

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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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



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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: March 24<sup>th</sup>, 2022

Application: C/U 2290 Toback Development, LLC

Applicant: Toback Development, LLC  
35 Rodney Avenue  
Dewey Beach, DE 19971

Owner: Toback Development, LLC  
35 Rodney Avenue  
Dewey Beach, DE 19971

Site Location: Lying on the west side of the intersection of Lewes Georgetown Highway (Route 9) and Prettyman Road (S.C.R. 254).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Contractor flex space

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Georgetown Fire Department

Sewer: Artesian

Water: Artesian

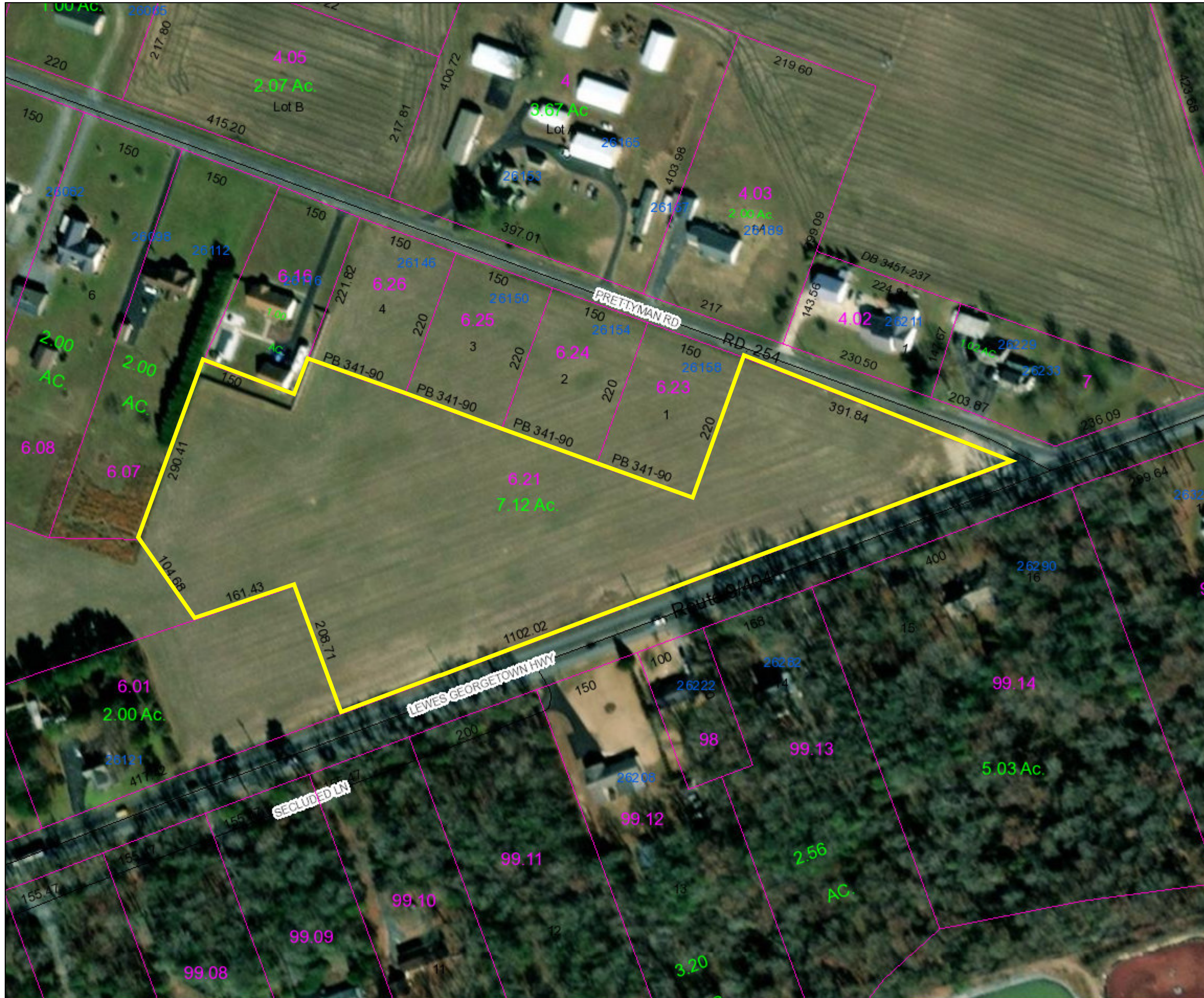
Site Area: 7.12 acres +/-

Tax Map ID.: 235-30.00-6.21





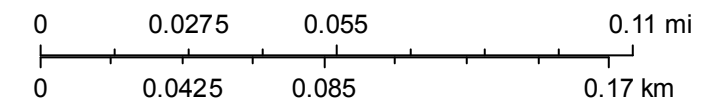
# Sussex County



<b>PIN:</b>	235-30.00-6.21
<b>Owner Name</b>	TOBACK DEVELOPMENT LLC
<b>Book</b>	5401
<b>Mailing Address</b>	35 RODNEY AVE UNIT 3
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	CRN/ PRETTYMAN RD / LE
<b>Description 2</b>	RESIDUAL LANDS
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:2,257





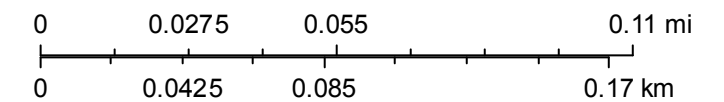
# Sussex County



<b>PIN:</b>	235-30.00-6.21
<b>Owner Name</b>	TOBACK DEVELOPMENT LLC
<b>Book</b>	5401
<b>Mailing Address</b>	35 RODNEY AVE UNIT 3
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	CRN/ PRETTYMAN RD / LE
<b>Description 2</b>	RESIDUAL LANDS
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:2,257





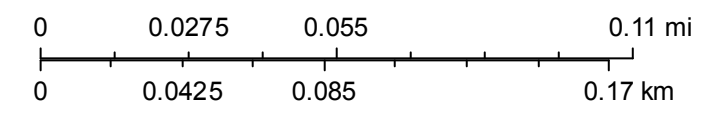
# Sussex County



<b>PIN:</b>	235-30.00-6.21
<b>Owner Name</b>	TOBACK DEVELOPMENT LLC
<b>Book</b>	5401
<b>Mailing Address</b>	35 RODNEY AVE UNIT 3
<b>City</b>	REHOBOTH BEACH
<b>State</b>	DE
<b>Description</b>	CRN/ PRETTYMAN RD / LE
<b>Description 2</b>	RESIDUAL LANDS
<b>Description 3</b>	N/A
<b>Land Code</b>	

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

1:2,257



File #: CU 2290  
202108703

## 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

Intersection of DE Route 9 & SCR 254 (Prettyman Road)

### Type of Conditional Use Requested:

Applicant desires a conditional use to allow the construction of a flex space building on the property.

Tax Map #: p/o 235-30.00-6.21 Size of Parcel(s): 7.12 +/- acres

Current Zoning: AR-1 Proposed Zoning: AR1-CU Size of Building: 2 Bldges total 46,800sq ft.

Land Use Classification: Low Density

Water Provider: Artesian Sewer Provider: Artesian

### Applicant Information

Applicant Name: Toback Development, LLC

Applicant Address: 35 Rodney Avenue

City: Dewey Beach State: DE Zip Code: 19971

Phone #: (302) 228-6182 E-mail: matt@leweshg.com

### Owner Information

Owner Name: See above.

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James LLP)

Agent/Attorney/Engineer Address: 107 West Market Street, P.O. Box 690

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-0015 E-mail: dhutt@morrisjames.com



# Check List for Sussex County Planning & Zoning Applications

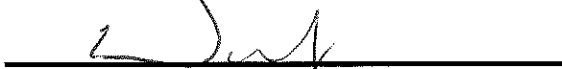
The following shall be submitted with the application

- 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: 6-4-2021

Signature of Owner



Date: 6-2-21

*For office use only:*

Date Submitted: 6/7/21

Staff accepting application: NT

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

Fee: \$500.00 Check #: 106872

Application & Case #: 202108703 CW2290

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

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

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

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

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

JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR OF PLANNING & ZONING  
(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: Elliott Young, Planner I  
CC: Vince Robertson, Assistant County Attorney, and applicant  
Date: March 17<sup>th</sup>, 2022  
RE: Staff Analysis for CU 2290 Toback Development, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2290 Toback Development, LLC to be reviewed during the March 24<sup>th</sup>, 2022, Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 235-30.00-6.21 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for Contractor Flex Space. The parcel is located on the west side of Prettyman Road (S.C.R. 254) Harbeson, Delaware. The size of the property is approximately 7.12 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Low Density". The surrounding parcels to the south, north, west, and east are all designated on the Future Land Use Map as "Low Density".

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

The property is within an Agricultural Residential (AR-1) Zoning District. Additionally, each adjacent parcel is also within the AR-1 Zoning District.

Since 1970, there have been sixteen (17) Conditional Use applications within a half (.05-miles) mile radius of the application site. Fourteen (14) of those applications have been approved, one (1) has been withdrawn and two(2) applications are still undecided.

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





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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/24/2022**

APPLICATION: **CU 2290 Toback Development, LLC**

APPLICANT: **Toback Development, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **235-30.00-6.21**

LOCATION: **Lying on the west side of the intersection of Lewes  
Georgetown Highway (Route 9) and Prettyman Road (SCR 254)**

NO. OF UNITS: **Contractor flex space**

GROSS  
ACREAGE: **7.12**

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

**SEWER:**

(1). Is the project in a County operated and maintained sanitary sewer and/or water district?

Yes

No

a. If yes, see question (2).

b. If no, see question (7).

(2). Which County Tier Area is project in? **Tier 3**

(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

RECEIVED

FEB 25 2022

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: **Click or tap here to enter text.**
- (9). Is a Sewer System Concept Evaluation required? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



---

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

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



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

JENNIFER COHAN  
SECRETARY

November 21, 2019

Ms. Betty Tustin  
The Traffic Group, Inc.  
104 Kenwood Court  
Berlin, MD 21811

Dear Ms. Tustin:

The enclosed Traffic Impact Study (TIS) review letter for the proposed **Azalea Woods (f.k.a. Wilson Moore)** (Tax Parcels 135-11.00-32.01, 48.00, 49.00 and 56.00) development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel  
Project Engineer

TEB:km  
Enclosures  
cc with enclosures:

Mr. Thomas Natelli, Jr., Natelli Communities  
Mr. Jason Palkewicz, Solutions IPEM, Inc.  
Ms. Constance C. Holland, Office of State Planning Coordination  
Ms. Janelle Cornwell, Sussex County Planning and Zoning  
Mr. Andrew Parker, McCormick Taylor, Inc.  
DelDOT Distribution

## DeIDOT Distribution

Brad Eaby, Deputy Attorney General  
Shanté Hastings, Director, Transportation Solutions (DOTS)  
Drew Boyce, Director, Planning  
Mark Luszcz, Deputy Director, DOTS  
Michael Simmons, Assistant Director, Project Development South, DOTS  
J. Marc Coté, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Peter Haag, Chief Traffic Engineer, Traffic, DOTS  
Alastair Probert, South District Engineer, South District  
Gemez Norwood, South District Public Works Manager, South District  
Susanne Laws, Sussex Subdivision Review Coordinator, Development Coordination  
David Dooley, Service Development Planner, Delaware Transit Corporation  
Mark Galipo, Traffic Engineer, Traffic, DOTS  
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning  
Derek Sapp, Sussex County Subdivision Reviewer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



November 21, 2019

Mr. Troy E. Brestel  
Project Engineer  
DelDOT Division of Planning  
P.O. Box 778  
Dover, DE 19903

RE: Agreement No. 1773  
Traffic Impact Study Services  
**Task No. 1A Subtask 2A – Azalea Woods**

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Azalea Woods residential development prepared by The Traffic Group, Inc. dated July 17, 2019. The Traffic Group prepared the report in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of the proposed Azalea Woods residential development, proposed to be located north of US Route 9, west of Delaware Route 30 (Gravel Hill Road / Sussex Road 248) and east of Shingle Point Road (Sussex Road 249) in unincorporated Sussex County, Delaware. The proposed development would consist of 610 single-family detached homes. Two full-access driveways are proposed. One full movement access is proposed on Shingle Point Road opposite Briarwood Lane. The second full access movement is proposed along Delaware Route 30 opposite Pettyjohn Road (Sussex Road 255). Construction is expected to be complete by 2032.

The subject land is located on an approximately 316-acre assemblage of parcels. The land is currently zoned AR-1 (Agricultural Residential) in Sussex County. No rezoning is needed or sought to permit the proposed development.

DelDOT has three projects within the study area. The first is the Georgetown East Gateway Improvements project (aka Sand Hill Road Realignment Project), which will improve the existing intersection geometry of US Route 9 and Sand Hill Road/Airport Road (State Road 319). Sand Hill Road and Airport Road presently intersect US Route 9 at skewed angles at offset locations. The improvements will realign Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, add turn lanes, add pedestrian and bicycle facilities, and improve drainage. Final design and right of way acquisition are underway. Utility relocations will begin in the spring of 2020. Construction is anticipated to begin in the summer of 2020.

The second project is Park Avenue Relocation – Phase 2, which involves improvements along Park Avenue (Sussex Road 321) from the Park Avenue Relocation – Phase 1 project up to the signalized intersection with US Route 9, which will be reconstructed to provide a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, along with signal upgrades. The Phase 2 project is within the Azalea Woods study area, while the Phase

1 project is located southwest of the Azalea Woods study area. Phase 1 will relocate part of Park Avenue, a designated truck bypass through Georgetown, and upgrade another part of Park Avenue with appropriate turn lanes, shoulders, and intersection improvements. Phase 2 will consist of the improvements along the existing Park Avenue from where the Phase 1 relocation ties in west of Cedar Lane all the way up to US Route 9. Both phases of the project will combine to provide a continuous US Route 9 Truck Bypass from US Route 113 to US 9 east of the Town of Georgetown. This project is currently in the design and planning stage. Construction of Phase 1 is anticipated to begin in the fall of 2022. Construction of Phase 2 is anticipated to begin in 2023.

The third project is DelDOT’s HSIP SC, US 9 and SR 5 Intersection project. This project, initiated by the 2009 Hazard Elimination Program, is located at the intersection of US Route 9 and Delaware Route 5 and involves widening the intersection to provide turn lanes on each leg to address safety and operational issues and to accommodate large vehicles. Construction was underway in early 2019 and was substantially complete by September 2019.

Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
US 9 and Sand Hill Road/Airport Road	Signalized	2018 Existing PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) * 2032 with Azalea Woods AM & PM (Case 3) * * Deficient only without East Gateway Improvements
US 9 and Park Avenue	Signalized	2018 Existing AM & PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) * 2032 with Azalea Woods AM & PM (Case 3) * * Deficient only without Park Avenue Relocation – Phase 2
US 9 and Shingle Point Road/French Road	Unsignalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and Stiener Road	Unsignalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and DE 30	Signalized	2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and Prettyman Road	Unsignalized	2018 Existing AM & PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and DE 5	Signalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
Park Avenue and Springfield Road	Unsignalized	2032 without Azalea Woods AM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)



For three of the intersections listed in the table above, it is anticipated that future LOS deficiencies will be completely mitigated via implementation of improvements as described in the numbered recommendation items starting on page 4. The intersections and corresponding recommendation items are as follows: US Route 9 and Sand Hill Road / Airport Road (Item No. 4), US Route 9 and Park Avenue (Item No. 5), and Park Avenue and Springfield Road (also Item No. 5).

For one other intersection, US Route 9 and Shingle Point Road / French Road, it is anticipated that the recommended improvement will partially mitigate future LOS deficiencies. While it was determined that the improvement needed to achieve a complete mitigation of future LOS deficiencies at this location would not be required of this developer, the addition of a separate right-turn lane on the southbound approach of Shingle Point Road, as recommended below in Item No. 6, will reduce delays and queue lengths on that approach.

As for the other four intersections listed in the table above, we do not recommend any improvements be implemented by the developer. Additional information for each of these four intersections is provided immediately below.

#### US Route 9 and Stiener Road

This unsignalized intersection experiences LOS deficiencies in the 2018 existing AM peak hour and in the 2032 AM and PM peak hours, both without and with Azalea Woods.

The northbound Stiener Road and southbound business driveway approaches are expected to operate at LOS F in both 2032 peak hours, without and with Azalea Woods. During these times, both approaches have ten vehicles per hour or less, and the anticipated 95<sup>th</sup> percentile queue lengths are less than 25 feet. Thus, mitigation is not required as per the DelDOT Development Coordination Manual.

#### US Route 9 and Delaware Route 30

This signalized intersection exhibits LOS deficiencies in the 2032 AM and PM peak hours, both without and with Azalea Woods. Given that the intersection is already signalized and has separate left and right-turn lanes on every approach, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to fully correct the LOS deficiencies at this intersection (i.e., widening US Route 9 to provide two through lanes in each direction) cannot be considered a reasonable developer improvement project.

#### US Route 9 and Prettyman Road

This unsignalized intersection experiences LOS deficiencies in all existing and future peak hours, with the southbound approach of Prettyman Road operating at LOS F. However, a new traffic signal at this location on US Route 9 would not be desirable, and because drivers who would use the southbound approach of Prettyman Road can choose alternative routes to access US Route 9, it was determined that improvements are not required to be implemented by the developer at this intersection.



US Route 9 and Delaware Route 5

This signalized intersection exhibits LOS deficiencies in the 2032 AM and PM peak hours, both without and with Azalea Woods. Given that the intersection is already signalized and was recently improved in 2019 to include a separate left-turn lane on every approach, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to fully correct the LOS deficiencies at this intersection (i.e., widening US Route 9 to provide two through lanes in each direction) cannot be considered a reasonable developer improvement project.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should improve Shingle Point Road from Briarwood Road to US Route 9 as needed in order to meet DelDOT’s local road standards. These standards include, but are not limited to, eleven-foot travel lanes and five-foot shoulders. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DelDOT’s discretion. DelDOT should analyze the existing lanes’ pavement section and recommend an overlay thickness to the developer’s engineer if necessary. Construction of this improvement should begin prior to issuance of the 226<sup>th</sup> building permit.
2. The developer should construct the full-movement Site Access A on Shingle Point Road. This proposed site driveway should be constructed directly across from Briarwood Lane. The proposed configuration is shown in the table below.

<b>Approach</b>	<b>Existing Configuration</b>	<b>Proposed Configuration</b>
Eastbound Briarwood Lane	One shared left-turn/right-turn lane	One shared left/through/right-turn lane
Westbound Site Access A	Approach does not exist	One shared left/through/right-turn lane
Northbound Shingle Point Road	One shared left-turn/through lane	One left-turn lane, one through lane and one right-turn lane
Southbound Shingle Point Road	One shared through/right-turn lane	One left-turn lane and one shared through/right-turn lane





Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DeIDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Briarwood Lane	N/A	N/A
Westbound Site Access A	N/A	N/A
Northbound Shingle Point Road	50 feet *	240 feet **
Southbound Shingle Point Road	210 feet **	N/A

\* Initial turn-lane length based on coordination with DeIDOT's Development Coordination Section.

\*\* Initial turn-lane length based on DeIDOT's *Auxiliary Lane Worksheet*.

- The developer should construct the full-movement Site Access B on Delaware Route 30. This proposed site driveway should be constructed directly across from Pettyjohn Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound Site Access B	Approach does not exist	One shared left/through/right-turn lane
Westbound Pettyjohn Road	One shared left-turn/right-turn lane	One shared left/through/right-turn lane
Northbound DE 30	One shared through/right-turn lane	One left-turn lane and one shared through/right-turn lane
Southbound DE 30	One shared left-turn/through lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DeIDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Site Access B	N/A	N/A
Westbound Pettyjohn Road	N/A	N/A
Northbound DE 30	210 feet *	N/A
Southbound DE 30	50 feet **	240 feet *

\* Initial turn-lane length based on DeIDOT's *Auxiliary Lane Worksheet*.

\*\* Initial turn-lane length based on coordination with DeIDOT's Development Coordination Section.



4. The developer should coordinate with DeIDOT regarding an equitable share contribution toward DeIDOT's Georgetown East Gateway Improvements Project, which will improve the intersection of US Route 9 and Sand Hill Road / Airport Road. The amount of the contribution should be determined through coordination with DeIDOT's Development Coordination Section.
5. The developer should coordinate with DeIDOT regarding an equitable share contribution toward DeIDOT's Park Avenue Relocation – Phase 2 Project, which will improve the intersections of US Route 9 & Park Avenue and Park Avenue & Springfield Road. While the design of improvements under the DeIDOT project has not yet been finalized, at US Route 9 & Park Avenue it should include a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, and at Park Avenue & Springfield Road it should include a westbound right-turn lane. The amount of the contribution should be determined through coordination with DeIDOT's Development Coordination Section.
6. The developer should improve the intersection of US Route 9 and Shingle Point Road / French Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound US Route 9	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Westbound US Route 9	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Northbound French Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Shingle Point Road	One shared left/through/right-turn lane	One shared left-turn/through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound US Route 9	N/A	N/A
Westbound US Route 9	N/A	N/A
Northbound French Road	N/A	N/A
Southbound Shingle Point Road	N/A	200 feet *

\* Initial turn-lane length based on storage length per queuing analysis



The developer should coordinate with DeIDOT's Development Coordination Section to determine all final design details including the above turn-lane lengths during the site plan review. Construction of this improvement should begin prior to issuance of the 101<sup>st</sup> building permit.

7. The following bicycle and pedestrian improvements should be included:
  - a. Adjacent to the proposed right-turn lanes on southbound Delaware Route 30 and northbound Shingle Point Road at the proposed site entrances, a minimum of a five-foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
  - b. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities and turn lanes within the project limits.
  - c. Utility covers should be made flush with the pavement.
  - d. If clubhouses or other community facilities are constructed as shown on the site plan, bicycle parking should be provided near building entrances. Where building architecture provides for an awning, other overhang, or indoor parking, the bicycle parking should be covered.
  - e. A minimum 15-foot wide permanent easement from the edge of the right-of-way should be dedicated to DeIDOT within the site frontages along Delaware Route 30 and Shingle Point Road.
  - f. Within the easements along the Delaware Route 30 site frontage and the Shingle Point Road southern site frontage, a minimum of a ten-foot wide shared-use path that meets current AASHTO and ADA standards should be constructed. The shared-use paths should meet AASHTO and ADA standards. Each shared-use path should have a minimum of a five-foot buffer from the roadway. At the property boundaries, the shared-use paths should connect to the adjacent property or to the shoulder in accordance with DeIDOT's *Shared-Use Path and/or Sidewalk Termination Reference Guide* dated August 1, 2018. The developer should coordinate with DeIDOT's Development Coordination Section to determine the details of the shared-use path connections at the property boundaries. No shared-use path is required along the northern site frontage of Shingle Point Road.
  - g. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including all site entrances. Type 3 curb ramps are discouraged.
  - h. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the development. These sidewalks should each be a minimum of five-feet wide (with a minimum of a five-foot



buffer from the roadway) and should meet current AASHTO and ADA standards. Internal sidewalks in the development should connect to the proposed shared-use paths along Delaware Route 30 and Shingle Point Road.

- i. Access-ways should be used to connect shared-use paths or sidewalks along a road to an interior trail or subdivision street when the spacing between streets is inadequate to accommodate convenient pedestrian and bicycle travel. Based on the Office of State Planning Coordination PLUS review (August 20, 2018), two access-ways are recommended, both on Shingle Point Road. One would be near the northern limit of the site frontage and the other near the southern limit of the site frontage. The developer should coordinate with DeIDOT's Development Coordination Section during the site plan review to determine exact locations and design details for these access-ways.
- j. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.

Improvements in this TIS may be considered "significant" under DeIDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DeIDOT's website at [http://deldot.gov/Publications/manuals/de\\_mutcd/index.shtml](http://deldot.gov/Publications/manuals/de_mutcd/index.shtml).

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DeIDOT's site plan review process.

Additional details on our review of this TIS are attached. Please contact me at (610) 640-3500 or through e-mail at [ajparker@mccormicktaylor.com](mailto:ajparker@mccormicktaylor.com) if you have any questions concerning this review.

Sincerely,

**McCormick Taylor, Inc.**

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, PE, PTOE  
Project Manager

Enclosure

**General Information**

**Report date:** July 17, 2019

**Prepared by:** The Traffic Group, Inc.

**Prepared for:** Natelli Communities

**Tax parcel:** 135-11.00-32.01, part of 48.00, 49.00, and 56.00

**Generally consistent with DelDOT's Development Coordination Manual:** Yes

**Project Description and Background**

**Description:** The proposed Azalea Woods development consists of 610 single-family detached homes.

**Location:** The site is located north of US Route 9, west of Delaware Route 30 (Gravel Hill Road / Sussex Road 248) and east of Shingle Point Road (Sussex Road 249) in unincorporated Sussex County. A site location map is included on page 10.

**Amount of land to be developed:** approximately 316 acres

**Land use approval(s) needed:** Subdivision approval. The land is currently zoned AR-1 (Agricultural Residential). No rezoning is needed or sought to permit the proposed development.

**Proposed completion year:** 2032

**Proposed access locations:** Two full-access driveways are proposed. One full movement access is proposed on Shingle Point Road opposite Briarwood Lane. The second full access movement is proposed along Delaware Route 30 opposite Pettyjohn Road (Sussex Road 255).

**Daily Traffic Volumes (per DelDOT Traffic Summary 2018):**

- 2018 Average Annual Daily Traffic on Delaware Route 30: 5,449 vehicles/day
- 2018 Average Annual Daily Traffic on Shingle Point Road: 1,220 vehicles/day



## **2015 Delaware Strategies for State Policies and Spending**

**Location with respect to the Strategies for State Policies and Spending Map of Delaware:**  
The proposed Azalea Woods residential development is located within Investment Level 4.

### *Investment Level 4*

Investment Level 4 areas are predominantly rural or agricultural and contain much of Delaware's open space and natural areas. These areas are home to agribusiness activities, farm complexes, and small settlements/unincorporated communities that are often found at historic crossroads. Investment Level 4 areas may also have scattered single-family detached residential homes. Existing transportation facilities and services will be maintained by the state while they continue to manage the transportation system in a manner that will support the preservation of the natural environment and agricultural business. Construction of new homes is discouraged; housing policies will focus on maintenance and rehabilitation of existing homes and communities. In addition, the Department of Education does not support the construction of new educational facilities in Investment Level 4 areas. The educational needs of Investment Level 4 areas would likely need to be met through facilities located in Investment Level 1-3 areas.

In general, the state will limit its investments in public infrastructure systems; investments should address existing public health, safety, or environmental risks, preserve rural character and natural resources, and discourage further development that is unrelated to the area's needs.

### **Proposed Development's Compatibility with Strategies for State Policies and Spending:**

The proposed Azalea Woods residential development includes 610 single-family detached homes and is located within an Investment Level 4 area. New housing developments are discouraged in such areas. The state would be responsible for providing many public services to the residents of the development, such as school construction and transportation, police and fire/EMS services, and additional maintenance of the transportation system. Given the location of the development in an Investment Level 4 area, the state generally does not intend to make these significant investments. Rather, the state intends to support agricultural activities and protect the rural and natural character of these areas. Based on the *2015 Delaware Strategies for State Policies and Spending* document, the proposed development does not appear to be compatible with an Investment Level 4 area and additional discussion is required.

## **Comprehensive Plan**

### **Sussex County Comprehensive Plan:**

*(Source: Sussex County Comprehensive Plan, March 2019)*

The Sussex County Comprehensive Plan 2045 Future Land Use Map indicates that the proposed development parcels are within the Low Density Area (categorized as a Rural Area).

All lands designated as Low-Density Areas are currently zoned AR-1. Under that zoning designation, single family detached homes are permitted at 2 homes per acre on lots containing a minimum of ½ acre if that tract connects to central sewers. Where on-site septic systems are used, single-family detached homes are permitted on minimum ¾ acre lots. AR-1 zoning regulations

also permit an average of 2 homes per acre where a cluster-style site plan is used, and a portion of the tract is preserved in permanent open space. Using these zoning regulations and additional incentives, Sussex County hopes to retain the rural environment of Low Density Areas and set aside significant open space.

In Sussex County, many farmland owners located in the Low-Density Areas have built up significant equity in their land – in numerous cases through multiple generations. This is equity is a liquid asset that can serve as collateral to secure operating loans. It is also equity that can be realized through land sales if and when these landowners no longer desire to continue farming. For this reason, the Sussex County Council supports State and local land use policies that will preserve the value of farmland. The Sussex County approach emphasizes the following policies and actions to help sustain agriculture, maintain the rural landscape and sustain reasonable development rights:

- The County strongly supports voluntary farmland preservation and has worked jointly with the State to facilitate the acquisition of development rights to agricultural land.
- The County uses zoning to mandate that a certain portion of a residential subdivision must be permanently preserved in common open space.
- The County provides density bonuses, under certain conditions, to developers who agree to pay into a fund that Sussex County uses to acquire open space.
- The County requires developers to plant landscaped buffers to physically separate new development from the surrounding countryside.
- The County is also considering establishing Agribusiness Areas which will enable certain limited, yet important agriculture industries to develop in support of Sussex County's large agricultural economy without unnecessary delay.
- The County supports continued agricultural operations and affords them specific protections as are listed in Sussex County Code Section 99 -6 (G)(1) and(2) and 99 -16 (D).

The following guidelines should apply to future growth in Low Density Areas:

*Permitted uses* – The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.

*Densities* – Base densities in Low Density Areas should be unchanged from the current zoning provisions. The minimum lot size should be  $\frac{3}{4}$  acre for lots served by on-lot septic systems and  $\frac{1}{2}$  acre for lots with central sewers. The cluster option permitted in Low Density Areas should



continue to permit overall site densities of up to 2 units per acre, provided significant open space is set aside and the tract connects to public sewers.

*Infrastructure* – Development where lots are no smaller than  $\frac{3}{4}$  acre can be accommodated in this planning area without central sewers. Other development should require central sewer service.

**Proposed Development's Compatibility with Comprehensive Plan:** The proposed Azalea Woods residential development is planned to be developed as 610 single-family detached homes on a 316-acre assemblage of parcels. The site is currently zoned AR-1 (Agricultural Residential), and the developer plans to develop under that zoning as a Residential Cluster Community. The purpose of this zoning district is to protect agricultural lands and activities and other valuable natural resources. Low-density housing is permitted along with churches, recreational facilities, and accessory uses as may be necessary or is normally compatible with residential surroundings. The Sussex County Comprehensive Plan 2045 Future Land Use Map indicates that the proposed development parcels are within the Low Density Area (categorized as a Rural Area). The proposed development appears to comply with the characteristics and *Permitted Uses* for Low Density Areas. However, due to the possibility of some lots being smaller than  $\frac{1}{2}$  acre, this development raises questions regarding consistency with Sussex County regulations; therefore additional discussion may be required.

#### **Relevant Projects in the DelDOT Capital Transportation Program**

DelDOT has three projects within the study area. The first is the Georgetown East Gateway Improvements project (aka Sand Hill Road Realignment Project), which will improve the existing intersection geometry of US Route 9 and Sand Hill Road/Airport Road (State Road 319). Sand Hill Road and Airport Road presently intersect US Route 9 at skewed angles at offset locations. The improvements will realign Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, add turn lanes, add pedestrian and bicycle facilities, and improve drainage. Final design and right of way acquisition are underway. Utility relocations will begin in the spring of 2020. Construction is anticipated to begin in the summer of 2020.

The second project is Park Avenue Relocation – Phase 2, which involves improvements along Park Avenue (Sussex Road 321) from the Park Avenue Relocation – Phase 1 project up to the signalized intersection with US Route 9, which will be reconstructed to provide a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, along with signal upgrades. The Phase 2 project is within the Azalea Woods study area, while the Phase 1 project is located southwest of the Azalea Woods study area. Phase 1 will relocate part of Park Avenue, a designated truck bypass through Georgetown, and upgrade another part of Park Avenue with appropriate turn lanes, shoulders, and intersection improvements. Phase 2 will consist of the improvements along the existing Park Avenue from where the Phase 1 relocation ties in west of Cedar Lane all the way up to US Route 9. Both phases of the project will combine to provide a continuous US Route 9 Truck Bypass from US Route 113 to US 9 east of the Town of Georgetown. This project is currently in the design and planning stage. Construction of Phase 1 is anticipated to begin in the fall of 2022. Construction of Phase 2 is anticipated to begin in 2023.

The third project is DelDOT's HSIP SC, US 9 and SR 5 Intersection project. This project, initiated by the 2009 Hazard Elimination Program, is located at the intersection of US Route 9 and Delaware Route 5 and it involves widening the intersection to provide turn lanes on each leg to address safety and operational issues and to accommodate large vehicles. Construction was underway in early 2019 and was substantially complete by September 2019.

**Trip Generation**

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Tenth Edition, published by the Institute of Transportation Engineers (ITE). The following land use was utilized to estimate the amount of new traffic generated for this development:

- 610 single-family detached homes (ITE Land Use Code 210)

Table 1  
AZALEA WOODS PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour		
	In	Out	Total	In	Out	Total
610 Single-Family Homes	109	329	438	363	213	576

Table 2  
AZALEA WOODS DAILY TRIP GENERATION

Land Use	Weekday Daily		
	In	Out	Total
610 Single-Family Homes	2744	2744	5488

**Overview of TIS**

**Intersections examined:**

- 1) US Route 9 & Sand Hill Road / Airport Road
- 2) US Route 9 & Park Avenue
- 3) US Route 9 & Shingle Point Road / French Road
- 4) US Route 9 & Stiener Road (Sussex Road 320)
- 5) US Route 9 & Delaware Route 30
- 6) US Route 9 & Prettyman Road (Sussex Road 254)
- 7) US Route 9 & Delaware Route 5
- 8) Shingle Point Road & Briarwood Road (Sussex Road 253)
- 9) Shingle Point Road & Briarwood Lane / Site Access A
- 10) Park Avenue & Springfield Road (Sussex Road 47)
- 11) Delaware Route 30 & Huff Road (Sussex Road 252)

- 12) Delaware Route 30 & Shingle Point Road
- 13) Delaware Route 30 & Pettyjohn Road / Site Access B
- 14) Pettyjohn Road & Prettyman Road
- 15) Delaware Route 30 & Prettyman Road

**Conditions examined:**

- 1) 2018 existing (Case 1)
- 2) 2032 without Azalea Woods (Case 2)
- 3) 2032 with Azalea Woods (Case 3)

**Peak hours evaluated:** Weekday morning and evening peak hours

**Committed developments considered:**

- 1) Sand Hill Valley – 393 Single-family detached homes
- 2) Sports at the Beach – Nothing further to be built out at this time
- 3) Sussex County Sports Complex – 10 soccer fields
- 4) Cheer Life Care Village – 365 unit continuing care retirement community
- 5) Food Lion Shopping Center – Project not moving forward
- 6) Royal Farms #256 – 5,166 sf super convenience market with gas
- 7) Besche Property – 287 unit multifamily housing, low-rise
- 8) Two Farms, Inc. Retail Site – 14,950 sf retail

**Intersection Descriptions**

**1) US Route 9 & Sand Hill Road / Airport Road**

**Type of Control:** signalized

**Eastbound Approach:** (US Route 9) one left-turn lane and one shared through/right-turn lane

**Westbound Approach:** (US Route 9) one left-turn lane and one shared through/right-turn lane

**Northbound Approach:** (Airport Road) one shared left-turn/through/right-turn lane

**Southbound Approach:** (Sand Hill Road) one shared left-turn/through/right-turn lane

**2) US Route 9 & Park Avenue**

**Type of Control:** signalized

**Eastbound Approach:** (US Route 9) one shared through/right-turn lane

**Westbound Approach:** (US Route 9) one shared left-turn/through lane

**Northbound Approach:** (Park Avenue) one shared left-turn/right-turn lane

- 3) US Route 9 & Shingle Point Road / French Road**  
**Type of Control:** two-way stop  
**Eastbound Approach:** (US Route 9) one shared left-turn/through/right-turn lane  
**Westbound Approach:** (US Route 9) one shared left-turn/through/right-turn lane  
**Northbound Approach:** (French Road) one shared left-turn/through/right-turn lane, stop control  
**Southbound Approach:** (Shingle Point Road) one shared left-turn/through/right-turn lane, stop control
- 4) US Route 9 & Stiener Road**  
**Type of Control:** one-way stop (T-intersection)  
**Eastbound Approach:** (US Route 9) one shared through/right-turn lane  
**Westbound Approach:** (US Route 9) one shared left-turn/through lane  
**Northbound Approach:** (Stiener Road) one shared left-turn/right-turn lane, stop control  
**Southbound Approach:** (private business driveway) one shared left-turn/right-turn lane, stop control
- 5) US Route 9 & Delaware Route 30**  
**Type of Control:** signalized  
**Eastbound Approach:** (US Route 9) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane  
**Westbound Approach:** (US Route 9) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane  
**Northbound Approach:** (Delaware Route 30) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane  
**Southbound Approach:** (Delaware Route 30) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane
- 6) US Route 9 & Prettyman Road**  
**Type of Control:** one-way stop  
**Eastbound Approach:** (US Route 9) one shared left-turn/through lane  
**Westbound Approach:** (US Route 9) one through lane and one right-turn lane  
**Southbound Approach:** (Prettyman Road) one shared left-turn/right-turn lane, stop controlled
- 7) US Route 9 & Delaware Route 5**  
**Type of Control:** signalized (recently improved)  
**Eastbound Approach:** (US Route 9) one left-turn lane, one shared through/right-turn lane, and one bicycle lane  
**Westbound Approach:** (US Route 9) one left-turn lane, one shared through/right-turn lane, and one bicycle lane  
**Northbound Approach:** (Delaware Route 5) one left-turn lane and one shared through/right-turn lane  
**Southbound Approach:** (Delaware Route 5) one left-turn lane, one shared through/right-turn lane, and one bicycle lane

**8) Shingle Point Road & Briarwood Road**

**Type of Control:** one-way stop (T-intersection)

**Eastbound Approach:** (Briarwood Road) one shared left-turn/right-turn lane, stop controlled

**Northbound Approach:** (Shingle Point Road) one shared left-turn/through lane

**Southbound Approach:** (Shingle Point Road) one shared through/right-turn lane

**9) Shingle Point Road & Briarwood Lane / Site Access A**

**Type of Control:** existing one-way stop (T-intersection); proposed two-way stop (four-leg intersection)

**Eastbound Approach:** (Briarwood Lane) existing one shared left-turn/right-turn lane; proposed shared left-turn/through/right-turn lane, stop control

**Westbound Approach:** (Site Access A) proposed one shared left-turn/through/right-turn lane, stop control

**Northbound Approach:** (Shingle point Road) existing one shared left-turn/through lane; proposed one shared left-turn/through and one right-turn lane

**Southbound Approach:** (Shingle Point Road) existing one shared through/right-turn lane; proposed one left-turn and one shared through/right-turn lane

**10) Park Avenue & Springfield Road**

**Type of Control:** existing one-way stop (T-intersection)

**Westbound Approach:** (Springfield Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Park Avenue) one shared through/right-turn lane

**Southbound Approach:** (Park Avenue) one shared left-turn/through lane

**11) Delaware Route 30 & Huff Road**

**Type of Control:** one-way stop (T-intersection)

**Eastbound Approach:** (Huff Road) One shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared left-turn/through lane

**Southbound Approach:** (Delaware Route 30) one shared through/right-turn lane

**12) Delaware Route 30 & Shingle Point Road**

**Type of Control:** two-way stop controlled

**Eastbound Approach:** (Shingle Point Road) one shared left-turn/right-turn lane, stop control

**Westbound Approach:** (Shingle Point Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared left-turn/through lane (southern section) and one shared through/right-turn lane (northern section)

**Southbound Approach:** (Delaware Route 30) one shared through/left-turn lane (northern section) and one shared through/right-turn lane (southern section)

**13) Delaware Route 30 & Pettyjohn Road / Site Access B**

**Type of Control:** existing one-way stop; proposed two-way stop

**Eastbound Approach:** (Site Access B) proposed one shared left-turn/through/right-turn lane, stop control

**Westbound Approach:** (Pettyjohn Road) existing one shared left-turn/right-turn lane, stop control; proposed one shared left-turn/through/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) existing one shared through/right-turn lane; proposed one left-turn lane and one shared through/right-turn lane

**Southbound Approach:** (Delaware Route 30) existing one shared left-turn/through lane; proposed one shared left-turn/through lane and one right-turn lane

**14) Pettyjohn Road & Prettyman Road**

**Type of Control:** two-way stop (four-leg intersection)

**Eastbound Approach:** (Prettyman Road) one shared left-turn/through/right-turn lane

**Westbound Approach:** (Prettyman Road) one shared left-turn/through/right-turn lane

**Northbound Approach:** (Pettyjohn Road) one shared left-turn/through/right-turn lane, stop control

**Southbound Approach:** (Pettyjohn Road) one shared left-turn/through/right-turn lane, stop control

**15) Delaware Route 30 & Prettyman Road**

**Type of Control:** one-way stop

**Westbound Approach:** (Prettyman Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared through/right-turn lane

**Southbound Approach:** (Delaware Route 30) one shared left-turn/through lane

**Safety Evaluation**

**Crash Data:** Per current DelDOT policy, review of crash data was not conducted at this time.

**Sight Distance:** Sight distance issues were noted at three intersections during a September 10, 2019 field investigation of the study area. Delaware Route 30 & Huff Road is located on a horizontal curve. Sight distance is limited looking left from northbound Huff Road. Sight distance at Pettyjohn Road & Prettyman Road is limited by trees and a utility pole, looking right from southbound Pettyjohn Road. Sight distance at Delaware Route 30 & Prettyman Road is limited by trees, looking left from westbound Prettyman Road.

**Transit, Pedestrian, and Bicycle Facilities**

**Existing transit service:** Based on the DART Bus Stop Map (accessed September 10, 2019), the Delaware Transit Corporation (DTC) operates Route 206 from Georgetown to Lewes, which has stops along US Route 9.

**Planned transit service:** TTG contacted a DTC representative, who indicated that no future service is planned at this time. The DTC representative stated the site is too far north of DART's current Route 206 to deviate for direct transit service.

**Existing bicycle and pedestrian facilities:** Several study area roadways are identified as “Bicycling Routes” on the *Sussex County Bicycle Map* published by DelDOT:

- US Route 9:
  - Regional Bicycle Route with bikeway
  - Over 5,000 vehicles daily
- Delaware Route 5: Regional bicycle route with bikeway
- Delaware Route 30: Regional bicycle route with bikeway
- Prettyman Road: Connector bicycle route without bikeway
- Sand Hill Road: Bicycle route with bikeway

There are no existing sidewalks or exclusive pedestrian facilities in the immediate areas of the proposed site entrances on Delaware Route 30 or Shingle Point Road. There are new sidewalks, pedestrian facilities and bike lanes at the US Route 9 & Delaware Route 5 intersection. There are also bike lanes on all four approaches at the US Route 9 & Delaware Route 30 intersection.

**Planned bicycle and pedestrian facilities:** The TIS states that a representative from DelDOT’s Local Systems Planning Section was contacted to determine requested accommodations for bicycles and pedestrians. It is requested that sidewalks be included at the entrances of the development to encourage walking and biking to Delaware Route 9. This would also allow for the possibility of future sidewalks along Pettyjohn Road, Delaware Route 30, and Shingle Point Road. It is also requested to have a pedestrian or bicycle connection to Shingle Point Road at the northern end of the property.

### **Previous Comments**

In a review letter dated July 3, 2019, DelDOT indicated that the revised Preliminary TIS was acceptable.

It appears that all substantive comments from DelDOT’s TIS Scoping Memorandum, Traffic Count Review, Preliminary TIS Review, Revised Preliminary TIS Review, and other correspondence were addressed in the Final TIS submission.

### **General HCS Analysis Comments**

*(see table footnotes on the following pages for specific comments)*

- 1) For signalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by lane group using existing data. The TIS and McCormick Taylor generally assumed future HV to be the same as existing HV at all intersections. There are some discrepancies between the TIS and McCormick Taylor’s heavy vehicle factor calculations. Both the TIS and McCormick Taylor assumed 3% HV for future movements to and from the proposed site access points (as per DelDOT’s Development Coordination Manual).
- 2) For existing conditions, the TIS and McCormick Taylor determined overall intersection peak hour factors (PHF) for each intersection. As per the DelDOT Development Coordination Manual, existing PHFs are generally applied to future conditions as well.

- 3) For analyses of signalized intersections, McCormick Taylor used a base saturation flow rate of 1,750 pc/hr/ln per DelDOT's Development Coordination Manual.
- 4) The TIS and McCormick Taylor used different Right Turn on Red and pedestrian volumes when analyzing some intersections. All volumes for McCormick Taylor's analyses were taken directly from traffic counts in Appendix A of the TIS.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) For analyses of all intersections, the TIS assumed 0% grade for all movements. McCormick Taylor utilized field data for existing grades and assumed future grades to be the same.
- 7) McCormick Taylor utilized new signal phasing and roadway improvements when analyzing US Route 9 & Delaware Route 5. The Traffic Group utilized both old and updated signal timings and roadway layouts for existing, background, and total scenarios.



Table 3  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>1</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & Sand Hill Road / Airport Road 2018 Existing (Case 1)	E (66.3)	E (77.6)	D (49.8)	F (79.8)
2032 without Azalea Woods (Case 2)	F (173.4)	F (252.0)	F (103.0)	F (173.1)
2032 with Azalea Woods (Case 3)	F (199.0)	F (276.2)	F (122.7)	F (193.4)
2032 with Azalea Woods (Case 3) with East Gateway Improvements Project <sup>2</sup>	D (39.7)	D (50.7)	D (41.9)	D (54.9)

<sup>1</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>2</sup> Proposed improvements as part of the DeIDOT project include realigning Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, adding turn lanes, adding pedestrian and bicycle facilities, and improving drainage. The northbound and southbound approaches would each have one shared left/through lane and one right-turn lane, the westbound US Route 9 would have one left-turn lane, one through lane and one channelized right-turn lane, and the eastbound US Route 9 approach would have two left-turn lanes, one through lane and one channelized right-turn lane.

Table 4  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>3</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & Park Avenue 2018 Existing (Case 1)	F (129.4)	F (114.5)	F (157.5)	F (137.0)
2032 without Azalea Woods (Case 2)	F (545.1)	F (673.9)	F (759.4)	F (905.5)
2032 with Azalea Woods (Case 3)	F (754.6)	F (1554)	F (1135.1)	F (3456.9)
2032 with Azalea Woods (Case 3) with Park Avenue Relocation – Phase 2 <sup>4</sup>	D (44.4)	D (46.1)	D (42.4)	D (52.3)

<sup>3</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>4</sup> Proposed improvements as part of the DeIDOT project include adding a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9.

Table 5  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>5</sup> Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Shingle Point Road / French Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (10.0)	B (11.0)	B (10.1)	B (10.9)
Westbound Left	B (10.3)	A (8.9)	A (9.3)	A (8.9)
Northbound Left/Through/Right	E (38.8)	D (28.1)	E (36.1)	D (26.4)
Southbound Left/Through/Right	C (21.8)	D (27.1)	C (23.7)	D (30.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (11.7)	B (14.1)	B (11.8)	B (13.9)
Westbound Left	B (11.5)	A (9.8)	B (10.2)	A (9.8)
Northbound Left/Through/Right	F (94.4)	F (94.7)	F (85.2)	F (85.2)
Southbound Left/Through/Right	E (47.2)	F (113.0)	F (59.4)	F (172.6)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (12.4)	C (18.0)	B (12.6)	C (17.8)
Westbound Left	B (11.5)	A (9.9)	B (10.3)	A (9.9)
Northbound Left/Through/Right	F (133.1)	F (***)	F (120.5)	F (***)
Southbound Left/Through/Right	F (1589)	F (***)	F (2122.1)	F (***)
2032 with Azalea Woods (Case 3) With Improvement Option 1 <sup>6</sup>				
Eastbound Left	N/A	N/A	B (12.6)	C (17.8)
Westbound Left	N/A	N/A	B (10.3)	A (9.9)
Northbound Left/Through/Right	N/A	N/A	F (120.5)	F (***)
Southbound Left/Through/Right	N/A	N/A	F (501.4)	F (***)
2032 with Azalea Woods (Case 3) With Improvement Option 2 <sup>7</sup>				
Eastbound Left	N/A	N/A	B (12.6)	C (17.8)
Westbound Left	N/A	N/A	N/A	N/A
Northbound Right	N/A	N/A	C (16.3)	C (16.2)
Southbound Left/Right	N/A	N/A	F (68.7)	F (73.2)

\*\*\* Delay is too great to be calculated by HCS

<sup>5</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>6</sup> Improvement Option 1 adds a separate right-turn lane on the southbound approach of Shingle Point Road.

<sup>7</sup> Improvement Option 2 includes Improvement Option 1 and reconfigures US Route 9 with eastbound left-turn lane and an eastbound median acceleration lane for use by southbound left-turn drivers, thereby reducing conflicts and delays. For analysis purposes, this median lane is assumed to have storage for 2 southbound-left turn vehicles. The downstream acceleration lane would be separated from the upstream eastbound left-turn lane by a concrete channelization island. The northbound French Road approach to US Route 9 would be converted to right-in/right-out.

Table 6  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>8</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Stiener Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (9.4)	A (9.9)	A (9.4)	A (9.9)
Westbound Left	A (9.1)	A (8.9)	A (9.1)	A (8.9)
Northbound Left/Through/Right	D (30.9)	D (26.1)	D (32.9)	D (27.8)
Southbound Left/Through/Right	E (44.6)	C (24.9)	E (44.7)	C (24.9)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (10.5)	B (11.5)	B (10.5)	B (11.5)
Westbound Left	A (9.8)	A (9.8)	A (9.8)	A (9.8)
Northbound Left/Through/Right	F (56.8)	F (50.5)	F (62.4)	F (56.0)
Southbound Left/Through/Right	F (91.8)	E (49.9)	F (91.9)	F (50.0)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (10.7)	B (11.9)	B (10.7)	B (11.9)
Westbound Left	B (10.1)	B (10.1)	B (10.1)	B (10.1)
Northbound Left/Through/Right	F (65.5)	F (59.9)	F (72.5) <sup>9</sup>	F (67.0) <sup>9</sup>
Southbound Left/Through/Right	F (108)	F (60.3)	F (107.8) <sup>9</sup>	F (60.4) <sup>9</sup>

<sup>8</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>9</sup> 95<sup>th</sup> percentile queue length is anticipated to be less than 1 vehicle (25 feet).

**Table 7**  
**Peak Hour Levels of Service (LOS)**  
*Based on Azalea Woods Traffic Impact Study – July 2019*  
*Prepared by The Traffic Group, Inc.*

<b>Signalized Intersection <sup>10</sup></b>	<b>LOS per TIS</b>		<b>LOS per McCormick Taylor</b>	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; DE 30</b>				
2018 Existing (Case 1)	C (25.8)	C (28.9)	C (27.5)	C (34.3)
2032 without Azalea Woods (Case 2)	D (53.4)	F (84.9)	E (60.8)	F (90.6)
2032 with Azalea Woods (Case 3)	E (65.7)	F (103.2)	E (72.0)	F (108.3)
2032 with Azalea Woods (Case 3) <i>with Modified Signal Timings</i>	D (44.6)	E (78.9)	D (49.0)	E (72.8)

<sup>10</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>11</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Prettyman Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (9.4)	B (10.1)	A (9.4)	B (10.1)
Southbound Left/Right	F (111.8)	F (71.4)	F (91.2)	F (61.3)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (10.5)	B (12.2)	B (10.5)	B (12.2)
Southbound Left/Right	F (603.0)	F (502.1)	F (498.9)	F (406.2)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (10.6)	B (12.9)	B (10.6)	B (12.9)
Southbound Left/Right	F (986.9)	F (884.3)	F (833.6) <sup>12</sup>	F (731.8) <sup>13</sup>
2032 with Azalea Woods (Case 3) With Improvement Option 1 <sup>14</sup>				
Eastbound Left	N/A	N/A	N/A	N/A
Southbound Left/Right	N/A	N/A	E (44.4) <sup>15</sup>	E (35.6) <sup>16</sup>

<sup>11</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>12</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 16 vehicles (400 feet).

<sup>13</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 10 vehicles (250 feet).

<sup>14</sup> Improvement Option 1 consists of widening US Route 9 and/or shifting lanes to create a median acceleration lane on eastbound US Route 9 for use by southbound left-turn drivers, thereby reducing conflicts and delays. For analysis purposes, this median lane is assumed to have storage for 2 southbound-left turn vehicles. The eastbound US Route 9 left-turn movement onto Prettyman Road would be restricted.

<sup>15</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 4 vehicles (100 feet).

<sup>16</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 2 vehicles (50 feet).

Table 9  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>17</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & DE 5 <sup>18</sup>				
2018 Existing (Case 1)	E (60.1)	E (65.1)	E (65.7)	D (50.0)
2032 without Azalea Woods (Case 2)	F (198.9)	F (240.7)	N/A	N/A
<i>With DelDOT Project &amp; New Signal Timing</i>	F (155.4)	F (155.7)	F (180.2)	F (175.1)
2032 with Azalea Woods (Case 3)	F (223.7)	F (279.4)	N/A	N/A
<i>With DelDOT Project &amp; New Signal Timing</i>	F (183.9)	F (189.6)	F (211.9)	F (210.5)
<i>With DelDOT Project &amp; Modified Signal Timings</i>	F (116.9)	F (120.1)	N/A	N/A
<i>With Additional Through Lane on US Route 9 in Each Direction</i>	N/A	N/A	D (38.7)	D (37.7)

<sup>17</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>18</sup> As DelDOT's HSIP SC, US 9 and SR 5 Intersection project was substantially complete when McCormick Taylor conducted a review of this TIS, McCormick Taylor's analyses are based on the completed/improved intersection configuration and signal phasing for all scenarios. The TIS ran analyses of both the previously existing unimproved condition and the improved condition at this intersection for all scenarios.

Table 10  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>19</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Shingle Point Road &amp; Briarwood Road</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	A (9.7)	A (9.9)	A (9.8)	B (10.1)
Northbound Left	A (7.5)	A (7.5)	A (7.5)	A (7.5)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	A (9.8)	B (10.1)	A (9.9)	B (10.2)
Northbound Left	A (7.5)	A (7.5)	A (7.5)	A (7.5)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	B (10.4)	B (10.4)	B (10.5)	B (10.5)
Northbound Left	A (7.7)	A (7.7)	A (7.7)	A (7.7)

<sup>19</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.



Table 11  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>20</sup> Existing One-Way Stop Proposed Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Shingle Point Road &amp; Briarwood Lane / Site Access A</b>				
2018 Existing (Case 1)				
Eastbound Left/Through/Right	A (9.5)	A (9.3)	A (9.5)	A (9.3)
Northbound Left	A (7.7)	A (7.5)	A (7.7)	A (7.5)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Through/Right	A (9.6)	A (9.3)	A (9.6)	A (9.3)
Northbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Through/Right	B (10.4)	B (10.1)	B (10.4)	B (10.1)
Westbound Left/Through/Right	B (12.9)	B (11.5)	B (12.9)	B (11.5)
Northbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
Southbound Left	A (7.5)	A (7.9)	A (7.5)	A (7.9)

<sup>20</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>21</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Park Avenue &amp; Springfield Road</b>				
2018 Existing (Case 1)				
Westbound Left/Right	D (25.5)	C (23.7)	D (27.2)	D (25.2)
Southbound Left	A (8.0)	A (8.5)	A (8.0)	A (8.5)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	D (34.9)	D (31.3)	E (38.4)	D (34.2)
Southbound Left	A (8.1)	A (8.6)	A (8.1)	A (8.6)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	E (41.1)	E (38.0)	E (43.7)	E (42.4)
Southbound Left	A (8.1)	A (8.6)	A (8.1)	A (8.8)
2032 with Azalea Woods (Case 3) <i>With Improvement Option 1</i> <sup>22</sup>				
Westbound Left/Right	N/A	N/A	D (31.4)	D (31.9)
Southbound Left	N/A	N/A	A (8.1)	A (8.8)

<sup>21</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>22</sup> Improvement Option 1 adds a separate right-turn lane to the westbound Springfield Road approach.

Table 13  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>23</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Huff Road</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	B (11.3)	B (10.7)	B (11.3)	B (11.0)
Northbound Left	A (8.0)	A (7.9)	A (8.2)	A (8.0)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	C (16.8)	C (17.0)	B (12.2)	C (18.6)
Northbound Left	A (8.2)	A (8.4)	A (8.5)	A (8.6)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	C (18.8)	C (19.9)	B (12.9)	C (22.5)
Northbound Left	A (8.2)	A (8.7)	A (8.5)	A (8.8)

<sup>23</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 14  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>24</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Shingle Point Road North</b>				
2018 Existing (Case 1)				
Westbound Left/Right	B (14.0)	B (13.7)	B (14.0)	B (13.7)
Southbound Left	A (7.6)	A (7.8)	A (7.6)	A (7.8)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	C (17.1)	C (17.3)	C (17.1)	C (17.3)
Southbound Left	A (7.7)	A (8.1)	A (7.7)	A (8.1)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	C (19.7)	C (22.3)	C (19.7)	C (22.3)
Southbound Left	A (7.9)	A (8.2)	A (7.9)	A (8.2)

<sup>24</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 15  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>25</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Shingle Point Road South</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	B (13.2)	C (15.7)	B (12.7)	B (14.6)
Northbound Left	A (8.3)	A (7.8)	A (8.3)	A (7.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	C (15.8)	C (21.7)	C (15.8)	C (19.2)
Northbound Left	A (8.6)	A (8.0)	A (8.6)	A (8.0)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	C (19.9)	D (29.3)	C (18.1)	C (24.5)
Northbound Left	A (8.6)	A (8.2)	A (8.6)	A (8.2)

<sup>25</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 16  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>26</sup> Existing One-Way Stop Proposed Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Pettyjohn Road / Site Access B</b>				
2018 Existing (Case 1)				
Eastbound Left/Through/Right	-	-	-	-
Westbound Left/Through/Right	B (11.2)	B (11.4)	B (10.9)	B (12.0)
Northbound Left	-	-	-	-
Southbound Left	A (7.6)	A (7.7)	A (7.6)	A (7.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Through/Right	-	-	-	-
Westbound Left/Through/Right	B (13.0)	B (13.6)	B (12.6)	B (14.9)
Northbound Left	-	-	-	-
Southbound Left	A (7.8)	A (8.0)	A (7.8)	A (8.1)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Through/Right	C (18.4)	C (18.1)	C (16.4)	C (20.7)
Westbound Left/Through/Right	C (17.7)	C (22.8)	C (16.8)	D (28.6)
Northbound Left	A (8.1)	A (8.2)	A (8.0)	A (8.3)
Southbound Left	A (7.8)	A (8.0)	A (7.8)	A (8.1)

<sup>26</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 17  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>27</sup> Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Prettyman Road &amp; Pettyjohn Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (7.7)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.3)	A (7.5)	A (7.3)
Northbound Left/Through/Right	B (10.7)	B (10.5)	A (10.0)	B (10.5)
Southbound Left/Through/Right	A (9.7)	A (10.0)	B (10.2)	B (10.0)
2032 without Azalea Woods (Case 2)				
Eastbound Left	A (7.4)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.3)	A (7.4)	A (7.3)
Northbound Left/Through/Right	B (11.0)	B (10.7)	B (11.0)	B (10.7)
Southbound Left/Through/Right	A (9.9)	B (10.2)	A (9.9)	B (10.2)
2032 with Azalea Woods (Case 3)				
Eastbound Left	A (7.4)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.4)	A (7.5)	A (7.4)
Northbound Left/Through/Right	A (10.0)	B (10.8)	A (10.0)	B (10.8)
Southbound Left/Through/Right	B (10.2)	B (11.1)	B (10.2)	B (11.1)

<sup>27</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 18  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>28</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Prettyman Road</b>				
2018 Existing (Case 1)				
Westbound Left/Right	A (9.5)	B (10.2)	A (9.5)	B (10.2)
Southbound Left	A (7.8)	A (7.9)	A (7.8)	A (7.8)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	A (9.9)	B (11.3)	B (10.1)	B (11.3)
Southbound Left	A (7.9)	A (8.1)	A (8.0)	A (8.1)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	B (10.2)	B (11.6)	B (10.4)	B (11.6)
Southbound Left	A (8.0)	A (8.2)	A (8.1)	A (8.2)

<sup>28</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.





**LOCATION MAP**  
SCALE: 1" = 2,000'

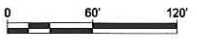
**SITE DATA:**

- TAX MAP NUMBER: 235-30.00-6.21
  - ADDRESS: LEWES-GEORGETOWN HIGHWAY, GEORGETOWN, DE 19947
  - OWNERS: MATT TOBACK  
35 RODNEY AVENUE  
DEWEY BEACH, DE 19971
  - ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL) WITH CONDITIONAL USE
  - USE: EXISTING: AGRICULTURAL  
PROPOSED: 4 LOT SUBDIVISION / 46,800 SQ FT BUSINESS PARK
  - BUILDING SETBACKS: AR-1 (AGRICULTURAL RESIDENTIAL):  
FRONT 40' (PRETTYMAN RD.)  
SIDE 15'  
SIDE 20"  
REAR 40' (LEWES-GEORGETOWN HWY.)
- \* THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.
- AREAS: EXISTING/PROPOSED: 10.15 AC  
DELDOT DEDICATION 0.37 AC  
TOTAL 10.52 AC
  - NET DEVELOPMENT AREA: 10.52 AC
  - SEWER PROVIDER: SUSSEX COUNTY ?
  - WATER PROVIDER: ARTESIAN PER UTILITY EASEMENT
  - THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 100050310K REVISED MARCH 16, 2015 (ZONE X).
  - NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
  - PROXIMITY TO DELDOT TID AREA: ±4.5 MILES
  - SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
  - RECHARGE AREA: GOOD

**OFF-STREET PARKING - (PER SUSSEX COUNTY CODE SECTIONS 115-162A & 45-5)**  
**REQUIRED PARKING:**  
 WHOLESALING - 1 PER 2 EMPLOYEES (52 EMPLOYEES) 26 SPACES REQUIRED  
 HANDICAP PARKING (61-75 PARKING SPACES) 3 SPACES (1 VAN) REQUIRED  
 65 SPACES + 6 VAN HC SPACES = 75 SPACES PROVIDED

**OFF-STREET LOADING - (PER SUSSEX COUNTY CODE SECTIONS 115-167)**  
**LOADING**  
 COMMERCIAL BUSINESSES  
 LOADING SPACES REQUIRED 4 SPACES REQUIRED  
 LOADING SPACES PROVIDED 21 SPACES (12 x 40')

**SUSSEX COUNTY PLANNING AND ZONING**  
**CONDITIONS OF APPROVAL:**



**LEGEND:**

- PROPERTY BOUNDARY
- - - ADJOINER LINE
- - - EASEMENT
- - - BUILDING SETBACK
- - - SCREENING FENCE
- - - CONTOUR
- VEGETATED BUFFER
- ⊕ WATER METER / HYDRANT
- ⊕ MANHOLE
- ⊕ UTILITY POLE
- ⊕ SIGN
- ▭ PROPOSED BUILDING
- PROPOSED BOLLARD
- □ □ AREA LIGHTS (FULL SCREEN)
- ○ PROPOSED TREE / SHRUB

**SCALED ENGINEERING**  
 Scaled Engineering Inc.  
 20246 Coastal Highway  
 Rehoboth Beach, DE 19971  
 Phone: (302) 298-3900

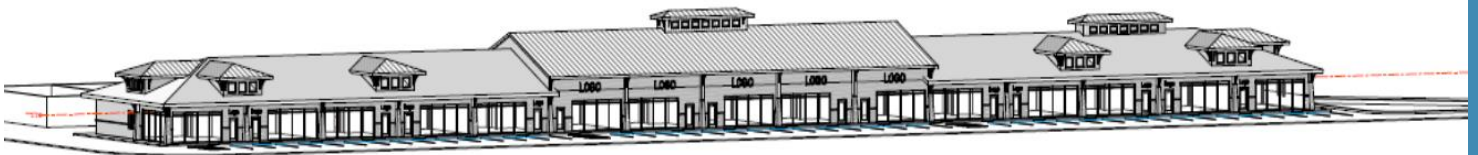
**FLEX PARK**  
**TM# 235-30.00-6.21**  
**BROADKILL HUNDRED, GEORGETOWN, DELAWARE**

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021

DATE: 1-27-21  
 SCALE: 1" = 60'  
 DRAWN BY: JRE  
 PROJECT NO: TOBA001

# Toback Development, LLC

## Conditional Use No. 2290



David C. Hutt, Esquire  
Morris James LLP

Public Hearings:  
Planning & Zoning Commission  
March 24, 2022  
County Council  
May 10, 2022

# **TOBACK DEVELOPMENT, LLC**

CONDITIONAL USE NO. 2290

## **Table of Contents**

1. Application
2. Deed for the Property (Deed Book 5401, Page 293)
3. Subdivision Plot (Plot Book 341, Page 90)
4. Preliminary Site Plan
5. Maps
  - a. Tax Parcels with Aerial Imagery
  - b. Zoning Map
  - c. 2045 Future Land Use Map
  - d. State Strategies Map
  - e. DNREC Map (wetlands and CPCNs)
  - f. FEMA FIRM Map Number 10005C0310L, dated June 20, 2018
6. DelDOT Response to Service Level Evaluation Request (December 1, 2020)
7. Artesian Resources, Ability to Serve Letter (April 16, 2021)
8. Ordinance No. 2830 (Executive Lawn Property Management LLC CZ 1944)
9. Harbeson Business Park (Google Earth Image)
10. Exterior Elevations of Proposed Buildings
11. Proposed Findings of Fact and Conditions

TAB “1”

# Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

Intersection of DE Route 9 & SCR 254 (Prettyman Road)

**Type of Conditional Use Requested:**

Applicant desires a conditional use to allow the construction of a flex space building on the property.

**Tax Map #:** p/o 235-30.00-6.21 **Size of Parcel(s):** 7.12 +/- acres

**Current Zoning:** AR-1 **Proposed Zoning:** AR1-CU **Size of Building:** 2 Bldges total 46,800sq ft.

**Land Use Classification:** Low Density

**Water Provider:** Artesian **Sewer Provider:** Artesian

**Applicant Information**

Applicant Name: Toback Development, LLC

Applicant Address: 35 Rodney Avenue

City: Dewey Beach State: DE ZipCode: 19971

Phone #: (302) 228-6182 E-mail: matt@leweshg.com

**Owner Information**

Owner Name: See above.

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James LLP)

Agent/Attorney/Engineer Address: 107 West Market Street, P.O. Box 690

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-0015 E-mail: dhutt@morrisjames.com



# Check List for Sussex County Planning & Zoning Applications

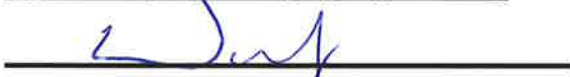
The following shall be submitted with the application

- 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: 6-4-2021

Signature of Owner



Date: 6-2-21

For office use only:

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

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

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

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

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

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

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

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

# Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

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

## Application Information:

Site Address: Intersection of DE Route 9 (Lewes-Georgetown Highway and  
SCR 254 (Prettyman Road)

Parcel #: p/o 235-30.00-6.21

Site Address: n/a

n/a

Parcel #: n/a

Applicant Name: Toback Development, LLC

Owner Name: Toback Development, LLC

## Type of Application:

Conditional Use:

Change of Zone:

Subdivision:

Board of Adjustment:

Date Submitted: 06-07-2021

### For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

## PARTICULAR DESCRIPTION

### TAX MAP PARCEL 235-30.00-6.21 (PART OF)

**ALL THAT CERTAIN PIECE**, parcel and tract of land lying and being situated in Broadkill Hundred, Sussex County, Delaware, lying on the southerly side of Prettyman Road - Sussex County Road 254 (60 foot right-of-way) and bounded as follows: On the south by Delaware Route 9 – Lewes-Georgetown Highway, lands now or formerly of Glen E. and Mildred D. Albert; the west by lands now or formerly of Sandra M. Prettyman, lands now or formerly of Rudolph T. Jr. and Michelle L. Daisey; the north by lands now or formerly of Emma J. and Christopher Payne, lots 1-4 of the Toback Minor Subdivision and being more particularly described from a Minor Subdivision Plan of lands of Toback Development, LLC by Scaled Engineering dated April 16, 2021 as follows, to wit

**BEGINNING** at a capped iron pipe set on the aforementioned southerly right of way of Prettyman Road at a corner for lands herein described and lot 1 of the aforementioned Toback Minor Subdivision; thence with said right-of-way of Prettyman Road **South 70 degrees 10 minutes 31 seconds East, 391.84 feet** to a point at the point of intersection with the northerly right of way of aforementioned Delaware Route 9 – Lewes-Georgetown Highway; thence with same **South 69 degrees 25 minutes 46 seconds West, 1,082.55 feet** to a point online of aforementioned lands of Albert; thence with same the following two (2) courses:

1. **North 20 degrees 34 minutes 14 seconds West, 198.71 feet** to an iron pipe found.
2. **South 69 degrees 25 minutes 46 seconds West, 161.43 feet** to a point at corner for aforementioned lands of Prettyman;

thence with same **North 20 degrees 34 minutes 14 seconds West, 104.68 feet** to a concrete monument found at a corner for aforementioned lands of Daisey; thence with same **North 19 degrees 59 minutes 40 seconds East, 290.41 feet** to a point near a concrete monument found and an iron pipe found at a corner for aforementioned lands of Payne; thence with same the following two (2) courses:

1. **South 69 degrees 54 minutes 38 seconds East, 150.00 feet** to a concrete monument found.
2. **North 20 degrees 05 minutes 22 seconds East, 65.40 feet** to a capped iron pipe set at a corner for lot 4 of aforementioned Toback Minor Subdivision;

thence with same and in part with lots 3,2 and 1 **South 70 degrees 10 minutes 31 seconds East, 601.02 feet** to a capped iron pipe set at a corner for lot 1; thence with same



**North 19 degrees 49 minutes 29 seconds East, 220.00 feet** to the point and place of beginning, containing 7.12 acres of land, be the same more or less.

TAB “2”

TAX MAP AND PARCEL #: 2-35 30.00 6.21

PREPARED BY & RETURN TO:

Morris James LLP  
107 West Market Street  
P.O. Box 690  
Georgetown, DE 19947  
File No. 202080/DCH

**THIS DEED**, made this 27<sup>th</sup> day of January, 2021,

- BETWEEN -

SANDRA M. PRETTYMAN, of 10725 S. Ocean Drive, Jensen Beach, FL 34957,  
party of the first part,

- AND -

TOBACK DEVELOPMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, of 35 Rodney Ave., Dewey Beach, DE 19971, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **Five Hundred Five Thousand and 00/100 Dollars (\$505,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**ALL THAT CERTAIN**, tract, piece and parcel of land, situate, lying and being in Broadkilm Hundred, County of Sussex and State of Delaware, designated as Lot 2 on a survey entitled Subdivision Survey Plan prepared by R.B. Kemp, P.L.S. No. 541, Adams-Kemp Associates, Inc., Professional Land Surveyors, dated May 22, 2017, last revised June 29, 2017 recorded in the Office of the Recorder of Deeds in and for Sussex County in Plot Book 249, Page 91, said to contain 10.519 acres, more or less.

**BEING** the same lands conveyed to Francis H. Prettyman and Sandra M. Prettyman by Deed from Francis H. Prettyman, Jr. and Francis H. Prettyman and Sandra M. Prettyman, dated February 11, 2014 and recorded February 11, 2014 in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 4226 page 280. The said Francis H. Prettyman departed this life on or about February 22, 2015, whereupon said lands passed by operation of law unto Sandra M. Prettyman Sr., his wife, as surviving tenant by the entirety

**SUBJECT** to all easements, agreements, covenants, and plans of record, this reference to which shall not be construed to reimpose any such easements, agreement, covenants and plans that have otherwise lapsed, expired, or have otherwise been terminated in accordance with their terms or otherwise, as applicable, but not subject to any mortgages, judgments or other liens of record or otherwise.

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

Signed, Sealed and Delivered  
in the presence of:

Valerie A. Cooby

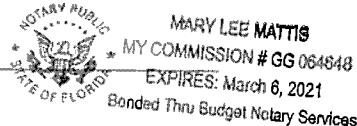
Sandra M. Prettyman (SEAL)  
Sandra M. Prettyman

STATE OF Florida, COUNTY OF Martin: to-wit

BE IT REMEMBERED, that on January 27, 2021, personally came before me, the  
subscriber, Sandra M. Prettyman, party of the first part to this Indenture, known to me  
personally to be such, and acknowledged this Indenture to be her act and deed.

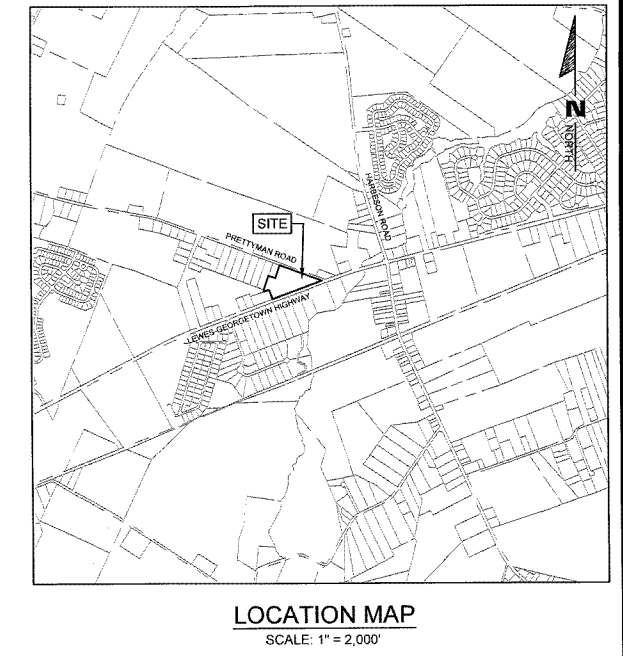
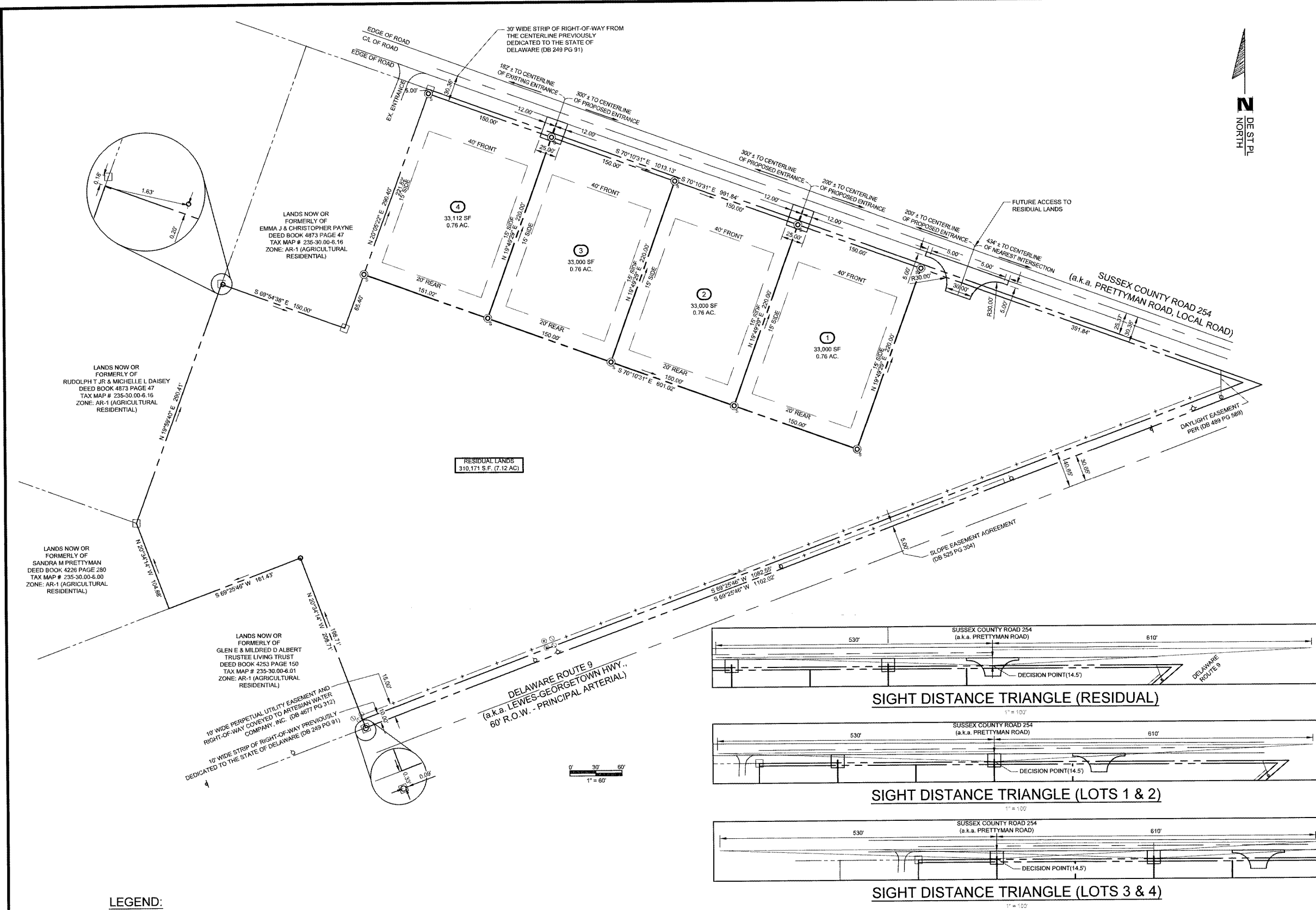
GIVEN under my Hand and Seal of Office the day and year aforesaid.

Mary Lee Mattis  
Notary Public



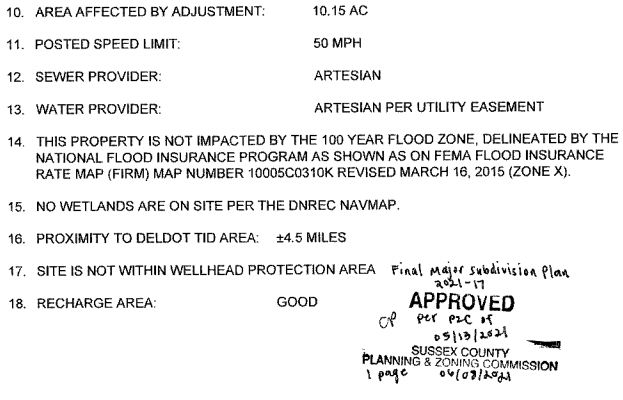
My Commission Expires: March 6, 2021

TAB “3”



**SITE DATA:**

- TAX MAP NUMBER: 235-30.00-6.21
- ADDRESS: LEWES-GEORGETOWN HIGHWAY, GEORGETOWN, DE 19947
- OWNER: TOBACK DEVELOPMENT, LLC (MATT TOBACK)  
35 RODNEY AVENUE  
DEWEY BEACH, DE 19971
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL  
PROPOSED: 4 LOT SUBDIVISION
- BUILDING SETBACKS (FOR PROPOSED LOTS):  
AR-1 (AGRICULTURAL RESIDENTIAL):  
FRONT 40' (PRETTYMAN RD.)  
SIDE 15'  
REAR 20'
- LOT REQUIREMENTS: AREA 32,670 S.F. (0.75 ACRE)  
WIDTH 100'  
DEPTH 100'
- TOTAL NUMBER OF LOTS: EXISTING: 1  
PROPOSED: 5 (INCLUDING THE RESIDUAL)
- AREA: 235-30.00-6.21 - EXISTING: 442,284 S.F. (10.15 AC)  
PROPOSED LOT 1: 33,000 S.F. (0.76 AC)  
PROPOSED LOT 2: 33,000 S.F. (0.76 AC)  
PROPOSED LOT 3: 33,000 S.F. (0.76 AC)  
PROPOSED LOT 4: 33,112 S.F. (0.77 AC)  
PROPOSED (RESIDUAL): 310,171 S.F. (7.12 AC)
- AREA AFFECTED BY ADJUSTMENT: 10.15 AC
- POSTED SPEED LIMIT: 50 MPH
- SEWER PROVIDER: ARTESIAN
- WATER PROVIDER: ARTESIAN PER UTILITY EASEMENT
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0310K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
- PROXIMITY TO DELDOT TID AREA: ±4.5 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- RECHARGE AREA: GOOD



- LEGEND:**
- CONCRETE MONUMENT FOUND
  - ⊗ IRON PIPE IN CONCRETE FOUND
  - IRON PIPE FOUND
  - ⊙ IRON PIPE TO BE SET
  - PROPERTY BOUNDARY
  - - - ADJOINER LINE
  - · - · - EASEMENT
  - - - BUILDING SETBACK
  - ⊕ WATER METER / HYDRANT
  - ⊙ MANHOLE
  - ⊙ UTILITY POLE
  - ⊕ SIGN

- NOTES:**
- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM PLAT BOOK 249 PAGE 91, DEED BOOK 5401 PAGE 293 (THE CURRENT DEED OF RECORD) AND OTHER DOCUMENTS OF PUBLIC RECORD. IT IS ALSO THE RESULT OF AN ACTUAL FIELD SURVEY BY SCALED ENGINEERING PERFORMED 2-17-21.
  - THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
  - BEARING SYSTEM SHOWN IS BASED ON DELAWARE STATE PLANE COORDINATE SYSTEM, HORIZONTAL DATUM NAD 83.
  - CLASS OF SURVEY: SUBURBAN
  - ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

- DELDOT NOTES:**
- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
  - SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
  - IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
  - REFER TO DELDOT STANDARD DETAIL M-2 (2011) FOR RIGHT-OF-WAY MONUMENTS.
  - ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.

**OWNER CERTIFICATION:**  
 I, MATT TOBACK, 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 MY ACT AND THAT I DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.  
 President  
 TITLE  
 MATT TOBACK  
 TOBACK DEVELOPMENT, LLC (MATT TOBACK)  
 35 RODNEY AVENUE  
 DEWEY BEACH, DE 19971  
 5-26-21  
 DATE

SUSSEX COUNTY  
 President of County Council  
 CASE NO. 2021-17  
 DATE 6/8/21

**ENGINEERS CERTIFICATION**  
 I, CARLTON R. SAVAGE, JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.  
 CARLTON R. SAVAGE, JR., P.E. (LICENSE #16457)  
 DATE 5/24/21

**SCALED ENGINEERING**  
 Scaled Engineering Inc.  
 20246 Coastal Highway  
 Rehoboth Beach, DE 19971  
 Phone: (302) 236-9500

**MINOR SUBDIVISION PLAN**

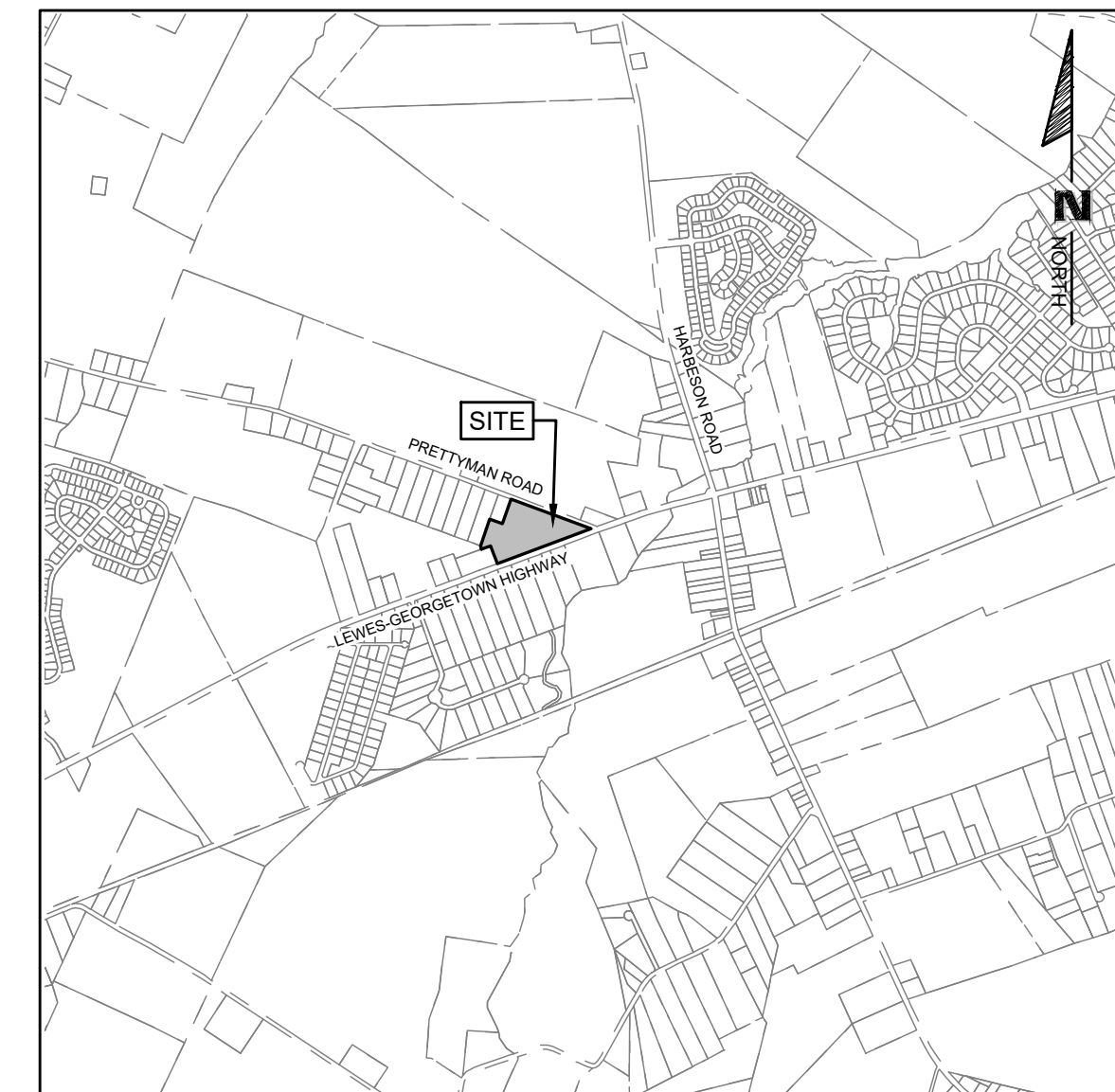
**TOBACK MINOR SUBDIVISION**  
 TM# 235-30.00-6.21  
 BROADKILL HUNDRED, GEORGETOWN, DELAWARE

DATE: 5-18-21  
 SCALE: 1" = 60'  
 DRAWN BY: JRE  
 PROJECT NO.: TOBA001

1

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021

TAB “4”



**SITE DATA:**

- TAX MAP NUMBER: 235-30.00-6.21
  - ADDRESS: LEWES-GEORGETOWN HIGHWAY, GEORGETOWN, DE 19947
  - OWNERS: MATT TOBACK  
35 RODNEY AVENUE  
DEWEY BEACH, DE 19971
  - ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL) WITH CONDITIONAL USE
  - USE: EXISTING: AGRICULTURAL  
PROPOSED: 4 LOT SUBDIVISION / 46,800 SQ FT BUSINESS PARK
  - BUILDING SETBACKS: AR-1 (AGRICULTURAL RESIDENTIAL):  
FRONT 40' (PRETTYMAN RD.)  
SIDE 15'  
SIDE 20"  
REAR 40' (LEWES-GEORGETOWN HWY.)
- \* THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.
- AREAS: EXISTING/PROPOSED: 10.15 AC  
DELDOT DEDICATION 0.37 AC  
TOTAL 10.52 AC
  - NET DEVELOPMENT AREA: 10.52 AC
  - SEWER PROVIDER: SUSSEX COUNTY ?
  - WATER PROVIDER: ARTESIAN PER UTILITY EASEMENT
  - THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0310K REVISED MARCH 16, 2015 (ZONE X).
  - NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
  - PROXIMITY TO DELDOT TID AREA: ±4.5 MILES
  - SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
  - RECHARGE AREA: GOOD

**OFF-STREET PARKING - (PER SUSSEX COUNTY CODE SECTIONS 115-162A & 45-5)**

REQUIRED PARKING:

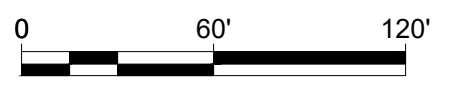
WHOLESALE - 1 PER 2 EMPLOYEES (52 EMPLOYEES)	26 SPACES REQUIRED
HANDICAP PARKING (51-75 PARKING SPACES)	3 SPACES (1 VAN) REQUIRED
65 SPACES + 6 VAN HC SPACES = 75 SPACES PROVIDED	

**OFF-STREET LOADING - (PER SUSSEX COUNTY CODE SECTIONS 115-167)**

LOADING COMMERCIAL BUSINESSES	
LOADING SPACES REQUIRED	4 SPACES REQUIRED
LOADING SPACES PROVIDED	21 SPACES (12' x 40')

**SUSSEX COUNTY PLANNING AND ZONING**

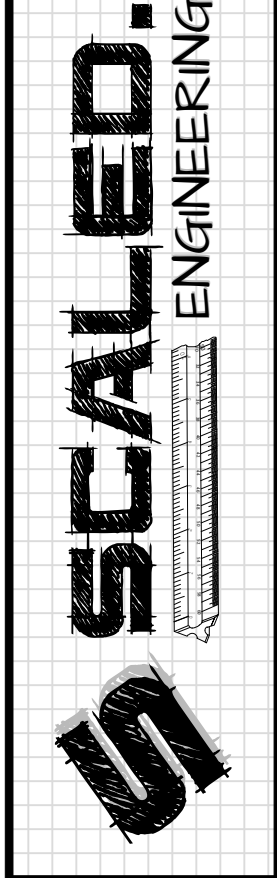
**CONDITIONS OF APPROVAL:**



**LEGEND:**

- — — — — PROPERTY BOUNDARY
- — — — — ADJOINER LINE
- + - + - EASEMENT
- — — — — BUILDING SETBACK
- — — — — SCREENING FENCE
- — — — — CONTOUR
- VEGETATED BUFFER
- ⊙ ⊙ WATER METER / HYDRANT
- ⊙ MANHOLE
- ⊙ UTILITY POLE
- ⊙ SIGN
- PROPOSED BUILDING
- PROPOSED BOLLARD
- □ □ □ AREA LIGHTS (FULL SCREEN)
- ⊙ ⊙ PROPOSED TREE / SHRUB

PROJECT: 108201-211.PLS BY: JRE DATE: 10/20/21 10:00 AM



**FLEX PARK**  
 TM# 235-30.00-6.21  
 BROADKILL HUNDRED, GEORGETOWN, DELAWARE

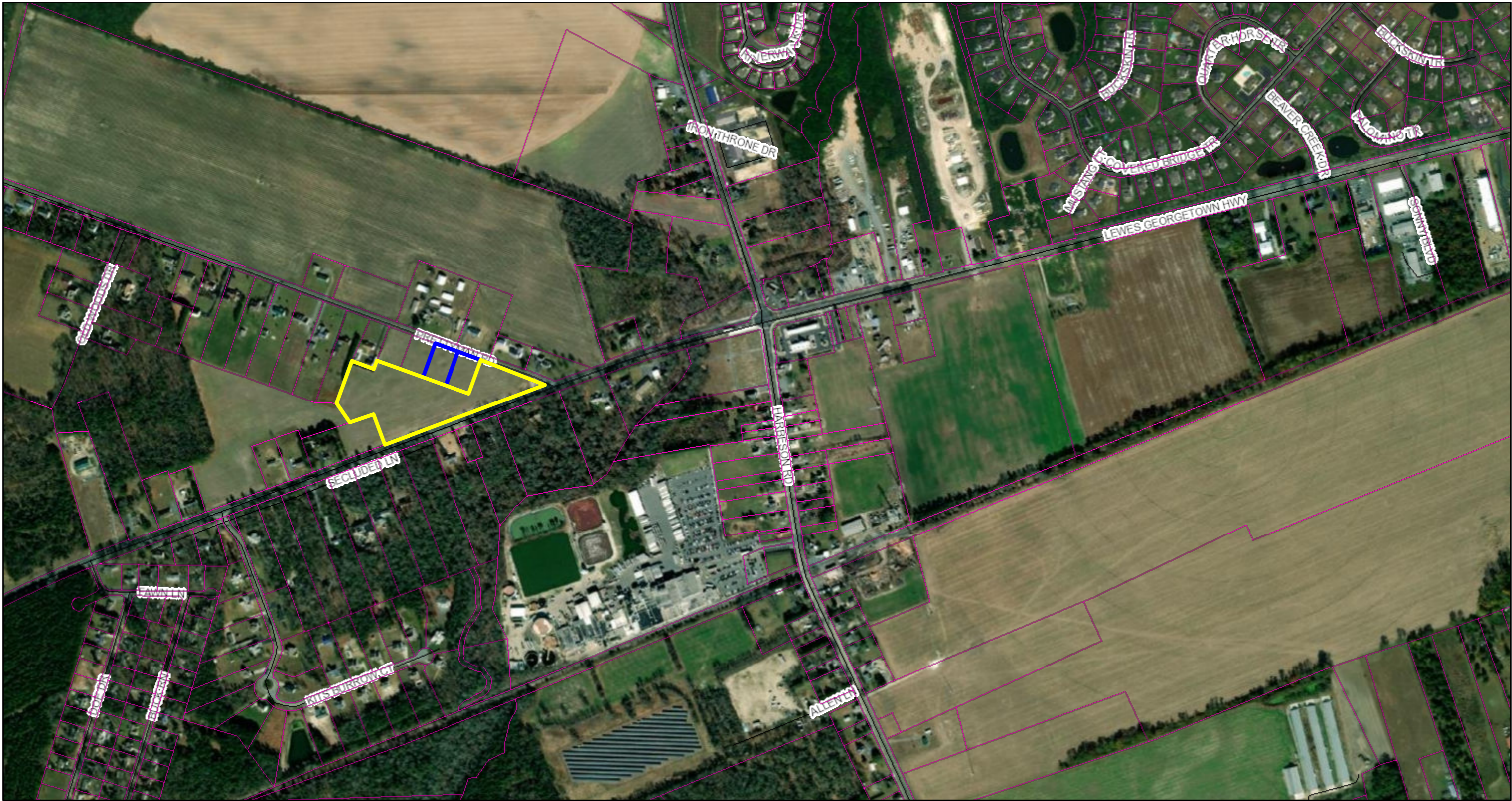
DATE: 1-27-21  
 SCALE: 1" = 60'  
 DRAWN BY: JRE  
 PROJECT NO. TOBA001

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021

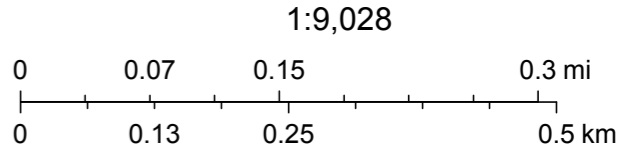


TAB "5"

# Sussex County



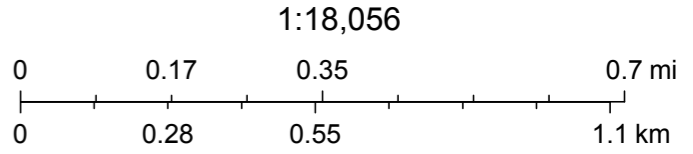
- March 12, 2022
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries



# Sussex County

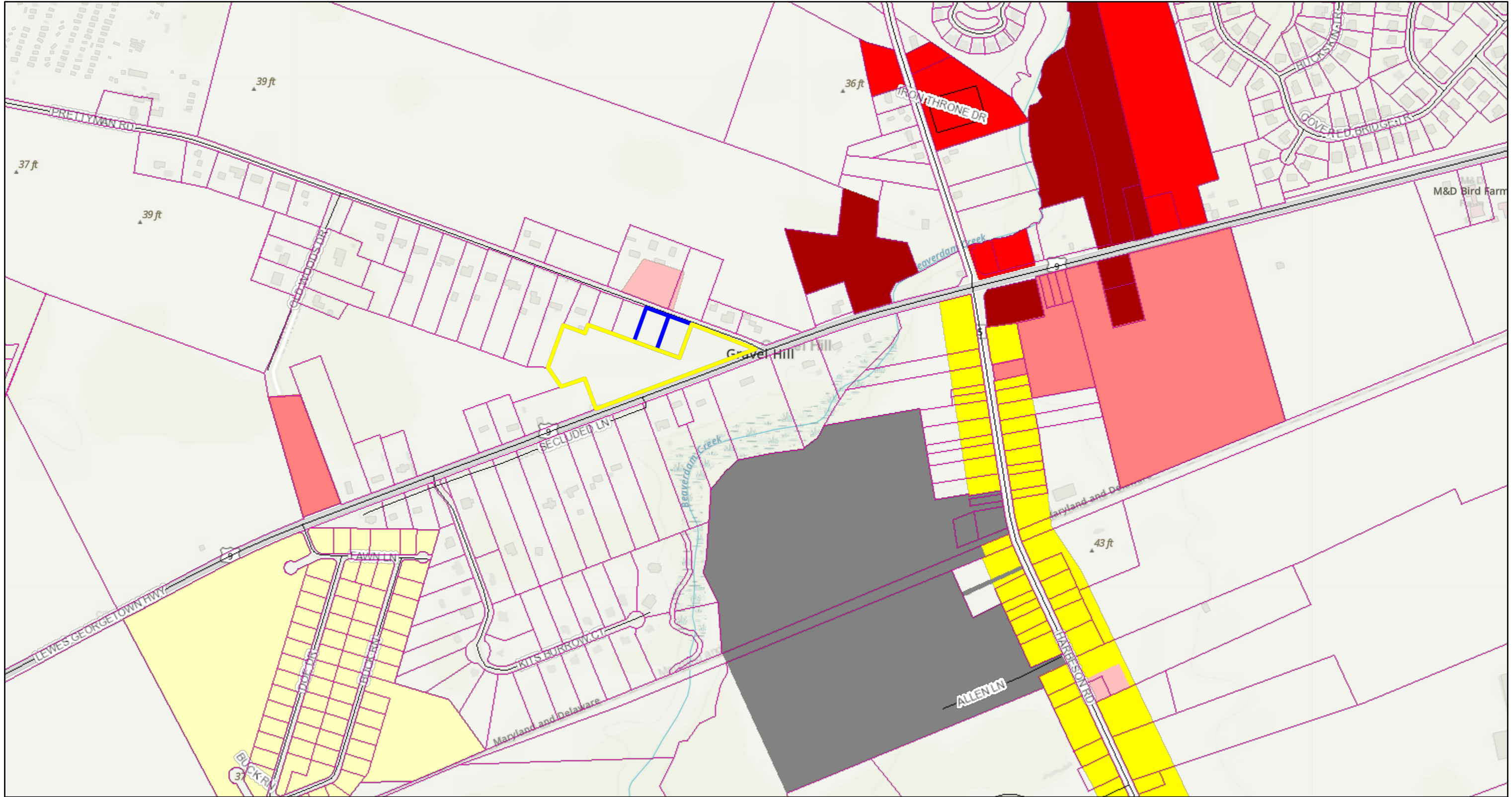


- March 12, 2022
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries



Sussex County Government, Maxar

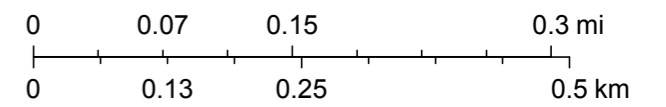
# Sussex County



March 12, 2022

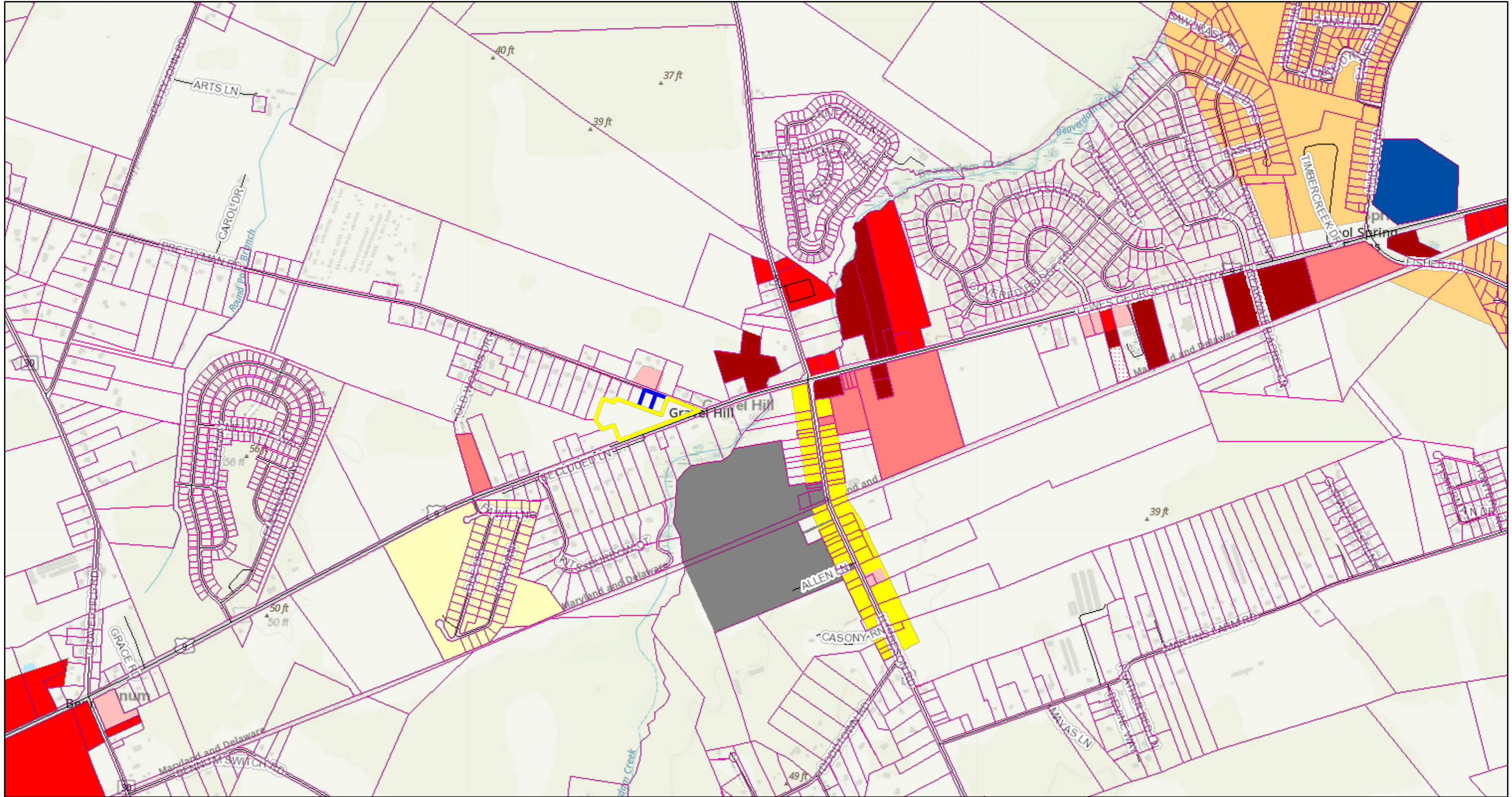
1:9,028

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



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

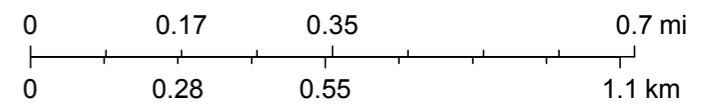
# Sussex County



March 12, 2022

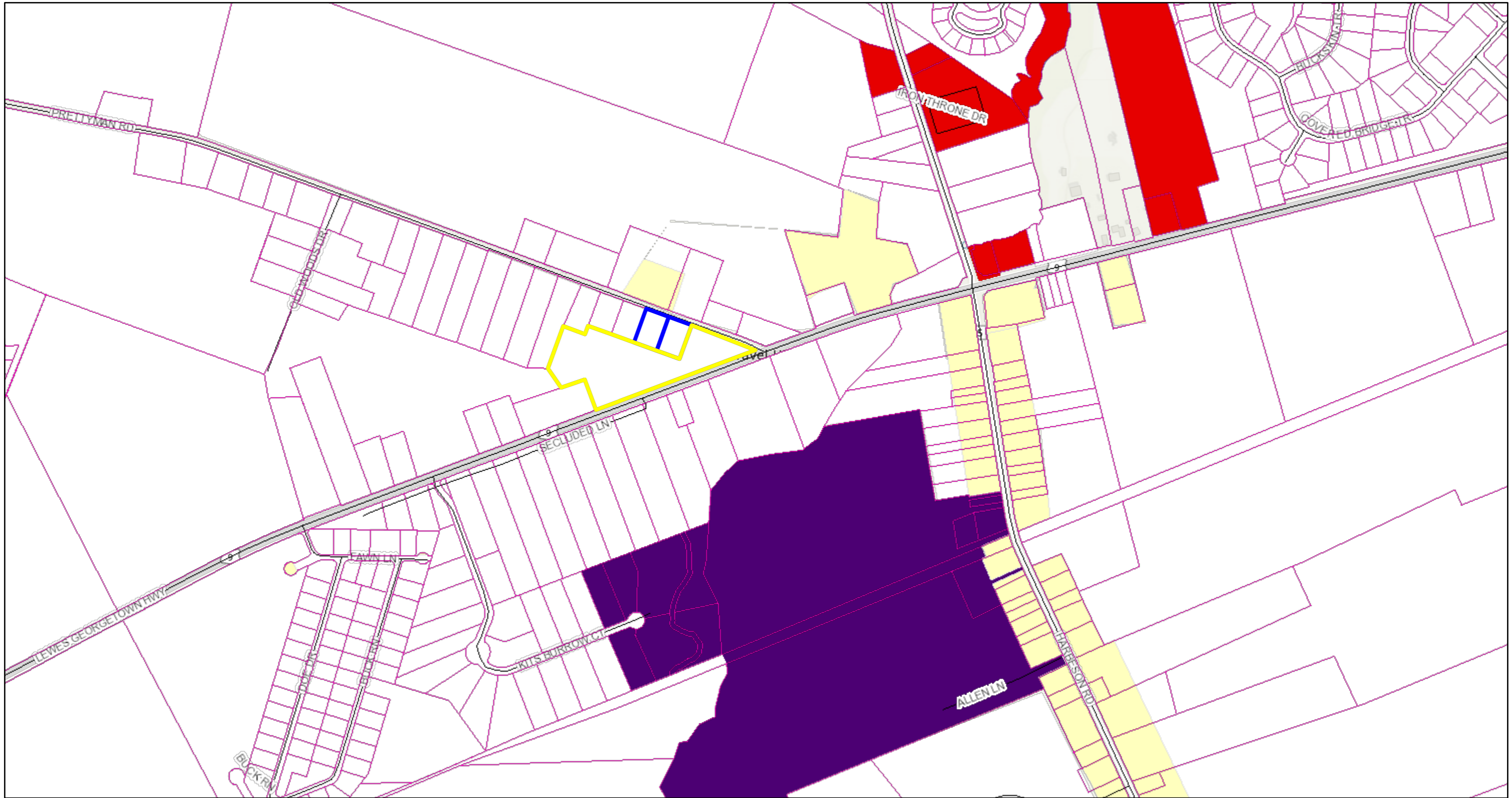
1:18,056

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



Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

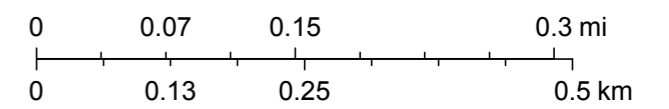
# Sussex County



March 12, 2022

- |             |                      |                           |                |
|-------------|----------------------|---------------------------|----------------|
| Override 1  | County Boundaries    | Commercial                | Municipalities |
| Override 1  | 2019 Future Land Use | Developing Area           | Town Center    |
| Tax Parcels | Low Density          | Existing Development Area |                |
| Streets     | Coastal Area         | Industrial                |                |

1:9,028



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








0.2mi

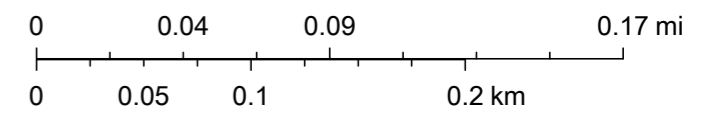
# Delaware - DNREC NavMap



3/11/2022, 10:27:58 PM

-  2017 Wetlands (not regulatory)
-  Approx. Watershed Boundary
-  Wastewater CPCN
-  Water CPCN
-  State Parcels

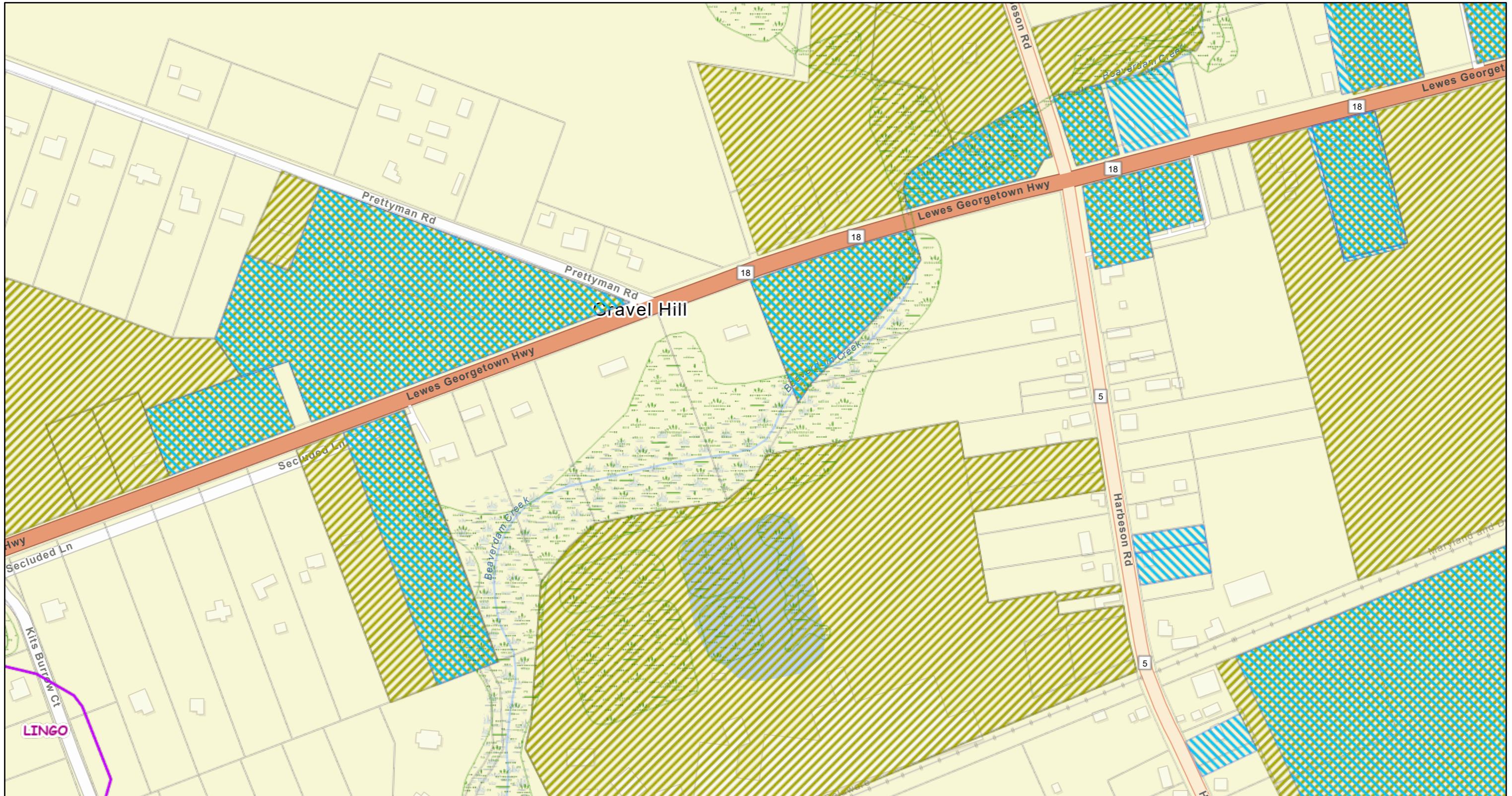
1:4,514








Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Esri Community Maps



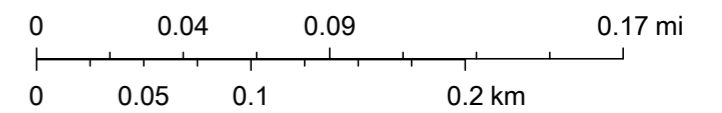
# Delaware - DNREC NavMap



3/11/2022, 10:34:33 PM

-  2017 Wetlands (not regulatory)
-  Approx. Watershed Boundary
-  Wastewater CPCN
-  Water CPCN
-  State Parcels

1:4,514



Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Esri Community Maps

# National Flood Hazard Layer FIRMMette



75°17'53"W 38°43'39"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **3/11/2022 at 9:29 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

TAB “6”



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

JENNIFER COHAN  
SECRETARY

December 1, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Matthew Toback / Toback Builders, LLC** conditional use application, which we received on October 22, 2020. This application is for an approximately 10.52-acre parcel (Tax Parcel: 235-30.00-6.21). The subject land is located on the northwest corner of the intersection of US Route 9 and Prettyman Road (Sussex Road 254). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop 46-unit, 82,800 square-foot, contractor flex park with office in front and storage area in the rear.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Steiner Road (Sussex Road 320) to Delaware Route 5, are 16,128 and 20,757 vehicles per day, respectively. As the subject land also has frontage along Prettyman Road, the annual average and summer average daily traffic volumes along that road segment are 2,212 and 2,847 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per weekly peak hour and 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per weekly peak hour and fewer than 2,000 vehicle trips per day, DeIDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse  
Page 2 of 2  
December 1, 2020

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 46-unit, 82,800 square-foot, contractor flex park would generate 1,595 vehicle trips per day, 33 vehicle trips during the morning peak hour, and 35 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be 15,950.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a traffic operational analysis (TOA) if one is found to be necessary during the plan review process.

A review of TIS completed in the last three years found that a TIS was completed for the Azalea Woods (a.k.a. Wilson Moore) residential development. That TIS included the intersection of US Route 9 and Prettyman Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm  
Enclosure

cc: Matthew Toback / Toback Builders, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

JENNIFER COHAN  
SECRETARY

November 21, 2019

Ms. Betty Tustin  
The Traffic Group, Inc.  
104 Kenwood Court  
Berlin, MD 21811

Dear Ms. Tustin:

The enclosed Traffic Impact Study (TIS) review letter for the proposed **Azalea Woods (f.k.a. Wilson Moore)** (Tax Parcels 135-11.00-32.01, 48.00, 49.00 and 56.00) development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel  
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Thomas Natelli, Jr., Natelli Communities  
Mr. Jason Palkewicz, Solutions IPPEM, Inc.  
Ms. Constance C. Holland, Office of State Planning Coordination  
Ms. Janelle Cornwell, Sussex County Planning and Zoning  
Mr. Andrew Parker, McCormick Taylor, Inc.  
DelDOT Distribution

## DeIDOT Distribution

Brad Eaby, Deputy Attorney General  
Shanté Hastings, Director, Transportation Solutions (DOTS)  
Drew Boyce, Director, Planning  
Mark Luszcz, Deputy Director, DOTS  
Michael Simmons, Assistant Director, Project Development South, DOTS  
J. Marc Coté, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Peter Haag, Chief Traffic Engineer, Traffic, DOTS  
Alastair Probert, South District Engineer, South District  
Gemez Norwood, South District Public Works Manager, South District  
Susanne Laws, Sussex Subdivision Review Coordinator, Development Coordination  
David Dooley, Service Development Planner, Delaware Transit Corporation  
Mark Galipo, Traffic Engineer, Traffic, DOTS  
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning  
Derek Sapp, Sussex County Subdivision Reviewer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



November 21, 2019

Mr. Troy E. Brestel  
Project Engineer  
DelDOT Division of Planning  
P.O. Box 778  
Dover, DE 19903

RE: Agreement No. 1773  
Traffic Impact Study Services  
**Task No. 1A Subtask 2A – Azalea Woods**

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Azalea Woods residential development prepared by The Traffic Group, Inc. dated July 17, 2019. The Traffic Group prepared the report in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of the proposed Azalea Woods residential development, proposed to be located north of US Route 9, west of Delaware Route 30 (Gravel Hill Road / Sussex Road 248) and east of Shingle Point Road (Sussex Road 249) in unincorporated Sussex County, Delaware. The proposed development would consist of 610 single-family detached homes. Two full-access driveways are proposed. One full movement access is proposed on Shingle Point Road opposite Briarwood Lane. The second full access movement is proposed along Delaware Route 30 opposite Pettyjohn Road (Sussex Road 255). Construction is expected to be complete by 2032.

The subject land is located on an approximately 316-acre assemblage of parcels. The land is currently zoned AR-1 (Agricultural Residential) in Sussex County. No rezoning is needed or sought to permit the proposed development.

DelDOT has three projects within the study area. The first is the Georgetown East Gateway Improvements project (aka Sand Hill Road Realignment Project), which will improve the existing intersection geometry of US Route 9 and Sand Hill Road/Airport Road (State Road 319). Sand Hill Road and Airport Road presently intersect US Route 9 at skewed angles at offset locations. The improvements will realign Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, add turn lanes, add pedestrian and bicycle facilities, and improve drainage. Final design and right of way acquisition are underway. Utility relocations will begin in the spring of 2020. Construction is anticipated to begin in the summer of 2020.

The second project is Park Avenue Relocation – Phase 2, which involves improvements along Park Avenue (Sussex Road 321) from the Park Avenue Relocation – Phase 1 project up to the signalized intersection with US Route 9, which will be reconstructed to provide a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, along with signal upgrades. The Phase 2 project is within the Azalea Woods study area, while the Phase





1 project is located southwest of the Azalea Woods study area. Phase 1 will relocate part of Park Avenue, a designated truck bypass through Georgetown, and upgrade another part of Park Avenue with appropriate turn lanes, shoulders, and intersection improvements. Phase 2 will consist of the improvements along the existing Park Avenue from where the Phase 1 relocation ties in west of Cedar Lane all the way up to US Route 9. Both phases of the project will combine to provide a continuous US Route 9 Truck Bypass from US Route 113 to US 9 east of the Town of Georgetown. This project is currently in the design and planning stage. Construction of Phase 1 is anticipated to begin in the fall of 2022. Construction of Phase 2 is anticipated to begin in 2023.

The third project is DeIDOT’s HSIP SC, US 9 and SR 5 Intersection project. This project, initiated by the 2009 Hazard Elimination Program, is located at the intersection of US Route 9 and Delaware Route 5 and involves widening the intersection to provide turn lanes on each leg to address safety and operational issues and to accommodate large vehicles. Construction was underway in early 2019 and was substantially complete by September 2019.

Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
US 9 and Sand Hill Road/Airport Road	Signalized	2018 Existing PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) * 2032 with Azalea Woods AM & PM (Case 3) * * Deficient only without East Gateway Improvements
US 9 and Park Avenue	Signalized	2018 Existing AM & PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) * 2032 with Azalea Woods AM & PM (Case 3) * * Deficient only without Park Avenue Relocation – Phase 2
US 9 and Shingle Point Road/French Road	Unsignalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and Stiener Road	Unsignalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and DE 30	Signalized	2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and Prettyman Road	Unsignalized	2018 Existing AM & PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and DE 5	Signalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
Park Avenue and Springfield Road	Unsignalized	2032 without Azalea Woods AM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)



For three of the intersections listed in the table above, it is anticipated that future LOS deficiencies will be completely mitigated via implementation of improvements as described in the numbered recommendation items starting on page 4. The intersections and corresponding recommendation items are as follows: US Route 9 and Sand Hill Road / Airport Road (Item No. 4), US Route 9 and Park Avenue (Item No. 5), and Park Avenue and Springfield Road (also Item No. 5).

For one other intersection, US Route 9 and Shingle Point Road / French Road, it is anticipated that the recommended improvement will partially mitigate future LOS deficiencies. While it was determined that the improvement needed to achieve a complete mitigation of future LOS deficiencies at this location would not be required of this developer, the addition of a separate right-turn lane on the southbound approach of Shingle Point Road, as recommended below in Item No. 6, will reduce delays and queue lengths on that approach.

As for the other four intersections listed in the table above, we do not recommend any improvements be implemented by the developer. Additional information for each of these four intersections is provided immediately below.

#### US Route 9 and Stiner Road

This unsignalized intersection experiences LOS deficiencies in the 2018 existing AM peak hour and in the 2032 AM and PM peak hours, both without and with Azalea Woods.

The northbound Stiner Road and southbound business driveway approaches are expected to operate at LOS F in both 2032 peak hours, without and with Azalea Woods. During these times, both approaches have ten vehicles per hour or less, and the anticipated 95<sup>th</sup> percentile queue lengths are less than 25 feet. Thus, mitigation is not required as per the DelDOT Development Coordination Manual.

#### US Route 9 and Delaware Route 30

This signalized intersection exhibits LOS deficiencies in the 2032 AM and PM peak hours, both without and with Azalea Woods. Given that the intersection is already signalized and has separate left and right-turn lanes on every approach, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to fully correct the LOS deficiencies at this intersection (i.e., widening US Route 9 to provide two through lanes in each direction) cannot be considered a reasonable developer improvement project.

#### US Route 9 and Prettyman Road

This unsignalized intersection experiences LOS deficiencies in all existing and future peak hours, with the southbound approach of Prettyman Road operating at LOS F. However, a new traffic signal at this location on US Route 9 would not be desirable, and because drivers who would use the southbound approach of Prettyman Road can choose alternative routes to access US Route 9, it was determined that improvements are not required to be implemented by the developer at this intersection.



US Route 9 and Delaware Route 5

This signalized intersection exhibits LOS deficiencies in the 2032 AM and PM peak hours, both without and with Azalea Woods. Given that the intersection is already signalized and was recently improved in 2019 to include a separate left-turn lane on every approach, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to fully correct the LOS deficiencies at this intersection (i.e., widening US Route 9 to provide two through lanes in each direction) cannot be considered a reasonable developer improvement project.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should improve Shingle Point Road from Briarwood Road to US Route 9 as needed in order to meet DeIDOT’s local road standards. These standards include, but are not limited to, eleven-foot travel lanes and five-foot shoulders. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DeIDOT’s discretion. DeIDOT should analyze the existing lanes’ pavement section and recommend an overlay thickness to the developer’s engineer if necessary. Construction of this improvement should begin prior to issuance of the 226<sup>th</sup> building permit.
2. The developer should construct the full-movement Site Access A on Shingle Point Road. This proposed site driveway should be constructed directly across from Briarwood Lane. The proposed configuration is shown in the table below.

<b>Approach</b>	<b>Existing Configuration</b>	<b>Proposed Configuration</b>
Eastbound Briarwood Lane	One shared left-turn/right-turn lane	One shared left/through/right-turn lane
Westbound Site Access A	Approach does not exist	One shared left/through/right-turn lane
Northbound Shingle Point Road	One shared left-turn/through lane	One left-turn lane, one through lane and one right-turn lane
Southbound Shingle Point Road	One shared through/right-turn lane	One left-turn lane and one shared through/right-turn lane



Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Briarwood Lane	N/A	N/A
Westbound Site Access A	N/A	N/A
Northbound Shingle Point Road	50 feet *	240 feet **
Southbound Shingle Point Road	210 feet **	N/A

\* Initial turn-lane length based on coordination with DelDOT's Development Coordination Section.

\*\* Initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*.

- The developer should construct the full-movement Site Access B on Delaware Route 30. This proposed site driveway should be constructed directly across from Pettyjohn Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound Site Access B	Approach does not exist	One shared left/through/right-turn lane
Westbound Pettyjohn Road	One shared left-turn/right-turn lane	One shared left/through/right-turn lane
Northbound DE 30	One shared through/right-turn lane	One left-turn lane and one shared through/right-turn lane
Southbound DE 30	One shared left-turn/through lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Site Access B	N/A	N/A
Westbound Pettyjohn Road	N/A	N/A
Northbound DE 30	210 feet *	N/A
Southbound DE 30	50 feet **	240 feet *

\* Initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*.

\*\* Initial turn-lane length based on coordination with DelDOT's Development Coordination Section.



4. The developer should coordinate with DeIDOT regarding an equitable share contribution toward DeIDOT's Georgetown East Gateway Improvements Project, which will improve the intersection of US Route 9 and Sand Hill Road / Airport Road. The amount of the contribution should be determined through coordination with DeIDOT's Development Coordination Section.
5. The developer should coordinate with DeIDOT regarding an equitable share contribution toward DeIDOT's Park Avenue Relocation – Phase 2 Project, which will improve the intersections of US Route 9 & Park Avenue and Park Avenue & Springfield Road. While the design of improvements under the DeIDOT project has not yet been finalized, at US Route 9 & Park Avenue it should include a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, and at Park Avenue & Springfield Road it should include a westbound right-turn lane. The amount of the contribution should be determined through coordination with DeIDOT's Development Coordination Section.
6. The developer should improve the intersection of US Route 9 and Shingle Point Road / French Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound US Route 9	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Westbound US Route 9	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Northbound French Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Shingle Point Road	One shared left/through/right-turn lane	One shared left-turn/through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound US Route 9	N/A	N/A
Westbound US Route 9	N/A	N/A
Northbound French Road	N/A	N/A
Southbound Shingle Point Road	N/A	200 feet *

\* Initial turn-lane length based on storage length per queuing analysis



The developer should coordinate with DelDOT's Development Coordination Section to determine all final design details including the above turn-lane lengths during the site plan review. Construction of this improvement should begin prior to issuance of the 101<sup>st</sup> building permit.

7. The following bicycle and pedestrian improvements should be included:
  - a. Adjacent to the proposed right-turn lanes on southbound Delaware Route 30 and northbound Shingle Point Road at the proposed site entrances, a minimum of a five-foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
  - b. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities and turn lanes within the project limits.
  - c. Utility covers should be made flush with the pavement.
  - d. If clubhouses or other community facilities are constructed as shown on the site plan, bicycle parking should be provided near building entrances. Where building architecture provides for an awning, other overhang, or indoor parking, the bicycle parking should be covered.
  - e. A minimum 15-foot wide permanent easement from the edge of the right-of-way should be dedicated to DelDOT within the site frontages along Delaware Route 30 and Shingle Point Road.
  - f. Within the easements along the Delaware Route 30 site frontage and the Shingle Point Road southern site frontage, a minimum of a ten-foot wide shared-use path that meets current AASHTO and ADA standards should be constructed. The shared-use paths should meet AASHTO and ADA standards. Each shared-use path should have a minimum of a five-foot buffer from the roadway. At the property boundaries, the shared-use paths should connect to the adjacent property or to the shoulder in accordance with DelDOT's *Shared-Use Path and/or Sidewalk Termination Reference Guide* dated August 1, 2018. The developer should coordinate with DelDOT's Development Coordination Section to determine the details of the shared-use path connections at the property boundaries. No shared-use path is required along the northern site frontage of Shingle Point Road.
  - g. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including all site entrances. Type 3 curb ramps are discouraged.
  - h. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the development. These sidewalks should each be a minimum of five-feet wide (with a minimum of a five-foot



buffer from the roadway) and should meet current AASHTO and ADA standards. Internal sidewalks in the development should connect to the proposed shared-use paths along Delaware Route 30 and Shingle Point Road.

- i. Access-ways should be used to connect shared-use paths or sidewalks along a road to an interior trail or subdivision street when the spacing between streets is inadequate to accommodate convenient pedestrian and bicycle travel. Based on the Office of State Planning Coordination PLUS review (August 20, 2018), two access-ways are recommended, both on Shingle Point Road. One would be near the northern limit of the site frontage and the other near the southern limit of the site frontage. The developer should coordinate with DelDOT's Development Coordination Section during the site plan review to determine exact locations and design details for these access-ways.
- j. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.

Improvements in this TIS may be considered "significant" under DelDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT's website at [http://delDOT.gov/Publications/manuals/de\\_mutcd/index.shtml](http://delDOT.gov/Publications/manuals/de_mutcd/index.shtml).

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's site plan review process.

Additional details on our review of this TIS are attached. Please contact me at (610) 640-3500 or through e-mail at [ajparker@mccormicktaylor.com](mailto:ajparker@mccormicktaylor.com) if you have any questions concerning this review.

Sincerely,

**McCormick Taylor, Inc.**

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, PE, PTOE  
Project Manager

Enclosure

**General Information**

**Report date:** July 17, 2019

**Prepared by:** The Traffic Group, Inc.

**Prepared for:** Natelli Communities

**Tax parcel:** 135-11.00-32.01, part of 48.00, 49.00, and 56.00

**Generally consistent with DelDOT's Development Coordination Manual:** Yes

**Project Description and Background**

**Description:** The proposed Azalea Woods development consists of 610 single-family detached homes.

**Location:** The site is located north of US Route 9, west of Delaware Route 30 (Gravel Hill Road / Sussex Road 248) and east of Shingle Point Road (Sussex Road 249) in unincorporated Sussex County. A site location map is included on page 10.

**Amount of land to be developed:** approximately 316 acres

**Land use approval(s) needed:** Subdivision approval. The land is currently zoned AR-1 (Agricultural Residential). No rezoning is needed or sought to permit the proposed development.

**Proposed completion year:** 2032

**Proposed access locations:** Two full-access driveways are proposed. One full movement access is proposed on Shingle Point Road opposite Briarwood Lane. The second full access movement is proposed along Delaware Route 30 opposite Pettyjohn Road (Sussex Road 255).

**Daily Traffic Volumes (per DelDOT Traffic Summary 2018):**

- 2018 Average Annual Daily Traffic on Delaware Route 30: 5,449 vehicles/day
- 2018 Average Annual Daily Traffic on Shingle Point Road: 1,220 vehicles/day





## **2015 Delaware Strategies for State Policies and Spending**

### **Location with respect to the Strategies for State Policies and Spending Map of Delaware:**

The proposed Azalea Woods residential development is located within Investment Level 4.

#### *Investment Level 4*

Investment Level 4 areas are predominantly rural or agricultural and contain much of Delaware's open space and natural areas. These areas are home to agribusiness activities, farm complexes, and small settlements/unincorporated communities that are often found at historic crossroads. Investment Level 4 areas may also have scattered single-family detached residential homes. Existing transportation facilities and services will be maintained by the state while they continue to manage the transportation system in a manner that will support the preservation of the natural environment and agricultural business. Construction of new homes is discouraged; housing policies will focus on maintenance and rehabilitation of existing homes and communities. In addition, the Department of Education does not support the construction of new educational facilities in Investment Level 4 areas. The educational needs of Investment Level 4 areas would likely need to be met through facilities located in Investment Level 1-3 areas.

In general, the state will limit its investments in public infrastructure systems; investments should address existing public health, safety, or environmental risks, preserve rural character and natural resources, and discourage further development that is unrelated to the area's needs.

### **Proposed Development's Compatibility with Strategies for State Policies and Spending:**

The proposed Azalea Woods residential development includes 610 single-family detached homes and is located within an Investment Level 4 area. New housing developments are discouraged in such areas. The state would be responsible for providing many public services to the residents of the development, such as school construction and transportation, police and fire/EMS services, and additional maintenance of the transportation system. Given the location of the development in an Investment Level 4 area, the state generally does not intend to make these significant investments. Rather, the state intends to support agricultural activities and protect the rural and natural character of these areas. Based on the *2015 Delaware Strategies for State Policies and Spending* document, the proposed development does not appear to be compatible with an Investment Level 4 area and additional discussion is required.

## **Comprehensive Plan**

### **Sussex County Comprehensive Plan:**

*(Source: Sussex County Comprehensive Plan, March 2019)*

The Sussex County Comprehensive Plan 2045 Future Land Use Map indicates that the proposed development parcels are within the Low Density Area (categorized as a Rural Area).

All lands designated as Low-Density Areas are currently zoned AR-1. Under that zoning designation, single family detached homes are permitted at 2 homes per acre on lots containing a minimum of ½ acre if that tract connects to central sewers. Where on-site septic systems are used, single-family detached homes are permitted on minimum ¾ acre lots. AR-1 zoning regulations

also permit an average of 2 homes per acre where a cluster-style site plan is used, and a portion of the tract is preserved in permanent open space. Using these zoning regulations and additional incentives, Sussex County hopes to retain the rural environment of Low Density Areas and set aside significant open space.

In Sussex County, many farmland owners located in the Low-Density Areas have built up significant equity in their land – in numerous cases through multiple generations. This is equity that is a liquid asset that can serve as collateral to secure operating loans. It is also equity that can be realized through land sales if and when these landowners no longer desire to continue farming. For this reason, the Sussex County Council supports State and local land use policies that will preserve the value of farmland. The Sussex County approach emphasizes the following policies and actions to help sustain agriculture, maintain the rural landscape and sustain reasonable development rights:

- The County strongly supports voluntary farmland preservation and has worked jointly with the State to facilitate the acquisition of development rights to agricultural land.
- The County uses zoning to mandate that a certain portion of a residential subdivision must be permanently preserved in common open space.
- The County provides density bonuses, under certain conditions, to developers who agree to pay into a fund that Sussex County uses to acquire open space.
- The County requires developers to plant landscaped buffers to physically separate new development from the surrounding countryside.
- The County is also considering establishing Agribusiness Areas which will enable certain limited, yet important agriculture industries to develop in support of Sussex County's large agricultural economy without unnecessary delay.
- The County supports continued agricultural operations and affords them specific protections as are listed in Sussex County Code Section 99 -6 (G)(1) and(2) and 99 -16 (D).

The following guidelines should apply to future growth in Low Density Areas:

*Permitted uses* – The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.

*Densities* – Base densities in Low Density Areas should be unchanged from the current zoning provisions. The minimum lot size should be ¾ acre for lots served by on-lot septic systems and ½ acre for lots with central sewers. The cluster option permitted in Low Density Areas should

continue to permit overall site densities of up to 2 units per acre, provided significant open space is set aside and the tract connects to public sewers.

*Infrastructure* – Development where lots are no smaller than  $\frac{3}{4}$  acre can be accommodated in this planning area without central sewers. Other development should require central sewer service.

**Proposed Development's Compatibility with Comprehensive Plan:** The proposed Azalea Woods residential development is planned to be developed as 610 single-family detached homes on a 316-acre assemblage of parcels. The site is currently zoned AR-1 (Agricultural Residential), and the developer plans to develop under that zoning as a Residential Cluster Community. The purpose of this zoning district is to protect agricultural lands and activities and other valuable natural resources. Low-density housing is permitted along with churches, recreational facilities, and accessory uses as may be necessary or is normally compatible with residential surroundings. The Sussex County Comprehensive Plan 2045 Future Land Use Map indicates that the proposed development parcels are within the Low Density Area (categorized as a Rural Area). The proposed development appears to comply with the characteristics and *Permitted Uses* for Low Density Areas. However, due to the possibility of some lots being smaller than  $\frac{1}{2}$  acre, this development raises questions regarding consistency with Sussex County regulations; therefore additional discussion may be required.

#### **Relevant Projects in the DeIDOT Capital Transportation Program**

DeIDOT has three projects within the study area. The first is the Georgetown East Gateway Improvements project (aka Sand Hill Road Realignment Project), which will improve the existing intersection geometry of US Route 9 and Sand Hill Road/Airport Road (State Road 319). Sand Hill Road and Airport Road presently intersect US Route 9 at skewed angles at offset locations. The improvements will realign Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, add turn lanes, add pedestrian and bicycle facilities, and improve drainage. Final design and right of way acquisition are underway. Utility relocations will begin in the spring of 2020. Construction is anticipated to begin in the summer of 2020.

The second project is Park Avenue Relocation – Phase 2, which involves improvements along Park Avenue (Sussex Road 321) from the Park Avenue Relocation – Phase 1 project up to the signalized intersection with US Route 9, which will be reconstructed to provide a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, along with signal upgrades. The Phase 2 project is within the Azalea Woods study area, while the Phase 1 project is located southwest of the Azalea Woods study area. Phase 1 will relocate part of Park Avenue, a designated truck bypass through Georgetown, and upgrade another part of Park Avenue with appropriate turn lanes, shoulders, and intersection improvements. Phase 2 will consist of the improvements along the existing Park Avenue from where the Phase 1 relocation ties in west of Cedar Lane all the way up to US Route 9. Both phases of the project will combine to provide a continuous US Route 9 Truck Bypass from US Route 113 to US 9 east of the Town of Georgetown. This project is currently in the design and planning stage. Construction of Phase 1 is anticipated to begin in the fall of 2022. Construction of Phase 2 is anticipated to begin in 2023.

The third project is DeIDOT's HSIP SC, US 9 and SR 5 Intersection project. This project, initiated by the 2009 Hazard Elimination Program, is located at the intersection of US Route 9 and Delaware Route 5 and it involves widening the intersection to provide turn lanes on each leg to address safety and operational issues and to accommodate large vehicles. Construction was underway in early 2019 and was substantially complete by September 2019.

**Trip Generation**

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Tenth Edition, published by the Institute of Transportation Engineers (ITE). The following land use was utilized to estimate the amount of new traffic generated for this development:

- 610 single-family detached homes (ITE Land Use Code 210)

Table 1  
AZALEA WOODS PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour		
	In	Out	Total	In	Out	Total
610 Single-Family Homes	109	329	438	363	213	576

Table 2  
AZALEA WOODS DAILY TRIP GENERATION

Land Use	Weekday Daily		
	In	Out	Total
610 Single-Family Homes	2744	2744	5488

**Overview of TIS**

**Intersections examined:**

- 1) US Route 9 & Sand Hill Road / Airport Road
- 2) US Route 9 & Park Avenue
- 3) US Route 9 & Shingle Point Road / French Road
- 4) US Route 9 & Stienner Road (Sussex Road 320)
- 5) US Route 9 & Delaware Route 30
- 6) US Route 9 & Prettyman Road (Sussex Road 254)
- 7) US Route 9 & Delaware Route 5
- 8) Shingle Point Road & Briarwood Road (Sussex Road 253)
- 9) Shingle Point Road & Briarwood Lane / Site Access A
- 10) Park Avenue & Springfield Road (Sussex Road 47)
- 11) Delaware Route 30 & Huff Road (Sussex Road 252)

- 12) Delaware Route 30 & Shingle Point Road
- 13) Delaware Route 30 & Pettyjohn Road / Site Access B
- 14) Pettyjohn Road & Prettyman Road
- 15) Delaware Route 30 & Prettyman Road

**Conditions examined:**

- 1) 2018 existing (Case 1)
- 2) 2032 without Azalea Woods (Case 2)
- 3) 2032 with Azalea Woods (Case 3)

**Peak hours evaluated:** Weekday morning and evening peak hours

**Committed developments considered:**

- 1) Sand Hill Valley – 393 Single-family detached homes
- 2) Sports at the Beach – Nothing further to be built out at this time
- 3) Sussex County Sports Complex – 10 soccer fields
- 4) Cheer Life Care Village – 365 unit continuing care retirement community
- 5) Food Lion Shopping Center – Project not moving forward
- 6) Royal Farms #256 – 5,166 sf super convenience market with gas
- 7) Besche Property – 287 unit multifamily housing, low-rise
- 8) Two Farms, Inc. Retail Site – 14,950 sf retail

**Intersection Descriptions**

**1) US Route 9 & Sand Hill Road / Airport Road**

**Type of Control:** signalized

**Eastbound Approach:** (US Route 9) one left-turn lane and one shared through/right-turn lane

**Westbound Approach:** (US Route 9) one left-turn lane and one shared through/right-turn lane

**Northbound Approach:** (Airport Road) one shared left-turn/through/right-turn lane

**Southbound Approach:** (Sand Hill Road) one shared left-turn/through/right-turn lane

**2) US Route 9 & Park Avenue**

**Type of Control:** signalized

**Eastbound Approach:** (US Route 9) one shared through/right-turn lane

**Westbound Approach:** (US Route 9) one shared left-turn/through lane

**Northbound Approach:** (Park Avenue) one shared left-turn/right-turn lane

- 3) **US Route 9 & Shingle Point Road / French Road**  
**Type of Control:** two-way stop  
**Eastbound Approach:** (US Route 9) one shared left-turn/through/right-turn lane  
**Westbound Approach:** (US Route 9) one shared left-turn/through/right-turn lane  
**Northbound Approach:** (French Road) one shared left-turn/through/right-turn lane, stop control  
**Southbound Approach:** (Shingle Point Road) one shared left-turn/through/right-turn lane, stop control
  
- 4) **US Route 9 & Stiener Road**  
**Type of Control:** one-way stop (T-intersection)  
**Eastbound Approach:** (US Route 9) one shared through/right-turn lane  
**Westbound Approach:** (US Route 9) one shared left-turn/through lane  
**Northbound Approach:** (Stiener Road) one shared left-turn/right-turn lane, stop control  
**Southbound Approach:** (private business driveway) one shared left-turn/right-turn lane, stop control
  
- 5) **US Route 9 & Delaware Route 30**  
**Type of Control:** signalized  
**Eastbound Approach:** (US Route 9) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane  
**Westbound Approach:** (US Route 9) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane  
**Northbound Approach:** (Delaware Route 30) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane  
**Southbound Approach:** (Delaware Route 30) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane
  
- 6) **US Route 9 & Prettyman Road**  
**Type of Control:** one-way stop  
**Eastbound Approach:** (US Route 9) one shared left-turn/through lane  
**Westbound Approach:** (US Route 9) one through lane and one right-turn lane  
**Southbound Approach:** (Prettyman Road) one shared left-turn/right-turn lane, stop controlled
  
- 7) **US Route 9 & Delaware Route 5**  
**Type of Control:** signalized (recently improved)  
**Eastbound Approach:** (US Route 9) one left-turn lane, one shared through/right-turn lane, and one bicycle lane  
**Westbound Approach:** (US Route 9) one left-turn lane, one shared through/right-turn lane, and one bicycle lane  
**Northbound Approach:** (Delaware Route 5) one left-turn lane and one shared through/right-turn lane  
**Southbound Approach:** (Delaware Route 5) one left-turn lane, one shared through/right-turn lane, and one bicycle lane

**8) Shingle Point Road & Briarwood Road**

**Type of Control:** one-way stop (T-intersection)

**Eastbound Approach:** (Briarwood Road) one shared left-turn/right-turn lane, stop controlled

**Northbound Approach:** (Shingle Point Road) one shared left-turn/through lane

**Southbound Approach:** (Shingle Point Road) one shared through/right-turn lane

**9) Shingle Point Road & Briarwood Lane / Site Access A**

**Type of Control:** existing one-way stop (T-intersection); proposed two-way stop (four-leg intersection)

**Eastbound Approach:** (Briarwood Lane) existing one shared left-turn/right-turn lane; proposed shared left-turn/through/right-turn lane, stop control

**Westbound Approach:** (Site Access A) proposed one shared left-turn/through/right-turn lane, stop control

**Northbound Approach:** (Shingle Point Road) existing one shared left-turn/through lane; proposed one shared left-turn/through and one right-turn lane

**Southbound Approach:** (Shingle Point Road) existing one shared through/right-turn lane; proposed one left-turn and one shared through/right-turn lane

**10) Park Avenue & Springfield Road**

**Type of Control:** existing one-way stop (T-intersection)

**Westbound Approach:** (Springfield Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Park Avenue) one shared through/right-turn lane

**Southbound Approach:** (Park Avenue) one shared left-turn/through lane

**11) Delaware Route 30 & Huff Road**

**Type of Control:** one-way stop (T-intersection)

**Eastbound Approach:** (Huff Road) One shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared left-turn/through lane

**Southbound Approach:** (Delaware Route 30) one shared through/right-turn lane

**12) Delaware Route 30 & Shingle Point Road**

**Type of Control:** two-way stop controlled

**Eastbound Approach:** (Shingle Point Road) one shared left-turn/right-turn lane, stop control

**Westbound Approach:** (Shingle Point Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared left-turn/through lane (southern section) and one shared through/right-turn lane (northern section)

**Southbound Approach:** (Delaware Route 30) one shared through/left-turn lane (northern section) and one shared through/right-turn lane (southern section)



**13) Delaware Route 30 & Pettyjohn Road / Site Access B**

**Type of Control:** existing one-way stop; proposed two-way stop

**Eastbound Approach:** (Site Access B) proposed one shared left-turn/through/right-turn lane, stop control

**Westbound Approach:** (Pettyjohn Road) existing one shared left-turn/right-turn lane, stop control; proposed one shared left-turn/through/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) existing one shared through/right-turn lane; proposed one left-turn lane and one shared through/right-turn lane

**Southbound Approach:** (Delaware Route 30) existing one shared left-turn/through lane; proposed one shared left-turn/through lane and one right-turn lane

**14) Pettyjohn Road & Prettyman Road**

**Type of Control:** two-way stop (four-leg intersection)

**Eastbound Approach:** (Prettyman Road) one shared left-turn/through/right-turn lane

**Westbound Approach:** (Prettyman Road) one shared left-turn/through/right-turn lane

**Northbound Approach:** (Pettyjohn Road) one shared left-turn/through/right-turn lane, stop control

**Southbound Approach:** (Pettyjohn Road) one shared left-turn/through/right-turn lane, stop control

**15) Delaware Route 30 & Prettyman Road**

**Type of Control:** one-way stop

**Westbound Approach:** (Prettyman Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared through/right-turn lane

**Southbound Approach:** (Delaware Route 30) one shared left-turn/through lane

**Safety Evaluation**

**Crash Data:** Per current DelDOT policy, review of crash data was not conducted at this time.

**Sight Distance:** Sight distance issues were noted at three intersections during a September 10, 2019 field investigation of the study area. Delaware Route 30 & Huff Road is located on a horizontal curve. Sight distance is limited looking left from northbound Huff Road. Sight distance at Pettyjohn Road & Prettyman Road is limited by trees and a utility pole, looking right from southbound Pettyjohn Road. Sight distance at Delaware Route 30 & Prettyman Road is limited by trees, looking left from westbound Prettyman Road.

**Transit, Pedestrian, and Bicycle Facilities**

**Existing transit service:** Based on the DART Bus Stop Map (accessed September 10, 2019), the Delaware Transit Corporation (DTC) operates Route 206 from Georgetown to Lewes, which has stops along US Route 9.

**Planned transit service:** TTG contacted a DTC representative, who indicated that no future service is planned at this time. The DTC representative stated the site is too far north of DART's current Route 206 to deviate for direct transit service.

**Existing bicycle and pedestrian facilities:** Several study area roadways are identified as “Bicycling Routes” on the *Sussex County Bicycle Map* published by DelDOT:

- US Route 9:
  - Regional Bicycle Route with bikeway
  - Over 5,000 vehicles daily
- Delaware Route 5: Regional bicycle route with bikeway
- Delaware Route 30: Regional bicycle route with bikeway
- Prettyman Road: Connector bicycle route without bikeway
- Sand Hill Road: Bicycle route with bikeway

There are no existing sidewalks or exclusive pedestrian facilities in the immediate areas of the proposed site entrances on Delaware Route 30 or Shingle Point Road. There are new sidewalks, pedestrian facilities and bike lanes at the US Route 9 & Delaware Route 5 intersection. There are also bike lanes on all four approaches at the US Route 9 & Delaware Route 30 intersection.

**Planned bicycle and pedestrian facilities:** The TIS states that a representative from DelDOT’s Local Systems Planning Section was contacted to determine requested accommodations for bicycles and pedestrians. It is requested that sidewalks be included at the entrances of the development to encourage walking and biking to Delaware Route 9. This would also allow for the possibility of future sidewalks along Pettyjohn Road, Delaware Route 30, and Shingle Point Road. It is also requested to have a pedestrian or bicycle connection to Shingle Point Road at the northern end of the property.

### **Previous Comments**

In a review letter dated July 3, 2019, DelDOT indicated that the revised Preliminary TIS was acceptable.

It appears that all substantive comments from DelDOT’s TIS Scoping Memorandum, Traffic Count Review, Preliminary TIS Review, Revised Preliminary TIS Review, and other correspondence were addressed in the Final TIS submission.

### **General HCS Analysis Comments**

*(see table footnotes on the following pages for specific comments)*

- 1) For signalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by lane group using existing data. The TIS and McCormick Taylor generally assumed future HV to be the same as existing HV at all intersections. There are some discrepancies between the TIS and McCormick Taylor’s heavy vehicle factor calculations. Both the TIS and McCormick Taylor assumed 3% HV for future movements to and from the proposed site access points (as per DelDOT’s Development Coordination Manual).
- 2) For existing conditions, the TIS and McCormick Taylor determined overall intersection peak hour factors (PHF) for each intersection. As per the DelDOT Development Coordination Manual, existing PHFs are generally applied to future conditions as well.

- 3) For analyses of signalized intersections, McCormick Taylor used a base saturation flow rate of 1,750 pc/hr/ln per DelDOT's Development Coordination Manual.
- 4) The TIS and McCormick Taylor used different Right Turn on Red and pedestrian volumes when analyzing some intersections. All volumes for McCormick Taylor's analyses were taken directly from traffic counts in Appendix A of the TIS.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) For analyses of all intersections, the TIS assumed 0% grade for all movements. McCormick Taylor utilized field data for existing grades and assumed future grades to be the same.
- 7) McCormick Taylor utilized new signal phasing and roadway improvements when analyzing US Route 9 & Delaware Route 5. The Traffic Group utilized both old and updated signal timings and roadway layouts for existing, background, and total scenarios.

Table 3  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>1</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Sand Hill Road / Airport Road</b>				
2018 Existing (Case 1)	E (66.3)	E (77.6)	D (49.8)	F (79.8)
2032 without Azalea Woods (Case 2)	F (173.4)	F (252.0)	F (103.0)	F (173.1)
2032 with Azalea Woods (Case 3)	F (199.0)	F (276.2)	F (122.7)	F (193.4)
2032 with Azalea Woods (Case 3) <i>with East Gateway Improvements Project</i> <sup>2</sup>	D (39.7)	D (50.7)	D (41.9)	D (54.9)

<sup>1</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>2</sup> Proposed improvements as part of the DelDOT project include realigning Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, adding turn lanes, adding pedestrian and bicycle facilities, and improving drainage. The northbound and southbound approaches would each have one shared left/through lane and one right-turn lane, the westbound US Route 9 would have one left-turn lane, one through lane and one channelized right-turn lane, and the eastbound US Route 9 approach would have two left-turn lanes, one through lane and one channelized right-turn lane.

Table 4  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>3</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Park Avenue</b>				
2018 Existing (Case 1)	F (129.4)	F (114.5)	F (157.5)	F (137.0)
2032 without Azalea Woods (Case 2)	F (545.1)	F (673.9)	F (759.4)	F (905.5)
2032 with Azalea Woods (Case 3)	F (754.6)	F (1554)	F (1135.1)	F (3456.9)
2032 with Azalea Woods (Case 3) <i>with Park Avenue Relocation – Phase 2</i> <sup>4</sup>	D (44.4)	D (46.1)	D (42.4)	D (52.3)

<sup>3</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>4</sup> Proposed improvements as part of the DelDOT project include adding a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9.

Table 5  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>5</sup> Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Shingle Point Road / French Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (10.0)	B (11.0)	B (10.1)	B (10.9)
Westbound Left	B (10.3)	A (8.9)	A (9.3)	A (8.9)
Northbound Left/Through/Right	E (38.8)	D (28.1)	E (36.1)	D (26.4)
Southbound Left/Through/Right	C (21.8)	D (27.1)	C (23.7)	D (30.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (11.7)	B (14.1)	B (11.8)	B (13.9)
Westbound Left	B (11.5)	A (9.8)	B (10.2)	A (9.8)
Northbound Left/Through/Right	F (94.4)	F (94.7)	F (85.2)	F (85.2)
Southbound Left/Through/Right	E (47.2)	F (113.0)	F (59.4)	F (172.6)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (12.4)	C (18.0)	B (12.6)	C (17.8)
Westbound Left	B (11.5)	A (9.9)	B (10.3)	A (9.9)
Northbound Left/Through/Right	F (133.1)	F (***)	F (120.5)	F (***)
Southbound Left/Through/Right	F (1589)	F (***)	F (2122.1)	F (***)
2032 with Azalea Woods (Case 3) With Improvement Option 1 <sup>6</sup>				
Eastbound Left	N/A	N/A	B (12.6)	C (17.8)
Westbound Left	N/A	N/A	B (10.3)	A (9.9)
Northbound Left/Through/Right	N/A	N/A	F (120.5)	F (***)
Southbound Left/Through/Right	N/A	N/A	F (501.4)	F (***)
2032 with Azalea Woods (Case 3) With Improvement Option 2 <sup>7</sup>				
Eastbound Left	N/A	N/A	B (12.6)	C (17.8)
Westbound Left	N/A	N/A	N/A	N/A
Northbound Right	N/A	N/A	C (16.3)	C (16.2)
Southbound Left/Right	N/A	N/A	F (68.7)	F (73.2)

\*\*\* Delay is too great to be calculated by HCS

<sup>5</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>6</sup> Improvement Option 1 adds a separate right-turn lane on the southbound approach of Shingle Point Road.

<sup>7</sup> Improvement Option 2 includes Improvement Option 1 and reconfigures US Route 9 with eastbound left-turn lane and an eastbound median acceleration lane for use by southbound left-turn drivers, thereby reducing conflicts and delays. For analysis purposes, this median lane is assumed to have storage for 2 southbound-left turn vehicles. The downstream acceleration lane would be separated from the upstream eastbound left-turn lane by a concrete channelization island. The northbound French Road approach to US Route 9 would be converted to right-in/right-out.

Table 6  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>8</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Stiener Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (9.4)	A (9.9)	A (9.4)	A (9.9)
Westbound Left	A (9.1)	A (8.9)	A (9.1)	A (8.9)
Northbound Left/Through/Right	D (30.9)	D (26.1)	D (32.9)	D (27.8)
Southbound Left/Through/Right	E (44.6)	C (24.9)	E (44.7)	C (24.9)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (10.5)	B (11.5)	B (10.5)	B (11.5)
Westbound Left	A (9.8)	A (9.8)	A (9.8)	A (9.8)
Northbound Left/Through/Right	F (56.8)	F (50.5)	F (62.4)	F (56.0)
Southbound Left/Through/Right	F (91.8)	E (49.9)	F (91.9)	F (50.0)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (10.7)	B (11.9)	B (10.7)	B (11.9)
Westbound Left	B (10.1)	B (10.1)	B (10.1)	B (10.1)
Northbound Left/Through/Right	F (65.5)	F (59.9)	F (72.5) <sup>9</sup>	F (67.0) <sup>9</sup>
Southbound Left/Through/Right	F (108)	F (60.3)	F (107.8) <sup>9</sup>	F (60.4) <sup>9</sup>

<sup>8</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>9</sup> 95<sup>th</sup> percentile queue length is anticipated to be less than 1 vehicle (25 feet).

Table 7  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>10</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & DE 30				
2018 Existing (Case 1)	C (25.8)	C (28.9)	C (27.5)	C (34.3)
2032 without Azalea Woods (Case 2)	D (53.4)	F (84.9)	E (60.8)	F (90.6)
2032 with Azalea Woods (Case 3)	E (65.7)	F (103.2)	E (72.0)	F (108.3)
2032 with Azalea Woods (Case 3) <i>with Modified Signal Timings</i>	D (44.6)	E (78.9)	D (49.0)	E (72.8)

<sup>10</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.



Table 8  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>11</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Prettyman Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (9.4)	B (10.1)	A (9.4)	B (10.1)
Southbound Left/Right	F (111.8)	F (71.4)	F (91.2)	F (61.3)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (10.5)	B (12.2)	B (10.5)	B (12.2)
Southbound Left/Right	F (603.0)	F (502.1)	F (498.9)	F (406.2)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (10.6)	B (12.9)	B (10.6)	B (12.9)
Southbound Left/Right	F (986.9)	F (884.3)	F (833.6) <sup>12</sup>	F (731.8) <sup>13</sup>
2032 with Azalea Woods (Case 3) With Improvement Option 1 <sup>14</sup>				
Eastbound Left	N/A	N/A	N/A	N/A
Southbound Left/Right	N/A	N/A	E (44.4) <sup>15</sup>	E (35.6) <sup>16</sup>

<sup>11</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>12</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 16 vehicles (400 feet).

<sup>13</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 10 vehicles (250 feet).

<sup>14</sup> Improvement Option 1 consists of widening US Route 9 and/or shifting lanes to create a median acceleration lane on eastbound US Route 9 for use by southbound left-turn drivers, thereby reducing conflicts and delays. For analysis purposes, this median lane is assumed to have storage for 2 southbound-left turn vehicles. The eastbound US Route 9 left-turn movement onto Prettyman Road would be restricted.

<sup>15</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 4 vehicles (100 feet).

<sup>16</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 2 vehicles (50 feet).

Table 9  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>17</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; DE 5</b> <sup>18</sup>				
2018 Existing (Case 1)	E (60.1)	E (65.1)	E (65.7)	D (50.0)
2032 without Azalea Woods (Case 2)	F (198.9)	F (240.7)	N/A	N/A
<i>With DelDOT Project &amp; New Signal Timing</i>	F (155.4)	F (155.7)	F (180.2)	F (175.1)
2032 with Azalea Woods (Case 3)	F (223.7)	F (279.4)	N/A	N/A
<i>With DelDOT Project &amp; New Signal Timing</i>	F (183.9)	F (189.6)	F (211.9)	F (210.5)
<i>With DelDOT Project &amp; Modified Signal Timings</i>	F (116.9)	F (120.1)	N/A	N/A
<i>With Additional Through Lane on US Route 9 in Each Direction</i>	N/A	N/A	D (38.7)	D (37.7)

<sup>17</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>18</sup> As DelDOT's HSIP SC, US 9 and SR 5 Intersection project was substantially complete when McCormick Taylor conducted a review of this TIS, McCormick Taylor's analyses are based on the completed/improved intersection configuration and signal phasing for all scenarios. The TIS ran analyses of both the previously existing unimproved condition and the improved condition at this intersection for all scenarios.

Table 10  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>19</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Shingle Point Road &amp; Briarwood Road</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	A (9.7)	A (9.9)	A (9.8)	B (10.1)
Northbound Left	A (7.5)	A (7.5)	A (7.5)	A (7.5)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	A (9.8)	B (10.1)	A (9.9)	B (10.2)
Northbound Left	A (7.5)	A (7.5)	A (7.5)	A (7.5)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	B (10.4)	B (10.4)	B (10.5)	B (10.5)
Northbound Left	A (7.7)	A (7.7)	A (7.7)	A (7.7)

<sup>19</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 11  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>20</sup> Existing One-Way Stop Proposed Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Shingle Point Road &amp; Briarwood Lane / Site Access A</b>				
2018 Existing (Case 1)				
Eastbound Left/Through/Right	A (9.5)	A (9.3)	A (9.5)	A (9.3)
Northbound Left	A (7.7)	A (7.5)	A (7.7)	A (7.5)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Through/Right	A (9.6)	A (9.3)	A (9.6)	A (9.3)
Northbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Through/Right	B (10.4)	B (10.1)	B (10.4)	B (10.1)
Westbound Left/Through/Right	B (12.9)	B (11.5)	B (12.9)	B (11.5)
Northbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
Southbound Left	A (7.5)	A (7.9)	A (7.5)	A (7.9)

<sup>20</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>21</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Park Avenue &amp; Springfield Road</b>				
2018 Existing (Case 1)				
Westbound Left/Right	D (25.5)	C (23.7)	D (27.2)	D (25.2)
Southbound Left	A (8.0)	A (8.5)	A (8.0)	A (8.5)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	D (34.9)	D (31.3)	E (38.4)	D (34.2)
Southbound Left	A (8.1)	A (8.6)	A (8.1)	A (8.6)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	E (41.1)	E (38.0)	E (43.7)	E (42.4)
Southbound Left	A (8.1)	A (8.6)	A (8.1)	A (8.8)
2032 with Azalea Woods (Case 3) <i>With Improvement Option 1</i> <sup>22</sup>				
Westbound Left/Right	N/A	N/A	D (31.4)	D (31.9)
Southbound Left	N/A	N/A	A (8.1)	A (8.8)

<sup>21</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>22</sup> Improvement Option 1 adds a separate right-turn lane to the westbound Springfield Road approach.

Table 13  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>23</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Huff Road</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	B (11.3)	B (10.7)	B (11.3)	B (11.0)
Northbound Left	A (8.0)	A (7.9)	A (8.2)	A (8.0)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	C (16.8)	C (17.0)	B (12.2)	C (18.6)
Northbound Left	A (8.2)	A (8.4)	A (8.5)	A (8.6)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	C (18.8)	C (19.9)	B (12.9)	C (22.5)
Northbound Left	A (8.2)	A (8.7)	A (8.5)	A (8.8)

<sup>23</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 14  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>24</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Shingle Point Road North</b>				
2018 Existing (Case 1)				
Westbound Left/Right	B (14.0)	B (13.7)	B (14.0)	B (13.7)
Southbound Left	A (7.6)	A (7.8)	A (7.6)	A (7.8)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	C (17.1)	C (17.3)	C (17.1)	C (17.3)
Southbound Left	A (7.7)	A (8.1)	A (7.7)	A (8.1)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	C (19.7)	C (22.3)	C (19.7)	C (22.3)
Southbound Left	A (7.9)	A (8.2)	A (7.9)	A (8.2)

<sup>24</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 15  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>25</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Shingle Point Road South</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	B (13.2)	C (15.7)	B (12.7)	B (14.6)
Northbound Left	A (8.3)	A (7.8)	A (8.3)	A (7.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	C (15.8)	C (21.7)	C (15.8)	C (19.2)
Northbound Left	A (8.6)	A (8.0)	A (8.6)	A (8.0)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	C (19.9)	D (29.3)	C (18.1)	C (24.5)
Northbound Left	A (8.6)	A (8.2)	A (8.6)	A (8.2)

<sup>25</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.



Table 16  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>26</sup> Existing One-Way Stop Proposed Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Pettyjohn Road / Site Access B</b>				
2018 Existing (Case 1)				
Eastbound Left/Through/Right	-	-	-	-
Westbound Left/Through/Right	B (11.2)	B (11.4)	B (10.9)	B (12.0)
Northbound Left	-	-	-	-
Southbound Left	A (7.6)	A (7.7)	A (7.6)	A (7.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Through/Right	-	-	-	-
Westbound Left/Through/Right	B (13.0)	B (13.6)	B (12.6)	B (14.9)
Northbound Left	-	-	-	-
Southbound Left	A (7.8)	A (8.0)	A (7.8)	A (8.1)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Through/Right	C (18.4)	C (18.1)	C (16.4)	C (20.7)
Westbound Left/Through/Right	C (17.7)	C (22.8)	C (16.8)	D (28.6)
Northbound Left	A (8.1)	A (8.2)	A (8.0)	A (8.3)
Southbound Left	A (7.8)	A (8.0)	A (7.8)	A (8.1)

<sup>26</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 17  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>27</sup> Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Prettyman Road &amp; Pettyjohn Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (7.7)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.3)	A (7.5)	A (7.3)
Northbound Left/Through/Right	B (10.7)	B (10.5)	A (10.0)	B (10.5)
Southbound Left/Through/Right	A (9.7)	A (10.0)	B (10.2)	B (10.0)
2032 without Azalea Woods (Case 2)				
Eastbound Left	A (7.4)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.3)	A (7.4)	A (7.3)
Northbound Left/Through/Right	B (11.0)	B (10.7)	B (11.0)	B (10.7)
Southbound Left/Through/Right	A (9.9)	B (10.2)	A (9.9)	B (10.2)
2032 with Azalea Woods (Case 3)				
Eastbound Left	A (7.4)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.4)	A (7.5)	A (7.4)
Northbound Left/Through/Right	A (10.0)	B (10.8)	A (10.0)	B (10.8)
Southbound Left/Through/Right	B (10.2)	B (11.1)	B (10.2)	B (11.1)

<sup>27</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 18  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>28</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Prettyman Road</b>				
2018 Existing (Case 1)				
Westbound Left/Right	A (9.5)	B (10.2)	A (9.5)	B (10.2)
Southbound Left	A (7.8)	A (7.9)	A (7.8)	A (7.8)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	A (9.9)	B (11.3)	B (10.1)	B (11.3)
Southbound Left	A (7.9)	A (8.1)	A (8.0)	A (8.1)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	B (10.2)	B (11.6)	B (10.4)	B (11.6)
Southbound Left	A (8.0)	A (8.2)	A (8.1)	A (8.2)

<sup>28</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

TAB “7”



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Pennsylvania  
▲ Artesian Water Maryland ▲ Artesian Wastewater Maryland

April 16, 2021

Mr. Matt Toback  
35 Rodney Avenue  
Dewey Beach, DE 19971

RE: Flex Park Tax Parcel Number 235-30.00-6.21 Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the proposed Flex Park Project on Route 9 and Prettyman Road in Broadkill Hundred, Sussex County, Delaware known as Tax Parcel Number 235-30.00-6.21 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian currently has the signed petitions for Services for Certificate of Public Convenience and Necessity ("CPCN") from the Delaware Public Service Commission (the "Commission"). Artesian is currently seeking CPCN approval from the Commission and Sussex County. CPCNs are necessary before Artesian can provide Service at the Property. If granted the Service CPCNs, Artesian will provide Service in accordance with Artesian's Commission approved tariffs, as amended from time to time.

Based on current conditions and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

This letter shall expire if Agreements are not executed within one year of the date of this letter.

Yours very truly,

**ARTESIAN WATER COMPANY, INC.**

A handwritten signature in black ink, appearing to read "Adam Gould", is written over a light blue horizontal line.

Adam Gould  
Manager of Systems Planning and Design

TAB “8”

**ORDINANCE NO. 2830**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.68 ACRES, MORE OR LESS**

**WHEREAS, on the 19<sup>th</sup> day of May 2021, a zoning application, denominated Change of Zone No. 1944 was filed on behalf of Executive Lawn Property Management, LLC; and**

**WHEREAS, on the 13<sup>th</sup> day of January 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1944 be approved; and**

**WHEREAS, on the 1<sup>st</sup> day of February 2022, 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 Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation C-2 Medium Commercial 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 Broadkill Hundred, Sussex County, Delaware, and lying on the north side of Lewes Georgetown Highway (Route 9) approximately 0.55 mile west of Prettyman Rd. (S.C.R. 254) and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt LLC, said parcel containing 3.68 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. 2830 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1<sup>ST</sup> DAY OF FEBRUARY 2022.**

---

**TRACY N. TORBERT  
CLERK OF THE COUNCIL**

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Executive Lawn Management Property, LLC c/o John Huss to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.68 acres, more or less. (property lying on the north side of Lewes Georgetown Highway [Rt. 9] approximately 0.55 mile west of Prettyman Road [S.C.R. 254]) (911 Address: 25141 Lewes Georgetown Highway, Georgetown) (Tax Parcel: 235-30.00-6.20).
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mackenzie M. Peet, Esquire, of Baird Mandalas Brockstedt LLC, together with Mr. Jay Huss, were present on behalf of the Applicant, Executive Lawn Management Property, LLC; that the Applicant requests a change of zone from AR-1 Agricultural Residential to C-2 Medium Commercial District; that Applicant is a family-run business that has seen steady growth since its formation in 2006; that Applicant purchased the property in 2017 after recognizing its need for more space than it had at its former site; that shortly after the purchase of the property, the Applicant pursued a Conditional Use; that Ordinance 2521 granted a Conditional Use of land for Applicant to operate its landscaping business with equipment storage; that currently the only request is for rezoning of the property; that the property presently operates as a landscape business with equipment storage permitted by a Conditional Use, Ordinance 2521; and that the Conditional Use was granted on September 26, 2017.
- C. Council found that, on October 1, 2021, the Applicant requested clarification of Condition A of the Conditions of Approval for the Conditional Use; that Condition A required the use to be limited to a landscaping business with equipment storage and prohibited retail sales to be conducted onsite; that the Applicant stated that, in addition to a landscape business, the Applicant would like to acquire stock of plants, off premises, to be kept, maintained, nurtured, treated and possibly repotted on premises with mature plants; that these plants will eventually be used in connection with the lawncare and landscaping business and sold to the public from the premises; that in addressing the request, the Commission had to address if the additional business specific activity fell under the definition of a nursery; that counsel suggested Conditions of Approval for a Conditional Use cannot be prohibited for an otherwise permitted use in AR-1; that ultimately the Commission confirmed the Applicant could have a nursery as it is a permitted use on the site, as long as there was an agricultural step in the process of growing some of the plants to be sold; that this could include the growing of plants from seed or making the plants brought onsite larger; that the Commission concluded acquiring stocks of plants, off premise, to be kept and maintained, nurtured, treated, and possibly repotted on the premise and eventually using the mature plants in connection with the Applicant's lawn and landscape business, or sold to the public, did fall within the definition of a nursery; that this therefore was a permitted activity; that certain types of retail sales are not permitted in an AR-1 District; and that such activity includes the sale of material and resemble a use more like a garden center.
- D. Council also found that the Applicant understands the Conditional Use limited its ability to engage in wholesale retail activity; that the Applicant is interested in developing the site to operate an onsite garden center, which would include wholesale retail activity; that, rather than expanding on a use which is otherwise not permitted and without the authority to do so, the Applicant has requested that the property be rezoned to a C-2 Medium Commercial District in hopes of expanding the business; that the business has experienced steady growth since 2006; that the Applicant considers the growth to be rapid within the past two years in response to Sussex County's residential development and growing population; that the rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map; that it is located in an ideal location to be further developed which will support types of business which include C-2 related permitted uses; that the property is designated as a low density area where C-2 Medium Commercial District is an applicable zoning district; that Section 4.4.3 of the CDP Comprehensive



Development Plan details the permitted uses envisioned in a low density area; that these uses include agricultural, residential and development which is largely confined to businesses addressing the needs of agricultural and residential uses; and that the Future Land Use Map suggests that Route 9 will continue to develop commercially, with some parcels developing industrially.

- E. Council also found that the Applicant's business supports and serves residential uses by providing services to Sussex County homeowners and developers consistent with the Comprehensive Plan; that with increased development in the vicinity of Route 9 there will be an increased demand for residential services, such as those provided by the Applicant; that the purpose of the C-2 District includes supporting uses such as retail sales, performance of consumer services and permits a variety of retail and professional business; that C-2 Districts are primarily located near arterial and collector streets; and that wholesale retail nurseries for the sale of products is permitted for retail establishments which are less than 75,000 square feet.
- F. Council also found that the Comprehensive Plan confirms that commercial uses may be appropriate in low density areas depending on surrounding uses; that the property is located between commercially zoned properties, a couple miles west of the intersection of Route 5 and Route 9; that there are commercially zoned properties located to the east at the intersection of Route 30 and Route 9; that properties located at the intersections are zoned C-1, CR-1, MR and HI-1; that properties located in all directions are zoned AR-1 with residential and agricultural uses which the Applicant's business could serve; that such uses include Royal Farms and Besche Furniture; that there have been six Change of Zone Applications within a .5-mile radius of the property; that the proposed rezoning is compatible with the surrounding community; that the rezoning will not have a negative impact on land adjacent to the property and properties located in the vicinity of the site; and that for all the reasons stated, the proposed rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map and it is appropriately located along Route 9 within the vicinity of commercial businesses, residential and other business uses.
- G. Based on the Planning & Zoning Commission's the Findings (1 through 8), Council found that:
1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
  2. The Applicant's property is currently zoned AR-1 along Route 9. It was previously approved for use as a landscape business in 2017 as Conditional Use No. 2093 and Ordinance No. 2521. The Applicant seeks to convert the existing conditional use to the C-2 Medium Commercial District to allow greater flexibility in his landscaping business and to allow more retail sales associated with that use to occur from the site. This is an appropriate location for C-2 zoning.
  3. C-2 Zoning at this location along Route 9 will benefit nearby residents of Sussex County by providing a commercial location for the Applicant's business. Nearby residents will not have to travel to Lewes, Milton, Long Neck, or Georgetown for the retail and service uses that can be provided at this site.
  4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
  5. The site is mostly in the "Low-Density Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
  6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
  7. No parties appeared in opposition to the rezoning application.

**8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

**H. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**

TAB “9”



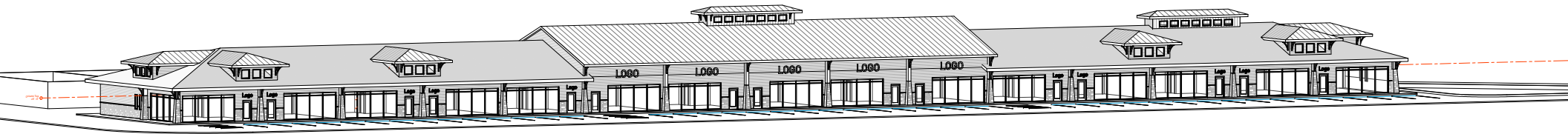
© 2023 Google

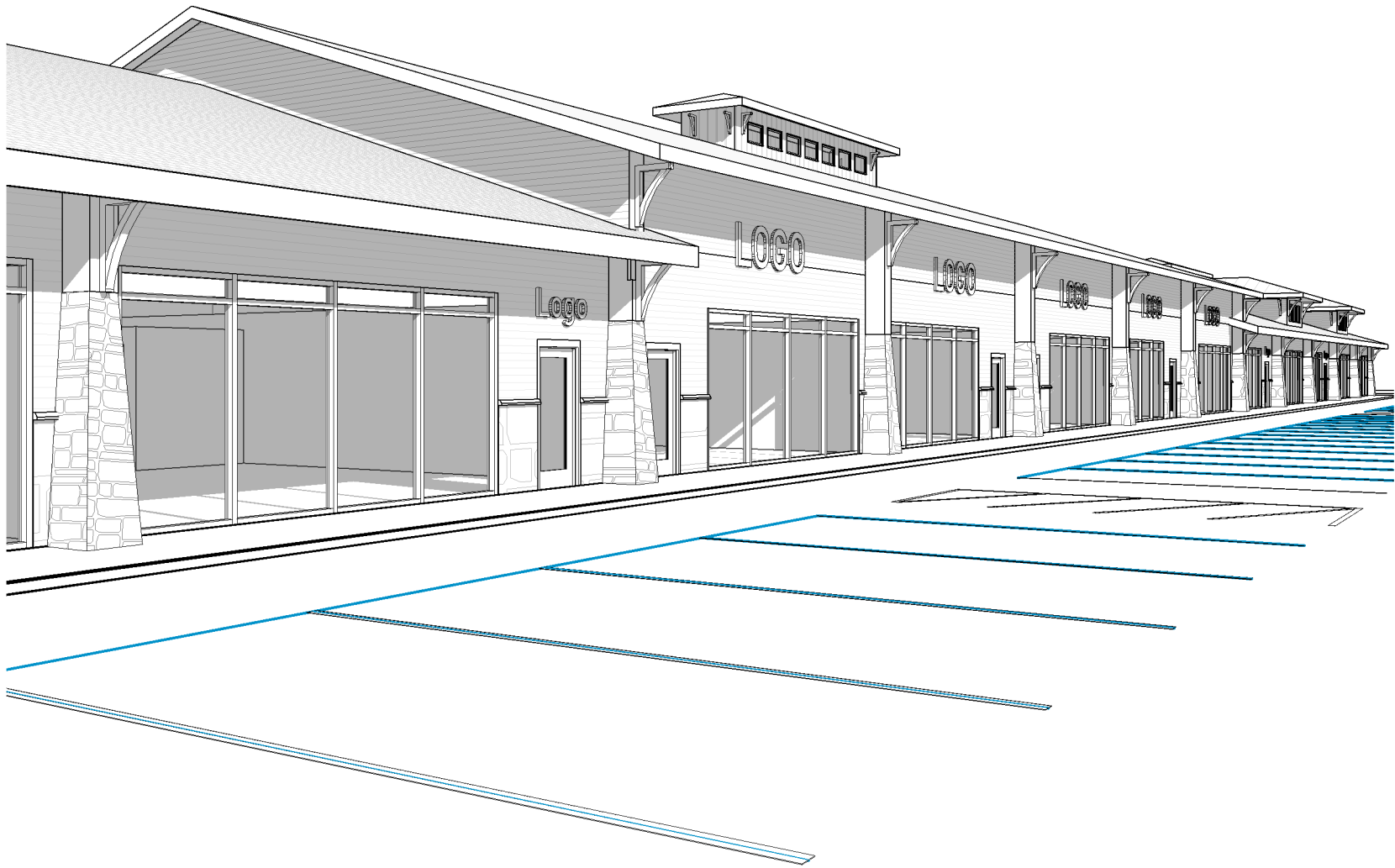
© 2023 Google

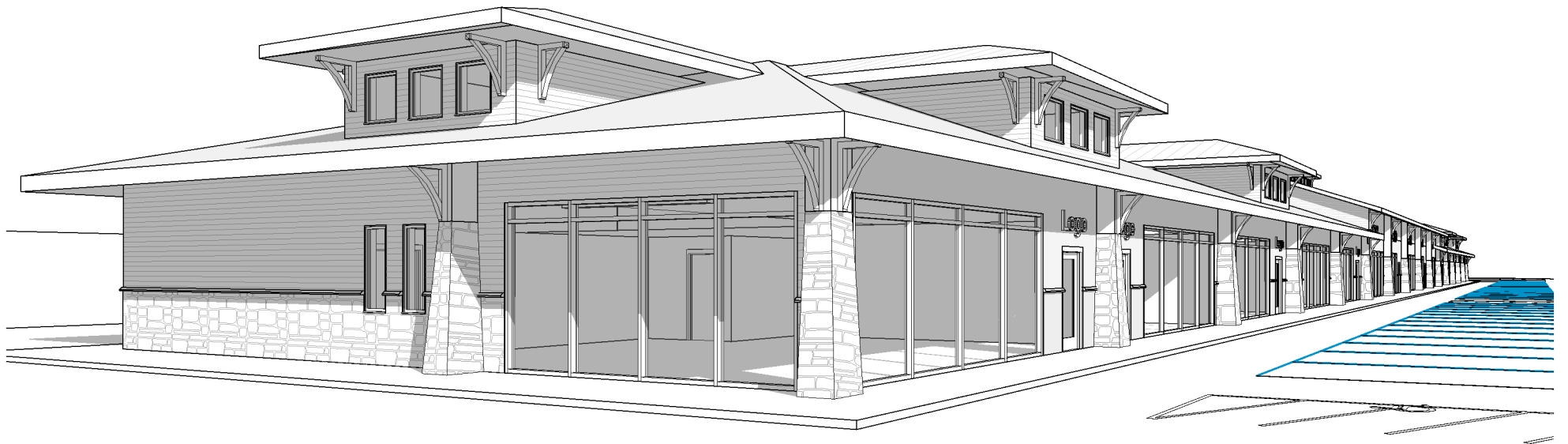
© 2022 Google

Google Earth

TAB “10”









TAB “11”

**TOBACK DEVELOPMENT, LLC**  
**Contractor Flex Space**  
**Conditional Use No. 2290**

**Conditional Use Application**

This application is made pursuant to Sussex County Code Article IV, § 115-22 and Article XXIV, § 115-171 *et seq.*, for a permit for a conditional use for 46,800 square feet of contractor flex space with office areas in the front and storage areas in the rear of each proposed unit.

The site proposed for the conditional use is identified, as follows:

All that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred located on the west side of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Prettyman Road (S.C.R. 254) and being further identified as Sussex County Tax Parcel 235-30.00-6.21.

**TOBACK DEVELOPMENT, LLC**  
**Contractor Flex Space**  
**Conditional Use No. 2290**

**PROPOSED FINDINGS OF FACT & CONDITIONS OF APPROVAL**

1. This is an application to grant a conditional use of land in an AR-1 (Agricultural Residential District) for 46,800 square feet of contractor flex space with office areas in the front and storage areas in the rear of each unit on 7.12± acres, in Broadkill Hundred located on the west side of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Prettyman Road (S.C.R. 254) and being further identified as Sussex County Tax Parcel 235-30.00-6.21 (the “Property”).

2. The applicant is Toback Development, LLC, the owner of the Property.

3. The purpose of this application is to create a location for two buildings containing 46,800 square feet of contractor flex spaces with an “office” or “store” area at the front of each unit with a storage area in the rear of each unit for contractor businesses serving the surrounding areas.

4. In the 2019 Sussex County Comprehensive Plan update, the Property is identified for purposes of future land use as being within a Low Density Area, a “rural area.” The properties that immediately surround this Property are also in the Low Density Area. The proposed project is consistent with the guidelines for projects within the Low Density Area as its purpose is to provide convenient areas for business addressing the needs of homes and property owners in this rapidly growing area of Sussex County.

5. The 2020 Delaware Strategies for State Policies and Spending identify the Property as being in an Investment Level 4 area, where the State does not intend to spend funds for infrastructure or other public services. The Property is within half a mile of the signalized intersection of the Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) which was recently expanded to include additional turn lanes. The proposed conditional use does not require public funds for the use of the Property.

6. The Property lies within a half mile of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) where there exists a mixture of commercially and residentially zoned properties. More specifically, the zoning classifications around the Property include the following: (1) Residential Zoning Districts: MR (Medium Residential District) and AR-1 (Agricultural Residential District); and (2) Commercial Zoning Districts: C-1 (General Commercial District), CR-1 (Commercial Residential District) and C-2 (Medium Commercial District) along with property zoned HI (Heavy Industrial).

7. The Property is not within a floodplain based upon FEMA Map Number 10005C0310L, dated June 20, 2018, as it is in an area designated as Zone “X” (unshaded), which is an area determined to be outside the 500-year floodplain.

8. There are no wetlands located on the Property.

9. Artesian Water Company, Inc. has a CPCN to provide potable water to the Property.

10. Artesian Wastewater Management, Inc. has a CPCN to provide sanitary sewer service to the Property.

11. Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. have indicated that they are willing and able to provide public water, including fire protection, to the project along with public sewer.

12. DelDOT responded to the Service Level Evaluation Request and, pursuant to its Memorandum of Understanding for Land Development Coordination with Sussex County, found that the proposed conditional use would have a “Minor” impact on the local area roadways and that the Developer may pay an Area-Wide Study Fee in lieu of doing a Traffic Impact Study.

13. As the site plan is finalized, DelDOT’s approval, will be required to provide for safe vehicular and pedestrian movement within the site and onto Prettyman Road.

14. As a part of final site plan approval, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from the development and use of the Property.

15. The 2019 Comprehensive Plan describes the “Permitted Uses” in the Low Density Area on its 2045 Future Land Use Map as follows:

The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation.

16. The proposed project creates a location close to the areas to be served by businesses addressing the needs of homes in the area, *i.e.*, providing goods and services to nearby residents. The intersection of Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) is centrally located in rapidly growing areas of Sussex County and allows this Property and the proposed use to provide convenient access to goods and services for residents in Harbeson, Milton, Georgetown, Lewes and the surrounding areas.

17. The Property is located on one of the primary east-west corridors in Sussex County, a road designated as a Principal Arterial by DelDOT and a Major Arterial pursuant to Sussex County Code § 115-4.

18. The Delaware Route 9 corridor has numerous business and commercial activities reflected in the various commercial and business zoning classifications and uses along this Major Arterial.

19. With the conditions and limitations proposed by the applicant, the conditional use will not adversely affect the neighboring and adjacent properties.

20. The proposed use provides a convenient and central location to services that will benefit the residents and businesses of Sussex County. The intended use meets the general purpose of the Zoning Ordinance as a public or semi-public use, essential and desirable for the general convenience and welfare, orderly growth, convenience, order, prosperity and welfare of the County.

This recommendation of approval is subject to the following proposed conditions:

- A. The conditional use shall be limited to contractor flex space with office areas in the front and storage areas in the rear of each unit.
- B. There shall be no more than 46,800 square feet of contractor flex space.
- C. All work shall be performed indoors.
- D. There shall be no outside storage of materials.
- E. The hours of operation shall be limited to 6:00 a.m. through 7:00 p.m., Monday through Friday and 7:00 a.m. through 3 p.m. on Saturday. There shall be no Sunday hours.
- F. A twenty-foot (20') landscaped buffer shall be installed along the perimeter of the property.
- G. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- H. Signage for the Property shall be limited to and comply with the following requirements:
  - a. One indirectly illuminated on-premises ground sign per street or road frontage per parcel, not to exceed 64 square feet of sign area per side; and
  - b. On-premises wall, illuminated awning, marquee, and projecting signs, not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater. In the case of a

shopping center, a group of stores or other business uses, or a multitenant building on a lot held in single or separate ownership, on-premises wall, illuminated awning, marquee, and projecting signs, not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater, shall be permitted with respect to each building, separate store, separate storefront, or separate use.

- I. Any entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements and time periods.
- J. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall also identify all "Limits of Disturbance" within the Property. These "Limits of Disturbance" shall be clearly marked on the Property itself.
- K. The Final Site Plan shall clearly show all areas for parking and these areas shall be clearly marked on the Property itself. There shall no parking within the Property's setbacks.
- L. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- M. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- N. The applicant shall comply with all other statutes, laws ordinances, rules or regulations of any federal, state, county, or other governmental entity having subject matter jurisdiction over the proposed use of the Property.
- O. The Final Site Plan shall depict or note these conditions and shall be subject to the review and approval of the Planning and Zoning Commission.

**Letter of Support to Toback Development, LLC – Conditional Use No. 2290**

Sussex County Planning & Zoning,

3/20/2022

I am the owner of 26116 Prettyman Rd., Georgetown, DE 19947 [Tax Map #235-30.00-6.16] as of 5/18/2021, Devin Cornett.

I fully support Toback Development, LLC.'s plans for the development of the property adjacent to my residence and property.

Please feel free to reach out with any questions or needs at your convenience.

Devin Cornett

A handwritten signature in black ink that reads "Devin J. Cornett". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

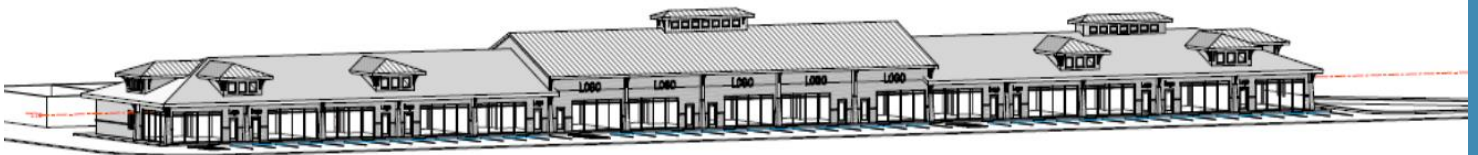
26116 Prettyman Rd.

302-222-2666

DevinJCornett@gmail.com

# Toback Development, LLC

## Conditional Use No. 2290



David C. Hutt, Esquire  
Morris James LLP

Public Hearings:  
Planning & Zoning Commission  
March 24, 2022  
County Council  
May 10, 2022



# **TOBACK DEVELOPMENT, LLC**

CONDITIONAL USE NO. 2290

## **Table of Contents**

1. Application
2. Deed for the Property (Deed Book 5401, Page 293)
3. Subdivision Plot (Plot Book 341, Page 90)
4. Preliminary Site Plan
5. Maps
  - a. Tax Parcels with Aerial Imagery
  - b. Zoning Map
  - c. 2045 Future Land Use Map
  - d. State Strategies Map
  - e. DNREC Map (wetlands and CPCNs)
  - f. FEMA FIRM Map Number 10005C0310L, dated June 20, 2018
6. DelDOT Response to Service Level Evaluation Request (December 1, 2020)
7. Artesian Resources, Ability to Serve Letter (April 16, 2021)
8. Ordinance No. 2830 (Executive Lawn Property Management LLC CZ 1944)
9. Harbeson Business Park (Google Earth Image)
10. Exterior Elevations of Proposed Buildings
11. Proposed Findings of Fact and Conditions

TAB “1”

# Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

Intersection of DE Route 9 & SCR 254 (Prettyman Road)

**Type of Conditional Use Requested:**

Applicant desires a conditional use to allow the construction of a flex space building on the property.

**Tax Map #:** p/o 235-30.00-6.21 **Size of Parcel(s):** 7.12 +/- acres

**Current Zoning:** AR-1 **Proposed Zoning:** AR1-CU **Size of Building:** 2 Bldges total 46,800sq ft.

**Land Use Classification:** Low Density

**Water Provider:** Artesian **Sewer Provider:** Artesian

**Applicant Information**

Applicant Name: Toback Development, LLC

Applicant Address: 35 Rodney Avenue

City: Dewey Beach State: DE ZipCode: 19971

Phone #: (302) 228-6182 E-mail: matt@leweshg.com

**Owner Information**

Owner Name: See above.

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James LLP)

Agent/Attorney/Engineer Address: 107 West Market Street, P.O. Box 690

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-0015 E-mail: dhutt@morrisjames.com



# Check List for Sussex County Planning & Zoning Applications

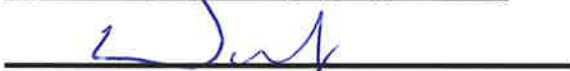
The following shall be submitted with the application

- 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: 6-4-2021

Signature of Owner



Date: 6-2-21

For office use only:

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

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

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

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

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

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

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

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

# Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

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

## Application Information:

Site Address: Intersection of DE Route 9 (Lewes-Georgetown Highway and  
SCR 254 (Prettyman Road)

Parcel #: p/o 235-30.00-6.21

Site Address: n/a

n/a

Parcel #: n/a

Applicant Name: Toback Development, LLC

Owner Name: Toback Development, LLC

## Type of Application:

Conditional Use:

Change of Zone:

Subdivision:

Board of Adjustment:

Date Submitted: 06-07-2021

### For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

## PARTICULAR DESCRIPTION

### TAX MAP PARCEL 235-30.00-6.21 (PART OF)

**ALL THAT CERTAIN PIECE**, parcel and tract of land lying and being situated in Broadkill Hundred, Sussex County, Delaware, lying on the southerly side of Prettyman Road - Sussex County Road 254 (60 foot right-of-way) and bounded as follows: On the south by Delaware Route 9 – Lewes-Georgetown Highway, lands now or formerly of Glen E. and Mildred D. Albert; the west by lands now or formerly of Sandra M. Prettyman, lands now or formerly of Rudolph T. Jr. and Michelle L. Daisey; the north by lands now or formerly of Emma J. and Christopher Payne, lots 1-4 of the Toback Minor Subdivision and being more particularly described from a Minor Subdivision Plan of lands of Toback Development, LLC by Scaled Engineering dated April 16, 2021 as follows, to wit

**BEGINNING** at a capped iron pipe set on the aforementioned southerly right of way of Prettyman Road at a corner for lands herein described and lot 1 of the aforementioned Toback Minor Subdivision; thence with said right-of-way of Prettyman Road **South 70 degrees 10 minutes 31 seconds East, 391.84 feet** to a point at the point of intersection with the northerly right of way of aforementioned Delaware Route 9 – Lewes-Georgetown Highway; thence with same **South 69 degrees 25 minutes 46 seconds West, 1,082.55 feet** to a point online of aforementioned lands of Albert; thence with same the following two (2) courses:

1. **North 20 degrees 34 minutes 14 seconds West, 198.71 feet** to an iron pipe found.
2. **South 69 degrees 25 minutes 46 seconds West, 161.43 feet** to a point at corner for aforementioned lands of Prettyman;

thence with same **North 20 degrees 34 minutes 14 seconds West, 104.68 feet** to a concrete monument found at a corner for aforementioned lands of Daisey; thence with same **North 19 degrees 59 minutes 40 seconds East, 290.41 feet** to a point near a concrete monument found and an iron pipe found at a corner for aforementioned lands of Payne; thence with same the following two (2) courses:

1. **South 69 degrees 54 minutes 38 seconds East, 150.00 feet** to a concrete monument found.
2. **North 20 degrees 05 minutes 22 seconds East, 65.40 feet** to a capped iron pipe set at a corner for lot 4 of aforementioned Toback Minor Subdivision;

thence with same and in part with lots 3,2 and 1 **South 70 degrees 10 minutes 31 seconds East, 601.02 feet** to a capped iron pipe set at a corner for lot 1; thence with same

**North 19 degrees 49 minutes 29 seconds East, 220.00 feet** to the point and place of beginning, containing 7.12 acres of land, be the same more or less.

TAB “2”



TAX MAP AND PARCEL #: 2-35 30.00 6.21

PREPARED BY & RETURN TO:

Morris James LLP  
107 West Market Street  
P.O. Box 690  
Georgetown, DE 19947  
File No. 202080/DCH

**THIS DEED**, made this 27<sup>th</sup> day of January, 2021,

- BETWEEN -

SANDRA M. PRETTYMAN, of 10725 S. Ocean Drive, Jensen Beach, FL 34957,  
party of the first part,

- AND -

TOBACK DEVELOPMENT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, of 35 Rodney Ave., Dewey Beach, DE 19971, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of **Five Hundred Five Thousand and 00/100 Dollars (\$505,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**ALL THAT CERTAIN**, tract, piece and parcel of land, situate, lying and being in Broadkilm Hundred, County of Sussex and State of Delaware, designated as Lot 2 on a survey entitled Subdivision Survey Plan prepared by R.B. Kemp, P.L.S. No. 541, Adams-Kemp Associates, Inc., Professional Land Surveyors, dated May 22, 2017, last revised June 29, 2017 recorded in the Office of the Recorder of Deeds in and for Sussex County in Plot Book 249, Page 91, said to contain 10.519 acres, more or less.

**BEING** the same lands conveyed to Francis H. Prettyman and Sandra M. Prettyman by Deed from Francis H. Prettyman, Jr. and Francis H. Prettyman and Sandra M. Prettyman, dated February 11, 2014 and recorded February 11, 2014 in the Office of the Recorder of Deeds in and for Sussex County in Deed Book 4226 page 280. The said Francis H. Prettyman departed this life on or about February 22, 2015, whereupon said lands passed by operation of law unto Sandra M. Prettyman Sr., his wife, as surviving tenant by the entirety

**SUBJECT** to all easements, agreements, covenants, and plans of record, this reference to which shall not be construed to reimpose any such easements, agreement, covenants and plans that have otherwise lapsed, expired, or have otherwise been terminated in accordance with their terms or otherwise, as applicable, but not subject to any mortgages, judgments or other liens of record or otherwise.

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

Signed, Sealed and Delivered  
in the presence of:

Valerie A. Cooby

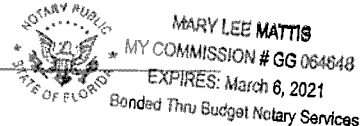
Sandra M. Prettyman (SEAL)  
Sandra M. Prettyman

STATE OF Florida, COUNTY OF Martin: to-wit

BE IT REMEMBERED, that on January 27, 2021, personally came before me, the  
subscriber, Sandra M. Prettyman, party of the first part to this Indenture, known to me  
personally to be such, and acknowledged this Indenture to be her act and deed.

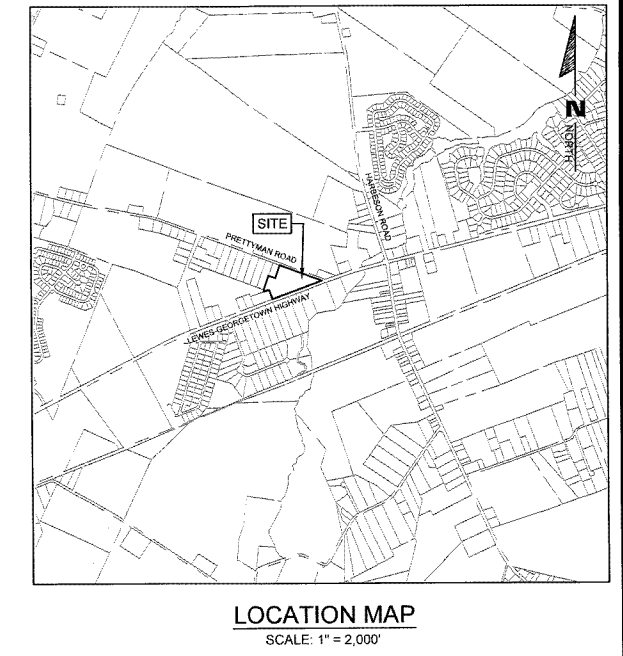
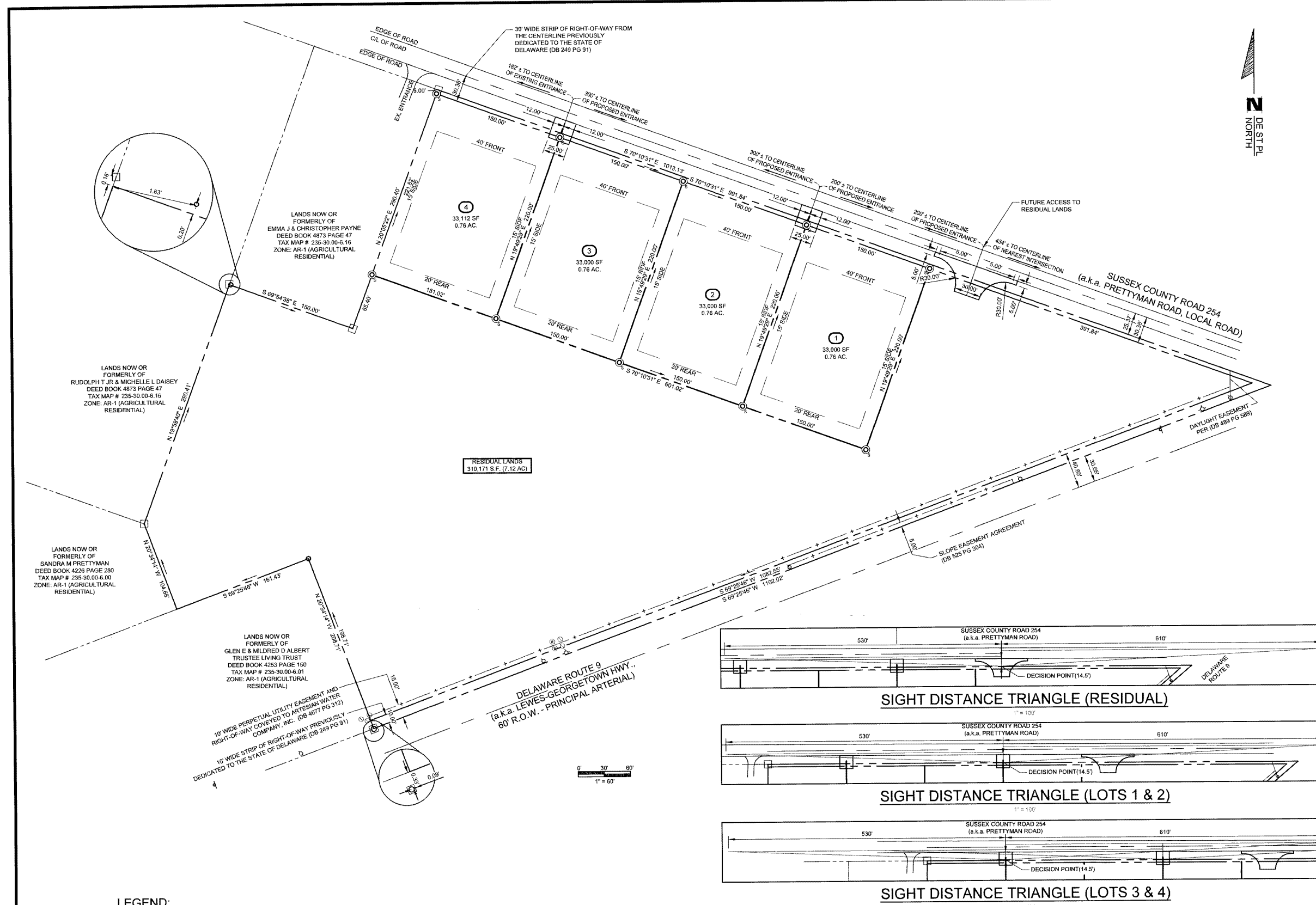
GIVEN under my Hand and Seal of Office the day and year aforesaid.

Mary Lee Mattis  
Notary Public



My Commission Expires: March 6, 2021

TAB “3”



**SITE DATA:**

- TAX MAP NUMBER: 235-30.00-6.21
- ADDRESS: LEWES-GEORGETOWN HIGHWAY, GEORGETOWN, DE 19947
- OWNER: TOBACK DEVELOPMENT, LLC (MATT TOBACK)  
35 RODNEY AVENUE  
DEWEY BEACH, DE 19971
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL  
PROPOSED: 4 LOT SUBDIVISION
- BUILDING SETBACKS (FOR PROPOSED LOTS):  
AR-1 (AGRICULTURAL RESIDENTIAL):  
FRONT 40' (PRETTYMAN RD.)  
SIDE 15'  
REAR 20'
- LOT REQUIREMENTS: AREA 32,670 S.F. (0.75 ACRE)  
WIDTH 100'  
DEPTH 100'
- TOTAL NUMBER OF LOTS: EXISTING: 1  
PROPOSED: 5 (INCLUDING THE RESIDUAL)
- AREA: 235-30.00-6.21 - EXISTING: 442,284 S.F. (10.15 AC)  
PROPOSED LOT 1: 33,000 S.F. (0.76 AC)  
PROPOSED LOT 2: 33,000 S.F. (0.76 AC)  
PROPOSED LOT 3: 33,000 S.F. (0.76 AC)  
PROPOSED LOT 4: 33,112 S.F. (0.77 AC)  
PROPOSED (RESIDUAL): 310,171 S.F. (7.12 AC)
- AREA AFFECTED BY ADJUSTMENT: 10.15 AC
- POSTED SPEED LIMIT: 50 MPH
- SEWER PROVIDER: ARTESIAN
- WATER PROVIDER: ARTESIAN PER UTILITY EASEMENT
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0310K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
- PROXIMITY TO DELDOT TID AREA: ±4.5 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- RECHARGE AREA: GOOD

**LEGEND:**

- CONCRETE MONUMENT FOUND
- ⊗ IRON PIPE IN CONCRETE FOUND
- IRON PIPE FOUND
- ⊙ IRON PIPE TO BE SET
- PROPERTY BOUNDARY
- - - ADJOINER LINE
- · - · - EASEMENT
- - - BUILDING SETBACK
- ⊕ WATER METER / HYDRANT
- ⊙ MANHOLE
- ⊙ UTILITY POLE
- ⊕ SIGN

**NOTES:**

- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM PLAT BOOK 249 PAGE 91, DEED BOOK 5401 PAGE 293 (THE CURRENT DEED OF RECORD) AND OTHER DOCUMENTS OF PUBLIC RECORD. IT IS ALSO THE RESULT OF AN ACTUAL FIELD SURVEY BY SCALED ENGINEERING PERFORMED 2-17-21.
- THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
- BEARING SYSTEM SHOWN IS BASED ON DELAWARE STATE PLANE COORDINATE SYSTEM, HORIZONTAL DATUM NAD 83.
- CLASS OF SURVEY: SUBURBAN
- ALL FIRE LANES, FIRE HYDRANTS, AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE STATE FIRE PREVENTION REGULATIONS.

**DELDOT NOTES:**

- IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOTS DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION ACTIVITY SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
- REFER TO DELDOT STANDARD DETAIL M-2 (2011) FOR RIGHT-OF-WAY MONUMENTS.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.

SUSSEX COUNTY

*Carol R. Savage, Jr.*  
 PRESIDENT OF COUNTY COUNCIL  
 CASE NO. 2021-17

6/8/21  
 DATE

**ENGINEERS CERTIFICATION**

I, CARLTON R. SAVAGE, JR., HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

*Carlton R. Savage, Jr.*  
 LICENSE #16457  
 REGISTERED PROFESSIONAL ENGINEER  
 CIVIL  
 STATE OF DELAWARE

5-26-21  
 DATE

5/24/21  
 DATE

**SCALED ENGINEERING**

Scaled Engineering Inc.  
 20246 Coastal Highway  
 Rehoboth Beach, DE 19971  
 Phone: (302) 236-9500

**MINOR SUBDIVISION PLAN**

**TOBACK MINOR SUBDIVISION**

**TM# 235-30.00-6.21**

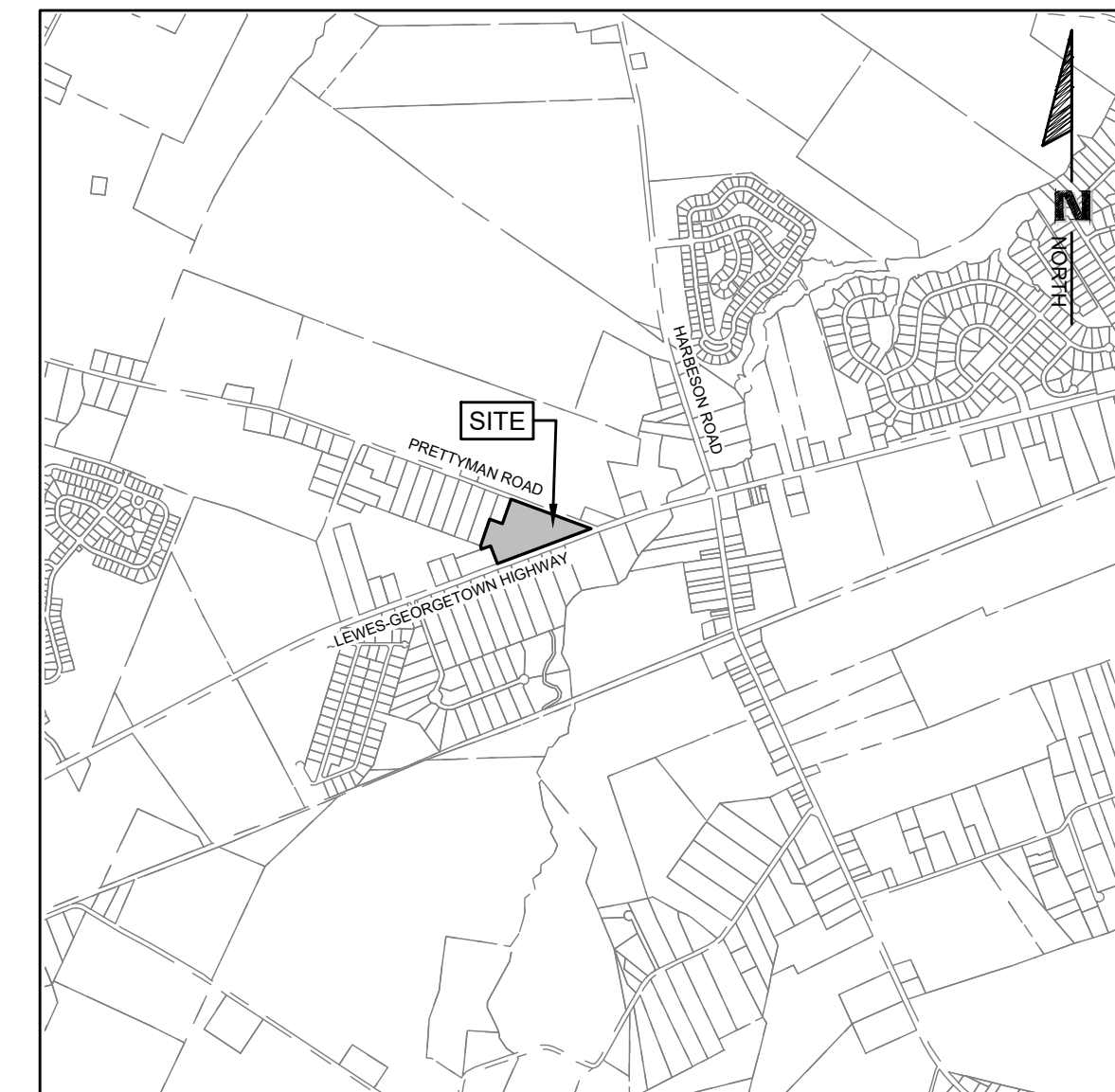
**BROADKILL HUNDRED, GEORGETOWN, DELAWARE**

DATE: 5-18-21  
 SCALE: 1" = 60'  
 DRAWN BY: JRE  
 PROJECT NO.: TOBA001

1

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021

TAB “4”



**LOCATION MAP**  
SCALE: 1" = 2,000'

**SITE DATA:**

- TAX MAP NUMBER: 235-30.00-6.21
  - ADDRESS: LEWES-GEORGETOWN HIGHWAY, GEORGETOWN, DE 19947
  - OWNERS: MATT TOBACK  
35 RODNEY AVENUE  
DEWEY BEACH, DE 19971
  - ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: AR-1 (AGRICULTURAL RESIDENTIAL) WITH CONDITIONAL USE
  - USE: EXISTING: AGRICULTURAL  
PROPOSED: 4 LOT SUBDIVISION / 46,800 SQ FT BUSINESS PARK
  - BUILDING SETBACKS: AR-1 (AGRICULTURAL RESIDENTIAL):  
FRONT 40' (PRETTYMAN RD.)  
SIDE 15'  
SIDE 20"  
REAR 40' (LEWES-GEORGETOWN HWY.)
- \* THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.
- AREAS: EXISTING/PROPOSED: 10.15 AC  
DELDOT DEDICATION 0.37 AC  
TOTAL 10.52 AC
  - NET DEVELOPMENT AREA: 10.52 AC
  - SEWER PROVIDER: SUSSEX COUNTY ?
  - WATER PROVIDER: ARTESIAN PER UTILITY EASEMENT
  - THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0310K REVISED MARCH 16, 2015 (ZONE X).
  - NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
  - PROXIMITY TO DELDOT TID AREA: ±4.5 MILES
  - SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
  - RECHARGE AREA: GOOD

**OFF-STREET PARKING - (PER SUSSEX COUNTY CODE SECTIONS 115-162A & 45-5)**

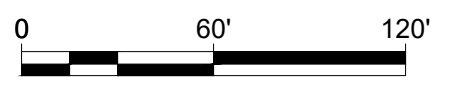
**REQUIRED PARKING:**

WHOLESALE - 1 PER 2 EMPLOYEES (52 EMPLOYEES)	26 SPACES REQUIRED
HANDICAP PARKING (51-75 PARKING SPACES)	3 SPACES (1 VAN) REQUIRED
65 SPACES + 6 VAN HC SPACES = 75 SPACES PROVIDED	

**OFF-STREET LOADING - (PER SUSSEX COUNTY CODE SECTIONS 115-167)**

<b>LOADING</b>	
COMMERCIAL BUSINESSES	
LOADING SPACES REQUIRED	4 SPACES REQUIRED
LOADING SPACES PROVIDED	21 SPACES (12' x 40')

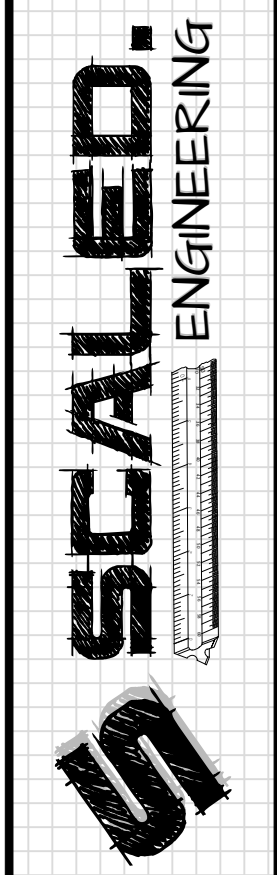
**SUSSEX COUNTY PLANNING AND ZONING**  
**CONDITIONS OF APPROVAL:**



**LEGEND:**

- — — — — PROPERTY BOUNDARY
- — — — — ADJOINER LINE
- + - + - EASEMENT
- — — — — BUILDING SETBACK
- o — o — o — SCREENING FENCE
- - - - - CONTOUR
- o o o o o VEGETATED BUFFER
- o o WATER METER / HYDRANT
- o MANHOLE
- o UTILITY POLE
- o SIGN
- PROPOSED BUILDING
- PROPOSED BOLLARD
- □ □ □ AREA LIGHTS (FULL SCREEN)
- o o PROPOSED TREE / SHRUB

© 2024 SCALED ENGINEERING INC. ALL RIGHTS RESERVED. PROJECT: 235-30.00-6.21 FLEX PARK CONCEPT PLAN. DATE: 1-27-24.



CONCEPT PLAN

**FLEX PARK**

TM# 235-30.00-6.21

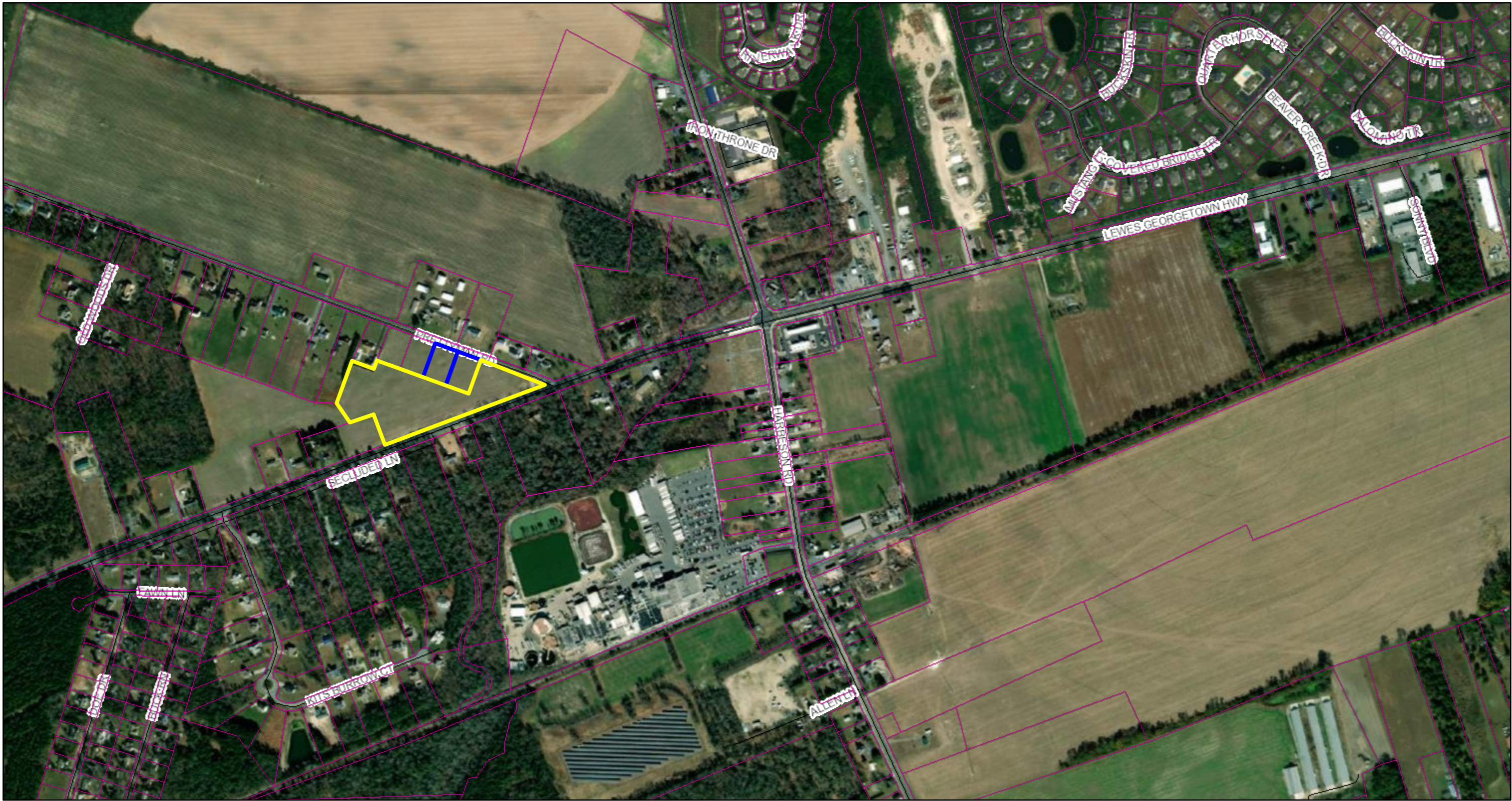
BROADKILL HUNDRED, GEORGETOWN, DELAWARE






DATE:	1-27-24
SCALE:	1" = 60'
DRAWN BY:	JRE
PROJECT NO.	TOBA001

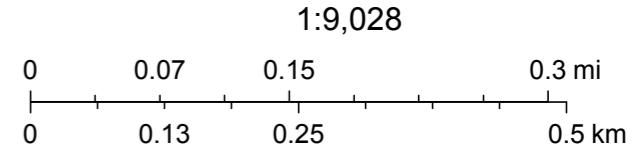
THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2024

TAB “5”

# Sussex County



- March 12, 2022
-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

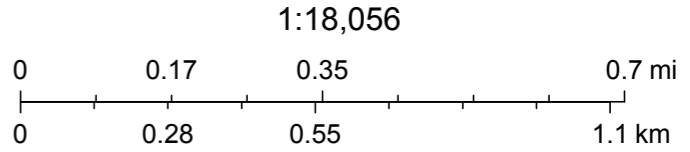




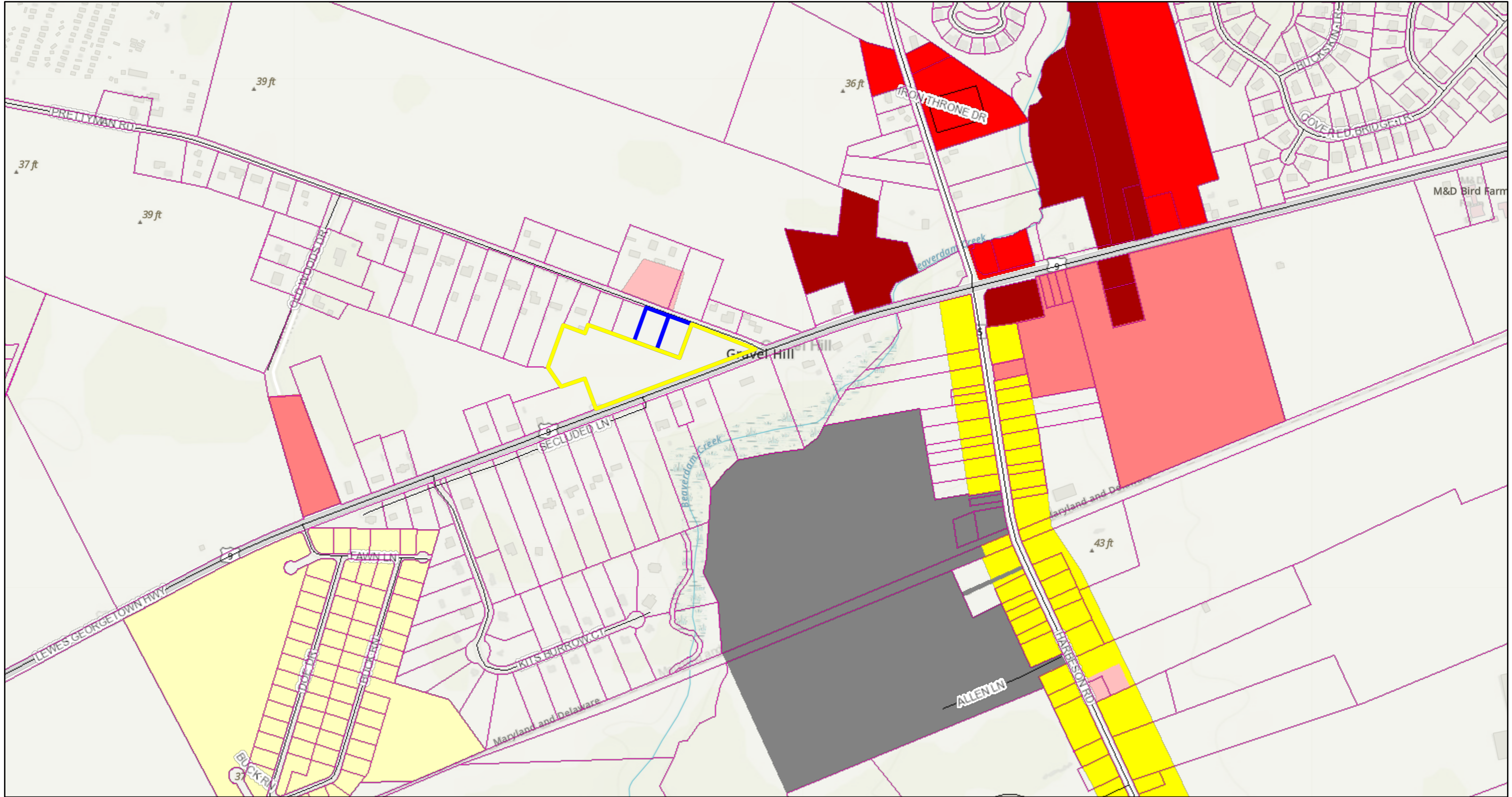
# Sussex County



- March 12, 2022
- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries



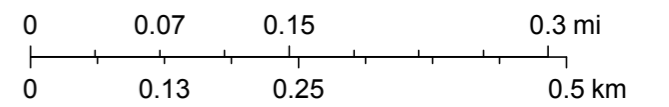
# Sussex County



March 12, 2022

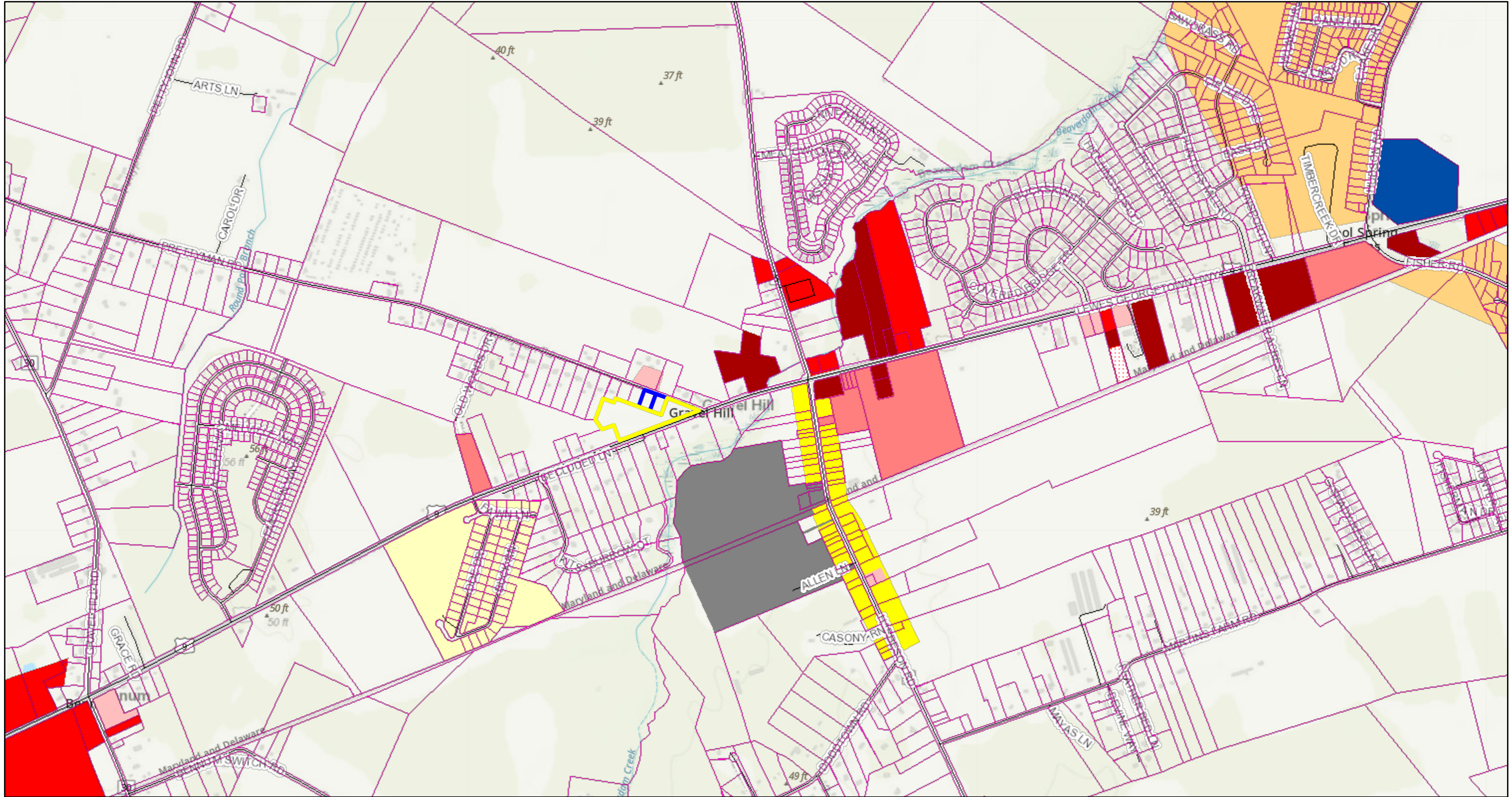
1:9,028

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



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

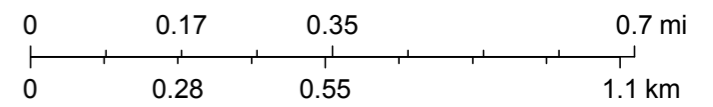
# Sussex County



March 12, 2022

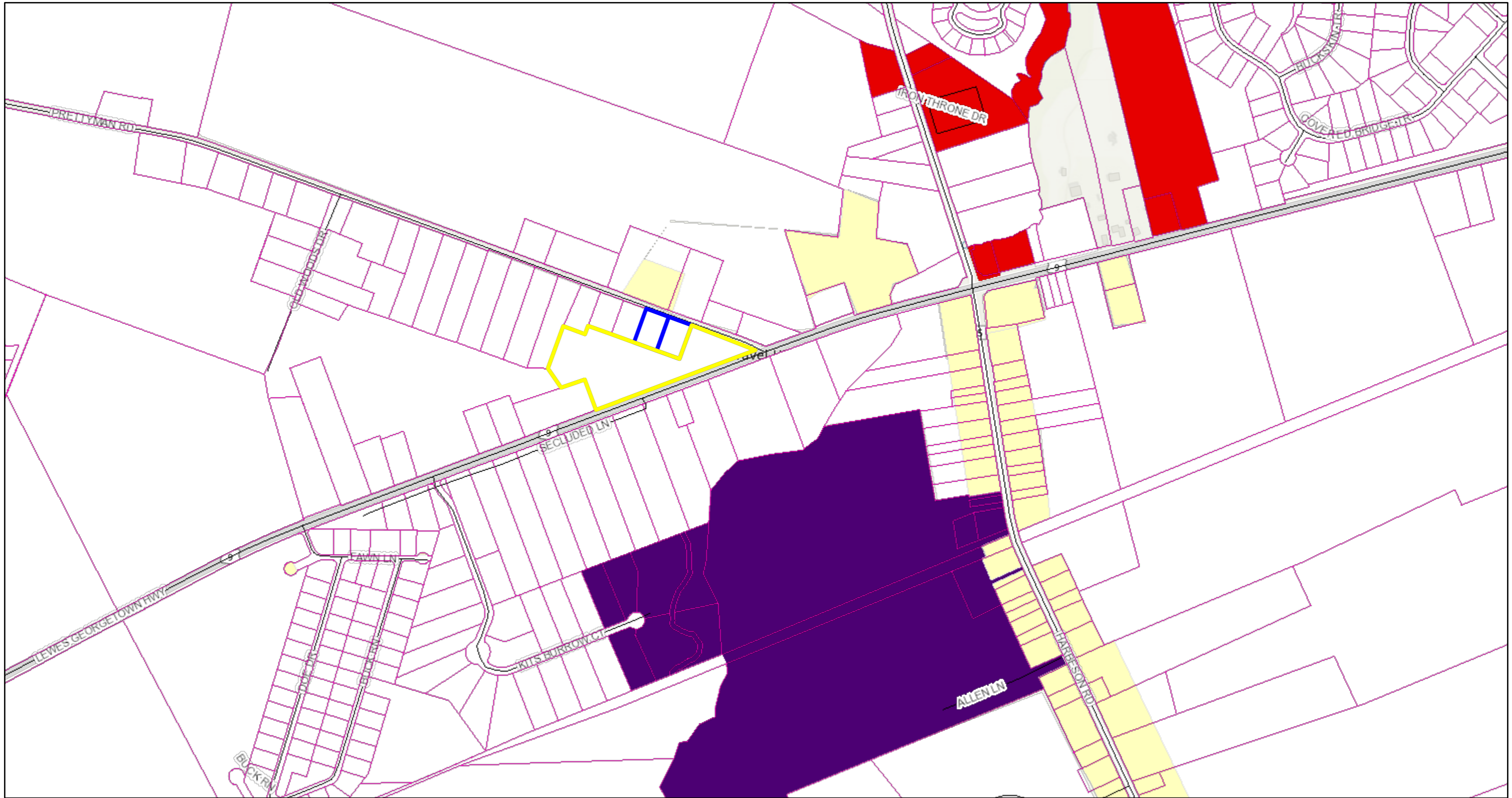
1:18,056

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



Sussex County, Sussex County Government, Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin,

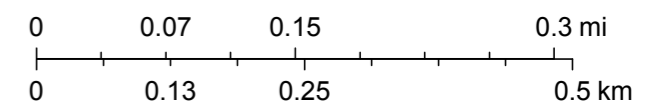
# Sussex County



March 12, 2022

- |             |                      |                           |                |
|-------------|----------------------|---------------------------|----------------|
| Override 1  | County Boundaries    | Commercial                | Municipalities |
| Override 1  | 2019 Future Land Use | Developing Area           | Town Center    |
| Tax Parcels | Low Density          | Existing Development Area |                |
| Streets     | Coastal Area         | Industrial                |                |

1:9,028



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








0.2mi

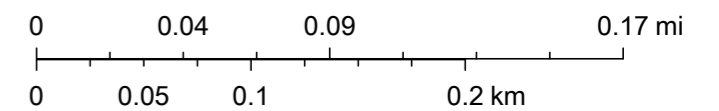
# Delaware - DNREC NavMap



3/11/2022, 10:27:58 PM

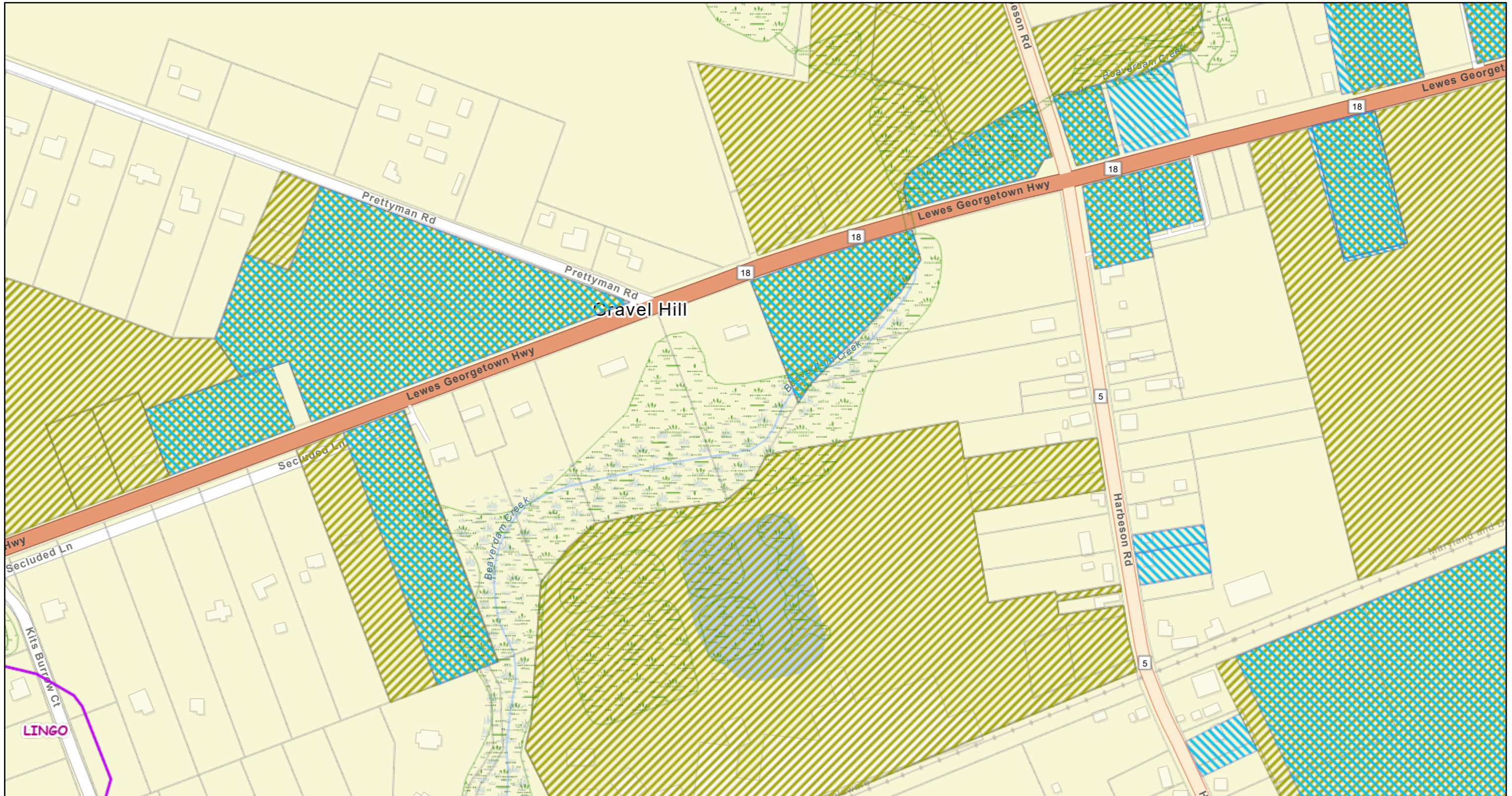
-  2017 Wetlands (not regulatory)
-  Approx. Watershed Boundary
-  Wastewater CPCN
-  Water CPCN
-  State Parcels

1:4,514








Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Esri Community Maps

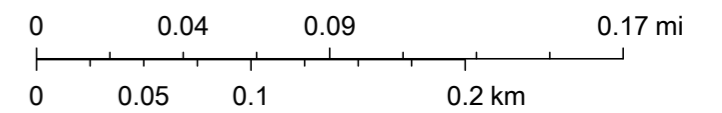
# Delaware - DNREC NavMap



3/11/2022, 10:34:33 PM

-  2017 Wetlands (not regulatory)
-  Approx. Watershed Boundary
-  Wastewater CPCN
-  Water CPCN
-  State Parcels

1:4,514

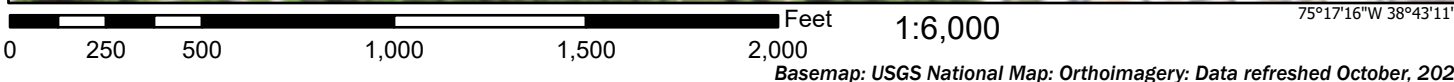


Wetland mapping is supported with funding provided by the Environmental Protection Agency., Delaware Public Service Commission, FEMA, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Esri Community Maps

# National Flood Hazard Layer FIRMMette



75°17'53"W 38°43'39"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **3/11/2022 at 9:29 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



TAB “6”



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

JENNIFER COHAN  
SECRETARY

December 1, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Matthew Toback / Toback Builders, LLC** conditional use application, which we received on October 22, 2020. This application is for an approximately 10.52-acre parcel (Tax Parcel: 235-30.00-6.21). The subject land is located on the northwest corner of the intersection of US Route 9 and Prettyman Road (Sussex Road 254). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop 46-unit, 82,800 square-foot, contractor flex park with office in front and storage area in the rear.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Steiner Road (Sussex Road 320) to Delaware Route 5, are 16,128 and 20,757 vehicles per day, respectively. As the subject land also has frontage along Prettyman Road, the annual average and summer average daily traffic volumes along that road segment are 2,212 and 2,847 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per weekly peak hour and 500 vehicle trips per day, and would be considered to have a Minor impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per a weekly peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per weekly peak hour and fewer than 2,000 vehicle trips per day, DeIDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse  
Page 2 of 2  
December 1, 2020

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, a 46-unit, 82,800 square-foot, contractor flex park would generate 1,595 vehicle trips per day, 33 vehicle trips during the morning peak hour, and 35 vehicle trips during the afternoon peak hour. As stated above, because this development would generate fewer than 2,000 vehicle trips per day and fewer than 200 vehicle trips during a weekly peak hour, the applicant has the option to pay the Area-Wide Study Fee in lieu of doing a TIS. The Area-Wide Study Fee for the proposed development would be 15,950.00. Payment of the Area-Wide Study Fee does not preclude a developer from having to make or participate in off-site improvements, including a traffic operational analysis (TOA) if one is found to be necessary during the plan review process.

A review of TIS completed in the last three years found that a TIS was completed for the Azalea Woods (a.k.a. Wilson Moore) residential development. That TIS included the intersection of US Route 9 and Prettyman Road. We are providing a copy of that TIS review letter; please find it enclosed with this letter.

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.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm  
Enclosure

cc: Matthew Toback / Toback Builders, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

JENNIFER COHAN  
SECRETARY

November 21, 2019

Ms. Betty Tustin  
The Traffic Group, Inc.  
104 Kenwood Court  
Berlin, MD 21811

Dear Ms. Tustin:

The enclosed Traffic Impact Study (TIS) review letter for the proposed **Azalea Woods (f.k.a. Wilson Moore)** (Tax Parcels 135-11.00-32.01, 48.00, 49.00 and 56.00) development has been completed under the responsible charge of a registered professional engineer whose firm is authorized to work in the State of Delaware. They have found the TIS to conform to DelDOT's Development Coordination Manual and other accepted practices and procedures for such studies. DelDOT accepts this review letter and concurs with the recommendations. If you have any questions concerning this letter or the enclosed review letter, please contact me at (302) 760-2167.

Sincerely,

Troy Brestel  
Project Engineer

TEB:km

Enclosures

cc with enclosures: Mr. Thomas Natelli, Jr., Natelli Communities  
Mr. Jason Palkewicz, Solutions IPPEM, Inc.  
Ms. Constance C. Holland, Office of State Planning Coordination  
Ms. Janelle Cornwell, Sussex County Planning and Zoning  
Mr. Andrew Parker, McCormick Taylor, Inc.  
DelDOT Distribution

## DelDOT Distribution

Brad Eaby, Deputy Attorney General  
Shanté Hastings, Director, Transportation Solutions (DOTS)  
Drew Boyce, Director, Planning  
Mark Luszcz, Deputy Director, DOTS  
Michael Simmons, Assistant Director, Project Development South, DOTS  
J. Marc Coté, Assistant Director, Development Coordination  
T. William Brockenbrough, Jr., County Coordinator, Development Coordination  
Peter Haag, Chief Traffic Engineer, Traffic, DOTS  
Alastair Probert, South District Engineer, South District  
Gemez Norwood, South District Public Works Manager, South District  
Susanne Laws, Sussex Subdivision Review Coordinator, Development Coordination  
David Dooley, Service Development Planner, Delaware Transit Corporation  
Mark Galipo, Traffic Engineer, Traffic, DOTS  
Anthony Aglio, Planning Supervisor, Statewide & Regional Planning  
Derek Sapp, Sussex County Subdivision Reviewer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



November 21, 2019

Mr. Troy E. Brestel  
Project Engineer  
DelDOT Division of Planning  
P.O. Box 778  
Dover, DE 19903

RE: Agreement No. 1773  
Traffic Impact Study Services  
**Task No. 1A Subtask 2A – Azalea Woods**

Dear Mr. Brestel:

McCormick Taylor has completed its review of the Traffic Impact Study (TIS) for the Azalea Woods residential development prepared by The Traffic Group, Inc. dated July 17, 2019. The Traffic Group prepared the report in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of the proposed Azalea Woods residential development, proposed to be located north of US Route 9, west of Delaware Route 30 (Gravel Hill Road / Sussex Road 248) and east of Shingle Point Road (Sussex Road 249) in unincorporated Sussex County, Delaware. The proposed development would consist of 610 single-family detached homes. Two full-access driveways are proposed. One full movement access is proposed on Shingle Point Road opposite Briarwood Lane. The second full access movement is proposed along Delaware Route 30 opposite Pettyjohn Road (Sussex Road 255). Construction is expected to be complete by 2032.

The subject land is located on an approximately 316-acre assemblage of parcels. The land is currently zoned AR-1 (Agricultural Residential) in Sussex County. No rezoning is needed or sought to permit the proposed development.

DelDOT has three projects within the study area. The first is the Georgetown East Gateway Improvements project (aka Sand Hill Road Realignment Project), which will improve the existing intersection geometry of US Route 9 and Sand Hill Road/Airport Road (State Road 319). Sand Hill Road and Airport Road presently intersect US Route 9 at skewed angles at offset locations. The improvements will realign Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, add turn lanes, add pedestrian and bicycle facilities, and improve drainage. Final design and right of way acquisition are underway. Utility relocations will begin in the spring of 2020. Construction is anticipated to begin in the summer of 2020.

The second project is Park Avenue Relocation – Phase 2, which involves improvements along Park Avenue (Sussex Road 321) from the Park Avenue Relocation – Phase 1 project up to the signalized intersection with US Route 9, which will be reconstructed to provide a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, along with signal upgrades. The Phase 2 project is within the Azalea Woods study area, while the Phase



1 project is located southwest of the Azalea Woods study area. Phase 1 will relocate part of Park Avenue, a designated truck bypass through Georgetown, and upgrade another part of Park Avenue with appropriate turn lanes, shoulders, and intersection improvements. Phase 2 will consist of the improvements along the existing Park Avenue from where the Phase 1 relocation ties in west of Cedar Lane all the way up to US Route 9. Both phases of the project will combine to provide a continuous US Route 9 Truck Bypass from US Route 113 to US 9 east of the Town of Georgetown. This project is currently in the design and planning stage. Construction of Phase 1 is anticipated to begin in the fall of 2022. Construction of Phase 2 is anticipated to begin in 2023.

The third project is DeIDOT’s HSIP SC, US 9 and SR 5 Intersection project. This project, initiated by the 2009 Hazard Elimination Program, is located at the intersection of US Route 9 and Delaware Route 5 and involves widening the intersection to provide turn lanes on each leg to address safety and operational issues and to accommodate large vehicles. Construction was underway in early 2019 and was substantially complete by September 2019.

Based on our review, we have the following comments and recommendations:

The following intersections exhibit level of service (LOS) deficiencies without the implementation of physical roadway and/or traffic control improvements:

<i>Intersection</i>	<i>Existing Traffic Control</i>	<i>Situations for which deficiencies occur</i>
US 9 and Sand Hill Road/Airport Road	Signalized	2018 Existing PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) * 2032 with Azalea Woods AM & PM (Case 3) * * Deficient only without East Gateway Improvements
US 9 and Park Avenue	Signalized	2018 Existing AM & PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) * 2032 with Azalea Woods AM & PM (Case 3) * * Deficient only without Park Avenue Relocation – Phase 2
US 9 and Shingle Point Road/French Road	Unsignalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and Stiener Road	Unsignalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and DE 30	Signalized	2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and Prettyman Road	Unsignalized	2018 Existing AM & PM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
US 9 and DE 5	Signalized	2018 Existing AM (Case 1) 2032 without Azalea Woods AM & PM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)
Park Avenue and Springfield Road	Unsignalized	2032 without Azalea Woods AM (Case 2) 2032 with Azalea Woods AM & PM (Case 3)



For three of the intersections listed in the table above, it is anticipated that future LOS deficiencies will be completely mitigated via implementation of improvements as described in the numbered recommendation items starting on page 4. The intersections and corresponding recommendation items are as follows: US Route 9 and Sand Hill Road / Airport Road (Item No. 4), US Route 9 and Park Avenue (Item No. 5), and Park Avenue and Springfield Road (also Item No. 5).

For one other intersection, US Route 9 and Shingle Point Road / French Road, it is anticipated that the recommended improvement will partially mitigate future LOS deficiencies. While it was determined that the improvement needed to achieve a complete mitigation of future LOS deficiencies at this location would not be required of this developer, the addition of a separate right-turn lane on the southbound approach of Shingle Point Road, as recommended below in Item No. 6, will reduce delays and queue lengths on that approach.

As for the other four intersections listed in the table above, we do not recommend any improvements be implemented by the developer. Additional information for each of these four intersections is provided immediately below.

#### US Route 9 and Stiner Road

This unsignalized intersection experiences LOS deficiencies in the 2018 existing AM peak hour and in the 2032 AM and PM peak hours, both without and with Azalea Woods.

The northbound Stiner Road and southbound business driveway approaches are expected to operate at LOS F in both 2032 peak hours, without and with Azalea Woods. During these times, both approaches have ten vehicles per hour or less, and the anticipated 95<sup>th</sup> percentile queue lengths are less than 25 feet. Thus, mitigation is not required as per the DelDOT Development Coordination Manual.

#### US Route 9 and Delaware Route 30

This signalized intersection exhibits LOS deficiencies in the 2032 AM and PM peak hours, both without and with Azalea Woods. Given that the intersection is already signalized and has separate left and right-turn lanes on every approach, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to fully correct the LOS deficiencies at this intersection (i.e., widening US Route 9 to provide two through lanes in each direction) cannot be considered a reasonable developer improvement project.

#### US Route 9 and Prettyman Road

This unsignalized intersection experiences LOS deficiencies in all existing and future peak hours, with the southbound approach of Prettyman Road operating at LOS F. However, a new traffic signal at this location on US Route 9 would not be desirable, and because drivers who would use the southbound approach of Prettyman Road can choose alternative routes to access US Route 9, it was determined that improvements are not required to be implemented by the developer at this intersection.





US Route 9 and Delaware Route 5

This signalized intersection exhibits LOS deficiencies in the 2032 AM and PM peak hours, both without and with Azalea Woods. Given that the intersection is already signalized and was recently improved in 2019 to include a separate left-turn lane on every approach, we do not recommend any improvements be implemented by the developer at this intersection. The major improvements required to fully correct the LOS deficiencies at this intersection (i.e., widening US Route 9 to provide two through lanes in each direction) cannot be considered a reasonable developer improvement project.

Should the County choose to approve the proposed development, the following items should be incorporated into the site design and reflected on the record plan by note or illustration. All applicable agreements (i.e. letter agreements for off-site improvements and traffic signal agreements) should be executed prior to entrance plan approval for the proposed development.

1. The developer should improve Shingle Point Road from Briarwood Road to US Route 9 as needed in order to meet DeIDOT’s local road standards. These standards include, but are not limited to, eleven-foot travel lanes and five-foot shoulders. The developer should provide a bituminous concrete overlay to the existing travel lanes, at DeIDOT’s discretion. DeIDOT should analyze the existing lanes’ pavement section and recommend an overlay thickness to the developer’s engineer if necessary. Construction of this improvement should begin prior to issuance of the 226<sup>th</sup> building permit.
2. The developer should construct the full-movement Site Access A on Shingle Point Road. This proposed site driveway should be constructed directly across from Briarwood Lane. The proposed configuration is shown in the table below.

<b>Approach</b>	<b>Existing Configuration</b>	<b>Proposed Configuration</b>
Eastbound Briarwood Lane	One shared left-turn/right-turn lane	One shared left/through/right-turn lane
Westbound Site Access A	Approach does not exist	One shared left/through/right-turn lane
Northbound Shingle Point Road	One shared left-turn/through lane	One left-turn lane, one through lane and one right-turn lane
Southbound Shingle Point Road	One shared through/right-turn lane	One left-turn lane and one shared through/right-turn lane



Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Briarwood Lane	N/A	N/A
Westbound Site Access A	N/A	N/A
Northbound Shingle Point Road	50 feet *	240 feet **
Southbound Shingle Point Road	210 feet **	N/A

\* Initial turn-lane length based on coordination with DelDOT's Development Coordination Section.

\*\* Initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*.

- The developer should construct the full-movement Site Access B on Delaware Route 30. This proposed site driveway should be constructed directly across from Pettyjohn Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound Site Access B	Approach does not exist	One shared left/through/right-turn lane
Westbound Pettyjohn Road	One shared left-turn/right-turn lane	One shared left/through/right-turn lane
Northbound DE 30	One shared through/right-turn lane	One left-turn lane and one shared through/right-turn lane
Southbound DE 30	One shared left-turn/through lane	One left-turn lane, one through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below. The developer should coordinate with DelDOT's Development Coordination Section to determine final turn-lane lengths during the site plan review.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound Site Access B	N/A	N/A
Westbound Pettyjohn Road	N/A	N/A
Northbound DE 30	210 feet *	N/A
Southbound DE 30	50 feet **	240 feet *

\* Initial turn-lane length based on DelDOT's *Auxiliary Lane Worksheet*.

\*\* Initial turn-lane length based on coordination with DelDOT's Development Coordination Section.



4. The developer should coordinate with DeIDOT regarding an equitable share contribution toward DeIDOT's Georgetown East Gateway Improvements Project, which will improve the intersection of US Route 9 and Sand Hill Road / Airport Road. The amount of the contribution should be determined through coordination with DeIDOT's Development Coordination Section.
5. The developer should coordinate with DeIDOT regarding an equitable share contribution toward DeIDOT's Park Avenue Relocation – Phase 2 Project, which will improve the intersections of US Route 9 & Park Avenue and Park Avenue & Springfield Road. While the design of improvements under the DeIDOT project has not yet been finalized, at US Route 9 & Park Avenue it should include a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, and at Park Avenue & Springfield Road it should include a westbound right-turn lane. The amount of the contribution should be determined through coordination with DeIDOT's Development Coordination Section.
6. The developer should improve the intersection of US Route 9 and Shingle Point Road / French Road. The proposed configuration is shown in the table below.

Approach	Existing Configuration	Proposed Configuration
Eastbound US Route 9	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Westbound US Route 9	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Northbound French Road	One shared left/through/right-turn lane	One shared left/through/right-turn lane
Southbound Shingle Point Road	One shared left/through/right-turn lane	One shared left-turn/through lane and one right-turn lane

Initial recommended minimum turn-lane lengths (excluding tapers) of the separate turn lanes are listed below.

Approach	Left-Turn Lane	Right-Turn Lane
Eastbound US Route 9	N/A	N/A
Westbound US Route 9	N/A	N/A
Northbound French Road	N/A	N/A
Southbound Shingle Point Road	N/A	200 feet *

\* Initial turn-lane length based on storage length per queuing analysis



The developer should coordinate with DelDOT's Development Coordination Section to determine all final design details including the above turn-lane lengths during the site plan review. Construction of this improvement should begin prior to issuance of the 101<sup>st</sup> building permit.

7. The following bicycle and pedestrian improvements should be included:
  - a. Adjacent to the proposed right-turn lanes on southbound Delaware Route 30 and northbound Shingle Point Road at the proposed site entrances, a minimum of a five-foot bicycle lane should be dedicated and striped with appropriate markings for bicyclists through the turn lane in order to facilitate safe and unimpeded bicycle travel.
  - b. Appropriate bicycle symbols, directional arrows, pavement markings, and signing should be included along bicycle facilities and turn lanes within the project limits.
  - c. Utility covers should be made flush with the pavement.
  - d. If clubhouses or other community facilities are constructed as shown on the site plan, bicycle parking should be provided near building entrances. Where building architecture provides for an awning, other overhang, or indoor parking, the bicycle parking should be covered.
  - e. A minimum 15-foot wide permanent easement from the edge of the right-of-way should be dedicated to DelDOT within the site frontages along Delaware Route 30 and Shingle Point Road.
  - f. Within the easements along the Delaware Route 30 site frontage and the Shingle Point Road southern site frontage, a minimum of a ten-foot wide shared-use path that meets current AASHTO and ADA standards should be constructed. The shared-use paths should meet AASHTO and ADA standards. Each shared-use path should have a minimum of a five-foot buffer from the roadway. At the property boundaries, the shared-use paths should connect to the adjacent property or to the shoulder in accordance with DelDOT's *Shared-Use Path and/or Sidewalk Termination Reference Guide* dated August 1, 2018. The developer should coordinate with DelDOT's Development Coordination Section to determine the details of the shared-use path connections at the property boundaries. No shared-use path is required along the northern site frontage of Shingle Point Road.
  - g. ADA compliant curb ramps and crosswalks should be provided at all pedestrian crossings, including all site entrances. Type 3 curb ramps are discouraged.
  - h. Internal sidewalks for pedestrian safety and to promote walking as a viable transportation alternative should be constructed within the development. These sidewalks should each be a minimum of five-feet wide (with a minimum of a five-foot



buffer from the roadway) and should meet current AASHTO and ADA standards. Internal sidewalks in the development should connect to the proposed shared-use paths along Delaware Route 30 and Shingle Point Road.

- i. Access-ways should be used to connect shared-use paths or sidewalks along a road to an interior trail or subdivision street when the spacing between streets is inadequate to accommodate convenient pedestrian and bicycle travel. Based on the Office of State Planning Coordination PLUS review (August 20, 2018), two access-ways are recommended, both on Shingle Point Road. One would be near the northern limit of the site frontage and the other near the southern limit of the site frontage. The developer should coordinate with DelDOT's Development Coordination Section during the site plan review to determine exact locations and design details for these access-ways.
- j. Where internal sidewalks are located alongside of parking spaces, a buffer should be added to prevent vehicular overhang onto the sidewalk.

Improvements in this TIS may be considered "significant" under DelDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT's website at [http://deldot.gov/Publications/manuals/de\\_mutcd/index.shtml](http://deldot.gov/Publications/manuals/de_mutcd/index.shtml).

Please note that this review generally focuses on capacity and level of service issues; additional safety and operational issues will be further addressed through DelDOT's site plan review process.

Additional details on our review of this TIS are attached. Please contact me at (610) 640-3500 or through e-mail at [ajparker@mccormicktaylor.com](mailto:ajparker@mccormicktaylor.com) if you have any questions concerning this review.

Sincerely,

**McCormick Taylor, Inc.**

A handwritten signature in black ink, appearing to read "Andrew J. Parker".

Andrew J. Parker, PE, PTOE  
Project Manager

Enclosure

**General Information**

**Report date:** July 17, 2019

**Prepared by:** The Traffic Group, Inc.

**Prepared for:** Natelli Communities

**Tax parcel:** 135-11.00-32.01, part of 48.00, 49.00, and 56.00

**Generally consistent with DelDOT's Development Coordination Manual:** Yes

**Project Description and Background**

**Description:** The proposed Azalea Woods development consists of 610 single-family detached homes.

**Location:** The site is located north of US Route 9, west of Delaware Route 30 (Gravel Hill Road / Sussex Road 248) and east of Shingle Point Road (Sussex Road 249) in unincorporated Sussex County. A site location map is included on page 10.

**Amount of land to be developed:** approximately 316 acres

**Land use approval(s) needed:** Subdivision approval. The land is currently zoned AR-1 (Agricultural Residential). No rezoning is needed or sought to permit the proposed development.

**Proposed completion year:** 2032

**Proposed access locations:** Two full-access driveways are proposed. One full movement access is proposed on Shingle Point Road opposite Briarwood Lane. The second full access movement is proposed along Delaware Route 30 opposite Pettyjohn Road (Sussex Road 255).

**Daily Traffic Volumes (per DelDOT Traffic Summary 2018):**

- 2018 Average Annual Daily Traffic on Delaware Route 30: 5,449 vehicles/day
- 2018 Average Annual Daily Traffic on Shingle Point Road: 1,220 vehicles/day



## **2015 Delaware Strategies for State Policies and Spending**

### **Location with respect to the Strategies for State Policies and Spending Map of Delaware:**

The proposed Azalea Woods residential development is located within Investment Level 4.

#### *Investment Level 4*

Investment Level 4 areas are predominantly rural or agricultural and contain much of Delaware's open space and natural areas. These areas are home to agribusiness activities, farm complexes, and small settlements/unincorporated communities that are often found at historic crossroads. Investment Level 4 areas may also have scattered single-family detached residential homes. Existing transportation facilities and services will be maintained by the state while they continue to manage the transportation system in a manner that will support the preservation of the natural environment and agricultural business. Construction of new homes is discouraged; housing policies will focus on maintenance and rehabilitation of existing homes and communities. In addition, the Department of Education does not support the construction of new educational facilities in Investment Level 4 areas. The educational needs of Investment Level 4 areas would likely need to be met through facilities located in Investment Level 1-3 areas.

In general, the state will limit its investments in public infrastructure systems; investments should address existing public health, safety, or environmental risks, preserve rural character and natural resources, and discourage further development that is unrelated to the area's needs.

### **Proposed Development's Compatibility with Strategies for State Policies and Spending:**

The proposed Azalea Woods residential development includes 610 single-family detached homes and is located within an Investment Level 4 area. New housing developments are discouraged in such areas. The state would be responsible for providing many public services to the residents of the development, such as school construction and transportation, police and fire/EMS services, and additional maintenance of the transportation system. Given the location of the development in an Investment Level 4 area, the state generally does not intend to make these significant investments. Rather, the state intends to support agricultural activities and protect the rural and natural character of these areas. Based on the *2015 Delaware Strategies for State Policies and Spending* document, the proposed development does not appear to be compatible with an Investment Level 4 area and additional discussion is required.

## **Comprehensive Plan**

### **Sussex County Comprehensive Plan:**

*(Source: Sussex County Comprehensive Plan, March 2019)*

The Sussex County Comprehensive Plan 2045 Future Land Use Map indicates that the proposed development parcels are within the Low Density Area (categorized as a Rural Area).

All lands designated as Low-Density Areas are currently zoned AR-1. Under that zoning designation, single family detached homes are permitted at 2 homes per acre on lots containing a minimum of ½ acre if that tract connects to central sewers. Where on-site septic systems are used, single-family detached homes are permitted on minimum ¾ acre lots. AR-1 zoning regulations



also permit an average of 2 homes per acre where a cluster-style site plan is used, and a portion of the tract is preserved in permanent open space. Using these zoning regulations and additional incentives, Sussex County hopes to retain the rural environment of Low Density Areas and set aside significant open space.

In Sussex County, many farmland owners located in the Low-Density Areas have built up significant equity in their land – in numerous cases through multiple generations. This is equity that is a liquid asset that can serve as collateral to secure operating loans. It is also equity that can be realized through land sales if and when these landowners no longer desire to continue farming. For this reason, the Sussex County Council supports State and local land use policies that will preserve the value of farmland. The Sussex County approach emphasizes the following policies and actions to help sustain agriculture, maintain the rural landscape and sustain reasonable development rights:

- The County strongly supports voluntary farmland preservation and has worked jointly with the State to facilitate the acquisition of development rights to agricultural land.
- The County uses zoning to mandate that a certain portion of a residential subdivision must be permanently preserved in common open space.
- The County provides density bonuses, under certain conditions, to developers who agree to pay into a fund that Sussex County uses to acquire open space.
- The County requires developers to plant landscaped buffers to physically separate new development from the surrounding countryside.
- The County is also considering establishing Agribusiness Areas which will enable certain limited, yet important agriculture industries to develop in support of Sussex County's large agricultural economy without unnecessary delay.
- The County supports continued agricultural operations and affords them specific protections as are listed in Sussex County Code Section 99 -6 (G)(1) and(2) and 99 -16 (D).

The following guidelines should apply to future growth in Low Density Areas:

*Permitted uses* – The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses.

*Densities* – Base densities in Low Density Areas should be unchanged from the current zoning provisions. The minimum lot size should be  $\frac{3}{4}$  acre for lots served by on-lot septic systems and  $\frac{1}{2}$  acre for lots with central sewers. The cluster option permitted in Low Density Areas should

continue to permit overall site densities of up to 2 units per acre, provided significant open space is set aside and the tract connects to public sewers.

*Infrastructure* – Development where lots are no smaller than  $\frac{3}{4}$  acre can be accommodated in this planning area without central sewers. Other development should require central sewer service.

**Proposed Development's Compatibility with Comprehensive Plan:** The proposed Azalea Woods residential development is planned to be developed as 610 single-family detached homes on a 316-acre assemblage of parcels. The site is currently zoned AR-1 (Agricultural Residential), and the developer plans to develop under that zoning as a Residential Cluster Community. The purpose of this zoning district is to protect agricultural lands and activities and other valuable natural resources. Low-density housing is permitted along with churches, recreational facilities, and accessory uses as may be necessary or is normally compatible with residential surroundings. The Sussex County Comprehensive Plan 2045 Future Land Use Map indicates that the proposed development parcels are within the Low Density Area (categorized as a Rural Area). The proposed development appears to comply with the characteristics and *Permitted Uses* for Low Density Areas. However, due to the possibility of some lots being smaller than  $\frac{1}{2}$  acre, this development raises questions regarding consistency with Sussex County regulations; therefore additional discussion may be required.

#### **Relevant Projects in the DeIDOT Capital Transportation Program**

DeIDOT has three projects within the study area. The first is the Georgetown East Gateway Improvements project (aka Sand Hill Road Realignment Project), which will improve the existing intersection geometry of US Route 9 and Sand Hill Road/Airport Road (State Road 319). Sand Hill Road and Airport Road presently intersect US Route 9 at skewed angles at offset locations. The improvements will realign Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, add turn lanes, add pedestrian and bicycle facilities, and improve drainage. Final design and right of way acquisition are underway. Utility relocations will begin in the spring of 2020. Construction is anticipated to begin in the summer of 2020.

The second project is Park Avenue Relocation – Phase 2, which involves improvements along Park Avenue (Sussex Road 321) from the Park Avenue Relocation – Phase 1 project up to the signalized intersection with US Route 9, which will be reconstructed to provide a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9, along with signal upgrades. The Phase 2 project is within the Azalea Woods study area, while the Phase 1 project is located southwest of the Azalea Woods study area. Phase 1 will relocate part of Park Avenue, a designated truck bypass through Georgetown, and upgrade another part of Park Avenue with appropriate turn lanes, shoulders, and intersection improvements. Phase 2 will consist of the improvements along the existing Park Avenue from where the Phase 1 relocation ties in west of Cedar Lane all the way up to US Route 9. Both phases of the project will combine to provide a continuous US Route 9 Truck Bypass from US Route 113 to US 9 east of the Town of Georgetown. This project is currently in the design and planning stage. Construction of Phase 1 is anticipated to begin in the fall of 2022. Construction of Phase 2 is anticipated to begin in 2023.

The third project is DeIDOT's HSIP SC, US 9 and SR 5 Intersection project. This project, initiated by the 2009 Hazard Elimination Program, is located at the intersection of US Route 9 and Delaware Route 5 and it involves widening the intersection to provide turn lanes on each leg to address safety and operational issues and to accommodate large vehicles. Construction was underway in early 2019 and was substantially complete by September 2019.

**Trip Generation**

Trip generation for the proposed development was computed using comparable land uses and equations contained in Trip Generation, Tenth Edition, published by the Institute of Transportation Engineers (ITE). The following land use was utilized to estimate the amount of new traffic generated for this development:

- 610 single-family detached homes (ITE Land Use Code 210)

Table 1  
AZALEA WOODS PEAK HOUR TRIP GENERATION

Land Use	Weekday AM Peak Hour			Weekday PM Peak Hour		
	In	Out	Total	In	Out	Total
610 Single-Family Homes	109	329	438	363	213	576

Table 2  
AZALEA WOODS DAILY TRIP GENERATION

Land Use	Weekday Daily		
	In	Out	Total
610 Single-Family Homes	2744	2744	5488

**Overview of TIS**

**Intersections examined:**

- 1) US Route 9 & Sand Hill Road / Airport Road
- 2) US Route 9 & Park Avenue
- 3) US Route 9 & Shingle Point Road / French Road
- 4) US Route 9 & Stiner Road (Sussex Road 320)
- 5) US Route 9 & Delaware Route 30
- 6) US Route 9 & Prettyman Road (Sussex Road 254)
- 7) US Route 9 & Delaware Route 5
- 8) Shingle Point Road & Briarwood Road (Sussex Road 253)
- 9) Shingle Point Road & Briarwood Lane / Site Access A
- 10) Park Avenue & Springfield Road (Sussex Road 47)
- 11) Delaware Route 30 & Huff Road (Sussex Road 252)

- 12) Delaware Route 30 & Shingle Point Road
- 13) Delaware Route 30 & Pettyjohn Road / Site Access B
- 14) Pettyjohn Road & Prettyman Road
- 15) Delaware Route 30 & Prettyman Road

**Conditions examined:**

- 1) 2018 existing (Case 1)
- 2) 2032 without Azalea Woods (Case 2)
- 3) 2032 with Azalea Woods (Case 3)

**Peak hours evaluated:** Weekday morning and evening peak hours

**Committed developments considered:**

- 1) Sand Hill Valley – 393 Single-family detached homes
- 2) Sports at the Beach – Nothing further to be built out at this time
- 3) Sussex County Sports Complex – 10 soccer fields
- 4) Cheer Life Care Village – 365 unit continuing care retirement community
- 5) Food Lion Shopping Center – Project not moving forward
- 6) Royal Farms #256 – 5,166 sf super convenience market with gas
- 7) Besche Property – 287 unit multifamily housing, low-rise
- 8) Two Farms, Inc. Retail Site – 14,950 sf retail

**Intersection Descriptions**

**1) US Route 9 & Sand Hill Road / Airport Road**

**Type of Control:** signalized

**Eastbound Approach:** (US Route 9) one left-turn lane and one shared through/right-turn lane

**Westbound Approach:** (US Route 9) one left-turn lane and one shared through/right-turn lane

**Northbound Approach:** (Airport Road) one shared left-turn/through/right-turn lane

**Southbound Approach:** (Sand Hill Road) one shared left-turn/through/right-turn lane

**2) US Route 9 & Park Avenue**

**Type of Control:** signalized

**Eastbound Approach:** (US Route 9) one shared through/right-turn lane

**Westbound Approach:** (US Route 9) one shared left-turn/through lane

**Northbound Approach:** (Park Avenue) one shared left-turn/right-turn lane

**3) US Route 9 & Shingle Point Road / French Road**

**Type of Control:** two-way stop

**Eastbound Approach:** (US Route 9) one shared left-turn/through/right-turn lane

**Westbound Approach:** (US Route 9) one shared left-turn/through/right-turn lane

**Northbound Approach:** (French Road) one shared left-turn/through/right-turn lane, stop control

**Southbound Approach:** (Shingle Point Road) one shared left-turn/through/right-turn lane, stop control

**4) US Route 9 & Stiener Road**

**Type of Control:** one-way stop (T-intersection)

**Eastbound Approach:** (US Route 9) one shared through/right-turn lane

**Westbound Approach:** (US Route 9) one shared left-turn/through lane

**Northbound Approach:** (Stiener Road) one shared left-turn/right-turn lane, stop control

**Southbound Approach:** (private business driveway) one shared left-turn/right-turn lane, stop control

**5) US Route 9 & Delaware Route 30**

**Type of Control:** signalized

**Eastbound Approach:** (US Route 9) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane

**Westbound Approach:** (US Route 9) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane

**Northbound Approach:** (Delaware Route 30) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane

**Southbound Approach:** (Delaware Route 30) one left-turn lane, one through lane, one bicycle lane, and one yield control right-turn lane

**6) US Route 9 & Prettyman Road**

**Type of Control:** one-way stop

**Eastbound Approach:** (US Route 9) one shared left-turn/through lane

**Westbound Approach:** (US Route 9) one through lane and one right-turn lane

**Southbound Approach:** (Prettyman Road) one shared left-turn/right-turn lane, stop controlled

**7) US Route 9 & Delaware Route 5**

**Type of Control:** signalized (recently improved)

**Eastbound Approach:** (US Route 9) one left-turn lane, one shared through/right-turn lane, and one bicycle lane

**Westbound Approach:** (US Route 9) one left-turn lane, one shared through/right-turn lane, and one bicycle lane

**Northbound Approach:** (Delaware Route 5) one left-turn lane and one shared through/right-turn lane

**Southbound Approach:** (Delaware Route 5) one left-turn lane, one shared through/right-turn lane, and one bicycle lane

**8) Shingle Point Road & Briarwood Road**

**Type of Control:** one-way stop (T-intersection)

**Eastbound Approach:** (Briarwood Road) one shared left-turn/right-turn lane, stop controlled

**Northbound Approach:** (Shingle Point Road) one shared left-turn/through lane

**Southbound Approach:** (Shingle Point Road) one shared through/right-turn lane

**9) Shingle Point Road & Briarwood Lane / Site Access A**

**Type of Control:** existing one-way stop (T-intersection); proposed two-way stop (four-leg intersection)

**Eastbound Approach:** (Briarwood Lane) existing one shared left-turn/right-turn lane; proposed shared left-turn/through/right-turn lane, stop control

**Westbound Approach:** (Site Access A) proposed one shared left-turn/through/right-turn lane, stop control

**Northbound Approach:** (Shingle Point Road) existing one shared left-turn/through lane; proposed one shared left-turn/through and one right-turn lane

**Southbound Approach:** (Shingle Point Road) existing one shared through/right-turn lane; proposed one left-turn and one shared through/right-turn lane

**10) Park Avenue & Springfield Road**

**Type of Control:** existing one-way stop (T-intersection)

**Westbound Approach:** (Springfield Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Park Avenue) one shared through/right-turn lane

**Southbound Approach:** (Park Avenue) one shared left-turn/through lane

**11) Delaware Route 30 & Huff Road**

**Type of Control:** one-way stop (T-intersection)

**Eastbound Approach:** (Huff Road) One shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared left-turn/through lane

**Southbound Approach:** (Delaware Route 30) one shared through/right-turn lane

**12) Delaware Route 30 & Shingle Point Road**

**Type of Control:** two-way stop controlled

**Eastbound Approach:** (Shingle Point Road) one shared left-turn/right-turn lane, stop control

**Westbound Approach:** (Shingle Point Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared left-turn/through lane (southern section) and one shared through/right-turn lane (northern section)

**Southbound Approach:** (Delaware Route 30) one shared through/left-turn lane (northern section) and one shared through/right-turn lane (southern section)

**13) Delaware Route 30 & Pettyjohn Road / Site Access B**

**Type of Control:** existing one-way stop; proposed two-way stop

**Eastbound Approach:** (Site Access B) proposed one shared left-turn/through/right-turn lane, stop control

**Westbound Approach:** (Pettyjohn Road) existing one shared left-turn/right-turn lane, stop control; proposed one shared left-turn/through/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) existing one shared through/right-turn lane; proposed one left-turn lane and one shared through/right-turn lane

**Southbound Approach:** (Delaware Route 30) existing one shared left-turn/through lane; proposed one shared left-turn/through lane and one right-turn lane

**14) Pettyjohn Road & Prettyman Road**

**Type of Control:** two-way stop (four-leg intersection)

**Eastbound Approach:** (Prettyman Road) one shared left-turn/through/right-turn lane

**Westbound Approach:** (Prettyman Road) one shared left-turn/through/right-turn lane

**Northbound Approach:** (Pettyjohn Road) one shared left-turn/through/right-turn lane, stop control

**Southbound Approach:** (Pettyjohn Road) one shared left-turn/through/right-turn lane, stop control

**15) Delaware Route 30 & Prettyman Road**

**Type of Control:** one-way stop

**Westbound Approach:** (Prettyman Road) one shared left-turn/right-turn lane, stop control

**Northbound Approach:** (Delaware Route 30) one shared through/right-turn lane

**Southbound Approach:** (Delaware Route 30) one shared left-turn/through lane

**Safety Evaluation**

**Crash Data:** Per current DelDOT policy, review of crash data was not conducted at this time.

**Sight Distance:** Sight distance issues were noted at three intersections during a September 10, 2019 field investigation of the study area. Delaware Route 30 & Huff Road is located on a horizontal curve. Sight distance is limited looking left from northbound Huff Road. Sight distance at Pettyjohn Road & Prettyman Road is limited by trees and a utility pole, looking right from southbound Pettyjohn Road. Sight distance at Delaware Route 30 & Prettyman Road is limited by trees, looking left from westbound Prettyman Road.

**Transit, Pedestrian, and Bicycle Facilities**

**Existing transit service:** Based on the DART Bus Stop Map (accessed September 10, 2019), the Delaware Transit Corporation (DTC) operates Route 206 from Georgetown to Lewes, which has stops along US Route 9.

**Planned transit service:** TTG contacted a DTC representative, who indicated that no future service is planned at this time. The DTC representative stated the site is too far north of DART's current Route 206 to deviate for direct transit service.

**Existing bicycle and pedestrian facilities:** Several study area roadways are identified as “Bicycling Routes” on the *Sussex County Bicycle Map* published by DelDOT:

- US Route 9:
  - Regional Bicycle Route with bikeway
  - Over 5,000 vehicles daily
- Delaware Route 5: Regional bicycle route with bikeway
- Delaware Route 30: Regional bicycle route with bikeway
- Prettyman Road: Connector bicycle route without bikeway
- Sand Hill Road: Bicycle route with bikeway

There are no existing sidewalks or exclusive pedestrian facilities in the immediate areas of the proposed site entrances on Delaware Route 30 or Shingle Point Road. There are new sidewalks, pedestrian facilities and bike lanes at the US Route 9 & Delaware Route 5 intersection. There are also bike lanes on all four approaches at the US Route 9 & Delaware Route 30 intersection.

**Planned bicycle and pedestrian facilities:** The TIS states that a representative from DelDOT’s Local Systems Planning Section was contacted to determine requested accommodations for bicycles and pedestrians. It is requested that sidewalks be included at the entrances of the development to encourage walking and biking to Delaware Route 9. This would also allow for the possibility of future sidewalks along Pettyjohn Road, Delaware Route 30, and Shingle Point Road. It is also requested to have a pedestrian or bicycle connection to Shingle Point Road at the northern end of the property.

### **Previous Comments**

In a review letter dated July 3, 2019, DelDOT indicated that the revised Preliminary TIS was acceptable.

It appears that all substantive comments from DelDOT’s TIS Scoping Memorandum, Traffic Count Review, Preliminary TIS Review, Revised Preliminary TIS Review, and other correspondence were addressed in the Final TIS submission.

### **General HCS Analysis Comments**

*(see table footnotes on the following pages for specific comments)*

- 1) For signalized intersections, the TIS and McCormick Taylor applied heavy vehicle factors (HV) by lane group using existing data. The TIS and McCormick Taylor generally assumed future HV to be the same as existing HV at all intersections. There are some discrepancies between the TIS and McCormick Taylor’s heavy vehicle factor calculations. Both the TIS and McCormick Taylor assumed 3% HV for future movements to and from the proposed site access points (as per DelDOT’s Development Coordination Manual).
- 2) For existing conditions, the TIS and McCormick Taylor determined overall intersection peak hour factors (PHF) for each intersection. As per the DelDOT Development Coordination Manual, existing PHFs are generally applied to future conditions as well.



- 3) For analyses of signalized intersections, McCormick Taylor used a base saturation flow rate of 1,750 pc/hr/ln per DelDOT's Development Coordination Manual.
- 4) The TIS and McCormick Taylor used different Right Turn on Red and pedestrian volumes when analyzing some intersections. All volumes for McCormick Taylor's analyses were taken directly from traffic counts in Appendix A of the TIS.
- 5) The TIS and McCormick Taylor used different signal timings when analyzing the signalized intersections in some cases.
- 6) For analyses of all intersections, the TIS assumed 0% grade for all movements. McCormick Taylor utilized field data for existing grades and assumed future grades to be the same.
- 7) McCormick Taylor utilized new signal phasing and roadway improvements when analyzing US Route 9 & Delaware Route 5. The Traffic Group utilized both old and updated signal timings and roadway layouts for existing, background, and total scenarios.

Table 3  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>1</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Sand Hill Road / Airport Road</b>				
2018 Existing (Case 1)	E (66.3)	E (77.6)	D (49.8)	F (79.8)
2032 without Azalea Woods (Case 2)	F (173.4)	F (252.0)	F (103.0)	F (173.1)
2032 with Azalea Woods (Case 3)	F (199.0)	F (276.2)	F (122.7)	F (193.4)
2032 with Azalea Woods (Case 3) <i>with East Gateway Improvements Project</i> <sup>2</sup>	D (39.7)	D (50.7)	D (41.9)	D (54.9)

<sup>1</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>2</sup> Proposed improvements as part of the DelDOT project include realigning Sand Hill Road and Airport Road to intersect US Route 9 at one location at an improved angle, adding turn lanes, adding pedestrian and bicycle facilities, and improving drainage. The northbound and southbound approaches would each have one shared left/through lane and one right-turn lane, the westbound US Route 9 would have one left-turn lane, one through lane and one channelized right-turn lane, and the eastbound US Route 9 approach would have two left-turn lanes, one through lane and one channelized right-turn lane.

Table 4  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>3</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Park Avenue</b>				
2018 Existing (Case 1)	F (129.4)	F (114.5)	F (157.5)	F (137.0)
2032 without Azalea Woods (Case 2)	F (545.1)	F (673.9)	F (759.4)	F (905.5)
2032 with Azalea Woods (Case 3)	F (754.6)	F (1554)	F (1135.1)	F (3456.9)
2032 with Azalea Woods (Case 3) <i>with Park Avenue Relocation – Phase 2</i> <sup>4</sup>	D (44.4)	D (46.1)	D (42.4)	D (52.3)

<sup>3</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>4</sup> Proposed improvements as part of the DelDOT project include adding a westbound left-turn lane and a northbound right-turn lane with acceleration lane onto eastbound US Route 9.

Table 5  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>5</sup> Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Shingle Point Road / French Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (10.0)	B (11.0)	B (10.1)	B (10.9)
Westbound Left	B (10.3)	A (8.9)	A (9.3)	A (8.9)
Northbound Left/Through/Right	E (38.8)	D (28.1)	E (36.1)	D (26.4)
Southbound Left/Through/Right	C (21.8)	D (27.1)	C (23.7)	D (30.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (11.7)	B (14.1)	B (11.8)	B (13.9)
Westbound Left	B (11.5)	A (9.8)	B (10.2)	A (9.8)
Northbound Left/Through/Right	F (94.4)	F (94.7)	F (85.2)	F (85.2)
Southbound Left/Through/Right	E (47.2)	F (113.0)	F (59.4)	F (172.6)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (12.4)	C (18.0)	B (12.6)	C (17.8)
Westbound Left	B (11.5)	A (9.9)	B (10.3)	A (9.9)
Northbound Left/Through/Right	F (133.1)	F (***)	F (120.5)	F (***)
Southbound Left/Through/Right	F (1589)	F (***)	F (2122.1)	F (***)
2032 with Azalea Woods (Case 3) With Improvement Option 1 <sup>6</sup>				
Eastbound Left	N/A	N/A	B (12.6)	C (17.8)
Westbound Left	N/A	N/A	B (10.3)	A (9.9)
Northbound Left/Through/Right	N/A	N/A	F (120.5)	F (***)
Southbound Left/Through/Right	N/A	N/A	F (501.4)	F (***)
2032 with Azalea Woods (Case 3) With Improvement Option 2 <sup>7</sup>				
Eastbound Left	N/A	N/A	B (12.6)	C (17.8)
Westbound Left	N/A	N/A	N/A	N/A
Northbound Right	N/A	N/A	C (16.3)	C (16.2)
Southbound Left/Right	N/A	N/A	F (68.7)	F (73.2)

\*\*\* Delay is too great to be calculated by HCS

<sup>5</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>6</sup> Improvement Option 1 adds a separate right-turn lane on the southbound approach of Shingle Point Road.

<sup>7</sup> Improvement Option 2 includes Improvement Option 1 and reconfigures US Route 9 with eastbound left-turn lane and an eastbound median acceleration lane for use by southbound left-turn drivers, thereby reducing conflicts and delays. For analysis purposes, this median lane is assumed to have storage for 2 southbound-left turn vehicles. The downstream acceleration lane would be separated from the upstream eastbound left-turn lane by a concrete channelization island. The northbound French Road approach to US Route 9 would be converted to right-in/right-out.

Table 6  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>8</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Stiener Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (9.4)	A (9.9)	A (9.4)	A (9.9)
Westbound Left	A (9.1)	A (8.9)	A (9.1)	A (8.9)
Northbound Left/Through/Right	D (30.9)	D (26.1)	D (32.9)	D (27.8)
Southbound Left/Through/Right	E (44.6)	C (24.9)	E (44.7)	C (24.9)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (10.5)	B (11.5)	B (10.5)	B (11.5)
Westbound Left	A (9.8)	A (9.8)	A (9.8)	A (9.8)
Northbound Left/Through/Right	F (56.8)	F (50.5)	F (62.4)	F (56.0)
Southbound Left/Through/Right	F (91.8)	E (49.9)	F (91.9)	F (50.0)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (10.7)	B (11.9)	B (10.7)	B (11.9)
Westbound Left	B (10.1)	B (10.1)	B (10.1)	B (10.1)
Northbound Left/Through/Right	F (65.5)	F (59.9)	F (72.5) <sup>9</sup>	F (67.0) <sup>9</sup>
Southbound Left/Through/Right	F (108)	F (60.3)	F (107.8) <sup>9</sup>	F (60.4) <sup>9</sup>

<sup>8</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>9</sup> 95<sup>th</sup> percentile queue length is anticipated to be less than 1 vehicle (25 feet).

Table 7  
Peak Hour Levels of Service (LOS)  
*Based on Azalea Woods Traffic Impact Study – July 2019*  
*Prepared by The Traffic Group, Inc.*

Signalized Intersection <sup>10</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
US 9 & DE 30				
2018 Existing (Case 1)	C (25.8)	C (28.9)	C (27.5)	C (34.3)
2032 without Azalea Woods (Case 2)	D (53.4)	F (84.9)	E (60.8)	F (90.6)
2032 with Azalea Woods (Case 3)	E (65.7)	F (103.2)	E (72.0)	F (108.3)
2032 with Azalea Woods (Case 3) <i>with Modified Signal Timings</i>	D (44.6)	E (78.9)	D (49.0)	E (72.8)

<sup>10</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 8  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>11</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; Prettyman Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (9.4)	B (10.1)	A (9.4)	B (10.1)
Southbound Left/Right	F (111.8)	F (71.4)	F (91.2)	F (61.3)
2032 without Azalea Woods (Case 2)				
Eastbound Left	B (10.5)	B (12.2)	B (10.5)	B (12.2)
Southbound Left/Right	F (603.0)	F (502.1)	F (498.9)	F (406.2)
2032 with Azalea Woods (Case 3)				
Eastbound Left	B (10.6)	B (12.9)	B (10.6)	B (12.9)
Southbound Left/Right	F (986.9)	F (884.3)	F (833.6) <sup>12</sup>	F (731.8) <sup>13</sup>
2032 with Azalea Woods (Case 3) <i>With Improvement Option 1</i> <sup>14</sup>				
Eastbound Left	N/A	N/A	N/A	N/A
Southbound Left/Right	N/A	N/A	E (44.4) <sup>15</sup>	E (35.6) <sup>16</sup>

<sup>11</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>12</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 16 vehicles (400 feet).

<sup>13</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 10 vehicles (250 feet).

<sup>14</sup> Improvement Option 1 consists of widening US Route 9 and/or shifting lanes to create a median acceleration lane on eastbound US Route 9 for use by southbound left-turn drivers, thereby reducing conflicts and delays. For analysis purposes, this median lane is assumed to have storage for 2 southbound-left turn vehicles. The eastbound US Route 9 left-turn movement onto Prettyman Road would be restricted.

<sup>15</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 4 vehicles (100 feet).

<sup>16</sup> 95<sup>th</sup> percentile queue length is anticipated to be approximately 2 vehicles (50 feet).

Table 9  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Signalized Intersection <sup>17</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>US 9 &amp; DE 5</b> <sup>18</sup>				
2018 Existing (Case 1)	E (60.1)	E (65.1)	E (65.7)	D (50.0)
2032 without Azalea Woods (Case 2)	F (198.9)	F (240.7)	N/A	N/A
<i>With DelDOT Project &amp; New Signal Timing</i>	F (155.4)	F (155.7)	F (180.2)	F (175.1)
2032 with Azalea Woods (Case 3)	F (223.7)	F (279.4)	N/A	N/A
<i>With DelDOT Project &amp; New Signal Timing</i>	F (183.9)	F (189.6)	F (211.9)	F (210.5)
<i>With DelDOT Project &amp; Modified Signal Timings</i>	F (116.9)	F (120.1)	N/A	N/A
<i>With Additional Through Lane on US Route 9 in Each Direction</i>	N/A	N/A	D (38.7)	D (37.7)

<sup>17</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>18</sup> As DelDOT's HSIP SC, US 9 and SR 5 Intersection project was substantially complete when McCormick Taylor conducted a review of this TIS, McCormick Taylor's analyses are based on the completed/improved intersection configuration and signal phasing for all scenarios. The TIS ran analyses of both the previously existing unimproved condition and the improved condition at this intersection for all scenarios.



Table 10  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>19</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Shingle Point Road &amp; Briarwood Road</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	A (9.7)	A (9.9)	A (9.8)	B (10.1)
Northbound Left	A (7.5)	A (7.5)	A (7.5)	A (7.5)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	A (9.8)	B (10.1)	A (9.9)	B (10.2)
Northbound Left	A (7.5)	A (7.5)	A (7.5)	A (7.5)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	B (10.4)	B (10.4)	B (10.5)	B (10.5)
Northbound Left	A (7.7)	A (7.7)	A (7.7)	A (7.7)

<sup>19</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 11  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>20</sup> Existing One-Way Stop Proposed Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Shingle Point Road &amp; Briarwood Lane / Site Access A</b>				
2018 Existing (Case 1)				
Eastbound Left/Through/Right	A (9.5)	A (9.3)	A (9.5)	A (9.3)
Northbound Left	A (7.7)	A (7.5)	A (7.7)	A (7.5)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Through/Right	A (9.6)	A (9.3)	A (9.6)	A (9.3)
Northbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Through/Right	B (10.4)	B (10.1)	B (10.4)	B (10.1)
Westbound Left/Through/Right	B (12.9)	B (11.5)	B (12.9)	B (11.5)
Northbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
Southbound Left	A (7.5)	A (7.9)	A (7.5)	A (7.9)

<sup>20</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 12  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>21</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Park Avenue &amp; Springfield Road</b>				
2018 Existing (Case 1)				
Westbound Left/Right	D (25.5)	C (23.7)	D (27.2)	D (25.2)
Southbound Left	A (8.0)	A (8.5)	A (8.0)	A (8.5)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	D (34.9)	D (31.3)	E (38.4)	D (34.2)
Southbound Left	A (8.1)	A (8.6)	A (8.1)	A (8.6)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	E (41.1)	E (38.0)	E (43.7)	E (42.4)
Southbound Left	A (8.1)	A (8.6)	A (8.1)	A (8.8)
2032 with Azalea Woods (Case 3) <i>With Improvement Option 1</i> <sup>22</sup>				
Westbound Left/Right	N/A	N/A	D (31.4)	D (31.9)
Southbound Left	N/A	N/A	A (8.1)	A (8.8)

<sup>21</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

<sup>22</sup> Improvement Option 1 adds a separate right-turn lane to the westbound Springfield Road approach.

Table 13  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>23</sup> One-Way Stop (T-Intersection)	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Huff Road</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	B (11.3)	B (10.7)	B (11.3)	B (11.0)
Northbound Left	A (8.0)	A (7.9)	A (8.2)	A (8.0)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	C (16.8)	C (17.0)	B (12.2)	C (18.6)
Northbound Left	A (8.2)	A (8.4)	A (8.5)	A (8.6)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	C (18.8)	C (19.9)	B (12.9)	C (22.5)
Northbound Left	A (8.2)	A (8.7)	A (8.5)	A (8.8)

<sup>23</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 14  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>24</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Shingle Point Road North</b>				
2018 Existing (Case 1)				
Westbound Left/Right	B (14.0)	B (13.7)	B (14.0)	B (13.7)
Southbound Left	A (7.6)	A (7.8)	A (7.6)	A (7.8)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	C (17.1)	C (17.3)	C (17.1)	C (17.3)
Southbound Left	A (7.7)	A (8.1)	A (7.7)	A (8.1)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	C (19.7)	C (22.3)	C (19.7)	C (22.3)
Southbound Left	A (7.9)	A (8.2)	A (7.9)	A (8.2)

<sup>24</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 15  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>25</sup>	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Shingle Point Road South</b>				
2018 Existing (Case 1)				
Eastbound Left/Right	B (13.2)	C (15.7)	B (12.7)	B (14.6)
Northbound Left	A (8.3)	A (7.8)	A (8.3)	A (7.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Right	C (15.8)	C (21.7)	C (15.8)	C (19.2)
Northbound Left	A (8.6)	A (8.0)	A (8.6)	A (8.0)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Right	C (19.9)	D (29.3)	C (18.1)	C (24.5)
Northbound Left	A (8.6)	A (8.2)	A (8.6)	A (8.2)

<sup>25</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 16  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>26</sup> Existing One-Way Stop Proposed Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Pettyjohn Road / Site Access B</b>				
2018 Existing (Case 1)				
Eastbound Left/Through/Right	-	-	-	-
Westbound Left/Through/Right	B (11.2)	B (11.4)	B (10.9)	B (12.0)
Northbound Left	-	-	-	-
Southbound Left	A (7.6)	A (7.7)	A (7.6)	A (7.8)
2032 without Azalea Woods (Case 2)				
Eastbound Left/Through/Right	-	-	-	-
Westbound Left/Through/Right	B (13.0)	B (13.6)	B (12.6)	B (14.9)
Northbound Left	-	-	-	-
Southbound Left	A (7.8)	A (8.0)	A (7.8)	A (8.1)
2032 with Azalea Woods (Case 3)				
Eastbound Left/Through/Right	C (18.4)	C (18.1)	C (16.4)	C (20.7)
Westbound Left/Through/Right	C (17.7)	C (22.8)	C (16.8)	D (28.6)
Northbound Left	A (8.1)	A (8.2)	A (8.0)	A (8.3)
Southbound Left	A (7.8)	A (8.0)	A (7.8)	A (8.1)

<sup>26</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

Table 17  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>27</sup> Two-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>Prettyman Road &amp; Pettyjohn Road</b>				
2018 Existing (Case 1)				
Eastbound Left	A (7.7)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.3)	A (7.5)	A (7.3)
Northbound Left/Through/Right	B (10.7)	B (10.5)	A (10.0)	B (10.5)
Southbound Left/Through/Right	A (9.7)	A (10.0)	B (10.2)	B (10.0)
2032 without Azalea Woods (Case 2)				
Eastbound Left	A (7.4)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.3)	A (7.4)	A (7.3)
Northbound Left/Through/Right	B (11.0)	B (10.7)	B (11.0)	B (10.7)
Southbound Left/Through/Right	A (9.9)	B (10.2)	A (9.9)	B (10.2)
2032 with Azalea Woods (Case 3)				
Eastbound Left	A (7.4)	A (7.5)	A (7.9)	A (7.5)
Westbound Left	A (8.5)	A (7.4)	A (7.5)	A (7.4)
Northbound Left/Through/Right	A (10.0)	B (10.8)	A (10.0)	B (10.8)
Southbound Left/Through/Right	B (10.2)	B (11.1)	B (10.2)	B (11.1)

<sup>27</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.



Table 18  
Peak Hour Levels of Service (LOS)  
Based on Azalea Woods Traffic Impact Study – July 2019  
Prepared by The Traffic Group, Inc.

Unsignalized Intersection <sup>28</sup> One-Way Stop	LOS per TIS		LOS per McCormick Taylor	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
<b>DE 30 &amp; Prettyman Road</b>				
2018 Existing (Case 1)				
Westbound Left/Right	A (9.5)	B (10.2)	A (9.5)	B (10.2)
Southbound Left	A (7.8)	A (7.9)	A (7.8)	A (7.8)
2032 without Azalea Woods (Case 2)				
Westbound Left/Right	A (9.9)	B (11.3)	B (10.1)	B (11.3)
Southbound Left	A (7.9)	A (8.1)	A (8.0)	A (8.1)
2032 with Azalea Woods (Case 3)				
Westbound Left/Right	B (10.2)	B (11.6)	B (10.4)	B (11.6)
Southbound Left	A (8.0)	A (8.2)	A (8.1)	A (8.2)

<sup>28</sup> For both unsignalized and signalized analyses, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds. For signalized analyses, LOS analysis results are given for only the overall intersection delay.

TAB “7”



OVER 100 YEARS OF SUPERIOR SERVICE

Artesian Wastewater Management   Artesian Utility Development   Artesian Water Pennsylvania  
Artesian Water Maryland   Artesian Wastewater Maryland

April 16, 2021

Mr. Matt Toback  
35 Rodney Avenue  
Dewey Beach, DE 19971

RE: Flex Park Tax Parcel Number 235-30.00-6.21 Ability to Serve Letter

With reference to your request concerning Water and Wastewater Service (collectively, "Service") for the proposed Flex Park Project on Route 9 and Prettyman Road in Broadkill Hundred, Sussex County, Delaware known as Tax Parcel Number 235-30.00-6.21 (the "Property"), please be advised as follows:

Subject to the following conditions, Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. (collectively, "Artesian") are willing and able to provide Service to the Property that meets all applicable State of Delaware, Delaware Department of Natural Resources and Environmental Control, and Sussex County standards. Artesian currently has the signed petitions for Services for Certificate of Public Convenience and Necessity ("CPCN") from the Delaware Public Service Commission (the "Commission"). Artesian is currently seeking CPCN approval from the Commission and Sussex County. CPCNs are necessary before Artesian can provide Service at the Property. If granted the Service CPCNs, Artesian will provide Service in accordance with Artesian's Commission approved tariffs, as amended from time to time.

Based on current conditions and subject to the development entity and Artesian entering Water and Wastewater Service Agreements (collectively, "Agreements") that addresses the financial terms of the provision of Service for the Property, in accordance with Artesian's tariff as approved by the Delaware Public Service Commission, Artesian is willing and able to provide the required Service for this Property.

This letter shall expire if Agreements are not executed within one year of the date of this letter.

Yours very truly,

**ARTESIAN WATER COMPANY, INC.**

A handwritten signature in black ink, appearing to read "Adam Gould".

Adam Gould  
Manager of Systems Planning and Design

TAB “8”

**ORDINANCE NO. 2830**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.68 ACRES, MORE OR LESS**

**WHEREAS, on the 19<sup>th</sup> day of May 2021, a zoning application, denominated Change of Zone No. 1944 was filed on behalf of Executive Lawn Property Management, LLC; and**

**WHEREAS, on the 13<sup>th</sup> day of January 2022, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1944 be approved; and**

**WHEREAS, on the 1<sup>st</sup> day of February 2022, 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 Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of AR-1 Agricultural Residential District and adding in lieu thereof the designation C-2 Medium Commercial 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 Broadkill Hundred, Sussex County, Delaware, and lying on the north side of Lewes Georgetown Highway (Route 9) approximately 0.55 mile west of Prettyman Rd. (S.C.R. 254) and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt LLC, said parcel containing 3.68 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. 2830 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 1<sup>ST</sup> DAY OF FEBRUARY 2022.**

---

**TRACY N. TORBERT  
CLERK OF THE COUNCIL**

The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:

- A. This is the application of Executive Lawn Management Property, LLC c/o John Huss to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 3.68 acres, more or less. (property lying on the north side of Lewes Georgetown Highway [Rt. 9] approximately 0.55 mile west of Prettyman Road [S.C.R. 254]) (911 Address: 25141 Lewes Georgetown Highway, Georgetown) (Tax Parcel: 235-30.00-6.20).
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Mackenzie M. Peet, Esquire, of Baird Mandalas Brockstedt LLC, together with Mr. Jay Huss, were present on behalf of the Applicant, Executive Lawn Management Property, LLC; that the Applicant requests a change of zone from AR-1 Agricultural Residential to C-2 Medium Commercial District; that Applicant is a family-run business that has seen steady growth since its formation in 2006; that Applicant purchased the property in 2017 after recognizing its need for more space than it had at its former site; that shortly after the purchase of the property, the Applicant pursued a Conditional Use; that Ordinance 2521 granted a Conditional Use of land for Applicant to operate its landscaping business with equipment storage; that currently the only request is for rezoning of the property; that the property presently operates as a landscape business with equipment storage permitted by a Conditional Use, Ordinance 2521; and that the Conditional Use was granted on September 26, 2017.
- C. Council found that, on October 1, 2021, the Applicant requested clarification of Condition A of the Conditions of Approval for the Conditional Use; that Condition A required the use to be limited to a landscaping business with equipment storage and prohibited retail sales to be conducted onsite; that the Applicant stated that, in addition to a landscape business, the Applicant would like to acquire stock of plants, off premises, to be kept, maintained, nurtured, treated and possibly repotted on premises with mature plants; that these plants will eventually be used in connection with the lawncare and landscaping business and sold to the public from the premises; that in addressing the request, the Commission had to address if the additional business specific activity fell under the definition of a nursery; that counsel suggested Conditions of Approval for a Conditional Use cannot be prohibited for an otherwise permitted use in AR-1; that ultimately the Commission confirmed the Applicant could have a nursery as it is a permitted use on the site, as long as there was an agricultural step in the process of growing some of the plants to be sold; that this could include the growing of plants from seed or making the plants brought onsite larger; that the Commission concluded acquiring stocks of plants, off premise, to be kept and maintained, nurtured, treated, and possibly repotted on the premise and eventually using the mature plants in connection with the Applicant's lawn and landscape business, or sold to the public, did fall within the definition of a nursery; that this therefore was a permitted activity; that certain types of retail sales are not permitted in an AR-1 District; and that such activity includes the sale of material and resemble a use more like a garden center.
- D. Council also found that the Applicant understands the Conditional Use limited its ability to engage in wholesale retail activity; that the Applicant is interested in developing the site to operate an onsite garden center, which would include wholesale retail activity; that, rather than expanding on a use which is otherwise not permitted and without the authority to do so, the Applicant has requested that the property be rezoned to a C-2 Medium Commercial District in hopes of expanding the business; that the business has experienced steady growth since 2006; that the Applicant considers the growth to be rapid within the past two years in response to Sussex County's residential development and growing population; that the rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map; that it is located in an ideal location to be further developed which will support types of business which include C-2 related permitted uses; that the property is designated as a low density area where C-2 Medium Commercial District is an applicable zoning district; that Section 4.4.3 of the CDP Comprehensive

Development Plan details the permitted uses envisioned in a low density area; that these uses include agricultural, residential and development which is largely confined to businesses addressing the needs of agricultural and residential uses; and that the Future Land Use Map suggests that Route 9 will continue to develop commercially, with some parcels developing industrially.

- E. Council also found that the Applicant's business supports and serves residential uses by providing services to Sussex County homeowners and developers consistent with the Comprehensive Plan; that with increased development in the vicinity of Route 9 there will be an increased demand for residential services, such as those provided by the Applicant; that the purpose of the C-2 District includes supporting uses such as retail sales, performance of consumer services and permits a variety of retail and professional business; that C-2 Districts are primarily located near arterial and collector streets; and that wholesale retail nurseries for the sale of products is permitted for retail establishments which are less than 75,000 square feet.
- F. Council also found that the Comprehensive Plan confirms that commercial uses may be appropriate in low density areas depending on surrounding uses; that the property is located between commercially zoned properties, a couple miles west of the intersection of Route 5 and Route 9; that there are commercially zoned properties located to the east at the intersection of Route 30 and Route 9; that properties located at the intersections are zoned C-1, CR-1, MR and HI-1; that properties located in all directions are zoned AR-1 with residential and agricultural uses which the Applicant's business could serve; that such uses include Royal Farms and Besche Furniture; that there have been six Change of Zone Applications within a .5-mile radius of the property; that the proposed rezoning is compatible with the surrounding community; that the rezoning will not have a negative impact on land adjacent to the property and properties located in the vicinity of the site; and that for all the reasons stated, the proposed rezoning of the property from AR-1 to C-2 is consistent with the Comprehensive Plan and Future Land Use Map and it is appropriately located along Route 9 within the vicinity of commercial businesses, residential and other business uses.
- G. Based on the Planning & Zoning Commission's the Findings (1 through 8), Council found that:
1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
  2. The Applicant's property is currently zoned AR-1 along Route 9. It was previously approved for use as a landscape business in 2017 as Conditional Use No. 2093 and Ordinance No. 2521. The Applicant seeks to convert the existing conditional use to the C-2 Medium Commercial District to allow greater flexibility in his landscaping business and to allow more retail sales associated with that use to occur from the site. This is an appropriate location for C-2 zoning.
  3. C-2 Zoning at this location along Route 9 will benefit nearby residents of Sussex County by providing a commercial location for the Applicant's business. Nearby residents will not have to travel to Lewes, Milton, Long Neck, or Georgetown for the retail and service uses that can be provided at this site.
  4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
  5. The site is mostly in the "Low-Density Area" according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
  6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
  7. No parties appeared in opposition to the rezoning application.

**8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

**H. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this Application.**



TAB “9”



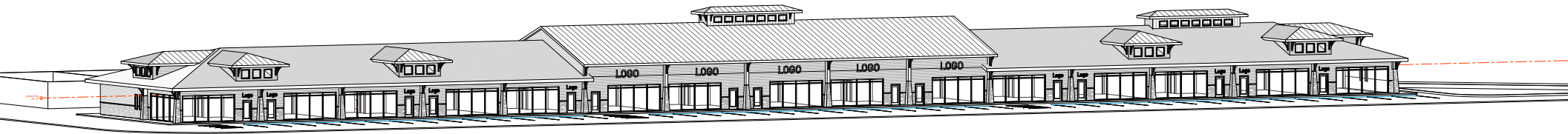
© 2023 Google

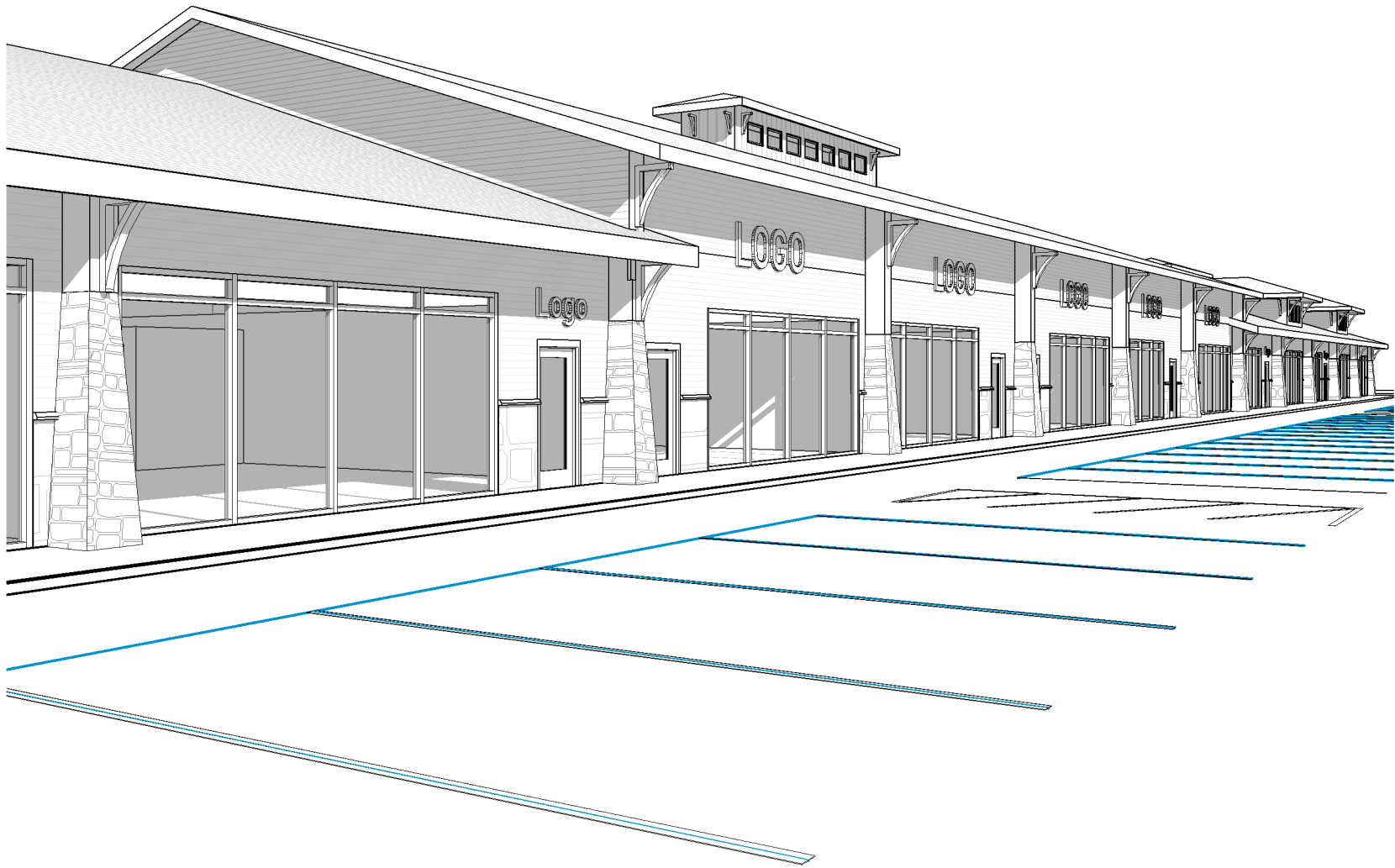
© 2023 Google

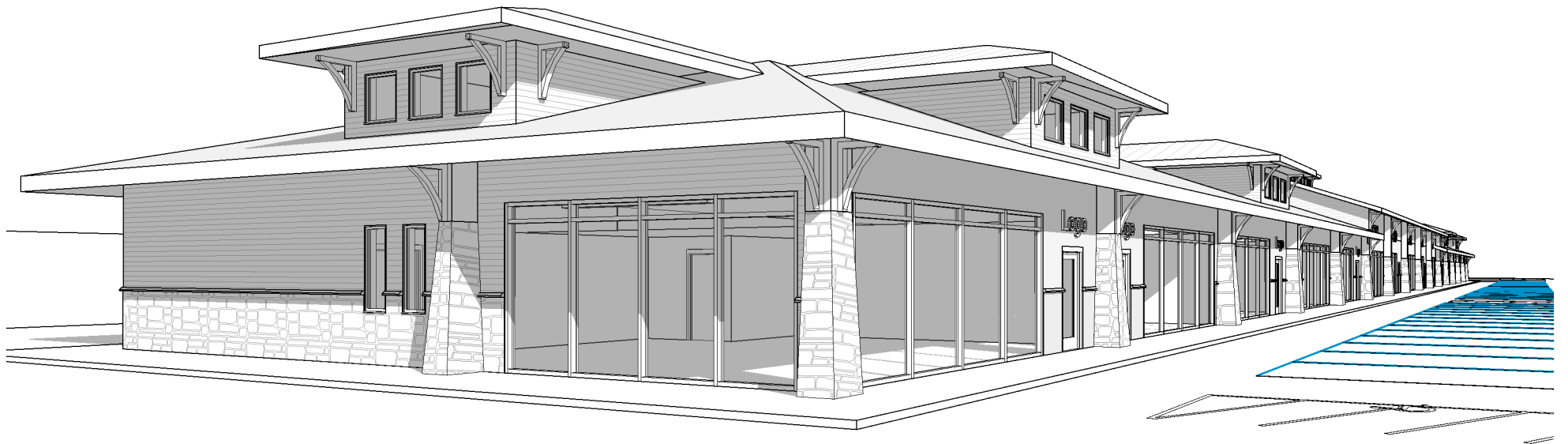
© 2022 Google

Google Earth

TAB “10”







TAB “11”

**TOBACK DEVELOPMENT, LLC**  
**Contractor Flex Space**  
**Conditional Use No. 2290**

**Conditional Use Application**

This application is made pursuant to Sussex County Code Article IV, § 115-22 and Article XXIV, § 115-171 *et seq.*, for a permit for a conditional use for 46,800 square feet of contractor flex space with office areas in the front and storage areas in the rear of each proposed unit.

The site proposed for the conditional use is identified, as follows:

All that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred located on the west side of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Prettyman Road (S.C.R. 254) and being further identified as Sussex County Tax Parcel 235-30.00-6.21.



**TOBACK DEVELOPMENT, LLC**  
**Contractor Flex Space**  
**Conditional Use No. 2290**

**PROPOSED FINDINGS OF FACT & CONDITIONS OF APPROVAL**

1. This is an application to grant a conditional use of land in an AR-1 (Agricultural Residential District) for 46,800 square feet of contractor flex space with office areas in the front and storage areas in the rear of each unit on 7.12± acres, in Broadkill Hundred located on the west side of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Prettyman Road (S.C.R. 254) and being further identified as Sussex County Tax Parcel 235-30.00-6.21 (the “Property”).

2. The applicant is Toback Development, LLC, the owner of the Property.

3. The purpose of this application is to create a location for two buildings containing 46,800 square feet of contractor flex spaces with an “office” or “store” area at the front of each unit with a storage area in the rear of each unit for contractor businesses serving the surrounding areas.

4. In the 2019 Sussex County Comprehensive Plan update, the Property is identified for purposes of future land use as being within a Low Density Area, a “rural area.” The properties that immediately surround this Property are also in the Low Density Area. The proposed project is consistent with the guidelines for projects within the Low Density Area as its purpose is to provide convenient areas for business addressing the needs of homes and property owners in this rapidly growing area of Sussex County.

5. The 2020 Delaware Strategies for State Policies and Spending identify the Property as being in an Investment Level 4 area, where the State does not intend to spend funds for infrastructure or other public services. The Property is within half a mile of the signalized intersection of the Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) which was recently expanded to include additional turn lanes. The proposed conditional use does not require public funds for the use of the Property.

6. The Property lies within a half mile of the intersection of Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) where there exists a mixture of commercially and residentially zoned properties. More specifically, the zoning classifications around the Property include the following: (1) Residential Zoning Districts: MR (Medium Residential District) and AR-1 (Agricultural Residential District); and (2) Commercial Zoning Districts: C-1 (General Commercial District), CR-1 (Commercial Residential District) and C-2 (Medium Commercial District) along with property zoned HI (Heavy Industrial).

7. The Property is not within a floodplain based upon FEMA Map Number 10005C0310L, dated June 20, 2018, as it is in an area designated as Zone “X” (unshaded), which is an area determined to be outside the 500-year floodplain.

8. There are no wetlands located on the Property.

9. Artesian Water Company, Inc. has a CPCN to provide potable water to the Property.

10. Artesian Wastewater Management, Inc. has a CPCN to provide sanitary sewer service to the Property.

11. Artesian Water Company, Inc. and Artesian Wastewater Management, Inc. have indicated that they are willing and able to provide public water, including fire protection, to the project along with public sewer.

12. DelDOT responded to the Service Level Evaluation Request and, pursuant to its Memorandum of Understanding for Land Development Coordination with Sussex County, found that the proposed conditional use would have a “Minor” impact on the local area roadways and that the Developer may pay an Area-Wide Study Fee in lieu of doing a Traffic Impact Study.

13. As the site plan is finalized, DelDOT’s approval, will be required to provide for safe vehicular and pedestrian movement within the site and onto Prettyman Road.

14. As a part of final site plan approval, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from the development and use of the Property.

15. The 2019 Comprehensive Plan describes the “Permitted Uses” in the Low Density Area on its 2045 Future Land Use Map as follows:

The primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation.

16. The proposed project creates a location close to the areas to be served by businesses addressing the needs of homes in the area, *i.e.*, providing goods and services to nearby residents. The intersection of Lewes Georgetown Highway (Delaware Route 9) and Harbeson Road (Delaware Route 5) is centrally located in rapidly growing areas of Sussex County and allows this Property and the proposed use to provide convenient access to goods and services for residents in Harbeson, Milton, Georgetown, Lewes and the surrounding areas.

17. The Property is located on one of the primary east-west corridors in Sussex County, a road designated as a Principal Arterial by DelDOT and a Major Arterial pursuant to Sussex County Code § 115-4.

18. The Delaware Route 9 corridor has numerous business and commercial activities reflected in the various commercial and business zoning classifications and uses along this Major Arterial.

19. With the conditions and limitations proposed by the applicant, the conditional use will not adversely affect the neighboring and adjacent properties.

20. The proposed use provides a convenient and central location to services that will benefit the residents and businesses of Sussex County. The intended use meets the general purpose of the Zoning Ordinance as a public or semi-public use, essential and desirable for the general convenience and welfare, orderly growth, convenience, order, prosperity and welfare of the County.

This recommendation of approval is subject to the following proposed conditions:

- A. The conditional use shall be limited to contractor flex space with office areas in the front and storage areas in the rear of each unit.
- B. There shall be no more than 46,800 square feet of contractor flex space.
- C. All work shall be performed indoors.
- D. There shall be no outside storage of materials.
- E. The hours of operation shall be limited to 6:00 a.m. through 7:00 p.m., Monday through Friday and 7:00 a.m. through 3 p.m. on Saturday. There shall be no Sunday hours.
- F. A twenty-foot (20') landscaped buffer shall be installed along the perimeter of the property.
- G. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
- H. Signage for the Property shall be limited to and comply with the following requirements:
  - a. One indirectly illuminated on-premises ground sign per street or road frontage per parcel, not to exceed 64 square feet of sign area per side; and
  - b. On-premises wall, illuminated awning, marquee, and projecting signs, not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater. In the case of a

shopping center, a group of stores or other business uses, or a multitenant building on a lot held in single or separate ownership, on-premises wall, illuminated awning, marquee, and projecting signs, not to exceed a total sign area of 150 square feet or 15% of the total square footage of the wall area on which the signs are located, whichever is greater, shall be permitted with respect to each building, separate store, separate storefront, or separate use.

- I. Any entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements and time periods.
- J. The Applicant shall submit as part of the Final Site Plan a landscape plan showing the proposed tree and shrub landscape design, including the buffer areas. The landscape plan shall also identify all "Limits of Disturbance" within the Property. These "Limits of Disturbance" shall be clearly marked on the Property itself.
- K. The Final Site Plan shall clearly show all areas for parking and these areas shall be clearly marked on the Property itself. There shall no parking within the Property's setbacks.
- L. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices.
- M. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- N. The applicant shall comply with all other statutes, laws ordinances, rules or regulations of any federal, state, county, or other governmental entity having subject matter jurisdiction over the proposed use of the Property.
- O. The Final Site Plan shall depict or note these conditions and shall be subject to the review and approval of the Planning and Zoning Commission.

**Letter of Support to Toback Development, LLC – Conditional Use No. 2290**

Sussex County Planning & Zoning,

3/20/2022

I am the owner of 26116 Prettyman Rd., Georgetown, DE 19947 [Tax Map #235-30.00-6.16] as of 5/18/2021, Devin Cornett.

I fully support Toback Development, LLC.'s plans for the development of the property adjacent to my residence and property.

Please feel free to reach out with any questions or needs at your convenience.

Devin Cornett

A handwritten signature in black ink that reads "Devin J. Cornett". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

26116 Prettyman Rd.

302-222-2666

DevinJCornett@gmail.com

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



# Sussex County

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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



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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: March 24<sup>th</sup>, 2022

Application: C/Z 1954 American Storage of Delaware, LLC

Applicant: American Storage of Delaware, LLC  
113 Dickinson Street  
Dewey Beach, DE 19971

Owner: American Storage of Delaware, LLC  
113 Dickinson Street  
Dewey Beach, DE 19971

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Heavy Commercial (C-3) District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

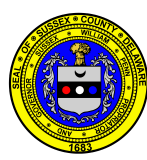
Sewer: Sussex County

Water: Tidewater

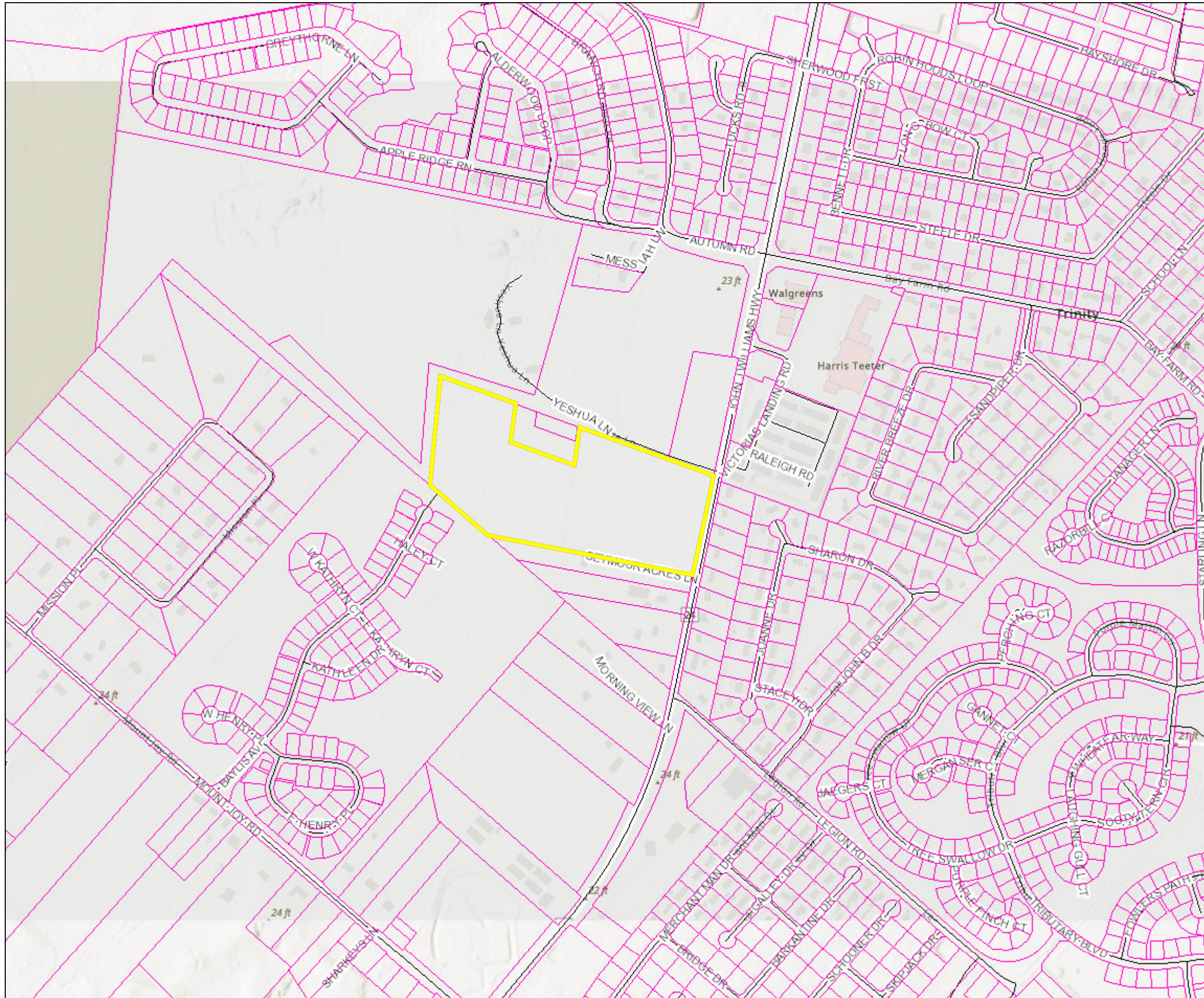
Site Area: 8.27 acres +/-

Tax Map ID.: (portion of) 234-29.00-49.02





# Sussex County



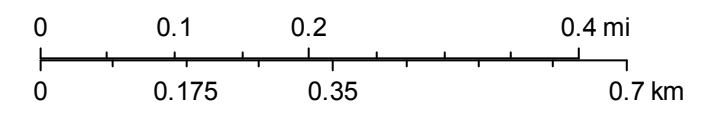
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

  - Override 1
  - Tax Parcels
  - Streets

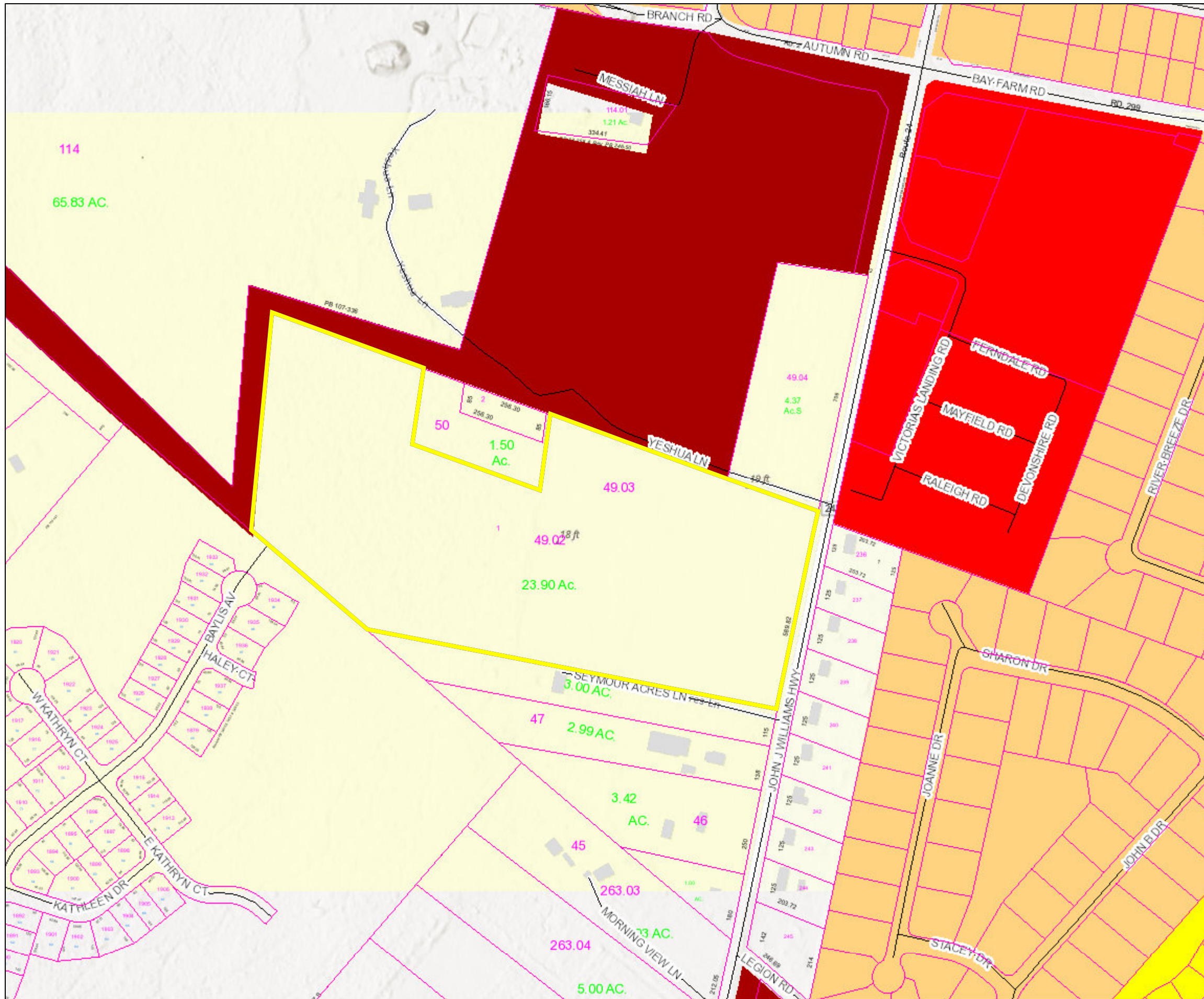
1:9,028







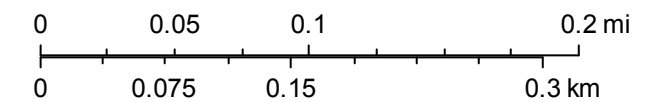
# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

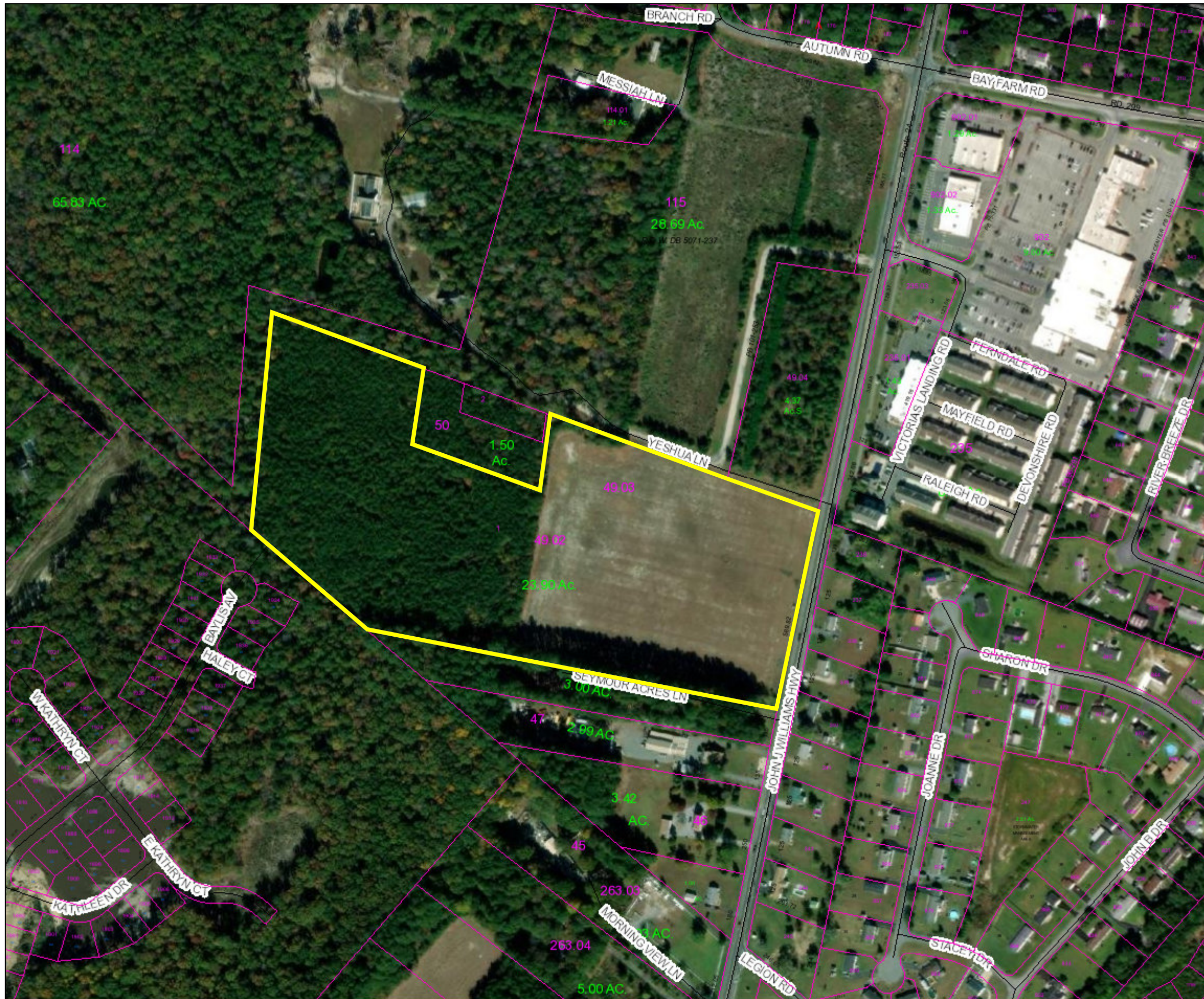
- polygonLayer  
 Override 1  
 polygonLayer  
 Override 1  
 Tax Parcels  
 Streets

1:4,514





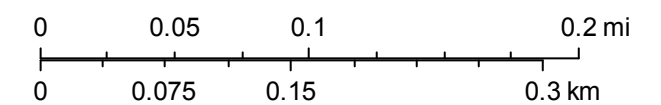
# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- ⋯ Tax Parcels
- Streets

1:4,514



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Michael Lowrey, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: February 21<sup>st</sup>, 2021  
RE: Staff Analysis for CZ 1954 American Storage of Delaware, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1954 American Storage of Delaware, LLC to be reviewed during the March 24, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 234-29.00-49.02 to allow for a change of zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District. The parcel is located on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). The parcel contains 23.90 acres +/-, with the portion of the parcel to be rezoned containing 8.27 acres +/- and is located at the front of the site adjacent to John J. Williams Highway.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south, and east also have the land use designation of Coastal Area with one (1) parcel to the northwest having a Future Land Use designation of Low Density.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed.

### Zoning Information

The property is zoned Agricultural Residential (AR-1). The adjacent parcels to the north of the subject property are zoned Agricultural Residential (AR-1) and Commercial Residential (CR-1) Zoning District and consist of an agricultural use with a homesite, a commercial use, and an unimproved parcel owned by the Delaware Department of Transportation. The properties to the



east across John J. Williams Highway are zoned Agricultural Residential (AR-1) and consist of single-family residential improvements and four properties on the eastern side of John J. Williams Highway (Route 24) containing a Future Land Use Map designation of “Commercial Area”. The parcels to the south of the subject properties are zoned Agricultural Residential (AR-1) with one containing a detached single-family dwelling and the other containing the Baylis Estates Cluster Subdivision.

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Heavy Commercial (C-3) District is listed as an applicable zoning district in the “Coastal Area.”

#### Existing Changes of Zone within the Vicinity of the Subject Site

Since 2011, there have been five (5) Change of Zone applications within a 0.25-mile radius of the application site. The first application is for Change of Zone No. 1788 Upesh Vyas for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Commercial Residential (CR-1) Zoning District. The application was approved by the Sussex County Council on December 1, 2015 and the change was adopted through Ordinance No. 2427. The second application is for Change of Zone No. 1880 Craig Kormanik for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on July 16, 2019 and the change was adopted through Ordinance No. 2669. The third application is for Change of Zone 1911 Schiff Land Development Co., LC (Mr. TJ Schiff) (Patriots Glen Phase 2) for a change of zone from Medium-Density (MR) Residential District and a Commercial Residential (CR-1) District to Medium-Density (MR-RPC) Residential District - Residential Planned Community. The application was approved by the Sussex County Council on April 20, 2021 and the change was adopted through Ordinance No. 2770. The fourth application is for Change of Zone 1940 Community Bank Delaware c/o Stephen W. Spence for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The application was approved by the Sussex County Council on February 1, 2022 and the change was adopted through Ordinance No. 2829. The last application is for Change of Zone No. 1791 Carillon Square Apartments, LLC for a change of zone from an Agricultural Residential (AR-1) Zoning District and a General Commercial (C-1) Zoning District to a High-Density (HR-1) Residential District. The application was approved by the Sussex County Council on April 12, 2016 and adopted through Ordinance No. 2444.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CZ 1954  
202114006

## Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

RECEIVED

SEP 22 2021

SUSSEX COUNTY  
PLANNING & ZONING

**Type of Application: (please check applicable)**

Conditional Use

Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

West Side of Rt. 24 (Long Neck Area)

**Type of Conditional Use Requested:**

This change of zone application seeks to change the zoning classification of the front eight (8) acres of Sussex County Tax Parcel No. 234-29.00-49.02 from AR-1 (Agricultural Residential District) to C-3 (Heavy Commercial District)

**Tax Map #:** p/o 234-29.00-49.02 **Size of Parcel(s):** 8.00 acres

**Current Zoning:** AR-1 **Proposed Zoning:** C-3 **Size of Building:** \_\_\_\_\_

**Land Use Classification:** Coastal Area (2019 FLUM)

**Water Provider:** Tidewater **Sewer Provider:** Sussex County

**Applicant Information**

**Applicant Name:** American Storage of Delaware, LLC

**Applicant Address:** 113 Dickinson Street

**City:** Dewey Beach **State:** DE **Zip Code:** 19971

**Phone #:** (202) 905-6706 **E-mail:** farmerslawyer@aol.com

**Owner Information**

**Owner Name:** same as applicant

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

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** David C. Hutt, Esq. | Morris James LLP

**Agent/Attorney/Engineer Address:** 107 W. Market St.

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

**Phone #:** (302) 856-0018 **E-mail:** dhutt@morrisjames.com



# Check List for Sussex County Planning & Zoning Applications


The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 8/12/2021

Signature of Owner

  
\_\_\_\_\_

Date: 8/12/21

For office use only:

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

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

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

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

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

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

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

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



**BAIRD  
MANDALAS  
BROCKSTEDT LLC**

Stephen W. Spence  
[sws@bmbde.com](mailto:sws@bmbde.com)  
(302)645-2262

February 15, 2022

RECEIVED

**VIA EMAIL**

Department of Planning & Zoning  
Director Jamie Whitehouse  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

FEB 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**RE: Change of Zone Applications and Conditional Use for American Storage of Delaware, LLC**  
**Tax Map Parcel Nos.: 234-29.00-48.02, 49.03 & 50.00**  
**CZ 1954: Change of Zone Application for 8.0 Acres from AR-1 to C-3**  
**CZ 1955: Change of Zone Application for 17.63 Acres from AR-1 to MR**  
**CU 2315: Conditional Use Application for Multi-Family Use on the MR area**

Director Whitehouse:

This letter confirms that Baird Mandalas Brockstedt LLC will be handling the above-referenced applications.

We also request a meeting with you or a member of Planning Staff to review the files associated with the applications. We are available for a meeting on February 28, 2022 between 11:00AM and 12:30PM. Please confirm your availability to meet with us then.

Should you have any questions, please contact us via email at [sws@bmbde.com](mailto:sws@bmbde.com) and [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com) or by phone at 302-645-2262.

Sincerely,

Stephen W. Spence, Esquire  
Mackenzie M. Peet, Esquire

Cc: American Storage of Delaware, LLC

# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

February 14, 2022

RECEIVED

**BY HAND DELIVERY**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

FEB 14 2022

SUSSEX COUNTY  
PLANNING & ZONING

**RE: Change of Zone Applications and a Conditional Use  
America Storage of Delaware, LLC  
SCTP Nos. 234-29.00-49.02, 49.03 & 50.00  
CZ 1954: Change of Zone Application for 8.0 acres from AR-1 to C-3  
CZ 1955: Change of Zone Application for 17.63 acres from AR-1 to MR  
CU 2315: Conditional Use Application for Multi-Family Use on the MR area**

Dear Mr. Whitehouse:

Please be advised that Stephen W. Spence with Baird Mandalas Brockstedt, LLC will be handling the above-referenced applications going forward. If you have any questions, please let me know.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Cc: America Storage of Delaware, LLC  
Stephen W. Spence, Esquire



File #: C21954  
202114006

## 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**

West Side of Route 24 (Long Neck Area), Lewes, DE 19958

**Type of Conditional Use Requested:**

This change of zone seeks to change the zoning classification for 8 eight acres, more or less, of TMP No. 234-29.00-49.02 from AR-1 Agricultural Residential to C-3 Heavy Commercial.

**Tax Map #:** p/o 234-29.00-49.02 **Size of Parcel(s):** 8.00

**Current Zoning:** AR-1 **Proposed Zoning:** C-3 **Size of Building:** N/A

**Land Use Classification:** Coastal Area (2019 FLUM)

**Water Provider:** Tidewater **Sewer Provider:** Sussex County

**Applicant Information**

Applicant Name: American Storage of Delaware, LLC  
Applicant Address: 113 Dickinson Street  
City: Dewey Beach State: DE Zip Code: 19971  
Phone #: (202) 905-6706 E-mail: farmerslawyer.com

**Owner Information**

Owner Name: See Applicant Information  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC; Stephen W. Spence, Esquire  
Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1  
City: Lewes State: DE Zip Code: 19958  
Phone #: (302) 645-2262 E-mail: sws@bmbde.com; mackenzie@bmbde.com



# Check List for Sussex County Planning & Zoning Applications

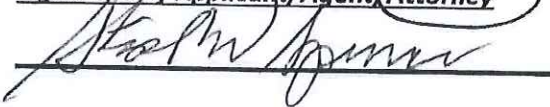
The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney



Date: 2/22/22

Signature of Owner

\_\_\_\_\_

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

For office use only:

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

Fee: \$500.00 Check #: \_\_\_\_\_

Staff accepting application: \_\_\_\_\_

Application & Case #: \_\_\_\_\_

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

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

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

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

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

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



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

NICOLE MAJESKI  
SECRETARY

September 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **American Storage of Delaware, LLC** proposed land use application, which we received on September 2, 2021. This application is for approximately 25.90- acre assemblage of parcels (Tax Parcels: 234-29.00-49.02, 49.03, 50.00) The subject land is located on the west side of John J. William Highway (State Route 24) about 800 ft north of the intersection with Legion Road (Sussex Road 298). The subject land is currently zoned AR-1 (Agriculture Residential); and the applicant is seeking to change the existing parcel lines to create two new parcels with a proposed zoning of C-3 (Heavy Commercial) for the first parcel to build a mini warehouse. The second parcel is proposed to be zoned as MR (Medium Density Residential) with a conditional use approval to build 140 multifamily housing units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J. William Highway from Long Neck Road (State Route 5) to Mount Joy Road (Sussex Road 297), are 18,682 and 24,022 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse  
Page 2 of 2  
September 10, 2021

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: American Storage of Delaware, LLC, Applicant  
David C. Hutt, Esquire, Applicant  
Lauren DeVore, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furrato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/25/2022**

APPLICATION: **CZ 1954 American Storage of Delaware, LLC**

APPLICANT: **American Storage of Delaware, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **234-29.00-49.02 (p/o)**

LOCATION: **Lying on the west side of John J. Williams Highway (Rt. 24),  
approximately 0.25 mile south of Autumn Road (SCR 299).**

NO. OF UNITS: **upzone from AR-1 to C-3**

GROSS  
ACREAGE: **8.27**

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 \$6,600.00** per EDU. Please contact **Nicole Messeck** at **302-855-7719** for additional information on charges.

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

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

## **Policy for Extending District Boundaries**

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

<b>Application Fees</b>	
<b>Less than 2 acres</b>	<b>\$500.00</b>
<b>2.1 -9.99 acres</b>	<b>\$750.00</b>
<b>10 - 150.00 acres</b>	<b>\$1,500.00</b>
<b>Greater than 150.00 acres</b>	<b>\$2,500.00</b>

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.

**SITE DATA:**

- TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
- ADDRESS: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
- OWNERS: AMERICAN STORAGE OF DELAWARE  
113 DICKENSON STREET  
DEWEY BEACH, DE 19971
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) = 150,000 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (MID-RISE)  
(140 UNITS) = 170,000 SQ FT  
MULTI-FAMILY HOUSING CLUBHOUSE = 3,060 SQ FT
- BUILDING SETBACKS: C-3 (HEAVY COMMERCIAL DISTRICT):  
FRONT 60' (JOHN J. WILLIAMS HWY.)  
SIDE 5' (YESHUA LN.)  
SIDE 20' (SEYMOUR ACRES LN.) \*  
REAR 30' \*

\* THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.

MR - MEDIUM RESIDENTIAL:

FRONT	40'
SIDE	20'
REAR	10'

- AREAS: EXISTING: 25.90 AC  
PROPOSED: PARCEL 1 8.27 AC\*  
PARCEL 2 17.63 AC  
TOTAL 25.90 AC  
\*DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1
- NET DEVELOPMENT AREA: 25.90 AC
- SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
- WATER PROVIDER: TIDEWATER

- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0477K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
- FOREST AREA: PRE-DEVELOPMENT = 14.28 AC  
POST DEVELOPMENT = 9.51 AC  
REMAINING = 4.77 AC
- PROXIMITY TO DELDOT TID AREA: 43.5 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- SITE WITHIN COASTAL AREA
- RECHARGE AREA: FAIRPOOR

**PARKING / LOADING REQUIREMENTS:**

OFF-STREET PARKING - (PER CODE SECTIONS 115-162A & 45-5)

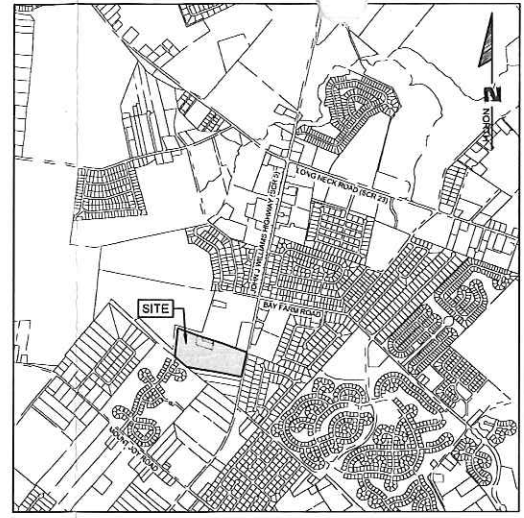
REQUIRED PARKING:	
STORAGE FACILITY	0 SPACES REQUIRED
HANDICAP PARKING (1-25 PARKING SPACES)	1 VAN SPACE REQUIRED
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF)	6 SPACES REQUIRED
10'X20' SPACES	14 SPACES PROVIDED
VAN HC SPACES	2 VAN SPACES PROVIDED
10'X40' COVERED RV SPACES	77 SPACES PROVIDED
10'X20' STORAGE SPACES	81 SPACES PROVIDED
	174 SPACES PROVIDED
APARTMENTS BUILDINGS - 2 PER UNIT (140 UNITS):	280 SPACES REQUIRED
HANDICAP PARKING (200-300 PARKING SPACES)	7 SPACES (2 VAN) REQUIRED
283 SPACES + 12 VAN HC SPACES	= 295 SPACES PROVIDED
TOTAL PARKING PROVIDED:	455 PARKING SPACES
	+ 14 HANDICAP SPACES
	469 TOTAL PARKING SPACES

OFF-STREET LOADING - (PER CODE SECTIONS 115-167)

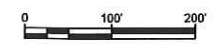
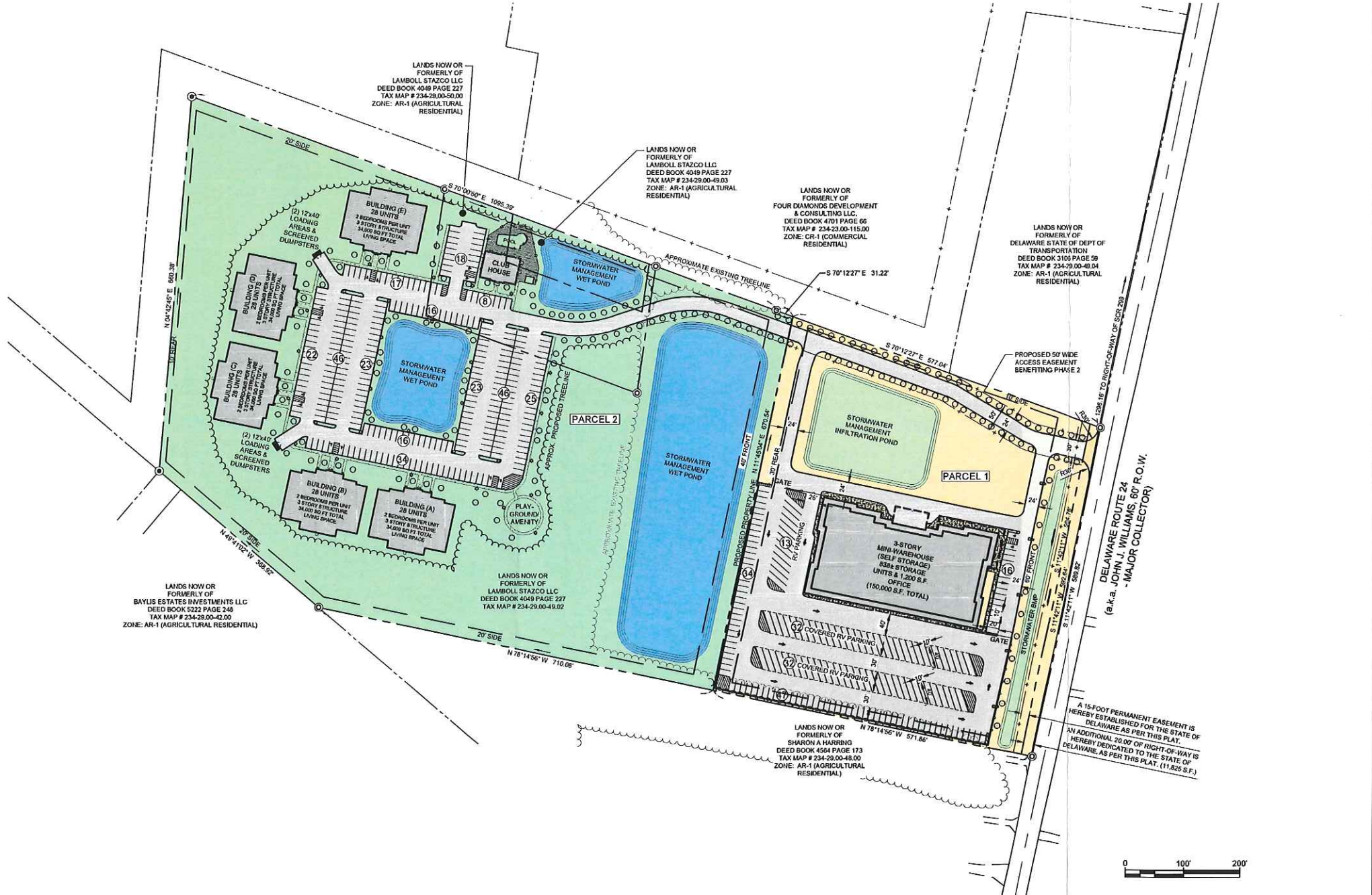
LOADING:	
MINI-WAREHOUSE (SELF STORAGE) OFFICE	0 SPACE REQUIRED
LOADING SPACES REQUIRED	0 SPACE (12' X 40')
LOADING SPACES PROVIDED	
APARTMENT BUILDINGS	
LOADING SPACES REQUIRED	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')

**LEGEND:**

- ⊙ CAPPED REBAR FOUND
- ⊙ IRON PIPE FOUND
- PROPERTY BOUNDARY
- - - ADJOINER LINE
- - - EASEMENT
- ~ ~ ~ PROPOSED TREELINE
- BUILDING SETBACK
- ⊙ AREA LIGHTING (CUT-OFF SCREENED / LIGHT POST)
- █ PROPOSED BUILDING
- █ PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) (8.27 AC) - TO BE REZONED C-3
- █ PARCEL 2 - MULTI-FAMILY HOUSING (17.63 AC) - TO BE RE-ZONED MR
- \*DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1



LOCATION MAP  
SCALE: 1" = 2,000'



Scaled Engineering Inc.  
20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Phone: (302) 236-5800



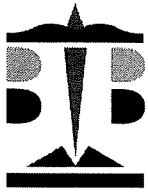
**AMERICAN STORAGE OF DELAWARE**  
TAX MAP # 234-29.00-49.02, 49.03 & 50.00  
INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE

4-21-21 - REVISED PER CLIENT  
6-18-21 - REVISED PER CLIENT  
7-15-21 - REVISED PER CLIENT  
7-21-21 - REVISED PER CLIENT

DATE: 6-26-21  
SCALE: 1" = 100'  
DRAWN BY: JRE  
PROJECT NO.: GRAU001

THE DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021





BAIRD  
MANDALAS  
BROCKSTEDT PC

Mackenzie M. Peet  
[mackenzie@bmbde.com](mailto:mackenzie@bmbde.com)  
(302)645-2262

March 14, 2022

**VIA EMAIL**

Planning & Zoning Department  
Attn: Jamie Whitehouse, Director  
2 The Circle  
PO Box 417  
Georgetown, DE 19947  
Email: [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov)

Re: American Storage of Delaware, LLC  
CZ 1954 for 8.0 acres from AR-1 to C-3  
CZ 1955 for 17.63 acres from AR-1 to MR  
CU2315 for Multi-Family use on MR portion of  
Tax Map Parcel Nos. 234-29.00-49.02, 49.03, 50.00

Director Whitehouse,

Please find the enclosed supplemental packet for the above-referenced applications.

Should you need any additional information prior to the public hearing or have any questions, please contact [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com).

Sincerely,

Stephen W. Spence, Esquire  
Mackenzie M. Peet, Esquire

SWS/MMP

Enclosures

Cc: Carlton Savage, Jr., PE  
Alex Pires  
Nate Graulich

# EXHIBIT A

**Property Information**

Property Location:

Unit:  
 City:  
 Zip:  
 State:

Class: AGR-Agriculture  
 Use Code (LUC): AG0-AG A-I  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: 23.9000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$3,600  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description: W/RT 24  
 PARCEL 1

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/310	\$600,000.00			AMERICAN STORAGE OF DELAWARE LLC
10/09/2012	4049/227	\$105,000.00	\$1,575.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/310
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2013	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2009	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19709	3029/338
2005	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	3029/338
2003	ADAMS KEITH CONSTANCE ADAMS		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	2818/91

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	AGR	AG0	0	0	23.9000	Y

**Land Summary**

---

Line	1
100% Land Value	3,600

**Agricultural Land**

---

Line:	CAMA Line:	Ag Use	Use:	Grade:	Acreage	Rate	Value:
1	1		AG		.0001		3600

**Agriculture Totals**

---

Agricultural Acres	23.9000
--------------------	---------

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$3,600		

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$1,800		

**Property Information**

**Property Location:**

Unit:  
 City:  
 Zip:  
 State:

Class: RES-Residential  
 Use Code (LUC): RV-RESIDENTIAL VACANT  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: .4995  
 Frontage: 85  
 Depth: 256.000  
 Irr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$5,000  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description: WRT 24  
 PARCEL 2

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/310				AMERICAN STORAGE OF DELAWARE LLC
01/15/2002	4049/227	\$202,577.00	\$3,038.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/310
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2014	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2008	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19709	3029/338
2005	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	3029/338
2003	ADAMS KEITH CONSTANCE ADAMS		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	2818/91

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RV	85	256	.4995	

**Land Summary**

---

Line	1
100% Land Value	5,000

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$5,000		

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$2,500		

**Property Information**

**Property Location:**

Unit:  
 City:  
 Zip:  
 State:

Class: RES-Residential  
 Use Code (LUC): RV-RESIDENTIAL VACANT  
 Town: 00-None  
 Tax District: 234 – INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: 1.5000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB  
  
 100% Land Value: \$3,000  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description N/OAK ORCHARDLEWES

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/125				AMERICAN STORAGE OF DELAWARE LLC
09/02/2004	4049/227	\$59,682.00	\$895.00	0	
02/07/2003	/	\$58,000.00	\$870.00	0	
11/14/1996	/	\$2,200.00	\$44.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/125
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/125
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/125
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2013	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2008	STAZCO LLC		5179 W WOODMILL DR # 5	WILMINGTON	DE	19709	3029/341
2005	STAZCO LLC		5179 W WOODMILL DR # 5	WILMINGTON	DE	19808	3029/341
2003	AASCD VENTURES LLC		WOOD MILL CORPORATE CT 5 5179 W WOODMILL DR	WILMINGTON	DE	19808	2801/186
1900	DAVIS JOHN J VIRGIE M					0	421/159

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
------	-------	---------------	-----------	-------	------------------	----

1 RES RV 0 0 1.5000

**Land Summary**

---

Line 1  
100% Land Value 3,000

**100% Values**

---

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

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$1,500		



TAX MAP AND PARCEL #'s: 234-29-00-  
49.02, 49.03 & 50.00  
PREPARED BY & RETURN TO:  
Baird Mandalas Brockstedt LLC  
1413 Savannah Road  
Lewes, DE 19958  
File No. RE20-1689/HG/SWS

THIS DEED, made this 1 day of October, 2020,

- BETWEEN -

LAMBOLL STAZCO, LLC, a Delaware limited liability company of P.O. Box 3418,  
Greenville, SC 29602, party of the first part,

- AND -

AMERICAN STORAGE OF DELAWARE, LLC, a Delaware Limited Liability  
Company, of 113 Dickinson Street, Dewey Beach, DE 19971, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum  
of **Six Hundred Thousand and 00/100 Dollars (\$600,000.00)**, lawful money of the United  
States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto  
the party of the second part, and its heirs and assigns, in fee simple, the following described  
lands, situate, lying and being in Sussex County, State of Delaware:

All those certain lots, pieces or parcels of land situate in the Lewes and Rehoboth Hundred,  
County of Sussex, , and being more particularly described as follows:

Parcel 1 - Tax Parcel #2-34 29.00 49.02

ALL that certain farm, tract, piece or parcel of land, situated in Indian River Hundred, Sussex County,  
State of Delaware, lying on the westerly side of Delaware Route 24, a short distance South of County  
Road 299, and being more particularly bounded. and described in accordance with a recent survey by  
Robert L. Larimore, RLS, dated December 28, 2001, as follows to-wit;

BEGINNING at an iron pipe found in the West line of Delaware Route 24, at a corner for this parcel and for  
lands of Charles W. Coursey, said point being located 1,296.16 feet from an iron pipe found at the  
intersection of the West line of Delaware Route 24(50 feet wide) with (the South line of County Road 299;  
thence from said beginning point along the West line of Delaware Route 24, South 20 degrees 22 minutes 57  
seconds West 589.82 feet to an iron pipe round in the West line of Delaware Route 24 at a corner for lands of  
Melvin R. Thompson and Brenda F. Thompson; thence along the line of lands of Melvin R. Thompson and

Brenda F. Thompson, North 69 degrees 34 minutes 10 seconds West 1,281.94 feet to an iron pipe found at a corner for lands of Melvin R Thompson and Brenda F. Thompson in line of lands of the Indian Town Farms Subdivision; thence along the line of lands of The Indian Farms Subdivision, North 41 degrees 00 minutes 16 seconds West 368.92 feet to a spike set at a corner for lands of Charles W. Coursey; thence along the line of lands of Charles W. Coursey on the following two (2) courses and distances: One (1) North 13 degrees 23 minutes 31 seconds East 660.38 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 473.07 feet to an iron pipe found at a corner for lands of Thomas C. Staz and Harriet Staz; thence along the line of lands of Thomas C. Staz and Harriet Staz on the following three (3) courses and distances; One (1) South 16 degrees 42 minutes 51 seconds West 225.00 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 395.77 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 225.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey; thence along the line of Charles W. Coursey and with the northerly line of a 16 foot wide outlet, as noted in Deed Book 468-401, on the following two (2) courses and distances: one (1) 61 degrees 20 minutes 04 seconds East 22655 feet to an iron pipe found, two (2) South 61 degrees 31 minutes 41 seconds East 608.26 feet to the place of beginning and containing 23.9 acres of land be the same more or less.

Parcel 2 —Tax Parcel #2-34 29.00 49.03

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the West side of Delaware Route 24, but not adjacent there to, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RES, dated December 28, 2001, as follows, to-wit:

BEGINNING at an iron pipe found at a corner for this parcel and for lands of Thomas C. Staz and Harriet Staz and lands of Charles W. Coursey and Diane R. Hudson, said point-being located the following three (3) courses and distances from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299: One (1) as measured along the West line of Delaware Route 24 in a southerly direction 1,296.16 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for Parcel 1; thence two (2) along the line of Parcel 1 and lands Charles W. Coursey and with the North line of a 16 foot wide outlet, North 61 degrees 31 minutes 41 seconds West 608.26 feet to a point; thence three (3) North 61 degrees 20 minutes 04 seconds West 238.82 feet to said beginning point; thence from said beginning point along the line of lands of Thomas C. Staz and Harriet Staz on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 85.00 feet to an iron pipe found, two (2) North 61 degrees 20 minutes 04 seconds West 256.30 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 85.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey and Diane R. Hudson; thence along the line of lands of Charles W. Coursey and Diane R. Hudson, South 61 degrees 20 minutes 04 seconds East 256.30 feet to the place of beginning and containing 0.4893 acres of land be the same more or less.

Parcel 3 - Tax Parcel Number 2-34 29.00 50.00

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County, and the State of Delaware, as shown on a certain December 26, 2001 survey prepared by Coast Survey, Inc. (Plan #801-13), as described as follows,

BEGINNING at an iron pipe set in the line of lands now or formerly of Charles W. Coursey and the north corner of a 16 foot Outlet (Deed Book 468, Page 401), being South 61 degrees 23 minutes 59 seconds East 226.55 feet to an iron pipe recovered, a corner for lands of Charles W. Coursey and other lands of Charles W. Coursey, and South 61 degrees 34 minutes 13 seconds East 608.42 feet to an iron pipe recovered in the northwesterly right of way line of Route 24; thence from the point of beginning running by and with the line of a 16 foot Outlet and with the line of lands now or formerly of Marshall Lee

Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 225.00 feet to an Iron pipe set; 2) North 61 degrees 23 minutes 59 seconds West 395.77 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 225.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of Lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 127.20 feet to an iron pipe set, marking a corner for these lands and lands now or formerly of Marshall Lee Coursey; thence turning and running by and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 85.00 feet to an Iron pipe set; and 2) South 61 degrees 23 minutes 59 seconds 25630 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 85.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 12.27 feet to the point and place of beginning, said to contain 1.5107 acres of land more or less, together with any and all improvements located thereon.

BEING the same property conveyed to Lamboll Stazco, LLC from Stazco, LLC, AKA Stazco, L.L.C., by Deed dated October 3, 2012, and recorded on October 9, 2012, in Book 4049, Page 227.

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

IN WITNESS WHEREOF, the said Lamboll Stazco, LLC has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

LAMBOLL STAZCO, LLC

BY: SD INVESTMENT PROPERTIES, LLC, ITS SOLE MEMBER

BY: LAMBOLL STREET, LLC ITS SOLE MEMBER

BY: [Signature] (Seal)  
TODD KUHLE, AUTHORIZED DIRECTOR

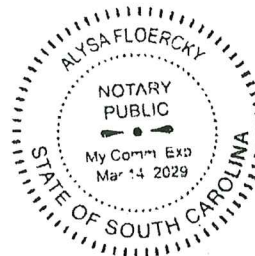
STATE OF South Carolina COUNTY OF Sussex : to-wit

BE IT REMEMBERED, that on this 7 day of October, A.D. 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director, of Lamboll Street, LLC, sole member of SD Investment Properties, LLC, sole member of Lamboll Stazco, LLC, a Delaware Limited Liability Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company; that the signature of the authorized representative is in his own proper handwriting; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of Lamboll Stazco, LLC.

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

[Signature]  
Notary Public

My Commission Expires: Mar 14 2029



Tax Parcel Nos.: 2-34-29.00-49.02,  
2-34-29.00-49.03 & 2-34-29.00-50.00

PREPARED BY AND RETURN TO:  
Douglas M. Hershman, Esquire  
**BAYARD, P.A.**  
P.O. Box 25130  
Wilmington, DE 19899-25130

**THIS DEED** is made this 3<sup>rd</sup> day of October, 2012, between

**STAZCO, LLC, AKA STAZCO, L.L.C.**, a Delaware limited liability company, party of the first part,

AND

**LAMBOLL STAZCO, LLC**, a Delaware limited liability company, party of the second part.

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, the receipt of which is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and/or assigns, in fee,

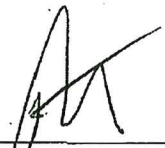
See legal description attached hereto as Exhibit "A", hereto and incorporated herein by reference.

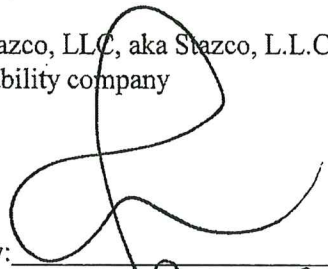
**SUBJECT** to all easements, restrictions, reservations, agreements and covenants of record, if any, affecting the property or the title thereto, together with the benefits of the same.

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

SEALED AND DELIVERED IN THE PRESENCE OF:

Stazco, LLC, aka Stazco, L.L.C., a Delaware limited liability company

  
\_\_\_\_\_  
Witness

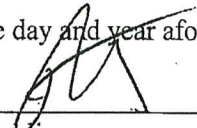
  
By: \_\_\_\_\_ (SEAL)  
Name: Richard C. Woodin  
Title: Authorized Person

*mw*

STATE OF DELAWARE )  
 ) SS  
NEW CASTLE COUNTY )

BE IT REMEMBERED, that on this 2nd day of October, 2012, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Richard C. Wood, Authorized Person of Stazco, LLC, aka Stazco, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the said company.

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

  
\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

GRANTEE'S ADDRESS  
c/o Lamboll Street, LLC  
PO Box 3418  
Greenville, SC 29603

**MICHAEL A. DeNOTE**  
Attorney at Law - State of Delaware  
Notarial Officer Pursuant to  
29 Del.C. § 4323(a)(3)  
My Commission Has No Expiration

EXHIBIT "A"

Parcel 1 - Tax Parcel #2-34 29.00 49.02

ALL that certain farm, tract, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the westerly side of Delaware Route 24, a short distance South of County Road 299, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RLS, dated December 28, 2001, as follows to-wit;

BEGINNING at an iron pipe found in the West line of Delaware Route 24, at a corner for this parcel and for lands of Charles W. Coursey, said point being located 1,296.16 feet from an iron pipe found at the intersection of the West line of Delaware Route 24(50 feet wide) with the South line of County Road 299; thence from said beginning point along the West line of Delaware Route 24, South 20 degrees 22 minutes 57 seconds West 589.82 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for lands of Melvin R. Thompson and Brenda F. Thompson; thence along the line of lands of Melvin R. Thompson and Brenda F. Thompson, North 69 degrees 34 minutes 10 seconds West 1,281.94 feet to an iron pipe found at a corner for lands of Melvin R. Thompson and Brenda F. Thompson inline of lands of the Indian Town Farms Subdivision; thence along the line of lands of The Indian Farms Subdivision, North 41 degrees 00 minutes 16 seconds West 368.92 feet to a spike set at a corner for lands of Charles W. Coursey; thence along the line of lands of Charles W. Coursey on the following two (2) courses and distances: One (1) North 13 degrees 23 minutes 31 seconds East 660.38 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 473.07 feet to an iron pipe found at a corner for lands of Thomas C. Stan and Harriet Staz; thence along the line of lands of Thomas C. Staz and Harriet Star on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 225.00 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 395.77 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 225.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey; thence along the line of Charles W. Coursey and with the northerly line of a 16 foot wide outlet, as noted in Deed Book 468-401, on the following two (2) courses and distances: one (1) 61 degrees 20 minutes 04 seconds East 226.55 feet to an iron pipe found, two (2) South 61 degrees 31 minutes 41 seconds East 608.26 feet to the place of beginning and containing 23.9 acres of land be the same more or less.

Parcel 2 - Tax Parcel #2-34 29.00 49.03

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the West side of Delaware Route 24, but not adjacent there to, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RES, dated December 28, 2001, as follows to-wit:

BEGINNING at an iron pipe found at a corner for this parcel and for lands of Thomas C. Staz and Harriet Staz and lands of Charles W. Coursey and Diane R. Hudson, said point being located the following three (3) courses and distances from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299: One (1)

as measured along the West line of Delaware Route 24 in a southerly direction 1,296.16 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for Parcel I; thence two (2) along the line of Parcel 1 and lands Charles W. Coursey and with the North line of a 16 foot wide outlet, North 61 degrees 31 minutes 41 seconds West 608.26 feet to a point; thence three (3) North 61 degrees 20 minutes 04 seconds West 238.82 feet to said beginning point; thence from said beginning point along the line of lands of Thomas C. Star and Harriet Staz on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 85.00 feet to an iron pipe found, two (2) North 61 degrees 20 minutes 04 seconds West 256.30 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 85.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey and Diane R. Hudson; thence along the line of lands of Charles W. Coursey and Diane R. Hudson, South 61 degrees 20 minutes 04 seconds East 256.30 feet to the place of beginning and containing 0.4893 acres of land be the same more or less.

Parcel 3 - Tax Parcel Number 2-34 29.00 50.00

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County, and the State of Delaware, as shown on a certain December 26, 2001 survey prepared by Coast Survey, Inc. (Plan #801-13), as described as follows,

BEGINNING at an iron pipe set in the line of lands now or formerly of Charles W. Coursey and the north corner of a 16 foot Outlet (Deed Book 468, Page 401), being South 61 degrees 23 minutes 59 seconds East 226.55 feet to an iron pipe recovered, a corner for lands of Charles W. Coursey and other lands of Charles W. Coursey, and South 61 degrees 34 minutes 13 seconds East 608.42 feet to an iron pipe recovered in the northwesterly right of way line of Route 24; thence from the point of beginning running by and with the line of a 16 foot Outlet and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 225.00 feet to an Iron pipe set; 2) North 61 degrees 23 minutes 59 seconds West 395.77 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 225.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of Lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 127.20 feet to an iron pipe set, marking a corner for these lands and lands now or formerly of Marshall Lee Coursey; thence turning and running by and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 85.00 feet to an Iron pipe set; and 2) South 61 degrees 23 minutes 59 seconds 256.30 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 85.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 12.27 feet to the point and place of beginning, said to contain 1.5107 acres of land more or less, together with any and all improvements located thereon.

BEING the same lands and premises which Keith and Constance Adams, husband and wife, by Deed dated August 30, 2004 and recorded September 2, 2004 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3029, Page 338, did grant and convey unto Stazco, L.L.C., a Delaware limited liability company, in fee.



AND BEING the same lands and premises which AASCD Ventures, LLC, a Delaware limited liability company, by Deed dated August 30, 2004 and recorded September 2, 2004 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3029, Page 341, did grant and convey unto Stazco, LLC, a Delaware limited liability company, in fee.

Consideration: 105,000.00

---

County	1,575.00
State	1,575.00
Town	Total 3,150.00

Received: Kara S Oct 09, 2012

Recorder of Deeds  
Scott Dailey  
Oct 09, 2012 12:45P  
Sussex County  
Doc. Surcharge Paid

**RECEIVED**

OCT 09 2012

**ASSESSMENT DIVISION  
OF SUSSEX COUNTY**



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 1**

**TAX MAP PARCEL 234-29.00-49.02 (PART OF)**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying on the westerly side of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 1 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering Inc., dated August 26<sup>th</sup>, 2021, and being bounded on the south by lands now or formerly of Sharon A. Harring; on the west by Parcel 2 of said conceptual site plan; on the north by lands now or formerly of Four Diamonds Development & Consulting LLC and lands now or formerly of State of Delaware, Department of Transportation and being more particularly described as follows, to wit:

**BEGINNING** at a point near an iron pipe found on the westerly right-of-way of aforementioned John J. Williams Highway at a corner for lands herein described and aforementioned lands of State of Delaware; said point being located 1,296.16 feet from the southerly right of way of Autumn Road - Sussex County Road 299 as measured in a southwesterly direction along said right-of-way of John J. Williams Highway; thence continuing with the same **South 11 degrees 42 minutes 11 seconds West, 589.82 feet** to an iron pipe found at a corner for aforementioned lands of Harring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 571.86 feet** to a point at a corner for aforementioned Parcel 2; thence with same **North 11 degrees 45 minutes 04 seconds East, 670.54 feet** to a point on the southerly line of aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same and partially with said lands of State of Delaware **South 70 degrees 12 minutes 27 seconds East, 577.04 feet** to the point and place of beginning, containing 8.27 acres of land, being the same more or less.



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 2**

**TAX MAP PARCELS 234-29.00-49.02 (PART OF),  
234-29.00-49.03 & 234-29.00-50.00**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying west of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 2 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering, Inc., dated August 26, 2021, and being bounded on the east by Parcel 1 of said conceptual site plan; on the south by lands now or formerly of Sharon A. Haring; on the southwest by lands now or formerly of Baylis Estates Investments LLC; on the west and north by lands now or formerly of Four Diamonds Development & Consulting LLC and being more particularly described as follows, to wit:

**BEGINNING** at a point, a corner for lands herein described and the aforementioned Parcel 1; said point being located the following two (2) courses and distances from the point of intersection of the southerly right of way of Autumn Road - Sussex County Road 299 and the westerly right of way of John J. Williams Highway – Delaware Route 24:

1. **1,296.16 feet** from said right of way of Autumn Road as measured in southwesterly direction along said right-of-way of John J. Williams Highway to a point near an iron pipe found.
2. **North 70 degrees 12 minutes 27 seconds West, 577.04 feet** to said beginning point; thence with said Parcel 1 **South 11 degrees 45 minutes 04 seconds West, 670.54 feet** to a point on the northerly line of aforementioned lands of Haring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 710.08 feet** to an iron pipe found on the north easterly line of aforementioned lands of Baylis Estates Investments LLC; thence with same **North 49 degrees 41 minutes 02 seconds West, 368.92 feet** to a capped rebar found at a corner for aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same the following three (3) courses and distances:
  1. **North 04 degrees 42 minutes 45 seconds East, 660.38 feet** to a capped rebar found.
  2. **South 70 degrees 00 minutes 50 seconds East, 1,095.39 feet** to a point.
  3. **South 70 degrees 12 minutes 27 seconds East, 31.22 feet** to the point and place of beginning, containing 17.63 acres of land, being the same more or less.

# EXHIBIT B

**PLANNING & ZONING**  
Jamie Whitehouse, AICP, MRTPI  
Director

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

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

Date: 9/2/21

### Site Information:

Site Address/Location: John J. Williams Highway, Millsboro, DE

Tax Parcel Number: 234-29.00-49.02, 49.03 & 50.00

Current Zoning: AR-1

Proposed Zoning: Parcel 1: C-3; Parcel 2: MR with Conditional Use for Multifamily

Land Use Classification: Coastal Area (Future Land Use Map)

Proposed Use(s): **Parcel 1:** Mini-Warehouse (Self Storage) = 150,000 sq. ft.  
**Parcel 2:** Multifamily Housing (Mid-Rise) = 140 Units  
Multifamily Housing Clubhouse = 3,060 sq. ft.  
See Attached Conceptual Site Plan

Square footage of any proposed buildings or number of units: See Proposed Use/140 residential units

### Applicant Information:

Applicant's Name: American Storage of Delaware, LLC

Applicant's Address: 113 Dickinson Street

City: Dewey Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 462-5871

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

Please send copy to:  
David C. Hutt, Esquire  
Morris James LLP  
107 W. Market Street  
Georgetown, DE 19947  
Phone: (302) 856-0018  
Email: dhutt@morrisjames.com



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

Last updated 3-12-20



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

NICOLE MAJESKI  
SECRETARY

September 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **American Storage of Delaware, LLC** proposed land use application, which we received on September 2, 2021. This application is for approximately 25.90- acre assemblage of parcels (Tax Parcels: 234-29.00-49.02, 49.03, 50.00) The subject land is located on the west side of John J. William Highway (State Route 24) about 800 ft north of the intersection with Legion Road (Sussex Road 298). The subject land is currently zoned AR-1 (Agriculture Residential); and the applicant is seeking to change the existing parcel lines to create two new parcels with a proposed zoning of C-3 (Heavy Commercial) for the first parcel to build a mini warehouse. The second parcel is proposed to be zoned as MR (Medium Density Residential) with a conditional use approval to build 140 multifamily housing units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J. William Highway from Long Neck Road (State Route 5) to Mount Joy Road (Sussex Road 297), are 18,682 and 24,022 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

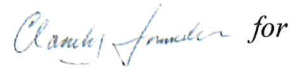


Mr. Jamie Whitehouse  
Page 2 of 2  
September 10, 2021

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: American Storage of Delaware, LLC, Applicant  
David C. Hutt, Esquire, Applicant  
Lauren DeVore, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furrato, Project Engineer, Development Coordination

# EXHIBIT C



### Preliminary Land Use Service (PLUS)

#### Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): 2021-02-05 2/3  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: American Storage of Delaware			
2. Location ( please be specific): Delaware Route 24 (John J. Williams Highway), Millsboro, Delaware			
3. Parcel Identification #: 234-29.00-49.02, 49.03 & 50.00		4. County or Local Jurisdiction Name: where project is located: Sussex County	
5. If contiguous to a municipality, are you seeking annexation: Not applicable.			
6. Owner's Name: American Storage of Delaware, LLC (Alex Pires)			
Address: 113 Dickinson Street			
City: Dewey Beach	State: Delaware	Zip: 19971	
Phone: (302) 462-5871 (202) 905-6706	Fax:	Email: nate.gmconstruction@gmail.com farmerslawyer@aol.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			Same as owner
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
8. Project Designer/Engineer: Carlton Savage, Jr.   SCALED.Engineering			
Address: 20246 Coastal Highway			
City: Rehoboth Beach	State: Delaware	Zip: 19971	
Phone: (302) 236-3600	Fax:	Email: carlton@scaledengineering.com	
9. Please Designate a Contact Person, including phone number, for this Project:			Nate Graulich   (302) 462-5871 Alex Pires   (202) 905-6706

**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: The Project proposes to (1) rezone the front half of the property to C-3 (Heavy Commercial) for a Business Park (Flex Space) of 12.63 acres with 36,000 sq. ft. of Flex Park and 103,600 sq. ft. of mini-storage and an office for the mini-storage; and (2) rezone the rear half of the property to MR (Medium Residential) with a conditional use for multifamily (midrise) housing (13 acres) consisting of 104 units. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 25.90 +/- acres      Number of Residential Units: 104      Commercial square footage: Business Park/Flex Space (36K Sq. Ft); Mini Storage (103,600 Sq. Ft.)

13. Present Zoning: AR-1 (Agricultural Residential)      14. Proposed Zoning: C-3 (Heavy Commercial); MR (Medium Density) with Conditional Use

15. Present Use: Agricultural/Wooded      16. Proposed Use: Business Park (Flex Park); Mini Storage and Multi-Family Housing

17. Water:  Central (Community system)     Individual On-Site     Public (Utility)    Tidewater  
 Service Provider Name:

Will a new public well be located on the site?  Yes     No

18. Wastewater:  Central (Community system)     Individual On-Site     Public (Utility)  
 Service Provider Name: Sussex County

Will a new community wastewater system be located on this site?  Yes     No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):  
 The residential units are targeted as market rate apartments intended for those who live and work in the Long Neck and surrounding area

20. Environmental impacts:

How many forested acres are presently on-site? 13.79    How many forested acres will be removed? 9.20

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes     No

Are the wetlands:  Tidal    Acres:  
 Non-tidal    Acres:

If "Yes", have the wetlands been delineated?  Yes     No

Has the Army Corps of Engineers signed off on the delineation?  Yes     No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes     No    If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? +/- 200'

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes     No  
per the DNREC NavMap

22. List the proposed method(s) of stormwater management for the site:  
 BMPs to likely include a combination of wet pond(s) and infiltration pond(s)

23. Is open space proposed?  Yes     No    If "Yes," how much?    Acres: 11.45

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? active and passive recreation and stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes     No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1,170 ADT

What percentage of those trips will be trucks, excluding vans and pick-up trucks? < 5%

26. Will the project connect to state maintained roads?  Yes  No **De. Rt. 24 (John J. Williams Highway)**

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

There are no existing developments on adjacent lands.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No

Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Carlton Savage, Jr. phone number: (302) 238-3800

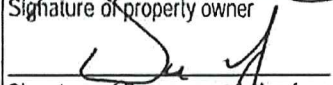
Alex Pires | (202) 905-8706

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

  
Signature of property owner

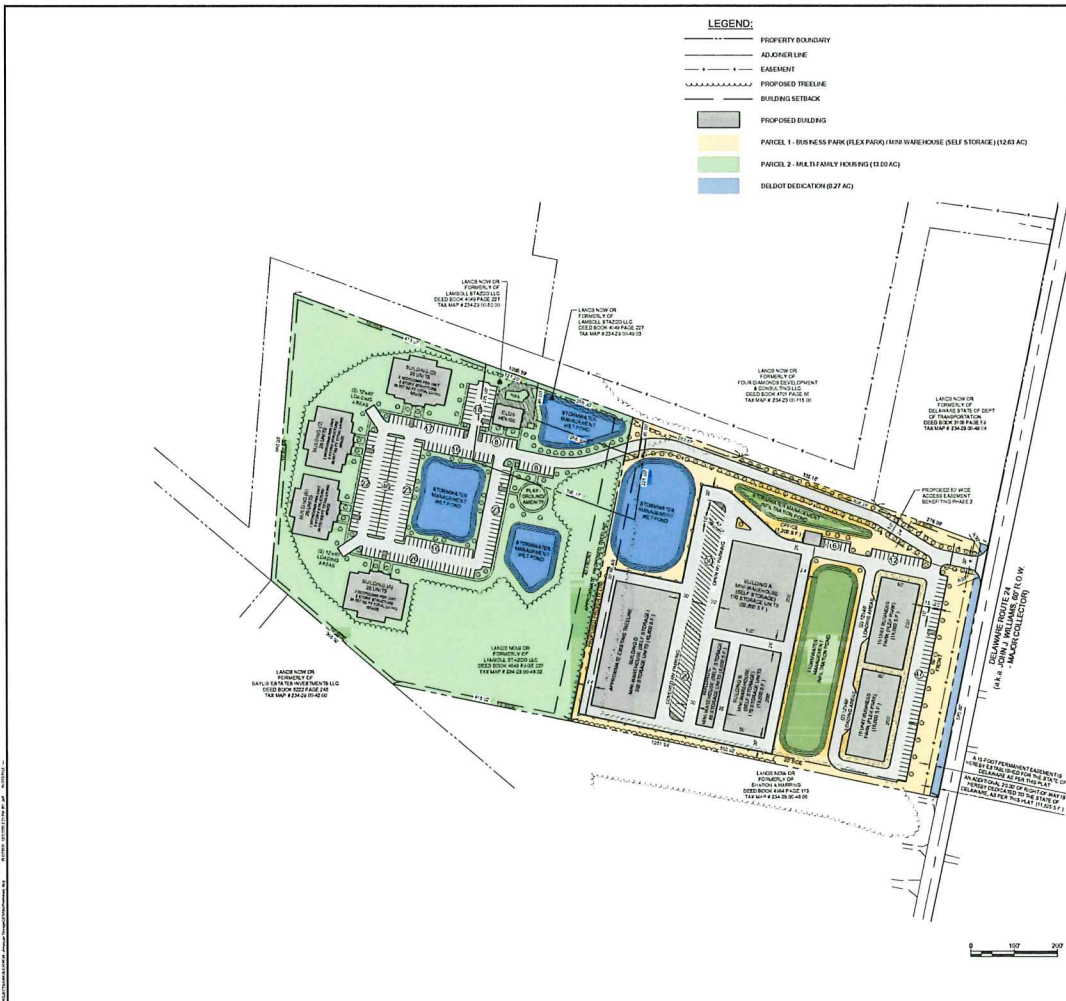
1/29/21  
Date

  
Signature of Person completing form  
(If different than property owner)

1/29/2021  
Date

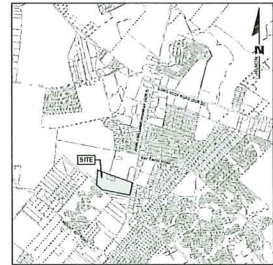
**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.



**LEGEND:**

- PROPERTY BOUNDARY
- - - ADJACENT LINE
- - - EASEMENT
- - - PROPOSED TREE LINE
- - - BUILDING SETBACK
- ▭ PROPOSED BUILDING
- ▭ PARCEL 1 - BUSINESS PARK (FLEX PARK) WITH WAREHOUSE (SELF STORAGE) (12.63 AC)
- ▭ PARCEL 2 - MULTI-FAMILY HOUSING (13.00 AC)
- ▭ DEEDOT DEDICATION (0.27 AC)



**LOCATION MAP**  
SCALE: 1" = 2500' (APPROX)

**SITE DATA:**

1. TAX MAP NUMBERS: 234-29-00-49-02, 49-03 & 50-00
2. ADDRESS: JOHN A WILLIAMS HIGHWAY, MILLSBORO, DE 19966
3. OWNERS: AMERICAN STORAGE OF DELAWARE  
1133 BIRCHWOOD DRIVE  
DEWEY BEACH, DE 19811
4. ZONING: EXISTING: AR 1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
5. USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - BUSINESS PARK (FLEX PARK) - 36,000 SQ FT  
MINI WAREHOUSE (SELF STORAGE) - 100,000 SQ FT  
MINI WAREHOUSE OFFICE - 4,200 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (2,000 UNITS)  
MULTI-FAMILY HOUSING CLUSTERHOUSE - 3,000 SQ FT
6. BUILDING SETBACKS: C3 (HEAVY COMMERCIAL DISTRICT)  
FRONT 80' JOHN A WILLIAMS HWY.  
SIDE 5' (RESIDENTIAL)  
REAR 20' (RESIDENTIAL)
7. AREAS: EXISTING: 25.50 AC  
PROPOSED: PARCEL 1 12.63 AC  
PARCEL 2 13.00 AC  
DEEDOT DEDICATION 0.27 AC  
TOTAL 25.50 AC
8. NET DEVELOPMENT AREA: 25.50 AC
9. SEWER PROVIDER: ONE SITE SEPTIC / SUSSEX COUNTY
10. WATER PROVIDER: DEWATER
11. THIS PROPERTY IS NOT IMPACTED BY THE 100-YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP PER FIRM NUMBER 80054C0005 REVISED MARCH 18, 2015 (ZONE X).
12. NO WETLANDS ARE ON SITE PER THE DNR/CDC MAP.

**PARKING / LOADING REQUIREMENTS:**  
SEE TABLE 1 (PARKING) - PER CODE SECTION 15.103.4 (4.5)

REQUIRED PARKING	PROVIDED
OFFICE (1 PER 2 EMPLOYEES (MIN EMPLOYEES) 40 SPACES REQUIRED)	50 SPACES PROVIDED
STORAGE FACILITY (1 PER 200 SF (1,200 SF))	50 SPACES PROVIDED
MINI WAREHOUSE (1 PER 200 SF (1,200 SF))	50 SPACES PROVIDED
APARTMENT BUILDING (2 PER UNIT (154 UNITS))	208 SPACES PROVIDED
TOTAL PARKING PROVIDED	334 PARKING SPACES

**SEE TABLE 1 (LOADING) - PER CODE SECTION 15.103**

LOADING	LOADING SPACES REQUIRED	LOADING SPACES PROVIDED
BUSINESS PARK (FLEX PARK)	3 SPACES REQUIRED	4 SPACES PROVIDED
MINI WAREHOUSE (SELF STORAGE) OFFICE	4 SPACES REQUIRED	5 SPACES PROVIDED
APARTMENT BUILDINGS	3 SPACES REQUIRED	4 SPACES PROVIDED

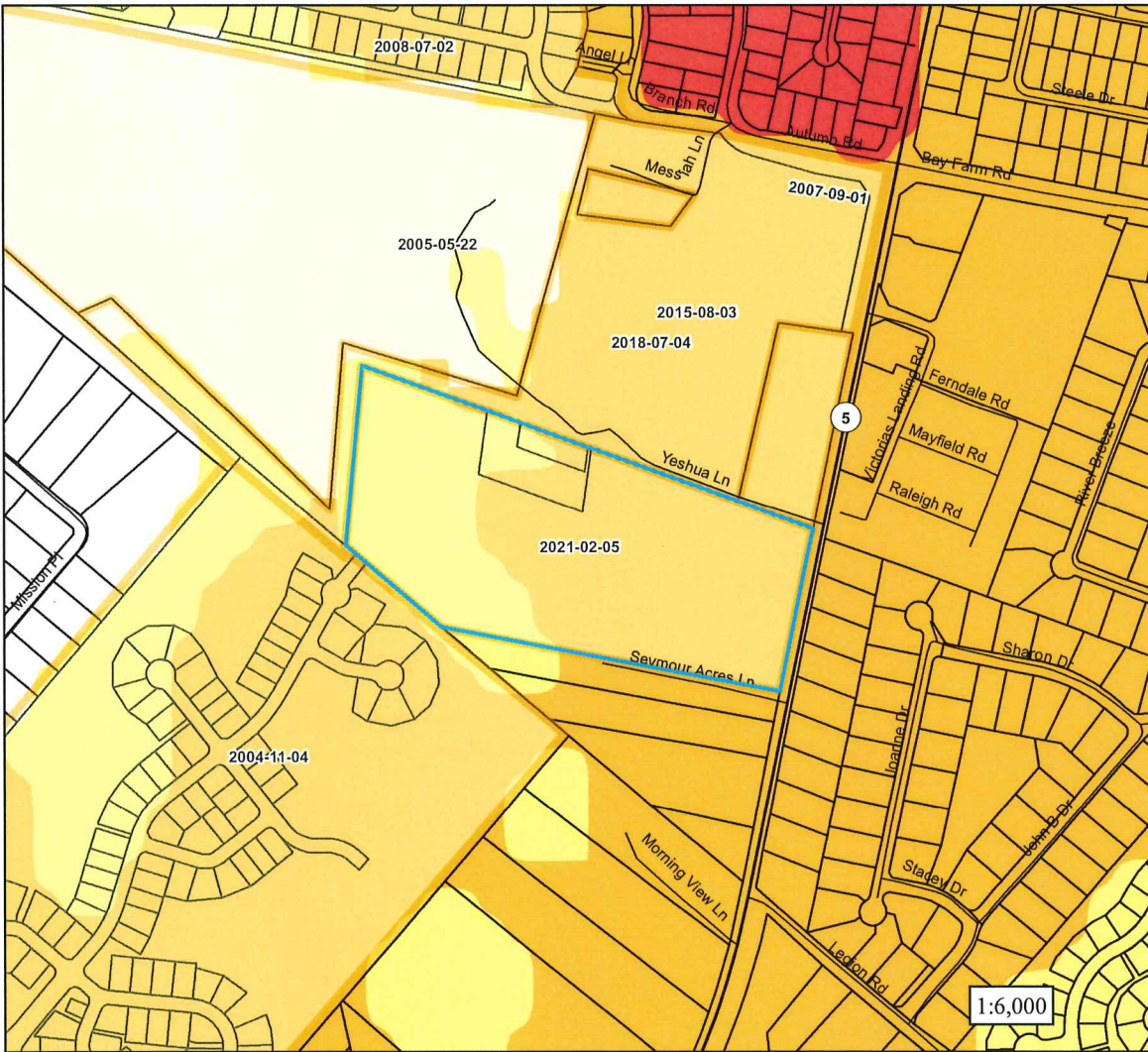
**SCALED**  
ENGINEERING & ARCHITECTURE  
CONCEPTUAL SITE PLAN

**AMERICAN STORAGE OF DELAWARE**  
TAX MAP # 234-29-00-49-02, 49-03 & 50-00  
INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE

DATE: 4/20/20  
SCALE: 1" = 100'  
DRAWN BY: JLS  
PROJECT NO.: 08A12

1

# Preliminary Land Use Service (PLUS)



**American Storage**  
2021-02-05

**Legend**

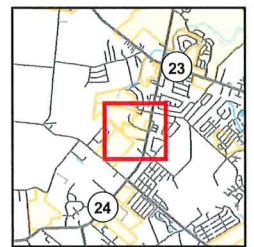
**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

**2020 State Strategies Strategy Level**

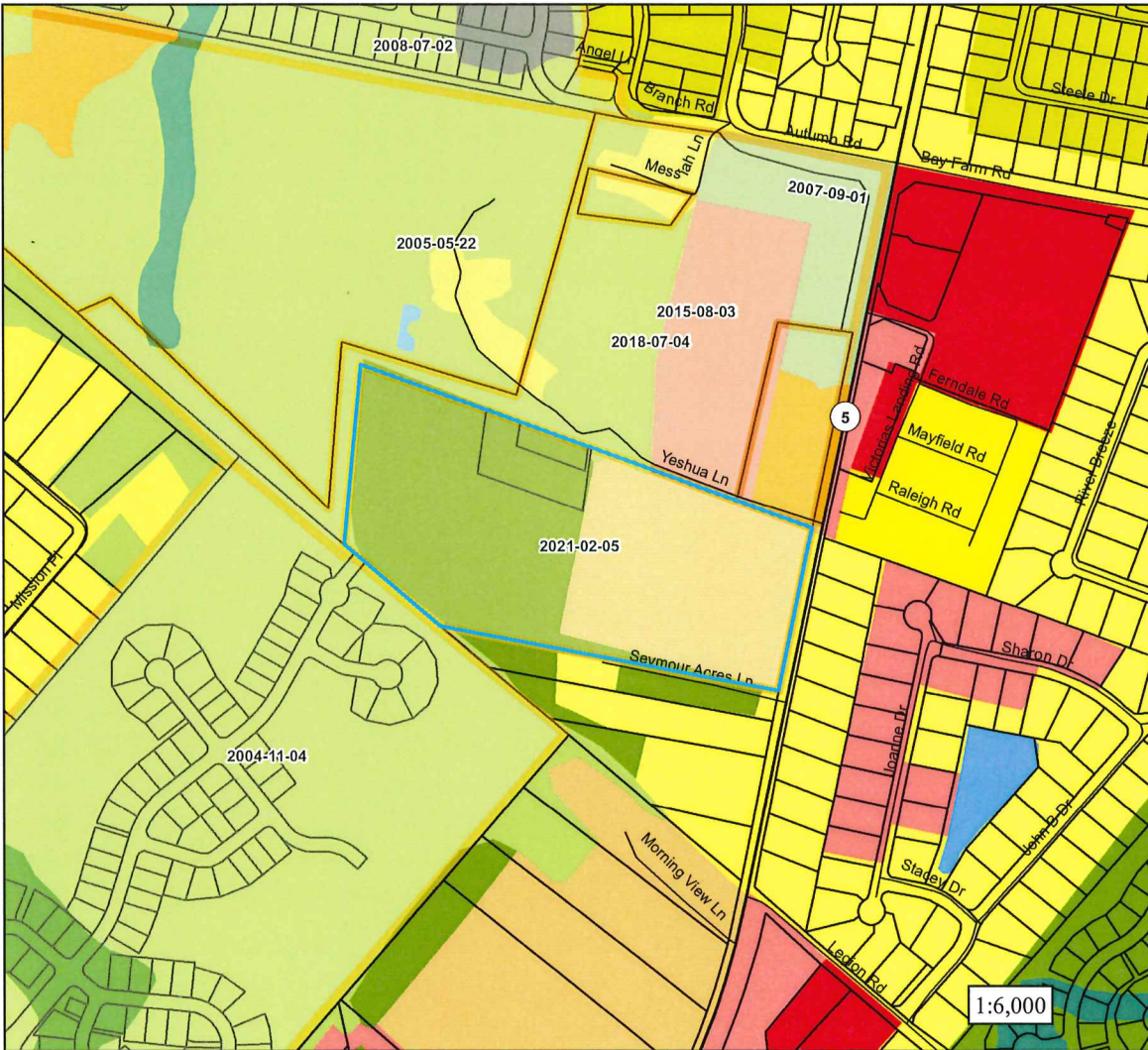
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

**Location Map**



1:6,000

# Preliminary Land Use Service (PLUS)



**American Storage  
2021-02-05**

**Legend**

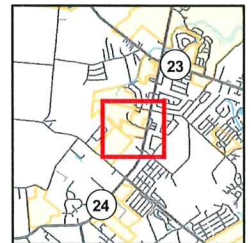
**2012 Land Use  
LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas  
type**

- Comp Plans
- All Other PLUS Reviews

**Location Map**



# Preliminary Land Use Service (PLUS)



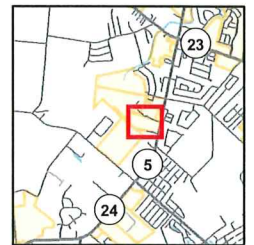
American Storage  
2021-02-05

**Legend**

PLUS Project Areas  
type

- Comp Plans
- All Other PLUS Reviews

## Location Map





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 23, 2021

Nate Graulich  
Graulich Builders  
34697 Jiffy Way, Suite 2  
Lewes, DE 19958

RE: PLUS review 2021-02-05; American Storage of Delaware

Dear Mr. Graulich:

Thank you for meeting with State agency planners on February 24, 2021 to discuss the proposed plans for the American Storage of Delaware project. According to the information received you are seeking review of a proposed rezoning of 25.9 acres from AR-1 to C-3 and MR and a site plan for 104 residential units and 139,600 square feet of mini storage and business park in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.



We do ask that you work to preserve the environmental features on the site if the plan moves forward.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,170 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers’ Trip Generation Manual, as shown in the table below, DelDOT calculates 1,171 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 60 and 79, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Business Park	770	36,000	448	8	6	7	8
Mini-Warehouse	151	104,800	158	6	4	8	10
Multifamily Housing (Mid-Rise)	221	104	565	9	27	28	18
Total			1,171	23	37	43	36

- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in

lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$11,710. AWS Fees are used to fund traffic studies, not to build improvements.

- DelDOT anticipates requiring the developer to contribute to a DelDOT project presently scheduled for construction this summer, HSIP SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements, Contract No. T200711201. Information on the project is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T200711201>.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 24.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring at least two walkways to connect the interior of the site to Route 24,

one along the driveway at the north edge of the property and one at the south end of the frontage, connecting to the parking lot of the business park.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- Section 5.2.4 of the Manual addresses requirements for Entrance Width, for commercial entrances, the minimum undivided width varies from 18 to 32 feet. The proposed 30-foot entrance will be examined during the plan review process. DelDOT may require the developer's engineer to provide turning templates.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane, and possibly a left turn lane into the site from Route 24. Coordination of the construction schedules of the DelDOT project and the proposed development should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

While much of the site consists of Hydrologic Soils Group A soils (well drained), the northwest portion of the site lies within A/D soils (somewhat poorly drained). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Water Quality (Pollution Control Strategies)**

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- The western half of the site (forested portion) lies within the Rehoboth Bay Watershed & the eastern half of the site (unforested portion) lies within the Indian River Bay Watershed, both of which are included under Pollution Control Strategies. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
  - Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219  
Website: <https://www.sussexconservation.org/>

### **Nutrient Management Plan**

This project proposes approximately 11 acres of open space, exceeding the threshold of 10 Acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

#### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

#### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There are no known National Register listed or eligible properties on the parcel.
- Prehistoric archaeological potential is moderate. Soils are mostly well-drained except for the northwest corner of the area. Guinea Creek appears on Beers map and some historic aerials as extending closer to the parcels, which may mean that it is within favorable distance to freshwater for prehistoric site probability. A survey conducted in part of the parcel showed very little remains under a thick plow zone except for two isolated prehistoric finds; could mean that there are other archaeological resources throughout the area.
- Historic archaeological potential is low. Beers Map doesn't show anything near that parcel. A road appears to have existed through the middle-ish until 1950s, and historic aerials show the western portion to be continuously wooded.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for Storage/Warehouse sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for apartment (multi-family living units) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

**Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

#### Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be accessible to fire apparatus.
- Any dead end more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

#### Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

#### Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The subject land adjoins both a recorded but as-yet-unbuilt stub street in the Baylis Estates subdivision, which fronts on Mount Joy Road (Sussex Road 297), and the Peninsula Square mixed-use development, which fronts on Autumn Road (Sussex Road 299). In addition to providing emergency access to the proposed apartments, with appropriate interconnections and easements required of the subject development and Peninsula Square, these three developments could provide a low-stress pedestrian and bicycle connection between Mount Joy Road and Autumn Road.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Forest Removal**

The preliminary plans and/or project application proposed the elimination of approximately 9.2 out of 13.8 existing acres of forest habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling and reduces carbon that contributes to climate change. A forest assessment should be conducted to determine if mature forest resource exists on the property, and to determine species present.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>



### **Stormwater Management**

Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

### **General Drainage Recommendations**

There are numerous reported drainage concerns near the proposed project area. One concern from 2009 referenced flooding of a nearby property. There are numerous concerns ranging from 2010-2020 from landowners on the eastern side of John J. Williams Highway about property flooding. The storage of onsite stormwater and the release stormwater to adjacent properties is a concern if this property is developed.

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemption coverage may be required by the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site stormwater.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Wildlife Displacement**

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by

maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetland types including freshwater forested, freshwater emergent, and estuarine.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Current or Previous Contamination**

This parcel is contained within a large area that has been investigated for well contamination (DE-1388 Long Neck Mercury Study). In 2001, mercury was detected in a public water supply well; levels were reported above the Maximum Contaminant Level. While DNREC and the U.S. Geological Survey investigated the incident, the source could not be located. The well has been temporarily turned off.

- Delaware Health and Social Services reviews the monitoring reports from the water company. The USGS report that resulted from the study can be found here: <https://pubs.usgs.gov/sir/2006/5011/pdf/sir-2006-5011.pdf>
- Contact the Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.  
Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/>
- Additional information may also be found online by searching Delaware's Environmental Navigator at <http://www.nav.dnrec.delaware.gov/den3/>

### **Additional Sustainable Practices**

Recommendations for entire project:

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Incorporate nonmotorized connectivity in the residential area and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

Recommendations for residential section:

- Include an option to install electric vehicle charging stations in garages of homes for your customers and tenants to assist Delaware in achieving its clean transportation goals.
- For the proposed pool and clubhouse, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.

Recommendations for commercial section:

- Install electric vehicle charging stations for your customers and tenants to assist Delaware in achieving its clean transportation goals. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>.

Concerns Identified Outside of the Development Footprint

**Delaware Ecological Network**

Lands designated as part of the Delaware Ecological Network lie to the east of this parcel. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on the proposed development site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within (and nearby) the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**


- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- The location is not within any flood plain nor in a coastal inundation zone. 2018 QAP described the region this project is located in as being an “Area of Opportunity” while bordering a region identified as “Stable”. The region has a homeownership rate of approximately 81.2% to 83%, a poverty ratio of 10 to 1 with approximately 21% of that census block’s population at the age of 65 or older.

**State of Delaware**  
The Official Website of the First State

Home  
Search  
Legend  
Results

 Location is **NOT WITHIN** the FEMA 100-year floodplain  
Preliminary data does not exist.

**Effective Flood Zone:**  
X  
**Preliminary Flood Zone:**  
n/a  
**FEMA Issued Flood Map:**  
10005C0477K  
**Effective Map Date:**  
3/15/2015  
**Watershed (HUC12):**  
Indian River Bay-Indian River Inlet

**Attachments:**  
None

Print  
Contacts  
Getting Started/Help



Federal Emergency Management Agency | Digital Aerial S...

Privacy | Contact | Phone Directory



Tract  
O&P Geographic Area: Areas Of Opportunity  
[Zoom to](#) [Get Directions](#)

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

- As of January 11, 2021, the applicant has already participated in a pre-application meeting with Planning and Zoning staff.
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.
- For the Conditional Use, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application.

- Please note that since the proposed development lies within the Coastal Area and is above the 50 dwelling unit and 75,000 feet of commercial development threshold, copies of an Environmental Assessment (EA) and Public Facility Evaluation Report must be submitted which address the criteria located in §115-194.3(2)(a-1).
- Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.
- Please include the proposed density for the project for separately for both the residential component as well as the commercial site. The C-3 Zoning District and the MR Zoning District (as a Conditional Use) allow for a density of up to 12 dwelling units per acre.
- Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
- Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- The side yard setback for the portion of the property to be zoned C-3 adjacent to the existing Yeshua Lane is shown with a 10-ft side yard setback. The Site Data Column indicates that this setback is 5-ft. The side yard setback in the C-3 Zoning District is 20-ft when adjacent to a residentially zoned parcel (Tax Map: 234-29.00-49.04 appears to be residentially zoned as AR-1) (§115-83.22(B)(2)). Please indicate if the applicant wishes to amend this setback as part of the application.
- Staff note that 11.45 acres of open space is proposed. The proposed open space of 44% is desirable. Please include the amount of open space proposed as a percentage and in acres within the Site Data Column.
- The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162).
- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of the formal application.
- Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 2 and Tier 3 area for sewer service and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.
- A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: [www.sussexcountyde.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and



county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland". The signature is written in dark ink and is positioned above the typed name and title.

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

## Mackenzie Peet

---

**From:** Stephen W. Spence  
**Sent:** Wednesday, March 9, 2022 11:24 AM  
**To:** Alex Pires (farmerslawyer@aol.com); Graulich Builders; Carlton Savage  
**Cc:** Mackenzie Peet  
**Subject:** FW: American Storage of Delaware

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

See the chain below.

Stephen W. Spence, Esquire  
1413 Savannah Road, Suite 1, Lewes, Delaware 19958  
Tel: (302) 645-2262 | Fax: (302) 644-0306  
[sws@bmbde.com](mailto:sws@bmbde.com)



This Electronic Message contains privileged client attorney communications from the law firm of Baird Mandalas Brockstedt, LLC. The information is intended to be for the use of the addressee only. If you are not the addressee, note that any disclosure, copying, distribution or use of the contents of this message is prohibited.

---

**From:** David C. Hutt <DHutt@morrisjames.com>  
**Sent:** Wednesday, March 9, 2022 10:32 AM  
**To:** Stephen W. Spence <sws@bmbde.com>  
**Subject:** FW: American Storage of Delaware

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See below.

---

**From:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Sent:** Tuesday, August 31, 2021 10:52 AM  
**To:** Hutt, David C. <DHutt@morrisjames.com>  
**Subject:** RE: American Storage of Delaware

Hi David,

Thank you for your email. I have reviewed this with Dorothy and David. OSPC will not require a new PLUS review.

We do note that the State Comments letter referred to a bike path in the DelDOT comments. The site plan does not appear to show one. Please make sure to address this feature moving forward with the plan.

Please let me know if you have any questions or if I can provide any additional information.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Hutt, David C. <DHutt@morrisjames.com>  
**Sent:** Tuesday, August 31, 2021 9:34 AM  
**To:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>; Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Subject:** American Storage of Delaware

Dorothy,

Earlier this year, the OSPC reviewed an application for American Storage of Delaware (PLUS Review 2021-02-05). For your ready reference, I have attached a copy of the PLUS Review Letter dated March 23, 2021.

The overall concept has stayed the same with a commercial-type use along Route 24 and residential behind that application. The acreage for the commercial has been reduced which, of course, increased the acreage for the residential component.

In short, what before was 139,600 square feet of mini storage and business park (flex space) and 104 residential units is now proposed to be 150,000 square feet of mini-storage and 140 residential units. Attached is a copy of the new concept.

Does your office want to see a new/revised application?

Thanks,

David

**Morris James**<sub>LLP</sub>

David C. Hutt | Partner  
107 W. Market Street, P.O. Box 690, Georgetown, DE 19947  
19339 Coastal Highway, Suite 300, Rehoboth Beach, DE 19971

**Phone:** 302.856.0018 | **Fax:** 302.856.7217  
morrisjames.com | dhutt@morrisjames.com  
Facebook | LinkedIn | Twitter

---

This communication may be subject to the attorney-client privilege or the attorney work product privilege or may be otherwise confidential. Any dissemination, copying or use of this communication by or to anyone other than the designated and intended recipient(s) is unauthorized. If you are not the intended recipient, please delete or destroy this communication immediately.

# EXHIBIT D



# American Storage

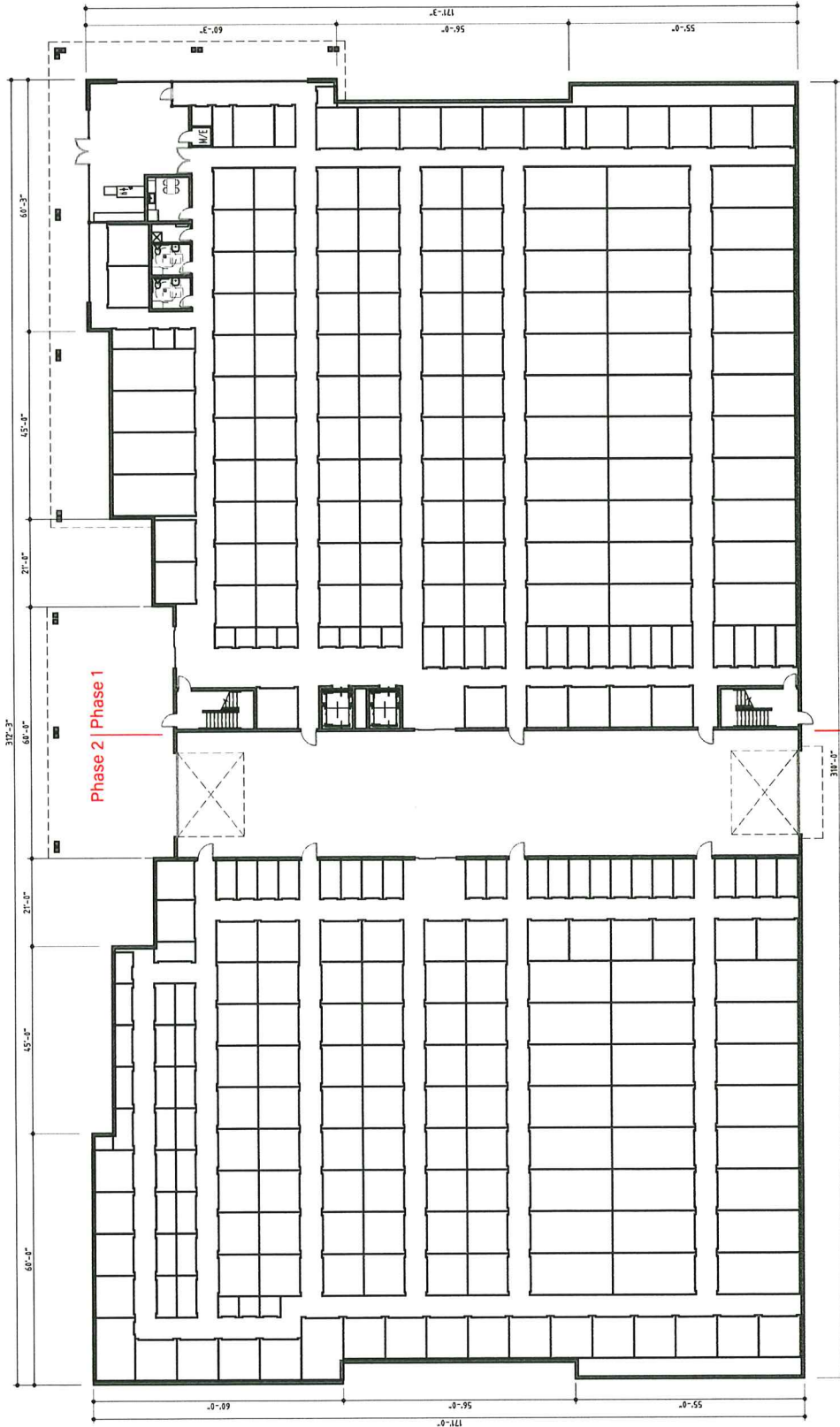


July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | [www.designhaus.com](http://www.designhaus.com)



**UNIT MATRIX**

Size	1st Floor	2nd Floor	3rd Floor	Total
5 x 5	15	18	18	51
5 x 7.5	1	1	1	3
5 x 10	63	84	84	231
10 x 10	169	195	195	559
10 x 15	2	6	6	14
10 x 20	61	63	63	187
<b>TOTAL</b>	<b>311</b>	<b>367</b>	<b>367</b>	<b>1,045</b>



July 23, 2021



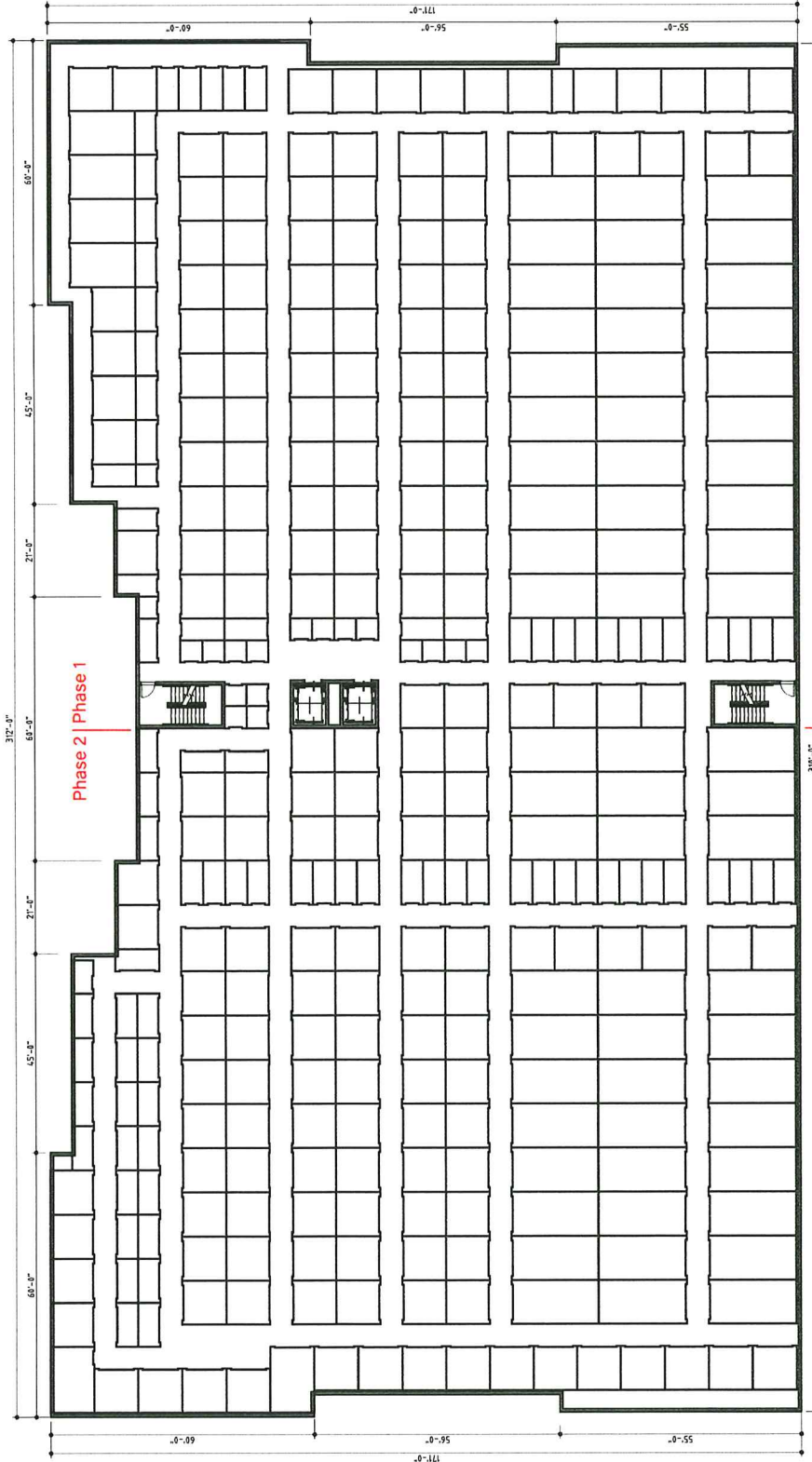
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

**First Floor Concept**



UNIT MATRIX

Size	1st Floor	2nd Floor	3rd Floor	Total
5 x 5	15	18	18	51
5 x 7.5	1	1	1	3
5 x 10	63	84	84	231
10 x 10	169	195	195	559
10 x 15	2	6	6	14
10 x 20	61	63	63	187
TOTAL	311	367	367	1,045



July 23, 2021

3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

Second and Third Floor Concept



Exterior Rendering



July 28, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI 48326 | p 248 601 4422 | www.designhaus.com



Exterior Rendering



July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p. 248 601 4422 | www.designhaus.com



Exterior Rendering



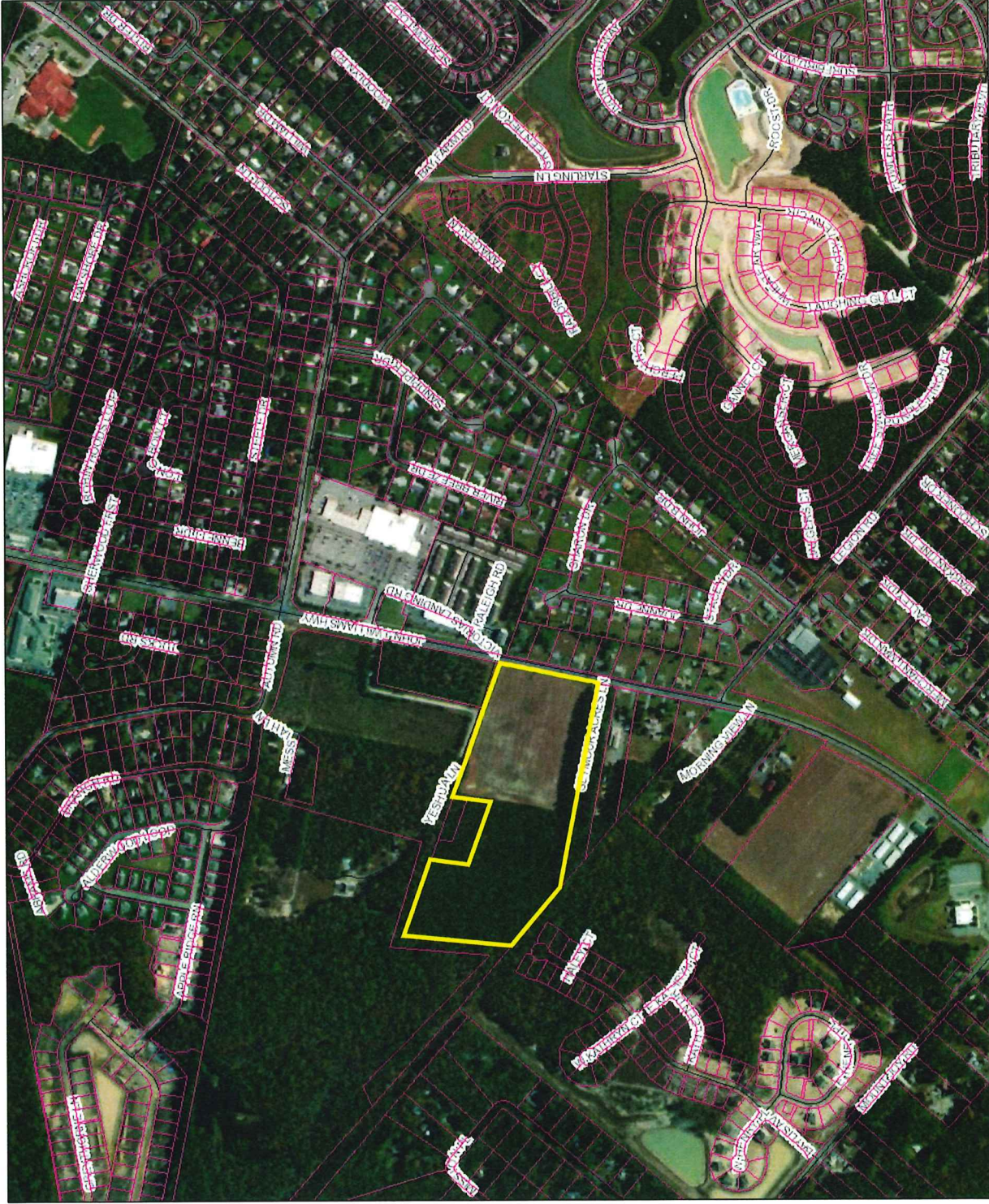
July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

# EXHIBIT E



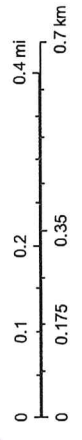
# Sussex County

<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 101
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	



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

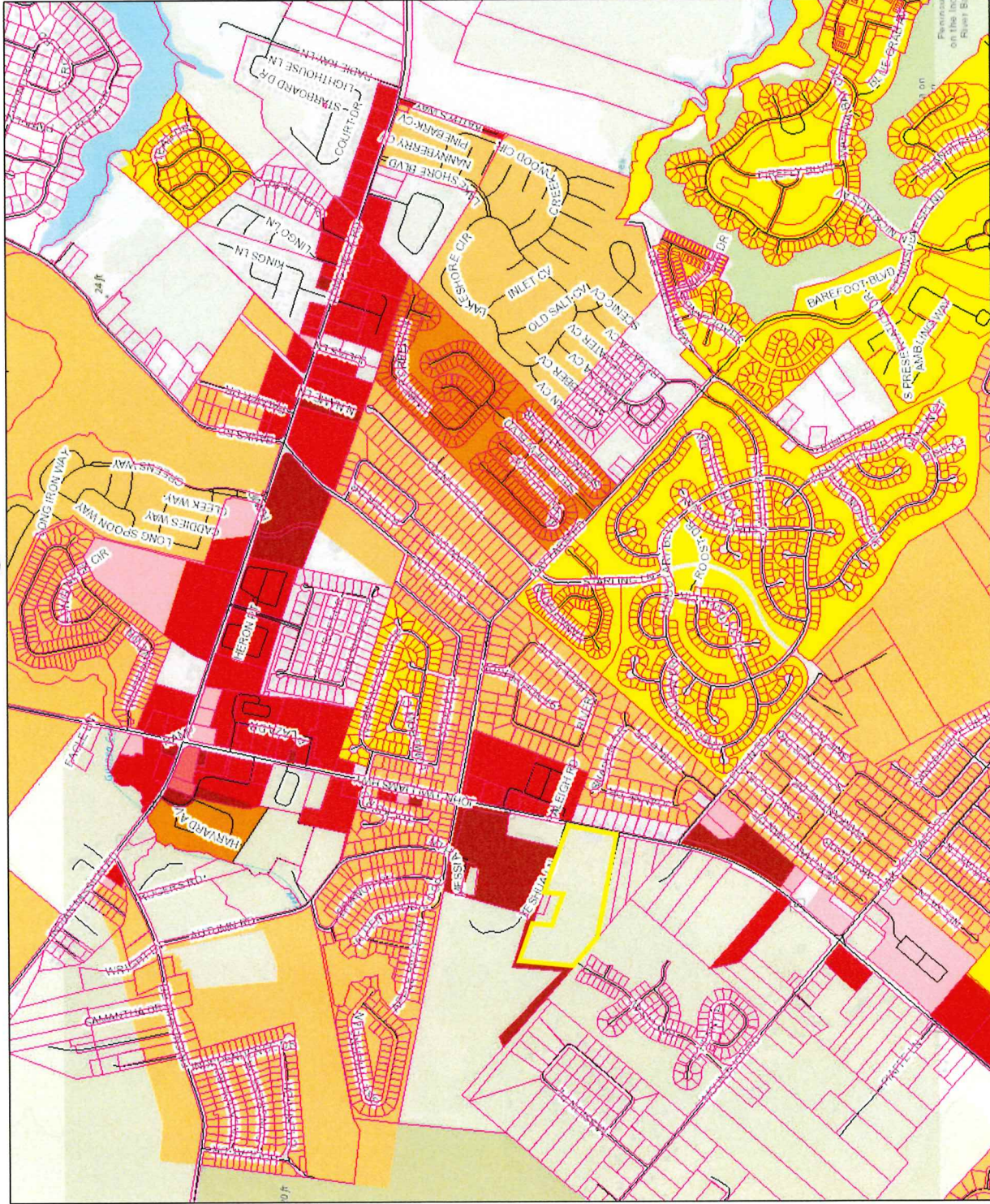
1:9,028





# Sussex County

<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	





# Sussex County

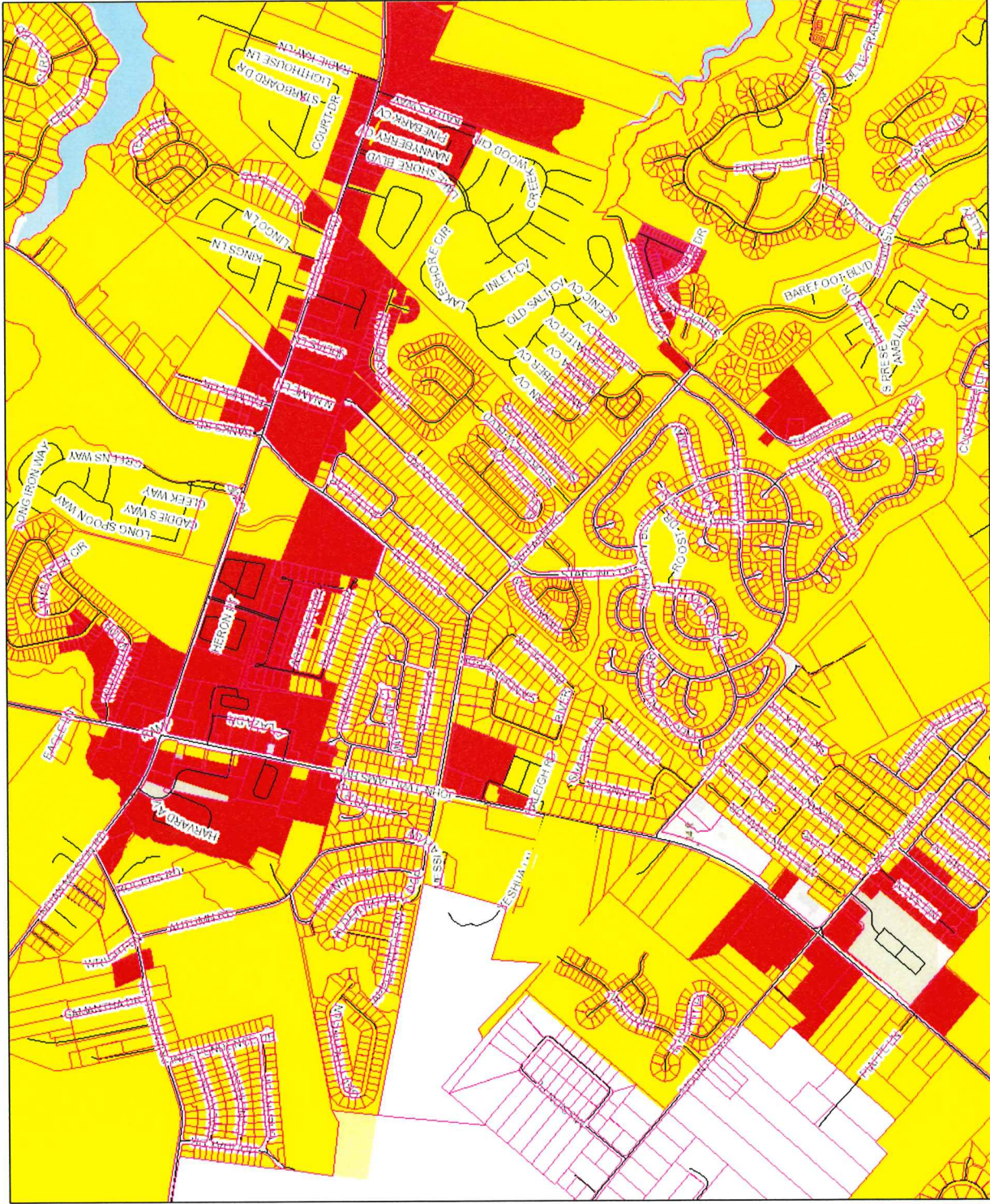
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100 DEWEY BEACH
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	







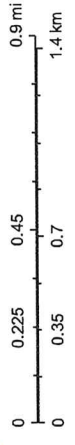
# Sussex County



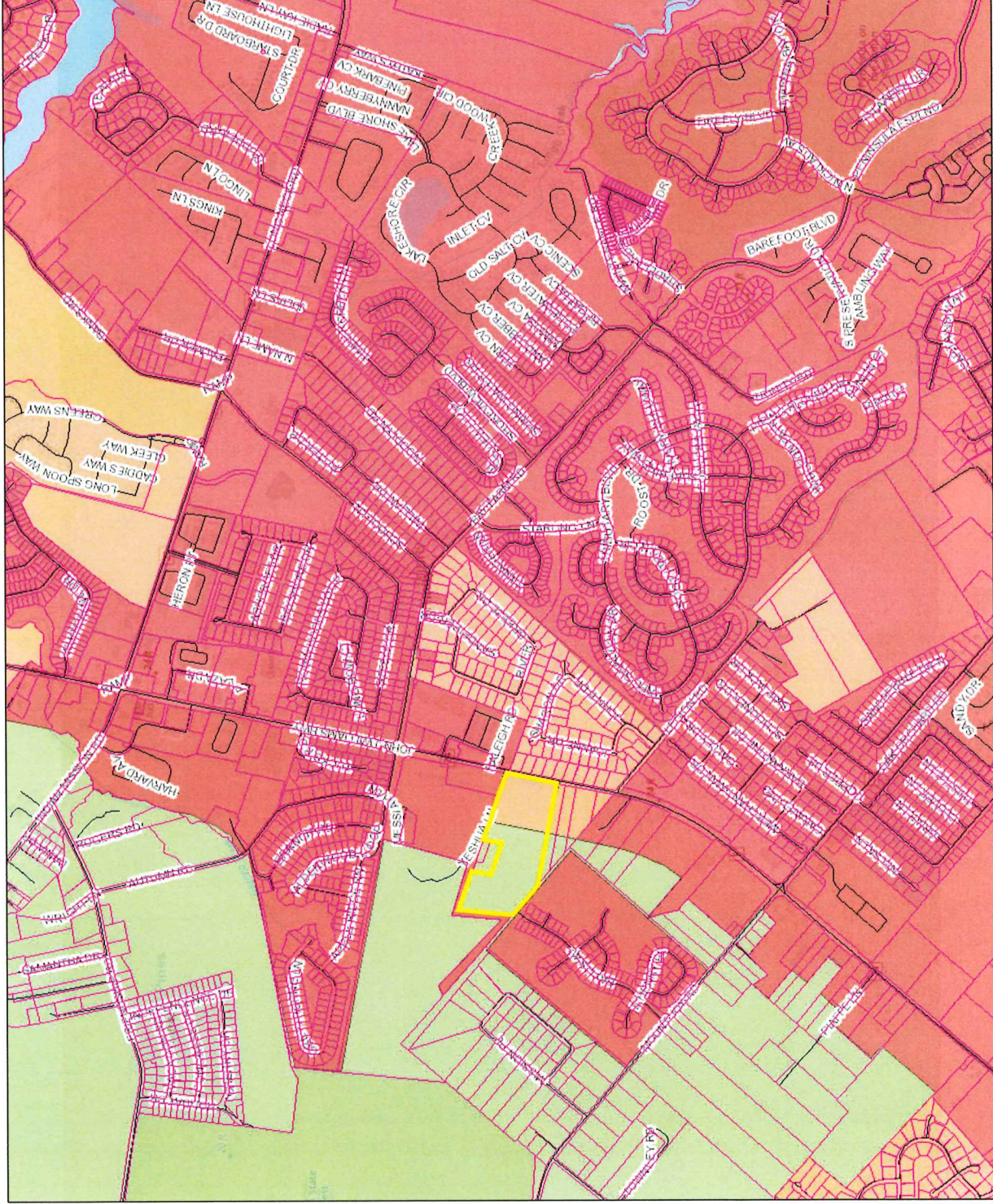
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/R/T 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- County Boundaries
- 2019 Future Land Use
  - Low Density
  - Coastal Area
  - Commercial
  - Developing Area
  - Existing Development Area
  - Industrial
  - Municipalities
  - Town Center

1:18,056



# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

**polygonLayer**  
Override 1

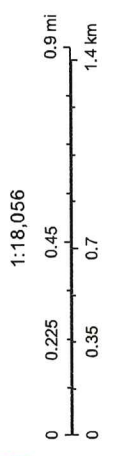
**polygonLayer**  
Override 1

--- Tax Parcels

--- Streets

--- County Boundaries

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



# EXHIBIT F



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
PH: (302) 227-7808  
www.scaledengineering.com

---

## COASTAL AREA ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION REPORT

---

**AMERICAN STORAGE OF DELAWARE  
JOHN J. WILLIAMS HIGHWAY  
MILLSBORO, DE 19966**



**PREPARED FOR:**

American Storage of Delaware LLC  
113 Dickinson Street  
Suite 100  
Dewey Beach, DE 19971

**PREPARED BY:**

Scaled Engineering Inc  
20246 Coastal Highway  
Rehoboth Beach, DE 19971

  
M. Josh Stallings  
Senior Environmental Scientist



Carlton R. Savage, Jr., P.E.  
Senior Engineer | Principal

## **TABLE OF CONTENTS**

1.0	INTRODUCTION.....	3
2.0	EXISTING CONDITIONS.....	3
3.0	ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION.....	3
3.A	PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS.....	3
3.B	PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS.....	3
3.C	PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS.....	4
3.D	ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM.....	4
3.E	THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS.....	4
3.F	THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE.....	4
3.G	PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4. [ADDED 12-16-2008 BY ORD. NO. 2022 <sup>1</sup> ].....	4
3.H	A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE.....	5
3.I	ECONOMIC, RECREATIONAL OR OTHER BENEFITS.....	5
3.J	THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.....	5
3.K	A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN.....	5
3.L	ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN.....	6
4.0	CONCLUSION.....	6
	REFERENCES.....	7

### APPENDICES:

APPENDIX A – PRELIMINARY CONCEPT PLAN

APPENDIX B – FIGURES

- CRITICAL HABITAT FOR THREATENED & ENDANGERED SPECIES
- WETLAND MAPPING

APPENDIX C – ASSESSMENT OF ENVIRONMENTAL CONDITIONS & NATURAL FEATURES REPORT

## **1.0 INTRODUCTION**

Scaled Engineering Inc (Scaled) on behalf of American Storage of Delaware LLC (client), has prepared an Environmental Assessment and Public Facility Evaluation Report (report) for the American Storage of Delaware LLC property, located west side of John J. Williams Highway (Route 24), 0.25± miles south of Bay Farm Road, Millsboro, DE 19966. The site is listed under Sussex County tax map numbers 234-29.00-49.02, 49.03 & 50.00. The site is intended to be improved with commercial business park (flex park), mini-warehouse (self-storage) facilities, mini-warehouse office, and residential multi-family housing with clubhouse. A preliminary concept plan is provided in Appendix A.

## **2.0 EXISTING CONDITIONS**

The subject property consists of a vacant, 25.90± acre, partially wooded parcel with approximately 12 acres of tillable land. Topographically, much of the site is nearly level, with gently sloped areas to the north and northwest with approximately 3 feet of relief. Regionally, the eastern part of the site is located within the Indian River Bay – Indian River Inlet watershed, which ultimately drains to the Indian River Bay. The western part of the site is located within the Love Creek watershed, which ultimately drains to the Rehoboth Bay.

## **3.0 ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION**

### **3.A PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS**

The proposed drainage design will utilize best management practices to meet or exceed state regulatory requirements. A combination of wet basin(s), planted buffers, and infiltration practices (at a minimum) will be utilized to reduce phosphorus and nitrogen, and control runoff of other pollutants, such as petroleum hydrocarbons and metals. Quantity discharges would also be managed by appropriate measures on-site. A detailed stormwater management plan would be prepared and submitted to the Sussex Conservation District for review and approval prior to any land disturbing activities.

### **3.B PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS**

Potable water will be serviced by Tidewater Utilities, Inc (Tidewater, TUI). The property is located within TUI's Certificate of Public Necessity (CPCN) area. A service request has been submitted to Tidewater, and the "Willing and Able to Serve Letter" will be provided upon receipt. A water main including potable and fire suppression water is located on the opposite side of Route 24. It is unknown if service stubs are already provided to the site; however, they would be extended to provide adequate water supply to the project. Utilizing the public water utility will ensure there are no negative effects to groundwater. The current plan would generate the need for 140 residential units (140 EDU's) and a single bathroom facility for the mini-storage facility (3 EDU's estimated). Based on Sussex County design standards of 250 gallons per day per Estimated Dwelling Unit (EDU) an average demand of 35,750 gallons per day with a peak demand (assuming a peaking factor of 2.3) to be approximately 82,225 gallons per day. With the property in the Coastal Area, factors such as seasonal occupancy may reduce this demand. Extension of the existing water main would be designed in accordance with Tidewater Standards (by the site engineer) and installed by the developer to accommodate the potable demand, and to provide additional fire hydrant(s) and fire suppression to proposed facilities.

### **3.C PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS**

Sanitary Sewer (Wastewater) service will be provided by Sussex County. A "Sewer Service Concept Evaluation" (SSCE) was submitted to the Sussex County Engineering Department along with the appropriate fee. The SSCE will analyze the project's capacity needs and provide the appropriate location and method for connection to the County's system. A "Willing and Able to Serve Letter" was also requested. Conversation with the County has determined, based on a preliminary review, the project will most likely utilize an existing stub near the Route 24 / (Bay Farm Rd/Autumn Rd) intersection. An adjacent property (to the North) is under design currently, which may allow for a closer connection. Following Sussex County Sewer Design standards and utilizing the Sussex County facility(s) will ensure there are no effects to the quality of groundwater and surface waters from wastewater treatment and disposal. It is currently assumed that this area will be handled by the Inland Bay Wastewater Treatment Plant off Cannon Road.

### **3.D ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM**

The increase in traffic and effect on the surrounding roadways will be analyzed, reviewed, and approved by the Department of Transportation (DelDOT) through a thorough review process. On-site entrance location, size, and any site (or off-site) improvements would be part of this process during design. Based on the PLUS report response by the DelDOT (dated March 3, 2021) (included in application) the proposed improvements would generate less than 2,000 Average Daily Traffic (ADT) and less than 200 peak hour vehicle trip ends. This allows the developer to provide an Area Wide Study (AWS) fee in lieu of a Traffic Impact Study (TIS). The fee is calculated as \$10 per daily trip and is used to fund traffic studies. The actual traffic generated by proposed improvements will be adjusted based on the actual use at the time of submission, and should traffic increase, requirements may change; however, it is not anticipated the thresholds would be exceeded to require a TIS. The site is fronted along Route 24, which is deemed a "Major Collector" and provides for substantial traffic flows given its functional classification. All necessary improvements would be designed and installed by the developer to ensure safe and appropriate traffic flow into and out of the site.

### **3.E THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS**

Per the U.S. Fish & Wildlife Service (FWS), "Critical Habitat for Threatened & Endangered Species" mapping, no critical habitat for threatened and endangered species, nor proposed habitat protection areas exist on the site (see Appendix B). An "Assessment of Environmental Conditions and Natural Features" report, prepared by Edward M. Launay of Environmental Resources, Inc., revealed no endangered or threatened species on the site (see Appendix C).

### **3.F THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE**

Per the FWS, National Wetlands Inventory, no wetlands exist on the site (see Appendix B). An "Assessment of Environmental Conditions and Natural Features" report, prepared by Edward M. Launay of Environmental Resources, Inc., revealed no wetlands on the site (see Appendix C).

### **3.G PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4. [ADDED 12-16-2008 BY ORD. NO. 2022']**

The proposed project will allow approximately 11 acres of land to remain open space. Approximately 4.77 acres will consist of undisturbed forested area, which will be utilized for recreation and provide wildlife habitat. Other

passive open space will contain stormwater best management practices. Active open space will contain grass areas, recreational features, and decorative landscaping.

### **3.H A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE**

Sewer service will be provided by Sussex County. Potable water will be provided by Tidewater. Sewer and water infrastructure necessary to connect to the public utilities will be constructed by the developer. Electric will be serviced by Delmarva Power. Easements will be provided, as necessary, for all infrastructure to be maintained by an agency and/or service provider. Internal access roads and parking will be constructed and privately maintained by the developer and/or homeowners association.

### **3.I ECONOMIC, RECREATIONAL OR OTHER BENEFITS**

The proposed commercial business park and mini-warehouse facilities will provide business and employment opportunities, which will promote economic growth to the community and surrounding areas. The self-storage facility will provide a viable personal storage option, which will benefit the growing community. The multi-family housing will offer market rate apartments to individuals and families living and working in Long Neck and surrounding areas. The proposed club house and active outdoor open space will provide safe and family oriented recreational area for residents on-site.

### **3.J THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES**

Per an online review of the National Park Service, National Register of Historic Places database, there are no historic or cultural resources at the site.

### **3.K A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN**

Currently the property is Zoned AR-1 with a Future Land Use Designation of Coastal Area. The Coastal Area is "...among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices." With the development of new homes in this Coastal Area, commercial facilities will need to be added to support the needs of the additional residents.

#### Commercial Storage:

Many new residents are moving from remote destinations to Sussex County (and the Coastal Area in particular) for retirement and lower cost living after achieving a specific age. Generally, new homes are smaller than those they are leaving, and located within planned residential communities which do not provide ample storage for their needs (or the ability to add additional storage facilities such as detached garages/sheds/buildings). This use provides a cost effective means of storage in a centralized location adjacent to adequate transportation and roadways.

Per the 2018 Sussex Comprehensive Plan Update, "Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and HIGHWAYS."

This site is directly located along Route 24 (John J. Williams HIGHWAY), and adjacent to other commercial uses (retail and service). Based on these facts, the property appears suited to be included within that concentration of use already prescribed in the area.

#### Medium Density Residential:

The rear of the property (as proposed) is for multi-family residential. Per the 2018 Comprehensive Plan "Sussex County's base density of 2 units per acres is appropriate throughout this classification (Coastal Area); however, medium and higher density (4-12 units per acre) can be appropriate in certain areas. Medium and Higher Density



could be supported in areas: where there is central water and sewer (provided); near sufficient commercial uses (Harris Teeter shopping center across Route 24 and newly proposed commercial to north); where it is in keeping with the character of the area (Victoria's Landing multifamily across Route 24 and other nearby medium density developments to north and south of property); where it is along a main road or at/near a major intersection (along Route 24); where there is adequate Level of Service (Located within Level 2 of the 2020 Delaware Strategies for State Policies and Spending);...".

### **3.L ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN**

The above subsections B(2)(A) through (K), strive to identify possible impacts from the proposed development. Each item above requires professional engineering/design, oversight, review, and approval by respective authoritative agency(s); therefore, will meet the requirements set forth in all Federal, State, County, and Local codes/regulations to minimize (or eliminate) possible detrimental impacts from development.

"The (2018 Comprehensive) Plan strives to set a foundation for decision-making and provide the County with a roadmap to a future that will maintain and enhance the quality of life all residents enjoy." The proposed project as described compliments the nearby area by providing responsible growth and necessities of the community while maintaining the quality of life residents are moving to the area to enjoy, as is consistent with the Comprehensive Plan.

## **4.0 CONCLUSION**

The American Storage of Delaware LLC project will utilize best management practices that meet or exceed regulatory requirements. The project will provide opportunity for economic and societal growth within the community, while preserving the environment.

Scaled Engineering Inc. is committed to bringing the best resources to our clients to assist in development of their projects. Should you have any questions or need additional information, please do not hesitate to contact Scaled.

## **REFERENCES**

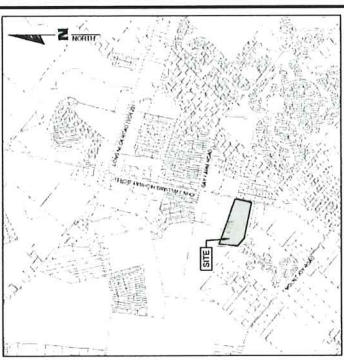
The following documents, publications, maps, etc., were used as source materials for this report:

- Sussex County Delaware, Online Mapping: <https://maps.sussexcountycle.gov/OnlineMap/Map.html>
- Sussex County Delaware Property Records: <https://property.sussexcountycle.gov>; <https://maps.sussexcountycle.gov/OnlineMap/Map.html>; <https://sussexcountycle.gov/recorder-deeds>
- U.S. Fish & Wildlife Service (FWS), Critical Habitat for Threatened & Endangered Species: <https://fws.maps.arcgis.com/home/item.html?id=9d8de5e265ad4fe09893cf75b8dbfb77#!>
- FWS, National Wetlands Inventory: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>
- National Park Service, National Register of Historic Places: <https://www.nps.gov/subjects/nationalregister/index.htm>
- Sussex County Comprehensive Plan – Final March 2019 – “The Sussex Plan” <https://sussexcountycle.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>
- Strategies for State Policies and Spending (DelDOT) <http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=265b9ac2d304432b962b0ba0f1de76>

b6

S:\PROJECTS\GRAULICH\GRAU001 - Rt 24 - American Storage\ENVIRONMENTAL\Coastal Area Env Report.docx

**APPENDIX A**  
**PRELIMINARY CONCEPT PLAN**



**LEGEND:**

- CAPPED REBAR FOUND
- IRON PIPE FOUND
- PROPERTY BOUNDARY
- ADJOINER LINE
- EASEMENT
- PROPOSED TREELINE
- BUILDING SETBACK
- AREA LIGHTING (DOT OFF SCREENED / LIGHT POST)
- PROPOSED BUILDING
- PARCEL 1 - MINIHARBOUR (SELF STORAGE) (8.27 AC) - TO BE REZONED C-3
- PARCEL 2 - MULTIFAMILY HOUSING (17.83 AC) - TO BE REZONED MR
- \* DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1

**SITE DATA:**

- TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
- TAX MAP ADDRESS: JOHN J. WILLIAMS HIGHWAY, MLLSBORO, DE 19968
- OWNER: AMERICAN STORAGE OF DELAWARE  
11500 WILSON BLVD  
INDIAN RIVER HUNDED, DE 19968
- ZONING: EXISTING: AGRICULTURAL RESIDENTIAL  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED: PARCEL 1 - MINIHARBOUR (SELF STORAGE) \* 150,000 SQ FT  
PARCEL 2 - MULTIFAMILY HOUSING CLUBHOUSE \* 3,000 SQ FT  
MULTIFAMILY HOUSING CLUBHOUSE \* 3,000 SQ FT
- BUILDING SETBACKS: C-3 (HEAVY COMMERCIAL DISTRICT)  
FRONT: 10 FT  
SIDE: 5 FT (VESPA UNITS), 10 FT (VESPA UNITS)  
REAR: 30 FT (VESPA UNITS), 10 FT (VESPA UNITS)  
\* THESE SHALL BE A 50% REDUCTION FROM THE MINIMUM SETBACKS REQUIRED BY THE ZONING ORDINANCE.  
\* THESE SHALL BE A 50% REDUCTION FROM THE MINIMUM SETBACKS REQUIRED BY THE ZONING ORDINANCE.  
\* THESE SHALL BE A 50% REDUCTION FROM THE MINIMUM SETBACKS REQUIRED BY THE ZONING ORDINANCE.  
\* THESE SHALL BE A 50% REDUCTION FROM THE MINIMUM SETBACKS REQUIRED BY THE ZONING ORDINANCE.
- AREAS: EXISTING: 25.90 AC  
PROPOSED: PARCEL 1 8.27 AC  
PARCEL 2 17.83 AC  
TOTAL 25.90 AC  
\* DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1
- NET DEVELOPMENT AREA: 25.90 AC
- SEWER PROVIDER: ON SITE SEPTIC SUSSER COUNTY
- WATER PROVIDER: TOWNSHIP
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE (DELMARATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER: 10050077A, REVISED MARCH 16, 2015 (ZONE X)
- NO WETLANDS ARE ON SITE PER THE DNREC MAPMAP.
- PRE-DEVELOPMENT: 14.28 AC  
DEVELOPMENT: 14.28 AC  
REMAINING: 4.77 AC
- PROXIMITY TO DELDOT AREA: 0.15 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- SITE WITHIN COASTAL AREA
- RECHARGE AREA

**PARKING / LOADING REQUIREMENTS:**

**DEF-STREET PARKING - (PER CODE SECTIONS 115-152A & 155)**

- REQUIRED PARKING: 0 SPACES REQUIRED
- HANDICAP PARKING (25 PERCENT SPACES): 1 VAN SPACE REQUIRED
- COMMUNITY OFFICE (1 PER 200 SF (1,200 SF)): 14 SPACES PROVIDED
- VAN-IC SPACES: 1000 SPACES PROVIDED
- IN-USE STORAGE SPACES: 77 SPACES PROVIDED
- IN-USE STORAGE SPACES: 174 SPACES PROVIDED

**APARTMENT BUILDINGS - PER UNIT (60 UNITS):**

- 28 SPACES REQUIRED
- 28 SPACES PROVIDED
- 28 SPACES \* 13 VAN-IC SPACES \* 282 SPACES PROVIDED

**TOTAL PARKING PROVIDED:**

- 157 PARKING SPACES
- 14 HANDICAP SPACES
- 489 TOTAL PARKING SPACES

**DEF-STREET LOADING - (PER CODE SECTIONS 115-157)**

- MINIHARBOUR (SELF STORAGE) OFFICE: 0 SPACE REQUIRED
- LOADING SPACES REQUIRED: 0 SPACE (12-14 FT)
- APARTMENT BUILDINGS: 3 SPACES REQUIRED
- LOADING SPACES PROVIDED: 4 SPACES (12-14 FT)

# **APPENDIX B**

## **FIGURES**

**CRITICAL HABITAT FOR THREATENED & ENDANGERED  
SPECIES**

### Critical Habitat for Threatened & Endangered Species [USFWS]



A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

U.S. Fish and Wildlife Service | Maxar | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

# WETLAND MAPPING





U.S. Fish and Wildlife Service

# National Wetlands Inventory

# WETLAND MAPPING



March 2, 2022

## Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**APPENDIX C**  
**ASSESSMENT OF ENVIRONMENTAL CONDITIONS &**  
**NATURAL FEATURES REPORT**

# **Assessment of Environmental Conditions & Natural Features**

**Tax Map Parcels 234-29.00-49.02, 49.03 & 50.00  
Indian River Hundred, Sussex County, Delaware**

**March 3, 2022**

*Prepared for*

**American Storage of Delaware, LLC.  
113 Dickinson Street, Suite 100  
Dewey Beach, Delaware 19971**

*Prepared by*

**Edward M. Launay  
Senior Professional Wetland Scientist No. 875  
Environmental Resources, Inc.  
P.O. Box 169  
38173 DuPont Blvd.  
Selbyville, Delaware 19975**

**ERI Project No. 1062#1224**

# Assessment of Environmental Conditions & Natural Features

## Tax Map Parcels 234-29.00-49.02, 49.03 & 50.00 Indian River Hundred, Sussex County, Delaware

### Table of Contents

Introduction .....	1
Site Location & Topography .....	1
Soils.....	2
Forested Lands.....	3
Threatened & Endangered Species.....	4

### List of Exhibits

1. Sussex County Tax Map
2. Google Earth Photo, May 2021
3. Boundary Survey – Scaled Engineering (reduced)
4. Concept Plan – Scaled Engineering (reduced)
5. USDA Soil Survey of Sussex County
6. U.S. Fish & Wildlife Service National Wetland Inventory Map
7. U.S. Fish & Wildlife Service Species List, March 3, 2022
8. Photographs

## **Introduction**

Environmental Resources, Inc. (ERI) has performed a review of 29.90 acres of land located in Sussex County, Delaware on the western side of John J. Williams Highway (State Route 24) just south of Yeshua Lane. The site is located in the Indian River Hundred and it is composed of Tax Map Parcels 234-29.00-49.02, 49.03 and 50.00. The Sussex County Tax Map is included as Exhibit 1. A May 2021 Google Earth Photo is Exhibit 2. Exhibit 3 is a copy of a boundary survey reduced in size. This review was conducted on behalf of the property owner, American Storage of Delaware, LLC., who is seeking land use approval from Sussex County for a potential mixed use development involving residential housing and a commercial storage facility component. The proposed current plan is provided as Exhibit 4. A field reconnaissance of the property was performed on March 2, 2022. Prior to that reconnaissance, ERI reviewed a variety of published guidance document involving topics such as wetlands, soils and topography.

ERI found that in the case of the subject site, published guidance map information about environmental resources was relatively accurate. ERI did not encounter any wetlands, unique topographic conditions such as steep slopes, forest of exceptional resource value or any federally listed threatened or endangered species, or any critical habitats present on the property. The site is surrounded by existing residential and commercial development on three sides.

## **Site Location and Topography**

The 29.90 acre site is somewhat rectangular in shape. It has 598.92 feet of frontage along the western side of John J. Williams Highway (State Route 24). It is roughly 660 feet deep. Two unimproved driveways lie just to the north and south of the site, Yeshua Lane and Seymore Acres Lane respectively. Both lanes access low density residential housing. The frontage of the property is occupied by an 11.5 acre agricultural field (See Photographs 1, 2 & 3). The remainder of the site, 14.4 acres is immature woodland.

The topography over the site is relatively flat. State Route 24 is somewhat higher than the adjacent agricultural fields. Elevations range throughout the site from 15 to 19 feet. However, most of the property lies between 16 and 19 feet. While being relatively flat, the property is generally concave with somewhat higher lands surrounding it off site. A low point exists just off site at the northeast corner of the property. Within the site itself, topographic information shows areas of ridges and shallow closed depression. Soil conditions are very sandy. Historic aerial photography indicates that some parts of the agricultural field portion of the site has rare occurrences of wetness at the surface in some years after major storm events.

Based on ERI's site reconnaissance there is no evidence of any surface ponding within the wooded portion of the site. Depth to seasonal high groundwaters appears to average about 42 inches below the soil surface as observed on March 2, 2022. Soil textures were found to be composed of permeable loamy sand soils. There are no ditches, streams or surface water conveyances within, abutting or in close proximity to the property boundaries.

**Soil Characteristics & Groundwater**

The USDA Soil Survey for Sussex County is included as Exhibit 5 of this report. The Soil Survey indicates four soil types within the site, all with 0 – 2 percent slopes. Downer loamy sand (DnA), Fort Mott loamy sand (FmA), Ingleside loamy sand (IeA) soils total 78.9 percent of the site. They are well drained soils found on uplands.

Klej loamy sand (KsA) occupies 21.1 percent of the site. This somewhat poorly drained soil is mapped in the northwest quadrant of the site as shown by Exhibit 5. The occurrence of this soil type within the northwest quadrant of the site is consistent with conditions observed during ERI's site reconnaissance. Land of slightly lower elevation lie within this area and within some shallow topographically depressed areas in the center of the site. A soil boring near the northeast corner of the of the site where klej sandy loam is mapped is described as follows:

Inches	Description
0 – 2	10 YR 3/1 very dark grey loamy sand
2 - 14	10 YR 5/3 brown loamy sand
14 - 25	10 YR 5/4 yellowish brown loamy sand
25 – 38+	10 YR 5/2 greyish brown loamy sand
Groundwater Depth 36" 3/2/2022	

The extent of Klej loamy sand soils on this site is likely larger than mapped by the USDA Soil Survey.

Fort Mott loamy sand is mapped over much of the southerly half of the site (60.5% of total site). A soil boring was excavated near the center of the site just inside of the woods line (See Photograph 4) within the Fort Mott unit is described as follows:

Inches	Description
0 – 2	10 YR 3/2 very dark greyish brown loamy sand
2 - 13	10 YR 4/3 brown loamy sand
13 – 30	10 YR 4/4 dark yellowish brown loamy sand
30 - 52+	10 YR 5/6 yellowish brown loamy sand
Boring was dry at 52 inches 3/2/2022	

Within the center of the wooded portion of the site, a third boring was excavated in an area mapped as Fort Mott soils by the Soil Survey. It was very similar to the previously described soil, however, below 40 inches soil chromas had a chroma of 2.5 Y. They were variegated in color between 2.5 Y 6/3 light yellowish brown and 2.5 Y 5/6 light olive brown loamy sand. Depth to groundwater was 42 inches on 3/2/2022. It is likely the inclusions of other well drained soils in the Hammonton and Woodstown and Klej Series occur within the Fort Mott mapping unit shown on the USDA Soil Survey.

No hydric soils or soils indicative of wetlands were identified on this property. Soils on this property are somewhat poorly drained to well drained in character with few development limitations. Soil conditions are permeable loamy sands to sand.

**Forested Land** – The forest on this property is monotypic in both age and structure. Based upon review of aerial photography, the wooded portion of the site was clear cut in approximately 2004. The current forest is about 17 years old. Dominant species include loblolly pine, sweet gum and red maple. The understory ranges from open in higher parts (See Photograph 4) of the site and denser in more lowlying areas (See Photograph 5). In these low lying areas or within shallow topographic depression red maple is more prevalent along with species such as high bush blueberry, American holly and green briar. The plant community generally appears more wet tolerant than soil conditions would indicate in these areas.

Exhibit 6 of this report is the U.S. Fish and Wildlife Service, National Wetlands Inventory Map (NWI Map). The NWI Map classifies this entire site as uplands.

A palustrine forest wetland associated with a drainage way is mapped 0.15 miles northwest of the site. An isolated water filled depression is mapped approximately 0.03 miles north, northwest of the site. No indication of special habitat types was observed on the property.

**Federally Listed Threatened or Endangered Species** – No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species on this site. The Service's determination letter dated March 3, 2022, is included as Exhibit 7 of this report. The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist.

This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. The open lands of this property are active agricultural lands. Suitable habitat is not present.

### **Conclusion**

The 25.90 acre site consists of 11.5 acres of agricultural field and 14.4 acres of a relatively immature stand of trees dominated by loblolly pine, sweet gum and red maple. The wooded portion of the site was clear cut in 2004. No specimen trees or habitats of special concern exist. No federally listed threatened or endangered species exist on the property.

The site is relatively flat but somewhat concave with respect to surrounding topography. There are no wetlands, streams or drainage conveyances on or nearby the site. Soils on the site are primarily loamy sands with few development limitations. The soils are mostly well drained in character. Only an estimated 20 to 35 percent of the site is occupied by soils somewhat poorly drained in character. Soil textures are permeable loamy sand to sand. Seasonal high water conditions observed on March 2, 2022 ranged from 36 inches below the surface to dry at 52 inches or greater.

The subject site is surrounded by existing commercial and residential development on three sides. To the rear or west of the site an area of relatively mature upland forests exists offsite.



# Exhibit 1

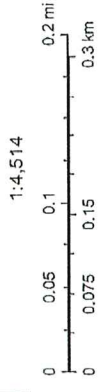
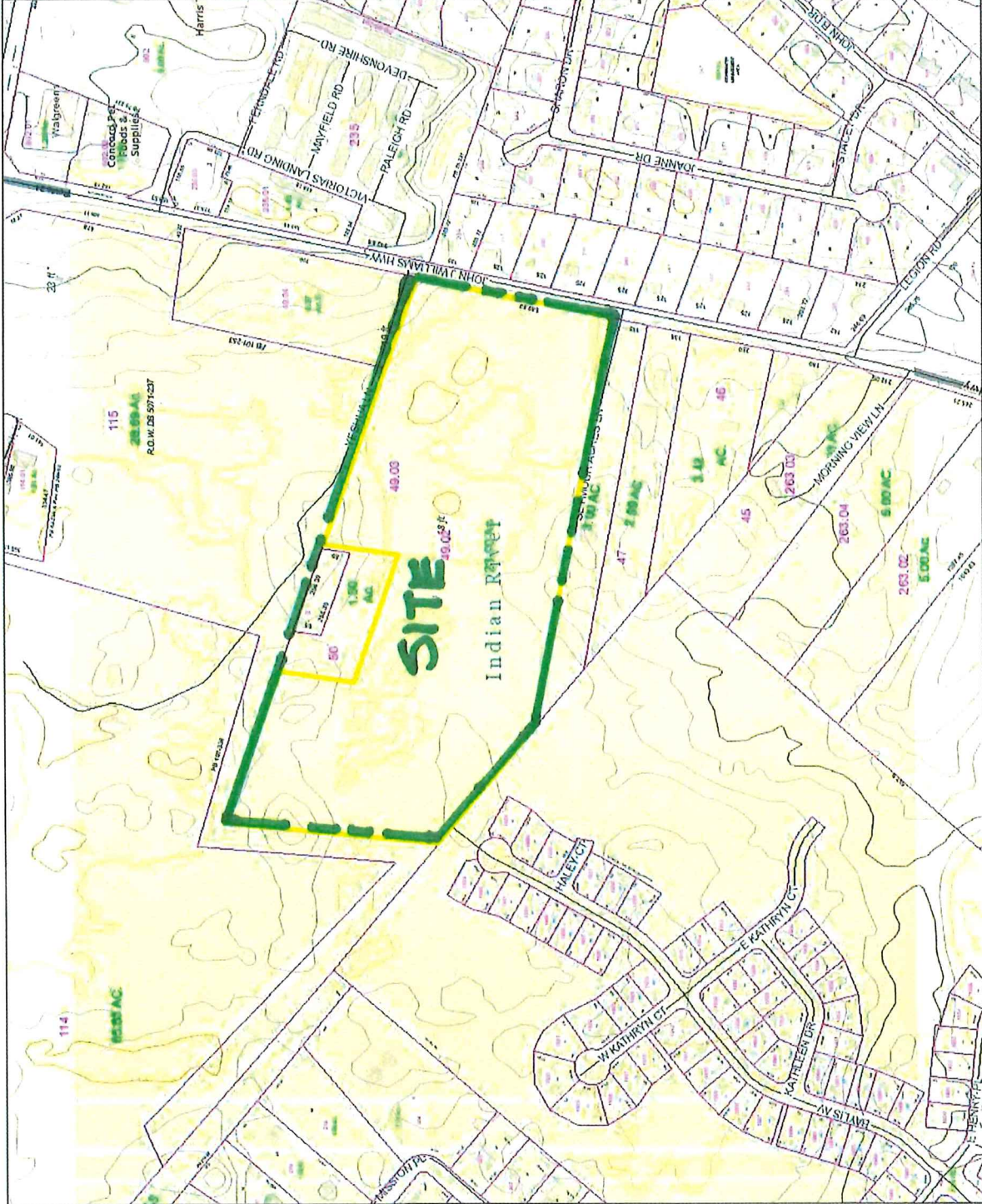
## Sussex County Tax Map

# EXHIBIT 1



Sussex County

PIN	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE DEWEY BEACH
City	DE
Description	WIRT 24
Description 2	PARCEL 1
Description 3	
Land Code	



## **Exhibit 2**

**Google Earth Photo, May 2021**

**American Storage  
EXHIBIT 2**

**Legend**



Google Earth

Image © 2021 Maxar Technologies

**Exhibit 3**

**Boundary Survey  
Scaled Engineering (reduced)**

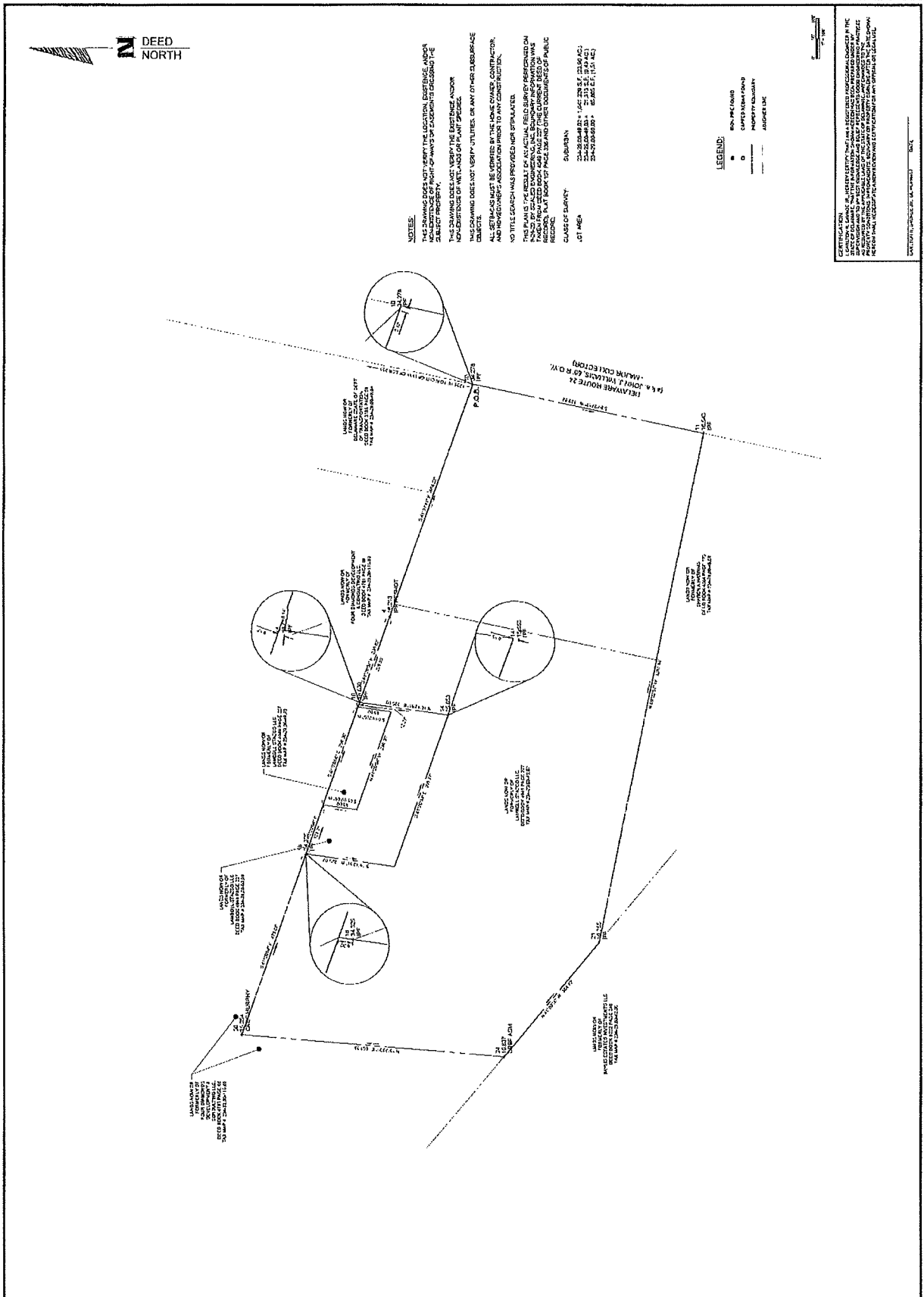


EXHIBIT 5

**Exhibit 4**

**Concept Plan  
Scaled Engineering (reduced)**

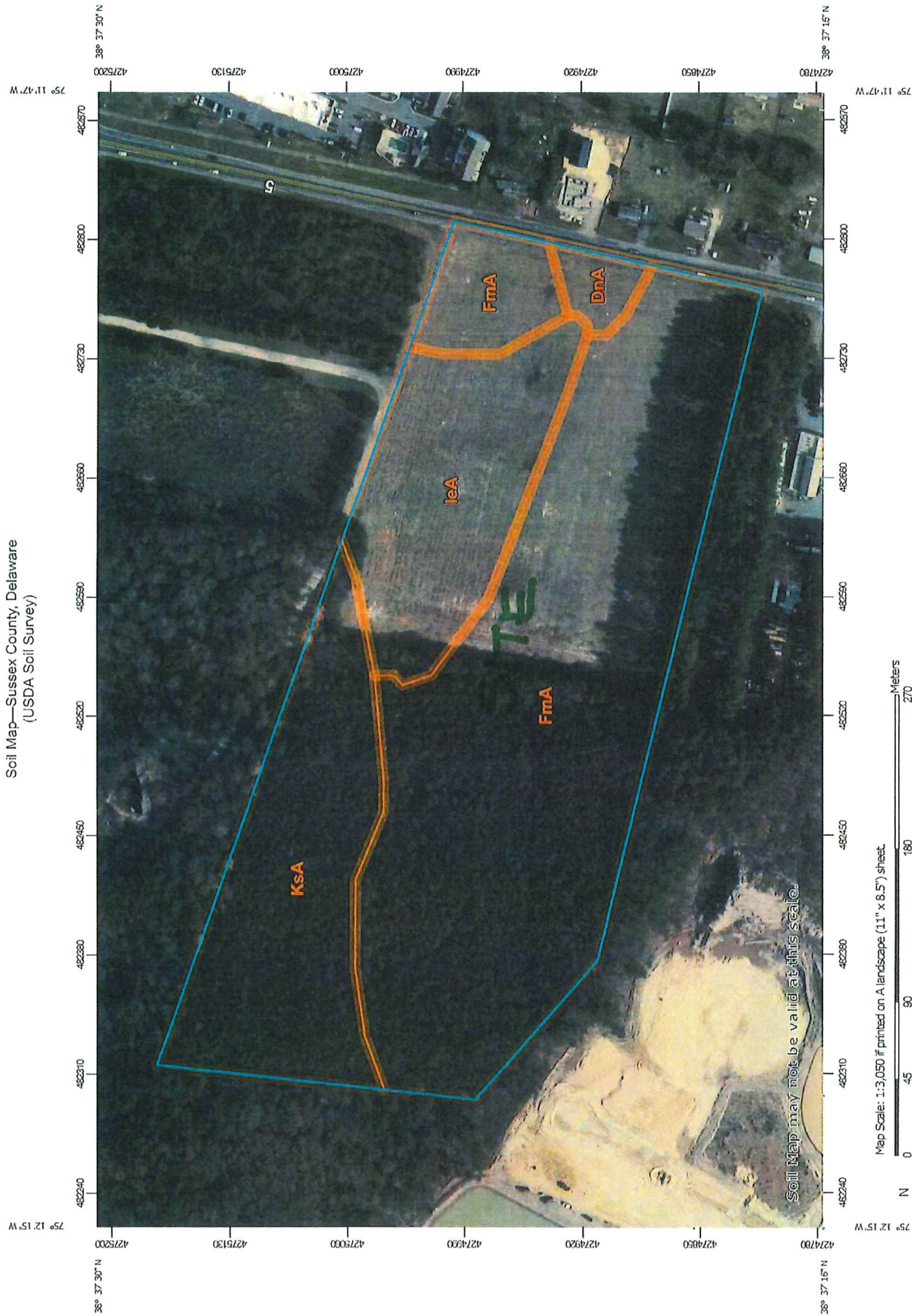




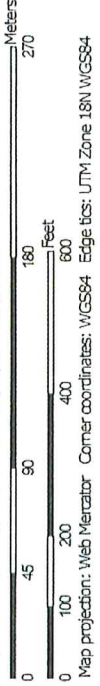
## **Exhibit 5**

# **USDA Soil Survey of Sussex County**

Soil Map—Sussex County, Delaware  
(USDA Soil Survey)











































Map Scale: 1:3,050 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

**EXHIBIT 5**

## 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                |  Streams and Canals    |
|  Borrow Pit             |  Transportation        |
|  Clay Spot              |  Rails                 |
|  Closed Depression      |  Interstate Highways   |
|  Gravel Pit             |  US Routes             |
|  Gravelly Spot          |  Major Roads           |
|  Landfill               |  Local Roads           |
|  Lava Flow              |  Background            |
|  Marsh or swamp         |  Aerial Photography    |
|  Mine or Quarry         |   |
|  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 22, Aug 26, 2021

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

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

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
DnA	Downer loamy sand, 0 to 2 percent slopes	0.5	1.8%
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	15.9	60.5%
IeA	Ingleside loamy sand, 0 to 2 percent slopes	4.3	16.5%
KsA	Klej loamy sand, 0 to 2 percent slopes	5.6	21.1%
<b>Totals for Area of Interest</b>		<b>26.3</b>	<b>100.0%</b>

## **Exhibit 6**

# **U.S. Fish & Wildlife Service National Wetland Inventory Map**



U.S. Fish and Wildlife Service

# National Wetlands Inventory

# American Storage of Delaware LLC



March 4, 2022

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

## EXHIBIT 6

National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper

**Exhibit 7**

**U.S. Fish & Wildlife Service  
Species List  
March 3, 2022**

# EXHIBIT 7



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
Phone: (410) 573-4599 Fax: (410) 266-9127



<http://www.fws.gov/chesapeakebay/>  
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:  
Project Code: 2022-0015439  
Project Name: American Storage of Delaware LLC

March 03, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.



A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
(410) 573-4599

## Project Summary

Project Code: 2022-0015439

Event Code: None

Project Name: American Storage of Delaware LLC

Project Type: Mixed-Use Construction

Project Description: Proposed development of a mixed use commercial storage facility and residential Hosing project on uplands.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.623283,-75.20047726008434,14z>



Counties: Sussex County, Delaware

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: <a href="https://www.fws.gov/savethemonarch/FAQ-Section7.html">https://www.fws.gov/savethemonarch/FAQ-Section7.html</a>).</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

## **USFWS National Wildlife Refuge Lands And Fish Hatcheries**

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

## **IPaC User Contact Information**

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

Phone: 3024369637



# **Exhibit 8**

## **Photographs**

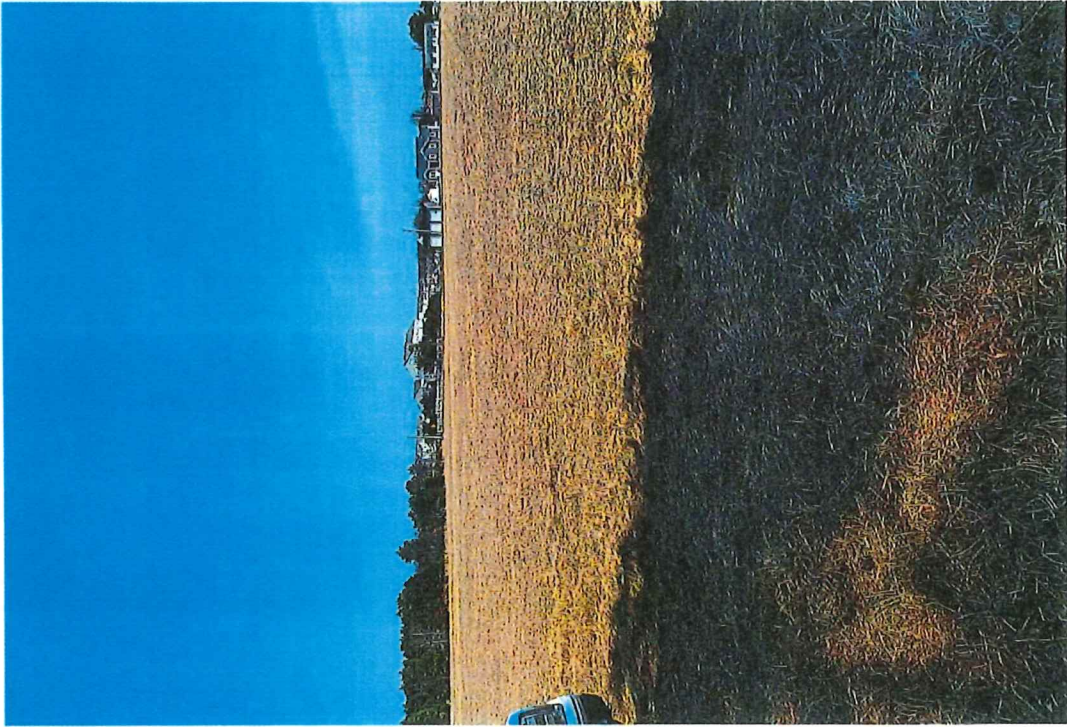


Photo 1 View east across agricultural field toward S.R. 24 3/2/2022

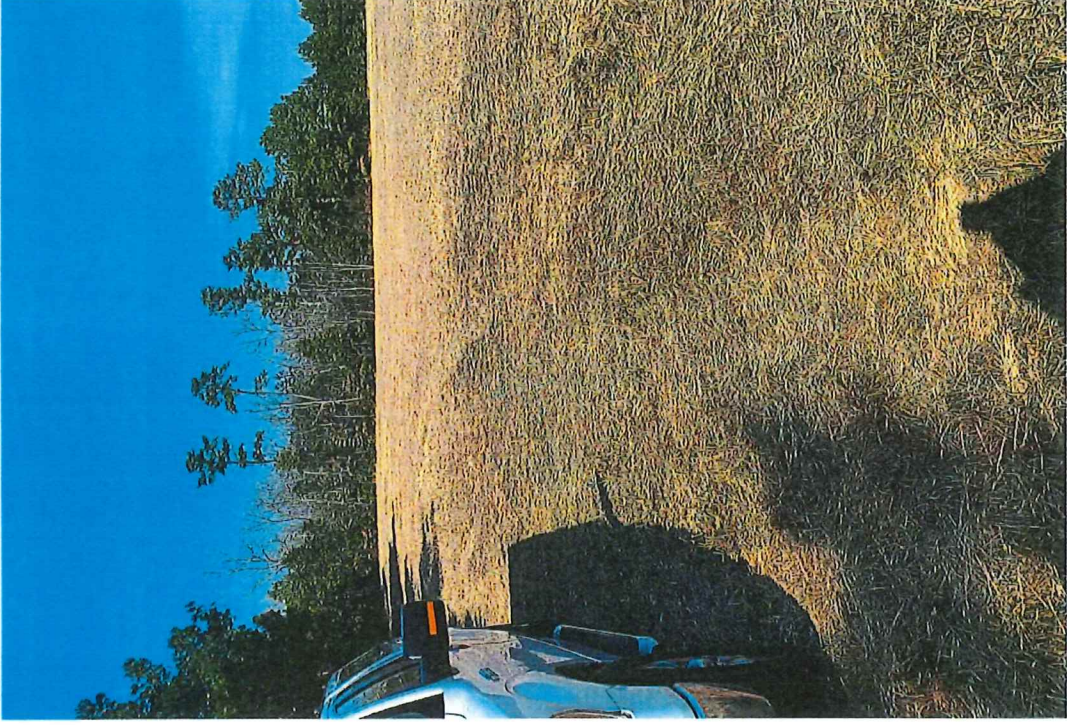


Photo 2 View north along field and woods edge



Photo 3 View south along  
field and woods edge



Photo 4 Open immature loblolly pine  
forest at bearing location near  
woods edge (higher elevation)



Photo 5 View of denser interior forest  
within topographic depression.  
Red maple, Sweet Gum & high bush blueberry  
do dominant species

# EXHIBIT G

# TIDEWATER

UTILITIES, INC.

A Middlesex Water Company Affiliate

March 10, 2022

*Sent via email*

M. Josh Stallings  
Scaled Engineering Inc.  
20246 Coastal Highway  
Rehoboth Beach, DE 19971

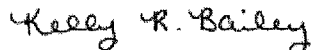
**RE: Willing & Able Letter- Tax Parcel No 234-29.00-49.02, 49.03, 50.00**

Dear Mr. Stallings:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, including fire protection, to the following parcel identified as Tax Map Parcel No. 234-29.00-49.02, 234-29.00-49.03, and 234-29.00-50.00. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner.

Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,



Kelly R. Bailey  
Manager of Contract Administration



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 1**

**TAX MAP PARCEL 234-29.00-49.02 (PART OF)**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying on the westerly side of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 1 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering Inc., dated August 26<sup>th</sup>, 2021, and being bounded on the south by lands now or formerly of Sharon A. Haring; on the west by Parcel 2 of said conceptual site plan; on the north by lands now or formerly of Four Diamonds Development & Consulting LLC and lands now or formerly of State of Delaware, Department of Transportation and being more particularly described as follows, to wit:

**BEGINNING** at a point near an iron pipe found on the westerly right-of-way of aforementioned John J. Williams Highway at a corner for lands herein described and aforementioned lands of State of Delaware; said point being located 1,296.16 feet from the southerly right of way of Autumn Road - Sussex County Road 299 as measured in a southwesterly direction along said right-of-way of John J. Williams Highway; thence continuing with the same **South 11 degrees 42 minutes 11 seconds West, 589.82 feet** to an iron pipe found at a corner for aforementioned lands of Haring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 571.86 feet** to a point at a corner for aforementioned Parcel 2; thence with same **North 11 degrees 45 minutes 04 seconds East, 670.54 feet** to a point on the southerly line of aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same and partially with said lands of State of Delaware **South 70 degrees 12 minutes 27 seconds East, 577.04 feet** to the point and place of beginning, containing 8.27 acres of land, being the same more or less.

## Preliminary Land Use Service (PLUS)

### Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): 2021-02-05  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 2/3

1. Project Title/Name: American Storage of Delaware			
2. Location ( please be specific): Delaware Route 24 (John J. Williams Highway), Millsboro, Delaware			
3. Parcel Identification #: 234-29.00-49.02, 49.03 & 50.00		4. County or Local Jurisdiction Name: where project is located: Sussex County	
5. If contiguous to a municipality, are you seeking annexation: Not applicable.			
6. Owner's Name: American Storage of Delaware, LLC (Alex Pires)			
Address: 113 Dickinson Street			
City: Dewey Beach	State: Delaware	Zip: 19971	
Phone: (302) 462-5871 (202) 905-6706	Fax:	Email: nate.gmconstruction@gmail.com farmerslawyer@aol.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			Same as owner
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
8. Project Designer/Engineer: Carlton Savage, Jr.   SCALED.Engineering			
Address: 20246 Coastal Highway			
City: Rehoboth Beach	State: Delaware	Zip: 19971	
Phone: (302) 236-3600	Fax:	Email: carlton@scaledengineering.com	
9. Please Designate a Contact Person, including phone number, for this Project:			Nate Graulich   (302) 462-5871 Alex Pires   (202) 905-6706



**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: The Project proposes to (1) rezone the front half of the property to C-3 (Heavy Commercial) for a Business Park (Flex Space) of 12.63 acres with 36,000 sq. ft. of Flex Park and 103,600 sq. ft. of mini-storage and an office for the mini-storage; and (2) rezone the rear half of the property to MR (Medium Residential) with a conditional use for multifamily (midrise) housing (13 acres) consisting of 104 units. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 25.90 +/- acres      Number of Residential Units: 104      Commercial square footage: Business Park/Flex Space (36K Sq. Ft); Mini Storage (103,600 Sq. Ft.)

13. Present Zoning: AR-1 (Agricultural Residential)      14. Proposed Zoning: C-3 (Heavy Commercial); MR (Medium Density) with Conditional Use

15. Present Use: Agricultural/Wooded      16. Proposed Use: Business Park (Flex Park); Mini Storage and Multi-Family Housing

17. Water:  Central (Community system)  Individual On-Site  Public (Utility)      Tidewater  
 Service Provider Name:

Will a new public well be located on the site?  Yes  No

18. Wastewater:  Central (Community system)  Individual On-Site  Public (Utility)  
 Service Provider Name: Sussex County

Will a new community wastewater system be located on this site?  Yes  No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):  
 The residential units are targeted as market rate apartments intended for those who live and work in the Long Neck and surrounding area

20. Environmental impacts:

How many forested acres are presently on-site? 13.79      How many forested acres will be removed? 9.20

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes  No

Are the wetlands:  Tidal      Acres:  
 Non-tidal      Acres:

If "Yes", have the wetlands been delineated?  Yes  No

Has the Army Corps of Engineers signed off on the delineation?  Yes  No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes  No      If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? +/- 200'

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes  No

per the DNREC NavMap

22. List the proposed method(s) of stormwater management for the site:  
 BMPs to likely include a combination of wet pond(s) and infiltration pond(s)

23. Is open space proposed?  Yes  No      If "Yes," how much?      Acres: 11.45

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?      active and passive recreation and stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes  No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1,170 ADT

What percentage of those trips will be trucks, excluding vans and pick-up trucks? < 5%

26. Will the project connect to state maintained roads?  Yes  No De. Rt. 24 (John J. Williams Highway)

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

There are no existing developments on adjacent lands.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No

Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Carlton Savage, Jr. phone number: (302) 238-3600

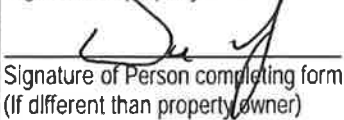
Alex Pires | (202) 905-6706

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

  
Signature of property owner

1/29/21  
Date

  
Signature of Person completing form  
(If different than property owner)

1/29/2021  
Date

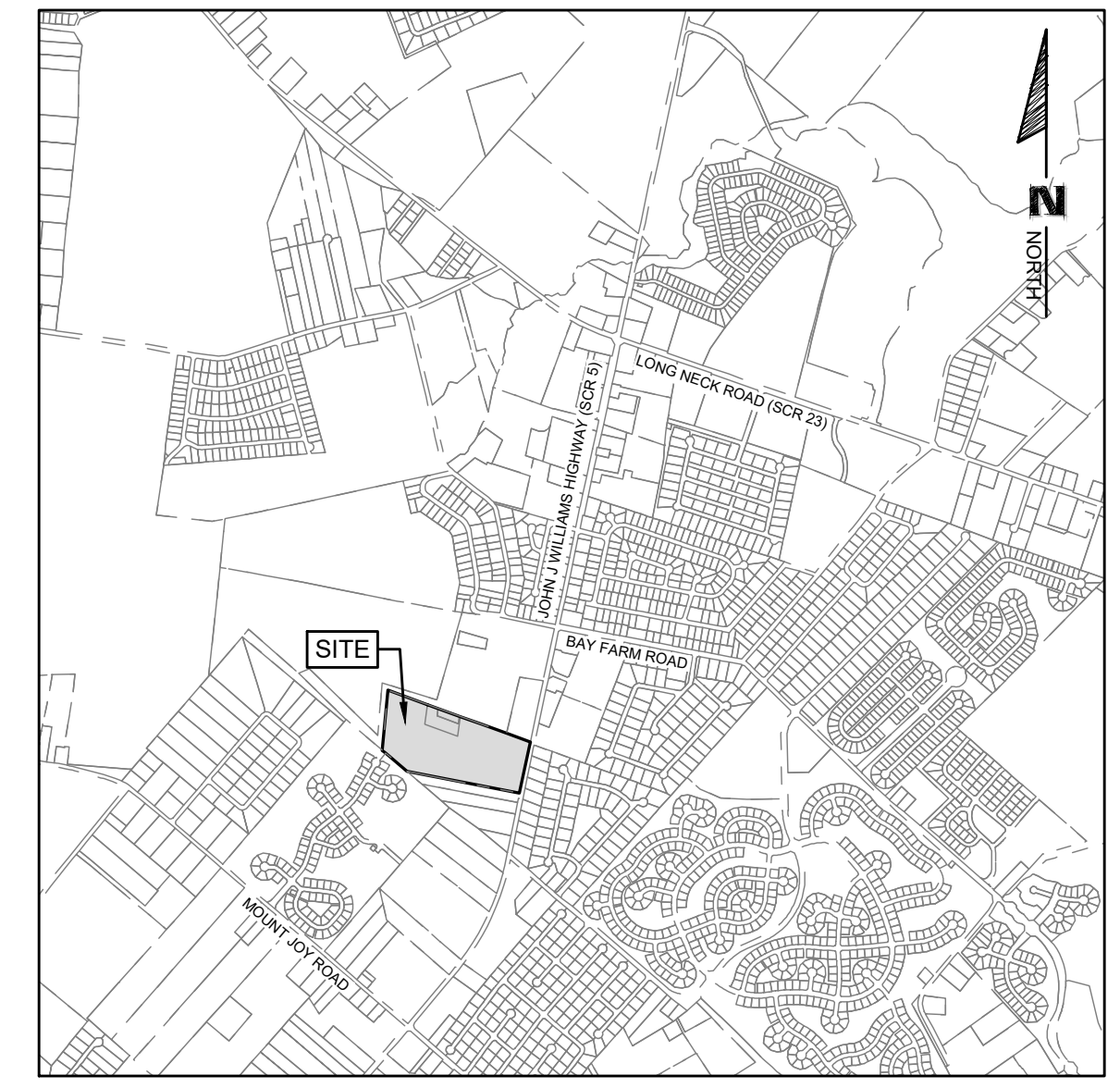
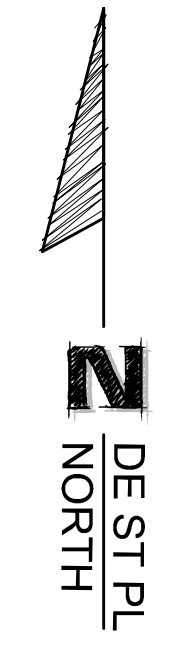
**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.



**LEGEND:**

- PROPERTY BOUNDARY
- ADJOINER LINE
- EASEMENT
- PROPOSED TREELINE
- BUILDING SETBACK
- PROPOSED BUILDING
- PARCEL 1 - BUSINESS PARK (FLEX PARK) / MINI-WAREHOUSE (SELF STORAGE) (12.63 AC)
- PARCEL 2 - MULTI-FAMILY HOUSING (13.00 AC)
- DELDOT DEDICATION (0.27 AC)



**LOCATION MAP**  
SCALE: 1" = 2,000' X-REF

**SITE DATA:**

1. TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
2. ADDRESS: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
3. OWNERS: AMERICAN STORAGE OF DELAWARE  
113 DICKENSON STREET  
DEWEY BEACH, DE 19971
4. ZONING: EXISTING: (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
5. USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - BUSINESS PARK (FLEX PARK) = 36,000 SQ FT  
MINI-WAREHOUSE (SELF STORAGE) = 103,600 SQ FT  
MINI-WAREHOUSE OFFICE = 1,200 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (MID-RISE)  
(104 UNITS) = 114,228 SQ FT  
MULTI-FAMILY HOUSING CLUBHOUSE = 3,060 SQ FT
6. BUILDING SETBACKS: C-3 (HEAVY COMMERCIAL DISTRICT):  
FRONT 60' (JOHN J WILLIAMS HWY.)  
SIDE 5' (YESHUA LN.)  
REAR 20' (SEYMOUR ACRES LN.) \*  
30' \*  
MR - MEDIUM RESIDENTIAL:  
FRONT 40'  
SIDE 10'  
REAR 10'
7. AREAS: EXISTING: 25.90 AC  
PROPOSED: PARCEL 1 12.63 AC  
PARCEL 2 13.00 AC  
DELDOT DEDICATION 0.27 AC  
TOTAL 25.90 AC
8. NET DEVELOPMENT AREA: 25.90 AC
9. SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
10. WATER PROVIDER: TIDEWATER
11. THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0477K REVISED MARCH 16, 2015 (ZONE X).
12. NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.

**PARKING / LOADING REQUIREMENTS:**

**OFF-STREET PARKING - (PER CODE SECTIONS 115-162A & 45-5)**

**REQUIRED PARKING:**  
 WHOLESALING - 1 PER 2 EMPLOYEES (80 EMPLOYEES) 40 SPACES REQUIRED  
 HANDICAP PARKING (51-75 PARKING SPACES) 3 SPACES (1 VAN) REQUIRED  
 56 SPACES + 3 HC SPACES (2 VAN) = 59 SPACES PROVIDED

**STORAGE FACILITY**  
 10'X40' RV SPACES 0 SPACES REQUIRED  
 STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF) 6 SPACES PROVIDED  
 HANDICAP PARKING (1-25 PARKING SPACES) 1 VAN SPACE REQUIRED  
 5 SPACES + 50 RV SPACES + 1 HC SPACES (VAN) = 56 SPACES PROVIDED

**APARTMENTS BUILDINGS - 2 PER UNIT (104 UNITS):** 208 SPACES REQUIRED  
 HANDICAP PARKING (200-300 PARKING SPACES) 7 SPACES (2 VAN) REQUIRED  
 223 SPACES + 12 VAN HC SPACES = 235 SPACES PROVIDED

**TOTAL PARKING PROVIDED:**  
 334 PARKING SPACES  
 + 16 HANDICAP SPACES  
 = 350 TOTAL PARKING SPACES

**OFF-STREET LOADING - (PER CODE SECTIONS 115-167)**

**LOADING**

<b>BUSINESS PARK (FLEX PARK)</b>	LOADING SPACES REQUIRED 3 SPACES REQUIRED
	LOADING SPACES PROVIDED 4 SPACES (12' X 40')
<b>MINI-WAREHOUSE (SELF STORAGE) OFFICE</b>	LOADING SPACES REQUIRED 0 SPACE REQUIRED
	LOADING SPACES PROVIDED 0 SPACE (12' X 40')
<b>APARTMENT BUILDINGS</b>	LOADING SPACES REQUIRED 3 SPACES REQUIRED
	LOADING SPACES PROVIDED 4 SPACES (12' X 40')

**AMERICAN STORAGE OF DELAWARE**

TAX MAP # 234-29.00-49.02, 49.03 & 50.00  
 INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE

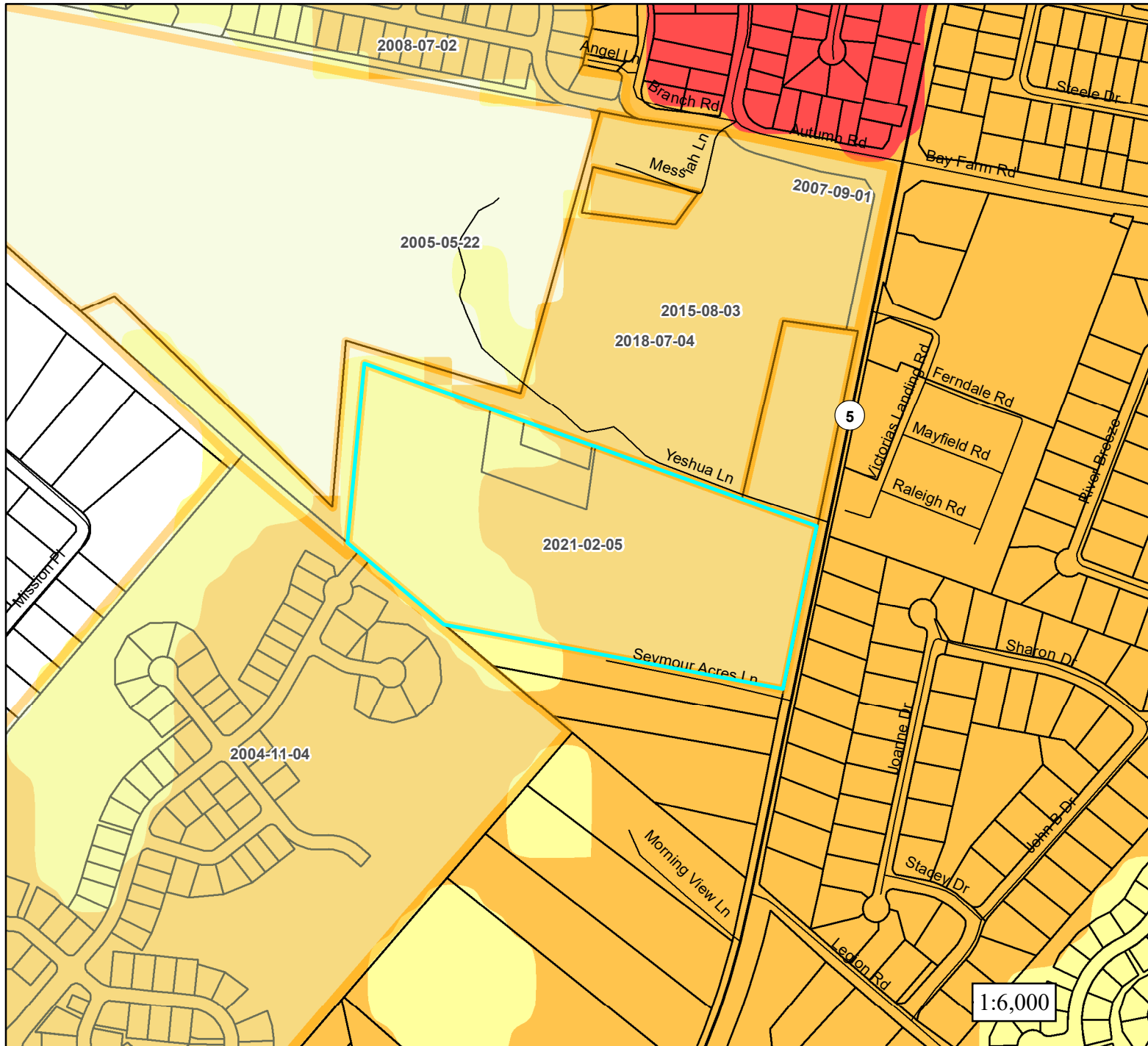
DATE: 6-29-20  
 SCALE: 1" = 100'  
 DRAWN BY: JRE  
 PROJECT NO. GRAU002

**SCALED ENGINEERING**  
 Scaled Engineering Inc.  
 20246 Coastal Highway  
 Rehoboth Beach, DE 19971  
 Phone: (302) 236-3600

**CONCEPTUAL SITE PLAN**

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2020

# Preliminary Land Use Service (PLUS)



American Storage  
2021-02-05

**Legend**

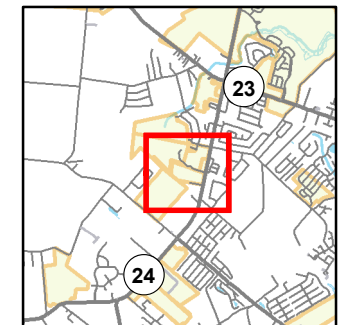
**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

**2020 State Strategies Strategy Level**

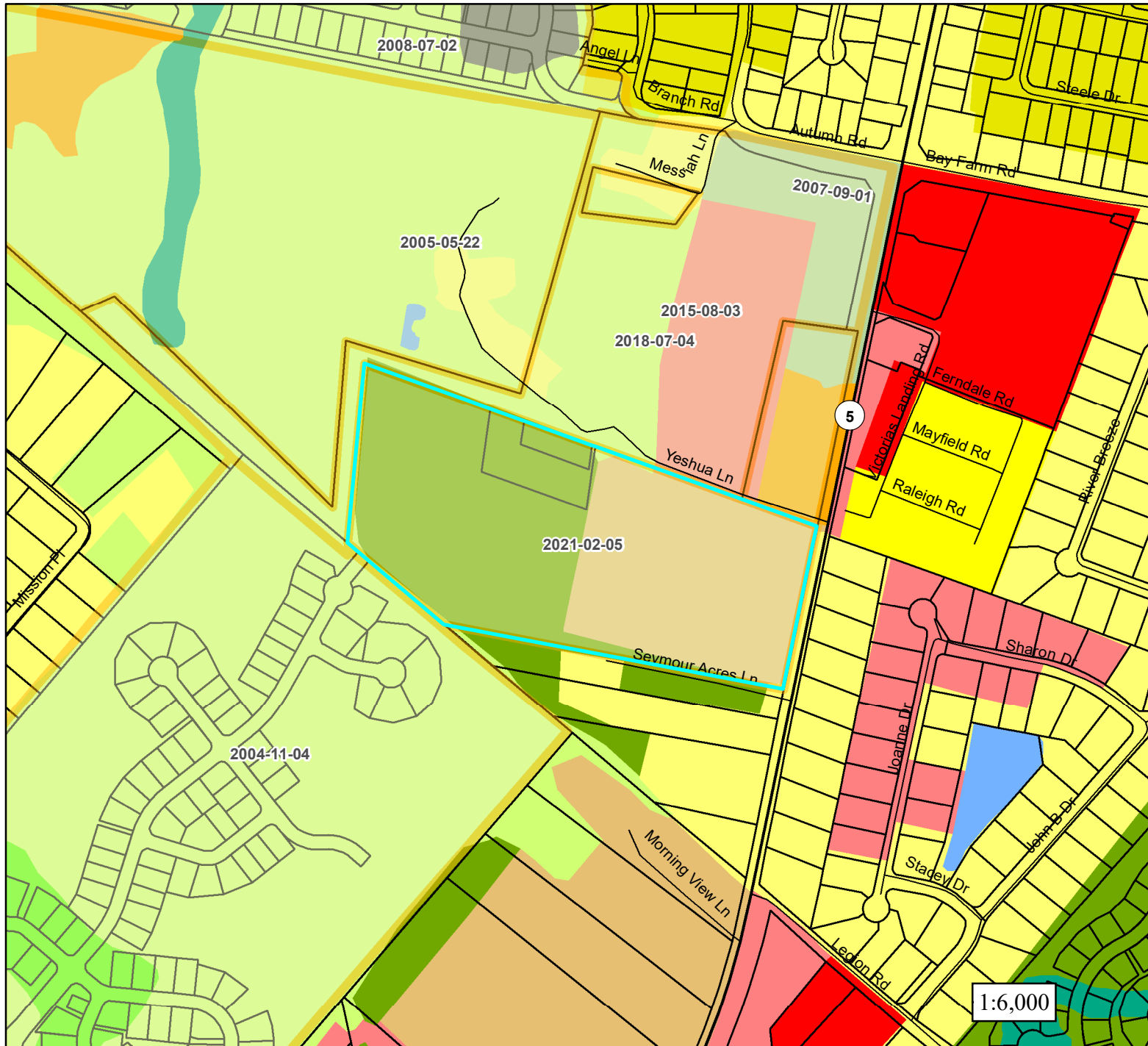
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

## Location Map



# Preliminary Land Use Service (PLUS)

**American Storage**  
2021-02-05



**Legend**

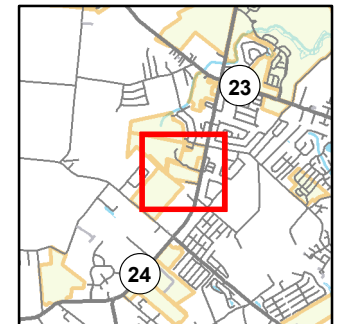
**2012 Land Use LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

## Location Map



# Preliminary Land Use Service (PLUS)

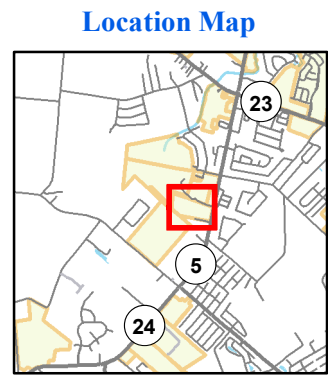


**American Storage**  
2021-02-05

**Legend**

**PLUS Project Areas**  
type

- Comp Plans
- All Other PLUS Reviews





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 23, 2021

Nate Graulich  
Graulich Builders  
34697 Jiffy Way, Suite 2  
Lewes, DE 19958

RE: PLUS review 2021-02-05; American Storage of Delaware

Dear Mr. Graulich:

Thank you for meeting with State agency planners on February 24, 2021 to discuss the proposed plans for the American Storage of Delaware project. According to the information received you are seeking review of a proposed rezoning of 25.9 acres from AR-1 to C-3 and MR and a site plan for 104 residential units and 139,600 square feet of mini storage and business park in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,170 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers’ Trip Generation Manual, as shown in the table below, DelDOT calculates 1,171 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 60 and 79, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Business Park	770	36,000	448	8	6	7	8
Mini-Warehouse	151	104,800	158	6	4	8	10
Multifamily Housing (Mid-Rise)	221	104	565	9	27	28	18
Total			1,171	23	37	43	36

- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in



lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$11,710. AWS Fees are used to fund traffic studies, not to build improvements.

- DelDOT anticipates requiring the developer to contribute to a DelDOT project presently scheduled for construction this summer, HSIP SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements, Contract No. T200711201. Information on the project is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T200711201>.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 24.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring at least two walkways to connect the interior of the site to Route 24,

one along the driveway at the north edge of the property and one at the south end of the frontage, connecting to the parking lot of the business park.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- Section 5.2.4 of the Manual addresses requirements for Entrance Width, for commercial entrances, the minimum undivided width varies from 18 to 32 feet. The proposed 30-foot entrance will be examined during the plan review process. DelDOT may require the developer's engineer to provide turning templates.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane, and possibly a left turn lane into the site from Route 24. Coordination of the construction schedules of the DelDOT project and the proposed development should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

While much of the site consists of Hydrologic Soils Group A soils (well drained), the northwest portion of the site lies within A/D soils (somewhat poorly drained). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Water Quality (Pollution Control Strategies)**

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- The western half of the site (forested portion) lies within the Rehoboth Bay Watershed & the eastern half of the site (unforested portion) lies within the Indian River Bay Watershed, both of which are included under Pollution Control Strategies. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
  - Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219  
Website: <https://www.sussexconservation.org/>

### **Nutrient Management Plan**

This project proposes approximately 11 acres of open space, exceeding the threshold of 10 Acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There are no known National Register listed or eligible properties on the parcel.
- Prehistoric archaeological potential is moderate. Soils are mostly well-drained except for the northwest corner of the area. Guinea Creek appears on Beers map and some historic aerials as extending closer to the parcels, which may mean that it is within favorable distance to freshwater for prehistoric site probability. A survey conducted in part of the parcel showed very little remains under a thick plow zone except for two isolated prehistoric finds; could mean that there are other archaeological resources throughout the area.
- Historic archaeological potential is low. Beers Map doesn't show anything near that parcel. A road appears to have existed through the middle-ish until 1950s, and historic aerials show the western portion to be continuously wooded.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for Storage/Warehouse sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for apartment (multi-family living units) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

**Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

#### Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be accessible to fire apparatus.
- Any dead end more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

#### Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

#### Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The subject land adjoins both a recorded but as-yet-unbuilt stub street in the Baylis Estates subdivision, which fronts on Mount Joy Road (Sussex Road 297), and the Peninsula Square mixed-use development, which fronts on Autumn Road (Sussex Road 299). In addition to providing emergency access to the proposed apartments, with appropriate interconnections and easements required of the subject development and Peninsula Square, these three developments could provide a low-stress pedestrian and bicycle connection between Mount Joy Road and Autumn Road.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Forest Removal**

The preliminary plans and/or project application proposed the elimination of approximately 9.2 out of 13.8 existing acres of forest habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling and reduces carbon that contributes to climate change. A forest assessment should be conducted to determine if mature forest resource exists on the property, and to determine species present.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

### **General Drainage Recommendations**

There are numerous reported drainage concerns near the proposed project area. One concern from 2009 referenced flooding of a nearby property. There are numerous concerns ranging from 2010-2020 from landowners on the eastern side of John J. Williams Highway about property flooding. The storage of onsite stormwater and the release stormwater to adjacent properties is a concern if this property is developed.

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemption coverage may be required by the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site stormwater.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Wildlife Displacement**

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by



maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetland types including freshwater forested, freshwater emergent, and estuarine.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Current or Previous Contamination**

This parcel is contained within a large area that has been investigated for well contamination (DE-1388 Long Neck Mercury Study). In 2001, mercury was detected in a public water supply well; levels were reported above the Maximum Contaminant Level. While DNREC and the U.S. Geological Survey investigated the incident, the source could not be located. The well has been temporarily turned off.

- Delaware Health and Social Services reviews the monitoring reports from the water company. The USGS report that resulted from the study can be found here: <https://pubs.usgs.gov/sir/2006/5011/pdf/sir-2006-5011.pdf>
- Contact the Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.  
Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/>
- Additional information may also be found online by searching Delaware's Environmental Navigator at <http://www.nav.dnrec.delaware.gov/den3/>

### **Additional Sustainable Practices**

Recommendations for entire project:

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Incorporate nonmotorized connectivity in the residential area and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

Recommendations for residential section:

- Include an option to install electric vehicle charging stations in garages of homes for your customers and tenants to assist Delaware in achieving its clean transportation goals.
- For the proposed pool and clubhouse, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.

Recommendations for commercial section:

- Install electric vehicle charging stations for your customers and tenants to assist Delaware in achieving its clean transportation goals. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>.

Concerns Identified Outside of the Development Footprint

**Delaware Ecological Network**

Lands designated as part of the Delaware Ecological Network lie to the east of this parcel. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on the proposed development site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within (and nearby) the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**


- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- The location is not within any flood plain nor in a coastal inundation zone. 2018 QAP described the region this project is located in as being an “Area of Opportunity” while bordering a region identified as “Stable”. The region has a homeownership rate of approximately 81.2% to 83%, a poverty ratio of 10 to 1 with approximately 21% of that census block’s population at the age of 65 or older.

**State of Delaware**  
The Official Website of the First State

Home  
Search  
Legend  
Results

 Location is **NOT WITHIN** the FEMA 100-year floodplain. Preliminary data does not exist.

**Effective Flood Zone:**  
X

**Preliminary Flood Zone:**  
n/a

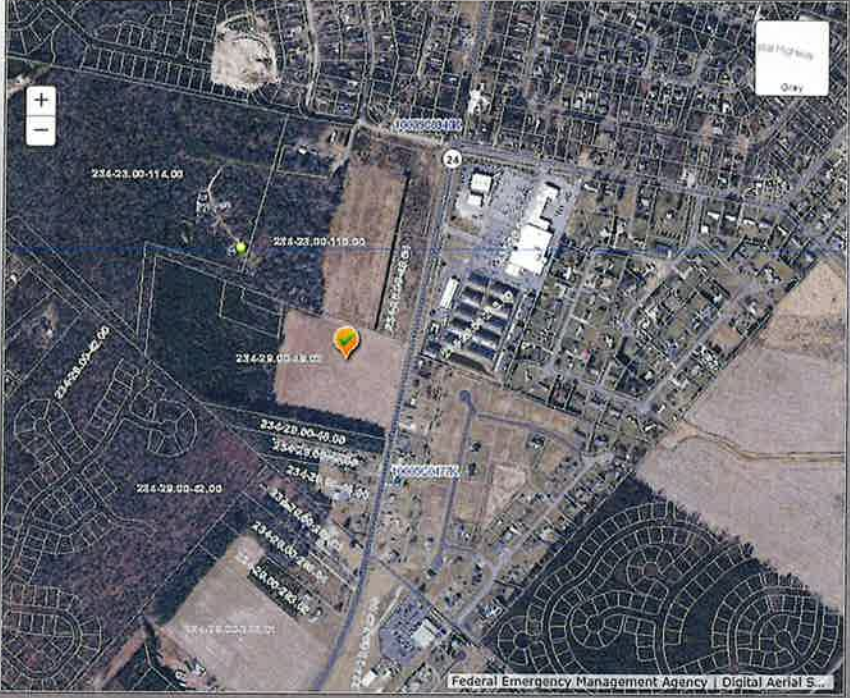
**FEMA Issued Flood Map:**  
10005C0477K

**Effective Map Date:**  
3/15/2015

**Watershed (HUC12):**  
Indian River Bay-Indian River Inlet

**Attachments:**  
None

Print  
Contacts  
Getting Started/Help



Federal Emergency Management Agency | Digital Aerial S...

Privacy | Contact | Phone Directory



Tract  
QAP Geographic Areas  
Areas Of Opportunity  
[Zoom to](#) [Get Directions](#)

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

- As of January 11, 2021, the applicant has already participated in a pre-application meeting with Planning and Zoning staff.
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.
- For the Conditional Use, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application.

- Please note that since the proposed development lies within the Coastal Area and is above the 50 dwelling unit and 75,000 feet of commercial development threshold, copies of an Environmental Assessment (EA) and Public Facility Evaluation Report must be submitted which address the criteria located in §115-194.3(2)(a-1).
- Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.
- Please include the proposed density for the project for separately for both the residential component as well as the commercial site. The C-3 Zoning District and the MR Zoning District (as a Conditional Use) allow for a density of up to 12 dwelling units per acre.
- Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
- Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- The side yard setback for the portion of the property to be zoned C-3 adjacent to the existing Yeshua Lane is shown with a 10-ft side yard setback. The Site Data Column indicates that this setback is 5-ft. The side yard setback in the C-3 Zoning District is 20-ft when adjacent to a residentially zoned parcel (Tax Map: 234-29.00-49.04 appears to be residentially zoned as AR-1) (§115-83.22(B)(2)). Please indicate if the applicant wishes to amend this setback as part of the application.
- Staff note that 11.45 acres of open space is proposed. The proposed open space of 44% is desirable. Please include the amount of open space proposed as a percentage and in acres within the Site Data Column.
- The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162).
- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of the formal application.
- Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 2 and Tier 3 area for sewer service and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.
- A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: [www.sussexcountyde.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and

county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

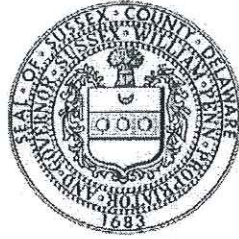
CC: Sussex County Planning Department



**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

**SEWER SERVICE CONCEPT EVALUATION (SSCE)**  
**UTILITY PLANNING & DESIGN REVIEW**

Applicant: Scaled Engineering, Inc. Carlton R. Savage Jr.

Date: 3/8/2022

Reviewed by: Chris Calio

Agreement #:1204

Project Name: American Storage of Delaware – Route 24 (Rezoning)

Tax Map & Parcel(s): 234-29.00-49.02, 49.03 & 50.00

Sewer Tier: Tier 2 - Sussex County Planning Area

Proposed EDUs: 146

Pump Station(s) Impacted: PS 197

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

List of parcels to be served, created from the base parcel: N/A

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure):N/A

Connection Point(s): MH 32

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

Fee for annexation (based on acreage):\$1,500 (10.00 - 150.00 Acres)

Current Zoning: AR-1 Zoning Proposed: C-3 Heavy Commercial

**FILE COPY**

*Received 3.24.2022  
@Public Hearing*



Acreage: **25.90**

**Additional Information: Project will extend gravity sewer line from MH-32 to the project and provide a 20' wide easement along the entire front of parcel 234-29.00-49.02.**

\* No capacity is guaranteed until System Connection Fees are paid

**All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.**

**Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.**

**Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.**

**Once Construction Drawings are completed with all of the above information satisfied, please submit to:**

Sussex County Utility Planning & Design Review  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jordan Dickerson  
Nicole Messeck

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



# Sussex County

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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



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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: March 24<sup>th</sup>, 2022

Application: C/Z 1955 American Storage of Delaware, LLC

Applicant: American Storage of Delaware, LLC  
113 Dickinson Street  
Dewey Beach, DE 19971

Owner: American Storage of Delaware, LLC  
113 Dickinson Street  
Dewey Beach, DE 19971

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Zoning: Medium Density Residential (MR) District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater

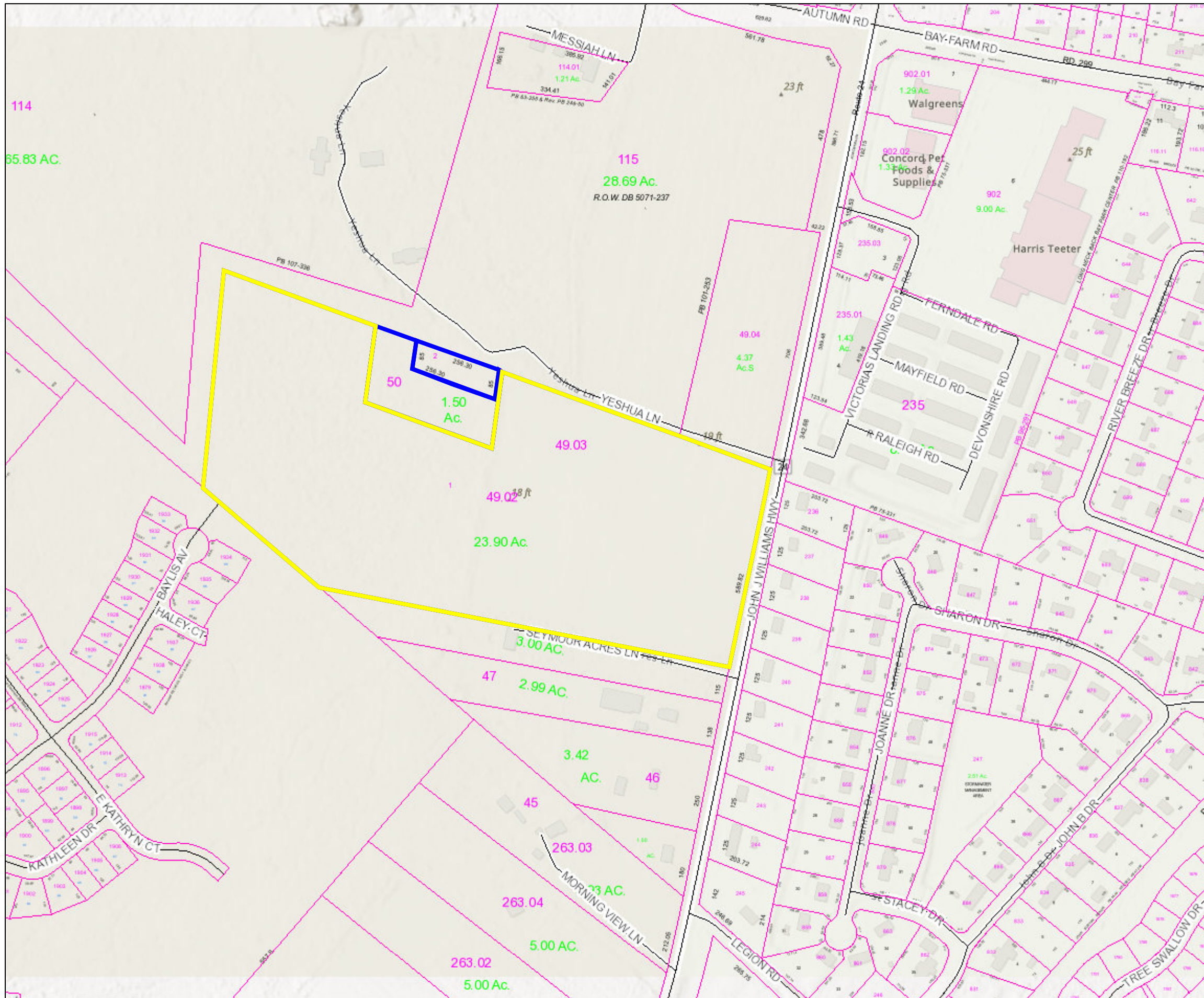
Site Area: 17.63 acres +/-

Tax Map ID.: (portion of) 234-29.00-49.02, 49.03 & 50.00





# Sussex County



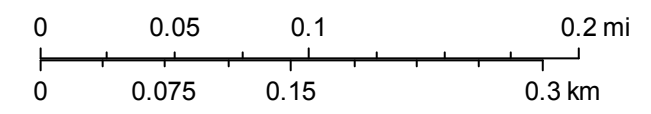
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

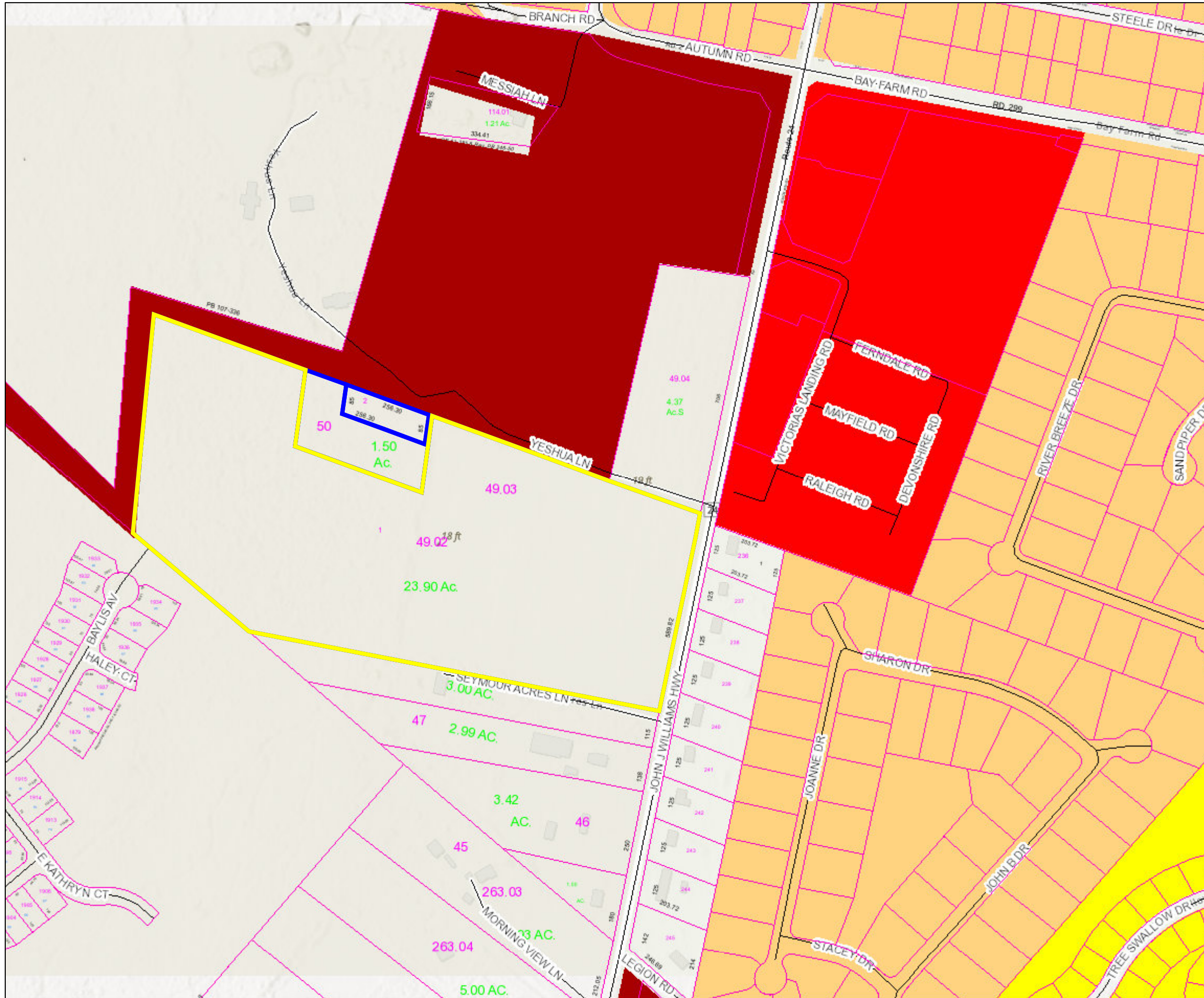
  - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





# Sussex County



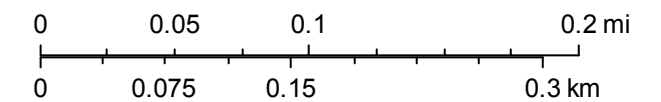
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

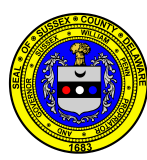
- polygonLayer**

  - Override 1
- polygonLayer**

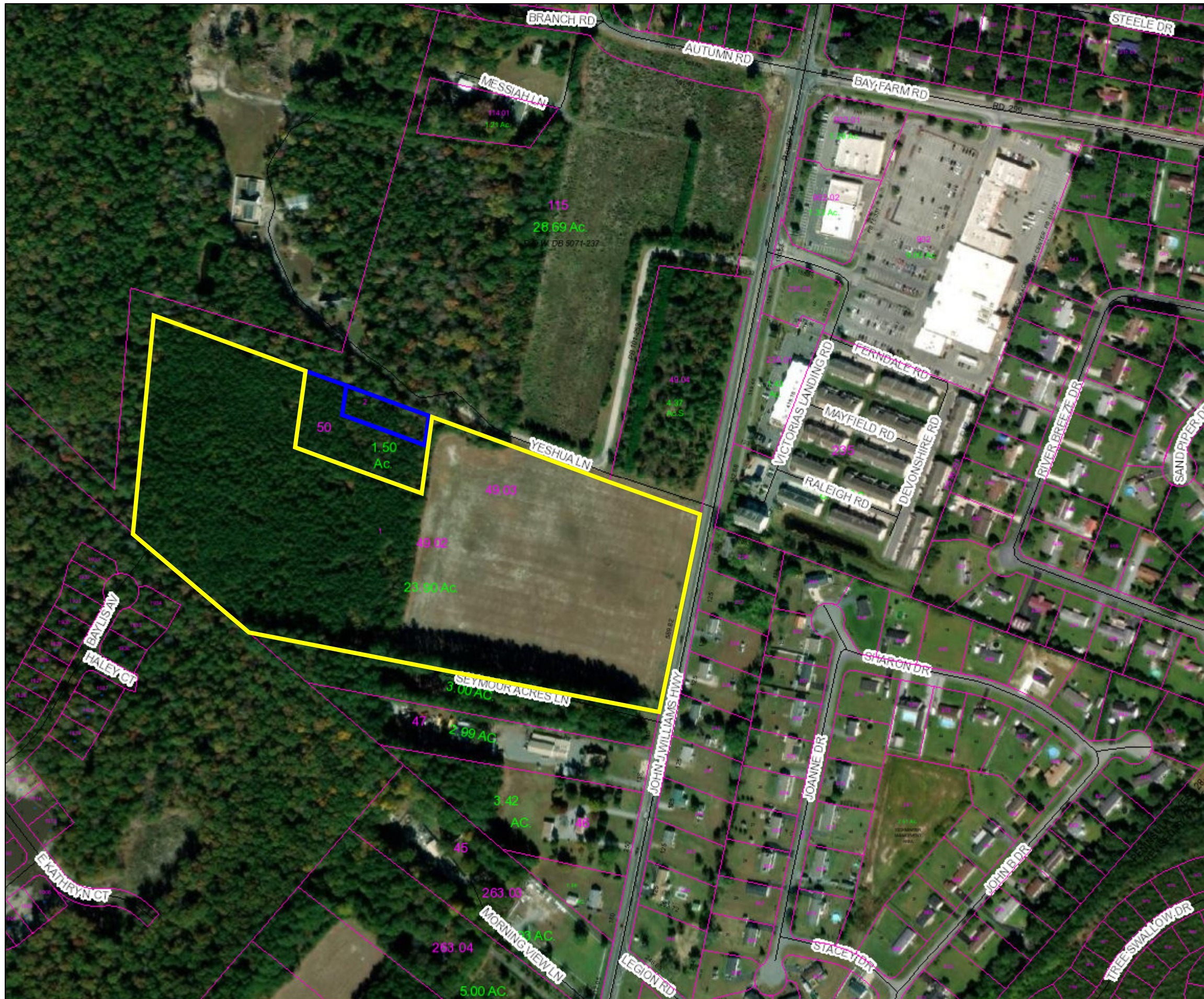
  - Override 1
- Tax Parcels
- Streets

1:4,514





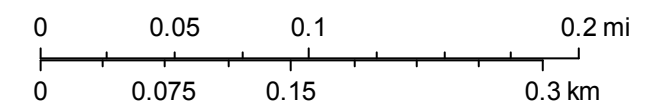
# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

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

1:4,514



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Ms. Lauren DeVore, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 21, 2022  
RE: Staff Analysis for C/Z 1955 American Storage of Delaware, LLC

---

This memo provides background and an analysis for the Planning Commission to consider as a part of Change of Zone No. 1955 American Storage of Delaware, LLC. This analysis has been completed for the March 24, 2022, Planning and Zoning Commission meeting, and it should be included in the record. This analysis is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zoning for a portion of Tax Parcels: 234-29.00-49.02, 49.03 and 50.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Density Residential (MR) Zoning District. The properties are located on the east side of John J. Williams Highway (Route 24) approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). The parcels comprise a total area of 17.63 acres +/-.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcels have a designation of "Coastal Area." The parcels to the north, east and west also have a Future Land Use Map designation of "Coastal Area." The adjacent parcels to the north and south of the subject properties also retain the Future Land Use Map designation of "Coastal Area." The properties on the opposite side of John J. Williams Highway (Route 24) are also designated as "Coastal Areas." The balance of the property to the northwest of the subject site contains the Future Land Use Map designation of "Low Density Area" with four properties on the eastern side of John J. Williams Highway (Route 24) containing a Future Land Use Map designation of "Commercial Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).





### Zoning Information

The subject properties are zoned Agricultural Residential (AR-1). All surrounding properties to the south and 90 degrees due east on the opposite side of John J. Williams Highway (Route 24) are zoned Agricultural Residential (AR-1). The remaining parcels on the opposite side of John J. Williams Highway (Route 24) to the northeast are zoned General Commercial (C-1) and General Residential (GR).

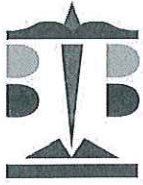
### Applicability to Comprehensive Plan

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Medium Density Residential (MR) Zoning District is listed as an applicable zoning district in the Coastal Area (Sussex County Comprehensive Plan, 4-25).

### Existing Changes of Zone within the Vicinity of the Subject Site

Since 2011, there have been five (5) Change of Zone applications within a 0.25 mile radius of the application site. The first application is Change of Zone 1788 Upesh Vyas for a change of zone from an Agricultural Residential (AR-1) District to a Commercial Residential (CR-1) District which was approved by the Sussex County Council on Tuesday, September 15, 2015. This change was adopted through Ordinance No. 2427. The second application is Change of Zone 1791 Carillon Square Apartments, LLC for a change of zone from an Agricultural Residential (AR-1) District and General Commercial (C-1) District to a High Density Residential (HR-1) District which was approved by the Sussex County Council at their meeting of Tuesday, April 12, 2016. This change was adopted through Ordinance No. 2444. The third application is Change of Zone 1880 Craig Kormanik for a change of zone from an Agricultural Residential District (AR-1) to a Medium Commercial (C-2) Zoning District which was approved by the Sussex County Council on Tuesday, July 16, 2019, and adopted through Ordinance No. 2669. The fourth application is Change of Zone 1911 Schiff Land Development Co., LC (Mr. TJ Schiff) (Patriots Glen Phase 2) for a change of zone from a Medium Density Residential (MR) District and a Commercial Residential (CR-1) District to a Medium Density Residential, Residential Planned Community (MR-RPC) which was approved by the Sussex County Council on Tuesday, April 20, 2021. This change was adopted through Ordinance No. 2770. The fifth application is Change of Zone 1940 Community Bank Delaware c/o Stephen W. Spence for a change of zone from an Agricultural Residential (AR-1) District to a Medium Commercial (C-2) District which was approved by the Sussex County Council on Tuesday, February 1, 2022. This change was adopted through Ordinance No. 2829.

Based on the analysis provided, a change from an Agricultural Residential (AR-1) Zoning District to a Medium Density Residential (MR) Zoning District could be considered as consistent with the surrounding land uses and zoning.



BAIRD  
MANDALAS  
BROCKSTEDT LLC

Stephen W. Spence  
[sws@bmbde.com](mailto:sws@bmbde.com)  
(302)645-2262

February 15, 2022

RECEIVED

**VIA EMAIL**

Department of Planning & Zoning  
Director Jamie Whitehouse  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

FEB 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**RE: Change of Zone Applications and Conditional Use for American Storage of Delaware, LLC**  
**Tax Map Parcel Nos.: 234-29.00-48.02, 49.03 & 50.00**  
**CZ 1954: Change of Zone Application for 8.0 Acres from AR-1 to C-3**  
**CZ 1955: Change of Zone Application for 17.63 Acres from AR-1 to MR**  
**CU 2315: Conditional Use Application for Multi-Family Use on the MR area**

Director Whitehouse:

This letter confirms that Baird Mandalas Brockstedt LLC will be handling the above-referenced applications.

We also request a meeting with you or a member of Planning Staff to review the files associated with the applications. We are available for a meeting on February 28, 2022 between 11:00AM and 12:30PM. Please confirm your availability to meet with us then.

Should you have any questions, please contact us via email at [sws@bmbde.com](mailto:sws@bmbde.com) and [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com) or by phone at 302-645-2262.

Sincerely,

Stephen W. Spence, Esquire  
Mackenzie M. Peet, Esquire

Cc: American Storage of Delaware, LLC

# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

February 14, 2022

RECEIVED

**BY HAND DELIVERY**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

FEB 14 2022

SUSSEX COUNTY  
PLANNING & ZONING

**RE: Change of Zone Applications and a Conditional Use  
America Storage of Delaware, LLC  
SCTP Nos. 234-29.00-49.02, 49.03 & 50.00  
CZ 1954: Change of Zone Application for 8.0 acres from AR-1 to C-3  
CZ 1955: Change of Zone Application for 17.63 acres from AR-1 to MR  
CU 2315: Conditional Use Application for Multi-Family Use on the MR area**

Dear Mr. Whitehouse:

Please be advised that Stephen W. Spence with Baird Mandalas Brockstedt, LLC will be handling the above-referenced applications going forward. If you have any questions, please let me know.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Cc: America Storage of Delaware, LLC  
Stephen W. Spence, Esquire

File #: CZ 1955  
202114013

## 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**

West Side of Route 24 (Long Neck Area), Lewes, DE 19958

**Type of Conditional Use Requested:**

This change of zone seeks to change the zoning classification for a 17.63 acres +/- (a combination of TMP Nos. p/o 234-29.00-49.02 & 49.03 & 50.00) from AR-1 Agricultural Residential to MR Medium Density Residential.

Tax Map #: p/o 234-29.00-49.02, 49.03, 50.00 Size of Parcel(s): 17.63

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

Land Use Classification: Coastal Area (2019 FLUM)

Water Provider: Tidewater Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: American Storage of Delaware, LLC  
Applicant Address: 113 Dickinson Street  
City: Dewey Beach State: DE Zip Code: 19971  
Phone #: (202) 905-6706 E-mail: farmerslawyer.com

**Owner Information**

Owner Name: See Applicant Information  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC; Stephen W. Spence, Esquire  
Agent/Attorney/Engineer Address: 1413 Savannah Road, Suite 1  
City: Lewes State: DE Zip Code: 19947  
Phone #: (302) 645-2262 E-mail: sws@bmbde.com; mackenzie@bmbde.com



# Check List for Sussex County Planning & Zoning Applications

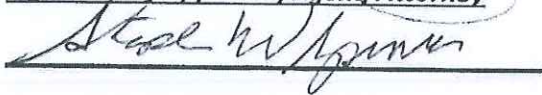
The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney



Date: 2/22/22

Signature of Owner

\_\_\_\_\_

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

For office use only:

Date Submitted: 9/22/2021

Fee: \$500.00 Check #: 107078

Staff accepting application: \_\_\_\_\_

Application & Case #: CZ1955

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

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

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

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

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

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

File #: CZ 1955  
202114013

## 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

RECEIVED

SEP 22 2021

Site Address of ~~Conditional Use~~/Zoning Map Amendment

West Side of Rt. 24 (Long Neck Area)

SUSSEX COUNTY  
PLANNING & ZONING

Type of ~~Conditional Use~~ Requested:

This change of zone application seeks to change the zoning classification for 17.63± acres (combination of Sussex County Tax Parcel Nos. p/o 234-29.00-49.02 & 49.03 & 50.00 from AR-1 (Agricultural Residential District) to MR (Medium-Density Residential District)

Tax Map #: p/o 234-29.00-49.02 & 49.03 & 50.00 Size of Parcel(s): 17.63 acres

Current Zoning: AR-1 Proposed Zoning: MR Size of Building: \_\_\_\_\_

Land Use Classification: Coastal Area (2019 FLUM)

Water Provider: Tidewater Sewer Provider: Sussex County

### Applicant Information

Applicant Name: American Storage of Delaware, LLC

Applicant Address: 113 Dickinson Street

City: Dewey Beach State: DE Zip Code: 19971

Phone #: (202) 905-6706 E-mail: farmerslawyer@aol.com

### Owner Information

Owner Name: same as applicant

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLP

Agent/Attorney/Engineer Address: 107 W. Market St.

City: Georgetown State: DE Zip Code: 19947

Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.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: 8/12/2021

Signature of Owner

  
\_\_\_\_\_

Date: 8/12/21

For office use only:

Date Submitted: 9/22/21

Fee: \$500.00 Check #: 107078

Staff accepting application: EBD

Application & Case #: C21955

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

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

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

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

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

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

**Mailing List Application Form**  
For Applications Requiring a Public Hearing in Sussex County

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

**Application Information:**

Site Address: West Side of John J. Williams Highway (Rt. 24)

No 911/Mailing Address

Parcel #: p/o 234-29.00-49.02 all of 49.03 and 50.00

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: American Storage of Delaware, LLC

Owner Name: American Storage of Delaware, LLC

**Type of Application:**

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

Date Submitted: 9/21/21

**For office use only:**

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_





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

NICOLE MAJESKI  
SECRETARY

September 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **American Storage of Delaware, LLC** proposed land use application, which we received on September 2, 2021. This application is for approximately 25.90- acre assemblage of parcels (Tax Parcels: 234-29.00-49.02, 49.03, 50.00) The subject land is located on the west side of John J. William Highway (State Route 24) about 800 ft north of the intersection with Legion Road (Sussex Road 298). The subject land is currently zoned AR-1 (Agriculture Residential); and the applicant is seeking to change the existing parcel lines to create two new parcels with a proposed zoning of C-3 (Heavy Commercial) for the first parcel to build a mini warehouse. The second parcel is proposed to be zoned as MR (Medium Density Residential) with a conditional use approval to build 140 multifamily housing units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J. William Highway from Long Neck Road (State Route 5) to Mount Joy Road (Sussex Road 297), are 18,682 and 24,022 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.



Mr. Jamie Whitehouse  
Page 2 of 2  
September 10, 2021

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

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

Sincerely,

*Claudy Joinville for*

T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: American Storage of Delaware, LLC, Applicant  
David C. Hutt, Esquire, Applicant  
Lauren DeVore, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furrato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/25/2022**

APPLICATION: **CZ 1955 American Storage of Delaware, LLC**

APPLICANT: **American Storage of Delaware, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **234-29.00-49.02 (p/o), 49.03 & 50.00**

LOCATION: **Lying on the west side of John J. Williams Highway (Rt. 24),  
approximately 0.25 mile south of Autumn Road (SCR 299).**

NO. OF UNITS: **upzone from AR-1 to MR**

GROSS  
ACREAGE: **17.63**

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 \$6,600.00** per EDU. Please contact **Nicole Messeck** at **302-855-7719** for additional information on charges.

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

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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

## **Policy for Extending District Boundaries**

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

<b>Application Fees</b>	
<b>Less than 2 acres</b>	<b>\$500.00</b>
<b>2.1 -9.99 acres</b>	<b>\$750.00</b>
<b>10 - 150.00 acres</b>	<b>\$1,500.00</b>
<b>Greater than 150.00 acres</b>	<b>\$2,500.00</b>

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.

**SITE DATA:**

- TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
- ADDRESS: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
- OWNERS: AMERICAN STORAGE OF DELAWARE  
113 DICKENSON STREET  
DEWEY BEACH, DE 19971
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) = 150,000 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (MID-RISE)  
(140 UNITS) = 170,000 SQ FT  
MULTI-FAMILY HOUSING CLUBHOUSE = 3,060 SQ FT
- BUILDING SETBACKS: C-3 (HEAVY COMMERCIAL DISTRICT):  
FRONT 60' (JOHN J. WILLIAMS HWY.)  
SIDE 5' (YESHUA LN.)  
SIDE 20' (SEYMOUR ACRES LN.) \*  
REAR 30' \*

\* THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.

MR - MEDIUM RESIDENTIAL:	
FRONT	40'
SIDE	20'
REAR	10'

7. AREAS:	EXISTING:	25.90 AC
	PROPOSED: PARCEL 1	8.27 AC*
	PARCEL 2	17.63 AC
	TOTAL	25.90 AC

\*DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1

- NET DEVELOPMENT AREA: 25.90 AC
- SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
- WATER PROVIDER: TIDEWATER
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 100050477K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
- FOREST AREA: PRE-DEVELOPMENT = 14.28 AC  
POST DEVELOPMENT = 9.51 AC  
REMAINING = 4.77 AC
- PROXIMITY TO DELDOT TID AREA: ±3.5 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- SITE WITHIN COASTAL AREA
- RECHARGE AREA: FAIR/POOR

**PARKING / LOADING REQUIREMENTS:**

**OFF-STREET PARKING - (PER CODE SECTIONS 115-102A & 45-5)**

<b>REQUIRED PARKING:</b>	
STORAGE FACILITY	0 SPACES REQUIRED
HANDICAP PARKING (1-25 PARKING SPACES)	1 VAN SPACE REQUIRED
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF)	6 SPACES REQUIRED
10'X20' SPACES	14 SPACES PROVIDED
VAN HC SPACES	2 VAN SPACES PROVIDED
10'X40' COVERED RV SPACES	77 SPACES PROVIDED
10'X20' STORAGE SPACES	81 SPACES PROVIDED
	174 SPACES PROVIDED

APARTMENTS BUILDINGS - 2 PER UNIT (140 UNITS):	280 SPACES REQUIRED
HANDICAP PARKING (200-300 PARKING SPACES):	7 SPACES (2 VAN) REQUIRED
283 SPACES + 12 VAN HC SPACES =	295 SPACES PROVIDED

**TOTAL PARKING PROVIDED:**

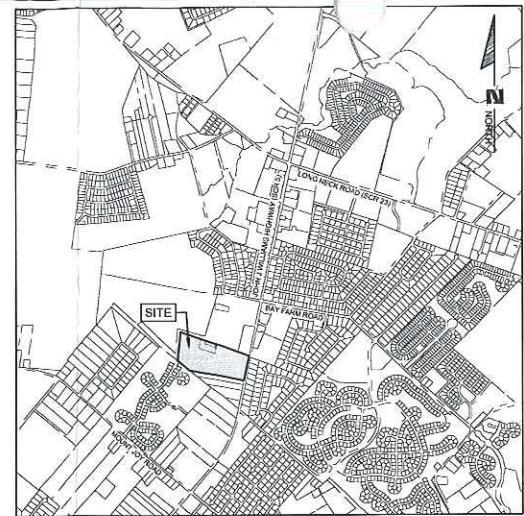
455 PARKING SPACES
+ 14 HANDICAP SPACES
469 TOTAL PARKING SPACES

**OFF-STREET LOADING - (PER CODE SECTIONS 115-167)**

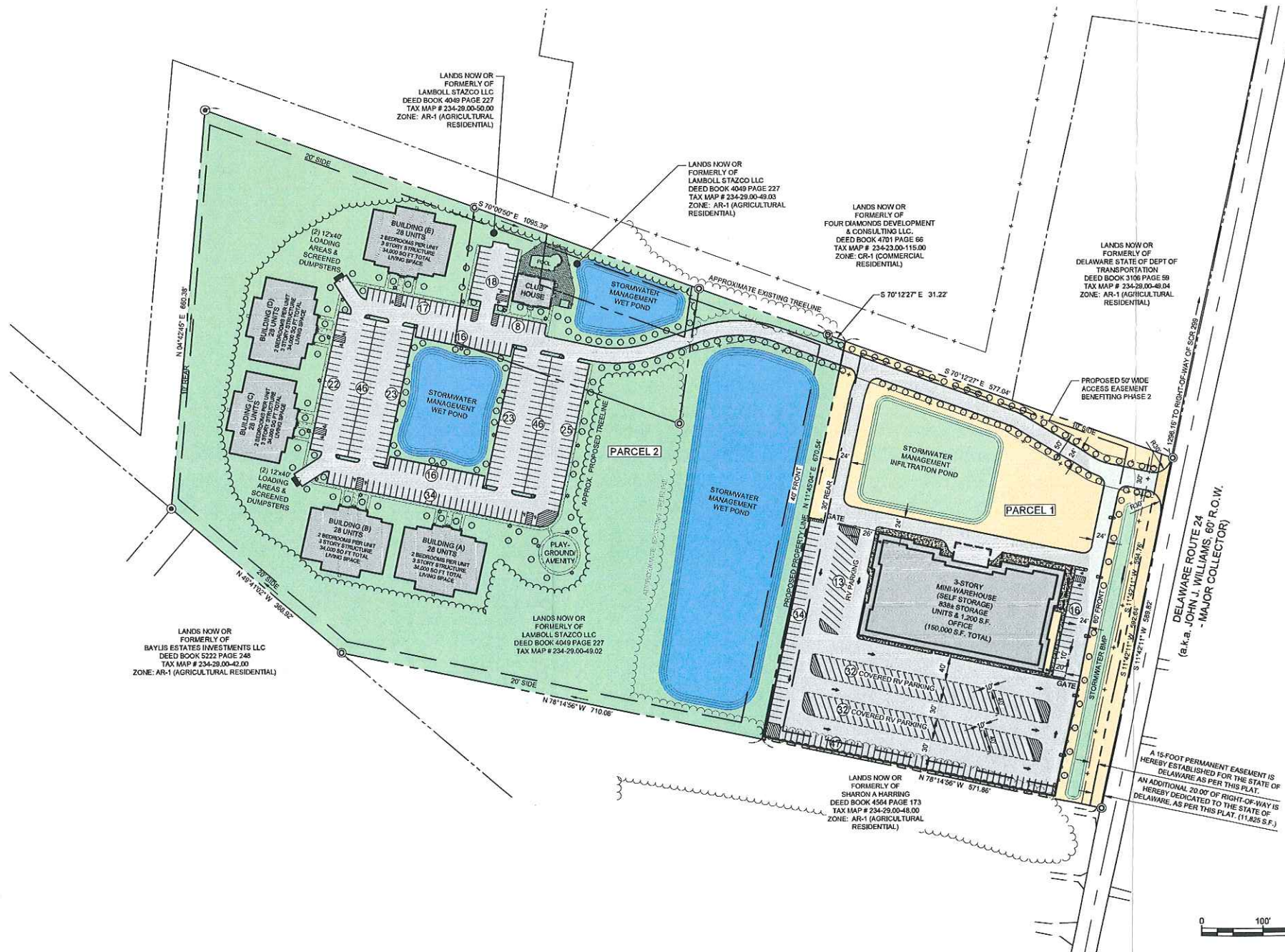
<b>LOADING</b>	
MINI-WAREHOUSE (SELF STORAGE) OFFICE	0 SPACE REQUIRED
LOADING SPACES REQUIRED	0 SPACE (12' X 40')
LOADING SPACES PROVIDED	
<b>APARTMENT BUILDINGS</b>	
LOADING SPACES REQUIRED	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')

**LEGEND:**

- CAPPED REBAR FOUND
- IRON PIPE FOUND
- PROPERTY BOUNDARY
- - - ADJOINER LINE
- + - EASEMENT
- · - · - PROPOSED TREELINE
- - - BUILDING SETBACK
- AREA LIGHTING (CUT-OFF SCREENED / LIGHT POST)
- PROPOSED BUILDING
- PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) (8.27 AC) - TO BE REZONED C-3
- PARCEL 2 - MULTI-FAMILY HOUSING (17.63 AC) - TO BE RE-ZONED MR
- \*DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1



**LOCATION MAP**  
SCALE: 1" = 2,000'



**AMERICAN STORAGE OF DELAWARE**

TAX MAP # 234-29.00-49.02, 49.03 & 50.00  
INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE



Scaled Engineering Inc.  
20246 Coastal Highway  
Renoboth Beach, DE 19971  
Phone: (302) 236-5660



CONCEPTUAL SITE PLAN

4-21-21 - REVISED PER CLIENT  
6-18-21 - REVISED PER CLIENT  
7-15-21 - REVISED PER CLIENT  
7-21-21 - REVISED PER CLIENT

DATE: 8-26-21  
SCALE: 1" = 100'  
DRAWN BY: JRE  
PROJECT NO.: GRAL001

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021



Mackenzie M. Peet  
[mackenzie@bmbde.com](mailto:mackenzie@bmbde.com)  
(302)645-2262

March 14, 2022

**VIA EMAIL**

Planning & Zoning Department  
Attn: Jamie Whitehouse, Director  
2 The Circle  
PO Box 417  
Georgetown, DE 19947  
Email: [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov)

Re: American Storage of Delaware, LLC  
CZ 1954 for 8.0 acres from AR-1 to C-3  
CZ 1955 for 17.63 acres from AR-1 to MR  
CU2315 for Multi-Family use on MR portion of  
Tax Map Parcel Nos. 234-29.00-49.02, 49.03, 50.00

Director Whitehouse,

Please find the enclosed supplemental packet for the above-referenced applications.

Should you need any additional information prior to the public hearing or have any questions, please contact [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com).

Sincerely,

Stephen W. Spence, Esquire  
Mackenzie M. Peet, Esquire

SWS/MMP

Enclosures

Cc: Carlton Savage, Jr., PE  
Alex Pires  
Nate Graulich

# EXHIBIT A



**Property Information**

Property Location:

Unit:  
 City:  
 Zip:  
 State:

Class: AGR-Agriculture  
 Use Code (LUC): AG0-AG A-I  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: 23.9000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB

100% Land Value: \$3,600  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description: W/RT 24  
 PARCEL 1

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/310	\$600,000.00			AMERICAN STORAGE OF DELAWARE LLC
10/09/2012	4049/227	\$105,000.00	\$1,575.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/310
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2013	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2009	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19709	3029/338
2005	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	3029/338
2003	ADAMS KEITH CONSTANCE ADAMS		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	2818/91

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	AGR	AG0	0	0	23.9000	Y

**Land Summary**

---

Line	1
100% Land Value	3,600

**Agricultural Land**

---

Line:	CAMA Line:	Ag Use	Use:	Grade:	Acreage	Rate	Value:
1	1		AG		.0001		3600

**Agriculture Totals**

---

Agricultural Acres	23.9000
--------------------	---------

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$3,600		

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$1,800		

**Property Information**

**Property Location:**

Unit:  
 City:  
 Zip:  
 State:

Class: RES-Residential  
 Use Code (LUC): RV-RESIDENTIAL VACANT  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: .4995  
 Frontage: 85  
 Depth: 256.000  
 Irr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$5,000  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description: WRT 24  
 PARCEL 2

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/310				AMERICAN STORAGE OF DELAWARE LLC
01/15/2002	4049/227	\$202,577.00	\$3,038.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/310
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2014	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2008	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19709	3029/338
2005	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	3029/338
2003	ADAMS KEITH CONSTANCE ADAMS		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	2818/91

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RV	85	256	.4995	

**Land Summary**

---

Line	1
100% Land Value	5,000

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$5,000		

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$2,500		

**Property Information**

**Property Location:**

Unit:  
 City:  
 Zip:  
 State:

Class: RES-Residential  
 Use Code (LUC): RV-RESIDENTIAL VACANT  
 Town: 00-None  
 Tax District: 234 – INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: 1.5000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB  
  
 100% Land Value: \$3,000  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description N/OAK ORCHARDLEWES

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/125				AMERICAN STORAGE OF DELAWARE LLC
09/02/2004	4049/227	\$59,682.00	\$895.00	0	
02/07/2003	/	\$58,000.00	\$870.00	0	
11/14/1996	/	\$2,200.00	\$44.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/125
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/125
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/125
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2013	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2008	STAZCO LLC		5179 W WOODMILL DR # 5	WILMINGTON	DE	19709	3029/341
2005	STAZCO LLC		5179 W WOODMILL DR # 5	WILMINGTON	DE	19808	3029/341
2003	AASCD VENTURES LLC		WOOD MILL CORPORATE CT 5 5179 W WOODMILL DR	WILMINGTON	DE	19808	2801/186
1900	DAVIS JOHN J VIRGIE M					0	421/159

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
------	-------	---------------	-----------	-------	------------------	----

1 RES RV 0 0 1.5000

**Land Summary**

---

Line 1  
100% Land Value 3,000

**100% Values**

---

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

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$1,500		

TAX MAP AND PARCEL #'s: 234-29-00-  
49.02, 49.03 & 50.00  
PREPARED BY & RETURN TO:  
Baird Mandalas Brockstedt LLC  
1413 Savannah Road  
Lewes, DE 19958  
File No. RE20-1689/HG/SWS

THIS DEED, made this 7 day of October, 2020,

- BETWEEN -

LAMBOLL STAZCO, LLC, a Delaware limited liability company of P.O. Box 3418,  
Greenville, SC 29602, party of the first part,

- AND -

AMERICAN STORAGE OF DELAWARE, LLC, a Delaware Limited Liability  
Company, of 113 Dickinson Street, Dewey Beach, DE 19971, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum  
of **Six Hundred Thousand and 00/100 Dollars (\$600,000.00)**, lawful money of the United  
States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto  
the party of the second part, and its heirs and assigns, in fee simple, the following described  
lands, situate, lying and being in Sussex County, State of Delaware:

All those certain lots, pieces or parcels of land situate in the Lewes and Rehoboth Hundred,  
County of Sussex, , and being more particularly described as follows:

Parcel 1 - Tax Parcel #2-34 29.00 49.02

ALL that certain farm, tract, piece or parcel of land, situated in Indian River Hundred, Sussex County,  
State of Delaware, lying on the westerly side of Delaware Route 24, a short distance South of County  
Road 299, and being more particularly bounded. and described in accordance with a recent survey by  
Robert L. Larimore, RLS, dated December 28, 2001, as follows to-wit;

BEGINNING at an iron pipe found in the West line of Delaware Route 24, at a corner for this parcel and for  
lands of Charles W. Coursey, said point being located 1,296.16 feet from an iron pipe found at the  
intersection of the West line of Delaware Route 24(50 feet wide) with (the South line of County Road 299;  
thence from said beginning point along the West line of Delaware Route 24, South 20 degrees 22 minutes 57  
seconds West 589.82 feet to an iron pipe round in the West line of Delaware Route 24 at a corner for lands of  
Melvin R. Thompson and Brenda F. Thompson; thence along the line of lands of Melvin R. Thompson and

Brenda F. Thompson, North 69 degrees 34 minutes 10 seconds West 1,281.94 feet to an iron pipe found at a corner for lands of Melvin R Thompson and Brenda F. Thompson in line of lands of the Indian Town Farms Subdivision; thence along the line of lands of The Indian Farms Subdivision, North 41 degrees 00 minutes 16 seconds West 368.92 feet to a spike set at a corner for lands of Charles W. Coursey; thence along the line of lands of Charles W. Coursey on the following two (2) courses and distances: One (1) North 13 degrees 23 minutes 31 seconds East 660.38 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 473.07 feet to an iron pipe found at a corner for lands of Thomas C. Staz and Harriet Staz; thence along the line of lands of Thomas C. Staz and Harriet Staz on the following three (3) courses and distances; One (1) South 16 degrees 42 minutes 51 seconds West 225.00 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 395.77 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 225.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey; thence along the line of Charles W. Coursey and with the northerly line of a 16 foot wide outlet, as noted in Deed Book 468-401, on the following two (2) courses and distances: one (1) 61 degrees 20 minutes 04 seconds East 22655 feet to an iron pipe found, two (2) South 61 degrees 31 minutes 41 seconds East 608.26 feet to the place of beginning and containing 23.9 acres of land be the same more or less.

Parcel 2 —Tax Parcel #2-34 29.00 49.03

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the West side of Delaware Route 24, but not adjacent there to, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RES, dated December 28, 2001, as follows, to-wit:

BEGINNING at an iron pipe found at a corner for this parcel and for lands of Thomas C. Staz and Harriet Staz and lands of Charles W. Coursey and Diane R. Hudson, said point-being located the following three (3) courses and distances from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299: One (1) as measured along the West line of Delaware Route 24 in a southerly direction 1,296.16 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for Parcel 1; thence two (2) along the line of Parcel 1 and lands Charles W. Coursey and with the North line of a 16 foot wide outlet, North 61 degrees 31 minutes 41 seconds West 608.26 feet to a point; thence three (3) North 61 degrees 20 minutes 04 seconds West 238.82 feet to said beginning point; thence from said beginning point along the line of lands of Thomas C. Staz and Harriet Staz on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 85.00 feet to an iron pipe found, two (2) North 61 degrees 20 minutes 04 seconds West 256.30 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 85.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey and Diane R. Hudson; thence along the line of lands of Charles W. Coursey and Diane R. Hudson, South 61 degrees 20 minutes 04 seconds East 256.30 feet to the place of beginning and containing 0.4893 acres of land be the same more or less.

Parcel 3 - Tax Parcel Number 2-34 29.00 50.00

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County, and the State of Delaware, as shown on a certain December 26, 2001 survey prepared by Coast Survey, Inc. (Plan #801-13), as described as follows,

BEGINNING at an iron pipe set in the line of lands now or formerly of Charles W. Coursey and the north corner of a 16 foot Outlet (Deed Book 468, Page 401), being South 61 degrees 23 minutes 59 seconds East 226.55 feet to an iron pipe recovered, a corner for lands of Charles W. Coursey and other lands of Charles W. Coursey, and South 61 degrees 34 minutes 13 seconds East 608.42 feet to an iron pipe recovered in the northwesterly right of way line of Route 24; thence from the point of beginning running by and with the line of a 16 foot Outlet and with the lint of lands now or formerly of Marshall Lee



Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 225.00 feet to an Iron pipe set; 2) North 61 degrees 23 minutes 59 seconds West 395.77 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 225.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of Lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 127.20 feet to an iron pipe set, marking a corner for these lands and lands now or formerly of Marshall Lee Coursey; thence turning and running by and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 85.00 feet to an Iron pipe set; and 2) South 61 degrees 23 minutes 59 seconds 25630 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 85.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 12.27 feet to the point and place of beginning, said to contain 1.5107 acres of land more or less, together with any and all improvements located thereon.

BEING the same property conveyed to Lamboll Stazco, LLC from Stazco, LLC, AKA Stazco, L.L.C., by Deed dated October 3, 2012, and recorded on October 9, 2012, in Book 4049, Page 227.

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

IN WITNESS WHEREOF, the said Lamboll Stazco, LLC has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

LAMBOLL STAZCO, LLC

BY: SD INVESTMENT PROPERTIES, LLC, ITS SOLE MEMBER

BY: LAMBOLL STREET, LLC ITS SOLE MEMBER

BY: [Signature] (Seal)  
TODD KUHLE, AUTHORIZED DIRECTOR

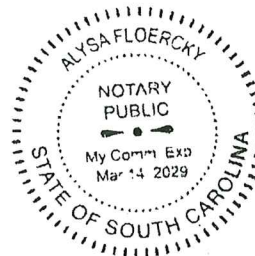
STATE OF South Carolina COUNTY OF Sussex : to-wit

BE IT REMEMBERED, that on this 7 day of October, A.D. 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director, of Lamboll Street, LLC, sole member of SD Investment Properties, LLC, sole member of Lamboll Stazco, LLC, a Delaware Limited Liability Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company; that the signature of the authorized representative is in his own proper handwriting; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of Lamboll Stazco, LLC.

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

[Signature]  
Notary Public

My Commission Expires: Mar 14 2029



Tax Parcel Nos.: 2-34-29.00-49.02,  
2-34-29.00-49.03 & 2-34-29.00-50.00

PREPARED BY AND RETURN TO:  
Douglas M. Hershman, Esquire  
**BAYARD, P.A.**  
P.O. Box 25130  
Wilmington, DE 19899-25130

**THIS DEED** is made this 3<sup>rd</sup> day of October, 2012, between

**STAZCO, LLC, AKA STAZCO, L.L.C.**, a Delaware limited liability company, party of the first part,

AND

**LAMBOLL STAZCO, LLC**, a Delaware limited liability company, party of the second part.

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, the receipt of which is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and/or assigns, in fee,

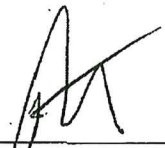
See legal description attached hereto as Exhibit "A", hereto and incorporated herein by reference.

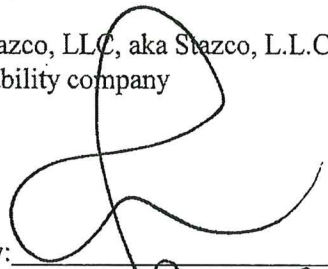
**SUBJECT** to all easements, restrictions, reservations, agreements and covenants of record, if any, affecting the property or the title thereto, together with the benefits of the same.

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

SEALED AND DELIVERED IN THE PRESENCE OF:

Stazco, LLC, aka Stazco, L.L.C., a Delaware limited liability company

  
\_\_\_\_\_  
Witness

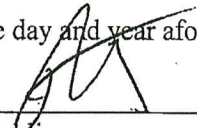
  
By: \_\_\_\_\_ (SEAL)  
Name: Richard C. Woodin  
Title: Authorized Person

*mw*

STATE OF DELAWARE )  
 ) SS  
NEW CASTLE COUNTY )

BE IT REMEMBERED, that on this 2nd day of October, 2012, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Richard C. Wood, Authorized Person of Stazco, LLC, aka Stazco, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the said company.

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

  
\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

GRANTEE'S ADDRESS  
c/o Lamboll Street, LLC  
PO Box 3418  
Greenville, SC 29603

**MICHAEL A. DeNOTE**  
Attorney at Law - State of Delaware  
Notarial Officer Pursuant to  
29 Del.C. § 4323(a)(3)  
My Commission Has No Expiration

EXHIBIT "A"

Parcel 1 - Tax Parcel #2-34 29.00 49.02

ALL that certain farm, tract, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the westerly side of Delaware Route 24, a short distance South of County Road 299, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RLS, dated December 28, 2001, as follows to-wit;

BEGINNING at an iron pipe found in the West line of Delaware Route 24, at a corner for this parcel and for lands of Charles W. Coursey, said point being located 1,296.16 feet from an iron pipe found at the intersection of the West line of Delaware Route 24(50 feet wide) with the South line of County Road 299; thence from said beginning point along the West line of Delaware Route 24, South 20 degrees 22 minutes 57 seconds West 589.82 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for lands of Melvin R. Thompson and Brenda F. Thompson; thence along the line of lands of Melvin R. Thompson and Brenda F. Thompson, North 69 degrees 34 minutes 10 seconds West 1,281.94 feet to an iron pipe found at a corner for lands of Melvin R. Thompson and Brenda F. Thompson inline of lands of the Indian Town Farms Subdivision; thence along the line of lands of The Indian Farms Subdivision, North 41 degrees 00 minutes 16 seconds West 368.92 feet to a spike set at a corner for lands of Charles W. Coursey; thence along the line of lands of Charles W. Coursey on the following two (2) courses and distances: One (1) North 13 degrees 23 minutes 31 seconds East 660.38 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 473.07 feet to an iron pipe found at a corner for lands of Thomas C. Stan and Harriet Staz; thence along the line of lands of Thomas C. Staz and Harriet Star on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 225.00 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 395.77 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 225.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey; thence along the line of Charles W. Coursey and with the northerly line of a 16 foot wide outlet, as noted in Deed Book 468-401, on the following two (2) courses and distances: one (1) 61 degrees 20 minutes 04 seconds East 226.55 feet to an iron pipe found, two (2) South 61 degrees 31 minutes 41 seconds East 608.26 feet to the place of beginning and containing 23.9 acres of land be the same more or less.

Parcel 2 - Tax Parcel #2-34 29.00 49.03

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the West side of Delaware Route 24, but not adjacent there to, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RES, dated December 28, 2001, as follows to-wit:

BEGINNING at an iron pipe found at a corner for this parcel and for lands of Thomas C. Staz and Harriet Staz and lands of Charles W. Coursey and Diane R. Hudson, said point being located the following three (3) courses and distances from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299: One (1)

as measured along the West line of Delaware Route 24 in a southerly direction 1,296.16 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for Parcel I; thence two (2) along the line of Parcel 1 and lands Charles W. Coursey and with the North line of a 16 foot wide outlet, North 61 degrees 31 minutes 41 seconds West 608.26 feet to a point; thence three (3) North 61 degrees 20 minutes 04 seconds West 238.82 feet to said beginning point; thence from said beginning point along the line of lands of Thomas C. Star and Harriet Staz on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 85.00 feet to an iron pipe found, two (2) North 61 degrees 20 minutes 04 seconds West 256.30 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 85.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey and Diane R. Hudson; thence along the line of lands of Charles W. Coursey and Diane R. Hudson, South 61 degrees 20 minutes 04 seconds East 256.30 feet to the place of beginning and containing 0.4893 acres of land be the same more or less.

Parcel 3 - Tax Parcel Number 2-34 29.00 50.00

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County, and the State of Delaware, as shown on a certain December 26, 2001 survey prepared by Coast Survey, Inc. (Plan #801-13), as described as follows,

BEGINNING at an iron pipe set in the line of lands now or formerly of Charles W. Coursey and the north corner of a 16 foot Outlet (Deed Book 468, Page 401), being South 61 degrees 23 minutes 59 seconds East 226.55 feet to an iron pipe recovered, a corner for lands of Charles W. Coursey and other lands of Charles W. Coursey, and South 61 degrees 34 minutes 13 seconds East 608.42 feet to an iron pipe recovered in the northwesterly right of way line of Route 24; thence from the point of beginning running by and with the line of a 16 foot Outlet and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 225.00 feet to an Iron pipe set; 2) North 61 degrees 23 minutes 59 seconds West 395.77 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 225.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of Lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 127.20 feet to an iron pipe set, marking a corner for these lands and lands now or formerly of Marshall Lee Coursey; thence turning and running by and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 85.00 feet to an Iron pipe set; and 2) South 61 degrees 23 minutes 59 seconds 256.30 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 85.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 12.27 feet to the point and place of beginning, said to contain 1.5107 acres of land more or less, together with any and all improvements located thereon.

BEING the same lands and premises which Keith and Constance Adams, husband and wife, by Deed dated August 30, 2004 and recorded September 2, 2004 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3029, Page 338, did grant and convey unto Stazco, L.L.C., a Delaware limited liability company, in fee.

AND BEING the same lands and premises which AASCD Ventures, LLC, a Delaware limited liability company, by Deed dated August 30, 2004 and recorded September 2, 2004 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3029, Page 341, did grant and convey unto Stazco, LLC, a Delaware limited liability company, in fee.

Consideration: 105,000.00

---

County	1,575.00
State	1,575.00
Town	Total 3,150.00

Received: Kara S Oct 09, 2012

Recorder of Deeds  
Scott Dailey  
Oct 09, 2012 12:45P  
Sussex County  
Doc. Surcharge Paid

**RECEIVED**

OCT 09 2012

**ASSESSMENT DIVISION  
OF SUSSEX COUNTY**



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 1**

**TAX MAP PARCEL 234-29.00-49.02 (PART OF)**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying on the westerly side of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 1 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering Inc., dated August 26<sup>th</sup>, 2021, and being bounded on the south by lands now or formerly of Sharon A. Harring; on the west by Parcel 2 of said conceptual site plan; on the north by lands now or formerly of Four Diamonds Development & Consulting LLC and lands now or formerly of State of Delaware, Department of Transportation and being more particularly described as follows, to wit:

**BEGINNING** at a point near an iron pipe found on the westerly right-of-way of aforementioned John J. Williams Highway at a corner for lands herein described and aforementioned lands of State of Delaware; said point being located 1,296.16 feet from the southerly right of way of Autumn Road - Sussex County Road 299 as measured in a southwesterly direction along said right-of-way of John J. Williams Highway; thence continuing with the same **South 11 degrees 42 minutes 11 seconds West, 589.82 feet** to an iron pipe found at a corner for aforementioned lands of Harring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 571.86 feet** to a point at a corner for aforementioned Parcel 2; thence with same **North 11 degrees 45 minutes 04 seconds East, 670.54 feet** to a point on the southerly line of aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same and partially with said lands of State of Delaware **South 70 degrees 12 minutes 27 seconds East, 577.04 feet** to the point and place of beginning, containing 8.27 acres of land, being the same more or less.





20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 2**

**TAX MAP PARCELS 234-29.00-49.02 (PART OF),  
234-29.00-49.03 & 234-29.00-50.00**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying west of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 2 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering, Inc., dated August 26, 2021, and being bounded on the east by Parcel 1 of said conceptual site plan; on the south by lands now or formerly of Sharon A. Haring; on the southwest by lands now or formerly of Baylis Estates Investments LLC; on the west and north by lands now or formerly of Four Diamonds Development & Consulting LLC and being more particularly described as follows, to wit:

**BEGINNING** at a point, a corner for lands herein described and the aforementioned Parcel 1; said point being located the following two (2) courses and distances from the point of intersection of the southerly right of way of Autumn Road - Sussex County Road 299 and the westerly right of way of John J. Williams Highway – Delaware Route 24:

1. **1,296.16 feet** from said right of way of Autumn Road as measured in southwesterly direction along said right-of-way of John J. Williams Highway to a point near an iron pipe found.
2. **North 70 degrees 12 minutes 27 seconds West, 577.04 feet** to said beginning point; thence with said Parcel 1 **South 11 degrees 45 minutes 04 seconds West, 670.54 feet** to a point on the northerly line of aforementioned lands of Haring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 710.08 feet** to an iron pipe found on the north easterly line of aforementioned lands of Baylis Estates Investments LLC; thence with same **North 49 degrees 41 minutes 02 seconds West, 368.92 feet** to a capped rebar found at a corner for aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same the following three (3) courses and distances:
  1. **North 04 degrees 42 minutes 45 seconds East, 660.38 feet** to a capped rebar found.
  2. **South 70 degrees 00 minutes 50 seconds East, 1,095.39 feet** to a point.
  3. **South 70 degrees 12 minutes 27 seconds East, 31.22 feet** to the point and place of beginning, containing 17.63 acres of land, being the same more or less.

# EXHIBIT B

**PLANNING & ZONING**  
Jamie Whitehouse, AICP, MRTPI  
Director

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

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

Date: 9/2/21

### Site Information:

Site Address/Location: John J. Williams Highway, Millsboro, DE

Tax Parcel Number: 234-29.00-49.02, 49.03 & 50.00

Current Zoning: AR-1

Proposed Zoning: Parcel 1: C-3; Parcel 2: MR with Conditional Use for Multifamily

Land Use Classification: Coastal Area (Future Land Use Map)

Proposed Use(s): **Parcel 1:** Mini-Warehouse (Self Storage) = 150,000 sq. ft.  
**Parcel 2:** Multifamily Housing (Mid-Rise) = 140 Units  
Multifamily Housing Clubhouse = 3,060 sq. ft.  
See Attached Conceptual Site Plan

Square footage of any proposed buildings or number of units: See Proposed Use/140 residential units

### Applicant Information:

Applicant's Name: American Storage of Delaware, LLC

Applicant's Address: 113 Dickinson Street

City: Dewey Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 462-5871

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

Please send copy to:  
David C. Hutt, Esquire  
Morris James LLP  
107 W. Market Street  
Georgetown, DE 19947  
Phone: (302) 856-0018  
Email: dhutt@morrisjames.com



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

Last updated 3-12-20



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

NICOLE MAJESKI  
SECRETARY

September 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **American Storage of Delaware, LLC** proposed land use application, which we received on September 2, 2021. This application is for approximately 25.90- acre assemblage of parcels (Tax Parcels: 234-29.00-49.02, 49.03, 50.00) The subject land is located on the west side of John J. William Highway (State Route 24) about 800 ft north of the intersection with Legion Road (Sussex Road 298). The subject land is currently zoned AR-1 (Agriculture Residential); and the applicant is seeking to change the existing parcel lines to create two new parcels with a proposed zoning of C-3 (Heavy Commercial) for the first parcel to build a mini warehouse. The second parcel is proposed to be zoned as MR (Medium Density Residential) with a conditional use approval to build 140 multifamily housing units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J. William Highway from Long Neck Road (State Route 5) to Mount Joy Road (Sussex Road 297), are 18,682 and 24,022 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

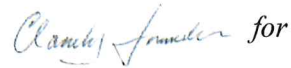


Mr. Jamie Whitehouse  
Page 2 of 2  
September 10, 2021

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

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

Sincerely,

Handwritten signature in blue ink that reads "T. William Brockenbrough, Jr." followed by the word "for" in a smaller, lighter script.

T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: American Storage of Delaware, LLC, Applicant  
David C. Hutt, Esquire, Applicant  
Lauren DeVore, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furrato, Project Engineer, Development Coordination

# EXHIBIT C

### Preliminary Land Use Service (PLUS)

#### Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): 2021-02-05 2/3  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: American Storage of Delaware			
2. Location ( please be specific): Delaware Route 24 (John J. Williams Highway), Millsboro, Delaware			
3. Parcel Identification #: 234-29.00-49.02, 49.03 & 50.00		4. County or Local Jurisdiction Name: where project is located: Sussex County	
5. If contiguous to a municipality, are you seeking annexation: Not applicable.			
6. Owner's Name: American Storage of Delaware, LLC (Alex Pires)			
Address: 113 Dickinson Street			
City: Dewey Beach	State: Delaware	Zip: 19971	
Phone: (302) 462-5871 (202) 905-6706	Fax:	Email: nate.gmconstruction@gmail.com farmerslawyer@aol.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			Same as owner
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
8. Project Designer/Engineer: Carlton Savage, Jr.   SCALED.Engineering			
Address: 20246 Coastal Highway			
City: Rehoboth Beach	State: Delaware	Zip: 19971	
Phone: (302) 236-3600	Fax:	Email: carlton@scaledengineering.com	
9. Please Designate a Contact Person, including phone number, for this Project:			Nate Graulich   (302) 462-5871 Alex Pires   (202) 905-6706

**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: The Project proposes to (1) rezone the front half of the property to C-3 (Heavy Commercial) for a Business Park (Flex Space) of 12.63 acres with 36,000 sq. ft. of Flex Park and 103,600 sq. ft. of mini-storage and an office for the mini-storage; and (2) rezone the rear half of the property to MR (Medium Residential) with a conditional use for multifamily (midrise) housing (13 acres) consisting of 104 units. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 25.90 +/- acres      Number of Residential Units: 104      Commercial square footage: Business Park/Flex Space (36K Sq. Ft); Mini Storage (103,600 Sq. Ft.)

13. Present Zoning: AR-1 (Agricultural Residential)      14. Proposed Zoning: C-3 (Heavy Commercial); MR (Medium Density) with Conditional Use

15. Present Use: Agricultural/Wooded      16. Proposed Use: Business Park (Flex Park); Mini Storage and Multi-Family Housing

17. Water:  Central (Community system)     Individual On-Site     Public (Utility)    Tidewater  
 Service Provider Name:

Will a new public well be located on the site?  Yes     No

18. Wastewater:  Central (Community system)     Individual On-Site     Public (Utility)  
 Service Provider Name: Sussex County

Will a new community wastewater system be located on this site?  Yes     No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):  
 The residential units are targeted as market rate apartments intended for those who live and work in the Long Neck and surrounding area

20. Environmental impacts:

How many forested acres are presently on-site? 13.79    How many forested acres will be removed? 9.20

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes     No

Are the wetlands:  Tidal    Acres:  
 Non-tidal    Acres:

If "Yes", have the wetlands been delineated?  Yes     No

Has the Army Corps of Engineers signed off on the delineation?  Yes     No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes     No    If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? +/- 200'

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes     No  
per the DNREC NavMap

22. List the proposed method(s) of stormwater management for the site:  
 BMPs to likely include a combination of wet pond(s) and infiltration pond(s)

23. Is open space proposed?  Yes     No    If "Yes," how much?    Acres: 11.45

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? active and passive recreation and stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes     No



25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1,170 ADT

What percentage of those trips will be trucks, excluding vans and pick-up trucks? < 5%

26. Will the project connect to state maintained roads?  Yes  No **De. Rt. 24 (John J. Williams Highway)**

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

There are no existing developments on adjacent lands.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No

Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Carlton Savage, Jr. phone number: (302) 238-3800

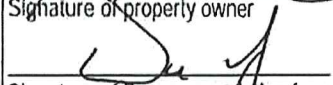
Alex Pires | (202) 905-8706

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

  
Signature of property owner

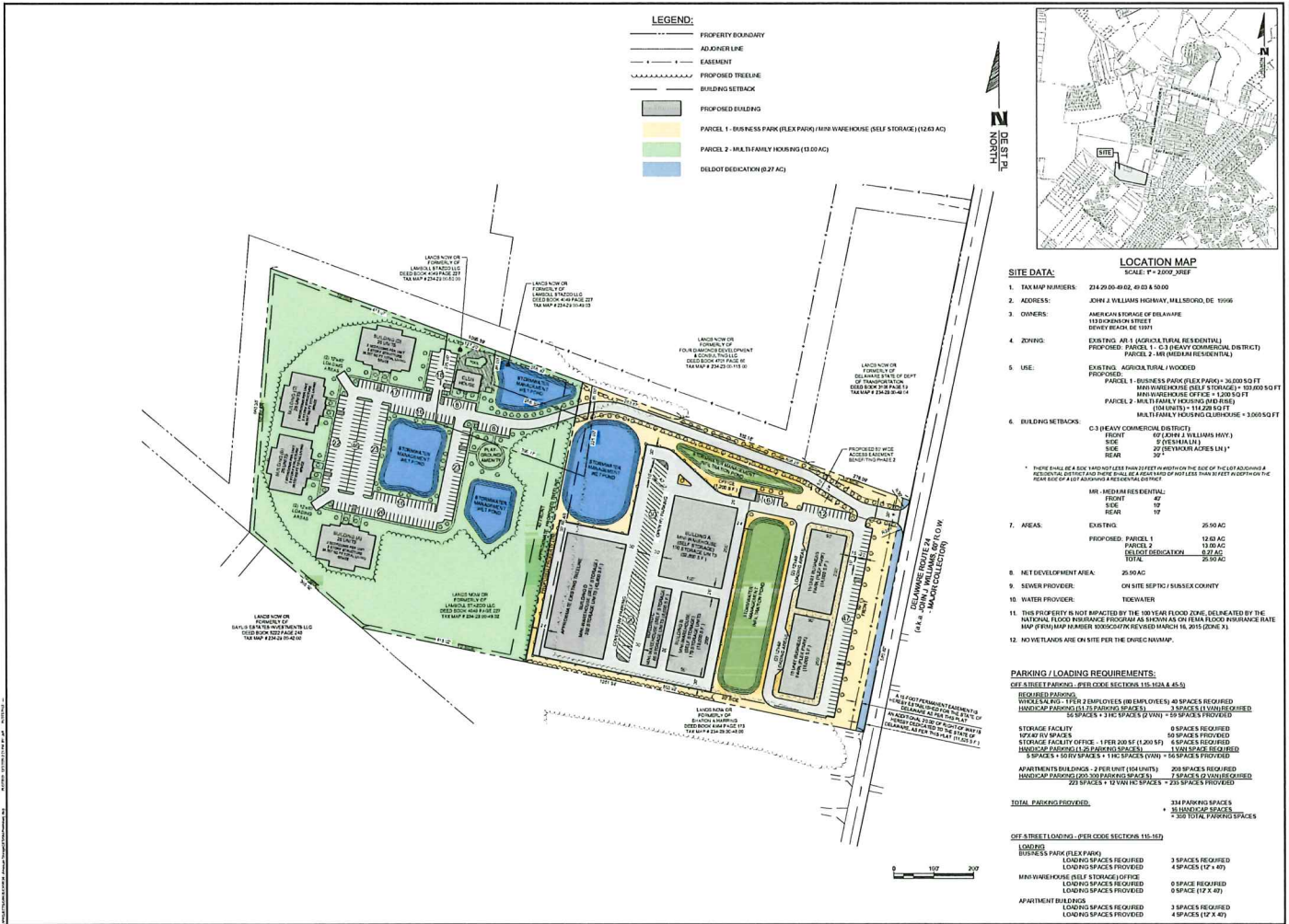
1/29/21  
Date

  
Signature of Person completing form  
(If different than property owner)

1/29/2021  
Date

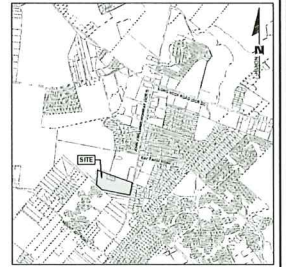
**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.



**LEGEND:**

- PROPERTY BOUNDARY
- ADJACENT LINE
- - - EASEMENT
- - - PROPOSED TREE LINE
- - - BUILDING SETBACK
- ▭ PROPOSED BUILDING
- ▭ PARCEL 1 - BUSINESS PARK (FLEX PARK) WITH WAREHOUSE (SELF STORAGE) (12.63 AC)
- ▭ PARCEL 2 - MULTI-FAMILY HOUSING (13.00 AC)
- ▭ DEEDOT DEDICATION (0.27 AC)



**LOCATION MAP**

SCALE: 1" = 2500' (AS SHOWN)

- SITE DATA:**
- TAX MAP NUMBERS: 234-29-00-49-02, 49-03 & 50-00
  - ADDRESS: JOHN A WILLIAMS HIGHWAY, MILLSBORO, DE 19966
  - OWNERS: AMERICAN STORAGE OF DELAWARE  
1538 WILMINGTON STREET  
DEWEY BEACH, DE 19811
  - ZONING: EXISTING: MR 1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIAN RESIDENTIAL)
  - USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - BUSINESS PARK (FLEX PARK) - 16,000 SQ FT  
MINI WAREHOUSE (SELF STORAGE) - 100,000 SQ FT  
MINI WAREHOUSE OFFICE - 4,200 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (4-BED RM)  
MULTI-FAMILY HOUSING CLUSTERHOUSE - 3,000 SQ FT
  - BUILDING SETBACKS: C3 (HEAVY COMMERCIAL DISTRICT)  
FRONT: 60' JOHN A WILLIAMS HWY.  
SIDE: 5' (RESIDENTIAL)  
REAR: 20' (RESIDENTIAL)  
DEEDOT DEDICATION (0.27 AC)
  - AREAS: EXISTING: 25.90 AC  
PROPOSED: PARCEL 1: 12.63 AC  
PARCEL 2: 13.00 AC  
DEEDOT DEDICATION: 0.27 AC  
TOTAL: 25.90 AC
  - NET DEVELOPMENT AREA: 25.90 AC
  - SEWER PROVIDER: C&S (SEE SEPTIC) SUSSEX COUNTY
  - WATER PROVIDER: DEWATER
  - THIS PROPERTY IS NOT IMPACTED BY THE 100-YEAR FLOOD ZONE, Delineated by the NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP PER FIRM NUMBER 80052CDE0402 REVISED MARCH 18, 2015 (DUNE 4).
  - NO WETLANDS ARE ON SITE PER THE DNR/CDC MAP.

- PARKING / LOADING REQUIREMENTS:**
- DEEDOT PARKING - PER CODE SECTION 15.1204.4 (4.5)**
- REQUIRED PARKING: 334 SPACES (1272 2 EMPLOYEES (80 EMPLOYEES) 40 SPACES REQUIRED  
SINGLE LEVEL PARKING - 1272 SPACES (1272 2 EMPLOYEES) 40 SPACES REQUIRED  
MULTI-LEVEL PARKING (1272 SPACES) 40 SPACES (1272 2 EMPLOYEES) 40 SPACES REQUIRED
- STORAGE FACILITY**
- STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF) 6 SPACES PROVIDED  
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF) 6 SPACES PROVIDED  
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF) 6 SPACES PROVIDED  
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF) 6 SPACES PROVIDED
- APARTMENT BUILDINGS - 2 PER UNIT (104 UNITS)**
- APARTMENT BUILDINGS - 2 PER UNIT (104 UNITS) 208 SPACES PROVIDED  
APARTMENT BUILDINGS - 2 PER UNIT (104 UNITS) 208 SPACES PROVIDED  
APARTMENT BUILDINGS - 2 PER UNIT (104 UNITS) 208 SPACES PROVIDED  
APARTMENT BUILDINGS - 2 PER UNIT (104 UNITS) 208 SPACES PROVIDED
- TOTAL PARKING PROVIDED:**
- 334 PARKING SPACES  
+ 334 TOTAL PARKING SPACES
- DEEDOT LOADING - PER CODE SECTION 15.120**
- LOADING:**
- BUSINESS PARK (FLEX PARK)  
LOADING SPACES REQUIRED: 3 SPACES PROVIDED  
LOADING SPACES PROVIDED: 4 SPACES (12' X 40')
- MINI WAREHOUSE (SELF STORAGE) OFFICE  
LOADING SPACES REQUIRED: 8 SPACES PROVIDED  
LOADING SPACES PROVIDED: 8 SPACES (12' X 40')
- APARTMENT BUILDINGS  
LOADING SPACES REQUIRED: 2 SPACES PROVIDED  
LOADING SPACES PROVIDED: 4 SPACES (12' X 40')

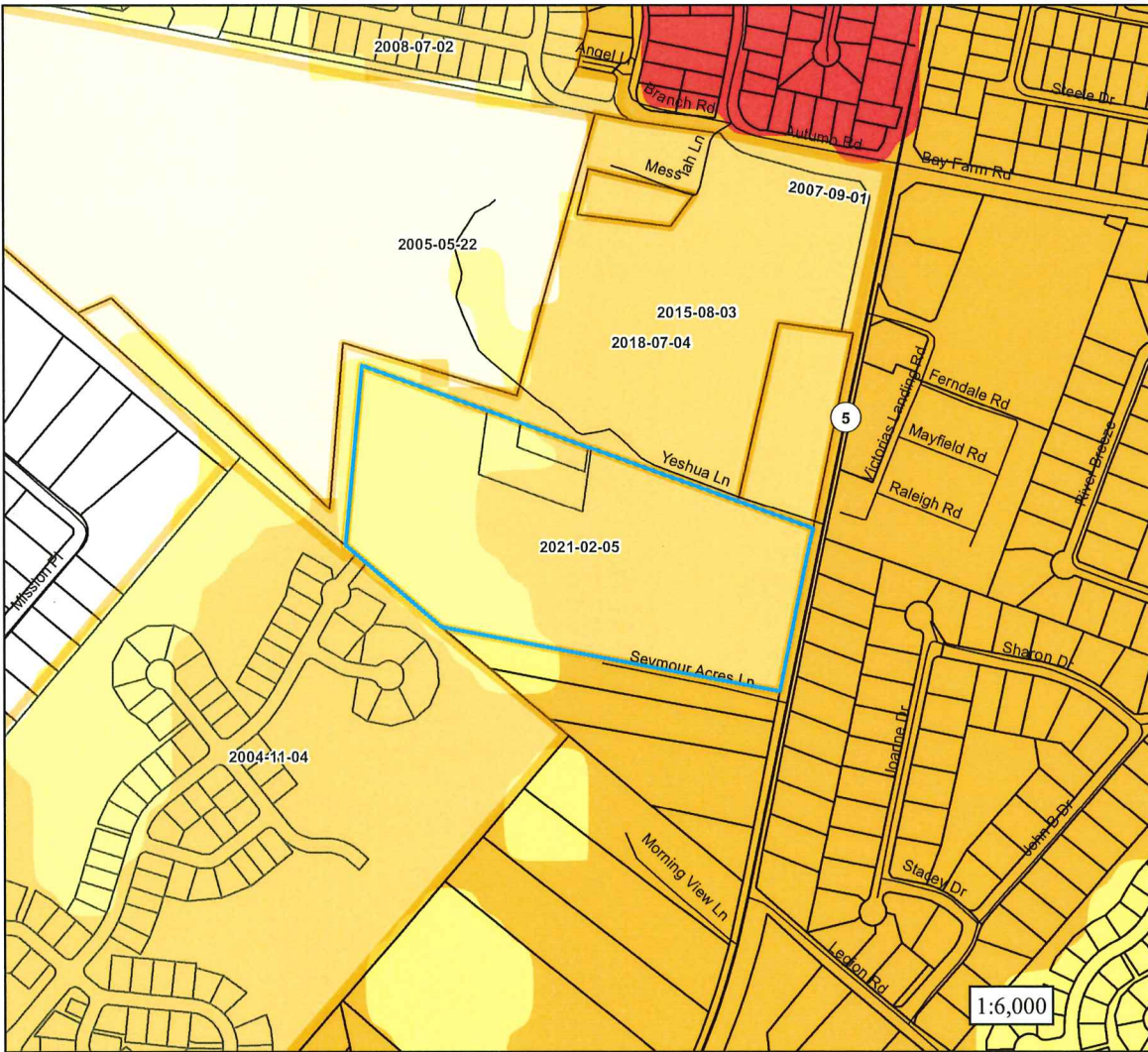
**AMERICAN STORAGE OF DELAWARE**  
TAX MAP # 234-29-00-49-02, 49-03 & 50-00  
INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE

**1**

DATE: 4/20/20  
SCALE: 1" = 100'  
DRAWN BY: JLS  
PROJECT NO.: 08432

**SCALED**  
ENGINEERING & ARCHITECTURE  
CONCEPTUAL SITE PLAN

# Preliminary Land Use Service (PLUS)



**American Storage**  
2021-02-05

**Legend**

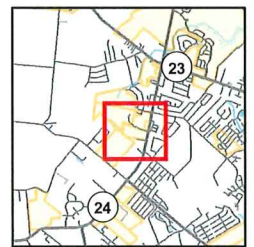
**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

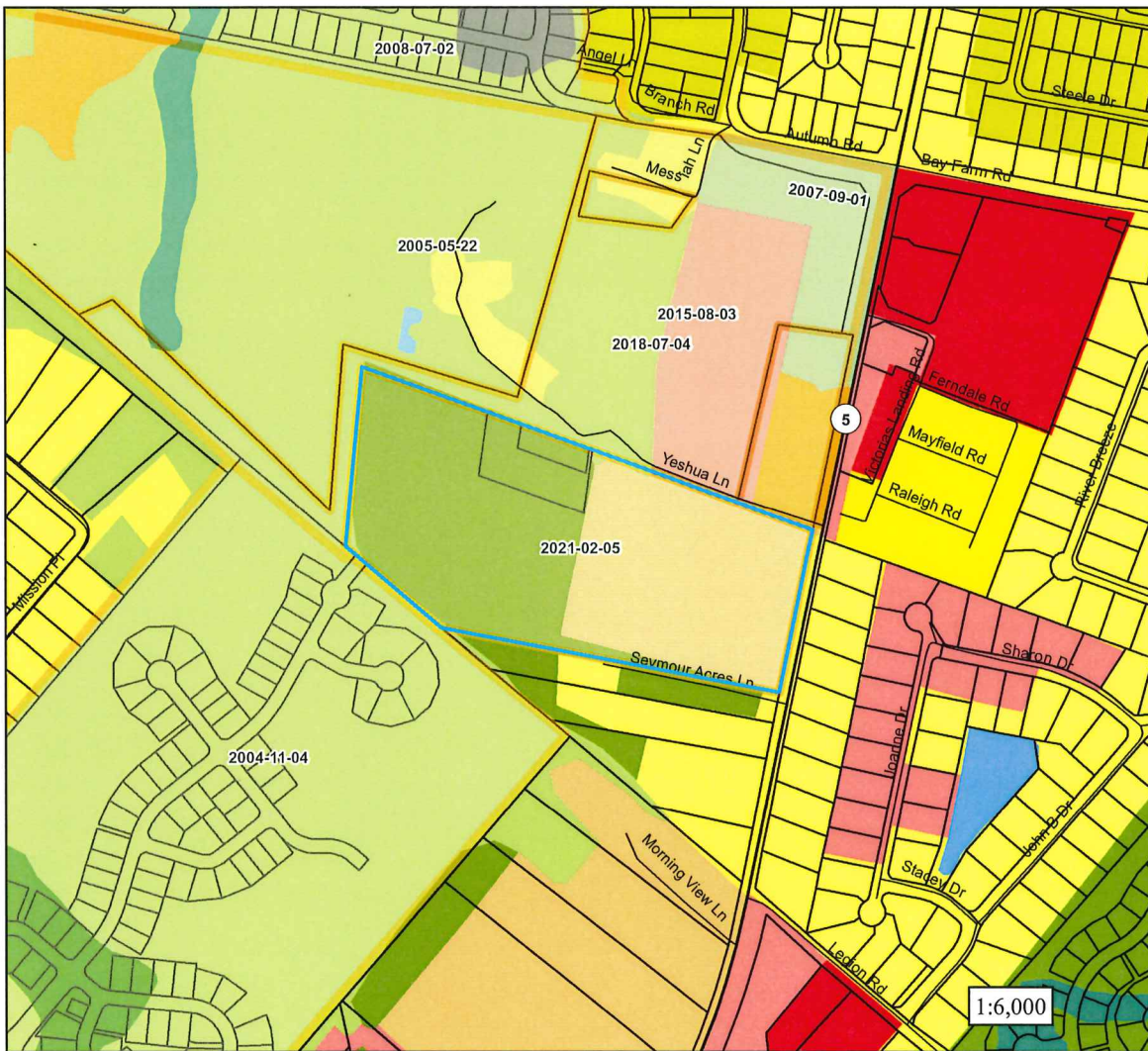
**2020 State Strategies Strategy Level**

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

**Location Map**



# Preliminary Land Use Service (PLUS)



**American Storage  
2021-02-05**

**Legend**

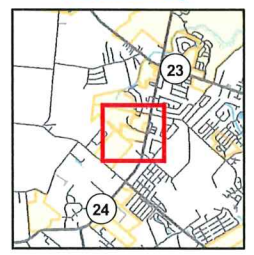
**2012 Land Use  
LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas  
type**

- Comp Plans
- All Other PLUS Reviews

**Location Map**



# Preliminary Land Use Service (PLUS)



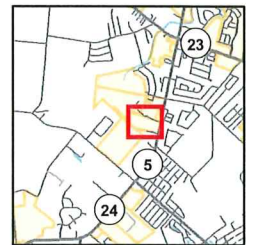
American Storage  
2021-02-05

**Legend**

PLUS Project Areas  
type

- Comp Plans
- All Other PLUS Reviews

## Location Map





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 23, 2021

Nate Graulich  
Graulich Builders  
34697 Jiffy Way, Suite 2  
Lewes, DE 19958

RE: PLUS review 2021-02-05; American Storage of Delaware

Dear Mr. Graulich:

Thank you for meeting with State agency planners on February 24, 2021 to discuss the proposed plans for the American Storage of Delaware project. According to the information received you are seeking review of a proposed rezoning of 25.9 acres from AR-1 to C-3 and MR and a site plan for 104 residential units and 139,600 square feet of mini storage and business park in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

### **Strategies for State Policies and Spending**

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

## **Code Requirements/Agency Permitting Requirements**

### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,170 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers’ Trip Generation Manual, as shown in the table below, DelDOT calculates 1,171 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 60 and 79, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Business Park	770	36,000	448	8	6	7	8
Mini-Warehouse	151	104,800	158	6	4	8	10
Multifamily Housing (Mid-Rise)	221	104	565	9	27	28	18
Total			1,171	23	37	43	36

- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in

lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$11,710. AWS Fees are used to fund traffic studies, not to build improvements.

- DelDOT anticipates requiring the developer to contribute to a DelDOT project presently scheduled for construction this summer, HSIP SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements, Contract No. T200711201. Information on the project is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T200711201>.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 24.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring at least two walkways to connect the interior of the site to Route 24,



one along the driveway at the north edge of the property and one at the south end of the frontage, connecting to the parking lot of the business park.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- Section 5.2.4 of the Manual addresses requirements for Entrance Width, for commercial entrances, the minimum undivided width varies from 18 to 32 feet. The proposed 30-foot entrance will be examined during the plan review process. DelDOT may require the developer's engineer to provide turning templates.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane, and possibly a left turn lane into the site from Route 24. Coordination of the construction schedules of the DelDOT project and the proposed development should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

While much of the site consists of Hydrologic Soils Group A soils (well drained), the northwest portion of the site lies within A/D soils (somewhat poorly drained). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Water Quality (Pollution Control Strategies)**

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- The western half of the site (forested portion) lies within the Rehoboth Bay Watershed & the eastern half of the site (unforested portion) lies within the Indian River Bay Watershed, both of which are included under Pollution Control Strategies. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
  - Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219  
Website: <https://www.sussexconservation.org/>

### **Nutrient Management Plan**

This project proposes approximately 11 acres of open space, exceeding the threshold of 10 Acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

#### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

#### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There are no known National Register listed or eligible properties on the parcel.
- Prehistoric archaeological potential is moderate. Soils are mostly well-drained except for the northwest corner of the area. Guinea Creek appears on Beers map and some historic aerials as extending closer to the parcels, which may mean that it is within favorable distance to freshwater for prehistoric site probability. A survey conducted in part of the parcel showed very little remains under a thick plow zone except for two isolated prehistoric finds; could mean that there are other archaeological resources throughout the area.
- Historic archaeological potential is low. Beers Map doesn't show anything near that parcel. A road appears to have existed through the middle-ish until 1950s, and historic aerials show the western portion to be continuously wooded.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for Storage/Warehouse sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for apartment (multi-family living units) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

**Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

#### Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be accessible to fire apparatus.
- Any dead end more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

#### Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

#### Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The subject land adjoins both a recorded but as-yet-unbuilt stub street in the Baylis Estates subdivision, which fronts on Mount Joy Road (Sussex Road 297), and the Peninsula Square mixed-use development, which fronts on Autumn Road (Sussex Road 299). In addition to providing emergency access to the proposed apartments, with appropriate interconnections and easements required of the subject development and Peninsula Square, these three developments could provide a low-stress pedestrian and bicycle connection between Mount Joy Road and Autumn Road.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Forest Removal**

The preliminary plans and/or project application proposed the elimination of approximately 9.2 out of 13.8 existing acres of forest habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling and reduces carbon that contributes to climate change. A forest assessment should be conducted to determine if mature forest resource exists on the property, and to determine species present.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

### **General Drainage Recommendations**

There are numerous reported drainage concerns near the proposed project area. One concern from 2009 referenced flooding of a nearby property. There are numerous concerns ranging from 2010-2020 from landowners on the eastern side of John J. Williams Highway about property flooding. The storage of onsite stormwater and the release stormwater to adjacent properties is a concern if this property is developed.

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemption coverage may be required by the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site stormwater.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Wildlife Displacement**

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by

maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetland types including freshwater forested, freshwater emergent, and estuarine.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Current or Previous Contamination**

This parcel is contained within a large area that has been investigated for well contamination (DE-1388 Long Neck Mercury Study). In 2001, mercury was detected in a public water supply well; levels were reported above the Maximum Contaminant Level. While DNREC and the U.S. Geological Survey investigated the incident, the source could not be located. The well has been temporarily turned off.

- Delaware Health and Social Services reviews the monitoring reports from the water company. The USGS report that resulted from the study can be found here: <https://pubs.usgs.gov/sir/2006/5011/pdf/sir-2006-5011.pdf>
- Contact the Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.  
Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/>
- Additional information may also be found online by searching Delaware's Environmental Navigator at <http://www.nav.dnrec.delaware.gov/den3/>

### **Additional Sustainable Practices**

Recommendations for entire project:

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.



- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Incorporate nonmotorized connectivity in the residential area and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

Recommendations for residential section:

- Include an option to install electric vehicle charging stations in garages of homes for your customers and tenants to assist Delaware in achieving its clean transportation goals.
- For the proposed pool and clubhouse, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.

Recommendations for commercial section:

- Install electric vehicle charging stations for your customers and tenants to assist Delaware in achieving its clean transportation goals. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>.

Concerns Identified Outside of the Development Footprint

**Delaware Ecological Network**

Lands designated as part of the Delaware Ecological Network lie to the east of this parcel. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on the proposed development site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within (and nearby) the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**


- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- The location is not within any flood plain nor in a coastal inundation zone. 2018 QAP described the region this project is located in as being an “Area of Opportunity” while bordering a region identified as “Stable”. The region has a homeownership rate of approximately 81.2% to 83%, a poverty ratio of 10 to 1 with approximately 21% of that census block’s population at the age of 65 or older.

**State of Delaware**  
The Official Website of the First State

Home  
Search  
Legend  
Results

 Location is NOT WITHIN the FEMA 100-year floodplain. Preliminary data does not exist.

**Effective Flood Zone:**  
X  
**Preliminary Flood Zone:**  
n/a  
**FEMA Issued Flood Map:**  
10005C0477K  
**Effective Map Date:**  
3/15/2015  
**Watershed (HUC12):**  
Indian River Bay-Indian River Inlet

**Attachments:**  
None

Print  
Contacts  
Getting Started/Help



Federal Emergency Management Agency | Digital Aerial S...

Privacy | Contact | Phone Directory



Tract  
Q&P Geographic Area: Areas Of Opportunity  
[Zoom to](#) [Get Directions](#)

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

- As of January 11, 2021, the applicant has already participated in a pre-application meeting with Planning and Zoning staff.
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.
- For the Conditional Use, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application.

- Please note that since the proposed development lies within the Coastal Area and is above the 50 dwelling unit and 75,000 feet of commercial development threshold, copies of an Environmental Assessment (EA) and Public Facility Evaluation Report must be submitted which address the criteria located in §115-194.3(2)(a-1).
- Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.
- Please include the proposed density for the project for separately for both the residential component as well as the commercial site. The C-3 Zoning District and the MR Zoning District (as a Conditional Use) allow for a density of up to 12 dwelling units per acre.
- Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
- Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- The side yard setback for the portion of the property to be zoned C-3 adjacent to the existing Yeshua Lane is shown with a 10-ft side yard setback. The Site Data Column indicates that this setback is 5-ft. The side yard setback in the C-3 Zoning District is 20-ft when adjacent to a residentially zoned parcel (Tax Map: 234-29.00-49.04 appears to be residentially zoned as AR-1) (§115-83.22(B)(2)). Please indicate if the applicant wishes to amend this setback as part of the application.
- Staff note that 11.45 acres of open space is proposed. The proposed open space of 44% is desirable. Please include the amount of open space proposed as a percentage and in acres within the Site Data Column.
- The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162).
- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of the formal application.
- Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 2 and Tier 3 area for sewer service and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.
- A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: [www.sussexcountyde.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and

county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

## Mackenzie Peet

---

**From:** Stephen W. Spence  
**Sent:** Wednesday, March 9, 2022 11:24 AM  
**To:** Alex Pires (farmerslawyer@aol.com); Graulich Builders; Carlton Savage  
**Cc:** Mackenzie Peet  
**Subject:** FW: American Storage of Delaware

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

See the chain below.

Stephen W. Spence, Esquire  
1413 Savannah Road, Suite 1, Lewes, Delaware 19958  
Tel: (302) 645-2262 | Fax: (302) 644-0306  
[sws@bmbde.com](mailto:sws@bmbde.com)



This Electronic Message contains privileged client attorney communications from the law firm of Baird Mandalas Brockstedt, LLC. The information is intended to be for the use of the addressee only. If you are not the addressee, note that any disclosure, copying, distribution or use of the contents of this message is prohibited.

---

**From:** David C. Hutt <DHutt@morrisjames.com>  
**Sent:** Wednesday, March 9, 2022 10:32 AM  
**To:** Stephen W. Spence <sws@bmbde.com>  
**Subject:** FW: American Storage of Delaware

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See below.

---

**From:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Sent:** Tuesday, August 31, 2021 10:52 AM  
**To:** Hutt, David C. <DHutt@morrisjames.com>  
**Subject:** RE: American Storage of Delaware

Hi David,

Thank you for your email. I have reviewed this with Dorothy and David. OSPC will not require a new PLUS review.



We do note that the State Comments letter referred to a bike path in the DelDOT comments. The site plan does not appear to show one. Please make sure to address this feature moving forward with the plan.

Please let me know if you have any questions or if I can provide any additional information.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Hutt, David C. <DHutt@morrisjames.com>  
**Sent:** Tuesday, August 31, 2021 9:34 AM  
**To:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>; Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Subject:** American Storage of Delaware

Dorothy,

Earlier this year, the OSPC reviewed an application for American Storage of Delaware (PLUS Review 2021-02-05). For your ready reference, I have attached a copy of the PLUS Review Letter dated March 23, 2021.

The overall concept has stayed the same with a commercial-type use along Route 24 and residential behind that application. The acreage for the commercial has been reduced which, of course, increased the acreage for the residential component.

In short, what before was 139,600 square feet of mini storage and business park (flex space) and 104 residential units is now proposed to be 150,000 square feet of mini-storage and 140 residential units. Attached is a copy of the new concept.

Does your office want to see a new/revised application?

Thanks,

David

**Morris James**<sub>LLP</sub>

David C. Hutt | Partner  
107 W. Market Street, P.O. Box 690, Georgetown, DE 19947  
19339 Coastal Highway, Suite 300, Rehoboth Beach, DE 19971

**Phone:** 302.856.0018 | **Fax:** 302.856.7217  
morrisjames.com | dhutt@morrisjames.com  
Facebook | LinkedIn | Twitter

---

This communication may be subject to the attorney-client privilege or the attorney work product privilege or may be otherwise confidential. Any dissemination, copying or use of this communication by or to anyone other than the designated and intended recipient(s) is unauthorized. If you are not the intended recipient, please delete or destroy this communication immediately.

# EXHIBIT D



# American Storage

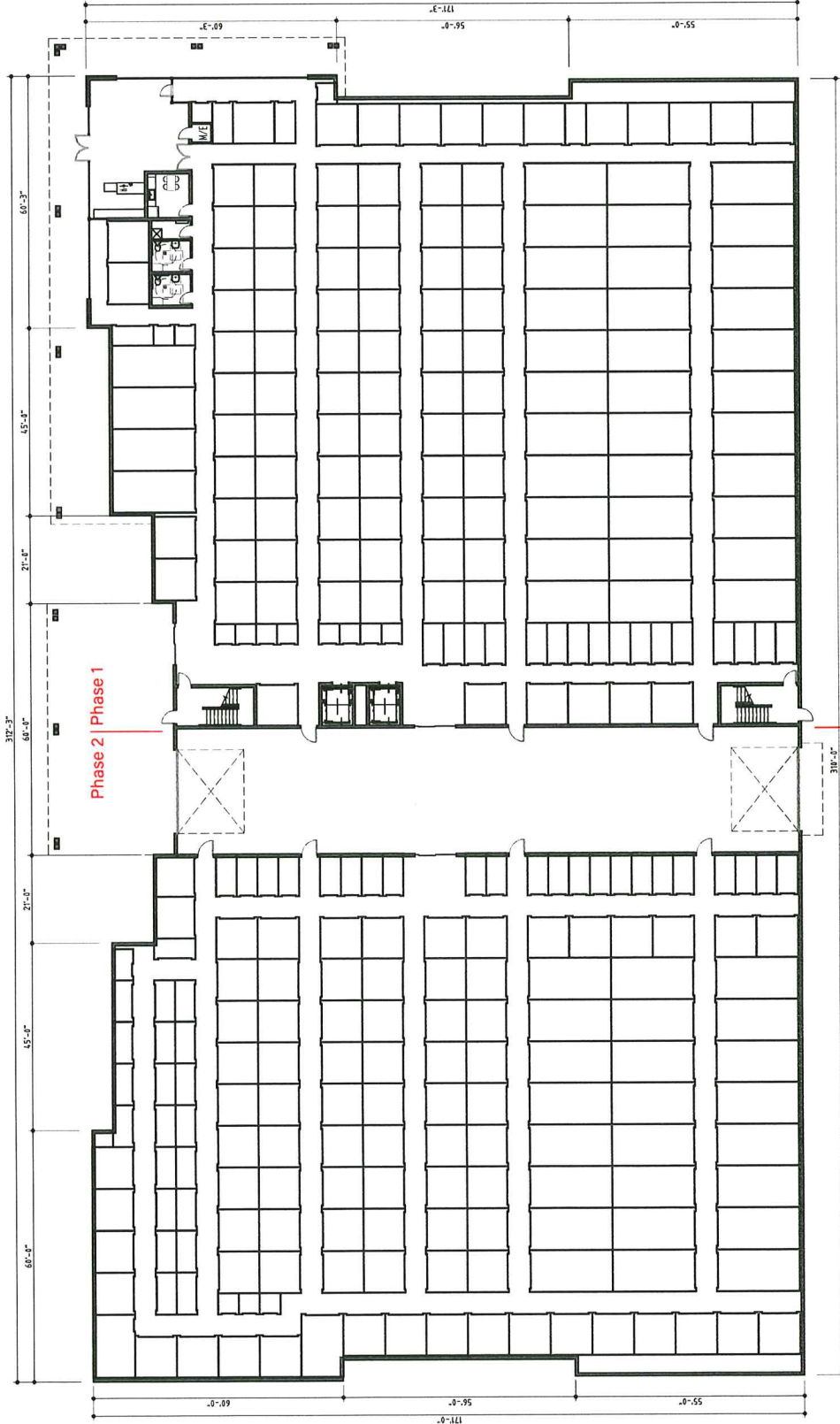


July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | [www.designhaus.com](http://www.designhaus.com)



UNIT MATRIX

Size	1st Floor	2nd Floor	3rd Floor	Total
5 x 5	15	18	18	51
5 x 7.5	1	1	1	3
5 x 10	63	84	84	231
10 x 10	169	195	195	559
10 x 15	2	6	6	14
10 x 20	61	63	63	187
TOTAL	311	367	367	1,045



July 23, 2021

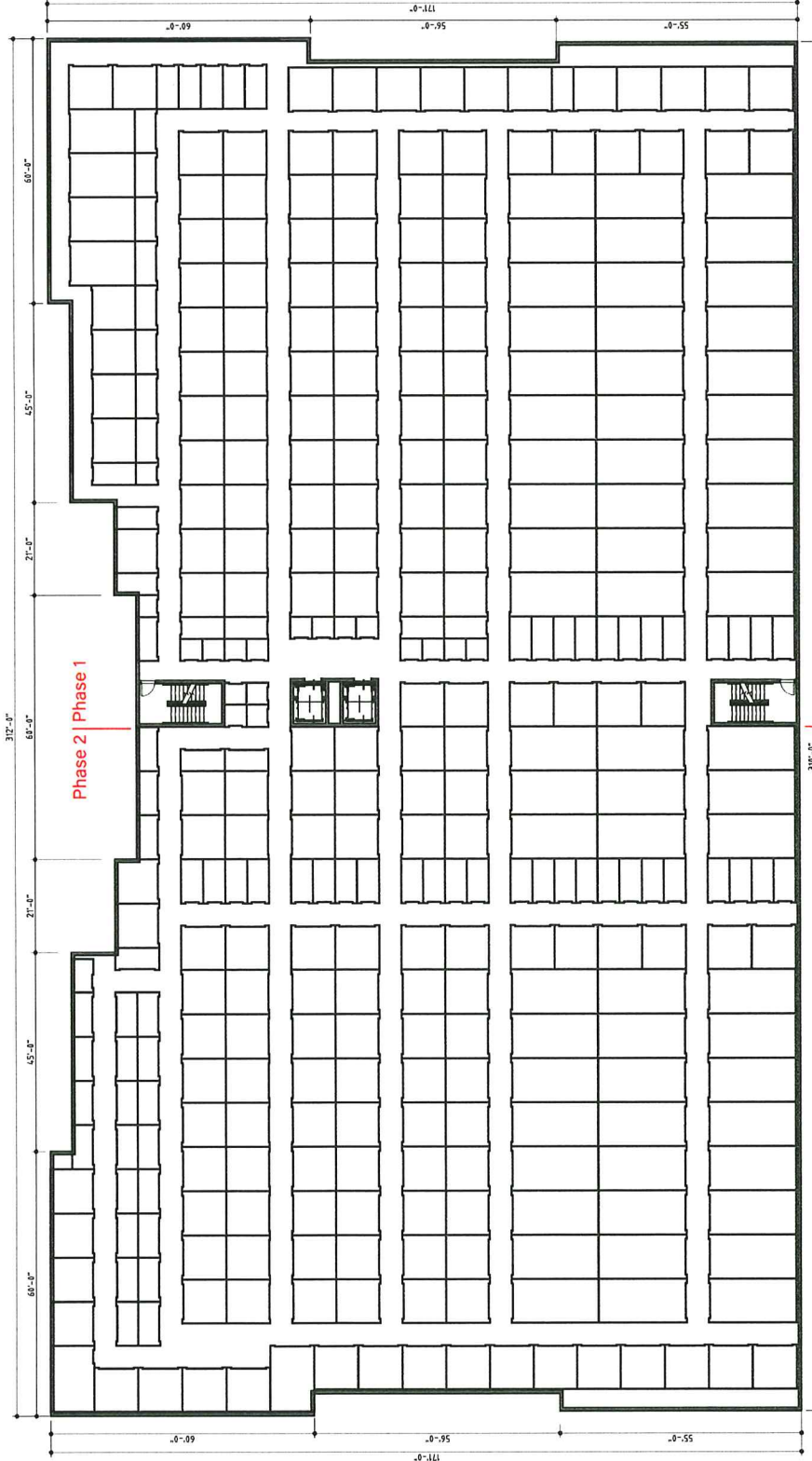


3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

First Floor Concept

UNIT MATRIX

Size	1st Floor	2nd Floor	3rd Floor	Total
5 x 5	15	18	18	51
5 x 7.5	1	1	1	3
5 x 10	63	84	84	231
10 x 10	169	195	195	559
10 x 15	2	6	6	14
10 x 20	61	63	63	187
TOTAL	311	367	367	1,045



July 23, 2021

3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

Second and Third Floor Concept



Exterior Rendering



July 28, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI 48326 | p 248 601 4422 | www.designhaus.com





Exterior Rendering



3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p. 248 601 4422 | www.designhaus.com

July 23, 2021



Exterior Rendering

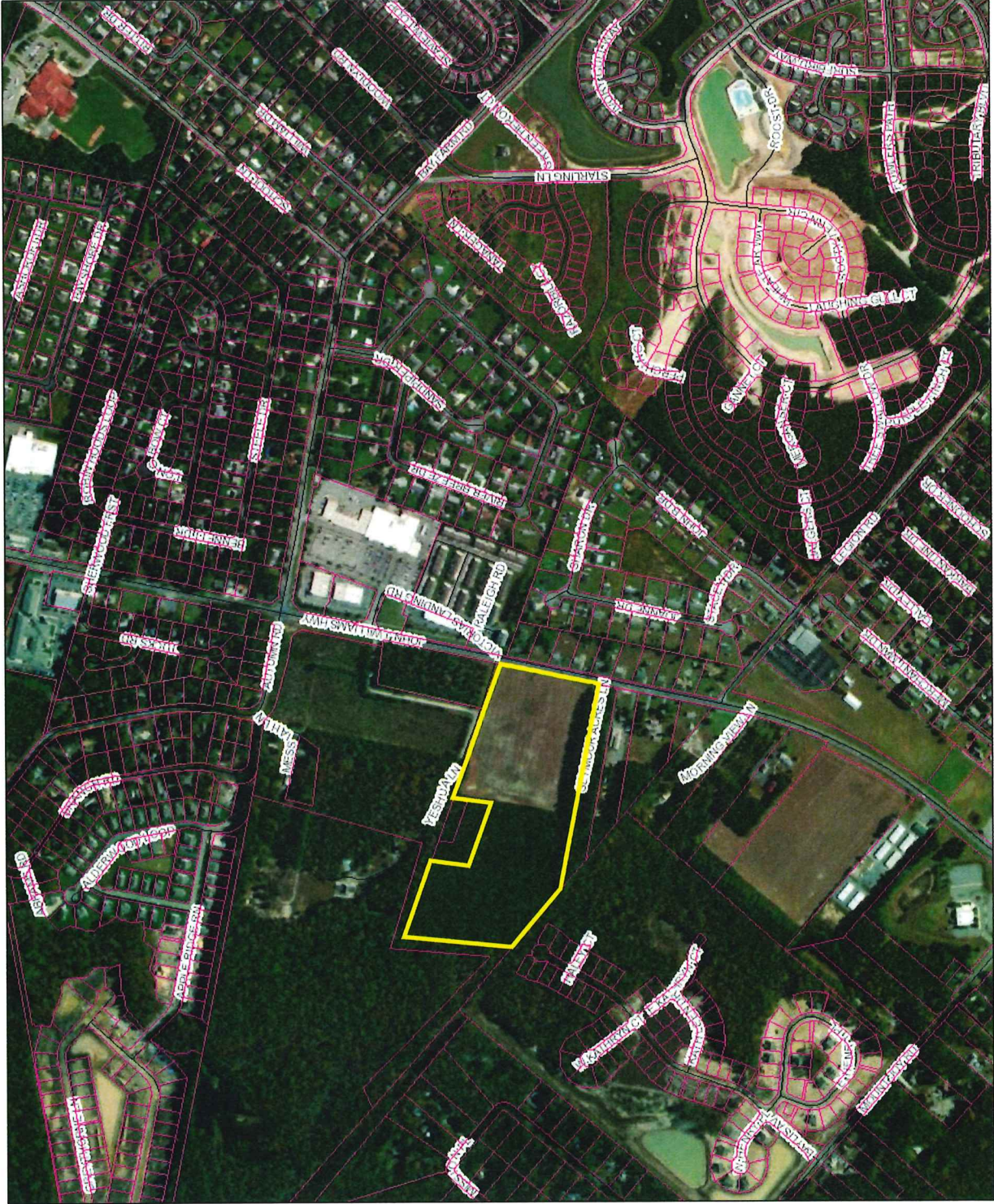


July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

# EXHIBIT E

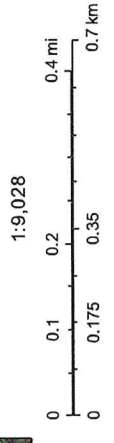


# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 101
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

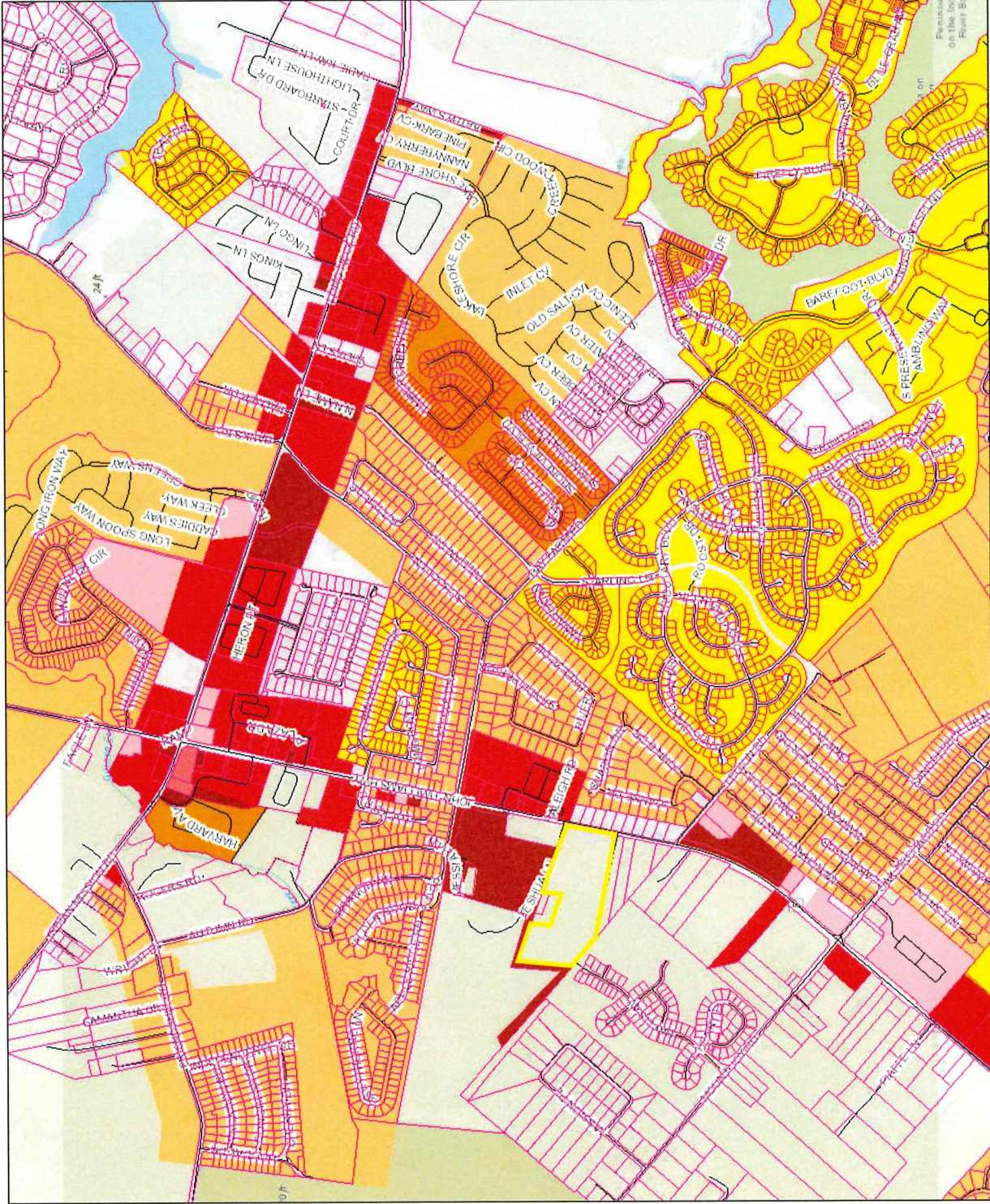
- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries





# Sussex County

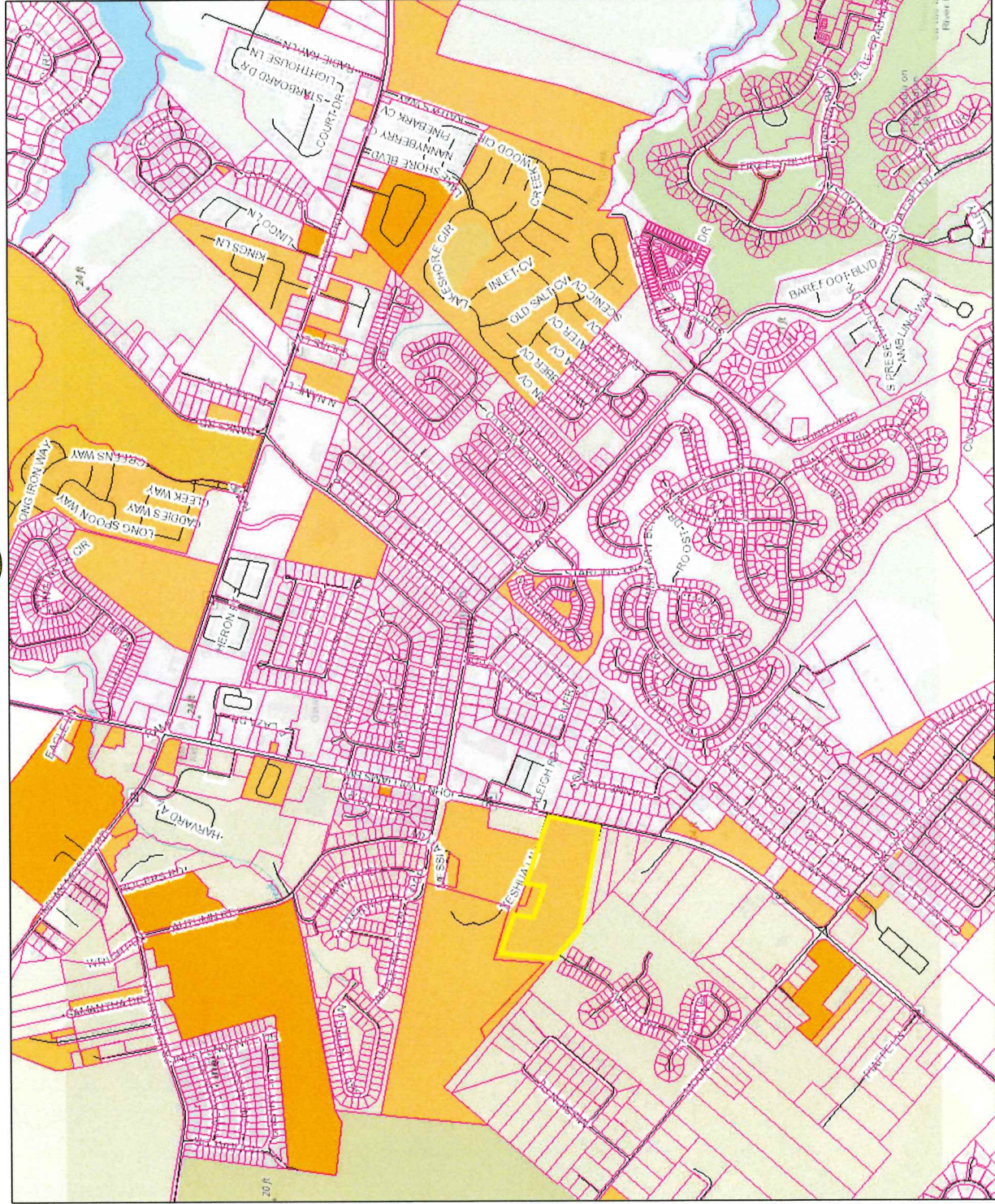
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	





# Sussex County

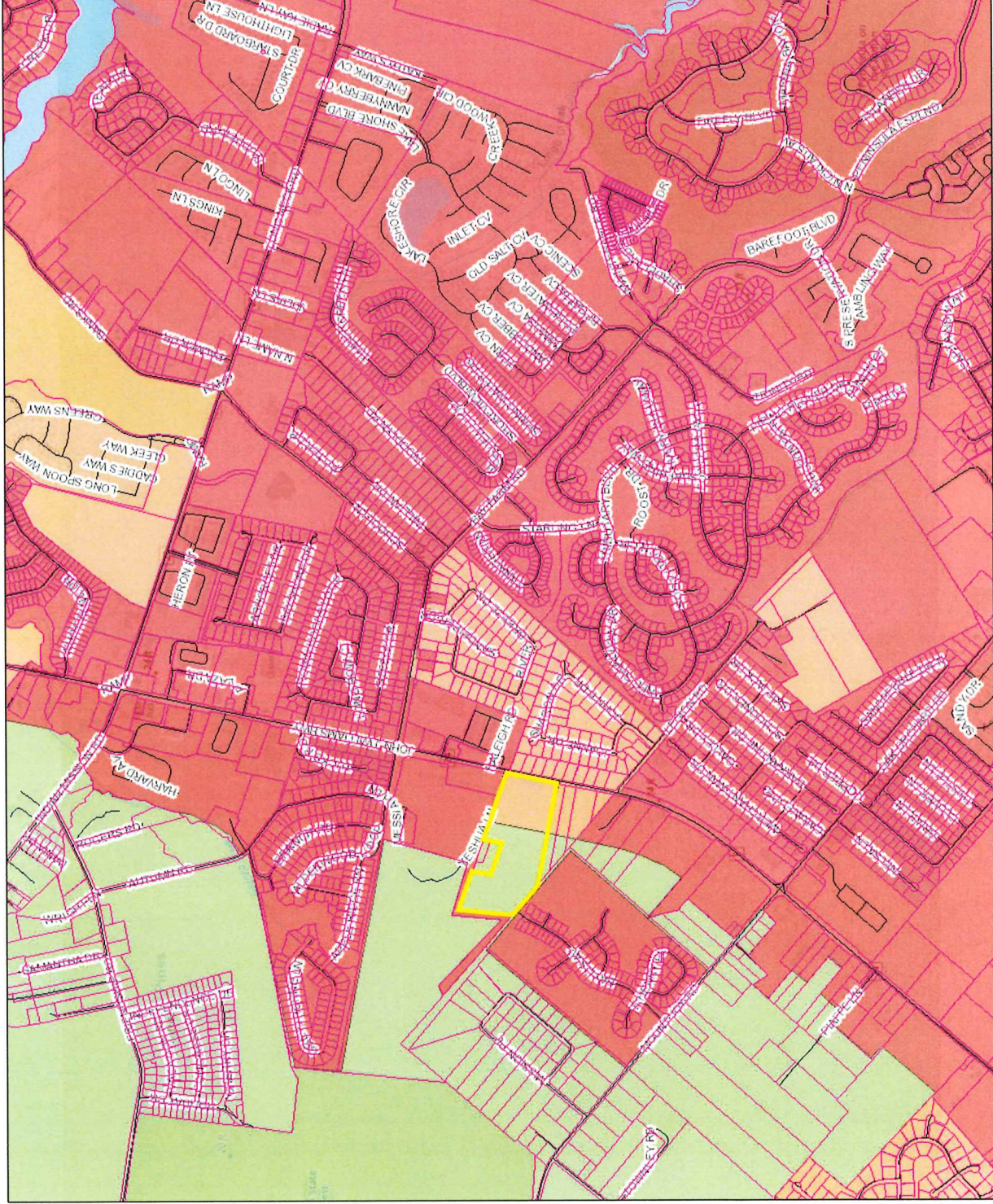
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100 DEWEY BEACH
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	





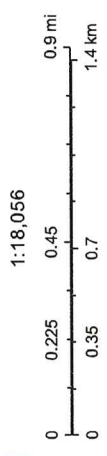


# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

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





# EXHIBIT F



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
PH: (302) 227-7808  
www.scaledengineering.com

---

## COASTAL AREA ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION REPORT

---

**AMERICAN STORAGE OF DELAWARE  
JOHN J. WILLIAMS HIGHWAY  
MILLSBORO, DE 19966**



**PREPARED FOR:**

American Storage of Delaware LLC  
113 Dickinson Street  
Suite 100  
Dewey Beach, DE 19971

**PREPARED BY:**

Scaled Engineering Inc  
20246 Coastal Highway  
Rehoboth Beach, DE 19971

  
M. Josh Stallings  
Senior Environmental Scientist



Carlton R. Savage, Jr., P.E.  
Senior Engineer | Principal

**TABLE OF CONTENTS**

1.0 INTRODUCTION..... 3

2.0 EXISTING CONDITIONS..... 3

3.0 ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION..... 3

    3.A PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS..... 3

    3.B PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS..... 3

    3.C PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS..... 4

    3.D ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM..... 4

    3.E THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS ..... 4

    3.F THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE ..... 4

    3.G PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4. [ADDED 12-16-2008 BY ORD. NO. 2022<sup>1</sup>] ..... 4

    3.H A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE ..... 5

    3.I ECONOMIC, RECREATIONAL OR OTHER BENEFITS ..... 5

    3.J THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES ..... 5

    3.K A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN ..... 5

    3.L ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN..... 6

4.0 CONCLUSION..... 6

REFERENCES..... 7

APPENDICES:

APPENDIX A – PRELIMINARY CONCEPT PLAN

APPENDIX B – FIGURES

- CRITICAL HABITAT FOR THREATENED & ENDANGERED SPECIES
- WETLAND MAPPING

APPENDIX C – ASSESSMENT OF ENVIRONMENTAL CONDITIONS & NATURAL FEATURES REPORT



## **1.0 INTRODUCTION**

Scaled Engineering Inc (Scaled) on behalf of American Storage of Delaware LLC (client), has prepared an Environmental Assessment and Public Facility Evaluation Report (report) for the American Storage of Delaware LLC property, located west side of John J. Williams Highway (Route 24), 0.25± miles south of Bay Farm Road, Millsboro, DE 19966. The site is listed under Sussex County tax map numbers 234-29.00-49.02, 49.03 & 50.00. The site is intended to be improved with commercial business park (flex park), mini-warehouse (self-storage) facilities, mini-warehouse office, and residential multi-family housing with clubhouse. A preliminary concept plan is provided in Appendix A.

## **2.0 EXISTING CONDITIONS**

The subject property consists of a vacant, 25.90± acre, partially wooded parcel with approximately 12 acres of tillable land. Topographically, much of the site is nearly level, with gently sloped areas to the north and northwest with approximately 3 feet of relief. Regionally, the eastern part of the site is located within the Indian River Bay – Indian River Inlet watershed, which ultimately drains to the Indian River Bay. The western part of the site is located within the Love Creek watershed, which ultimately drains to the Rehoboth Bay.

## **3.0 ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION**

### **3.A PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS**

The proposed drainage design will utilize best management practices to meet or exceed state regulatory requirements. A combination of wet basin(s), planted buffers, and infiltration practices (at a minimum) will be utilized to reduce phosphorus and nitrogen, and control runoff of other pollutants, such as petroleum hydrocarbons and metals. Quantity discharges would also be managed by appropriate measures on-site. A detailed stormwater management plan would be prepared and submitted to the Sussex Conservation District for review and approval prior to any land disturbing activities.

### **3.B PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS**

Potable water will be serviced by Tidewater Utilities, Inc (Tidewater, TUI). The property is located within TUI's Certificate of Public Necessity (CPCN) area. A service request has been submitted to Tidewater, and the "Willing and Able to Serve Letter" will be provided upon receipt. A water main including potable and fire suppression water is located on the opposite side of Route 24. It is unknown if service stubs are already provided to the site; however, they would be extended to provide adequate water supply to the project. Utilizing the public water utility will ensure there are no negative effects to groundwater. The current plan would generate the need for 140 residential units (140 EDU's) and a single bathroom facility for the mini-storage facility (3 EDU's estimated). Based on Sussex County design standards of 250 gallons per day per Estimated Dwelling Unit (EDU) an average demand of 35,750 gallons per day with a peak demand (assuming a peaking factor of 2.3) to be approximately 82,225 gallons per day. With the property in the Coastal Area, factors such as seasonal occupancy may reduce this demand. Extension of the existing water main would be designed in accordance with Tidewater Standards (by the site engineer) and installed by the developer to accommodate the potable demand, and to provide additional fire hydrant(s) and fire suppression to proposed facilities.

### **3.C PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS**

Sanitary Sewer (Wastewater) service will be provided by Sussex County. A "Sewer Service Concept Evaluation" (SSCE) was submitted to the Sussex County Engineering Department along with the appropriate fee. The SSCE will analyze the project's capacity needs and provide the appropriate location and method for connection to the County's system. A "Willing and Able to Serve Letter" was also requested. Conversation with the County has determined, based on a preliminary review, the project will most likely utilize an existing stub near the Route 24 / (Bay Farm Rd/Autumn Rd) intersection. An adjacent property (to the North) is under design currently, which may allow for a closer connection. Following Sussex County Sewer Design standards and utilizing the Sussex County facility(s) will ensure there are no effects to the quality of groundwater and surface waters from wastewater treatment and disposal. It is currently assumed that this area will be handled by the Inland Bay Wastewater Treatment Plant off Cannon Road.

### **3.D ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM**

The increase in traffic and effect on the surrounding roadways will be analyzed, reviewed, and approved by the Department of Transportation (DelDOT) through a thorough review process. On-site entrance location, size, and any site (or off-site) improvements would be part of this process during design. Based on the PLUS report response by the DelDOT (dated March 3, 2021) (included in application) the proposed improvements would generate less than 2,000 Average Daily Traffic (ADT) and less than 200 peak hour vehicle trip ends. This allows the developer to provide an Area Wide Study (AWS) fee in lieu of a Traffic Impact Study (TIS). The fee is calculated as \$10 per daily trip and is used to fund traffic studies. The actual traffic generated by proposed improvements will be adjusted based on the actual use at the time of submission, and should traffic increase, requirements may change; however, it is not anticipated the thresholds would be exceeded to require a TIS. The site is fronted along Route 24, which is deemed a "Major Collector" and provides for substantial traffic flows given its functional classification. All necessary improvements would be designed and installed by the developer to ensure safe and appropriate traffic flow into and out of the site.

### **3.E THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS**

Per the U.S. Fish & Wildlife Service (FWS), "Critical Habitat for Threatened & Endangered Species" mapping, no critical habitat for threatened and endangered species, nor proposed habitat protection areas exist on the site (see Appendix B). An "Assessment of Environmental Conditions and Natural Features" report, prepared by Edward M. Launay of Environmental Resources, Inc., revealed no endangered or threatened species on the site (see Appendix C).

### **3.F THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE**

Per the FWS, National Wetlands Inventory, no wetlands exist on the site (see Appendix B). An "Assessment of Environmental Conditions and Natural Features" report, prepared by Edward M. Launay of Environmental Resources, Inc., revealed no wetlands on the site (see Appendix C).

### **3.G PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4. [ADDED 12-16-2008 BY ORD. NO. 2022']**

The proposed project will allow approximately 11 acres of land to remain open space. Approximately 4.77 acres will consist of undisturbed forested area, which will be utilized for recreation and provide wildlife habitat. Other

passive open space will contain stormwater best management practices. Active open space will contain grass areas, recreational features, and decorative landscaping.

### **3.H A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE**

Sewer service will be provided by Sussex County. Potable water will be provided by Tidewater. Sewer and water infrastructure necessary to connect to the public utilities will be constructed by the developer. Electric will be serviced by Delmarva Power. Easements will be provided, as necessary, for all infrastructure to be maintained by an agency and/or service provider. Internal access roads and parking will be constructed and privately maintained by the developer and/or homeowners association.

### **3.I ECONOMIC, RECREATIONAL OR OTHER BENEFITS**

The proposed commercial business park and mini-warehouse facilities will provide business and employment opportunities, which will promote economic growth to the community and surrounding areas. The self-storage facility will provide a viable personal storage option, which will benefit the growing community. The multi-family housing will offer market rate apartments to individuals and families living and working in Long Neck and surrounding areas. The proposed club house and active outdoor open space will provide safe and family oriented recreational area for residents on-site.

### **3.J THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES**

Per an online review of the National Park Service, National Register of Historic Places database, there are no historic or cultural resources at the site.

### **3.K A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN**

Currently the property is Zoned AR-1 with a Future Land Use Designation of Coastal Area. The Coastal Area is "...among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices." With the development of new homes in this Coastal Area, commercial facilities will need to be added to support the needs of the additional residents.

#### Commercial Storage:

Many new residents are moving from remote destinations to Sussex County (and the Coastal Area in particular) for retirement and lower cost living after achieving a specific age. Generally, new homes are smaller than those they are leaving, and located within planned residential communities which do not provide ample storage for their needs (or the ability to add additional storage facilities such as detached garages/sheds/buildings). This use provides a cost effective means of storage in a centralized location adjacent to adequate transportation and roadways.

Per the 2018 Sussex Comprehensive Plan Update, "Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and HIGHWAYS."

This site is directly located along Route 24 (John J. Williams HIGHWAY), and adjacent to other commercial uses (retail and service). Based on these facts, the property appears suited to be included within that concentration of use already prescribed in the area.

#### Medium Density Residential:

The rear of the property (as proposed) is for multi-family residential. Per the 2018 Comprehensive Plan "Sussex County's base density of 2 units per acres is appropriate throughout this classification (Coastal Area); however, medium and higher density (4-12 units per acre) can be appropriate in certain areas. Medium and Higher Density

could be supported in areas: where there is central water and sewer (provided); near sufficient commercial uses (Harris Teeter shopping center across Route 24 and newly proposed commercial to north); where it is in keeping with the character of the area (Victoria's Landing multifamily across Route 24 and other nearby medium density developments to north and south of property); where it is along a main road or at/near a major intersection (along Route 24); where there is adequate Level of Service (Located within Level 2 of the 2020 Delaware Strategies for State Policies and Spending);...".

### **3.L ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN**

The above subsections B(2)(A) through (K), strive to identify possible impacts from the proposed development. Each item above requires professional engineering/design, oversight, review, and approval by respective authoritative agency(s); therefore, will meet the requirements set forth in all Federal, State, County, and Local codes/regulations to minimize (or eliminate) possible detrimental impacts from development.

"The (2018 Comprehensive) Plan strives to set a foundation for decision-making and provide the County with a roadmap to a future that will maintain and enhance the quality of life all residents enjoy." The proposed project as described compliments the nearby area by providing responsible growth and necessities of the community while maintaining the quality of life residents are moving to the area to enjoy, as is consistent with the Comprehensive Plan.

## **4.0 CONCLUSION**

The American Storage of Delaware LLC project will utilize best management practices that meet or exceed regulatory requirements. The project will provide opportunity for economic and societal growth within the community, while preserving the environment.

Scaled Engineering Inc. is committed to bringing the best resources to our clients to assist in development of their projects. Should you have any questions or need additional information, please do not hesitate to contact Scaled.

## **REFERENCES**

The following documents, publications, maps, etc., were used as source materials for this report:

- Sussex County Delaware, Online Mapping: <https://maps.sussexcountycle.gov/OnlineMap/Map.html>
- Sussex County Delaware Property Records: <https://property.sussexcountycle.gov>; <https://maps.sussexcountycle.gov/OnlineMap/Map.html>; <https://sussexcountycle.gov/recorder-deeds>
- U.S. Fish & Wildlife Service (FWS), Critical Habitat for Threatened & Endangered Species: <https://fws.maps.arcgis.com/home/item.html?id=9d8de5e265ad4fe09893cf75b8dbfb77#!>
- FWS, National Wetlands Inventory: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>
- National Park Service, National Register of Historic Places: <https://www.nps.gov/subjects/nationalregister/index.htm>
- Sussex County Comprehensive Plan – Final March 2019 – “The Sussex Plan” <https://sussexcountycle.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>
- Strategies for State Policies and Spending (DelDOT) <http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=265b9ac2d304432b962b0ba0f1de76>

b6

S:\PROJECTS\GRAULICH\GRAU001 - Rt 24 - American Storage\ENVIRONMENTAL\Coastal Area Env Report.docx



**APPENDIX A**  
**PRELIMINARY CONCEPT PLAN**



# **APPENDIX B**

## **FIGURES**

**CRITICAL HABITAT FOR THREATENED & ENDANGERED  
SPECIES**

### Critical Habitat for Threatened & Endangered Species [USFWS]



A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

U.S. Fish and Wildlife Service | Maxar | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

# WETLAND MAPPING



U.S. Fish and Wildlife Service

# National Wetlands Inventory

# WETLAND MAPPING



Source: Esri, Maxar, GeoEye, Earthstar, AeroGRID, IGN, and the GIS User Community

March 2, 2022

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**APPENDIX C**  
**ASSESSMENT OF ENVIRONMENTAL CONDITIONS &**  
**NATURAL FEATURES REPORT**



# **Assessment of Environmental Conditions & Natural Features**

**Tax Map Parcels 234-29.00-49.02, 49.03 & 50.00  
Indian River Hundred, Sussex County, Delaware**

**March 3, 2022**

*Prepared for*

**American Storage of Delaware, LLC.  
113 Dickinson Street, Suite 100  
Dewey Beach, Delaware 19971**

*Prepared by*

**Edward M. Launay  
Senior Professional Wetland Scientist No. 875  
Environmental Resources, Inc.  
P.O. Box 169  
38173 DuPont Blvd.  
Selbyville, Delaware 19975**

**ERI Project No. 1062#1224**

# Assessment of Environmental Conditions & Natural Features

## Tax Map Parcels 234-29.00-49.02, 49.03 & 50.00 Indian River Hundred, Sussex County, Delaware

### Table of Contents

Introduction .....	1
Site Location & Topography .....	1
Soils.....	2
Forested Lands.....	3
Threatened & Endangered Species.....	4

### List of Exhibits

1. Sussex County Tax Map
2. Google Earth Photo, May 2021
3. Boundary Survey – Scaled Engineering (reduced)
4. Concept Plan – Scaled Engineering (reduced)
5. USDA Soil Survey of Sussex County
6. U.S. Fish & Wildlife Service National Wetland Inventory Map
7. U.S. Fish & Wildlife Service Species List, March 3, 2022
8. Photographs

## **Introduction**

Environmental Resources, Inc. (ERI) has performed a review of 29.90 acres of land located in Sussex County, Delaware on the western side of John J. Williams Highway (State Route 24) just south of Yeshua Lane. The site is located in the Indian River Hundred and it is composed of Tax Map Parcels 234-29.00-49.02, 49.03 and 50.00. The Sussex County Tax Map is included as Exhibit 1. A May 2021 Google Earth Photo is Exhibit 2. Exhibit 3 is a copy of a boundary survey reduced in size. This review was conducted on behalf of the property owner, American Storage of Delaware, LLC., who is seeking land use approval from Sussex County for a potential mixed use development involving residential housing and a commercial storage facility component. The proposed current plan is provided as Exhibit 4. A field reconnaissance of the property was performed on March 2, 2022. Prior to that reconnaissance, ERI reviewed a variety of published guidance document involving topics such as wetlands, soils and topography.

ERI found that in the case of the subject site, published guidance map information about environmental resources was relatively accurate. ERI did not encounter any wetlands, unique topographic conditions such as steep slopes, forest of exceptional resource value or any federally listed threatened or endangered species, or any critical habitats present on the property. The site is surrounded by existing residential and commercial development on three sides.

## **Site Location and Topography**

The 29.90 acre site is somewhat rectangular in shape. It has 598.92 feet of frontage along the western side of John J. Williams Highway (State Route 24). It is roughly 660 feet deep. Two unimproved driveways lie just to the north and south of the site, Yeshua Lane and Seymore Acres Lane respectively. Both lanes access low density residential housing. The frontage of the property is occupied by an 11.5 acre agricultural field (See Photographs 1, 2 & 3). The remainder of the site, 14.4 acres is immature woodland.

The topography over the site is relatively flat. State Route 24 is somewhat higher than the adjacent agricultural fields. Elevations range throughout the site from 15 to 19 feet. However, most of the property lies between 16 and 19 feet. While being relatively flat, the property is generally concave with somewhat higher lands surrounding it off site. A low point exists just off site at the northeast corner of the property. Within the site itself, topographic information shows areas of ridges and shallow closed depression. Soil conditions are very sandy. Historic aerial photography indicates that some parts of the agricultural field portion of the site has rare occurrences of wetness at the surface in some years after major storm events.

Based on ERI's site reconnaissance there is no evidence of any surface ponding within the wooded portion of the site. Depth to seasonal high groundwaters appears to average about 42 inches below the soil surface as observed on March 2, 2022. Soil textures were found to be composed of permeable loamy sand soils. There are no ditches, streams or surface water conveyances within, abutting or in close proximity to the property boundaries.

**Soil Characteristics & Groundwater**

The USDA Soil Survey for Sussex County is included as Exhibit 5 of this report. The Soil Survey indicates four soil types within the site, all with 0 – 2 percent slopes. Downer loamy sand (DnA), Fort Mott loamy sand (FmA), Ingleside loamy sand (IeA) soils total 78.9 percent of the site. They are well drained soils found on uplands.

Klej loamy sand (KsA) occupies 21.1 percent of the site. This somewhat poorly drained soil is mapped in the northwest quadrant of the site as shown by Exhibit 5. The occurrence of this soil type within the northwest quadrant of the site is consistent with conditions observed during ERI's site reconnaissance. Land of slightly lower elevation lie within this area and within some shallow topographically depressed areas in the center of the site. A soil boring near the northeast corner of the of the site where klej sandy loam is mapped is described as follows:

Inches	Description
0 – 2	10 YR 3/1 very dark grey loamy sand
2 - 14	10 YR 5/3 brown loamy sand
14 - 25	10 YR 5/4 yellowish brown loamy sand
25 – 38+	10 YR 5/2 greyish brown loamy sand
Groundwater Depth 36" 3/2/2022	

The extent of Klej loamy sand soils on this site is likely larger than mapped by the USDA Soil Survey.

Fort Mott loamy sand is mapped over much of the southerly half of the site (60.5% of total site). A soil boring was excavated near the center of the site just inside of the woods line (See Photograph 4) within the Fort Mott unit is described as follows:

Inches	Description
0 – 2	10 YR 3/2 very dark greyish brown loamy sand
2 - 13	10 YR 4/3 brown loamy sand
13 – 30	10 YR 4/4 dark yellowish brown loamy sand
30 - 52+	10 YR 5/6 yellowish brown loamy sand
Boring was dry at 52 inches 3/2/2022	

Within the center of the wooded portion of the site, a third boring was excavated in an area mapped as Fort Mott soils by the Soil Survey. It was very similar to the previously described soil, however, below 40 inches soil chromas had a chroma of 2.5 Y. They were variegated in color between 2.5 Y 6/3 light yellowish brown and 2.5 Y 5/6 light olive brown loamy sand. Depth to groundwater was 42 inches on 3/2/2022. It is likely the inclusions of other well drained soils in the Hammonton and Woodstown and Klej Series occur within the Fort Mott mapping unit shown on the USDA Soil Survey.

No hydric soils or soils indicative of wetlands were identified on this property. Soils on this property are somewhat poorly drained to well drained in character with few development limitations. Soil conditions are permeable loamy sands to sand.

**Forested Land** – The forest on this property is monotypic in both age and structure. Based upon review of aerial photography, the wooded portion of the site was clear cut in approximately 2004. The current forest is about 17 years old. Dominant species include loblolly pine, sweet gum and red maple. The understory ranges from open in higher parts (See Photograph 4) of the site and denser in more lowlying areas (See Photograph 5). In these low lying areas or within shallow topographic depression red maple is more prevalent along with species such as high bush blueberry, American holly and green briar. The plant community generally appears more wet tolerant than soil conditions would indicate in these areas.

Exhibit 6 of this report is the U.S. Fish and Wildlife Service, National Wetlands Inventory Map (NWI Map). The NWI Map classifies this entire site as uplands.

A palustrine forest wetland associated with a drainage way is mapped 0.15 miles northwest of the site. An isolated water filled depression is mapped approximately 0.03 miles north, northwest of the site. No indication of special habitat types was observed on the property.

**Federally Listed Threatened or Endangered Species** – No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species on this site. The Service's determination letter dated March 3, 2022, is included as Exhibit 7 of this report. The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist.

This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. The open lands of this property are active agricultural lands. Suitable habitat is not present.

### **Conclusion**

The 25.90 acre site consists of 11.5 acres of agricultural field and 14.4 acres of a relatively immature stand of trees dominated by loblolly pine, sweet gum and red maple. The wooded portion of the site was clear cut in 2004. No specimen trees or habitats of special concern exist. No federally listed threatened or endangered species exist on the property.

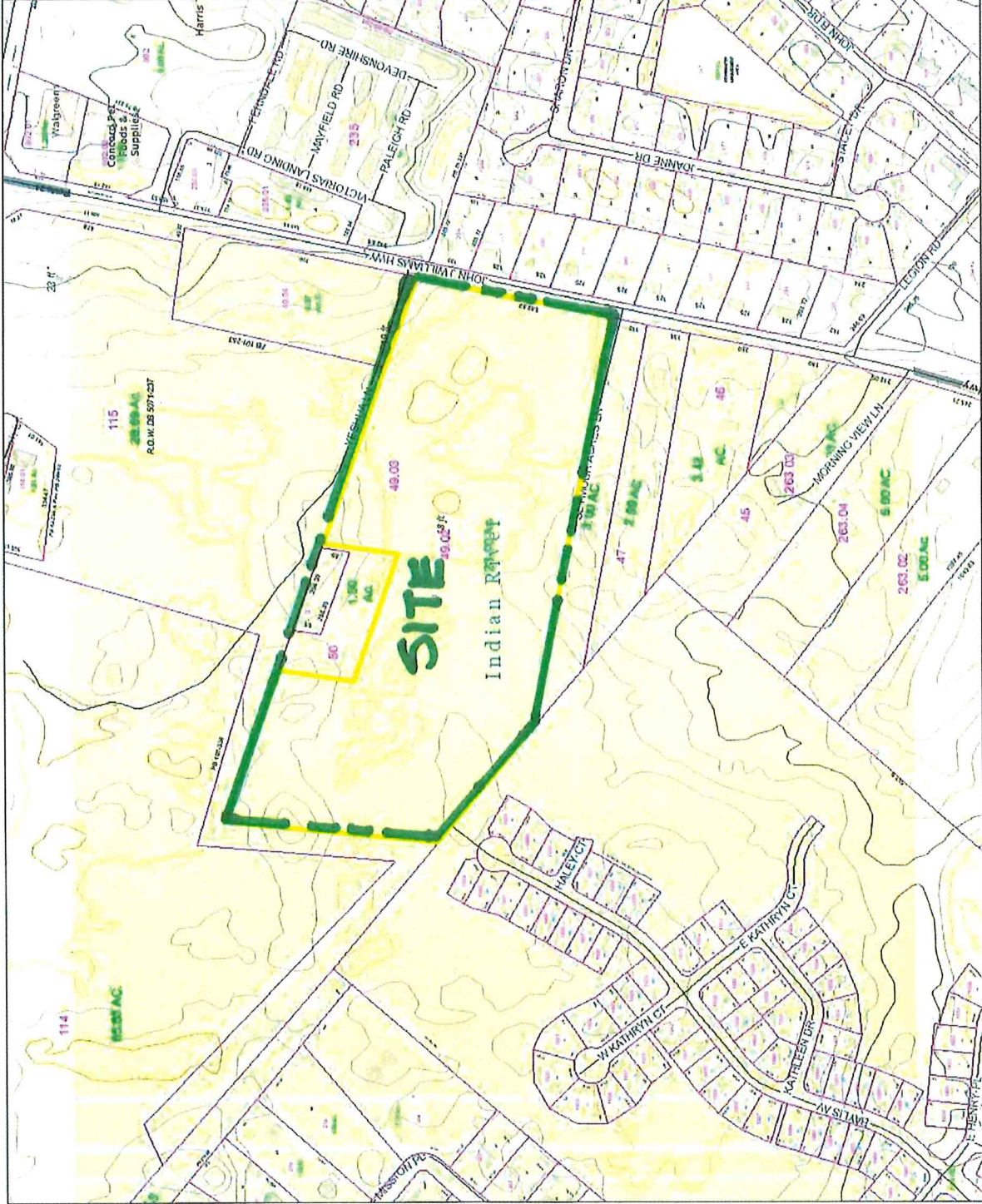
The site is relatively flat but somewhat concave with respect to surrounding topography. There are no wetlands, streams or drainage conveyances on or nearby the site. Soils on the site are primarily loamy sands with few development limitations. The soils are mostly well drained in character. Only an estimated 20 to 35 percent of the site is occupied by soils somewhat poorly drained in character. Soil textures are permeable loamy sand to sand. Seasonal high water conditions observed on March 2, 2022 ranged from 36 inches below the surface to dry at 52 inches or greater.

The subject site is surrounded by existing commercial and residential development on three sides. To the rear or west of the site an area of relatively mature upland forests exists offsite.

# Exhibit 1

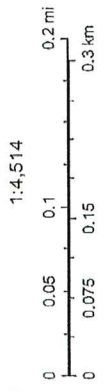
## Sussex County Tax Map

# EXHIBIT 1



PIN	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE
City	DEWEY BEACH
State	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	

- polygonLayer Override 1
- polygonLayer Override 1
- Tax Parcels
- Streets
- Hundred Boundaries
- County Boundaries
- Sussex\_Co
- Depression Index
- Depression Intermediate
- Normal Index
- Normal Intermediate
- <all other values>





## **Exhibit 2**

**Google Earth Photo, May 2021**

**American Storage  
EXHIBIT 2**

**Legend**



Yeshua Ln

Yeshua Ln

Seymour Acres Ln

Plaza Mexico

5

700 ft



Google Earth

Image © 2021 Maxar Technologies

**Exhibit 3**

**Boundary Survey  
Scaled Engineering (reduced)**

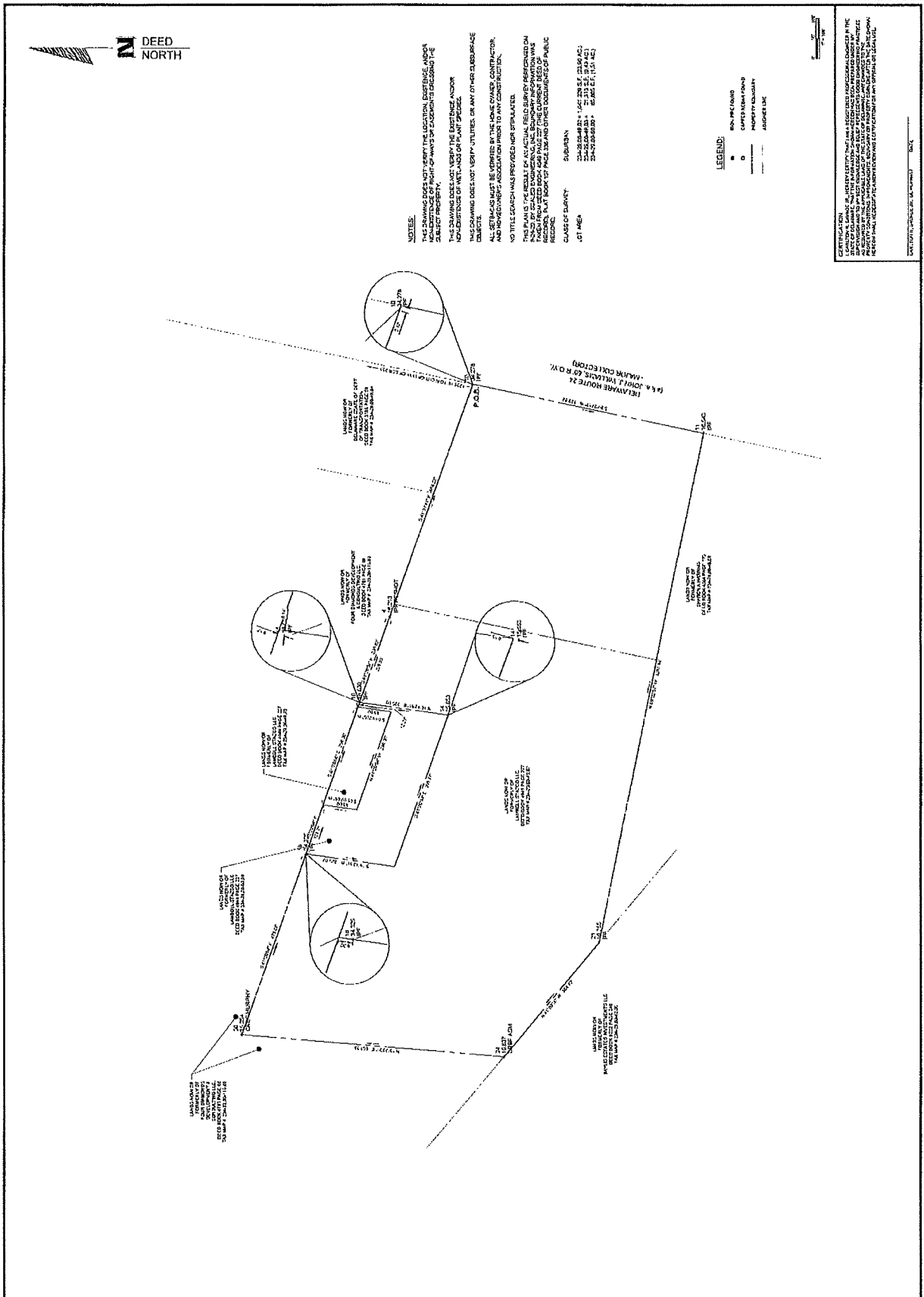


EXHIBIT 5

**Exhibit 4**

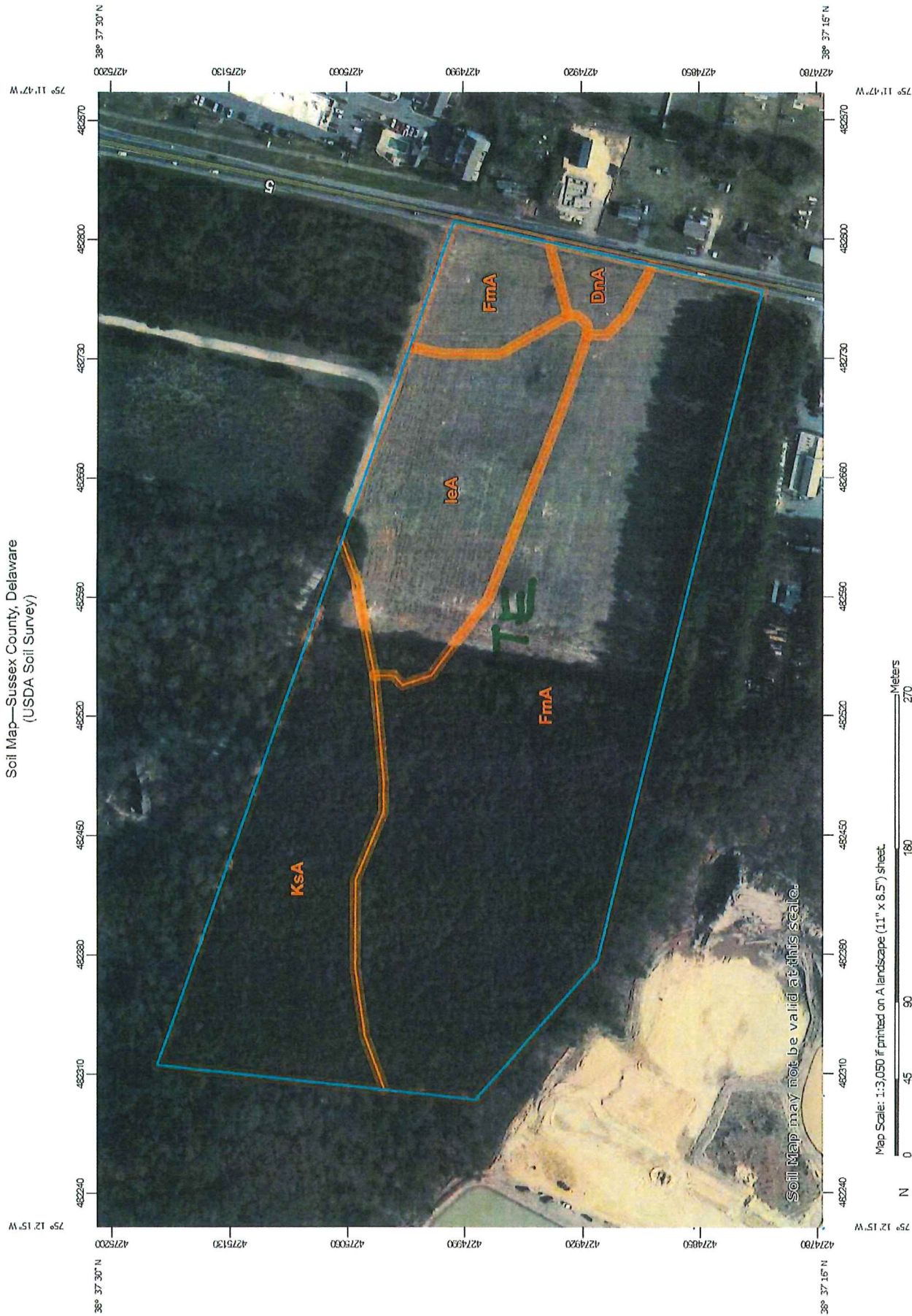
**Concept Plan  
Scaled Engineering (reduced)**



## **Exhibit 5**

# **USDA Soil Survey of Sussex County**

Soil Map—Sussex County, Delaware  
(USDA Soil Survey)



Map Scale: 1:3,050 if printed on A landscape (11" x 8.5") sheet.  
Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84









































Meters	
0	90
180	270

Feet	
0	200
400	600

EXHIBIT 5



## 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                |  Streams and Canals    |
|  Borrow Pit             |  Transportation        |
|  Clay Spot              |  Rails                 |
|  Closed Depression      |  Interstate Highways   |
|  Gravel Pit             |  US Routes             |
|  Gravelly Spot          |  Major Roads           |
|  Landfill               |  Local Roads           |
|  Lava Flow              |  Background            |
|  Marsh or swamp         |  Aerial Photography    |
|  Mine or Quarry         |   |
|  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 22, Aug 26, 2021

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

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

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
DnA	Downer loamy sand, 0 to 2 percent slopes	0.5	1.8%
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	15.9	60.5%
IeA	Ingleside loamy sand, 0 to 2 percent slopes	4.3	16.5%
KsA	Klej loamy sand, 0 to 2 percent slopes	5.6	21.1%
<b>Totals for Area of Interest</b>		<b>26.3</b>	<b>100.0%</b>

## **Exhibit 6**

# **U.S. Fish & Wildlife Service National Wetland Inventory Map**



U.S. Fish and Wildlife Service

# National Wetlands Inventory

# American Storage of Delaware LLC



March 4, 2022

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

## EXHIBIT 6

National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper

**Exhibit 7**

**U.S. Fish & Wildlife Service  
Species List  
March 3, 2022**

# EXHIBIT 7



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
Phone: (410) 573-4599 Fax: (410) 266-9127



<http://www.fws.gov/chesapeakebay/>  
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:  
Project Code: 2022-0015439  
Project Name: American Storage of Delaware LLC

March 03, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands



## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
(410) 573-4599

## Project Summary

Project Code: 2022-0015439

Event Code: None

Project Name: American Storage of Delaware LLC

Project Type: Mixed-Use Construction

Project Description: Proposed development of a mixed use commercial storage facility and residential Hosing project on uplands.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.623283,-75.20047726008434,14z>



Counties: Sussex County, Delaware

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: <a href="https://www.fws.gov/savethemonarch/FAQ-Section7.html">https://www.fws.gov/savethemonarch/FAQ-Section7.html</a>).</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

## **USFWS National Wildlife Refuge Lands And Fish Hatcheries**

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

## **IPaC User Contact Information**

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

Phone: 3024369637

**Exhibit 8**

**Photographs**

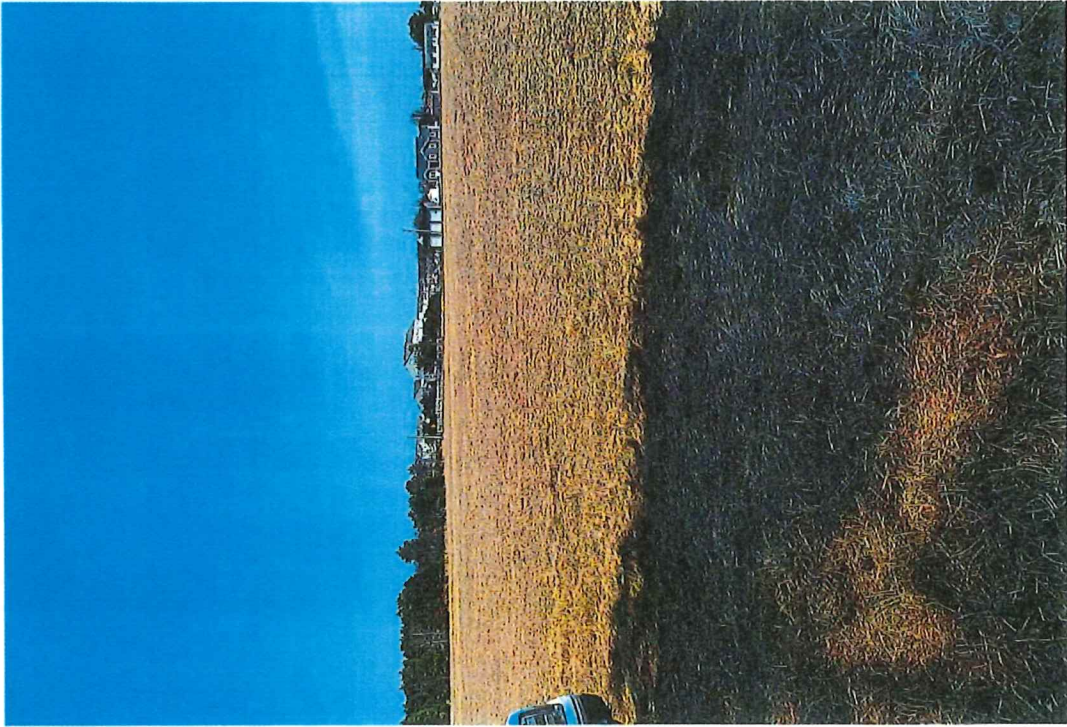


Photo 1 View east across agricultural field toward S.R. 24 3/2/2022

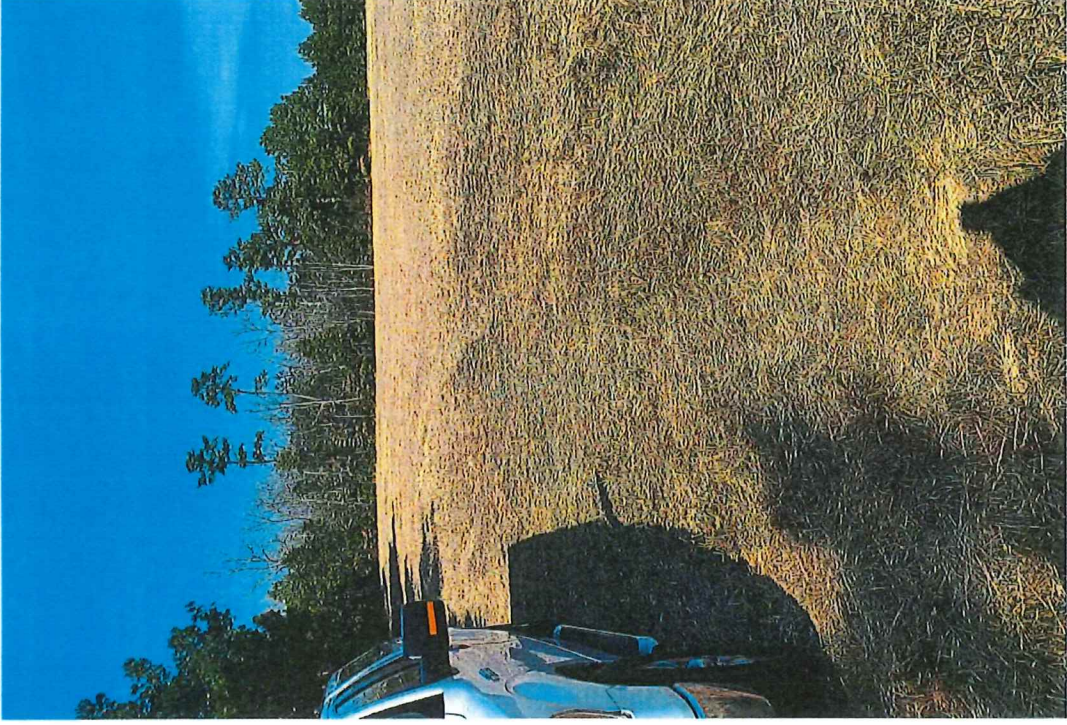


Photo 2 View north along field and woods edge





Photo 3 View south along  
field and woods edge



Photo 4 Open immature loblolly pine  
forest at lower location near  
woods edge (higher elevation)



Photo 5 View of denser interior forest  
within topographic depression.  
Red maple, Sweet Gum & high bush blueberry  
do dominant species

# EXHIBIT G

# TIDEWATER

UTILITIES, INC.

A Middlesex Water Company Affiliate

March 10, 2022

*Sent via email*

M. Josh Stallings  
Scaled Engineering Inc.  
20246 Coastal Highway  
Rehoboth Beach, DE 19971

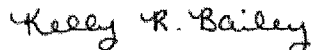
**RE: Willing & Able Letter- Tax Parcel No 234-29.00-49.02, 49.03, 50.00**

Dear Mr. Stallings:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, including fire protection, to the following parcel identified as Tax Map Parcel No. 234-29.00-49.02, 234-29.00-49.03, and 234-29.00-50.00. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner.

Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,



Kelly R. Bailey  
Manager of Contract Administration

## Hutt, David C.

---

**From:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Sent:** Tuesday, August 31, 2021 10:52 AM  
**To:** Hutt, David C.  
**Subject:** RE: American Storage of Delaware

Hi David,

Thank you for your email. I have reviewed this with Dorothy and David. OSPC will not require a new PLUS review.

We do note that the State Comments letter referred to a bike path in the DelDOT comments. The site plan does not appear to show one. Please make sure to address this feature moving forward with the plan.

Please let me know if you have any questions or if I can provide any additional information.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Hutt, David C. <DHutt@morrisjames.com>  
**Sent:** Tuesday, August 31, 2021 9:34 AM  
**To:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>; Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Subject:** American Storage of Delaware

Dorothy,

Earlier this year, the OSPC reviewed an application for American Storage of Delaware (PLUS Review 2021-02-05). For your ready reference, I have attached a copy of the PLUS Review Letter dated March 23, 2021.

The overall concept has stayed the same with a commercial-type use along Route 24 and residential behind that application. The acreage for the commercial has been reduced which, of course, increased the acreage for the residential component.

In short, what before was 139,600 square feet of mini storage and business park (flex space) and 104 residential units is now proposed to be 150,000 square feet of mini-storage and 140 residential units. Attached is a copy of the new concept.

Does your office want to see a new/revised application?

Thanks,

David

**Morris James**<sub>LLP</sub>

**David C. Hutt** | Partner

107 W. Market Street, P.O. Box 690, Georgetown, DE 19947  
19339 Coastal Highway, Suite 300, Rehoboth Beach, DE 19971

**Phone:** 302.856.0018 | **Fax:** 302.856.7217

[morrisjames.com](http://morrisjames.com) | [dhutt@morrisjames.com](mailto:dhutt@morrisjames.com)

[Facebook](#) | [LinkedIn](#) | [Twitter](#)

---

This communication may be subject to the attorney-client privilege or the attorney work product privilege or may be otherwise confidential. Any dissemination, copying or use of this communication by or to anyone other than the designated and intended recipient(s) is unauthorized. If you are not the intended recipient, please delete or destroy this communication immediately.

## Preliminary Land Use Service (PLUS)

### Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): 2021-02-05  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 2/3

1. Project Title/Name: American Storage of Delaware			
2. Location ( please be specific): Delaware Route 24 (John J. Williams Highway), Millsboro, Delaware			
3. Parcel Identification #: 234-29.00-49.02, 49.03 & 50.00		4. County or Local Jurisdiction Name: where project is located: Sussex County	
5. If contiguous to a municipality, are you seeking annexation: Not applicable.			
6. Owner's Name: American Storage of Delaware, LLC (Alex Pires)			
Address: 113 Dickinson Street			
City: Dewey Beach	State: Delaware	Zip: 19971	
Phone: (302) 462-5871 (202) 905-6706	Fax:	Email: nate.gmconstruction@gmail.com farmerslawyer@aol.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			Same as owner
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
8. Project Designer/Engineer: Carlton Savage, Jr.   SCALED.Engineering			
Address: 20246 Coastal Highway			
City: Rehoboth Beach	State: Delaware	Zip: 19971	
Phone: (302) 236-3600	Fax:	Email: carlton@scaledengineering.com	
9. Please Designate a Contact Person, including phone number, for this Project:			Nate Graulich   (302) 462-5871 Alex Pires   (202) 905-6706

**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: The Project proposes to (1) rezone the front half of the property to C-3 (Heavy Commercial) for a Business Park (Flex Space) of 12.63 acres with 36,000 sq. ft. of Flex Park and 103,600 sq. ft. of mini-storage and an office for the mini-storage; and (2) rezone the rear half of the property to MR (Medium Residential) with a conditional use for multifamily (midrise) housing (13 acres) consisting of 104 units. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 25.90 +/- acres      Number of Residential Units: 104      Commercial square footage: Business Park/Flex Space (36K Sq. Ft); Mini Storage (103,600 Sq. Ft.)

13. Present Zoning: AR-1 (Agricultural Residential)      14. Proposed Zoning: C-3 (Heavy Commercial); MR (Medium Density) with Conditional Use

15. Present Use: Agricultural/Wooded      16. Proposed Use: Business Park (Flex Park); Mini Storage and Multi-Family Housing

17. Water:  Central (Community system)  Individual On-Site  Public (Utility)      Tidewater  
 Service Provider Name:

Will a new public well be located on the site?  Yes  No

18. Wastewater:  Central (Community system)  Individual On-Site  Public (Utility)  
 Service Provider Name: Sussex County

Will a new community wastewater system be located on this site?  Yes  No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):  
 The residential units are targeted as market rate apartments intended for those who live and work in the Long Neck and surrounding area

20. Environmental impacts:

How many forested acres are presently on-site? 13.79      How many forested acres will be removed? 9.20

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes  No

Are the wetlands:  Tidal      Acres:  
 Non-tidal      Acres:

If "Yes", have the wetlands been delineated?  Yes  No

Has the Army Corps of Engineers signed off on the delineation?  Yes  No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes  No      If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? +/- 200'

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes  No  
per the DNREC NavMap

22. List the proposed method(s) of stormwater management for the site:  
 BMPs to likely include a combination of wet pond(s) and infiltration pond(s)

23. Is open space proposed?  Yes  No      If "Yes," how much?      Acres: 11.45

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?      active and passive recreation and stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes  No



25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1,170 ADT

What percentage of those trips will be trucks, excluding vans and pick-up trucks? < 5%

26. Will the project connect to state maintained roads?  Yes  No De. Rt. 24 (John J. Williams Highway)

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

There are no existing developments on adjacent lands.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No

Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Carlton Savage, Jr. phone number: (302) 238-3600


Alex Pires | (202) 905-6706

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

  
Signature of property owner

1/29/21  
Date

  
Signature of Person completing form  
(If different than property owner)

1/29/2021  
Date

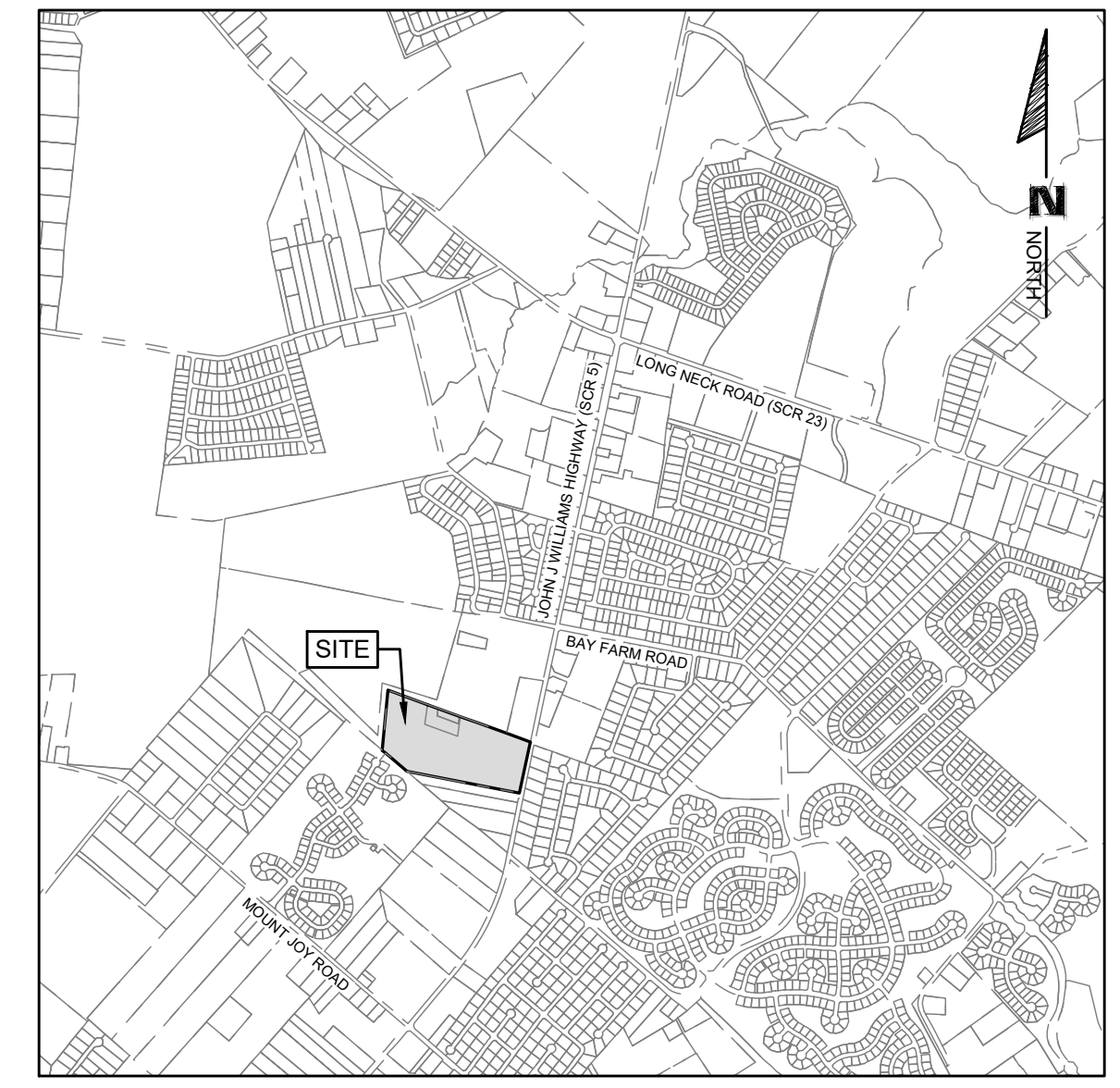
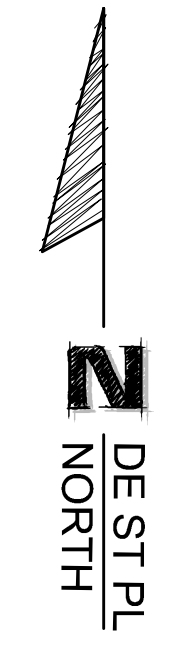
**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.



**LEGEND:**

- PROPERTY BOUNDARY
- ADJOINER LINE
- EASEMENT
- PROPOSED TREELINE
- BUILDING SETBACK
- PROPOSED BUILDING
- PARCEL 1 - BUSINESS PARK (FLEX PARK) / MINI-WAREHOUSE (SELF STORAGE) (12.63 AC)
- PARCEL 2 - MULTI-FAMILY HOUSING (13.00 AC)
- DELDOT DEDICATION (0.27 AC)



**LOCATION MAP**  
SCALE: 1" = 2,000' X-REF

**SITE DATA:**

1. TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
2. ADDRESS: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
3. OWNERS: AMERICAN STORAGE OF DELAWARE  
113 DICKENSON STREET  
DEWEY BEACH, DE 19971
4. ZONING: EXISTING: (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
5. USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - BUSINESS PARK (FLEX PARK) = 36,000 SQ FT  
MINI-WAREHOUSE (SELF STORAGE) = 103,600 SQ FT  
MINI-WAREHOUSE OFFICE = 1,200 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (MID-RISE)  
(104 UNITS) = 114,228 SQ FT  
MULTI-FAMILY HOUSING CLUBHOUSE = 3,060 SQ FT
6. BUILDING SETBACKS: C-3 (HEAVY COMMERCIAL DISTRICT):  
FRONT 60' (JOHN J WILLIAMS HWY.)  
SIDE 5' (YESHUA LN.)  
REAR 20' (SEYMOUR ACRES LN.) \*  
30' \*  
MR - MEDIUM RESIDENTIAL:  
FRONT 40'  
SIDE 10'  
REAR 10'
7. AREAS: EXISTING: 25.90 AC  
PROPOSED: PARCEL 1 12.63 AC  
PARCEL 2 13.00 AC  
DELDOT DEDICATION 0.27 AC  
TOTAL 25.90 AC
8. NET DEVELOPMENT AREA: 25.90 AC
9. SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
10. WATER PROVIDER: TIDEWATER
11. THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0477K REVISED MARCH 16, 2015 (ZONE X).
12. NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.

**PARKING / LOADING REQUIREMENTS:**

**OFF-STREET PARKING - (PER CODE SECTIONS 115-162A & 45-5)**

**REQUIRED PARKING:**  
 WHOLESALING - 1 PER 2 EMPLOYEES (80 EMPLOYEES) 40 SPACES REQUIRED  
 HANDICAP PARKING (51-75 PARKING SPACES) 3 SPACES (1 VAN) REQUIRED  
 56 SPACES + 3 HC SPACES (2 VAN) = 59 SPACES PROVIDED

**STORAGE FACILITY**  
 10'X40' RV SPACES 0 SPACES REQUIRED  
 STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF) 6 SPACES PROVIDED  
 HANDICAP PARKING (1.25 PARKING SPACES) 1 VAN SPACE REQUIRED  
 5 SPACES + 50 RV SPACES + 1 HC SPACES (VAN) = 56 SPACES PROVIDED

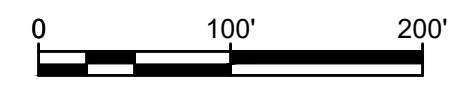
**APARTMENTS BUILDINGS - 2 PER UNIT (104 UNITS):** 208 SPACES REQUIRED  
**HANDICAP PARKING (200-300 PARKING SPACES)** 7 SPACES (2 VAN) REQUIRED  
 223 SPACES + 12 VAN HC SPACES = 235 SPACES PROVIDED

**TOTAL PARKING PROVIDED:** 334 PARKING SPACES  
 + 16 HANDICAP SPACES  
 = 350 TOTAL PARKING SPACES

**OFF-STREET LOADING - (PER CODE SECTIONS 115-167)**

**LOADING**

<b>BUSINESS PARK (FLEX PARK)</b>	LOADING SPACES REQUIRED 3 SPACES REQUIRED
	LOADING SPACES PROVIDED 4 SPACES (12' X 40')
<b>MINI-WAREHOUSE (SELF STORAGE) OFFICE</b>	LOADING SPACES REQUIRED 0 SPACE REQUIRED
	LOADING SPACES PROVIDED 0 SPACE (12' X 40')
<b>APARTMENT BUILDINGS</b>	LOADING SPACES REQUIRED 3 SPACES REQUIRED
	LOADING SPACES PROVIDED 4 SPACES (12' X 40')



**AMERICAN STORAGE OF DELAWARE**

TAX MAP # 234-29.00-49.02, 49.03 & 50.00  
 INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE

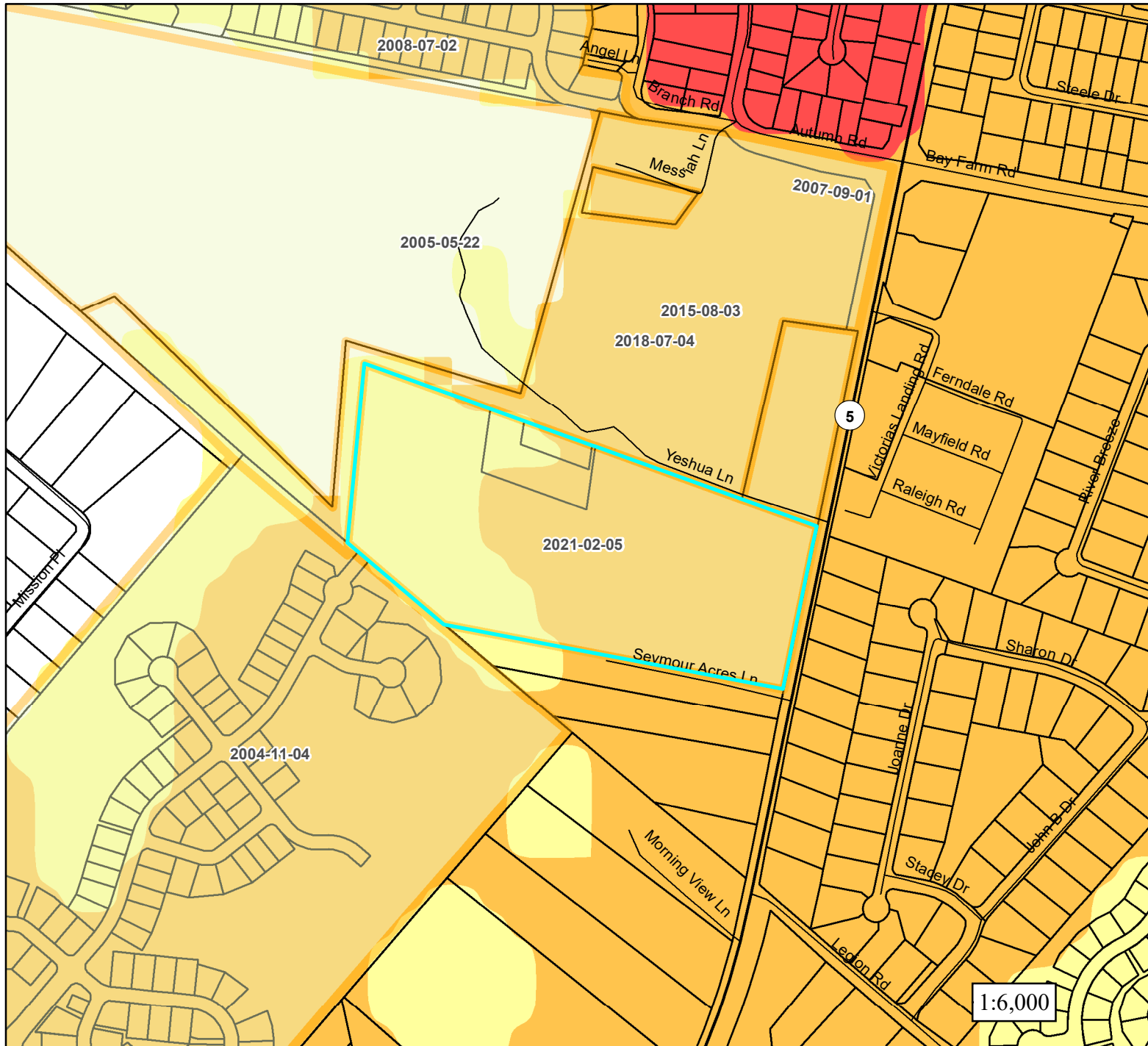
DATE: 6-29-20  
 SCALE: 1" = 100'  
 DRAWN BY: JRE  
 PROJECT NO. GRAU002

**SCALED ENGINEERING**  
 Scaled Engineering Inc.  
 20246 Coastal Highway  
 Rehoboth Beach, DE 19971  
 Phone: (302) 236-3600

**CONCEPTUAL SITE PLAN**

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2020

# Preliminary Land Use Service (PLUS)



American Storage  
2021-02-05

**Legend**

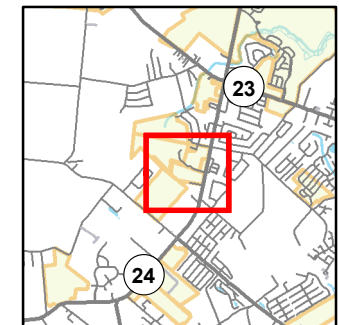
**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

**2020 State Strategies Strategy Level**

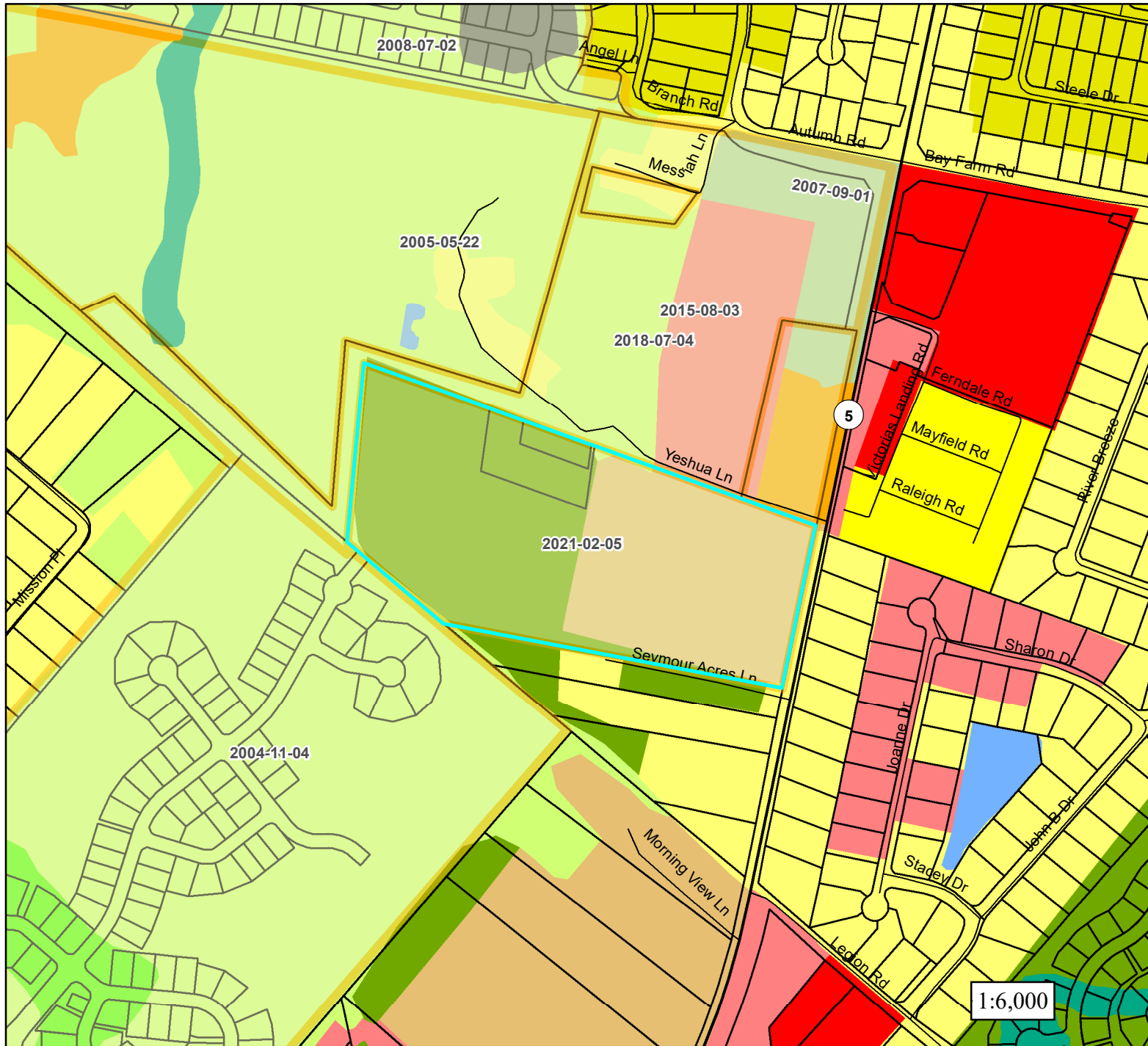
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

## Location Map



# Preliminary Land Use Service (PLUS)

**American Storage**  
2021-02-05



**Legend**

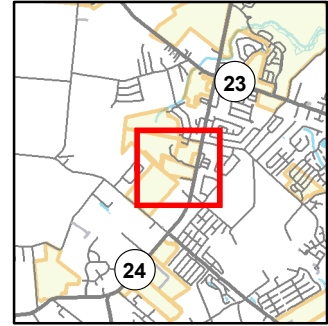
**2012 Land Use LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

## Location Map



# Preliminary Land Use Service (PLUS)

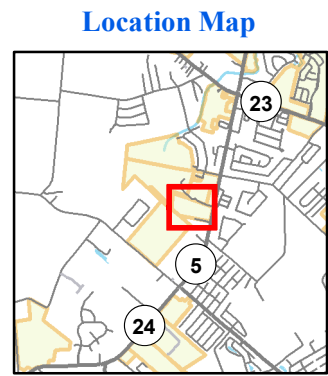


**American Storage**  
2021-02-05

**Legend**

**PLUS Project Areas**  
type

- Comp Plans
- All Other PLUS Reviews





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 23, 2021

Nate Graulich  
Graulich Builders  
34697 Jiffy Way, Suite 2  
Lewes, DE 19958

RE: PLUS review 2021-02-05; American Storage of Delaware

Dear Mr. Graulich:

Thank you for meeting with State agency planners on February 24, 2021 to discuss the proposed plans for the American Storage of Delaware project. According to the information received you are seeking review of a proposed rezoning of 25.9 acres from AR-1 to C-3 and MR and a site plan for 104 residential units and 139,600 square feet of mini storage and business park in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,170 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers’ Trip Generation Manual, as shown in the table below, DelDOT calculates 1,171 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 60 and 79, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Business Park	770	36,000	448	8	6	7	8
Mini-Warehouse	151	104,800	158	6	4	8	10
Multifamily Housing (Mid-Rise)	221	104	565	9	27	28	18
Total			1,171	23	37	43	36

- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in

lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$11,710. AWS Fees are used to fund traffic studies, not to build improvements.

- DelDOT anticipates requiring the developer to contribute to a DelDOT project presently scheduled for construction this summer, HSIP SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements, Contract No. T200711201. Information on the project is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T200711201>.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 24.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring at least two walkways to connect the interior of the site to Route 24,



one along the driveway at the north edge of the property and one at the south end of the frontage, connecting to the parking lot of the business park.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- Section 5.2.4 of the Manual addresses requirements for Entrance Width, for commercial entrances, the minimum undivided width varies from 18 to 32 feet. The proposed 30-foot entrance will be examined during the plan review process. DelDOT may require the developer's engineer to provide turning templates.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane, and possibly a left turn lane into the site from Route 24. Coordination of the construction schedules of the DelDOT project and the proposed development should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.

- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

While much of the site consists of Hydrologic Soils Group A soils (well drained), the northwest portion of the site lies within A/D soils (somewhat poorly drained). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Water Quality (Pollution Control Strategies)**

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- The western half of the site (forested portion) lies within the Rehoboth Bay Watershed & the eastern half of the site (unforested portion) lies within the Indian River Bay Watershed, both of which are included under Pollution Control Strategies. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
  - Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219  
Website: <https://www.sussexconservation.org/>

### **Nutrient Management Plan**

This project proposes approximately 11 acres of open space, exceeding the threshold of 10 Acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There are no known National Register listed or eligible properties on the parcel.
- Prehistoric archaeological potential is moderate. Soils are mostly well-drained except for the northwest corner of the area. Guinea Creek appears on Beers map and some historic aerials as extending closer to the parcels, which may mean that it is within favorable distance to freshwater for prehistoric site probability. A survey conducted in part of the parcel showed very little remains under a thick plow zone except for two isolated prehistoric finds; could mean that there are other archaeological resources throughout the area.
- Historic archaeological potential is low. Beers Map doesn't show anything near that parcel. A road appears to have existed through the middle-ish until 1950s, and historic aerials show the western portion to be continuously wooded.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for Storage/Warehouse sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for apartment (multi-family living units) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

**Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

#### Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be accessible to fire apparatus.
- Any dead end more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

#### Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

#### Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The subject land adjoins both a recorded but as-yet-unbuilt stub street in the Baylis Estates subdivision, which fronts on Mount Joy Road (Sussex Road 297), and the Peninsula Square mixed-use development, which fronts on Autumn Road (Sussex Road 299). In addition to providing emergency access to the proposed apartments, with appropriate interconnections and easements required of the subject development and Peninsula Square, these three developments could provide a low-stress pedestrian and bicycle connection between Mount Joy Road and Autumn Road.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Forest Removal**

The preliminary plans and/or project application proposed the elimination of approximately 9.2 out of 13.8 existing acres of forest habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling and reduces carbon that contributes to climate change. A forest assessment should be conducted to determine if mature forest resource exists on the property, and to determine species present.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

### **General Drainage Recommendations**

There are numerous reported drainage concerns near the proposed project area. One concern from 2009 referenced flooding of a nearby property. There are numerous concerns ranging from 2010-2020 from landowners on the eastern side of John J. Williams Highway about property flooding. The storage of onsite stormwater and the release stormwater to adjacent properties is a concern if this property is developed.

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemption coverage may be required by the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site stormwater.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Wildlife Displacement**

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by

maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetland types including freshwater forested, freshwater emergent, and estuarine.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Current or Previous Contamination**

This parcel is contained within a large area that has been investigated for well contamination (DE-1388 Long Neck Mercury Study). In 2001, mercury was detected in a public water supply well; levels were reported above the Maximum Contaminant Level. While DNREC and the U.S. Geological Survey investigated the incident, the source could not be located. The well has been temporarily turned off.

- Delaware Health and Social Services reviews the monitoring reports from the water company. The USGS report that resulted from the study can be found here: <https://pubs.usgs.gov/sir/2006/5011/pdf/sir-2006-5011.pdf>
- Contact the Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.  
Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/>
- Additional information may also be found online by searching Delaware's Environmental Navigator at <http://www.nav.dnrec.delaware.gov/den3/>

### **Additional Sustainable Practices**

Recommendations for entire project:

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.



- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Incorporate nonmotorized connectivity in the residential area and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

Recommendations for residential section:

- Include an option to install electric vehicle charging stations in garages of homes for your customers and tenants to assist Delaware in achieving its clean transportation goals.
- For the proposed pool and clubhouse, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.

Recommendations for commercial section:

- Install electric vehicle charging stations for your customers and tenants to assist Delaware in achieving its clean transportation goals. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>.

Concerns Identified Outside of the Development Footprint

**Delaware Ecological Network**

Lands designated as part of the Delaware Ecological Network lie to the east of this parcel. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on the proposed development site could jeopardize habitat beyond the parcel boundary.

- Removing forested areas within (and nearby) the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**


- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- The location is not within any flood plain nor in a coastal inundation zone. 2018 QAP described the region this project is located in as being an “Area of Opportunity” while bordering a region identified as “Stable”. The region has a homeownership rate of approximately 81.2% to 83%, a poverty ratio of 10 to 1 with approximately 21% of that census block’s population at the age of 65 or older.

**State of Delaware**  
The Official Website of the First State

Home  
Search  
Legend  
Results

 Location is **NOT WITHIN** the FEMA 100-year floodplain. Preliminary data does not exist.

**Effective Flood Zone:**  
X

**Preliminary Flood Zone:**  
n/a

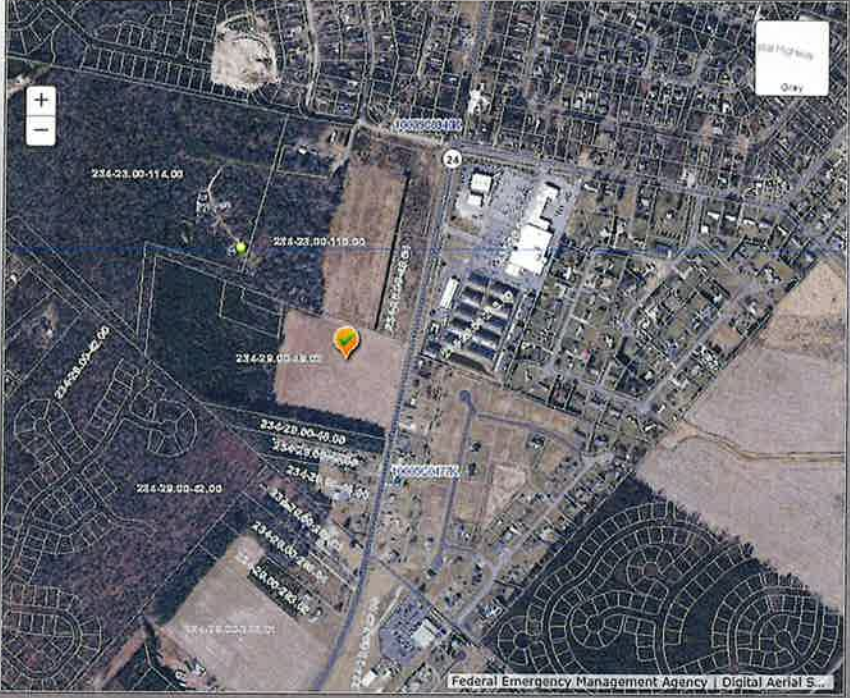
**FEMA Issued Flood Map:**  
10005C0477K

**Effective Map Date:**  
3/15/2015

**Watershed (HUC12):**  
Indian River Bay-Indian River Inlet

**Attachments:**  
None

Print  
Contacts  
Getting Started/Help



Federal Emergency Management Agency | Digital Aerial S...

Privacy | Contact | Phone Directory



Tract  
QAP Geographic Areas  
Areas Of Opportunity

[Zoom to](#) [Get Directions](#)

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

- As of January 11, 2021, the applicant has already participated in a pre-application meeting with Planning and Zoning staff.
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.
- For the Conditional Use, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application.

- Please note that since the proposed development lies within the Coastal Area and is above the 50 dwelling unit and 75,000 feet of commercial development threshold, copies of an Environmental Assessment (EA) and Public Facility Evaluation Report must be submitted which address the criteria located in §115-194.3(2)(a-1).
- Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.
- Please include the proposed density for the project for separately for both the residential component as well as the commercial site. The C-3 Zoning District and the MR Zoning District (as a Conditional Use) allow for a density of up to 12 dwelling units per acre.
- Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
- Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- The side yard setback for the portion of the property to be zoned C-3 adjacent to the existing Yeshua Lane is shown with a 10-ft side yard setback. The Site Data Column indicates that this setback is 5-ft. The side yard setback in the C-3 Zoning District is 20-ft when adjacent to a residentially zoned parcel (Tax Map: 234-29.00-49.04 appears to be residentially zoned as AR-1) (§115-83.22(B)(2)). Please indicate if the applicant wishes to amend this setback as part of the application.
- Staff note that 11.45 acres of open space is proposed. The proposed open space of 44% is desirable. Please include the amount of open space proposed as a percentage and in acres within the Site Data Column.
- The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162).
- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of the formal application.
- Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 2 and Tier 3 area for sewer service and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.
- A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: [www.sussexcountyde.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and

county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov  
HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

**SEWER SERVICE CONCEPT EVALUATION (SSCE)**  
**UTILITY PLANNING & DESIGN REVIEW**

Applicant: Scaled Engineering, Inc. Carlton R. Savage Jr.

Date: 3/8/2022

Reviewed by: Chris Calio

Agreement #:1204

Project Name: American Storage of Delaware – Route 24 (Rezoning)

Tax Map & Parcel(s): 234-29.00-49.02, 49.03 & 50.00

Sewer Tier: Tier 2 - Sussex County Planning Area

Proposed EDUs: 146

Pump Station(s) Impacted: PS 197

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

List of parcels to be served, created from the base parcel: N/A

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure):N/A

Connection Point(s): MH 32

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

Fee for annexation (based on acreage):\$1,500 (10.00 - 150.00 Acres)

Current Zoning: AR-1 Zoning Proposed: C-3 Heavy Commercial

**FILE COPY**  
*Received 3.24.2022*  
*@Public Hearing*





Acreage: **25.90**

**Additional Information: Project will extend gravity sewer line from MH-32 to the project and provide a 20' wide easement along the entire front of parcel 234-29.00-49.02.**

\* No capacity is guaranteed until System Connection Fees are paid

**All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.**

**Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.**

**Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.**

**Once Construction Drawings are completed with all of the above information satisfied, please submit to:**

Sussex County Utility Planning & Design Review  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jordan Dickerson  
Nicole Messeck

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



# Sussex County

DELAWARE  
sussexcountyde.gov

## PLEASE NOTE

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



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

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: March 24<sup>th</sup>, 2022

Application: C/U 2315 American Storage of Delaware, LLC

Applicant: American Storage of Delaware, LLC  
113 Dickinson Street  
Dewey Beach, DE 19971

Owner: American Storage of Delaware, LLC  
113 Dickinson Street  
Dewey Beach, DE 19971

Site Location: Lying on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299).

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Multi-Family (140 units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Department

Sewer: Sussex County

Water: Tidewater

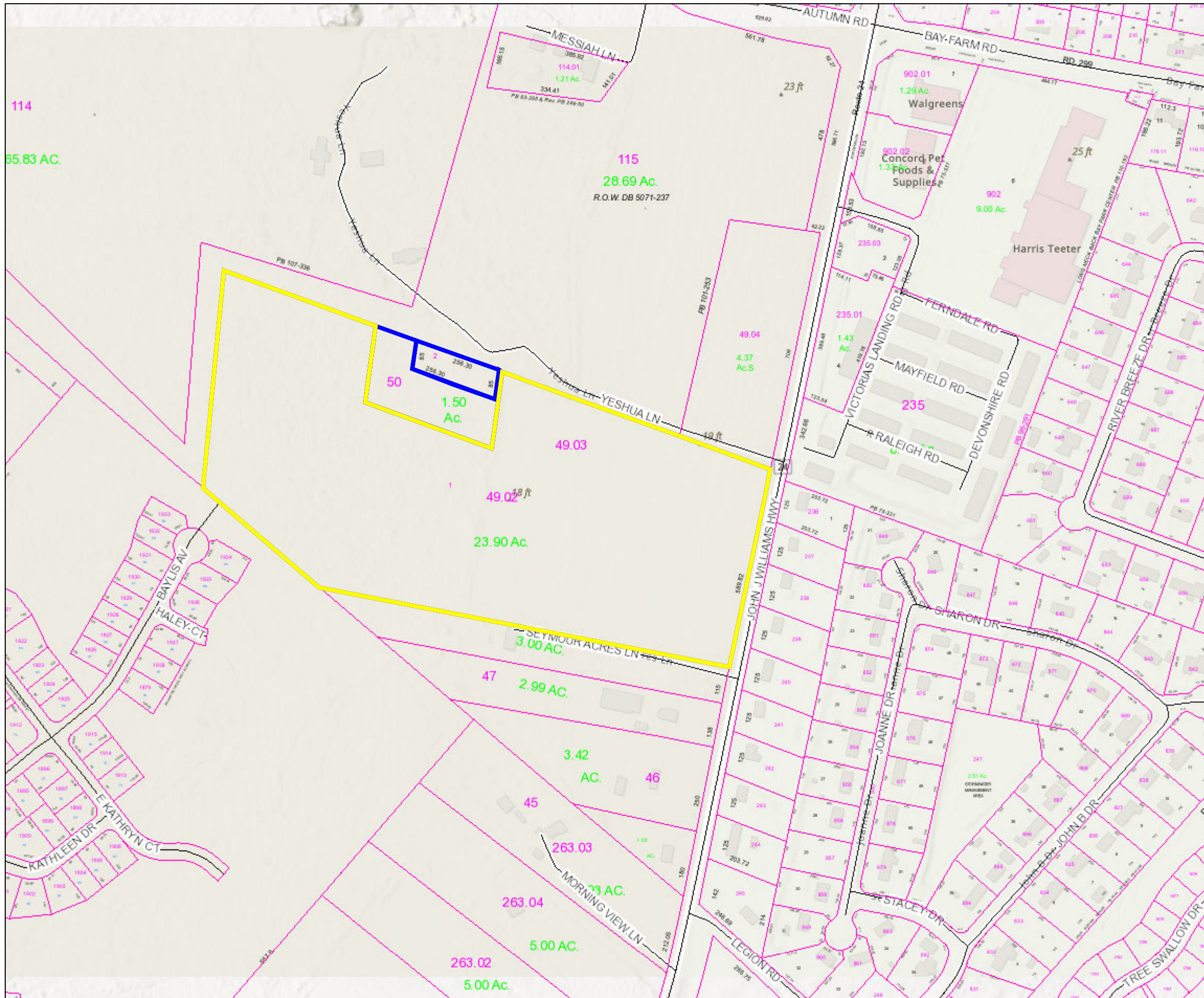
Site Area: 17.63 acres +/-

Tax Map ID.: (portion of) 234-29.00-49.02, 49.03 & 50.000





# Sussex County



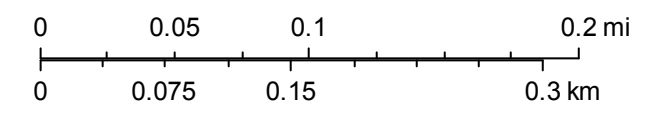
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

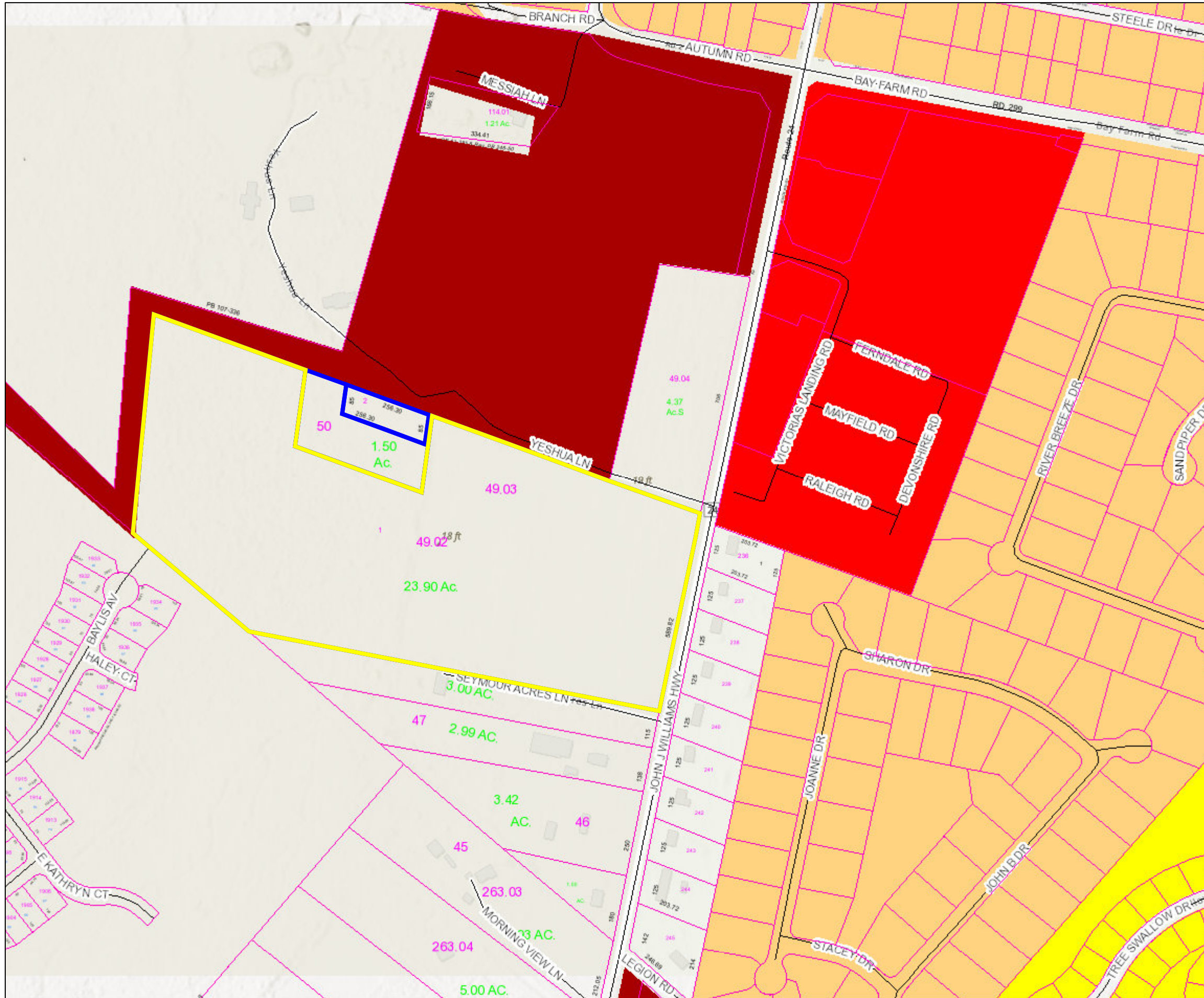
  - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





# Sussex County



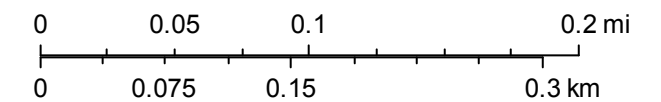
<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer**

  - Override 1
- polygonLayer**

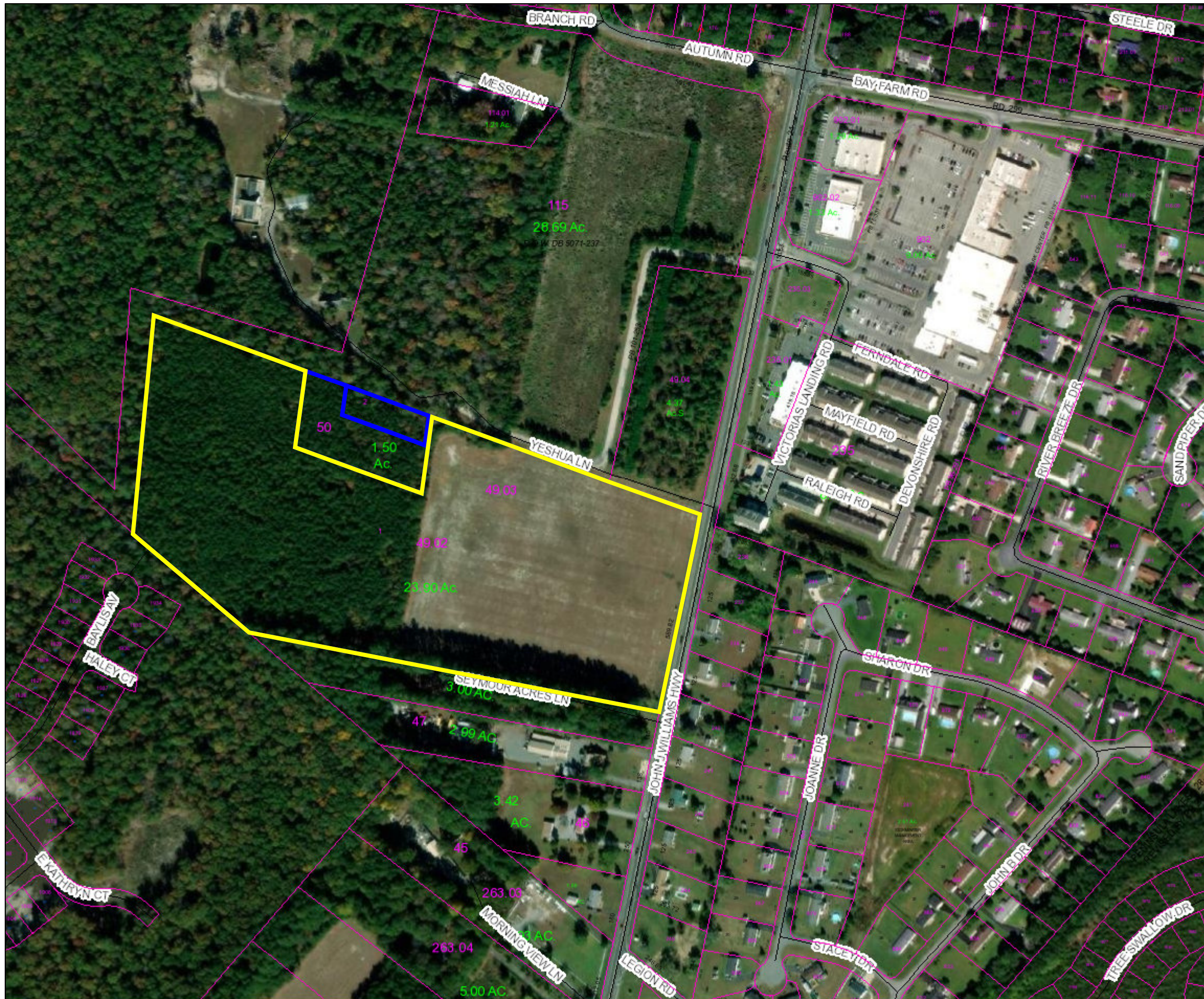
  - Override 1
- Tax Parcels
- Streets

1:4,514





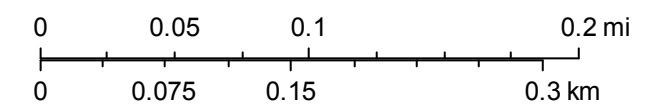
# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	
<b>Land Code</b>	

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

1:4,514



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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Ms. Lauren DeVore, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: February 21, 2022  
RE: Staff Analysis for C/U 2315 American Storage of Delaware, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U 2315 American Storage of Delaware, LLC to be reviewed during the March 24, 2022, 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 a portion of Tax Parcels: 234-29.00-49.02, 49.03 and 50.00 to allow the construction of 140 multifamily units (apartments), a clubhouse, a playground amenity, and other ancillary improvements. The properties are located on the west side of John J. Williams Highway (Route 24), approximately 0.25 mile south of the intersection of Autumn Road (S.C.R. 299) and Bay Farm Road (Route 299). The parcels comprise a total area of 17.63 acres +/-.

### Further Site Considerations

It should be noted that an opportunity for potential interconnectivity exists for this proposal by way of Baylis Avenue within the adjacent and proposed Baylis Estates (2004-55, 2017-01 & 2021-13) Subdivision.

### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcels have a designation of "Coastal Area" The parcels to the north, east and west also have a Future Land Use Map designation of "Coastal Area." The adjacent parcels to the north and south of the subject properties also retain the Future Land Use Map designation of "Coastal Area." The properties on the opposite side of John J. Williams Highway (Route 24) are also designated as "Coastal Areas." The balance of the property to the northwest of the subject site contains the Future Land Use Map designation of "Low Density Area" with four properties on the eastern side of John J. Williams Highway (Route 24) containing a Future Land Use Map designation of "Commercial Area."

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office



parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

### Zoning Information

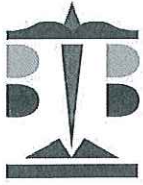
The subject properties are zoned Agricultural Residential (AR-1). All surrounding properties to the south and 90 degrees due east on the opposite side of John J. Williams Highway (Route 24) are zoned Agricultural Residential (AR-1). The remaining parcels on the opposite side of John J. Williams Highway (Route 24) to the northeast are zoned General Commercial (C-1) and General Residential (GR).

### Existing Conditional Uses within the Vicinity of the Subject Site

Since 1970, there have been five (5) Conditional Use applications within less than a 0.25-mile radius of the application site. The first application is Conditional Use No. 990 Charles Coursey to allow for removal of soil for aquaculture in the Agricultural Residential (AR-1) of which the Application was withdrawn. The second application is Conditional Use No. 1575 for the American Legion Post 28 to allow for a carnival and circus events in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, January 4, 2005, and this change was adopted through Ordinance No. 1741. The third application is Conditional Use No. 1893 Toby L. Schlick to permit a lawn and tree service to be located in the Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, June 7, 2011, and this change was adopted through Ordinance No. 2209. The fourth application is Conditional Use No. 1643 Lloyd Saunders for purposes of allowing a roofing company in an Agricultural Residential (AR-1) Zoning District. This application was approved by the Sussex County Council on Tuesday, September March 28, 2006, and adopted through Ordinance No. 1839. The fifth application is Conditional Use No. 2021 VIII P-Loan Portfolio Holding to allow for multifamily (288 units) to be located within a Commercial Residential (CR-1) Zoning District of which the Application was withdrawn.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for the construction of 140 multifamily units (apartments), a clubhouse, a playground amenity and other ancillary improvements in this location, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





**BAIRD  
MANDALAS  
BROCKSTEDT LLC**

Stephen W. Spence  
[sws@bmbde.com](mailto:sws@bmbde.com)  
(302)645-2262

February 15, 2022

RECEIVED

**VIA EMAIL**

Department of Planning & Zoning  
Director Jamie Whitehouse  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

FEB 16 2022

SUSSEX COUNTY  
PLANNING & ZONING

**RE: Change of Zone Applications and Conditional Use for American Storage of Delaware, LLC**  
**Tax Map Parcel Nos.: 234-29.00-48.02, 49.03 & 50.00**  
**CZ 1954: Change of Zone Application for 8.0 Acres from AR-1 to C-3**  
**CZ 1955: Change of Zone Application for 17.63 Acres from AR-1 to MR**  
**CU 2315: Conditional Use Application for Multi-Family Use on the MR area**

Director Whitehouse:

This letter confirms that Baird Mandalas Brockstedt LLC will be handling the above-referenced applications.

We also request a meeting with you or a member of Planning Staff to review the files associated with the applications. We are available for a meeting on February 28, 2022 between 11:00AM and 12:30PM. Please confirm your availability to meet with us then.

Should you have any questions, please contact us via email at [sws@bmbde.com](mailto:sws@bmbde.com) and [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com) or by phone at 302-645-2262.

Sincerely,

Stephen W. Spence, Esquire  
Mackenzie M. Peet, Esquire

Cc: American Storage of Delaware, LLC

# Morris James LLP

David C. Hutt  
302.856.0018  
dhutt@morrisjames.com

February 14, 2022

RECEIVED

**BY HAND DELIVERY**

Jamie Whitehouse, Director  
Sussex County Planning & Zoning Office  
2 The Circle, P.O. Box 417  
Georgetown, DE 19947

FEB 14 2022

SUSSEX COUNTY  
PLANNING & ZONING

**RE: Change of Zone Applications and a Conditional Use  
America Storage of Delaware, LLC  
SCTP Nos. 234-29.00-49.02, 49.03 & 50.00  
CZ 1954: Change of Zone Application for 8.0 acres from AR-1 to C-3  
CZ 1955: Change of Zone Application for 17.63 acres from AR-1 to MR  
CU 2315: Conditional Use Application for Multi-Family Use on the MR area**

Dear Mr. Whitehouse:

Please be advised that Stephen W. Spence with Baird Mandalas Brockstedt, LLC will be handling the above-referenced applications going forward. If you have any questions, please let me know.

Very Truly Yours,

MORRIS JAMES LLP

  
David C. Hutt, Esquire

Cc: America Storage of Delaware, LLC  
Stephen W. Spence, Esquire

File #: CU 2315  
202114020

**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**

West Side of Route 24 (Long Neck Area), Lewes, DE 19958

**Type of Conditional Use Requested:**

Multifamily residential development within an MR Medium Density Residential District to be considered with Change of Zone Applications denominated CZ 1954 and CZ 1955.

Tax Map #: p/o 234-29.00-49.02, 49.03, 50.00 Size of Parcel(s): 17.63

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

Land Use Classification: Coastal Area (2019 FLUM)

Water Provider: Tidewater Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: American Storage of Delaware, LLC

Applicant Address: 113 Dickinson Street

City: Dewey Beach State: DE Zip Code: 19971

Phone #: (302) 645-2262 E-mail: farmerslawyer.com

**Owner Information**

Owner Name: See Applicant Information

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Baird Mandalas Brockstedt LLC; Stephen W. Spence, Esquire

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

City: Lewes State: DE Zip Code: 19958

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



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney

*Steph W. Brink*

Date:

2/22/22

Signature of Owner

\_\_\_\_\_

Date:

\_\_\_\_\_

*For office use only:*

Date Submitted: 2/22/2021

Fee: \$500.00 Check #: 107074

Staff accepting application: \_\_\_\_\_

Application & Case #: CU 2315

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

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

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

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

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

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

CU 2315  
File #. 202114020

# Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

RECEIVED

SEP 22 2021

SUSSEX COUNTY  
PLANNING & ZONING

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

West Side of Rt. 24 (Long Neck Area)

**Type of Conditional Use Requested:**

Mutli-Family Residential within an MR Zoning District (Medium-Density Residential District).  
To be considered with the Change of Zone Application Requesting the MR (Medium Density Residential District)  
Zoning Classification.

Tax Map #: p/o 234-29.00-49.02 & 49.03 & 50.00 Size of Parcel(s): 17.63 acres

Current Zoning: AR-1 Proposed Zoning: MR Size of Building: \_\_\_\_\_

Land Use Classification: Coastal Area (2019 FLUM)

Water Provider: Tidewater Sewer Provider: Sussex County

**Applicant Information**

Applicant Name: American Storage of Delaware, LLC  
Applicant Address: 113 Dickinson Street  
City: Dewey Beach State: DE ZipCode: 19971  
Phone #: (202) 905-6706 E-mail: farmerslawyer@aol.com

**Owner Information**

Owner Name: same as applicant  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: David C. Hutt, Esq. | Morris James LLP  
Agent/Attorney/Engineer Address: 107 W. Market St.  
City: Georgetown State: DE Zip Code: 19947  
Phone #: (302) 856-0018 E-mail: dhutt@morrisjames.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)**

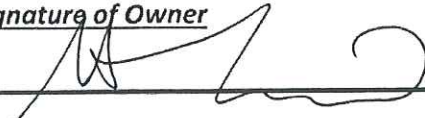
The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

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: \_\_\_\_\_

Signature of Owner

 \_\_\_\_\_ Date: 8/12/21

For office use only:

Date Submitted: 9/22/21 Fee: \$500.00 Check #: 107074  
Staff accepting application: ABA Application & Case #: CU 2315  
Location of property: \_\_\_\_\_

Subdivision: \_\_\_\_\_  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_

# Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

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

## Application Information:

Site Address: West Side of John J. Williams Highway (Rt. 24)

No 911/Mailing Address

Parcel #: p/o 234-29.00-49.02 all of 49.03 and 50.00

Site Address: \_\_\_\_\_

Parcel #: \_\_\_\_\_

Applicant Name: American Storage of Delaware, LLC

Owner Name: American Storage of Delaware, LLC

## Type of Application:

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

Date Submitted: 9/21/21

## For office use only:

Date of Public Hearing: \_\_\_\_\_

File #: \_\_\_\_\_

Date list created: \_\_\_\_\_

List created by: \_\_\_\_\_

Date letters mailed: \_\_\_\_\_

Letters sent by: \_\_\_\_\_



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

NICOLE MAJESKI  
SECRETARY

September 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **American Storage of Delaware, LLC** proposed land use application, which we received on September 2, 2021. This application is for approximately 25.90- acre assemblage of parcels (Tax Parcels: 234-29.00-49.02, 49.03, 50.00) The subject land is located on the west side of John J. William Highway (State Route 24) about 800 ft north of the intersection with Legion Road (Sussex Road 298). The subject land is currently zoned AR-1 (Agriculture Residential); and the applicant is seeking to change the existing parcel lines to create two new parcels with a proposed zoning of C-3 (Heavy Commercial) for the first parcel to build a mini warehouse. The second parcel is proposed to be zoned as MR (Medium Density Residential) with a conditional use approval to build 140 multifamily housing units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J. William Highway from Long Neck Road (State Route 5) to Mount Joy Road (Sussex Road 297), are 18,682 and 24,022 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.





Mr. Jamie Whitehouse  
Page 2 of 2  
September 10, 2021

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

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

Sincerely,

 for

T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: American Storage of Delaware, LLC, Applicant  
David C. Hutt, Esquire, Applicant  
Lauren DeVore, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **2/25/2022**

APPLICATION: **CU 2315 American Storage of Delaware, LLC**

APPLICANT: **American Storage of Delaware, LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **234-29.00-49.02 (p/o), 49.03 & 50.00**

LOCATION: **Lying on the west side of John J. Williams Highway (Rt. 24),  
approximately 0.25 mile south of Autumn Road (SCR 299).**

NO. OF UNITS: **140 units (multi-family)**

GROSS  
ACREAGE: **17.63**

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 \$6,600.00** per EDU. Please contact **Nicole Messeck** at **302-855-7719** for additional information on charges.

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

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

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

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

## **Policy for Extending District Boundaries**

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

<b>Application Fees</b>	
<b>Less than 2 acres</b>	<b>\$500.00</b>
<b>2.1 -9.99 acres</b>	<b>\$750.00</b>
<b>10 - 150.00 acres</b>	<b>\$1,500.00</b>
<b>Greater than 150.00 acres</b>	<b>\$2,500.00</b>

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.

**SITE DATA:**

- TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
- ADDRESS: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
- OWNERS: AMERICAN STORAGE OF DELAWARE  
113 DICKENSON STREET  
DEWEY BEACH, DE 19971
- ZONING: EXISTING: AR-1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) = 150,000 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (MID-RISE)  
(140 UNITS) = 170,000 SQ FT  
MULTI-FAMILY HOUSING CLUBHOUSE = 3,060 SQ FT
- BUILDING SETBACKS: C-3 (HEAVY COMMERCIAL DISTRICT):  
FRONT 60' (JOHN J. WILLIAMS HWY.)  
SIDE 5' (YESHUA LN.)  
SIDE 20' (SEYMOUR ACRES LN.) \*  
REAR 30' \*

\* THERE SHALL BE A SIDE YARD NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN 30 FEET IN DEPTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.

MR - MEDIUM RESIDENTIAL:	
FRONT	40'
SIDE	20'
REAR	10'

7. AREAS:	EXISTING:	25.90 AC
	PROPOSED: PARCEL 1	8.27 AC*
	PARCEL 2	17.63 AC
	TOTAL	25.90 AC

\*DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1

- NET DEVELOPMENT AREA: 25.90 AC
- SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
- WATER PROVIDER: TIDEWATER
- THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 100050477K REVISED MARCH 16, 2015 (ZONE X).
- NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.
- FOREST AREA: PRE-DEVELOPMENT = 14.28 AC  
POST DEVELOPMENT = 9.51 AC  
REMAINING = 4.77 AC
- PROXIMITY TO DELDOT TID AREA: ±3.5 MILES
- SITE IS NOT WITHIN WELLHEAD PROTECTION AREA
- SITE WITHIN COASTAL AREA
- RECHARGE AREA: FAIR/POOR

**PARKING / LOADING REQUIREMENTS:**

**OFF-STREET PARKING - (PER CODE SECTIONS 115-102A & 45-5)**

<b>REQUIRED PARKING:</b>	
STORAGE FACILITY	0 SPACES REQUIRED
HANDICAP PARKING (1-25 PARKING SPACES)	1 VAN SPACE REQUIRED
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF)	6 SPACES REQUIRED
10'X20' SPACES	14 SPACES PROVIDED
VAN HC SPACES	2 VAN SPACES PROVIDED
10'X40' COVERED RV SPACES	77 SPACES PROVIDED
10'X20' STORAGE SPACES	81 SPACES PROVIDED
	174 SPACES PROVIDED

APARTMENTS BUILDINGS - 2 PER UNIT (140 UNITS):	280 SPACES REQUIRED
HANDICAP PARKING (200-300 PARKING SPACES):	7 SPACES (2 VAN) REQUIRED
283 SPACES + 12 VAN HC SPACES =	295 SPACES PROVIDED

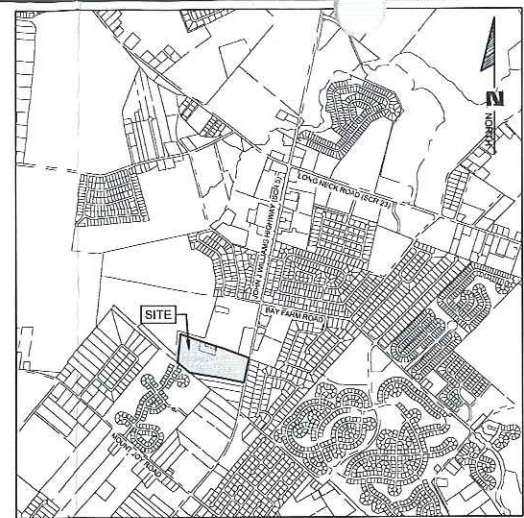
<b>TOTAL PARKING PROVIDED:</b>	455 PARKING SPACES
	+ 14 HANDICAP SPACES
	469 TOTAL PARKING SPACES

**OFF-STREET LOADING - (PER CODE SECTIONS 115-167)**

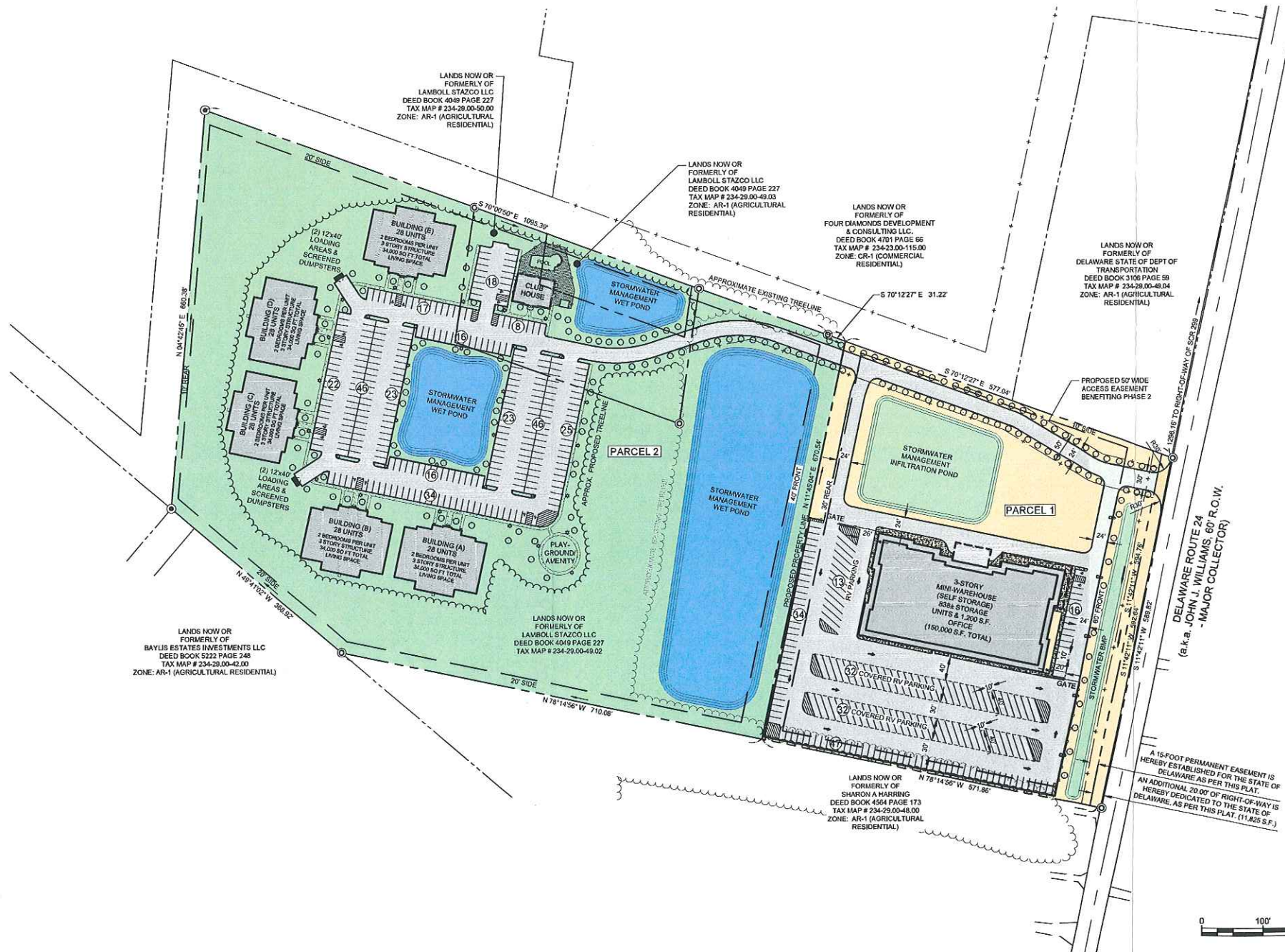
<b>LOADING</b>	
MINI-WAREHOUSE (SELF STORAGE) OFFICE	0 SPACE REQUIRED
LOADING SPACES REQUIRED	0 SPACE (12' X 40')
LOADING SPACES PROVIDED	
<b>APARTMENT BUILDINGS</b>	
LOADING SPACES REQUIRED	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')

**LEGEND:**

- CAPPED REBAR FOUND
- IRON PIPE FOUND
- PROPERTY BOUNDARY
- - - ADJOINER LINE
- + - EASEMENT
- · - · - PROPOSED TREELINE
- - - BUILDING SETBACK
- AREA LIGHTING (CUT-OFF SCREENED / LIGHT POST)
- PROPOSED BUILDING
- PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) (8.27 AC) - TO BE REZONED C-3
- PARCEL 2 - MULTI-FAMILY HOUSING (17.63 AC) - TO BE RE-ZONED MR
- \*DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1



**LOCATION MAP**  
SCALE: 1" = 2,000'



**AMERICAN STORAGE OF DELAWARE**  
TAX MAP # 234-29.00-49.02, 49.03 & 50.00  
INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE



Scaled Engineering Inc.  
20246 Coastal Highway  
Renoboth Beach, DE 19971  
Phone: (302) 236-5660



CONCEPTUAL SITE PLAN

4-21-21 - REVISED PER CLIENT  
6-18-21 - REVISED PER CLIENT  
7-15-21 - REVISED PER CLIENT  
7-21-21 - REVISED PER CLIENT

DATE: 8-26-21  
SCALE: 1" = 100'  
DRAWN BY: JRE  
PROJECT NO.: GRAL001

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REPRODUCED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021



Mackenzie M. Peet  
[mackenzie@bmbde.com](mailto:mackenzie@bmbde.com)  
(302)645-2262

March 14, 2022

**VIA EMAIL**

Planning & Zoning Department  
Attn: Jamie Whitehouse, Director  
2 The Circle  
PO Box 417  
Georgetown, DE 19947  
Email: [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov)

Re: American Storage of Delaware, LLC  
CZ 1954 for 8.0 acres from AR-1 to C-3  
CZ 1955 for 17.63 acres from AR-1 to MR  
CU2315 for Multi-Family use on MR portion of  
Tax Map Parcel Nos. 234-29.00-49.02, 49.03, 50.00

Director Whitehouse,

Please find the enclosed supplemental packet for the above-referenced applications.

Should you need any additional information prior to the public hearing or have any questions, please contact [mackenzie@bmbde.com](mailto:mackenzie@bmbde.com).

Sincerely,

Stephen W. Spence, Esquire  
Mackenzie M. Peet, Esquire

SWS/MMP

Enclosures

Cc: Carlton Savage, Jr., PE  
Alex Pires  
Nate Graulich

# EXHIBIT A

**Property Information**

Property Location:

Unit:  
 City:  
 Zip:  
 State:

Class: AGR-Agriculture  
 Use Code (LUC): AG0-AG A-I  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: 23.9000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB

100% Land Value: \$3,600  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description: W/RT 24  
 PARCEL 1

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/310	\$600,000.00			AMERICAN STORAGE OF DELAWARE LLC
10/09/2012	4049/227	\$105,000.00	\$1,575.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/310
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2013	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2009	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19709	3029/338
2005	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	3029/338
2003	ADAMS KEITH CONSTANCE ADAMS		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	2818/91

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	AGR	AG0	0	0	23.9000	Y

**Land Summary**



---

Line	1
100% Land Value	3,600

**Agricultural Land**

---

Line:	CAMA Line:	Ag Use	Use:	Grade:	Acreage	Rate	Value:
1	1		AG		.0001		3600

**Agriculture Totals**

---

Agricultural Acres	23.9000
--------------------	---------

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$3,600		

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$1,800		

**Property Information**

**Property Location:**

Unit:  
 City:  
 Zip:  
 State:

Class: RES-Residential  
 Use Code (LUC): RV-RESIDENTIAL VACANT  
 Town: 00-None  
 Tax District: 234 - INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: .4995  
 Frontage: 85  
 Depth: 256.000  
 Irr Lot:  
 Plot Book Page: /PB  
  
 100% Land Value: \$5,000  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description: WRT 24  
 PARCEL 2

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/310				AMERICAN STORAGE OF DELAWARE LLC
01/15/2002	4049/227	\$202,577.00	\$3,038.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/310
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/310
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2014	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2008	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19709	3029/338
2005	STAZCO LLC		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	3029/338
2003	ADAMS KEITH CONSTANCE ADAMS		5179 W WOODMILL DR STE 5	WILMINGTON	DE	19808	2818/91

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
1	RES	RV	85	256	.4995	

**Land Summary**

---

Line	1
100% Land Value	5,000

**100% Values**

---

100% Land Value	100% Improv Value	100% Total Value
\$5,000		

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$2,500		

**Property Information**

**Property Location:**

Unit:  
 City:  
 Zip:  
 State:

Class: RES-Residential  
 Use Code (LUC): RV-RESIDENTIAL VACANT  
 Town: 00-None  
 Tax District: 234 – INDIAN RIVER  
 School District: 1 - INDIAN RIVER  
 Council District: 4-Hudson  
 Fire District: 80-Indian River  
 Deeded Acres: 1.5000  
 Frontage: 0  
 Depth: .000  
 Irr Lot:  
 Plot Book Page: /PB  
 100% Land Value: \$3,000  
 100% Improvement Value  
 100% Total Value

**Legal**

Legal Description N/OAK ORCHARDLEWES

**Owners**

Owner	Co-owner	Address	City	State	Zip
AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971

**Sales**

Sale Date	Book/Page	Sale Price	Stamp Value	Parcels Sold	Grantee/Buyer
10/13/2020	5328/125				AMERICAN STORAGE OF DELAWARE LLC
09/02/2004	4049/227	\$59,682.00	\$895.00	0	
02/07/2003	/	\$58,000.00	\$870.00	0	
11/14/1996	/	\$2,200.00	\$44.00	0	

**Owner History**

Tax Year:	Owner:	Co-owner	Address:	City:	State:	Zip:	Deed Book/Page:
2099	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/125
2021	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST STE 100	DEWEY BEACH	DE	19971	5328/125
2020	AMERICAN STORAGE OF DELAWARE LLC		113 DICKINSON ST	DEWEY BEACH	DE	19971	5328/125
2019	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2018	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2017	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29602	4049/227
2013	LAMBOLL STAZCO LLC		PO BOX 3418	GREENVILLE	SC	29603	4049/227
2008	STAZCO LLC		5179 W WOODMILL DR # 5	WILMINGTON	DE	19709	3029/341
2005	STAZCO LLC		5179 W WOODMILL DR # 5	WILMINGTON	DE	19808	3029/341
2003	AASCD VENTURES LLC		WOOD MILL CORPORATE CT 5 5179 W WOODMILL DR	WILMINGTON	DE	19808	2801/186
1900	DAVIS JOHN J VIRGIE M					0	421/159

**Land**

Line	Class	Land Use Code	Act Front	Depth	Calculated Acres	Ag
------	-------	---------------	-----------	-------	------------------	----

1 RES RV 0 0 1.5000

**Land Summary**

---

Line 1  
100% Land Value 3,000

**100% Values**

---

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

**50% Values**

---

50% Land Value	50% Improv Value	50% Total Value
\$1,500		

TAX MAP AND PARCEL #'s: 234-29-00-  
49.02, 49.03 & 50.00  
PREPARED BY & RETURN TO:  
Baird Mandalas Brockstedt LLC  
1413 Savannah Road  
Lewes, DE 19958  
File No. RE20-1689/HG/SWS

THIS DEED, made this 1 day of October, 2020,

- BETWEEN -

LAMBOLL STAZCO, LLC, a Delaware limited liability company of P.O. Box 3418,  
Greenville, SC 29602, party of the first part,

- AND -

AMERICAN STORAGE OF DELAWARE, LLC, a Delaware Limited Liability  
Company, of 113 Dickinson Street, Dewey Beach, DE 19971, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum  
of **Six Hundred Thousand and 00/100 Dollars (\$600,000.00)**, lawful money of the United  
States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto  
the party of the second part, and its heirs and assigns, in fee simple, the following described  
lands, situate, lying and being in Sussex County, State of Delaware:

All those certain lots, pieces or parcels of land situate in the Lewes and Rehoboth Hundred,  
County of Sussex, , and being more particularly described as follows:

Parcel 1 - Tax Parcel #2-34 29.00 49.02

ALL that certain farm, tract, piece or parcel of land, situated in Indian River Hundred, Sussex County,  
State of Delaware, lying on the westerly side of Delaware Route 24, a short distance South of County  
Road 299, and being more particularly bounded. and described in accordance with a recent survey by  
Robert L. Larimore, RLS, dated December 28, 2001, as follows to-wit;

BEGINNING at an iron pipe found in the West line of Delaware Route 24, at a corner for this parcel and for  
lands of Charles W. Coursey, said point being located 1,296.16 feet from an iron pipe found at the  
intersection of the West line of Delaware Route 24(50 feet wide) with (the South line of County Road 299;  
thence from said beginning point along the West line of Delaware Route 24, South 20 degrees 22 minutes 57  
seconds West 589.82 feet to an iron pipe round in the West line of Delaware Route 24 at a corner for lands of  
Melvin R. Thompson and Brenda F. Thompson; thence along the line of lands of Melvin R. Thompson and

Brenda F. Thompson, North 69 degrees 34 minutes 10 seconds West 1,281.94 feet to an iron pipe found at a corner for lands of Melvin R Thompson and Brenda F. Thompson in line of lands of the Indian Town Farms Subdivision; thence along the line of lands of The Indian Farms Subdivision, North 41 degrees 00 minutes 16 seconds West 368.92 feet to a spike set at a corner for lands of Charles W. Coursey; thence along the line of lands of Charles W. Coursey on the following two (2) courses and distances: One (1) North 13 degrees 23 minutes 31 seconds East 660.38 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 473.07 feet to an iron pipe found at a corner for lands of Thomas C. Staz and Harriet Staz; thence along the line of lands of Thomas C. Staz and Harriet Staz on the following three (3) courses and distances; One (1) South 16 degrees 42 minutes 51 seconds West 225.00 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 395.77 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 225.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey; thence along the line of Charles W. Coursey and with the northerly line of a 16 foot wide outlet, as noted in Deed Book 468-401, on the following two (2) courses and distances: one (1) 61 degrees 20 minutes 04 seconds East 22655 feet to an iron pipe found, two (2) South 61 degrees 31 minutes 41 seconds East 608.26 feet to the place of beginning and containing 23.9 acres of land be the same more or less.

Parcel 2 —Tax Parcel #2-34 29.00 49.03

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the West side of Delaware Route 24, but not adjacent there to, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RES, dated December 28, 2001, as follows, to-wit:

BEGINNING at an iron pipe found at a corner for this parcel and for lands of Thomas C. Staz and Harriet Staz and lands of Charles W. Coursey and Diane R. Hudson, said point-being located the following three (3) courses and distances from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299: One (1) as measured along the West line of Delaware Route 24 in a southerly direction 1,296.16 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for Parcel 1; thence two (2) along the line of Parcel 1 and lands Charles W. Coursey and with the North line of a 16 foot wide outlet, North 61 degrees 31 minutes 41 seconds West 608.26 feet to a point; thence three (3) North 61 degrees 20 minutes 04 seconds West 238.82 feet to said beginning point; thence from said beginning point along the line of lands of Thomas C. Staz and Harriet Staz on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 85.00 feet to an iron pipe found, two (2) North 61 degrees 20 minutes 04 seconds West 256.30 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 85.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey and Diane R. Hudson; thence along the line of lands of Charles W. Coursey and Diane R. Hudson, South 61 degrees 20 minutes 04 seconds East 256.30 feet to the place of beginning and containing 0.4893 acres of land be the same more or less.

Parcel 3 - Tax Parcel Number 2-34 29.00 50.00

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County, and the State of Delaware, as shown on a certain December 26, 2001 survey prepared by Coast Survey, Inc. (Plan #801-13), as described as follows,

BEGINNING at an iron pipe set in the line of lands now or formerly of Charles W. Coursey and the north corner of a 16 foot Outlet (Deed Book 468, Page 401), being South 61 degrees 23 minutes 59 seconds East 226.55 feet to an iron pipe recovered, a corner for lands of Charles W. Coursey and other lands of Charles W. Coursey, and South 61 degrees 34 minutes 13 seconds East 608.42 feet to an iron pipe recovered in the northwesterly right of way line of Route 24; thence from the point of beginning running by and with the line of a 16 foot Outlet and with the lint of lands now or formerly of Marshall Lee

Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 225.00 feet to an Iron pipe set; 2) North 61 degrees 23 minutes 59 seconds West 395.77 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 225.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of Lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 127.20 feet to an iron pipe set, marking a corner for these lands and lands now or formerly of Marshall Lee Coursey; thence turning and running by and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 85.00 feet to an Iron pipe set; and 2) South 61 degrees 23 minutes 59 seconds 25630 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 85.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 12.27 feet to the point and place of beginning, said to contain 1.5107 acres of land more or less, together with any and all improvements located thereon.

BEING the same property conveyed to Lamboll Stazco, LLC from Stazco, LLC, AKA Stazco, L.L.C., by Deed dated October 3, 2012, and recorded on October 9, 2012, in Book 4049, Page 227.

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



IN WITNESS WHEREOF, the said Lamboll Stazco, LLC has caused its name to be hereunto set, and its common and corporate seal to be hereunto affixed, duly attested, the day and year first above written.

LAMBOLL STAZCO, LLC

BY: SD INVESTMENT PROPERTIES, LLC, ITS  
SOLE MEMBER

BY: LAMBOLL STREET, LLC ITS SOLE  
MEMBER

BY: [Signature] (Seal)  
TODD KUHLE, AUTHORIZED DIRECTOR

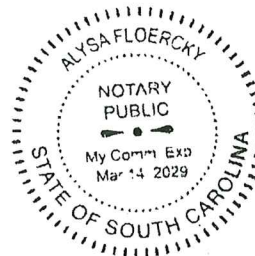
STATE OF South Carolina COUNTY OF Sussex : to-wit

BE IT REMEMBERED, that on this 7 day of October, A.D. 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director, of Lamboll Street, LLC, sole member of SD Investment Properties, LLC, sole member of Lamboll Stazco, LLC, a Delaware Limited Liability Company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company; that the signature of the authorized representative is in his own proper handwriting; and that his act of signing, sealing, acknowledging and delivering said Indenture was first duly authorized by a resolution of Lamboll Stazco, LLC.

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

[Signature]  
Notary Public

My Commission Expires: Mar 14 2029



Tax Parcel Nos.: 2-34-29.00-49.02,  
2-34-29.00-49.03 & 2-34-29.00-50.00

PREPARED BY AND RETURN TO:  
Douglas M. Hershman, Esquire  
**BAYARD, P.A.**  
P.O. Box 25130  
Wilmington, DE 19899-25130

**THIS DEED** is made this 3<sup>rd</sup> day of October, 2012, between

**STAZCO, LLC, AKA STAZCO, L.L.C.**, a Delaware limited liability company, party of the first part,

AND

**LAMBOLL STAZCO, LLC**, a Delaware limited liability company, party of the second part.

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) lawful money of the United States of America, the receipt of which is hereby acknowledged, hereby grants and conveys unto the said party of the second part, its successors and/or assigns, in fee,

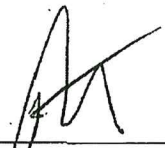
See legal description attached hereto as Exhibit "A", hereto and incorporated herein by reference.

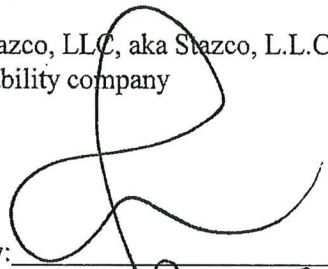
**SUBJECT** to all easements, restrictions, reservations, agreements and covenants of record, if any, affecting the property or the title thereto, together with the benefits of the same.

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

SEALED AND DELIVERED IN THE PRESENCE OF:

Stazco, LLC, aka Stazco, L.L.C., a Delaware limited liability company

  
\_\_\_\_\_  
Witness

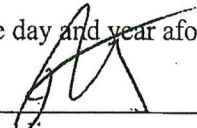
  
By: \_\_\_\_\_ (SEAL)  
Name: Richard C. Woodin  
Title: Authorized Person

*mw*

STATE OF DELAWARE )  
 ) SS  
NEW CASTLE COUNTY )

BE IT REMEMBERED, that on this 2nd day of October, 2012, personally came before me, the Subscriber, a Notarial Officer for the State and County aforesaid, Richard C. Wood, Authorized Person of Stazco, LLC, aka Stazco, L.L.C., a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of the said company.

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

  
\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

GRANTEE'S ADDRESS  
c/o Lamboll Street, LLC  
PO Box 3418  
Greenville, SC 29603

**MICHAEL A. DeNOTE**  
Attorney at Law - State of Delaware  
Notarial Officer Pursuant to  
29 Del.C. § 4323(a)(3)  
My Commission Has No Expiration

## EXHIBIT "A"

Parcel 1 - Tax Parcel #2-34 29.00 49.02

ALL that certain farm, tract, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the westerly side of Delaware Route 24, a short distance South of County Road 299, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RLS, dated December 28, 2001, as follows to-wit;

BEGINNING at an iron pipe found in the West line of Delaware Route 24, at a corner for this parcel and for lands of Charles W. Coursey, said point being located 1,296.16 feet from an iron pipe found at the intersection of the West line of Delaware Route 24(50 feet wide) with the South line of County Road 299; thence from said beginning point along the West line of Delaware Route 24, South 20 degrees 22 minutes 57 seconds West 589.82 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for lands of Melvin R. Thompson and Brenda F. Thompson; thence along the line of lands of Melvin R. Thompson and Brenda F. Thompson, North 69 degrees 34 minutes 10 seconds West 1,281.94 feet to an iron pipe found at a corner for lands of Melvin R. Thompson and Brenda F. Thompson inline of lands of the Indian Town Farms Subdivision; thence along the line of lands of The Indian Farms Subdivision, North 41 degrees 00 minutes 16 seconds West 368.92 feet to a spike set at a corner for lands of Charles W. Coursey; thence along the line of lands of Charles W. Coursey on the following two (2) courses and distances: One (1) North 13 degrees 23 minutes 31 seconds East 660.38 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 473.07 feet to an iron pipe found at a corner for lands of Thomas C. Stan and Harriet Staz; thence along the line of lands of Thomas C. Staz and Harriet Star on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 225.00 feet to an iron pipe found, two (2) South 61 degrees 20 minutes 04 seconds East 395.77 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 225.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey; thence along the line of Charles W. Coursey and with the northerly line of a 16 foot wide outlet, as noted in Deed Book 468-401, on the following two (2) courses and distances: one (1) 61 degrees 20 minutes 04 seconds East 226.55 feet to an iron pipe found, two (2) South 61 degrees 31 minutes 41 seconds East 608.26 feet to the place of beginning and containing 23.9 acres of land be the same more or less.

Parcel 2 - Tax Parcel #2-34 29.00 49.03

ALL that certain lot, piece or parcel of land, situated in Indian River Hundred, Sussex County, State of Delaware, lying on the West side of Delaware Route 24, but not adjacent there to, and being more particularly bounded and described in accordance with a recent survey by Robert L. Larimore, RES, dated December 28, 2001, as follows to-wit:

BEGINNING at an iron pipe found at a corner for this parcel and for lands of Thomas C. Staz and Harriet Staz and lands of Charles W. Coursey and Diane R. Hudson, said point being located the following three (3) courses and distances from an iron pipe found at the intersection of the West line of Delaware Route 24 (50 feet wide) with the South line of County Road 299: One (1)

as measured along the West line of Delaware Route 24 in a southerly direction 1,296.16 feet to an iron pipe found in the West line of Delaware Route 24 at a corner for Parcel I; thence two (2) along the line of Parcel 1 and lands Charles W. Coursey and with the North line of a 16 foot wide outlet, North 61 degrees 31 minutes 41 seconds West 608.26 feet to a point; thence three (3) North 61 degrees 20 minutes 04 seconds West 238.82 feet to said beginning point; thence from said beginning point along the line of lands of Thomas C. Star and Harriet Staz on the following three (3) courses and distances: One (1) South 16 degrees 42 minutes 51 seconds West 85.00 feet to an iron pipe found, two (2) North 61 degrees 20 minutes 04 seconds West 256.30 feet to an iron pipe found, three (3) North 16 degrees 42 minutes 51 seconds East 85.00 feet to an iron pipe found at a corner for lands of Charles W. Coursey and Diane R. Hudson; thence along the line of lands of Charles W. Coursey and Diane R. Hudson, South 61 degrees 20 minutes 04 seconds East 256.30 feet to the place of beginning and containing 0.4893 acres of land be the same more or less.

Parcel 3 - Tax Parcel Number 2-34 29.00 50.00

ALL that certain tract, piece and parcel of land, lying and being in Indian River Hundred, Sussex County, and the State of Delaware, as shown on a certain December 26, 2001 survey prepared by Coast Survey, Inc. (Plan #801-13), as described as follows,

BEGINNING at an iron pipe set in the line of lands now or formerly of Charles W. Coursey and the north corner of a 16 foot Outlet (Deed Book 468, Page 401), being South 61 degrees 23 minutes 59 seconds East 226.55 feet to an iron pipe recovered, a corner for lands of Charles W. Coursey and other lands of Charles W. Coursey, and South 61 degrees 34 minutes 13 seconds East 608.42 feet to an iron pipe recovered in the northwesterly right of way line of Route 24; thence from the point of beginning running by and with the line of a 16 foot Outlet and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 225.00 feet to an Iron pipe set; 2) North 61 degrees 23 minutes 59 seconds West 395.77 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 225.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of Lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 127.20 feet to an iron pipe set, marking a corner for these lands and lands now or formerly of Marshall Lee Coursey; thence turning and running by and with the line of lands now or formerly of Marshall Lee Coursey the following three (3) courses and distances: 1) South 16 degrees 38 minutes 56 seconds West 85.00 feet to an Iron pipe set; and 2) South 61 degrees 23 minutes 59 seconds 256.30 feet to an iron pipe set; and 3) North 16 degrees 38 minutes 56 seconds East 85.00 feet to an iron pipe set in the line of lands now or formerly of Charles W. Coursey; thence turning and running by and with the line of lands now or formerly of Charles W. Coursey, South 61 degrees 23 minutes 59 seconds East 12.27 feet to the point and place of beginning, said to contain 1.5107 acres of land more or less, together with any and all improvements located thereon.

BEING the same lands and premises which Keith and Constance Adams, husband and wife, by Deed dated August 30, 2004 and recorded September 2, 2004 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3029, Page 338, did grant and convey unto Stazco, L.L.C., a Delaware limited liability company, in fee.

AND BEING the same lands and premises which AASCD Ventures, LLC, a Delaware limited liability company, by Deed dated August 30, 2004 and recorded September 2, 2004 in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 3029, Page 341, did grant and convey unto Stazco, LLC, a Delaware limited liability company, in fee.

Consideration: 105,000.00

---

County	1,575.00
State	1,575.00
Town	Total 3,150.00

Received: Kara S Oct 09, 2012

Recorder of Deeds  
Scott Dailey  
Oct 09, 2012 12:45P  
Sussex County  
Doc. Surcharge Paid

**RECEIVED**

OCT 09 2012

**ASSESSMENT DIVISION  
OF SUSSEX COUNTY**



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 1**

**TAX MAP PARCEL 234-29.00-49.02 (PART OF)**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying on the westerly side of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 1 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering Inc., dated August 26<sup>th</sup>, 2021, and being bounded on the south by lands now or formerly of Sharon A. Harring; on the west by Parcel 2 of said conceptual site plan; on the north by lands now or formerly of Four Diamonds Development & Consulting LLC and lands now or formerly of State of Delaware, Department of Transportation and being more particularly described as follows, to wit:

**BEGINNING** at a point near an iron pipe found on the westerly right-of-way of aforementioned John J. Williams Highway at a corner for lands herein described and aforementioned lands of State of Delaware; said point being located 1,296.16 feet from the southerly right of way of Autumn Road - Sussex County Road 299 as measured in a southwesterly direction along said right-of-way of John J. Williams Highway; thence continuing with the same **South 11 degrees 42 minutes 11 seconds West, 589.82 feet** to an iron pipe found at a corner for aforementioned lands of Harring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 571.86 feet** to a point at a corner for aforementioned Parcel 2; thence with same **North 11 degrees 45 minutes 04 seconds East, 670.54 feet** to a point on the southerly line of aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same and partially with said lands of State of Delaware **South 70 degrees 12 minutes 27 seconds East, 577.04 feet** to the point and place of beginning, containing 8.27 acres of land, being the same more or less.



20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Tel: 302 - 236 - 3600

**PARTICULAR DESCRIPTION  
PARCEL 2**

**TAX MAP PARCELS 234-29.00-49.02 (PART OF),  
234-29.00-49.03 & 234-29.00-50.00**

**ALL THAT CERTAIN PIECE**, parcel or tract of land lying and being situated in Indian River Hundred, Sussex County, and State of Delaware, lying west of John J. Williams Highway – Delaware Route 24 (60 foot right-of-way), being Parcel 2 on a conceptual site plan titled, “American Storage of Delaware”, prepared by Scaled Engineering, Inc., dated August 26, 2021, and being bounded on the east by Parcel 1 of said conceptual site plan; on the south by lands now or formerly of Sharon A. Haring; on the southwest by lands now or formerly of Baylis Estates Investments LLC; on the west and north by lands now or formerly of Four Diamonds Development & Consulting LLC and being more particularly described as follows, to wit:

**BEGINNING** at a point, a corner for lands herein described and the aforementioned Parcel 1; said point being located the following two (2) courses and distances from the point of intersection of the southerly right of way of Autumn Road - Sussex County Road 299 and the westerly right of way of John J. Williams Highway – Delaware Route 24:

1. **1,296.16 feet** from said right of way of Autumn Road as measured in southwesterly direction along said right-of-way of John J. Williams Highway to a point near an iron pipe found.
2. **North 70 degrees 12 minutes 27 seconds West, 577.04 feet** to said beginning point; thence with said Parcel 1 **South 11 degrees 45 minutes 04 seconds West, 670.54 feet** to a point on the northerly line of aforementioned lands of Haring; thence with the same **North 78 degrees 14 minutes 56 seconds West, 710.08 feet** to an iron pipe found on the north easterly line of aforementioned lands of Baylis Estates Investments LLC; thence with same **North 49 degrees 41 minutes 02 seconds West, 368.92 feet** to a capped rebar found at a corner for aforementioned lands of Four Diamonds Development & Consulting LLC; thence with same the following three (3) courses and distances:
  1. **North 04 degrees 42 minutes 45 seconds East, 660.38 feet** to a capped rebar found.
  2. **South 70 degrees 00 minutes 50 seconds East, 1,095.39 feet** to a point.
  3. **South 70 degrees 12 minutes 27 seconds East, 31.22 feet** to the point and place of beginning, containing 17.63 acres of land, being the same more or less.



# EXHIBIT B

**PLANNING & ZONING**  
Jamie Whitehouse, AICP, MRTPI  
Director

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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

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

Date: 9/2/21

### Site Information:

Site Address/Location: John J. Williams Highway, Millsboro, DE

Tax Parcel Number: 234-29.00-49.02, 49.03 & 50.00

Current Zoning: AR-1

Proposed Zoning: Parcel 1: C-3; Parcel 2: MR with Conditional Use for Multifamily

Land Use Classification: Coastal Area (Future Land Use Map)

Proposed Use(s): **Parcel 1:** Mini-Warehouse (Self Storage) = 150,000 sq. ft.  
**Parcel 2:** Multifamily Housing (Mid-Rise) = 140 Units  
Multifamily Housing Clubhouse = 3,060 sq. ft.  
See Attached Conceptual Site Plan

Square footage of any proposed buildings or number of units: See Proposed Use/140 residential units

### Applicant Information:

Applicant's Name: American Storage of Delaware, LLC

Applicant's Address: 113 Dickinson Street

City: Dewey Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 462-5871

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

Please send copy to:  
David C. Hutt, Esquire  
Morris James LLP  
107 W. Market Street  
Georgetown, DE 19947  
Phone: (302) 856-0018  
Email: dhutt@morrisjames.com



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

Last updated 3-12-20



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

NICOLE MAJESKI  
SECRETARY

September 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **American Storage of Delaware, LLC** proposed land use application, which we received on September 2, 2021. This application is for approximately 25.90- acre assemblage of parcels (Tax Parcels: 234-29.00-49.02, 49.03, 50.00) The subject land is located on the west side of John J. William Highway (State Route 24) about 800 ft north of the intersection with Legion Road (Sussex Road 298). The subject land is currently zoned AR-1 (Agriculture Residential); and the applicant is seeking to change the existing parcel lines to create two new parcels with a proposed zoning of C-3 (Heavy Commercial) for the first parcel to build a mini warehouse. The second parcel is proposed to be zoned as MR (Medium Density Residential) with a conditional use approval to build 140 multifamily housing units.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along John J. William Highway from Long Neck Road (State Route 5) to Mount Joy Road (Sussex Road 297), are 18,682 and 24,022 vehicles per day, respectively.

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. In this instance, the Department considers a Minor impact to be when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips per a weekly peak hour and 2,000 vehicle trips per day. Because of this impact, we recommend that the applicant be required to perform a Traffic Impact Study (TIS) for the subject application. However, our Development Coordination Manual provides that where a TIS is required only because the volume warrants are met, and the projected trip generation will be fewer than 200 vehicle trips per a weekly peak hour and fewer than 2,000 vehicle trips per day, DelDOT may permit the developer to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-wide Study Fee.

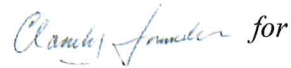


Mr. Jamie Whitehouse  
Page 2 of 2  
September 10, 2021

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

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

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

cc: American Storage of Delaware, LLC, Applicant  
David C. Hutt, Esquire, Applicant  
Lauren DeVore, Sussex County Planning & Zoning  
David Edgell, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furrato, Project Engineer, Development Coordination

# EXHIBIT C

### Preliminary Land Use Service (PLUS)

#### Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): 2021-02-05 2/3  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): \_\_\_\_\_

1. Project Title/Name: American Storage of Delaware			
2. Location ( please be specific): Delaware Route 24 (John J. Williams Highway), Millsboro, Delaware			
3. Parcel Identification #: 234-29.00-49.02, 49.03 & 50.00		4. County or Local Jurisdiction Name: where project is located: Sussex County	
5. If contiguous to a municipality, are you seeking annexation: Not applicable.			
6. Owner's Name: American Storage of Delaware, LLC (Alex Pires)			
Address: 113 Dickinson Street			
City: Dewey Beach	State: Delaware	Zip: 19971	
Phone: (302) 462-5871 (202) 905-6706	Fax:	Email: nate.gmconstruction@gmail.com farmerslawyer@aol.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			Same as owner
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
8. Project Designer/Engineer: Carlton Savage, Jr.   SCALED.Engineering			
Address: 20246 Coastal Highway			
City: Rehoboth Beach	State: Delaware	Zip: 19971	
Phone: (302) 236-3600	Fax:	Email: carlton@scaledengineering.com	
9. Please Designate a Contact Person, including phone number, for this Project:			Nate Graulich   (302) 462-5871 Alex Pires   (202) 905-6706

**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: The Project proposes to (1) rezone the front half of the property to C-3 (Heavy Commercial) for a Business Park (Flex Space) of 12.63 acres with 36,000 sq. ft. of Flex Park and 103,600 sq. ft. of mini-storage and an office for the mini-storage; and (2) rezone the rear half of the property to MR (Medium Residential) with a conditional use for multifamily (midrise) housing (13 acres) consisting of 104 units. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 25.90 +/- acres      Number of Residential Units: 104      Commercial square footage: Business Park/Flex Space (36K Sq. Ft); Mini Storage (103,600 Sq. Ft.)

13. Present Zoning: AR-1 (Agricultural Residential)      14. Proposed Zoning: C-3 (Heavy Commercial); MR (Medium Density) with Conditional Use

15. Present Use: Agricultural/Wooded      16. Proposed Use: Business Park (Flex Park); Mini Storage and Multi-Family Housing

17. Water:  Central (Community system)     Individual On-Site     Public (Utility)    Tidewater  
 Service Provider Name:

Will a new public well be located on the site?  Yes     No

18. Wastewater:  Central (Community system)     Individual On-Site     Public (Utility)  
 Service Provider Name: Sussex County

Will a new community wastewater system be located on this site?  Yes     No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):  
 The residential units are targeted as market rate apartments intended for those who live and work in the Long Neck and surrounding area

20. Environmental impacts:

How many forested acres are presently on-site? 13.79    How many forested acres will be removed? 9.20

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes     No

Are the wetlands:  Tidal    Acres:  
 Non-tidal    Acres:

If "Yes", have the wetlands been delineated?  Yes     No

Has the Army Corps of Engineers signed off on the delineation?  Yes     No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes     No    If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? +/- 200'

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes     No  
per the DNREC NavMap

22. List the proposed method(s) of stormwater management for the site:  
 BMPs to likely include a combination of wet pond(s) and infiltration pond(s)

23. Is open space proposed?  Yes     No    If "Yes," how much?    Acres: 11.45

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? active and passive recreation and stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes     No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1,170 ADT

What percentage of those trips will be trucks, excluding vans and pick-up trucks? < 5%

26. Will the project connect to state maintained roads?  Yes  No **De. Rt. 24 (John J. Williams Highway)**

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

There are no existing developments on adjacent lands.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No

Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Carlton Savage, Jr. phone number: (302) 238-3800

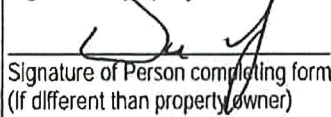
Alex Pires | (202) 905-8706

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

  
Signature of property owner

1/29/21  
Date

  
Signature of Person completing form  
(If different than property owner)

1/29/2021  
Date

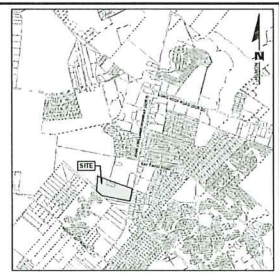
**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.





- LEGEND:**
- PROPERTY BOUNDARY
  - ADJACENT LINE
  - EASEMENT
  - PROPOSED TREE LINE
  - BUILDING SETBACK
  - PROPOSED BUILDING
  - PARCEL 1 - BUSINESS PARK (FLEX PARK) WITH WAREHOUSE (SELF STORAGE) (12.63 AC)
  - PARCEL 2 - MULTI-FAMILY HOUSING (13.00 AC)
  - DEED DEDICATION (0.27 AC)



**LOCATION MAP**  
SCALE: 1" = 2000' (FEET)

- SITE DATA:**
- TAX MAP NUMBERS: 234-29-00-49-02, 49-03 & 50-00
  - ADDRESS: JOHN A WILLIAMS HIGHWAY, MILLSBORO, DE 19966
  - OWNERS: AMERICAN STORAGE OF DELAWARE  
1133 BURNHAM STREET  
DEWEY BEACH, DE 19811
  - ZONING: EXISTING: MR 1 (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
  - USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - BUSINESS PARK (FLEX PARK) - 16,000 SQ FT  
MINI WAREHOUSE (SELF STORAGE) - 100,000 SQ FT  
MINI WAREHOUSE OFFICE - 4,200 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (4-BED RM)  
MULTI-FAMILY HOUSING CLUSTERHOUSE - 3,000 SQ FT
  - BUILDING SETBACKS: C3 (HEAVY COMMERCIAL DISTRICT)  
FRONT: 87' JOHN A WILLIAMS HWY.  
SIDE: 5' (RESIDENTIAL)  
REAR: 20' (RESIDENTIAL)  
\* THERE SHALL BE A SIDE YARD SETBACK THIRTY FEET FROM THE SIDE OF THE LOT ADJACENT TO A RESIDENTIAL DISTRICT AND THERE SHALL BE A REAR YARD OF NOT LESS THAN SIX FEET IN DEPTH ON THE REAR SIDE OF LOT ADJACENT TO RESIDENTIAL DISTRICT.
  - AREAS: EXISTING: 25.50 AC  
PROPOSED: PARCEL 1: 12.63 AC  
PARCEL 2: 13.00 AC  
DEED DEDICATION: 0.27 AC  
TOTAL: 25.50 AC
  - NET DEVELOPMENT AREA: 25.50 AC
  - SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
  - WATER PROVIDER: DEWATER
  - THIS PROPERTY IS NOT IMPACTED BY THE 100-YEAR FLOOD ZONE, Delineated by the NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP PER FIRM NUMBER 80054C0001 REVISED MARCH 18, 2015 (ZONE X).
  - NO WETLANDS ARE ON SITE PER THE DNR/CDC MAP.

**PARKING / LOADING REQUIREMENTS:**

**DEED STREET PARKING - PER CODE SECTIONS 15.103 & 15.5**

REQUIRED PARKING	0 SPACES REQUIRED
CIRCLE PARKING - 1 PER 2 EMPLOYEES (OR EMPLOYEES) 40 SPACES REQUIRED	3 SPACES PROVIDED
HANDICAP PARKING (0.1 PER 100 SF) 15 SPACES PROVIDED	15 SPACES PROVIDED
STORAGE FACILITY	0 SPACES REQUIRED
SEPARATE SPACES	0 SPACES PROVIDED
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF)	6 SPACES PROVIDED
MINI WAREHOUSE OFFICE (20,000 SQ FT)	1 SPA. PROVIDED
5 SPACES + 50 VAN SPACES + 1 HC SPACES (OWN) = 56 SPACES PROVIDED	
APARTMENT BUILDING - 2 PER UNIT (154 UNITS)	208 SPACES PROVIDED
HANDICAP PARKING (0.1 PER 1000 SQ FT)	7 SPACES PROVIDED
223 SPACES + 12 VAN HC SPACES + 235 SPACES PROVIDED	

**TOTAL PARKING PROVIDED:**

334 PARKING SPACES  
+ 12 HANDICAP SPACES  
= 326 TOTAL PARKING SPACES

**DEED STREET LOADING - PER CODE SECTIONS 15.103**

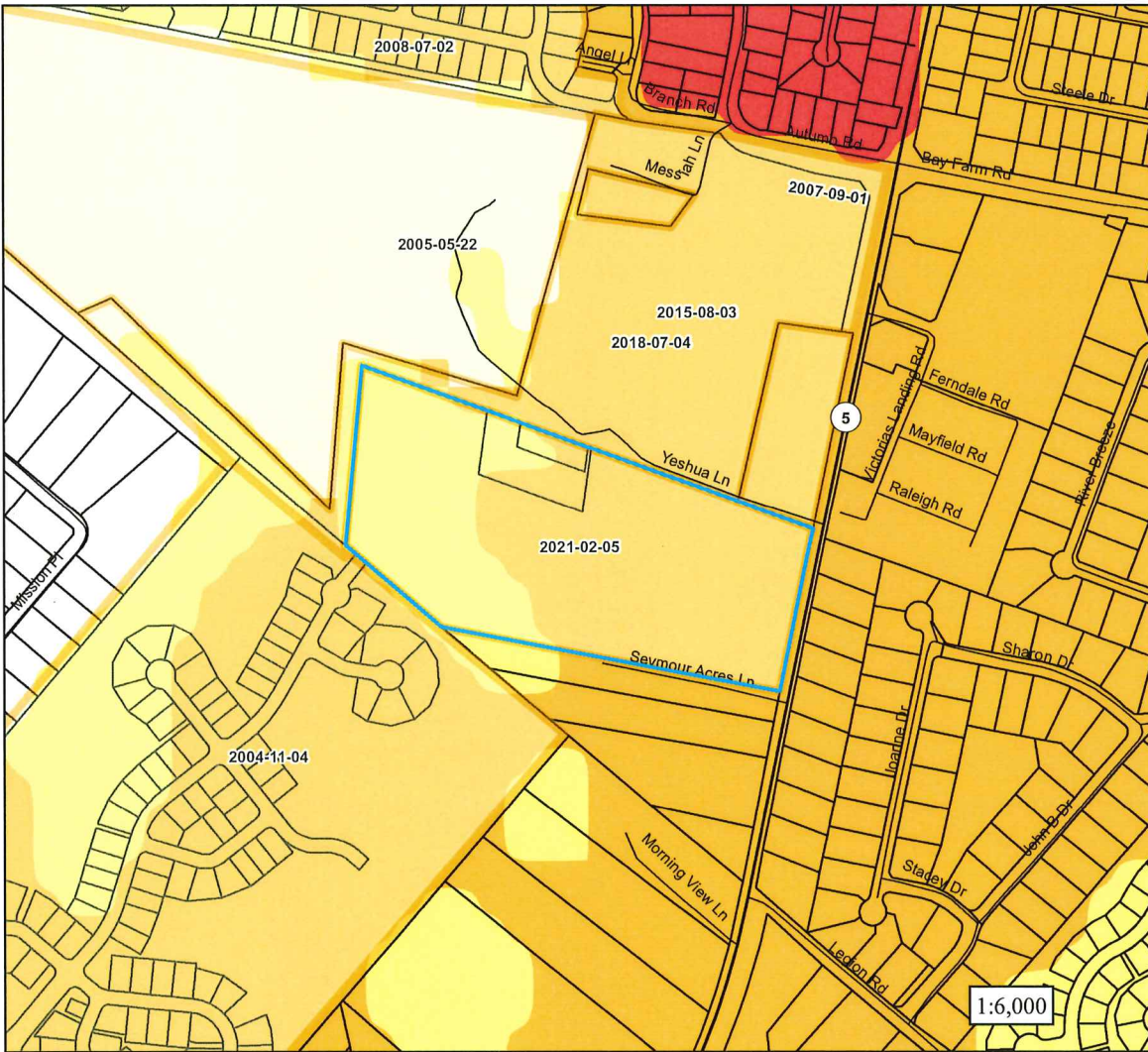
LOADING	
BUSINESS PARK (FLEX PARK)	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')
MINI WAREHOUSE (SELF STORAGE) OFFICE	LOADING SPACES PROVIDED
LOADING SPACES PROVIDED	0 SPACES PROVIDED
LOADING SPACES PROVIDED	0 SPACES PROVIDED
APARTMENT BUILDINGS	2 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')

**AMERICAN STORAGE OF DELAWARE**  
TAX MAP # 234-29-00-49-02, 49-03 & 50-00  
INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE

**SCALED**  
ENGINEERING & ARCHITECTURE  
CONCEPTUAL SITE PLAN

1

# Preliminary Land Use Service (PLUS)



**American Storage**  
2021-02-05

**Legend**

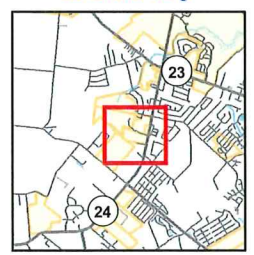
**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

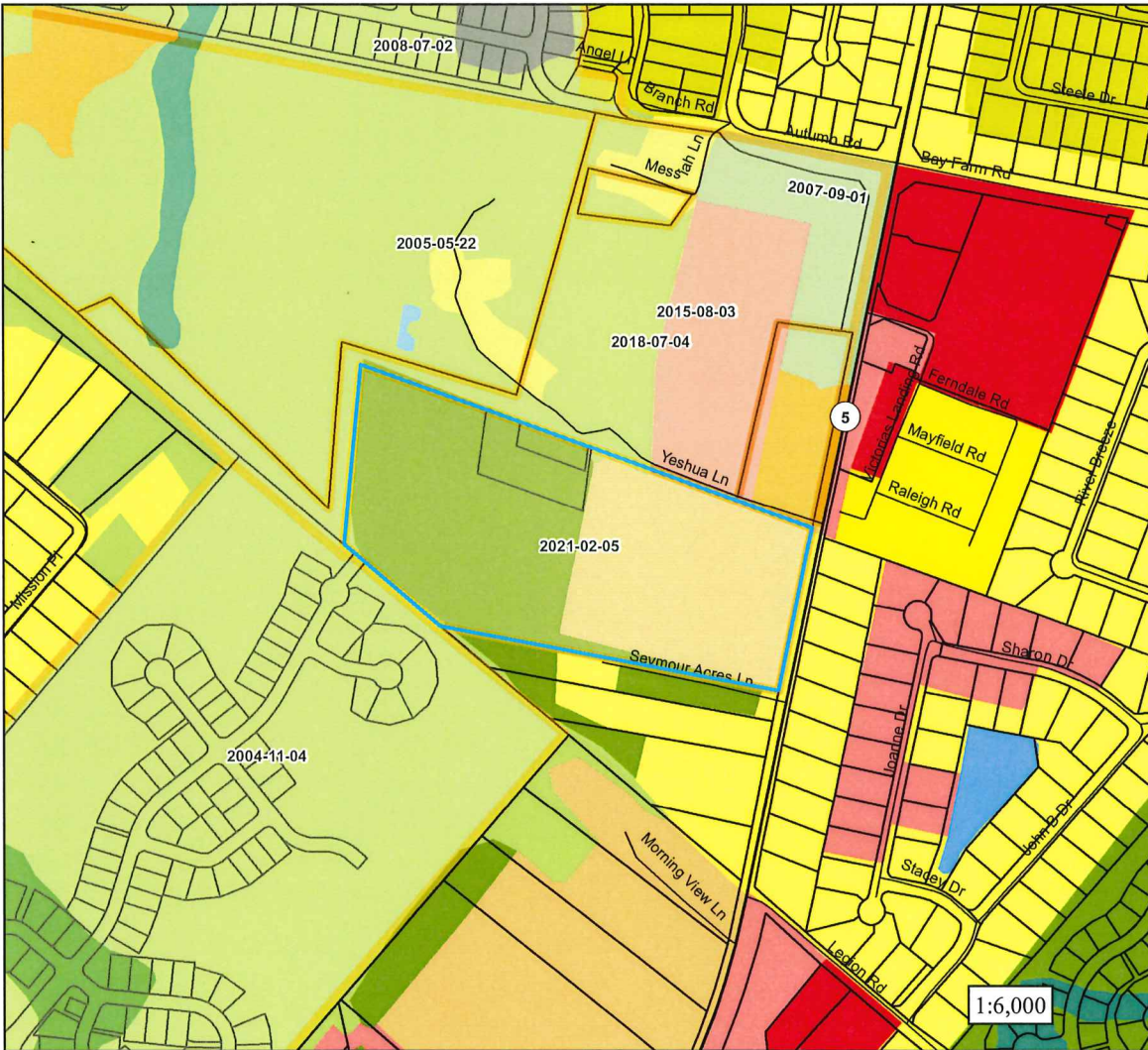
**2020 State Strategies Strategy Level**

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

**Location Map**



# Preliminary Land Use Service (PLUS)



**American Storage  
2021-02-05**

**Legend**

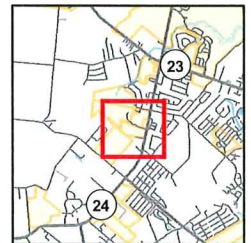
**2012 Land Use LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

**Location Map**



# Preliminary Land Use Service (PLUS)



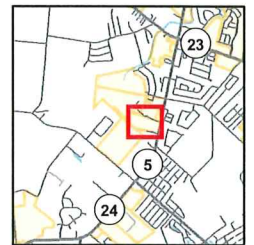
American Storage  
2021-02-05

**Legend**

PLUS Project Areas  
type

- Comp Plans
- All Other PLUS Reviews

## Location Map





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 23, 2021

Nate Graulich  
Graulich Builders  
34697 Jiffy Way, Suite 2  
Lewes, DE 19958

RE: PLUS review 2021-02-05; American Storage of Delaware

Dear Mr. Graulich:

Thank you for meeting with State agency planners on February 24, 2021 to discuss the proposed plans for the American Storage of Delaware project. According to the information received you are seeking review of a proposed rezoning of 25.9 acres from AR-1 to C-3 and MR and a site plan for 104 residential units and 139,600 square feet of mini storage and business park in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,170 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers’ Trip Generation Manual, as shown in the table below, DelDOT calculates 1,171 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 60 and 79, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Business Park	770	36,000	448	8	6	7	8
Mini-Warehouse	151	104,800	158	6	4	8	10
Multifamily Housing (Mid-Rise)	221	104	565	9	27	28	18
Total			1,171	23	37	43	36

- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in

lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$11,710. AWS Fees are used to fund traffic studies, not to build improvements.

- DelDOT anticipates requiring the developer to contribute to a DelDOT project presently scheduled for construction this summer, HSIP SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements, Contract No. T200711201. Information on the project is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T200711201>.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 24.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring at least two walkways to connect the interior of the site to Route 24,

one along the driveway at the north edge of the property and one at the south end of the frontage, connecting to the parking lot of the business park.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- Section 5.2.4 of the Manual addresses requirements for Entrance Width, for commercial entrances, the minimum undivided width varies from 18 to 32 feet. The proposed 30-foot entrance will be examined during the plan review process. DelDOT may require the developer's engineer to provide turning templates.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane, and possibly a left turn lane into the site from Route 24. Coordination of the construction schedules of the DelDOT project and the proposed development should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.



- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

While much of the site consists of Hydrologic Soils Group A soils (well drained), the northwest portion of the site lies within A/D soils (somewhat poorly drained). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Water Quality (Pollution Control Strategies)**

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- The western half of the site (forested portion) lies within the Rehoboth Bay Watershed & the eastern half of the site (unforested portion) lies within the Indian River Bay Watershed, both of which are included under Pollution Control Strategies. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
  - Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219  
Website: <https://www.sussexconservation.org/>

### **Nutrient Management Plan**

This project proposes approximately 11 acres of open space, exceeding the threshold of 10 Acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

#### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

#### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There are no known National Register listed or eligible properties on the parcel.
- Prehistoric archaeological potential is moderate. Soils are mostly well-drained except for the northwest corner of the area. Guinea Creek appears on Beers map and some historic aerials as extending closer to the parcels, which may mean that it is within favorable distance to freshwater for prehistoric site probability. A survey conducted in part of the parcel showed very little remains under a thick plow zone except for two isolated prehistoric finds; could mean that there are other archaeological resources throughout the area.
- Historic archaeological potential is low. Beers Map doesn't show anything near that parcel. A road appears to have existed through the middle-ish until 1950s, and historic aerials show the western portion to be continuously wooded.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for Storage/Warehouse sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for apartment (multi-family living units) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

**Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

#### Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be accessible to fire apparatus.
- Any dead end more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

#### Required Notes:

- Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

#### Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The subject land adjoins both a recorded but as-yet-unbuilt stub street in the Baylis Estates subdivision, which fronts on Mount Joy Road (Sussex Road 297), and the Peninsula Square mixed-use development, which fronts on Autumn Road (Sussex Road 299). In addition to providing emergency access to the proposed apartments, with appropriate interconnections and easements required of the subject development and Peninsula Square, these three developments could provide a low-stress pedestrian and bicycle connection between Mount Joy Road and Autumn Road.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Forest Removal**

The preliminary plans and/or project application proposed the elimination of approximately 9.2 out of 13.8 existing acres of forest habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling and reduces carbon that contributes to climate change. A forest assessment should be conducted to determine if mature forest resource exists on the property, and to determine species present.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

### **General Drainage Recommendations**

There are numerous reported drainage concerns near the proposed project area. One concern from 2009 referenced flooding of a nearby property. There are numerous concerns ranging from 2010-2020 from landowners on the eastern side of John J. Williams Highway about property flooding. The storage of onsite stormwater and the release stormwater to adjacent properties is a concern if this property is developed.

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemption coverage may be required by the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site stormwater.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Wildlife Displacement**

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by

maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.  
Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetland types including freshwater forested, freshwater emergent, and estuarine.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Current or Previous Contamination**

This parcel is contained within a large area that has been investigated for well contamination (DE-1388 Long Neck Mercury Study). In 2001, mercury was detected in a public water supply well; levels were reported above the Maximum Contaminant Level. While DNREC and the U.S. Geological Survey investigated the incident, the source could not be located. The well has been temporarily turned off.

- Delaware Health and Social Services reviews the monitoring reports from the water company. The USGS report that resulted from the study can be found here: <https://pubs.usgs.gov/sir/2006/5011/pdf/sir-2006-5011.pdf>
- Contact the Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.  
Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/>
- Additional information may also be found online by searching Delaware's Environmental Navigator at <http://www.nav.dnrec.delaware.gov/den3/>

### **Additional Sustainable Practices**

Recommendations for entire project:

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Incorporate nonmotorized connectivity in the residential area and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

Recommendations for residential section:

- Include an option to install electric vehicle charging stations in garages of homes for your customers and tenants to assist Delaware in achieving its clean transportation goals.
- For the proposed pool and clubhouse, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.

Recommendations for commercial section:

- Install electric vehicle charging stations for your customers and tenants to assist Delaware in achieving its clean transportation goals. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>.

Concerns Identified Outside of the Development Footprint

**Delaware Ecological Network**

Lands designated as part of the Delaware Ecological Network lie to the east of this parcel. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on the proposed development site could jeopardize habitat beyond the parcel boundary.



- Removing forested areas within (and nearby) the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- The location is not within any flood plain nor in a coastal inundation zone. 2018 QAP described the region this project is located in as being an “Area of Opportunity” while bordering a region identified as “Stable”. The region has a homeownership rate of approximately 81.2% to 83%, a poverty ratio of 10 to 1 with approximately 21% of that census block’s population at the age of 65 or older.

**State of Delaware**  
The Official Website of the First State

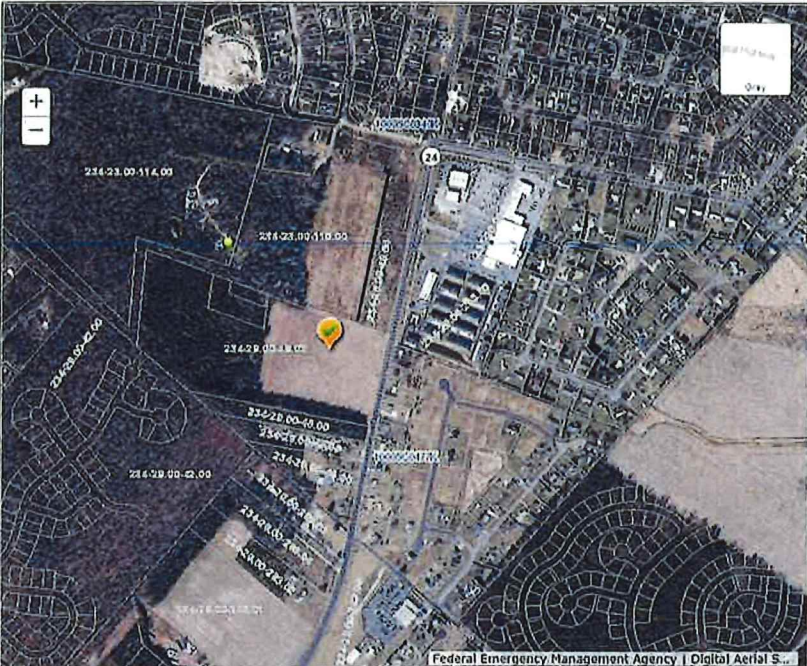
Home  
Search  
Legend  
Results

 Location is **NOT WITHIN** the FEMA 100-year floodplain  
Preliminary data does not exist.

**Effective Flood Zone:**  
X  
**Preliminary Flood Zone:**  
n/a  
**FEMA Issued Flood Map:**  
10005C0477K  
**Effective Map Date:**  
3/15/2015  
**Watershed (HUC12):**  
Indian River Bay-Indian River Inlet

**Attachments:**  
None

Print  
Contacts  
Getting Started/Help



Federal Emergency Management Agency | Digital Aerial S...

Privacy | Contact | Phone Directory



Tract  
O&P Geographic Area: Areas Of Opportunity  
[Zoom to](#) [Get Directions](#)

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

- As of January 11, 2021, the applicant has already participated in a pre-application meeting with Planning and Zoning staff.
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.
- For the Conditional Use, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application.

- Please note that since the proposed development lies within the Coastal Area and is above the 50 dwelling unit and 75,000 feet of commercial development threshold, copies of an Environmental Assessment (EA) and Public Facility Evaluation Report must be submitted which address the criteria located in §115-194.3(2)(a-1).
- Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.
- Please include the proposed density for the project for separately for both the residential component as well as the commercial site. The C-3 Zoning District and the MR Zoning District (as a Conditional Use) allow for a density of up to 12 dwelling units per acre.
- Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
- Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- The side yard setback for the portion of the property to be zoned C-3 adjacent to the existing Yeshua Lane is shown with a 10-ft side yard setback. The Site Data Column indicates that this setback is 5-ft. The side yard setback in the C-3 Zoning District is 20-ft when adjacent to a residentially zoned parcel (Tax Map: 234-29.00-49.04 appears to be residentially zoned as AR-1) (§115-83.22(B)(2)). Please indicate if the applicant wishes to amend this setback as part of the application.
- Staff note that 11.45 acres of open space is proposed. The proposed open space of 44% is desirable. Please include the amount of open space proposed as a percentage and in acres within the Site Data Column.
- The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162).
- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of the formal application.
- Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountynj.gov](mailto:lauren.devore@sussexcountynj.gov) or call the Planning and Zoning Office at (302)855-7878.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 2 and Tier 3 area for sewer service and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.
- A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: [www.sussexcountyde.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and

county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

## Mackenzie Peet

---

**From:** Stephen W. Spence  
**Sent:** Wednesday, March 9, 2022 11:24 AM  
**To:** Alex Pires (farmerslawyer@aol.com); Graulich Builders; Carlton Savage  
**Cc:** Mackenzie Peet  
**Subject:** FW: American Storage of Delaware

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

See the chain below.

Stephen W. Spence, Esquire  
1413 Savannah Road, Suite 1, Lewes, Delaware 19958  
Tel: (302) 645-2262 | Fax: (302) 644-0306  
[sws@bmbde.com](mailto:sws@bmbde.com)



This Electronic Message contains privileged client attorney communications from the law firm of Baird Mandalas Brockstedt, LLC. The information is intended to be for the use of the addressee only. If you are not the addressee, note that any disclosure, copying, distribution or use of the contents of this message is prohibited.

---

**From:** David C. Hutt <DHutt@morrisjames.com>  
**Sent:** Wednesday, March 9, 2022 10:32 AM  
**To:** Stephen W. Spence <sws@bmbde.com>  
**Subject:** FW: American Storage of Delaware

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

See below.

---

**From:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Sent:** Tuesday, August 31, 2021 10:52 AM  
**To:** Hutt, David C. <DHutt@morrisjames.com>  
**Subject:** RE: American Storage of Delaware

Hi David,

Thank you for your email. I have reviewed this with Dorothy and David. OSPC will not require a new PLUS review.

We do note that the State Comments letter referred to a bike path in the DelDOT comments. The site plan does not appear to show one. Please make sure to address this feature moving forward with the plan.

Please let me know if you have any questions or if I can provide any additional information.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Hutt, David C. <DHutt@morrisjames.com>  
**Sent:** Tuesday, August 31, 2021 9:34 AM  
**To:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>; Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Subject:** American Storage of Delaware

Dorothy,

Earlier this year, the OSPC reviewed an application for American Storage of Delaware (PLUS Review 2021-02-05). For your ready reference, I have attached a copy of the PLUS Review Letter dated March 23, 2021.

The overall concept has stayed the same with a commercial-type use along Route 24 and residential behind that application. The acreage for the commercial has been reduced which, of course, increased the acreage for the residential component.

In short, what before was 139,600 square feet of mini storage and business park (flex space) and 104 residential units is now proposed to be 150,000 square feet of mini-storage and 140 residential units. Attached is a copy of the new concept.

Does your office want to see a new/revised application?

Thanks,

David

**Morris James**<sub>LLP</sub>

David C. Hutt | Partner  
107 W. Market Street, P.O. Box 690, Georgetown, DE 19947  
19339 Coastal Highway, Suite 300, Rehoboth Beach, DE 19971



**Phone:** 302.856.0018 | **Fax:** 302.856.7217  
morrisjames.com | dhutt@morrisjames.com  
Facebook | LinkedIn | Twitter

---

This communication may be subject to the attorney-client privilege or the attorney work product privilege or may be otherwise confidential. Any dissemination, copying or use of this communication by or to anyone other than the designated and intended recipient(s) is unauthorized. If you are not the intended recipient, please delete or destroy this communication immediately.

# EXHIBIT D



# American Storage



July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | [www.designhaus.com](http://www.designhaus.com)



**UNIT MATRIX**

Size	1st Floor	2nd Floor	3rd Floor	Total
5 x 5	15	18	18	51
5 x 7.5	1	1	1	3
5 x 10	63	84	84	231
10 x 10	169	195	195	559
10 x 15	2	6	6	14
10 x 20	61	63	63	187
<b>TOTAL</b>	<b>311</b>	<b>367</b>	<b>367</b>	<b>1,045</b>



July 23, 2021

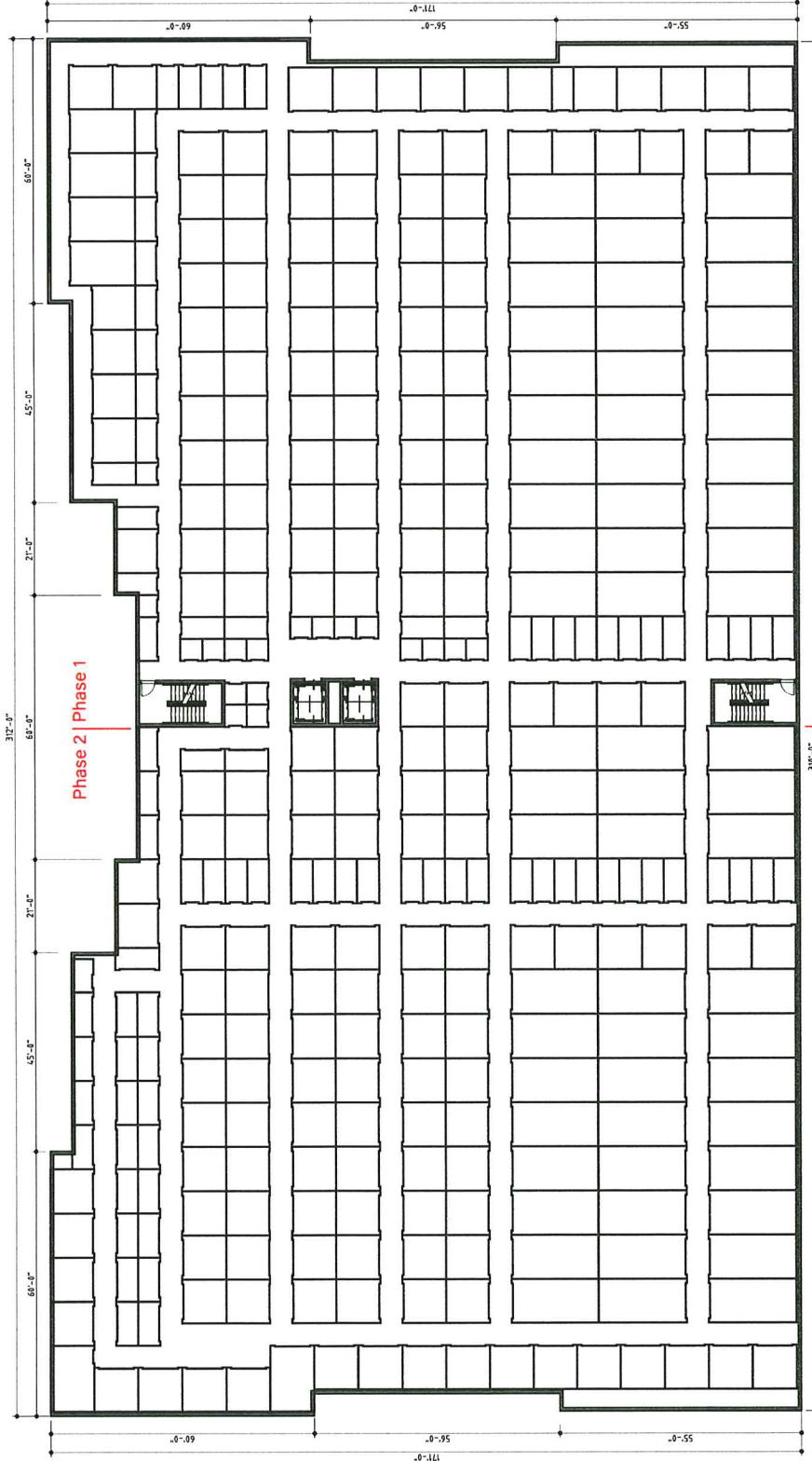
3300 Auburn Rd, Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | www.designhaus.com

**First Floor Concept**



UNIT MATRIX

Size	1st Floor	2nd Floor	3rd Floor	Total
5 x 5	15	18	18	51
5 x 7.5	1	1	1	3
5 x 10	63	84	84	231
10 x 10	169	195	195	559
10 x 15	2	6	6	14
10 x 20	61	63	63	187
TOTAL	311	367	367	1,045





Exterior Rendering



July 28, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI 48326 | p 248 601 4422 | www.designhaus.com



Exterior Rendering



July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p. 248 601 4422 | www.designhaus.com





Exterior Rendering

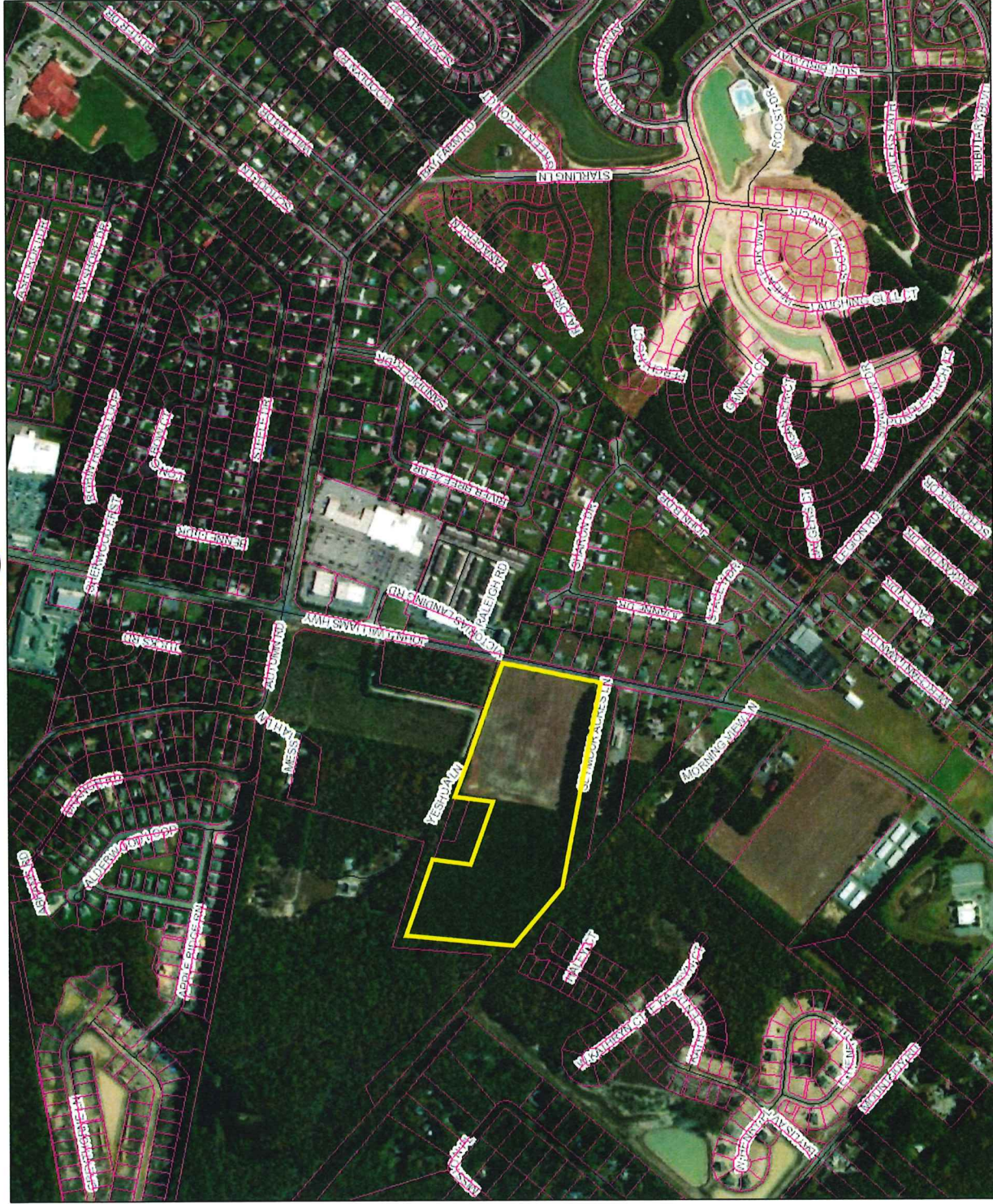


July 23, 2021  
3300 Auburn Rd. Ste. 300 | Auburn Hills, MI | 48326 | p 248 601 4422 | [www.designhaus.com](http://www.designhaus.com)

# EXHIBIT E

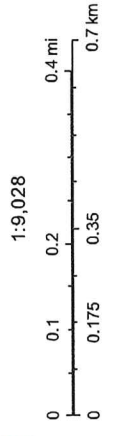


# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 101
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

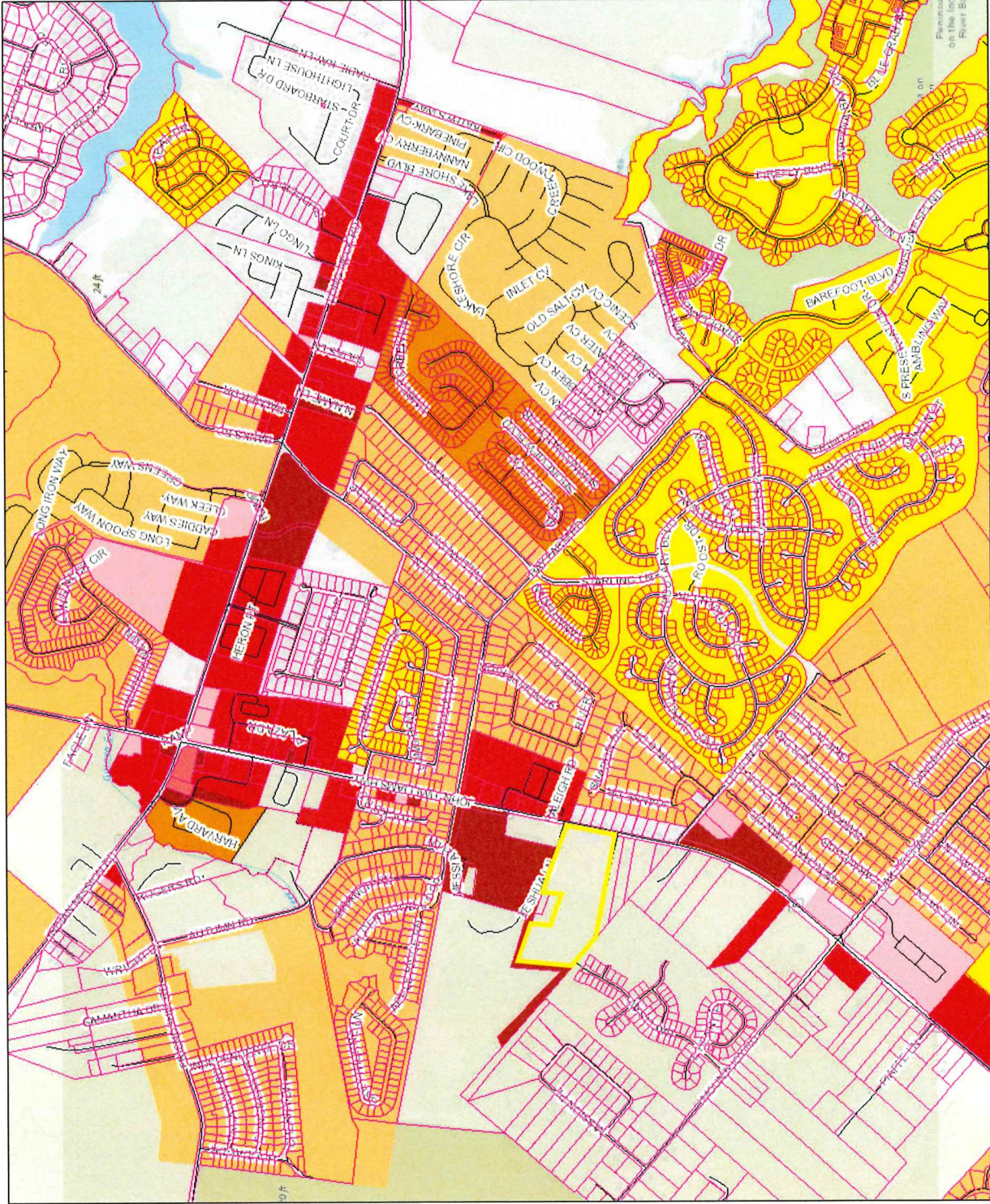
- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries





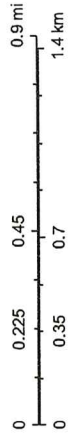
# Sussex County

<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	



- polygonLayer  
Override 1
- polygonLayer  
Override 1
- Tax Parcels
- Streets

1:18,056



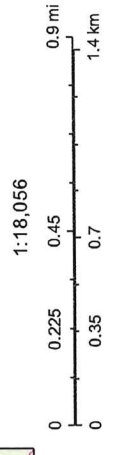


# Sussex County

<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100 DEWEY BEACH
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

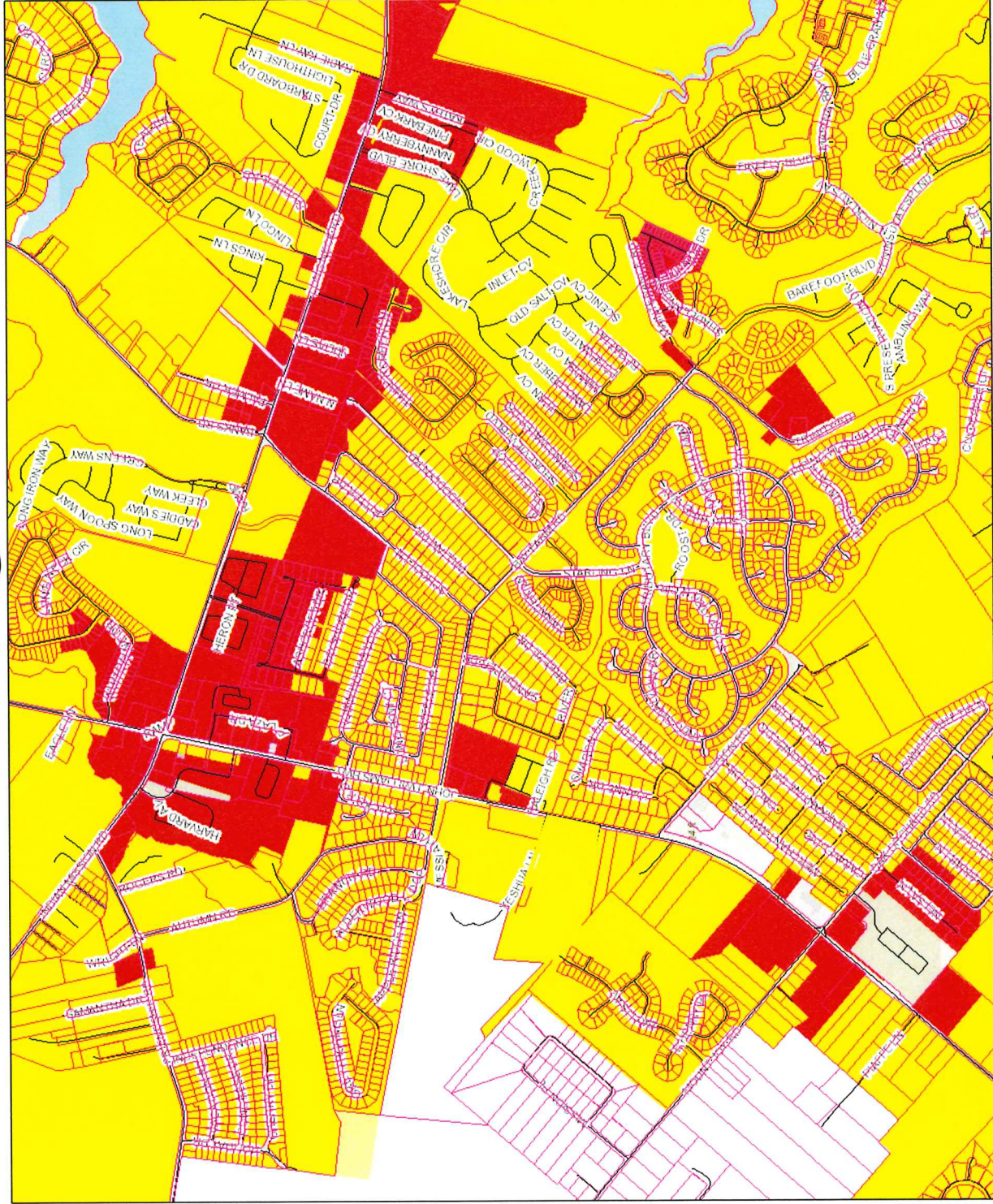


- polygonLayer**  
Override 1
- polygonLayer**  
Override 1
- Tax Parcels
- Streets
- County Boundaries
- Conditional Use



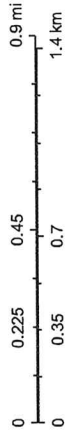


# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 101
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

1:18,056



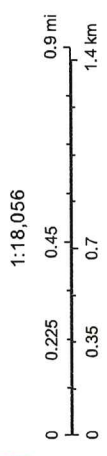


# Sussex County



<b>PIN:</b>	234-29.00-49.02
<b>Owner Name</b>	AMERICAN STORAGE OF DELAWARE LLC
<b>Book</b>	5328
<b>Mailing Address</b>	113 DICKINSON ST STE 100
<b>City</b>	DEWEY BEACH
<b>State</b>	DE
<b>Description</b>	W/RT 24
<b>Description 2</b>	PARCEL 1
<b>Description 3</b>	N/A
<b>Land Code</b>	

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



# EXHIBIT F





20246 Coastal Highway  
Rehoboth Beach, DE 19971  
PH: (302) 227-7808  
www.scaledengineering.com

---

## COASTAL AREA ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION REPORT

---

**AMERICAN STORAGE OF DELAWARE  
JOHN J. WILLIAMS HIGHWAY  
MILLSBORO, DE 19966**



**PREPARED FOR:**

American Storage of Delaware LLC  
113 Dickinson Street  
Suite 100  
Dewey Beach, DE 19971

**PREPARED BY:**

Scaled Engineering Inc  
20246 Coastal Highway  
Rehoboth Beach, DE 19971



  
M. Josh Stallings  
Senior Environmental Scientist

Carlton R. Savage, Jr., P.E.  
Senior Engineer | Principal

## **TABLE OF CONTENTS**

1.0	INTRODUCTION.....	3
2.0	EXISTING CONDITIONS.....	3
3.0	ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION.....	3
3.A	PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS.....	3
3.B	PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS.....	3
3.C	PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS.....	4
3.D	ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM.....	4
3.E	THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS.....	4
3.F	THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE.....	4
3.G	PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4. [ADDED 12-16-2008 BY ORD. NO. 2022 <sup>1</sup> ].....	4
3.H	A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE.....	5
3.I	ECONOMIC, RECREATIONAL OR OTHER BENEFITS.....	5
3.J	THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.....	5
3.K	A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN.....	5
3.L	ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN.....	6
4.0	CONCLUSION.....	6
	REFERENCES.....	7

### APPENDICES:

APPENDIX A – PRELIMINARY CONCEPT PLAN

APPENDIX B – FIGURES

- CRITICAL HABITAT FOR THREATENED & ENDANGERED SPECIES
- WETLAND MAPPING

APPENDIX C – ASSESSMENT OF ENVIRONMENTAL CONDITIONS & NATURAL FEATURES REPORT

## **1.0 INTRODUCTION**

Scaled Engineering Inc (Scaled) on behalf of American Storage of Delaware LLC (client), has prepared an Environmental Assessment and Public Facility Evaluation Report (report) for the American Storage of Delaware LLC property, located west side of John J. Williams Highway (Route 24), 0.25± miles south of Bay Farm Road, Millsboro, DE 19966. The site is listed under Sussex County tax map numbers 234-29.00-49.02, 49.03 & 50.00. The site is intended to be improved with commercial business park (flex park), mini-warehouse (self-storage) facilities, mini-warehouse office, and residential multi-family housing with clubhouse. A preliminary concept plan is provided in Appendix A.

## **2.0 EXISTING CONDITIONS**

The subject property consists of a vacant, 25.90± acre, partially wooded parcel with approximately 12 acres of tillable land. Topographically, much of the site is nearly level, with gently sloped areas to the north and northwest with approximately 3 feet of relief. Regionally, the eastern part of the site is located within the Indian River Bay – Indian River Inlet watershed, which ultimately drains to the Indian River Bay. The western part of the site is located within the Love Creek watershed, which ultimately drains to the Rehoboth Bay.

## **3.0 ENVIRONMENTAL ASSESSMENT AND PUBLIC FACILITY EVALUATION**

### **3.A PROPOSED DRAINAGE DESIGN AND THE EFFECT ON STORMWATER QUALITY AND QUANTITY LEAVING THE SITE, INCLUDING METHODS FOR REDUCING THE AMOUNT OF PHOSPHORUS AND NITROGEN IN THE STORMWATER RUNOFF AND THE CONTROL OF ANY OTHER POLLUTANTS SUCH AS PETROLEUM HYDROCARBONS OR METALS**

The proposed drainage design will utilize best management practices to meet or exceed state regulatory requirements. A combination of wet basin(s), planted buffers, and infiltration practices (at a minimum) will be utilized to reduce phosphorus and nitrogen, and control runoff of other pollutants, such as petroleum hydrocarbons and metals. Quantity discharges would also be managed by appropriate measures on-site. A detailed stormwater management plan would be prepared and submitted to the Sussex Conservation District for review and approval prior to any land disturbing activities.

### **3.B PROPOSED METHOD OF PROVIDING POTABLE AND, WHERE APPROPRIATE, IRRIGATION WATER AND THE EFFECT ON PUBLIC OR PRIVATE WATER SYSTEMS AND GROUNDWATER, INCLUDING AN ESTIMATE OF AVERAGE AND PEAK DEMANDS**

Potable water will be serviced by Tidewater Utilities, Inc (Tidewater, TUI). The property is located within TUI's Certificate of Public Necessity (CPCN) area. A service request has been submitted to Tidewater, and the "Willing and Able to Serve Letter" will be provided upon receipt. A water main including potable and fire suppression water is located on the opposite side of Route 24. It is unknown if service stubs are already provided to the site; however, they would be extended to provide adequate water supply to the project. Utilizing the public water utility will ensure there are no negative effects to groundwater. The current plan would generate the need for 140 residential units (140 EDU's) and a single bathroom facility for the mini-storage facility (3 EDU's estimated). Based on Sussex County design standards of 250 gallons per day per Estimated Dwelling Unit (EDU) an average demand of 35,750 gallons per day with a peak demand (assuming a peaking factor of 2.3) to be approximately 82,225 gallons per day. With the property in the Coastal Area, factors such as seasonal occupancy may reduce this demand. Extension of the existing water main would be designed in accordance with Tidewater Standards (by the site engineer) and installed by the developer to accommodate the potable demand, and to provide additional fire hydrant(s) and fire suppression to proposed facilities.

### **3.C PROPOSED MEANS OF WASTEWATER TREATMENT AND DISPOSAL WITH AN ANALYSIS OF THE EFFECT ON THE QUALITY OF GROUNDWATER AND SURFACE WATERS, INCLUDING ALTERNATIVE LOCATIONS FOR ON-SITE SEPTIC SYSTEMS**

Sanitary Sewer (Wastewater) service will be provided by Sussex County. A "Sewer Service Concept Evaluation" (SSCE) was submitted to the Sussex County Engineering Department along with the appropriate fee. The SSCE will analyze the project's capacity needs and provide the appropriate location and method for connection to the County's system. A "Willing and Able to Serve Letter" was also requested. Conversation with the County has determined, based on a preliminary review, the project will most likely utilize an existing stub near the Route 24 / (Bay Farm Rd/Autumn Rd) intersection. An adjacent property (to the North) is under design currently, which may allow for a closer connection. Following Sussex County Sewer Design standards and utilizing the Sussex County facility(s) will ensure there are no effects to the quality of groundwater and surface waters from wastewater treatment and disposal. It is currently assumed that this area will be handled by the Inland Bay Wastewater Treatment Plant off Cannon Road.

### **3.D ANALYSIS OF THE INCREASE IN TRAFFIC AND THE EFFECT ON THE SURROUNDING ROADWAY SYSTEM**

The increase in traffic and effect on the surrounding roadways will be analyzed, reviewed, and approved by the Department of Transportation (DelDOT) through a thorough review process. On-site entrance location, size, and any site (or off-site) improvements would be part of this process during design. Based on the PLUS report response by the DelDOT (dated March 3, 2021) (included in application) the proposed improvements would generate less than 2,000 Average Daily Traffic (ADT) and less than 200 peak hour vehicle trip ends. This allows the developer to provide an Area Wide Study (AWS) fee in lieu of a Traffic Impact Study (TIS). The fee is calculated as \$10 per daily trip and is used to fund traffic studies. The actual traffic generated by proposed improvements will be adjusted based on the actual use at the time of submission, and should traffic increase, requirements may change; however, it is not anticipated the thresholds would be exceeded to require a TIS. The site is fronted along Route 24, which is deemed a "Major Collector" and provides for substantial traffic flows given its functional classification. All necessary improvements would be designed and installed by the developer to ensure safe and appropriate traffic flow into and out of the site.

### **3.E THE PRESENCE OF ANY ENDANGERED OR THREATENED SPECIES LISTED ON FEDERAL OR STATE REGISTERS AND PROPOSED HABITAT PROTECTION AREAS**

Per the U.S. Fish & Wildlife Service (FWS), "Critical Habitat for Threatened & Endangered Species" mapping, no critical habitat for threatened and endangered species, nor proposed habitat protection areas exist on the site (see Appendix B). An "Assessment of Environmental Conditions and Natural Features" report, prepared by Edward M. Launay of Environmental Resources, Inc., revealed no endangered or threatened species on the site (see Appendix C).

### **3.F THE PRESERVATION AND PROTECTION FROM LOSS OF ANY TIDAL OR NONTIDAL WETLANDS ON THE SITE**

Per the FWS, National Wetlands Inventory, no wetlands exist on the site (see Appendix B). An "Assessment of Environmental Conditions and Natural Features" report, prepared by Edward M. Launay of Environmental Resources, Inc., revealed no wetlands on the site (see Appendix C).

### **3.G PROVISIONS FOR OPEN SPACE AS DEFINED IN § 115-4. [ADDED 12-16-2008 BY ORD. NO. 2022']**

The proposed project will allow approximately 11 acres of land to remain open space. Approximately 4.77 acres will consist of undisturbed forested area, which will be utilized for recreation and provide wildlife habitat. Other

passive open space will contain stormwater best management practices. Active open space will contain grass areas, recreational features, and decorative landscaping.

### **3.H A DESCRIPTION OF PROVISIONS FOR PUBLIC AND PRIVATE INFRASTRUCTURE**

Sewer service will be provided by Sussex County. Potable water will be provided by Tidewater. Sewer and water infrastructure necessary to connect to the public utilities will be constructed by the developer. Electric will be serviced by Delmarva Power. Easements will be provided, as necessary, for all infrastructure to be maintained by an agency and/or service provider. Internal access roads and parking will be constructed and privately maintained by the developer and/or homeowners association.

### **3.I ECONOMIC, RECREATIONAL OR OTHER BENEFITS**

The proposed commercial business park and mini-warehouse facilities will provide business and employment opportunities, which will promote economic growth to the community and surrounding areas. The self-storage facility will provide a viable personal storage option, which will benefit the growing community. The multi-family housing will offer market rate apartments to individuals and families living and working in Long Neck and surrounding areas. The proposed club house and active outdoor open space will provide safe and family oriented recreational area for residents on-site.

### **3.J THE PRESENCE OF ANY HISTORIC OR CULTURAL RESOURCES THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES**

Per an online review of the National Park Service, National Register of Historic Places database, there are no historic or cultural resources at the site.

### **3.K A DESCRIPTION OF HOW THE PROPOSED APPLICATION AND PROPOSED MITIGATION MEASURES ARE IN CONFORMANCE WITH THE CURRENT SUSSEX COUNTY COMPREHENSIVE PLAN**

Currently the property is Zoned AR-1 with a Future Land Use Designation of Coastal Area. The Coastal Area is "...among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices." With the development of new homes in this Coastal Area, commercial facilities will need to be added to support the needs of the additional residents.

#### Commercial Storage:

Many new residents are moving from remote destinations to Sussex County (and the Coastal Area in particular) for retirement and lower cost living after achieving a specific age. Generally, new homes are smaller than those they are leaving, and located within planned residential communities which do not provide ample storage for their needs (or the ability to add additional storage facilities such as detached garages/sheds/buildings). This use provides a cost effective means of storage in a centralized location adjacent to adequate transportation and roadways.

Per the 2018 Sussex Comprehensive Plan Update, "Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and HIGHWAYS."

This site is directly located along Route 24 (John J. Williams HIGHWAY), and adjacent to other commercial uses (retail and service). Based on these facts, the property appears suited to be included within that concentration of use already prescribed in the area.

#### Medium Density Residential:

The rear of the property (as proposed) is for multi-family residential. Per the 2018 Comprehensive Plan "Sussex County's base density of 2 units per acres is appropriate throughout this classification (Coastal Area); however, medium and higher density (4-12 units per acre) can be appropriate in certain areas. Medium and Higher Density

could be supported in areas: where there is central water and sewer (provided); near sufficient commercial uses (Harris Teeter shopping center across Route 24 and newly proposed commercial to north); where it is in keeping with the character of the area (Victoria's Landing multifamily across Route 24 and other nearby medium density developments to north and south of property); where it is along a main road or at/near a major intersection (along Route 24); where there is adequate Level of Service (Located within Level 2 of the 2020 Delaware Strategies for State Policies and Spending);...".

### **3.L ACTIONS TO BE TAKEN BY THE APPLICANT TO MITIGATE THE DETRIMENTAL IMPACTS IDENTIFIED RELEVANT TO SUBSECTION B(2)(A) THROUGH (K) ABOVE AND THE MANNER BY WHICH THEY ARE CONSISTENT WITH THE COMPREHENSIVE PLAN**

The above subsections B(2)(A) through (K), strive to identify possible impacts from the proposed development. Each item above requires professional engineering/design, oversight, review, and approval by respective authoritative agency(s); therefore, will meet the requirements set forth in all Federal, State, County, and Local codes/regulations to minimize (or eliminate) possible detrimental impacts from development.

"The (2018 Comprehensive) Plan strives to set a foundation for decision-making and provide the County with a roadmap to a future that will maintain and enhance the quality of life all residents enjoy." The proposed project as described compliments the nearby area by providing responsible growth and necessities of the community while maintaining the quality of life residents are moving to the area to enjoy, as is consistent with the Comprehensive Plan.

## **4.0 CONCLUSION**

The American Storage of Delaware LLC project will utilize best management practices that meet or exceed regulatory requirements. The project will provide opportunity for economic and societal growth within the community, while preserving the environment.

Scaled Engineering Inc. is committed to bringing the best resources to our clients to assist in development of their projects. Should you have any questions or need additional information, please do not hesitate to contact Scaled.

## **REFERENCES**

The following documents, publications, maps, etc., were used as source materials for this report:

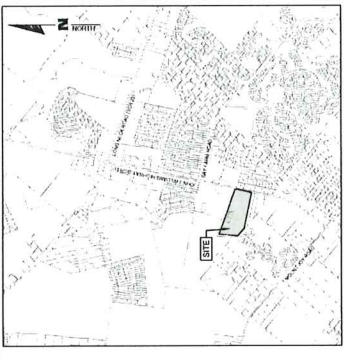
- Sussex County Delaware, Online Mapping: <https://maps.sussexcountycle.gov/OnlineMap/Map.html>
- Sussex County Delaware Property Records: <https://property.sussexcountycle.gov>; <https://maps.sussexcountycle.gov/OnlineMap/Map.html>; <https://sussexcountycle.gov/recorder-deeds>
- U.S. Fish & Wildlife Service (FWS), Critical Habitat for Threatened & Endangered Species: <https://fws.maps.arcgis.com/home/item.html?id=9d8de5e265ad4fe09893cf75b8dbfb77#!>
- FWS, National Wetlands Inventory: <https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>
- National Park Service, National Register of Historic Places: <https://www.nps.gov/subjects/nationalregister/index.htm>
- Sussex County Comprehensive Plan – Final March 2019 – “The Sussex Plan” <https://sussexcountycle.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>
- Strategies for State Policies and Spending (DelDOT) <http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=265b9ac2d304432b962b0ba0f1de76>

b6

S:\PROJECTS\GRAULICH\GRAU001 - Rt 24 - American Storage\ENVIRONMENTAL\Coastal Area Env Report.docx

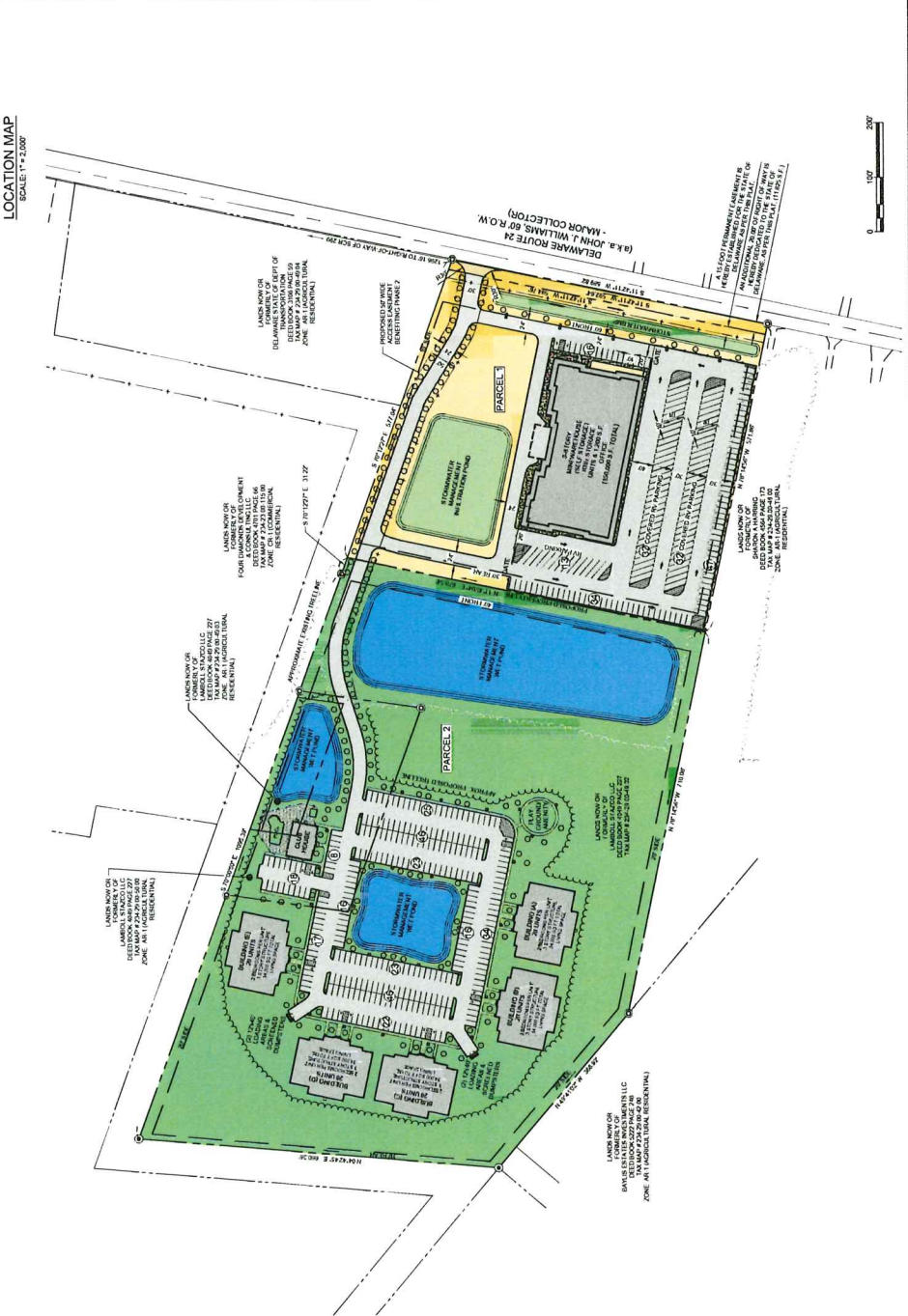
**APPENDIX A**  
**PRELIMINARY CONCEPT PLAN**





**LEGEND:**

- CAPPED REBAR FOUND
- IRON PIPE FOUND
- PROPERTY BOUNDARY
- ADJOINER LINE
- EASEMENT
- PROPOSED TREELINE
- BUILDING SETBACK
- AREA LIGHTING (DOT OFF SCREENED / LIGHT POST)
- PROPOSED BUILDING
- PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) (8.27 AC) - TO BE REZONED C-3
- PARCEL 2 - MULTI-FAMILY HOUSING (17.83 AC) - TO BE REZONED MR
- \* DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1



**SITE DATA:**

- TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
- OWNER: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
- ADDRESS: AMERICAN STORAGE OF DELAWARE, 13000 ROCKLEDGE DRIVE, SUITE 100, ROCKVILLE, MD 20850
- ZONING: EXISTING: AGRICULTURAL / WOODED; PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT); PARCEL 2 - MR (MEDIUM RESIDENTIAL)
- USE: EXISTING: AGRICULTURAL / WOODED; PROPOSED: PARCEL 1 - MINI-WAREHOUSE (SELF STORAGE) \* 150,000 SQ FT; PARCEL 2 - MULTI-FAMILY HOUSING CLUBHOUSE \* 3,000 SQ FT
- BUILDING SETBACKS: C-3 (HEAVY COMMERCIAL DISTRICT): FRONT 5' (VESPAJIAN LN); SIDE 5' (VESPAJIAN LN); REAR 5' (VESPAJIAN LN); MR-1 (MEDIUM RESIDENTIAL): FRONT 30' (VESPAJIAN LN); SIDE 30' (VESPAJIAN LN); REAR 30' (VESPAJIAN LN)

\* THESE SHALL BE A LOTS AND NOT LESS THAN 20 FEET IN WIDTH ON THE SIDE OF THE LOT ADJOINING A STREET OR HIGHWAY AND NOT LESS THAN 30 FEET IN WIDTH ON THE REAR SIDE OF A LOT ADJOINING A RESIDENTIAL DISTRICT.

**7. AREAS:**

EXISTING:	25.91 AC
PROPOSED:	8.27 AC
PARCEL 1	17.83 AC
PARCEL 2	23.97 AC
TOTAL	25.91 AC

\* DELDOT DEDICATION (0.27 AC) INCLUDED IN PARCEL 1

**8. NET DEVELOPMENT AREA:** 25.91 AC

**9. SEWER PROVIDER:** ON SITE SEPTIC SUSSER COUNTY

**10. WATER PROVIDER:** TOWNSHIP

**11. THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE (DELIMITED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 100500707A, REVISED MARCH 16, 2015 (ZONE X))**

**12. NO WETLANDS ARE ON SITE PER THE DNREC MAP.**

**13. PRE-DEVELOPMENT:** 14.28 AC  
**DEVELOPMENT:** 14.28 AC  
**REMAINING:** 4.77 AC

**14. PROXIMITY TO DELDOT AREA:** 0.15 MILES

**15. SITE IS NOT WITHIN WELLSHEAD PROTECTION AREA**

**16. SITE WITHIN COASTAL AREA:** FAIRPOOR

**17. RECHARGE AREA:**

**PARKING / LOADING REQUIREMENTS:**

**DEF-STREET PARKING - (PER CODE SECTIONS 115-152A & 155)**

REQUIRED PARKING:	0 SPACES REQUIRED
HANDICAP PARKING (1:25 PARKING SPACES):	1 VAN SPACE REQUIRED
COMMUNITY OFFICE (1 PER 200 SF (1,200 SF)):	14 SPACES PROVIDED
1000' SPACES:	1000' SPACES PROVIDED
VAN-IC SPACES:	17 SPACES PROVIDED
IN-USE STORAGE SPACES:	174 SPACES PROVIDED

**APARTMENT BUILDINGS - PER UNIT (60 UNITS):** 28 SPACES REQUIRED  
**CLUBHOUSE BUILDING (1500 SQ FT):** 28 SPACES REQUIRED  
**TOTAL SPACES \* 13 VAN IC SPACES \* 282 SPACES PROVIDED**

**TOTAL PARKING PROVIDED:** 154 VAN IC SPACES  
 15 HANDICAP SPACES  
 489 TOTAL PARKING SPACES

**DEF-STREET LOADING - (PER CODE SECTIONS 115-157)**

MINI-WAREHOUSE (SELF STORAGE) OFFICE:	0 SPACE REQUIRED
LOADING SPACES REQUIRED:	0 SPACE (1:1-1-4)
LOADING SPACES PROVIDED:	3 SPACES PROVIDED
APARTMENT BUILDINGS:	3 SPACES REQUIRED
LOADING SPACES PROVIDED:	4 SPACES (1:1-4)

# **APPENDIX B**

## **FIGURES**

**CRITICAL HABITAT FOR THREATENED & ENDANGERED  
SPECIES**

## Critical Habitat for Threatened & Endangered Species [USFWS]



A specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

U.S. Fish and Wildlife Service | Maxar | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

# WETLAND MAPPING



# U.S. Fish and Wildlife Service National Wetlands Inventory

# WETLAND MAPPING



March 2, 2022

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

**APPENDIX C**  
**ASSESSMENT OF ENVIRONMENTAL CONDITIONS &**  
**NATURAL FEATURES REPORT**

# **Assessment of Environmental Conditions & Natural Features**

**Tax Map Parcels 234-29.00-49.02, 49.03 & 50.00  
Indian River Hundred, Sussex County, Delaware**

**March 3, 2022**

*Prepared for*

**American Storage of Delaware, LLC.  
113 Dickinson Street, Suite 100  
Dewey Beach, Delaware 19971**

*Prepared by*

**Edward M. Launay  
Senior Professional Wetland Scientist No. 875  
Environmental Resources, Inc.  
P.O. Box 169  
38173 DuPont Blvd.  
Selbyville, Delaware 19975**

**ERI Project No. 1062#1224**



# Assessment of Environmental Conditions & Natural Features

## Tax Map Parcels 234-29.00-49.02, 49.03 & 50.00 Indian River Hundred, Sussex County, Delaware

### Table of Contents

Introduction .....	1
Site Location & Topography .....	1
Soils.....	2
Forested Lands.....	3
Threatened & Endangered Species.....	4

### List of Exhibits

1. Sussex County Tax Map
2. Google Earth Photo, May 2021
3. Boundary Survey – Scaled Engineering (reduced)
4. Concept Plan – Scaled Engineering (reduced)
5. USDA Soil Survey of Sussex County
6. U.S. Fish & Wildlife Service National Wetland Inventory Map
7. U.S. Fish & Wildlife Service Species List, March 3, 2022
8. Photographs

## **Introduction**

Environmental Resources, Inc. (ERI) has performed a review of 29.90 acres of land located in Sussex County, Delaware on the western side of John J. Williams Highway (State Route 24) just south of Yeshua Lane. The site is located in the Indian River Hundred and it is composed of Tax Map Parcels 234-29.00-49.02, 49.03 and 50.00. The Sussex County Tax Map is included as Exhibit 1. A May 2021 Google Earth Photo is Exhibit 2. Exhibit 3 is a copy of a boundary survey reduced in size. This review was conducted on behalf of the property owner, American Storage of Delaware, LLC., who is seeking land use approval from Sussex County for a potential mixed use development involving residential housing and a commercial storage facility component. The proposed current plan is provided as Exhibit 4. A field reconnaissance of the property was performed on March 2, 2022. Prior to that reconnaissance, ERI reviewed a variety of published guidance document involving topics such as wetlands, soils and topography.

ERI found that in the case of the subject site, published guidance map information about environmental resources was relatively accurate. ERI did not encounter any wetlands, unique topographic conditions such as steep slopes, forest of exceptional resource value or any federally listed threatened or endangered species, or any critical habitats present on the property. The site is surrounded by existing residential and commercial development on three sides.

## **Site Location and Topography**

The 29.90 acre site is somewhat rectangular in shape. It has 598.92 feet of frontage along the western side of John J. Williams Highway (State Route 24). It is roughly 660 feet deep. Two unimproved driveways lie just to the north and south of the site, Yeshua Lane and Seymore Acres Lane respectively. Both lanes access low density residential housing. The frontage of the property is occupied by an 11.5 acre agricultural field (See Photographs 1, 2 & 3). The remainder of the site, 14.4 acres is immature woodland.

The topography over the site is relatively flat. State Route 24 is somewhat higher than the adjacent agricultural fields. Elevations range throughout the site from 15 to 19 feet. However, most of the property lies between 16 and 19 feet. While being relatively flat, the property is generally concave with somewhat higher lands surrounding it off site. A low point exists just off site at the northeast corner of the property. Within the site itself, topographic information shows areas of ridges and shallow closed depression. Soil conditions are very sandy. Historic aerial photography indicates that some parts of the agricultural field portion of the site has rare occurrences of wetness at the surface in some years after major storm events.

Based on ERI's site reconnaissance there is no evidence of any surface ponding within the wooded portion of the site. Depth to seasonal high groundwaters appears to average about 42 inches below the soil surface as observed on March 2, 2022. Soil textures were found to be composed of permeable loamy sand soils. There are no ditches, streams or surface water conveyances within, abutting or in close proximity to the property boundaries.

**Soil Characteristics & Groundwater**

The USDA Soil Survey for Sussex County is included as Exhibit 5 of this report. The Soil Survey indicates four soil types within the site, all with 0 – 2 percent slopes. Downer loamy sand (DnA), Fort Mott loamy sand (FmA), Ingleside loamy sand (IeA) soils total 78.9 percent of the site. They are well drained soils found on uplands.

Klej loamy sand (KsA) occupies 21.1 percent of the site. This somewhat poorly drained soil is mapped in the northwest quadrant of the site as shown by Exhibit 5. The occurrence of this soil type within the northwest quadrant of the site is consistent with conditions observed during ERI's site reconnaissance. Land of slightly lower elevation lie within this area and within some shallow topographically depressed areas in the center of the site. A soil boring near the northeast corner of the of the site where klej sandy loam is mapped is described as follows:

Inches	Description
0 – 2	10 YR 3/1 very dark grey loamy sand
2 - 14	10 YR 5/3 brown loamy sand
14 - 25	10 YR 5/4 yellowish brown loamy sand
25 – 38+	10 YR 5/2 greyish brown loamy sand
Groundwater Depth 36" 3/2/2022	

The extent of Klej loamy sand soils on this site is likely larger than mapped by the USDA Soil Survey.

Fort Mott loamy sand is mapped over much of the southerly half of the site (60.5% of total site). A soil boring was excavated near the center of the site just inside of the woods line (See Photograph 4) within the Fort Mott unit is described as follows:

Inches	Description
0 – 2	10 YR 3/2 very dark greyish brown loamy sand
2 - 13	10 YR 4/3 brown loamy sand
13 – 30	10 YR 4/4 dark yellowish brown loamy sand
30 - 52+	10 YR 5/6 yellowish brown loamy sand
Boring was dry at 52 inches 3/2/2022	

Within the center of the wooded portion of the site, a third boring was excavated in an area mapped as Fort Mott soils by the Soil Survey. It was very similar to the previously described soil, however, below 40 inches soil chromas had a chroma of 2.5 Y. They were variegated in color between 2.5 Y 6/3 light yellowish brown and 2.5 Y 5/6 light olive brown loamy sand. Depth to groundwater was 42 inches on 3/2/2022. It is likely the inclusions of other well drained soils in the Hammonton and Woodstown and Klej Series occur within the Fort Mott mapping unit shown on the USDA Soil Survey.

No hydric soils or soils indicative of wetlands were identified on this property. Soils on this property are somewhat poorly drained to well drained in character with few development limitations. Soil conditions are permeable loamy sands to sand.

**Forested Land** – The forest on this property is monotypic in both age and structure. Based upon review of aerial photography, the wooded portion of the site was clear cut in approximately 2004. The current forest is about 17 years old. Dominant species include loblolly pine, sweet gum and red maple. The understory ranges from open in higher parts (See Photograph 4) of the site and denser in more lowlying areas (See Photograph 5). In these low lying areas or within shallow topographic depression red maple is more prevalent along with species such as high bush blueberry, American holly and green briar. The plant community generally appears more wet tolerant than soil conditions would indicate in these areas.

Exhibit 6 of this report is the U.S. Fish and Wildlife Service, National Wetlands Inventory Map (NWI Map). The NWI Map classifies this entire site as uplands.

A palustrine forest wetland associated with a drainage way is mapped 0.15 miles northwest of the site. An isolated water filled depression is mapped approximately 0.03 miles north, northwest of the site. No indication of special habitat types was observed on the property.

**Federally Listed Threatened or Endangered Species** – No evidence of any federally listed threatened or endangered species under the Endangered Species Act was observed on the site during ERI's reconnaissance.

ERI also consulted with the U.S. Fish and Wildlife Service on this topic. The Service has no record of any federally listed species on this site. The Service's determination letter dated March 3, 2022, is included as Exhibit 7 of this report. The Service's letter does identify a candidate species for listing, Monarch Butterfly (*Dahaus plexippus*) where suitable conditions exist.

This species of butterfly has a life cycle dependent upon milkweed species growing in open fields. The open lands of this property are active agricultural lands. Suitable habitat is not present.

### **Conclusion**

The 25.90 acre site consists of 11.5 acres of agricultural field and 14.4 acres of a relatively immature stand of trees dominated by loblolly pine, sweet gum and red maple. The wooded portion of the site was clear cut in 2004. No specimen trees or habitats of special concern exist. No federally listed threatened or endangered species exist on the property.

The site is relatively flat but somewhat concave with respect to surrounding topography. There are no wetlands, streams or drainage conveyances on or nearby the site. Soils on the site are primarily loamy sands with few development limitations. The soils are mostly well drained in character. Only an estimated 20 to 35 percent of the site is occupied by soils somewhat poorly drained in character. Soil textures are permeable loamy sand to sand. Seasonal high water conditions observed on March 2, 2022 ranged from 36 inches below the surface to dry at 52 inches or greater.

The subject site is surrounded by existing commercial and residential development on three sides. To the rear or west of the site an area of relatively mature upland forests exists offsite.

# Exhibit 1

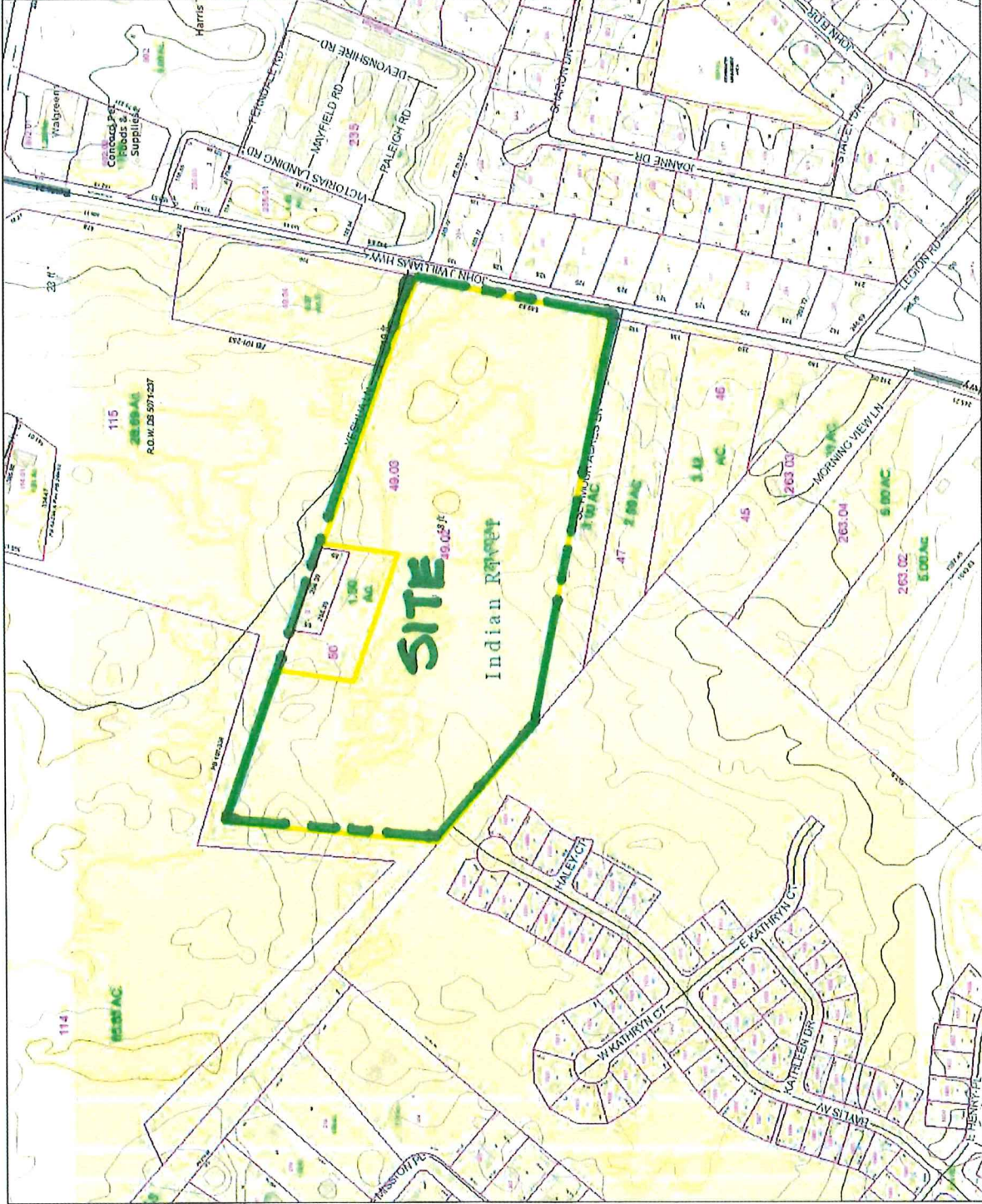
## Sussex County Tax Map

# EXHIBIT 1



Sussex County

PIN	234-29.00-49.02
Owner Name	AMERICAN STORAGE OF DELAWARE LLC
Book	5328
Mailing Address	113 DICKINSON ST STE DEWEY BEACH
City	DE
Description	W/RT 24
Description 2	PARCEL 1
Description 3	
Land Code	



## **Exhibit 2**

**Google Earth Photo, May 2021**



**American Storage  
EXHIBIT 2**

**Legend**



Google Earth

Image © 2021 Maxar Technologies

**Exhibit 3**

**Boundary Survey  
Scaled Engineering (reduced)**

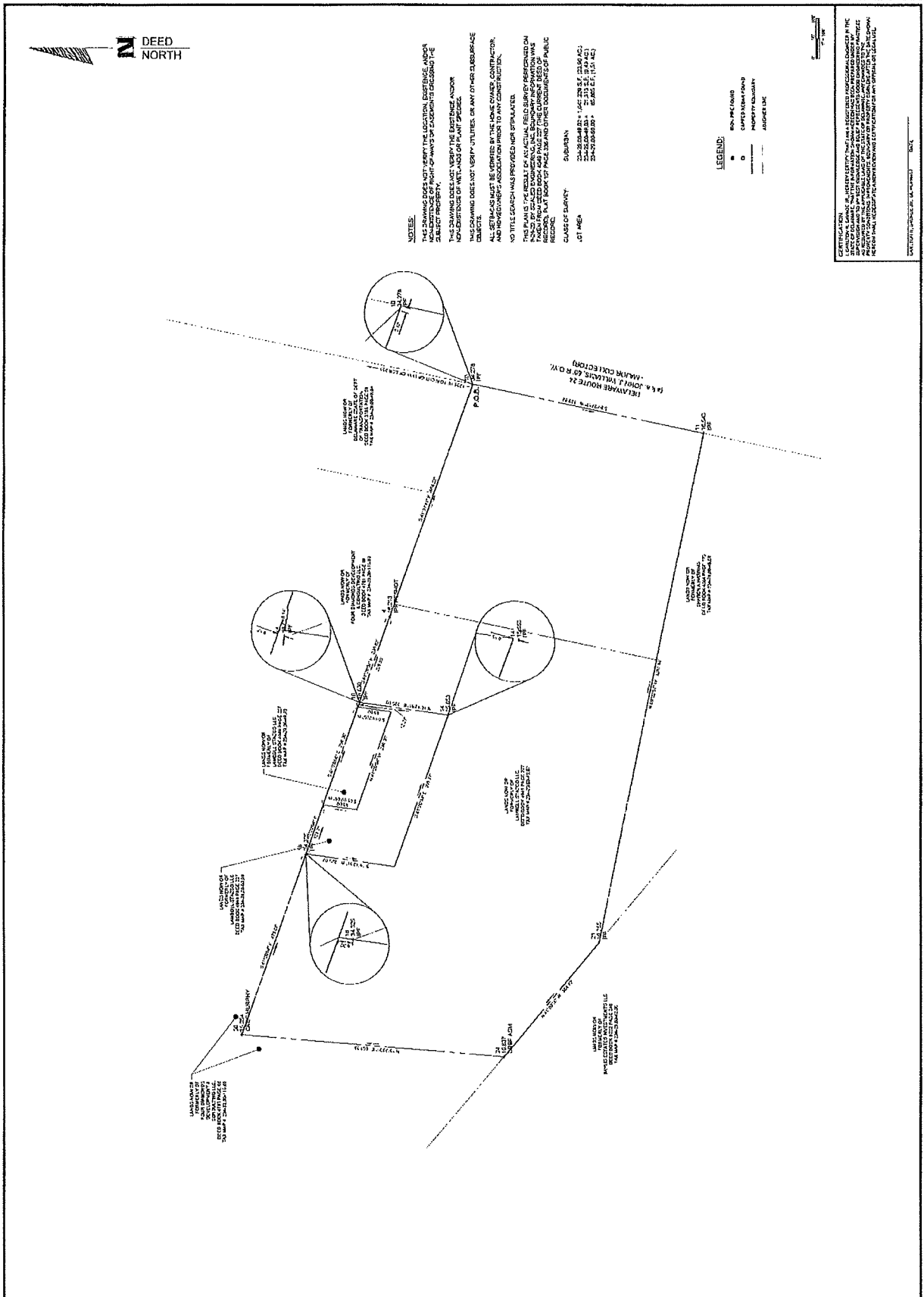


EXHIBIT 5

**Exhibit 4**

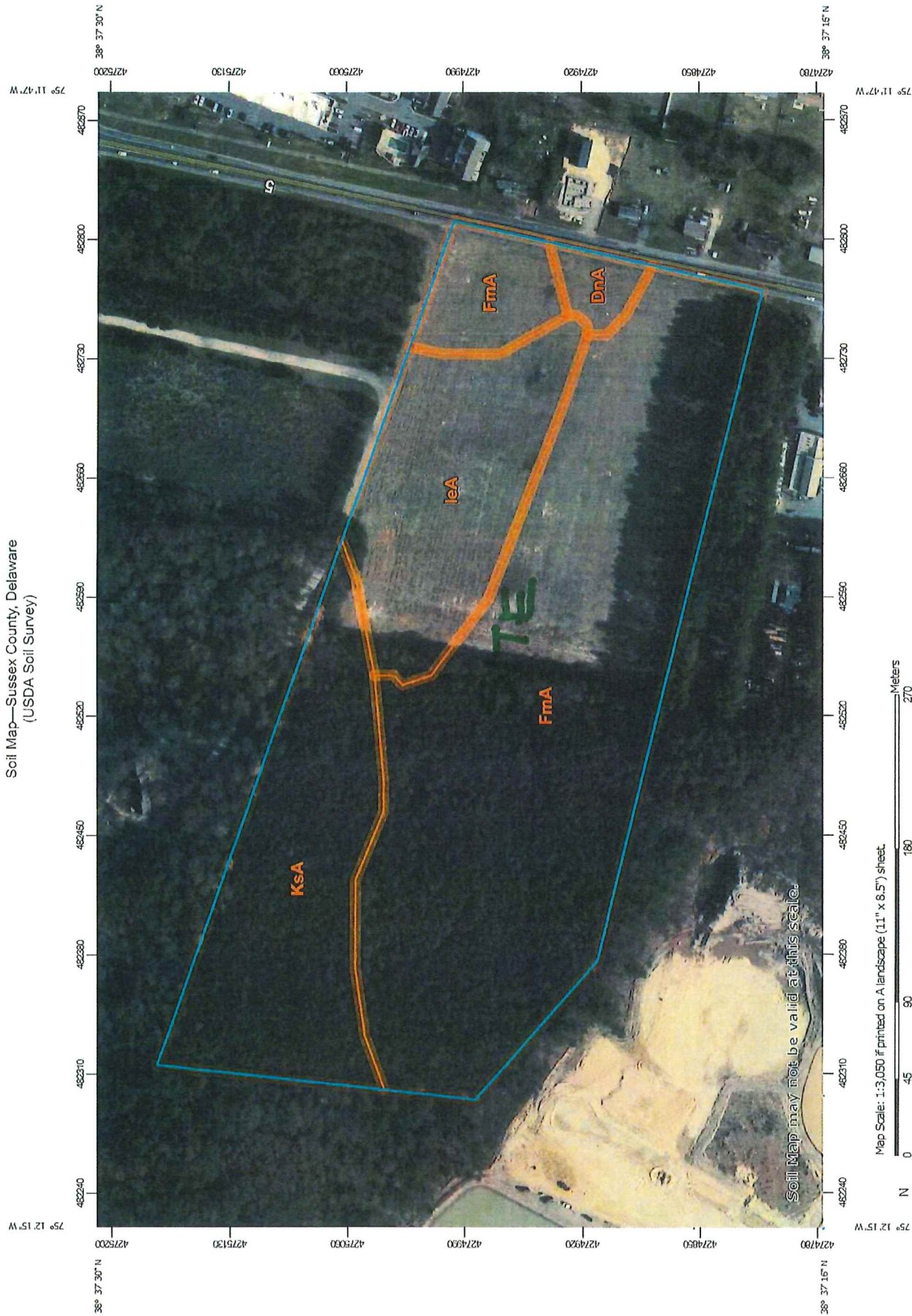
**Concept Plan  
Scaled Engineering (reduced)**



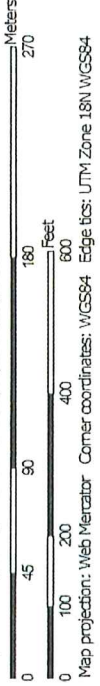
## **Exhibit 5**

# **USDA Soil Survey of Sussex County**

Soil Map—Sussex County, Delaware  
(USDA Soil Survey)












































Map Scale: 1:3,050 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

EXHIBIT 5

## 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 22, Aug 26, 2021

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

Date(s) aerial images were photographed: Apr 1, 2020—Oct 1, 2020

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
DnA	Downer loamy sand, 0 to 2 percent slopes	0.5	1.8%
FmA	Fort Mott loamy sand, 0 to 2 percent slopes	15.9	60.5%
IeA	Ingleside loamy sand, 0 to 2 percent slopes	4.3	16.5%
KsA	Klej loamy sand, 0 to 2 percent slopes	5.6	21.1%
<b>Totals for Area of Interest</b>		<b>26.3</b>	<b>100.0%</b>

## **Exhibit 6**

# **U.S. Fish & Wildlife Service National Wetland Inventory Map**



U.S. Fish and Wildlife Service

# National Wetlands Inventory

# American Storage of Delaware LLC



March 4, 2022

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

## EXHIBIT 6

National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper

**Exhibit 7**

**U.S. Fish & Wildlife Service  
Species List  
March 3, 2022**

# EXHIBIT 7



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Chesapeake Bay Ecological Services Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
Phone: (410) 573-4599 Fax: (410) 266-9127



<http://www.fws.gov/chesapeakebay/>  
<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>

In Reply Refer To:  
Project Code: 2022-0015439  
Project Name: American Storage of Delaware LLC

March 03, 2022

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

## **Official Species List**

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Chesapeake Bay Ecological Services Field Office**  
177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307  
(410) 573-4599



## Project Summary

Project Code: 2022-0015439

Event Code: None

Project Name: American Storage of Delaware LLC

Project Type: Mixed-Use Construction

Project Description: Proposed development of a mixed use commercial storage facility and residential Hosing project on uplands.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.623283,-75.20047726008434,14z>



Counties: Sussex County, Delaware

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> <li>▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: <a href="https://www.fws.gov/savethemonarch/FAQ-Section7.html">https://www.fws.gov/savethemonarch/FAQ-Section7.html</a>).</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a>	Candidate

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

---

## **USFWS National Wildlife Refuge Lands And Fish Hatcheries**

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

## **IPaC User Contact Information**

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email [elaunay@ericonsultants.com](mailto:elaunay@ericonsultants.com)

Phone: 3024369637

# **Exhibit 8**

## **Photographs**

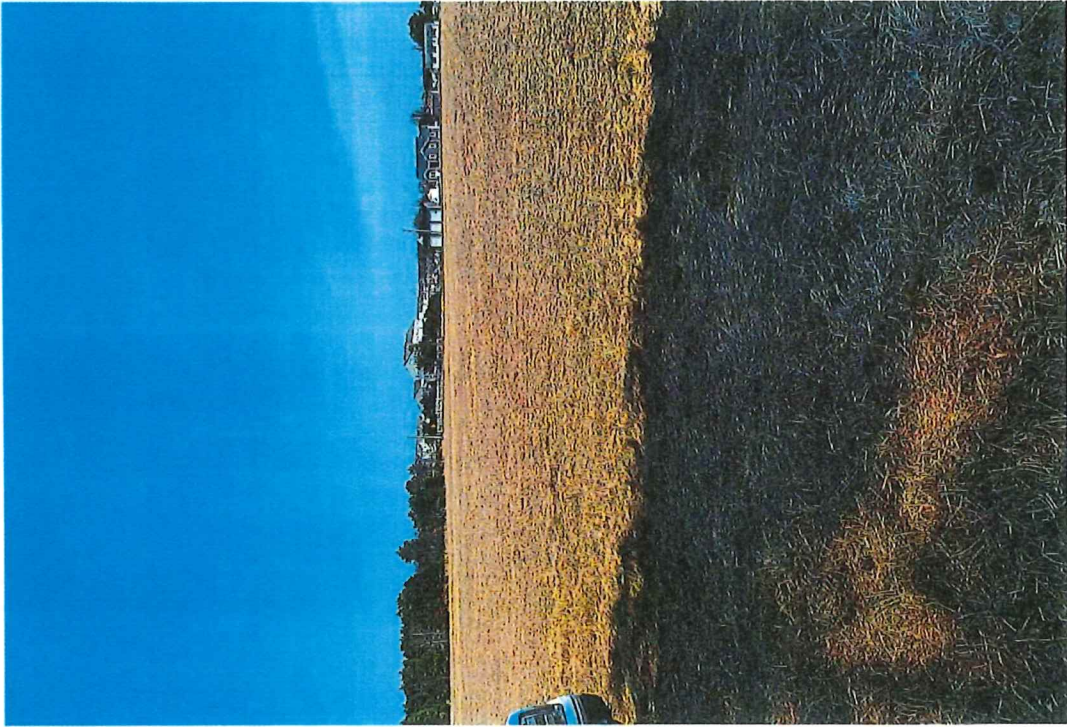


Photo 1 View east across agricultural field toward S.R. 24 3/2/2022

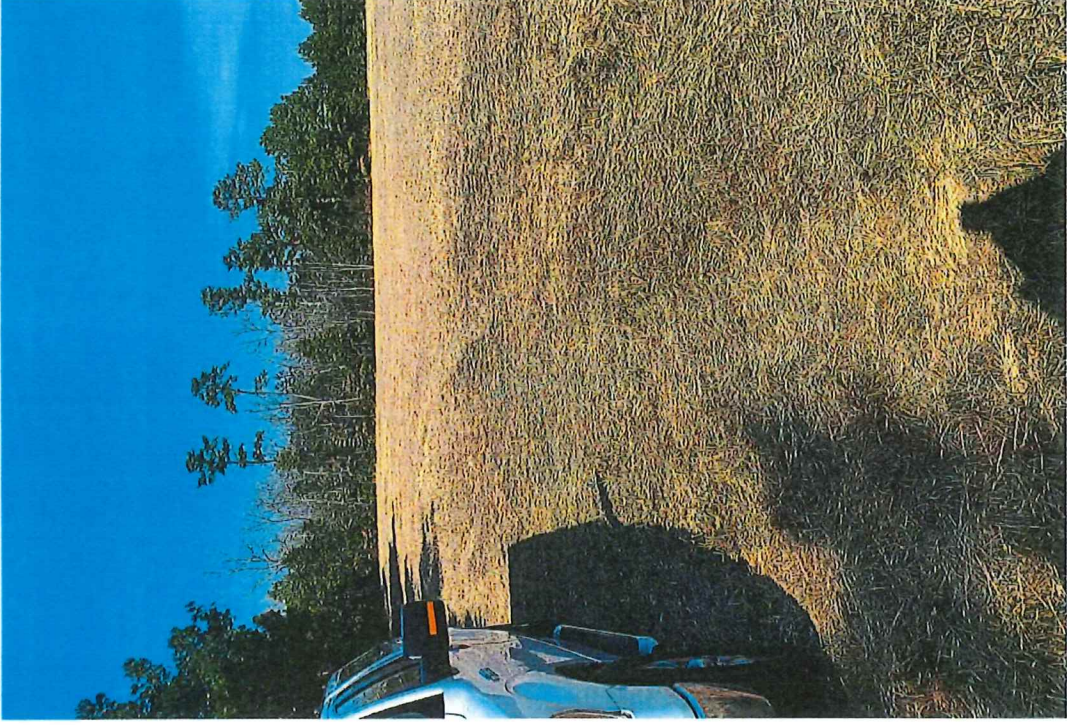


Photo 2 View north along field and woods edge



Photo 3 View south along  
field and woods edge



Photo 4 Open immature loblolly pine  
forest at woods edge near  
woods edge (higher elevation)





Photo 5 View of denser interior forest  
within topographic depression.  
Red maple, Sweet Gum & high bush blueberry  
do dominant species

# EXHIBIT G

**TIDEWATER**  
UTILITIES, INC.

A Middlesex Water Company Affiliate

March 10, 2022

*Sent via email*

M. Josh Stallings  
Scaled Engineering Inc.  
20246 Coastal Highway  
Rehoboth Beach, DE 19971

**RE: Willing & Able Letter- Tax Parcel No 234-29.00-49.02, 49.03, 50.00**

Dear Mr. Stallings:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water, including fire protection, to the following parcel identified as Tax Map Parcel No. 234-29.00-49.02, 234-29.00-49.03, and 234-29.00-50.00. Water service is contingent on the terms and conditions of a Water Service Agreement by and between Tidewater and the Project Owner.

Please feel free to contact me at 302-747-1304 if you have any questions or concerns regarding this matter. Tidewater looks forward to meeting the water needs of this project.

Sincerely,

*Kelly R. Bailey*

Kelly R. Bailey  
Manager of Contract Administration

## Hutt, David C.

---

**From:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>  
**Sent:** Tuesday, August 31, 2021 10:52 AM  
**To:** Hutt, David C.  
**Subject:** RE: American Storage of Delaware

Hi David,

Thank you for your email. I have reviewed this with Dorothy and David. OSPC will not require a new PLUS review.

We do note that the State Comments letter referred to a bike path in the DelDOT comments. The site plan does not appear to show one. Please make sure to address this feature moving forward with the plan.

Please let me know if you have any questions or if I can provide any additional information.

Thanks much,  
-Steve Bayer

Steve Bayer  
Planner  
Delaware Office of State Planning Coordination  
Haslet Armory  
122 Martin Luther King Jr. Boulevard, South  
Dover, DE 19901  
(302) 739-3090  
(302) 739-5661 fax  
<http://stateplanning.delaware.gov/>

---

**From:** Hutt, David C. <DHutt@morrisjames.com>  
**Sent:** Tuesday, August 31, 2021 9:34 AM  
**To:** Bayer, Stephen G (OMB) <stephen.bayer@delaware.gov>; Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov>  
**Subject:** American Storage of Delaware

Dorothy,

Earlier this year, the OSPC reviewed an application for American Storage of Delaware (PLUS Review 2021-02-05). For your ready reference, I have attached a copy of the PLUS Review Letter dated March 23, 2021.

The overall concept has stayed the same with a commercial-type use along Route 24 and residential behind that application. The acreage for the commercial has been reduced which, of course, increased the acreage for the residential component.

In short, what before was 139,600 square feet of mini storage and business park (flex space) and 104 residential units is now proposed to be 150,000 square feet of mini-storage and 140 residential units. Attached is a copy of the new concept.

Does your office want to see a new/revised application?

Thanks,

David

**Morris James**<sub>LLP</sub>

**David C. Hutt** | Partner

107 W. Market Street, P.O. Box 690, Georgetown, DE 19947  
19339 Coastal Highway, Suite 300, Rehoboth Beach, DE 19971

**Phone:** 302.856.0018 | **Fax:** 302.856.7217

[morrisjames.com](http://morrisjames.com) | [dhutt@morrisjames.com](mailto:dhutt@morrisjames.com)

[Facebook](#) | [LinkedIn](#) | [Twitter](#)

---

This communication may be subject to the attorney-client privilege or the attorney work product privilege or may be otherwise confidential. Any dissemination, copying or use of this communication by or to anyone other than the designated and intended recipient(s) is unauthorized. If you are not the intended recipient, please delete or destroy this communication immediately.

## Preliminary Land Use Service (PLUS)

### Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**Purpose of PLUS - -The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.**

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): 2021-02-05  
 Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): 2/3

1. Project Title/Name: American Storage of Delaware			
2. Location ( please be specific): Delaware Route 24 (John J. Williams Highway), Millsboro, Delaware			
3. Parcel Identification #: 234-29.00-49.02, 49.03 & 50.00		4. County or Local Jurisdiction Name: where project is located: Sussex County	
5. If contiguous to a municipality, are you seeking annexation: Not applicable.			
6. Owner's Name: American Storage of Delaware, LLC (Alex Pires)			
Address: 113 Dickinson Street			
City: Dewey Beach	State: Delaware	Zip: 19971	
Phone: (302) 462-5871 (202) 905-6706	Fax:	Email: nate.gmconstruction@gmail.com farmerslawyer@aol.com	
7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting):			Same as owner
Address:			
City:	State:	Zip:	
Phone:	Fax:	Email:	
8. Project Designer/Engineer: Carlton Savage, Jr.   SCALED.Engineering			
Address: 20246 Coastal Highway			
City: Rehoboth Beach	State: Delaware	Zip: 19971	
Phone: (302) 236-3600	Fax:	Email: carlton@scaledengineering.com	
9. Please Designate a Contact Person, including phone number, for this Project:			Nate Graulich   (302) 462-5871 Alex Pires   (202) 905-6706

**Information Regarding Site:**

10. Type of Review:  Rezoning, if not in compliance with certified comprehensive plan  Site Plan Review  
 Subdivision

11. Brief Explanation of Project being reviewed: The Project proposes to (1) rezone the front half of the property to C-3 (Heavy Commercial) for a Business Park (Flex Space) of 12.63 acres with 36,000 sq. ft. of Flex Park and 103,600 sq. ft. of mini-storage and an office for the mini-storage; and (2) rezone the rear half of the property to MR (Medium Residential) with a conditional use for multifamily (midrise) housing (13 acres) consisting of 104 units. If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications.

12. Area of Project (Acres +/-): 25.90 +/- acres      Number of Residential Units: 104      Commercial square footage: Business Park/Flex Space (36K Sq. Ft); Mini Storage (103,600 Sq. Ft.)

13. Present Zoning: AR-1 (Agricultural Residential)      14. Proposed Zoning: C-3 (Heavy Commercial); MR (Medium Density) with Conditional Use

15. Present Use: Agricultural/Wooded      16. Proposed Use: Business Park (Flex Park); Mini Storage and Multi-Family Housing

17. Water:  Central (Community system)  Individual On-Site  Public (Utility)      Tidewater  
 Service Provider Name:

Will a new public well be located on the site?  Yes  No

18. Wastewater:  Central (Community system)  Individual On-Site  Public (Utility)  
 Service Provider Name: Sussex County

Will a new community wastewater system be located on this site?  Yes  No

19. If residential, describe style and market segment you plan to target (Example- Age restricted):  
 The residential units are targeted as market rate apartments intended for those who live and work in the Long Neck and surrounding area

20. Environmental impacts:

How many forested acres are presently on-site? 13.79      How many forested acres will be removed? 9.20

To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site?  Yes  No

Are the wetlands:  Tidal      Acres:  
 Non-tidal      Acres:

If "Yes", have the wetlands been delineated?  Yes  No

Has the Army Corps of Engineers signed off on the delineation?  Yes  No

Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits?  Yes  No      If "Yes", describe the impacts:

How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? +/- 200'

21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?  Yes  No

per the DNREC NavMap

22. List the proposed method(s) of stormwater management for the site:  
 BMPs to likely include a combination of wet pond(s) and infiltration pond(s)

23. Is open space proposed?  Yes  No      If "Yes," how much?      Acres: 11.45

What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)?      active and passive recreation and stormwater management

24. Are you considering dedicating any land for community use (e.g., police, fire, school)?  Yes  No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: 1,170 ADT

What percentage of those trips will be trucks, excluding vans and pick-up trucks? < 5%

26. Will the project connect to state maintained roads?  Yes  No De. Rt. 24 (John J. Williams Highway)

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections.

There are no existing developments on adjacent lands.

28. Are there existing sidewalks?  Yes  No; bike paths  Yes  No

Are there proposed sidewalks?  Yes  No; bike paths  Yes  No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network?  Yes  No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites?  Yes  No

Has this site been evaluated for historic and/or cultural resources?  Yes  No

Would you be open to a site evaluation by the State Historic Preservation Office?  Yes  No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit?  Yes  No

Person to contact to arrange visit: Carlton Savage, Jr. phone number: (302) 238-3600

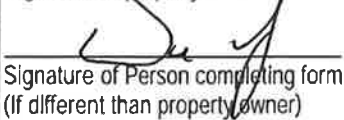
Alex Pires | (202) 905-6706

31. Are any federal permits, licensing, or funding anticipated?  Yes  No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.

  
Signature of property owner

1/29/21  
Date

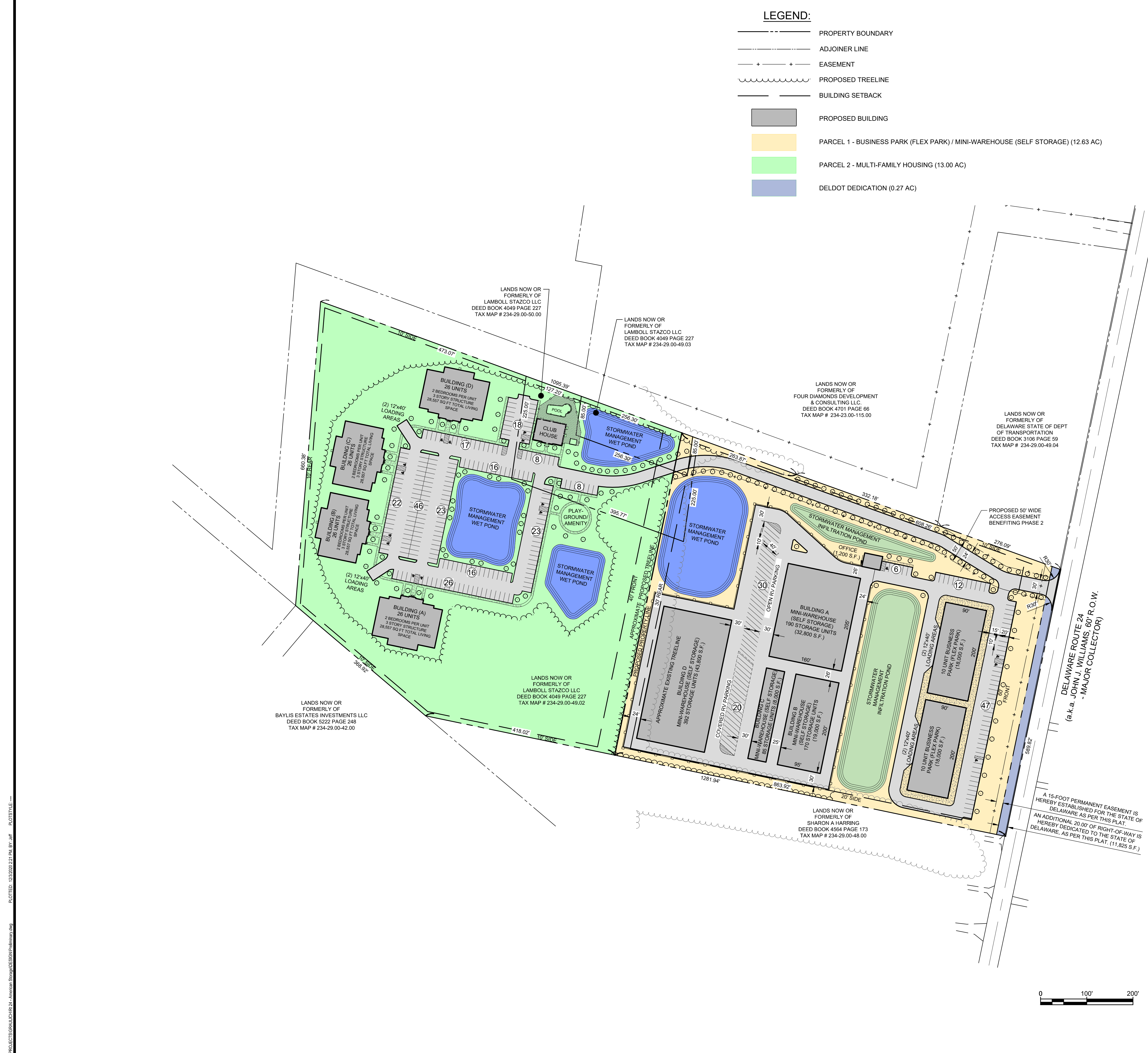
  
Signature of Person completing form  
(If different than property owner)

1/29/2021  
Date

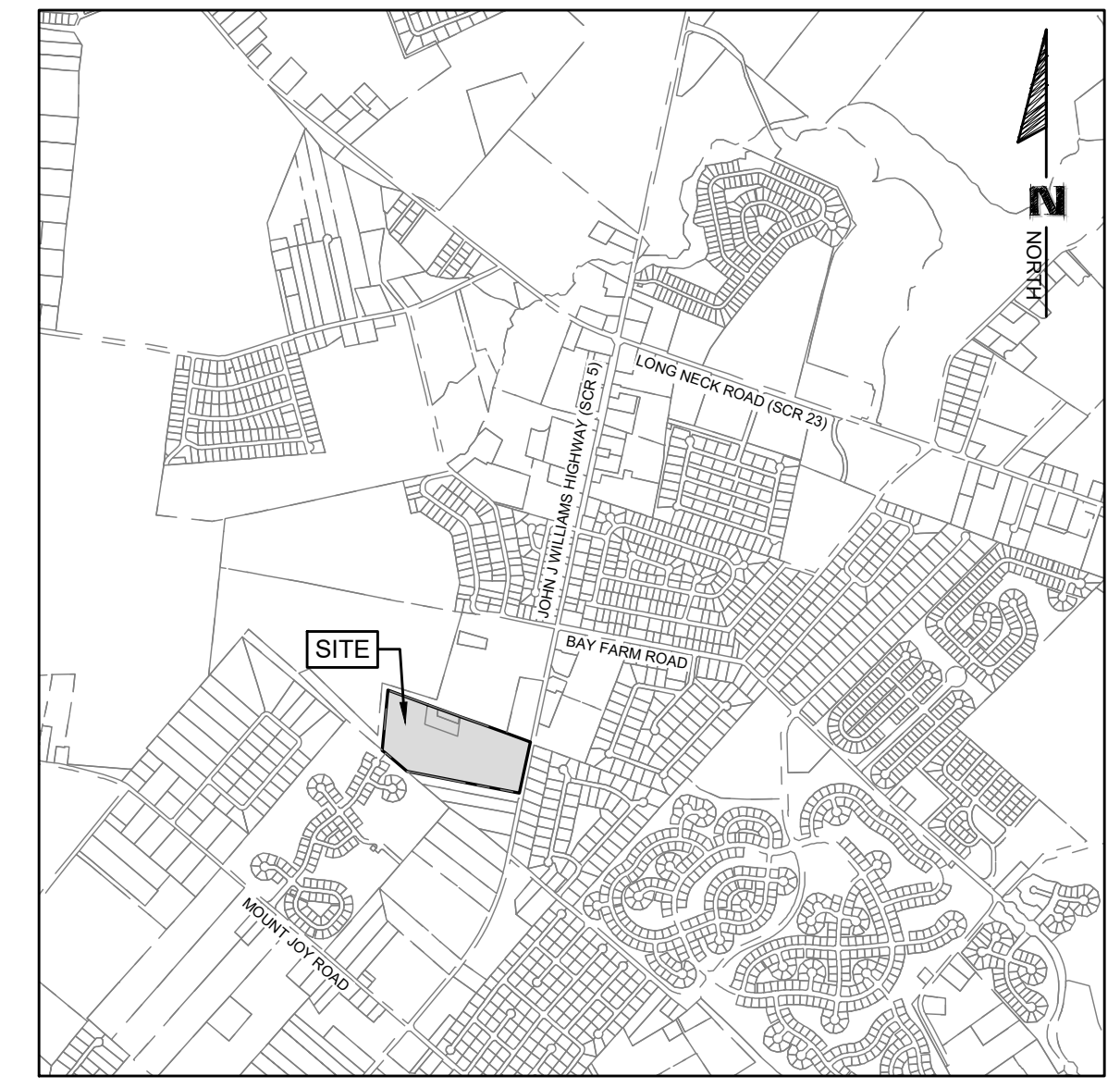
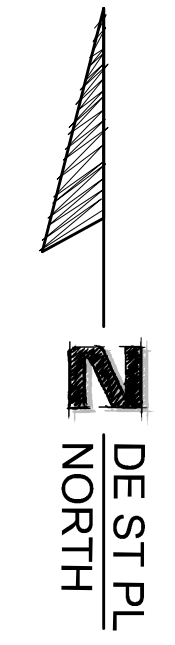
**Signed application must be received before application is scheduled for PLUS review.**

This form should be returned to the Office of State Planning electronically at [plus@state.de.us](mailto:plus@state.de.us) along with an electronic copy of any site plans and development plans for this site. Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions. A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. Please be sure to note the contact person so we may schedule your request in a timely manner.





- LEGEND:**
- PROPERTY BOUNDARY
  - - - ADJOINER LINE
  - + + + EASEMENT
  - ~ ~ ~ PROPOSED TREELINE
  - BUILDING SETBACK
  - PROPOSED BUILDING
  - PARCEL 1 - BUSINESS PARK (FLEX PARK) / MINI-WAREHOUSE (SELF STORAGE) (12.63 AC)
  - PARCEL 2 - MULTI-FAMILY HOUSING (13.00 AC)
  - DELDOT DEDICATION (0.27 AC)



**LOCATION MAP**  
SCALE: 1" = 2,000' X\_REF

- SITE DATA:**
- TAX MAP NUMBERS: 234-29.00-49.02, 49.03 & 50.00
  - ADDRESS: JOHN J. WILLIAMS HIGHWAY, MILLSBORO, DE 19966
  - OWNERS: AMERICAN STORAGE OF DELAWARE  
113 DICKENSON STREET  
DEWEY BEACH, DE 19971
  - ZONING: EXISTING: (AGRICULTURAL RESIDENTIAL)  
PROPOSED: PARCEL 1 - C-3 (HEAVY COMMERCIAL DISTRICT)  
PARCEL 2 - MR (MEDIUM RESIDENTIAL)
  - USE: EXISTING: AGRICULTURAL / WOODED  
PROPOSED:  
PARCEL 1 - BUSINESS PARK (FLEX PARK) = 36,000 SQ FT  
MINI-WAREHOUSE (SELF STORAGE) = 103,600 SQ FT  
MINI-WAREHOUSE OFFICE = 1,200 SQ FT  
PARCEL 2 - MULTI-FAMILY HOUSING (MID-RISE)  
(104 UNITS) = 114,228 SQ FT  
MULTI-FAMILY HOUSING CLUBHOUSE = 3,060 SQ FT
  - BUILDING SETBACKS:  
C-3 (HEAVY COMMERCIAL DISTRICT):  
FRONT 60' (JOHN J WILLIAMS HWY.)  
SIDE 5' (YESHUA LN.)  
REAR 20' (SEYMOUR ACRES LN.) \*  
30' \*  
MR - MEDIUM RESIDENTIAL:  
FRONT 40'  
SIDE 10'  
REAR 10'
  - AREAS: EXISTING: 25.90 AC  
PROPOSED: PARCEL 1 12.63 AC  
PARCEL 2 13.00 AC  
DELDOT DEDICATION 0.27 AC  
TOTAL 25.90 AC
  - NET DEVELOPMENT AREA: 25.90 AC
  - SEWER PROVIDER: ON SITE SEPTIC / SUSSEX COUNTY
  - WATER PROVIDER: TIDEWATER
  - THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD ZONE, DELINEATED BY THE NATIONAL FLOOD INSURANCE PROGRAM AS SHOWN AS ON FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 10005C0477K REVISED MARCH 16, 2015 (ZONE X).
  - NO WETLANDS ARE ON SITE PER THE DNREC NAVMAP.

**PARKING / LOADING REQUIREMENTS:**

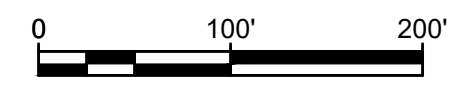
**OFF-STREET PARKING - (PER CODE SECTIONS 115-162A & 45-5)**

<b>REQUIRED PARKING:</b>	
WHOLESALE - 1 PER 2 EMPLOYEES (80 EMPLOYEES)	40 SPACES REQUIRED
HANDICAP PARKING (51-75 PARKING SPACES)	3 SPACES (1 VAN) REQUIRED
	56 SPACES + 3 HC SPACES (2 VAN) = 59 SPACES PROVIDED
<b>STORAGE FACILITY</b>	0 SPACES REQUIRED
10'x40' RV SPACES	50 SPACES PROVIDED
STORAGE FACILITY OFFICE - 1 PER 200 SF (1,200 SF)	6 SPACES REQUIRED
HANDICAP PARKING (1-25 PARKING SPACES)	1 VAN SPACE REQUIRED
	5 SPACES + 50 RV SPACES + 1 HC SPACES (VAN) = 56 SPACES PROVIDED
<b>APARTMENTS BUILDINGS - 2 PER UNIT (104 UNITS):</b>	208 SPACES REQUIRED
HANDICAP PARKING (200-300 PARKING SPACES)	7 SPACES (2 VAN) REQUIRED
	223 SPACES + 12 VAN HC SPACES = 235 SPACES PROVIDED

**TOTAL PARKING PROVIDED:** 334 PARKING SPACES  
+ 16 HANDICAP SPACES  
= 350 TOTAL PARKING SPACES

**OFF-STREET LOADING - (PER CODE SECTIONS 115-167)**

<b>LOADING</b>	
BUSINESS PARK (FLEX PARK)	
LOADING SPACES REQUIRED	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')
MINI-WAREHOUSE (SELF STORAGE) OFFICE	
LOADING SPACES REQUIRED	0 SPACE REQUIRED
LOADING SPACES PROVIDED	0 SPACE (12' X 40')
APARTMENT BUILDINGS	
LOADING SPACES REQUIRED	3 SPACES REQUIRED
LOADING SPACES PROVIDED	4 SPACES (12' X 40')



**AMERICAN STORAGE OF DELAWARE**

**TAX MAP # 234-29.00-49.02, 49.03 & 50.00**

**INDIAN RIVER HUNDRED, MILLSBORO, DELAWARE**

SCALED ENGINEERING  
20246 Coastal Highway  
Rehoboth Beach, DE 19971  
Phone: (302) 236-3600

CONCEPTUAL SITE PLAN

DATE: 6-29-20

SCALE: 1" = 100'

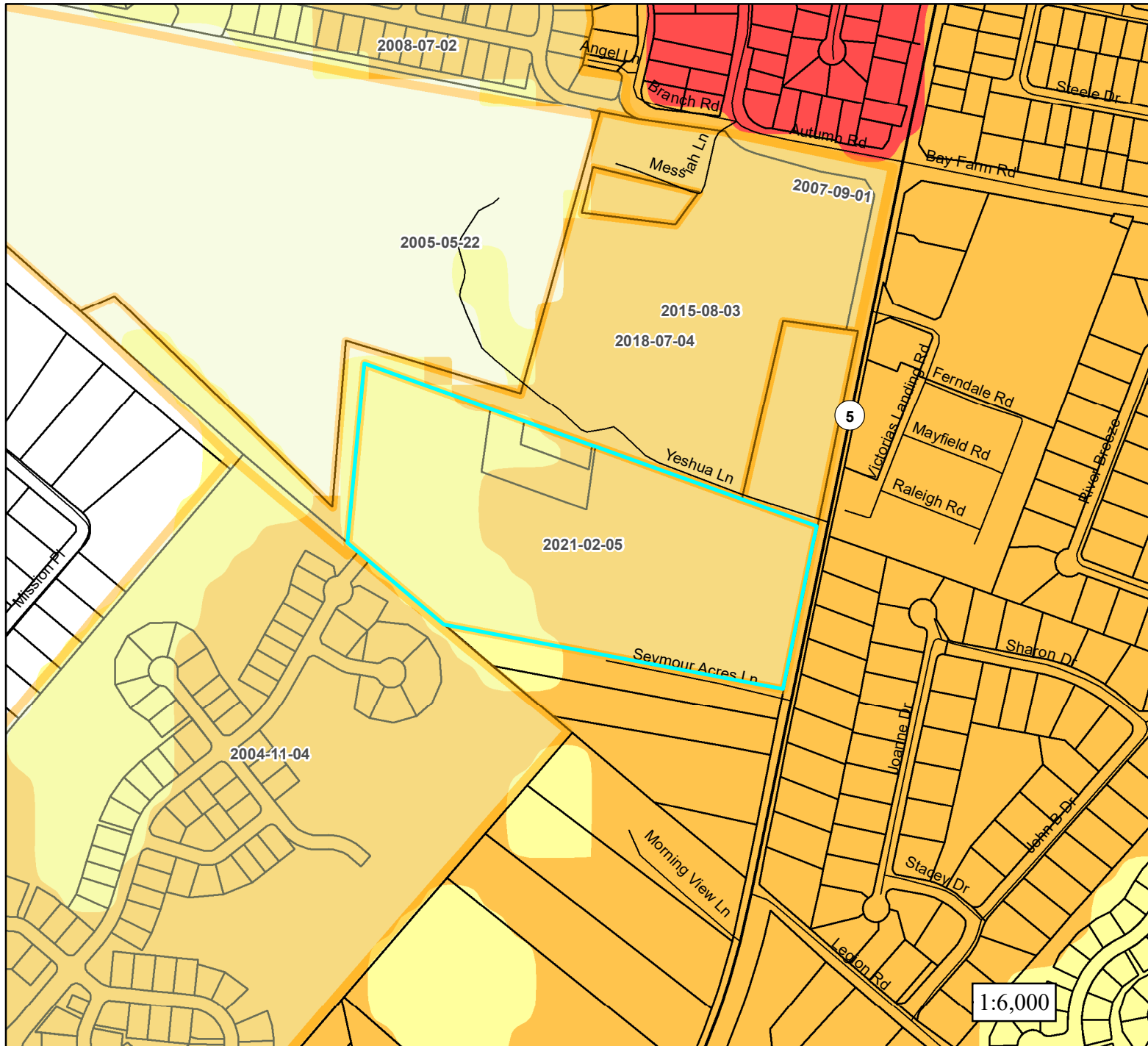
DRAWN BY: JRE

PROJECT NO. GRAU002

**1**

THIS DRAWING INCLUDING DESIGN AND CONSTRUCTION FEATURES ARE PROPRIETARY TO SCALED ENGINEERING INC. AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2020

# Preliminary Land Use Service (PLUS)



American Storage  
2021-02-05

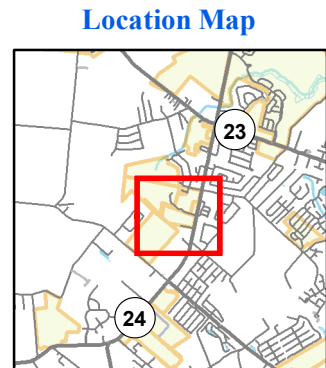
**Legend**

**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

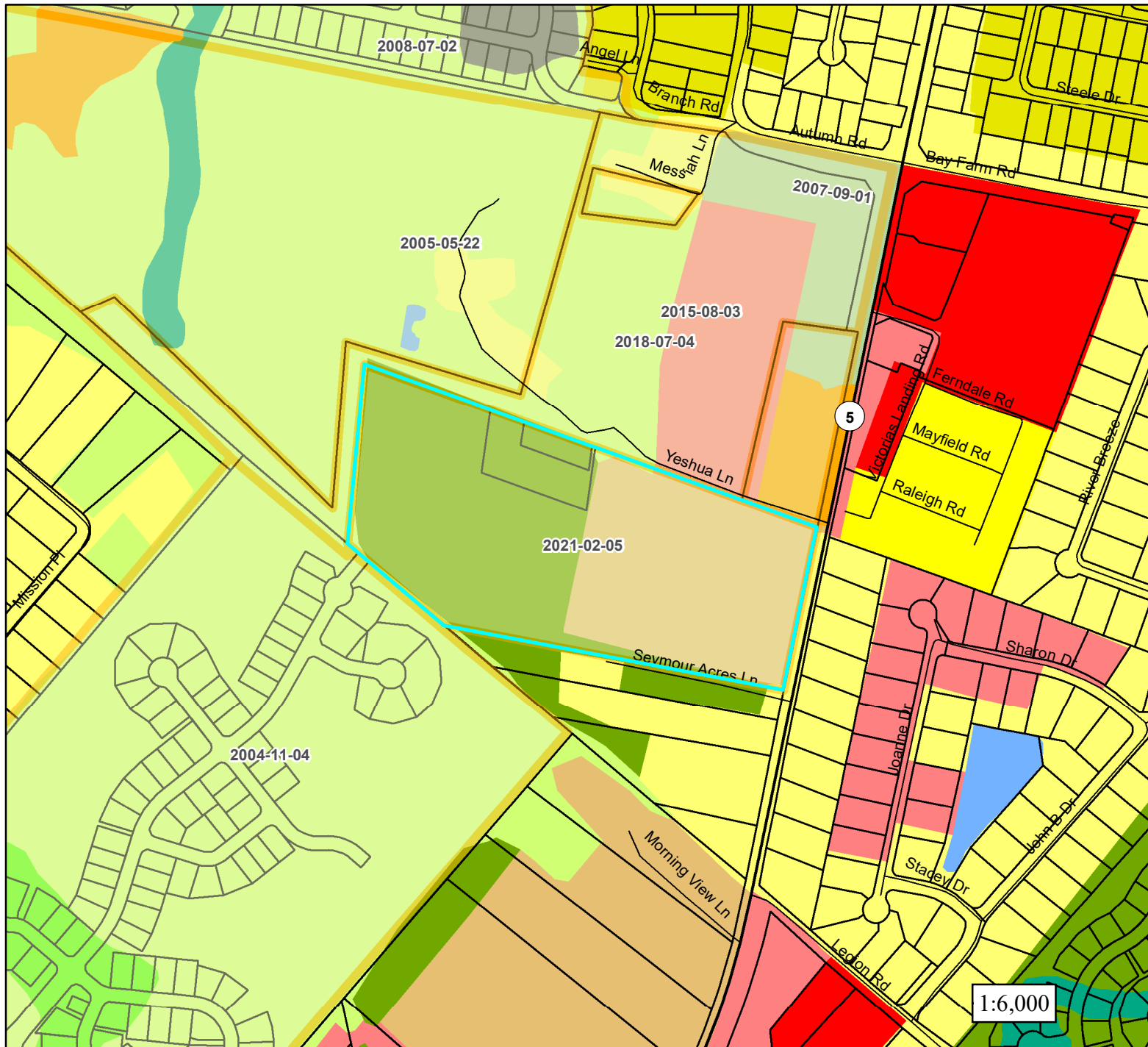
**2020 State Strategies Strategy Level**

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play



# Preliminary Land Use Service (PLUS)

**American Storage**  
2021-02-05



**Legend**

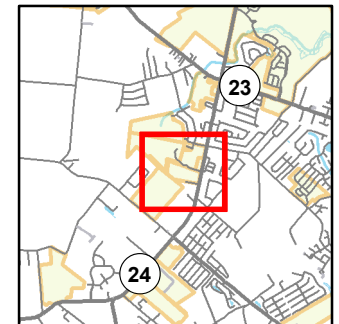
**2012 Land Use LULC Category**

- 110
- Single Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Transportation/Communication/Utilities
- Mixed Urban/Built-up
- Institutional/Governmental
- Recreational
- Farms, Pasture, Cropland
- Confined Animal Feeding Operations/Feedlots/Holding
- Rangeland
- Orchards/Nurseries/Horticulture
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Brush Rangeland
- Clear-cut
- Man-made Reservoirs and Impoundments
- Marinas/Port Facilities/Docks
- Open Water
- Emergent Wetlands - Tidal and Non-tidal
- Forested Wetlands - Tidal and Non-tidal
- Scrub/Shrub Wetlands - Tidal and Non-tidal
- Sandy Areas and Shoreline
- Extraction and Transitional

**PLUS Project Areas type**

- Comp Plans
- All Other PLUS Reviews

## Location Map



# Preliminary Land Use Service (PLUS)



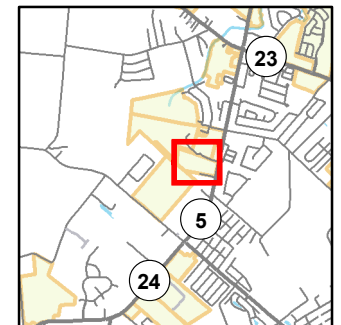
**American Storage**  
2021-02-05

**Legend**

**PLUS Project Areas**  
type

- Comp Plans
- All Other PLUS Reviews

## Location Map





STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

March 23, 2021

Nate Graulich  
Graulich Builders  
34697 Jiffy Way, Suite 2  
Lewes, DE 19958

RE: PLUS review 2021-02-05; American Storage of Delaware

Dear Mr. Graulich:

Thank you for meeting with State agency planners on February 24, 2021 to discuss the proposed plans for the American Storage of Delaware project. According to the information received you are seeking review of a proposed rezoning of 25.9 acres from AR-1 to C-3 and MR and a site plan for 104 residential units and 139,600 square feet of mini storage and business park in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as the County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

This project is located in Investment Levels 2 and 3 according to the Strategies for State Policies and Spending. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas but may have other priorities for the near future.

Our office has no objections to the proposed rezoning and development of this project provided it is in compliance with Sussex County Comprehensive plan and all applicable codes and ordinances.

We do ask that you work to preserve the environmental features on the site if the plan moves forward.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on John J. Williams Highway (Delaware Route 24) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at [https://www.deldot.gov/Business/subdivisions/pdfs/Meeting\\_Request\\_Form.pdf?08022017](https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017).
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 1,170 vehicle trip ends per day. Using the 10<sup>th</sup> edition of the Institute of Transportation Engineers’ Trip Generation Manual, as shown in the table below, DelDOT calculates 1,171 vehicle trip ends per day for this number and estimates the weekday morning and evening peak hour trip ends at 60 and 79, respectively. Therefore, a TIS would normally be required.

	Land Use Code	Floor Area (sf) / Dwellings	Average Daily Traffic	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
Business Park	770	36,000	448	8	6	7	8
Mini-Warehouse	151	104,800	158	6	4	8	10
Multifamily Housing (Mid-Rise)	221	104	565	9	27	28	18
Total			1,171	23	37	43	36

- Section 2.2.2.2 of the Development Coordination Manual provides that for developments generating less than 2,000 vehicle trip ends per day and less than 200 vehicle trip ends per hour in any hour of the day, DelDOT may accept an Area Wide Study (AWS) Fee in

lieu of the TIS if the local government does not require a TIS. The AWS Fee is calculated as \$10 per daily trip or, in this case, \$11,710. AWS Fees are used to fund traffic studies, not to build improvements.

- DelDOT anticipates requiring the developer to contribute to a DelDOT project presently scheduled for construction this summer, HSIP SR 24 at Mount Joy Road and SR 24 at Bay Farm Road Intersection Improvements, Contract No. T200711201. Information on the project is available at <https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T200711201>.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Route 24. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, "**An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.**"
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, "**A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.**"
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 600 feet of the entrance on Route 24.
  - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 2 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is mandatory. DelDOT anticipates requiring the developer to build an SUP along their frontage on Route 24.
- Section 3.5.4.3 of the Manual addresses requirements for walkways. A walkway is a path connecting the interior of a development to the frontage sidewalk or SUP. DelDOT anticipates requiring at least two walkways to connect the interior of the site to Route 24,

one along the driveway at the north edge of the property and one at the south end of the frontage, connecting to the parking lot of the business park.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Route 24.
- Section 5.2.4 of the Manual addresses requirements for Entrance Width, for commercial entrances, the minimum undivided width varies from 18 to 32 feet. The proposed 30-foot entrance will be examined during the plan review process. DelDOT may require the developer's engineer to provide turning templates.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring a right turn lane with a five-foot bicycle lane, and possibly a left turn lane into the site from Route 24. Coordination of the construction schedules of the DelDOT project and the proposed development should be discussed at the Pre-Submittal Meeting.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Stormwater Management**

This project/site has met the minimum threshold of 5000 square feet of land disturbing activity under the DNREC Sediment and Stormwater Program.

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
- Additionally, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.state.de.us/eNOI/default.aspx>) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.



- Schedule a project application meeting with the appropriate agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.
- Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219. Website: <https://www.sussexconservation.org/>
- General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921. E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Hydrologic Soils Group**

While much of the site consists of Hydrologic Soils Group A soils (well drained), the northwest portion of the site lies within A/D soils (somewhat poorly drained). These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.
- Contact: DNREC Sediment and Stormwater Program at (302) 739-9921  
E-mail: [DNREC.Stormwater@delaware.gov](mailto:DNREC.Stormwater@delaware.gov)  
Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

### **Water Quality (Pollution Control Strategies)**

Pollution Control Strategies have been developed for the following watersheds in Delaware: Christina, Appoquinimink, Broadkill, Mispillion and Cedar Creek, Murderkill, Saint Jones, Inland Bays (Rehoboth Bay, Indian River Bay, and Little Assawoman Bay), Nanticoke, and Upper Chesapeake. Such strategies were created because surface water failed to meet water quality standards for nutrients and sediment.

- The western half of the site (forested portion) lies within the Rehoboth Bay Watershed & the eastern half of the site (unforested portion) lies within the Indian River Bay Watershed, both of which are included under Pollution Control Strategies. Consult with the appropriate plan review agency to determine if stricter stormwater management standards may apply for development projects in this area.
  - Contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219  
Website: <https://www.sussexconservation.org/>

### **Nutrient Management Plan**

This project proposes approximately 11 acres of open space, exceeding the threshold of 10 Acres for nutrient management.

- A nutrient management plan is required for all persons or entities who apply nutrients to lands or areas of open space of 10 acres or more.
- Contact: Delaware Department of Agriculture's Nutrient Management Program at (302) 698-4558. Website: <https://agriculture.delaware.gov/nutrient-management/>

### **Wildlife Displacement**

Development of this site is anticipated to displace local wildlife. Wildlife displaced by encroaching development may become a nuisance for homeowners.

- Future residents are not permitted to discharge firearms within 100 yards (300 feet) of any occupied dwelling or building to hunt or remove nuisance wildlife.

### **State Historic Preservation Office – Contact Carlton Hall 736-7400**

- There are no known National Register listed or eligible properties on the parcel.
- Prehistoric archaeological potential is moderate. Soils are mostly well-drained except for the northwest corner of the area. Guinea Creek appears on Beers map and some historic aerials as extending closer to the parcels, which may mean that it is within favorable distance to freshwater for prehistoric site probability. A survey conducted in part of the parcel showed very little remains under a thick plow zone except for two isolated prehistoric finds; could mean that there are other archaeological resources throughout the area.
- Historic archaeological potential is low. Beers Map doesn't show anything near that parcel. A road appears to have existed through the middle-ish until 1950s, and historic aerials show the western portion to be continuously wooded.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: [www.achp.gov](http://www.achp.gov)

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

**Fire Protection Water Requirements:**

- Where a water distribution system is proposed for Storage/Warehouse sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for apartment (multi-family living units) sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.
- Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

**Fire Protection Features:**

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements.
- Buildings occupied as apartments (multi-family living units comprising of 3 or more units) will require automatic sprinkler protection installed.
- All mini-storage buildings greater than 2500 square feet in area and where any of the individual storage units are separated by less than a 1-hour fire resistance-rated barrier shall require an automatic sprinkler system be installed throughout.

*Mini-Storage Building is defined as a storage occupancy partitioned into individual storage units, with a majority of the individual units not greater than 750 square feet in area, and that are rented or leased for the purposes of storing personal or business items where all of the following apply:*

- (1) the storage units are separated from each other by less than a 1-hour fire resistance rated barrier,*
- (2) the owner of the facility does not have unrestricted access to the storage units, and*
- (3) the items being stored are concealed from view from outside the storage unit.*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

#### Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be accessible to fire apparatus.
- Any dead end more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

#### Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.

#### Required Notes:

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

#### Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The subject land adjoins both a recorded but as-yet-unbuilt stub street in the Baylis Estates subdivision, which fronts on Mount Joy Road (Sussex Road 297), and the Peninsula Square mixed-use development, which fronts on Autumn Road (Sussex Road 299). In addition to providing emergency access to the proposed apartments, with appropriate interconnections and easements required of the subject development and Peninsula Square, these three developments could provide a low-stress pedestrian and bicycle connection between Mount Joy Road and Autumn Road.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to Route 24.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>.

**Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480**  
**Concerns Identified Within the Development Footprint**

**Forest Removal**

The preliminary plans and/or project application proposed the elimination of approximately 9.2 out of 13.8 existing acres of forest habitat.

- Removing forested areas for development should be avoided to the greatest extent possible. These areas provide habitat for wildlife, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling and reduces carbon that contributes to climate change. A forest assessment should be conducted to determine if mature forest resource exists on the property, and to determine species present.
- To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, it is recommended that tree clearing not occur from April 1<sup>st</sup> to July 31<sup>st</sup>. Likewise, avoid mowing open space areas and grass filter strips during the same timeframe, as various species of birds utilize these areas for nesting sites.
- Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

### **Stormwater Management**

Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.

- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

### **General Drainage Recommendations**

There are numerous reported drainage concerns near the proposed project area. One concern from 2009 referenced flooding of a nearby property. There are numerous concerns ranging from 2010-2020 from landowners on the eastern side of John J. Williams Highway about property flooding. The storage of onsite stormwater and the release stormwater to adjacent properties is a concern if this property is developed.

- All existing ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemption coverage may be required by the County Conservation District (Standard Plan), DNREC Sediment and Stormwater (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site stormwater.
- Any area designated as a drainage/utility easement should be open space and not owned by the individual landowners.
- Any drainage/utility easement owned by an individual landowner should not possess structures such as decks, buildings, sheds, kennels, or fences within the drainage easement to allow for future drainage maintenance. Trees and shrubs planted within a drainage/utility easement should be spaced to allow for drainage maintenance at maturity.
- Contact: DNREC Drainage Program at (302) 855-1930.  
Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

### **Wildlife Displacement**

- Deer, groundhogs, and rabbits will browse on gardens, yards, and ornamental landscaping. Developers can avoid conflicts with future residents and most wildlife by

maintaining large blocks of forest, as opposed to small pockets of wooded areas within a 300-foot safety zone.

Contact: DNREC Division of Fish and Wildlife at (302) 739-9912.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/wildlife/>

### **Mosquitoes**

The project lies within a zone that will be impacted by mosquitoes due to its location near large expanses of wetland types including freshwater forested, freshwater emergent, and estuarine.

- Mosquito control issues are increasing as developments infringe on wetland areas, often leading to increased demands by the public for mosquito control services. These control services can be provided at no charge to homeowners and other entities by the state's Mosquito Control Section, or by a private company licensed in this area of specialty.
- Contact: DNREC Division of Fish and Wildlife at (302) 739-9917. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/mosquito-control/>

### **Current or Previous Contamination**

This parcel is contained within a large area that has been investigated for well contamination (DE-1388 Long Neck Mercury Study). In 2001, mercury was detected in a public water supply well; levels were reported above the Maximum Contaminant Level. While DNREC and the U.S. Geological Survey investigated the incident, the source could not be located. The well has been temporarily turned off.

- Delaware Health and Social Services reviews the monitoring reports from the water company. The USGS report that resulted from the study can be found here: <https://pubs.usgs.gov/sir/2006/5011/pdf/sir-2006-5011.pdf>
- Contact the Division of Waste and Hazardous Substances Remediation Section at (302) 395-2600.  
Website: <https://dnrec.alpha.delaware.gov/waste-hazardous/>
- Additional information may also be found online by searching Delaware's Environmental Navigator at <http://www.nav.dnrec.delaware.gov/den3/>

### **Additional Sustainable Practices**

Recommendations for entire project:

- Use efficient Energy Star rated products and materials in construction and redevelopment to lessen the power source emissions of the project and costs. Every percentage of energy efficiency translates into a percent reduction in pollution.

- Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers. Use of structural paint coatings that are low in Volatile Organic Compounds will help protect air quality.
- The applicant should consider the use of recycled materials, such as reclaimed asphalt pavement, to reduce landfill waste, heat island effects on paved surfaces, and pavement costs.
- Incorporate nonmotorized connectivity in the residential area and install bicycle racks where feasible to help facilitate non-vehicular travel modes.

Recommendations for residential section:

- Include an option to install electric vehicle charging stations in garages of homes for your customers and tenants to assist Delaware in achieving its clean transportation goals.
- For the proposed pool and clubhouse, consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities. Grants may be available for qualifying renewable energy systems installed in Delaware by applicants whose electricity provider collects funds for the program and offers a grant program for renewable energy projects. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>.

Recommendations for commercial section:

- Install electric vehicle charging stations for your customers and tenants to assist Delaware in achieving its clean transportation goals. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality. Additional information can be found at: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>.

Concerns Identified Outside of the Development Footprint

**Delaware Ecological Network**

Lands designated as part of the Delaware Ecological Network lie to the east of this parcel. This network is made up of interconnecting natural areas of significant ecological value. Forest disturbances on the proposed development site could jeopardize habitat beyond the parcel boundary.



- Removing forested areas within (and nearby) the Delaware Ecological Network should be avoided to the greatest extent possible. These areas provide wildlife habitat, uptake nutrients, infiltrate stormwater, and improve water quality. Forests also provide shading and cooling, while reduce carbon that contributes to climate change.
- Contact: DNREC Wildlife Species Conservation and Research Program at (302) 735-3600. Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

**Delaware State Fire Marshall's Office – Contact Duane Fox 259-7037**


- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

**Delaware Emergency Management Agency – Contact Philip Cane 659-2325**

- The location is not within any flood plain nor in a coastal inundation zone. 2018 QAP described the region this project is located in as being an “Area of Opportunity” while bordering a region identified as “Stable”. The region has a homeownership rate of approximately 81.2% to 83%, a poverty ratio of 10 to 1 with approximately 21% of that census block’s population at the age of 65 or older.

**State of Delaware**  
The Official Website of the First State

Home  
Search  
Legend  
Results

 Location is **NOT WITHIN** the FEMA 100-year floodplain. Preliminary data does not exist.

**Effective Flood Zone:**  
X

**Preliminary Flood Zone:**  
n/a

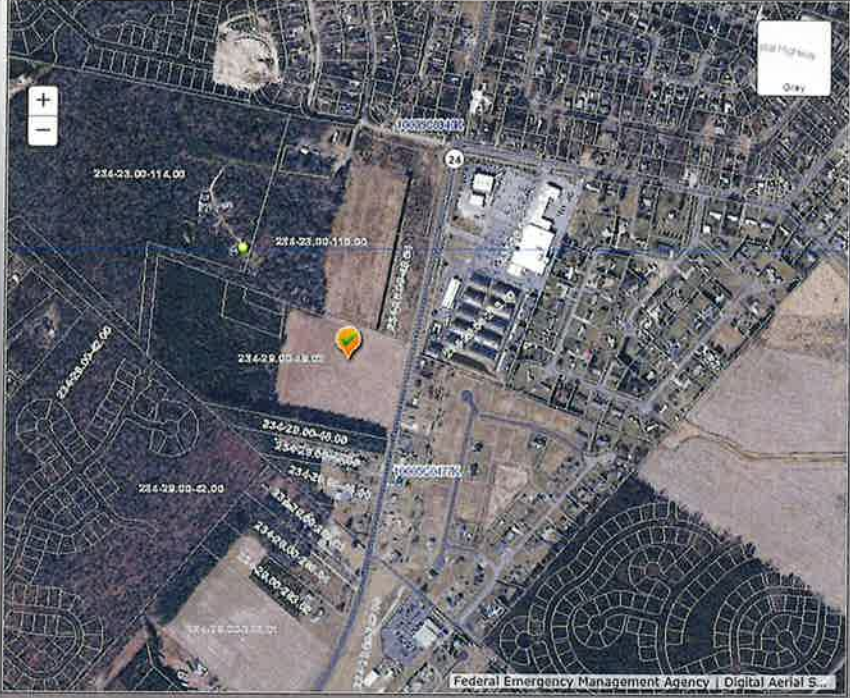
**FEMA Issued Flood Map:**  
10005C0477K

**Effective Map Date:**  
3/15/2015

**Watershed (HUC12):**  
Indian River Bay-Indian River Inlet

**Attachments:**  
None

Print  
Contacts  
Getting Started/Help



Federal Emergency Management Agency | Digital Aerial S...



Tract  
QAP Geographic Areas  
Areas Of Opportunity  
[Zoom to](#) [Get Directions](#)

**Sussex County Planning & Zoning – Contact Lauren DeVore 855-7878**

- As of January 11, 2021, the applicant has already participated in a pre-application meeting with Planning and Zoning staff.
- Please include a note on the plans which indicates that the proposed project is not located within the Henlopen Transportation Improvement District (TID).
- Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.
- For the Conditional Use, a Service Level Evaluation Request form must be completed and submitted to the Office of Planning and Zoning. Once the Office receives the completed Service Level Evaluation Response from DelDOT, the applicant may submit all documentation and materials pertaining to their Conditional Use application.

- Please note that since the proposed development lies within the Coastal Area and is above the 50 dwelling unit and 75,000 feet of commercial development threshold, copies of an Environmental Assessment (EA) and Public Facility Evaluation Report must be submitted which address the criteria located in §115-194.3(2)(a-1).
- Additionally, the proposal will have to comply with the site plan requirements of §115-220 and the multifamily requirements of §115-188 of the Sussex County Code.
- Please include the proposed density for the project for separately for both the residential component as well as the commercial site. The C-3 Zoning District and the MR Zoning District (as a Conditional Use) allow for a density of up to 12 dwelling units per acre.
- Please note on the plans that the parcels are not located within a Wellhead Protection Area in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§ 89-6). Please note on the plans that the parcels are located within an area of “good” groundwater recharge potential in order to comply with Chapter 89 “Source Water Protection” of the Sussex County Code (§89-7).
- Staff note that there is only one-way-in, one-way-out access to the property. The Planning and Zoning Commission desire more than one entrance or an easement for emergency access purposes in the event of an emergency occurring on the parcel.
- The side yard setback for the portion of the property to be zoned C-3 adjacent to the existing Yeshua Lane is shown with a 10-ft side yard setback. The Site Data Column indicates that this setback is 5-ft. The side yard setback in the C-3 Zoning District is 20-ft when adjacent to a residentially zoned parcel (Tax Map: 234-29.00-49.04 appears to be residentially zoned as AR-1) (§115-83.22(B)(2)). Please indicate if the applicant wishes to amend this setback as part of the application.
- Staff note that 11.45 acres of open space is proposed. The proposed open space of 44% is desirable. Please include the amount of open space proposed as a percentage and in acres within the Site Data Column.
- The proposed parking appears to meet Code requirements as well as ADA requirements regarding the provision of handicap spaces per total number of parking spaces (§115-162).
- Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of the formal application.
- Please reach out to Lauren DeVore with any questions regarding these comments at [lauren.devore@sussexcountyde.gov](mailto:lauren.devore@sussexcountyde.gov) or call the Planning and Zoning Office at (302)855-7878.

**Sussex County Engineering Department – Contact Chris Calio 855-1299**

- The proposed project is located within a Tier 2 and Tier 3 area for sewer service and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.
- A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used.
- The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.
- One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

**Sussex County Housing – Contact: Brandy Nauman 855-7779**

- Sussex County endeavors to promote non-discrimination and affordable housing whenever possible throughout the County. In this regard, the developer and associated financial institutions are encouraged to provide and finance affordable housing opportunities to Sussex County residents in all new developments, and affirmatively market those affordable housing units to diverse populations.
- For questions about opportunities available for affordable housing projects within Sussex County, please consult Sussex County’s “Affordable Housing Support Policy”. The policy along with other resources are available on the County’s Affordable & Fair Housing Resource Center website: [www.sussexcountyde.gov/affordable-and-fair-housing-resource-center](http://www.sussexcountyde.gov/affordable-and-fair-housing-resource-center). The County’s Community Development & Housing Department can advise about existing affordable housing opportunities in Sussex County and the appropriate County Department to contact regarding specific development issues concerning future affordable housing projects within Sussex County.
- The Community Development & Housing Department can also explain and assist with any financial support or incentives that may be available to a project from federal, state and

county sources, as well as private funding sources that also promote affordable housing in Sussex County.

- Please understand that all residential projects, including Affordable Housing Projects are subject to the applicable provisions of the Sussex County Subdivision and Zoning Codes, and the approval processes set forth in those Codes.
- On behalf of Sussex County, we look forward to cooperating with you and your project as it moves forward.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning Department

CU 2315 American Storage of Delaware, LLC  
Proposed Conditions of Approval

**FILE COPY**

Applicant  
Exhibit

Received 3.24.22  
@ Public Hearing

- A. There shall be no more than 140 units within the Conditional Use area.
- B. The Applicant shall form a homeowners' or condominium association responsible for perpetual maintenance of streets, roads, and buffers, stormwater management facilities, and other common areas.
- C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
- E. Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks or multi-modal pathways on one side of all streets with street lighting.
- F. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- G. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas.
- H. There shall be a vegetated or forested buffer that is at least 20 feet wide installed around the residential portion of the development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
- I. Recreational amenities shall be completed within the project upon issuance of the 84<sup>th</sup> building permit.
- J. Central sewer shall be provided to the development by Sussex County. The Developer shall comply with all requirements and specifications of the Sussex County Engineering Department.
- K. The development shall be served by a central water system providing adequate drinking water and fire protection.
- L. Construction, site work, excavation, grading and deliveries to or from the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Saturdays. A 24 inch x 36 inch "NOTICE" sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.
- M. The preliminary approval is contingent upon the Applicant submitting a revised preliminary site plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised plan upon confirmation that the conditions of approval have been depicted or noted on it.
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

**ENGINEERING DEPARTMENT**

JOHN J. ASHMAN  
SR. MANAGER OF UTILITY PLANNING  
& DESIGN REVIEW

(302) 855-7370 T  
(302) 854-5391 F  
jashman@sussexcountyde.gov



**Sussex County**

DELAWARE  
sussexcountyde.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

**SEWER SERVICE CONCEPT EVALUATION (SSCE)**  
**UTILITY PLANNING & DESIGN REVIEW**

Applicant: Scaled Engineering, Inc. Carlton R. Savage Jr.

Date: 3/8/2022

Reviewed by: Chris Calio

Agreement #:1204

Project Name: American Storage of Delaware – Route 24 (Rezoning)

Tax Map & Parcel(s): 234-29.00-49.02, 49.03 & 50.00

Sewer Tier: Tier 2 - Sussex County Planning Area

Proposed EDUs: 146

Pump Station(s) Impacted: PS 197

Facility treating and disposing of the wastewater: Inland Bays Regional Wastewater Facility

List of parcels to be served, created from the base parcel: N/A

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure):N/A

Connection Point(s): MH 32

Use of Existing Infrastructure Agreement required? Yes  or No

Annexation Required? Yes  or No

Easements Required? Yes  or No

Fee for annexation (based on acreage):\$1,500 (10.00 - 150.00 Acres)

Current Zoning: AR-1 Zoning Proposed: C-3 Heavy Commercial

**FILE COPY**

*Received 3.24.2022  
@Public Hearing*





Acreage: **25.90**

**Additional Information: Project will extend gravity sewer line from MH-32 to the project and provide a 20' wide easement along the entire front of parcel 234-29.00-49.02.**

\* No capacity is guaranteed until System Connection Fees are paid

**All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.**

**Sussex County will be assessing bonding and inspection on projects on a unit cost approach per phase.**

**Recordation of Phasing Plans will now be required, each phase must be recorded prior to issuance of the Notice to Proceed. Any revisions to the phase will require the plan be re-recorded.**

**Once Construction Drawings are completed with all of the above information satisfied, please submit to:**

Sussex County Utility Planning & Design Review  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jordan Dickerson  
Nicole Messeck