and seal of office the day and year aforesaid.

ROBIN A. GRIFFITH  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires on June 5, 2019

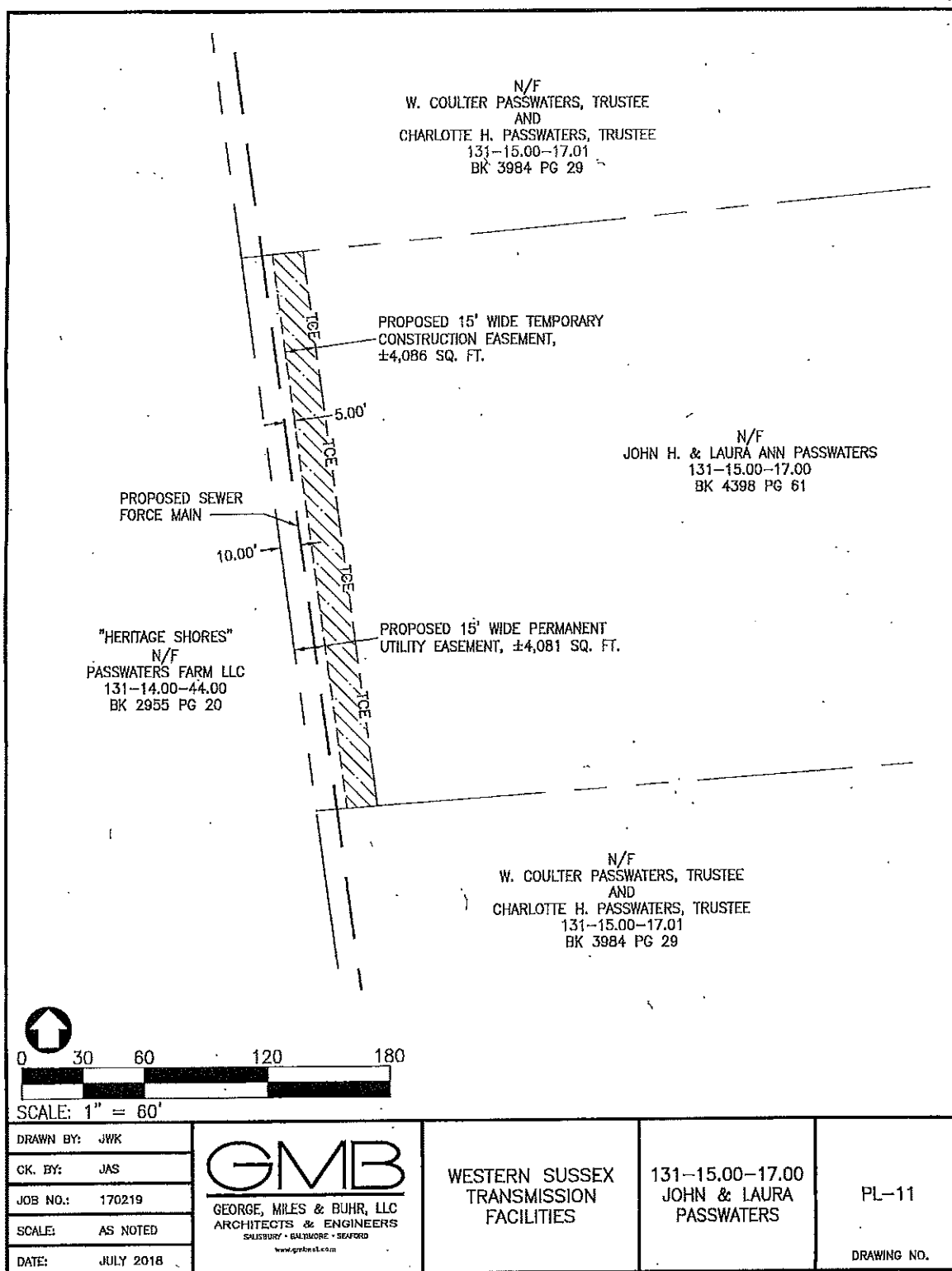
  
Notary Public



Document# 2019000001203 BK: 5003 PG: 221

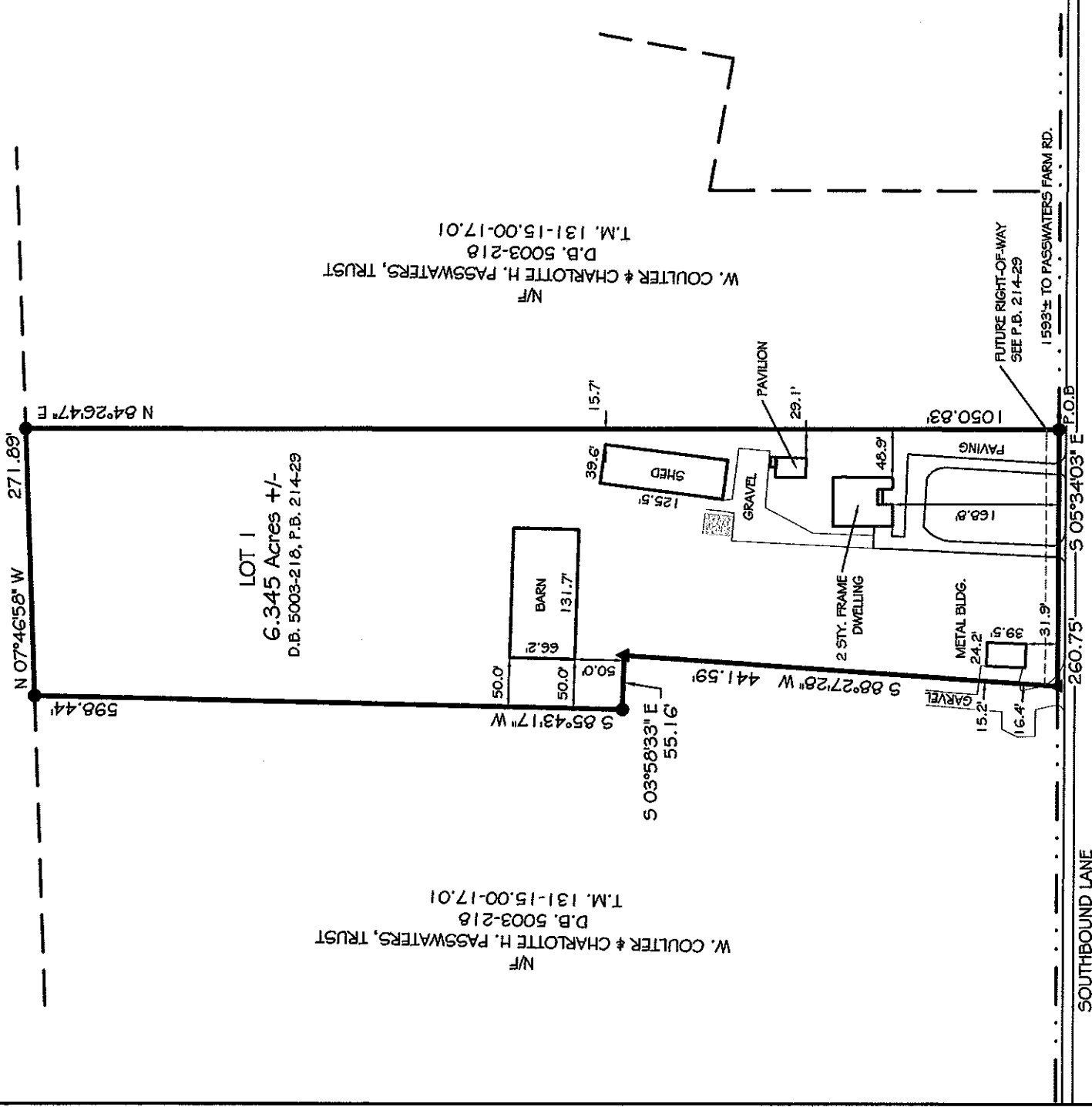
Recorder of Deeds, Scott Dailey On 1/10/2019 at 2:31:06 PM Sussex County, DE

Doc Surcharge Paid



T.M. #131-15.00-17.00

N/F  
PASSWATERS FARM, LLC  
D.B. 5039-231  
"HERITAGE SHORES"



SOUTHBOUND LANE

U. S. ROUTE 13 - SUSSEX HIGHWAY

- PIPE
- ▲ R.R. SPIKE

SEE PLOT BOOK 214 PAGE 29 FOR EASEMENT  
RESERVATIONS. THIS SURVEY AND PLAT DOES NOT  
VERIFY THE EXISTENCE OR NON-EXISTENCE OF  
RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS  
PROPERTY OTHER THAN THOSE SHOWN.  
NO TITLE SEARCH PROVIDED OR STIPULATED.

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

*Stephen M. Sellers*  
STEPHEN M. SELLERS PLS 566 DATE 7/25/19  
SURVEY CLASS: SUBURBAN

LOCATION PLAN FOR

**JOHN H. & LAURA ANN PASSWATERS**  
18956 SUSSEX HIGHWAY, BRIDGEVILLE, DE. 19933  
LOT #1 OF "W. COULTER & CHARLOTTE H. PASSWATERS, TRUST"  
NORTHWEST FORK HUNDRED SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE 1" = 150'  
JULY 25, 2019

PREPARED BY:

PH: 302-629-9895  
FAX: 302-629-2391

**MILLER**  
**LEWIS, INC.**  
LAND SURVEYING

1560 MIDDLEFORD RD. • SEAFORD, DE. 19973

## 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 December 19, 2019

Application: CU 2203 Christopher F. Booth

Applicant: Christopher F. Booth  
30725 Omar Road  
Frankford, DE 19945

Owner: Christopher F. Booth  
30725 Omar Road  
Frankford, DE 19945

Site Location: On the north side of Omar Road in Frankford, DE.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Tree and Landscaping Business

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmatic  
District: Mr. Rieley

School District: Indian River School District

Fire District: Frankford Fire District

Sewer: Private (On-Site)

Water: Private (On-Site)

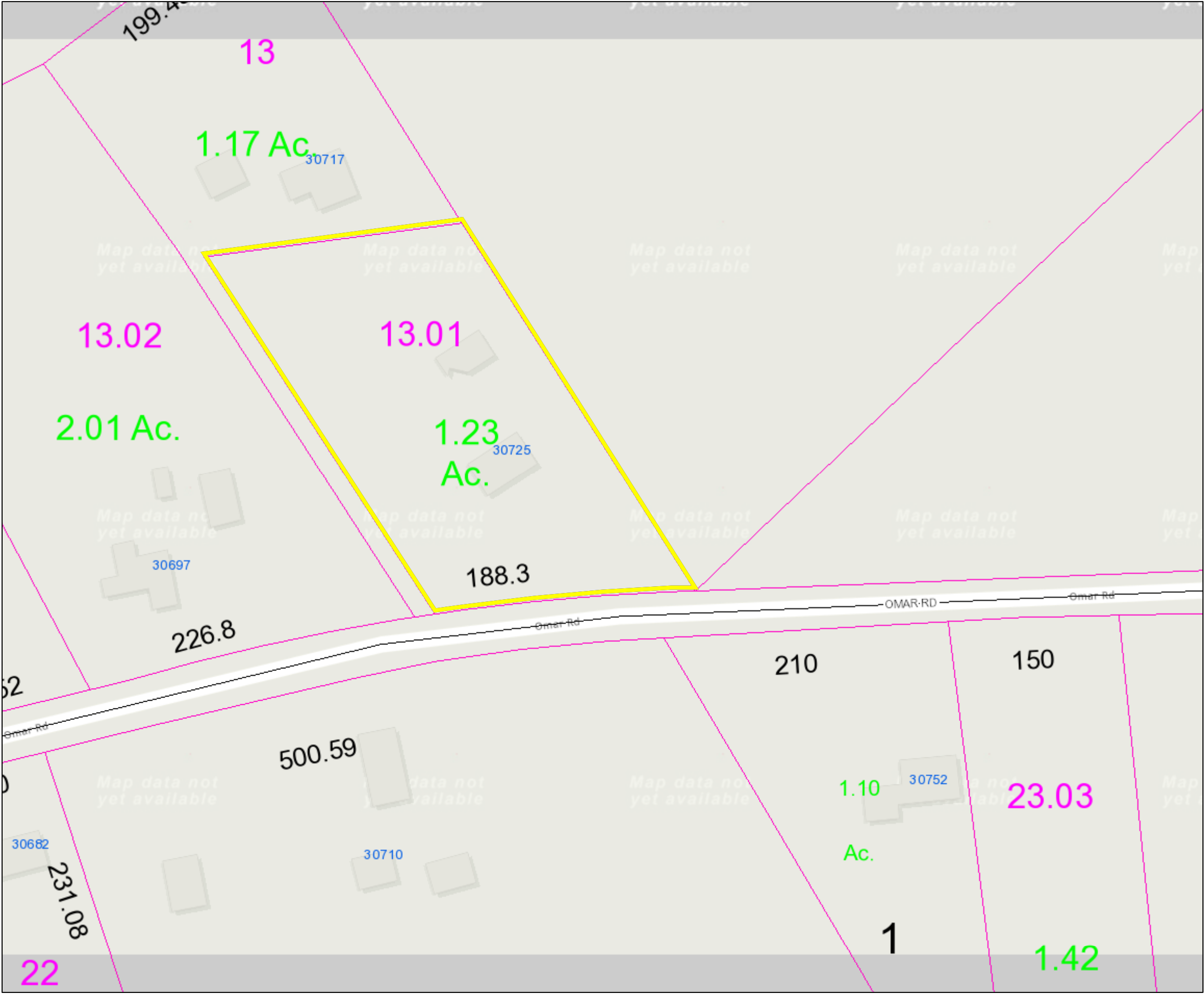
Site Area: 1.227 acres +/-

Tax Map ID.: 433-7.00-13.01





Sussex County

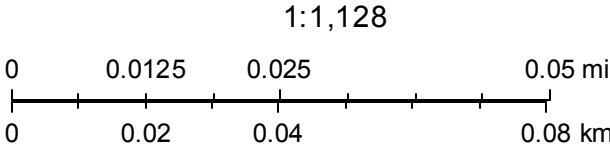


PIN:	433-7.00-13.01
Owner Name	BOOTH CHRISTOPHER F
Book	3950
Mailing Address	30725 OMAR RD
City	FRANKFORD
State	DE
Description	FRANKFORDOMAR
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

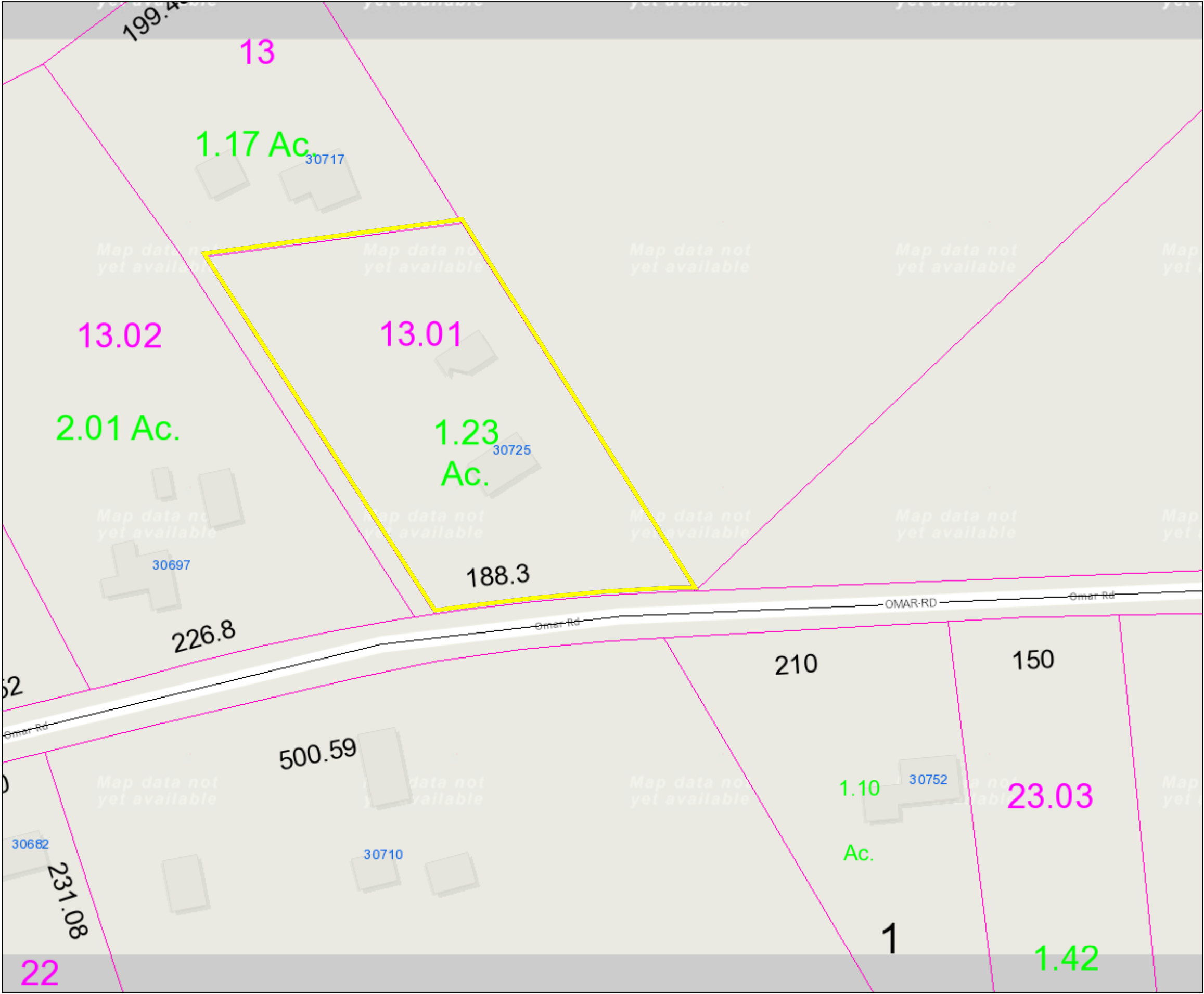
Override 1
- Tax Parcels
- 911 Address
- Streets







Sussex County

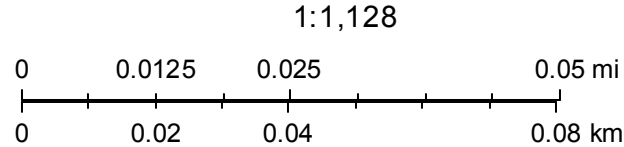


PIN:	433-7.00-13.01
Owner Name	BOOTH CHRISTOPHER F
Book	3950
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City	FRANKFORD
State	DE
Description	FRANKFORDOMAR
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets





Mailing List Exhibit Map  
Planning Commission  
CU 2203 Christopher Booth  
433-7.00-13.01

Christopher F. Booth  
30725 Omar Road  
Frankford, DE 19945

Located on the north side of Omar Road.





## PLANNING & ZONING

JANELLE M. CORNWELL, AICP  
DIRECTOR

(302) 855-7878 T  
(302) 854-5079 F



# Sussex County

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Vince Robertson, Assistant County Attorney and applicant

Date: December 12, 2019

RE: Staff Analysis for CU 2203 Christopher F. Booth

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2203 Christopher F. Booth to be reviewed during the December 19, 2019 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 433-7.00-13.01 to allow for a tree and landscaping business to be located on the north side of Omar Rd. The size of the properties is 1.227 ac. +/-.

The 2008 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 indicates that the properties have the land use designation of Coastal Area.

The surrounding lands located to the north, south, east and west of the application site are designated as being in Coastal Area. The Coastal Areas land use designation recognizes that a range of housing types should be permitted in Coastal Area, including single-family homes, townhouses, and multifamily units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should be allowed. It also recognizes a careful mixture of homes with light commercial, office and institutional uses can be appropriate to provide convenient services and to allow people to work close to home.

The property is zoned AR-1 (Agricultural Residential Zoning District). The properties to the north, south, east and west are also zoned AR-1 (Agricultural Residential Zoning District). There are no known Conditional Uses in the area that have been approved since 2011.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a tree and landscaping business could be considered consistent with the land use, area zoning and nearby uses.



File #: CU 2203

201910240

## 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 X

Zoning Map Amendment \_\_\_\_\_

Site Address of Conditional Use/Zoning Map Amendment

30725 OMAR Rd., FRANKFORD, DE 19945

Type of Conditional Use Requested:

TREE + LANDSCAPING Business

Tax Map #: 4-33-7- 13.01

Size of Parcel(s): 1.227 Ac.

Current Zoning: AR-1

Proposed Zoning: CU

Size of Building: 24x24 EXISTING

Land Use Classification: \_\_\_\_\_

Water Provider: WELL

Sewer Provider: SEPTIC

#### Applicant Information

Applicant Name: CHRISTOPHER F. BOOTH

Applicant Address: 30725 OMAR ROAD, FRANKFORD, DE.

City: FRANKFORD

State: DE

Zip Code: 19945

Phone #: 302-228-0850

E-mail: OCEANVIEWTREE@gmail.com

302 249-8723

#### Owner Information

Owner Name: SAME

Owner Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_

#### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: P/A

Agent/Attorney/Engineer Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_





# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ Completed Application

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

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

☒ Provide Fee \$500.00

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

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

☒ DelDOT Service Level Evaluation Request Response

☐ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

\_\_\_\_\_

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

Signature of Owner

Mrs. Bort

Date: 9-6-19

For office use only:

Date Submitted: 9/6/19

Fee: \$500.00 Check #: CC

Staff accepting application: EFQ

Application & Case #: 201910240

Location of property: 30725 Omar Rd  
Frankford, DE 19945

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

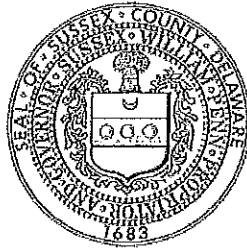
Date of PC Hearing: \_\_\_\_\_

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

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

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

PLANNING & ZONING  
JANELLE M. CORNWELL, AICP  
DIRECTOR  
(302) 855-7878 T  
(302) 854-5079 F



Sussex County  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

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

Date: 3-11-2019

### Site Information:

Site Address/Location: 30725 Omar Road

Tax Parcel Number: 4-33-7.00 -13.01

Current Zoning: AR-1

Proposed Zoning: C/USE

Land Use Classification: \_\_\_\_\_

Proposed Use(s):

CONDITIONAL USE FOR TREE + LANDSCAPING BUS.

Square footage of any proposed buildings or number of units: NONE PROPOSED

HOUSE + GARAGE EXISTING

### Applicant Information:

Applicant's Name: Christopher F. Booth / Chris OF ALL TRADES

Applicant's Address: 30725 Omar Rd.  
City: FRANKFORD State: DE Zip Code: 19945

Applicant's Phone Number: 302-228-0850

Applicant's e-mail address: \_\_\_\_\_

LEFT MESSAGE

4/9

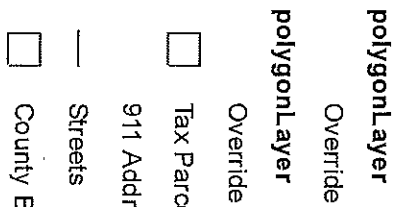
10:44 AM



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

Last updated 7-27-18

Book
Mailing Add
City
State
Description
Description
Description
Land Code





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

JENNIFER COHAN  
SECRETARY

April 5, 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 **Christopher F. Booth / Chris of All Trades** conditional use application, which we received on March 11, 2019. This application is for a 1.23-acre parcel (Tax Parcel: 433-7.00-13.01). The subject land is located on the north side of Omar Road (Sussex Road 54), approximately 2,000 feet west of the intersection of Omar Road and Armory Road (Sussex Road 382). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the existing facility to operate a tree and landscaping business.

Per the 2017 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Omar Road where the subject land is located, which is from the northeast Frankford limits to Delaware Route 26, are 3,341 and 4,300 vehicles per day, respectively.

Based on our review, we estimate that the above land uses 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.



Ms. Janelle M. Cornwell  
Page 2 of 2  
April 5, 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  
Christopher F. Booth / Chris of All Trades, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance and 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: **Janelle Cornwell**

REVIEWER: **Chris Calio**

DATE: **12/2/2019**

APPLICATION: **CU 2203 Christopher F. Booth**

APPLICANT: **Christopher F. Booth**

FILE NO: **DFPA-6.03**

TAX MAP &  
PARCEL(S): **433-7.00-13.01**

LOCATION: **On the north side of Omar Road, 1,700 feet east of Clark Trl.**

NO. OF UNITS: **Tree and Landscaping Business**

GROSS  
ACREAGE: **1.227 +/-**

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SUSSEX COUNTY  
PLANNING & ZONING

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes ☐ No ☒
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Click or tap to enter a fee** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**

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

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

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

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

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

UTILITY PLANNING APPROVAL:

  
\_\_\_\_\_  
John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned



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DEC 18 2019

SUSSEX COUNTY  
PLANNING & ZONING

## MEMORANDUM

TO: Janelle M. Cornwell

FROM: Debbie Absher, Director of Ag Programs

SUBJECT: LUPA

DATE: December 17, 2019

Attached you will find the comments for the following proposed zoning changes:

- 2019-26 – Lands of Michael W. Peterson & Mary E. Peterson
- 2019-27 – Harbour Homes, LLC
- CU 2202 – John Passwaters
- CU 2203 – Christopher F. Booth
- CU 2204 – Quality Care Homes

If you have any questions, I can be reached at 856-3990, ext. 3.

BJH

Enclosures





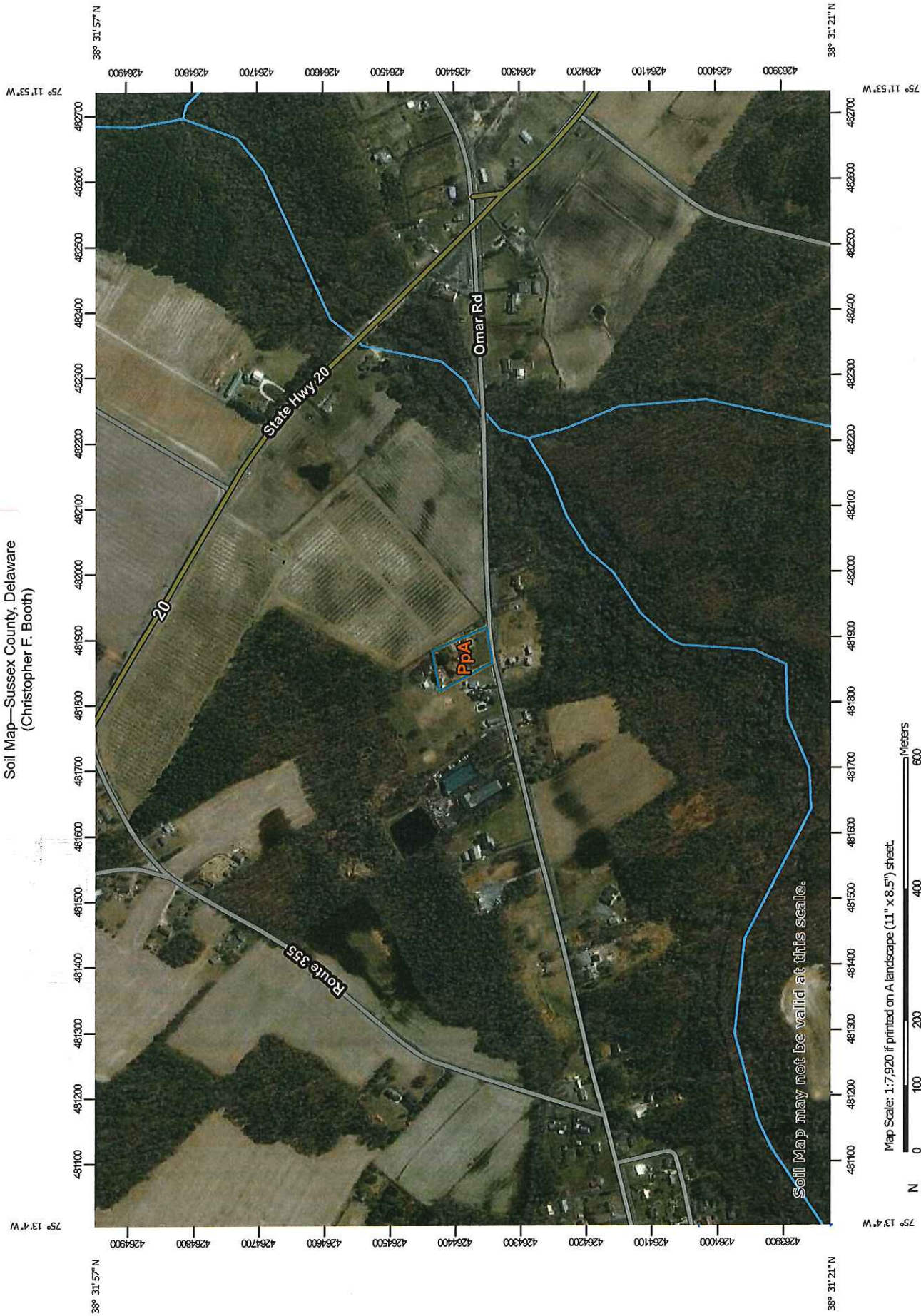


**CU 2203**  
**TM #433-7.00-13.01**  
**Christopher F. Booth**























































Soil Map—Sussex County, Delaware  
(Christopher F. Booth)



## MAP LEGEND

 Area of Interest (AOI)	 Area of Interest (AOI)	 Spoil Area
 Soils	 Soil Map Unit Polygons	 Stony Spot
 Soil Map Unit Lines	 Soil Map Unit Lines	 Very Stony Spot
 Soil Map Unit Points	 Soil Map Unit Points	 Wet Spot
 Special Point Features	 Special Line Features	 Other
 Blowout	 Streams and Canals	 Special Line Features
 Borrow Pit	 Transportation	 Railroads
 Clay Spot	 Interstate Highways	 US Routes
 Closed Depression	 Major Roads	 Local Roads
 Gravel Pit	 Background	 Aerial Photography
 Gravelly Spot	 Marsh or swamp	
 Landfill	 Mine or Quarry	
 Lava Flow	 Miscellaneous Water	
 Marsh or swamp	 Perennial Water	
 Mine or Quarry	 Rock Outcrop	
 Miscellaneous Water	 Saline Spot	
 Perennial Water	 Sandy Spot	
 Rock Outcrop	 Severely Eroded Spot	
 Saline Spot	 Sinkhole	
 Sandy Spot	 Slide or Slip	
Severely Eroded Spot	Sodic Spot	
Sinkhole		
Slide or Slip		
Sodic Spot		

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 20, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
PpA	Pepperbox loamy sand, 0 to 2 percent slopes	1.3	100.0%
<b>Totals for Area of Interest</b>		<b>1.3</b>	<b>100.0%</b>





## Selected Soil Interpretations

This report allows the customer to produce a report showing the results of the soil interpretation(s) of his or her choice. It is useful when a standard report that displays the results of the selected interpretation(s) is not available.

When customers select this report, they are presented with a list of interpretations with results for the selected map units. The customer may select up to three interpretations to be presented in table format.

For a description of the particular interpretations and their criteria, use the "Selected Survey Area Interpretation Descriptions" report.

## Report—Selected Soil Interpretations

Selected Soil Interpretations--Sussex County, Delaware							
Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements		ENG - Dwellings With Basements		ENG - Septic Tank Absorption Fields (DE)	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
PpA—Pepperbox loamy sand, 0 to 2 percent slopes							
Pepperbox	80	Somewhat limited		Very limited		Very limited	
		Depth to saturated zone	0.39	Depth to saturated zone	1.00	Depth to saturated zone	1.00

## Data Source Information

Soil Survey Area: Sussex County, Delaware

Survey Area Data: Version 20, Sep 13, 2019



## Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

*Prime farmland* is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

*Unique farmland* is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

## Report—Prime and other Important Farmlands

Prime and other Important Farmlands—Sussex County, Delaware		
Map Symbol	Map Unit Name	Farmland Classification
PpA	Pepperbox loamy sand, 0 to 2 percent slopes	Prime farmland if irrigated

## Data Source Information

Soil Survey Area: Sussex County, Delaware  
 Survey Area Data: Version 20, Sep 13, 2019



# SOILS

ADD ANY ADDITIONAL INFORMATION THAT MAY BE CONSIDERED PERTINENT:

## SOILS:

PpA Pepperbox loamy sand, 0 to 2 percent slopes

- A. SUITABILITY OF SOILS INTENDED USE:  
See attached table for suitability.
- B. EVALUATE THE SOILS INCLUDED IN THIS PROJECT WITH RESPECT TO EROSION AND SEDIMENTATION CONTROL:
  - 1. DURING CONSTRUCTION:  
Follow recommended erosion and sediment control practices.
  - 2. AFTER CONSTRUCTION:  
Maintain vegetation.
- C. FARMLAND RATING (PRIME, UNIQUE, STATEWIDE IMPORTANCE, ETC.):  
See attached table(s) for ratings.
- D. ADDITIONAL COMMENTS (IF APPLICABLE):





# DRAINAGE AND FLOODING

Add any additional information that may be considered pertinent:

## DRAINAGE:

- A. Any Storm flood hazard area affected? ☐ Yes ☒ No
- B. Would the proposed project necessitate any off-site drainage improvements?  
*No*
- C. Would the proposed project necessitate any on-site drainage improvements?  
*No*
- D. Any Tax Ditch affected? ☐ Yes ☒ No

Additional Comments (if applicable)

All landowners, developers, and site designers are strongly encouraged to thoroughly investigate the presence of easements or right-of-ways along tax ditches. These documents are located in the Prothonotary's Office and/or with the Recorder of Deeds. If a stormwater management facility is proposed along a stream or ditch, the Sussex Conservation District will require verification of any easements. Before you start any project design, please look into this matter by calling the Division of Soil and Water Conservation-Drainage Program at (302) 855-1930 or the Sussex Conservation District Sediment and Stormwater Program at (302) 856-7219 for more information.

W

We Chris and Krystal Booth are trying to get a permit for conditional use of property from the Sussex county council, to be able to keep my equipment for my business on the property. None of my business is conducted here and is all off site. These are the signatures of my neighbors below that they have no issues with this taking place.

X STEVE HARDY

X Steve Hardy

X M Vaughan

X MIKE VAUGHAN

X Allen Hudson

X Allen HUDSON

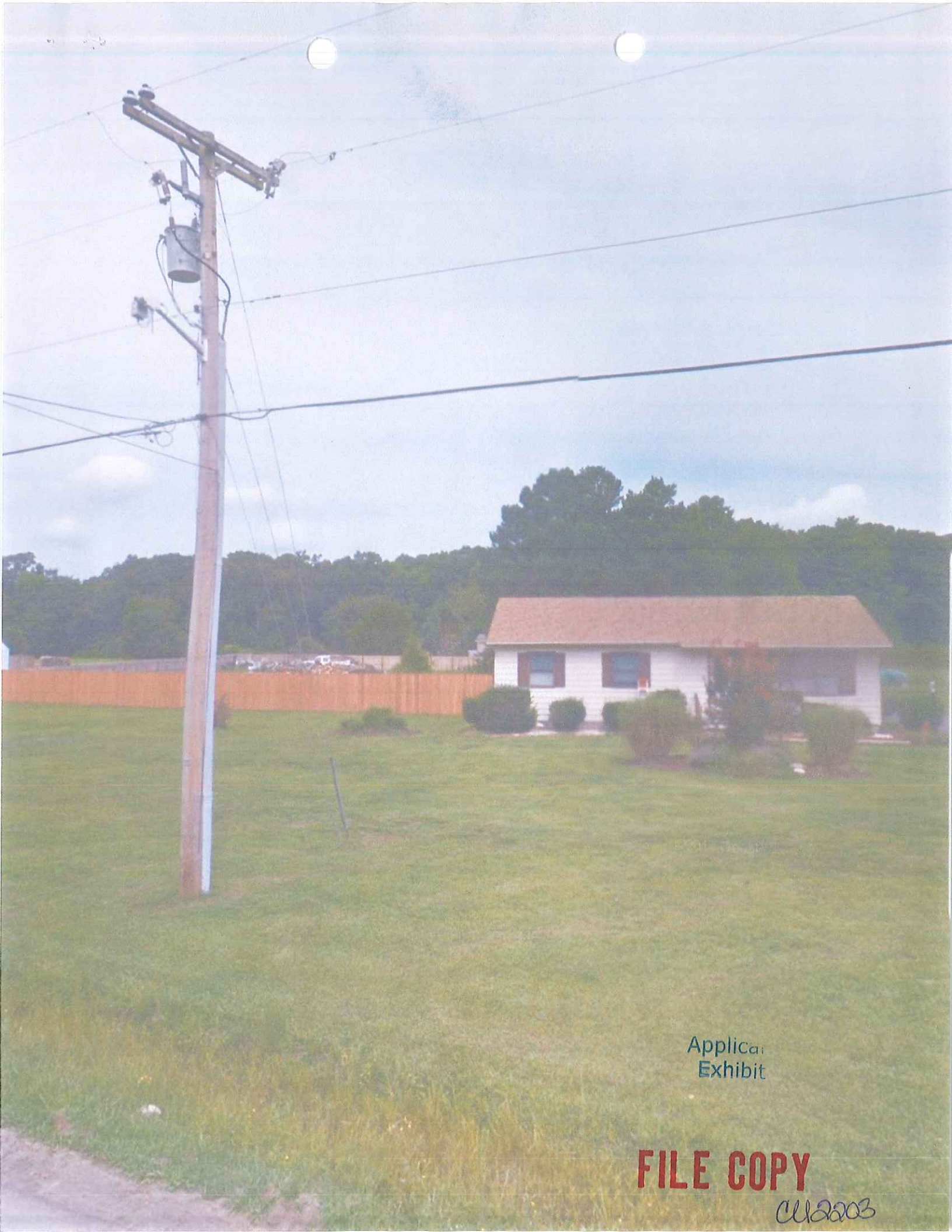
X \_\_\_\_\_

X Jane Bennett

Applicant  
Exhibit

FILE COPY

CU2203



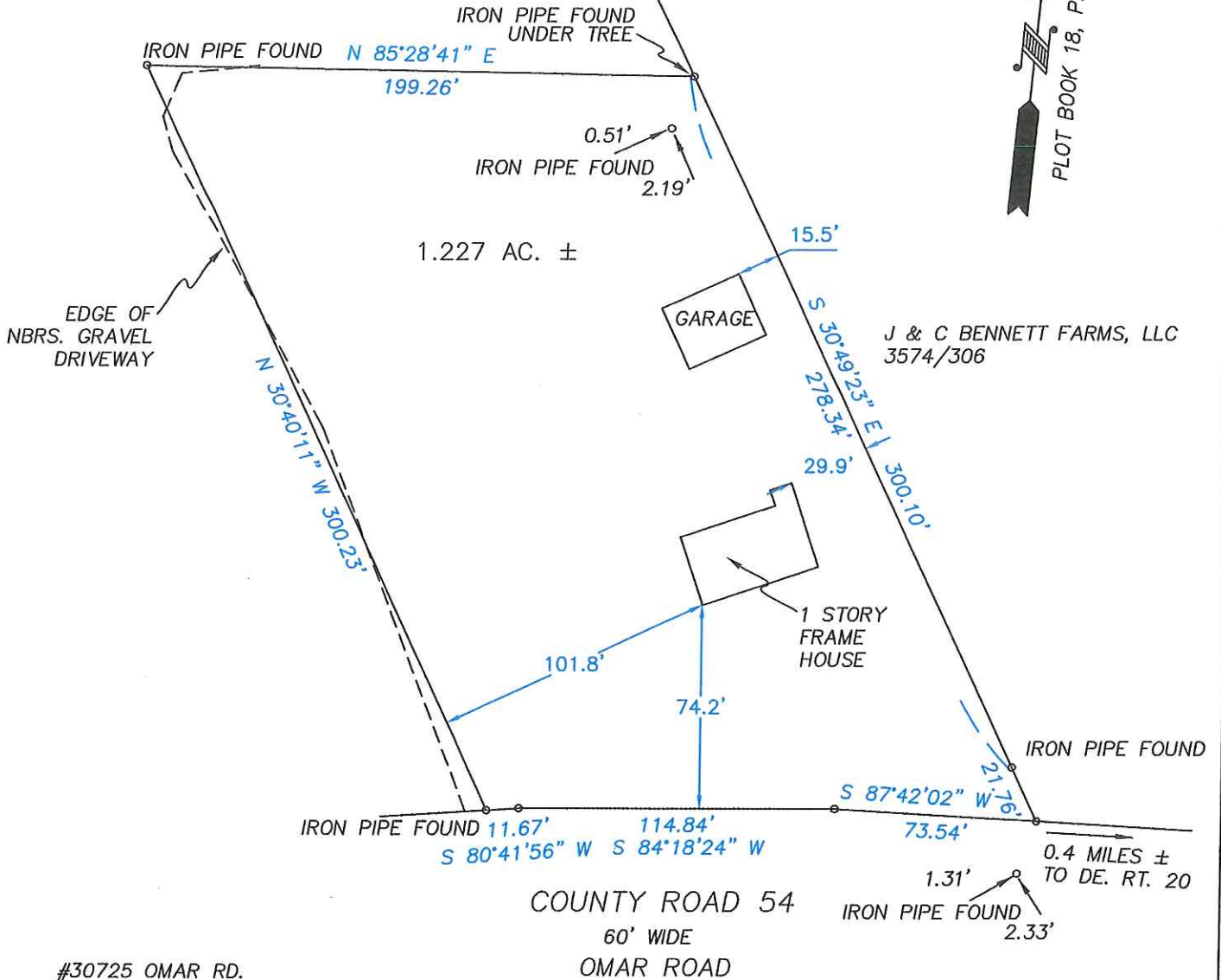
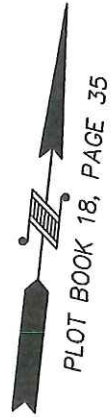
Applica  
Exhibit

**FILE COPY**

CU2203



PARCEL 2  
PRESTON L. LONG  
& MILDRED E. LONG SUBDIVISION



#30725 OMAR RD.  
BUYER:  
CHRISTOPHER F. BOOTH  
KRYSTAL A. BOOTH

JANE ANN LONG  
DAGSBORO HUNDRED  
SUSSEX COUNTY, DELAWARE

JOHN ELLIOTT SURVEYING, INC.  
11249 TUCKERS RD.  
GREENWOOD, DE 19950  
302-349-4748

CLASS "B" SURVEY  
4-33-7.00-13.01

Scale: 1"=60' Date: 10/24/11 Job: 701

















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