

PLANNING & ZONING COMMISSION

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HOLLY J. WINGATE



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 28, 2020.

Application: (CZ 1914) Ronald E. & M. Candice Grey

Applicant: Ronald E. & M. Candice Grey
37176 Sunset Cove
Selbyville, DE 19975

Owner: Ronald E. & M. Candice Grey
37176 Sunset Cove
Selbyville, DE 19975

Site Location: Located on the northwest side of Roxana Rd. (Rt. 17).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Business Community District (B-2)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Rieley

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Private, On-Site

Water: Private, On-Site

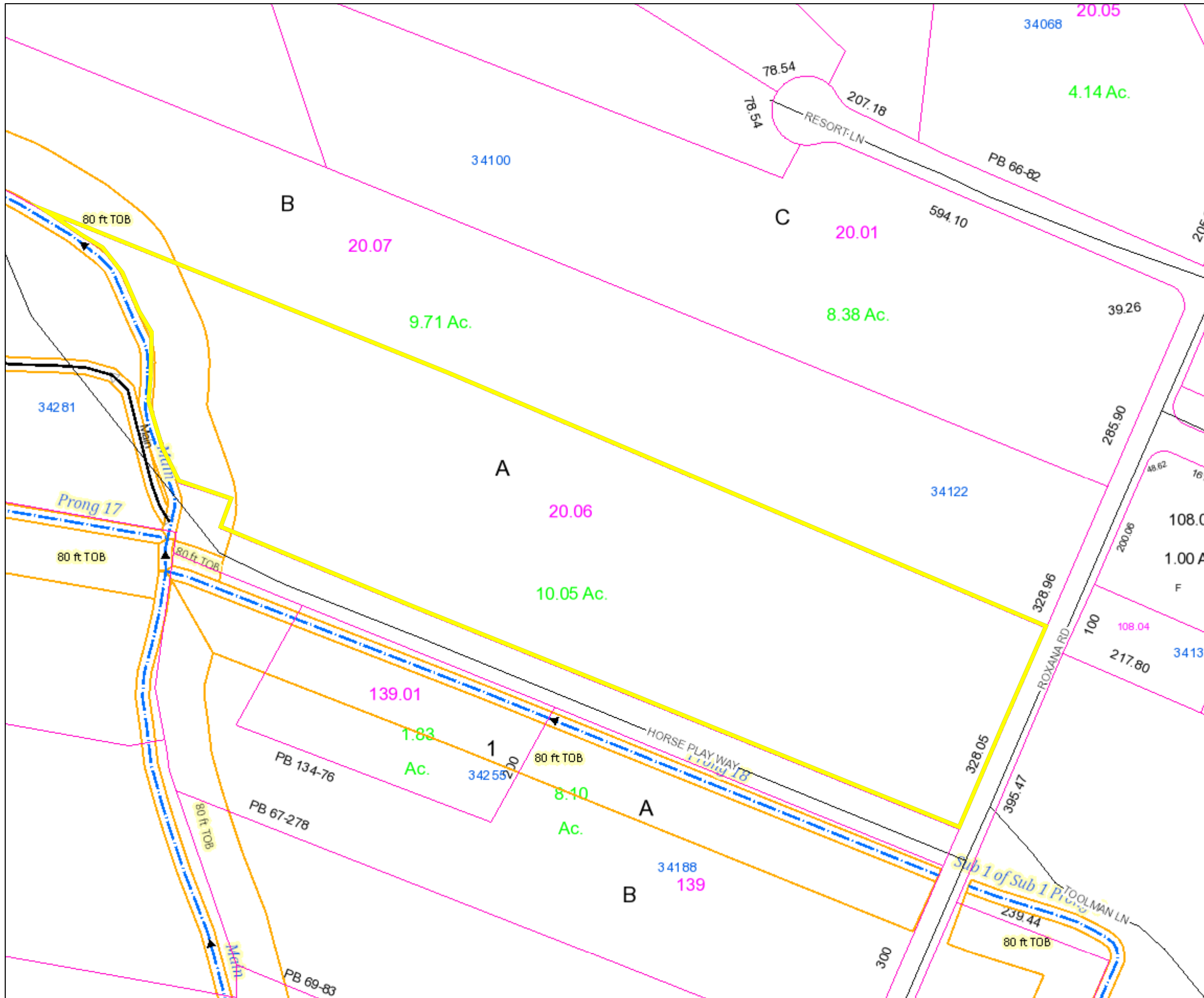
Site Area: 10.0636 acres +/-

Tax Map ID.: 134-15.00-20.06





Sussex County



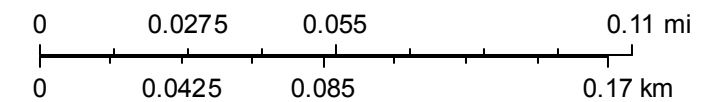
PIN:	134-15.00-20.06
Owner Name	GRAY RONALD E
Book	4863
Mailing Address	37176 SUNSET CV
City	SELBYVILLE
State	DE
Description	RD 17
Description 2	N/A
Description 3	N/A
Land Code	

- polygonLayer

Override 1
- polygonLayer

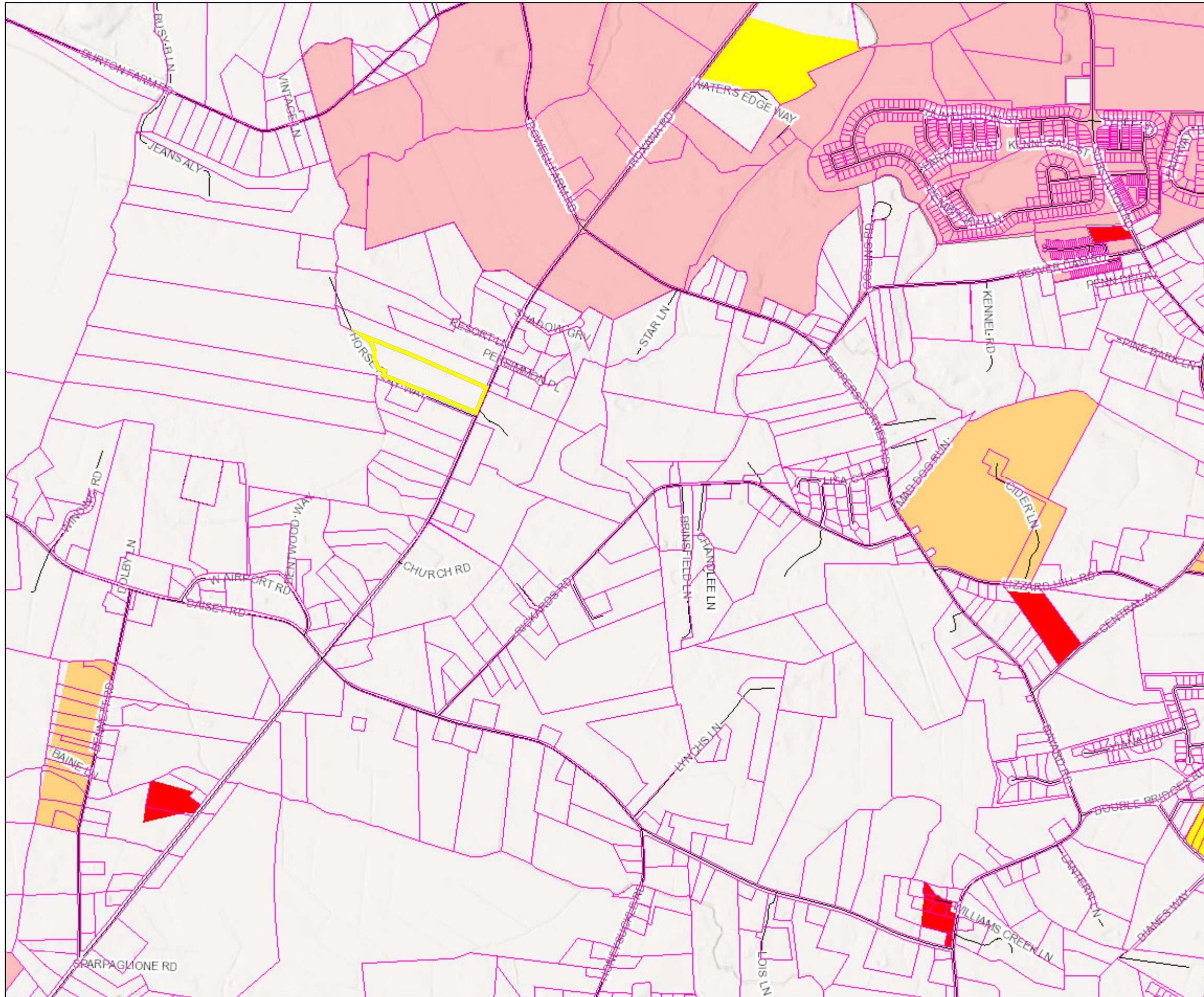
Override 1
- Tax Parcels
- 911 Address
- Streets

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Sussex County



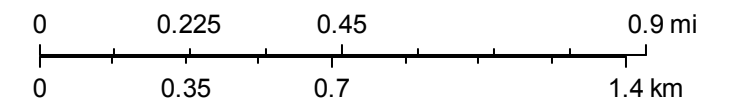
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- polygonLayer

 - Override 1
- polygonLayer

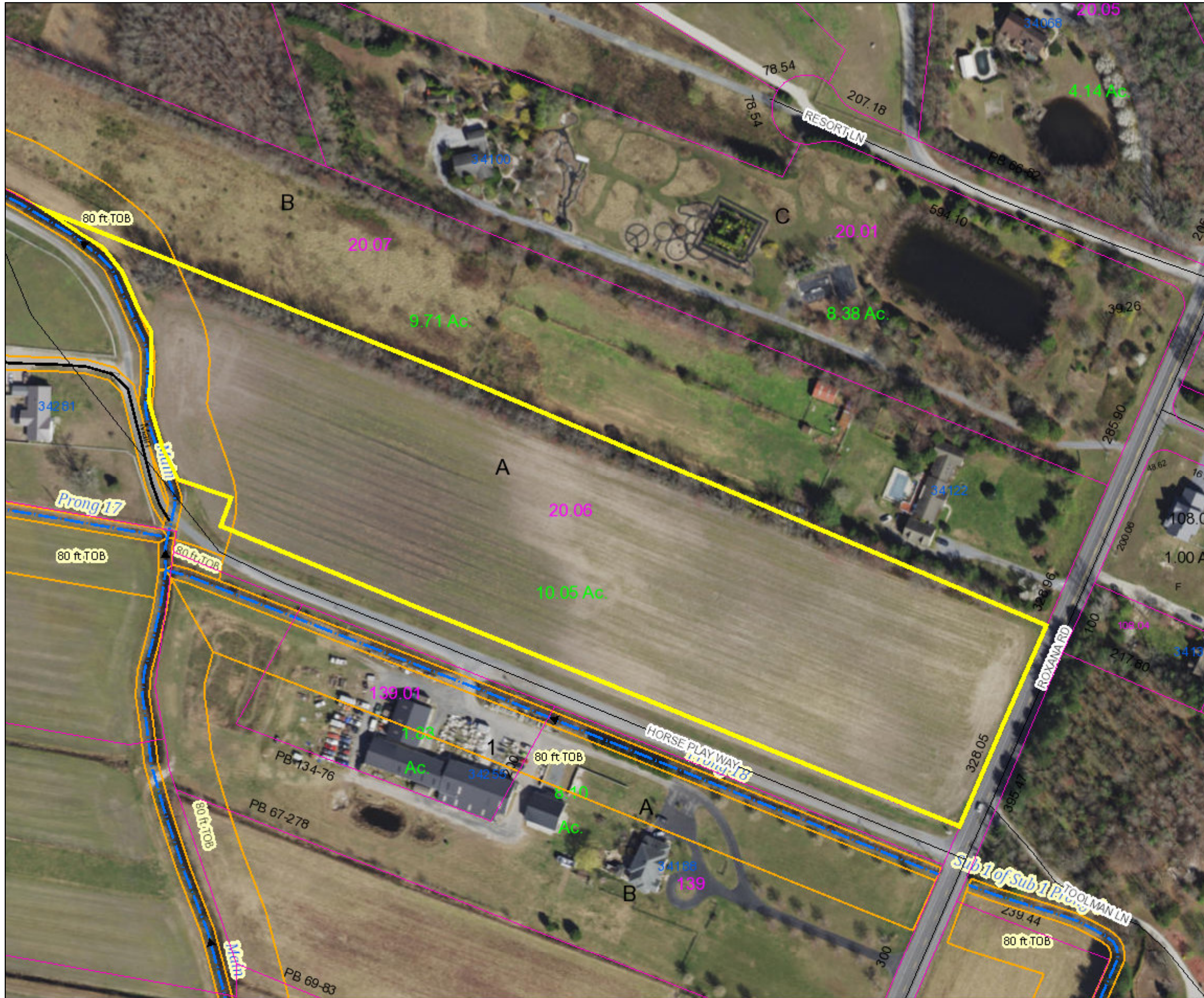
 - Override 1
- Tax Parcels
- Streets

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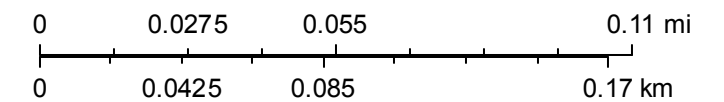
Sussex County



PIN:	134-15.00-20.06
Owner Name	GRAY RONALD E
Book	4863
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City	SELBYVILLE
State	DE
Description	RD 17
Description 2	N/A
Description 3	N/A
Land Code	

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

1:2,257



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: Christin Headley, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: May 6, 2020
RE: Staff Analysis for CZ 1914 Ronald E. & M. Candace Grey

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1914 to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 134-15.00-20.06 from an Agricultural Residential District (AR-1) to a Business Community District (B-2). The parcel is located on the northwest side of Roxana Rd. (Rt. 17), south of Powell Farm Rd. Frankford, Delaware. The size of the property is 10.0636 acres +/-.

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

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

The Business Community (B-2) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent properties to the north, south, east and west of the application site are also zoned Agricultural Residential (AR-1). Further north on Roxana Rd. (Rt. 17), the properties are located within the town limits of Millville. The adjacent property to the south is labeled as in an Agricultural Preservation District.

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

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



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

CJ2
File #: 1914
201914143

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
DEC 09 2019
SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

Horseplay Way and Roxanna Road, Frankford, DE 19945

Type of Conditional Use Requested:

Tax Map #: 1-34-15.00-20.06 Size of Parcel(s): 10.0636 acres

Current Zoning: AR-1 Proposed Zoning: B-2 Size of Building: 40 Bldgs. w/703 storage units

Land Use Classification: AGR-Agriculture

Water Provider: N/A-existing on-site well Sewer Provider: NA - existing on-site septic system

Applicant Information

Applicant Name: Ronald E. & M. Candice Gray
Applicant Address: c/o John A. Sergovic, Jr., Esq, Sergovic Carmean Weidman McCartney & Owens
City: Georgetown State: DE ZipCode: 19947
Phone #: (302) 855-1260 E-mail: john@sussexattorney.com

Owner Information

Owner Name: Ronald E. & M. Candice Gray
Owner Address: 37176 Sunset Cove
City: Selbyville State: DE Zip Code: 19975
Phone #: (302) 855-1260 E-mail: john@sussexattorney.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street
City: Georgetown State: DE Zip Code: 19947
Phone #: 302-855-1260 E-mail: john@sussexattorney.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ DeIDOT Service Level Evaluation Request Response

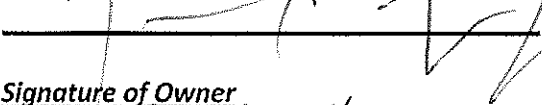
___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

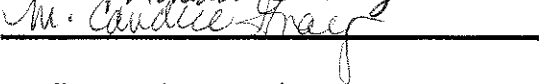
Sign Here



Date: 12-9-19

Signature of Owner

Sign Here



M. Candice Gray

Date: 11/25/19
11/25/19

For office use only:

Date Submitted: 12/9/19

Staff accepting application: CEH

Location of property: _____

Fee: \$500.00 Check #: 4071

Application & Case #: 201914143

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

September 25, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Ronald E. Gray and M. Candice Gray** rezoning application, which we received on August 28, 2019. This application is for an approximately 10.05-acre parcel (Tax Parcel: 134-15.00-20.06). The subject land is located on the west side of Roxana Road (Sussex Road 52), approximately 2,200 feet southwest of the intersection of Roxana Road and Peppers Corner Road (Sussex Road 365), east of the Town of Frankford. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 (Neighborhood Business) to develop 40 buildings consisting of 380 regular storage units, 323 climate control storage units, and 13,000 square feet of office space.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Roxana Road where the subject land is located, which is from Daisey Road (Sussex Road 370) to Delaware Route 26, are 4,621 and 5,947 vehicles per day, respectively.

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

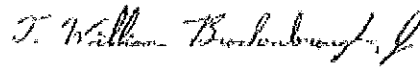


Ms. Janelle M. Cornwell
Page 2 of 2
September 25, 2019

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,



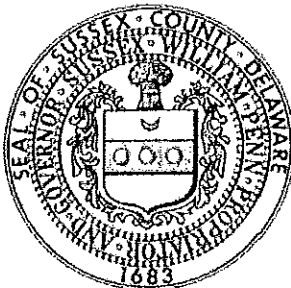
T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Ronald E. Gray and M. Candice Gray, Applicants
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andreascavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING COMMISSION

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DOUGLAS B. HUDSON
ROBERT C. WHEATLEY



Sussex County

DELAWARE
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JANELLE M. CORNWELL, AICP
DIRECTOR

SERVICE LEVEL

EVALUATION REQUEST

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: 8/28/19

Site Information:

Site Address / Location: Horseplay Way and Roxana Road, Frankford, DE

Tax Parcel Number: 1-34-15.00-20.06

Current Zoning: AR-1

Proposed Zoning: B-2

Land Use Classification: B-2

Proposed Use(s): 40 Buildings consisting of 380 Regular Storage Units and 323 Climate Control Storage Units

Square Footage of any proposed buildings or number of units: 703 total storage units and 13,000 square feet of office space

Application Information:

Applicant's Name: Ronald E. Gray and M. Candice Gray

Applicant's Address: c/o John A. Sergovic, Jr., Sergovic Carmean Weidman McCartney & Owens, P.A., 25 Chestnut Street, P.O. Box 751

City: Georgetown State: DE Zip: 19947

Applicant's Phone Number: 302-855-1260

Applicant's Email: john@sussexattorney.com

SENT BY MAIL 00
9/25/2019 2:20 PM

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/21/2020**

APPLICATION: **CZ 1914 – Ronald E. & M. Candice Grey**

APPLICANT: **Ronald E. & M. Candice Grey**

FILE NO: **ROX: 1.01**

TAX MAP &
PARCEL(S): **134-15.00-20.06**

LOCATION: **Located on the northwest side of Roxana Road (Rt. 17)**

NO. OF UNITS: **Upzone from AR-1 to B-2**

GROSS
ACREAGE: **10.0636**

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

SEWER:

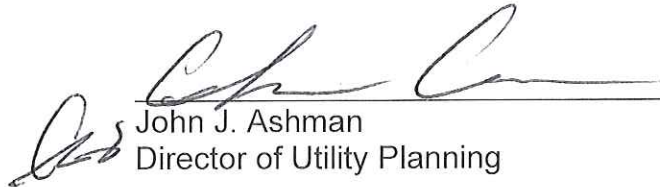
- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
- b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 4**
- (3). Is wastewater capacity available for the project? **No** If not, what capacity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

district? **N/A**

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

- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed CZ is in a Tier 4 area for wastewater service. The Sussex County Engineering does not have a schedule to provide sanitary sewer service to this parcel.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

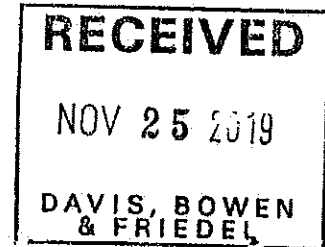

John J. Ashman
Director of Utility Planning

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



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

November 21, 2019



Mr. Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2019-10-06; Roxanna Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on October 23, 2019 to discuss the Roxanna Road Storage project. According to the information received you are seeking review of a rezoning of 10.06 acres from AR-1 to B-2 in anticipation of a 13,000 square foot office and 94,800 square foot storage facility along Roxanna Road in Level 4 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. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

With that said, **the comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property, construct the development you indicate, or any subdivision thereof on these lands.**

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) 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 P.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.
- Section P.5 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. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Corner Road/ Powell Farm Road (both Sussex Road 365).

- 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 Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. 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 on Delaware Route 17. 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 proposed on Delaware Route 7.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- 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 Delaware Route 17.
- 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>.
- 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 – Contact Michael Tholstrup 735-3352

Water Quality

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus), and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>

The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here: http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm

- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.

Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Groundwater Discharges

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.
- There is low potential for archaeological data to be present on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features:

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- 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 provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- 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

Department of Agriculture – Contact: Scott Blaier 698-4532

- The proposed project is adjacent to a property preserved through the State’s Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.
- If any wells are to be installed, **Section 5.1.1.3 of the DNREC’s 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:
- 50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

Sussex County – Contact Rob Davis 302-855-7820

- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

PLUS review 2019-10-06
Page 8 of 8

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,


Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Sussex County Planning



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

December 20, 2019

Office of State Planning Coordination
122 Martin Luther King Jr. Blvd., Third Floor
Dover, DE 19901

Attn: Ms. Constance C. Holland, AICP
Director

RE: **PLUS review 2019-10-06; Roxanna Road Storage**
Tax Parcel No: 1-34-15.00-20.06
DBF # 0003H001

RECEIVED

JAN 09 2019

SUSSEX COUNTY
PLANNING & ZONING

Dear Ms. Holland,

We are pleased to submit the following responses to the Office of State Planning Coordination's review letter dated November 21, 2019.

Strategies for State Policies and Spending

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

Understood

Code Requirements/Agency Permitting Requirements

Department of Transportation

- The site access on Roxana Road (Delaware Route 17) 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>.

We will design the site access in accordance with DelDOT's Development Coordination Manual.

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.

A Pre-Submittal Meeting will be requested in the near future.

- Section P.5 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.

We will submit the Initial Stage Fee with the record plan, and the Construction Stage Fee with the construction plans when they are submitted.

- 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. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

We concur that a Traffic Impact Study is not warranted.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

We acknowledge the improvement requirements for DE Rt 17 within the frontage limits.

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Comer Road/ Powell Farm Road (both Sussex Road 365).

We acknowledge there may be contribution requirements for a planned roundabout at the intersection of DE Route 17 and Peppers Corner Road/Powell Farm Road.

- 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 Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. 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."**

We acknowledge the ROW required along the frontage of DE Route 17.

- 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 on Delaware Route 17. 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.**"

We acknowledge a 15' easement is required along the frontage on DE Route 17.

- 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.
We acknowledge a Traffic Generation Diagram is required.
 - Depiction of all existing entrances within 600 feet of the entrance proposed on Delaware Route 7.
All existing entrances within 600 feet of our proposed entrance will be shown on the plan.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
We acknowledge notes of any off-site improvements, agreements, and contributions will be required.
- 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 Delaware Route 17.
We acknowledge the setback requirement of stormwater treatment methods.
- 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>.
We will provide an auxiliary Lane Worksheet.
- 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.
We will show all existing utilities on the plan.

Department of Natural Resources and Environmental Control

Water Quality

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus),

and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited waterbody" can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>
We acknowledge the TMDL's requirement for 40% reduction in nitrogen, phosphorus and bacteria.

- The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here: http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm
Understood
- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.
We acknowledge the NRCS soil survey delineation of wetland-associated hydric soils on this site. Further geotechnical soils investigations will be performed.

Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Understood. Sussex Conservation District will be contacted prior to a pre-application meeting.

Groundwater Discharges

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

We acknowledge the permitting process to obtain an individual on-site system for wastewater disposal.

State Historic Preservation Office

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.

Understood. We also acknowledge that there are no known archaeological sites or known National Register listed or eligible properties on the parcel.

- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.

Understood

- There is low potential for archaeological data to be present on the parcel.

We acknowledge that there is low potential for archaeological data on the parcel.

- 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).

We acknowledge the Unmarked Human Burials and Human Skeletal Remains Law.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

We acknowledge the National Historic Preservation Act.

Delaware State Fire Marshall's Office

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

We acknowledge the requirements of a water distribution system. As proposed the storage

units are below 2,500 square feet, and the office buildings are below 10,000 square feet. The nearest water connection is greater than 1,000 from this site. Due to the buildings being below the square footage requirements, we are not proposing a water distribution system for the site.

- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

We are not proposing a water distribution system for the storage units.

Fire Protection Features:

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.

We acknowledge the requirements for automatic sprinkler protection.

- 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

We acknowledge the requirements for fire lane markings.

- 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.

We acknowledge the automatic sprinkler system requirements.

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,
Understood*

*(2) the owner of the facility does not have unrestricted access to the storage units, and
Understood*

*(3) the items being stored are concealed from view from outside the storage unit.
Understood*

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

We acknowledge the requirements that the Fire Department Connection location must be within 300 feet of a fire hydrant as shown in the DSFPR.

- Show Fire Lanes and Sign Detail as shown in DSFPR.
Fire lanes and Sign Detail will be shown on the plans as shown in the DSFPR.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
We acknowledge the need of accessibility to fire apparatus.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
We acknowledge that if traffic speed reduction measures are used, they must be in accordance with DOT 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.
We acknowledge the local Fire Chief shall approve the use of gates into and out of the site.

Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.
We acknowledge that if gas piping is proposed we will show it and the locations of any bulk containers on the 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
The above referenced notes will be provided on the plans.

Department of Agriculture

- The proposed project is adjacent to a property preserved through the State's Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.

- If any wells are to be installed, **Section 5.1.1.3 of the DNREC's 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:

50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

We acknowledge the setback requirements that must be met for wells installed near a property in an Agricultural Lands Preservation District.

Sussex County

- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

We acknowledge this site is within a Tier 3 area for wastewater planning.

Should you have any questions or need additional information, please call.

Sincerely,
Davis, Bowen & Friedel, Inc.



Timothy M. Metzner, RLA, LEED AP ND
Associate

CC: Sussex County Planning & Zoning

DAVIS, BOWEN & RIEDEL, INC.
 601 E. MAIN ST, SUITE 100
 SALISBURY, MARYLAND 21804

TEL (410) 543-9091
 FAX (410) 543-4172

**LETTER OF
 TRANSMITTAL**

DATE January 6, 2020	JOB NO. 1111B001.A01
ATTENTION Mr. Jamie Whitehouse	
RE: Roxana Road Storage	
Sussex County, DE	

To: Sussex Planning & Zoning
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947
(302) 855-7878

WE ARE SENDING YOU Attached Under Separate Cover via _____ the following items:

- Shop Drawings Prints Plans
 Copy of Letter Change Order Specifications Other

COPIES	DATE	NO.	DESCRIPTION
1	12-20-19		PLUS Comment Response

RECEIVED

THESE ARE TRANSMITTED as checked below:

- For Approval Approved as Submitted As Requested
 For Review & Comment Approved as Noted For your records

JAN 09 2019
 SUSSEX COUNTY
 PLANNING & ZONING

REMARKS

If you should have any questions or comments please feel free to contact me.

Thank you

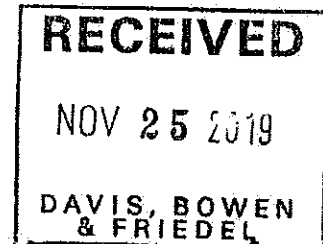
COPY TO _____

SIGNED Timothy M. Metzner, RLA
 Associate



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

November 21, 2019



Mr. Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2019-10-06; Roxanna Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on October 23, 2019 to discuss the Roxanna Road Storage project. According to the information received you are seeking review of a rezoning of 10.06 acres from AR-1 to B-2 in anticipation of a 13,000 square foot office and 94,800 square foot storage facility along Roxanna Road in Level 4 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. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property, construct the development you indicate, or any subdivision thereof on these lands.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) 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 P.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.
- Section P.5 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. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Corner Road/ Powell Farm Road (both Sussex Road 365).

- 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 Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. 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 on Delaware Route 17. 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 proposed on Delaware Route 7.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- 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 Delaware Route 17.
- 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>.
- 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 – Contact Michael Tholstrup 735-3352

Water Quality

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus), and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>

The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here: http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm

- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.

Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Groundwater Discharges

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.
- There is low potential for archaeological data to be present on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features:

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- 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 provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- 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

Department of Agriculture – Contact: Scott Blaier 698-4532

- The proposed project is adjacent to a property preserved through the State's Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.
- If any wells are to be installed, **Section 5.1.1.3 of the DNREC's 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:
- 50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

Sussex County – Contact Rob Davis 302-855-7820

- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

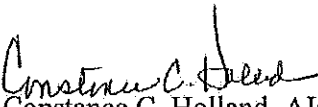
PLUS review 2019-10-06

Page 8 of 8

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,



Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: Sussex County Planning

AFFIDAVIT

Ronald E. & M. Candice Gray
Name of Applicant

Petition No.

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

Name: R&S Farms, LLC
Address: 32459 Omar Road
Frankford, DE 19945
SCTM: 1-34-15.00-13.00

Name: Carol Lynn Neary
Address: 5 Dorothy Circle
Ocean View, DE 19970
SCTM: 1-34-15.00-108.04

Name: Lisa A. Boyce
Address: 34281 Horse Play Way
Frankford, DE 19945
SCTM: 1-34-15.00-15.00

Name: Michael A. & Regena A.
Izzo
Address: 34568 Persimmon Place
Frankford, DE 19945
SCTM: 1-34-15.00-108.08

Name: Marie Kunkel Walsh
Address: P.O. Box 250
Frankford, DE 19945
SCTM: 1-34-15.00-20.01

Name: Jesse W. Bare, II & Elizabeth
DuPont Bare
Address: 30411 Omar Road
Frankford, DE 19945
SCTM: 1-34-15.00-108.09

Name: William C & Anne H. Parler
Address: P.O. Box 204
Ocean View, DE 19970
SCTM: 1-34-15.00-20.07

Name: Barry G. & Lynn M. Morin
Address: 34188 Roxana Road
Frankford, DE 19945
SCTM: 1-34-15.00-139.00

Name: Rebecca L. & Jesse Coulbourne
Address: 34407 Resort Lane
Frankford, DE 19945
SCTM: 1-34-15.00-20.08

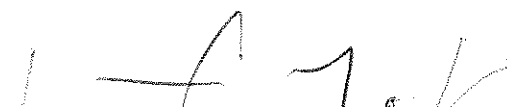
Name: Crosswinds Holdings, LLC
Address: 34188 Roxana Road
Frankford, DE 19945
SCTM: 1-34-15.00-139.01

Name: Richard & Sandra Currey
Address: P.O. Box 1579
Ocean View, DE 19970
SCTM: 1-34-15.00-106.00

Name: Norman G. Farlow & Judy H. Hannon
Address: 34218 Roxana Road
Frankford, DE 19945
SCTM: 1-34-15.00-141.00

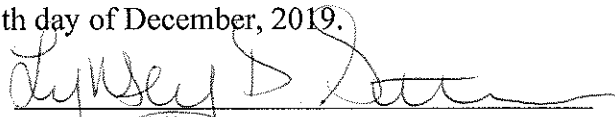
Name: Black Sheep Enterprises, LLC
Address: 33480 Toolman Lane
Frankford, DE 19945
SCTM: 1-34-15.00-108.00

Name: K & M Holdings, LLC
Address: 33258 Kent Ave.
Bethany Beach, DE 19930
SCTM: 1-34-15.00-142.00



John A. Sergovic, Jr., Authorized Agent

SWORN to and subscribed before me this 9th day of December, 2019.



Notary Public



11203

BK: 4863 PG: 221

Tax Map and Parcel #: 1-34-15.00-20.06

PREPARED BY:
TOMASETTI LAW LLC
1100 Coastal Hwy., Unit 3
Fenwick Island, DE 19944
File No. 518-89/KR

RETURN TO:
RONALD E. GRAY
M. CANDICE L. GRAY
37176 Sunset Cove
Selbyville, DE 19975

Consideration:	265,000.00

County	3,975.00
State	6,625.00
Town	Total 10,600.00
Received:	Maria T Apr 02, 2018

THIS DEED, made this 28th day of March, 2018,

- BETWEEN -

ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, of 33099 Omar Road, Frankford, DE 19945, parties of the first part,

- AND -

RONALD E. GRAY and M. CANDICE L. GRAY, husband and wife, of 37176 Sunset Cove, Selbyville, DE 19975, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as TENANTS BY THE ENTIRETY :

ALL that certain lot, piece or parcel of land situate, lying and being on the Northwesternly side of Route 17, Baltimore Hundred, Sussex County, Delaware, more particularly described as follows: Being: PARCEL "A", on a plot entitled "SUBDIVISION OF LANDS OF BONARD B. TIMMONS, JR.", dated April 23, 1987, prepared by McCann,

389

TBB>

BK: 4863 PG: 222

Inc., a copy of said plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 37, Page 19. Said parcel containing 10.05 acres of land, more or less.

BEING the same lands as conveyed unto Alexander Pszczola, III and Shelly Hocker Pszczola, husband and wife, by Deed of Gerald Hocker and Emily Hocker, husband and wife, dated December 18, 2013 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4210, Page 302.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated January 4, 2007 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 1, Page 196.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated March 12, 2009 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 6, Page 97.

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.

BK: 4863 PG: 223

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

Signed, Sealed and Delivered in the presence of:

[Handwritten signature]
AS

Alexander Pszczola III (SEAL)
ALEXANDER PSZCZOLA, III

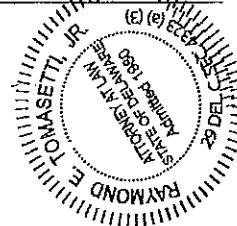
Shelly Hocker Pszczola (SEAL)
SHELLY HOCKER PSZCZOLA

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 28, 2018, personally came before me, the subscriber, ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

[Handwritten signature]
Notary Public
My Commission Expires: none



RECEIVED
Apr 02, 2018
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
Apr 02, 2018 12:14P
Sussex County
Doc. Surcharge Paid

May 23, 2020

Sussex County Planning and Zoning Commission

2 The Circle

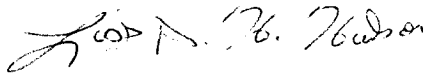
Georgetown, DE 19947

RE: C/Z 1914 – Ronald E. & M. Candice Gray

Mr. Jamie Whitehouse,

I am writing this letter as the land owner who is most impacted by the proposed amendment to the comprehensive zoning map. My property is located directly behind the property in question and it is in my direct line of site of Roxanna Road. I have met with Mr. Gray and he has explained to me his intentions with regard to his property. As a result, I do not oppose this change from AR-1 agricultural residential district to a B-2 business community district.

Regards,

A handwritten signature in black ink that reads "Lisa A. Hoffman Hudson". The signature is written in a cursive style with some loops and flourishes.

Lisa A. Hoffman Hudson

34281 Horse Play Way

Frankford, DE 19945

302-236-0881

Jamie Whitehouse

From: carolyn.nutt@verizon.net
Sent: Tuesday, June 9, 2020 3:14 PM
To: Jamie Whitehouse
Cc: carolyn.nutt@verizon.net
Subject: Opposition Letters for C/Z 1914 AR-1 to B-2
Attachments: Marie Kunkle Opposition Letter .docx; List of Neighbors in Opposition to CZ 1914.docx; Richard and Sandy Curcy_Roxana Road Storage opposition.docx; William Parler Roxana Road Storage opposition.docx; Carolyn Nutt opposition letter.docx

Importance: High

Mr Whitehouse:
Please see the attached letters in opposition to C/Z 1914 AR-1 to B-2.
Thank you,
Carolyn Parler Nutt
On Behalf of
William and Anne Parler
34122 Roxana Road
Frankford, DE 19970

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JUN 10 2020

SUSSEX COUNTY
PLANNING & ZONING

June 9, 2020

Planning and Zoning Department
2 The Circle
Georgetown, DE 19947
Attention: Sussex County
RE: C/Z 1914 AR-1 to B-2

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JUN 10 2020

SUSSEX COUNTY
PLANNING & ZONING

Ron and Candy,

Hello fellow Sussex County residents! My name is Marie and when we attended Mariner's Bethel Sunday school together many years ago, I remember you and your wife quite favorably. I'm sure you don't remember me but you might know my son and former husband. They have a business further down Route 17 called Multi-Koastal Services. I live about a mile up the road towards Hockers.

I remember when I first acquired this property many, many years ago. It was owned by Bake Timmons and my lot was the smallest of an old farm that Bake broke down into four lots. My lot was the only one with road frontage on Route 17.....300 feet of it. It was a blank slate.....actually a cornfield. I love gardening and the first thing I did was to plant a field of wildflowers along the road front. Over the years, Mother Nature and I have transformed my 8.38 acres into a very peaceful haven not only for me but for deer, fox, raccoon, groundhogs and an assortment of reptiles. (had an encounter with a snapper just yesterday) The environment is very important to me. I like to think that I have greatly improved the air quality along this very busy highway.

So, I am sure that the rumors of a commercial enterprise being installed within 400 feet of my property line is just a horrible, nasty rumor. I know that being the decent church-going folks you are, and also being a representative of the people, you would not want this to happen. I know that commercialism is slowly creeping down the highway since the new hospital was built, but this neighborhood is zoned agricultural/residential and it needs to stay that way. I pray every night that my sanctuary remains secure.

Thanks for listening,

H. Marie Kunkel at 34100 Roxana Road

List of Neighbors in Opposition of C/Z 1914 AR-1 to B-2

William and Anne Parler 302-537-0619
34122 Roxana Road
Frankford, DE 19970

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JUN 10 2020

Sandy and Richard Curcy 302-541-4150
34269 Roxana Road
Frankford, DE 19945

SUSSEX COUNTY
PLANNING & ZONING

Betsy and Jesse Bare 302-745-8247
34556 Persimmon Pl
Frankford, DE 19945

Co-Owner with the Bare's
Mimi Dupont 302-228-2755
29497 Cripple Creek Drive
#1304
Dagsboro, DE 19939

Marie Kunkle 703-472-7717 (Walsh)
34100 Roxana Road
Frankford, DE 19945
PO Box 133
Frankford, DE 19945

Michael A Izzo 302-448-5831 302-539-6573
34568 Persimmon Pl
Frankford, DE 19945
Recently moved out of the area

Adam Izzo
34568 Persimmon Pl
Frankford, DE 19945

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JUN 10 2020

SUSSEX COUNTY
PLANNING & ZONING

Planning and Zoning
2 The Circle
Georgetown, De. 19947

Re: C/Z 1914 AR-1 to B-2

We are writing to express our strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on Route 17 (Roxana Rd)

Our property of approximately 22 acres lies across the street from the proposed storage project. (We also own land on the other side of Roxana Rd. two properties from the proposed project) All of our land is currently farmed and has been for the 21 years we have owned it and for many years before that.

The nature of Roxana Rd. has been rural for all that time, although that is changing above the Pepper's Corner Rd/Powell Rd. intersection. Most of the building above that intersection has been residential with a few exceptions –mainly the new hospital and the storage units already built on two corners of Burbage Rd.

Beside the storage facility on the Burbage Rd corners of Roxana Rd., there also exists a storage facility on Rt. 26 across from Hocker's Super Center and one also on Rt. 17, just outside the town limits of Selbyville.

We have not even addressed the traffic on Roxana Rd. It is an approximately 8 1/2 mile long, two lane road that goes from Clarksville to Selbyville. In 1999, when we bought our property, there was very little traffic. In 2020, traffic has increased to a steady, consistent stream, which increases incrementally as more and more residences are built. Traffic is fairly heavy during morning hours and after work hours. More and more trucks are using this road and the summer traffic is much heavier and starts earlier every year. We have yet to see the added traffic generated by the new hospital. With the addition of residential developments currently in the process of being built, still to be built above Powell Farm Rd/Pepper's Corner Road and a 200 unit apartment building proposed to be built near the hospital, we believe the traffic will soon present a real problem. While the speed limit is now 50, many of the vehicles do 60 and over which makes getting out of your driveway dangerous without any added traffic. We expect that, at some point, traffic lights will be added to Roxana Rd and this will, of course, change the flow and pattern of traffic.

From the intersection of Pepper's Corner/Powell Farm Rds. to the Route 20 light on Roxana Rd, the land is still rural consisting of farmed land and single family residences.

To inject a commercial zone project in this area would be to invite an inevitable change in the area that would destroy the rural nature of land already designated as an Investment level 4 which considers the rural aspect of these properties worth preserving. We, too, consider the rural nature of Roxana Rd worth preserving.

We urge you to turn down this application for a zoning change.

Sincerely,

Richard Curcy

Sandra Curcy

34269 Roxana Road, Frankford, Delaware 19945

Planning and Zoning Department
2 The Circle
Georgetown, DE 10047
Attn: Sussex County Council
Re: Roxana Road Storage
Tax Parcel No: 134-15.00-20.06

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JUN 10 2020

SUSSEX COUNTY
PLANNING & ZONING

Planning and Zoning Commissioner:

We are writing to express strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

We own a residence of 9.7 acres Tax Map 134 - 15.00-20.07 34122 Roxana Road. The property is parallel (East – West) for almost the entire width of the land proposal as a storage facility and office commercial building. The general area is now predominantly agricultural and residential.

We purchased the property and constructed the original the part of our residence in 1995. An addition was added in 2000. This is my full-time residence and only residence since June of 2000. Most of the area has been predominantly – almost exclusively – a low density, agricultural residential area. That condition has not changed in the 25 years we have been here and decided to make this home.

General Conditions:

Primary uses completed in low-density areas are and have been agricultural and single-family detached homes. To satisfy the objective, business development (in agricultural residential) should be limited (largely confined to business activities to provide the needs of the historic and existing for two uses) This means the form the business activities in agricultures, residences and other areas should be to provide needed goods and services to the area to the residents and owner.

Broader commercial activities should be avoided, otherwise agriculture, residential areas will become business and subject to the same issues and problems a business activities require such as: (transportation, traffic, water, sewerage, wells, water coastal flooding) and dangers to others from activities permitted in the business areas, and size of the business operation.

Areas of concern raised by the commercial application:

Water: How will water accumulations be handled to prevent flooding on adjoining property?
How will existing wells on adjacent property be affected by commercial development?
How will existing septic systems on adjacent property be affected by commercial development?

Drainage Ditch/Tax Ditch: How will excess water (created by surfaces covered mostly with asphalt and concrete be directed into the tax ditch on the west end of the property?

Traffic: Has the DelDOT provided an impact on traffic in the area? The low-density area is growing at a fast rate over recent years: (e.g., Millville by the Sea, Bishops Landing, Bear Trap Dunes, and Beebe Hospital)

Planning and Zoning Department
2 The Circle
Georgetown, DE 10047
Attn: Sussex County Council
Re: Roxana Road Storage
Tax Parcel No: 134-15.00-20.06

RECEIVED

JUN 10 2020

SUSSEX COUNTY
PLANNING & ZONING

Planning and Zoning Commissioner:

I am writing to express strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

My name is Carolyn Nutt, I am the daughter of William and Anne Parler, of Sunny Meadow Horse Farm, located at 34122 Roxana Road, adjacent to the north of the proposed Commercial Development. I am a fifth-generation farmers daughter. My mother's family bred Hereford cattle, grew corn and soybeans in the Midwest, My father's family were sharecroppers and subsistence farmers in the south. I am a founding member of the National Society Descendants of American Farmers. This organization's mission is to educate, preserve, and increase the knowledge of the history of early American farmers. The primary mission is to award higher education scholarships to students who will follow in our ancestors' footsteps. Ten scholarships were issued this year for students to attend college in Agricultural Sciences, Wildlife and Fishery field, and Agribusiness Management to name a few.

My parents moved here in the early 1990's wanting to return to their agrarian roots and retire. They chose this area intent on 10 acres of farmland to start a horse farm. The 9.7 acres farm, Sunny Meadows Horse Farm worked collaboratively with the high school 4H students, special needs children, and others in the community to develop a love of farming, working with animals, and barn management. Clearly, farming is especially important to me and my family for generations.

For 25 years, the nature of Roxana Rd has been agricultural and has been rural for all that time, although that is changing above the Pepper's Corner Rd/Powell Rd. intersection. Most of the building has been residential with a few exceptions –mainly the new hospital and the storage units already built on two corners of Burbage Rd to address the current development of Millville by the Sea.

Beside the storage facility on the Burbage Rd corners of Roxana Rd., there also exists the Millville Mini Storage facility on Rt. 26 across from Hocker's Super Center, Atlantic Boat and RV Storage, Clarksville RV & Boat Storage, which all have available space and one also on Rt. 17, just outside the town limits of Selbyville which, by the way, is for sale as was the adjacent 5 acres.

We have not even addressed the traffic on Roxana Rd. It is major connector road with a fair amount of traffic which increases incrementally as more and more residences are built. Traffic is fairly heavy during morning hours and after work hours. More and more trucks are using this road and summer traffic is much heavier. We have yet to see the added traffic generated by the new hospital. With the addition of the new residential developments currently in the process of being built and a 200 unit apartment building proposed to be built near the hospital, we believe the traffic will become even heavier.

Letters of Opposition

CZ 1914

Ronald E. & M. Candice Gray

Barbara D. Sunderlin

203 Pepper Vine Point
Dagsboro, DE 19939
(215) 801-7078

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

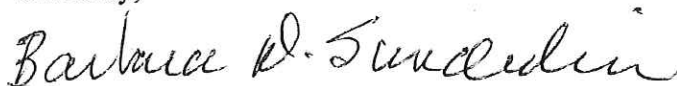
June 15, 2020

Councilman Douglas B. Hudson
Sussex County Council
2 The Circle
Georgetown, DE 10047

Dear Doug,

In case you don't remember me, I am Drew's wife and have spoken to you on previous occasions. I am writing to you to support my friend, Anne Parler, whose letter is attached. I find what the Council is considering granting to the Roxana Rd. Storage Center appalling. The Parlers are justified in their concerns and I support the Council NOT granting the Roxana Road Storage C/Z 1914 proposal.

Sincerely,



Barbara D. Sunderlin

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Planning and Zoning Department
2 The Circle
Georgetown, DE 10047
Attn: Sussex County Council
Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

Planning and Zoning Commissioner:

We are writing to express strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

We own a residence of 9.7 acres Tax Map 134 - 15.00-20.07 34122 Roxana Road. The property is parallel (East – West) for almost the entire width of the land proposal as a storage facility and office commercial building. The general area is now predominantly agricultural and residential. We purchased the property and constructed the original the part of our residence in 1995. An addition was added in 2000. This is my full-time residence and only residence since June of 2000. Most of the area has been predominantly – almost exclusively – a low density, agricultural residential area. That condition has not changed in the 25 years we have been here and decided to make this home.

General Conditions:

Primary uses completed in low-density areas are and have been agricultural and single-family detached homes. To satisfy the objective, business development (in agricultural residential) should be limited (largely confined to business activities to provide the needs of the historic and existing for two uses) This means the form the business activities in agricultures, residences and other areas should be to provide needed goods and services to the area to the residents and owner.

Broader commercial activities should be avoided, otherwise agriculture, residential areas will become business and subject to the same issues and problems a business activities require such as: (transportation, traffic, water, sewerage, wells, water coastal flooding) and dangers to others from activities permitted in the business areas, and size of the business operation.

Areas of concern raised by the commercial application:

Water: How will water accumulations be handled to prevent flooding on adjoining property? How will existing wells on adjacent property be affected by commercial development?

How will existing septic systems on adjacent property by affected by commercial development?

Drainage Ditch/Tax Ditch: How will excess water (created by surfaces covered mostly with asphalt and concrete be directed into the tax ditch on the west end of the property?

Traffic: Has the DeIDOT provided an impact on traffic in the area? The low-density area is growing at a fast rate over recent years: (e.g., Millville by the Sea, Bishops Landing, Bear Trap Dunes, and Beebe Hospital)

Entrance to the Facility: The one entrance to the storage facility will be only a few feet south of the driveway to my residence.

Sewerage: How will sewerage be handled?

Problems which could be associated with the Facility:

- What activities are being carried out on facility?
- What will be stored at facility, explosives, weapons, fuel, etc.?
- What checks if any will be made to ensure that neighboring properties are not subject to danger?
- Noise with the amount of traffic in and out permitted, simply the noise from the facility will not be compatible with the tranquility expected by owners of nearby residences.
- 4 am – 10 pm in and out traffic - 500/ADT and 50/HR of added traffic to Route 17
- Facility will be lit at night disturbing the surrounding properties
- Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable)
- Density of Commercial Development incompatible with surroundings
- Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the State CANNOT SUPPORT the proposed commercial development project

Need for the facility:

What is the new justification for a storage business in the area to be introduced into this low density agricultural residential area to justify the expansion past Peppers Corner Road? No compelling justification has been given.

Conclusion:

The application should not be approved based upon the issues identified above. This facility could be detrimental to the health, safety and welfare of the surrounding low density agricultural residential area. The low density agricultural residential area must be protected therefore we are opposed to this application for commercial development.

We urge you to turn down this application.

Bethanie P Detar
Katherine Anne Detar
Kyle W Detar
Christopher V Detar

Blair and Rebecca Parler
16619 Bahner Court
Mount Airy, MD 21771
(410) 489-9896
BlairParler@yahoo.com

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
2 The Circle
Georgetown, DE 19947

RE: Roxana Road storage C/Z 1914
Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

This letter is from Blair and Rebecca Parler, son and daughter-in-law of William C. Parler Sr and Anne H. Parler, who reside at the property directly next to Tax Parcel No. 1-34-15.00-20.06. We are writing this letter in strong opposition to a change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land. My parents live in a peaceful, quiet rural setting surrounded by agricultural land and other residential properties. Rebecca and I, along with our three adult children Nicole Smith, Kasey Forsell and Taylor Parler, have enjoyed 25 years of visiting my parents in this rural setting surrounded by agricultural farmland and coastal areas.

Based on the NRCS soil survey that was completed, the property and soil make-up have severe limitations for development and are considered unsuitable for such development. What I cannot comprehend is how a zoning change and building permit can be granted for a 100,000 square-foot+ facility of storage buildings, office space, paved roadway, and parking lot space all on just a ten-acre farm field. This is a significant amount of impervious surface for this space. What will happen when there is a significant storm? Where will the stormwater and runoff go? Have there been any studies on how the stormwater runoff, especially in a torrential rain, is going to keep my parent's property and the other surrounding properties from flooding?

The question I would pose to your committee is: Would you like for this facility to be built next to your home, directly on the property line like the mapping for this project suggests? There will be traffic, noise, and blinding spotlights involved. Please make sure you think about this and take our family's concerns into consideration. I appreciate your consideration in denying a zoning change and building permit for this parcel. Please reject the application for rezoning and building permit based on unsuitable drainage and undue stressors on adjacent residences.

Respectfully submitted,

Blair and Rebecca Parler

Blair H and Rebecca J. Parler

Sussex County Council
2 The Circle
Georgetown, DE 10047

Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

The Honorable Michael H. Vincent, President:

I am writing to express strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

My name is Carolyn Nutt, I am the daughter of William Carlos and Anne Parler, of Sunny Meadow Horse Farm, located at 34122 Roxana Road, adjacent to the north of the proposed Commercial Development. I am a fifth-generation farmers daughter. My mother's family bred Hereford cattle, grew corn and soybeans in the Midwest. My father's family were sharecroppers and subsistence farmers in the south. I am a founding member of the National Society Descendants of American Farmers. This organization's mission is to educate, preserve, and increase the knowledge of the history of early American farmers. The primary mission is to award higher education scholarships to students who will follow in our ancestors' footsteps. Ten scholarships were issued this year for students to attend college in Agricultural Sciences, Wildlife and Fishery field, and Agribusiness Management to name a few.

My parents moved here in the early 1990's wanting to return to their rural roots and retire. They chose this area intent on 10 acres of farmland to start a horse farm. The 9.7 acres farm, Sunny Meadows Horse Farm has worked over many years collaboratively with the high school 4H students, special needs children, and others in the community to develop a love of farming, working with animals, and barn management. Clearly, farming is especially important to me and my family for generations.

For 25 years, the nature of Roxana Rd has been agricultural and has been rural for all that time, although that is changing north of the Pepper's Corner Rd/Powell Rd. intersection. Most of the building have been residential with a few exceptions –mainly the new hospital and the existing storage units on two corners of Burbage Rd to address the current development of Millville by the Sea.

Beside the Beach storage facility on the Burbage Rd corners of Roxana Rd., there also exists the Millville Mini Storage facility on Rt. 26 across from Hocker's Super Center, Atlantic Boat and RV Storage, Clarksville RV & Boat Storage, which all have available space and one also on Rt. 17, just outside the town limits of Selbyville which, by the way, is for sale as was the adjacent 5 acres. There is also a recent application for a 24/7 RV & Boat storage facility reviewed by the Sussex County Council on Burbage Road.

Problems which could be associated with the Facility:

- What activities are being carried out on facility?
- What will be stored at facility, explosives, weapons, fuel, etc.?
- What checks if any will be made to ensure that neighboring properties are not subject to danger?
- Noise with the amount of traffic in and out permitted, simply the noise from the facility will not be compatible with the tranquility expected by owners of nearby residences.
- 4 am – 10 pm in and out traffic adjacent to the property line – 400-500/ADT and 50/HR of added traffic to Route 17.
- Facility will be lit at night disturbing the surrounding properties
- Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable)
- Density of Commercial Development Facility incompatible with surroundings
- Hazardous access adjacent to the Parler's lane
- Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the State CANNOT SUPPORT the proposed commercial development project; DNREC and SHPO do not support proposed development.
- Inconsistent with the Comprehensive Plan sections:
 - Investment Level 4 p. 4-11
 - Figure 4.4-1, Level 4, Lowest Priority of Funding, p. 4-12
 - Coastal Area – Densities and Infrastructure pp. 4-15, 4-16
 - 4.6.2 Supporting Agricultural Land Use: pp. 4-26, 4-27
 - Goal 4.5 Recognize the importance of the agricultural land base of the County p. 4-30
 - Goal 4.6 Recognize the importance of the Inland Bays p.4-31
 - Section 5.2.3.2 Agricultural Land Preservation (Adj. to Preserved Land) p. 5-4
 - 5.2.4 Water Resources: including Surface Water, Groundwater and Wetlands p. 5-6, 5-7 Inland Bays Little Assawoman Watershed
 - 5.3 Sussex County Development Regulations and Conservation Initiatives p. 5-11-5-12

Roxana Road is major connector road with a fair amount of traffic which increases incrementally as more and more residences are built. Traffic is fairly heavy during morning hours and after work hours. More and more trucks are using this road and summer traffic is much heavier. We have yet to see the added traffic generated by the new hospital. With the addition of the new residential developments currently in the process of being built and a 200 unit apartment building proposed to be built near the hospital, we believe the traffic will become

even heavier. Furthermore, due to the predicted increase in traffic with the proposed commercial development facility, a proposed widening of Route 17 and a turn lane to the facility entrance adjacent to the property line will create a hazardous turn lane crossing the entrance of my parent's driveway.

From the intersection of Pepper's Corner/Powell Farm Rds. to the Route 20 light on Roxana Rd, the land is primarily rural consisting of farmed land and single-family residences. To inject a commercial development facility in this area would be to invite an inevitable change in the area that would destroy the rural nature of land already designated as an Investment Level 4 which considers the prime agricultural lands, environmentally sensitive wetlands, and wildlife habitats of these properties worth preserving. We, too, consider the agricultural nature of Roxana Rd worth preserving.

This commercial development facility could adversely impact the surrounding properties from increased traffic, noise, and pollution diminishing the overall health, safety, and welfare of the property owners. The State of Delaware does not support the development project as it is inconsistent with the Strategies for State Policies and Funding of the Office of State Planning Coordination. Finally, the development is inconsistent with the Comprehensive Plan of Sussex County which plans for residential development trends to stop north of Peppers Corner Road, beyond Peppers Corner to the south remains Investment Level 4, agricultural and residential area, rural and coastal area farmland.

We urge you to turn down this application.

Sincerely,



B. Carolyn Nutt
14 Weston Road
Hingham, MA 02043
for William C. Parler and Anne H. Parler
34122 Roxana Road
Frankford, DE 19970

Photos



The Parler's Garage is 26'-0" off the tree line (east – west property line) from the proposed commercial development facility



The Parler's well is 25'-0" off the tree line (east – west property line) from the proposed commercial development facility.



The Parler's entrance (where car is shown) is approximately 25'-0" from the proposed entrance of the commercial development facility (to the left of tree line) creating a hazardous access to the Parler's lane



An expansive view of Parler's lane where car is shown. Beyond tree line is proposed entrance to the commercial development facility.





friendly transportation systems, and provides essential open spaces and recreational facilities, other public facilities, and services to promote a sense of community.

Investment Level 3

The lands in Investment Level 3 areas are those in the long-term growth plans of counties or municipalities where development is not necessary to accommodate expected population growth during the next five years or longer. Development in these areas may be least appropriate for new growth and development in the near term. Investment Level 3 areas also include lands adjacent to or intermingled with fast-growing areas within counties or municipalities that are otherwise categorized as Investment Levels 1 or 2. Environmentally sensitive features, agricultural-preservation issues, or other infrastructure issues most often impact these lands. In these instances, development and growth may be appropriate in the near term, but the resources on the site and in the surrounding area should be carefully considered and accommodated by state agencies and local governments with land-use authority.

Due to the limits of finite resources, state infrastructure spending on “hard” or “grey” infrastructure such as roads, sewer, water, and public facilities will generally be directed to Investment Level 1 and 2 Areas. The State will consider investing in Level 3 Areas once the Investment Levels 1 and 2 are substantially built out, or when the infrastructure or facilities are logical extensions of existing systems and deemed appropriate to serve a particular area.

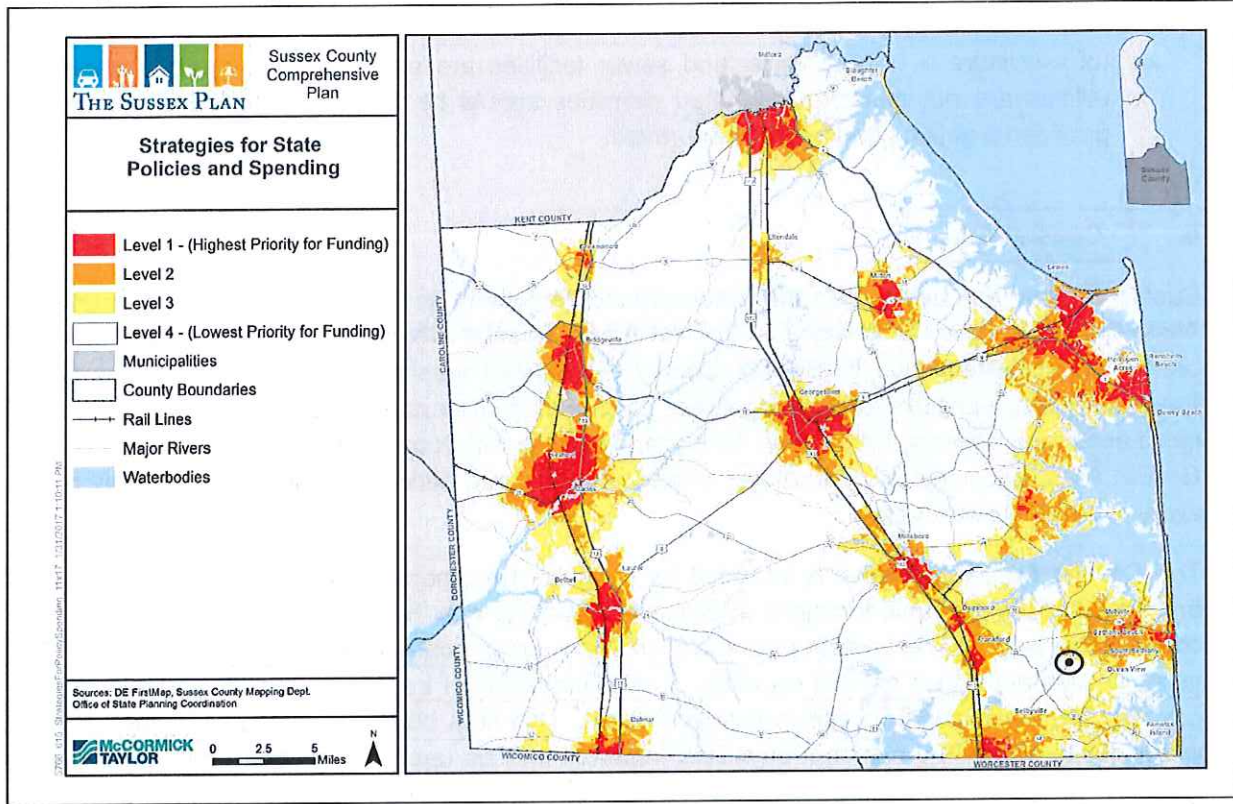
In Sussex County’s case, much of the Coastal Area is designated as Level 3. This designation acknowledges that these areas are part of the County’s future growth zone. However, this designation also suggests that special scrutiny should be applied to spending decisions and development proposals within these areas to ensure these activities are consistent with State and local development and preservation policies.

Investment Level 4

It is the State’s intent to discourage additional urban and suburban development in Investment Level 4 areas unrelated to agriculture and to the area’s needs. It will do so through consistent policy decisions and by limiting infrastructure investment, while recognizing that state infrastructure investments may be appropriate where state and local governments agree that such actions are necessary to address unforeseen circumstances involving public health, safety, or welfare.

In Sussex County’s case, there are areas where county growth areas were expanded for this 2018 Comprehensive Plan. In some cases, they are in State Investment Level 4 areas. Similar to growth areas in Investment Level 3 areas, special scrutiny should be applied to spending decisions and development proposals within these areas to ensure these activities are consistent with State and local development and preservation policies.

Figure 4.4-1 Strategies for State Policies and Spending



- Infrastructure – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to two units per acre provided a septic permit can be approved.

4. Coastal Area

Sussex County has designated the areas around Rehoboth Bay, Indian River Bay, and Little Assawoman Bay (the inland bays) as Coastal Areas. Coastal Areas generally encompass areas on the south-eastern side of Sussex County within what was previously referred to as the Environmentally Sensitive Developing Areas of prior Comprehensive Plans. The updated name more accurately reflects the function of this land use classification. While the Coastal Area is a Growth Area, additional considerations should be taken into account in this Area that may not apply in other Growth Areas.

The Coastal Area designation is intended to recognize two characteristics. First, this region is among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices. Second, this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region's various habitats. And, these factors are themselves part of the reason that this Area is so desirable-making the protection of them important to both the environment and the economy.

The County has significant initiatives to extend public sewer service to replace inadequate on-site systems. This is described more in within Chapter 8, Utilities. Careful control of stormwater runoff is also an important concern in keeping sediment and other pollutants out of the Inland Bays.

The challenge in this region is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets which: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates low.

The following guidelines should apply to future growth in Coastal Areas:

- Permitted Uses – 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.

- **Densities** – Sussex County’s base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density. A clustering option permitting smaller lots and additional flexibility in dimensional standards is encouraged on tracts of a certain minimum size, provided significant permanent common open space is preserved and the development is connected to central water and sewer service. The preservation of natural resources or open space is strongly encouraged in this land use classification. The County should revisit environmental protection in the Coastal Areas.

Specific regulations governing cluster developments are designated by zoning district. There currently is an option where density can be increased with optional density bonuses for certain zoning districts. Those optional bonuses may involve payment of fees that fund permanent land preservation elsewhere in the County, or other options. RPC’s are encouraged to allow for a mix of housing types and to preserve open space and natural areas/resources. Cluster development that allows for smaller lots and flexibility in dimensional standards is encouraged if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract and/or natural areas/resources. Master planning should be encouraged especially for large-scale developments on large parcels or groups of parcels, higher density and mixed-use developments to provide flexibility in site design.

All applicants for developments of a minimum size (as specified in zoning) should continue to be required to provide information that analyzes the development’s potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorous loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

- **Infrastructure** – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to two units per acre provided a septic permit can be approved.

5. Existing Development Area

Existing Development Areas consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these



Each land use proposal the County receives should be reviewed on its own merit to determine if the proposal is consistent with the Future Land Use Map and does not have a negative impact on the surrounding area or the County in general.

As described above, the Future Land Use Plan is not the County's official zoning map. The Future Land Use Map and all other aspects of this Comprehensive Plan will be considered primarily through ordinances and other programs that fulfill policy objectives.

4.6 IMPLEMENTATION OF THE FUTURE LAND USE PLAN THROUGH STRATEGIES

4.6.1 Well-Planned Growth and Conservation Strategy

The Future Land Use Plan along with the County's Zoning and Subdivision and Land Development Regulations provides a framework for balanced land use and critical investment in Sussex County. Indeed, the County already provides an attractive environment for land use development; therefore, the Future Land Use Plan should establish sensible growth principles and strategies. Many of the goals, objectives, and strategies for this Chapter outlined in Section 4.7 are focused on ways to improve decisions related to future land use.

To effectuate such improved decisions, the Future Land Use Plan has established Growth Areas where the County has signaled future growth is expected. In addition, while development is inevitable, a priority has been made to better preserve the rural character and natural resources of the County. To achieve these goals, the County should consider larger buffers in sensitive environmental areas, increased building height in select areas, density bonuses for open space funding, and stream-lining the process for voluntary downzoning to AR-1.

The majority of development in the County is new development, but the County recognizes the importance of redevelopment to breathe new life into an area with pre-existing uses. Redevelopment also reduces development pressure on undeveloped land. The County would like to encourage more redevelopment and infill development by determining if incentives can be established for developers that propose redevelopment, particularly redevelopment of brownfield areas.

4.6.2 Supporting Agricultural Land Use and Agricultural Land Preservation

The County strongly supports efforts by the State, conservation organizations, and local landowners to preserve farmland through voluntary purchases of development rights. This is described in more detail in Chapter 6 of this Comprehensive Plan. The County views the voluntary sale of farmland development rights to the Delaware Agricultural Lands Preservation Foundation as an important tool for preserving the County's rural character and supporting a viable agricultural economy. The description of Low Density planning areas included earlier in this chapter describes additional strategies Sussex County now uses to help preserve the County's agricultural heritage.



The County wants to take measures to reduce challenges placed on farmers and other uses related to farming caused by new development. One way would be the establishment of voluntary agribusiness areas or district centered around existing infrastructure within the AR-1 zones in the Low Density Areas of the Future Land Use Map. In these areas, certain “agribusiness” uses would be permitted within the AR-1 zone.

This will enable certain limited, yet important agriculture industries to develop in support of Sussex County’s large agricultural economy. Agribusiness Areas should generally be located wherever suitable supporting infrastructure already exists or will be available in the ten-year time period covered by this Plan. In addition, consideration should be given to current and future nearby land uses like Agricultural Preservation Districts or lands in Agricultural Conservation Easements which will act as an additional agricultural buffer between a permitted agribusiness use and other types of permitted uses in the Low Density Area and AR-1 District. Consideration should also be given to the minimum parcel size for any permitted agribusiness use, as well as other factors such as buffering.

4.6.3 Promoting Appropriate Commercial and Industrial Development

The Future Land Use Plan designates areas for future commercial and industrial development. It is important that commercial and industrial development occurs in a scale, intensity, and distance appropriate to adjacent residential neighborhoods. The County is considering ways to achieve this objective including the recent adoption of a commercial planned development ordinance that would require a review and approval of a site plan at the same time as a zoning change is proposed.

The County recently adopted new zoning code for commercial districts to include sub-districts. In doing so, this will help better define types of commercial uses within the districts. The County also increased the ability of mixed uses within districts that would help promote development designed to support both residential and commercial uses.

The County recognizes that the availability of public services and infrastructure is necessary in order to spur more industrial development. As discussed in the Economic Development and Utilities Chapters of this Comprehensive Plan, the County supports efforts by the utility providers in the County to extend their services areas. The County would like to identify areas that are served with adequate electricity, natural gas, and fiber optic infrastructure for rezoning to LI-1, LI-2, and HI-1 uses to increase the amount of available land for new industries locating in the County.

The County allows educational and public elements to be constructed throughout the County’s zoning districts. Sussex County also adopted a new Institutional district that should make it easier for educational/public buildings to move forward.

Based on the future land-use map it is expected that educational and public facilities would be constructed where the bulk of new development is to be encouraged and anticipated, given that this is where demand is expected to be greatest. However, the County’s regulations give sufficient

Strategy 4.4.1.2 Revisit height limits in the County Code for residential and commercial districts to determine if heights are accurate for such districts and uses, as well as determining if the method for measuring height should be revised.

Strategy 4.4.1.3 Review zoning code to determine if modifications are needed to permit new styles of housing such as tiny house construction and agrihood developments to be developed in the code as they appear.

Strategy 4.4.1.5 Encourage master planning for large-scale developments on large parcels or groups of parcels in the Town Center, Coastal Area, Developing Area, and Commercial land use classifications to provide flexibility in design.

Goal 4.5 Recognize the importance of the agricultural land base of the County.

Objective 4.5.1 Develop strategies for the preservation of agriculture or forestry lands.

Strategy 4.5.1.1 Promote and expand land use, zoning and conservation policies and incentives that keep agriculture economically viable in Sussex County.

Strategy 4.5.1.2 Explore incentives that the County could offer landowners (e.g. property tax exemption) to encourage long-term forest management.

Objective 4.5.2 Reduce the challenges placed on farmers by new development.

Strategy 4.5.2.1 Evaluate the concept of establishing voluntary agribusiness areas or district that are centered around existing infrastructure in AR-1 zoning that allow agricultural uses or other compatible uses.

Strategy 4.5.2.2 Ensure that the zoning ordinance accommodates agribusiness, forestry, and similar uses in appropriate locations, including businesses that promote new uses for agricultural products and byproducts.

Objective 4.5.3 Increase the acreage of permanently preserved farm and forestland in the County.

Strategy 4.5.3.1 Encourage more farm owners to enroll in a voluntary State Agricultural Preservation District or similar program.

Strategy 4.5.3.2 Work with the Delaware Department of Agriculture to preserve more Sussex County farms through agricultural preservation easements.

Strategy 4.5.3.3 Coordinate agricultural preservation acquisitions with other current and future adjacent uses.

Strategy 4.5.3.4 Support and promote the Forest Legacy Program and other programs that sustain and protect working forests.



Strategy 4.5.3.5 Consider renewal of the County's contribution to the State Farmland Preservation Program and other federal or state programs.

Strategy 4.5.3.6 Promote farm easement programs by the State, NRCS, and private land conservancies.

Strategy 4.5.3.7 Promote Delaware's Urban and Community Forestry Program to preserve and enhance Delaware's community forests.

Strategy 4.5.3.8 Continue coordination with and technical assistance to public and private entities acquiring open space and farmland easements in low density, rural areas.

Goal 4.6 Recognize the importance of the Inland Bays

Strategy 4.6.1 Support the Center for the Inland Bays and other conservation groups in their efforts to educate more people about the necessity of protecting tidal wetlands and other natural resources.

Strategy 4.6.2 Recognize the Inland Bays, their tributaries and other waterbodies as valuable open space areas of ecological importance.



assist local communities and private landowners to re-forest, manage and/or enhance their woodland resources.

The Delaware Forestland Preservation Program also works to preserve forestland as forestland preservation areas (ten acres or more of forestland that is preserved from development for at least 10 years) and through permanent easements. As of June 21, 2017, in Sussex County there are over 1,600 acres designated as forestland preservation areas and 445 acres that are permanently preserved with forestland preservation area easements.

Sussex County is also home to two of Delaware's four Forest Legacy Areas: Redden/Ellendale and Cypress Swamp. Forest Legacy Areas are specially designated concentrations of forest land, within which the State can use certain federal funds to acquire forest conservation easements. The Forest Legacy Program provides funds to states to protect working forestlands that are threatened by development or other land uses, either through outright (fee simple) purchase or conservation easements.

Learn how to enroll in the Delaware Department of Agriculture's programs to protect farmland and forestland at <https://agriculture.delaware.gov/>.

5.2.4 Water Resources

Water resources are critical to life in Sussex County. Water resources are surface waters, including the Atlantic Ocean and the Inland Bays, groundwaters, wetlands, and floodplains. The County's water resources have many uses including agricultural, household, industrial, and recreational activities. They exist as surface and groundwater resources.

5.2.4.1 Surface Waters

Sussex County is well-known for its extensive beaches and shoreline along the ocean and coastal bays. To protect these resources, DNREC administers the State Coastal Zone Program which regulates existing industrial activities as well as manufacturing activities within the State's coastal zone. While some grandfathered industrial and manufacturing activities exist within the Coastal Zone, any future development must be consistent with the Act.

The coastal zone runs the length of the eastern seaboard of the state, including the Inland Bays. Coastal zone permits are necessary for any new or expanded manufacturing activities that may impact the environment, economy, aesthetics, or neighboring land uses.

Surface water resources in the County also include a vast network ponds, rivers, and streams that crisscross the County. Figure 5.2-2 shows the major waterways and their corresponding watersheds in Sussex County.

Under Section 303(d) of the 1972 Federal Clean Water Act (CWA), states are required to identify all impaired waters and establish total maximum daily loads (TMDL) to restore their beneficial uses (e.g., swimming, fishing, & drinking water supply). A TMDL defines the amount of a given pollutant that may be discharged to a water body from point, non-point, and natural background



sources and still allows attainment or maintenance of the applicable water quality standards (e.g., dissolved oxygen, nutrients and bacteria).

Sussex County has appropriate processes in place to comply with the regulations of the TMDL program, including the Inland Bay Pollution Control Strategy and voluntary cooperation in the Watershed Implementation Plan for the Chesapeake drainage basin. The County should continue to monitor these regulations to ensure efforts are consistent with the programs.

The Inland Bays watershed pollution control strategy establishes voluntary best management practices and regulatory actions (primarily stormwater and performance standards for on-site wastewater systems) necessary for attaining the required TMDL reduction requirements and water quality standards necessary for improving water quality in the greater Inland Bays watershed

5.2.4.2 Groundwater

Groundwater resources exist subsurface and are the sole source of drinking water in the County. While water quantity is not a concern in the County as a plentiful supply of groundwater exists; water quality is a concern as land use activities and practices can have a direct impact on the quality of the groundwater in the aquifers beneath them. For example, system failure of septic tanks can result in clogging and overflow or high-density placement of tanks can result in regions containing high concentrations of wastewater that can overflow into the water table.

Groundwater is regulated by DNREC and the regulation of public water supplies is shared between DNREC, the State Division of Public Health, and the Public Service Commission. In 2001, Delaware Legislature adopted a law that required county and municipal governments to delineate source water protection areas and adopt ordinances to minimize the impact of land use activities on the groundwater supply as well as reduce the risk of contamination of excellent groundwater recharge areas and wellhead protection areas. As the County ordinance was adopted nearly ten years ago and has been actively utilized in land use decision-making since then, the County is considering a review of the existing ordinance to determine if modifications are needed to further improve implementation of the ordinance. More information about source water protection, drinking water, and aquifers can be found in the Utilities Element of this Comprehensive Plan.

5.2.4.3 Wetlands

Tidal wetlands within Sussex County are protected by State Law. Section 404 of the Federal Clean Water Act regulates tidal and fresh water wetlands. Sussex County requires a wetland statement prior to final site plan approval and a wetland delineation if wetlands are present.

Both tidal and non-tidal wetlands have extensive natural and economic value. The boundaries of wetland areas must be accurately determined by qualified professionals prior to site plan reviews or before any County permits are used. Wetlands identification and protection is much more effective if qualified professionals are involved early in site analysis and design.

The County will consider evaluating the County's buffer requirement for wetlands and, based on the type of wetland, will consider establishing a minimum buffer distance for adequate protection efforts, and for optimal protect efforts. These distances would be consistent with adequate and optimal buffer distances established by DNREC.

5.2.4.4 Floodplains

Floodplains encompass land areas adjacent to streams and waterways that are prone to flooding. Floodplains have been recognized for their stormwater storage functions and their inherent risks to life and property, resulting in a variety of restrictions and regulations over new development. Floodplains in Sussex County have been extensively identified and mapped by the Federal Emergency Management Agency (FEMA) and are a traditional tool used in determining flood insurance requirements and to determine where floodplain regulations and codes will be applied. Flooding can, and will likely, occur outside of the mapped floodplain.

Figure 5.2-3 shows flood zones in Sussex County. Flood zones are geographic areas that FEMA has defined according to varying levels of flood risk and are depicted on a Flood Insurance Rate Map (FIRM). Each zone reflects the severity or type of flooding in the area. Some of the flood zones have depths or base flood elevations available while others do not. The Detailed 1% Annual-Flood-Chance was created by FEMA to provide a national standard without regional discrimination, the 1% annual chance (100-year) flood has been adopted as the base flood for floodplain management and flood insurance purposes. A 1% annual chance flood (or base flood) has a 1% annual chance of being equaled or exceeded in any given year. Flooding can, and will likely, occur outside of the mapped floodplain. The Approximate 1% Annual-Flood-Chance is based on various methods and are of various accuracies, typically found in rural areas where there has been little hydraulic modeling completed.

The Sussex County Zoning Code contains provisions for flood-prone districts as required by the Federal Emergency Management Agency for continued participation in the National Flood Insurance Program. The Code gives guidance to those parties utilizing these requirements.

The County has also been considering participation in FEMA's Community Rating System (CRS) of the federal flood insurance program. Under the CRS program, residents in communities that undertake specific flood preparation and prevention activities can get discounts on their flood insurance between 5 percent and 45 percent. These eligible activities range from public awareness and data collection, to preserving undeveloped floodplain land, to maintaining an updated flood response plan, to relocating flood prone buildings.

5.2.5 Air

Clean air is important for the health of Sussex County residents and visitors. The US Environmental Protection Agency tracks seven pollutants at air quality monitoring stations across the State. Sussex County is currently meeting National Ambient Air Quality Standards for these pollutants. Nevertheless, there are opportunities for Sussex County to work with federal and state agencies and non-governmental agencies to identify opportunities to continue to maintain and improve air quality as the population of the County continues to grow. For example, this can include promoting walkable communities and development that reduces the use of personal automobiles as well as working with DelDOT to improve traffic flows.

5.3 SUSSEX COUNTY DEVELOPMENT REGULATIONS AND CONSERVATION INITIATIVES

Sussex County Council recognizes that rapid growth creates extraordinary environmental pressures, particularly in complex and sensitive coastal ecosystems, which includes coastal beaches, wetlands, and sensitive habitats. In addition to the standard regulations that counties and municipalities use to govern permitted uses, lot size, density, yard size and similar matters, Sussex County's Zoning Ordinance and Subdivision Code contain numerous special regulations designed to protect environmental resources. Examples include the following:

- Within this Comprehensive Plan update, Sussex County has designated what was previously referred to as the Environmentally Sensitive Developing Areas as Coastal Areas. All applicants for developments of a minimum size (as specified in zoning) with the Coastal Areas must prepare an environmental assessment. The Environmentally Sensitive Development District Overlay Zone (ESDDOZ) will be updated to be consistent with this Plan.
- Subdivision regulations that require forested buffers, minimum common open space, and a special design review by a County-appointed Technical Advisory Committee.
- Regulations mandating construction setbacks from primary coastal dunes.
- Regulations restricting building activity within the 100-year floodplain.
- Regulations that mandate building setbacks from tidal waters and tidal wetlands.
- Conservation zones are established landward from the mean high-water line of tidal bodies and regulate lot size for parcels proposing individual on-site septic and wells.
- A Combined Highway Corridor Overlay Zoning District where building setbacks, landscaping and other regulations are enforced to enhance roadside aesthetics.

- A Source Water Protection Ordinance to protect critical areas from activities and substances that may harm water quality or subtract from overall water quantity.
- Sediment and Stormwater Management is a collaboration with SCD and DNREC to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with sediment and modified stormwater characteristics.
- County Code Chapter 110: Water and Sewers, which contains regulations relating to sewer use; extension of public water and/or sewer systems; sewer and water assessments and service charges; sewer connections; transfer, exchange, or conveyance of equivalent dwelling units; sanitary sewer and water districts; and private community water systems. Proper wastewater management and coordination is very important in order to prevent water pollution. The County provides public sewer in some areas of the County. Availability of public sewer is important in areas with a concentration of failed or potentially failing septic systems in order to better protect surface water and groundwater. More information about wastewater and water utilities in the County can be found in the Utilities Element of this plan.

In addition to regulations contained in County Code, the County also provides financial support for the conservation of resources. In addition to the financial contributions that Sussex County has made in previous years to the Sussex County Land Trust for open space acquisitions (see Section 5.4.1 below) and to the State to assist with farmland preservation, Sussex County also provides various conservation-related grants. Examples of these annual grants include grants to conservation organizations such as Delaware Ducks Unlimited or soil conservation grants for tax ditches or drainage projects.

The County also receives open space contributions for those developments choosing to take advantage of the bonus density program outlined in the County Code. As of August 2017, the County has received three contributions under the bonus density program totaling \$1.4 million. However, these funds have not yet been spent on land acquisitions. The County should evaluate the County density bonus program to determine how to better encourage use of the program. The County should also consider options to better track the amount of open space and natural resource areas that are preserved on an annual basis. Plans and funding sources would then be developed to support the goal and help guide the County in how many acres it would target to preserve each year and also help guide where to focus preservation efforts.

The County seeks to encourage development practices and regulations that support natural resource protection. For all new developments, the County will consider changing the minimum buffer distance, which could be increased based on proximity of adjacent uses, intensity of use, or height. The County would like to consider the creation of an ordinance designed to protect established, mature, healthy trees during the construction of new developments to better preserve

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
2 The Circle
Georgetown, DE 19947
RE: Roxana Road storage C/Z 1914 Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

This letter is from Christine Connolly, on behalf of Anne Parler, who resides at the property directly next to Tax Parcel No. 1-34-15.00-20.06. I am writing this letter in strong opposition to a change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land. This is a peaceful, quiet rural setting surrounded by agricultural land and other residential properties, and should not be disturbed.

Based on the NRCS soil survey that was completed, the property and soil make-up have severe limitations for development and are considered unsuitable for such development. What I cannot comprehend is how a zoning change and building permit can be granted for a 100,000 square-foot facility of storage buildings, office space, paved roadway, and parking lot space all on just a ten-acre farm field. This is a significant amount of impervious surface for this space. What will happen when there is a significant storm? Where will the stormwater and runoff go? Have there been any studies on how the stormwater runoff, especially in a torrential rain, is going to keep my parent's property and the other surrounding properties from flooding?

The question I would pose to your committee is: Would you like for this facility to be built next to your home, directly on the property line like the mapping for this project suggests? There will be traffic, noise, and blinding spotlights involved. Please make sure you think about this and take this family's concerns into consideration. I appreciate your consideration in denying a zoning change and building permit for this parcel. Please reject the application for rezoning and building permit based on unsuitable drainage and undue stressors on adjacent residences.

Respectfully submitted,



Christine Connolly
28 October Glory Avenue
Ocean View DE 19970

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JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
2 The Circle
Georgetown, DE 10047

Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

Culligan Water Systems installed the water purification and water softener systems at the home of William and Anne Parler, 34122 Roxana Road, Frankford, 19945. They have been customers for the past 20 years and have a Service Agreement Plan for regular maintenance of the water purifier and water softening system. See attached letter from Culligan.

A home's water is typically drawn from one of two sources: surface water, groundwater, or a combination of the two. Because the source is a major determinant in which water treatment solution a home may need, it is important to be aware of how these water sources differ and the effects that each one could have on the water that comes out of a tap.

Surface water is water that originates in lakes, reservoirs, rivers, and other similar bodies of water. Since these water sources are exposed to the air, they can easily absorb contaminants, such as biomaterials, as well as agricultural runoff where bacteria can thrive.

Groundwater, which is water that is drawn from underground wells or aquifers, causes different problems. The most common complaints are usually consistent with the symptoms of *hard water*. Groundwater will accumulate additional minerals as it goes through the layers of sediment into the earth, which filters out impurities but also leaves your water with an unpleasant taste and smell.

Changes to the surface water and groundwater could impact the Culligan Water System installed at William and Anne Parler's residence. The Parler's have a Reverse Osmosis System water purifier system and water softener system due to hard water with high iron and other mineral content. See Culligan water testing letter attached.

Sincerely,

Carolyn Nutt, Assoc AIA, LLC
14 Weston Road
Hingham, MA 02043

SharpWater Culligan®

June 15, 2020

William Parler

34122 Roxanna Rd

Roxanna, DE 19970

To Whom it may concern,

At the above mentioned property, we are handling the water treatment for Mr. Parler. He currently has equipment to treat the hardness, iron, and hydrogen sulfite in the water along with a Reverse Osmosis system that provides purified drinking water. We also provide a 3 month maintenance on all equipment located at this address taking care of all labor, parts, filters, and chemicals.

The water test results for this property before treatment were as follows:

Hardness - 7 gpg

Iron - 6 ppm

pH- 7

Hydrogen sulfite - Present

Total Dissolved Solids - 193

Corporate Headquarters
129 Columbia Road
Salisbury, MD 21801
Telephone: 410-742-3333
Toll FREE: 800-439-3853
Fax: 410-543-2222

The Mid-Atlantic's Largest Water Treatment Dealer!
Salisbury, MD • Forest Hill, MD • Dover, DE
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CulliganMidAtlantic.com • (855) Hey-CulliganMan

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JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

June 18, 2020

Sussex County Council
2 The Circle

Georgetown, DE 19947

RE: Roxana Road storage C/Z 1914 Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

I am writing this letter in strong opposition to a change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land.

Based on the NRCS soil survey that was completed, the property and soil make-up have severe limitations for development and are considered unsuitable for such development. What I cannot comprehend is how a zoning change and building permit can be granted for a 100,000 square-foot+ facility of storage buildings, office space, paved roadway, and parking lot space all on just a ten-acre farm field. This is a significant amount of impervious surface for this space. What will happen when there is a significant storm? Where will the stormwater and runoff go? Have there been any studies on how the stormwater runoff, especially in a torrential rain, is going to keep my parent's property and the other surrounding properties from flooding?

The question I would pose to your committee is: Would you like for this facility to be built next to your home, directly on the property line like the mapping for this project suggests? There will be traffic, noise, and blinding spotlights involved. Please make sure you think about this and take the Parler family's concerns into consideration. I appreciate your consideration in denying a zoning change and building permit for this parcel. Please reject the application for rezoning and building permit based on unsuitable drainage and undue stressors on adjacent residences.

Respectfully submitted,

DiAnne Gatts
33655 Village Drive Unit 4
Lewes, DE 19958
digatts@gmail.com

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
2 The Circle
Georgetown, DE 10047
Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

Sussex County Council:

I'm writing to express strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

My grandparents own a residence of 9.7 acres Tax Map 134 - 15.00-20.07 34122 Roxana Road. The property is parallel (East – West) for almost the entire width of the land proposal as a storage facility and office commercial building. The general area is now predominantly agricultural and residential.

My Grandparents purchased the property and constructed the original the part of our residence in 1995. An addition was added in 2000. This is their full-time residence and only residence since June of 2000. Most of the area has been predominantly – almost exclusively – a low density, agricultural residential area. That condition has not changed in the 25 years that my grandparents have been there and decided to make this their home.

General Conditions:

Primary uses completed in low-density areas are and have been agricultural and single-family detached homes. To satisfy the objective, business development (in agricultural residential) should be limited (largely confined to business activities to provide the needs of the historic and existing for two uses) This means the form the business activities in agricultures, residences and other areas should be to provide needed goods and services to the area to the residents and owner.

Broader commercial activities should be avoided, otherwise agriculture, residential areas will become business and subject to the same issues and problems a business activities require such as: (transportation, traffic, water, sewerage, wells, water coastal flooding) and dangers to others from activities permitted in the business areas, and size of the business operation.

Areas of concern raised by the commercial application:

Water: How will water accumulations be handled to prevent flooding on adjoining property? How will existing wells on adjacent property be affected by commercial development? How will existing septic systems on adjacent property be affected by commercial development?

Drainage Ditch/Tax Ditch: How will excess water (created by surfaces covered mostly with asphalt and concrete be directed into the tax ditch on the west end of the property?

Traffic: Has the DelDOT provided an impact on traffic in the area? The low-density area is growing at a fast rate over recent years: (e.g., Millville by the Sea, Bishops Landing, Bear Trap Dunes, and Beebe Hospital)

Entrance to the Facility: The one entrance to the storage facility will be only a few feet south of the driveway to my residence.

Sewerage: How will sewerage be handled?

Problems which could be associated with the Facility:

- What activities are being carried out on facility?
- What will be stored at facility, explosives, weapons, fuel, etc.?
- What checks if any will be made to ensure that neighboring properties are not subject to danger?

- Noise with the amount of traffic in and out permitted, simply the noise from the facility will not be compatible with the tranquility expected by owners of nearby residences.
- 4 am – 10 pm in and out traffic - 500/ADT and 50/HR of added traffic to Route 17
- Facility will be lit at night disturbing the surrounding properties
- Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable)
- Density of Commercial Development incompatible with surroundings
- Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the State CANNOT SUPPORT the proposed commercial development project

Need for the facility

What is the new justification for a storage business in the area to be introduced into this low density agricultural residential area to justify the expansion past Peppers Corner Road? No compelling justification has been given.

Conclusion:

The application should not be approved based upon the issues identified above. This facility could be detrimental to the health, safety and welfare of the surrounding low density agricultural residential area. The low density agricultural residential area must be protected therefore we are opposed to this application for commercial development.

I strongly urge you to turn down this application.

Sincerely,

Jacqueline Parler
311 Gailridge Road
Timonium, MD 21093

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

15 June 2020

TO: Sussex County Council

FR: Jan and Albert Rouse

RE: Roxana Road Storage C/Z 1914 Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael Vincent, President

We strongly oppose the change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land.

From our understanding and based on the NRC's soil survey, the property and soil make-up have severe limitations and are considered unsuitable for such development.

On just a ten-acre farm field, how can one justify a 100,000 square foot+ facility of storage buildings, office space, paved roadway, and parking lot space? What will happen when there is a significant storm and those torrential rains that we are known for? Where will the runoff go - to neighboring properties? Have studies been completed?

Please reject the application for a rezoning and building permit based on unsuitable drainage.

Honorable Vincent, may we also add that this property is in a peaceful, quiet rural area, surrounded by agricultural land and residential properties. Don't we want to keep just a little bit of the "special" that makes up Sussex County's beauty?

Respectfully yours,

Jan and Albert Rouse

Sent from my iPad=

Sussex County Council

2 The Circle

Georgetown, De. 19947

Re: Roxana Road Storage C/Z

1914 Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael H. Vincent, President

We strongly recommend NOT changing the property next to Anne Parler's Farm to a commercial development and OPPOSE C/Z 1914. On a personal level, it would be interrupting sleep with the facility being open at 4 am to 10 pm. The noise, air, stormwater, and ground pollution will be intrusive and detrimental to Anne's health, safety and overall welfare.

Please reject the application for rezoning and building permit because of the unsuitable drainage and undue stressors on adjacent residences. Another reason for NOT building this facility is that it could possibly impede emergency vehicles from coming and going to the Beebe Emergency facility close to that area.

Thank you for considering denying a zoning change and building permit for this property based on the unsuitable drainage and undue stressors on adjacent residencies and for people traveling to the medical facility close by.

Respectfully submitted,

Paul W. and Johann W. Ross

36951 Trout Terrace

Selbyville, De 19975

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council

2 The Circle

Georgetown, DE 19947

RE: Roxana Road storage C/Z 1914 Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

This letter is from John and Judith Mendenhall, friends of William C. Parler Sr and Anne H. Parler, who reside at the property directly next to Tax Parcel No. 1-34-15.00-20.06. We are writing this letter in strong opposition to a change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land. The Parler family live in a peaceful, quiet, rural setting surrounded by agricultural land and other residential properties.

Based on the NRCS soil survey that was completed, the property and soil make-up have severe limitations for development and are considered unsuitable for such development. What I cannot comprehend is how a zoning change and building permit can be granted for a 100,000 square-foot+ facility of storage buildings, office space, paved roadway, and parking lot space all on just a ten-acre farm field. This is a significant amount of impervious surface for this space. What will happen when there is a significant storm? Where will the storm water and runoff go? Have there been any studies on how the storm water runoff, especially in a torrential rain, is going to keep The Parler property and the other surrounding properties from flooding?

The question I would pose to your committee is: Would you like for this facility to be built next to your home, directly on the property line as the mapping for this project suggests? There will be traffic, noise, and blinding spotlights involved. Please make sure you think about this and take our concerns into consideration. I appreciate your consideration in denying a zoning change and building permit for this parcel. Please reject the application for rezoning and building permit based on unsuitable drainage and undue stressors on adjacent residences.

Respectfully submitted,

John and Judith Mendenhall

Sussex County, DE residents

June 15, 2020

RECEIVED

JUN 23 2020

Sussex County Council
2 The Circle
Georgetown, DE 19947

SUSSEX COUNTY
PLANNING & ZONING

RE: Roxana Road storage C/Z 1914
Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

This letter is from Glenn & Karen Dixon who reside in Bethany Beach, DE.
We are writing this letter in strong opposition to a change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land.

Our friends, Anne & Bill Parler, live on the neighboring farm in a peaceful, quiet rural setting surrounded by agricultural land and other residential properties.

Based on the NRCS soil survey that was completed, the property and soil make-up have severe limitations for development and are considered unsuitable for such development. What we cannot comprehend is how a zoning change and building permit can be granted for a 100,000 square-foot+ facility of storage buildings, office space, paved roadway, and parking lot space all on just a ten-acre farm field. This is a significant amount of impervious surface for this space. What will happen when there is a significant storm? Where will the storm water and runoff go? Have there been any studies on how the storm water runoff, especially in a torrential rain, is going to keep our friends' property and the other surrounding properties from flooding?

The question we would pose to your committee is: Would you like for this facility to be built next to your home, directly on the property line like the mapping for this project suggests? There will be traffic, noise, and blinding spotlights involved. We appreciate your consideration in denying a zoning change and building permit for this parcel. Please REJECT the application for rezoning and building permit based on unsuitable drainage and undue stressors on adjacent residences.

Respectfully submitted,



Glenn & Karen Dixon
39252 Evergreen Way #9708
Bethany Beach, DE 19930

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
2 The Circle
Georgetown, DE 10047
Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

Sussex County Council:

I'm writing to express strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

My grandparents own a residence of 9.7 acres Tax Map 134 - 15.00-20.07 34122 Roxana Road. The property is parallel (East – West) for almost the entire width of the land proposal as a storage facility and office commercial building. The general area is now predominantly agricultural and residential.

My Grammy & Grandpa purchased the property and constructed the original the part of our residence in 1995. An addition was added in 2000. This is their full-time residence and only residence since June of 2000. Most of the area has been predominantly – almost exclusively – a low density, agricultural residential area. That condition has not changed in the 25 years that my grandparents have been there and decided to make this their home.

General Conditions:

Primary uses completed in low-density areas are and have been agricultural and single-family detached homes. To satisfy the objective, business development (in agricultural residential) should be limited (largely confined to business activities to provide the needs of the historic and existing for two uses) This means the form the business activities in agricultures, residences and other areas should be to provide needed goods and services to the area to the residents and owner.

Broader commercial activities should be avoided, otherwise agriculture, residential areas will become business and subject to the same issues and problems a business activities require such as: (transportation, traffic, water, sewerage, wells, water coastal flooding) and dangers to others from activities permitted in the business areas, and size of the business operation.

Areas of concern raised by the commercial application:

Water: How will water accumulations be handled to prevent flooding on adjoining property? How will existing wells on adjacent property be affected by commercial development? How will existing septic systems on adjacent property by affected by commercial development?

Drainage Ditch/Tax Ditch: How will excess water (created by surfaces covered mostly with asphalt and concrete be directed into the tax ditch on the west end of the property?

Traffic: Has the DelDOT provided an impact on traffic in the area? The low-density area is growing at a fast rate over recent years: (e.g., Millville by the Sea, Bishops Landing, Bear Trap Dunes, and Beebe Hospital)

Entrance to the Facility: The one entrance to the storage facility will be only a few feet south of the driveway to my residence.

Sewerage: How will sewerage be handled?

Problems which could be associated with the Facility:

- What activities are being carried out on facility?
- What will be stored at facility, explosives, weapons, fuel, etc.?
- What checks if any will be made to ensure that neighboring properties are not subject to danger?
- Noise with the amount of traffic in and out permitted, simply the noise from the facility will not be compatible with the tranquility expected by owners of nearby residences.

- 4 am – 10 pm in and out traffic - 500/ADT and 50/HR of added traffic to Route 17
- Facility will be lit at night disturbing the surrounding properties
- Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable)
- Density of Commercial Development incompatible with surroundings
- Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the State CANNOT SUPPORT the proposed commercial development project

Need for the facility

What is the new justification for a storage business in the area to be introduced into this low density agricultural residential area to justify the expansion past Peppers Corner Road? No compelling justification has been given.

Conclusion:

The application should not be approved based upon the issues identified above. This facility could be detrimental to the health, safety and welfare of the surrounding low density agricultural residential area. The low density agricultural residential area must be protected therefore we are opposed to this application for commercial development.

I strongly urge you to turn down this application.

Sincerely,

Katherine Detar
700 Sunnyside Avenue
Charlotte, NC 28204

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

18 Jun 2020

Sussex County Council
2 The Circle
Georgetown, DE 19947

RE: Roxana Road Storage C/Z
1913 Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael H Vincent, President:

I write today as a friend of William C. Parler, Sr and Anne H. Parler who reside at the property directly next to Tax Parcel No. 1-34-15.00-20.06.

I am writing this letter in strong opposition to a change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of Land. The Parler's have lived here for 25 years, enjoying the peace and quiet of their rural setting. The area is composed of residential and agricultural farmland.

Based on the NRCS soil survey that was completed, the property and soil make-up have severe limitations for development and are considered unsuitable for such development. Why would a zoning change and building permit be granted for a 100,000 square foot+ facility of storage buildings, office space, paved roadway and parking lot space, all on a 10- acre farm field be permissible? What will happen when there is a significant storm? Where will the stormwater runoff go? What are the chances of significant flooding of neighboring properties? What studies have been conducted about stormwater runoff?

Would you want to live next to such a facility, which would be open from 4 am until 10 pm? With lighting of the area and parking lot. Noise, traffic directly on their property line. Think what it would do to this couple's quality of life, let alone their property value.

I hope you will consider denying a zoning change and building permit for this parcel. Kindly reject the application for re-zoning and for a building permit based on the unsuitable drainage and undue stressors on adjacent properties.

Respectfully,

Kristin Jones
90 October Glory Avenue
Ocean View, DE 19970

RECEIVED

Kyle W. Detar
June 15, 2020

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
2 The Circle
Georgetown, DE 10047
Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

I am writing to express strong opposition to a change of zoning from AR1 to a commercial Bi 2 Zone on this above noted parcel of land. My grandparents own a residence of 9.7 acres Tax Map 134 -15.00-20.07 34122 Roxana Road. The property is parallel (East – West) for almost the entire width of the land proposal as a storage facility and office commercial building. The general area is now predominantly agricultural and residential.

My family purchased the property and constructed the original part of the residence in 1995. An addition was added in 2000. This is my grandparents' full time residence and only residence since June of 2000. Most of the area has been predominantly – almost exclusively – a low density, agricultural residential area. That condition has not changed in the 25 years since my grandparents have been there and decided to make it their home.

Allow me to provide some context as to why I am reaching out to the Council on this zoning issue and why it is so important to my family. I spent every summer from 1995 until 2014 at my grandparents house and consider this property a second home. In the time spent growing up here on a working farm, caring for animals and working the land, I learned many life skills including a strong work ethic, caring for ones property, and the value of taking pride in a project well done. This small piece of Delaware is a common bond that holds a large and geographically diverse family together. The fact is, our family did not choose to put down roots in an urban or commercial area for the very same reason that we are asking to keep the neighboring land free from commercial development. The implicit value and environmental benefit of preserving a rural piece of Coastal Plain is far greater than any perceived exogenous benefit of extending commercial development through an otherwise quiet, agricultural residential community.

General Conditions:

Primary uses completed in low density areas are and have been agricultural and single family detached homes. To satisfy the objective, business development (in agricultural residential) should be limited (largely confined to business activities to provide the needs of the historic and existing for two uses). This means the form the business activities in agricultures, residences and other areas should be to provide needed goods and services to the area to the residents and owner.

Broader commercial activities should be avoided, otherwise agriculture, residential areas will become business and subject to the same issues and problems business activities require such

Kyle W. Detar
June 15, 2020

as: (transportation, traffic, water, sewerage, wells, water coastal flooding) and dangers to others from activities permitted in the business areas, and size of the business operation.

Areas of concern raised by the commercial application:

Water: How will water accumulations be handled to prevent flooding on adjoining property? How will existing wells on adjacent property be affected by commercial development?

Drainage Ditch/Tax Ditch: How will excess water (created by surfaces covered mostly with asphalt and concrete) be directed into the tax ditch on the west end of the property?

Traffic: Has the DelDOT provided an impact on traffic in the area? The low-density area is growing at a fast rate over recent years: (e.g., Millville by the Sea, Bishops Landing, Bear Trap Dunes, and Beebe Hospital).

Entrance to the Facility: The one entrance to the storage facility will be only a few feet south of the driveway to my grandparents' residence.

Sewerage: How will sewerage be handled? How will existing septic systems on adjacent property be affected by commercial development?

Light Pollution: What will be the effect to neighboring properties of the night sky glow caused by the scattering of artificial light in the atmosphere emanated from the commercial business? What steps, if any, will be taken to mitigate light pollution created by the facility?

Environmental Impact: How will commercial development affect the habitat and wellbeing of the diverse species of plants and wildlife native to the Coastal Plain of Delaware? What steps, if any, will be taken to mitigate environmental risks associated with pollution and runoff water? Will the proposed commercial development involve tree removal?

Problems Associated With The Facility:

- What activities are being carried out on facility?
- What will be stored at facility, explosives, weapons, fuel, etc.?
- What checks, if any, will be made to ensure that neighboring properties are not subject to danger?
- Noise with the amount of traffic in and out permitted, simply the noise from the facility will not be compatible with the tranquility expected by owners of nearby residences.
- 4 am – 10 pm in and out traffic - 500/ADT and 50/HR of added traffic to Route 17
- Facility will be lit at night disturbing the surrounding properties with light pollution.
- Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable)
- Density of Commercial Development incompatible with surroundings
- Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the State CANNOT SUPPORT the proposed commercial development project

RECEIVED

JUN 23 2020

Kyle W. Detar
June 15, 2020

Need For The Facility:

SUSSEX COUNTY
PLANNING & ZONING

What is the new justification for a storage business in the area to be introduced into this low-density agricultural residential area to justify the expansion past Peppers Corner Road? No compelling justification has been given. I am very much pro-business, and would typically be in favor of a new small business in the area, but this commercial development does not serve the community and is not being conducted in a thoughtful way. A storage facility will likely offer no benefit to the farms and families on Roxana Road. Instead, such a facility will likely only serve seasonal homeowners at the beach while bringing traffic, light pollution, environmental harm, property devaluation, and safety concerns to the community in which it is located.

Conclusion:

The application should not be approved based upon the issues identified above. This facility could be detrimental to the health, safety and welfare of the surrounding low-density agricultural residential area. The low-density agricultural residential area must be protected, therefore I am opposed to this application for commercial development.

I urge the Council to preserve the peace and tranquility inherent to the Coastal Plain for generations to come. Please keep this small piece of rural Delaware zoned agricultural residential.

Sincerely,

Kyle W. Detar

Kyle W. Detar
811 4th St NW Unit 707
Washington, DC 20001

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

William and Anne Parler's Family



Petition to Oppose C/Z 1914
List in Opposition of C/Z 1914 AR-1 to B-2

1. William and Anne Parler
34122 Roxana Road
Frankford, DE 19945
302-537-0619
parleroceanview@aol.com
Opposition Letter to Sussex County Council

2. Sandy and Richard Curcy
34269 Roxana Road
Frankford, DE 19945
302-541-4150
momm17@aol.com
Opposition Letter to Sussex County Council

3. Betsy and Jesse Bare
34556 Persimmon Pl
Frankford, DE 19945
302-745-8247

4. Co-Owner with the Bare's on Persimmon Pl
Mimi Dupont
29497 Cripple Creek Drive
#1304
Dagsboro, DE 19939
302-228-2755
Email to Doug Hudson
mimidrew@livingleadership.biz

5. Marie Kunkle
34100 Roxana Road
Frankford, DE 19945
PO Box 133
Frankford, DE 19945
703-472-7717 (Walsh)
703-472-7718
Opposition Letter to Sussex County Council

6. Michael A Izzo 34568 Persimmon Pl
Frankford, DE 19945
Recently moved
302-448-5831 302-539-6573

7. Adam Izzo
34568 Persimmon Pl
Frankford, DE 19945

8. John & Theresa Pittman
37478 Club House Rd
Ocean View, DE 19970
beachmouse7@mchsi.com
Opposition Letter to Sussex County Council

9. William C. Parler, Jr.
Law Offices of William C. Parler, Jr., L.L.C.
311 Gailridge Road
Timonium, Maryland 21093
(410) 832-1885
w.parler@parlerlaw.com
Son of William C. and Anne Parler
Opposition Letter to Sussex County Council

10. Blair and Rebecca Parler
16619 Bahner Court
Mount Airy, MD 21771
(410) 489-9896
BlairParler@yahoo.com
Son of William C. and Anne Parler
Opposition Letter to Sussex County Council
11. B. Carolyn Parler Nutt
14 Weston Road
Hingham, MA 02032
Daughter of William C. and Anne Parler
34122 Roxana Road
Frankford, DE 19945
Carolyn.nutt@gmail.com
Opposition Letter to Sussex County Council
12. Barbara Sunderlin
203 Pepper Vine Point
Dagsboro, DE 19939
(215) 801-7078
bds@tennisstringking.com
Opposition letter to Sussex County Council
13. Kyle Detar
811 4TH Street NW Unit 707
Washington, DC 20001
Grandson of William C. and Anne Parler
Opposition Letter to Sussex County Council
14. Katherine Detar
700 Sunnyside Avenue
Charlotte, NC 28204
Granddaughter of William C. and Anne Parler
Opposition Letter to Sussex County Council

15. Lia and Mike Strucich
Roxana Road, Frankford DE 19945

16. Glenn & Karen Dixon
39252 Evergreen Way #9708
Bethany Beach, DE 19930
karendixon221@gmail.com
Opposition Letter to Sussex County Council

17. Jan and Albert Rouse
35146 Seagrass Plantation Lane
Dagsboro, DE 19939
jan.rousse19939@gmail.com
Opposition Letter to Sussex County Council

18. Susan M. Albert
313 Fairway Lane
Dagsboro, DE 19939
sbosley@umbc.edu
Opposition Letter to Sussex County Council

19. Jacqueline Parler
311 Gailridge Road
Timonium, MD 21093
Granddaughter of William C and Anne Parler
Opposition Letter to Sussex County Council

20. Robert Nutt
14 Weston Road
Hingham, MA 02043
Grandson to William C and Anne Parler
Opposition Letter to Sussex County Council

21. Christine Connolly
October Glory Avenue
Ocean View DE 19970
cjconnolly21@gmail.com
Opposition Letter to Sussex County Council

22. Paul W. and Johann W. Ross
36951 Trout Terrace
Selbyville, DE 19975
johannross@comcast.net
Opposition Letter to Sussex County Council
23. Robert and Alicia McGirr
35196 Seagrass Plantation Lane
Dagsboro, DE 19939
akmcgirr801@gmail.com
Opposition Letter to Sussex County Council
24. Beth Detar
Daughter of William C and Anne Parler
Detar.beth@gmail.com
Opposition Letter to Sussex County Council
25. Chris Detar
Grandson of William C and Anne Parler
26. Kasey and Kory Forsell
Granddaughter and Grand son-in-law of William C and Anne Parler
27. Taylor Blair Parler
Granddaughter of William C and Anne Parler
28. Nicole Smith and Chris Hawkins
Granddaughter and Grand son-in-law of William C and Anne Parler
29. William C. Parler III
Grandson of William C and Anne Parler
30. William E.H. Nutt
Grandson of William C and Anne Parler
31. Kathryn Parler
Granddaughter of William C and Anne Parler

32. Madeline Parler
Granddaughter of William C and Anne Parler

33. DiAnne Gatts
33655 Village Drive Unit 4
Lewes, DE 19958
digatts@gmail.com
Opposition Letter to Sussex County Council

34. Kristin Jones
90 October Glory Avenue
Ocean View, DE 19970
kkjones13@verizon.net
Opposition Letter to Sussex County Council

35. Maria Ryan
37491 Seaside Drive
Ocean View, DE 19970
mlryan1@msn.com
Opposition Letter to Sussex County Council

36. Nicholas Curcy
Son of Sandy and Richard Curcy
34269 Roxana Road
Frankford, DE 19945
ncurcy@comcast.net
Opposition Letter to Sussex County Council

37. John and Judith Mendenhall
Sussex County, DE residents
luckystrike43@aol.com
Opposition Letter to Sussex County Council

38. Terry Watson
30183 Tanager Drive
Ocean View, DE 19970
terry@poolchlorination.com
Opposition Letter to Sussex County Council

Sussex County Council
2 The Circle
Georgetown, DE 10047

Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

RECEIVED
JUN 23 2020
SUSSEX COUNTY
PLANNING & ZONING

The Honorable Michael H. Vincent, President
The Honorable Irwin G. Burton III, Vice President
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Samuel R. Wilson, Jr.

We are writing to express strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

We own a residence of 9.7 acres Tax Map 134 - 15.00-20.07 34122 Roxana Road. The property is parallel (East – West) for almost the entire width of the land proposal as a storage facility and office commercial building. The general area is now predominantly agricultural and residential.

We purchased the property and constructed the original the part of our residence in 1995. An addition was added in 2000. This is my full-time residence and only residence since June of 2000. Most of the area has been predominantly – almost exclusively – a low density, agricultural residential area. That condition has not changed in the 25 years we have been here and decided to make this home.

General Conditions:

Primary uses completed in low-density areas are and have been agricultural and single-family detached homes. To satisfy the objective, business development (in agricultural residential) should be limited (largely confined to business activities to provide the needs of the historic and existing for two uses) This means the form the business activities in agricultures, residences and other areas should be to provide needed goods and services to the area to the residents and owner.

Broader commercial activities should be avoided, otherwise agriculture, residential areas will become business and subject to the same issues and problems a business activities require such as: (transportation, traffic, water, sewerage, wells, water coastal flooding) and dangers to others from activities permitted in the business areas, and size of the business operation.

Areas of concern raised by the commercial application:

Water: How will water accumulations be handled to prevent flooding on adjoining property?
How will existing wells on adjacent property be affected by commercial development?
How will existing septic systems on adjacent property be affected by commercial development?

Drainage Ditch/Tax Ditch: How will excess water (created by surfaces covered mostly with asphalt and concrete be directed into the tax ditch on the west end of the property?

Traffic: Has the DeIDOT provided an impact on traffic in the area? The low-density area is growing at a fast rate over recent years: (e.g., Millville by the Sea, Bishops Landing, Bear Trap Dunes, and Beebe Hospital)

Entrance to the Facility: The one entrance to the storage facility will be only a few feet south of the driveway to my residence.

Sewerage: How will sewerage be handled?

Problems which could be associated with the Facility:

- What activities are being carried out on facility?
- What will be stored at facility, explosives, weapons, fuel, etc.?
- What checks if any will be made to ensure that neighboring properties are not subject to danger?
- Noise with the amount of traffic in and out permitted, simply the noise from the facility will not be compatible with the tranquility expected by owners of nearby residences.
- 4 am – 10 pm in and out traffic - 500/ADT and 50/HR of added traffic to Route 17
- Facility will be lit at night disturbing the surrounding properties
- Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable)
- Density of Commercial Development incompatible with surroundings
- Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the State CANNOT SUPPORT the proposed commercial development project

Need for the facility

What is the new justification for a storage business in the area to be introduced into this low density agricultural residential area to justify the expansion past Peppers Corner Road? No compelling justification has been given.

Conclusion:

The application should not be approved based upon the issues identified above. This facility could be detrimental to the health, safety and welfare of the surrounding low density agricultural residential area. The low density agricultural residential area must be protected therefore we are opposed to this application for commercial development.

We urge you to turn down this application.

Sincerely,

William C. Parler and Anne H. Parler
34122 Roxana Road
Frankford, DE 19970

RECEIVED
JUN 23 2020
SUSSEX COUNTY
PLANNING & ZONING

37491 Seaside Drive
Ocean View, De 19970
June 18, 2020

Sussex County Council
2 The Circle
Georgetown, DE 19947

RE: Roxanna Road Storage C/Z 1914 Tax Parcel No 1-34-15.00-20.06

Dear Honorable Council Members,

I am in strong opposition to the change of zoning at the above Tax Parcel from AR-I to a commercial B-2 zone!

This area has been primarily agricultural farmland & residential properties.

There is more than enough development & future plans along Roxanna Road that would continue the peace & tranquility that residents now enjoy.

To allow this zoning change opens the door to more commercial development & more traffic to our already overcrowded roads.

Yours truly,


MARIA RYAN

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

June 9, 2020

Sussex County Council
2 The Circle
Georgetown, DE 10047

Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06
ATTN: The Honorable Michael H. Vincent, President

Ron and Candy,

Hello fellow Sussex County residents! My name is Marie and when we attended Mariner's Bethel Sunday school together many years ago, I remember you and your wife quite favorably. I'm sure you don't remember me but you might know my son and former husband. They have a business further down Route 17 called Multi-Koastal Services. I live about a mile up the road towards Hockers.

I remember when I first acquired this property many, many years ago. It was owned by Bake Timmons and my lot was the smallest of an old farm that Bake broke down into four lots. My lot was the only one with road frontage on Route 17.....300 feet of it. It was a blank slate.....actually a cornfield. I love gardening and the first thing I did was to plant a field of wildflowers along the road front. Over the years, Mother Nature and I have transformed my 8.38 acres into a very peaceful haven not only for me but for deer, fox, raccoon, groundhogs and an assortment of reptiles. (had an encounter with a snapper just yesterday) The environment is very important to me. I like to think that I have greatly improved the air quality along this very busy highway.

So, I am sure that the rumors of a commercial enterprise being installed within 400 feet of my property line is just a horrible, nasty rumor. I know that being the decent church-going folks you are, and also being a representative of the people, you would not want this to happen. I know that commercialism is slowly creeping down the highway since the new hospital was built, but this neighborhood is zoned agricultural/residential and it needs to stay that way. I pray every night that my sanctuary remains secure.

Thanks for listening,

H. Marie Kunkel at 34100 Roxana Road

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

From: Mimi Drew <mimidrew@livingleadership.biz>
Sent: Wednesday, June 17, 2020 1:50 PM
To: doug216@mchsi.com
Subject: PLEASE TAKE A LOOK

Dear Councilman Hudson (Doug) - I'm sending this to you on behalf of a long time friend of mine who has lived and raised livestock for many years on Route 17. Although her daughter's plea is due to the impact on Anne and Bill Parler (he's a retired Captain, USN, JAG Corps), building such a storage unit on the adjacent property will also have a much bigger impact on that rural/residential area. I'd appreciate it if you'd at least take a close look at the specific issues to form your opinion/vote on the merits of the case. Thanks so much, Mimi

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

18 June 2020
TO: Sussex County Council

FR: Nicholas Curcy

RE: Roxana Road Storage C/Z 1914 Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael Vincent, President

I strongly oppose the change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land.

My parents own the property at 34269 Roxana Rd. which is across the street from tax parcel # 1-34-15.00-20.06. This parcel, along with all of Roxana Rd from the Powell Farm Road/Pepper Corner Road intersection to the Daisey Rd. intersection, is now zoned AR1 with an application requesting a zone change to B2 that is before you. I have an interest in the 34269 Roxana Rd. property which will eventually pass to me.

The Planning and Zoning Code of Sussex County Delaware regarding AR1/Residential zones states:

§ 115-19 Purpose.

The purpose of these districts is to provide for a full range of agricultural activities and to protect agricultural lands, as one of the county's most valuable natural resources, from the depreciating effect of objectional, hazardous and unsightly uses. They should also protect established agricultural operations and activities. These districts are also intended for protection of watersheds, water resources, forest areas and scenic values and, at the same time, to provide for low-density single-family residential development, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. The AR regulations seek to prevent untimely scattering of more-dense urban uses, which should be confined to areas planned for efficient extension of public services.

To change the code of this 10 acre parcel to a B-2 commercial code would be to destroy an area that is still being farmed and pave the way for future unsightly commercial development.

From our understanding and based on the NRC's soil survey, the property and soil make-up have severe limitations and are considered unsuitable for such development.

On just a ten-acre farm field, surrounded by single family rural residences, farmed fields and wooded areas, how can one justify a 100,000 square foot+ facility of storage buildings, office space, paved roadway, and parking lot space?

What will happen when there is a significant storm and those torrential rains that we are known for? Where will the runoff go - to neighboring properties? Have studies been completed? How will existing wells be affected?

The question I would pose to your committee is: Would you like for this facility to be built next to your home, directly on the property line like the mapping for this project suggests? There will be traffic, noise, and blinding spotlights involved. Please make sure you think about this and take the neighbor's concerns into consideration. I appreciate your consideration in denying a zoning change and building permit for this parcel. Please reject the application for rezoning based on unsuitable drainage and undue stressors on adjacent residences and the rest of the neighborhood.

Respectfully yours,



Nicholas Curcy

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JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
Attn: Mr. Michael Vincent
2 The Circle
P.O. Box 417
Georgetown, De. 19947

Re: Roxana Road Storage
Tax Parcel No: 1-34-15.00-20.06

Dear Mr. Vincent:

We are writing to express our strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

Our property of approximately 22 acres lies across the street from the proposed storage project. (We also own land on the other side of Roxana Rd. two properties from the proposed project) All of our land is currently farmed and has been for the 21 years we have owned it and for many hears before that.

The nature of Roxana Rd. has been rural for all that time, although that is changing above the Pepper's Corner Rd/Powell Rd. intersection. Most of the building has been residential with a few exceptions – mainly the new hospital and the storage units already built on two corners of Burbage Rd.

Beside the storage facility on the Burbage Rd corners of Roxana Rd., there also exists a storage facility on Rt. 26 across from Hocker's Super Center and one also on Rt. 17, just outside the town limits of Selbyville which, by the way, is for sale as was the adjacent 5 acres.

We have not even addressed the traffic on Roxana Rd. It is a two lane road with a fair amount of traffic which increases incrementally as more and more residences are built. Traffic is fairly heavy during morning hours and after work hours. More and more trucks are using this road and summer traffic is much heavier. We have yet to see the added traffic generated by the new hospital. With the addition of the new residential developments currently in the process of being built and a 200 unit apartment building proposed to be built near the hospital, we believe the traffic will become even heavier. While the speed limit is now 50, many of the vehicles do 60 and over which makes getting out of your driveway dangerous without any added traffic. We expect that, at some point, traffic lights will be added to Roxana Rd and this will, of course, change the flow and pattern of traffic.

From the intersection of Pepper's Corner/Powell Farm Rds. to the Route 20 light on Roxana Rd, the land is still rural consisting of farmed land and single family residences.

To inject a commercial zone project in this area would be to invite an inevitable change in the area that would destroy the rural nature of land already designated as an Investment level 4 which considers the rural aspect of these properties worth preserving. We, too, consider the rural nature of Roxana Rd worth preserving.

We urge you to turn down this application.

Sincerely,

Richard Curcy

Sandra Curcy

34269 Roxana Road, Frankford, Delaware 19945

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
2 The Circle
Georgetown, DE 19947
RE: Roxana Road storage C/Z 1914
Tax Parcel No. 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

This letter is from a friend of William C. Parler Sr and Anne H. Parler, who reside at the property directly next to Tax Parcel No. 1-34-15.00-20.06. We are writing this letter in strong opposition to a change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land.

Based on the NRCS soil survey that was completed, the property and soil make-up have severe limitations for development and are considered unsuitable for such development. What I cannot comprehend is how a zoning change and building permit can be granted for a 100,000 square- foot+ facility of storage buildings, office space, paved roadway, and parking lot space all on just a ten-acre farm field. This is a significant amount of impervious surface for this space. What will happen when there is a significant storm? Where will the stormwater and runoff go? Have there been any studies on how the stormwater runoff, especially in a torrential rain, is going to keep this property and the other surrounding properties from flooding?

The question I would pose to your committee is: Would you like for this facility to be built next to your home, directly on the property line like the mapping for this project suggests? There will be traffic, noise, and blinding spotlights involved. Please make sure you think about this and take this family's concerns into consideration. I appreciate your consideration in denying a zoning change and building permit for this parcel. Please reject the application for rezoning and building permit based on unsuitable drainage and undue stressors on adjacent residences.

Respectfully submitted,
Robert and Alicia McGirr

Robert Nutt
14 Weston Road
Hingham MA 02043
(781) 740-7262
robert.nutt.2019@gmail.com

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

16th June 2020

Sussex County Council
2 The Circle
Georgetown, DE 19947

RE: Roxana Road Storage C/Z 1914
Tax parcel NO. 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

This letter is from Robert Nutt, Grandson of William C. Parler Sr and Anne H. Parler, who resides at the property directly next to Tax Parcel No. 1-34-15.00-20.06, at 34122 Roxana Road. I am writing to you because my Grandparents farm means a lot to me. Every summer I helped my Grandparents with the farm I got to ride and take care of the horses while I was there. We have a big pool that my family and I get to enjoy. We also have a huge garden where we grow all sorts of plants, vegetables and flowers. By you building right next to my Grandparents farm it will make life harder for them. The area where they live will not be quiet or a safe place for them if you build right next to my Grandparents. Please reject the application for rezoning and building permit based on unsuitable land to build and undue stressors on my Grandparents and their farm.

Sincerely,

Robert Nutt

Robert Nutt

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

Sussex County Council
2 The Circle
Georgetown, DE 10047

Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

The Honorable Michael H. Vincent, President:

Service Today installed and maintains two Trane 3 Ton 14 SEER Heat Pumps at the home of William and Anne Parler, 34122 Roxana Road, Frankford, 19945. They have been customers for the past 20 years and have a Service Agreement Plan for regular maintenance of the heat pump systems at their home- see attached service agreement.

The Parler's have two heat pumps for their residence. The Trane 3 ton 14 SEER heat pump at the Garage side (southwest corner) of the home is 8 years old in good condition and sits at grade. A more recent installation of a Trane 3 ton 14 SEER heat pump at the northwest corner of the home is 2 years old and sits on 12" high risers. The average life span of a residential heat pump installed in a normal environment is 15 years. Systems installed within a half mile of oceans and bays experience a more corrosive environment, which shortens the average life expectancy to 12 years.

Changes to the surface water and groundwater could impact the existing garage heat pump's life span since the heat pump is not on a raised stand or risers and sits at grade. Service Today performs two yearly visits to inspect, clean and maintain the home's heating and air conditioning system. Each visit performed by a qualified and trained mechanic at approximately six-month intervals.

Sincerely,

Carolyn Nutt, Assoc AIA, LLC
14 Weston Road
Hingham, MA 02043

carolyn.nutt@gmail.com

From: Shamora K. Hopkins <shopkins@servicetoday-inc.com>
Sent: Tuesday, June 16, 2020 4:09 PM
To: carolyn.nutt@gmail.com
Subject: Service Agreement information
Attachments: sharpmail@servicetoday-inc.local_20200616_160324.pdf

Good Afternoon Mrs. Nutt,

We spoke earlier in reference to what is done during the maintenance visits at your father's home. I have attached a copy of the agreement and what is done during this visit.

Because of the time that has passed since the installation of the unit (6/2018) we no longer have a copy of your warranty. It is a manufacturer warranty through Trane. To obtain additional information about the warranty, you can visit the website:

<https://www.trane.com/residential/en/for-owners/warranty-and-registration/>

or you can give them a call

if you have questions about your product registration, you may call our Warranty Registration Center at [1-855-260-2975](tel:1-855-260-2975)

Have a great day!

Shamora Hopkins
Customer Service Rep
Service Today Inc.
800-659-2273

Professional Heating and Air Conditioning Plan Check List

Plans with more than one (1) inspection will be performed by a professional technician as scheduled by ST at intervals of approximately 6 months. ST agrees to perform inspection and maintenance service as specified below for a period of 1 year.

General for all systems:

Check thermostat operation
Check and lubricate fan motors
Check wiring assemblies
Check safety controls
Check voltage/amperage

Check temperature drop/rise
Check fan blades for tightness
Check electrical component connections
Clean or change standard air filter
Check heat anticipators

Air Conditioning/Heat Pump:

Check freon pressure
Check reversing valve (heat pump)
Check expansion valve
Check crankcase heater (heat pump)

Clean and check condensate drains
Check auxiliary heat (heat pump only)
Clean and check condensate pan
Check condenser and evaporator coils

Gas:

Clean and check gas burners
Check flame baffle
Set burner air adjustment
Inspect gas valve
Check flue and venting
Check and adjust igniter gap
Test circulators/controls

Clean & check pilot & pilot tube
Check manifold gas pressure
Check fan limit control
Check combustion chamber
Check interlock switch
Check thermocouple/spark igniter
Clean boiler sections

Oil:

Clean and check burner and chamber
Check flame baffle
Set burner air adjustment
Charge oil filter
Check flue and venting
Check and adjust igniter gap
Test circulators/controls

Clean or replace nozzle as needed
Check oil pump
Check fan limit control
Test primary control
Check interlock switch
Check/clean cad cell
Clean boiler sections

Professional Plumbing Check List

The inspection and maintenance service to be performed as part of this agreement includes 1 inspection per year as scheduled by ST at intervals of approximately 12 months by a qualified technician as detailed below:

General:

Clean visible supply piping
Clean visible drainage piping
Check exterior hose bibs
Check well pressure switch (where applicable)

Toilets:

Check flush valve
Check ball cock
Adjust linkage as needed
Check fill level

Kitchen Sinks:

Check valve stops for proper seating
Check drain stop for proper adjustment
Check for clear drainage
Check for leakage under the sink

Dishwasher:

Check under appliance for leaks

Tubs and Showers:

Check valve stops for proper seating
Check drain stop adjustment
Check for clear drainage
Check for leakage

Laundry:

Check washer hoses for leaks
Check washer drain stack for leak
Check laundry tub valve stops for proper seating
Check laundry tub drain for leaks and clear draining

Ice Maker:

Check tap line and solenoid for leakage

Lavatory Sinks:

Check valve stops for proper seating
Check drain stop for proper adjustment
Check for clear drainage
Check for leakage under the sink

Water Heater:

Check for leakage
Check for proper operation

Conditions and Limitations

1. ST is DNE Services dba "Service Today" in New Castle County, DE and Pennsylvania. ST is Service Today, Inc. in all other counties and states.
2. This document represents all of the agreements between ST and the owner. No other representations or promises made by either party not specifically stated in this agreement are part of this agreement.
3. Only equipment listed on the front of this agreement is covered by this agreement.
4. This agreement is automatically canceled if equipment is removed from the property without ST's written consent.
5. Any material or labor supplied by ST for work not covered by this contract will be paid for by the owner at ST's then applicable rates.
6. ST will not be responsible for any damage, loss, or injury due to delays in providing repairs under this contract. ST will not be responsible for any incidental or consequential damages in any event.
7. This contract is transferable to another owner by written request to ST and a \$10 transfer fee to be paid at the time of the request.
8. Owner to provide proper access to the equipment for servicing and further agrees to move any fixtures or partitions that interfere with reasonably convenient access to the equipment for servicing.
9. ST reserves the right to revise or discontinue the terms of the Bonus Buck and Service Discount program from time to time at its discretion by giving written notice to the customer provided however that any use requested prior to any program change shall be honored.
10. Agreement is automatically renewable unless canceled by either party in writing within 3 days of its anniversary date (Starting date). The owner will be billed 30 days in advance of renewal inclusive of any price increase. Coverage does not begin until contract is paid in full or first payment is processed according to the terms of the ST "Easy Pay" agreement. This is a one year agreement and is transferable by the owner as detailed above, however, there will be no refunds, pro-rated or otherwise.

***Use your BONUS BUCK CREDITS FOR the products & services below installed by Service Today:**

Complete New HVAC Systems Up to \$500.00
Furnace, A/C, Air Handler only Up to \$500.00
Boilers..... Up to \$400.00

Standard Water Heater Up to \$100.00
Tank-less Water Heater Up to \$250.00
IAQ Products..... Up to \$75.00

Save BIG and get priority service when you become a Service Today Service Club Member!

www.servicetodayinc.com

1--800--659--2273

Sussex County Council
2 The Circle
Georgetown, DE 19947

RECEIVED

JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

**RE: ROXANA ROAD STORAGE C/Z 1914
TAX PARCEL NO. 1-34-15.00-20.06**

The Honorable Michael H. Vincent, President

Dear Sir:

I am writing this letter in strong opposition to a change in zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land.

In the nine years I have lived in Delaware, I have seen too many peaceful, agricultural settings destroyed by commercialization. This is a perfect example of what should NOT be done. How can zoning be changed in the middle of agricultural/residential areas to commercial? Aren't there already too many "storage facilities" in this area?

Also, I understand that the NRCS soil survey revealed that the property and soil make-up have severe limitations for development and are considered unsuitable for such development. This could be disastrous for surrounding properties.

One of the adjacent properties happens to be owned by dear friends of mine, William and Anne Parler. They, and their children and grandchildren, have owned and loved this property for 25 years. This development is very unfair to them on so many levels, including being detrimental to their health! Their health, safety, and overall welfare is at risk!!

Even if I did not know any of the owners near this property and proposed development, I would be totally AGAINST this storage facility being built. Along Roxana Road is NOT the place this facility should be built. It will ruin the landscape, add to the traffic, etc.

**PLEASE REJECT THE APPLICATION FOR REZONING AND BUILDING PERMIT FOR
TAX PARCEL NO. 1-34-15.00-20.06**

Respectfully submitted,



Susan M. Albert
313 Fairway Lane
Dagsboro, DE 19939



POOL CHLORINATION & CONTROLS LLC

for the Ultimate Pool Experience

30183 Tanager Drive
Ocean View, DE 19970

Phone: (301) 338-0987

E-Mail: terry@poolchlorination.com

Web: www.poolchlorinationandcontrols.com

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JUN 23 2020

SUSSEX COUNTY
PLANNING & ZONING

June 19, 2020

The Honorable Michael H. Vincent, President:
Sussex County Council
2 The Circle
Georgetown, DE 10047

Re: Roxana Road Storage C/Z 1914 - Tax Parcel No: 1-34-15.00-20.06

I am writing to express my strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land.

I have known the adjacent property owners, Bill and Anne Parler, of Sunny Meadow Horse Farm, 34122 Roxana Road, Frankford, 19945 for many years. They are both members of my church (St Martha's Episcopal - Bethany Beach) and customers of my pool service company, Pool Chlorination and Controls LLC. PCC as it is known has been serving Sussex county pools for over 10 years. The Parler's in-ground pool was installed about 15 years ago by another company. The pool is an inground, 19,000 gallon, 20 by 40 poured concrete pool with a vinyl liner. The pool is surrounded by a broom finish concrete deck at grade.

My company has maintained the pool for approximately 7 years. The pool was converted to salt water chlorination several years ago to better serve the Parler family's need of a clean, sanitized, useable recreational pool at all times. Traditional chemical methods of maintenance were not adequate to address the family's frequent use and needs with their many grandchildren who visit them regularly during the summer season. Our services are both extensive & comprehensive.

The State PLUS review of the commercial development of Roxana Road Storage indicated the hydric soils have severe limitations for development (considered unsuitable) and are functionally an important source of water storage as a natural sponge. This increases the likelihood of more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is aggravated by the proposed impervious surfaces that the adjacent land use proposal contains.

I am opposed to the proposed commercial development due to this potential groundwater intrusion and run off from the commercial development. The pool is not on a raised platform and will be stressed.

I also question the need for an additional storage facility in the area. One can take a 3 mile radius of the proposed development and note the existence of multiple storage facilities including 4 of major size. This potentially harmful to the environment project is not needed and a frivolous use of rural land!

In my view, the proposed commercial development project will be detrimental to Bill and Anne's privacy, overall health, safety and general welfare and will not offer any benefits to the population at large. This undue stress caused by an inappropriate development adjacent to their property should be avoided. Additionally, their property will be adversely impacted by increased traffic. A nearby interchange, Roxana & Powell Farm Road is already a dangerous corner in spite of recent traffic improvements made. The proposed commercial development is in an Investment Level 4 area, new development activities and suburban development are not supported in these areas by the State's PLUS review. The density of the commercial development is greatly concerning as the immediate surrounding area is residential and agricultural with land adjacent preserved in the State's agricultural Land Preservation Program.

Respectfully submitted,

Terry Watson
Owner, Pool Chlorination & Controls, LLC

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JUN 23 2020

Sussex County Council

2 The Circle

Georgetown, DE 19947

RE: Roxana Road storage C/Z 1914 Tax Parcel No. 1-34-15.00-20.06

SUSSEX COUNTY
PLANNING & ZONING

The Honorable Michael H. Vincent, President:

This letter is from John & Theresa Pitman
37478 Club House Rd
Ocean View, DE 19970

We are writing this letter in strong opposition to a change of zoning from an AR-1 to a commercial B-2 zone on the above noted parcel of land.

Based on the NRCS soil survey that was completed, the property and soil make-up have severe limitations for development and are considered unsuitable for such development. What I cannot comprehend is how a zoning change and building permit can be granted for a 100,000 square-foot+ facility of storage buildings, office space, paved roadway, and parking lot space all on just a ten-acre farm field. This is a significant amount of impervious surface for this space. What will happen when there is a significant storm? Where will the stormwater and runoff go? Have there been any studies on how the stormwater runoff, especially in a torrential rain, is going to keep my parent's property and the other surrounding properties from flooding?

The question I would pose to your committee is: Would you like for this facility to be built next to your home, directly on the property line like the mapping for this project suggests? There will be traffic, noise, and blinding spotlights involved. Please make sure you think about this and take the Parler family's concerns into consideration. I appreciate your consideration in denying a zoning change and building permit for this parcel. Please reject the application for rezoning and building permit based on unsuitable drainage and undue stressors on adjacent residences.

Respectfully submitted,

John & Theresa Pitman

Law Offices of William C. Parler, Jr.

*A Limited Liability Company
Attorney at Law*

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Timonium, Maryland 21093
(410) 832-1885
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William C. Parler, Jr.*†

* Licensed in Maryland
† Licensed in the District of Columbia
^ Licensed in Florida

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SUSSEX COUNTY
PLANNING & ZONING

Of Counsel

Kelly A. Grafton*
John S. Cobb**†^

June 12, 2020

Planning and Zoning Department
2 The Circle
Georgetown, DE 10047
Attn: Sussex County Council
Re: Roxana Road Storage C/Z 1914
Tax Parcel No: 1-34-15.00-20.06

Planning and Zoning Commissioner:

I am writing to express strong opposition to a change of zoning from AR1 to a commercial B-2 Zone on this above noted parcel of land. My parents own a residence of 9.7 acres Tax Map 134 - 15.00-20.07 34122 Roxana Road. The property is parallel (East – West) for almost the entire width of the land proposal as a storage facility and office commercial building. The general area is now predominantly agricultural and residential. My parents purchased the property and constructed the original the part of their residence in 1995. An addition was added in 2000. This is their full-time residence and only residence since June of 2000. Most of the area has been predominantly – almost exclusively – a low density, agricultural residential area. That condition has not changed in the 25 years they have been there and decided to make it home.

General Conditions:

Primary uses completed in low-density areas are and have been agricultural and single-family detached homes. To satisfy the objective, business development (in agricultural residential) should be limited (largely confined to business activities to provide the needs of the historic and existing for two uses) This means the form the business activities in agricultures, residences and other areas should be to provide needed goods and services to the area to the residents and owner. Broader commercial activities should be avoided, otherwise agriculture, residential areas will become business and subject to the same issues and problems a business activities require such as: (transportation, traffic, water, sewerage, wells, water coastal flooding) and dangers to others from activities permitted in the business areas, and size of the business operation.

Areas of concern raised by the commercial application:

Water: How will water accumulations be handled to prevent flooding on adjoining property? How will existing wells on adjacent property be affected by commercial development?
How will existing septic systems on adjacent property be affected by commercial development?

Drainage Ditch/Tax Ditch: How will excess water (created by surfaces covered mostly with asphalt and concrete be directed into the tax ditch on the west end of the property?

Traffic: Has the DelDOT provided an impact on traffic in the area? The low-density area is growing at a fast rate over recent years: (e.g., Millville by the Sea, Bishops Landing, Bear Trap Dunes, and Beebe Hospital)

Entrance to the Facility: The one entrance to the storage facility will be only a few feet south of the driveway to my residence.

Sewerage: How will sewerage be handled?

Problems which could be associated with the Facility:

- What activities are being carried out on facility?
- What will be stored at facility, explosives, weapons, fuel, etc.?
- What checks if any will be made to ensure that neighboring properties are not subject to danger?
- Noise with the amount of traffic in and out permitted, simply the noise from the facility will not be compatible with the tranquility expected by owners of nearby residences.
- 4 am – 10 pm in and out traffic - 500/ADT and 50/HR of added traffic to Route 17
- Facility will be lit at night disturbing the surrounding properties
- Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable)
- Density of Commercial Development incompatible with surroundings
- Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the State CANNOT SUPPORT the proposed commercial development project

Need for the facility

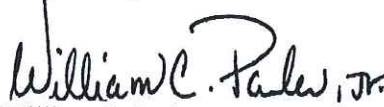
What is the new justification for a storage business in the area to be introduced into this low density agricultural residential area to justify the expansion past Peppers Corner Road? No compelling justification has been given.

Conclusion:

The application should not be approved based upon the issues identified above. This facility could be detrimental to the health, safety and welfare of the surrounding low density agricultural residential area. The low density agricultural residential area must be protected therefore we are opposed to this application for commercial development.

I urge you to turn down this application.

Respectfully submitted:


William C. Parler, Jr.

WCPJr: mlk

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ZONING

115 Attachment 4

Sussex County

SUSSEX COUNTY
PLANNING & ZONING

TABLE IV

**Permitted Uses Commercial
Sussex County**

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Agriculture-Related Uses							
Agriculture-Related Business						P ²	
Agricultural Uses (less than 5 acres) Farm, Truck Garden, Orchard or Nursery Uses						P ²	
Aquaculture						P ²	
Greenhouse, commercial	D	P		P	A	P	
Wholesale, retail, nurseries for sale of products produced on site	D	P	P ¹	P	P	P ²	
Residential Uses							
Residential within structure commercial or office uses		A	A	A ³	A ⁴		
Bed & Breakfast (Tourist Homes)	D	P	P				
Dwelling, Duplex	D				P ⁴		
Dwelling, Manufactured Home	D						
Dwelling, Multi-family	D				P ⁴		
Dwelling, Single Family Detached, including Modular	D				P ⁴		
Dwelling, Townhouse	D				P ⁴		
Home Occupation	D	A			P		
Hotel, motel or motor lodge	D	P	P	P	P	P	
Sales & Rental of Goods, Merchandise, and Equipment							
Convenience store	D	P	A	P ¹	P	P	
Convenience store, Fuel Station (1 to 6 fuel dispensers) (no restriction on number of nozzles)		P		P ¹	P	P	
Convenience store, Fuel Station (7 or more fuel dispensers) (no restriction on number of nozzles)				P	P		
Retail sales establishments 3,500 SF or less	D	P	A	P ¹	P	P	P
Retail sales establishments 3,501 SF to 7,500 SF	D	P	A	P ¹	P	P	P
Retail sales establishments 7,501 SF to 35,000 SF	D	P		P ¹	P	P	
Retail sales establishments 35,001 SF to 75,000 SF	D			P ¹	P	P	

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Retail sales establishments 75,001 SF or more	D			P	P		
Pharmacy or related uses, 12,000 SF or less	D	P	A	P ¹	P ¹	P	
Pharmacy or related uses, 12,001 SF to 35,000 SF	D	P		P ¹	P ¹	P	
Restaurant 3,500 SF or less		P	A	P ¹	P	P	P ²
Restaurant 3,501 SF to 7,500 SF	D	P	A	P ¹	P	P	P ² P
Restaurant 7,501 SF or more	D			P ¹	P	P	
Brew Pub 7,500 SF or less		P	A	P ¹	P	P	
Brew Pub 7,501 SF or more				P ¹	P	P	
Wholesale trade establishment	D			P ¹	P	P	P ²
Office, Clerical, Research, Personal Service and Similar Enterprises Not Primarily Related to Goods							
Business service establishments	D	P	P	P ¹	P	P	P ²
Banks		P	P	P ¹	P	P	
Professional Offices	D	P	P	P ¹	P	P	P ²
Personal service establishments	D	P	P	P ¹	P	P	P ²
Entertainment establishments 7,500 SF or less	D	P	A	P ¹	P	P	
Entertainment establishments more than 7,501 SF	D		A	P ¹	P	P	
Social service establishments	D	P	P	P ¹	P	P	P
Manufacturing, Assembling, Processing							
Winery, Brewery or Distillery under 7,500 SF	D	P		P ¹	P ¹	P ¹	P ²
Winery, Brewery or Distillery over 7,501 SF							P ²
Manufacturing	D		P ¹				P ²
Material Storage Yard with on-site mulching, pulping or manufacturing of material	D						P ²
Educational, Cultural, Religious, Philanthropic, Social, Fraternal							
Bio Tech Campus	D		P				P
Biotech Industry	D		P ¹				P ¹
Recreational Facility, Private	D					P	
Recreational Facility, Commercial (Indoor Only)	D	P		P	P	P	
Recreational Facility, Commercial (Indoor & Outdoor)	D	P			P	P	
Club Indoor, private such as clubs, lodges, and other annual membership clubs	D	P		P	P	P	
Aquariums, commercial						P	
Educational institutions, public and private	D						P

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Places of worship	D	P	P	P	P	P	P
Institutional, Residence, Care, Confinement & Medical Facilities							
Family Child Day care center (1-6 children)	D	P		P	P	P	
Large Family Child Care Homes (7-12 children)	D	P		P	P	P	
Early Care and Education and school-Age Centers (13 or more children)	D	P	P	P	P	P	P
Residential Child Care Facilities and Day Treatment Programs	D	P		P	P	P	P
Child Placing Agencies	D	P	P	P	P	P	P
Hospital	D						P
Medical clinic	D	P	P	P	P	P	P
Independent Care Facility	D			P	P	P	P
Assisted Living Facility	D	P		P	P	P	P
Extended Care Facility	D	P		P	P	P	P
Intermediate Care Facility	D	P		P	P	P	P
Long-term Care Facility	D	P		P	P	P	P
Graduate Care Facility					P		P
Surgical center	D	P			P	P	P
Fitness / wellness center		P	P	P ¹	P	P	P
Museums, Non-profit art galleries	D	P		P ¹	P	P	P
Community Centers	D	P		P ¹	P	P	P
Transportation-Related Sales & Service							
Motor & non-motor vehicle sales, rental, repair, service and storage					P	P	P ²
Motor-vehicle washes		P			P	P	
Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration							
Storage & Parking							
Distribution center	D		P		P		P ²
Garage, public or commercial parking		A	A	A	A	P	A
Self-storage facility	D	P		P ¹	P	P	P ²
Warehouse	D			P ¹	P	P	P ²
Public, Semi-Public, Utilities, Emergency							
Government facilities and services, local	D	P	P	P ¹	P	P	P
Government facilities and services, non-local	D	P	P	P ¹	P	P	P

Blank =Not permitted P =Permitted use SUE =Special use Exception, see Sec. ** A =Permitted Accessory Use, see Sec. ** D = Definition, see Sec. **	Zone B-2	Zone B-3	Zone C-2	Zone C-3	Zone C-4	Zone C-5	Zone I-1
Parks	P	P	P ¹	P	P		P
Public safety facilities including, ambulance, fire, police, rescue, and national security	D	P	P ¹	P	P	P	P
Utility service facilities	D	P	P ¹	P	P	P	P
Communication Towers	P	P	P	P	P	P	P ¹
Recreational Facility, Government	D	P	P ¹	P	P		P
Not Grouped Elsewhere							
Off-Premise Signs				SUE	SUE	SUE	
Cemeteries	P						P
Funeral home	P		P ¹				P
Commercial kennels, provided that no open pens, runs, kennels or cages are located within 200 feet of land that is used or zoned residential and 50 feet from any property line)				P ¹		P ¹	
Animal Hospital and Veterinary clinics	P		P ¹	P			P ¹
Technology Center		P			P	P	P
Temporary Removable Vendor Stands	P	P		P	P	P	P
Manufactured home-types structures used as construction/sales office	A	A	A	A	A	A	A
<i>Manufactured home-type structure used for business, commercial or industrial uses when approved by the Director</i>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Note: Where, in the judgment of the Commission, a use is not specifically referenced but is similar to those listed as permitted, it may be permitted by approval of the Commission.

P Permitted Use

¹ No outdoor sales and or storage permitted

² Uses permitted only with an on-site retail component

³ Mixed use building must consist of at least 25% commercial space

⁴ Residential uses within the C-4 district shall not exceed 12 units per acre or exceed floor area ratio maximums

A Use permitted as the accessory use of the parcel

SUE – Special Use Exception - Only permitted by Board of Adjustment

Planning and Zoning Department
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Sussex County Council

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SUSSEX COUNTY
PLANNING & ZONING

Re: Roxana Road Storage
Tax Parcel No: 1-34-15.00-20.06
Oppose C/Z 1914 AR-1 to B-2

1. Coastal Area – Comprehensive Plan 4-15; See Exhibits A.1, Original Deed; A.1a- A.1e, Current Deed; A.2 Comprehensive Plan Narrative; A.3 Future Land Use Plan; A.4 Table 4.5-2 Zoning District Applicable for Land Use; A.5 Zoning 115
Attachment 4 – Commercial B-2 Uses
2. Proposed for site: Frontage along Route 17- See Exhibit B.1 Map 1-34-15.00; B.2 Commercial Development Site Plan; B.3 Commercial Google Maps FINAL satellite; B.4 Commercial map with storage; B.5 Commercial Development Site Plans

65 parking spaces – 57 standard 8 accessible

8000sf office building

5000sf office building

40 storage buildings – Total 703 Storage Units per the Application

32 – 30X80 storage buildings 19 climate controlled 13 exterior access 2,400 sf
each unit = 94,800 square feet total

7 15X160 storage buildings exterior access 16,800 square foot total

1 15X80 storage buildings exterior access 1,200 square foot total

13,000 square foot of office building space

107,800 total square foot project development as shown on plans

90% proposed paved of 10.05 acres site

The East-West Property line is 1,474.46' with a 12'-0" wide drainage ditch that lies between the AR-1 residence of the Parler's and the proposed commercial storage

units. The 40 proposed commercial storage units comprise 703 storage units on the site for a total of 94,800 square foot of storage Phase 1.

Hours of operation of Storage Facility is 4 am-10 pm in summer 6 am – 10 pm

Setback from centerline of ditch is 20'-0" to storage buildings

400-500 trips/ADT and 50 trips/hr at threshold of DelDOT TIS/TOA

Property will be lit at night

There will be cameras and lights to monitor access to the facility which will be throughout the site

All the above are detrimental to the adjacent property's overall health, safety, and welfare.

3. Proposed Commercial Development is in Level 4 Investment Area: See Exhibits C.1_Level 4 Investment Area; C.2_2015 Strategies for State Policies and Spending; From the 2018 Sussex County Comprehensive Plan: Goal 4.5 Recognize the importance of the agricultural land base of the County, the Commercial Development is inconsistent with the Comprehensive Plan and State Strategies. *It is the State's intent to discourage additional urban and suburban development in Investment Level 4 areas unrelated to agriculture and to the area's needs.*

The proposed commercial development as drawn in plan represents land development that will result in 13,000 square feet of office space and 94,800 square feet of storage space (total development **107,800** sf as drawn in plan from July 12, 2019) in an **Investment Level 4 area** according to the 2015 Strategies for State Policies and Spending. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program.

Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. **These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be preserved.** Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the State **CANNOT SUPPORT** the proposed commercial development project from the letter dated November 21, 2019 Office of State Planning Coordination, See Exhibit D.6 State Letter; D. 7 Level 4 Map.

4. Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. **The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increase over time.** Based upon this information alone that the soils are unsuitable for development, the proposed commercial development should not be approved or move forward. The proposed commercial development does not meet the Comprehensive Plan Objective 5.3.5 Reduce flooding and erosion. See NRCS soil survey mapping update above, property determined unsuitable to develop causing “More Frequent and Destructive Flooding Events” See Exhibits D.1 Comprehensive Plan 5.2.4.2 Groundwater; D.2 FEMA Flood Map; D.3 Wetlands Map; D.4, 4.a, 4.b Soils Maps; D.5 Drainage Map; D.6 Letter Office of State Planning Coordination.
5. The proposed commercial development is adjacent to a property preserved through the State’s Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B, Sussex County Parcel Number 134-15.00-15.00). Currently the land as agriculture is recommended under the Comprehensive Plan Objective 5.2.1 to Recognize and promote the conservation benefits of having land in agriculture. The Commercial Development is inconsistent with the adjacent preserved land. See Exhibit E.1, Comprehensive Plan 5.2.3.2 Agricultural Land Preservation.
6. The proposed commercial development is surrounded by AR-1, this would be considered “spot zoning”¹ spot zoning occurs when a relatively small parcel or

¹ Anderson’s American Law of Zoning, 4th Edition 5.12(1995) Spot zoning is described as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property to the detriment of other owners.”(Anderson’s American Law of Zoning, 4th Edition, Section 5.12 1995). According to Daniel Shapiro’s treatise “Understanding Spot Zoning”... “perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality’s comprehensive plan.”

area is rezoned to a classification out of harmony with the surrounding area. See Exhibits B.1 – B.5.

7. In the Comprehensive Plan of Sussex County, 4.7 FUTURE LAND USE GOALS, OBJECTIVES, AND STRATEGIES Goal 4.5 to Recognize the importance of the agricultural land base of the County. Goal 4.6 Recognize the importance of the Inland Bays. The proposed commercial development is located in the **Little Assawoman Inland Bays Watershed**. See Exhibits F.1 Goal 4.5, 4.6; F.2_InlandBayswatershed; F.3_Map 2.9-3 State Investment Strategy
8. The proposed commercial development as outlined by Exhibit "A" in the Packet - Proposed Commercial Development Site Plan- is not to scale. The diagram of churches and farm businesses not commercial but agri-business, and other commercial is not to scale and the adjacencies of commercial, hospital and churches are over a 3.1 mile stretch of Route 17 from the intersection of Route 26 and 17 to Our Lady of Guadalupe Mission Church. The clusters of commercial development are within 1.3 miles of the Millville by the Sea Development and Millville Lifestyle Center. South-west Past Pepper's Corner on Route 17 is primarily agricultural and residential, rural as stated in the Comprehensive Plan. See Exhibit G.1 "Exhibit A" not to scale; B.3_ Commercial Google Maps FINAL satellite; B.4_ Commercial map with storage . The Line in Red is area of development. Peppers Corner Road defines the end of development of Route 17.
9. The surrounding properties could be adversely impacted from increased traffic, noise, and pollution diminishing the overall health, safety, and welfare. The proposed commercial development will be open from **4am – 10pm**, it will be **lit at night** with security cameras creating an unnatural illumination in an otherwise tranquil nighttime landscape as there are no utility lights along Route 17. There will be 400-500 ADT/day and 50 trips/hour of increased traffic on the connector road. Refer to Sussex County Comprehensive Plan Exhibit H.1, 5.2.5 Air development that reduces the use of personal automobiles as well as working with DelDOT to improve traffic flows.
10. Density: The proposed commercial development facility in a Coastal Area AR-1 Zone is too dense 90% of 10.05 acres is impervious materials and does not meet

the criteria set forth in the Comprehensive Plan, there is no central water and sewer, not in keeping with the area; surrounding properties are AR-1 and protected land. While water and sewer are not needed in the first phase of development, preservation of natural resources or open space is strongly encouraged in Coastal Areas. Each 30x80 Building is 2,400 square feet, that is the size of an average house. There are 40 of these buildings, so 40 sized houses or 94,800 square feet on 10 acres in Phase 1. Phase 2 is Office Buildings only increase the square footage. The density is not justified for the AR-1 zone. If there is a case for storage units, then why are there not more 30x80 buildings placed on Route 54 where there is easier access, with closer proximity to established existing commercial uses and employment centers? There are currently Beach Storage units, storage units across from Hockers, the Millville MiniStorage Units, Clarksville RV and Boat storage, Atlantic Boat and RV Storage in Millville on Route 26, all have leasing availability and outside of Selbyville, a few miles down Route 17 there is a for sale sign for storage units, all within established commercial uses and employment centers. A new 24/7 RV and Boat Storage Facility is proposed at 32883 Jones Road, Frankford, DE which is 2.7 miles from the proposed commercial facility location to provide additional leasing potential.

The Parler's Garage is within 26'-0" from the property line. The Parler's house is within 35'-0" of the property line. The Parler's 50'-0" deep well system is within 25'-0" of the property line. The Parler's have a septic system and leaching field at the front of their property. The Parler's are the most impacted by this proposed commercial development as it will be detrimental to their property, well, septic, garage and house the majority of which is within 50'-0" from the property line and impacted for the length of the 1,474.46' shared property line. There is a 20 foot set back on the Parler's side from the centerline of the 12'-0" wide ditch. 45 foot setback on the Hudson's side.

*Per the Comprehensive Plan: "Medium and higher density could be supported in areas: **where there is central water and sewer**; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to*

the requested commercial development and density. A clustering option permitting smaller lots and additional flexibility in dimensional standards is encouraged on tracts of a certain minimum size, provided significant permanent common open space is preserved and the development is connected to central water and sewer service. The preservation of natural resources or open space is strongly encouraged in this land use classification. The County should revisit environmental protection in the Coastal Areas. "

11. Under Comprehensive Plan Goal 5.4: Maintain and improve air quality, Route 17 is a major connector with under 5000 ADT annually. The proposed commercial plan could increase travel between 400-500 average daily trips ADT or 50/hour at the site contributing to increased emissions and pollution. This will not improve traffic flow and increase emissions and air pollution. See Exhibit J.1, 2018 Comp Plan Figure 13.2-1 Classifications of State Roads; J.2, 13.2-1 Enlarged Classifications of State Roads; J.3, Characteristics of Major and Minor Collectors p258; J.4, Figure 13.2.2 2018 Comp Plan Traffic Volumes p 237; J.5, Figure 13.2.2 Enlarged Traffic Volumes p 237; J.6, Figure 13.2.4 2018 Comp Plan Projected Population Trends p239; J.7, Figure 13.2.4 Enlarged Projected Population Trends; J.8 Figure 113.2.5 15% Additional Population Trends; J.8, According to the DelDOT long range planning report 2019, projected road improvements are not indicated for Roxana Road.
12. In accordance with the Comprehensive Plan Objective 7.4.2 Encourage site design that maximizes or optimizes infiltration and minimizes stormwater runoff, the proposed commercial development fails to prevent stormwater runoff to the north of the site. See Exhibit B.2 Commercial Development Site Plan.
13. Under 10.4 of the Comprehensive Plan for Historic Preservation, the State Historic Preservation Office SHPO does not support or recommend the proposed commercial development in a Level 4 area. See Exhibit D.6.
14. Under 10.5.6 of the Comprehensive Plan Delaware Department of Natural Resources and Environmental Control(DNREC) Due to the fact that the proposed commercial development is composed of 90 % impervious materials, the proposed

plan as shown could contribute to increased nutrient loading to the Inland Bay watershed through inadequately designed storm water management, usage of existing drainage ditch not designed as a true BUFFER SYSTEM to mitigate nutrient load reductions and will fall short of the concurrence of policies set forth by the DNREC, EPA and Clean Water Act of 1972. See Exhibit K.1, Detail of Buffer.

15. The Proposed Roxana Multi-Family Community of October 2019 drawings provided for reference indicating growth and development north of Powell Farm Road and Peppers Corner. Refer to Exhibits 17.0 Roxana Apartments Presentation; L.1 Roxana-Multi-Family-Apartments-Preliminary-Site-Plan; L.2 Roxana-Multi-Family-Apartments-Preliminary-Site-Plan2; L.3 Enlarged Roxana Apartment Site Plan. The red line on Exhibit L.3 is Powell Farm Road. Development southwest on Route 17 beyond Powell Farm Road is inconsistent with the Sussex County Comprehensive Plan. Phase 2 of the Proposed Commercial Development shows connection to water and sewer. See Exhibit L.4 Figure 7.3-4 Optional Sewer Tier Map.

16. The applicant currently has a Storage Facility on Route 54. The 12 units on Route 54 are approximately 25% usage of land for a total **28,800** square foot of units. Half are climate controlled spaces and half are non air conditioned spaces with exterior access. **The units are open from 4 am – 10 pm in the summer.** The property is fenced with chain link fence with entry gate access. The property is lit at night. The units are at capacity meaning fully leased.

Propose to develop the remainder of the Route 54 storage unit site as applicant would have **direct access** to Route 54, a 3 lane divided road with traffic lights could be feasible. When fully developed along Route 54 site for storage units, the applicant could exceed the 703 unit development at the Roxana Road location. Since the storage unit facility is already established off Route 54, expansion in this location could be feasible and the lot is suitable for commercial development as the existing commercial storage facility is located within an existing commercial uses and existing employment opportunities. See Exhibit M.1 Site plan for Route 54.

Planning & Zoning Commission & Board of Adjustment Meeting : Planner 2020 Rotation Schedule

Month	Planning & Zoning Commission		Board of Adjustment	
	P&Z Date	Staff Member(s)	BOA Date	Staff Member
Jan-20	1/9/20	Janelle, Jamie & Lauren	1/6/20	Janelle & Jamie
	1/23/20	Janelle, Jamie & Lauren	1/27/20	Jamie & Lauren
Feb-20	2/13/20	Lauren & Jamie	2/3/20	Jamie & Jenny
	2/27/20	Jenny & Jamie	2/17/20	Jamie
Mar-20	3/12/20	Lauren & Jamie	3/2/20	Jamie & Lauren
	3/26/20	Lauren & Jamie	3/16/20	Jamie & Lauren
Apr-20	4/9/2020 & 4/16/20	Lauren & Jamie	4/6/20	CANCELED
	4/23/20	Christin & Nick	4/20/20	CANCELED
May-20	5/14/20	Lauren & Jamie	5/4/20	N/A (Approving meeting minutes only)
	5/28/20	Jenny & Christin	5/18/20	CANCELED
Jun-20	6/11/20	Lauren & Chase	6/1/20	Jamie & Lauren
	6/25/20	Jenny & Nick	6/15/20	Jamie & Lauren
Jul-20	7/9/20	Christin & Chase	7/6/20	Jamie & Jenny
	7/23/20	Lauren & Nick	7/20/20	Jamie & Jenny
Aug-20	8/13/20	Jenny & Chase	8/3/20	Jamie & Christin
	8/17/20	Christin & Nick	8/17/20	Jamie & Christin
Sep-20	9/10/20	Lauren & Christin	9/14/20	Jamie & Nick
	9/24/20	Lauren & Chase	9/21/20	Jamie & Nick
Oct-20	10/8/20	Jenny & Nick	10/5/20	Jamie & Chase
	10/22/20	Christin & Chase	10/19/20	Jamie & Chase
Nov-20	11/12/20	Lauren & Nick	11/2/20	Jamie & Lauren
	11/19/20	Jenny & Christin	11/16/20	Jamie & Lauren
Dec-20	12/10/20	Lauren & Chase	12/14/20	Jamie & Jenny
	12/17/20	Lauren & Christin	12/21/20	Jamie & Jenny

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 PLANNING & ZONING

Planning and Zoning Department
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Sussex County Council

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SUSSEX COUNTY
PLANNING & ZONING

Re: Roxana Road Storage
Tax Parcel No: 1-34-15.00-20.06
Oppose C/Z 1914 AR-1 to B-2

1. Coastal Area – Comprehensive Plan 4-15; See Exhibits A.1, Original Deed; A.1a- A.1e, Current Deed; A.2 Comprehensive Plan Narrative; A.3 Future Land Use Plan; A.4 Table 4.5-2 Zoning District Applicable for Land Use; A.5 Zoning 115
Attachment 4 – Commercial B-2 Uses
2. Proposed for site: Frontage along Route 17- See Exhibit B.1 Map 1-34-15.00; B.2 Commercial Development Site Plan; B.3 Commercial Google Maps FINAL satellite; B.4 Commercial map with storage; B.5 Commercial Development Site Plans

65 parking spaces – 57 standard 8 accessible

8000sf office building

5000sf office building

40 storage buildings – Total 703 Storage Units per the Application

32 – 30X80 storage buildings 19 climate controlled 13 exterior access 2,400 sf

each unit = 94,800 square feet total

7 15X160 storage buildings exterior access 16,800 square foot total

1 15X80 storage buildings exterior access 1,200 square foot total

13,000 square foot of office building space

107,800 total square foot project development as shown on plans

90% proposed paved of 10.05 acres site

The East-West Property line is 1,474.46' with a 12'-0" wide drainage ditch that lies between the AR-1 residence of the Parler's and the proposed commercial storage

units. The 40 proposed commercial storage units comprise 703 storage units on the site for a total of 94,800 square foot of storage Phase 1.

Hours of operation of Storage Facility is 4 am-10 pm in summer 6 am – 10 pm

Setback from centerline of ditch is 20'-0" to storage buildings

400-500 trips/ADT and 50 trips/hr at threshold of DelDOT TIS/TOA

Property will be lit at night

There will be cameras and lights to monitor access to the facility which will be throughout the site

All the above are detrimental to the adjacent property's overall health, safety, and welfare.

3. Proposed Commercial Development is in Level 4 Investment Area: See Exhibits C.1_Level 4 Investment Area; C.2_2015 Strategies for State Policies and Spending; From the 2018 Sussex County Comprehensive Plan: Goal 4.5 Recognize the importance of the agricultural land base of the County, the Commercial Development is inconsistent with the Comprehensive Plan and State Strategies. *It is the State's intent to discourage additional urban and suburban development in Investment Level 4 areas unrelated to agriculture and to the area's needs.*

The proposed commercial development as drawn in plan represents land development that will result in 13,000 square feet of office space and 94,800 square feet of storage space (total development **107,800** sf as drawn in plan from July 12, 2019) in an **Investment Level 4 area** according to the 2015 Strategies for State Policies and Spending. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program.

Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. **These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be preserved.** Because the proposed commercial development is inconsistent with the Strategies for State Policies and Spending, the **State CANNOT SUPPORT the proposed commercial development project** from the letter dated November 21, 2019 Office of State Planning Coordination, See Exhibit D.6 State Letter; D. 7 Level 4 Map.

4. Based on the NRCS soil survey mapping update, the property soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. **The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increase over time.** Based upon this information alone that the soils are unsuitable for development, the proposed commercial development should not be approved or move forward. The proposed commercial development does not meet the Comprehensive Plan Objective 5.3.5 Reduce flooding and erosion. See NRCS soil survey mapping update above, property determined unsuitable to develop causing “More Frequent and Destructive Flooding Events” See Exhibits D.1 Comprehensive Plan 5.2.4.2 Groundwater; D.2 FEMA Flood Map; D.3 Wetlands Map; D.4, 4.a, 4.b Soils Maps; D.5 Drainage Map; D.6 Letter Office of State Planning Coordination.

5. The proposed commercial development is adjacent to a property preserved through the State’s Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B, Sussex County Parcel Number 134-15.00-15.00). Currently the land as agriculture is recommended under the Comprehensive Plan Objective 5.2.1 to Recognize and promote the conservation benefits of having land in agriculture. The Commercial Development is inconsistent with the adjacent preserved land. See Exhibit E.1, Comprehensive Plan 5.2.3.2 Agricultural Land Preservation.

6. The proposed commercial development is surrounded by AR-1, this would be considered “spot zoning”¹ spot zoning occurs when a relatively small parcel or

¹ Anderson’s American Law of Zoning, 4th Edition 5.12(1995) Spot zoning is described as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property to the detriment of other owners.”(Anderson’s American Law of Zoning, 4th Edition, Section 5.12 1995). According to Daniel Shapiro’s treatise “Understanding Spot Zoning”... “perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality’s comprehensive plan.”

area is rezoned to a classification out of harmony with the surrounding area. See Exhibits B.1 – B.5.

7. In the Comprehensive Plan of Sussex County, 4.7 FUTURE LAND USE GOALS, OBJECTIVES, AND STRATEGIES Goal 4.5 to Recognize the importance of the agricultural land base of the County. Goal 4.6 Recognize the importance of the Inland Bays. The proposed commercial development is located in the **Little Assawoman Inland Bays Watershed**. See Exhibits F.1 Goal 4.5, 4.6; F.2_InlandBayswatershed; F.3_Map 2.9-3 State Investment Strategy
8. The proposed commercial development as outlined by Exhibit “A” in the Packet - Proposed Commercial Development Site Plan- is not to scale. The diagram of churches and farm businesses not commercial but agri-business, and other commercial is not to scale and the adjacencies of commercial, hospital and churches are over a 3.1 mile stretch of Route 17 from the intersection of Route 26 and 17 to Our Lady of Guadalupe Mission Church. The clusters of commercial development are within 1.3 miles of the Millville by the Sea Development and Millville Lifestyle Center. South-west Past Pepper’s Corner on Route 17 is primarily agricultural and residential, rural as stated in the Comprehensive Plan. See Exhibit G.1 “Exhibit A” not to scale; B.3_ Commercial Google Maps FINAL satellite; B.4_ Commercial map with storage . The Line in Red is area of development. Peppers Corner Road defines the end of development of Route 17.
9. The surrounding properties could be adversely impacted from increased traffic, noise, and pollution diminishing the overall health, safety, and welfare. The proposed commercial development will be open from **4am – 10pm**, it will be **lit at night** with security cameras creating an unnatural illumination in an otherwise tranquil nighttime landscape as there are no utility lights along Route 17. There will be 400-500 ADT/day and 50 trips/hour of increased traffic on the connector road. Refer to Sussex County Comprehensive Plan Exhibit H.1, 5.2.5 Air development that reduces the use of personal automobiles as well as working with DelDOT to improve traffic flows.
10. Density: The proposed commercial development facility in a Coastal Area AR-1 Zone is too dense 90% of 10.05 acres is impervious materials and does not meet

the criteria set forth in the Comprehensive Plan, there is no central water and sewer, not in keeping with the area; surrounding properties are AR-1 and protected land. While water and sewer are not needed in the first phase of development, preservation of natural resources or open space is strongly encouraged in Coastal Areas. Each 30x80 Building is 2,400 square feet, that is the size of an average house. There are 40 of these buildings, so 40 sized houses or 94,800 square feet on 10 acres in Phase 1. Phase 2 is Office Buildings only increase the square footage. The density is not justified for the AR-1 zone. If there is a case for storage units, then why are there not more 30x80 buildings placed on Route 54 where there is easier access, with closer proximity to established existing commercial uses and employment centers? There are currently Beach Storage units, storage units across from Hockers, the Millville MiniStorage Units, Clarksville RV and Boat storage, Atlantic Boat and RV Storage in Millville on Route 26, all have leasing availability and outside of Selbyville, a few miles down Route 17 there is a for sale sign for storage units, all within established commercial uses and employment centers. A new 24/7 RV and Boat Storage Facility is proposed at 32883 Jones Road, Frankford, DE which is 2.7 miles from the proposed commercial facility location to provide additional leasing potential.

The Parler's Garage is within 26'-0" from the property line. The Parler's house is within 35'-0" of the property line. The Parler's 50'-0" deep well system is within 25'-0" of the property line. The Parler's have a septic system and leaching field at the front of their property. The Parler's are the most impacted by this proposed commercial development as it will be detrimental to their property, well, septic, garage and house the majority of which is within 50'-0" from the property line and impacted for the length of the 1,474.46' shared property line. There is a 20 foot set back on the Parler's side from the centerline of the 12'-0" wide ditch. 45 foot setback on the Hudson's side.

*Per the Comprehensive Plan: "Medium and higher density could be supported in areas: **where there is central water and sewer**; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to*

the requested commercial development and density. A clustering option permitting smaller lots and additional flexibility in dimensional standards is encouraged on tracts of a certain minimum size, provided significant permanent common open space is preserved and the development is connected to central water and sewer service. The preservation of natural resources or open space is strongly encouraged in this land use classification. The County should revisit environmental protection in the Coastal Areas. "

11. Under Comprehensive Plan Goal 5.4: Maintain and improve air quality, Route 17 is a major connector with under 5000 ADT annually. The proposed commercial plan could increase travel between 400-500 average daily trips ADT or 50/hour at the site contributing to increased emissions and pollution. This will not improve traffic flow and increase emissions and air pollution. See Exhibit J.1, 2018 Comp Plan Figure 13.2-1 Classifications of State Roads; J.2, 13.2-1 Enlarged Classifications of State Roads; J.3, Characteristics of Major and Minor Collectors p258; J.4, Figure 13.2.2 2018 Comp Plan Traffic Volumes p 237; J.5, Figure 13.2.2 Enlarged Traffic Volumes p 237; J.6, Figure 13.2.4 2018 Comp Plan Projected Population Trends p239; J.7, Figure 13.2.4 Enlarged Projected Population Trends; J.8 Figure 113.2.5 15% Additional Population Trends; J.8, According to the DelDOT long range planning report 2019, projected road improvements are not indicated for Roxana Road.
12. In accordance with the Comprehensive Plan Objective 7.4.2 Encourage site design that maximizes or optimizes infiltration and minimizes stormwater runoff, the proposed commercial development fails to prevent stormwater runoff to the north of the site. See Exhibit B.2 Commercial Development Site Plan.
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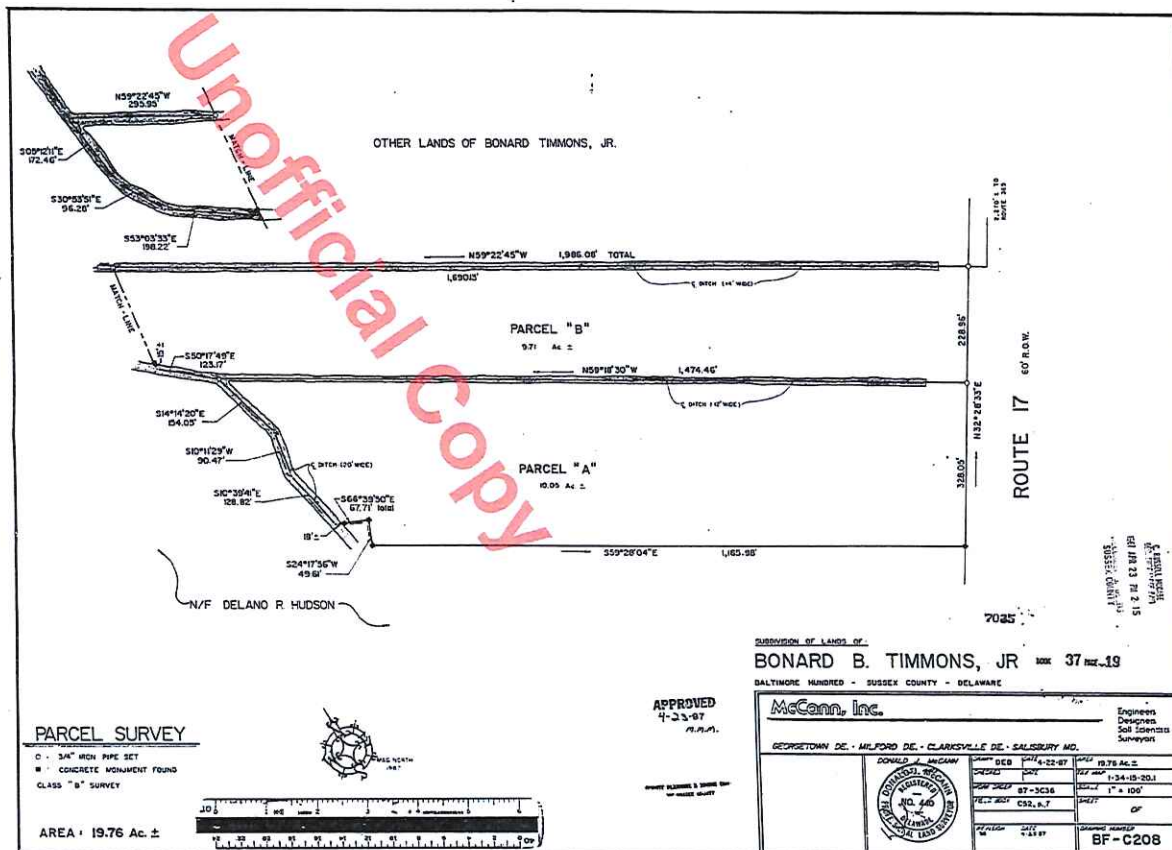
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11203

BK: 4863 PG: 221

Tax Map and Parcel #: 1-34-15.00-20.06

PREPARED BY:
TOMASETTI LAW LLC
1100 Coastal Hwy., Unit 3
Fenwick Island, DE 19944
File No. 518-89/KR

RETURN TO:
RONALD E. GRAY
M. CANDICE L. GRAY
37176 Sunset Cove
Selbyville, DE 19975

Consideration: 265,000.00

County	3,975.00
State	6,625.00
Town	Total 10,600.00
Received: Maria T Apr 02, 2018	

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THIS DEED, made this 28th day of March, 2018,

- BETWEEN -

ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, of 33099 Omar Road, Frankford, DE 19945, parties of the first part,

- AND -

RONALD E. GRAY and M. CANDICE L. GRAY, husband and wife, of 37176 Sunset Cove, Selbyville, DE 19975, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as **TENANTS BY THE ENTIRETY** :

ALL that certain lot, piece or parcel of land situate, lying and being on the Northwestern side of Route 17, Baltimore Hundred, Sussex County, Delaware, more particularly described as follows: Being: PARCEL "A", on a plot entitled "SUBDIVISION OF LANDS OF BONARD B. TIMMONS, JR.", dated April 23, 1987, prepared by McCann,

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Inc., a copy of said plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 37, Page 19. Said parcel containing 10.05 acres of land, more or less.

BEING the same lands as conveyed unto Alexander Pszczola, III and Shelly Hocker Pszczola, husband and wife, by Deed of Gerald Hocker and Emily Hocker, husband and wife, dated December 18, 2013 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4210, Page 302.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated January 4, 2007 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 1, Page 196.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated March 12, 2009 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 6, Page 97.

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.

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

Signed, Sealed and Delivered
in the presence of:



AS

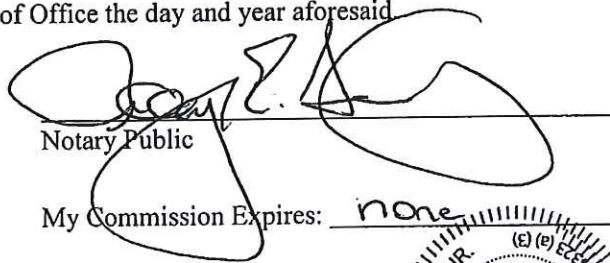
 (SEAL)
ALEXANDER PSZCZOLA, III

 (SEAL)
SHELLY HOCKER PSZCZOLA

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

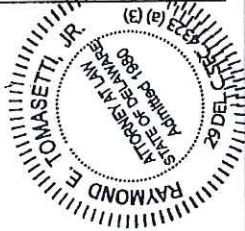
BE IT REMEMBERED, that on March 28, 2018, personally came before me, the subscriber, ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



Notary Public

My Commission Expires: none



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APR 02, 2018
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
Apr 02, 2018 12:14P
Sussex County

03578

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR SUSSEX COUNTY

00001 94 299

: C. A. No. 06M-11-111

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PLANNING & ZONING

Sussex Soil Conservation District,

Plaintiff :

vs. :

Green Branch Tax Ditch,

Defendant. :

ORDER

WHEREAS, the Department of Natural Resources and Environmental Control has certified and filed with this court, a list of all parcels by county tax parcel numbers and all owners of said parcels of real property located in that county which are subject to any portion of a right-of-way or assessment as part of the above tax ditch created by Title 7 Chapter 41.

IT IS HEREBY ORDERED this 4th day of January, 2007 as follows:






1. The said Certified list is hereby accepted and confirmed for filing; and
2. The Prothonotary in and for Sussex County shall file a certified copy of this Order along with the certification and complete list provided by the Department of Natural Resources and Environmental Control with the Recorder of Deeds Office in and for Sussex County.

Callina


 2007 JAN -4 PM 4:11
 PROTHONOTARY
 SUSSEX COUNTY


 Judge

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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.

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- Infrastructure – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to two units per acre provided a septic permit can be approved.

4. Coastal Area

Sussex County has designated the areas around Rehoboth Bay, Indian River Bay, and Little Assawoman Bay (the inland bays) as Coastal Areas. Coastal Areas generally encompass areas on the south-eastern side of Sussex County within what was previously referred to as the Environmentally Sensitive Developing Areas of prior Comprehensive Plans. The updated name more accurately reflects the function of this land use classification. While the Coastal Area is a Growth Area, additional considerations should be taken into account in this Area that may not apply in other Growth Areas.

The Coastal Area designation is intended to recognize two characteristics. First, this region is among the most desirable locations in Sussex County for new housing, as is reflected in new construction data and real estate prices. Second, this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna. This area also has significant impact upon water quality within the adjacent bays and inlets as well as upon natural the region's various habitats. And, these factors are themselves part of the reason that this Area is so desirable-making the protection of them important to both the environment and the economy.

The County has significant initiatives to extend public sewer service to replace inadequate on-site systems. This is described more in within Chapter 8, Utilities. Careful control of stormwater runoff is also an important concern in keeping sediment and other pollutants out of the Inland Bays.

The challenge in this region is to safeguard genuine natural areas and mitigate roadway congestion without stifling the tourism and real estate markets which: a) provide many jobs; b) create business for local entrepreneurs; and c) help keep local tax rates low.

The following guidelines should apply to future growth in Coastal Areas:

- Permitted Uses – 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.

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- **Densities** –Sussex County’s base density of 2 units per acre is appropriate throughout this classification; however, medium and higher density (4-12 units per acre) can be appropriate in certain locations. Medium and higher density could be supported in areas: where there is central water and sewer; near sufficient commercial uses and employment centers; where it is in keeping with the character of the area; where it is along a main road or at/or near a major intersection; where there is adequate Level of Service; or where other considerations exist that are relevant to the requested project and density. A clustering option permitting smaller lots and additional flexibility in dimensional standards is encouraged on tracts of a certain minimum size, provided significant permanent common open space is preserved and the development is connected to central water and sewer service. The preservation of natural resources or open space is strongly encouraged in this land use classification. The County should revisit environmental protection in the Coastal Areas.

Specific regulations governing cluster developments are designated by zoning district. There currently is an option where density can be increased with optional density bonuses for certain zoning districts. Those optional bonuses may involve payment of fees that fund permanent land preservation elsewhere in the County, or other options. RPC’s are encouraged to allow for a mix of housing types and to preserve open space and natural areas/resources. Cluster development that allows for smaller lots and flexibility in dimensional standards is encouraged if the developer uses a cluster option that results in permanent preservation of a substantial percentage of the tract and/or natural areas/resources. Master planning should be encouraged especially for large-scale developments on large parcels or groups of parcels, higher density and mixed-use developments to provide flexibility in site design.

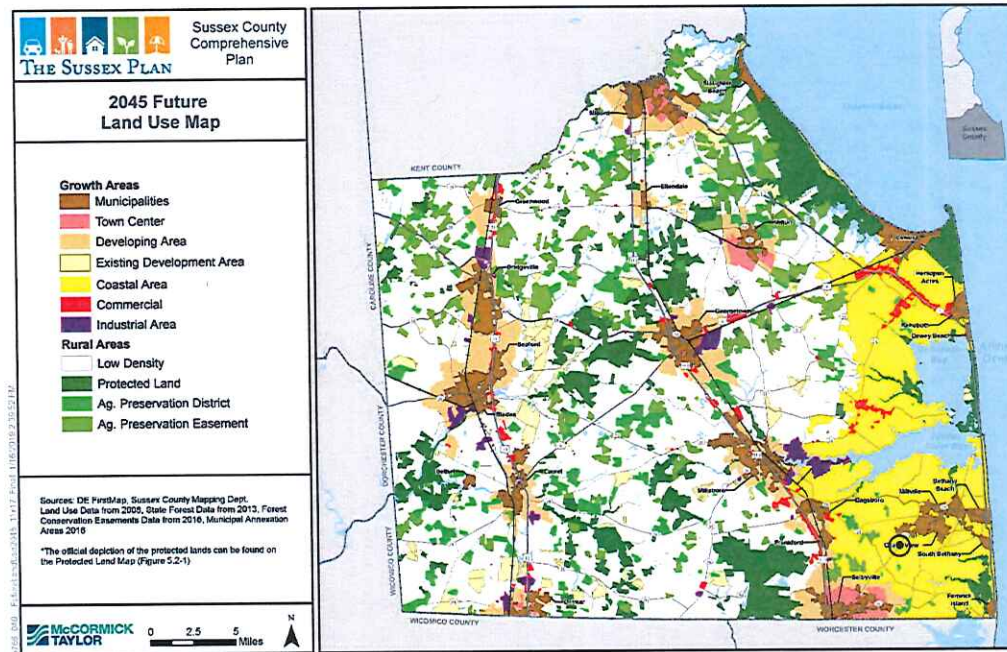
All applicants for developments of a minimum size (as specified in zoning) should continue to be required to provide information that analyzes the development’s potential environmental impacts, including effects on stormwater runoff, nitrogen and phosphorus loading, wetlands, woodlands, wastewater treatment, water systems, and other matters that affect the ecological sensitivity of the inland bays.

- **Infrastructure** – Central water and sewer facilities are strongly encouraged. If central utilities are not possible, permitted densities should be limited to two units per acre provided a septic permit can be approved.

5. Existing Development Area

Existing Development Areas consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these

Figure 4.5-1 Sussex County 2045 Future Land Use



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Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
Coastal Area	Agricultural Residential District (AR-1) Medium Density Residential District (MR) General Residential District (GR) High Density Residential District (HR-1 & HR-2) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
Existing Development Area	Medium Density Residential District (MR) General Residential District (GR)
Commercial Area	Agricultural Residential District (AR-1) Business Community District (B-2) Business Research (B-3) Medium Commercial District (C-2) Heavy Commercial District (C-3) Planned Commercial District (C-4) Service/Limited Manufacturing District (C-5) Institutional District (I-1) Marine District (M) New Zoning Districts
Industrial Area	Agricultural Residential District (AR-1) Limited Industrial District (LI-1) Light Industrial District (LI-2) Heavy Industrial District (HI-1) Service/Limited Manufacturing District (C-5) New Zoning Districts
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts
Protected Lands	N/A - permanently protected Federally-owned, State-owned, or other land preserves, and conservation easements
Agricultural Preservation Easements and Districts	Agricultural Preservation Easements and Districts through the State's Farmland Preservation Program in Agricultural Residential District (AR-1)

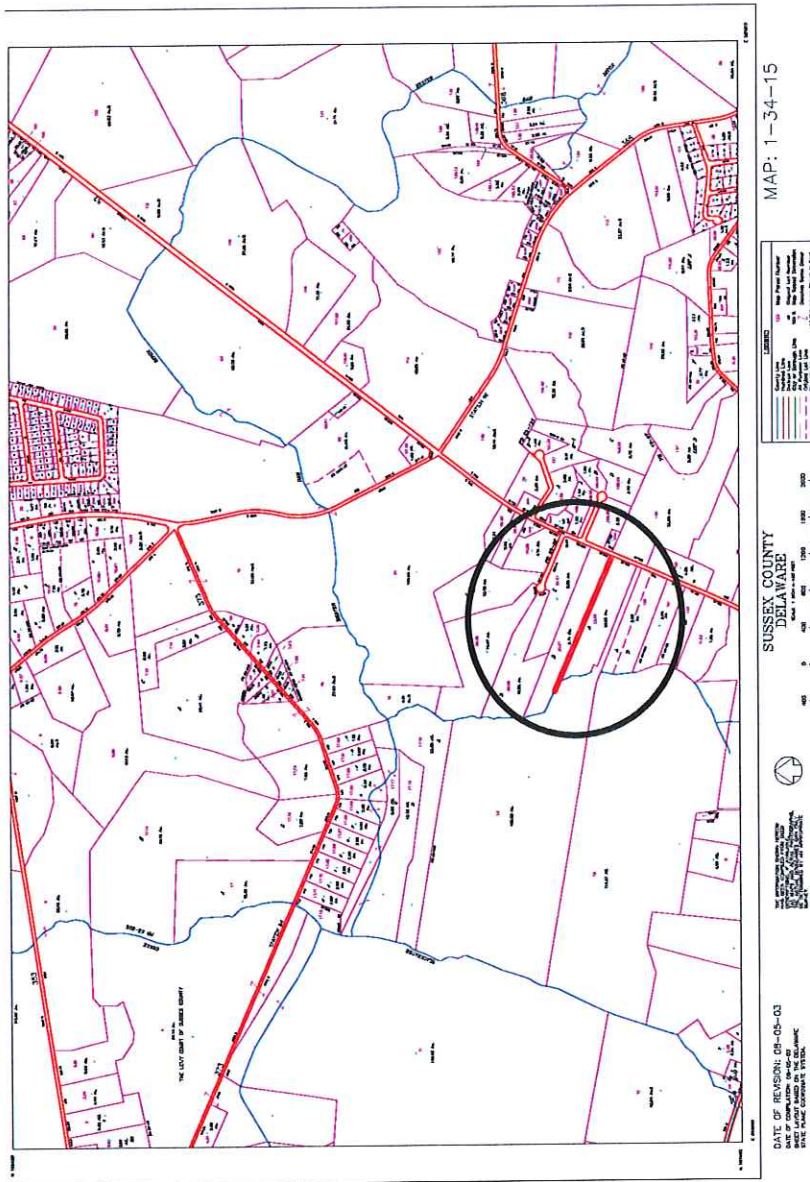
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Notes: Agricultural Residential District (AR-2), Neighborhood Business District (B-1), General Commercial District (C-1), Commercial Residential District (CR-1), Vacation Retirement Residential Park District (VRP), and Urban Business District (UB) are closed districts. These zoning may be located within any of the land use designations.

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ROXANA ROAD STORAGE

SUSSEX COUNTY, DELAWARE

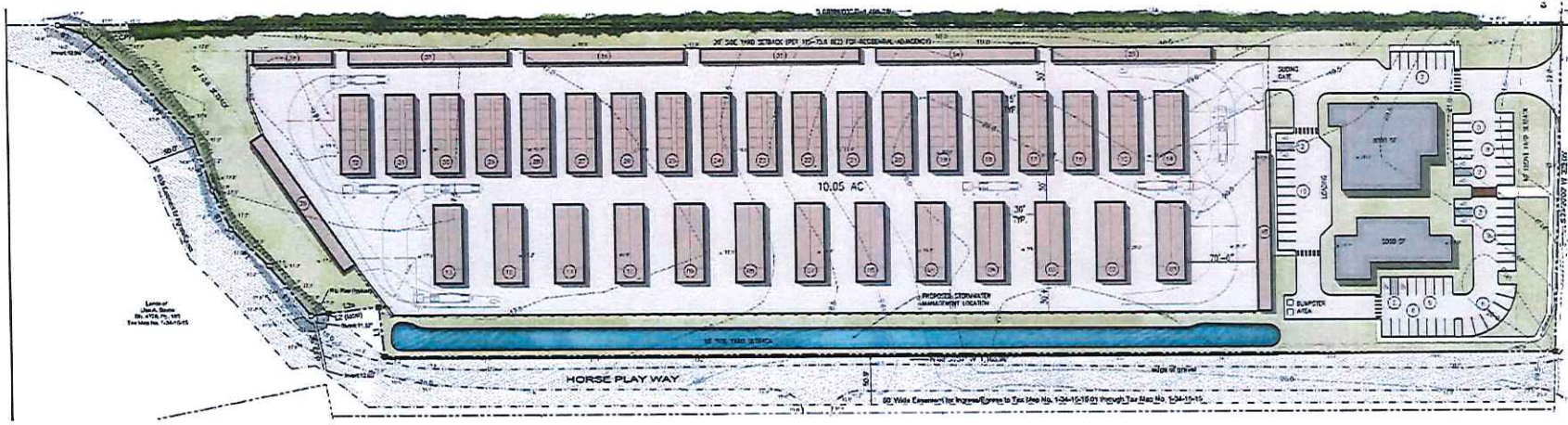


NOTE: Documentation has been taken from survey worksheets drawn by Simple Surveying & Associates, Inc. dated 10-27-18

CONCEPTUAL SITE PLAN - PROPOSED B-2 ZONING

1" = 50'
 July 12, 2019
 DBF# 1111B001.A01

- | | | |
|----------------|--------------------------|-------------------------------|
| OFFICES | 65 PARKING SPACES | 40 STORAGE BUILDINGS |
| (1) 8000 S.F. | (57) STANDARD | (19) 30X80 CLIMATE-CONTROLLED |
| (1) 5000 S.F. | (8) ACCESSIBLE | (13) 30X80 EXTERIOR ACCESS |
| | | (1) 15X80 EXTERIOR ACCESS |
| | | (7) 15X160 EXTERIOR ACCESS |



ROXANA ROAD (Ave. 08)

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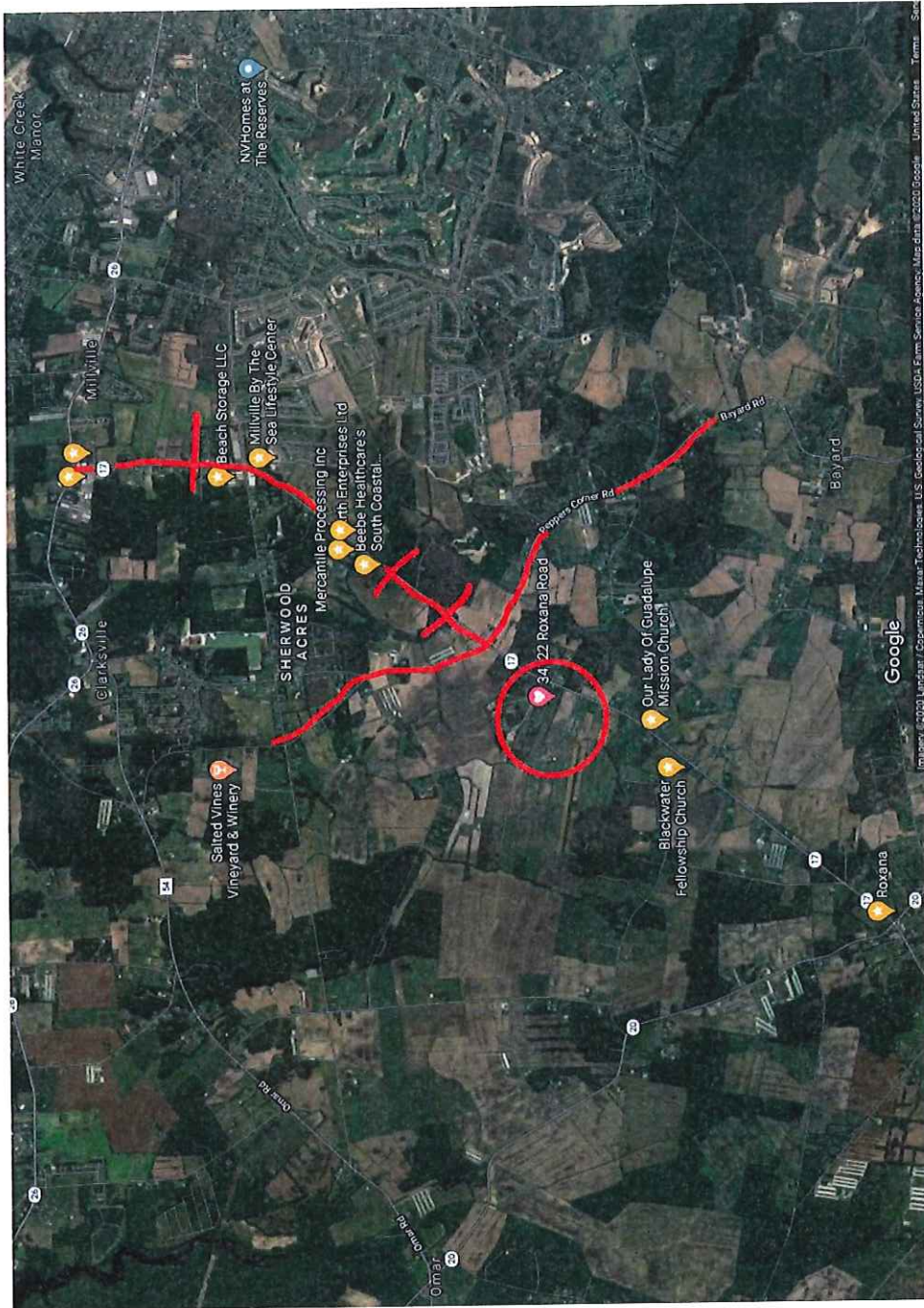
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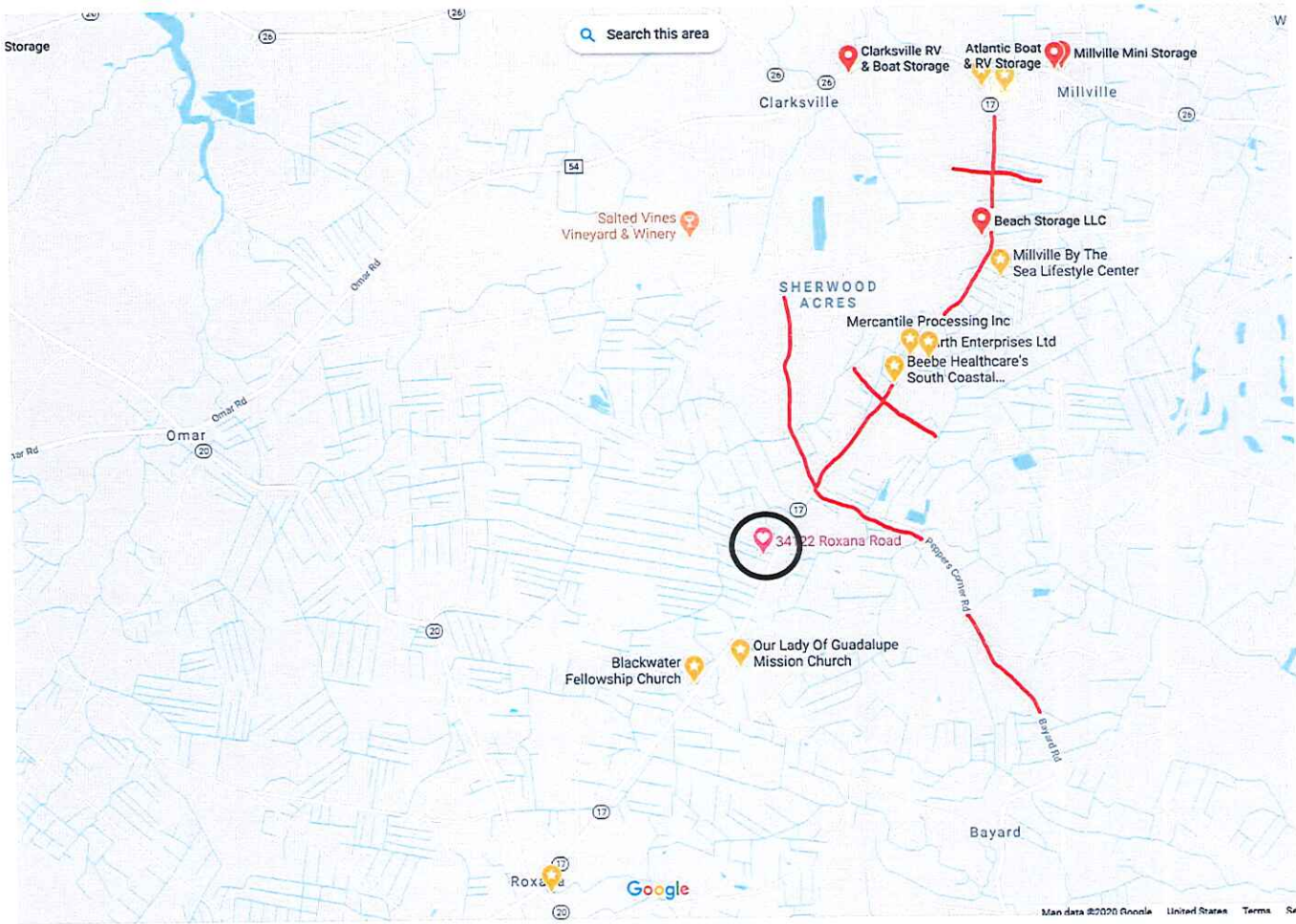
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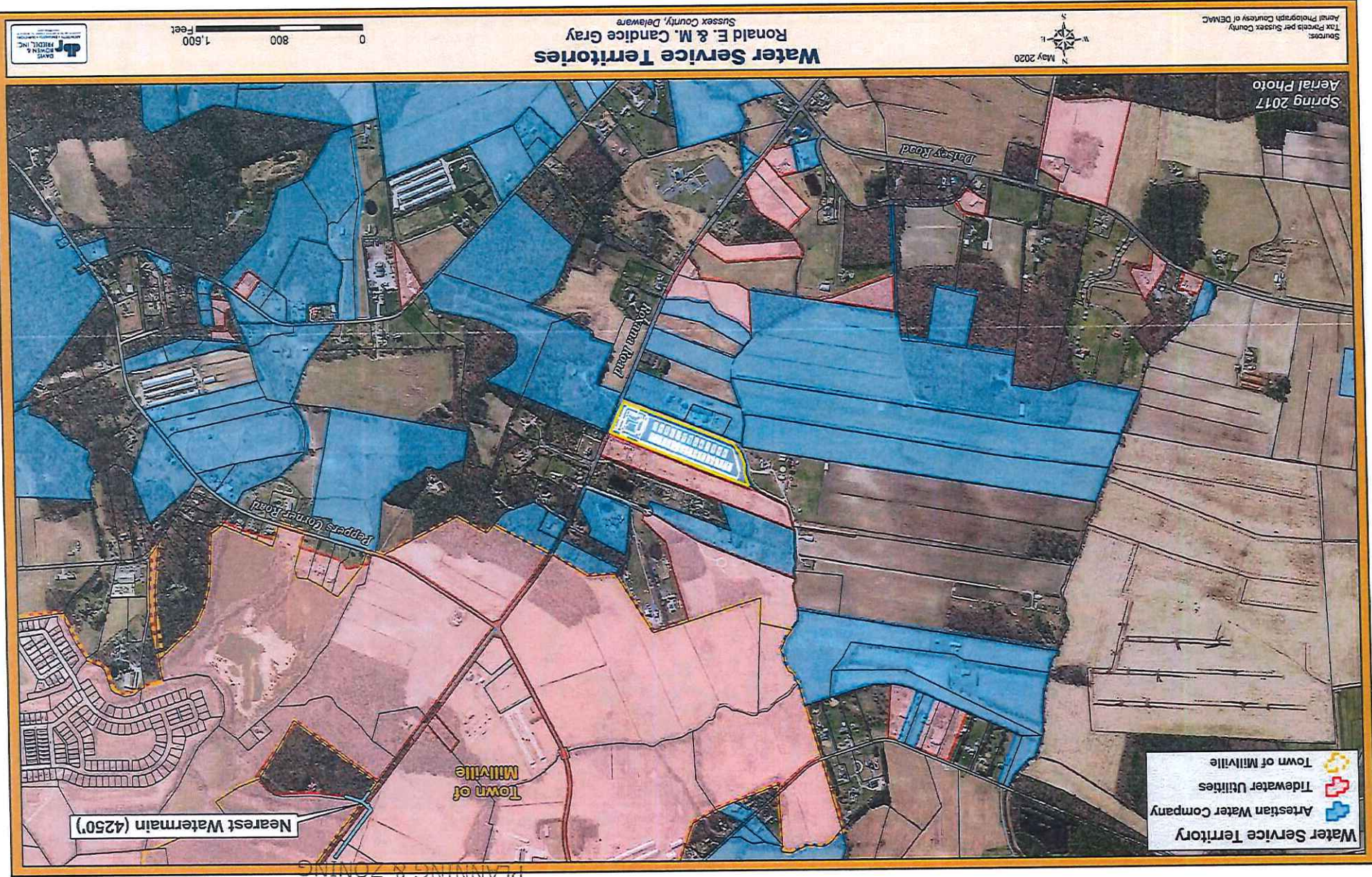
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Town of Milville

Nearest Sewer (4250')

Ex 18" S

Town of Milville

Milville Sanitary Sewer District

Peppers Corner Road

Beaver Dam Sanitary Sewer District

Peppers Road

Daisey Road

Spring 2017
Aerial Photo

Sources:
Tax Parcels per Sussex County
Aerial Photograph Courtesy of DEMAC



May 2020

Sussex County Sewer Districts

Ronald E. & M. Candice Gray
Sussex County, Delaware



Sussex County Government

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
Education	Top priority for educational facilities and co-location of services in campus settings to the extent possible (e.g., libraries). Unqualified consideration of certificates of necessity and state participation in projects in accordance with established statutes, regulations, and procedures.	Expedited approval for educational facilities and co-location of services in campus settings to the extent possible. Unqualified consideration of certificates of necessity and state participation in projects in accordance with established statutes, regulations, and procedures.	Guide/influence educational facilities toward Levels 1 and 2 to the extent possible. Limited approval of educational facilities. Qualified consideration of certificates of necessity and state participation in projects in accordance with established statutes, regulations, and procedures.	Strongly discourage and guide/influence educational facilities toward Levels 1 and 2. Very limited, exception based approval of educational facilities. Extremely qualified consideration of certificates of necessity and state participation in projects in accordance with established statutes, regulations, and procedures. Potential withholding of certificates of necessity and/or state participation.

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State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
Housing Authority	<p>Priority for creating and sustaining the full range of housing types that is transit-oriented, accessible, well-designed, and affordable in appropriate locations.</p> <p>Programs will create new housing opportunities through new construction and redevelopment. Threshold requirement for new construction. Emphasize development of under-utilized parcels within developed areas.</p> <p>Programs will sustain existing homes through rehabilitation and preservation of affordability. Assist homeowners, renters, and communities impacted by the foreclosure crisis. Restore struggling neighborhoods through a variety of acquisition, rehabilitation, and community development activities.</p> <p>Provide technical assistance to communities, continue partnership with OSPC and UD, and continue Density by Design activities.</p>	<p>Priority for creating and sustaining a variety of housing types that is transit-oriented, accessible, well designed, and affordable, supplemented with infrastructure and essential neighborhood services.</p> <p>Programs will create new housing opportunities through new construction and redevelopment. Threshold requirement for new construction.</p> <p>Programs will sustain existing homes through rehabilitation and preservation of affordability. Assist homeowners, renters, and communities impacted by the foreclosure crisis. Restore struggling neighborhoods through a variety of acquisition, rehabilitation, and community development activities.</p> <p>Provide technical assistance to communities and continue Density by Design activities.</p>	<p>Priority to sustain homes through rehabilitation to ensure safe and habitable housing. Assist homeowners, renters, and neighborhoods impacted by the foreclosure crisis.</p>	<p>Sustain homes and vitality of small rural communities. This includes weatherization and rehabilitation of housing. Investment in housing infrastructure to address public safety and welfare concerns.</p>

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
Health and Social Services	Focus efforts to create healthy lifestyles by providing walkable or other recreational opportunities and/or contribute to an infrastructure to support aging or disabled individuals' ability to remain in their community through accessible medical and necessary retail establishments, as well as personal support services. Highest priority (points) for drinking water funding.	Highest priority (points) for drinking water funding.		
Office of State Planning Coordination	This level (along with Level 2) is most favorable for the location of new public facilities, development, and redevelopment activities. It is also the most appropriate level for the location of Downtown Development Districts (DDD). It is also good for master planning activities.	This level (along with Level 1) is most favorable for the location of new public facilities, development, and redevelopment activities. It is also appropriate for the location of DDDs in smaller towns that do not have Level 1 areas. It is also good for master planning activities.	This level is favorable for longer-term planning in anticipation of future development, which makes it a good area for master planning activities.	This level is most favorable for open-space and ag-land preservation and the promotion of agri-business.
Safety & Homeland Security	Enhanced policing through grants, bike cops, and satellite offices. This is a priority area for locating future facilities.	Top priority for locating emergency medical services (EMS). Resource development or reallocation of EMS, fire departments, and law enforcement to sufficiently respond to increased calls for service as population increases.	Focused measures to reduce response time. Resource development or reallocation of EMS, fire departments, and law enforcement to sufficiently respond to increased calls for service as population increases including the possibility for new facilities.	Long-range planning, but no near-term investment. Kent/Sussex pay for additional coverage.

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State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
<p>State Historic Preservation Office</p>	<p>Particularly high concentrations of historic buildings and structures. Efforts to identify and consideration of potential effects to these resources needed early in the planning process. Awareness of applicable federal and state laws, including incentives for preservation. Coordinate projects with certified local governments.</p>	<p>High concentrations of historic buildings and structures. Efforts to identify and consideration of potential effects to these resources needed early in the planning process. Awareness of applicable federal and state laws, including incentives for preservation. Coordinate projects with certified local governments. High concern for historic farmsteads, areas with higher archaeological site potential, and historic family cemeteries and unmarked cemeteries. Preservation in place is encouraged.</p>	<p>Lower concentration of historic buildings and structures, but greater concern for preservation of rural landscape that protects setting, archaeological sites, and cemeteries. Efforts to identify and consideration of potential effects to these resources needed early in the planning process. Awareness of applicable federal and state laws, including incentives for preservation.</p>	<p>Strongly discourage development, except for certain purposes with minimal effects to the existing landscape and with no significant infrastructure improvements. Lower concentration of historic buildings and structures, but greater concern for preservation of rural landscape that protects setting, archaeological sites, and cemeteries. Awareness of applicable federal and state laws, including incentives for preservation.</p>

State Agency	Level 1 Investment Areas	Level 2 Investment Areas	Level 3 Investment Areas	Level 4 Investment Areas
Transportation	In Level 1 Areas the State’s first priority will be for preserving existing facilities and making safety improvements. Level 1 Areas will also be the highest priority for context-sensitive transportation system-capacity enhancements; transit-system enhancements; ADA accessibility; and, closing gaps in the pedestrian system, including the Safe Routes to School projects. Additionally, Level 1 areas are a first priority for planning projects and studies, bicycle facilities, signal-system enhancements, the promotion of interconnectivity of neighborhoods and public facilities. Additionally, street design and access should be compatible to the context of an area.	Level 2 Areas share similar priorities with the Level 1 Areas where the aim remains to make context-sensitive transportation system-capacity enhancements; preserve existing facilities; make safety enhancements; make transportation system-capacity improvements; create transit system enhancements; ensure ADA accessibility; and, close gaps in the pedestrian system, including the Safe Routes To School projects. Other priorities for Level 2 Areas include Corridor Capacity Preservation; off-alignment multi-use paths; interconnectivity of neighborhoods and public facilities; and, signal-system enhancements.	The priorities in the Level 3 Areas are for DeIDOT to focus on regional movements between towns and other population centers. Developers and property owners will make local roadway improvements as development occurs. Lower priority is given to transportation system-capacity improvements and transit-system enhancements.	The focus for the Level 4 Areas will be to preserve and maintain existing facilities in safe working order, corridor-capacity preservation, and the enhancement of transportation facilities to support agricultural business.

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the location of scattered residential uses, featuring almost entirely single-family detached residential structures. These are homes for those who value the quiet and isolation provided by locations away from more developed settings, albeit with an almost total reliance on private vehicles for every transportation need.

Delaware's Investment Level 4 Areas also include many unincorporated communities, typically with their own distinctive character and identity. These places reflect the rich rural heritage of the state. Investment Level 4 Areas depend on a transportation system primarily of secondary roads linked to roadways used as regional thoroughfares for commuting and trucking.

In addition, Investment Level 4 Areas may be the location for certain uses that because of their specific requirements are not appropriate for location elsewhere. Such uses, expected to be limited in number, could involve public safety or other uses that require their location outside designated investment areas. Industrial activity would be limited, except where specific requirements of major employers may dictate an exception for a use, which, because of specific siting and potential conflicts with neighboring uses, should not be placed elsewhere.

It is the state's intent to discourage additional urban and suburban development in Investment Level 4 Areas unrelated to agriculture and to the areas' needs. This will be accomplished through consistent policy decisions and by limiting infrastructure investment, while recognizing that state infrastructure investments may be appropriate where state and local governments agree that such actions are necessary to address unforeseen circumstances involving public health, safety, or welfare.

Investment Level 4 Strategies

In Investment Level 4 Areas, the state's investments and policies should retain the rural landscape and preserve open spaces and farmlands, support farmland-related industries, and establish defined edges to more concentrated development.

Agency decisions about investments in Level 4 Areas are based on the following:

- **Agriculture** – Promote on-farm markets and the sale of local agricultural products in traditional grocery stores, restaurants, as well as public and private institutions where possible. Foster and promote efforts to expand public knowledge of agriculture and improve the public's view on animal agriculture.

MAGNOLIA FARMS, LLC



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The Department of Agriculture’s consumer-protection efforts in support of sustainable economic development. Promote the use of nutrient BMP and planning in the rural setting in support of improved water quality.

Identify and pursue agricultural development opportunities such as retention and expansion of processing companies, institutional and retail food operations, and agricultural cooperatives, granaries, and seed and fertilizer companies. Identify new opportunities for and support existing agricultural support businesses.

A special emphasis should be placed on meeting the needs of animal agriculture while ensuring the health of the environment in this setting. Foster and support the long-term needs of traditional production agriculture and forestry activities, as well as the needs of niche and small-scale production agriculture.

Preservation of our agriculture industry is our highest priority in Level 4. The State will make investments that enhance the agriculture industry in our state, which include economic incentives and related investments. Invest in the continued success of existing farmland- and forestry-preservation activities, which include programs like the Young Farmers Program Governor Markell signed into law in July of 2011.

- **Economic Development** – Development in Investment Level 4 Areas should emphasize only development that is compatible with and enhances agriculture, agribusiness, appropriate visitor activities, and similar economic activities.
- **Education** – DOE does not recommend or support the construction of new educational facilities in Investment Level 4 Areas. Educational facilities proposed for Investment Level 4 Areas may be redirected into Investment Level Areas 1 through 3. The construction of athletic facilities that do not require the creation of impervious surfaces in

Investment Level 4 Areas may be considered on a case-by-case basis, with due consideration given to such factors as increased traffic and the need for additional support services.

- **Housing** – Construction of new homes is discouraged in Level 4 Areas. Housing programs will focus on existing housing in regard to maintenance, health, and safety. Level 4 Areas include several unincorporated, low-income communities with their own distinctive character and needs. Programs will continue to promote revitalization of these areas through housing rehabilitation. State investment in these communities would be done in a manner so as not to spur additional development.

Level 4 Areas are also likely to contain some abandoned or partially completed subdivisions as a result of the housing boom. Strategies similar to those mentioned in Level 3 for these subdivisions will be needed to prevent blight and vandalism and ensure safety.

- **Natural Resources and the Environment** – Emphasize the protection of critical natural habitat and wildlife, aquifer recharge, and stormwater-management/drainage areas. Provide for recreational activities, including parks and fishing/hunting facilities, while helping to define growth areas. Support remediation of contaminated sites including brownfields to protect public health, safety, and the environment. Brownfield sites also could be considered for cleanup and siting for small-scale commercial composting facilities. This form of economic development would support agribusiness and jobs. Encourage “green building” practices. Provide grants to promote recycling. Include planning and infrastructure considerations for future waste processing or recycling facilities. Maximize opportunities for ecological restoration and conservation cost-shares. Additional state investments in water and

wastewater systems will be limited to existing or imminent public health, safety, or environmental risks only, with little provision for additional capacity to accommodate further development. Prioritize the protection of natural resources and wildlife habitats. Emphasize large landscape conservation actions, including significant open-space corridor connections. Encourage low-impact eco-tourism opportunities. Prioritize the use of natural systems or green infrastructure as the preferred means to improve resiliency to climate change.

- **Office of State Planning Coordination (OSPC)** – The OSPC works to improve the coordination and effectiveness of land-use decisions made by state, county, and municipal governments. OSPC views Level 4 areas as favorable for open-space and agricultural land preservation and for the promotion of agri-business.
- **Safety and Homeland Security** – Long-range planning, but no near-term investment. Kent/Sussex pay for additional coverage.
- **State Facilities and Investments** – Investments in these areas will focus on parkland expansions, and ag-land and open-space preservation. Other facility investments in these areas will be discouraged unless it relates to a specific need.
- **State Historic Preservation Office (SHPO)** – Historic resources are found in all areas of the state, including areas considered part of a natural setting, and are non-renewable. Level 4 Areas contain, though in lower concentration, historic buildings, structures, and archaeological sites in National Register-listed rural historic districts or as individually listed resources. By policy and precedent, the Division of Historical and Cultural Affairs/State Historic Preservation Office does not support development in a Level 4 Area, except for agricultural, forestry, and outdoor recreation purposes that do not

involve significant modification of the existing landscape and do not require significant infrastructure improvements.

Preservation of historic farmsteads and the rural landscape is strongly encouraged, including archaeological sites and historic cemeteries where present. State and federal historic preservation tax credits are available and can help with the maintenance of qualified historic buildings, including barns and other outbuildings, on historic farmsteads. Agricultural land preservation programs and open-space acquisition can work in concert with historic preservation goals when appropriate planning is included to encourage adaptive reuse and rehabilitation of historic buildings and structures and protection of archaeological sites.

- **Transportation** – The focus for the Level 4 Areas will be to preserve and maintain existing facilities in safe working order, corridor-capacity preservation, and the enhancement of transportation facilities to support agricultural business. It should also be noted that DelDOT requires that all projects requesting an Entrance Plan Approval (EPA) within Investment Level 4 Areas be evaluated on the basis of the context of the project and surrounding conditions, such as traffic volumes and/or whether the project abuts an existing Shared-Use Path (SUP) and/or Sidewalk (SW) facility. DelDOT will require projects to provide for SUP/SW construction, where deemed applicable, in accordance with the *Development Coordination Manual* (DCM) Chapter 3: *Section 3.5.4.2 Shared-Use Paths and Sidewalks*.


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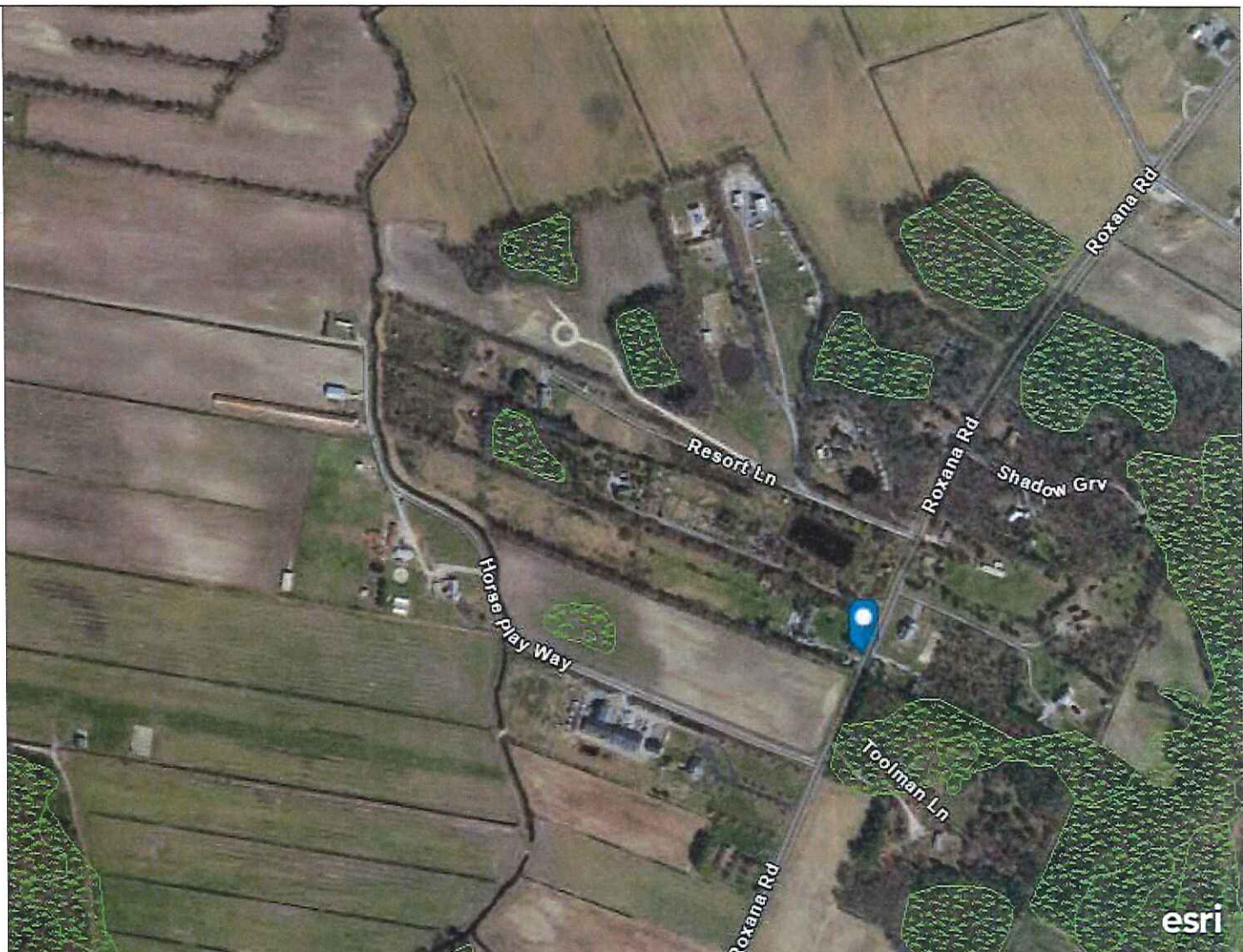
Delaware Wetlands

Delaware Wetlands

Wetlands
 Wetlands

Head of Tide Wetlands 2007


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600ft

The Conservation Management Institute (CMI) has updated the existing USFWS National Wetlands Inventory (NWI) and Delaware Statewide Wetland Mapping Project (SWMP) data to meet or exceed NWI procedures and the guidelines of the Federal Geographic Data Committee's Wetland Mapping Standard (document FGDC-STD-015-2009) employing heads-up photo interpretation in a softcopy environment. We identified wetlands with a minimum mapping unit (MMU) of 0.5 acres with smaller, highly recognizable polygons (e.g., ponds) mapped down to approximately 0.10 acres. Photo interpreters (PIs) identified the wetland targets at a scale of approximately to 1:10,000 with delineations completed at 1:5,000 and,

occasionally, larger as necessary. Polygons were then attributed with a code corresponding to the existing NWI classification scheme (Cowardin et al. 1979) and Delaware specific modifiers, where applicable. The update was completed in ESRI's ArcGIS 9.3.x using 2007 Color Infrared, obtained from the State of Delaware. All spatial and classification changes were made manually using standard photogrammetric techniques. When it was necessary to use ancillary datasets to aid in decisions, PIs would consult one or more of the following: Soil Survey Geographic Database (SSURGO), 1992 color infrared, National Hydrography Dataset (NHD), National Elevation Dataset (NED), NWI, and USGS Topographic maps. After we completed the delineation and attribution of the wetland polygons, datasets were inspected through an in-house quality control process for spatial, classification, and topologic errors before being sent to the U.S. Fish and Wildlife Service (USFWS) and the State of Delaware for final review and corrections. Additionally, the wetlands layer was run through the USFWS verification tool to further ensure the accuracy of polygons and the codes assigned to them. CMI completed the LLWW classification following guidelines provided by the USFWS. These classifications were derived from the Cowardin code, NHD, topography, and spatial relationships between wetlands. We assigned the initial codes based through a largely automated process. Where applicable, this process uses the Cowardin codes to attribute Landscape and Water body type. The next step largely uses water regime and spatial relationships to attribute Landform. We then manually attributed the NHD to assign Water flow. We manually reviewed the dataset and modified the attributes to create a correct and logical dataset. As the automated classification tends to use too fine a scale, we completed the finer step at a smaller scale than the initial classification in consultation with the Fish and Wildlife Service and the State of Delaware. Delaware modifiers are based off spatial data and guidance provided by DNREC. Wetland functional analysis was performed in consultation with Dr. Ralph Tiner of the USFWS.

State of Delaware, USDA FSA | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

ArcGIS ▾ Delaware Soils Sussex County

Save | Print | Measure | Bookmarks | 34122 Roxana R

Details | Add | Basemap

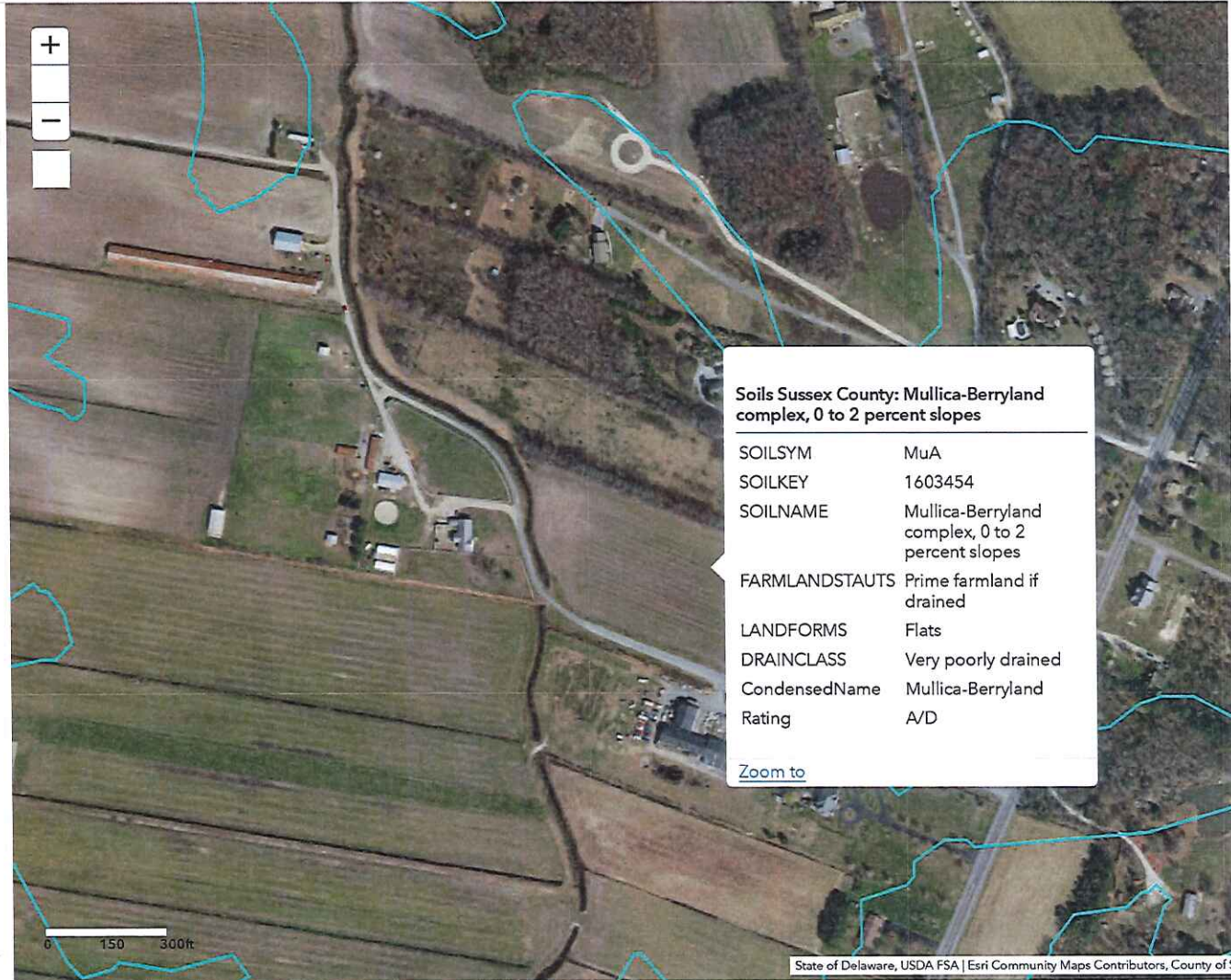
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Imagery Hybrid

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Delaware Soils Sussex County

Delaware Soils Sussex County

- Farmland of statewide importance
- All areas are prime farmland
- Not prime farmland
- Prime farmland if irrigated
- Prime farmland if drained

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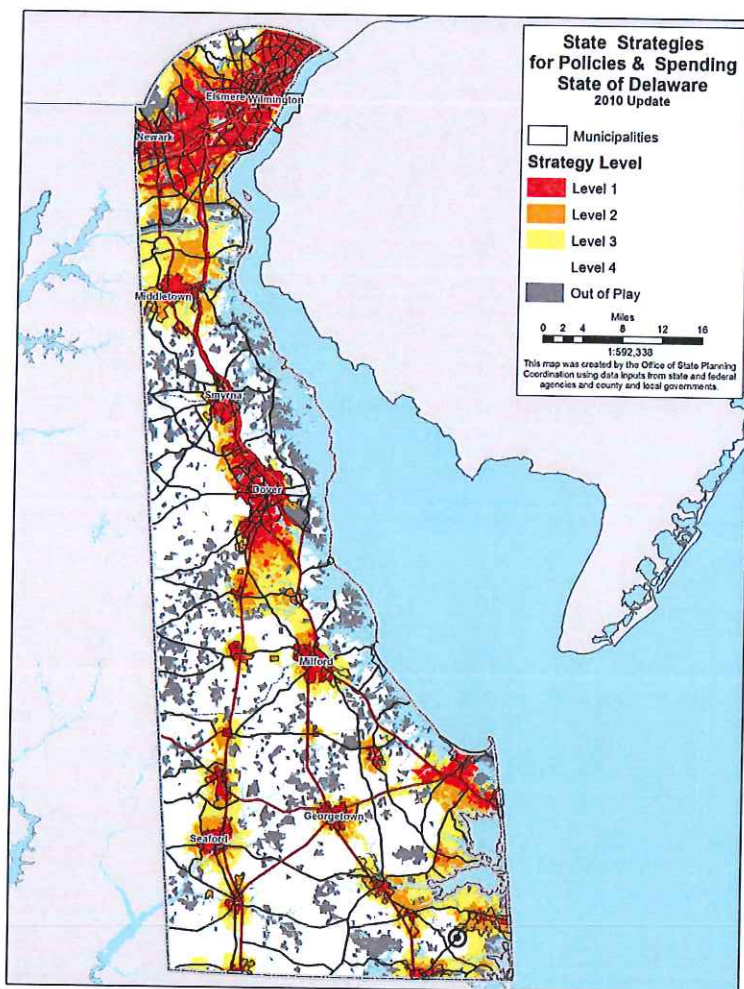


Sussex County Soil Survey Developed by the National Cooperative Soil Survey.

600ft

State of Delaware, USDA FSA | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

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STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

November 21, 2019

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DAVIS, BOWEN
& FRIEDEL

Mr. Timothy M. Metzner
Davis, Bowen & Friedel, Inc.
1 Park Ave.
Milford, DE 19963

RE: PLUS review 2019-10-06; Roxanna Road Storage

Dear Mr. Metzner:

Thank you for meeting with State agency planners on October 23, 2019 to discuss the Roxanna Road Storage project. According to the information received you are seeking review of a rezoning of 10.06 acres from AR-1 to B-2 in anticipation of a 13,000 square foot office and 94,800 square foot storage facility along Roxanna Road in Level 4 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. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

With that said, the comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to build on this property, construct the development you indicate, or any subdivision thereof on these lands.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on Roxana Road (Delaware Route 17) 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 P.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.
- Section P.5 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. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Corner Road/ Powell Farm Road (both Sussex Road 365).

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PLANNING & ZONING

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- 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 Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. 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 on Delaware Route 17. 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 proposed on Delaware Route 7.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- 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 Delaware Route 17.
- 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>.
- 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 – Contact Michael Tholstrup 735-3352

Water Quality

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus), and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>

The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here: http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm

- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.

Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

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Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Groundwater Discharges

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

State Historic Preservation Office – Contact Carlton Hall 736-7400

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.
- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.
- There is low potential for archaeological data to be present on the parcel.
- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features:

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 sq. ft., 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- 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 provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- 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.

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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

Department of Agriculture – Contact: Scott Blaier 698-4532

- The proposed project is adjacent to a property preserved through the State's Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.
- If any wells are to be installed, **Section 5.1.1.3 of the DNREC's 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:

- 50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

Sussex County – Contact Rob Davis 302-855-7820

- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. **The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.**

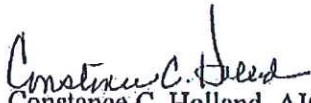
PLUS review 2019-10-06

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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,














Constance C. Holland, AICP

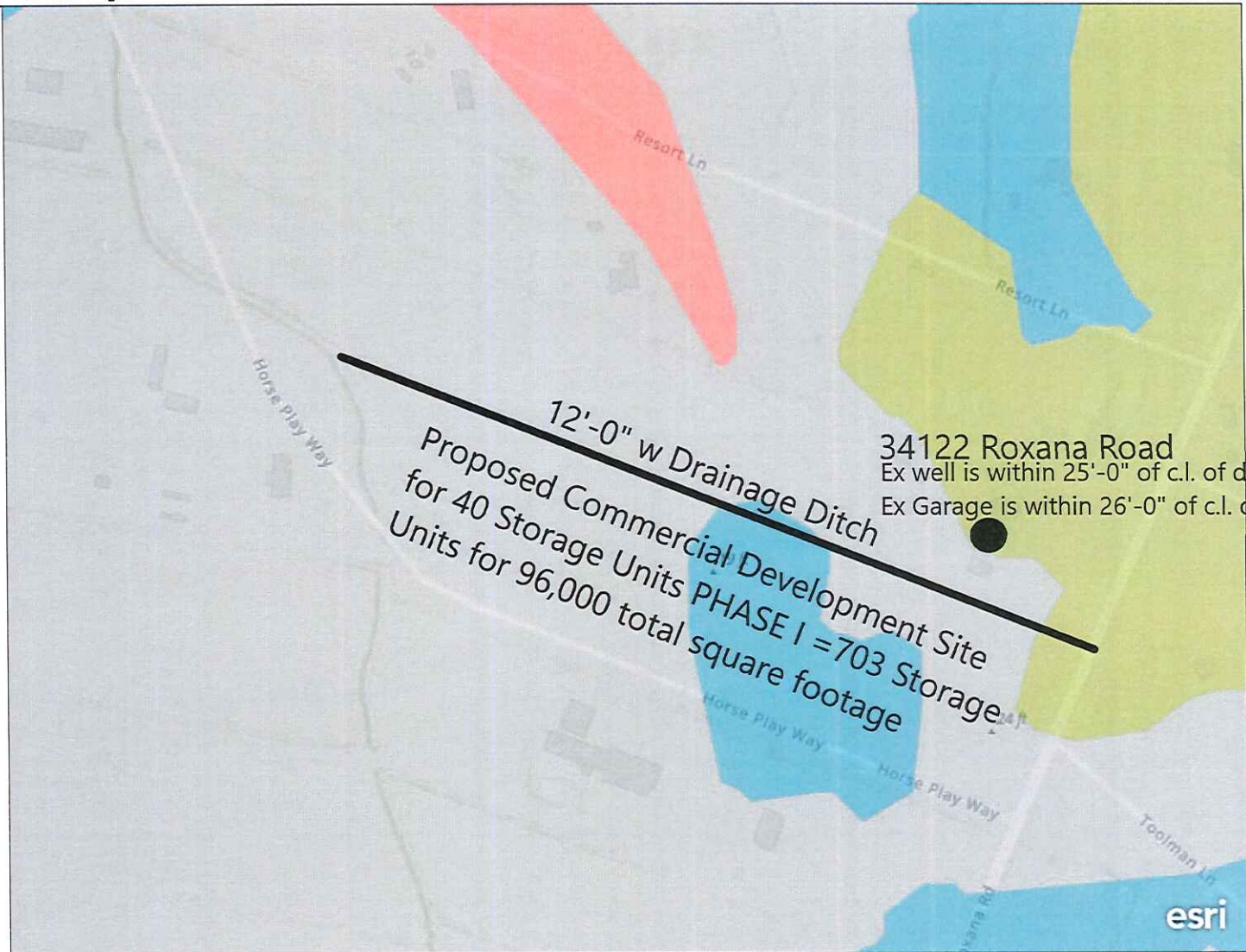
Director, Office of State Planning Coordination

CC: Sussex County Planning

Delaware Soils Sussex County

Delaware Soils Sussex County

-  Klej loamy sand, 0 to 2 percent slopes
-  Hurlock loamy sand, 0 to 2 percent slopes
-  Hammonton loamy sand, 0 to 2 percent slopes
-  Rosedale loamy sand, 0 to 2 percent slopes
-  Mullica mucky sandy loam, 0 to 2 percent slopes
-  Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area
-  Hurlock sandy loam, 0 to 2 percent slopes
-  Pepperbox loamy sand, 0 to 2 percent slopes
-  Ingleside loamy sand, 0 to 2 percent slopes
-  Fallsington sandy loams, 0 to 2 percent slopes, Northern Tidewater Area
-  Other
Mullica-Berryland Complex, 0 to 2 percent slopes



Sussex County Soil Survey Developed by the National Cooperative Soil Survey.

300ft

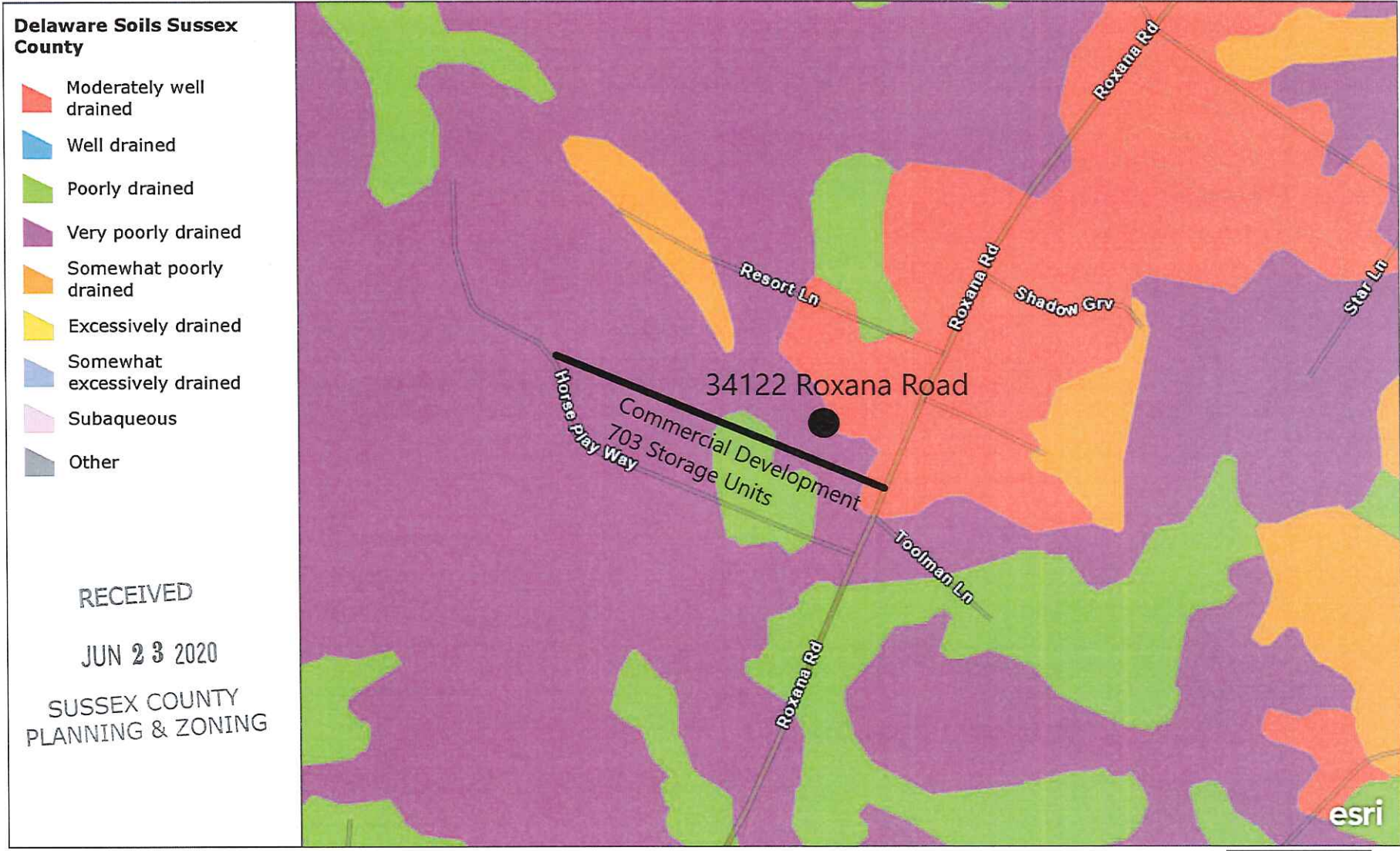
Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

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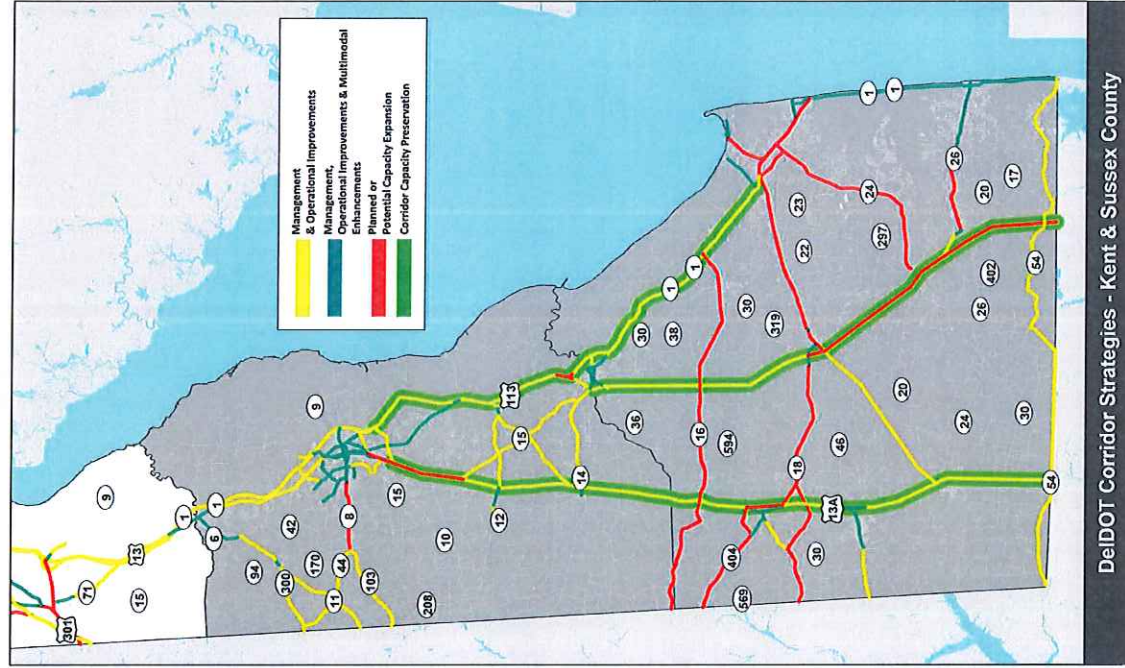
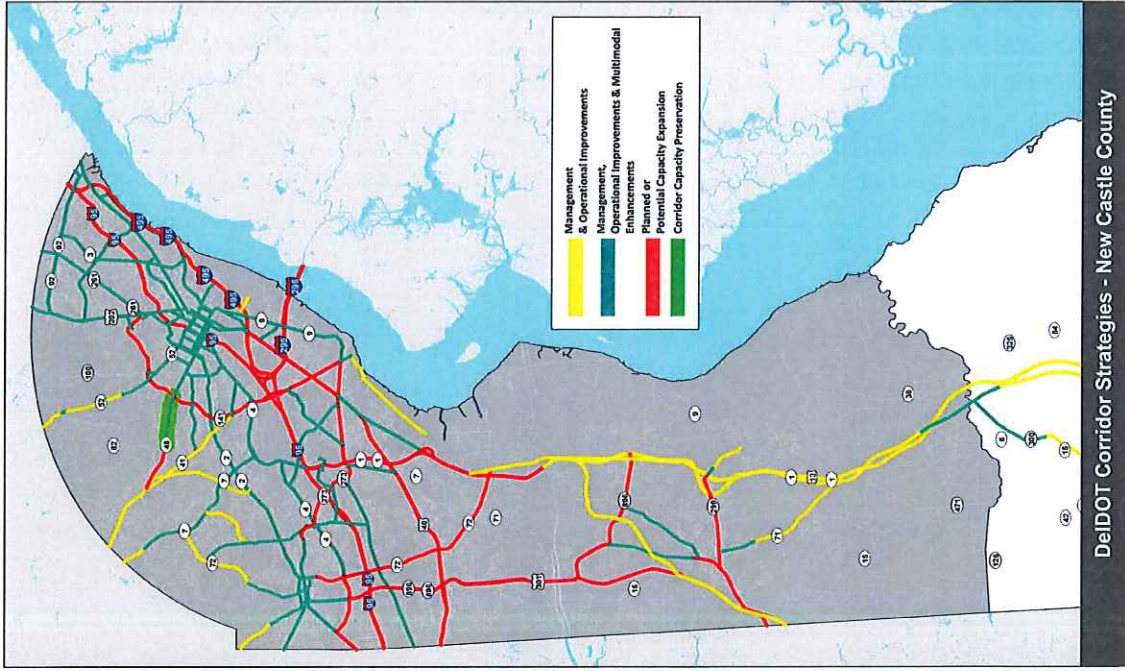
SUSSEX COUNTY
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Delaware Soils Sussex County



Sussex County Soil Survey Developed by the National Cooperative Soil Survey.

State of Delaware, USDA FSA | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA





5.2.3.2 Agricultural Land Preservation

As discussed in other Elements of this Comprehensive Plan, agriculture is an important land use and industry in Sussex County. Land in agriculture also provides many important ecological benefits including wildlife habitat and stormwater absorption.

In order to preserve farmland from development, the Delaware Agricultural Lands Preservation Foundation purchases development rights from landowners and imposes a permanent agricultural conservation easement on the land. According to the June 21, 2017 Current Situation Report, the Delaware Agricultural Lands Preservation Foundation had acquired the development rights to 321 farms and a total of over 43,000 acres in Sussex County. Historically, the County has made annual financial contributions toward acquiring these easements. The County is considering renewing its investments in the Agricultural Preservation Program and working with the Delaware Department of Agriculture and the farming community to preserve more Sussex County farms through agricultural preservation easements. As part of these efforts, the County could consider strategic ways to use the funding such as using the program to preserve farmland to create buffers around more intense agricultural uses; or in areas that are near important environmental areas.

The Delaware Agricultural Lands Preservation Foundation also works with farmland owners to enroll farms in agricultural preservation districts (200 acres or more) or expansions (less than 200 acres). These are voluntary agreements where landowners agree to continue to only use their land for agriculture for at least 10 years. There is no payment to the landowner for creating the district; however, there are several benefits to landowners in an agricultural district. The unimproved land in the district is exempt from real estate transfer, county, and school taxes. There are also protections against nuisance lawsuits for land in the district. Farms must first be enrolled in a district or expansion before easements can be sold. In Sussex County, there are 619 approved and 7 pending farms in districts or expansions. These total over 73,000 acres.

The Delaware Department of Agriculture and the Delaware Agricultural Lands Preservation Foundation also administer the Delaware Young Farmers Loan Program. This program helps young farmers buy land while protecting it from future development. It provides no-interest loans for land acquisition in exchange for a permanent agricultural conservation easement on the land.

Additionally, the USDA Natural Resource Conservation Service (NRCS), through the Agricultural Conservation Easement Program (ACEP) provides financial and technical assistance to help conserve agricultural lands and wetlands and their related benefits.

5.2.3.3 Forestland Preservation

The Delaware Department of Agriculture's Forest Service recognizes the importance of preserving forestland, including land in working forests. Working forests are forests that are actively managed to generate revenue from sustainable timber production while still providing the important ecological benefits that woodlands provide. The Delaware Forest Service is responsible for acquiring forestland conservation easements as well as managing a host of programs that



Strategy 4.4.1.2 Revisit height limits in the County Code for residential and commercial districts to determine if heights are accurate for such districts and uses, as well as determining if the method for measuring height should be revised.

Strategy 4.4.1.3 Review zoning code to determine if modifications are needed to permit new styles of housing such as tiny house construction and agrihood developments to be developed in the code as they appear.

Strategy 4.4.1.5 Encourage master planning for large-scale developments on large parcels or groups of parcels in the Town Center, Coastal Area, Developing Area, and Commercial land use classifications to provide flexibility in design.

Goal 4.5 Recognize the importance of the agricultural land base of the County.

Objective 4.5.1 Develop strategies for the preservation of agriculture or forestry lands.

Strategy 4.5.1.1 Promote and expand land use, zoning and conservation policies and incentives that keep agriculture economically viable in Sussex County.

Strategy 4.5.1.2 Explore incentives that the County could offer landowners (e.g. property tax exemption) to encourage long-term forest management.

Objective 4.5.2 Reduce the challenges placed on farmers by new development.

Strategy 4.5.2.1 Evaluate the concept of establishing voluntary agribusiness areas or district that are centered around existing infrastructure in AR-1 zoning that allow agricultural uses or other compatible uses.

Strategy 4.5.2.2 Ensure that the zoning ordinance accommodates agribusiness, forestry, and similar uses in appropriate locations, including businesses that promote new uses for agricultural products and byproducts.

Objective 4.5.3 Increase the acreage of permanently preserved farm and forestland in the County.

Strategy 4.5.3.1 Encourage more farm owners to enroll in a voluntary State Agricultural Preservation District or similar program.

Strategy 4.5.3.2 Work with the Delaware Department of Agriculture to preserve more Sussex County farms through agricultural preservation easements.

Strategy 4.5.3.3 Coordinate agricultural preservation acquisitions with other current and future adjacent uses.

Strategy 4.5.3.4 Support and promote the Forest Legacy Program and other programs that sustain and protect working forests.



Strategy 4.5.3.5 Consider renewal of the County's contribution to the State Farmland Preservation Program and other federal or state programs.

Strategy 4.5.3.6 Promote farm easement programs by the State, NRCS, and private land conservancies.

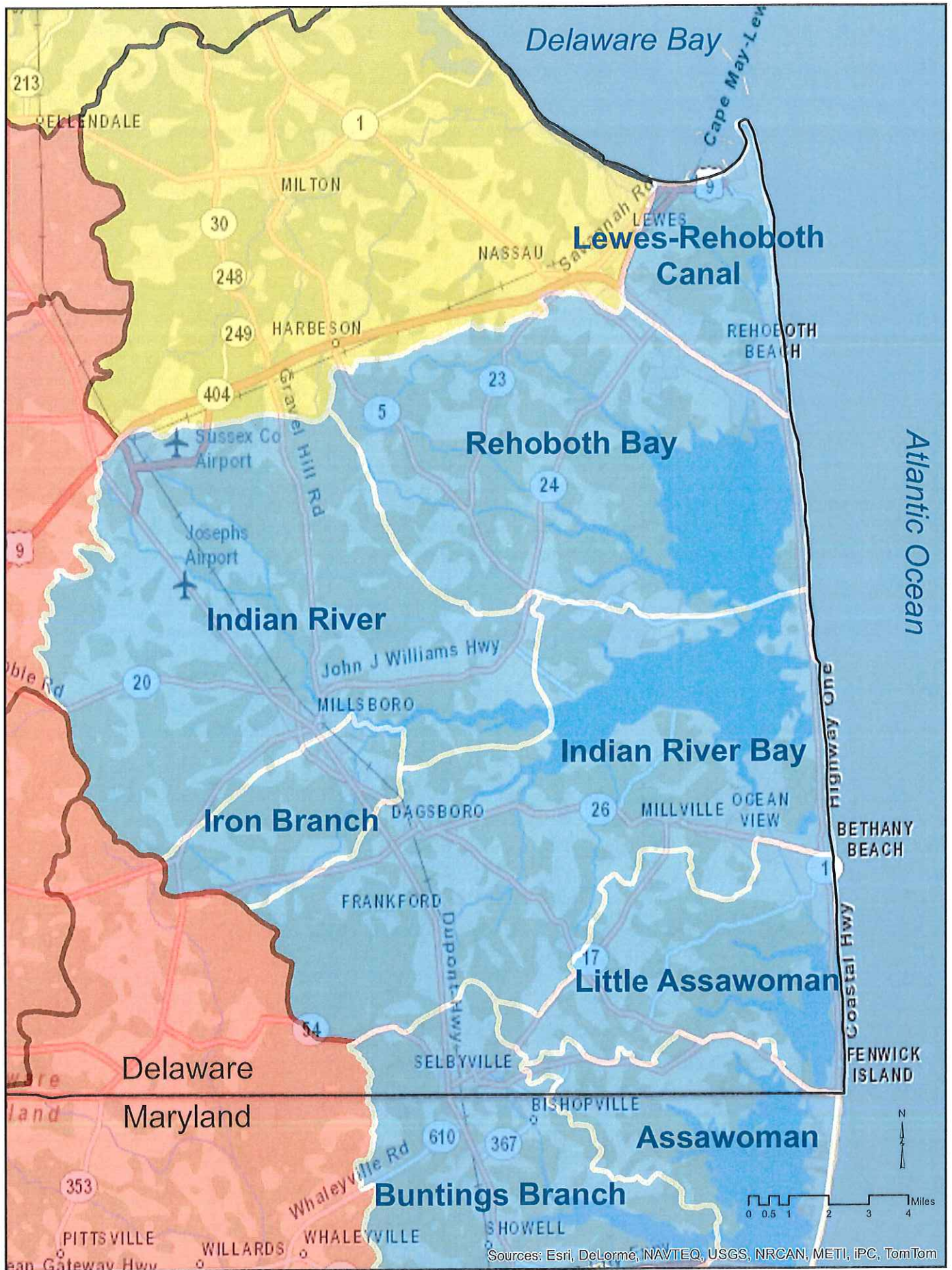
Strategy 4.5.3.7 Promote Delaware's Urban and Community Forestry Program to preserve and enhance Delaware's community forests.

Strategy 4.5.3.8 Continue coordination with and technical assistance to public and private entities acquiring open space and farmland easements in low density, rural areas.

Goal 4.6 Recognize the importance of the Inland Bays

Strategy 4.6.1 Support the Center for the Inland Bays and other conservation groups in their efforts to educate more people about the necessity of protecting tidal wetlands and other natural resources.

Strategy 4.6.2 Recognize the Inland Bays, their tributaries and other waterbodies as valuable open space areas of ecological importance.

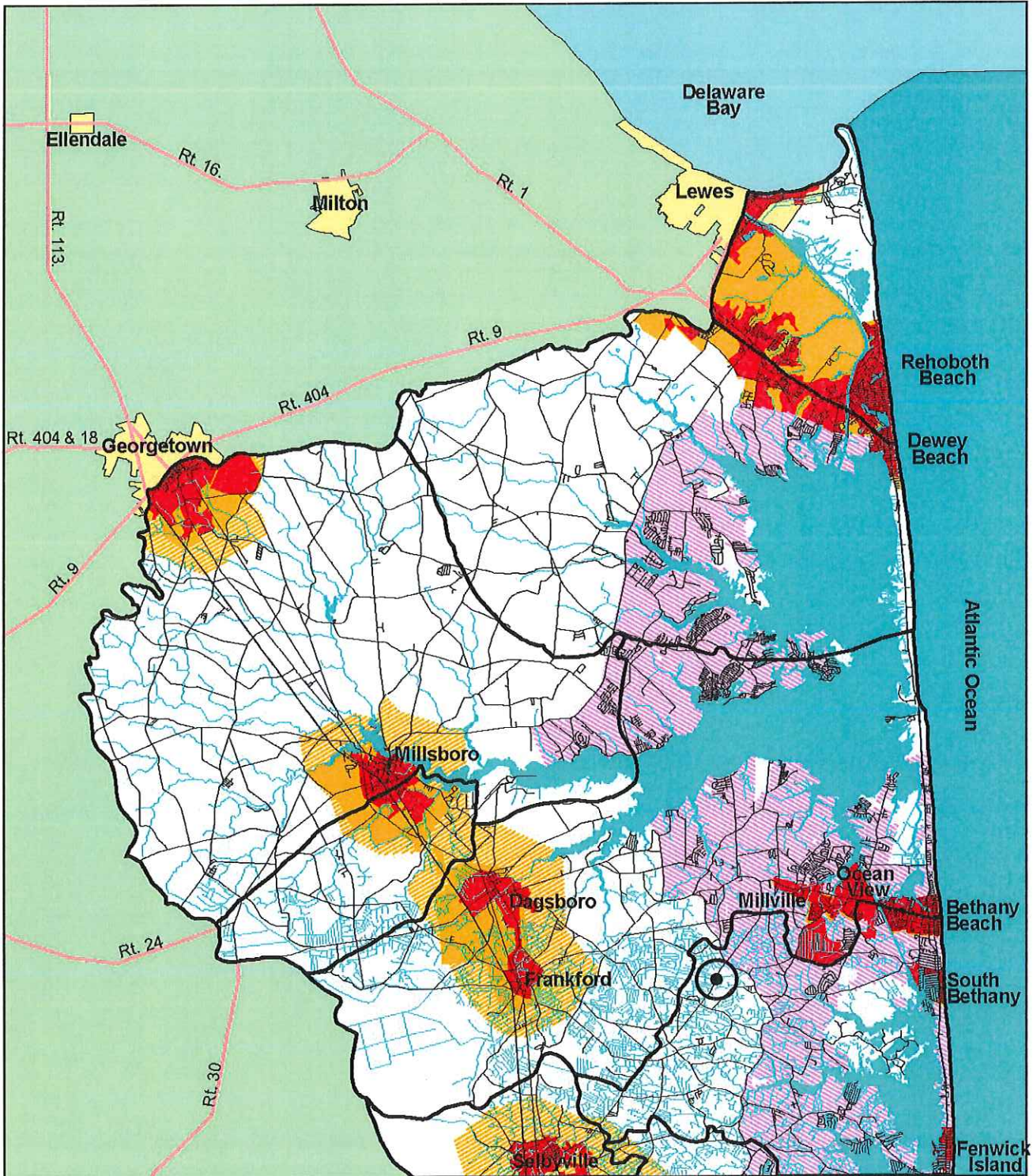


Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom

Inland Bays/Atlantic Ocean Basin

Map 2.9 - 3

State Investment Strategy



Disclaimer
This map was prepared for the
State Investment Strategy

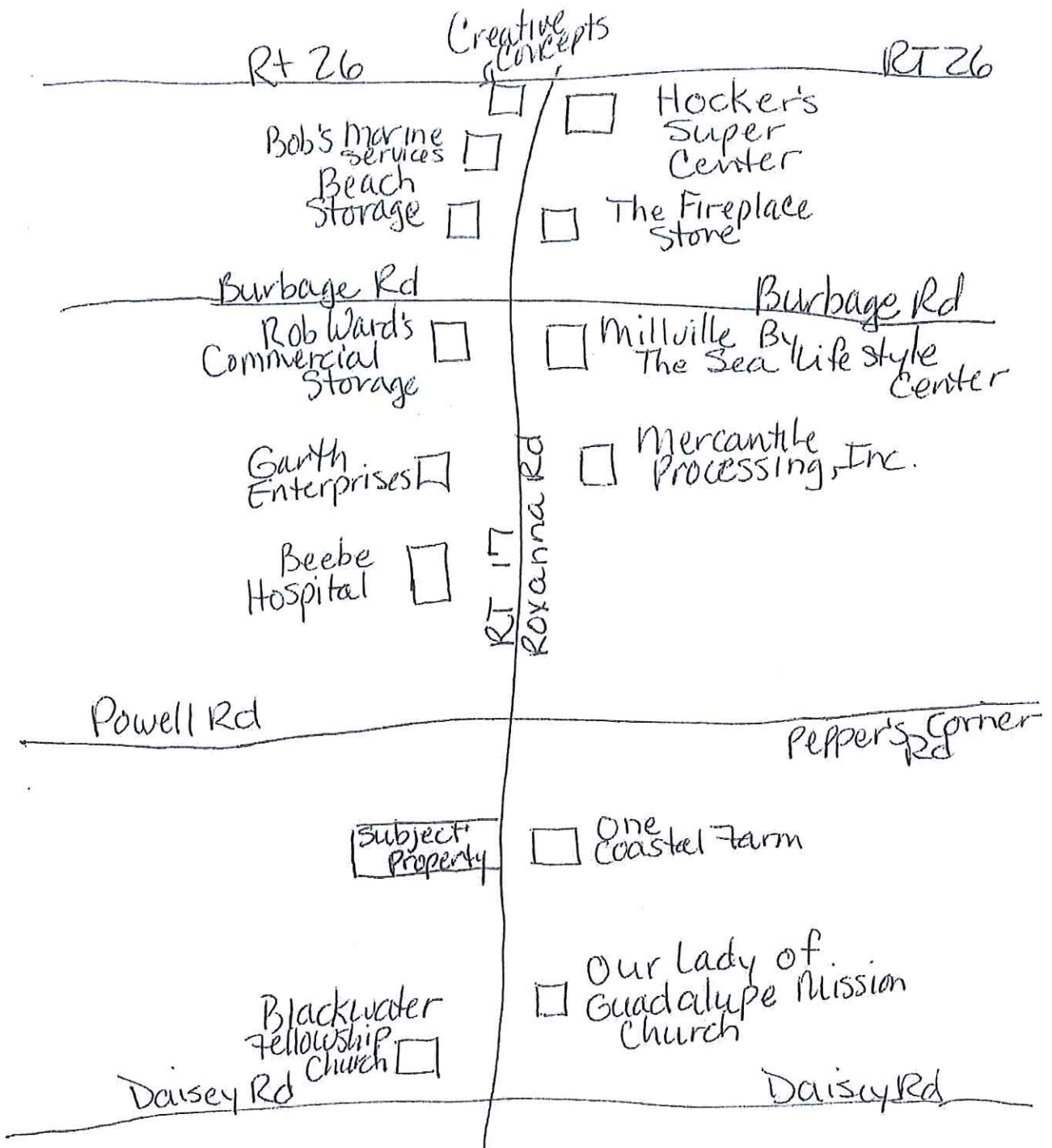
Scale

State Investment

EXHIBIT "A"

TO COMPLIANCE WITH SUSSEX COUNTY COMPREHENSIVE PLAN

DATED MARCH 2019



5.2.5 Air

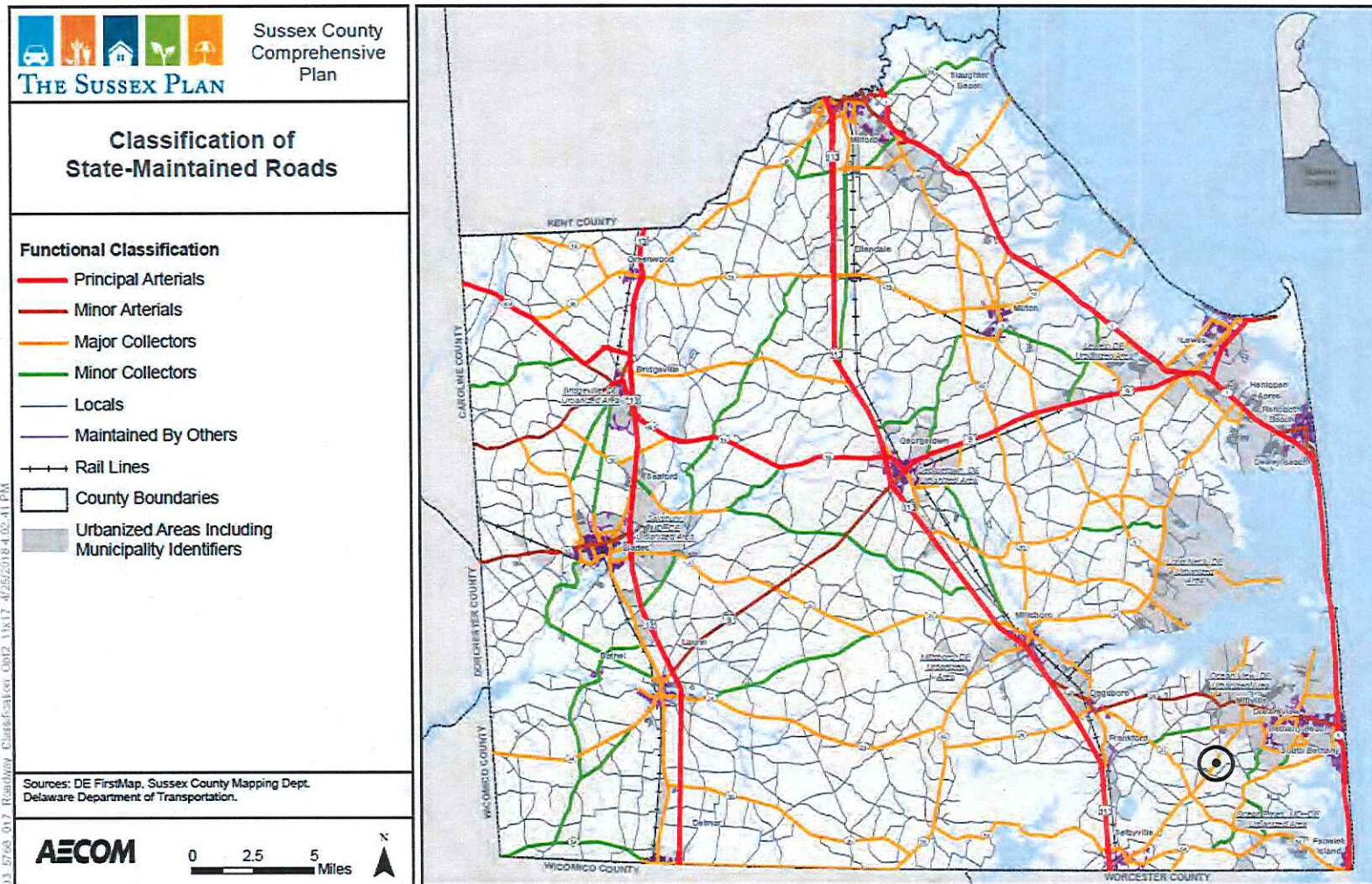
Clean air is important for the health of Sussex County residents and visitors. The US Environmental Protection Agency tracks seven pollutants at air quality monitoring stations across the State. Sussex County is currently meeting National Ambient Air Quality Standards for these pollutants. Nevertheless, there are opportunities for Sussex County to work with federal and state agencies and non-governmental agencies to identify opportunities to continue to maintain and improve air quality as the population of the County continues to grow. For example, this can include promoting walkable communities and development that reduces the use of personal automobiles as well as working with DelDOT to improve traffic flows.

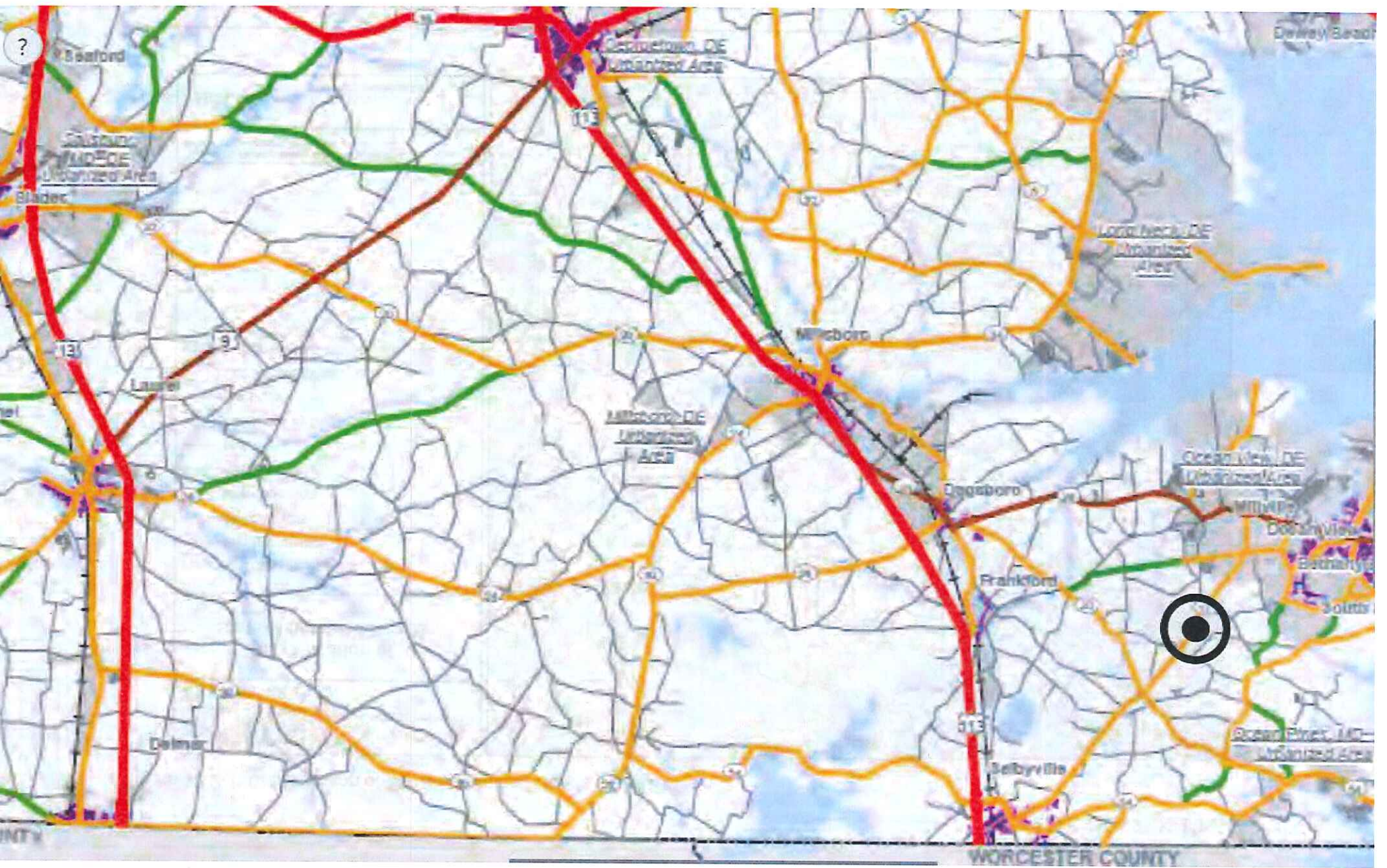
5.3 SUSSEX COUNTY DEVELOPMENT REGULATIONS AND CONSERVATION INITIATIVES

Sussex County Council recognizes that rapid growth creates extraordinary environmental pressures, particularly in complex and sensitive coastal ecosystems, which includes coastal beaches, wetlands, and sensitive habitats. In addition to the standard regulations that counties and municipalities use to govern permitted uses, lot size, density, yard size and similar matters, Sussex County's Zoning Ordinance and Subdivision Code contain numerous special regulations designed to protect environmental resources. Examples include the following:

- Within this Comprehensive Plan update, Sussex County has designated what was previously referred to as the Environmentally Sensitive Developing Areas as Coastal Areas. All applicants for developments of a minimum size (as specified in zoning) with the Coastal Areas must prepare an environmental assessment. The Environmentally Sensitive Development District Overlay Zone (ESDDOZ) will be updated to be consistent with this Plan.
- Subdivision regulations that require forested buffers, minimum common open space, and a special design review by a County-appointed Technical Advisory Committee.
- Regulations mandating construction setbacks from primary coastal dunes.
- Regulations restricting building activity within the 100-year floodplain.
- Regulations that mandate building setbacks from tidal waters and tidal wetlands.
- Conservation zones are established landward from the mean high-water line of tidal bodies and regulate lot size for parcels proposing individual on-site septic and wells.
- A Combined Highway Corridor Overlay Zoning District where building setbacks, landscaping and other regulations are enforced to enhance roadside aesthetics.

Figure 13.2-1: Classification of State-Maintained Roads - DRAFT





MAJOR COLLECTORS	
Urban	Rural
<ul style="list-style-type: none"> • Serve both land access and traffic circulation in <u>higher</u> density residential, and commercial/industrial areas • Penetrate residential neighborhoods, often for <u>significant</u> distances • Distribute and channel trips between Local Roads and Arterials, usually over a distance of <u>greater than</u> three-quarters of a mile • Operating characteristics include higher speeds and more signalized intersections 	<ul style="list-style-type: none"> • Provide service to any county seat not on an Arterial route, to the larger towns not directly served by the higher systems and to other traffic generators of equivalent intra-county importance such as consolidated schools, shipping points, county parks and important mining and agricultural areas • Link these places with nearby larger towns and cities or with Arterial routes • Serve the most important intra-county travel corridors
MINOR COLLECTORS	
Urban	Rural
<ul style="list-style-type: none"> • Serve both land access and traffic circulation in lower density residential and commercial/Industrial areas • Penetrate residential neighborhoods, often only for a <u>short</u> distance • Distribute and channel trips between Local Roads and Arterials, usually over a distance of <u>less than</u> three-quarters of a mile • Operating characteristics include lower speeds and fewer signalized intersections 	<ul style="list-style-type: none"> • Be spaced at intervals, consistent with population density, to collect traffic from Local Roads and bring all developed areas within reasonable distance of a Collector • Provide service to smaller communities not served by a higher class facility • Link locally important traffic generators with their rural hinterlands

Source: "Highway Functional Classification Concepts, Criteria and Procedures," 2013 Edition

13.3.3 Data-Driven Decisions

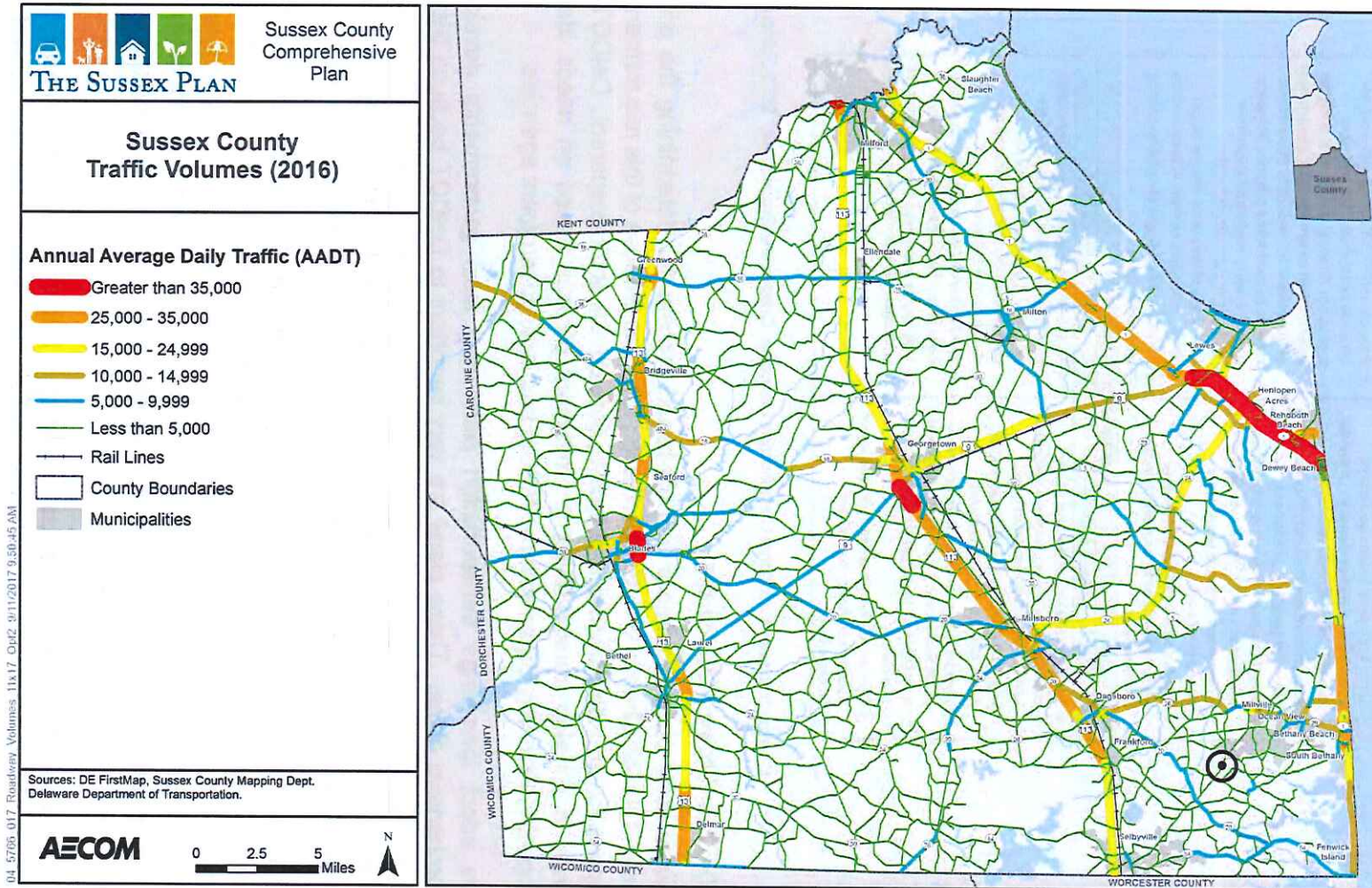
Delaware state code requires a formula-based process for determining the priorities of CTP projects (Title 29: Chapter 84 - Subsection 8419). The purpose of this requirement is to make all transportation spending decisions objective, data-driven, and transparent. DeIDOT works with its partners to develop transportation improvement projects based on needs identified by the Metropolitan Planning Organizations (MPOs) and local government agencies.

MPOs adopt long-range transportation plans and local governments develop and adopt comprehensive plans. These plans are very important to DeIDOT because they highlight the transportation needs of a particular area and identify community priorities. These plans are high-level indicators of where State and County officials should focus their efforts to plan future improvements. This mobility chapter serves this important function to the State.

Using these long-range priorities, DeIDOT and its partners develop an updated CTP each year. Annually, Sussex County delivers a CTP Request document to DeIDOT that specifies county transportation priorities. The County and DeIDOT should improve this process to make the communication of priorities more frequent and transparent and to make sure projects are tracked. The Council on Transportation (COT) reviews the draft CTP to ensure that it meets the objectives of local governments and the MPOs.

Any standalone CTP project must be ranked by a technical score that is assigned through the State's prioritization process. Stakeholder input and technical data is used to evaluate the project under seven criteria. These seven criteria and some supporting elements are described in Table

Figure 13.2-2: Sussex County Traffic Volumes (2016) - DRAFT



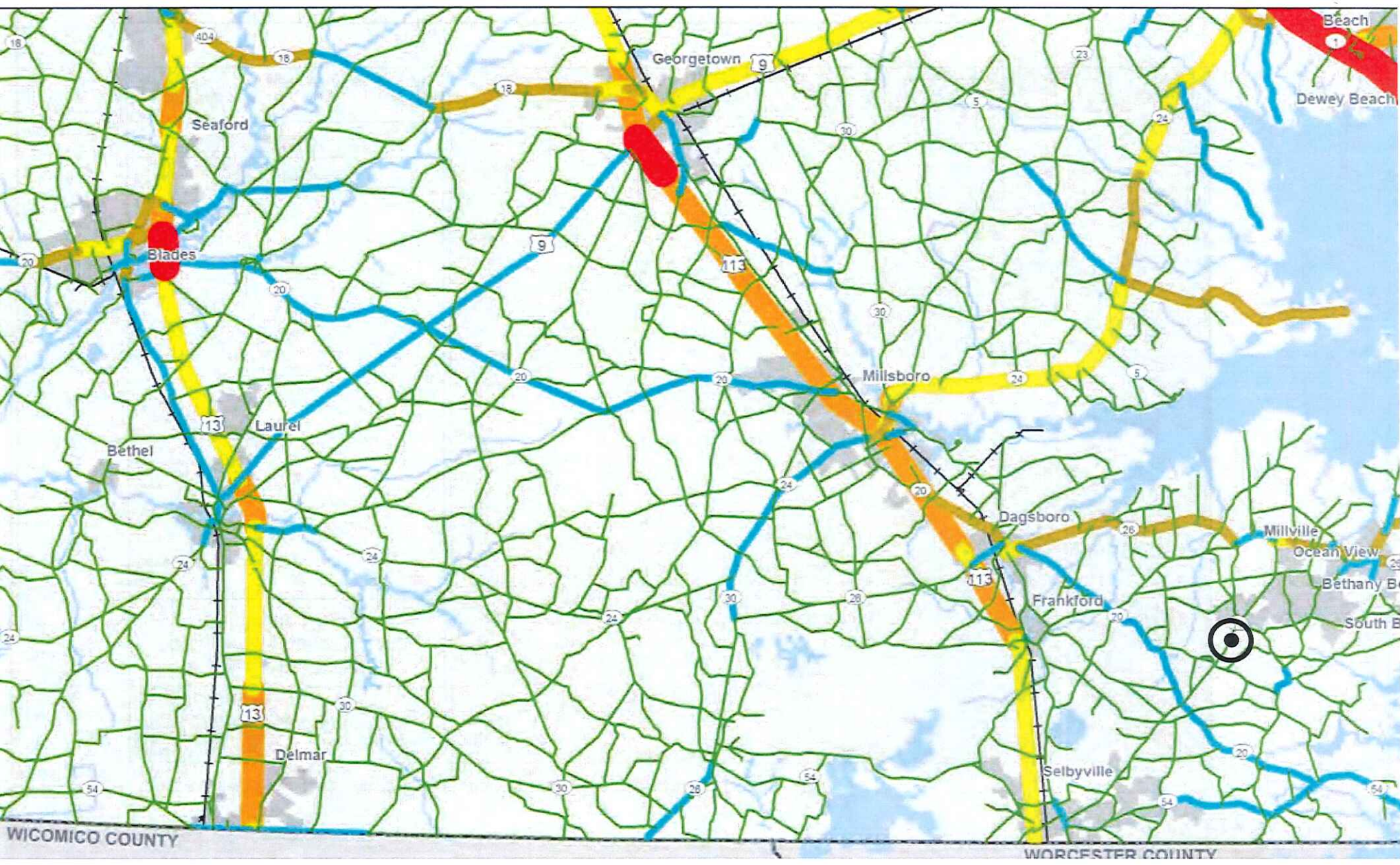
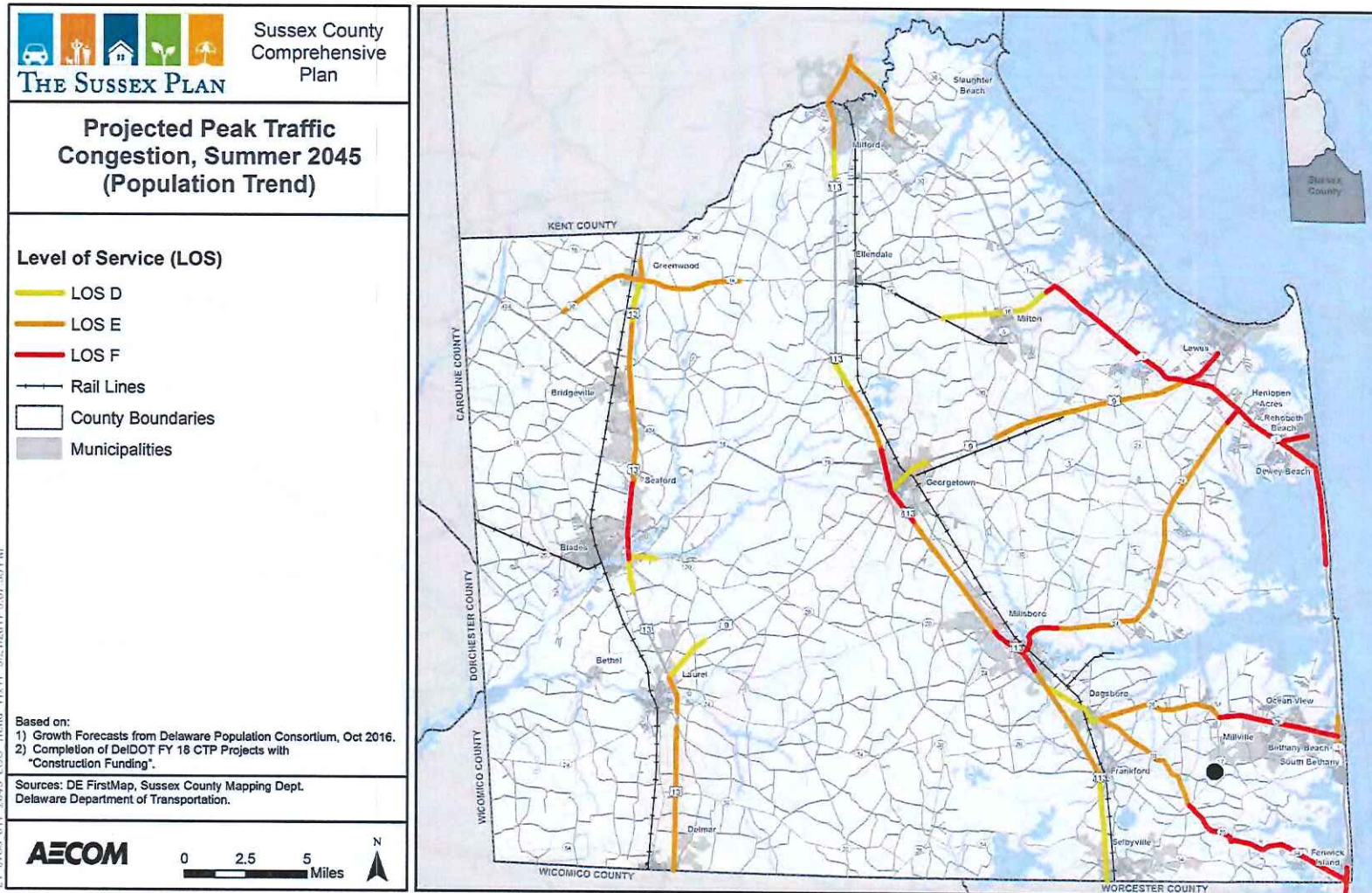


Figure 13.2-4: Projected Future Congestion Areas, 2045 (Population Trend) - DRAFT



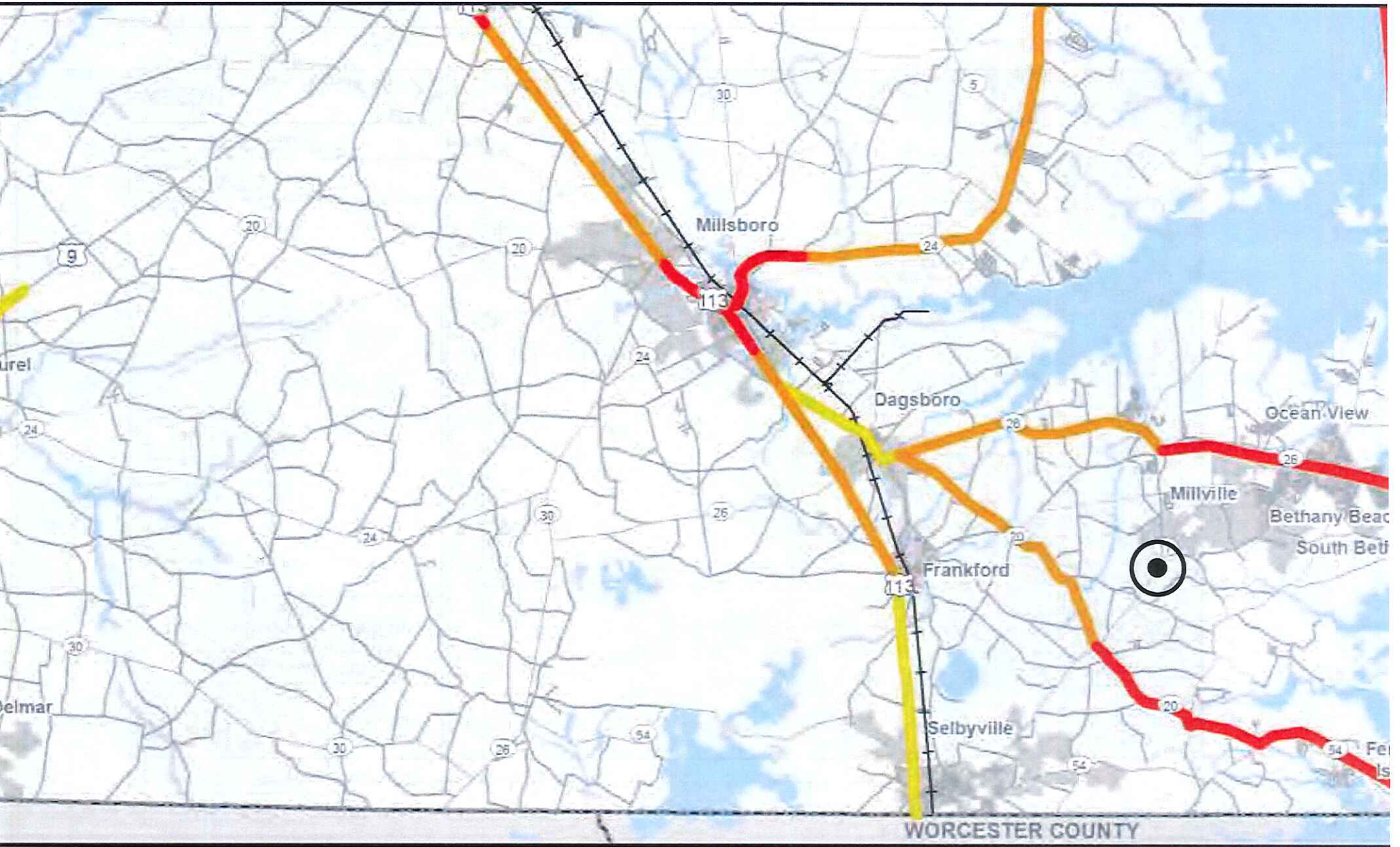
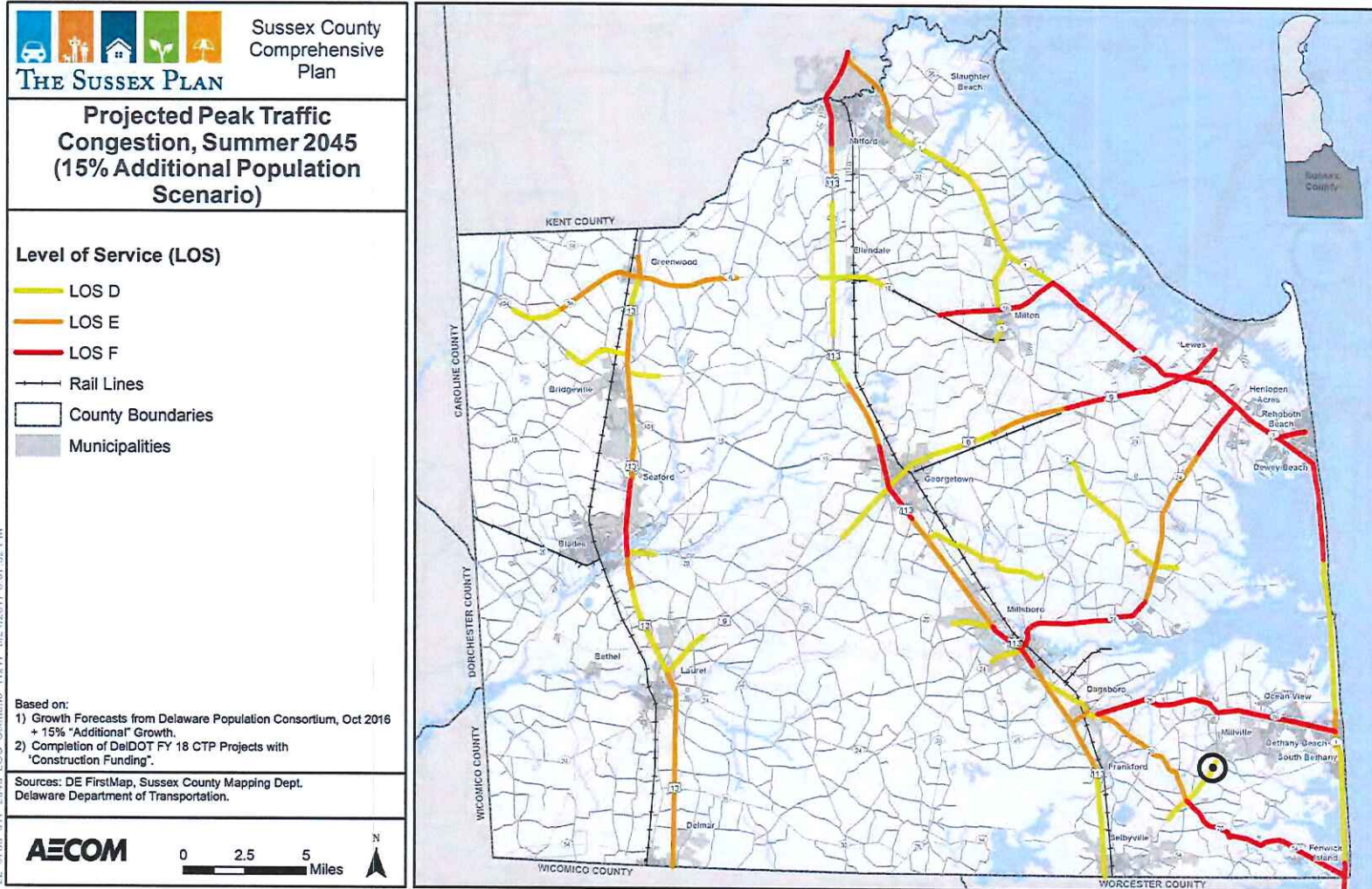
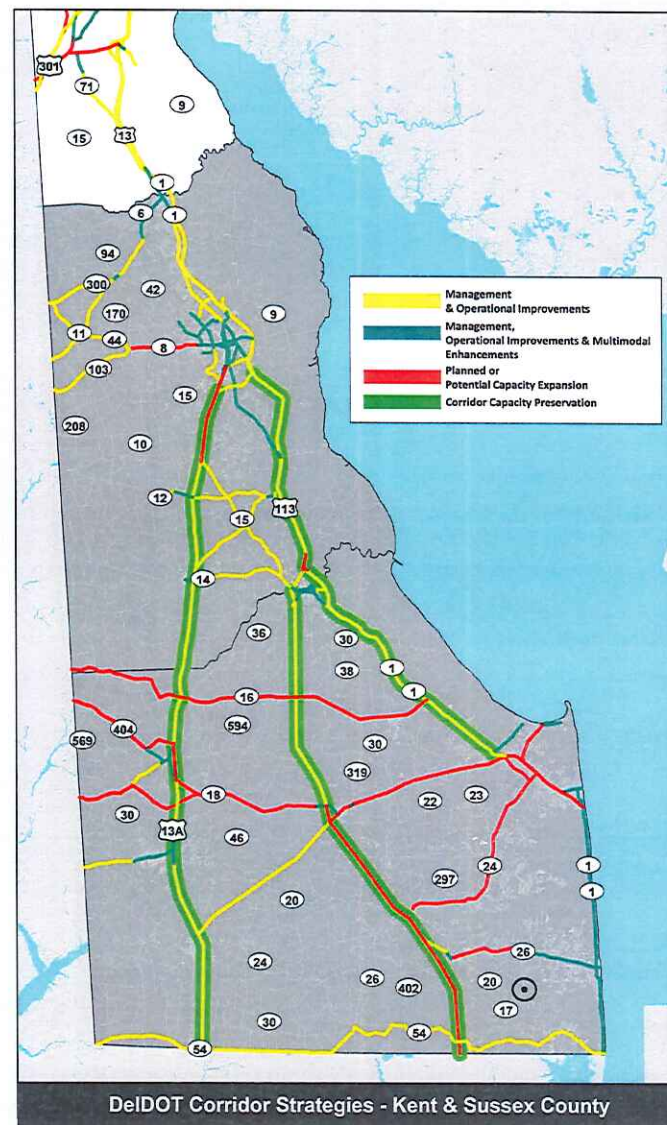
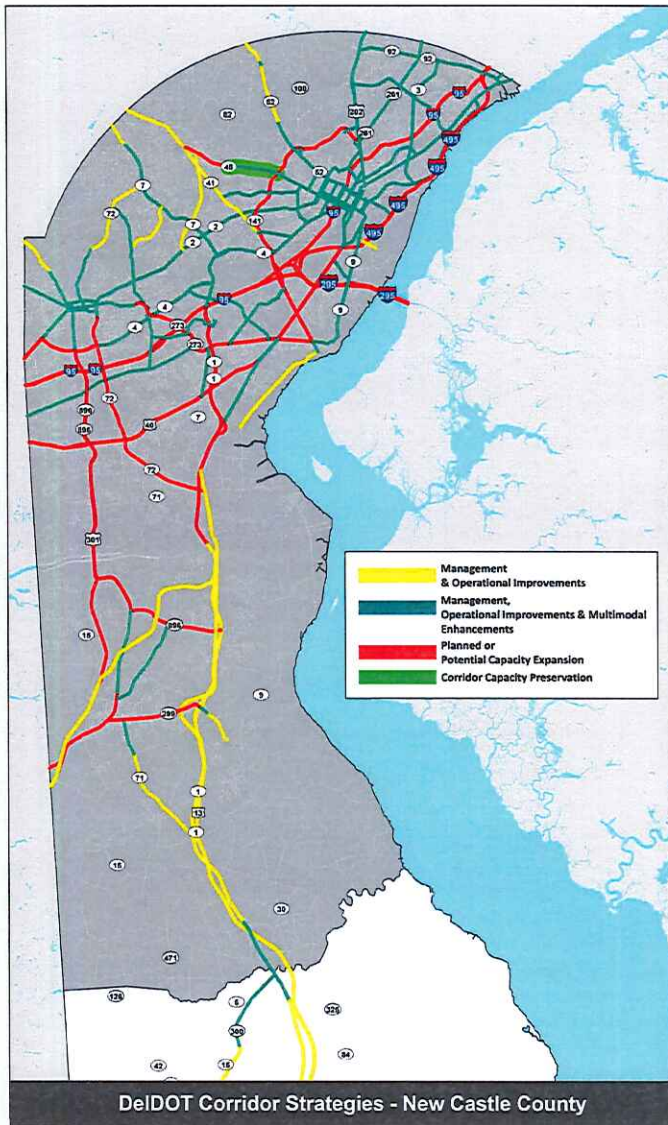


Figure 13.2-5: Projected Future Congestion Areas, 2045 (15% Additional Population Scenario) - DRAFT





The project is located in the low nutrient reduction zone of the greater Little Assawoman Inland Bays watershed.

In this watershed, Total Maximum Daily Load (TDML) pollutant reduction targets have been developed by the State of DE and the 1972 Federal Clean Water Act for nutrients, and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards to support use goals such as swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction in bacteria; 17 percent Marine from baseline conditions. **The Parler’s well is within 50 feet (25’-0” actual) of the proposed development without a designed Buffer between the proposed development and the Parler’s property which will result in contamination of the Parler’s well water.**

The Inland Bays Pollution Control Strategy or PCS and accompanying regulations were finalized in November 2008. This strategy is to improve the water quality of the bays, as well as rivers, streams and ponds that drain into the bays.

The Inland Bays waterways and tributaries are impaired by elevated nutrient levels and low dissolved oxygen concentrations as determined by the Clean Water Act, the Department of Natural Resources and Environmental Control DNREC Watershed Assessment Report to the Environmental Protection Agency EPA. **Through this work by DNREC, it determined impairments cause macroalgae and phytoplankton blooms, large daily swings in dissolved oxygen, habitat loss, reduced populations in aquatic life, and fish kills. These symptoms threaten the future of Inland Bays and their significant natural, ecological and recreational resources.**

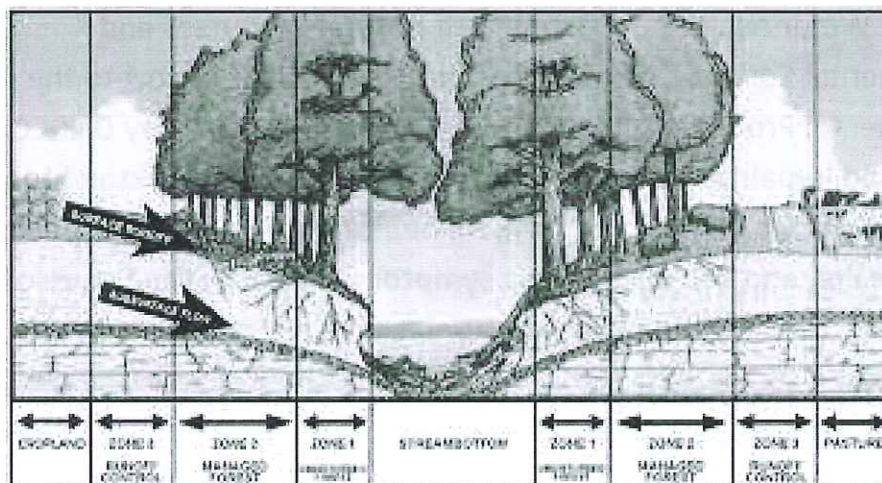
The environmental degradation and habitat loss may also result in adverse impacts to our local and state economies, through reduced tourism, decline in property values, lost revenues, and diminished quality of life. Therefore, the excessive nutrient levels pose a significant threat to the health and wellbeing of people, animals, and plants living within the watershed.

A tributary Action Team was formed to develop a Pollution Control Strategy PCS focusing on four main areas of pollution. Agriculture, urban land use, stormwater and wastewater. Provisions on the plan require riparian buffers, improved stormwater management, and additional standards and measures for onsite wastewater treatment and disposal systems (septic).

In **Appendix C** of the Inland Bays Tributary Action Team PCS Recommendations under **Critical Environmental Area - Designation of the Inland Bays Watershed** as a “Critical Environmental Area” the entire Inland Bays watershed shall be designated as a “Critical Environmental Area” within which all land use activities shall be managed for nutrient reductions consistent with TMDL load reductions...”. The proposed development is within the Inland Bays Watershed.

These activities in that area would include:

BUFFER SYSTEM



A watershed buffer system shall be implemented to remove and/or reduce nutrient discharge. This system will be implemented through county zoning ordinances associated with new developments. While the existing agricultural drainage ditch (running East-West) between the Parler's and the proposed commercial storage project has an 12'-0" wide existing agricultural ditch, existing stream in an existing slight depression in grade with existing trees on the north side of the buffer at the property line, the proposed commercial development does not have the appropriate buffer to the south of the existing agricultural drainage ditch. In fact, the commercial development has a minimum setback of 20 feet from the centerline of the ditch and impervious materials and buildings tight to the setback. The document referenced above by the State of Delaware describes the soils as being unsuitable for development, it could easily be assessed that the agricultural drainage ditch will become flooded with pollutants from the commercial development caused by excessive impermeable materials and lack of mitigation due to an inadequate watershed agricultural drainage ditch and minimum commercial development setbacks. The applicant acknowledged that no storm water management was proposed at the east/west property line between the Parler's and the proposed commercial development indicating that the existing drainage ditch would suffice. The existing drainage ditch could breach as it was not designed for Commercial storm water management or as a retention basin and has only historically served as an agricultural drainage ditch. See State Report indicating "destructive flooding events."

Concurrence

A higher level of government accountability is necessary if nutrient reductions are to be affected. There exist numerous instances of government inconsistencies and **lapses in application and enforcement of policies, laws, and regulations**. Recommendation that some mechanism be established to ensure concurrence of policies, laws, and regulations within, between and among government agencies.

Stormwater

The DNREC understands that the proposed regulations would require an 80% reduction in total suspended solids as a quality component, which does little to address the TMDL nutrient load reductions established for the Inland Bays. **The state should consider site specific design criteria that exceed the minimum quality criteria on a per project basis in order to further reduce nutrient contributions to the receiving waters.**

Due to increases in impervious area in Inland Bays watershed, (asphalt, concrete, sidewalks, building materials, etc.) the Tributary Action Team recommends the initiation of tax incentives, which would encourage an increase in open space (green areas) for commercial development. The use of best management practices or BMP's in commercial parking area designs to reduce the percentage of impervious surfaces and reduce nutrient contributions. Due to the fact that the proposal is composed of 90 % impervious materials, the proposed plan as shown will contribute to increased nutrient loading to the Inland Bay watershed through inadequately designed storm water management, usage of existing drainage ditch not designed as a BUFFER SYSTEM for Commercial Development Facility to mitigate nutrient load reductions and will fall short of the concurrence of policies set forth by the DNREC, EPA and Clean Water Act.

Table 1. MBT Development Program as of January 02, 2020

Phase Name	Construction Areas			Green Areas (AC)		Total Area (AC)	Density (Units/AC)
	# of Lots	Open Space (AC)	Lot (AC)	Required	Provided		
Land-Use Village 1	12710	22.44	24.52	22.04	30.31	30.43	1.53
Land-Use Village 2	63.20	3.34	6.42	5.79	8.42	12.47	3.50
Land-Use Village 3	45.00	3.12	6.37	5.14	8.44	12.36	3.50
Electric Center	0.00	30.17	0.00	6.40	12.24	32.51	0.03
Multi-Family Village	87.00	7.26	11.14	11.00	20.17	32.49	2.64
Gas Station Village	102.00	14.29	14.76	13.42	15.40	34.58	4.44
Parkway Village	135.00	20.45	13.85	18.54	27.06	46.42	2.50
Office B	238.00	28.17	4.41	10.27	26.73	32.34	7.26
TOTALS	627	92.23	81.52	90.45	148.37	249.84	2.27

GENERAL NOTES

- BOUNDARY AND EXISTING CONDITIONS SURVEY HAS BEEN PREPARED BY DAVIS, BOWEN, & FRIEDEL, INC.
- EXISTING UTILITIES, ELEVATIONS, DIMENSIONS, AND SURVEY ELEVATIONS OF ALL UNDERGROUND UTILITIES AS REQUIRED TO GIVE TIMELY ADVANCE NOTICE TO OWNERS OF ANY COLLISION BETWEEN EXISTING AND NEW WORK.
- THE CONTRACTOR SHALL NOTIFY MISS UTILTY (1-800-382-8325) AND SUSSEX COUNTY 72 HOURS PRIOR TO DEGRADATION TO HAVE UNDERGROUND UTILITIES MARKED. THE CONTRACTOR SHALL NOTIFY ALL UTILITY OWNERS PRIOR TO ANY DEGRADATION.
- THE CONTRACTOR SHALL REPAIR OR REPLACE IN KIND ANY EXISTING FEATURES DAMAGED OR DESTROYED DURING CONSTRUCTION.
- ALL HANDLES AND RESTRICTIONS ARE TO BE SEIZED AND MAINTAINED WITH #10 TOPSOIL TO BE PLACED IN FILL AREAS.
- THE CONTRACTOR SHALL PROTECT ALL NECESSARY STAKE OUT OF LINE AND GRADE.
- ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT, LATEST EDITION, AND ALL RULES AND REGULATIONS THEREOF.
- THE CONTRACTOR SHALL KEEP EXISTING UTILITIES IN OPERATION DURING CONSTRUCTION.
- THE CONTRACTOR SHALL COMPLY WITH THE REQUIREMENTS OF ALL PERMITS SECURED, WHICH TAKE PRECEDENCE OVER SPECIFICATIONS.
- THE CONTRACTOR SHALL EXERCISE EXTREME CARE AND CAUTION AND TAKE MEASURES NECESSARY TO PROTECT TREES DURING CONSTRUCTION ACTIVITY.
- THE CONTRACTOR IS RESPONSIBLE FOR SECURING AND PROTECTING UTILITY POLES BEFORE AND DURING CONSTRUCTION ACTIVITIES.
- ALL UTILITIES AFFECTED SHALL BE RESTORED TO THEIR ORIGINAL CONDITION UNLESS OTHERWISE SPECIFIED.
- MAINTENANCE OF THE DRIVEWAY WITHIN THIS SITE WILL BE THE RESPONSIBILITY OF THE SITE PROPERTY OWNERS. THE STATE AND CITY ASSUME NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THESE DRIVES.

SITE NOTES

- NO SITE PREPARATION, SITE DEGRADATION OR OTHER SITE CONSTRUCTION SHALL BE COMMENCED UNTIL ALL PERMITS REQUIRED BY ALL OTHER LAWS, ORDINANCES, POLICY AND REGULATIONS SHALL HAVE BEEN OBTAINED AND THE APPROVED FINAL SITE PLAN IS RECORDED. EXCEPT SUCH SITE WORK FOR WHICH A PERMIT HAS BEEN ISSUED BY THE SUSSEX COUNTY DISTRICT.
- NEITHER SITE CONDITIONS SHALL BE RESTORED NOR MAINTAINED AS TO NOT OBTAIN THE REQUIRING PROPERTIES.
- ALL PROPOSED ON-SITE UTILITIES SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER.

DATA COLUMN

TAX MAP NUMBER: 1-34-15.00-03.01
 EXISTING ZONING: MFC (MIXED-USE OVERLAY)
 PROPOSED ZONING: MFC (MIXED-USE OVERLAY)
 PLUMING: 2018-CO-08
 LAND USE: AGRICULTURAL, RESIDENTIAL, MULTI-FAMILY DWELLINGS
 PROPOSED: RESIDENTIAL, MULTI-FAMILY DWELLINGS WITH CLUBHOUSE
 TOTAL PARCEL AREA: 32,778 AC±
 MULTI-FAMILY SITE: 20,508 AC±
 FUTURE ASSIGNED LOTS: 6,142 AC±
 RESIDUAL PARCELS: 3,088 AC±
 REMAINS: 2,245 AC±
 NET DEVELOPABLE AREA: 27,263 AC±
 MAX PERMITTED DENSITY: 8 UNITS/AC±
 MAX DWELLING UNIT ALLOWED: 218
 PROPOSED DENSITY: 7.28 UNITS/AC±
 PROPOSED UNITS: 218
 UNIT BREAKDOWN: 24 UNIT BUILDINGS (BUILDINGS)
 8-ONE BEDROOM UNITS
 15-TWO BEDROOM UNITS
 9-THREE BEDROOM UNITS
 TOTAL UNITS: 34-ONE BEDROOM UNITS
 109-TWO BEDROOM UNITS
 75-THREE BEDROOM UNITS
 218 TOTAL UNITS
 LOT COVERAGE (APPROXIMATE)
 MAX. FRONTAGE: 40 X
 PROPOSED: 8,408 AC± (20 X)
 FLOOD HAZARD: THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOODPLAIN AS DETERMINED BY FEMA MAP 100090000A, DATED MARCH 16, 2015
 SETBACK REQUIREMENTS
 MIN. FRONT YARD: 10'
 MIN. SIDE YARD: 8'
 MIN. REAR YARD: 10'
 BUILDING CONSTRUCTION: WOOD
 BUILDING HEIGHT: 42'
 MAX. FOOTING: 42'
 BUILDING SETBACK: 30'
 PARKING
 REQUIRED: 2 SPACES PER UNIT = 432 SPACES
 PROVIDED: 274 PARKING SPACES
 UTILITIES
 PUBLIC SOWER (SUSSEX COUNTY, MILLVILLE 500)
 PUBLIC WATER (DELAWARE UTILITIES, INC.)
 OWNER:
 MILLVILLE TOWN CENTER, LLC
 12345 ROXANA RD.
 MILLVILLE, DE 19967
 DEVELOPER:
 THE OCEAN ATLANTIC COMPANIES
 12345 COASTAL HIGHWAY, SUITE 301
 ROCKYHUNT BEACH, NC 28571
 (910) 321-1077
 ARCHITECT, P.C.
 DAVIS, BOWEN & FRIEDEL, INC.
 1 PARK AVENUE
 MILFORD, DE 19963
 (302) 426-1444

OWNERS STATEMENT

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

MILLVILLE TOWN CENTER, LLC
 12345 ROXANA ROAD
 MILLVILLE, DELAWARE 19967

DEVELOPER / EQUITABLE OWNER STATEMENT

I, THE UNDERSIGNED, HEREBY STATE THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION. I ACKNOWLEDGE THE SAME TO BE MY ACT AND AGREE THE PLAN BE RECORDED ACCORDING TO LAW. PERPETUAL MAINTENANCE OF STREETS AND COMMON AREAS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER AND/OR HOMEOWNERS ASSOCIATION.

DA WATKINS PART II, LLC
 18948 COASTAL HIGHWAY, SUITE 301
 ROCKYHUNT, DELAWARE 19971

ROXANA MULTI-FAMILY COMMUNITY PRELIMINARY PLANS

TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE

OCTOBER 2019

DBF PROJECT NO. 0818C001



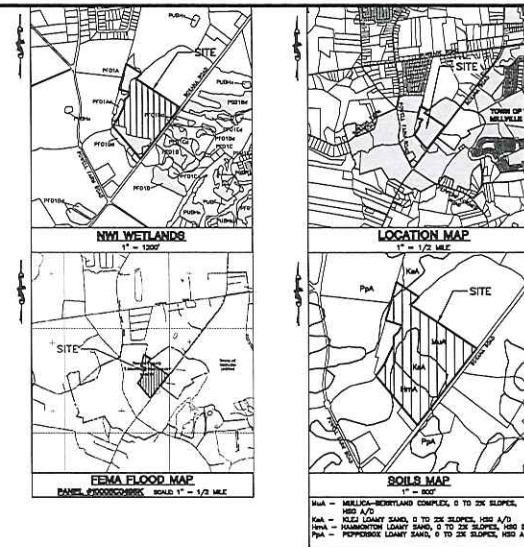
INDEX OF SHEETS

PL-01	PRELIMINARY TITLE
PL-02	PRELIMINARY SITE PLAN
PL-03	PRELIMINARY LANDSCAPE PLAN
A7	FRONT BUILDING ELEVATION
A8	REAR BUILDING ELEVATION

ENGINEER'S STATEMENT

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

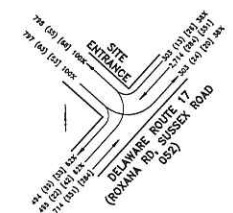
W. ZACHARY CHRYSLER, P.E.
 DAVIS, BOWEN & FRIEDEL, INC.
 1 PARK AVENUE
 MILFORD, DELAWARE, 19963



MARCH 12, 2019
 MILLVILLE TOWN CENTER PROPERTY

ROAD DATA

DELAWARE ROUTE 17 (ROXANA ROAD, SUSSEX ROAD 052)
 FUNCTIONAL CLASSIFICATION - MAJOR COLLECTOR
 AADT (2017 DELAWARE VEHICLE VOLUME SUMMARY) = 4,679
 10 YR PROJECTED AADT = 1.15 X 4,679 = 5,428
 10 YR PROJECTED AADT + SITE ADT NE OF SITE (606) = 6,034
 10 YR PROJECTED AADT + SITE ADT SW OF SITE (989) = 6,417
 10 YR PROJECTED AADT + ENTERING SITE ADT (798) = 6,226
 PEAK HOUR = 11.70% X 5,428 = 635
 DIRECTIONAL SPLIT = 55.24%/44.76% = 351/284
 10.17% TRUCKS X 635 = 65
 SPEED - POSTED = 50 MPH
 TRAFFIC PATTERN GROUP - B



TRAFFIC DIAGRAM

SITE TRIPS GENERATION

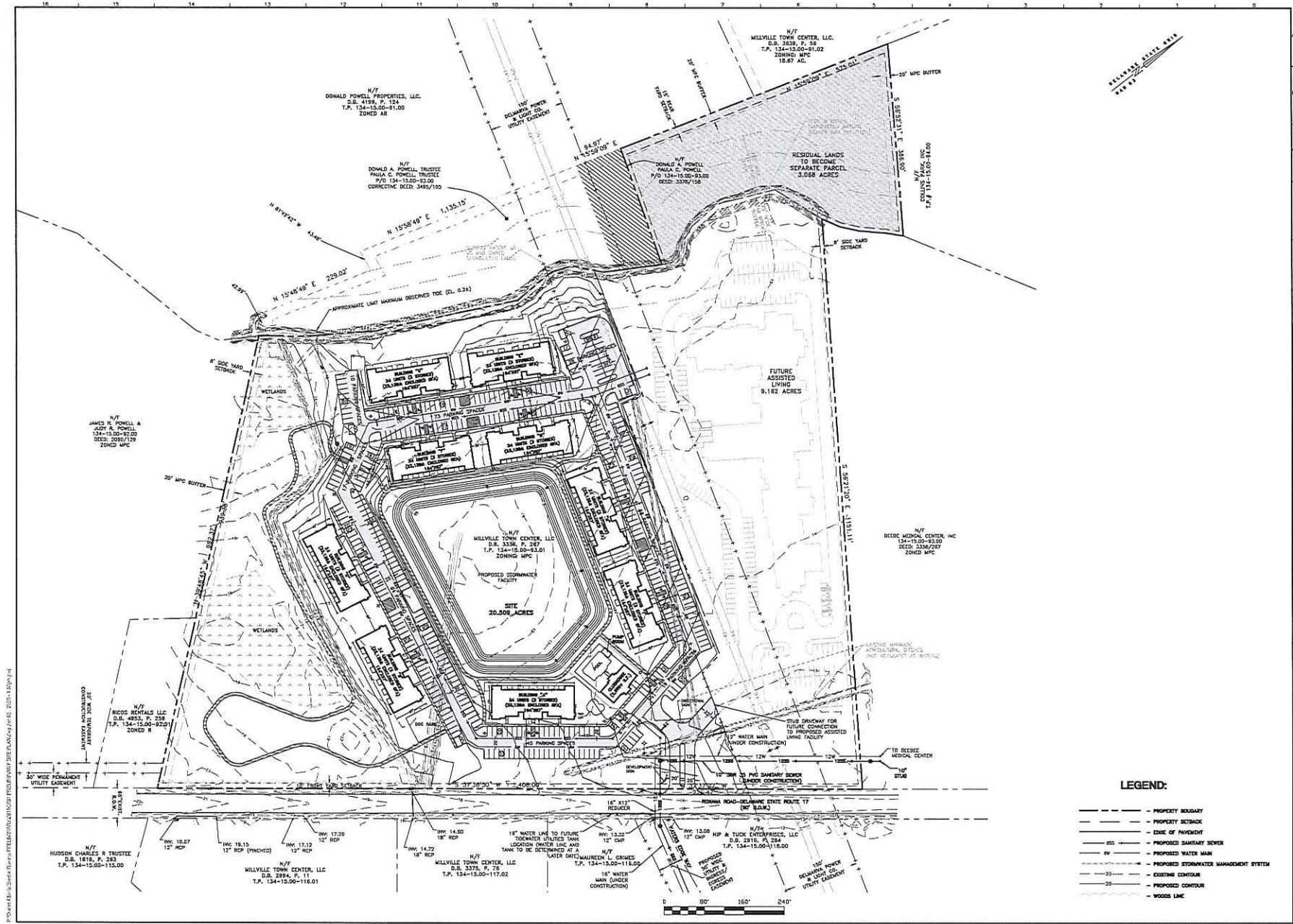
TYPE OF DEV.	TITLE # OF UNITS	AM	PM
MULTI-FAM MID-RISE	221	218	73
1,179			
CONV. CENTER	353	173	23
TOTAL SITE	361	391	127
1,940			

NOTE:
 TRIP GENERATION BASED ON ITE TRIP GENERATION MANUAL, 10TH EDITION
 OTHER VEHICLE 30-40

LEGEND
 (---) - ADT
 (---) - AM PEAK
 (---) - PM PEAK
 (---) - TRIP DISTRIBUTION

DAVIS, BOWEN & FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS
 MILFORD, DELAWARE (302) 424-1444

PL-01



- LEGEND:**
- PROPERTY BOUNDARY
 - PROPERTY SETBACK
 - EDGE OF PAVEMENT
 - PROPOSED SANITARY SEWER
 - PROPOSED WATER MAIN
 - PROPOSED STORMWATER MANAGEMENT SYSTEM
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - WOODS LINE



DAVIS, BOYER & FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

1000 MARKET STREET, SUITE 200
DELEWARE, DELAWARE 19701
PHONE: 302.441.1100 FAX: 302.441.1101

PRELIMINARY SITE PLAN

ROXANA MULTI-FAMILY COMMUNITY

MILLVILLE TOWN CENTER PROPERTY

TOWN OF MILLVILLE, SUSSEX COUNTY, DELEWARE

Date:	OCTOBER 2019
Scale:	1" = 80'
Drawn By:	SWF
Proj. No.:	0818C031
Draw. No.:	PL-02

P:\04\1818\1818-1500-115.00\PRELIM\1818-1500-115.00\1818-1500-115.00.dwg, 2019-10-01 10:00 AM

THIS DRAWING, THE BLOCK AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOYER & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2019

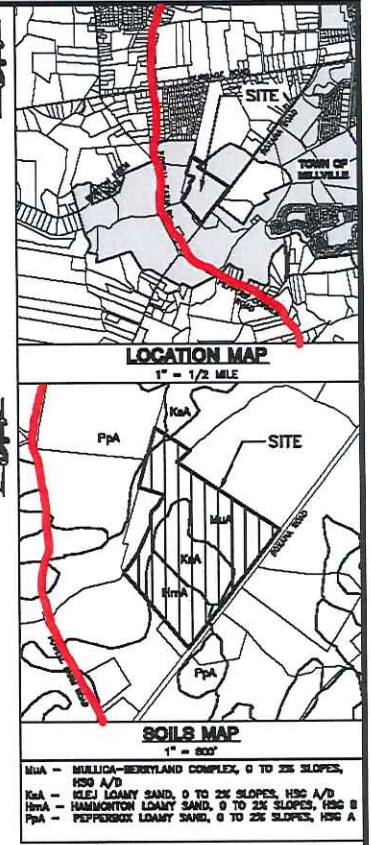
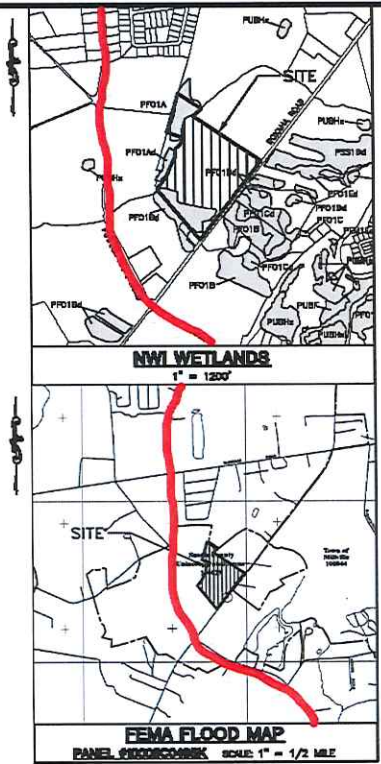
ROXANA MULTI-FAMILY COMMUNITY

PRELIMINARY PLANS

TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE

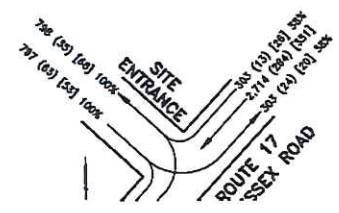
OCTOBER 2019

DBF PROJECT NO. 0818C031



MARCH 12, 2019
MILLVILLE TOWN CENTER PROPERTY

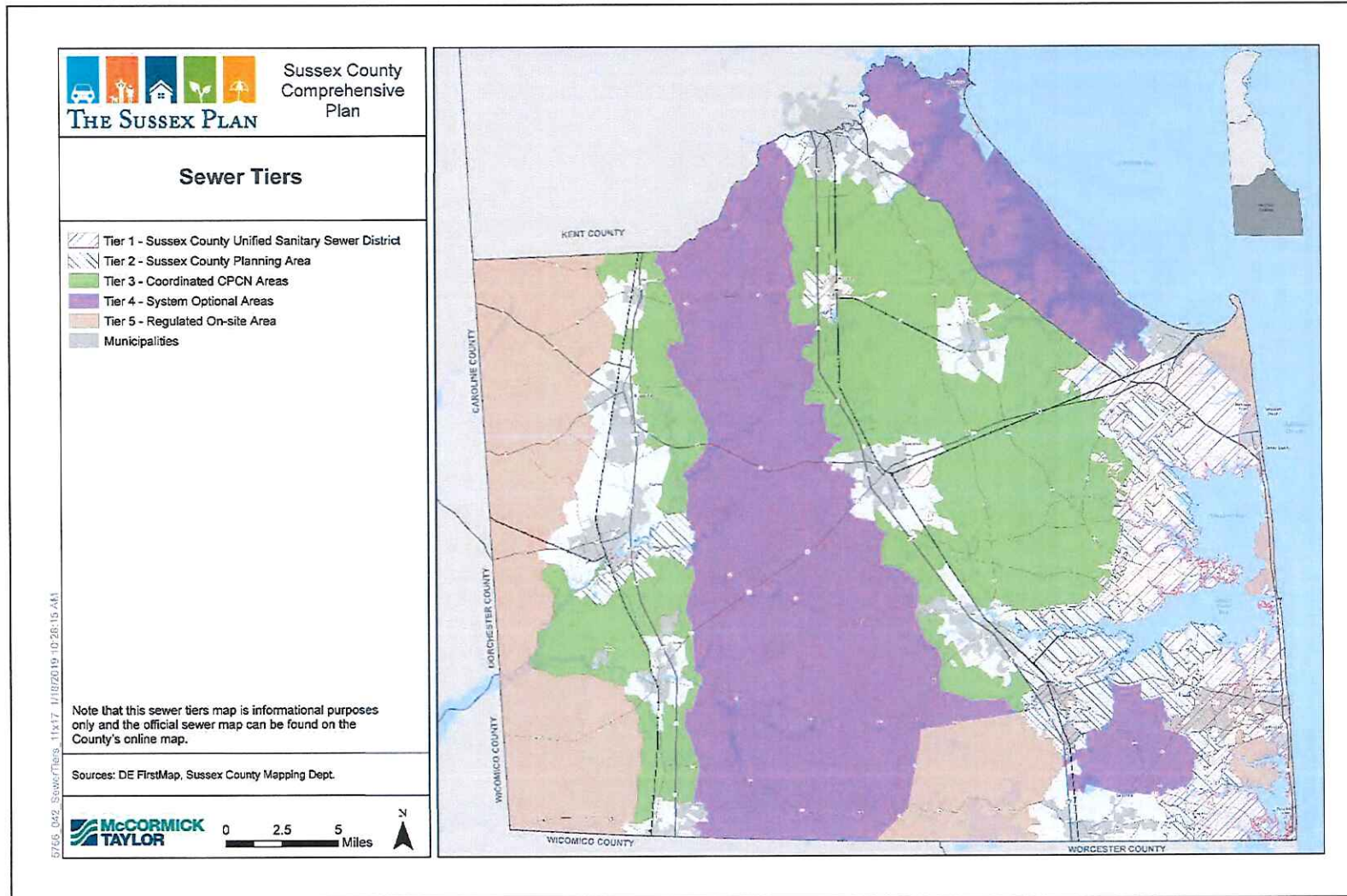
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 10.17% TRUCKS X 635 = 65
 SPEED - POSTED = 50 MPH
 TRAFFIC PATTERN GROUP - 8

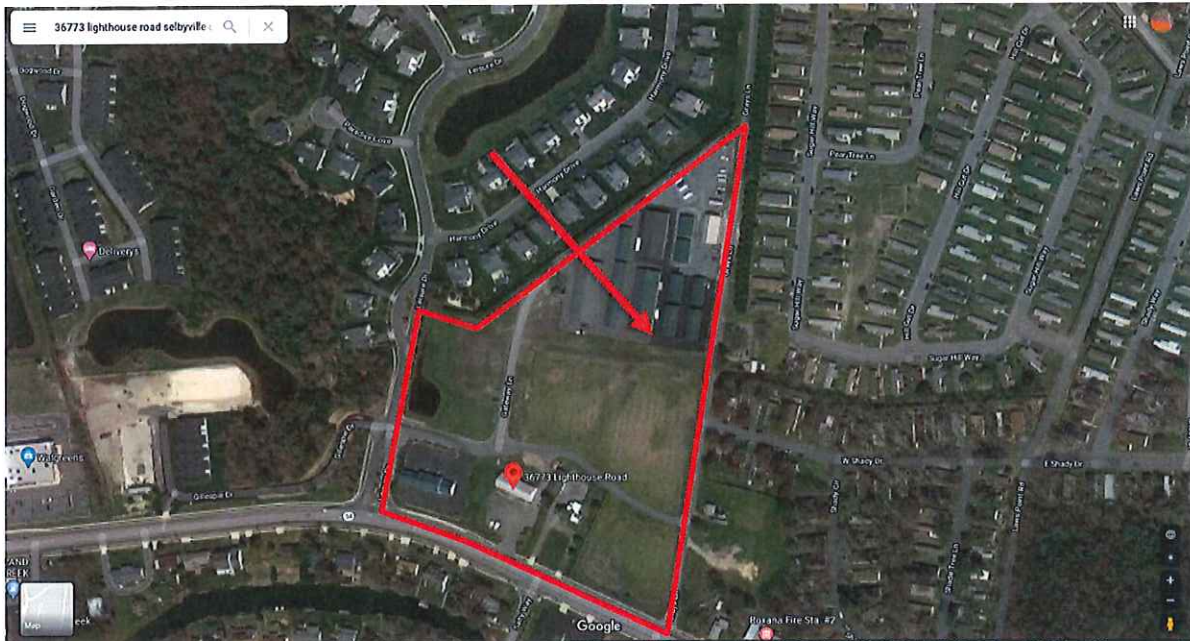


LEGEND

ADT	ADT
(AM)	AM PEAK
(PM)	PM PEAK
(L.A.)	TRUCK

Figure 7.3-2 Sussex County Sewer Tier Map

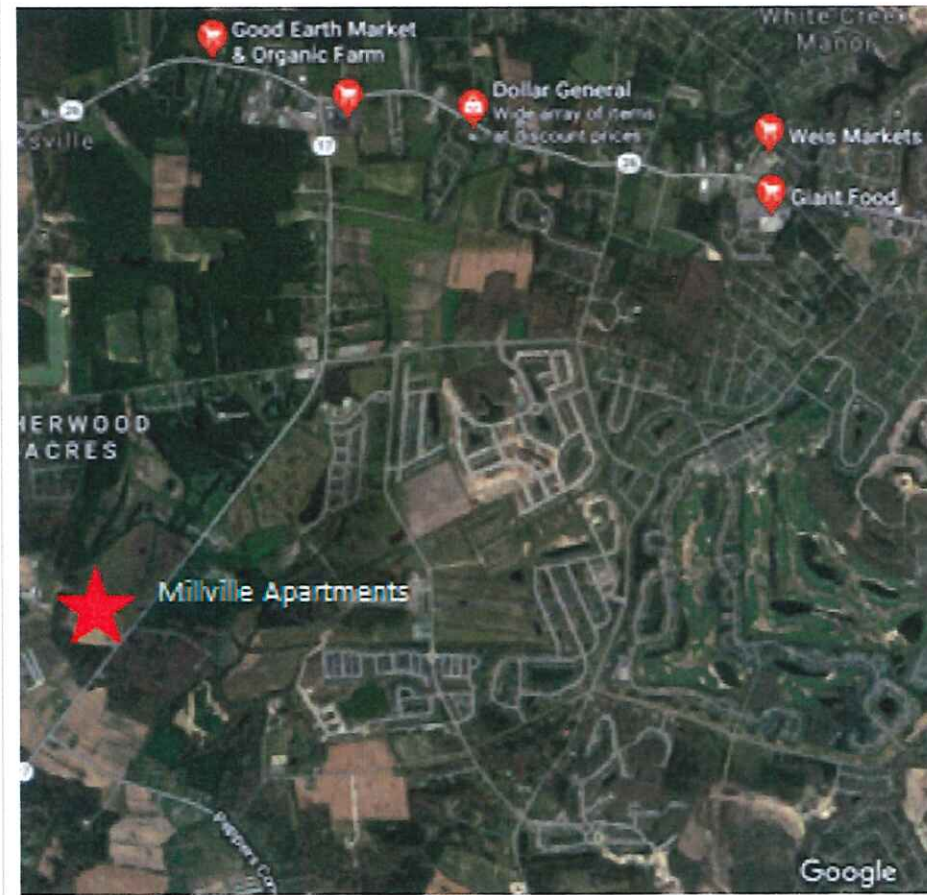




Applicant's Storage Facility off Route 54 with potential for expansion of Storage Units at this site. The outline indicates the potential of the current site expansion at 36773 Lighthouse Road, Selbyville, DE.

Millville By The Sea Apartments Summary

- Ocean Atlantic presents this conceptual plan for a 216 unit apartment project and senior housing facility located on Rte 17, adjacent to the Beebe Medical Center, in Millville, DE.
- The project is located in the Millville by the Sea Master Plan and is currently designed according to its current town center zoning.
- The amenities will include a clubhouse, pool, tot lot, dog park, grill station and outdoor lounge with fireplace.
- The Senior Housing will include independent living, assisted living and memory care.



MILLVILLE BY THE SEA APARTMENTS SUMMARY

Unit Mix				
Unit Type	Units	Heated SF	Total SF (Incl. porch/storage)	Rent/ Unit
Unit B (3BR, 2BA)	36	1,195	1,322	\$1,395
Unit D (2BR, 2BA)	104	921	1048	\$1,195
Unit F (1BR, 1BA)	74	609	675	\$975

INDEX

RONALD E. GRAY and M. CANDICE GRAY

APPLICATION FOR CHANGE OF ZONE NO. 1914

- A. Conceptual Site Plan Rendering**
- B. Compliance with Land Use Plan prepared by Sergovic Carmean Weidman
McCartney & Owens, P.A.**
- C. Water Service Areas with nearest tie-in**
- D. Sussex County Sewer District with nearest tie-in**
- E. Deed whereby the Applicants acquired the property**
- F. Proposed Findings**
- G. Sketch Drawing of Compatible Uses, Exhibit "A" to Compliance**
 - 1. Hocker's Super Center**
 - 2. Creative Concepts**
 - 3. Bob's Marine Services, Inc.**
 - 4. Beach Storage**
 - 5. The Fireplace Store**
 - 6. Rob Ward's Commercial Storage**
 - 7. Millville by The Sea Lifestyle Center**
 - 8. Garth Enterprises**
 - 9. Mercantile Processing, Inc.**
 - 10. Beebe Hospital**
 - 11. Subject Property**
 - 12. One Coastal Farm**
 - 13. Blackwater Fellowship Church**
 - 14. Our Lady Guadalupe Church.**
- H. PLUS Report and response of Davis, Bowen & Friedel, Inc.**

F RECEIVED

MAY 19 2020

**SUSSEX COUNTY
PLANNING & ZONING**

ROXANA ROAD STORAGE

SUSSEX COUNTY, DELAWARE

CONCEPTUAL SITE PLAN - PROPOSED B-2 ZONING

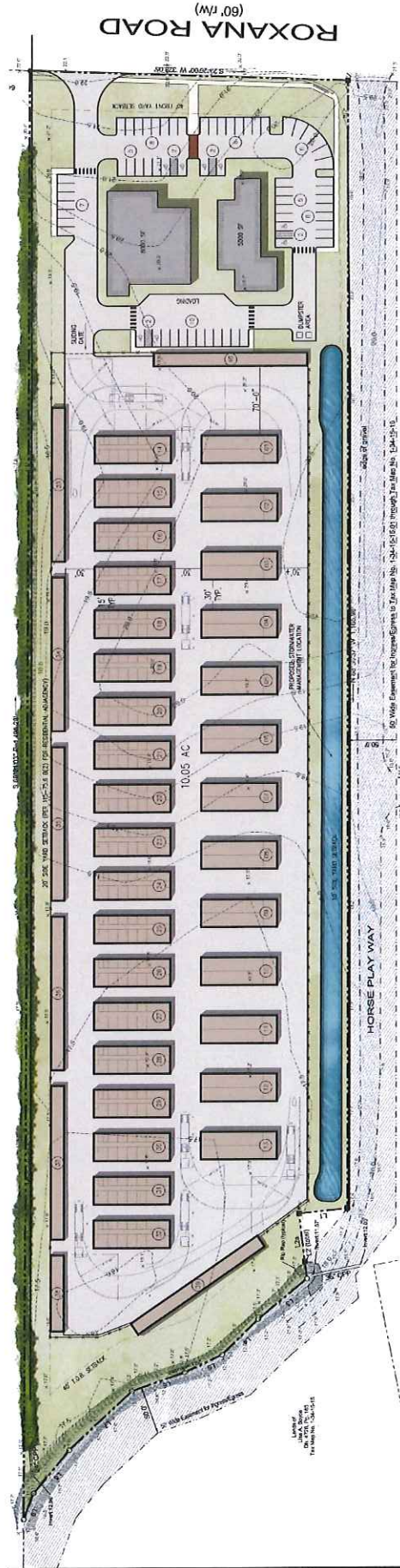
1" = 50'
 July 12, 2019
 DBF# 1111B001.A01



DAVIS
 BOWEN &
 FRIEDEL, INC.
 ARCHITECTS, ENGINEERS & SURVEYORS

NOTE: Documentation has been taken from survey worksheets drawn by Simpson Surveying & Associates, Inc. dated 05/27/18.

- OFFICES 65 PARKING SPACES 40 STORAGE BUILDINGS
- (1) 8000 S.F. (57) STANDARD (19) 30X80 CLIMATE-CONTROLLED (1) 15X80 EXTERIOR ACCESS
- (1) 5000 S.F. (8) ACCESSIBLE (13) 30X80 EXTERIOR ACCESS (7) 15X160 EXTERIOR ACCESS



**COMPLIANCE WITH SUSSEX COUNTY COMPREHENSIVE PLAN
DATED MARCH 2019**

The applicants, Ronald E. and M. Candice Gray (hereinafter “the Grays”), have proposed an Ordinance to Amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District (“AR-1”) to B-2 Business Community District (“B-2”) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville consisting of 10.0636 acres, more or less, designated by Sussex County Tax Mapping as 1-34, Map 15.00, Parcel 20.06 (“Subject Property”). The Grays seek to utilize the Subject Property for purposes of operating 13,000 square feet of office buildings, and 94,800 square feet of enclosed storage space, located in forty (40) buildings, containing seven-hundred-three (703) storage units therein.

The lands are located within an area identified in the Sussex County Comprehensive Plan dated March 2019 as Coastal Area. Coastal Areas are designated based on two characteristics: (1) “this region is among the most desirable locations in Sussex County for new housing ... [and] [(2)] this region contains ecologically important and sensitive characteristics as well as other coastal lands which help to absorb floodwaters and provide extensive habitat for native flora and fauna.”¹ Permitted uses within the Coastal Area include “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

¹ Sussex County Comprehensive Plan dated March 2019, at pages 4-15 – 4-16.

appropriate to provide for convenient services and to allow people to work close to home.”²

A rezoning of this land from AR-1 to B-2 is appropriate and compatible with the goals and directions of the Coastal Area of the Sussex County Comprehensive Plan dated March 2019. The rezoning of these lands is compatible with uses along Roxana Road, Route 17, between Routes 26 and Daisey Road, which include a wide range of land uses. See attached sketch drawing, Exhibit “A” to Compliance, identifying multiple different uses along Roxanna Road (Hocker’s Super Center, Creative Concepts, Bob’s Marine Services, Inc., Beach Storage, The Fireplace Store, Rob Ward’s Commercial Storage, Millville By The Sea Lifestyle Center, Garth Enterprises, Mercantile Processing, Inc., Beebe Hospital, Subject Property, One Coastal Farm, Blackwater Fellowship Church, and Our Lady Guadalupe Church). Thus, the amendment to the Comprehensive Zoning Map will have no adverse or detrimental impact on neighboring areas or uses.

In summary, the rezoning of the subject property from an AR-1 to B-2 is appropriate legislative action. **DeIDOT did not require a traffic impact study when it reviewed the proposed use.** As determined by DeIDOT, there will be minimal, if any, impact on traffic as the proposed use would not generate more than four hundred (400) trips per day or fifty (50) trips during any peak hour. The rezoning of the Subject Property will also provide a mixture of light commercial uses which are appropriate in Coastal Areas under the update to our Comprehensive Plan to provide for convenient services by having enclosed water tight storage for residents living in relative close proximity to the Subject Property in communities off of Routes 17, 54 and 26 to meet

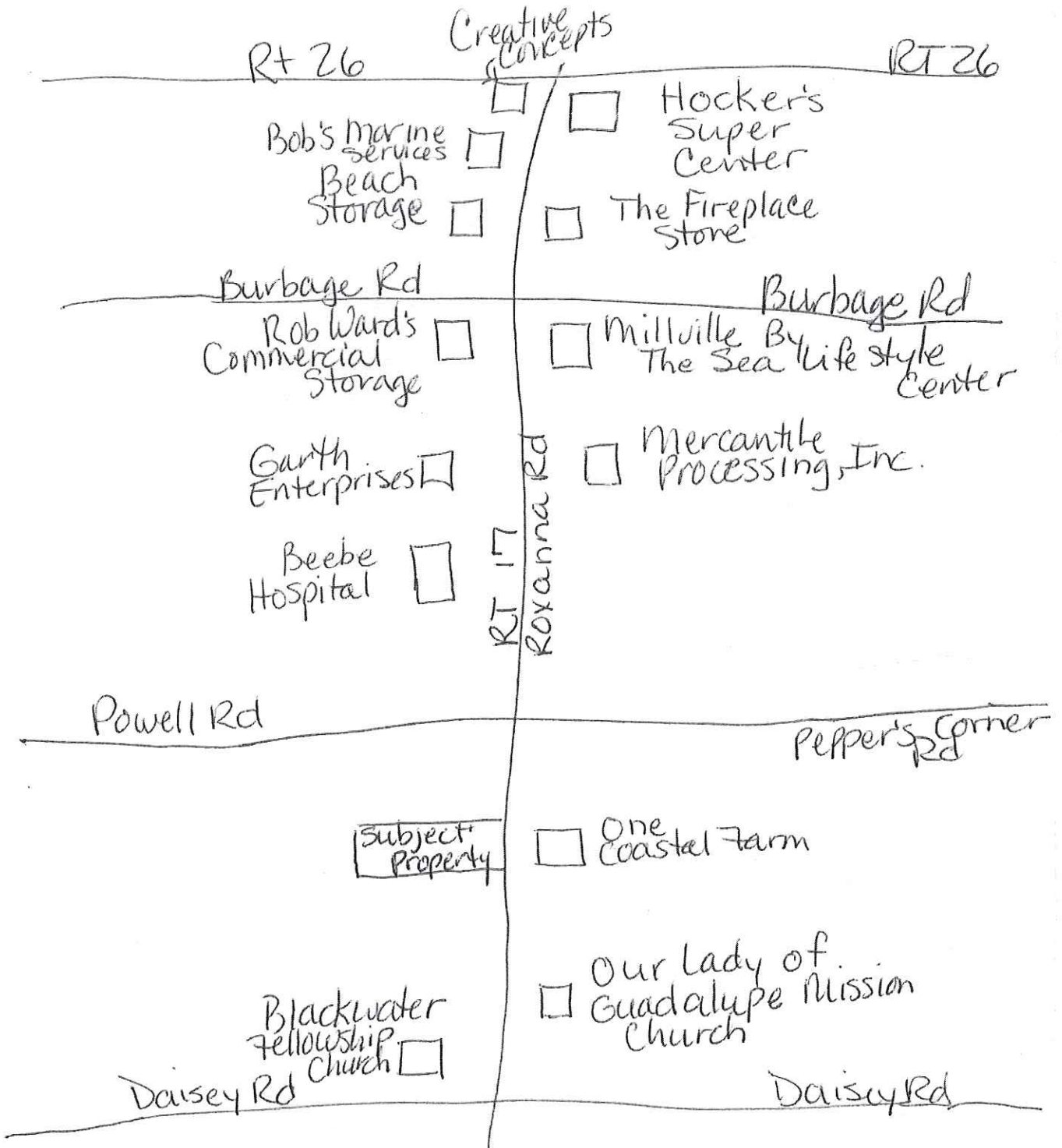
² Sussex County Comprehensive Plan dated March 2019, at pages 4-15 – 4-16.

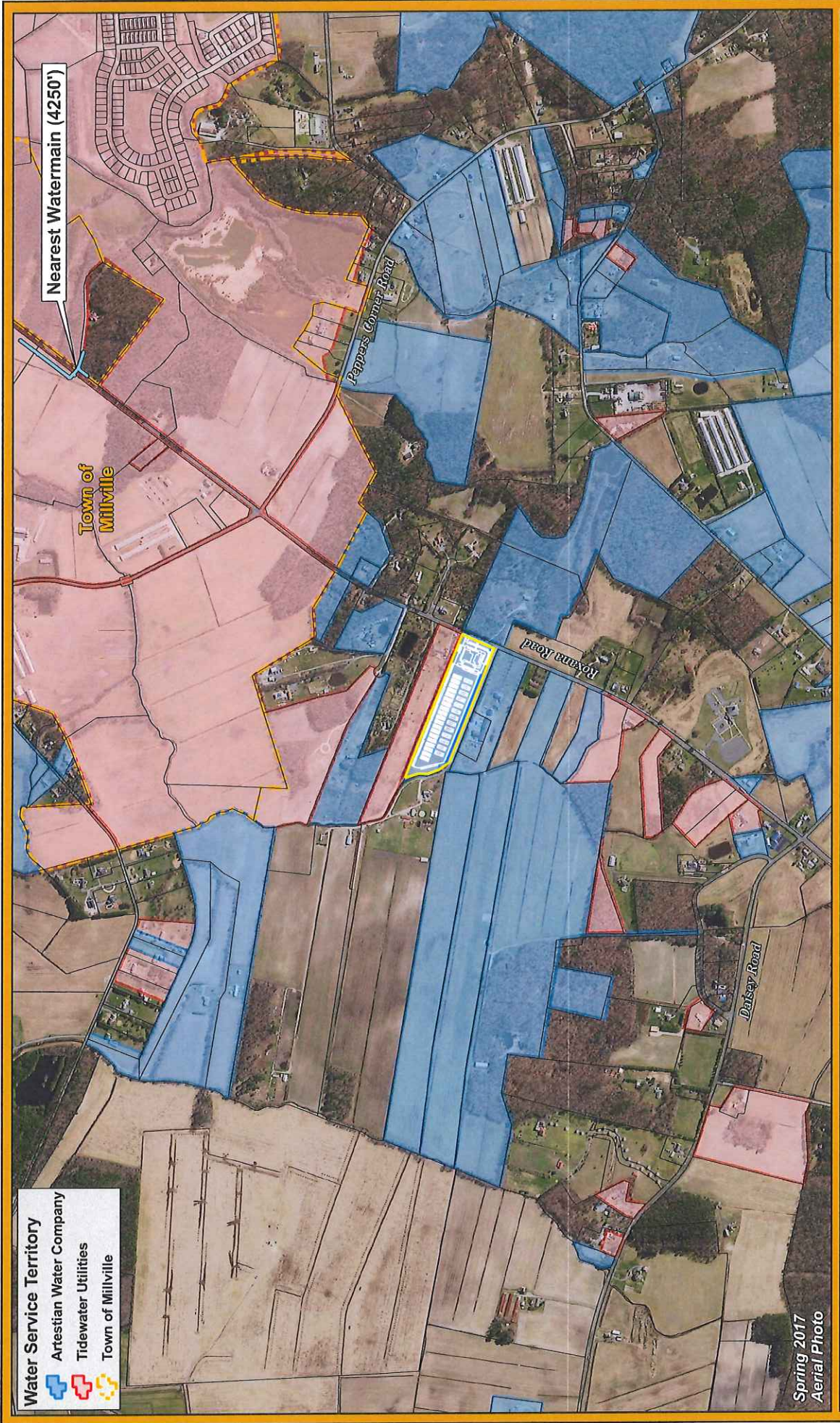
their storage needs. The depicted office structure is not intended to be erected until central sewer is available but will allow employment opportunities close to residential communities along Routes 17, 26 and 54.

EXHIBIT "A"

TO COMPLIANCE WITH SUSSEX COUNTY COMPREHENSIVE PLAN

DATED MARCH 2019





Water Service Territory
 Artesian Water Company
 Tidewater Utilities
 Town of Millville



Water Service Territories
 Ronald E. & M. Candice Gray
 Sussex County, Delaware



Sources:
 Tax Parcels per Sussex County
 Aerial Photograph Courtesy of DEMAC

Spring 2017
 Aerial Photo

May 2020



Town of Millville

Nearest Sewer (4250')

Ex 18''S

Milville Sanitary Sewer District

Beaver Dam Sanitary Sewer District

Pappas Corner Road

Roxana Road

Daisey Road

Town of Millville



May 2020

Sources:
Tax Parcels per Sussex County
Aerial Photograph Courtesy of DEMAC

Spring 2017
Aerial Photo

Sussex County Sewer Districts
Ronald E. & M. Candice Gray
Sussex County, Delaware



11203

BK: 4863 FG: 221

Tax Map and Parcel #: 1-34-15.00-20.06

PREPARED BY:
TOMASETTI LAW LLC
1100 Coastal Hwy., Unit 3
Fenwick Island, DE 19944
File No. 518-89/KR

RETURN TO:
RONALD E. GRAY
M. CANDICE L. GRAY
37176 Sunset Cove
Selbyville, DE 19975

Consideration: 265,000.00

County	3,975.00
State	6,625.00
Town	Total 10,600.00
Received: Maria T Apr 02, 2018	

THIS DEED, made this 28th day of March, 2018,

- BETWEEN -

ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, of 33099 Omar Road, Frankford, DE 19945, parties of the first part,

- AND -

RONALD E. GRAY and M. CANDICE L. GRAY, husband and wife, of 37176 Sunset Cove, Selbyville, DE 19975, parties of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware, as **TENANTS BY THE ENTIRETY** :

ALL that certain lot, piece or parcel of land situate, lying and being on the Northwestern side of Route 17, Baltimore Hundred, Sussex County, Delaware, more particularly described as follows: Being: PARCEL "A", on a plot entitled "SUBDIVISION OF LANDS OF BONARD B. TIMMONS, JR.", dated April 23, 1987, prepared by McCann,

BK: 4863 PG: 222

Inc., a copy of said plot is of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Plot Book 37, Page 19. Said parcel containing 10.05 acres of land, more or less.

BEING the same lands as conveyed unto Alexander Pszczola, III and Shelly Hocker Pszczola, husband and wife, by Deed of Gerald Hocker and Emily Hocker, husband and wife, dated December 18, 2013 and filed for record in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4210, Page 302.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated January 4, 2007 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 1, Page 196.

Above described property is subject to a tax ditch right-of-way and assessment pursuant to Superior Court Order dated March 12, 2009 and of record in the Office of the Prothonotary in and for Sussex County, Delaware, as Case No. 06M-11-010, in Tax Ditch Book 6, Page 97.

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.

BK: 4863 PG: 223

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

Signed, Sealed and Delivered in the presence of:

[Handwritten signature]
AS

Alexander Pszczola III (SEAL)
ALEXANDER PSZCZOLA, III

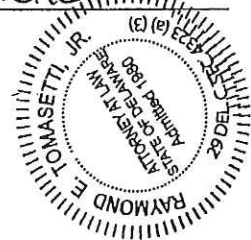
Shelly Hocker Pszczola (SEAL)
SHELLY HOCKER PSZCZOLA

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on March 28, 2018, personally came before me, the subscriber, ALEXANDER PSZCZOLA, III and SHELLY HOCKER PSZCZOLA, husband and wife, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

[Handwritten signature]
Notary Public
My Commission Expires: none



RECEIVED
APR 02, 2018
ASSESSMENT DIVISION
OF SUSSEX COUNTY

Recorder of Deeds
Scott Dailey
Apr 02, 2018 12:14P
Sussex County
Doc. Surcharge Paid

PROPOSED FINDINGS OF FACT

The record presented in C/Z No. 1914, the application of Ronald E. and M. Candice Gray (hereinafter "the Grays"), supports an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District ("AR-1") to a Business Community District ("B-2") for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville, on 10.0636 acres, more or less, consisting of District 1-34, Map 15.00, Parcel 20.06 ("Subject Property"). In support of its recommendation for approval the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions, based upon the record:

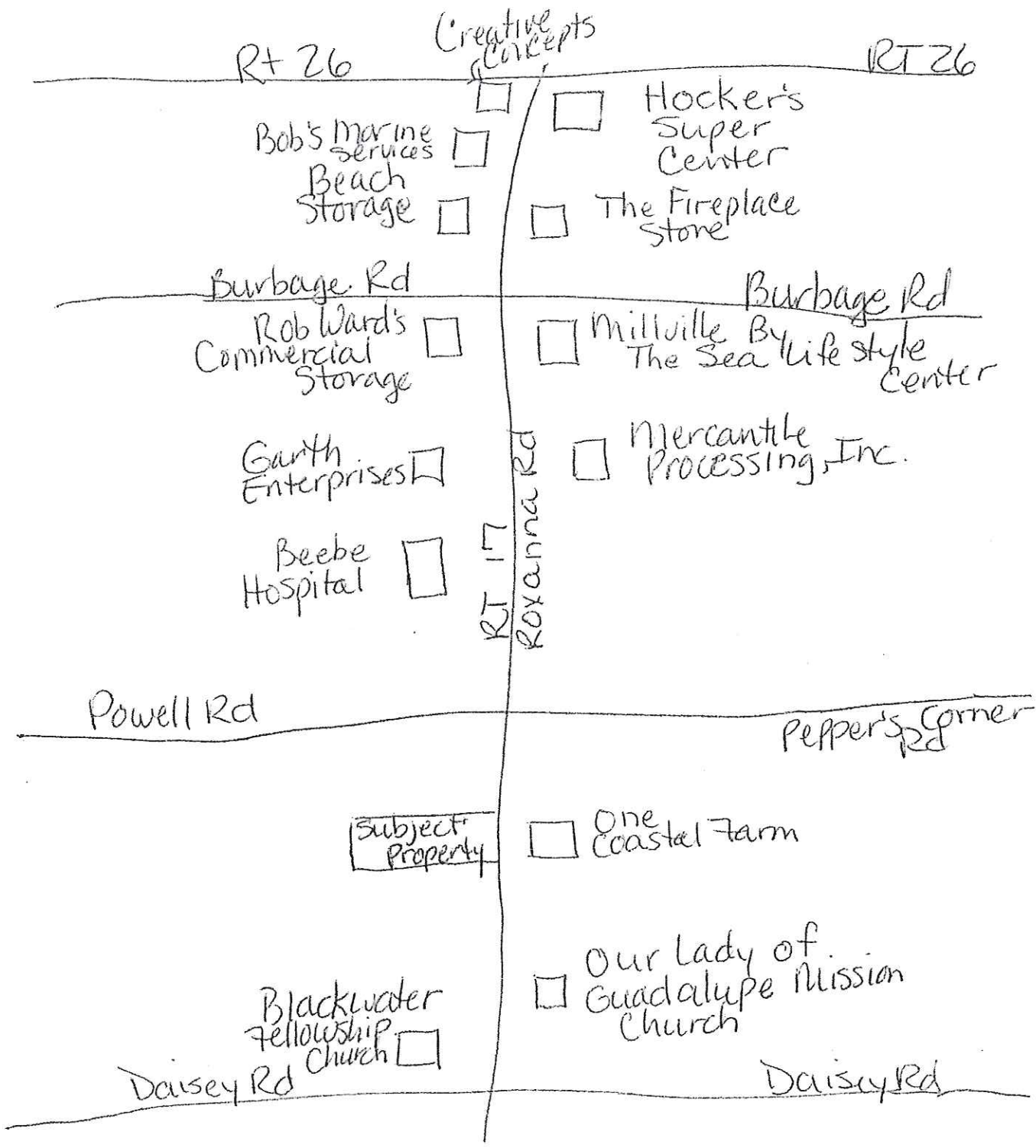
1. The application of the Grays seeks to amend the Comprehensive Zoning Map by proposing an Ordinance to amend the Comprehensive Zoning Map of Sussex County from an Agricultural Residential District (AR-1) to a Business Community District (B-2) for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, located on Roxana Road outside of Selbyville for the purposes of operating a 13,000 square foot office building after central sewer is available, and 94,800 square feet of water tight enclosed self-storage space located in forty (40) buildings and containing seven-hundred-three (703) storage units therein.
2. The property consists of approximately 10.0636 acres.
3. The proposed use of the property is compatible and consistent with neighboring uses along Roxana Road. Hocker's Super Center, Creative Concepts, Bob's Marine Services, Inc., Beach Storage, The Fireplace

Store, Rob Ward's Commercial Storage, Millville by The Sea Lifestyle Center, Garth Enterprises, Mercantile Processing, Inc., Beebe Hospital, Subject Property, One Coastal Farm, Blackwater Fellowship Church, and Our Lady Guadalupe Church.

4. The amendment to the Comprehensive Zoning Map will have no adverse or detrimental impact on neighboring areas or uses.
5. The proposed use will have no significant impact upon traffic in the area. DelDOT required no traffic impact study.
6. The applicant, Ron Gray, has surveyed owners along Roxanna Road with no one voicing objections to the proposed rezoning.
7. The property is located in a Coastal Area as established by the Sussex County Comprehensive Plan, dated March 2019. Thus, the proposed use meets the purpose of the Sussex County Comprehensive Plan, dated March 2019 in that it follows recommended allowed uses in the Coastal Area.
8. Historically, before and after adoption of the Sussex County Zoning Ordinance, the Subject Property has been vacant land.
9. The proposed uses are permissible under Section 115-75(2) of the Sussex County Code governing permitted uses in the B-2 Zone. Offices are permissible under (4). Self-storage use is permissible under (9).

Based upon the record and the above findings, Planning and Zoning Commission recommends approval of the applied for Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a

B-2 Business Community District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, land lying north Roxana Road at Selbyville located on 10.0636 acres, more or less, consisting of District 1-34, Map 15.00, Parcel 20.06 to allow for the operation and maintenance of a 13,000 square foot office, and 94,800 square feet, consisting of forty (40) buildings, containing seven-hundred-three (703) storage units, to the County Council finding that the proposed Ordinance is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.



December 20, 2019

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

Office of State Planning Coordination
122 Martin Luther King Jr. Blvd., Third Floor
Dover, DE 19901

Attn: Ms. Constance C. Holland, AICP
Director

RE: **PLUS review 2019-10-06; Roxanna Road Storage**
Tax Parcel No: 1-34-15.00-20.06
DBF # 0003H001

Dear Ms. Holland,

We are pleased to submit the following responses to the Office of State Planning Coordination's review letter dated November 21, 2019.

Strategies for State Policies and Spending

- This project represents land development that will result in 13,000 square feet of office space and 98,000 sq. feet of storage unit space in an Investment Level 4 area according to the *2015 Strategies for State Policies and Spending*. In addition, it is located adjacent to a property preserved through the State's Agricultural Lands Preservation Program. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4 areas. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

Because the development is inconsistent with the *Strategies for State Policies and Spending*, the State cannot support the proposed development.

Understood

Code Requirements/Agency Permitting Requirements

Department of Transportation

- The site access on Roxana Road (Delaware Route 17) 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>.

We will design the site access in accordance with DelDOT's Development Coordination Manual.

- Pursuant to Section P.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_Reguest_Form.pdf?08022017.

A Pre-Submittal Meeting will be requested in the near future.

- Section P.5 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.

We will submit the Initial Stage Fee with the record plan, and the Construction Stage Fee with the construction plans when they are submitted.

- 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. The PLUS application states that the site would generate 275 vehicle trip ends per day. DelDOT calculates a slightly higher value, 290 vehicle trip ends per day and a corresponding weekday evening peak hour value of 32 vehicle trip ends per hour. In any case, a TIS is not warranted.

We concur that a Traffic Impact Study is not warranted.

The purpose of a TIS is to identify offsite improvements that the developer should build or contribute toward. Even without the benefit of the TIS, DelDOT anticipates requiring the developer to improve Delaware Route 17 to meet Collector Road standards, including two 11-foot travel lanes and two 8-foot shoulders, within the limits of their frontage.

We acknowledge the improvement requirements for DE Rt 17 within the frontage limits.

DelDOT also anticipates requiring the applicant to contribute toward the construction of a planned roundabout at the intersection of Route 17 and Peppers Comer Road/ Powell Farm Road (both Sussex Road 365).

We acknowledge there may be contribution requirements for a planned roundabout at the intersection of DE Route 17 and Peppers Corner Road/Powell Farm Road.

- 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 Delaware Route 17. By this regulation, this dedication is to provide a minimum of 40 feet of right-of-way from the physical centerline along. 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."**

We acknowledge the ROW required along the frontage of DE Route 17.

- 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 on Delaware Route 17. 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.**"

We acknowledge a 15' easement is required along the frontage on DE Route 17.

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - o A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
We acknowledge a Traffic Generation Diagram is required.
 - o Depiction of all existing entrances within 600 feet of the entrance proposed on Delaware Route 7.
All existing entrances within 600 feet of our proposed entrance will be shown on the plan.
 - o Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
We acknowledge notes of any off-site improvements, agreements, and contributions will be required.
- 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 Delaware Route 17.
We acknowledge the setback requirement of stormwater treatment methods.
- 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.del.dot.gov/Business/subdivisions/index.shtml>.
We will provide an auxiliary Lane Worksheet.
- 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.
We will show all existing utilities on the plan.

Department of Natural Resources and Environmental Control

Water Quality

- The project is located in the low nutrient reduction zone of the greater Inland Bays watershed. In this watershed, Total Maximum Daily Load (TMDL) pollutant reduction targets have been developed by the State of Delaware (under the auspices of Section 303(d) of the 1972 Federal Clean Water Act) for nutrients (e.g., nitrogen, phosphorus),

and bacteria. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited waterbody" can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the low reduction zone of the Inland Bays watershed calls for 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 40 percent reduction (17 percent for marine waters) in bacteria from baseline conditions. Please view the following web link for further information on the regulatory requirements and technical analysis involved in the development of the specific TMDLs: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>
We acknowledge the TMDL's requirement for 40% reduction in nitrogen, phosphorus and bacteria.

- The Inland Bays Pollution Control Strategy (PCS) and the accompanying regulations were finalized by order of the DNREC Secretary on October 2008. The PCS regulations can be reviewed here: <http://regulations.delaware.gov/documents/November2008c.pdf>. Background information about the PCS with guidance documents and mapping tools can be retrieved here: http://www.dnrec.state.de.us/water2000/Sections/Watershed/ws/ib_pcs.htm
Understood
- Based on the NRCS soil survey mapping update, wetland-associated hydric soils (e.g., Mullica & Hurlock) are mapped over the entirety of the project area. These soils have severe limitations for development (considered unsuitable) and are functionally important source of water storage as a natural sponge. The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the vulnerability for more frequent and destructive flooding events. The increased probability for flooding from stormwater runoff is further aggravated by increases in the proportion of impervious surfaces in the landscape as building density increases over time.
We acknowledge the NRCS soil survey delineation of wetland-associated hydric soils on this site. Further geotechnical soils investigations will be performed.

Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District.

Contact the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Understood. Sussex Conservation District will be contacted prior to a pre-application meeting.

Groundwater Discharges

- There is currently no record of existing permit or site evaluation, associated with the tax parcel (1-34-15.00-20.06), in the DNREC Groundwater Discharges Section Small System database. The applicant will need to follow the permitting process of the Groundwater Discharges Section Small System to obtain an individual on-site system for wastewater disposal.

We acknowledge the permitting process to obtain an individual on-site system for wastewater disposal.

State Historic Preservation Office

- The Delaware SHPO does not support or recommend development in a Level 4 area. There are no known archaeological sites or known National Register listed or eligible properties on the parcel.

Understood. We also acknowledge that there are no known archaeological sites or known National Register listed or eligible properties on the parcel.

- The soils are poorly drained in their natural state, and the parcel borders a natural stream to the west. It is very unlikely that there is an early historic period site present based on the soils and its distance from navigable streams.

Understood

- There is low potential for archaeological data to be present on the parcel.

We acknowledge that there is low potential for archaeological data on the parcel.

- 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).

We acknowledge the Unmarked Human Burials and Human Skeletal Remains Law.

- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

We acknowledge the National Historic Preservation Act.

Delaware State Fire Marshall's Office

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.

We acknowledge the requirements of a water distribution system. As proposed the storage

units are below 2,500 square feet, and the office buildings are below 10,000 square feet. The nearest water connection is greater than 1,000 from this site. Due to the buildings being below the square footage requirements, we are not proposing a water distribution system for the site.

- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

We are not proposing a water distribution system for the storage units.

Fire Protection Features:

- All structures over 10,000 sq. ft. aggregate will require automatic sprinkler protection installed.

We acknowledge the requirements for automatic sprinkler protection.

- 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

We acknowledge the requirements for fire lane markings.

- 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.

We acknowledge the automatic sprinkler system requirements.

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,

Understood

(2) the owner of the facility does not have unrestricted access to the storage units, and

Understood

(3) the items being stored are concealed from view from outside the storage unit.

Understood

- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.

We acknowledge the requirements that the Fire Department Connection location must be within 300 feet of a fire hydrant as shown in the DSFPR.

- Show Fire Lanes and Sign Detail as shown in DSFPR.
Fire lanes and Sign Detail will be shown on the plans as shown in the DSFPR.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
We acknowledge the need of accessibility to fire apparatus.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
We acknowledge that if traffic speed reduction measures are used, they must be in accordance with DOT 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.
We acknowledge the local Fire Chief shall approve the use of gates into and out of the site.

Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plan.
We acknowledge that if gas piping is proposed we will show it and the locations of any bulk containers on the 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
The above referenced notes will be provided on the plans.

Department of Agriculture

- The proposed project is adjacent to a property preserved through the State's Agricultural Lands Preservation Program (Hudson Heritage Expansion of the Hickman Farms District, S-17-03-085B), (Sussex County Parcel Number 134-15.00-15.00). Therefore, the following regulations may apply.

- If any wells are to be installed, **Section 5.1.1.3 of the DNREC's 7301 Regulations Governing the Construction and Use of Wells** may apply. This regulation states:

50 feet from any boundary of an Agricultural Lands Preservation District (as defined in 3 Del.C. Chapter 9) for any parcel, lot, or subdivision. Wells on parcels, lots, or subdivisions created or recorded prior to April 6, 1997 are exempt. The Department requires that all wells be placed the maximum distance possible from lands where federally regulated chemicals have been applied. Pesticides that have been applied in accordance with their respective pesticide product label and are not associated with any known contamination are exempt.

We acknowledge the setback requirements that must be met for wells installed near a property in an Agricultural Lands Preservation District.

Sussex County

- The project is within a Tier 3 area for wastewater planning. Sussex County does not expect to provide sanitary sewer service within the area proposed for industrial operations and uses. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility as proposed.

We acknowledge this site is within a Tier 3 area for wastewater planning.

Should you have any questions or need additional information, please call.

Sincerely,
Davis, Bowen & Friedel, Inc.



Timothy M. Metzner, RLA, LEED AP ND
Associate

P:\1111\1111B001\submit\PLUS\2019-12-20 Comment Response\2019-12-20 PLUS Comment Response.docx

CC: Sussex County Planning & Zoning

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 28th,2020.

Application: (CZ 1915) Fisher’s Popcorn Fenwick, LLC

Applicant: Fisher’s Popcorn Fenwick, LLC
37243 Sand Dollar Lane
Selbyville, DE 19975

Owner: Fisher’s Popcorn Fenwick, LLC
37243 Sand Dollar Lane
Selbyville, DE 19975

Site Location: Located on the north side of Zion Church Rd (Route 20), approximately
318 feet southeast of Deer Run Rd.

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Business Research (B-3)

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmatic
District: Mr. Riley

School District: Indian River School District

Fire District: Roxana Volunteer Fire District

Sewer: Sussex County

Water: Private

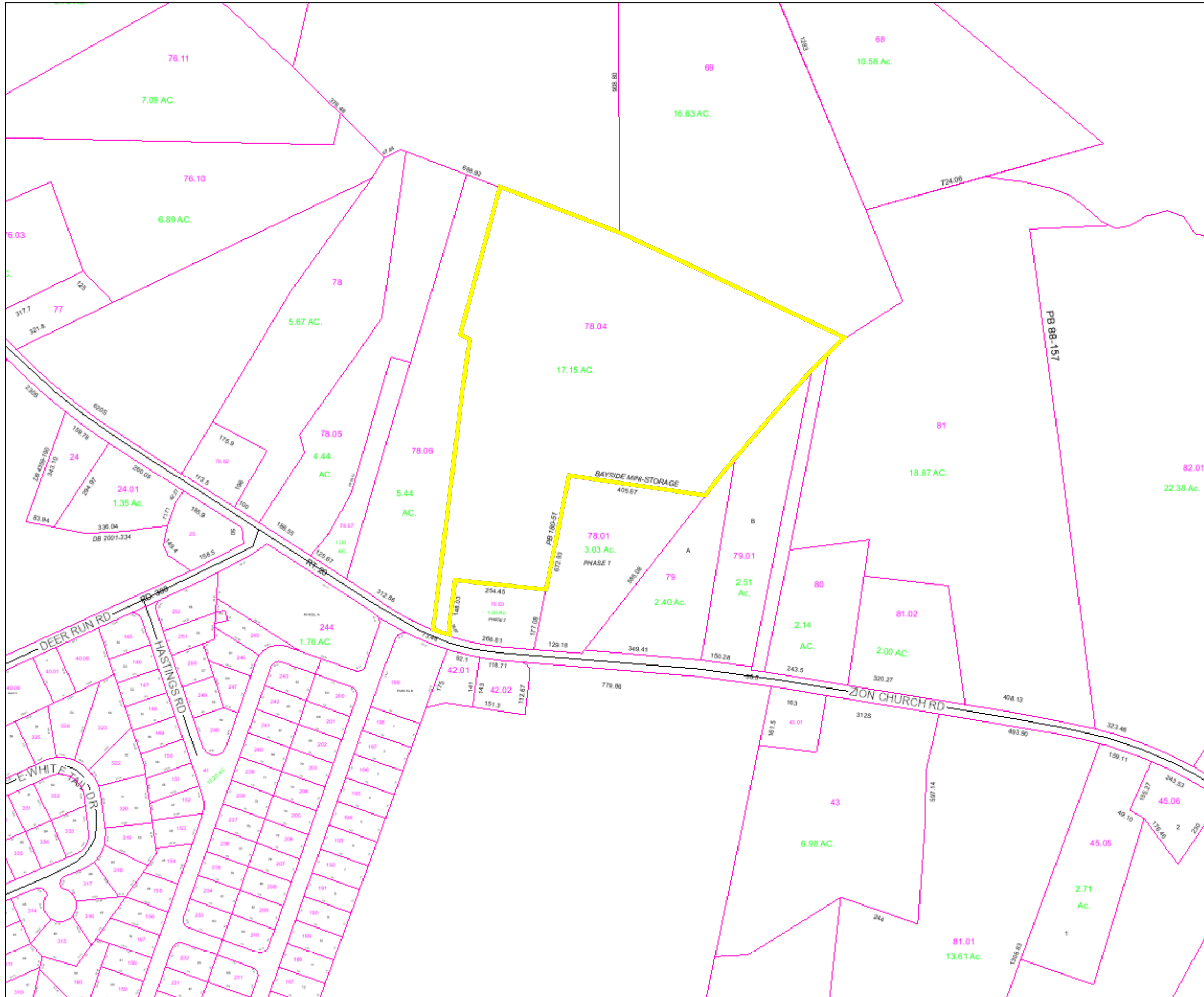
Site Area: 17.15 acres +/-

Tax Map ID.: 533-11.00-78.04





Sussex County



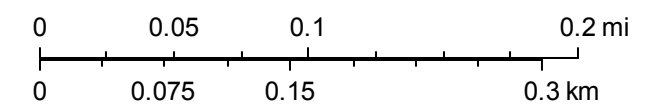
PIN:	533-11.00-78.04
Owner Name	FISHERS POPCORN FENWICK LLC
Book	5167
Mailing Address	37081 COASTAL HWY
City	FENWICK ISLAND
State	DE
Description	N/RT 382
Description 2	600' E/RT 388
Description 3	N/A
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

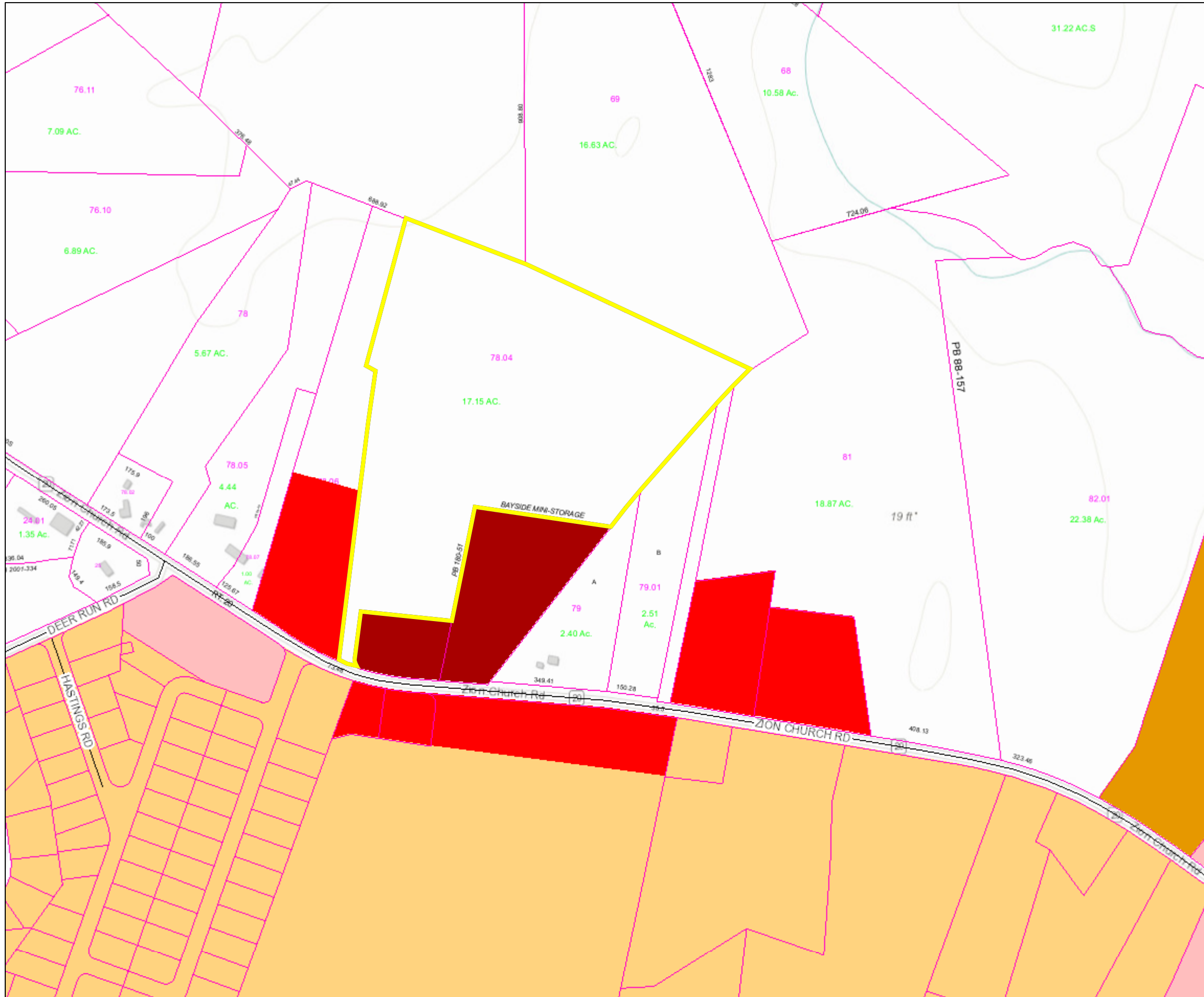
 - Override 1
- Tax Parcels
- Streets
- County Boundaries

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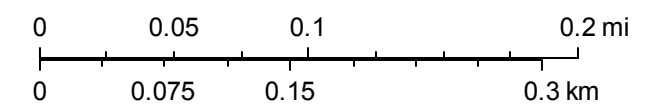
Sussex County



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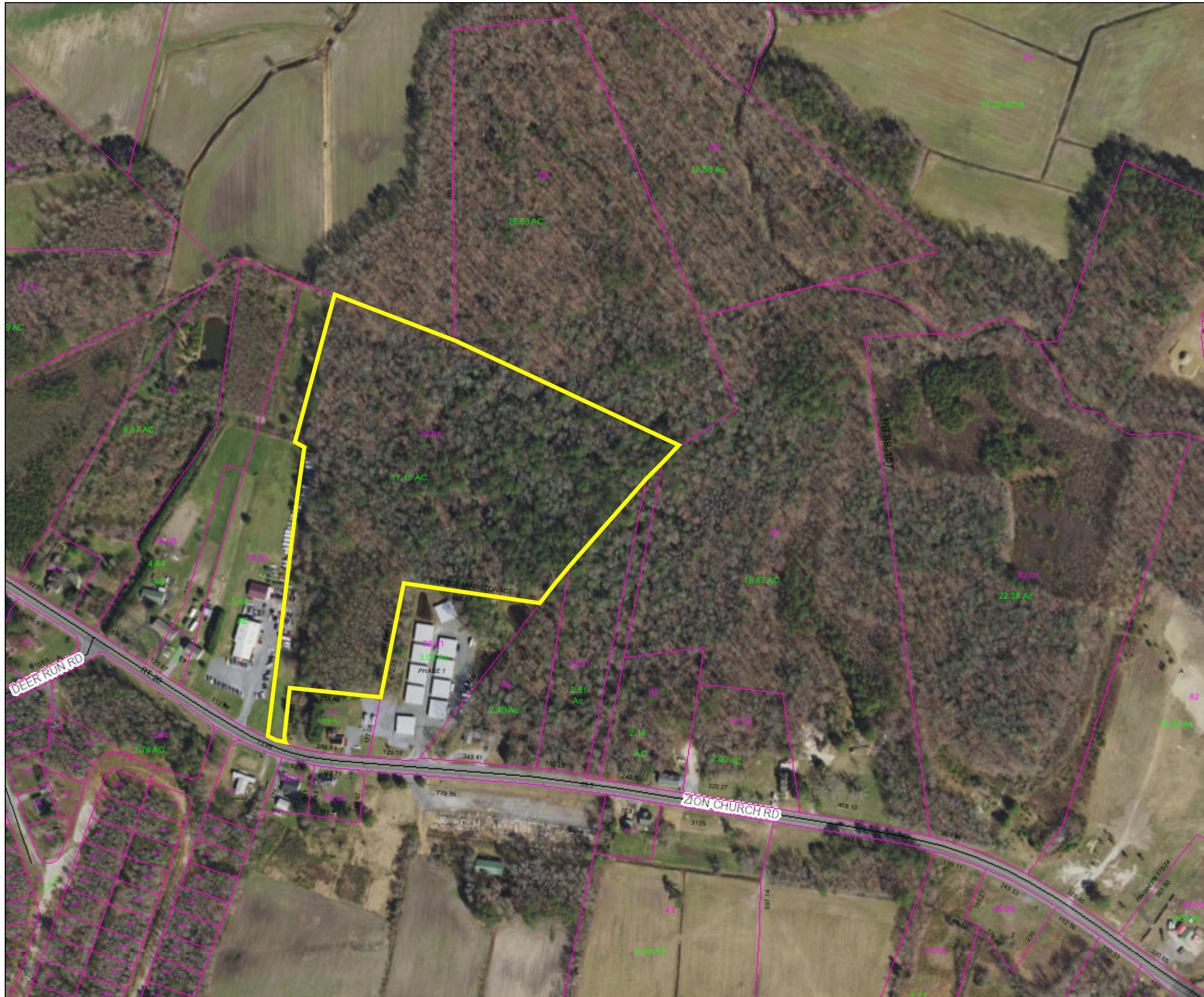
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 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- Streets

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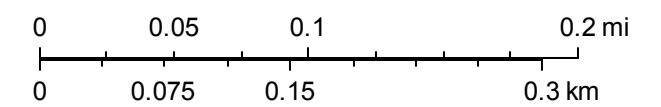
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Override 1
- polygonLayer**
Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



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(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: May 12, 2020
RE: Staff Analysis for CZ 1915 Fisher's Popcorn Fenwick, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1915 to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 533-11.00-78.04 from an Agricultural Residential District (AR-1) to a Business Research District (B-3). The parcel is located on the north side of Zion Church Rd. (Rt. 20), approximately 318 feet east of Deer Run Road in Frankford, Delaware. The size of the property is 17.15 acres +/-.

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

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

The Business Research (B-3) Zoning District is listed as an applicable zoning district for the Coastal Area under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" of the 2018 Sussex County Comprehensive Plan.

The property is zoned Agricultural Residential (AR-1) Zoning District. The adjacent properties to the north of the application site are also zoned Agricultural Residential (AR-1) while the adjacent property to the west is zoned General Commercial (C-1), the property to the east is zoned Commercial Residential (CR) and on the south side of Zion Church Rd. (Route 20) a combination of Neighborhood Business (B-1), General Residential (GR) and General Commercial (C-1).

In 2012, there was a Change of Zone application approved on the parcel adjacent to the east of this application, changing its zone from Agricultural Residential (AR-1) to Commercial Residential (CR)



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PLANNING & ZONING DIRECTOR
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(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Business Research (B-3) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.



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

File #: 0121915
201914514

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

Zion Church Road

Type of Conditional Use Requested:

FROM AR-1 TO B-3

Tax Map #: 533-11.00-78.04 - ZION CHURCH RD. (SCR 300) **Size of Parcel(s):** 17.15 ac.

Current Zoning: AR-1 **Proposed Zoning:** B-3 **Size of Building:** 8000 sq.ft.

Land Use Classification: Undeveloped

Water Provider: _____ **Sewer Provider:** _____

Applicant Information

Applicant Name: Fisher's Popcorn Fenwick, LLC
Applicant Address: 37243 Sand Dollar Lane
City: Selbyville **State:** DE **Zip Code:** 19975
Phone #: _____ **E-mail:** bill@fishers-popcorn.com

Owner Information

Owner Name: Fisher's Popcorn Fenwick, LLC
Owner Address: 37243 Sand Dollar Lane
City: Selbyville **State:** DE **Zip Code:** 19975
Phone #: _____ **E-mail:** bill@fishers-popcorn.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: LandDesign, Inc. (contact: Thomas J. Ford)
Agent/Attorney/Engineer Address: Oak Square, Suite 3, 53 Atlantic Avenue
City: Ocean View **State:** DE **Zip Code:** 19970
Phone #: (302) 537-1919 **E-mail:** tjford51@aol.com

RECEIVED

DEC 19 2019

SUSSEX COUNTY
PLANNING & ZONING



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ **Completed Application**

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

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

___ **Provide Fee \$500.00**

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

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

___ **De/DOt 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

Walter B. Hall III

Date: 12/17/2015

For office use only:

Date Submitted: 12/19/19

Fee: \$500.00 Check #: 1196

Staff accepting application: Ceh

Application & Case #: 201914514

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

May 22, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Fisher's Popcorn Fenwick, LLC (William B. Hall III)** rezoning application, which we received on April 26, 2019. This application is for a 17.15-acre parcel (Tax Parcel: 533-11.00-78.04). The subject land is located on the north side of Zion Church Road (Sussex Road 382), approximately 570 feet east of the intersection of Zion Church Road and Deer Run Road (Sussex Road 388). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to develop a 2,000 square-foot manufacturing facility and a 6,000 square-foot warehouse storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Zion Church Road where the subject land is located, which is from Bayard Road (Sussex Road 384) / Johnson Road (Sussex Road 384A) to Frankford School Road (Sussex Road 92), is 5,305 and 6,828 vehicles per day, respectively.

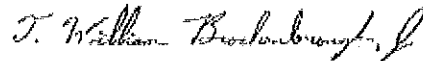
Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day. These numbers of trips are DeIDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development.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

Ms. Janelle M. Cornwell
Page 2 of 2
May 22, 2019

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

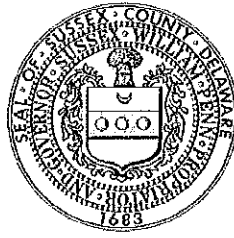
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Fisher's Popcorn Fenwick, LLC (William B. Hall III), Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 4/25/19

Site Information:

Site Address/Location: 36089 Zion Church Road

Tax Parcel Number: 533-11.00-78.04

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Undeveloped

Proposed Use(s): +/-2000 sq.ft. Manufacturing and +/-
6000 sq.ft. warehouse storage

Square footage of any proposed buildings or number of units: 8000 sq.ft.

Applicant Information:

Applicant's Name: Fisher's Popcorn Fenwick, LLC (contact: William B. Hall III)

Applicant's Address: P.O. Box 3130

City: Ocean City

State: MD

Zip Code: 21843

Applicant's Phone Number: (302) 539-8833

Applicant's e-mail address: bill@fishers-popcorn.com

Landzn@aol.com

*CONTACT MADE 2:07 pm
5/23/2019*



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

Last updated 7-27-18

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

May 18, 2020

BY HAND DELIVERY

Jamie Whitehouse, Director
Sussex County Planning & Zoning Office
2 The Circle, P.O. Box 417
Georgetown, DE 19947

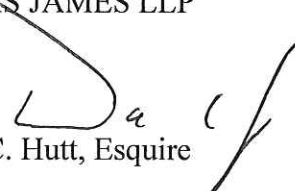
**RE: Change of Zone No. 1915
Fisher's Popcorn Fenwick, LLC
SCTP No. 533-11.00-78.04**

Dear Mr. Whitehouse:

Kindly find the enclosed seven (7) copies of Applicant Fisher's Popcorn Fenwick, LLC's Exhibit Notebook for Change of Zone No. 1915. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on May 28, 2020 and before County Council on June 30, 2020. I will also be emailing an electronic copy of the exhibit notebook to you. Please let me know if you need any additional information prior to the public hearing.

Very Truly Yours,

MORRIS JAMES LLP


David C. Hutt, Esquire

Enclosures

Cc: Fisher's Popcorn Fenwick, LLC

RECEIVED
MAY 19 2020
SUSSEX COUNTY
PLANNING & ZONING

**TWENTY STORAGE, LLC d/b/a
BAYSIDE MINI STORAGE
36097 Zion Church Road
Frankford, Delaware 19945**

May 12, 2020

Jamie Whitehouse, Planning Director
Sussex County Planning and Zoning Commission
P. O. Box 589
Georgetown, Delaware 19947

Re: C/Z 1915-Fisher's Popcorn Fenwick, LLC
Change of Zoning
Tax Parcel 533-11.00-78.04 (portion of)
Containing 17.15 acres ± Zion Church Road (Rt. 20), Frankford, DE

Dear Mr. Whitehouse:

We are writing to express our support of the above-referenced application. However, we feel it is the appropriate time to address the cleanout and repair of the tax ditch, which runs between our property and the Fisher Popcorn property. The ditch currently doesn't drain properly and is in great need of repairs. We believe that repairs to the tax ditch should be a part of the approval process. Our property is directly adjacent to the subject property.

Thank you for your attention in this regard. We trust we will be hearing from you shortly.

Very truly yours,

TWENTY STORAGE, LLC

By: 

Joel M. Farr, Manager Member

JMF:jkf

e-mail copies also sent to: jamie.whitehouse@sussexcountyde.gov
bob@rcwheatley.com

RECEIVED

MAY 18 2020

SUSSEX COUNTY
PLANNING & ZONING

**TWENTY STORAGE, LLC d/b/a
BAYSIDE MINI STORAGE
36097 Zion Church Road
Frankford, Delaware 19945**

May 12, 2020

RECEIVED

MAY 14 2020

SUSSEX COUNTY
PLANNING & ZONING

Jamie Whitehouse, Planning Director
Sussex County Planning and Zoning Commission
P. O. Box 589
Georgetown, Delaware 19947

Re: C/Z 1915-Fisher's Popcorn Fenwick, LLC
Change of Zoning
Tax Parcel 533-11.00-78.04 (portion of)
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Thank you for your attention in this regard. We trust we will be hearing from you shortly.

Very truly yours,

TWENTY STORAGE, LLC

By: 

Joel M. Farr, Manager Member

JMF:jkf

e-mail copies also sent to: jamie.whitehouse@sussexcountyde.gov
bob@rcwheatley.com

PLANNING & ZONING APPLICATION
Case No. 1915

Fisher's Popcorn Fenwick, LLC

Property: 3.25 +/- acres; Zion Church Road



RECEIVED
MAY 19 2020
SUSSEX COUNTY
PLANNING & ZONING

David C. Hutt, Esquire
Morris James LLP

Public Hearings:
Planning Commission
May 28, 2020
County Council
June 30, 2020

FILE COPY

Table of Contents

1. Planning & Zoning Commission Application, Change of Zone No. 1915
2. Title to Property: Deed: Dated December 10, 2019, Deed Book 5167, Page 150
3. DelDOT Response to Service Level Evaluation Request (May 22, 2019)
4. Sussex County Tax Maps
 - a. Tax Parcels
 - b. Zoning
 - c. Comprehensive Plan
 - d. Aerial Imagery
5. 2015 Delaware State Strategies Map
6. Rezoning Plan, Land Design, Inc. (December 17, 2019)
7. Proposed Findings of Fact

File #: _____

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

Zion Church Road

Type of Conditional Use Requested:

Tax Map #: 533-11.00-78.04-ZION CHURCH RD. (4.6K 3882) Size of Parcel(s): 17.15 ac.

Current Zoning: AR-1 Proposed Zoning: B-3 Size of Building: 8000 sq.ft.

Land Use Classification: Undeveloped

Water Provider: _____ Sewer Provider: _____

Applicant Information

Applicant Name: Fisher's Popcorn Fenwick, LLC

Applicant Address: 37243 Sand Dollar Lane

City: Selbyville State: DE Zip Code: 19975

Phone #: _____ E-mail: bill@fishers-popcorn.com

Owner Information

Owner Name: Fisher's Popcorn Fenwick, LLC

Owner Address: 37243 Sand Dollar Lane

City: Selbyville State: DE Zip Code: 19975

Phone #: _____ E-mail: bill@fishers-popcorn.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: LandDesign, Inc. (contact: Thomas J. Ford)

Agent/Attorney/Engineer Address: Oak Square, Suite 3, 53 Atlantic Avenue

City: Ocean View State: DE Zip Code: 19970

Phone #: (302) 537-1919 E-mail: tjford51@aol.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ___ Completed Application
- ___ Provide eight (8) copies of the Site Plan or Survey of the property
 - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
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 - o Deed or Legal description
- ___ Provide Fee \$500.00
- ___ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
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- ___ DeIDOT Service Level Evaluation Request Response
- ___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

_____ Date: _____

Signature of Owner

William B. Hall III Date: 12/17/2015

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: _____

Part of Tax Map 533-11.00-78.04

The following is a description of a portion of Lands of Fisher's Popcorn Fenwick, LLC, located on the northside of Sussex County Road 382, also known as Route 20, also known as Zion Church Road, located in Baltimore Hundred, Sussex County, Delaware.

Beginning for the purposes of this description at an Concrete Monument located on the northerly right of way line of Zion Church Road, this corner being the common corner for this property and Lands now or formerly of John J. Barranger II; Thence leaving Zion Church Road and proceeding by and with Lands of John J Barranger II the following three courses and distances:

North 04 degrees 35 minutes 20 seconds East 390.97 feet to a point,

North 07 degrees 34 minutes 42 seconds East 203.43 feet to a point,

North 01 degree 38 minutes 16 seconds East 8.79 feet to a point,

Thence leaving Lands of John J. Barranger and proceeding thru this parcel on the proposed zoning line the following two courses and distances:

South 81 degrees 28 minutes 48 seconds East 271.62 feet to a point,

South 19 degrees 07 minutes 27 seconds East 112.21 feet to a point being a common corner for these Lands and Lands Now or Formerly of Twenty Storage LLC;

Thence proceeding by and with Lands Now or Formerly of Twenty Storage LLC, the following three courses and distances:

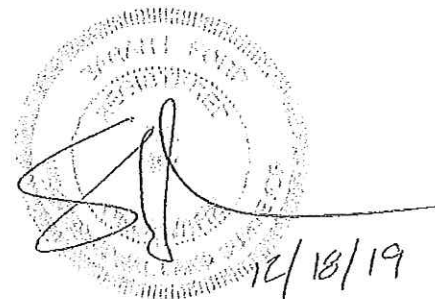
South 08 degrees 31 minutes 36 seconds West 318.73 feet to a Concrete Monument,

North 85 degrees 46 minutes 09 seconds West 254.37 feet to a Concrete Monument,

South 04 degrees 35 minutes 20 seconds West 148.06 feet to an iron pipe;

Thence continuing with Lands Now or Formerly of Twenty Storage LLC along a curve to the left with a radius of 25.00 feet an arc length of 36.87 feet with a chord bearing of South 37 degrees 39 minutes 58 seconds East and length of 33.62 feet to an Iron Pipe and the northerly right of way line of Zion Church Road;

Thence proceeding by and with the northerly right of way line of Zion Church Road along a curve to the right with radius of 681.16 feet, an arc length of 73.46 feet with a chord bearing of North 76 degrees 49 minutes 53 seconds West and length of 73.43 feet to the place of beginning and containing 3.25 acres.



12/18/19

Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33016302-0001 Dina M. 12/19/2019 08:33AM

PERMITS / INSPECTIONS
CHANGE OF ZONE - FEE
2019 Item: 201914514|2015 500.00

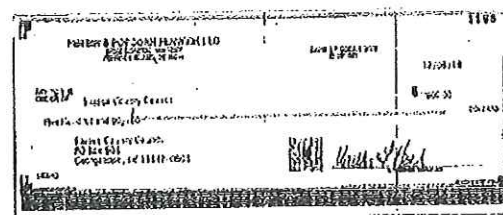
500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number 001196

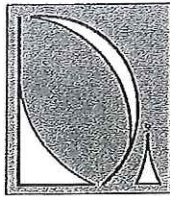
Change due 0.00

Paid by: FISHERS POPCORN FENWICK LLC



Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT



LANDDESIGN
Surveying / Landscape Architecture INC.

Planning and
 Development Consultants

53 Allanto Ave.
 Oak Square, Suite #3
 Ocean View, DE 19370
 302/537-1919; 302/519-0328 FAX
 landn@aol.com

MEMO FOR RECORD

LAND + DESIGN = (VALUE)²

DATE & TIME: 12/18/19

ATTENTION: Janelle Cornwall

PROJECT: Fisher Popcorn Fenwick, LLC

Sussex County Planning & Zoning

SUBJECT: 533-11.00-78.04

C/Z - Zion Church Rd. (SCR 388)

TELEPHONE

Janelle,
 Please find attached:

1. Application for a change of Zone from AR-1 to B-3
2. Application Fee of \$500.00; ck.# 1196
3. four (4) copies of a Re-zoning Plan dated 12/17/19
4. A Description for the portion of this property that shall be part of this application

Should you have any questions and/or comments please feel free to contact me.

By: Tom Ford

Cc: FILE/ client

P:_Pro19\Hall-Fisher Popcorn\Correspondence\191218PZ.doc

RECEIVED

DEC 19 2019

SUSSEX COUNTY
 PLANNING & ZONING

LANDDESIGN, Inc.
 (Enhancing **LAND** Values since 1982)
 12/18/19

TAX MAP # 533-11.00-78.04

PREPARED BY & RETURN TO:
Parsons & Robinson, P.A.
P.O. Box 480
118 Atlantic Ave, Ste 401
Ocean View, DE 19970
File No. 35882/SHS

THIS DEED, made this 10th day of December, 2019,

- BETWEEN -

CHARLES JEFFREY TOWNSEND and THOMAS G. TOWNSEND, of 208 Rachel Court, Newark, DE 19702, parties of the first part,

- AND -

FISHER'S POPCORN FENWICK, LLC, of 37081 Coastal Highway, Fenwick Island, DE 19944, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part:

ALL that certain tract, piece and parcel of land lying and being in Baltimore Hundred, Sussex County, Delaware, and being all of Parcel E as shown on recorded plot of the subdivision of lands of the Estate of Hallie M. Gray, as said plot was recorded on February 9, 1988, in the Office of the Recorder of Deeds, in Plot Book 38, page 349, said parcel being more particularly described as follows:

BEGINNING at a concrete monument situate along the northeasterly 70 foot right of way of County Route 382, said monument marking a common boundary between the herein described parcel and the adjoining Parcel D; thence from said monument the following six (6) courses and distances by and with Parcel D; (1) North 05 degrees 18 minutes 20 seconds East 390.97 feet; (2) North 08 degrees 17 minutes 42 seconds East 203.43 feet; (3) North 02 degrees 21 minutes 16 seconds East 117.40 feet; (4) North 08 degrees 41 minutes 47 seconds East 162.56 feet; (5) North 70 degrees 57 minutes 58 seconds West 34.79 feet, and (6) North 11 degrees 28 minutes 32 seconds East 419.90 feet to a concrete monument; thence South 68 degrees 33 minutes 25 seconds East 1133.35 feet by and with lands now or formerly of Asher B. and James Carey to an iron pipe; thence by and with lands now or formerly of Webster Berry, South 40 degrees 41 minutes 33 seconds West 103.15 feet to an iron pipe; thence by and with lands now or formerly of Walton Long, South 43 degrees 08 minutes 32 seconds West 525.65 feet to an iron pipe; thence by and with lands of Michael W. Townsend, North 85 degrees 03 minutes 33 seconds West 405.67 feet to a two foot diameter poplar tree; thence continuing with Michael Townsend lands South 09 degrees 14 minutes 36 seconds West 318.73 feet to an iron pipe; thence North 85 degrees 03 minutes 09 seconds West 254.37 feet to an iron pipe; thence South 05 degrees 18 minutes 20 seconds West to a point of curvature; thence with a 25 foot radius curve having an delta of 84 degrees 30 minutes 35 seconds and an arc length of 36.87 feet and a chord of 33.62 feet home to the point and place of Beginning, along Route 382, containing 17.15 acres, as surveyed by McCann, Inc. and as shown on the aforementioned subdivision plot.

BEING the same land and premises that Mary Jane Wharton and Patricia T. Magee, Executors of the Estate of Hallie M. Gray, deceased by deed dated 03/22/1988 and recorded in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 1555, page 45, did grant and convey unto Charles Jeffery Townsend and Thomas G. Townsend, in fee.

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

Signed, Sealed and Delivered
in the presence of:

Thomas G. Townsend (SEAL)
Thomas G. Townsend

STATE OF CO, COUNTY OF Adair : to-wit

BE IT REMEMBERED, that on this 15 day of ^{Nov}~~December~~, 2019, personally came before me, the subscriber, Thomas G. Townsend, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

JOSHUA THOMAS CRAGG
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20184006040
MY COMMISSION EXPIRES FEBRUARY 5, 2022

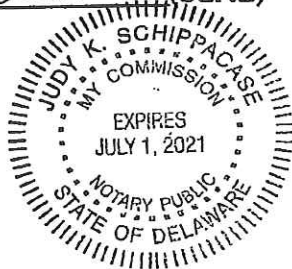
Joshua Cragg
Notary Public
Printed Name: Joshua Cragg
My Commission Expires: 2/5/22

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

Signed, Sealed and Delivered
in the presence of:

Notary

Charles Jeffrey Townsend (SEAL)
Charles Jeffrey Townsend



STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 21st day of November, 2019, personally came before me, the subscriber, Charles Jeffrey Townsend, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

Judy K. Schippacase
Notary Public
Printed Name: Judy K. Schippacase
My Commission Expires: 7/1/21



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

JENNIFER COHAN
SECRETARY

May 22, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Fisher's Popcorn Fenwick, LLC (William B. Hall III)** rezoning application, which we received on April 26, 2019. This application is for a 17.15-acre parcel (Tax Parcel: 533-11.00-78.04). The subject land is located on the north side of Zion Church Road (Sussex Road 382), approximately 570 feet east of the intersection of Zion Church Road and Deer Run Road (Sussex Road 388). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to develop a 2,000 square-foot manufacturing facility and a 6,000 square-foot warehouse storage.

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Ms. Janelle M. Cornwell
Page 2 of 2
May 22, 2019

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

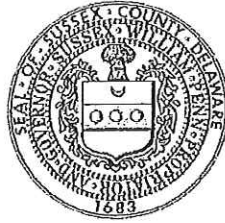
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Fisher's Popcorn Fenwick, LLC (William B. Hall III), Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 4/25/19

Site Information:

Site Address/Location: 36089 Zion Church Road

Tax Parcel Number: 533-11.00-78.04

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Undeveloped

Proposed Use(s): +/-2000 sq.ft. Manufacturing and +/-
6000 sq.ft. warehouse storage

Square footage of any proposed buildings or number of units: 8000 sq.ft.

Applicant Information:

Applicant's Name: Fisher's Popcorn Fenwick, LLC (contact: William B. Hall III)

Applicant's Address: P.O. Box 3130

City: Ocean City State: MD Zip Code: 21843

Applicant's Phone Number: (302) 539-8833

Applicant's e-mail address: bill@fishers-popcorn.com

Landzn@aol.com

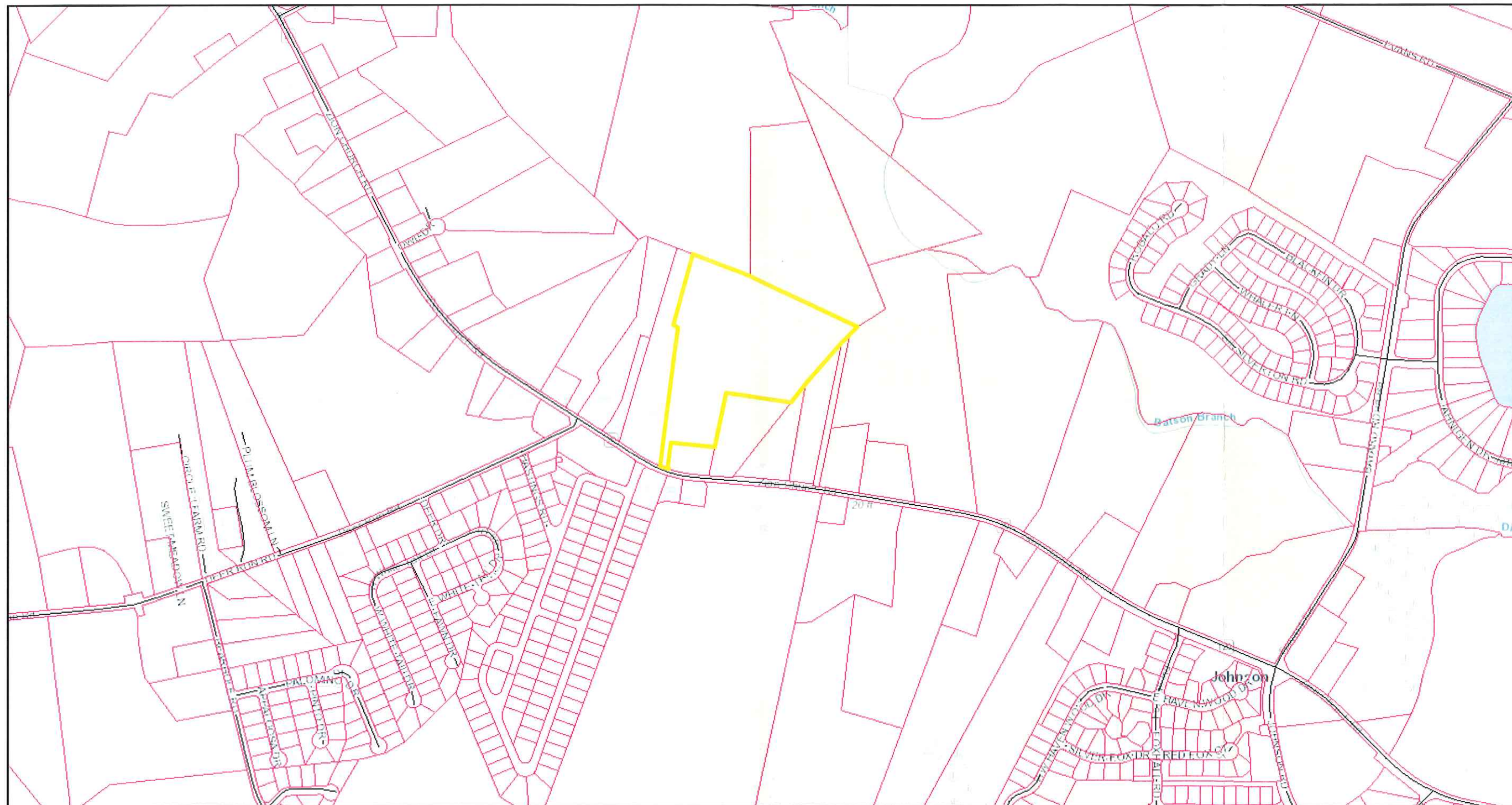
*Contract MADE
2:07 pm
5/23/2019*



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

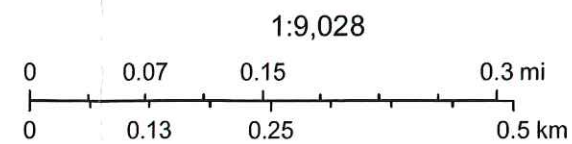
Last updated 7-27-18

Sussex County



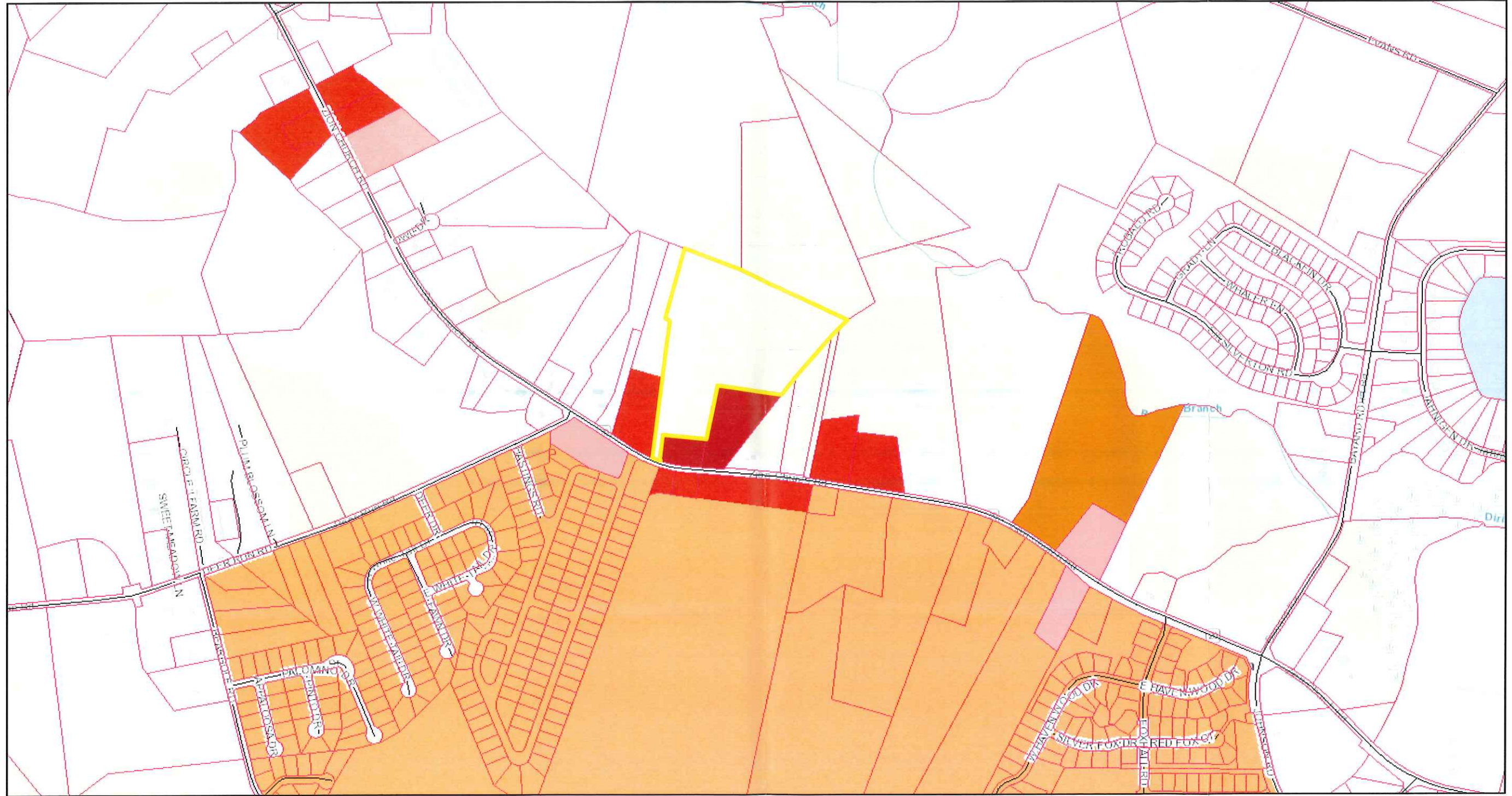
May 14, 2020

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



DALPF, Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI,

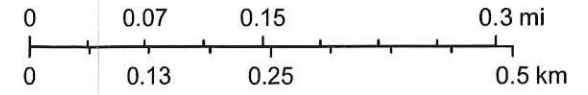
Sussex County



May 14, 2020

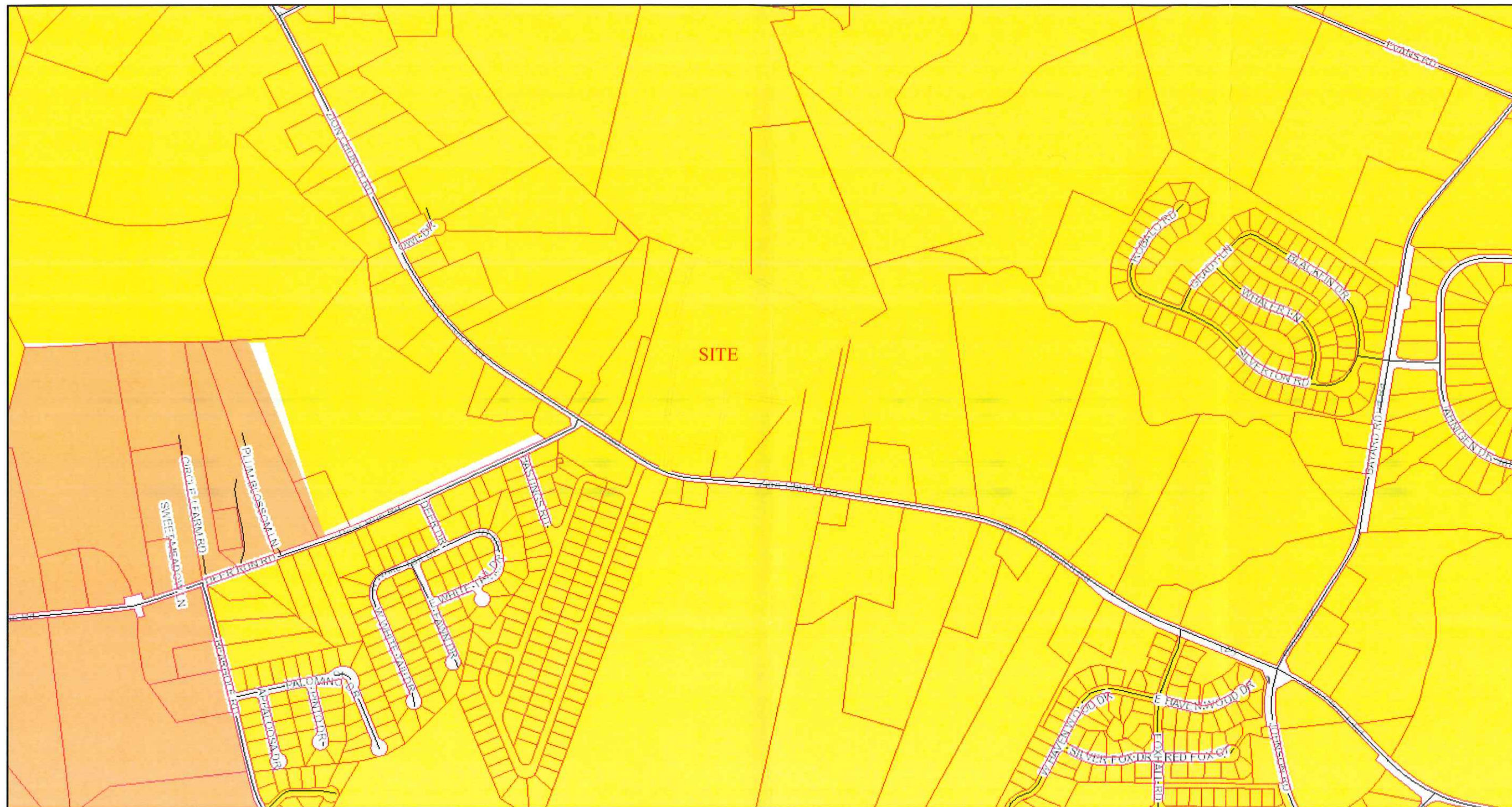
- | | | | | |
|---------------------------------|---------------------------------|----------------------------------|-------------------------------|---------------------------|
| Override 1 | Agricultural Residential - AR-2 | Vacation, Retire, Resident - VRP | General Commercial - C-3 | Marine - M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

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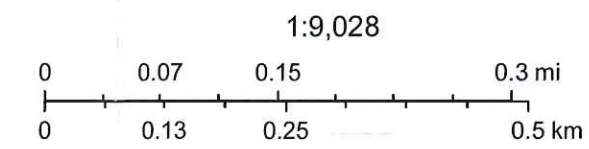
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

Sussex County



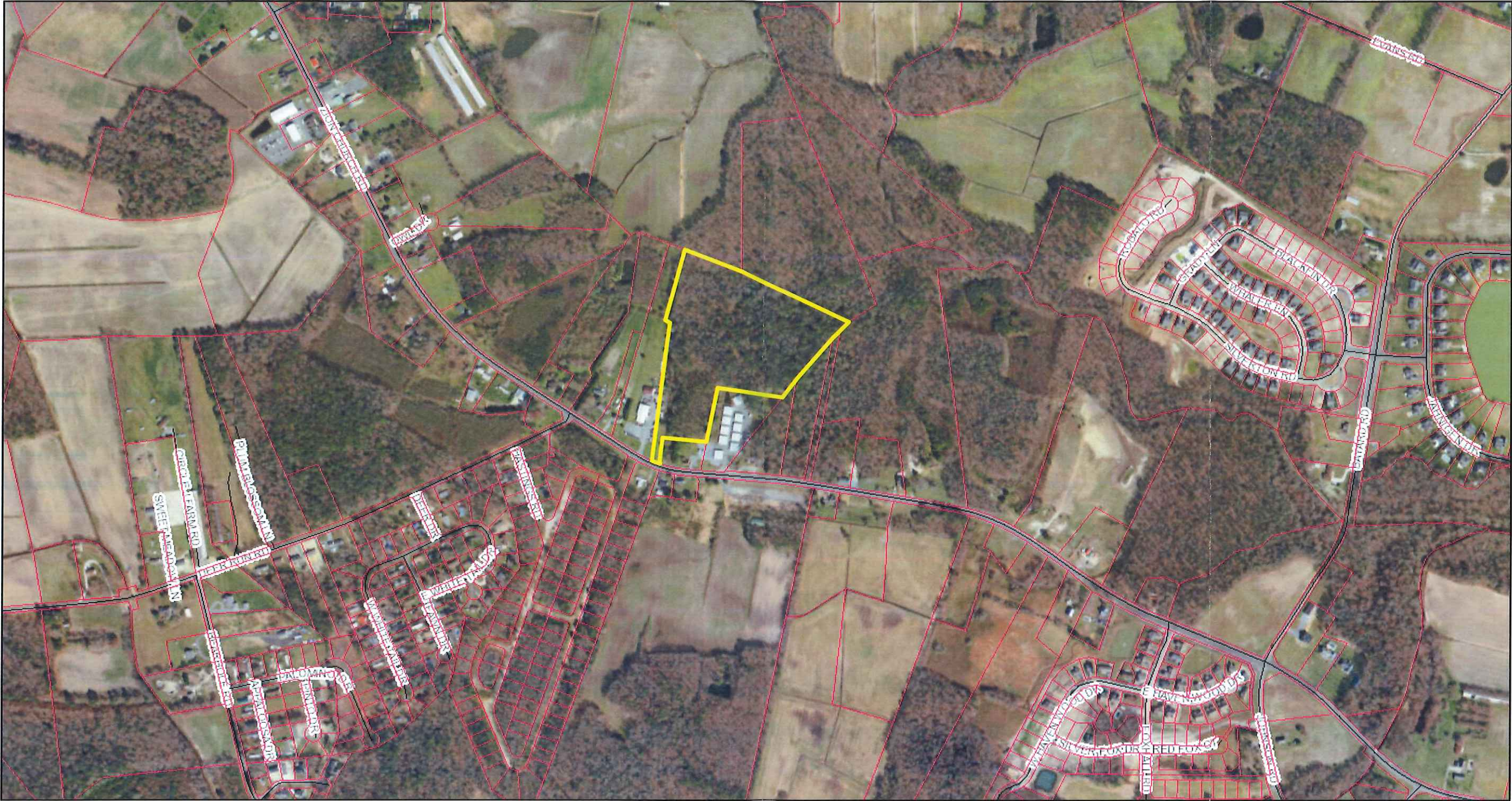
May 14, 2020

- | | | | |
|-------------|----------------------|---------------------------|----------------|
| 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 | |



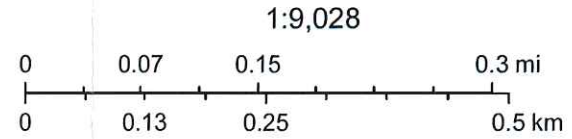
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Sussex County



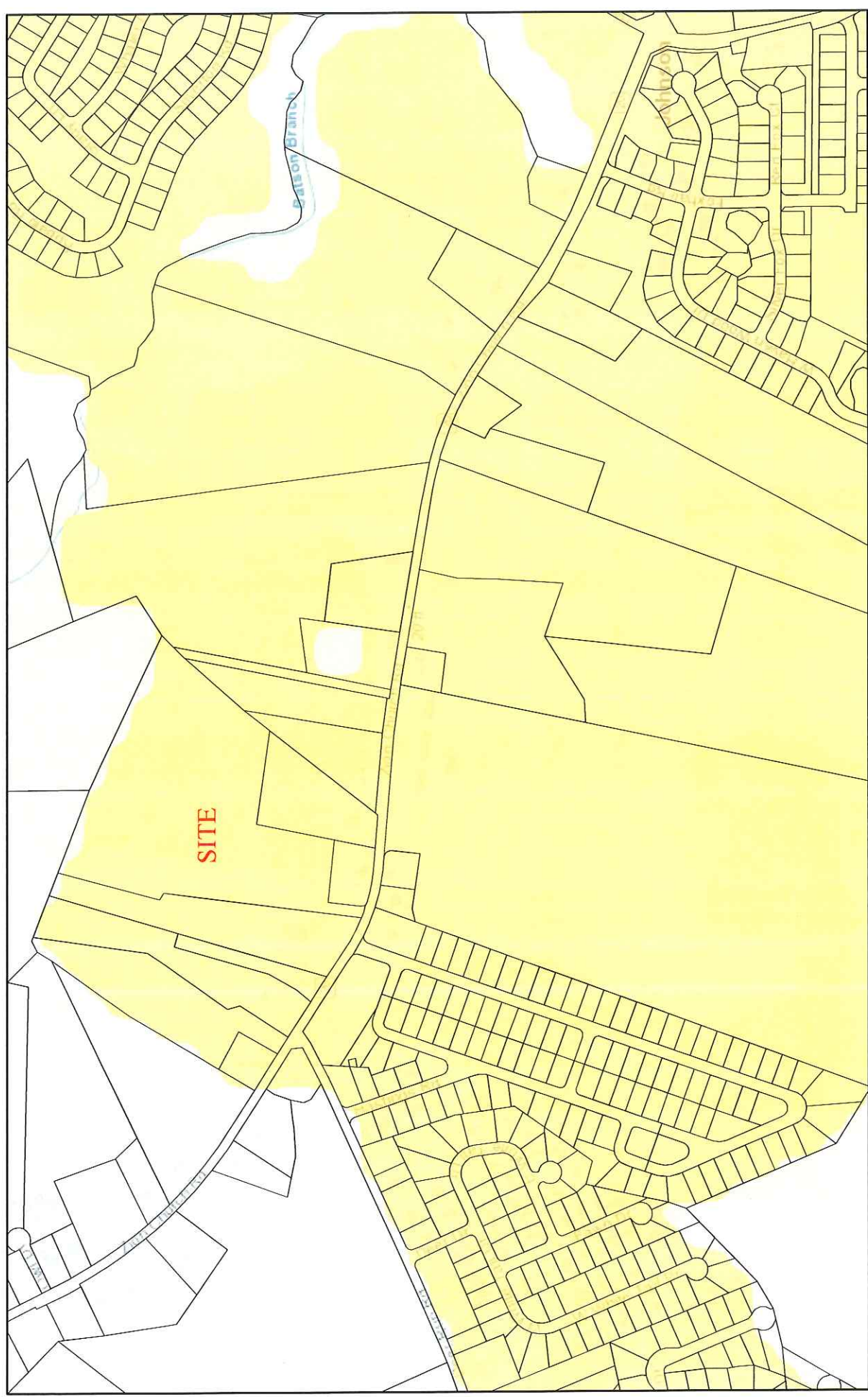
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-  Streets
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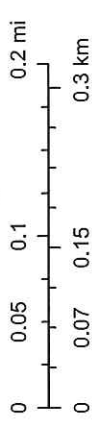
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County Government

Delaware State Strategies 2015

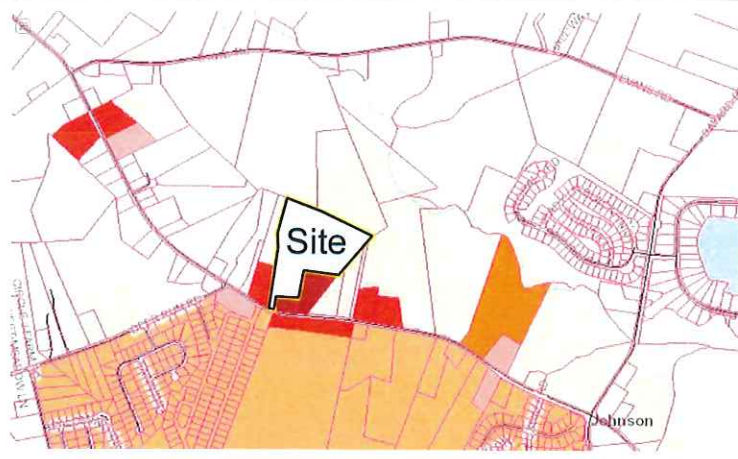
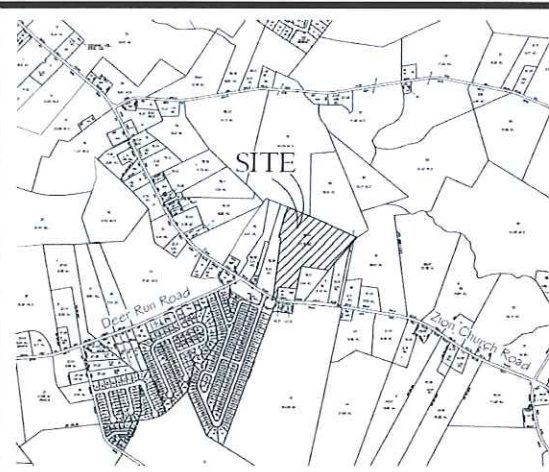


- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

1:9,028



Delaware Office of State Planning Coordination, Sources: Esri, HERE,



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 - Agricultural Residential - AR-2
 - Commercial Residential - CR-1
 - General Commercial - C-1
 - General Residential - GR
 - Heavy Industrial - HI-1
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Limited Industrial - LI-1
 - Limited Industrial - LI-2
 - Marine - M
 - Medium Residential - MR
 - Neighborhood Business - B-1
 - Vacation, Retire, Resident - VRP

PARCEL ZONING DATA:

1. TAX PARCEL: 533-11.00-78.04
PARCEL AREA: ±17.15 AC (±747,105 SQ.FT.)
LOCATION: DE ROUTE 20 (ZION CHURCH ROAD)
NEAR DEER RUN ROAD (SCR 388)
2. OWNER/ DEVELOPER: FISHER'S POPCORN FENWICK, LLC
37243 SAND DOLLAR LANE
SELBYVILLE, DE 19975
3. PRESENT ZONING: AR-1
PRESENT LAND USE: UNDEVELOPED
4. PROPOSED ZONING: B-3, PORTION / AR-1, PORTION
PROPOSED AREA TO BE REZONED: ±3.25 AC.
PROPOSED LAND USE: MANUFACTURING/ DISTRIBUTION
5. SEWER PROVIDER: SUSSEX COUNTY
WATER PROVIDER: PRIVATE WELL

SITE PLAN DATA:

1. B-3 SETBACKS:
FRONT YARD: 40'
SIDE YARD: 10', 20' ADJACENT TO RESIDENTIAL
REAR YARD: 10', 30' ADJACENT TO RESIDENTIAL
- PROPOSED BUILDING: ±8000 SQ.FT. MANUFACTURING/ WAREHOUSE
(6 EMPLOYEES ON LARGEST SHIFT)
- PARKING: 1 SPACE / 2 EMPLOYEES ON LARGEST SHIFT
3 SPACES REQUIRED
14 SPACES PROPOSED

NOTES:

1. SURVEY SOURCE: VISTA DESIGN, INC. FROM A SURVEY TITLED "LANDS N/F CHARLES & JEFFREY T. TOWNSEND", DATED NOVEMBER 4, 2019. HORIZONTAL DATUM NAD '83, VERTICAL DATUM NAVD '88.
2. THERE ARE FEDERAL 404 LANDS ON SITE AS SHOWN. THERE ARE NO STATE TIDAL WETLANDS ON SITE.
3. SITE IS IN FLOOD ZONE X (UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0635K DATED MARCH 16, 2015.

REVISIONS

NO.	DESCRIPTION

LAND DESIGN INC.
Surveying / Landscape Architecture
1000 N. Main St., Suite 103
Ocean View, DE 19750
302.597.1919 | 302.530.0289 FAX
landdesign@gs.com

Planning and
Development Consultants

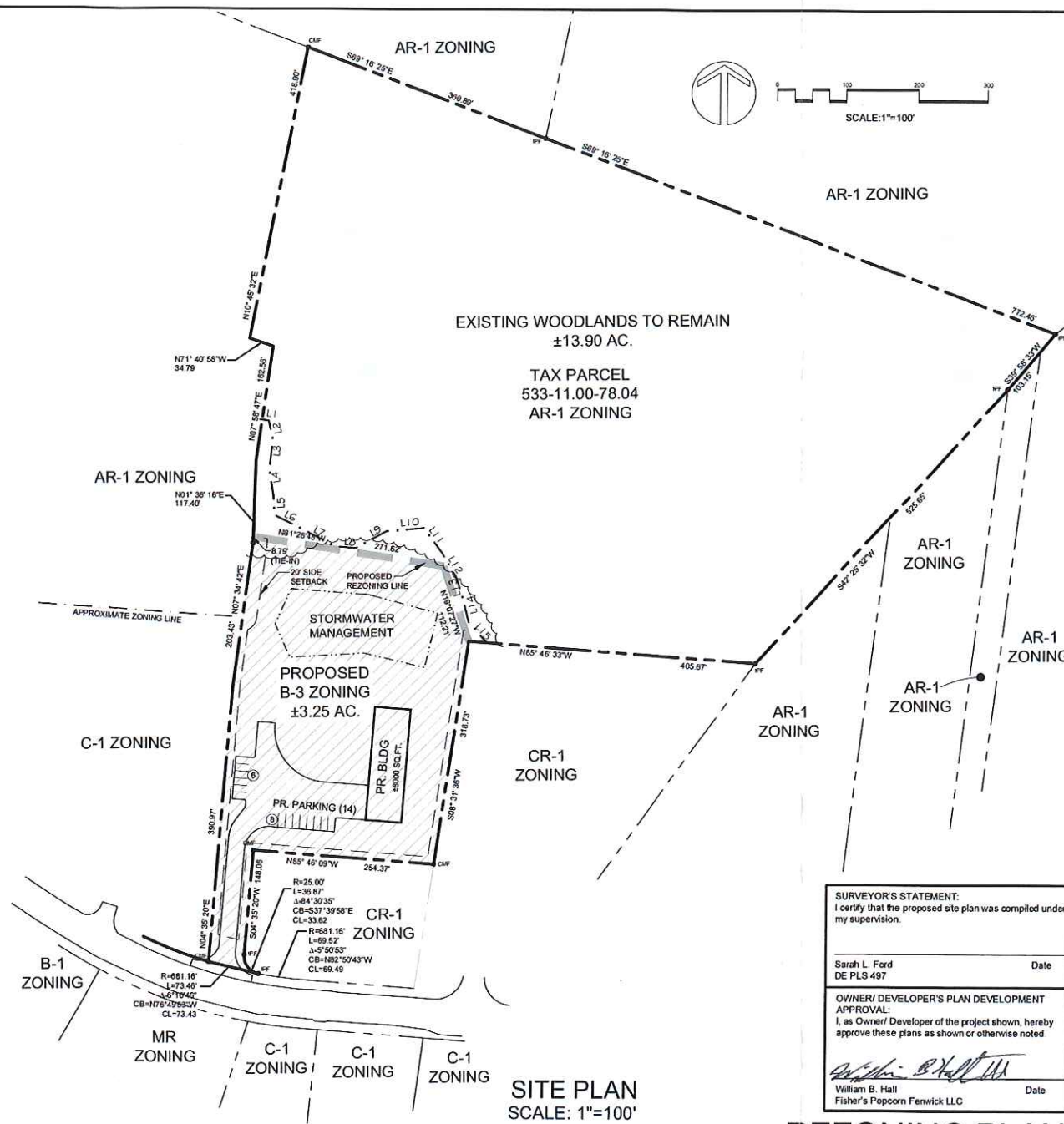
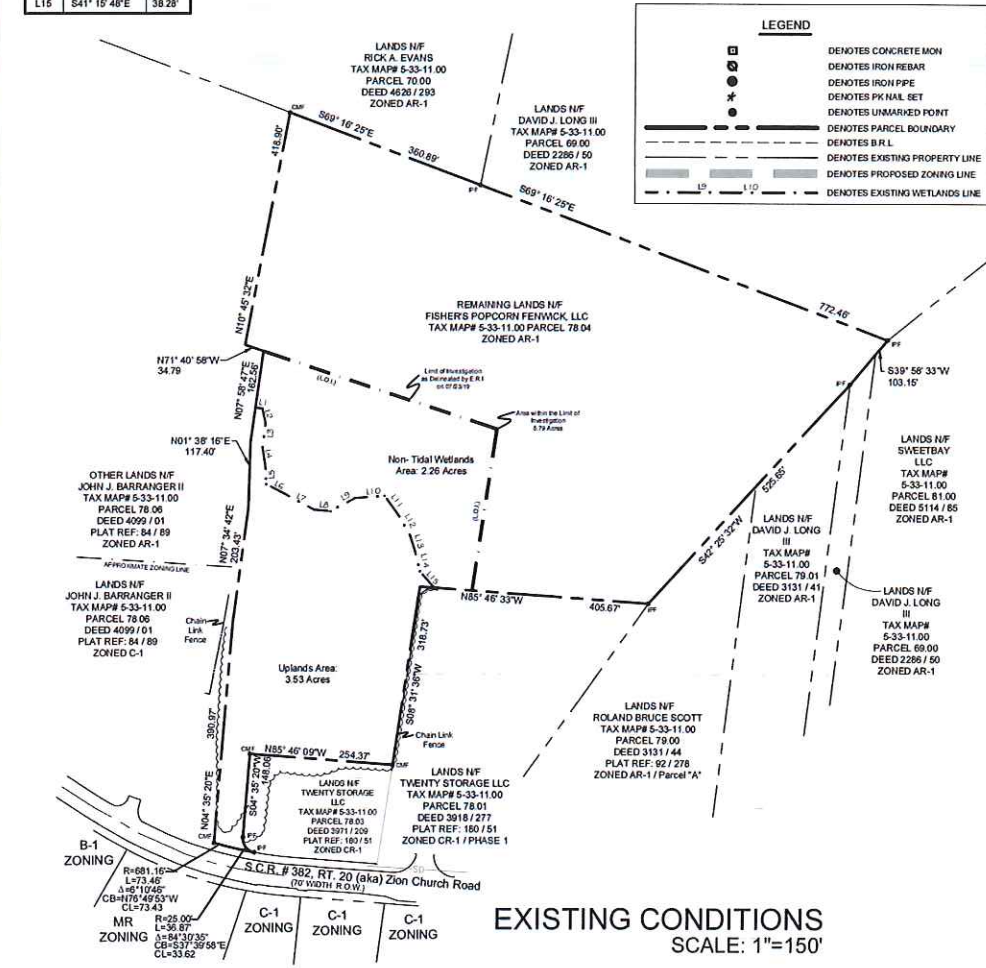
REZONING PLAN
FISHERS POPCORN
ZION CHURCH ROAD
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

Wetlands Line Table

Line #	Direction	Length
L1	S82° 01' 13"E	12.70'
L2	S12° 13' 33"E	27.14'
L3	S07° 19' 21"W	42.27'
L4	S08° 40' 01"E	38.52'
L5	S02° 34' 17"E	27.10'
L6	S62° 40' 14"E	36.92'
L7	S61° 53' 39"E	59.18'
L8	S84° 51' 00"E	29.81'
L9	N61° 35' 49"E	49.11'
L10	N85° 40' 22"E	52.48'
L11	S36° 05' 23"E	44.74'
L12	S29° 58' 05"E	38.26'
L13	S17° 54' 34"E	29.63'
L14	S13° 51' 27"E	36.99'
L15	S41° 15' 48"E	38.28'

LEGEND

- DENOTES CONCRETE MON
- DENOTES IRON REBAR
- DENOTES IRON PIPE
- DENOTES P.V. ILL. SET
- DENOTES UNMARKED POINT
- DENOTES PARCEL BOUNDARY
- DENOTES B.R.L.
- DENOTES EXISTING PROPERTY LINE
- DENOTES PROPOSED ZONING LINE
- DENOTES EXISTING WETLANDS LINE



SURVEYOR'S STATEMENT:
I certify that the proposed site plan was compiled under my supervision.

Sarah L. Ford Date
DE PLS 497

OWNER/ DEVELOPER'S PLAN DEVELOPMENT APPROVAL:
I, as Owner/ Developer of the project shown, hereby approve these plans as shown or otherwise noted.

William B. Hall Date
William B. Hall
Fisher's Popcorn Fenwick LLC

SITE PLAN: TJF	DATE
DRAWING: RWB	12/17/19
REVIEW: SLF	
SHEET	
1	
OF 1 SHEETS	

PROPOSED FINDINGS OF FACTS

C/Z 1915

1. This is an application to amend the comprehensive zoning map from AR-1 (Agricultural Residential District) to B-3 (Business Research District) for 3.25± acres located in Baltimore Hundred, Sussex County, being situated along S.C.R. #382, Delaware Route 20 (Zion Church Road) approximately 600± feet east of its intersection with S.C.R. #388 (Deer Run Road), being a part of Sussex County Tax District 533, Map 11.00, Parcel 78.04.
2. The subject property is owned by the applicant, Fisher's Popcorn Fenwick, LLC.
3. The proposed site is a portion of larger tract consisting of approximately 17.15± acres.
4. The proposed site is presently undeveloped and is an upland portion of the property.
5. The intended use of the site will be for an approximately 8,000± square foot building with approximately 2,000± for manufacturing and 6,000± for warehousing/storage.
6. In the 2018 Sussex County Comprehensive Plan update, the area for the proposed rezoning is identified for purposes of future land use as being in the Coastal Area. The Coastal Area is a Growth Area and the table of Applicable Zoning Districts identifies B-3 zoning as being appropriate in a Coastal Area.
7. The 2015 Delaware Strategies for State Policies and Spending identify the property as Investment Level 3.
8. The purpose of the B-3 District is to provide for a range of business research and business park uses, including office and administrative uses, designed to be conducted wholly within enclosed buildings. Two of the permitted uses in the B-3 District are "Manufacturing" and "Storage" provided these occur indoors. The intended use of the property is consistent with these permitted uses as the manufacturing and storage would all occur indoors.
9. The area west of Fenwick Island where the site is located is a mixture of agricultural, residential and commercial areas.
10. The immediate area surrounding the proposed area for rezoning is primarily zoned for commercial or business uses, *i.e.*, to the east the properties are zoned CR-1 (Commercial Residential District), to the west the property is zoned C-1 (General Commercial District) and across the street the properties are zoned GR (General Residential District), C-1 (General Commercial District) and B-1 (Neighborhood Business District).

11. DeIDOT reviewed the applicant's planned project and has issued a letter stating that the proposed project will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day therefore no Traffic Impact Study is required. In addition, DeIDOT's review indicated that it considered the proposed development's traffic impact to be negligible in the context of DeIDOT's agreement with Sussex County regarding land development coordination. The nature of the area, the size and nature of the intended use and the requested B-3 zoning all point to a low volume of traffic. Further, any site plan will require DeIDOT review and approval to provide for safe vehicular and pedestrian movement within the site and entrance approval for access onto Zion Church Road.

12. Potable drinking water will be provided for on-site.

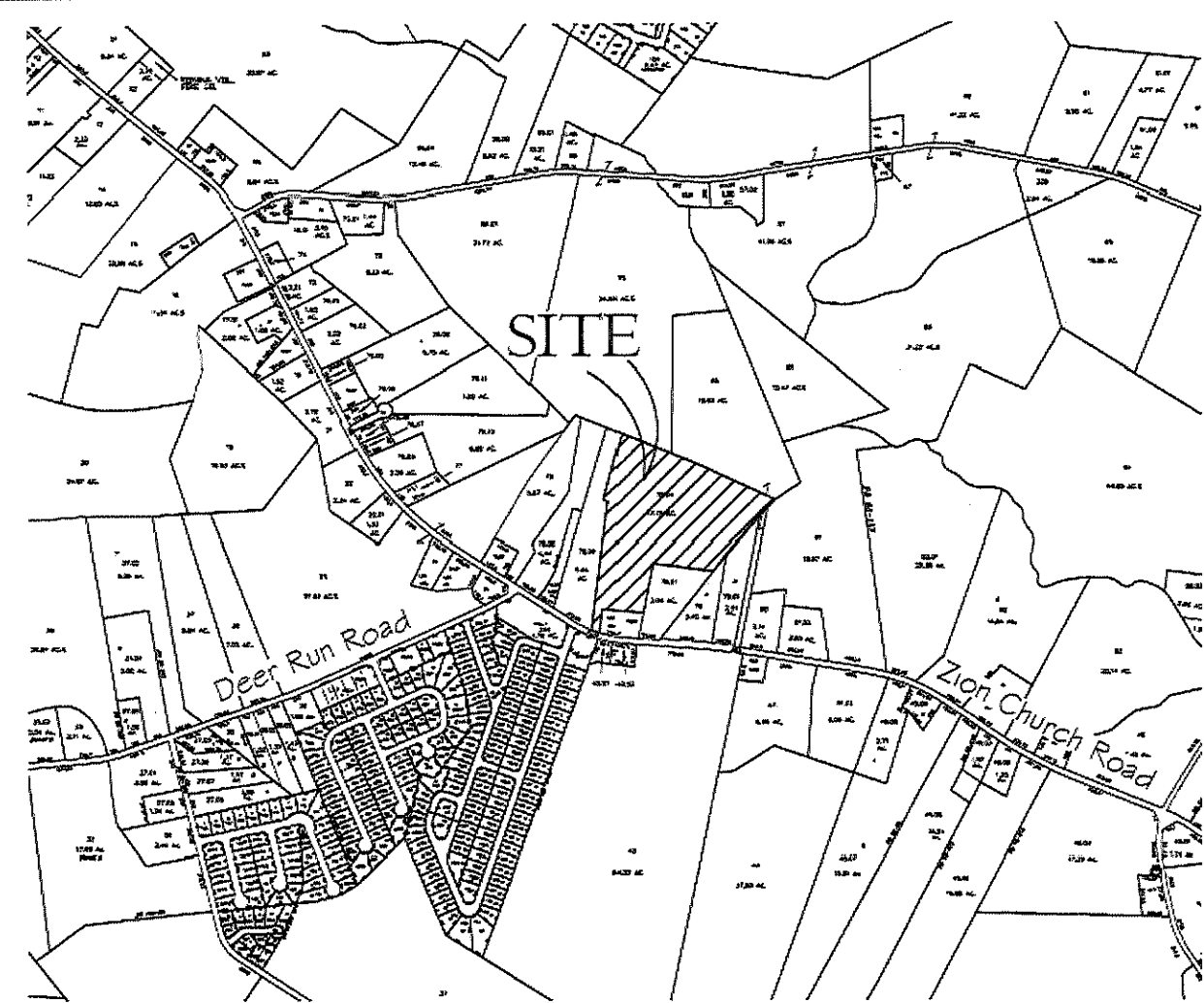
13. Sanitary Sewer is available from Sussex County.

14. As a part of site plan approval for any future use, stormwater management design and permitting will be required; thus assuring neighboring lands will be protected from any activity on site.

15. The proposed B-3 zoning classification is in character with the nature of the area, will not adversely affect the neighboring and adjacent properties, and is consistent with the purpose of the B-3 zoning district.

16. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.

17. All factors have been considered and the proposed B-3 classification meets the purposes and goals of the County's Comprehensive Plan and its Zoning Code. The addition of the business park-style uses permitted in a B-3 zoning district is appropriate for and consistent with this area along Zion Church Road. As a result, the proposed B-3 classification is consistent with the Sussex County Comprehensive Land Use Plan.



VICINITY MAP
NOT TO SCALE



ADJACENT ZONING
NOT TO SCALE

- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Commercial Residential - CR-1
 - General Commercial - C-1
 - General Residential - GR
 - Heavy Industrial - HI-1
 - High Density Residential - HR-1
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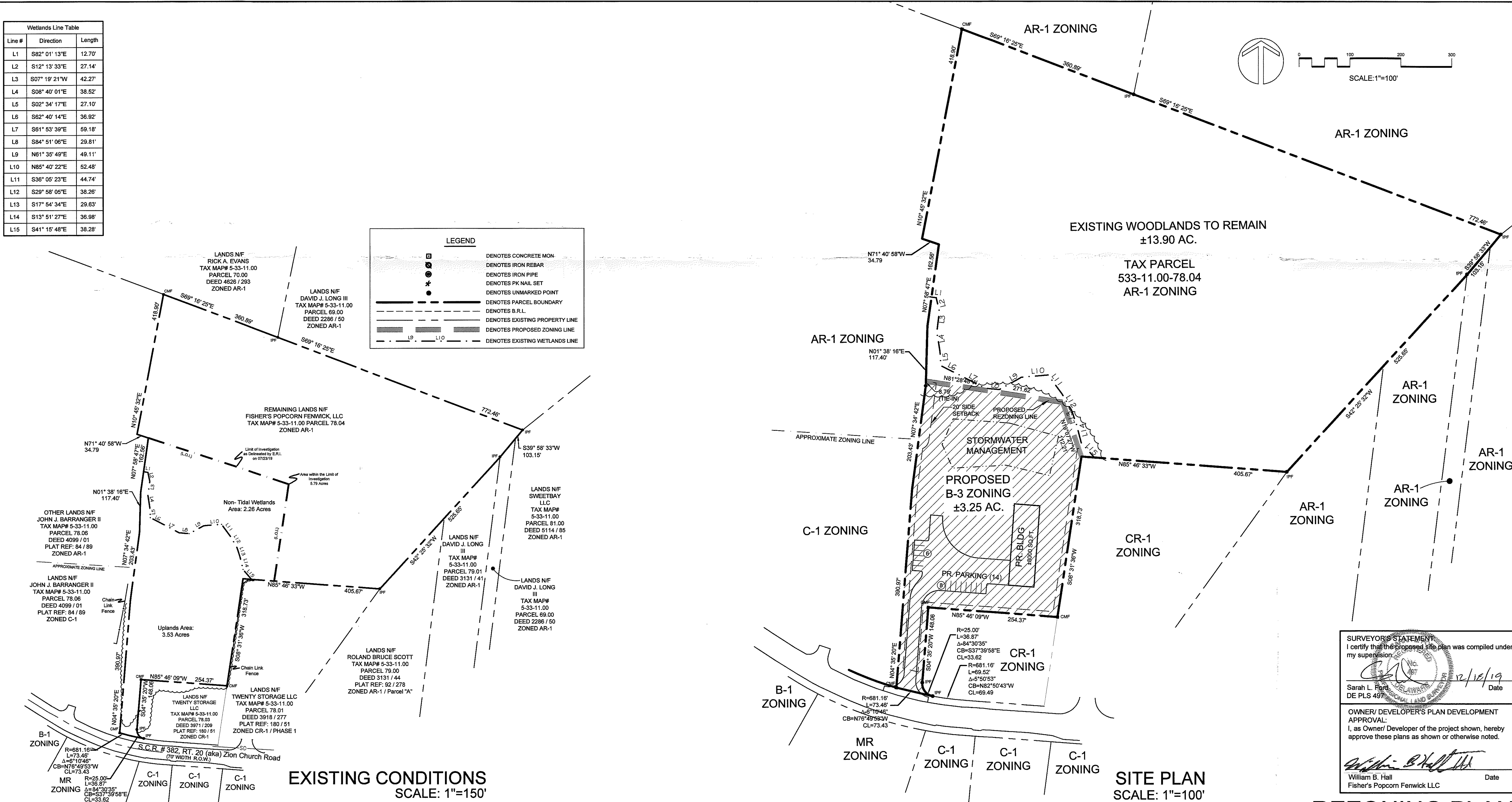
NOTES:

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SURVEYOR'S STATEMENT
 I certify that the proposed site plan was compiled under my supervision.

[Signature] 12/18/19 Date
 Sarah L. Ford
 DE PLS 497

OWNER/ DEVELOPER'S PLAN DEVELOPMENT APPROVAL:
 I, as Owner/ Developer of the project shown, hereby approve these plans as shown or otherwise noted.

[Signature] Date
 William B. Hall
 Fisher's Popcorn Fenwick LLC

REVISIONS

LAND DESIGN INK.
 Surveying / Landscape Architecture
 63 Atlantic Ave., 19970
 Ocean View, DE
 302-253-0288 FAX
 landez@landez.com

Planning and Development Consultants

REZONING PLAN
FISHERS POPCORN
 ZION CHURCH ROAD
 BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	12/17/19
REVIEW: SLF	
SHEET	1 OF 1 SHEETS

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 28th,2020.

Application: (CU 2213) Whitetail Lane, LLC

Applicant: Timothy R. Conaway
23620 Parker Road
Georgetown, DE 19947

Owner: Whitetail Lane, LLC
23620 Parker Road
Georgetown, DE 19947

Site Location: Located on the east side of Cedar Lane (Route 318) at 17471 Whitetail Lane in Georgetown, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Borrow Pit

Comprehensive Land Use Plan Reference: Developing Area

Councilmatic District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer:Private, On-Site

Water: Private, On-Site

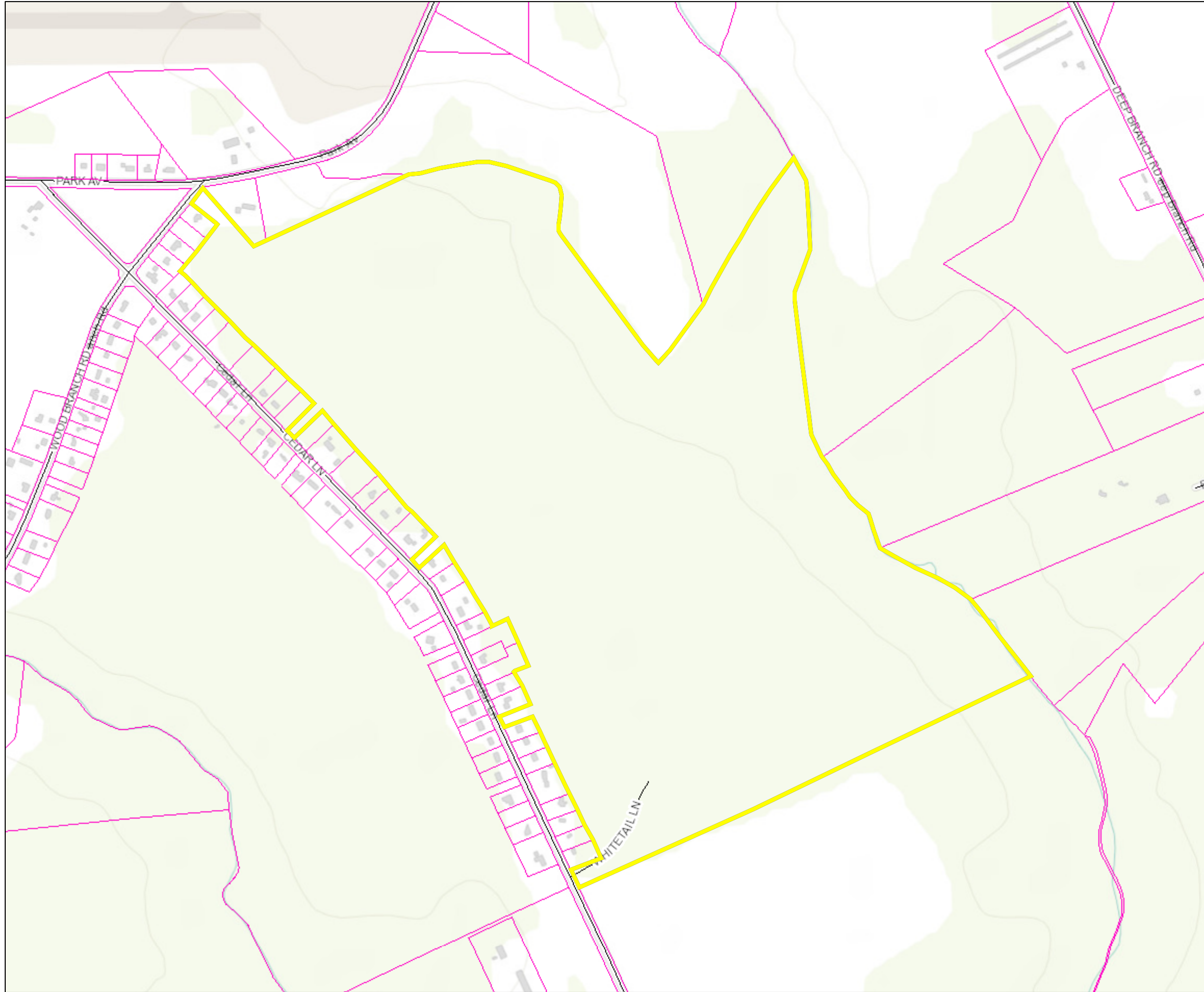
Site Area: 220.38 +/-

Tax Map ID.: 135-20.00-137.00





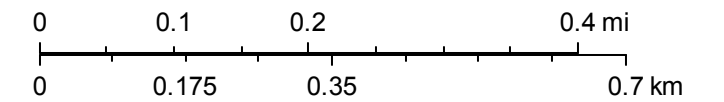
Sussex County



PIN:	135-20.00-137.00
Owner Name	WHITETAIL LANE LLC
Book	5143
Mailing Address	122 W MARKET ST
City	GEORGETOWN
State	DE
Description	NE SD/ CEDAR LN
Description 2	SW/ WOOD BRANCH RD
Description 3	PARCELS A & B
Land Code	

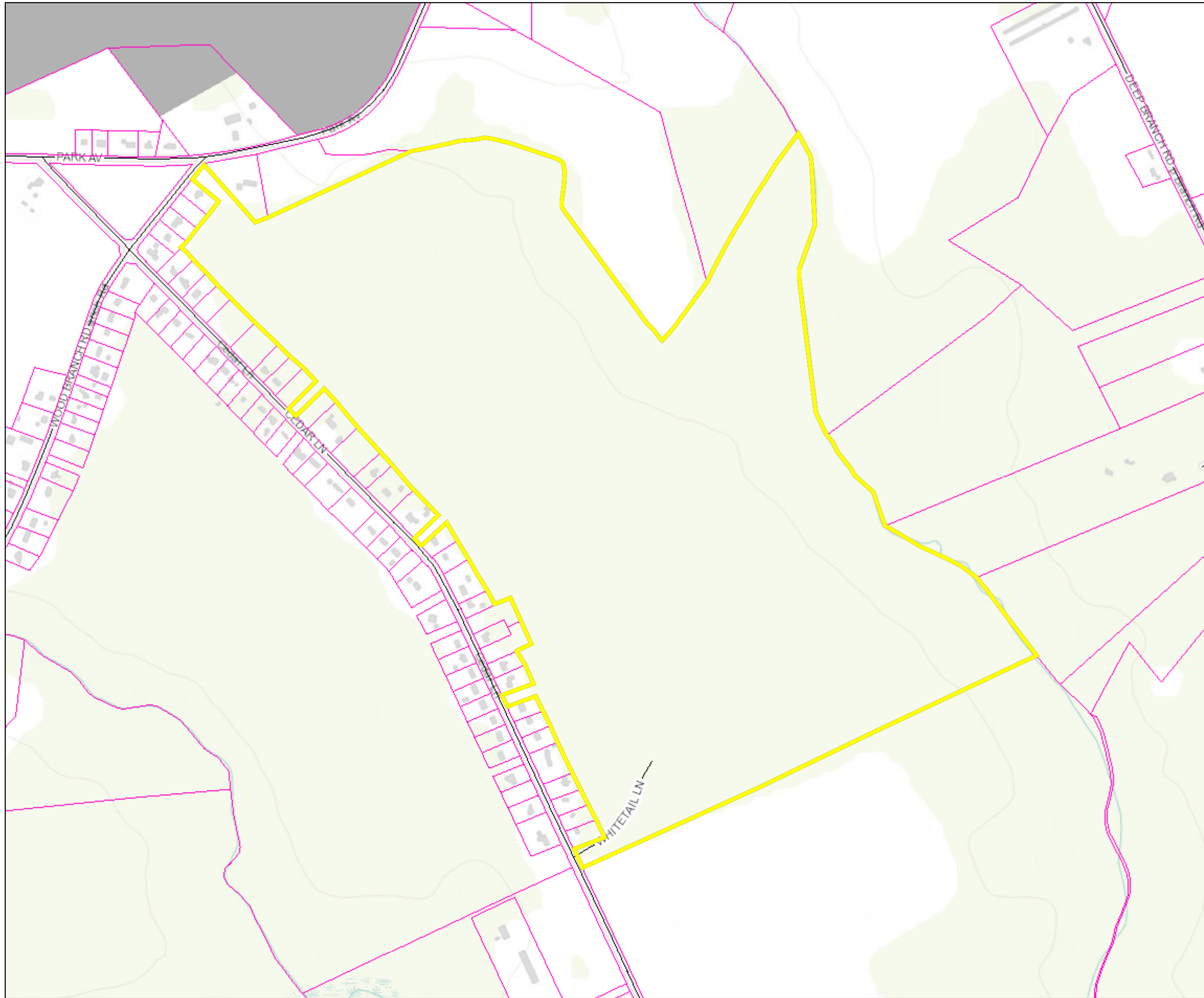
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Sussex County



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polygonLayer

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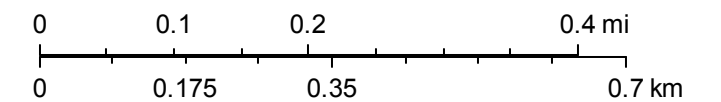
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Override 1

Tax Parcels

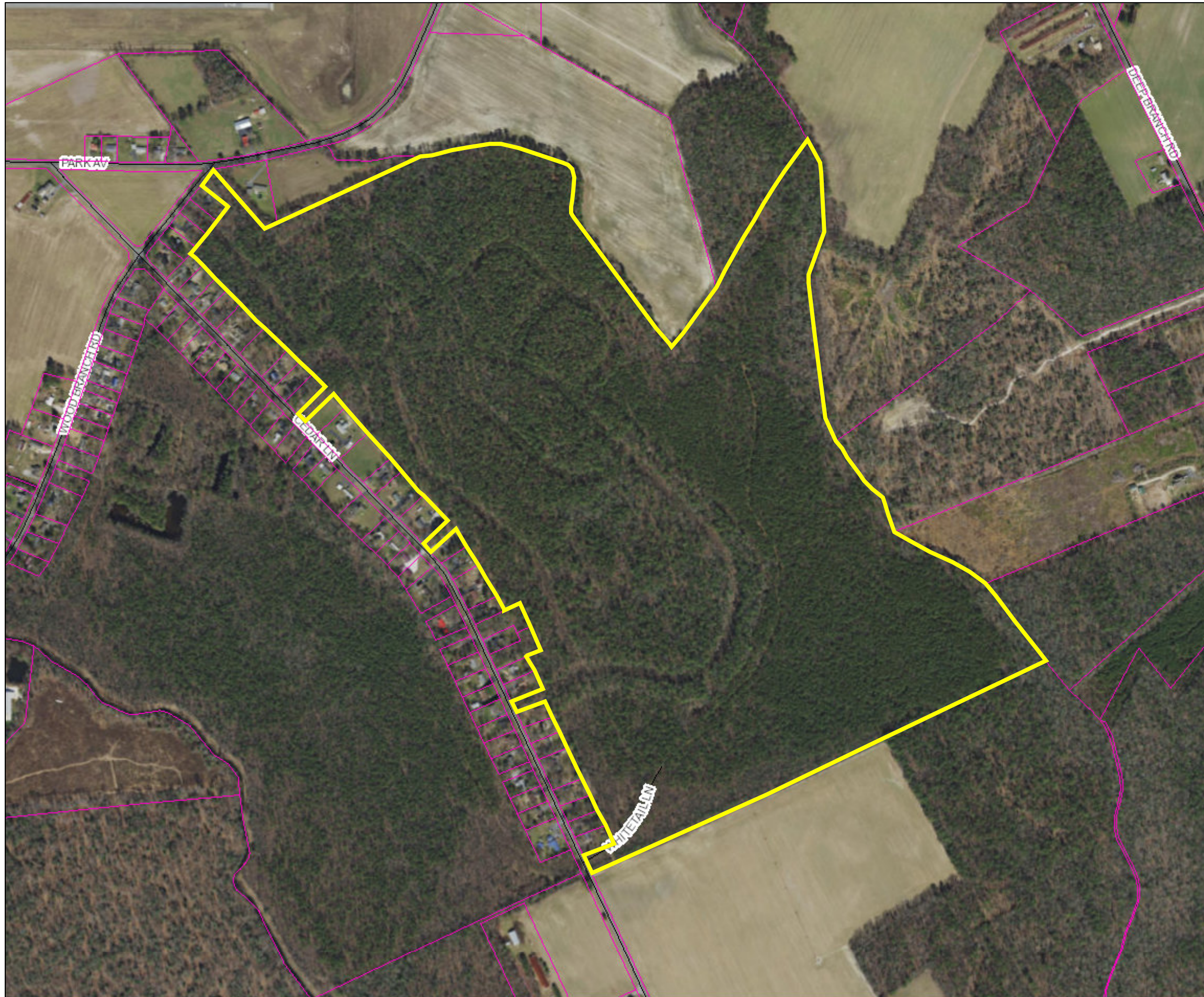
Streets

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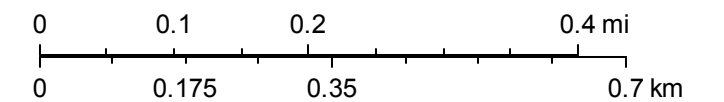
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1:9,028



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: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: May 13, 2020
RE: Staff Analysis for CU 2213 Whitetail Lane, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2213 Whitetail Lane, LLC to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for tax parcel 135-20.00-137.00 to allow for a proposed borrow pit. The parcel is located on the east side of Cedar Lane (Route 318). The size of the property is 220.38 acres +/-

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

The parcel directly to the north is designated as a “Developing Area.” Additionally, the parcel to the west located on the opposite side of Cedar Lane (Route 318), is also designated as a “Developing Area.” Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. The parcels to the east are designated “Low Density” areas.

Furthermore, the property is zoned Agricultural Residential (AR-1) Zoning District. The properties located to the north, south, east, and west of the subject site are zoned Agricultural Residential (AR-1) Zoning District. There is a single parcel to the north on the opposite side of Park Avenue (S.C.R. 318) that is zoned Light Industrial (LI-2) Zoning District.

Since 2011, there has been one Conditional Use application within a 1-mile radius of the application site. This application is Conditional Use (CU 2182), which was a proposal to allow for a small automotive repair and dealer to be located within an Agricultural Residential (AR-1) Zoning District, which was approved by County Council on September 17th, 2019 and adopted through Ordinance No. 2679.



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

File #: C/U # 2213
2019 13754

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
NOV 27 2019
SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

17471 Whitetail Lane, Georgetown, DE 19947

Type of Conditional Use Requested:

Conditional use for 15-acre borrow pit

Tax Map #: 135-20.00-137.00 **Size of Parcel(s):** 220.38 acres

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

Land Use Classification: 2019 Future Land Use: Developing Area

Water Provider: On-Site Well **Sewer Provider:** On-Site Septic

Applicant Information

Applicant Name: Timothy R. Conaway
Applicant Address: 23620 Parker Road
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 542-7115 E-mail: TRConaway@verizon.net

Owner Information

Owner Name: Whitetail Lane, LLC
Owner Address: 23620 Parker Road
City: Georgetown State: DE Zip Code: 19947
Phone #: (302) 542-7115 E-mail: TRConaway@verizon.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James, LLP)
Agent/Attorney/Engineer Address: 107 W. Market Street, PO 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: 11/26/19

Signature of Owner



Date: 11/26/19

For office use only:

Date Submitted: 11/27/19

Staff accepting application: CEH

Location of property: _____

Fee: \$500.00 Check #: 106014

Application & Case #: 201913764

Subdivision: _____

Date of PC Hearing: _____ Recommendation of PC Commission: _____

Date of CC Hearing: _____ Decision of CC: _____

Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33016139-0024 Megan D. 11/27/2019 11:14AM

PERMITS / INSPECTIONS
CONDITIONAL USE - FEE
2019 Item: 201913754|2010 500.00

500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number 00000106014

Change due 0.00

Paid by: MORRIS JAMES LLP

MORRIS JAMES LLP 100 WASHINGTON STREET GEORGETOWN, DE 19947	106014 November 27, 2019
NO STATE DUES OR FEES NO SALES TAX NO STATE TAX	

Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT

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: 17471 Whitetail Lane
Georgetown, DE 19947

Parcel #: 135-20.00-137.00

Site Address: _____

Parcel #: _____

Applicant Name: Timothy R. Conaway

Owner Name: Whitetail Lane, LLC

Type of Application:

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

Date Submitted: 11/27/19

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

Date letters mailed: _____

List created by: _____

Letters sent by: _____



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

JENNIFER COHAN
SECRETARY

October 10, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Timothy R. Conaway** conditional use application, which we received on September 13, 2019. This application is for a 15.00-acre portion of an approximately 224.92-acre parcel (Tax Parcel: 135-20.00-137.00). The subject land is located on the southeast corner of the intersection of Park Avenue / Wood Branch Road (Sussex Road 321) and Cedar Lane (Sussex Road 318), southeast of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a 15.00 acre portion of the land for a borrow pit.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Park Avenue where the subject land is located, which is from Cedar Lane to Springfield Road (Sussex Road 47), are 1,289 and 1,659 vehicles per day, respectively. As the subject land also has frontage along Cedar Lane, the annual average and summer average daily traffic volumes along that road segment, which is from Zoar Road (Sussex Road 48) to Wood Branch Road, are 2,861 and 3,682 vehicles per day, respectively.

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



Ms. Janelle M. Cornwell
Page 2 of 2
October 10, 2019

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

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Timothy R. Conaway, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

Morris James LLP

David C. Hutt
302.856.0018
dhutt@morrisjames.com

May 18, 2020

BY HAND DELIVERY

Jamie Whitehouse, Director
Sussex County Planning & Zoning Office
2 The Circle, P.O. Box 417
Georgetown, DE 19947

**RE: Conditional Use No. 2213
Whitetail Lane, LLC
SCTP No. 135-20.00-137.00**

Dear Mr. Whitehouse:

Kindly find the enclosed seven (7) copies of Applicant Whitetail Lane, LLC's Exhibit Notebook for Conditional Use No. 2213. The exhibit notebook will be used at the public hearings before the Planning and Zoning Commission on May 28, 2020 and County Council on June 30, 2020. I will also be emailing an electronic copy of the exhibit notebook to you. Please let me know if you need any additional information prior to the public hearing.

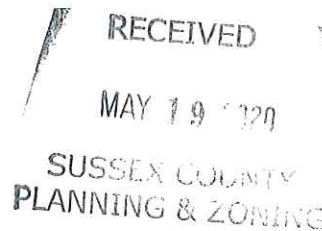
Very Truly Yours,

MORRIS JAMES LLP


David C. Hutt, Esquire

Enclosures

Cc: Whitetail Lane, LLC



Whitetail Lane, LLC

Conditional Use No. 2213

Whitetail Lane, LLC
17471 Whitetail Lane
Georgetown, DE
SCTP No. 135-20.00-137.00

David C. Hutt, Esquire
Morris James LLP

Public Hearings:

Planning Commission	05/28/2020
County Council	06/30/2020

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1. Planning & Zoning Commission Application, Conditional Use No. 2213
2. Title to Property: Deed: Dated October 28, 2019, Deed Book 5143, Page 322
3. DE Agricultural Lands Preservation Foundation
 - a. Forestland Preservation Agreement (Deed Book 4963, Page 188)
 - b. DE Ag Lands Acknowledgment (Deed Book 4963, Page 196)
4. DelDOT Response to Service Level Evaluation Request (October 10, 2019)
5. Sussex County Tax Maps:
 - a. Tax Parcels
 - b. Zoning
 - c. Comprehensive Plan
 - d. Ag Preservation Districts
 - e. Aerial Imagery
6. Other Aerial Imagery:
 - a. 1954 Delaware Orthophotography
 - b. 1992 Google Earth
 - c. 2018 Google Earth
7. 2015 Delaware State Strategies Map
8. 2019 Minerals Education Coalition Information
9. Borrow Pit Survey Plan, Adams-Kemp Associates, Inc. (August 28, 2019)
10. Proposed Findings of Fact and Conditions of Approval

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

RECEIVED

NOV 27 2019

SUSSEX COUNTY
PLANNING & ZONING

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Phone #: (302) 542-7115 **E-mail:** TRConaway@verizon.net

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Phone #: (302) 542-7115 **E-mail:** TRConaway@verizon.net

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David C. Hutt, Esq. (Morris James, LLP)
Agent/Attorney/Engineer Address: 107 W. Market Street, PO Box 690
City: Georgetown **State:** DE **Zip Code:** 19947
Phone #: (302) 856-0015 **E-mail:** DHutt@MorrisJames.com



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- o Deed or Legal description

Provide Fee \$500.00

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

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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: 11/26/19

Signature of Owner



Date: 11/26/19

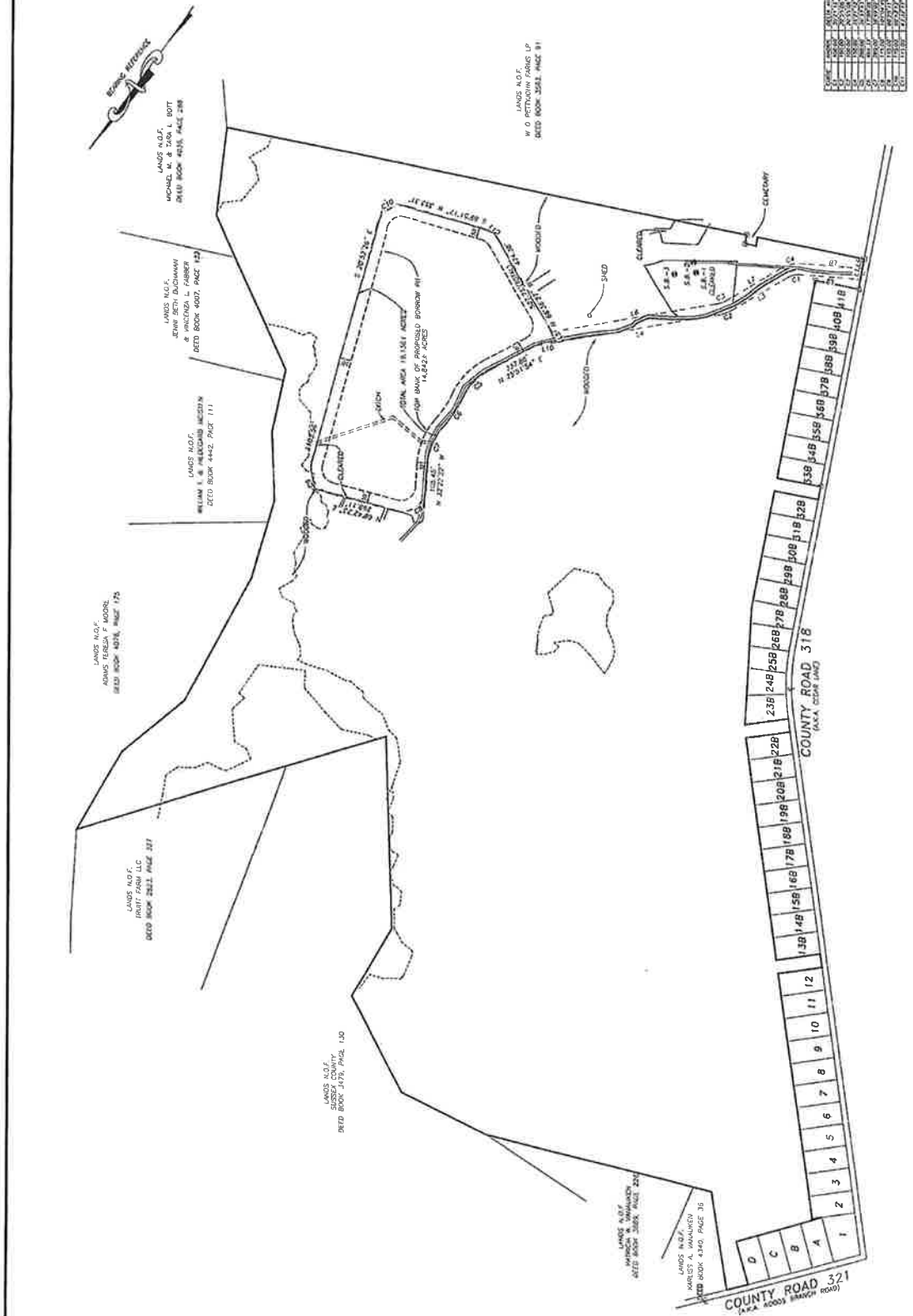
For office use only:

Date Submitted: _____
Staff accepting application _____
Location of property _____

Fee, \$500.00 Check # _____
Application & Case # _____

Subdivision _____
Date of PC Hearing _____
Date of CC Hearing _____

Recommendation of PC Commission _____
Decision of CC _____



DEED	BOOK	PAGE	DATE	REMARKS
D 238	248	258	268	278
D 239	249	259	269	279
D 240	250	260	270	280
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D 243	253	263	273	283
D 244	254	264	274	284
D 245	255	265	275	285
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D 257	267	277	287	297
D 258	268	278	288	298
D 259	269	279	289	299
D 260	270	280	290	300

BORROW PIT SURVEY PLAN

PREPARED FOR
TIMOTHY R. CONAWAY

REGISTERED AS
 PROFESSIONAL LAND SURVEYORS®
 217 SOUTH RICE STREET
 SUITE 100
 MEMPHIS, TENNESSEE 38103-3985
 WWW.MAPSDESER.COM

PROJECT NO.: 20-00-117-00
 SHEET NO.: 2

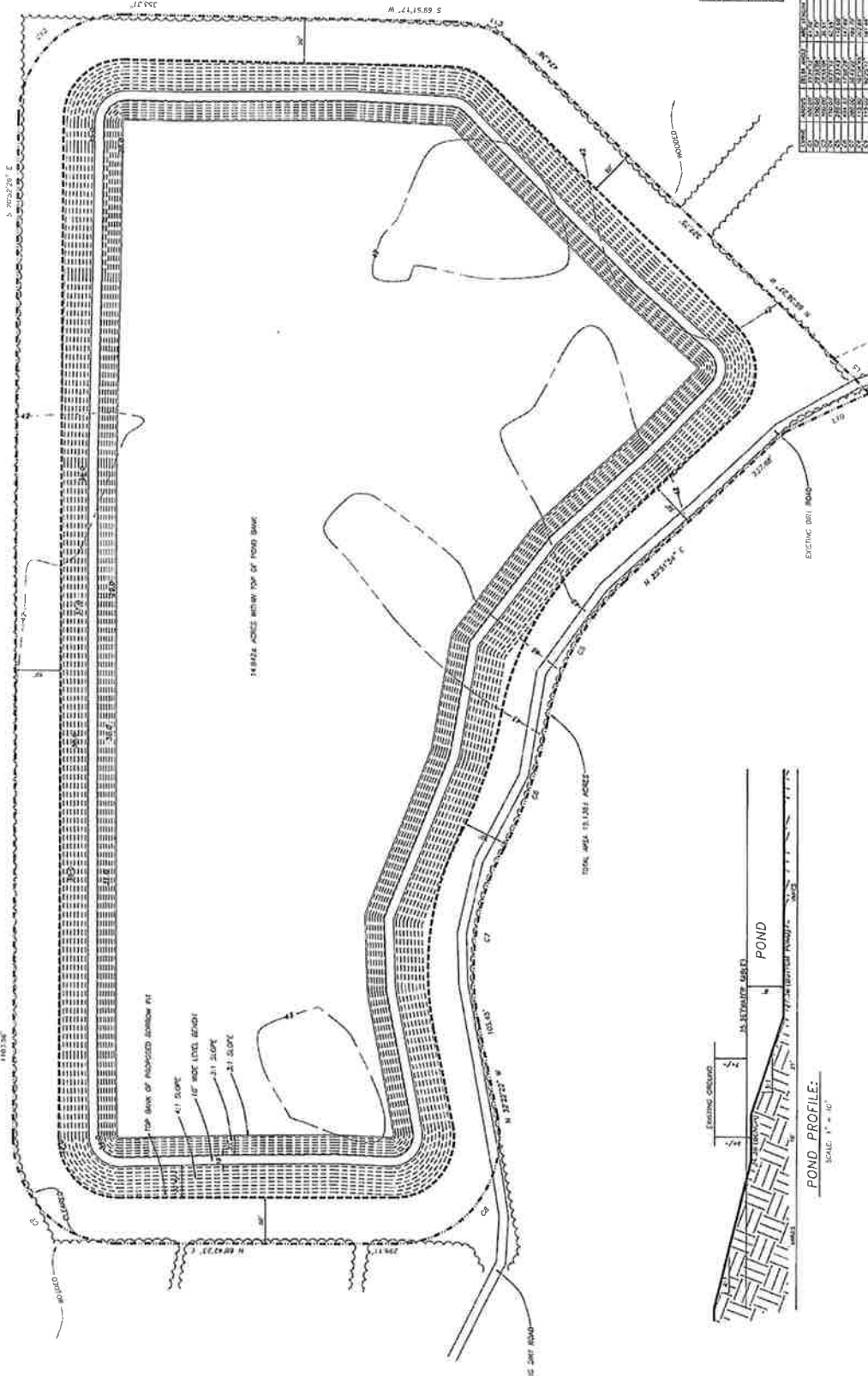
NOTES:

1) SUBJECT OF THIS DEED BOOK, PAGE, IS NOT TO BE CONSIDERED A BORROW PIT UNLESS THE BOUNDARY LINES ARE CLEARLY MARKED AND THE SURVEYOR'S RECORDS SHOW THAT THE SURVEYOR HAS RECEIVED A PROPOSAL TO BORROW FROM THE PROPERTY AND HAS REVIEWED IT WITH THE PROPERTY OWNER.

2) THIS SURVEY IS BASED ON THE RECORDS OF THE MEMPHIS COUNTY REGISTERED AS PROFESSIONAL LAND SURVEYORS AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, COVENANTS, CONDITIONS, AND OTHER MATTERS THAT MAY BE REVEALED BY A PROPER TITLE SEARCH.

LEGEND:

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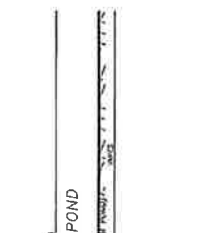
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100	ISSUED FOR PERMITS	11/11/2018	TR	TR

BORROW PIT SURVEY PLAN
 PREPARED FOR
TIMOTHY R. CONAWAY
 215 SOUTH WAG. ST. #104
 WAG. ST. #104
 BOX 114000
 BOULDER CO., CO. 80501

ASSISTANT SURVEYOR
 PROFESSIONAL LAND SURVEYOR
 215 SOUTH WAG. ST. #104
 WAG. ST. #104
 BOX 114000
 BOULDER CO., CO. 80501

LEGEND:
 - - - - - EXISTING CONCRETE MONUMENT
 - - - - - EXISTING CONCRETE ELEVATION
 - - - - - PROPOSED CONCRETE ELEVATION

NOTES:
 1) SOURCE OF TITLE: DEED BOOK 4863, PAGE 159
 2) THIS SURVEY IS A RECONSTRUCTION OF THE ORIGINAL SURVEY AND IS SUBJECT TO ANY DISCREPANCIES, RESTRICTIONS, EXCEPTIONS, EASEMENTS, ENCUMBRANCES, AND OTHER MATTERS WHICH MAY BE REVEALED BY A THOROUGH TITLE SEARCH



Mailing List Application Form

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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: 17471 Whitetail Lane
Georgetown, DE 19947

Parcel #: 135-20.00-137.00

Site Address: _____

Parcel #: _____

Applicant Name: Timothy R. Conaway

Owner Name: Whitetail Lane, LLC

Type of Application:

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

Date Submitted: 11/27/19

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____

Sussex County, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33016139-0024 Megan D. 11/27/2019 11:14AM

PERMITS / INSPECTIONS

CONDITIONAL USE - FEE

2019 Item: 201913754|2010 500.00

500.00

Subtotal 500.00

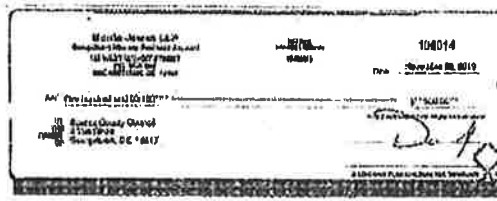
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CHECK 500.00

Check Number 00000106014

Change due 0.00

Paid by: MORRIS JAMES LLP



Thank you for your payment

Sussex County, DE COPY
DUPLICATE RECEIPT

TAB “2”

NO TITLE OR LIEN SEARCH PERFORMED OR REQUESTED

TAX MAP #s: See each Tract for Tax Map & Parcel #

Prepared by: Moore & Rutt, P.A.
P.O. Box 554
Georgetown, DE 19947

Return to: Moore & Rutt, P.A.
P.O. Box 554
Georgetown, DE 19947

THIS DEED, made this 28th day of October, in the year of our LORD Two Thousand Nineteen (2019),

Between **TIMOTHY R. CONAWAY** and **MARY E. CONAWAY**, of 23260 Parker Road, Georgetown, Delaware 19947, parties of the first part,

AND

WHITETAIL LANE, LLC, a Delaware limited liability company, parties of the second part, 122 W. Market Street, Georgetown, DE 19947

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) lawful money and other valuable consideration of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, **the following property:**

Tax Map # 1-35-20.00-137.00 p/o:

PARCEL A & PARCEL B:

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being lands of Cabbage Corner, LLC – Parcel “A” (120.17 acres) and Parcel “B” (100.2178 +/- acres) as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50’ wide R/W), said point being a corner in common for herein described lands with lands now or formerly of Warren O. Pettyjohn; thence from said point of beginning, along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 49 minutes 42 seconds West 138.19 feet to a corner in common with Lot 41B of “Cabbage Corner”; thence leaving said southeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 41B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to another corner in common with said Lot 41B; thence on a line in common with said Lot 41B through Lot 33B of “Cabbage Corner”, in descending numerical order, North 25 degrees 12 minutes 31 seconds West 900.00 feet to another corner in common with said Lot 33B; thence on a line in common with said Lot 33B, South 64 degrees 47 minutes 29 seconds West 200.00 feet

to the aforesaid northeasterly side of Cedar Lane – Road 318; thence, thereby, North 25 degrees 12 minutes 31 seconds West 59.90 feet to a corner in common with Lot 32B of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 32B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to another corner in common with said Lot 32B; thence on a line in common with said Lot 32B through 27B of “Cabbage Corner”, in descending numerical order, North 25 degrees 12 minutes 31 seconds West 538.70 feet to another corner in common with said Lot 27B; thence on a line in common with said Lot 27B through Lot 23B of “Cabbage Corner”, in descending numerical order, North 32 degrees 56 minutes 31 seconds West 523.60 feet to another corner in common with Lot 23B; thence on a line in common with said Lot 23B, South 45 degrees 39 minutes 32 seconds West 196.20 feet to the northeasterly side of said Cedar Lane – Road 318; thence, thereby, North 43 degrees 24 minutes 42 seconds West 60.19 feet to a corner in common with Lot 22B of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 22B, North 45 degrees 57 minutes 15 seconds East 200.00 feet to another corner in common with said Lot 22B; thence on a line in common with said Lot 22B through Lot 13B of “Cabbage Corner”, in descending numerical order, North 44 degrees 02 minutes 45 seconds West 1,000.00 feet to another corner in common with Lot 13B; thence on a line in common with said Lot 13B, South 45 degrees 57 minutes 15 seconds West 200.00 feet to the aforesaid northeasterly side of Cedar Lane – Road 318; thence, thereby, North 44 degrees 02 minutes 45 seconds West 60.00 feet to a corner in common with Lot 12 of “Cabbage Corner”; thence leaving said northeasterly side of Cedar Lane – Road – 318, on a line in common with said Lot 12, North 45 degrees 57 minutes 15 seconds East 200.00 feet to another corner in common with Lot 12; thence on a line in common with said Lot 12 through Lot 2 of “Cabbage Corner”, in descending numerical order, North 44 degrees 17 minutes 25 seconds West 1,096.44 feet to another corner in common with Lot 2; thence on a line in common with said Lot 2, South 46 degrees 06 minutes 59 seconds West 44.86 feet to a corner in common with Lot A of “Cabbage Corner”; thence on a line in common with said Lot A, in part, and Lot B, in part, North 37 degrees 57 minutes 00 seconds East 200.00 feet to another corner in common with said Lot B; thence on line in common with said Lot B, North 52 degrees 03 minutes 00 seconds West 200.00 feet to the southeasterly side of Woods Branch Road – Road 321 (50' wide R/W); thence, thereby, North 38 degrees 29 minutes 21 seconds East 99.86 feet to a point on the said southeasterly side of Woods Branch Road – Road 321; thence leaving said southeasterly side of Woods Branch Road – Road 321, the following three (3) described courses and distances: (1) South 52 degrees 03 minutes 00 seconds East 200.00 feet to a point; (2) North 37 degrees 57 minutes 00 seconds East 100.00 feet to a point; and (3) North 52 degrees 03 minutes 00 seconds West 200.00 feet to the aforesaid southeasterly side of Woods Branch Road – Road 321; thence, thereby, North 39 degrees 08 minutes 16 seconds East 100.02 feet to a corner in common with lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees; thence leaving said southeasterly side of Woods Branch Road – Road 321, on lines in common with said lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees, the following three (3) described courses and distances: (1) South 45 degrees 04 minutes 11 seconds East 438.05 feet to a point; (2) North 67 degrees 37 minutes 00 seconds East 960.08 feet to a point; and (3) North 67 degrees 37 minutes 00 seconds East 75.00 feet to the centerline of a ditch, at a corner in common

with lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees; thence along said lands now or formerly of Wayne V. & Patricia W. VanAuken Trustees, in part, and lands now or formerly of Betty Jane Truitt, in part, the following five (5) described courses and distances along said centerline of a ditch: (1) North 80 degrees 14 minutes 49 seconds East 428.89 feet to a point; (2) South 63 degrees 47 minutes 01 seconds East 483.38 feet to a point; (3) South 05 degrees 10 minutes 24 seconds East 347.58 feet to a point; (4) South 37 degrees 59 minutes 33 seconds East 858.01 feet to a point; and (5) North 37 degrees 05 minutes 10 seconds East 1,442.85 feet to the centerline of Peterkins Branch, a corner in common with lands now or formerly of Dorothy M. Moore; thence along said lands now or formerly of Dorothy M. Moore, in part, lands now or formerly of Thomas S. Macielag, in part, and lands now or formerly of John C. Johnson, Jr., in part, the following eight (8) described courses and distances along said centerline of Peterkins Branch: (1) South 05 degrees 21 minutes 24 seconds East 398.39 feet to a point; (2) South 14 degrees 34 minutes 08 seconds West 364.92 feet to a point; (3) South 07 degrees 43 minutes 55 seconds East 625.39 feet to a point; (4) South 20 degrees 12 minutes 48 seconds East 364.72 feet to a point; (5) South 38 degrees 11 minutes 50 seconds East 308.93 feet to a point; (6) South 23 degrees 48 minutes 15 seconds East 278.74 feet to a point; (7) South 60 degrees 01 minutes 51 seconds East 759.56 feet to a point; and (8) South 29 degrees 32 minutes 25 seconds East 391.15 feet to a corner in common with aforesaid lands now or formerly of Warren O. Pettyjohn; thence on lines in common with said lands now or formerly of Warren O. Pettyjohn, the following five (5) described courses and distances: (1) South 65 degrees 06 minutes 50 seconds West 2,371.35 feet to a point; (2) North 24 degrees 53 minutes 10 seconds West 40.00 feet to a point; (3) South 65 degrees 06 minutes 50 seconds West 50.00 feet to a point; (4) South 24 degrees 53 minutes 10 seconds East 40.00 feet to a point; and (5) South 65 degrees 06 minutes 50 seconds West 488.90 feet to the point and place of beginning.

LOT 28B:

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being Lot 28B – 0.4591+/- acres, as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50' wide R/W), said point being a corner in common for herein described Lot with Lot 29B; thence from said point of beginning, along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 12 minutes 31 seconds West 100.00 feet to a corner in common with Lot 27B; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 27B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to a line in common with land designated “Lands of Cabbage Corner, L.L.C. – Parcel A”; thence, thereby, South 25 degrees 12 minutes 31 seconds East 100.00 feet to a corner in common with aforesaid Lot 29B; thence on a line in common with Lot 29B, South 64 degrees 47 minutes 29 seconds West 200.00 feet to the point and place of beginning.

LOT 30B:

All that certain lot, piece or parcel of land, with the improvements thereon erected, situate in Georgetown Hundred, Sussex County, State of Delaware, being Lot 30B – 0.4591+/- acres, as shown on the Boundary Plan for “Properties of Lenore T. Tunnell”, prepared by Woodin & Associates, L.L.C., dated December 8, 2006, and being more particularly bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of Cedar Lane – Road 318 (50' wide R/W), said point being a corner in common for herein described Lot with Lot 31B; thence from said point of beginning along said northeasterly side of Cedar Lane – Road 318, North 25 degrees 12 minutes 31 seconds West 100.00 feet to a corner in common with Lot 29B; thence leaving said northeasterly side of Cedar Lane – Road 318, on a line in common with said Lot 29B, North 64 degrees 47 minutes 29 seconds East 200.00 feet to a line in common with lands designated “Lands of Cabbage Corner, L.L.C. – Parcel A”; thence, thereby, South 25 degrees 12 minutes 31 seconds East 100.00 feet to a corner in common with aforesaid Lot 31B; thence on line in common with said Lot 31B, South 64 degrees 47 minutes 29 seconds West 200.00 feet to the point and place of beginning.

BEING the same lands conveyed unto TIMOTHY R. CONAWAY and MARY E. CONAWAY, husband and wife by Deed of TUNNELL FARM, LLC dated October 10, 2018, and now of record in the Office of the Recorder of Deeds in and for Sussex County, at Georgetown, Delaware, in Deed Book 4963, Page 199.

(THE REMAINDER OF THIS PAGE HAS BEEN LEFT INTENTIONALLY BLANK)

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

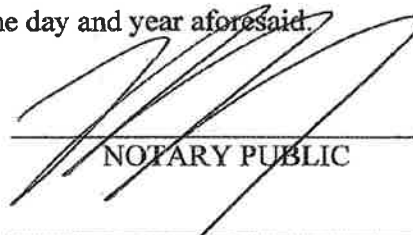
 (SEAL)
TIMOTHY R. CONAWAY

 (SEAL)
MARY E. CONAWAY

STATE OF DELAWARE :
 :
 : SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 28 day of October, 2019, personally came before me, the subscriber, a Notary Public for the State and County aforesaid, Timothy R. Conaway and Mary E. Conaway, parties to this indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my hand and seal of office, the day and year aforesaid.


NOTARY PUBLIC

Printed Name of Notary
My Commission Expires:

J. Everett Moore, JR., Esq.
Attorney-Notary Public
Unif. Notarial Act 29 Del. C. §4323(a) (3)
Non Expiring Commission

TAB “3”

Tax Map No. Part of 135-20.00-137.00
Prepared By: Delaware Agricultural
Lands Preservation Foundation (F-S-18-09-268Y1)
2320 S. DuPont Highway, Dover, DE 19901
Return To: Parkowski, Guerke & Swayze, PA
116 W. Water Street, Dover, DE 19904

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION
FORESTLAND PRESERVATION AREA AGREEMENT

This Forestland Preservation Area Agreement, in the nature of a declaration of a Restriction on the Use of Land for the purpose of preserving productive Forestlands, is made by and between TUNNELL FARM, LLC, its successors and assigns, (hereafter individually and collectively referred to as "GRANTOR"), of the County of Sussex, Delaware, and the DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION, its successors, nominees or assigns, a body politic and corporate constituting a public instrumentality of the State, created and organized under the laws of the State of Delaware, with its offices at 2320 S. DuPont Highway, Dover, Delaware 19901 (hereinafter "GRANTEE").

RECITALS:

A. GRANTOR is the owner in fee of lands consisting of Forestlands (as that term is defined in 3 Del. Code Section 902(6) and as shown on Exhibit "A" (hereinafter referred to as the "Property"), which Grantor desires to be included in a Forestland Preservation Area. The Property is located in Sussex County, Delaware, and is more fully described in part in a Deed recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 4049, Page 235, and being a part of County Parcel No. 1-35-20.00-137.00. The Property consists of 177.22 acres which are classified as Forestlands.

B. The public and the economy benefits from the protection and conservation of Forestlands, including the protection of scenic areas for public visual enjoyment from the public right-of-way. The conservation and protection of Forestlands as a valued natural and ecological resource

provides needed space for clean air as well as for aesthetic purposes, and the public will benefit from the conservation, protection, development and improvement of Forestlands for the production of timber.

C. GRANTEE has declared that the preservation of prime Forestlands is vital to the public interest of the State, the region, and the nation through its economic, environmental, and productive benefits.

D. GRANTOR desires and intends that the Forestlands of the Property be preserved, protected, and maintained, and in consideration of those benefits conferred under 3 Del. Code Section 935, the Grantor is willing to enter into this Agreement.

E. GRANTEE is entitled to enforce this Forestland Preservation Area Agreement and to preserve and protect for ten years from the effective date of this Agreement, or any extension period, the Property subject to the restrictions imposed under this Agreement.

RESTRICTIONS:

NOW THEREFORE, in consideration of the foregoing and as required by 3 Del.C. §934, the undersigned GRANTOR agrees to the following restrictions which shall apply to the Property:

1. No rezoning or major subdivision of the Property, or any portion thereof, shall be allowed.
2. Activities conducted on the Property shall be limited to forestry production, forestry operations, forestry management and control, wildlife habitat management, and related activities, as defined in 3 Del. Code Section 934. Grantor shall manage the Parcel in accordance with a forest management plan prepared by a professional forester that addresses the Grantor's forest management goals for the Parcel. The plan shall contain, at a minimum, aerial and soil maps of the Property, a description and analysis of the forest by management unit, and silvicultural prescriptions for each management unit. The

plan shall be made available for inspection by the State Forester's office and the plan shall be revised and updated at a minimum every five years.

3. If the Property contains at least thirty (30) acres, one (1) location containing no more than one (1) acre of land may be designated for seasonal recreational dwelling usage provided the use of the designated area does not adversely affect the forestland use of the Property. Residential use of the Property shall be limited to usage of no more than one (1) acre of land for each twenty (20) acres of usable land on the Property, with a maximum of ten (10) acres of land being used for dwelling housing on the Property. The establishment or existence of any seasonal housing will be counted against the total allowable permanent housing acreage. The Property consists of 177.22 acres which are usable for forestry and related uses and only eight (8) acres shall be allowed for dwelling housing. With respect to the acreage allowed for dwelling housing, there shall be a limit of three (3) dwelling houses for residential use placed on the allowable acreage at three (3) locations to be designated by the Grantor on Exhibit A to be attached hereto, unless there exists three (3) or more dwelling houses on the Parcel as of the date hereof, in which case the allowable acreage shall be allocated to the existing dwelling houses and no additional dwelling houses shall be allowed. There are currently zero (0) dwelling houses located on the Property, and only three (3) additional dwelling houses shall be allowed; provided however that any use of the Property shall be in conformance with applicable planning and zoning requirements.
4. No conversion of the Forestlands to cropland, pasture land, open space or other types of land uses shall be allowed.
5. No permanent commercial or industrial structures shall be located on the Property.
6. No mining, commercial or extractive uses shall be conducted on the Property.
7. No disposal, burial, storage, or stock piling of junk, vehicles, equipment, liquid waste, solid waste or other liquid or solid materials, except that wastewater spray irrigation shall

be allowed utilizing best available treatment technology with storage and treatment facilities located on lands other than Forestland preservation areas.

8. The allowability of a general use, conditional use, special use or other use under any zoning law or ordinance shall not have any effect on the restrictions imposed on the Property under this Agreement.
9. This Agreement shall become effective as of the date the necessary approvals have been rendered and the Secretary of Agriculture has either failed to exercise or waived the right of rejection allowed within the thirty (30) day period following Foundation action on the Forestland Area Application. At the time of recording of the Agreement the Foundation shall certify the date of creation of the Forestland Area or extension thereto, and such date shall serve as the effective date of this Agreement.
10. This Agreement shall remain in effect for a minimum period of ten (10) years from the effective date. **Unless GRANTOR provides written notification to the Foundation of intent to withdraw the Property from the Forestland Area at least six (6) months prior to expiration date of this Agreement or any extension thereto, this Agreement shall continue for additional five (5) year periods.**
11. This Agreement shall be considered a covenant which runs with and binds the Property and the terms and conditions shall be subject to specific performance, and other action allowed under 3 Del.C. §939. GRANTOR agrees to abide by the provisions of 3 Del.C. Chapter 9 and the duly adopted regulations thereunder as such provisions relate to the Property.
12. By executing this Agreement the GRANTOR verifies that individually or collectively GRANTOR holds a fee simple interest in the Property and is entitled to enter into this Agreement. GRANTOR further verifies that the information contained in the Forestland Area Application is true and correct.

13. The Agreement shall be binding on the heirs, successors and assigns of GRANTOR. Prior to any transfer of any interest in the Property during the term of this Agreement, GRANTOR shall provide advance written notification of this Agreement and the restrictions contained herein to the party acquiring such interest and a copy of such written notification shall be provided to the Foundation.

SIGNATURES APPEAR ON FOLLOWING PAGES

IN WITNESS WHEREOF, the GRANTORS have set their hands and seals this 16 day of October A.D. 2018.

TUNNELL FARM, LLC,
a Delaware Limited Liability Company
By: SD Investment Properties, LLC, its sole member
By: Lamboll Street, LLC, its sole member

[Signature]
Witness

By: [Signature] (SEAL)
Todd Kuhl, Authorized Director

STATE OF South Carolina COUNTY OF Charleston : to-wit

BE IT REMEMBERED, that on this 16th day of October, 2018, 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 Investments, LLC, sole member of of Tunnell Farm, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Authorized Director is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

[Signature]
Notary Public

My Commission Expires

CAROLINE ENTEN
Notary Public, State of South Carolina
My Commission Expires 8/14/2028



I, THE UNDERSIGNED, being the Chairman of the Delaware Agricultural Lands Preservation Foundation or authorized assignee of the Delaware Agricultural Lands Preservation Foundation, hereby execute this Forestland Preservation Area Agreement on behalf of the Foundation.

IN WITNESS WHEREOF, I have set my hand and seal this 27th day of September, 2018.

WITNESS:

Julia Blakeman

E. Austin Short

(SEAL)

Chairman, Delaware Agricultural Lands Preservation Foundation or Authorized Designee

STATE OF DELAWARE)
) SS:
COUNTY OF KENT)

ON THIS, the 27th day of September, 2018, before me, the undersigned Notary Public for the County and State aforesaid, personally appeared, E. Austin Short, known to me (or satisfactorily proven) to be the person or persons whose names are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Julia Blakeman
Notary Public



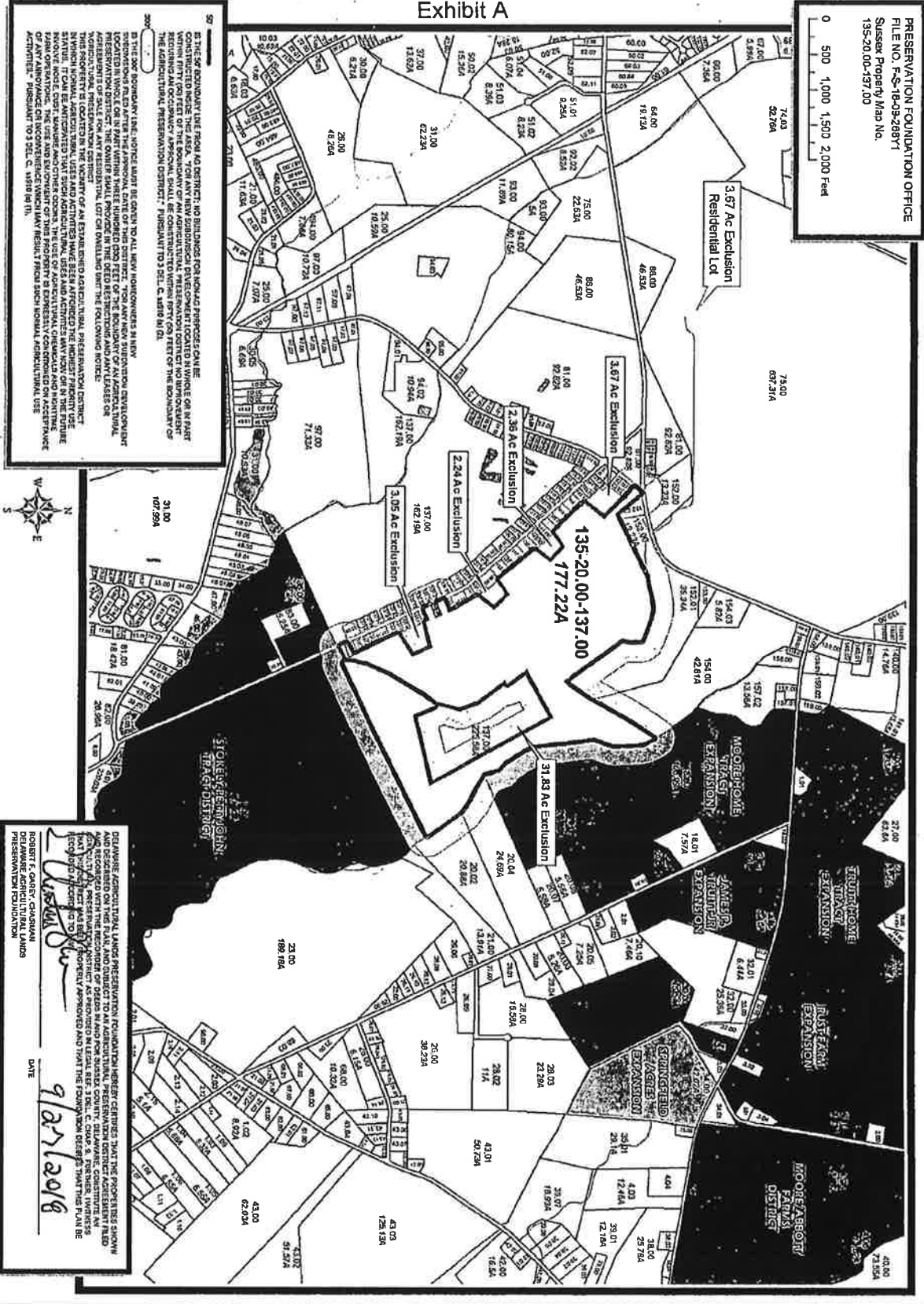
NOTARY NAME - TYPED OR PRINTED: _____
My Commission Expires: _____

CERTIFICATION:

The Property subject to this Forestland Preservation Area Agreement was accepted into and established as a Forestland Preservation Area or an extension thereof on 10/12/18 which is the effective date of this Agreement.

Exhibit A

PRESERVATION FOUNDATION OFFICE
FILE NO. F-2-18-05-28911
Sussex Property Map No.
135-20.00-137.00



59
IS THE BOUNDARY LINE FROM AD DISTRICT, NO BUILDINGS FOR NON-AD PURPOSES CAN BE CONSTRUCTED WITHIN THE AREA. FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN THE AREA, THE OWNER SHALL BE RESPONSIBLE FOR PROVIDING A 50 FOOT SETBACK FROM THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT. PURSUANT TO D.C. § 1809 (I) (2).

58
IS THE BOUNDARY LINE, NOTICES MUST BE GIVEN TO ALL NEW HOMEOWNERS IN NEW DEVELOPMENTS WITHIN THE AGRICULTURAL PRESERVATION DISTRICT. FOR ANY NEW SUBDIVISION DEVELOPMENT LOCATED IN WHOLE OR IN PART WITHIN THE AREA, THE OWNER SHALL BE RESPONSIBLE FOR PROVIDING A 50 FOOT SETBACK FROM THE BOUNDARY OF THE AGRICULTURAL PRESERVATION DISTRICT. PURSUANT TO D.C. § 1809 (I) (2).

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION HEREBY CERTIFIES THAT THE PROPERTIES SHOWN AND DESCRIBED ON THIS PLAN ARE SUBJECT TO THE DELAWARE AGRICULTURAL LANDS PRESERVATION ACT, 13 DEL. C. § 1801, AND ARE PRESERVED IN ACCORDANCE WITH THE DELAWARE AGRICULTURAL LANDS PRESERVATION ACT, 13 DEL. C. § 1801. THE FOUNDATION OFFICE SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF THE PRESERVED PROPERTIES.

ROBERT F. GARDY, CHAIRMAN
DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION
DATE: 9/27/2018

LEGAL SHEET
AGRICULTURAL PRESERVATION DISTRICT
MAP NO. F-2-18-05-28911 FOR PARCELS IN PRESERVATION AREA 1
22360 PARKER ROAD
GEORGETOWN, DE 19847

DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION
2320 S. DUPONT HIGHWAY
DOVER, DE 19901

PREPARED BY:
Jimmy Kroon
PLANNER IV
DELAWARE DEPT OF AGRICULTURE
DOVER, DELAWARE 19901

DATE:
09/26/2018

2

TAX MAP NO.: Part of 135-20.00-137.00
DALPF Project I.D. #: F-S-18-09-268Y1
Prepared By & Return To:
Parkowski, Guerke & Swayze, P.A.
P.O. Box 598
Dover, Delaware 19903

**DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION
ACKNOWLEDGMENT PURSUANT TO 3 Del. C. § 934 (c)**

WHEREAS, TUNNELL FARM, LLC, PREVIOUSLY INCORRECTLY REFERRED TO AS TUNNELL FARMS, LLC, a Delaware Limited Liability Company, (“Transferor”) is the owner of forestlands comprised of approximately 177.22 acres located at Georgetown Hundred, said lands lying in Sussex County, State of Delaware, and described in and subject to an Agricultural Preservation Forestland Area Agreement, dated 10/12/18, of record in the Office of the Recorder of Deeds in and for Sussex County, State of Delaware in Deed Book 4963 Page 188 ; and

WHEREAS, Transferor is about to transfer all of the subject lands to TIMOTHY R. CONAWAY and MARY E. CONAWAY, (“Transferees”), said lands being Part of tax parcel 135-20.00-137.00.

NOW, THEREFORE, in accordance with the requirements of 3 Del. C. § 934 (c) [71 Del. Laws, C. 257], Transferor and Transferee acknowledge their understanding of the acreage allowed for dwelling housing, and the restrictions which apply to the real property about to be conveyed, and that said lands are subject to the referenced Forestland Area Agreement, the provisions of 3 Del. C. ch. 9 and the regulations adopted pursuant thereto. Transferor and Transferee agree to be bound by same. Transferee shall be allowed eight (8) acres for dwelling housing and only three (3) residential dwellings shall be allowed on said eight (8) acres.

IN WITNESS WHEREOF, the Transferor and Transferee have executed this Acknowledgment this 10th day of October, 2018.

Transferor:
TUNNELL FARM, LLC,
a Delaware Limited Liability Company
By: SD Investment Properties, LLC, its sole member
By: Lamboll Street, LLC, its sole member

[Signature]
Witness

By: [Signature] (SEAL)
Todd Kuhl, Authorized Director

STATE OF South Carolina COUNTY OF Charleston : to-wit

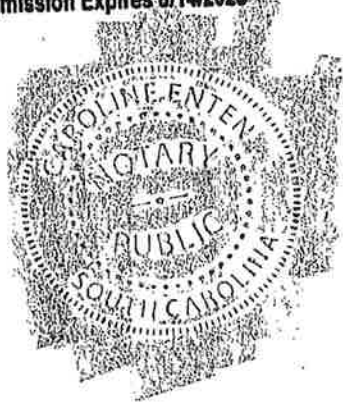
BE IT REMEMBERED, that on this 10th day of October, 2018, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Todd Kuhl, Authorized Director of Lamboll Street, LLC, sole member of SD Investments, LLC, sole member of of Tunnell Farm, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the Authorized Director is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

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

[Signature]
Notary Public

My Commission Expires: _____

CAROLINE ENTEN
Notary Public, State of South Carolina
My Commission Expires 8/14/2028





 Witness


 Witness

Transferee:

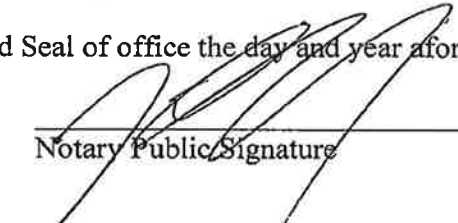

 _____ (SEAL)
 TIMOTHY R. CONAWAY


 _____ (SEAL)
 MARY E. CONAWAY

STATE OF DELAWARE :
 : SS.:
 COUNTY OF Sussex :

BE IT REMEMBERED that on this 12 day of October, A.D. 2018 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, TIMOTHY R. CONAWAY and MARY E. CONAWAY, parties to this Indenture, known to me personally to be such, and they acknowledged this Indenture to be their act and deed.

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



 Notary Public Signature

J. Everett Moore, JR., Esq.
 Attorney-Notary Public
 Unif. Notarial Act 29 Del. C. §4323(a) (3)
 Non Expiring Commission

 Notary Name – Printed or Typed
 My Commission Expires: _____

TAB “4”



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

JENNIFER COHAN
SECRETARY

October 10, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Timothy R. Conaway** conditional use application, which we received on September 13, 2019. This application is for a 15.00-acre portion of an approximately 224.92-acre parcel (Tax Parcel: 135-20.00-137.00). The subject land is located on the southeast corner of the intersection of Park Avenue / Wood Branch Road (Sussex Road 321) and Cedar Lane (Sussex Road 318), southeast of the Town of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a 15.00 acre portion of the land for a borrow pit.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Park Avenue where the subject land is located, which is from Cedar Lane to Springfield Road (Sussex Road 47), are 1,289 and 1,659 vehicles per day, respectively. As the subject land also has frontage along Cedar Lane, the annual average and summer average daily traffic volumes along that road segment, which is from Zoar Road (Sussex Road 48) to Wood Branch Road, are 2,861 and 3,682 vehicles per day, respectively.

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



Ms. Janelle M. Cornwell
Page 2 of 2
October 10, 2019

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

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Timothy R. Conaway, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date:

Site Information:

Site Address/Location: 135-20.00-137.00

Tax Parcel Number: 135-20.00-137.00

Current Zoning: AR-1

Proposed Zoning: AR-1 w/ Conditional Use

Land Use Classification: AGR

Proposed Use(s): 15-acre Borrow Pit

Square footage of any proposed buildings or number of units: N/A

RECEIVED

SEP 13 2019

SUSSEX COUNTY
PLANNING & ZONING

Applicant Information:

Applicant's Name: Timothy R. Conaway

Applicant's Address: 23620 Parker Road

City: Georgetown State: DE Zip Code: 19947

Applicant's Phone Number: (302) 542-7115

Applicant's e-mail address: TRConaway@verizon.net

Please send a copy to:
Morris James LLP
Attn: David C. Hutt, Esq.
107 W. Market Street, PO Box 690
Georgetown, DE 19947
DHutt@MorrisJames.com

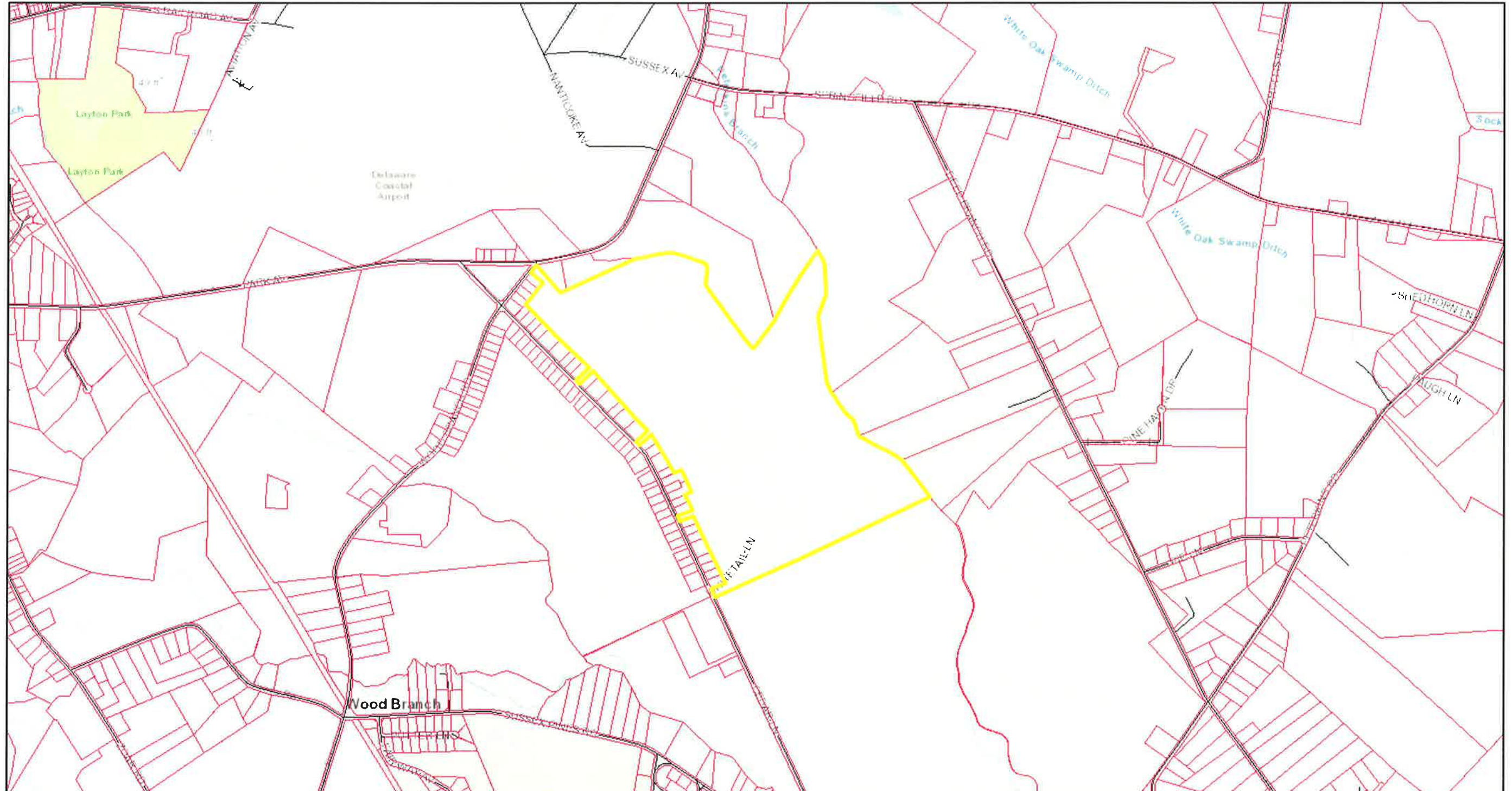


COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE 19947

Last updated 7-27-18

TAB “5”

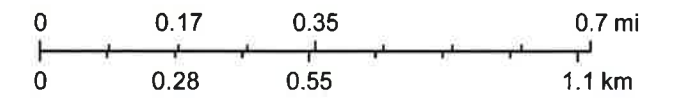
Sussex County



May 15, 2020

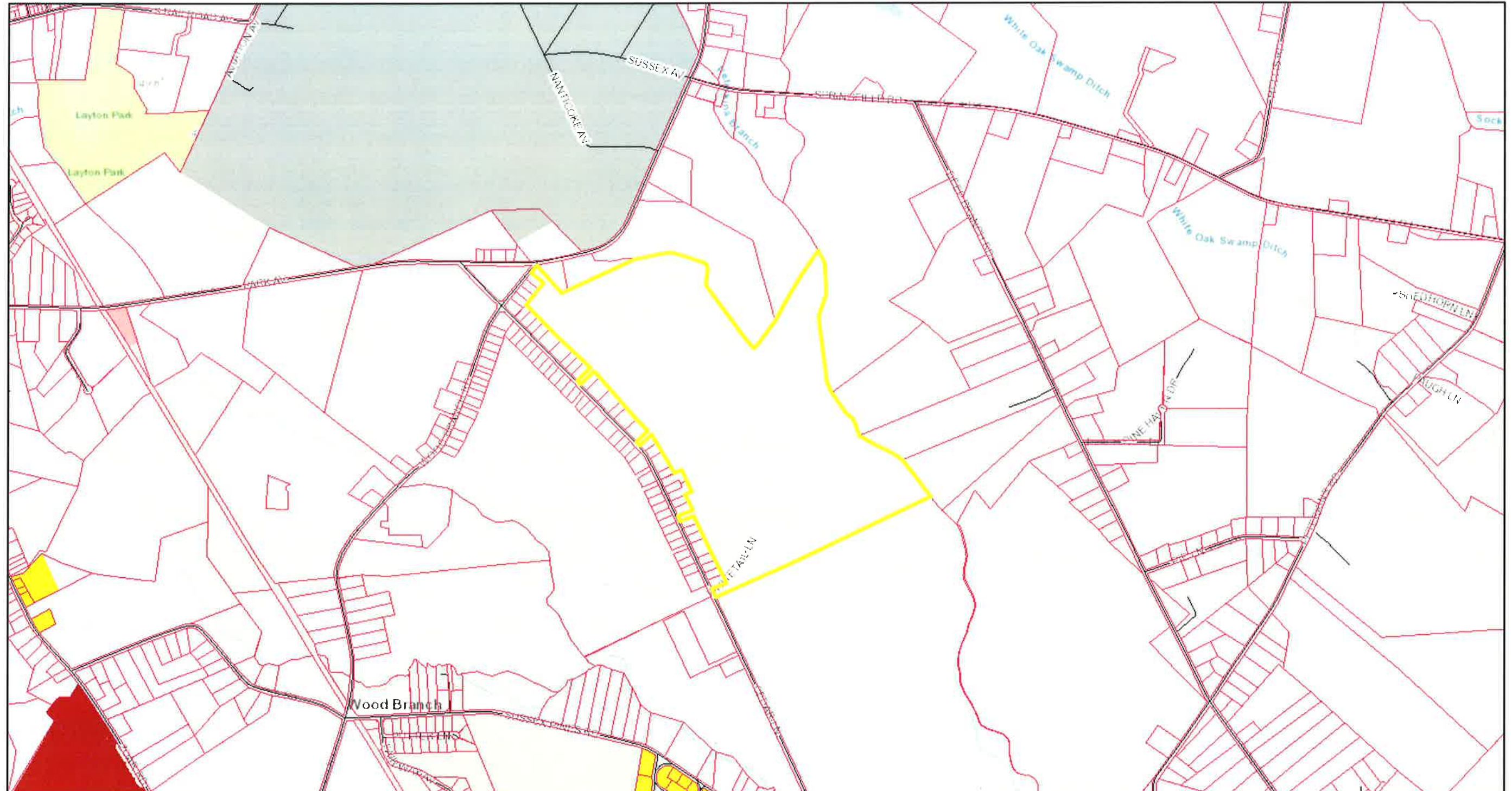
-  Override 1
-  Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:18,056



DALPF, Delaware Department of Education, Delaware Geological Survey, DNREC, Division of Watershed Stewardship, Drainage Program, john.inkster@state.de.us, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI,

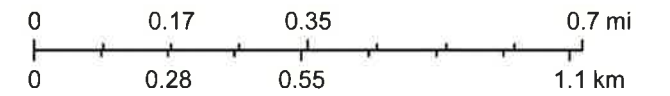
Sussex County



May 15, 2020



1:18,056

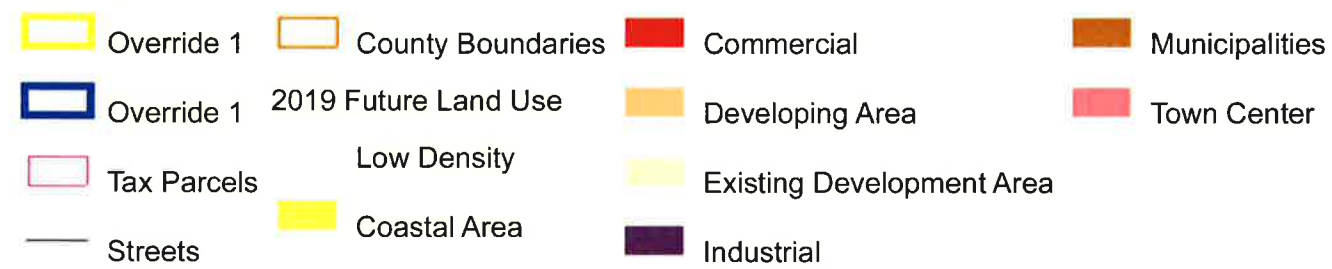


DALPF, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

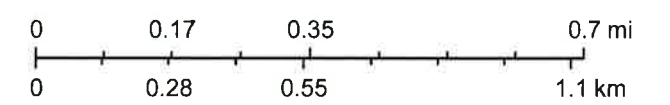
Sussex County



May 15, 2020

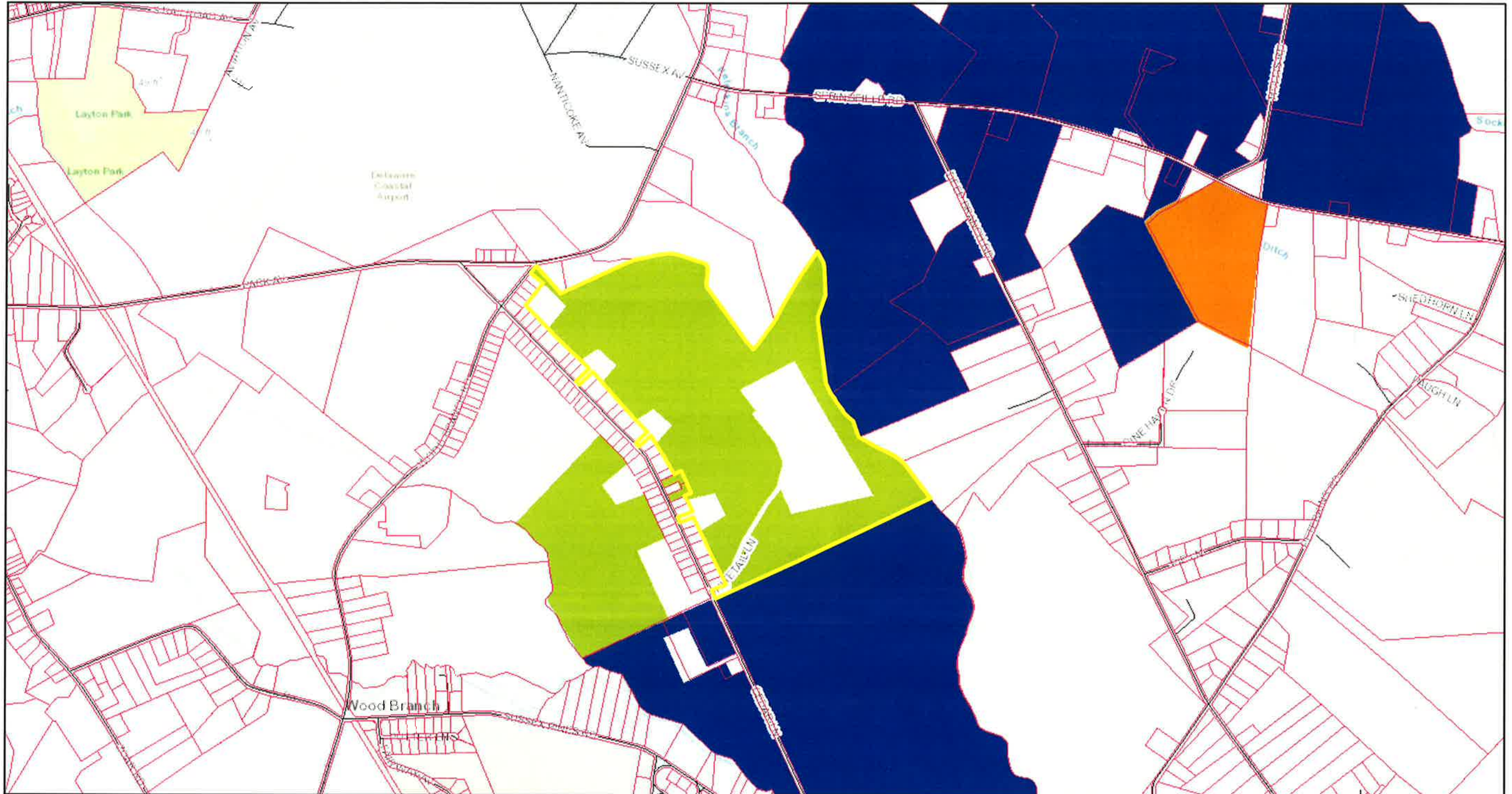


1:18,056















Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

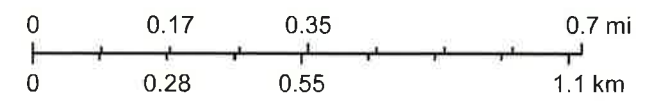
Sussex County



May 15, 2020

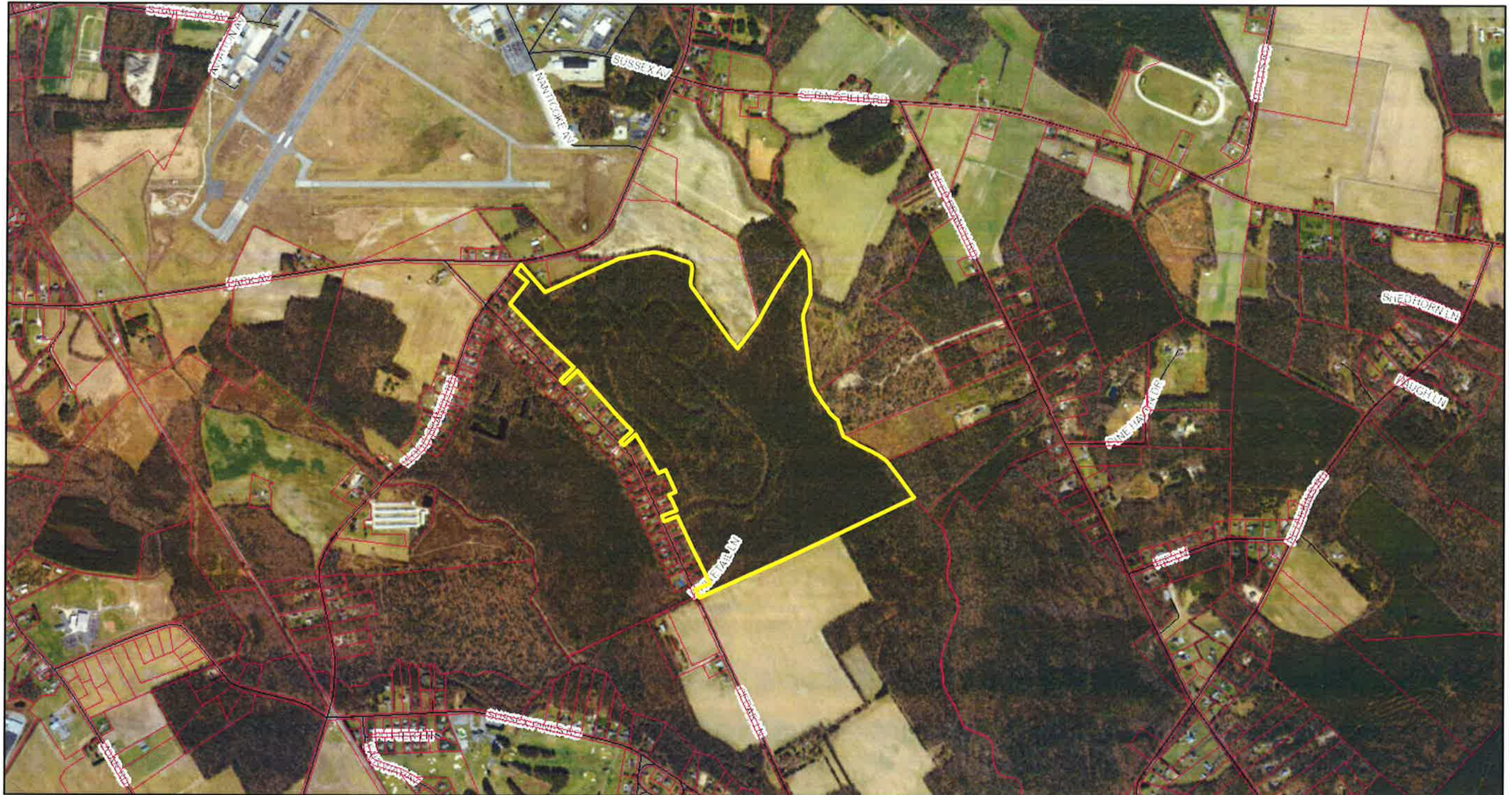
- | | | |
|---|---|--|
|  Override 1 |  County Boundaries |  Agricultural Expansion |
|  Override 1 |  Ag Preservation Districts |  Forest Land Preservation |
|  Tax Parcels |  Agricultural Easement |  Forestland Preservation Area |
|  Streets |  Agricultural District |  Forestland Preservation Easement |

1:18,056



DALPF. Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government

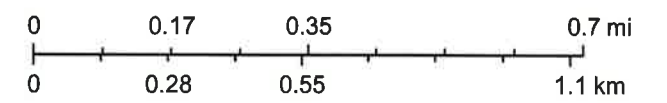
Sussex County



May 15, 2020

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

1:18,056



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex County, Sussex County Government

TAB “6”

Delaware 1954 Orthophotography



Delaware 1954 Orthophotography

0.2mi

Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



Google Earth

Imagery Date: 3/23/1992 38°40'39.50" N 75°20'48.25" W elev 45 ft eye alt 9277 ft

Image U.S. Geological Survey

1992

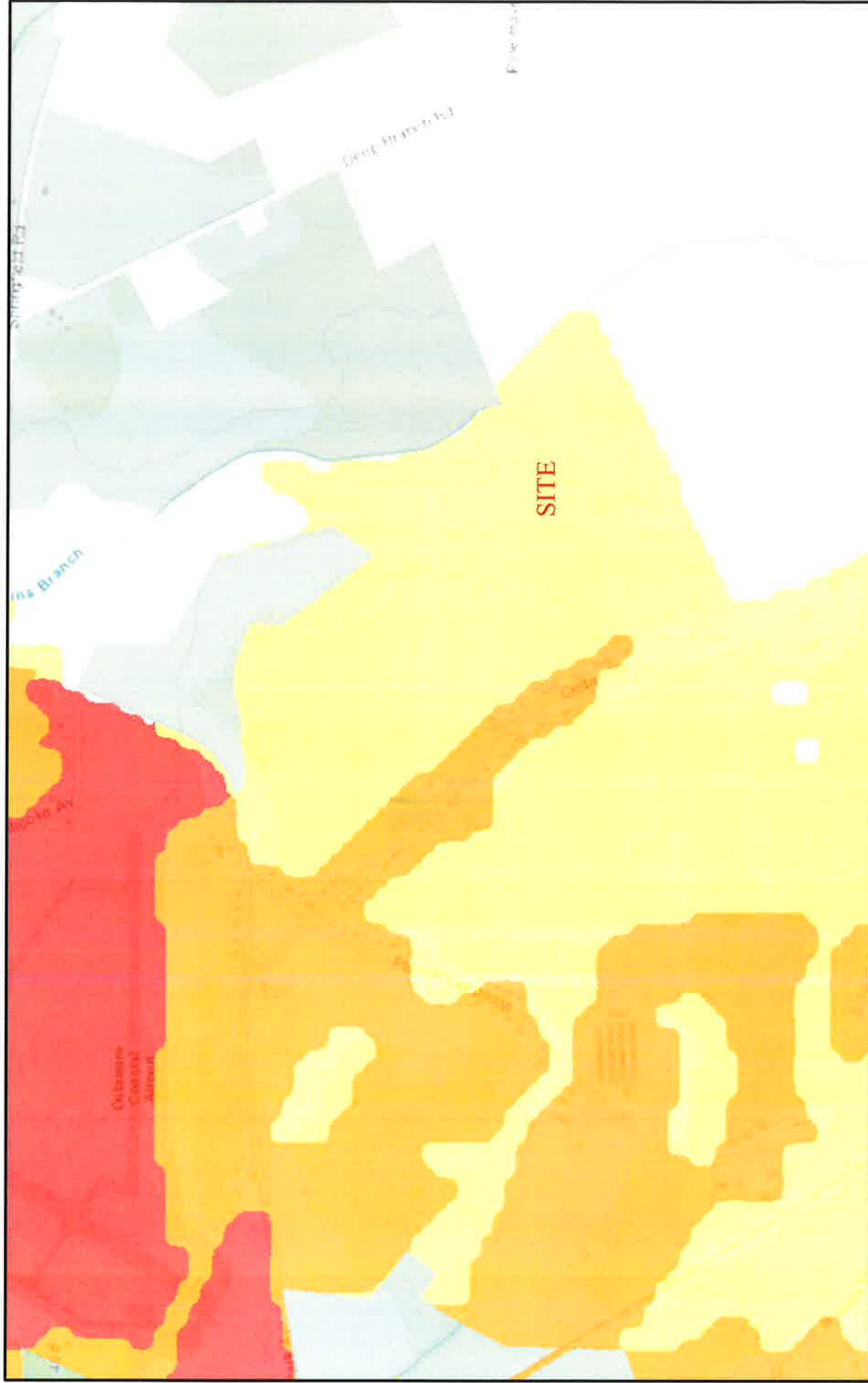


Google E

Imagery Date: 6/13/2018 38°40'39.50" N 75°20'48.25" W elev 45 ft eye alt 5

TAB “7”

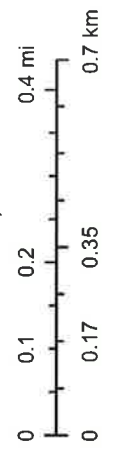
Delaware State Strategies 2015



State Strategies 2015

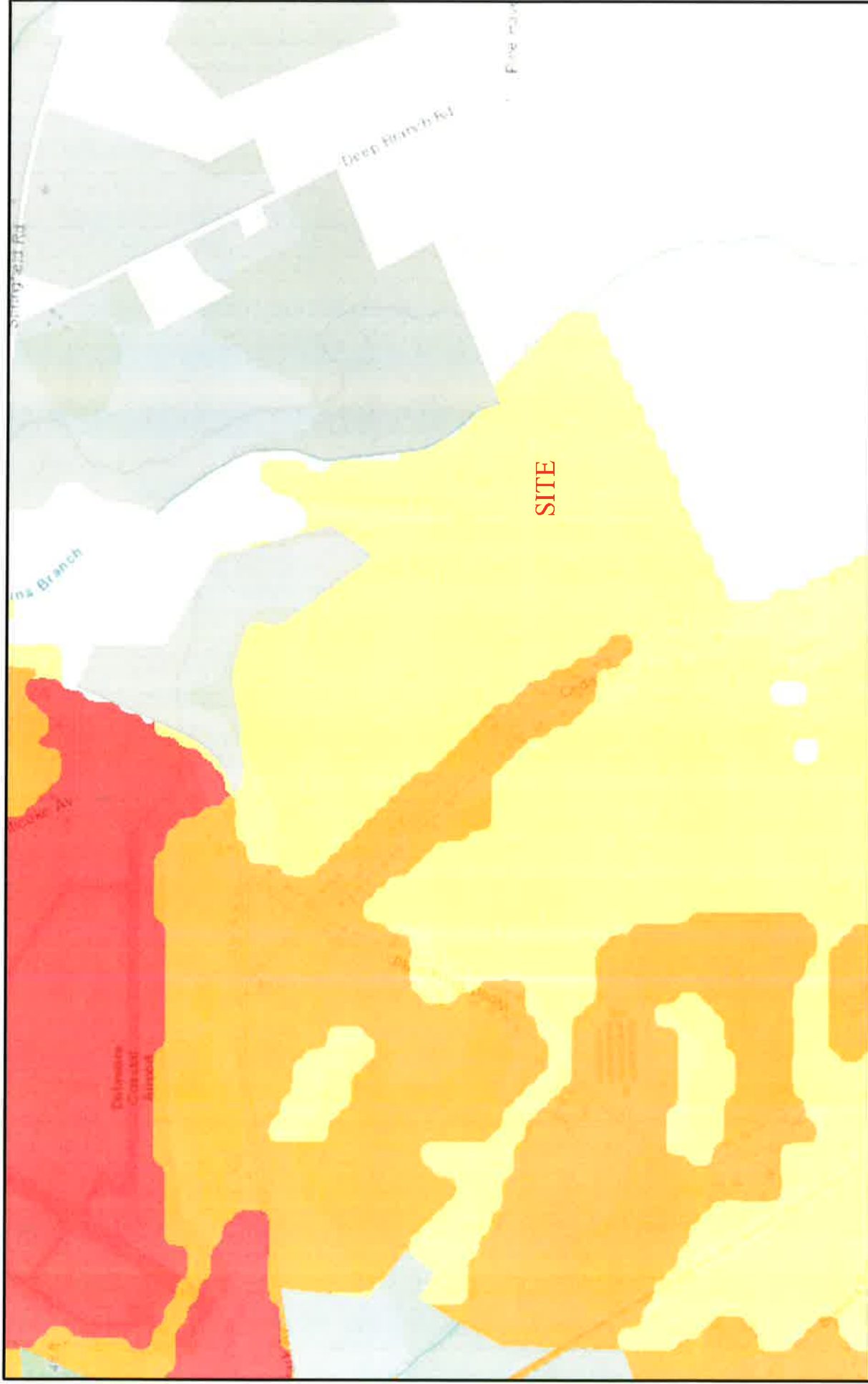
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

1:18,056



Delaware Office of State Planning Coordination, Sources: Esri, HERE.

Delaware State Strategies 2015



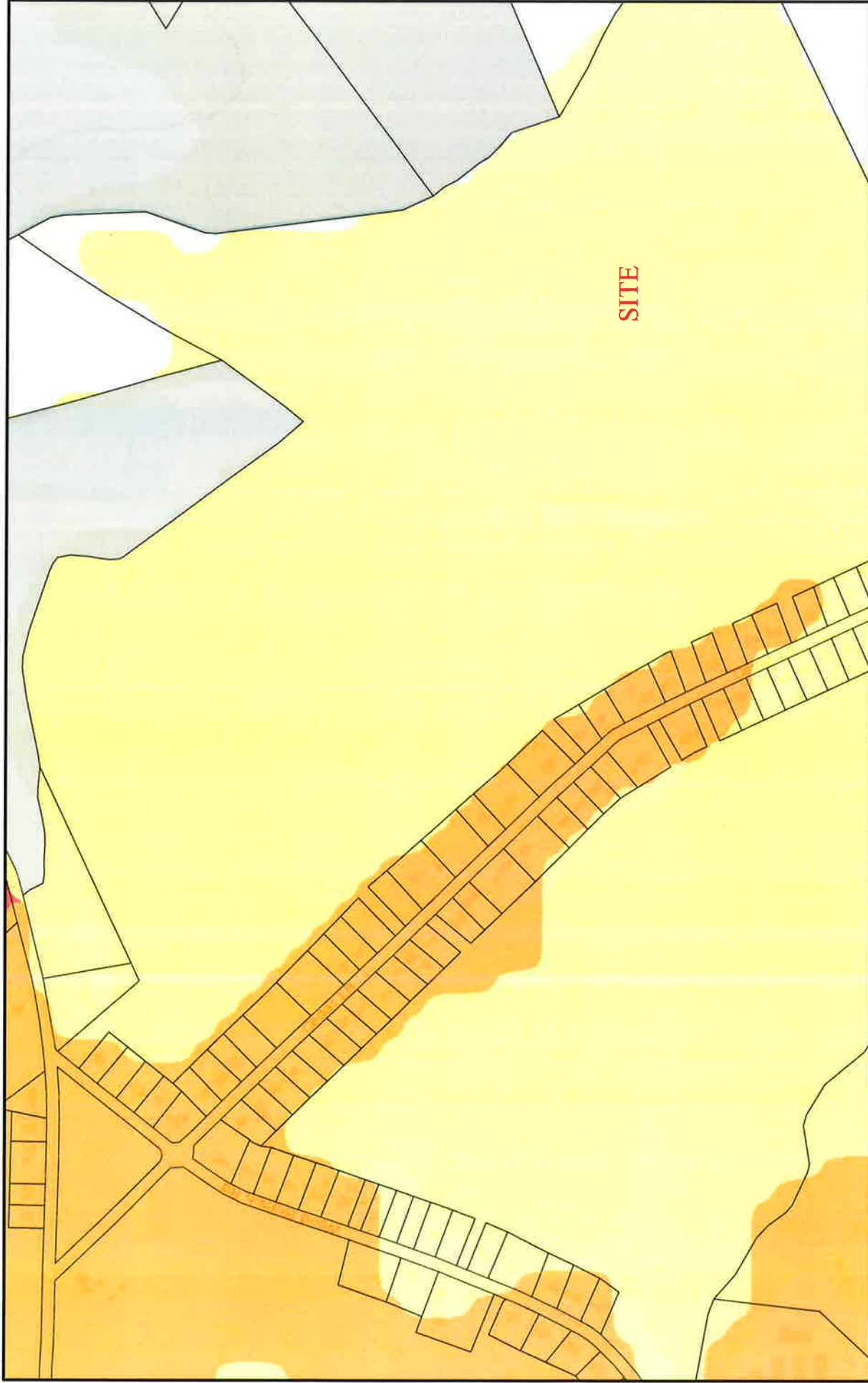
State Strategies 2015

- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

1:18,056



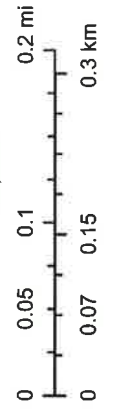
Delaware State Strategies 2015



State Strategies 2015

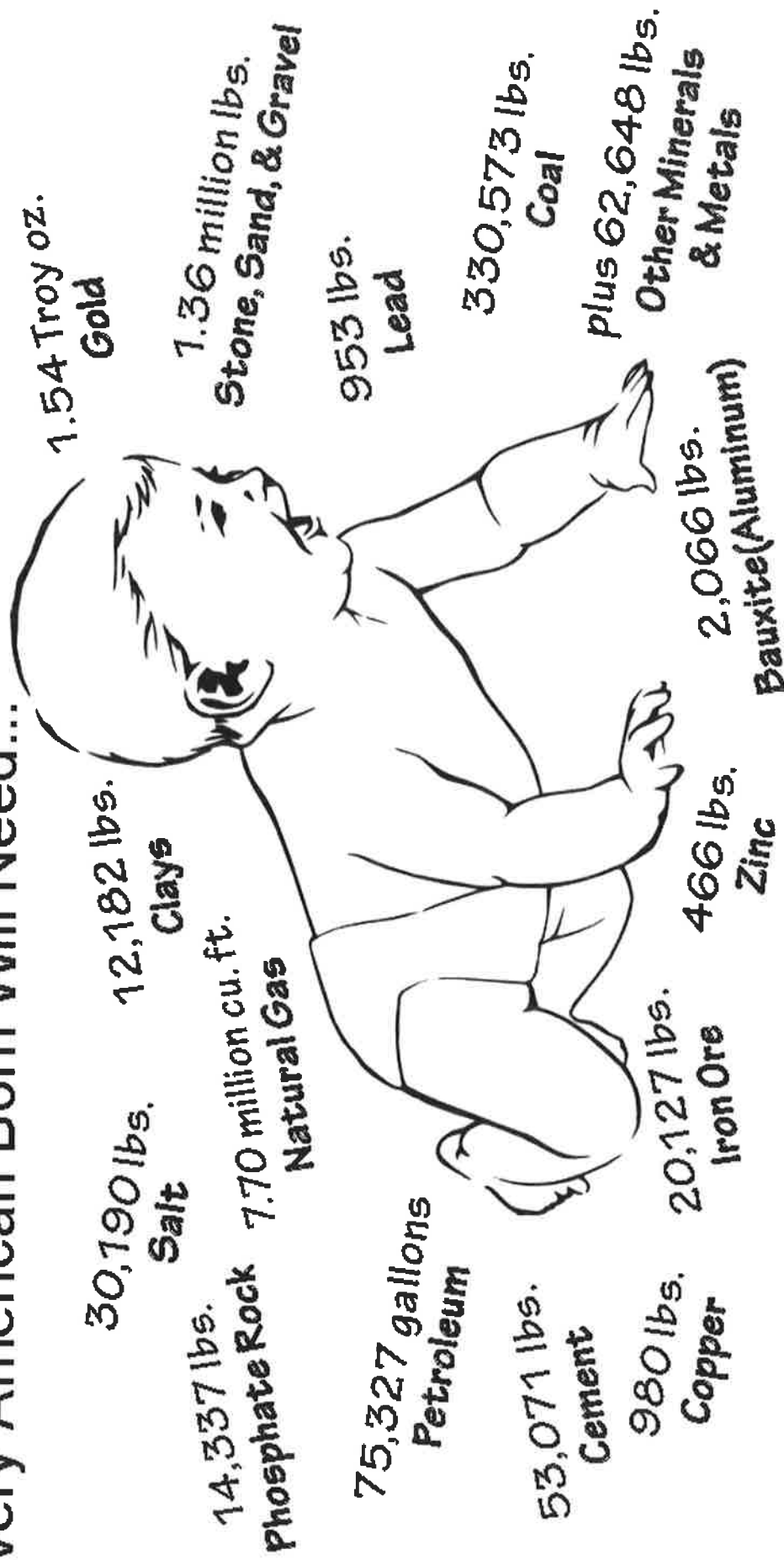
- Level 1
- Level 2
- Level 3
- Level 4
- Out of Play

1:9,028



TAB “8”

Every American Born Will Need...



3.19 million pounds of minerals, metals, and fuels in their lifetime

EVERY YEAR

40,633 pounds of new minerals must be provided for every person in the United States to make the things we use daily

9,924 lbs.

Stone used to make roads, buildings, bridges, landscaping, numerous chemical and construction uses

12 lbs.

Copper used in buildings, electrical & electronic parts, plumbing, transportation

7,345 lbs.

Sand & Gravel used to make concrete, asphalt, roads, blocks & bricks

12 lbs.

Lead 75% used for transportation—batteries, electrical, communications

675 lbs.

Cement used to make roads, sidewalks, bridges, buildings, schools, houses

6 lbs.

Zinc used to make metals rust resistant, various metals & alloys, paint, rubber, skin creams, health care, and nutrition

256 lbs.

Iron Ore used to make steel—buildings, cars, trucks, planes, trains, other construction, containers

34 lbs.

Soda Ash used to make all kinds of glass, in powdered detergents, medicines, as a food additive, photography, water treatment

384 lbs.

Salt used in various chemicals, highway deicing, food & agriculture

6 lbs.

Manganese used to make almost all steel for construction, machinery, transportation

182 lbs.

Phosphate Rock used to make fertilizers to grow food, animal feed supplements

6 lbs.

Manganese used to make almost all steel for construction, machinery, transportation

155 lbs.

Clays used to make floor & wall tile, dinnerware, kitty litter, bricks & cement, paper

624 lbs.

Other Nonmetals used in glass, chemicals, soaps, paper, computers, cell phones, etc.

26 lbs.

Aluminum (Bauxite) used to make buildings, beverage containers, autos, airplanes

23 lbs.

Other Metals used in electronics, TV & video equipment, recreation equipment, etc.

Including These Energy Fuels

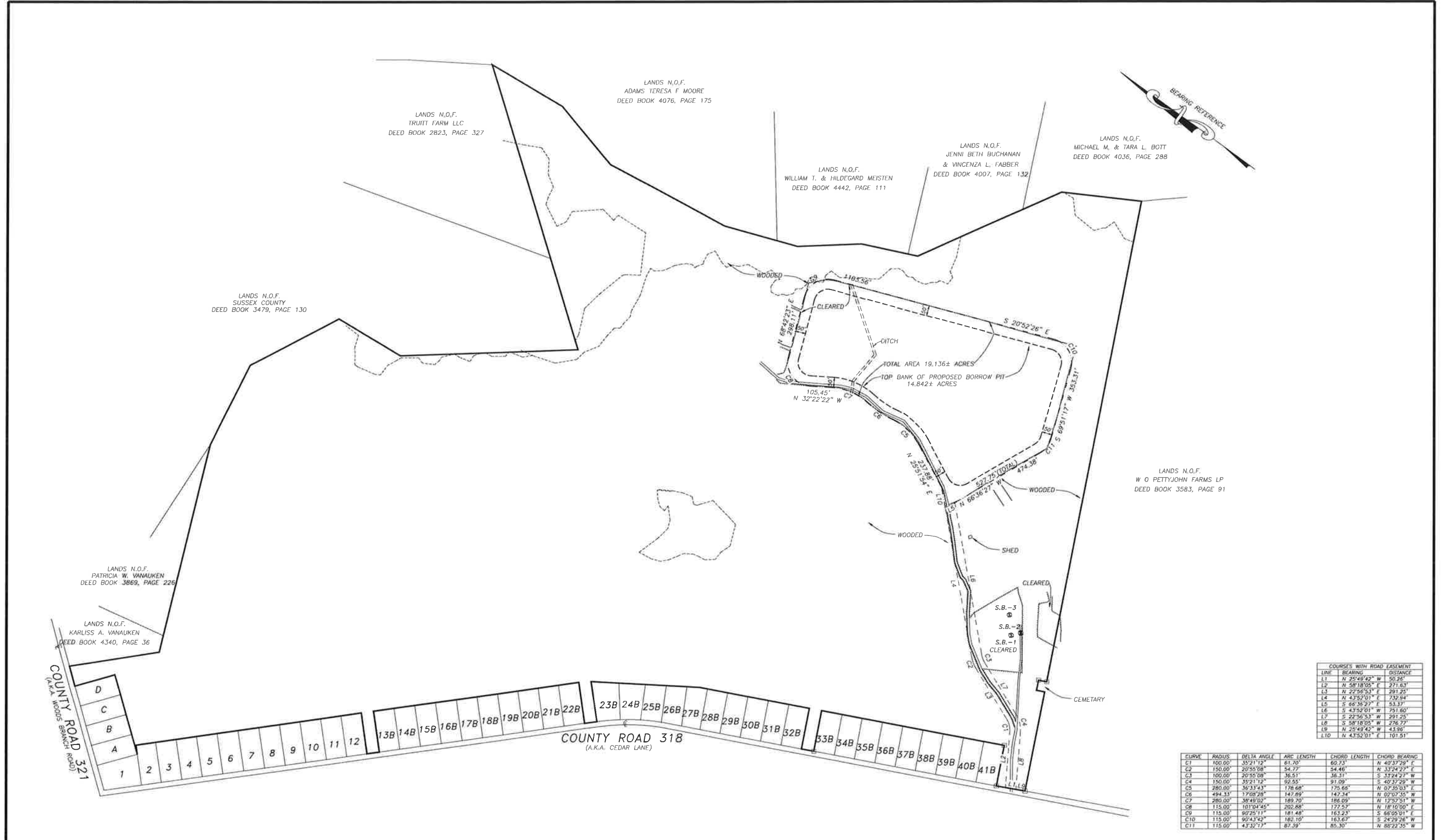
- 958 gallons of Petroleum
- 4,206 lbs. of Coal
- 97,988 cu. ft. of Natural Gas
- 0.13 lb. of Uranium

To generate the energy each person uses in one year—

MEC

Minerals Education Coalition

TAB “9”



LANDS N.O.F.
TRUITT FARM LLC
DEED BOOK 2823, PAGE 327

LANDS N.O.F.
ADAMS TERESA F MOORE
DEED BOOK 4076, PAGE 175

LANDS N.O.F.
WILLIAM T. & HILDEGARD MEISTEN
DEED BOOK 4442, PAGE 111

LANDS N.O.F.
JENNI BETH BUCHANAN
& VINENZA L. FABBER
DEED BOOK 4007, PAGE 132

LANDS N.O.F.
MICHAEL M. & TARA L. BOTT
DEED BOOK 4036, PAGE 288

LANDS N.O.F.
SUSSEX COUNTY
DEED BOOK 3479, PAGE 130

LANDS N.O.F.
W O PETTYJOHN FARMS LP
DEED BOOK 3583, PAGE 91

LANDS N.O.F.
PATRICIA W. VANAUKEN
DEED BOOK 3869, PAGE 226

LANDS N.O.F.
KARLISS A. VANAUKEN
DEED BOOK 4340, PAGE 36

LINE	BEARING	DISTANCE
L1	N 25°49'42" W	50.26'
L2	N 58°18'05" E	271.63'
L3	N 22°56'53" E	291.25'
L4	N 43°52'01" E	732.94'
L5	S 68°36'27" E	53.37'
L6	S 43°52'01" W	751.60'
L7	S 22°56'53" W	291.25'
L8	S 58°18'05" W	276.77'
L9	N 25°49'42" W	43.96'
L10	N 43°52'01" E	101.91'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	35°21'12"	61.70'	60.73'	N 40°37'29" E
C2	150.00'	20°55'08"	54.77'	54.46'	N 33°24'22" E
C3	100.00'	20°55'08"	36.51'	36.31'	S 33°24'22" W
C4	150.00'	35°21'12"	92.55'	91.09'	S 40°37'29" W
C5	280.00'	36°33'43"	178.68'	175.66'	N 07°35'03" E
C6	494.33'	17°06'28"	147.89'	147.34'	N 07°07'55" W
C7	280.00'	36°33'43"	189.29'	186.09'	N 12°52'51" W
C8	115.00'	101°04'45"	202.88'	172.52'	N 18°10'00" E
C9	115.00'	90°25'11"	181.48'	163.23'	S 66°05'01" E
C10	115.00'	90°43'42"	182.10'	163.67'	S 24°29'26" W
C11	115.00'	43°32'17"	87.39'	85.30'	N 85°22'55" W

NOTES:

- 1) SOURCE OF TITLE: DEED BOOK 4963, PAGE 196
- 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

LEGEND:

□ FOUND CONCRETE MONUMENT

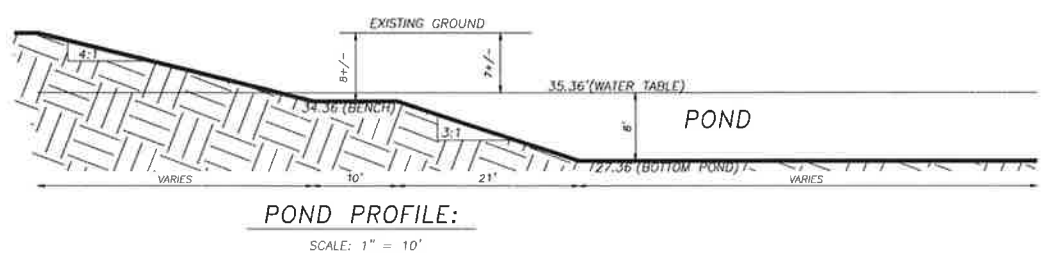
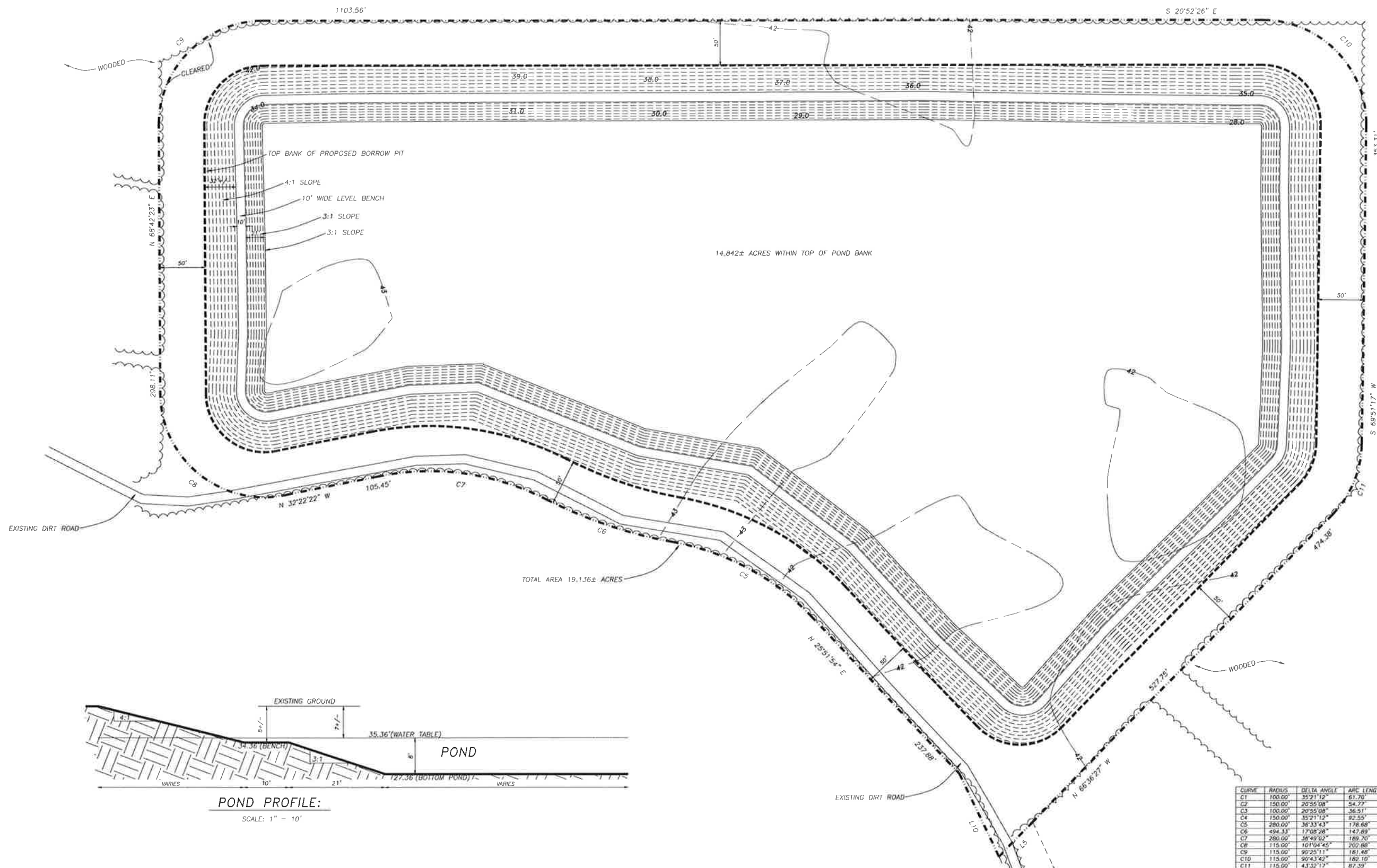
I, Charles E. Adams, Jr., P.L.S., registered as a Professional Land Surveyor in the State of Delaware, hereby certify that the information shown on this plan has been prepared under the supervision and under the personal direction and control of me, and that I am a duly licensed, registered, and qualified professional land surveyor in the State of Delaware.

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By
ADAMS-KEMP ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
AND PLANNERS
217 SOUTH RACE STREET
GEORGETOWN, DELAWARE 19947
PHONE: (302) 856-6699
WWW.ADAMSKEMP.COM

BORROW PIT SURVEY PLAN

PREPARED FOR
TIMOTHY R. CONAWAY
SITUATED IN
GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE
AREA: 219.800± ACRES
SCALE: 1" = 200'
DATE: AUGUST 28, 2019



LINE	BEARING	DISTANCE
L1	N 25°49'42" W	50.26'
L2	N 58°18'05" E	271.63'
L3	N 27°56'53" E	291.25'
L4	N 43°52'01" E	232.94'
L5	S 62°35'22" E	43.32'
L6	S 43°52'01" W	751.60'
L7	S 22°58'53" W	291.25'
L8	S 58°18'05" W	276.72'
L9	N 25°49'42" W	43.96'
L10	N 43°52'01" E	101.51'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	35°21'12"	61.70'	60.23'	N 49°37'29" E
C2	150.00'	20°55'08"	54.77'	54.46'	N 33°24'23" E
C3	100.00'	20°55'08"	36.51'	36.31'	S 33°24'23" W
C4	150.00'	35°21'12"	92.55'	91.09'	S 40°37'29" W
C5	280.00'	38°33'43"	178.68'	175.66'	N 07°35'03" E
C6	494.33'	17°08'26"	142.89'	142.54'	N 02°07'35" W
C7	280.00'	38°49'02"	189.70'	186.09'	N 12°52'51" W
C8	115.00'	101°04'45"	202.88'	177.52'	N 18°10'00" E
C9	115.00'	92°25'11"	181.48'	163.23'	S 66°05'01" E
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NOTES:
 1) SOURCE OF TITLE: DEED BOOK 4963, PAGE 196
 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

LEGEND:
 □ FOUND CONCRETE MONUMENT
 -43- EXISTING CONTOUR & ELEVATION
 -28.0- PROPOSED CONTOUR & ELEVATION

Prepared By
ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

BORROW PIT SURVEY PLAN
 PREPARED FOR
TIMOTHY R. CONAWAY
 SITUATED IN
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE
 AREA: 219.800± ACRES
 SCALE: 1" = 50'
 DATE: AUGUST 28, 2019

CHARLES E. ADAMS, JR., P.L.S. 506

TAB “10”

WHITETAIL LANE, LLC

**PROPOSED FINDINGS OF FACTS & CONDITIONS OF APPROVAL
C.U. No. 2213**

Findings of Fact

1. This is an application for a Conditional Use in an AR-1 Agricultural Residential District for excavation of a 15± acre borrow pit, extraction, processing and removal of sand, gravel or stone, said property being located in Georgetown Hundred, Sussex County, Delaware and situated on the east side of Cedar Lane (S.C.R. 318), being a part of Sussex County Tax District 135, Map 20.00, Parcel 137.00.

2. The subject property is owned by the applicant, Whitetail Lane, LLC.

3. The proposed site is a portion of larger tract consisting of approximately 219.8± acres.

4. The proposed site is presently wooded and is an upland portion of the property.

5. The larger 219.8± acres parcel is subject to a forestland preservation easement. The Preservation Easement specifically excludes 31.83± acres from the preservation easement, which is the location of the proposed borrow pit.

6. The conditional use is for excavation of a 15-20± acre borrow pit, extraction, processing and removal of sand, gravel or stone at the “rear” of the property treating Cedar Lane as the “front” of the property.

7. The immediate area surrounding this property is a combination of residential homes, agricultural lands and woodlands. More specifically, the property is bordered on:

- a. the north by one residence and other large parcels used agriculturally with some woodlands;
- b. the east by large (25+ acres) parcels including lands subject to Agricultural Preservation Easements;
- c. the south by woodlands and agricultural lands subject to Agricultural Preservation Easements; and
- d. the west by approximately ½ acres lots used residentially along Cedar Lane.

8. In the 2018 Sussex County Comprehensive Plan update, the area for the proposed rezoning is identified for purposes of future land use as being in a Developing Area, one of the Comprehensive Plan’s Growth Areas. The property likely has this designation due to its close proximity to the Delaware Coastal Airport.

9. The 2015 Delaware Strategies for State Policies and Spending identify the property as Investment Level 3.

10. The proposed conditional use will not increase the congestion of roads or streets as confirmed by DelDOT, which did not require a Traffic Impact Study or Traffic Operations Analysis and determined that the borrow pit's impact would be negligible on the adjacent roads. More specifically, DelDOT reviewed the applicant's planned project and issued a letter stating that the proposed land use will generate fewer than 50 vehicle trips in any hour and fewer than 500 vehicle trips per day, which is below the warrants when a Traffic Impact Study is required. In addition, DelDOT's review stated that it considered the proposed development's traffic impact to be "negligible" in the context of DelDOT's agreement with Sussex County regarding land development coordination. Further, any site plan will require DelDOT review and approval to provide for safe vehicular and pedestrian movement within the site and entrance approval for access onto Cedar Lane.

11. This conditional use application is for approximately 15-20 acres of the total site acreage of 219.80± acres, and is subject to the provisions of Articles IV through XX, § 115-22 and § 115-172 of the Zoning Code.

12. The purpose of a Conditional Use is to provide for certain uses which cannot otherwise be well adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations.

13. A borrow pit use is generally of a public or semipublic character and is essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of its relationship to the Comprehensive Plan and possible impact on neighboring properties, requires the exercise of planning judgment on location and site plan.

14. The granting of this application will provide a borrow pit for the processing and removal of sand, gravel, and stone, to be used in the construction of private and public works projects in the immediate area and throughout Sussex County.

15. The proposed use complies with Sussex County Code ARTICLE XXIV, Section 115-172 B. which contains Sussex County's "Special Requirements" relating to excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations, provided that:

a. *No material may be brought from off the site for processing, mixing or similar purposes.*

The applicant will comply with this requirement and no offsite materials will be brought to the site for processing, etc.

b. *The excavating, extraction or filling operation shall be controlled to offer reasonable protection to surrounding properties and the neighborhood, particularly as regards to odors, dust, air or water pollution and uses of roads or streets providing access to the site.*

The applicant has designed the project so that any entrance, intersection and roadway improvements shall be completed in accordance with all DelDOT requirements.

The proposed access road will be located on Cedar Lane Road at the southern end of the property. The access road is approximately 1,000' from the beginning of the borrow pit and is surrounded by lands in woodland preservation. This natural barrier will help to prevent the pit from becoming an attractive nuisance as it will not be visible from local roads.

- c. *The location of the excavation, extraction or filling with respect to property lines, the depth of excavation or filling and relation to the water table or flood criteria and the slope of the sides of the excavation shall be controlled to prevent a continuing unsightly, hazardous or wasteful condition of the land.*

The proposed pit is not in any flood plain area.

The proposed pit is greater than 50-feet from all property lines.

The proposed pit is surrounded by woodlands subject to a preservation easement.

The proposed pit will have 4:1 side slope down to a 10-foot level bench that will be approximately near or 1-foot below the static water surface.

The water table is approximately 14 feet below the existing grade.

The depth of the proposed borrow pit will not exceed 65-feet.

Only the trees within the area of the proposed pit will be disturbed. All other existing trees will remain as they are subject to a preservation easement.

Wetlands onsite will not be disturbed and will be buffered during pit excavation.

There are no known endangered species located onsite.

- d. *The Borrow Pit shall be surrounded by a landscaped unexcavated buffer strip of open space a minimum distance of 100 feet from any street lines and a minimum distance of 50 feet from all other property lines. The buffer strip shall remain free of any buildings or streets.*

The plans submitted with the application show a minimum 50-foot landscaped buffer around the entire proposed Borrow Pit. The Borrow Pit is greater than 50-feet from property lines. Further, the Borrow Pit is surrounded by lands subject to a preservation easement.

The proposed borrow pit will be located approximately 1,000-feet from Cedar Lane (the nearest public road) which exceeds the 100-foot minimum requirement.

- e. *The Borrow Pit shall be at least 200 feet from any dwelling on property of other ownership.*

All excavation of the proposed pit will occur more than 200' from any adjacent dwellings.

- f. *Prior to issuance of a notice to proceed with development of the Borrow Pit, a site plan shall be submitted to the Commission for review. The site plan shall be prepared in compliance with this subsection, Article XXVIII of this chapter and the following:*

- i. *Site plans shall designate existing site conditions, proposed excavation area and proposed reclamation plans.*

The preliminary site plan submitted shows these features and the applicant intends to comply with this requirement during the approval process.

- ii. *Approvals shall be required to be submitted from the appropriate governmental agency for ingress/egress and erosion/sediment control.*

Any entrance, intersection and roadway improvements shall be completed by the applicant in accordance with all DelDOT requirements.

The stormwater management control system shall meet or exceed the requirements of Sussex Conservation District and DNREC through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).

16. Potable drinking water will be provided for on-site.

17. Sanitary Sewer will be provided through the use of a Delaware State Licensed Port-O-Potty company. No onsite wastewater disposal system will be needed for the proposed pit.

18. The applicant intends to construct a residence on the property in the future. Once the residence is constructed, sanitary sewer may be provided through the system installed for the residence.

19. The proposed conditional use meets the general purpose of the Zoning Ordinance and the Comprehensive Plan as it is being located in an appropriate location providing sufficient area for a use of this nature which in other locations may not be able to be as well adjusted to its environment.

20. Through the placement of appropriate conditions of approval, the impact of the borrow pit on neighboring properties will be significantly reduced.

21. The proposed project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth, convenience, order, prosperity and welfare of the County.

22. The conditional use requested will promote the health and safety of the inhabitants of Sussex County and is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County, particularly for any projects that have been or may be approved for development.

Conditional Use 2213 - Conditions of Approval

Approval is subject to the following conditions:

A. No material may be brought from off the site for processing, mixing or similar purposes.

B. The excavated area shall not exceed 15 acres.

C. The entrance to the pit shall be a gravel or paved road from S.C.R. 318 (Cedar Lane). Until a residence is built on the site, the entrance shall be fenced or gated to prevent access. Until a residence is built on the site, the entrance shall be secured when the pit is not in operation.

D. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant as required and in accordance with all DelDOT requirements.

E. The Applicant shall comply with all State and County erosion and sediment control regulations. The project will meet or exceed stormwater management system regulations set forth by the Sussex Conservation District and DNREC through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.

F. The hours of operation shall be between 6 a.m. and 6 p.m. Monday thru Friday and between 6 a.m. and 2 p.m. on Saturdays. No Sunday hours shall be permitted.

G. No materials will be stored on any access roads or within any buffers.

H. The proposed pit will have a 4:1 side slope down to a 10 foot level bench that will be approximately near or 1 foot below the static water surface. Below the water level the borrow pit shall have 3:1 slopes. The depth of the proposed borrow pit will not exceed 65 feet.

I. A final site plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and

planting schedules designed to create a pleasing appearance and protect existing and future developments.

J. Permanent concrete markers and signs shall be placed at appropriate locations to designate the boundaries of the subject property and pit areas. The boundary markers shall be raised and marked so that they are clearly visible to anyone nearing the site.

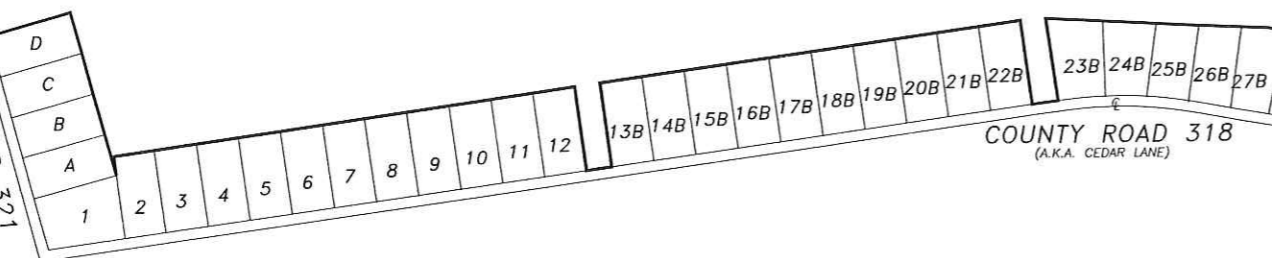
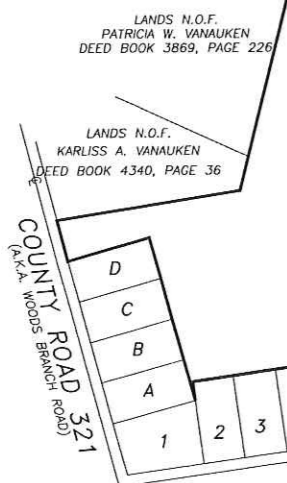
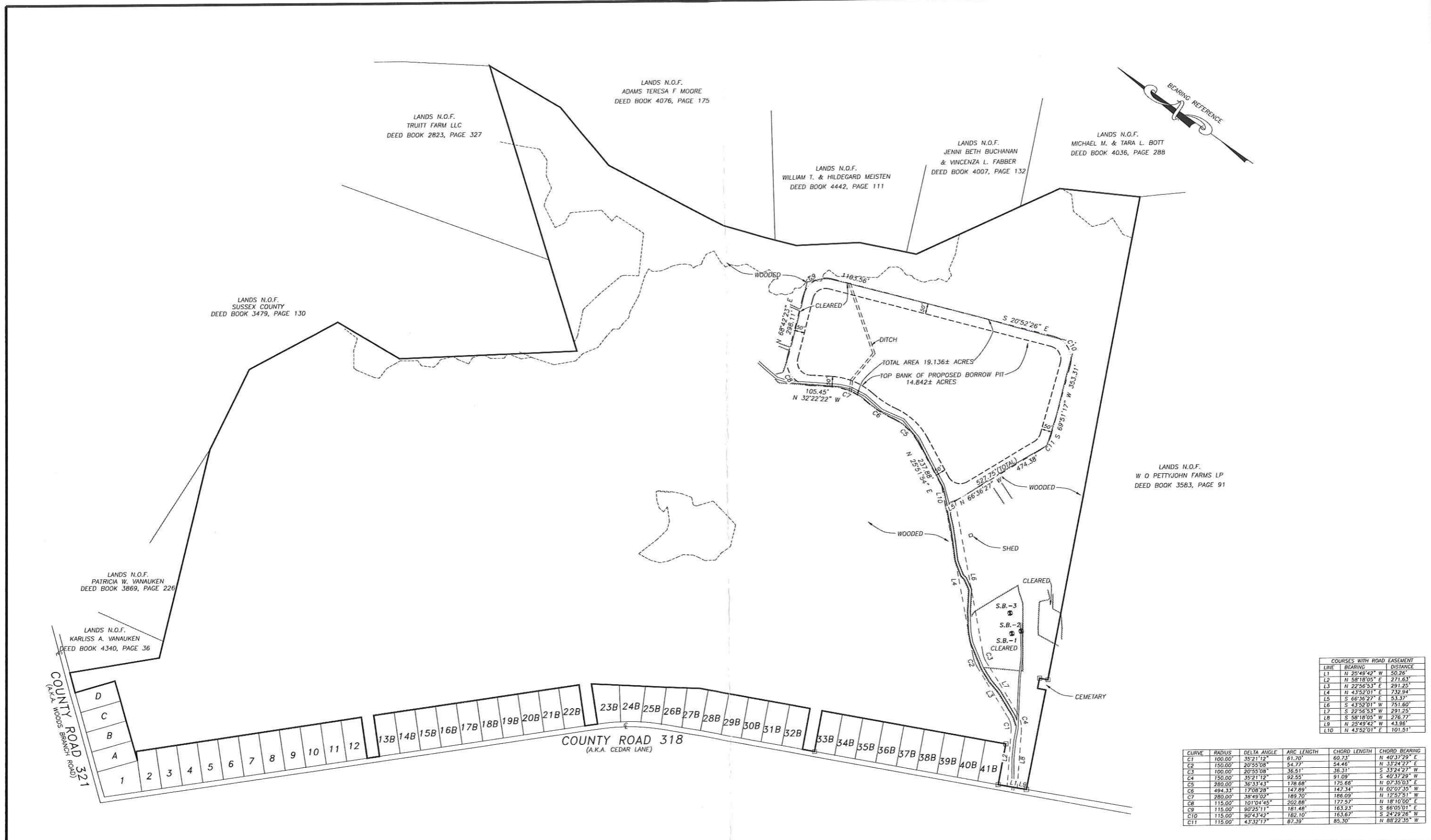
K. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.

L. No wetlands shall be disturbed.

M. This approval shall terminate upon the expiration of fifty (50) years from the date of enactment.

N. Any safety lights shall be screened downward, so they do not shine on neighboring properties or roadways.

O. The final site plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.



LANDS N.O.F.
TRUITT FARM LLC
DEED BOOK 2823, PAGE 327

LANDS N.O.F.
ADAMS TERESA F MOORE
DEED BOOK 4076, PAGE 175

LANDS N.O.F.
WILLIAM T. & HILDEGARD MEISTEN
DEED BOOK 4442, PAGE 111

LANDS N.O.F.
JENNI BETH BUCHANAN & VINCENZA L. FABBER
DEED BOOK 4007, PAGE 132

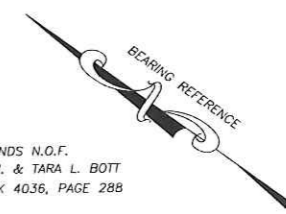
LANDS N.O.F.
MICHAEL M. & TARA L. BOTT
DEED BOOK 4036, PAGE 288

LANDS N.O.F.
SUSSEX COUNTY
DEED BOOK 3479, PAGE 130

LANDS N.O.F.
PATRICIA W. VANAUKEN
DEED BOOK 3869, PAGE 226

LANDS N.O.F.
KARLISS A. VANAUKEN
DEED BOOK 4340, PAGE 36

LANDS N.O.F.
W O PETTYJOHN FARMS LP
DEED BOOK 3583, PAGE 91



CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	35°21'12"	61.70'	60.73'	N 49°37'29" E
C2	150.00'	20°55'08"	54.77'	54.46'	N 33°24'27" E
C3	100.00'	20°55'08"	36.51'	36.31'	S 33°24'27" W
C4	150.00'	35°21'12"	92.55'	91.09'	S 40°37'29" W
C5	280.00'	36°33'43"	178.68'	175.66'	N 07°35'03" E
C6	494.33'	17°08'29"	147.89'	147.34'	N 02°07'35" W
C7	280.00'	38°49'32"	189.70'	186.09'	N 12°57'51" W
C8	115.00'	101°04'45"	202.88'	177.57'	N 18°10'00" E
C9	115.00'	90°25'11"	181.46'	163.23'	S 66°05'01" E
C10	115.00'	90°43'42"	182.10'	163.67'	S 24°29'26" W
C11	115.00'	43°32'17"	87.39'	85.30'	N 88°22'35" W

NOTES:
 1) SOURCE OF TITLE: DEED BOOK 4963, PAGE 196
 2) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

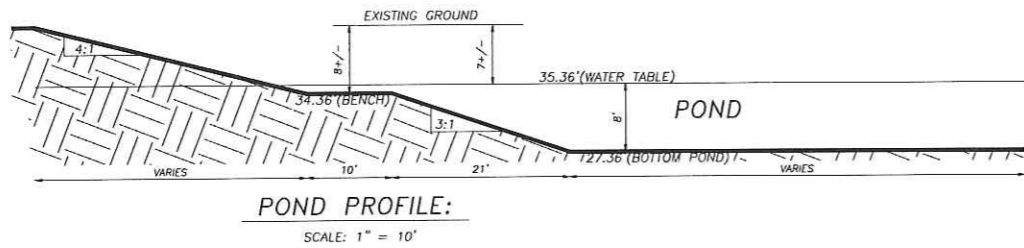
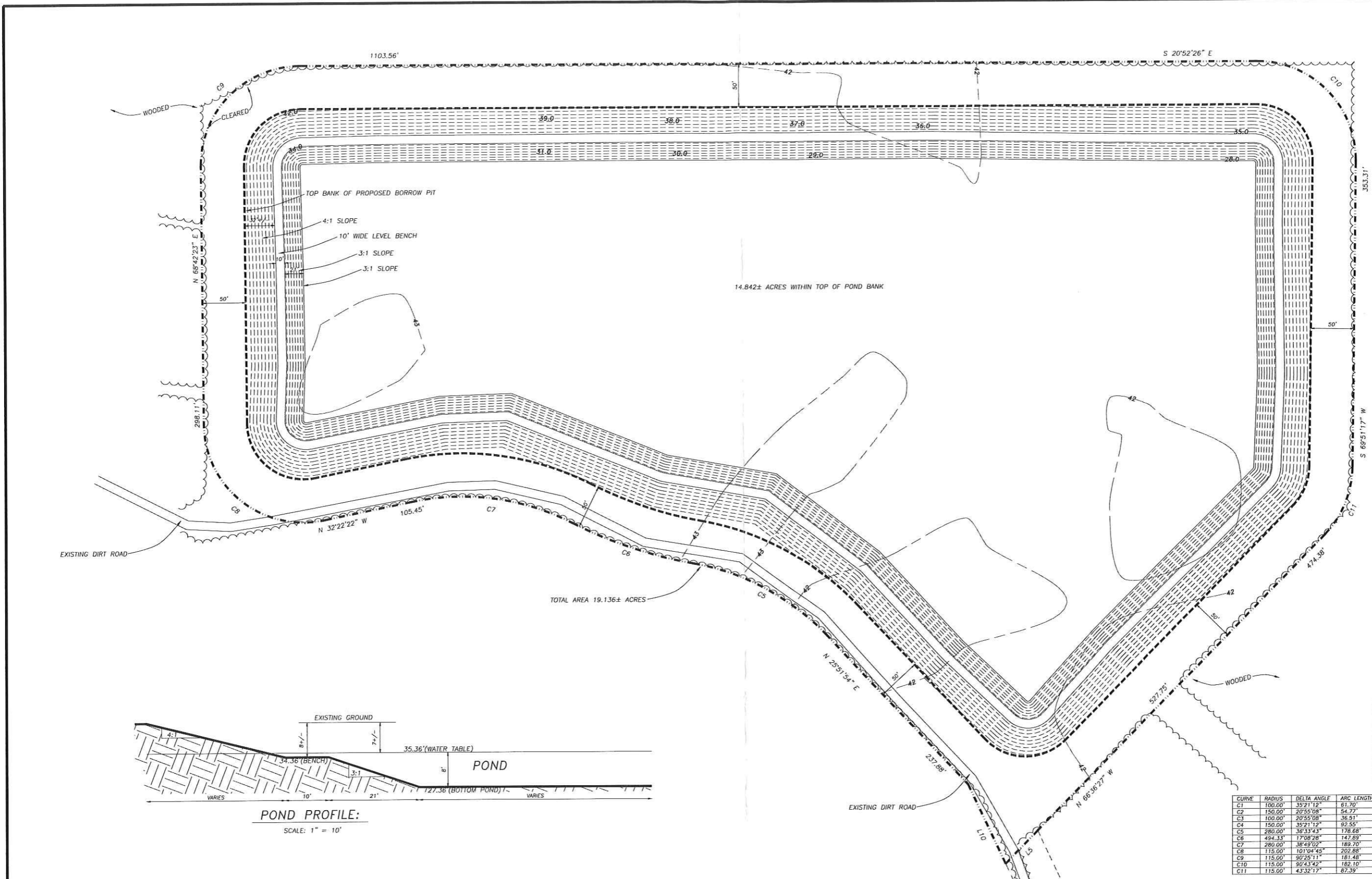
LEGEND:
 □ FOUND CONCRETE MONUMENT

CHARLES E. ADAMS, JR., P.L.S. 506

Prepared By
 ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

BORROW PIT SURVEY PLAN
 PREPARED FOR
TIMOTHY R. CONAWAY
 SITUATED IN
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE
 AREA: 219.800± ACRES
 SCALE: 1" = 200'
 DATE: AUGUST 26, 2019

SHEET 1 OF 2
 PLAN NO. 180803-D



LINE	BEARING	DISTANCE
L1	N 25°49'42\"	50.28'
L2	N 58°18'05\"	271.63'
L3	N 22°56'53\"	291.25'
L4	N 43°52'01\"	232.94'
L5	S 68°36'27\"	43.37'
L6	S 43°52'01\"	751.60'
L7	S 22°56'53\"	291.25'
L8	S 58°18'05\"	276.77'
L9	N 22°49'42\"	43.96'
L10	N 43°52'01\"	101.51'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	100.00'	33°21'12\"	61.70'	60.73'	N 40°37'29\"
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LEGEND:
 □ FOUND CONCRETE MONUMENT
 - - - EXISTING CONTOUR & ELEVATION
 - - - PROPOSED CONTOUR & ELEVATION

CHARLES E. ADAMS, JR., P.L.S. 506
 I, Charles E. Adams, Jr., P.L.S., in registered as a Professional Land Surveyor in the State of Delaware. I hereby state that the information shown on this plan has been prepared under the supervision of the State Board of Professional Land Surveyors. Any changes to this plan shall be made only after the approval of the State Board of Professional Land Surveyors. I hereby certify that the data shown herein are true and correct to the best of my knowledge and belief.

Prepared By
ADAMS-KEMP ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 AND PLANNERS
 217 SOUTH RACE STREET
 GEORGETOWN, DELAWARE 19947
 PHONE: (302) 856-6699
 WWW.ADAMSKEMP.COM

BORROW PIT SURVEY PLAN
 PREPARED FOR
TIMOTHY R. CONAWAY
 SITUATED IN
 GEORGETOWN HUNDRED, SUSSEX COUNTY, DELAWARE
 AREA: 219.800± ACRES
 SCALE: 1" = 50'
 DATE: AUGUST 28, 2019

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 28th, 2020.

Application: (CU 2215) BZ Land, LLC

Applicant: BZ Land, LLC
37116 & 37124 Lighthouse Road
Selbyville, DE 19975

Owner: BZ Land, LLC
37116 Lighthouse Road
Selbyville, DE 19975

Site Location: Located on the south side of the intersection of Lighthouse Road (Route 54) and Bayville Road (58B)

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional Use Requested: Professional Offices

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: District 5- Mr. Riley

School District: Indian River School District

Fire District: Roxana Volunteer Fire District

Sewer: Tier 1- Sussex County Unified Sanitary System

Water: Private

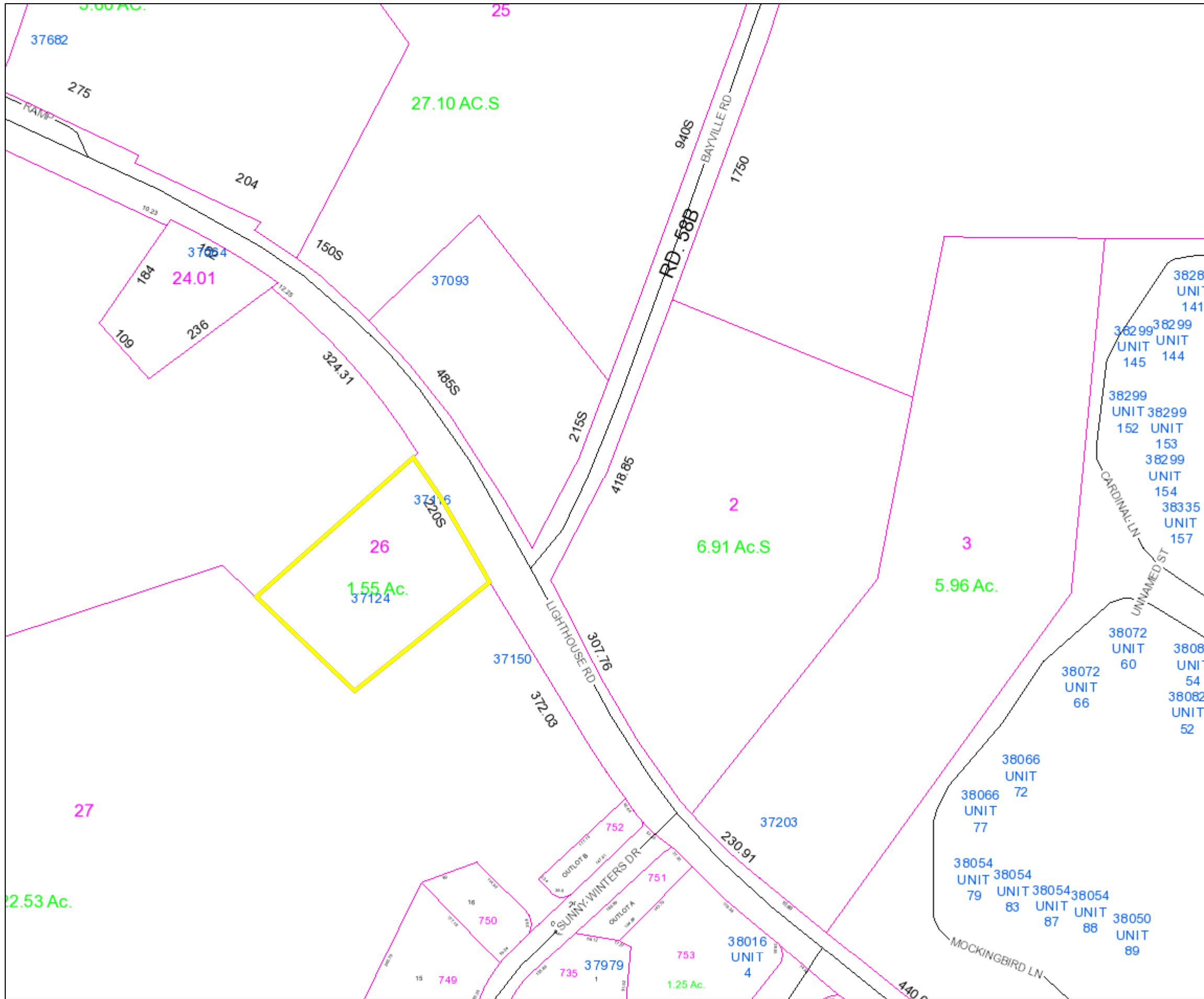
Site Area: 1.5500 acres +/-

Tax Map ID.: 533-19.00-26.00





Sussex County



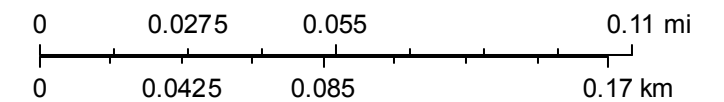
PIN:	533-19.00-26.00
Owner Name	BZ LAND LLC
Book	3556
Mailing Address	37116 LIGHTHOUSE RD
City	SELBYVILLE
State	DE
Description	S/RT 54
Description 2	50' FR COR RT 58B
Description 3	
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

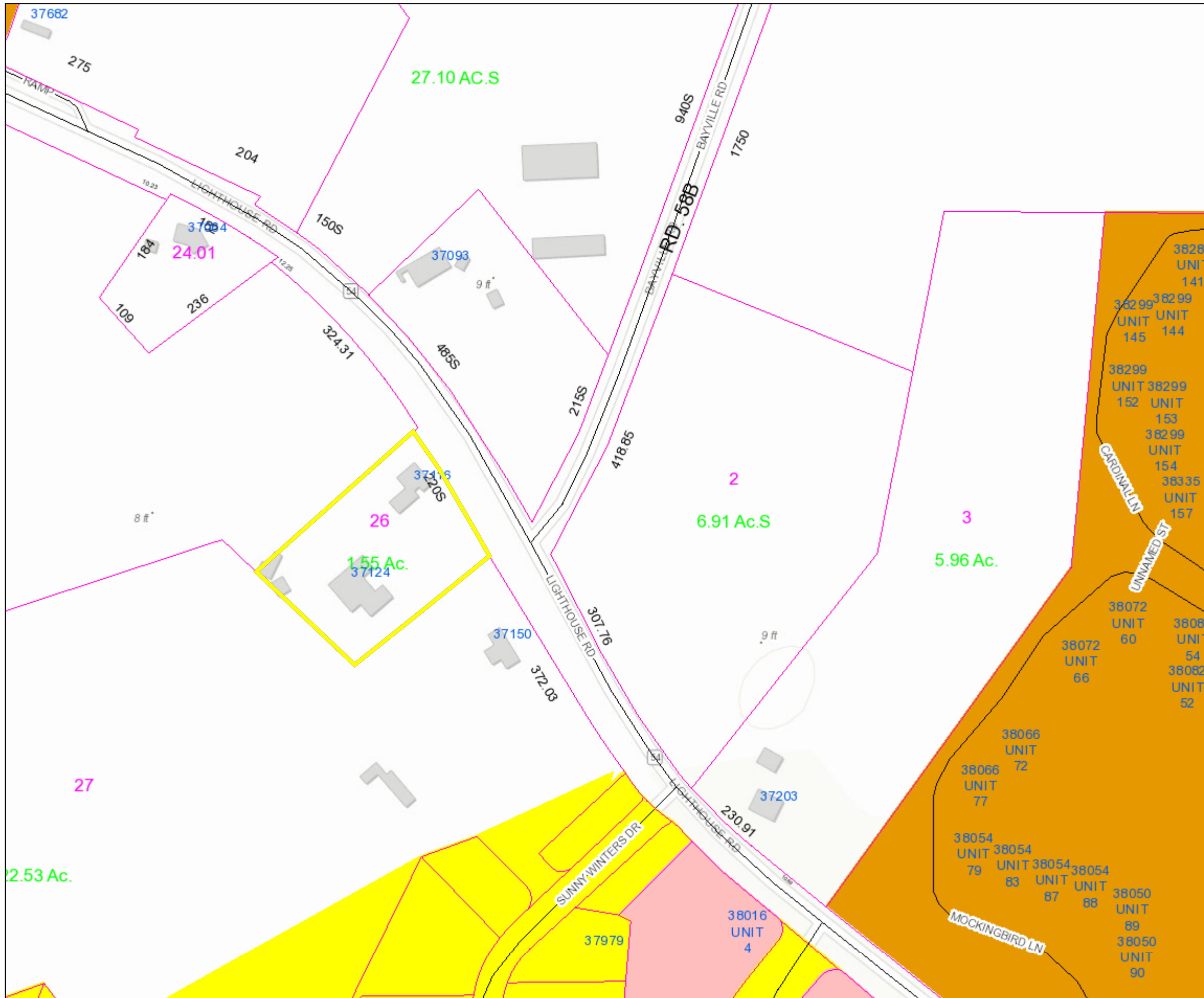
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries

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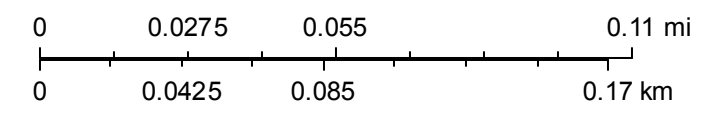
Sussex County

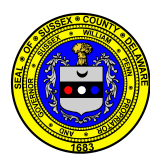


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- Streets

1:2,257





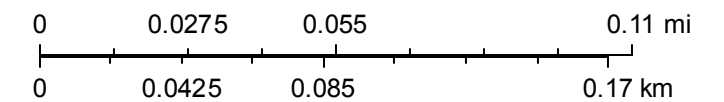
Sussex County



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- polygonLayer**
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- County Boundaries

1:2,257



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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: May 13, 2020
RE: Staff Analysis for CU 2215 BZ Land, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2215 to be reviewed during the May 28, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 533-19.00-26.00. The current zoning is AR-1 Agricultural Residential, and the request is for professional offices. The parcel is located on the south side of the intersection of Lighthouse Road (Route 54) and Bayville Road (Road 58B). The size of the property is 1.550 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of "Coastal Area." The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex's County base density of two (2) units per acre is appropriate. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

The parcel is located within an Agricultural Residential (AR-1) Zoning District. In addition, each of the parcels that directly border the property are also zoned AR-1. The subject parcel is in proximity to four major subdivisions that are located along Lighthouse Road. Bayview Landing and Mallard Lakes are within a High Residential Zone. The Fenwick Farms and Kennewick subdivisions are within a Medium Residential Zone.

Per *Sussex County Code* (§) 115-22, Conditional Uses are listed for parcels within an AR-1 zone. Dependent upon scale and use, staff notes that professional offices could be considered as a potential Conditional Use.

Since 2011, there has been one Conditional Use application in proximity of the application site. Conditional Use (2065), to allow for the establishment of a craft distillery, was approved on March 14, 2017 and was adopted by County Council through Ordinance No. 2487.



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

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



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sussexcountyde.gov

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use to allow for professional offices within an AR-1 Zone could be considered as consistent with the surrounding area, zoning, and uses.



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

File #: CU# 2215
201914512

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~~

South Side of Rt. 54 (Lighthouse Rd.) at SCR 58B (Bayville Road) 37116 B 37124 Lighthouse Rd

Type of Conditional Use Requested:

Professional Offices

Tax Map #: 533-19.00-26.00 Size of Parcel(s): 1.56 acre

Current Zoning: AR-1 Proposed Zoning: AR-1 Size of Building: 2 Buildings 9,387 sq. ft.

Land Use Classification: Coastal Area

Water Provider: Artesian Sewer Provider: Sussex County

Applicant Information

Applicant Name: BZ Land, LLC
Applicant Address: 37116 Lighthouse Road
City: Selbyville State: DE Zip Code: 19975
Phone #: 302-528-5681 E-mail: zonkobuilders@gmail.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:~~ James A. Fuqua, Jr.
~~Agent/Attorney/Engineer Address:~~ 26 The Circle
City: Georgetown State: DE Zip Code: 19947
Phone #: 302-227-7727 E-mail: jimf@fwsslaw.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.

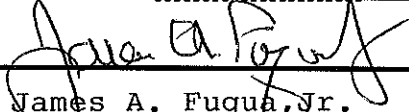
DeIDOT Service Level Evaluation Request Response

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.

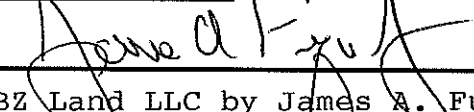
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: December 18, 2019

Signature of Owner



Date: December 18, 2019

BZ Land LLC by James A. Fuqua, Jr., Esquire

For office use only:

Date Submitted: 12/18/19

Staff accepting application: ceb

Location of property: _____

Fee: \$500.00 Check #: 22374

Application & Case #: 201914512

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

May 22, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **BZ Land, LLC (Charles Zonko)** rezoning application, which we received on April 26, 2019. This application is for a 1.55-acre parcel (Tax Parcel: 533-19.00-26.00). The subject land is located on the southwest side of Lighthouse Road (Sussex Road 58), just northwest of the intersection of Lighthouse Road and Bayville Road (Sussex Road 58B). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 / B-3 (Neighborhood Business) / (Business Research) to utilize the two existing buildings for office / medical office / retail use.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Lighthouse Road where the subject land is located, which is from West Line Road (Sussex Road 396) to Delaware Route 1, is 7,167 and 9,224 vehicles per day, respectively.

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

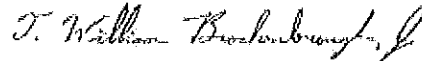
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
May 22, 2019

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

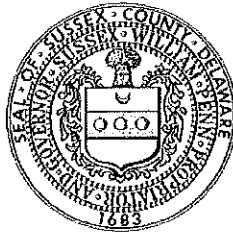
TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
BZ Land, LLC (Charles Zonko), Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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(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: 4/25/19

Site Information:

Site Address/Location: 37124 Lighthouse Road

Tax Parcel Number: 533-19.00-26.00

Current Zoning: AR-1

Proposed Zoning: B2/3

Land Use Classification: Office/ Residential

Proposed Use(s): Office/ Medical Office/ Retail

Square footage of any proposed buildings or number of units: 11,644 sq.ft. (2 buildings)

Applicant Information:

Applicant's Name: BZ Land LLC (contact: Charles Zonko)

Applicant's Address: 37116 Lighthouse Road

City: Selbyville State: DE Zip Code: 19975

Applicant's Phone Number: (302) 528-5681

Applicant's e-mail address: zonkobuilders@gmail.com

MADE CONTACT
5/23/2019
2:16 pm



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

Last updated 7-27-18

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/21/2020**

APPLICATION: **CU 2215 - BZ Land, LLC**

RECEIVED

APPLICANT: **BZ Land LLC**

MAY 26 2020

FILE NO: **OM-4.05**

SUSSEX COUNTY
PLANNING & ZONING

TAX MAP &
PARCEL(S): **533-19.00-26.00**

LOCATION: **Located on the south side of the intersection of Lighthouse Rd. (Rt. 54) and Bayville Road (58B).**

NO. OF UNITS: **Professional offices**

GROSS
ACREAGE: **1.55**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

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

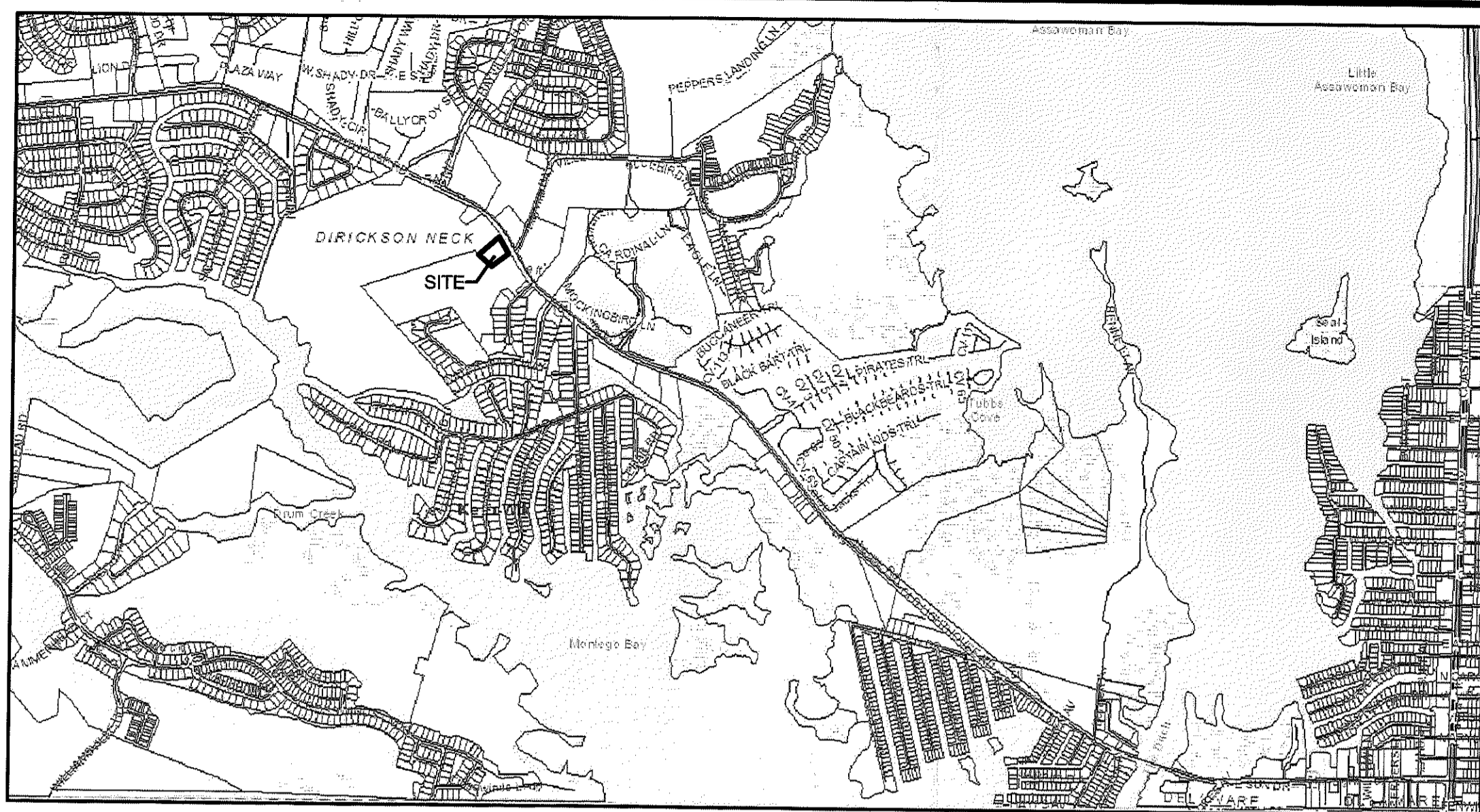
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **There are currently 2.24 EDU's connected to the sewer on this parcel. If additional EDU's are created a Sewer System Concept Evaluation and a Use of Existing Infrastructure Agreement may be required.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:

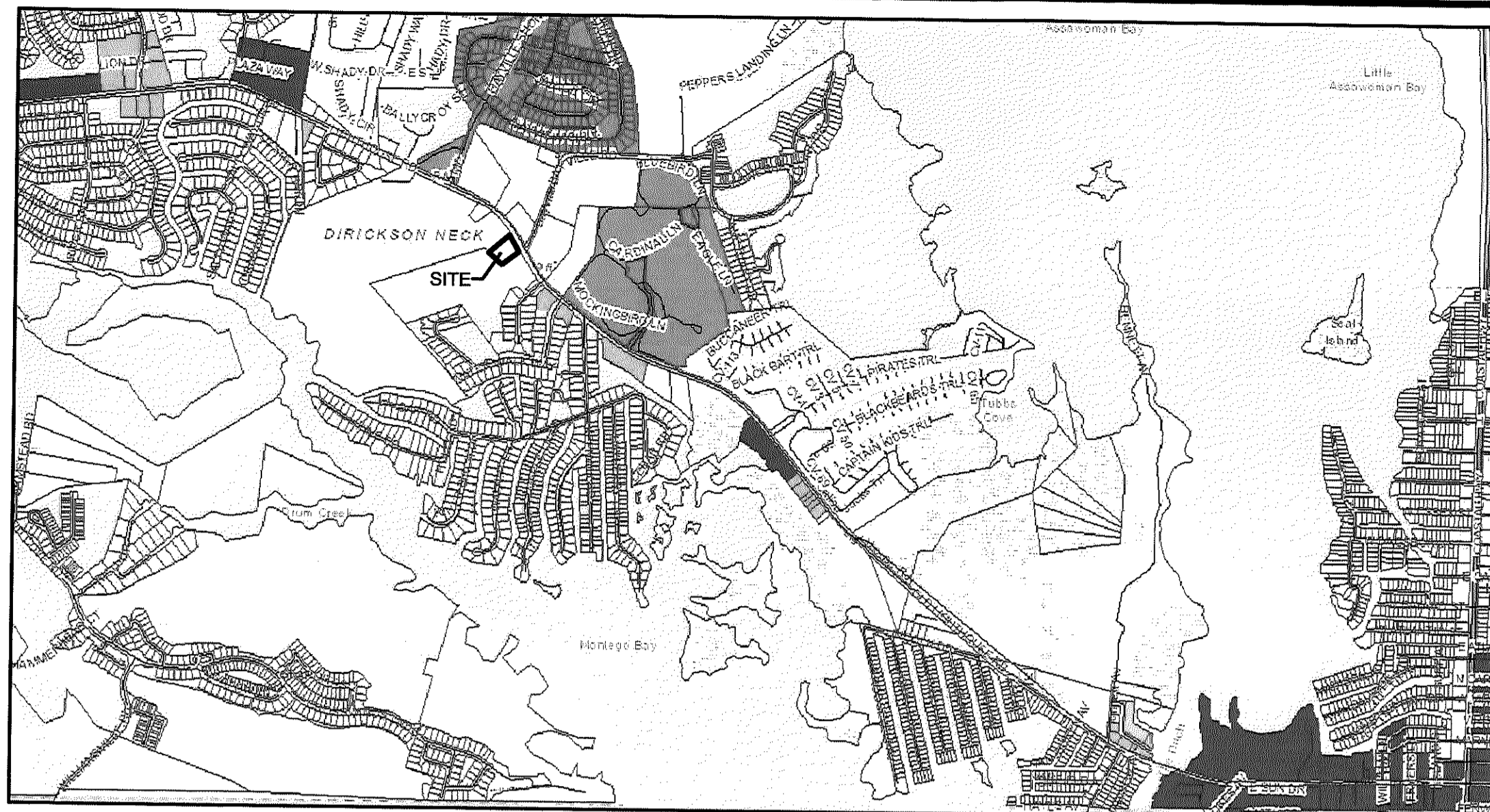


John J. Ashman
Director of Utility Planning

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

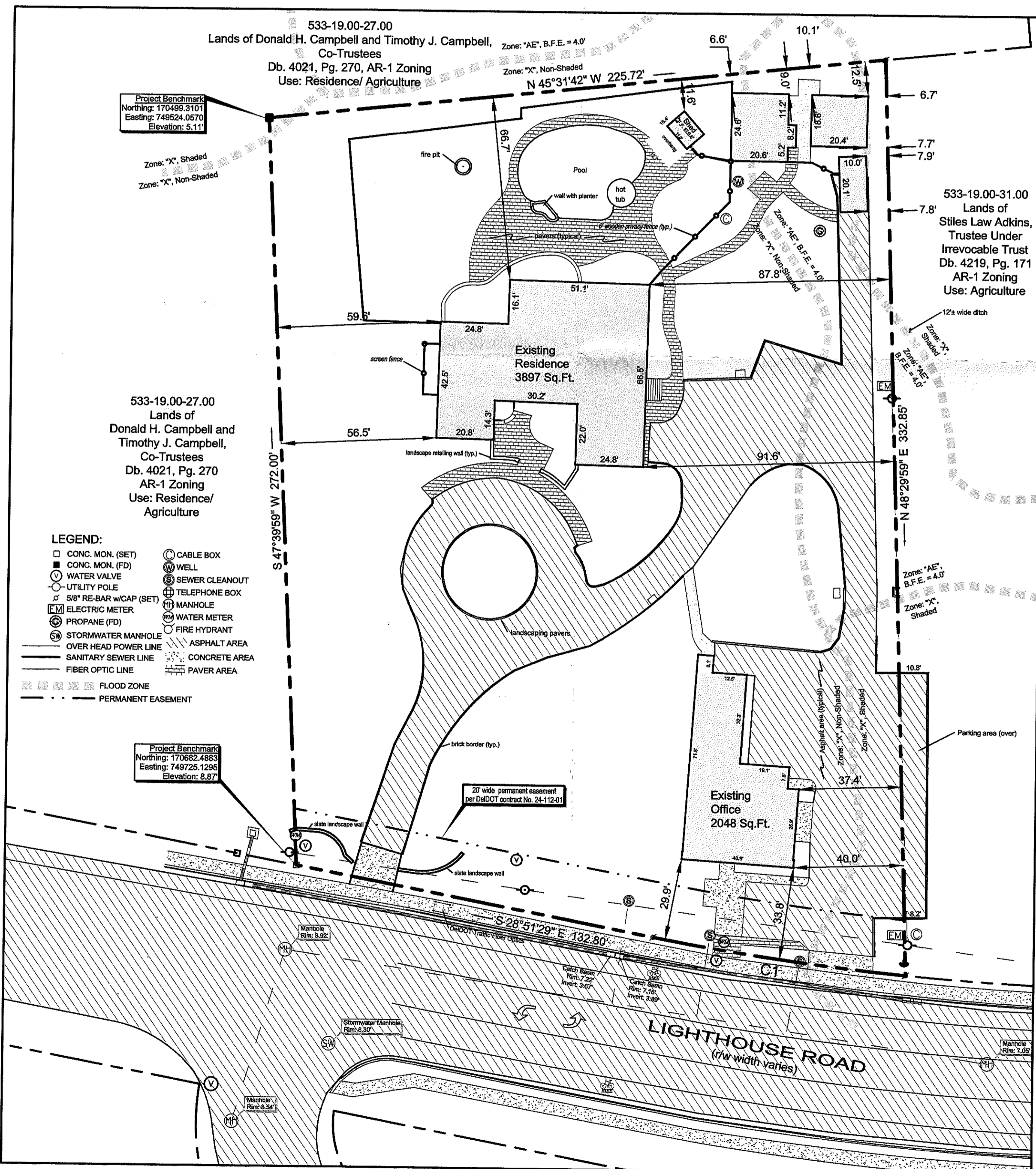


VICINITY MAP
NOT TO SCALE

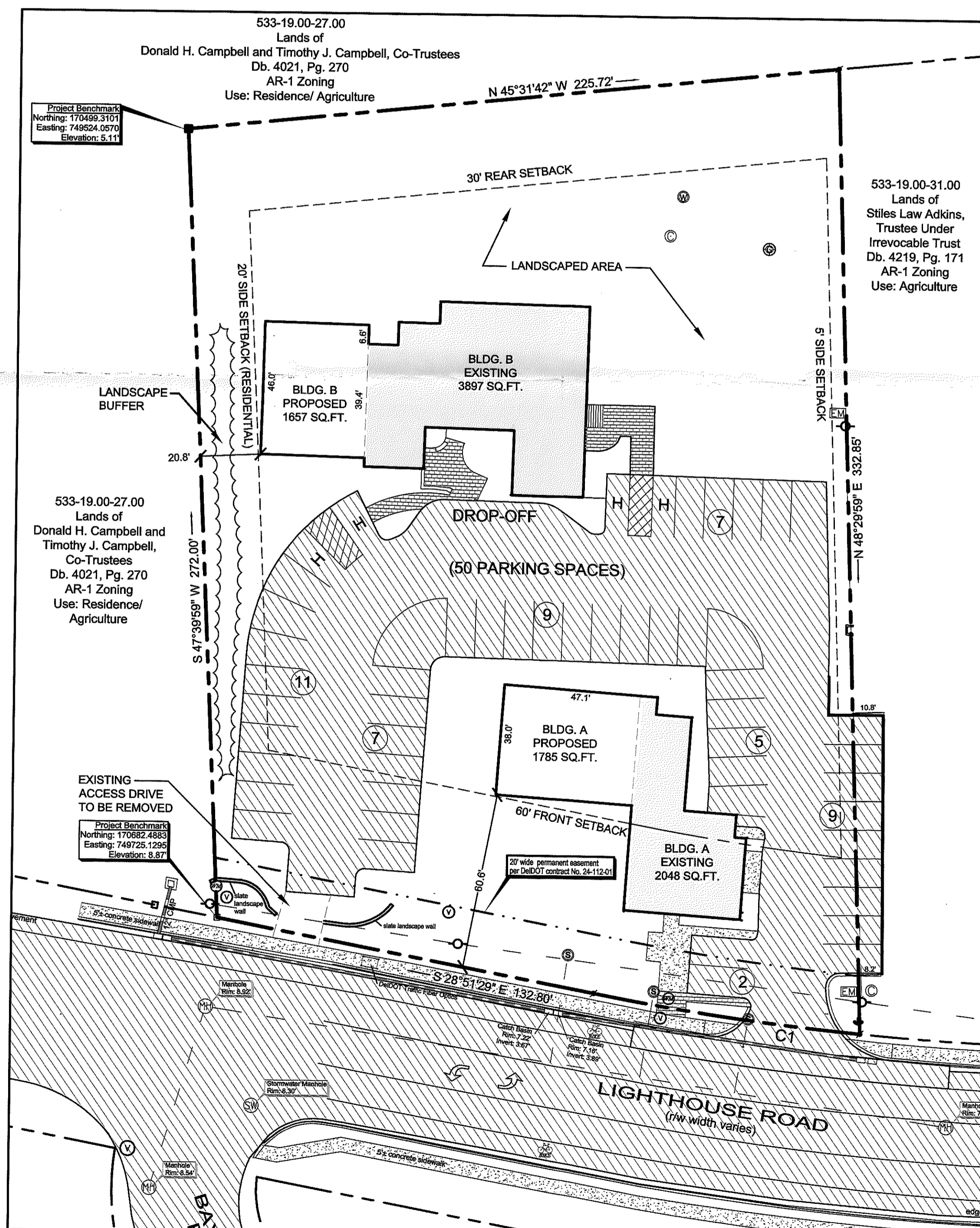


ADJACENT ZONING
NOT TO SCALE

- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Commercial Residential - CR-1
 - General Commercial - C-1
 - General Residential - GR
 - Heavy Industrial - HI-1
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Limited Industrial - LI-1
 - Limited Industrial - LI-2
 - Marine - M
 - Medium Residential - MR
 - Neighborhood Business - B-1
 - Vacation, Retire, Resident - VRP



EXISTING CONDITIONS

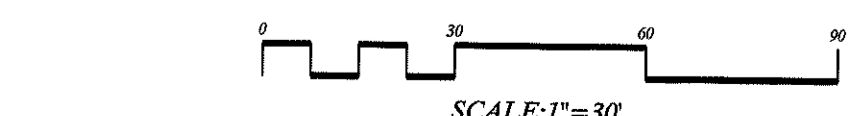
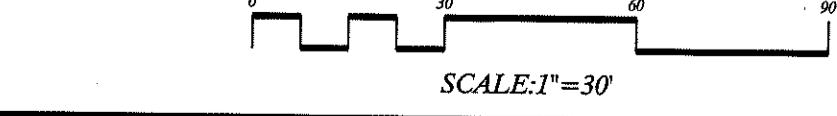


PROPOSED SITE PLAN

PARCEL ZONING DATA:

- TAX PARCEL: 533-19.00-26.00
OWNER: BZ LAND, LLC.
LOCATION: 37116 LIGHTHOUSE ROAD SELBYVILLE, DE 19975
 - DEVELOPER: BZ LAND, LLC.
LOCATION: 37116 LIGHTHOUSE ROAD SELBYVILLE, DE 19975
 - PRESENT ZONING: AR-1
PRESENT LAND USE: RESIDENCE/OFFICE
 - PROPOSED ZONING: AR-1 CONDITIONAL USE
PROPOSED LAND USE: PROFESSIONAL OFFICE
 - PARCEL 533-19.00-26.00: 1.56 AC. (67832 SQ.FT.)
MIN. LOT FRONTAGE: 150'
EXISTING LOT FRONTAGE: ±228'
- | | REQ. | EXISTING |
|------------|---------------|---------------|
| LOT WIDTH: | 150' | ±223' |
| LOT DEPTH: | 100' | ±272' |
| LOT AREA: | 10,000 SQ.FT. | 67,832 SQ.FT. |
- SETBACKS:
FRONT YARD: 60'
SIDE YARD: 5', 20' ADJACENT TO RESIDENTIAL
REAR YARD: 5', 30' ADJACENT TO RESIDENTIAL
- | BUILDINGS: | BLDG. A | BLDG. B | TOTAL |
|------------|-------------|-------------|-------------|
| EXISTING: | 2048 sq.ft. | 3897 sq.ft. | 5945 sq.ft. |
| PROPOSED: | 1785 sq.ft. | 1657 sq.ft. | 3442 sq.ft. |
| TOTAL: | 3833 sq.ft. | 5554 sq.ft. | 9387 sq.ft. |
- PARKING: 1 SPACE / 200 SQ.FT.
9387 SQ.FT. / 200 SQ.FT. = 47 SPACES REQUIRED
50 SPACES PROPOSED
- NOTES:**
1. SURVEY SOURCE: SIMPLER SURVEYING & ASSOCIATE, INC. FROM A SURVEY TITLED "LANDS OF BZ LAND, INC.", DATED NOVEMBER 21, 2018 AND REVISED DECEMBER 5, 2018. HORIZONTAL DATUM: NAD '83, VERTICAL DATUM NAVD '83.
2. THERE ARE NO FEDERAL 404 LANDS ON SITE. THERE ARE NO STATE TIDAL WETLANDS ON SITE.
3. SITE IS IN FLOOD ZONE AE-4 AND ZONE X (SHADED/ UNSHADED) AS SHOWN PER FEMA FLOOD MAP 10005C0654K DATED MARCH 16, 2015.
4. SITE PLAN SUBJECT TO REGULATORY AGENCY COMMENTS.

- LEGEND:**
- CONC. MION. (SET)
 - CONC. MION. (FD)
 - WATER VALVE
 - UTILITY POLE
 - 5/8" REBAR W/ CAP (SET)
 - ELECTRIC METER
 - PROPANE (FD)
 - STORMWATER MANHOLE
 - OVER HEAD POWER LINE
 - SANITARY SEWER LINE
 - FIBER OPTIC LINE
 - FLOOD ZONE
 - PERMANENT EASEMENT



SURVEY SOURCE: SIMPLER SURVEYING AND ASSOCIATE DRAWING ENTITLED "LANDS OF BZ LAND, LLC", DATED 11/21/18 AND REVISED 12/5/18.

PROPERTY LINE CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	965.00'	93.05'	93.01'	S 31°37'13" E	5°31'28"

SURVEYOR'S STATEMENT
I certify that the proposed site plan was compiled under my supervision.

Sarah L. Ford
DE PLS 497
Date: 12/10/19

OWNER'S PLAN DEVELOPMENT APPROVAL:
I, as owner of the project shown, hereby approve these plans for recordation as shown or otherwise noted.

Charles Zonko 8-13-19
Date

CONDITIONAL USE PLAN

REVISIONS

LAND DESIGN INC.
Surveying / Landscape Architecture
53 Atlantic Ave.
Selbyville, DE 19975
302.553.0200
landdesign@gmail.com

Planning and Development Consultants

CONDITIONAL USE PLAN
BZ LAND, LLC.
PROJECT ADDRESS
HUNDRED SUSSEX COUNTY DELAWARE

SITE PLAN: TJF	DATE
DRAWING: RWB	12/10/19
REVIEW: SLF	
SHEET	1
	OF 1 SHEETS

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date May 28th,2020.

Application: (CU 2221) Dominic Lombardi

Applicant: Dominic Lombardi
24169 Godwin School Rd
Millsboro, DE 19955

Owner: Dominic Lombardi
24169 Godwin School Rd
Millsboro, DE 19955

Site Location: Located on the north side of Zion Church Rd (Route 20), approximately
318 feet southeast of Deer Run Rd.

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Small Auto-Repair Shop

Comprehensive Land
Use Plan Reference: Developing Area

Councilmatic
District: Mr. Riley

School District: Indian River School District

Fire District: Millsboro Fire Company

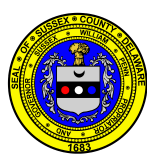
Sewer: Septic

Water: Private

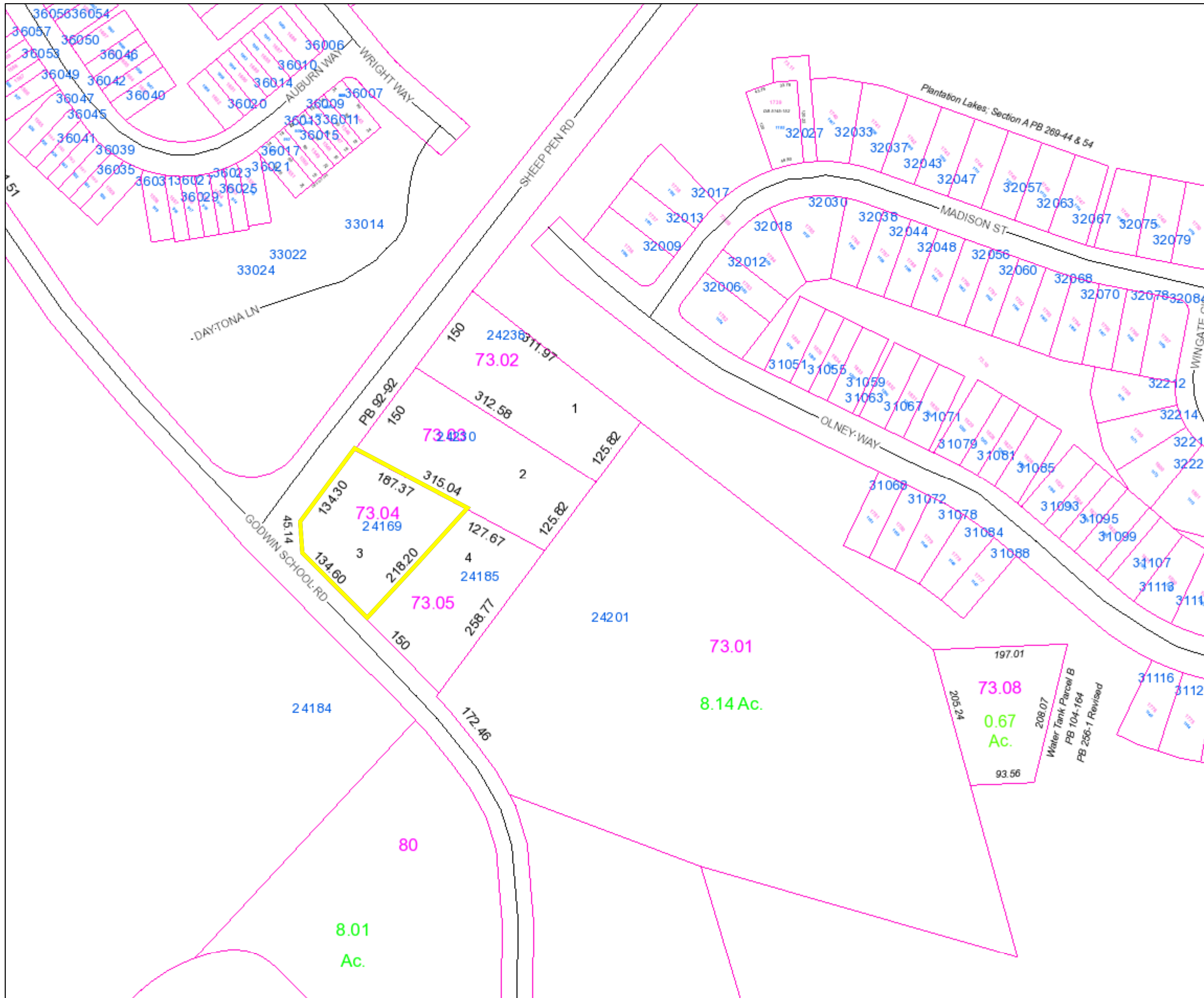
Site Area: .75 acres +/-

Tax Map ID.: 133-16.00-73.04





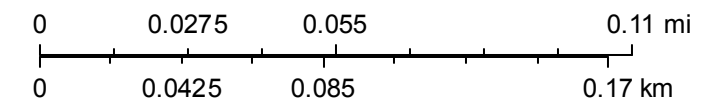
Sussex County

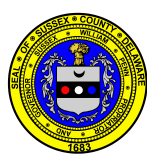


PIN:	133-16.00-73.04
Owner Name	LOMBARDI DOMINIC A
Book	5217
Mailing Address	24169 GODWIN SCHOOL R
City	MILLSBORO
State	DE
Description	NE/RD 410
Description 2	LOT 3
Description 3	N/A
Land Code	

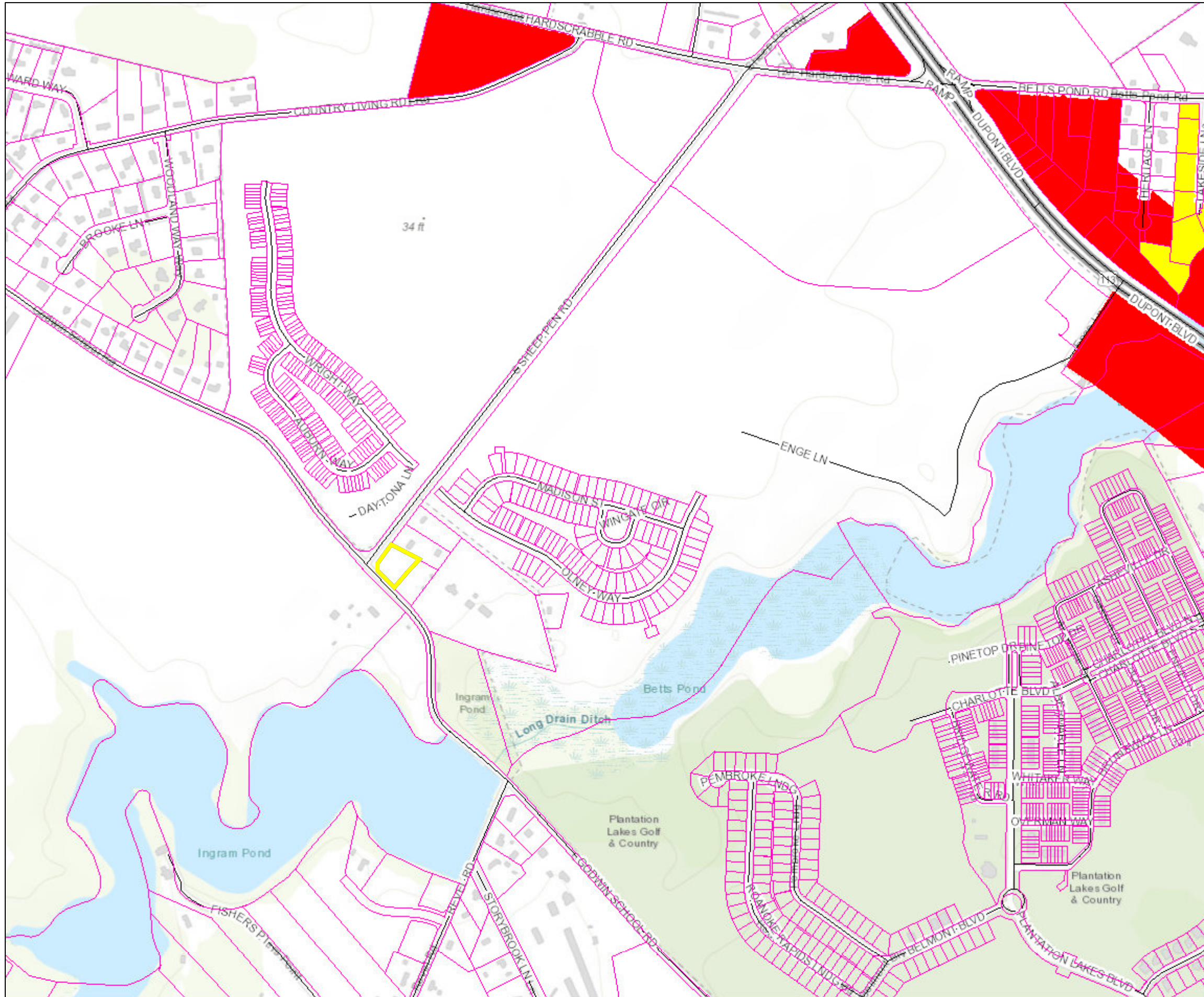
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- polygonLayer
 Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257





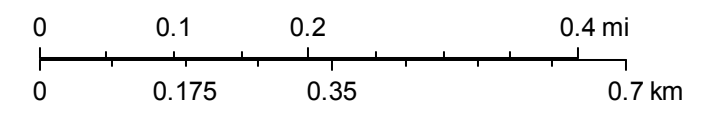
Sussex County



PIN:	133-16.00-73.04
Owner Name	LOMBARDI DOMINIC A
Book	5217
Mailing Address	24169 GODWIN SCHOOL R
City	MILLSBORO
State	DE
Description	NE/RD 410
Description 2	LOT 3
Description 3	N/A
Land Code	

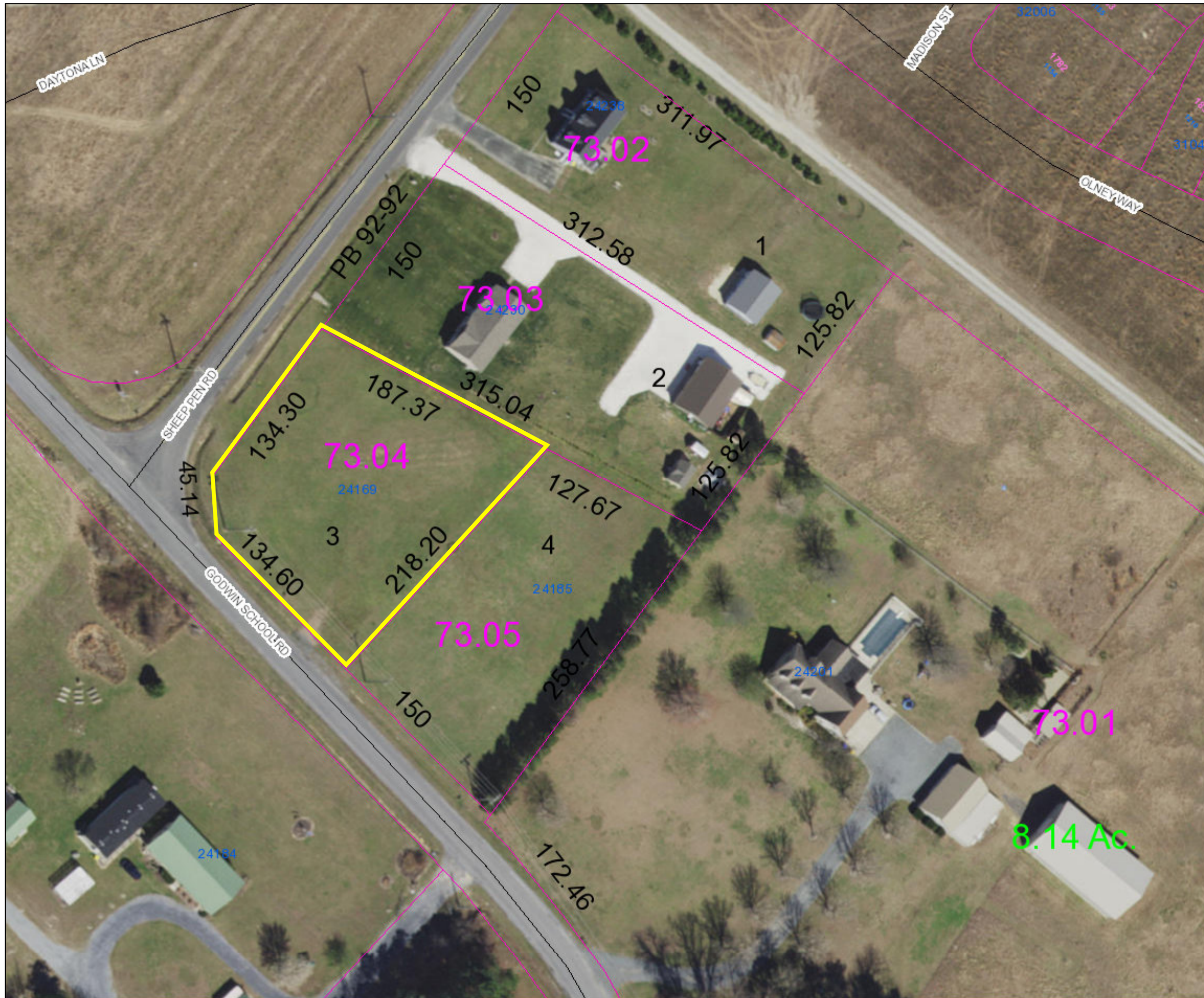
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- polygonLayer**
- Override 1
- Tax Parcels
- Streets

1:9,028





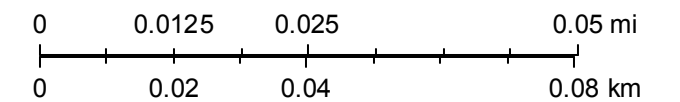
Sussex County



PIN:	133-16.00-73.04
Owner Name	LOMBARDI DOMINIC A
Book	5217
Mailing Address	24169 GODWIN SCHOOL R
City	MILLSBORO
State	DE
Description	NE/RD 410
Description 2	LOT 3
Description 3	N/A
Land Code	

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

1:1,128



File #: CU # 2221
202000914

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

24169 Godwin School Rd millsboro DE 19965

Type of Conditional Use Requested:

Small auto Repair

Tax Map #: 133-16.00-73.04 Size of Parcel(s): 32,669

Current Zoning: AR-1 Proposed Zoning: CU Size of Building: 30x40

Land Use Classification: Residential

Water Provider: well Sewer Provider: Septic

Applicant Information

Applicant Name: Dominic Lombardi
Applicant Address: 24169 Godwin School Rd
City: millsboro State: DE Zip Code: 19966
Phone #: (302) 344-0000 E-mail: dombomb21@gmail.com

Owner Information

Owner Name: Dominic Lombardi
Owner Address: 24169 Godwin School Rd
City: millsboro State: DE Zip Code: 19966
Phone #: 302 344 0000 E-mail: dombomb21@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____
Agent/Attorney/Engineer Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ DelDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

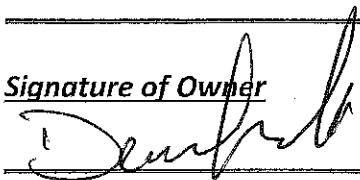
The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner



Date: 1/27/2020

For office use only:

Date Submitted: 1/27/2020

Fee: \$500.00 Check #: CC

Staff accepting application: CEH

Application & Case #: 202000914

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

January 2, 2020

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Dominic Lombardi** conditional use application, which we received on December 5, 2019. This application is for an approximately 0.76-acre parcel (Tax Parcel: 133-16.00-73.04). The subject land is located on southeast corner of the intersection of Sheep Pen Road (Sussex Road 328) and Godwin School Road (Sussex Road 410), northwest of the Town of Millsboro. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing 1,200 square-foot facility to operate a small repair shop.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Sheep Pen Road where the subject land is located, which is from Godwin School Road to US Route 113, is 817 vehicles per day. As the subject land also has frontage along Godwin School Road, the annual average daily traffic volume along that road segment, which is from Mission Road (Sussex Road 431A) to Sheep Pen Road, is 524 vehicles per day.

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

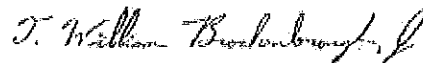


Ms. Janelle M. Cornwell
Page 2 of 2
January 2, 2020

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,

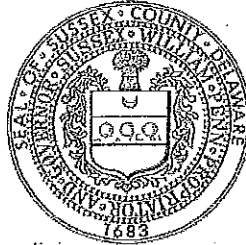


T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Jamie Whitehouse, Planning & Zoning Manager, Sussex County Planning & Zoning
Dominic Lombardi, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

PLANNING & ZONING
JANELLE M. CORNWELL, AICP
DIRECTOR
(302) 865-7878 T
(302) 864-5079 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 DeDOT prior to the applicant being able to submit an application to the Planning and Zoning Office.

Date: 12/5/19

Site Information:

Site Address/Location: 24169 Godwin School Rd millsboro DE 19966

Tax Parcel Number: 133-16.00-73.04

Current Zoning: AR-1

Proposed Zoning: CU

Land Use Classification: Single family residential

Proposed Use(s): w/ Commercial

Small Repair shop

Square footage of any proposed buildings or number of units: 30x40 building already on site.

Applicant Information:

Applicant's Name: Dominic Lombardi

Applicant's Address: 24169 Godwin School Rd

City: millsboro State: DE Zip Code: 19966

Applicant's Phone Number: (302) 344-0000

Applicant's e-mail address: domlomb21@gmail.com



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **5/21/2020**

APPLICATION: **CU 2221 Dominic Lombardi**

APPLICANT: **Dominic Lombardi**

FILE NO: **WSPA-5.02**

RECEIVED
MAY 26 2020
SUSSEX COUNTY
PLANNING & ZONING

TAX MAP &
PARCEL(S): **133-16.00-73.04**

LOCATION: **Located on the east side of Godwin School Rd at the intersection with Sheep Pen Road.**

NO. OF UNITS: **Small auto-repair shop**

GROSS
ACREAGE: **.75**

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? **Municipal Growth & annexation Area**
- (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? **No** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

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

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

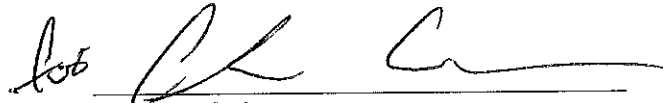
(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed CU is located within the boundary of the Town of Millsboro's Growth and Annexation Area. Therefore, the Sussex County Engineering Department has not plan/schedule to provide sanitary sewer service.**

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

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

UTILITY PLANNING APPROVAL:

A handwritten signature in black ink, appearing to read 'John J. Ashman', is written over a horizontal line.

John J. Ashman
Director of Utility Planning

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

LOT #2

187.31'

15' WIDE STRIP DEDICATED TO PUBLIC USE
PER P.B. 67-339

S 52°21'33" E

20.0'

15.0'

218.19'

P.B. 67-339

LOT #4

EDGE OF PAVING

SHEEP PEN ROAD (30' R/W)

134.30'

N 46°20'37" E

SEPTIC LID (FYP.)

APX. SEPTIC AREA
SCALED PER PENNINGTON SEPTIC PLAN
(NOT FIELD VERIFIED)

DECK

POLE BUILDING

63.4'

PROPOSED DWELLING

FUTURE GARAGE

26.0'

24.0'

28.3'

52.0'

24.0'

P.O.B.

N 05°38'43" E

LOT #3
32,669 SQ. FT.
D.B. 4104-278

S 52°18'48" W

5' WIDE STRIP DEDICATED TO PUBLIC USE
PER P.B. 67-339

N 35°03'11" W

134.60'

APPROVED ACCESS

EXISTING 50' CORNERCUT
PER P.B. 92-92

EDGE OF PAVING

GODWIN SCHOOL ROAD (50' R/W)

LEGEND:

- ◇ WOODEN STAKE (SET)
- ▲ IRON ROD (FOUND)
- ▲ DISTURBED IRON ROD (FOUND)

DWELLING STAKEOUT PLAN FOR THE LOMBARDI RESIDENCE

REFERENCE: PLAT BOOK 92 PAGE 92

LOT #3 OF "DIVISION SURVEY PLAN FOR KARL. R. & LINDA C. SMITH"

DAGSBORO HUNDRED SUSSEX COUNTY

STATE OF DELAWARE

JUNE 13, 2018 SCALE: 1" = 40'

NOTES:

ALL SETBACKS MUST BE VERIFIED BY THE OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CALL SUSSEX CO. (302-855-7878)

THIS DRAWING DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF WETLANDS, UTILITIES, RIGHT-OF-WAYS OR EASEMENTS IN REFERENCE TO OR LOCATED ON THIS PROPERTY.

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