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





## PLEASE NOTE

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



#### **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 DIRECTOR OF PLANNING & ZONING

## PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: August 25<sup>th</sup>, 2022

Application: CU 2316 Southern Delaware Medical Center, LLC

- Applicant: Lighthouse Construction, Inc. 859 Golf Links Lane Magnolia, DE 19962
- Owner: Southern Delaware Medical Center, LLC 859 Golf Links Lane Magnolia, DE 19962
- Site Location: 17611 Shady Road, 17637 Shady Road & 17623 Shady Road
- Current Zoning: Agricultural Residential (AR-1) Zoning District
- Proposed Use: Medical Office Buildings

Comprehensive Land Use Plan Reference: Commercial

Councilmanic District:

strict: Mr. Schaeffer

- School District: Cape Henlopen School District
- Fire District: Lewes Fire Department
- Sewer: Sussex County
- Water: Tidewater Utilities, Inc.
- Site Area: 2.297 ac. +/-
- Tax Map ID.: 334-6.00-511.02 334-6.00-511.06 334-6.00-513.00





PIN:	334-6.00-511.02
Owner Name	SOUTHERN DELAWARE MEDICAL CENTER LLC
Book	5514
Mailing Address	859 GOLF LINKS LN
City	MAGNOLIA
State	DE
Description	S/RT 276
Description 2	T#5266
Description 3	N/A
Land Code	

## polygonLayer

Override 1

## polygonLayer

Override 1

- Tax Parcels
  - 911 Address
- Streets
- County Boundaries

## Flood Zones 2018

$\equiv$	0.2 PCT ANNUAL CHANCE FLOOD HAZARD
$\equiv$	A
	AE
	AO
	OPEN WATER
$\equiv$	VE

		1:2,257	
0	0.0275	0.055	 0.11 mi
0	0.0425	0.085	 0.17 km



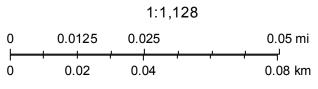
PIN:	334-6.00-511.06
Owner Name	SOUTHERN DELAWARE MEDICAL CENTER LLC
Book	5514
Mailing Address	859 GOLF LINKS LN
City	MAGNOLIA
State	DE
Description	SE/RT 276
Description 2	550' E/RT 275
Description 3	
Land Code	

## polygonLayer

Override 1

## polygonLayer

- $\pm \pm$ Tax Parcels
- 911 Address
- Streets \_\_\_\_\_
- County Boundaries





334-6.00-513.00
SOUTHERN
DELAWARE MEDICAL
CENTER LLC
5514
859 GOLF LINKS LN
MAGNOLIA
DE
S/RD 276

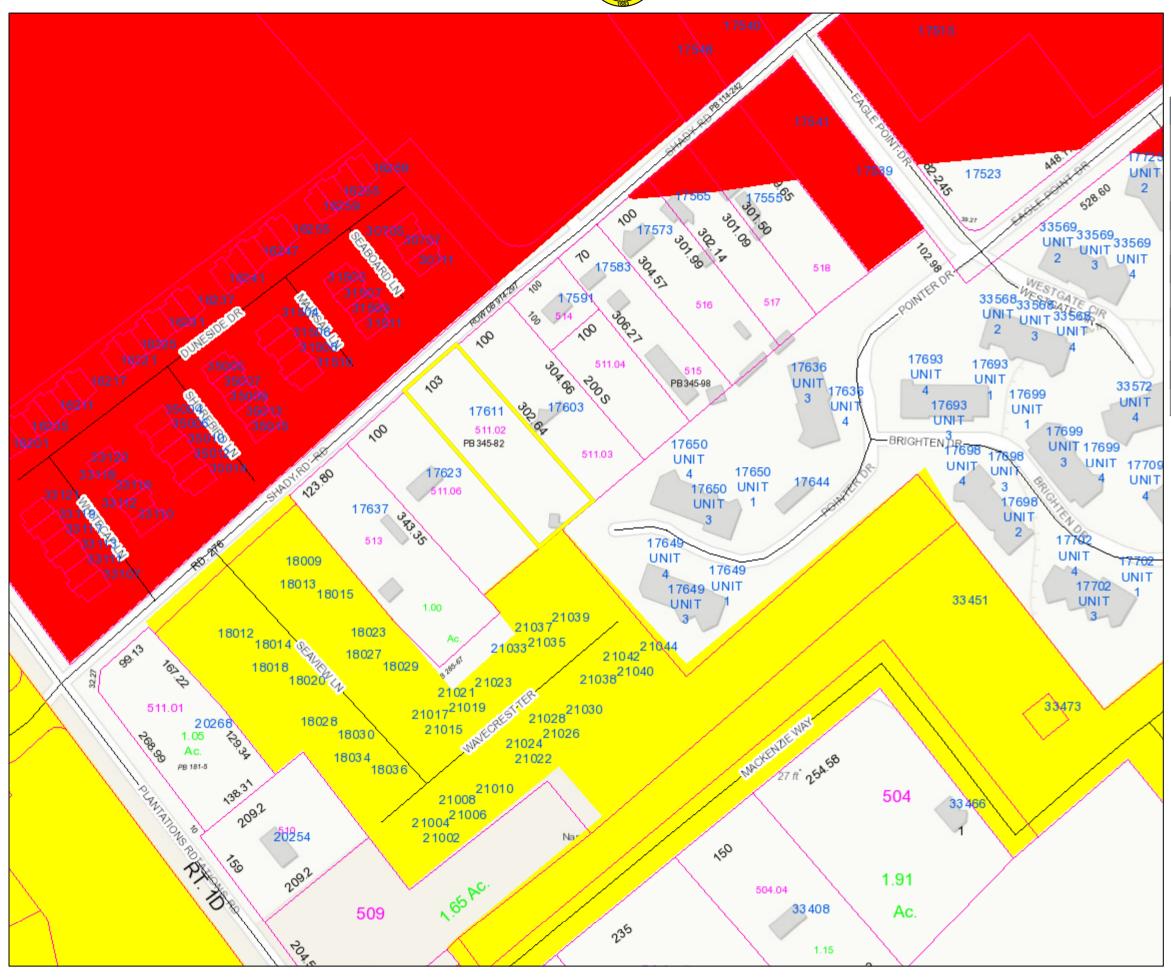
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- Tax Parcels
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0	0.0425	0.085	I	0.17 km



334-6.00-511.02
SOUTHERN DELAWARE MEDICAL CENTER LLC
5514
859 GOLF LINKS LN
MAGNOLIA
DE
S/RT 276
T#5266
N/A

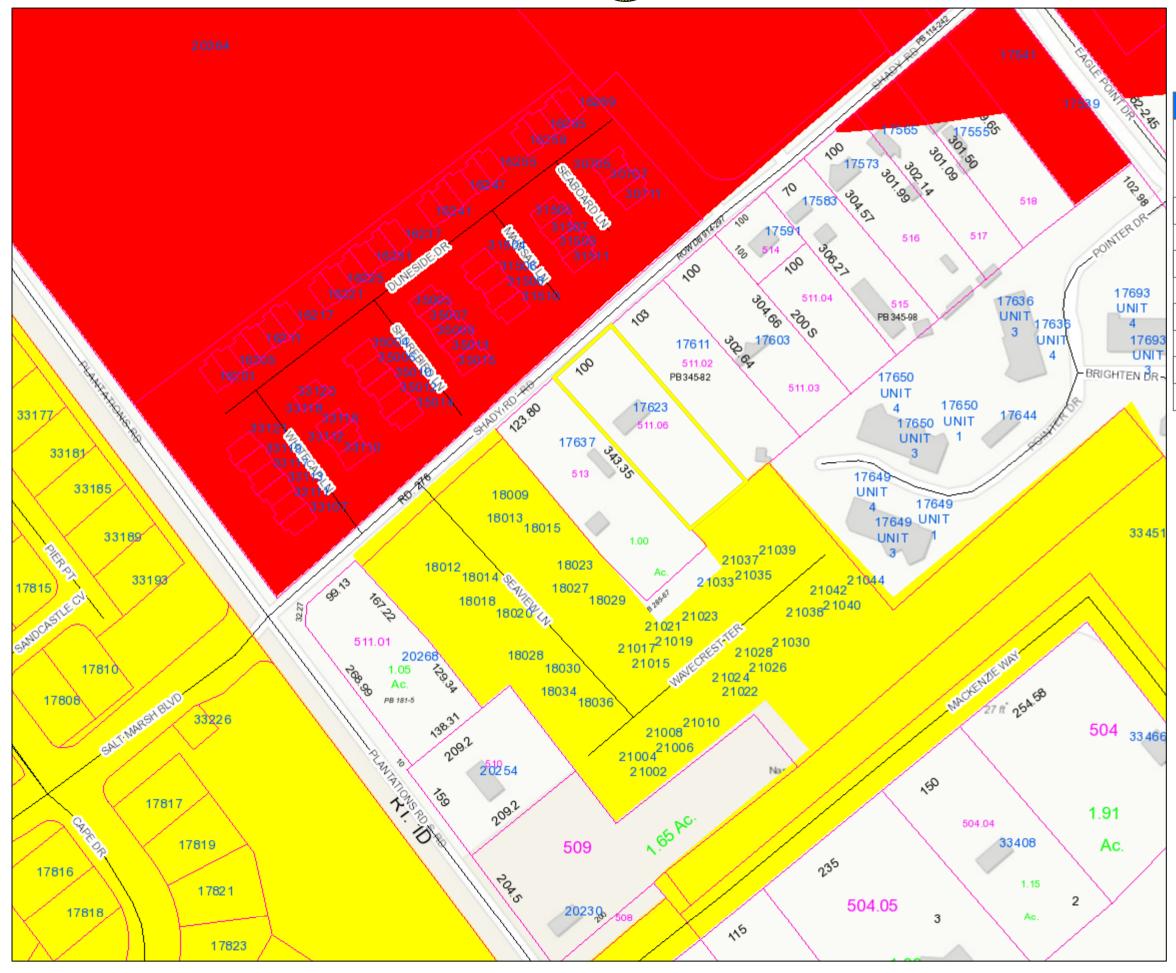
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### polygonLayer

- Tax Parcels
- 911 Address
- Streets

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0	0.0425	0.085		0.17 km



PIN:	334-6.00-511.06
Owner Name	SOUTHERN DELAWARE MEDICAL CENTER LLC
Book	5514
Mailing Address	859 GOLF LINKS LN
City	MAGNOLIA
State	DE
Description	SE/RT 276
Description 2	550' E/RT 275
Description 3	
Land Code	

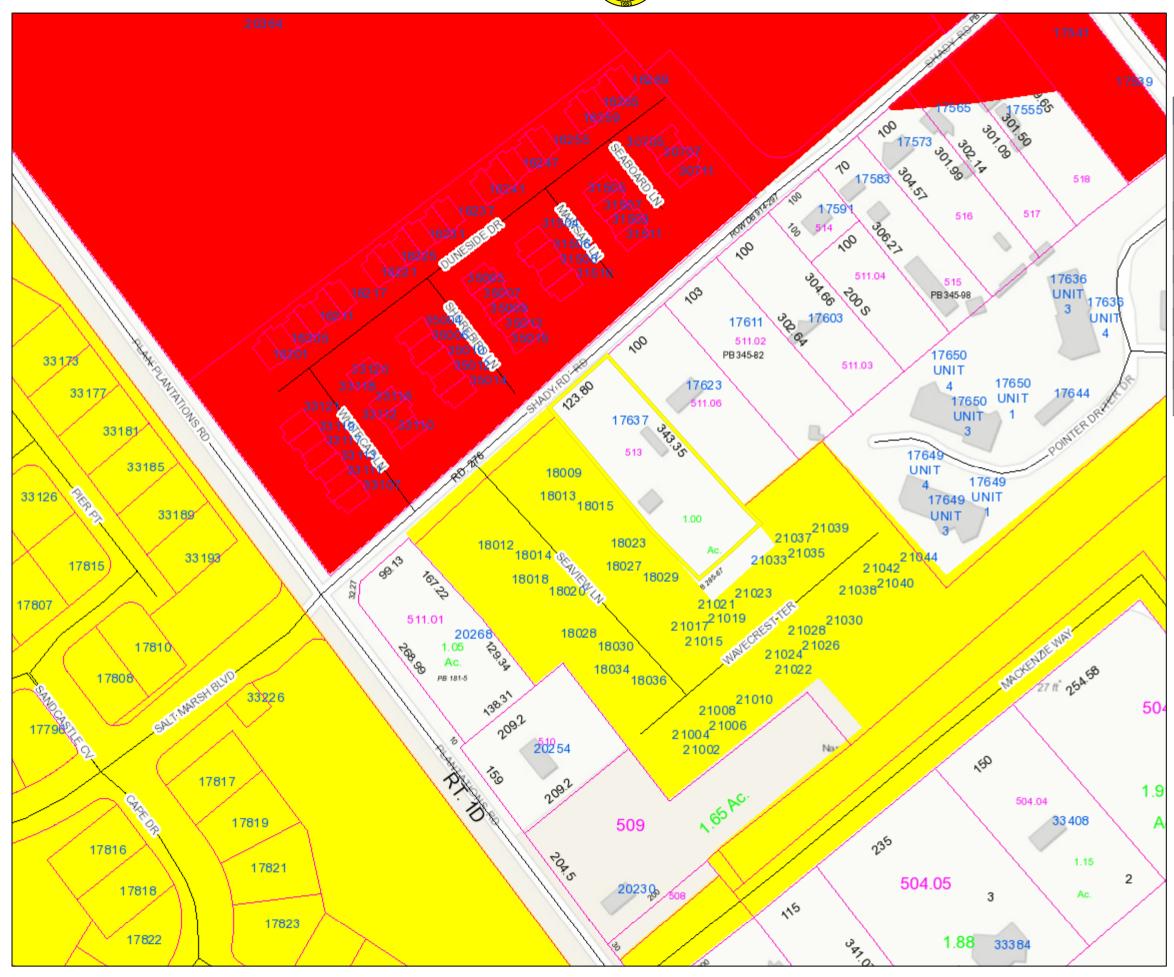
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Override 1

## polygonLayer

- Tax Parcels
- 911 Address
- Streets

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0	0.0425	0.085	 0.17 km



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Owner Name	SOUTHERN DELAWARE MEDICAL CENTER LLC
Book	5514
Mailing Address	859 GOLF LINKS LN
City	MAGNOLIA
State	DE
Description	S/RD 276
Description 2	
Description 3	
Land Code	

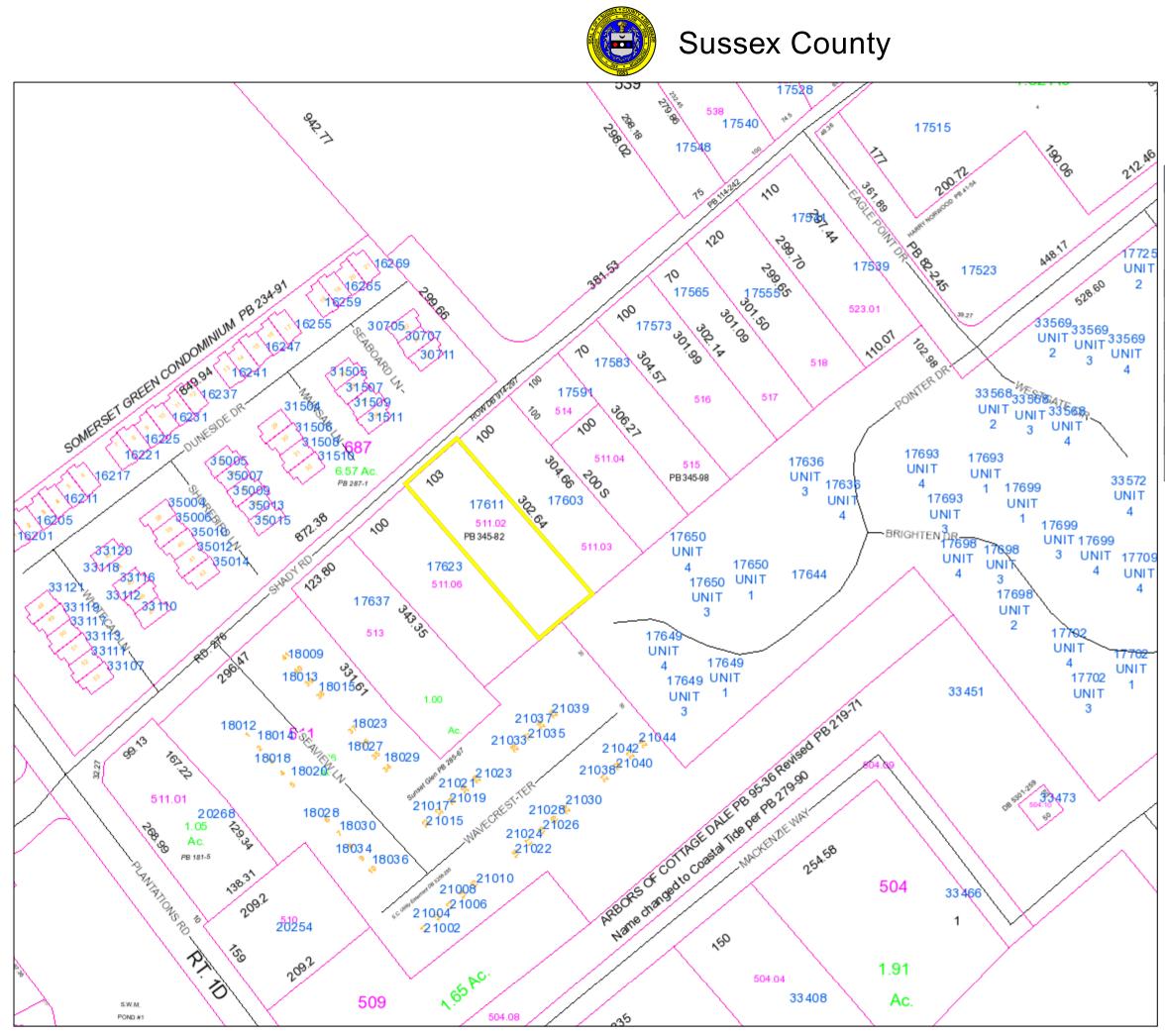
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Override 1

## polygonLayer

- Tax Parcels
- 911 Address
- Streets

		1:2,257	
0	0.0275	0.055	0.11 mi
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PIN:	334-6.00-511.02
Owner Name	SOUTHERN DELAWARE MEDICAL CENTER LLC
Book	5514
Mailing Address	859 GOLF LINKS LN
City	MAGNOLIA
State	DE
Description	S/RT 276
Description 2	T#5266
Description 3	N/A
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Override 1

#### polygonLayer

Override 1

- Tax Parcels
  - 911 Address
- Streets
- County Boundaries

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0.2 PCT ANNUAL CHANCE FLOOD HAZARD
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AE
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OPEN WATER
VE

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0	0.0275	0.055	1	0.11 mi
0	0.0425	0.085	- 1 - 1	0.17 km

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





## Memorandum

To: Sussex County Planning and Zoning Commission Members From: Mr. Elliott Young, Planner I CC: Mr. Vince Robertson, Assistant County Attorney and Applicant Date: August 3<sup>rd</sup>, 2022 RE: Staff Analysis for CU 2316 Southern Delaware Medical Center, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2316 Southern Delaware Medical Center, LLC to be reviewed during the August 25<sup>th</sup>, 2022, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcels: 334-6.00-513.00, 334-6.00-511.06 & 511.02 to allow for medical office buildings, to be located between the 3 existing parcels on Shady Road, Lewes, Delaware. The property is lying on the southeast side of Shady Road (S.C.R. 276), approximately 0.14-miles northeast of the intersection of Plantations Road (Rt. 1D) and Shady Road. The parcels consist of 2.29 acres +/-.

## Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Commercial Area." The adjoining parcel to the west also has a Future Land Use Map designation of "Commercial Area". The parcels to the north across Shady Road (S.C.R. 276) also have a Future Land Use Map designation of "Commercial".

Commercial Areas include concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas

The adjoining parcels to the south and east of the subject parcels contain the Future Land Use Map designation of "Coastal Area".

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of



housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

## Zoning Information

The subject properties are zoned Agricultural Residential (AR-1) District. The adjacent property to the east of the subject properties is zoned Agricultural Residential (AR-1) District. The parcels to the south and west of the subject property, are zoned Medium Residential (MR). While the properties to the north of the subject property across Shady Road (S.C.R. 276) are zoned General Commercial (C-1) District.

## Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been six (6) Conditional Use applications within a half (0.5) mile radius of the application site. Five (5) out of the six (6) applications were approved by the County Council while one (1) of the six (6) is still to be determined through public hearings. Below is a table with the six applications and their associated information.

Conditional	Applicant	Use	Zoning	СС	Ordinance
Use No.				Approval Date	No.
2352	CB Lewes, LLC	Multi-Family Units (Amend Conditions of Approval)	MR	6/14/2022	N/A
2327	Howard Ritter & Sons, Inc.	Expansion of a non-conforming borrow pit	AR-1	N/A (Public Hearing TBD)	N/A
2261	What is Your Voice, Inc.	Existing Garage for office use and one- story pole building for rental facility	AR-1	9/14/2021	2800
2190	Steve & Helene Falcone	Office	AR-1	1/7/2020	2699
2106	MDI Investment Group	Multi-family	MR(Proposed)	3/20/2018	2566
2034	Beachfire Brewery Co., LLC	Restaurant and Brewery	AR-1	3/8/2016	2438

Based on the analysis provided, the Conditional use to allow for medical office buildings in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.



Mackenzie M. Peet, Esquire (302) 645-2262 mackenzie@bmbde.com

## RECEIVED

August 3, 2022

AUG **0 3** 2022

SUSSEX COUNTY PLANNING & ZONING

<u>VIA EMAIL</u> Department of Planning & Zoning Director Jamie Whitehouse 2 The Circle, P.O. Box 417 Georgetown, DE 19947 <u>pandz@sussexcountyde.gov;</u> <u>ashley.paugh@sussexcountyde.gov</u>

## RE: CU2316 for Southern Delaware Medical Center, LLC

Tax Map Parcel Nos: 334-6.00-511.02, 511.06 & 513.00

Dear Director Whitehouse:

This letter confirms that Baird Mandalas Brockstedt Federico & Cardea LLC represents the Applicant, Southern Delaware Medical Center, LLC.

Should you have any questions, please contact me by email at <u>mackenzie@bmbde.com</u> or by phone at 302-645-2262.

Sincerely,

/s/ Mackenzie M. Peet

Mackenzie M. Peet, Esq.

## RECEIVED

## Planning & Zoning Commission Application Sussex County, Delaware

AUG 0 3 2022

SUSSEX COUNTY PLANNING & ZONING 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 <u></u>Zoning Map Amendment \_\_\_\_

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

17611, 17623, & 17637 Shady Road, Lewes, Delaware 19958; TMP 334-6.00-511.02, 511.06, & 513.00.

**Type of Conditional Use Requested:** Office Building in AR-1.

The U Cas shows	Cine of Dougollal, 2 207 Agres +/	
Tax Map #: See above.	Size of Parcel(s): 2.297 Acres +/-	_

Current Zoning: AR-1	Proposed Zoning: CU//	AR1 Size of Building:	26,592 +/-

Land Use Classification: Commercial

Water Provider: Tidewater Utilities, Inc.

Sewer Provider: Sussex County

#### **Applicant Information**

Applicant Name: Lighthouse Construction, I	nc.		
Applicant Address: 859 Golf Links Lane			
City: Magnolia	State: <u>DE</u>	ZipCode: <u>19962</u>	
Phone #: (302) 677-1965	E-mail: mglick@l	hconstruction.com	

#### **Owner Information**

Owner Name: Southern Delaware Medical Co	enter, LLC		
Owner Address: 859 Golf Links Lane			
City: Magnolia	State: DE	Zip Code: <u>19962</u>	
Phone #: (302) 677-1965	E-mail: megang@	lhconstruction.com	

#### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Davis, Bowen & Friedel, Inc.			
Agent/Attorney/Engineer Address: 1 Park	Avenue		
City: Milford	State: <u>DE</u>	Zip Code: <u>19963</u>	
Phone #: <u>(302) 424-1441</u>	_ E-mail: jls@dbfinc.com		





File #: <u>CU23</u>16 202114048 202211209 202211209

## **Check List for Sussex County Planning & Zoning Applications**

The following shall be submitted with the application

## Completed Application

Provide two (2) paper copies and one (1) electronic copy of the Site Plan or Survey of the property

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

Provide relevant Application Fee (please refer to fees effective July 1, 2022)

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.

V

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 by 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 Applican 1964 gent Attorney G. Michael Glick of Labours to Margin Lons uction dim, B. Michael Glick of Labours Construction, Oli-G. Michael Gio	* Date:
Signature of Owner	
Megan M. Glick Disc-US, E=MeganG@LHConstruction.com Megan M. Glick Megan M.	Date: <u>8/3/22</u>
<u>For office use only:</u> Date Submitted: Staff accepting application: Location of property:	Fee: Check #: Application & Case #:
Subdivision:	
Date of PC Hearing: Date of CC Hearing:	Recommendation of PC Commission: Decision of CC:

Sussex County, E Treasury P.O. Box 601 Georgetown, DE 199 . Welcome	147
33020589-0082 Lindsey S 09/22/	2021 03:09PM
CONDITIONAL USE - EFE	8
2021 Item: 202114048/2010	500,00
	500.00
Subtotal	500.00
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Thank you for your payment

Sussex County, DE COPY DUPLICATE RECEIPT

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

NICOLE MAJESKI SECRETARY

September 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Southern Delaware Medical Center, LLC** proposed land use application, which we received on August 23, 2021. This application is for an approximately 2.37- acre assemblage of parcels (Tax Parcels: 334-6.00-511.02, 511.06, 513.00). The subject land is located on the southwest side of Shady Road (Sussex Road 276). The subject land is currently zoned AR-1 (Agriculture Residential) and is looking for a conditional use approval for a medical office building.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Shady Road from Plantations Road (Sussex Road 275) to Coastal Highway (State Route 1), is 5,159 vehicles per day.

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

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.



Mr. Jamie Whitehouse Page 2 of 2 September 10, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

Clanch frunder for

T. William Brockenbrough, Jr. County Coordinator **Development Coordination** 

#### TWB:aff

cc: Dawn Riggi, Applicant Lauren DeVore, Sussex County Planning & Zoning David Edgell, Coordinator, Cabinet Committee on State Planning Issues Todd Sammons, Assistant Director, Development Coordination Scott Rust, South District Public Works Manager, Maintenance & Operations Steve McCabe, Sussex County Review Coordinator, Development Coordination Derek Sapp, Subdivision Manager, Development Coordination Kevin Hickman, Subdivision Manager, Development Coordination Brian Yates, Subdivision Manager, Development Coordination John Andrescavage, Subdivision Manager, Development Coordination James Argo, South District Project Reviewer, Maintenance & Operations Troy Brestel, Project Engineer, Development Coordination Claudy Joinville, Project Engineer, Development Coordination Annamaria Furmato, Project Engineer, Development Coordination

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

TO:	Jamie Whitehouse
REVIEWER:	Chris Calio
DATE:	7/29/2022
APPLICATION:	CU 2316 Southern Delaware Medical Center, LLC
APPLICANT:	Lighthouse Construction, Inc.
FILE NO:	ОМ-9.04
TAX MAP & PARCEL(S):	334-6.00-511.02
LOCATION:	17611 Shady Road
NO. OF UNITS:	Medical office buildings
GROSS ACREAGE:	2.29

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? 3.0. Is it likely that additional SCCs will be required? Yes If yes, the current System Connection Charge Rate is Unified \$6,600.00 per EDU. Please contact 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** 

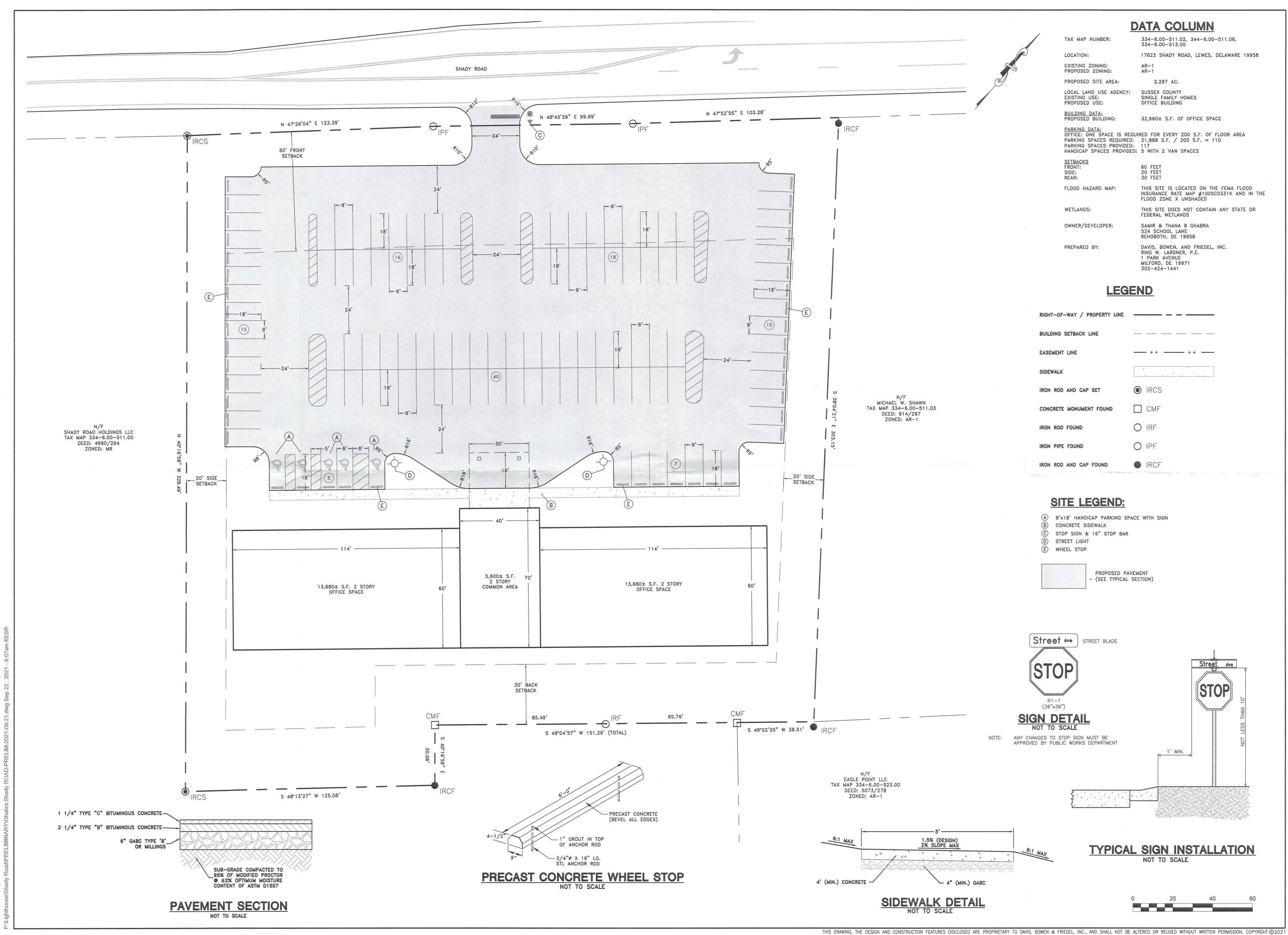
Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

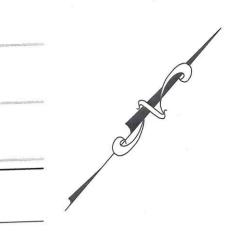
- (7). Is project adjacent to the Unified Sewer District? N/A
- (8). Comments: Click or tap here to enter text.
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning** at 302-855-7370 to apply
- (10). Is a Use of Existing Infrastructure Agreement Required? Yes
- (11). <u>All residential roads must meet or exceed Sussex County minimum design</u> <u>standards.</u>

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

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

Xc: Hans M. Medlarz, P.E. Lisa Walls Christine Fletcher





# DATA COLUMN

334-6.00-511.02, 344-6.00-511.06, 334-6.00-513.00

17623 SHADY ROAD, LEWES, DELAWARE 19958 AR-1 AR-1

2.297 AC. SUSSEX COUNTY SINGLE FAMILY HOMES OFFICE BUILDING

60 FEET

32,960± S.F. OF OFFICE SPACE

PARKING DATA: OFFICE: ONE SPACE IS REQUIRED FOR EVERY 200 S.F. OF FLOOR AREA PARKING SPACES REQUIRED: 21,888 S.F. / 200 S.F. = 110 PARKING SPACES PROVIDED: 117 HANDICAP SPACES PROVIDED: 5 WITH 2 VAN SPACES

FLOOD HAZARD MAP:

TAX MAP NUMBER:

EXISTING ZONING:

EXISTING USE: PROPOSED USE:

PROPOSED ZONING:

PROPOSED SITE AREA:

BUILDING DATA: PROPOSED BUILDING:

LOCAL LAND USE AGENCY:

LOCATION:

WETLANDS:

<u>SETBACKS</u> FRONT:

SIDE: REAR:

OWNER/DEVELOPER:

PREPARED BY:

20 FEET 30 FEET THIS SITE IS LOCATED ON THE FEMA FLOOD INSURANCE RATE MAP #1005C0331K AND IN THE FLOOD ZONE X UNSHADED

THIS SITE DOES NOT CONTAIN ANY STATE OR FEDERAL WETLANDS

SAMIR & THANA B GHABRA 524 SCHOOL LANE REHOBOTH, DE 19958 DAVIS, BOWEN, AND FRIEDEL, INC. RING W. LARDNER, P.E. 1 PARK AVENUE MILFORD, DE 19971 302-424-1441

## LEGEND

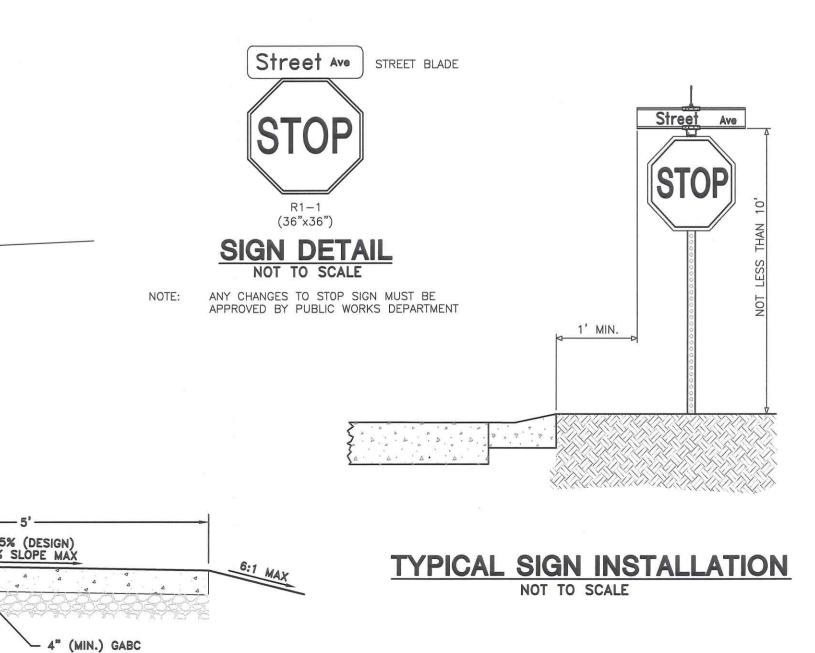
RIGHT-OF-WAY / PROPERTY LINE	
BUILDING SETBACK LINE	
EASEMENT LINE	· ++ ++ -
SIDEWALK	
IRON ROD AND CAP SET	IRCS
CONCRETE MONUMENT FOUND	CMF
IRON ROD FOUND	O IRF
IRON PIPE FOUND	O IPF
IRON ROD AND CAP FOUND	

## SITE LEGEND:

(A) 8'x18' HANDICAP PARKING SPACE WITH SIGN CONCRETE SIDEWALK STOP SIGN & 16" STOP BAR D STREET LIGHT

E WHEEL STOP

PROPOSED PAVEMENT - (SEE TYPICAL SECTION)



20

40

60

TS ENGINEERS SALSBURY, MARYLAND ( MILFORD, DELAWARE EASTON, MARYLAND AN DAVIS, BOWEN & FRIEDEL, INC. 0 SITE PRELIMINARY 4. AWARE PROPERT D ROAD COUNTY, COMMERCIAL SUSSEX COUNTY SHADY Revisions: BOUNDARY REVISION 09-21-2021 Date: JULY 2021 Scale: 1"=20' Dwn.By: RPK Proj.No.: 000000 Dwg.No.: 01

SURVEYORS (410) 543-9091 (302) 424-1441 (410) 770-4744

# Southern Delaware Medical Center, LLC. LEWES & REHOBOTH HUNDRED

C/U 2316 17611 Shady Road, Lewes SUSSEX COUNTY, DELAWARE 2916A014.A01 August 2022





## Table of Contents

- A. Presentation Outline
- B. Data Column
- C. Conditional Use Application
- D. Conditional Use Plan
- E. Revised Conditional Use Plan
- F. Proposed Conditions of Approval
- G. Landscape Plan
- H. Color Rendering
- I. First and Second Floor Plans

## **Exhibits**

- 1. Maps
  - a. Surrounding Communities Map
  - b. FEMA Firmette
  - c. 2020 State Strategies
  - d. Sussex County 2045 Future Land Use Map
  - e. Sussex County Zoning Map
  - f. 1992 Aerial Photo
  - g. 2017 Aerial Photo
  - h. Environmental Map
  - i. Sourcewater Protection Area Map
  - j. NRCS Soil Survey
- 2. Current Deeds
- 3. DelDOT SLER Response
- 4. DelDOT TIS

Α

## **Presentation Outline**

## A. Land Use & Zoning

- 1. The project will include a 32,960 sqft. (+/-) two story office building.
- The property is located on the south side of Shady Road (SCR 276) at 17611, 17623
   & 17637 Shady Road, Lewes, DE 19958 (Tax Map Parcel Numbers: 334-6-.00-511.02, 511.06 & 513.00)
- 3. The Owner of the parcels is Southern Delaware Medical Center, LLC.
- 4. The property is currently zoned AR-1 (Agricultural Residential) in Sussex County.
- 5. The property is in Investment Level Area 1 on the 2020 State Strategies Map.
- 6. The property is designated as Commercial Area on Sussex County 2045 future land use map in the latest comprehensive plan.
- 7. The property is located within Sussex Counties Commercial Area.

## B. Land Utilization

- 1. The total acreage of the site is 2.297 acres of land, more or less.
- 2. The project proposed will include a 32,960 sqft.(+/-) 2 story office building.
- 3. The parking area includes 127 (+/-) parking spaces and 1 loading spaces.

## C. Environmental

- 1. Wetlands do not exist on site.
- 2. There are no known archaeological sites within the project boundaries. There are no national historic listed properties within the project boundaries.
- 3. The proposed project is not located within an Excellent Groundwater Recharge Area.

4. The proposed project is not within a Wellhead Protection Area.

## D. Traffic

- 1. The proposed project will include one entrance off Shady Road.
- 2. The property owner will continue to work with DelDOT on offsite improvements, turn lane requirements and sidewalk installation.

## E. Civil Engineering

- 1. The internal parking areas will be privately maintained and will meet or exceed the requirements of the Code of Sussex County.
- 2. The grading of the site will meet or exceed the requirements of the Code of Sussex County.
- 3. Drinking and fire protection water will be provided by Tidewater Utilities, Inc.
- 4. Wastewater will be provided by Sussex County (West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District)
- 5. The stormwater management system will meet all State, County, and Conservation District requirements through a combination of Best Management Practices (BMP) and Best Available Technologies (BAT).
- 6. Fire protection will be provided by the Lewes Fire Co.
- 7. Electricity will be provided by Delaware Electric Cooperative.
- 8. The parcels are located in the Cape Henlopen School District.

B

## Shady Road Commercial Data Sheet

<b>Owner/Developer:</b>	Southern Delaware Medical Center, LLC	
Engineer:	Davis, Bowen & Friedel, Inc.	
Legal Services:	Baird, Mandalas, Brockstedt, Federico & Cardea, LLC.	
<b>Project Description</b>		
Physical Location:	Property is located on the south side of Shady Road (SCR 276)	
Property Address:	17611, 17623 & 17637 Shady Road, Lewes, DE 19958	

Property Address:	17611, 17623 & 17637 Shady Road, Lewes, DE 19958
Tax Parcel #:	3-34-6.00-511.02, 3-34-6.00-511.06, 3-34-6.00-513.00
Acreage:	2.297 +\- Acres
Current Zoning:	AR-1 (Agricultural Residential)
Proposed Zoning:	AR-1(Agricultural Residential)
Existing Use:	Residential
Proposed Use:	Commerical Office
Proposed Buildings:	32,960 Sqft.(+/-) Office (2 Stories)
Parking Required:	127 Spaces (+/-)
Parking Provided:	127 Spaces including 4 Handicapped Assessible (+/-)
Loading Spaced Provide:	1
Impervious Coverage:	1.090 Acres (47%) (+/-)
Wetlands:	Do not exist on site.
Flood Plain:	Not within the 100-yr Flood Plain (Map #10005C0311K)

## **Bulk and Area Regulations:**

Minimum Lot Area:	20,000 SQFT.	
Minimum Lot Width:	100 FT	
Front Yard Setback:	60 FT (DelDOT Road)	
Side Yard Setback:	20 FT	
Rear Yard Setback:	30 FT	
Maximum Building Height:	42 FT	
Open Space:	1.651 acres (+/-)	
Water Provider:	Tidewater Utilities Inc	

Water Provider:	Tidewater Utilities, Inc.
Wasterwater Provider:	West Rehoboth Expansion of the Dewey Beach SSD

С

## Planning & Zoning Commission Application Sussex County, Delaware

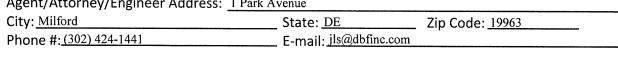
Sussex County Planning & Zoning Department 2 The Circle (P.O. Box 417) Georgetown, DE 19947 302-855-7878 ph. 302-854-5079 fax

Type of Application: (please check applicable)Conditional Use✓Zoning Map Amendment \_\_\_\_

## Site Address of Conditional Use/Zoning Map Amendment

17611, 17623, & 17637 Shady Road, Lewes, Delaware 19958; TMP 334-6.00-511.02, 511.06, & 513.00.

<b>Type of Conditional Use Request</b> Office Building in AR-1.	ed:		
Tax Map #: See above.		Size of Parcel(s):	2.297 Acres +/-
Current Zoning: <u>AR-1</u> Pro	posed Zoning: <u>CU/AR1</u>	Size of Building:	26,592 +/-
Land Use Classification:	al		
Water Provider:       Tidewater Utilities, Inc.       Sewer Provider:       Sussex County			
Applicant Information			
Applicant Name: Lighthouse Constr	uction, Inc.		
Applicant Address: 859 Golf Links I	Lane		
City: Magnolia	State: <u>DE</u>	ZipCode:	19962
Phone #: <u>(302) 677-1965</u>		@lhconstruction.com	
Owner Information			
Owner Name: Southern Delaware M	edical Center, LLC		
Owner Address: 859 Golf Links Lan	e		
City: <u>Magnolia</u>		Zip Code	: 19962
Phone #: <u>(302) 677-1965</u>	E-mail: mega	ng@lhconstruction.com	1
Agent/Attorney/Engineer Inform	nation		
Agent/Attorney/Engineer Name:	Davis, Bowen & Friedel, I	nc.	
Agent/Attorney/Engineer Addres			







## **Check List for Sussex County Planning & Zoning Applications**

The following shall be submitted with the application

## Completed Application

1

- Provide two (2) paper copies and one (1) electronic copy 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.
  - o Provide a PDF of Plans (may be e-mailed to a staff member)
  - o Deed or Legal description

Provide relevant Application Fee (please refer to fees effective July 1, 2022)

**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 by 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 Applica, 1,000 gent Attorney G. Michael Glick of Lighthouse Constructon, CN=G. Michael Glick Bate: 2022/06/03 11:01:48-04/00	_ Date:	
Signature of Owner		
Megan M. Glick N. Glick Megan M. Glick N. Context Oute: 2022.08.03 10:56:59-04'00'	Date: <u>8/3/22</u>	
For office use only:		
Date Submitted:	Fee: 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:	



August 3, 2022

VIA EMAIL Department of Planning & Zoning Director Jamie Whitehouse 2 The Circle, P.O. Box 417 Georgetown, DE 19947 pandz@sussexcountyde.gov; ashley.paugh@sussexcountyde.gov

## RE: CU2316 for Southern Delaware Medical Center, LLC

## Tax Map Parcel Nos: 334-6.00-511.02, 511.06 & 513.00

Dear Director Whitehouse:

This letter confirms that Baird Mandalas Brockstedt Federico & Cardea LLC represents the Applicant, Southern Delaware Medical Center, LLC.

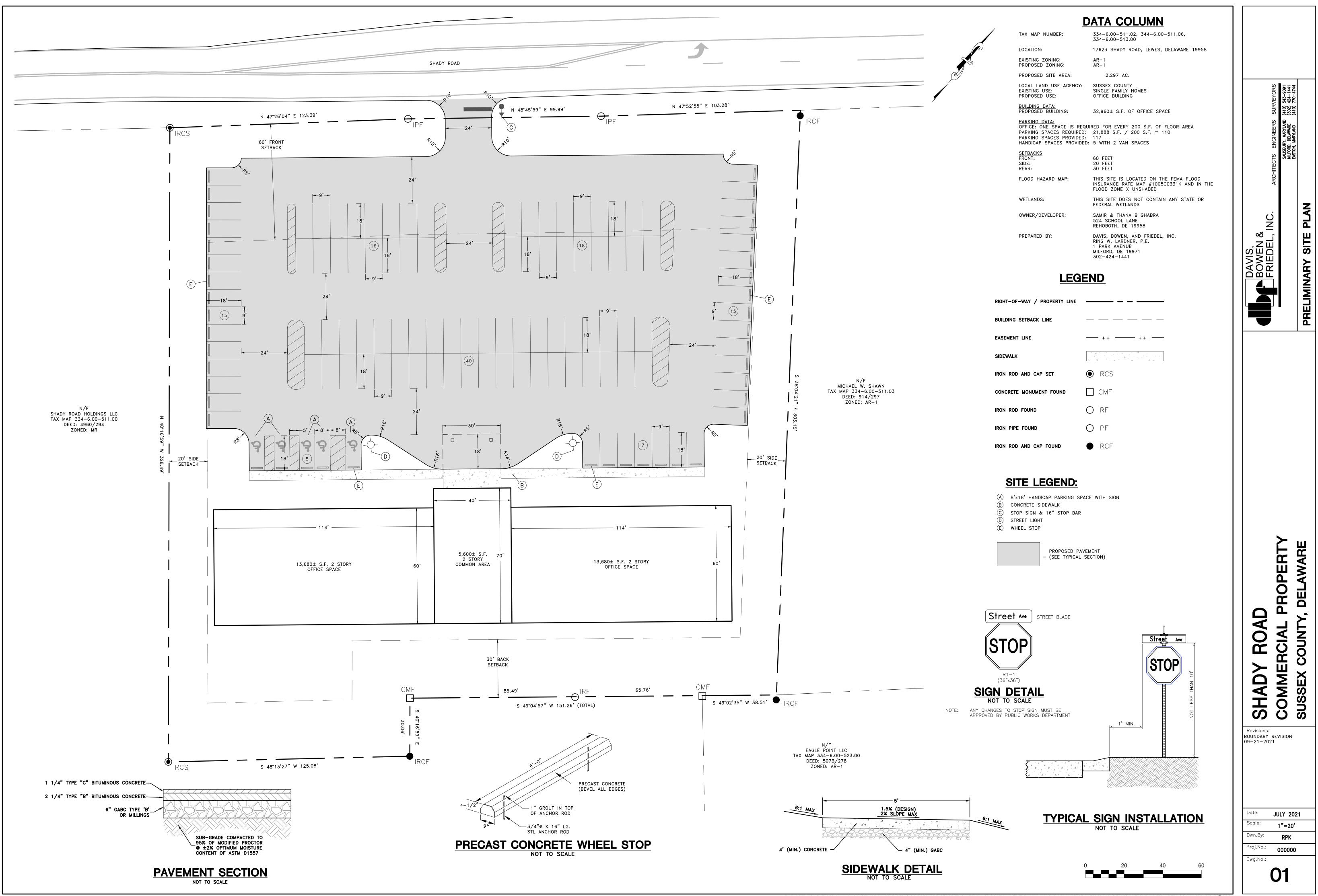
Should you have any questions, please contact me by email at <u>mackenzie@bmbde.com</u> or by phone at 302-645-2262.

Sincerely,

/s/ Mackenzie M. Peet

Mackenzie M. Peet, Esq.

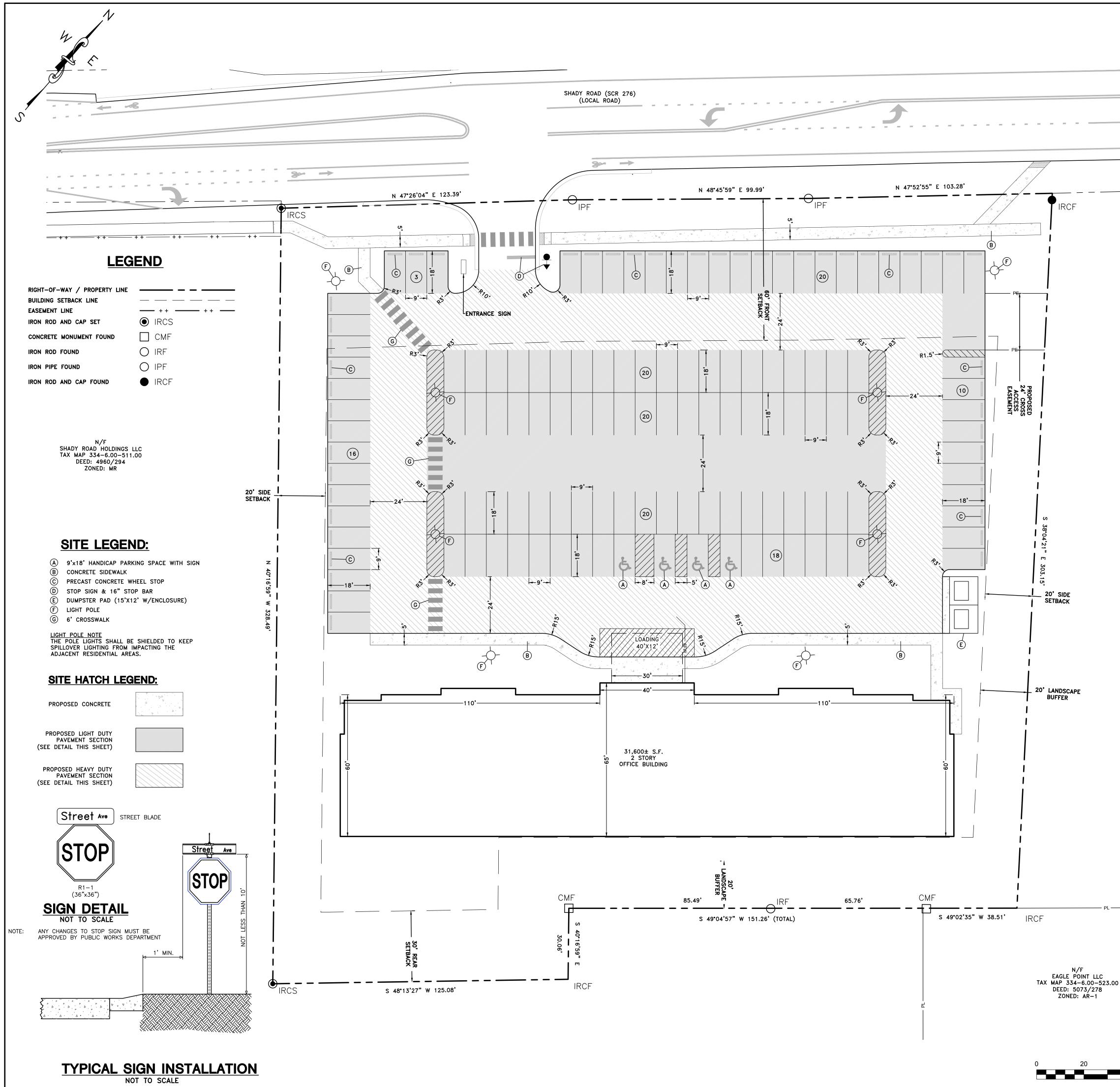
# D

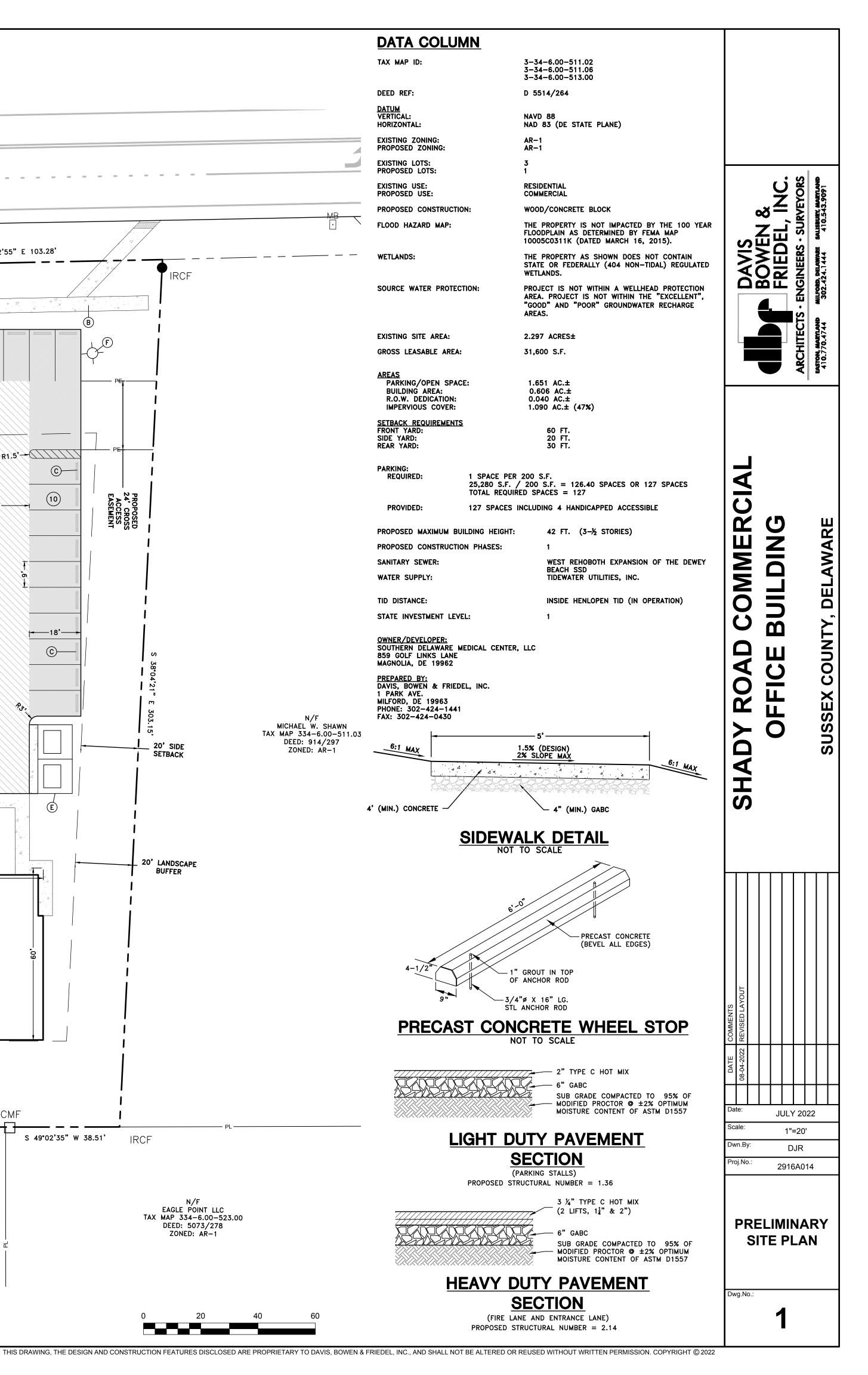


thouse\Shady Road\PRELIMINARY\Ghabra Shady ROAD-PRELIM-2021-09-21.dwg Sep 22 , 2021 - 9:07am KE

THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES DISCLOSED ARE PROPRIETARY TO DAVIS, BOWEN & FRIEDEL, INC., AND SHALL NOT BE ALTERED OR REUSED WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2021

# E





F

## SOUTHERN DELAWARE MEDICAL CENTER, LLC Property: 17611 Shady Road, Lewes, Delaware Tax Map Parcel Nos: 334-6.00-511.02, 511.06; 513.00

- A. The use shall be limited to medical and professional offices.
- B. The use shall occur within proposed structures on the Site.
- C. The hours of operation shall be between 7.00 a.m. and 7:00 p.m., Monday through Friday and Between 8:00 AM and 4:00 PM Saturdays. Additional hours shall be by emergency only.
- D. Any dumpsters shall be screened from view of neighboring properties and roadways.
- E. There shall be a 20 feet landscape buffer installed along the Site's rear yard property line and between the Site's side yard property line running and existing between the Site and Tax Map Parcel No. 334-6.00-511.03.
- F. All exterior lighting shall be in a downward direction with minimal uplighting.
- G. The use shall comply with all Sussex County parking requirements. The Final Site Plan shall designate all parking areas associated with this use.
- H. The Applicant intends to place a sign on the property as permitted by Sections 115-159 and 159.1 of the Zoning Ordinance for Sussex County, Delaware.
- I. All entrances, intersection, and roadway improvements shall be completed by the developer in accordance with all DelDOT requirements.
- J. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- K. The use shall be served by a publicly regulated wastewater service to provide sanitary sewer.
- L. The use shall be served by a publicly regulated central water system providing drinking water and fire protection.
- M. A revised Preliminary Site either depicting or noting these conditions must be submitted to the Office of Planning and Zoning.
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

# G



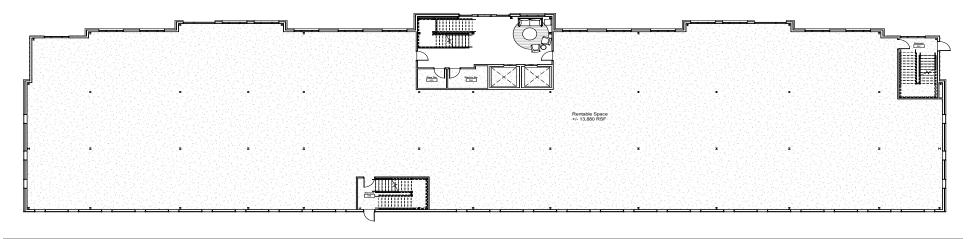
Site Plan - Concept Rendering

Η

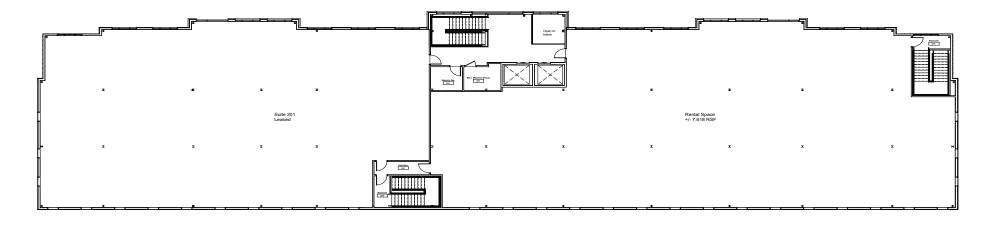


Main Entrance - Concept Rendering





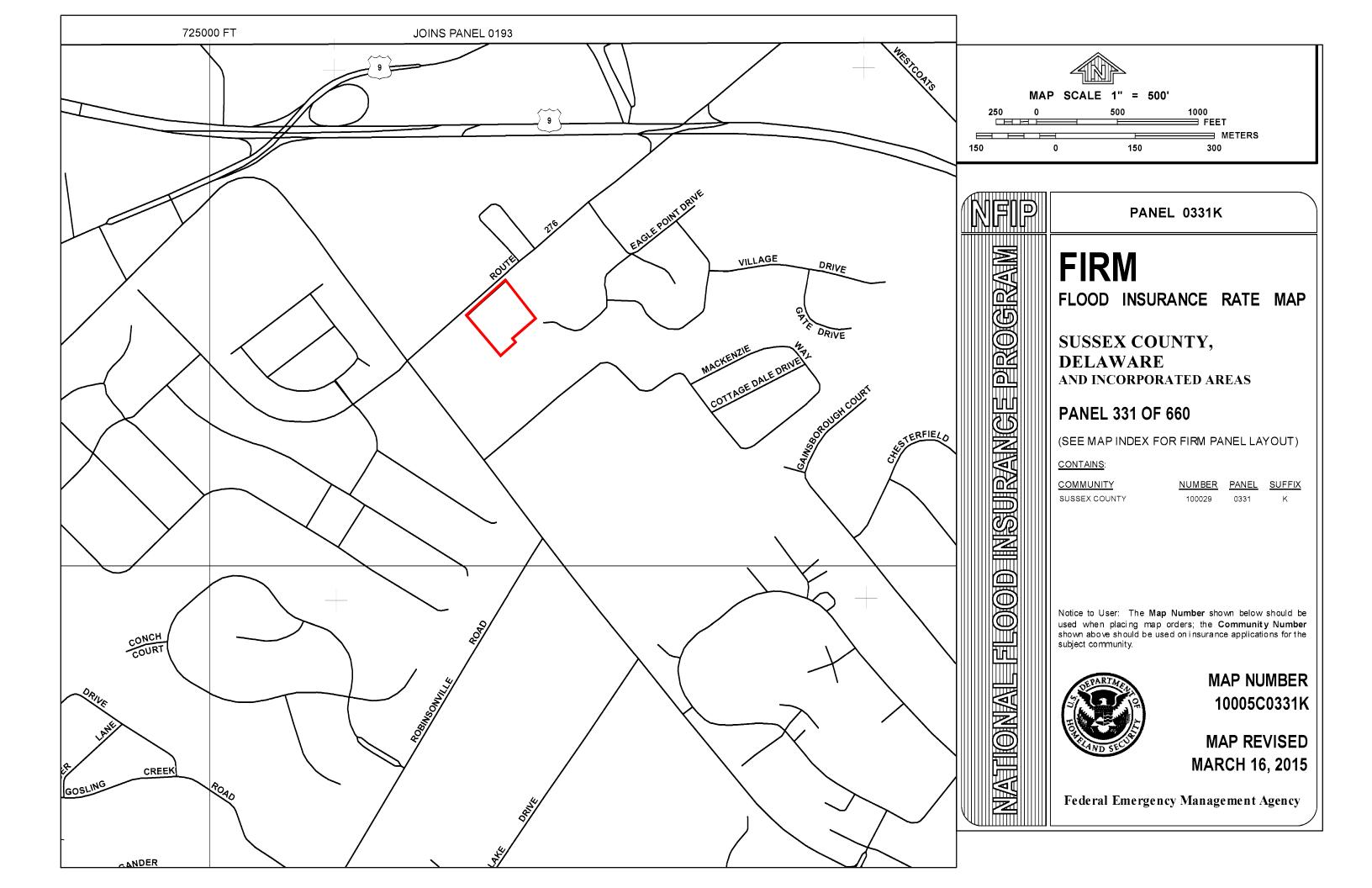
First Floor Plan

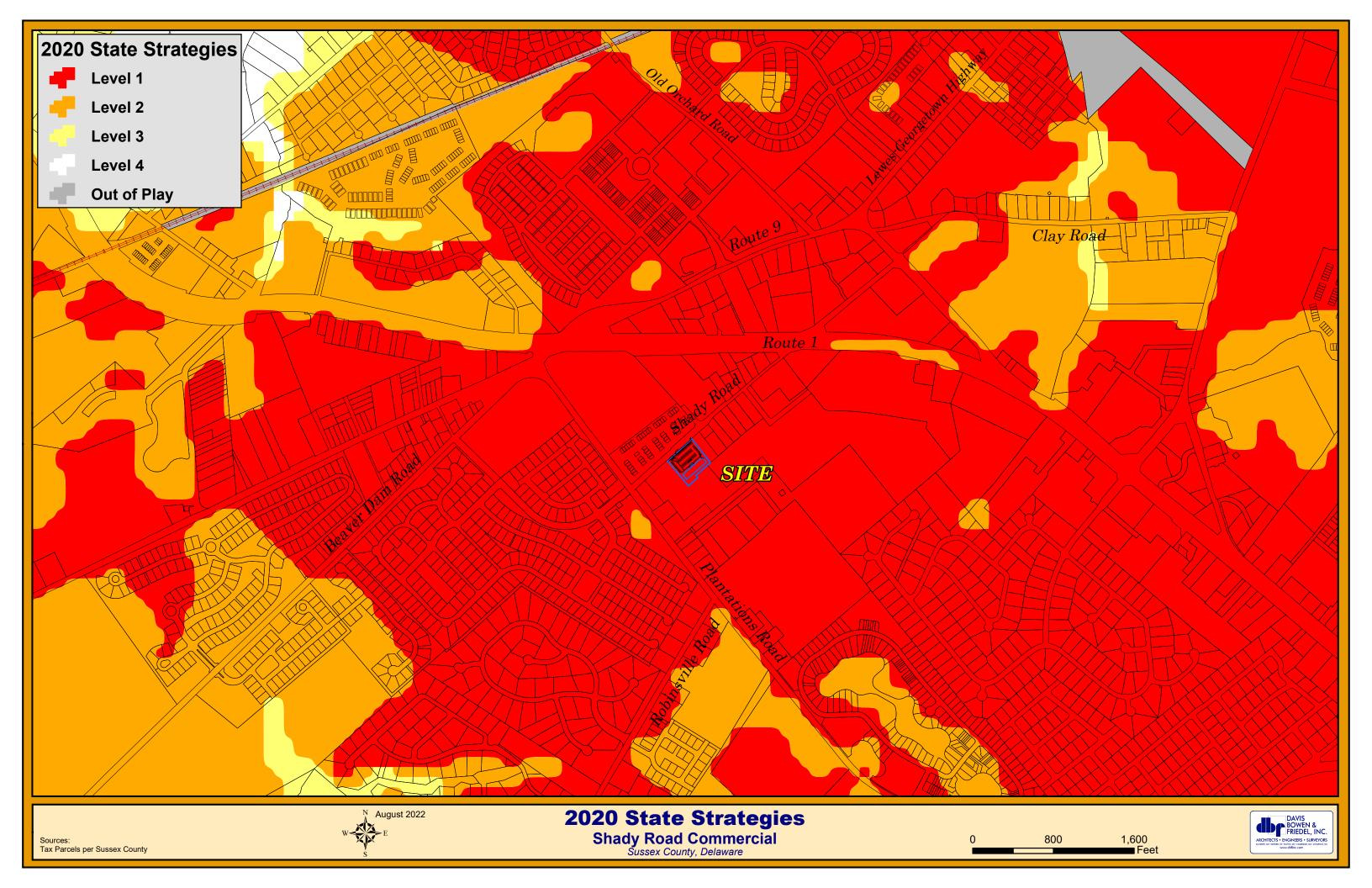


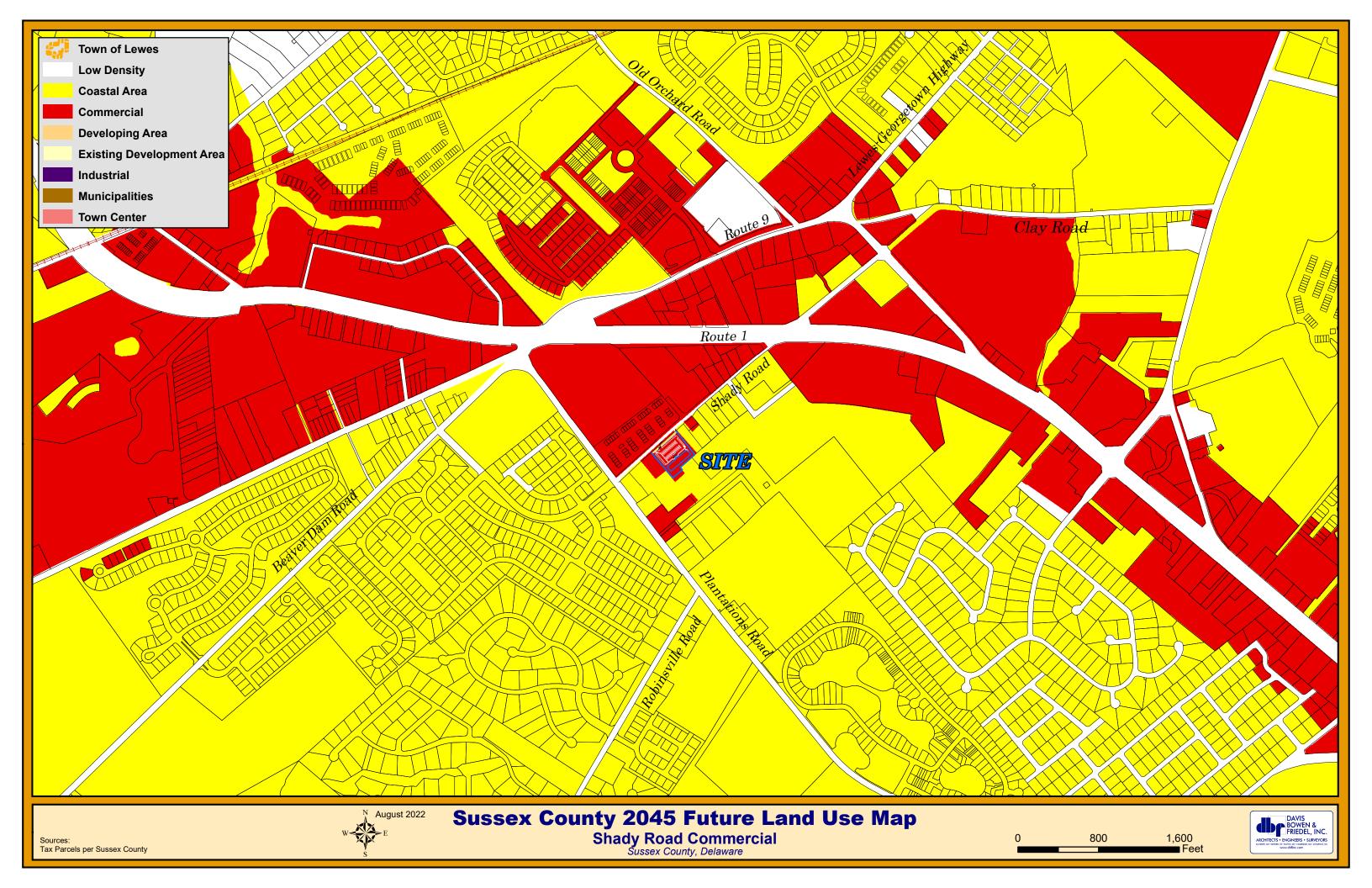
Second Floor Plan

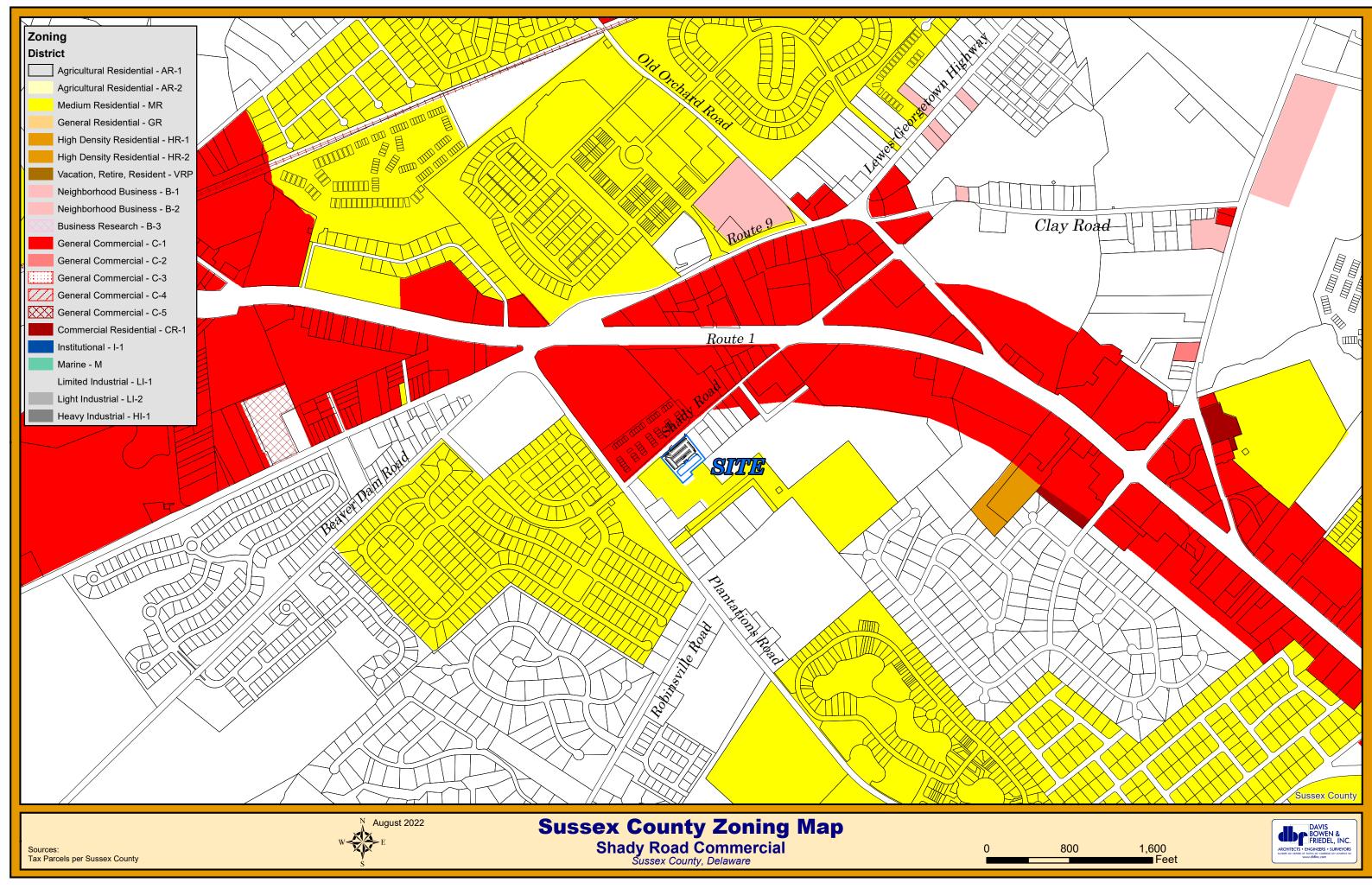
# Exhibit 1

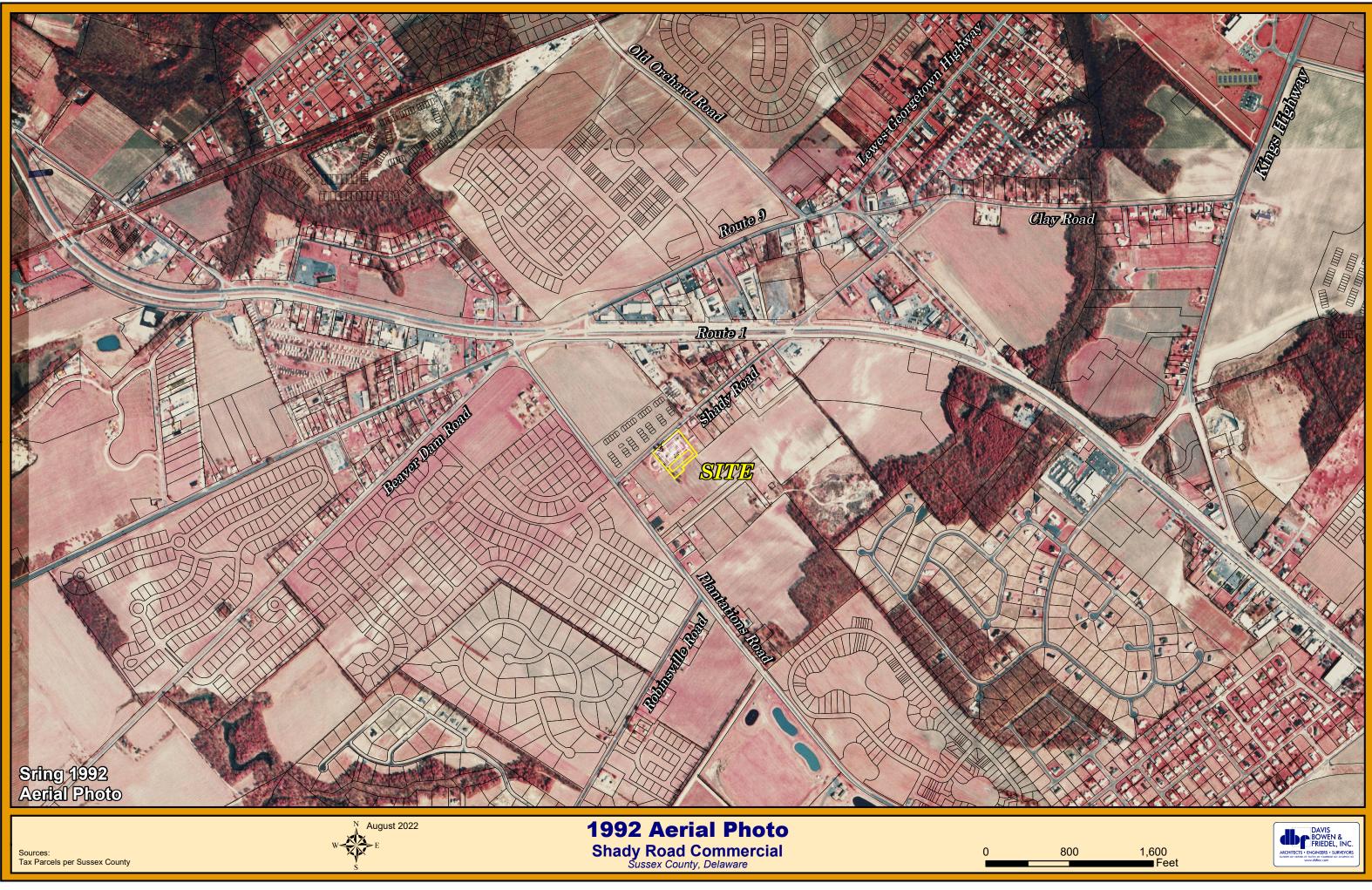




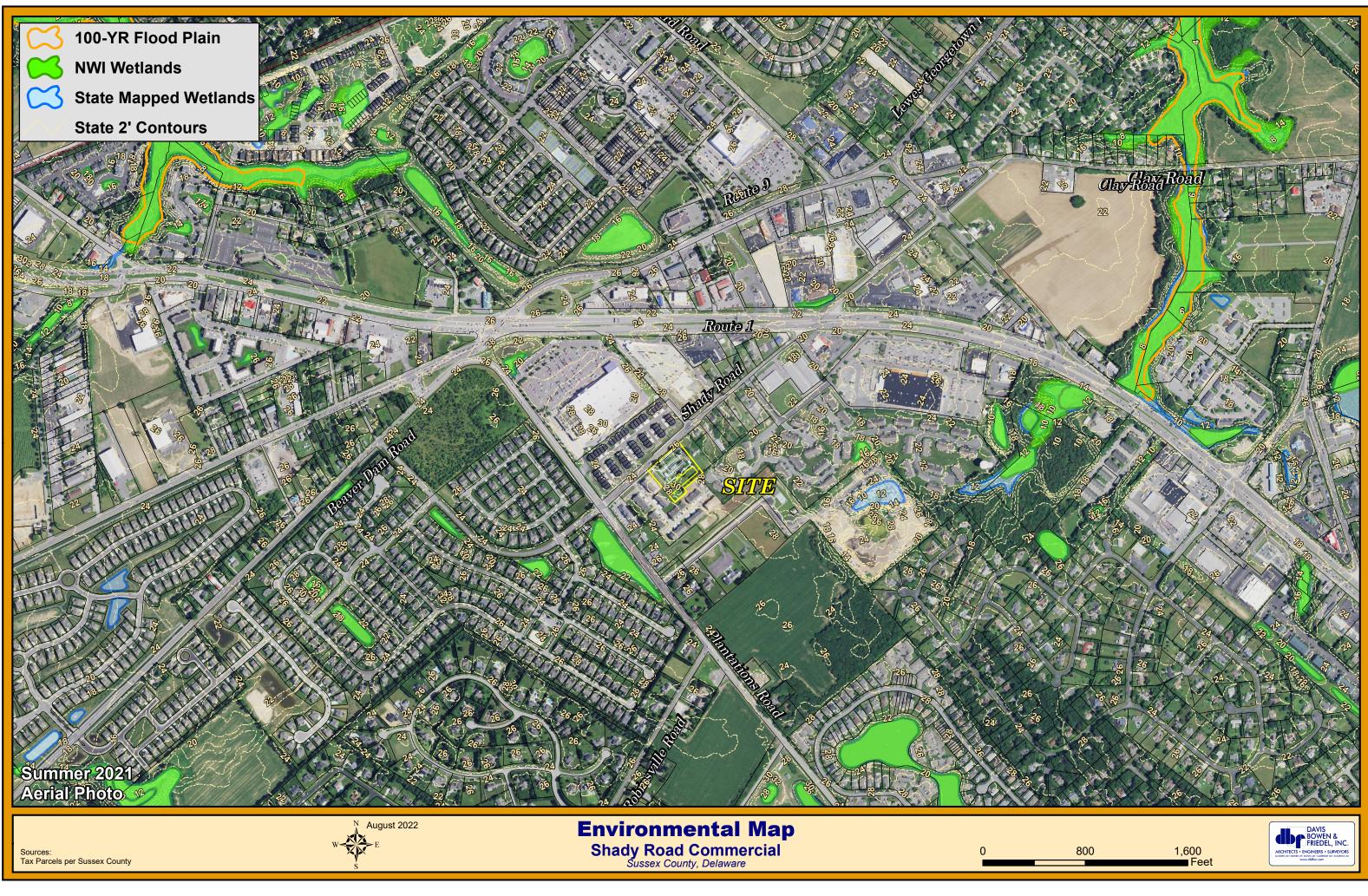


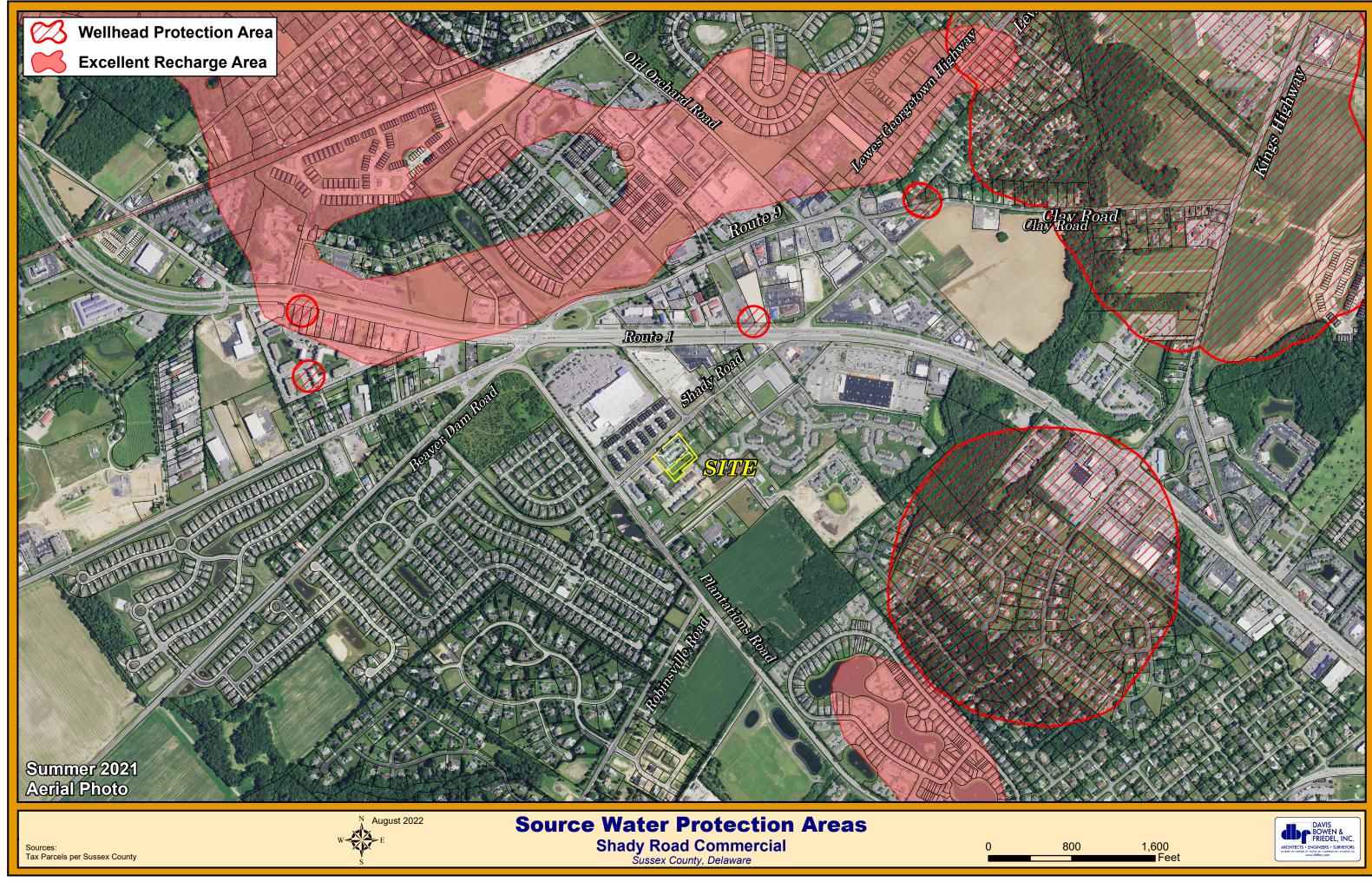














# Exhibit 2

Electronically Recorded Document# 2021000047065 BK: 5514 PG: 264 Recorder of Deeds, Scott Dailey On 7/23/2021 at 12:57:49 PM Sussex County, DE Consideration: \$925,000.00 County/Town: \$13,875.00 State: \$23,125.00 Total: \$37,000.00 Doc Surcharge Paid Town: SUSSEX COUNTY

> TAX MAP AND PARCEL #: 3-34 6.00 511.02 3 34 6.00 511.06 3-34 6.00 513.00 PREPARED BY & RETURN TO: Baird Mandalas Brockstedt, LLC 1413 Savannah Road, Suite 1 Lewes, DE 19958 File No, RE21-0732/HG

> > THIS DEED, made this 22nd day of July, 2021,

#### - BETWEEN -

**<u>SAMIR GHABRA</u>** and **<u>THANA B. GHABRA</u>**, of 524 School Lane, Rehoboth Beach, DE 19971, parties of the first part,

#### - AND -

#### SOUTHERN DELAWARE MEDICAL CENTER, LLC, A DELAWARE LIMITED LIABILITY COMPANY, of 859 Golf Links Lane, Magnolia, DE 19962, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Nine Hundred Twenty-Five Thousand and 00/100 Dollars (\$925,000.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

#### TRACT ONE (3-34 6.00 511.02)

ALL that certain lot or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, lying on the southeasterly right of way line of Route 276, more fully described as follows. To wit

**BEGINNING** at a pipe, set in the southeasterly right of way line of Route No. 276, a corner for this lot and other lands of the grantors; thence by and with this lot and other lands of the grantors, South 26 degrees 12' 26" East 302.64 feet to a pipe in line of lands of H. Harry Norwood; thence by and with this lot in and in line of lands of Harry Norwood, and these Grantors, South 62 degrees 27' 27" West 103 feet to a pipe; thence turning and running North 26

Document# 2021000047065 BK: 5514 PG: 265 Recorder of Deeds, Scott Dailey On 7/23/2021 at 12:57:49 PM Sussex County, DE Doc Surcharge Paid

degrees 12' 26" West 300.57 feet to a pipe in the southeasterly right of way line of Highway No. 276; thence by and with said Highway North 61 degrees 18' 09" East 103 feet, home to the place of beginning, said to contain 31,046 square feet of land, more or less, as surveyed by Ira A. Garbutt, III surveyor on September 2, 1978.

#### TRACT TWO (3-34 6.00 511.06)

ALL that certain lot or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, being more particularly described as follows to wit:

**BEGINNING** at an iron pipe, said iron pipe being located at the corner of this lot and lands now or formerly of Robert Irving Harmon, said iron pipe also being located on the Southeastern right of way of County Road No. 276; thence turning and running by and along the Southeastern right of way of County Road No. 276 North 60 degrees 45' 40" East 100.00 feet to an iron pipe; thence turning and running by and along a common boundary line between these lands and lands now or formerly of Janet Morris South 26 12' 30" East 300.57 feet to an iron pipe; thence turning and running South 60 degrees 45' 40" West 100.00 feet to an iron pipe, thence turning and running North 26 degrees 44' 20" West 300.57 feet, home to the place if beginning, and said to contain 30,015 square feet of land, be the same more or less as surveyed by Mann Associates, Inc., Registered Surveyors, on February 28, 1984.

#### **TRACT THREE (3-34 6.00-513.00)**

ALL that certain lot or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, fronting on the south side of County Road 276 and being more particularly bounded and described in accordance with a survey prepared by Adams-Kemp Associates, Inc., dated February 23, 1999, as follows to wit:

BEGINNING at a point in the southerly right of way line of County Road 276, said point, marking a common corner between this lot and lands now or formerly of Martin W. Morris; thence turning and running by and with the lands now or formerly of Martin W. Morris, the following two (2) courses and distances, viz; (1) South 26 degrees 12 minutes 30 seconds East, 298.82 feet to a found iron pipe; (2) North 60 degrees 45 minutes 40 seconds East, 14.47 feet to a concrete monument set said monument marking a common corner between this lot and lands now or formerly of Winston Morris, in line of lands now or formerly of Martin W. Morris; thence turning and running by and with the lands now or formerly of Winston Morris and land now or formerly of Winston Tyrone Morris, the following three (3) courses and distances, viz; (1) South 28 degrees 44 minutes 19 seconds East 30.06 feet to a set concrete monument; (2) South 59 degrees 46 minutes 07 seconds West, 125.08 feet to a set concrete monument (3) North 28 degrees 44 minutes 19 seconds West, 328.49 feet to a concrete monument set in the southerly right of way line of County Road 276; thence tuning and by and with the southerly right of way line of County Road 276 North 59 degrees 46 minutes 07 seconds East, 123.80 feet to a point and place of beginning, said to contain 38,724 square feet of land more or less with improvement situate thereon.

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### TRACT ONE (3-34 60.00 511.02)

**BEING** the same lands conveyed to Samir Ghabra and Thana B. Ghabra from Samir Ghabra, by deed dated November 16, 2011 recorded in Deed Book 3944, Page 286 in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

#### TRACT TWO (3-34 60.00 511.06)

**BEING** the same lands conveyed to Samir Ghabra and Thana B. Ghabra from Samir Ghabra, by deed dated November 16, 2011 recorded in Deed Book 3944, Page 288 in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

#### TRACT THREE (3-34 60.00 513.00)

**BEING** the same lands conveyed to Samir Ghabra and Thana B. Ghabra from Samir Ghabra, by deed dated November 16, 2011 recorded in Deed Book 3944, Page 290 in the Office of the Recorder of Deeds in and for Sussex County, Delaware.

**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.

Document# 2021000047065 BK: 5514 PG: 267 Recorder of Deeds, Scott Dailey On 7/23/2021 at 12:57:49 PM Sussex County, DE Doc Surcharge Paid

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

Signed, Sealed and Delivered in the presence of:

(SEAL) Samir Ghabra

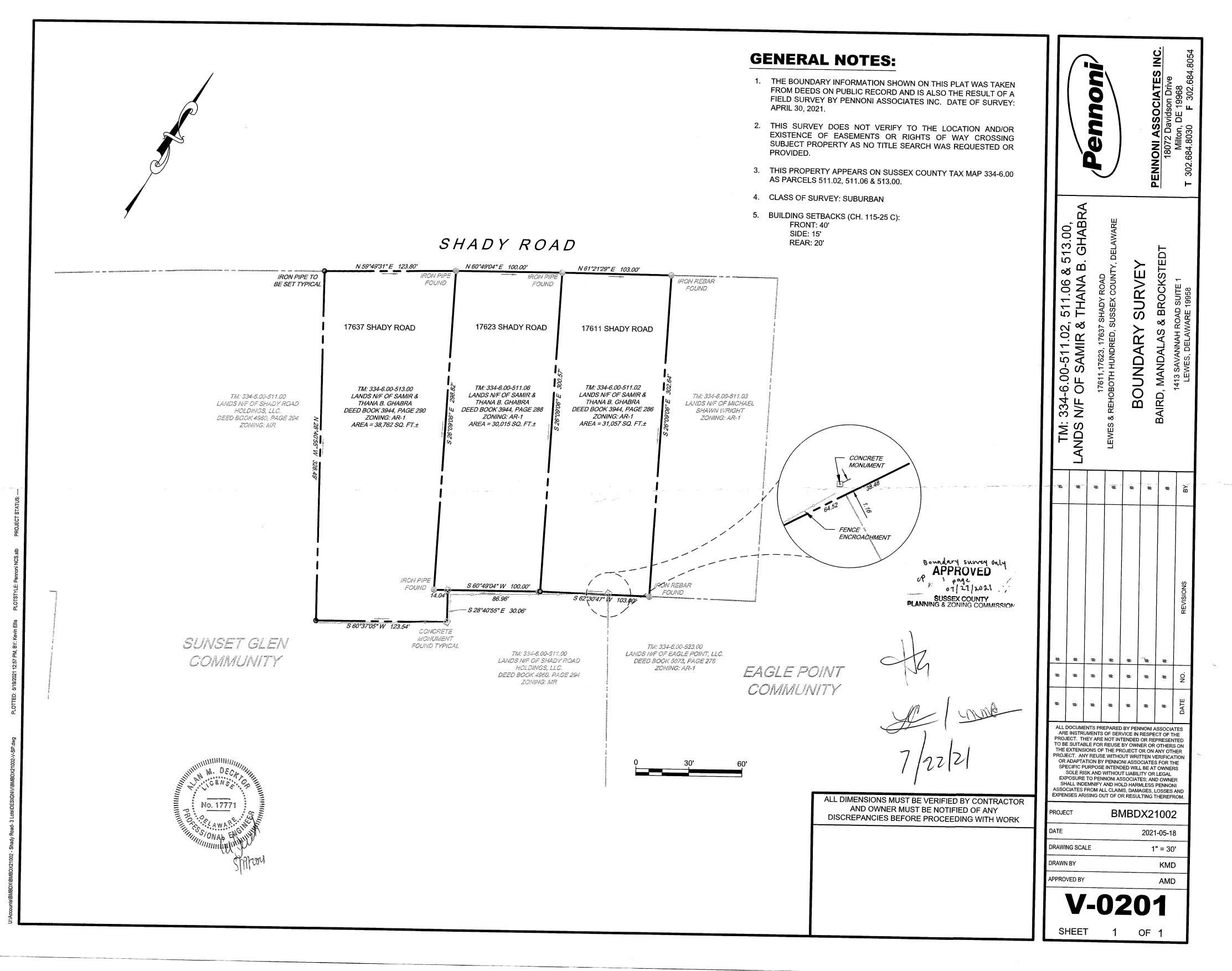
(SEAL) Thana B. Ghabra

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

**BE IT REMEMBERED**, that on July 22, 2021, personally came before me, the subscriber, Samir Ghabra and Thana B. Ghabra, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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

ablic ATTONIATATY JAMES P. BECKER 36.1 BAR # 3711 onmission Expires:



# Exhibit 3



STATE OF DELAWARE DEPARTMENT OF TRANSPORTATION 800 Bay Road P.O. Box 778 Dover, Delaware 19903

NICOLE MAJESKI SECRETARY

September 10, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Southern Delaware Medical Center, LLC** proposed land use application, which we received on August 23, 2021. This application is for an approximately 2.37- acre assemblage of parcels (Tax Parcels: 334-6.00-511.02, 511.06, 513.00). The subject land is located on the southwest side of Shady Road (Sussex Road 276). The subject land is currently zoned AR-1 (Agriculture Residential) and is looking for a conditional use approval for a medical office building.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Shady Road from Plantations Road (Sussex Road 275) to Coastal Highway (State Route 1), is 5,159 vehicles per day.

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

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.



Mr. Jamie Whitehouse Page 2 of 2 September 10, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

Clanchy formules for

T. William Brockenbrough, Jr. County Coordinator Development Coordination

### TWB:aff

cc: Dawn Riggi, Applicant

Lauren DeVore, Sussex County Planning & Zoning David Edgell, Coordinator, Cabinet Committee on State Planning Issues Todd Sammons, Assistant Director, Development Coordination Scott Rust, South District Public Works Manager, Maintenance & Operations Steve McCabe, Sussex County Review Coordinator, Development Coordination Derek Sapp, Subdivision Manager, Development Coordination Kevin Hickman, Subdivision Manager, Development Coordination Brian Yates, Subdivision Manager, Development Coordination John Andrescavage, Subdivision Manager, Development Coordination James Argo, South District Project Reviewer, Maintenance & Operations Troy Brestel, Project Engineer, Development Coordination Claudy Joinville, Project Engineer, Development Coordination Annamaria Furmato, Project Engineer, Development Coordination

## Exhibit 4



June 9, 2022

Mr. Claudy Joinville Project Engineer Delaware Department of Transportation Development Coordination, Division of Planning 800 Bay Road Dover, DE 19901

DRAFT RE: Agreement No. 1945F Project Number T202069012 **Traffic Impact Study Services** Task 5-8A – Southern Delaware Medical Center TIS

Dear Mr. Joinville:

Johnson, Mirmiran, and Thompson (JMT) has completed a review of the Traffic Impact Study (TIS) for the Southern Delaware Medical Center development, which was prepared by Davis, Bowen & Friedel, dated March 24, 2022. This review was assigned as Task Number 5-8A. The report is prepared in a manner generally consistent with DelDOT's Development Coordination Manual.

The TIS evaluates the impacts of a proposed development comprised of 32,960 square feet of medical office space in Sussex County, Delaware. The site is located on the south side of Shady Road (Sussex Road 276) between Plantation Road (Sussex Road 275) and Shady Nook Drive, near Five Points. The subject property is on an approximately 2.297-acre assemblage of parcels that is currently zoned as AR-1 (Agricultural Residential). The developer is seeking a Conditional Use approval to build the subject site. One full access point is proposed on Shady Road. Construction for the development is anticipated to be completed in 2023.

The proposed development is located within the boundary of the proposed Henlopen Transportation Improvement District (TID). DelDOT and Sussex County developed the TID and the formal creation of the TID was unanimously approved by Sussex County on October 27, 2020. The TID limits generally extend from the Georgetown to Lewes Trail and Delaware Route 1 to the north, Burton Pond and Herring Creek to the south, Arnell Creek and Rehoboth Bay to the east, and Beaver Dam Road to the west. The Henlopen TID CTP Cost Development Report was prepared in October 2019 by JMT and contained a summary of the traffic analysis conducted and the associated roadway concept plans and cost estimates for the TID. As part of the report, improvements were recommended at the Plantation Road/Shady Road intersection.

Although the subject property is within the Henlopen TID, the proposed plan for the development is not consistent with the Land Use and Transportation Plan (LUTP) that was developed for the TID. For developments that are consistent with the LUTP, the developer is required to pay a fee in lieu of performing a TIS and making off-site improvements in accordance with the TID. However, as the proposed development is not consistent, a TIS was required.



The purpose of the TIS is to identify any additional improvements beyond the TID improvements that the development would be required to contribute to. If no additional improvements are identified within the TIS, the development would still be required to participate in the TID. The TID fee would cover off-site improvements beyond their entrance improvements. The TID fee would be based on actual construction built, so the fee would be higher with more development. DelDOT would only require additional contributions beyond the TID fee for additional improvements needed beyond those in the TID.

The *Plantation Road Improvement, Robinsonville Road to US 9 (Phase 1)* (DeIDOT Contract No. T202011201) project proposes to include operational improvements at the Belltown Road and US Route 9 intersection, a multi-lane roundabout at the intersection of Plantation Road, Belltown Road, and SR 23, and an additional southbound through lane on Plantation Road. Bicycle and pedestrian facilities will be upgraded throughout the corridor. This project begins at the Plantation Road and Robinsonville Road intersection, includes the Plantation Road and Shady Road/Salt Marsh Boulevard intersection, and ends near the Plantation Road/Belltown Road/US Route 9 intersection. This project proposes to preserve mobility for local residents and businesses while providing roadway improvements along Plantation Road to reduce congestion, improve safety, and accommodate anticipated growth in local and seasonal traffic. The latest project updates indicate that design and right-of-way acquisition are currently underway. Construction is anticipated to begin in Fall 2022 and end in 2024. More information about this project can be found at: <u>https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T202011201</u>

The *Plantation Road Improvements, SR 24 to Robinsonville Road (Phase 2)* (DelDOT Contract No. T201911201) project consists of operational improvements including turn lanes and other intersection modifications, median turn lanes for residential entrances, and bicycle and pedestrian facilities throughout the corridor. This phase (Phase 2) of the project begins near the intersection of Plantation Road and Shady Road/Salt Marsh Boulevard and ends north of the intersection of Plantation Road and SR 24. Concept development is ongoing, and a construction start date has not been determined at this time. More information about this project can be found at: https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T201911201

The *Shady Road (Plantation Road to SR 1) Improvements* DelDOT project was added to the Fiscal Year (FY) 2023 – FY 2028 Capital Transportation Program (CTP). Preliminary engineering is scheduled to start in FY 2028. A construction start date has not been determined at this time.

The *Five Points Transportation Study* is a joint effort developed by DelDOT and Sussex Country to examine potential improvements to the area around the intersection of Delaware Route 1 and US Route 9 near Lewes, also known as Five Points. The Study seeks to reduce congestion and improve capacity on Delaware Route 1. Phase 1 of the Study involved the Working Group, which was comprised of public as well as state, county, and municipal agency members, to develop transportation recommendations for the area. The Study has moved into Phase 2 – Implementation, which involves the development and execution of studies, projects, and plans based on the Working Group's recommendations. Phase 1 was completed in Fall of 2018, and Phase 2 began in Spring of 2019. Recommendations from the Study that are within the area of study for the TIS include evaluating potential short-term safety and operational improvements at Route 9, Plantation Road, and Beaver Dam Road while longer-term improvements are under development. Additional



information can be found on the DelDOT project website at <u>https://deldot.gov/projects/Studies/fivepoints/</u>.

Based on our review of the traffic impact study, we have the following comments and recommendations:

All the study intersections operate at acceptable levels of service with the existing physical roadway and traffic control under 2023 future build conditions.

The TIS included an additional scenario for future 2045 conditions with the proposed development (Case 4). The signalized Shady Road and Plantation Road intersection under the PM peak hour Case 4 scenario would exhibit LOS deficiencies with a delay of 80.0 seconds per vehicle (LOS F). As part of the *Plantation Road Improvement, Robinsonville Road to US 9 (Phase 1)* project (DelDOT Contract No. T202011201), the intersection would be improved to provide two through lanes along the southbound Plantation Road approach. With these improvements the intersection would improve to operate at acceptable LOS during the PM peak hour under Case 4 conditions with 44.5 seconds of delay per vehicle (LOS D). Additionally, as part of the Henlopen TID the intersection would be improved to provide two through lanes along the northbound and southbound Plantation Road approaches. With these improvements, the intersection would operate at acceptable LOS with 24.4 seconds of delay per vehicle during the PM peak hour under Case 4 conditions.

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

1. The developer shall improve Shady Road within the limits of their frontage to meet DelDOT's standards for their Functional Classification as found in Section 1.1 of the *Development Coordination Manual* and elsewhere therein. The improvements shall include both directions of travel, regardless of whether the developer's lands are on one or both sides of the road. Frontage is defined in Section 1 of the *Development Coordination Manual*, which states "This length includes the length of roadway perpendicular to lines created by the projection of the outside parcel corners to the roadway." Questions on or appeals of this requirement should be directed to the DelDOT Subdivision Review Coordinator in whose area the development is located.

To accommodate the *Shady Road (Plantation Road to SR 1) Improvements* DelDOT project, the developer should dedicate an additional five feet of right-of-way beyond the typical requirement for a local roadway. As a result, a 10-foot P.E. would be required. The value of the additional portion of right-of-way is deductible from the TID fee.

To the extent that the frontage improvements are not addressed by the site entrance construction (Item 2 below), the cost of the work completed to improve Shady Road to meet DelDOT's standards and the sidewalk, addressed in Item 4a below, are deductible



from the TID fee discussed in Item 3. It may be appropriate for DelDOT to require less than the work contemplated here to adjust the cost of the work with the amount of the TID fee.

2. The developer should construct an unsignalized full access for the proposed Southern Delaware Medical Center development along Shady Road. The intersection should be consistent with the lane configurations shown in the table below.

Approach	<b>Current Configuration</b>	Proposed Configuration
Eastbound Shady Road	One through lane	One through lane and one right turn lane
Westbound Shady Road	One through lane	One left turn lane and one through lane
Northbound Site Entrance	Approach does not exist	One shared left turn/right turn lane

Based on DelDOT's *Development Coordination Manual*, the recommended minimum storage length (excluding taper) of the eastbound Shady Road right turn lane is 110 feet. Based on DelDOT's *Development Coordination Manual*, the recommended minimum storage length (excluding taper) of the westbound Shady Road left turn lane is 120 feet. The projected queues from the HCS analysis can be accommodated within the recommended storage lengths. Per the Preliminary Site Plan prepared by DBF dated July 2021, the proposed entrance would be located approximately 575 feet east of the northeast point of tangency with Plantation Road. It is recommended that the proposed entrance be located towards the westernmost limits of the site frontage, approximately 475 515 feet east of the northeast point of tangency with Plantation Road, to accommodate the recommended westbound left turn storage length.

- 3. The developer should pay the appropriate portion of the Henlopen TID fee remaining after the value of the additional right-of-way dedication and the non-entrance frontage improvements has been credited against the total TID fees owed. The developer should coordinate with DelDOT Statewide Regional Planning section on the calculation of the fee.
- 4. The following bicycle, pedestrian, and transit improvements should be included:
  - a. A minimum of fifteen-foot wide permanent easement from the edge of the rightof-way should be dedicated to DelDOT along the Shady Road site frontage. Within the easement, the developer should construct a five-foot wide sidewalk. The sidewalk should be designed to meet current AASHTO and ADA standards. If feasible, the sidewalk should be placed behind utility poles and street trees should be provided within the buffer area. The developer should coordinate with DelDOT's Development Coordination Section during the plan review process to identify the exact location of the sidewalk.



- b. At least one pedestrian connection should be provided from the site to the Lewes Transit Center.
- c. ADA compliant curb ramps and marked crosswalks should be provided along the site entrance.
- d. Where internal sidewalks are located alongside of parking spaces, a buffer, physical barrier, or signage should be added to eliminate vehicular overhang onto the sidewalk.
- e. Minimum five-foot wide bicycle lanes should be incorporated in the right turn lane and shoulder along the Shady Road approaches to the site entrance.
- f. Utility covers should be moved outside of any designated bicycle lanes and any proposed sidewalks/SUP or should be flush with the pavement.

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

Improvements in this TIS may be considered "significant" under DelDOT's *Work Zone Safety and Mobility Procedures and Guidelines*. These guidelines are available on DelDOT's website at <u>https://www.deldot.gov//Publications/manuals/de\_mutcd/index.shtml</u>. For any additional information regarding the work zone impact and mitigation procedures during construction, please contact Mr. Jeff VanHorn, Assistant Director for Traffic Operations and Management. Mr. VanHorn can be reached at (302) 659-4606 or by email at <u>Jeffrey.VanHorn@delaware.gov</u>.

Additional details on our review of the TIS are attached. Please contact me at (302) 266-9600 if you have any questions concerning this review.

Sincerely, Johnson, Mirmiran, and Thompson, Inc.

Joanne M. Arellano, P.E., PTOE

cc: Mir Wahed, P.E., PTOE Janna Brown, E.I.T.

Enclosure

### **General Information**

Report date: March 24, 2022 Prepared by: Davis, Bowen & Friedel, Inc. (DBF) Prepared for: Lighthouse Construction, Inc. Tax Parcels: 334-6.00-511.02, 511.06, and 513 Generally consistent with DelDOT's *Development Coordination Manual (DCM*): Yes

### **Project Description and Background**

**Description:** The proposed development consists of 32,960 square feet of medical office space. **Location:** The land is located on the east side of Shady Road (Sussex Road 276) between Plantation Road (Sussex Road 275) and Shady Nook Drive near Five Points in Sussex County. **Amount of Land to be developed:** An approximately 2.297-acre assemblage of parcels. **Land Use approval(s) needed:** Entrance Plan, Conditional Use.

**Proposed completion date:** 2023.

**Proposed access locations:** One full access point on Shady Road between Plantation Road and Shady Nook Drive.

### **Daily Traffic Volumes:**

• 2019 Average Annual Daily Traffic on Shady Road: 5,159

## <u>Site Map</u>



\*Graphic is an approximation based on the Preliminary Site Plan prepared by Davis, Bowen & Friedel, Inc (DBF) dated July 2021.

## **Relevant and On-going Projects**

The proposed development is located within the boundary of the proposed Henlopen Transportation Improvement District (TID). DelDOT and Sussex County developed the TID and the formal creation of the TID was unanimously approved by Sussex County on October 27, 2020. The TID limits generally extend from the Georgetown to Lewes Trail and Delaware Route 1 to the north, Burton Pond and Herring Creek to the south, Arnell Creek and Rehoboth Bay to the east, and Beaver Dam Road to the west. The *Henlopen TID CTP Cost Development Report* was prepared in October 2019 by JMT and contained a summary of the traffic analysis conducted and the associated roadway concept plans and cost estimates for the TID. As part of the report, improvements were recommended at the Plantation Road/Shady Road intersection.

Although the subject property is within the Henlopen TID, the proposed plan for the development is not consistent with the Land Use and Transportation Plan (LUTP) that was developed for the TID. For developments that are consistent with the LUTP, the developer is required to pay a fee per dwelling in lieu of performing a TIS and make off-site improvements in accordance with the TID. However, as the proposed development is not consistent, a TIS was required.

The purpose of the TIS is to identify any additional improvements beyond the TID improvements that the development would be required to contribute to. If no additional improvements are identified within the TIS, the development would still be required to participate in the TID. The TID fee would cover off-site improvements beyond their entrance improvements. The TID fee would be based on actual units built, so the fee would be higher with more units. DelDOT would only require additional contributions beyond the TID fee for additional improvements needed beyond those in the TID.

The *Plantation Road Improvement, Robinsonville Road to US 9 (Phase 1)* (DelDOT Contract No. T202011201) project proposes to include operational improvements at the Belltown Road and US Route 9 intersection, a multi-lane roundabout at the intersection of Plantation Road, Belltown Road, and SR 23, and an additional southbound through lane on Plantation Road. Bicycle and pedestrian facilities will be upgraded throughout the corridor. This project begins at the Plantation Road and Robinsonville Road intersection, includes the Plantation Road and Shady Road/Salt Marsh Boulevard intersection, and ends near the Plantation Road/Belltown Road/US Route 9 intersection. This project proposes to preserve mobility for local residents and businesses while providing roadway improvements along Plantation Road to reduce congestion, improve safety, and accommodate anticipated growth in local and seasonal traffic. The latest project updates indicate that design and right-of-way acquisition are currently underway. Construction is anticipated to begin in Fall 2022 and end in 2024. More information about this project can be found at: <u>https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T202011201</u>

The *Plantation Road Improvements, SR 24 to Robinsonville Road (Phase 2)* (DelDOT Contract No. T201911201) project consists of operational improvements including turn lanes and other intersection modifications, median turn lanes for residential entrances, and bicycle and pedestrian facilities throughout the corridor. This phase (Phase 2) of the project begins near the intersection of Plantation Road and Shady Road/Salt Marsh Boulevard and ends north of the intersection of Plantation Road and SR 24. Concept development is ongoing, and a construction start date has not been determined at this time. More information about this project can be found at: https://deldot.gov/projects/index.shtml?dc=details&projectNumber=T201911201

The *Shady Road (Plantation Road to SR 1) Improvements* DelDOT project was added to the Fiscal Year (FY) 2023 – FY 2028 Capital Transportation Program (CTP). Preliminary engineering is scheduled to start in FY 2028. A construction start date has not been determined at this time.

The *Five Points Transportation Study* is a joint effort developed by DelDOT and Sussex Country to examine potential improvements to the area around the intersection of Delaware Route 1 and US Route 9 near Lewes, also known as Five Points. The Study seeks to reduce congestion and improve capacity on Delaware Route 1. Phase 1 of the Study involved the Working Group, which was comprised of public as well as state, county, and municipal agency members, to develop

transportation recommendations for the area. The Study has moved into Phase 2 – Implementation, which involves the development and execution of studies, projects, and plans based on the Working Group's recommendations. Phase 1 was completed in Fall of 2018, and Phase 2 began in Spring of 2019. Recommendations from the Study that are within the area of study for the TIS include evaluating potential short-term safety and operational improvements at Route 9, Plantation Road, and Beaver Dam Road while longer-term improvements are under development. Additional information found the DelDOT project website can be on at https://deldot.gov/projects/Studies/fivepoints/.

#### Livable Delaware

(Source: Delaware Strategies for State Policies and Spending, 2020)

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

The proposed development is located within Investment Level 1.

#### Investment Level 1

These areas are often municipalities, towns, or urban/urbanizing places in counties where density is generally higher than in surrounding areas. In Investment Level 1 Areas, state investments and policies should support and encourage a wide range of uses and densities, promote a variety of transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity. Overall, it is the state's intent to use its spending and management tools to maintain and enhance community character, and to promote well-designed and efficient new growth in Investment Level 1 Areas.

In Level 1 Areas the state's first priority will be for preserving existing facilities and making safety improvements. Level 1 areas will also be the highest priority for context sensitive transportation system capacity enhancements, transit-system enhancements, ADA accessibility, and for closing gaps in the pedestrian system, including the Safe Routes to School projects. Investment Level 1 Areas are ideal locations for Transportation Improvement Districts as well as Complete Community Enterprise Districts. Further, Level 1 areas are the first priority for planning projects and studies, bicycle facilities, signal-system enhancements, and the promotion of interconnectivity of neighborhoods and public facilities.

#### **Proposed Development's Compatibility with Livable Delaware:**

Investment Level 1 areas typically aim to provide a range of uses, while maintaining community identity. The area surrounding the proposed development is largely residential with some commercial space. The proposed development is medical office space and would be located near the commercial space. Therefore, the proposed development is consistent with the 2020 update of the Livable Delaware "Strategies for State Policies and Spending."

#### **Comprehensive Plan**

(Source: Sussex County 2019 Comprehensive Plan)

#### Sussex County Comprehensive Plan:

Per the Sussex County Comprehensive Plan Zoning Map, the proposed development is currently zoned as AR-1 – Agricultural Residential. Per the Sussex County Comprehensive Plan Future Land Use Map, the proposed development is in an area designated as a Coastal Area.

#### Proposed Development's Compatibility with the Sussex County Comprehensive Plan:

The *Sussex County Comprehensive Plan* states that office uses are appropriate for Coastal Areas. Therefore, the development is generally consistent with the *Sussex County Comprehensive Plan*.

#### **Trip Generation**

The trip generation for the proposed development was determined by using the comparable land use and rates/equations contained in the <u>Trip Generation, 10<sup>th</sup> Edition: An ITE Informational</u> <u>Report</u>, published by the Institute of Transportation Engineers (ITE) for ITE Land Use Code 720 (Medical-Dental Office Building).

Land Use	ADT	AM Peak Hour		Pe	PM eak Ho	ur	
		In	Out	Total	In	Out	Total
32,960 SF Medical- Dental Office Building (ITE Code 720)	1,179	65	18	83	32	82	114

Table 1
Southern Delaware Medical Center Trip Generation

#### **Overview of TIS**

#### **Intersections examined:**

- 1. Site Entrance/Shady Road (Sussex Road 276)
- 2. Shady Road/Plantation Road (Sussex Road 275)

#### **Conditions examined:**

- 1. Case 1 2022 Existing.
- 2. Case 2 2023 without development.
- 3. Case 3 2023 with development.
- 4. Case 4 2045 with development.

**Committed Developments considered:** In coordination with DelDOT, no committed developments were incorporated in the analysis.

Peak hours evaluated: Weekday morning and weekday evening peak hours.

#### **Intersection Descriptions**

#### 1. Site Entrance/Shady Road (Sussex Road 276)

**Type of Control:** Proposed two-way stop-controlled intersection (T-intersection) **Eastbound Approach:** (Shady Road) Existing one through lane. Proposed one through lane and one right turn lane.

**Westbound Approach:** (Shady Road) Existing one through lane. Proposed one left turn lane and one through lane.

Northbound Approach: (Site Entrance) Proposed one shared left turn/right turn lane.

#### 2. Shady Road/Plantation Road (Sussex Road 275)

Type of Control: Existing signalized intersection.

**Eastbound Approach:** (Salt Marsh Boulevard) Existing one shared left turn/through lane and one right turn lane.

**Westbound Approach:** (Shady Road) Existing one shared left turn/through lane and one right turn lane.

**Northbound Approach:** (Plantation Road) Existing one left turn lane, one through lane, and one right turn lane.

**Southbound Approach:** (Plantation Road) Existing one left turn lane, one through lane, and one right turn lane. Proposed one left turn lane, two through lanes, and one right turn lane.

Note: Proposed improvements at the Shady Road/Plantation Road intersection will be constructed as part of the Plantation Road Improvements, Robinsonville Road to US 9 DelDOT project (T202011201).

#### Transit, Pedestrian, and Bicycle Facilities

**Existing transit service**: Per DelDOT Gateway, there are four DART Routes that run through the project area, 204, 206, 305, and 307. All four routes traverse the study area along Plantation Road and Shady Road and stop at the Lewes Transit Center, located approximately 600 feet northeast from the proposed Southern Delaware Medical Center. Route 204 provides 33 round trips from 6:05 AM to 10:44 PM Monday through Saturday. Route 206 provides 11 round trips from 5:30 AM to 12:11 AM on weekdays, and eight round trips from 6:05 AM to 10:26 PM on Saturdays. Route 307 provides 5 round trips from 5:27 AM to 8:25 PM on weekdays. Route 305 is a beach bus from Wilmington to Rehoboth and the schedule has not been released for Summer 2022.

**Planned transit service**: Per email correspondence on April 7, 2022 with Mr. Jared Kauffman, Fixed-Route Planner for DART, the Delaware Transit Corporation recommends a direct pedestrian pathway to the Lewes Transit Center.

**Existing bicycle and pedestrian facilities**: According to DelDOT's Sussex County On-Road Bicycle Map, Plantation Road is a statewide bike route.

**Planned bicycle and pedestrian facilities**: Per email correspondence on March 31, 2022 with Mr. Anthony Aglio, DelDOT Bicycle Coordinator, sidewalks and bike lanes are recommended along the site frontage.

**Bicycle Level of Traffic Stress in Delaware**: Researchers with the Mineta Transportation Institute developed a framework to measure low-stress connectivity, which can be used to evaluate and guide bicycle network planning. Bicycle LTS analysis uses factors such as the speed of traffic, volume of traffic, and the number of lanes to rate each roadway segment on a scale of 1 to 4, where 1 is a low-stress place to ride and 4 is a high-stress place to ride. It analyzes the total connectivity of a network to evaluate how many destinations can be accessed using low-stress routes. Developed by planners at the Delaware Department of Transportation (DelDOT), the bicycle Level of Traffic Stress (LTS) model will be applied to bicycle system planning and evaluation throughout the state. The Bicycle LTS for the roadway under existing conditions along the site frontage are summarized below. The Bicycle LTS was determined utilizing a map developed by the University of Delaware.

• Shady Road LTS: 4

#### Crash Evaluation

No crash analysis was incorporated in the analysis.

#### Sight Distance Evaluation

No sight distance constraints were noted at the site entrances per a field visit conducted on April 11, 2022.

#### **General HCS Analysis Comments**

(See table footnotes on the following pages for specific comments)

- 1) JMT and the TIS used version 7.9.6 of HCS7 to complete the analysis.
- 2) Per DelDOT's *Development Coordination Manual*, and due to the lack of available count data, JMT used a heavy vehicle percentage of 3% for each movement greater than 100 vph in the existing and future scenario analysis. The TIS used 3% for all scenarios.
- 3) Per DelDOT's *Development Coordination Manual* and coordination with DelDOT Planning, JMT used a heavy vehicle percentage of 5% for each movement less than 100 vph along roadways. The TIS used 3% for all scenarios.
- 4) Per DelDOT's *Development Coordination Manual*, and due to the lack of available count data, JMT utilized a PHF of 0.80 for roadways with less than 500 vph, 0.88 for roadways between 500 and 1,000 vph, and 0.92 for roadways with more than 1,000 vph. The TIS utilized 0.92 for all locations.
- 5) The following scenarios were analyzed:
  - a. Case 1 2016 Existing
  - b. Case 2 2023 without Development
  - c. Case 3 2023 with Development
  - d. Case 4 2045 with Development
  - e. Case 5 2029 with Development\*

\*Case 5 was analyzed for the Site Entrance along Shady Road only. Volumes were derived from collected ATR data.

#### Table 2 Peak Hour Levels Of Service (LOS) Southern Delaware Medical Center TIS Review Report Dated: March 24, 2022 Prepared by: Davis, Bowen & Friedel, Inc.

Signalized Intersection <sup>1</sup>	LOS p	er TIS	LOS per JMT		
Shady Road / Plantation Road (Sussex Road 275)	Weekday AM	Weekday PM	Weekday AM	Weekday PM	
2016 Existing Conditions (Case 1) with DelDOT Timing <sup>2</sup>	-	-	C (25.7)	C (27.1)	
2016 Existing Conditions (Case 1) with signal optimization <sup>3</sup>	B (12.6)	B (14.2)	B (17.5)	B (19.0)	
2023 without Development (Case 2) with signal optimization <sup>3</sup>	B (13.0)	B (14.8)	B (17.6)	B (19.0)	
2023 with Development (Case 3) with signal optimization <sup>3</sup>	B (13.0)	B (15.3)	B (17.7)	B (19.8)	
2045 with Development (Case 4) with signal optimization <sup>4</sup>	•		C (24.6)	F (80.0)	
2045 with Development <i>with DelDOT</i> <i>Improvements</i> (Case 4) <sup>5</sup>	-	-	C (21.4)	D (44.5)	
2045 with Development <i>with Henlopen</i> <i>TID Improvements</i> (Case 4) <sup>6</sup> 5	B (15.0)	B (21.4)	C (22.0)	C (24.4)	

<sup>&</sup>lt;sup>1</sup> For signalized and unsignalized analysis, the numbers in parentheses following levels of service are average delay per vehicle, measured in seconds.

<sup>&</sup>lt;sup>2</sup> DelDOT Timing scenario includes utilizing the green split times consistent with DelDOT MAX 1 green times.

<sup>&</sup>lt;sup>3</sup> Signal Optimization scenario includes optimizing split and utilizing a cycle length of 90 seconds during the AM peak hour and 120 seconds during the PM peak hour.

<sup>&</sup>lt;sup>4</sup> Signal Optimization scenario includes optimizing split and utilizing a cycle length of 120 seconds during the AM and PM peak hours.

<sup>&</sup>lt;sup>5</sup> Scenario incorporates the improvements proposed as part of the *Plantation Road Improvement, Robinsonville Road to US 9 (Phase 1)* (DelDOT Contract No. T202011201). The intersection was modeled with an additional through lane along the southbound Plantation Road approach with a 90 second cycle length.

<sup>&</sup>lt;sup>6</sup> This scenario incorporates the improvements proposed as part of the DelDOT Henlopen TID project. The intersection was modeled with two through lanes along the northbound and southbound Planation Road approaches with a 90 second cycle length.

#### Table 3 Peak Hour Levels Of Service (LOS) Southern Delaware Medical Center TIS Review Report Dated: March 24, 2022 Prepared by: Davis, Bowen & Friedel, Inc.

Unsignalized Intersection Two-Way Stop Control (T-intersection) <sup>1</sup>	LOS p	er TIS	LOS pe	er JMT
Site Entrance / Shady Road (Sussex Road 276)	Weekday AM	Weekday PM	Weekday AM	Weekday PM
2029 with Development (Case 5) <sup>7</sup>				
Northbound Site Access Approach	B (14.9)	C (15.5)	B (14.7)	C (15.2)
Westbound Shady Road Left Turn	A (8.6)	A (8.0)	A (8.7)	A (8.0)

<sup>&</sup>lt;sup>7</sup> Per Coordination with DelDOT, site entrance analysis was performed for 2029. Volumes were developed by growing the 2019 AADT information for the roadway and incorporating the trip generation for the site. This is consistent with auxiliary lane worksheet methodology.



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## August 12, 2022

## RECEIVED

AUG 1 6 2022

SUSSEX COUNTY PLANNING & ZONING

TO: Sussex Planning and Zoning Commission

RE: Proposed Southern Delaware Medical Center

Opposition Exhibit

This letter to the SPZ Commission is to adamantly voice my opinion AGAINST the Southern Delaware Medical Center, proposed for residential land on Shady Road, Lewes, DE.

Shady Road is backed up with traffic frequently from RT 1 to Plantations Road, plus it serves as an entrance and exit for the Dart Bus Terminal. I live in the Eagle Point Development with our entrance on Shady Road, and across from the bus station. Many times we, as residents, cannot get out of our development without a very long wait, and /or some kind driver letting us out. This road is already a very dangerous nightmare!!

A medical building on this 2- lane tributary road is just ridiculous!! Shady Road also serves many as a shortcut through Eagle Point to Home Depot, and at various times State Troopers are stationed at our entrance to stop the speeding and catch those not stopping at the stop signs, due to so much extra traffic.

I urge you NOT to grant a conditional use of this land for a medical center. Please stop this developing nightmare!!

Thank you for your consideration.

Gretta L. Wolter, Eagle Point Schettad Wolter

17636 Pointer Dr. Unit, 4, Lewes, DE 19958 302-535-5425

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





## PLEASE NOTE

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



**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 JAMIE WHITEHOUSE, MRTPI, AICP DIRECTOR OF PLANNING & ZONING

#### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: August 25<sup>th</sup>, 2022

- Application: C/U 2356 Sun Massey's, LLC
- Applicant: Sun Massey's, LLC 9919 Stephen Decatur Highway Ocean City, MD 21842
- Owner: Sun Massey's Landing RV LLC 27777 Franklin Road, Suite No. 200 Southfield, MI 21842
- Site Location: 20628 Long Beach Drive, Millsboro. Lying on the north side and south side of Vines Creek Road (Rt. 26), approximately 0.5 miles east of Armory Road (Rt. 382).
- Current Zoning: AR-1 Agricultural Residential District
- Proposed Zoning: AR-1 Agricultural Residential District
- Comprehensive Land Use Plan Reference: Coastal Area
- Councilmanic<br/>District:Mr. SchaefferSchool District:Indian River School DistrictFire District:Indian River Fire CompanySewer:Sussex CountyWater:Long Neck Water CompanySite Area:54.33 acres +/-
- Tax Map ID.: 234-25.00-31.02 & 31.05





C/U 2356 Sun Massey's, LLC

**Aerial Map** 





TaxParcels		Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
TaxParcels	selection	234-25.00-31.05	SUN MASSEYS	PO BOX 2440	SPOKANE	WA	S/LONG NECK RD	560' W/END LONG	RD
Streets			LANDING RV LLC				APPR	NECK	
County Bou	undaries	234-25.00-31.02	SUN MASSEYS LANDING RV LLC	PO BOX 2440	SPOKANE	WA	N/RT 22	S/ROMAN POND	

## C/U 2356 Sun Massey's, LLC

**Streets Map** 





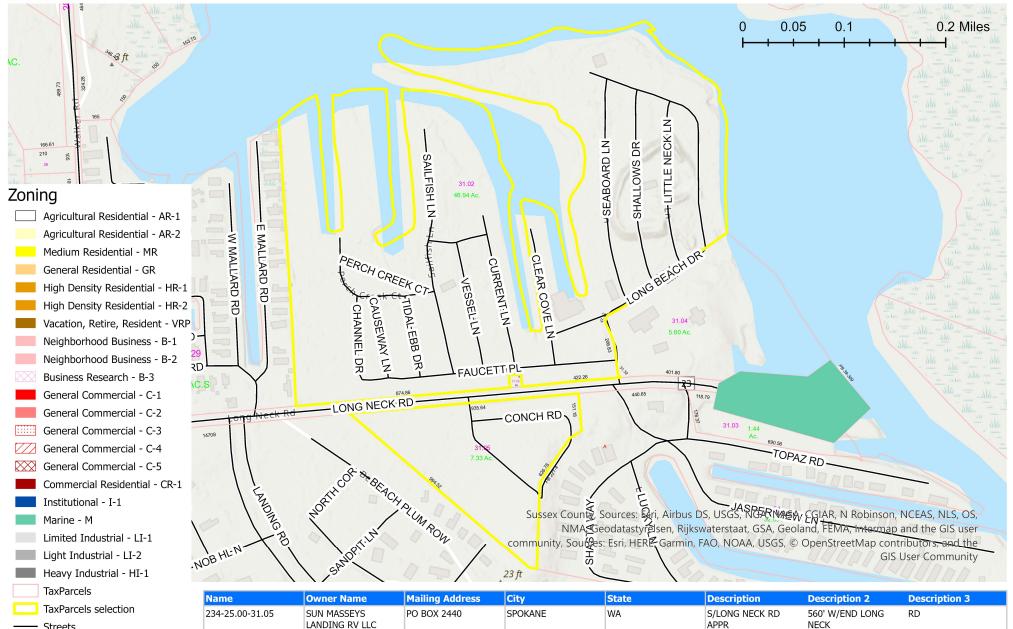
TaxPa	Parcels	Name	Owner Name	Mailing Address	City	State	Description	Description 2	Description 3
			SUN MASSEYS LANDING RV LLC	PO BOX 2440	SPOKANE		s/long neck rd Appr	560' W/END LONG NECK	RD
Stree	nty Boundaries		SUN MASSEYS LANDING RV LLC	PO BOX 2440	SPOKANE	WA	N/RT 22	S/ROMAN POND	

Ν

## C/U 2356 Sun Massey's, LLC







SPOKANE

WA

N/RT 22

S/ROMAN POND

 Streets
County Boundaries

234-25.00-31.02

SUN MASSEYS

LANDING RV LLC

PO BOX 2440

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





# Memorandum

To: Sussex County Planning and Zoning Commission Members From: Mx. Jesse Lindenberg, Planner I CC: Mr. Vince Robertson, Assistant County Attorney, and Applicant Date: August 18<sup>th</sup>, 2022 RE: Staff Analysis for C/U 2356 Sun Massey's LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application C/U 2356 Sun Massey's LLC to be reviewed during the August 25<sup>th</sup>, 2022, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 234-25.00-31.02 & 31.05, to allow for an amendment to Condition No. 9 in Ordinance No. 2378 (Conditional Use No. 1963). to amend the requirement that no campers or RVs shall be stored on the campground during the period that the campground is closed. The property lies on the north side and south side of Vines Creek Road (Rt. 26), approximately 0.5 miles east of Armory Road (Rt. 382). The property consists of 54.33 acres +/-.

The applicant is requesting to amend Condition #9 to state "The campground/RV park shall remain vacant and no campers or RV's except "Park Model RV's" on approved Park Model campsites shall be stored on the campground during the period that the campground is closed. Park Model RV's in special flood hazard areas shall meet the requirements of 115-141.5B (3) for manufactured homes."

Condition No. 9 currently states "The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campground during the period that the campground is closed."

The approved site plan allows for a maximum of 70 Park Model Sites.

#### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Coastal Area." The parcels to the south, east, and west also have a Future Land Use Map designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses,



and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

#### Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. All adjacent properties to the south, east, and west of the subject property are also zoned Agricultural Residential (AR-1) District.

#### Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been four (4) Conditional Use application within a one (1) mile radius of the application site. The first application was Conditional Use No. 1963 for Ida C. Faucett, Faucett Heirs, LLC, and Massey's Landing Park, Inc. to allow for campgrounds. This application was approved by the Sussex County Council on Tuesday, December 9<sup>th</sup>, 2014, and this change was adopted through Ordinance No. 2378. The second application was Conditional Use No. 2089 for Massey's Landing Property, LLC to allow for an amendment to the conditions of approval from CU 1963. This application was denied by the Sussex County Council on Tuesday, September 19<sup>th</sup>, 2017. The third application is Conditional Use No. 2191 for Al Tortella to allow for a Restaurant and Bar expansion. This application is awaiting introduction to council. The fourth application was Conditional Use No. 2332 for Blue Water Hospitality to allow for year rentals for rental cottages. This application was withdrawn and replaced with Conditional Use No. 2356.

Based on the analysis provided, a Conditional Use to allow for an amendment to Condition No. 9 in Ordinance No. 2378 (Conditional Use No. 1963) could be considered as being consistent with the surrounding land uses and zoning subject to considerations of scale and impact.

## **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 🖌 Amendment

Zoning Map Amendment \_\_\_\_

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

20628 Long Beach Drive, Millsboro, Delaware 19966

#### Type of Conditional Use Requested:

The applicant and owner request that Condition No. 9 in Ordinance No. 2378 (Conditional Use No. 1963) be modified as shown on the attached Exhibit A. For ready reference a copy of Ordinance No. 2378 is attached as Exhibit B.

Tax Map #: 234-25.00-31.02, .05

Size of Parcel(s): 54.33

Current Zoning: AR-1/CU	Proposed Zoning: AR-1/CU	Size of Building:	not applicable
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Land Use Classification: 2045 FLUM -- Coastal Area

 Water Provider:
 Long Neck Water Company
 Sewer Provider:
 Sussex County

#### Applicant Information

Applicant Name: <u>Sun Massey's, LLC</u>		
Applicant Address: 9919 Stephen Decatur Hwy.		
City: Ocean City	State: MD	ZipCode: <u>21842</u>
Phone #: (410) 213-1900	E-mail: rcorrea@bwde.co	m

#### **Owner Information**

Owner Name: Sun Massey's Landing RV LLC			
Owner Address: 27777 Franklin Road, Suite No. 2	.00		
City: Southfield	State: MI	Zip Code: <u>48034</u>	
Phone #:	E-mail:		

#### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David	C. Hutt, Esquire   Morr	is James LLP	
Agent/Attorney/Engineer Address: 107	W. Market Street		
City: Georgetown	State: DE	Zip Code: <u>19947</u>	i.
Phone #: <u>(302) 856-0018</u>	E-mail: <u>dhutt@m</u>	orrisjames.com	





## **Check List for Sussex County Planning & Zoning Applications**

The following shall be submitted with the application

✓ Completed Application
<ul> <li>Provide eight (8) copies of the Site Plan or Survey of the property</li> <li>Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.</li> <li>Provide a PDF of Plans (may be e-mailed to a staff member)</li> <li>Deed or Legal description</li> </ul>
✓ Provide Fee \$500.00
<b>Optional - Additional information for the Commission/Council to consider</b> (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 by 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				
Signature of Owner	Date: <u>Manh 4, 2022</u>			
1 If for Sun Mossi, i lle	Date: March 4. 2022			
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:			

1

# **Exhibit** A

Current Condition No. 9

The campground/RV park shall remain vacant and no campers or RV's shall be stored on the campground during the period that the campground is closed.

Proposed Condition No. 9

The campground/RV park shall remain vacant and no campers or RV's <u>except "Park Model RV's"</u> <u>on approved Park Model campsites</u> shall be stored on the campground during the period that the campground is closed. <u>Park Model RV's in special flood hazard areas shall meet the requirements of 115-141.5B (3) for manufactured homes</u>.

# EXHIBIT "B"

#### **ORDINANCE NO. 2378**

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS (Tax Map I.D. 2-34-25.00-31.00, 31.02, 31.04)

WHEREAS, on the 19th day of March 2013, a conditional use application, denominated Conditional Use No. 1963 was filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.; and

WHEREAS, on the 23rd day of May 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of June, 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1963 be approved with conditions; and

WHEREAS, on the 18th day of June 2013, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

#### NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1963 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) and being more particularly described in the attached legal descriptions, and containing 50.83 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- 1. The maximum number of campground/RV sites shall be three hundred twenty-two (322).
- 2. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT. This includes the Developer's agreement to comply with DelDOT's request to enter into an agreement with DelDOT to fund an equitable portion of the installation of a single-lane roundabout at the intersection of Route 23 and Pot-Nets Road, and other similar improvements.
- 3. The Development shall be served by the County's Long Neck Sanitary Sewer District. The Applicant shall comply with all Sussex County Engineering Department requirements regarding connection to, and service by, the District.
- The Development shall be served water for domestic use and fire protection by the Long Neck Water Company.
- 5. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- 6. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan.
- 7. The Development shall be surrounded by a 50 foot landscaped buffer. This shall be installed as part of the 1st phase of the development's construction.
- he entire facility may open no earlier than April 1st each year and shall close no later than the first Sunday of November of each year.
- 9. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campground during the period that the campground is closed.
- 10. There shall be no accessory buildings located on individual campsites.
- 11. Campground restrictions shall be submitted as part of the site plan review.
- 12. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes.

- 13. The Developer shall plan the entrance design to accommodate a DART bus stop and turnabout in consultation and cooperation with DART.
- 14. One sign, not exceeding thirty-two (32) square feet per side with lighting, shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.
- 15. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.
- 16. All wetlands on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan.
- 17. The Applicant shall determine, after consulting with the County, whether there are any "dwellings" in the vicinity of the property that require a 400 foot buffer pursuant to Section 115-172H.(3) of the Sussex County Code (in effect at the time of this application). As part of the Final Site Plan review, the Developer shall include a note on the Plan describing its efforts to make this determination and show the location of any dwelling that would trigger the application of the 400 foot buffer.
- 18. All campsites must be 2,000 square feet in size according to the Sussex County Code. It does not appear that the campsites at the "Remote Tenting Area" shown on the Preliminary Site Plan comply with this size requirement, and this must be corrected on the Final Site Plan along with any other campsites that do not meet the appropriate dimensional requirements.
- 19. There shall be a notice at the entrance to the campground stating that it is located within a Flood Prone Area and that certain evacuation and/or relocation procedures are in place and must be followed by all campground visitors in the event of a weather emergency.
- 20. There shall be a buffer of 200 feet from any structure used for living space on property of lands other than the Applicants; no activities or structures of this use shall be permitted in the 200 foot buffer.
- 21. The Planning and Zoning Commission shall determine the number of park models, RVs, travel trailers, and tent camping (sites) to be established on the site; the number of transient sites shall also be determined by the Commission.

- 22. There shall be no sales of campsites or camping units, i.e., park models, RVs, travel trailers or cabins.
- 23. There shall be no motorized watercraft for sale or lease from the site and there shall be no launching of motorized watercraft from the site.
- 24. The Final Site Plan shall be subject to the review and approval of the Planning and

Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2378 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF DECEMBER 2014.

**ROBIN A. GRIFFITH CLERK OF THE COUNCIL** 

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

- A. Based on the record, the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction is required; that conformity to the North Coastal Planning Study will be required; that connection to the sewer system is mandatory; that the County reserves the right to alter or provide additional comments upon submittal of information regarding flood zones; that the County requires design and construction of an on-site collection system to meet County Engineering Department Standards and Procedures; that coordination of existing public sewer with the project's design is required; that the County Engineer must approve connection points, and requires that a Sewer Concept Plan be submitted for review and approval; and that System Connection Charges will apply.
- B. The record reflects that Delaware Department of Transportation (DelDOT) provided comments on January 28, 2013 in reference to the Traffic Impact Study (TIS), on April 10, 2013 on the Preliminary Site Plan, and on May 13, 2013 provided an Entrance Location Approval Only letter; that, while there were concerns expressed about traffic, DelDOT has not objected to the project or the traffic generated by it on area roadways; that a TIS was

completed in 2005 and has been reviewed and accepted by DelDOT subject to certain recommendations in terms of improvements that the Applicant will be responsible for; that DelDOT found that conditions in the study area have not changed substantially since the 2005 TIS was done, that the development now proposed will be similar in its trip generation and therefore "our findings and recommendations based on the TIS contained in a letter dated November 4, 2005, are applicable to the current development proposals as well and a new TIS is not necessary"; and that the State considered Long Neck Road to be a Major Collector Road, which is an appropriate location for this type of use.

- C. Based on the record, Applicant intends to develop the site with a campground/RV park; that the project is planned on both sides of Long Neck Road and is adjacent to State land, the boat ramp site, the existing Massey's Landing Manufactured Home Park and the existing Pot Nets Seaside Manufactured Home Park; and that the site contains 50.83 acres of land and does not include Mrs. Faucett's home.
- D. Based on the record, all of the lands around the site have AR-1 Agricultural Residential zoning and are improved with manufactured home communities or water bodies; that the project will have 322 campsites with sewer, water, and electric hookups, bathhouses, laundry, general store, café, snack bar, and recreational and maintenance facilities, pavilions, an aquatic rental center (no motorized watercraft), concierge, golf cart rental center, welcome center/ administrative offices, swimming pool, nature center/activity lodge, lodge meeting center/conference center, remote tenting area, DART bus stop, interior crabbing and fishing piers, and a dog park; that the recreational amenities support the use of the campground; that there will not be any lot sales; that employee parking will be provided; that Delaware Electric Cooperative will provide electricity; that the site is located in the Indian River Fire Company service area; that the streets within the project will be sized to accommodate the largest emergency vehicle of the Indian River Volunteer Fire Company; that they are proposing to install pervious pavement with filter strips, rather than impervious pavement; that they plan on utilizing green technologies and Best Management Practices; that there are no threatened/endangered species on site; and that the project will have controlled and gated access.
- E. The use as a campground is consistent with the other existing residential uses, campgrounds and manufactured housing communities that currently exist in the Long

Neck Road and Massey's Landing areas; that campers and RVs are not something new in this neighborhood, so there is a reasonable expectation that RV and campground uses could be developed in the vicinity; and that the use is adjacent to developed Manufactured Home Parks on the west and south, and the bay and the State of Delaware boat launch on the north and east.

- F. Under the current Sussex County Comprehensive Plan, the site is located in the Environmentally Sensitive Developing Area, which is recognized as a development or growth area on the Future Land Use Map; that the area is almost fully developed and this project could be considered infill; that the development is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update and is beneficial and desirable for the general convenience and welfare of Sussex County and its residents because it promotes tourism and related services, economic growth in a designated development area, full and part-time employment opportunities, significant economic benefits to area businesses, and is consistent with the character of the zoning and development in the area; that the site is an appropriate location for the proposed development since recreational and commercial uses exist in the Long Neck area; and that there will be no negative impact on schools or other similar public facilities since the development will operate only seasonally.
- G. The Applicant has created a sufficient record in support of the Conditional Use application.
- H. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to twenty-four (24) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

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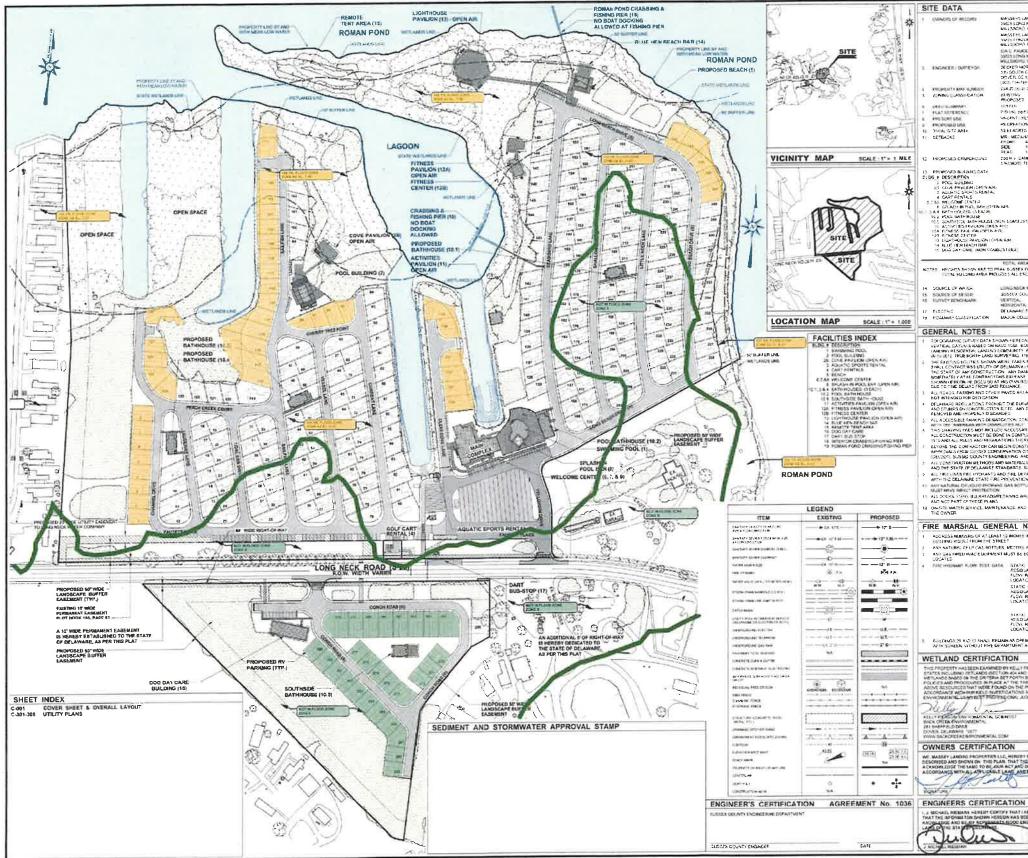
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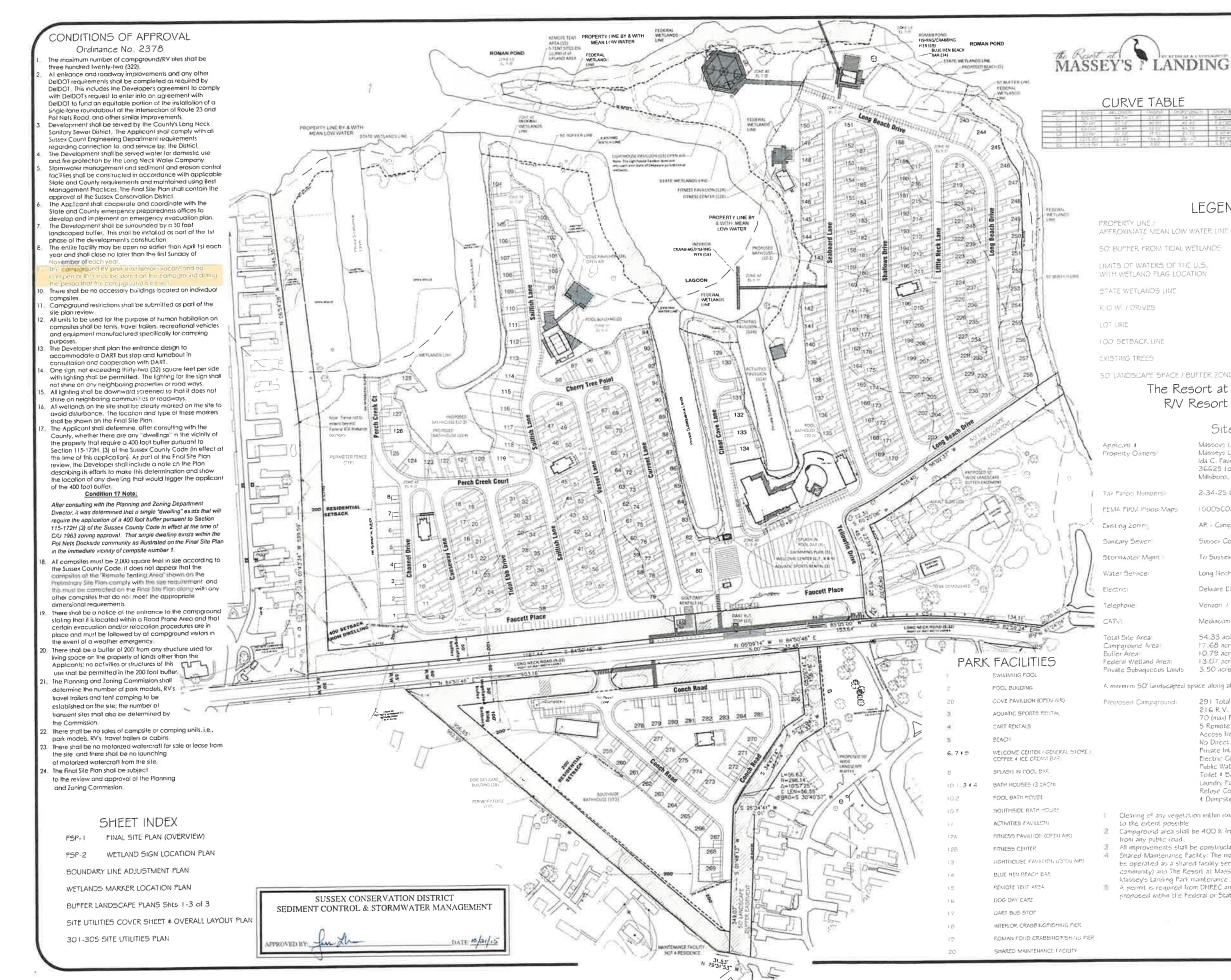
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### LEGEND

APPROXIMATE MEAN LOW WATER LINE 50' BUFFER FROM TIDAL WETLANDS WITH WETLAND FLAG LOCATION

1.4

VICINITY MAP

50 LANDSCAPE SPACE / BUFFER ZONE

#### The Resort at Massey's Landing R/V Resort & Campground

#### Site Data:

	JILU Dava.
915	Massovy Landing Properties, LLC Masseys Landing Park, Inc Ida G. Faucett (* 36625 Long Meck Road Millsboro, DE 19966
ibers	2-34-25-00-31-00, 234-25-00-31-02 4 234-25-00-31-04
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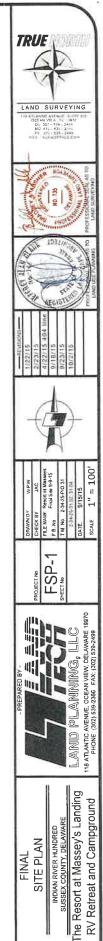
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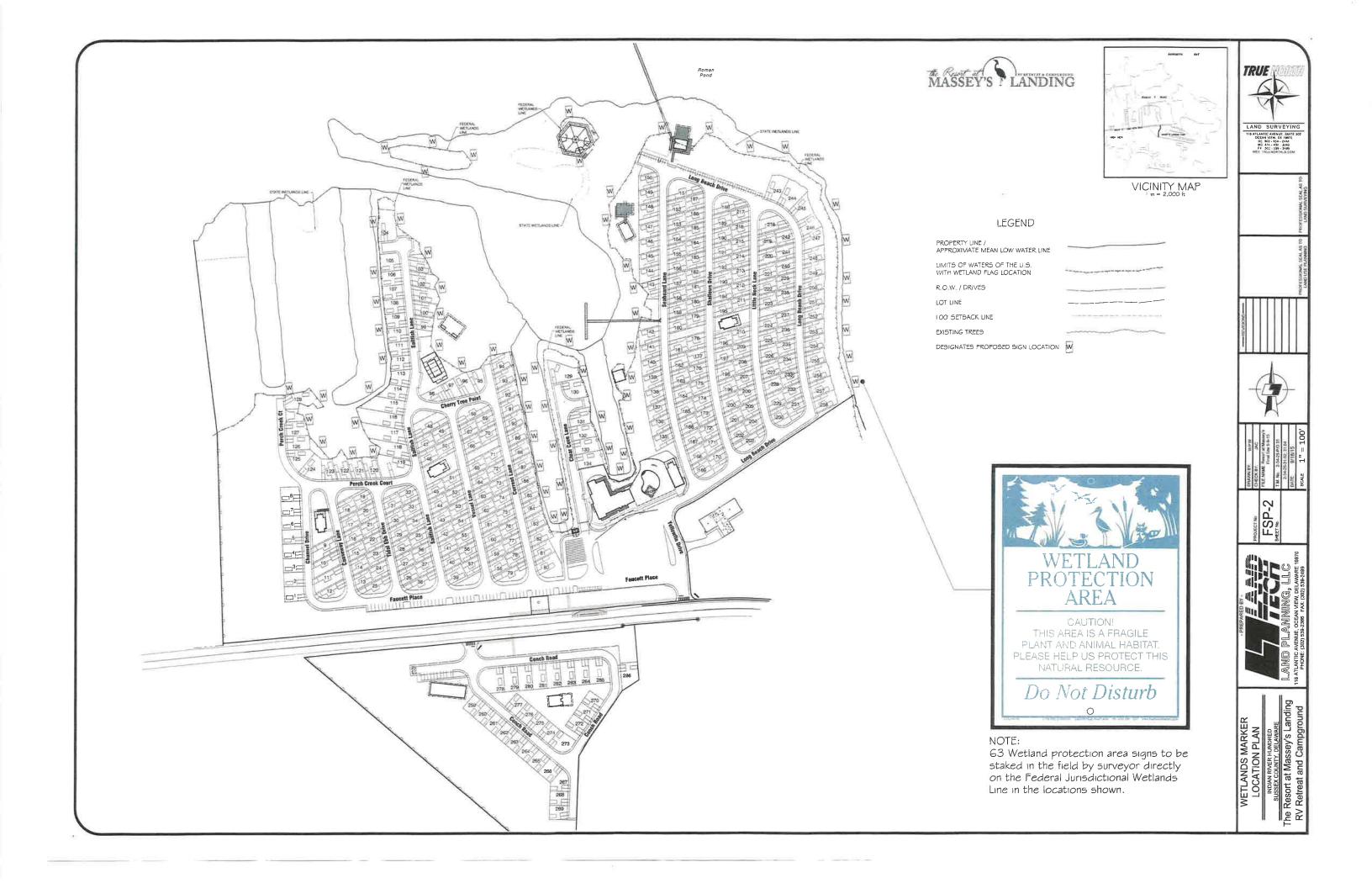
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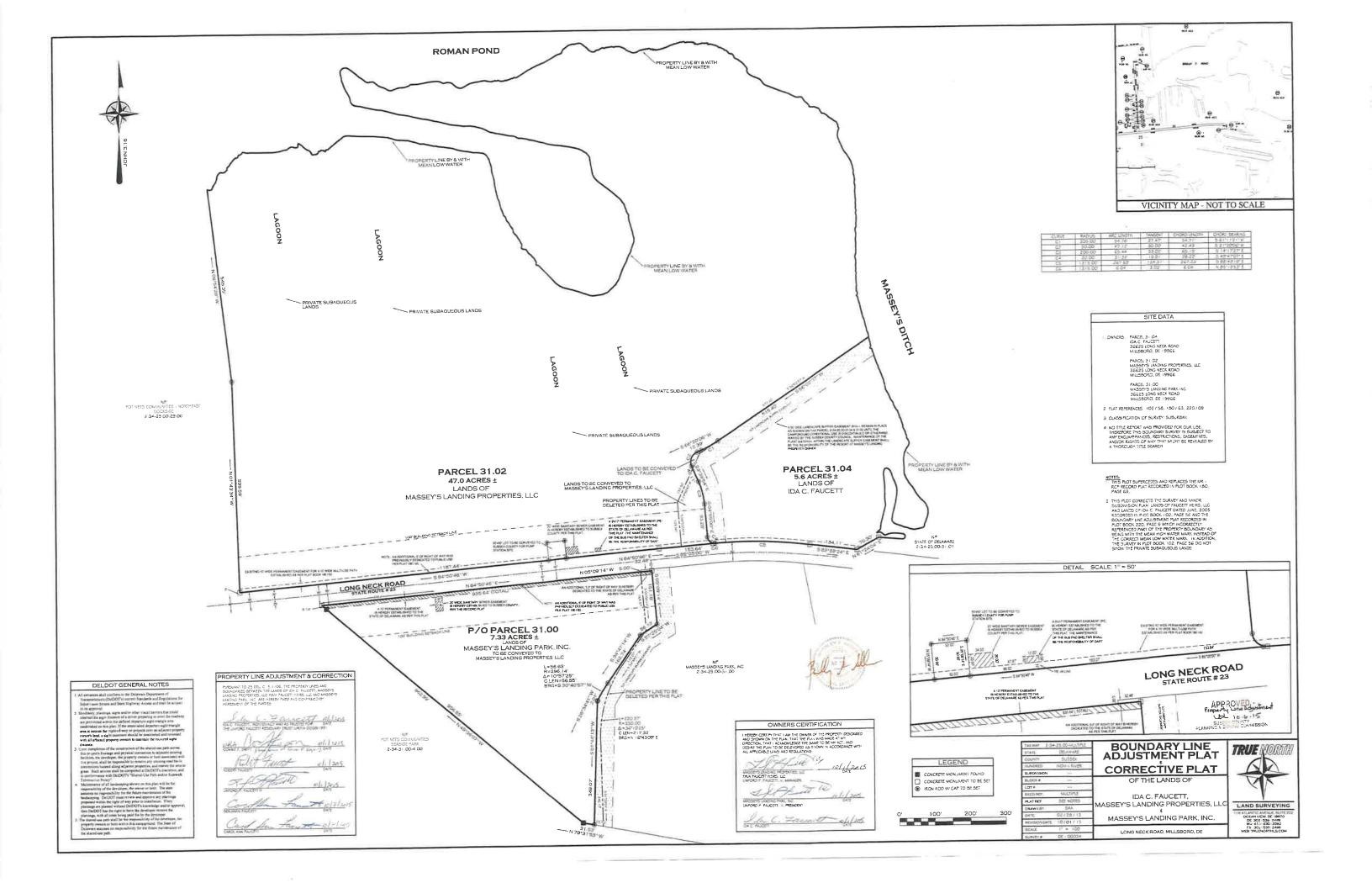
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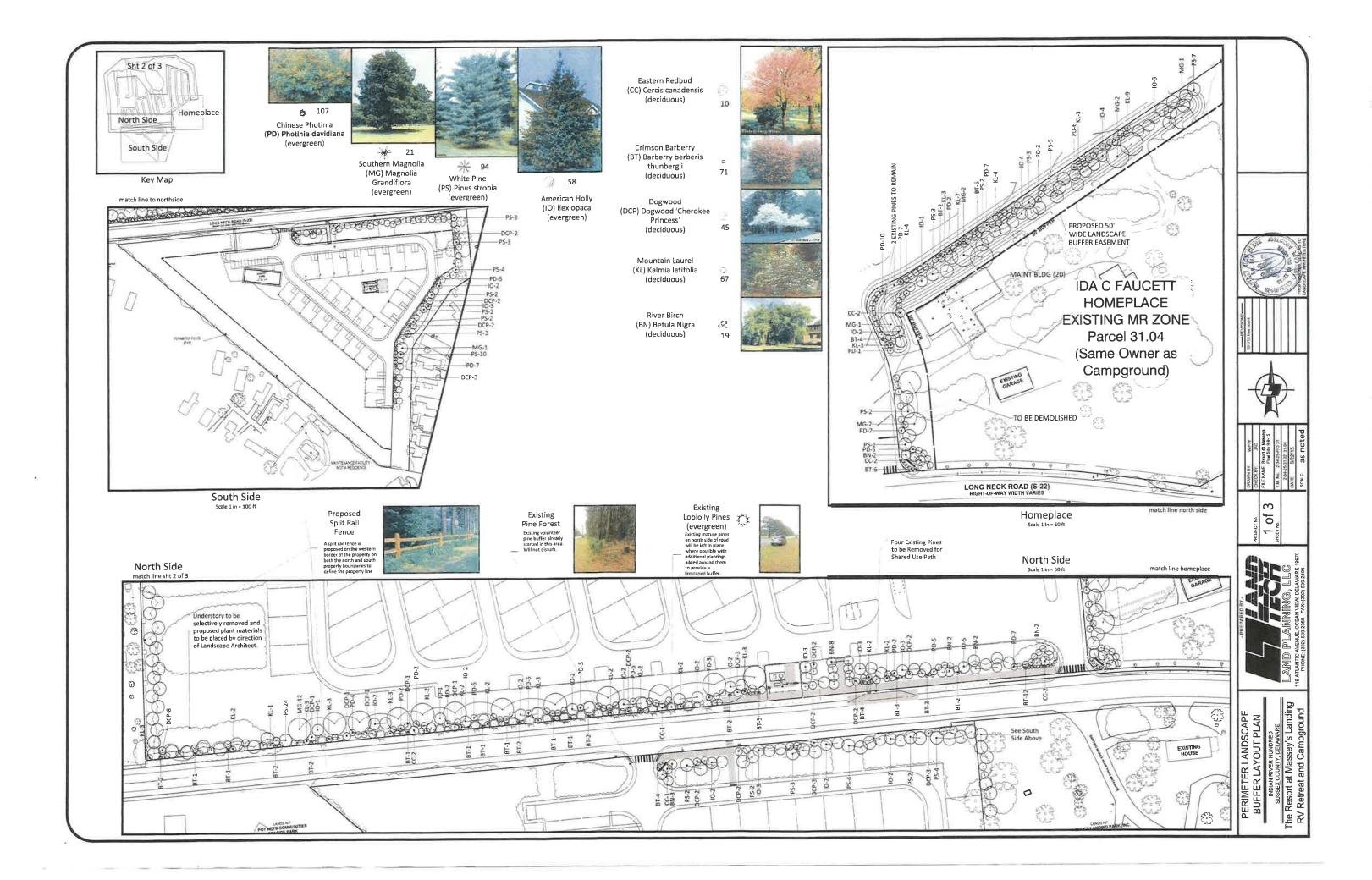
Community) and the Report at waskeys tanking transported proported in the Co Massey's Landing Park maintenance facility will be demolished. A permit is required from DNREC and/or the Army Corps of Engineers for any work proposed within the Federal or State of Delaware mind to build withind

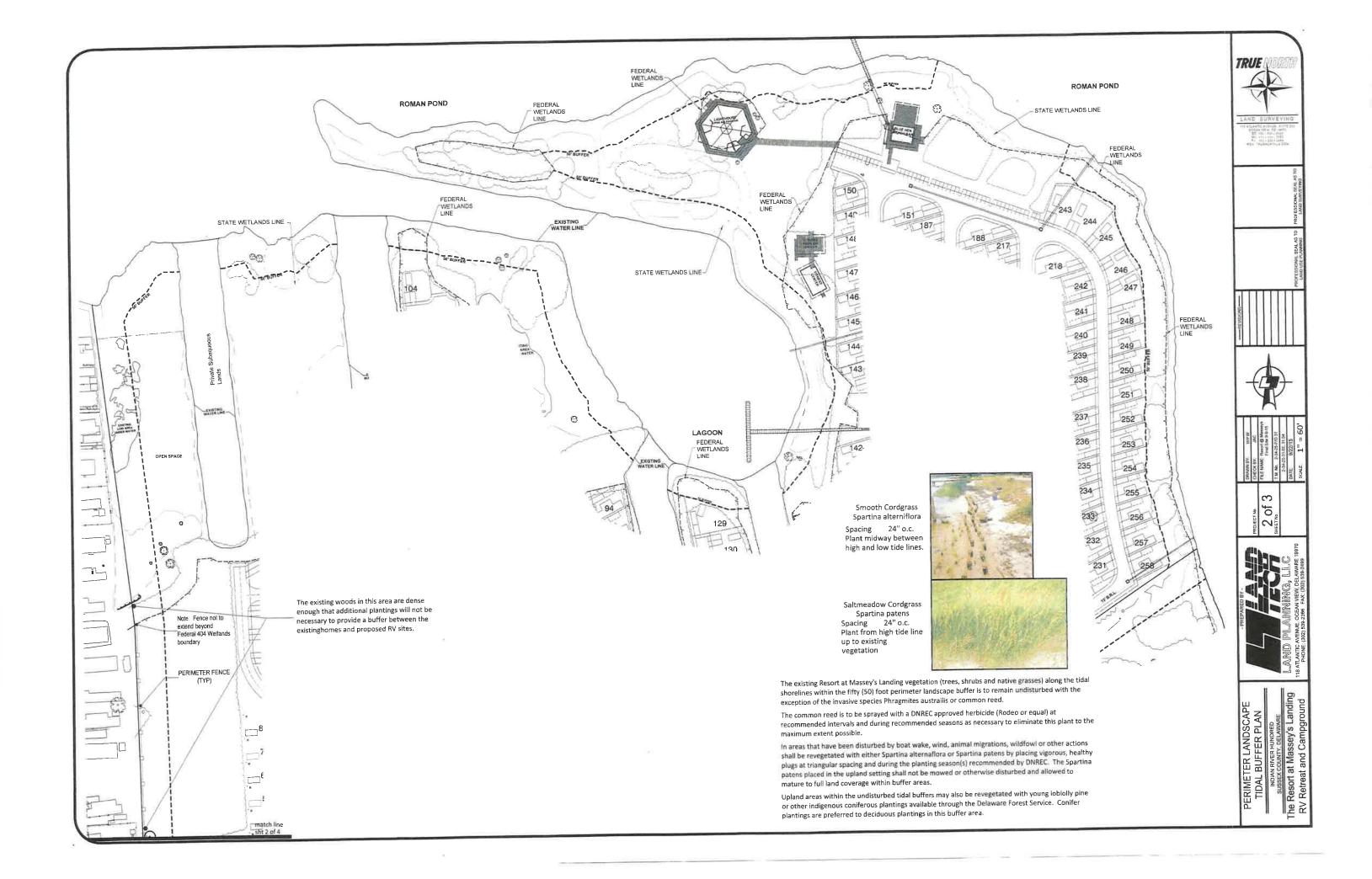


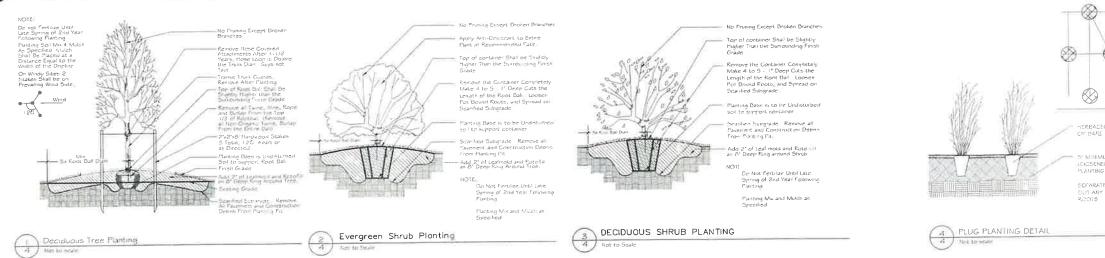












#### PLANTING SPECIFICATIONS

#### REFERENCES AND QUALITY CONTROL

- A Ali plants shall be nursery grown within a U.S.D.A plant hardiness zone which is the same as, or colder than, the zone in which the project is located.
   B. Do not make substitutions: if specified material is unavailable, landscape architect will make final selection of substitutions.
   C. Size: Provide trees and shrubs of sizes shown or specified. Trees and shrubs of sizes shown or specified. Trees and shrubs of sizes usay to used it acceptable to the landscape architect.
- inoposition: Landscape architect reserves the right to impression: Landscape architect reserves the right to impress trees and shubs before planting, other at place of growth or at one, compliance with requirements of rume, vanety, size and quality. Landscape architect has ruph to regist any plant material for any reason, including, but not limited to those listed above. All registed plant naterial shall be immediately removed from the site

#### PRODUCT5

- Mulch: Material shall be well aged, finely shredded hardwood bark, dark brown in color, or approved equal Material shall be mulching grade: uniform in size and
- Iree of foreign matter and weed seeds. Guying Materials Double reinforced rubber hose and 10 gauge
- metal wire
- Fertilizer: For new plant material provide packet, tablet or pellet forms of slow release fertilizers conforming to Fed. Spec. O-F-241, bearing the manufacturer's guaranteed statement of analysis. S celease tertilizers shall contain a minimum percentage by weight o five nitrogen (of which 50% will be organic), 10 available phosphonic

For bed preparation and costing trees, provide granular fertilizer conforming to feed. Spec. O.F.241, Type 1, Glass 2 which shall bear the manufacturer's guaranteed statement of analysis. Granular fertilizer shall contain a minimum percentage by weight of 10 introgem (of which 50% shall be organic), six available phosphonic acid and four potash

#### SOIL EXCAVATIONS

acid and five potashi

- A: The excavation must not be less than 12 inches wider or deeper than necessary to accommodate the ball of the plant.
- the plant. When conditions detrimental to plant growth are encountered: such as rubble fill or adverse dramage conditions, notify landscape architect before proceeding with elaithea contrations.
- wan parameter operations. Output completion of planning of trees, cultivate a ring five times the diameter of the ball or 48°, which ever in greater, 15° deep around tree; or an directed by landscape architect. Restore disturbed areas.

#### PREPARATION OF PLANTING AREAS

- A. All manting antias shall be brought to proposed grade using topscill mix as apported. No existing on-site soul drail be incorporated mix the topscill mix, unless directed by the transformer antiheter. B. The planting field shall be loosened prior to planting
- B. The planting the shall be stoomed prior to planting try one of the following methods: stoob-tilling or with pick and shovel. Soil shall be loosened to a depth of 8' to 10'. C. Organic matter shall be opened over the lead to a depth of 2' for lead mod and other organics, or 1' deep for sludge, (2 dutic yards of composed sludge/1000 square feet), after the soil has been loosened. The organic matter shall have beneficial with the feet with a critical feet of other. then be worked into the bed with a roto-tiller or other ved method
- D. Fertilizer shall be incorporated into the top 4-6" of bed at manufacturer's specified rate. E. The entire bed shall be mulched to minimum
- depth of 3° with mulch as specified.
- F Soil shall be tested for Ph and amended as required to maintain an optimum Ph of 6.5 to 7.0 or as directed.

PLANTING PROCEDURES FOR TREES AND SHRUBS

- A Trees and shrubs shall bear same relationship to
- grade as they did in the nursery row B. Before placing shrubs in priss, place a G layer of soil mix instenal into bottom of pit and tamp. C. All trees shall be placed directly on the scanlied
- subgrade D. The plant pit shall be filled with soil mix materia
- The plant pit shall be filled with sol mix material as specified and placed in G<sup>2</sup> layers around the ball. Each layer which be carefully tamped in place in a manner to avoid inject to the roots or kall, or disturbing the rootstom of the plant. When approximately two there layers of the plant has been back-filled, the patishill be filled with water and the poll allowed to settle amount the roots. The sector shull be all the layers were and burged cut avaity. plants shall have all the twine wire and burlap cut away parts shall have an the twine will be buildy buildy out only of the ball and trunis before appying water. After the water has been absorbed, the plant hole shall be filled with som mix and
- All concainerized stock shall be removed from containerized stock shall be removed from containers and the root mass should either be physically
- observed or sliced to prevent strangulation F. Failure to comply with planting procedures outlined above is basis for rejection of plant material by
- landscape architect C. Transit trunk auard shall be removed only alter
- ispection at site by landscape architect

#### PRUNING

- A. Trees and shrubs shall be pruned to remove broken branches only and/or to preserve their natural character and shape. Pruning shall be restricted in general to the secondary branches and soft, sucker growth. Never cut
- B ALL PLANTS DISFIGURED BY FOOR PRUNING PRACTICES WILL BE REJECTED BY THE LANDSCAPE ARCHITECTS.
- C All pruning cuts shall remain unpainted

#### MULCHIN

- A. All planting beds shown on the plans shall e mulched with 3° of mulch over entire area B Before mulch is installed, a pply pre-emergence weed killer and incorporate into soil according to
- manufacturer's directions C All surfaces to receive mulch shall be raked smooth and be free of all rocks, debris and large bark pieces Mulch shall not be mounded up around

#### STAKING AND GUYING

base of tree

- A. All trees to be staked and guyed within 48 liours of
- Planting B. Methods and materials for staking and guying are
- illustrated in individual planting details
- Neatly flag all guy wres with rot resistant yellow tree marking ribbon.
   D. Staking may not be required dependent on plant
- location as directed by landscape architect E Brace plants upright in position by guy wires and rubber hose protection and stakes

Tree Caliper	Tree Support Method
1 - 3 inches	2 guy wires (2 strand wir
3 - 6 inches	3 guy wires (2 strand wir
over 6 inches	4 guy wires (4 strand wire

PLANTING PROCEDURE FOR GROUNDCOVERS, PERENNIALS AND ANNUALS INSPECTION AND ACCEPTANCE

- All. The planting holes shall be excavated through the mulch with hand trowel or shovel.
- B. Before planting, biodegradable pots shall be split and non-biodegradable pots shall be removed. C. The perennals shall be planted as follows:
- (i) Roots of the plant shall be surrounded by soil below the nulkh. The plants shall be set so that the top of the root system is even with existing soil grade.
  2. At and equal distance apart (plans and specifications
- Specify the distance on center, (O.C.) for the perennials. The entire bed shall be edged per detail. Treat the mulched and planted perennai bed with soil applied, pre-emergent herbicade appropriate for use
- with the plant material specified. The entire perennial bed shall be thoroughly watered to a depth of  $6-8^{\circ}$

#### REMOVAL AND CLEANUP

- A. Removal of debns is required. The property must be left in a neat and orderly condition in accordance with good and accepted planting practices. Protect all finished surfaces during planting
- operations
- C Repair and restore all damaged or distuibed surfaces related to planting operations

#### SUBSTANTIAL COMPLETION

he point when plant materials have been installed and the Landscape Architect completes a punch list.

#### MAINTENANCE PERIOD

Begins from point when plants are installed to end of the guarantee period For lawns, after a minimum of 3 (three) mowings.

#### FINAL ACCEPTANCE

After all items on the punch list have been completed to the Landscape Architect's satisfaction

#### GUARANTEE & GUARANTEE PERIOD

- A Guarantee Period commences after final acceptance. B Plant materials shall be guaranteed for two growing seasons from date of acceptance by the owner or his representative. The trees are to be alive and in satisfactory growing condition as determined by the owner or his epresentative during final inspection at the end of the quarantee
- C Replacement will be made according to these same expectituations and during the normal planting period. Replacements shall be subject to the same guarantee and replacement as the original material. The replacements shall be made within 60 days following written notification from the owner or his representative.
- D In the event of questions regarding the condition and satisfactory establishment of a rejected plant, the contractor may, if approved by the owner, allow such a plant to remain through another growing season at which time the rejected plant, if found to be dead or in an uneatity or badly impared condition, shall be replaced. E. The contractor is not responsible for theft or damage to plants
- by non-contractor vehicles or vandalism once plants are installed and approved. F. Remove all guys and stakes from trees after one year

- A) Inspection: Inspection of work will be made by Landscape Architect at conclusion of maintenance period to determine if proper completion and maintenance has been effected. Sub contractor shall give written notice to Architect requesting such inspection at least ten days prior to anticipated date Condition of work will be noted and determination made by Landscape Architect whether maintenance shall continue
- Landscape Architect writerier immittained will be notified in Acceptance: Alter inspection, Subcontractor will be notified in writing by Landscape Architect of acceptance of work, or if there are deficiencies or requirements for completion of work. Maintenance or other work remaining to be done shall be subject to re-inspection prior to final acceptance

#### FRODUCTS

#### GROWING MEDIA

- A. Imported Topsoil: natural, Tertile, apportunal soil typical of Inclusive representation, tertule, agreement of the representation of the form well drained site, free of flooding, not in frozen or muddy condition, not less than 6% organic matter, and pH value of 5,8 to 7,0. Soil shall be free from subtioil, slag, clay, stories, lumps, live plants, roots, sticks, crabgrass, couch grass, noxious weeds and foreign: matter B Existing Topsoil: Natural fertile agricultural soil capable of
- sustaining vigorous plant growth, not in frozen or muddy condition, containing not less than 6% organic matter, and corrected to pH value of 5.9 to 7.0. Free from subsoil, slag, clay, stones, lumps, lume plants, roots, slucks, crabgrass, couch grass, noxous weeds and loreign matter. C Sand: Hard, granular natural beach sand, washed, free of
- impunties, chemical or organic matter. D. Limestone: Dolomitic linestone with minimum 85% carbonates and 50% calcium oxides. Bags shall show weights and analysis. E. Fertilizer: Commercial type conforming to FS 0-F-241, Type 1.
  - Grade A recommended toyet combining of 50 of the elements derived from organic sources; of proportion necessary to eliminate any deliciencies of topsoil as indicated in analysis to the following proportions: nitrogen 10%, phosphone acid 6%, soluble potash 4%.

## UTILITIES

PREFARATION

SPREADING TOPSOIL

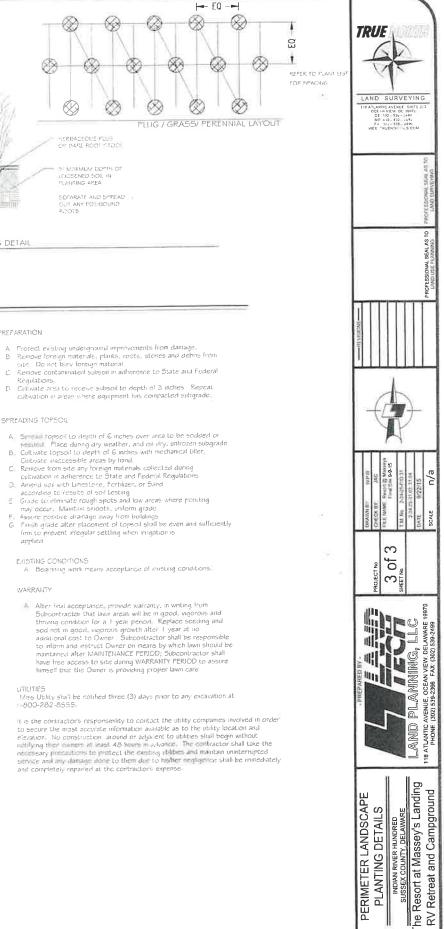
applied

WARRAUTY

#### ACCESSORIES

- A. Mulching Material Oat or wheat straw, reasonably free from Modeling Material: Out of which stress they receive weeks, fore-an matter detrimental to plant Me, and in dry conduction. Hay or chapped comstalls is not acceptable.
   Mitching Materia/Tack Coat: Wood or wood collulose horr, free
- of growth or germination inhibiting ingrédients Weed Killer: "Weed B Gone" or equal Establishment Blanket: Uniform, open weave jute matting
- E Wooden Pegs: Of sufficient size and length to ensure satisfactory
- anchorage of sod on slope in excess of 2:1. F. Water: Clean, Iresh and free of substances of matter which would inhibit vigorous growth of grass

EXECUTION





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

NICOLE MAJESKI SECRETARY

March 8, 2022

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Bluewater Hospitality** proposed land use application, which we received on February 14, 2022. This application is for an approximately 46.94- acre parcel (Tax Parcel: 234-25.00-31.02). The subject land is located on the north side of Long Neck Road (State Route 23) about 400 feet from the east end of the road. The subject land is currently zoned AR-1 (Agriculture Residential), and the applicant seeks a conditional use approval for an amendment of the site plan to permit year-round installation of rental cottages consisting of 6 permanent buildings and 63 park models.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the section of Long Neck Road from John J Williams Highway (State Route 24) to the end of the road is 11,726 and 15,078 vehicles per day, respectively.

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



Mr. Jamie Whitehouse Page 2 of 2 March 7, 2022

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

Please contact Ms. Annamaria Furmato, at Annamaria.Furmato@delaware.gov, if you have questions concerning this correspondence.

Sincerely,

Claudy Famile

Claudy Joinville Project Engineer Development Coordination

CJ:afm

- cc: Bluewater Hospitality, Applicant
  - Elliott Young, Sussex County Planning & Zoning
    Sussex Reviewer, Sussex County Planning & Zoning
    Todd Sammons, Assistant Director, Development Coordination
    T. William Brockenbrough, County Coordinator, Development Coordination
    Scott Rust, South District Public Works Manager, Maintenance & Operations
    Steve McCabe, Sussex County Review Coordinator, Development Coordination
    Derek Sapp, Subdivision Manager, Development Coordination
    Kevin Hickman, Subdivision Manager, Development Coordination
    Brian Yates, Subdivision Manager, Development Coordination
    John Andrescavage, Subdivision Manager, Development Coordination
    James Argo, South District Project Reviewer, Maintenance & Operations
    Annamaria Furmato, Project Engineer, Development Coordination

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

TO: Jamie Whitehouse **REVIEWER**: **Chris Calio** DATE: 7/29/2022 APPLICATION: CU 2356 Sun Massey's LLC Sun Massey's LLC APPLICANT: FILE NO: OM-7.12 TAX MAP & PARCEL(S): 234-25.00-31.02 & 31.05 LOCATION: 20628 Long Beach Drive, Millsboro. Lying on the north and south side of Long Neck Road (Rt. 23), within the Massey's Landing RV Park

NO. OF UNITS: Amend requirement that no campers or RV's shall be stored on the campground during the period that the campground is closed.

GROSS ACREAGE: **54.33** 

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? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? N/A If yes, how many? N/A. Is it likely that additional SCCs will be required? N/A

If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Nicole Messeck** at **302-855-7719** for additional information on charges.

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

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

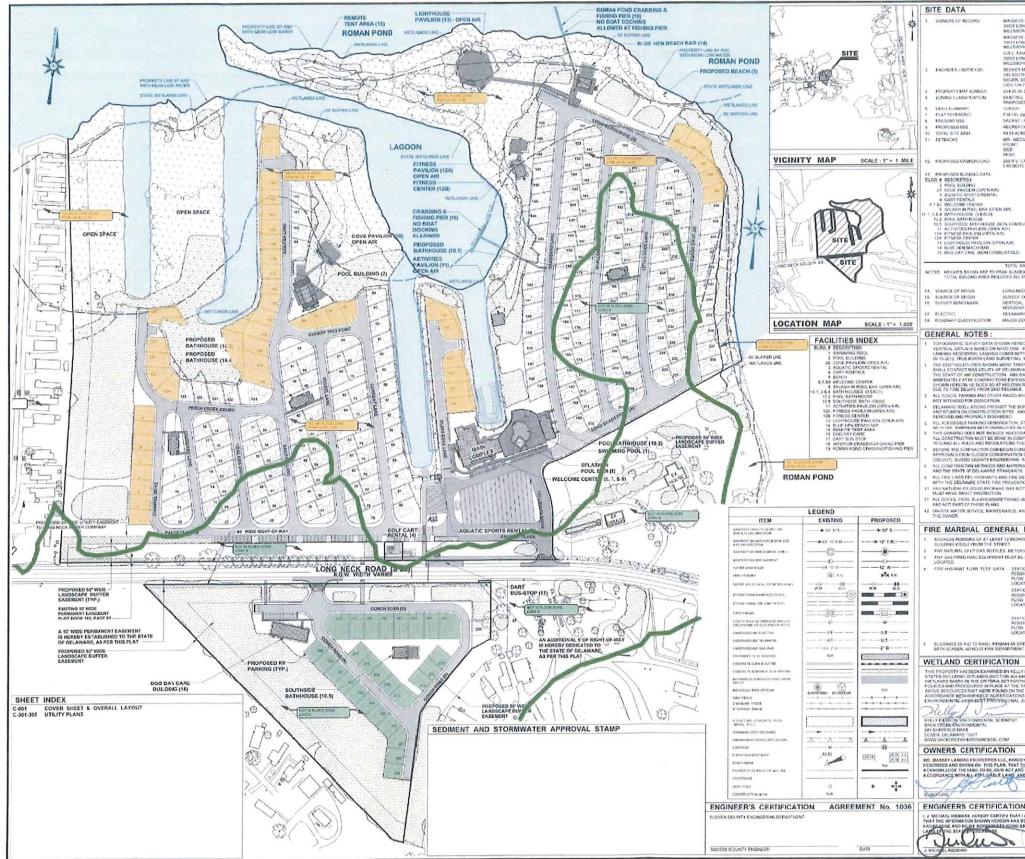
- (7). Is project adjacent to the Unified Sewer District? No
- (8). Comments: The Engineering Department will require that all units be disconnected from the County sewer and caps secured when the campground is closed for the season. Based on past history we will require notification upon completion so that the Department can verify all inlets are secured.
- (9). Is a Sewer System Concept Evaluation required? Not at this time
- (10). Is a Use of Existing Infrastructure Agreement Required? Not at this time
- (11). <u>All residential roads must meet or exceed Sussex County minimum design</u> <u>standards.</u>

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

Jeval

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

Xc: Hans M. Medlarz, P.E. Lisa Walls Nicole Messeck



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	C-001



The maximum number of comparison/RV sites shall be three hundred livenly-two [322]. All entrance and roadway improvements and any other DelDOI requirements shall be completed as required by DelDOI, this includes the Develope's agreement to comply with DelDOI request to enter into an agreement with DelDOT to fund an equitable portion of the installation of a single-lane roundabout at the intersection of Route 23 and single-lane roundabaut at the intersection of Routle 23 and Pol Nets Road, and other similar improvements. Development shall be served by the County's long Nack Sanitary Sever District. The Applicant shall comply with all Sussex Count Engineering Department requirements regarding connection to, and service by, the District. The Development shall be served water for domestic use and free protection by the Long Neck Water Company. Stomwater management and sadiment and readion control facilities shall be constructed in accordance with applicable State and County requirements and maintained with applicable State and County requirements and maintained with applicable approval of the Sussex Conservation District. The Applicant shall cooperate and coardinate with the State and County engineery preparedness offices to develop and implement an emergency evacuation plan. The Development shall be sumanded by a 30 tool landscoped buffer, This shall be instated as parts of the 1st Pot Nets Road, and other similar improvements

andscaped buffer. This shall be installed as part of the 1st phase of the development's construction. ne enfire facility may be open no earlier than April 1st each or and shall close no later than the first Sunday of

#### mber of each year.

tere shall be no accessory buildings located on individual

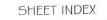
- Campground restrictions shall be submitted as part of the
- site plan review. All units to be used for the purpose of human habitation on compsites shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping
- purposes. The Developer shall plan the entrance design to accommodate a DARI bus stop and humabout in consultation and cooperation with DARI. One sign, not exceeding thity-two (32) square feet per side with sphing shall be permitted. The lighting for the sign shall not thine on any neighboring properties or road ways. All lighting shall be downward screened so that it does not shine on neighboring communities or readways.

- shine on neighboring communities or roadways. All weltands on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the find Site Plan. The Applicant shall determine, after consulting with the County, whether there are any "dwellings" in the vicinity of the property that require a 400 toot buffer porsuant to Section 115-172H. (3) of the Sussex County Code (in effect at the time of this application). As part of the Find Site Plan review, the Developer shall include a note on the Plan decretion is after to marke this determination and show iescribing its efforts to make this dete e location of any dwelling that would trigger the applicant of the 400 foot buffer

#### Condition 17 Note:

After consulting with the Planning and Zoning Department Director, it was determined that a single 'dwelling' exists that will require the application of a 400 foot buffer pursuant to Section 115-172H (3) of the Sussex County Code in effect at the time of C/U 1963 zoning approval. That single dwelling exists within the Pot Nets Dockside community as illustrated on the Final Site Plan in the immediate vicinity of campsite number 1.

- In the minimum events of cumpater humans. It is a concerning to the subset of the subs nsional requirement
- There shall be a notice of the entrance to the campground stating that it is located within a Flood Prone Area and that stating that it is located within a Hood Yrano Area and mon certain exacutation and/or relocation proceedures are in place and must be followed by all campground visitors in the event of a weather emergency. There that be a buffer of 200 from any structure used for Fining space on the property of hands other than the Applicants; no activities or structures of this provide the available and the 200 for buffer of the structure set.
- use shall be permitted in the 200 foot buffer. let The Planning and Zoning Com ission shall determine the number of park models, RV's.
- travel trailers and tent camping to be established on the site; the number of > M transient sites shall also be determined by
- the Commission
- There shall be no soles of campsite or camping units, i.e. park models, RV's, travel trailers or cabins.
- There shall be no motorized watercraft for sale or lease from site and there shall be no launching
- of motorized watercraft from the site.
- The Final Site Plan shall be subject
- to the review and approval at the Planning
- and Zoning Commission



- FINAL SITE PLAN (OVERVIEW) FSP-1
- FSP-2 WETLAND SIGN LOCATION PLAN
- BOUNDARY LINE ADJUSTMENT PLAN
- WETLANDS MARKER LOCATION PLAN
- BUFFER LANDSCAPE PLANS Shts 1-3 of 3
- SITE UTILITIES COVER SHEET & OVERALL LAYOUT PLAN
- 301-305 SITE UTILITIES PLAN

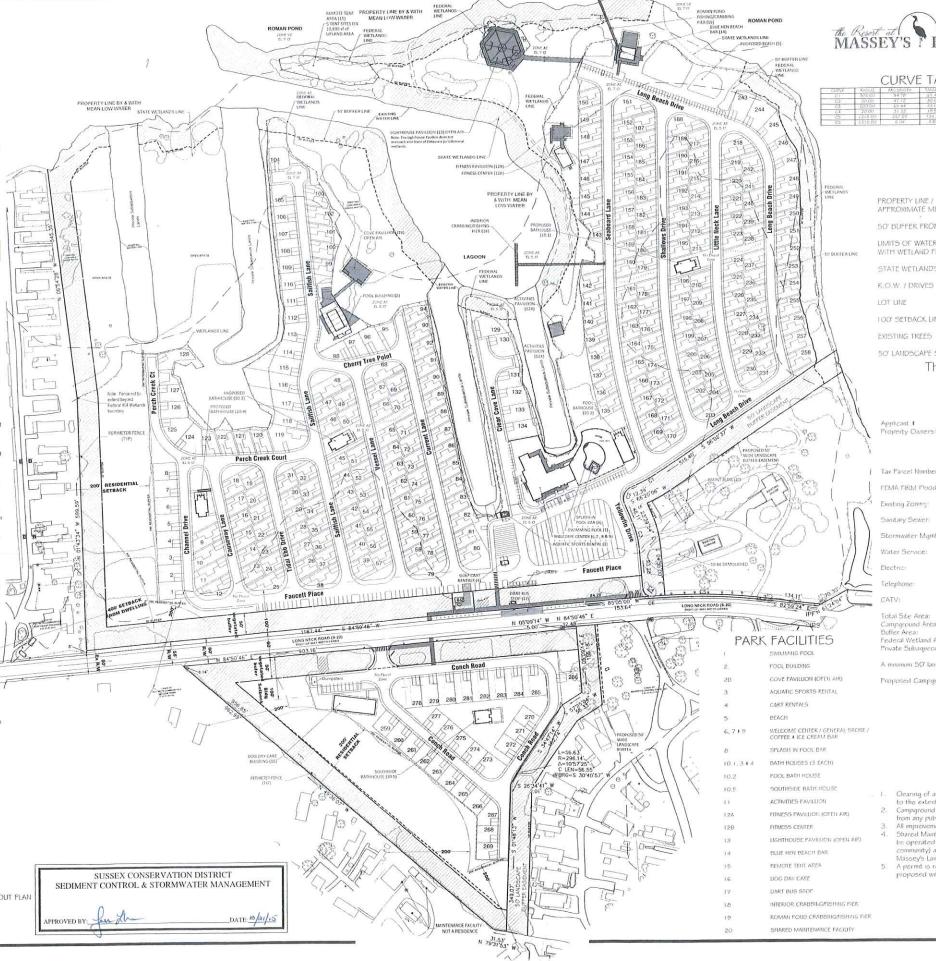
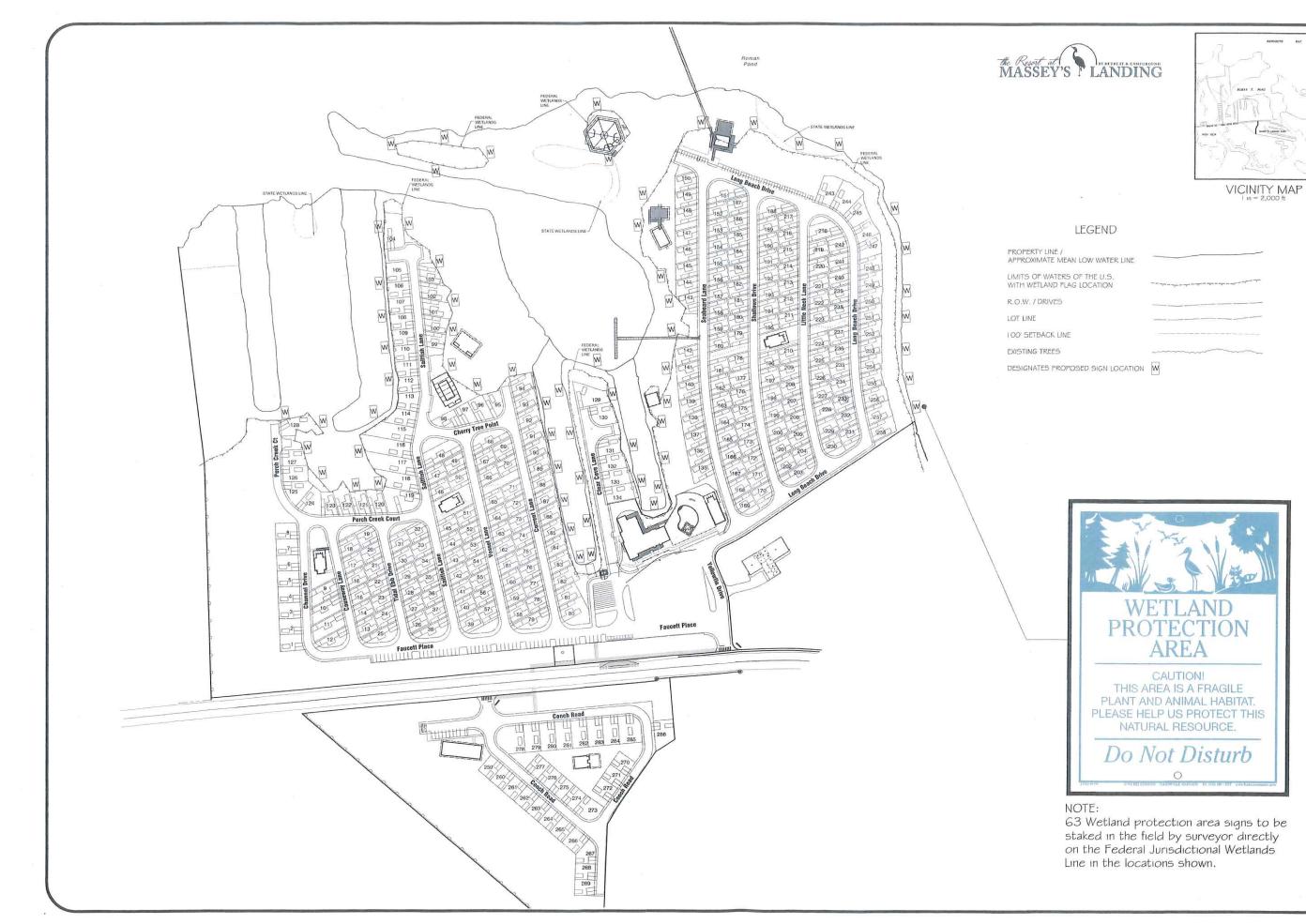


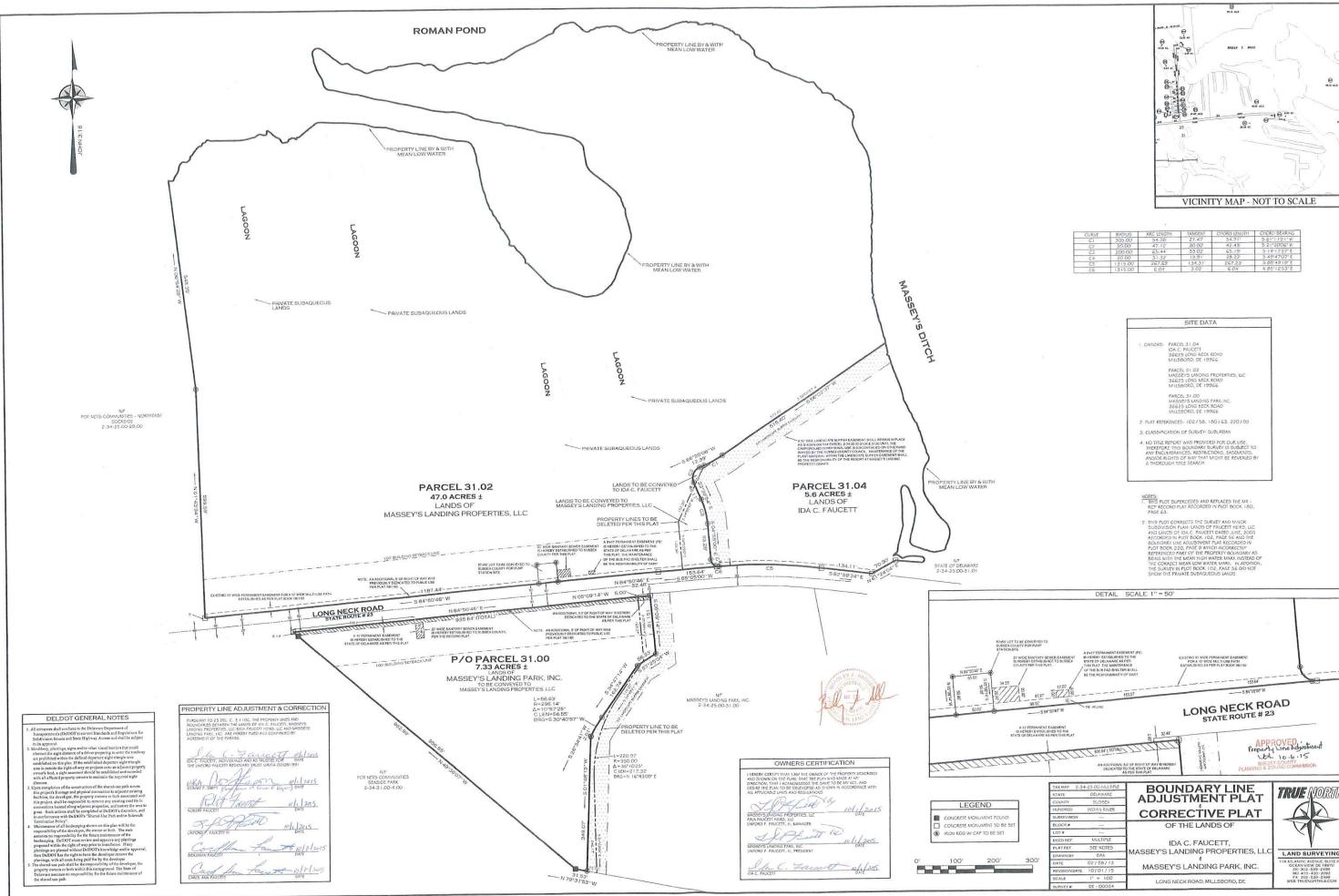
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tro:	Site Data: Masseys Landing Properties LLC Masseys Landing Park, Inc Ida C. Faucett 4 36625 Long Neck Road	
ibers: ood Maps i'	Millsboro, DE 19966 2-34-25.00-31.00, 234-25.00-31.02 4 234-25.00-31.04 10005C0363K 4 10005C0501K. Dated 3/16/2015 AR Campground Conditional Use Sussex County - Long Neck Sanitary Sewer District	DRAWN BY: WPW ORCK RM. JAC CHECK Restrict JAC FLE KANE Restrict Massays F.R. No. 20426400 31 244543102 3104 DATE 9115(15 SCALE 1" = 100'
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a: irea: lecus Lands Landscaped sp ipground:	Mediacom 54.33 acres +\- 17.68 acres +\- 10.79 acres +\- 13.07 acres +\- 3.50 acres +\- 3.50 acres +\- 291 Total Transient Camp Sites 291 Total Transient Camp Sites 216 R.V. Camping Sites (Minimum 2,000 sf - 40' width) 70 (max) Park Model Sites (Minimum 2,000 sf - 40' width) 5 Remote Tent Sites (Minimum 2,000 sf - 40' width) 5 Remote Tent Sites (Minimum 2,000 sf - 40' width) 5 Remote Tent Sites (Minimum 2,000 sf - 40' width) 5 Remote Tent Sites (Minimum 2,000 sf - 40' width) 5 Remote Tent Sites (Minimum 2,000 sf - 40' width) 70 (max) Park Model Sites (Minimum 2,000 sf - 40'	-PREPARED BY - 
tent possible ind area shall b public road. Rements shall b laintenance Fac led as a shared y) and The Res Landing Park n is required from	Laundry Facilities - Baltihouses in Camperound Refuse Collection and Storage Provision- Daily Campsite Pickup 4 Dumpsters On Site on within existing forested uplands shall be selective and minimized be 400 ft from any permanent dwelling on other lands and 100 ft e constructed in a single phase. addy: The maintenance building situated on lands of Ida Faucett will thacility serving both the Massey's Landing Fark (mobile home ort at Massey's Landing (campground) properties. The existing autenance facility will be demolished. In DNREC and/or the Army Corps of Engineers for any work leral or State of Delaware jurisdictional wettinds.	FINAL SITE PLAN NNMAN RIVER HUNDRED SUSSEX COUNTY, DELAWARE The Resort at Massey's Landing RV Retreat and Campground

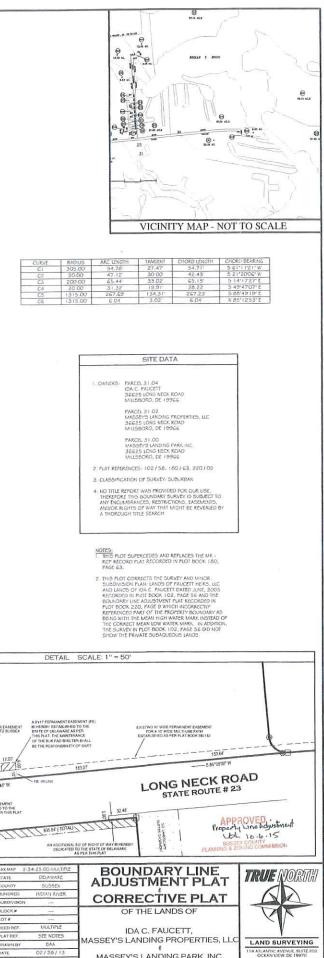


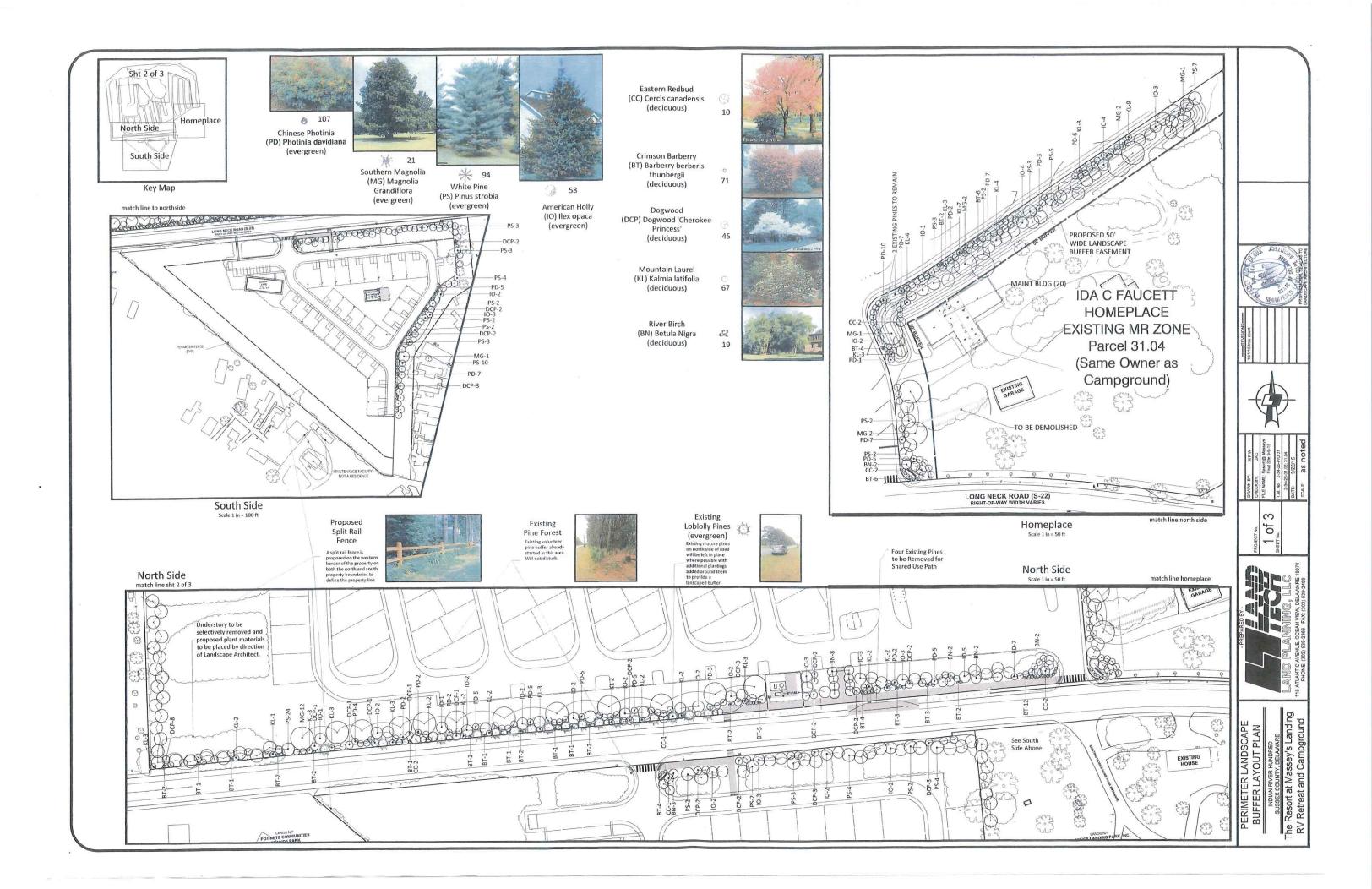


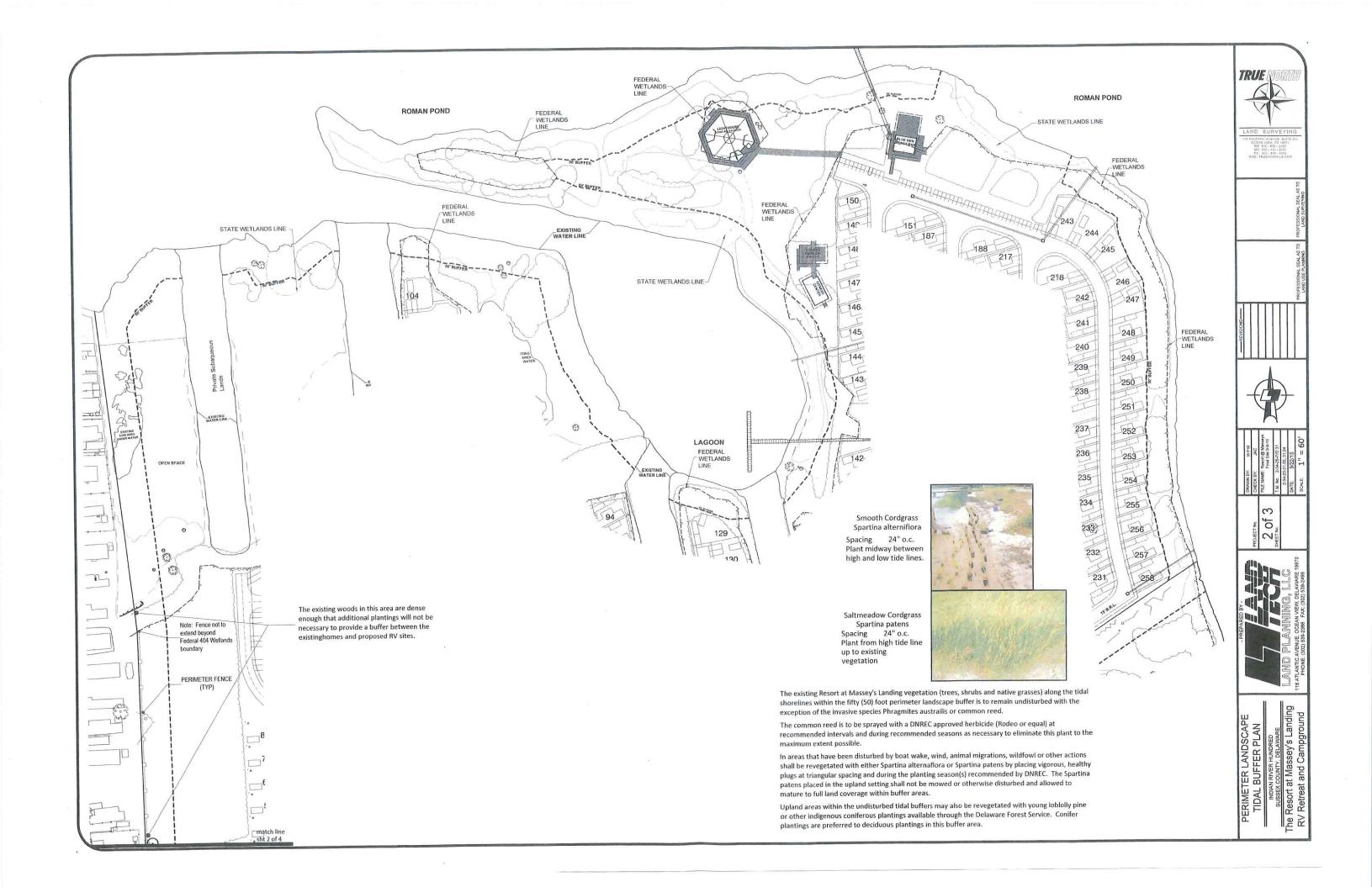
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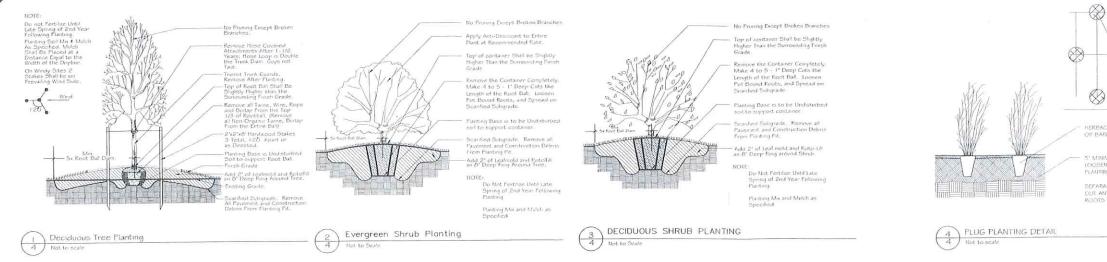
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	-(	-L			)			
	DRAVIN BY: WPW CHECK BY: JAC	FILE NAME: Resort at Massey's	Final Site 9-9-15	T.M. No. 2-34-25-P/O 31	2-34-25-31,02; 31,04	DATE: 9/18/15	SCALE $1'' = 100'$	
	PROJECT No.		7-101	SHEET No.				
- PREPARED BY -					LAND PLANNING, LLC		PHONE: (302) 539-2366 FAX: (302) 539-2499	
WETLANDS MARKER	LOCATION PLAN		INDIAN RIVER HUNDRED	SUSSEA COUNTY, DELAWARE	The Resort at Massey's Landing		RV Retreat and Campground	











#### PLANTING SPECIFICATIONS

REFERENCES AND QUALITY CONTROL

- A All plants shall be nursery grown within a U.S.D.A. ant hardiness zone which is the same as, or colder than,
- b) the zone in which the project is located.
  c) Do not make substitutions: If specified material is unavailable, landscape architect will make final selection of substitutions. C. Size: Provide trees and shrubs of sizes shown or specified. Trees and shrubs of larger sue may be used if acceptable to the landscape architect.
- acceptapie to the landscape architect. D. Inspection: Landscape architect reserves the nght to inspect trees and shrubs before planting, either at place of growth or at site, compliance with requirements of name, vanety, size and quality. Landscape architect has nght be rejecting in that material to any constant withing
- name, variety, but and pairs a constraint of any reason, including, but not limited to those listed above. All rejected plant material shall be immediately removed from the site.

#### PRODUCTS

- Mulch: Material shall be well aged, finely shredded hardwood bark, dark brown in color, or approved equal. Material shall be mulching grade: uniform in size and
- free of foreign matter and weed seeds. Guying Materials: Double reinforced rubber hose and 10 gauge metal wire.

Fertilizer:

(cluzer: For new plant material provide packet, tablet or pellet forms of slow release fertilizers conforming to Fed. Spec. O:F-241, bearing the manufacturer's guaranteed statement of analysis. Slow release fertilizers shall contain a minimum percentage by weight of five ntroaen (of which 50% will be organic), 10 available phosphoric acid and five potash.

For bed preparation and existing trees, provide granular fertil conforming to Fed. Spec. O.F. 241, Type 1, Class 2 which shall bear the manufacturer's guaranteed statement of analysis. Granular fertilizer shall contain a minimum percentage by weight of 10 nitrogen (of which 50% shall be organic), six available phosphone acid and four potash.

#### SOIL EXCAVATIONS

- A. The excavation must not be less than 12 inches wider or deeper than necessary to accommodate the ball of the plant.
- the plant.
  B. When conditions detrimental to plant growth are encountered; such as rubble fill or adverse drainage conditions, notify landscape architect before proceeding with planting operations.
- With paining operations is the paining of trees, cultivate a ring five times the dameter of the ball or 40°, which ever is greater, 15° deep around tree; or as directed by landscape architect. Restore disturbed areas.

#### PREPARATION OF PLANTING AREAS

- A. All planting areas shall be brought to proposed an pairing areas shall be storing to proposed grade using topsoil mix as specified. No easting on-site soil shall be incorporated into the topsoil mix, unless directed by the landscape architect.
   B. The planting bed shall be loosened prior to planting
- are of the following methods: roto-tilling or with pick
- by one of the tollowing methods: Cr0o-timing or with pack and shovel. Soil shall be loosened to a depth of & to 10°.
  C. Organic matter shall be spread over the bed to a depth of 2° tor leat mold and other organics, or 1° deep for sludge, (2 cubic yards of composed sludge/1000 square teet), after the soil has been loosened. The organic matter shall then be worked into the bed with a roto-tiller or other approved method.
- approved method.
   D. Fertilizer shall be incorporated into the top 4-6° of bed at manufacturer's specified rate.
   E. The entire bed shall be mulched to minimum
- depth of 3' with mulch as specified.
- F. Soil shall be tested for Ph and amended as required to maintain an optimum Ph of 6.5 to 7.0 or as directed.

PLANTING PROCEDURES FOR TREES AND SHRUBS

- A Trees and shrubs shall bear same relationship to
- A. Trees and simular simulations can be been approximately and a stray did in the numbery row.
  B. Bebore placing shrubs in pits, place a G' layer of soil mix material into bottom of pit and tamp.
- C. All trees shall be placed directly on the scanned
- D. The plant pit shall be filled with soil mix material
- The plant pt shall be filled with soil mix material as specified and placed in G<sup>2</sup> layers should be latter arefully tamped in place in a manner to avoid injury to the roots or bail, or disturbing the position of the plant. When approximately two-thirds (2/3) of the plant has been back-fulled, the pit shall be filled with water and the soil allowed to settle around the roots. BHD plants shall have all the twine, wire and burdp cut away or tolsked back from the top 1/3 of the ball and trunks before applying water. After the water has been absorbed, the plant hole shall be filled with soil mix and tameed half by the root. tamped hahtly to grade.
- All containers of global shall be removed from containers and the root mass should either be physically loosened or sliced to prevent strangulation.
- F. Failure to comply with planting procedures ned above is basis for rejection of plant material by
- landscape architect. G. Transit trunk guard shall be removed only after respection at site by landscape architect.

#### FRUNING

- A. Trees and shrubs shall be pruned to remove broken branches only and/or to preserve their natural character and shape. Pruning shall be restricted in general to the secondary branches and soft, sucker growth. Never out
- a leader. B. ALL PLANTS DISFIGURED BY POOR FRUNING PRACTICES WILL BE REJECTED BY THE LANDSCAPE ARCHITECTS
- C. All pruning cuts shall remain unpainted.

#### MULCHING

- A. All planting beds shown on the plans shall be mulched with 3° of mulch over entire area. B. Before mulch is installed, apply pre-emergence weed killer and incorporate into soil according to
- manufacturer's directions. C. All surfaces to receive mulch shall be raked smooth and be free of all rocks, debris and large
- bark pieces. Mulch shall not be mounded up around base of tree.

#### STAKING AND GLYING

- A. All trees to be staked and guyed within 48 hours of
- B. Methods and materials for staking and guying are
- illustrated in individual planting details
- C. Neatly hag all guy wres with rot resistant yellow tree marking nobon.
   D. Staking may not be required dependent on plant
- location as directed by landscape architect E. Brace plants upright in position by guy wires and rubber hose protection and stakes:
  - Tree Support Method Tree Calipe 2 guy wires (2 strand wire) 3 guy wires (2 strand wire) 4 guy wires (4 strand wire) 1 - 3 mohes 3 - 6 inches over G inches

PLANTING FROCEDURE FOR GROUNDCOVERS, PERENNIALS AND ANNUALS INSPECTION AND ACCEPTANCE

- A. The planting holes shall be excavated through the mulch with hand
- B. Before planting, biodegradable pots shall be split and non-biodegradable pots shall be removed.
  C. The perennals shall be planted as follows:
- Roots of the plant shall be surrounded by soil below the mulch. The plants shall be set so that the top of the root system is even with easting soil grade.
- 2. At and equal distance apart (plans and specifications
- At and equila distance apart (pulls and specifications specify the distance on center. (O.C.) for the perennuls.
   D. The entire bed shall be edged per detail.
   E. Treat the mulched and planted perennula bed with soil applied, pre-emergent herbicide appropriate for use with the plant material specified.
   F. The entire perennual bed shall be thoroughly watered to a depth of G-8<sup>s</sup>.

#### REMOVAL AND CLEANUP

- A. Removal of debris is required. The property must be left in a neat and orderly condition in accordance with good and accepted planting practices. B. Protect all hinshed surfaces during planting

For lawns, after a minimum of 3 (three) mowings.

C. Repair and restore all damaged or disturbed surfaces related to planting operations

#### SUBSTANTIAL COMPLETION

The point when plant materials have been installed and the Landscape Architect completes a punch list.

#### MAINTENANCE PERIOD

FINAL ACCEPTANCE After all items on the punch list have been completed to the Landscape Architect's satisfaction

Begins from point when plants are installed to end of the guarantee period.

#### GUARANTEE & GUARANTEE PERIOD

- A. Guarantee Period commences after final acceptance. B. Plant materials shall be guaranteed for two growing seasons from date of acceptance by the owner or his representative. The trees are to be alive and in satisfactory
- owing condition as determined by the owner or his epresentative during final inspection at the end of the guarantee
- C. Replacement will be made according to these same Replacements and during the normal planting period. Replacements shall be subject to the same guarantee and replacement as the original material. The replacements shall be made within 60 days following written notification
- shall be made within 60 days following written notification from the owner or his representative.
  D. In the event of questions regarding the condition and satisfactory establishment of a rejected plant, the contractor may, if approved by the owner, allow such a plant to remain through another growing season at which time the rejected plant, if found to be dead or in an unhealthy or badly impaired condition, shall be replaced.
  The contractor construction of construction of the provided by the owner, allow such a construction of the replaced plant.
- E. The contractor is or responsible for theft or damage to plants by non-contractor vehicles or vandalism once plants are installed and approved.
- F. Remove all guys and stakes from trees after one year.

- A. Inspection: Inspection of work will be made by Landscape Architect at conclusion of maintenance period to determine if Proper completion and maintenance has been effected. Sub-contractor shall give written notice to Architect requestion such inspection at least ten days prior to anticipated date. Condition of work will be noted and determination made by B. Acceptance: Alter inspection, Subcontractor will be notlined in writing by Landscape Architect of acceptance of work, or if
- Here are deficiencies or requirements for completion of work. Maintenance or other work remaining to be done shall be subject to re-inspection prior to final acceptance.

#### FRODUCTS

#### GROWING MEDIA

- Ideality, capable of sustaining vigorous plant growth, from well drained site, free of flooding, not in frozen or middy condition, not less thin 6% organic matter, and plt value of 5.9 to 7.0. Soil shall be free from subject, slag, clay, stones, lumps, live plants, exclusion from subject, slag, clay, stones, lumps, live plants, roots, sticks, crabgrass, couch grass, noxious weeds and foreign
- sustaining vigorous plant growth, not in frozen or muddy condition, containing not less than 6% organic matter, and corrected to pH value of 5.9 to 7.0. Free from subsol, stag, clay, stones, lumps, live plants, roots, sticks, crabgrass, couch grass.
- D. Limestone: Dolomitic limestone with minimum 85%
- carbonates and 50% calcium oxides. Bags shall show weights and
- Grade A recommended for grass, with 50% of the elements denved from organic sources; of proportion necessary to eliminate any deficiencies of topsoil as indicated in analysis to the following proportions: introgen 10%, phosphone acid 6%, solide potash 4%.

#### ACCESSORIES

- A. Mulching Material: Oat or wheat straw, reasonably free from weeds, foreian matter detrimental to plant life, and in dry

- Keta Nilei Weed Double of Equal.
   Establishment Blanket: Uniform, open weave jute matting.
   Wooden Pegs: Of sufficient size and length to ensure satisfactory anchorage of sod on slope in excess of 2:1.
- F. Water: Clean, Iresh and free of substances or matter which would inhibit vigorous growth of grass.

#### EXECUTION

- A. Imported Topsoil: natural, fertile, agricultural soil typical of
  - B. Existing Topsoil: Natural, fertile agricultural soil capable of

### Stores, and social matter. Sand: Hard, granular natural beach sand, washed, free of impunties, chemical or organic matter.

- analysis. E. Ferblizer: Commercial type conforming to FS 0-F-241, Type 1.

UTILITIES -800-282-8555.

PREPARATION

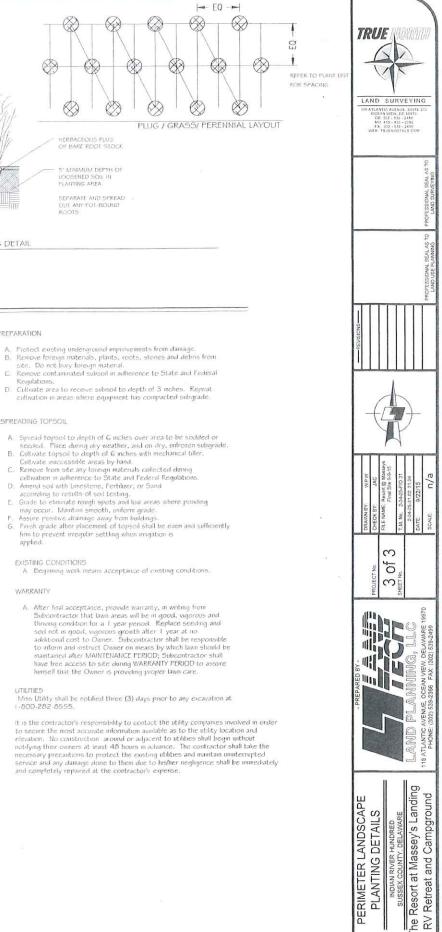
Regulations

SPREADING TOPSOIL

applied.

WARRANTY

## Condition Match Declining of Dynamic Matching and Conditional Con



# Sun Massey's Landing RV, LLC

Conditional Use No. 2356 Amendment of Ordinance





David C. Hutt, Esquire Morris James LLP Public Hearings: Planning Commision County Council

08/25/2022 09/27/2022

#### **TABLE OF CONTENTS**

- Planning & Zoning Application

   A. Proposed Revision to Condition 9
   B. Ordinance No. 2378
- 2. Final Site Plan (Resort at Massey's Landing)
- 3. Annual Process & Cost
- 4. Cottage Pictures

# TAB "1"

### **Planning & Zoning Commission Application** Sussex County, Delaware

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

Type of Application: (please check applicable)

Conditional Use 🖌 Amendment

Zoning Map Amendment \_\_\_\_

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

20628 Long Beach Drive, Millsboro, Delaware 19966

#### Type of Conditional Use Requested:

The applicant and owner request that Condition No. 9 in Ordinance No. 2378 (Conditional Use No. 1963) be modified as shown on the attached Exhibit A. For ready reference a copy of Ordinance No. 2378 is attached as Exhibit B.

Tax Map #: 234-25.00-31.02, .05

Size of Parcel(s): 54.33

Current Zoning: AR-1/CU	Proposed Zoning: AR-1/CU	Size of Building:	not applicable
-------------------------	--------------------------	-------------------	----------------

Land Use Classification: 2045 FLUM -- Coastal Area

 Water Provider:
 Long Neck Water Company
 Sewer Provider:
 Sussex County

#### Applicant Information

Applicant Name: <u>Sun Massey's, LLC</u>		
Applicant Address: 9919 Stephen Decatur Hwy.		
City: Ocean City	State: MD	ZipCode: <u>21842</u>
Phone #: (410) 213-1900	E-mail: rcorrea@bwde.co	m

#### **Owner Information**

Owner Name: Sun Massey's Landing RV LLC			
Owner Address: 27777 Franklin Road, Suite No. 2	.00		
City: Southfield	State: MI	Zip Code: <u>48034</u>	
Phone #:	E-mail:		

#### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: David	C. Hutt, Esquire   Morr	is James LLP	
Agent/Attorney/Engineer Address: 107	W. Market Street		
City: Georgetown	State: DE	Zip Code: <u>19947</u>	i.
Phone #: <u>(302) 856-0018</u>	E-mail: <u>dhutt@m</u>	orrisjames.com	





#### **Check List for Sussex County Planning & Zoning Applications**

The following shall be submitted with the application

✓ Completed Application
<ul> <li>Provide eight (8) copies of the Site Plan or Survey of the property</li> <li>Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.</li> <li>Provide a PDF of Plans (may be e-mailed to a staff member)</li> <li>Deed or Legal description</li> </ul>
✓ Provide Fee \$500.00
<b>Optional - Additional information for the Commission/Council to consider</b> (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 by 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	
Signature of Owner	Date: <u>Manh 4, 2022</u>
1 If for Sun Mossi, i lle	Date: March 4. 2022
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:

1

### **Exhibit** A

Current Condition No. 9

The campground/RV park shall remain vacant and no campers or RV's shall be stored on the campground during the period that the campground is closed.

Proposed Condition No. 9

The campground/RV park shall remain vacant and no campers or RV's <u>except "Park Model RV's"</u> <u>on approved Park Model campsites</u> shall be stored on the campground during the period that the campground is closed. <u>Park Model RV's in special flood hazard areas shall meet the requirements of 115-141.5B (3) for manufactured homes</u>.

# EXHIBIT "B"

#### **ORDINANCE NO. 2378**

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS (Tax Map I.D. 2-34-25.00-31.00, 31.02, 31.04)

WHEREAS, on the 19th day of March 2013, a conditional use application, denominated Conditional Use No. 1963 was filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.; and

WHEREAS, on the 23rd day of May 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 27th day of June, 2013, said Planning and Zoning Commission recommended that Conditional Use No. 1963 be approved with conditions; and

WHEREAS, on the 18th day of June 2013, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

#### NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1963 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) and being more particularly described in the attached legal descriptions, and containing 50.83 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

This Ordinance was adopted subject to the following conditions:

- 1. The maximum number of campground/RV sites shall be three hundred twenty-two (322).
- 2. All entrance and roadway improvements and any other DelDOT requirements shall be completed as required by DelDOT. This includes the Developer's agreement to comply with DelDOT's request to enter into an agreement with DelDOT to fund an equitable portion of the installation of a single-lane roundabout at the intersection of Route 23 and Pot-Nets Road, and other similar improvements.
- 3. The Development shall be served by the County's Long Neck Sanitary Sewer District. The Applicant shall comply with all Sussex County Engineering Department requirements regarding connection to, and service by, the District.
- The Development shall be served water for domestic use and fire protection by the Long Neck Water Company.
- 5. Stormwater management and sediment and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using Best Management Practices. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- 6. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan.
- 7. The Development shall be surrounded by a 50 foot landscaped buffer. This shall be installed as part of the 1st phase of the development's construction.
- he entire facility may open no earlier than April 1st each year and shall close no later than the first Sunday of November of each year.
- 9. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the campground during the period that the campground is closed.
- 10. There shall be no accessory buildings located on individual campsites.
- 11. Campground restrictions shall be submitted as part of the site plan review.
- 12. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes.

- 13. The Developer shall plan the entrance design to accommodate a DART bus stop and turnabout in consultation and cooperation with DART.
- 14. One sign, not exceeding thirty-two (32) square feet per side with lighting, shall be permitted. The lighting for the sign shall not shine on any neighboring properties or roadways.
- 15. All lighting shall be downward screened so that it does not shine on neighboring communities or roadways.
- 16. All wetlands on the site shall be clearly marked on the site to avoid disturbance. The location and type of these markers shall be shown on the Final Site Plan.
- 17. The Applicant shall determine, after consulting with the County, whether there are any "dwellings" in the vicinity of the property that require a 400 foot buffer pursuant to Section 115-172H.(3) of the Sussex County Code (in effect at the time of this application). As part of the Final Site Plan review, the Developer shall include a note on the Plan describing its efforts to make this determination and show the location of any dwelling that would trigger the application of the 400 foot buffer.
- 18. All campsites must be 2,000 square feet in size according to the Sussex County Code. It does not appear that the campsites at the "Remote Tenting Area" shown on the Preliminary Site Plan comply with this size requirement, and this must be corrected on the Final Site Plan along with any other campsites that do not meet the appropriate dimensional requirements.
- 19. There shall be a notice at the entrance to the campground stating that it is located within a Flood Prone Area and that certain evacuation and/or relocation procedures are in place and must be followed by all campground visitors in the event of a weather emergency.
- 20. There shall be a buffer of 200 feet from any structure used for living space on property of lands other than the Applicants; no activities or structures of this use shall be permitted in the 200 foot buffer.
- 21. The Planning and Zoning Commission shall determine the number of park models, RVs, travel trailers, and tent camping (sites) to be established on the site; the number of transient sites shall also be determined by the Commission.

- 22. There shall be no sales of campsites or camping units, i.e., park models, RVs, travel trailers or cabins.
- 23. There shall be no motorized watercraft for sale or lease from the site and there shall be no launching of motorized watercraft from the site.
- 24. The Final Site Plan shall be subject to the review and approval of the Planning and

Zoning Commission.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2378 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF DECEMBER 2014.

**ROBIN A. GRIFFITH CLERK OF THE COUNCIL** 

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

- A. Based on the record, the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction is required; that conformity to the North Coastal Planning Study will be required; that connection to the sewer system is mandatory; that the County reserves the right to alter or provide additional comments upon submittal of information regarding flood zones; that the County requires design and construction of an on-site collection system to meet County Engineering Department Standards and Procedures; that coordination of existing public sewer with the project's design is required; that the County Engineer must approve connection points, and requires that a Sewer Concept Plan be submitted for review and approval; and that System Connection Charges will apply.
- B. The record reflects that Delaware Department of Transportation (DelDOT) provided comments on January 28, 2013 in reference to the Traffic Impact Study (TIS), on April 10, 2013 on the Preliminary Site Plan, and on May 13, 2013 provided an Entrance Location Approval Only letter; that, while there were concerns expressed about traffic, DelDOT has not objected to the project or the traffic generated by it on area roadways; that a TIS was

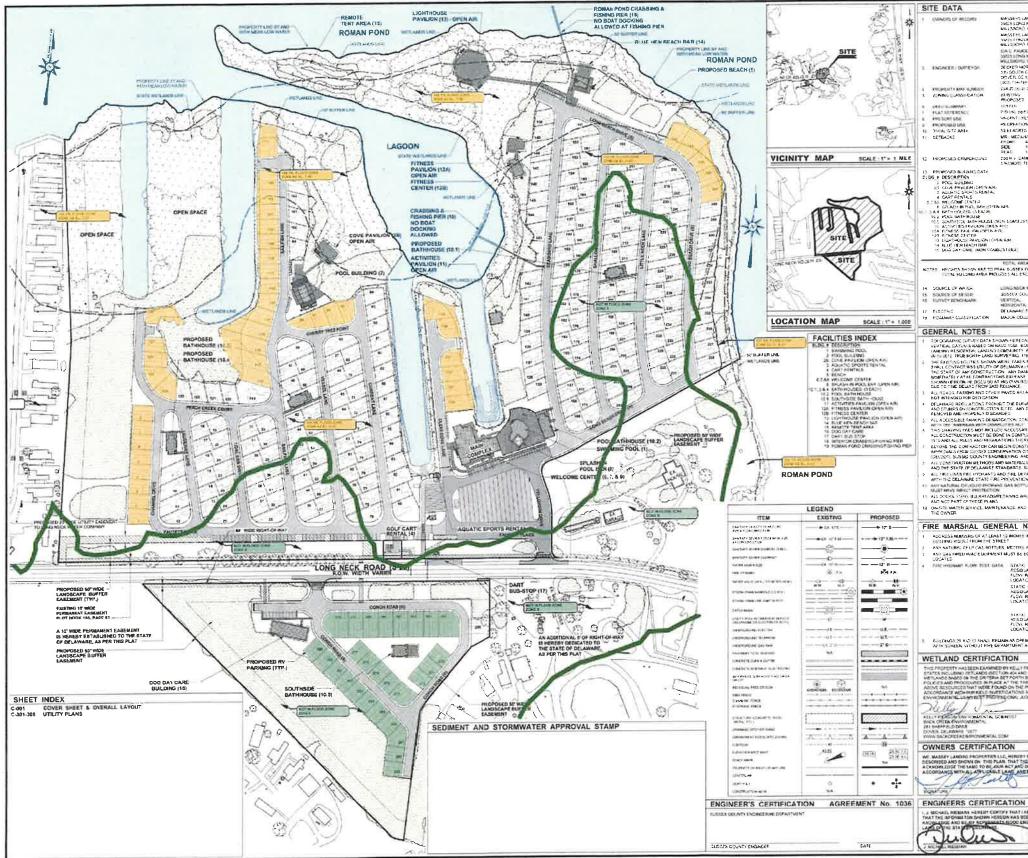
completed in 2005 and has been reviewed and accepted by DelDOT subject to certain recommendations in terms of improvements that the Applicant will be responsible for; that DelDOT found that conditions in the study area have not changed substantially since the 2005 TIS was done, that the development now proposed will be similar in its trip generation and therefore "our findings and recommendations based on the TIS contained in a letter dated November 4, 2005, are applicable to the current development proposals as well and a new TIS is not necessary"; and that the State considered Long Neck Road to be a Major Collector Road, which is an appropriate location for this type of use.

- C. Based on the record, Applicant intends to develop the site with a campground/RV park; that the project is planned on both sides of Long Neck Road and is adjacent to State land, the boat ramp site, the existing Massey's Landing Manufactured Home Park and the existing Pot Nets Seaside Manufactured Home Park; and that the site contains 50.83 acres of land and does not include Mrs. Faucett's home.
- D. Based on the record, all of the lands around the site have AR-1 Agricultural Residential zoning and are improved with manufactured home communities or water bodies; that the project will have 322 campsites with sewer, water, and electric hookups, bathhouses, laundry, general store, café, snack bar, and recreational and maintenance facilities, pavilions, an aquatic rental center (no motorized watercraft), concierge, golf cart rental center, welcome center/ administrative offices, swimming pool, nature center/activity lodge, lodge meeting center/conference center, remote tenting area, DART bus stop, interior crabbing and fishing piers, and a dog park; that the recreational amenities support the use of the campground; that there will not be any lot sales; that employee parking will be provided; that Delaware Electric Cooperative will provide electricity; that the site is located in the Indian River Fire Company service area; that the streets within the project will be sized to accommodate the largest emergency vehicle of the Indian River Volunteer Fire Company; that they are proposing to install pervious pavement with filter strips, rather than impervious pavement; that they plan on utilizing green technologies and Best Management Practices; that there are no threatened/endangered species on site; and that the project will have controlled and gated access.
- E. The use as a campground is consistent with the other existing residential uses, campgrounds and manufactured housing communities that currently exist in the Long

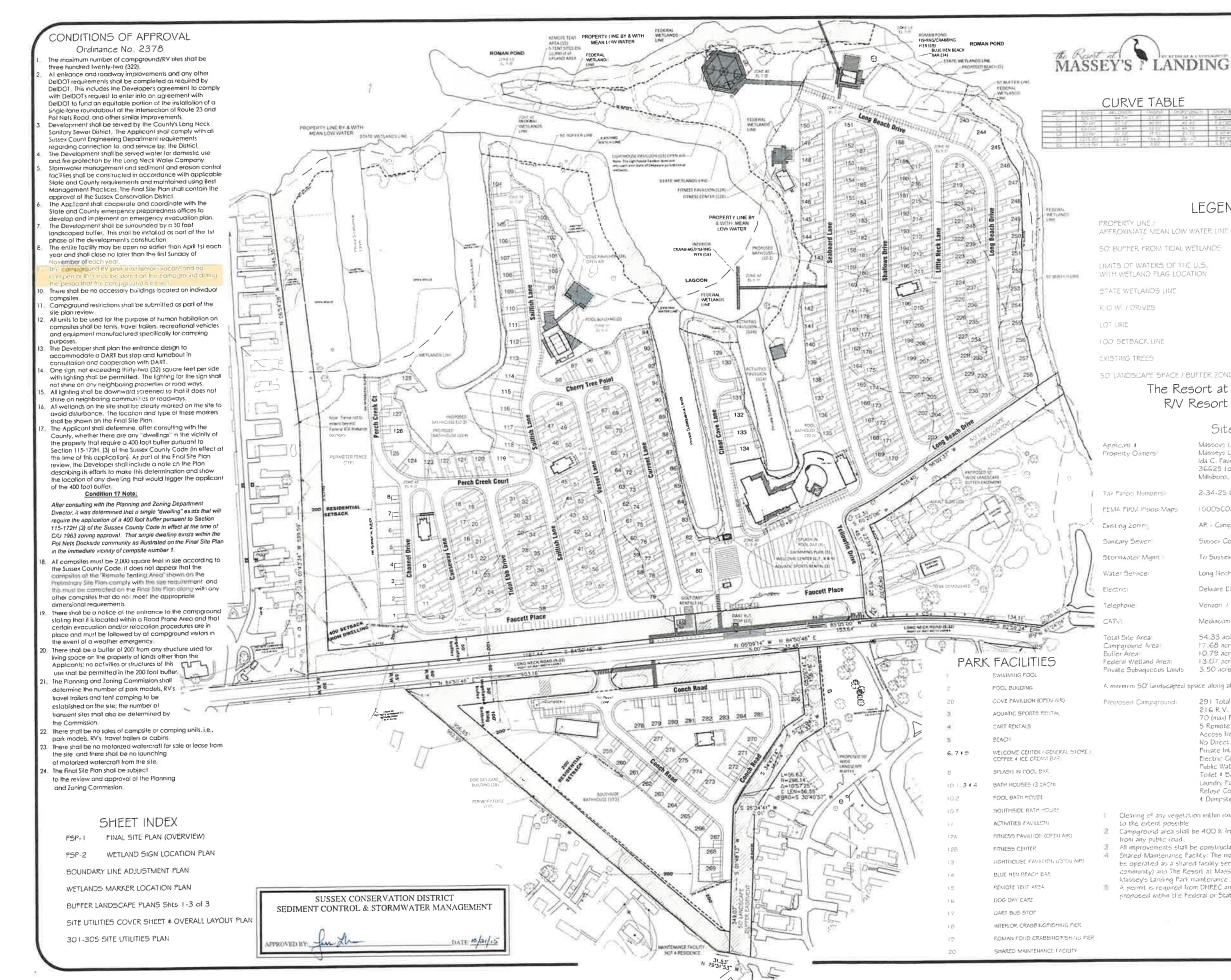
Neck Road and Massey's Landing areas; that campers and RVs are not something new in this neighborhood, so there is a reasonable expectation that RV and campground uses could be developed in the vicinity; and that the use is adjacent to developed Manufactured Home Parks on the west and south, and the bay and the State of Delaware boat launch on the north and east.

- F. Under the current Sussex County Comprehensive Plan, the site is located in the Environmentally Sensitive Developing Area, which is recognized as a development or growth area on the Future Land Use Map; that the area is almost fully developed and this project could be considered infill; that the development is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update and is beneficial and desirable for the general convenience and welfare of Sussex County and its residents because it promotes tourism and related services, economic growth in a designated development area, full and part-time employment opportunities, significant economic benefits to area businesses, and is consistent with the character of the zoning and development in the area; that the site is an appropriate location for the proposed development since recreational and commercial uses exist in the Long Neck area; and that there will be no negative impact on schools or other similar public facilities since the development will operate only seasonally.
- G. The Applicant has created a sufficient record in support of the Conditional Use application.
- H. Based on the record and recommendation of the Planning & Zoning Commission and the record created before Council, the Conditional Use was approved subject to twenty-four (24) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties.

# TAB "2"



	BECKER MORGAN G R O U P ARCHITECTURE ENGLINEERING Deven DE With General Na Ge
THE THE STEEL OF T	Fax 6(1) 12-1762 Www.leckermorgan.com
MITE DECEMBENT ES COUNTY DEFINITE MAS HEXAET OF REAL AT TO MEAN HECCO ENCLUSED ENVICE TECKS AND REPORTES	
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#### LEGEND

APPROXIMATE MEAN LOW WATER LINE 50' BUFFER FROM TIDAL WETLANDS WITH WETLAND FLAG LOCATION

1.4

VICINITY MAP

50 LANDSCAPE SPACE / BUFFER ZONE

#### The Resort at Massey's Landing R/V Resort & Campground

#### Site Data:

	JILU Dava.
915	Massovy Landing Properties, LLC Masseys Landing Park, Inc Ida G. Faucett (* 36625 Long Meck Road Millsboro, DE 19966
ibers	2-34-25-00-31-00, 234-25-00-31-02 4 234-25-00-31-04
ood Maps	10005C0363K # 10005C0501K Dated 3/16/2015
	AR - Campground Conditional Use
r	Sussex County - Long Neck Sanitary Sewer District
gmt	To Sussex Conservation District Standards
	Long Neck Water Company
	Delware Electric Co-Op
	Verizon / Mediacom
	Mediacom
a: irea   id Area: iecus Lands	54.33 acres +\- 17.68 acres +\- 10.79 acres +\- 13.07 acres +\- 3.50 acres +I-
landscaped sp	ace along all properly boundaries
ipground:	29 Extension Composition Stress 216 R.V. Company Stress (Minimum 2,000 sf - 40' width) 70 (nia) Park Model Stress (Minimum 2,000 sf - 40' width 5 Remote Tent Stress (Minimum 2,000 sf) Access from Long Yeak Road - 60 R.O.W No Direct Camposite Access to Long Nock Road Private Intenor Campground Drives = 30' wide (20' maintained) Electric Connections - Each R.V. Site Public Water Supply - Each R.V. Site Public Water Supply - Each R.V. Site Toilet # Bathing Facilities - Bathhouses in Campground Laundry Facilities - Bathhouses in Campground Laundry Facilities - Bathhouses in Campground Relives Collection and Storage Provision- Daily Campisite Pickup 4 Dumpsters On Site.
of abiv vegetatio	on within existing forested unlands shall be selective and minimized

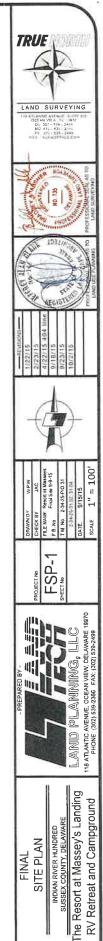
Clearing of any vegetation within axisting forested uptands shall be selective and minimized to the extent possible Campground area shall be 400 ft from any permanent dwelling on other lands and 100 lt

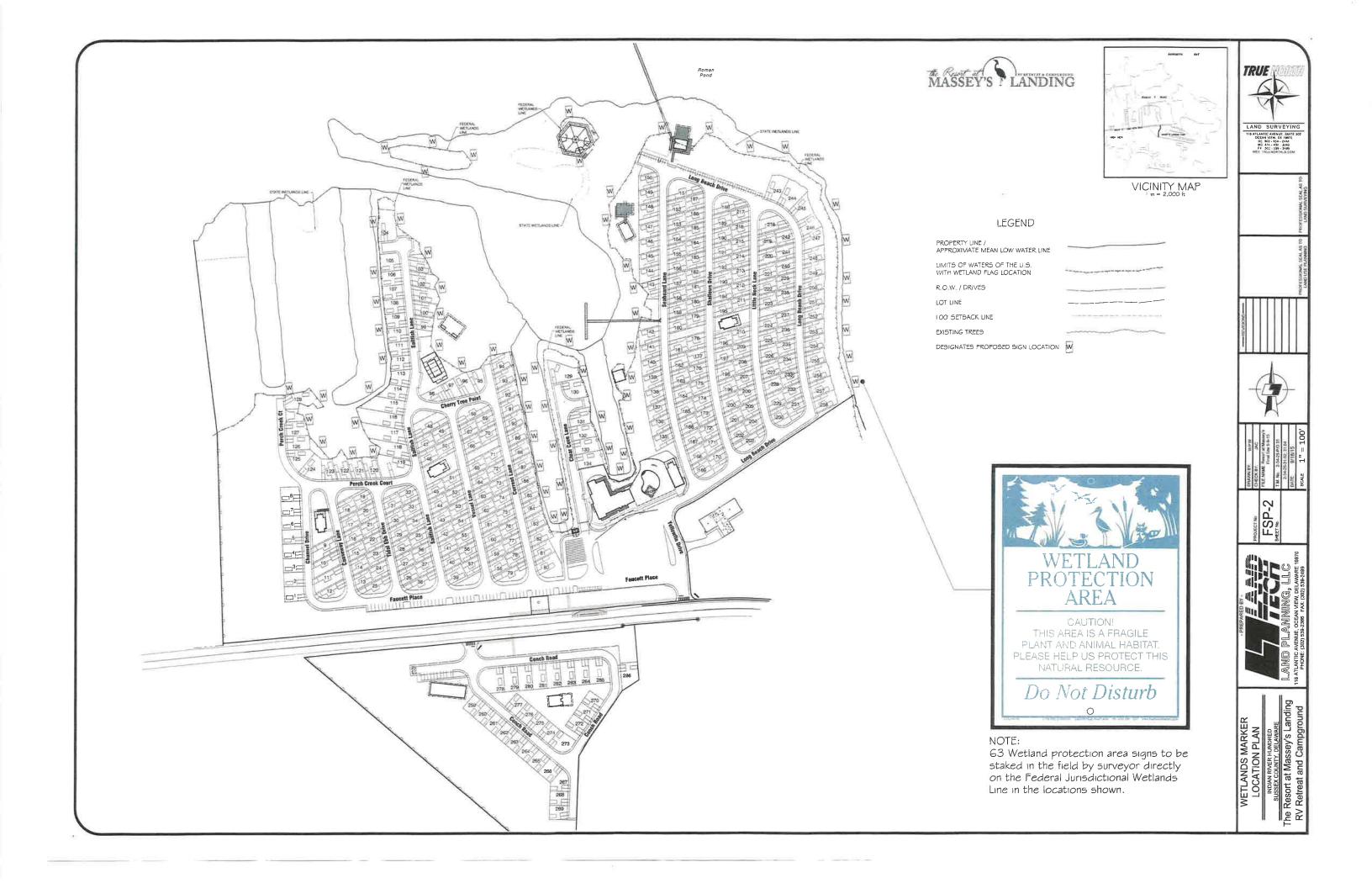
front any public road

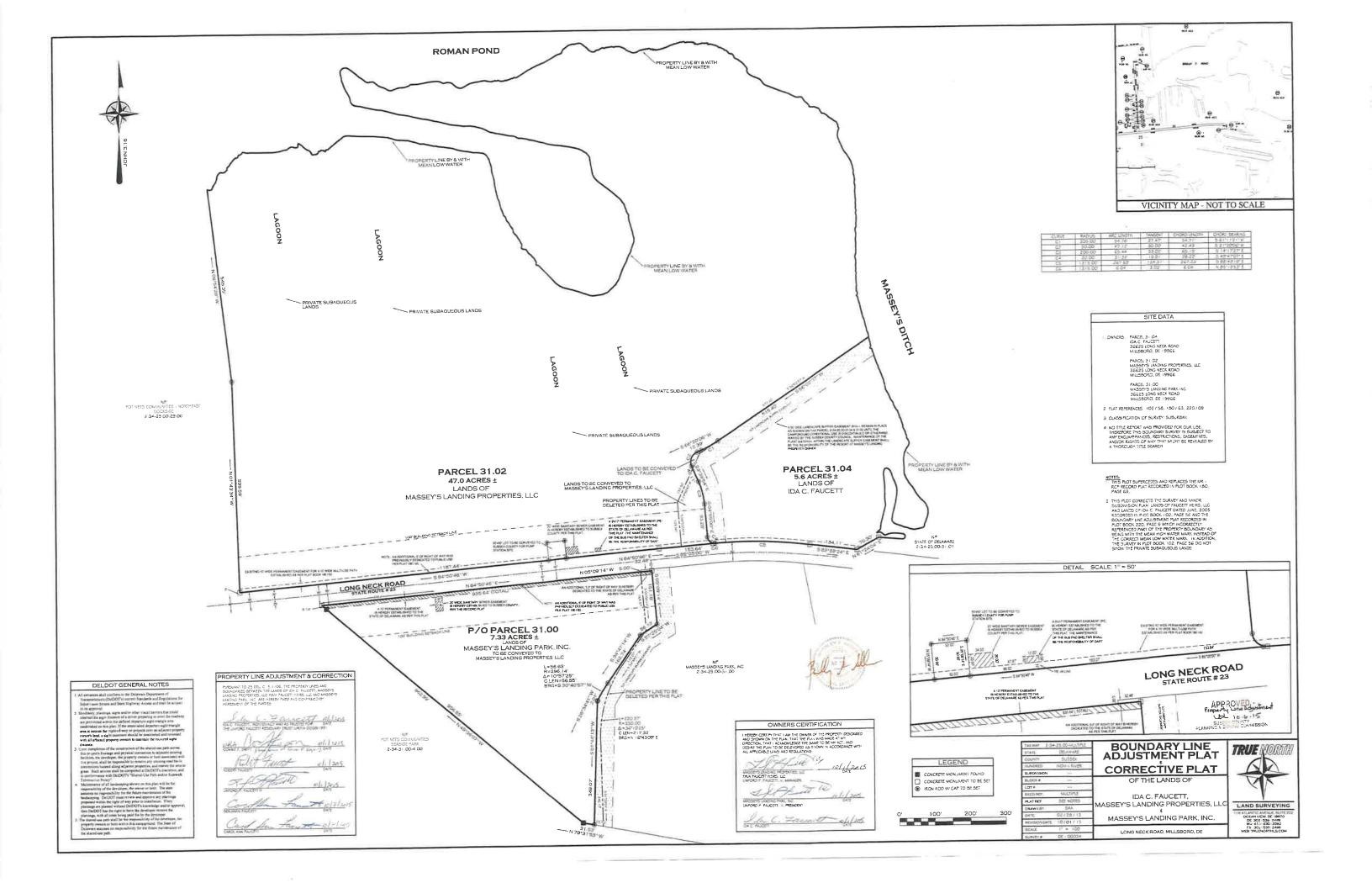
If on any pure reach, and the constructed in a single phase. Shared Maintenance Facility: The maintenance building situated on fands of Ida Faucett will be operated as a shared facility ennumbed but the Maneg's Linding Park (mobile home community) and the Resort at Massey's Landing (campground) properties. The existing

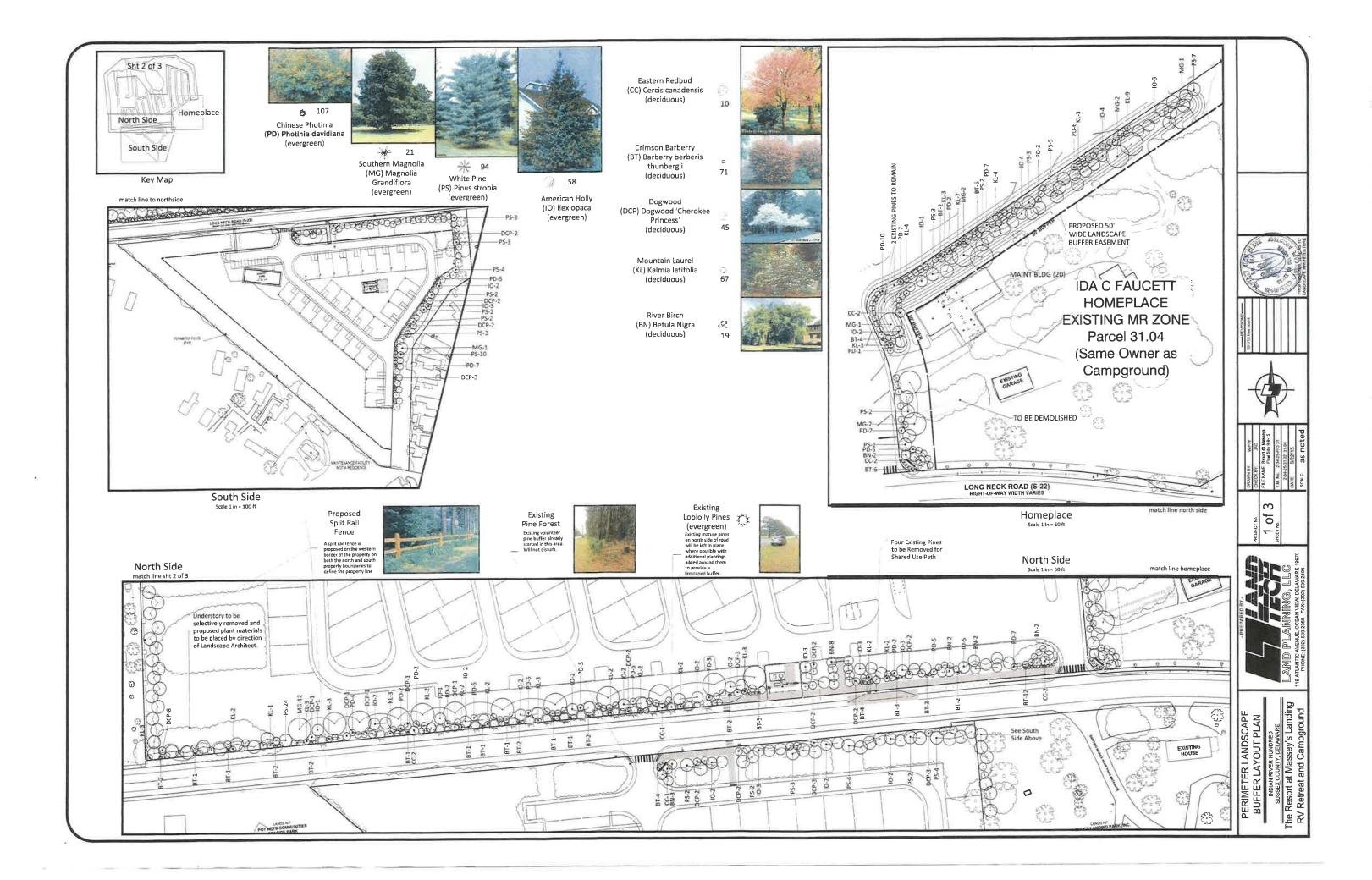
Community) and the Report at waskeys tanking transported proported in the Co Massey's Landing Park maintenance facility will be demolished. A permit is required from DNREC and/or the Army Corps of Engineers for any work proposed within the Federal or State of Delaware mind to build withind

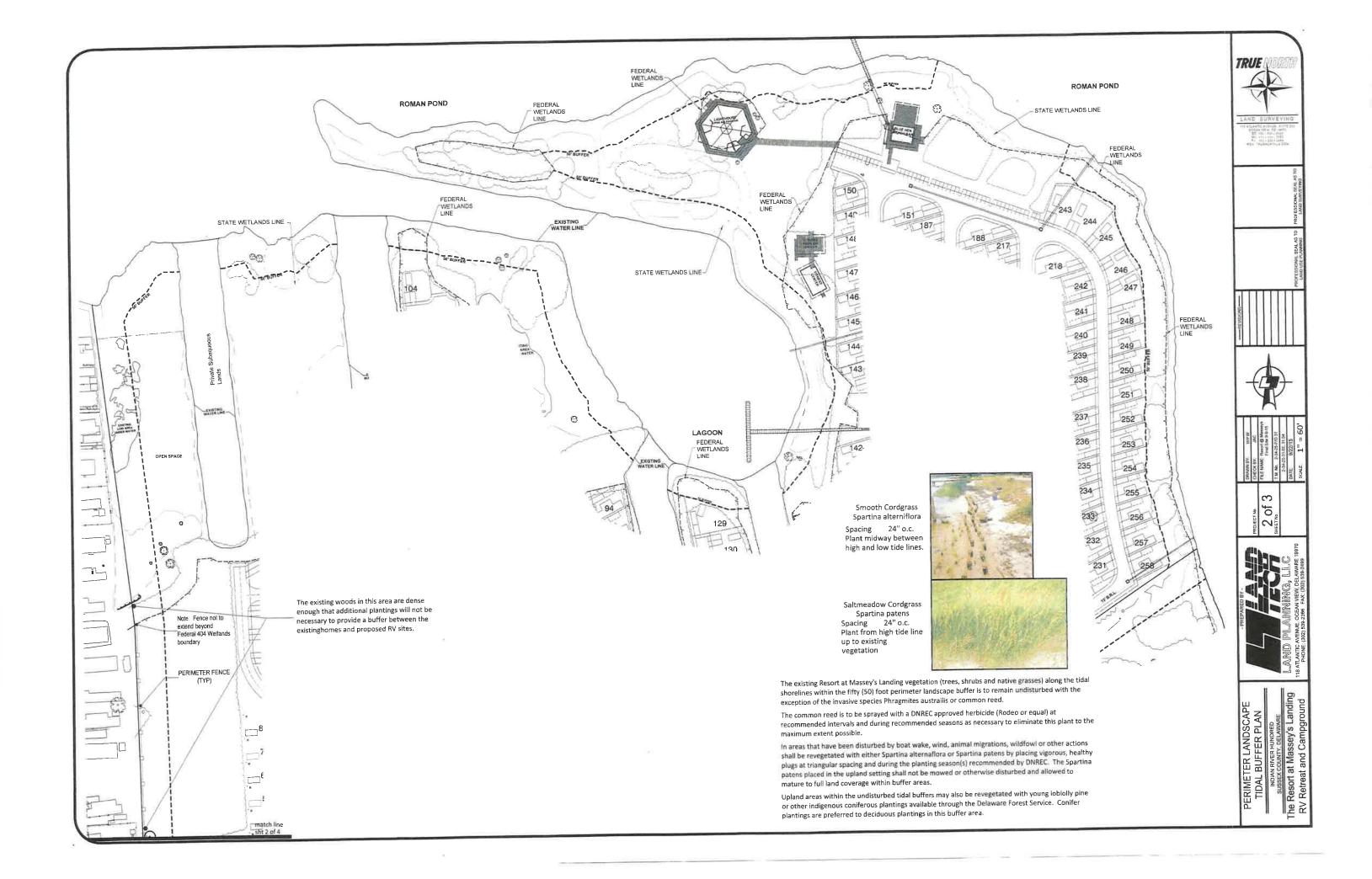


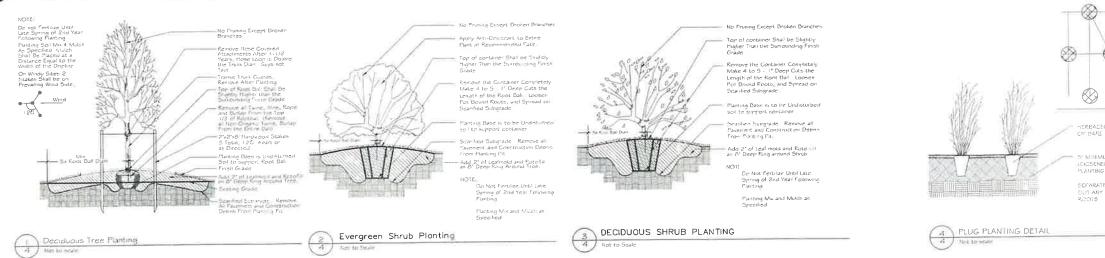












#### PLANTING SPECIFICATIONS

#### REFERENCES AND QUALITY CONTROL

- A Ali plants shall be nursery grown within a U.S.D.A plant hardiness zone which is the same as, or colder than, the zone in which the project is located.
   B. Do not make substitutions: if specified material is unavailable, landscape architect will make final selection of substitutions.
   C. Size: Provide trees and shrubs of sizes shown or specified. Trees and shrubs of sizes shown or specified. Trees and shrubs of sizes usay to used it acceptable to the landscape architect.
- inoposition: Landscape architect reserves the right to impression: Landscape architect reserves the right to impress trees and shubs before planting, other at place of growth or at one, compliance with requirements of rume, vanety, size and quality. Landscape architect has ruph to regist any plant material for any reason, including, but not limited to those listed above. All registed plant naterial shall be immediately removed from the site

#### PRODUCT5

- Mulch: Material shall be well aged, finely shredded hardwood bark, dark brown in color, or approved equal Material shall be mulching grade: uniform in size and
- Iree of foreign matter and weed seeds. Guying Materials Double reinforced rubber hose and 10 gauge
- metal wire
- Fertilizer: For new plant material provide packet, tablet or pellet forms of slow release fertilizers conforming to Fed. Spec. O-F-241, bearing the manufacturer's guaranteed statement of analysis. S celease tertilizers shall contain a minimum percentage by weight o five nitrogen (of which 50% will be organic), 10 available phosphonic

For bed preparation and costing trees, provide granular fertilizer conforming to feed. Spec. O.F.241, Type 1, Glass 2 which shall bear the manufacturer's guaranteed statement of analysis. Granular fertilizer shall contain a minimum percentage by weight of 10 introgem (of which 50% shall be organic), six available phosphonic acid and four potash

#### SOIL EXCAVATIONS

acid and five potashi

- A: The excavation must not be less than 12 inches wider or deeper than necessary to accommodate the ball of the plant.
- the plant. When conditions detrimental to plant growth are encountered: such as rubble fill or adverse dramage conditions, notify landscape architect before proceeding with elaithea contrations.
- wan parameter operations. Output completion of planning of trees, cultivate a ring five times the diameter of the ball or 48°, which ever in greater, 15° deep around tree; or an directed by landscape architect. Restore disturbed areas.

#### PREPARATION OF PLANTING AREAS

- A. All manting antias shall be brought to proposed The planting topical mix as proched. No existing on-site soil shall be incorporated mix the topical mix, unless directed by the landscape anchitect.
   B. The planting field shall be loosened prior to planting.
- B. The planting the shall be stoomed prior to planting try one of the following methods: stoob-tilling or with pick and shovel. Soil shall be loosened to a depth of 8' to 10'. C. Organic matter shall be opened over the bed to a depth of 2' for leaf modil and other organics, or 1' deep for studie, (2 dutic yards of composed studie) I OOD settine feet), after the soil has been loosened. The organic matter shall have beneficial who have the bed with a criticality of other. then be worked into the bed with a roto-tilier or other ved method
- D. Fertilizer shall be incorporated into the top 4-6" of bed at manufacturer's specified rate. E. The entire bed shall be mulched to minimum
- depth of 3° with mulch as specified.
- F Soil shall be tested for Ph and amended as required to maintain an optimum Ph of 6.5 to 7.0 or as directed.

PLANTING PROCEDURES FOR TREES AND SHRUBS

- A Trees and shrubs shall bear same relationship to
- grade as they did in the nursery row B. Before placing shrubs in priss, place a G layer of soil mix instenal into bottom of pit and tamp. C. All trees shall be placed directly on the scanlied subgrade
- D. The plant pit shall be filled with soil mix materia
- The plant pit shall be filled with sol mix material as specified and placed in G<sup>2</sup> layers around the ball. Each layer which be carefully tamped in place in a manner to avoid inject to the roots or kall, or disturbing the rootstom of the plant. When approximately two there layers of the plant has been back-filled, the patishill be filled with water and the poll allowed to settle amount the roots. The sector shull be all the layers were and burged cut avaity. plants shall have all the twine wire and burlap cut away parts shall have an the twine will be buildy buildy out only of the ball and trunis before appying water. After the water has been absorbed, the plant hole shall be filled with som mix and
- All concainerized stock shall be removed from containerized stock shall be removed from containers and the root mass should either be physically
- observed or sliced to prevent strangulation F. Failure to comply with planting procedures outlined above is basis for rejection of plant material by
- landscape architect C. Transit trunk auard shall be removed only alter
- ispection at site by landscape architect

#### PRUNING

- A. Trees and shrubs shall be pruned to remove broken branches only and/or to preserve their natural character and shape. Pruning shall be restricted in general to the secondary branches and soft, sucker growth. Never cut
- B ALL PLANTS DISFIGURED BY FOOR PRUNING PRACTICES WILL BE REJECTED BY THE LANDSCAPE ARCHITECTS. C All pruning cuts shall remain unpainted

#### MULCHIN

- A. All planting beds shown on the plans shall e mulched with 3° of mulch over entire area B Before mulch is installed, a pply pre-emergence weed killer and incorporate into soil according to
- manufacturer's directions C All surfaces to receive mulch shall be raked smooth and be free of all rocks, debris and large bark pieces Mulch shall not be mounded up around

#### base of tree STAKING AND GUYING

- A. All trees to be staked and guyed within 48 liours of
- Planting B. Methods and materials for staking and guying are
- illustrated in individual planting details
- C. Neatly flag all guy wres with rot resistant yellow tree marking ribbon.
   D. Staking may not be required dependent on plant
- location as directed by landscape architect E Brace plants upright in position by guy wires and public loss arcsection and states

nupper nuse protect	ION AND SCARES
Tree Caliper	Tree Support Method
1 - 3 inches	2 guy wires (2 strand wire
3 - 6 inches	3 guy wires (2 strand wire
over 6 inches	4 guy wires (4 strand wire

- All The planting holes shall be excavated through the mulch with hand trowel or shovel.
- B. Before planting, biodegradable pots shall be split and non-biodegradable pots shall be removed. C. The perennals shall be planted as follows:
- (i) Roots of the plant shall be surrounded by soil below the nulkh. The plants shall be set so that the top of the root system is even with existing soil grade.
  2. At and equal distance apart (plans and specifications
- Specify the distance on center, (O.C.) for the perennials. The entire bed shall be edged per detail. Treat the mulched and planted perennai bed with soil applied, pre-emergent herbicade appropriate for use
- with the plant material specified. The entire perennial bed shall be thoroughly watered to a depth of  $6-8^{\circ}$

#### REMOVAL AND CLEANUP

- A. Removal of debns is required. The property must be left in a neat and orderly condition in accordance with
- good and accepted planting practices. Protect all finished surfaces during planting operations
- C Repair and restore all damaged or distuibed surfaces related to planting operations

#### SUBSTANTIAL COMPLETION

he point when plant materials have been installed and the Landscape Architect completes a punch list.

#### MAINTENANCE PERIOD

Begins from point when plants are installed to end of the guarantee period For lawns, after a minimum of 3 (three) mowings.

#### FINAL ACCEPTANCE

After all items on the punch list have been completed to the Landscape Architect's satisfaction

#### GUARANTEE & GUARANTEE PERIOD

- A Guarantee Period commences after final acceptance. B Plant materials shall be guaranteed for two growing seasons from date of acceptance by the owner or his representative. The trees are to be alive and in satisfactory growing condition as determined by the owner or his epresentative during final inspection at the end of the quarantee
- C Replacement will be made according to these same expectituations and during the normal planting period. Replacements shall be subject to the same guarantee and replacement as the original material. The replacements shall be made within 60 days following written notification from the owner or his representative.
- D In the event of questions regarding the condition and satisfactory establishment of a rejected plant, the contractor may, if approved by the owner, allow such a plant to remain through another growing season at which time the rejected plant, if found to be dead or in an uneatity or badly impared condition, shall be replaced. E. The contractor is not responsible for theft or damage to plants
- by non-contractor vehicles or vandalism once plants are installed and approved. F. Remove all guys and stakes from trees after one year

#### PLANTING PROCEDURE FOR GROUNDCOVERS, PERENNIALS AND ANNUALS INSPECTION AND ACCEPTANCE

A) Inspection: Inspection of work will be made by Landscape Architect at conclusion of maintenance period to determine if proper completion and maintenance has been effected. Sub contractor shall give written notice to Architect requesting such inspection at least ten days prior to anticipated date Condition of work will be noted and determination made by Landscape Architect whether maintenance shall continue

PREFARATION

SPREADING TOPSOIL

applied

WARRAUTY

UTILITIES

Landscape Architect writerier immittained will be notified in Acceptance: Alter inspection, Subcontractor will be notified in writing by Landscape Architect of acceptance of work, or if there are deficiencies or requirements for completion of work. Maintenance or other work remaining to be done shall be subject to re-inspection prior to final acceptance

#### FRODUCTS

#### GROWING MEDIA

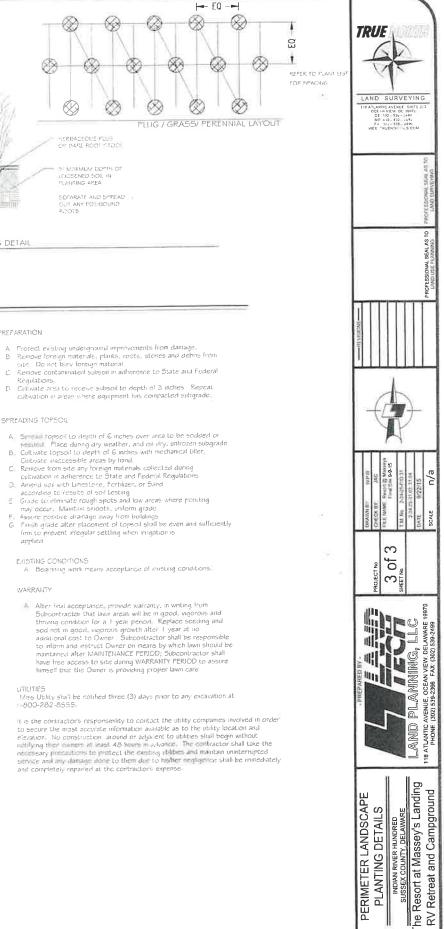
- All Imported Topsoil: natural, Tertile, apportunal soil typical of Inclusive representation, tertule, agreement of the representation of the form well drained site, free of flooding, not in frozen or muddy condition, not less than 6% organic matter, and pH value of 5,8 to 7,0. Soil shall be free from subtioil, slag, clay, stories, lumps, live plants, roots, sticks, crabgrass, couch grass, noxious weeds and foreign: matter B Existing Topsoil: Natural fertile agricultural soil capable of
- sustaining vigorous plant growth, not in frozen or muddy condition, containing not less than 6% organic matter, and corrected to pH value of 5.9 to 7.0. Free from subsoil, slag, clay, stones, lumps, lume plants, roots, slucks, crabgrass, couch grass, noxous weeds and loreign matter. C Sand: Hard, granular natural beach sand, washed, free of
- impunties, chemical or organic matter. D. Limestone: Dolomitic linestone with minimum 85% carbonates and 50% calcium oxides. Bags shall show weights and analysis. E. Fertilizer: Commercial type conforming to FS 0-F-241, Type 1.
- Grade A recommended toyet combining to 15 of the elements derived from organic sources; of proportion necessary to eliminate any deliciencies of topsoil as indicated in analysis to the following proportions: nitrogen 10%, phosphone acid 6%, soluble potash 4%.

#### ACCESSORIES

- A. Mulching Material Oat or wheat straw, reasonably free from
- of growth or germination inhibiting ingrédients Weed Killer: "Weed B Gone" or equal Establishment Blanket: Uniform, open weave jute matting
- E Wooden Pegs: Of sufficient size and length to ensure satisfactory
- anchorage of sod on slope in excess of 2:1. F. Water: Clean, Iresh and free of substances of matter which
- would inhibit vigorous growth of grass

EXECUTION

Modeling Material: Out of which stress they receive weeks, fore-an matter detiministial to plant Met, and in dry conduction. Hay or chapped comstalls is not acceptable.
 B. Mitching Materia/Tack Coat: Wood or wood collulose horr, free



# TAB "3"

### **ANNUAL PROCESS & COST**

#### Winterizing and Storage procedures:

- Skirting removal
- Sewage, Water, and Electric must be unhooked from each cottage
- Stair removal (requires a minimum of 3 people)
- Skirting frame removal
- Lines must be blown out with air compressor
- Hitch framing removed
- Antifreeze must be applied
- All wiring from the breaker box must be disconnected and removed completely
- Company must be contacted for transportation of cottages
- Extra materials and hurricane straps must be applied/purchased
- Storage space will need to be acquired

#### General Issues with cottage storage:

- Moving cottages in general takes about a quarter of the structural life span away every time we move a cottage
- Dry wall and HVAC systems integrity are compromised which in turn leads to constant repairs and more money. Constantly fixing cracks in dry wall and many, many issues arise with HVAC after cottages are transported
- With the cottages off site, it is difficult for our team to work on any maintenance issues from the removal due to the cottages not being on the grounds. Also, cottages won't have electric or water hookups at the storage lots which gives us little time for repairs and yearly maintenance. This is due to the storage process being extremely time consuming
- Takes a minimum of 4 of our staff to winterize and store, same amount is required to open cottages for the season once they are placed. This is difficult when we have several on-site issues that need to be addressed along with cottage prep
- Structural issues such as the skirting framework and stairs gets compromised. As we remove and reconnect, it takes a toll on the material, especially any lumber. You can only drill a hole in the same place so many times before it loses its integrity to hold the wood. This can cause us to have to purchase more lumber for framing which is added cost
- Furniture, appliances, and landscape takes on damage. Often equipment will fail after transportation and our sites will get ruts, take damage from the hook up, and break down of cottages

#### ESTIMATED COST BASED ON 55 COTTAGES:

- \$70,000 for all skirting and materials
- \$70,000 Tear down, delivery, return set up
- \$10,000 4 people working for about 6 weeks on cottages
- ? Additional storage space, additional added cost due to damages from transportation and replacement of material
- \$150,000-\$200,000 Total Estimated cost for total storage and setup process



















# TAB "4"









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





# PLEASE NOTE

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



**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 JAMIE WHITEHOUSE, MRTPI, AICP DIRECTOR OF PLANNING & ZONING

#### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date: August 25<sup>th</sup>, 2022

Application: C/Z 1963 ES Motors, Inc.

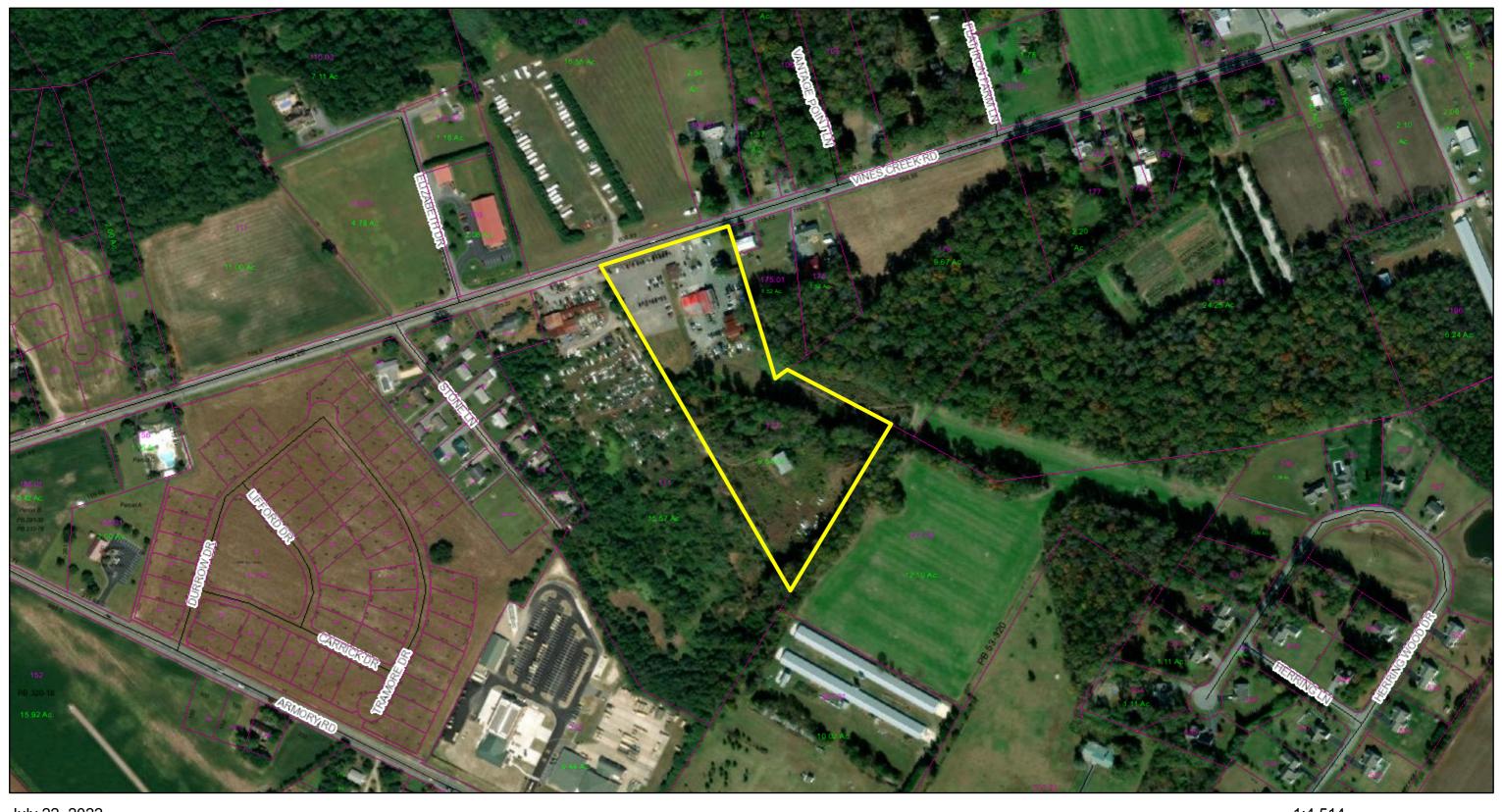
- Applicant: ES Motors Inc. 30028 Vines Creek Dagsboro, DE 19939
- Owner: ES Motors Inc. 30028 Vines Creek Dagsboro, DE 19939
- Site Location: Lying on the south side of Vines Creek Road (Rt. 26), approximately 0.5 miles east of Armory Road (Rt. 382).
- Current Zoning: MR Medium Residential District
- Proposed Zoning: C-2 Medium Commercial District

Comprehensive Land Use Plan Reference: Coastal Area

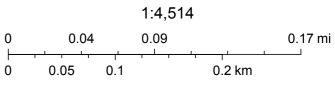
- Councilmanic District: Mr. Hudson School District: Indian River School District Fire District: Dagsboro Fire Company Sewer: On-site Water: On-site Site Area: 9.54 acres +/-
- Site Area: 9.54 acres +/-
- Tax Map ID.: 233-11.00-172.00



# Sussex County



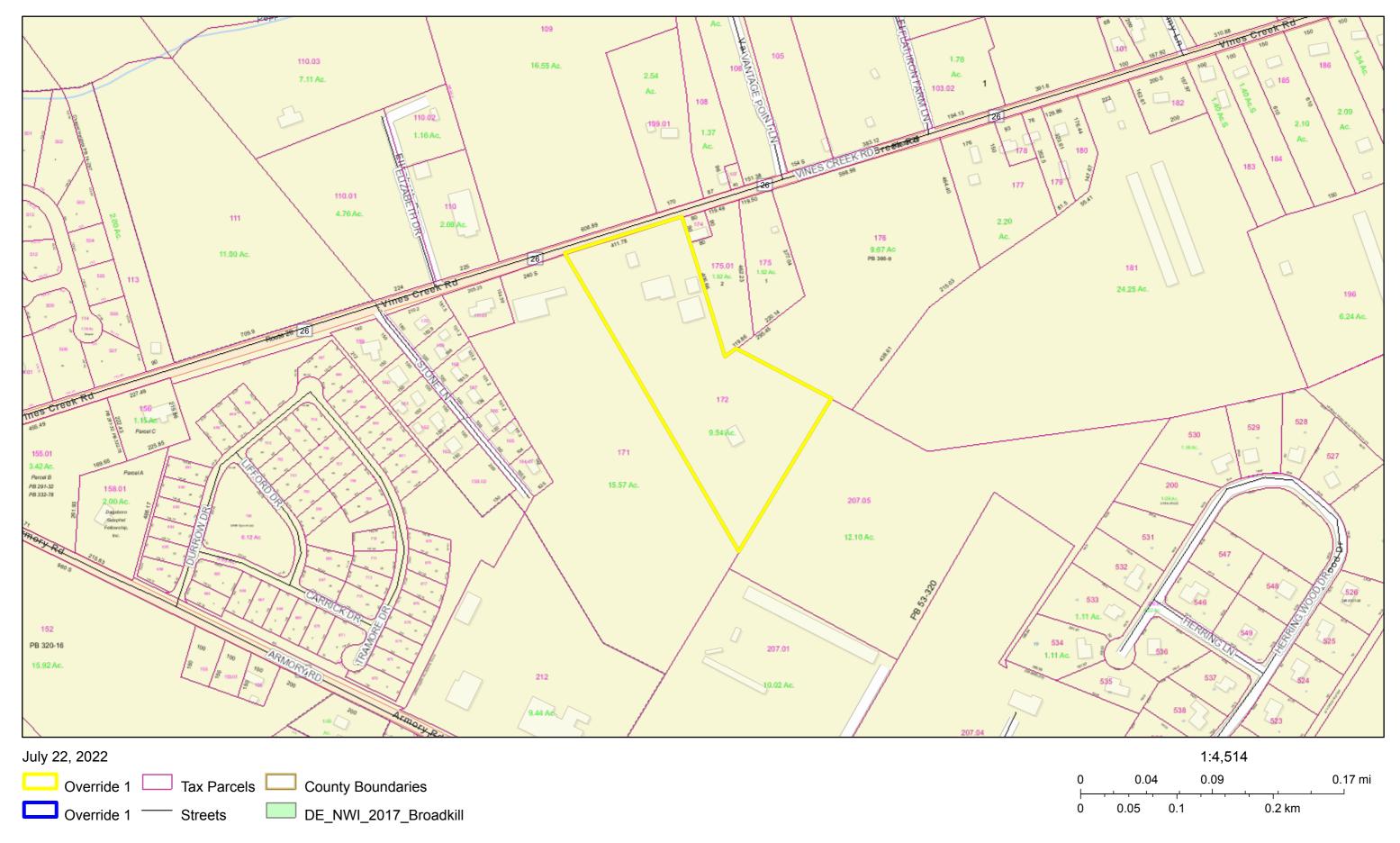




Wetland mapping is supported with funding provided by the Environmental Protection Agency., Sussex County, Sussex County Government, Delaware Department of Agriculture

Delaware Department of Natural Resources and Environmental

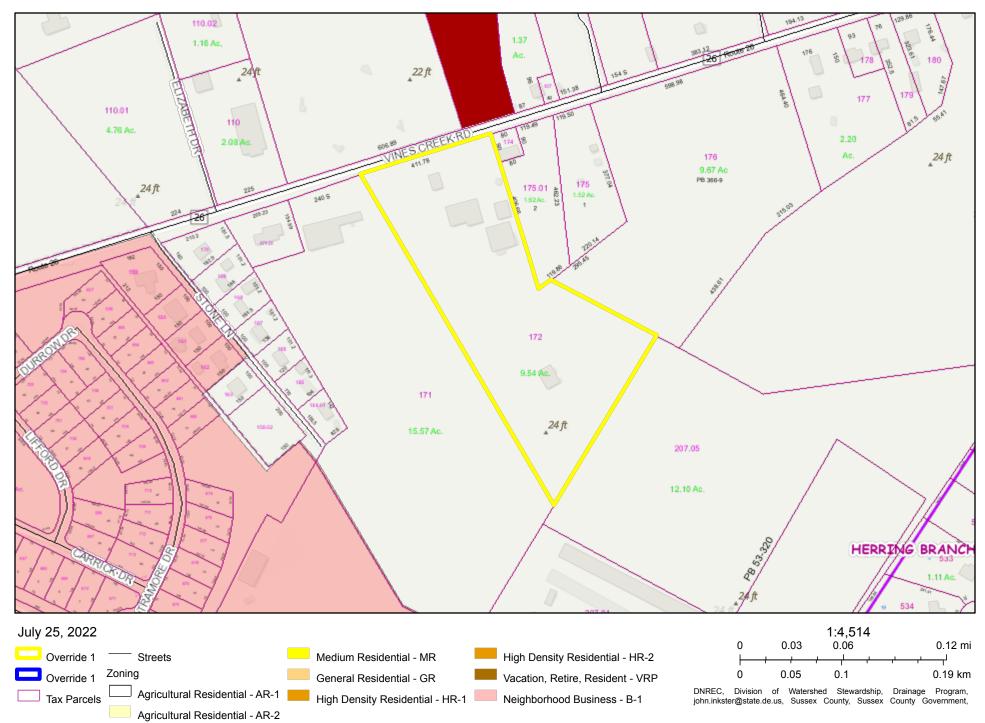
# Sussex County



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Delaware Department of Natural Resources and Environmental

### Sussex County



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





# Memorandum

To: Sussex County Planning Commission Members From: Mx. Jesse Lindenberg, Planner I CC: Mr. Vince Robertson, Assistant County Attorney, and applicant Date: August 18<sup>th</sup>, 2022 RE: Staff Analysis for C/Z 1963 ES Motors, Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1963 ES Motors, Inc. to be reviewed during the August 25<sup>th</sup>, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 233-11.00-172.00 to allow for a change of zone from a Medium Residential (MR) District to a Medium Commercial (C-2) District. The property is lying on the south side of Vines Creek Road (Rt. 26), approximately 0.5 miles east of Armory Road (Rt. 382). The parcel consists of 9.54 acres +/-.

#### Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has land use designation of "Coastal Area." The properties to the north (across Vines Creek Road), south, east, and west all have a land use designation of "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the Medium Commercial (C-2) District is listed as an Applicable Zoning District within the "Coastal Area" (Sussex County Comprehensive Plan, 4-25).



#### Zoning Information

The property is zoned Medium Residential (MR) District. The adjacent parcels to the northwest (across Vines Creek Road), south, east, and west of the subject property are zoned Agricultural Residential (AR-1) District. The property located to the northeast of the subject site, across Vines Creek Road, is zoned Commercial Residential (CR-1) District. A few parcels west of the site are the municipal boundaries of the Town of Dagsboro.

#### Existing Change of Zone Applications within the Vicinity of the Subject Site

Since 2011, there have been zero (0) Change of Zone applications within a one (1) mile radius of the application site.

Based on this analysis, a Change of Zone from a Medium Residential (MR) District to a Medium Commercial (C-2) District could be considered as being consistent with the land use, area zoning and surrounding uses.

	(	File #: CZ 1963 202116986
Planning & Zoning Commiss	ion Applicatio	n
Sussex County, Del		
Sussex County Planning & Zoning 2 The Circle (P.O. Box 417) Georget	g Department	RECEIVED
302-855-7878 ph. 302-854-5	5079 fax	NOV 1 8 2021
Type of Application: (please check applicable)		SUSSEX COUNTY
Conditional Use Zoning Map Amendment <u>//</u>		PLANNING & ZONING
Site Address of Conditional Use/Zoning Map Amendme	nt	
30028 Vines Creek Road, Dagsboro DE		
<b>Type of Conditional Use Requested</b> : N/A		
Tax Map #: 233-11.00-172.00	Size of Parcel(s):	9.54 acres
Current Zoning: <u>MR</u> Proposed Zoning: <u>C-2</u>	Size of Building:	25,500
Land Use Classification: Coastal		÷
Water Provider: On-site Sewe	er Provider: <u>On-site</u>	
Applicant Information		
Applicant Name: ES Motors Inc		
Applicant Address: 30028 Vines Creek	6	10
	ZipCode:	
Phone #:(443) 944-4628 E-mail: esmai	n@gmail.com	
Owner Information		
Owner Name: same		
Owner Address:		
City: State:	Zip Code	
Phone #: E-mail:		
Agent/Attorney/Engineer Information		
Agent/Attorney/Engineer Name: <u>Timothy G. Willard</u>		2
Agent/Attorney/Engineer Address: 26 The Circle		
City: Georgetown State: DE		: 19947
Phone #: <u>(302) 856-7777</u> E-mail: <u>tim@</u>	fwsslaw.com	j





#### **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.
- o Provide a PDF of Plans (may be e-mailed to a staff member)
- o Deed or Legal description

#### 🖌 Provide Fee \$500.00

- Optional Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- ✓ 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 by 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

Signature of Owner

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

Date: 11. 17.21

For office use only:	
Date Submitted:	
Staff accepting application:	5 
Location of property:	

Fe	e:\$	500.	00	Ch	eck #:	
12011		11000	•	1000		

Application & Case #:\_

Subdivision:	3
Date of PC Hearing: _	
Date of CC Hearing:	

Recommendation of PC Commission: \_\_\_\_\_ Decision of CC: \_\_\_\_\_\_

#### **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)
- o Deed or Legal description

#### ✓ Provide Fee \$500.00

- Optional Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.
- 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 by behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

#### Signature of Applicant/Agent/Attorney

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

Signature of Owner

Date:

For office use only:	
For office use only: Date Submitted: 11/10 2	
Staff accepting application: _	ashley
Location of property:	0

Fee: \$500.00 Check #: <u>19416</u> Application & Case #:<u>202)16986</u>

Subdivision:	
Date of PC Hearing:	Recommendation of PC Commission:
Date of CC Hearing:	Decision of CC:

#### Sussex County, DE Treasury P.O. Box 601 Georgetown, DE 19947 Welcome

•

33021045-0117 Megan D. 11/19/2021 02:57PM

PERMITS	/ INSPEC	CTIONS	10	
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202.	Item:	202116986 2015		500,00

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Subtotal		500.00	
Total	ŝ	500,00	
CHECK		500.00	
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Change due		0,00	

Paid by: fuqua willard stevens

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1377 <u>8</u> 15655700	Source County Counce Paraling to Station Witness Michael	and die property

Thank you for your payment

Sussex County, DE COPY DUPLICATE RECEIPT



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

NICOLE MAJESKI SECRETARY

November 15, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **ES Motors Inc c/o Tim Willard** proposed land use application, which we received on November 3, 2021. This application is for an approximately 9.54-acre parcel (Tax Parcel: 233-11.00-172.00). The subject land is located on the south side of Vines Creek Road (State Route 26) about 2,400 feet east of the intersection with Armory Road (State Route 20). The subject land is currently zoned MR (Medium Density Residential) with a proposed zoning of C-2 (Medium Commercial) to build office and storage space.

Per the 2019 Delaware Vehicle Volume Summary, the annual and summer average daily traffic volumes along Vines Creek Road from Falling Point Road (Sussex Road 341) to Stone Lane, are 9,817 and 12,623 vehicles per day, respectively.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** 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 diminutive with regard to warranting a TIS does not mean that it is diminutive 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.



Mr. Jamie Whitehouse Page 2 of 2 November 15, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

J. William Brochonbrough, J.

T. William Brockenbrough, Jr. County Coordinator Development Coordination

#### TWB:afm

cc: Tim Willard, Applicant Elliot Young, Sussex County Planning & Zoning David Edgell, Coordinator, Cabinet Committee on State Planning Issues Todd Sammons, Assistant Director, Development Coordination Scott Rust, South District Public Works Manager, Maintenance & Operations Steve McCabe, Sussex County Review Coordinator, Development Coordination Derek Sapp, Subdivision Manager, Development Coordination Kevin Hickman, Subdivision Manager, Development Coordination Brian Yates, Subdivision Manager, Development Coordination John Andrescavage, Subdivision Manager, Development Coordination James Argo, South District Project Reviewer, Maintenance & Operations Claudy Joinville, Project Engineer, Development Coordination Anna maria Furmato, Project Engineer, Development Coordination

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

TO:	Jamie Whitehouse
REVIEWER:	Chris Calio
DATE:	7/29/2022
APPLICATION:	CZ 1963 ES Motors, Inc
APPLICANT:	ES Motors, Inc
FILE NO:	DPFA-6.03
TAX MAP & PARCEL(S):	233-11.00-172.00
LOCATION:	Lying on the south side of Vines Creek Road (Rt. 26), approximately 0.5 miles east of Armory Road (SCR 382).
NO. OF UNITS:	Change Zone from MR to C-2
GROSS ACREAGE:	9.54

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

#### SEWER:

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

Yes 🗖

No 🛛

- a. If yes, see question (2).
- b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 2**
- (3). Is wastewater capacity available for the project? N/A If not, what capacity is available? N/A.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? N/A If yes, how many? N/A. Is it likely that additional SCCs will be required? N/A If yes, the current System Connection Charge Rate is Unified \$6,600.00 per EDU. Please contact N/A at 302-855-7719 for additional information on charges.

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No** 

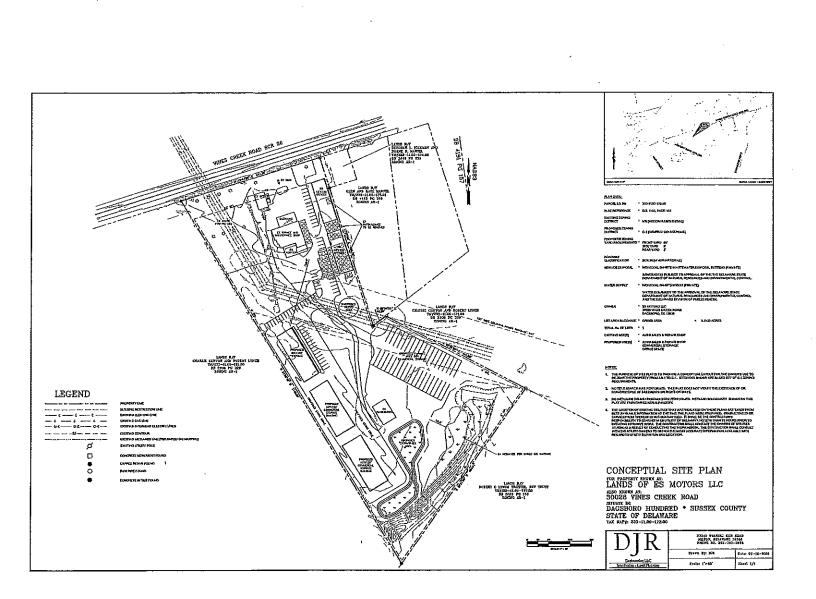
Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.

- (7). Is project adjacent to the Unified Sewer District? No
- (8). Comments: The proposed Change of Zone is not in an area where the Sussex County Engineering Department currently has a schedule to provide sanitary sewer service.
- (9). Is a Sewer System Concept Evaluation required? Not at this time
- (10). Is a Use of Existing Infrastructure Agreement Required? Not at this time
- (11). <u>All residential roads must meet or exceed Sussex County minimum design</u> <u>standards.</u>

#### UTILITY PLANNING & DESIGN REVIEW APPROVAL:

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

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



<u>\_\_\_\_</u>

#### Jesse Lindenberg

From:	Morris, Dorothy (OMB) <dorothy.morris@delaware.gov></dorothy.morris@delaware.gov>
Sent:	Wednesday, July 27, 2022 9:42 AM
То:	Jesse Lindenberg
Subject:	RE: PLUS Review for CZ 1963 ES Motors, Inc.

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

This is in the coastal area and according to your email they are want to change zoning consistent with the comprehensive plan. This is also in a Level 2 area so unless you specifically want them to come through PLUS the rezoning does not need a PLUS meeting; however the development may depending on the size.

Thanks



Dorothy L Morris, AICP Principal Planner Office of State Planning Coordination

: (302) 672-5136 Email: Dorothy.morris@delaware.gov

stateplanning.delaware.gov 122 Martin Luther King Jr. Blvd. South, Dover, DE 19901



#### Visit <u>de.gov/plus</u> for more information

From: Jesse Lindenberg <jesse.lindenberg@sussexcountyde.gov> Sent: Tuesday, July 26, 2022 4:24 PM To: Morris, Dorothy (OMB) <Dorothy.Morris@delaware.gov> Subject: PLUS Review for CZ 1963 ES Motors, Inc.

Good afternoon,

We have a Change of Zone application (CZ 1963 ES Motors, Inc.) for a change of zone from MR to C-2 for parcel 233-11.00-172.00. Please see the application attached. Will this application require a PLUS review? We were looking to run legal ads tomorrow and are hoping to have a determination as soon as possible. My apologies for the rush.

Thank you,

#### Jesse Lindenberg (they/he)

Planner I Sussex County Government Planning & Zoning Dept. 2 The Circle, PO Box 417 Georgetown, DE 19947 P: 302-855-7878 \* There is a new fee schedule for FY2023. Please contact the office with any questions. \*

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





# PLEASE NOTE

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



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

#### Sussex County Comprehensive Plan Amendment Request Form

Sussex County, Delaware

Sussex County Planning & Zoning Department 2 The Circle (P.O. Box 417) Georgetown, DE 19947 2 302-855-7878 <u>pandz@sussexcountyde.gov</u>

Type of Amendment Requested (e.g Future Land Use Map, Existing Land Use Map, or Text Revision)

See attached correspondence

Year that Comprehensive Plan was Adopted:

2018

If Applicable, the Date(s) of any PLUS Review by the State of Delaware

June 2021	
235-22.00-50.02, 235-22.00-50.03, 235-22.00-52.00,	
Tax Map #: 235-22.00-441.00 & 235-22.00-442.00 Total Acreage: _	173.7+/-

#### **Applicant Information**

Applicant Name: Hudson Family, LL Applicant Address: 30045 Eagle Cres		son Homestead, LLC & Eagle Crest Aerodrome, LLC
City:Milton	State:	DE ZipCode: 19968
Phone #: 302-645-9464	E-mail:	
		JaminHudson@hudmgt.com
Developer Information		
Developer Name: N/A		
Attorney Information (If Applicable)		
Attorney Name: John W. Paradee,	Esquire	
Attorney Address: 6 South State St	reet	
City: Dover	State:	DEZIpCode:
Phone #: (302) 677-0061	_E-mail:	john@bmbde.com







John W. Paradee 302-677-0061 www.binbde.com john@bmbde.com

#### VIA U.S. MAIL AND ELECTRONIC MAIL

November 30, 2021

Mr. Jamie Whitehouse Sussex County Department of Planning 2 The Circle P.O. Box 417 Georgetown, DE 19947

#### RE: Hudson Fields Request for Corrective Amendments to Sussex County Comprehensive Plan

Dear Mr. Whitehouse:

Enclosed please find a formal application for various amendments to the Sussex County Comprehensive Plan relative to Hudson Fields. The specific details of the requests are set forth in the correspondence enclosed with the application.

Please let me know if you should have any questions whatsoever, and what the next steps in the process may be.

Thank you very much, and best regards.

Very truly yours, histor Parad John

JWP/lwr

Enclosures

cc: Christian Hudson (w/copy of enclosures) Jamin Hudson (w/copy of enclosures) Michael Riemann, P.E. (w/copy of enclosures)

#### **Check List for Comprehensive Plan Amendment Request Applications**

The following shall be submitted with any request

X Completed Application

A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.

The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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.

Signature of Applicant/Attorney

andres 11/29/21

For office use only: Date Submitted: Staff member receiving Application: Location of property:		
Date of Commission Hearing:	Recommendation:	
Date of Council Hearing:		

Sussex County Comprehensive Plan Amendment Request Form P a g e | 3

last updated 9-27-2021

Sussex County, DE - Comprehensive Plan Amendment Request

**Description of Request:** (Please provide a written description of the request, along with details of the Tax Parcel ID(s) of the relevant parcels to which the amendment request relates. If you are requesting a text amendment to the Comprehensive Plan, please also clearly explain which Chapters of the Comprehensive Plan your request relates)

See attached correspondence.

### EXHIBIT A:

Potential Comprehensive Plan Amendment Parcels



# Sussex County





#### ORDINANCE NO. \_\_\_\_\_

# AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00.

WHEREAS, on November 30<sup>th</sup>, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Existing and Future Land Use Map elements of the Comprehensive Plan to change the Area designations of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00) (the "Property").

WHEREAS, the request received on November 30<sup>th</sup>, 2021 also included a request to amend the text and maps within the Comprehensive Plan to recognize the Property's airport use.

WHEREAS, the Property is designated as being within the Low-Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and is also designated as being within the Utilities and Recreation areas as set forth in the Existing Land Use Map identified as Figure 4.2-1 in the Plan.

WHEREAS, the Existing Land Use Map element of the 2008 Comprehensive Plan designated Parcel No. 235-16.00-50.02, Parcel No. 235-22.00-442.00 and part of Parcel No. 235-22.00-441.00 (2.79 Ac. part thereof), as being within an Industrial Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Existing and Future Land Use Maps of the Plan with minor amendments to the text and maps within the plan; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendments to the Existing and Future Land Use Map contained in the Plan and to the maps and text as referred to.

#### NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Low-Density Area to the Industrial Area. The Sussex County

Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 so changed are identified in Exhibit A, attached hereto and incorporated herein.

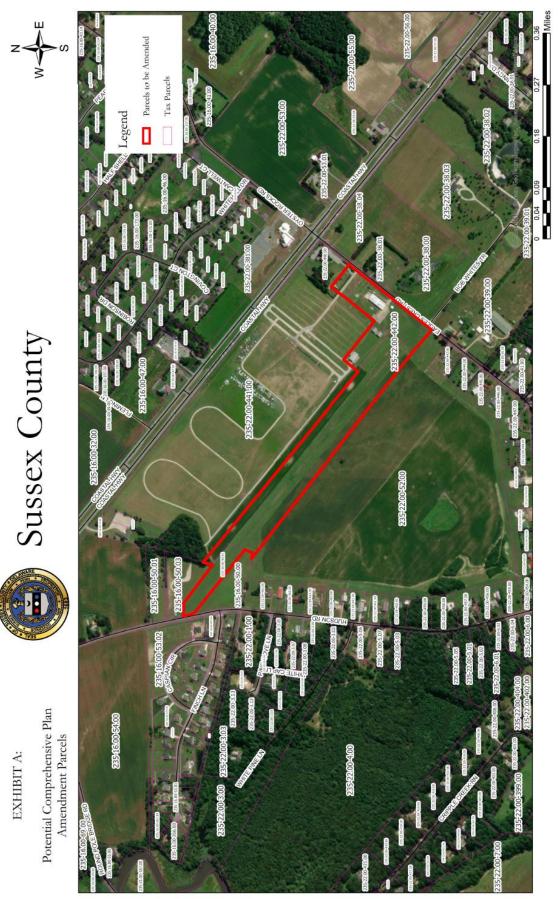
**Section 2.** The Existing Land Use Map identified as Figure 4.2-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Utilities and/or Recreation area to the Industrial Area.

Section 3. The maps within Chapter 13 (Mobility Element) are amended as follows:

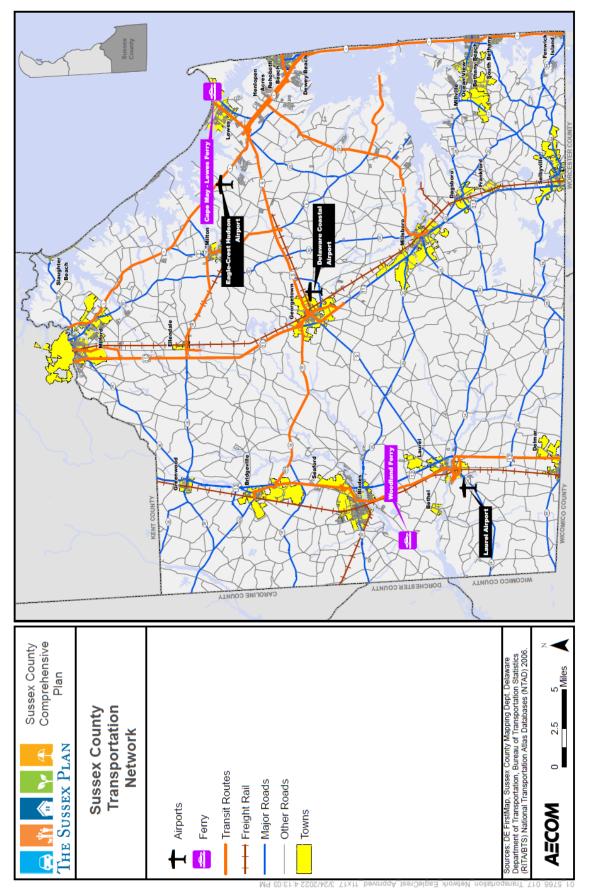
- Figure 13.1-1: Overview of Sussex County Transportation System is hereby amended to add the Airports icons as shown in Exhibit B
- Figure 13.2-8: Airports, Ferries and Navigable Waterways is hereby amended to add the Airports icons as shown in Exhibit C

**Section 4.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

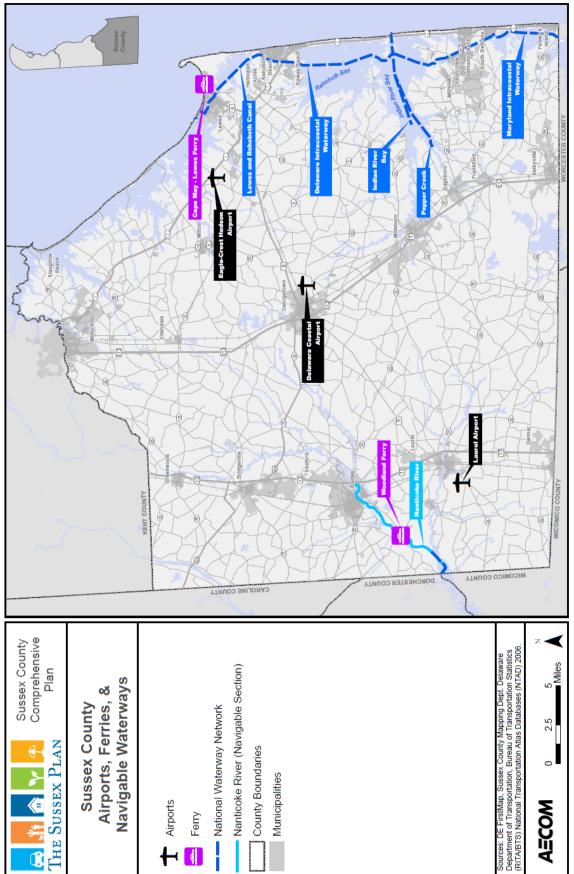
<u>Exhibit A</u>



# <u>Exhibit B</u>



#### Exhibit C



M9 05:31:1 S202/45/5 T1x11 bevorggA\_teerOelps3\_se2\_nA\_T10\_3672\_5

# Delaware Private-Use Airports & Heliports

# **Inventory and Safety Issues**



24

28

29

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AIRPORT

HELIPORT





#### Prepared by:

R.A. Wiedemann & Associates, Inc.

#### PRIVATE-USE AIRPORT AND HELIPORT INVENTORY

The PURPOSE OF THIS INVENTORY IS TO document the private-use airports and heliports in the State of Delaware and assess any safety issues that would affect the general public. The Federal Aviation Administration's Form 5010 inventory list was used to generate a master list of private-use airports and heliports. Table 1 presents a summary of the facilities on that list. Figure A-1 shows the location of these facilities. In all, 37 private-use airports and heliports were included. Of these, there are 23 airports and 14 heliports. These sites were visited and inspected during the week of August 6-10, 2007. During that time, it was found that some of the sites were no longer in use. Some of the sites had been converted to housing developments while other sites had not been used for airports or heliports in years. Many of these owners did not even know that they had designated airspace.

#### 1. AIRPORT AND HELIPORT FACILITIES

Once the closed or converted facilities were removed from the list, there remain 30 privateuse airports and heliports in the State of Delaware that have 5010s and are used/usable:

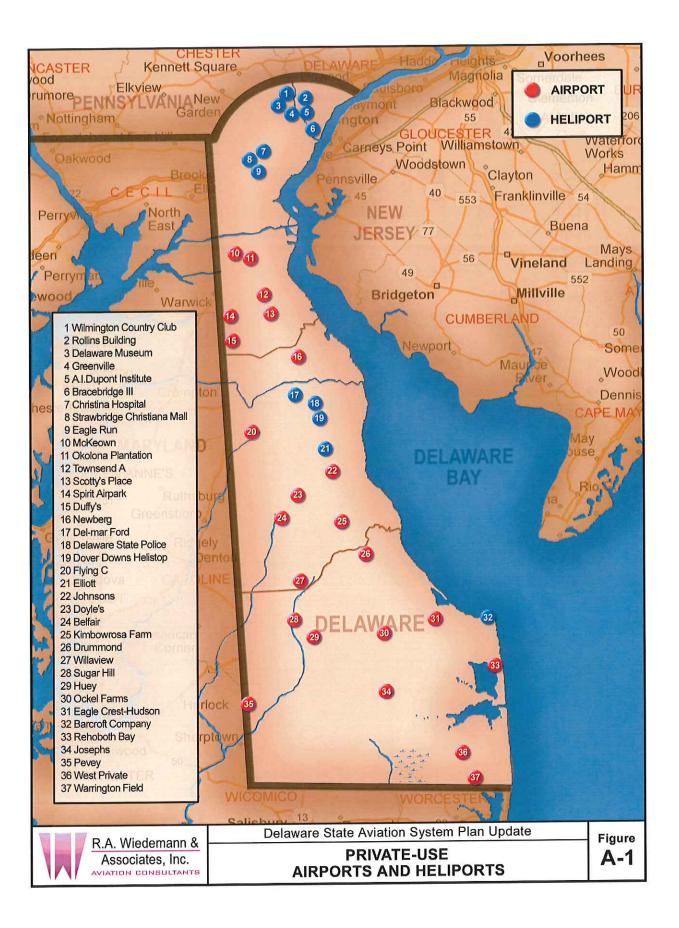
- McKeown
- Townsend A
- Spirit Airpark
- Dover Downs
- Doyle's
- Huey
- Eagle Crest-Hudson
- Warrington Field
- Elliot
- Rollins Building
- Greenville
- Bracebridge III
- Eagle Run
- Sugar Hill
- Rehoboth Bay

- Okolona Plantation
- Scotty's Place
- Duffy's
- Flying C
- Belfair
- Ockel Farms
- Pevey
  - Delaware State Police
- Johnsons
- Delaware Museum
- A.I. DuPont Institute
- Christina Hospital
- Willaview
- Newberg
  - West Private

The seven sites that are being taken off the 5010 list are:

- Wilmington County Club
- Delmar Ford
- Drummond
- Barcroft Company

- Strawbridge Christiana Mall
- Kimbowrosa Farm
- Josephs



	Owner	Wilmington Country Club	Rollins Properties, Inc	DE Museum of Natural History	MBNA Corp	Alfred I DuPont Institute	MBNA Corp	Charles R. Sears Sr	Strawbridge & Clothier	E.I. du Pont De Nemours & Co	Robert Mckeown	Paul & Christine Berkeley
Privately Owned, Private-Use Airports and Heliports	Directions	2 miles south of Greenville, DE at Wilmington Country Club	2 miles north of Wilmington, DE on Powder Mill Rd.	5 miles northwest of Wilmington near Wilmington Country Club	1 Mile north of Wilmington DE on Kennett Pike	3 miles north of Wilmington, DE at 1600 Rockland Rd.	Wilmington DE off North King St.	3 miles east of Newark, DE off Churchmans Rd.	1 mile northwest of Christiana, DE on North Brownleaf Rd	1 mile southeast of Christiana, DE at the end of Abby Rd.	5 Miles northwest of Middletown, DE at 854 Old School House Rd.	3 miles northeast of Middletown, DE at 1321 Shall Cross Lake Rd
e-Use Airpor	County	New Castle	New Castle	New Castle	New Castle	New Castle	New Castle	New Castle	New Castle	New Castle	New Castle	New Castle
Owned, Privat	Description	32' x 32' Asphalt	66' x 66' Concrete	150' x 150' Turf	80' x 80' Concrete	25' x 25' Concrete	83' x 75' Concrete	120' x 60' Concrete	60' x 60' Concrete	60' x 60' Asphalt	1,100' x 60' Turf	1,300' x 70' Turf
	Facility Type	Heliport	Heliport Rooftop	Heliport	Heliport	Heliport	Heliport Rooftop	Heliport	Heliport Rooftop	Heliport	Airport	Airport
Table	FAA Code	DE05	DE16	DE06	DE31	DE28	DE30	DE26	DE18	DE01	1DE5	DE33
	Name	Wilmington Country Club	Rollins Building	Delaware Museum	Greenville	A.I.DuPont Institute	Bracebridge III	Christina Hospital	Strawbridge Christiana Mall	Eagle Run	Mckeown	Okolona Plantation
	Number	1	5	3	4	5	9	7	×	6	10	11

[].

	Owner	John A. Moritz	Scott W. Powell	David & Nancy Cannavo	Gene J Duffy	Kenneth Newberg	Del-mar Ford Tractor Inc	Delaware State Police	Dover Downs	Charles R. Sears, Sr.
- Privately Owned, Private-Use Airports and Heliports	Directions	2 miles southwest of Townsend, DE at 3681 Harris Road	5 miles south of Townsend, DE at 325 Gum Bush Rd.	3 miles southwest of Townsend, DE at 1270 Caldwell Corner Rd.	6 miles southwest of Townsend, DE at 1 Airport Place	2 miles east of Smyrna, DE at Smyrna Leipsic Rd. and Big Oak Rd.	1 mile east of Cheswold at the intersection of Commerce St. and School Lane	On Leipsic Rd. past Marley Ln, Dover	1 mile north of Dover, on Leipsic Rd. across from Dover International Speedway	2 miles southeast of Hartly, DE on Judith Rd. before Hourglass Rd.
e-Use Airpor	County	New Castle	New Castle	New Castle	New Castle	Kent	Kent	Kent	Kent	Kent
Owned, Privat	Description	3,300' x 100' Turf	2,600' x 80' Turf	3,300' x 100' Turf	2,600' x 60' Turf	1,000' x 50' Turf	100' x 100' Turf	60' x 60' Concrete	300' x 300' Turf	2,300' x 150' Turf
	Facility Type	Airport	Airport	Airport	Airport	Airport	Heliport	Heliport	Heliport	Airport
Table 1	FAA Code	DE34	DE29	DE20	DE19	DE04	DE22	DE02	DE03	DE07
	Name	Townsend A	Scotty's Place	Spirit Airpark	Duffy's	Newberg	Del-mar Ford	Delaware State Police	Dover Downs Helistop	Flying C
	Number	12	13	14	15	16	17	18	19	20

	Owner	Brett Elliott	Al Johnson, Jr.	David & Catherine Doyle	Robert M and Jayne H Bennett	William P. Bowman	William Douglass Drummond	Daniel E. Williams III	Robert Hunsberger	Geene H. Huey	Allen Chorman	Joseph R. Hudson	Baarcroft Company
- Privately Owned, Private-Use Airports and Heliports	Directions	2 miles south of Dover, on Sorghum Mill Rd past Doty Dr.	<ol> <li>mile west of Magnolia, DE on Irish Hill Rd past West Walnut St.</li> </ol>	1 miles north of Felton, DE at 1029 Peach Basket Rd.	3 miles southwest of Felton, DE on Hopkins Cemetery Rd before Hills Market Rd	3 miles northwest of Milford, DE off Blue Jay Ln.	1 mile southeast of Milford, DE on Kirby Rd	1 mile southeast of Farmington, DE at 21733 S. Dupont Highway Greenwood	2 miles southeast of greenwood, DE on Sugar Hill Rd.	4 miles east of Bridgeville, DE on Oak Road	3 miles southwest of Milton, DE on East Redden Road	4 miles east of Milton, DE off Costal Highway South	1 mile east of Lewes, DE on Cape Henlopen Dr.
e-Use Airpo	County	Kent	Kent	Kent	Kent	Kent	Sussex	Kent	Sussex	Sussex	Sussex	Sussex	Sussex
Owned, Privat	Description	50' x 50' Turf	2,243' x 80' Turf	2,000' x 50' Turf	2,335' x 50' Turf	1,750' x 50' Turf	1,650' x 50' Turf	2,400 x 75' Turf	2,300' x 100' Turf	2,600' x 110' turf	2,500' x 100' Turf	3,500' x 100' Turf	60' x 40' Turf
1.00	Facility Type	Heliport	Airport	Airport	Airport	Airport	Airport	Airport	Airport	Airport	Airport	Airport	Heliport
Table 1	FAA Code	DE24	DE09	DE00	DE32	DE10	DE11	2DE2	DE17	DE14	DE23	DE25	DE08
	Name	Elliott	Johnsons	Doyle's	Belfair	Kimbowrosa Farm	Drummond	Willaview	Sugar Hill	Huey	Ockel Farms	Eagel Crest- Hudson	Barcroft Company
	Number	21	22	23	24	25	26	27	28	29	30	31	32

		Table 1		<b>Owned</b> , Privat	e-Use Airpo	- Privately Owned, Private-Use Airports and Heliports	
Number	Name	FAA Code	Facility Type	Description	County	Directions	Owner
33	Rehoboth Bay	DE13	Seaplane base	5,000' x 250' Water	Sussex	Rehoboth Bay at Dewey Beach off Venetian Dr.	Rehoboth Seaplane
34	Josephs	DE49	Airport	4,564' 60' Asphalt	Sussex	3 miles south of Georgetown DE on Dupont Blvd S	Melvin L. Joseph Construction Company
35	Pevey	DE15	Airport	2,600 x 75' Turf	Sussex	5 miles southwest of Seaford DE off Line Rd	Ronald & Linda Pevey
36	West Private	DE21	Airport	3,000' x 65' Turf	Sussex	4 miles E of Frankford on W Airport Rd	Richard E. West
37	Warrington Field	DE27	Airport	2,099' x 80' 2,180' x 94' Turf	Sussex	Selbyville, DE off Lighthouse Rd.	Manaen Warrington
		1 11					

In addition to these, there were four sites that were visited that are not in use. The owners are being contacted asking if they still desire to keep the airport or heliport with its associated active airspace.

- Delaware Museum This facility hasn't been used in 16 years.
- Greenville This heliport cement pad is covered over with dirt and grass.
- Eagle Run The Sears Outlet has not used this pad since its acquisition in 1997.
- Newberg This facility could not be located.

Three new sites were found that were not included on the 5010 list. These facilities will eventually need to be added:

- Beebe Hospital Heliport This rooftop facility is still under construction.
- Beebe Medical Center Millville This auto parking area is designated as a landing pad for emergency medevac helicopters.
- Dover Downs Dover Downs has two locations of helipads. Only the outside location is registered. The inside facility needs to be registered.

#### 2. FINDINGS

Findings of the inventory effort included the following:

- 37 private-use airports/heliports in the State of Delaware are registered with FAA.
- 30 of these private-use airports/heliports are operational.
- 7 of the airports/heliports have closed and are to be removed from the 5010 list.
- 3 heliports will be added to the list.
- The results of this inventory have identified 33 designated private-use airports/heliports in the State of Delaware.

#### 3. SAFETY ISSUES

Safety issues considered in this report focused on the 17 private-use airports that had runways abutting roadways. In this regard, the safety factors for an airport depended on:

- The location of the airport/heliport relative to adjacent roadways.
- The controlling obstruction for runway approaches and how it affects the potential interaction of aircraft and highway vehicles.
- The presence or absence of runway markings and displaced thresholds.

If a runway end is near a roadway, the main safety issue is the potential collision of a low flying aircraft and a passing vehicle. Federal Aviation Regulations (FAR) Part 77, *Obstructions to Navigation*, states that the approach surface should be 5,000 feet at a slope of 20 to 1 for all utility and visual runways. If an object penetrates this imaginary line, it is considered an obstruction to air navigation. It also states that the minimum height over an Interstate Highway is 17 feet, 15 feet for public roadways, and 23 feet for railroads. For all of the private airports inventoried, a 15 foot

clearance would be required.

Obstructions such as power lines and trees actually protect the road from low flying aircraft by keeping aircraft above the 15 foot minimum for public roadways. Obstructions at the end of the runway were measured to see if they were high enough to keep the aircraft over the 15 foot minimum. In this regard, the following observations were made:

- 17 airports have a runway end that is near a road, where approaching and departing aircraft have to cross over the road to land or take off on the airstrip.
- 15 of the airports have obstructions of trees or power lines that protect the road from low flying aircraft.
- Two of the airports (Flying C and Eagle Crest-Hudson) do not have obstructions protecting adjacent roadways from low flying aircraft.
- None of the airports have displaced threshold markings.

If a runway does not have an obstruction or the obstruction is not high enough to keep the aircraft above the 15 foot minimum a displaced threshold should be marked 300 feet from the road, which corresponds to a 20 to 1 slope ratio.

The following pages have information regarding each private airport/heliport. The airports/heliports that are near roads have attached pages with pictures showing the road and any safety issues. The airports/heliports are listed in order of importance with the high risk airports such as Flying C and Eagle Crest-Hudson in the front.

# Eagle Crest-Hudson



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Eagle Crest-Hudson DE25 Airport 3,500' x 100' Turf Sussex Four miles east of Milton Route 1, Box 272, Milton, DE 19968 38.7761111 / -75.2336111 Joseph R. Hudson 302 645-9295 11

Status: The runway has end markers, however there are potential conflicts with roadways on both runway ends. Both of the runway ends are near roads and the power lines are buried below ground at each end of the runway. There is a sports complex with soccer and football fields on the north side parallel to the runway. The displaced thresholds would be 300 feet from both roads.

F

# **Eagle Crest-Hudson**



The power lines are buried at the end of the runway on Eagles Crest Road



The runway end markers by Eagles Crest Road

# **Eagle Crest-Hudson**



The runway end looking straight across at Hudson Road



The end of the runway at Hudson Road

#### Flying C



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Flying C DE07 Airport 2,300' x 150' Turf Kent Two miles southeast of Hartly 520 Judith Rd, Hartly, DE 19953 39.1442789 / -75.6913186 Charles R. Sears, Sr. 302 492-3752 8

Status: The airport is for sale. The runway is unmarked and the north part of the runway ends at Judith Road. The controlling obstruction is a 18 foot high tree on the runway side of road. However, there is a possible conflict with Judith Road for aircraft landing just west of the tree. The displaced threshold would be 360 feet from the tree.

P





The tree is the controlling obstruction.



There are no power lines along the road.



#### **Okolona Plantation**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Okolona Plantation DE33 Airport 1,300' x 70' Turf New Castle Three miles northwest of Middletown 1321 Shallcross Lake Rd, Middletown, DE 19709 39.475766 / -75.6921901 Paul & Christine Berkeley 302 376-1269 1

Status: There are no runway markings. The runway end is perpendicular to Shallcross Lake Road. The runway is fenced in by a 4.5 foot high fence. There are unmarked power lines on runway side of road. The power lines are the controlling obstruction at 33 foot high and protect the road from low flying aircraft. The displaced threshold would be 660 feet from the power lines.

# **Okolona Plantation**



The runway end at Shallcross Lake Road. The unmarked power lines are on the runway side of the road.



The runway end at Shallcross Lake Road.

#### McKeown



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft McKeown 1DE5 Airport 1,000' x 60' Turf New Castle Five miles northwest of Middletown 854 Old School House Rd, Middletown, DE 19709 39.4955556 / -75.7333333 Robert McKeown 302 3780151 2

Status: There are no runway markings. The end of the runway is perpendicular to Old School House Road. The controlling obstruction is a 24 foot high tree on the runway side of the road. The power lines on the far side of the road are unmarked and protect the road from low flying airplanes. The displaced threshold would be 480 feet from the tree.

# McKeown



The end of the runway at Old School House Road. The tree is on the runway side of the road and the power lines are on the far side of the road.



Closer look at the tree and power lines.

### **Warrington Field**



Name FAA Code Facility Type Description County Location Directions Lat/Long Owner Phone Number Based Aircraft Warrington Field DE27 Airport 2,009' x 80', 2,180' x 94' Turf Sussex Selbyville At the corner of lighthouse Rd and Hudson Rd 38.461196 / -75.175150 Manaen Warrington 302 436-5562 0

Status: The airport is for sale. The runways are unmarked and each of the runways have an end that is near the road. The unmarked power lines are 27 feet high and are on the far side of the road. The displaced threshold would be 540 feet from the power lines.

# Warrington Field



Both runways have ends located near roadways. This is the north-south runway looking at Lighthouse Road.

#### Pevey



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Pevey DE15 Airport 2,600' x 75' Turf Sussex Five miles southwest of Seaford 26615 Line Rd, Seaford, DE 19973 38.613711 / -75.700013 Ronald & Linda Pevey 302 629-9189 2

Status: There are no runway markings. There are marked 21 foot high power lines at the end of the runway. The displaced threshold would be 420 feet from the power lines.

f

Pevey



The end of the runway looking at the road. There are marked power lines on the runway side of the road.

# **Duffy's**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Duffy's DE19 Airport 2,600' x 60' Turf New Castle Six miles southwest of Townsend, off Sawmill Rd 1 Airport Place, Townsend, DE 19734 39.324903 / -75.742294 Gene J. Duffy 302 328-6368 2

Status: The runway is marked with side reflectors and ends 20 feet from the road. The 22 foot high marked power lines on the opposite side of the road are the controlling obstruction and protect the road from low flying aircraft. The displaced threshold should be marked 440 feet from the power lines.

F

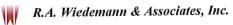
# **Duffy's**



The marked power lines at the end of the runway on Sawmill Road



The runway end and Sawmill Road



#### Belfair



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Owner Phone Number Based Aircraft Belfair DE32 Airport 2,335' x 50' Turf Kent Three miles south of Felton 3815 Hills Market Rd, Felton, DE 19943 38.974260 / -75.609940 Robert M and Jayne H Bennett 305 274-7906 4

Status: The runway is unmarked and the south side of the runway ends at Hills Market Road. There are marked power lines on the opposite side of the road. The controlling obstruction is the 33 foot high power line pole on the runway side of the road that protects the road from low flying aircraft. The displaced threshold would be 660 feet from the power line pole. P

# Belfair



The end of the runway at Hills Market Road. The power lines are on the far side of the road. The one pole by the driveway is on the runway side of the road.

# Doyle's



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Doyle's DE00 Airport 2,000' x 50' Turf Kent One mile north of Felton 1029 Peach Basket Rd. Felton, DE 19943 39.0207222 / -75.5770944 David & Catherine Doyle 302 284-2101 1

Status: The runway does not have markings. The south side of the runway ends at Peach Basket Road. There are 38 foot high power lines on the opposite side of the road that are marked and protect the road from low flying aircraft. The displaced threshold would be 760 feet from the power lines.

F

# Doyle's



The end of the runway at Peach Basket Road. The power lines are on the far side of the road. There are new houses being constructed near the tree line.

# **Townsend A**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Townsend A DE34 Airport 3,300 x 100' Turf New Castle Two miles southwest of Townsend 3681 Harris Road, Townsend, DE 19734 39.4142778 / -75.6629833 John A. Moritz 302 325-9337 3

Status: The runway is not marked. The north end of the runway ends at Noxontown Rd. There are self storage buildings on the far side of the road and unmarked power lines on the runway side of the road that protect the road from low flying aircraft. The power lines are the controlling obstruction at 36 feet high. The displaced threshold would be 720 feet from the power lines.

# Townsend A



The runway end at Noxontown Road with the self storage buildings and unmarked power lines.



Another picture of the runway end at Noxontown Road with the self storage buildings and unmarked power lines.

### **Scotty's Place**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Scotty's Place DE29 Airport 2,600' x 80' Turf New Castle Five miles south of Townsend 325 Gum Bush Rd, Smyrna, DE 19734 39.372514 / -75.643461 Scott W. Powell 302 653-8722 2

Status: The runway is unmarked and abuts Gum Bush Road. There are unmarked power lines on the runway side of the road. The controlling obstructions are the 73 foot high trees on the opposite side of the road that protect the road from low flying aircraft. The displaced threshold would be 1,460 feet from the trees.

# **Scotty's Place**



The end of the runway at Gum Bush Road. The taller tree across the road is the controlling obstruction.

### **Spirit Airpark**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Spirit Airpark DE20 Airport 3,300 x 75' Turf New Castle Three miles southwest of Townsend 1270 Caldwell Corner Rd, Townsend, DE 19734 39.370328 / -75.741783 David & Nancy Cannavo 302 378-1396 4

Status: The runway is unmarked and the north end of the runway ends at Caldwell Corner Road. There are 66 foot high trees on the runway side of the road that protect the road from any low flying aircraft. The displaced threshold would be 1,314 feet from the tree line.

F

# Spirit Airpark



The roadway is protected by a thick row of trees.

# **Ockel Farms**



Name FAA Code Facility Type Description County Location Directions Lat/Long Owner Phone Number Based Aircraft Ockel Farms DE23 Airport 2,500' x 100' Turf Sussex Three miles southwest of Milton On E Redden Rd just after Donavans Rd 38.7502778 / -75.3600000 Allen Chorman 302 349-5055 7

Status: There are no runway markings and the runway debuts Sand Hill Road. The road is protected by a thick layer of trees. The controlling obstruction is a 81 foot tall tree on the opposite side of Sand Hill Road. The displaced threshold would be 1,620 feet from the tree.

# **Ockel Farms**



The tree line at the end of the runway before Sand Hill Road. The taller trees are on the far side of the road.



The tree line before the road.





Name FAA Code Facility Type Description County Directions Address Lat/Long Owner Phone Number Based Aircraft Huey DE14 Airport 2,600' x 110' Turf Sussex Four miles east of Bridgeville 17149 Oak Rd, Bridgeville, DE 19933 38.7440025 / -75.5349244 Gene H. Huey 302 337-7547 1

Status: The runway is unmarked and the northwest side of the runway is near Oak Road. The controlling obstruction is the row of 41 foot high trees on the runway side of the road. The thick rows of trees protect the road from low flying aircraft. Trees on both sides of the runway require precise landings and takeoffs. The displaced threshold would be 820 feet from the row of trees.

## Willaview



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Owner Phone Number Based Aircraft Willaview 2DE2 Airport 2,400' x 75' Turf Kent One mile southeast of Farmington 21733 S Dupont Highway, Greenwood, DE 19950 38.8550333 / -75.5722056 Daniel E. Williams III 302 398 3106 2

Status: The runway is unmarked and does not abut a roadway. There are no trees or obstructions.

## **Sugar Hill**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Sugar Hill DE17 Airport 2,300' x 100' Turf Sussex Two miles southeast of Greenwood 14802 Sugar Hill Rd, Greenwood, DE 19950 38.7778911 / -75.5832594 Robert Hunsberger 302 337-8223 4

Status: The runway has runway and end lights. The runway runs parallel to Sugar Hill Road.

## Johnsons



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Owner Phone Number Based Aircraft Johnsons DE09 Airport 2,243' x 80' Turf Kent One mile west of Magnolia 4403 Irish Hill Rd, Magnolia, DE 19962 39.0681681 / -75.4885331 Al Johnson, Jr 302 335-5454 5

Status: The runway does not have runway markings. The end of the runway is 755 feet from the road.

# West Private



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft West Private DE21 Airport 3,000' x 65' Turf Sussex Four miles east of Frankford 3401 W Airport Rd, Frankford, DE 19945 38.5173350 / -75.1654631 Richard E. West 302 732-9806 1

Status: The runway has reflectors at the ends of the runway. The controlling obstruction is a 63 foot high tree on the west end of the runway. The displaced threshold would be 480 feet from the end of the runway. The controlling obstruction on the east side of the runway is a 72 foot high tree. The displaced threshold would be 1,440 feet from the tree. No roadways are near runway ends.

## **Rehoboth Bay**



Name FAA Code Facility Type Description County Location Directions Lat/Long Owner Phone Number Based Aircraft Rehoboth Bay DE13 Seaplane Base 5,000' x 250' Water Sussex In Rehoboth Bay Rehoboth Bay at Dewey Beach off Venetian Dr. 38.6862231 / -75.0871253 Rehoboth Seaplane 302 227-3432 1

Status: There are no obstructions. Take offs and landing are made in the water.

## **Dover Downs: Outside**



Name FAA Code Facility Type Description County Location Directions Lat/Long Owner Owner Phone Number Based Aircraft Dover Downs DE03 Heliport 3 pads, each 32' x 32' Cement Kent Downtown Dover Off Persimmon Tree Lane near Weaver Dr. 39.187476 / -75.530085 Dover Downs 302 857-3217 0

Status: During race day, more helipads are spray painted in the grass. These pads are only used on race day. The closest pad is 110 feet from the road. A residential neighborhood is located on the other side of the road. There are unmarked 32 foot high power lines on the helipad side of the road.

F

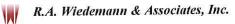
# **Dover Downs: Outside**



The power lines are on the helipad side of the road.



The picture is taken from the closest helipad to the road.



## **Dover Downs: Inside**



Name
FAA Code
Facility Type
Description
County
Location
Address
Lat/Long
Owner
Owner Phone Number
Based Aircraft

Dover Downs DE03 Heliport 2 pads, each 75' x 75' Cement Kent Downtown Dover 1131 N Dupont Highway, Dover, DE 19901 39.187476 / -75.530085 Dover Downs 302 857-3217 0

Status: The two helipads are located in the southern part of Dover Downs. Helicopters land and take off during race day to and from the east over the 114 foot high grandstand.

## **Delaware State Police**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Owner Phone Number Based Aircraft Delaware State Police DE02 Heliport 60' x 60' Concrete Kent North of Dover Downs P.O. Box 430, Dover, DE 19903 39.193754 / -75.544092 Delaware State Police 302 739-5951 3

Status: The heliport is used by the State Police. The power lines by North Dupont Highway are marked. The controlling obstruction is the 290 foot high tower that is 189 feet southeast of the pad. During race days at Dover Downs, private helicopters land on the pad.

# **Eagle Run**

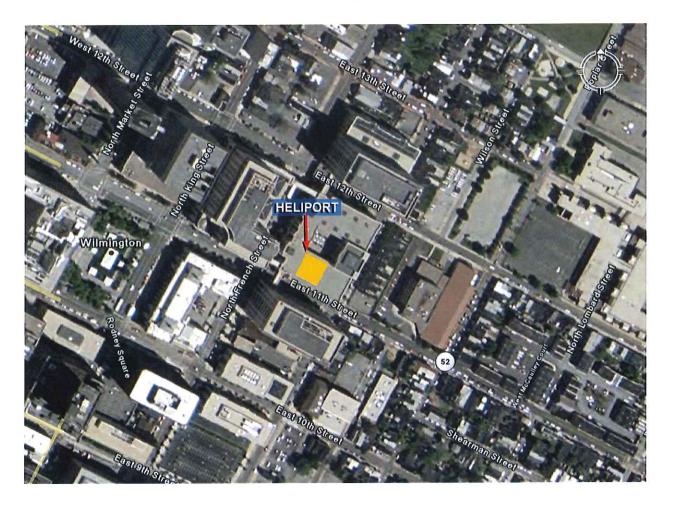


Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft

Eagle Run DE01 Heliport 60' x 60' Asphalt New Castle One mile southeast of Christina on Eagle Run Rd. 500 Eagle Run Rd, Newark, DE 19702 39.674852 / -75.670365 E.I. du Pont De Nemours & Co 302 996-8031 0

Status: The heliport has not been used since 1997. The Sears Outlet Store uses the pad to park advertising trucks. A letter has been sent asking the owners if they want to discontinue the airspace. There is a 45 foot high flag pole 84 feet southwest of the pad. There are two 150 foot high light poles 534 feet north and 500 feet west of the pad at the interstate exchange.

# **Bracebridge III**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft

Bracebridge III DE30 Heliport 83' x 75' Concrete; Rooftop New Castle Downtown Wilmington 1100 N King St. Wilmington, DE, 19884 39.745561 / -75.544551 MBNA Corp 302 325-7705 0

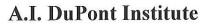
Status: The helipad has not been used in almost two years. The helipad has perimeter lights, fire suppression system, and good markings. The approach to the pad from the southeast. The obstructions are 120 foot high building 528 feet southeast; 120 foot high building 1,056 feet northwest; 23 foot high building 528 feet northeast; and a 120 foot high building 1,584 feet north

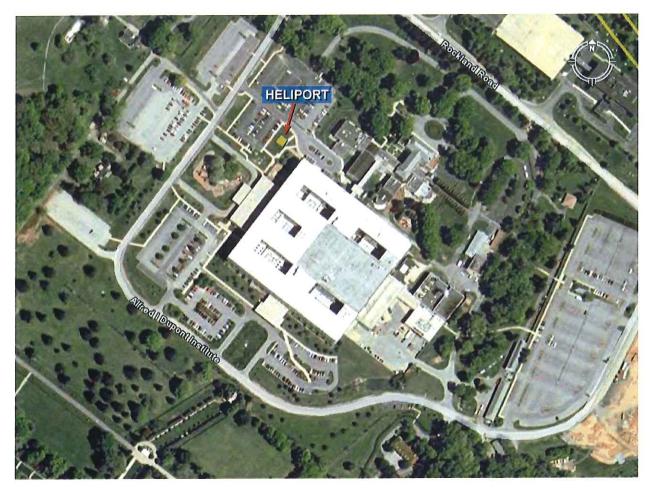
# **Christina Hospital**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Christina Hospital DE26 Heliport 120' x 60' Concrete; Three pads New Castle Three miles east of Newark off Ogletown-Stanton Rd 4755 Ogletown-Stanton Road, Newark DE 19718 39.687523 / -75.667012 Medical Center of Delaware 302 733-1000 0

Status: The pads are marked and have perimeter lights. The Christiana Hospital building is 62 feet from the pads and there are two light poles in the parking lot that have red lights on them. The site has an estimated 1,900 operations per year.



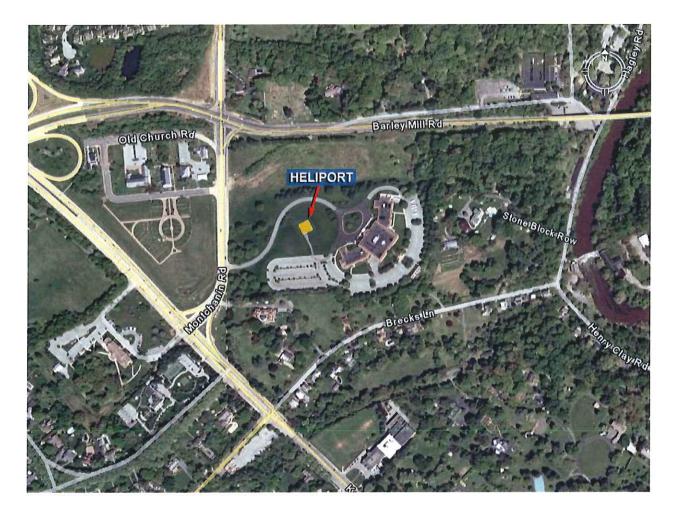


Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft

A.I. DuPont Institute DE28 Airport 25' x 25' Concrete New Castle One mile north of Wilmington 1600 Rockland Rd, Wilmington, DE 19884 39.780471 / -75.555824 Alfred I DuPont Institute 302 651-4000 0

Status: The heliport is lighted and is equipped with a fire suppression system. The only obstruction is the DuPont Institute building which is 105 feet to the southeast of the landing pad. The approach is over the parking lot.

# Greenville



Name FAA Code Facility Type Description County Location Location Lat/Long Owner Phone Number Based Aircraft Greenville DE31 Heliport 80' x 80' Concrete New Castle Half mile southeast of Greenville Off Kennett Pike on Montchanin Rd 39.771262 / -75.585439 The site is for sale 302 325-7705 0

Status: The site is for sale. The helipad has been covered over by dirt and grass. There is a 120 foot building 1,056 feet to the southeast of the helipad and trees 1,059 feet northeast of the pad.

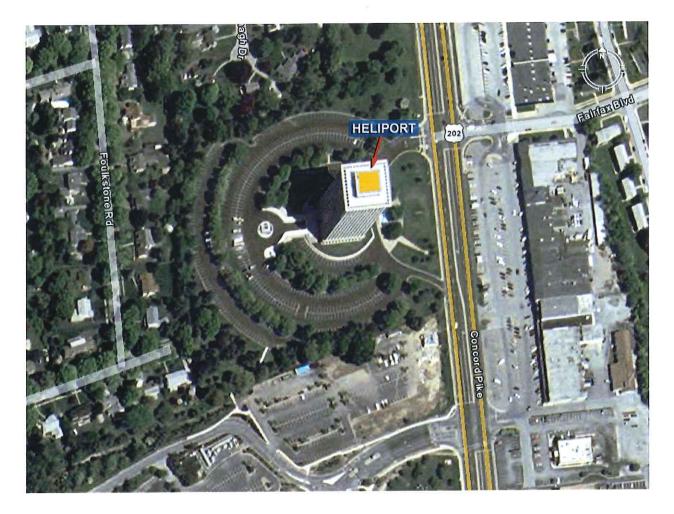
## **Delaware Museum**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Delaware Museum DE06 Heliport 150' x 150' Turf New Castle Five miles north of Wilmington off Kennett Pike 4840 Kennett Pike, Wilmington, DE 19807 39.798205 / -75.610213 DE Museum of Natural History 302 658-9111 0

Status: The heliport has not been used in over 16 years. There is a septic system in the ground around the area that was used for the landing pad. A letter has been sent asking the owners if they want to discontinue the airspace.

# **Rollins Building**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft Rollins Building DE16 Heliport 66' x 66' Concrete New Castle Two miles north of Wilmington 2200 Concord Pike Wilmington 19803 39.791113 / -75.547429 Rollins Properties, Inc 302 426-2755 0

Status: The heliport has not been used in 6 years. There are no obstructions in the area. There is construction on the building. The fire suppression system on pad is temporarily disconnected.

# Elliott



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Owner Phone Number Based Aircraft Elliott DE24 Heliport 50' x 50' Turf Kent Two miles South of Dover 999 Sorghum Mill Rd, Dover, DE 19962 39.1115014 / -75.5054783 Brett Elliott 302 697-1467 1

Status: There are no heliport facilities. The landing area is near the trees away from the road.



550 Bay Road Dover, DE 19901 t 302.734.9188 centuryeng.com

December 15, 2021

Mr. Jamie Whitehouse Director, Department of Planning & Zoning Sussex County Administrative Office Building 2 The Circle P.O. Box 589 Georgetown, DE 19947

#### RE: On-Call Planning Services - Task 1 - Technical Assessment of Airport Designation

Dear Mr. Whitehouse:

Century Engineering, Inc. (Century) is pleased to submit the final technical analysis for Task 1. This analysis summarizes our findings and provides recommendations to Sussex County Planning & Zoning on the proposed amendment of the Sussex County Comprehensive Plan to recognize the airport use for the land associated with Eagle Crest-Hudson Airport.

Please feel free to call me at (302)670-2191 if you have nay questions or need further support on this task.

Sincerely, CENTURY ENGINEERING, INC.

)\_ AB---

Drew A. Boyce, PE Senior Vice President

Enclosures

cc. File



550 Bay Road Dover, DE 19901 t 302.734.9188 centuryeng.com

## Sussex County On-Call Planning Review of Comprehensive Plan Amendment Eagle Crest-Hudson Airport December 15, 2021

#### Purpose

The Purpose of this whitepaper is to summarize Century Engineering's findings and provide recommendations to Sussex County Planning & Zoning on the proposed amendment of the Sussex County Comprehensive Plan to recognize the airport use for the land associated with Eagle Crest-Hudson Airport.

#### Background

John W. Pardee of Baird, Mandalas and Brockstedt, LLC (representative of the property owner at 30045 Eagle Crest Road) provided correspondence on April 2, 2019 and November 30, 2020 to Sussex County Planning & Zoning (Attached). The following points, issues, and concerns were raised in the November 30, 2020 correspondence from Mr. Pardee:

- The 2018 Plan (Sussex County Comprehensive Plan Update, 2018) does not recognize the Property's Airport Use by failing to incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex County Transportation Systems."
- The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan Update dated June 2008 by failing to incorporate the Property's Aviation Use.
- The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's Determination in favor of the Property for Special Events Use and Airport Use.

This correspondence triggered an action by Sussex County Planning & Zoning to request approval for a Comprehensive Plan Amendment. The Application for the Comprehensive Plan Amendment was sent to the Preliminary Land Use Service (PLUS) for review and comment. The application was for the following:

Sussex County Council wishes to consider the potential amendment of the Comprehensive Plan as listed below. Before considering this request further, the County is requesting that the potential amendment be considered for review at the June 2021 PLUS meeting. The potential amendments are as follows:

- 1. An amendment to the map included at Figure 1.1-2 on page 1-3 to add reference to the Eagle Crest-Hudson Airport.
- 2. Text amendments to Chapter 13: Mobility Element to include the addition of Eagle Crest-Hudson Airport to Figure 13.1-1.

- 3. Text amendment to 13-14 (Aviation Bulleted Section, 2nd Para) to add reference to Eagle Crest-Hudson Airport as a privately-owned airport within the list of airports referenced.
- 4. The amendment of the map at 13.2-8 to show the location of Eagle Crest-Hudson Airport.
- 5. Consideration as to whether part of the above parcels should be re-designated as being "Industrial" on the Existing Land Use Map as per the Existing Land Use Map contained within the 2008 Comprehensive Plan for Sussex County.

The application was reviewed at the June 23, 2021 PLUS meeting and the following points, issues and concerns were raised as part of the Office of State Planning correspondence from July 22, 2021 (Attached):

- "...the Office of State Planning has no objections to the proposed changes to the comp plan (Sussex County Comprehensive Plan Update, 2018) provided the County is only planning to change the current designation to airport and the current land use to Industrial. Any future land use or zoning change should go through PLUS. Changing future land use could open up a range of possibilities for what could be built if the airport were to close.
- The Delaware Department of Transportation states "...this amendment would accord the Hudson Airport the same status as the Laurel and Delaware Coastal Airports which are privately owned but open to public use, whereas Hudson Airport is not open to public use. Without having additional information for the owner's future goals for the airport, DelDOT does not see a need for this airport to be recognized in the Plan.
- Department of Natural Resources and Environmental Control reviewers have no comments, concerns, or objections.
- State Historic Preservation Office
  - Tax Parcel #: 235-16.00-50.02
    - Does not recommend development in Level 4 areas.
    - Prehistoric archaeological potential is low.
    - Historical archaeological potential is low.
  - Tax Parcel #: 235-16.00-50.03
    - Prehistoric archaeological potential is low.
    - Historical archaeological potential is low.
  - Tax Parcel #: 235-22.00-441.00
    - Prehistoric archaeological potential is low.
    - Historical archaeological potential is moderate.
  - Tax Parcel #: 235-22.00-442.00
    - Prehistoric archaeological potential is low.
    - Historical archaeological potential is moderate.

"...if the land is redeveloped and there is federal involvement the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources."

The most significant comment was from the Department of Transportation which recommended not to change the Comprehensive Plan because the Hudson Airport is a privately owned airport and is not open for public use.

#### <u>Analysis</u>

The Delaware Department of Transportation comments identify a distinction between a public use airport and an airport that is not open for public use. Century Engineering performed an analysis of laws and regulations to determine the implications of the DelDOT comment on the proposed Comprehensive Plan amendment.

#### Review of the Sussex County Comprehensive Plans

Sussex County 2007 Comprehensive Plan references two public use airports in the County – Sussex County Airport and Laurel Airport. It also states that "...surrounding land use should be compatible to airport use." and "Residential usage negates the long term economic value of this land."

*Sussex County 2018 Comprehensive Plan* references two public use airports – Delaware Coastal Airport and Laurel Airport. It also states that "It is essential for land use plans and zoning to accommodate aviation uses." And "...proposed expansion projects must consider environmental and community impacts, particularly increased noise levels.

#### Review of the State Code

Chapter 1, Title 2 of the Delaware State Code outlines the laws concerning aeronautics in the State of Delaware. Under these provisions the Delaware Department of Transportation has been given the authority and general supervision over aeronautics within the state. Subchapter III of this same section outlines the requirements for airports to be licensed within the state of Delaware. This same section gives the Department of Transportation the Authority to create regulation concerning the registration and licensing of airports.

#### Review of State Regulations

Regulation 2151 - Delaware Airport Licensing Regulation sets forth the purpose, policies, criteria, and procedures for the inspection, licensing, and the revocation of licenses for public use airports or heliports within the State of Delaware. This regulation establishes the safety requirements, insurance requirements, and general operating requirements that need to be in place for an airport to be licensed within the State of Delaware.

#### Review of the Delaware Aviation System Plan

The Delaware Aviation System Plan is a comprehensive assessment of the aviation needs within the State of Delaware. This plan is intended to ensure that a system of airports is developed that provides a high degree of safety to the users, while at the same time provides adequate levels of service and facilities throughout the State. The current system plan features a system of ten public use airports and one public use heliport. These facilities included:

- Chandelle Estates
- Chorman Airport
- Civil Air Terminal at Dover AFB
- Delaware Airpark (NPIAS)
- Jenkins Airport
- Laurel Airport

#### Comparative analysis

- New Castle Airport (NPIAS)
- Smyrna Airport
- Summit Airport (NPIAS)
- Delaware Costal Airport (NPIAS)
- DelDOT Helistop

As a comparative example we looked at Laurel Airport (which is included in the comprehensive plan) and Eagle Crest – Hudson Airport (which is not listed in the comprehensive plan). Physically, Eagle Crest – Hudson Airport is very similar to the flying facilities at Laurel Airport however there are several distinct differences in the function and operation of the two airports based on their regulatory status.

	Laurel Airport	Eagle Crest – Hudson Airport
Physical Characteristics		
Runway Length	3175′	3500'
Runway Width	270'	100'
Surface Type	Turf	Turf
Displaced Threshold	0'	300'
Lights and Beacon	Yes	No
Operational Characteristics		
Airport Use	Open to the Public	Private Use
Prior Permission	No	Yes
Landing Fee	No	Yes
Instrument Approach Procedures	Yes	None Published
Regulatory Status		
Registered with the Federal	Yes	Yes
Aviation Administration		
Licensed within the State of Delaware	Yes	No

The functional and operational differences between these two airports are directly related to the regulatory status. Laurel is a licensed regulated airport and Eagle Crest – Hudson Airport is not.

#### Conclusions

There are operational, functional, and regulatory differences between private airports and airports that are open to the public. In Delaware, airports open to the public are required to meet regulatory requirements and be licensed with the State of Delaware. Based on these functional and operational differences, the Department of Transportation's comments were appropriate in that, the Eagle Crest-Hudson Airport cannot be considered the same as a public use airport when referenced in the Sussex County Comprehensive Plan.

#### **Recommendations:**

There are three options that the County could take moving forward:

#### Option 1:

Given that the Eagle Crest-Hudson Airport-DE25 is a privately owned airport, but not open for public use, it cannot be afforded the same status as the Delaware Coastal Airport and Laurel Airport which are privately owned and open to public use. Therefore, the *Sussex County 2018 Comprehensive Plan* need not be amended or revised to reflect a change for the Eagle Crest-Hudson Airport-DE25.

#### Option 2:

The County could inform the owners of the Eagle Crest-Hudson Airport to apply for a license from the Delaware Department of Transportation and, after meeting all the necessary requirements and obtaining the license from the Delaware Department of Transportation, the Eagle Crest-Hudson Airport could be added to the *Sussex County 2018 Comprehensive Plan* as requested.

#### Option 3:

Should the Sussex County Council still desire to include the Eagle Crest-Hudson Airport as a non-public airport in the Comprehensive Plan it would need to amend the plan to include language about all the non-public runways within Sussex County and explain the importance of them in the comprehensive planning documents. This could include language about their role in the support the agricultural industry in Sussex County. Additional language may also be needed to support their continued operation. There are several risks with listing all the non-public use airports as this may not be the desire of the individual airport owners. A more detailed analysis should be performed should the County opt to pursue option 3. A cursory review of the non-public airports in Sussex County shows the following:

- ➢ Pevey − Seaford
- > Huey Airport Bridgeville
- Sugar Hill Greenwood
- Ockel Farms Airport Milton

- > West Airport Roxanna
- Eagle Crest Hudson Airport Milton
- > Murphy's Landing Airport Milford

onse sent 12/18/20



JOHN W. PARADEE 302.677.0061 john@bmbde.com

November 30, 2020

RECEIVED

#### VIA ELECTRONIC & REGULAR E-MAIL

DEC 04 2020

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

SUSSEX COUNTY PLANNING & ZONING

### Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Jamie:

Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVI19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

ery truly yours. mades W. Para

JWP/lwr Enclosure

cc: Christian Hudson (w/enclosure) Jamin Hudson (w/enclosure) Todd F. Lawson (w/enclosure)

> 6 South State Street | Dover, Delaware 19901 | 302-677-0061 | 302-677-0065 www.bmbde.com DOVER | LEWES | WILMINGTON/GREENVILLE

JOHN W. PARADEE 302.677.0061 john@bmbde.com



April 2, 2019

#### VIA FEDEX & VIA E-MAIL

Ms. Janelle Cornwell Planning & Zoning Office Sussex County PO Box 417 Georgetown, DE 19947

## Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Janelle:

As you know I represent the owner of the property commonly known as 30045 Eagle Crest Road, Milton, and identified on the Tax Map as Parcel Nos. 2-35-22.00-50.02; 2-35-22.00-50.03; 2-35-22.00-52.00; 2-35-22.00-441.00; and 2-35-22.00-442.00 (collectively, the **"Property"**). The purpose of this letter is to identify and bring to your attention inconsistencies and discrepancies in the 2018 Plan in connection with the Property, which we seek to rectify in coordination with the Sussex County Planning & Zoning Office via a corrective amendment to the 2018 Plan and the land use map or map series forming a part thereof, pursuant to 9 Del. C. §§ 6960(d), 6904.

The inconsistencies and discrepancies are as follows:

## 1. <u>The 2018 Plan does not recognize the Property's Airport Use by failing to</u> <u>incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex</u> <u>County Transportation Systems"</u>.

A key component of the 2018 Plan features Sussex County's mobility element and identifies Sussex County's transportation infrastructure and network, including airports. While the 2018 Plan identifies both the Delaware Coastal Airport and the Laurel Airport, it erroneously omits incorporating the Eagle Crest-Hudson Airport, which is located on the Property and is Sussex County's easternmost airport with the closest proximity to popular beach and tourism destinations. (2018 Plan, Figures 1.1-2 & 13.1-1). As you know, the Eagle Crest-Hudson Airport has been in continuous operation since circa 1953 serving the community and business of Sussex County for over half a century.

#### 2. <u>The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan</u> Update dated June 2008 by failing to incorporate the Property's Airport Use.

In addition, the 2018 Plan is inconsistent with the prior Sussex County Comprehensive Plan Update dated June 2008 (the "2008 Plan") as it relates to the Property. By way of explanation, the 2008 Plan incorporates the Property's Airport Use in its land use map or map series forming part of the 2008 Plan, as evidenced by a portion of the Property being identified as an "Industrial Use" in the 2008 Plan's Existing Land Use Map (2008 Plan, *Existing Land Use*, pg. 3-4). However, the 2018 Plan's Existing Land Use Map (2018 Plan, Figure 4.2.1) deviates from the 2008 Plan and fails to recognize the Airport Use on the Property, which is identified therein merely as "Agricultural & Undeveloped Land," which is inaccurate and inconsistent with the 2008 Plan and the Property's historic and existing use.

#### 3. <u>The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's</u> <u>Determination in favor of the Property for Special Events Use and Airport</u> <u>Use</u>.

As you know on May 21, 2018, the Sussex County Board of Adjustment made an affirmative determination regarding certain Findings of Fact and the Decision of the Board dated March 5, 2018 recognizing pre-existing non-conforming uses pursuant to Section 115-202 of the Sussex County Zoning Code in favor of the Property (the "**BOA Determination**"). The BOA Determination found, *inter alia*, that notwithstanding the Property's existing AR-1 zoning, the Property has been and may continue to be used for the Airport Use and the Special Events Use (as defined in the BOA Determination) as provided in Section 115-195 of the Sussex Code and in 9 Del. C. § 6920. However, upon review of 2018 Plan, the Property's Special Events Use and Airport Use are not incorporated or otherwise reflected in the 2018 Plan, including the land use map or map series forming part of the same.

In conclusion, and in accordance with 9 Del. C. § 6959(d), together with the longstanding existence of the Eagle Crest-Hudson Airport, use of the Property, and the BOA Determination issued and approved by Sussex County, the Special Events Use and Airport Use should be incorporated into and become part of the 2018 Plan and the land use map or map series forming part of the same, which have the force of law. *Id*; *Del. Dep't of Nat. Res. & Envtl. Control v. Sussex Cnty.*, 34 A.3d 1087, 1091 (Del. 2011). If the 2018 Plan is left uncorrected as it relates to the Property, the unintended consequence would be a comprehensive plan afflicted with remedial inaccuracies and avoidable ambiguities by omission, to the detriment of what is intended to be "a foundation for decisions making . . . [to] provide the County with a roadmap to the future that will maintain and enhance the quality of life all residents enjoy". (2018 Plan, *Overview*, pg. 1-6). During the above referenced May 21, 2018 Sussex County Board of Adjustment meeting, a Board member observed that owners of the Property are "providing a service to the public and. . . [have] been doing so for many years and that she believes it is a great thing that we [Sussex

Ms. Janelle Cornwell April 2, 2019 Page 3

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County] still have this type of property [the Property] in Sussex County." (Board of Adjustment Minutes, May 21, 2018, pg. 4). The owners of the Property are humbled by such sentiments and acknowledgment of the Property as a unique amenity with a long and rich history of serving Sussex County.

Our objective is to work with the Planning & Zoning Office to supplement the 2018 Plan so that it duly incorporates the Property's unique attributes, ensuring that the Property may continue to serve and enhance Sussex County and the quality of life that its residents enjoy, for years to come. To this end, we respectfully suggest an informal meeting in the near future with you and our client to review and coordinate the most effective manner to proceed with correcting the 2018 Plan to address the above referenced inconsistencies and discrepancies. I look forward to contacting you to discuss scheduling of the same.

Please contact me should you have any questions regarding the above.

Very truly yours,

John W. Paradee.

#### JWP/lwr

cc:

Enclosures

Christian Hudson (via e-mail at Christian@hudmgt.com) Jamin Hudson (via e-mail at Jamin@hudmgt.com) George J. Kroculick, Esquire (via e-mail at GJKorculick@duanemorris.com) Daniel L. Mita, Esquire (via e-mail at DLMita@duanemorris.com) Todd F. Lawson (via FedEx)



## STATE OF DELAWARE EXECUTIVE DEPARTMENT OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Jamie Whitehouse, AICP Director, Department of Planning & Zoning Sussex County 2 The Circle P.O. Box 417 Georgetown, DE 19947

RE: PLUS review 2021-06-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would address areas around the Hudson Airport.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

#### Office of State Planning Coordination - Contact Dorothy Morris 739-3090

• The Office of State Planning has no objections to the proposed changes to the comp plan provided the County is only planning to change the current designation to airport and the current land use to Industrial. If the county were to change the Future Land Use or zoning on this property, the state would request to see that amendment through PLUS. Changing the future land use to HI or rezoning this property could open up a range of possibilities for what could be built if the airport were to close.

#### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

• This amendment would accord the Hudson Airport in Milton the same status in the Plan as Laurel and Delaware Coastal. Those two airports are privately owned but open to public use, whereas Hudson Airport is also privately owned but not open to public use. To explain, anyone can land their aircraft by right at Laurel or Delaware Coastal, while they have no such right at Hudson. Without having additional information for the owner's

122 Martin Luther King Jr. Blvd. South – Haslet Armory • Third Floor • Dover, DE 19901 Phone (302)739-3090 • Fax (302) 739-5661 • www. stateplanning.delaware.gov PLUS review 2021-06-13 Page 2 of 3

future goals for the airport, DelDOT does not see a need for this airport to be recognized in the Plan.

## Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480

• Sussex County proposes to recognize airport use of the land associated with Eagle Crest-Hudson Airport. DNREC reviewers have no comments, concerns, or objections.

## State Historic Preservation Office – Contact Carlton Hall 736-7400

Tax Parcel#: 235-16.00-50.02

- The Delaware SHPO does not recommend development in Level 4 areas.
- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19<sup>th</sup> century farming techniques.

Tax Parcel#: 235-16.00-50.03

- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.

#### Tax Parcel#: 235-22.00-441.00

- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is moderate. There is no evidence of structures on the parcel in historic topographic maps or aerials, until the mid-20<sup>th</sup> century. There appears to be a horse track associated with the Charles H. King Agricultural Complex (which is off parcel), which is gone by 1970. Any historic remains would likely be field scatter from 19th century farming techniques.

Tax Parcel#: 235-22.00-442.00

• Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.

#### PLUS review 2021-06-13 Page 3 of 3

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  parcel in historic topographic maps or aerials, until the mid-20<sup>th</sup> century. There appears to
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  parcel), which is gone by 1970. Any historic remains would likely be field scatter from
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- If this land is redeveloped and if there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Gull 0

David L. Edgell, AICP Director, Office of State Planning Coordination

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JOHN W. PARADEE 302.677.0061 john@bmbde.com

November 30, 2020

#### RECEIVED

#### VIA ELECTRONIC & REGULAR E-MAIL

Sussex County Planning & Zoning Office

DEC 04 2020

SUSSEX COUNTY PLANNING & ZONING

# P.O. Box 417 Georgetown, Delaware 19947 Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for

## Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for <u>Corrective Amendment of the 2018 Plan</u>

Dear Jamie:

Jamie Whitehouse

Planning Director

Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVI19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

ery truly yours, mades W. Para

JWP/lwr Enclosure cc: Christian Hudson (w/enclosure) Jamin Hudson (w/enclosure) Todd F. Lawson (w/enclosure)



JOHN W. PARADEE 302.677.0061 john@bmbde.com

April 2, 2019

#### VIA FEDEX & VIA E-MAIL

Ms. Janelle Cornwell Planning & Zoning Office Sussex County PO Box 417 Georgetown, DE 19947

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A key component of the 2018 Plan features Sussex County's mobility element and identifies Sussex County's transportation infrastructure and network, including airports. While the 2018 Plan identifies both the Delaware Coastal Airport and the Laurel Airport, it erroneously omits incorporating the Eagle Crest-Hudson Airport, which is located on the Property and is Sussex County's easternmost airport with the closest proximity to popular beach and tourism destinations. (2018 Plan, Figures 1.1-2 & 13.1-1). As you know, the Eagle Crest-Hudson Airport has been in continuous operation since circa 1953 serving the community and business of Sussex County for over half a century.

### 2. <u>The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan</u> <u>Update dated June 2008 by failing to incorporate the Property's Airport Use.</u>

In addition, the 2018 Plan is inconsistent with the prior Sussex County Comprehensive Plan Update dated June 2008 (the "2008 Plan") as it relates to the Property. By way of explanation, the 2008 Plan incorporates the Property's Airport Use in its land use map or map series forming part of the 2008 Plan, as evidenced by a portion of the Property being identified as an "Industrial Use" in the 2008 Plan's Existing Land Use Map (2008 Plan, *Existing Land Use*, pg. 3-4). However, the 2018 Plan's Existing Land Use Map (2018 Plan, Figure 4.2.1) deviates from the 2008 Plan and fails to recognize the Airport Use on the Property, which is identified therein merely as "Agricultural & Undeveloped Land," which is inaccurate and inconsistent with the 2008 Plan and the Property's historic and existing use.

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In conclusion, and in accordance with 9 Del. C. § 6959(d), together with the longstanding existence of the Eagle Crest-Hudson Airport, use of the Property, and the BOA Determination issued and approved by Sussex County, the Special Events Use and Airport Use should be incorporated into and become part of the 2018 Plan and the land use map or map series forming part of the same, which have the force of law. *Id*; *Del. Dep't of Nat. Res. & Envtl. Control v. Sussex Cnty.*, 34 A.3d 1087, 1091 (Del. 2011). If the 2018 Plan is left uncorrected as it relates to the Property, the unintended consequence would be a comprehensive plan afflicted with remedial inaccuracies and avoidable ambiguities by omission, to the detriment of what is intended to be "a foundation for decisions making . . . [to] provide the County with a roadmap to the future that will maintain and enhance the quality of life all residents enjoy". (2018 Plan, *Overview*, pg. 1-6). During the above referenced May 21, 2018 Sussex County Board of Adjustment meeting, a Board member observed that owners of the Property are "providing a service to the public and . . . [have] been doing so for many years and that she believes it is a great thing that we [Sussex

Ms. Janelle Cornwell April 2, 2019 Page 3

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Please contact me should you have any questions regarding the above.

Very truly yours,

John W. Paradee

### JWP/lwr

### Enclosures

cc: Christian Hudson (via e-mail at Christian@hudmgt.com) Jamin Hudson (via e-mail at Jamin@hudmgt.com) George J. Kroculick, Esquire (via e-mail at GJKorculick@duanemorris.com) Daniel L. Mita, Esquire (via e-mail at DLMita@duanemorris.com) Todd F. Lawson (via FedEx)



August 8, 2022

### VIA ELECTRONIC & REGULAR MAIL

Eagle Crest HOA c/o Jeff King P.O. Box 1761 Millsboro, Delaware 19966

### **RE:** Comprehensive Plan Amendments for Hudson Fields & Runway Easement in Favor of Eagle Crest HOA

Dear Mr. King:

As I believe you may be aware, I represent Hudson Family, LLC ("Hudson Family"), the owner of Hudson Fields.

It is my understanding that you and other members of the Eagle Crest Homeowners Association ("ECHOA") may have some concerns or apprehensions regarding the intentions of the Hudson Family in seeking certain proposed amendments to the text and maps of the 2018 Sussex County Comprehensive Plan (the "2018 Comp Plan"), scheduled to be considered by the Sussex County Planning & Zoning Commission later this month and by Sussex County Council next month. The purpose of this letter is to allay any such concerns or apprehensions.

The sole purpose of the Hudson Family in seeking the proposed amendments is to correct certain errors in the 2018 Comprehensive Plan, in order to accurately reflect those designations regarding the subject property which had previously been made by the prior (2008) edition of the Comprehensive Plan (the "2008 Comp Plan"), to-wit: (1) the Area designation for Tax Parcel #235-16.00-50.02, #235-22.00-441.00 (2.79 acre part thereof), and #235-22.00-442.00 under the 2008 Comp Plan was "Industrial" (reflecting the historical use of the property as an airport), but the 2018 Comp Plan erroneously changed the Area designation for these parcels to "Low-Density"; (2) likewise, the Existing Land Use Map in the 2008 Comp Plan indicated that the Area designation for the same parcels was "Industrial", but the

6 South State Street | Dover, Delaware 19901 | T (302) 677-0061 | F (302) 677-0065 www.bmbfclaw.com Eagle Crest HOA August 8, 2022 Page 2

Existing Land Use Map in the 2018 Comp Plan erroneously changed the Area designation for these parcels to "Low-Density"; and (3) the maps within the 2008 Comp Plan had identified the subject parcels as the location of an airport, but the maps within Chapter 13 (Mobility Element) of the 2018 Comp Plan erroneously excluded any icons identifying the subject parcels as the location of an airport.

Accordingly, the sole purpose of the proposed amendments to the 2018 Comp Plan is to correct and restore the designations which the subject parcels had previously enjoyed under the 2008 Comp Plan, as aforesaid. There is absolutely zero desire or intention on the part of the Hudson Family to call into question or place at risk the runway easements which are held by and inure to the benefit of the ECHOA. Indeed, given that those easements are memorialized in written agreements of record in the Office of the Recorder of Deeds in and for Sussex County, those easements could not possibly be altered, modified, or revised in any way without the consent of the ECHOA. In any event, the Hudson Family has no desire or intention to undertake any such effort.

I trust this letter will suffice to allay any concerns or apprehensions the ECHOA may have about the purpose of the amendments to the 2018 Comp Plan being sought by the Hudson Family. In closing, we would invite and genuinely appreciate your support for the amendments.

Thank you very much, and best regards. If you should have any questions whatsoever, please do not hesitate to contact me.

Very truly yours, andu V. Parade ohn

JWP/lwr cc: Christia

cc: Christian Hudson Jamin Hudson



ARCHITECTURE ENGINEERING

PLANNING OUR CLIENTS' SUCCESS August 15, 2022

Mr. Jamie Whitehouse Director of Planning & Zoning Department of Planning & Zoning 2 The Circle Georgetown, DE 19947 RECEIVED AUG 1 5 2022 SUSSEX COUNTY PLANNING & ZONING

**FILE COPY** 

RE: Hudson Fields / Eagles Crest Aerodome Sussex County Comp Plan Amendment Request - PowerPoint <u>HUDSON FIELDS</u> Kent County, Delaware 2019125.00

Dear Mr. Jamie Whitehouse

Please find attached supporting materials for the Sussex County Comprehensive plan request, Draft Ordinance. The following materials are included:

- 1. Ten (10) copies of the Sussex County Comp Plan Amendment Request PowerPoint Presentation.
- 2. Application Materials dated November 31, 3021.
- 3. Correspondence to Sussex County dated November 30, 2020.
- 4. Correspondence to Sussex County dated April 2, 2019.
- 5. PLUS Comments
- 6. Proposed Draft Ordinance

Please review the enclosed documents for your use

Sincerely,

BECKER MORGAN GROUP, INC.

J. Michael Riemann, P.E. Vice President

SLG/rlh

Cc: Jamie Hudson Christian Hudson John W. Paradee, Esg.

201912500ag-ltr-scp&z.docx

BECKER MORGAN GROUP, INC.

309 South Governors Avenue Dover, Delaware 19904 302.734.7950

The Tower at STAR Campus 100 Discovery Boulevard, Suite 102 Newark, Delaware 19713 302.369.3700

Port Exchange 312 West Main Street, Suite 300 Salisbury, Maryland 21801 410.546.9100

3333 JAECKLE DRIVE, SUTTE 120 Wilmington, North Carolina 28403 910.341.7600



John W. Paradee 302-677-0061 www.bmbde.com john@bmbde.com

VIA U.S. MAIL AND ELECTRONIC MAIL

November 30, 2021

Mr. Jamie Whitehouse Sussex County Department of Planning 2 The Circle P.O. Box 417 Georgetown, DE 19947

### **RE:** Hudson Fields Request for Corrective Amendments to Sussex County Comprehensive Plan

Dear Mr. Whitehouse:

Enclosed please find a formal application for various amendments to the Sussex County Comprehensive Plan relative to Hudson Fields. The specific details of the requests are set forth in the correspondence enclosed with the application.

Please let me know if you should have any questions whatsoever, and what the next steps in the process may be.

Thank you very much, and best regards.

Very truly yours, huden Paradee John

JWP/lwr

Enclosures

cc: Christian Hudson (w/copy of enclosures) Jamin Hudson (w/copy of enclosures) Michael Riemann, P.E. (w/copy of enclosures)

File #:\_\_\_\_

### Sussex County Comprehensive Plan Amendment Request Form

Sussex County, Delaware

Sussex County Planning & Zoning Department

2 The Circle (P.O. Box 417) Georgetown, DE 19947

曾 302-855-7878

pandz@sussexcountyde.gov

Type of Amendment Requested (e.g Future Land Use Map, Existing Land Use Map, or Text Revision)

See attached correspondence

Year that Comprehensive Plan was Adopted:

(302) 677-0061

2018

If Applicable, the Date(s) of any PLUS Review by the State of Delaware

June 2021			
235-22.00-50.02,	235-22.00-50.03,	235-22.00-52.00	
Tax Map #: 235-22.00-441.00	& 235-22.00-442.0	O Total Acreage:	173.7+/-

### **Applicant Information**

Applicant Name:	Hudson Family, LLC		Homestea	ad, LLC &	Eagle Crest	Aerodrome, LLC
Applicant Address:	30045 Eagle Crest	Road				
City:Milton		State:	DE	ZipCode:	19968	
Phone #: 302-64	5-9464	E-mail:	christian	@hudmgt	com	_
			JaminH	udson@hi	udmgt.com	
<b>Developer Informati</b>						
Developer Name:	N/A					
Attorney Informatio	n (If Applicable)					
Attorney Name:	John W. Paradee, E	Esquire				
Attorney Address:	6 South State Str	eet				
City: Dover		State:	DE	ZipCode:	19901	

E-mail:\_

john@bmbde.com



Phone #:



Sussex County, DE - Comprehensive Plan Amendment Request

1 8

**Description of Request:** (Please provide a written description of the request, along with details of the Tax Parcel ID(s) of the relevant parcels to which the amendment request relates. If you are requesting a text amendment to the Comprehensive Plan, please also clearly explain which Chapters of the Comprehensive Plan your request relates)

See attached correspondence.

### **Check List for Comprehensive Plan Amendment Request Applications**

The following shall be submitted with any request

X Completed Application

7.8

A scaled survey drawing is appended to this Application that clearly shows the location of all parcels to which the amendment request relates.

The Applicant understands that Sussex County Council may submit a copy of this application, along with copies of all documents received, to the State of Delaware Office of Management and Budget for the purposes of any enabling the State of Delaware to review the requested revision.

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.

Signature of Applicant/Attorney

andre 11/29/21

For office use only: Date Submitted: Staff member receiving Application:	Application & Case #:	
Location of property:		
Date of Commission Hearing:	Recommendation:	
Date of Council Hearing:		

Sussex County Comprehensive Plan Amendment Request Form P a g e | 3

last updated 9-27-2021



November 30, 2020

### VIA ELECTRONIC & REGULAR E-MAIL

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

### Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Jamie:

Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVI19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

ery truly your hadu

JWP/lwr Enclosure cc: Christian Hudson (w/enclosure) Jamin Hudson (w/enclosure) Todd F. Lawson (w/enclosure)



April 2, 2019

### VIA FEDEX & VIA E-MAIL

Ms. Janelle Cornwell Planning & Zoning Office Sussex County PO Box 417 Georgetown, DE 19947

### Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Janelle:

As you know I represent the owner of the property commonly known as 30045 Eagle Crest Road, Milton, and identified on the Tax Map as Parcel Nos. 2-35-22.00-50.02; 2-35-22.00-50.03; 2-35-22.00-52.00; 2-35-22.00-441.00; and 2-35-22.00-442.00 (collectively, the "**Property**"). The purpose of this letter is to identify and bring to your attention inconsistencies and discrepancies in the 2018 Plan in connection with the Property, which we seek to rectify in coordination with the Sussex County Planning & Zoning Office via a corrective amendment to the 2018 Plan and the land use map or map series forming a part thereof, pursuant to 9 Del. C. §§ 6960(d), 6904.

The inconsistencies and discrepancies are as follows:

### 1. <u>The 2018 Plan does not recognize the Property's Airport Use by failing to</u> <u>incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex</u> <u>County Transportation Systems"</u>.

A key component of the 2018 Plan features Sussex County's mobility element and identifies Sussex County's transportation infrastructure and network, including airports. While the 2018 Plan identifies both the Delaware Coastal Airport and the Laurel Airport, it erroneously omits incorporating the Eagle Crest-Hudson Airport, which is located on the Property and is Sussex County's easternmost airport with the closest proximity to popular beach and tourism destinations. (2018 Plan, Figures 1.1-2 & 13.1-1). As you know, the Eagle Crest-Hudson Airport has been in continuous operation since circa 1953 serving the community and business of Sussex County for over half a century.

### 2. <u>The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan</u> <u>Update dated June 2008 by failing to incorporate the Property's Airport Use.</u>

In addition, the 2018 Plan is inconsistent with the prior Sussex County Comprehensive Plan Update dated June 2008 (the "2008 Plan") as it relates to the Property. By way of explanation, the 2008 Plan incorporates the Property's Airport Use in its land use map or map series forming part of the 2008 Plan, as evidenced by a portion of the Property being identified as an "Industrial Use" in the 2008 Plan's Existing Land Use Map (2008 Plan, *Existing Land Use*, pg. 3-4). However, the 2018 Plan's Existing Land Use Map (2018 Plan, Figure 4.2.1) deviates from the 2008 Plan and fails to recognize the Airport Use on the Property, which is identified therein merely as "Agricultural & Undeveloped Land," which is inaccurate and inconsistent with the 2008 Plan and the Property's historic and existing use.

### 3. <u>The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's</u> <u>Determination in favor of the Property for Special Events Use and Airport</u> <u>Use</u>.

As you know on May 21, 2018, the Sussex County Board of Adjustment made an affirmative determination regarding certain Findings of Fact and the Decision of the Board dated March 5, 2018 recognizing pre-existing non-conforming uses pursuant to Section 115-202 of the Sussex County Zoning Code in favor of the Property (the "**BOA Determination**"). The BOA Determination found, *inter alia*, that notwithstanding the Property's existing AR-1 zoning, the Property has been and may continue to be used for the Airport Use and the Special Events Use (as defined in the BOA Determination) as provided in Section 115-195 of the Sussex Code and in 9 Del. C. § 6920. However, upon review of 2018 Plan, the Property's Special Events Use and Airport Use are not incorporated or otherwise reflected in the 2018 Plan, including the land use map or map series forming part of the same.

In conclusion, and in accordance with 9 Del. C. § 6959(d), together with the longstanding existence of the Eagle Crest-Hudson Airport, use of the Property, and the BOA Determination issued and approved by Sussex County, the Special Events Use and Airport Use should be incorporated into and become part of the 2018 Plan and the land use map or map series forming part of the same, which have the force of law. *Id*; *Del. Dep't of Nat. Res. & Envtl. Control v. Sussex Cnty.*, 34 A.3d 1087, 1091 (Del. 2011). If the 2018 Plan is left uncorrected as it relates to the Property, the unintended consequence would be a comprehensive plan afflicted with remedial inaccuracies and avoidable ambiguities by omission, to the detriment of what is intended to be "a foundation for decisions making . . . [to] provide the County with a roadmap to the future that will maintain and enhance the quality of life all residents enjoy". (2018 Plan, *Overview*, pg. 1-6). During the above referenced May 21, 2018 Sussex County Board of Adjustment meeting, a Board member observed that owners of the Property are "providing a service to the public and . . . [have] been doing so for many years and that she believes it is a great thing that we [Sussex

Ms. Janelle Cornwell April 2, 2019 Page 3

County] still have this type of property [the Property] in Sussex County." (Board of Adjustment Minutes, May 21, 2018, pg. 4). The owners of the Property are humbled by such sentiments and acknowledgment of the Property as a unique amenity with a long and rich history of serving Sussex County.

Our objective is to work with the Planning & Zoning Office to supplement the 2018 Plan so that it duly incorporates the Property's unique attributes, ensuring that the Property may continue to serve and enhance Sussex County and the quality of life that its residents enjoy, for years to come. To this end, we respectfully suggest an informal meeting in the near future with you and our client to review and coordinate the most effective manner to proceed with correcting the 2018 Plan to address the above referenced inconsistencies and discrepancies. I look forward to contacting you to discuss scheduling of the same.

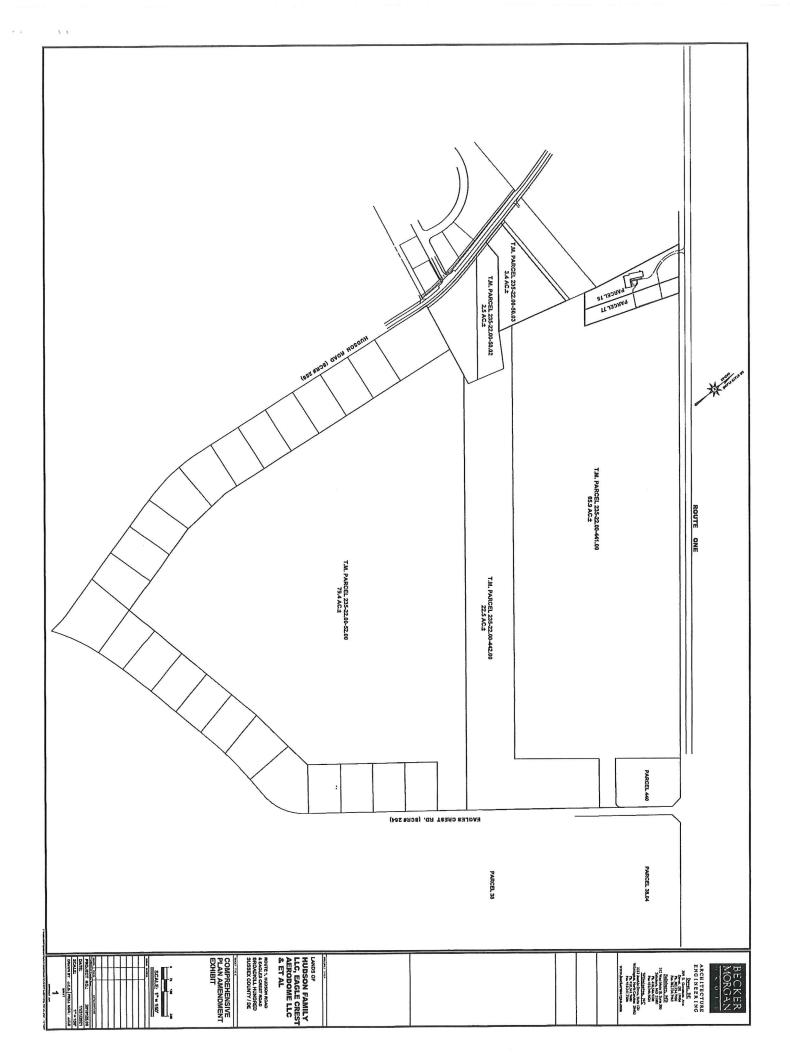
Please contact me should you have any questions regarding the above.

Very truly yours. huda V. Parado

JWP/lwr

Enclosures

cc: Christian Hudson (via e-mail at Christian@hudmgt.com) Jamin Hudson (via e-mail at Jamin@hudmgt.com) George J. Kroculick, Esquire (via e-mail at GJKorculick@duanemorris.com) Daniel L. Mita, Esquire (via e-mail at DLMita@duanemorris.com) Todd F. Lawson (via FedEx)





### STATE OF DELAWARE EXECUTIVE DEPARTMENT OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

t

Jamie Whitehouse, AICP Director, Department of Planning & Zoning Sussex County 2 The Circle P.O. Box 417 Georgetown, DE 19947

RE: PLUS review 2021-06-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would address areas around the Hudson Airport.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

## Office of State Planning Coordination - Contact Dorothy Morris 739-3090

• The Office of State Planning has no objections to the proposed changes to the comp plan provided the County is only planning to change the current designation to airport and the current land use to Industrial. If the county were to change the Future Land Use or zoning on this property, the state would request to see that amendment through PLUS. Changing the future land use to HI or rezoning this property could open up a range of possibilities for what could be built if the airport were to close.

### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

This amendment would accord the Hudson Airport in Milton the same status in the Plan as Laurel and Delaware Coastal. Those two airports are privately owned but open to public use, whereas Hudson Airport is also privately owned but not open to public use. To explain, anyone can land their aircraft by right at Laurel or Delaware Coastal, while they have no such right at Hudson. Without having additional information for the owner's

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901 Phone (302)739-3090 · Fax (302) 739-5661 · www. stateplanning.delaware.gov PLUS review 2021-06-13 Page 2 of 3

;

future goals for the airport, DelDOT does not see a need for this airport to be recognized in the Plan.

### Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480

• Sussex County proposes to recognize airport use of the land associated with Eagle Crest-Hudson Airport. DNREC reviewers have no comments, concerns, or objections.

### State Historic Preservation Office - Contact Carlton Hall 736-7400

### Tax Parcel#: 235-16.00-50.02

- The Delaware SHPO does not recommend development in Level 4 areas.
- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19<sup>th</sup> century farming techniques.

### Tax Parcel#: 235-16.00-50.03

- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is low. There is no evidence of structures on the parcel in historic topographic maps or aerials. Any historic remains would likely be field scatter from 19th century farming techniques.

### Tax Parcel#: 235-22.00-441.00

- Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.
- Historical archaeological potential is moderate. There is no evidence of structures on the parcel in historic topographic maps or aerials, until the mid-20<sup>th</sup> century. There appears to be a horse track associated with the Charles H. King Agricultural Complex (which is off parcel), which is gone by 1970. Any historic remains would likely be field scatter from 19th century farming techniques.

Tax Parcel#: 235-22.00-442.00

• Prehistoric archaeological potential is low. While there are well-drained soils in the area, it is outside of favorable distance to a historic water source. No comparable sites nearby.

### PLUS review 2021-06-13 Page 3 of 3

- - - - A<sup>0</sup>

- Historical archaeological potential is moderate. There is no evidence of structures on the parcel in historic topographic maps or aerials, until the mid-20<sup>th</sup> century. There appears to be a horse track associated with the Charles H. King Agricultural Complex (which is off parcel), which is gone by 1970. Any historic remains would likely be field scatter from 19th century farming techniques.
- If this land is redeveloped and if there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 process please review the Advisory Council on Historic Preservation's website at: www.achp.gov

Once a decision has been reached on this proposed comprehensive plan amendment, please notify the Office of State Planning Coordination for our records. If approved this notification should include a copy of the plan amendment as approved, the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the county, please include a copy of the minutes verifying this amendment was denied.

Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

26 Junt

David L. Edgell, AICP Director, Office of State Planning Coordination

### ORDINANCE NO.

1.1

# AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00.

WHEREAS, on November 30<sup>th</sup>, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Existing and Future Land Use Map elements of the Comprehensive Plan to change the Area designations of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00) (the "Property").

WHEREAS, the request received on November 30<sup>th</sup>, 2021 also included a request to amend the text and maps within the Comprehensive Plan to recognize the Property's airport use.

WHEREAS, the Property is designated as being within the Low-Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and is also designated as being within the Utilities and Recreation areas as set forth in the Existing Land Use Map identified as Figure 4.2-1 in the Plan.

WHEREAS, the Existing Land Use Map element of the 2008 Comprehensive Plan designated Parcel No. 235-16.00-50.02, Parcel No. 235-22.00-442.00 and part of Parcel No. 235-22.00-441.00 (2.79 Ac. part thereof), as being within an Industrial Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Existing and Future Land Use Maps of the Plan with minor amendments to the text and maps within the Plan; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendments to the Existing and Future Land Use Map contained in the Plan and to the maps and text as referred to.

### NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Low-Density Area to the Industrial Area. The Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 so changed are identified in Exhibit A, attached hereto and incorporated herein.

**Section 2.** The Existing Land Use Map identified as Figure 4.2-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Utilities and/or Recreation area to the Industrial Area.

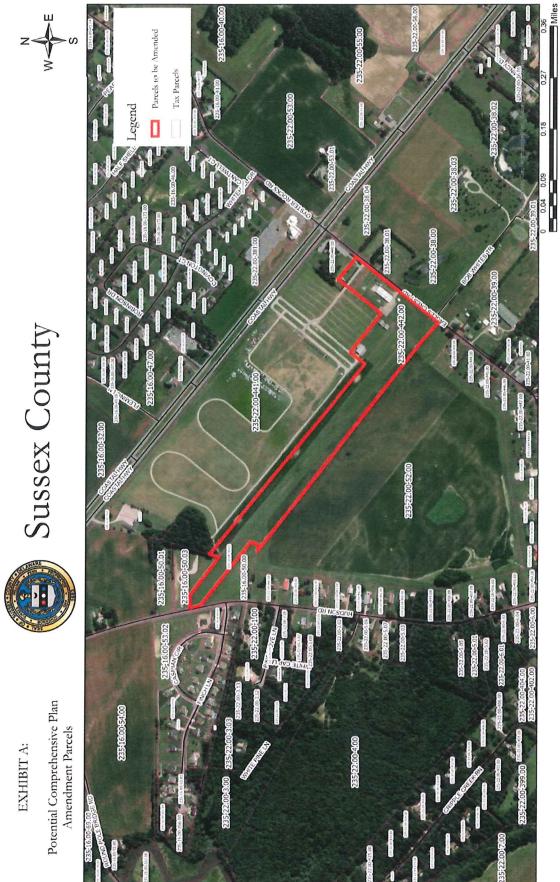
Section 3. The maps within Chapter 13 (Mobility Element) are amended as follows:

- Figure 13.1-1: Overview of Sussex County Transportation System is hereby amended to add the Airports icons as shown in Exhibit B
- Figure 13.2-8: Airports, Ferries and Navigable Waterways is hereby amended to add the Airports icons as shown in Exhibit C

**Section 4.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

<u>Exhibit A</u>

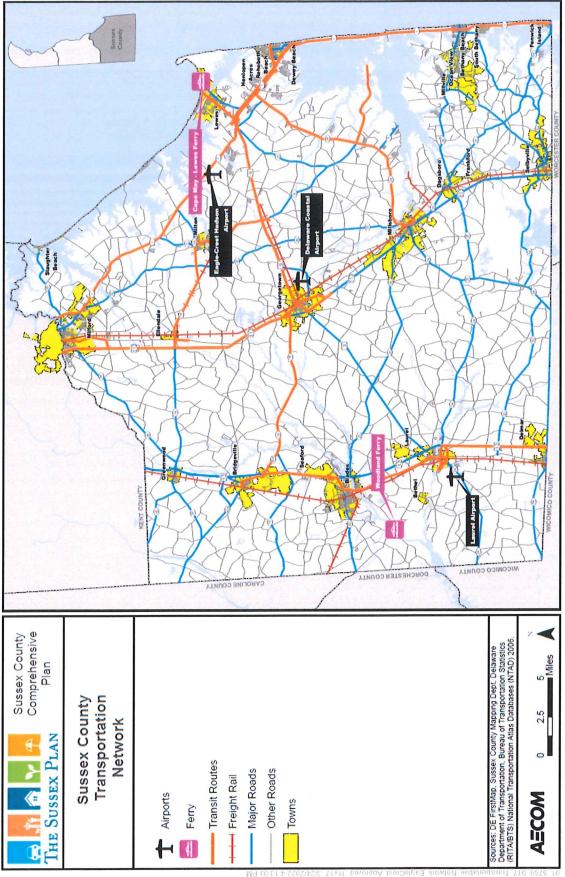
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### **Exhibit B**

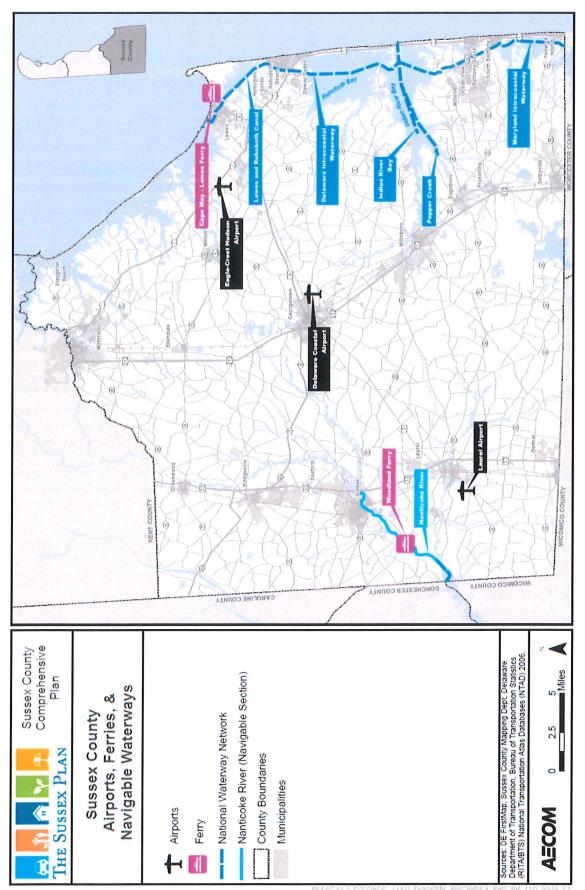
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, P





ARCHITECTURE ENGINEERING

ELEVATION

# SUSSEX COUNTY COMP PLAN AMENDMENT REQUEST HUDSON FIELDS / EAGLES CREST AERODOME

EL EVATIO

RECEIVED

AUG 1 5 2022 SUSSEX COUNTY PLANNING & ZONING



8.15.2022



## SITE LOCATION -

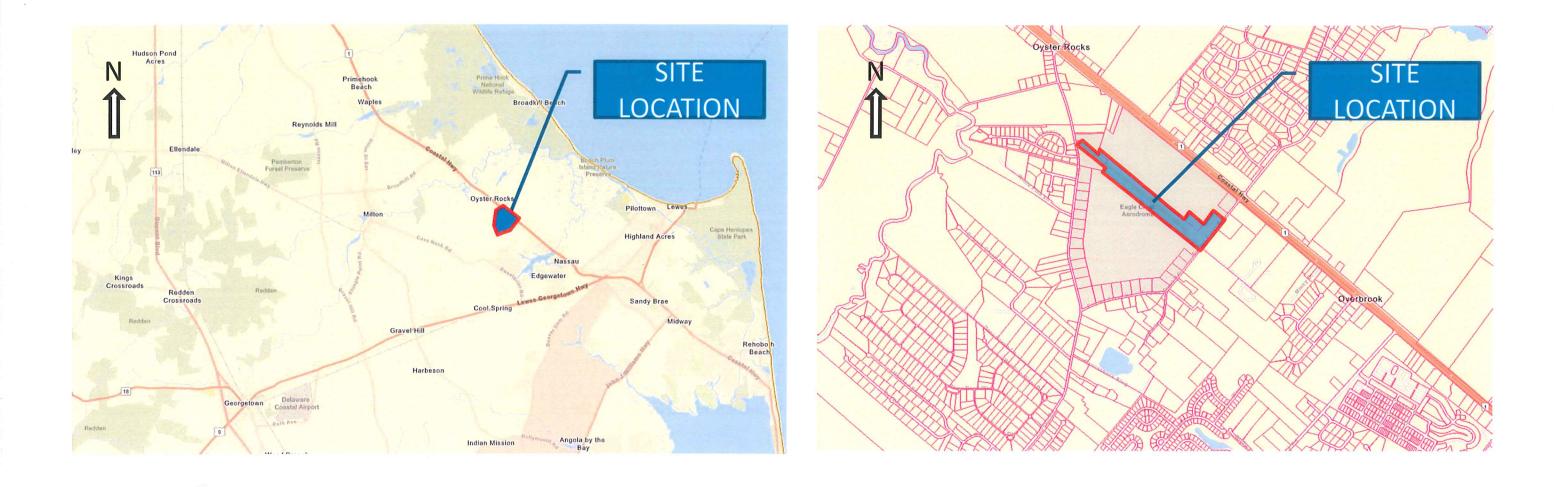
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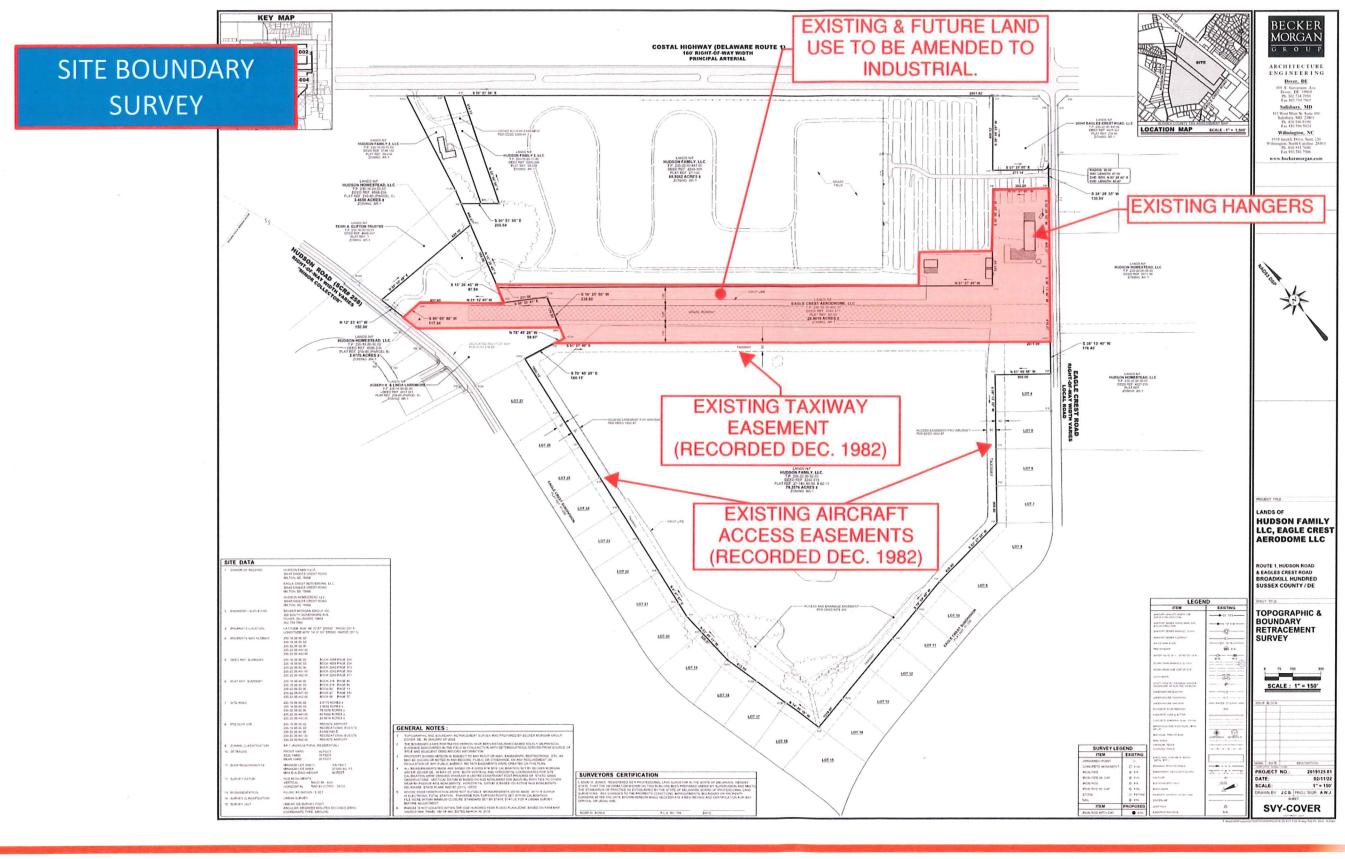
30045 EAGLES CREST RD, MILTON SUSSEX COUNTY PARCEL #'S

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235-22.00-441.00(2.79 ACRES PORTION OF)

235-22.00-442.00

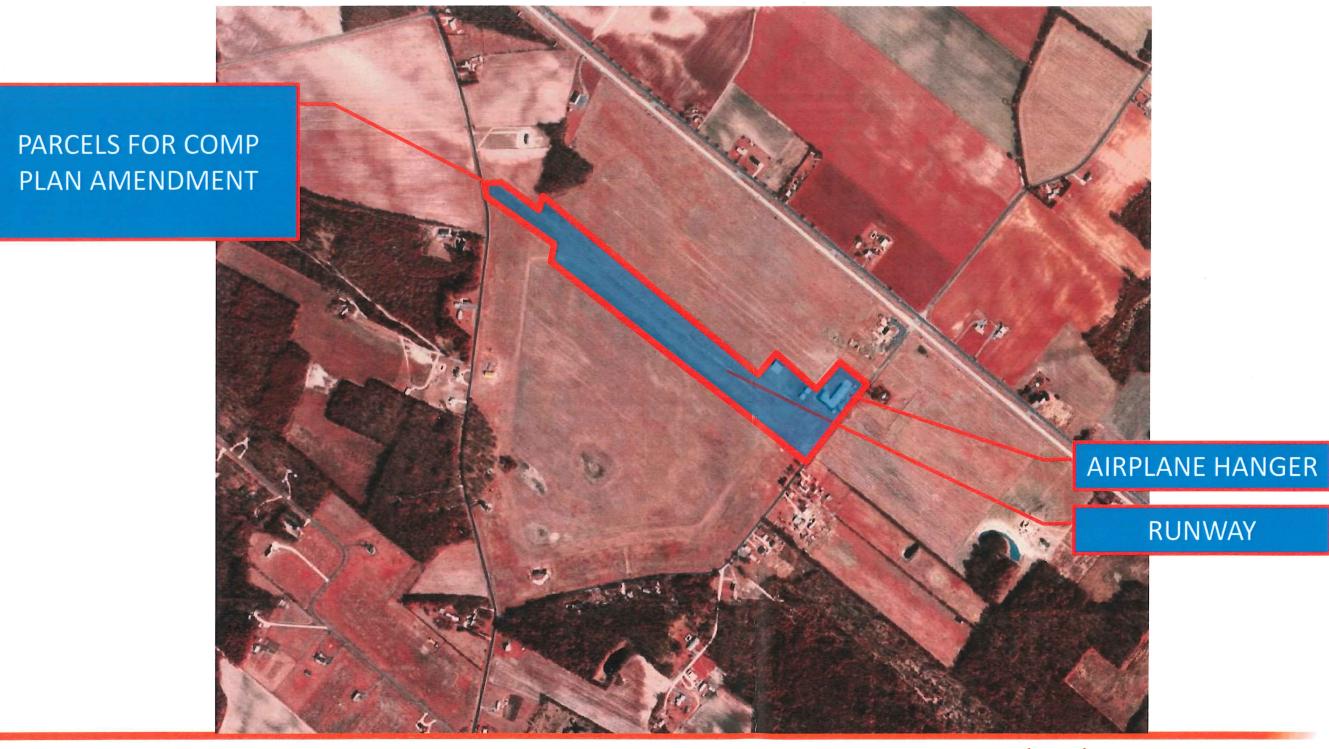




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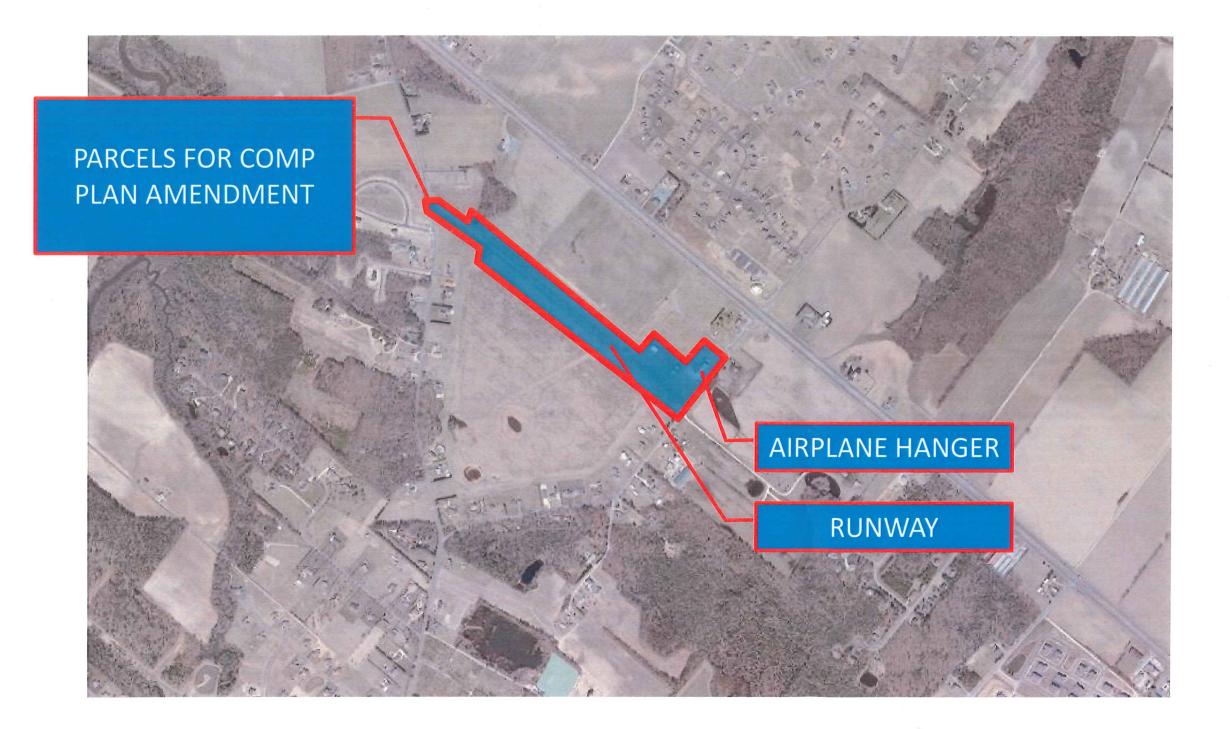


## 1992 AERIAL





# 2007 AERIAL





PARCELS FOR COMP PLAN AMENDMENT #5, 9 (PORTION OF), & 10



**HUDSON FIELDS** 2012 AERIAL PHOTOGRAPHY 01.08.2019 ARCHITECTURE

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	LOT	PARCEL #	OWNER	ACRES
		PARCEL # 235-22-00-38-00	OWNER HUDSON HOMESTEAD LLC	ACRES
		235-22.00-38.00	HUDSON HOMESTEAD LLC	13.21 ±
	1 2	235-22.00-38.00 235-22.00-38.01	HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC	13.21 ± 3.10 ±
	1	235-22.00-38.00	HUDSON HOMESTEAD LLC	13.21 ± 3.10 ± 5.39 ±
	1 2 3	235-22.00-38.00 235-22.00-38.01 235-22.00-38.04	HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC THETAVEST INC	13.21 ± 3.10 ± 5.39 ± 38.16 ±
	1 2 3 4	235-22.00-38.00 235-22.00-38.01 235-22.00-38.04 235-22.00-39.00	HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC THETAVEST INC HUDSON HOMESTEAD LLC	13.21 ± 3.10 ± 5.39 ±
	1 2 3 4 5	235-22.00-38.00 235-22.00-38.01 235-22.00-38.04 235-22.00-39.00 235-16.00-50.02	HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC THETAVEST INC HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC	13.21 ± 3.10 ± 5.39 ± 38.16 ± 2.48 ±
	1 2 3 4 5 6	235-22.00-38.00 235-22.00-38.01 235-22.00-38.04 235-22.00-39.00 235-16.00-50.02 235-16.00-50.03	HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC THETAVEST INC HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC	13.21 ± 3.10 ± 5.39 ± 38.16 ± 2.48 ± 3.46 ±
	1 2 3 4 5 6 7	235-22.00-38.00 235-22.00-38.01 235-22.00-38.04 235-22.00-39.00 235-16.00-50.02 235-16.00-50.03 235-22.00-52.00	HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC THETAVEST INC HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC HUDSON HOMESTEAD LLC HUDSON FAMILY LLC	13.21 ± 3.10 ± 5.39 ± 38.16 ± 2.48 ± 3.46 ± 79.36 ±

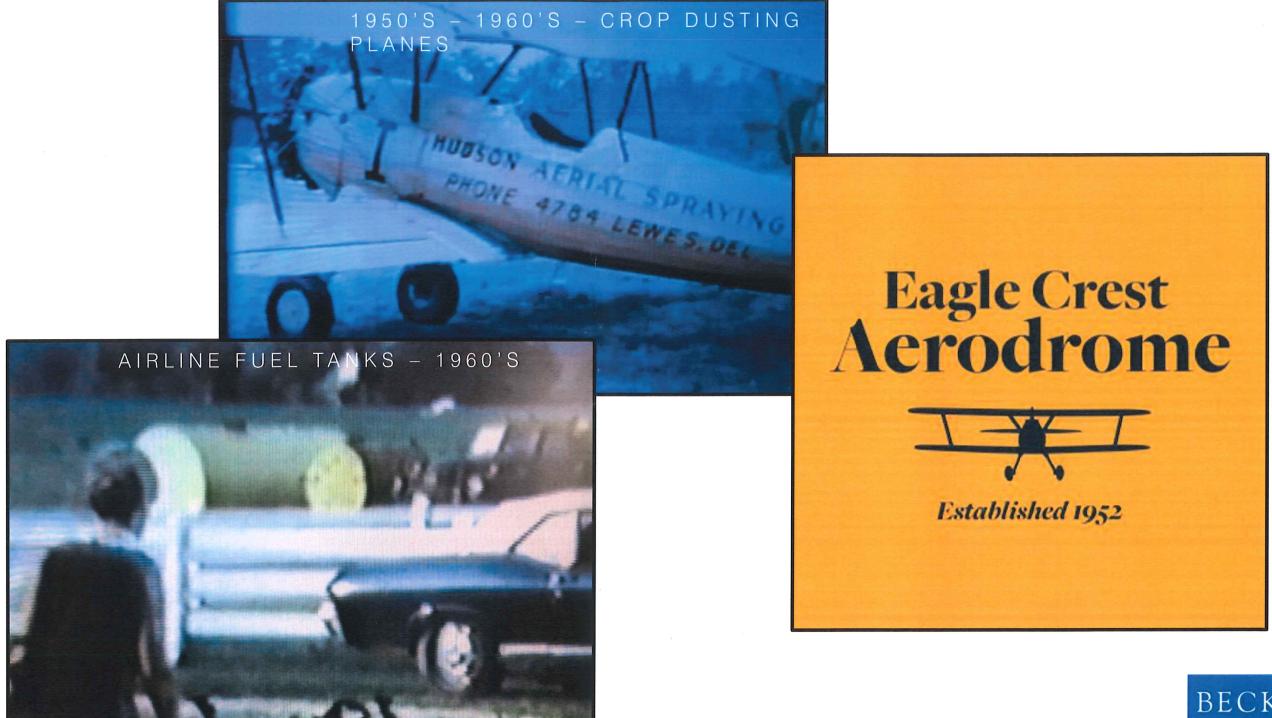


SCALE : 1" = 600'

# 1950'S CROP DUSTING PLANES AT HUDSON PROPERTIES

## NOTE 4-DIGIT PHONE NUMBERS

## HISTORIC PHOTOS & SIGNAGE

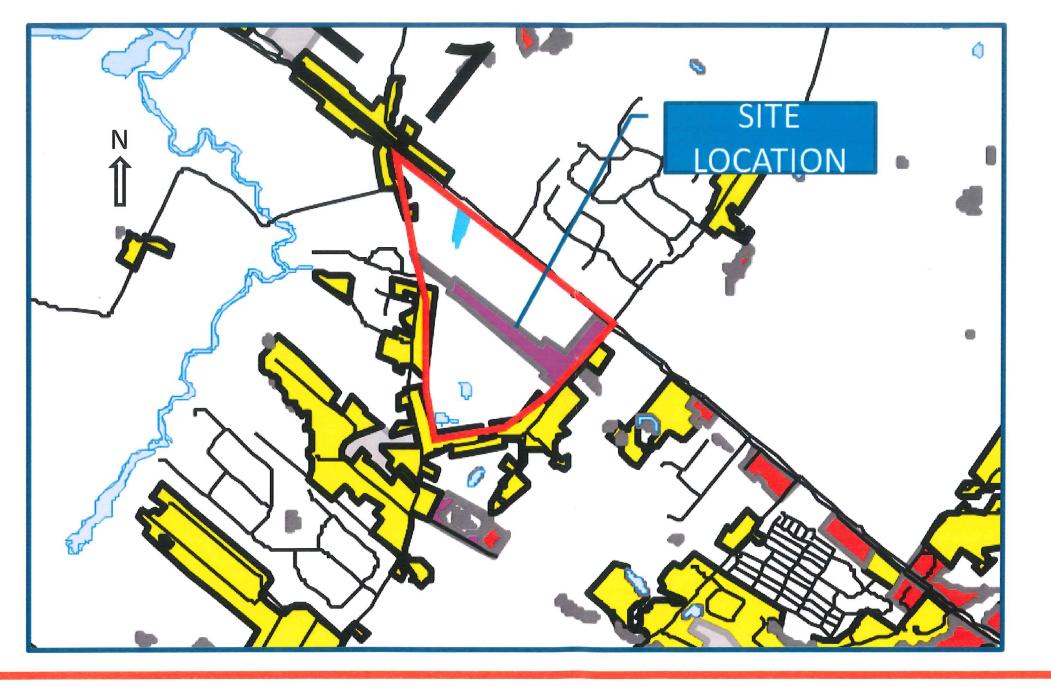




## 2008 COMP PLAN MAPPING

## • EXISTING LAND USE

- INDUSTRIAL, NOTED CORRECTLY TO RECOGNIZE AIRPORT USE.

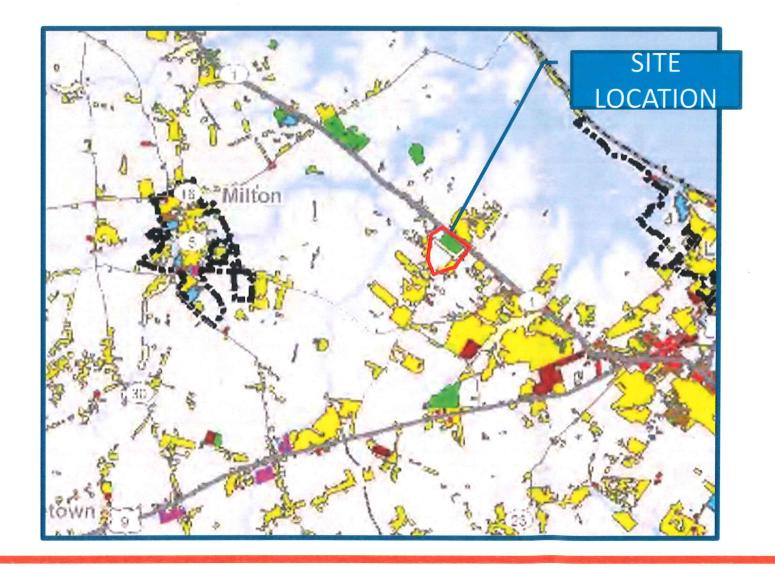




## 2018 COMP PLAN MAPPING

## **EXISTING LAND USE**

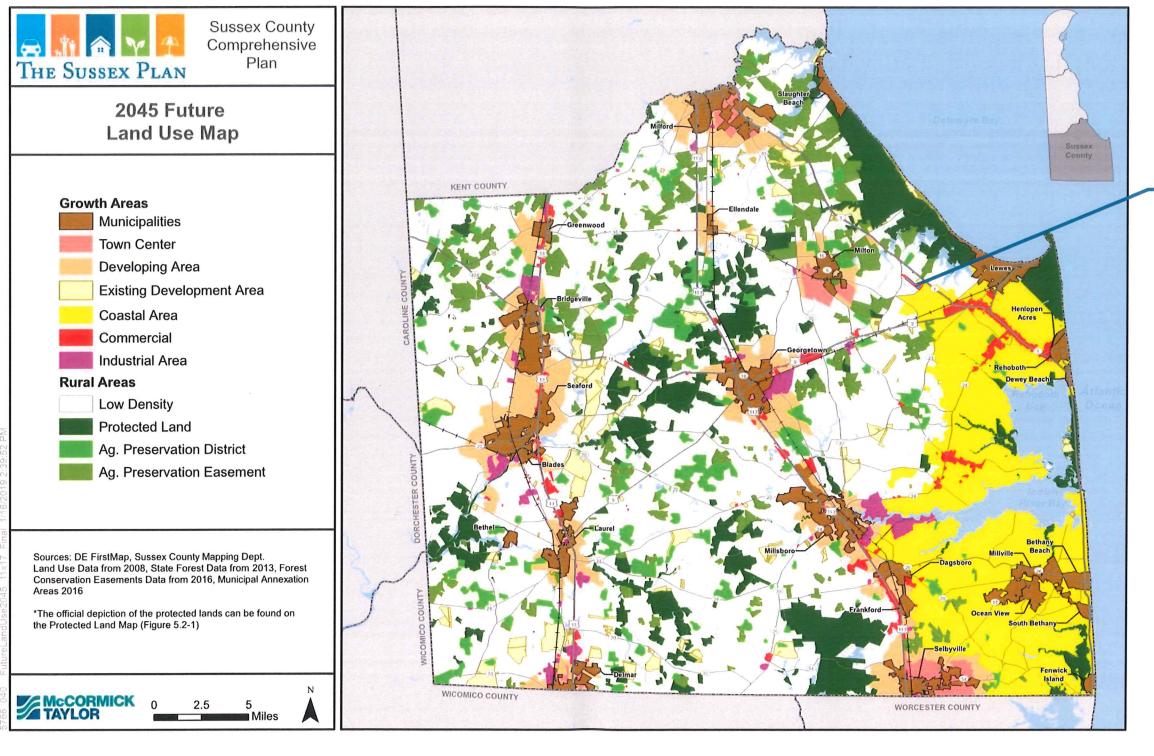
- RURAL, LOW DENSITY (PARCELS 235-16.00-50.02 & 235-22.00-441.00)
- UTILITIES AND/OR RECREATION AREA (PARCEL 235-16.00-442.00)
- REQUESTED INDUSTRIAL TO RECOGNIZE CURRENT AIRPORT USE





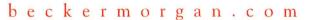
## 2018 COMP PLAN MAPPING - FUTURE LAND USE

4









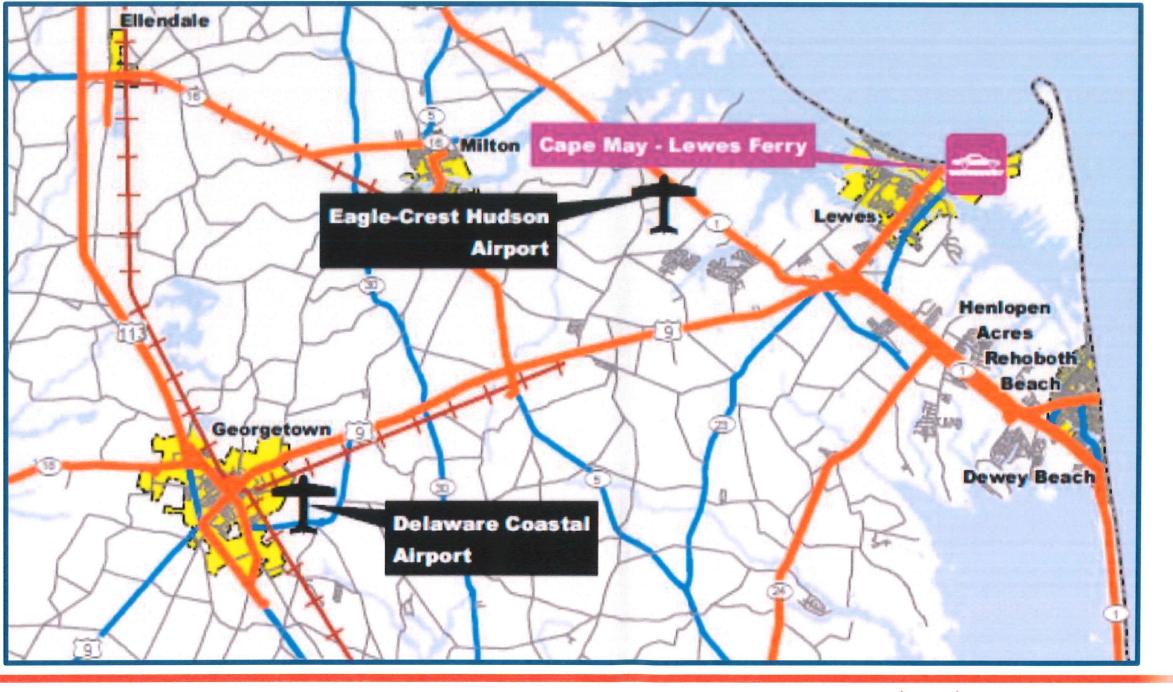


## DRAFT AMENDMENT - MAP REVISION FIGURE 13.1-1 OVERVIEW OF SUSSEX COUNTY TRANSPORTATION SYSTEM

## • EAGLE-CREST HUDSON AIRPORT ADDED.

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4





## DRAFT AMENDMENT - MAP REVISION FIGURE 13.2-9 AIRPORTS, FERRIES, AND NAVIGABLE WATERWAYS

4 B

- Ellendale 98 Cape May - Lewes Ferry **Eagle-Crest Hudson** Lewes Airport rille Henlopen Lewes and Rehoboth Canal Acres Rehoboth Beach a AT BARS Georgetown 193 Dewey/Beach órd **Delaware Coastal Delaware Intracoastal** Airport Waterway 3 **Indian River** Bay TOTAL
- EAGLE-CREST HUDSON AIRPORT RECOGNIZED.





## TIMELINE OF CORRESPONDENCE

4

A

THE ITEMS LISTED BELOW OUTLINE PRIOR ACTIONS TO RECTIFTY THE LAND USAGE SHOWN IN THE COMPREHENSIVE PLAN TO RECOGNIZE THE USE OF THE SUBJECT PARCELS AS INDUSTRIAL DUE TO OPERATING AS AN AIRPORT SINCE THE 1950's.

мау 2018	March 2019	April 2019	November 2020	June 2021	November 2021
Sussex County BOA approves use as Airport and Special Events.	Sussex County adopts 2018 Comp Plan.	BMB submits correspondence to Sussex County acknowledging an error in the Comp Plan	BMB resubmits the April correspondence.	PLUS Review submittal to amend 2018 Comp Plan Mapping Comments received July 2021.	BMB submits application for 2018 Comp Plan Amendment including draft amendment text.



Draft amendment provided to Sussex County Planning Commission.





#### Preliminary Land Use Service (PLUS) Application Pre-Update Review Request Municipal Comprehensive Plans Comprehensive Plan Amendments Municipal Ordinances Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

All sections related to your project must be completed. Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

#### **REQUESTED REVIEW: Check one**

Comprehensive Plan Pre-Update Review Complete Sections 1 and 3 only

Comprehensive Plan or Update Complete Sections 1 and 3 only

Comprehensive Plan Amendment Complete Sections 1 and 2 only

Municipal Ordinance Review Complete Sections 1 and 2 only

#### Date of most recently certified comprehensive plan:

# Link to most recently certified comprehensive plan, if available:

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.





#### Preliminary Land Use Service (PLUS) Application Pre-Update Review Request Municipal Comprehensive Plans Comprehensive Plan Amendments Municipal Ordinances Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

#### **SECTION 1: MUNICIPAL INFORMATION**

Name of Municipality:		
Contact Person:		
Phone Number:		
Fax Number:		
E-mail Address:		

Application prepared b	y:
Address:	Contact Person:
	Phone Number:
	Fax Number:
	E-mail Address:

1) A Text amendment to Chapter 13 (Aviation - Bulleted Section, 2nd Para) to add reference to Eagle Crest-Hudson Airport as a privately-owned airport within the list of airports referenced.

2) The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235- 22.00-442.00 from the Low-Density Area to the Industrial Area. The Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 so changed are identified in Exhibit A.

3) The Existing Land Use Map identified as Figure 4.2-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Utilities and/or Recreation area to the Industrial Area.

4) The maps within Chapter 13 (Mobility Element) are amended as follows:

- Figure 13.1-1: Overview of Sussex County Transportation System is hereby amended to add the Airports icons as shown in Exhibit B
- Figure 13.2-8: Airports, Ferries and Navigable Waterways is hereby amended to add the Airports icons as shown in Exhibit C.

To assist with the PLUS review of this request, the County has provided an overview of the site, prepared by Century Engineering.

To confirm - following discussion with the land owner in June 2022, the prior request to consider potential amendments to recognize the non-conforming special event use of the parcels is no longer being requested.

#### ORDINANCE NO. \_\_\_\_\_

# AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00.

WHEREAS, on November 30<sup>th</sup>, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Existing and Future Land Use Map elements of the Comprehensive Plan to change the Area designations of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00) (the "Property").

WHEREAS, the request received on November 30<sup>th</sup>, 2021 also included a request to amend the text and maps within the Comprehensive Plan to recognize the Property's airport use.

WHEREAS, the Property is designated as being within the Low-Density Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan, and is also designated as being within the Utilities and Recreation areas as set forth in the Existing Land Use Map identified as Figure 4.2-1 in the Plan.

WHEREAS, the Existing Land Use Map element of the 2008 Comprehensive Plan designated Parcel No. 235-16.00-50.02, Parcel No. 235-22.00-442.00 and part of Parcel No. 235-22.00-441.00 (2.79 Ac. part thereof), as being within an Industrial Area; and

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Existing and Future Land Use Maps of the Plan with minor amendments to the text and maps within the plan; and

WHEREAS, in accordance with the required process for public hearings on ordinances such as this one, both Sussex County Council and the Sussex County Planning & Zoning Commission will hold public hearings on this Ordinance, but limited in scope to this specific proposed amendments to the Existing and Future Land Use Map contained in the Plan and to the maps and text as referred to.

#### NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

**Section 1.** The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Low-Density Area to the Industrial Area. The Sussex County

Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 so changed are identified in Exhibit A, attached hereto and incorporated herein.

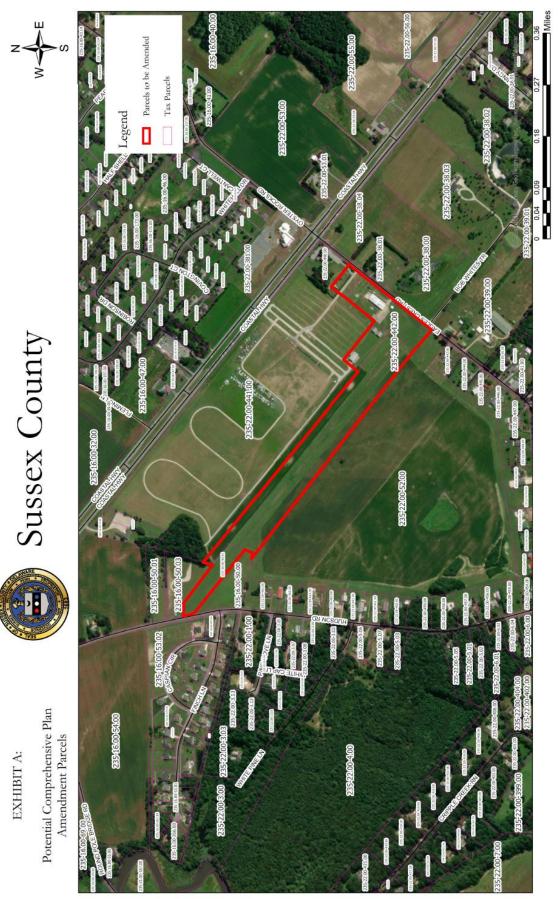
**Section 2.** The Existing Land Use Map identified as Figure 4.2-1 of the Sussex County Comprehensive Plan is hereby amended to change the Area designation of Sussex County Parcel No. 235-16.00-50.02, 235-22.00-441.00 (2.79 Ac. part thereof), and 235-22.00-442.00 from the Utilities and/or Recreation area to the Industrial Area.

Section 3. The maps within Chapter 13 (Mobility Element) are amended as follows:

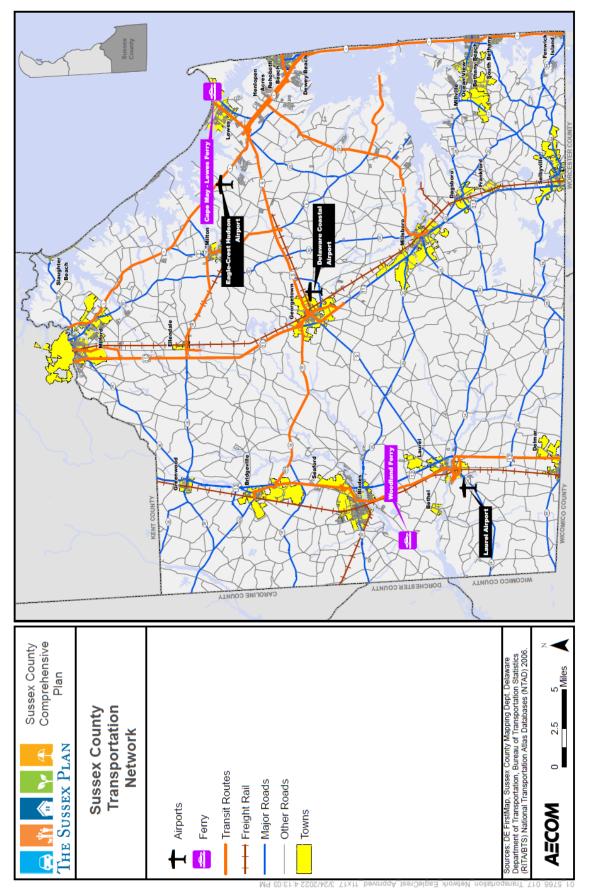
- Figure 13.1-1: Overview of Sussex County Transportation System is hereby amended to add the Airports icons as shown in Exhibit B
- Figure 13.2-8: Airports, Ferries and Navigable Waterways is hereby amended to add the Airports icons as shown in Exhibit C

**Section 4.** This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

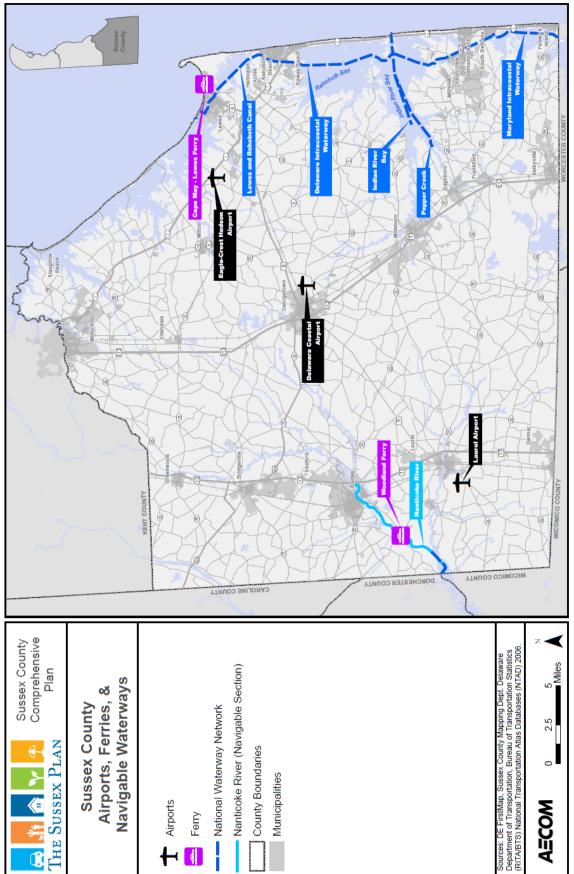
<u>Exhibit A</u>



#### <u>Exhibit B</u>



#### Exhibit C



M9 05:31:1 S202/45/5 T1x11 bevorggA\_teerOelps3\_se2\_nA\_T10\_3672\_5

onse sent 12/18/20



JOHN W. PARADEE 302.677.0061 john@bmbde.com

November 30, 2020

RECEIVED

#### VIA ELECTRONIC & REGULAR E-MAIL

DEC 04 2020

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

SUSSEX COUNTY PLANNING & ZONING

#### Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Jamie:

Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVI19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

ery truly yours. mades W. Para

JWP/lwr Enclosure

cc: Christian Hudson (w/enclosure) Jamin Hudson (w/enclosure) Todd F. Lawson (w/enclosure)

> 6 South State Street | Dover, Delaware 19901 | 302-677-0061 | 302-677-0065 www.bmbde.com DOVER | LEWES | WILMINGTON/GREENVILLE

JOHN W. PARADEE 302.677.0061 john@bmbde.com



April 2, 2019

#### VIA FEDEX & VIA E-MAIL

Ms. Janelle Cornwell Planning & Zoning Office Sussex County PO Box 417 Georgetown, DE 19947

#### Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for Corrective Amendment of the 2018 Plan

Dear Janelle:

As you know I represent the owner of the property commonly known as 30045 Eagle Crest Road, Milton, and identified on the Tax Map as Parcel Nos. 2-35-22.00-50.02; 2-35-22.00-50.03; 2-35-22.00-52.00; 2-35-22.00-441.00; and 2-35-22.00-442.00 (collectively, the **"Property"**). The purpose of this letter is to identify and bring to your attention inconsistencies and discrepancies in the 2018 Plan in connection with the Property, which we seek to rectify in coordination with the Sussex County Planning & Zoning Office via a corrective amendment to the 2018 Plan and the land use map or map series forming a part thereof, pursuant to 9 Del. C. §§ 6960(d), 6904.

The inconsistencies and discrepancies are as follows:

#### 1. <u>The 2018 Plan does not recognize the Property's Airport Use by failing to</u> <u>incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex</u> <u>County Transportation Systems"</u>.

A key component of the 2018 Plan features Sussex County's mobility element and identifies Sussex County's transportation infrastructure and network, including airports. While the 2018 Plan identifies both the Delaware Coastal Airport and the Laurel Airport, it erroneously omits incorporating the Eagle Crest-Hudson Airport, which is located on the Property and is Sussex County's easternmost airport with the closest proximity to popular beach and tourism destinations. (2018 Plan, Figures 1.1-2 & 13.1-1). As you know, the Eagle Crest-Hudson Airport has been in continuous operation since circa 1953 serving the community and business of Sussex County for over half a century.

#### 2. <u>The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan</u> Update dated June 2008 by failing to incorporate the Property's Airport Use.

In addition, the 2018 Plan is inconsistent with the prior Sussex County Comprehensive Plan Update dated June 2008 (the "2008 Plan") as it relates to the Property. By way of explanation, the 2008 Plan incorporates the Property's Airport Use in its land use map or map series forming part of the 2008 Plan, as evidenced by a portion of the Property being identified as an "Industrial Use" in the 2008 Plan's Existing Land Use Map (2008 Plan, *Existing Land Use*, pg. 3-4). However, the 2018 Plan's Existing Land Use Map (2018 Plan, Figure 4.2.1) deviates from the 2008 Plan and fails to recognize the Airport Use on the Property, which is identified therein merely as "Agricultural & Undeveloped Land," which is inaccurate and inconsistent with the 2008 Plan and the Property's historic and existing use.

#### 3. <u>The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's</u> <u>Determination in favor of the Property for Special Events Use and Airport</u> <u>Use</u>.

As you know on May 21, 2018, the Sussex County Board of Adjustment made an affirmative determination regarding certain Findings of Fact and the Decision of the Board dated March 5, 2018 recognizing pre-existing non-conforming uses pursuant to Section 115-202 of the Sussex County Zoning Code in favor of the Property (the "**BOA Determination**"). The BOA Determination found, *inter alia*, that notwithstanding the Property's existing AR-1 zoning, the Property has been and may continue to be used for the Airport Use and the Special Events Use (as defined in the BOA Determination) as provided in Section 115-195 of the Sussex Code and in 9 Del. C. § 6920. However, upon review of 2018 Plan, the Property's Special Events Use and Airport Use are not incorporated or otherwise reflected in the 2018 Plan, including the land use map or map series forming part of the same.

In conclusion, and in accordance with 9 Del. C. § 6959(d), together with the longstanding existence of the Eagle Crest-Hudson Airport, use of the Property, and the BOA Determination issued and approved by Sussex County, the Special Events Use and Airport Use should be incorporated into and become part of the 2018 Plan and the land use map or map series forming part of the same, which have the force of law. *Id*; *Del. Dep't of Nat. Res. & Envtl. Control v. Sussex Cnty.*, 34 A.3d 1087, 1091 (Del. 2011). If the 2018 Plan is left uncorrected as it relates to the Property, the unintended consequence would be a comprehensive plan afflicted with remedial inaccuracies and avoidable ambiguities by omission, to the detriment of what is intended to be "a foundation for decisions making . . . [to] provide the County with a roadmap to the future that will maintain and enhance the quality of life all residents enjoy". (2018 Plan, *Overview*, pg. 1-6). During the above referenced May 21, 2018 Sussex County Board of Adjustment meeting, a Board member observed that owners of the Property are "providing a service to the public and. . . [have] been doing so for many years and that she believes it is a great thing that we [Sussex

Ms. Janelle Cornwell April 2, 2019 Page 3

a \*

County] still have this type of property [the Property] in Sussex County." (Board of Adjustment Minutes, May 21, 2018, pg. 4). The owners of the Property are humbled by such sentiments and acknowledgment of the Property as a unique amenity with a long and rich history of serving Sussex County.

Our objective is to work with the Planning & Zoning Office to supplement the 2018 Plan so that it duly incorporates the Property's unique attributes, ensuring that the Property may continue to serve and enhance Sussex County and the quality of life that its residents enjoy, for years to come. To this end, we respectfully suggest an informal meeting in the near future with you and our client to review and coordinate the most effective manner to proceed with correcting the 2018 Plan to address the above referenced inconsistencies and discrepancies. I look forward to contacting you to discuss scheduling of the same.

Please contact me should you have any questions regarding the above.

Very truly yours,

John W. Paradee.

#### JWP/lwr

cc:

Enclosures

Christian Hudson (via e-mail at Christian@hudmgt.com) Jamin Hudson (via e-mail at Jamin@hudmgt.com) George J. Kroculick, Esquire (via e-mail at GJKorculick@duanemorris.com) Daniel L. Mita, Esquire (via e-mail at DLMita@duanemorris.com) Todd F. Lawson (via FedEx)





JOHN W. PARADEE 302.677.0061 john@bmbde.com

November 30, 2020

#### RECEIVED

#### VIA ELECTRONIC & REGULAR E-MAIL

Sussex County Planning & Zoning Office

DEC 04 2020

SUSSEX COUNTY PLANNING & ZONING

# P.O. Box 417 Georgetown, Delaware 19947 Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for

#### Re: Sussex County Comprehensive Plan 2018 (the "2018 Plan") - Request for <u>Corrective Amendment of the 2018 Plan</u>

Dear Jamie:

Jamie Whitehouse

Planning Director

Enclosed please find a copy of my April 2, 2019 correspondence to your predecessor, Janelle Cornwell, regarding the above-referenced matter.

Between Janelle's departure, your hiring, and the COVI19 pandemic, it is certainly understandable that the requests set forth in my April 2, 2019 correspondence to Janelle may have fallen through the cracks and gone overlooked. These things happen. That said, the requests set forth in my April 2, 2019 correspondence are important topics which deserve attention and correction. I was hoping that you and I could schedule a time to meet and discuss how we might follow-up on those requests. At your convenience, could you please let me know some dates and times that you might be available to review these topics with me and my clients?

Thanks very much. I look forward to hearing from you at your earliest convenience. Until then, best regards.

ery truly yours, mades W. Para

JWP/lwr Enclosure cc: Christian Hudson (w/enclosure) Jamin Hudson (w/enclosure) Todd F. Lawson (w/enclosure)



550 Bay Road Dover, DE 19901 t 302.734.9188 centuryeng.com

#### Sussex County On-Call Planning Review of Comprehensive Plan Amendment Eagle Crest-Hudson Airport December 15, 2021

#### Purpose

The Purpose of this whitepaper is to summarize Century Engineering's findings and provide recommendations to Sussex County Planning & Zoning on the proposed amendment of the Sussex County Comprehensive Plan to recognize the airport use for the land associated with Eagle Crest-Hudson Airport.

#### Background

John W. Pardee of Baird, Mandalas and Brockstedt, LLC (representative of the property owner at 30045 Eagle Crest Road) provided correspondence on April 2, 2019 and November 30, 2020 to Sussex County Planning & Zoning (Attached). The following points, issues, and concerns were raised in the November 30, 2020 correspondence from Mr. Pardee:

- The 2018 Plan (Sussex County Comprehensive Plan Update, 2018) does not recognize the Property's Airport Use by failing to incorporate the Eagle Crest-Hudson Airport in its "Overview of Sussex County Transportation Systems."
- The 2018 Plan is inconsistent with the Sussex County Comprehensive Plan Update dated June 2008 by failing to incorporate the Property's Aviation Use.
- The 2018 Plan fails to incorporate the Sussex County Board of Adjustment's Determination in favor of the Property for Special Events Use and Airport Use.

This correspondence triggered an action by Sussex County Planning & Zoning to request approval for a Comprehensive Plan Amendment. The Application for the Comprehensive Plan Amendment was sent to the Preliminary Land Use Service (PLUS) for review and comment. The application was for the following:

Sussex County Council wishes to consider the potential amendment of the Comprehensive Plan as listed below. Before considering this request further, the County is requesting that the potential amendment be considered for review at the June 2021 PLUS meeting. The potential amendments are as follows:

- 1. An amendment to the map included at Figure 1.1-2 on page 1-3 to add reference to the Eagle Crest-Hudson Airport.
- 2. Text amendments to Chapter 13: Mobility Element to include the addition of Eagle Crest-Hudson Airport to Figure 13.1-1.

- 3. Text amendment to 13-14 (Aviation Bulleted Section, 2nd Para) to add reference to Eagle Crest-Hudson Airport as a privately-owned airport within the list of airports referenced.
- 4. The amendment of the map at 13.2-8 to show the location of Eagle Crest-Hudson Airport.
- 5. Consideration as to whether part of the above parcels should be re-designated as being "Industrial" on the Existing Land Use Map as per the Existing Land Use Map contained within the 2008 Comprehensive Plan for Sussex County.

The application was reviewed at the June 23, 2021 PLUS meeting and the following points, issues and concerns were raised as part of the Office of State Planning correspondence from July 22, 2021 (Attached):

- "...the Office of State Planning has no objections to the proposed changes to the comp plan (Sussex County Comprehensive Plan Update, 2018) provided the County is only planning to change the current designation to airport and the current land use to Industrial. Any future land use or zoning change should go through PLUS. Changing future land use could open up a range of possibilities for what could be built if the airport were to close.
- The Delaware Department of Transportation states "...this amendment would accord the Hudson Airport the same status as the Laurel and Delaware Coastal Airports which are privately owned but open to public use, whereas Hudson Airport is not open to public use. Without having additional information for the owner's future goals for the airport, DelDOT does not see a need for this airport to be recognized in the Plan.
- Department of Natural Resources and Environmental Control reviewers have no comments, concerns, or objections.
- State Historic Preservation Office
  - Tax Parcel #: 235-16.00-50.02
    - Does not recommend development in Level 4 areas.
    - Prehistoric archaeological potential is low.
    - Historical archaeological potential is low.
  - Tax Parcel #: 235-16.00-50.03
    - Prehistoric archaeological potential is low.
    - Historical archaeological potential is low.
  - Tax Parcel #: 235-22.00-441.00
    - Prehistoric archaeological potential is low.
    - Historical archaeological potential is moderate.
  - Tax Parcel #: 235-22.00-442.00
    - Prehistoric archaeological potential is low.
    - Historical archaeological potential is moderate.

"...if the land is redeveloped and there is federal involvement the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources."

The most significant comment was from the Department of Transportation which recommended not to change the Comprehensive Plan because the Hudson Airport is a privately owned airport and is not open for public use.

#### <u>Analysis</u>

The Delaware Department of Transportation comments identify a distinction between a public use airport and an airport that is not open for public use. Century Engineering performed an analysis of laws and regulations to determine the implications of the DelDOT comment on the proposed Comprehensive Plan amendment.

#### Review of the Sussex County Comprehensive Plans

Sussex County 2007 Comprehensive Plan references two public use airports in the County – Sussex County Airport and Laurel Airport. It also states that "...surrounding land use should be compatible to airport use." and "Residential usage negates the long term economic value of this land."

*Sussex County 2018 Comprehensive Plan* references two public use airports – Delaware Coastal Airport and Laurel Airport. It also states that "It is essential for land use plans and zoning to accommodate aviation uses." And "...proposed expansion projects must consider environmental and community impacts, particularly increased noise levels.

#### Review of the State Code

Chapter 1, Title 2 of the Delaware State Code outlines the laws concerning aeronautics in the State of Delaware. Under these provisions the Delaware Department of Transportation has been given the authority and general supervision over aeronautics within the state. Subchapter III of this same section outlines the requirements for airports to be licensed within the state of Delaware. This same section gives the Department of Transportation the Authority to create regulation concerning the registration and licensing of airports.

#### Review of State Regulations

Regulation 2151 - Delaware Airport Licensing Regulation sets forth the purpose, policies, criteria, and procedures for the inspection, licensing, and the revocation of licenses for public use airports or heliports within the State of Delaware. This regulation establishes the safety requirements, insurance requirements, and general operating requirements that need to be in place for an airport to be licensed within the State of Delaware.

#### Review of the Delaware Aviation System Plan

The Delaware Aviation System Plan is a comprehensive assessment of the aviation needs within the State of Delaware. This plan is intended to ensure that a system of airports is developed that provides a high degree of safety to the users, while at the same time provides adequate levels of service and facilities throughout the State. The current system plan features a system of ten public use airports and one public use heliport. These facilities included:

- Chandelle Estates
- Chorman Airport
- Civil Air Terminal at Dover AFB
- Delaware Airpark (NPIAS)
- Jenkins Airport
- Laurel Airport

#### Comparative analysis

- New Castle Airport (NPIAS)
- Smyrna Airport
- Summit Airport (NPIAS)
- Delaware Costal Airport (NPIAS)
- DelDOT Helistop

As a comparative example we looked at Laurel Airport (which is included in the comprehensive plan) and Eagle Crest – Hudson Airport (which is not listed in the comprehensive plan). Physically, Eagle Crest – Hudson Airport is very similar to the flying facilities at Laurel Airport however there are several distinct differences in the function and operation of the two airports based on their regulatory status.

	Laurel Airport	Eagle Crest – Hudson Airport
Physical Characteristics		
Runway Length	3175′	3500'
Runway Width	270'	100'
Surface Type	Turf	Turf
Displaced Threshold	0'	300'
Lights and Beacon	Yes	No
Operational Characteristics		
Airport Use	Open to the Public	Private Use
Prior Permission	No	Yes
Landing Fee	No	Yes
Instrument Approach Procedures	Yes	None Published
Regulatory Status		
Registered with the Federal	Vac	Yes
Aviation Administration	Yes	
Licensed within the State of Delaware	Yes	No

The functional and operational differences between these two airports are directly related to the regulatory status. Laurel is a licensed regulated airport and Eagle Crest – Hudson Airport is not.

#### Conclusions

There are operational, functional, and regulatory differences between private airports and airports that are open to the public. In Delaware, airports open to the public are required to meet regulatory requirements and be licensed with the State of Delaware. Based on these functional and operational differences, the Department of Transportation's comments were appropriate in that, the Eagle Crest-Hudson Airport cannot be considered the same as a public use airport when referenced in the Sussex County Comprehensive Plan.

#### **Recommendations:**

There are three options that the County could take moving forward:

#### Option 1:

Given that the Eagle Crest-Hudson Airport-DE25 is a privately owned airport, but not open for public use, it cannot be afforded the same status as the Delaware Coastal Airport and Laurel Airport which are privately owned and open to public use. Therefore, the *Sussex County 2018 Comprehensive Plan* need not be amended or revised to reflect a change for the Eagle Crest-Hudson Airport-DE25.

#### Option 2:

The County could inform the owners of the Eagle Crest-Hudson Airport to apply for a license from the Delaware Department of Transportation and, after meeting all the necessary requirements and obtaining the license from the Delaware Department of Transportation, the Eagle Crest-Hudson Airport could be added to the *Sussex County 2018 Comprehensive Plan* as requested.

#### Option 3:

Should the Sussex County Council still desire to include the Eagle Crest-Hudson Airport as a non-public airport in the Comprehensive Plan it would need to amend the plan to include language about all the non-public runways within Sussex County and explain the importance of them in the comprehensive planning documents. This could include language about their role in the support the agricultural industry in Sussex County. Additional language may also be needed to support their continued operation. There are several risks with listing all the non-public use airports as this may not be the desire of the individual airport owners. A more detailed analysis should be performed should the County opt to pursue option 3. A cursory review of the non-public airports in Sussex County shows the following:

- ➢ Pevey − Seaford
- > Huey Airport Bridgeville
- Sugar Hill Greenwood
- Ockel Farms Airport Milton

- > West Airport Roxanna
- Eagle Crest Hudson Airport Milton
- > Murphy's Landing Airport Milford



#### STATE OF DELAWARE EXECUTIVE DEPARTMENT OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Jamie Whitehouse, AICP Director, Department of Planning & Zoning Sussex County 2 The Circle P.O. Box 417 Georgetown, DE 19947

RE: PLUS review 2021-06-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on June 23, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would address areas around the Hudson Airport.

Please note that additional changes to the plan could result in additional comments from the State. Additionally, the comments below reflect only issues that are the responsibility of the agencies that were represented at the meeting.

#### Office of State Planning Coordination - Contact Dorothy Morris 739-3090

• The Office of State Planning has no objections to the proposed changes to the comp plan provided the County is only planning to change the current designation to airport and the current land use to Industrial. If the county were to change the Future Land Use or zoning on this property, the state would request to see that amendment through PLUS. Changing the future land use to HI or rezoning this property could open up a range of possibilities for what could be built if the airport were to close.

#### **Department of Transportation – Contact Bill Brockenbrough 760-2109**

• This amendment would accord the Hudson Airport in Milton the same status in the Plan as Laurel and Delaware Coastal. Those two airports are privately owned but open to public use, whereas Hudson Airport is also privately owned but not open to public use. To explain, anyone can land their aircraft by right at Laurel or Delaware Coastal, while they have no such right at Hudson. Without having additional information for the owner's

122 Martin Luther King Jr. Blvd. South – Haslet Armory • Third Floor • Dover, DE 19901 Phone (302)739-3090 • Fax (302) 739-5661 • www. stateplanning.delaware.gov PLUS review 2021-06-13 Page 2 of 3

future goals for the airport, DelDOT does not see a need for this airport to be recognized in the Plan.

#### Department of Natural Resources and Environmental Control – Beth Krumrine 735-3480

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#### PLUS review 2021-06-13 Page 3 of 3

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Thank you for the opportunity to review this Comprehensive Plan amendment. If you have any questions, please contact me at 302-739-3090.

Sincerely,

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David L. Edgell, AICP Director, Office of State Planning Coordination



#### STATE OF DELAWARE EXECUTIVE DEPARTMENT OFFICE OF STATE PLANNING COORDINATION

July 22, 2021

Jamie Whitehouse, AICP Director, Department of Planning & Zoning Sussex County 2 The Circle P.O. Box 417 Georgetown, DE 19947

RE: PLUS review 2021-06-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

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# **Delaware Private-Use Airports & Heliports**

# **Inventory and Safety Issues**





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17 18 19

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AIRPORT

HELIPORT



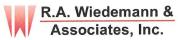


#### **Prepared for:**



Department of Transportation Carolann Wicks, Secretary **Office of Aeronautics** 

#### Prepared by:



### PRIVATE-USE AIRPORT AND HELIPORT INVENTORY

The PURPOSE OF THIS INVENTORY IS TO document the private-use airports and heliports in the State of Delaware and assess any safety issues that would affect the general public. The Federal Aviation Administration's Form 5010 inventory list was used to generate a master list of private-use airports and heliports. Table 1 presents a summary of the facilities on that list. Figure A-1 shows the location of these facilities. In all, 37 private-use airports and heliports were included. Of these, there are 23 airports and 14 heliports. These sites were visited and inspected during the week of August 6-10, 2007. During that time, it was found that some of the sites were no longer in use. Some of the sites had been converted to housing developments while other sites had not been used for airports or heliports in years. Many of these owners did not even know that they had designated airspace.

#### 1. AIRPORT AND HELIPORT FACILITIES

Once the closed or converted facilities were removed from the list, there remain 30 privateuse airports and heliports in the State of Delaware that have 5010s and are used/usable:

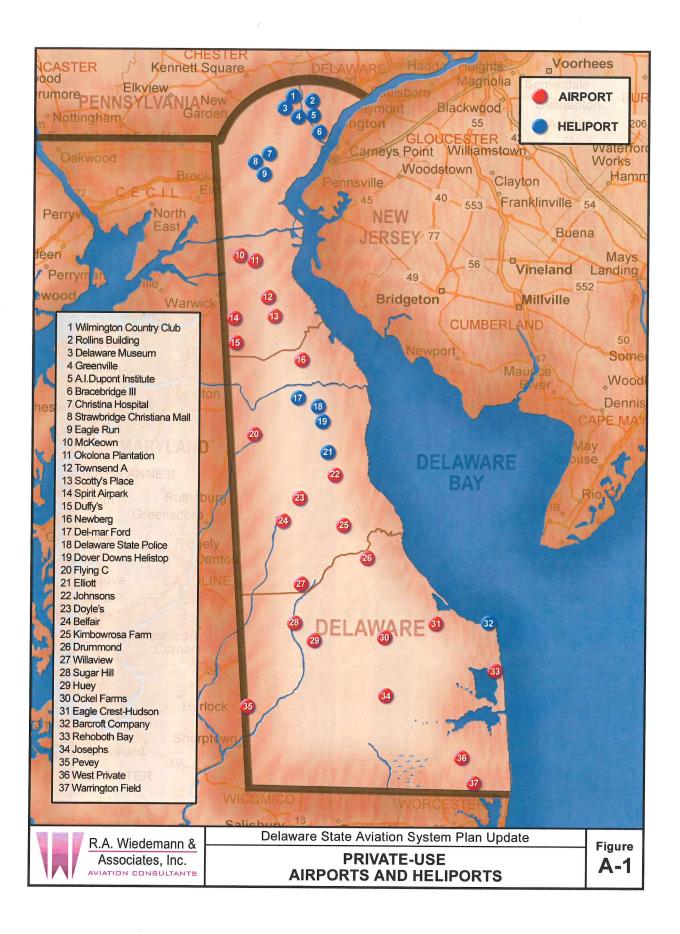
- McKeown
- Townsend A
- Spirit Airpark
- Dover Downs
- Doyle's
- Huey
- Eagle Crest-Hudson
- Warrington Field
- Elliot
- Rollins Building
- Greenville
- Bracebridge III
- Eagle Run
- Sugar Hill
- Rehoboth Bay

- Okolona Plantation
- Scotty's Place
- Duffy's
- Flying C
- Belfair
- Ockel Farms
- Pevey
- Delaware State Police
- Johnsons
- Delaware Museum
- A.I. DuPont Institute
- Christina Hospital
- Willaview
- Newberg
- West Private

The seven sites that are being taken off the 5010 list are:

- Wilmington County Club
- Delmar Ford
- Drummond
- Barcroft Company

- Strawbridge Christiana Mall
- Kimbowrosa Farm
- Josephs



Private Airport and Heliport Inventory

#### **Eagle Crest-Hudson**



Name FAA Code Facility Type Description County Location Address Lat/Long Owner Phone Number Based Aircraft

Eagle Crest-Hudson DE25 Airport 3,500' x 100' Turf Sussex Four miles east of Milton Route 1, Box 272, Milton, DE 19968 38.7761111 / -75.2336111 Joseph R. Hudson 302 645-9295 11

Status: The runway has end markers, however there are potential conflicts with roadways on both runway ends. Both of the runway ends are near roads and the power lines are buried below ground at each end of the runway. There is a sports complex with soccer and football fields on the north side parallel to the runway. The displaced thresholds would be 300 feet from both roads.

1

1

## Eagle Crest-Hudson



The power lines are buried at the end of the runway on Eagles Crest Road



The runway end markers by Eagles Crest Road

### **Eagle Crest-Hudson**



The runway end looking straight across at Hudson Road



The end of the runway at Hudson Road



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