

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743 T
(302) 855-7749 F

SUSSEX COUNTY COUNCIL

AGENDA

JULY 28, 2020

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – July 14, 2020

Reading of Correspondence

Public Comments

Consent Agenda

1. Use of Existing Wastewater Infrastructure Agreement, IUA974-1
H&D Townhouses – H&D Subdivision, LLC
2. Use of Existing Wastewater Infrastructure Agreement
Hyatt Hotel – Lewes Hotel LLC (revised)

Todd Lawson, County Administrator

1. Recognition of Retiring EMS Director Robert A. Stuart
2. Introduction of New Airport Manager
3. Appointment - Building Code Appeal Board
(Board of Adjustments & Appeals)
4. Administrator's Report



10:15 a.m. Public Hearing

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$5,744,784 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE LAND CONSERVATION/WATER QUALITY PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

10:30 a.m. Public Hearing

1. Herola Expansion of the West Rehoboth Area
2. Ocean Park Expansion of the West Rehoboth Area

Gina Jennings, Finance Director

1. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$100,000,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH (A) THE REFUNDING OF PRIOR DEBT OF THE COUNTY WHICH WILL RESULT IN DEBT SERVICE SAVINGS AND (B) THE FINANCING OF SEWER SYSTEM IMPROVEMENT PROJECTS; AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

Vince Robertson, Assistant County Attorney

1. Discussion related to the July Revision of the DelDOT Memorandum of Understanding (MOU)
2. Public comment related to the DelDOT MOU

Dwayne Kilgo, Director of Information Technology

1. Nuvision Agreement

William Pfaff, Director of Economic Development

1. Delaware Coastal Business Park Lease – Eastern Shore Natural Gas

Robbie Murray, Deputy Director of EMS Administration

1. Mobile Integrated Healthcare Pilot Program
 - A. Extension of Memorandum of Understanding (MOU) with Beebe Healthcare and State of Delaware

Jamie Whitehouse, Director of Planning and Zoning

1. Request for re-hearing – Conditional Use No. 2223 filed on behalf of A&W Burbage, LLC

Hans Medlarz, County Engineer

1. **South Coastal Regional Wastewater Facility Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2**
 - A. **General Construction, Project C19-11, Change Order No. 3**
 - B. **General Construction, Project C19-11, Change Order No. 4**
 - C. **Electrical Construction, Project C19-17, Change Order No. 5**
 - D. **City of Rehoboth 2nd Supplemental Financing Agreement Approval**
2. **Western Sussex Transmission Facilities Contract 4: Pumping Stations, Project S19-28**
 - A. **Change Order No. 2**
3. **Inland Bays Regional Wastewater Facility – Biosolids & Septage Facilities, Project 18-19**
 - A. **Change Order No. 6**

Grant Request

1. **AIDS Delaware, Inc. and Delaware HIV Consortium for AIDS Walk Delaware fundraiser and awareness event**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Pending Litigation pursuant to 29 Del.C.§10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.

Change of Zone No. 1916 filed on behalf of Alice P. Robinson, Trustee
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.03 ACRES, MORE OR LESS” (land lying on the southwest side of Coastal Highway (Route 1), approximately 458 feet south of Cave Neck Road) (Tax I.D. No. 235-23.00-54.01, 54.02, and 54.05) (911 Address: None Available)

Change of Zone No. 1907 filed on behalf of Matthew Hete

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS” (land lying on the southeast side of Postal Lane, approximately 0.22 mile northeast of Plantation Road) (Tax I.D. No. 334-6.00-686.00) (911 Address: 34360 Postal Lane, Lewes)

Conditional Use No. 2209 filed on behalf of Matthew Hete

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (14 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS” (land lying on the southeast side of Postal Lane, approximately 0.22 mile northeast of Plantation Road) (Tax I.D. No. 334-6.00-686.00) (911 Address: 34360 Postal Lane, Lewes)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 21, 2020 at 4:20 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County is required to provide a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, July 27, 2020.

#

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 June 25,2020.

Application: (CZ 1916) Alice P. Robinson, Trustee

Applicant: Alice P. Robinson, Trustee
35791 Tarpon Drive
Lewes, DE 19958

Owner: Alice P. Robinson, Trustee
35791 Tarpon Drive
Lewes, DE 19958

Site Location: Located on the south side of Coastal Highway (Route 1), approximately 910 feet east of Cave Neck Road (S.C.R. 88).

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial District (C-2)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Company

Sewer: Sussex County

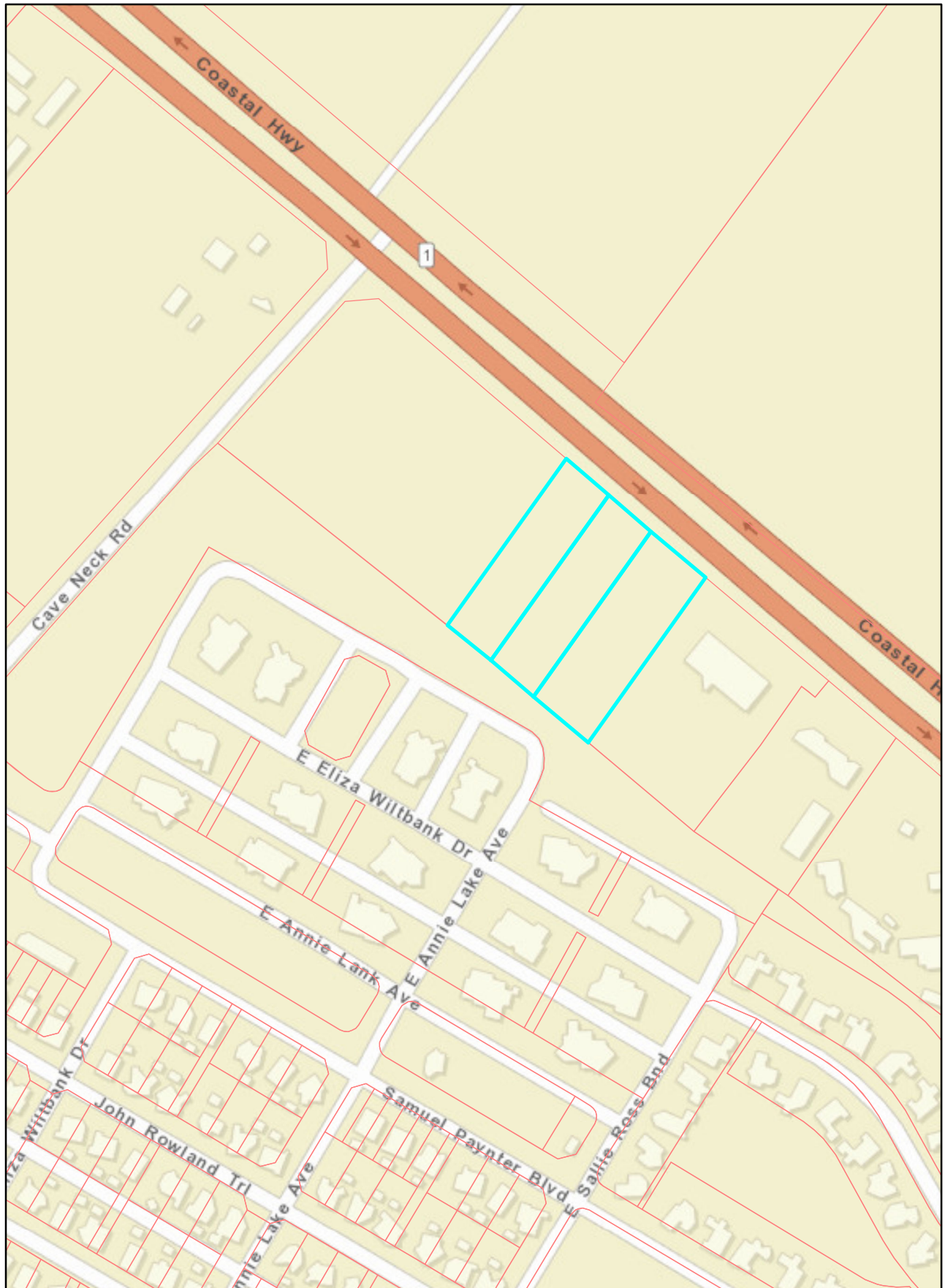
Water: Private

Site Area: 3.03 acres +/-

Tax Map ID.: 235-23.00-54.01, 54.02, and 54.05

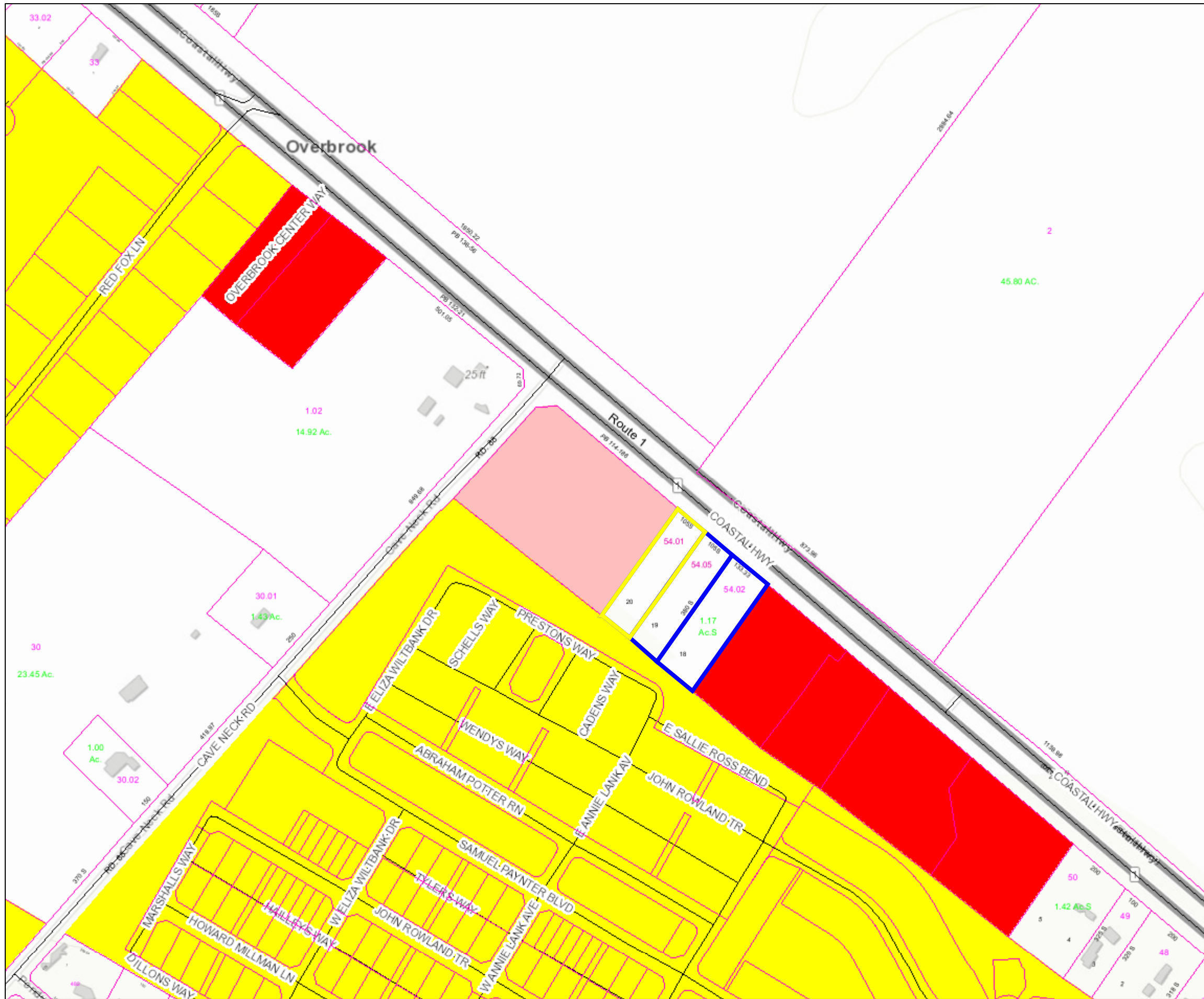


CZ 1916 Alice P. Robinson, Trustee Street Map





Sussex County



PIN:	235-23.00-54.01
Owner Name	ROBINSON ALICE P TRUSTEE
Book	526
Mailing Address	35791 TARPON DR
City	LEWES
State	DE
Description	LANDS OF R G HOUSTON
Description 2	LOT 20 RT 1
Description 3	
Land Code	

polygonLayer

Override 1

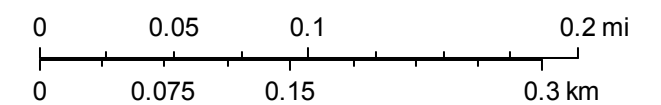
polygonLayer

Override 1

Tax Parcels

Streets

1:4,514



CZ 1916 Alice P. Robinson, Trustee Aerial Map





Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: June 16, 2020
RE: Staff Analysis for CZ 1916 Alice P. Robinson, Trustee

This memo is to provide background and analysis for the Planning Commission to consider as part of application CZ 1916 Alice P. Robinson, Trustee to be reviewed during the June 25, 2020 Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcels 235-23.00-54.01, 54.02, and 54.05 to allow for a change from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial Zoning District) to be located on the south side of Coastal Highway (Route 1), approximately 910 feet east of Cave Neck Road (S.C.R. 88). The total size of the parcels to be rezoned is 3.03 ac. +/-.

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 indicates that the application property has the land use designation of "Coastal Area."

The adjoining parcels to the west, south and east are all designated on the Future Land Use Map as "Coastal Area" as well. The parcels on the north side of Coastal Highway (Route 1) is designated "Low Density". "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.

Table 4.5-2 within the Comprehensive Plan states that, within the "Coastal Area" future land use classification, C-2 (Medium Commercial Zoning District) may be appropriate.

The property is currently zoned AR-1 (Agricultural Residential District). The adjoining parcel to the west is zoned B-1 (Neighborhood Business). To the south, the adjoining parcels are zoned MR (Medium-Density Residential District). To the east, along Coastal Highway, there are commercially zoned properties within the C-1 (General Commercial) 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, the propose Change of Zone from AR-1 (Agricultural Residential District) to C-2 (Medium Commercial District) subject to



considerations of scale and impact, this could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: C/2#1916
202000045
202000054
202000055

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

SB COASTAL HWY 528' +/- SOUTH FROM CENTER LINE OF RT 88 CAVE NECK RD MILTON DE 19968

Type of Conditional Use Requested:

Tax Map #: 235-23.00-54.01 & 02 & 05 Size of Parcel(s): 3.0 +/- PARCELS

3.03 acres total

Current Zoning: AR-1 Proposed Zoning: C-2 Size of Building: _____

Land Use Classification: COASTAL AREA

Water Provider: TIDEWATER Sewer Provider: SUSSEX COUNTY

Applicant Information

Applicant Name: ALICE P ROBINSON, TRUSTEE
Applicant Address: 35791 TARPON DRIVE
City: LEWES State: DE Zip Code: 19958
Phone #: (302) 227-7216 E-mail: VENTOSA@MSN.COM

Owner Information

Owner Name: ALICE P ROBINSON, TRUSTEE
Owner Address: 35791 TARPON DRIVE
City: LEWES State: DE Zip Code: 19958
Phone #: (302) 227-7216 E-mail: VENTOSA@MSN.COM

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MARK H DAVIDSON | PENNONI
Agent/Attorney/Engineer Address: 18072 DAVIDSON DRIVE
City: MILTON State: DE Zip Code: 19968
Phone #: (302) 684-6207 E-mail: MDAVIDSON@PENNONI.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: 1/2/2020

Signature of Owner

for 

Date: 1-2-2020

For office use only:

Date Submitted: 1/2/20
Staff accepting application: cel
Location of property: _____

Fee: \$500.00 Check #: 1945
Application & Case #: 20200045

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

December 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 (SLER) for the **Alice P. Robinson** rezoning application, which we received on November 7, 2019. This application is for an approximately 3.00-acre assemblage of parcels (Tax Parcels: 235-23.00-54.01, 54.02, and 54.05). The subject land is located on the southwest side of Delaware Route 1, approximately 500 feet southeast of the intersection of Delaware Route 1 and Cave Neck Road (New Castle Road 88). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of retail space, professional and / or service businesses.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 1 where the subject land is located, which is from US Route 9 to Delaware Route 16, are 30,522 and 39,281 vehicles per day, respectively.

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

The subject property is adjacent to Delaware Route 1, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing the number of high-volume, direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. Delaware



Ms. Janelle M. Cornwell

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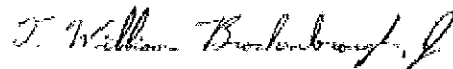
December 10, 2019

Route 1 is a limited access highway. According to the Office of State Planning, *Strategies for State Policies and Spending document*, the majority of these properties are located within a Level 3 Investment Area. Given the Investment Level, one low-density rights-in/rights-out access on Delaware Route 1 for the combined properties would be permitted; the combined land use could generate 200 vehicle trips per day or fewer, as determined by the Institute of Transportation Engineer's (ITE) Trip Generation Manual. Please note that the Department is in the process of developing a grade-separated interchange at Cave Neck Road and Delaware Route 1, with the intent of routing all future development(s) to the interchange via interconnecting service roads and secondary roads. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov.

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues

Alice P. Robinson, Applicant

J. Marc Coté, Assistant Director, Development Coordination

Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination

Gemez Norwood, South District Public Works Manager, Maintenance & Operations

James Argo, South District Project Reviewer, Maintenance & Operations

Susanne K. Laws, Sussex County Review Coordinator, Development Coordination

Derek Sapp, Subdivision Manager, Development Coordination

Brian Yates, Subdivision Manager, Development Coordination

John Andrescavage, Subdivision Manager, Development Coordination

Kevin Hickman, Subdivision Manager, Development Coordination

Troy Brestel, Project Engineer, Development Coordination

Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **6/11/2020**

APPLICATION: **CZ 1916 – Alice P. Robinson, Trustee**

APPLICANT: **Alice P. Robinson, Trustee**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **235-23.00-54.01, 54.02 & 54.05**

LOCATION: **Located on the south side of Coastal Hwy. (SR1),
approximately 910 feet east of Cave Neck Rd. (CR 88).**

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

GROSS
ACREAGE: **3.03**

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? **Yes** If yes, how many? **One (1) for each parcel.** 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 **Christine Fletcher** at **302-855-7719** for additional information on charges.

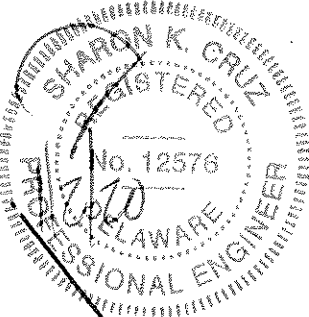
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **Prior to construction a SSCE must be developed, as well as, information to execute the Use of Existing Infrastructure Agreement.**
- (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
Christine Fletcher



LANDS N/F OF OVERBROOK ACRES, LLC.
 TM: 235-23.00-1.01
 DEED BOOK 3788, PAGE 108
 ZONING: C-2

DELWARE ROUTE 1 - SOUTHBOUND
 (aka COASTAL HIGHWAY)
 160' RIGHT OF WAY

NORTH

LARGE STONE FOUND

PAYNTERS MILL SUBDIVISION

IPF COAST HELD

MON FND

MON FND

N 48°19'12" E 384.21'
 TM: 235-23.00-54.01
 LOT 20, LANDS OF R G HOUSTON,
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE
 DEED BOOK 526, PAGE 134
 ZONING: AR-1
 AREA = 41,209 sq.ft.± (0.95 acres±)

N 48°08'08" E 380.87'
 TM: 235-23.00-54.05
 LOT 19, LANDS OF R G HOUSTON,
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE
 DEED BOOK 526, PAGE 134
 ZONING: AR-1
 AREA = 40,839 sq.ft.± (0.94 acres±)

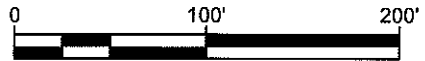
N 47°56'58" E 377.53'
 TM: 235-23.00-54.02
 LOTS 18 & P/O LOT 17, LANDS OF R G HOUSTON,
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE
 DEED BOOK 526, PAGE 134
 ZONING: AR-1
 AREA = 49,828 sq.ft.± (1.14 acres±)

TM: 235-23.00-54.03
 LANDS N/F OF S & J, LLC.
 DEED BOOK 4343, PAGE 188
 ZONING: C-1

NOTES

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PUBLIC RECORDS AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC. DATED 12/23/2019.
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS SURVEY.

LOT AREA: TOTAL - 3.03 acres±
 SURVEY CLASSIFICATION: SUBURBAN



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

PROJECT **AROBN19001**

DATE **2020-01-02**

DRAWING SCALE **1" = 100'**

DRAWN BY **KMD**

APPROVED BY **SKC**

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

LOTS 18,19,20 & P/O 17, LANDS OF R G HOUSTON,
 LAND N/F OF ALICE P. ROBINSON, TRUSTEE
 DELAWARE ROUTE 1, BROADKILL HUNDRED
 SUSSEX COUNTY, DELAWARE
 TM: 235-23.00-54.01,54.02 & 54.05
BOUNDARY SURVEY
 ALICE P. ROBINSON, TRUSTEE
 35791 TARPON DRIVE
 LEWES, DELAWARE 19958

SHEET **1** OF **1**

U:\ACCOUNTS\AROBNA\AROBN19001 - LOTS 18,19,20 LANDS OF R.G. HOUSTON\DESIGN\WV-SP.DWG
 PLOTTED: 1/2/2020 11:30:51 AM, BY: KEITH DAVIDSON PLOTSTYLE: PENNONI.NCS.STB, PROJECT STATUS: —

ALICE P ROBINSON, TRUSTEE

CASE NO. CZ1916

ZONING MAP AMENDMENT FROM AR-1 TO C-2 (MEDIUM COMMERCIAL)

OWNER:

Alice Robinson, Trustee
 35791 Tarpon Drive
 Lewes, DE 19958

DEVELOPER:

Alice Robinson, Trustee
 35791 Tarpon Drive
 Lewes, DE 19958

PLANNER/ENGINEER/SURVEYOR:

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

ENVIRONMENTAL:

PENNONI & ACCENT ENVIRONMENTAL
 WILLIAM J. GANGLOFF, PhD. PROFESSIONAL SOIL
 SCIENTIST

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- b. BOUNDARY SURVEY
- c. LEGAL DESCRIPTION
- d. SERVICE LEVEL RESPONSE LETTER

TAB 2 EXHIBITS

- a. COMMERCIAL CONCEPT
- b. COMP PLAN CRITERIA
- c. COMP PLAN - FUTURE LAND USE MAP
- d. DELDOT OVERPASS ALTERNATIVES 3

TAB 3 MAPS/PLANS

- a. 2019 AERIAL, 2017, 2012, 2007, 2002, 1997, 1992, 1968, 1961, 1954, 1937 AND 1926 ORTHO - 2015 STATE SRATEGIES, COUNTY ZONING, 2015 LAND USE, NRCS SOILS, STATE WETLANDS, FEMA FLOODPLAIN, GROUNDWATER RECHARGE, USGS TOPOGRAPHIC AND AREA COMMERCIAL USES MAP

TAB 4 FINDINGS

- a. FINDINGS OF FACT



Mark H. Davidson / Vice President

Principal Land Planner/Office Director

EDUCATION

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

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

Land Planning, Institute for Public Administration (2006)

CERTIFICATIONS

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

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

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

HONORS/AWARDS

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

Notable Networker Award, BNI (2013)

EXPERIENCE SUMMARY

Mark H. Davidson serves as Vice President of Pennoni and Office Director for our Southern Delaware, Milton Office. Mark also serves as the Principal Land Planner for Pennoni. He has over 35-years of past experience in Surveying, Engineering, Consulting, Construction and Land Planning. For 12-years he owned a professional engineering, surveying, land planning, environmental and consulting firm that provided professional consulting and design in land planning for residential, industrial, institutional, municipal and commercial applications to a wide range of clients in Delaware and Maryland. Mr. Davidson's project experience includes land development planning, surveying, engineering, environmental design and permitting; construction and project consulting, management and inspection; water resource consulting, management and inspection and municipal consulting, planning and inspection for residential, industrial, institutional, municipal and commercial applications.

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

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

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

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

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



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: 1/2/2020

Signature of Owner

for 

Date: 1-2-2020

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: _____



LANDS N/F OF OVERBROOK ACRES, LLC.
 TM: 235-23.00-1.01
 DEED BOOK 3788, PAGE 108
 ZONING: B-1

DELaware ROUTE 1 - SOUTHBOUND
 (aka COASTAL HIGHWAY)
 160' RIGHT OF WAY



LARGE STONE FOUND
 PAYNTERS MILL SUBDIVISION
 ZONING: MR/RPC

IPF COAST HELD

LOT 20, LANDS OF R G HOUSTON,
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE
 DEED BOOK 526, PAGE 134
 ZONING: AR-1
 AREA = 41,209 sq.ft.± (0.95 acres)
 N 48°08'08" E 380.87'

LOT 19, LANDS OF R G HOUSTON,
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE
 DEED BOOK 526, PAGE 134
 ZONING: AR-1
 AREA = 40,839 sq.ft.± (0.94 acres)
 N 47°56'58" E 377.53'

LOTS 18 & P/O LOT 17, LANDS OF R G HOUSTON,
 LANDS N/F OF ALICE P. ROBINSON, TRUSTEE
 DEED BOOK 526, PAGE 134
 ZONING: AR-1
 AREA = 49,828 sq.ft.± (1.14 acres)
 S 47°56'58" W 373.29'

S 36°36'47" E 348.42'
 107.55'

133.33'

MON FND

133.00'

MON FND

LANDS N/F OF S & J, LLC.
 TM: 235-23.00-54.03
 DEED BOOK 4343, PAGE 188
 ZONING: C-1

NOTES

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS TAKEN FROM PUBLIC RECORDS AND IS THE RESULT OF AN ACTUAL FIELD SURVEY BY PENNONI ASSOCIATES INC. DATED 12/23/2019.
2. MAY BE SUBJECT TO HOMEOWNER'S COVENANTS AND RESTRICTIONS.
3. IT IS THE RESPONSIBILITY OF THE OWNER TO IDENTIFY WETLANDS, FLOOD PLAINS, ENDANGERED SPECIES, OR OTHER ENVIRONMENTAL LIMITATIONS.
4. NO EASEMENTS AND/OR RIGHT-OF-WAYS WERE VERIFIED PER THIS SURVEY.

LOT AREA: TOTAL - 3.03 acres±
 SURVEY CLASSIFICATION: SUBURBAN



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

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

LOTS 18,19,20 & P/O 17, LANDS OF R G HOUSTON,
 LAND N/F OF ALICE P. ROBINSON, TRUSTEE
 DELAWARE ROUTE 1, BROADKILL HUNDRED
 SUSSEX COUNTY, DELAWARE
 TM: 235-23.00-54.01,54.02 & 54.05
BOUNDARY SURVEY
 ALICE P. ROBINSON, TRUSTEE
 35791 TARPON DRIVE
 LEWES, DELAWARE 19958

PROJECT	AROBN19001
DATE	2020-01-02
DRAWING SCALE	1" = 100'
DRAWN BY	KMD
APPROVED BY	SKC

SHEET 1 OF 1

U:\ACCOUNTS\AROBN\AROBN19001 - LOTS 18,19,20 LANDS OF R.G. HOUSTON\DESIGN\MV-SP.DWG PLOTTED: 6/22/2020 1:07:42 PM. BY: MATT WALLS PLOTSTYLE: PENNONI NCS STB. PROJECT STATUS: —

PARTICULAR DESCRIPTION

**LOTS 18, 19, 20 AND PART OF 17, LANDS OF R G HOUSTON,
LANDS NOW OR FORMERLY OF ALICE P. ROBINSON, TRUSTEE**

TAX MAP 235-20.00-54.01, 54.02 AND 54.05

All that certain piece, parcel and tract lying in the Broadkill Hundred of Sussex County, Delaware and being more particularly described as follows:

BEGINNING at a concrete monument found, said monument situated on the southerly right-of-way of Delaware Route One and also being a corner for this Parcel and Lands now or formerly of S & J, LLC.; thence by and with this Parcel and Lands now or formerly of S & J, LLC., **South 47 degrees, 56 minutes, 58 seconds West, 373.29 feet** to a concrete monument found, said monument being a corner for this Parcel and Lands now or formerly of S & J, LLC. and also lying on a common boundary line with Paynters Mill Subdivision; thence by and with this Parcel and Paynters Mill Subdivision, **North 38 degrees, 25 minutes, 48 seconds West, 350.04 feet** to a large stone found, said stone being a corner for this Parcel and Lands now or formerly of Overbrook Acres, LLC.; thence by and with this Parcel and Lands now or formerly of Overbrook Acres, LLC., **North 48 degrees, 19 minutes, 12 seconds East, 384.21 feet** to an iron pipe found, said iron pipe being a corner

AROBN19001

235-20.00-54.01, 54.02, AND 54.05

Particular Description

for this Parcel and Lands now or formerly of Overbrook Acres, LLC. and situated on the southerly right-of-way of Delaware Route One; thence by and with this Parcel and the southerly right-of-way of Delaware Route One, **South 36 degrees, 36 minutes, 47 seconds East, 348.42 feet** to a concrete monument, said monument being the **Point of Beginning** for this description.

This Parcel Contains 131,876 square feet or 3.03 acres, more or less.



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

JENNIFER COHAN
SECRETARY

December 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 (SLER) for the **Alice P. Robinson** rezoning application, which we received on November 7, 2019. This application is for an approximately 3.00-acre assemblage of parcels (Tax Parcels: 235-23.00-54.01, 54.02, and 54.05). The subject land is located on the southwest side of Delaware Route 1, approximately 500 feet southeast of the intersection of Delaware Route 1 and Cave Neck Road (New Castle Road 88). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of retail space, professional and / or service businesses.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 1 where the subject land is located, which is from US Route 9 to Delaware Route 16, are 30,522 and 39,281 vehicles per day, respectively.

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

The subject property is adjacent to Delaware Route 1, thereby is subject to the Department's Corridor Capacity Preservation Program. The main goal of the Program is to maintain the capacity of the existing highway by minimizing the number of high-volume, direct driveway access points on the arterial highway. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. Delaware



Ms. Janelle M. Cornwell

Page 2 of 2

December 10, 2019

Route 1 is a limited access highway. According to the Office of State Planning, *Strategies for State Policies and Spending* document, the majority of these properties are located within a Level 3 Investment Area. Given the Investment Level, one low-density rights-in/rights-out access on Delaware Route 1 for the combined properties would be permitted; the combined land use could generate 200 vehicle trips per day or fewer, as determined by the Institute of Transportation Engineer's (ITE) Trip Generation Manual. Please note that the Department is in the process of developing a grade-separated interchange at Cave Neck Road and Delaware Route 1, with the intent of routing all future development(s) to the interchange via interconnecting service roads and secondary roads. The Corridor Capacity Preservation Program policy can be viewed on Department's website at www.deldot.gov.

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

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

Sincerely,



T. William Brockenbrough, Jr.

County Coordinator

Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues

Alice P. Robinson, Applicant

J. Marc Coté, Assistant Director, Development Coordination

Thomas Felice, Corridor Capacity Preservation Program Manager, Development
Coordination

Gemez Norwood, South District Public Works Manager, Maintenance & Operations

James Argo, South District Project Reviewer, Maintenance & Operations

Susanne K. Laws, Sussex County Review Coordinator, Development Coordination

Derek Sapp, Subdivision Manager, Development Coordination

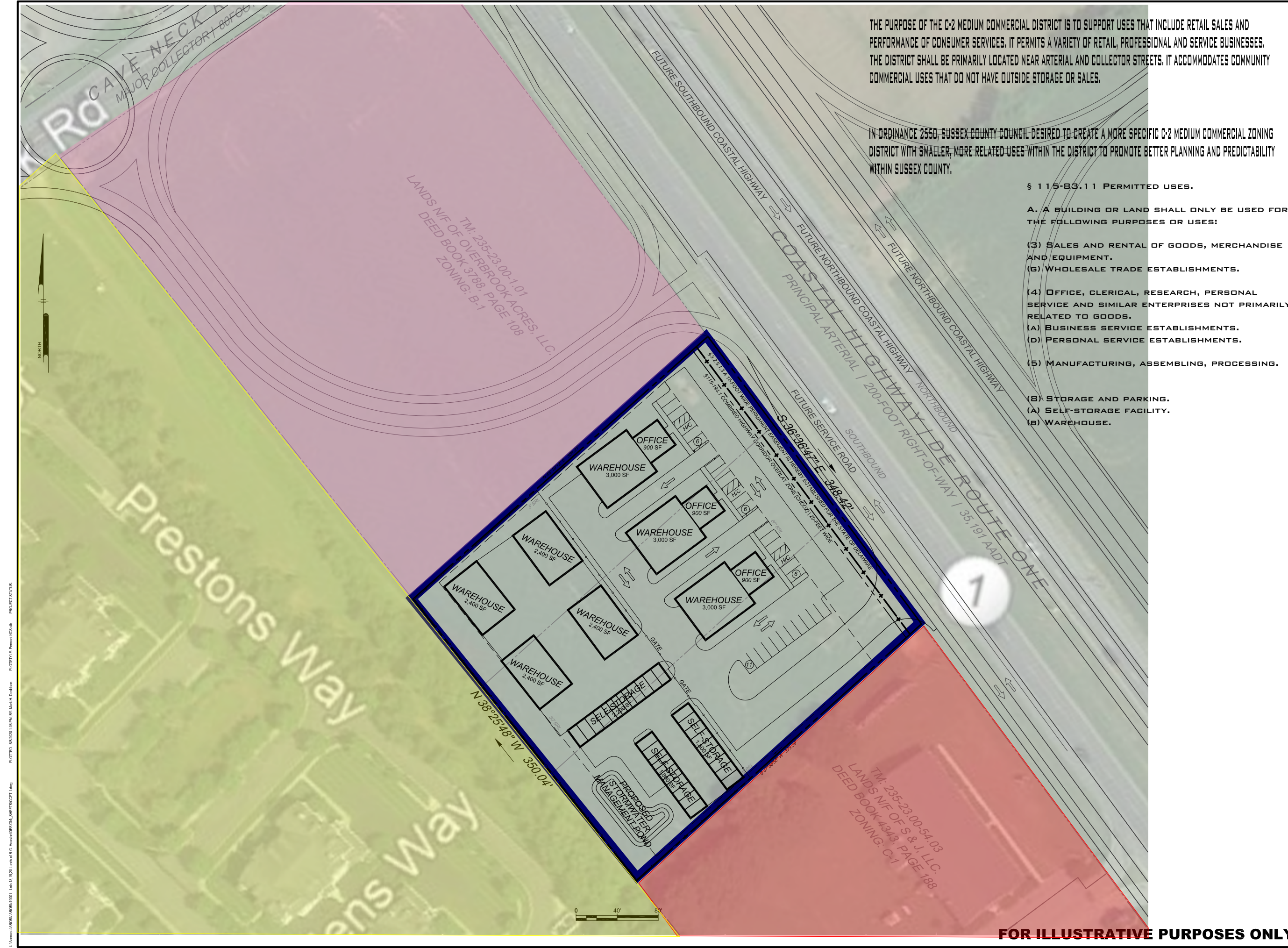
Brian Yates, Subdivision Manager, Development Coordination

John Andrescavage, Subdivision Manager, Development Coordination

Kevin Hickman, Subdivision Manager, Development Coordination

Troy Brestel, Project Engineer, Development Coordination

Claudy Joinville, Project Engineer, Development Coordination



THE PURPOSE OF THE C-2 MEDIUM COMMERCIAL DISTRICT IS TO SUPPORT USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICE BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO NOT HAVE OUTSIDE STORAGE OR SALES.

IN ORDINANCE 2550, SUSSEX COUNTY COUNCIL DESIRED TO CREATE A MORE SPECIFIC C-2 MEDIUM COMMERCIAL ZONING DISTRICT WITH SMALLER, MORE RELATED USES WITHIN THE DISTRICT TO PROMOTE BETTER PLANNING AND PREDICTABILITY WITHIN SUSSEX COUNTY.

§ 115-83.11 PERMITTED USES.

A. A BUILDING OR LAND SHALL ONLY BE USED FOR THE FOLLOWING PURPOSES OR USES:

- (3) SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT.
- (6) WHOLESALE TRADE ESTABLISHMENTS.
- (4) OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS.
- (A) BUSINESS SERVICE ESTABLISHMENTS.
- (D) PERSONAL SERVICE ESTABLISHMENTS.
- (5) MANUFACTURING, ASSEMBLING, PROCESSING.
- (8) STORAGE AND PARKING.
- (A) SELF-STORAGE FACILITY.
- (B) WAREHOUSE.

TM: 235-23-00-1-01
LANDS NIF OF OVERBROOK ACRES, LLC.
DEED BOOK 3788, PAGE 108
ZONING: B-1

TM: 235-23-00-54-03
LANDS NIF OF S & J, LLC.
DEED BOOK 4243, PAGE 188
ZONING: C-1



PENNONI ASSOCIATES INC.
18072 Davidson Drive
Milton, DE 19868
T 302.684.8030 F 302.684.8054

ROBINSON MEDIUM COMMERCIAL (C-2)
COASTAL HIGHWAY
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

CONCEPT PLAN

ALICE P. ROBINSON
35791 TARPON DRIVE
LEWES, DE 19858

NO.	DATE	REVISIONS	BY

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

PROJECT: AROBN19001
DATE: 2020-06-08
DRAWING SCALE: 1"=40'
DRAWN BY: MHD/DAVIDSON
APPROVED BY: MHD/AMD

FOR ILLUSTRATIVE PURPOSES ONLY

PROJECT STATUS: PLOTTED: 08/03/2020 08:04:49 BY: Mark K. Davidson PLOTTED: Pennoni\MSL\Sub

Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

According to state law, the County must amend its official zoning map to be consistent with the Future Land Use Map within 18 months of the date of adoption of the Comprehensive Plan. Additionally, future rezonings should also generally be consistent with the Future Land Use Plan.

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

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.

4.4.2 The Structure of the Future Land Use Plan

The Future Land Use Plan divides Sussex County into two types of planning areas: Growth Areas and Rural Areas. The Growth Areas and the Rural Areas each include sub-categories as outlined below:

Growth Areas:

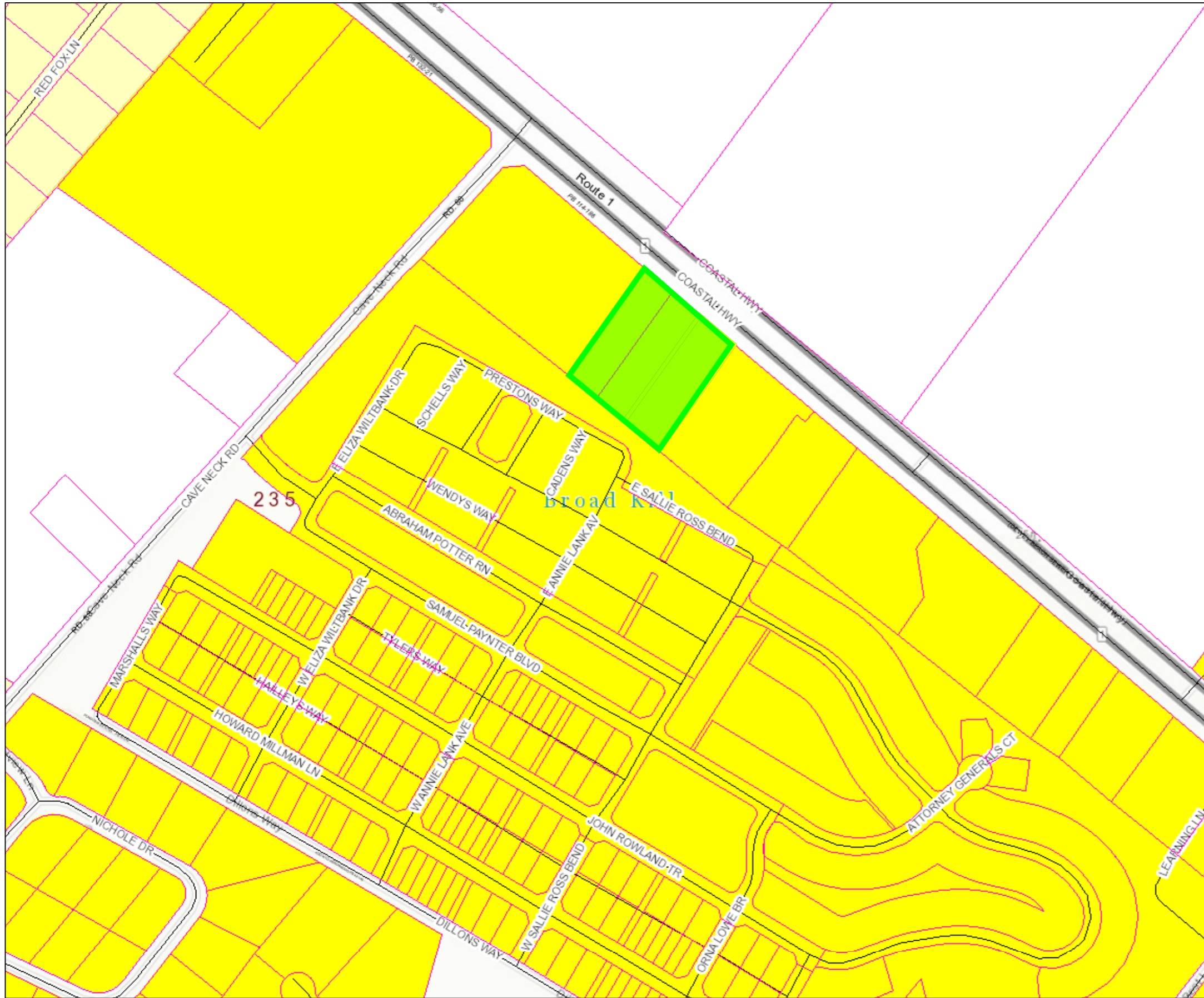
- Municipalities
- Town Centers
- Developing Areas
- Coastal Areas**
- Existing Development Areas
- Commercial Areas
- Industrial Areas

4.4.2.1 Growth Areas

This Plan seeks to encourage the County’s most concentrated forms of new development to Growth Areas, including most higher density residential development and most commercial development. While Coastal Areas are considered Growth Areas, the County encourages only appropriate forms of concentrated new development in these areas, especially when environmental features are in play.



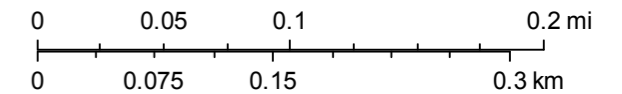
Sussex County



PIN:	235-23.00-54.02
Owner Name	ROBINSON ALICE P TRUSTEE
Book	526
Mailing Address	35791 TARPON DR
City	LEWES
State	DE
Description	LANDS OF R.G.HOUSTON
Description 2	LOT 18 P/O LOT 17
Description 3	RT. 1
Land Code	

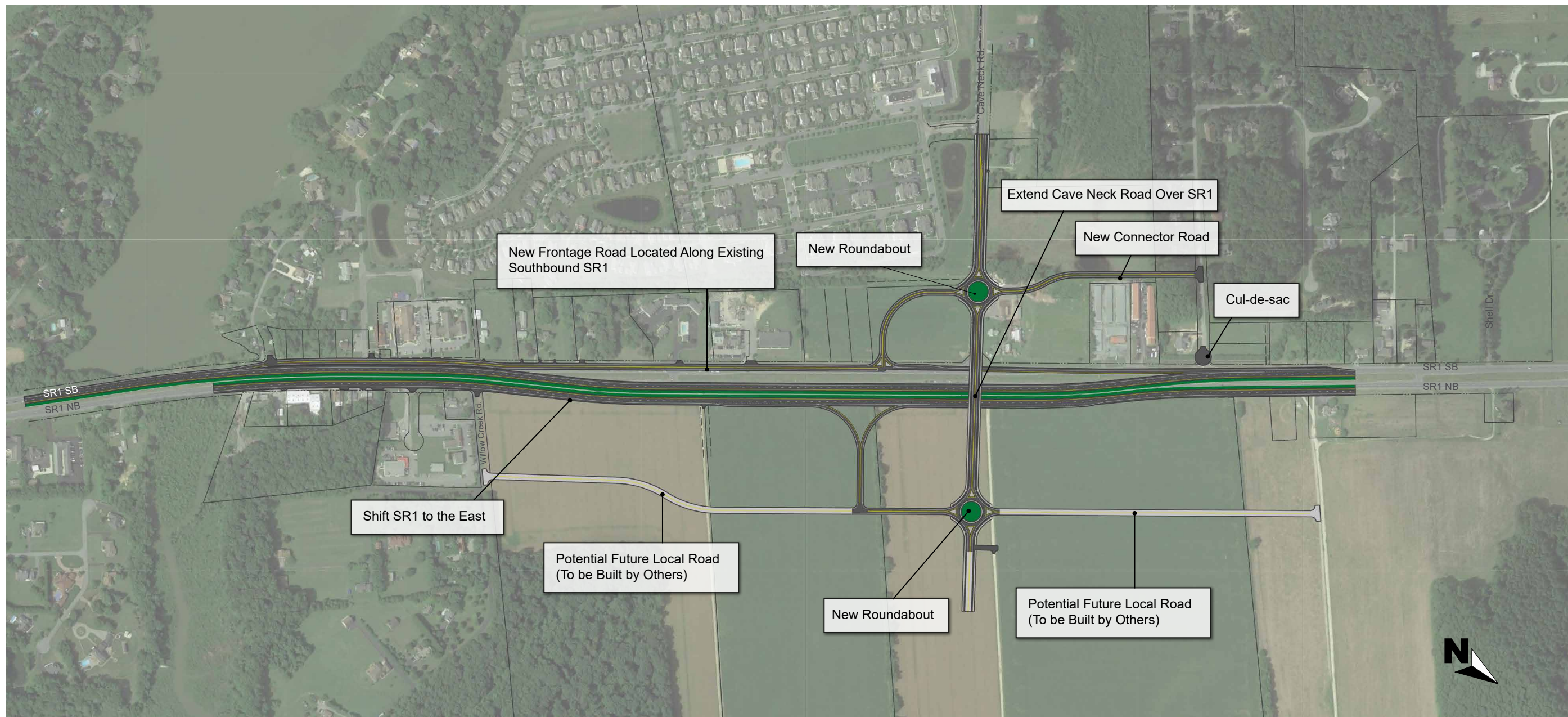
- polygonLayer**
 - Override 1
 - Municipalities
 - Town Center
- polygonLayer**
 - Override 1
 - Tax Parcels
 - Streets
 - Hundred Boundaries
 - District Boundaries
 - County Boundaries
- 2019 Future Land Use**
 - Low Density
 - Coastal Area
 - Commercial
 - Developing Area
 - Existing Development Area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

1:4,514



Alternative 3

Cave Neck Road will extend over SR1 at a Grade Separated Interchange. SR1 shifted to the east with access to Cave Neck Road provided by loop ramps. Access to and from southbound SR1 will be provided by a frontage road located along the current southbound SR1 alignment. A northbound loop ramp will be located south of Cave Neck Road.



SR1 and Cave Neck Road Grade Separated Intersection

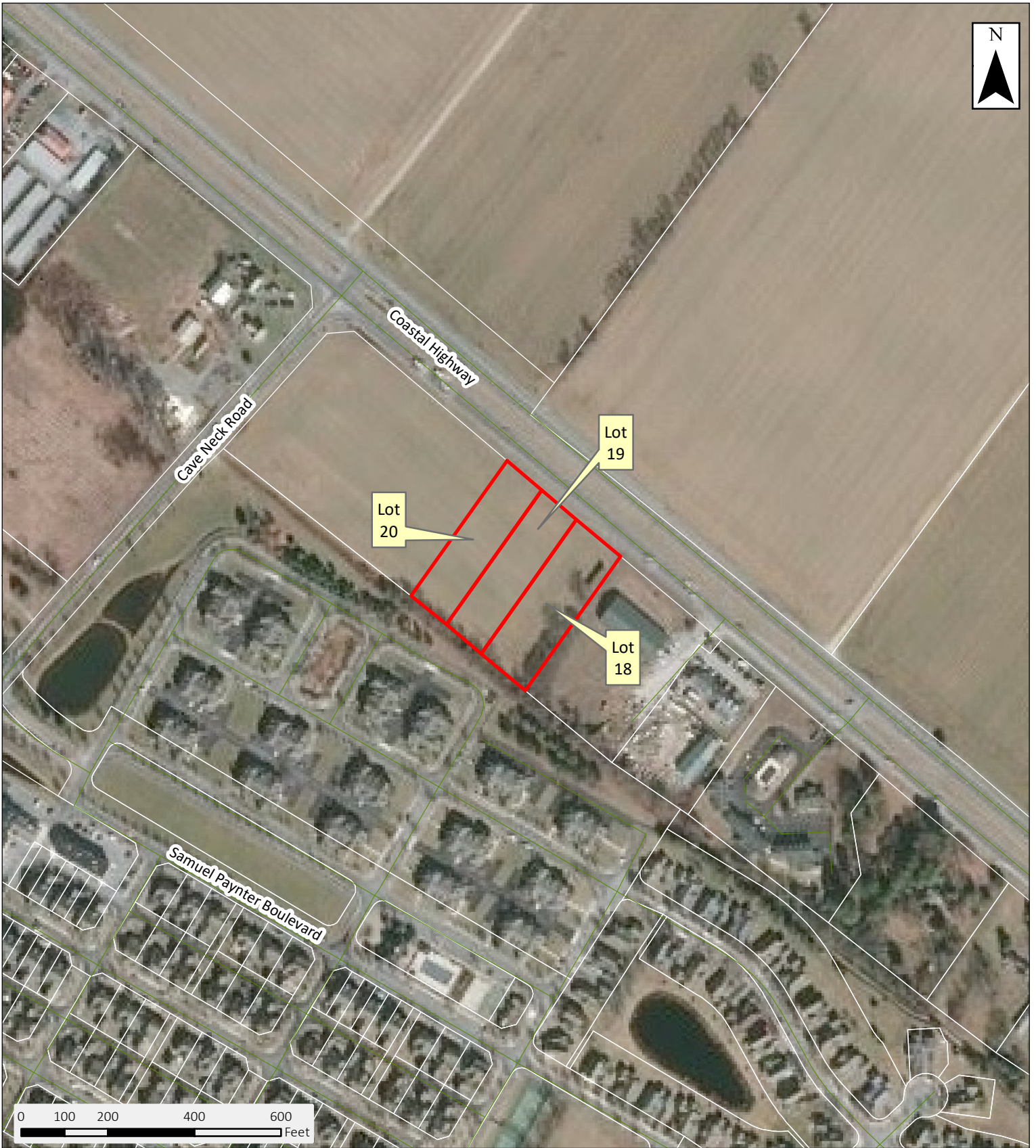


Figure 1 of 21. 1	2019 Aerial Image		
	Lots 18, 19, & 20, Land of R.G. Houston		
	AROBN19001		

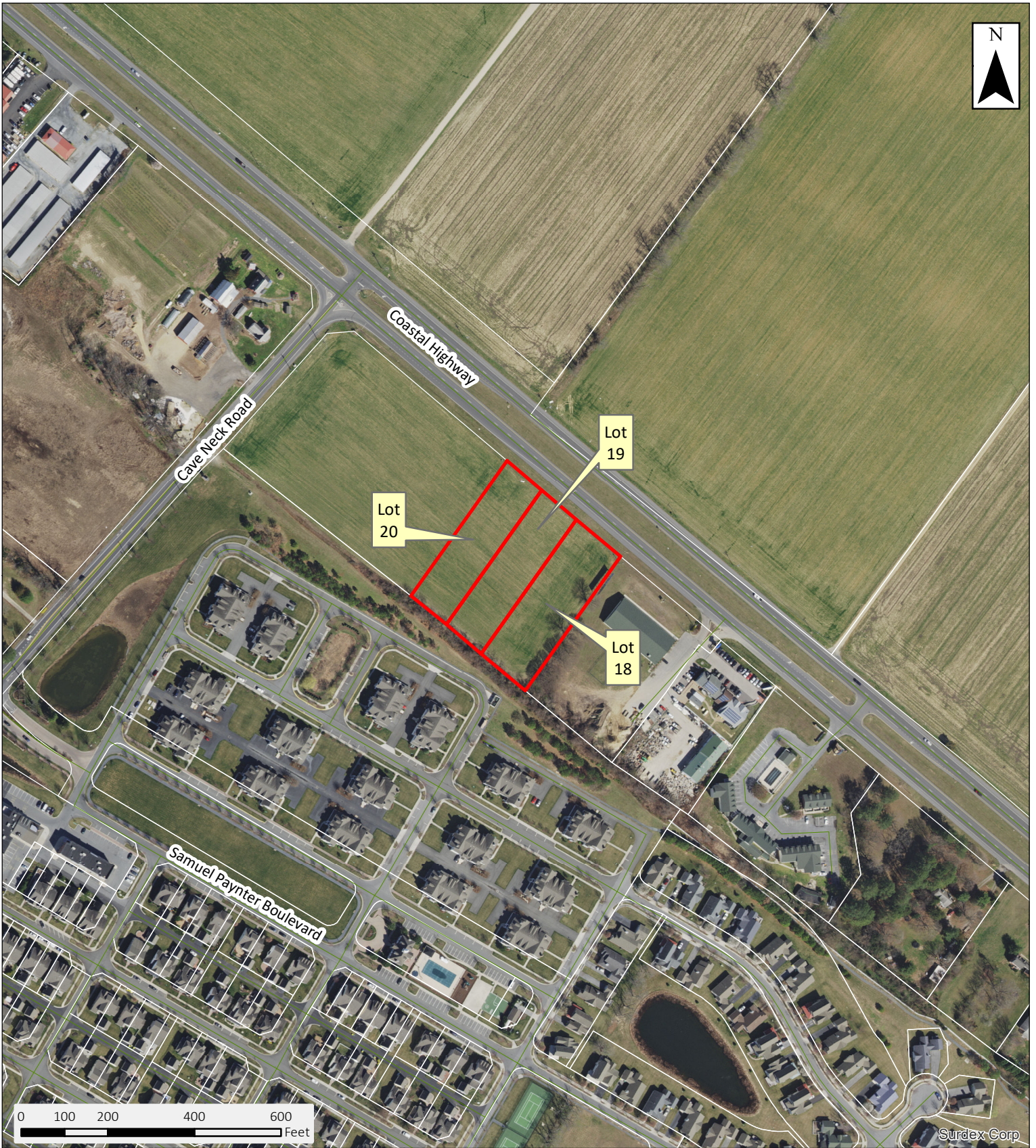


Figure 2 of 21.



2

2017 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



	Subject Parcels
	Other Tax Parcels

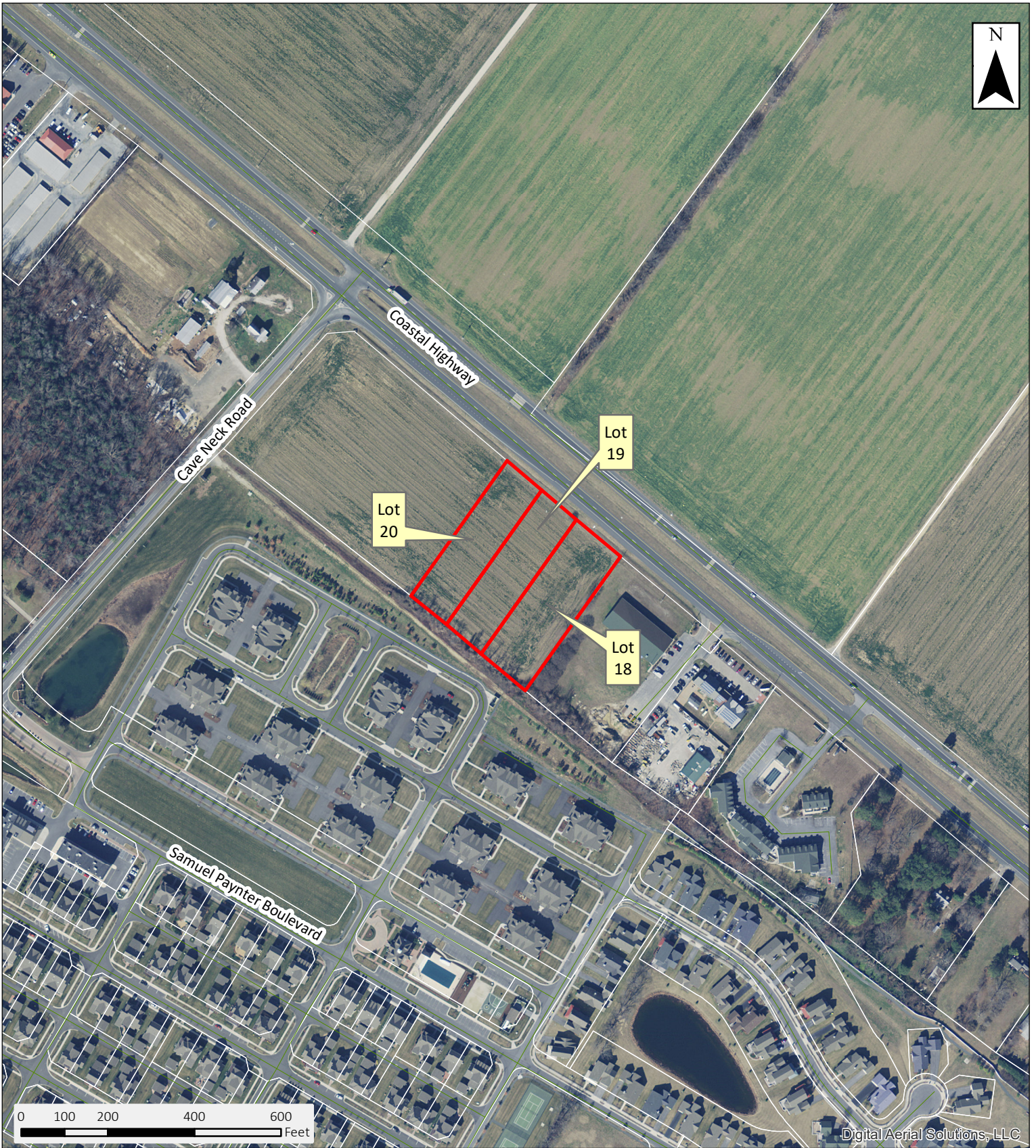


Figure 3 of 21.



3

2012 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



	Subject Parcels
	Other Tax Parcels

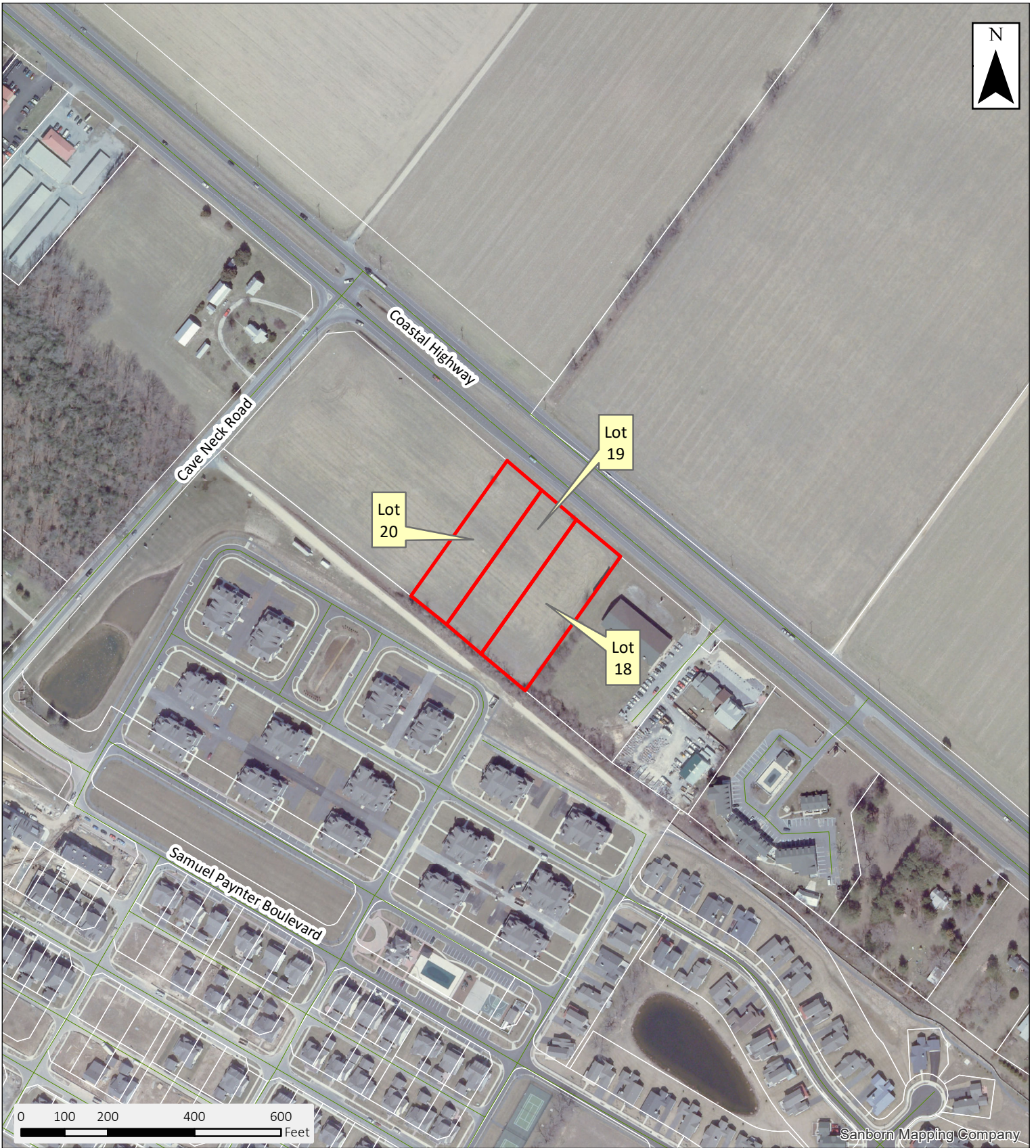


Figure 4 of 21.

4

2007 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001

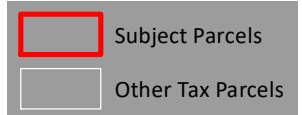




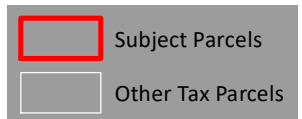
Figure 5 of 21.

5

2002 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



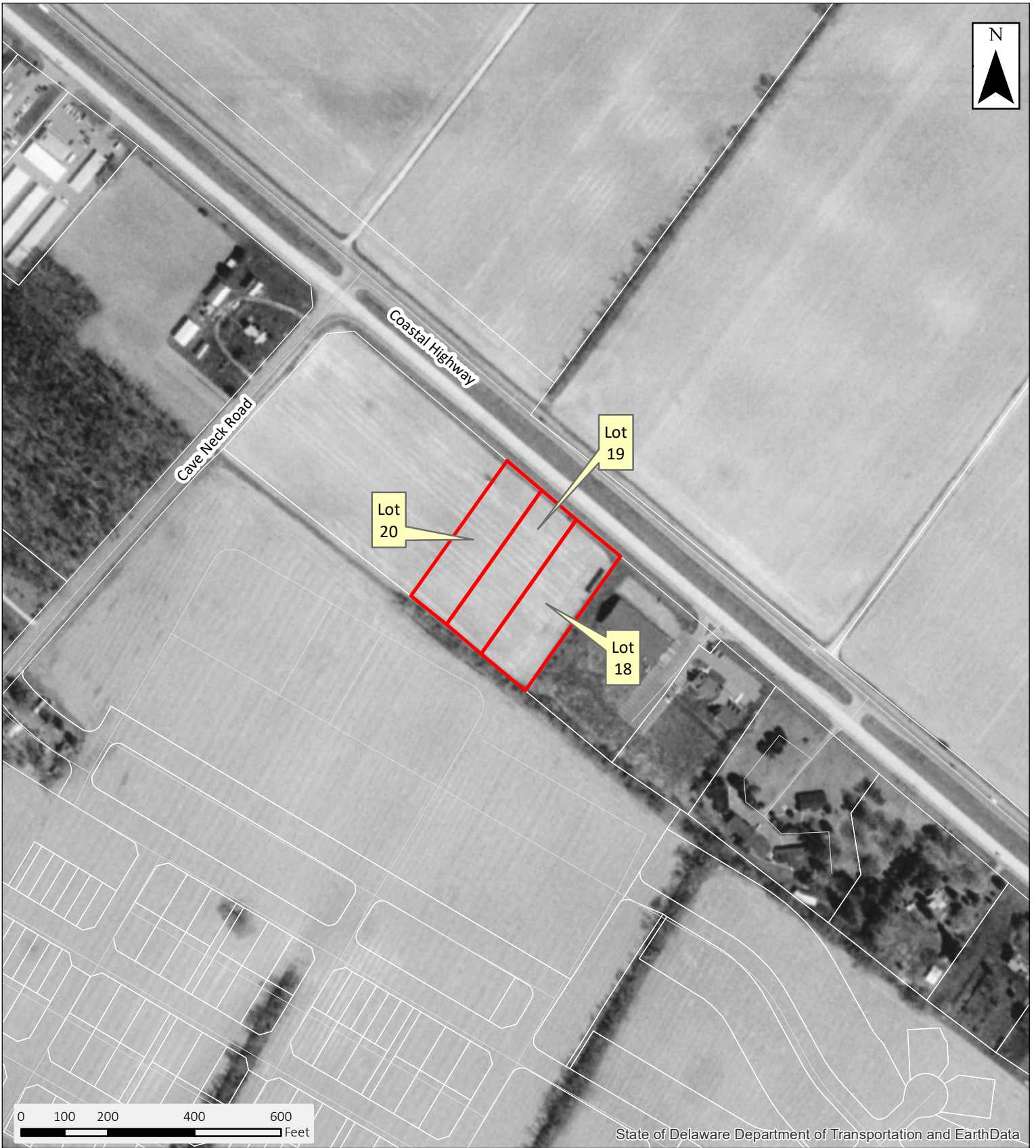


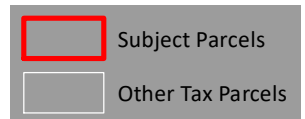
Figure 6 of 21.

6


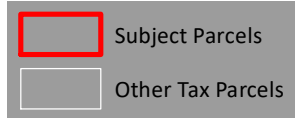
1997 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001





<p>Figure 7 of 21.</p> <p>7</p>	<p>1992 Delaware Orthophoto</p> <hr/> <p>Lots 18, 19, & 20, Land of R.G. Houston</p> <hr/> <p>AROBN19001</p>		
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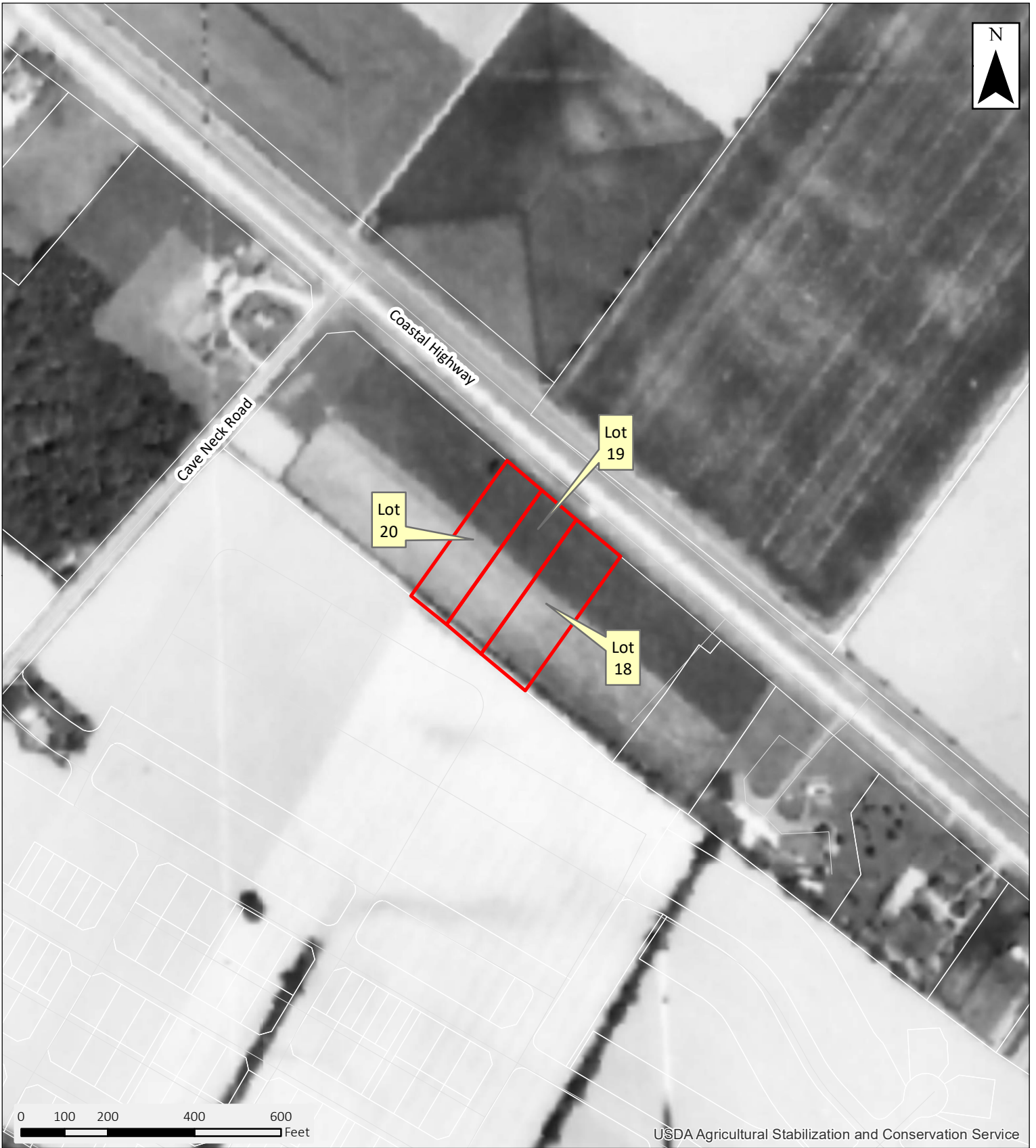
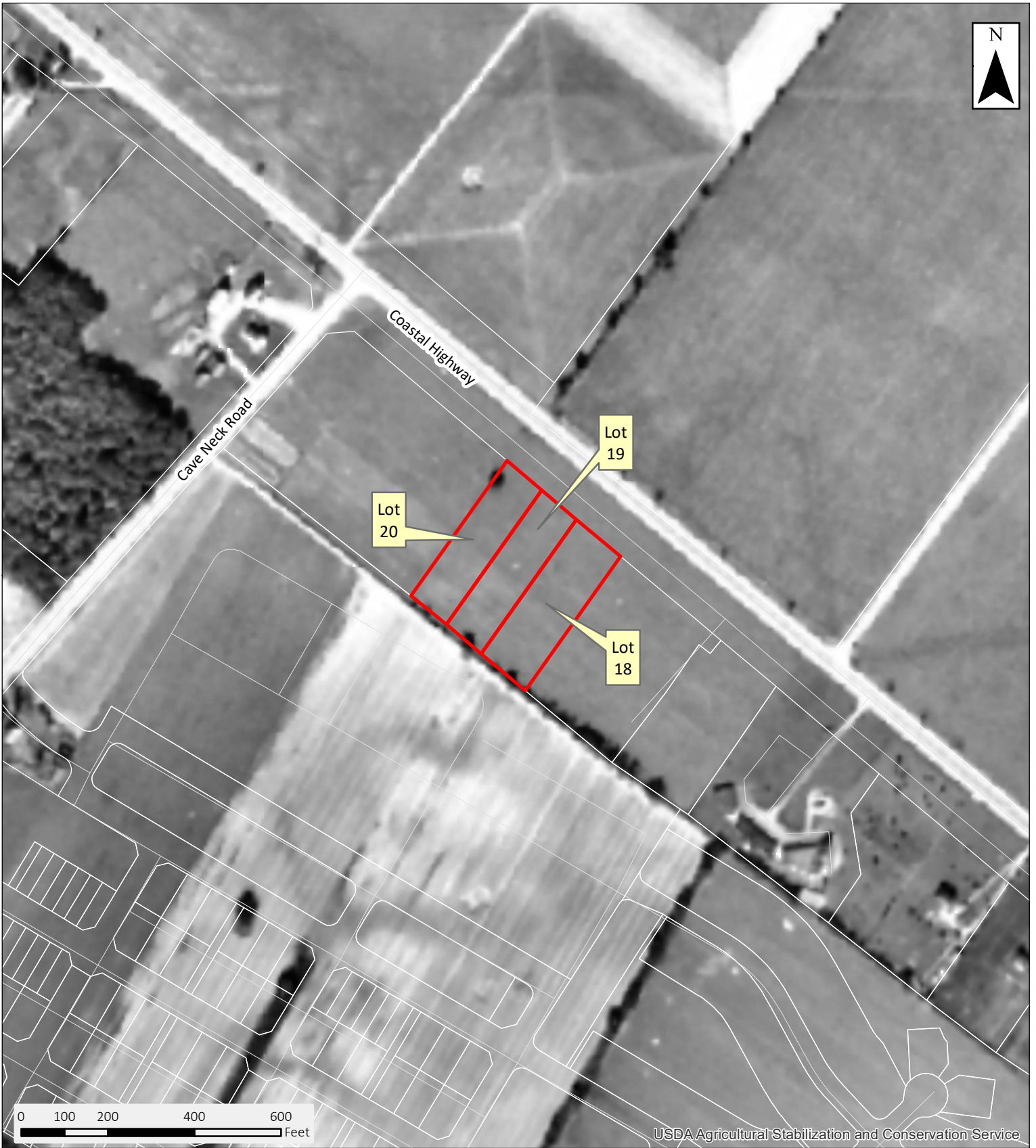


Figure 8 of 21. 8	1968 Delaware Orthophoto		
	Lots 18, 19, & 20, Land of R.G. Houston		
	AROBN19001		



<p>Figure 9 of 21.</p> <p>9</p>	<p>1961 Delaware Orthophoto</p> <hr/> <p>Lots 18, 19, & 20, Land of R.G. Houston</p> <hr/> <p>AROBN19001</p>		
----------------------------------------	------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------

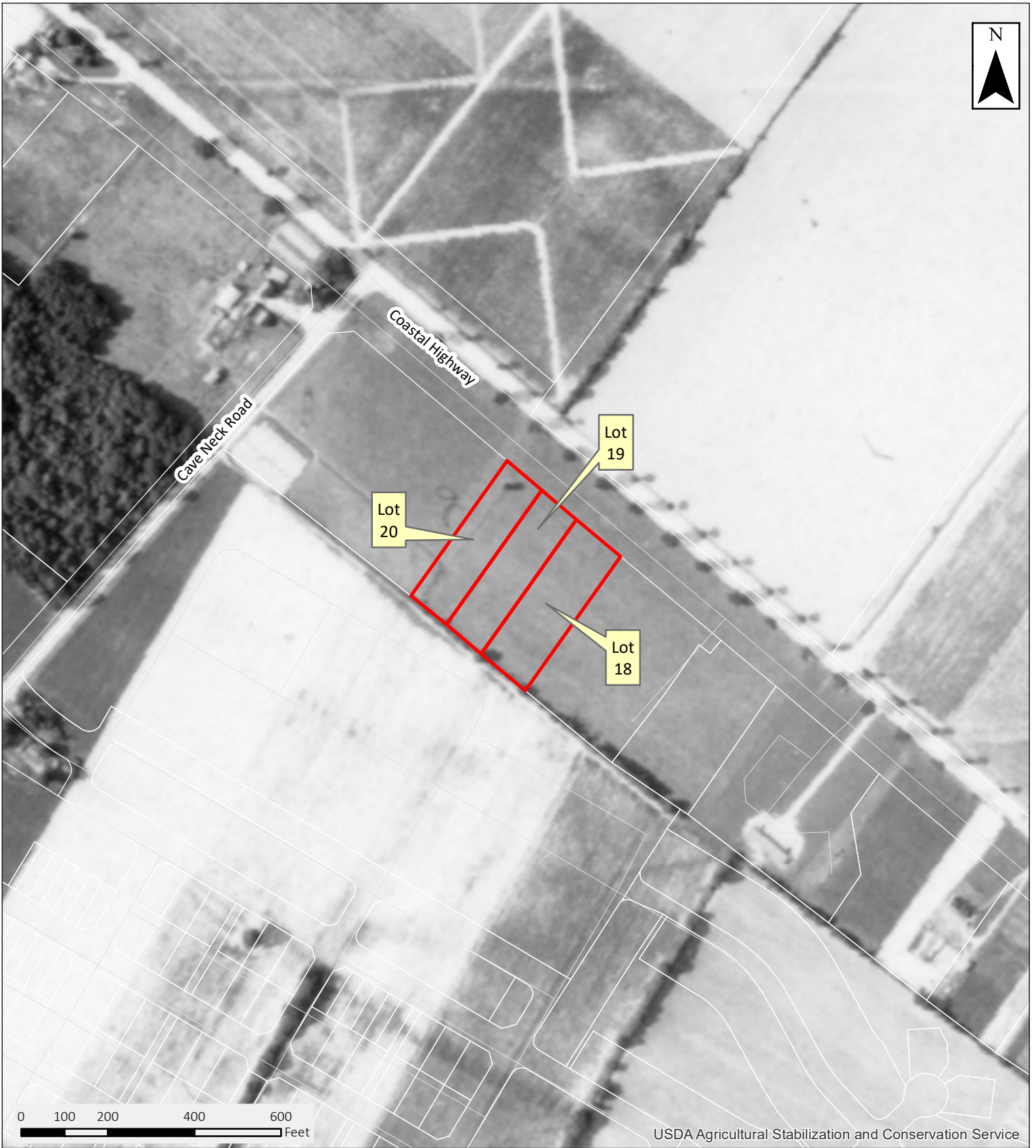


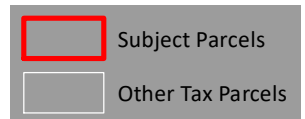
Figure 10 of 21.

10

1954 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



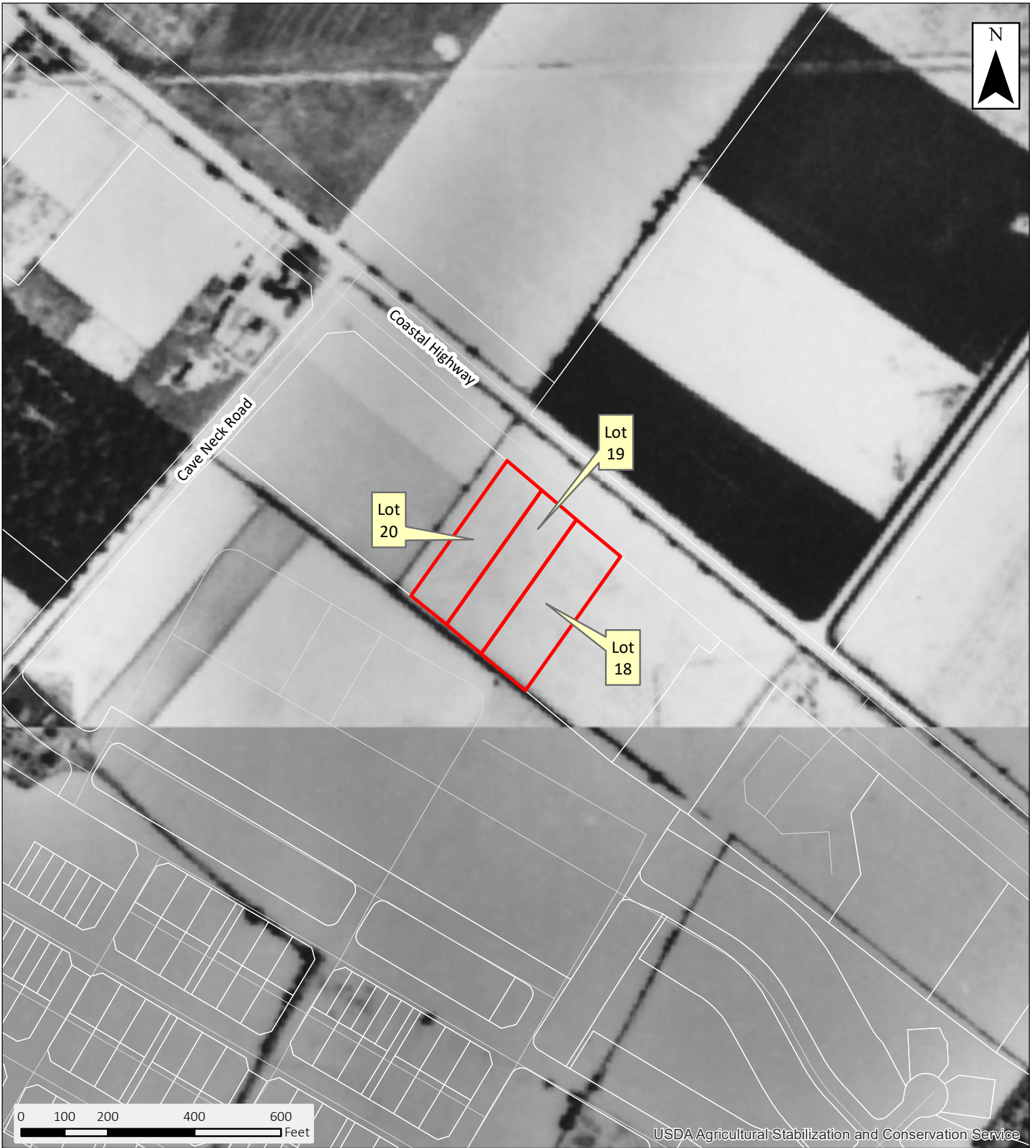


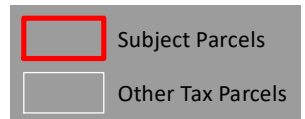
Figure 11 of 21.

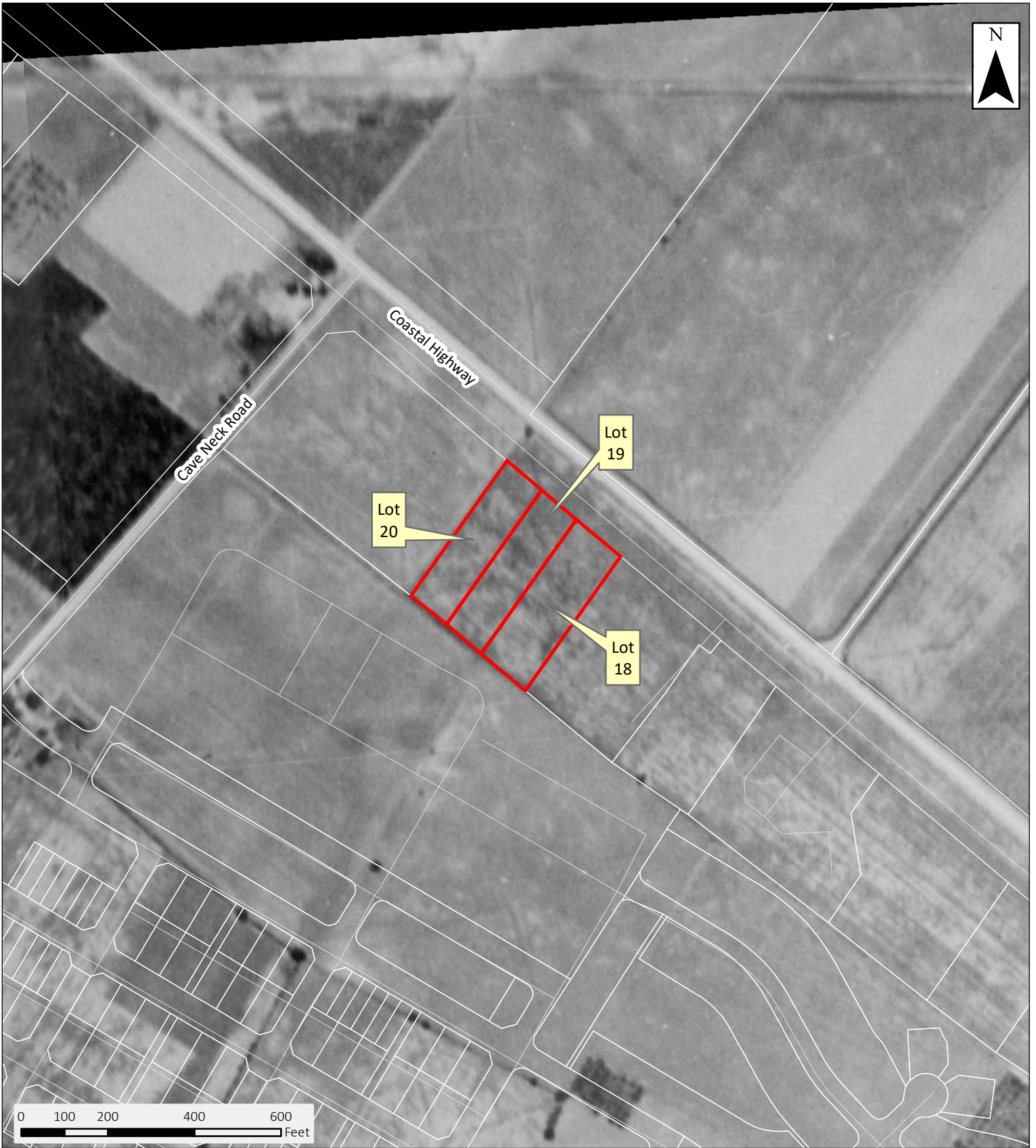
11

1937 Delaware Orthophoto

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001





<p>Figure 12 of 21.</p> <p>12</p>	<p>1926 Delaware Orthophoto</p> <hr/> <p>Lots 18, 19, & 20, Land of R.G. Houston</p> <hr/> <p>AROBN19001</p>		
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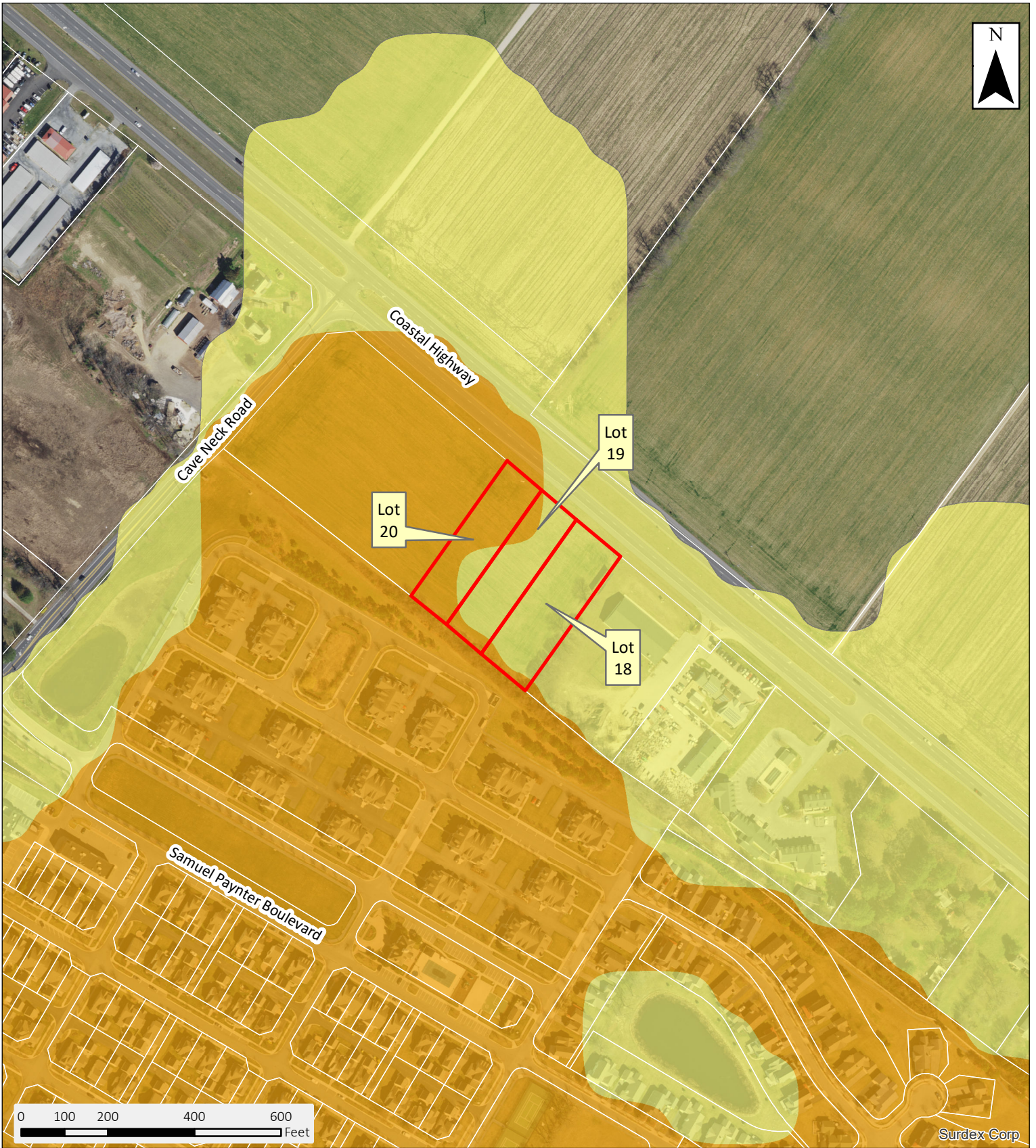


Figure 13 of 21.

13

2015 State Strategies
& Investment Levels

Lots 18, 19, & 20, Land of R.G. Houston


AROBN19001



Investment Level

 Level 2

 Level 3

 Level 4 (unshaded)

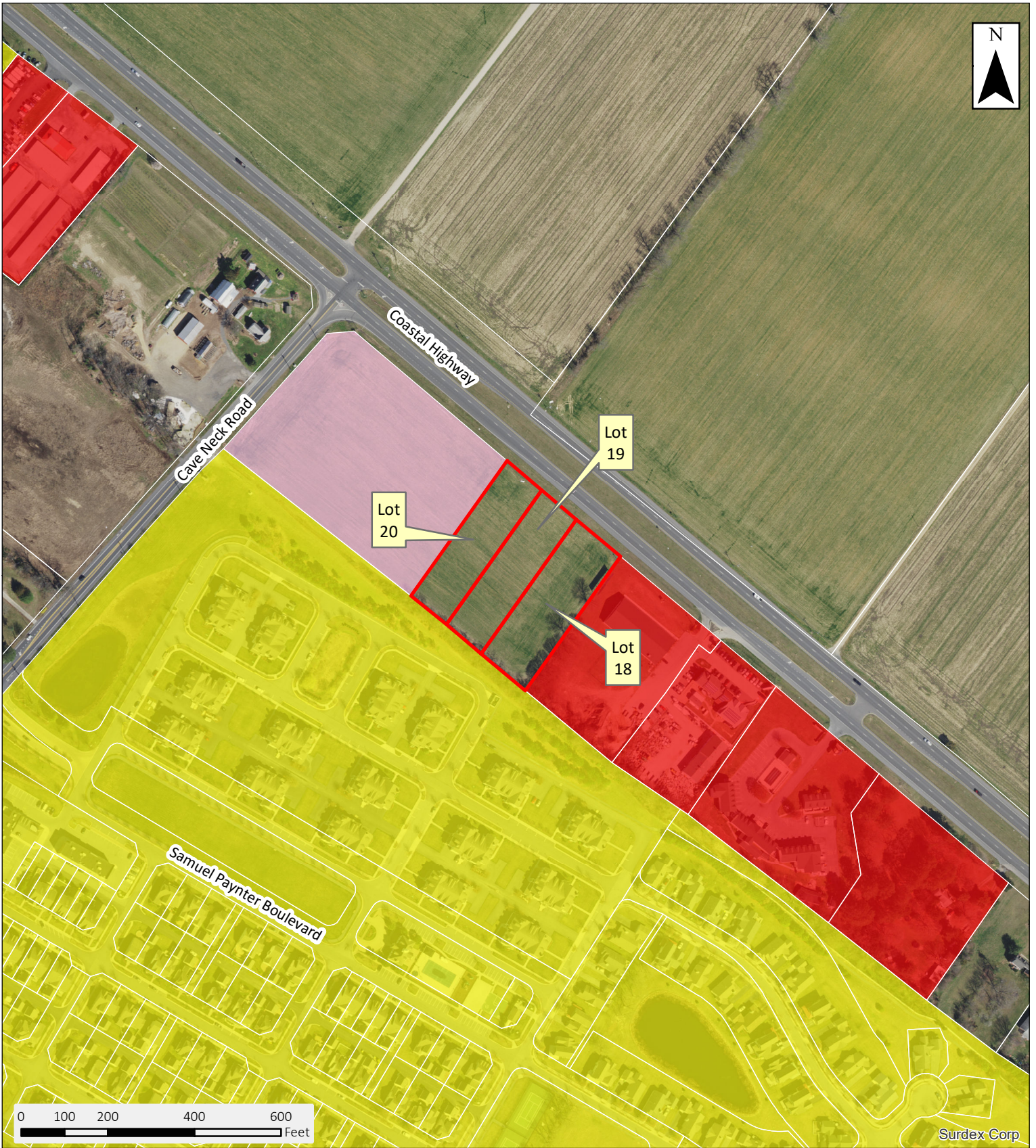


Figure 14 of 21.

14

County Zoning Map

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



- Agricultural Residential (unshaded)
- General Commercial
- Medium Residential
- Neighborhood Business

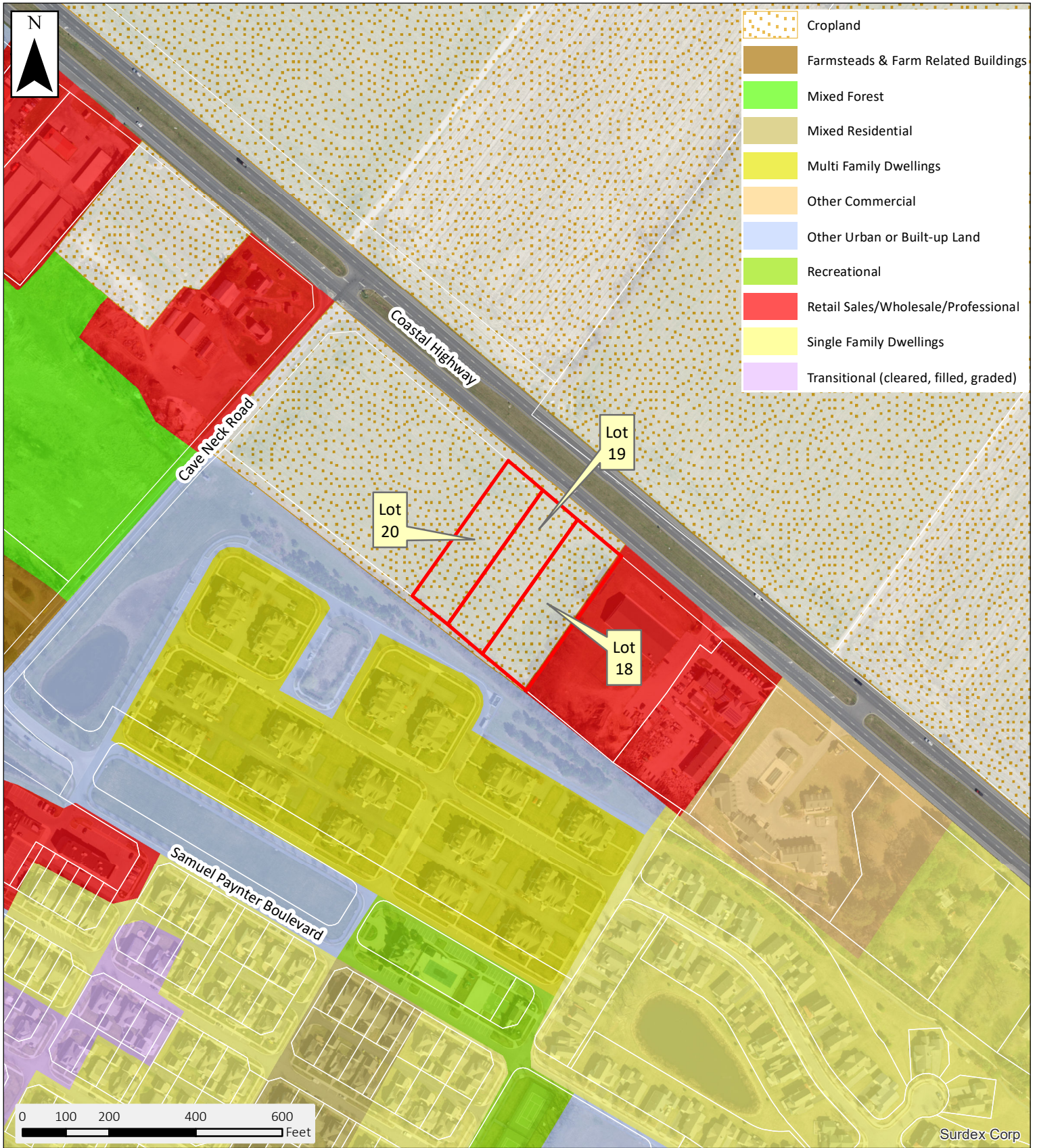


Figure 15 of 21.

15

2015 Land Use/Land Cover

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



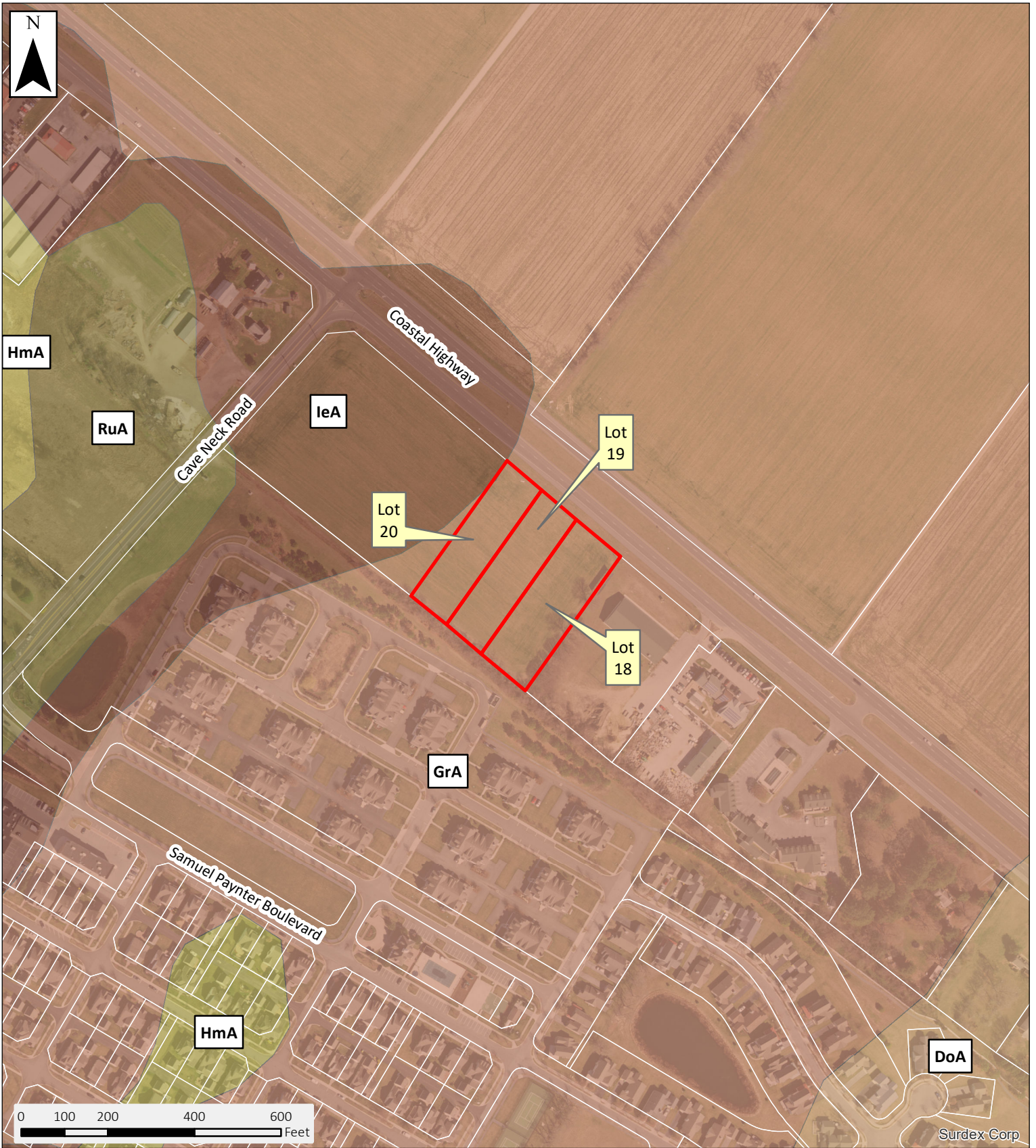


Figure 16 of 21.

16

NRCS Soils Mapping

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



Soil Types:

GrA - Greenwich loam, 0-2% slopes, Group B

leA - Ingleside loamy sand, 0-2% slopes, Group A



Figure 17 of 21.

17

State Wetlands Mapping

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



 DNREC Wetlands

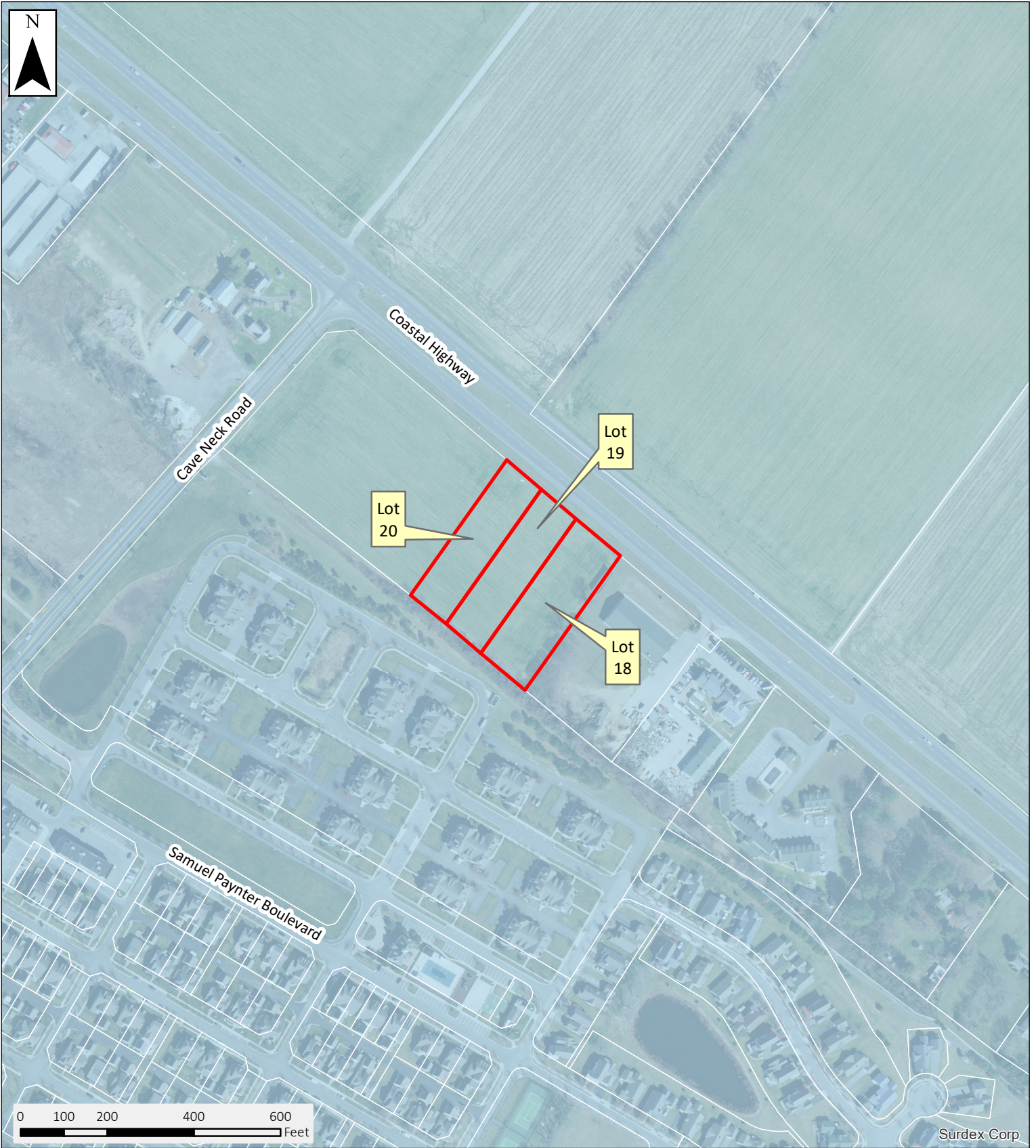


Figure 18 of 21.

18

FEMA Floodplain Mapping

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



Zone X

Flood Map #10005C0189K (3/16/15)

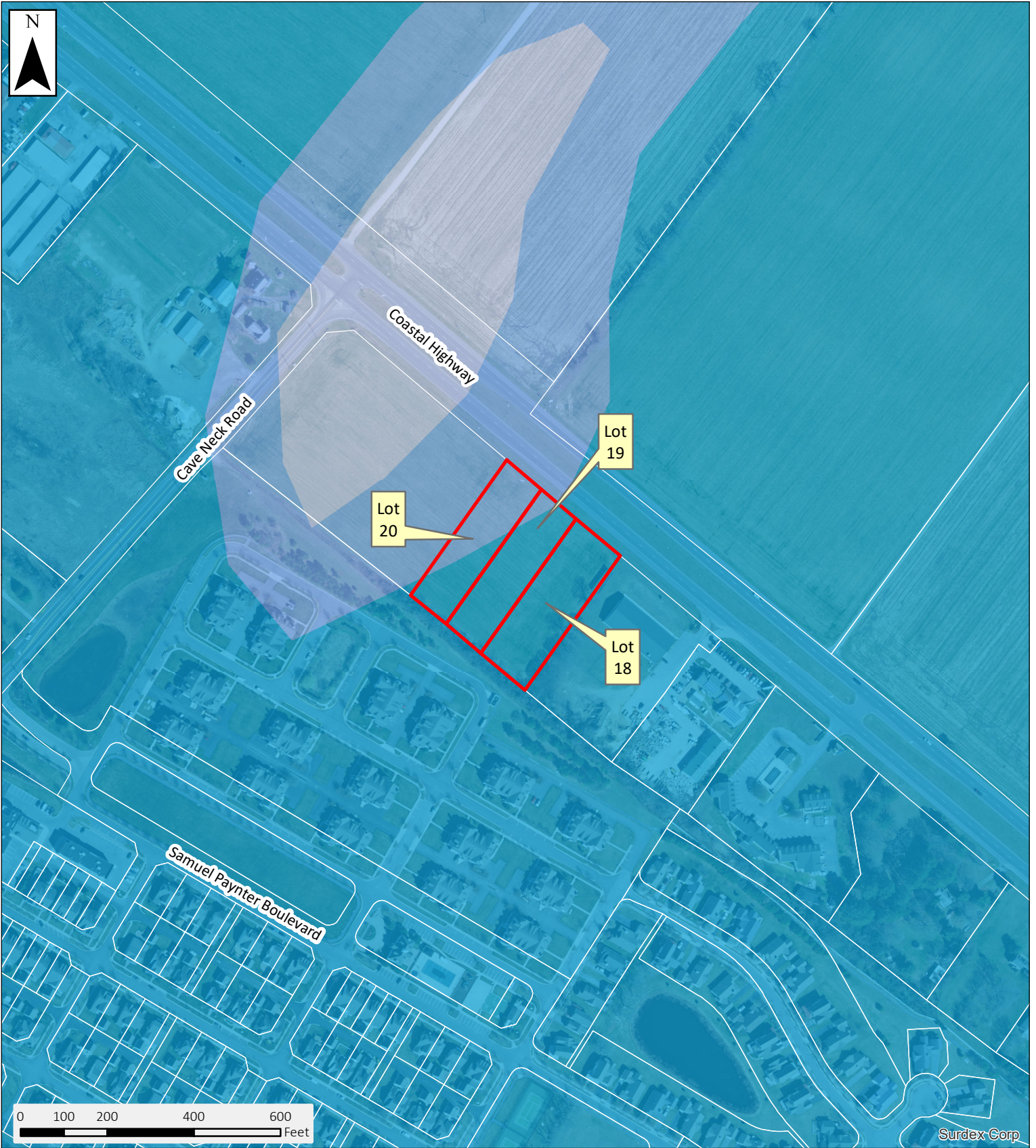


Figure 19 of 21.

19

Groundwater Recharge Potential

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



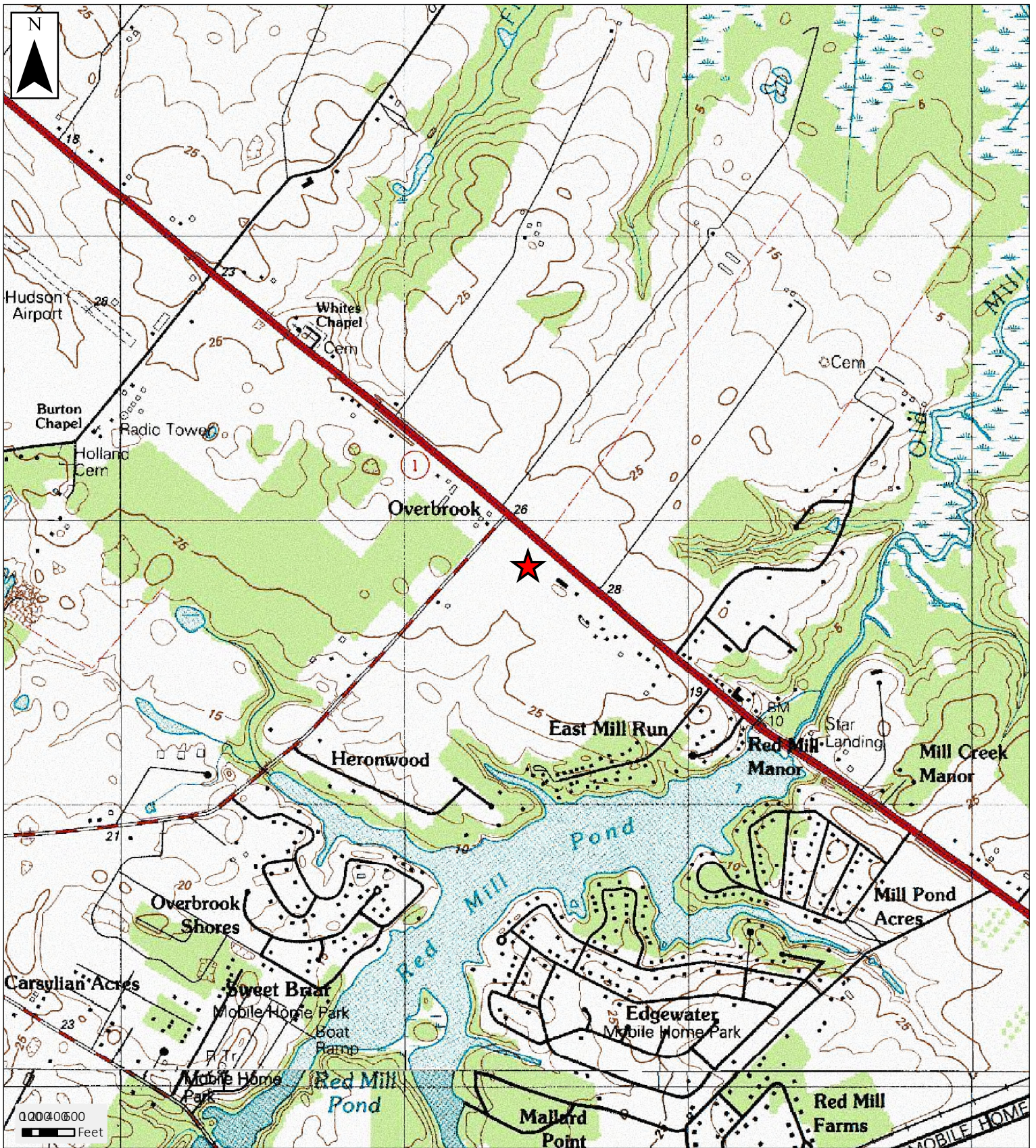


Figure 20 of 21.

USGS Topographic Map

20

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



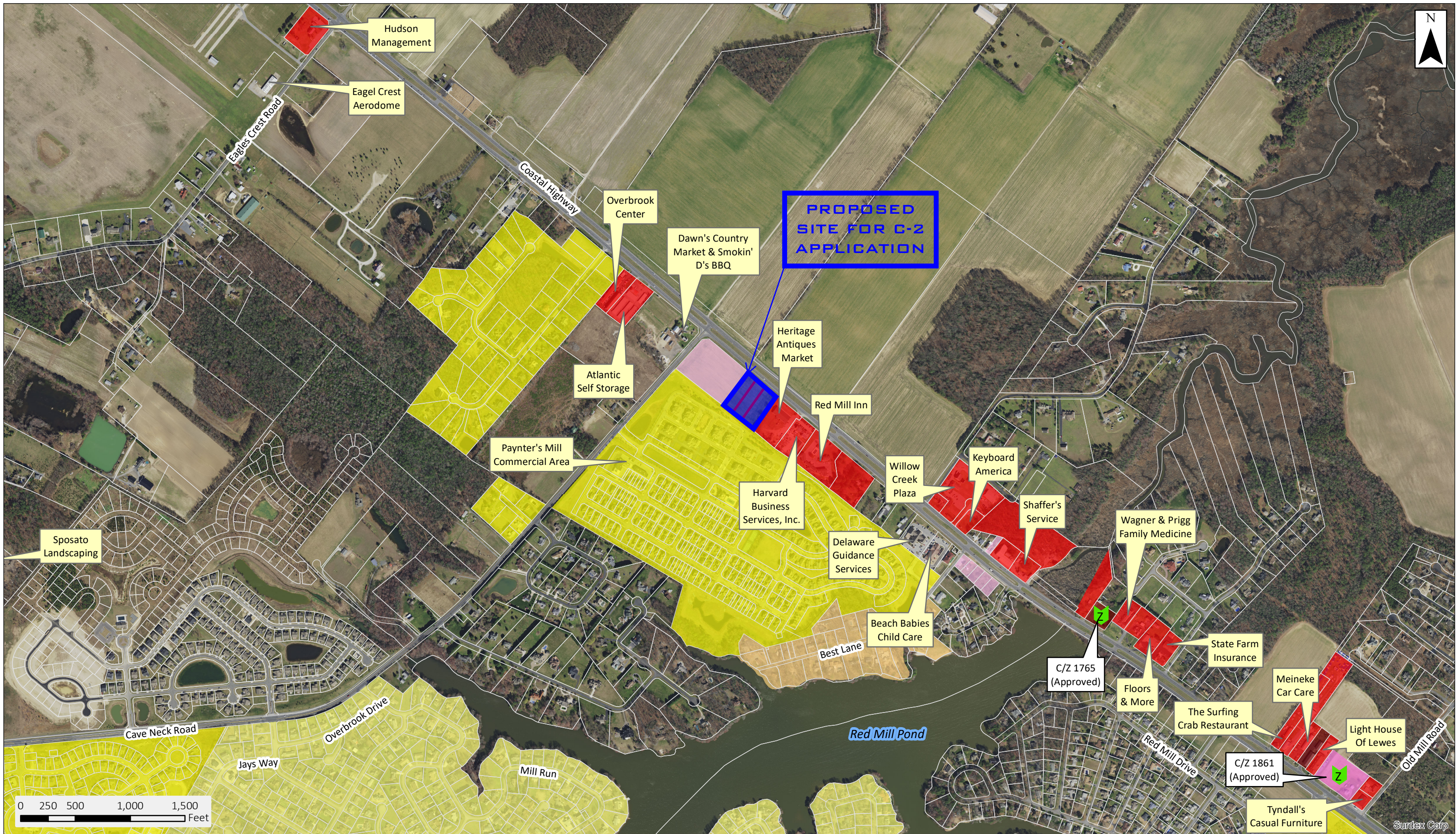


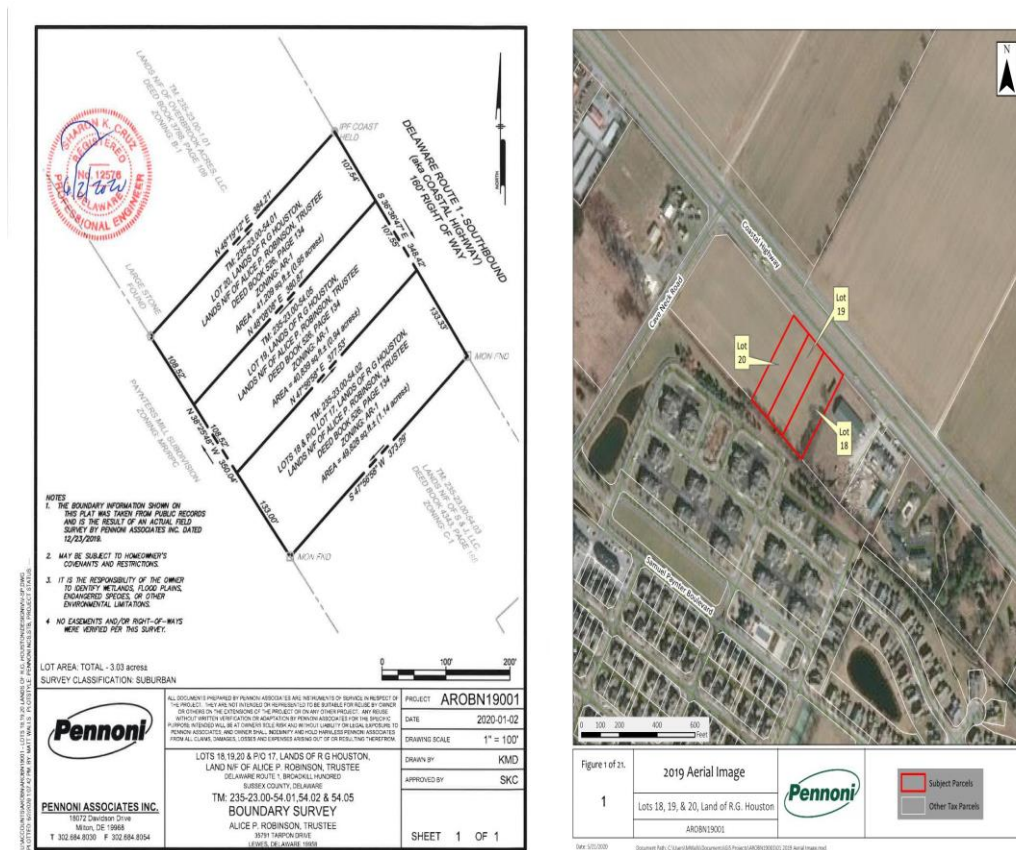
Figure 21 of 21.
21
Area Commercial Uses
 Lots 18, 19, & 20 Land of R.G. Houston
 AROBN19001



County Zoning	
AR-1 (unshaded)	CR-1
AR-2	C-1
	C-2
	GR
MR	B-1

ALICE P. ROBINSON, TRUSTEE
CHANGE OF ZONE #1916
PROPOSED FINDINGS OF FACT

1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 3.03 acres, more or less in the Broadkill Hundred located on the west side of Coastal Highway | DE Route One to C-2, Medium Commercial District.

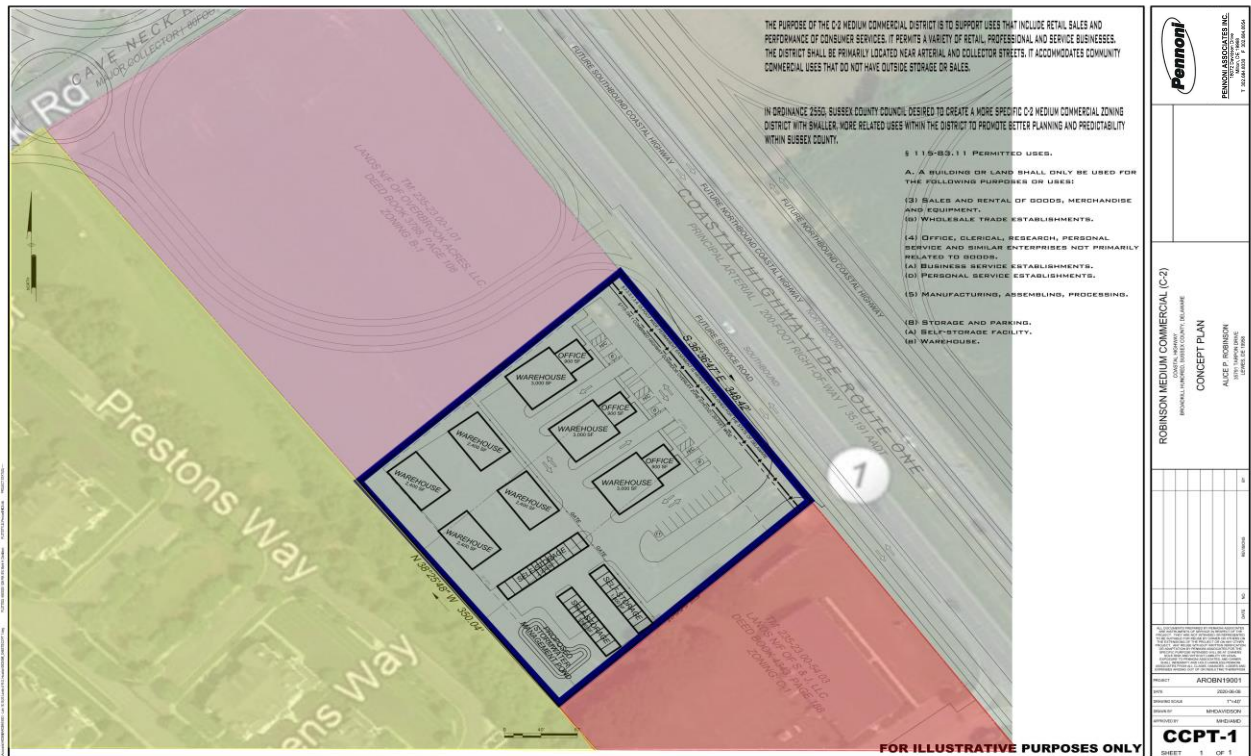


2. The applicant is Alice P. Robinson, Trustee with Mrs. Alice Robinson representing the family properties. The subject properties have been in the Robinson family for over 100-years as well as farmlands across Route One.

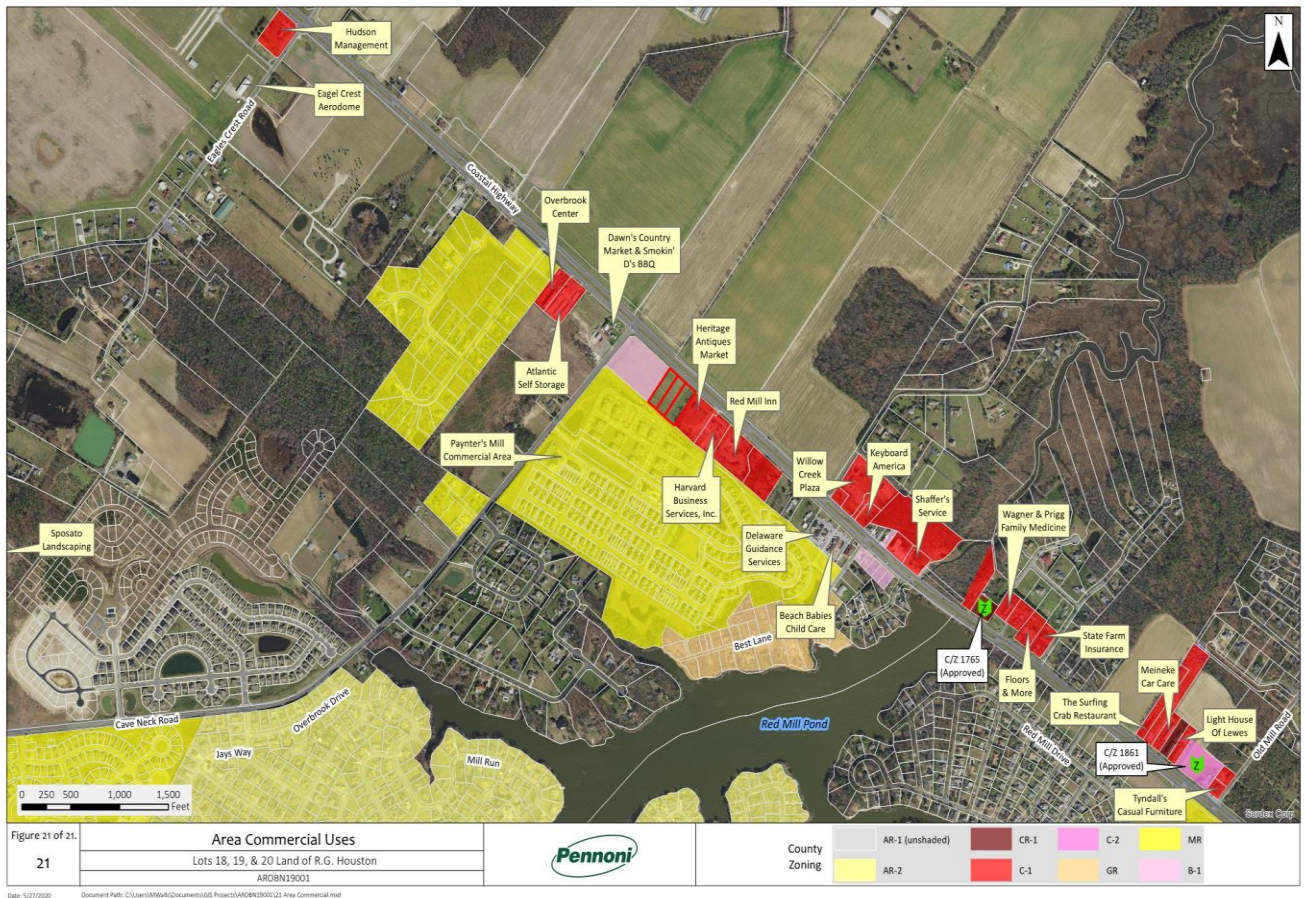
5. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.

6. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.

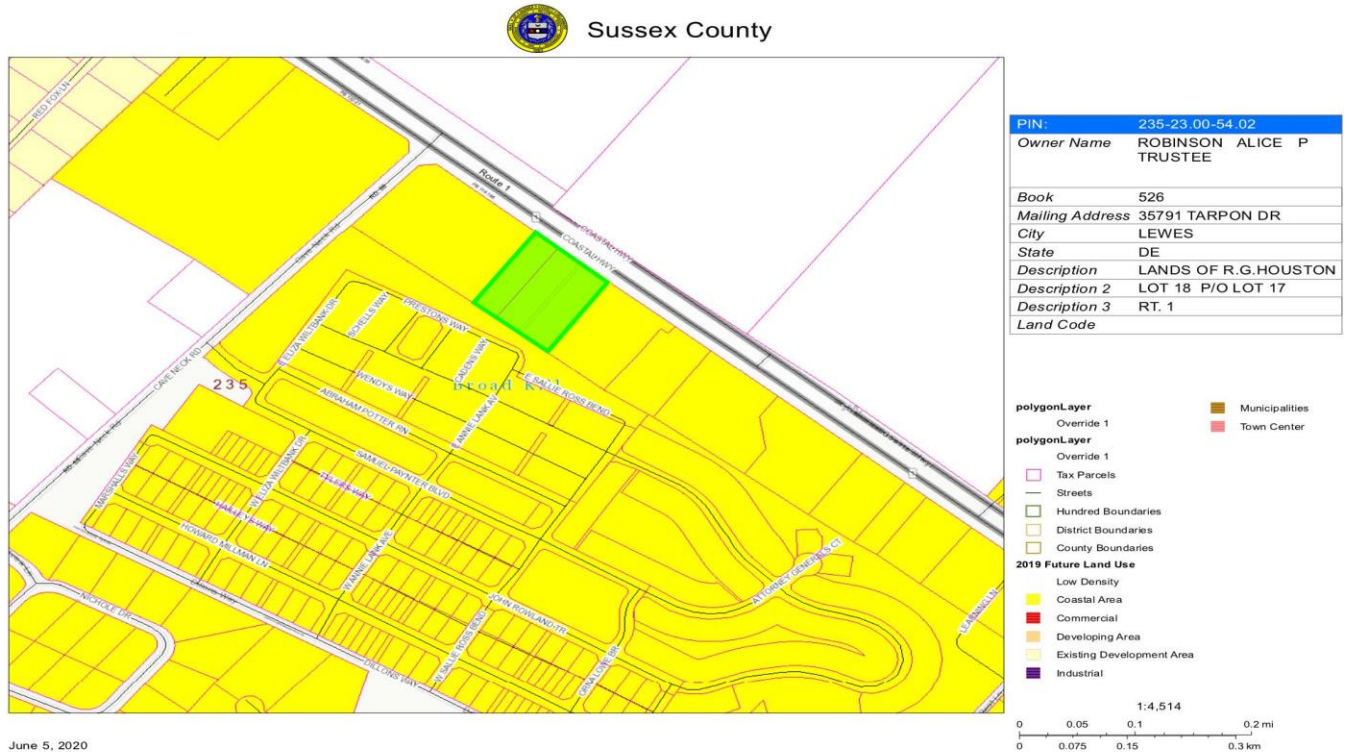
7. The granting of this application for the commercial rezoning will allow the Robinson Family to create a medium commercial complex that will provide for service and construction trades to have a small office and storage area as well as smaller self-storage areas for residential purposes, centrally located, within a growth area of the county.



8. The proposed rezoning to C-2 for Mrs. Robinson is in the vicinity of other commercial zoned property and uses and will not diminish or impair property values within the neighborhood; will not create a public nuisance; or result in an increase in public expenditures



9. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for Mrs. Robinson’s commercial property is identified to be in a Coastal Area which is a Growth Area. The Sussex Plan seeks to encourage the County’s most concentrated forms of new development to Growth Areas, including most commercial development.



June 5, 2020

10. The Sussex Plan suggests that each application should be reviewed on its own merit and does not have a negative impact on the surrounding area or the county in general. Some of the stated goals within the plan for new commercial zoning is to:

- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [The property is located within a Tier One Sussex County Unified Sanitary Sewer District as well as within tidewater Utility Water CPCN District].

- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [The property is adjacent to Paynter’s Mill and High Density Mixed Use Residential Planned Community on smaller lots and multi-family that would benefit with self-storage close to where they live; in addition, office and light commercial uses are appropriate within the Coastal Area].

- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [Both water and sanitary sewer are already located adjacent to the property. These properties in this location with a commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging].

- d. Coordinate with DelDOT on road improvements and other transportation projects – [A potential concept of the property takes into account access from what DelDOT is proposing as a service road that will connect to the over pass being considered for the Cave Neck Road – Coastal Highway intersection. All Access improvements will be coordinated with all DelDOT sections for safe access to and from the properties. Although DelDOT did not require a traffic impact study as a part of this rezoning, the applicant understands that the property is subject to the Corridor Capacity Preservation Program and thus the C-2 Medium Commercial zoning and the uses permitted will minimize the any kind of high-volume traffic access to and from the property].

Since the comprehensive plan is a guide for the future use of land, the County’s official zoning map must be consistent with the uses and intensities of uses provided for in the Future Land Use Plan. Table 4.5-2 is provided below to provide a tool for assisting with determining which zoning districts are applicable to each future land use category.

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
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

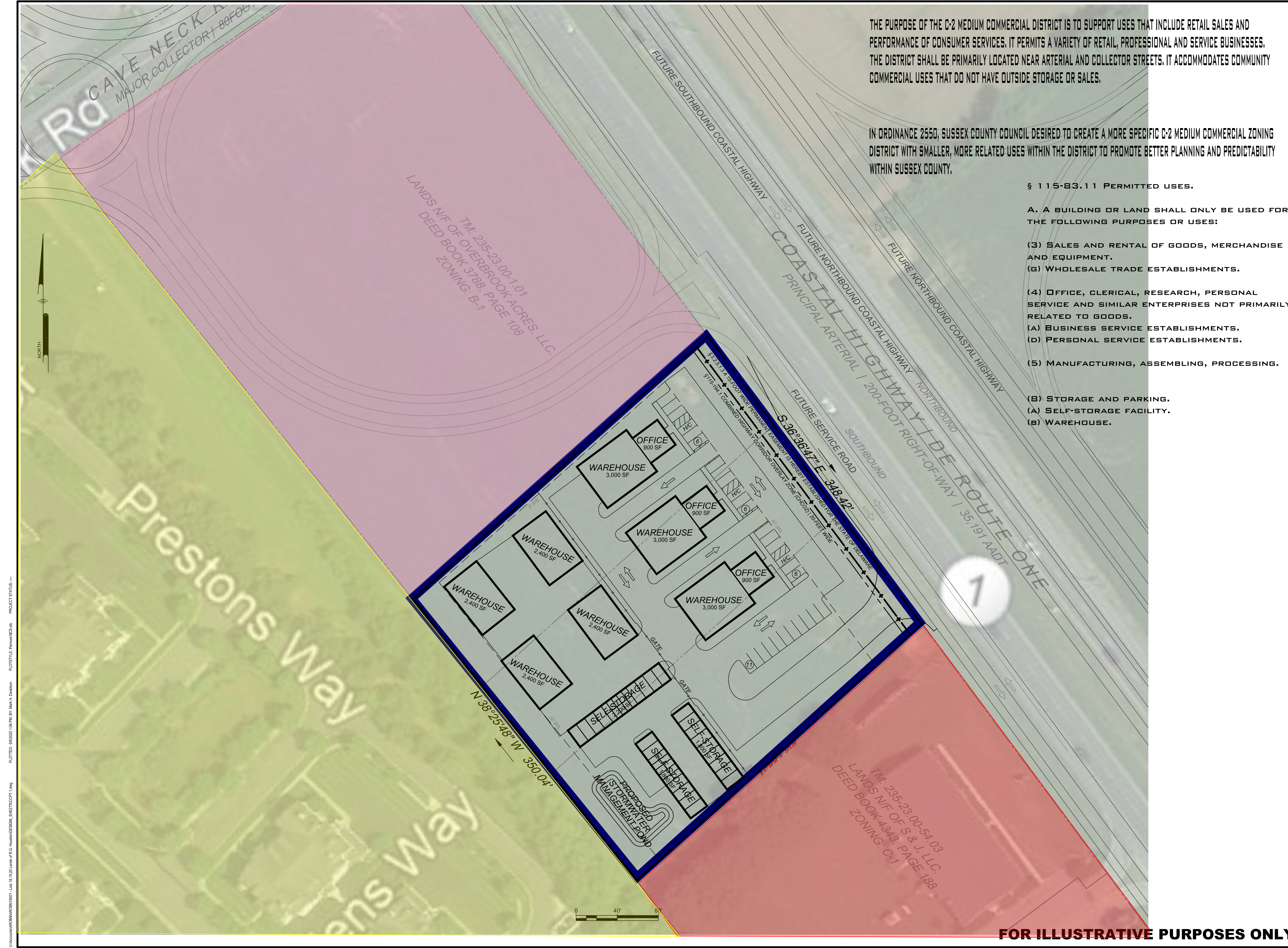
Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads; Delaware Route One/Coastal Highway being a Principal Arterial. Light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

11. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 2 and 3. This area is intermingled within a fast-growing area within the county and is adjacent to other Level 2 areas. The priorities in these Areas are for DelDOT to focus on regional movements between towns and other population centers. All infrastructure needs will be funded by the applicant.

Additional public infrastructure that will benefit the community, such as, road improvements and access improvements will be coordinated by the applicant.

12. There are no wetlands on the property; the property is located in a Flood Zone X Unshaded; there are no historical or natural features on the property ; stormwater will be onsite and use infiltration as its primary BMP for handling stormwater runoff; the properties are not in any Groundwater Protection Zones; the properties are not in any Wellhead Protection Area and there are no existing wooded areas on site that will need to be disturbed.

13. The proposed rezoning meets the general purpose of the Zoning Ordinance being located in an appropriate location meeting the purpose of this district and the future land use plans, strategies and objectives of the comprehensive plan that promotes growth and development through community design, mobility, utilities, transportation and economic development in an area where a general mixture of commercial and service activity now exists, which is essential and desirable for the general convenience, orderly growth, prosperity and welfare of the County.



THE PURPOSE OF THE C-2 MEDIUM COMMERCIAL DISTRICT IS TO SUPPORT USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICE BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO NOT HAVE OUTSIDE STORAGE OR SALES.

IN ORDINANCE 2550, SUSSEX COUNTY COUNCIL DESIRED TO CREATE A MORE SPECIFIC C-2 MEDIUM COMMERCIAL ZONING DISTRICT WITH SMALLER, MORE RELATED USES WITHIN THE DISTRICT TO PROMOTE BETTER PLANNING AND PREDICTABILITY WITHIN SUSSEX COUNTY.

§ 115-83.11 PERMITTED USES.

- A. A BUILDING OR LAND SHALL ONLY BE USED FOR THE FOLLOWING PURPOSES OR USES:
- (3) SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT.
 - (6) WHOLESALE TRADE ESTABLISHMENTS.
 - (4) OFFICE, CLERICAL, RESEARCH, PERSONAL SERVICE AND SIMILAR ENTERPRISES NOT PRIMARILY RELATED TO GOODS.
 - (A) BUSINESS SERVICE ESTABLISHMENTS.
 - (D) PERSONAL SERVICE ESTABLISHMENTS.
 - (5) MANUFACTURING, ASSEMBLING, PROCESSING.
 - (B) STORAGE AND PARKING.
 - (A) SELF-STORAGE FACILITY.
 - (B) WAREHOUSE.

TM: 235-23-00-1-01
LANDS NIF OF OVERBROOK ACRES, LLC.
DEED BOOK 3788, PAGE 108
ZONING: B-1

TM: 235-23-00-54-03
LANDS NIF OF S & J, LLC.
DEED BOOK 4243, PAGE 188
ZONING: C-1



ROBINSON MEDIUM COMMERCIAL (C-2)

COASTAL HIGHWAY
BROADKILL HUNDRED, SUSSEX COUNTY, DELAWARE

CONCEPT PLAN

ALICE P. ROBINSON
35791 TARPON DRIVE
LEWES, DE 19858

NO.	DATE	REVISIONS	BY

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

PROJECT: AROBN19001
DATE: 2020-06-08
DRAWING SCALE: 1"=40'
DRAWN BY: MHD/DAVIDSON
APPROVED BY: MHD/AMD

FOR ILLUSTRATIVE PURPOSES ONLY

PROJECT STATUS: PLOTTED: 8/8/2020 10:04 AM BY: Mark K. Davidson PLOTTED: Pennoni\MS\Sub



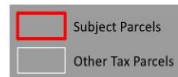
Figure 1 of 21.

1

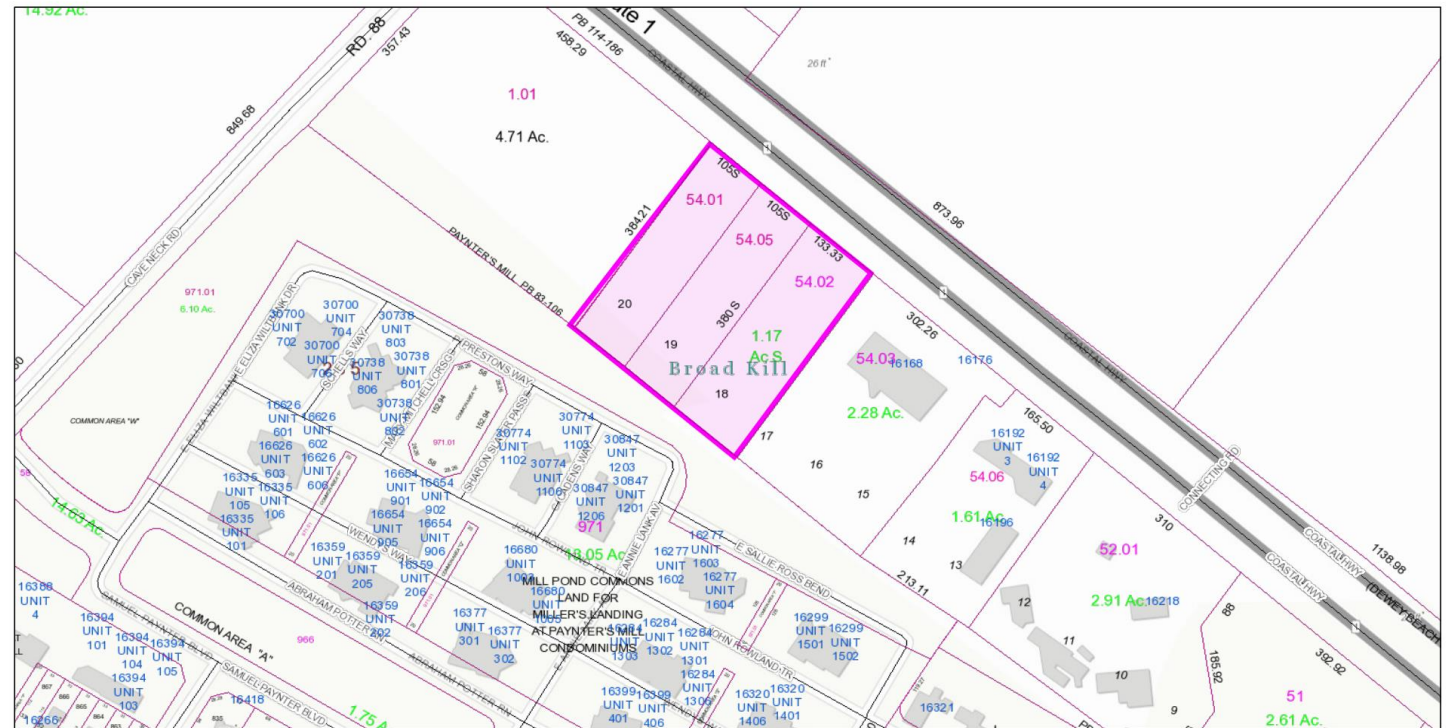
2019 Aerial Image

Lots 18, 19, & 20, Land of R.G. Houston

AROBN19001



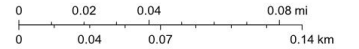
Sussex County



June 5, 2020

- Tax Parcels
- Streets
- Hundred Boundaries
- 911 Address
- District Boundaries
- County Boundaries

1:2,257



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 Government, Sussex County Mapping and Addressing



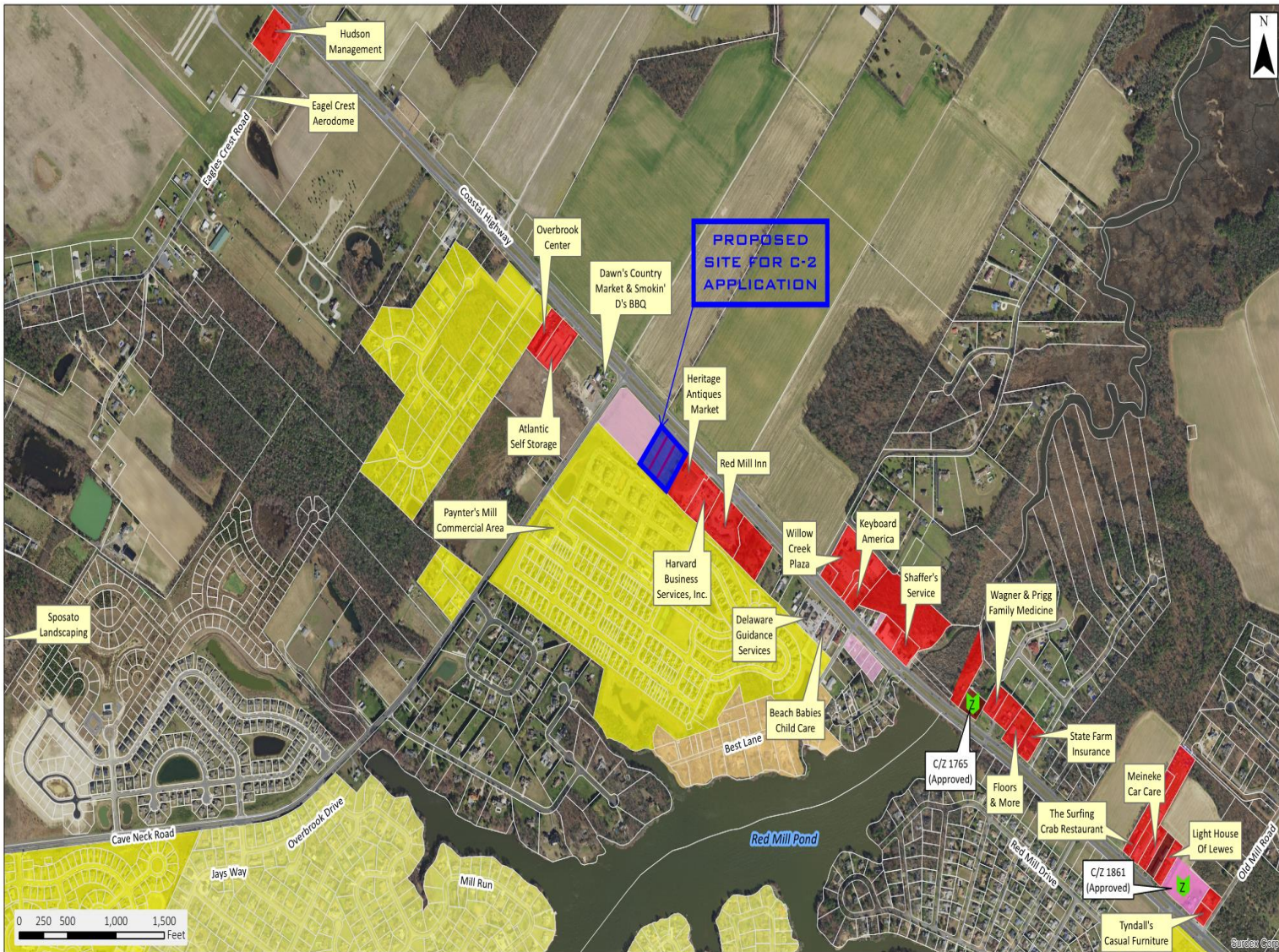


Figure 21 of 21.

Area Commercial Uses

Lots 18, 19, & 20 Land of R.G. Houston
AROB19001



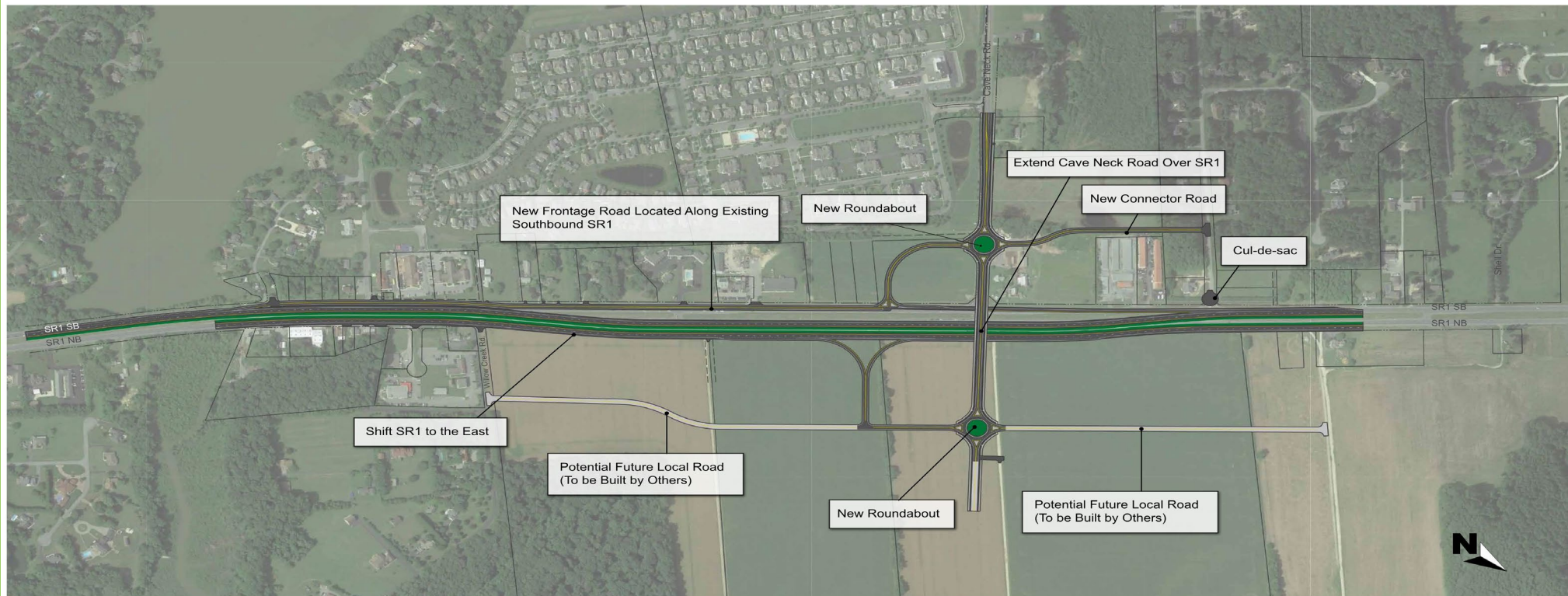
County Zoning	AR-1 (unshaded)	CR-1	C-2	MR
		C-1	GR	B-1

B



Alternative 3

Cave Neck Road will extend over SR1 at a Grade Separated Interchange. SR1 shifted to the east with access to Cave Neck Road provided by loop ramps. Access to and from southbound SR1 will be provided by a frontage road located along the current southbound SR1 alignment. A northbound loop ramp will be located south of Cave Neck Road.



SR1 and Cave Neck Road Grade Separated Intersection



PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: June 25, 2020

Application: CU 2209 & CZ 1907 Matthew C. Hete

Applicant/Owner: Matthew C. Hete
45 Kings Creek Circle
Rehoboth Beach, DE 19971

Site Location: 34360 Postal Lane. Southeast side of Postal Lane, approximately 0.22 mile east of Plantation Road.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: MR (Medium Residential District)

Proposed Use: Multi-Family (14 Units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Tidewater

Site Area: 1.25 ac. +/-

Tax Map ID.: 334-6.00-686.00





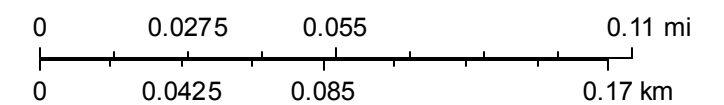
Sussex County



PIN:	334-6.00-686.00
Owner Name	HETE MATTHEW C
Book	4887
Mailing Address	45 KING CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	SE/S RD 283
Description 2	2080' S/RT 1
Description 3	N/A
Land Code	

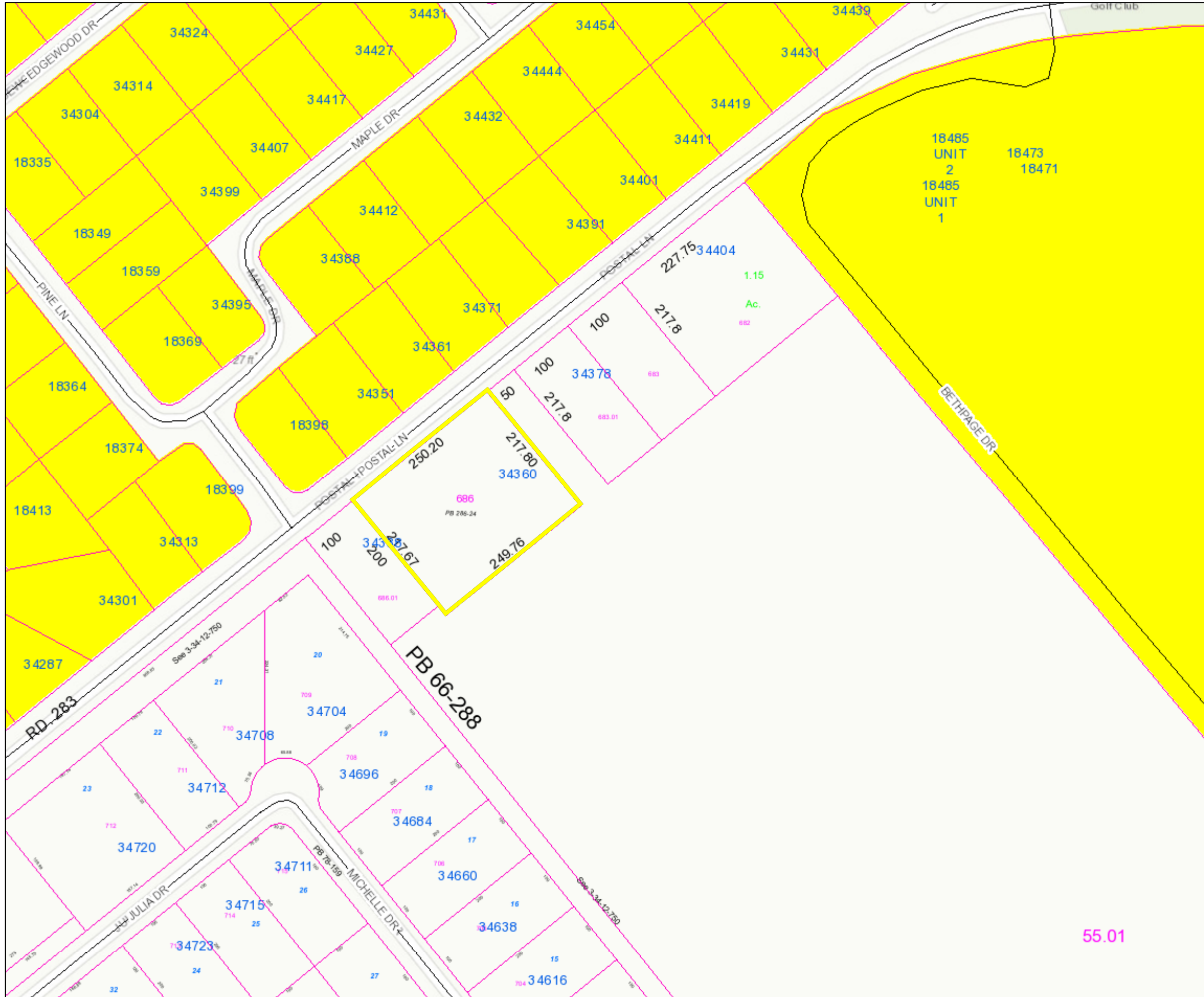
- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257





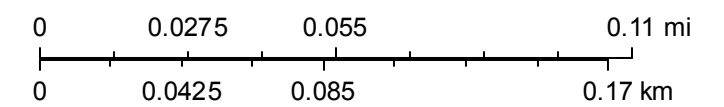
Sussex County



PIN:	334-6.00-686.00
Owner Name	HETE MATTHEW C
Book	4887
Mailing Address	45 KING CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	SE/S RD 283
Description 2	2080' S/RT 1
Description 3	N/A
Land Code	

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

1:2,257



Mailing List Exhibit Map
Planning Commission
CU 2209 & CZ 1907 Matthew C. Hete
334-6.00-686.00
Matthew C. Hete
45 Kings Creek Circle
Rehoboth Beach, DE 19971

Located on the southeast side of Postal Lane, approximately 0.22 miles east of



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: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: June 24th, 2020
RE: Staff Analysis for CZ 1907 Matthew C. Hete

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1907 Matthew C. Hete to be reviewed during the June 25th, 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 334-6.00-686.00 to facilitate a change from an Agricultural Residential (AR-1) Zoning District to the Medium Density Residential (MR) Zoning District and is located at 34360 Postal Lane (S.C.R. 283) south of the Sandy Brae Subdivision and Postal Lane (S.C.R. 283). The size of the property is 1.251 acres +/-.

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

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

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

The property is zoned Agricultural Residential (AR-1). The properties to the north of the application site on the opposite side of Postal Lane (S.C.R. 283) are zoned Medium Density Residential (MR) Zoning District. Properties to the east, west and south of the application site are zoned Agricultural Residential (AR-1) Zoning District.



Since 2011, there have been two Change of Zone applications within the vicinity of the application site: To the southwest is CZ 1835 to facilitate a change of zone from an Agricultural Residential (AR-1) Zoning District to the Neighborhood Business (B-1) Zoning District, which was approved by County Council on January 9th, 2018 and adopted through Ordinance #2546. To the southeast is CZ 1845 to facilitate a change from an Agricultural Residential (AR-1) Zoning District to the Neighborhood Business (B-1) Zoning District, which was approved by County Council on March 13th, 2018 and adopted through ordinance #2556.

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

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

34360 Postal Lane, Lewes, DE 19958

Type of Conditional Use Requested:

Seeking conditional use to permit multi-family dwellings

Tax Map #: 334-6.00-686.00 Size of Parcel(s): 1.25 Ac.

Current Zoning: AR-1 Proposed Zoning: MR Size of Building: 0.50 Ac. +/-

Land Use Classification: Mixed Residential

Water Provider: Tidewater Utilities Sewer Provider: Sussex County

Applicant Information

Applicant Name: Mathew C. Hete

Applicant Address: 45 Kings Creek Circle

City: Rehoboth Beach State: DE ZipCode: 19971

Phone #: (302) 344-8988 E-mail: mchete@msn.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: The Kercher Group, Inc.

Agent/Attorney/Engineer Address: 37385 Rehoboth Ave. Ext. Unit #11

City: Rehoboth Beach State: DE Zip Code: 19971

Phone #: (302) 781-4346 E-mail: kis@kerchergroup.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: 10/23/19

Signature of Owner



Date: 10/23/19

For office use only:

Date Submitted: 10/25/19

Fee: \$500.00 Check #: 325

Staff accepting application: CCW

Application & Case #: 201912383

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

November 20, 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 **Matthew C. Hete** rezoning application, which we received on October 24, 2019. This application is for an approximately 1.25-acre parcel (Tax Parcel: 334-6.00-686.00). The subject land is located on the southeast side of Postal Lane (Sussex Road 283), approximately 1,200 feet northeast of the intersection of Plantation Road (Sussex Road 275) and Postal Lane / Cedar Grove Road (Sussex Road 283). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium-Density Residential) to develop 14 units of multi-family housing (townhouses).

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Postal Lane where the subject land is located, which is from Plantation Road to Delaware Route 1, are 9,812 and 12,628 vehicles per day, respectively.

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

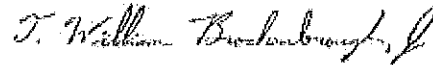
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Ms. Janelle M. Cornwell
Page 2 of 2
November 20, 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
Matthew C. Hete, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **6/11/2020**

APPLICATION: **CU 2209 & CZ 1907 Matthew C. Hete**

APPLICANT: **Matthew C. Hete**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **334-6.00-686.00**

LOCATION: **34360 Postal Lane. Southeast side of Postal Lane,
approximately 0.22 mile east of Plantation Road.**

NO. OF UNITS: **14**

GROSS
ACREAGE: **1.25**

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 2**
- (3). Is wastewater capacity available for the project? **Yes, As Proposed** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **This parcel was originally two separate parcels which were combined in 2019. The original allocation was for 1 EDU per parcel. The parcel is currently served with one 6-inch lateral which will need to be abandoned. A doghouse manhole will need to be installed in Postal Lane and a new 8-inch lateral w/ cleanout set at property line. County maintenance will end at cleanout. An internal system will need to be constructed per County code.**
- (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
Christine Fletcher

Policy for Extending District Boundaries

1. Property owner (developer) and/or his representative shall make a request to the Utility Planning Division for a Sewer System Concept Evaluation.
2. Property owner (developer) and/or his representative shall meet with the applicable planning and zoning agency to determine if zoning is appropriate for the development being planned.
3. With appropriate zoning, property owner (developer) and/or his representative shall send a letter (with appropriate application fee as listed below) requesting the Sussex County Council to consider extending the water and/or sanitary sewer district boundaries. (Sussex County Code)

Application Fees	
Less than 2 acres	\$500.00
2.1 -9.99 acres	\$750.00
10 - 150.00 acres	\$1,500.00
Greater than 150.00 acres	\$2,500.00

4. The Sussex County Engineering Department shall present, for Sussex County Council's consideration, posting of notices for the proposed extension of the district boundaries.
5. The Sussex County Council approves posting notices for the proposed extension of the boundaries. (If approval to post the notices is not given, the appropriate fee is refunded.)
6. Within ninety days of the posting of the notices, the Sussex County Council approves/disapproves extending the boundaries.
7. The Sussex County Council approves/disapproves of the extension of the water and/or sanitary sewer pipelines under the appropriate Sussex County Ordinance.

March 15, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Dear Council Members,

We reside at _____ Lewes, Delaware that is close proximity to the proposed zoning change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Change of Zone and Density application (C/Z 1907 & C/U 2209) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the zoning change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of both applications.

Sincerely,

Name: TIM SHERMAN

Signature: 

Address: 18842 LINDEN LN

March 15, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Dear Council Members,

We reside at 34228 Dogw. Lewes, Delaware that is close proximity to the proposed zoning change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Change of Zone and Density application (C/Z 1907 & C/U 2209) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the zoning change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of both applications.

Sincerely,

Name: Rosa Gerner.

Signature: 34228 Dog Wood Dr

Address: Lewes, De 19958

March 15, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Dear Council Members,

We reside at 34391 Postal Lane Lewes, Delaware that is close proximity to the proposed zoning change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Change of Zone and Density application (C/Z 1907 & C/U 2209) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the zoning change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of both applications.

Sincerely,

Name: June Aiello

Signature: June Aiello

Address: 34391 Postal Lane

March 15, 2020

Michael H. Vincent, Council President
Samuel R. Wilson Jr.
Irwin G. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Council Members:

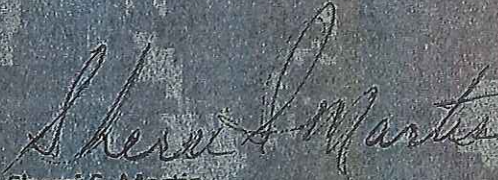
We are the partners of HKLS, LLC, located on the Southwest corner of Plantations Rd and Cedar Grove/Postal Lane intersection. We are writing in support of the Change of Zone Density application number C/Z 1907 & C/U 2209, made by Matthew C. Here for parcel #334-6.00-686.00, because we believe the zoning change would allow for needed affordable housing to be built and benefit local residents.

We respectfully submit our support for approval of this rezoning application.

Sincerely,



Kenneth K. Martin
On behalf of HKLS partners, LLC



Sherri S. Martin

March 15, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Dear Council Members,

We reside at 34371 Postal Ln Lewes, Delaware that is close proximity to the proposed zoning change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Change of Zone and Density application (C/Z 1907 & C/U 2209) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the zoning change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of both applications.

Sincerely,

Name: Carol Cumneen

Signature: Carol Cumneen

Address: 34371 Postal Ln Lewes

March 15, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Dear Council Members,

We reside at 34361 Postal Lane Lewes, Delaware that is close proximity to the proposed zoning change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Change of Zone and Density application (C/Z 1907 & C/U 2209) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the zoning change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of both applications.

Sincerely,

Name: Robin Vivyan

Signature: Robin Vivyan

Address: 34361 Postal Lane Lewes, De

March 15, 2020

Received 3/17/20

Michael H. Vincent, Council President
Samuel R. Wilson Jr.
Irwin G. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, DE 19947

RECEIVED

MAR 18 2020

SUSSEX COUNTY
PLANNING & ZONING

Dear Council Members:

We are the partners of HKLS, LLC, located on the Southwest corner of Plantations Rd and Cedar Grove/Postal Lane intersection. We are writing in support of the Change of Zone Density application number C/Z 1907 & C/U 2209, made by Matthew C. Here for parcel #334-6.00-686.00, because we believe the zoning change would allow for needed affordable housing to be built and benefit local residents.

We respectfully submit our support for approval of this rezoning application.

Sincerely,



Kenneth K. Martin
On behalf of HKLS partners, LLC



Sherri S. Martin

June 15, 2020

RECEIVED

JUL 09 2020

SUSSEX COUNTY
PLANNING & ZONING

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

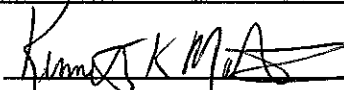
Dear Council Members,

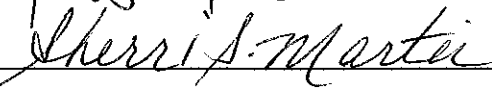
We own the Southwest corner of Plantations Rd & Cedar Grove, Rehoboth Beach, Delaware that is close proximity to the proposed zoning change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Change of Zone and Density application (C/Z 1907 & C/U 2209) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the zoning change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of both applications.

Sincerely,

Name: Kenneth K. Martin and Sherri S. Martin / HKLS LLC

Signature: 

Signature: 

Address: 128 East Side Dr. Rehoboth Beach, DE 19971
(Corner Plantations + Cedar Grove)
334-12.00-51.00 and 334-12.00-50.00

CU 2209

RECEIVED

APR 16 2020

SUSSEX COUNTY
PLANNING & ZONING

April 13, 2020

T. G. Burton
James Whitehouse
Planning and Zoning Commission

Dear Sirs,

As residents of Postal Lane for twenty eight years, we are strongly against the project to build fourteen townhouses on Postal Lane.

The traffic on Postal Lane is very heavy now since it was made a connector road.

Postal Lane is only a two lane road with 30 MPH speed limit, which people pay no attention to and drive forty to fifty MPH.

One day last year my wife and I sat in our driveway for ten to twelve minutes waiting to get out.

We urge you to vote against the rezoning and building of townhouses. Please protect Postal Lane and the citizens who reside here for the reasons listed above. Thank you.

William Joney
34431 Postal Lane

Cy 7709 (2/90)
RECEIVED

APR 06 2020

TO: Jamie Whitehouse, Director, Planning & Zoning

FROM: Terri Glesmann, Residence in Sandy Brae Development, Lewes, DE
SUSSEX COUNTY
PLANNING & ZONING

DATE: March 30, 2020

REF: Postal Lane Town-home Project

I have learned from the Board of the Sandy Brae Homeowners Assoc. that a meeting that was scheduled (postponed due to COVID 19) on March 26, 2020 was set to vote on a change in zoning for 2 parcels of land for a proposed 14 town-home project on Postal Lane adjacent to the Maple Lane entrance.

My residence in Sandy Brae is located on Maple Lane literally at the entrance of Maple Lane from Route 1. I would like to voice my opposition to this proposed zoning change for the following reasons:

- 1) Postal Lane is a very busy east-west connector road that is busy year round with traffic and very backed up during the summer months. It takes forever to get through the light from Postal Lane to Route 1. The traffic is awful to Plantations Road over toward Route 9 and into Lewes and reverse from Plantations to Postal Lane and Route 1. An accident of any kind brings traffic to a standstill.
- 2) Having the entrance to this project from Postal Lane will create safety issues. We have students living in Sandy Brae attending public schools and private schools. They use the school bus stop at Maple and Postal Lane twice a day. Extra traffic increases^a the risk for these students at that bus stop.₁
- 3) Much of the traffic will cut through into Sandy Brae right where my home is located on Maple Lane to avoid traffic that is backed up causing major traffic on Maple Lane.
- 4) If the town homes become seasonal rentals, the DelDot projected number of cars will be incorrect.

Many residents in Lewes (I was born and raised here) are very disappointed that Planning & Zoning and the Sussex County Council continue to allow so much development anywhere there is a tract of land. We do not have the infrastructure for all of this development nor do we like the way it has changed our community. The

level of traffic and congestion and parking challenges caused from those moving to our county and the high number of visitors has make it impossible for we residents to go about our daily lives.

Please give consideration to the residents of Sandy Brae who are going to have further disruption to their daily lives and their ability to get around if yet another development is permitted to go up in our town.

CC: I. G. Burton, III, Council Vice President, Council District 3, Sussex County Council

Jamie Whitehouse

From: Angela Hayes <noreply@forms.email>
Sent: Monday, March 30, 2020 12:17 PM
To: Jamie Whitehouse
Subject: Contact Form: Objection to rezoning of land on Postal Lane for townhomes

Name: Angela Hayes

Email: achayes5107@yahoo.com

Phone: 3025934712

Subject: Objection to rezoning of land on Postal Lane for townhomes

Message: As a home owner on Maple Drive, in Sandy Brae I am contacting you and urging you to vote NO to the request for a zoning change for the the 2 parcels of land on Postal Lane adjacent to the Maple Lane entrance, for a 14 townhome project. Allowing this will increase, traffic, congestion, activity and decrease safety for all in an already congested area. As county servant, you must represent the many residents of Sandy Brae who are year round home owners, and vote NO to this request! Do not allow this change to this beautiful community.

Thank you, Angela Hayes

Russell Warrington

From: Jamie Whitehouse
Sent: Tuesday, March 31, 2020 8:05 AM
To: Russell Warrington
Subject: Fw: Contact Form: Postal lane town homes

Rusty, please could you print for the Hete files.

From: Bertie Delcampo <noreply@forms.email>
Sent: Monday, March 30, 2020 8:01 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Contact Form: Postal lane town homes

Name: Bertie Delcampo
Email: bertiedelcampo@yahoo.com
Phone: 3026684070
Subject: Postal lane town homes
Message: I am opposed to the postal lane townhome orject

Jamie Whitehouse

From: Lorie Seaman <noreply@forms.email>
Sent: Thursday, March 26, 2020 10:31 AM
To: Jamie Whitehouse
Subject: Contact Form: Proposed 14 Unit MultiFamily Units on Postal Lane

Name: Lorie Seaman
Email: LBSEAM@comcast.net
Phone: 302-827-4190

Subject: Proposed 14 Unit MultiFamily Units on Postal Lane

Message: As a resident of Sandy Brae, I oppose any project like the 14unit multifamily complex on Postal Lane. Postal Lane is a heavily trafficked east-west connector road that is busy year round, but especially in the summer when cars back up on Postal Lane from route one to Plantation Road and vice-versa. Entrance and exits to this complex from Postal will be a nightmare and further exacerbate existing traffic issues. Community cut thru traffic will increase as well as causing safety issues at the school bus stop on Maple Lane and Postal. Whether this project is rentals or sold as condos, it is too much density to be safely supported on Postal Lane. I urge you not to approve this project

Jamie Whitehouse

From: John Luzzi <noreply@forms.email>
Sent: Wednesday, March 25, 2020 7:33 PM
To: Jamie Whitehouse
Subject: Contact Form: Multi-Family Condos/Complex

Name: John Luzzi
Email: jaluzzi@aol.com
Phone: 9086351778

Subject: Multi-Family Condos/Complex

Message: As a resident of Sandy Brae, I oppose any project like the 14unit multifamily complex on Postal Lane. Postal Lane is a heavily trafficked east-west connector road that is busy year round, but especially in the summer when cars back up on Postal Lane from route one to Plantation Road and vice-versa. Entrance and exits to this complex from Postal will be a nightmare and further exacerbate existing traffic issues. Community cut thru traffic will increase as well as causing safety issues at the school bus stop on Maple Lane and Postal. Whether this project is rentals or sold as condos, it is too much density to be safely supported on Postal Lane. I urge you not to approve this project. Thank you.

Jamie Whitehouse

From: Ellie Menser <noreply@forms.email>
Sent: Thursday, March 26, 2020 9:39 AM
To: Jamie Whitehouse
Subject: Contact Form: Proposed 14 Unit Apartment Complex off Postal Road, Lewes

Name: Ellie Menser

Email: minser34133@comcast.net

Phone: 3026442345

Subject: Proposed 14 Unit Apartment Complex off Postal Road, Lewes

Message: Dear Mr. Whitehouse. I live in Sandy Brae, and one of our main exits from the community is on Postal. I was shocked to learn of the proposed apartment buildings. Our community was unaware of this proposal, and there were no signs posted about a hearing on this matter. Perhaps it was known ahead of time that we would object? During tourist season, which has now become April through October, it is extremely difficult to get out of the neighborhood due to traffic being at a standstill, both on Postal and on Plantation Road, the other community exit. I would ask that you seriously look at the dangerous implications we, as a community would face, if ambulance or fire trucks needed to get to us. I ask that you please take seriously the consequences of approving such a proposal and that you would not approve this apartment complex.

Thank you for considering my request.

CV2209

Russell Warrington

From: Jamie Whitehouse
Sent: Tuesday, March 24, 2020 1:04 PM
To: Russell Warrington
Subject: Web Comment for Printing

Rusty, please could you print for the file (Hete CU and CZ)

Thanks,

Katherine Davison <noreply@forms.email>
Tue 3/24/2020 12:17 PM

☒
☒
☒
☒
☒

To:

- Jamie Whitehouse

▣

Name: Katherine Davison
Email: mermaids354@comcast.net
Phone: 302-645-7936
Subject: proposed 14 unit complex on Postal Lane
Message: As a resident of Sandy Brae across the street from the proposed project, I have serious concerns about the entrance and exit plans for this apartment complex. Postal Lane is a 2 lane east-west connector road that is heavily trafficked year round but especially in the summer when route one and Plantation Road is backed up. Getting into and out of anything this large on Postal Lane will be impossible.

Russell Warrington

From: Jamie Whitehouse
Sent: Tuesday, March 24, 2020 2:48 PM
To: Russell Warrington
Subject: Fw: Contact Form: 14 unit apartment complex- Postal Lane, Lewes

Rusty,

Please could you print for both C/Z 1907 and C/U 2209

Thanks

From: Joanne Kempton & Judy Olsen <noreply@forms.email>
Sent: Tuesday, March 24, 2020 2:46 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Contact Form: 14 unit apartment complex- Postal Lane, Lewes

Name: Joanne Kempton & Judy Olsen

Email: kamaga3@msn.com

Phone: 3026448558

Subject: 14 unit apartment complex- Postal Lane, Lewes

Message: As residents of Sandy Brae, we strongly oppose any project like the 14 unit multifamily complex being proposed along Postal Lane in Lewes. Postal Lane is a heavily trafficked East/West connector road that is busy year round, especially during the summer months when cars back up using Postal Lane as a by pass from Route 1 to Plantations Rd. Entrance & exits from this complex will further exacerbate existing traffic issues. Community cut-thru traffic will increase as well as cause safety issues at the current school bus stop at Maple Lane & Postal. We urge you not to approve this project.

Russell Warrington

From: Jamie Whitehouse
Sent: Saturday, March 28, 2020 12:21 PM
To: Russell Warrington
Subject: Fw: Contact Form: Proposed bldg on Postal Lane

Rusty, please print for the paper files

From: Arline I. Simpson <noreply@forms.email>
Sent: Friday, March 27, 2020 2:36 PM
To: Jamie Whitehouse <jamie.whitehouse@sussexcountyde.gov>
Subject: Contact Form: Proposed bldg on Postal Lane

Name: Arline I. Simpson
Email: norsknana1@comcast.net
Phone: 3926457485
Subject: Proposed bldg on Postal Lane

Message: As a resident of Sandy Brae, I am against The proposed bldg on Postal Lane. We cannot get out of a Sandy Brae, when Planatations Rd or Coastal Hwy is backed up with traffic. Absolutely apposed to any blog on Postal Lane
Thank you

HETE

Jamie Whitehouse

From: Nancy Hecker <noreply@forms.email>
Sent: Wednesday, April 1, 2020 4:31 PM
To: Jamie Whitehouse
Subject: Contact Form: Sandy Brae

Name: Nancy Hecker
Email: nancyhecker@alo.com
Phone: 302-645-4878
Subject: Sandy Brae

Message: I dont want 14 town-home project on postal lane adjacent to the maple lane entrance. There is already to much traffic on postal lane will create huge safety issues This project will exponentially increase the danger for students at the bus stopTraffic cut- thru into Sandy Brea will increase due to frustrated drivers unable to travel on postal lane

18399 Maple Dr.
Lewes, DE 19958
March 31, 2020

Sussex County
Planning and Zoning Office
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RECEIVED

APR 02 2020

SUSSEX COUNTY
PLANNING & ZONING

Re: Hete Hearing for Postal Lane Project

Dear County Officials:

As a resident of Sandy Brae Community, I am against this project and I urge you to vote against the rezoning and the townhome project on Postal Lane for the following reasons:

1. Traffic on Postal Lane is already a challenge. ~~What used to be a fairly quiet road~~ What used to be a fairly quiet road is now a major East-West corridor. It is much safer to make turns from Postal Lane onto Plantation, after the intersection was re-aligned and traffic lights were installed. But —

If the Hete project becomes a reality, the residents of Sandy Brae will once again deal with danger, when attempting to exit Sandy Brae from Maple Drive.

In addition to monitoring oncoming traffic from both directions on Postal Lane, another lane of traffic coming from the Pete project will add a third traffic variable.

This would be similar to the previous very dangerous intersection at Plantation road, when Cedar Grove Rd. presented a third variable to that corner's traffic challenge.

Trying to go east on Postal Lane from

Traffic backups on Postal Lane are commonplace, and all the new communities on Cedar Grove, Robinsonville, and Rt. 24 continue to add more cars onto Postal Lane. We don't need an additional "cut-in" on Postal Lane, especially so near to Maple Drive, which I would surmise is the most frequently used entry/exit point of Sandy Brae.

2. Frustrated drivers on Postal Lane during traffic backups will likely cut-through Sandy Brae to reach Plantation Rd, thus creating another safety issue for Sandy Brae residents. Sandy Brae does not have sidewalks... we walk on the roads here a lot, for exercise and dog-walking. We would like to be able to do this safely. We don't need additional cut-through traffic.

3. Sandy Brae's schoolage populations all use the schoolbus-stop location here at the corner of Postal Lane + Maple Dr. The Hete project will increase the danger to our children who board and exit school buses at this intersection.

4. The Hete project, whether it's 14 units or 5 units [(I've been informed (by the County's notices) of two different numbers of units being proposed; (I live within 200 ft. of the project and have received the notices as required by law)], neither 5 nor 14 townhouses fits into the area's single family home setting/zoning. Postal Lane west of the golf course,

I sincerely urge you to vote against the rezoning and the townhome project. It would not at all be a welcome addition to Postal Lane, for all the aforementioned issues.

For the safety of the motoring public on Postal and for the residents of Sandy Brae's quality of life in our community, I urge you to vote NO to the ~~Plan~~ project.

Sincerely,

Janet Myers

DONNA PESTO
34696 Michelle Drive
Rehoboth Beach, DE 19971

June 23, 2020

Sussex County Planning and Zoning Commission
C/O Email: Jamie.whitehouse@sussexcountyde.gov

RE: Applications CU-2209 and CZ-1907, Matthew C. Hete
Tax Map 334-6.00-686.00/34360 Postal Lane
Hearing Date: June 25, 2020
COMMENTS OPPOSING APPROVAL OF THESE APPLICATIONS

Dear Members of the Sussex County Planning and Zoning Commission:

Please consider these comments and enter them into the public record regarding the two applications noted above. I am **STRONGLY OPPOSED** to the Rezoning of these parcels and the granting of a Conditional Use Permit to permit the construction of 14 townhouse units.

I live two houses away from the parcels that are subject to these applications, in Aydelotte Estates. My objections are based on the land use impacts of the proposal and are not simply a case of "not in my backyard." I am recently retired from Fairfax County (VA), where I served as Deputy Zoning Administrator, which position afforded me the opportunity to review these types of applications and work with a variety of local government agencies and officials to ensure the appropriateness of any given application in the specific location proposed. This application proposes 14 townhouses on a 1.25 acre parcel in an area characterized by single family detached dwellings. This is a classic example of spot zoning and it should be rejected as such. At best, this parcel could be considered to be divided into 2 or 3 single family detached dwelling lots. Alternatively, the owner could wait to develop the property into something with more density in concert with any development of the farm field located at the back of the lots.

Pursuant to the provisions of the March 2019 Comprehensive Plan, development in Sussex County should accomplish a number of objectives. I have noted some of these standards below and have added my concerns.

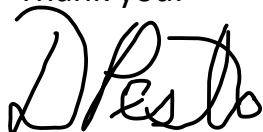
- ***Ensure that new developments incorporate best practices in subdivision design.*** The construction of 14 townhouses on 1.25 acres located in between two single family dwellings and across the street from nothing but single family dwellings is spot zoning and does not constitute any best practices in subdivision design.
- ***The Coastal Area designation is characterized by ecologically important sensitive and important areas.*** Paving over nearly the entire 1.25 acres in an area that already suffers from drainage problems does not further the goals of protection and best practices.
- ***The Coastal Area designation allows for a base density of 2 units per acre, however higher density of 4-12 units per acre may be permitted when the proposal is in keeping with the character of the area and where there is an adequate level of service.*** This application seeks a density of 11.2 units per acre, which is nearly the highest level allowed. Given that there are no townhouses adjacent to or in reasonable proximity to this property to be considered an extension of an existing higher density development, this request is grossly out of character with the density of all surrounding properties. The applicant cited the Woods Cove and Heritage Village developments, which are not immediately proximate to the proposed development.
- ***Objective 4.1.2 Discourage incompatible land uses through the enforcement of existing land use controls...*** The applicant has an opportunity for additional development of one or two additional dwellings under the existing zoning for the property. Doing so would maintain the character of the surrounding properties and reduce the land use impacts when compared to the proposed development.
- ***Goal 4.4 Minimize the adverse impacts of future development on existing development.*** This property can only be accessed by Postal Lane. Pursuant to the analysis conducted by DelDOT, dated November 20, 2019, this application will generate fewer than 50 vehicle trips per hour and 500 vehicle trips per day and is, therefore, exempt from the requirement for a Traffic Impact Study, but one was recommended anyway. It is not apparent in the application that a TIS was conducted, however it is stated by The Kercher Group, Inc. that 102

vehicle trips per day would be generated by this development. That is only 7.28 vehicle trips per day, when the more recognized standard for townhouse is 10 vehicle trips per day per unit. Whether the number is 102 or 140, all that vehicular traffic must enter Postal Lane at a location that is directly across from a dwelling and not adjacent to one of the primary entrances into the Sandy Brae development. According to the Classification of State-Maintained Roads map, Postal Lane is designated as a local road. As such, the land development recommendations do not support a rezoning for higher density. For anyone who has traveled on Postal Lane, it is apparent that this roadway functions at a low Level of Service defined by DelDOT. The roadway is narrow, there are countless individual driveway entrances, there are low lying branches from trees adjacent to the road, there is not sidewalk or shoulder, and traffic backs up onto Postal Lane both from the Route 1 side and the Plantation Road side. This road is not designed to accommodate a 14 unit townhouse development on 1.25 acres in the middle of single family detached homes.

- ***A number of the letters submitted in support of this application reference the construction of affordable housing, yet the application does not propose to construct affordable housing.*** There is no commitment to establish affordable housing with this application, yet, inexplicably, nearly every letter in support of this application cites that it will satisfy a need for affordable housing. It will not, but regardless of whether the housing is affordable through the establishment of covenants restricting the sale/rental prices or the units are market rate, the negative impacts of this proposal remains the same. This property is no more appropriate for affordable housing than it is for market rate.
- ***Farm access road.*** The eastern boundary of this property adjoins a 50' wide piece of land that is part of the corn field lying behind the application property and Aydelotte Estates. Presumably, this could serve as an access point onto Postal Lane in the event that the farm is eventually developed in a coordinated manner and with appropriate acceleration and deceleration lanes on Postal Lane. The townhouse configuration proposed could inhibit the construction of future, and very necessary, improvements to Postal Lane in conjunction with any development of the farm. Any desire for such a high level of density on the application property should be evaluated in conjunction with development of the farm. Piecemeal development ALWAYS creates negative land use impacts

Please give careful consideration to the host of negative impacts of this proposal and reject this application. This owner could capitalize on this investment by creating a subdivision of 2 or 3 lots that keep with the character of all of the surround properties. The request for 14 houses on this very small lot is an overreach and appears to be solely profit based, without regard to compliance with the Comprehensive Plan or universally accepted best practices for land development.

Thank you.

A handwritten signature in black ink, appearing to read "D. Pesto". The signature is fluid and cursive, with a large initial "D" and a stylized "Pesto".

Donna Pesto

DONNA PESTO
34696 Michelle Drive
Rehoboth Beach, DE 19971

RECEIVED

JUN 24 2020

SUSSEX COUNTY
PLANNING & ZONING

June 23, 2020

Sussex County Planning and Zoning Commission
C/O Email: Jamie.whitehouse@sussexcountyde.gov

RE: Applications CU-2209 and CZ-1907, Matthew C. Hete
Tax Map 334-6.00-686.00/34360 Postal Lane
Hearing Date: June 25, 2020
COMMENTS OPPOSING APPROVAL OF THESE APPLICATIONS

Dear Members of the Sussex County Planning and Zoning Commission:

Please consider these comments and enter them into the public record regarding the two applications noted above. I am **STRONGLY OPPOSED** to the Rezoning of these parcels and the granting of a Conditional Use Permit to permit the construction of 14 townhouse units.

I live two houses away from the parcels that are subject to these applications, in Aydelotte Estates. My objections are based on the land use impacts of the proposal and are not simply a case of "not in my backyard." I am recently retired from Fairfax County (VA), where I served as Deputy Zoning Administrator, which position afforded me the opportunity to review these types of applications and work with a variety of local government agencies and officials to ensure the appropriateness of any given application in the specific location proposed. This application proposes 14 townhouses on a 1.25 acre parcel in an area characterized by single family detached dwellings. This is a classic example of spot zoning and it should be rejected as such. At best, this parcel could be considered to be divided into 2 or 3 single family detached dwelling lots. Alternatively, the owner could wait to develop the property into something with more density in concert with any development of the farm field located at the back of the lots.

Pursuant to the provisions of the March 2019 Comprehensive Plan, development in Sussex County should accomplish a number of objectives. I have noted some of these standards below and have added my concerns.

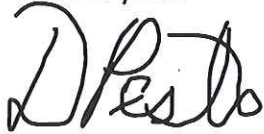
- ***Ensure that new developments incorporate best practices in subdivision design.*** The construction of 14 townhouses on 1.25 acres located in between two single family dwellings and across the street from nothing but single family dwellings is spot zoning and does not constitute any best practices in subdivision design.
- ***The Coastal Area designation is characterized by ecologically important sensitive and important areas.*** Paving over nearly the entire 1.25 acres in an area that already suffers from drainage problems does not further the goals of protection and best practices.
- ***The Coastal Area designation allows for a base density of 2 units per acre, however higher density of 4-12 units per acre may be permitted when the proposal is in keeping with the character of the area and where there is an adequate level of service.*** This application seeks a density of 11.2 units per acre, which is nearly the highest level allowed. Given that there are no townhouses adjacent to or in reasonable proximity to this property to be considered an extension of an existing higher density development, this request is grossly out of character with the density of all surrounding properties. The applicant cited the Woods Cove and Heritage Village developments, which are not immediately proximate to the proposed development.
- ***Objective 4.1.2 Discourage incompatible land uses through the enforcement of existing land use controls...*** The applicant has an opportunity for additional development of one or two additional dwellings under the existing zoning for the property. Doing so would maintain the character of the surrounding properties and reduce the land use impacts when compared to the proposed development.
- ***Goal 4.4 Minimize the adverse impacts of future development on existing development.*** This property can only be accessed by Postal Lane. Pursuant to the analysis conducted by DeIDOT, dated November 20, 2019, this application will generate fewer than 50 vehicle trips per hour and 500 vehicle trips per day and is, therefore, exempt from the requirement for a Traffic Impact Study, but one was recommended anyway. It is not apparent in the application that a TIS was conducted, however it is stated by The Kercher Group, Inc. that 102

vehicle trips per day would be generated by this development. That is only 7.28 vehicle trips per day, when the more recognized standard for townhouse is 10 vehicle trips per day per unit. Whether the number is 102 or 140, all that vehicular traffic must enter Postal Lane at a location that is directly across from a dwelling and not adjacent to one of the primary entrances into the Sandy Brae development. According to the Classification of State-Maintained Roads map, Postal Lane is designated as a local road. As such, the land development recommendations do not support a rezoning for higher density. For anyone who has traveled on Postal Lane, it is apparent that this roadway functions at a low Level of Service defined by DelDOT. The roadway is narrow, there are countless individual driveway entrances, there are low lying branches from trees adjacent to the road, there is not sidewalk or shoulder, and traffic backs up onto Postal Lane both from the Route 1 side and the Plantation Road side. This road is not designed to accommodate a 14 unit townhouse development on 1.25 acres in the middle of single family detached homes.

- ***A number of the letters submitted in support of this application reference the construction of affordable housing, yet the application does not propose to construct affordable housing.*** There is no commitment to establish affordable housing with this application, yet, inexplicably, nearly every letter in support of this application cites that it will satisfy a need for affordable housing. It will not, but regardless of whether the housing is affordable through the establishment of covenants restricting the sale/rental prices or the units are market rate, the negative impacts of this proposal remains the same. This property is no more appropriate for affordable housing than it is for market rate.
- ***Farm access road.*** The eastern boundary of this property adjoins a 50' wide piece of land that is part of the corn field lying behind the application property and Aydelotte Estates. Presumably, this could serve as an access point onto Postal Lane in the event that the farm is eventually developed in a coordinated manner and with appropriate acceleration and deceleration lanes on Postal Lane. The townhouse configuration proposed could inhibit the construction of future, and very necessary, improvements to Postal Lane in conjunction with any development of the farm. Any desire for such a high level of density on the application property should be evaluated in conjunction with development of the farm. Piecemeal development ALWAYS creates negative land use impacts

Please give careful consideration to the host of negative impacts of this proposal and reject this application. This owner could capitalize on this investment by creating a subdivision of 2 or 3 lots that keep with the character of all of the surround properties. The request for 14 houses on this very small lot is an overreach and appears to be solely profit based, without regard to compliance with the Comprehensive Plan or universally accepted best practices for land development.

Thank you.

A handwritten signature in black ink, appearing to read "D Pesto". The signature is written in a cursive, flowing style with a large initial "D".

Donna Pesto

RECEIVED

JUN 24 2020

SUSSEX COUNTY
PLANNING & ZONING

34378 Postal Lane
Lewes, Delaware 19958
June 24, 2020

Planning & Zoning Commission
Sussex County
2 The Circle
Georgetown, DE 19947

Re: Conditional Use Application of Matthew C. Hete for 14 Unit Multi-Family Units on 1.25 +/- /Acres of Land at 34360 Postal Lane, Lewes, DE 19958 – 3-34 6.00 686.00

Dear Gentilepersons:

I and my wife own the property adjacent to the above property located at 34360 Postal Lane, Lewes, Delaware, Tax Map 3-34 6.00 686.00. I have some comments and questions about the 14 units proposed by Matthew Hete to be located on that property. The questions are as follows:

1. The project proposed by Mr. Hete is out of character with the single family homes that are located in and around that area.
2. The number of units Mr. Hete wants to construct on the property would seem not to leave enough room for a fifty foot (50') setback from our property located next to this property which includes our field and our home nor would it leave enough room for a forty foot (40') setback from Postal Lane.
3. What does Mr. Hete plan to do about any rainwater runoff from the project?

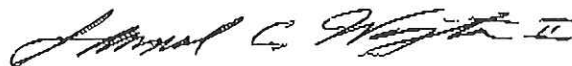
Planning & Zoning
Sussex County
Page 2
June 24, 2020

4. How many individuals would be living in this project and what is the maximum number of individuals that would be allowed to live in the units?
5. What is being planned for the increase in traffic on Postal Lane as the number of vehicles that are now traveling on that road is excessive to the point that we are at times unable to exit our driveway safely?
6. What is being planned for the increase in noise from this project as the noise level with the single family homes is fairly quiet but, again, the number of vehicles on that road is excessive and the noise level is already at a level which is barely bareable?
7. How many automobiles will be allowed in the parking area on the property?

These are just a few questions and concerns that we have at this time and I'm sure many more will follow from other residents in the area and from our family but please know, that because these units are uncharacteristic to this area and would, I believe, cause a great deal more traffic and noise and especially for our family right next door, we are very much opposed to the granting of a conditional use permit for these units to Mr. Hete.

Thank you for your consideration.

Sincerely,



SAMUEL C. WARRINGTON, II



CARRIE J. WARRINGTON

Diana and Micheal Robertson
34505 Michelle Drive
Rehoboth Beach, DE 19971

July 8, 2020

Sussex County Planning and Zoning Commission
c/o Jamie.whitehouse@sussexcountyde.gov

RE: Applications CU-2209 and CZ-1907, Matthew C. Hete
Tax Map 334-6.00-686.00/34360 Postal Lane
Comments opposing approval of above applications

Members of the Sussex County Planning and Zoning Commission:

We would very much appreciate these comments being entered into the public record regarding the applications noted above. We are **vehemently opposed** to the Rezoning of these parcels and the granting of a Conditional Use Permit to allow the construction of 14 townhouse units on the Postal Lane property.

We have been residents of Aydelotte Estates for the past 11 years and have enjoyed all that Sussex County has to offer. Over the years, we have seen Sussex County experience a significant growth with the result of farmland and open parcels being sold for development purposes. Once fields that grew corn and soybeans are now growing houses.

The above parcel is surrounded by detached, single family homes. The addition of a 14-unit multi-family townhouse project is totally incompatible with the nearby developments, Sandy Brae and Aydelotte Estates. Although Sandy Brae, a 250+ unit development subdivision is zoned MR, it was developed with only detached, single family homes. The closest multi-family development is across a cornfield from the proposed project with no connection to Sandy Brae or Aydelotte Estates.

Postal Lane now functions at a very low level. The roadway has no shoulders, sidewalks or street lights and provides a "short cut" from Route 1 to areas west. Users of this roadway travel at high rates of speed with no regard for individual driveways and entrances to Sandy Brae. There is no "pull-off" area for school buses on this roadway, which has been requested by the Commission. Many times, during high season traffic, there are significant back-ups from the light on

Aydelotte Estates Homeowners Ass
P.O. Box 156
Nassau, DE. 19969

July 7, 2020

Sussex County Zoning and Planning Commission
2 The Circle. P.O.Box 417
Georgetown, DE. 19947

Dear Commission Council Members,

The purpose of this letter is to provide input regarding the Change of Zone and Density application (C/Z 1907 & C/U 2209) that was submitted to you by Matthew C. Hete for the construction of 14 townhomes to be located at 34360 Postal Lane, Lewes, DE. Our community, Aydelotte Estates, is located at the corner of Postal Lane and Plantation Road, in extremely close proximity to the location of his project. Our executive board, along with many of our residents, are **strongly against this proposal**. Listed below is a summary of our concerns.

TRAFFIC

- Traffic congestion and increased danger to residents, drivers, and pedestrians.
- Even though the 2018 Delaware Vehicle Volume Summary stated that Postal Lane averages 9,812 vehicles a day, and 12,628 vehicles per day in the summer, that study does not take into account the unsafe practices witnessed on the road on a regular basis. It is a two lane road with a 30 MPH speed limit; however, those who abide by the speed limit are often tailgated, or even passed. It is not uncommon to see Delaware State Troopers sitting very near the proposed location of this project with radar to monitor speeders.
- Access to and from side streets is often difficult and there is very little shoulder. Postal Lane is a connector between Route 1 and Plantation Road, and often has back-ups. The additional vehicles and traffic from the development will only further exacerbate an already negative and unsafe situation.

COMPATIBILITY WITH AREA

- The increased density the development will bring to this area is out of character with the current community which is single family dwellings.
- We are also concerned that approval of this application will set a precedent for further approvals of similar applications which would continue to increase the negative impacts on the area.
- A more reasonable use of this property would be the construction of two single family homes.

35 Opposition
FOR 7/9/2020
MEETING

CZ 1907

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JUL 08 2020

SUSSEX COUNTY
PLANNING & ZONING

DOES NOT MEET 2019 COMPREHENSIVE PLAN

- The proposal includes 14 townhomes on 1.25 acres among other single family dwellings. This spot zoning request does not reflect best practices in subdivision planning.
- As a Coastal Area, there is to be a density of 2 units per acre but may be higher if within character of the area. Fourteen (14) townhomes in the midst of single family dwellings does not meet this requirement.
- Increased potential for run off from the fourteen (14) townhouses to other properties and Postal Lane.

INFRASTRUCTURE

- This area of Sussex County is experiencing an amazing burst of new construction which will bring more residents, vehicles, and concerns. As current residents, we are doing our best to accommodate this growth, but it is challenging at times to even get to and from the grocery store or pharmacy, especially along Plantation Road and Postal Lane.
- Emergency vehicles are often impeded and delayed in their responses.
- These circumstances also have the potential to negatively impact our property values and quality of life. By approving this application as well as others, you would be adding to an already overloaded infrastructure that we fear will soon lead to an unsafe, overcrowded community in gridlock.

Again, we respectfully request that you **deny the application** submitted by Matthew C. Hete and do not allow the change in zone and density for this area. While your approval would allow Mr. Hete to profit greatly, it would be at a great detriment to the community. We believe this is the most appropriate action to take in order to promote and maintain the safety and integrity of this area in Sussex County.

Sincerely,

Aydelotte Homeowners Executive Board
Loretta Mahan
Beth Smiley
Cindy West
Pat Mangini
Cathy Haney
Meredith Birrittella
Dave Brown

RECEIVED

Aydelotte Estates Homeowners Association
P.O. Box 156
Nassau, DE. 19969

JUL 08 2020

SUSSEX COUNTY
PLANNING & ZONING

July 8, 2020

Sussex County Zoning and Planning Commission
Attn: Jamie Whitehouse
2 The Circle. P.O.Box 417
Georgetown, DE. 19947

Dear Mr. Whitehouse,

The letters enclosed in this packet are from the Aydelotte Estates residents who are in opposition to the Change of Zone and Density applications (C/Z 1907 & C/U 2209) that were submitted to you by Matthew C. Hete for the construction of 14 townhomes to be located at 34360 Postal Lane, Lewes, DE. Our community, Aydelotte Estates, is located at the corner of Postal Lane and Plantation Road, in extremely close proximity to the location of his project.

Can you include these letters in the Planning and Zoning Commissions' packet of information for the upcoming meeting on July 9, 2020 at 5:30 p.m.?

Thank you,

Aydelotte Estates Residents

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34704 michelle Drive Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Jack Haney

Signature: Jack Haney

Address: 34704 michelle Dr Rehoboth beach 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 18753 Ryan Court Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit**.
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane**.
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces**.

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Dean & Debbie Smith
Signature: Dean Smith Debbie Smith
Address: 18753 Ryan Court
Rehoboth Beach, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

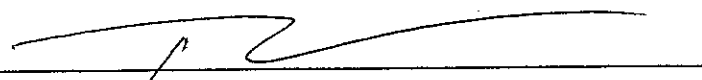
We reside at _____ Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: THOMAS J. NELSON

Signature: 

Address: 18722 Ryan Ct - Rehoboth, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 18712 Ryan Ct. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity. Absolutely! It would be a flooding Hazard
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Gail Trager

Signature: [Handwritten Signature]

Address: 18712 Ryan Ct.
Rehoboth Beach, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34761 Lauren Dr, Rehoboth Beach, De Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Kathy Biedermann LOT 28

Signature: Kathy Biedermann

Address: 34761 Lauren Dr, Rehoboth Beach, De
19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34708 Julia Drive Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Gina Marotta

Signature: Gina Marotta

Address: 34708 Julia Drive

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at _____ Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: VINCE ANGELOCCI

Signature: Vincent Angelocci

Address: 34720 JUILA DR, ~~LOT~~ LOT 23

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34525 Michelle Drive Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Steve Olesen John Sibilio

Signature: Steve Olesen John Sibilio

Address: 34525 Michelle Drive

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34616 michelle dr Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces**.

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Yvonne Hand M. Beale

Signature: _____

Address: 34616 michelle drive Rehoboth beach DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34590 Michelle Drive Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Laura + Kevin McHugh,

Signature: [Handwritten Signature]

Address: 34590 Michelle Drive Rehoboth Beach DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34548 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name:

Robert Johnson

Signature:

[Handwritten Signature]

Address:

34548 Michelle Dr.

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34530 Michelle DR Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name:

Signature:

Address:

Colleen Perry Jane Kuhfuss
Colleen Perry
34530 Michelle DR

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 3450B Michelle Drive Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
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- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Sandra H. Stough

Signature: Sandra H. Stough

Address: 3450B Michelle Drive

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34505 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces**.

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: DIANA M. ROBERTSON

Signature: Diana M. Robertson

Address: 34505 Michelle Dr.

Rehoboth Beach, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34487 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Susan Krause

Signature: Susan Krause

Address: 34487 Michelle Dr.

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34496 MICHELLE DR. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: LAWRENCE J. ROBINSON // Mary Robinson
Signature: Lawrence J. Robinson // Mary Robinson
34496 MICHELLE DR REHOBOTH DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34486 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Madeline Vivian

Signature: Madeline Vivian

Address: 34486 Michelle Dr. Rehoboth Beach De 19947

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34875 Michelle Drive Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: John Meads

Signature: John M Meads

Address: 34875 Michelle Drive, Rehoboth, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34570 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: HUGO + ANA SIMONEZ

Signature: 

Address: 34570 Michelle Dr. R.B De 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34598 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces**.

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Dianne Magerko

Signature: Dianne Magerko

Address: 34598 Michelle Dr. R.B. DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34641 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Charles C. Augustynowicz

Signature: Charles C. Augustynowicz

Address: 34641 Michelle Dr.

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34535 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Byronne Van Wyk

Signature: Byronne Van Wyk

Address: 34535 Michelle Dr.

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34497 MICHELLE DR Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces**.

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: BARBARA BEATY

Signature: Barbara Beaty

Address: 34497 MICHELLE DR, AYDELLOTTE ESTATES
REHOBOTH BEACH, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,


We reside at 34520 Michelle Dr. Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Harold Beeson

Signature: 

Address: 34520 Michelle Dr. Rehoboth Beach, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

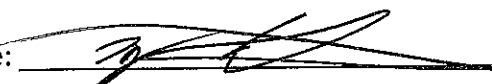
We reside at 18726 Ryan Ct Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
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- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane**.
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces**.

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: Bryan Kastor

Signature:  7/7/2020

Address: 18726 Ryan Ct, Rehoboth Beach, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34731 JULIA DRIVE Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an increase in runoff onto the road surfaces.

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: GIUSEPPE & LORETA MASTRANGELO

Signature: Giuseppe Mastangelo / Loreta Mastangelo

Address: 34731 Julia Dr. Rehoboth Beach DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,


We reside at 34715 JULIA DRIVE Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
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- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: CHRIS C. VANDEPUEVE

Signature: 

Address: 34715 JULIA DRIVE
REHOBOTH BEACH, DE 19971

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,

We reside at 34616 michelle dr Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
- The applicant already has a reasonable use of the property to develop two single family homes **without a Change in Zoning or Conditional Use Permit.**
- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an increase in **runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: _____

Signature: _____

Address: _____

34616 michelle dr

July 7, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole, Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, De 19947

Dear Council Members,


We reside at 18738 Ryan Ct Rehoboth Beach, De, in the community of Aydelotte Estates. We are writing in **strong opposition** of the Change of Zone and Density Application (c/z 1907 & c/u 2209) made by Matthew C. Hete for parcel #334-6.00-686.00 because we believe that the zoning change would create the following negative impacts on our community and neighboring communities:

- The proposed zoning change is out of character with existing **single-family homes** in the vicinity.
- Traffic on Postal Lane already **exceeds a safe and effective level** and this project will exacerbate the traffic problems.
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- The design of the project does not provide for adequate parking for the homes or their guests. There is no way for emergency vehicles, delivery vehicles, or guests which will result in **vehicles backing out of the community onto Postal Lane.**
- Additional pavement will result in extensive impervious surfaces, leading to an **increase in runoff onto the road surfaces.**

Please submit our strong opposition to this proposed development and deny both applications.

Sincerely,

Name: William A. Graham

Signature: 

Address: 18738 Ryan Ct Rehoboth, De

June 15, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Dear Council Members,

I reside at 34746 Brandon Drive, Rehoboth Beach, Delaware in Aydelotte Estates that is close proximity to the proposed zoning change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Change of Zone and Density application (C/Z 1907 & C/U 2209) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the zoning change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of both applications.

Sincerely,

Name: Margit Riley

Signature: Margit Riley

Address: 34746 Brandon Drive, Rehoboth Beach, DE 19971
(Aydelotte Estates of Plantations + Postal Lane)

June 15, 2020

Michael H Vincent, Council President
Samuel R. Wilson, Jr.
Irwin B. Burton III
George B. Cole Council Vice President
Robert B. Arlett
Sussex County Council
2 The Circle, P.O. Box 589
Georgetown, Delaware 19947

Dear Council Members,

I reside at 34746 Brandon Drive, Rehoboth Beach, Delaware in Aydelotte Estates that is close proximity to the proposed zoning change at 34360 Postal Lane in Lewes, Delaware. We are writing in support of the Change of Zone and Density application (C/Z 1907 & C/U 2209) made by Matthew C. Hete for parcel # 334-6.00-686.00 because we believe the zoning change would allow needed affordable housing to be built and benefit local residents.

Please submit our support for approval of both applications.

Sincerely,

Name: Margit Riley

Signature: Margit Riley

Address: 34746 Brandon Drive, Rehoboth Beach, DE 19971
(Aydelotte Estates of Plantations + Postal Lane)



July 16, 2020

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

RE: Lands of Hete4, LLC, C/Z #1907 & C/U #2209

Dear Mr. Whitehouse:

On June 25, 2020, a public hearing was held via a teleconference with the Planning & Zoning Commission, in which my client, Lands of Hete4, LLC (Matthew Hete) and I presented a rezoning application along with a conditional use for 14-unit townhome development for consideration of approval. The subject development is known as Lands of Hete4, LLC, referenced as C/Z #1907 and C/U #2209.

During this meeting, there was much discussion about the type of multi-family (townhomes) and the number of units located on just 1.25 acres. There was concern with the lack of parking associated with the number of units as well. The property owner has decided to revise the site plan to address the concerns that the Planning Commission discussed during their motion. The revised site plan shows just 4 single family style homes, in what is proposed as a condominium development. The access shall be similar to the previous layout, but the units depict a 2-car garage and a 2-car parking pad. The proposed density for the revised layout is 3.20 units per acre. This is a significant reduction in requested proposed density and falls more in line with the current density in the area. The style of homes, single family, is also indicative of the current conditions in the immediate vicinity of the property.

The developer of Lands of Hete4, LLC have made every attempt to assure that the design of the project conforms to the articles as presented in the County Code and they would like to be sure that the members of the Commission are aware of what investigations had been performed on the subject property before the public hearing.

Attached to this document are findings associated with Lands of Hete4, LLC. All documents contained within should be on record in the Planning and Zoning Department's file and we hope that they can be used as a guide by the County Council while making their recommendation and decision on the application.

If you should have any questions regarding a statement made within this document please do not hesitate to contact our office at your earliest convenience.

Thank you for your attention and consideration.

Sincerely,

Kevin Smith, Project Manager

THE KERCHER GROUP, INC.

**PROPOSED FINDINGS OF FACT and CONDITIONS FOR
LANDS OF HETE4, LLC
CHANGE OF ZONE #1907 / CONDITIONAL USE #2209**

- This is an application for a Change of Zone and Conditional Use for single family/condominium style development on a parcel of land on the south side of Postal Lane (SCR 283), 1.249 acres in size, and identified by the County Assessment Office as Sussex County Tax Map 334-6.00, parcels 686.00.
- The property is currently zoned AR1 and is located within the County's Environmentally Sensitive Developing District Overlay Zone. A rezoning to MR is proposed.
- The property is located across from Sandy Brae, which is zoned MR. There are other developments located within the immediate vicinity that MR. (Plantations East, The Plantations, Summercrest, Maplewood). There are also commercial developments nearby (Pelican Square, Heritage Inn, Bob Evans, Tanger Outlets, Midway Shopping Center).
- According to the Sussex County Comprehensive Plan, this property is identified for purposes of future land use as mixed residential. The Strategies for State Policies and Spending identify the area as an investment level 1.
- The project is in character with a long history of development and approved applications for development in the immediate area. The development will provide housing in an area where infrastructure and transit services are available and thereby meets the general purpose of the County's Zoning Ordinance by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.
- The project will be served with central water by Tidewater Utilities, Inc. and wastewater collection will be provided by Sussex County via the Dewey Beach Sanitary Sewer District.

This recommendation of approval is subject to the following conditions:

1. There shall be no more than four (4) dwelling units permitted on the subject parcel.
2. The Final Record Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.

CHAPTER 115-194.3 COMPLIANCE

Lands of Hete4, LLC is proposing to establish a 4-unit, single family/condominium development located along Postal Lane (SCR 283), approximately 110' northeast of Maple Drive in Lewes, DE. With the subject property currently being zoned Agricultural Residential (AR-1), our Client is seeking to rezone the property to Medium Density Residential (MR) with a Conditional Use in order to provide for the single family/condominium housing at the proposed density of 3.20 units per acre. While also being blanketed by the Environmentally Sensitive Development District Overlay Zone (ESDDOZ), the project was designed to be compliant with Chapter 115-194.3 in the following manner:

A. Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.

- If the application is acted-upon favorably by the Sussex County Council, detailed sediment and stormwater management plans will be prepared for the project and submitted to the Sussex Conservation District for detailed review. While a technical design has yet to be prepared for the proposed site use, it is envisioned that Green Technology Best Management Practices (BMPs) will be designed to manage surface runoff generated by the project. These features will promote the use of infiltration for stormwater management while adhering to the standards established by the Delaware Department of Natural Resources and Environmental Control (DNREC) for water quality treatment and the reduction of Total Maximum Daily Loads (TMDLs) associated with development runoff. The use of infiltration practices will also allow for the reduction of stormwater quantity, when compared to a pre-development condition, by not allowing collected runoff to be discharged from the subject property via over-land flow and, instead, allowed to permeate the site's soils.

B. Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.

- The proposed development will be served with potable water by an existing central water distribution system, owned and operated by Tidewater Utilities, Inc. A new connection will be established to the distribution system and the same source would be used for any potential irrigation of site landscaping, without the use of private wells. Without the use of private wells, it is not envisioned that the project will have a detrimental effect on private water systems and detailed utility plans for the proposed site use will be submitted to Tidewater Utilities for review. This will be done to ensure that adequate service is available for the project and that the proposed utility connection meets their standards and specifications. Based on the proposed site use, it is estimated that the average daily demand for potable water will be 1,200 gallons per day, with the same being the peak demand.

C. Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.

- The proposed development will be served for wastewater treatment by means of a connection to an existing central wastewater collection system, owned and

operated by Sussex County. As such, private septic systems for the project will not be proposed and effects on the quality of groundwater and surface water from the treatment of wastewater will be eliminated.

D. Analysis of the increase in traffic and the effect on the surrounding roadway system.

- By the creation of the proposed development, it is estimated that 29 vehicular trips will be generated via site ingress and egress on a daily basis. With that, the applicant will be required to prepare detailed entrance plans for the project for technical review by the Delaware Department of Transportation (DeIDOT). These plans will be reviewed for full compliance with State standards and the applicant will be required to improve both the site and Postal Lane as DeIDOT would see fit to ensure vehicular and pedestrian safety.

E. The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.

- Due to the existing developed nature of the subject property and surrounding areas, it is not expected to have any endangered or threatened species within the property bounds.

F. The preservation and protection from loss of any tidal or non-tidal wetlands on the site.

- There are no tidal or non-tidal wetlands present within the property bounds.

G. Provisions for open space as defined in § [115-4](#).

- The design for the Lands of Hete4, LLC allows for 0.789 acres (63.1% of the parcel area) of open space to be established. These would be areas set-aside for landscaping and stormwater management treatment.

H. A description of provisions for public and private infrastructure.

- To serve the proposed development, private infrastructure will be established. This would include parking facilities, roadways, wastewater utilities, potable water utilities, and stormwater management utilities to support the project. Public utilities will be limited to the establishment of a pedestrian walkway along the property frontage, as required by DeIDOT.

I. Economic, recreational or other benefits.

- The creation of the development will support jobs in the local community, employing the need for skilled tradesmen to establish new infrastructure for the project, prepare the property, and erect the dwelling units.

J. The presence of any historic or cultural resources that are listed on the National Register of Historic Places.

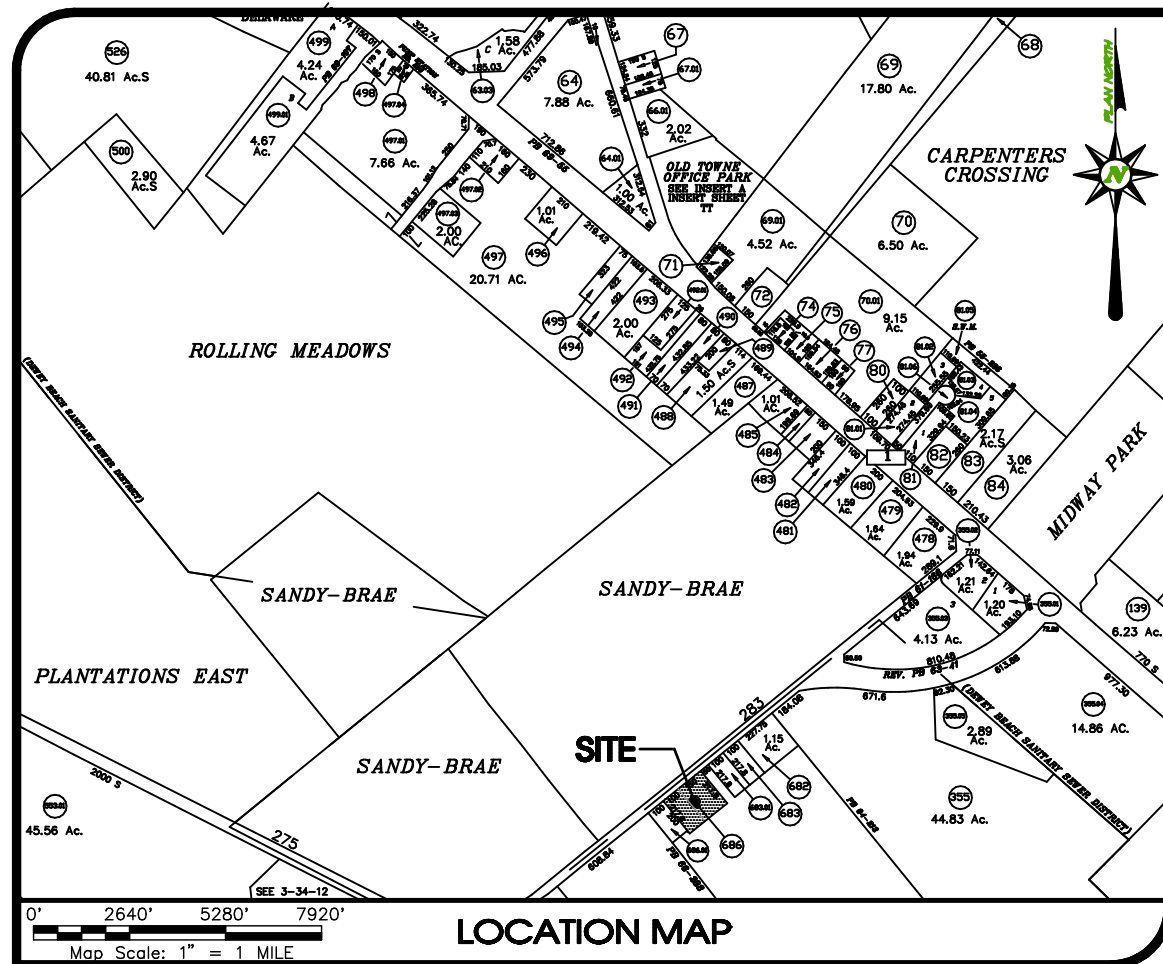
- There are no historic or cultural resources listed on the National Register of Historic Places located within the bounds of the subject parcel.

K. An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.

- The proposed application is a permitted use by means of conditional use approval, based upon the proposed medium-density residential zoning, by the Sussex County Zoning Code. Being in an area supported for future growth, the proposed development will make-use of existing infrastructure to eliminate potential impacts to the environment that can be caused through the use of private wells and septic systems.

L. Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection [B\(2\)\(a\)](#) through [\(k\)](#) above and the manner by which they are consistent with the Comprehensive Plan.

- The design for the Lands of Hete4, LLC has been prepared to significantly limit or eliminate potential impacts to the environment within the ESDDOZ. The utilization of existing infrastructure utilities for potable water service and wastewater collection promotes the health of local environmental systems by not establishing private wells or septic systems, which can add nutrient loads to the watershed. The design for the project's stormwater management treatment system will be in-concert with the Green Technology BMP standards and specifications of the DNREC and the preservation of open space will be maximized by setting-aside 63.1% of the subject parcel for passive open space. The project will also be established on a parcel located within an area designated for growth and outside of sensitive areas, such as the City of Lewes' wellhead protection zone.



PLAN LEGEND

- EXISTING PROPERTY BOUNDARY
- ADJACENT PROPERTY LINE
- EXISTING PAVEMENT EXTENTS
- EXISTING ROAD CENTERLINE
- PROPOSED EASEMENT EXTENTS
- PROPOSED BUILDING RESTRICTION LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CURB LINE
- PROPOSED SIDEWALK
- EXISTING CONCRETE PROPERTY MONUMENT
- EXISTING IRON PIPE
- PROPOSED CONCRETE
- PROPOSED PAVEMENT

SITE DATA and ZONING SCHEDULE

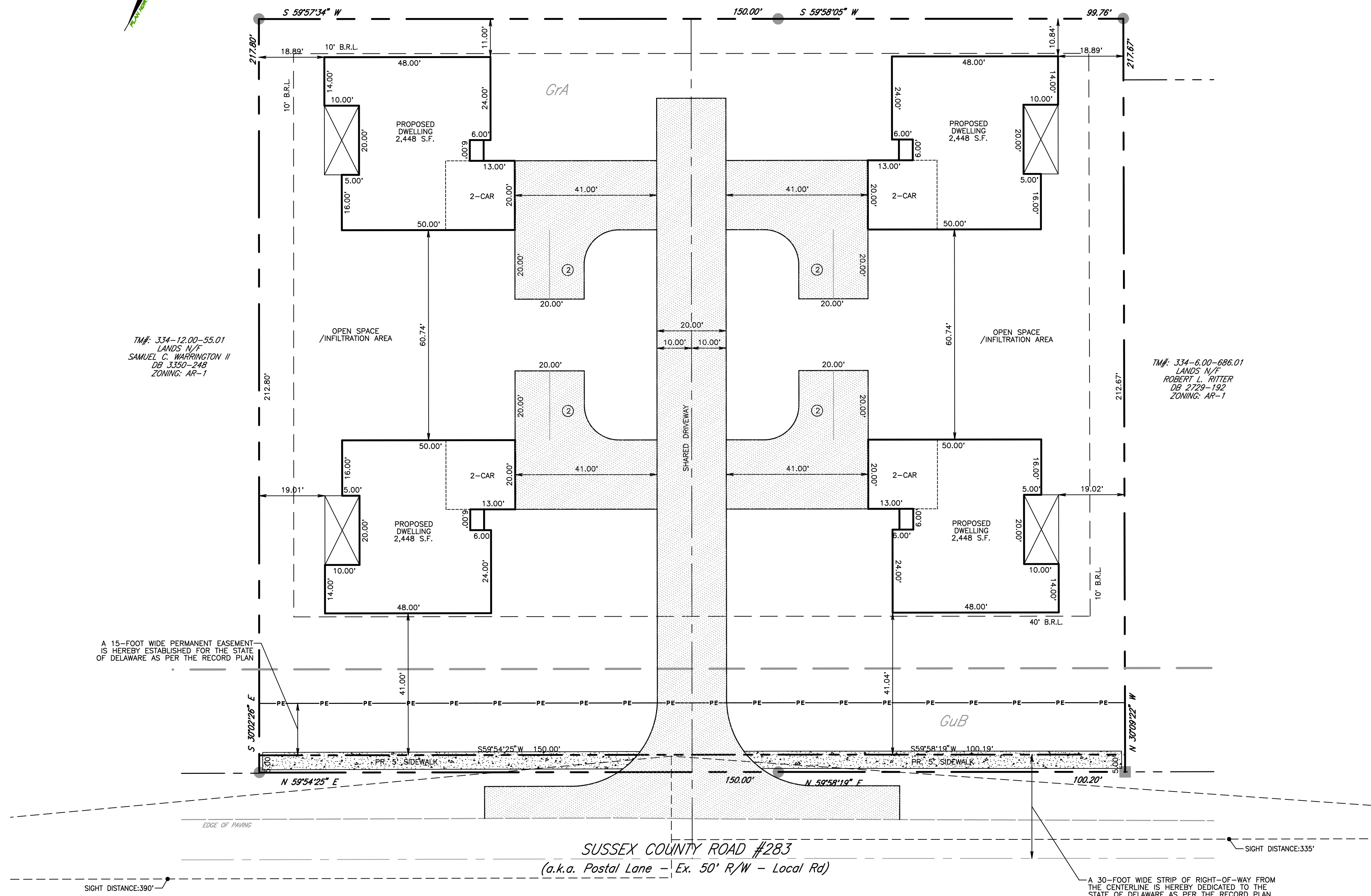
TAX PARCEL No.: 334-6.00-686.00
 PROPERTY ADDRESS: 34360 POSTAL LANE LEWES, DE 19958
 EXISTING SITE USE: RESIDENTIAL DWELLING
 PROPOSED SITE USE: 4 UNIT - SINGLE FAMILY/CONDOMINIUM DEVELOPMENT
 CURRENT ZONING DISTRICT: AR-1 (AGRICULTURAL RESIDENTIAL)
 PROPOSED ZONING DISTRICT: MR (MEDIUM RESIDENTIAL)

ORDINANCE ITEM	REQUIREMENT:	PROVIDED:
MINIMUM LOT AREA	10,000 Sq. Ft.	54,422 Sq. Ft.
MINIMUM LOT WIDTH	75 FL.	249.76 FL.
MINIMUM LOT DEPTH	100 FL.	217.67 FL.
MINIMUM SETBACKS:		
FRONT	40 FL.	40 FL.
SIDE	10 FL.	10 FL.
REAR	10 FL.	10 FL.
MAXIMUM BUILDING HEIGHT	42 FL./3 Stories	42 FL./3 Stories
MINIMUM BUILDING SEPARATION	40 FL.	40 FL.
PARKING SPACE QTY. (RESIDENTIAL USE)	2 SPACES/DWELLING UNIT = 8	16 Spaces
SEWER SERVICE	SUSSEX COUNTY	
WATER SERVICE	TIDEWATER UTILITIES	

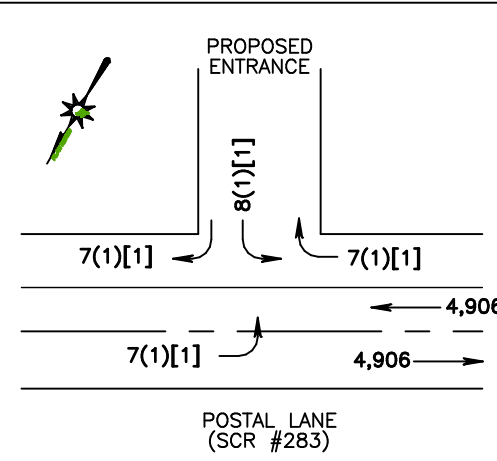
PROPERTY OWNER: LANDS OF HETE4, LLC
 45 KINGS CREEK CIRCLE
 REHOBOTH BEACH, DE 19971
 (302) 344-9888

PROPERTY AREA	54,422 S.F.
PROPERTY AREA	54,422 S.F.
DEDICATION:	1,251 S.F. (2.3%)
ROADWAY AREA (including sidewalk):	4,059 S.F. (7.5%)
DRIVEWAY AREA:	4,966 S.F. (9.1%)
DWELLING AREA:	9,792 S.F. (18.0%)
OPEN SPACE AREA:	34,354 S.F. (63.1%)
PROPOSED GROSS DENSITY:	3.20 Units/Ac.

*DWELLING AREA IS CONCEPTUAL. ACTUAL BUILDING DIMENSIONS AND SIZE SHALL VARY.



TRIP GENERATION - POSTAL LANE (SCR #283)
(FULL MOVEMENT)



ROAD TRAFFIC DATA:
 FUNCTIONAL CLASSIFICATION - S283 (POSTAL LANE) - LOCAL
 POSTED SPEED LIMIT - 30 MPH
 ADIT = 9,812 TRIPS (FROM 2018 DELDOT TRAFFIC SUMMARY)
 10-YR PROJECTED ADIT = 11,984 + 9,812 TRIPS = 11,367 TRIPS
 10-YR PROJECTED ADIT + SITE ADIT = 11,367 TRIPS
 TRAFFIC PATTERN GROUP - 4 (FROM 2018 DELDOT TRAFFIC SUMMARY)
 PEAK HOUR = 10% x 9,812 = 982 TRIPS

SITE TRIPS GENERATED:
 SOURCE: ITE TRIP GENERATION MANUAL 10th EDITION (220) MULTI-FAMILY HOUSING (LOW RISE)
 ONE ENTRANCE - FULL MOVEMENT
 4 SINGLE FAMILY/CONDO UNITS
 WEEKDAY = 29 TRIPS (14 IN/15 OUT)
 AM PEAK = 4 TRIP (2 IN/2 OUT)
 PM PEAK = 4 TRIP (2 IN/2 OUT)

TOTAL ADIT FOR DEVELOPMENT (WEEKDAY) = 29 TRIPS
 DIRECTIONAL DISTRIBUTION:
 52% TO AND FROM THE NORTHEAST: 15 TRIPS (2 A.M. PEAK) (2 P.M. PEAK)
 48% AND FROM THE SOUTHWEST: 14 TRIPS (2 A.M. PEAK) (2 P.M. PEAK)
 5% TRUCKS x 29 = 2 TRIPS

TRAFFIC GENERATION DIAGRAM
 TRIPS PER DAY (VEHICLES IN A.M.) [P.M. PEAK HOUR]

GENERAL NOTES

- THE PROJECT SITE IS KNOWN AS LANDS OF HETE4, LLC, (T.P. 334-6.00-686.00), AND IS LOCATED 110' NORTHEAST OF THE POSTAL LANE (SCR283) AND MAPLE DRIVE INTERSECTION IN LEWES, DE.
- THE PROPERTY BOUNDS AND EXISTING FEATURES INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY FORESIGHT SERVICES.
- THE PROPOSED DEVELOPMENT STREETS ARE TO BE PRIVATE AND MAINTAINED BY THE DEVELOPER/PROPERTY OWNER UNTIL A HOMEOWNERS ASSOCIATION IS ESTABLISHED TO PROVIDE FOR SAID MAINTENANCE. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ALL PROPOSED STORMWATER MANAGEMENT FACILITIES ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
- ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION).
- CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW THE SUSSEX COUNTY ENGINEERING DEPARTMENT SPECIFICATIONS AND STANDARD DRAWINGS (LATEST EDITION).
- EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY FORESIGHT SERVICES. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PROJECT DESIGN. INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BETWEEN EXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100029 0332 K, MAP NUMBER 10050332K, DATED MARCH 16, 2015, THE SUBJECT PROPERTY IS LOCATED IN A ZONE "X" UNSHADED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- NO STATE OR FEDERAL JURISDICTIONAL WETLANDS ARE LOCATED WITHIN THE PROPERTY BOUNDS.
- ALL FIRE LINES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 4-1.1, THE DEVELOPER SHALL PROVIDE, TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A PLOT PLAN OF THE DEVELOPMENT SHOWING EACH DWELLING LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL DWELLINGS IN A CONSECUTIVE MANNER AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH DWELLING TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED.
- ALL PROPOSED LANDSCAPE BUFFERS ARE TO BE MAINTAINED BY THE PROPERTY OWNER/DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- PROPOSED BUILDING TYPE IS NFPA (000).
- THE PROPOSED SIGNAGE DEPICTED ON THE PLAN IS INDICATIVE ONLY. SEPARATE APPLICATIONS SHALL BE REQUIRED FOR ALL SIGNAGE.

RECORD PLAN NOTES

- REVISED AUGUST 21, 2019
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
 - NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
 - SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
 - UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
 - PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 .131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
 - THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
 - DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
 - TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

SOILS DATA

SOILS MAPPED FROM <https://websoilsurvey.sc.egov.usda.gov>

Soils Name	Slopes	Hydrolic Soils Group
GrA Greenwich loam	0 to 2 percent slopes	B
GuB Greenwich-Urban land complex	0 to 5 percent slopes	B

PLANNING COMMISSION CERTIFICATE

RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION OF SUSSEX COUNTY ON THIS _____ DAY OF _____ 20____.

SECRETARY (ATTEST) _____

RECOMMENDED FOR APPROVAL BY THE SUSSEX COUNTY COUNCIL ON THIS _____ DAY OF _____ 20____.

PRESIDENT _____

OWNER CERTIFICATE

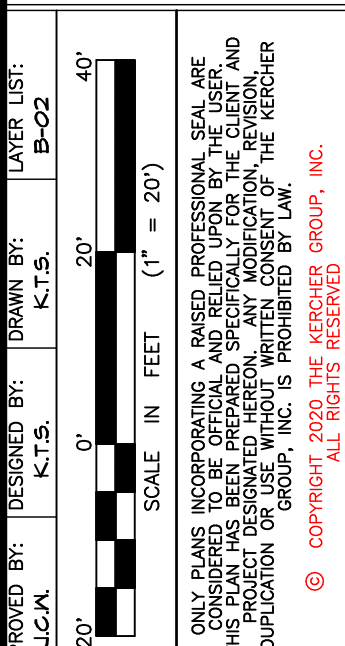
I HEREBY CERTIFY THAT I AM THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

MATTHEW C. HETE
 LANDS OF HETE4, LLC
 45 KINGS CREEK CIRCLE
 REHOBOTH BEACH, DE 19971
 Phone: (302) 344-9888
 Email: mchete@msn.com

REVISIONS

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE ORDINANCES OF SUSSEX COUNTY AND THE LAWS OF THE STATE OF DELAWARE.

DESIGN PROFESSIONAL DATE



OWNER/APPLICANT: LANDS OF HETE4, LLC
 REHOBOTH BEACH, DE 19971
 Email: mchete@msn.com

PARCEL INFORMATION:
 Tax Parcel No. 334-6.00-686.00
 PROPERTY AREA: 54,422 s.f. (1.249 Ac.)

PRELIMINARY PLAN (Not To Be Recorded)
RECORD PLAN
LANDS OF HETE4, LLC
 LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

THE KERCHER GROUP, INC.
 CONSULTING • SYSTEMS • ENGINEERING
 37385 REHOBOTH AVE., UNIT 11 - REHOBOTH BEACH, DELAWARE 19971
 302.854.9062 (Voice) 302.854.9064 (Fax) www.kerchergroup.com

JOB No: 19-1001ES
 PLAN DATE: Nov. 21, 2019
 SHEET No.: S1



**Lands of Hete4, LLC
C/Z #1907 & C/U #2209**

**Proposed 14-unit
Townhome Development**

**Lewes & Rehoboth Hundred
Sussex County, Delaware**

March 5, 2020

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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

34360 Postal Lane, Lewes, DE 19958

Type of Conditional Use Requested:

Seeking change of zone from agricultural residential (AR-1) to medium density residential (MR)

Tax Map #: 334-6.00-686.00

Size of Parcel(s): 1.25 Ac.

Current Zoning: AR-1

Proposed Zoning: MR

Size of Building: 0.50 Ac. +/-

Land Use Classification: Mixed Residential

Water Provider: Tidewater Utilities

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Matthew C. Hete

Applicant Address: 45 Kings Creek Circle

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 344-8988

E-mail: mchete@msn.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: The Kercher Group, Inc.

Agent/Attorney/Engineer Address: 37385 Rehoboth Ave. Ext., Unit #11

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 781-4346

E-mail: kts@kerchergroup.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: 10/23/19

Signature of Owner

Date: 10/23/19

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: _____

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

34360 Postal Lane, Lewes, DE 19958

Type of Conditional Use Requested:

Seeking conditional use to permit multi-family dwellings

Tax Map #: 334-6.00-686.00

Size of Parcel(s): 1.25 Ac.

Current Zoning: AR-1

Proposed Zoning: MR

Size of Building: 0.50 Ac. +/-

Land Use Classification: Mixed Residential

Water Provider: Tidewater Utilities

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Matthew C. Hete

Applicant Address: 45 Kings Creek Circle

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 344-8988

E-mail: mchete@msn.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: The Kercher Group, Inc.

Agent/Attorney/Engineer Address: 37385 Rehoboth Ave. Ext., Unit #11

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 781-4346

E-mail: kts@kerchergroup.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: 10/23/19

Signature of Owner

Date: 10/23/19

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: _____

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: 10/24/19

Site Information:

Site Address/Location: 34360 Postal Lane, Lewes, DE 19958

Tax Parcel Number: 334-6.00-686.00

Current Zoning: AR-1

Proposed Zoning: MR

Land Use Classification: Mixed Residential

Proposed Use(s): 14 multi-family units (townhomes)

Square footage of any proposed buildings or number of units: 21,780 s.f.

Applicant Information:

Applicant's Name: Matthew C. Hete

Applicant's Address: 45 Kings Creek Circle

City: Rehoboth Beach State: DE Zip Code: 19971

Applicant's Phone Number: (302) 344-8988

Applicant's e-mail address: mchete@msn.com





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

JENNIFER COHAN
SECRETARY

November 20, 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 **Matthew C. Hete** rezoning application, which we received on October 24, 2019. This application is for an approximately 1.25-acre parcel (Tax Parcel: 334-6.00-686.00). The subject land is located on the southeast side of Postal Lane (Sussex Road 283), approximately 1,200 feet northeast of the intersection of Plantation Road (Sussex Road 275) and Postal Lane / Cedar Grove Road (Sussex Road 283). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to MR (Medium-Density Residential) to develop 14 units of multi-family housing (townhouses).

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Postal Lane where the subject land is located, which is from Plantation Road to Delaware Route 1, are 9,812 and 12,628 vehicles per day, respectively.

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

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



Ms. Janelle M. Cornwell

Page 2 of 2

November 20, 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
Matthew C. Hete, 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



March 5, 2020

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

RE: Lands of Hete4, LLC, C/Z #1907 & C/U #2209

Dear Mr. Whitehouse:

On March 26, 2020 and May 12, 2020, public hearings are to be held in the County Council Chambers, within the Administrative Building of Sussex County. During those hearings, the Planning & Zoning Commission and County Council will allow our clients, Lands of Hete4, LLC to present a rezoning application along with a conditional use for 14-unit townhome development for consideration of approval. The subject development would be known as Lands of Hete4, LLC, referenced as C/Z #1907 and C/U #2209.

Lands of Hete4, LLC is a proposed 14-unit townhome development, located on Postal Lane (SCR 283), approximately 110' northeast of Maple Drive in Lewes, DE. The project shall meet the minimum standards set forth by the County and State. With the subject property currently being zone Agricultural Residential (AR-1), our client is seeking to rezone the property to Medium Residential (MR) with a Conditional Use in order to provide for the multi-family housing at the proposed density of 11.21 units per acre. In a pre-developed condition, the subject property contains a single residential dwelling, which is currently occupied.

The developers of Lands of Hete4, LLC have made every attempt to assure that the design of the project conforms to the articles as presented in the County Code and they would like to be sure that the members of the Commission are aware of what investigations had been performed on the subject property before the public hearing.

Attached to this document are findings associated with Lands of Hete4, LLC. All documents contained within should be on record in the Planning and Zoning Department's file and we hope that they can be used as a guide by both the Planning Commission and the County Council while making their recommendation and decision on the application.

If you should have any questions regarding a statement made within this document please do not hesitate to contact our office at your earliest convenience.

Thank you for your attention and consideration.

Sincerely,

Kevin Smith, Project Manager

THE KERCHER GROUP, INC.

**PROPOSED FINDINGS OF FACT and CONDITIONS FOR
LANDS OF HETE4, LLC
CHANGE OF ZONE #1907 / CONDITIONAL USE #2209**

- This is an application for a Change of Zone and Conditional Use for multi-family dwelling units on a parcel of land on the south side of Postal Lane (SCR 283), 1.249 acres in size, and identified by the County Assessment Office as Sussex County Tax Map 334-6.00, parcels 686.00.
- The property is currently zoned AR1 and is located within the County's Environmentally Sensitive Developing District Overlay Zone. A rezoning to MR is proposed.
- The property is located near existing multi-family residential developments (Woods Cove, Heritage Village/American Classic Golf Club). There are other developments located within the immediate vicinity that MR. (Sandy Brae, Plantations East, The Plantations, Summercrest, Maplewood). There are also commercial developments nearby (Pelican Square, Heritage Inn, Bob Evans, Tanger Outlets, Midway Shopping Center).
- According to the Sussex County Comprehensive Plan, this property is identified for purposes of future land use as mixed residential. The Strategies for State Policies and Spending identify the area as an investment level 1.
- The project is in character with a long history of development and approved applications for development in the immediate area. The development will provide housing in an area where infrastructure and transit services are available and thereby meets the general purpose of the County's Zoning Ordinance by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.
- The project will be served with central water by Tidewater Utilities, Inc. and wastewater collection will be provided by Sussex County via the Dewey Beach Sanitary Sewer District.

This recommendation of approval is subject to the following conditions:

1. There shall be no more than fourteen (14) dwelling units permitted on the subject parcels.
2. The Final Record Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.

CHAPTER 115-194.3 COMPLIANCE

Lands of Hete4, LLC is proposing to establish a 14-unit, townhome development located along Postal Lane (SCR 283), approximately 110' northeast of Maple Drive in Lewes, DE. With the subject property currently being zoned Agricultural Residential (AR-1), our Client is seeking to rezone the property to Medium Density Residential (MR) with a Conditional Use in order to provide for the multi-family housing at the proposed density of 11.21 units per acre. While also being blanketed by the Environmentally Sensitive Development District Overlay Zone (ESDDOZ), the project was designed to be compliant with Chapter 115-194.3 in the following manner:

A. Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.

- If the application is acted-upon favorably by the Sussex County Council, detailed sediment and stormwater management plans will be prepared for the project and submitted to the Sussex Conservation District for detailed review. While a technical design has yet to be prepared for the proposed site use, it is envisioned that Green Technology Best Management Practices (BMPs) will be designed to manage surface runoff generated by the project. These features will promote the use of infiltration for stormwater management while adhering to the standards established by the Delaware Department of Natural Resources and Environmental Control (DNREC) for water quality treatment and the reduction of Total Maximum Daily Loads (TMDLs) associated with development runoff. The use of infiltration practices will also allow for the reduction of stormwater quantity, when compared to a pre-development condition, by not allowing collected runoff to be discharged from the subject property via over-land flow and, instead, allowed to permeate the site's soils.

B. Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.

- The proposed townhomes will be served with potable water by an existing central water distribution system, owned and operated by Tidewater Utilities, Inc. A new connection will be established to the distribution system and the same source would be used for any potential irrigation of site landscaping, without the use of private wells. Without the use of private wells, it is not envisioned that the project will have a detrimental effect on private water systems and detailed utility plans for the proposed site use will be submitted to Tidewater Utilities for review. This will be done to ensure that adequate service is available for the project and that the proposed utility connection meets their standards and specifications. Based on the proposed site use, it is estimated that the average daily demand for potable water will be 4,200 gallons per day, with the same being the peak demand.

C. Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.

- The proposed townhomes will be served for wastewater treatment by means of a connection to an existing central wastewater collection system, owned and

operated by Sussex County. As such, private septic systems for the project will not be proposed and effects on the quality of groundwater and surface water from the treatment of wastewater will be eliminated.

D. Analysis of the increase in traffic and the effect on the surrounding roadway system.

- By the creation of the proposed townhomes, it is estimated that 102 vehicular trips will be generated via site ingress and egress on a daily basis. With that, the applicant will be required to prepare detailed entrance plans for the project for technical review by the Delaware Department of Transportation (DelDOT). These plans will be reviewed for full compliance with State standards and the applicant will be required to improve both the site and Shady Road as DelDOT would see fit to ensure vehicular and pedestrian safety.

E. The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.

- Due to the existing developed nature of the subject property and surrounding areas, it is not expected to have any endangered or threatened species within the property bounds.

F. The preservation and protection from loss of any tidal or non-tidal wetlands on the site.

- There are no tidal or non-tidal wetlands present within the property bounds.

G. Provisions for open space as defined in § [115-4](#).

- The design for the Lands of Hete4, LLC allows for 0.672 acres (53.8% of the parcel area) of open space to be established. These would be areas set-aside for landscaping and stormwater management treatment.

H. A description of provisions for public and private infrastructure.

- To serve the proposed townhomes, private infrastructure will be established. This would include parking facilities, roadways, wastewater utilities, potable water utilities, and stormwater management utilities to support the project. Public utilities will be limited to the establishment of a pedestrian walkway along the property frontage, as required by DelDOT.

I. Economic, recreational or other benefits.

- The creation of the townhomes will support jobs in the local community, employing the need for skilled tradesmen to establish new infrastructure for the project, prepare the property, and erect the dwelling units.

J. The presence of any historic or cultural resources that are listed on the National Register of Historic Places.

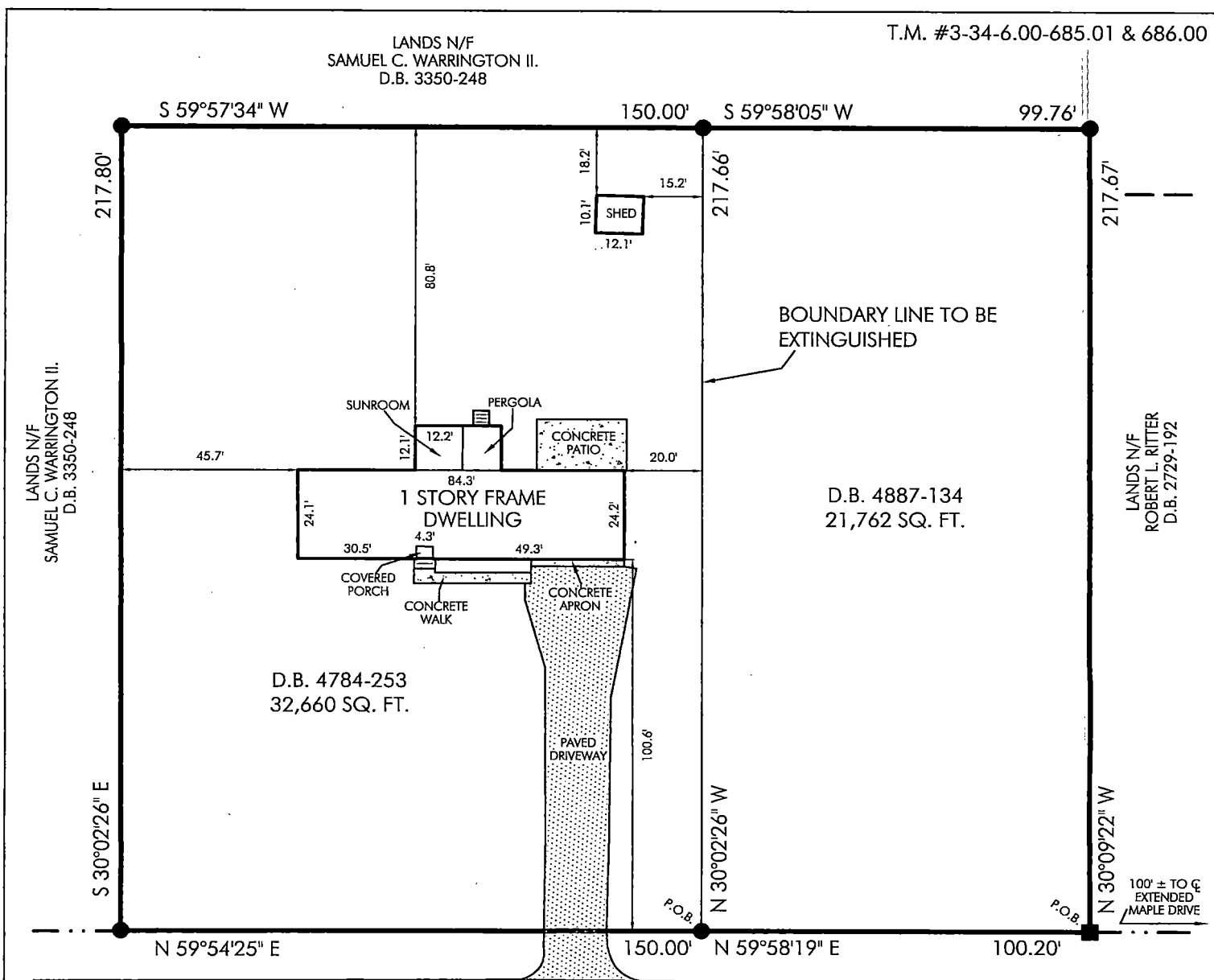
- There are no historic or cultural resources listed on the National Register of Historic Places located within the bounds of the subject parcel.

K. An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.

- The proposed application is a permitted use by means of conditional use approval, based upon the proposed medium-density residential zoning, by the Sussex County Zoning Code. Being in an area supported for future growth, the proposed townhomes will make-use of existing infrastructure to eliminate potential impacts to the environment that can be caused through the use of private wells and septic systems.

L. Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection [B\(2\)\(a\)](#) through [\(k\)](#) above and the manner by which they are consistent with the Comprehensive Plan.

- The design for the Lands of Hete4, LLC has been prepared to significantly limit or eliminate potential impacts to the environment within the ESDDOZ. The utilization of existing infrastructure utilities for potable water service and wastewater collection promotes the health of local environmental systems by not establishing private wells or septic systems, which can add nutrient loads to the watershed. The design for the project's stormwater management treatment system will be in-concert with the Green Technology BMP standards and specifications of the DNREC and the preservation of open space will be maximized by setting-aside 53.8% of the subject parcel for passive open space. The project will also be established on a parcel located within an area designated for growth and outside of sensitive areas, such as the City of Lewes' wellhead protection zone.

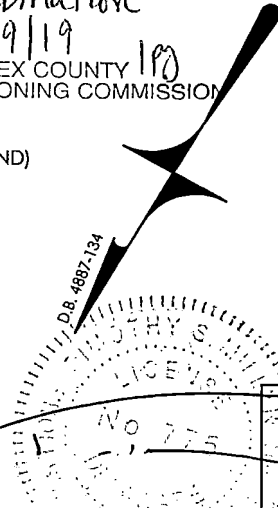


POSTAL LANE (50' R/W)
APPROVED
lot combination
6/19/19
 SUSSEX COUNTY
 PLANNING & ZONING COMMISSION

PROPOSED COMBINATION OF LANDS
 BOUNDARY SURVEY PLAN FOR
**MATTHEW C. &
 MINDY H. HETE**
 TOTAL AREA: 54,422 SQ. FT.
 34360 POSTAL LANE, LEWES
 LEWES & REHOBOTH HUNDRED SUSSEX COUNTY
 STATE OF DELAWARE
 JUNE 11, 2019 SCALE: 1" = 40'

- LEGEND:**
- IRON PIPE (FOUND)
 - CONCRETE MONUMENT (FOUND)

NOTES:
 ALL SETBACKS MUST BE VERIFIED BY THE HOME OWNER, GENERAL CONTRACTOR AND/OR THE DESIGNER. PLEASE CALL SUSSEX CO. (302-855-7720).
 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.
 NO TITLE SEARCH PROVIDED OR STIPULATED.
 SURVEY CLASS: SUBURBAN



Prepared by:
FORESIGHT Services
 Surveying & Precision Measurement
 302 226 2229 phone 302 226 2239 fax 2103A Coastal Highway Dewey Beach, DE 19971

TAX MAP #: 3-34 6.00 685.01
PREPARED BY & RETURN TO:
Hudson Jones Jaywork & Fisher
309 Rehoboth Avenue
Rehoboth Beach, DE 19971
File No. HETE-P-17/CCM

BK: 4784 PG: 253

THIS DEED, made this 11th day of October, 2017,

- BETWEEN -

SANDRA LEE FOWLER. NOW KNOWN AS SANDRA ST. GERMAIN, of 3206 Old York Road, White Hall, MD 21161, party of the first part,

- AND -

MATTHEW C. HETE and **MINDY H. HETE**, of 45 Kings Creek Circle, Rehoboth Beach, DE 19971, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **TEN DOLLARS (\$10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys 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:

ALL that certain tract, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County and State of Delaware, and lying on the Southeasterly right-of-way line of Highway #283, and more particularly described in a survey by Coast Survey, Inc. dated January 3, 1994, as follows, to wit:

BEGINNING at an iron pipe set on the southeasterly right-of-way line of County Road #283 (50' R/W), a corner for this parcel and lands now of formerly of Sarah A. Hill; thence by and with the right-of-way of County Road #283, N 59° 50' 38" E 150 feet to an iron pipe set; thence S 30° 09' 22" E 217.80 feet to an iron pipe set; thence S 59° 50' 38" W 150.00 feet to an iron pipe set, a corner for this parcel and lands now or formerly of Sandra A. Hill; thence by and with the lands now or formerly of Sarah A. Hill, N 30° 09' 22" W 217.80 feet home to the place of beginning, containing 0.75 acres more or less.

BEING the same property conveyed to Mary Ann Foxwell from Heirs of Marian A. Waldron, namely, Blanche A. Warrington, Wayne Aydelotte, Constance Hettrich, William L. Hill II, and Sandra H. Curtin, by Deed dated January 19, 1994, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on January 25, 1994, in Deed Book 1958, Page 299.

SUBSEQUENTLY the said Mary Ann Foxwell departed this life, Testate, on or about December 20, 2008, and pursuant to Article V of the Last Will and Testament of Mary Ann Foxwell dated October 13, 2009, said property was devised unto Edwin C. Power, as to a Life Estate.

SUBSEQUENTLY the said Life Estate of Edwin C. Power was terminated pursuant to Renunciation of Life Estate dated February 20, 2017, and recorded March 3, 2017, in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Book 4673, Page 87. Pursuant to Article V of the Last Will and Testament of Mary Ann Foxwell dated October 13, 2009, upon termination of the Life Estate of Edwin C. Power, said property shall descend unto her daughter, Sandra Lee Fowler. Sandra Lee Fowler is now known as Sandra St. Germain.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

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

Signed, Sealed and Delivered in the presence of:

Sandra Lee Fowler (SEAL)
Sandra Lee Fowler, now known as Sandra St. Germain

Sandra L. St. Germain (SEAL)
Sandra St. Germain f/k/a Sandra Lee Fowler

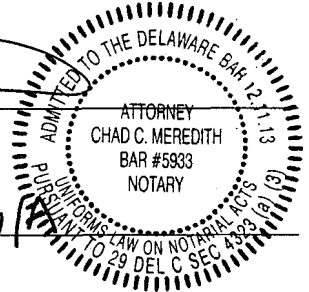
STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on October 11, 2017, personally came before me, the subscriber, Sandra Lee Fowler, now known as Sandra St. Germain, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

Notary Public

My Commission Expires: *N/A*



Consideration: 262,760.00

County	3,941.40
State	6,569.00
Town	Total 10,510.40

Received: Sue D Oct 16, 2017

Recorder of Deeds
Scott Dailey
Oct 16, 2017 01:08P
Sussex County
Doc. Surcharge Paid

RECEIVED
Oct 16, 2017
ASSESSMENT DIVISION
OF SUSSEX COUNTY

TAX MAP #: 3-34 6.00 686.00
PREPARED BY & RETURN TO:
Hudson, Jones, Jaywork & Fisher
309 Rehoboth Avenue
Rehoboth Beach, DE 19971
File No. HETE-P-18/CCM

BK: 4887 PG: 134

THIS DEED, made this 14th day of May, 2018,

- BETWEEN -

LIZZYCORP, LLC, a Delaware Limited Liability Company, of 3019 Macomb Street, NW, Washington, DC 20008, party of the first part,

- AND -

MATTHEW C. HETE and **MINDY H. HETE**, of 45 Kings Creek Circle, Rehoboth Beach, DE 19971, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **TEN DOLLARS (\$10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys 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:

ALL that certain lot, piece or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, and lying on the Southeasterly right of way line of County Road No. 283 (Postal Lane) and being more particularly described as follows to wit:

BEGINNING at a 3/4" pipe found along the Southeasterly right-of-way line of County Road No. 283 (Postal Lane), said point of beginning being a corner for these lands and lands now or formerly of Mary Ann Foxwell; thence from said point of beginning and with the line of lands of Foxwell, South 30 degrees 02 minutes 26 seconds East 217.66 feet to a 3/4" pipe found, a corner for these lands, lands of Foxwell and in line of lands now or formerly of Blanche Warrington; thence turning and running with the line of lands of Warrington, South 59 degrees 58 minutes 05 seconds West 99.76 feet to a 3/4" pipe found; thence turning and running with the line of lands now or formerly of Robert L. Ritter, North 30 degrees 09 minutes 22 seconds West 217.67 feet to a concrete monument found along the Southeasterly right-of-way line of County Road No. 283 (Postal Lane); thence turning and running with said right-of-way, North 59 degrees 58 minutes 19 seconds East 100.20 feet to the point and place of beginning, said to contain 21,762 square feet of land, be the same more or less, as surveyed by Simpler Surveying & Associate, March 31, 2004, which survey is of record in the Office of the Recorder of Deeds for Sussex County in Deed Book 2962, Page 341.

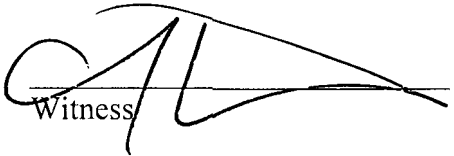
28

AKS

BEING the same property conveyed to Lizzycorp, LLC from Land Holding, LLC, by Deed dated June 20, 2012, and recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware on June 22, 2012, in Deed Book 4012, Page 253.

SUBJECT to any and all restrictions, reservations, conditions, easements and agreements of record in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

IN WITNESS WHEREOF, the said Lizzycorp, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by Steven Himmelfarb, Sole Member of Lizzycorp, LLC, the day and year first above written.


Witness

LIZZYCORP, LLC

By:  (SEAL)
Steven Himmelfarb, Sole Member

Recorder of Deeds
Scott Dailey
May 16, 2018 02:08P
Sussex County
Doc. Surcharge Paid

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 14th day of May, A.D. 2018, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Steven Himmelfarb, Sole Member of Lizzycorp, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said limited liability company; that the signature of the Sole Member is in his own proper handwriting and by his 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.


Notary Public

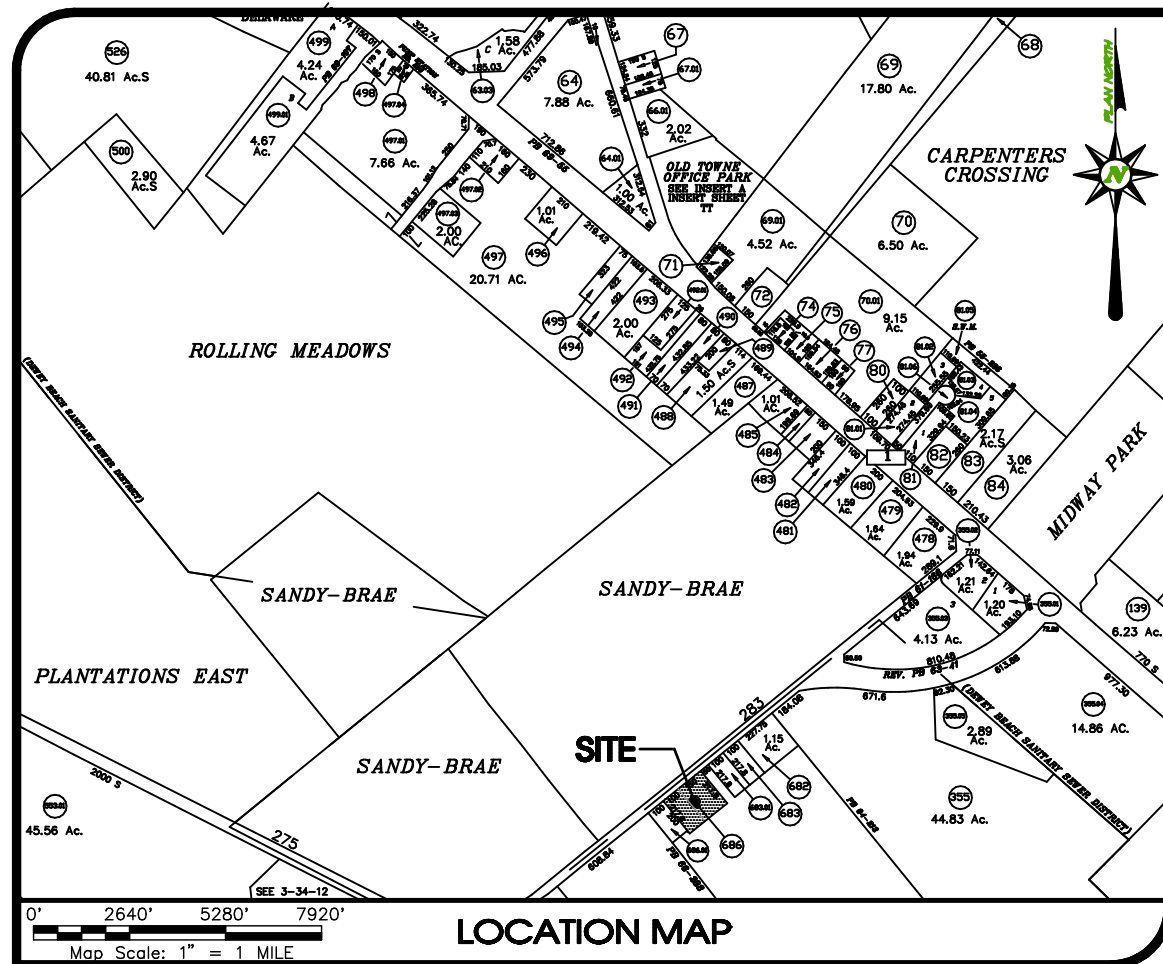
My Commission Expires: N/A



Consideration: 80,000.00

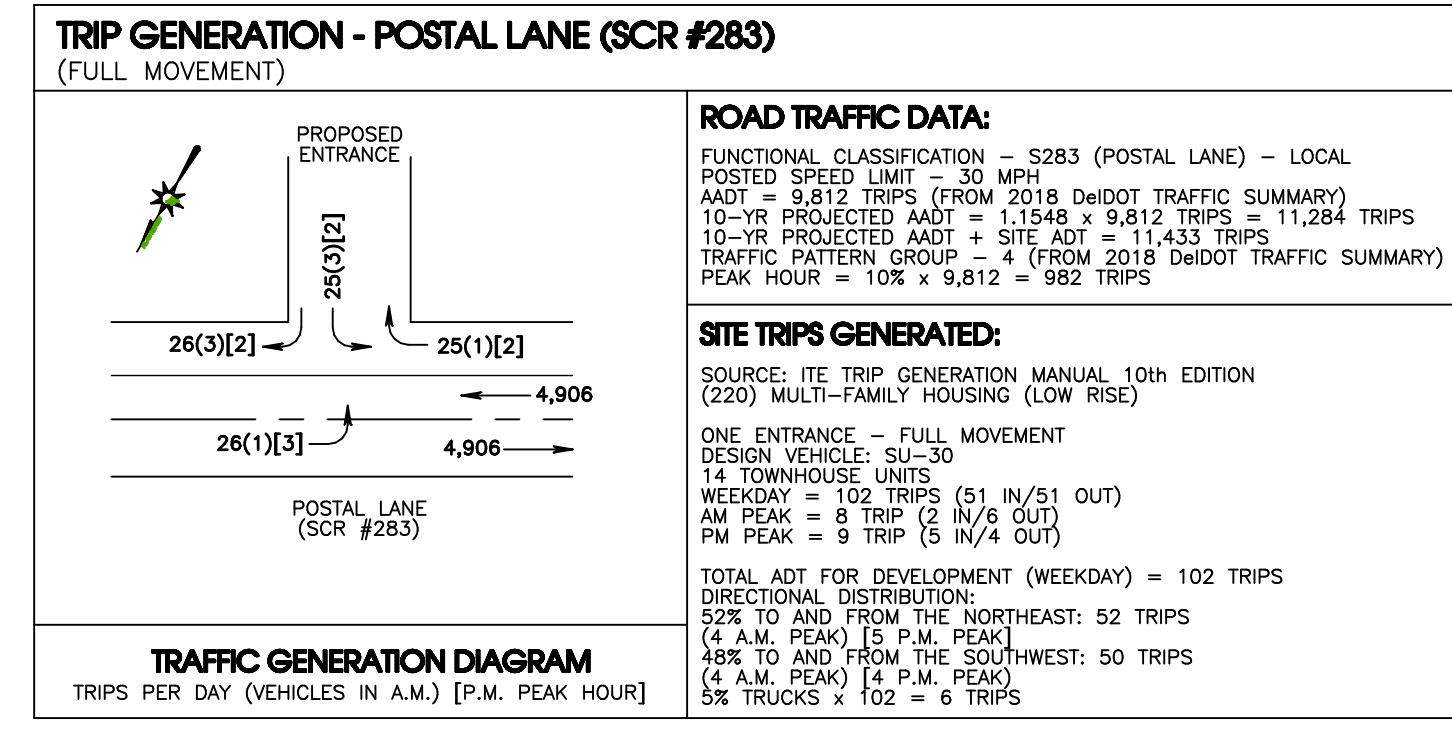
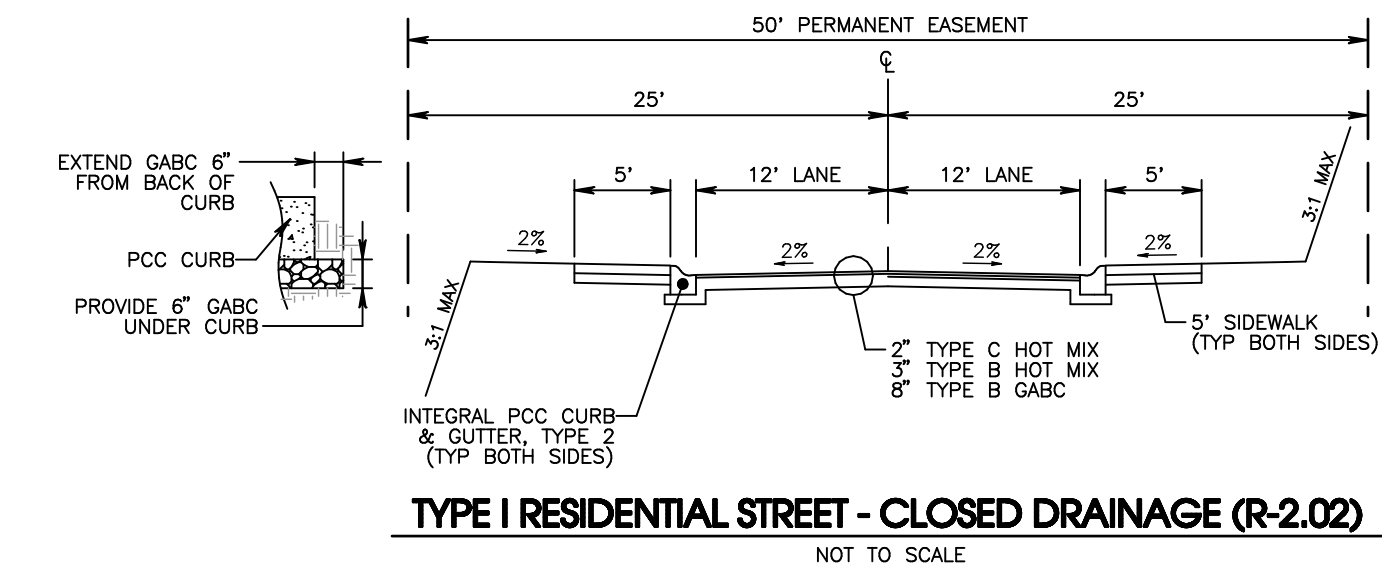
County 1,200.00
State 2,000.00
Town Total 3,200.00
Received: Brittany B May 16, 2018

RECEIVED
May 16, 2018
ASSESSMENT DIVISION
OF SUSSEX COUNTY



PLAN LEGEND

- EXISTING PROPERTY BOUNDARY
- ADJOINING PROPERTY LINE
- EXISTING PAVEMENT EXTENTS
- EXISTING ROAD CENTERLINE
- PROPOSED EASEMENT EXTENTS
- PROPOSED BUILDING RESTRICTION LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED CURB LINE
- PROPOSED SIDEWALK
- EXISTING CONCRETE PROPERTY MONUMENT
- EXISTING IRON PIPE
- PROPOSED CONCRETE
- PROPOSED PAVEMENT



ROAD TRAFFIC DATA:
FUNCTIONAL CLASSIFICATION - S283 (POSTAL LANE) - LOCAL
POSTED SPEED LIMIT - 30 MPH
ADT = 9,812 TRIPS (FROM 2018 DELDOT TRAFFIC SUMMARY)
10-YR PROJECTED ADT = 11,948 x 9,812 TRIPS = 11,284 TRIPS
TRAFFIC PATTERN GROUP - 4 (FROM 2018 DELDOT TRAFFIC SUMMARY)
PEAK HOUR = 10% x 9,812 = 982 TRIPS

SITE TRIPS GENERATED:
SOURCE: ITE TRIP GENERATION MANUAL 10th EDITION (220) MULTI-FAMILY HOUSING (LOW RISE)
ONE ENTRANCE - FULL MOVEMENT
DESIGN VEHICLE: SU-30
14 TOWNHOUSE UNITS
WEEKDAY = 102 TRIPS (51 IN/51 OUT)
AM PEAK = 8 TRIP (2 IN/6 OUT)
PM PEAK = 9 TRIP (5 IN/4 OUT)

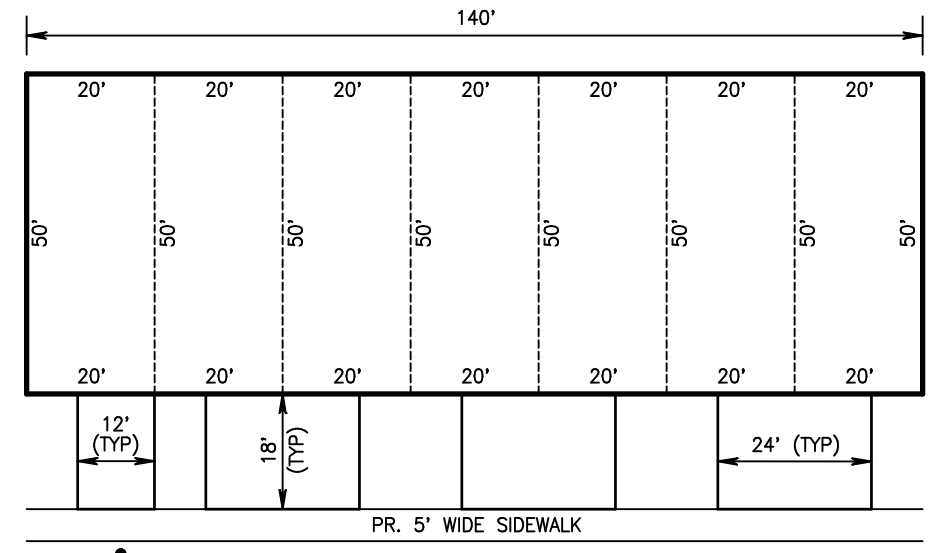
TOTAL ADT FOR DEVELOPMENT (WEEKDAY) = 102 TRIPS
DIRECTIONAL DISTRIBUTION:
52% TO AND FROM THE NORTHEAST: 52 TRIPS
(4 A.M. PEAK) (5 P.M. PEAK)
48% TO AND FROM THE SOUTHWEST: 50 TRIPS
(4 A.M. PEAK) (4 P.M. PEAK)
5% TRUCKS x 102 = 6 TRIPS

SITE DATA and ZONING SCHEDULE

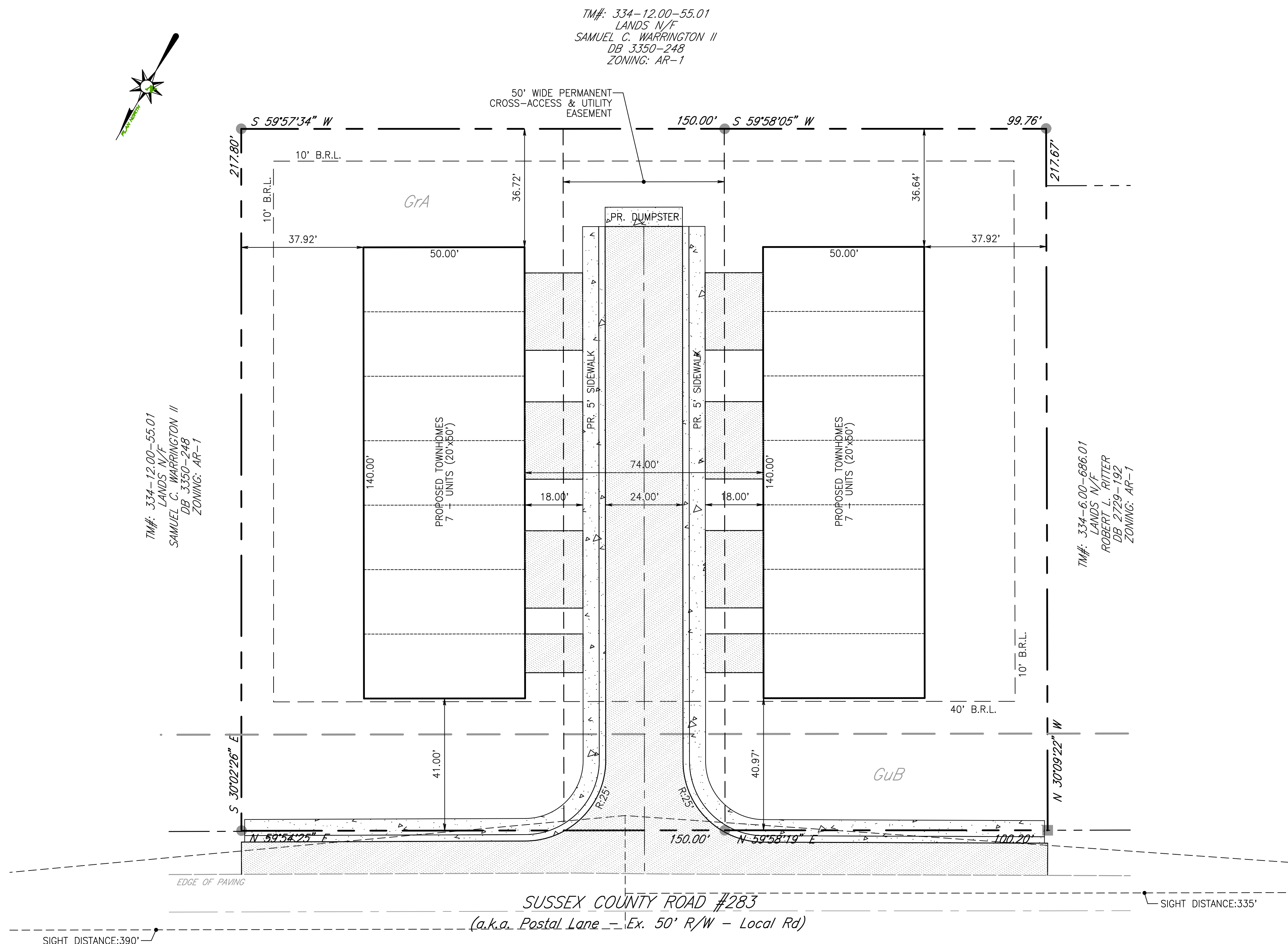
TAX PARCEL No.: 334-6.00-686.00
PROPERTY ADDRESS: 34360 POSTAL LANE LEWES, DE 19958
EXISTING SITE USE: RESIDENTIAL DWELLING
PROPOSED SITE USE: 14-UNIT, MULTI-FAMILY DWELLING DEVELOPMENT
CURRENT ZONING DISTRICT: AR-1 (AGRICULTURAL RESIDENTIAL)
PROPOSED ZONING DISTRICT: MR (MEDIUM RESIDENTIAL)

ORDINANCE ITEM	REQUIREMENT:	PROVIDED:
MINIMUM LOT AREA	10,000 Sq. Ft.	54,422 Sq. Ft.
MINIMUM LOT WIDTH	75 Ft.	249.76 Ft.
MINIMUM LOT DEPTH	100 Ft.	217.67 Ft.
MINIMUM SETBACKS:		
FRONT	40 Ft.	40 Ft.
SIDE	10 Ft.	10 Ft.
REAR	10 Ft.	10 Ft.
MAXIMUM BUILDING HEIGHT	42 Ft./3 Stories	42 Ft./3 Stories
MINIMUM BUILDING SEPARATION	40 Ft.	40 Ft.
PARKING SPACE QTY. (RESIDENTIAL USE)	2 SPACES/DWELLING UNIT = 28	28 Spaces (incl. garage)
SEWER SERVICE	SUSSEX COUNTY	
WATER SERVICE	TIDewater UTILITIES	
PROPERTY OWNER	LANDS OF HETE4, LLC 45 KINGS CREEK CIRCLE REHOBOTH BEACH, DE 19971 (302) 344-9888	

PROPERTY AREA	Value
PROPERTY AREA:	54,422 S.F.
ROADWAY AREA (including curb, sidewalk):	8,121 S.F. (14.9%)
DRIVEWAY AREA:	3,024 S.F. (5.6%)
DWELLING AREA:	14,000 S.F. (25.7%)
OPEN SPACE AREA:	29,277 S.F. (53.8%)
PROPOSED GROSS DENSITY:	11.21 Units/Ac.



- NOTES:
- PARKING FOR EACH UNIT SHALL BE PROVIDED BY GARAGE AND DRIVEWAY (2 SPACES MINIMUM).
 - BUILDING FOOTPRINTS ARE 7,000 S.F. PER 7-UNIT BUILDING.



GENERAL NOTES

- THE PROJECT SITE IS KNOWN AS LANDS OF HETE4, LLC, (T.P. 334-6.00-686.00), AND IS LOCATED 110' NORTHEAST OF THE POSTAL LANE (SCR283) AND MAPLE DRIVE INTERSECTION IN LEWES, DE.
- THE PROPERTY BOUNDS AND EXISTING FEATURES INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY FORESIGHT SERVICES.
- THE PROPOSED DEVELOPMENT STREETS ARE TO BE PRIVATE AND MAINTAINED BY THE DEVELOPER/PROPERTY OWNER UNTIL A HOMEOWNERS ASSOCIATION IS ESTABLISHED TO PROVIDE FOR THE MAINTENANCE OF THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ALL PROPOSED STORMWATER MANAGEMENT FACILITIES ARE TO BE MAINTAINED BY THE DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
- ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION).
- CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW THE SUSSEX COUNTY ENGINEERING DEPARTMENT SPECIFICATIONS AND STANDARD DRAWINGS (LATEST EDITION).
- EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY FORESIGHT SERVICES. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PRELIMINARY DESIGN. INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BETWEEN EXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100029 0332 K, MAP NUMBER 10050332K, DATED MARCH 16, 2015, THE SUBJECT PROPERTY IS LOCATED IN A ZONE "X" UNSHADED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- NO STATE OR FEDERAL JURISDICTIONAL WETLANDS ARE LOCATED WITHIN THE PROPERTY BOUNDS.
- ALL FIRE LINES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 4-1.1, THE DEVELOPER SHALL PROVIDE, TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A PLOT PLAN OF THE DEVELOPMENT SHOWING EACH DWELLING LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL DWELLINGS IN A CONSECUTIVE MANNER AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH DWELLING TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED.
- ALL PROPOSED LANDSCAPE BUFFERS ARE TO BE MAINTAINED BY THE PROPERTY OWNER/DEVELOPER UNTIL SUCH TIME AS A HOMEOWNERS ASSOCIATION CAN PROVIDE FOR SAID MAINTENANCE.
- PROPOSED BUILDING TYPE IS NFPA (0000).
- THE PROPOSED SIGNAGE DEPICTED ON THE PLAN IS INDICATIVE ONLY. SEPARATE APPLICATIONS SHALL BE REQUIRED FOR ALL SIGNAGE.

RECORD PLAN NOTES

- REVISED AUGUST 21, 2019
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
 - NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
 - SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
 - UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
 - PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER. THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 .131), DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
 - THE SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION, THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SHARED-USE PATH.
 - DRIVEWAYS WILL NOT BE PERMITTED TO BE PLACED AT CATCH BASIN LOCATIONS.
 - TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
 - THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

SOILS DATA

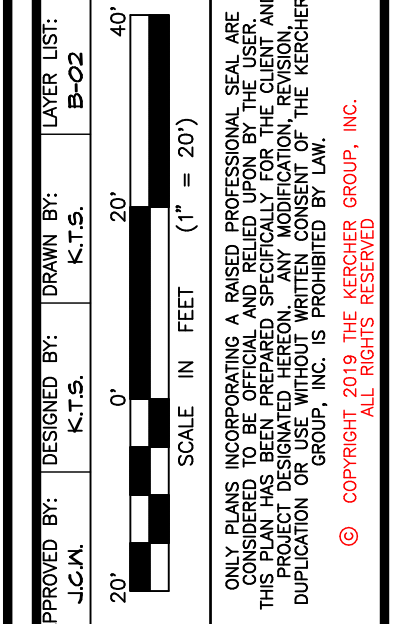
SOILS MAPPED FROM <https://websoilsurvey.sc.egov.usda.gov>

Soils Name	Slopes	Hydrolic Soils Group
GrA Greenwich loam	0 to 2 percent slopes	B
GuB Greenwich-Urban land complex	0 to 5 percent slopes	B

REVISIONS

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE ORDINANCES OF SUSSEX COUNTY AND THE LAWS OF THE STATE OF DELAWARE.

DESIGN PROFESSIONAL DATE



OWNER/APPLICANT: LANDS OF HETE4, LLC
REHOBOTH BEACH, DE 19971
Email: mchete@msn.com

PARCEL INFORMATION:
Tax Parcel No. 334-6.00-686.00
PROPERTY AREA: 54,422 s.f. (1.249 Ac.)

PRELIMINARY PLAN (Not To Be Recorded)
RECORD PLAN
LANDS OF HETE4, LLC
LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE

THE KERCHER GROUP, INC.
CONSULTING • SYSTEMS • ENGINEERING
37385 REHOBOTH AVE., UNIT 11 - REHOBOTH BEACH, DELAWARE 19971
302.854.9062 (Voice) 302.854.9064 (Fax) www.kerchergroup.com

OWNER CERTIFICATE
I HEREBY CERTIFY THAT I AM THE EQUITABLE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS

JOB No: 19-1001ES
PLAN DATE: Nov. 21, 2019
SHEET No.: S1

MATTHEW C. HETE
LANDS OF HETE4, LLC
45 KINGS CREEK CIRCLE
REHOBOTH BEACH, DE 19971
Phone: (302) 344-9888
Email: mchete@msn.com

Lands of Hete4, LLC

Rolling Meadows

Plantations East

Bob Evans

Heritage Inn

Midway Shopping Center

Sandy Brae

Pelican Square

Lands of Hete4, LLC

American Classic Gold Club

Tanger Outlets - Surfside

The Plantations

Heritage Village

Aydelotte Estates

Maplewood

Cedar Grove

Woods Cove

Summercrest





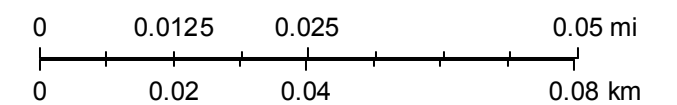
Sussex County

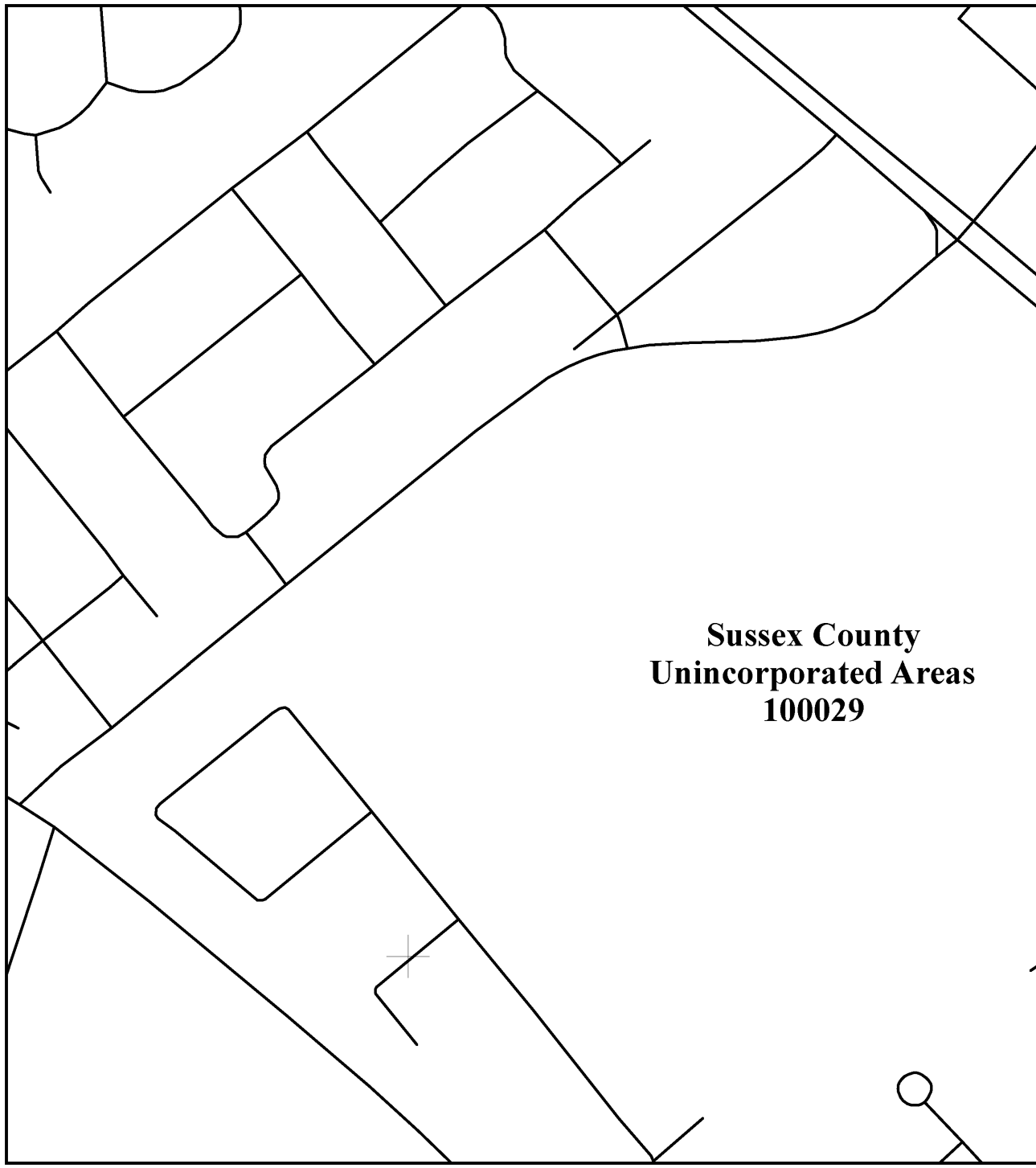


PIN:	334-6.00-686.00
Owner Name	HETE MATTHEW C
Book	4887
Mailing Address	45 KING CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	SE/S RD 283
Description 2	2080' S/RT 1
Description 3	
Land Code	

- polygonLayer**
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - Hundred Boundaries
 - District Boundaries
- Map Grid**
 - Subzone
 - Zone
 - Map Index
- Tax Ditch Segments**
 - Tax Ditch Channel
 - Pond Feature
 - Special Access ROW
- Extent of Right-of-Way**
- Approx. Watershed Boundary**
- Sussex_Co**
 - Depression Index
 - Depression Intermediate
 - Normal Index
 - Normal Intermediate
- Major Routes**
 - Interstate
 - State
 - United States
 - Rail Lines
 - Public Protected Lands
 - Geographic Names
 - Communities
 - Municipal Boundaries

1:1,128

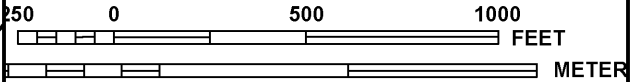




**Sussex County
Unincorporated Areas
100029**



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0332K

FIRM
FLOOD INSURANCE RATE MAP

**SUSSEX COUNTY,
DELAWARE
AND INCORPORATED AREAS**

PANEL 332 OF 660

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

<u>COMMUNITY</u>	<u>NUMBER</u>	<u>PANEL</u>	<u>SUFFIX</u>
SUSSEX COUNTY	100029	0332	K

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



**MAP NUMBER
10005C0332K**

**MAP REVISED
MARCH 16, 2015**

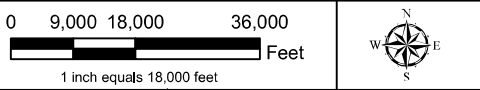
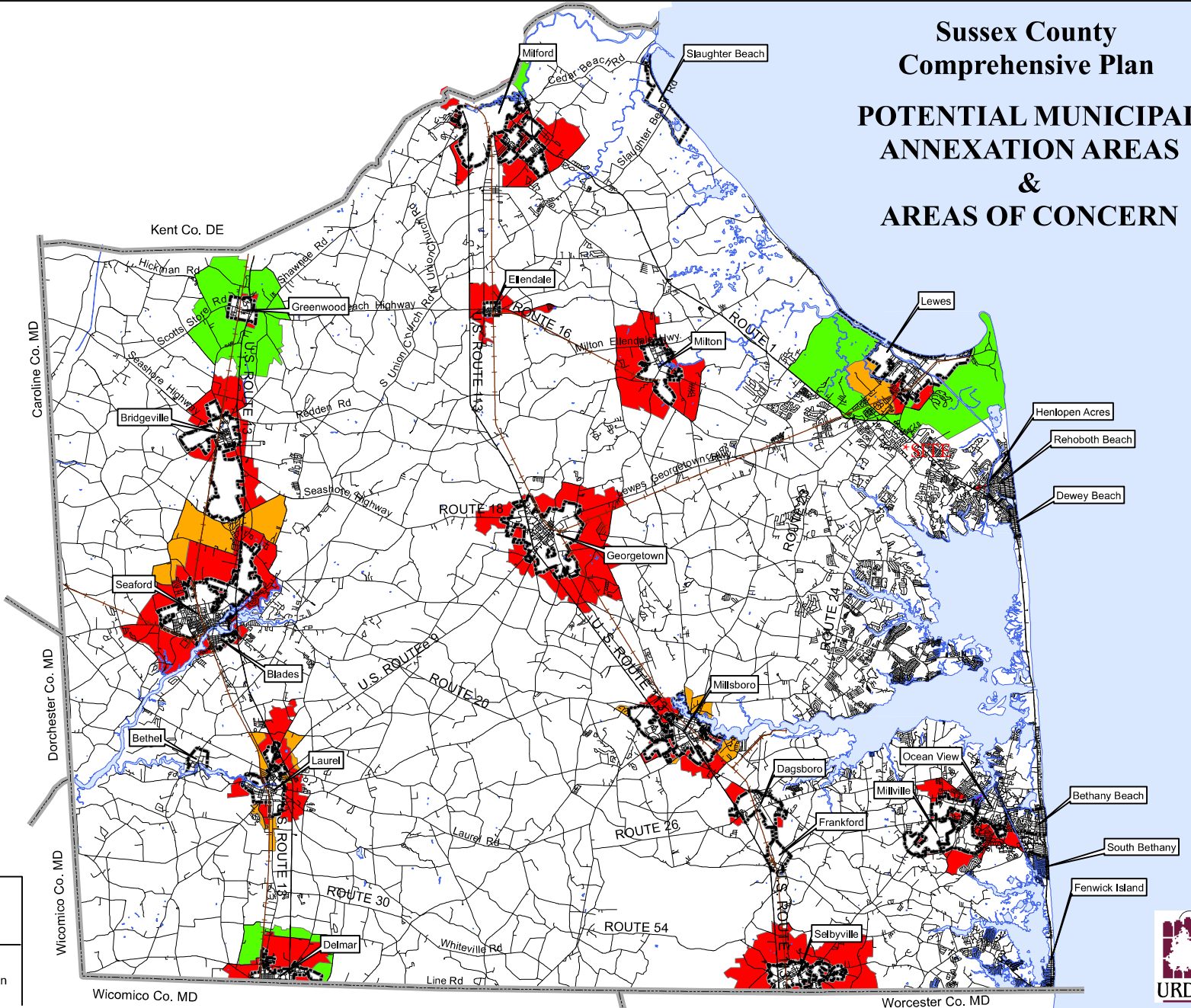
Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Sussex County Comprehensive Plan

POTENTIAL MUNICIPAL ANNEXATION AREAS & AREAS OF CONCERN

- Short Term Annexation Area
- Long Term Annexation Area
- Joint Annexation Area
(Being Considered by Two Different Towns)
- Area of Concern












Base Map Provided By:
Sussex County
Mapping Department

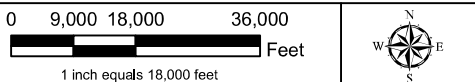
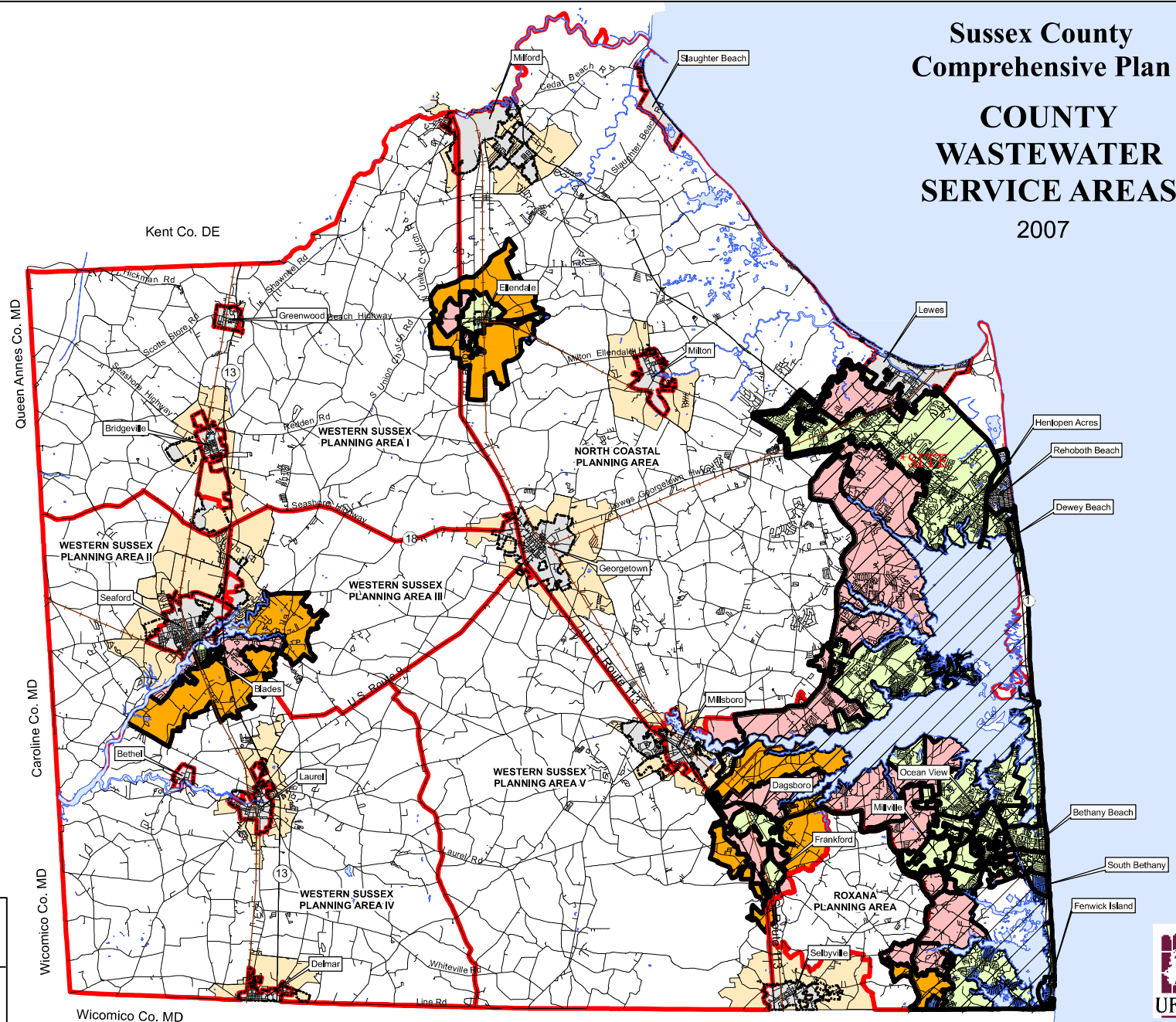
Sources:
DNREC
DE Office of State Planning Coordination
Sussex County Mapping Department



Sussex County Comprehensive Plan COUNTY WASTEWATER SERVICE AREAS 2007

-  Environmentally Sensitive Development Area (ESDA)
-  Roads
-  Boundaries of Sewer Planning Areas
-  Existing County Sewer Districts
-  Primary County Service Areas
-  Secondary County Service Areas
-  Unclassified Service Areas
-  Town/City Potential Annexation Areas (intended to be eventually served by Town/City in most cases.)
-  Municipal Boundaries

Please see text for planning area and service area definitions.



Base Map Provided By: **Sources:**
Sussex County Engineering Department
Mapping Department



Sussex County Comprehensive Plan DEVELOPED & PROTECTED LANDS

Developed Lands

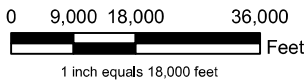
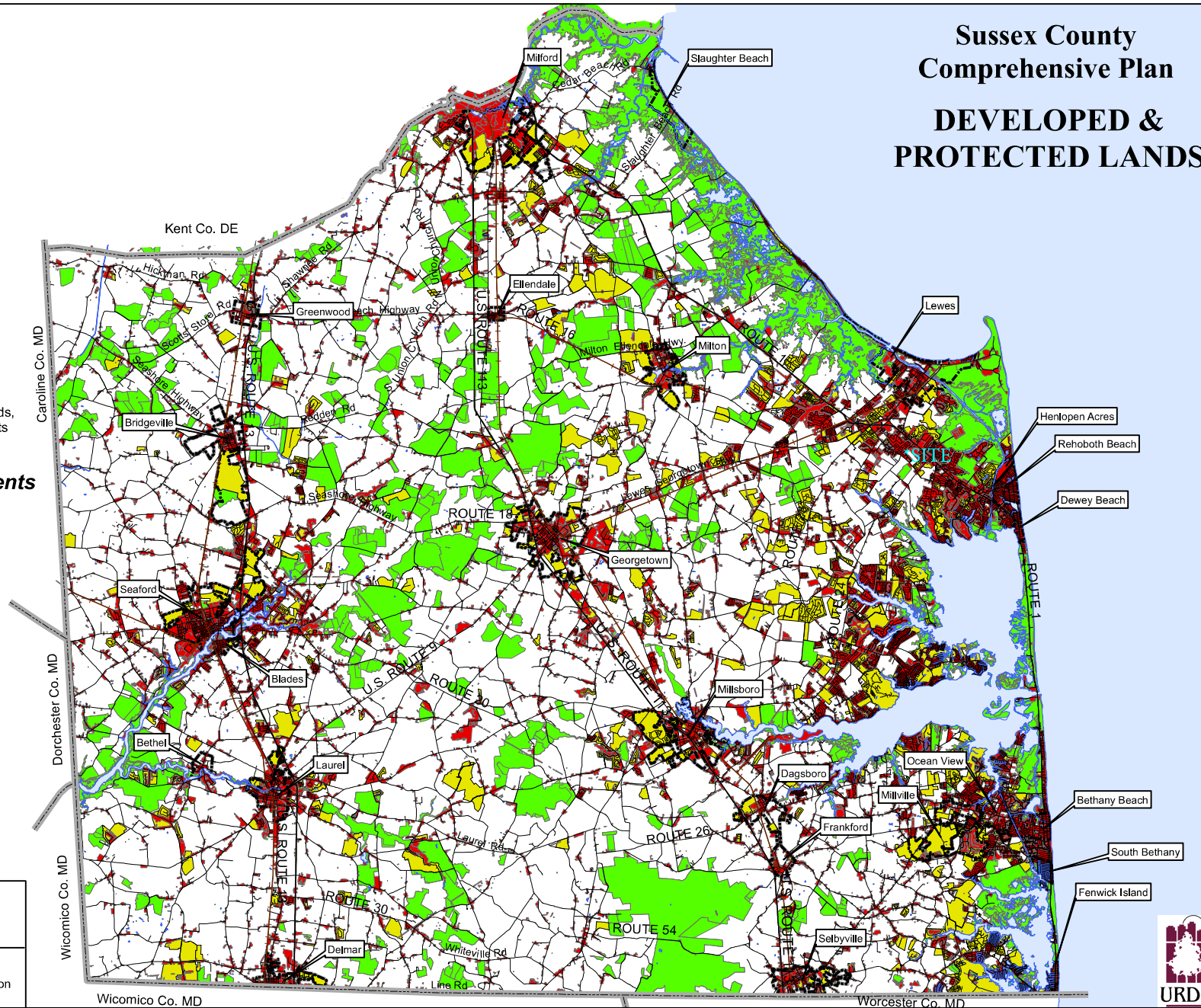
All existing residential and non-residential development

Protected Lands

All Federal lands, State lands, agricultural easements, private conservancy lands, major wetlands, and lands preserved by other conservation easements

Major Proposed Developments

All sites submitted for State PLUS review (proposed residential developments of 50 units or more, plus proposed non-residential developments of 75,000 square feet or more).



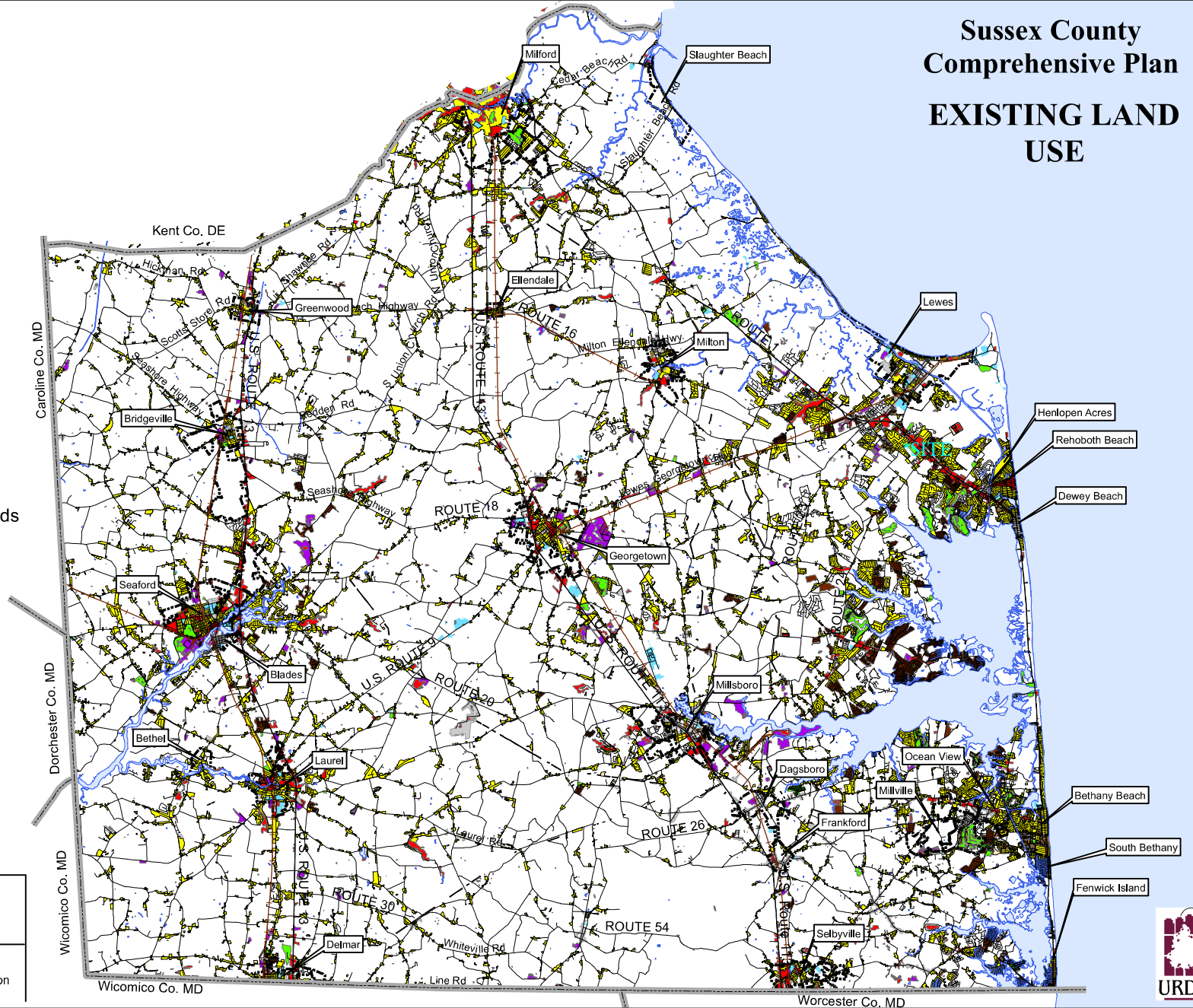
Base Map Provided By:
Sussex County
Mapping Department

Sources:
DNREC
DE Office of State Planning Coordination
Sussex County Mapping Department



Sussex County Comprehensive Plan EXISTING LAND USE

- Single-Family Dwellings
- Multi-Family Dwellings
- Mobile Home Parks/Courts
- Commercial
- Industrial
- Institutional
- Mixed Use
- Agricultural & Undeveloped Lands
- Recreation
- Utilities



0 9,000 18,000 36,000
Feet
1 inch equals 18,000 feet



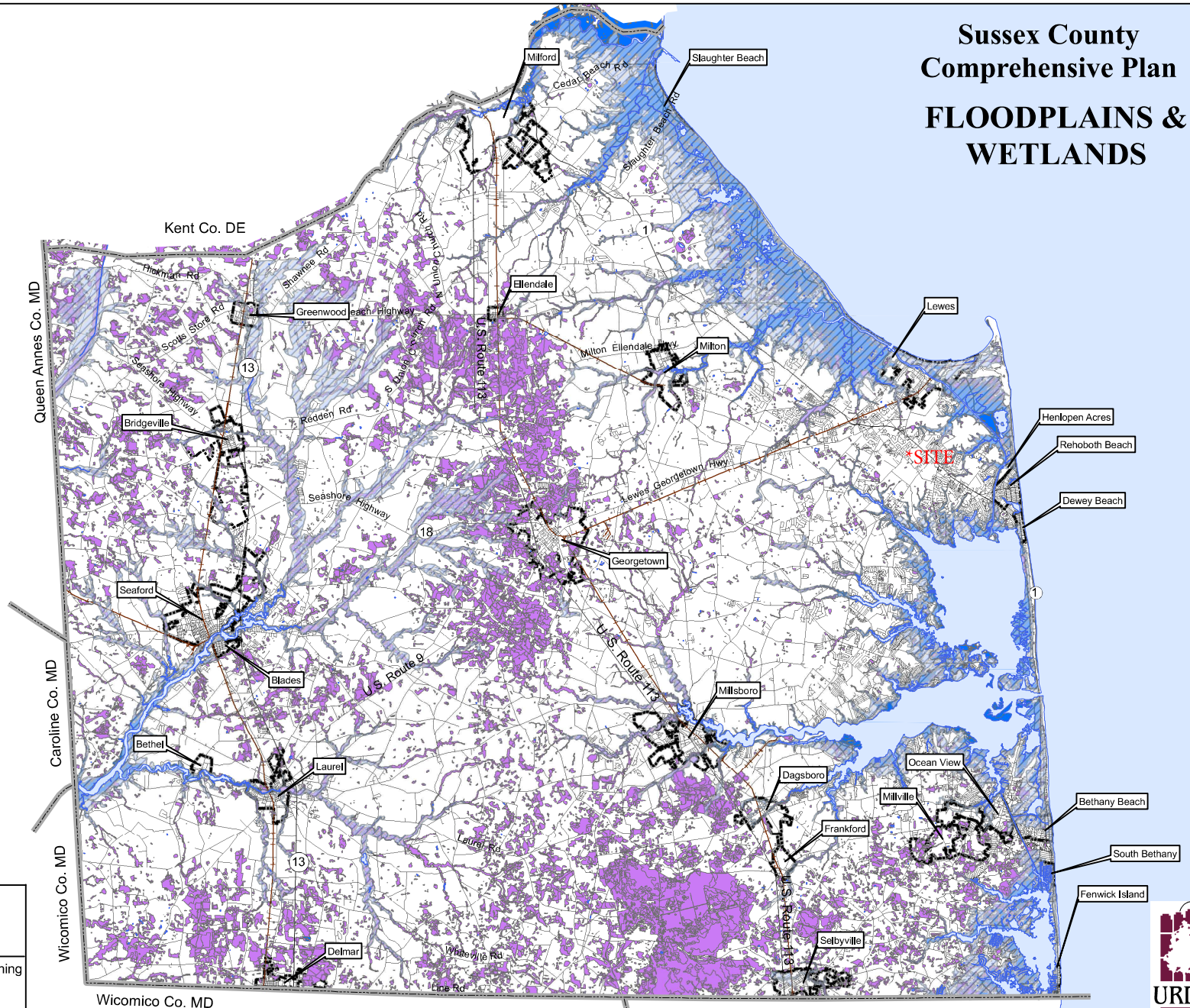
Base Map Provided By:
Sussex County
Mapping Department

Sources:
DNREC
DE Office of State Planning Coordination
Sussex County Mapping Department



Sussex County Comprehensive Plan FLOODPLAINS & WETLANDS

-  100 Year Floodplains
-  Tidal Wetlands
-  Non-tidal Wetlands



0 9,000 18,000 36,000
 Feet
 1 inch equals 18,000 feet



Base Map Provided By: Sussex County Mapping Department
 Source: DNREC; DE Office of Planning
 Sussex Co. Mapping Dept.



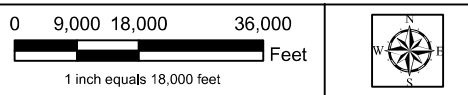
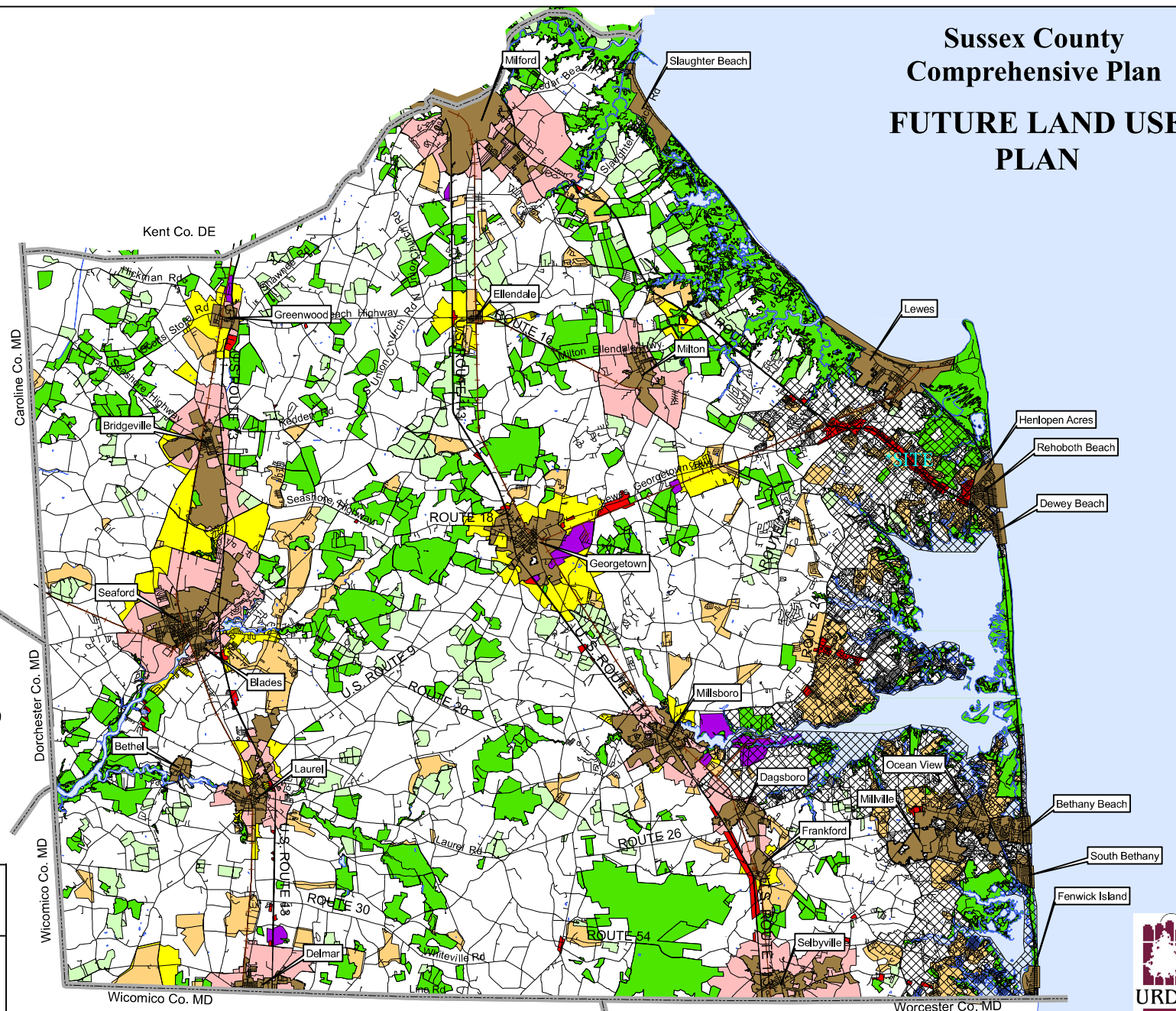
Sussex County Comprehensive Plan FUTURE LAND USE PLAN

Growth Areas

- Municipality
- Town Center
- Developing Area
- Environmentally Sensitive Developing Area
- Mixed Residential Areas
- Highway Commercial Areas
- Planned Industrial Areas

Rural Areas

- Low Density Area
- Protected Lands
(All Federal lands, State lands, agricultural easements, private conservancy lands, major wetlands and lands preserved by other conservation easements)
- Agricultural Preservation Districts Under the State Program
(A voluntary program. Only a very limited number of homes allowed on a tract under State regulations during the time of an agreement. Participating landowners are eligible to sell development rights to the State.)



Base Map Provided By:
Sussex County
Mapping Department

Sources:
DNREC
DE Office of State Planning Coordination
DE Office of Transportation
United States Geological Survey



2015 State Strategies for Policies and Spending State of Delaware

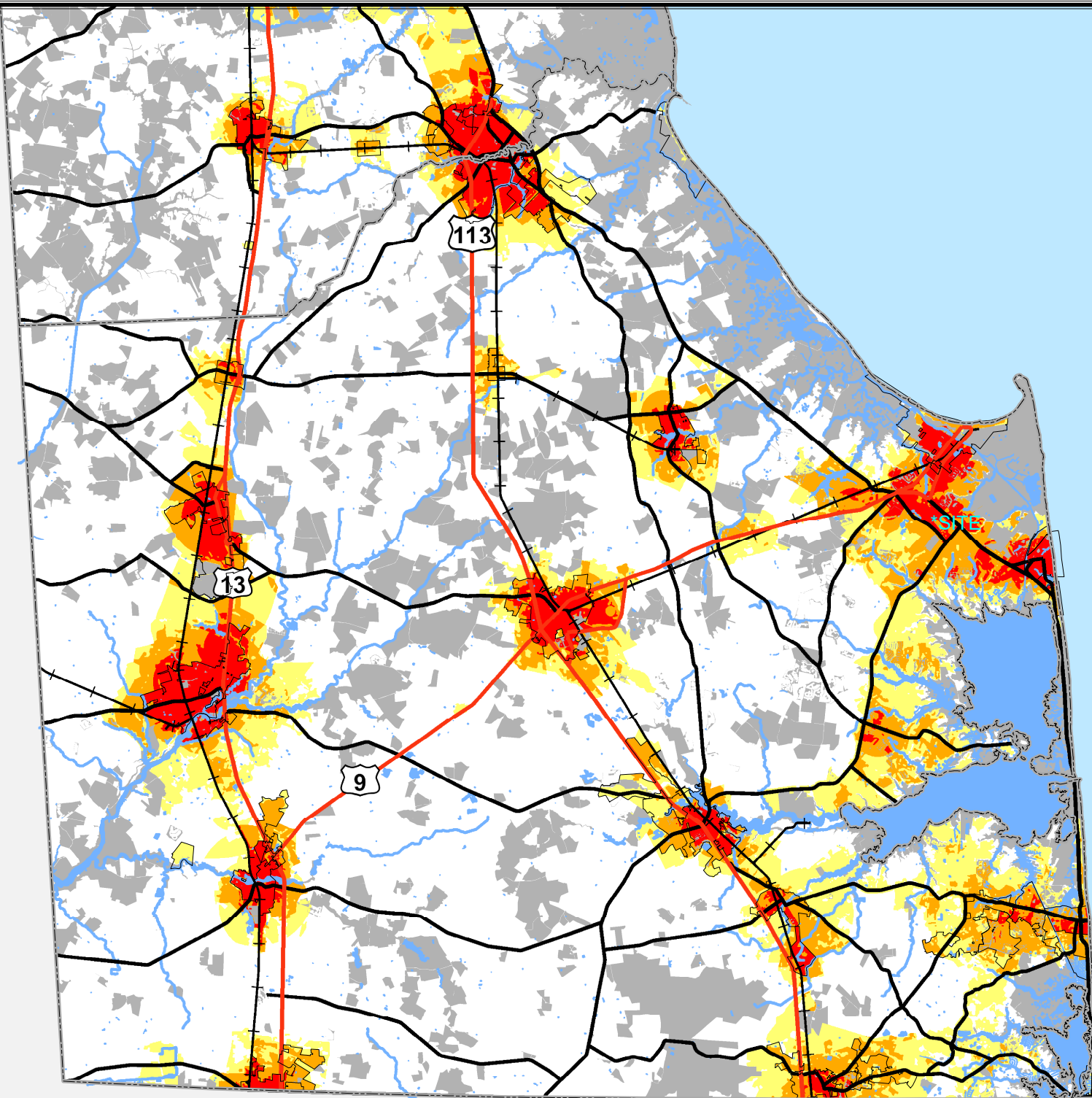


Legend

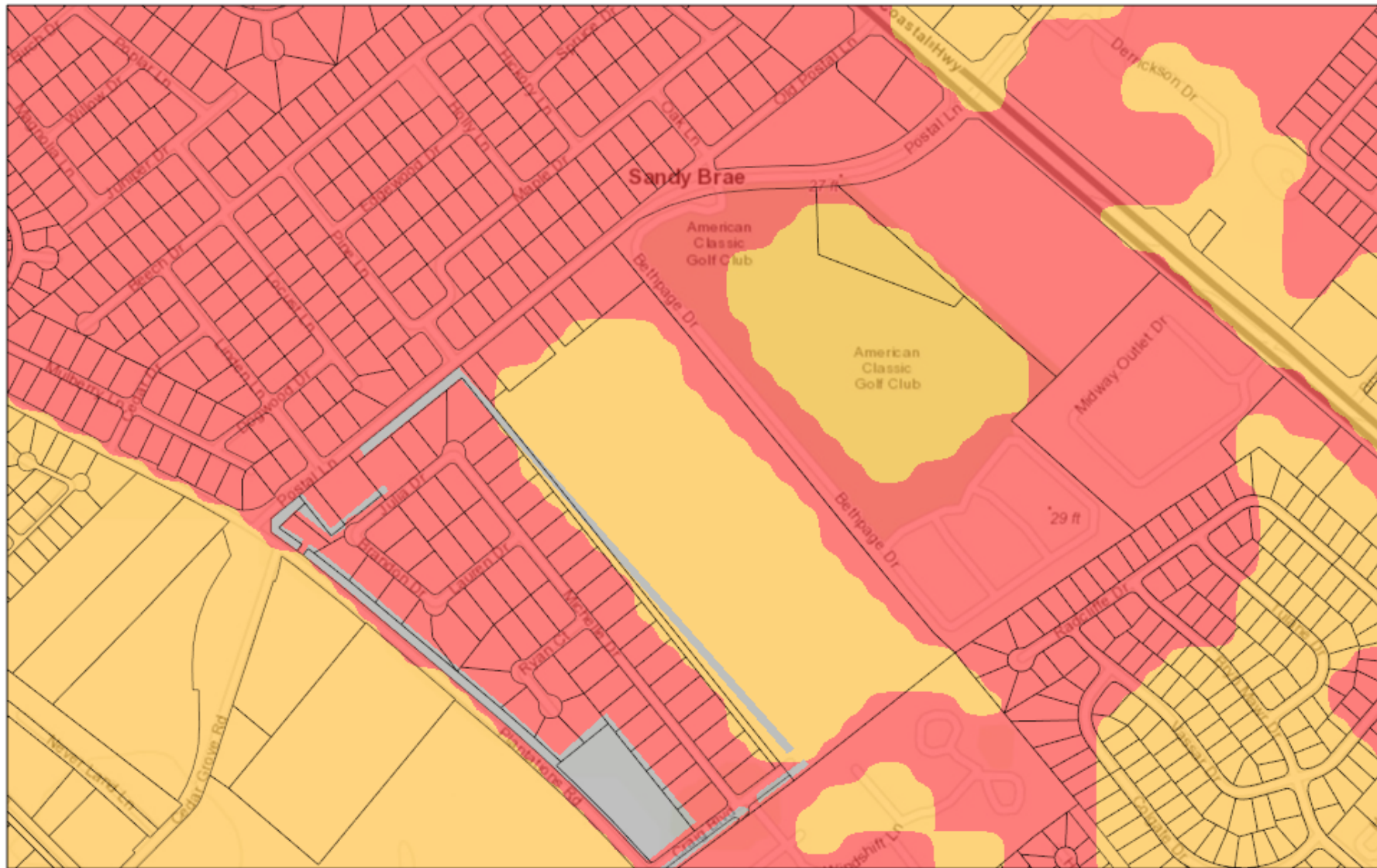
- Municipalities
- Strategy Level**
 - Level 1
 - Level 2
 - Level 3
 - Level 4
 - Out of Play



This map was created by the Office of State Planning Coordination. A variety of data inputs were used and include: State, Federal, County and Local government data.

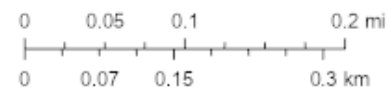


PLUS



March 5, 2020

1:9,028



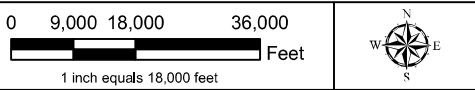
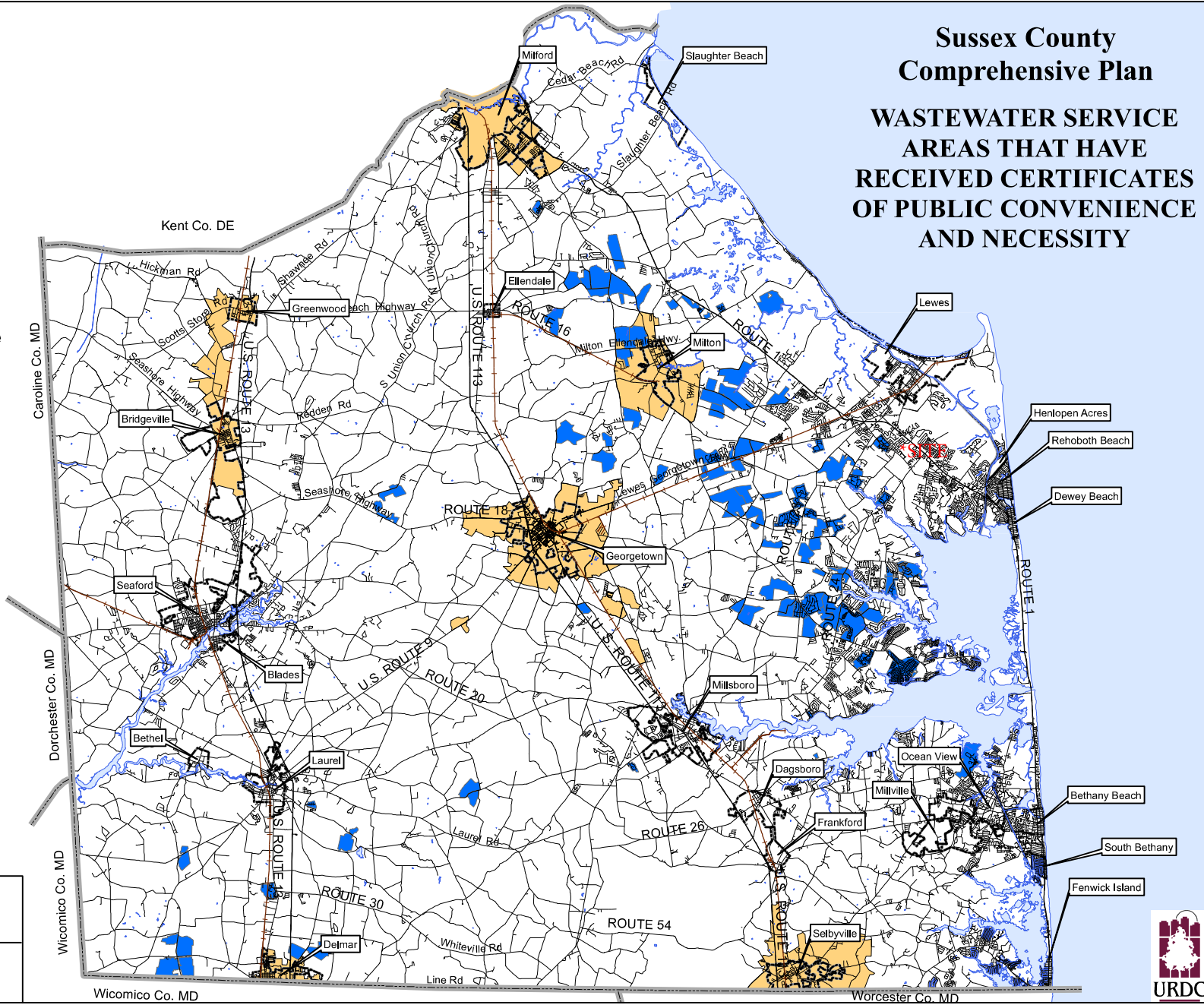
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS.

Sussex County Comprehensive Plan

WASTEWATER SERVICE AREAS THAT HAVE RECEIVED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

- Public Wastewater Service Areas**
- Private Wastewater Service Areas**

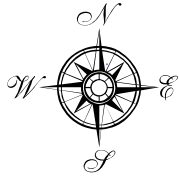
- NOTES:**
1. This map shows areas that have been granted Certificates of Public Convenience and Necessity for Centralized Wastewater Systems by the Delaware Public Service Commission, as of December 2007.
 2. Many of these areas are not currently served by central sewer systems, but are approved for service in the future.
 3. Please also see County Wastewater Service Areas Map.



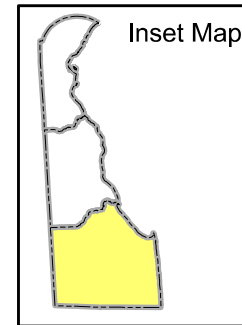
Base Map Provided By:
Sussex County
Mapping Department

Sources:
DNREC
Sussex County Mapping Department

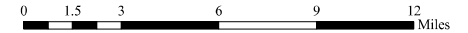




- Water Supply Wells
- Wellhead Areas
- Excellent Recharge Areas
- Municipalities
- Major Roads
- Hydrology
- Railroads



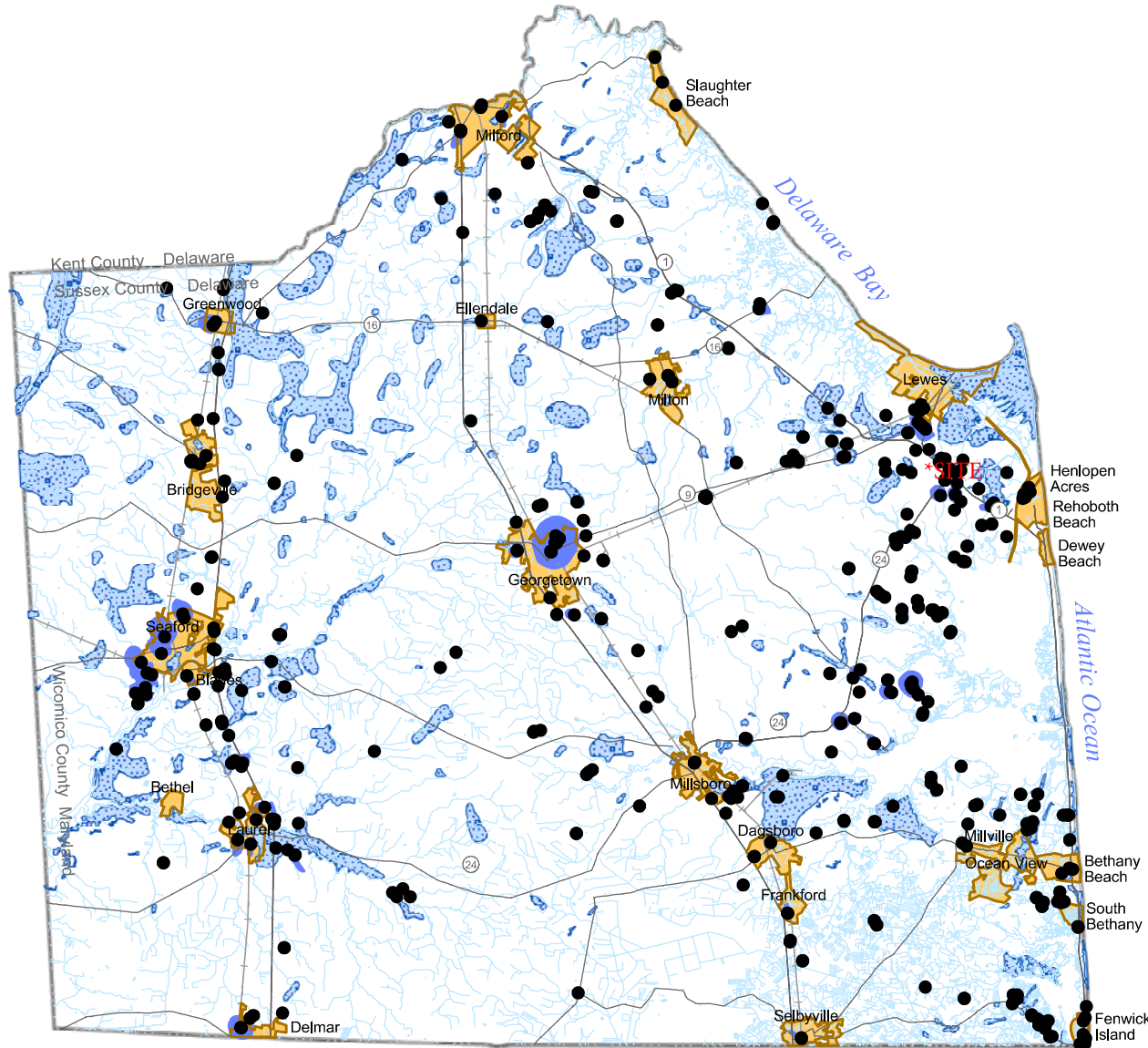
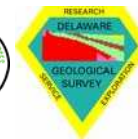
March 2004



Note: Water Supply Wells are not true to scale.

Source:
 Water Supply Wells and Wellhead Delineations - Delaware Department of Natural Resources and Environmental Control, Division of Water Resources, 2004.
 Excellent Recharge Areas - Delaware Geological Survey, 2003.
 Municipal Boundaries - Office of State Planning and Coordination, February 2004.
 Roads - Delaware Department of Transportation centerline file 2001. Created from Digital Orthophoto Quarter Quads 1997.
 Hydrology - USGS 7.5 Minute Series Topographic Maps. Created in cooperative agreement between the State of Delaware and the USGS (1991-1993).

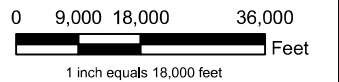
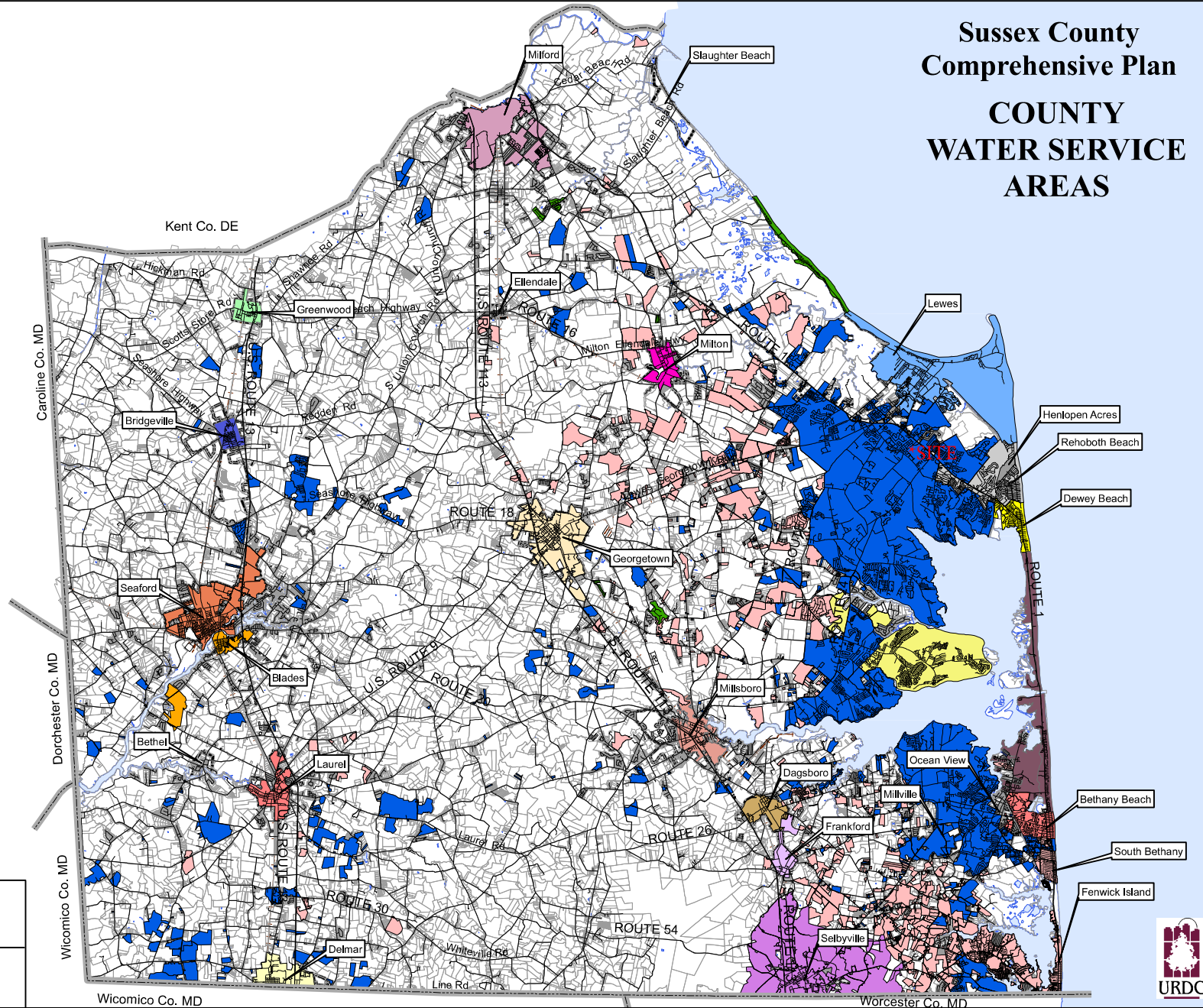
Note:
 This map is provided by the Water Resources Agency, University of Delaware solely for display and reference purposes and is subject to change without notice. No claims, either real or assumed, as to the absolute accuracy or precision of any data contained herein are made by the Water Resources Agency, University of Delaware nor will the Water Resources Agency, University of Delaware be held responsible for any use of this document for purposes other than which it was intended.



Sussex County Comprehensive Plan COUNTY WATER SERVICE AREAS

Water Providers

- Unknown
- Artesian Water Company
- Bethany Beach
- Blades
- Bridgeville
- Dagsboro
- Delmar
- Frankford
- Georgetown
- Greenwood
- J.H. Wilkerson & Son
- Laurel
- Lewes
- Long Neck Water Co.
- Milford
- Millsboro
- Milton
- Rehoboth
- Seaford
- Selbyville
- Sussex County Council
- Sussex Shores Water Co.
- Tidewater Utilities



Base Map Provided By: Sussex County Mapping Department
 Sources: DNREC, Sussex County Mapping Department

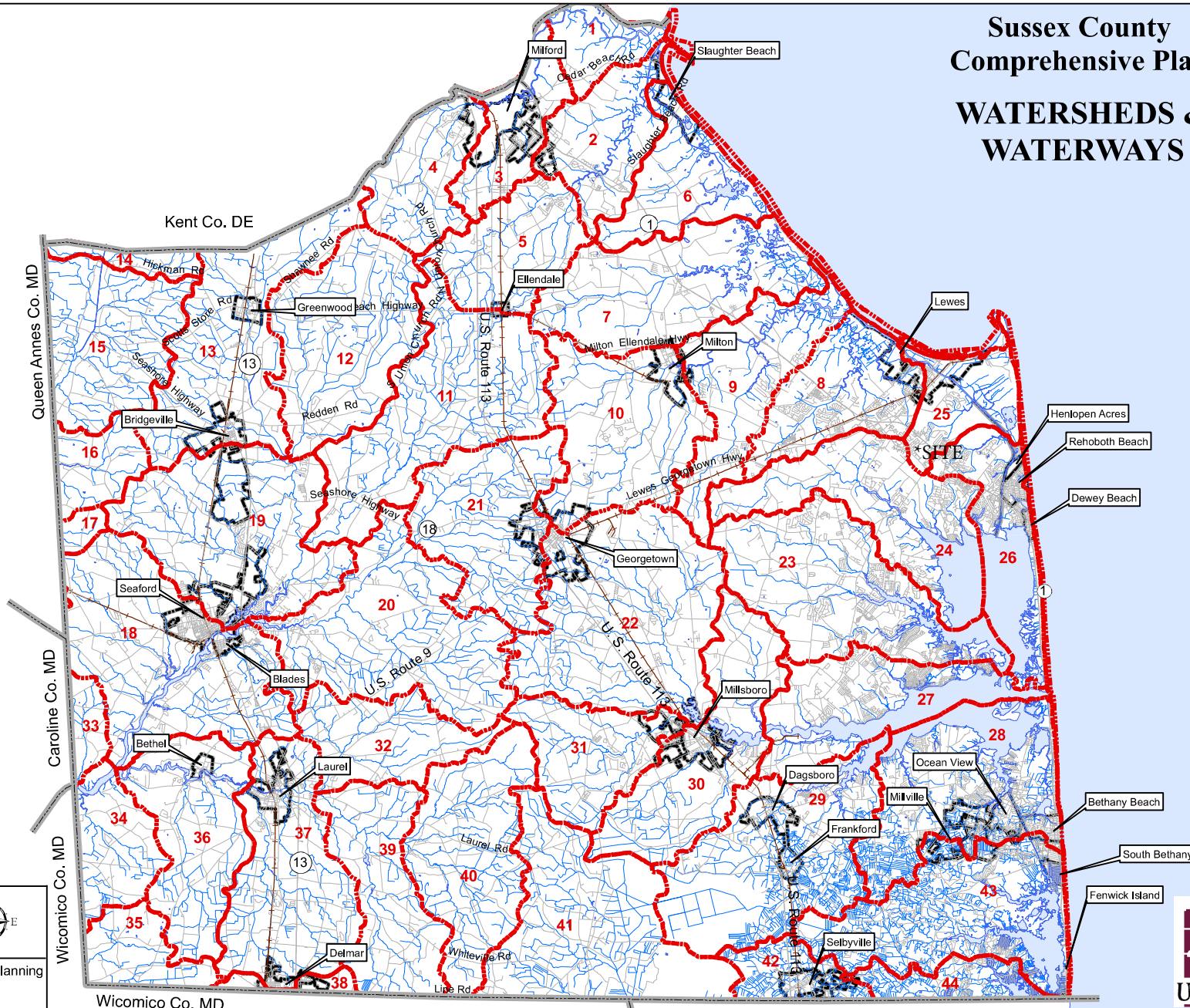


Sussex County Comprehensive Plan WATERSHEDS & WATERWAYS

— Rivers and Streams

▭ Watersheds

1. Lower Mispillion River
2. Cedar Creek below Ponds
3. Mispillion River below Ponds
4. Haven-Silver Lake
5. Cedar Creek above Swiggetts Pond
6. Slaughter Creek
7. Prime Hook Creek
8. Red Mill Creek
9. Round Pole Bridge
10. Wagamons Pond
11. Gravelly Branch
12. Gum Branch
13. Upper Nanticoke
14. Prospect Branch
15. Smithville Ditch
16. Houston Branch
17. Tanyard Branch
18. Lower Nanticoke
19. Hearn's Pond
20. Deep Creek-Fleetwood Pond
21. Deep Creek
22. Cowbridge-Millsboro Pond
23. Herring Creek
24. Love Creek
25. North Reheboth Bay
26. S. Lewes-Reheboth Canal
27. Indian River to Bay
28. Whites Creek
29. Vines-Pepper Creek
30. Indian River below Ponds
31. Shoal Branch
32. Mirey Branch-Records Pond
33. Gales Creek
34. Nanticoke below Broad Creek
35. Mockingbird Creek
36. Tussocky
37. Broad Creek below Ponds
38. Wicomico River Head
39. James Branch
40. Trap Pond
41. Upper Pocomoke River
42. Isle of Wright Bay
43. Dirickson-Little
44. Assawoman Bay



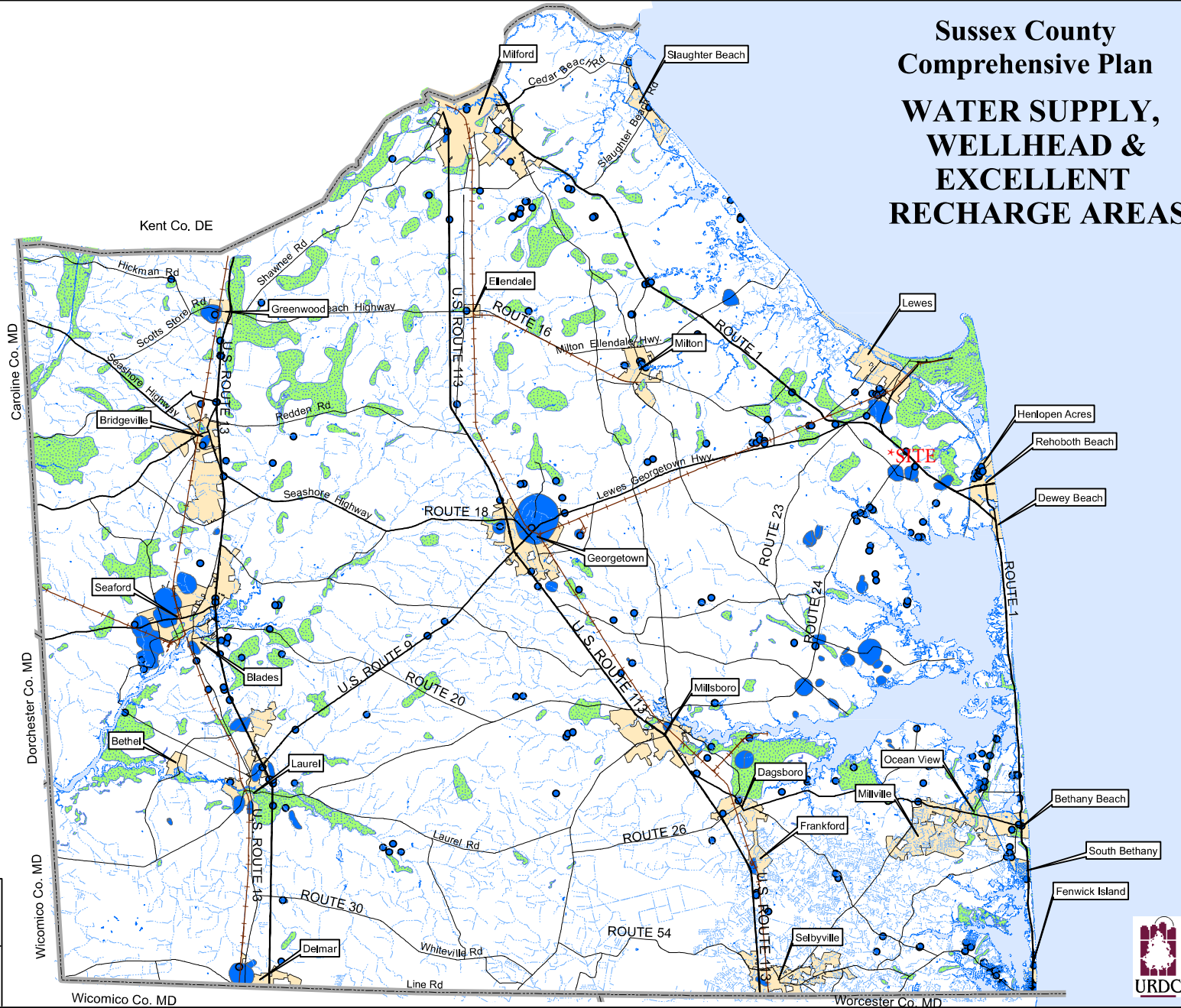
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Base Map Provided By: Sussex County Mapping Department	Source: DNREC; DE Office of Planning Sussex Co. Mapping Dept.



Sussex County Comprehensive Plan WATER SUPPLY, WELLHEAD & EXCELLENT RECHARGE AREAS

- Water Supply Wells
- Wellhead Areas
- Excellent Recharge Areas
- Municipalities
- Major Roads
- Hydrology
- Railroads

NOTE: Water Supply Wells are not true to scale.



0 9,000 18,000 36,000
Feet
1 inch equals 18,000 feet



Base Map Provided By:
Sussex County
Mapping Department

Sources:
DNREC
Sussex County Mapping Department

