

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



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sussexcountype.gov

# Sussex County Planning & Zoning Commission

## AGENDA\*\*

September 24, 2020

5:00 P.M.

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

### Call to Order

### Approval of Agenda

### Approval of Minutes – September 10, 2020

### Other Business

- |  |    |
|--|----|
| <u><b>Lands of Arturo Granados-Gonzalez (2019-31)</b></u><br>Final Subdivision Plan                                    | BM |
| <u><b>Lands of H&amp;S Properties (S-20-11/CU 2190)</b></u><br>Request for Interpretation of Conditions of Approval    | KS |
| <u><b>Lands of H&amp;S Properties (S-20-11/CU 2190)</b></u><br>Preliminary Site Plan                                   | KS |
| <u><b>Cellco Communications Tower (Verizon Wireless Communication Facility) (S-20-23)</b></u><br>Preliminary Site Plan | KS |
| <u><b>Dollar General Lincoln (S-20-27)</b></u><br>Preliminary Site Plan  | KH |
| <u><b>Dagsboro Trace (2004-34)</b></u><br>Revised Subdivision Plan   | HW |
| <u><b>Lands of Ribinsky</b></u><br>Minor Subdivision off a 24-ft Easement  | BM |
| <u><b>Lands of Wilkinson</b></u><br>Minor Subdivision off a 50-ft Easement   | KH |



**Lands of John and Melody Pettyjohn**

KS

Minor Subdivision off a 30-ft easement

**Lands of Mitchell**

KS

Minor Subdivision off a 50-ft easement

**Old Business**

**C/Z 1913 FW & SV Thoroughgood Family Limited Partnership**

HW

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a HI-1 Heavy Industrial District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 3.60 acres, more or less.** The property is lying on the west side of Thorogoods Road. 911 Address: 30512 & 30540 Thorogoods Road, Dagsboro. Tax Parcel: 233-5.00-70.00.

**C/Z 1919 Newton Farms, LLC**

KH

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from a C-1 (General Commercial District) to a LI-2 (Light Industrial District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 23.7021 acres, more or less.** The property is lying on the south side of E. Newton Road, approximately 791 feet west of Sussex Highway (Route 13). 911 Address: N/A. Tax Parcel: 131-6.00-8.00.

**5:30 P.M. Public Hearings**

**C/U 2237 Samuel C. Warrington II**

KS

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for outdoor RV and boat storage to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 2.5 acres more or less.** The property is lying on the southeast side of Postal Lane, approximately 0.38 mile southwest of Coastal Highway (Route 1). 911 Address: 34378 Postal Lane, Lewes. Tax Parcel: 334-12.00-55.01 (portion of).

**2019-32 – Lands of Coroc/Rehoboth, III, LLC**

BM

A standard subdivision to divide 10.00 acres +/- into 3 lots to be located on a certain parcel of land lying and being in Lewes and Rehoboth, Hundred, Sussex County. The property is lying on the west side of Holland Glade Road (S.C.R. 271), approximately 0.11-mile northeast of Coastal Highway (Route 1). Tax Parcel: 334-13.00-325.36. Zoning District: C-3 (Heavy Commercial District).

**2020-06 – Lands of James & Denise Taylor**

KH

A standard subdivision to divide 8.925 acres +/- into 4 single family lots to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County. The property is lying on the south side of Asketum Branch Road (S.C.R. 442), approximately 0.21 mile south west of Bryans Store Road (S.C.R. 435) Tax Parcel: 133-14.00-3.05 Zoning District: AR-1 (Agricultural Residential District).

**C/Z 1906 Eliud Ramirez-Mejia**

HW

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain**



**parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 2.53 acres, more or less.** The property is lying on the west side of Dagsboro Road, approximately 0.24 mile south of Crickett Street. 911 Address: 27436 Dagsboro Road, Dagsboro. Tax Parcel: 233-5.00-172.00.

**C/U 2239 Coastal Services, LLC**

BM

**An Ordinance to grant a Conditional Use of land in a B-1 Neighborhood Business District and a GR General Residential District for a General Contracting Business to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 1.08 acres, more or less.** The property is lying on the west side of Cedar Neck Rd. (Rt. 357) approximately 0.64 mile north of Fred Hudson Rd. (S.C.R. 360). 911 Address: 30430 & 30432 Cedar Neck Rd., Ocean View. Tax Parcel: 134-9.00-67.00.

**Additional Business**

- Request for 6-month time extension for Subdivision 2017-01 Bayliss Estates Phase 2

**In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 17, 2020 at 5:20 p.m., and at least seven (7) days in advance of the meeting.**

**This Agenda is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.**

**Agenda items listed may be considered out of sequence.**

-MEETING INSTRUCTIONS-

\*\* The Sussex Planning & Zoning Commission is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

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

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

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

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

To join the meeting via telephone, please dial:

**Conference Number: 1 302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments for those items listed under public hearings on this agenda.

The Planning & Zoning Commission meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments shall be submitted by 5:00 P.M on Wednesday, September 23, 2020

# # # #



## Memorandum

To: Sussex County Planning Commission Members

From: Jamie Whitehouse, Director, Department of Planning & Zoning; Lauren DeVore, Planner III, Jenny Norwood, Planner I, Christin Headley, Planner I, Nicholas Torrance, Planner I, and Chase Phillips, Planner I

CC: Vince Robertson, Assistant County Attorney

Date: September 18, 2020

RE: Other Business for the September 24, 2020 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the September 24, 2020 Planning Commission meeting.

### **Lands of Arturo Granados-Gonzalez (2019-31)**

BM

Final Subdivision Plan

This is a Final Subdivision plan for the subdivision of a 2.152-acre parcel of land into two (2) buildable lots. Proposed Lot #3A will consist of 1.075 acres +/- and proposed Lot #3B will consist of 1.074 acres +/- . At their meeting of Thursday, February 27, 2020, the Planning and Zoning Commission approved the Preliminary Subdivision Plan. The lots will be located on the south side of Burbage Road (S.C.R. 353). The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcel: 134-14.00-20.04. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

### **Lands of H&S Properties (S-20-11/CU 2190)**

KS

Request for Interpretation of Conditions of Approval

The applicant has requested clarification from the Commission regarding Conditions "B" and "D" which were originally issued by the Sussex County Council and appear to contradict one another. Condition "B" indicates the Conditional Use has been "approved subject to the applicant's newly submitted site plan" but Condition "D" states that "the current structure is nonconforming and shall not be permitted for this use (business v. residential)." The applicant does not believe that there is reason to prohibit the use of the structure on the subject property for a professional office and does not understand the rationale behind this statement.

### **Lands of H&S Properties (S-20-11/CU 2190)**

KS

Preliminary Site Plan

This is a Preliminary Site plan for a proposed professional office to be located within an existing 485 square foot, single-story dwelling. At their meeting of Tuesday, January 7, 2020, the Sussex County Council approved the Conditional Use subject to eleven (11) conditions. The office is located at the intersection of Beaver Dam Road (Route 23) and Church Street (S.C.R. 285B). The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-5.00-212.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

### **Cellco Communications Tower (Verizon Wireless Communication Facility) (S-20-23)**

KS

Preliminary Site Plan



This is a Preliminary Site Plan for a proposed wireless cellular communications tower to be located at 26602 Harbeson Road. At their meeting of Monday, November 20, 2018, the Sussex County Board of Adjustment approved Special Use Exception No. 12201 for the location and operation of the cell tower. The proposed cell tower will be located within a compound that is 50-ft X 60-ft that will also include various utilities. The proposed cell tower includes warning lights as regulated by the Federal Aviation Communications Commission (FCC) and the Federal Aviation Administration (FAA). The Preliminary Site Plan complies with the Sussex County Zoning Code, particularly the 50-ft setback required for the tower itself. Tax Parcels: 234-10.00-70.06 & 234-10.00-70.07. Zoning C-1 (General Commercial Zoning District.) Staff are awaiting agency approvals.

**Dollar General - Lincoln (S-20-27)**

KH

**Preliminary Site Plan**

This is a Preliminary Site Plan for 9,100 square foot Dollar General retail store and 30 parking spaces. The Dollar General will be located on the south side of Johnson Rd. (S.C.R. 207). The applicant is requesting a modification in the parking layout with 15 parking spaces proposed within the front yard setback, as well as a providing 30 parking spaces where 39 spaces are required. The Planning & Zoning Commission previously denied the Preliminary Site Plan at the August 27, 2020 meeting. The applicant has provided a response highlighting existing constraints located on the property that impact the site design. Tax Parcels: 230-5.20-43.00 & 230-6.17-1.01. Zoning: AR-1 (Agricultural Residential Zoning District) & B-1 (Neighborhood Business Zoning District). Staff are awaiting agency approvals.

**Dagsboro Trace (2004-34)**

HW

**Revised Subdivision Plan**

This Revised Subdivision Plan proposes to remove the sidewalks from the subdivision. The sidewalks have not been installed and the proposed location of the sidewalks would require the relocation of street lighting and transformers already installed throughout the development. The Planning and Zoning Office has received documentation that 51% of existing property owners within the subdivision consent to this proposed change. Tax Parcel: 233-11.00-194.01. Zoning: AR-1 (Agricultural Residential Zoning District).

**Lands of Ribinsky**

BM

**Minor Subdivision off a 24-ft easement**

This is a concept plan for a proposed minor subdivision off a 24-ft easement over an existing driveway. The proposed plan will create one (1) lot from an existing 7.06 acre +/- parcel located off of Lawton Lane. The proposed lot will be accessed from the proposed 24-ft easement. The proposed plan will also increase the lot size of Tax Parcel 234-18.00-51.10 by 0.5 acres +/- . A Preliminary Subdivision Plan will be reviewed by staff for compliance with the Sussex County Subdivision Code prior to the approval of any Final Subdivision Plan. Tax Parcels: 234-18.00-51.08 & 234-18.00-51.10. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

**Lands of Wilkinson**

KH

**Minor Subdivision off a 50-ft easement**

This is a Preliminary Subdivision Plan for a minor subdivision off a 50-ft easement over an existing driveway to create three (3) lots with a residual lot located off of Benson Road. Lot 4 will measure 1.1288 acres +/-, Lot 5 will measure 1 acre +/-, Lot 6 will measure 1.0083 acres +/- and the residual lot will measure 39.844 acres +/- . Tax Parcel: 230-20.00-30.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

**Lands of John and Melody Pettyjohn**

KS

Minor Subdivision off a 30-ft easement

This is a Preliminary Subdivision Plan for a minor subdivision off a 5.1169-acres parcel to create one (1) lot consisting of 3.448 acres, off a proposed 50-ft ingress/egress easement, over an existing driveway. The residual lands will consist of 1.672 acres. This property is located off Johnson Road (S.C.R. 434A). The Preliminary Subdivision Plan complies with Sussex County Zoning and Subdivision Code. Tax Parcel: 232-20.00-49.00. Zoning: AR-1 (Agricultural Residential Zoning District.) Staff are in receipt of all agency approvals.

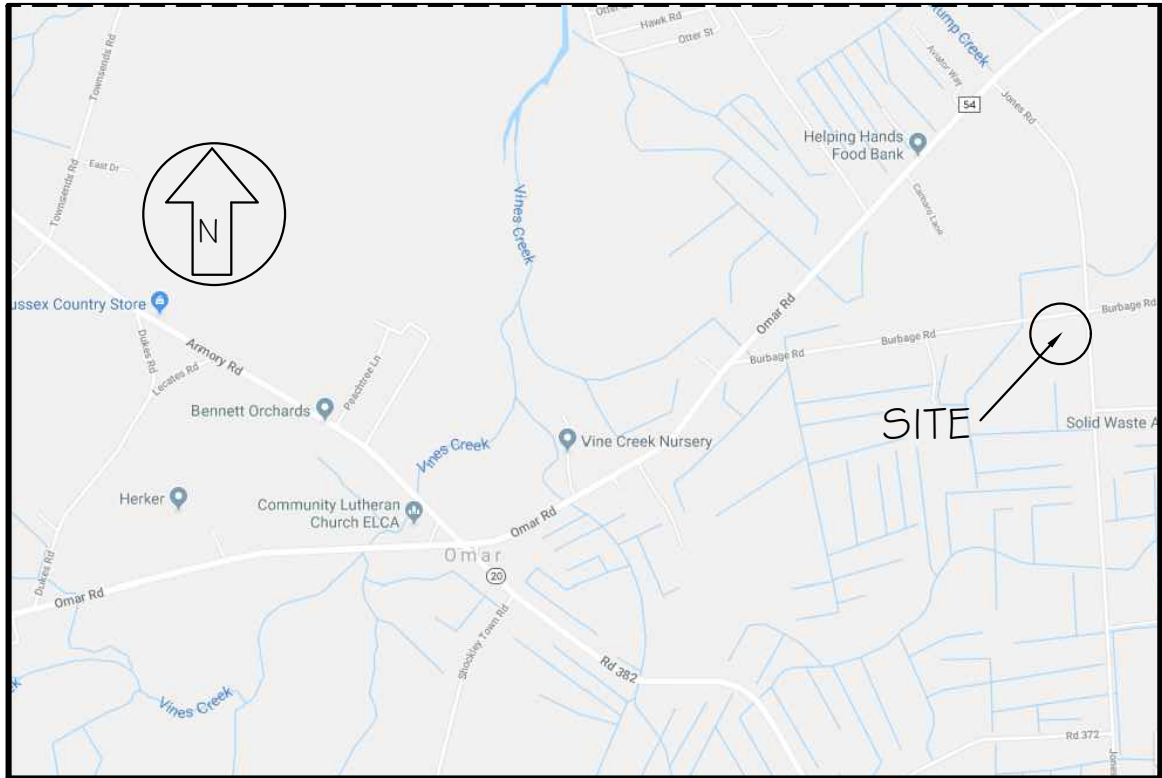
**Lands of Mitchell**

KS

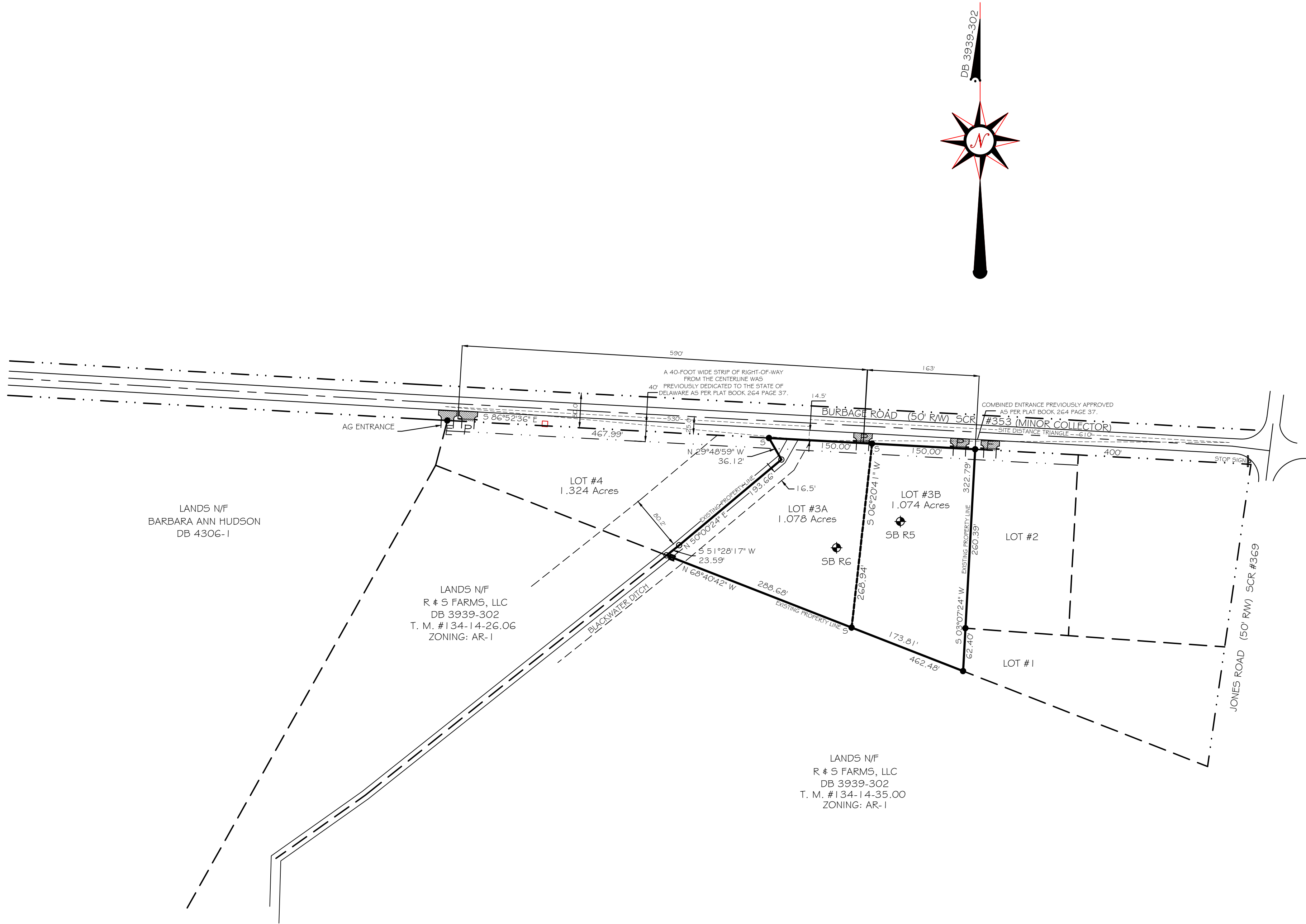
Minor Subdivision off a 50-ft easement

This is a Preliminary Subdivision Plan for a minor subdivision of a 4.669-acres parcel to create one (1) lot consisting of 1.000 acre off an existing 50-ft access easement and existing driveway. The residual land will measure 3.669 acres. This property is located off Harbeson Road (Rt. 5). The Preliminary Subdivision Plan complies with the Sussex County Zoning and Subdivision Code. Tax Parcel: 235-26.00-17.09. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.





VICINITY MAP  
SCALE 1"= 1 MILE



DATA COLUMN:

T.M.#134-14.00-20.04 LOT #3  
ZONING: AR-1  
TRACT AREA: 2.152 ACRES  
EXISTING LOTS: 1  
PROPOSED LOTS: 2, 1 NEW  
PRESENT USE: RESIDENTIAL  
PROPOSED USE: RESIDENTIAL  
ACCESS: S.C.R. 353 (BURBAGE ROAD)  
BURBAGE ROADWAY CLASSIFICATION: MINOR COLLECTOR  
WATER AND SEWER: INDIVIDUAL ON-SITE  
100 YEAR FLOODPLAIN: SITE IS NOT IMPACTED  
AS PER FIRM #10005C0495K DATED 3/16/15  
THIS PROJECT IS NOT IN THE PROXIMITY OF A TID  
SPEED LIMIT ON BURBAGE IS 50 MPH (UNPOSTED)  
PROPOSED ENTRANCES FOR LOT #2 & #4 WERE PREVIOUSLY  
APPROVED AND RECORDED IN PB 264-37

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

DONALD K. MILLER, PLS 407 DATE

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF  
THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN  
WAS MADE AT MY DIRECTION AND DESIRE THE PLAN TO BE RECORDED  
ACCORDING TO LAW.

OWNER NAME DATE

OWNER NAME DATE

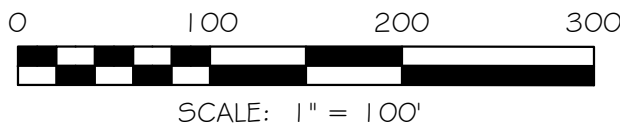
THIS PLAT SUPERCEDES IN PART THE PLAT RECORDED IN PLAT BOOK 264 PAGE 37

RE-SUBDIVISION PLAN OF LOT #3, R#5 FARMS, LLC FOR

ARTURO GRANADOSGONZALEZ

BURBAGE ROAD, FRANKFORD, DE 19945

- EXISTING RIGHT-OF-WAY LINE
- NEW RIGHT-OF-WAY LINE
- PROPERTY LINE
- CENTERLINE
- NEXT PROPERTY LINE
- PROPOSED PROPERTY LINE
- 4x6 POST IN CONCRETE (FOUND)
- IRON PIPE (FOUND)
- IRON PIPE (SET)
- POINT
- SOIL BORING
- EXISTING ENTRANCE
- PROPOSED ENTRANCE
- UTILITY POLE
- TELEPHONE BOX
- MAIL BOX



SURVEY CLASS: SUBURBAN

DATE	REVISION
1/3/2020	DEL. D.O.T. COMMENT
3/4/2020	ADDED P#Z CONDITIONS

**MILLER  
LEWIS, INC.**  
LAND SURVEYING  
1560 MIDDLEFORD RD.  
SEAFORD, DELAWARE 19973  
PH: 302-629-8895 FAX: 302-629-2391

HUNDRED	COUNTY
BALTIMORE	SUSSEX
STATE	DRAWN BY
DELAWARE	D.K. MILLER
REF.	FILE
R#5 FARMS 1-34-14-34	
DB 3939-302	

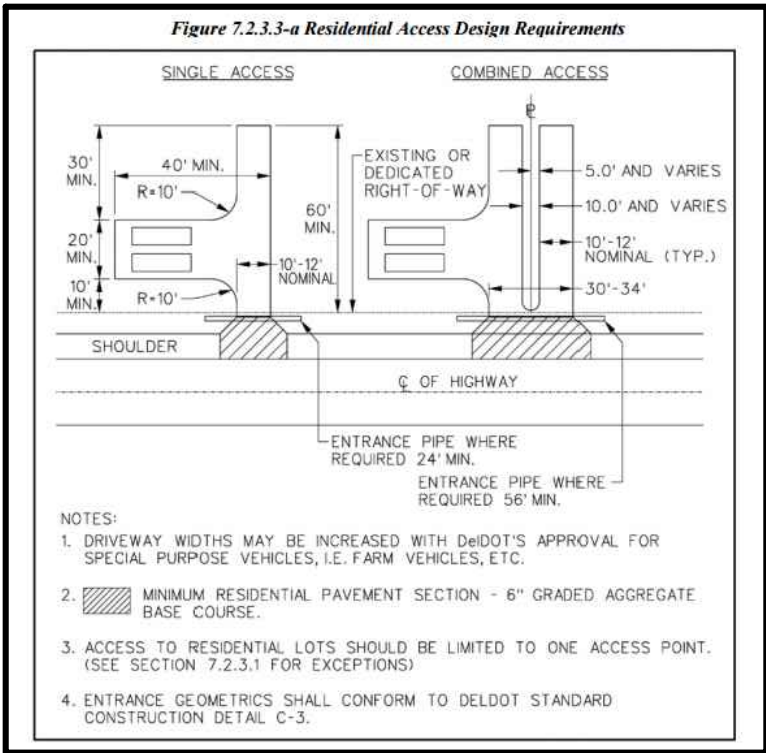
DECEMBER 12, 2019

- NOTES:
- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REVISED TO BE FROM AN INTERNAL SUBDIVISION STREET.
  - ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATIONS (DEL.D.O.T.'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
  - THERE IS A FIFTY FOOT BUILDING SETBACK FROM LANDS USED FOR AGRICULTURAL PURPOSES.
  - LOT 3 SHALL HAVE A SINGLE ACCESS TO SCR 353 AS SHOWN ON THIS PLAT. LOT 3A SHALL HAVE A SINGLE ACCESS TO SCR 353 AS SHOWN ON THIS PLAT.
  - THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE.
  - THERE SHALL BE NO MORE THAN 2 LOTS IN THE SUBDIVISION.
  - ALL ENTRANCES SHALL COMPLY WITH ALL OF DELDOT'S REQUIREMENTS.
  - THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF SUSSEX COUNTY.

APPROVAL BY SUSSEX COUNTY COUNCIL PRESIDENT:

SIGNATURE DATE

NOTE: SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.



- NOTES:
- DRIVEWAY WIDTHS MAY BE INCREASED WITH DELDOT'S APPROVAL FOR SPECIAL PURPOSE VEHICLES, I.E. FARM VEHICLES, ETC.
  - MINIMUM RESIDENTIAL PAVEMENT SECTION - 6" GRADED AGGREGATE BASE COURSE.
  - ACCESS TO RESIDENTIAL LOTS SHOULD BE LIMITED TO ONE ACCESS POINT. (SEE SECTION 7.2.3.1 FOR EXCEPTIONS)
  - ENTRANCE GEOMETRICS SHALL CONFORM TO DELDOT STANDARD CONSTRUCTION DETAIL C-3.



September 8, 2020

Mr. Jamie Whitehouse  
Sussex County Planning & Zoning Dept.  
2 The Circle  
Georgetown, DE 19947

**RE: CU #2190 (Lands of H&S Properties, LLC)**

Jamie,

On January 7, 2020, the Sussex County Council granted approval to Conditional Use application CU #2190 (Lands of H&S Properties, LLC) with eleven (11) conditions. After receiving the formal approval statement from the Planning and Zoning Office and reviewing the aforementioned conditions with the applicant, we have particular concern with Condition D, which reads as follows:

*The current structure is nonconforming and shall not be permitted for this use (business vs. residential). All future improvements on the property shall comply with all setbacks. The size and characteristics of this property may pose challenges to designing a building for the use that conforms with the setbacks on the property, and variances may need to be sought from the Board of Adjustment. The approval of this Conditional Use is not determinative of whether any variances should or should not be granted for this property.*

Throughout Sussex County, there are numerous structures that are being utilized for differing business uses and which were once also utilized for residences. We do not believe that there is reason to prohibit the use of the structure on the subject property for a professional office and do not understand the rationale behind this statement. Further, the structure in question pre-dates the current Zoning Code of Sussex County and we do not believe that the applicant should be prohibited from utilizing it for the intended use simply because it projects into the front yard setback. When reading further into the conditions of approval, Condition D seems to be in direct conflict with Condition B, which reads as follows:

*This Conditional Use is approved subject to the Applicant's newly submitted site plan entitled, "Lands of H&S Properties, LLC" prepared by The Kercher Group, Inc. dated November 11, 2019 which shows the site contains sufficient space for the use and required parking.*

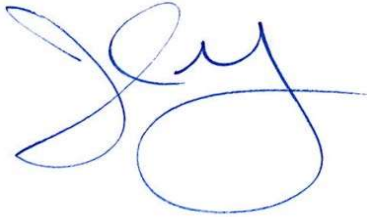
As was stated on record during CU #2190's public hearing, the applicant is seeking to utilize the existing structure for use as a professional office and understands that any future improvements to the existing structure or approval for the placement of a new structure on the subject property will require a site plan submission to the Planning & Zoning Office. With that, we are respectfully requesting that Condition D be amended to either reflect that the existing structure is nonconforming but shall be permitted for the proposed use or that the first sentence of the condition be omitted in its entirety.

Included with this letter is an updated copy of the Site Plan in question for this project. The plan has been amended since the Council last reviewed it to incorporate additional survey information in the project vicinity and to add the Conditions of Approval. At your earliest convenience, we would request that the plan be reviewed and that this matter be placed on the next available agenda of the County Council for consideration.

Thank you for your continued assistance with this project and please do not hesitate to contact our office at your earliest convenience with any questions or concerns that you may have.

**THE KERCHER GROUP, INC.**

Sincerely,  
The Kercher Group, Inc.

A handwritten signature in blue ink, appearing to be 'J. Murray', with a large, stylized loop at the end.

John Murray  
Project Manager



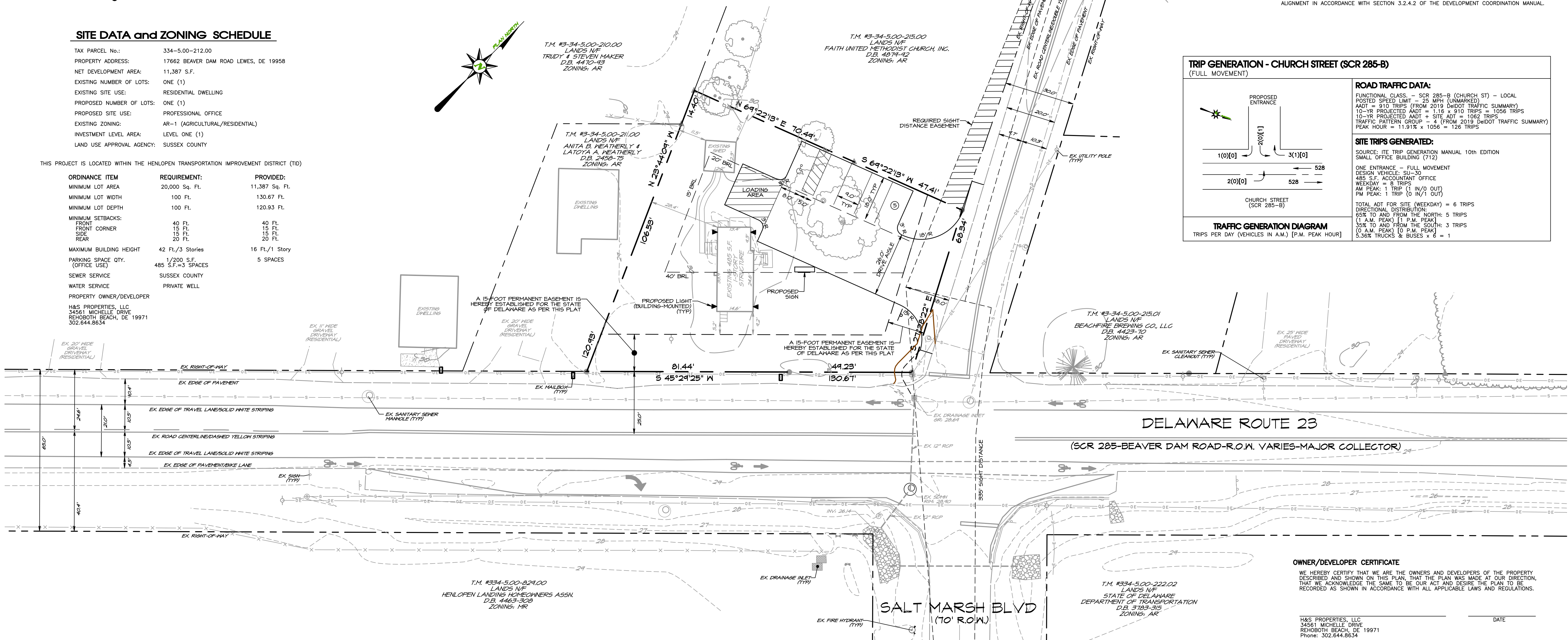


- ## SITE DATA and ZONING SCHEDULE

TAX PARCEL No.:	334-5.00-212.00
PROPERTY ADDRESS:	17662 BEAVER DAM ROAD LEWES, DE 19958
NET DEVELOPMENT AREA:	11,387 S.F.
EXISTING NUMBER OF LOTS:	ONE (1)
EXISTING SITE USE:	RESIDENTIAL DWELLING
PROPOSED NUMBER OF LOTS:	ONE (1)
PROPOSED SITE USE:	PROFESSIONAL OFFICE
EXISTING ZONING:	AR-1 (AGRICULTURAL/RESIDENTIAL)
INVESTMENT LEVEL AREA:	LEVEL ONE (1)
LAND USE APPROVAL AGENCY:	SUSSEX COUNTY

THIS PROJECT IS LOCATED WITHIN THE HENLOPEN TRANSPORTATION IMPROVEMENT DISTRICT (TID)

ORDINANCE ITEM	REQUIRED:	PROVIDED:
MINIMUM LOT AREA	20,000 Sq. Ft.	11,387 Sq. Ft.
MINIMUM LOT WIDTH	100 Ft.	130.67 Ft.
MINIMUM LOT DEPTH	100 Ft.	120.93 Ft.
MINIMUM SETBACKS:		
FRONT	40 Ft.	40 Ft.
FRONT CORNER	15 Ft.	15 Ft.
SIDE	15 Ft.	15 Ft.
REAR	20 Ft.	20 Ft.
MAXIMUM BUILDING HEIGHT	42 Ft./3 Stories	16 Ft./1 Story
PARKING SPACE QTY. (OFFICE USE)	1/200 S.F. 485 S.F. → 3 SPACES	5 SPACES
SEWER SERVICE	SUSSEX COUNTY	
WATER SERVICE	PRIVATE WELL	
PROPERTY OWNER/DEVELOPER		
HAS PROPERTIES, LLC 34561 MICHELLE DRIVE REHOBOTH BEACH, DE 19971 302.644.5834		



### CONDITIONS OF APPROVAL (CU 2190)

APPROVED JANUARY 7, 2020

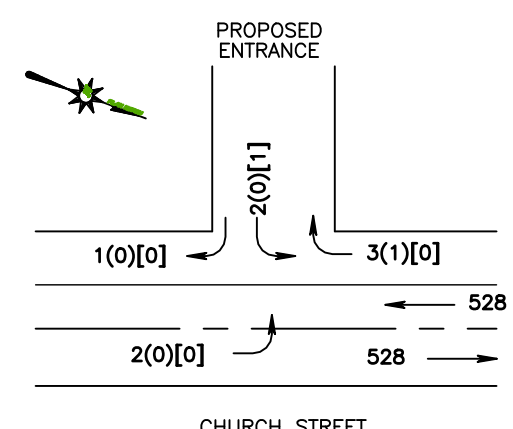
- A. THE USE SHALL BE LIMITED TO PROFESSIONAL OFFICES ONLY.
- B. THIS CONDITIONAL USE IS APPROVED SUBJECT TO THE APPLICANT'S NEWLY SUBMITTED SITE PLAN ENTITLED, "LANDS OF H&S PROPERTIES, LLC" PREPARED BY THE KERCHER GROUP, INC. DATED 12/10/2014. THE DRAWING SHOWS THE SITE CONTAINS SUFFICIENT SPACE FOR THE USE AND REQUIRED PARKING.
- C. THE HOURS OF OPERATION SHALL BE LIMITED TO 7:00 A.M. AND 7:00 P.M., MONDAY THROUGH SATURDAY AND BY APPOINTMENT ON SUNDAY.
- D. THE CURRENT STRUCTURE IS NONCONFORMING AND SHALL NOT BE PERMITTED FOR THIS USE.
- E. BUSINESS, STRUCTURE, USE, AND/OR DESIGN OF THE PROPERTY CONFORMS WITH THE SETBACKS ON ALL SETBACKS. THE SIZE AND CHARACTERISTICS OF THIS PROPERTY MAY POSE CHALLENGES TO THE SUSSEX COUNTY ZONING COMMISSION. THE APPLICANT SHALL BE RESPONSIBLE FOR THE SURVEY, AND VARIANCES MAY NEED TO BE SOUGHT FROM THE BOARD OF ADJUSTMENT. THE ADDITIONAL VARIANCES THAT MAY BE REQUIRED AND WHETHER ANY VARIANCES SHOULD OR SHOULD NOT BE GRANTED FOR THIS PROPERTY.
- F. NO PARKING SHALL BE PERMITTED IN THE FRONT YARD SETBACKS. ALL PARKING SHALL BE SHOWN ON THE FINAL SITE PLAN.
- G. ALL PARKING AND ENTRANCES SHALL BE IN COMPLIANCE WITH REQUIRED REQUIREMENTS AND THE SUSSEX COUNTY ZONING COMMISSION DELDOT APPROVAL SHALL BE OBTAINED BEFORE THE APPLICANT RECEIVES FINAL SITE PLAN APPROVAL.
- H. ONE UNLIGHTED SIGN SHALL BE PERMITTED ON THE PROPERTY. THE SIGN SHALL NOT EXCEED SIX FEET IN HEIGHT AND SHALL NOT BE IN THE FRONT YARD SETBACK.
- I. ALL EXTERIOR LIGHTING SHALL BE DOWNWARD SCREENED SO THAT IT DOES NOT SHINE ON NEIGHBORING PROPERTIES OR ROADWAYS.
- J. ALL STORMWATER MANAGEMENT SHALL MEET DNR STANDARDS AND SHALL BE SHOWN ON THE FINAL SITE PLAN.
- K. THE APPLICANT SHALL BE REQUIRED TO REMOVE ALL DEAD TREES ON THE SITE AND ALL LANDSCAPING SHALL BE SHOWN ON THE FINAL SITE PLAN.
- L. THE FINAL SITE PLAN SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE SUSSEX COUNTY PLANNING AND ZONING COMMISSION.

## DELDOT SITE GENERAL NOTES

LAST REVISED: MARCH 21, 2019

1. ALL PLANES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
2. NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL.
3. SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS NOT FULLY ESTABLISHED, THE DEVELOPER SHALL ESTABLISH A DEPARTURE SIGHT TRIANGLE. A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY.
4. UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THE PROPERTY'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER SHALL MAINTAIN ONE (1) SIDEWALK OR SHARED-USE PATH FOR THE REMAINDER OF THE PROJECT. REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND REMOVE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL.
5. PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER. THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17 .131). DELDOT ASSUMES NO RESPONSIBILITY FOR THE MAINTENANCE OF PRIVATE STREETS.
6. THE SIDEWALK SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION, THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE FOR THE SIDEWALK.
7. LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL'S SPECIFIC REQUIREMENTS OF CHAPTER 7 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE DELDOT'S APPROVAL. DELDOT'S APPROVAL OF SECONDARY ENTRANCES REQUESTS IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
8. TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY OR RIGHT-OF-WAY WITHOUT MAINTAINING ACCESS TO THE DRIVEWAY OR SIDEWALK.
9. THE DEVELOPER SHALL BE REQUIRED TO FURNISH A PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
10. THE DEVELOPER SHALL BE REQUIRED TO FURNISH A PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A CLEAR AND UNOBSTRUCTED VIEW OF THE DRIVEWAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY.

**TRIP GENERATION - CHURCH STREET (SCR 285-B)**  
(FULL MOVEMENT)



### ROAD TRAFFIC DATA:

FUNCTIONAL CLASS. - SCR 285-B (CHURCH ST) - LOCAL  
POSTED SPEED LIMIT - 25 MPH (UNMARKED)  
AADT = 910 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)  
10-YR PROJECTED AADT = 1.16 x 910 TRIPS = 1056 TRIPS  
10-YR PROJECTED AADT + SITE ADT = 1062 TRIPS  
TRAFFIC PATTERN GROUP - 4 (FROM 2019 DELDOT TRAFFIC SUMMARY)  
PEAK HOUR = 11.91% x 1056 = 126 TRIPS

**SITE TRIPS GENERATED:**

SOURCE: ITE TRIP GENERATION MANUAL 10th EDITION  
SMALL OFFICE BUILDING (712)

ONE ENTRANCE - FULL MOVEMENT  
DESIGN VEHICLE: SU-30  
485 S.F. ACCOUNTANT OFFICE  
WEEKDAY = 8 TRIPS  
AM PEAK: 1 TRIP (1 IN/0 OUT)  
PM PEAK: 1 TRIP (0 IN/1 OUT)

TOTAL ADT FOR SITE (WEEKDAY) = 6 TRIPS  
DIRECTIONAL DISTRIBUTION:  
65% TO AND FROM THE NORTH: 5 TRIPS  
(1 A.M. PEAK) [1 P.M. PEAK]  
35% TO AND FROM THE SOUTH: 3 TRIPS  
(0 A.M. PEAK) [0 P.M. PEAK]  
5.36% TRUCKS & BUSES x 6 = 1

## REVISIONS

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

DESIGN PROFESSIONAL: \_\_\_\_\_ DATE: \_\_\_\_\_

J.C.M.	J.C.M.	J.C.M.	B-02
20'	0'	20'	40'
SCALE IN FEET (1" = 20')			

ONLY PLANS INCORPORATING A RAISED PROFESSIONAL SEAL ARE CONSIDERED TO BE OFFICIAL AND RELEAD UPON BY THE USER. THIS PROJECT DESIGNATED HEREON "ANY MODIFICATION, REVISION, OR DUPLICATION OR USE WITHOUT WRITTEN CONSENT OF THE KERCHER GROUP, INC. IS PROHIBITED BY LAW."

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PROPERTIES, LLC  
5561 MICHELLE DRIVE  
BOTH BEACH, DE 19971  
Phone: 302.644.8634  
Fax: 302.348.8038

E  
 RING  
 19971  
 up.com

**THE KERCHER GROUP, INC.**  
CONSULTING • SYSTEMS • ENGINEERING  
37385 REHOBOTH AVE., UNIT 111 - REHOBOTH BEACH, DELAWARE  
302.854.9062 (Voice) 302.854.9064 (Fax) www.kerchereng.com

DB No: 19-1104ES

PLAN DATE: Nov. 11, 2019

***S1***

LANDS OF H&amp;S PROPERTIES, LLC Tue, Sep 8, 2020 (9:27)



CELLCO PARTNERSHIP d/b/a  
VERIZON WIRELESS  
WIRELESS COMMUNICATION FACILITY  
DOV HOLLYVILLE  
22602 HARBESON ROAD  
HARBESON, DE 19951  
234-10.00-70.06 / 234-10.00-70.07



LOCATION MAP  
N.T.S.

DRAWING SCHEDULE	
DRAWING#	DRAWING TITLE
CV-01	COVER SHEET
SP-1	SITE MAP AND NOTES
SP-2	COMPOUND PLAN AND ELEVATION
SP-3	ANTENNA DETAILS
SP-4	SITE DETAILS
SP-5	ANTENNA SCHEMATIC AND PLUMBING DIAGRAM
SP-6	GENERATOR DETAIL
SP-7	CONCRETE PAD DETAILS AND NOTES
CS-1	CONSTRUCTION SPECIFICATIONS
E-01	ELECTRICAL SPECIFICATIONS
E-02	POWER AND TELCO SERVICE PLAN
E-02a	ELECTRICAL RISER AND SINGLE LINE DIAGRAM
E-03	GROUNDING PLAN
E-04	GROUNDING DETAILS
E-05	ALARM WIRING SCHEMATIC AND RISER DIAGRAMS

SITE DATA

NAD 83  
\*LATITUDE = N 38° 40' 25.5"  
\*LONGITUDE = W 75° 14' 13.8"  
  
ELEVATION DATA (NAVD 88)  
\*GRADE = ±30.2' (AMSL)  
\*FAA 2C CERTIFIED  
  
ANTENNAS AT CENTERLINE (NAVD 88)  
ALPHA = ±145'-0" (AGL)  
BETA = ±145'-0" (AGL)  
GAMMA = ±145'-0" (AGL)

PROJECT DATA

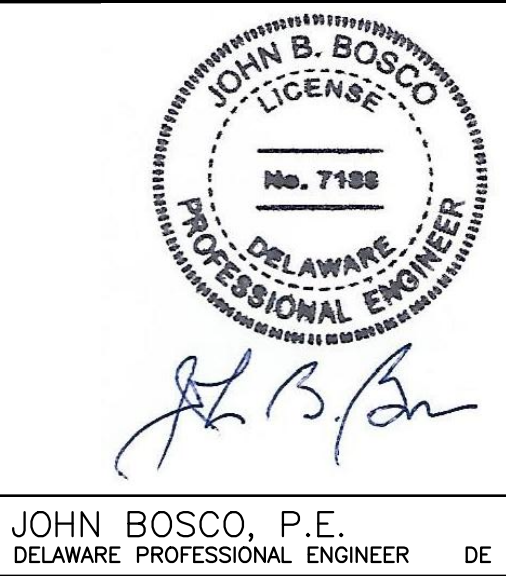
PROJECT: DOV HOLLYVILLE  
  
LOCATION: 22602 HARBESON ROAD  
HARBESON, DE 19951  
  
BLOCK & LOT: 234-10.00-70.06 / 234-10.00-70.07  
  
ZONE: C-1  
  
PROPERTY OWNER: JOHN W. DAVIDSON TRUSTEE  
22602 HARBESON ROAD  
HARBESON, DE 19951  
  
APPLICANT: CELLCO PARTNERSHIP d/b/a  
VERIZON WIRELESS  
512 EAST TOWNSHIP LINE ROAD  
BLUE BELL, PA. 19422

SCHEDULE OF REVISIONS					
7					
6	REVISED PER PLANNING COMMISSION COMMENTS	A.B.	J.B.B.	A	09/04/20
5	REVISED TO SHOW DIESEL GENERATOR DETAIL	J.L.	P.J.T.	A	07/22/20
4	REVISED NUMBER OF CABLES	R.P.J.	P.J.T.	A	06/30/20
3	REVISED PER COMMENTS	A.R.C.	P.J.T.	A	07/26/19
2	REVISED PER COMMENTS	A.R.C.	P.J.T.	A	07/22/19
1	REVISED PER LATEST RFDS	A.R.C.	P.J.T.	A	07/16/19
0	ISSUED FOR REVIEW	J.E.F.	P.J.T.	A	05/28/19
	DESCRIPTION OF CHANGES	DRAWN BY	AUTH. BY	ISSUE STATUS	ISSUE DATE

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VERIZON WIRELESS  
512 E. TOWNSHIP LINE ROAD, BUILDING 2, FLOOR 3  
BLUE BELL, PA. 19422  
TEL: (610) 715-6000



DRAWING TITLE:

COVER SHEET

PROJECT: DOV HOLLYVILLE  
22602 HARBESON ROAD  
HARBESON, DE 19951  
SUSSEX COUNTY

PROPERTY OWNER: JOHN W. DAVIDSON TRUSTEE

DRAWING ISSUE STATUS CURRENTLY - A

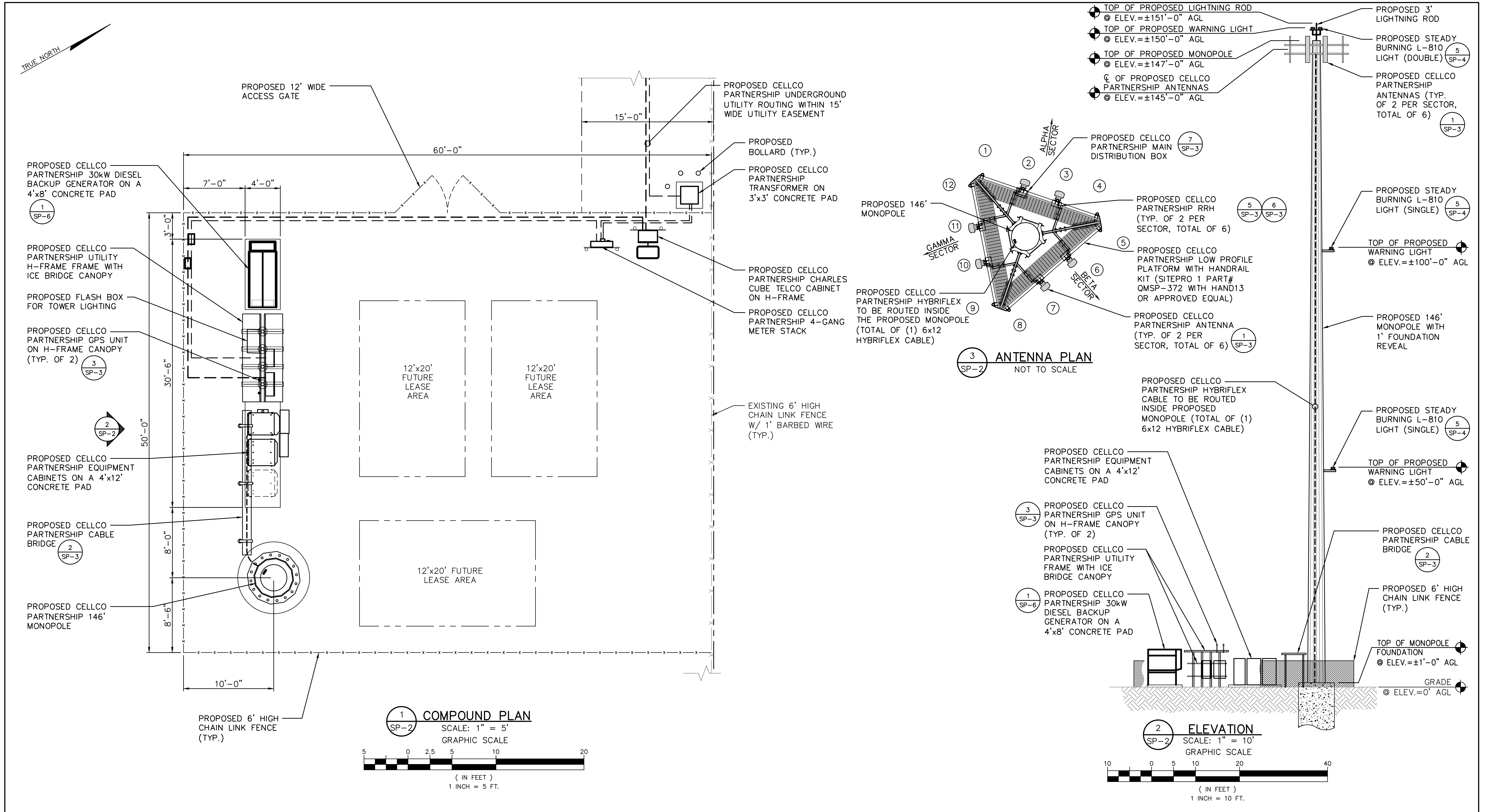
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FIRST ISSUE: 03/27/19	DRAWING NO. CV-01
DRAWN BY: J.E.F.	
CHECKED BY: P.J.T.	
SCALE: AS SHOWN	SHEET NO. 1 OF 15
PROJECT NO. 124.112	PRINT DATE: 09/04/20
DOCUMENT NO.	





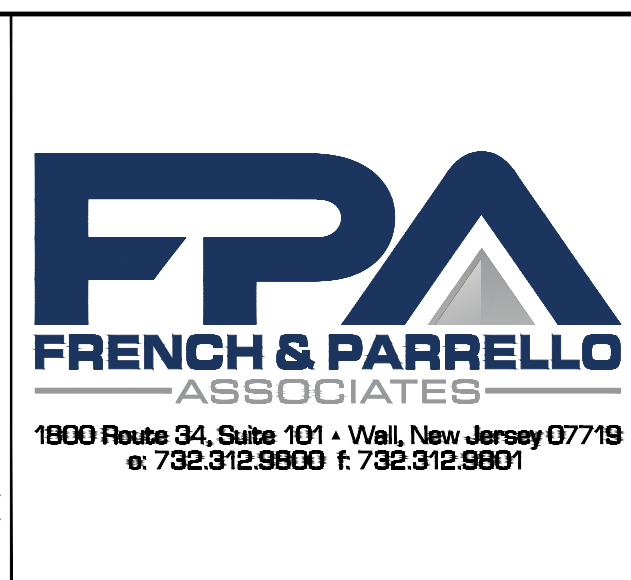




SCHEDULE OF REVISIONS					
7					
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	DESCRIPTION OF CHANGES	DRAWN BY	AUTH. BY	ISSUE STATUS	ISSUE DATE

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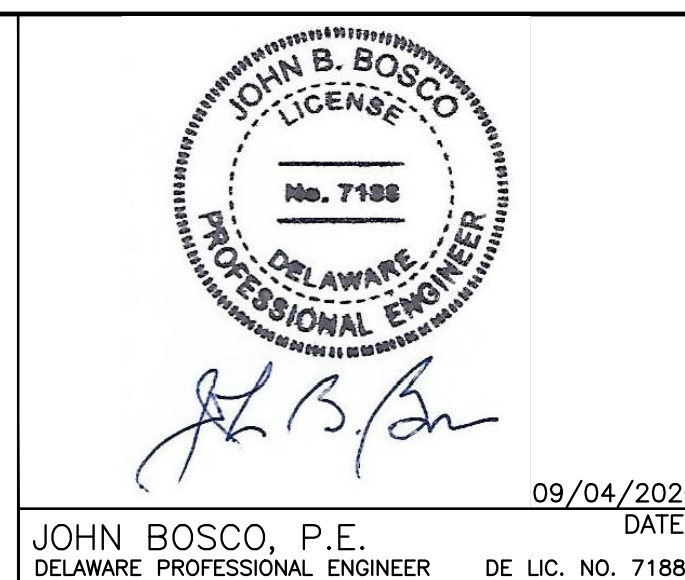
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**CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

512 E. TOWNSHIP LINE ROAD, BUILDING 2, FLOOR 3  
BLUE BELL, PA. 19422

TEL: (610) 715-6000



DRAWING TITLE:  
**COMPOUND PLAN AND ELEVATION**

PROJECT:  
DOV HOLLYVILLE  
22602 HARBESON ROAD  
HARBESON, DE 19951  
SUSSEX COUNTY

PROPERTY OWNER:  
JOHN W. DAVIDSON TRUSTEE

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FIRST ISSUE: 03/27/19  
DRAWN BY: J.E.F.  
CHECKED BY: P.J.T.  
SCALE: AS SHOWN  
PROJECT NO. 124.112  
DOCUMENT NO.

DRAWING NO.  
**SP-2**

SHEET NO. 3 OF 15  
PRINT DATE: 09/04/20

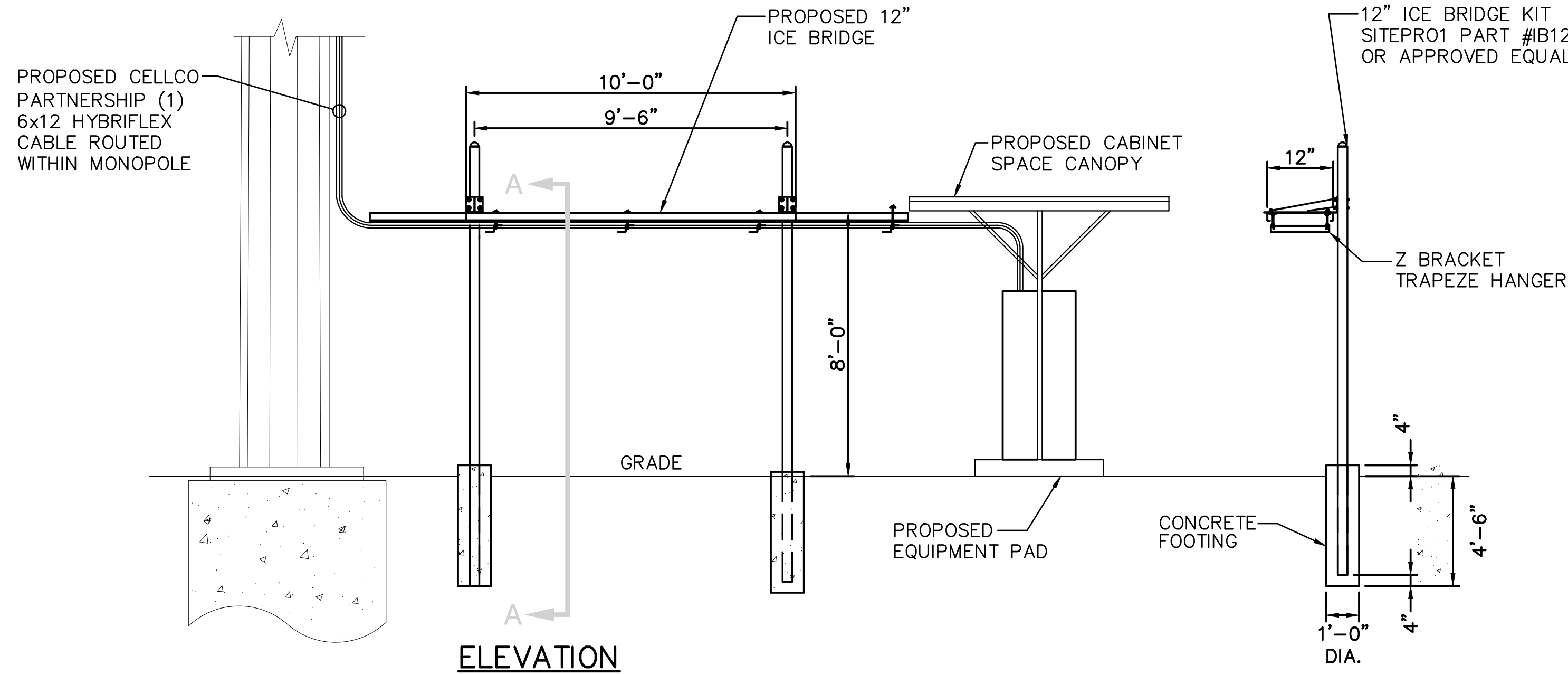




MECHANICAL SPECIFICATIONS  
OVERALL HEIGHT: 72.0  
WIDTH: 11.9  
DEPTH: 7.1  
WEIGHT EXCLUDING BRACKETS:  
43.7 LBS.

COMMSCOPE  
NHH-65B-R2B

1  
SP-3  
DETAIL  
NOT TO SCALE

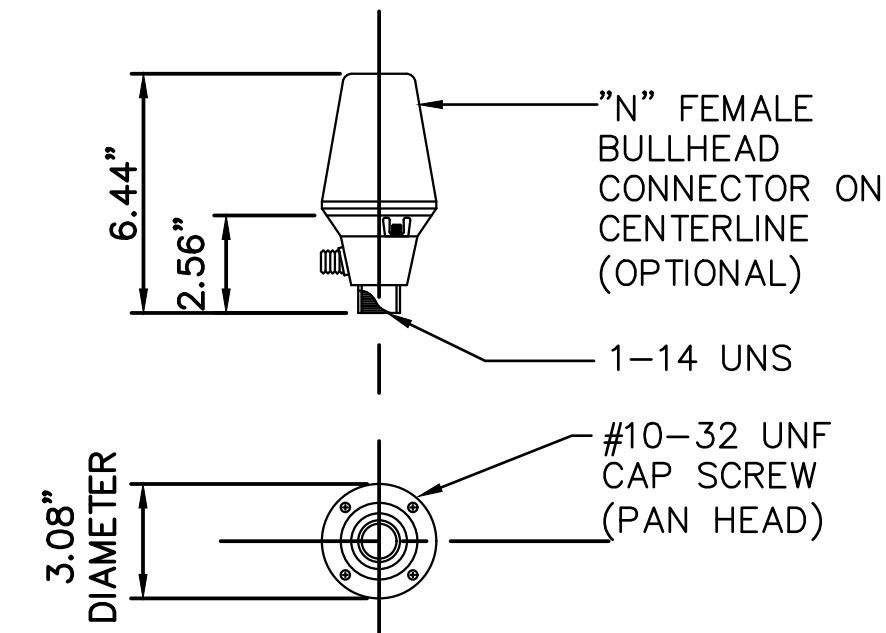


ELEVATION

CABLE BRIDGE

2  
SP-3  
DETAIL  
NOT TO SCALE

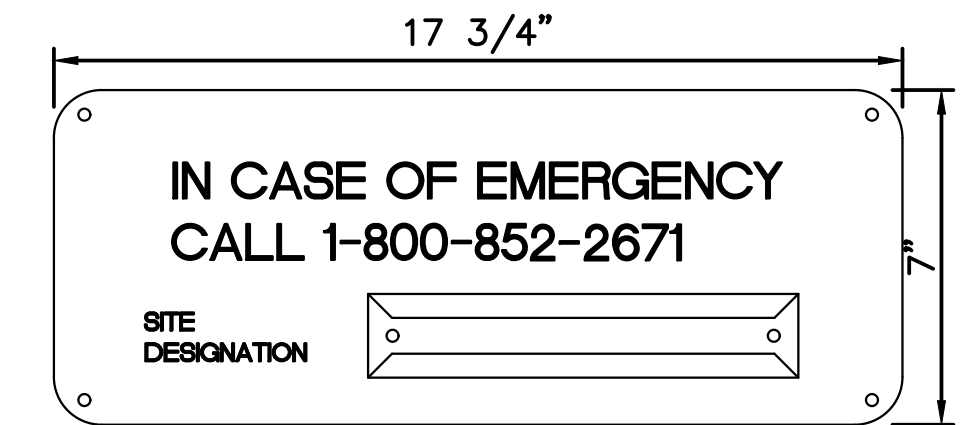
SECTION A-A



NOTE:  
PROVIDE 1/2" COAX CABLE FOR CONNECTION

GPS UNIT

3  
SP-3  
DETAIL  
NOT TO SCALE



NOTES:  
1) MOUNTING HEIGHT TO BE 5'-0" ABOVE GRADE TO CENTERLINE OF SIGN.

EMERGENCY SIGN

4  
SP-3  
DETAIL  
NOT TO SCALE



MECHANICAL SPECIFICATIONS  
OVERALL HEIGHT: 22.0 IN.  
WIDTH: 12.1 IN.  
DEPTH: 7.1 IN.  
WEIGHT: 79.4 LBS.

NOKIA AIRSCALE DUAL RRH  
4T4R B2/66a 320W AHFC  
RRH UNIT

5  
SP-3  
DETAIL  
NOT TO SCALE



MECHANICAL SPECIFICATIONS  
OVERALL HEIGHT: 22.0 IN.  
WIDTH: 12.1 IN.  
DEPTH: 7.4 IN.  
WEIGHT: 83.8 LBS.

NOKIA AIRSCALE DUAL RRH  
4T4R B5/13 320W AHBC  
RRH UNIT

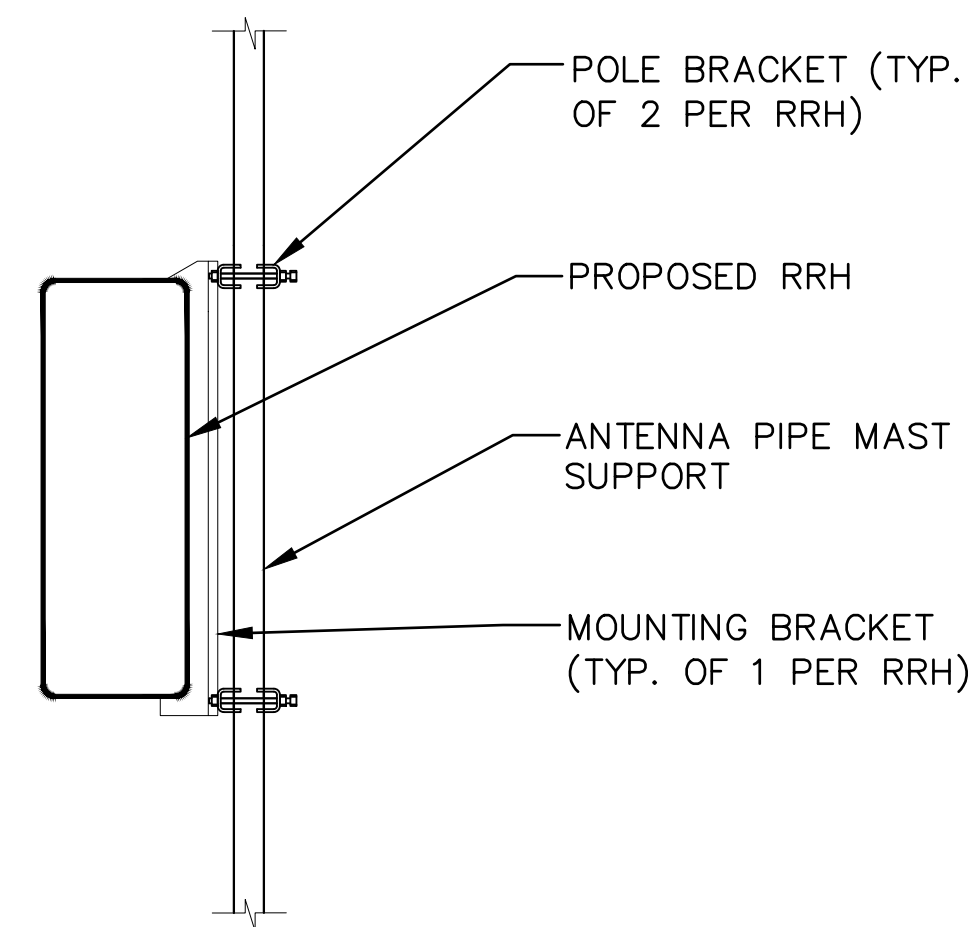
6  
SP-3  
DETAIL  
NOT TO SCALE



MECHANICAL SPECIFICATIONS  
OVERALL HEIGHT: 29.5 IN.  
WIDTH: 16.5 IN.  
DEPTH: 12.6 IN.  
WEIGHT: 32 LBS.

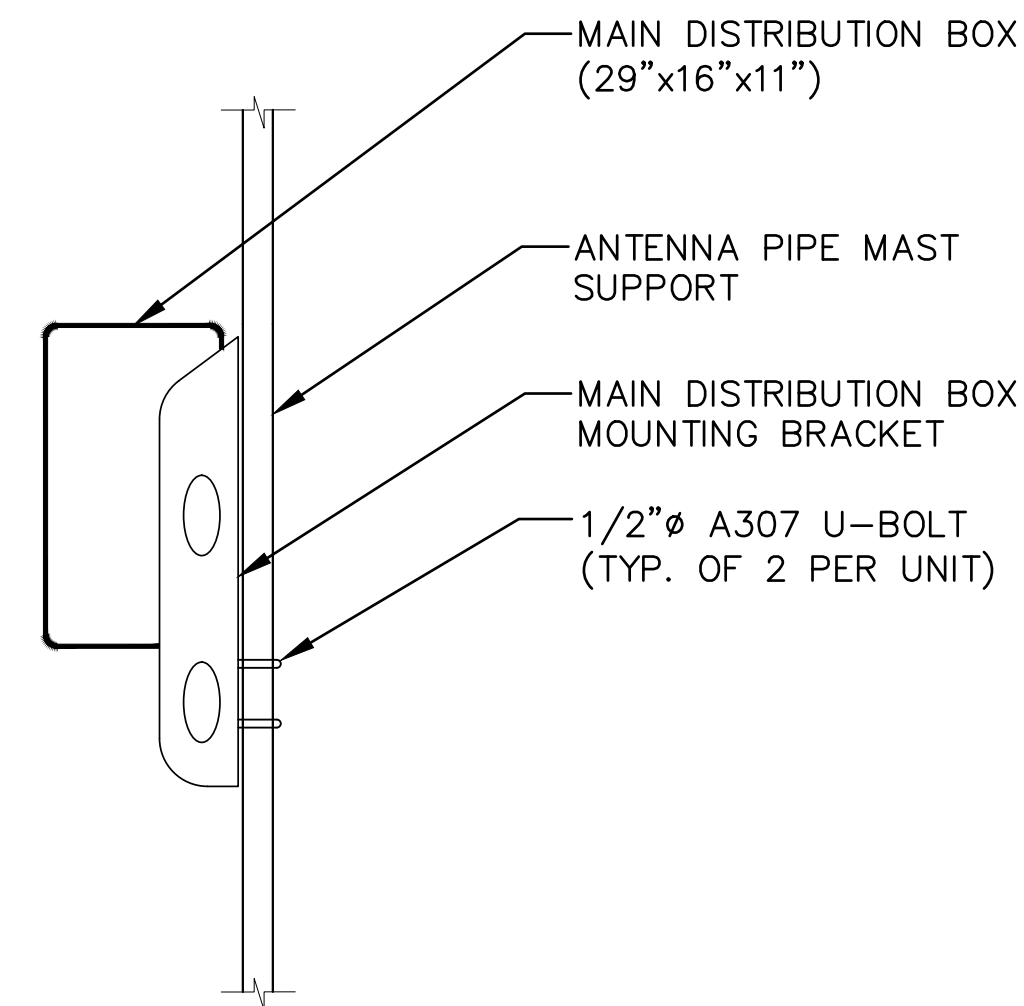
RVZDC-6627-PF-48  
MAIN DISTRIBUTION BOX

7  
SP-3  
DETAIL  
NOT TO SCALE



TYPICAL RRH MOUNTING

8  
SP-3  
DETAIL  
NOT TO SCALE



TYPICAL MDB MOUNTING

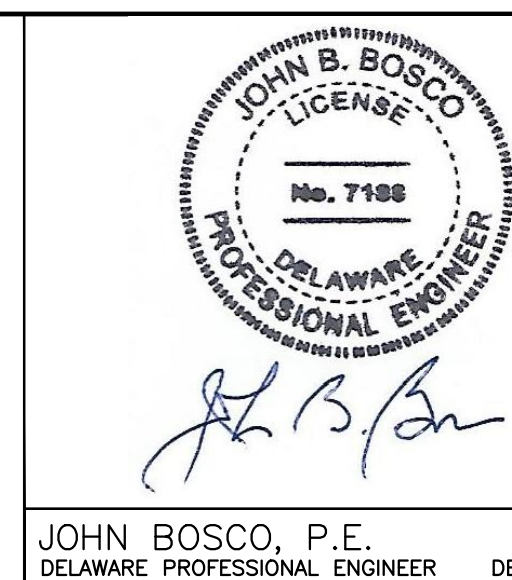
9  
SP-3  
DETAIL  
NOT TO SCALE

SCHEDULE OF REVISIONS					
7					
6	REVISED PER PLANNING COMMISSION COMMENTS	A.B.	J.B.B.	A	09/04/20
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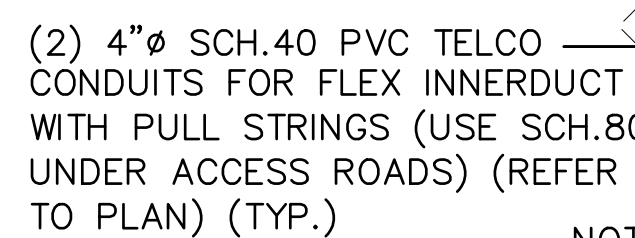


DRAWING TITLE: <b>ANTENNA DETAILS</b>		DRAWING ISSUE STATUS CURRENTLY - <b>A</b>	
PROJECT: DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY		FIRST ISSUE: 03/27/19 DRAWN BY: J.E.F. CHECKED BY: P.J.T. SCALE: AS SHOWN	DRAWING NO. <b>SP-3</b> SHEET NO. 4 OF 15
PROPERTY OWNER: JOHN W. DAVIDSON TRUSTEE		PROJECT NO. 124.112 DOCUMENT NO.	PRINT DATE: 09/04/20





NOTE: CORNER POSTS TO BE 3" O.D.



NOTES:

1. REMOVE & HAUL OFF-SITE ALL EXCESS SITE SOIL.
2. RESTORE ALL SURFACES TO ORIGINAL CONDITION.
3. CONDUIT SHALL BE UV-RESISTANT WHERE EXPOSED TO ATMOSPHERE.

## UNDERGROUND ELECTRICAL ROUTING



## SCHEDULE OF REVISIONS

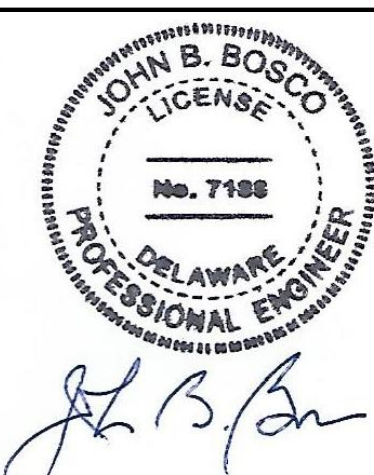
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512 E. TOWNSHIP LINE ROAD, BUILDING 2, FLOOR 3

TEL: (610) 715-6000



JOHN BOSCO, P.E.  
DELAWARE PROFESSIONAL ENGINEER DE LIC. NO. 7188

DRAWING TITLE:
----------------

## SITE DETAILS

PROJECT:

DOV HOLLYVILLE  
22602 HARBESON ROAD  
HARBESON, DE 19951  
SUSSEX COUNTY

0	PROPERTY OWNER:
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JOHN W. DAVIDSON TRUSTEE

DRAWING ISSUE STATUS CURRENTLY -	A
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D - ISSUED FOR CONSTRUCTION  
E - (SPECIFY) \_\_\_\_\_

FIRST ISSUE: 03/27/19

FIRST ISSUE:	25/2/2017
DRAWN BY:	J.E.F.

DRAWN BY: J.E.F.

CHECKED BY: P.J.T.

SCALE: AS SHOWN

PROJECT NO.	124.11
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DOCUMENT NO.

DRAWING NO.
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SP-4


SHEET NO. 5 OF 15

PRINT DATE:	09/04/20
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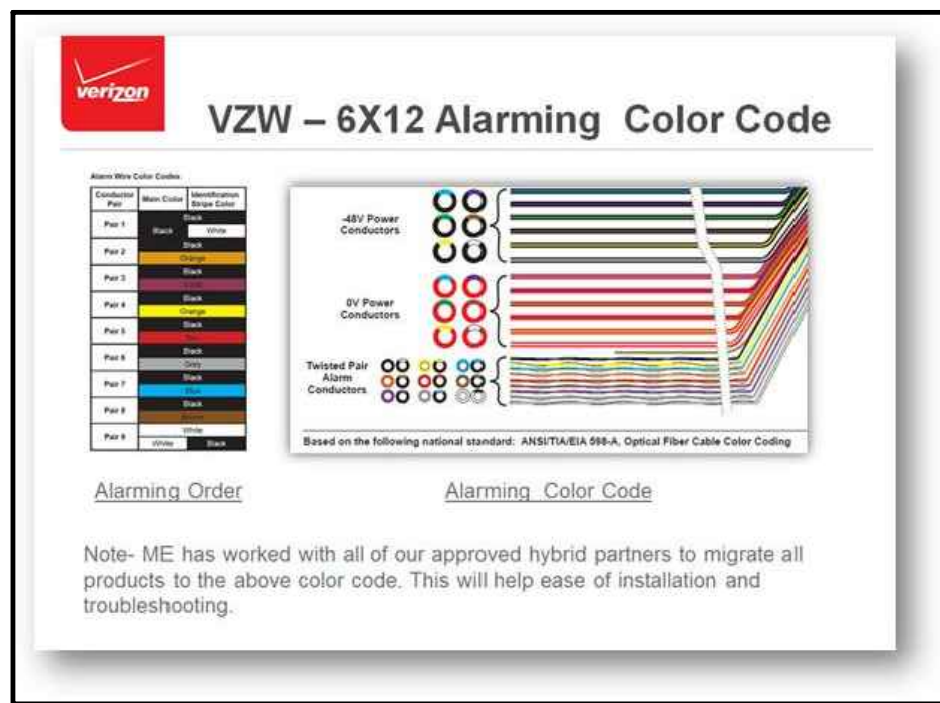


CELLCO – ANTENNA SCHEDULE										
ANTENNA NUMBER	SECTOR	ANTENNA TYPE	AZIMUTH (Az)	FUNCTION (MHz)	M-TILT	PORT 1/2 E-TILT	PORT 3/4 E-TILT	PORT 5/6 E-TILT	HYBRIFLEX CABLE	APPROXIMATE TOTAL LENGTH
①	ALPHA	(FUTURE)	10°	—	—	—	—	—	(1) 6X12 HYBRID CABLE	±180'
②		COMMSCOPE NHH-65B-R2B		700/850/PCS	0°	4°	2°	2°		
③		COMMSCOPE NHH-65B-R2B		700/850/AWS-1	0°	4°	1°	1°		
④	BETA	(FUTURE)	130°	—	—	—	—	—		
⑤		(FUTURE)		—	—	—	—	—		
⑥		COMMSCOPE NHH-65B-R2B		700/850/PCS	0°	4°	2°	2°		
⑦		COMMSCOPE NHH-65B-R2B		700/850/AWS-1	0°	4°	1°	1°		
⑧	GAMMA	(FUTURE)	250°	—	—	—	—	—		
⑨		(FUTURE)		—	—	—	—	—		
⑩		COMMSCOPE NHH-65B-R2B		700/850/PCS	0°	4°	2°	2°		
⑪		COMMSCOPE NHH-65B-R2B		700/850/AWS-1	0°	4°	1°	1°		
⑫		(FUTURE)		—	—	—	—	—		
⑬		(FUTURE)		—	—	—	—	—		

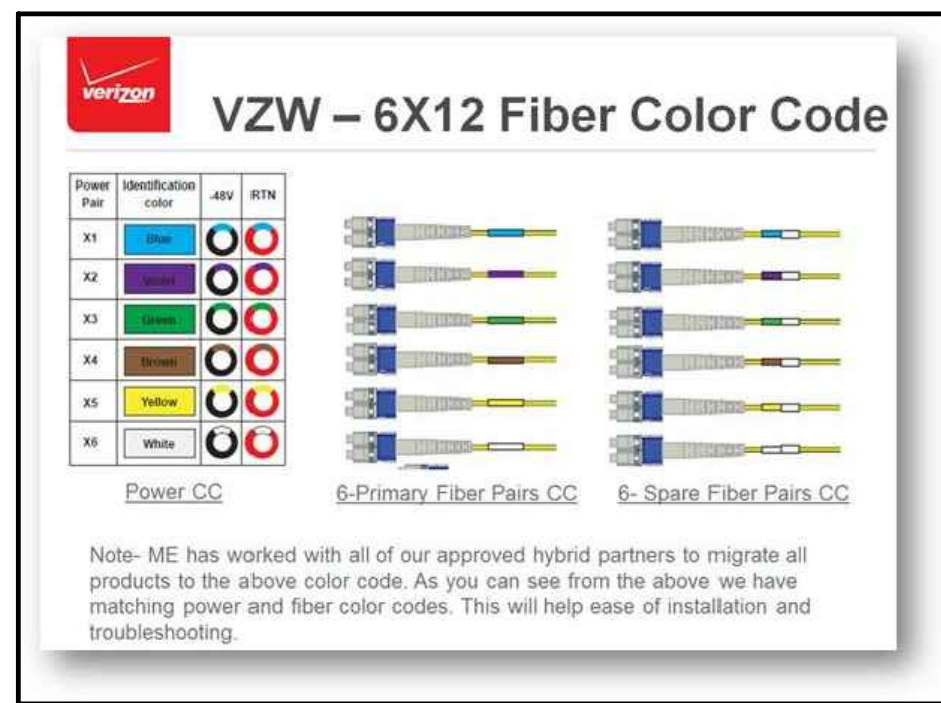
NOTE:  
PLEASE REFER TO THE VZW SDCO / RFDS FOR THE ELECTRICAL D/T'S.  
ANTENNA INSTALLER TO CONFIRM ANTENNA TYPE, CABLE LENGTH AND CABLE TYPE WITH  
CELLCO REPRESENTATIVE PRIOR TO PURCHASE AND INSTALLATION.

(\*) ANTENNA ORIENTATION IS BASED ON TRUE NORTH.

1 ANTENNA SCHEDULE  
SP-5 NOT TO SCALE















2 ALARMING COLOR CODE  
SP-5 NOT TO SCALE















3 HYBRIFLEX COLOR CODE  
SP-5 NOT TO SCALE

# RVZDC-6627-PF-48

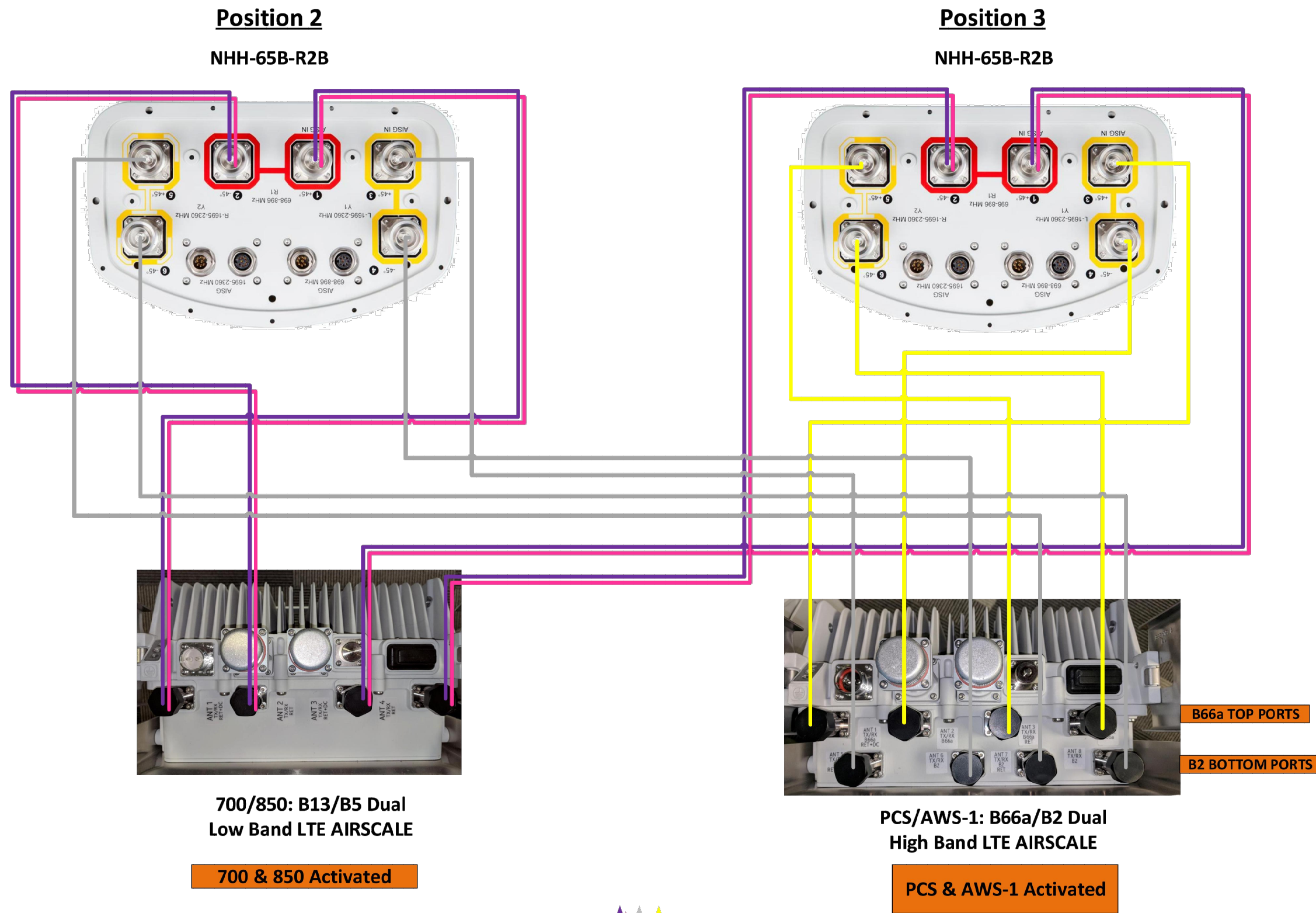
Power Pair	Identification color	RTN	-48V
X1	Blue		
X2	Violet		
X3	Green		
X4	Brown		
X5	Yellow		
X6	White		

OVP - 1	700/850 Alpha
OVP - 2	700/850 Beta
OVP - 3	700/850 Gamma
OVP - 4	AWS/PCS Alpha
OVP - 5	AWS/PCS Beta
OVP - 6	AWS/PCS Gamma

Power Pair	Identification color	RTN	-48V
X1	Blue		
X2	Violet		
X3	Green		
X4	Brown		
X5	Yellow		
X6	White		

OVP - 7	
OVP - 8	
OVP - 9	
OVP - 10	
OVP - 11	
OVP - 12	

4 RRH COLOR CODES  
SP-5 NOT TO SCALE



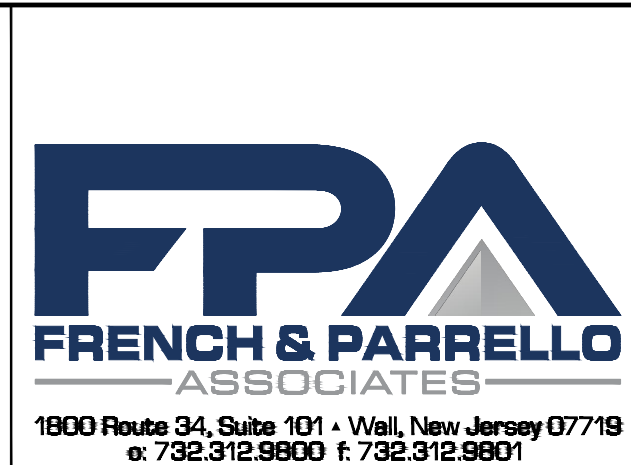
5 PLUMBING DIAGRAM  
SP-5 NOT TO SCALE

BILL OF MATERIALS		
ITEM	QUANTITY PROPOSED	LENGTH
RACK MOUNTED DISTRIBUTION POINT RAYCAP RVZDC-6627-PF-48	1	N/A
MAIN DISTRIBUTION BOX RAYCAP RVZDC-6627-PF-48	1	N/A
AHBC AIRSCALE DUAL RRH 4T4R B5/B13 320W	3	N/A
AHFC AIRSCALE DUAL RRH 4T4R B2/B66A 320W	3	N/A
HYBRID 6x12	1	150'
HYBRID 1x1	12	15'

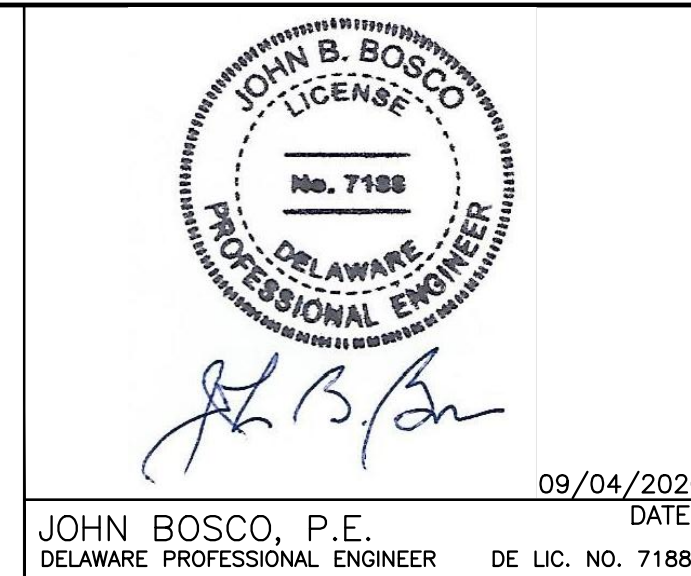
NOTE:  
1. CONTRACTOR TO VERIFY DISTRIBUTION BOX PART NUMBERS PRIOR TO ORDERING MATERIAL  
2. CONTRACTOR TO VERIFY CABLE PART NUMBERS AND CABLE ORDER LENGTHS PRIOR TO ORDERING MATERIAL

SCHEDULE OF REVISIONS				
7				
6	REVISED PER PLANNING COMMISSION COMMENTS	A.B.	J.B.B.	A 09/04/20
5	REVISED TO SHOW DIESEL GENERATOR DETAIL	J.L.	P.J.T.	A 07/22/20
4	REVISED NUMBER OF CABLES	R.P.J.	P.J.T.	A 06/30/20
3	REVISED PER COMMENTS	A.R.C.	P.J.T.	A 07/26/19
2	REVISED PER COMMENTS	A.R.C.	P.J.T.	A 07/22/19
1	REVISED PER LATEST RFDS	A.R.C.	P.J.T.	A 07/16/19
0	ISSUED FOR REVIEW	J.E.F.	P.J.T.	A 05/28/19
	DESCRIPTION OF CHANGES	DRAWN BY	AUTH. BY	ISSUE STATUS

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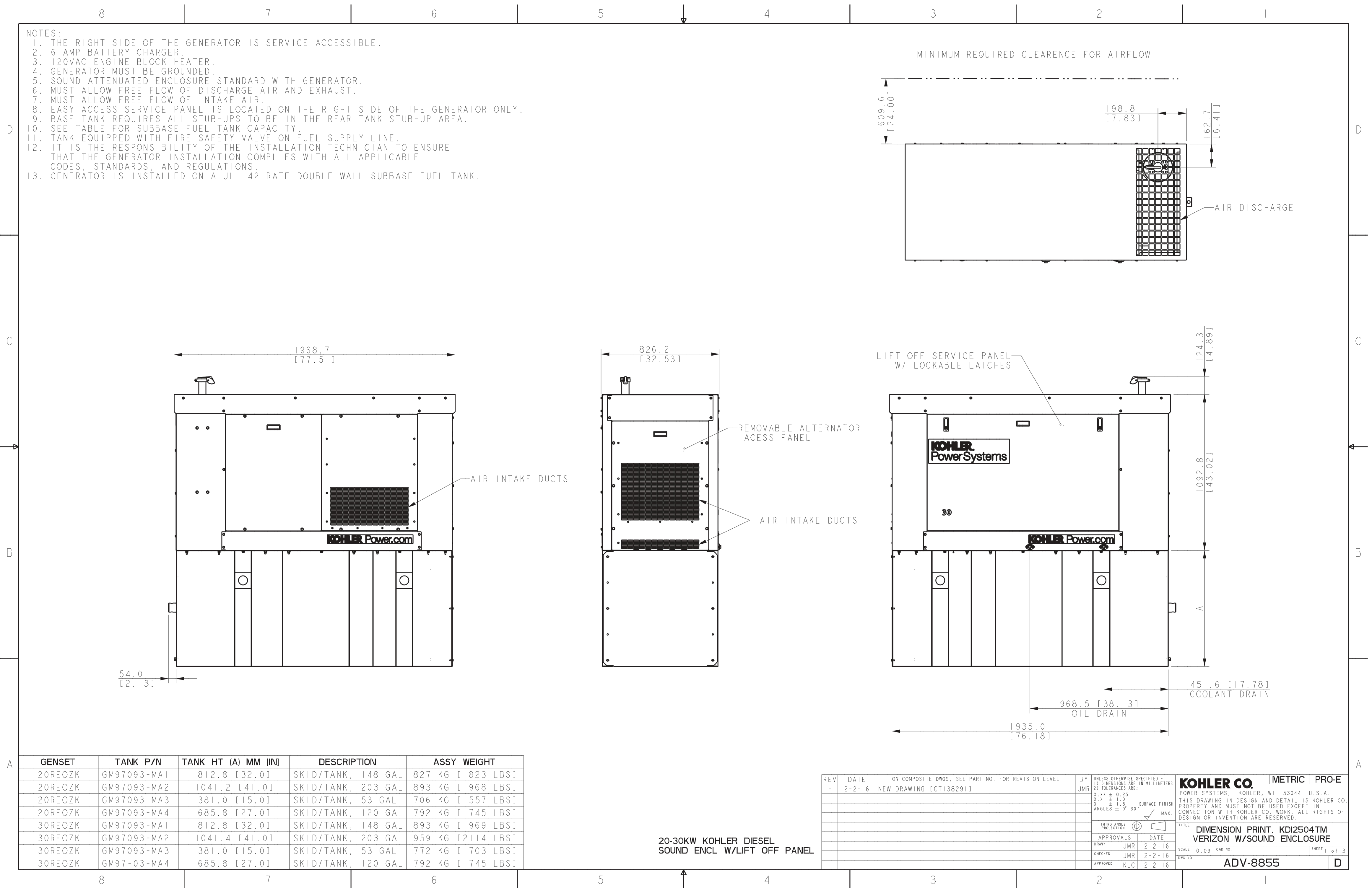


CELLCO  
PARTNERSHIP d/b/a  
VERIZON WIRELESS  
512 E. TOWNSHIP LINE ROAD, BUILDING 2, FLOOR 3  
BLUE BELL, PA. 19422  
TEL: (610) 715-6000



DRAWING TITLE:  <b>ANTENNA SCHEMATIC AND PLUMBING DIAGRAM</b>		DRAWING ISSUE STATUS CURRENTLY - <div>A</div> <div>A - ISSUED FOR PRELIMINARY INFORMATION ONLY B - ISSUED FOR MUNICIPAL REVIEWS/APPROVALS C - ISSUED FOR CONSTRUCTION PERMITS/BIDS D - ISSUED FOR CONSTRUCTION E - (SPECIFY) _____</div>	
PROJECT:  DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY		FIRST ISSUE: 03/27/19	DRAWING NO.  <b>SP-5</b>
		DRAWN BY: J.E.F.	
		CHECKED BY: P.J.T.	
		SCALE: AS SHOWN	SHEET NO. 6 OF 15
		PROJECT NO. 124.112	PRINT DATE: 09/04/20
PROPERTY OWNER:  JOHN W. DAVIDSON TRUSTEE		DOCUMENT NO.	





1 GENERATOR DETAIL  
SP-6 NOT TO SCALE

NOTE:  
INFORMATION  
ON THIS  
SHEET  
PROVIDE BY  
KOHLER WHO  
IS SOLELY  
RESPONSIBLE  
FOR ITS  
CONTENT.

SCHEDULE OF REVISIONS					
7					
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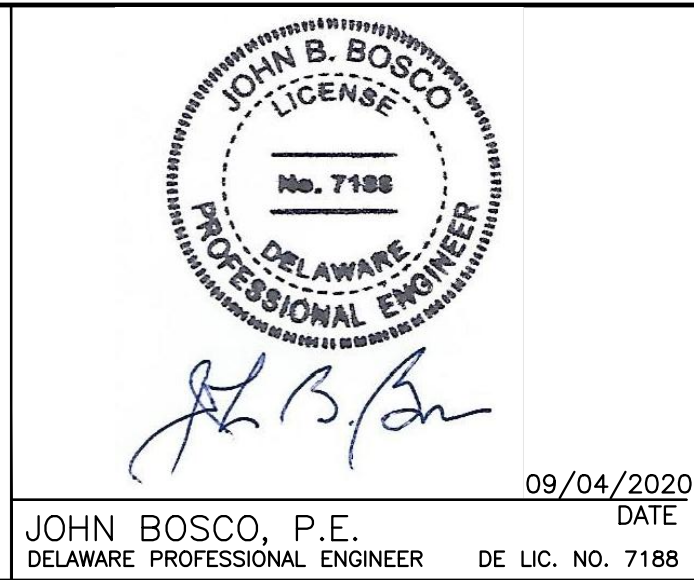
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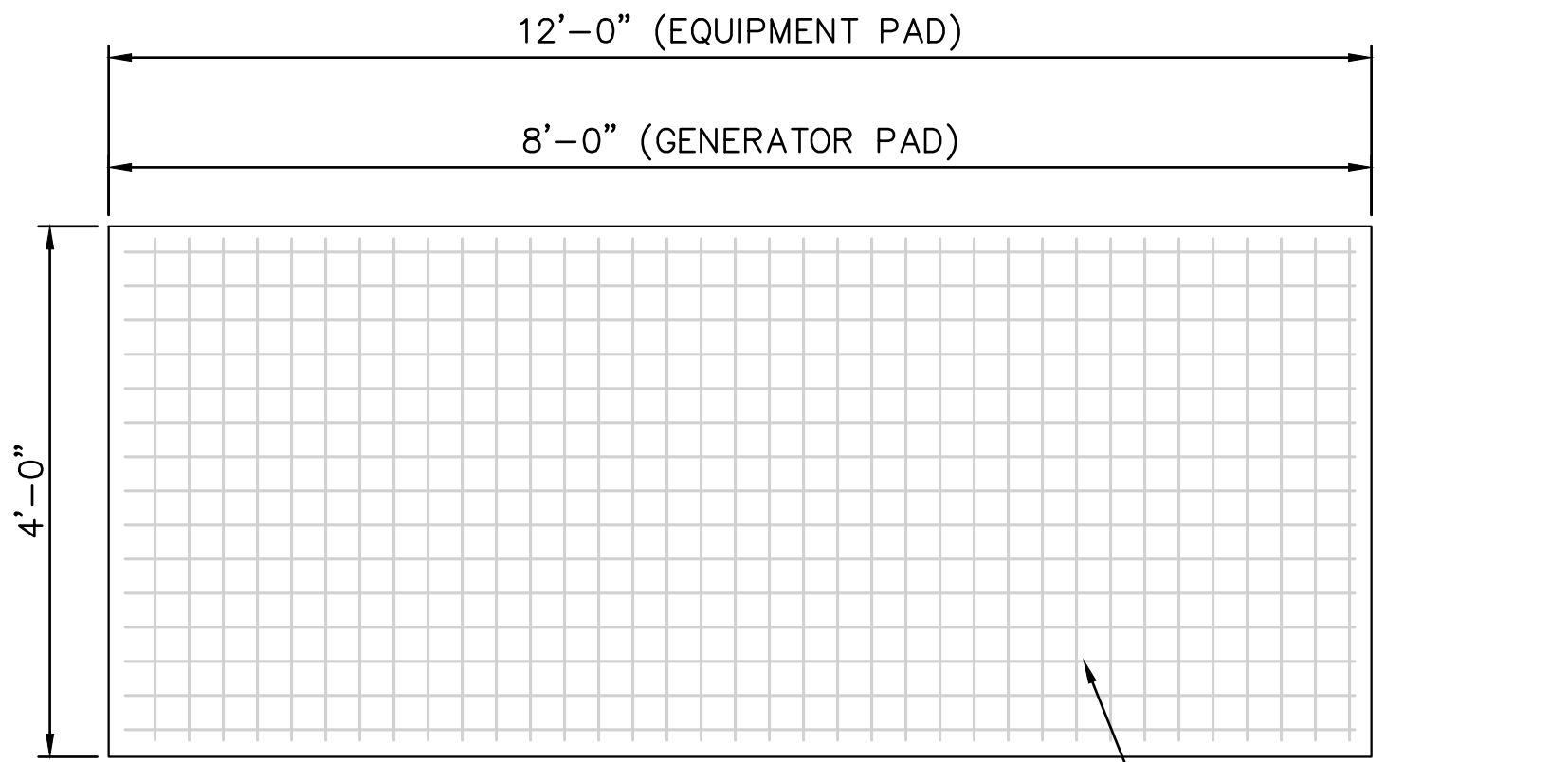


DRAWING TITLE:		DRAWING ISSUE STATUS CURRENTLY - <div>A</div>	
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PROJECT:		FIRST ISSUE: 03/27/19	DRAWING NO. <div>SP-6</div>
DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY		DRAWN BY: J.E.F.	
		CHECKED BY: P.J.T.	
PROPERTY OWNER:		SCALE: AS SHOWN	SHEET NO. 7 OF 15
JOHN W. DAVIDSON TRUSTEE		PROJECT NO. 124.112	PRINT DATE: 09/04/20
		DOCUMENT NO.	

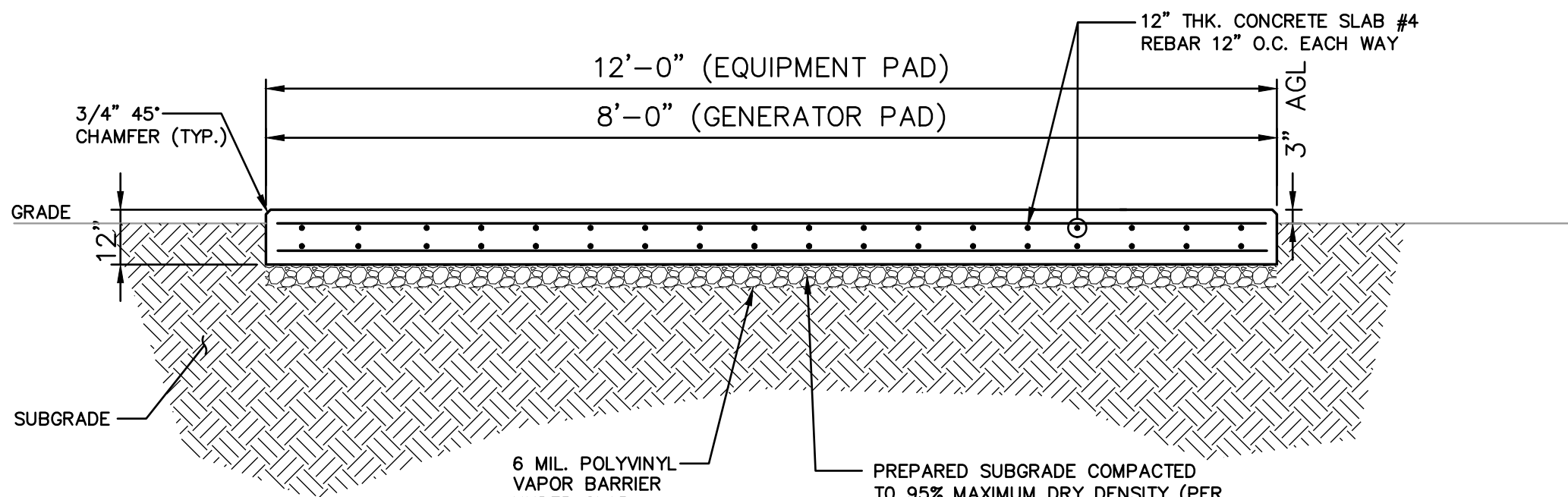






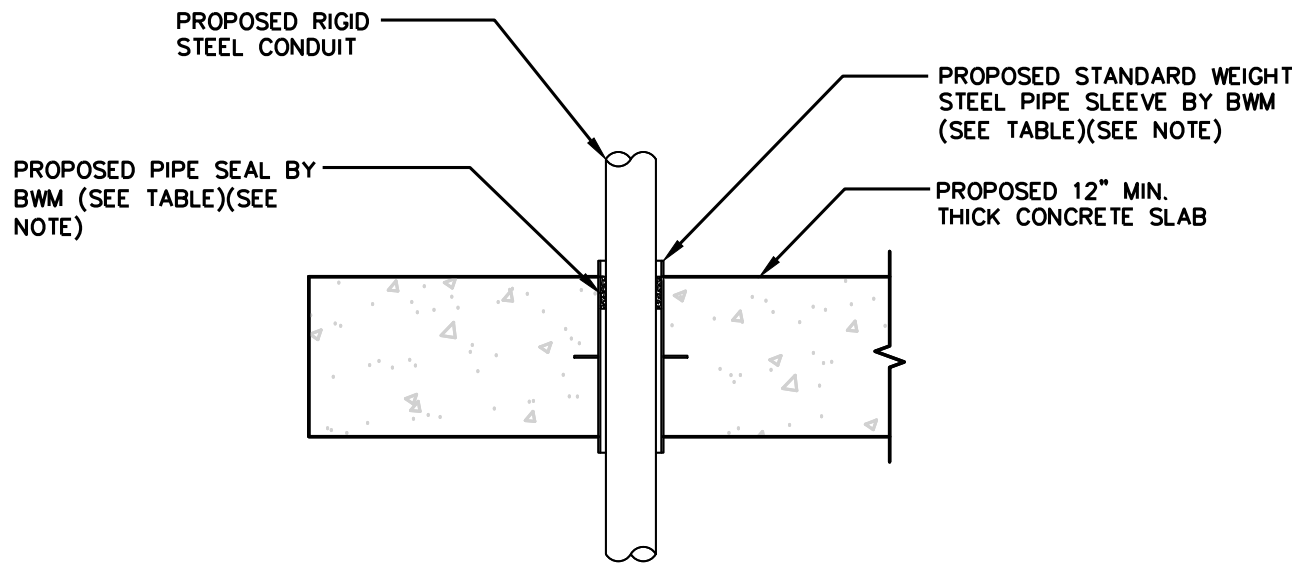


CONCRETE EQUIPMENT PAD DETAIL



CONCRETE EQUIPMENT PAD SECTION DETAIL

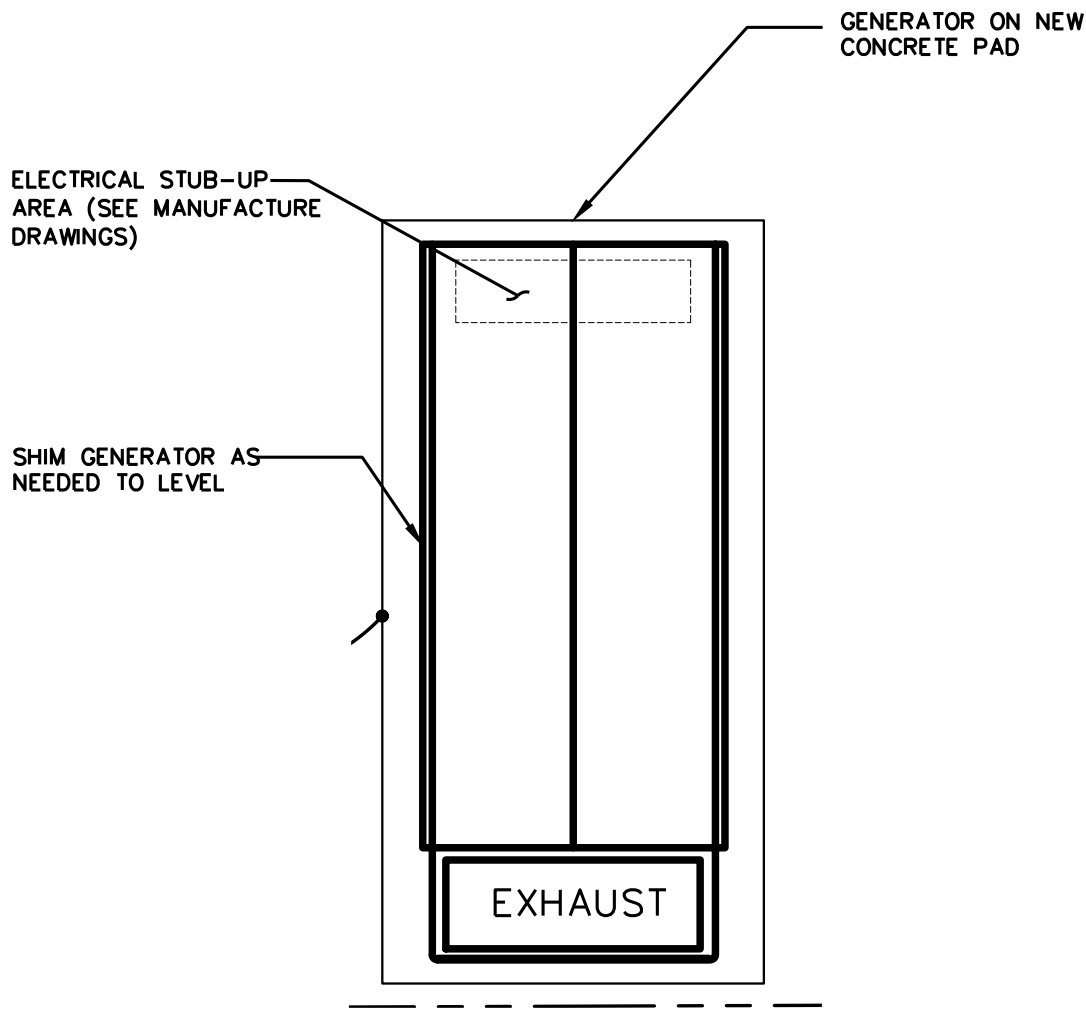
1  
SP-5  
DETAIL  
NOT TO SCALE



CONDUIT SLEEVE AND SEAL TABLE

NOMINAL CONDUIT SIZE (INCHES)	ACTUAL PIPE O.D. (INCHES)	SLEEVE NOMINAL PIPE SIZE (INCHES)	SLEEVE ACTUAL I.D. (INCHES)	SLEEVE LENGTH	PIPE SEAL PART #	REQUIRED # OF LINKS	QTY.
1.000	1.315	2.500	2.469	12.000	PS-200	5	3
2.000	2.375	4.000	4.026	12.000	PS-300	6	1

3  
SP-5  
CONDUIT SEAL DETAIL  
NOT TO SCALE



NOTE 1: ALL CONDUITS TO PENETRATE SLAB FROM BELOW AND USE CONDUIT SEAL DETAIL 3/SP-5

2  
SP-5  
DETAIL  
NOT TO SCALE

GENERAL NOTES:

REINFORCING

- ALL REINFORCING BAR DETAILS SHALL CONFORM TO THE LATEST ACI CODE AND DETAILING MANUAL.
- ALL BARS SHALL BE ASTM A-615, GRADE 60.
- PROVIDE AND SCHEDULE WITH THE SHOP DRAWINGS ALL NECESSARY ACCESSORIES TO HOLD REINFORCING SECURELY IN POSITION.
- CLEARANCE OF MAIN REINFORCING FROM ADJACENT SURFACES UNLESS SHOWN OTHERWISE SHALL BE:
  - UNFORMED SURFACES IN CONTACT WITH GROUND OR EXPOSED TO WEATHER: 3"
  - BOTTOM SURFACES OF SLAB ON GRADE: 3"
  - FORMED SURFACES IN CONTACT WITH GROUND OR EXPOSED TO WEATHER:
    - #5 BARS OR SMALLER: 1-1/2"
    - BARS LARGER THAN #5: 2"
    - EXTERIOR WALL SURFACES: 2"
    - IN ALL CASES, NOT LESS THAN THE BAR DIAMETER.
- ALL REINFORCEMENT SHALL BE INSPECTED AND APPROVED BY THE ENGINEER OR HIS DESIGNATE BEFORE CONCRETE IS PLACED.

- TOLERANCES FOR PLACING REINFORCING SHALL BE: +1/4 INCH FOR MEMBERS WITH AN EFFECTIVE DEPTH OF 24 INCHES OR LESS +1/2 INCH FOR MEMBERS WITH AN EFFECTIVE DEPTH OF MORE THAN 24 INCHES
- WHERE CONTINUOUS BARS ARE CALLED FOR, THEY SHALL BE RUN CONTINUOUSLY AROUND CORNERS AND LAPPED AT NECESSARY. SPLICES OR HOOKED AT DISCONTINUOUS ENDS. LAPS SHALL BE 40 BAR DIAMETERS. BAR LAPS MAY BE OFFSET TO AVOID CONTROL OR CONSTRUCTION JOINTS.

REQUIRED INSPECTIONS

- THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION AND SCHEDULING OF ALL INSPECTIONS REQUIRED BY LOCAL AND STATE OFFICIALS HAVING JURISDICTION.
- THE CONTRACTOR SHALL NOTIFY THE ENGINEER 48 HOURS IN ADVANCE OF EXCAVATION, STEEL PLACEMENT AND CONCRETE PLACEMENT.

FOUNDATION

- ALL FOUNDATIONS SHOULD BEAR A MINIMUM OF 3'-6" BELOW PROPOSED GRADE ON SOIL WITH A NOMINAL ALLOWABLE SOIL BEARING PRESSURE OF 1,000 PSF, OR BEDROCK HAND CLEANED AND FREE OF LOOSE SOIL, WHICHEVER IS LESS.
- ALL FOUNDATION SUBGRADES SHALL BE VERIFIED IN THE FIELD BY THE ENGINEER.

CONCRETE

- ALL CONCRETE WORK SHALL CONFORM TO THE LATEST EDITION OF THE ACI BUILDING CODE.
- ALL CONCRETE SHALL ATTAIN 4000 PSF COMPRESSIVE STRENGTH AT 28 DAYS.
  - MINIMUM CEMENTITIOUS MATERIALS CONTENT: 520 LB./CU.YD.
  - MAXIMUM WATER CEMENTITIOUS MATERIALS RATIO: 0.51.
  - SLUMP LIMIT: 4"
  - AIR CONTENT: 6 PERCENT, PLUS OR MINUS 1.5 PERCENT AT THE POINT OF DELIVERY FOR 1" NOMINAL MAXIMUM AGGREGATE SIZE.
- READY MIX:
  - COMPLY WITH ACI-301, ACI-304 AND ASTM C-94.
  - MAXIMUM TIME BETWEEN INTRODUCTION OF WATER AND PLACING TO BE 1-1/2 HOURS.
  - MINIMUM CEMENT CONTENT SHALL BE 5 SACKS PER CUBIC YARD.
  - MAXIMUM WATER CONTENT SHALL BE 6 GALLONS PER SACK OF CEMENT.
  - MAXIMUM SLUMP OF CONCRETE SHALL BE 3 INCHES AS DETERMINED BY ASTM C-143.
  - ALL CONCRETE EXPOSED TO THE GROUND OR WEATHER SHALL BE AIR ENTRAINED BETWEEN 4-5%.
  - DO NOT LOAD TRUCKS ABOVE RATED CAPACITY.
- COLD WEATHER CONCRETING SHALL BE IN ACCORDANCE WITH ACI-306.
- CONTRACTOR SHALL PREPARE AT LEAST FOUR CONCRETE TEST CYLINDERS FROM EACH DAY'S POUR. CYLINDERS SHALL BE PROPERLY CURED, STORED AND TESTED AT 7, 14 AND 28 DAYS. SUBMIT RESULTS TO ENGINEER.
- THROUGHOUT CONSTRUCTION, THE CONCRETE WORK SHALL BE ADEQUATELY PROTECTED AGAINST DAMAGE DUE TO EXCESSIVE LOADING, CONSTRUCTION EQUIPMENT, MATERIALS OR METHODS, ICE, RAIN, SNOW, EXCESSIVE HEAT AND FREEZING TEMPERATURES.
- EARLY DRYING OUT OF CONCRETE, ESPECIALLY DURING THE FIRST 24 HOURS, SHALL BE CAREFULLY GUARDED AGAINST. ALL SURFACES SHALL BE MOIST CURED OR PROTECTED USING A MEMBRANE CURING AGENT APPLIED AS SOON AS FORMS ARE REMOVED. IF MEMBRANE CURING AGENT IS USED, EXERCISE CARE NOT TO DAMAGE COATING.
- BENDING, TACK WELDING, CUTTING OR SUBSTITUTE REINFORCING OTHER THAN AS SHOWN ON THE CONTRACT DRAWING IS PROHIBITED UNLESS SPECIFIC APPROVAL FOR EACH CASE IS GIVEN BY THE ENGINEER.
- CONCRETE SHALL BE CONVEYED, PLACED AND FINISHED IN A GOOD WORKMANLIKE MANNER.
- PRIOR TO MAKING REPAIRS, CONTRACTOR SHALL OBTAIN PERMISSION FROM ENGINEER TO MAKE PATCHES FOR OTHER THAN MINOR HONEY COMBING.
- CONTRACTOR TO COORDINATE REQUIREMENTS OF STRUCTURAL, ARCHITECTURAL, MECHANICAL AND ELECTRICAL DRAWINGS WITH THE INSTALLATION OF CONCRETE.
- ALL MATERIALS SHALL BE STORED TO PROTECT THEM AGAINST THE ELEMENTS.

SCHEDULE OF REVISIONS					
7					
6	REVISED PER PLANNING COMMISSION COMMENTS	A.B.	J.B.B.	A	09/04/20
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BLUE BELL, PA. 19422

TEL: (610) 715-6000

JOHN B. BOSCO  
LICENSE  
No. 7188  
DELAWARE  
PROFESSIONAL ENGINEER

09/04/2020  
DATE

JOHN BOSCO, P.E.  
DELAWARE PROFESSIONAL ENGINEER DE LIC. NO. 7188

DRAWING TITLE: <b>CONCRETE PAD DETAILS AND NOTES</b>	DRAWING ISSUE STATUS CURRENTLY - <b>A</b> A - ISSUED FOR PRELIMINARY INFORMATION ONLY B - ISSUED FOR MUNICIPAL REVIEWS/APPROVALS C - ISSUED FOR CONSTRUCTION PERMITS/BIDS D - ISSUED FOR CONSTRUCTION E - (SPECIFY) _____	
PROJECT: DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY	FIRST ISSUE: 03/27/19 DRAWN BY: J.E.F. CHECKED BY: P.J.T. SCALE: AS SHOWN	DRAWING NO. <b>SP-7</b> SHEET NO. 9 OF 15
PROPERTY OWNER: JOHN W. DAVIDSON TRUSTEE	PROJECT NO. 124.112 DOCUMENT NO.	PRINT DATE: 09/04/20



GENERAL SPECIFICATIONS

1. BEFORE SUBMITTING THIS BID, THE CONTRACTOR SHALL VISIT THE JOB SITE TO EXAMINE AND FULLY ACQUAINT HIMSELF WITH THE EXISTING JOB CONDITIONS, PAYING PARTICULAR ATTENTION TO THE LOCATION OF EXISTING WATER MAINS, HVAC UNITS, DUCT WORK, PANEL BOARDS, TRANSFORMERS, BUILDING STEEL ETC. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL SUPPORTS, HANGERS, BOXES, DUCT WORK, PIPING OR PANELS AS REQUIRED BY TRADE, AND SHALL PERFORM DEMOLITION AND MODIFICATION WORK AS REQUIRED, TO MAKE A COMPLETE AND OPERABLE SYSTEM WITH OUT ADDITIONAL COST TO CELLCO PARTNERSHIP OR THE ENGINEER.

2. REQUIREMENTS OF THE GENERAL CONSTRUCTION SHALL APPLY TO ALL WORK UNDER THESE TRADES.

3. CONTRACTOR SHALL APPLY FOR AND PAY FOR ALL PERMITS, CERTIFICATES, INSPECTIONS, APPROVALS, ETC. NOT OBTAINED BY ENGINEER, AND PAY ALL FINES LEVIED BY STATE, LOCAL AND MUNICIPAL AUTHORITIES HAVING JURISDICTION OVER WORK DONE UNDER THIS CONTRACT.

4. ALL WORK SHALL BE DONE IN COMPLIANCE WITH ALL LAWS, ORDINANCES, CODES, ETC. OF ANY GOVERNING BODY HAVING JURISDICTION, ALL APPLICABLE ITEMS SHALL BEAR THE UNDERWRITERS LABORATORIES (UL) LABEL, AND/OR FACTORY MUTUAL APPROVED. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR COMPLIANCE.

5. ALL WORK SHALL BE DONE IN A NEAT WORKMAN LIKE MANNER, LEFT CLEAN AND FREE FROM DEFECTS, AND COMPLETELY OPERABLE. THE CONTRACTOR SHALL PROVIDE ALL EQUIPMENT AS SCHEDULED ON THE DRAWINGS. ALL MATERIALS SHALL BE NEW AND ALL WORK AND MATERIALS SHALL BE GUARANTEED BY THE CONTRACTOR FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ACCEPTANCE BY THE OWNER.

6. ALL WORK SHALL BE CAREFULLY COORDINATED WITH THE LANDLORD AND ALL TRADES INVOLVED, AND THE CONTRACTOR SHALL PROVIDE PROPER CONNECTIONS, FITTINGS, VALVES, PIPING, ETC. FOR ALL EQUIPMENT FURNISHED BY CELLCO PARTNERSHIP OR OTHER TRADES INVOLVED IN THIS CONTRACT.

7. CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY CONFLICT DISCOVERED BEFORE PERFORMING ANY WORK RELATED TO SUCH CONFLICT. DRAWINGS SHALL BE FOLLOWED AS CLOSELY AS CONDITIONS ALLOW TO COMPLETE THE INTENT OF THE CONTRACT. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF MAJOR ITEMS. A MINIMUM OF (6) COPIES SHALL BE SUBMITTED. THE ENGINEER'S APPROVAL OF SHOP OR SETTING DRAWINGS SHALL ONLY BE CONSTRUED TO APPLY TO GENERAL LAYOUT AND CONFORMANCE TO THE DESIGN CONCEPT OF THE PROJECT AND FOR COMPLIANCE WITH THE GENERAL REQUIREMENTS OF THE CONTRACT DOCUMENTS. THE RESPONSIBILITY FOR ANY DEVIATIONS FROM THE REQUIREMENTS OF THE CONTRACT DOCUMENTS MUST REMAIN THE CONTRACTOR'S UNLESS HE HAS, IN WRITING, SPECIFICALLY CALLED THE ENGINEER'S ATTENTION TO SUCH DEVIATIONS AT THE TIME OF SUBMISSION AND HAS RECEIVED THE ENGINEER'S WRITTEN APPROVAL OF SUCH DEVIATIONS. SEE NOTES NO. 1, 3 & 4 ABOVE.

8. PROVIDE ALL REQUIRED TEMPORARY UTILITIES AND PAY ALL ASSOCIATED FEES AND OPERATING COSTS.

9. THE MECHANICAL AND ELECTRICAL CONTRACTORS SHALL PERFORM ALL CUTTING AND PATCHING AS REQUIRED FOR THEIR RESPECTIVE WORK, EXCEPT THAT STRUCTURALLY FRAMED OPENINGS SHALL BE CUT AND FRAMED BY THE GENERAL CONTRACTOR. ALL HOLES IN MASONRY FLOORS AND WALLS SHALL BE CORE DRILLED.

10. THE CONTRACTOR SHALL PREPARE A COMPLETE SET OF RECORD DRAWINGS PRIOR TO FINAL PAYMENT. FINAL PAYMENT SHALL NOT BE MADE UNTIL THE RECORD DRAWINGS ARE DEEMED COMPLETE BY THE ENGINEER. THE DRAWINGS SHALL BE DRAFTED BY A PROFESSIONAL DRAFTSMAN ON SEPIA MYLAR COPIES OF THESE CONTRACT DOCUMENTS. THE DRAWINGS SHALL INCLUDE EXACT ROUTING OF ALL WIRING, PIPING, DUCTWORK, ETC. THE CONTRACTOR SHALL REQUEST SEPIA MYLARS FROM THE ENGINEER.

NOTE:  
FINAL PAYMENT WILL BE WITHHELD PENDING RECEIPT OF FINAL RECORD DRAWINGS.

ELECTRICAL SPECIFICATIONS

1. GENERAL:

A. THE ELECTRICAL CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS, TOOLS, TRANSPORTATION EQUIPMENT, SERVICES AND FACILITIES REQUIRED FOR THE COMPLETE, PROPER AND SUBSTANTIAL INSTALLATION OF ALL ELECTRICAL WORK. ALL FIXTURES, DEVICES AND EQUIPMENT SHOWN, NOTED OR REQUIRED ON THE DRAWINGS, AND/OR CONTAINED HEREIN SHALL BE CONNECTED FROM THE SOURCE OF ELECTRIC POWER TO THE FINAL CONNECTION, TESTED AND MADE READY FOR SATISFACTORY OPERATION.

B. ALL CONTROL WIRING IS TO BE DONE BY THE ELECTRICAL CONTRACTOR. OTHER CONTRACTORS SHALL PROVIDE STARTERS, ETC. FOR ALL EQUIPMENT THEY FURNISH, UNLESS SPECIFICALLY INDICATED ON THE ELECTRICAL DRAWINGS.

C. UNLESS OTHERWISE INDICATED, THE ARRANGEMENT, POSITION, CONNECTIONS, ETC. SHOWN ON THE DRAWINGS SHALL BE TAKEN AS DIAGRAMMATIC. THE RIGHT IS RESERVED BY THE ENGINEER TO MAKE MINOR CHANGES IN LOCATIONS AND ARRANGEMENTS WHEN REQUIRED BY JOB DEVELOPMENT WITHOUT ADDITIONAL COMPENSATION TO THIS CONTRACTOR.

D. REFER TO THE GENERAL SPECIFICATION, THIS SHEET.

E. ALL WORK SHALL CONFORM TO THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE AND LOCAL, STATE AND APPLICABLE CODES.

F. PROVIDE AS-BUILT DRAWINGS TO OWNER AT CONCLUSION OF PROJECT.

G. OBTAIN ALL PERMITS AND APPROVALS FROM AUTHORITIES HAVING JURISDICTION AND PAYING ALL FEES REQUIRED.

H. SUBMIT SIX (6) SETS OF SHOP DRAWINGS FOR APPROVAL OF THE FOLLOWING:

1. WIRE

2. DEVICES

3. DISCONNECTS

I. COORDINATE WITH UTILITY COMPANY (POWER & TELEPHONE) SERVICE REQUIREMENTS BEFORE STARTING CONSTRUCTION.

J. ALL PANELBOARDS, SWITCHBOARDS, INDUSTRIAL CONTROL PANEL, METER SOCKET ENCLOSURES AND MOTOR CONTROL CENTERS SHALL BE LABELED IN ACCORDANCE WITH ARTICLE 110.16 – (FLASH PROTECTION) OF THE 2005 NEC.

2. PANELBOARDS:

A. CIRCUIT BREAKERS SHALL BE THE BOLT IN TYPE, UNLESS NOTED OTHERWISE, MINIMUM 10,000 AIC AND BE ARRANGED USING DOUBLE ROW CONSTRUCTION.

B. BRACING SHALL BE EQUIVALENT TO, OR COMPATIBLE WITH, THE RATED INTERRUPTING CAPACITY OF SMALLEST OVERCURRENT DEVICE IN THAT PANEL.

C. ALL CONDUCTOR TERMINALS SHALL BE U.L. LISTED FOR MINIMUM OF 75°C.

D. ALL PANELBOARDS, SWITCHBOARDS, INDUSTRIAL CONTROL PANEL, METER SOCKET ENCLOSURES AND MOTOR CONTROL CENTERS SHALL BE LABELED IN ACCORDANCE WITH ARTICLE 110.16 – (FLASH PROTECTION) OF THE 2014 NEC.

3. RACEWAYS:

A. MINIMUM CONDUIT SIZE SHALL BE 3/4" UNLESS OTHERWISE NOTED ON THE DRAWINGS.

B. ELECTRICAL METALLIC TUBING (EMT): HOT DIPPED GALVANIZED, MILD STEEL TUBE, ZINC COATED, AS MANUFACTURED BY TRIANGLE, REPUBLIC, WHEATLAND OR EQUAL.

C. RIGID METAL CONDUIT: HOTDIPPED GALVANIZED, MILD STEEL PIPE, ZINC COATED THREADS WITH AN OUTER COATING OF ZINC BICHROMATE, AS MANUFACTURED BY TRIANGLE, REPUBLIC, WHEATLAND OR EQUAL.

D. LIQUIDTIGHT FLEXIBLE METAL CONDUIT: GALVANIZED STEEL CORE, SINGLE STRIP INTERLOCKED CONSTRUCTION, WITH AN EXTRUDED POLYVINYL CHLORIDE COVERING AS MANUFACTURED BY TRIANGLE, CARLON, ALLIED, OR EQUAL. PROVIDE GROUNDING FITTINGS ON BOTH ENDS (AS MANUFACTURED BY THOMAS AND BETTS OR EQUAL.)

E. POLYVINYL CHLORIDE CONDUIT, (PVC): NEMA TC2, TYPE EPC-40-PVC AND TYPE EPC-80-PVC, UL 651, WITH MATCHING FITTINGS BY SAME MANUFACTURER AS THE CONDUIT, COMPLYING WITH NEMA TC3 AND UL 514B. AVAILABLE MANUFACTURERS: CANTEX, INC., CERTAIN TEED CORP.: PIPE & PLASTICS GROUP, LAMSON & SESSIONS: CARLON ELECTRICAL PRODUCTS OR EQUAL.

F. EXPOSED RACEWAYS SHALL BE RUN TRUE, PLUMB AND PARALLEL OR PERPENDICULAR TO BUILDING LINES.

G. CABLE TRAY SHALL BE STEEL, HOT DIPPED GALVANIZED AFTER FABRICATION AS MANUFACTURED BY B-LINE OR EQUAL. FIELD CUTS TO BE REPAIRED WITH ZINCALATE PRIMER.

H. CONDUIT SUPPORTS SHALL BE SPACED AT A MAXIMUM DISTANCE OF 10 FEET APART.

4. WIRING METHODS:

A. SINGLE CONDUCTOR CABLES SHALL BE USED FOR FEEDERS AND BRANCH CIRCUIT WIRING. MINIMUM SIZE WIRE SHALL BE #12 AWG UNLESS OTHERWISE INDICATED AND SHALL BE SIZED TO CONFORM TO NORMAL NEC VOLTAGE DROPS. WIRE SIZES #10 AWG AND SMALLER SHALL BE SOLID, #8 AWG AND LARGER SHALL BE STRANDED. ALL CONDUCTORS SHALL BE COPPER.

B. FEEDER AND BRANCH CIRCUIT CONDUCTORS SHALL BE 600 VOLT TYPE XHHW OR THHN-THWN COPPER.

C. 120 VOLT CONTROL WIRING: SINGLE CONDUCTOR AC CONTROL WIRES SHALL BE RANDOM COLORS EXCEPT FOR YELLOW, GREEN OR WHITE. WHITE SHALL BE USED FOR CONTROL NEUTRAL LEG.

D. EQUIPMENT GROUND – ALL EQUIPMENT SHALL BE GROUNDED WITH A STRANDED COPPER WIRE WITH GREEN INSULATION.

E. CONDUCTORS SHALL BE CONTINUOUS FROM ORIGIN TO PANEL OR EQUIPMENT WITHOUT SPLICES. WHERE TAP SPLICES ARE NECESSARY AND APPROVED, THEY SHALL BE MADE WITH SUITABLE CONNECTORS IN JUNCTION BOXES.

F. PHASE CONDUCTORS SHALL BE IDENTIFIED WITH THE FOLLOWING COLOR CODED TAPE AT BOTH ENDS:

120/240 VOLTS

PHASE A

PHASE B

NEUTRAL

GROUND

BLACK

RED

WHITE

GREEN

G. EXTERIOR BRANCH CIRCUIT WIRING RUN ABOVE GRADE SHALL BE INSTALLED IN RIGID GALVANIZED STEEL CONDUIT WITH THREADED FITTINGS, UNLESS OTHERWISE NOTED.

H. EQUIPMENT GROUND CONDUCTORS SHALL BE PROVIDED FOR ALL FEEDERS AND BRANCH CIRCUITS.

I. BRANCH CIRCUIT AND FEEDER WIRING RUN WITHIN INTERIOR SPACES SHALL BE INSTALLED IN ELECTRICAL METALLIC TUBING (EMT) WITH SET SCREW COUPLINGS.

J. UNDERGROUND WIRING SHALL BE INSTALLED IN SCHEDULE 40 PVC WITH SCHEDULE 80 PVC ELBOWS AND RISER.

K. UNDERGROUND WIRING SHALL BE INSTALLED AT A MINIMUM OF 30" BELOW FINISHED GRADE. PROVIDE CONTINUOUS RED PLASTIC STRIP 1'-0" FROM GRADE, ABOVE CONDUITS .

L. LIQUID TIGHT FLEXIBLE METAL CONDUIT IN LENGTHS OF 3 FEET OR LESS WITH APPROVED TYPE FITTINGS SHALL BE USED FOR CONNECTIONS TO VIBRATING EQUIPMENT, MOTORS, AND OTHER OUTLETS WHERE WIRING WILL BE EXPOSED TO WEATHER, MOISTURE OR VIBRATIONS.

M. FLEXIBLE METAL CONDUIT IN LENGTHS OF 3 FEET OR LESS SHALL BE PERMITTED FOR CONNECTIONS TO LIGHTING FIXTURES. IT SHALL ALSO BE PERMITTED WHERE STRUCTURAL MEMBERS PRECLUDE THE USE OF CONDUITS.

N. PROVIDE FIRESTOPPING AROUND ALL CONDUITS AT WALL AND FLOOR PENETRATIONS.

O. ALL EQUIPMENT INSTALLED SHALL BE LISTED AND RATED FOR THE ENVIRONMENT IT IS INSTALLED.

5. WIRING DEVICES – PLATES

A. SWITCHES, RECEPTACLES AND OTHER WIRING DEVICES SHALL BE SPECIFICATION GRADE OF TYPE, SIZE AND RATING INDICATED ON THE DRAWINGS.

6. DISCONNECT SWITCHES:

A. SWITCHES SHALL BE QUICK-MAKE, QUICK-BREAK NEMA 1 FOR INDOOR USE AND NEMA 3R FOR OUTDOOR USE AS MANUFACTURED BY GENERAL ELECTRIC, SQUARE D OR EQUAL. ELECTRICAL CONTRACTOR TO PROVIDE ALL SAFETY DISCONNECTS.

7. SPECIAL REQUIREMENTS:

A. TAPS AND SPLICES FOR BRANCH CIRCUIT WIRING SHALL BE MADE WITH INDENT COMPRESSION CONNECTORS AND SHALL BE INSULATED.

SCHEDULE OF REVISIONS

7

6

REVISED PER PLANNING COMMISSION COMMENTS

A.B.

J.B.B.

A

09/04/20

5

REVISED TO SHOW DIESEL GENERATOR DETAIL

J.L.

P.J.T.

A

07/22/20

4

REVISED NUMBER OF CABLES

R.P.J.

P.J.T.

A

06/30/20

3

REVISED PER COMMENTS

A.R.C.

P.J.T.

A

07/26/19

2

REVISED PER COMMENTS

A.R.C.

P.J.T.

A

07/22/19

1

REVISED PER LATEST RFDS

A.R.C.

P.J.T.

A

07/16/19

0

ISSUED FOR REVIEW

J.E.F.

P.J.T.

A

05/28/19

DESCRIPTION OF CHANGES

DRAWN BY

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FPA

FRENCH & PARRELLO ASSOCIATES

1800 Route 34, Suite 101 • Wall, New Jersey 07719

o: 732.312.9800 f: 732.312.9801

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512 E. TOWNSHIP LINE ROAD, BUILDING 2, FLOOR 3

BLUE BELL, PA. 19422

TEL: (610) 715-6000

JOHN B. BOSCO

LICENSE

No. 7188

DELAWARE

PROFESSIONAL ENGINEER

09/04/2020

DATE

JOHN BOSCO, P.E.

DELAWARE PROFESSIONAL ENGINEER

DE LIC. NO. 7188

DRAWING TITLE:

ELECTRICAL SPECIFICATIONS

PROJECT:

DOV HOLLYVILLE  
22602 HARBESON ROAD  
HARBESON, DE 19951  
SUSSEX COUNTY

PROPERTY OWNER:

JOHN W. DAVIDSON TRUSTEE

DRAWING ISSUE STATUS CURRENTLY –

A

A – ISSUED FOR PRELIMINARY INFORMATION ONLY  
B – ISSUED FOR MUNICIPAL REVIEWS/APPROVALS  
C – ISSUED FOR CONSTRUCTION PERMITS/BIDS  
D – ISSUED FOR CONSTRUCTION  
E – (SPECIFY) \_\_\_\_\_

FIRST ISSUE: 03/27/19

DRAWN BY: J.E.F.

CHECKED BY: P.J.T.

SCALE: AS SHOWN

PROJECT NO. 124.112

DOCUMENT NO.

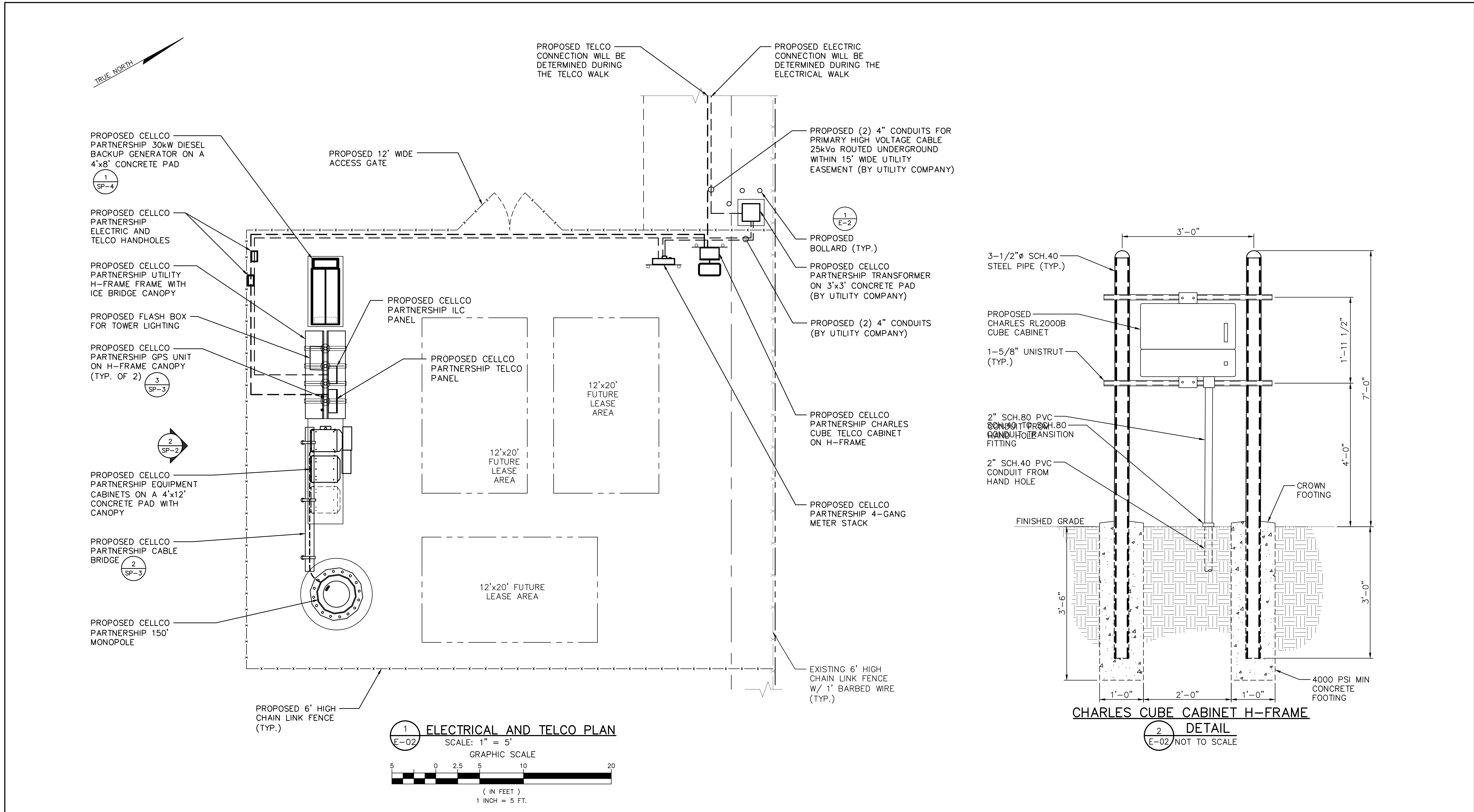
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E-01

SHEET NO. 10 OF 15

PRINT DATE: 09/04/20



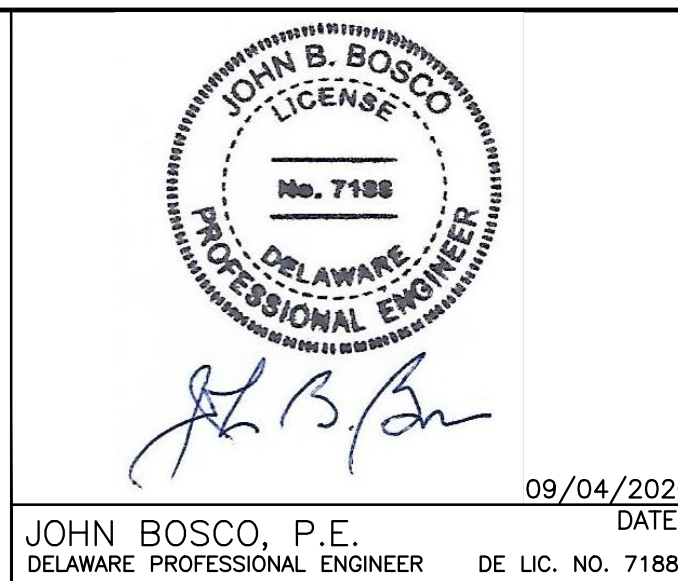


SCHEDULE OF REVISIONS					
7					
6	REVISED PER PLANNING COMMISSION COMMENTS	A.B.	J.B.B.	A	09/04/20
5	REVISED TO SHOW DIESEL GENERATOR DETAIL	J.L.	P.J.T.	A	07/22/20
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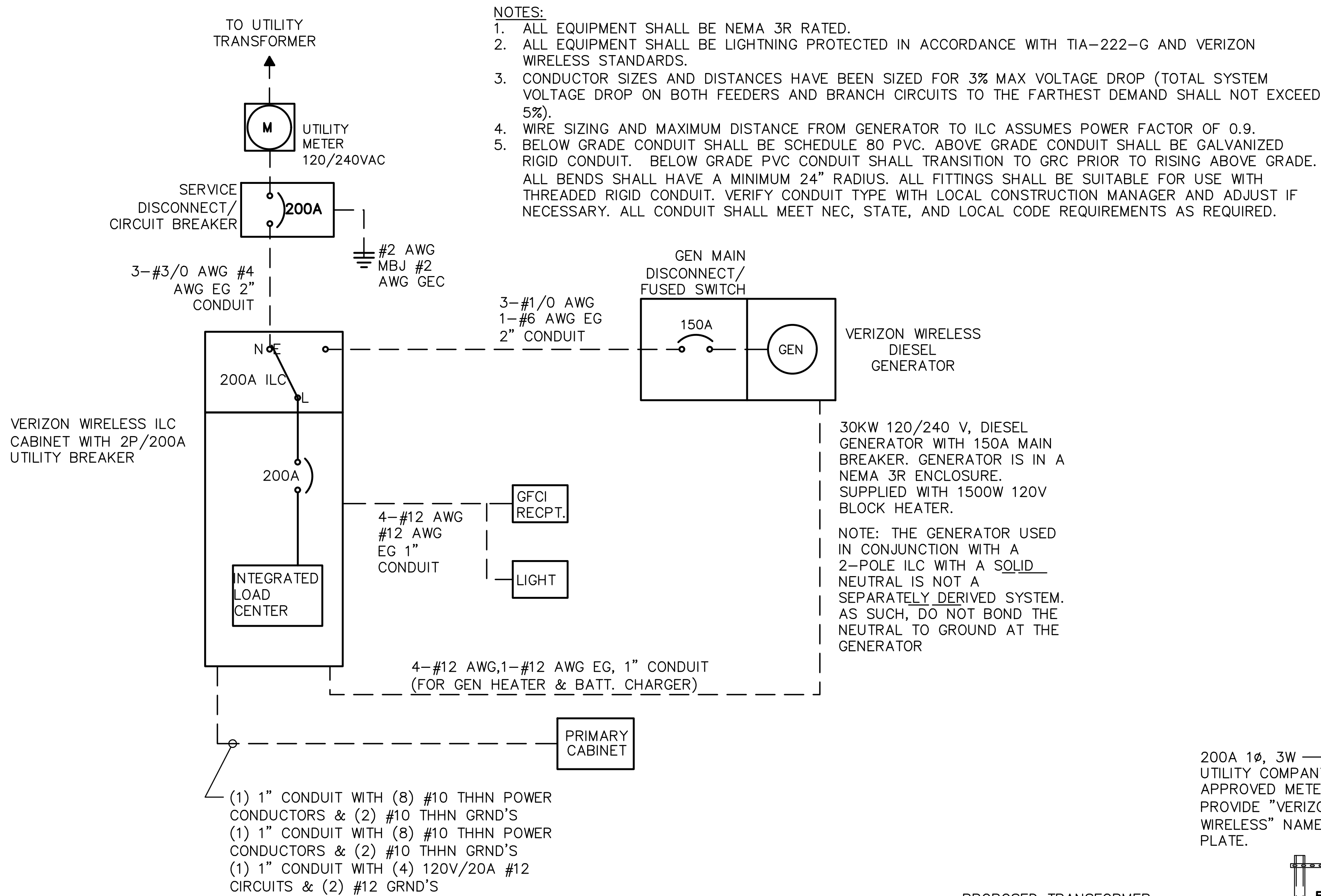


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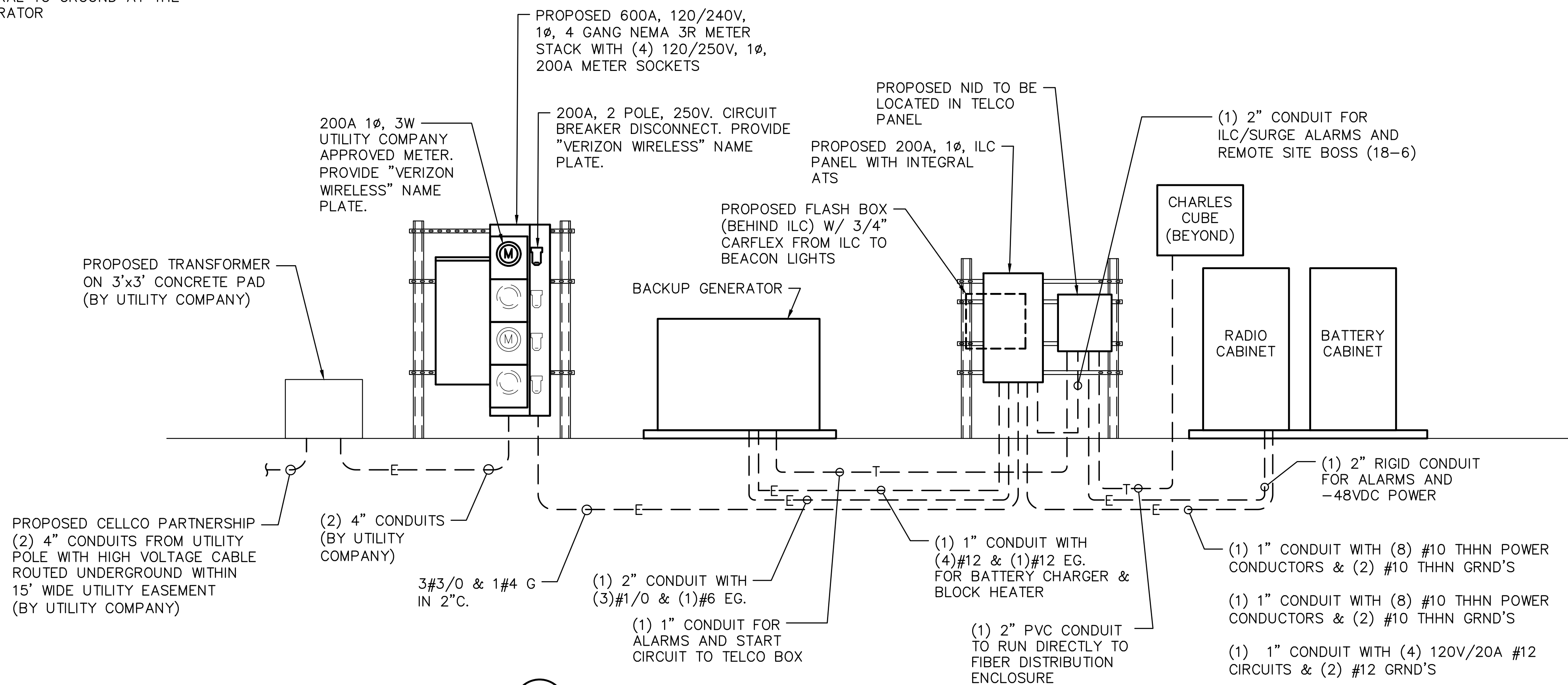


DRAWING TITLE: <b>POWER AND TELCO SERVICE PLAN AND DETAILS</b>		DRAWING ISSUE STATUS CURRENTLY - <b>A</b>	
PROJECT: DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY		FIRST ISSUE: 03/27/19 DRAWN BY: J.E.F. CHECKED BY: P.J.T. SCALE: AS SHOWN	DRAWING NO. <b>E-02</b> SHEET NO. 11 OF 15
PROPERTY OWNER: JOHN W. DAVIDSON TRUSTEE		PROJECT NO. 124.112 DOCUMENT NO.	PRINT DATE: 09/04/20





1 ELECTRICAL SINGLE LINE DIAGRAM  
NOT TO SCALE



2 ELECTRICAL RISER DIAGRAM  
NOT TO SCALE

SCHEDULE OF REVISIONS					
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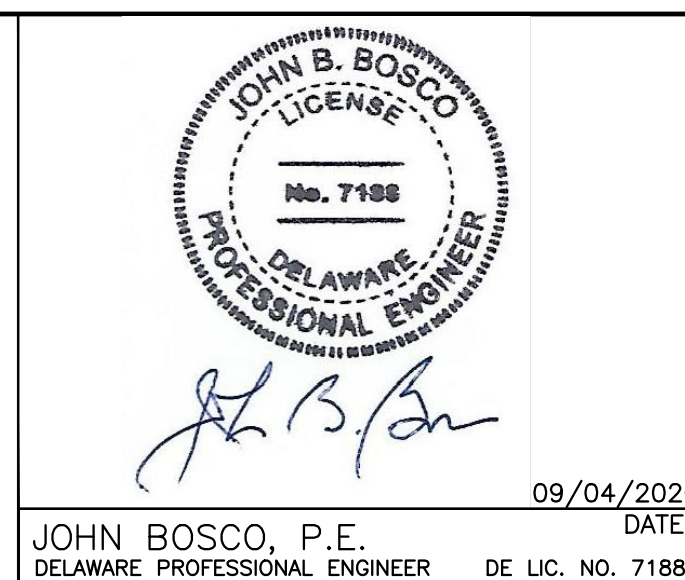
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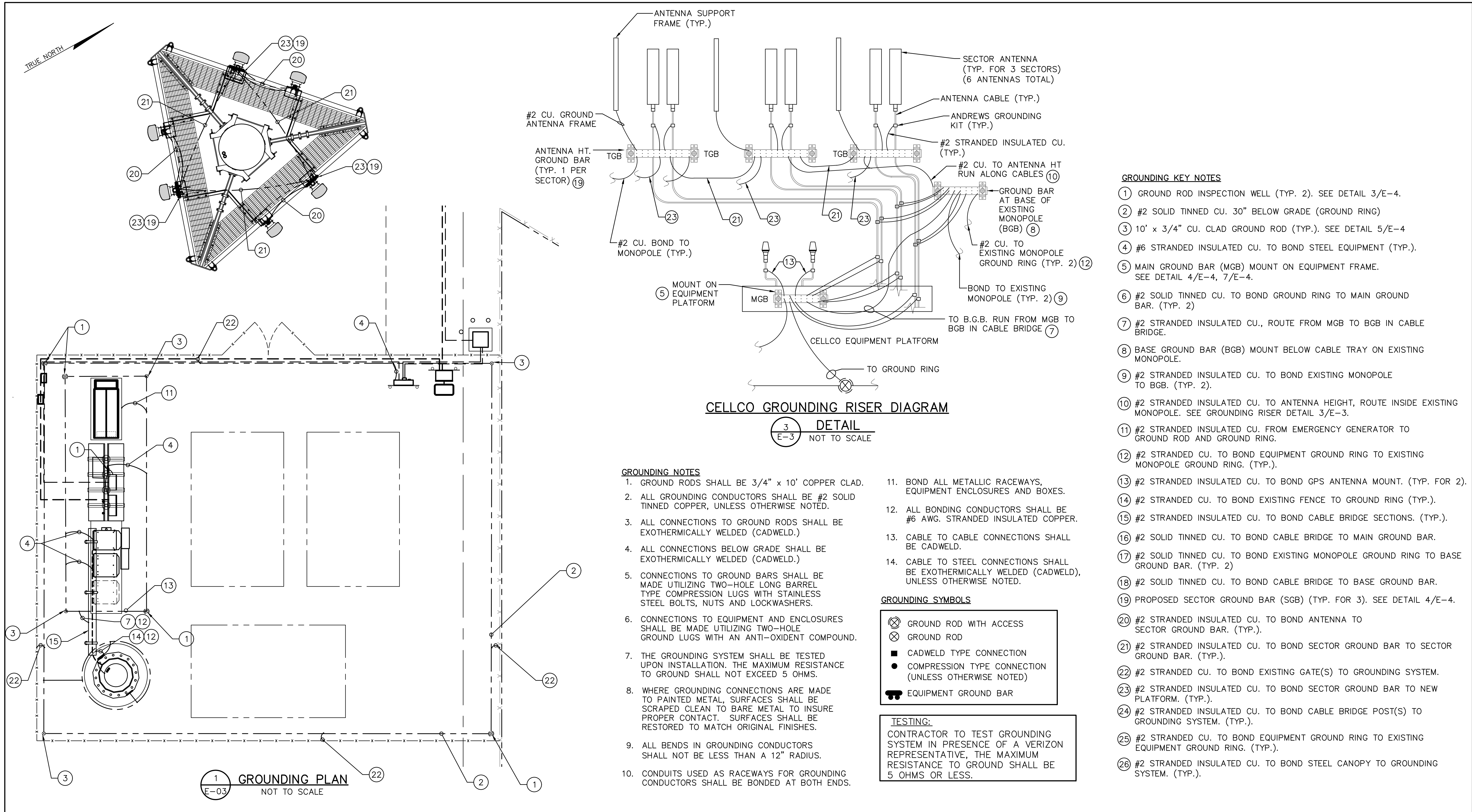
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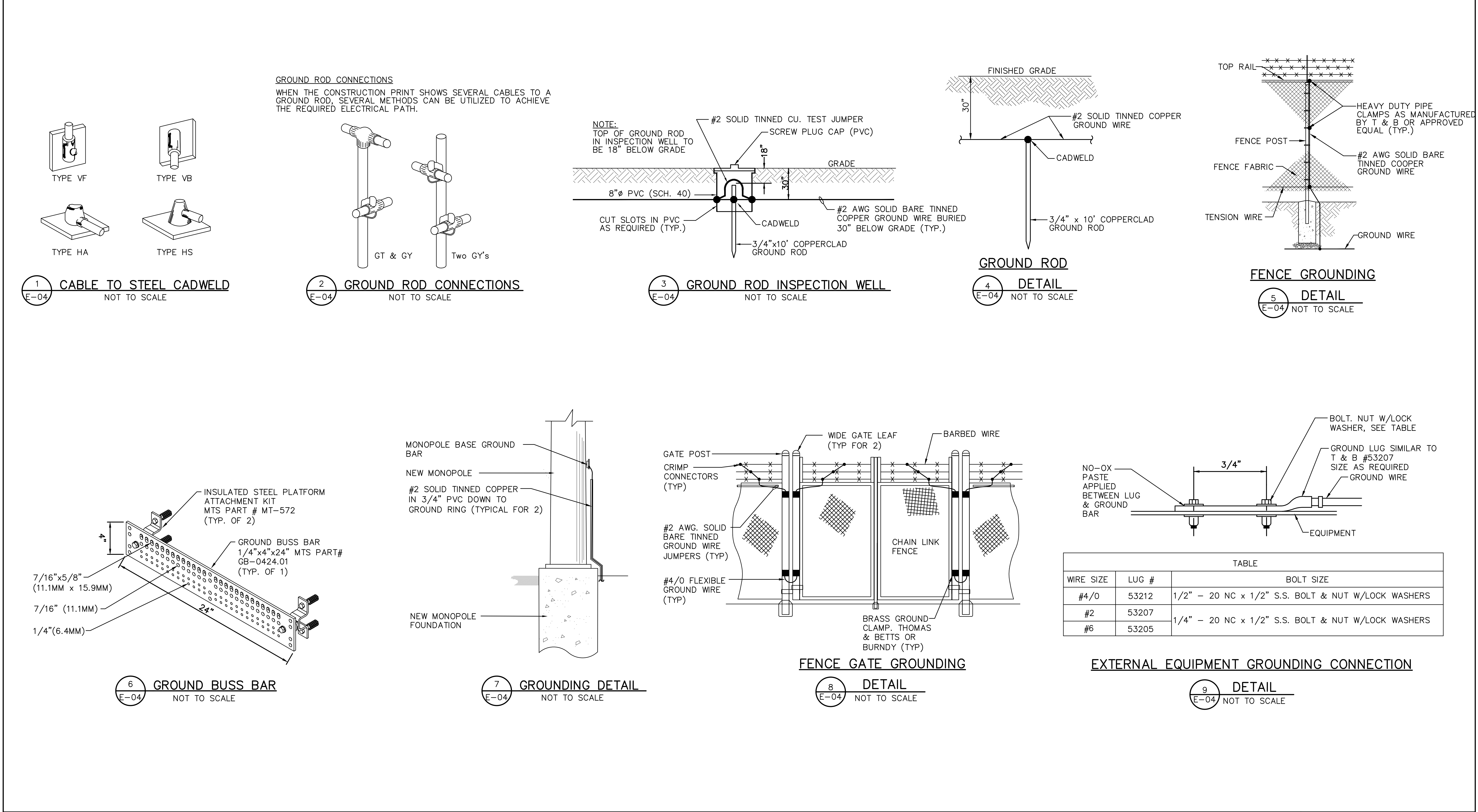
DRAWING TITLE: <b>ELECTRICAL RISER AND SINGLE LINE DIAGRAM</b>		DRAWING ISSUE STATUS CURRENTLY - <b>A</b>	
PROJECT: DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY		FIRST ISSUE: 03/27/19	DRAWING NO. <b>E-02A</b>
PROPERTY OWNER: JOHN W. DAVIDSON TRUSTEE		DRAWN BY: J.E.F.	SHEET NO. 12 OF 15
		CHECKED BY: P.J.T.	PRINT DATE: 09/04/20
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7										<div>PROJECT:</div> <div>DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY</div> <div>PROPERTY OWNER:</div> <div>JOHN W. DAVIDSON TRUSTEE</div>	<div>FIRST ISSUE: 03/27/19</div> <div>DRAWN BY: J.E.F.</div> <div>CHECKED BY: P.J.T.</div> <div>SCALE: AS SHOWN</div> <div>PROJECT NO. 124.112</div> <div>DOCUMENT NO.</div>	<div>DRAWING NO.</div> <div>E-03</div> <div>SHEET NO. 13 OF 15</div> <div>PRINT DATE: 09/04/20</div>	
6	REVISED PER PLANNING COMMISSION COMMENTS	A.B.	J.B.B.	A									09/04/20
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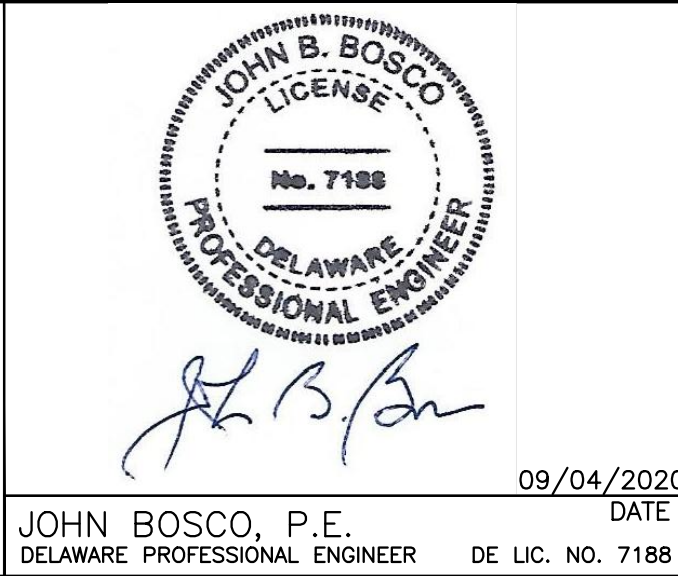
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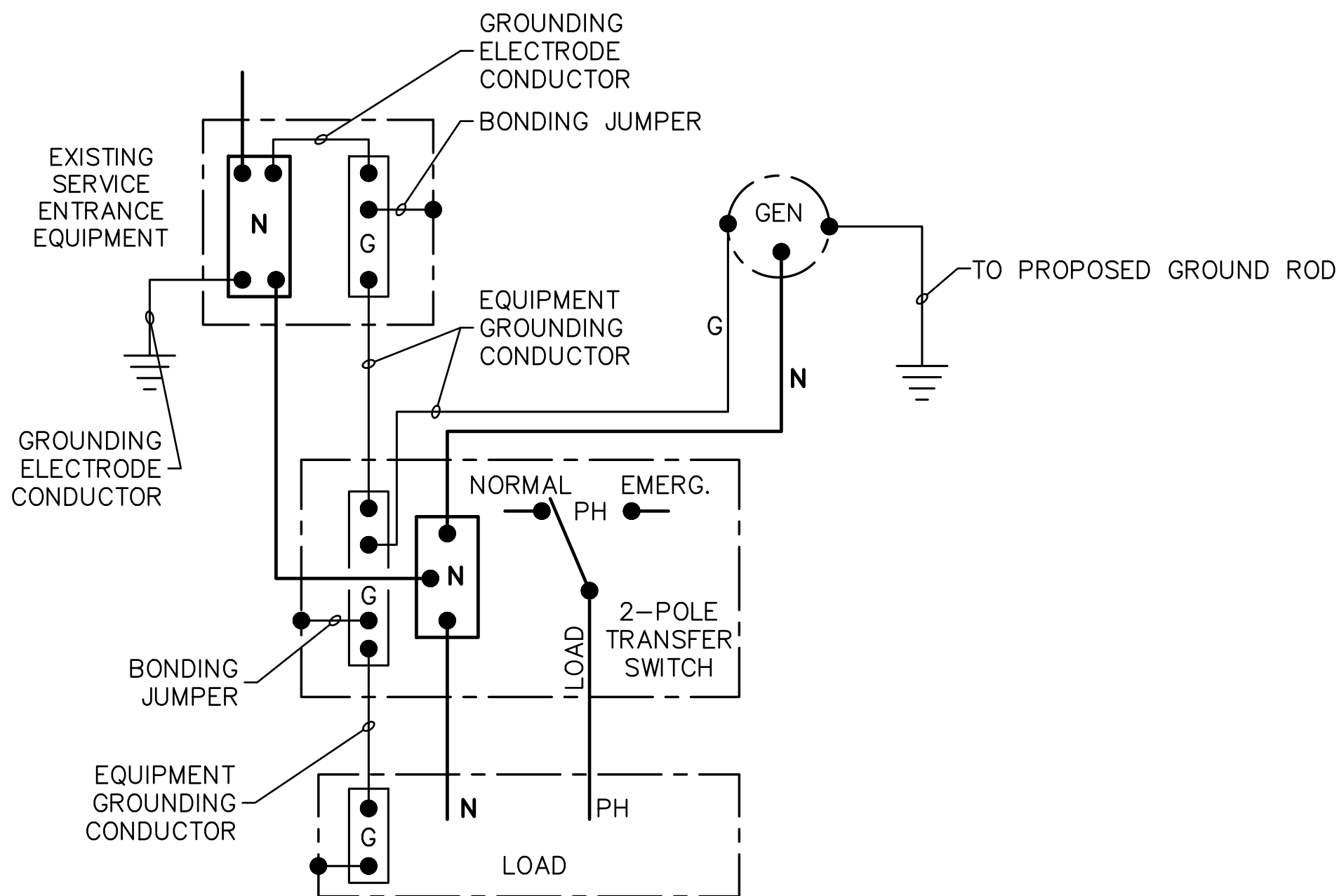
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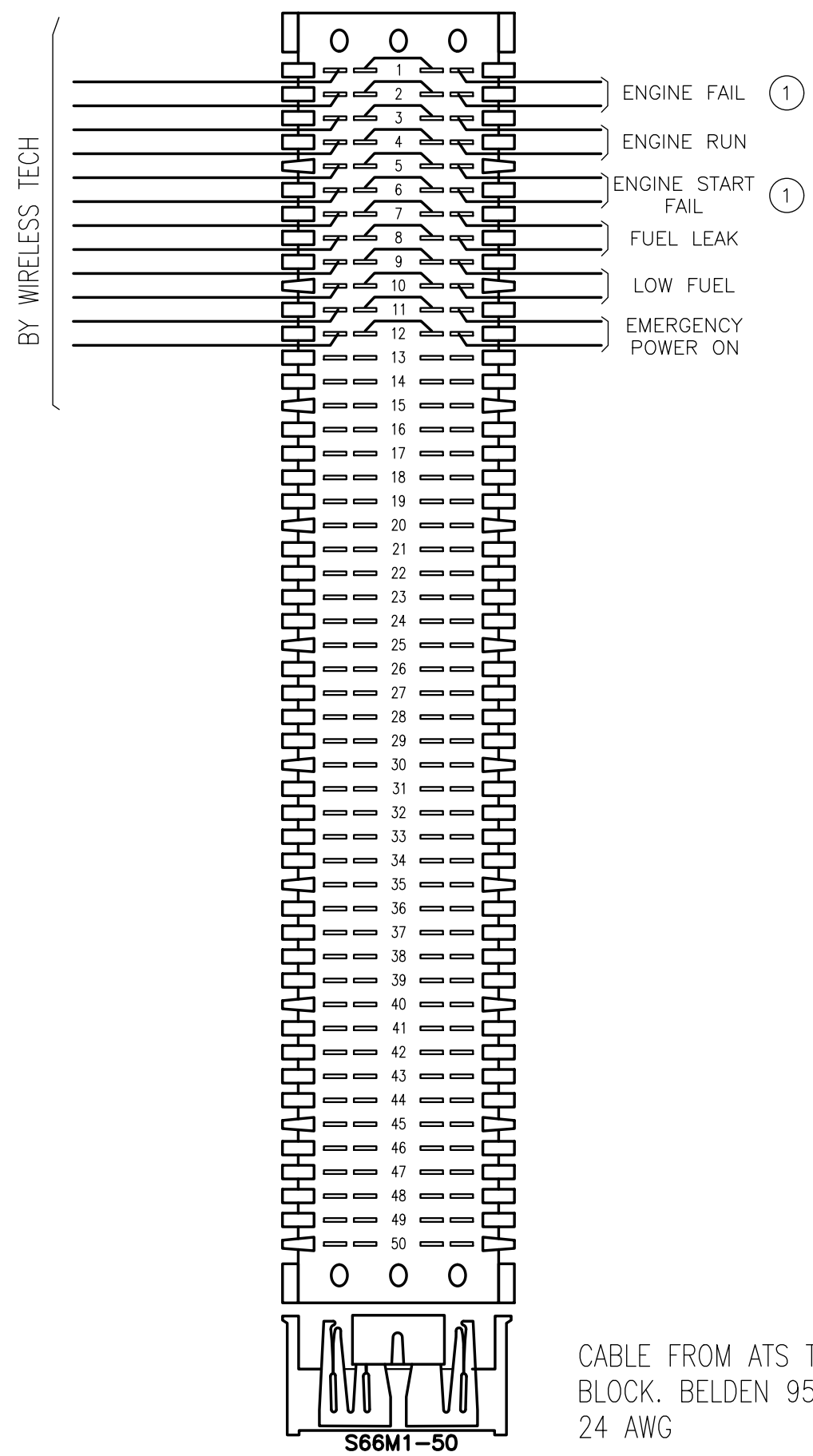
DRAWING TITLE:  <b>GROUNDING DETAILS</b>		DRAWING ISSUE STATUS CURRENTLY - <b>A</b>  A - ISSUED FOR PRELIMINARY INFORMATION ONLY B - ISSUED FOR MUNICIPAL REVIEWS/APPROVALS C - ISSUED FOR CONSTRUCTION PERMITS/BIDS D - ISSUED FOR CONSTRUCTION E - (SPECIFY) _____	
PROJECT:  DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY	FIRST ISSUE: 03/27/19		DRAWING NO.  <b>E-04</b>
	DRAWN BY: J.E.F.		
	CHECKED BY: P.J.T.		
	SCALE: AS SHOWN		SHEET NO. 14 OF 15
PROPERTY OWNER:  JOHN W. DAVIDSON TRUSTEE	PROJECT NO. 124.112		PRINT DATE: 09/04/20
	DOCUMENT NO.		



**DIRECT ELECTRICAL CONNECTION  
OF THE GROUND CIRCUIT  
CONDUCTOR (NEUTRAL) TO THE  
GENERATOR (VIA ATS)**

1 TYP. DETAIL  
E-05 NOT TO SCALE

1. ALL GROUNDING CONDUCTOR SIZES AND LOCATIONS SHALL MEET THE REQUIREMENTS OF ALL LOCAL, STATE, AND NATIONAL (NEC) CODE REQUIREMENTS. (NEC 250-20(d))



**66 BLOCK WIRING**

2 DETAIL  
E-05 NOT TO SCALE

- ① CONTRACTOR TO VERIFY TERMINATION POINT, VIA WIRING DIAGRAM INSIDE GENERATOR CONTROL PANEL.

**NOTES:**

1. ALL MATERIAL SHALL BE FURNISHED AND INSTALLED BY CONTRACTOR.
2. CONTRACTOR SHALL INSTALL (2) NEW 20A, 1 POLE CIRCUIT BREAKERS IN ELECTRICAL PANEL FOR NEW CIRCUITS TO GENERATOR BLOCK HEATER AND BATTERY CHARGER.
3. CONTRACTOR SHALL INSTALL A 3/4" X 10' COPPER CLAD STEEL GROUND ROD AND #4 AWG COPPER GROUND WIRE FOR AUXILIARY GROUNDING AT THE GENERATOR.

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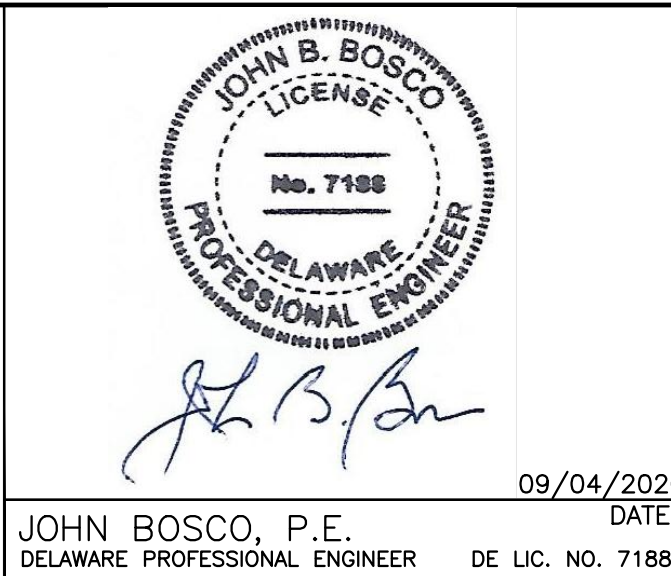
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DRAWING TITLE: <b>ALARM WIRING SCHEMATIC AND RISER DIAGRAMS</b>		DRAWING ISSUE STATUS CURRENTLY - <b>A</b>	
PROJECT: DOV HOLLYVILLE 22602 HARBESON ROAD HARBESON, DE 19951 SUSSEX COUNTY		FIRST ISSUE: 03/27/19 DRAWN BY: J.E.F. CHECKED BY: P.J.T. SCALE: AS SHOWN	DRAWING NO. <b>E-05</b> SHEET NO. 15 OF 15
PROPERTY OWNER: JOHN W. DAVIDSON TRUSTEE		PROJECT NO. 124.112 DOCUMENT NO.	PRINT DATE: 09/04/20





Dollar General Corporation  
100 Mission Ridge  
Goodlettsville, TN 37072

September 14, 2020

Sussex County Planning & Zoning Department  
Attn: Christin Headley  
2 The Circle  
PO Box 417  
Georgetown, DE 19947

Re: Parking requirements at the proposed Dollar General at Johnson Road, Lincoln, DE.

Dear Ms. Headley:

Through the years, Dollar General has refined the design criteria for new store development. With over 16,000 stores in productive operation, we have gathered significant data.

One area which we are balanced between development cost and customer need is parking requirements and accessibility for our build-to-suit locations. Our stores average 15 to 20 transactions per hour. We have estimated and confirmed that 30 spaces will accommodate the customer flow rate that our business generates. This standard has also been sufficient for traffic generated at the peak Christmas season levels.

Thanks for your consideration and feel free to contact me with any other questions you may have.

Best Regards,

*Dawn Minagil*

Dollar General Corporation  
Plan Coordinator Northeast Region  
615.855.5073  
[dminagil@dollargeneral.com](mailto:dminagil@dollargeneral.com)

## **WAIVER REQUEST**

### **DOLLAR GENERAL LINCOLN**

#### **PARKING WAIVER**

**REQUEST:** We request that the requirement within the Article XXII Off-Street Parking Subsection 115-162 Requirements of the Sussex County Code with regard to the total number of parking spaces required for retail stores be relaxed for the project.

**EXTENT OF THE REQUEST:** By code, parking for a retail establishment shall contain 1 space per 200 square feet of floor area used for sales, plus one per two employees. This would require a 9100 sqft Dollar General with 7,343 sqft of sales area to contain 37 parking spaces. The project is requesting the requirement be waived to allow for 30 parking spaces to be constructed, a reduction of 7 spaces.

**BASIS FOR REQUEST:** Per Section 115-164 Modification of requirements, of the Sussex County Code, states “Where, in the judgment of the Planning and Zoning Commission, the parking requirements listed in § [115-162](#) are clearly excessive and unreasonable, the Commission may modify the requirements.” The building placement on site is constrained by two factors, proposed septic areas and their associated setbacks, and onsite maneuvering of the delivery vehicles. As the previous request to allow the 15 spaces within the building setback was denied, we have had to move those spaces to the side of the building impacting the space available for the side loading areas. As the site is only so large, and moving the building to allow for additional spaces, there physically not enough room on the property to provide the additional 7 spaces. With the reduction in the side loading area, and the increased space for parking, the areas designed to accommodate any stormwater has been further reduced, causing the stormwater to be managed underground. From the end users stand perspective, the requirements of the 7 additional spaces are not necessary, as the franchises national model requires as few as 30 spaces for their 9,100 sqft buildings. As providing the additional 7 spaces would not only be unnecessary from an owner’s perspective, it would clearly add additional impervious ground cover the area putting additional strain on a smaller site to manage increased stormwater generated by theses spaces. Dollar General is a national franchise and from their own independent studies have determined the 30 spaces provides more than enough spaces for their typical store. With this we are requesting the proposed 30 spaces be permitted.



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WILMINGTON, NC 28403  
910.341.7600  
FAX 910.342.7506

www.beckermorgan.com

September 11, 2020

Mrs. Kristen Headley  
Sussex County Planning  
2 The Circle  
Georgetown, DE 19947

RE: **Updated Preliminary Site Plan Application**  
**DOLLAR GENERAL / LINCOLN**  
Lincoln, Delaware  
2020057.00

Dear Ms. Headley:

On behalf of our client, PTV LLC, we are hereby submitting a revised Preliminary Site Development Plan for the Dollar General / Lincoln project located on Johnson Road, west of the railroad tracks in Lincoln, Delaware. The project involves the subdivision of the Johnson parcel and redevelopment of 1.217 acres of land into a 9100 sq. ft. Dollar General store, associated parking and stormwater improvements. We have prepared the preliminary plan based on applicable codes and regulations for Sussex County. We are submitting this plan for consideration at the September Planning Commission hearing. In support of our submission, we are providing the following:

1. Two (2) paper copies of the Preliminary Site Plan.
2. Parking Waiver Request.
3. Backup documentation from Dollar General Corporate.

This site plan was previously heard at the August 27<sup>th</sup> Planning Commission hearing, where the Preliminary Plan, as submitted, was denied. The commission denied the plan as a result of parking spaces being located in the front setback. As before, we are requesting a reduction from the parking requirements and have included the waiver request from 39 spaces to the 30 which we have provided.

The revised plan removes the parking within the front setback and relocates the displaced parking on the west side of the building.

Although we have submitted a revised plan which meets the code, we are resubmitting an alternate design for the commission's consideration. We would like to highlight existing site constraints that impact the site design. the constraints are as follows:

- Subdivision of Land
  - Although the property is being subdivided and is currently owned by one entity, the proposed boundary of the subject site is constrained to the south by the existing fence enclosing a construction yard of RY Johnson, to the east by the septic facilities for RY Johnson and the north by the DelDOT right-of-way. The remaining lands are held in reserve for the seller and are not part of the contracted land.
- DelDOT Dedication
  - DelDOT is requiring an additional 11' of right-of-way and 15' of permanent Easement across the frontage. This pushes the front setback an additional 11' into the property.

- Septic feasibility
  - As shown on the plan, we are limited to a certain area within the subject parcel to where the septic system can be located on site based on the septic feasibility study performed for the site.
- Septic offsets
  - The septic system has prescriptive separation distances from buildings, other potable water wells, property lines etc.
- Stormwater constraints
  - With the parking being shifted to the side of the building, the overall open area to treat stormwater without having to control has been reduced.
- Delivery truck turning
  - As the delivery truck for the end user is a large tractor trailer, we must be cognizant of the turning movements of the truck to allow for the delivery vehicle to back into the loading area. With minimal impact to parking areas.

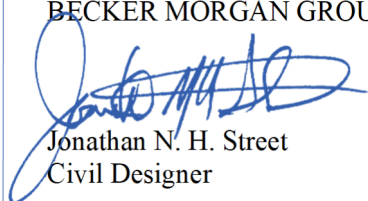
Although this alternate design was previously denied, we would submit that the design is a more efficient and safer layout for the general public. Even though we understand that the parking within the setback should be the exception and not the rule within the county, we would suggest in this case with the parking centrally located in the front of the store provides a more direct and efficient access to the entrance of the store. We would prefer to limit the comingling of delivery and trash removal with customer parking in an effort to avoid the conflict between the traffic. If screening the front parking area, although not previously mentioned, is a concern of the commission, we would propose additional shrubbery type plantings along the front parking area in order to screen these spaces from the road and neighboring parcels.

Working within the constraints listed above and the Planning Commissions previous comments, we have adjusted our plan and we request this project be included on the September 24, 2020 Planning Commission hearing for preliminary approval. We are comfortable moving forward with the design submitted for approval, however we would respectfully request that the commission make a choice on which design they prefer.

Please contact me with any questions you may have.

Sincerely,

BECKER MORGAN GROUP, INC.



Jonathan N. H. Street  
Civil Designer

JNS/

Enclosures

cc: Ben Syput, PTV LLC





Planning and Zoning Commission  
PO Box 417  
Georgetown, DE 19947

To whom it may concern,

I own LOTS 8 THRU 17 in the Dagsboro Trace community near Dagsboro, Delaware. The original site plan for Dagsboro Trace includes an asphalt sidewalk.

☐ I support installing the sidewalk as per the original site plan.

☒ I do not support installing the sidewalk. Please consider an amended site plan that excludes the sidewalk.

Thank you for your consideration,

PR BUILDERS WC



April 11, 2020

Planning and Zoning Commission  
PO Box 417  
Georgetown, DE 19947

RECEIVED

APR 22 2020

SUSSEX COUNTY  
PLANNING & ZONING

To whom it may concern,

I own a home located at 31919 Chelsea Court in the Dagsboro Trace community near Dagsboro, Delaware. The original site plan for Dagsboro Trace includes an asphalt sidewalk.

       I support installing the sidewalk as per the original site plan.

  X   I do not support installing the sidewalk. Please consider an amended site plan that excludes the sidewalk.

Thank you for your consideration,

Richard & Diane Bilski

*Richard Bilski*

*Diane Bilski*

April 11, 2020

Planning and Zoning Commission  
PO Box 417  
Georgetown, DE 19947

RECEIVED

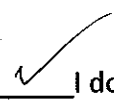
JUL 15 2020

SUSSEX COUNTY  
PLANNING & ZONING

To whom it may concern,

I own a home located at 30784 Alyssa Drive in the Dagsboro Trace community near Dagsboro, Delaware. The original site plan for Dagsboro Trace includes an asphalt sidewalk.

\_\_\_\_\_ I support installing the sidewalk as per the original site plan.

 \_\_\_\_\_ I do not support installing the sidewalk. Please consider an amended site plan that excludes the sidewalk.

Thank you for your consideration,

Royce Alexander & Nicole Hatcher



April 11, 2020

Planning and Zoning Commission  
PO Box 417  
Georgetown, DE 19947

RECEIVED

MAY 11 2020

SUSSEX COUNTY  
PLANNING & ZONING

To whom it may concern,

I own a home located at 30787 Alyssa Drive in the Dagsboro Trace community near Dagsboro, Delaware. The original site plan for Dagsboro Trace includes an asphalt sidewalk.

\_\_\_\_\_ I support installing the sidewalk as per the original site plan.

~~\_\_\_\_\_~~

~~I do not support installing the sidewalk. Please consider an amended site plan that excludes the sidewalk.~~

Thank you for your consideration,

Lori Ott

April 11, 2020

Planning and Zoning Commission  
PO Box 417  
Georgetown, DE 19947

To whom it may concern,

I own a home located at 31918 Chelsea Court in the Dagsboro Trace community near Dagsboro, Delaware. The original site plan for Dagsboro Trace includes an asphalt sidewalk.

\_\_\_\_\_ I support installing the sidewalk as per the original site plan.

☒ I do not support installing the sidewalk. Please consider an amended site plan that excludes the sidewalk.

Thank you for your consideration,

James & Deborah Costello

RECEIVED

APR 17 2020

SUSSEX COUNTY  
PLANNING & ZONING

April 11, 2020

Planning and Zoning Commission  
PO Box 417  
Georgetown, DE 19947

To whom it may concern,

I own a home in the Dagsboro Trace community near Dagsboro, Delaware. The original site plan for Dagsboro Trace includes an asphalt sidewalk.

       I support installing the sidewalk as per the original site plan.

X I do not support installing the sidewalk. Please consider an amended site plan that excludes the sidewalk.

Thank you for your consideration,

Danny & Susan Goldsmith

*Susan Goldsmith*  
*Danny Goldsmith*

RECEIVED

APR 17 2020

SUSSEX COUNTY  
PLANNING & ZONING

April 11, 2020

Planning and Zoning Commission  
PO Box 417  
Georgetown, DE 19947

RECEIVED

APR 22 2020  
SUSSEX COUNTY  
PLANNING & ZONING

To whom it may concern,

I own a home located at 30772 Alyssa Drive in the Dagsboro Trace community near Dagsboro, Delaware. The original site plan for Dagsboro Trace includes an asphalt sidewalk.

\_\_\_\_\_ I support installing the sidewalk as per the original site plan.

✓ I do not support installing the sidewalk. Please consider an amended site plan that excludes the sidewalk.

Thank you for your consideration,

Karen Carroll & Shirley Taylor

## Jennifer Norwood

---

**From:** PR Builders Inc BUILDERS INC <sandl50@comcast.net>  
**Sent:** Monday, August 31, 2020 2:59 PM  
**To:** Jennifer Norwood  
**Subject:** Re: Dagsboro Trace  
**Attachments:** 200831143021.pdf

In addition to the residences not wanting the bike path there are transformers and street lights in the way.

On 08/31/2020 2:25 PM PR Builders Inc BUILDERS INC <sandl50@comcast.net> wrote:

Will this work?

On 08/27/2020 2:13 PM Jennifer Norwood <jnorwood@sussexcountyde.gov> wrote:

Bart,

I have attached copies of the letters we have received requesting to no install the asphalt sidewalk.

Jenny

*Jennifer Norwood*

Planner 1

Planning & Zoning Dept.

Sussex County Government

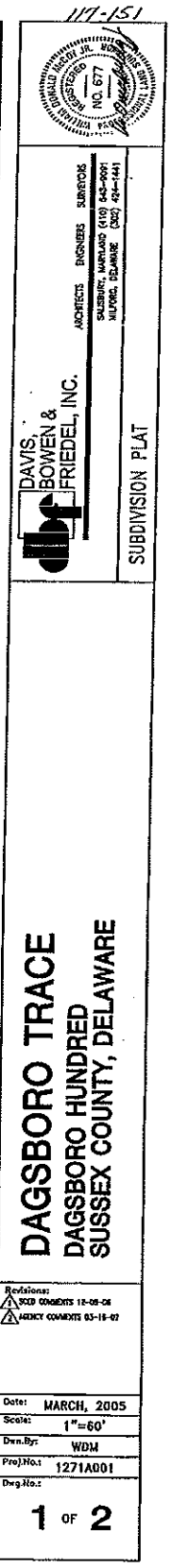
PO Box 417

2 The Circle

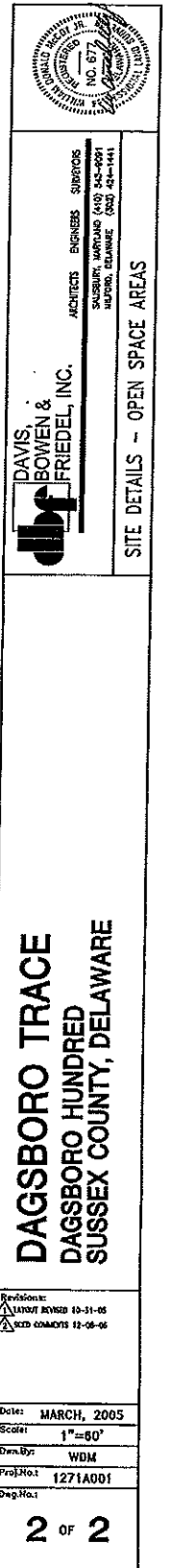
Georgetown, DE 19947

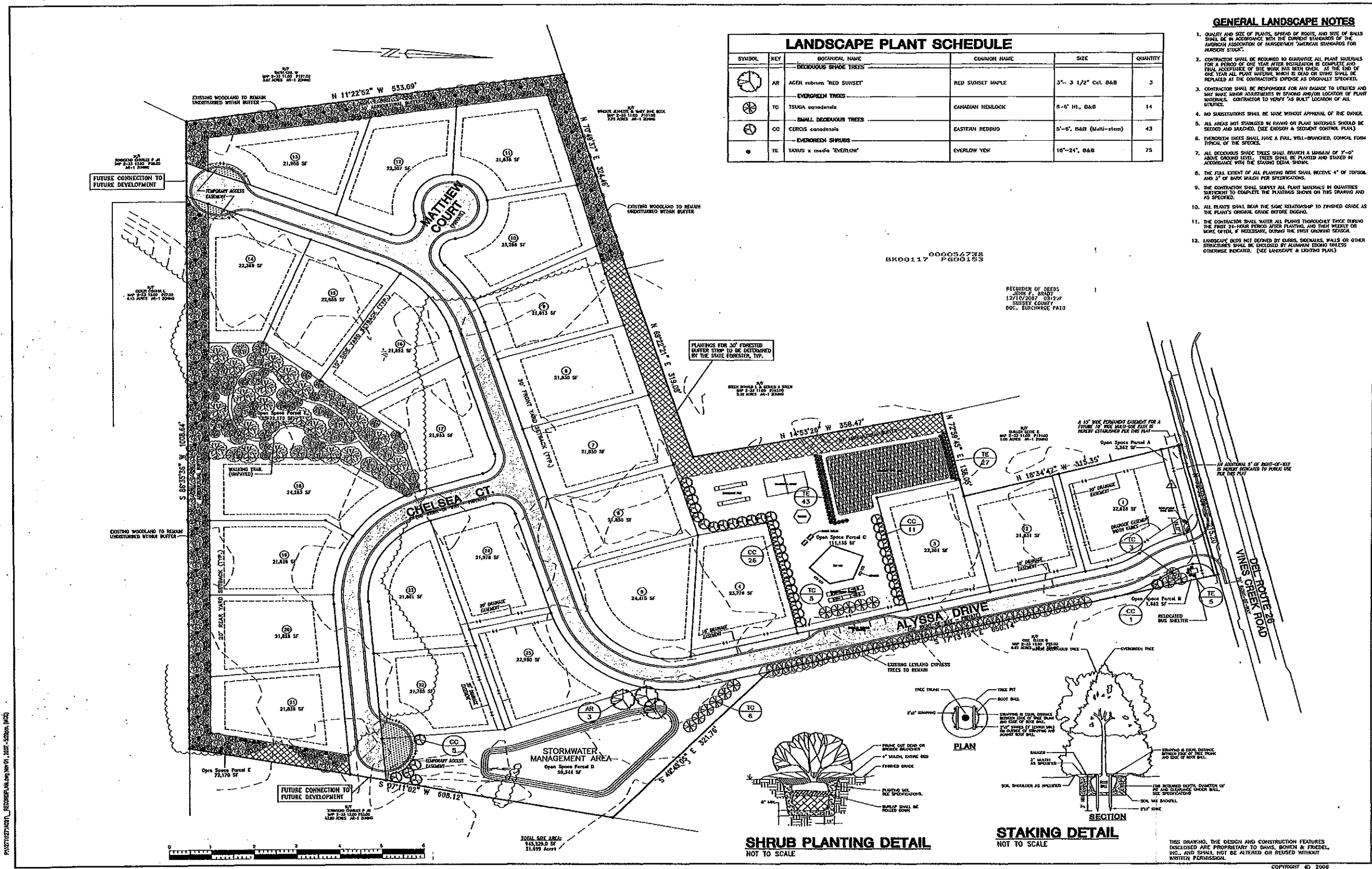
302-858-5501

[jnorwood@sussexcountyde.gov](mailto:jnorwood@sussexcountyde.gov)









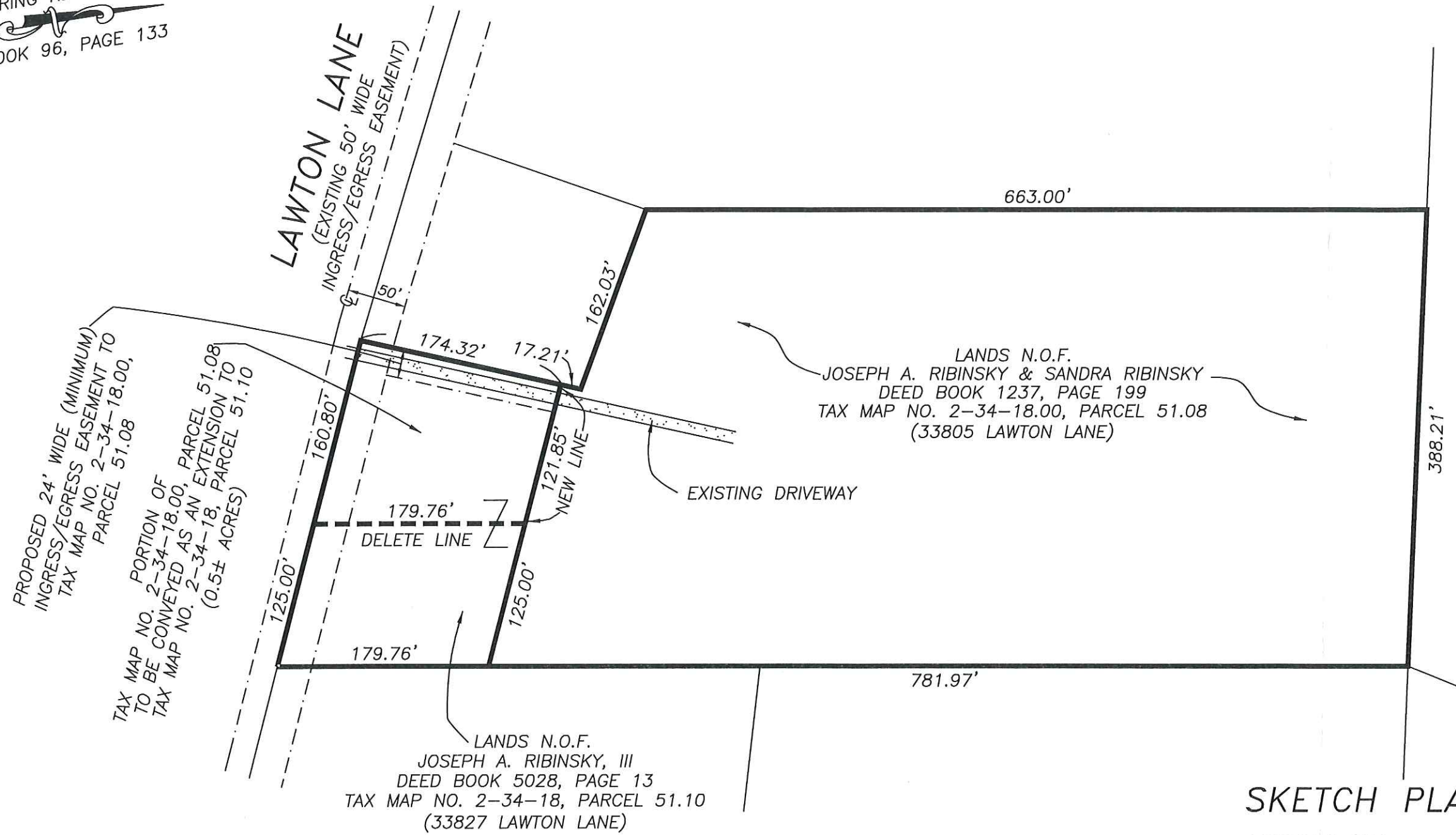
DAVID BOWEN & FRIEDEL, INC.  
ARCHITECTS ENGINEERS SURVEYORS  
SALISBURY, MARYLAND (410) 543-8000  
WILMINGTON, DELAWARE (302) 451-1441

**DAGSBORO TRACE**  
**DAGSBORO HUNDRED**  
**SUSSEX COUNTY, DELAWARE**

Revisions:  
1. LAYOUT REVISED 10-31-05  
2. SITE LAYOUTS 12-08-06

Date: MARCH, 2005  
Scale: 1"=60'  
Dwn. By: WDM  
Proj. No.: 1271A001  
Dwg. No.: 2 OF 2

BEARING REFERENCE  
PLOT BOOK 96, PAGE 133



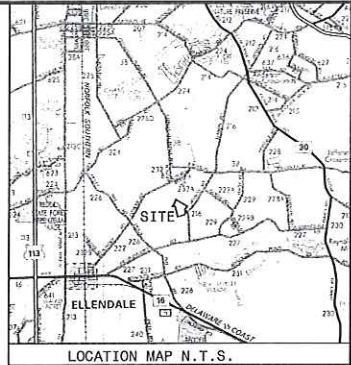
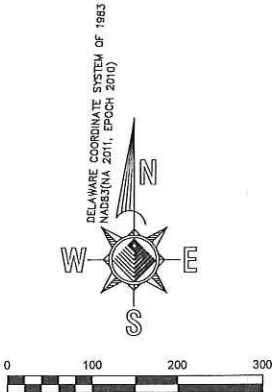
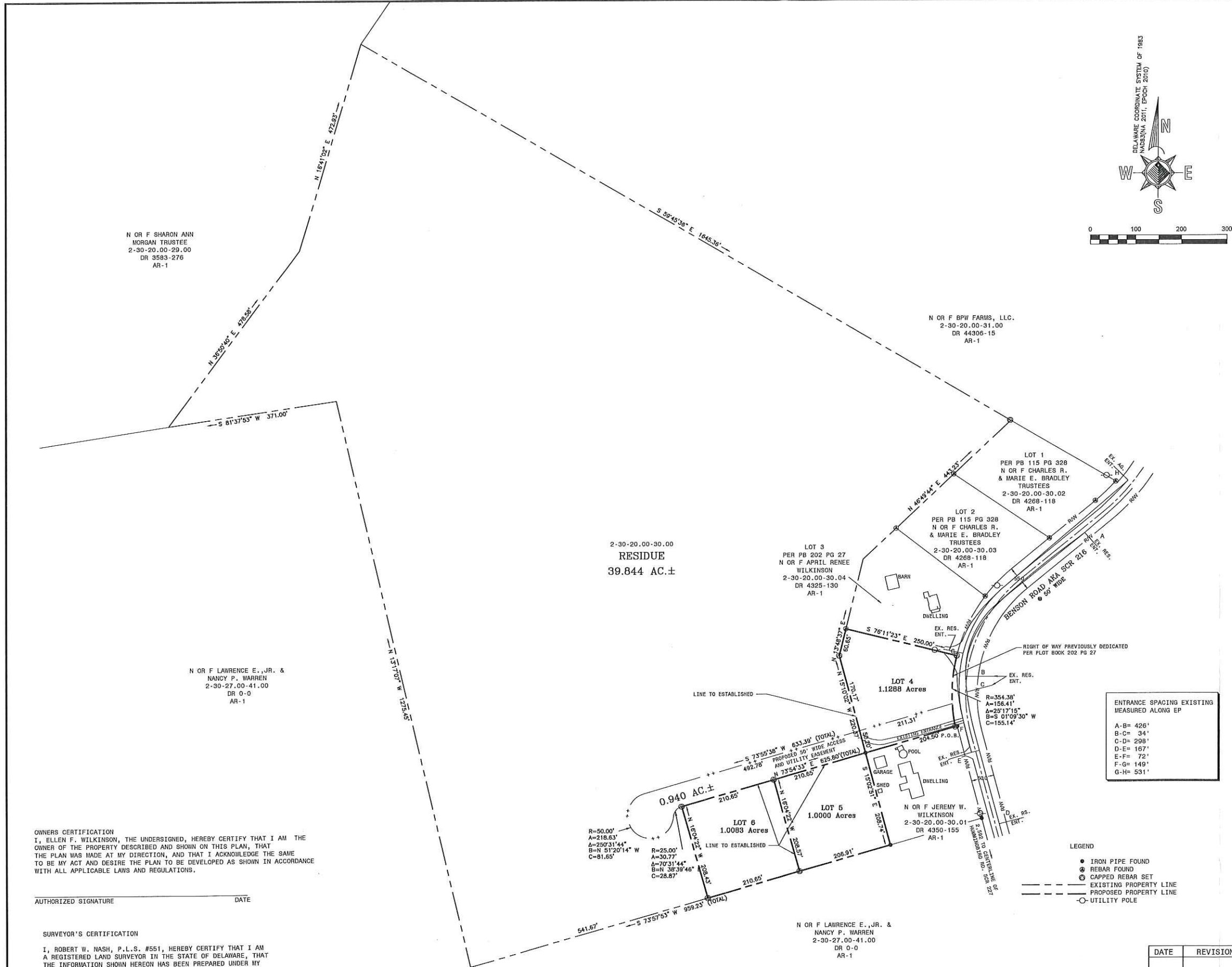
SKETCH PLAN

PREPARED FOR  
JOSEPH A. RIBINSKY,  
SANDRA RIBINSKY &  
JOSEPH A. RIBINSKY, III  
FOR PROPERTY KNOWN AS  
33805 & 33827 LAWTON LANE  
SITUATED IN  
INDIAN RIVER HUNDRED, SUSSEX COUNTY  
STATE OF DELAWARE  
SCALE: 1" = 100'  
DATE: AUGUST 2020

Prepared By  
ADAMS-KEMP ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS  
AND PLANNERS  
217 SOUTH RACE STREET  
GEORGETOWN, DELAWARE 19947  
PHONE: (302) 856-6699  
WWW.ADAMSKEMP.COM







PRESENT ZONING.....AR-1  
TAX MAP NUMBER.....2-30-20.00-30.00 PART  
FRONT YARD SETBACK.....BENSON RD.=40' PRIVATE EASEMENT 30'  
SIDE YARD SETBACK.....15'  
REAR YARD SETBACK.....20'  
TOTAL NUMBER OF LOTS.....1  
EXISTING.....1  
PROPOSED.....3 PLUS RESIDUAL  
TOTAL ACRES WITHIN BOUNDARIES.....43.682 ACRES±  
TOTAL ACRES WITHIN LOTS.....3.137 ACRES±  
AREA OF EASEMENT.....0.840 ACRES±  
AREA OF RESIDUAL LANDS.....40.845 ACRES±  
FRONTAGE OF RESIDUAL LANDS.....0  
TYPE OF UTILITIES.....INDIVIDUAL ON SITE WATER AND SEWER  
PRESENT USE.....AGRICULTURAL  
PROPOSED USE.....RESIDENTIAL  
ROADWAY CLASSIFICATION.....BENSON RD. LOCAL RD.  
POSTED SPEED LIMIT.....50 MPH  
PROXIMITY TO (TID).....NO

THIS SITE LIES OUTSIDE THE FLOOD HAZARD ZONE, AS DEPICTED ON FIRM PANEL 10005C01344, DATED 1/6/2005.

THIS PROPERTY IS LOCATED IN THE VICINITY OF AN ESTABLISHED AGRICULTURAL PRESERVATION DISTRICT IN WHICH AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS, THE USE OF AGRICULTURAL CHEMICALS, AND NIGHT-TIME FARMING OPERATIONS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USE ACTIVITIES.

THIS PROPERTY IS IMPACTED BY STREAMS, DITCHES, PONDS, OR LAKES. KENT COUNTY HAS REGULATIONS REGARDING THE PRESERVATION OF STREAMS, DITCHES, PONDS, OR LAKES AND THE DEVELOPER IS ADVISED TO CONSULT WITH THE KENT COUNTY PLANNING DEPARTMENT TO DETERMINE THE SETBACKS FROM STREAMS, DITCHES, PONDS, OR LAKES.

OWNER OF RECORD  
ELLEN F. WILKINSON  
8829 CLENDONIA POND RD.  
LINCOLN, DE 18960  
302-745-4923

ALL ENTRANCES SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL.

SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE OF THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL THE AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

LOT 4 SHALL HAVE ACCESS TO BENSON RD. AK SCR 216 VIA THE EXISTING ENTRANCE AS DEPICTED HEREON.

LOTS 5 AND 6 SHALL HAVE ACCESS TO BENSON RD. SCR 216 VIA THE PRIVATE ACCESS EASEMENT.

IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.

ENTRANCE SPACING EXISTING MEASURED ALONG EP	
A-B=	426'
B-C=	34'
C-D=	298'
D-E=	167'
E-F=	72'
F-G=	149'
G-H=	531'

- LEGEND
- IRON PIPE FOUND
  - REBAR FOUND
  - ⊙ CAPPED REBAR SET
  - EXISTING PROPERTY LINE
  - PROPOSED PROPERTY LINE
  - UTILITY POLE

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

AUTHORIZED SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

SURVEYOR'S CERTIFICATION  
I, ROBERT W. NASH, P.L.S. #551, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD SURVEYING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

AUG. 24, 2020  
ROBERT W. NASH, PLS 551 \_\_\_\_\_ DATE \_\_\_\_\_

MINOR SUBDIVISION OF		
Lands of:		
ELLEN F. WILKINSON		
CEDAR CREEK HUNDRED		DATE: JUNE 20, 2020
SUSSEX COUNTY, DELAWARE		W.O.: 24839L
SCALE: 1"= 100'		F.B.: BOB O
T.M.: 2-30-20.00-30.00		DISK: 214839L

DATE	REVISION	CKD

ENGINEERS - PLANNERS - SURVEYORS

5215 WEST WOODMALL DRIVE  
WILMINGTON, DE 19803  
PH: 302-992-7500  
FAX: 302-992-7811

33516 CROSSING AVE., UNIT 1  
FIVE POINTS SQUARE  
DENVER, CO 80231  
PH: 303-226-6150  
FAX: 303-226-6153



**OFFICE OF THE STATE FIRE MARSHAL**  
**Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**SFMO PERMIT**

**Plan Review Number:** 2020-04-204234-MIS-01

**Tax Parcel Number:** 232-20.00-49.00

**Status:** Approved as Submitted

**Date:** 07/21/2020

**Project**

Pettyjohn Subdivision

18639 Johnson Road  
Laurel DE 19956

John and Melody Pettyjon Property

**Scope of Project**

**Number of Stories:**

**Square Footage:**

**Construction Class:**

**Fire District:** 81 - Laurel Fire Dept

**Occupant Load Inside:**

**Occupancy Code:** 9611

**Applicant**

Stephen M Sellers  
1560 Road 535  
Seaford, DE 19973

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations to the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

Joseph Moran



## **FIRE PROTECTION PLAN REVIEW COMMENTS**

**Plan Review Number:** 2020-04-204234-MIS-01

**Tax Parcel Number:** 232-20.00-49.00

**Status:** Approved as Submitted

**Date:** 07/21/2020

### **PROJECT COMMENTS**

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov). These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1000** The site plans have been approved as submitted. The Office of DE State Fire Marshal has no objection to recordation.
- 1010 A** The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
- 2500 A** A final inspection is required for this project prior to occupancy (DSFPR Part I, Section 4-7). Contact this Agency to schedule this inspection. Please have the plan review number available. A MINIMUM OF FIVE (5) WORKING DAYS NOTICE IS REQUIRED.
- 1408 A** All premises where emergency personnel may be called upon to provide emergency services, which are not readily accessible from streets, shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to emergency apparatus. (DSFPR Regulation 705, Chapter 5, Section 2).
- 1093 A** In the case of one and two-family dwellings emergency service access shall be provided in such a manner so that emergency apparatus will be able to locate within 100 feet from the street to the primary entrance. Where alleys are provided, pumpers shall be able to access all portions of the alley without strict restrictions for entrance radii. (DSFPR Regulation 705, Chapter 5, Sections 2.2 and 2.2.1).

**1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.



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

JENNIFER COHAN  
SECRETARY

August 25, 2020

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning Commission  
Sussex County Administration Building  
P.O. Box 417  
Georgetown, Delaware 19947

**SUBJECT: Minor Subdivision - Letter of No Objection to Recordation**  
**JOHN PETTYJOHN**  
Tax Parcel # 232-20.00-49.00  
SCR434A-JOHNSON ROAD  
Broad Creek Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated July 1, 2020 (last revised August 18, 2020), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's [Development Coordination Manual](#) and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized. There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction



JOHN PETTYJOHN  
Mr. Jamie Whitehouse  
Page 2  
August 25, 2020

to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

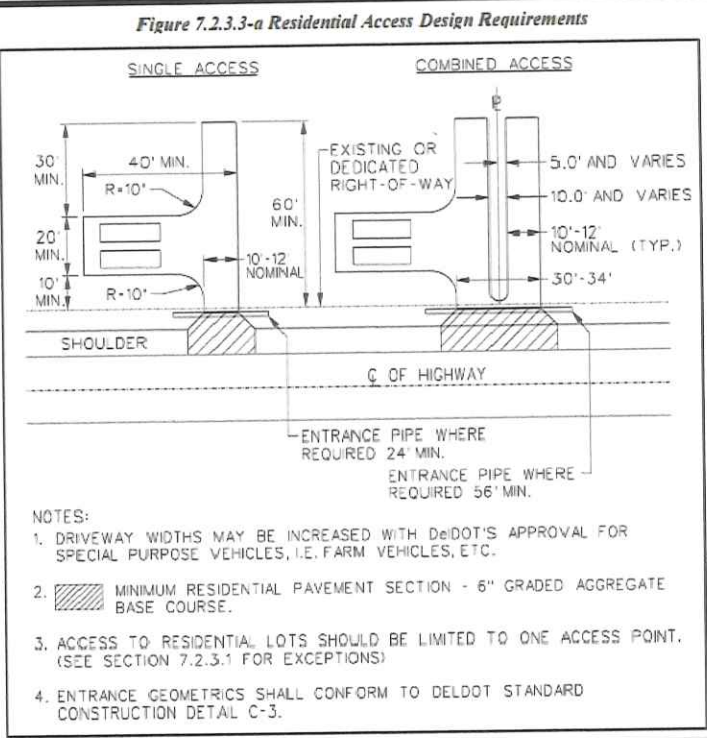
Sincerely,



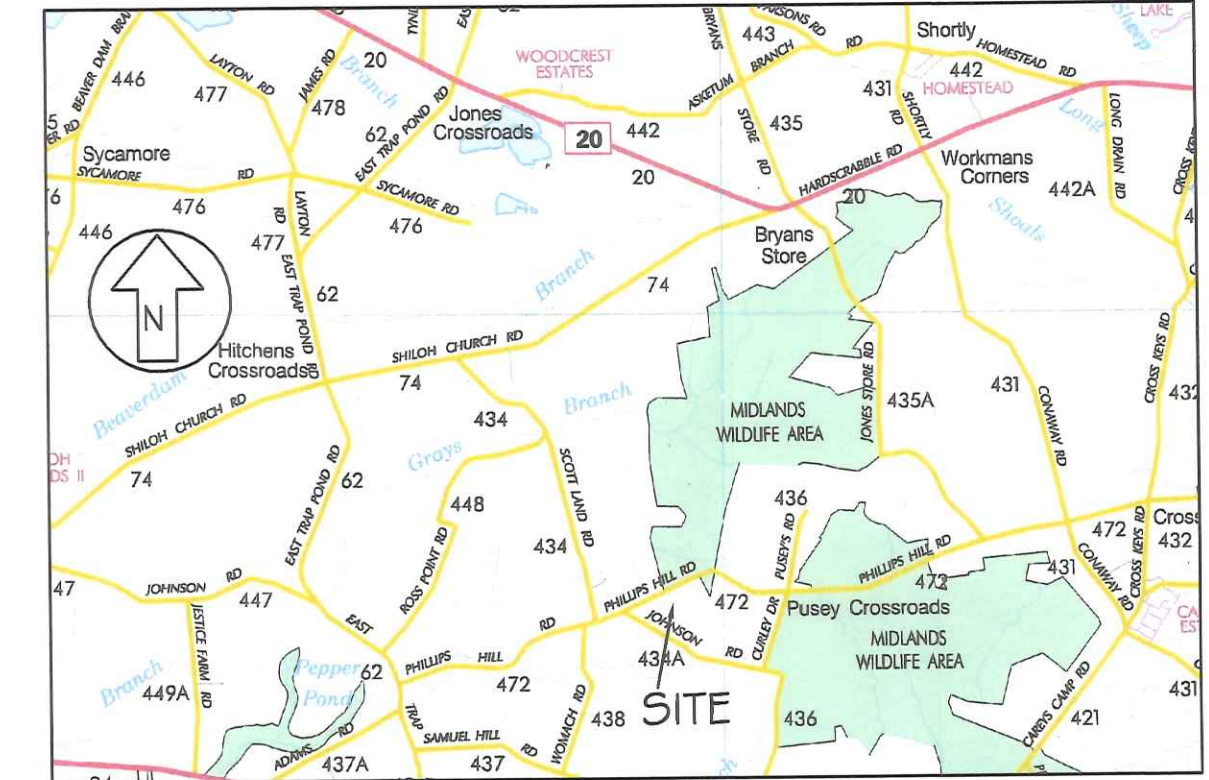
Susanne K. Laws  
Sussex County Review Coordinator  
Development Coordination

cc: Stephen Sellers, Miller Lewis  
Rusty Warrington, Sussex County Planning & Zoning  
Jessica L. Watson, Sussex Conservation District  
James Argo, South District Project Reviewer  
William Kirsch, South District Entrance Permit Supervisor  
Shannon Anderson, South District Public Work Admin Specialist  
Wendy L. Polasko, Subdivision Engineer  
John Andrescavage, Sussex County Reviewer

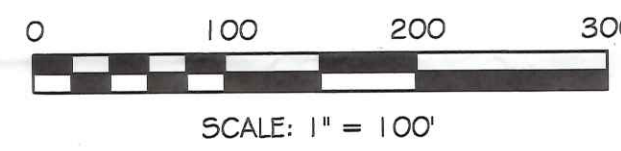
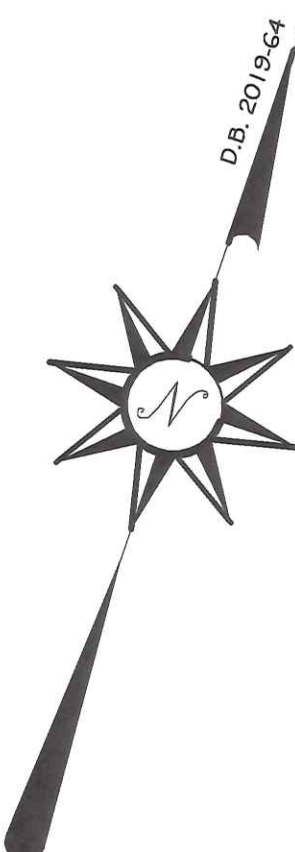




T. M. #232-20.00-49.00



VICINITY MAP  
SCALE 1" = 1 MILE



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

*Stephen M. Sellers*  
STEPHEN M. SELLERS, PLS 566  
8/18/2020  
DATE

WE, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND THAT WE DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

*John T. Pettyjohn*  
JOHN T. PETTYJOHN  
8/18/20  
DATE

*Melody A. Pettyjohn*  
MELODY A. PETTYJOHN  
8/18/20  
DATE

## MINOR SUBDIVISION FOR JOHN T. & MELODY A PETTYJOHN

18639 JOHNSON ROAD  
LAUREL, DE. 19956  
Ph: 302-448-5710

**MILNER  
LEWIS, INC.**  
LAND SURVEYING  
1560 MIDDLEFORD RD.  
SEAFORD, DELAWARE 19973  
PH: 302-629-9695 FAX: 302-629-2391

HUNDRED	BROAD CREEK	COUNTY	SUSSEX
STATE	DELAWARE	DRAWN BY	SMS
REF.	1980-8	FILE NO.	PETTYJOHN 2-32-21-1

- SYMBOLS:
- PIPE (FD)
  - PIPE TO BE SET
  - ⤴ TRAFFIC SIGN
  - ✉ MAILBOX
  - ⚡ UTILITY POLE
  - ⬅ EXISTING ENTRANCE

- LEGEND:
- EXISTING RIGHT-OF-WAY LINE
  - - - PROPOSED RIGHT-OF-WAY LINE
  - - - PROPOSED EASEMENT LINE
  - - - EXISTING LOT LINE
  - - - PROPOSED LOT LINE
  - - - CENTERLINE
  - - - NEXT PROPERTY LINE
  - - - EDGE OF PAVING

DATE	REVISION
7-31-2020	DELDOT COMMENTS
8-18-2020	DELDOT COMMENTS

NOTE: SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL OBSTACLES THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

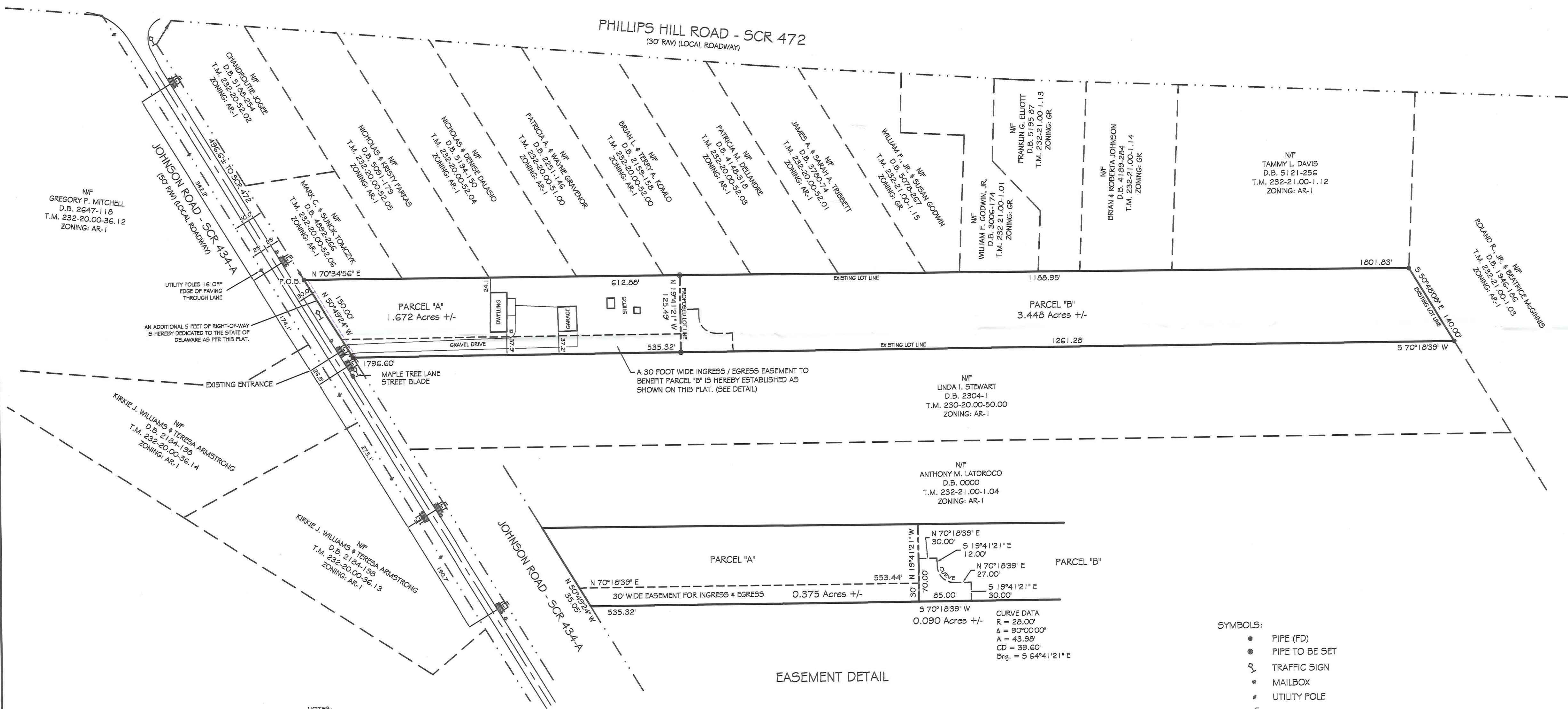
OTHER THAN SHOWN THIS SURVEY AND PLAN DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY.

NO TITLE SEARCH PROVIDED OR STIPULATED.

SURVEY CLASS: SUBURBAN

- FIRE MARSHAL NOTES:**
1. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTION SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
  2. MAXIMUM HEIGHT: 3 STORIES NOT TO EXCEED 42'.
  3. A SINGLE FAMILY DWELLING IS PROPOSED.
  4. BUILDING CONSTRUCTION TYPE: NFPA TYPE V WOOD FRAME.
  5. AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

### EASEMENT DETAIL



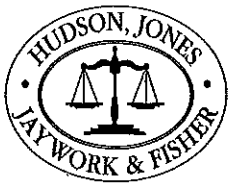
- NOTES:
1. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
  2. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
  3. THERE IS A FIFTY FOOT BUILDING SETBACK FROM LANDS USED FOR AGRICULTURAL PURPOSES.
  4. PARCEL 'A' SHALL HAVE A SINGLE ACCESS FROM S.C.R. #434-A VIA THE EXISTING ACCESS ENTRANCE.
  5. PARCEL 'B' SHALL HAVE ACCESS TO S.C.R. #434-A VIA THE 30' WIDE INGRESS/EGRESS EASEMENT.
  6. MAINTENANCE OF THE PROPOSED 30 FOOT WIDE INGRESS/EGRESS EASEMENT SHALL BE THE RESPONSIBILITY OF THE OWNERS OF PARCEL 'A' & PARCEL 'B'.
  7. IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.
  8. ENTRANCES TO PRIVATE STREETS SERVING MULTIPLE RESIDENTIAL LOTS SHOULD BE PAVED FROM THE EDGE OF TRAVEL LANE TO THE ROW LINE (AT A MINIMUM) WITH A DRIVEWAY THROAT WIDTH OF 16 TO 24 FEET. REFER TO DELDOT DEVELOPMENT COORDINATION MANUAL REFERENCE 3.3.3.

**DATA COLUMN:**

T.M.#232-20.00-49.00 part  
ZONING: AR-1  
BUILDING SETBACKS: FRONT: 30'  
SIDE: 15'  
REAR: 20'

TRACT AREA: 5.1169 ACRES±  
EXISTING LOTS: 1  
PROPOSED LOTS: 2 TOTAL INCLUDING RESIDUAL LANDS  
PRESENT USE: RESIDENTIAL  
PROPOSED USE: RESIDENTIAL  
ACCESS: S.C.R. 434-A (JOHNSON ROAD)  
ROADWAY CLASSIFICATION: LOCAL ROADWAY  
WATER AND SEWER: INDIVIDUAL ON-SITE  
100 YEAR FLOODPLAIN: SITE IS NOT IMPACTED  
AS PER FRM #10005C625J DATED 1/6/05  
THIS PROJECT IS NOT IN THE PROXIMITY OF A TID  
SPEED LIMIT ON JOHNSON RD. IS 50MPH (UNPOSTED)





## HUDSON, JONES, JAYWORK & FISHER, LLC

---

Dartmouth Business Center  
34382 Carpenter's Way, Suite 3, Lewes, DE 19958  
(302) 645-7999 · Fax (302) 644-8209

**PARTNERS:**

R. BRANDON JONES  
DANIEL P. MYERS II  
JAMES P. BECKER  
CHRISTOPHER M. HOLMON  
MICHAEL G. RUSHE  
D. BARRETT EDWARDS, IV

**OF COUNSEL:**

RONALD D. SMITH  
DAVID A. BOSWELL  
RICHARD E. BERL, JR.  
FRED A. TOWNSEND, III

**ASSOCIATES:**

CHAD C. MEREDITH  
ANN POULIOS BOSWELL  
ZACHARY A. GEORGE  
KRISTIN C. COLLISON  
DANIEL L. HUESTIS  
JOEL WRIGHT COLLINS

**REHOBOTH BEACH**  
309 Rehoboth Avenue  
Rehoboth Beach, DE 19971  
(302) 227-9441

**DOVER**

225 South State Street  
Dover, DE 19901  
(302) 734-7401

WILLIAM S. HUDSON, 1934-2013  
JOHN T. JAYWORK - RETIRED  
HARRY M. FISHER, III - RETIRED

September 14, 2020

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

RE: Preliminary Minor Subdivision for the lands of  
Alfred and Marilyn Mitchell  
Tax Parcel: 235-26.00-17.09(P-O)

Dear Mr. Whitehouse:

I am enclosing four copies of the minor subdivision plan referenced above, which was completed by Miller-Lewis Inc. I am also enclosing copies of correspondence which I suspect are in the file already, but which I will include as a supplement nevertheless. That includes the Letter of No Objection from DelDOT and Fire Protection Plan Review comments.

Please let me know if anything further is necessary for the P&Z review on September 24, 2020.

Very truly yours,

HUDSON, JONES, JAYWORK & FISHER, LLC

Richard E. Berl, Jr.

REB/lg  
Enclosure



**OFFICE OF THE STATE FIRE MARSHAL**  
**Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**SFMO PERMIT**

**Plan Review Number:** 2020-04-204725-MIS-01

**Tax Parcel Number:** 235-26.00-17.09

**Status:** Approved as Submitted

**Date:** 09/09/2020

**Project**

Mitchell Subdivision

Alfred's Way

Mitchell Property

Milton DE 19968

**Scope of Project**

**Number of Stories:**

**Square Footage:**

**Construction Class:**

**Fire District:** 85 - Milton Fire Dept

**Occupant Load Inside:**

**Occupancy Code:** 9601

**Applicant**

Donald K Miller  
1560 Middleford Road  
Seaford, DE 19973

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

  
Dennett Pridgeon



## FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-204725-MIS-01

Tax Parcel Number: 235-26.00-17.09

Status: Approved as Submitted

Date: 09/09/2020

### PROJECT COMMENTS

- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov). These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1000** The site plans have been approved as submitted. The Office of DE State Fire Marshal has no objection to recordation.
- 1010 A** The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.
- 1011 A** Per Fire Flow Table 1, the following occupancies: One and Two Family Detached Dwellings, Multi Family & Other Residential, Rowhouses & Townhouses Shall not exceed 10,000 aggregate gross square footage; shall not exceed 35' or three stories; and Shall have a minimum setback of 15' from all property lines and 10' setback from exposure hazards on the same property. Additionally, Rowhouses & Townhouses shall have an internal fire separation of two hour fire rated walls per SFPR Part II, Chapter 2.
- 1408 A** All premises where emergency personnel may be called upon to provide emergency services, which are not readily accessible from streets, shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to emergency apparatus. (DSFPR Regulation 705, Chapter 5, Section 2).
- 1093 A** In the case of one and two-family dwellings emergency service access shall be provided in such a manner so that emergency apparatus will be able to locate within 100 feet from the street to the primary entrance. Where alleys are provided, pumpers shall be able to access all portions of the alley without strict

restrictions for entrance radii. (DSFPR Regulation 705, Chapter 5, Sections 2.2 and 2.2.1).

**2500 A** A final inspection is required for this project prior to occupancy (DSFPR Part I, Section 4-7). Contact this Agency to schedule this inspection. Please have the plan review number available. A MINIMUM OF FIVE (5) WORKING DAYS NOTICE IS REQUIRED.





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

JENNIFER COHAN  
SECRETARY

September 03, 2020

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning Commission  
Sussex County Administration Building  
P.O. Box 417  
Georgetown, Delaware 19947

**SUBJECT: Minor Subdivision - Letter of No Objection to Recordation**  
**ALFRED J. & MARLYN E. MITCHELL**  
Tax Parcel # 235-26.00-17.09  
SCR022-HARBESON ROAD  
BroadKill Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated July 28, 2020 (last revised August 24, 2020), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

Entrances(s) must be installed prior to the sale of the lot(s). All entrances shall conform to DelDOT's Development Coordination Manual and shall be subject to its approval. **This letter does not authorize the commencement of entrance construction.**

This "No Objection to Recordation" letter is not a DelDOT endorsement of the project discussed above. Rather, it is a recitation of the transportation improvements, which the applicant may be required to make as a pre-condition to recordation steps and deed restrictions as required by the respective county/municipality in which the project is located. If transportation investments are necessary, they are based on an analysis of the proposed project, its location, and its estimated impact on traffic movements and densities. The required improvements conform to DelDOT's published rules, regulations and standards. Ultimate responsibility for the approval of any project rests with the local government in which the land use decisions are authorized.




ALFRED J. & MARLYN E. MITCHELL  
Mr. Jamie Whitehouse  
Page 2  
September 03, 2020

There may be other reasons (environmental, historic, neighborhood composition, etc.) which compel that jurisdiction to modify or reject this proposed plan even though DelDOT has established that these enumerated transportation improvements are acceptable.

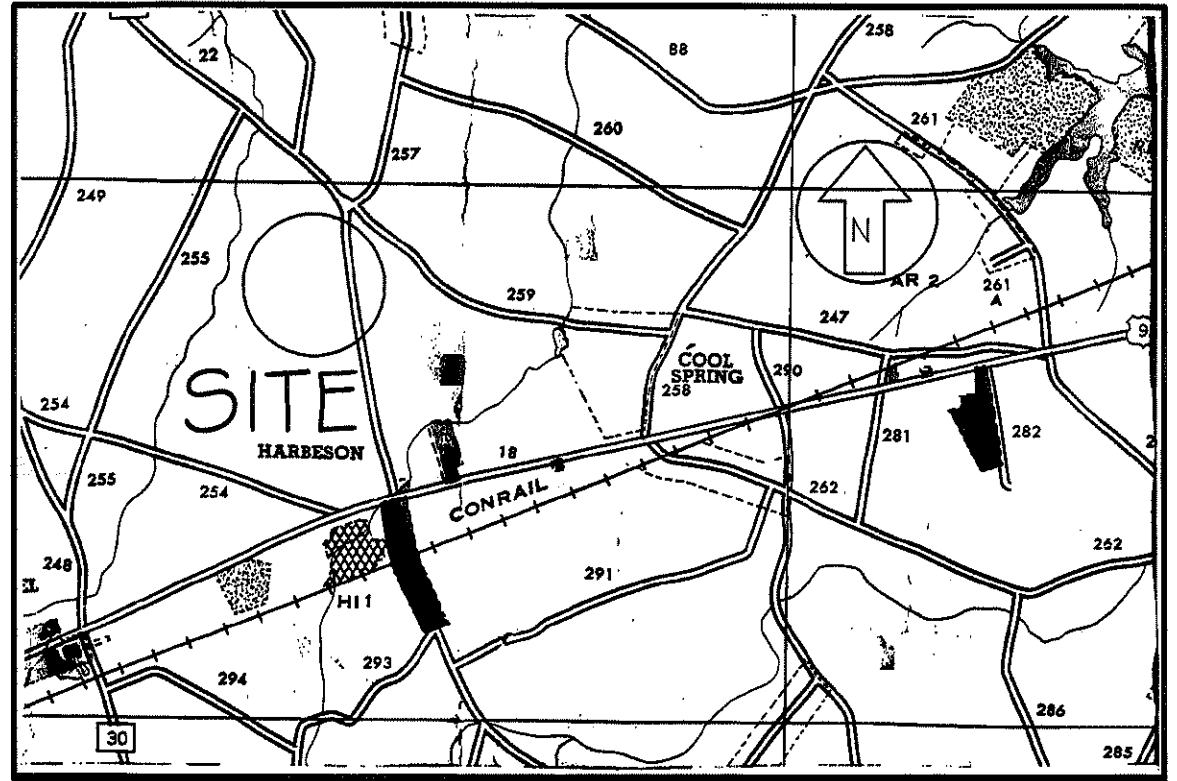
The owner shall be responsible to submit a copy of the **recorded Minor Subdivision Plan** showing all appropriate signatures, seals, plot book and page number to the South District Public Works office (302) 853-1341 in order to obtain the entrance permit(s) for the proposed minor subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. K. Laws', with a stylized flourish at the end.

Susanne K. Laws  
Sussex County Review Coordinator  
Development Coordination

cc: Donald Miller, Miller Lewis  
Rusty Warrington, Sussex County Planning & Zoning  
Jessica L. Watson, Sussex Conservation District  
James Argo, South District Project Reviewer  
William Kirsch, South District Entrance Permit Supervisor  
Shannon Anderson, South District Public Work Admin Specialist  
Wendy L. Polasko, Subdivision Engineer  
Derek Sapp, Subdivision Manager, Development Coordination



VICINITY MAP  
SCALE: 1" = 1 MILE

DATA COLUMN:

T.M.#235-26.00-17.09  
ZONING: AR-1  
TRACT AREA: 4.669 ACRES± (INCLUDING RESIDUAL AREA)  
EXISTING LOTS: 1  
PROPOSED LOTS: 1 NEW (2 TOTAL INCLUDING RESIDUAL LANDS)  
PRESENT USE: RESIDENTIAL  
PROPOSED USE: RESIDENTIAL  
ACCESS: ALFREDS WAY (PRIVATE 50' WIDE EASEMENT)  
ROADWAY CLASSIFICATION: MAJOR COLLECTOR  
WATER AND SEWER: INDIVIDUAL ON-SITE  
100 YEAR FLOODPLAIN: SITE IS NOT IMPACTED  
AS PER FIRM #10005C031 OL DATED 6/20/18  
THIS PROJECT IS NOT IN THE PROXIMITY OF A TID

NOTES:

- IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A MAJOR SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS MINOR SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DEL.D.O.T.'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- THERE IS A FIFTY FOOT BUILDING SETBACK FROM LANDS USED FOR AGRICULTURAL PURPOSES.
- LOT 2 SHALL HAVE A SINGLE ACCESS TO ALFREDS WAY AS SHOWN ON THIS PLAN.
- THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

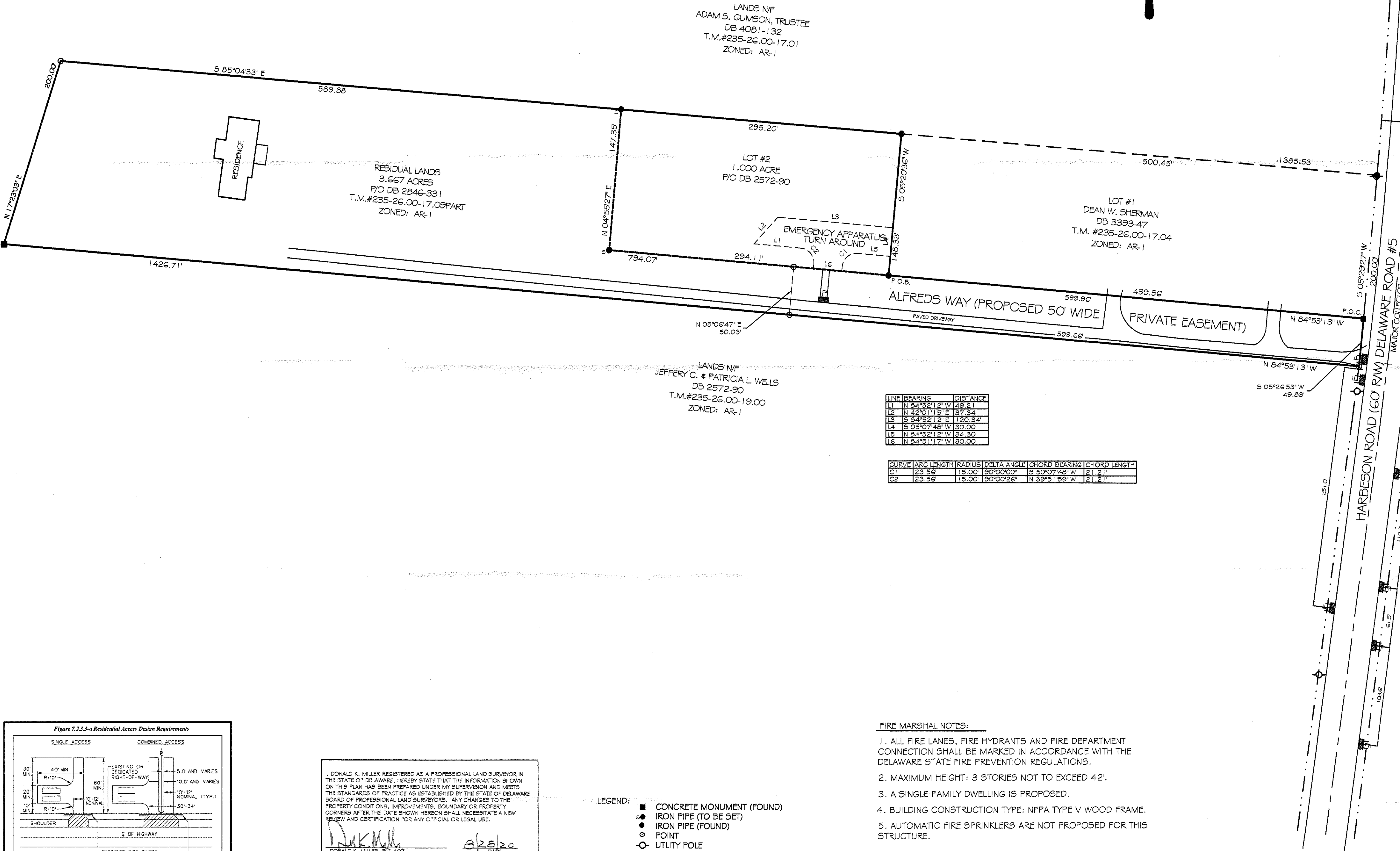
OWNER NAME \_\_\_\_\_ DATE \_\_\_\_\_

OWNER NAME \_\_\_\_\_ DATE \_\_\_\_\_

MINOR SUBDIVISION PLAN FOR

**ALFRED & MARLYN MITCHELL**

26346 ALFREDS WAY, MILTON, DE 19968



LINE	BEARING	DISTANCE
L1	N 84°52'12\"	49.21'
L2	N 42°01'15\"	37.84'
L3	S 84°52'12\"	120.34'
L4	S 05°07'48\"	30.00'
L5	N 84°52'12\"	34.39'
L6	N 84°51'17\"	30.00'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	23.56'	15.00'	90°00'00\"	S 50°07'48\"	21.21'
C2	23.56'	15.00'	90°00'26\"	N 39°51'59\"	21.21'

FIRE MARSHAL NOTES:

- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTION SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- MAXIMUM HEIGHT: 3 STORIES NOT TO EXCEED 42'.
- A SINGLE FAMILY DWELLING IS PROPOSED.
- BUILDING CONSTRUCTION TYPE: NFPA TYPE V WOOD FRAME.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.

LEGEND:

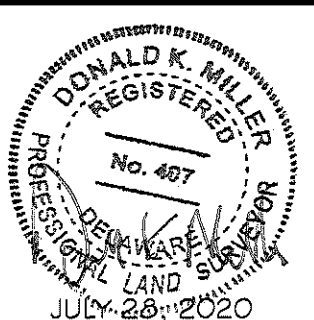
- CONCRETE MONUMENT (FOUND)
- IRON PIPE (TO BE SET)
- IRON PIPE (FOUND)
- POINT
- UTILITY POLE
- EXISTING ENTRANCE
- PROPOSED ENTRANCE
- EXISTING RIGHT-OF-WAY LINE
- PROPOSED RIGHT-OF-WAY LINE
- PROPERTY LINE
- CENTERLINE
- NEXT PROPERTY LINE
- PROPOSED PROPERTY LINE



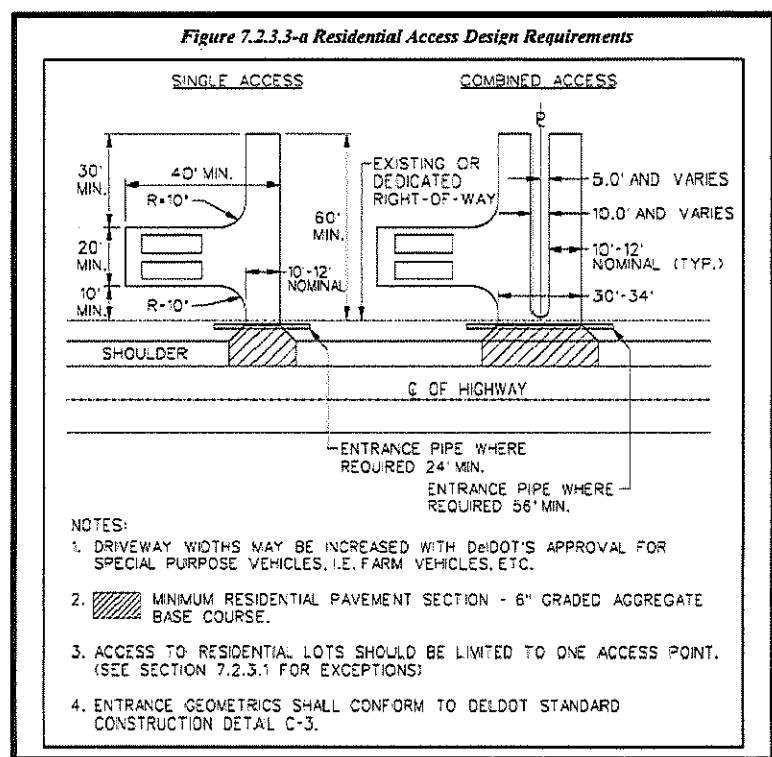
THIS SURVEY AND PLAN DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY.  
NO TITLE SEARCH PROVIDED OR STIPULATED.  
SURVEY CLASS: SUBURBAN

DATE	REVISION
08/24/2020	DEL. D.O.T. COMMENTS
08/27/2020	FIRE MARSHAL CRITERIA

**MILNER LEWIS, INC.**  
LAND SURVEYING  
1560 MIDDLEFORD RD.  
SEAFORD, DELAWARE 19973  
PH: 302-629-9895 FAX: 302-629-2391



HUNDRED	COUNTY
BROADKILL	SUSSEX
STATE	DRAWN BY
DELAWARE	D.K. MILLER
REF.	FILE NO.
DB 2846-331	SHERMAN
	2-35-26-17.09



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

*Donald K. Miller*  
DONALD K. MILLER, PLS 407  
8/25/20  
DATE

NOTE: SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT ENEMYMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

## PLANNING & ZONING COMMISSION

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



## Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 24, 2020

Application: CU 2236 Sam C. Warrington II

Applicant/Owner: Sam Warrington II  
34378 Postal Lane  
Lewes, DE 19958

Site Location: On the southeast side Postal Lane (S.C.R. 238), approximately 0.38 mile southwest of the intersection of Coastal Highway (Route 1) and Postal Lane (S.C.R. 238)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: RV & Boat Storage

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Septic

Water: Private

Site Area: 2.5 Acres

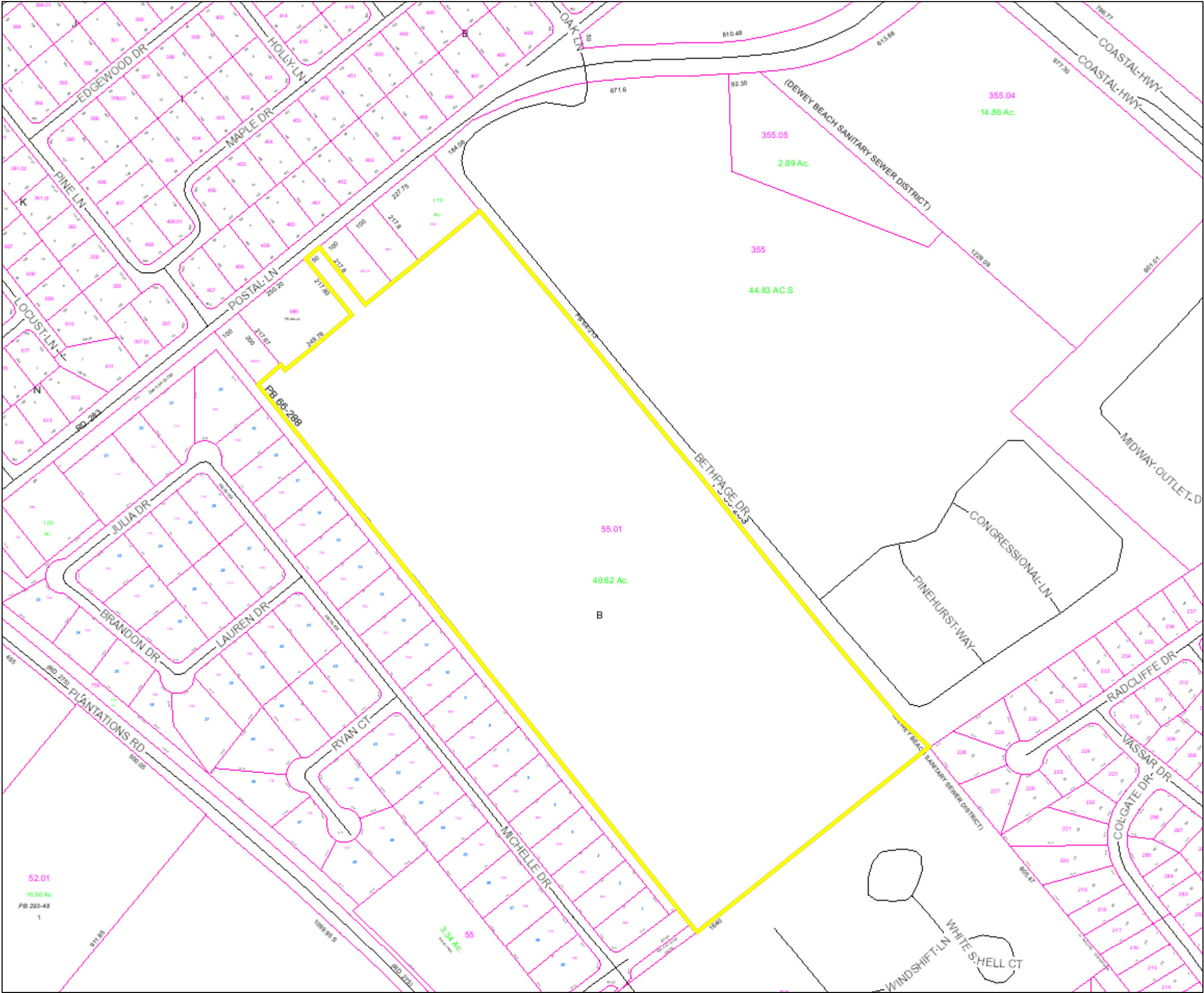
Tax Map ID.: 334-12.00-55.01 (Portion of)







Sussex County

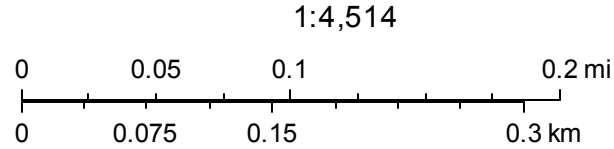


PIN:	334-12.00-55.01
Owner Name	WARRINGTON SAMUEL C II
Book	3350
Mailing Address	34378 POSTAL LN
City	LEWES
State	DE
Description	SE/RD 283
Description 2	1597' SW/RT 1
Description 3	
Land Code	

- polygonLayer

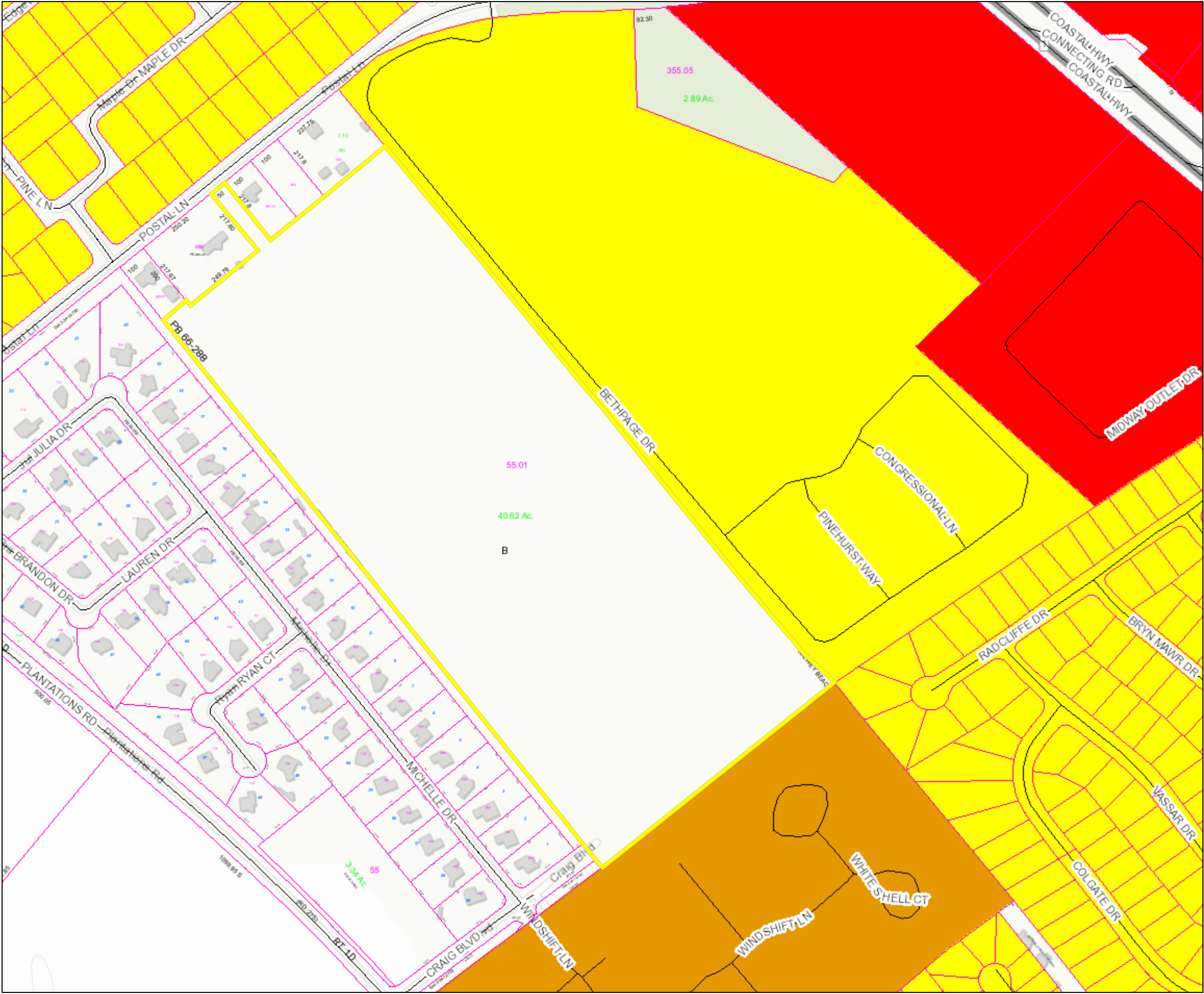
Override 1
- polygonLayer

Override 1
- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries





Sussex County



PIN:	334-12.00-55.01
Owner Name	WARRINGTON SAMUEL C II
Book	3350
Mailing Address	34378 POSTAL LN
City	LEWES
State	DE
Description	SE/RD 283
Description 2	1597' SW/RT 1
Description 3	
Land Code	

polygonLayer

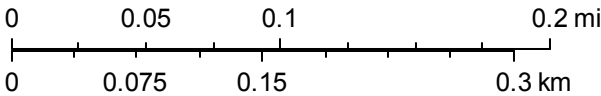
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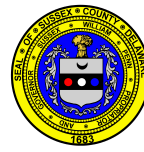
Override 1

- Tax Parcels
- Streets

1:4,514







Sussex County



PIN:	334-12.00-55.01
Owner Name	WARRINGTON SAMUEL C II
Book	3350
Mailing Address	34378 POSTAL LN
City	LEWES
State	DE
Description	SE/RD 283
Description 2	1597' SW/RT 1
Description 3	
Land Code	

polygonLayer

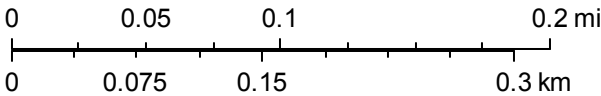
Override 1

polygonLayer

Override 1

- Tax Parcels
- Streets
- County Boundaries
- Municipal Boundaries

1:4,514







## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 1, 2020  
RE: Staff Analysis for CU 2237 Samuel C. Warrington II

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2237 Samuel C. Warrington II to be reviewed during the September 24, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 334-12.00-55.01 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for outdoor boat and RV storage. The parcel is located on the southeast side of Postal Lane in Lewes, Delaware. The size of the property is approximately 40 acres +/-, and approximately 2.5 acres is proposed to be allocated towards the boat and RV storage use.

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

The Coastal Area is designated to encourage growth and development without diminishing special ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is typically standard. Medium and higher densities (4-12 units per acre may be appropriate in selection locations.

This parcel is within an Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north and west and southwest are also zoned Agricultural Residential (AR-1). The adjacent parcel to the northeast is zoned Medium Density Residential (MR). The parcel to the south is zoned High Density Residential (HR-1).

Since 2011, there have been seven (7) Conditional Use applications in a one-mile radius. Conditional Use 2209, to allow for a 14-unit multifamily development, was denied by County Council on July 28, 2020. Conditional Use 2153, to allow for a real estate and investing office, was approved by County Council on February 5, 2019 and adopted through Ordinance No. 2630. Conditional Use 2073, to allow for an expansion of an existing electrical substation, was approved by County Council on March 7, 2017 and adopted through Ordinance No. 2486. Conditional Use 2059, to allow for a beauty salon, was approved by County Council on October 25, 2016 and adopted through Ordinance No. 2478. Conditional Use 2016, to allow for an elementary school,



was approved by County Council on June 16, 2015 and adopted through Ordinance No. 2402. Conditional Use 2015, to allow for a public service facility, was approved by County Council on June 16, 2015 and adopted through Ordinance No. 2401. Conditional Use 1938, to allow for a therapist's office, was approved by County Council on September 11, 2012 and adopted through Ordinance No. 2289.

Land use and zoning have been analyzed for both this subject site and other nearby properties. A Conditional Use to allow for the outdoor storage of boats and RVs, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: 202008207  
CU 2237

## 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**

34378 Postal Lane, Lewes, DE 19958

**Type of Conditional Use Requested:**

RV and Boat Storage

**Tax Map #:** 334-12.00-55.01/682

**Size of Parcel(s):** 40 acres 2.5 acres

**Current Zoning:** AR

**Proposed Zoning:** C/U

**Size of Building:** n/a

**Land Use Classification:** Coastal

**Water Provider:** well

**Sewer Provider:** Septic

**Applicant Information**

**Applicant Name:** Sam Warrington II

**Applicant Address:** 34378 Postal Lane

**City:** Lewes

**State:** DE

**Zip Code:** 19958

**Phone #:** 302 858 7184

**E-mail:**

**Owner Information**

**Owner Name:** same

**Owner Address:**

**City:** **State:** **Zip Code:**

**Phone #:** **E-mail:**

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Tim Willard

**Agent/Attorney/Engineer Address:** 26 The Circle

**City:** Georgetown

**State:** DE

**Zip Code:** 19947

**Phone #:** 302 856 7777

**E-mail:** tim@fwsslaw.com





## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

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

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

☒ **Provide Fee \$500.00**

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

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

☒ **DelDOT Service Level Evaluation Request Response**

☐ **PLUS Response Letter** (if required)

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

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

**Signature of Applicant/Agent/Attorney**



Date: 7-17-20

**Signature of Owner**

\_\_\_\_\_

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

**For office use only:**

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

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

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

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

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

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

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

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

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

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





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

JENNIFER COHAN  
SECRETARY

July 8, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the Sam "Cody" Warrington III conditional use application, which we received on June 16, 2020. This application is for an approximately 40.62-acre parcel (Tax Parcel: 334-12.00-55.01). The subject land is located on the south side of Postal Lane (Sussex Road 283), approximately 2,000 feet southwest of the intersection Delaware Route 1 and Postal Lane. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility for boat and RV storage.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Postal Lane where the subject land is located are 9,812 and 12,628 vehicles per day, respectively.

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

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







Mr. Jamie Whitehouse  
Page 2 of 2  
July 8, 2020

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

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



**PLANNING & ZONING**  
Jamie Whitehouse, AICP, MRTPI  
Director  
(302) 855-7878 T  
(302) 854-5079 F



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Service Level Evaluation Request Form

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

Date: 6-16-20

### Site Information:

Site Address/Location: 34378 Postal Lane, Lewes DE 19958

Tax Parcel Number: 334-12.00-55.01

Current Zoning: \_\_\_\_\_

Proposed Zoning: C/U

Land Use Classification: Coastal Zone

Proposed Use(s):

C/U Boat & RV Storage (see Attached)

Square footage of any proposed buildings or number of units: \_\_\_\_\_

### Applicant Information:

Applicant's Name: Sam "Cody" Warrington III

Applicant's Address: 34378 Postal Lane, Lewes DE  
City: Lewes State: DE Zip Code: 19958

Applicant's Phone Number: 410 Tim Willard, ATTORNEY 302 856 7777

Applicant's e-mail address: tim@fusslaw.com

RECEIVED

JUN 16 2020



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

SUSSEX COUNTY  
PLANNING & ZONING  
Last updated 3-12-20





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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/8/2020**

APPLICATION: **CU 2236 Sam C. Warrington II**

APPLICANT: **Sam Warrington II**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-12.00-55.01 (portion of)**

LOCATION: **On the south side of Postal Lane (SCR 238), approximately  
0.38 mile southwest of Coastal Highway (SR 1).**

NO. OF UNITS: **RV and Boat Storage**

GROSS  
ACREAGE: **2.5 of a total 40.62 AC.**

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

**SEWER:**

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

Yes ☐

No ☒

a. If yes, see question (2).

b. If no, see question (7).

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

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

(4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.

(5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

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

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

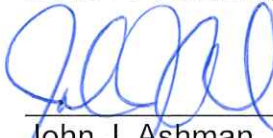
(7). Is project adjacent to the Unified Sewer District? **Yes**

(8). Comments: **The proposed Conditional Use is within the West Rehoboth Planning Area of the Sussex County Unified Sanitary Sewer District. Connection and annexation are required.**

(9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**

(10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
Christine Fletcher

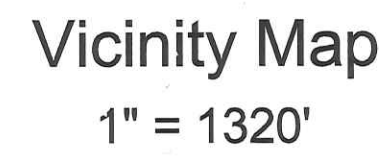
### **Policy for Extending District Boundaries**

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

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

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





P.O. BOX 247  
HARBESON, DE 19951  
PH. 302-684-2924



*Conditional Use Site Plan  
for Boat and RV Storage  
Lands of Samuel C. Warrington II  
Tax Map Parcel 334-12.00-682 and a portion of 334-12.00-55.01  
Lewes & Rehoboth Hundred, Sussex County, Delaware*

**Project:**

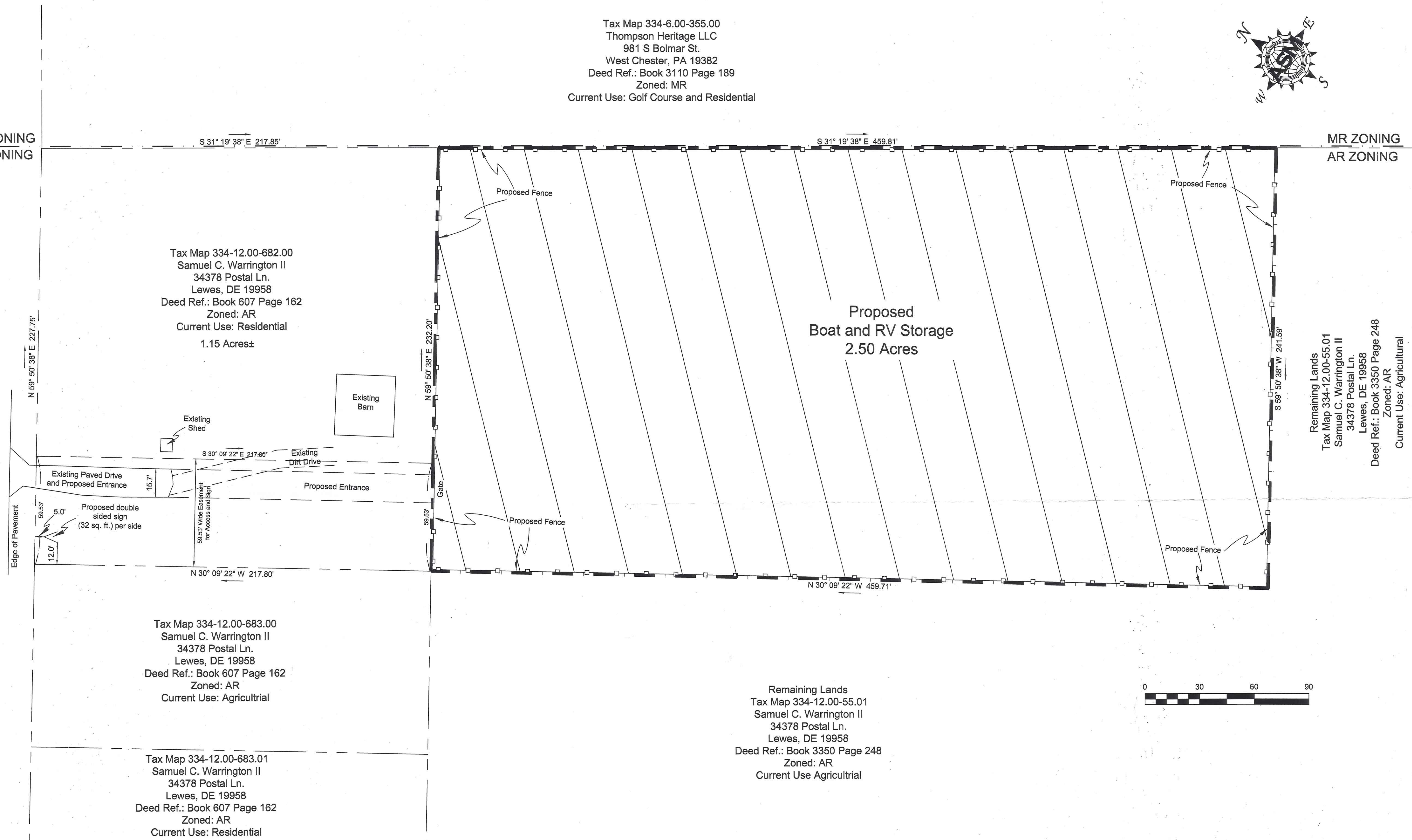
## Revisions

Surveyed By: G. Hastings  
Prepared By: H. Johnson  
Checked By: M. Jones  
Job #: A200502

Date: May 2020

Scale: As Shown

Sheet 1 of 1



## Notes

Owner/Applicant:  
Samuel C. Warrington II  
34378 Postal Lane  
Lewes, DE 19958  
Phone (302) 858-7184

Tax Map Parcels 334-6.00-682.00 and 334-12.00-55.01

The purpose of this plan is to apply for a Conditional Use

Proposed Boat and RV Storage on 2.50 acres± (not surveyed).

Deed Ref.: Book: 3350, Page 248 and Book: 607, Page 162

Plat Ref.: Book 66 Page 288

Present Use: Parcel 682: Residential, Parcel 55.01: Agriculture

Proposed Use for Parcel 682.00 is Access to Parcel 55.01 and 2.50 acres± of Parcel 55.01 for Storage of Boats and RV's

Posted speed limit on Postal Lane is 30 mph

DeIDOT road classification: Local

Parcels are not located in a flood zone.

No wetlands within the proposed site.

This property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

**OWNER'S CERTIFICATION**  
I, the undersigned, hereby certify to the Ownership of the Property described and and shown on this plan, that the plan was made at my direction, and that I acknowledge the same to be my act and that I desire the plan to be recorded according to law.

Samuel C. Warrington II 6/10/2020  
Date

**SURVEYOR'S CERTIFICATION**

I, Vernon M. Walch, Registered as a Professional Land Surveyor in the State of Delaware, hereby state that the information shown on this plan has been prepared under my supervision and meets the standards of practice as established by the State of Delaware Board of Professional Land Surveyors. Any changes to the property conditions, boundary or property corners after the date shown hereon shall necessitate a new review and certification for any official or legal use.

shall necessitate a new review and certification for any official or legal use.

Vernon M. Walch 6/10/2020

Vernon M. Walch date



## Chase Phillips

---

**From:** Bill Hamilton <billmhamilton@comcast.net>  
**Sent:** Friday, September 18, 2020 10:53 AM  
**To:** Chase Phillips  
**Subject:** Conditional Use 2237, Applicant: Samuel Warrington  
**Attachments:** PZ 07-09-2020 Final.pdf

**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.

Dear Mr. Philips,

Thank you for sharing additional information on our neighbors Conditional Use 2237 application. I recently received your county notice advising of the 9/24/20 Sussex County Planning and Zoning public hearing for Applicant Samuel Warrington, Conditional Use 2237. Mr. Warrington desires to convert 2.5 acres, of his 40 acre farm, into a storage facility for RVs, boats and trailers. I am thirteen year homeowner in the abutting Heritage Village townhome community.

I am vehemently opposed to this application. Should this application be granted, our local traffic will change significantly. As you may well know, Postal Lane traffic has increased substantially in recent years. This proposed business venture will bring commercial trucks, tractors, trailers, RVs and boats into our backyard with these tractors and trailers continually come in and out of the storage lot onto our two lane roadway. Postal Lane is one way in each direction with no sidewalks on either side and, I suspect, not designed for such heavy commercial traffic; it is relatively narrow in the proposed entrance area. In addition, I suspect this commercial enterprise will likely invite increased criminal activity under the heading of theft and vandalism that could spill over into our abutting residential communities. This is a residential area including Heritage Village, comprised of 146 townhomes as well the mature Sandy Brae community with many single family homes. Sticking a 2.5 acre storage lot full of boats, trailers and RVs in the middle of our residential communities just does not make sense to me; this enterprise is better situated on our commercial Route One or similar location. On a Heritage Village personal note, it is little doubt this commercial enterprise will adversely financially impact real estate values of our 146 homeowners.

In addition, please recall your Planning and Zoning team denied a rezoning request, CZ1907 and CU2209, by developer, Matthew Hete, just this past summer to build 14 townhomes at 34360 Postal Lane. This property is a neighbor of the applicant, Samuel Warrington, 34378 Postal Lane. Attached are the minutes of that hearing reflecting the Hete 5-0 denial; they appear on page three. In reviewing the minutes, the following verbiage stuck out to me, "For the reasons stated, the proposed rezoning does not promote the overall health, safety, convenience and general welfare of the neighborhood or the County". May I suggest Mr. Warrington's commercial venture enterprise is much more egregious to our residential community than Mr. Hete's proposed 14 townhomes.

Lastly, one final observation. I understand that one acre is just a little smaller than a football field; just imagine two and half football fields full of boats, RVs and trailers in the middle of a residential community. This proposed commercial venture could remind one of driving up Route One by Dover Downs, looking to the left when we are hosting a NASCAR event. I believe this type commercial enterprise does not belong in the middle of a residential neighborhood.

It is respectfully requested Mr. Warrington's application be denied.

Respectfully Submitted,

**Opposition  
Exhibit**

SEP 18 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Friday, September 18, 2020 10:34 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Friday, September 18, 2020 - 10:34am

Name: mary

Email address: stckchat@prodigy.com

Phone number: 3026447163

Subject: case #CU2237

Message: Gentleperson: Resident of Sandy Brae and I hope u VOTE NO for a storage facility on Postal Road. Thank u for reading this email.

Opposition  
Exhibit

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SEP 18 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** Tony Romano <tonyromano55@gmail.com>  
**Sent:** Friday, September 18, 2020 10:13 AM  
**To:** Chase Phillips  
**Subject:** Rv and boat storage

**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 regards to the proposed application for a Rv and boat storage facility on 2 acres next to my home in Heritage Village. This is a terrible idea not only for the value of our homes but also the traffic and safety implications. The exit for our complex is on a curve in the road and is already a little bit dangerous. I hope that you do not let this proposed application pass for the good of all the neighboring communities as well as ours. Thank you for your time.

Opposition  
Exhibit

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SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** Rybaltowski, Mark A:(PHI) <mark.rybaltowski@pepcoholdings.com>  
**Sent:** Friday, September 18, 2020 10:30 AM  
**To:** Chase Phillips  
**Subject:** Against Proposal for Fenced in Storage Facility for RV's, boats and trailers off of Postal Lane/Heritage Village

**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.

Good Morning Mr. Phillips,

It has been brought to our attention that our farmer neighbor next to the Heritage Village Community is seeking approval for a 2.5 acre fenced in storage facility for RV's, boats and trailers. Our household, along with our neighbors, adamantly oppose such a request for many obvious reasons, one of the biggest reasons being traffic in and out of the storage lot off Postal Lane (Postal Lane already has become a very high traffic area with aggressive drivers using Postal Lane as a shortcut from and to Route 1, not to mention a direct route to neighboring Acme/Pelican Square which is quite congested even off season/middle of week). This huge **commercial** venture does not belong directly in the center of **three residential neighborhoods**, where there would be major safety concerns (i.e. large vehicles making wide turns with many walkers and dog walkers that walk Bethpage Drive and Postal Lane), possible vandalism and theft, possible further expansion of this business in the future etc. Another big concern for us includes the potential adverse impact to our real estate values. I can only imagine how many may decide to sell their home here should such a proposal be approved, us included. What attracted us to purchasing this home was the quiet and peace that surrounds the community i.e. corn field and golf course.

Thank you for your time and consideration of this very serious matter to members of Heritage Village, Sandy Brae and surrounding family communities.

**Mark and Erin Rybaltowski (18851 Bethpage Drive, Heritage Village)**

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Opposition.  
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SEP 18 2020

SUSSEX COUNTY  
PLANNING & ZONING



## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, September 17, 2020 5:22 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, September 17, 2020 - 5:22pm

Name: John McCann  
Email address: randhjack@aol.com  
Phone number: 215-260-9537  
Subject: Boat Stg/RV Stg On Postal Lane  
Message:

I am adamantly opposed to approval for the use of the property on Postal Lane for the intended use. The present traffic is bad enough on the off season due to the growth of new housing , it will amplify the problem if approved.  
It is a bear now to exit Sandy Brae-be it Plantations Road and Postal Lane.  
Is it PROFIT BEFORE PEOPLE , sure looks that way.  
To me simple reasoning says:"Store your boat near a body of water for easy access to put the boat into the water". As for RV storage, anyone fortunate to own one should have thought it thru as to where they could keep it on their property and not push the need to another location.  
Traffic problems are a paramount situation that is only getting worse due to population growth and approving this request adds insult to injury.  
Excuse me for being so long in expressing my and my wife's views on this matter but PLEASE do not approve this request.  
Thank you taking the time to read my concerns.  
PS.Would note the request # but cannot remember it.

**Opposition  
Exhibit**

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SEP 18 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, September 17, 2020 12:17 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, September 17, 2020 - 12:16pm

Name: Janis Nezvesky-Schertzer  
Email address: janis.nezvesky@gmail.com  
Phone number: 2034821641  
Subject: CU2237

Message: As a property owner in the Sandy Brae subdivision, I am against the building of an RV/ storage dmfacilty being built on Postal Lane. p We want to keep Postal Lane protected for our children who get on/off the school buses at our Maple Drive entrance, as well as maintain a safe street for the Sandy Brae residents living on Postal Lane to enter and exit their homes. This is a residential area, it is zoned that way, and we want to keep it that way. A commercial business on Postal Lane is simply a grave danger to residents and motorists that use that very busy east west connector road.  
Respectfully yours, Janis and Martin Schertzer

**Opposition  
Exhibit**

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SEP 17 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, September 17, 2020 6:07 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, September 17, 2020 - 6:06pm

Name: Helena Hannah  
Email address: zaphod131@gmail.com  
Phone number: 443-286-4885  
Subject: Case #CU2237

**Message:**

We are residents of Sandy Brae and request that you vote no to Case#CU2237 allowing the owner to use his property as an RV and Boat Storage business. We need to keep Postal Lane a safe and residential street so that residents and children on school buses can safely enter and leave our community. Please keep this residential zone residential and not allow commercial business on this very busy road.

Thank you,  
Helena Hannah

Opposition  
Exhibit

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SEP 18 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Thursday, September 17, 2020 12:17 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Thursday, September 17, 2020 - 12:16pm

Name: Janis Nezvesky-Schertzer  
Email address: janis.nezvesky@gmail.com  
Phone number: 2034821641  
Subject: CU2237

Message: As a property owner in the Sandy Brae subdivision, I am against the building of an RV/ storage dmfacility being built on Postal Lane. p We want to keep Postal Lane protected for our children who get on/off the school buses at our Maple Drive entrance, as well as maintain a safe street for the Sandy Brae residents living on Postal Lane to enter and exit their homes. This is a residential area, it is zoned that way, and we want to keep it that way. A commercial business on Postal Lane is simply a grave danger to residents and motorists that use that very busy east west connector road. Respectfully yours, Janis and Martin Schertzer

Opposition  
Exhibit

RECEIVED

SEP 17 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 3:23 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 3:23pm

Name: Nancy Sparklin

Email address: ncsparklin@comcast.net

Phone number: 6103686080

Subject: Case CU2237

Message: I vote no to case CU2237. Postal Road is a residential area and we want to keep it that way to ensure the safety of our residents and children. It is a busy connective road that cannot be safe for additional traffic that a business will cause.

Opposition  
Exhibit

RECEIVED

SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING



## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 3:19 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 3:18pm

Name: Jocelyn Kaplan  
Email address: jocelynkaplan@gmail.com  
Phone number: 7038871128  
Subject: Postal road RV and boat storage  
Message:

I am a resident of Sandy Brae and I want you to vote no for Case # CU2237. This is a residential neighborhood. Why would you allow a RV and boat storage to be built here?

Opposition  
Exhibit

RECEIVED

SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountysde.gov on behalf of Sussex County DE  
<webmaster@sussexcountysde.gov>  
**Sent:** Tuesday, September 15, 2020 3:43 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 3:42pm

Name: John Luzzi  
Email address: jaluzzi@aol.com  
Phone number: 9086351778  
Subject: Case CU 2237

**Message:**

I am writing to express my concern over a proposed storage business on postal Road in Lewes Delaware. This is a residential area and a storage center of that nature would be unsafe and atrocity to our neighborhood. We cannot have something of this nature in a residential area, we need to protect our children who get off school buses on the proposed Maple Drive entrance. Again this is a residential area and it is zone that way. A commercial business I'll post a lame is simply a grave danger to residence Inn motorist on already busy road..

Thank you for your consideration.

Opposition  
Exhibit

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SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountysde.gov on behalf of Sussex County DE  
<webmaster@sussexcountysde.gov>  
**Sent:** Wednesday, September 16, 2020 10:26 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, September 16, 2020 - 10:25am

Name: Loretta L. Downes  
Email address: ldownes13@yahoo.com  
Phone number: 302-645-8387  
Subject: cu2237 Postal Lane Sandy Brae Lewes, De

**Message:**

I am a resident of Sandy Brae and I want to vote NO for case cu2237 . Traffic is already heavy on Postal Lane most of the year, not just summer (that's bad enough ) Sandy Brae is a great place to live, especially for Seniors like me. I feel safe & secure here, so please don't ruin something so nice. Protect our land for homes & nice houses.

Thank you for your consideration & decision to keep the area so great! Loretta L Downes

Opposition  
Exhibit

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SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING



## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, September 16, 2020 10:32 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, September 16, 2020 - 10:32am

Name: Frederick W Chase

Email address: mauchase@aol.com

Phone number: 3022452448

Subject: Case # CU2237 vote NO

Message: I am a resident of Sandy Brae in Lewes and am concerned that this project will add excess traffic (including large, overweight vehicles) to a zoned residential area. Traffic already regularly exceeds posted speed limits and there is a school bus stop directly across from the site. Please vote NO for Case # CU2237

Opposition  
Exhibit

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SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, September 16, 2020 10:35 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, September 16, 2020 - 10:35am

Name: Larry M. Baker

Email address: laurentbaker@aol.com

Phone number: 3022452448

Subject: Case # CU2237 vote NO

Message: Please vote NO on Case # CU2237. Postal Lane services a zoned residential area. The above project will add large vehicles at a location that contains a school bus stop and already experiences excessive speeding.

Opposition  
Exhibit

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SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, September 16, 2020 11:56 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, September 16, 2020 - 11:56am

Name: Carol Cunneen  
Email address: ccunneen6@gmail.com  
Phone number: 6073511606  
Subject: CU2237  
Message:

I am a resident of Sandy Brae and I live on Postal Ln directly across from this property. I am against allowing a commercial business in our residential area. This is already a very busy street as it is a major cut through from Coastal Highway to Plantation Road. It is unable to be widened because of electric and gas lines. Buses from three different schools pickup and drop off students and it already isn't safe. To add an entrance and exit to a commercial business would increase the danger. I respectfully ask you to vote NO on this permit request.  
Thank you for your time.

Opposition  
Exhibit

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SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING



## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, September 16, 2020 1:53 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, September 16, 2020 - 1:52pm

Name: Lorie B Seaman  
Email address: lbseam@comcast.net  
Phone number: 732718526  
Subject: Case # CU2237  
Message:

My name is Lorie Seaman and I am a resident in the Sandy Brae development . I am asking you to vote NO for Case # CU2237. Please do NOT give the owners conditional use of the property for an RV and Boat Storage business. We need to keep Postal Lane a safe and residential street, protect our children who get on/off the school buses at our Maple Drive entrance, as well as maintain a safe street for the Sandy Brae residents living on Postal Lane to enter and exit their homes. This is a residential area, it is zoned that way, and we should keep it residential. A commercial business on Postal Lane is simply a grave danger to residents and motorists that use that very busy east west connector road.

Opposition  
Exhibit

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SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, September 16, 2020 2:09 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, September 16, 2020 - 2:08pm

Name: Judith Henry

Email address: j.j.henry@comcast.net

Phone number: 3027451173

Subject: Case#CU2237

Message: I am a resident of Sandy Brae and am asking you to vote no on Case# CU2237. This would increase traffic in an already densely travelled area. Thank you.

Opposition  
Exhibit

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SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, September 16, 2020 5:01 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, September 16, 2020 - 5:01pm

Name: Bertie delcampo  
Email address: bertiedelcampo@yahoo.com  
Phone number: 3026685070  
Subject: Case # cu2237  
Message: I am a resident of Sandy brae and I vote no for case # cu2237

Opposition  
Exhibit

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SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING



## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Wednesday, September 16, 2020 5:08 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Wednesday, September 16, 2020 - 5:08pm

Name: Robert Delcampo  
Email address: robdelcamposr@yahoo.com  
Phone number: 3026684071  
Subject: Case #cu2237  
Message: I am a resident of Sandy Brae and would like you to vote no for case# cu2237

Opposition  
Exhibit

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SEP 16 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 2:48 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 2:48pm

Name: Dana Luigard  
Email address: dluigard@outlook.com  
Phone number: 3027276680  
Subject: Case# CU2237 RV & Boat Storage Facility

**Message:**

Vote NO for case# CU2237

I am a resident in Sandy Brae. I want Postal Lane to remain residential. I do not want an RV & Boat storage facility to be built on the property in question. There is already a traffic problem on Postal Lane. A commercial business will add to the existing traffic problem.

Opposition  
Exhibit

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SEP 15 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 1:46 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 1:45pm

Name: Andrea & Leonard Long  
Email address: luvmygrhnd@hotmail.com  
Phone number: 845-206-3550  
Subject: Case #CU2237

Message: I am against this project. I am a resident of Sandy Brae and this construction would cause under hardship and hazards to the residents of postal lane, traffic flow and the safety of school children entering and exiting school busses for the residents children on Maple drive especially. This is an unnecessary infringement on the residents and their quality of life. They should not be allowed to erect a storage facility for RVs and boats. This is heavy load traffic as well and will also cause undue damage to the blacktop. Thank You

Opposition  
Exhibit

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SEP 15 2020

SUSSEX COUNTY  
PLANNING & ZONING



## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 12:08 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 12:07pm

Name: Pat Giuliani - EBBK LLC  
Email address: patgiuliani2007@hotmail.com Phone number: 302-265-8644  
Subject: Case CU2237  
Message: I am a Resident of Sandy Brae we want you to please vote NO for case CU2237

Opposition  
Exhibit

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SEP 15 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 12:03 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 12:03pm

Name: Margaret A Carroll  
Email address: Peggy.carroll@nokia.com  
Phone number: 908 752-5518  
Subject: Case # CU2237

Message: .I am a Sandy Brae resident and would like to encourage you to vote against allowing a RV/Boat storage business to be established on Postal Lane. This is peaceful, residential area and has become home to both retirees and to young families with children. The additional traffic and transient non-resident nature of the people that will be drawn to the area with such a business, is both undesirable and unsafe. Please help our community to maintain it's peace of mind and safety. Thanks for your consideration.

Opposition  
Exhibit

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SEP 15 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountysde.gov on behalf of Sussex County DE  
<webmaster@sussexcountysde.gov>  
**Sent:** Tuesday, September 15, 2020 11:51 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 11:50am

Name: RUTH M Dickerson  
Email address: dndbythesea@comcast.net  
Phone number: 410-245-4448  
Subject: Case #CU2237

Message: I am a resident of the Sandy Brae Community. I have recently become aware of a move to allow conditional use of nearby property for an RV and Boat Storage business. I am concerned that this land use is not appropriate for residential area and that encouraging this type of heavy vehicle traffic on Postal Lane will cause safety issues for drivers, pedestrians, cyclists and homeowners. I also believe this type of traffic will accelerate road surface deterioration and create additional gridlock on what has become a major connector between Route 1 & Plantations Road. Please vote NO on Case #CU2237,

**Opposition  
Exhibit**

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SUSSEX COUNTY  
PLANNING & ZONING



## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 1:19 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 1:19pm

Name: Teressa Hill  
Email address: teridenson@hotmail.com  
Phone number: 3023960993  
Subject: Case # CU2237  
Message: I am a resident of Sandy Brae. Vote No for the above case. We need to keep our families and children safe from added traffic.

**Opposition  
Exhibit**

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SEP 15 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 12:53 PM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 12:53pm

Name: Kelci Atkins  
Email address: kwatkins@udel.edu  
Phone number: 3022285417  
Subject: Case # CU2237  
Message: As a resident of Sandy Brae, I would ask that you please vote NO in reference to the Boat & RV Storage Proposal on Postal Lane, Case # CU2237. Thank you.

Opposition  
Exhibit

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SEP 15 2020

SUSSEX COUNTY  
PLANNING & ZONING

## Chase Phillips

---

**From:** webmaster@sussexcountype.gov on behalf of Sussex County DE  
<webmaster@sussexcountype.gov>  
**Sent:** Tuesday, September 15, 2020 10:26 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 10:26am

Name: John Ritchie  
Email address: john18441@comcast.net  
Phone number: 3019575933  
Subject: Case CU2237

**Message:**

I would like to express my strenuous objection to special use request for the RV and Boat Storage facility on Postal Lane. This is totally out of character and grossly inconsistent with residential Zoning on this property.

John Ritchie  
18441 Cedar Dr  
Lewes, DE 19958

**Opposition  
Exhibit**

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SEP 15 2020

SUSSEX COUNTY  
PLANNING & ZONING



## Chase Phillips

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 10:02 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form  
**Categories:** Chase

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 10:02am

Name: Katherine Helen Davison

Email address: mermaids354@comcast.net

Phone number: 302645793

Subject: Case # CU2237 RV & Boat request on Postal Lane

Message: As a resident of Sandy Brae I am asking you all to vote no on the request for a conditional use to put a RV & Boat Storage business on Postal Lane. This is a residential area and needs to remain that way. Postal Lane is a very busy connector road from route one to plantation road. Adding a business of this kind or any kind will cause serious safety issues for the residents living on Postal Lane. Keep our road and streets safe...deny this request.

Opposition  
Exhibit

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SEP 15 2020

SUSSEX COUNTY  
PLANNING & ZONING

**Chase Phillips**

---

**From:** webmaster@sussexcountyde.gov on behalf of Sussex County DE  
<webmaster@sussexcountyde.gov>  
**Sent:** Tuesday, September 15, 2020 9:44 AM  
**To:** Planning and Zoning  
**Subject:** Submission from: Planning & Zoning Commission contact form

RECIPIENTS: Jamie Whitehouse

Submitted on Tuesday, September 15, 2020 - 9:44am

Name: Donna Pesto  
Email address: correspond2u@hotmail.com  
Phone number: 7039015595  
Subject: C/U 2237

**Message:**

At the time of this writing, I am unable to find the application materials for this request on line, so I am at a disadvantage in writing this letter of opposition. Regardless, as was noted in a previous application for the property of Mathew Hete locates immediately adjacent to this property, the development of the property as requested in this application is wholly inappropriate at this location. Traffic on Postal Lane currently exceeds the road condition and size. The addition of trucks pulling a trailer, recreational vehicle or a boat, trying to make a very tight turn into this property is guaranteed to further exacerbate the problem. Additionally, Postal Lane isn't wide enough for any such vehicle to pull out of the property without crossing in to on-coming traffic, effectively blocking both lanes. With low hanging trees, close proximity of landscaping, mail boxes and other features to the edge of pavement, Postal Lane cannot support this use.

Further, this property is surrounded by single family residential neighborhoods. An open-air storage yard of vehicles that, in some cases, are as tall or taller than the homes in the vicinity is incompatible.

There couldn't be a worse location for an open-air vehicle storage yard in terms of access, road condition, compatibility with surrounding land uses. I urge you to deny this request, as you did for the adjacent 14 unit townhouse development, and for the same reasons. Without access to the application materials, I'm left to guess that the 2.5 acre storage yard is somewhere within the existing cornfield. I may have additional objections once the materials are posted on line for the public to review. However, I believe that single family homes consistent with the density and scale of surrounding properties is the most appropriate use of this property.

Thank you for your consideration of these concerns

Opposition  
Exhibit

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SUSSEX COUNTY  
PLANNING & ZONING

## PLANNING & ZONING COMMISSION

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



## Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date September 24, 2020.

Application: (2019-32) Lands of Coroc/Rehoboth, III, LLC

Applicant: Coroc/Rehoboth, III, LLC  
3200 Northline Avenue, Suite 360  
Greensboro, NC 27408

Owner: Coroc/Rehoboth, III, LLC  
3200 Northline Avenue, Suite 360  
Greensboro, NC 27408

Site Location: Located on the west side of Holland Glade Road (S.C.R. 271) 0.11-mile northeast of Coastal Highway (Route 1).

Current Zoning: Heavy Commercial District (C-3)

Proposed Use: 3 Single-Family Lots

Comprehensive Land  
Use Plan Reference: Commercial Area

Councilmatic  
District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire District

Sewer: Sussex County

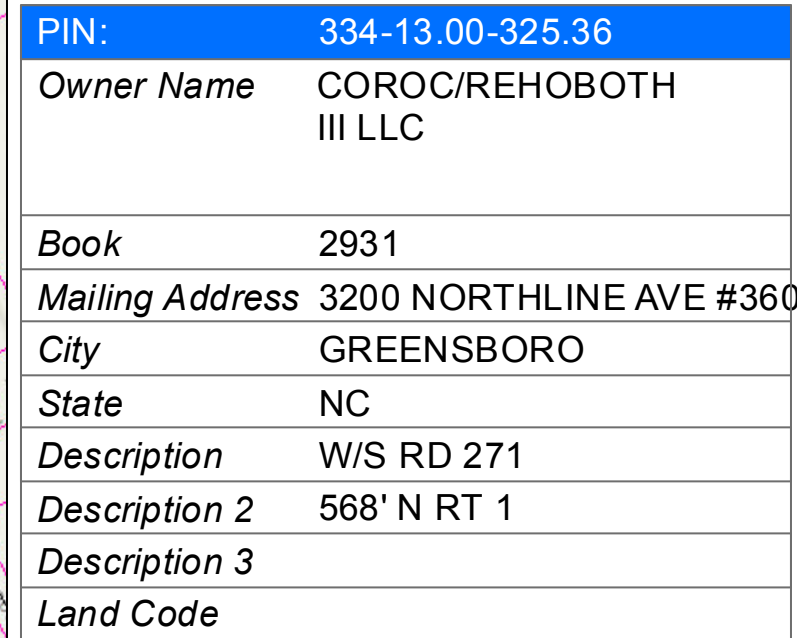
Water: City of Rehoboth

Site Area: 10.00 acres +/-

Tax Map ID.: 334-13.00-325.36







Override 1

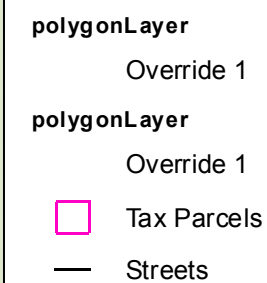
### Override 1

— Streets

County

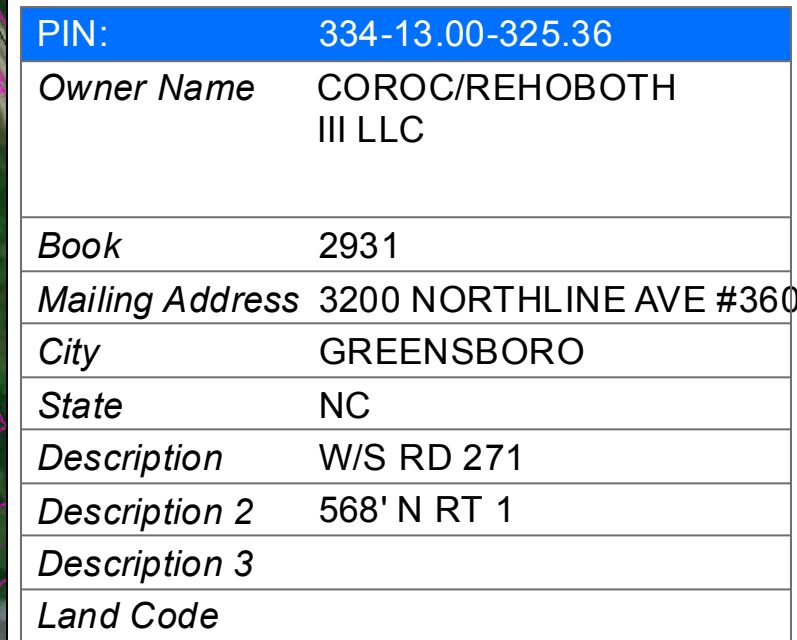
 County Boundaries





A horizontal scale bar with two rows of markings. The top row is labeled in miles (mi) with major ticks at 0, 0.05, 0.1, and 0.2. The bottom row is labeled in kilometers (km) with major ticks at 0, 0.075, 0.15, and 0.3. The bar is divided into segments by vertical tick marks.





### Override 1

### Override 1

— Streets

 County Boundaries



File #:

201914597

## Sussex County Major Subdivision 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)**

Standard: ☒

Cluster: ☐

ESDDOZ: ☐

**Location of Subdivision:**

Holland Glade Road (behind Tanger Seaside) approximately 800' north of intersection with SR-1

**Proposed Name of Subdivision:**

N/A

**Tax Map #:** 3-34-13.00-325.36

**Total Acreage:** 10.00 AC

**Zoning:** C-3 **Density:** 0.30 **Minimum Lot Size:** 1 AC **Number of Lots:** 3

**Open Space Acres:** 0

**Water Provider:** City of Rehoboth Beach

**Sewer Provider:** Sussex County

**Applicant Information**

**Applicant Name:** COROC / Rehoboth III, L.L.C

**Applicant Address:** 3200 Northline Avenue, Suite 360

**City:** Greensboro **State:** NC **Zip Code:** 27408

**Phone #:** (336) 834-6842 **E-mail:** Charles.Worsham@tangeroutlets.com

**Owner Information**

**Owner Name:** Same as Applicant

**Owner Address:**

**City:** **State:** **Zip Code:**

**Phone #:** **E-mail:**

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Davis, Bowen & Friedel, Inc.

**Agent/Attorney/Engineer Address:** 1 Park Ave

**City:** Milford **State:** DE **Zip Code:** 19963

**Phone #:** (302) 424-1441 **E-mail:** rwl@dbfinc.com



## Check List for Sussex County Major Subdivision Applications


The following shall be submitted with the application

- ☒ **Completed Application**
- ☒ **Provide fifteen (15) copies of the Site Plan or Survey of the property and a PDF (via e-mail)**
  - Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
  - Provide compliance with Section 99-9.
  - Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- ☒ **Provide Fee \$500.00**
- ☐ **Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) 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.**
- ☐ **PLUS Response Letter (if required)**
- ☐ **51% of property owners consent if applicable**

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

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and 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



COROC / Rehoboth III, L.L.C.  
By: Tanger Management, LLC, its managing agent

### Signature of Owner

\_\_\_\_\_

Date: 11/15/19

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

### For office use only:

Date Submitted: 12/20/19

Staff accepting application: COH

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

Fee: \$500.00 Check #: 3051

Application & Case #: 201914597

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

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

## Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

### Application Information:

Site Address: Holland Glade Road  
Approximately 800' north of intersection with SR-1  
Parcel #: 3-34-13.00-325.36

Site Address: \_\_\_\_\_  
\_\_\_\_\_  
Parcel #: \_\_\_\_\_

Applicant Name: COROC / Rehoboth III, LLC  
Owner Name: Same as Applicant

### Type of Application:

Conditional Use: ☐  
Change of Zone: ☐  
Subdivision: ☒  
Board of Adjustment: ☐

Date Submitted: 11/15/19

### For office use only:

Date of Public Hearing: \_\_\_\_\_  
File #: \_\_\_\_\_  
Date list created: \_\_\_\_\_ List created by: \_\_\_\_\_  
Date letters mailed: \_\_\_\_\_ Letters sent by: \_\_\_\_\_



## Planning & Zoning Project Contact List

### Applicant Information

Applicant Name: COROC / Rehoboth III, LLC  
Applicant Address: 3200 Northline Avenue, Suite 360  
City: Greensboro State: NC Zip: 27408  
Phone #: (336) 834-6842 E-mail: Charles.Worsham@tangeroutlets.com

### Owner Information

Owner Name: Same as Applicant  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Engineer/Surveyor Information

Engineer/Surveyor Name: Davis, Bowen & Friedel, Inc.  
Engineer/Surveyor Address: 1 Park Avenue  
City: Milford State: DE Zip: 19963  
Phone #: (302) 424-1441 E-mail: rwl@dbfinc.com

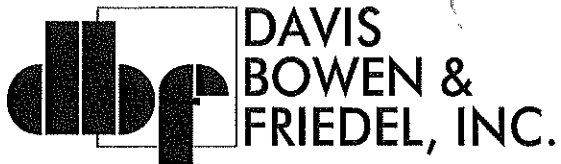
### Agent/Attorney Information

Agent/Attorney/Name: \_\_\_\_\_  
Agent/Attorney/Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Other

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_





ARCHITECTS • ENGINEERS • PLANNERS • SURVEYORS

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

December 20, 2019

Sussex County Planning & Zoning  
Sussex County Administration Building  
2 The Circle, Room 147  
P.O. Box 417  
Georgetown, DE 19947

Attn: Janelle Cornwell, Planning & Zoning Manager


RE: Tanger Seaside Property  
Preliminary Major Subdivision  
Tax Map # 3-34-13.00-325.36  
DBF# 1360C001

Dear Ms. Cornwell:

On behalf of our client, COROC / Rehoboth, LLC, we are respectfully requesting a waiver from the Forested Buffer as defined in Chapter 99-5. The parcel of land is considered a major subdivision due to previous subdivisions. The underlying zoning is C-3 (Heavy Commercial) and the uses will be commercial. Each parcel of land is required to submit a separate site plan that will include landscaping / screening for review by the Planning and Zoning Commission. We thank you in advance for your consideration of our request.

If you have any questions or need additional information, please contact me at (302) 424-1441 or via email at [rw1@dbfinc.com](mailto:rw1@dbfinc.com).

Sincerely,  
*Davis, Bowen & Friedel, Inc.*

  
Ring W. Lardner, P.E.  
Principal

P:\Tanger Outlets\Seaside - 10 Acre Expansion\Docs\P&Z\2019-12-20 Major Subdivision Application\Forested Buffer Waiver.docx

Cc: COCOM / Rehoboth III, LLC



DAVIS  
BOWEN &  
FRIEDEL, INC.

ARCHITECTS ENGINEERS SURVEYORS

September 11, 2020

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Ms. Lauren Devore, Planner III

Re: Tanger Seaside (Subdivision 2019-32)  
Chapter 89-6F Wellhead Protection Area Response  
Tax Map # 3-34-13.00-325.36  
DBF# 1360C001

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

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, COROC/Rehoboth III, LLC, we are pleased to provide you with our written response to the items listed in Chapter 89-6F.

The proposed subdivision provides careful consideration of the following items in Sussex County Chapter 89-6F:

F. The following conditions shall apply to all areas within a wellhead protection area which fall between the edge of the safe zone and the outer boundary of the wellhead protection area:

1. **The requirements of this chapter do not impose any limitations upon land development, provided the impervious cover of any portion of the tax parcel located within the wellhead protection area is 35% or less.**
  - a. The impervious cover of the proposed development that falls within the wellhead protection area may be more than 35%.
2. **Impervious cover of that portion of a tax parcel within the wellhead protection area which is greater than 35% but no more than 60% is allowed, provided the applicant demonstrates through an environmental assessment report prepared by a registered professional geologist or registered professional engineer familiar with the hydrogeologic characteristics of Sussex County and using a climatic water budget that will insure that post-development recharge quantity will meet or exceed the existing (predevelopment) recharge quantity. Beneficial efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.**

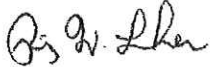


- a. The impervious cover of the proposed development that falls within the wellhead protection area may be more than 35% and may be more than 60%. Each individual parcel will be required to demonstrate compliance at time of site plan approval.
3. **For all new construction where the impervious surfaces exceed 60% or where the level of post-development recharge is less than predevelopment recharge, all structures shall be required to discharge roof drains into underground recharge systems or into permeable surfaces that allow the discharges to infiltrate into the ground. Efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.**
  - a. The impervious cover of the proposed development that falls within the wellhead protection area may be more than 60%. Each individual parcel will be required to demonstrate compliance at time of site plan approval.
4. **Notwithstanding provisions of § 89-6A (nonconforming uses) in Commercial, Industrial and Business Districts, including, but not limited to, Urban Business (UB), Neighborhood Business (B-1), General Commercial (C-1), Commercial Residential (CR-1), Marine, Light Industrial (LI-1), Light Industrial (LI-2), and Heavy Industrial (HI), within designated development zones where the impervious cover of a property exists prior to the effective date of this chapter and the applicant desires to re-develop the property, the gross impervious cover shall be equal to or less than the original impervious cover percentage of the original site.**
  - a. This requirement does not apply to this project.
5. **Discharge from roof drains, containment areas or impoundments that receive runoff from an area that may contain contaminants from mechanical systems shall be disposed of using best management practices, such as grass swales.**
  - a. Each individual site will demonstrate compliance with this provision.
6. **Aboveground and underground storage tanks (USTs) containing petroleum or any hazardous substances listed in 40 CFR 116 in an aggregate quantity equal to or greater than a reportable quantity as defined in 40 CFR 117 shall not be permitted in a designated wellhead protection area unless such facilities meet the aboveground and underground storage tank regulations as applicable to the State of Delaware.**
  - a. The above requirement will be added to the Record plan notes for this project.

Sussex County Planning and Zoning Commission  
September 11, 2020  
Page 3 of 3

On behalf of our client we thank you for your review and consideration of this response. If you should have any questions or concerns please contact me at 424-1441

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

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Cc: Charles Worsham, COROC/Rehoboth III, LLC

September 11, 2020

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

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
P.O. Box 589  
Georgetown, Delaware 19947

Attn: Ms. Lauren Devore, Planner III

Re: Tanger Outlets Seaside (Subdivision 2019-32)  
Environmental Assessment and Public Facility Evaluation Report  
Tax Parcel No: 3-34-13.00-325.36  
DBF #1360C001.C01

Dear Ms. Devore,

On behalf of our client, COROC/Rehoboth III, LLC, we are pleased to submit an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. Coastal Zone, Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals. The proposed improvements will meet or exceed the state regulations for quality and quantity control. The project design will include the use of green technologies to reduce the runoff from the site.*
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands. The surrounding area is served by Tidewater Utilities, Inc. The eastern half (approximately) of the parcel is located within a wellhead protection area. The project will comply with the County's Source Water Protection Ordinance. At full build-out, the average water use is estimated to be 22,800 gallons per day and a peak use of 68,400 gallons per day.*
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems. The proposed project is located within Tier 1 of the Sussex County Unified Sanitary Sewer District. The project is estimated to require seventy-six (76) EDUs. The proposed project will be served by the County's sewer system.*



- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system. A Traffic Impact Study (TIS) was not required for the subdivision.*
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas. There are no known endangered or threatened species listed on federal or state registers or proposed habitat protection areas located on the property.*
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site. The project site does not contain tidal or non-tidal wetlands.*
- (g) *Provisions for open space as defined in §115-4. The subdivision is for commercial purposes and does not have open space requirements.*
- (h) *A description of provisions for public and private infrastructure. The Applicant will install all infrastructure at the sole cost to the Applicant. Public infrastructure will include sanitary sewer and drinking water infrastructure and minor roadway improvements within the State of Delaware roadway. All other improvements will be private.*
- (i) *Economic, recreational or other benefits. The proposed project will provide additional commercial options for residents in the neighboring areas that will divert traffic from the Route 1 corridor and provide jobs leading to an economic benefit for the County.*
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places. The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.*
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan. The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.*
- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan. All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.*

Ms. Lauren Devore  
September 11, 2020  
Page 3

If you have any questions or need additional information, please do not hesitate to contact me via phone at (302) 424-1441 or via e-mail at [rwl@dbfinc.com](mailto:rwl@dbfinc.com).

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

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**DAVIS  
BOWEN &  
FRIEDEL, INC.**

**ARCHITECTS ENGINEERS SURVEYORS**

September 11, 2020

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
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Michael R. Wigley, AIA, LEED AP  
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Jason P. Loar, P.E.  
Ring W. Loraner, P.E.  
Jamie L. Sechler, P.E.

Attn: Ms. Lauren Devore, Planner III

Re: Tanger Seaside (Subdivision 2019-32)  
Chapter 99-9C Response  
Tax Map # 3-34-13.00-325.36  
DBF# 1360C001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, COROC/Rehoboth III L.L.C., we are pleased to provide you with our written response to the items listed in Chapter 99-9C.

The proposed subdivision, provides careful consideration of the following items in Sussex County Chapter 99-9C:

- 1. Integration of the proposed subdivision into the existing terrain and surrounding landscape.**
  - a. The subdivision includes a 30' setback along the northern boundary line adjacent to the State-Owned lands.
  - b. The subdivision includes a 20' setback along the western boundary line adjacent to the State-Owned lands.
  - c. The proposed subdivision is located adjacent to the existing Tanger Outlets and opposite Coastal Station.
- 2. Minimal use of wetlands and floodplains.**
  - a. There are no wetlands located on the property.
  - b. The property is not located in a floodplain.



**3. Preservation of natural and historical features.**

- a. A wellhead protection and excellent recharge area is located on the property. Each individual parcel will need to demonstrate compliance with Chapter 89 of the Sussex County Code.
- b. There are no wooded areas on the property.
- c. There are no known historical features on-site.

**4. Preservation of open space and scenic views.**

- a. The project will relocate the Junction and Breakwater Trail parking lot.
- b. The Developer has been engaged with State Parks and Recreation and DelDOT on future improvements of the Junction and Breakwater Trail.

**5. Minimization of tree, vegetation and soil removal and grade changes.**

- a. There are no trees or vegetation to preserve.
- b. The site will be "balanced," which will minimize the need for soil to be removed or hauled to the site.

**6. Screening of objectionable features from neighboring properties and roadways.**

- a. Landscaping will be provided as part of each individual parcel.

**7. Provision for water supply.**

- a. Tidewater Utilities, Inc. will supply all homes with central water and provide fire protection.

**8. Provision for sewage disposal.**

- a. Sussex County Council will provide sanitary sewer conveyance and treatment for the proposed subdivision. The property is located in Tier 1 of the Sussex County Unified Sanitary Sewer District. A Sewer Service Concept Evaluation (SSCE) was provided on November 13, 2019.

**9. Prevention of pollution of surface and groundwater.**

- a. Best Available Technologies (BATs) will be used during the design and construction of the property.
- b. Best Management Practices (BMPs) will be used during the design and construction of the property.
- c. The site will utilize Green Technology where feasible for the project.

**10. Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.**

- a. The stormwater management areas will be designed to meet all local, state and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants from leaving the site during construction.

**11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.**

- a. Each parcel will be separately designed and approved.

**12. Effect on area property values.**

- a. Based on historical land trends in Sussex County, the property values around the proposed subdivision will increase with the development of Tanger.

**13. Preservation and conservation of farmland.**

- a. The parcel of land is not actively farmed.

**14. Effect on schools, public buildings and community facilities.**

- a. The commercial subdivision will not generate additional students.
- b. The commercial subdivision will not require additional services from the public or community.

**15. Effect on area roadways and public transportation.**

- a. A Traffic Impact Study (TIS) is not required.
- b. The subdivision is interconnected to the existing Tanger Outlet.
- c. The Developer will be required to make improvements at the site entrance along Holland Glade Road that will consist of a protected left turn lane and deceleration lane. In addition, a shared-use path will be constructed along the project frontage

**16. Compatibility with other area land uses.**

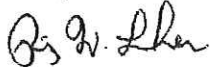
- a. The subdivision conforms to the designated zoning for the property and is consistent with the surrounding land use as mentioned above.
- b. The proposed gross density of the project is 0.30 dwelling units per acre of land.

**17. Effect on area waterways.**

- a. The subdivision will provide water quality treatment in accordance with the Sediment and Stormwater Regulations.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

On behalf of our client we thank you for your review and consideration of this response. If you should have any questions or concerns please contact me at 424-1441

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal



## ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718  
AIRPORT & INDUSTRIAL PARK (302) 855-7774  
ENVIRONMENTAL SERVICES (302) 855-7730  
PUBLIC WORKS (302) 855-7703  
RECORDS MANAGEMENT (302) 854-5033  
UTILITY ENGINEERING (302) 855-7717  
UTILITY PERMITS (302) 855-7719  
UTILITY PLANNING (302) 855-1299  
FAX (302) 855-7799



## Sussex County

DELAWARE  
sussexcountype.gov

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

### SEWER SERVICE CONCEPT EVALUATION (SSCE) UTILITY PLANNING DIVISION

Applicant: Davis, Bowen & Friedel, Inc.

Date: 11/13/2019

Reviewed by: Chris Calio

Agreement #: 1143

Project Name: Tanger Seaside Expansion

Tax Map & Parcel(s): 334-13.00-325.36

Sewer Tier: Tier 1 - Sussex County Unified Sanitary Sewer District

Proposed EDUs: 82.04

Pump Station(s) Impacted: PS 203, PS 210

List of parcels to be served, created from the base parcel: N/A.

List of additional parcels to be served (Parcels required for continuity must be served with infrastructure): N/A

Connection Point(s): Connect to interior infrastructure in Tanger Seaside or MH 4 in Holland Glade Road.

Use of Existing Infrastructure Agreement required? Yes ☒ or No ☐

Annexation Required? Yes ☐ or No ☒

Easements Required? Yes ☐ or No ☒

Fee for annexation (based on acreage): N/A

Current Zoning: C-3 Heavy Commercial Zoning Proposed: C-3 Heavy Commercial

Acreage: 10.00 +/-



COUNTY ADMINISTRATIVE OFFICES  
2 THE CIRCLE | PO BOX 589  
GEORGETOWN, DELAWARE 19947

Additional Information: Click or tap here to enter text.

\* No capacity is guaranteed until System Connection Fees are paid

**All gravity sewers with three (3) or more minor branches shall be designed at minimum slope and maximum depth.**

**Once Construction Drawings are completed with all of the above information satisfied, please submit to:**

Sussex County Public Works Department  
2 The Circle  
P.O. Box 589  
Georgetown DE 19947

CC: John Ashman  
Jayne Dickerson  
Michael Brady  
Christine Fletcher

81.28 AC.

325.36

10.00 AC.

325.06  
14.49 Ac.

384.05  
ROAD

115.23

GLADE

568.48

325.08

Route 1

512.88

100

167.16  
55.87  
100  
09'95"

70S  
14.71  
13.78  
DE ROW DB 4169-38  
199.56  
147.08  
319

180.14  
154.39  
200.91  
183.46  
128  
40  
192.72  
202.40  
325.13  
199.42  
80.55

129.44  
80.02  
125.80  
PB 209-51  
165.61  
160.21  
163.97  
20-227, Revised PB 194-94

319.01

319.02  
1.53 Ac.

834.68

B

C



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/8/2020**

APPLICATION: **2019-32 – Lands of Coroc/Rehoboth III, LLC**

APPLICANT: **Coroc/Rehoboth III, LLC**

FILE NO: **OM-9.04**

TAX MAP &  
PARCEL(S): **334-13.00-325.36**

LOCATION: **Located on the west side of Holland Glade Road (SCR 271),  
0.11 mile northeast of Coastal Highway (SR 1).**

NO. OF UNITS: **3 commercial lots**

GROSS  
ACREAGE: **10.00**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **6.67**

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes ☒ No ☐
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **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: **Infrastructure to be installed per the Sewer System Concept Evaluation dated 11/13/2019.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
Christine Fletcher

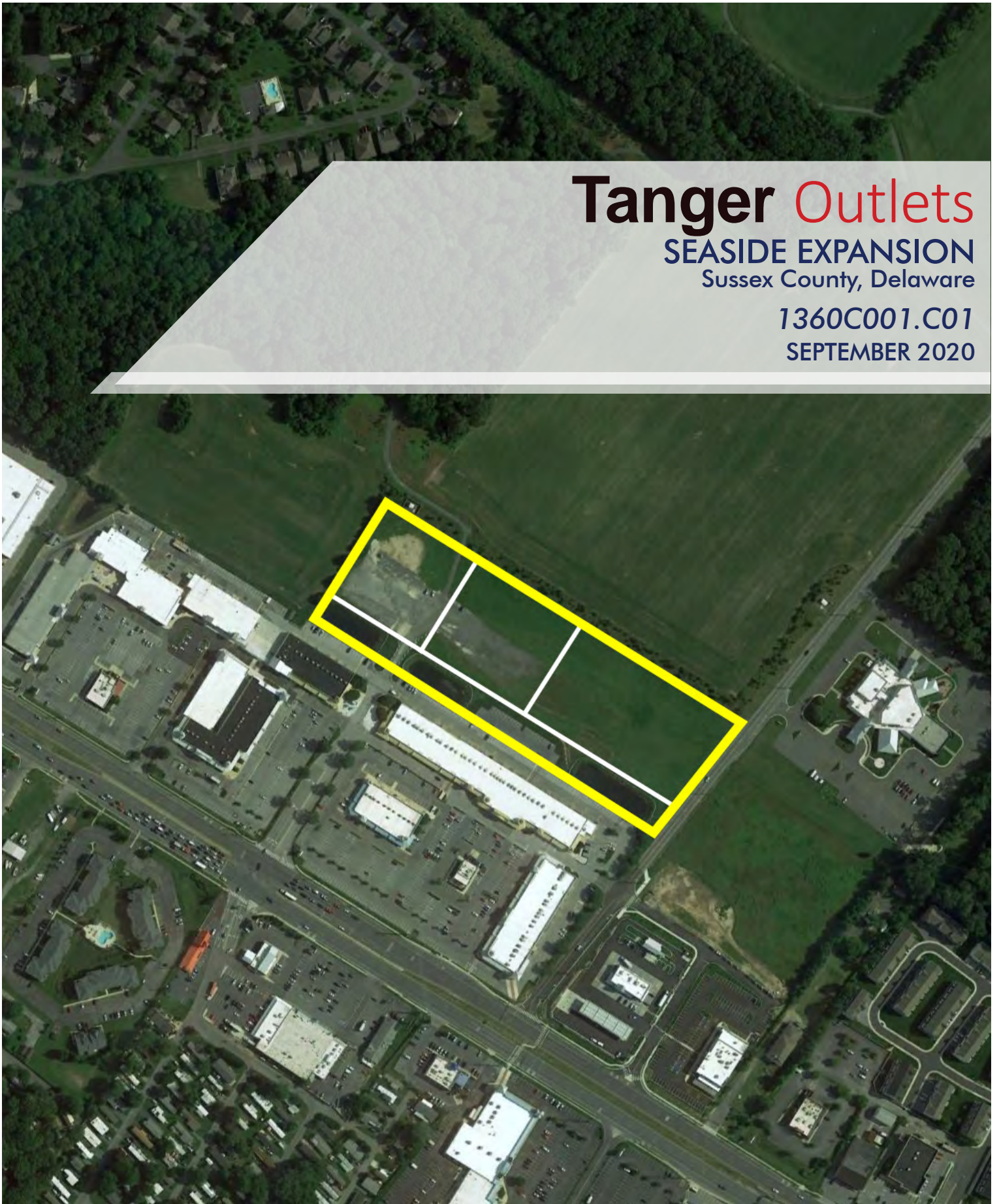
# Tanger Outlets

SEASIDE EXPANSION

Sussex County, Delaware

1360C001.C01

SEPTEMBER 2020



Tanger  
Outlets

 DAVIS  
BOWEN &  
FRIEDEL, INC.  
ARCHITECTS • ENGINEERS • SURVEYORS



## Table of Contents

- A. Presentation Outline
- B. Data Column
- C. Major Subdivision Plan as submitted on December 20, 2019
- D. Revised Preliminary Major Subdivision Plan

## Exhibits

- 1. Maps
  - a. Surrounding Communities Map
  - b. FEMA Firmette
  - c. 2020 State Strategies
  - d. Sussex County 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. Beer's Atlas – Lewes and Rehoboth Hundred
- 3. Chapter 99-9C Response
- 4. Environmental Assessment and Public Facility Evaluation Report
- 5. Chapter 89 Response
- 6. Draft Reciprocal Easement Agreement

A

## Presentation Outline

### A. Land Use & Zoning

1. The Major Subdivision is a commercial subdivision and Commercial names are not approved by Sussex County Mapping.
2. The Developer will contact Sussex County Mapping to determine if a road name is required, and if so, will be submitted and approved by Sussex County Mapping.
3. The property is located on the west side of Holland Glade Road and north of SR-1.
4. The Owner of the property is COROC/Rehoboth III L.L.C.
5. The property is currently zoned C-3 (Heavy Commercial) in Sussex County.
6. The proposed subdivision will be governed by a set of reciprocal easements and common area maintenance agreements.
7. The property is located in the Levels 2 and 3 Areas of the 2020 State Strategies Map.

### B. Land Utilization

1. The total acreage of the project is 10.00 acres of land.
2. The proposed subdivision is designed in accordance with Chapter 99 of the Sussex County Code.
3. The maximum number of units proposed is three commercial parcels with a density of 0.30 units per acre.
4. The proposed subdivision will use the existing signalized intersection off SR-1, existing entrance off Holland Glade Road and a new entrance off Holland Glade Road opposite Coastal Station.
5. A forested buffer per Chapter 99-5 is not required because the major subdivision consists of three lots.



6. The project was previously presented to P.L.U.S. during the rezoning of the property. The proposed subdivision is not required to be reviewed by P.L.U.S.

#### C. Environmental

1. The property does not contain wetlands.
2. The property is not located within the 100-year Floodplain.
3. The property is located within an Excellent Recharge Area and Wellhead Protection Area and will meet the requirements of Chapter 89
4. There are no known archaeological sites within the project boundaries. There are no national historic listed properties within the project boundaries.

#### D. Traffic

1. The Developer met with DelDOT on October 17, 2019 and February 4, 2020 to discuss the project. A TIS is not required for the subdivision and each individual parcel will be required to obtain a Letter of No Objection from DelDOT.
2. The proposed Lot 1 is the location of the Microtel (S-20-13) that obtained preliminary plan approval on June 12, 2020. The Microtel project will be able to utilize both existing entrances without additional improvements and pay an Area Wide Study Fee.
3. The proposed Lot is the location of the Planet Fitness (S-20-12) that obtained preliminary site plan approval on April 24, 2020.
4. Development of Parcels 2 or 3 will require the construction of the new Holland Glade access and related improvements.
5. The Developer will work with the Holland Glade / SR-1 Signalize Intersection to incorporate a left turn lane into the existing access off Holland Glade Road.

#### E. Civil Engineering

1. The internal access will be privately maintained and given the commercial nature, we request that they are exempt from Chapter 99 of the Code of Sussex County.
2. The grading of the site will meet or exceed the Building Code Requirements.
3. Drinking and fire protection water will be provided by Tidewater Utilities, Inc.
4. Sanitary sewer transmission and treatment will be provided by Sussex County Council.
5. The stormwater management system will meet all State, County and Conservation District requirements through combination of Best Management Practices (BMP) and Best Available Technologies (BAT).
6. Fire protection will be provided by Rehoboth Beach Volunteer Fire Company.
7. Electricity will be provided by Delaware Electric Co-Op.

#### F. County Code Compliance

1. Chapter 89 Source Water Protection Area Response Letter
2. Chapter 99-9c Response Letter
3. Chapter 115-194.3 Coastal Area Environmental Assessment and Public Facility Evaluation Report

B



Tanger Outlet – Seaside Expansion  
Data Sheet

**Owner:** Coroc/Rehoboth III, LLC  
**Developer:** Coroc/Rehoboth III, LLC  
**Engineer:** Davis, Bowen & Friedel, Inc.

**Project Description**

Physical Location: Property is located on Holland Glade Road (behind Tanger Seaside) approximately 800' north of intersection with SR-1.

Tax Parcel #: 3-34-13.00-325.36

Acreage: 10.00 +/- Acres

Current Zoning: C-3 (Heavy Commercial)

Existing Use: Vacant

Proposed Use: Commercial

Proposed Number of Lots: 3

**C-3 Setback**

Front: 60'

Side: 5' / 20' in width on side of lot adjoining residential district

Rear: 5' / 30' in width on rear of lot adjoining residential district

Min Lot Width: 75'

Min Lot Depth: 100'

Min Lot Area: 1 acre

Maximum Building Height: 42'

Water Provider: City of Rehoboth Beach

Sewer Provider: Sussex County

C

SITE DATA

TAX PARCEL NO.: 3-34-13.00-325.36  
DEED REF.: 2931/206  
EXISTING ZONING: C-3  
EXISTING USE: VACANT LAND  
PROPOSED USE: COMMERCIAL  
SITE AREA: 10.000 ACRES  
PROPOSED # OF LOTS: 3

OWNER/DEVELOPER  
COROC/REHOBOTH III L.L.C.  
3200 NORTHLINE AVE #360  
GREENSBORO, NC 27408  
ENGINEER/SURVEYOR  
DAVIS, BOWEN & FRIEDEL, INC  
1 PARK AVENUE  
MILFORD, DE 19963

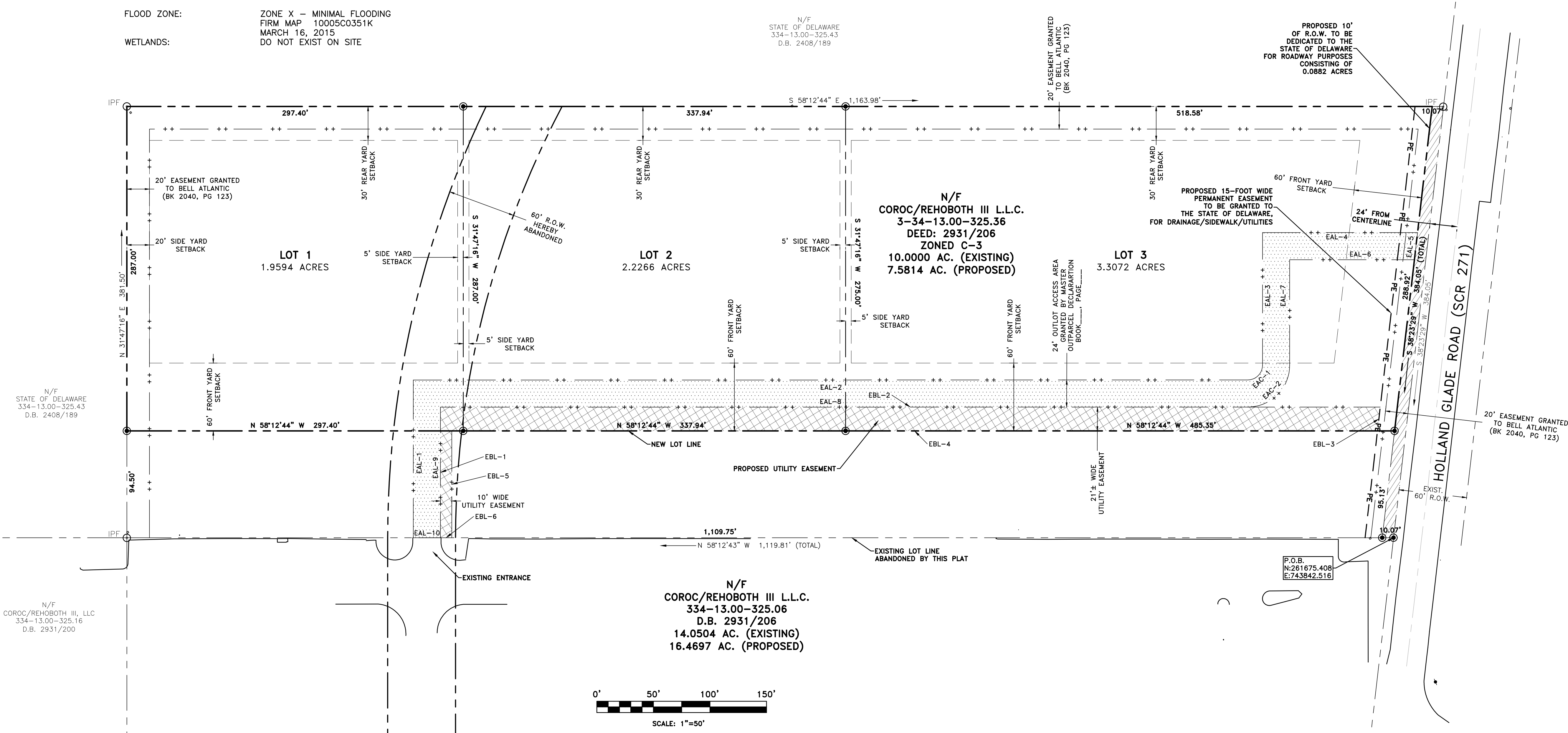
C-3 SETBACKS

FRONT: 60'  
SIDE: 5' / 20' IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT  
REAR: 30'  
MIN LOT WIDTH: 75'  
MIN LOT DEPTH: 100'  
MIN LOT AREA: 1 ACRE  
MAXIMUM BUILDING HEIGHT: 42'

WATER PROVIDER: CITY OF REHOBOTH BEACH  
SEWER PROVIDER: SUSSEX COUNTY  
FLOOD ZONE: ZONE X - MINIMAL FLOODING  
FIRM MAP 10005C0351K  
MARCH 16, 2015  
DO NOT EXIST ON SITE  
WETLANDS:

APPROVED BY SUSSEX COUNTY PLANNING AND ZONING

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE  
PRESIDENT, SUSSEX COUNTY COUNCIL DATE



ACCESS EASEMENT (A)  
LINE TABLE

LINE	BEARING	DISTANCE
EAL-1	N 31°47'16" E	139.46'
EAL-2	S 58°12'44" W	737.72'
EAL-3	N 31°47'16" E	117.30'
EAL-4	S 58°12'44" W	137.03'
EAL-5	S 38°23'29" W	24.16'
EAL-6	N 58°12'44" W	110.26'
EAL-7	S 31°47'16" W	93.30'
EAL-8	N 58°12'44" W	713.72'
EAL-9	S 31°47'16" W	115.46'
EAL-10	N 58°12'44" W	24.00'

ACCESS EASEMENT (A)  
CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
EAC-1	113.00'	20.42'	18.38'	N 76°47'16" E	90°00'00"
EAC-2	2137.00'	58.12'	52.33'	S 76°47'16" W	90°00'12"

UTILITY EASEMENT (B)  
LINE TABLE

LINE	BEARING	DISTANCE
EBL-1	N 31°47'16" E	115.46'
EBL-2	S 58°12'44" W	830.80'
EBL-3	S 38°23'29" W	21.24'
EBL-4	N 58°12'44" W	818.35'
EBL-5	S 31°47'16" W	94.50'
EBL-6	N 58°12'44" W	110.00'

LEGEND:

- IPF  
● IRCS  
--- DEED / BOUNDARY LINE  
--- PROPOSED PROPERTY LINE  
--- ADJACENT PROPERTY LINE  
--- BUILDING SETBACK  
++ ACCESS EASEMENT  
++ UTILITY EASEMENT

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT OUR DIRECTION, WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

COROC/REHOBOTH III L.L.C.  
OWNER  
DATE

ENGINEER'S STATEMENT

I, RING W. LARDNER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

by RING W. LARDNER, P.E.  
DAVIS, BOWEN & FRIEDEL, INC.  
1 PARK AVENUE  
MILFORD, DELAWARE 19963  
DATE

TANGER OUTLETS - SEASIDE EXPANSION  
HOLLAND GLADE ROAD (SCR 271), REHOBOTH BEACH  
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE

Revisions:

Date: DECEMBER 2019  
Scale: 1" = 50'  
Dwn.By: ACM  
Proj.No.: 1360C001  
Dwg.No.:

V-102

DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS ENGINEERS SURVEYORS  
1 PARK AVENUE  
MILFORD, DE 19963  
(410) 424-2800  
(302) 424-1441  
(410) 770-4744

MAJOR SUBDIVISION PLAN

D



SITE DATA

TAX PARCEL NO.: 3-34-13.00-325.36  
DEED REF.: 2931/206  
EXISTING ZONING: C-3  
EXISTING USE: VACANT LAND  
PROPOSED USE: COMMERCIAL  
EXISTING SITE AREA: 10.000 ACRES  
PROPOSED SITE AREA: 7.6989 ACRES  
PROPOSED # OF LOTS: 3

C-3 SETBACKS  
FRONT: 60'  
SIDE: 5' / 20' IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT  
REAR: 30'  
CORNER: 15'  
MIN LOT WIDTH: 75'  
MIN LOT DEPTH: 100'  
MIN LOT AREA: 1 ACRE  
MAXIMUM BUILDING HEIGHT: 42'

WATER PROVIDER: TIDEWATER UTILITIES, INC.  
SEWER PROVIDER: SUSSEX COUNTY

FLOOD ZONE: ZONE X - MINIMAL FLOODING  
FIRM MAP 10005C0351K  
MARCH 16, 2015  
DO NOT EXIST ON SITE

COUNTY PROJECT REFERENCE NUMBER: (2019-32)

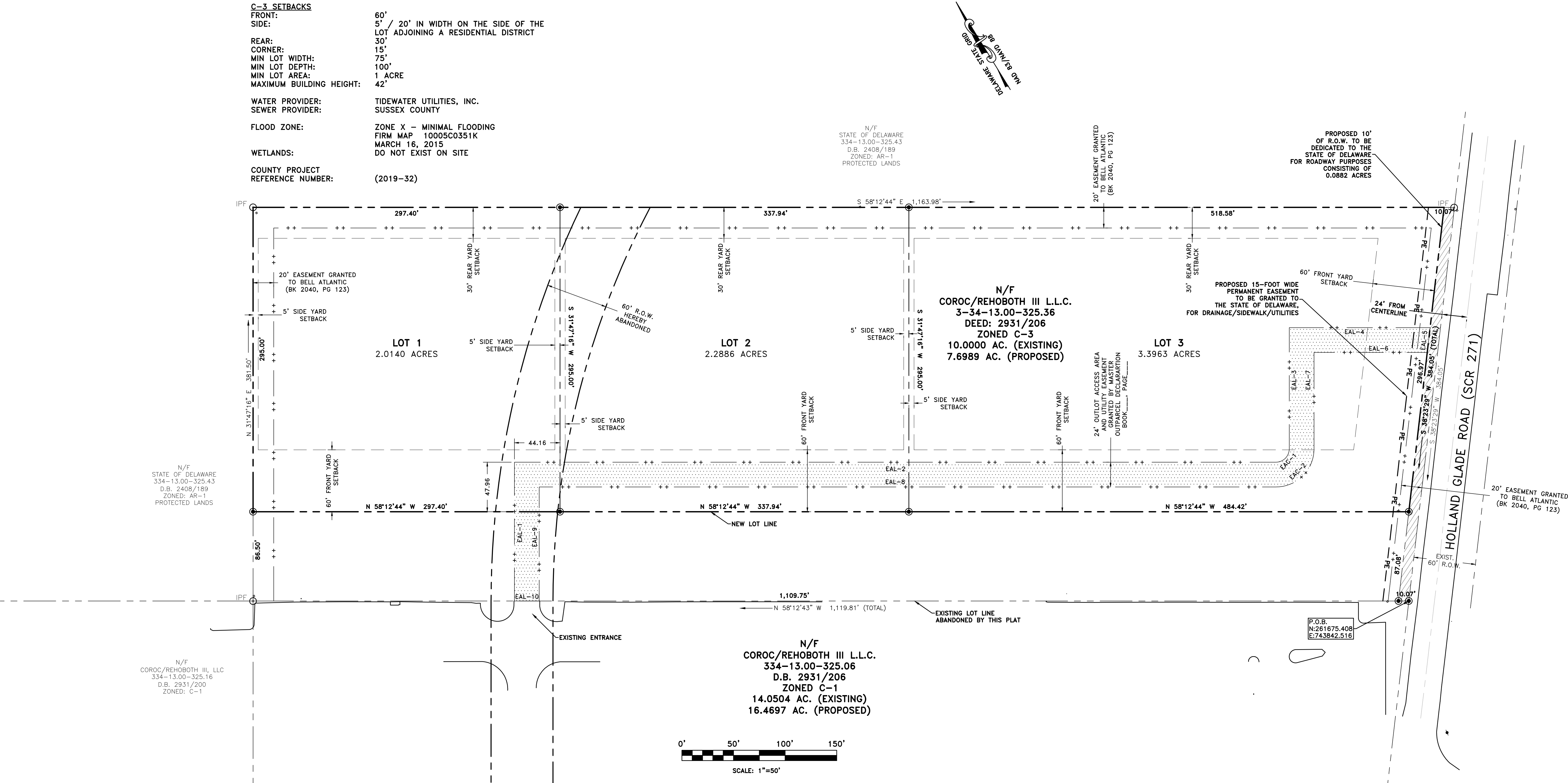
OWNER/DEVELOPER: COROC/REHOBOTH III L.L.C.  
3200 NORTHLINE AVE #360  
GREENSBORO, NC 27408  
ENGINEER/SURVEYOR: DAVIS, BOWEN & FRIEDEL, INC  
1 PARK AVENUE  
MILFORD, DE 19963

APPROVED BY SUSSEX COUNTY PLANNING AND ZONING

COUNTY PROJECT REFERENCE NUMBER: (2019-32)

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE

PRESIDENT, SUSSEX COUNTY COUNCIL DATE



ACCESS EASEMENT (A)  
LINE TABLE

LINE	BEARING	DISTANCE
EAL-1	N 31°47'16" E	134.46'
EAL-2	S 58°12'44" E	737.72'
EAL-3	N 31°47'16" E	117.41'
EAL-4	S 58°12'44" E	136.46'
EAL-5	S 38°23'29" W	24.16'
EAL-6	N 58°12'44" W	109.68'
EAL-7	S 31°47'16" W	93.41'
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LEGEND:

- IPF
- IRCS
- DEED / BOUNDARY LINE
- PROPOSED PROPERTY LINE
- ADJACENT PROPERTY LINE
- BUILDING SETBACK
- ++ ACCESS EASEMENT
- ++ UTILITY EASEMENT

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COROC/REHOBOTH III L.L.C. DATE  
OWNER

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by RING W. LARDNER, P.E.  
DAVIS, BOWEN & FRIEDEL, INC.  
1 PARK AVENUE  
MILFORD, DELAWARE 19963  
DATE

TANGER OUTLETS - SEASIDE EXPANSION  
HOLLAND GLADE ROAD (SCR 271), REHOBOTH BEACH  
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE

Revisions:  
2020-07-20  
SUSSEX P&Z COMMENTS

Date: DECEMBER 2019

Scale: 1" = 50'

Dwn.By: ACM

Proj.No.: 1360C001

Dwg.No.:

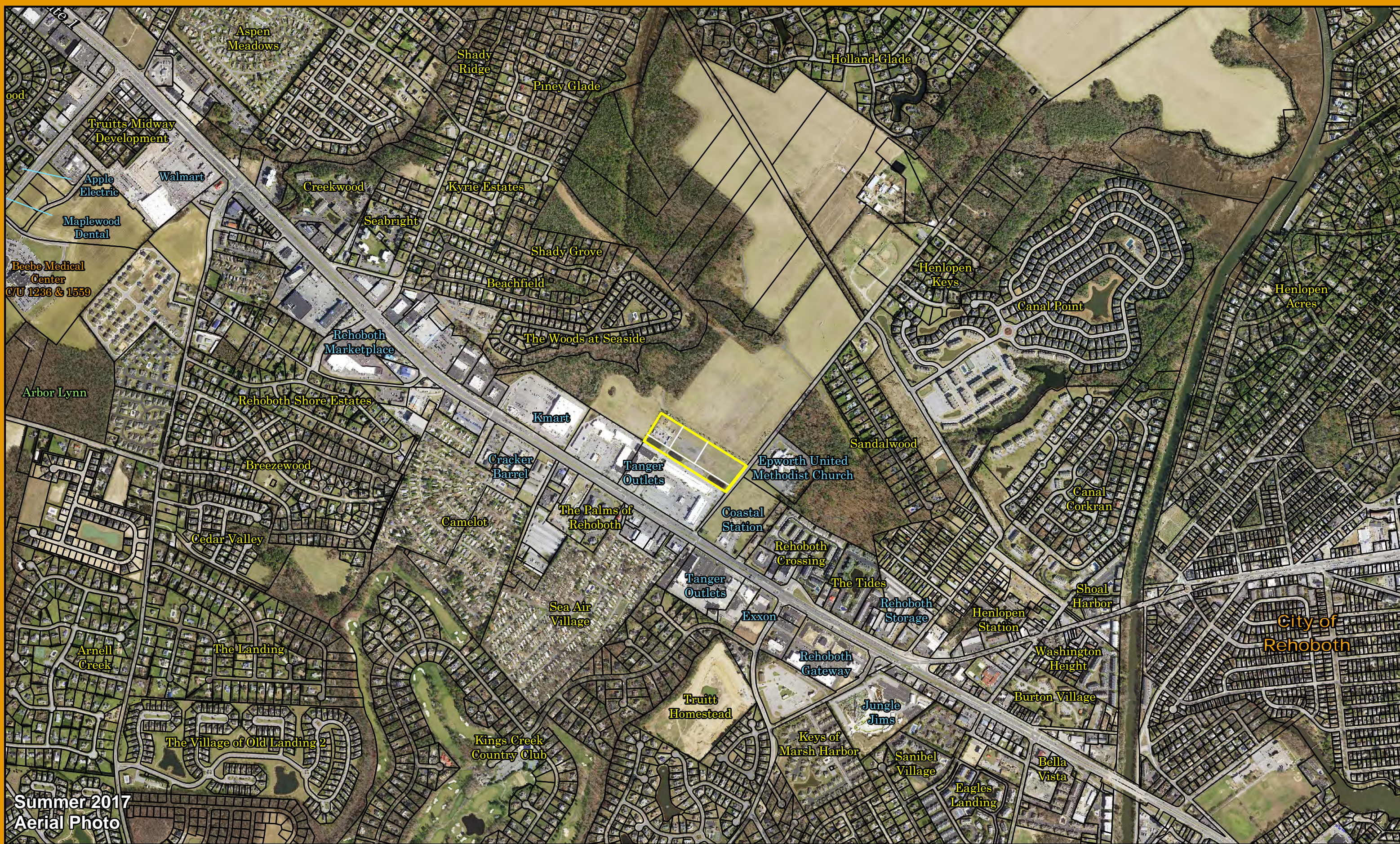
V-102

DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS ENGINEERS SURVEYORS  
SUSSEX COUNTY, DE  
MILFORD, DE  
EASTON, MD  
(410) 643-2891  
(302) 624-1441  
(410) 770-4744

MAJOR SUBDIVISION PLAN

# Exhibit 1





Summer 2017  
Aerial Photo

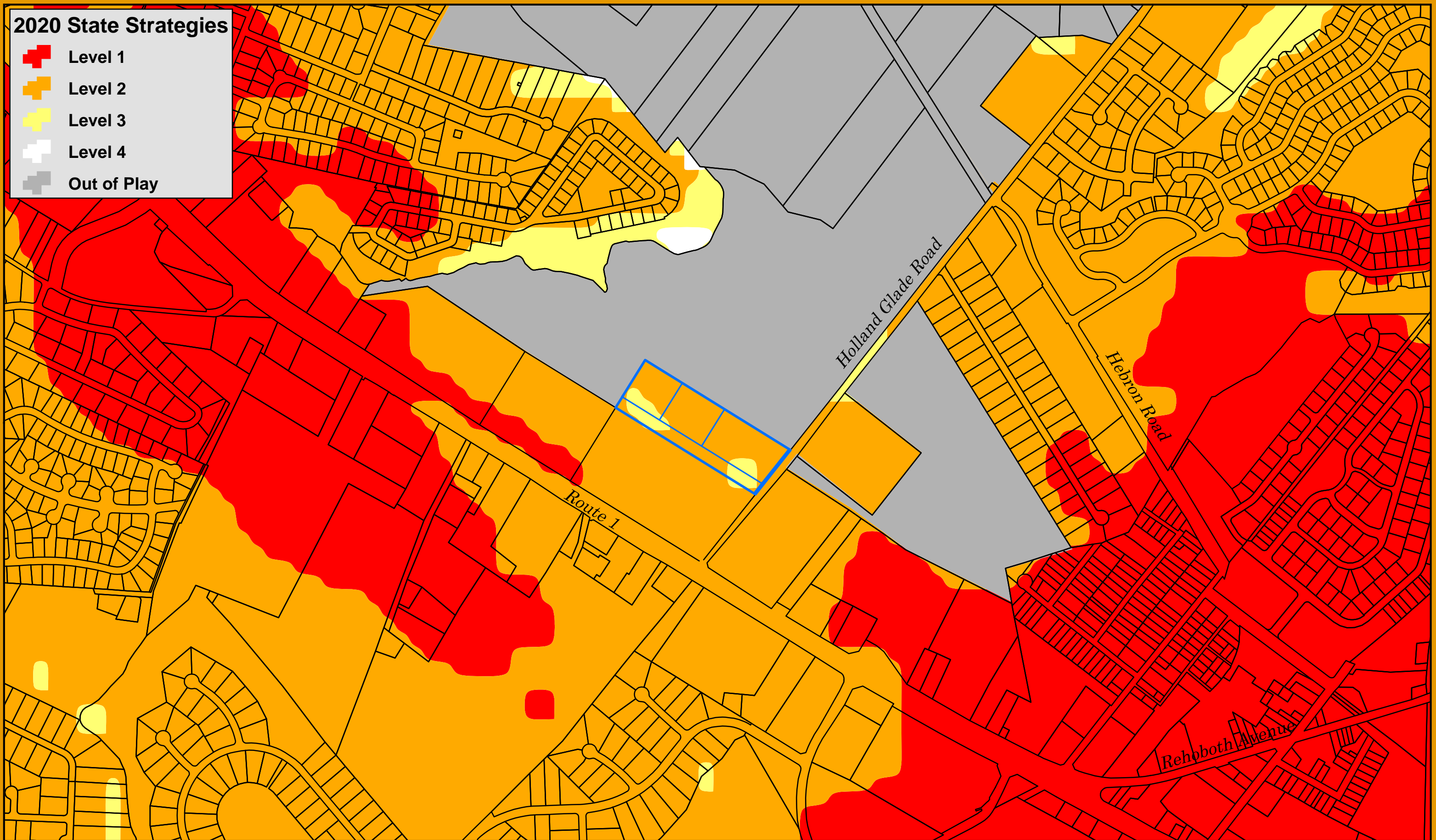






**2020 State Strategies**

-  Level 1
-  Level 2
-  Level 3
-  Level 4
-  Out of Play



Sources:  
Tax Parcels per Sussex County



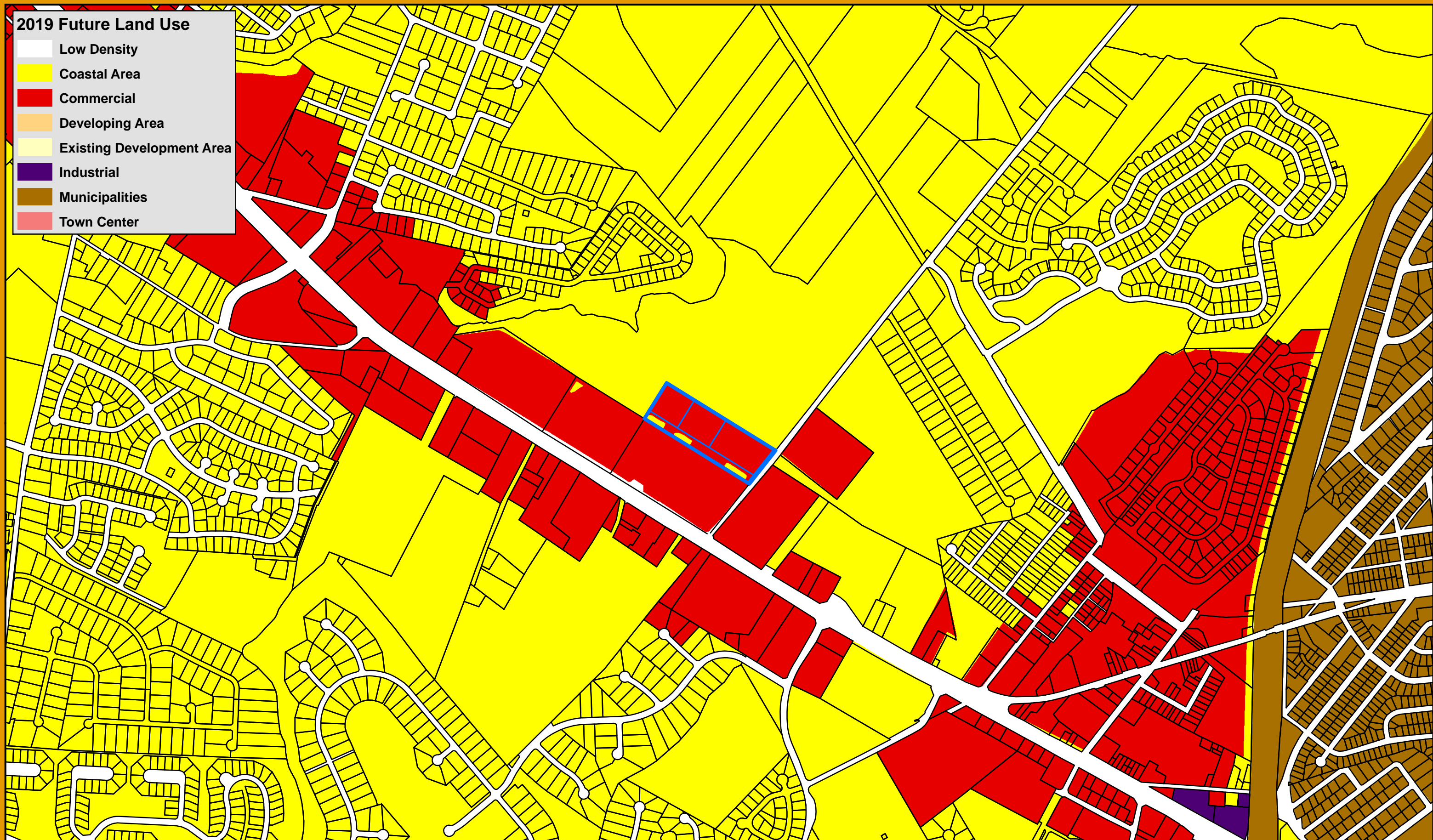
**2020 State Strategies**  
**Tanger Outlets - Seaside Expansion**  
Sussex County, Delaware

0 600 1,200  
Feet

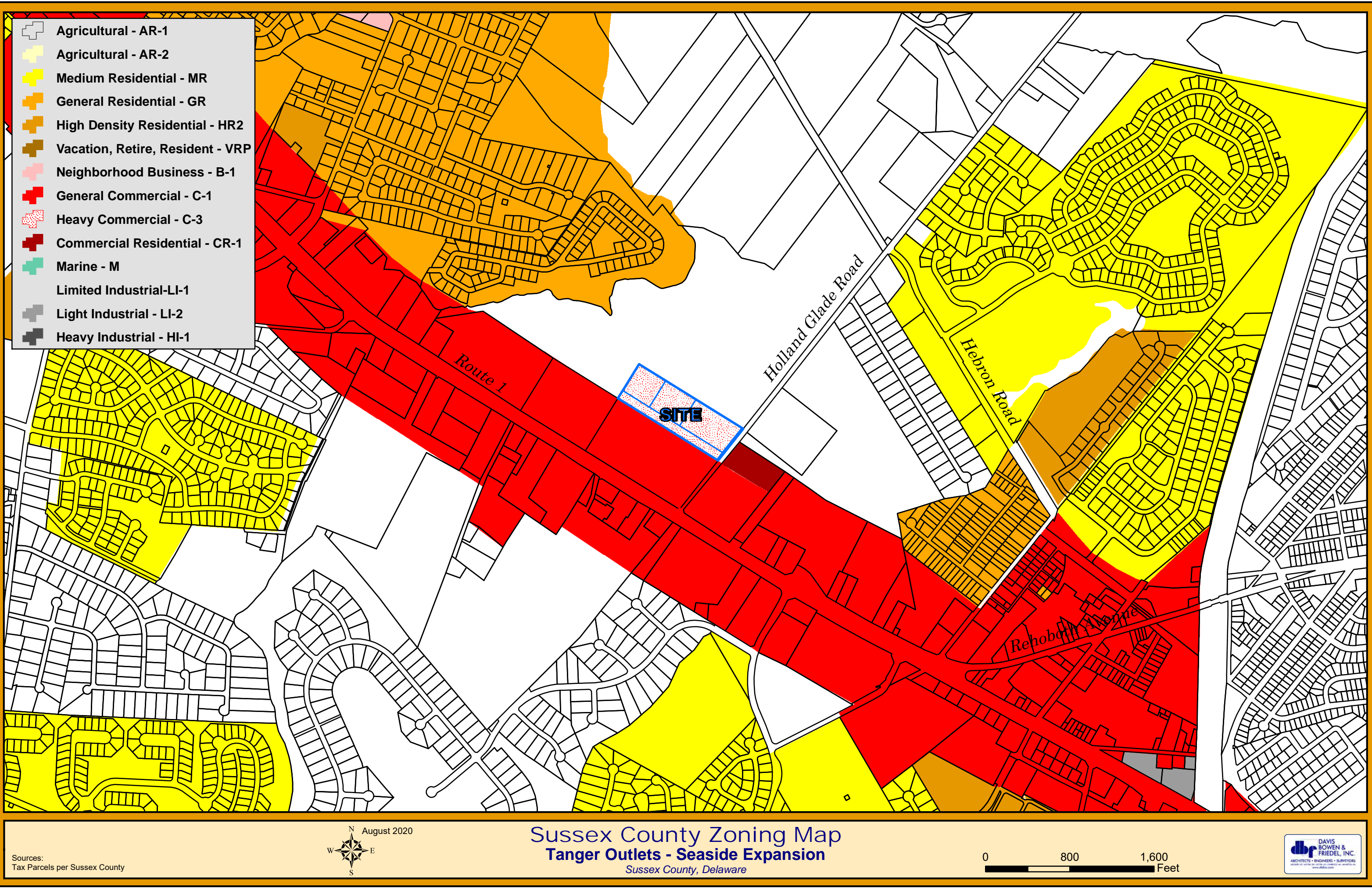


**2019 Future Land Use**

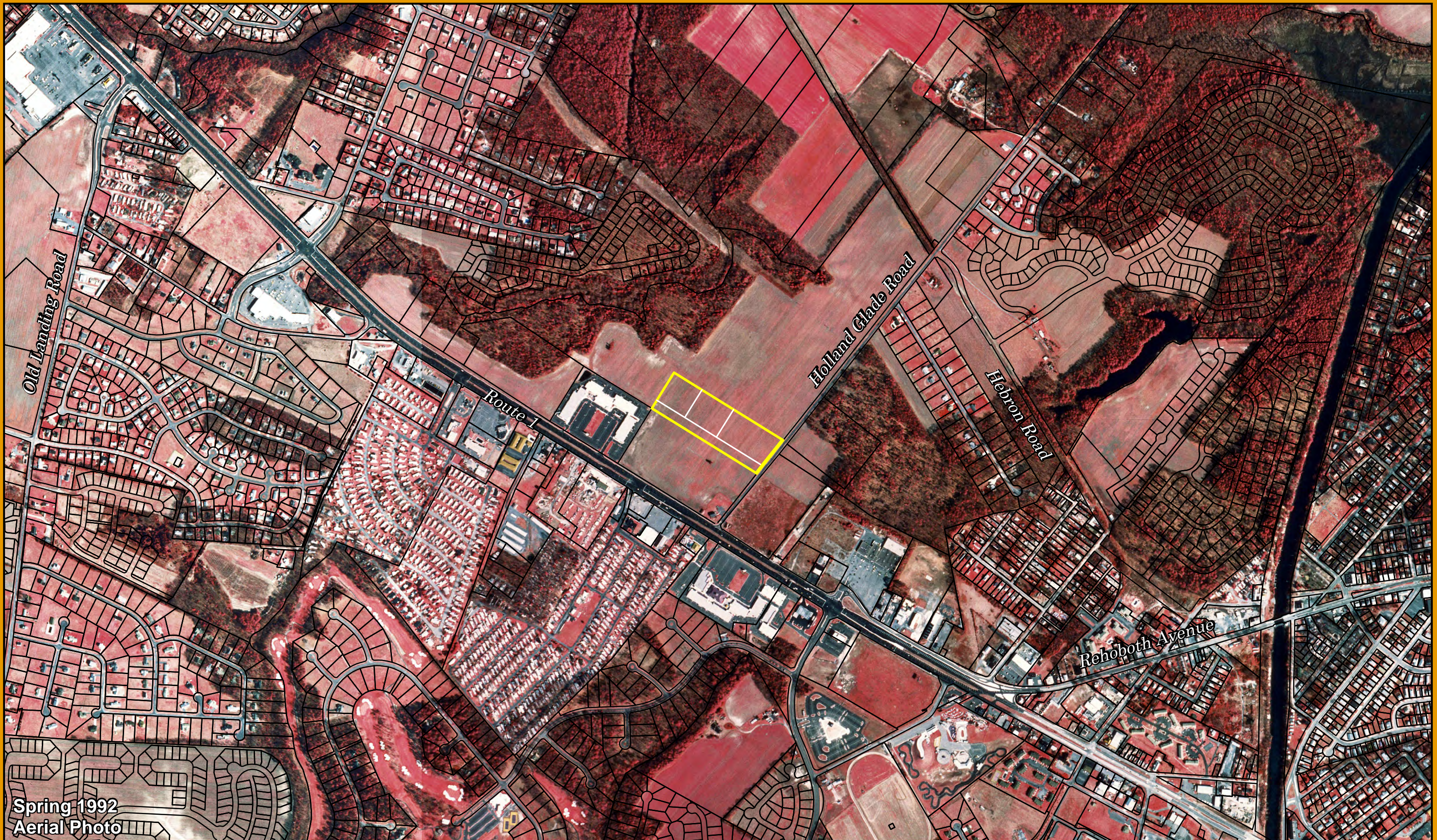
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



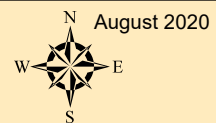








Spring 1992  
Aerial Photo



Sources:  
Tax Parcels per Sussex County

# 1992 Aerial Photo

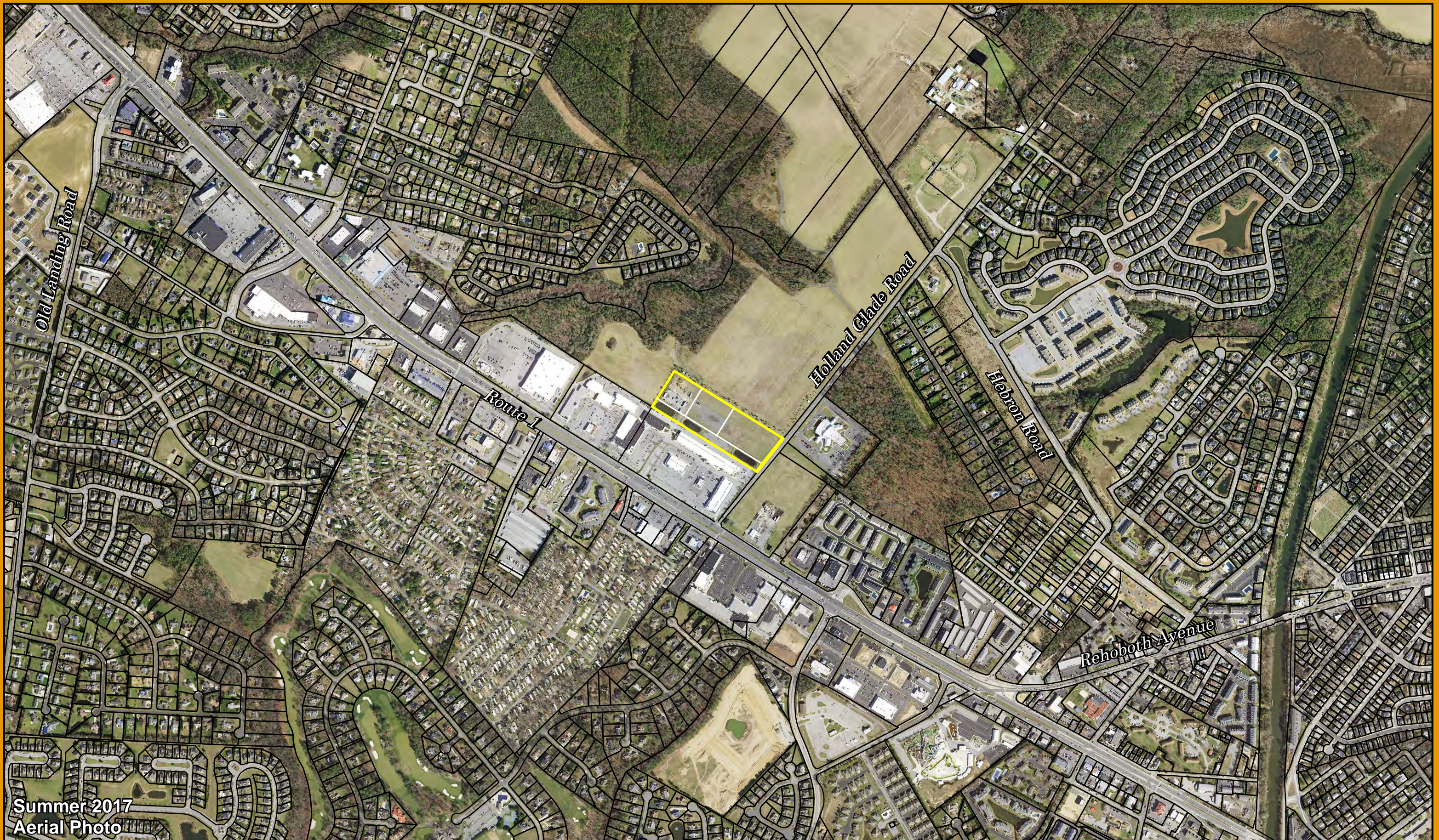
## Tanger Outlets - Seaside Expansion

Sussex County, Delaware

0 800 1,600  
Feet







Summer 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County



August 2020

## 2017 Aerial Photo

### Tanger Outlets - Seaside Expansion

Sussex County, Delaware

0 800 1,600  
Feet






**100-YR Flood Plain**



**NWI Wetlands**



**State 2' Contours**

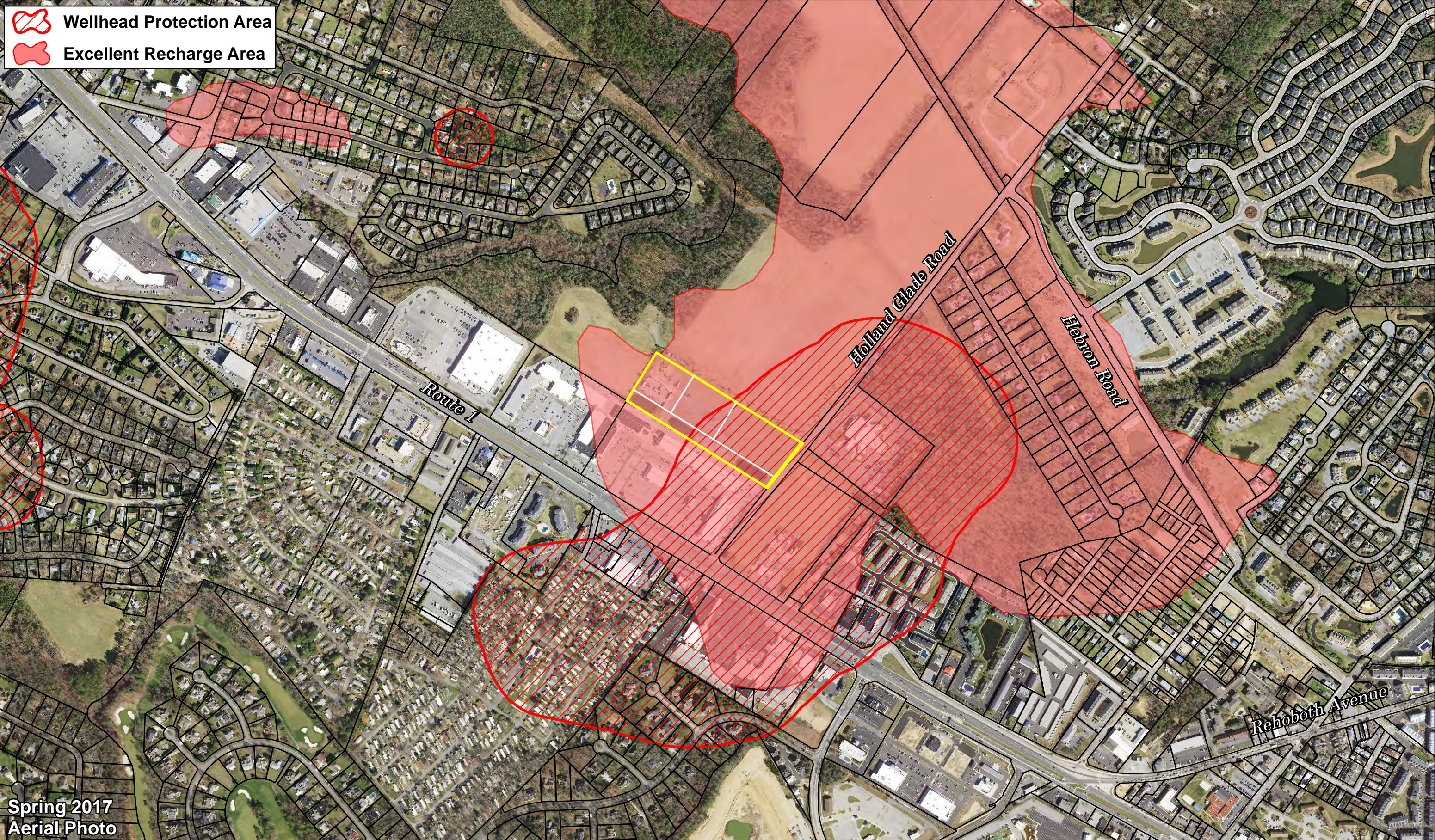


Spring 2017  
Aerial Photo



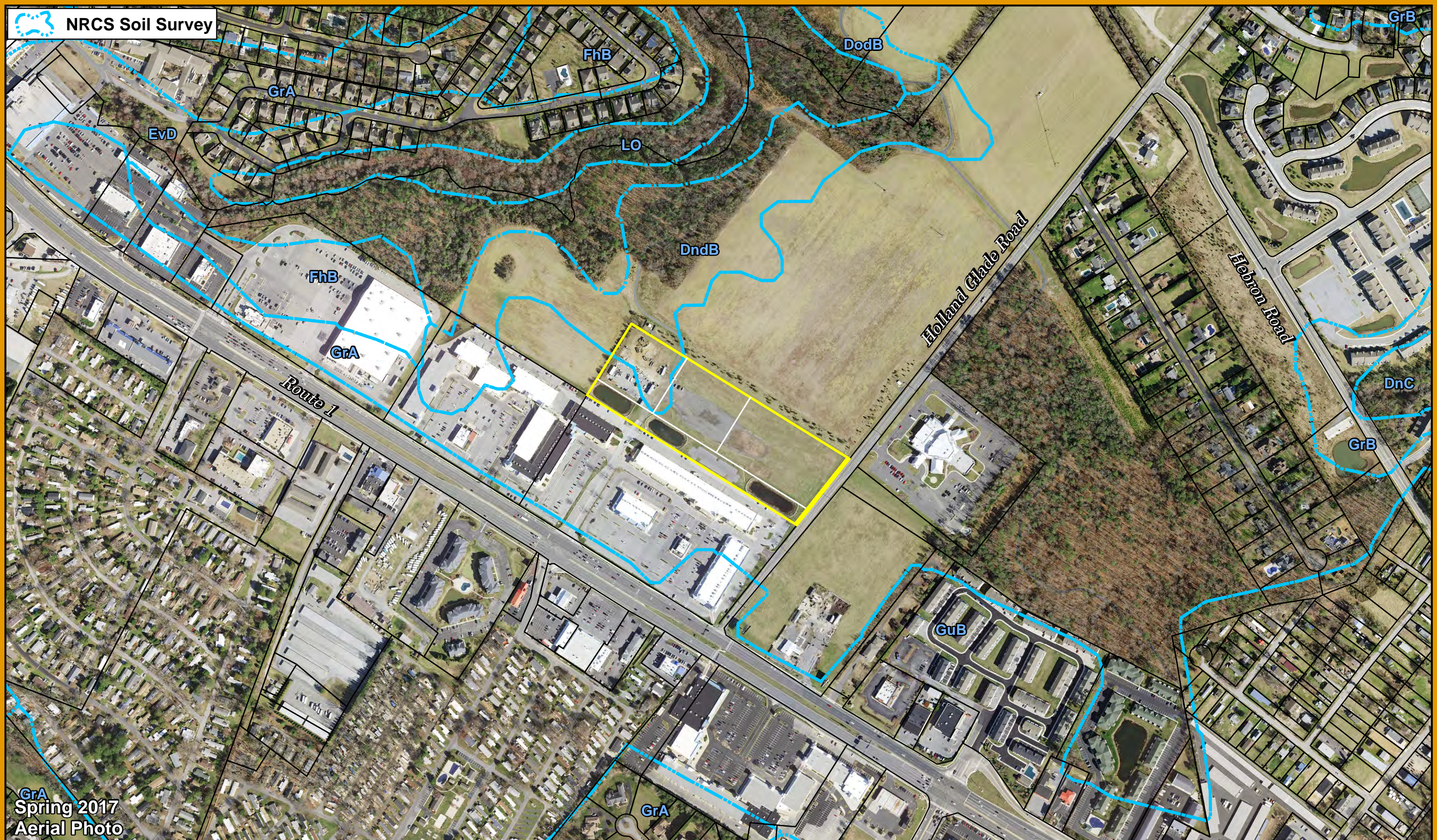

**Wellhead Protection Area**


**Excellent Recharge Area**

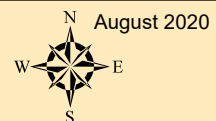


Spring 2017  
Aerial Photo





GrA  
Spring 2017  
Aerial Photo



Sources:  
Tax Parcels per Sussex County

**NRCS Soil Survey**  
**Tanger Outlets - Seaside Expansion**  
Sussex County, Delaware

0 400 800  
Feet



# Exhibit 2



# Lewes Business Directory.

## Hotel.

D. D. Murray...Proprietor of Atlantic Hotel.

## Merchants.

Wm. P. Orr...Dealer in General Merchandise.  
Thos. E. Ricards...  
Dodd, Lingo & Burton...  
Hitchens & Marshall...Dealers in Grain, Lumber, Lime, Fer-  
tilizers and Coal.

## Physicians.

David Hall...Physician and Surgeon.  
Jos. Lyons...

## Residents.

L. L. Lyons...  
Jno. P. Marshall...  
H. Wolfe...

## Farmers.

Harbison Hickman...  
N. W. Hickman...  
Jno. F. Woods...

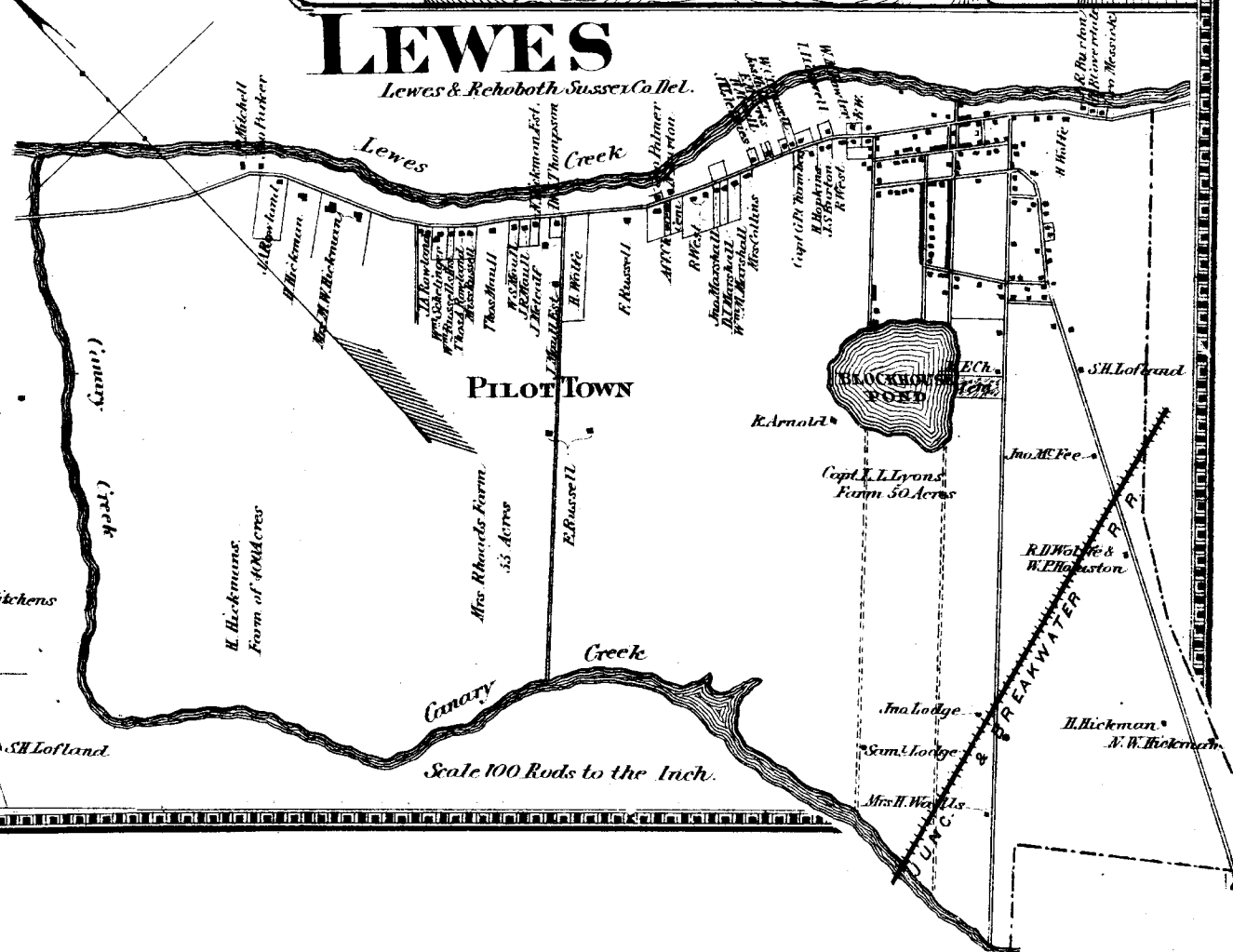
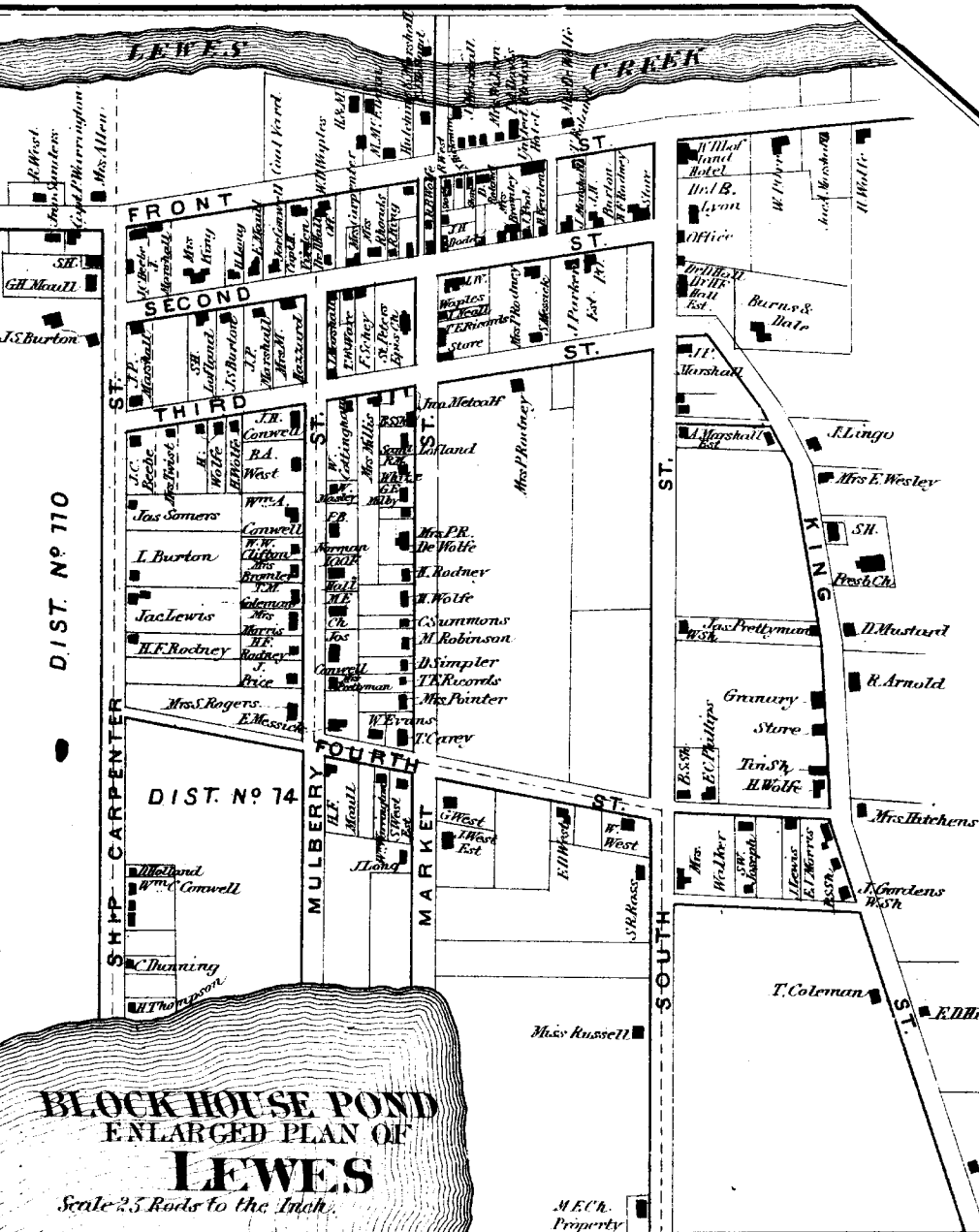
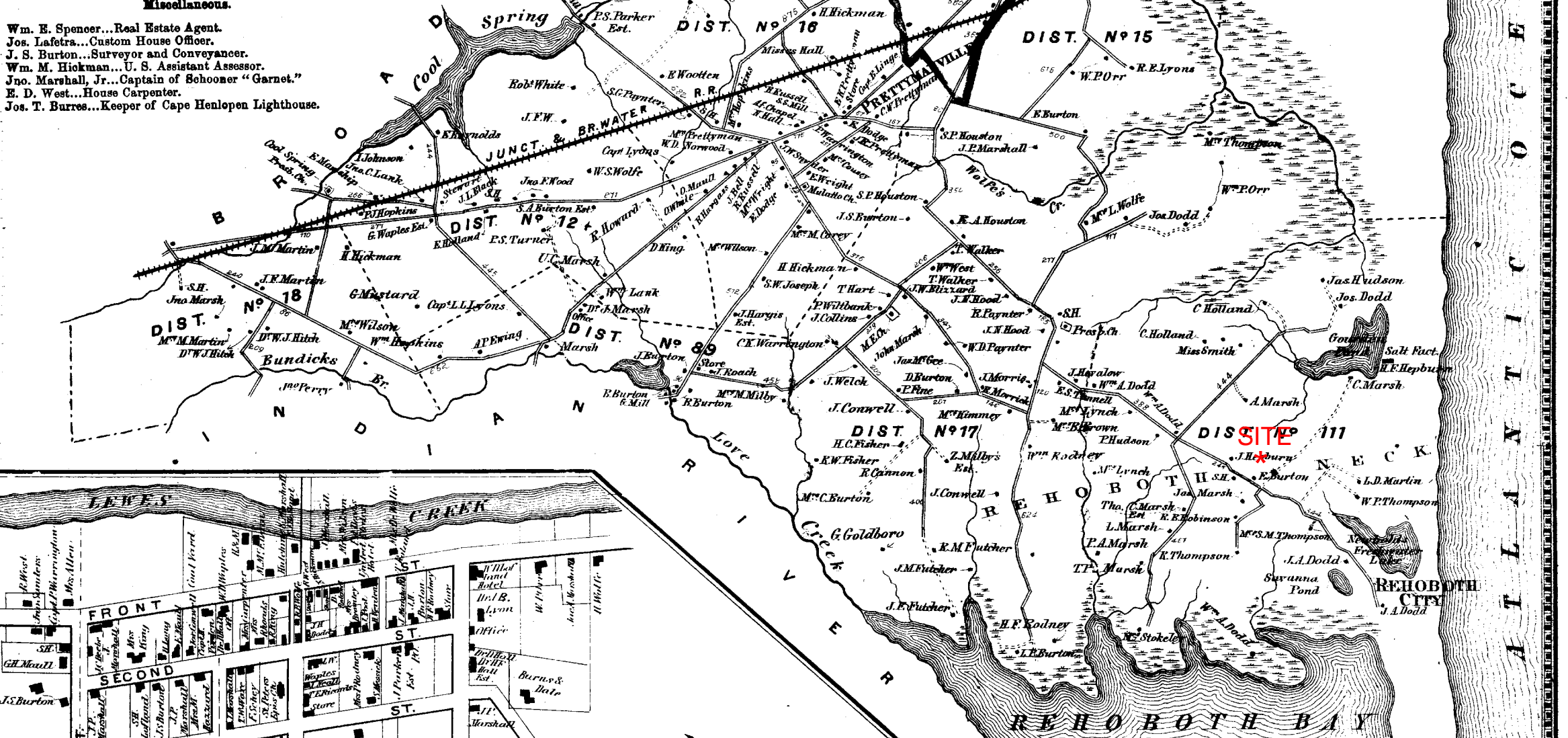
## Miscellaneous.

Wm. E. Spencer...Real Estate Agent.  
Jos. Lafetra...Custom House Officer.  
J. S. Burton...Surveyor and Conveyancer.  
Wm. M. Hickman...U. S. Assistant Assessor.  
Jno. Marshall, Jr...Captain of Schooner "Garnet."  
E. D. West...House Carpenter.  
Jos. T. Burres...Keeper of Cape Henlopen Lighthouse.

# LEWES AND REHOBOTH

Sussex Co.

Scale 1 inch to the Mile.



# Exhibit 3



September 11, 2020

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

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

Attn: Ms. Lauren Devore, Planner III

Re: Tanger Seaside (Subdivision 2019-32)  
Chapter 99-9C Response  
Tax Map # 3-34-13.00-325.36  
DBF# 1360C001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, COROC/Rehoboth III L.L.C., we are pleased to provide you with our written response to the items listed in Chapter 99-9C.

The proposed subdivision, provides careful consideration of the following items in Sussex County Chapter 99-9C:

- 1. Integration of the proposed subdivision into the existing terrain and surrounding landscape.**
  - a. The subdivision includes a 30' setback along the northern boundary line adjacent to the State-Owned lands.
  - b. The subdivision includes a 20' setback along the western boundary line adjacent to the State-Owned lands.
  - c. The proposed subdivision is located adjacent to the existing Tanger Outlets and opposite Coastal Station.
- 2. Minimal use of wetlands and floodplains.**
  - a. There are no wetlands located on the property.
  - b. The property is not located in a floodplain.

**3. Preservation of natural and historical features.**

- a. A wellhead protection and excellent recharge area is located on the property. Each individual parcel will need to demonstrate compliance with Chapter 89 of the Sussex County Code.
- b. There are no wooded areas on the property.
- c. There are no known historical features on-site.

**4. Preservation of open space and scenic views.**

- a. The project will relocate the Junction and Breakwater Trail parking lot.
- b. The Developer has been engaged with State Parks and Recreation and DelDOT on future improvements of the Junction and Breakwater Trail.

**5. Minimization of tree, vegetation and soil removal and grade changes.**

- a. There are no trees or vegetation to preserve.
- b. The site will be “balanced,” which will minimize the need for soil to be removed or hauled to the site.

**6. Screening of objectionable features from neighboring properties and roadways.**

- a. Landscaping will be provided as part of each individual parcel.

**7. Provision for water supply.**

- a. Tidewater Utilities, Inc. will supply all homes with central water and provide fire protection.

**8. Provision for sewage disposal.**

- a. Sussex County Council will provide sanitary sewer conveyance and treatment for the proposed subdivision. The property is located in Tier 1 of the Sussex County Unified Sanitary Sewer District. A Sewer Service Concept Evaluation (SSCE) was provided on November 13, 2019.



**9. Prevention of pollution of surface and groundwater.**

- a. Best Available Technologies (BATs) will be used during the design and construction of the property.
- b. Best Management Practices (BMPs) will be used during the design and construction of the property.
- c. The site will utilize Green Technology where feasible for the project.

**10. Minimization of erosion and sedimentation, minimization of changes in groundwater levels, minimization of increased rates of runoff, minimization of potential for flooding and design of drainage so that groundwater recharge is maximized.**

- a. The stormwater management areas will be designed to meet all local, state and federal guidelines for sediment and nutrient removal.
- b. An Erosion and Sediment Control Plan will be developed and implemented as required by the Sussex Conservation District and DNREC. The plan will specify in detail how the project is to be constructed to limit the amount of sediment and other pollutants from leaving the site during construction.

**11. Provision for safe vehicular and pedestrian movement within the site and to adjacent roadways.**

- a. Each parcel will be separately designed and approved.

**12. Effect on area property values.**

- a. Based on historical land trends in Sussex County, the property values around the proposed subdivision will increase with the development of Tanger.

**13. Preservation and conservation of farmland.**

- a. The parcel of land is not actively farmed.

**14. Effect on schools, public buildings and community facilities.**

- a. The commercial subdivision will not generate additional students.
- b. The commercial subdivision will not require additional services from the public or community.

**15. Effect on area roadways and public transportation.**

- a. A Traffic Impact Study (TIS) is not required.
- b. The subdivision is interconnected to the existing Tanger Outlet.
- c. The Developer will be required to make improvements at the site entrance along Holland Glade Road that will consist of a protected left turn lane and deceleration lane. In addition, a shared-use path will be constructed along the project frontage

**16. Compatibility with other area land uses.**

- a. The subdivision conforms to the designated zoning for the property and is consistent with the surrounding land use as mentioned above.
- b. The proposed gross density of the project is 0.30 dwelling units per acre of land.

**17. Effect on area waterways.**

- a. The subdivision will provide water quality treatment in accordance with the Sediment and Stormwater Regulations.
- b. The site will comply with all TMDLs and PCS's as adopted by the State.

On behalf of our client we thank you for your review and consideration of this response. If you should have any questions or concerns please contact me at 424-1441

Sincerely,  
*Davis, Bowen & Friedel, Inc.*



Ring W. Lardner, P.E.  
Principal

Cc: Charles Worsham, COROC/Rehoboth III L.L.C.



# Exhibit 4

September 11, 2020

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

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
P.O. Box 589  
Georgetown, Delaware 19947

Attn: Ms. Lauren Devore, Planner III

Re: Tanger Outlets Seaside (Subdivision 2019-32)  
Environmental Assessment and Public Facility Evaluation Report  
Tax Parcel No: 3-34-13.00-325.36  
DBF #1360C001.C01

Dear Ms. Devore,

On behalf of our client, COROC/Rehoboth III, LLC, we are pleased to submit an Environmental Assessment and Public Facility Evaluation Report in accordance with §115-194.3. Coastal Zone, Subparagraph B (2). We offer the following information that comprises our report:

- (a) *Proposed Drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals. The proposed improvements will meet or exceed the state regulations for quality and quantity control. The project design will include the use of green technologies to reduce the runoff from the site.*
- (b) *Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands. The surrounding area is served by Tidewater Utilities, Inc. The eastern half (approximately) of the parcel is located within a wellhead protection area. The project will comply with the County's Source Water Protection Ordinance. At full build-out, the average water use is estimated to be 22,800 gallons per day and a peak use of 68,400 gallons per day.*
- (c) *Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems. The proposed project is located within Tier 1 of the Sussex County Unified Sanitary Sewer District. The project is estimated to require seventy-six (76) EDUs. The proposed project will be served by the County's sewer system.*

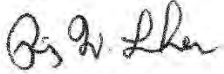


- (d) *Analysis of the increase in traffic and the effect on the surrounding roadway system.* A Traffic Impact Study (TIS) was not required for the subdivision.
- (e) *The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.* There are no known endangered or threatened species listed on federal or state registers or proposed habitat protection areas located on the property.
- (f) *The preservation and protection from loss of any tidal or nontidal wetlands on the site.* The project site does not contain tidal or non-tidal wetlands.
- (g) *Provisions for open space as defined in §115-4.* The subdivision is for commercial purposes and does not have open space requirements.
- (h) *A description of provisions for public and private infrastructure.* The Applicant will install all infrastructure at the sole cost to the Applicant. Public infrastructure will include sanitary sewer and drinking water infrastructure and minor roadway improvements within the State of Delaware roadway. All other improvements will be private.
- (i) *Economic, recreational or other benefits.* The proposed project will provide additional commercial options for residents in the neighboring areas that will divert traffic from the Route 1 corridor and provide jobs leading to an economic benefit for the County.
- (j) *The presence of any historic or cultural resources that are listed on the National Register of Historic Places.* The site does not contain any historic or cultural resources that are listed on the National Register of Historic Places.
- (k) *An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.* The proposed application and mitigation measures comply with the current Sussex County Comprehensive Plan.
- (l) *Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.* All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the Comprehensive Plan.

Ms. Lauren Devore  
September 11, 2020  
Page 3

If you have any questions or need additional information, please do not hesitate to contact me via phone at (302) 424-1441 or via e-mail at [rwl@dbfinc.com](mailto:rwl@dbfinc.com).

Sincerely,  
*Davis, Bowen & Friedel, Inc.*

A handwritten signature in dark ink, appearing to read "Ring W. Lardner". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ring W. Lardner, P.E.  
Principal

*P:\Tanger Outlets\Seaside - 10 Acre Expansion\Docs\P&Z\Major Subdivision Presentation Booklets\2020-09-11 Final P&Z Booklet\4 - Tanger Seaside Major Subdivision Coastal Area Report.docx*



# Exhibit 5

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

September 11, 2020

Sussex County Administrative Building  
Planning and Zoning Department  
2 The Circle  
Georgetown, DE 19947

Attn: Ms. Lauren Devore, Planner III

Re: Tanger Seaside (Subdivision 2019-32)  
Chapter 89-6F Wellhead Protection Area Response  
Tax Map # 3-34-13.00-325.36  
DBF# 1360C001

Dear Chairman Wheatley and Members of the Commission,

On behalf of our client, COROC/Rehoboth III, LLC, we are pleased to provide you with our written response to the items listed in Chapter 89-6F.

The proposed subdivision provides careful consideration of the following items in Sussex County Chapter 89-6F:

F. The following conditions shall apply to all areas within a wellhead protection area which fall between the edge of the safe zone and the outer boundary of the wellhead protection area:

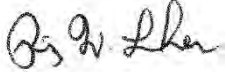
- 1. The requirements of this chapter do not impose any limitations upon land development, provided the impervious cover of any portion of the tax parcel located within the wellhead protection area is 35% or less.**
  - a. The impervious cover of the proposed development that falls within the wellhead protection area may be more than 35%.
- 2. Impervious cover of that portion of a tax parcel within the wellhead protection area which is greater than 35% but no more than 60% is allowed, provided the applicant demonstrates through an environmental assessment report prepared by a registered professional geologist or registered professional engineer familiar with the hydrogeologic characteristics of Sussex County and using a climatic water budget that will insure that post-development recharge quantity will meet or exceed the existing (predevelopment) recharge quantity. Beneficial efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.**



- a. The impervious cover of the proposed development that falls within the wellhead protection area may be more than 35% and may be more than 60%. Each individual parcel will be required to demonstrate compliance at time of site plan approval.
- 3. For all new construction where the impervious surfaces exceed 60% or where the level of post-development recharge is less than predevelopment recharge, all structures shall be required to discharge roof drains into underground recharge systems or into permeable surfaces that allow the discharges to infiltrate into the ground. Efforts to mitigate discharges to impervious surfaces shall count towards the formula used to compute post-development mitigation of any discharges.**
  - a. The impervious cover of the proposed development that falls within the wellhead protection area may be more than 60%. Each individual parcel will be required to demonstrate compliance at time of site plan approval.
- 4. Notwithstanding provisions of § 89-6A (nonconforming uses) in Commercial, Industrial and Business Districts, including, but not limited to, Urban Business (UB), Neighborhood Business (B-1), General Commercial (C-1), Commercial Residential (CR-1), Marine, Light Industrial (LI-1), Light Industrial (LI-2), and Heavy Industrial (HI), within designated development zones where the impervious cover of a property exists prior to the effective date of this chapter and the applicant desires to re-develop the property, the gross impervious cover shall be equal to or less than the original impervious cover percentage of the original site.**
  - a. This requirement does not apply to this project.
- 5. Discharge from roof drains, containment areas or impoundments that receive runoff from an area that may contain contaminants from mechanical systems shall be disposed of using best management practices, such as grass swales.**
  - a. Each individual site will demonstrate compliance with this provision.
- 6. Aboveground and underground storage tanks (USTs) containing petroleum or any hazardous substances listed in 40 CFR 116 in an aggregate quantity equal to or greater than a reportable quantity as defined in 40 CFR 117 shall not be permitted in a designated wellhead protection area unless such facilities meet the aboveground and underground storage tank regulations as applicable to the State of Delaware.**
  - a. The above requirement will be added to the Record plan notes for this project.

On behalf of our client we thank you for your review and consideration of this response. If you should have any questions or concerns please contact me at 424-1441

Sincerely,  
*Davis, Bowen & Friedel, Inc.*

A handwritten signature in dark ink, appearing to read "Ring W. Lardner".

Ring W. Lardner, P.E.  
Principal

P:\Tanger Outlets\Seaside - 10 Acre Expansion\Docs\P&Z\Major Subdivision Presentation Booklets\2020-09-11 Final P&Z Booklet\5 - Chapter 89-6F Response.doc

Cc: Charles Worsham, COROC/Rehoboth III, LLC



# Exhibit 6

**MASTER OUTPARCEL DECLARATION**

**BY**

**COROC/REHOBOTH III L.L.C.**

**(DECLARANT)**

**TANGER OULETS**

**REHOBOTH BEACH, DELAWARE**



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Upon Recording Return to:  
COROC/Rehoboth III L.L.C.  
3200 Northline Ave, Suite 360  
Greensboro, NC 27408  
Attention: Legal Department

### **MASTER OUTPARCEL DECLARATION**

**THIS MASTER OUTPARCEL DECLARATION** (this “**Declaration**”) made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by **COROC/REHOBOTH III L.L.C.**, a Delaware limited liability company (“**Declarant**”).

### **WITNESSETH:**

**WHEREAS**, Declarant is the owner of the entire tract of land located in the City of **Rehoboth Beach** (the “**City**”), **Sussex** County (the “**County**”), State of **Delaware** (the “**State**”), and said land is shown as “**Outlet Center**” on **Exhibit A** (the “**Site Plan**”), and is legally described on **Exhibit A-1**, and is hereinafter referred to as the “**Outlet Center Parcel;**” and

**WHEREAS**, Declarant, as the current owner of that certain tract or parcel of land (and any future owners of the Outlot, such owners are hereinafter referred to individually an “**Owner**” and collectively as the “**Owners**”), located in or near the City, the County, the State, shown as the “**Outlots**” on the Site Plan (Declarant acknowledges the Outlots is currently one parcel of land that may be subdivided into two or more Outlots and upon such subdivision the parcel of land subdivided becomes and Outlot) and legally described on **Exhibit A-2** (hereinafter referred to individually as an “**Outlot**” and collectively as the “**Outlots**”); and

**WHEREAS**, Declarant currently operates an outlet shopping center on the Outlet Center Parcel commonly known as “Tanger Outlets” (the “**Shopping Center**”); and

**WHEREAS**, Declarant and Owners desire that the Outlots be developed and operated in a manner compatible with the Shopping Center; and

**WHEREAS**, Owner desires that Declarant perform certain obligations regarding the construction, reconstruction, erection, installation, reinstallation, modification, inspection, repair, replacement and maintenance (collectively, “**maintain,**” “**maintained**” or “**maintenance**”) of certain common areas of the Shopping Center for access and shown as “Outlet Center Access Area” on the Site Plan (the “**Outlet Center Access Area**”), and those certain common utility facilities



serving the occupants of the Shopping Center and Outlot that are located on the Outlet Center Parcel including those ponds shown as "Basin" on the Site Plan (collectively, the "**Common Utility Facilities**"), each as the same may exist from time to time; and

**WHEREAS**, Declarant desires that the Owners maintain certain common areas on the Outlets for access and shown as "Outlot Access Area" on the Site Plan (the "**Outlot Access Area**"), as the same may exist from time to time; and

**WHEREAS**, Declarant desires that Owner, and anyone holding possession of the Outlot, in whole or in part, through or under Owner (collectively and individually, the "**Occupant**"), and the Outlot be subject to the covenants, conditions and restrictions hereinafter set forth.

**NOW, THEREFORE**, Declarant, as the owner of the Shopping Center and the Outlots, for the benefit of the Shopping Center and the Outlots, declares the following reservations of easements, covenants, conditions and restrictions be placed on the Shopping Center and Outlots, as applicable, and that the Shopping Center and Outlots be held, used and developed upon and subject to the following terms, covenants and conditions:

Declarant shall have the right (but not the obligation) to develop, improve, use, operate, subdivide, plat, lease, sell, convey, transfer, mortgage and otherwise deal with the Outlet Center Parcel and construct, erect, alter, expand, operate, remove and reconstruct buildings and other improvements thereon at any time and from time to time, subject to and in accordance with, the terms, covenants, conditions and restrictions set forth in this Declaration.

The Outlet Center Access Area and the Common Utility Facilities located on the Outlet Center Parcel (to the extent not serving an Outlot exclusively) shall be maintained by Declarant in accordance with the terms and provisions set forth in this Declaration, but only to the extent not maintained by third-party utility providers. Each Owner shall maintain (or cause an Occupant on its Outlot to do so) all Utilities (as defined below) located on such Owner's Outlot or Utilities located on the Outlet Center Parcel that exclusively service such Owner's Outlot.

## **SECTION 1. EASEMENTS.**

**1.1. OUTLET CENTER ACCESS EASEMENT.** To the extent not already dedicated to the public and maintained by the City of Rehoboth Beach, the following with respect to the Outlet Center Access Easement shall be applicable:

- a. Declarant hereby grants to each Owner, for the benefit of the Outlots, a non-exclusive, perpetual easement for vehicular and pedestrian access, ingress and egress from and between the Outlots and that certain roadway shown as "Delaware State Highway Route 1" on the Site Plan over and across the Outlet Center Access Area ("**Outlet Center Access Easement**"). Such easement shall not include or be deemed or construed to include any right to have access over or to park vehicles upon any portion of the Shopping Center.





- b. The easement granted in subsection (a) above shall be subject to the rights of Declarant to close the Outlet Center Access Area for such reasonable period or periods of time as may be legally necessary to prevent the acquisition of prescriptive rights by anyone.
- c. Declarant may elect to dedicate to the appropriate municipality or other governmental authority all or any portion of the Outlet Center Access Area as a public street and right-of-way. If necessary, Declarant shall be deemed an attorney-in-fact coupled with an interest for all persons having an interest in the Outlots for the sole purpose of joining in such dedication. If all or any portion of the Outlet Center Access Area is dedicated to the appropriate municipality or other governmental authority, the easements granted above over the dedicated portion of the Outlet Center Access Area shall expire.
- d. Declarant may elect to relocate the Outlet Center Access Area without the consent of any person holding an interest in any portion of the Outlots; provided, however, that access to the Outlots for pedestrian and vehicular traffic is not denied.
- e. Declarant shall have the right to enter upon any portion of the Outlots to the extent reasonably necessary to permit the maintenance of the Outlet Center Access Area. Any such maintenance during normal business hours shall not prohibit access from the Outlots to the nearest public right-of-way.
- f. Each Owner and Occupant shall, and shall cause its respective officers, directors, partners, employees, agents, contractors, subcontractors, customers, visitors, and invitees (collectively its "Permittees") to, (i) minimize the use of the Outlet Center Access Area by construction and delivery vehicles, and (ii) subject to Declarant's approval, cause such vehicles to use the least obtrusive access, as determined by Declarant in its sole discretion. No construction equipment or other heavy vehicle traffic to or from the Outlots shall make use of the Outlet Center Access Area but only across the Construction Access, as defined below. Without limiting the rights and remedies of Declarant, any damage (other than any ordinary wear and tear) to the Outlet Center Parcel or any improvements thereon or any impairment to the physical conditions thereof (including but not limited to the Outlet Center Access Area) which results from any use of the easement granted in this Section 1.1 by any Owner or Occupant or any of their respective Permittees, shall be promptly repaired by said Owner or Occupant to the condition existing prior to such damage, otherwise, Declarant may make such repairs and such Owner or Occupant shall reimburse Declarant for such costs and expenses (including without limitation, a reasonable administrative fee) upon demand, failure of which shall permit Declarant to place a lien on the Outlot of the Owner or Occupant failing to perform such obligation.
- g. The use of the Outlet Center Access Easement shall be in common with the occupants of the Shopping Center and any other parties given similar rights by Declarant and their respective employees, agents, contractors and invitees. Except as specifically



provided herein, no Owner shall unreasonably interfere or permit interference with the use and enjoyment of the Outlet Center Access Easement by such other parties.

## 1.2. OUTLOT ACCESS EASEMENT.

- a. Declarant hereby grants and reserves for the benefit of the Outlots and the Shopping Center, a non-exclusive (i) perpetual easement for vehicular and pedestrian access among and between the Outlot and Shopping Center over and across the area shown as "Outlot Access Area" on the Site Plan (the "**Outlot Access Area**") and (ii) temporary easement during times of construction on any Outlot that certain area from "Route 271" across the Outlots that includes the Outlot Access Road and is shown as "Construction Access" on the Site Plan. ("**Construction Access**"). Declarant reserves the right to approve the number, location and width of all curb-cuts to and from the Outlot Access Area. All such curb cuts requested by Owner may be subject to the approval of the applicable governmental or quasi-governmental body of the City such as the City Planning Commission and the City Council. The easement granted in this subsection (a) shall be subject to the rights of Declarant to close the Outlot Access Area for such reasonable period or periods of time as may be legally necessary to prevent the acquisition of prescriptive rights by anyone. Access to the Outlot Access Area shall not be impeded during normal business hours, except to the extent required to perform required maintenance. Upon the completion of construction on any Outlot, the Owner or Occupant of such Outlot performing such construction, at its sole cost and expense, shall promptly repair any damage to the Shopping Center or other Outlots in connection with the use of the Construction Access.
- b. If Declarant (or a designee) or any Owner ("**Constructing Party**") desires to construct all or any portion of the Outlot Access Area Improvements (as defined below) to connect to then-existing driveway as shown on the Site Plan, then, in order to facilitate the construction and installation of such portion of the Outlot Access Area Improvements on one or more Owner's Outlots or the Shopping Center ("**Burdened Property**"), Declarant hereby reserves for its benefit and for the benefit of the Constructing Party, and for the benefit of their respective agents, contractors and employees, a non-exclusive temporary construction easement (the "**Temporary Construction Easement**") on, over and across those portions of the Burdened Property as may be reasonably necessary for the Constructing Party to construct and install the Outlot Access Area Improvements on the Burdened Property or connect the Outlot Access Area Improvements with existing improvements within the Outlet Center Access Area. Upon the completion of the Outlot Access Area Improvements, the Constructing Party, at its sole cost and expense, shall promptly repair any damage to the Burdened Property or Shopping Center caused by such construction or installation work. The term of the Temporary Construction Easement shall commence on the day the Constructing Party commences construction of the Outlot Access Area Improvement and shall expire automatically on the date of the completion of such construction.



- c. The Constructing Party, at its sole cost and expense, may construct and install certain improvements within the Outlot Access Area ("**Outlot Access Area Improvements**") as provided in subsection (b) above, including without limitation concrete driveway and related curb cuts and modify any existing improvements on the Burdened Property with or adjacent to the Outlot Access Area to alter such improvements to substantially reflect the configuration as shown on the Site Plan. Prior to commencing construction of the Outlot Access Area Improvements on the Burdened Property, the Constructing Party shall prepare (or cause to be prepared) and deliver to Owners (and Declarant, as applicable) and Occupants of the Burdened Property, a construction schedule and plans and specifications for the construction of the Outlot Access Area Improvements on the Burdened Property (collectively, the "**Outlot Access Area Plans**"). Within 10 business days after receipt of the Outlot Access Area Plans, each Owner (and Declarant, as applicable) shall each deliver to the Constructing Party written comments or approval and such parties agree to work in good faith with one another to resolve any issues regarding same, and the foregoing process shall continue until the Outlot Access Area Plans are approved by the parties. The Outlot Access Area Improvements shall be constructed in accordance with the approved Outlot Access Area Plans as approved by the applicable governmental and quasi-governmental authorities.
- d. Each Owner, at its sole cost and expense, will maintain the Outlot Access Area Improvements on its Outlot, except that the Constructing Party will so maintain any portion of the Outlot Access Area Improvements located on an Outlot within the Burdened Property that has not initially been developed and Declarant, or its designee, will maintain the Outlot Access Area Improvements on the Shopping Center (each such Owner and Declarant are individually "**Maintaining Owner**"). No Maintaining Owner shall at any time allow any portion of the Outlot Access Area be in whole or in part closed, blocked, relocated or otherwise altered in any way without Declarant's consent; provided, however, the foregoing shall not be construed to prohibit a temporary closure of any of these drives or medians that is (i) reasonably necessary in order to prevent a public dedication, (ii) required by law, (iii) reasonably necessary in connection with the performance of maintaining or the initial development of, or reconstruction of improvements on, an Outlot, or (iv) due to an emergency, provided that in each such case alternative access reasonably acceptable to Declarant (or its designee) is available at all times during such temporary closure. The performing Owner shall use good faith, diligent efforts to reopen such access promptly after any emergency or temporary closure. Declarant (or its designee) shall have the right to exercise self-help in the event of a Maintaining Owner's failure to comply with its obligations described in this subsection and have the right to seek reimbursement in the same manner as set forth in subsection (e) below.
- e. The Maintaining Owner, during such time as the Outlot Access Area Improvements exist but only for that portion of the Outlot Access Area that such Maintaining Owner is responsible for under subsection (d), and the Constructing Party, during periods of construction of the Outlot Access Area Improvements on that portion of the Burdened Property in which construction is occurring, shall indemnify, defend and save the





other Owners (and Declarant) harmless from and against all costs, liabilities, suits, penalties, claims and demands, including without limitation reasonable attorneys' fees and court costs, resulting from or arising out of the Maintaining Party or Constructing Party, as the case may be, or their respective employees, agents or contractors, entry upon the Outlots and Shopping Center for the exercise of the rights granted in this Section 1.2. The Constructing Party shall discharge or bond over any lien to be filed on the Outlots or the Shopping Center related to the construction of the Outlot Access Area Improvements within **30** days after receiving notice that such lien has been filed. If the Constructing Party fails to keep such covenant, then the Owner of the impacted Outlot (and Declarant), each and at its option, shall have the right but not the obligation to discharge such lien, in which event the Constructing Party agrees to pay curing Owner or Declarant, as applicable, a sum equal to the amount of the lien with Interest and an administrative cost not to exceed **5%** of the lien amount to cover reasonable attorneys' fees, expenses and damages.

- f. The Constructing Party shall warrant and guarantee that all materials used in the performance of its construction of the Outlot Access Area Improvements will be new, unless otherwise specified in writing by Owner and approved by Declarant; the construction of the Outlot Access Area Improvements on the Outlot shall be performed in a good and workmanlike manner, in compliance with Applicable Laws and conform to the requirements of this Declaration and the Governing Documents; and the Outlot Access Area Improvements shall be free from construction and materials defects for **1** year from the date of substantial completion. Any portion of the work performed by the Constructing Party related to the Outlot Access Area Improvements in violation of this warranty and guarantee shall be considered defective ("**Defective Work**") and the Constructing Party shall correct any such Defective Work discovered during the foregoing warranty period. Upon completing the construction of any Outlot Access Area Improvements, the Constructing Party shall deliver to Owner and Declarant (i) an "as built" survey, or (ii), at Declarant's election, a redlined copy of the Constructing Party's plans prepared by its engineer. Said survey or redlined plans shall show the location of the Outlot Access Area Improvements as constructed. The warranties and guaranties contained in this subsection shall run to the benefit of Owner and Declarant.

### 1.3. UTILITY EASEMENTS.

Declarant hereby acknowledges and declares that the utility systems ("**Utilities**") to serve the Outlots may be part of the Common Utility Facilities and may be located within the Outlot Access Area or that portion of the Shopping Center immediately adjacent to the Outlots and shown as "Utility Easement Area" on the Site Plan (the "**Utility Easement Areas**"). Declarant hereby grants the Owners, for the benefit of the Outlots and the Occupants thereof, a perpetual, non-exclusive easement ("**Utility Easement**") under, over and across the Utility Easement Area to connect with and use those portions of the Common Utilities Facilities subject to the terms and conditions of this Declaration including without limitation the following:



- a. All connections shall be designed by a professional engineer registered in the State in which the Outlots are located. All work and points of connection shall be located under, over and across the Utility Easement Area. The plans for the Utilities and all connections shall be subject to the prior written approval of Declarant.
- b. The quality of materials used in connecting lines, pipes, conduits or other materials shall be of quality equal to or better than those to which they are connected and such work shall include at least a 1-year warranty.
- c. The materials and workmanship shall comply with all recommendations of the American Society for Testing and Materials and with all Applicable Laws.
- d. All work done in making said connections and maintenance to the Utilities shall be completed expeditiously and in such a manner to not interfere with the businesses being conducted on the Shopping Center, to minimize any disruption to the Utility Easement Areas, and so as not to interrupt or interfere with utility services to any improvements in the Shopping Center. Prior to the commencement of any such work, the Owner undertaking such work shall submit to Declarant a written schedule for such work, which schedule shall be subject to Declarant's prior written approval and shall otherwise comply with the requirements of this Declaration.
- e. After completion of such work, a grantee, at its cost and expense, shall promptly restore all property and improvements affected thereby to the same or as good condition as existed immediately prior to the commencement of such work.
- f. Declarant shall have the right to relocate the Utilities within the Utility Easement Area, provided such relocation is performed in such a manner to not unreasonably interfere with the service of the Utilities and the businesses being conducted on the Outlots.
- g. No such utility connections or the use of the Utilities shall result in special assessments on any portion of the Shopping Center (or the Owner undertaking such work shall be responsible for the entire special assessment), or diminish or interrupt Utilities serving, or increase the cost to provide Utilities to, any portion of the Shopping Center in any way.
- h. The Owner undertaking such work, at its sole cost and expense, shall be responsible to restore any damage to the Utility Easement Area or Shopping Center and for any increased sizing or capacity of the Utilities or Common Utility Facilities required to accommodate the connection to and use by the Outlots or Declarant may perform such work and such Owner or the Occupant on such Owner's Outlot shall reimburse Declarant for all of its costs and expenses to perform such work (including without limitation a reasonable administrative fee) upon demand, failure of which shall permit Declarant to place a lien on such Owner's Outlot.



## **SECTION 2. USE RESTRICTIONS.**

### **2.1. NOXIOUS USES.**

No use or operation on the Outlots shall be permitted which is incompatible with a first-class regional shopping center, including but not limited to the following prohibited uses:

- a. Any public or private nuisance;
- b. Any noise or sound that is objectionable due to intermittence, beat, frequency, shrillness or loudness;
- c. Any purpose which may cause objectionable or obnoxious odors, fumes or contamination or other activity resulting in pollution of the air, soil or water on the Outlots or adjacent properties; provided, however, that a sit-down restaurant is not precluded hereby;
- d. Any noxious, toxic, caustic or corrosive fuel or gas;
- e. Any dust, dirt, vapor or fly ash in excessive quantities;
- f. Any use which involves any unusual fire, explosion or other damaging or dangerous hazard or activity (including the storage, display or sale of explosives or fireworks);
- g. Any warehousing, assembling, manufacturing, distilling, refining, smelting, agricultural, drilling for and/or removal of subsurface substances or other mining or drilling operation, or other industrial type development or use;
- h. Any mobile home park, trailer court, labor camp, junk yard, stock yard, or lumber yard (except that this provision shall not prohibit the temporary use of construction trailers during periods of construction, reconstruction or maintenance);
- i. Any dumping, disposing, incineration or reduction of garbage or refuse (exclusive of garbage compactors located in the rear of any building) or gathering for recycling;
- j. Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operation; and
- k. Any use incompatible with the operation of a first-class shopping center, or any of the following uses:
  - i. Any cemetery, funeral parlor, mortuary or crematorium;
  - ii. Any "adult" type bookstore or the sale, rental or display of pornographic or "X" rated materials or any establishment selling or exhibiting pornographic materials; but such restriction shall not preclude book stores or movies stores and other



national or regional stores that, as an incidental part of their videos, books or other merchandise offered to their customers (or hotels that offer in-room movie service), maintain a selection of materials directed to mature audience, provided such material is not visible from the exterior of the store or individual room, as applicable;

- iii. Any "second hand" store (but excluding stores primarily selling antiques or stores selling previously viewed DVD's and/or previously listened to CD's) or a discount store;
- iv. Any massage parlor;
- v. Any establishment selling or exhibiting paraphernalia for the use of drugs (a so-called "head" shop);
- vi. Any pawn shop, gun shop, tattoo parlor, flea market, swap meet, storage yard or junk yard;
- vii. The producing, manufacturing and/or distributing of ready-mix concrete of any type;
- viii. Any commercial laundry or dry-cleaning plant, or laundromat;
- ix. A tavern, bar, night club, discotheque, dance hall or any establishment selling alcoholic beverages for on-premises consumption, other than the sale of alcoholic beverages incidental to the operation of a restaurant (i.e., where the sale of alcoholic beverages constitutes less than **40%** of any such restaurant's gross sales of food and beverages); provided, however, a full service hotel may operate a bar as an incidental use thereto provided such bar area does not have a separate external entrance;
- x. A bowling alley, skating rink, billiard room or pool hall; or
- xi. An off-track betting, casino, bingo parlors, gambling, gaming or check cashing facility, other than the sale of lottery tickets and instant win tickets pursuant to state sponsored lotteries.

## 2.2. RESTRICTED USE.

Owners shall not use the Outlots, or permit the Outlots to be used, for any of the following restricted uses, without the written consent of Declarant based upon Declarant's sole and absolute discretion:

- a. A carnival, amusement park or circus;
- b. Any library, reading room or house of worship;



- c. An entertainment facility, game room, game arcade or amusement center, amusement park, carnival or indoor children's recreational facility;
- d. Any self-service storage facility;
- e. A tanning facility, beauty parlor, health, exercise or racquet club, spa, gymnasium or karate center;
- f. A movie theater or live performance theater;
- g. A meeting hall, gallery, auditorium, banquet facility or other place of public assembly, other than incidental to the operation of a restaurant;
- h. A sports or recreational facility or for conducting sporting events, but not excluding the sale of sporting goods or the operation of a sporting goods store;
- i. A school, training or educational facility (including, without limitation, a beauty school, barber college, reading room, school or other facility catering primarily to students or trainees, rather than customers);
- j. A veterinary hospital, veterinarian or establishment with overnight boarding of animals; and
- k. A medical clinic.

2.3. GOVERNMENT DOCUMENTS RESTRICTIONS.

Owners shall not use the Outlots or permit the Outlots to be used for any use prohibited or restricted under the Governing Documents, including the following uses:

- a. Use any part of the Outlot Center Access Area or Outlet Access Area, without the written consent of Declarant based upon Declarant's sole and absolute discretion, for any of the following:
  - i. Vend, peddle or solicit orders for sale or distribution of any merchandise, device, service, periodical, book, pamphlet, or other matter whatsoever;
  - ii. Exhibit any sign, placard, banner, notice or other written material;
  - iii. Distribute any circular, booklet, handbill, placard, or other material;
  - iv. Solicit membership in any organization, group or association or contribution for any purpose;



- v. Subject to the free speech rights under Delaware's Constitution, parade, rally, patrol, picket, demonstrate, or engage in any conduct that might interfere with or impede the use of any of the common areas by any occupant of the Shopping Center, create a disturbance, attract attention, or harass, annoy, disparage, or be detrimental to the interest of any of the retail establishments within the Outlots or the Shopping Center;
  - vi. Throw, discard, or deposit any paper, glass, or extraneous matter of any kind, except in designated receptacles, or create litter or hazards of any kind; or
  - vii. Deface, damage, or demolish any sign, light standard, or fixture, landscaping materials or other improvements within the Outlots, the Outlet Center Access Area, the Outlot Access Area or the property of customers, business invitees, or employees situated within such areas.
- b. The listing of specific items as being prohibited in this Section 2.3 is not intended to be exclusive, but to indicate in general the manner in which the right to use the Outlet Center Access Area or the Outlot Access Area solely as a means of access and the installation or maintenance of Utilities is limited and controlled. Declarant shall have the right to remove or exclude from or to restrain (or take legal action to do so) any unauthorized person from coming upon the Outlet Center Access Area, the Outlot Access Area or any portion thereof, and to prohibit, abate, and recover damages arising from any unauthorized act, whether such act is in express violation of the provisions of this Section 2.3.

#### 2.4. COMMUNICATION EQUIPMENT.

Owners or Occupants shall be responsible for obtaining the consent of all regulatory license commissions and government agencies before erecting any radio, electronic communications, television or satellite aerial or antenna or other similar device ("**Device**") permitted pursuant to Section 3.6 of **Exhibit B**, and thereafter maintaining such consent. Any taxes or assessments levied against the Shopping Center or Declarant because of the existence of such Device shall be the sole responsibility of such Owners or Occupants. No Device shall be used on the Outlots which interrupts or interferes with the use and enjoyment of electronic or communication devices of other occupants of the Shopping Center or lands adjacent thereto.

### SECTION 3. REPURCHASE RIGHTS.

#### 3.1. FAILURE TO CONSTRUCT.

Unless otherwise set forth in a separate agreement between Declarant and an Owner or Occupant, upon an Outlot being conveyed in fee to an Owner other than Declarant or a ground lease entered into between Owner and any Occupant, such Owner or Occupant agrees to complete construction of a building according to the plans approved by Declarant and use good faith commercially reasonable efforts to open the same for business to the public not later than **270** days after such Owner obtains fee simple title or such Occupant



obtains exclusive possession of such Outlot. If such Owner or Occupant fails to commence a continuous program of construction of a permanent structure on such Outlot within **30** days after obtaining fee simple title or exclusive possession, as applicable, or has not completed improvements or opened for business to the public as required herein or pursuant to a separate agreement with Declarant, then Declarant, or its designee, shall have the right and option, exercisable at its sole discretion at any time after such date but prior to the date on which such conditions are fulfilled, to terminate such Occupant's ground lease or purchase from such Owner its Outlot for the purchase price paid by such Owner less any costs incurred by Declarant in the sale of such Outlot including but not limited to commissions, legal, architectural and engineering.

### 3.2. RIGHT OF FIRST REFUSAL.

If any Owner or its successors or assigns receives a bona fide, written offer or offers (a) to purchase or lease its Outlot or a portion thereof, or (b) for the option to purchase or lease such Outlot as aforesaid (such offers and options being hereinafter referred to as the "**Offer**"), prior to acceptance of an Offer, such Owner shall give Declarant written notice (the "**Offer Notice**") enclosing a copy of the Offer. Declarant shall have **60** days following receipt of the Offer Notice to elect to acquire the interest in such Outlot that is the subject of the Offer on the terms and conditions set forth in the Offer. If Declarant exercises the rights herein granted, then Declarant and Owner shall enter into a contract or lease, as applicable, having the same terms and conditions as the Offer. If Declarant does not exercise the rights herein granted, such Owner may accept the Offer and close the transaction contemplated thereby; provided, however, if such transaction is not completed on the same terms and conditions contained in the Offer Notice within **180** days after the Offer Notice is given, such transaction shall not take place and the requirements of this Section 3.2 shall remain in full force and effect as to any future offers. The covenants of this Section 3.2 are of a continuing nature and shall not be exhausted by **1** or more sales of an Outlot.

### 3.3. RE-PURCHASE RIGHT.

#### a. Triggering Events.

In each instance that (i) Owner desires (or permits an Occupant) to change the use of its Outlot from a permitted use or one as approved by Declarant, or from any other use for which such Outlot is in fact being utilized, or (ii) the business being operated on such Outlot ceases operation for more than **90** days (excluding reasonable periods for remodeling/renovation of not more than **60** days or restoration followed by a casualty of not more than **180** days), or (iii) the improvements on such Outlot are destroyed by fire or other casualty and restoration is not commenced within **60** days and completed within **180** days from the date of such destruction, then Declarant shall have the right to terminate such Occupant's occupancy agreement or acquire such Outlot, including all improvements, trade fixtures, equipment and other personal property used in the operation of the business being conducted on such Outlot, upon **30** days' written notice to such Owner, for the purchase price hereinafter specified. Such Owner shall give



Declarant immediate notice of its intention (or permit an Occupant) to change the use of the Outlot or to discontinue business thereon, and Declarant shall make its election to terminate the occupancy agreement of such Occupant or acquire such Outlot within **60** days after receipt of such notice.

b. Appraisal Procedure.

- i. If the right to purchase an Outlot in Section 3.3(a) above is exercised, the purchase price of such Outlot shall be based upon the Fair Market Value ("**FMV**") of such Outlot. FMV shall mean the price at which such Outlot could be sold by a person who desires, but is not required to sell, and is sought by a person who desires, but who is not required to buy, after due consideration of all the elements reasonably affecting value. Within **15** days after the receipt of Declarant's exercise of its right to purchase such Outlot, Declarant and the applicable Owner shall select an appraiser and advise the other party of such appraiser's name, address and telephone number. If either Declarant or such Owner fails to timely appoint an appraiser, then the appraiser so timely appointed shall have the power to proceed as the sole appraiser to determine the FMV of the Outlot.
- ii. Within **30** days after the appraiser or appraisers are so appointed (or if one party fails to timely appoint an appraiser, within **30** days after the deadline for such appointment), each appraiser so appointed shall independently make appraisals of the FMV of the applicable Outlot. If the appraisers cannot agree upon the FMV of such Outlot, then such appraisers shall consult with each other and shall select a third appraiser. If both appraisers cannot agree upon a third appraiser, then either party shall have the right to request appointment of such third appraiser by the Board of Realtors in the City, and the non-requesting party shall not raise any question as to such institution's full power and jurisdiction to entertain the application and make the appointment. The third appraiser shall choose the calculation of one of the parties' appraiser's, and such selection shall be the FMV of such Outlot.
- iii. Each person designated to participate in the appraisal of the applicable Outlot shall (A) be a real estate professional specializing in retail commercial property sales in the County, (B) have at least **5** years of experience as an appraiser, (C) be a member of the American Institute of Real Estate Appraisers or the industry-wide accepted successor if such institute no longer exists, and (D) have no material, financial or other business interest in common with a party to this Declaration. Each party shall bear the fees and expenses of its own appraiser and **1/2** of the fees and expenses of the third appraiser; provided, however, if Declarant does not purchase such Outlot after Declarant institutes the appraisal procedure, Declarant shall pay the expenses of its appraiser and the third appraiser.

c. Rescinding of an Offer.



Declarant shall have the right to rescind its election to acquire the applicable Outlot by written notice to the applicable Owner given not later than **10** days after final determination of the price to be paid by Declarant as set forth in Section 3.3 (b)(iii) above.

d. Continuing Nature.

The covenants of this Section 3.3 are of a continuing nature. Accordingly, if Declarant does not acquire the applicable Outlot as aforesaid, then such right shall lapse as to the occurrence which gave rise to such right, but shall remain in full force and effect as to any future occurrences.

e. Repurchase Closing.

Unless otherwise agreed in writing by the parties, the closing and consummation of the purchase and sale of the applicable Outlot (for the purposes of this Section 3.3 (e), the "**Repurchase Closing**") shall occur on or before the date which is **30** days after determination of the purchase price, on a specific date, at a specific time and at a specific location designated by Declarant in writing at least **5** business days in advance. The applicable purchase price shall be payable in cash by wire transfer of immediately available federal funds to the applicable Owner. Title to such Outlot shall be conveyed by such Owner to Declarant or to its designee or assignee by special/limited warranty deed, subject only to all matters of recorded identified in a recent title commitment, except for the monetary liens of such Owner or the applicable Occupant, all real estate taxes for the year of Repurchase Closing not yet due or payable, installments of special assessments, if any, not yet due or payable, additional easements, if any, for utilities serving such Outlot. Current real property taxes and installments of special assessments and payments under any recorded title exception documents shall be prorated as of the date of Repurchase Closing. Declarant shall bear the cost of any title insurance coverage desired by Declarant. Declarant shall pay the documentary stamp tax or transfer tax imposed in connection with the conveyance of such Outlot to Declarant. Such Owner and Declarant shall each pay the fees and expenses of its attorneys.

**SECTION 4. DEVELOPMENT CRITERIA.**

The development of any Outlot shall comply with the requirements as set forth in **Exhibit B**. Each Owner or Occupant agrees to use commercially reasonable diligent efforts to commence construction of the improvements necessary for the use permitted by its agreement with Declarant in compliance with the requirements of this Declaration within **30** days after the date hereof and complete the same within **270** days after the date hereof, subject to delays caused by weather, casualty, vandalism, arson, shortage of labor, equipment or materials, strikes, civil commotion or other factors beyond the applicable Owner's reasonable control; provided, however, lack of funds or inability to obtain financing shall not be deemed to be a cause beyond the reasonable control of either party. All construction by the applicable Owner or Occupant shall be calculated and carried on as to prevent congestion or blocking of the Outlet Center





Access Area or the Outlot Access Area. All work done in connection with the improvements made to the applicable Outlot shall be completed expeditiously and in such a manner to not interfere with the businesses being conducted on the Shopping Center or interrupt or interfere with utility services to any improvements in the Shopping Center.

## **SECTION 5. SIGN CRITERIA.**

Signs on the Outlots shall comply with sign criteria set forth in **Exhibit C**.

## **SECTION 6. MAINTENANCE.**

### **6.1 MAINTENANCE OBLIGATION.**

Each Owner and Occupant, at its sole cost and expense, shall keep its Outlot, including all improvements thereon, in a first class, well-maintained, safe, clean and attractive condition. Those areas not improved by buildings, parking areas or similar and related improvements shall be covered with grass or other landscaping. Maintenance includes, but is not limited to, the following:

- a. Prompt removal of all litter, trash, refuse and waste;
- b. Keeping all landscaping alive, weed-free and attractive;
- c. Keeping exterior lighting and mechanical facilities in working order;
- d. Keeping parking areas, driveways, and roads in good repair;
- e. Compliance with all government health and safety requirements;
- f. Striping all parking areas and repainting of improvements;
- g. Repairing all exterior damage to improvements; and
- h. Proper and regular cutting and maintaining of all grass and landscaped areas.

### **6.2 FAILURE TO MAINTAIN.**

If any Owner or Occupant fails to maintain its Outlot in accordance with the foregoing in such manner as may be deemed necessary by Declarant to preserve and protect the value and attractive appearance of the Outlots, then Declarant may give the applicable Owner or Occupant written notice stating the work or repair which Declarant finds to be required and requesting the same be carried out or undertaken and diligently pursued within **10** days after giving such notice and completed within **30** days after the giving of such notice. Should any Owner or Occupant fail to carry out or undertake such maintenance and repair, then Declarant, through its authorized agent or agents, shall have the right and power to enter onto such Owner's or Occupant's Outlot and perform such care and



maintenance without any liability for damages for wrongful entry, trespass or otherwise to such Owner or Occupant. Such Owner or Occupant shall be liable for the cost of such work plus an administrative charge equal to the greater of either: (a) **5%** of the cost and (b) **\$500** per occurrence, and shall promptly reimburse Declarant for such cost.

### 6.3 ACCESS MAINTENANCE FEE.

Owner or Occupant shall pay to Declarant annually in advance no later than the **20th** day of January in each year as its share of the cost for Declarant to Maintain (or cause to be Maintained) the Access Area in an amount equal to an annual amount to be negotiated directly with Declarant but in any event increased on January 1st of each year by no less than **2%** on a cumulative basis. For any partial year, Owner shall pay Declarant a prorated amount.

## SECTION 7. INSURANCE.

Owner or Occupant shall obtain and keep in force the following insurance coverage with respect to its Outlot:

### 7.1. LIABILITY POLICY.

Commercial General Liability Insurance, with broad form coverage insuring against claims on account of bodily injury or death, personal and advertising injury, and property damage or destruction (i.e., exclusion for liability assumed under contract must be deleted) that may arise from, or be related to (a) the conduct of Owner and/or Occupant, or (b) the condition, use or occupancy of such Owner's or Occupant's Outlot, including contractual liability, relating to such Outlot and its appurtenances on an occurrence basis with a per occurrence limit of **\$5,000,000.00**. The policy shall provide for severability of interests and that an act or omission of one of the insured or additional insured parties shall not void coverage as to the other insured or additional insured parties.

### 7.2. CASUALTY POLICY.

Causes of Loss – Special Form property insurance including (without limitation) earthquake, boiler and machinery, flood, wind and terrorism coverage, in an amount equal to the replacement cost of all buildings, improvements, personal property, decorations, trade fixtures, furnishings, equipment, alterations, leasehold improvements and betterments, and all contents therein, now or hereafter situated on an Outlot.

### 7.3. WORKERS' COMP POLICY.

Worker's compensation insurance covering all persons employed directly or indirectly, in connection with any work performed by Owner and/or Occupant or any repair or alteration, and all employees and agents of Owner or Occupant with respect to whom death or bodily injury claims could be asserted against Declarant or any other owner or occupant of the Shopping Center, as required by Applicable Laws. Workers



compensation coverage should include waiver of subrogation against, Declarant and/or Declarant's designees.

**7.4. ALCOHOL LIABILITY POLICY.**

For so long as any alcoholic beverages are sold or served in, on or from any Outlot, Liquor Liability Insurance, including contractual liability, relating to the sale and/or service of alcoholic beverages in, on or from such Outlot and its appurtenances, for any third-party liability arising in any way therefrom, on an occurrence basis with a minimum per occurrence limit of **\$5,000,000**.

**7.5. EMPLOYER'S LIABILITY POLICY.**

Employer's liability insurance in the amount of **\$1,000,000** for each accident and for bodily injury by disease.

**7.6. AUTOMOTIVE LIABILITY POLICY.**

Automobile liability insurance, (bodily injury and property damage liability) including coverage for owned, hired, and non-owned automobiles, with limits of liability of not less than **\$2,000,000** in combined single limit each accident for bodily injury and property damage combined.

**7.7. BUSINESS INTERRUPTION POLICY.**

Business interruption insurance for the duration of at least **18** months.

**7.8. BUILDER'S RISK POLICY.**

Prior to commencing any alterations, additions, improvements or construction on any Outlot, Owner or Occupant undertaking such work or the contractor of Owner or Occupant shall furnish commercial general liability insurance with a minimum liability of **\$3,000,000** per occurrence, **\$5,000,000** for products and completed operations (which shall be maintained for a **3** year period following final completion of the work) and **\$5,000,000** in the general aggregate applied separately to such Outlot, naming Declarant and its designees as additional insured parties as their interests may appear. During construction, Owner or Occupant shall carry or cause to be carried a builder's risk insurance in the full amount of the construction contract.

**7.9. GENERAL REQUIREMENTS.**

All of the aforesaid insurance (except for Worker's Compensation Insurance) shall be written in the name of Owner and/or Occupant, with Declarant (and its designee(s)) named as an additional insured parties on the Commercial General Liability, Automobile Liability, and Liquor Liability policies and shall be written by **1** or more responsible insurance companies licensed to do business in the State with an A.M. Best's rating of





with a rating of Best's A-VII or better and in form satisfactory to Declarant; all such insurance may be carried under a blanket policy covering such Owner's or Occupant's Outlot and any other location of Owner or Occupant; all such insurance shall contain endorsements that such insurance may not be cancelled or amended with respect to Declarant (or its designees) except upon **30** days' prior written notice to Declarant (and its designees) by the insurance company; Owner and/or Occupant shall be solely responsible for payment of premiums and Declarant (nor its designees) shall not be required to pay any premium for such insurance. The minimum limits of the Commercial General Liability policy of insurance shall in no way limit or diminish the liability of Owner or Occupant. Owner and/or Occupant shall deliver to Declarant, at least **15** days prior to the time such insurance is first required to be carried hereunder, and thereafter at least **15** days prior to the expiration of such policy, either a duplicate original or a certificate of insurance on all policies procured in compliance with the obligations hereunder, together with evidence satisfactory to Declarant of the payment of the premiums therefor. If Owner or Occupant fail to obtain and provide any of the aforesaid insurance, then Declarant may, but shall not be required to, purchase such insurance on behalf of Owner or Occupant, and the cost of such insurance shall be immediately repaid to Declarant upon written demand to Owner or Occupant.

7.10. PERIODIC INCREASES IN AMOUNTS.

The minimum limits of the insurance amounts in this Section 7 shall be subject to increase at any time, and from time to time, after the **5th** anniversary of the date hereof, as shall be determined by Declarant.

**SECTION 8. MISCELLANEOUS.**

8.1. BENEFITS OF RESTRICTIONS.

Except as provided in Section 5 of **Exhibit B**, the covenants and restrictions under this Declaration shall constitute independent real covenants and shall run with the land burdened thereby, shall be binding upon Owner and Occupant, or any part thereof and the improvements thereon, and their respective successors and assigns, shall constitute encumbrances on the Outlot, and shall inure to the benefit of, and be enforceable only by Declarant (and its designees). The covenants and restrictions created herein shall terminate and expire on the **50th** anniversary of the date hereof and automatically renewed every **10** years thereafter unless Declarant and Owner agree in writing to terminate this Declaration, but in no event shall the term of this Declaration extend beyond the length of years that is prohibited by Applicable Law, if any; notwithstanding the foregoing, however, the Access Easement and the Utility Easement are perpetual easements. The restrictions set forth herein shall not bind any other property of Declarant or its affiliates. If the term "**Owner or Occupant**" is used herein, Owner may impose the liability, obligation or restriction on Occupant, but in any event such imposition shall not relieve Owner from the liability or obligation to Declarant under, or restriction set forth in, this Declaration.



## 8.2. NO THIRD-PARTY BENEFICIARIES.

The restrictions created herein are for the sole benefit of Declarant and its designees, and are not intended, and shall not be construed, to dedicate (except as provided in Section 1) any easements to or create, any rights in favor of any other person, entity or the general public including Owner or Occupant.

## 8.3. AMENDMENT AND DESIGNEE OF DECLARANT.

This Declaration may be amended by the written declaration of Declarant without the joinder of any other person or entity. Declarant reserves the right, with respect to the Outlots, to waive in writing any matter contained in this Declaration or any amendment hereto without the joinder of any other person or entity. A designee of Declarant shall be designated by written instrument executed by Declarant, which states that the designation is made pursuant to this Declaration and which is recorded in the public records of the County.

## 8.4. SEVERABILITY.

If any term, provision, covenant or condition contained herein shall, to any extent, be invalid or unenforceable, the remainder of this Declaration (or the application of such term, provision, covenant or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable), shall not be affected thereby, and each term, provision, covenant and condition of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

## 8.5. ENFORCEMENT.

In the event of a violation or an attempted violation of the foregoing restrictions, Declarant or its designee may prosecute any proceedings at law or in equity to enjoin such violation and to recover damages for such violation, including reasonable attorney's fees. Wherever herein there is a day or period established for performance and such day or the expiration of such period is a Saturday, Sunday or holiday (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas), then such period for performance shall be automatically extended to the next business day. Any interest owed hereunder ("Interest") shall accrue from the date such amount is due and shall be at rate which is the lesser of (i) 2% above the bank prime rate at the time of such payment established by Citibank N.A., New York, N.Y., or its successor (or, if there shall then be no such banking institution in existence, by the commercial bank in New York, N.Y., whose assets at such time are the largest of any such bank in New York City), and (ii) the highest rate permitted by Applicable Laws.

## 8.6. REFERENCES TO LAW.

The use and development of the Outlots is subject to the terms, covenants, conditions, restrictions and requirements of all encumbrances of record applicable to the Outlots (the



“Governing Documents”) and of all applicable laws, rules, ordinances, statutes, resolutions, codes (including without limitation the Americans with Disabilities Act and state accessibility laws), regulations, development orders and zoning regulation (including, without limitation, the land development code for the City and/or the County and approvals and requirements of all applicable governmental (including without limitation federal, state and local) or quasi-governmental authorities and the Board of Fire Underwriters or of any similarly constituted body (collectively, “Applicable Laws”), in addition to the terms, covenants, conditions, restrictions and requirements of this Declaration. If and to the extent that the terms, covenants, conditions, restrictions and requirements of the Governing Documents and/or Applicable Laws are more stringent than those imposed in this Declaration, such more stringent requirements of the Governing Documents and/or the Applicable Laws shall control. All references herein to buildings, improvements, setbacks or any other matters relating to the Outlot complying with Applicable Laws shall mean that Owner or Occupant must comply with Applicable Laws at a minimum, and shall not be construed to mean that compliance with Applicable Laws shall meet the requirements of approval of Declarant as required herein or otherwise.

#### 8.7.ACCEPTANCE OF RESTRICTIONS.

Owner and Occupant shall be deemed, by the acceptance of the conveyance, lease or other occupancy right of an Outlot or improvements thereon or delivery of possession thereof, to have accepted such Outlot or improvements thereon and the possession thereof subject to all restrictions, easements, covenants and conditions provided in this Declaration, and each and all of the restrictions, easements, covenants and conditions contained herein are for the benefit of the parties hereto and their respective successors and assigns.

#### 8.8.WAIVER OF DEFAULT.

A waiver of any default shall be in writing and no waiver of any default by any person or entity under this Declaration shall be implied from any omission by any person or entity to take any action with respect to such default if such default continues or is repeated. No express waiver of any default, consent or approval shall affect any default, consent or approval or cover any period other than the default and period specified in such express waiver. One or more such waivers of any default in the performance of any term, provision, covenant or condition contained in this Declaration shall not be deemed to be a waiver of any subsequent default, consent or approval in the performance of the same term, provision, covenant or any condition or other term, provision, covenant or condition contained in this Declaration.

#### 8.9.BREACH SHALL NOT PERMIT TERMINATION.

No breach of this Declaration shall entitle any person or entity to cancel, rescind or otherwise terminate this Declaration, but such limitation shall not affect, in any manner,





any other right or remedies a person or entity may have by reason of any breach of this Declaration.

8.10. LIABILITY.

Owner and any person or entity having an interest in any portion of an Outlot (each, an "**Indemnitor**") covenants to indemnify, defend (with counsel reasonably acceptable to the party receiving such indemnity), protect and hold harmless (collectively, "**Indemnify**") Declarant and its designees and the other Owners and Occupants of the remaining Outlots, and their respective officers, directors, partners, affiliates, agents, servants, employees and landlords against any and all claims, liabilities, actions, damages, manners of action, proceedings, costs, expenses, fines, fees, judgments and amounts whether foreseen or unforeseen, suffered, sustained or incurred by them (including, without limitation, reasonable attorney's fees, professional fees and other costs of litigation) arising out of, related to, caused by or resulting from the death of or injury to any person or entity or the physical or economic damage to or loss of any property of any person or entity (collectively, "**Claims**") arising out of or related to (a) the use, development, operation or maintenance of such Owner's or Occupant's Outlot, or (b) the exercise of the rights granted to such Indemnitor under the provisions of this Declaration.

8.11. NOTICES.

Any notice, demand, request, consent, approval, designation or other communication which any party is required or desires to give or make or communicate to any other party shall be in writing and shall be given or made or communicated by any reputable national overnight carrier with a request that the addressee sign a receipt evidencing delivery, or by United States registered or certified mail, return receipt requested with postage prepaid. All such notices, requests or other communications shall be sent to the following notice address and, in the case of Owner, the record property tax address for its Outlot. Notices to Declarant shall be as follows:

COROC/Rehoboth III L.L.C.  
3200 Northline Ave, Suite 360  
Greensboro, NC 27408  
Attention: Legal Department

Declarant shall have the right to designate a different address by notice to the other parties similarly given at least **10** days before the effective date thereof.

8.12. EXHIBITS.

The exhibits attached to this Declaration are made a part hereof and are incorporated herein by reference. Except as specifically provided herein and except for **Exhibit A**, if any provision contained in any exhibit attached hereto is inconsistent or in conflict with



any provisions of this Declaration, the provisions of the exhibit shall supersede the provisions of this Declaration and shall be paramount and controlling.

8.13. DECLARANT.

For the purposes of this Declaration, the term Declarant shall mean (a) initially, the fee simple owner of the Outlet Center Parcel as of the date hereof (which owner currently is COROC/Rehoboth III L.L.C., a Delaware limited liability company), or (b) if there shall not be 1 owner of the entire Outlet Center Parcel, then the person or entity that owns fee simple title to the primary portion of the Outlet Center Parcel and who may have been designated by the then existing Declarant, in an instrument duly recorded in the public records for the County, as the successor Declarant; or (c) if there shall not be an owner of the entire Outlet Center Parcel, then, unless another person or entity shall have been so designated pursuant to this Section 8.13, that person or entity who shall have become the owner of record of the last portion of the Outlet Center Parcel owned in fee simple by the person or entity then most recently having qualified as the Declarant pursuant to subsection (a) or (b) above. Notwithstanding the foregoing, until an Owner receives written notice, from the person or entity then most recently identified in writing to such Owner as the Declarant, that a successor Declarant has been established pursuant to this Section 8.13, such Owner shall be entitled to assume conclusively that Declarant remains the person or entity then most recently identified in such a writing to such Owner as Declarant.

8.14. ESTOPPEL CERTIFICATES.

Within **20** days after receiving a written request from Declarant, an Owner and/or Occupant shall issue an estoppel certificate, to Declarant or its designee, stating: (i) whether to its actual knowledge it knows of any default under this Declaration and, if there are known defaults, specifying the nature thereof; (ii) whether to its actual knowledge this Declaration has been modified or amended in any way that is not set forth in a documents duly recorded in the applicable public land records (and if it has, then stating the nature thereof); (iii) whether to its actual knowledge as of the date in giving the estoppel this Declaration is in full force and effect; and (iv) facts, to its actual knowledge, in response to any other matter pertaining to this Declaration concerning which a request for information is reasonably made.

8.15. CONSTRUCTION.

Except as otherwise expressly provided or unless the context otherwise requires, the defined terms of this Declaration shall include the plural as well as the singular, and the use of any gender herein shall be deemed to include any other gender. The captions of the sections of this Declaration are for convenience only and shall be considered not referred to in resolving any questions of interpretation and construction of this Declaration. This Declaration shall be governed by and shall be construed and enforced in accordance with the laws of the State, without regard to its principles of conflict of laws.



8.16. DISPUTES.

If any party fails to perform any of its obligations, or if any dispute arises between the parties hereto concerning the meaning or interpretation of any provision of this Declaration, then the party not prevailing in such dispute shall pay all costs and expenses incurred by the other party on account of such default and/or in enforcing or establishing its rights hereunder, including, without limitation, court costs and reasonable attorneys' fees and disbursements.

8.17. TAXES.

Each Owner or Occupant, prior to delinquency, shall pay all (a) real estate and ad valorem taxes, charges and assessments, any state margin tax, mercantile/business privilege tax, or any other tax or assessment imposed on or assessed against such Owner's or Occupant's Outlot, and (b) taxes now or hereafter assessed against the personal property of Owner or Occupant located on such Owner's or Occupant's Outlot, and (c) "rent tax" or similar tax now or hereafter levied by any local or state taxing authority against or with respect to rent paid by such Occupant to Owner, the conduct of Occupant's business on such Outlot, or Occupant's use or occupancy of such Outlot.

8.18. REPORTING REQUIREMENTS.

Each Owner or Occupant, and their agents, employees, contractors and invitees will comply with all rules and regulations ("**Tax Regulations**") promulgated by the City, County or State in which the Premises is located ("**Government**") or authorized agencies empowered to collect from business operating in the Shopping Center a percentage of sales generated therefrom ("**Taxing Authority**") and requests for information by the Government or Declarant as necessary to fully comply with requirements of any agreement between Declarant and the Government including, without limitation, the completion of all forms, procedures or certifications required by the Government relating to the reporting of sales generated from the operation of its business at Owner's or Occupant's Outlot, which will include such Owner or Occupant delivering directly to Declarant, or, at Declarant's option, to the Government, a certification, signed by an officer of such Owner or Occupant, setting forth the following as it relates to such Outlot: (a) the square feet of gross building area located on such Outlot; (b) the address of the business operating on such Outlot; (c) such Owner's or Occupant's sales tax identification number; (d) the amount of gross sales reported, and sales tax paid, to the Taxing Authority, provided the Taxing Authority, the Government and Declarant keep such information confidential.

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**EXHIBIT A**

**SITE PLAN**

(See attached)



**EXHIBIT A-1**

**OUTLET CENTER PARCEL**  
**LEGAL DESCRIPTION**

(See attached)





**EXHIBIT A-2**

**OUTLOT LEGAL DESCRIPTION**

(See attached)



## **EXHIBIT B**

### **DEVELOPMENT CRITERIA**

#### **SECTION 1. PLAN APPROVAL.**

- a. Any construction project on any Outlot may be reviewed and monitored by Declarant through all development phases of a project. Owner or Occupant shall submit, or cause to be submitted, plans, specifications and drawings for all improvements and structures contemplated to be constructed or installed on its Outlot in accordance with the Declaration (collectively, "**Plans**"). Such submittal of Plans to Declarant for review shall include, without limitation, a complete blue line sets along with one reproducible set (unless noted otherwise) and an electronic version to be approved by Declarant for each type of improvement contemplated by the Declaration. The format of the Plans shall comply with the Declaration and the cost thereof shall be borne by Owner or Occupant.
- b. Owner or Occupant must submit basic information pertaining to the use, size, location, and character of its development of its Outlot. A site plan showing building location, general landscape areas, pedestrian and vehicular circulation is required along with the above information. The Plans shall include plans detailing physical design (building and civil) showing building form, materials, colors and dimensions, service and landscaped areas, utility lines and facilities, driveways, parking areas, light poles, curb-cuts, screening for garbage container, truck dock, service area, roof top equipment and other similar improvements, and all site preparation and development work, detailed pedestrian and vehicular circulation, and proposed signage, and working drawings and specifications to give Declarant an opportunity to confirm the completed project is planned to be in conformance with the agreed upon concept and design.
- c. The construction of a project must conform to all applicable standards and previously agreed upon documents and be coordinated with adjoining developments. Declarant's review and monitoring shall not be deemed to make Declarant, its agents, employees, or contractors responsible or liable for any defects in design or construction or any failure to comply with Applicable Laws, nor shall such monitoring be deemed an approval of or an assumption by Declarant, its agents, employees or contractors of responsibility as a construction manager for the project.
- d. Declarant shall have no liability for any losses or damages arising out of the construction of the improvements permitted under its plan review process, nor shall Declarant's approval of any Plans or other submissions be deemed a representation or warranty by Declarant or its agents regarding the sufficiency (legal or otherwise) of the design, materials or any other aspect of the development depicted in such submissions. Such review is limited to a review of the compatibility of the proposed improvements with the Shopping Center, which includes such matters as internal traffic circulation, parking, access, landscaping, building site and dimensions, signage, grading, site lighting, architectural and engineering design, drainage and overall design.



- e. Declarant will be the interpreter of the requirements of any Outlot design and development criteria, and Declarant's decision in matters relating to same shall be final. All improvements on the Outlots shall be architecturally compatible with the improvements constructed on the Shopping Center. All plans and specifications prepared for review and approval by Declarant shall be prepared by an architect or engineer that is registered in the State.
- f. Prior to Declarant reviewing any Plans for the construction of improvements on the Outlot as contemplated by this Section 1, Owner shall pay Declarant, for Declarant's review of such Plans, an amount equal to **\$1.00** per square foot of proposed gross building area to be constructed on any Outlot.

## **SECTION 2. CONSTRUCTION.**

### **2.1. SCHEDULING.**

A written schedule of construction and project events as to any Outlot is required to be filed with Declarant **30** business days in advance of construction start so that field personnel may be notified.

Before starting any operations or construction on-site, Owner or Occupant and their respective employees, agents, contractors or other designees must supply Declarant's personnel on site with the name and phone number of the field superintendent, copies of all required permits, liability insurance in the amounts required by Section 7 of the Declaration and insurance certificates naming Declarant and any other designated entity as an additional insured party. Declarant will issue written verification upon receipt of this information, at which time the contractor may commence his activities. At Declarant's election, a pre-construction coordination conference shall be held at or near the applicable Outlot with Declarant's representative and/or contractor. The representative and contractor of Owner or Occupant shall attend such conference.

The contractor for Owner or the Occupant performing work related to improvements on such Owner's or Occupant's Outlot shall be liable for any damage caused to the facilities of the Shopping Center or adjacent property owners and is obligated to cause immediate repair to any such damage.

### **2.2. USE OF EASEMENTS.**

Use of the Shopping Center easements, access and interior roads and parking areas is prohibited unless prior permission is granted in writing by Declarant or an authorized representative of Declarant. A written request for use of roads should be made a minimum of **2** business days in advance of the intended use.

### **2.3. SAFETY.**





Construction hazard areas of and around any Outlot must be clearly marked and barricaded from non-construction pedestrian and vehicular traffic. Owner or Occupant shall take all other safety measures reasonably required to protect all workers on or about such Owner's or Occupant's Outlot, Declarant and other occupants of the Shopping Center and all customers, visitors and invitees of the Shopping Center.

2.4. BARRICADES.

Temporary structures, signs, barricades, and construction equipment must be approved by Declarant and kept clean, neat and uniform in appearance, maintained regularly and removed immediately when their use is no longer required.

2.5. DIRECTIONAL SIGNAGE.

Signage at the construction site shall be limited to the necessary hazard, warning and directional information. A development sign may be allowed but must conform to the criteria for temporary signs. Separate contractor, architect or other advertising signage is not allowed.

2.6. HAZZARDS.

Construction materials, equipment, temporary shelters, signs and operations are to be confined to the project site for the sole purpose of the project's construction and shall not present a hazard or infringe on any adjoining developments, operations, easements or rights-of-way.

2.7. CONSTRUCTION DEBRIS.

Any on-site construction dirt and debris must be stored and screened from view or removed from the premises daily. Construction dirt and debris are not allowed to accumulate on any adjoining roads, parking areas, walks or other property and shall be broom cleaned immediately, and shall be covered and otherwise controlled and protected to prevent erosion and sedimentation.

2.8. COMPLETION.

Once development on any Outlot has begun, construction should be diligently pursued to its finish. No structure, facility or improvement is to be left incomplete. All construction shall be completed within a reasonable construction period. Prior to the commencement of any such work, Owner or Occupant shall submit to Declarant a written schedule for the performance of such work, which schedule shall be subject to Declarant's prior approval and shall otherwise comply with the requirements of the Declaration.

2.9. POSTING PERMITS.

All required permits must be clearly posted.



2.10. INTENTIONALLY NOT A PART.

2.11. UTILITY WORK.

Declarant must be notified of and approve any planned interruption to any utility service (water, gas, electric, etc.) 7 business days in advance. Any scheduled utility interruption shall occur only at night after the Shopping Center closes, and service shall be restored no later than 1 hour prior to the opening of the Shopping Center on the following morning. No utility interruptions shall be scheduled between November 1st and January 15th of the next year, nor during the 30-day period prior to Easter. Declarant must be notified immediately of any accidental interruption to any utility service. Owner or Occupant working on utilities shall Indemnify (as hereinafter defined) Declarant harmless from all Claims (as hereinafter defined) resulting from any utility interruption caused by such work.

2.12. LABOR HARMONY.

Owner or Occupant shall take no action which would create any work stoppage, picketing, labor disruption or dispute, or any interference with the business of Declarant or any other owner or occupant in the Shopping Center or with the rights and privileges of any customer or other person(s) lawfully in and upon said Shopping Center, nor shall any Owner or Occupant cause any impairment or reduction of the good will of the Shopping Center.

2.13. IMPACT FEES.

Each Owner or Occupant shall pay all fees (including without limitation impact and permit fees) relating to the construction, reconstruction development or use on or of its Outlot.

2.14. ENCUMBRANCES.

Owner or Occupant shall not create or permit to be created or permit to remain any lien, encumbrance or charge which might be or become a lien, encumbrance or charge upon the Shopping Center or lands adjacent thereto, or upon any improvements thereon, or upon any income therefrom. If any lien, arising out of any work performed, material furnished, or obligation incurred by Owner or Occupant, shall at any time be filed against the Shopping Center or lands adjacent thereto, or any improvements thereon, Owner, within 10 days after the filing thereof, shall cause such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or otherwise. If Owner shall fail to cause any lien to be discharged as aforesaid, then in addition to any other right or remedy it may have, Declarant may, but shall not be obligated to, discharge it either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit, bond, or other proceedings, and in any such event, Declarant shall be entitled if Declarant so elects, but shall not be obligated, to compel the prosecution of any



action for the foreclosure of such lien by the lienor and to pay the amount of the judgment in favor of the lienor with Interest (as hereinafter defined), costs and allowances. Any amount so paid by Declarant and all costs and expenses incurred by Declarant in connection therewith, together with Interest thereon, from the respective dates of Declarant's making of the payments and incurring of the costs and expense, shall be paid by Owner to Declarant within **15** days after Owner receives an invoice.

Nothing in the Declaration shall be deemed or construed in any way as constituting the consent or request of Declarant, express or implied by inference or otherwise, to any contractor, subcontractor, laborer or materialman for the performance of any labor or the furnishing of any materials for any specific construction on any Outlot that would give rise to the filing of any lien against the estate or interest of Declarant in and to the Shopping Center or lands adjacent thereto, nor as giving Owner any right, power or authority to contract for or permit any rendering of any services or the furnishing of any materials that would give rise to the filing of any lien against the estate or interest of Declarant in and to the Shopping Center or lands adjacent thereto. Notice is hereby given that Declarant shall not be liable for any labor, services or materials furnished or to be furnished to Owner, or Occupant, upon credit and that no lien for any such labor, services or materials shall attach to or affect the estate or interest of Declarant in and to the Shopping Center or lands adjacent thereto.

2.15. CASUALTY.

If any improvements located on any Outlot are damaged or destroyed by casualty, Owner or Occupant shall either restore same or raze all damaged improvements and replace the same with grass or other landscaping no later than **60** days after such damage or destruction or as required by Applicable Laws, whichever is sooner.

2.16. BLACKOUT PERIOD.

Except for emergency situations, neither Owner or Occupant shall perform construction or utility work within any common areas of the Shopping Center during the period from November 1 of any year through January 15 of the immediately following year, or during the **30**-day period prior to Easter.

2.17. LIMITATION ON INTERFERENCE.

All construction work shall be performed in a manner so as not to unreasonably impair or interfere with the use, occupancy or enjoyment of, or with any business conducted on, any adjacent property.

2.18. AS-BUILT SURVEY.

Upon completion of construction by Owner or Occupant, Owner shall provide an "as built" survey to Declarant showing the location of any new structures or improvements





on the Outlots, including without limitation, the design and layout of all common areas such as parking spaces and traffic lanes.

2.19. EROSION CONTROLS.

Owner or Occupant shall prevent soil, silt and other materials from eroding from any Outlot onto contiguous properties, drives and rights-of-way and shall promptly clean-up all such soil, silt and other materials which leave the Outlots impacted by such work.

**SECTION 3. BUILDING CRITERIA.**

3.1. ARCHITECTURAL DESIGN.

The design of each building on an Outlot shall be compatible with and/or complement the improvements on the Shopping Center and other peripheral buildings. The design should be a simple geometric shape and finished on all four sides. It is suggested that each building have a canopied entrance or pedestrian arcade where applicable. No Outlot shall contain more than 1 building without the consent of Declarant.

3.2. MATERIALS AND COLORS.

Substantially maintenance-free materials such as brick, EIFS and stucco should be used wherever possible. Materials and colors should be compatible with those used for the Shopping Center. Roof materials shall be subject to Declarant's approval. Use of exterior colors shall be in good taste and in character with the remainder of the Shopping Center. Color should be an aesthetic consideration combined with the building form, proportions and materials.

3.3. SCREENING.

All mechanical and/or electrical units, roof-top or ground mounted, will be screened with the same material used on the building façade, so as not to be visible from ground level on the Shopping Center or on the nearest public rights-of-way. Whenever possible, the exterior building walls will be extended to accomplish same.

3.4. DELIVERY AND TRASH.

Loading docks and refuse areas are to be located on the least visible side of the building and screened as called for in the foregoing. Outside storage is specifically prohibited. Whenever possible, refuse areas should be accommodated inside the building.

3.5. ORIENTATION.

All buildings shall be subject to the following set-back requirements Applicable Laws. In no case will a building be located closer than (i) 15 feet to an adjoining property line, or (ii) 40 feet to the right-of-way of the nearest public streets, or (iii) 30 feet to the Shopping



Center frontage road. Set-back requirements may be affected by the public or private characterization of adjacent roadways and access roads.

3.6. AESTHETICS.

Exterior exposed fire escapes, exposed service stairs or ladders, radio or television towers and antennae or satellite receivers are not permitted, except that 1 satellite dish not exceeding 2 feet in diameter shall be permitted on the Outlot if it is screened from view. The plans of detailing the exterior appearance of all structures constructed on the Outlot, shall (i)(A) incorporate a level of aesthetics and quality of materials and workmanship equal to or greater than that used for the Center ("Center's Aesthetics"), or (B) be equal to or greater in quality than that of a national operator's prototypical building (including national hotel chains of equal or greater quality than that for the Intended Use ("Owner's Aesthetics")), and (ii) incorporate proper screening, consistent with the Center's Aesthetics or Owner's Aesthetics, for any garbage container, truck dock, service area, roof top equipment and other similar improvement made thereto.

3.7. UTILITIES.

All utilities are to be underground with no exterior visible connections to the Outlot facilities, except for required meters or transformers. Meters and transformers shall be screened and Owner or Occupant shall be responsible for the cost of such meters, transformers and screening therefor.

3.8. HEIGHT.

No building or other improvement erected upon the Outlot shall be more than 1 story above grade or if approved by Declarant (in its sole discretion) as a multi-story building, not to exceed 75 feet in height, measured from the finished floor elevation to the top of the highest building structural protrusion, including, without limitation, roof-mounted equipment, decorative roof screening and other such appurtenances, but excluding non-structural architectural features standard for buildings constructed by Owner or Occupant if approved by the City and not prohibited by the Governing Documents.

SECTION 4. SITE IMPROVEMENTS.

4.1. BUFFER STRIP.

A buffer strip containing landscaping only shall be maintained between the property line of and the edge of the pavement around the perimeter of any Outlot, and no above-ground improvements of any type shall be erected thereon, other than landscaping, directional and traffic control signs, lighting, fencing, traffic barriers, walkways and driveways. All buffer strips shall comply with all Applicable Laws, but in no event shall any buffer strip between an Outlot and any other parcel of land (including but not limited to any public or private roadway and any access drive) be less than 10 feet.



#### 4.2. CURBS.

Concrete curbs shall be constructed on or adjacent to the boundary lines of an Outlot in each of the following locations: (a) around the entire perimeter of the Outlot, at the edge of the pavement, to separate the paved area from the adjacent landscaped buffer; (b) on both sides of the landscaped buffer in those areas where the buffer separates the Outlot from adjacent access drives and/or adjacent public roadways; (c) around the building(s) and any landscaped islands constructed on the Outlot; and (d) at all vehicular entrances to the Outlot from adjacent public roadways and adjacent access drives. All such curbs shall be full-depth **18-inch** wide (but in no event less than that required by the Department of Transportation for the State), poured-in-place concrete curbs; no bumper blocks or precast, extruded or asphaltic curbs shall be permitted. Pavement sections of parking areas on the Outlot shall be approved by a geotechnical engineer licensed in the state of the Outlots and conform to the pavement sections of the parking areas on the Outlet Center Parcel. The minimum height of curb or curb and gutter above paved areas shall be **6 inches** except in entrances. All ramps shall comply with Applicable Laws.

#### 4.3. PARKING.

- a. There shall be maintained at all times on each Outlot at least (i) **1.0** full-sized parking spaces for each guest room within hotel building(s) located on such Outlot plus **2** spaces for employees, (ii) **10.0** full-sized parking spaces for each **1,000** square feet of building floor area for a sit-down restaurant purposes, (iii) the number and ratio of parking spaces required under the Governing Documents, or (iv) the number and ratio of parking spaces required by Applicable Laws for the specific businesses to be conducted thereon (but in no event less than **4.0** full-sized parking spaces per **1,000** square feet of building floor area for retail purposes); whichever of such requirements produces the greatest number of parking spaces; plus, in any case, such additional parking as may be required by Declarant in connection with the sale or lease of such Outlot. All parking areas shall be paved.
- b. No cross or reciprocal parking shall be permitted between an Outlot and the Shopping Center. Each Outlot must independently maintain the number of parking spaces required under subsection (a) above, without reference to the parking available on the Shopping Center. Owner or Occupant, and their respective successors and assigns, will take all reasonable measures to prevent its Permittees from parking on the Shopping Center. Declarant may also take such steps and measures to prevent such cross-parking as it may deem necessary, including the installation of signage, fencing and other barriers.
- c. Design of the parking areas shall be in accordance with the following:
  - i. Compact car spaces are not allowed except as approved by Declarant.





- ii. Accessible parking spaces shall be provided in accordance with Applicable Laws.
- iii. In general, parking aisles should be perpendicular to the building serviced by same, when possible unless approved by Declarant.
- iv. Whenever possible, curbed islands should separate a change in direction of parking stalls and aisles or as otherwise required by Declarant.
- v. Parking lot striping shall match that of the Shopping Center parking lot in width, length, angle, color and paint specification. Striping shall be maintained in good order.

#### 4.4. UTILITIES.

##### a. General.

All utility lines and equipment shall be entirely underground, with no overhead lines, poles or wires permitted. Owner shall be responsible for bringing all utilities necessary to service the Intended Use from the existing utility locations and for obtaining its own utility services at its own cost and expense.

##### b. Storm Sewers.

Storm water drainage shall be implemented by using catch basins and underground storm lines. No open ditches will be permitted on an Outlot. To the extent required by Applicable Laws, a water cleansing insert will be placed at each drop inlet. Construction of the storm sewer system shall be in accordance with the following:

- i. Storm sewer design of pipe and size shall be determined on storm frequency of not less than **25** years or as determined by Applicable Laws if greater.
- ii. Storm sewer size of main line is to be a minimum of **24** inches in diameter.
- iii. Catch basin, manholes and drainage appurtenances shall be spaced in accordance to Applicable Laws and as required to provide necessary drainage.
- iv. Material type shall conform to Applicable Laws and the recommendations of the American Society for Testing and Materials.
- v. The design engineer for Owner or Occupant is responsible for determining that its system complies with Applicable Laws and that its system does not exceed the design capacity of the system into which an Outlot's system flows.
- vi. A detention basin shall be constructed on an Outlot if required by Applicable Laws or by Declarant.



c. Sanitary Sewers.

No on-site septic system or sanitary sewer treatment facility will be permitted on any Outlot. Sanitary sewer service shall be supplied to each Outlot by such licensed provider of sanitary sewer service as shall be designated by Declarant, provided that the designated supplier shall have available, at the time service is requested, sufficient system processing capacity to meet the requirements of Owner or Occupant, and that subject service shall be competitively priced. If the foregoing conditions cannot be satisfied, Owner or Occupant may obtain sanitary sewer service from a supplier selected by it. Construction of the sanitary sewer system on any Outlot shall be in accordance with the following:

- i. Service lines to building shall be a minimum diameter of 8 inches.
- ii. Materials shall conform to the recommendations of the American Society for Testing and Materials and to the requirements of Applicable Laws.
- iii. Installation and testing of sanitary sewer pipe shall conform to Applicable Laws. Trench detail and method shall be incorporated into the plans and specifications prepared by Owner or Occupant.
- iv. Sanitary sewer shall be tested for infiltration, exfiltration and air tested.
- v. No on-site septic system or sanitary sewer treatment facility will be permitted on any Outlot.

d. Water.

Water transmission mains shall include shut-off valves and fire hydrants. Valves shall be placed to provide ease of shut-off during water system emergencies. Generally, there shall be 2 valves at tees and 3 valves at crosses. Additional valves will be required if deemed necessary by Declarant. Water mains shall be tested and chlorinated in accordance with Applicable Laws. Water service shall be by connecting to the 8" service line available in the Access Area. Each Owner and/or Occupant is responsible for the cost to obtain a water meter and to install a backflow preventer. Material type for mains, hydrants, valves and other appurtenances shall conform to Applicable Laws and utility company requirements and must be reviewed and approved by Declarant.

e. Gas.

Gas service, if available, shall be provided by the local gas company or other service provider approved by Declarant. Owner or Occupant shall be responsible for obtaining all necessary consents or approvals for obtaining gas service and for the



payment of any fees. All gas lines shall be below grade. All gas meters, valves, etc. shall be concealed from public view.

f. Electric.

Electric service shall be provided by the local electric company or other service provider. Owner or Occupant shall be responsible for obtaining all necessary consents or approvals for obtaining electrical service and for the payment of any fees. All electric service shall be below grade. All electric meters, transformers, etc. shall be concealed from public view.

g. Telephone and Data.

Telephone and data service shall be provided by the local telephone or data company or other service provider. Owner or Occupant shall be responsible for obtaining all necessary consents or approvals for obtaining telephone and data service and for the payment of any fees. All telephone and data service shall be below grade. All telephone equipment shall be concealed from public view.

h. Utility Easements.

Declarant hereby reserves a perpetual, non-exclusive easement for the construction, maintenance, operation, repair, inspection and alteration of utility lines and/or pipelines, and related equipment and facilities, together with reasonable rights of access thereto, under, upon and across a **15-foot** wide strip along and adjoining the boundaries of the Outlot. There shall be no above-ground improvements other than curbing and/or paving on the portion of said easement lying outside of the above-described buffer strip. Declarant hereby reserves the right to grant easements directly to utility companies and governmental authorities within said easement areas.

4.5. TRAFFIC FLOW.

- a. Pavement markings, directional signs and other traffic indicators on an Outlot shall be substantially similar to those in the Shopping Center and shall provide for a traffic plan compatible with that of the Shopping Center. Vehicular access between an Outlot and the adjacent public roadways over the Shopping Center shall be limited to the Outlet Center Access Area or Outlot Access Area, and no additional means of access shall be installed, nor shall any such means of access be relocated, unless approved by Declarant. Design of the interior traffic flow and parking layout of an Outlot shall be in accordance with the following (unless otherwise designated or approved by Declarant):

- i. All access points will allow for sufficient vehicle stacking distance.
- ii. Entrances directing traffic to a "head-on parking condition" should be avoided.





- iii. Drive-thru facilities should allow for sufficient vehicle stacking distance and should be removed from parcel access points.
- iv. All two-way access shall be via **24-foot** wide (face to face of curb) curbed driveways.
- v. All one-way access, when required, shall be via **14-foot** wide (face to face of curb) curbed driveways.
- vi. All access driveways shall have a **15-foot** minimum radius, or such greater radius as may be required by Applicable Laws.
- vii. Service access for use by semi-tractor trailer or fire trucks may require wider driveways with greater radius.
- viii. All pedestrian access shall be clearly identified. When such access crosses a landscaped area it will be via a **5-foot** wide hard-surfaced sidewalk.
- ix. If any access points are permitted by Declarant in addition to those shown on the Site Plan, the minimum distance between access driveways shall be **100** feet. No driveway shall be closer than **100** feet to a Shopping Center access road leading to a major public right-of-way.

4.6. LANDSCAPING.

- a. The standards in this Section 4.6 or requirements of Applicable Laws, whichever are more stringent, shall prevail and be complied with on an Outlot. Plant material will also vary and particular attention should be placed on the selection best suited for the location of the Shopping Center to make an attractive parcel that is compatible to the quality of the entire Shopping Center. The primary landscaping materials should be of quality that will serve in enhancing the environment and serve as a functional part of the project. Effective use of earth berms and existing topography with existing trees, if any, is also encouraged as a component for a good landscaping plan. The landscaping and planting areas should be reasonably dispersed throughout the site. The interior dimensions of any planting area or planting medium should be sufficient to protect the landscape materials planted within and to insure proper growth with attractive appearance. Irrigation should be supplied to assure the viability of the plant material and ease in the maintenance of the site.
- b. The following design criteria shall be observed:
  - i. Minimum Development Size Requirements:
    - A. A buffer strip containing landscaping only shall be maintained between the property line of and the edge of the pavement around the perimeter of an Outlot,



and no above-ground improvements of any type shall be erected thereon other than signs, landscaping, directional signs, fencing, traffic barriers, walkways, and driveways. All sidewalks shall be 5 feet wide and 4 inches thick and made from a minimum of 3500 psi concrete. Concrete shall be gray with a light broom finish and control joints every 5 feet and comply with all Applicable Laws.

- B. All portions of each Outlot not devoted to buildings, parking, signage, driveways or sidewalks shall be suitably grassed and/or landscaped in a manner compatible with that of the Shopping Center, and in compliance with the requirements (if any) of Applicable Laws. The landscaping of an Outlot shall not obstruct (through either original planting or untrimmed growth) the view of improvements on the Shopping Center.
- C. Unless a variance is approved by Declarant, expenditures for the initial landscaping of an Outlot shall be at least 5 to 10 percent of the total building cost; including all in-ground landscaping within such Outlot, but excluding irrigation and various other site amenities.

ii. Plant Material Requirements:

- A. Existing plant material of appreciable size and character will be incorporated into the new landscape plan and any other significant landscape features will be preserved.
- B. No plant material shall be planted that is not capable of growing in the local area.
- C. Plant materials should be selected for type, size, and quality and based on suitability to climate, setting and compatibility with other development plantings, character and functions.
- D. Plant materials should be free of disease and harmful insects. Plants selected which are prone to disease and insect problems or which may jeopardize the health of adjoining plantings will not be acceptable.
- E. The quality of plant material selected will follow the guidelines of the "American Standard for Nursing Stock" by the American Association of Nurserymen unless otherwise indicated.
- F. Proper drainage will be required for all major plantings to insure the establishment of a good root system and a healthy growth.
- G. The installation of all landscaping shall be done by a well-established landscape contractor who follows the procedures set forth by the American Association of Landscape Contractors and its local agencies.



- H. No artificial plants of any type, size or color will be allowed within the landscaped area or around or on the building within an Outlot.
- I. Owner or Occupant shall be responsible for providing, protecting and maintaining all landscaping in a healthy and growing condition, replacing it immediately, when necessary, with the same type, size and quantity and keeping it free of refuse and debris.

iii. Plant Material Specifications:

The following specifications shall apply to the extent that Applicable Laws do not require greater or different standards:

- A. Trees shall be species having a minimum mature spread of **15-20** feet, with a minimum mature height of **15** feet and installation size of **3½-4** inches caliber. Evergreens will have a minimum of **6-7** feet in height when installed.
- B. Shrubs shall be a minimum of **3** feet in height when used as a hedge and **5-6** inches in height if used as an ornamental planting.
- C. Vines shall be a minimum of **2-3** years old when planted and should be used for screening on walls and fences, etc.
- D. Ground cover shall be a minimum of **2** years old when planted and be spaced so that a complete coverage can be obtained after **1** growing season.
- E. Grass areas shall be planted with species indigenous to the area, disease resistant and one that will require low maintenance in cutting and watering. It should be an immediate cover, and sod is recommended in areas of the country in which it will grow. Various grasses, for drier areas, will be planted in groupings for an effect.
- F. Flower beds are encouraged and shall be planted in acceptable areas of the country to create color, texture and interest at the discretion of the landscape architect.

iv. Landscape Accent Material:

- A. Site furnishings such as benches, waste receptacles, tables, etc. will be in character with the building architecture and the surrounding landscaping.
- B. Paving materials for paths, patios, etc. are recommended to be of porous nature when installed, such as patio bricks, interlocking pavers or concrete stepping stones.





- C. Mulch materials will be of small size gravel, shredded bark or other organic material best suited and adapted for the local area.
  - D. Edging used to separate grass areas from shrubs, ground cover and mulch will be a good quality steel edging, secured with metal stakes. No plastic edging will be accepted.
- v. Landscape Definitions:
- A. Landscaping:

Shall consist of any of the following or combination of: materials such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, or other live plant material growable in the area of development. Non-live material such as rocks, pebbles, mulches, fences, walls, pavers, benches, irrigation systems and other site amenities would also be included in landscaping. Mounding, berming or grading would be part of landscaping but not necessarily included.
  - B. Trees:

Any self-supporting woody plant which usually produces 1 main trunk and a more or less distinct and elevated head with many branches.
  - C. Shrubs:

A woody plant that usually remains low in height and produces shoots or trunks from the base; it is not usually tree-like nor single stemmed.
  - D. Vines:

Plants which normally require support to reach mature form.
  - E. Ground Cover:

Plants of various types and low in height, dense growing and used for covering the ground, as in areas where it is difficult to grow grass.

4.7. GRADING AND DRAINAGE.

Each Outlot shall be graded to provide positive drainage to the retention/detention area (if required) or storm sewer lines that have been sized to receive storm water discharge. All necessary erosion control methods will be utilized to avoid siltation on to adjacent properties and into pipelines and comply with all Applicable Laws relating to storm water pollution prevention. Stockpiling of topsoil or excessive material shall be done so as not to interfere with drainage before, during or after construction. Existing drainage areas will not be altered during or after the grading sequence unless accepted by Declarant.



Parking lot slopes shall be a minimum **1.5** percent and maximum **4** percent unless such path is a path subject to the Americans with Disability Act or state accessibility laws in which event the guidelines of Applicable Laws shall be followed. Entrance drive slopes shall be a maximum of **5%**. All trenches and excavation near or adjacent to existing curbs, sidewalks, and pavement shall be backfilled with trench backfill material. Required density of compaction shall be indicated on the plans. The grading and drainage of an Outlot, and all slopes thereon, shall also comply with the requirements of all Applicable Laws.

4.8. SITE LIGHTING.

Poles shall be restricted to **26** feet in height, exclusive of base, or as otherwise required by Applicable Laws. Exterior portions of the Outlots shall be lit with LED lights and not less than **2.00** nor more than **5.00** foot-candles minimum maintained throughout the parking areas and otherwise in accordance with Governing Documents (as hereinafter defined). Cut-off fixtures (shrouds) shall be installed whenever necessary to prevent spillover to adjacent property. All lighting poles and fixtures installed on an Outlot shall be substantially similar to those located on the Shopping Center and shall be subject to Declarant's prior review and approval.



## EXHIBIT C

### SIGN CRITERIA

The height, design and location of all exterior signs located on an Outlot shall be subject to the prior written approval of Declarant or its designee. The following criteria shall apply to all exterior signs or insignia placed or installed on the buildings or improvements on an Outlot. Where these criteria are more stringent or restrictive than Applicable Laws, then these criteria shall be controlling. Where these criteria are less stringent or restrictive than Applicable Laws, then the latter shall control.

#### 1. FREESTANDING SIGNS.

No freestanding pylon or other pole-type or freestanding signs shall be permitted on an Outlot, except as provided below.

- a. Each Owner of an Outlot, at its sole cost and expense, will be permitted 1 monument sign at a location on its Outlot shown as "Monument Sign" on the Site Plan ("Monument Signs") and such Owner will, or cause its Occupant to, construct, install, use, operate, maintain, insure, repair, light and replace such Monument Sign, subject to the terms and conditions of this Declaration.
- b. All connections shall be designed by a professional engineer registered in the State. The quality of materials used in connecting lines, pipes, conduits or other materials shall be of quality equal to or better than those to which they are connected.
- c. The materials and workmanship shall comply with all recommendations of the American Society for Testing and Materials and with all Applicable Laws (as defined in Section 7.7).
- d. All work done in connection with the construction, installation, use, operation, maintenance, insurance, repair and replacement of the Monument Sign shall be completed expeditiously and in such a manner to avoid interference with the businesses being conducted on the Shopping Center Parcel, to minimize any disruption to flow of vehicle and pedestrian traffic within the Access Area, and to avoid interruption or interference with Utilities servicing any improvements on an Outlot.
- e. After completion of any work to the Monument Signs, Owner or Occupant, at its sole cost and expense, shall promptly restore all property and improvements affected thereby to the same or as good condition as existed immediately prior to the commencement of such work.





- f. A planter area of **5** square feet for each **6** square feet of Monument Signs area, including both sides, shall be required at the base of the Monument Signs. Landscaping and planter shall not be measured as a part of the Monument Signs for meeting horizontal and vertical size requirements. All landscaped areas shall be maintained to Developer's minimum standards.
- g. The Monument Signs may be double-faced. The display area shall not exceed **45** square feet per face.
- h. The Monument Signs may be internally illuminated or back lighted. Illumination shall be turned off within **1** hour of closing and turned on within **1** hour of opening. The horizontal dimensions of the Monument Signs display area shall be no greater than **9** feet.
- i. The vertical dimensions of the Monument Signs display area shall be no greater than **5** feet and the top of said sign shall be no higher than **5** feet from grade level (except such sign may be on a pedestal no higher than **1** foot above grade level).

## 2. BUILDING SIGNS.

- a. Wall signs shall identify the individual business, building or building complex by name or trademark only.
- b. **1** flat wall sign may be installed on each of **4** separate facades of the building on an Outlot, subject to restrictions of Applicable Laws.
  - i. The height of any building-mounted sign shall not exceed **36** inches. No sign may exceed an area of more than **10** percent of the area of the façade on which such sign is mounted.
  - ii. No panel signs will be permitted. Wall signs shall consist of three-dimensional individual characters mounted in relief upon the face of the building. Such signs shall be back-lighted to appear in silhouette or internally lighted.
  - iii. Exposed neon shall be subject to Declarant's prior written approval. Exposed neon letters may be allowed if the neon tubing is designed to highlight flat letters of the same in a broader stroke. The flat letters may be painted or some other appropriate material applied to the background field. Colors must be chosen with highlighting of the letters as the major consideration.
  - iv. No building-mounted sign, nor any portion thereof, may project above the parapet wall or top of the exterior wall or building facade upon which it is mounted.
  - v. There shall be no rooftop or penthouse signs of any kind.



- vi. No signs perpendicular to the face of the building or its facade will be permitted.

3. TRAFFIC DIRECTIONAL SIGNS.

Owner or Occupant shall be permitted to install signs designed and located solely to relieve traffic congestion and promoting the safe flow of traffic. Such signs shall contain no advertising or identification copy of any sort and should conform to the design of the building and site signage.

4. PROHIBITED SIGNS.

- c. No flashing, blinking, smoking, moving or audible signs or rooftop signs are permitted on an Outlot. There shall be no permanent, portable or mobile mounted billboards, spotlights, helium or hot air balloons. There shall be no pylon or roof top signs. There shall be no painted signs or paper or cloth signs.
- d. No signs referencing anything of any obscene, indecent or immoral nature or unlawful activity are permitted on an Outlot.

5. CRITERIA FOR TEMPORARY SIGNS.

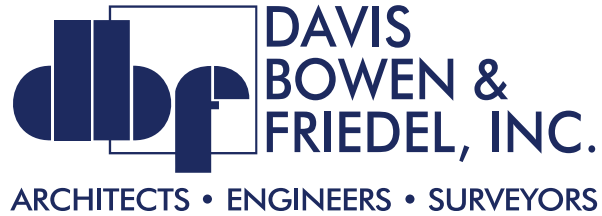
- e. Sign must meet with applicable governing codes, standards, regulations and the Declaration. Declarant serves the right to accept or reject any sign proposals it deems unsuitable and incompatible with the image of the development.
- f. Total height from grade will not exceed **6** feet and maximum horizontal dimension will not exceed **8** feet.
- g. Sign will be two-sided only with each face parallel and opposite the other.
- h. Reflective surfaces, letters, trim, buttons, etc. are not allowed.
- i. Sign must be maintained at regular and necessary times and shall not be allowed to fall into disrepair. Painted surfaces shall be repainted annually.
- j. Location of the sign will not infringe on visibility or present a hazard to vehicular or pedestrian traffic, infringe on Shopping Center view corridors, setbacks, and non-building areas.
- k. Sign Plan approval, if accepted, will be for a **1**-year period. Erection time shall not exceed **2** weeks.
- l. Sign is not to be moving, smoking, flashing action or audible type.



- m. No neon illumination allowed.
- n. Sturdy, durable, non-corrosive materials and construction appropriate to exterior exposure are to be used. Treated wood is acceptable.
- o. Drawing(s) of sign construction and location are to be submitted to Declarant for review and approval before installation.







*IMPROVING OUR COMMUNITIES.  
SHAPING THE WORLD AROUND US.*

**CREATING VALUE BY DESIGN.**

601 East Main Street, Suite 100  
Salisbury, MD 21804  
(410) 543-9091

1 Park Avenue  
Milford, DE 19963  
(302) 424-1441

106 Washington Street, Suite 103  
Easton, MD 21601  
(410) 770-4744

[www.dbfinc.com](http://www.dbfinc.com)

SITE DATA

TAX PARCEL NO.: 3-34-13.00-325.36  
DEED REF.: 2931/206  
EXISTING ZONING: C-3  
EXISTING USE: VACANT LAND  
PROPOSED USE: COMMERCIAL  
EXISTING SITE AREA: 10.000 ACRES  
PROPOSED SITE AREA: 7.6989 ACRES  
PROPOSED # OF LOTS: 3

C-3 SETBACKS  
FRONT: 60'  
SIDE: 5' / 20' IN WIDTH ON THE SIDE OF THE LOT ADJOINING A RESIDENTIAL DISTRICT  
REAR: 30'  
CORNER: 15'  
MIN LOT WIDTH: 75'  
MIN LOT DEPTH: 100'  
MIN LOT AREA: 1 ACRE  
MAXIMUM BUILDING HEIGHT: 42'

WATER PROVIDER: TIDEWATER UTILITIES, INC.  
SEWER PROVIDER: SUSSEX COUNTY

FLOOD ZONE: ZONE X - MINIMAL FLOODING  
FIRM MAP 10005C0351K  
MARCH 16, 2015  
DO NOT EXIST ON SITE

COUNTY PROJECT REFERENCE NUMBER: (2019-32)

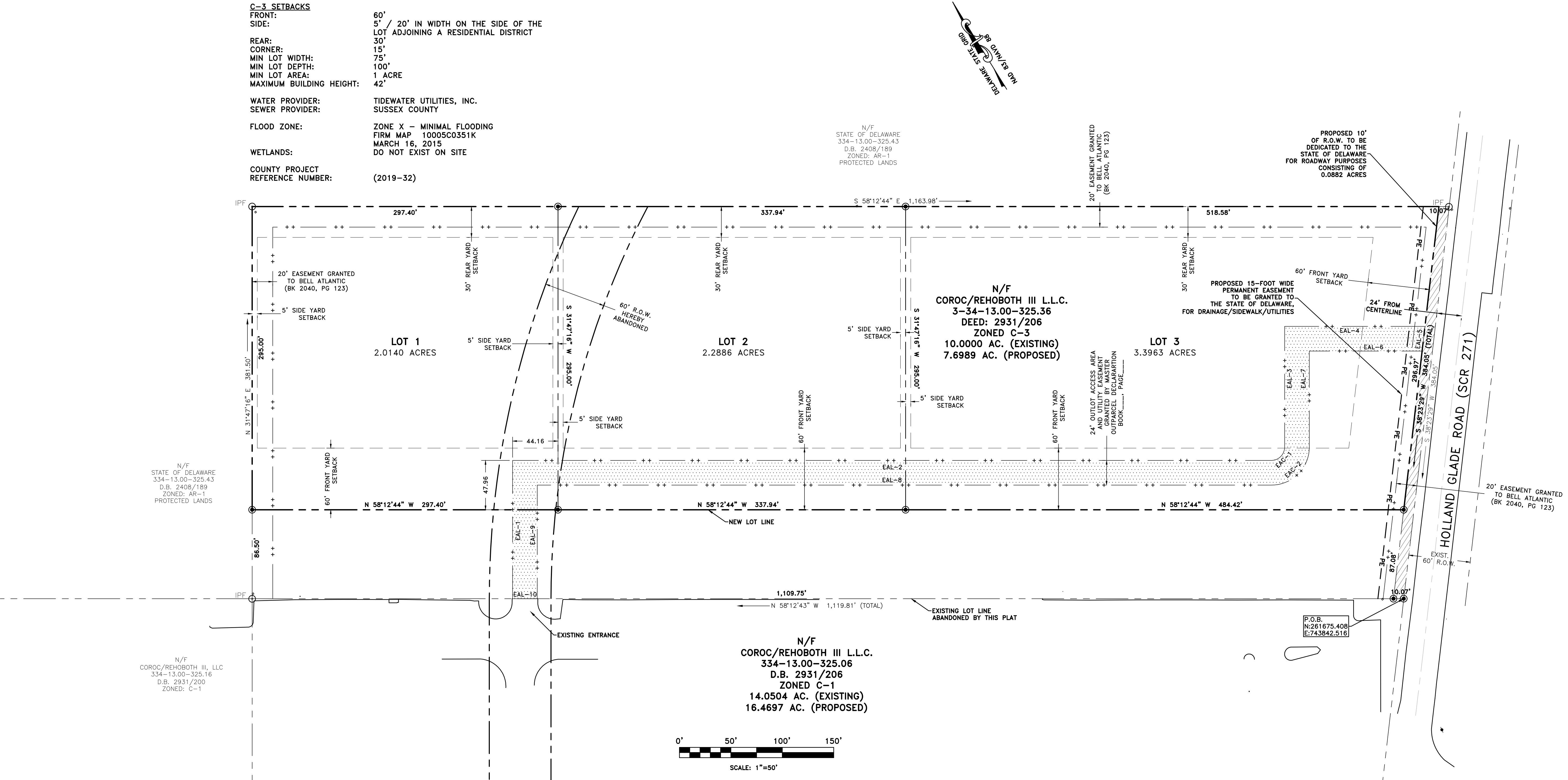
OWNER/DEVELOPER: COROC/REHOBOTH III L.L.C.  
3200 NORTHLINE AVE #360  
GREENSBORO, NC 27408  
ENGINEER/SURVEYOR: DAVIS, BOWEN & FRIEDEL, INC.  
1 PARK AVENUE  
MILFORD, DE 19963

APPROVED BY SUSSEX COUNTY PLANNING AND ZONING

COUNTY PROJECT REFERENCE NUMBER: (2019-32)

CHAIRMAN, PLANNING AND ZONING COMMISSION DATE

PRESIDENT, SUSSEX COUNTY COUNCIL DATE



ACCESS EASEMENT (A)  
LINE TABLE

LINE	BEARING	DISTANCE
EAL-1	N 31°47'16" E	134.46'
EAL-2	S 58°12'44" E	737.72'
EAL-3	N 31°47'16" E	117.41'
EAL-4	S 58°12'44" E	136.46'
EAL-5	S 38°23'29" W	24.16'
EAL-6	N 58°12'44" W	109.68'
EAL-7	S 31°47'16" W	93.41'
EAL-8	N 58°12'44" W	713.72'
EAL-9	S 31°47'16" W	110.46'
EAL-10	N 58°12'44" W	24.00'

ACCESS EASEMENT (A)  
CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
EAC-1	113.00'	20.42'	18.38'	N 76°47'16" E	90°00'00"
EAC-2	137.00'	58.12'	52.33'	S 76°47'16" W	90°00'00"

LEGEND:

- IPF
- IRCS
- DEED / BOUNDARY LINE
- PROPOSED PROPERTY LINE
- ADJACENT PROPERTY LINE
- BUILDING SETBACK
- ++ ACCESS EASEMENT
- ++ UTILITY EASEMENT

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT OUR DIRECTION, WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN BE RECORDED ACCORDING TO LAW.

COROC/REHOBOTH III L.L.C. DATE  
OWNER

ENGINEER'S STATEMENT

I, RING W. LARDNER, P.E., HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

by RING W. LARDNER, P.E.  
DAVIS, BOWEN & FRIEDEL, INC.  
1 PARK AVENUE  
MILFORD, DELAWARE 19963 DATE

TANGER OUTLETS - SEASIDE EXPANSION  
HOLLAND GLADE ROAD (SCR 271), REHOBOTH BEACH  
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DE

Revisions:  
2020-07-20  
SUSSEX P&Z COMMENTS

Date: DECEMBER 2019

Scale: 1" = 50'

Dwn.By: ACM

Proj.No.: 1360C001

Dwg.No.:

V-102

DAVIS, BOWEN & FRIEDEL, INC.  
ARCHITECTS ENGINEERS SURVEYORS  
SUSSEX COUNTY, DE  
MILFORD, DE 19963  
(302) 424-1441  
(410) 770-4744

MAJOR SUBDIVISION PLAN

## PLANNING & ZONING COMMISSION

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



## Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 24, 2020

Application: 2020-06 Lands of James & Denise Taylor (Taylormade)

Applicant/Owner: James & Denise Taylor  
26013 Bethesda Rd.  
Georgetown, DE 19947

Site Location: On the south side of Asketum Branch Rd. (S.C.R. 442) approx. 0.21  
mile southwest of Bryans Store Rd. (S.C.R. 435)

Current Zoning: AR-1 (Agricultural Residential)

Proposed Use: General Contracting Business

Comprehensive Land  
Use Plan Reference: Low Density

Councilmanic  
District: Mr. Vincent

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer: Septic

Water: Well

Site Area: 8.925 Acres

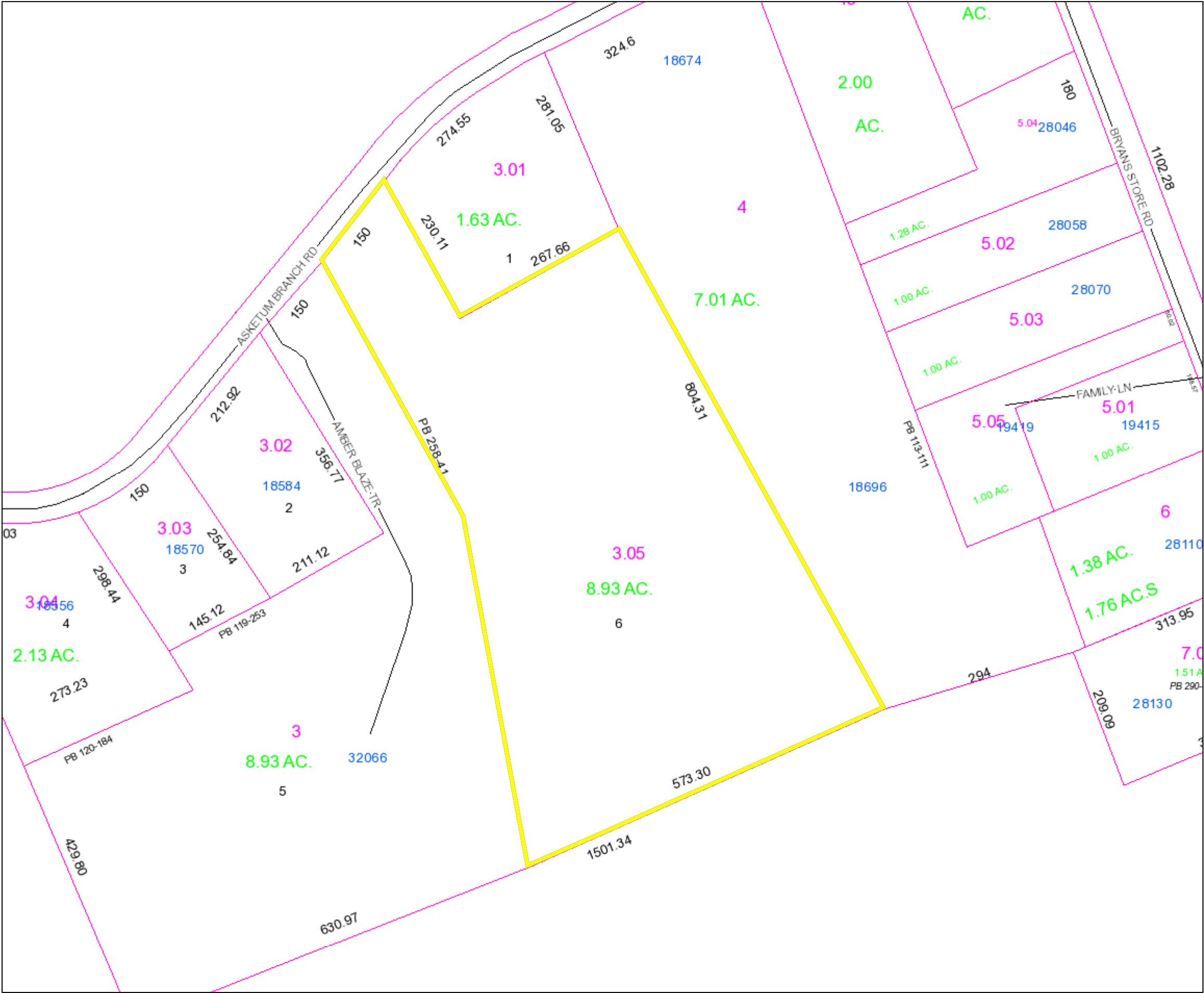
Tax Map ID.: 133-14.00-3.05







Sussex County



PIN:	133-14.00-3.05
Owner Name	TAYLOR JAMES
Book	5146
Mailing Address	26013 BETHESDA RD
City	GEORGETOWN
State	DE
Description	S/ASKETUM BRANCH RD
Description 2	W/BRYANS STORE RD
Description 3	LOT 6
Land Code	

- polygonLayer

Override 1
- polygonLayer

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

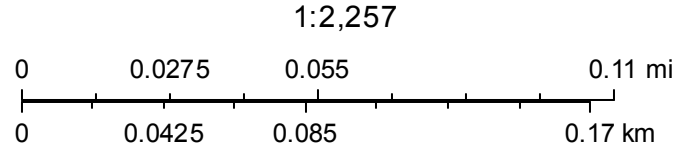
Tax Ditch Channel

Pond Feature

Special Access ROW

Extent of Right-of-Way

Municipal Boundaries







Sussex County



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polygonLayer

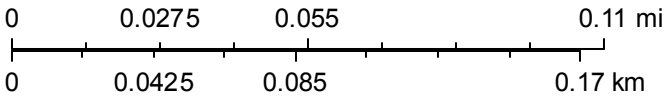
Override 1

polygonLayer

Override 1

- Tax Parcels
- 911 Address
- Streets

1:2,257







Sussex County



<b>PIN:</b>	133-14.00-3.05
<b>Owner Name</b>	TAYLOR JAMES
<b>Book</b>	5146
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<b>Description 3</b>	LOT 6
<b>Land Code</b>	

**polygonLayer**

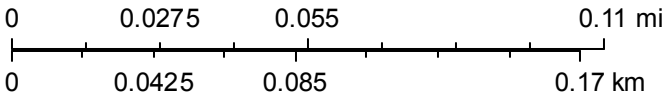
Override 1

**polygonLayer**

Override 1

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
  - Tax Ditch Channel
  - Pond Feature
  - Special Access ROW
  - Extent of Right-of-Way
  - Municipal Boundaries

1:2,257





**Sussex County Major Subdivision 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)**Standard: ☒Cluster: ☐ESDDOZ: ☐**Location of Subdivision:**

Taylor-made CR 442 (Asketum Branch Rd), Georgetown,  
De 19947

**Proposed Name of Subdivision:**

Taylor-made

Tax Map #: 1-33-14.00 3.05 Total Acreage: 8.925

Zoning: \_\_\_\_\_ Density: \_\_\_\_\_ Minimum Lot Size: .75 Number of Lots: 4

Open Space Acres: \_\_\_\_\_

Water Provider: well Sewer Provider: private (on site)

**Applicant Information**

Applicant Name: James & Denise Taylor  
Applicant Address: 26013 Bethesda Rd.  
City: Georgetown State: De Zip Code: 19947  
Phone #: 302-858-6066 E-mail: Hubbard9778@gmail.com

**Owner Information**

Owner Name: James & Denise Taylor  
Owner Address: 26013 Bethesda Rd.  
City: Georgetown State: De Zip Code: 19947  
Phone #: 302-858-6066 E-mail: Hubbard9778@gmail.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: \_\_\_\_\_  
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



## Check List for Sussex County Major Subdivision Applications


The following shall be submitted with the application

- \_\_\_ Completed Application
- \_\_\_ Provide fifteen (15) copies of the Site Plan or Survey of the property and a PDF (via e-mail)
  - Plan shall show the existing conditions, setbacks, roads, floodplain, wetlands, topography, proposed lots, landscape plan, etc. **Per Subdivision Code 99-22, 99-23 & 99-24**
  - Provide compliance with Section 99-9.
  - Deed or Legal description, copy of proposed deed restrictions, soil feasibility study
- \_\_\_ Provide Fee \$500.00
- \_\_\_ Optional - Additional information for the Commission to consider (ex. photos, exhibit books, etc.) If provided submit seven (7) 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.
- \_\_\_ PLUS Response Letter (if required)
- \_\_\_ 51% of property owners consent if applicable

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

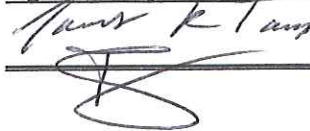
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety,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

Signature of Applicant/Agent/Attorney

  
\_\_\_\_\_

Date: 5/20/2020

Signature of Owner

  
\_\_\_\_\_

Date: 5/20/2020

For office use only:

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

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

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

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

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

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

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

James & Denise Taylor  
26013 Bethesda road  
Georgetown, De. 19947  
302-462-6604  
[Hubbard9778@gmail.com](mailto:Hubbard9778@gmail.com)  
RE: Property on Asketum Branch road #1-33-14-3

June 8, 2020

To Whom It May concern:

Thank you for taking the time to review our application for a major subdivision at Lot 6, Asketum Branch Road in Georgetown, Delaware. We recently purchased the land in hopes of being able to subdivide it up to 4 times to give land to our children, who are still in school. We would like to ask to be excluded from the forested buffer requirements and the paved road requirements. As immediate family who would be the individuals to utilize the roads access, I would like to ask that having a paved road can be waived. As for maintenance, the cost of maintaining the road will be shared by the children and ourselves. As for the forested buffer, if our plans are approved three of the lots will be .75 acres in size. They are large sized lots and there will be plenty of distance between the property lines and the buildings built on the properties, as well as distance from neighboring properties.

Thank you for your time and consideration in this matter. Please contact my husband or I with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'S' or 'J' shape with a horizontal line crossing through it.



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/8/2020**

APPLICATION: **2020-06 Lands of James & Denise Taylor (Taylormade)**

APPLICANT: **James and Denise Taylor**

FILE NO: **WSPA-5.01**

TAX MAP &  
PARCEL(S): **133-14.00-3.05**

LOCATION: **On the south side of Asketum Branch Road (SCR 442),  
approximately 0.21 mile southwest of Bryans Store Road (SCR  
435)**

NO. OF UNITS: **General Contracting Business**

GROSS  
ACREAGE: **8.925**

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

**SEWER:**

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed project is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:

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

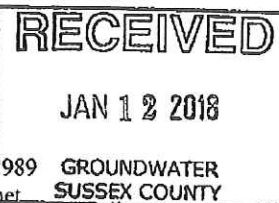
Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
No Permit Tech Assigned

557928



25092 Oak Road  
Seaford, DE 19973

Phone & Text: (302) 629-2989  
Email: jayduke@comcast.net



### SITE EVALUATION APPROVAL PAGE

*The soils on this site are approved when the following is completed in full and signed by the approving authority. Isolation distance requirements, limited area of suitable soils, placement of fill, removal of soil, or compaction of the evaluated area may preclude construction permit approval or modify the type of system that may be permitted. An approved report must accompany any permit application. This is not a construction permit. All references to the Regulations refer to The Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems Amended 1/11/2014.*

<b>Owner(s) Name:</b>	Sisters Three, LLC	<b>Tax Map #:</b>	1-33-14-3
		<b>Lot #:</b>	6
<b>Address:</b>	3130 New Campus Ct., Cumming, GA 30041	<b>Phone:</b>	(239) 994-0040
<b>Initial System Type:</b>	Elevated sand mound (ESM), Peat System or Micro-Irrigation "Drip" on-site wastewater treatment and disposal system (OWTDS) (see Exhibits Q, BB & DD, respectively, in the Regulations). <i>This property is located within the Inland Bays or Chesapeake Bay Watersheds; Nitrogen Reducing Technologies meeting PSN3 must be incorporated in the design of the OWTDS.</i>		
<b>Location of Drain Field:</b>	In the vicinity of soil borings (SB) #1 - #3 (hatched area on the plot plan).		
<b>Depth to Limiting Zone:</b>	20" to redox concentrations & depletions.		
<b>Replacement System Type:</b>	Same as above if space permits. Otherwise, the replacement system may be sand-lined in the vicinity of the initial system.		
<b>Location of Drain Field:</b>	In the immediate vicinity of soil borings referred to above.		
<b>Depth to Limiting Zone:</b>	Same as above.		

#### Design Comments

1. Maintain all isolation distances specified in Exhibit C of the Regulations.
2. Maintain a 100' isolation distance from all domestic wells and 150' from all public wells.
3. To avoid soil compaction, the area in the vicinity of the proposed drainfield should be identified and protected from any vehicular traffic or stockpiling of any material. In addition any tree removal in this vicinity should be conducted according to DNREC strict guidelines.

#### Instructions to the Property Owner

1. Contact a Class C System Designer.
2. A permeability rate of 80 minutes per inch (mpi) has been estimated for the soils on this site. These estimated rates are used to determine the required size of the disposal area. They are based on soil texture and are derived from tables developed by the DNREC. You may elect to use the estimated rate to size the disposal system or have the appropriate tests conducted. Contact the Site Evaluator at (302) 629-2989 or DNREC [(302) 856-4561 in Sussex or (302) 739-9947 in Kent] for testing information.
3. Read the attached Site Evaluation Report for additional information.

Report prepared by: Joseph C. Duke, Jr., CPSS

Date of report: January 10, 2018  
Class "D" License #: 4048

#### For Official Use Only

Field checked: \_\_\_\_\_  
DNREC Reviewing Soil Scientist \_\_\_\_\_

Expiration Date: 1/17/23  
Approval Date: 1/17/18

*Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.*





**Coastal Soil  
Consultants, Inc.**

25092 Oak Road  
Seaford, DE 19973

Phone & Text: (302) 629-2989  
Email: jayduke@comcast.net

**SITE EVALUATION REPORT PAGE**

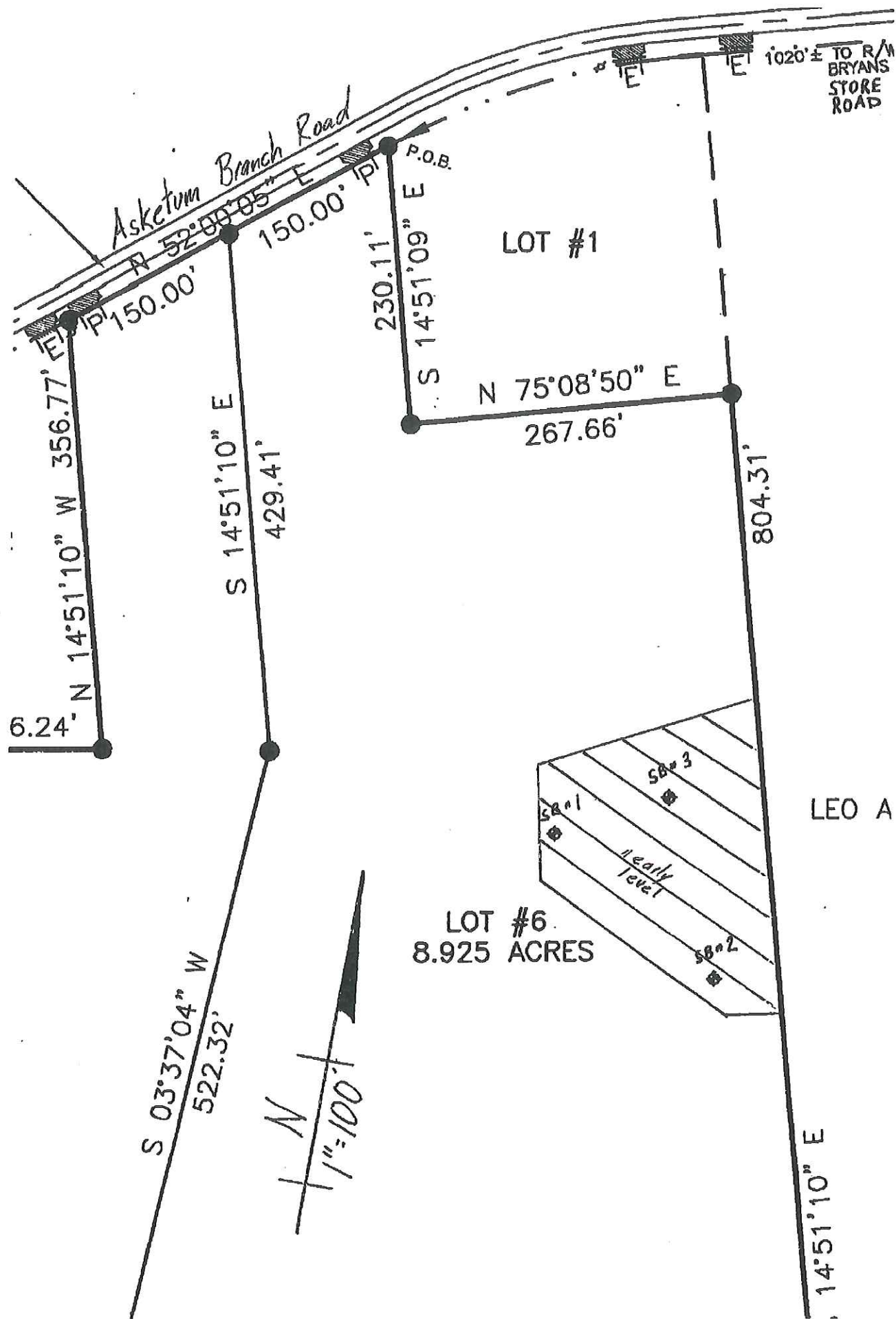
Owner(s) Name:	Sisters Three, LLC	Tax Map #:	1-33-14-3	
		Lot #:	6	
Address:	3130 New Campus Ct. Cumming, GA 30041	Phone:	(239) 994-0040	
Property Location:	South side of Asketum Branch Road			
Acreage:	8.925 acres±			
Date of Evaluation:	12/21/17			
Central Water Available:	No			
Wooded:	Yes			
2007 SWMP:	None per DNREC Navigator			
FEMA V zone:	None per DNREC Navigator			
HUC 12:	020403030202			
Soil Profile #:	Limiting Zone Depth:	Limiting Zone Inferred From:	Subgroup Taxonomic Classification:	Free Water:
SB #1	20"	redox concentrations	Aquic Hapludult	>60"
SB #2	20"	redox concentrations & depletions	Aquic Hapludult	>60"
SB #3	26"	redox concentrations	Oxyaquic Hapludult	>60"

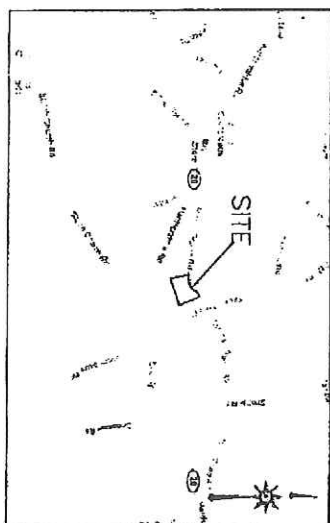
**Summary of Evaluation:** This site evaluation was conducted to assess the soil's suitability for siting an OWTDS. The evaluated portion of this parcel occupies a nearly level landscape position of a broad interstream divide that was wooded at the time of this evaluation. The evaluated soils in the vicinity of SBs #1 - #3 (hatched area) are moderately well drained and moderately permeable. The soils in this vicinity meet the current regulatory requirements for an ESM, Peat System or Micro-Irrigation "Drip" OWTDS. *This property is located within the Inland Bays or Chesapeake Bay Watershed; Nitrogen Reducing Technologies meeting PSN3 must be incorporated in the design of the OWTDS.* Miller-Lewis Inc. of Seaford, DE located all soil borings.

Report prepared by: Joseph C. Duke, Jr., CPSS

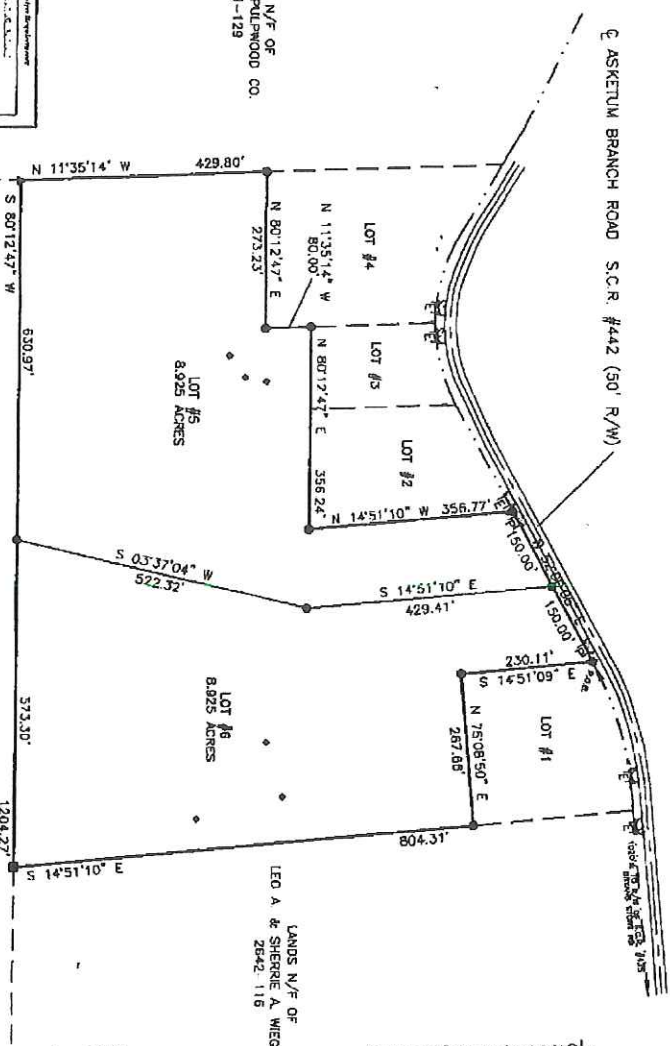
Date of report: January 10, 2018  
Class "D" License #: 4048

*Note: Information contained in this Site Evaluation Approval & Report and shown on the accompanying plot plan reflects current Delaware Department of Natural Resources and Environmental Control (DNREC) policies and procedures at the time of evaluation. Changes made to the property or to adjacent properties after the evaluation was conducted may preclude or modify wastewater disposal regardless of site evaluation approval. Data contained in this report may include information obtained from property owners, their agents, residents, adjacent residents, and departmental permits, when readily available. While this information is believed to be accurate, it does not guarantee a wastewater disposal permit and should not be construed as a survey. All information should be verified by interested parties prior to design and installation of the wastewater disposal system. Interpretations made in this evaluation are intended for siting and design of an on-site wastewater disposal system only and are not suitable for other uses. Unless this report has been reviewed and approved by DNREC, it constitutes only a technical opinion rendered and does not constitute an approval for siting or design of any wastewater disposal system on this site.*





VICINITY MAP  
SCALE: 1" = 1 MILE



LEGEND:

- CONCRETE MONUMENT (FOUND)
- ▲ POINT IN 24" OAK
- IRON PIPE (SET)
- \* UTILITY POLE
- ◆ SOIL BORING
- ⬆ POSTING ENTRANCE
- ⬆ PROPOSED ENTRANCE

**ME**

DATE \_\_\_\_\_

MINOR SUBDIVISION FOR  
SISTERS THREE L.L.C.

ASKETUM BRANCH ROAD, GEORGETOWN, DE 19947

SCALE: 1" = 150'

[illegible]

DATE	REVISION

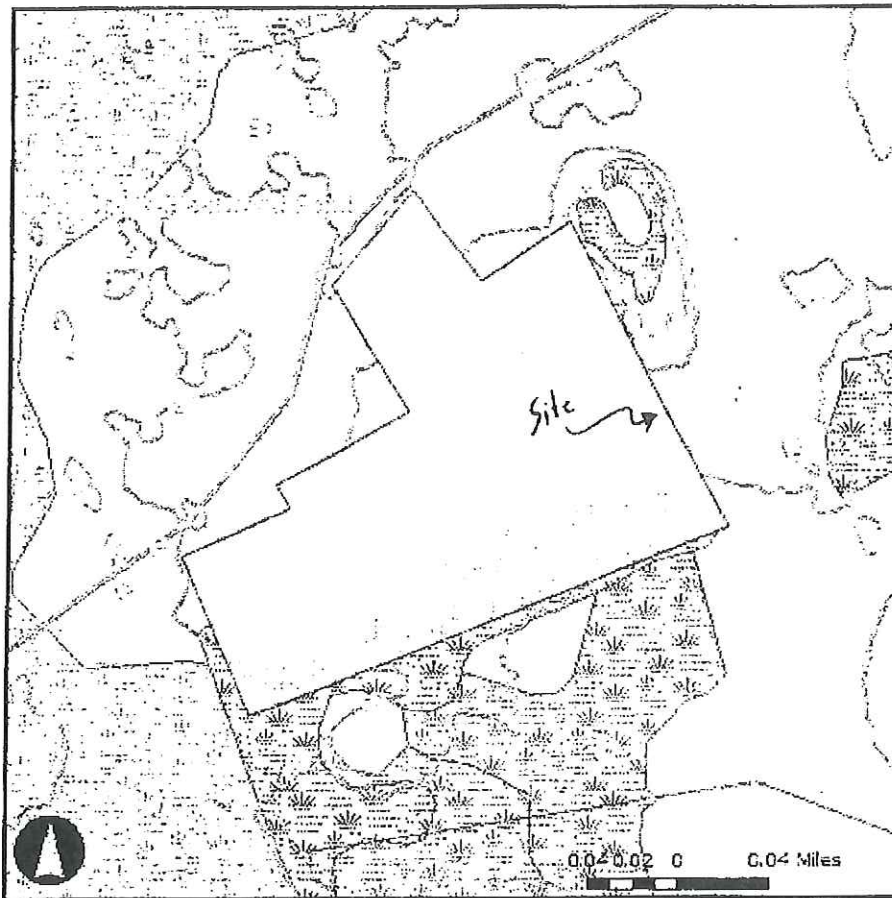
**MILLER  
LEWIS, INC.**  
LAND SURVEYING  
1560 MIDDLEFORD ROAD  
SEAFORD, DELAWARE 19875  
PHONE 302 628 9493  
FAX 302 629 2356

DECEMBER 27, 2017

HUNDRED	COUNTY
DAGSBORO	SUSSEX
STATE	DROWN BY
DELAWARE	D.K. MILLER
685. DB 3417-338	FILE: SISTERS THREE 1-33-14-3



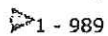
# Map



## Parcels Sussex



## Tax Ditch Segments



1 - 989

990

991 - 993

994 - 999

## Tax Ditch Maximum ROWs

Extent of Right-of-Way

## Tax Ditch Areas



Approx. Watershed Boundary

## FEMA Flood Maps

X 500'

A

AE

AO

VE

## State Wetlands 2007

Agriculture

Estuarine Non-Vegetated

Estuarine Vegetated

Lacustrine

Marine Non-vegetated

Palustrine Emergent

Palustrine Forested

Palustrine Forested Deciduous

Palustrine Forested Evergreen

Palustrine Open Water/ Flats

Palustrine Open Water/Flats

Palustrine Scrub/Shrub

## State Wetlands 2007 (continued)

Palustrine Scrub/shrub

Palustrine Tidal Emergent

Palustrine Tidal Forested

Palustrine Tidal Forested

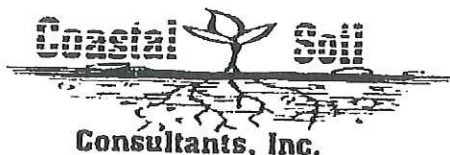
Palustrine Tidal Scrub/Shrub

Riverine Non-vegetated

Riverine Vegetated

Copyright DNREC 2009

Copyright Delaware Department of Natural Resources and Environmental Control, 2009



25092 Oak Road  
Seaford, DE 19973

Consultants, Inc.

Phone & Text: (302) 629-2989  
Email: jayduke@comcast.net

Soil Profile Note Page

Property Owner: Sisters III

Date: 12/21/2017

Property Location: Asketum Branch Rd

Lot # 5, Lot # 6

Soil Boring#: <u>1</u>	Slope: <u>0-1</u> %	Relief: <u>nearly level</u>
Estimated Permeability: <u>60</u> MPI	Limiting Zone: <u>20"</u>	<u>to redox conc.</u>
Taxonomic Classification: <u>Agric Hapludult</u>	Free Water: <u>&gt;60"</u>	
GPS: N 38° <u>36</u> ' <u>4.95</u> "	W 75° <u>24</u> ' <u>56.92</u> "	

Horizon	Depth below soil surface	Matrix Color	Mottles	Ab. S. Con.	Texture	Structure	Const.
A	0 - 4	10YR 4/2	—	—	fsl	2mg	f
E	4 - 20	10YR 4/2	—	—	fsl	1mshk	f
Bt	20 - 30	10YR 4/4	7.5YR 4/6	22P	scl	2mshk	f
Cg	30 - 60	11YR 5/2	10YR 4/6	CIP	fsl	m	f
	-						
	-						

Soil Boring#: <u>2</u>	Slope: <u>0-1</u> %	Relief: <u>nearly level</u>
Estimated Permeability: <u>80</u> MPI	Limiting Zone: <u>20"</u>	<u>to redox depletion</u>
Taxonomic Classification: <u>Agric Hapludult</u>	Free Water: <u>&gt;60"</u>	
GPS: N 38° <u>36</u> ' <u>4.25</u> "	W 75° <u>24</u> ' <u>55.93</u> "	

Horizon	Depth below soil surface	Matrix Color	Mottles	Ab. S. Con	Texture	Structure	Const.
A	0 - 4	10YR 4/2	—	—	fs	2mg	f
E	4 - 20	2.5Y 4/3	—	—	fs	1mshk	f
Bt1	20 - 40	10YR 7/6	10YR 4/2 7.5YR 4/3	22P	scl	2mshk	f
Bt2	40 - 50	10YR 7/2	7.5YR 4/6	CIP	scl	m	f
Cg	50 - 60	10YR 7/2	7.5YR 4/6	20	scl	m	f
	-						

38° 36' 5.44" N  
75° 24' 55.80" W

Joseph C. Duke, Jr. CPSS, Class D License #: 4048

SB#3 = similar to SB#1,  
26" to redox conc, 40mpi, Oxyaquic Hapludult, FW >60"

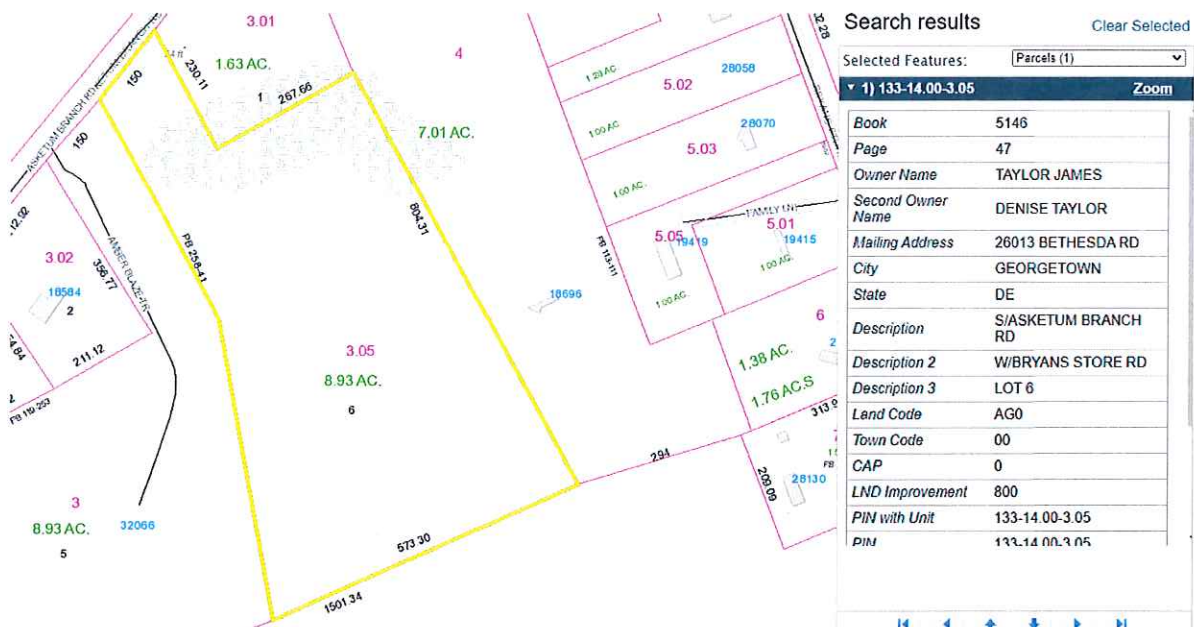
September 16, 2020

RE: 2020-06 Lands of James & Denise Taylor

To Whom it May Concern,

The Lands of Taylor subdivision request dividing Lot 6 (133-14.00-3.05) of the Sisters Three LLC lots into a further 4 lots raises some concerns.

- 1) The lands are under deed restrictions (filed October 27, 2015 DEED Book 4462 page 173) that restrict clearing of trees within 30' of property lines.  
The letter from Denise Taylor dated June 8, 2020 is requesting exemption from the forested buffer requirements for subdivision of land: Sussex County Code Chapter 99-5. The deed restrictions are more restrictive than the County Code requirements of 20' Forested Buffer.
- 2) The entire width of the 150' roadway frontage, and most of the proposed Lot 1 are wetlands. Please note the Sussex County map below.



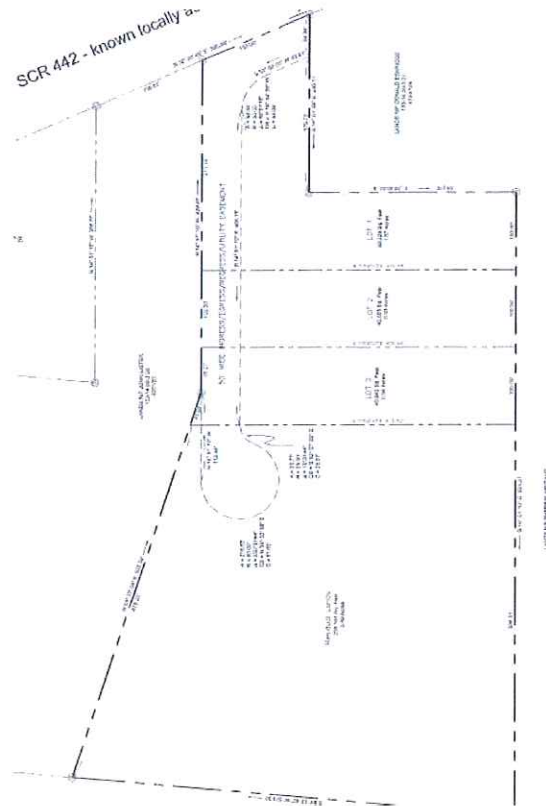
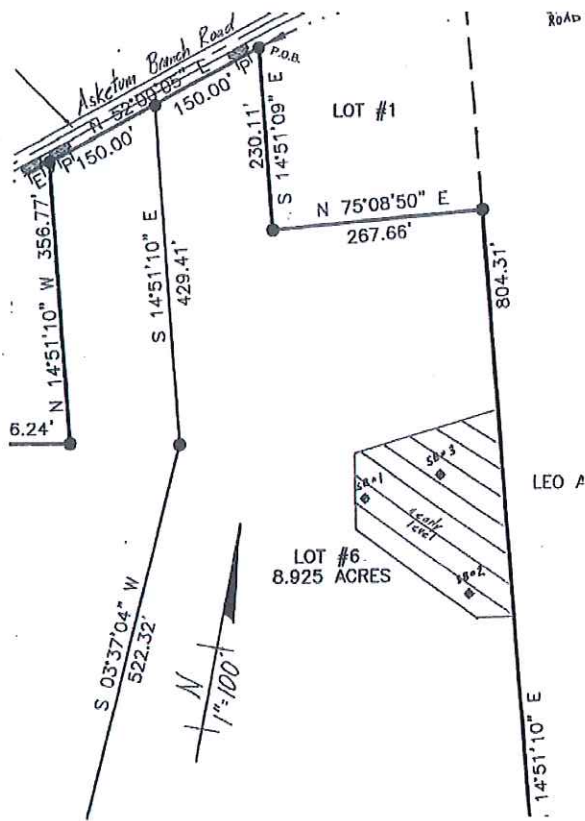
- 3) The soil percolation tests conducted by Coastal Soils dated January 2018 indicate elevated mound septic in an area that would be located on the proposed Residual Lands and a small section of proposed Lot 3. There are currently no soil borings on located on proposed Lot 1 or 2. Note images below

RECEIVED

SEP 18 2020

SUSSEX COUNTY  
PLANNING & ZONING



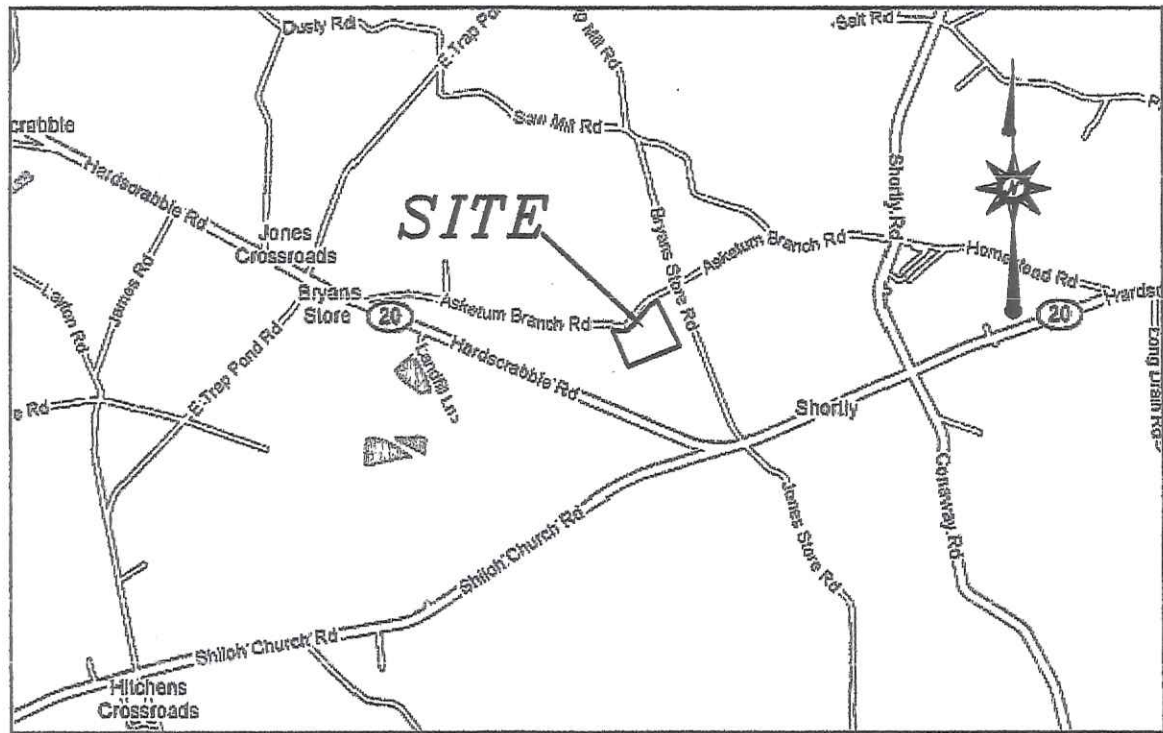
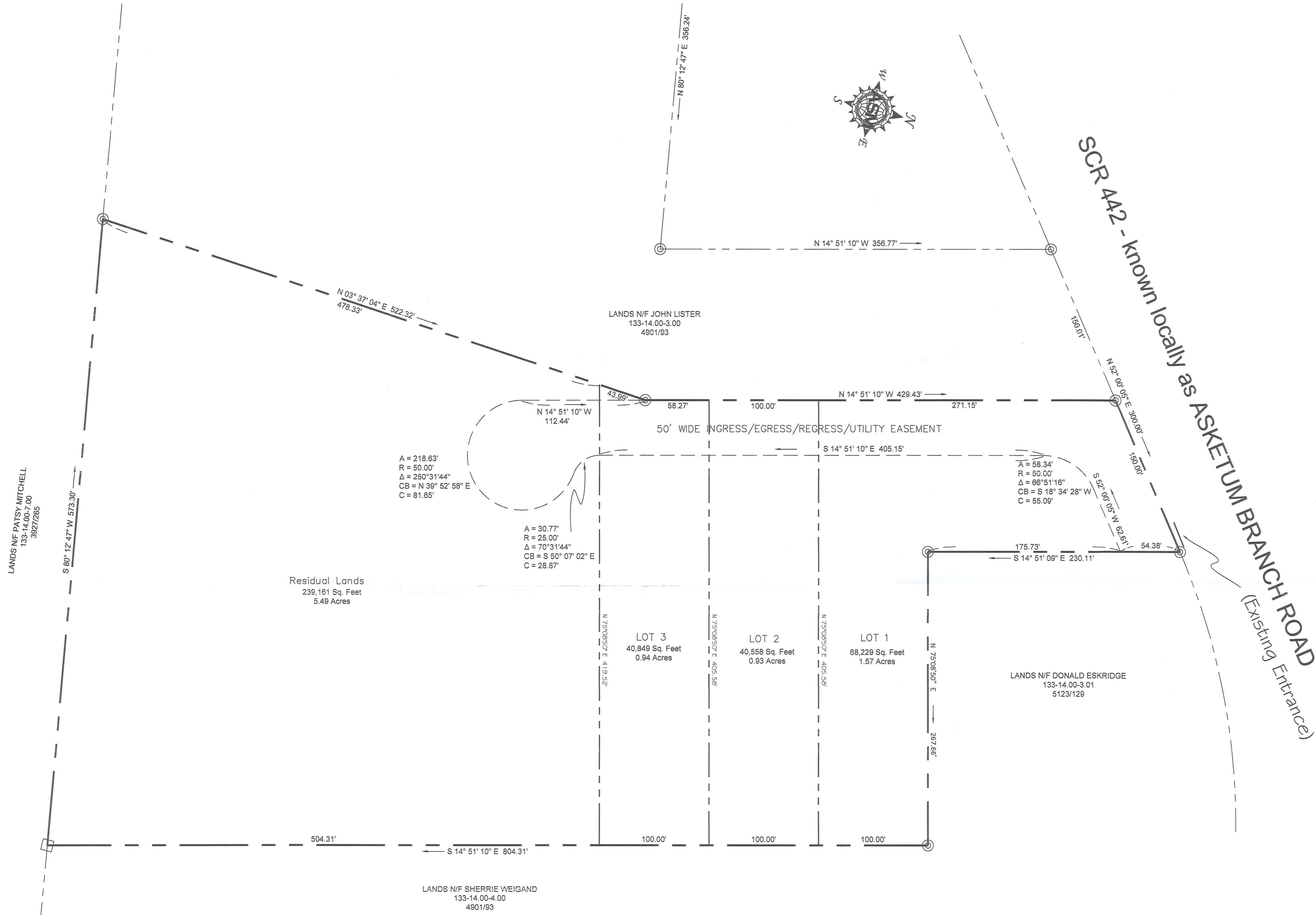


It is requested that all current deed restrictions on the Lands of James & Denise Taylor 133-14.00-3.05 be transferred to any proposed new lots/residual lands, including the forested buffer requirements and the county code requirement of forested buffer – including on the west side of the ingress/egress.

Thank you for your time.

Rachael





ATLANTIC  
SURVEYING &  
MAPPING, L.L.C.

P.O. BOX 247  
HARBESON, DE 19851  
PH. 302-684-2980

professional seal

Minor Subdivision Plan  
Lands of James & Denise Taylor  
Dagsboro Hundred, Sussex County, Delaware

Project

Revisions

Surveyed By: G.H.  
Prepared By: P.E.L./H.J.  
Checked By: M.J.  
Project #: 191104-Taylor  
Client: James Taylor

No recorded or non-recorded rights-of-way,  
easements or other encumbrances affecting  
these lands have been provided to Atlantic  
Surveying & Mapping LLC by the Client. No  
Warranty as to title to any lands depicted  
hereon is explicitly or implicitly provided.

Date: 02/28/2020  
Rev.08/07/2020

Scale:  
As Shown

Sheet 1 of 1



## PLANNING & ZONING COMMISSION

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



## Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date September 24, 2020.

Application: (CZ 1906) Eliud Ramirez-Mejia

Applicant: Eliud Samuel Ramirez Mejia  
153 Clayton Avenue  
Frankford, DE 19945

Owner: Eliud Samuel Ramirez Mejia  
153 Clayton Avenue  
Frankford, DE 19945

Site Location: Located on the west side of Dagsboro Road (Route 20) approximately  
0.24 mile south of Crickett Street at 27346 Dagsboro Road, Dagsboro,  
DE 19947.

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Commercial (C-2)

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmatic  
District: Mr. Rieley

School District: Indian River School District

Fire District: Dagsboro Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 2.53 acres +/-

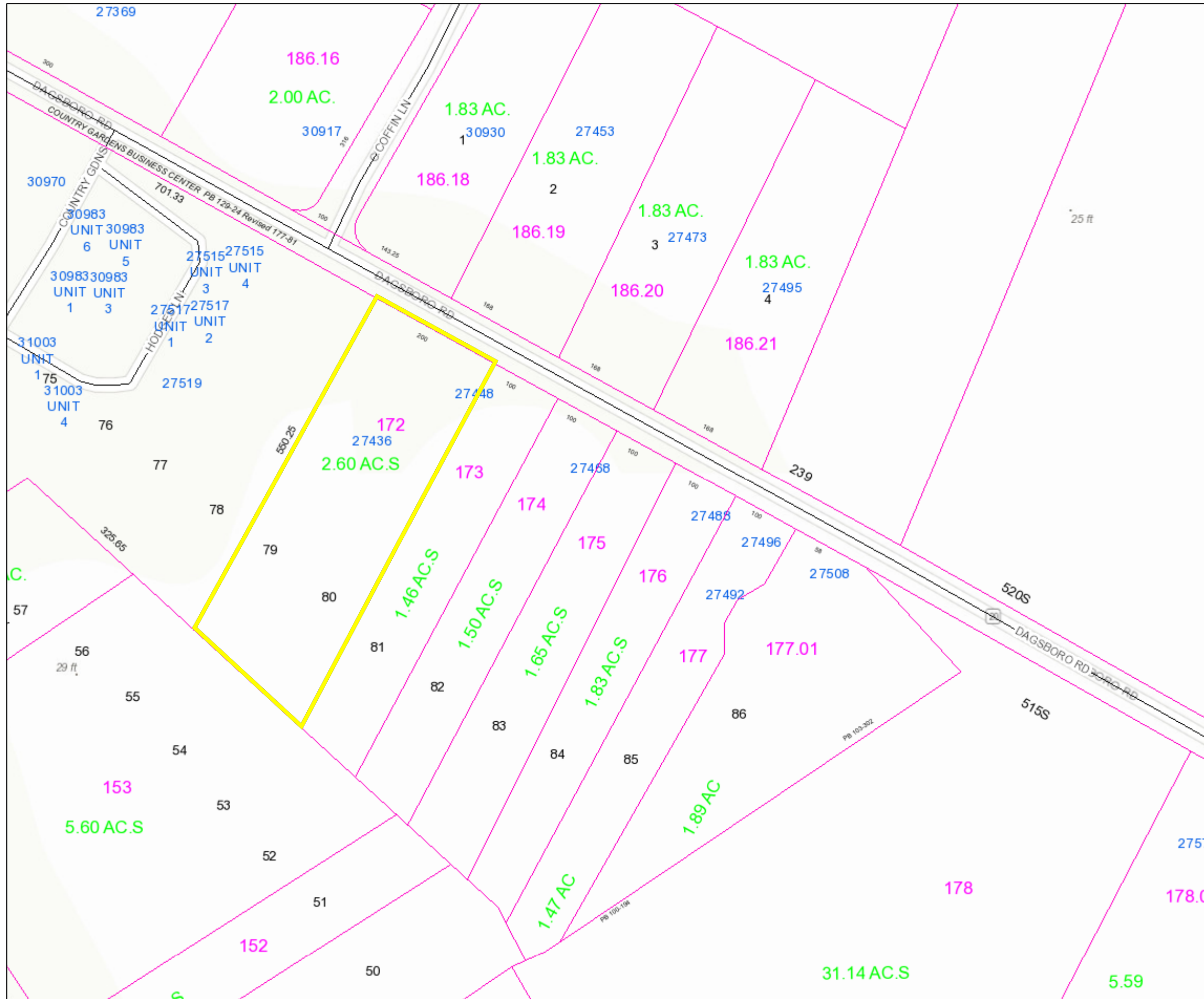
Tax Map ID.: 233-5.00-172.00





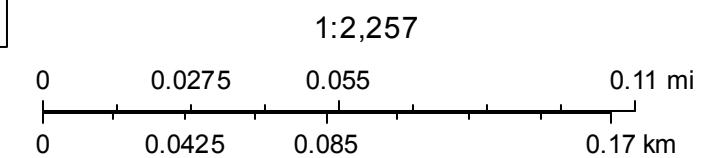


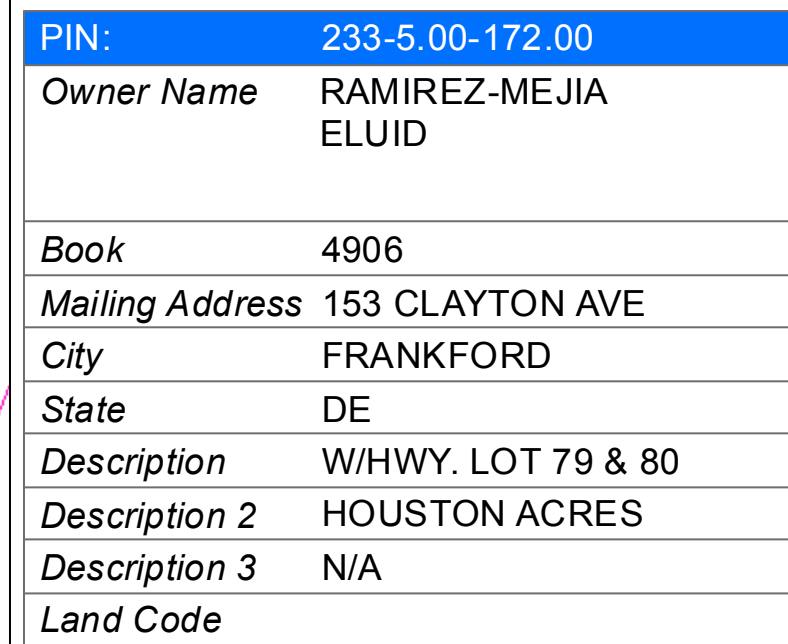
# Sussex County



<b>PIN:</b>	233-5.00-172.00
<b>Owner Name</b>	RAMIREZ-MEJIA ELUID
<b>Book</b>	4906
<b>Mailing Address</b>	153 CLAYTON AVE
<b>City</b>	FRANKFORD
<b>State</b>	DE
<b>Description</b>	W/HWY. LOT 79 & 80
<b>Description 2</b>	HOUSTON ACRES
<b>Description 3</b>	N/A
<b>Land Code</b>	

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





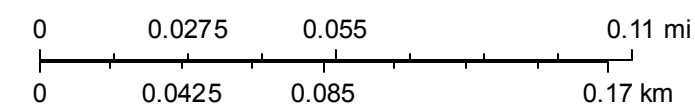
### Override 1

### Override 1

911 Address

— Streets

1:2,257





Mailing List Exhibit Map  
Planning Commission  
CZ 1906 Eliud Ramirez-Mejia  
233-5.00-172.00

Eliud Samuel Ramirez-Mejia  
153 Clayton Avenue  
Frankford, DE 19945

Located on the south side of Dagsboro Road (Route 20) at 27436 Dagsboro Road, Dagsboro,  
DE 19947.



233-5.00-155.00

233-5.00-172.00

233-5.00-173.00

233-5.00-174.00

233-5.00-175.00

233-5.00-176.00

233-5.00-177.00

233-5.00-177.01

233-5.00-178.00

233-5.00-153.00

233-5.00-154.00

233-5.00-186.18

233-5.00-186.19

233-5.00-186.20

233-5.00-186.21

233-5.00-192.00

233-5.00-152.00

0 0.01250.005 0.05 0.075 0.1 Miles

DeIDOT Planning, Surdex Corp, 2017



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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 2, 2020  
RE: Staff Analysis for CZ 1906 Eliud Samuel Ramirez-Mejia

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1906 Eliud Samuel Ramirez-Mejia to be reviewed during the September 24, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 233-5.00-172.00 to facilitate a change from an Agricultural Residential (AR-1) Zoning District to the Medium Commercial (C-2) Zoning District and is located at 27436 Dagsboro Road on the west side of Dagsboro Road (Route 20), approximately 0.24 miles south of Crickett Street. The size of the property is 2.60 acres +/-.

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

The areas to the north, east and south are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. The "Coastal Areas" also supports a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed. The parcels to the northwest of parcel 172.00 are designated "Commercial Areas." "Commercial Areas" include concentrations of retail and service including commercial corridors, shopping centers

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

The property is zoned Agricultural Residential (AR-1). The properties to the southeast, south and north sides of the application site on the opposite side of Dagsboro Road (Route 20) are zoned Agricultural Residential (AR-1) Zoning District. Properties to the west side of the application site are zoned General Commercial (C-1) as well as several properties to the southwest.



Since 2011, there have been two Change of Zone applications within the vicinity of the application site: To the east is CZ 1781 (Tax Parcel: 233-10.00-17.00) to facilitate a Change of Zone from an Agricultural Residential (AR-1) Zoning District to General Commercial (C-1) Zoning District, which was approved by County Council on September 22<sup>nd</sup>, 2015 through Ordinance #2418. The second application, to the west is CZ 1756 (Tax Parcel: 233-5.00-135.00) to facilitate a change of zone from an Agricultural residential (AR-1) Zoning District to a General Commercial (C-1) Zoning District, which was approved by County Council on October 7<sup>th</sup>, 2014 through Ordinance #2369.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Commercial (C-2) in this location, subject to parcel size and proposed zoning, could be considered as having a degree of consistency with the land use, surrounding area zoning and surrounding uses.

File #: CZ1906  
201911602

## 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**

27436 Pagsboro Rd, Pagsboro DE 19947

**Type of Conditional Use Requested:**

N/A

Tax Map #: 233-5.00-172.00 Size of Parcel(s): 2.53 Acres

Current Zoning: AR-1 Proposed Zoning: C-2 Size of Building: 3,200 SQFT

**Land Use Classification:**

Water Provider: On site Sewer Provider: On site

**Applicant Information**

Applicant Name: Eliud Samuel Ramirez Mejia  
Applicant Address: 153 Clayton Ave  
City: Frankford State: DE Zip Code: 19945  
Phone #: 302 278 5471 E-mail: Eliud@Coastalpaintremodeling.com

**Owner Information**

Owner Name: As Above  
Owner Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: N/A  
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_





## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

### Signature of Applicant/Agent/Attorney

\_\_\_\_\_

Date: 10/09/2019

### Signature of Owner

\_\_\_\_\_

Date: 10/09/2019

### For office use only:

Date Submitted: 10/9/19

Staff accepting application: CEH

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

Fee: \$500.00 Check #: credit card

Application & Case #: 2019 11602

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

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

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

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

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



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

JENNIFER COHAN  
SECRETARY

September 25, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request (SLER) for the **Eliud Samuel Ramirez-Mejia** rezoning application, which we received on August 30, 2019. This application is for an approximately 2.53-acre parcel (Tax Parcel: 233-5.00-172.00). The subject land is located on the south side of Dagsboro Road (Sussex Road 334), approximately 1,000 feet east of the intersection of Dagsboro Road and Thorogoods Road (Sussex Road 333), south of the Town of Millsboro. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop up to three 3,200 square-foot unspecified buildings.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Dagsboro Road where the subject land is located, which is from the northwest Dagsboro limits to US Route 113, are 10,771 and 13,862 vehicles per day, respectively.

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

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



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

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Eliud Samuel Ramirez-Mejia, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/8/2020**

APPLICATION: **CZ 1906 Eliude Ramirez-Mejia**

APPLICANT: **Eliude Samuel Ramirez-Mejia**

FILE NO: **DFPA-6.03**

TAX MAP &  
PARCEL(S): **233-5.00-172.00**

LOCATION: **West side of Dagsboro Road (SR 20) approximately 0.24 mile south of Cricket Street. 27346 Dagsboro Road, Dagsboro, DE**

NO. OF UNITS: **Upzone from AR-1 to C-2 (medium commercial)**

GROSS  
ACREAGE: **2.53**

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

**SEWER:**

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

Yes ☐

No ☒

- a. If yes, see question (2).  
b. If no, see question (7).

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

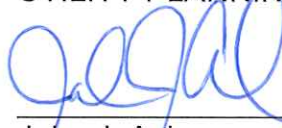
- (3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

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

- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Change of Zone is located in a Tier 2 area for sanitary sewer. The Sussex County Engineering Department does not have a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

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

# FUQUA, WILLARD, STEVENS & SCHAB, P.A.

PAYNTER HOUSE ☒  
26 THE CIRCLE OR P.O. BOX 250  
GEORGETOWN, DELAWARE 19947  
PHONE 302-856-7777  
FAX 302-856-2128  
onthecircle@fwsslaw.com

JAMES A. FUQUA, JR.  
WILLIAM SCHAB  
TIMOTHY G. WILLARD  
TASHA MARIE STEVENS  
MELISSA S. LOFLAND  
NORMAN C. BARNETT  
www.fwsslaw.com

HART HOUSE ☐  
9 CHESTNUT STREET  
GEORGETOWN, DELAWARE 19947  
PHONE 302-856-9024  
FAX 302-856-6360  
realestate@fwsslaw.com

REHOBOTH OFFICE ☐  
20245 BAY VISTA ROAD, UNIT 203  
REHOBOTH BEACH, DE 19971  
PHONE 302-227-7727  
FAX 302-227-2226

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

LEWES REAL ESTATE OFFICE ☐  
16698 KINGS HIGHWAY, SUITE B  
LEWES, DELAWARE 19958  
PHONE 302-645-6626  
FAX 302-645-6620  
realestate@fwsslaw.com

August 31, 2020

**RE: Change of Zone**  
**CZ# 1906**  
**Eliud Samuel Ramirez-Mejia**

Dear Chairman Wheatley:

I represent Mr. Ramirez who has applied for this change of zone. Enclosed is a packet of information supporting this application.

1. Tax Maps;
2. Future Land Use Map;
3. Zoning Maps;
4. Surrounding Maps;
5. DelDot No TIS;
6. Staff Analysis;
7. CZ# 1781 Minutes;
8. Site Plan

Respectfully submitted,

FUQUA, WILLARD,  
STEVENS & SCHAB, P.A.

By: 

Timothy G. Willard

TGW/jel  
Enclosures  
Pc: Steven Engel  
Mr. Eliud Ramirez-Mejia



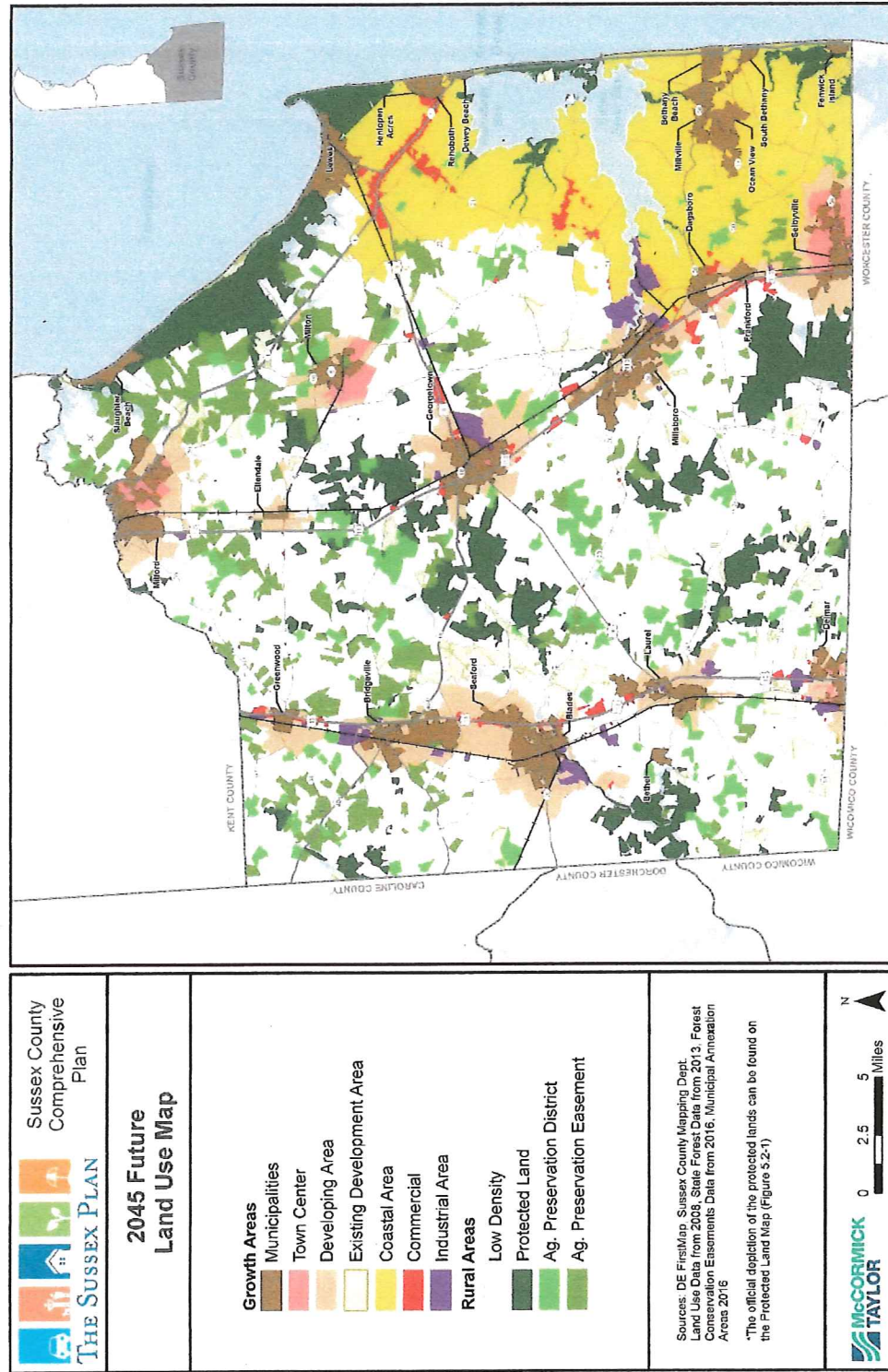
Mailing List Exhibit Map  
Planning Commission  
CZ 1906 Eliud Ramirez-Mejia  
233-5.00-172.00

Eliud Samuel Ramirez-Mejia  
153 Clayton Avenue  
Frankford, DE 19945

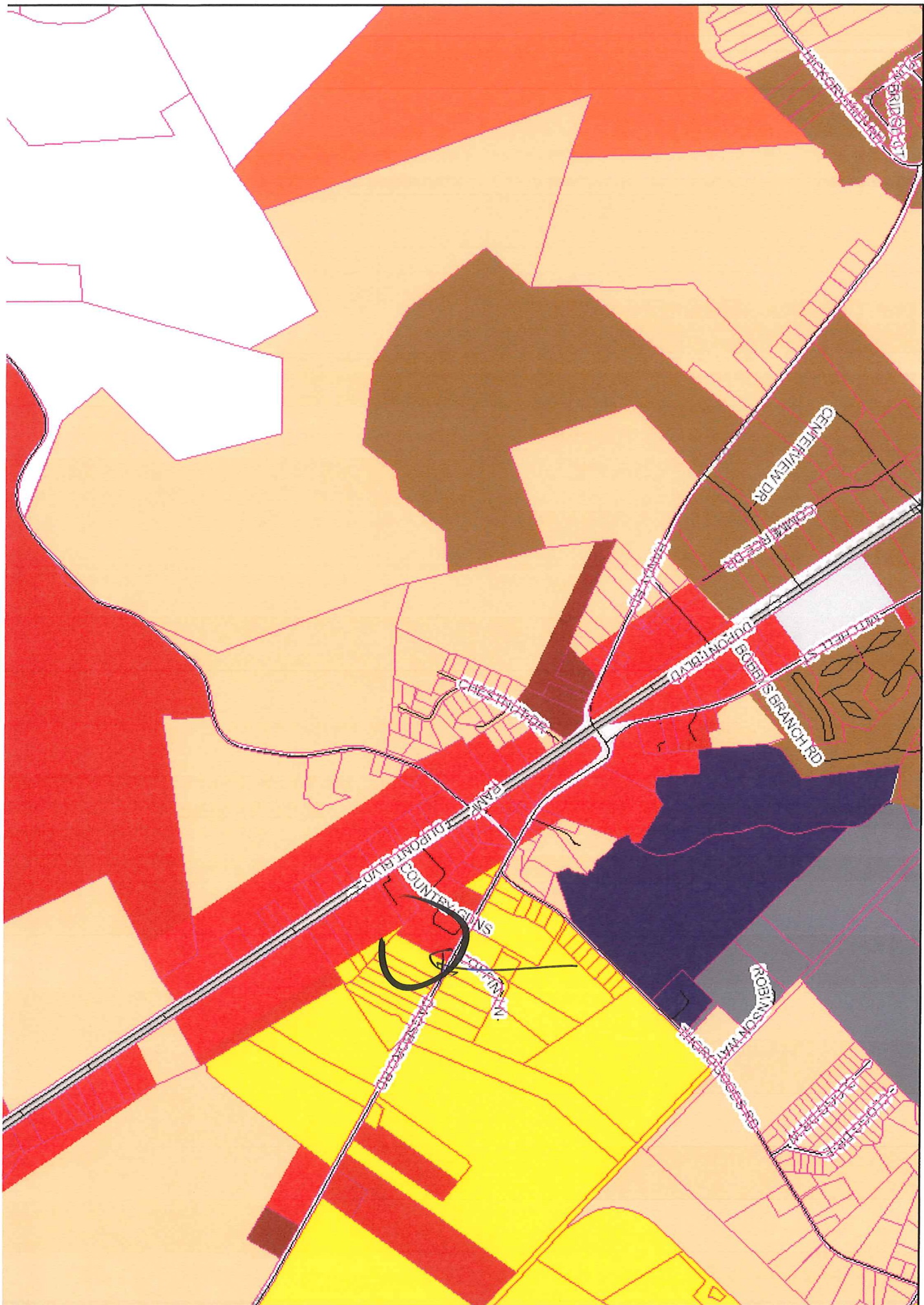
Located on the south side of Dagsboro Road (Route 20) at 27436 Dagsboro Road, Dagsboro,  
DE 19947.



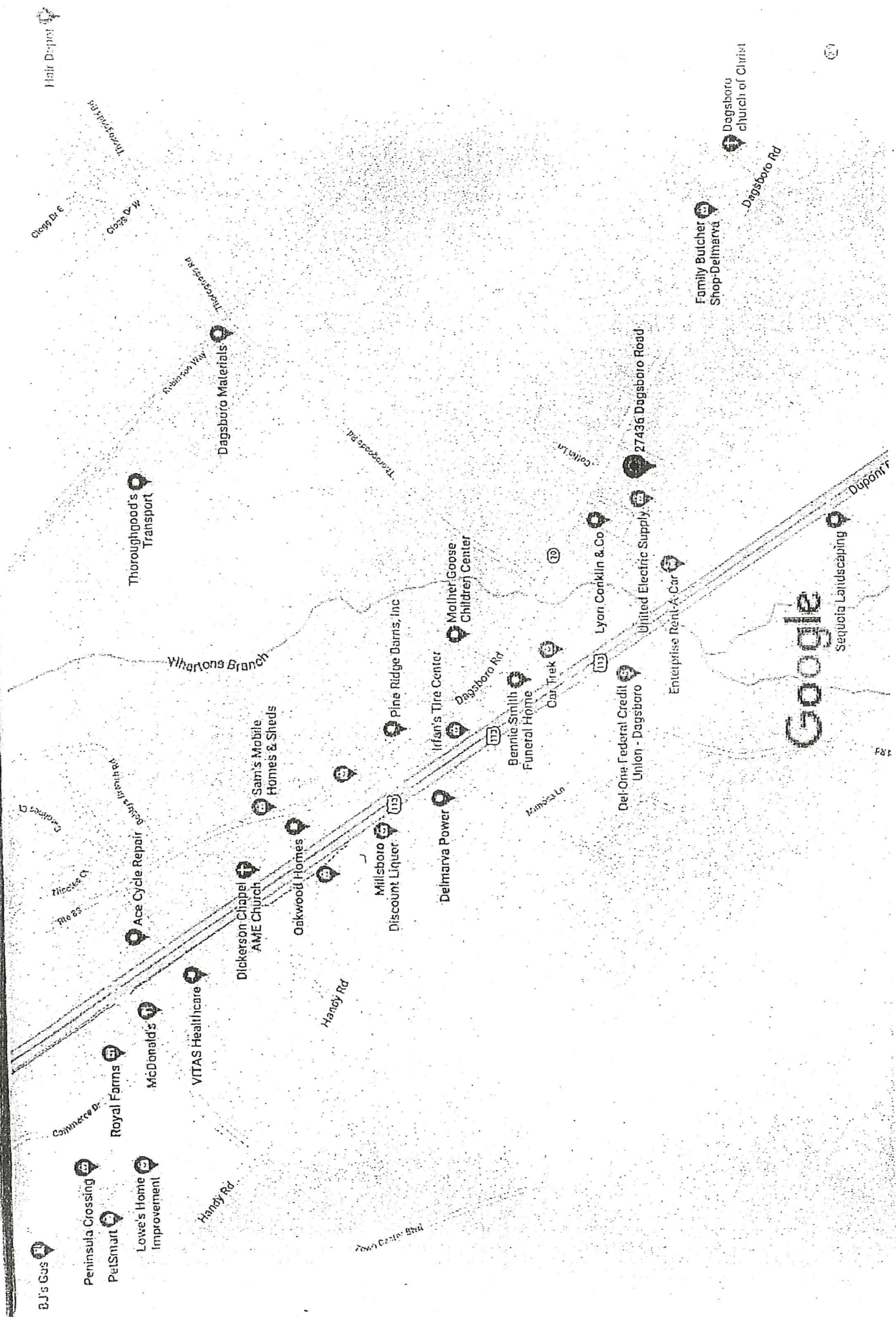
**Figure 4.5-1 Sussex County 2045 Future Land Use**





[illegible]







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

JENNIFER COHAN  
SECRETARY

September 25, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request (SLER) for the **Eliud Samuel Ramirez-Mejia** rezoning application, which we received on August 30, 2019. This application is for an approximately 2.53-acre parcel (Tax Parcel: 233-5.00-172.00). The subject land is located on the south side of Dagsboro Road (Sussex Road 334), approximately 1,000 feet east of the intersection of Dagsboro Road and Thorogoods Road (Sussex Road 333), south of the Town of Millsboro. The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop up to three 3,200 square-foot unspecified buildings.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Dagsboro Road where the subject land is located, which is from the northwest Dagsboro limits to US Route 113, are 10,771 and 13,862 vehicles per day, respectively.

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

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



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

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Eliud Samuel Ramirez-Mejia, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Lauren DeVore, Planner III  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: February 7, 2020  
RE: Staff Analysis for CZ 1906 Eliud Samuel Ramirez-Mejia

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1906 Eliud Samuel Ramirez-Mejia to be reviewed during the February 13, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 233-5.00-172.00 to facilitate a change from an Agricultural Residential (AR-1) Zoning District to the Medium Commercial (C-2) Zoning District and is located at 27436 Dagsboro Road on the west side of Dagsboro Road (Route 20), approximately 0.24 miles south of Crickett Street. The size of the property is 2.60 acres +/-.

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

The areas to the north, east and south are also designated "Coastal Areas." "Coastal Areas" are areas that can accommodate development provided special environmental concerns are addressed. The "Coastal Areas" also supports a range of housing types including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Mixed-use development should also be allowed. The parcels to the northwest of parcel 172.00 are designated "Commercial Areas." "Commercial Areas" include concentrations of retail and service including commercial corridors, shopping centers

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

The property is zoned Agricultural Residential (AR-1). The properties to the southeast, south and north sides of the application site on the opposite side of Dagsboro Road (Route 20) are zoned Agricultural Residential (AR-1) Zoning District. Properties to the west side of the application site are zoned General Commercial (C-1) as well as several properties to the southwest.



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

Since 2011, there have been two Change of Zone applications within the vicinity of the application site: To the east is CZ 1781 (Tax Parcel: 233-10.00-17.00) to facilitate a Change of Zone from an Agricultural Residential (AR-1) Zoning District to General Commercial (C-1) Zoning District, which was approved by County Council on September 22<sup>nd</sup>, 2015 through Ordinance #2418. The second application, to the west is CZ 1756 (Tax Parcel: 233-5.00-135.00) to facilitate a change of zone from an Agricultural residential (AR-1) Zoning District to a General Commercial (C-1) Zoning District, which was approved by County Council on October 7<sup>th</sup>, 2014 through Ordinance #2369.

Based on the analysis of the land use, surrounding zoning and uses, a change of zone to allow for a property zoned Medium Commercial (C-2) in this location, subject to parcel size and proposed zoning, could be considered as having a degree of consistency with the land use, surrounding area zoning and surrounding uses.

MINUTES OF THE REGULAR MEETING OF AUGUST 27, 2015

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 27, 2015 in the County Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Rodney Smith, Mr. Michael Johnson, Mr. I.G. Burton, III and Mr. Martin Ross with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank – Director, and Ms. Janelle Cornwell – Planning and Zoning Manager.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated. Motion carried 5 – 0.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of August 13, 2015 as circulated. Motion carried 5 – 0.

OLD BUSINESS

**C/U #2017 – Eli and Victoria Zacharia**

**An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 22,500 square feet, more or less. The property is located northwest of John J. Williams Highway (Route 24) 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision (911 Address: 20336 John J. Williams Highway, Lewes) Tax Map I.D. 334-18.00-7.00.**

The Commission discussed this application which has been deferred since August 13, 2015.

Mr. Johnson stated that he was not at the public hearing; that he has not yet reviewed the record: and that he would like to participate in the vote.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

**C/Z #1781 – Riverview Associates III, LLC**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 3.00 acres, more or less. The property is located southwest of Dagsboro Road (Road 334) 900 feet northwest of Fire Tower Road (Road 334A) (911 Address: 28086 Dagsboro Road, Dagsboro) Tax Map I.D. 233-10.00-17.00.**

The Commission discussed this application which has been deferred since August 13, 2015.



Mr. Johnson stated that he would not be participating in the discussion for this application since he was not present during the public hearing.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1781 for Riverview Associates III, LLC for a Change of Zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) This rezoning is for 3.0 acres of land. It is an expansion of an existing parcel that is currently zoned C-1 General Commercial. The applicant has sought the expansion to make a single usable commercially zoned parcel that is developable.
- 2) The site is situated along Dagsboro Road, near the intersection with U.S. Route 113. It is in an area where other commercial and business zonings and uses exist, including an office and retail complex. The use is consistent with these existing uses and zonings in the area.
- 3) The location is between Millsboro and Dagsboro in an area that is slowly developing. It is also within the Town Center Area under the County Comprehensive Plan, which permits commercial, retail, and office uses.
- 4) The use will not have an adverse effect upon neighboring properties. It is entirely surrounded by other land owned by the applicant.
- 5) The rezoning will not adversely affect area roadways or public facilities.
- 6) No parties appeared in opposition to the application.
- 7) Any development of the property will require further site plan approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 0. Mr. Johnson did not participate in the vote.

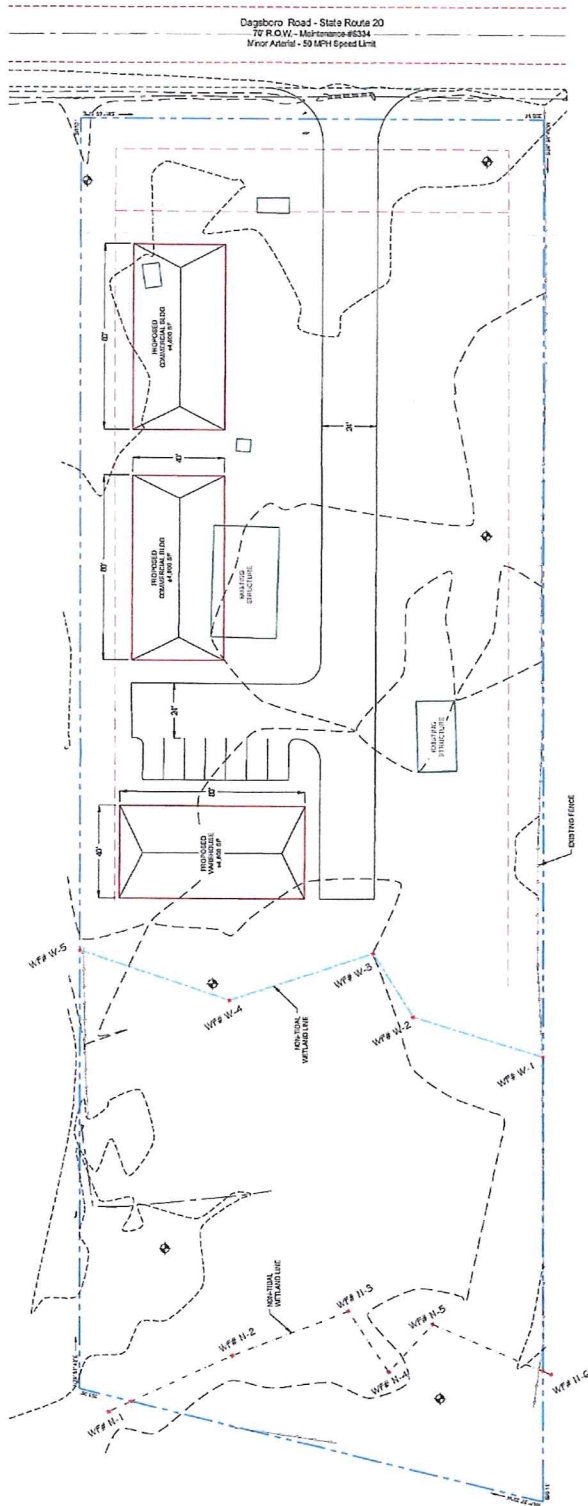
**C/Z #1780 – Lockwood Design and Construction, Inc.**

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) to a HR-1-RPC (High Density Residential District – Residential Planned Community) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 35.45 acres, more or less.** The properties are located on the northeast side of Warrington Road (Road 275) 0.25 mile southeast of John J. Williams Highway (Route 24) (911 Address: None Available) Tax Map I.D. 334-12.00-127.02, 127.04, and 127.05.

The Commission discussed this application which has been deferred since August 13, 2015.

Mr. Johnson stated that he was not at the public hearing; that he has not yet reviewed the record; and that he would like to participate in the vote.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.



Scale 1" = 20'

1. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

2. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

3. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

4. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

5. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

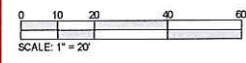
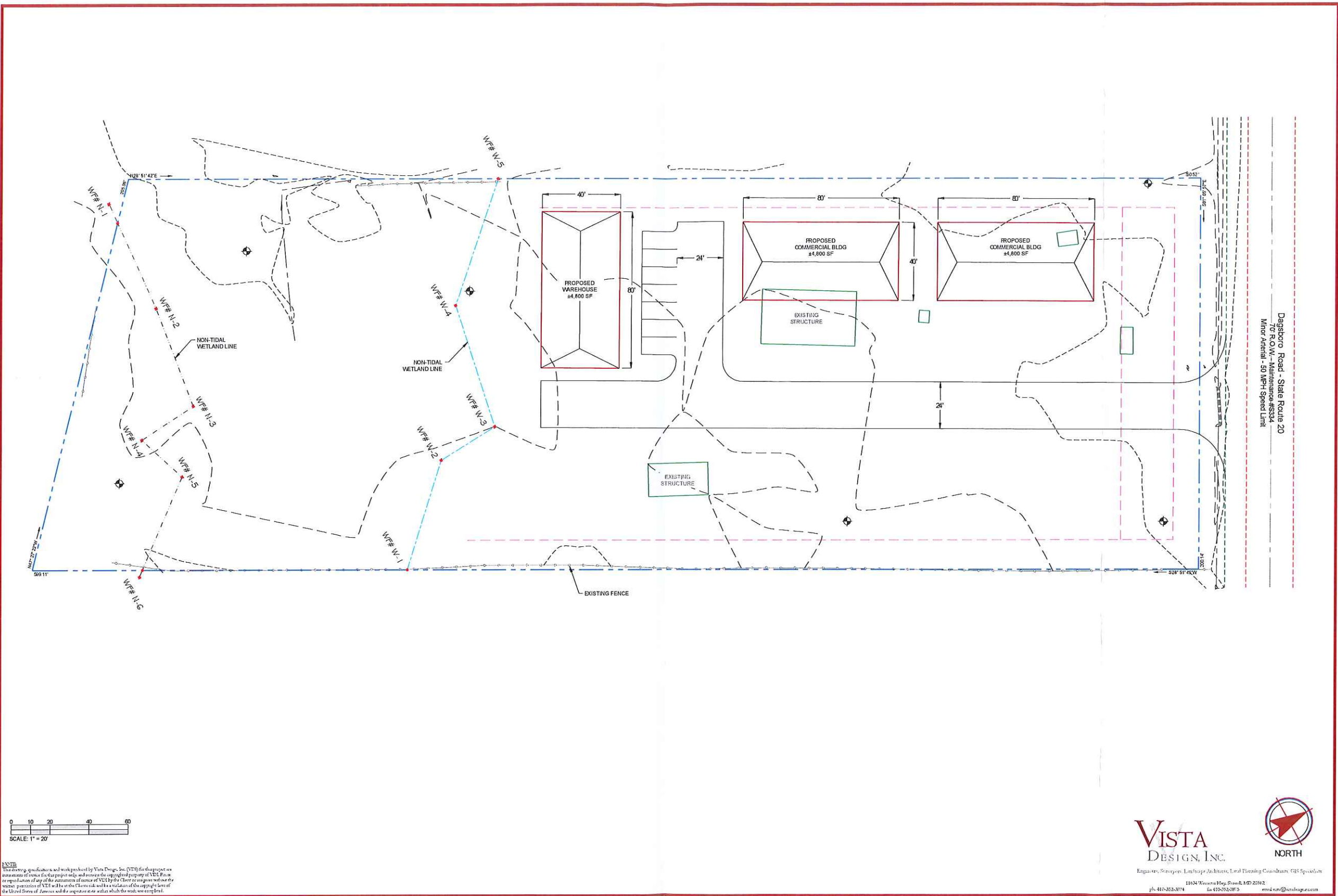
6. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

7. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

8. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

9. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.

10. The owner warrants that the information provided herein is true and correct to the best of their knowledge and belief.



**NOTES**  
This drawing, specification and work produced by Vista Design, Inc. (VDI) for the project are the property of VDI. No part of this drawing, specification or work may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of VDI. VDI shall not be held responsible for any errors or omissions on this drawing, specification or work. The user of this drawing, specification or work shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. VDI shall not be held responsible for any damages or liabilities arising from the use of this drawing, specification or work.

Dagoberto Road - State Route 20  
70' R.O.W. - Maintenance MS34  
Minor Arterial - 50 MPH Speed Limit

**VISTA**  
DESIGN, INC.

Engineers, Surveyors, Landscape Architects, Land Planning Consultants, GIS Specialists  
11634 Wicoma Hills Road, MD 21062  
ph: 410-352-3074 fax: 410-352-3075 email: info@vistadesign.com





## PLANNING & ZONING COMMISSION

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



## Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: September 24, 2020

Application: CU 2239 Coastal Services, LLC

Applicant/Owner: Coastal Services, LLC  
30430 Cedar Neck Rd.  
Ocean View, DE 19970

Site Location: On the west side of Cedar Neck Rd. (Rt. 357) approx..0.64 mile north  
of Fred Hudson Rd. (S.C.R. 360)

Current Zoning: GR (General Residential) & B-1 (Neighborhood Business)

Proposed Use: General Contracting Business

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

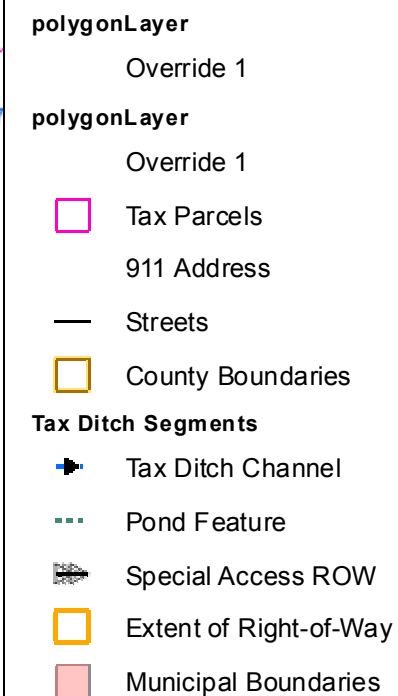
Sewer: Sussex County

Water: Well

Site Area: 1.08 Acres

Tax Map ID.: 134-9.00-67.00







Sussex County

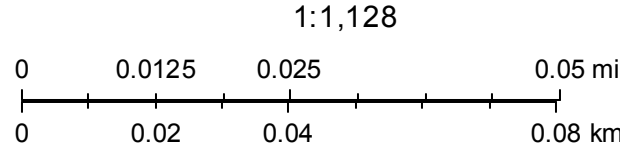


PIN:	134-9.00-67.00
Owner Name	COASTAL PROPERTIES LLC
Book	5026
Mailing Address	30430 CEDAR NECK RD
City	OCEAN VIEW
State	DE
Description	W/OCEAN VIEW
Description 2	QUILLENS PT RD
Description 3	2 LOTS
Land Code	

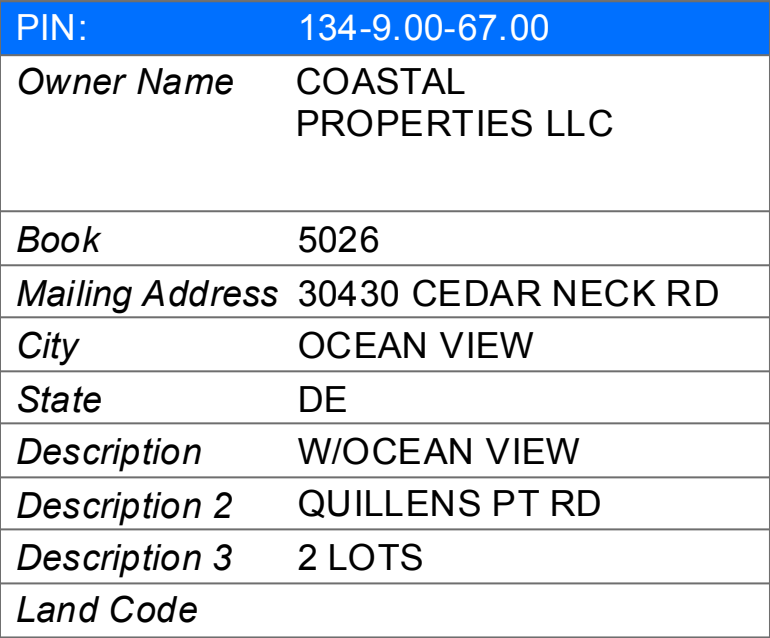
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Override 1
- polygonLayer

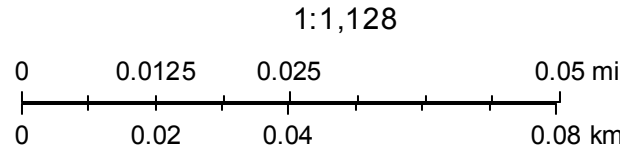
Override 1
- Tax Parcels
- 911 Address
- Streets







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







## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: September 17, 2020  
RE: Staff Analysis for CU 2239 Coastal Services, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2239 Coastal Services, LLC to be reviewed during the September 24, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 134-9.00-67.00 to allow for a Conditional Use of land in a General Residential (GR) Zoning District and Neighborhood Business (B-1) Zoning District for a general contracting business. The parcel is located on the west side of Cedar Neck Rd. (Rt. 357) in Ocean View, Delaware. The size of the property is approximately 1.08 acres +/-.

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

The Coastal Area is designated to encourage growth and development without diminishing special ecological and environmental characteristics. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is typically standard. Medium and higher densities (4-12 units per acre may be appropriate in selected locations.

This parcel is a split zoned parcel within a General Residential (GR) Zoning District and Neighborhood Business (B-1) Zoning District. The adjacent parcels to the north and west are zoned General Residential (GR). The parcel to the east is zoned General Commercial (C-1). The parcel to the south is also a split zoned parcel with the General Residential (GR) and Neighborhood Business (B-1) Zoning Districts.

Since 2011, there has been one (1) Conditional Use application in a one-mile radius. Conditional Use 2130, to allow for a 20-unit multifamily development, was approved by County Council on October 30, 2018 and adopted through Ordinance No. 2609.

Land use and zoning have been analyzed for both this subject site and other nearby properties. A Conditional Use to allow for a general contracting business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: CU 2239  
202005400

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

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

RECEIVED

MAY 26 2020

SUSSEX COUNTY  
PLANNING & ZONING

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

Conditional Use ☒

Zoning Map Amendment ☐

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

30430 Cedar Neck Road, Ocean View, DE 19970

**Type of Conditional Use Requested:**

Conditional use for the operation of a small general contracting business located on a property with split zoning. The property is zoned B1 and GR, requiring conditional use approval for the operation of the business under Code Section 115-39.

**Tax Map #:** 134-9.00-67.00

**Size of Parcel(s):** 1.08 Acres +/-

**Current Zoning:** GR/B1

**Proposed Zoning:** N/A

**Size of Building:** 32' x 210' x 16'

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

**Water Provider:** Well

**Sewer Provider:** County

**Applicant Information**

**Applicant Name:** Coastal Services, LLC

**Applicant Address:** 30430 Cedar Neck Road

**City:** Ocean View

**State:** DE

**Zip Code:** 19970

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

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

**Owner Information**

**Owner Name:** Coastal Properties, LLC

**Owner Address:** 30430 Cedar Neck Road

**City:** Ocean View

**State:** DE

**Zip Code:** 19970

**Phone #:** (302) 218-1577

**E-mail:** gelliott18@aol.com; nicole@coastalservices.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** Mackenzie M. Peet, Esq.

**Agent/Attorney/Engineer Address:** 323E Rehoboth Avenue

**City:** Rehoboth Beach

**State:** DE

**Zip Code:** 19971

**Phone #:** (302) 227-1314

**E-mail:** mackenzie@tunnellraysor.com





## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

### Signature of Applicant/Agent/Attorney

Markus M. Peet, Esq.

Date: 05/01/2020

### Signature of Owner

George Bluth

Date: 5-1-2020

### For office use only:

Date Submitted: 5/2/2020

Staff accepting application: SP

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

Fee: \$500.00 Check #: 62021

Application & Case #: 20200840

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

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

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

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

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



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**

800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

February 25, 2020

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

Dear Mr. Jamie:

The Department has completed its review of a Service Level Evaluation Request for the **George Elliott** conditional use application, which we received on January 28, 2020. This application is for an approximately 1.08-acre parcel (Tax Parcel: 134-9.00-67.00). The subject land is located on the west side of Cedar Neck Road (Sussex Road 357), just northwest of the intersection of Cedar Neck Road and Hickman Road (Sussex Road 359). The subject land is currently split-zoned as GR (General Residential) and B-1 (Neighborhood Business), and the applicant is seeking a conditional use approval to build a 6,720 square-foot barn to expand the existing contracting business.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Cedar Neck Road where the subject land is located, which is from Hickman Road to the end of the road, is 876 vehicles per day.

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

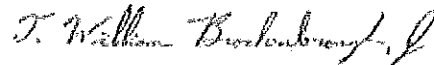


Mr. Jamie Whitehouse  
Page 2 of 2  
February 25, 2020

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

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
George Elliott, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
Thomas Felice, Corridor Capacity Preservation Program Manager, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/8/2020**

APPLICATION: **CU 2239 Coastal Services LLC**

APPLICANT: **Coastal Services LLC**

FILE NO: **CN 1.05**

TAX MAP &  
PARCEL(S): **134-9.00-67.00**

LOCATION: **On the west side of Cedar Neck Road (SCR 357),  
approximately 0.64 mile north of Fred Hudson Road.**

NO. OF UNITS: **General Contracting Business**

GROSS  
ACREAGE: **1.08**

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? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- ☐ Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **The parcel is served with one 8-inch lateral. There is currently "Master Klean" office space connected to the sanitary sewer totaling 1.32 EDU's. If this is disconnected from the sewer it would result in a credit of 1.32 EDU's**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-1299 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**

UTILITY PLANNING APPROVAL:



---

John J. Ashman  
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.  
Jayne Dickerson  
Noell Warren



30430 Cedar Neck Road  
Ocean View, De. 19970  
302-616-2906

We are planning on putting up a new pole barn building 32' W x 210' L x 16' H at 30430 Cedar Neck Road, Ocean View, De. 19970. If you face our property from Cedar Neck Road on the right side of the property 3' off the property line fence is where we want to install the new building. We are applying for a variance to make this legal. It will be used to store our materials so we can clean our yard up and organize making it more appealing to everyone. We also plan on putting up a new 6' vinyl fence on the opposite side of the yard so neighbor behind us will not have to look at materials and equipment stored in the yard.

The pole barn will start 128' off of Cedar Neck Road and continue towards the back of the yard 210' leaving 12.98' of right away in the back.

We are asking for your signature and property address if you approve:

Sharon Strong  
Blair King  
Norman Justice  
\_\_\_\_\_  
\_\_\_\_\_

38154 Piney Point Rd.  
38176 PINEY POINT RD.  
30446 Cedar Neck Rd. O.V.  
\_\_\_\_\_  
\_\_\_\_\_



## Mattie Evans

---

**From:** Colleen Sagers <cfsagers@hotmail.com>  
**Sent:** Monday, March 23, 2020 12:51 PM  
**To:** Mattie Evans  
**Subject:** Re: Coastal Services, LLC - Pole Barn

George Elliott

March 23, 2020

I agree for you to build a pole barn on your property at Coastal Services on cedar neck road, Ocean View, De. You also agreed to continue to install fencing down the property for privacy. Thank you for that. Sorry for the delay, internet has been down and I forgot about you.

Colleen Sagers  
38384 Petes Way  
Ocean View, De. 19970      Phone 302-236-2859

---

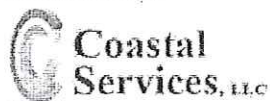
**From:** Mattie Evans <mattie@coastalservicesllc.net>  
**Sent:** Thursday, March 19, 2020 6:56 PM  
**To:** cfsagers@hotmail.com <cfsagers@hotmail.com>  
**Subject:** Coastal Services, LLC - Pole Barn

*Ms. Sagers,*

*George asked me to send this to you. If you are unable to sign it can you please reply back to this email with approval along with your property address. Please let me know if you have any questions!*

Thank you,

Mattie Evans



30430 Cedar Neck Road  
Ocean View, DE 19970  
Office: (302) 616-2906

Plumbing – Heating – Air Conditioning – Electrical – Renovation – Power-washing – Handy-man Services

## Mattie Evans

---

**From:** lynn smith <shesuit@yahoo.com>  
**Sent:** Monday, March 23, 2020 12:56 PM  
**To:** Mattie Evans  
**Subject:** Re: Coastal Services, LLC - pole barn

We approve of the attached proposal by Coastal Services to install a fence & building a new pole building as described.

Lynn & Franklin Smith  
38140 Piney Point Road

On Friday, March 20, 2020, 07:25:42 AM CDT, Mattie Evans <mattie@coastalservicesllc.net> wrote:

*Good morning Mr. and Mrs. Smith,*

*George Elliott, owner of Coastal Services, asked me to send this to you. If you do not have a way of signing this a reply back approving the pole barn would be appreciated!*

Thank you,

Mattie Evans



30430 Cedar Neck Road

Ocean View, DE 19970

Office: (302) 616-2906

Plumbing – Heating – Air Conditioning – Electrical – Renovation – Power-washing – Handy-man Services

# EXHIBIT A

## Deed

LAW OFFICES

---

**T**UNNELL  
&**R**AYSOR, P.A.



PARID: 134-9.00-67.00  
COASTAL PROPERTIES LLC

ROLL: RP

### Property Information

---

**Property Location:**

Unit:  
City:  
State:  
Zip:

Class:	RES-Residential
Use Code (LUC):	RS-RESIDENTIAL SINGLE FAMILY
Town	00-None
Tax District:	134 – BALTIMORE
School District:	1 - INDIAN RIVER
Council District:	4-Hudson
Fire District:	84-Millville
Deeded Acres:	
Frontage:	143
Depth:	180.000
Irr Lot:	
Zoning 1:	B-1-NEIGHBORHOOD BUSINESS
Zoning 2:	-
Plot Book Page:	/PB
100% Land Value:	\$7,600
100% Improvement Value	\$19,700
100% Total Value	\$27,300

### Legal

---

Legal Description	W/OCEAN VIEW QUILLENS PT RD 2 LOTS
-------------------	--

### Owners

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Owner	Co-owner	Address	City	State	Zip
COASTAL PROPERTIES LLC		30430 CEDAR NECK RD	OCEAN VIEW	DE	19970

Document# 2019000008233 BK: 5026 PG: 325

Recorder of Deeds, Scott Dailey On 3/13/2019 at 8:37:39 AM Sussex County, DE

Consideration: \$0.00 County/Town: \$0.00 State: \$0.00 Total: \$0.00

Doc Surcharge Paid Town: SUSSEX COUNTY

TAX MAP # 1-34-9.00-P/O 59.12  
and 67.00

PREPARED BY & RETURN TO:

D. Stephen Parsons, P.A.

118 Atlantic Ave. #401

PO Box 480

Ocean View, DE 19970

File No. 35563/KE

**THIS DEED**, made this 6<sup>TH</sup> day of March, 2019,

- BETWEEN -

**COASTAL PROPERTIES, LLC**, of 30430 Cedar Neck Road, Ocean View, DE 19970,, parties of the first part,

- AND -

**COASTAL PROPERTIES, LLC**, of 30430 Cedar Neck Road, Ocean View, DE 19970, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and 00/100 (\$1.00) and other valuable consideration, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part:

ALL that certain lot, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, State of Delaware as shown on a survey plot entitled Boundary Survey Plan For Coastal Properties, LLC, as prepared by True North Land Surveying, dated January 8, 2019 and recorded in the Office of the Recorder of Deeds, at Georgetown, Delaware in Plot Book 277, Page 64 and being more particularly described as follows, to wit:

BEGINNING at a utility pole situate on the westerly right-of-way of Cedar Neck Road, said utility pole being a corner of these lands and lands N/F of Horace A. Sagers Subdivision; thence by and with said westerly right-of-way of Cedar Neck Road, S03°13'42"W, 143.19' to a PK nail being a corner of these lands and lands N/F of Norman E. & Eleanor W. Justice, Trustees; thence by and with said lands N/F of Norman E. & Eleanor W. Justice, Trustees, the following

Document# 2019000008233 BK: 5026 PG: 326

Recorder of Deeds, Scott Dailey On 3/13/2019 at 8:37:39 AM Sussex County, DE

Doc Surcharge Paid

two courses and distances, N72°02'18"W, 186.62' to an iron pipe; thence N89°08'24"W, 204.77' to an iron rod being a corner of these lands, lands N/F of Norman E. & Eleanor W. Justice, Trustees and a point on line of lands N/F of Colleen F & Kevin W. Sagers; thence by and with lands N/F of Colleen F. & Kevin W. Sagers, N17°35'33"E. 145.00' to an iron pipe being a corner of these lands, Parcel B and a point on line of lands N/F of Colleen F. and Kevin W. Sagers; thence by and with Parcel B, the following two courses and distances, S80°45'28"E, 164.91' to an iron pipe; thence S80°54'41"E, 186.07' to the point and place of beginning, said to contain 1.08 acres of land, more or less.

SUBJECT TO an Agreement between Helen E. Justice and Horace G. Clampffer, etux, dated July 2, 1970, or record in the Office of the Recorder of Deeds, at Georgetown, Delaware in Deed Book 656, Page 985, regarding the following privileges: "Use of an area in PINEY POINT ACRES LAGOON of an area for a boat, having approximately twenty (20) feet of frontage on the bulkhead, marked as Nos. 15 and 16, and extending out perpendicular to the bulkhead for a distance of not more than eighteen (18) feet.....the right to use in common with the owners of other lots in PINEY POINT ACRES and lot owners from other lands of grantor, a seven (7) foot walkway along the bulkhead and between the bulkhead and the adjacent line of lots along the lagoon. No automobiles shall be allowed on said walkway, nor on 15 foot right-of-way along the lagoon.

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.

BEING the same lands as conveyed unto Coastal Properties, LLC by Deed of James Gregory Martin, dated October 9, 2017 and recorded in the Office of the Recorder of Deeds, at Georgetown, Delaware in Deed Book 4785, Page 136 as to 23,495 square feet of land; and the same lands as conveyed unto Coastal Properties, LLC by Deed of Norman E. Justice, Trustee Under Revocable Trust Agreement of Norman E. Justice Dated 9/18/97, as amended, and Norman E. Justice as Substitute Trustee Under Revocable Trust Agreement of Eleanor W. Justice, Dated 9/18/97, dated March 6, 2019 and recorded in the Office of the Recorder of Deeds, at Georgetown, Delaware in Deed Book 5026 Page -322 .



Document# 2019000008233 BK: 5026 PG: 327

Recorder of Deeds, Scott Dailey On 3/13/2019 at 8:37:39 AM Sussex County, DE


Doc Surcharge Paid

IN WITNESS WHEREOF, the parties of the first part have hereunto set Hand and Seal the day and year witnessed below.

Witness

Witness

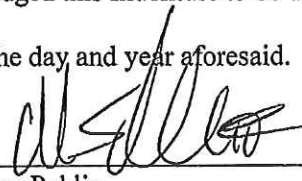
 (SEAL)  
George Elliott, Member

 (SEAL)  
Nicole Peterdozzi, Member

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 6<sup>th</sup> day of March, A.D. 2019, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, George Elliott and Nicole Peterdozzi, Members of the Coastal Properties, LLC, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

Given under my Hand and Seal of office the day and year aforesaid.

  
Notary Public

MANAEN S. ROBINSON, IV, ESQ.  
ATTORNEY AT LAW-DELAWARE  
NOTARY PURSUANT TO  
29 DEL. C., SEC. 4323(a)(3)

## EXHIBIT B

### DelDot Service Letter Evaluation

LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.



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

JENNIFER COHAN  
SECRETARY

February 25, 2020

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

Dear Mr. Jamie:

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Mr. Jamie Whitehouse  
Page 2 of 2  
February 25, 2020

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

Please contact Mr. Claudy Joinville, at (302) 760-2124, if you have questions concerning this correspondence.

Sincerely,



T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
George Elliott, Applicant  
J. Marc Coté, Assistant Director, Development Coordination  
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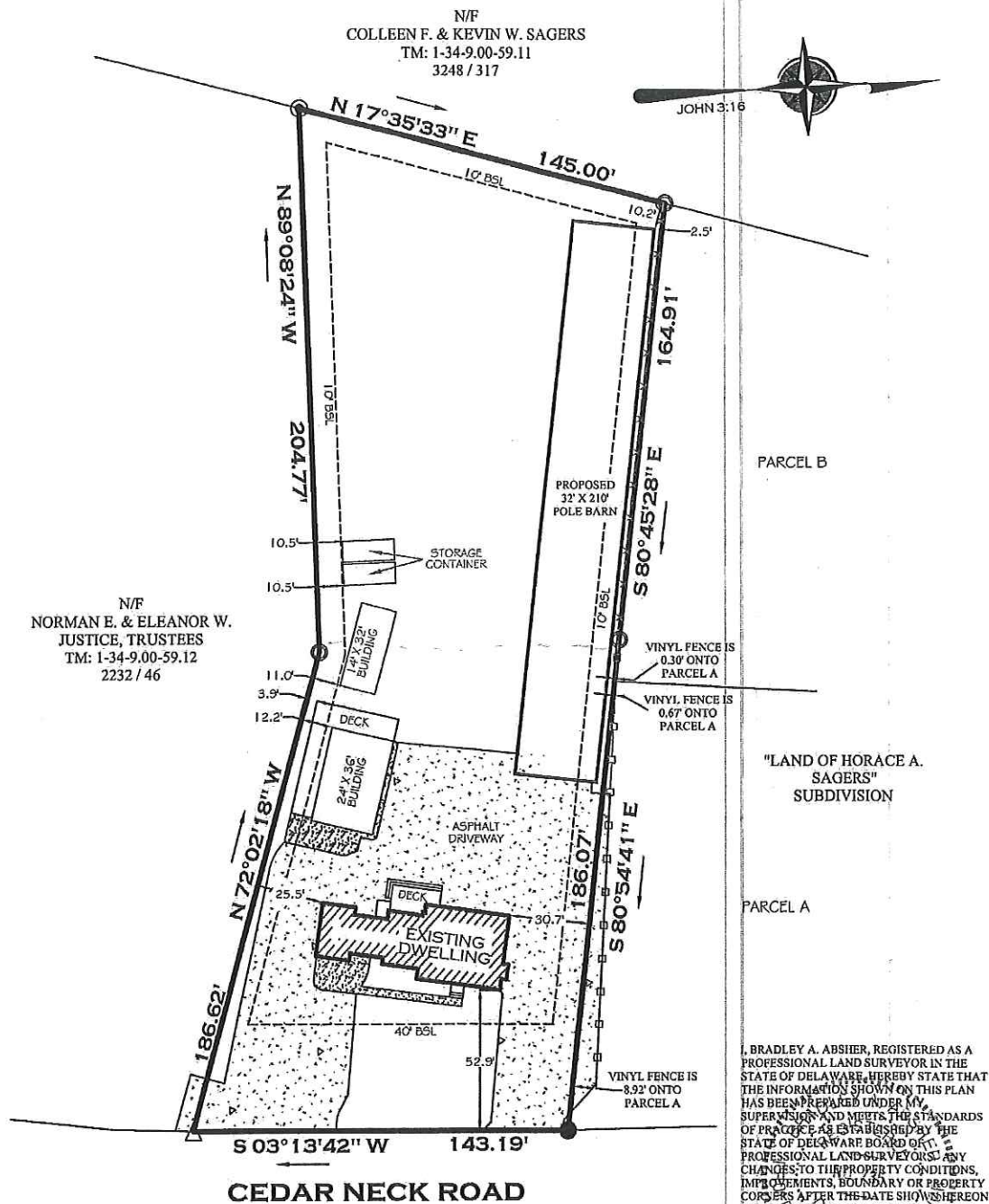
# EXHIBIT C

## Survey

LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.



#### NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. ZONE: B1

3. BUILDING SETBACK LINES (BSL)

FRONT 40'  
SIDE 10'  
REAR 10'

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

4. NO TITLE REPORT WAS PROVIDED FOR OUR USE. THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

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

BRADLEY A. ABSHER, DE PLS # 735  
DATE

5.6.2020

#### LEGEND

- IRON PIPE FOUND
- UTILITY POLE
- ⊙ IRON ROD W/ CAP SET
- △ PK NAIL SET

TAX MAP	1-34 - 9.00 - 67.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	BALTIMORE
TOWN	---
AREA	1.08 ACRES ±
DEED REF.	4785 / 136
PLAT REF.	DB. 1665 / 199
DRAWN BY	JJZ
DATE	05 / 06 / 20
SCALE	1" = 50'
SURVEY #	DE - 05269

## BOUNDARY SURVEY PLAN

FOR  
COASTAL PROPERTIES, LLC

30430 CEDAR NECK ROAD, OCEAN VIEW, DE 19970

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
OCEAN VIEW, DE 19970  
DE: 302-539-2488  
MD: 410-430-2092



# EXHIBIT D

## Aerial Maps

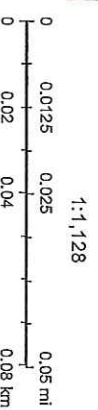
LAW OFFICES

---

**T**UNNELL  
& **R**AYSOR, P.A.



—	Streets
<input type="checkbox"/>	Tax Parcels
	911 Address
	Override 1
	polygonLayer
	Override 1
	polygonLayer





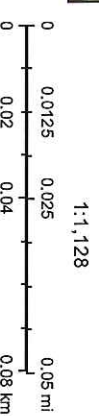


Sussex County



PIN:	134-9-00-67.00
Owner Name	COASTAL PROPERTIES LLC
Book	5026
Mailing Address	30430 CEDAR NECK RD
City	OCEAN VIEW
State	DE
Description	W/OCEAN VIEW
Description 2	QUILLENS PT RD
Description 3	2 LOTS
Land Code	

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







Sussex County



PIN: 134-9.00-67.00

Owner Name COASTAL PROPERTIES LLC

Book 5026

Mailing Address 30430 CEDAR NECK RD

City OCEAN VIEW

State DE

Description W/OCEAN VIEW

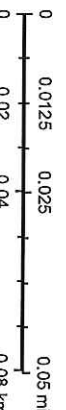
Description 2 QUILLENS PT RD

Description 3 2 LOTS

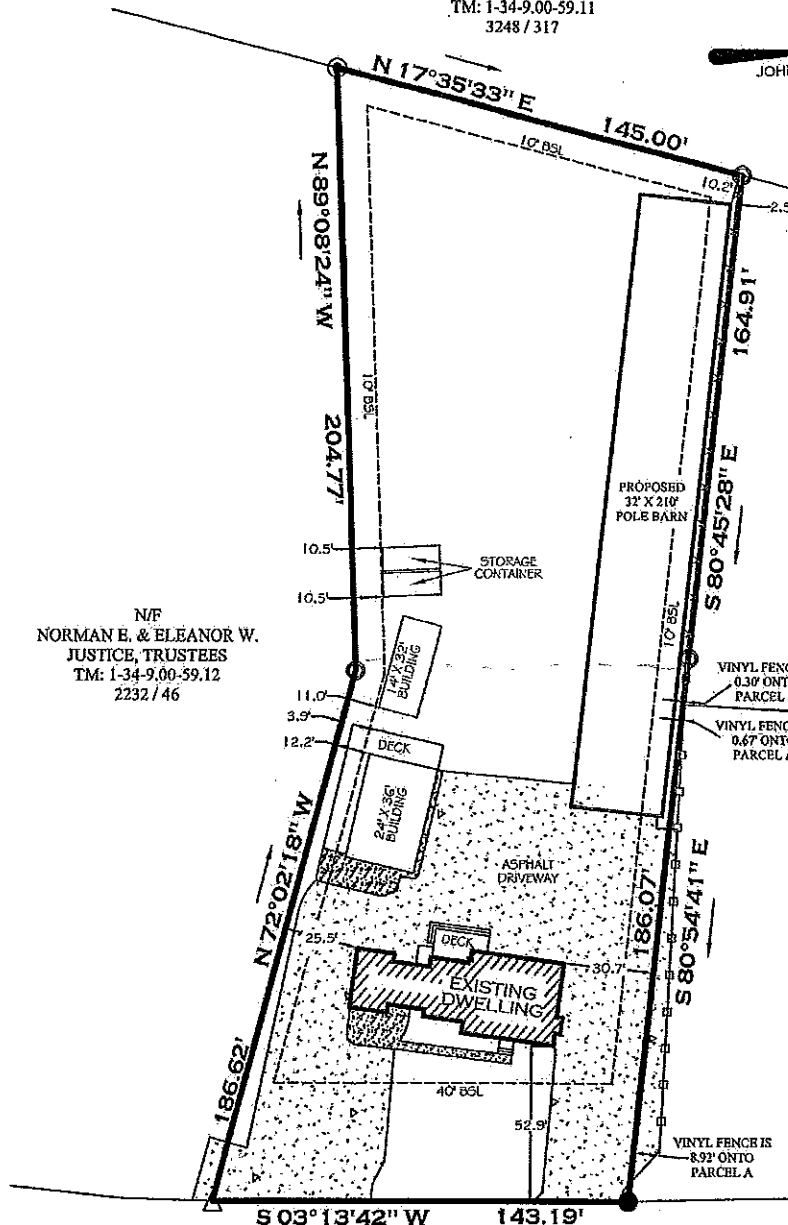
Land Code

- polygonL:ayer
- Override 1
- polygonL:ayer
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:1,128



N/F  
COLLEEN F. & KEVIN W. SAGERS  
TM: 1-34-9.00-59.11  
3248 / 317



PARCEL B

"LAND OF HORACE A. SAGERS" SUBDIVISION

PARCEL A

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

BRADLEY A. ABSHER, DE PLS # 735  
DATE 5.6.2020

**NOTES**

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. ZONE: B1

3. BUILDING SETBACK LINES (BSL)

FRONT 40'  
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FOR  
COASTAL PROPERTIES, LLC

30430 CEDAR NECK ROAD, OCEAN VIEW, DE 19970

### LEGEND

- IRON PIPE FOUND
- UTILITY POLE
- ⊙ IRON ROD W/ CAP SET
- △ PK NAIL SET

**TRUE NORTH**



**LAND SURVEYING**

118 ATLANTIC AVENUE, SUITE 202  
OCEAN VIEW, DE 19970  
DE: 302-539-2489  
MD: 410-430-2092



18958 Coastal Highway, Suite D  
Rehoboth Beach, DE 19971  
302.644.1155

September 8, 2020  
Via Federal Express

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

Attn.: Lauren DeVore

Re: 2017-1 Baylis Estates – Phase II  
Request for Extension  
Mount Joy Road  
Sussex County, DE  
Tax Parcel No. 234-29.00-42.00  
BEVA# DE190077

Dear Ms. DeVore,

On behalf of our client, Baylis Estates Investments, Inc. c/o Insight Homes, we are hereby requesting a six-month extension to the Baylis Estates Phase II Preliminary Site Plan, originally prepared by Cotten Engineering, LLC "Cotten". The previously approved extension filed by Cotten was approved by the Planning Commission at their meeting on February 13, 2020 and is valid for a period of six-months from the initial preliminary approval date of May 18, 2020.

This project was put on hold due to the affects that COVID-19 had on the economy and homebuilding market. Our client was not able to progress with the project due to the uncertainty of the housing market and the financial obligations/strain it would create if the homes were constructed but not selling as projected. Additionally, our client's resources were strained during the associated State of Emergency for childcare needs and health concerns related to COVID-19. Like many businesses, the main offices for our client were closed to the public and a large portion of their staff had to transition to a remote working environment.

In an effort to progress and expedite the approval process, we have been in contact with the reviewing agencies to discuss the project moving forward as well. Although our client's office was closed, technical plans were submitted to some of the reviewing agencies during the pandemic to further project completion. A formal submission has been made to the Sussex County Engineering Department and the Sussex Conservation District. Bohler is in receipt of the associated comments and will incorporate the necessary revision into the next submission. In addition to these two agencies, we will also be submitting to the Office of State Fire Marshal, Office of Drinking Water, DNREC Division of Water and DelDOT. We plan to have these submissions made in the next few weeks and expect at least one more round of review comments before submitting final plans for approval. Agency review durations have been impacted by COVID-19, which have affected past review cycles and are expected to impact future review cycles. Given current agency review durations we expect to receive final approval early next year.

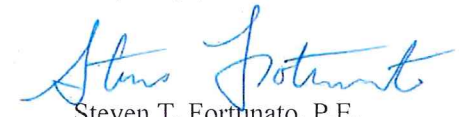
Under Phase 1A, utilities such as sanitary sewer and storm sewer and ponds have been installed as well as pavement, concrete, hammerhead entrance, sidewalks and some houses having been constructed. Construction Bonding is currently being completed through the Sussex County Engineering Department for Phase 1B and 1C and construction of those previously approved phases should commence shortly.



In conclusion, our client is making every effort feasible to move this project towards final approval and eventual completion. If granted, this preliminary extension request will allow for the typical design/review/approval process to resume for Phase II of this project after a being put on hold for an extreme extenuating circumstance.

Should you have any questions or require additional information, please do not hesitate to contact this office at (302) 644-1155 to discuss. Thank you.

Very truly yours,



Steven T. Fortunato, P.E.  
Project Manager

cc: Kevin Broyzna, Insight Homes (w/o encl.)  
M. Andrew Campanelli, Insight Homes (w/o encl.)  
David M. Kuklish, P.E., Bohler (w/o encl.)  
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