

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date August 27, 2020.

Application: (CU 2220) Sussex Land Company

Applicant: Victor Little
11412 Holly Tree Road
Lincoln, DE 19966

Owner: Mark A. Casey
28517 Warwick Road
Millsboro, DE 19960

Site Location: Located on the west side of Holly Tree Road, approximately 0.21 mile south of Fleatown Road

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Fence Construction Business and Outside Storage of Construction Materials

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Burton

School District: Milford School District

Fire District: Ellendale Fire District

Sewer: Private, On-Site

Water: Private, On-Site

Site Area: 6.00 acres +/-

Tax Map ID: 230-20.00-9.09





Sussex County



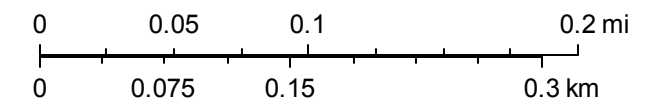
PIN:	230-20.00-9.09	
Owner Name	SUSSEX	LAND COMPANY LLC
Book	4534	
Mailing Address	25051 WARD FARM LN	
City	MILLSBORO	
State	DE	
Description	RAILROAD MEADOWS	
Description 2	LOT 7 CT#49834	
Description 3	N/A	
Land Code		

- polygonLayer**

 - Override 1
- polygonLayer**

 - Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



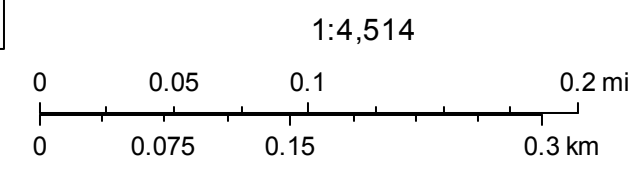


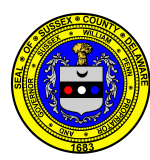
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- Streets





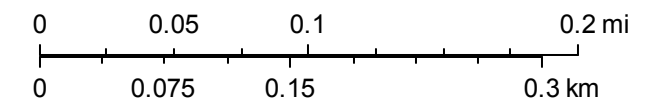
Sussex County



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- Tax Parcels
- Streets
- County Boundaries

1:4,514



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 21, 2020
RE: Staff Analysis for CU 2220 Sussex Land Company

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2220 Sussex Land Company to be reviewed during the August 27, 2020 Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for tax parcel 230-20.00-9.09 to allow for a fence construction business and for outdoor storage of construction materials to be located on the west side of Holly Tree Road, approximately 0.21 mile south of Fleatown Road. The property address is 11412 Holly Tree Road in Lincoln, Delaware. The size of the property is 6.00 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 "Low Density Area."

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

The properties to the west of the parcel are designated as a "Developing Area." "Developing Areas" are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in "Developing Areas," including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the "Developing Areas" with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.



Additionally, the property is zoned Agricultural Residential (AR-1) Zoning District. The properties located to the north, south, and east of the subject site are zoned Agricultural Residential (AR-1) Zoning District. The properties located to the west are zoned General Residential (GR), with a single property off of Fleatown Road being zoned Heavy Industrial (HI-1) Zoning District.

Since 2011, there has been one Conditional Use application within a 1-mile radius of the application site. This application is Conditional Use (CU 2218), which was a proposal to allow for a small machine shop to be located within an Agricultural Residential (AR-1) Zoning District. This application was dismissed by the Planning and Zoning Commission at their meeting of Thursday, August 13, 2020 on the basis that the proposed use could be permitted as a home occupation. This application is scheduled to be heard by County Council at their upcoming meeting scheduled for Tuesday, September 22, 2020.

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

File #: CU# 2220
RECEIVED

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

JAN 07 2019

SUSSEX COUNTY
PLANNING & ZONING
~~2008~~ 202000211

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

11412 Holly Tree Road, Lincoln, Delaware 19960

Type of Conditional Use Requested:

Applicant requests a conditional use for purposes of operating an existing fence-construction business known as Breakwater Custom Fence, LLC, on the property and for outdoor storage of construction materials behind an existing 7' fence.

Tax Map #: 2-30-20.00-9.09 Size of Parcel(s): 6.0 acres

Current Zoning: AR-1 Proposed Zoning: AR1/CU Size of Building: 48.2'x27.3' 80.6'x40.4'
Exhibit house & existing pole barn

Land Use Classification: Res - Residential

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

Applicant Information Equitable Owner

Applicant Name: Victor Little
Applicant Address: 11412 Holly Tree Road
City: Lincoln State: DE Zip Code: 19960
Phone #: 302-245-4290 E-mail: vic2nd@yahoo.com

Owner Information

Owner Name: Sussex Land Company
Owner Address: 25051 Ward Farm Lane
City: Millsboro State: DE Zip Code: 19966
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

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



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ 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

Sign Here

Date: 12-31-19

Signature of Owner

Sign Here

Date: _____

For office use only:

Date Submitted: 1/7/2020

Staff accepting application: cen

Location of property: _____

Fee: \$500.00 Check #: 1094
Application & Case #: 202000211

Subdivision: _____

Date of PC Hearing: _____

Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

- ___ Provide eight (8) copies of the Site Plan or Survey of the property
 - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
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 - o Deed or Legal description

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

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___ DeIDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

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Signature of Applicant/Agent/Attorney

Sign Here

Date: _____

Signature of Owner

Sign Here

Sussex Land co per Donald Ward Date: 12/24/19

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

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

33016410-0008 Megan D. 01/07/2020 11:29AM

PERMITS / INSPECTIONS
CONDITIONAL USE - FEE
2020 Item: 202000211|Z010 500.00

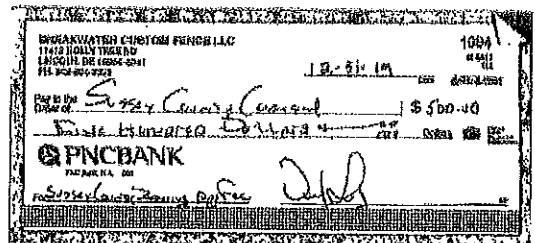
500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number 1094

Change due 0.00

Paid by: BREAKWATER CUSTOM FENCE



Thank you for your payment

CUSTOMER COPY



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

JENNIFER COHAN
SECRETARY

June 13, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Victor Little, Jr.** conditional use application, which we received on May 23, 2019. This application is for an approximately 6.00-acre parcel (Tax Parcel: 230-20.00-9.09). The subject land is located on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing 3,200 square-foot building to operate a fencing and decking business with outdoor storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Holly Tree Road where the subject land is located, which is from Ponder Road (Sussex Road 232) to Fleatown Road, is 661 vehicles per day.

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

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



Ms. Janelle M. Cornwell
Page 2 of 2
June 13, 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
Victor Little, Jr., 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: **8/17/2020**

APPLICATION: **CU 2220 Sussex Land Company**

APPLICANT: **Victor Little**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **230-20.00-9.09**

LOCATION: **Located on the west side of Holly Tree Road, approximately
0.21 mile south of Fleatown Road.**

NO. OF UNITS: **Fence construction business with outside storage of materials**

GROSS
ACREAGE: **6.0 +/-**

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

SEWER:

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

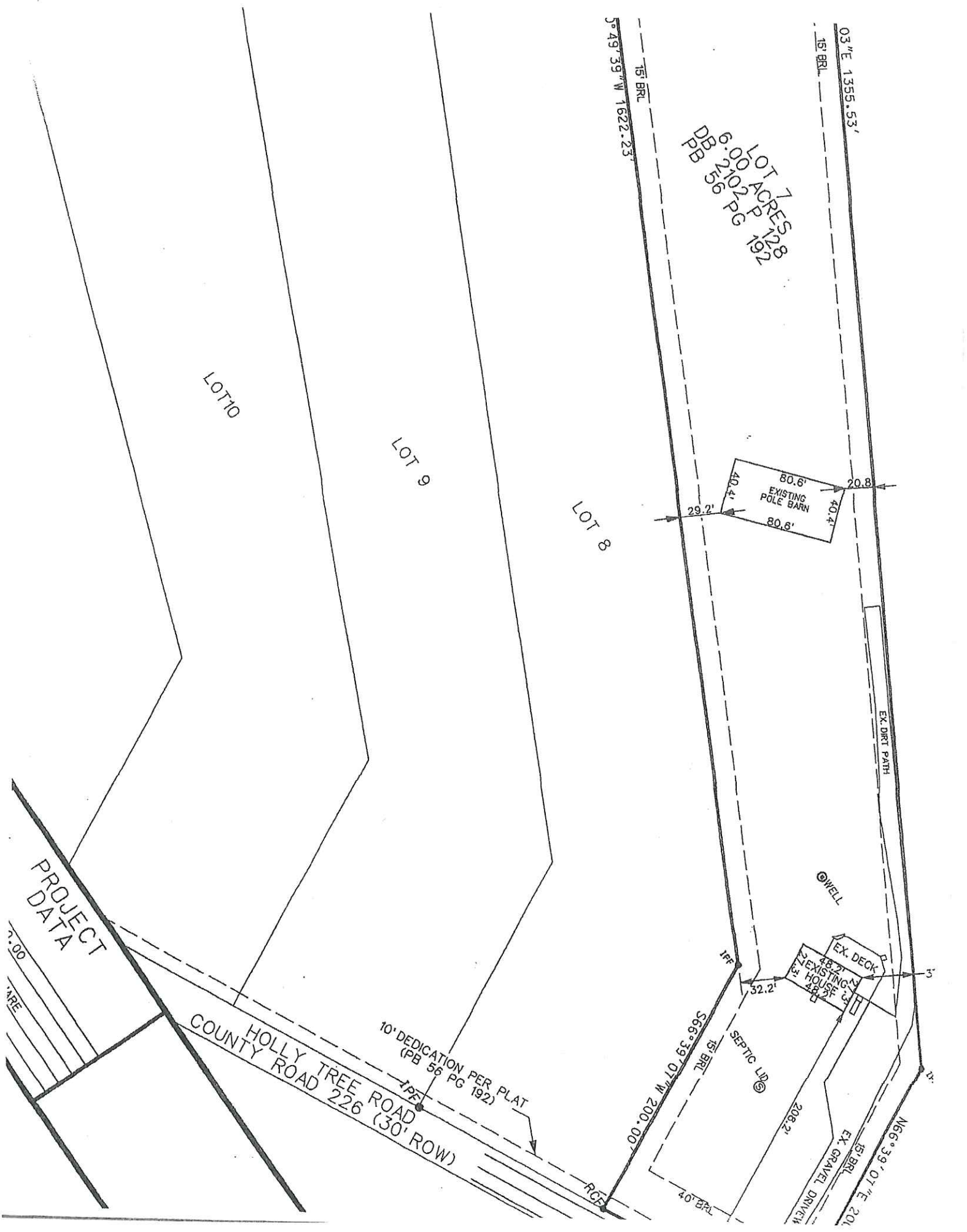
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is in a Tier 3 area for sewer service. The Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service to this parcel.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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



03° E 1355.53'

15' BRL

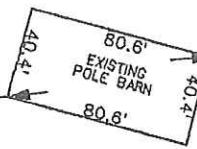
LOT 7
8.00 ACRES
P 192
G 192
5/21/6
DB

15' BRL
5° 49' 39" W 1622.23'

LOT 10

LOT 9

LOT 8

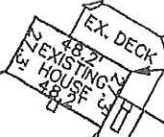


20.8'

29.2'

EX. DIRT PATH

WELL



32.2'

IFF

SEPTIC LID

10' DEDICATION PER PLAT
(PB 56 PG 192)

15' BRL

566° 39' 07" W 200.00'

208.2'

EX. GRAVEL DRIVEWAY
15' BRL
N 66° 39' 07" E 201.14'

PROJECT DATA

7.00

1.00

HOLLY TREE ROAD
COUNTY ROAD 226 (30' ROW)

RCE

72.04'

Property Owner Sussex Land Co
Don WILCO

11412 Holly Tree Road
Lincoln De 19560

LOT 10

LOT 9

350' - 1/2" wood fence
just inside property line

ALL fencing
inside property
line

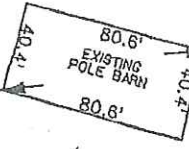
TOTAL 860'
7' wood fence
376' 4' chainlink fence

10.277 wood 12909'
2632.00 cfr

10' DEDICATION PER PLAT
(PB 56 PG 192)

HOLLY TREE ROAD
COUNTY ROAD 226 (30' ROW)

LOT 7 E 588
0.000 PC
DBB 9.715



brand property
7' wood fence

4' tall
Chainlink
Fence



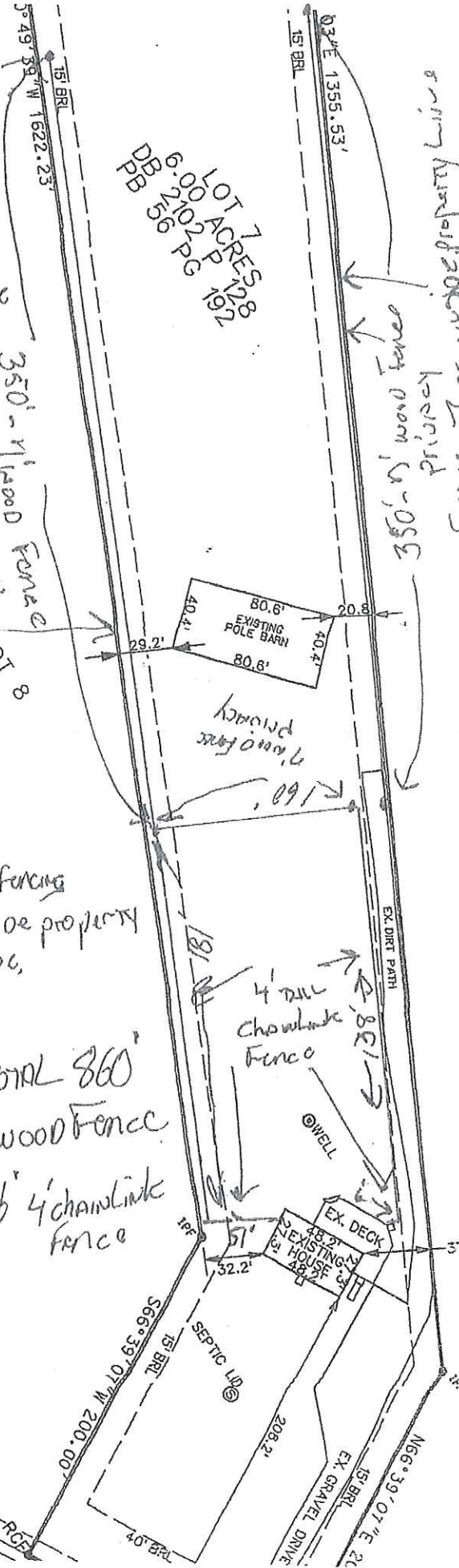
EX. GRAVEL DRIVE
208.2'

EX. DIRT PATH

350' wood fence
owner's
Fence

PROJECT DATA

00
RE



INDEX
VICTOR LITTLE, JR.
APPLICATION FOR CONDITIONAL USE NO. 2220

1. Purchase and Sale Agreement
2. Applicant's Sketch of the Fence Location, Home and Existing Pole Barn on Survey of the Railroad Meadows Subdivision, Lot Numbers 10, 9, 8 and 7, the Applicant's lot
3. Pictures of Existing Home and Fence Area of Applicant's Existing Fencing Business and Pole Barn
4. Deed Restrictions for Railroad Meadows
5. Circulating First Amendment to the Deed Restrictions for Railroad Meadows
6. State of Delaware Department of Transportation Support Facilities Report & Letter of No Objection
7. Application Seeking Conditional Use
8. Statement of Sergovic Carmean Weidman McCartney & Owens, P.A. explaining the application and its compliance with the Zoning Ordinance and the Sussex County Comprehensive Plan dated March 2019
9. Proposed Findings of Facts

AGREEMENT OF PURCHASE AND SALE

SELLER: Sussex Land Co. of 25051 Ward Farm Ln, MILLSBORO, DE 19966 PHONE (302)934-9636
EIN # 51-0315170 AGREES TO SELL AND CONVEY UNTO

PURCHASER: Victor J. Little Jr. and/ or Vanus Garron Lee Little of 11412 Holly Tree Rd, Lincoln, DE 19960
PHONE(H)302-245-4290 AND PURCHASER HEREBY AGREES TO PURCHASE FROM
SELLER THE PROPERTY IDENTIFIED AS

11412 Holly Tree RD, Lincoln, Delaware 19960 being six acres improved by a dwelling.

TAX MAP # 2-30-20-9.09 UPON THE FOLLOWING TERMS AND CONDITIONS:

PURCHASE PRICE \$87,753.16

CASH BALANCE DUE AT SETTLEMENT To be determined. Purchaser agrees to pay the sum of \$1200.00 per month beginning 9/1/19 to seller to amortize above amount at eight(8) percent annual interest. The cash balance due at settlement will be determined based on principal balance at time of settlement.

TERMS OF PURCHASE: Cash at settlement

SETTLEMENT: Since time is of the essence, settlement shall occur at the office of Haller and Hudson, on or before 1/31/2024.

TRANSFER TAX: At settlement, all transfer tax shall be paid by purchaser. Seller shall pay cost of deed. All other costs shall be paid by purchaser.

TITLE: Title conveyed to purchaser (s) shall be good and merchantable, free and clear of all liens and encumbrances, except restrictions of record and existing easements.

FORFEITURES: Should the purchaser(s) fail to make payments and/or settlement as specified above, the sums paid as well as any improvements made by purchaser shall be retained by seller as liquidated damages and contract shall become invalid.

PRORATIONS: Purchaser agrees to reimburse sellers for any and all county tax bills due after date of this contract as well as any costs related to construction permits etc.

BINDING COVENANTS: This agreement shall be binding upon all parties themselves, their heirs, executors, administrators, successors, or assigns. This agreement shall not be modified or changed except by written changes acknowledged and initialed or signed by all parties.

SPECIAL TERMS: If settlement does not occur by 1/31/2024 this contract shall be null and void and purchaser hereby agrees to relinquish any and all interest he may have in any additions and/or improvements made to above property. Such improvements must be approved by all agencies as well as above owners. If settlement does not occur as per above, any and all improvements and all payments made will be retained by seller as liquidated damages. Purchaser agrees that above property is being purchased in "as is" condition with no warranties, expressed or implied.

In witness whereof, the parties hereunto set their hands and seals.

Donald L Ward 8/16/19 Victor J Little Jr 8.16.19
SELLER for DATE PURCHASER DATE
Sussex Land Co LLC

Property Owner Sussex Land Co
Don WRIGHT

11412 Holly Tree Road

Lincoln DE 19960

LOT 7
6.00 ACRES
12/8
DB 56 PG 192

LOT 10

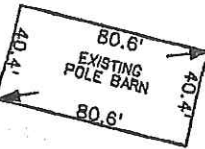
LOT 9

350'-11" wood fence
privacy fence
Just inside property line

350'-11" wood fence
privacy fence
Just inside property line

All fencing
inside property
line.

TOTAL 860'
7" wood fence
316' 4" chain link fence



7" wood fence
privacy

4" tall
chain link
fence

WELL

EXISTING HOUSE

EX. DECK

SEPTIC LID

EX. GRAVEL DRIVE

PROJECT DATA

10.277 wood 12.909
2632.00 cfm

HOLLY TREE ROAD
COUNTY ROAD 226 (30' ROW)

10' DEDICATION PER PLAT
(PB 56 PG 192)

S66°39'07"W 200.00'

SEPTIC LID

208.2'

15' BRL

N66°39'07"E 200.00'

00
RE







RAILROAD MEADOWS

DEED RESTRICTIONS

1. All lots shall be used exclusively for residential purposes.
2. All stick built, modular, or double-wide dwellings shall be a minimum of one thousand (1000) square feet of living space (exclusive of garages, porches, decks, etc.).
3. All single wide mobile homes placed on any parcel shall have a minimum of 840 square feet of living space.
4. No mobile homes manufactured more than seven years prior to the year of placement shall be permitted on any parcel.
5. The keeping of junked objects (unlicensed cars, trucks, lawn tractors, or garden tractors, etc.) or any other junk or refuse of any kind on any lot shall be prohibited. All lots shall be maintained with a neat and presentable appearance at all times, which shall include regular grass cutting.
6. No commercial operations of swine, sheep, goats, fowl or cattle shall be permitted on any lot at any time. Pets shall be exempt from this restriction, however, they shall be kept under the control of the owner at all times and shall not maintain objectionable noise or odor.
7. Once construction of any building has begun, the exterior portion shall be finished within one year from the date of commencement.
8. All entrances from the state maintained road shall be in accordance with rules and regulations promulgated by the Delaware Department of Transportation.
9. Any restriction contained herein shall be null and void if it is in conflict with any law or regulation of the state or county.
10. The property owners of the lands of this minor subdivision shall individually and collectively have the right, power and authority to enforce the restrictions and covenants that run with the land and are contained herein. If enforcement is required, said property owners, their successors or assigns, shall recover from the offending party, the costs, expenses and fees incurred in the enforcements.
11. These restrictions and covenants may be changed only by the written agreement of the owners of at least seven (7) of the properties in this minor subdivision.

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, or inconvenience which may result from such normal agricultural uses and activities.

Tax Map Nos. 2-30-20.00-9.00 through 9.14
Prepared by and Return to:
Sergovic Carmean Weidman McCartney & Owens, P.A.
25 Chestnut St.
Georgetown, DE 19947

**FIRST AMENDMENT TO DEED RESTRICTIONS FOR RAILROAD
MEADOWS SUBDIVISION**

**THIS FIRST AMENDMENT TO DEED RESTRICTIONS FOR RAILROAD
MEADOWS SUBDIVISION** (the "First Amendment") is made and executed on the _____
day of the last execution by any party to this document, by no less than seven (7) Lot Owners,
being **MICHAEL C. ONUSKO** (Owner of Lot No. 1), **GEORGINA CHAVEZ CALLES** and
PATISHTAN R. VENEGAS HONORIO (Owner of Lot No. 2), **RONALD C. LIGGETT and**
DOLORES B. LIGGETT (Owner of Lot No. 3), **WILLIAM F. HERMSTEDT and HOLLY**
L. HERMSTEDT (Owner of Lot No. 4), **ELAINE JANE SHANER** (Owner of Lot No. 5),
ANNETTE K. WRIGHT (Owner of Lot No. 6), **SUSSEX LAND COMPANY, LLC** (Owner
of Lot No. 7), **CYNTHIA L. BROWN** (Owner of Lot No. 8), **RICHARD L. WILSON** (Owner
of Lot No. 9), **STEVEN E. NEWMAN and CHRISTINE K. NEWMAN** (Owner of Lot No.
10), **DANIELLE C. KELZ and SHAWN R. KELZ** (Owner of Lot No. 11), and **MARTIN**
VILLAGOMEZ CASTRO and JAIME R. ESPINOZA (Owner of Lot No. 12) (hereinafter
collectively referred to as the "Lot Owners").^{1, 2}

¹ Lot numbers are pursuant to the record subdivision plat of Railroad Meadows Subdivision, a copy of which is attached hereto as Exhibit "1."

² If less than all, but more than seven (7) Lot Owners listed above execute this document, any unexecuted consent shall not be recoded. However, the Amendment will nevertheless be binding on all of the subject to the Restrictions for Railroad Meadows.

WHEREAS, Sussex Land Company, LLC, the Developer, caused certain Restrictions to be imposed pursuant to the Deed Restrictions for Railroad Meadows Subdivision, of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in the following Deeds of record: 1) Deed Book 2161 at Page 352; 2) Deed Book 3374 at Page 320; 3) Deed Book 3304 at Page 191; 4) Deed Book 2873 at Page 22; 5) Deed Book 3395 at Page 125; 6) Deed Book 2403 at Page 36; 7) Deed Book 2184 at Page 169; and 8) Deed Book 3131 at Page 94 (hereinafter "the Restrictions"); the Deeds for the following Lot Nos. 2 (Deed Book 4949 at Page 144), 7 (Deed Book 4534 at Page 208), 9 (Deed Book 3991 at Page 261) and 12 (Deed Book 4602 at Page 258), do not specifically reference the Restrictions for Railroad Meadows Subdivision, however the Lot Owners of such lots agree that they are bound to the above Restrictions under a common development plan and agree to amend the Restrictions for Lot 7 of the Railroad Meadows Subdivision as provided herein.

WHEREAS, the Restrictions provide that they may be amended by and with the written consent of no less than seven (7) Owners of all the lots shown on the Record Plot, of the Railroad Meadows Subdivision, recorded in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware in Plot Book 56 at page 192 (the "Record Plat"); and

NOW THEREFORE, the Lot Owners, with the consent of no less than seven (7) Lot Owners of Railroad Meadows Subdivision, by written Consent to this First Amendment to Deed Restrictions for Railroad Meadows Subdivision, hereby amends the aforesaid Restrictions applying to the lands and property of Railroad Meadows Subdivision as such is depicted in the Record Plot, as follows:

1. The Restrictions for Railroad Meadows Subdivision shall be amended by deleting Paragraph 1 in its entirety for Lot No. 7 and substituting in lieu thereof, the following:

1. In addition to residential use, Lot No. 7, and only Lot No. 7, may be used for non-residential uses limited to part of Lot No. 7 may be utilized for outdoor storage of construction materials behind the existing seven (7) foot fence. Further, operation of a construction business on Lot No. 7 is permitted and is an allowed and authorized use of Lot 7.

2. Other than as above, the Restrictions are hereby ratified and affirmed.

3. This Amendment may be executed in several counterparts, each of which, when so executed, shall be deemed to be an original, and such counterparts shall, together, constitute and be one and the same instrument.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this ____
 ____ day of _____, 2019.

 Witness _____, Owner Lot No. ____

STATE OF _____:
 _____:ss.
 COUNTY OF _____:

BE IT REMEMBERED, That on this _____ day of _____, A.D. 2019,
 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,
 _____, party to this Indenture, known to me personally to be
 such, and he/she acknowledges said Indenture to be his/her act and.

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

 NOTARY PUBLIC



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

JENNIFER COHAN
SECRETARY

June 13, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Victor Little, Jr.** conditional use application, which we received on May 23, 2019. This application is for an approximately 6.00-acre parcel (Tax Parcel: 230-20.00-9.09). The subject land is located on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224). The subject land is currently zoned as AR-1 (Agricultural Residential) and the applicant is seeking a conditional use approval to utilize the existing 3,200 square-foot building to operate a fencing and decking business with outdoor storage.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Holly Tree Road where the subject land is located, which is from Ponder Road (Sussex Road 232) to Fleatown Road, is 661 vehicles per day.

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

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
June 13, 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
Victor Little, Jr., 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, DE
Treasury
P.O. Box 601
Georgetown, DE 19947
Welcome

33016410-0008 Megan D. 01/07/2020 11:29AM

PERMITS / INSPECTIONS

CONDITIONAL USE - FEE
2020 Item: 202000211|Z010 500.00

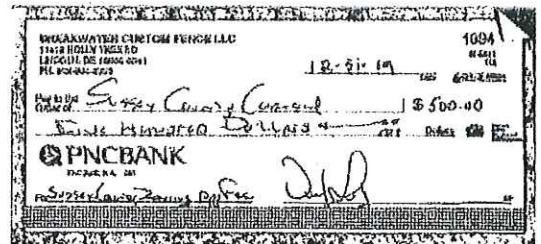
500.00

Subtotal 500.00
Total 500.00

CHECK 500.00
Check Number 1094

Change due 0.00

Paid by: BREAKWATER CUSTOM FENCE



Thank you for your payment

CUSTOMER COPY

File #: _____

Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED

JAN 07 2019

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use
Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

11412 Holly Tree Road, Lincoln, Delaware 19960

Type of Conditional Use Requested:

Applicant requests a conditional use for purposes of operating an existing fence-construction business known as Breakwater Custom Fence, LLC, on the property and for outdoor storage of construction materials behind an existing 7' fence.

Tax Map #: 2-30-20.00-9.09 Size of Parcel(s): 6.0 acres

Current Zoning: AR-1 Proposed Zoning: AR1/CU Size of Building: 48.2'x27.3' ^{Exhibit house & existing pole barn} 80.6'x40.4'

Land Use Classification: Res - Residential

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

Applicant Information Equitable Owner

Applicant Name: Victor Little

Applicant Address: 11412 Holly Tree Road

City: Lincoln State: DE Zip Code: 19960

Phone #: 302-245-4290 E-mail: vic2nd@yahoo.com

Owner Information

Owner Name: Sussex Land Company

Owner Address: 25051 Ward Farm Lane

City: Millsboro State: DE Zip Code: 19966

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: John A. Sergovic, Jr., Esquire

Agent/Attorney/Engineer Address: Sergovic Carmean Weidman McCartney & Owens, 25 Chestnut Street

City: Georgetown State: DE Zip Code: 19947

Phone #: 302-855-1260 E-mail: john@sussexattorney.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

___ Completed Application

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

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

___ Provide Fee \$500.00

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

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

___ 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

Sign Here

Date: 12-31-19

Signature of Owner

Sign Here

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: _____

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ___ Completed Application
- ___ Provide eight (8) copies of the Site Plan or Survey of the property
 - o Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
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- ___ Provide Fee \$500.00
- ___ Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
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- ___ DeIDOT Service Level Evaluation Request Response.
- ___ PLUS Response Letter (if required)

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Signature of Applicant/Agent/Attorney

Sign Here

_____ Date: _____

Signature of Owner

Sign Here

Seeley Land co per Donald Ward Date: 12/24/19

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
Staff accepting application: _____ Application & Case #: _____
Location of property: _____

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

AFFIDAVIT

Victor Little
Name of Applicant

Petition No.

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

Name: Michael C. Onusko
Address: 18518 Fleatown Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.00

Name: Trinity Commercial Holdings, LLC
Address: 3415 Wrangle Hill Road, Ste 1
Bear, DE 19701
SCTM: 2-30-19.00-109 and 111

Name: Georgina Chavez Calles
& Honorio R. Patishtan Venegas
Address: 11340 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.04

Name: Cynthia L. Brown
Address: 11420 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.10

Name: Ronald C & Dolores B Liggett
Address: 11356 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.05

Name: Richard L. & Kathie R. Wilson
Address: 11446 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.11

Name: William F. & Holly L. Hermstedt, Jr.
Address: 11360 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.06

Name: Steven E. & Christine K. Newman
Address: 11476 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.12

Name: Elaine J. Shaner
Address: 11386 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.07

Name: Danielle C. Kelz, Shawn R. Kelz &
Frank J. Praley, III
Address 4 Joyce Lane
Glen Burnie, MD 21061
SCTM: 2-30-20.00-9.13


Name: Annette K. Wright
Address: 11390 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.08

Name: Martin Villagomez-Castro & Jaime
R. Espinoza
Address: 11488 Holly Tree Road
Lincoln, DE 19960
SCTM: 2-30-20.00-9.14

Name: L G Investments and Farming, LLC
Address: P.O. Box 211
Ellendale, DE 19941
SCTM: 2-30-20.00-13.00 & 2-30-19.00-
107 and 110

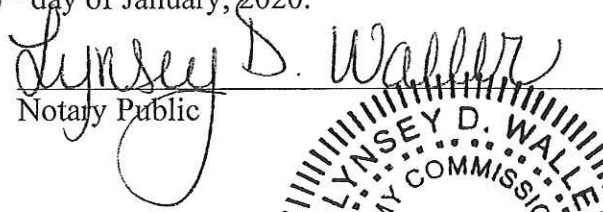
Name: LFW Delaware Holdings 2015 LLC
Address: 5445 Triangle Parkway, Ste 320
Peachtree Corner, GA 30092
SCTM: 2-30-20.00-12.00 & 2-30-19.00-112

Name: Gregory D Hall Properties, LLC
Walton Hall Land Tr, LLC
Address: 4080 Ridge St.
Fair Oaks, CA 95628
SCTM: 2-30-20.00-7.00

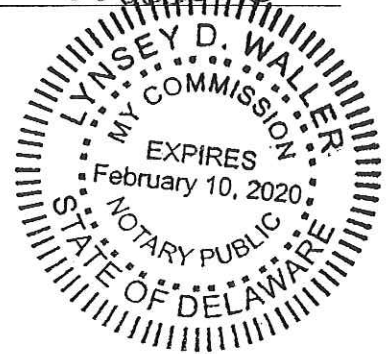


John A. Sergovic, Jr., Esquire
Signature of Authorized Agent

SWORN to and subscribed before me this 3rd day of January, 2020.



Lynsey D. Waller
Notary Public





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

JENNIFER COHAN
SECRETARY

June 13, 2019

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

Dear Ms. Cornwell:

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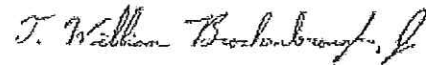
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Ms. Janelle M. Cornwell
Page 2 of 2
June 13, 2019

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
Victor Little, Jr., 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

170674-3

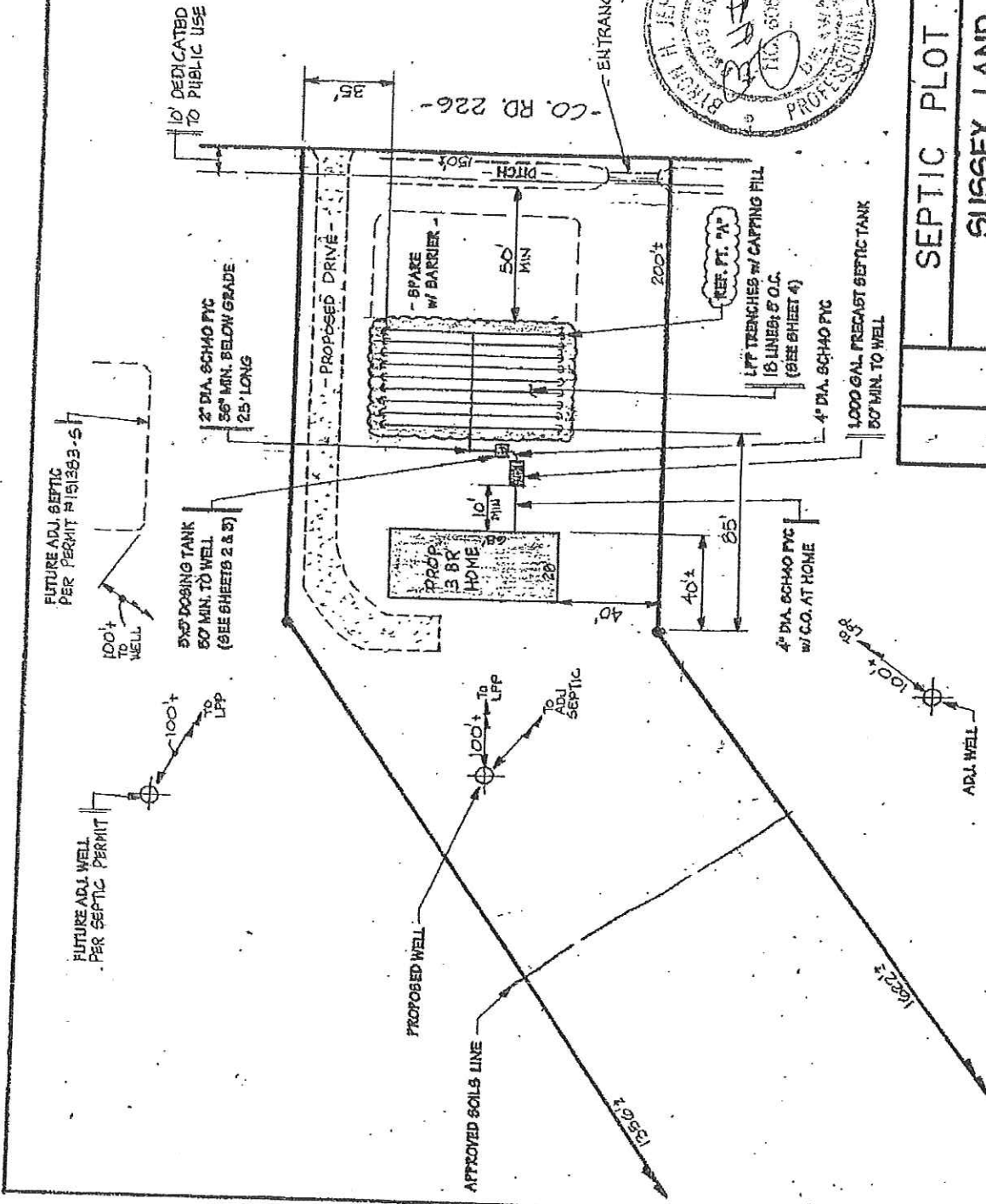
RECEIVED

MAR 02 2000

GROUND WATER



SEPTIC PLOT PLAN	
SUSSEX LAND CO.	
DATE: 2-29-00	SCALE: 1"=60'
BYRON H. JEFFERSON, P.E. P.O. BOX 161 LINCOLN, DE 19960 302-422-9568	SHEET 1



▲ DENOTES REVISED ITEMS

AGREEMENT OF PURCHASE AND SALE

SELLER: Sussex Land Co. of 25051 Ward Farm Ln, MILLSBORO, DE 19966 PHONE (302)934-9636
EIN # 51-0315170 AGREES TO SELL AND CONVEY UNTO

PURCHASER: Victor J. Little Jr. and/ or Vanus Garron Lee Little of 11412 Holly Tree Rd, Lincoln, DE 19960
PHONE(H)302-245-4290 AND PURCHASER HEREBY AGREES TO PURCHASE FROM
SELLER THE PROPERTY IDENTIFIED AS

11412 Holly Tree RD, Lincoln, Delaware 19960 being six acres improved by a dwelling.

TAX MAP # 2-30-20-9.09 UPON THE FOLLOWING TERMS AND CONDITIONS:

PURCHASE PRICE \$87,753.16

CASH BALANCE DUE AT SETTLEMENT To be determined. Purchaser agrees to pay the sum of \$1200.00 per month beginning 9/1/19 to seller to amortize above amount at eight(8) percent annual interest. The cash balance due at settlement will be determined based on principal balance at time of settlement.

TERMS OF PURCHASE: Cash at settlement

SETTLEMENT: Since time is of the essence, settlement shall occur at the office of Haller and Hudson, on or before 1/31/2024.

TRANSFER TAX: At settlement, all transfer tax shall be paid by purchaser. Seller shall pay cost of deed. All other costs shall be paid by purchaser.

TITLE: Title conveyed to purchaser (s) shall be good and merchantable, free and clear of all liens and encumbrances, except restrictions of record and existing easements.

FORFEITURES: Should the purchaser(s) fail to make payments and/or settlement as specified above, the sums bid as well as any improvements made by purchaser shall be retained by seller as liquidated damages and contract shall become invalid.

PRORATIONS: Purchaser agrees to reimburse sellers for any and all county tax bills due after date of this contract as well as any costs related to construction permits etc.

BINDING COVENANTS: This agreement shall be binding upon all parties themselves, their heirs, executors, administrators, successors, or assigns. This agreement shall not be modified or changed except by written changes acknowledged and initialed or signed by all parties.

SPECIAL TERMS: If settlement does not occur by 1/31/2024 this contract shall be null and void and purchaser hereby agrees to relinquish any and all interest he may have in any additions and/or improvements made to above property. Such improvements must be approved by all agencies as well as above owners. If settlement does not occur as per above, any and all improvements and all payments made will be retained by seller as liquidated damages. Purchaser agrees that above property is being purchased in "as is" condition with no warranties, expressed or implied.

In witness whereof, the parties hereunto set their hands and seals.

Donald Edward 8/16/19
SELLER for DATE
Sussex Land Co LLC

Victor J. Little Jr. and Vanus Garron Lee Little 8.16.19
PURCHASER DATE

01870

02102 128

2-30 20.00 9.00 Prepared by Howard W. Hudson, Jr., 101 South Bedford Street, Georgetown, DE 19947

THIS DEED, made this 27th day of JANUARY in the year of our LORD one thousand nine hundred and Ninety-six,

BETWEEN, SONNYA D. DENNIS, of R.D. 1, Box 437, Lincoln, Delaware 19960, party of the first part,

-and-

SUSSEX LAND CO., a Delaware partnership, of R.D. 3, Box 326, Millsboro, Delaware 19966, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00)----- lawful money of the United States of America and other valuable consideration, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part,

ALL that certain tract, piece or parcel of land lying and being situated in Cedar Creek Hundred, Sussex County, Delaware, as shown on a Boundary & Subdivision Plan for property to be known as "Railroad Meadows" dated September 14, 1995, in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Plot Book 55 at Page 147, and being more particularly described as follows, to-wit:

BEGINNING at a concrete monument to be set located on the westerly right-of-way of County Road 226; thence by and with said right-of-way South 23 degrees 20 minutes 53 seconds East 1621.52 feet to a concrete monument marking the beginning of a curve; said curve having a radius of 534.36 feet; a delta of 30 degrees 59 minutes 50 seconds; an arc distance of 289.09 feet; and a bearing of South 38 degrees 50 minutes 48 seconds East with a chord distance of 285.58 feet to an iron pipe to be set; thence continuing along by and with lands now or formerly of Irene V. Houseman South 23 degrees 20 minutes 53 seconds East 480.71 feet to a found concrete monument; thence turning and running by and with a common boundary line for this land and lands now or formerly of Irene V. Houseman South 65 degrees 26 minutes 23 seconds

LAW OFFICE
HALLER & HUDSON
Georgetown, Delaware
19947

3329 333 1/24/96 TR-TX ST 1678.00

4020 111 1/24/96 CTR-TX SU 839.00

#02102 #130

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

SIGNED, SEALED, DELIVERED and Witnessed in the presence of

[Signature]

[Signature] (SEAL)
Sonnya D. Dennis

_____ (SEAL)

STATE OF DELAWARE :
 : SS.
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on this 11th day of January, in the year of our LORD one thousand nine hundred and ninety-six, personally came before me, a Notary Public in and for the State and County aforesaid, Sonnya D. Dennis, party to this Indenture, known to me personally to be such, and acknowledge this Indenture to be her deed.

GIVEN under my Hand and Seal of Office, the 11th day of January, 1996, year aforesaid.

[Signature]
Notary Public
HOWARD W. HUDSON
101 SOUTH BEDFORD SQUARE
P.O. BOX 33
GEORGETOWN, DELAWARE

RECORDING FEES
FRANCHISE TAXES

SS JAN 24 PM 3:42

SUSSEX COUNTY
DOC. SURCHARGE PAID

1996.

JAN 25 1996

LAW OFFICES
HALLER & HUDSON
Georgetown, Delaware
19847

A-20-96
Sussex Land Co
RD 3 Box 386
Millsboro De 19966



03" E 1355.53'
15' BRL

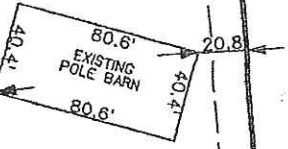
LOT 7 ACRES 1.28
9.00 PG 192
DBB

15' BRL
S 0° 49' 39" W 1622.23'

LOT 10

LOT 9

LOT 8



EX. DRIFT PATH

WELL



IFF

SEPTIC LID

HOLLY TREE ROAD 226 (30' ROW)
COUNTY ROAD

10' DEDICATION PER PLAT
(PB 56 PG 192)

S 66° 39' 07" W 200.00'

208.2'

EX. GRANITE DRIVEWAY

N 66° 39' 07" E 201.00'

PROJECT DATA

7.00'

WIRE

RCE

Property Owner Sussex Land Co
Don WILCO

11412 Holly Tree Road

Lincoln Dc 19960

350' wood fence
just inside property line

LOT 7 ACRES 5.218
DBB 6.00 PG 1917
DBB 6.00 PG 1917

LOT 10

LOT 9

All fencing
inside property
line,

TOTAL 860'
7' wood fence
376' 4' chain link fence

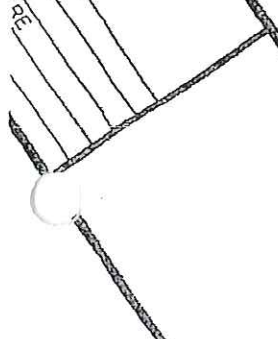
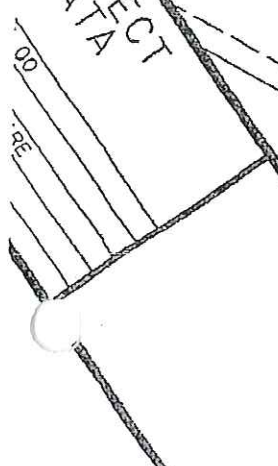
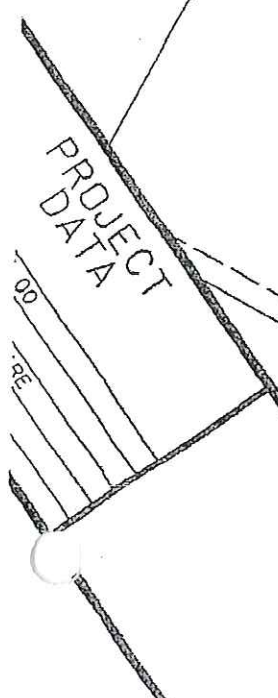
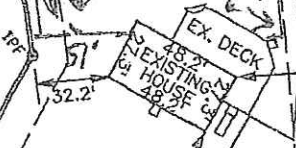
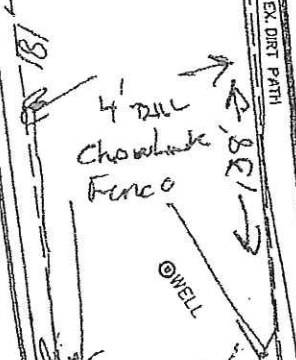
10.277 wood 12.909
2632.00 ch

10' DEDICATION PER PLAT
(PB 55 PG 192)

HOLLY TREE ROAD
COUNTY ROAD 226 (30' ROW)

PROJECT
DATA

350' wood fence
Privacy
Fence Just inside
property line



**COMPLIANCE WITH THE ZONING CODE AND
SUSSEX COUNTY COMPREHENSIVE PLAN DATED MARCH 2019**

The Applicant, Victor Little, Jr. (hereinafter the “Applicant”), has applied for a conditional use of land in an AR-1 Agricultural Residential District for the purposes of operating a fence-construction business, Breakwater Custom Fence, LLC, on the Subject Property. The lands subject to Conditional Use No. 2220 contain approximately 6.00 acres of land, more or less, consisting of District 2-30, Map 20.00, Parcel 9.09, lying and being in Cedar Creek Hundred, Sussex County lying on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224)(“Subject Property”). Located on the approximately 6.00 acres is one (1) existing building, a house with dimensions 48.2 feet by 27.3 feet, which is the residence of the Applicant, an existing pole barn with the dimensions 80.6 feet by 40.4 feet, and an existing 7-foot-tall fence. The Applicant seeks a conditional use to operate the aforementioned business on the Subject Property and to store materials related to his business.

The Subject Property is located in the AR-1 Agricultural Residential District under the Sussex County Zoning Ordinance (“the Code”). The purpose of the AR-1 Zoning District is to provide for low-density single-family residential development, together with such churches, recreational facilities and accessory uses as may be necessary or are normally compatible with residential surroundings. Conditional Uses allowed within the AR-1 District pursuant to Sussex County Code Section 115-22, include residential, business, commercial or industrial uses when the purposes of the chapter are more fully met by issuing a conditional use permit.

The Sussex County Comprehensive Plan dated March 2019 (hereinafter the “Plan”), under which this application is submitted, finds the Subject Property to be located in the Developing

Area. "Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home."¹ The proposed use is to operate the business of the Applicant on the property and thus falls within the permitted uses as identified by the Plan.

The conditional use if granted will not adversely affect neighboring uses. on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224). The Applicant has been operating his business on the Subject Property for the past ten (10) years and his use and operations have become a part of this community. The Applicant intends to have no more than five (5) employees at the Subject Property during any period of time. The proposed hours of operations are six (6) days a week with hours on Monday through Saturday from 8:00 a.m. through 5:00 p.m. The Applicant seeks to place a non-illuminated sign which complies with the Code which advertises the Applicant's business.

The Applicant has received no complaints from surrounding property owners with regard to the proposed use. In addition, the proposed use will not have an adverse impact on traffic in the area. A Service Level evaluation was requested by the Applicant and DelDOT has advised that a traffic impact study was not recommended. Moreover, the Applicant is unaware of any opposition to the proposed use and submits that the proposed conditional use will facilitate the ability of the Applicant to operate his business on the Subject Property.

¹ Sussex County Comprehensive Plan dated March 2019, at pages 4-14 – 4-15.

PROPOSED FINDINGS OF FACT
CU NO. 2220

Based upon the record presented in support of C/U No. 2220, the application of Victor Little, Jr. for conditional use of land in an AR-1 Agricultural Residential District for the purposes of operating an existing fence-construction business, Breakwater Custom Fence, LLC, the Planning and Zoning Commission of Sussex County, Delaware, finds the following facts and makes the following conclusions:

1. The application of Victor Little, Jr. seeks a conditional use of land in an AR-1 Agricultural Residential District for the purpose of operating a fence-construction business, Breakwater Custom Fence, LLC.

2. The conditional use of land sought consists of approximately 6.00 acres of land, more or less, consisting of District 2-30, Map 20.00, Parcel 9.09, lying and being in Cedar Creek Hundred, Sussex County lying on the southwest side of Holly Tree Road (Sussex Road 226), approximately 1,050 feet southwest of the intersection of Holly Tree Road and Fleatown Road (Sussex Road 224) ("Subject Property"). Located on the approximately 6.00 acres is one (1) existing building, a house with dimensions 48.2 feet by 27.3 feet, used as the Applicant's residence, an existing pole barn with the dimensions 80.6 feet by 40.4 feet, and a 7 foot-tall fence, designed to screen the Applicant's business uses from view by the public.

3. The Applicant does not propose any new structures on the Subject Property.

4. The Subject Property is served by an individual on-site well and an individual on-site septic system which complies with DNREC requirements.

5. The proposed use complies with the Sussex County Comprehensive Plan dated March 2019 as set forth in the booklet submitted by the Applicant.

6. No complaints have been raised concerning the proposed use of the Subject Property as it has been operated by the Applicant during the 10-year period pre-dating this Application.

7. A conditional use of land sought will have no adverse or detrimental impact on neighboring areas.

8. A Service Level evaluation was requested by the Applicant and DelDOT has advised that a traffic impact study was not recommended.

9. No wetlands shall be disturbed under this application.

10. The proposed hours of operations are six (6) days a week with hours on Monday through Saturday from 8:00 a.m. through 5:00 p.m.

11. The conditional use will afford an existing Sussex County businessman to continue to operate his business from the property and service the needs of the community in the rapidly expanding residential and commercial uses in close proximity to the Applicant's property.

Based upon the record and the above findings, Planning and Zoning Commission recommends approval of the applied for conditional use of land to the County Council finding that the proposed conditional use is for the purpose of promoting the health, safety, moral, convenience, order and prosperity and welfare of the present and future inhabitants of Sussex County, including amongst other things, the lessening of congestion in the streets or roads, securing safety from fire, flood and other dangers, providing adequate light and air; preventing on the one hand, excessive concentration of population and on the other hand, excessive and wasteful scattering of population or settlement and promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and provide adequate provisions for public requirements.

SERGOVIC CARMEAN WEIDMAN
McCARTNEY & OWENS, P.A.



John A. Sergovic, Jr.
David J. Weidman
Shannon R. Owens
Rachel Bleshman

Website: www.sussexattorney.com
Email: john@sussexattorney.com

Shannon Carmean Burton
Deirdre A. McCartney
Elizabeth L. Soucek
Harold W.T. Purnell, II
George B. Smith, of Counsel

August 24, 2020

VIA HAND DELIVERY

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

RE: Victor Little/CU No. 2220

Dear Commissioners:

Our client, Victor Little, has a conditional use hearing on August 27, 2020. Mr. Little has obtained sufficient signatures to an adopt an amendment to the restrictions, which we did not have when we filed our notebooks with the Planning and Zoning Office on August 17, 2020. We are enclosing multiple copies of the eight signatures/consents to the amendment. We are also enclosing multiple copies of the letter from the owner of Mr. Little's lot, which is under a Conditional Sales Agreement.

Respectfully submitted,

 for
/s/John A. Sergovic, Jr.

JAS, JR./cwl
Enclosures
cc: Mr. Victor Little

Tax Map Nos. 2-30-20.00-9.00 through 9.14
Prepared by and Return to:
Sergovic Carmean Weidman McCartney & Owens, P.A.
25 Chestnut St.
Georgetown, DE 19947

**FIRST AMENDMENT TO DEED RESTRICTIONS FOR RAILROAD
MEADOWS SUBDIVISION**

**THIS FIRST AMENDMENT TO DEED RESTRICTIONS FOR RAILROAD
MEADOWS SUBDIVISION** (the "First Amendment") is made and executed on the _____
day of the last execution by any party to this document, by no less than seven (7) Lot Owners,
being **MICHAEL C. ONUSKO** (Owner of Lot No. 1), **GEORGINA CHAVEZ CALLES** and
PATISHTAN R. VENEGAS HONORIO (Owner of Lot No. 2), **RONALD C. LIGGETT** and
DOLORES B. LIGGETT (Owner of Lot No. 3), **WILLIAM F. HERMSTEDT** and **HOLLY
L. HERMSTEDT** (Owner of Lot No. 4), **ELAINE JANE SHANER** (Owner of Lot No. 5),
ANNETTE K. WRIGHT (Owner of Lot No. 6), **SUSSEX LAND COMPANY, LLC** (Owner
of Lot No. 7), **CYNTHIA L. BROWN** (Owner of Lot No. 8), **RICHARD L. WILSON** (Owner
of Lot No. 9), **STEVEN E. NEWMAN** and **CHRISTINE K. NEWMAN** (Owner of Lot No.
10), **DANIELLE C. KELZ** and **SHAWN R. KELZ** (Owner of Lot No. 11), and **MARTIN
VILLAGOMEZ CASTRO** and **JAIME R. ESPINOZA** (Owner of Lot No. 12) (hereinafter
collectively referred to as the "Lot Owners").^{1, 2}

¹ Lot numbers are pursuant to the record subdivision plat of Railroad Meadows Subdivision, a copy of which is attached hereto as Exhibit "1."

² If less than all, but more than seven (7) Lot Owners listed above execute this document, any unexecuted consent shall not be recoded. However, the Amendment will nevertheless be binding on all of the subject to the Restrictions for Railroad Meadows.

WHEREAS, Sussex Land Company, LLC, the Developer, caused certain Restrictions to be imposed pursuant to the Deed Restrictions for Railroad Meadows Subdivision, of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in the following Deeds of record: 1) Deed Book 2161 at Page 352; 2) Deed Book 3374 at Page 320; 3) Deed Book 3304 at Page 191; 4) Deed Book 2873 at Page 22; 5) Deed Book 3395 at Page 125; 6) Deed Book 2403 at Page 36; 7) Deed Book 2184 at Page 169; and 8) Deed Book 3131 at Page 94 (hereinafter "the Restrictions"); the Deeds for the following Lot Nos. 2 (Deed Book 4949 at Page 144), 7 (Deed Book 4534 at Page 208), 9 (Deed Book 3991 at Page 261) and 12 (Deed Book 4602 at Page 258), do not specifically reference the Restrictions for Railroad Meadows Subdivision, however the Lot Owners of such lots agree that they are bound to the above Restrictions under a common development plan and agree to amend the Restrictions for Lot 7 of the Railroad Meadows Subdivision as provided herein.

WHEREAS, the Restrictions provide that they may be amended by and with the written consent of no less than seven (7) Owners of all the lots shown on the Record Plot, of the Railroad Meadows Subdivision, recorded in the Office of the Recorder of Deeds in and for Sussex County at Georgetown, Delaware in Plot Book 56 at page 192 (the "Record Plat"); and

NOW THEREFORE, the Lot Owners, with the consent of no less than seven (7) Lot Owners of Railroad Meadows Subdivision, by written Consent to this First Amendment to Deed Restrictions for Railroad Meadows Subdivision, hereby amends the aforesaid Restrictions applying to the lands and property of Railroad Meadows Subdivision as such is depicted in the Record Plot, as follows:

1. The Restrictions for Railroad Meadows Subdivision shall be amended by deleting Paragraph 1 in its entirety for Lot No. 7 and substituting in lieu thereof, the following:

1. In addition to residential use, Lot No. 7, and only Lot No. 7, may be used for non-residential uses limited to part of Lot No. 7 may be utilized for outdoor storage of construction materials behind the existing seven (7) foot fence. Further, operation of a construction business on Lot No. 7 is permitted and is an allowed and authorized use of Lot 7.

2. Other than as above, the Restrictions are hereby ratified and affirmed.

3. This Amendment may be executed in several counterparts, each of which, when so executed, shall be deemed to be an original, and such counterparts shall, together, constitute and be one and the same instrument.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this 16th day of August, 2019, 2020.

Carolea Sweetman
Witness

Michael A. Russo
, Owner Lot No #1

STATE OF Delaware :
:SS.
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 16th day of August, A.D. 2019, 2020 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Victor J. Little, party to this Indenture, known to me personally to be such, and he/she acknowledges said Indenture to be his/her act and.


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




Lisa Rose Reilly
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this _____

18th day of August, 2020



Witness



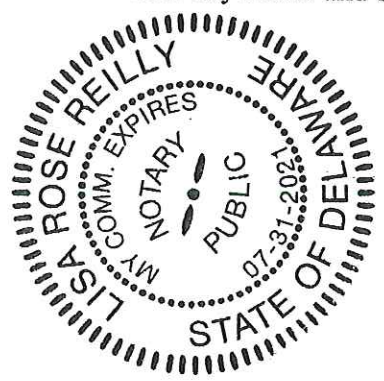
, Owner Lot No. 2


STATE OF Delaware :

:ss.
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 18th day of August, A.D. 2019, 2020
personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,
Victor J. Little, party to this Indenture, known to me personally to be
such, and he/she acknowledges said Indenture to be his/her act and.

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





NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this _____

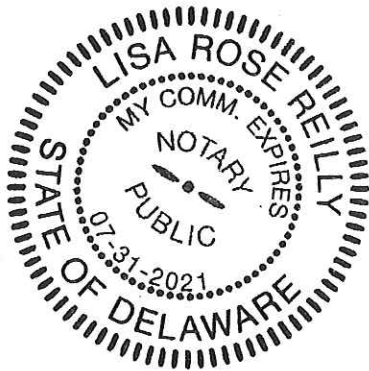
16th day of August, 2019-2020

David Breech Witness
Michael J. Zeger, Owner Lot No. 3

STATE OF Delaware :
:ss.
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 16th day of August, A.D. 2019-2020 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Victor J. Little, party to this Indenture, known to me personally to be such, and he/she acknowledges said Indenture to be his/her act and.

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



Lisa Rose Reilly
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this _____

17th day of August, ~~2019~~, 2020

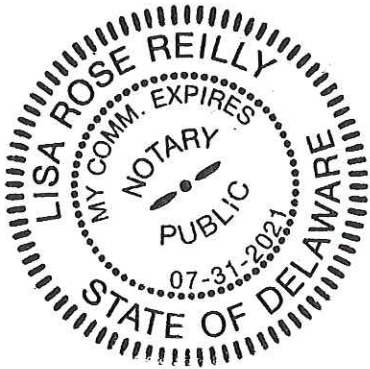
[Signature]
Witness

[Signature], Owner Lot No. 4

STATE OF Delaware :
:ss.
COUNTY OF Sussex :

BE IT REMEMBERED, That on this 17th day of August, A.D. ~~2019~~, 2020 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Victor J. Little, party to this Indenture, known to me personally to be such, and he/she acknowledges said Indenture to be his/her act and.

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



[Signature]
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this _____
19th day of August, 2019, 2020

[Signature]
 Witness

Donald F Ward for Sussex Land Co LLC
 , Owner Lot No. 7

STATE OF Delaware :
 :ss.
 COUNTY OF Sussex :

BE IT REMEMBERED, That on this 19th day of August, A.D. ~~2019~~, 2020
 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid,
Victor J. Little, party to this Indenture, known to me personally to be
 such, and he/she acknowledges said Indenture to be his/her act and.

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



Lisa Rose Reilly
 NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this _____

~~thru~~ th day of 27, 2019.

Natasha J. Zeller
Witness

Cynthia Bbs #8
Natasha X. Teller
Owner Lot No. 5b

STATE OF Delaware:
:SS.
COUNTY OF Sussex:

BE IT REMEMBERED, That on this _____ day of _____, A.D. 2019, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, party to this Indenture, known to me personally to be such, and he/she acknowledges said Indenture to be his/her act and.

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



Arti Patel
NOTARY PUBLIC

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this 16th day of August, ~~2019~~ 2020.

Ronald J. Williamson
Witness

Richard J. Wilson
, Owner Lot No. 9

STATE OF Delaware
:SS.
COUNTY OF Sussex:

BE IT REMEMBERED, That on this 16th day of August, A.D. ~~2019~~ 2020 personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Victor J. Little, party to this Indenture, known to me personally to be such, and he/she acknowledges said Indenture to be his/her act and.

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



Lisa Rose Reilly
NOTARY PUBLIC
Lisa Rose Reilly

IN WITNESS WHEREOF, the Lot Owners have executed this First Amendment this 30

7 day of September, 2019.

Heather LeBeau
Witness

Martin Villagomez castro
, Owner Lot No. 12

STATE OF Delaware :
:ss.
COUNTY OF Kent :

BE IT REMEMBERED, That on this 30th day of September A.D. 2019, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Martin Villa Gomez Castro, party to this Indenture, known to me personally to be such, and he/she acknowledges said Indenture to be his/her act and.

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



Heather LeBeau
NOTARY PUBLIC

To: Sussex County Planning and zoning Commission

From: Donald Ward / *Sussex Land Co*

Sussex Land Co LLC

Date: August 20, 2020

Re: Conditional use of parcel 230-20.00-9.09

Several years ago Sussex Land CO agreed to sell the above referenced parcel to Victor Little. The seller agreed to finance the parcel with the official transfer to take place when all the payments were made. Mr. Little has made payments satisfactorily and his fence business has grown. He is seeking a conditional use on this parcel and Sussex Land Co supports the request since it seems that the conditional use would have no negative effect on the parcels nearby.

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: August 27, 2020

Application: (CU 2226) Jonathan E. & Karen M. Hearn

Applicant/Owner: Jonathan E. & Karen M. Hearn
8275 Cannon Road
Seaford, DE 19973

Site Location: Located on the north side of Cannon Road approximately 0.92 mile west of
Sussex Hwy (Route 13)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: An Events Venue

Comprehensive Land
Use Plan Reference: Developing Area

Councilmanic
District: Mr. Vincent

School District: Woodbridge School District

Fire District: Bridgeville Fire District

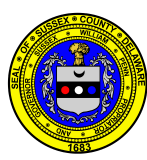
Sewer: Septic

Water: Private

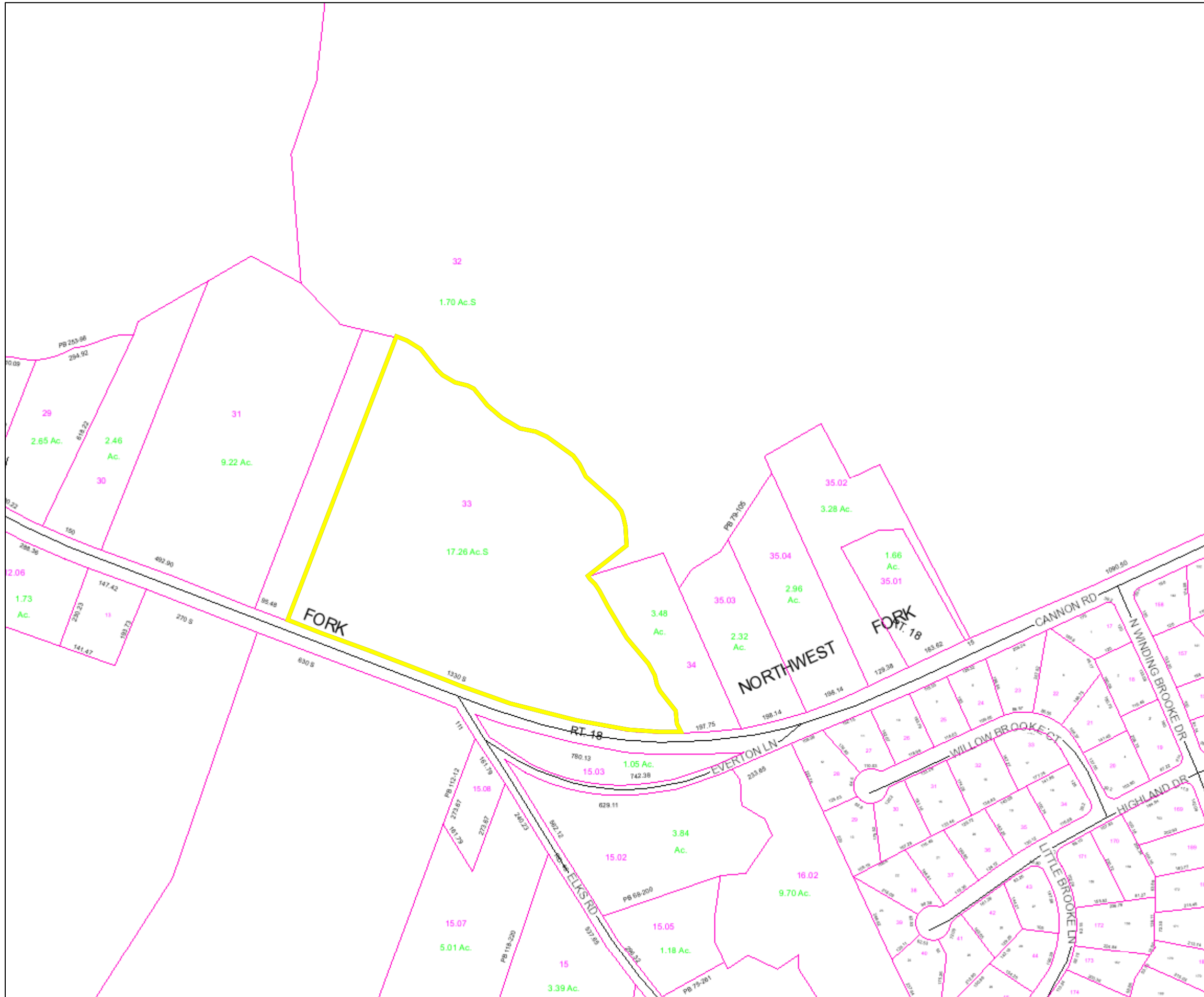
Site Area: 17.26 Acres +/-

Tax Map ID.: 131-18.00-33.00 (portion of)





Sussex County



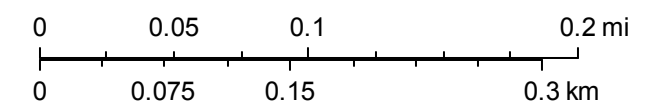
PIN:	131-18.00-33.00
Owner Name	HEARN JONATHAN EDISON KAREN
Book	4306
Mailing Address	8275 CANNON RD
City	BRIDGEVILLE
State	DE
Description	CANNONGEORGETOWN
Description 2	N RT 18 ACROSS FROM
Description 3	RT 46 FX
Land Code	

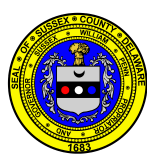
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Override 1
- polygonLayer**

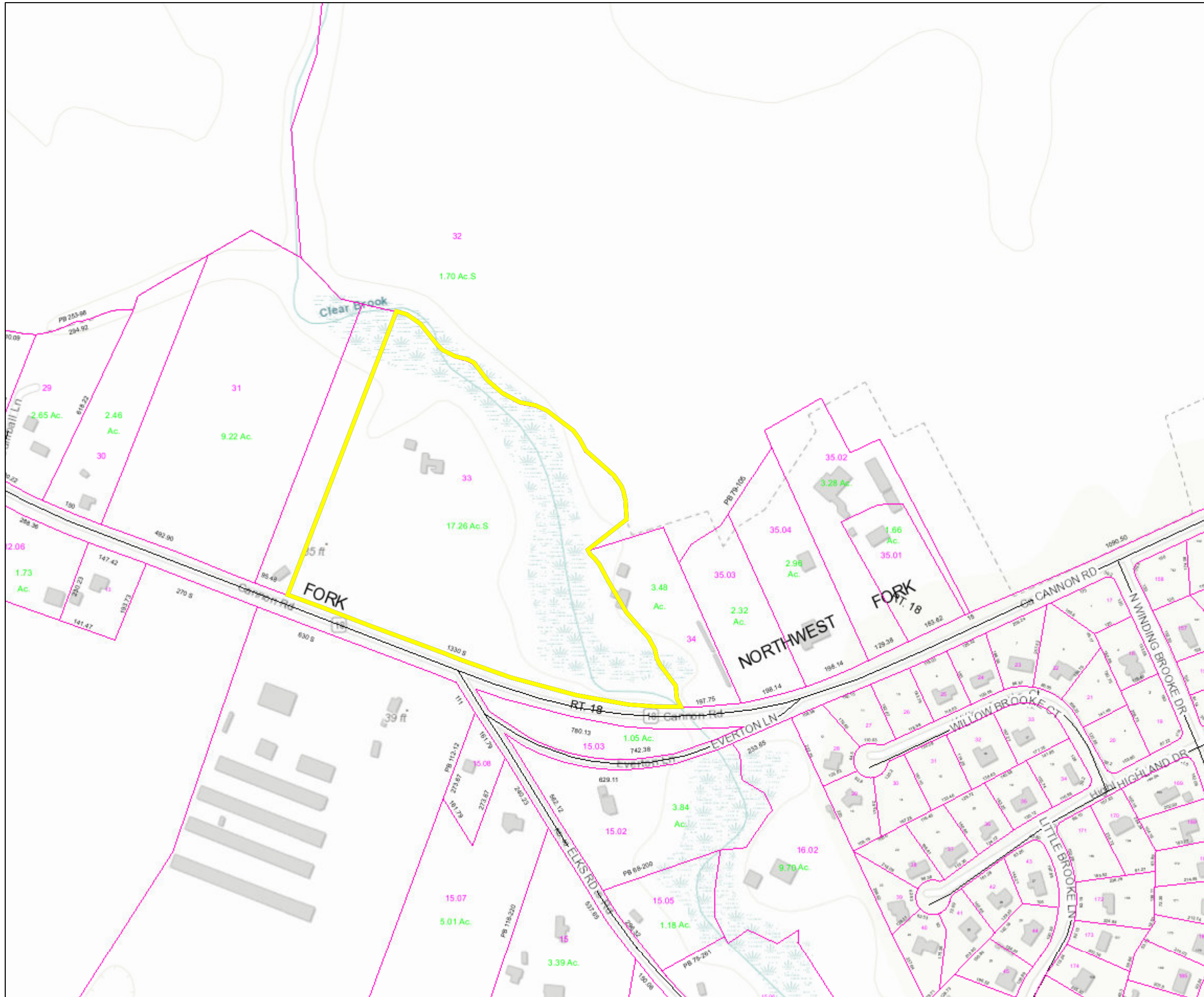
Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514





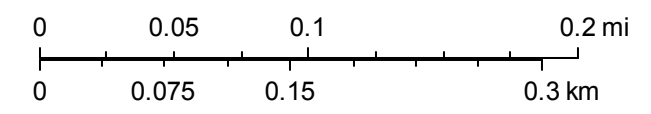
Sussex County

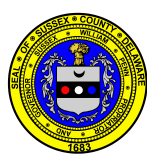


PIN:	131-18.00-33.00
Owner Name	HEARN JONATHAN EDISON KAREN
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State	DE
Description	CANNONGEORGETOWN
Description 2	N RT 18 ACROSS FROM
Description 3	RT 46 FX
Land Code	

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

1:4,514





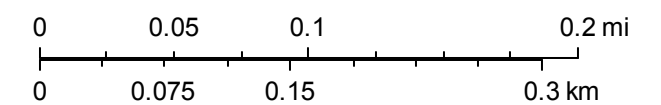
Sussex County



PIN:	131-18.00-33.00
Owner Name	HEARN JONATHAN EDISON KAREN
Book	4306
Mailing Address	8275 CANNON RD
City	BRIDGEVILLE
State	DE
Description	CANNONGEORGETOWN
Description 2	N RT 18 ACROSS FROM
Description 3	RT 46 FX
Land Code	

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

1:4,514



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 21, 2020
RE: Staff Analysis for CU 2226 Jonathan E. & Karen M. Hearn

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2226 Jonathan E. & Karen M. Hearn to be reviewed during the August 27, 2020 Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for a portion of tax parcel 131-18.00-33.00 to allow for an events venue to be located on the north side of Cannon Road, approximately 0.92 mile west of Sussex Highway (Route 13). The property address is 8275 Cannon Road (Route 18), Seaford, Delaware. The size of the property is 3.024 acres +/-

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

The properties to the south, east and west of the parcel are also designated as “Developing Areas.” “Developing Areas” are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. A range of housing types are appropriate in “Developing Areas,” including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the “Developing Areas” with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

The parcel to the north has the land use designation of “Municipalities” and is located within the incorporated limits of the Town of Bridgeville.

Additionally, the property is zoned Agricultural Residential (AR-1) Zoning District. The properties located to the east, west and south of the subject site are zoned Agricultural Residential (AR-1) Zoning District.



Since 2011, there have been no Conditional Use applications within a 1-mile radius of the application site.

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

June 11

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

8275 CANNON ROAD, SEAFORD, DE. 19973

Type of Conditional Use Requested:

3.024 ACRE PARCEL FOR RECEPTION HALL - EVENT VENUE

Tax Map #: 131-18,00-33.00 PART Size of Parcel(s): 3.024 ACRES±

Current Zoning: AR-1 Proposed Zoning: AR-1 Size of Building: 60'x80', 2-10' PORCHES

Land Use Classification: RESIDENTIAL

Water Provider: ON SITE Sewer Provider: ON SITE

Applicant Information

Applicant Name: JONATHAN E. & KAREN M. HEARN
Applicant Address: 8275 CANNON ROAD
City: SEAFORD State: DE. Zip Code: 19973
Phone #: 302-745-6567 E-mail: hearngrp@verizon.net
302-228-0787

Owner Information

Owner Name: SAME AS APPLICANT
Owner Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: MILLER-LEWIS, INC
Agent/Attorney/Engineer Address: 1560 MIDDLEFORD RD
City: SEAFORD State: DE. Zip Code: 19973
Phone #: 302-629-9895 E-mail: stevesellers@millerlewisinc.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

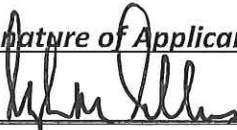
DeIDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney



Date: 2/11/2020

Signature of Owner

Date: _____

For office use only:

Date Submitted: 2/13/2020

Staff accepting application: CEH

Location of property: _____

Fee: \$500.00 Check #: 8815

Application & Case #: 2020 01676

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 8275 CANNON ROAD
SEAFORD, DE. 19973

Parcel #: 131-18.00-33.00 PART

Site Address: _____

Parcel #: _____

Applicant Name: JONATHAN E | KAREN M. HEARN

Owner Name: SAME AS ABOVE

Type of Application:

Conditional Use: _____

Change of Zone: _____

Subdivision: _____

Board of Adjustment: _____

Date Submitted: 2/11/2020

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: _____
Applicant Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Owner Information

Owner Name: _____
Owner Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Engineer/Surveyor Information

Engineer/Surveyor Name: _____
Engineer/Surveyor Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____

Agent/Attorney Information

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

Other

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone #: _____ E-mail: _____





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

JENNIFER COHAN
SECRETARY

December 16, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Jon & Karen Hearn** conditional use application, which we received on November 27, 2019. This application is for an approximately 17.26-acre parcel (Tax Parcel: 131-18.00-33.00). The subject land is located on the north side of the intersection of Cannon Road (Sussex road 18) and Elks Road (Sussex Road 46). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop a 4,800 square-foot events venue.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Cannon Road where the subject land is located, which is from Federalsburg Road (Sussex Road 17) to US Route 13 (Sussex Road 74), are 2,162 and 2,782 vehicles per day, respectively.

Regarding DelDOT's warrants for requiring a TIS, special events that would generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. Special events generating more than 200 vehicle trips in any hour and / or more than 2,000 vehicle trips per day would be considered to have a Major impact to local area roadways. Because we expect the typical event to generate no more than 50 vehicle trips in any hour and no more than 500 vehicle trips per day, we recommend that this conditional use application be considered without a TIS.

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



Ms. Janelle M. Cornwell
Page 2 of 2
May 16, 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
Jon & Karen Hearn, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/17/2020**

APPLICATION: **CU 2226 Jonathan E. & Karen M. Hearn**

APPLICANT: **Jonathan E. & Karen M. Hearn**

FILE NO: **WS-4.06**

TAX MAP &
PARCEL(S): **131-18.00-33.00 (portion of)**

LOCATION: **Located on the north side of Cannon Road (Rt. 18),
approximately 0.92 mile west of Sussex Highway (Route 13).**

NO. OF UNITS: **An Event Venue**

GROSS
ACREAGE: **17.26 +/-**


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

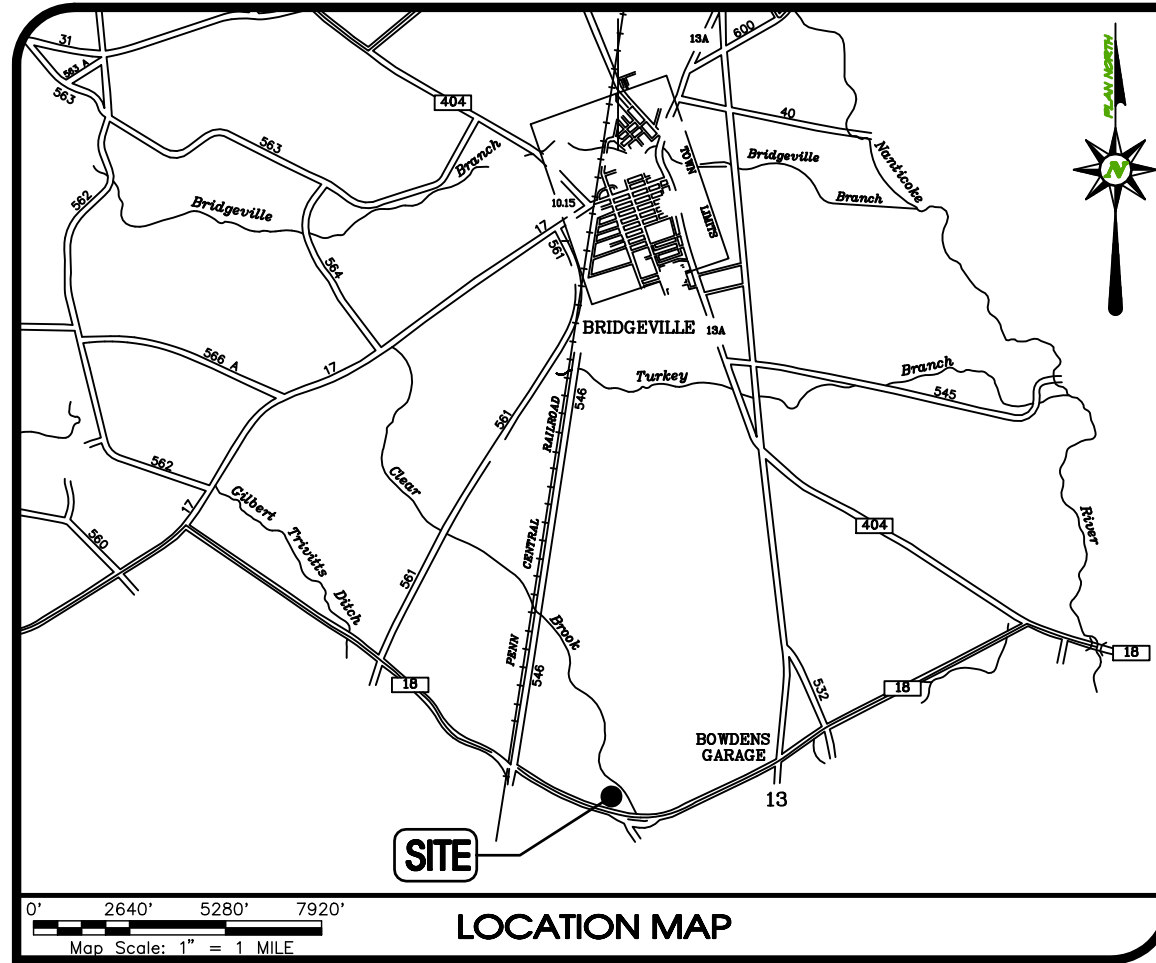
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **The proposed Conditional Use is contiguous to the Sussex County Unified Sanitary Sewer District (Western Sussex Service Area)**
- (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
No Permit Tech Assigned



PLAN LEGEND

- - - SUPPLEMENTAL CONTOUR (1' INTERVAL)
- - - INDEX CONTOUR (5' INTERVAL)
- - - EXISTING PAVEMENT EXTENTS
- - - EXISTING PAVEMENT STRIPING
- - - EXISTING PROPERTY BOUNDARY
- - - ADJOINING PROPERTY LINE
- - - EXISTING STORM CULVERT
- - - PROPOSED EDGE OF PAVEMENT
- - - PROPOSED PAVEMENT STRIPING
- - - PROPOSED BUILDING RESTRICTION LINE
- - - FLOOD ZONE LIMITS
- PROPOSED POINT ON LINE

BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	S 18°53'52" W	50.06'
L2	S 31°28'46" W	37.72'
L3	S 05°32'12" E	74.72'
L4	S 29°12'39" E	64.04'
L5	S 02°27'42" W	123.71'
L6	S 14°20'17" W	99.90'

GENERAL NOTES

- THE PROJECT SITE IS KNOWN AS LANDS OF HEARN GROUP, LLC, (T.P. 131-18.00-33.00 (P/O)), AND IS LOCATED AT 8275 CANNON ROAD, BRIDGEVILLE, DE 19933.
- THE PROPERTY BOUNDS, EXISTING FEATURES AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY MILLER-LEWIS, INC. 1560 MIDDLEFORD ROAD, SEAFORD, DE 19933. VERTICAL DATUM IS NAVD83 AND HORIZONTAL DATUM IS DELAWARE STATE PLANE COORDINATE SYSTEM NAD83.
- THE PROPOSED DEVELOPMENT STREETS ARE TO BE PRIVATE AND MAINTAINED BY THE DEVELOPER/PROPERTY OWNER. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ALL PROPOSED STORMWATER MANAGEMENT FACILITIES ARE TO BE MAINTAINED BY THE DEVELOPER/PROPERTY OWNER.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
- ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION).
- CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW THE DELAWARE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND STANDARD DRAWINGS (LATEST EDITION).
- EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY MILLER-LEWIS, INC. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PROJECT DESIGN. INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BETWEEN UNEXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100029 0293 K, MAP NUMBER 100050293K, DATED JUNE 20, 2020, PORTIONS OF THE SUBJECT PROPERTY ARE LOCATED IN A ZONE "X" UNSHADED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN. ZONE AE WITH A BASE FLOOD ELEVATION OF 31, AND ZONE AE WITH A BASE FLOOD ELEVATION OF 32.
- NO STATE OR FEDERAL JURISDICTIONAL WETLANDS EXIST ON THE SUBJECT PROPERTY.
- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 4-1.1, THE DEVELOPER SHALL PROVIDE, TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A PLOT PLAN OF THE DEVELOPMENT SHOWING EACH BUILDING LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL BUILDINGS IN A CONSECUTIVE MANNER AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH BUILDING TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
- THE BUILDING WILL BE ACCESSIBLE TO EMERGENCY APPARATUS. A MINIMUM OF 50% OF THE BUILDING WILL BE ACCESSIBLE BY EMERGENCY SERVICES PERSONNEL.
- LOCATION OF FIRE LANES, THEIR WIDTHS, AND THEIR MARKINGS, FIRE LANE SIGNS, WORDING AND 4" LINES OF DEMARCATION, AND YELLOW PAINTED CURBING ARE TO BE SHOWN ON THE PLAN WHERE APPLICABLE.
- ALL PROPOSED LANDSCAPE BUFFERS ARE TO BE MAINTAINED BY THE PROPERTY OWNER/DEVELOPER.
- THE PROPOSED BUILDING TYPE IS NFPA V(000).
- THE PROPOSED SIGNAGE DEPICTED ON THE PLAN IS INDICATIVE ONLY. SEPARATE APPLICATIONS SHALL BE REQUIRED FOR ALL SIGNAGE.
- THE RECEPTION HALL SHALL BE ACCESSED FROM THE INTERIOR DRIVE AISLES ONLY. NO SECONDARY ACCESS TO SCR 18 SHALL BE PERMITTED.

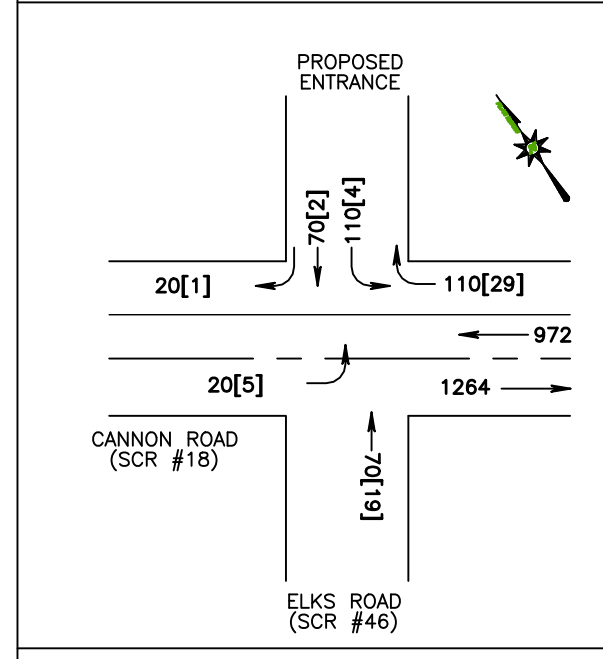
SITE DATA and ZONING SCHEDULE

TAX PARCEL No.: 131-18.00-33.00 (P/O)
 PROPERTY ADDRESS: 8275 CANNON ROAD, BRIDGEVILLE, DE 19933
 NET DEVELOPMENT AREA: 3.024 Acres
 EXISTING NUMBER OF LOTS: ONE (1)
 EXISTING SITE USE: RESIDENTIAL/AGRICULTURAL
 PROPOSED NUMBER OF LOTS: ONE (1)
 PROPOSED SITE USE: RECEPTION HALL
 EXISTING ZONING: AR-1 (AGRICULTURAL/RESIDENTIAL)
 INVESTMENT LEVEL AREA: LEVEL THREE (3)

NO TRANSPORTATION IMPROVEMENT DISTRICTS (TIDs) IN THE PROXIMITY OF THE PROJECT

ORDINANCE ITEM	REQUIREMENT:	PROVIDED:
MINIMUM LOT AREA	32,670 Sq. Ft.	131,725 Sq. Ft.
MINIMUM LOT WIDTH	100 Ft.	423.05 Ft.
MINIMUM LOT DEPTH	100 Ft.	396.11 Ft.
MINIMUM SETBACKS:		
FRONT	40 Ft.	40 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. (RECEPTION HALL)	1/50 S.F. OCCUPANCY SPACE	96 SPACES
SEWER SERVICE	PRIVATE SEPTIC	
WATER SERVICE	PRIVATE WELL	
PROPERTY OWNER/DEVELOPER	HEARN GROUP, LLC 8275 CANNON ROAD BRIDGEVILLE, DE 19933 302.228.0787	

TRIP GENERATION - CANNON ROAD (SCR #18)
(FULL MOVEMENT)



ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION: S-18 (CANNON ROAD) - MAJ. COLL.
 POSTED SPEED LIMIT: 50 MPH
 ADT = 2236 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
 10-YR PROJECTED ADT = 1,220 + 2236 TRIPS = 2684 TRIPS
 10-YR PROJECTED ADT + SITE ADT = 2828 TRIPS
 TRAFFIC PATTERN GROUP - 8 (FROM 2019 DELDOT TRAFFIC SUMMARY)
 PEAK HOUR = 13.70% x 2684 = 368 TRIPS

SITE TRIPS GENERATED:

SOURCE: SITE SPECIFIC BASED ON DELDOT GUIDANCE
 ONE ENTRANCE - FULL MOVEMENT
 DESIGN VEHICLE: SU-30
 SATURDAY = 400 TRIPS (200 IN/200 OUT)
 SATURDAY MIDDAY PEAK: 60 TRIPS (53 IN/7 OUT)

TOTAL ADT FOR DEVELOPMENT (SATURDAY) = 400 TRIPS

DIRECTIONAL DISTRIBUTION:

TO AND FROM THE WEST: 40 TRIPS
 [6 SATURDAY PEAK]
 TO AND FROM THE EAST: 220 TRIPS
 [33 SATURDAY PEAK]
 TO AND FROM THE SOUTH: 140 TRIPS
 [21 SATURDAY PEAK]

5.0% TRUCKS & BUSES x 400 = 20 TRIPS

DELDOT SITE GENERAL NOTES

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT TRIANGLE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17.131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE 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.
- LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING. RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS 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 ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

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.

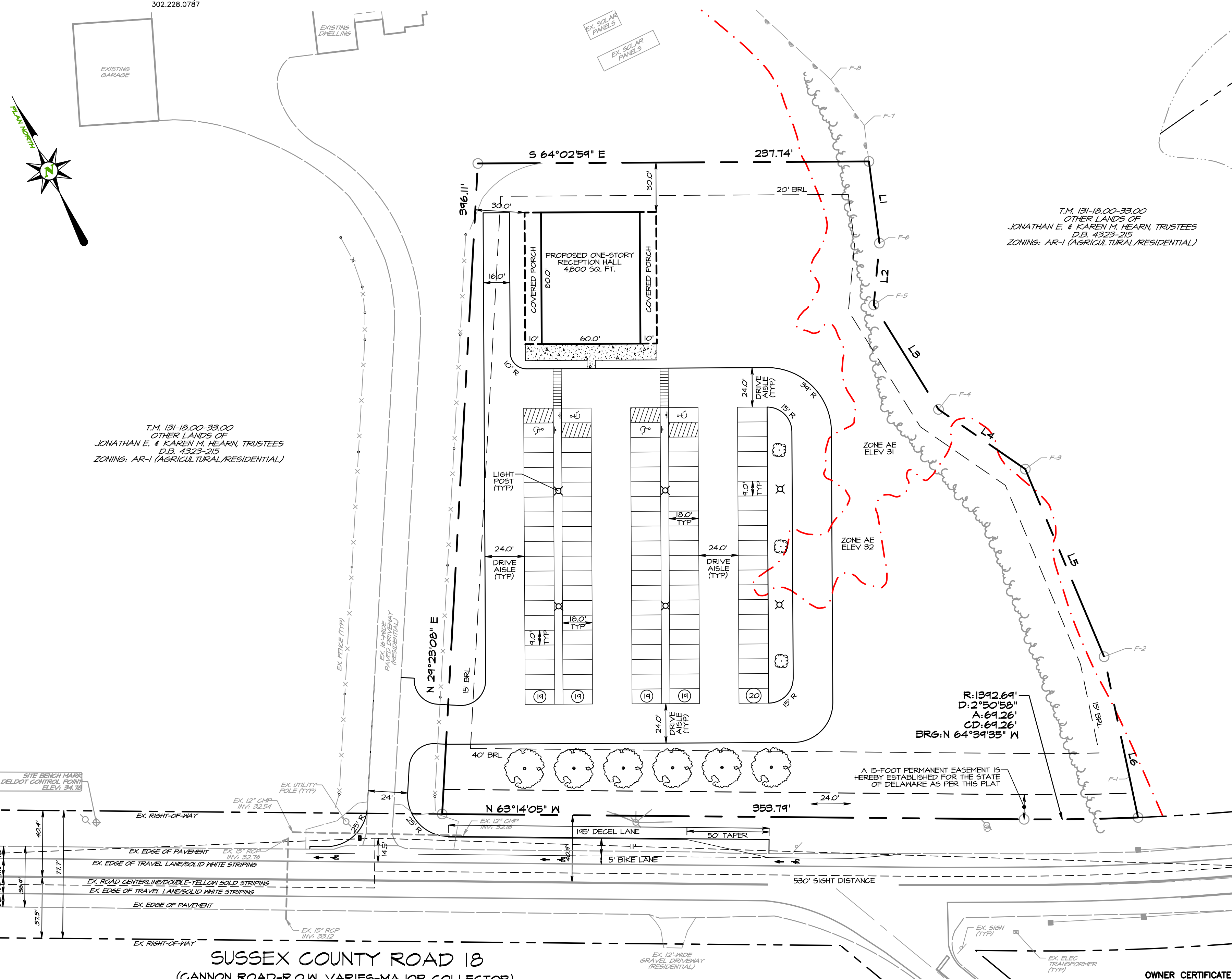
DESIGN PROFESSIONAL: DATE

APPROVED BY: BUSINESS BR: DRAWING BR: DESIGN BR: CHECKED BY: DATE: SCALE: 1" = 40'

OWNER/APPLICANT: HEARN GROUP, LLC BRIDGEVILLE, DE 19933
 PARCEL INFORMATION: T.P.: 131-18.00-33.00 (P/O) DEED REF: 4323-215
 GROSS AREA: 3.024 Acres
 NET AREA: 3.024 Acres

LANDS OF HEARN GROUP, LLC
 THE KERCHER GROUP, INC.
 CONSULTING • SYSTEMS • ENGINEERING
 37585 ROADBOTH AVE., UNIT 11 - ROADBOTH BEACH, DELAWARE 19971
 302.854.9062 (Voice) 302.854.9064 (Fax) www.kerchergroup.com

JOB No: 20-0305
 PLAN DATE: May 5, 2020
 SHEET No.: S1



SUSSEX COUNTY ROAD 18
(CANNON ROAD-R.O.W. VARIES-MAJOR COLLECTOR)

SCR 46
(ELKS RD-R.O.W. VARIES-LOCAL)

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

HEARN GROUP, LLC
 8275 CANNON ROAD
 BRIDGEVILLE, DE 19933
 Phone: 302.228.0787
 Fax: 302.629.3344

DATE



Strategic Infrastructure and
Transportation Asset Management
Consulting | Systems | Engineering

Lands of Hearn Group, LLC

CU #2226

**North West Fork Hundred
Sussex County, Delaware**

June 5, 2020

THE KERCHER GROUP, INC.

www.kerchergroup.com | 37385 Rehoboth Ave., Unit #11, Rehoboth Beach, DE 19971 | 302-854-9062



CONTENTS

Section 1: Applicant Letter

Section 2: The Kercher Group, Inc. Submittal Letter

Section 3: Letters of Application Support

Section 4: Lands of Hearn Group, LLC Preliminary Site Plan

Section 5: Lands of Hearn Group, LLC Aerial Image

Section 6: Sussex County Future Land Use Map

Section 7: Lands of Hearn Group, LLC State Strategies Map

Section 8: Coastal Soil Consultants, Inc. Site Evaluation

Section 9: Back Creek Environmental Consulting, LLC Wetland Delineation Report

Section 10: DNREC Subaqueous Lands Jurisdictional Determination

Section 11: Office of the State Fire Marshal Site Plan Approval

Section 12: DeIDOT Service Level Evaluation Response

Section 13: Sussex Conservation District Pre-Submittal Meeting Minutes

Section 14: Findings of Fact and Proposed Conditions

June 8, 2020

To Whom It May Concern:

We are applying for conditional use for an event venue.

The purpose of the venue is to provide a place for weddings/other events.

Proposed hours- Monday through Friday, 12:00 P.M. until no later than 10:30 PM,
Saturdays and Sundays, 8:00 AM until no later than 10:30 PM

It will be rented on weekends mostly; however, we would like to offer a "micro"
wedding occasionally for the client who may have a budget that is a bit smaller.

Caterers will be utilized for events as there is NO kitchen in building.

Brides may hire wedding planners if they choose

Respectfully Submitted,

Jonathan and Karen Hearn



June 5, 2020

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

RE: Lands of Hearn Group, LLC (CU #2226)

Dear Mr. Whitehouse,

In the near future, a public hearing is to be held in the County Council Chambers, within the Administrative Building of Sussex County. During the evening, the Planning and Zoning Commission will allow our clients, Hearn Group Group, L.L.C., to present a Preliminary Site Plan for consideration of conditional use approval by the County Council. The subject development, known as Lands of Hearn Group, LLC and referenced as CU #2226, is a proposed 4,800 S.F. reception hall, located along Cannon Road (SCR 18) and immediately north of Elks Road (SCR 46) in Bridgeville, DE. With the subject property being zoned Agricultural Residential (AR-1), our Clients are seeking a conditional use in order to establish the reception hall and associated infrastructure.

The Hearn Group, L.L.C. has made every attempt to assure that the design of the project conforms to the articles as presented in the County Code and they would like to be sure that the members of the Planning Commission and Council are aware of what investigations had been performed on the subject property prior to the public hearing. Attached to this document are findings associated with the aforementioned application. All documents contained within should be on record in the Planning and Zoning Department's file and we hope that they can be used as a guide by both the Planning Commission and County Council while making their recommendation and decision on the application.

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

Thank you for your attention and consideration.

Sincerely,

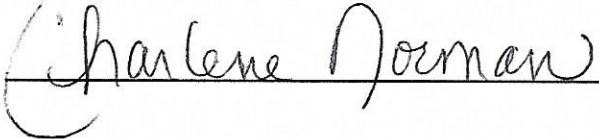
The Kercher Group, Inc.
John Murray
Project Manager

June 6, 2020

To Whom It May Concern:

Our names are Frank and Charlene Norman and our home is located at 8423 Cannon Rd in Seaford, De. We are neighbors down the road from Jonathan and Karen Hearn. They spoke to us about their application for a conditional use permit for an event venue located at their address at 8275 Cannon Rd Bridgeville. Their tax map number is # 131-18.00-33.00. We let them know that we are not opposed to this.

Thank you

A handwritten signature in cursive script that reads "Charlene Norman". The signature is written in black ink and is positioned above a solid horizontal line that extends to the right.

Brian G Shannon
8162 Cannon Rd
Bridgeville. DE 19933
302.745.0709

June 5, 2020

Jon & Karen Hearn
8275 Cannon Rd
Bridgeville, DE 19933

**RE: Conditional Use Application for Sussex
County Tax Map ID: 131-18.00-33.00**

Dear Jon & Karen,

As you know I own a neighboring property at 8162
Cannon Road, Bridgeville just west of you.

Please accept this letter as my support for your application
to obtain a conditional use at your property.

All the best,

Brian G Shannon

Brian G Shannon

June 6, 2020

To Whom It May Concern:

My name is Sally Fields and my home is located at 8182 Cannon Rd in Bridgeville which is across the street from Jonathan and Karen Hearn. They spoke to me about their application for a conditional use permit for an event venue located at their address at 8275 Cannon Rd Bridgeville. Their tax map number is # 131-18.00-33.00. I told them that I do not oppose this.

Thank you

Sally H. Fields

June 6, 2020

To Whom It May Concern:

My name is Mitchell Harris and I reside at 8392 Cannon Rd in Seaford with my wife Ruth. We are neighbors with Jonathan and Karen Hearn. They spoke to me about their application for a conditional use permit for an event venue located at their address at 8275 Cannon Rd Bridgeville. Their tax map number is # 131-18.00-33.00. I told them that I support them and this idea and am totally on board.

Thank you

Mitchell Harris Ruth Harris

June 5, 2020

To Whom It May Concern:

My name is Ricky Williams and my wife Donna and I reside at 8443 Cannon Rd in Seaford, De. Jon and Karen Hearn are my neighbors and they spoke to me about their application for a conditional use permit for an event venue located at their address at 8275 Cannon Rd Bridgeville which is tax map number # 131-18.00-33.00. I told them that I support them getting this permit and have no problem with the event venue.

Thank you



June 5, 2020

To Whom It May Concern:

My name is Jessica Jansen and my address is 8373 Cannon Rd in Seaford De. Jonathan and Karen Hearn are my next door neighbors and they spoke to me about their application for a conditional use permit for an event venue located at their address at 8275 Cannon Rd Bridgeville which borders my property. The tax map number is # 131-18.00-33.00. I told them that I support them and do not oppose this at all.

Thank you

A handwritten signature in black ink, appearing to read 'Jessica Jansen', is written over a solid horizontal line. The signature is cursive and extends slightly above and below the line.

Date: June 5, 2020

To: Whom It May Concern

From: Rex L. Mears, President, Ray S. Mears & Sons Inc.

Re: Conditional Use Application by Jon and Karen Hearn

I, Rex L. Mears, am the President of Ray S. Mears & Sons located at 8278 Cannon Rd., Bridgeville, DE 19933. Our business and 200 acres of land are across from the property of Jon and Karen Hearn at 8275 Cannon Rd. (Tax I.D. # 131-18.00-33.00).

Karen and Jon Hearn have spoken with me about their desire to apply for a Conditional Use Permit for an event venue. I would like to go on record to state that I have no objection to their plan. In fact, I think it is a great idea and one that would be an asset to the community.



Rex L. Mears, President

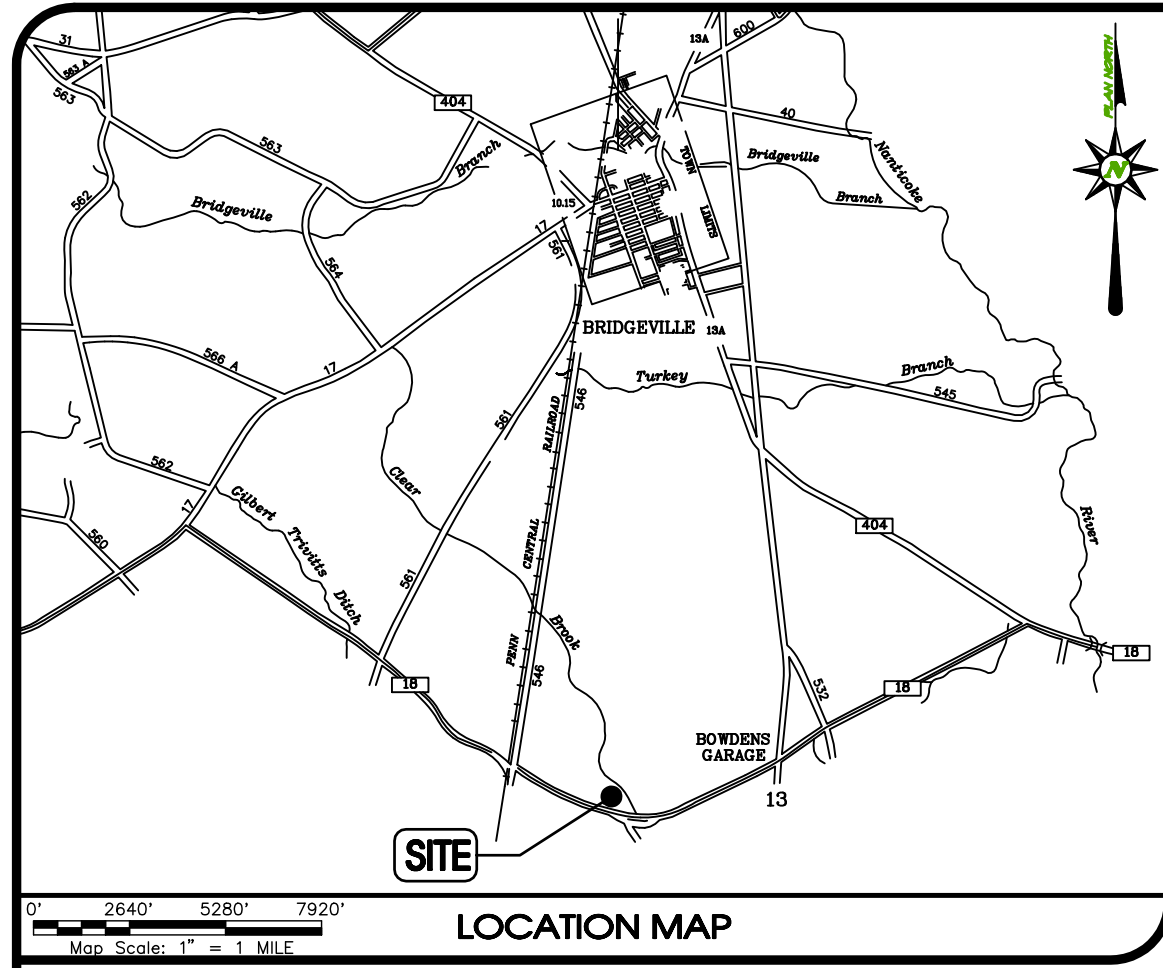
June 4, 2020

To Whom It May Concern:

My name is Duray Salmon and my address is 8383 Cannon Rd in Bridgeville, De. Jonathan and Karen Hearn are my neighbors and they spoke to me about their application for a conditional use permit for an event venue located at their address at 8275 Cannon Rd Bridgeville which is tax map # 131-18.00-33.00. I told them that I do not oppose this.

Thank you

Duray Salmon



PLAN LEGEND

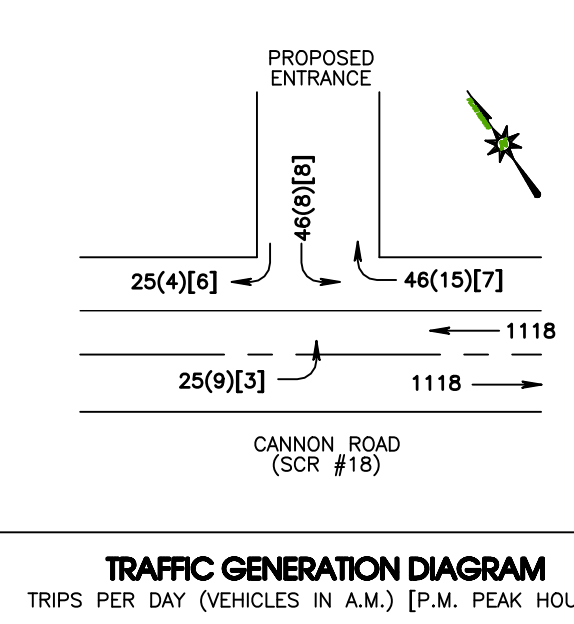
- SUPPLEMENTAL CONTOUR (1' INTERVAL)
- - - INDEX CONTOUR (5' INTERVAL)
- EXISTING PAVEMENT STRIPING
- EXISTING PAVEMENT STRIPING
- EXISTING PROPERTY BOUNDARY
- ADJOINING PROPERTY LINE
- EXISTING STORM CULVERT
- PROPOSED EDGE OF PAVEMENT
- PROPOSED PAVEMENT STRIPING
- PROPOSED BUILDING RESTRICTION LINE
- FLOOD ZONE LIMITS
- PROPOSED POINT ON LINE

SITE DATA and ZONING SCHEDULE

TAX PARCEL No.: 131-18.00-33.00 (P/O)
 PROPERTY ADDRESS: 8275 CANNON ROAD, BRIDGEVILLE, DE 19933
 NET DEVELOPMENT AREA: 3.024 Acres
 EXISTING NUMBER OF LOTS: ONE (1)
 EXISTING SITE USE: RESIDENTIAL/AGRICULTURAL
 PROPOSED NUMBER OF LOTS: ONE (1)
 PROPOSED SITE USE: RECEPTION HALL
 EXISTING ZONING: AR-1 (AGRICULTURAL/RESIDENTIAL)
 INVESTMENT LEVEL AREA: LEVEL THREE (3)
 NO TRANSPORTATION IMPROVEMENT DISTRICTS (TIDs) IN THE PROXIMITY OF THE PROJECT

ORDINANCE ITEM	REQUIREMENT:	PROVIDED:
MINIMUM LOT AREA	32,670 Sq. Ft.	11,387 Sq. Ft.
MINIMUM LOT WIDTH	100 FL	423.05 FL
MINIMUM LOT DEPTH	100 FL	396.11 FL
MINIMUM SETBACKS:		
FRONT	40 FL	40 FL
SIDE	15 FL	18 FL
REAR	20 FL	20 FL
MAXIMUM BUILDING HEIGHT	42 FL/3 Stories	16 FL/1 Story
PARKING SPACE QTY. (RECEPTION HALL)	1/50 S.F. OCCUPANCY SPACE	96 SPACES
	4,200 S.F. = 84 SPACES	
SEWER SERVICE	PRIVATE SEPTIC	
WATER SERVICE	PRIVATE WELL	
PROPERTY OWNER/DEVELOPER	HEARN GROUP, LLC 8275 CANNON ROAD BRIDGEVILLE, DE 19933 302.228.0787	

TRIP GENERATION - CANNON ROAD (SCR #18)
(FULL MOVEMENT)



ROAD TRAFFIC DATA:

FUNCTIONAL CLASSIFICATION - S-18 (CANNON ROAD) - MAJ. COLL.
 POSTED SPEED LIMIT - 50 MPH
 ADIT = 2236 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY)
 10-YR PROJECTED ADIT = 120 + 2236 TRIPS = 2684 TRIPS
 10-YR PROJECTED ADIT + SITE ADIT = 2828 TRIPS
 TRAFFIC PATTERN GROUP - 8 (FROM 2019 DELDOT TRAFFIC SUMMARY)
 PEAK HOUR = 13.70% x 2684 = 368 TRIPS

SITE TRIPS GENERATED:
 SOURCE: ITE TRIP GENERATION MANUAL 10th EDITION
 4800 S.F. RECEPTION HALL (485)
 ONE ENTRANCE - FULL MOVEMENT
 DESIGN VEHICLE: SU-30
 WEEKDAY = 142 TRIPS (36 AM PEAK, 24 PM PEAK)
 SATURDAY = 44 TRIPS
 SUNDAY = 65

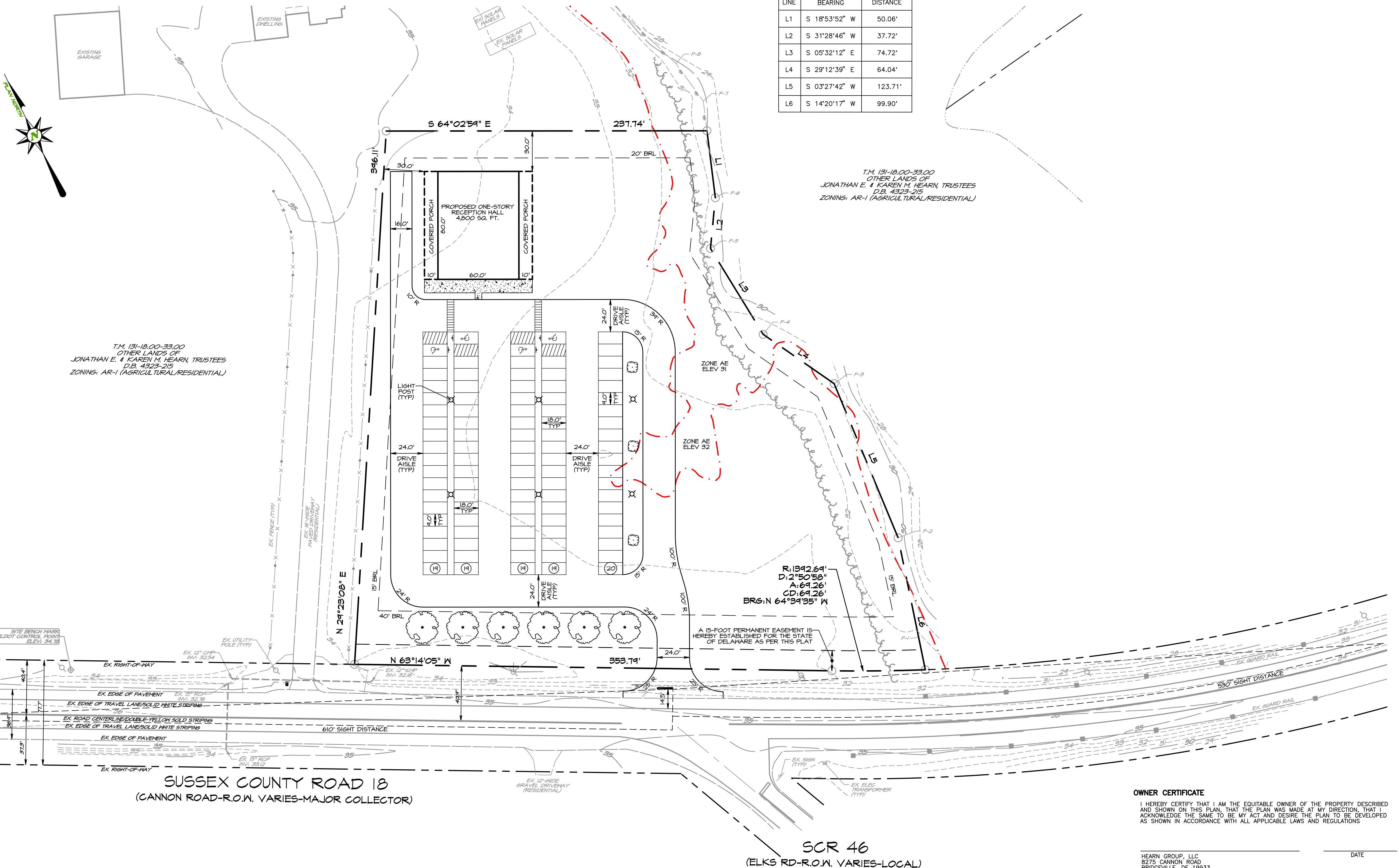
TOTAL ADT FOR DEVELOPMENT (WEEKDAY) = 142 TRIPS
 DIRECTIONAL DISTRIBUTION:
 35% TO AND FROM THE WEST: 50 TRIPS
 (13 AM PEAK) (19 PM PEAK)
 65% TO AND FROM THE EAST: 92 TRIPS
 (23 AM PEAK) (15 PM PEAK)
 5.36% TRUCKS & BUSES x 142 = 8 TRIPS

DELDOT SITE GENERAL NOTES

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT TRIANGLE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNER'S LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SIDEWALK OR SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION OR BOTH (TITLE 17.131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE 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.
- LOTS WILL BE PERMITTED TO HAVE ACCESS POINTS THAT COMPLY WITH THE DEVELOPMENT COORDINATION MANUAL (DCM) SPACING REQUIREMENTS OF CHAPTER 1 AND LIMITATIONS ON NUMBER OF ACCESS POINTS ESTABLISHED IN DCM CHAPTER 7. HORSESHOE DRIVEWAYS AND SECONDARY ENTRANCES REQUIRE ADDITIONAL DELDOT REVIEW AND SEPARATE PERMITTING, RESTRICTIONS AS DESCRIBED IN THE DCM CHAPTER 7 MAY PROHIBIT SOME SECONDARY ENTRANCE REQUESTS FROM BEING GRANTED.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS 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 ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.

GENERAL NOTES

- THE PROJECT SITE IS KNOWN AS LANDS OF HEARN GROUP, LLC, (T.P. 131-18.00-33.00 (P/O)), AND IS LOCATED AT 8275 CANNON ROAD, BRIDGEVILLE, DE 19933.
- THE PROPERTY BOUNDS, EXISTING FEATURES AND TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN IS THE RESULT OF A FIELD SURVEY PERFORMED BY MILLER-LEWIS, INC. 1560 MIDDLEFORD ROAD, SEAFORD, DE 19933. VERTICAL DATUM IS NAVD83 AND HORIZONTAL DATUM IS DELAWARE STATE PLANE COORDINATE SYSTEM NAD83.
- THE PROPOSED DEVELOPMENT STREETS ARE TO BE PRIVATE AND MAINTAINED BY THE DEVELOPER/PROPERTY OWNER. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- ALL PROPOSED STORMWATER MANAGEMENT FACILITIES ARE TO BE MAINTAINED BY THE DEVELOPER/PROPERTY OWNER.
- THIS PLAN DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHT-OF-WAYS CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS PROVIDED.
- THE CONTRACTOR SHALL ENSURE THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO COMMENCEMENT OF ANY SITE CONSTRUCTION ACTIVITIES.
- ALL CONTRACTORS WORKING ON THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK (LATEST EDITION).
- CONSTRUCTION MATERIALS AND PROCEDURES SHALL FOLLOW THE DELAWARE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS AND STANDARD DRAWINGS (LATEST EDITION).
- EXISTING SUBSURFACE UTILITY INFORMATION INDICATED IS BASED UPON VISUAL FIELD INSPECTION BY MILLER-LEWIS, INC. SUCH INFORMATION CONCERNING THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF SUBSURFACE UTILITIES IS APPROXIMATE IN NATURE AND HAS BEEN OBTAINED AS AN AID IN THE PROJECT DESIGN. INFORMATION PROVIDED IS REPRESENTATIVE OF SUBSURFACE CONDITIONS ONLY AT LOCATIONS AND DEPTHS WHERE SUCH INFORMATION WAS OBTAINED. THERE IS NO EXPRESSED OR IMPLIED AGREEMENT THAT UTILITY SIZE, LOCATION, DEPTH, QUANTITY, ETC. AS SHOWN EXISTS BETWEEN EXPLORED LOCATIONS. ACCORDINGLY, UTILITY INFORMATION SHOWN SHOULD NOT BE RELIED UPON FOR CONSTRUCTION PURPOSES. IT IS INCUMBENT UPON THE CONTRACTOR TO VERIFY THE SIZE, LOCATION, DEPTH, QUANTITY, ETC. OF ALL UTILITIES BEFORE EXCAVATION.
- BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) 100029 0293 K, MAP NUMBER 100050293K, DATED JUNE 20, 2020, PORTIONS OF THE SUBJECT PROPERTY ARE LOCATED IN A ZONE "X" UNSHADED WHICH IS AN AREA DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN. ZONE AE WITH A BASE FLOOD ELEVATION OF 31, AND ZONE AE WITH A BASE FLOOD ELEVATION OF 32.
- NO STATE OR FEDERAL JURISDICTIONAL WETLANDS EXIST ON THE SUBJECT PROPERTY.
- ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
- IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS PART V, CHAPTER 4, SECTION 4-1.1, THE DEVELOPER SHALL PROVIDE, TO THE EMERGENCY DISPATCH CENTER HAVING JURISDICTION, A PLOT PLAN OF THE DEVELOPMENT SHOWING EACH BUILDING LOCATION. THE DEVELOPER SHALL ALSO ASSIGN NUMBERS TO ALL BUILDINGS IN A CONSECUTIVE MANNER AND HAVE PLACED THE ASSIGNED NUMBER IN A READILY VISIBLE LOCATION ON EACH BUILDING TO ELIMINATE CONFUSION IN THE EVENT THAT AN EMERGENCY VEHICLE IS NEEDED.
- AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THIS STRUCTURE.
- THE BUILDING WILL BE ACCESSIBLE TO EMERGENCY APPARATUS, A MINIMUM OF 50% OF THE BUILDING WILL BE ACCESSIBLE BY EMERGENCY SERVICES PERSONNEL.
- LOCATION OF FIRE LANES, THEIR WIDTHS, AND THEIR MARKINGS, FIRE LANE SIGNS, WORDING AND 4" LINES OF DEMARCATION, AND YELLOW PAINTED CURBING ARE TO BE SHOWN ON THE PLAN WHERE APPLICABLE.
- ALL PROPOSED LANDSCAPE BUFFERS ARE TO BE MAINTAINED BY THE PROPERTY OWNER/DEVELOPER.
- THE PROPOSED BUILDING TYPE IS NFPA V(000).
- THE PROPOSED SIGNAGE DEPICTED ON THE PLAN IS INDICATIVE ONLY. SEPARATE APPLICATIONS SHALL BE REQUIRED FOR ALL SIGNAGE.
- THE RECEPTION HALL SHALL BE ACCESSED FROM THE INTERIOR DRIVE AISLES ONLY. NO SECONDARY ACCESS TO SCR 18 SHALL BE PERMITTED.



BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	S 18°53'52" W	50.06'
L2	S 31°28'46" W	37.72'
L3	S 05°32'12" E	74.72'
L4	S 29°12'39" E	64.04'
L5	S 03°27'42" W	123.71'
L6	S 14°20'17" W	99.90'

REVISIONS

NO.	DATE	DESCRIPTION

APPROVED BY: DATE: 5/7/20

SCALE: 1" = 40'

ONLY AS SHOWN ON THESE PLANS. ANY CHANGES MADE TO THE ORIGINAL AND REPRODUCED HEREON SHALL BE THE RESPONSIBILITY OF THE USER. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

OWNER/APPLICANT: HEARN GROUP, LLC
 BRIDGEVILLE, DE 19933
 Phone: 302.629.3344

PARCEL INFORMATION:
 T.P.: 131-18.00-33.00 (P/O)
 DEED REF: 4323-215
 GROSS AREA: 3.024 Acres
 NET AREA: 3.024 Acres

PRELIMINARY PLAN (Not To Be Recorded)
 SITE PLAN
LANDS OF HEARN GROUP, LLC
 NORTH WEST FORK HUNDRED - SUSSEX COUNTY - DELAWARE

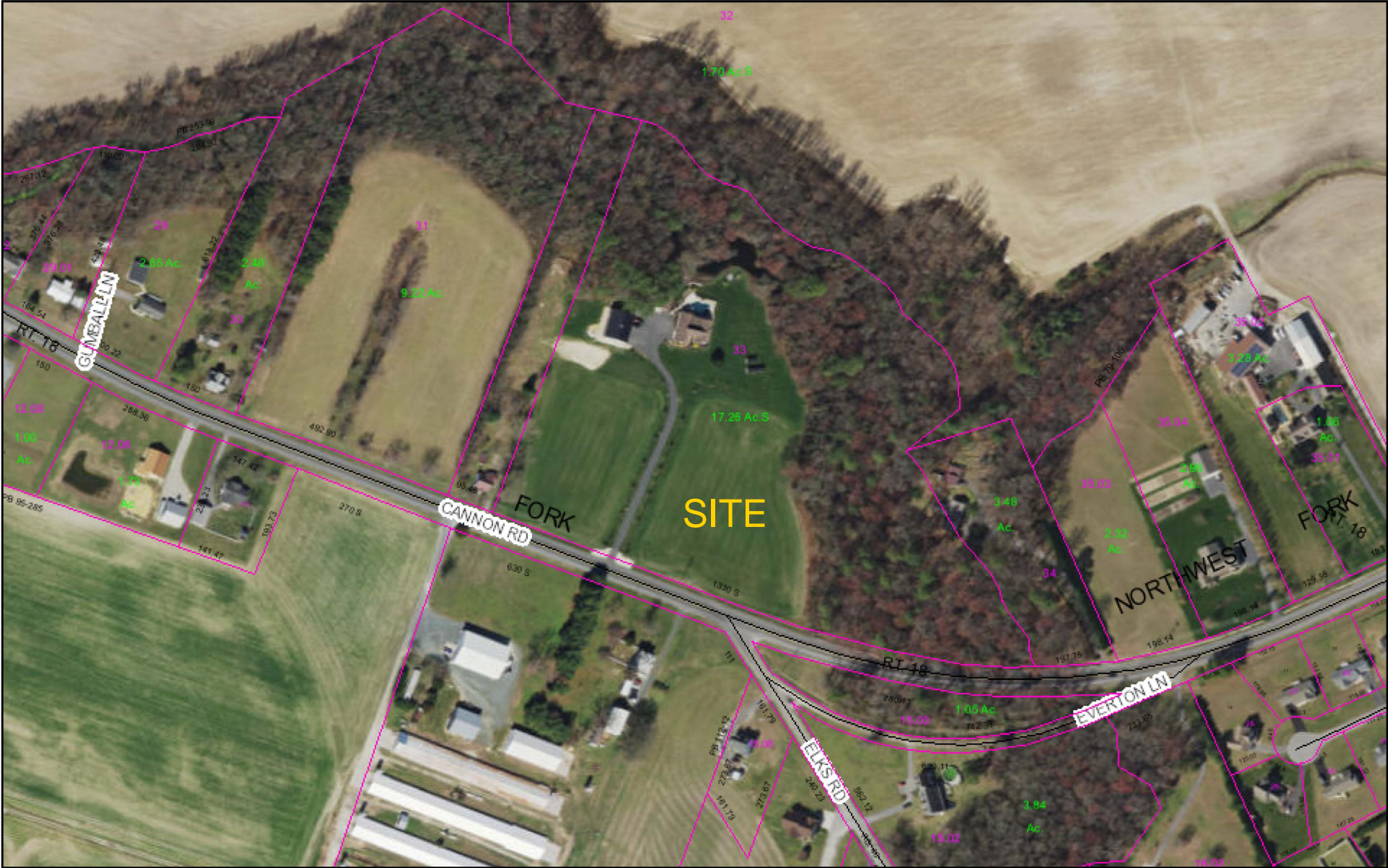
THE KERCHER GROUP, INC.
 CONSULTING • SYSTEMS • ENGINEERING
 37385 REHOBOTH BEACH, DELAWARE 19971
 302.854.9062 (Voice) 302.854.9062 (Fax) www.kerchergroup.com

JOB No: 20-0305
 PLAN DATE: May 5, 2020
 SHEET No.: S1

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

HEARN GROUP, LLC
 8275 CANNON ROAD
 BRIDGEVILLE, DE 19933
 Phone: 302.228.0787
 Fax: 302.629.3344

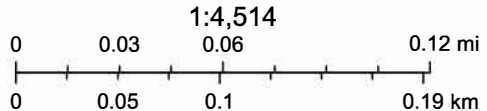
Lands of Hearn Group, LLC



June 5, 2020

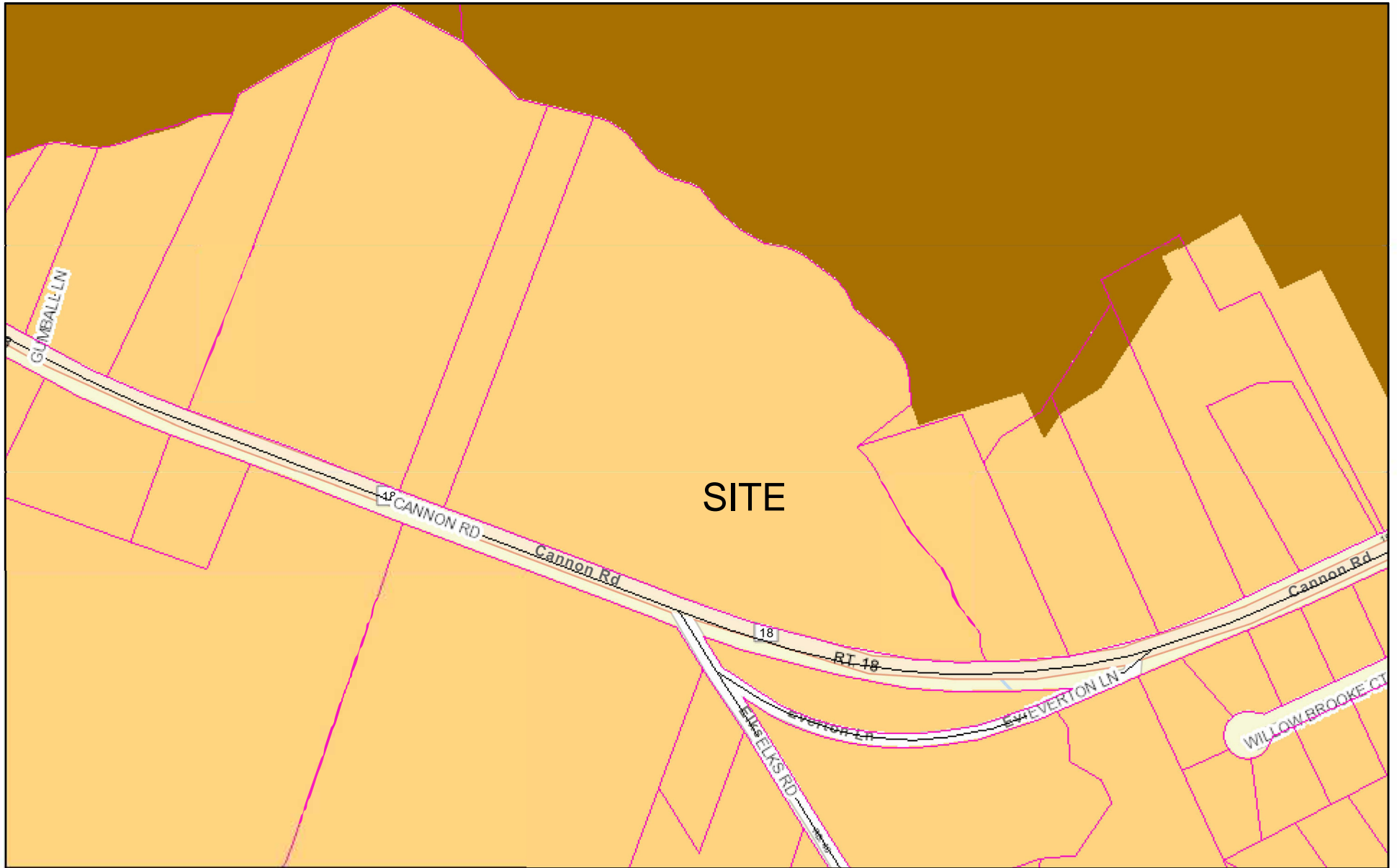
Tax Parcels County Boundaries

Streets

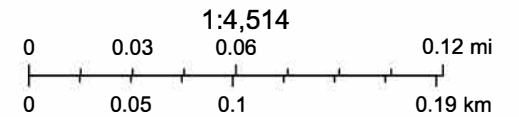


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Sussex

Lands of Hearn Group, LLC



June 5, 2020

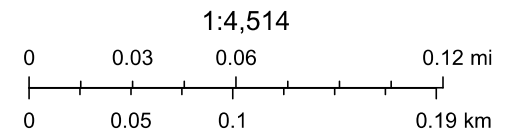


Sussex County, Sussex County Government, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User

Lands of Hearn Group, LLC



June 5, 2020

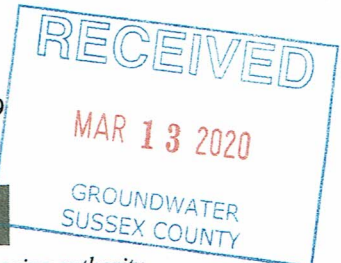


562498



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.**

Owner(s) Name: Jonathan Edison & Karen Marie Hearn, Trustees **Tax Map #:** 1-31-18-33

Address: 8275 Cannon Road Bridgeville, DE 19933 **Phone:** (302) 745-6567

Initial System Type: Low-pressure pipe (LPP) on-site wastewater treatment and disposal system (OWTDS). See Exhibit O in the Regulations. Other OWTDS options include any conventional/alternative technologies approved by DNREC.

Location of Drain Field: In the vicinity of soil borings (SB) #2 & #3 (hatched area on the plot plan).

Depth to Limiting Zone: 34" to redox depletions & concentrations.

Replacement System Type: Same as above if space permits. Otherwise, the replacement system may be sand-lined in the vicinity of the initial system.

Location of Drain Field: In the immediate vicinity of soil borings referred to above.

Depth to Limiting Zone: Same as above.

Design Comments

- Maintain all isolation distances specified in Exhibit C of the Regulations.
- Maintain a 100' isolation distance from all domestic wells and 150' from all public wells.
- 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

- Contact a Class C System Designer.
- A permeability rate of **60 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.
- Read the attached Site Evaluation Report for additional information.

Report prepared by: Joseph C. Duke, Jr., CPSS **Date of report:** March 12, 2020
Class "D" License #: 4048

For Official Use Only

Field checked: _____ **Expiration Date:** 3/13/25

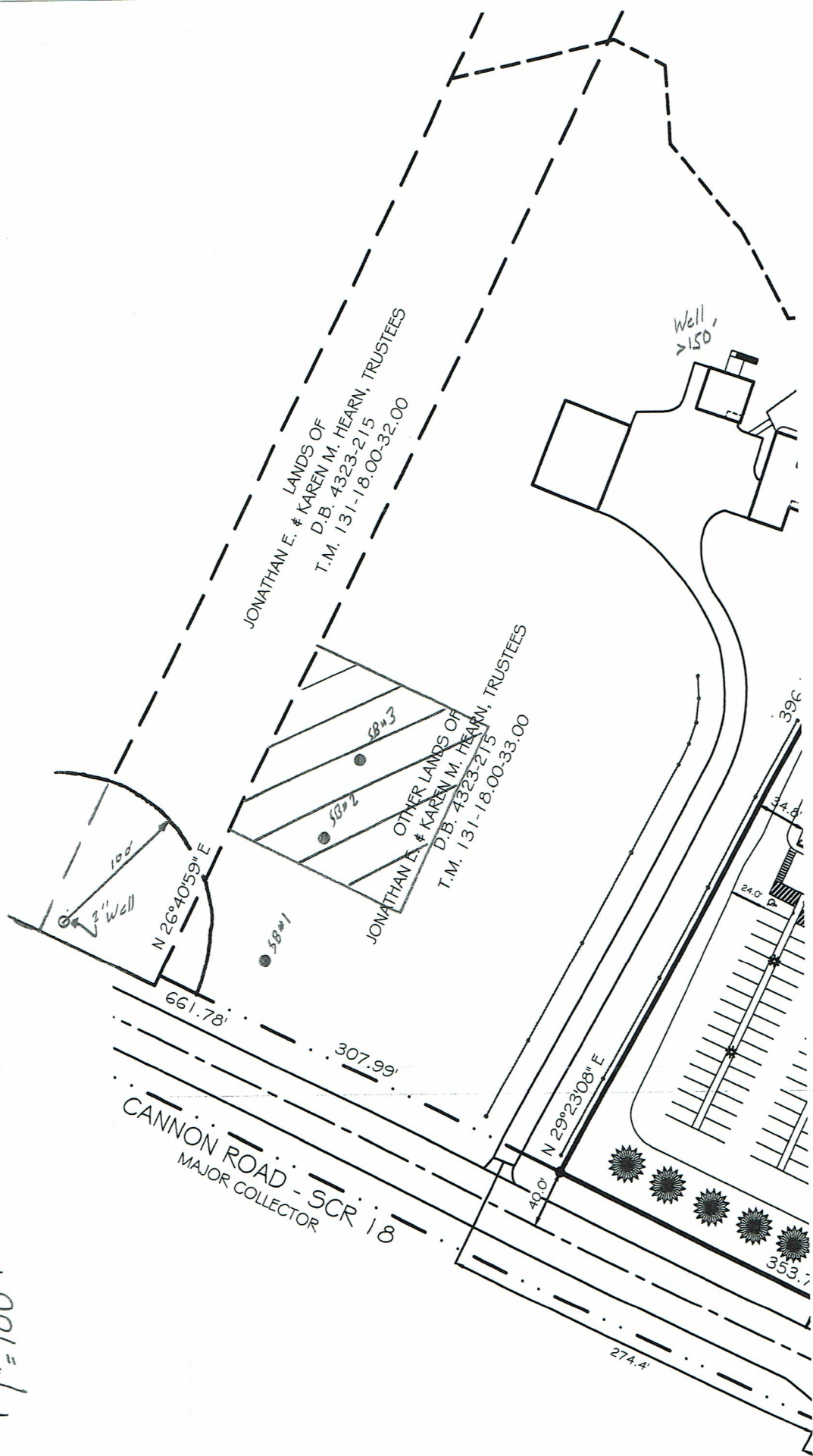
DNREC Reviewing Soil Scientist: _____ **Approval Date:** 3/13/20

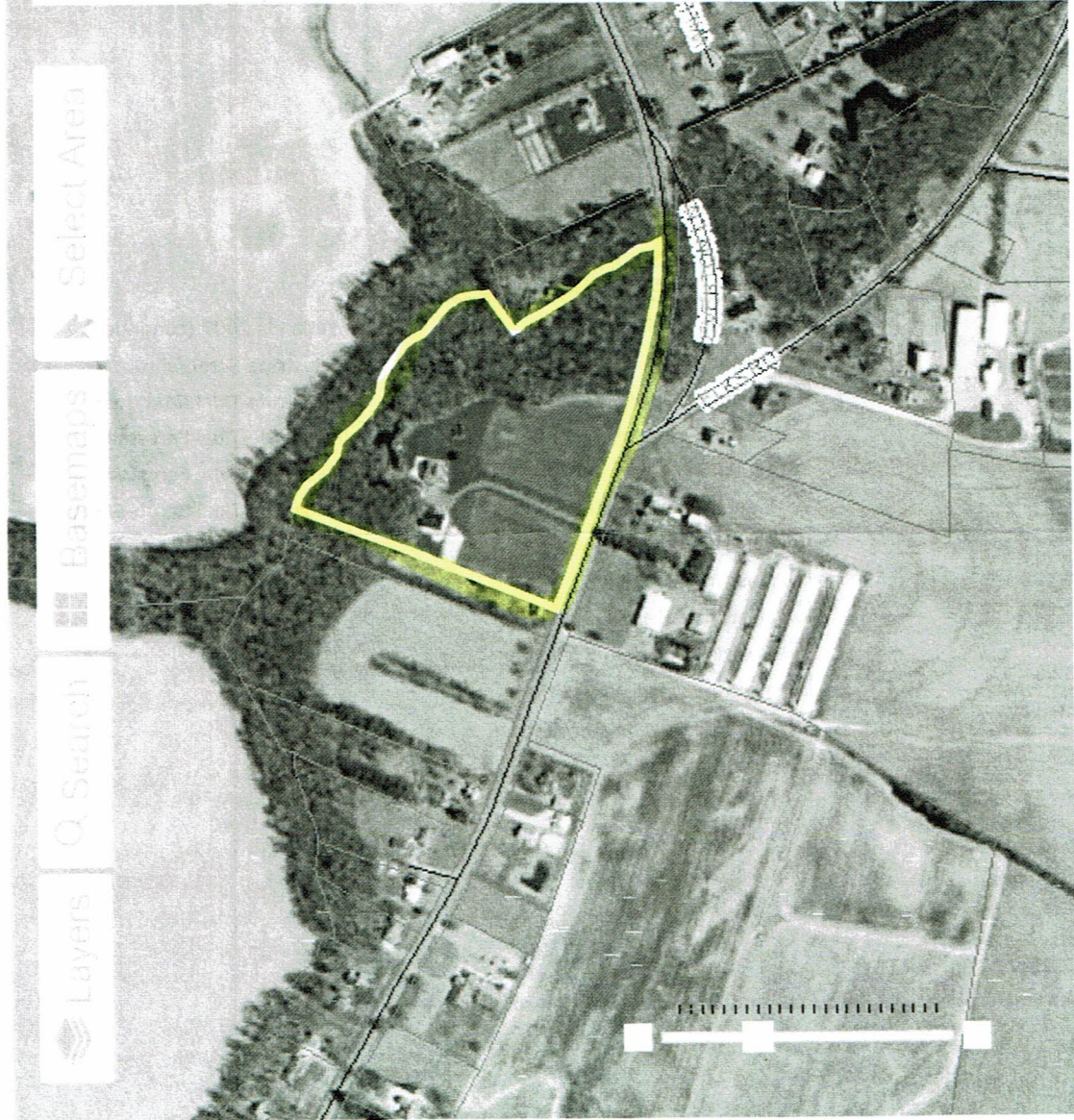
Disclaimer: Approval of a site evaluation indicates only that the site evaluation was conducted in compliance with the regulations. It is not an indication of the quality or correctness of the site evaluation.

If there are questions regarding this report, contact Site Evaluator.

THE CLASS D LICENSEE IS RESPONSIBLE FOR ERRORS/OMISSIONS

01 0313'20 13:03 06:52 PLU SITE EVAL. \$75.00





Hide search results >>

Search results

Selected Features: Parcels (1) Clear Selected

1) 131-18 00-33 00 Zoom

Book	4306
Page	11
Owner Name	HEARN JONATHAN EDISON KAREN
Second Owner Name	MARIE HEARN TRUSTEES
Mailing Address	8275 CANNON RD
City	BRIDGEVILLE
State	DE
Description	CANNONGEORGETOWN
Description 2	N D T 18 ADDRESS EDOM

Selected Features (1)



Legend



Untitled Map

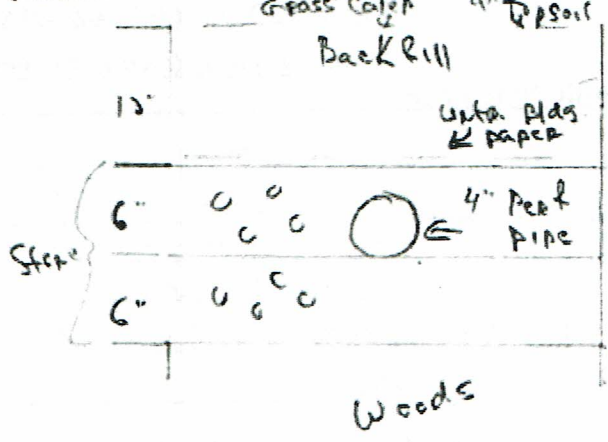
Write a description for your map.

Site
↖

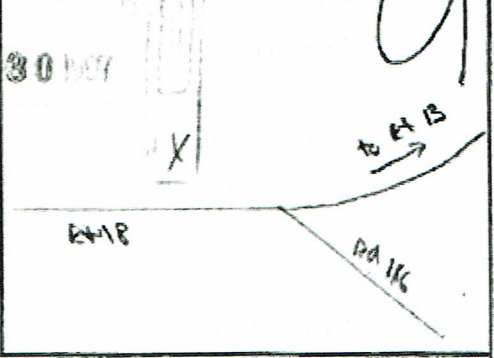
Cannon Rd
18

200 ft

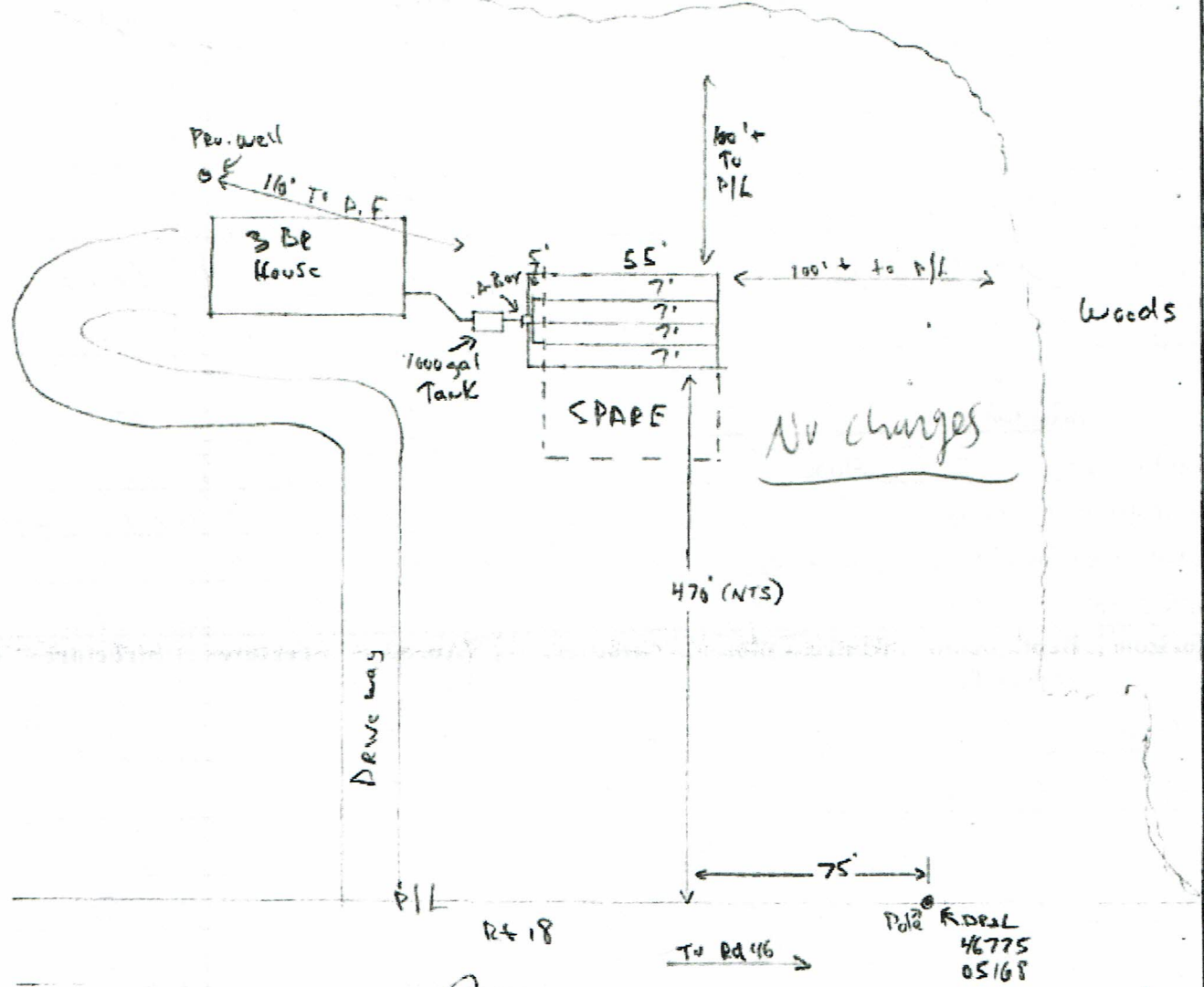
SITE PLAN & CROSS SECTION-
(INDICATE DIRECTION OF NORTH & SCALE OF SITE PLAN)



Draw a general location map of project location and give distance to nearest road junction.



1" = 50'



OWNER'S/AUTHORIZED AGENT SIGNATURE: *Roy L. M...*

DATE: 4/26/97

*A copy of this page must be submitted with both the septic system and well construction report(s).

5

Rd 46

PARID: 131-18.00-33.00
 HEARN JONATHAN EDISON KAREN

ROLL: RP
 8275 CANNON RD

Property Information

Property Location: 8275 CANNON RD
 Unit:
 City: BRIDGEVILLE
 State: DE
 Zip: 19933

Class: AGR-Agriculture
 Use Code (LUC): FH-AG W/ HOMESITE IN FAA
 Town: 00-None
 Tax District: 131 - NORTHWEST FORK
 School District: 5 - WOODBRIDGE
 Council District: 1-Vincent
 Fire District: 72-Bridgeville
 Deeded Acres: 17.2600
 Frontage: 0
 Depth: .000
 Irr Lot:
 Zoning 1: AR-1-AGRICULTURAL/RESIDEINTIAL
 Zoning 2: -
 Plot Book Page: /PB

100% Land Value: \$3,000
 100% Improvement Value \$73,800
 100% Total Value \$76,800

Legal

Legal Description CANNONGEORGETOWN
 N RT 18 ACROSS FROM
 RT 46 FX

Owners

Owner	Co-owner	Address	City	State	Zip
HEARN JONATHAN EDISON KAREN	MARIE HEARN TRUSTEES	8275 CANNON RD	BRIDGEVILLE	DE	19933



April 22, 2020

RE: Cover Letter Wetland Delineation and DNREC Stream/Ditch Jurisdictional Determination for 8275 Cannon, Located off of Cannon Road, Bridgeville, DE.

Dear Mrs. Hearn,

Please find enclosed the following:

1. Wetland Delineation report.
2. DNREC Stream/Ditch Jurisdictional Determination.

The wetlands report and wetland survey plat executed by Miller Lewis inc. illustrates the location of the wetlands on the property which are confined within the woodline to the North North/East and the pond to the rear of your residence.

The DNREC Subaqueous Land Jurisdictional Determination Letter of Findings states that the ditch out front of the property adjacent to Cannon Road is not classified as a Jurisdictional Stream, and is therefore classified as an ephemeral ditch which is not regulated by DNREC.

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

Kind Regards,

Kelly J. Pierson

President/Senior Environmental Scientist

Back Creek Environmental Consulting
33505 Clover Street, Lewes, DE 19958
(C)302.270.0437



TP#1-31-18.00-33.00

Wetland Delineation Report

Prepared for Jon & Karen Hearn

By

Back Creek Environmental Consulting

Back Creek Environmental Consulting
33505 Clover Lane, Lewes, De. 19958
302.270.0437

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1.0 INTRODUCTION

Back Creek Environmental Consulting, (BCEC) was retained by Jon and Karen Hearn to conduct a wetland delineation of a portion of TP#1-31-18.00-32.00. The property is located off of the North side of Cannon Road, Bridgeville, DE. The purpose of this study is to identify wetlands and subaqueous lands within 50ft of the edge of woodline.

Wetlands are subject to the jurisdiction of The Army Corp of Engineers under the Limits of the United States Subject to Section 404 of the Clean Water Act. In addition, the site was studied to identify if any State of Delaware DNREC wetlands or subaqueous lands were located within the study area which are regulated Under **Title 7 Del. C. Ch. 66 (Wetlands Regulations)** and **Title 7 Del. C. Ch. 72, Regulations Governing the Use of Subaqueous Lands**.

2.0 PROJECT SITE DESCRIPTION

The portion of TP#1-31-18.00-32.00 that was studied consisted of manicured lawn, an active agricultural field, a forested perimeter to the north and east, and then forested wetlands further to the north and east. Dominant vegetation in the wet area included, *Acer rubrum*, *Ilex opaca*, *Liquidambar styraciflua*, and *Smilax rotundifolia*. In addition, wetland hydrology and hydric soils were present. The dominant vegetation in the forested upland boundary adjacent to the agricultural field was and manicured yard included *Acer rubrum*, *Prunus serotina*, *Liquidambar styraciflua*, and *Lonicera japonica*. Wetland vegetation was dominant, however the area did not contain wetland hydrology or hydric soils.

3.0 METHODOLOGY

The identification and delineation of wetlands regulated by the federal government were identified under Section 404 of The Clean Water Act Wetlands were conducted in accordance with the Corp of Engineers Wetlands Delineation Manual (USACE, 1987) and the USACOE Atlantic and Gulf Coastal Plain Interim Regional Supplement (2008). Wetlands and Subaqueous Lands which are regulated by the state of Delaware were identified in accordance with the definitions/descriptions depicted within **Title 7 Chapter 66 (Wetlands Regulations)** and **Title 7, Chapter 72 (Subaqueous Lands Regulations)**.

3.1 SOILS

The U.S. Army Corp of Engineers uses a 3 parameter approach to identifying wetlands. Hydric soils, which are soils formed under wetland conditions meet the classification of a wetland soil. The definition of a hydric soil is defined as “a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation”.

3.2 HYDROLOGY

The U.S. Army Corp of Engineers definition of wetland hydrology is described as “those areas that are inundated or saturated by surface or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas (40 CFR 232.2(r)).

3.3 HYDROPHYTIC VEGETATION

The third parameter that is required by the Army Corp of Engineers for the presence of a wetland is hydrophytic vegetation. Hydrophytic vegetation is defined as “the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present” (USACOE, 1987). Hydrophytic vegetation has an indicator status of obligate (OBL), facultative wet (FACW), and facultative (FAC) and is typically adapted for life in anaerobic soil conditions. The presence of hydrophytic vegetation can be determined when any one of the following conditions is present: (1) more than 50 percent of the dominant species are OBL, FACW, or FAC; (2) visual observation of plant species growing in areas of prolonged inundation and/or soil saturation; or (3) morphological adaptations. Plant species indicator statuses were determined by using the Atlantic and Gulf Coastal Plain Region-NWPL 2012 Final Draft Ratings, U.S. Army Corp of Engineers, Cold Regions Research and Engineering Laboratory (CRRL)

3.4 SECONDARY DATA RESOURCES

Supporting resources which can be utilized for additional site information may include but are not limited to the following: Soil Survey Maps, National Wetland Inventory Maps, Aerial Photography and site photo documentation.

4.0 RESULTS

The focus of the field investigation was to identify if any wetlands or waters of the U.S., or DNREC Wetlands and Subaqueous Lands were located within the study area. The field inspection was conducted using the U.S. Army Corp of Engineers Wetland Delineation Regional Supplement to the Corp of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), November 2010. In addition, the study area was delineated in accordance to Title 7 Chapter 66 (Wetlands Regulations) and Title 7, Chapter 72 (Subaqueous Lands Regulations). The field delineation yielded results that met the criteria of a wetland as defined by the U S Army Corp of Engineers, however the criteria of DNREC Wetlands and Subaqueous Lands was not met.

5.0 SUMMARY AND CONCLUSION

The site was studied for the purpose of identifying uplands and any wetlands or subaqueous lands that are located within the study area in regards to the location of the proposed activity. The study verified that wetlands and or subaqueous lands were located within the north eastern, forested lands (see attached Survey Plat Titled Wetland Delineation Plan for JONATHAN E. & KAREN M. HEARN). No wetlands were identified beyond the forested lands or beyond the pond located at the rear of the existing residence. No additional studies regarding wetlands are recommended.

6.0 REFERENCES

1. The U.S. Army Corp of Engineers Wetland Delineation Regional Supplement to the Corp of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), November 2010.
2. Atlantic and Gulf Coastal Plain Region-NWPL 2012 Final Draft Ratings, U.S. Army Corps of Engineers, Cold Regions Research and Engineering Laboratory.
3. The 2009 Revised Edition, Munsell Soil Color Charts.
4. Delaware Title 7 Chapter 66 (Wetlands Regulations).
5. Delaware Title 7, Chapter 72 (Subaqueous Lands Regulations).

Wetland Certification Statement

I, Kelly James Pierson, do hereby state to the best of my professional judgment that the information contained within this report (TP#1-31-18.00-32.00) has been prepared with acceptable environmental research methods, is true and correct, and has been prepared in accordance with the U.S. Army Corp Wetlands Manual (1987), the Atlantic and Gulf Coastal Plain Interim Regional Supplement (2010), the DNREC Wetlands Act of 1973, and the Regulations Governing the use of Subaqueous Lands in accordance with the provisions of 7 Del. C. 7212.

A handwritten signature in blue ink, appearing to read "Kelly J. Pierson", written over a horizontal line.

Date

4/14/20

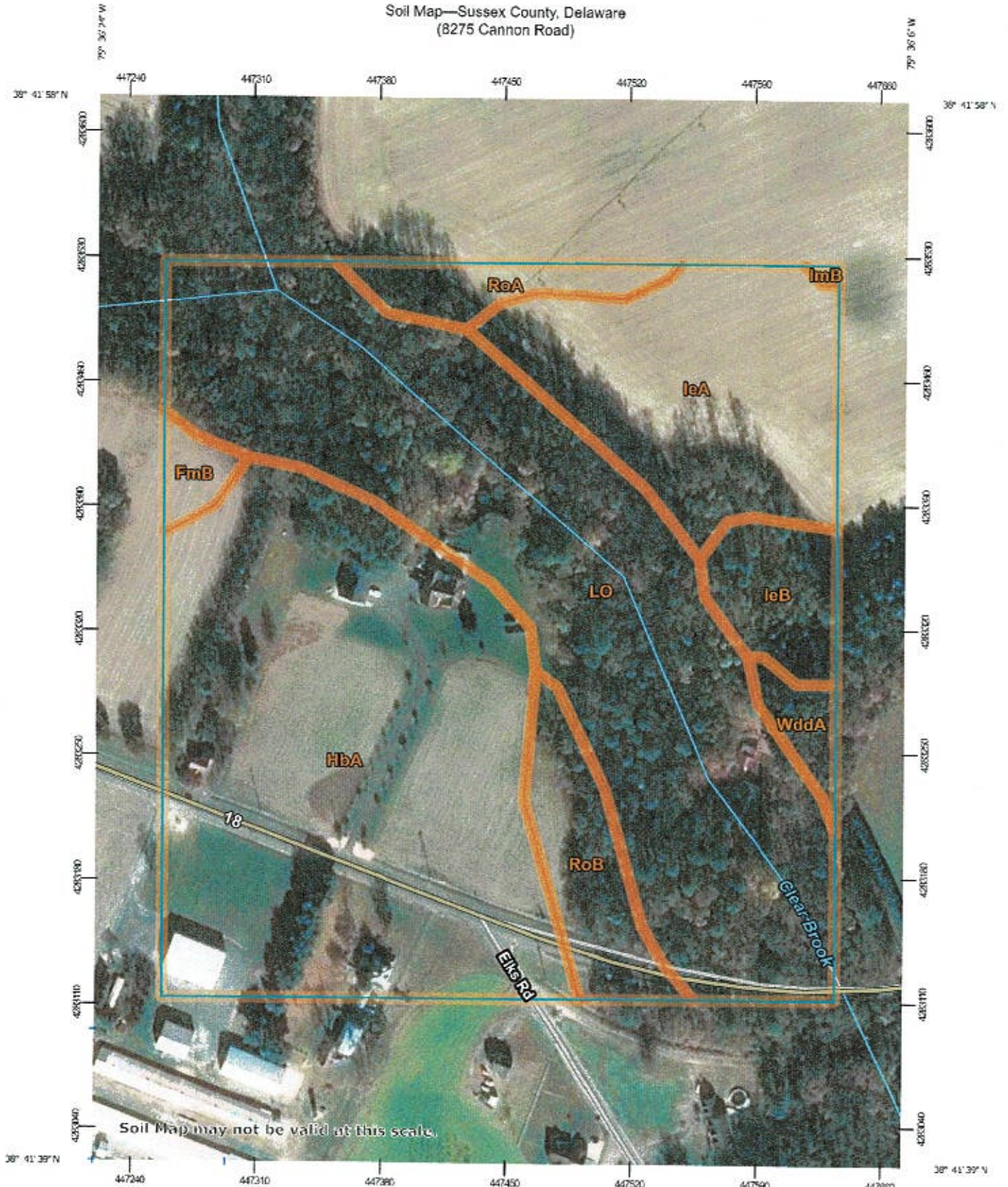
Kelly James Pierson

President/Senior Environmental Scientist

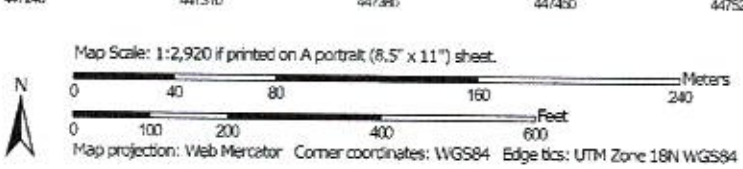
Back Creek Environmental Consulting

ADDITIONAL
RESOURCES































Soil Map—Sussex County, Delaware
(8275 Cannon Road)



Soil Map may not be valid at this scale.



MAP LEGEND

 Area of Interest (AOI)	 Spoil Area
 Soils	 Stony Spot
 Soil Map Unit Polygons	 Very Stony Spot
 Soil Map Unit Lines	 Wet Spot
 Soil Map Unit Points	 Other
 Special Point Features	 Special Line Features
 Blowout	
 Borrow Pit	Water Features
 Clay Spot	 Streams and Canals
 Closed Depression	Transportation
 Gravel Pit	 Rails
 Gravelly Spot	 Interstate Highways
 Landfill	 US Routes
 Lava Flow	 Major Roads
 Marsh or swamp	 Local Roads
 Mine or Quarry	Background
 Miscellaneous Water	 Aerial Photography
 Perennial Water	
 Rock Outcrop	
 Saline Spot	
 Sandy Spot	
 Severely Eroded Spot	
 Sinkhole	
 Slice or Slip	
 Sodic Spot	

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Sussex County, Delaware
Survey Area Data: Version 20, Sep 13, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Nov 21, 2018—Mar 12, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
FmB	Fort Mott loamy sand, 2 to 5 percent slopes	0.4	1.1%
HbA	Hambrook sandy loam, 0 to 2 percent slopes	14.1	36.5%
IeA	Ingleside loamy sand, 0 to 2 percent slopes	5.3	13.8%
IeB	Ingleside loamy sand, 2 to 5 percent slopes	1.4	3.6%
ImB	Ingleside-Hammonton-Fallsington complex, 0 to 5 percent slopes	0.0	0.1%
LO	Longmarsh and Indiantown soils, frequently flooded	13.9	36.0%
RoA	Rosedale loamy sand, 0 to 2 percent slopes	1.0	2.7%
RoB	Rosedale loamy sand, 2 to 5 percent slopes	1.9	4.8%
WddA	Woodstown sandy loam, 0 to 2 percent slopes, Northern Tidewater Area	0.5	1.4%
Totals for Area of Interest		38.7	100.0%



U.S. Fish and Wildlife Service

National Wetlands Inventory

8275 Cannon Road



U.S. Fish and Wildlife Service, National Wetlands Inventory, wetlands.fws.gov

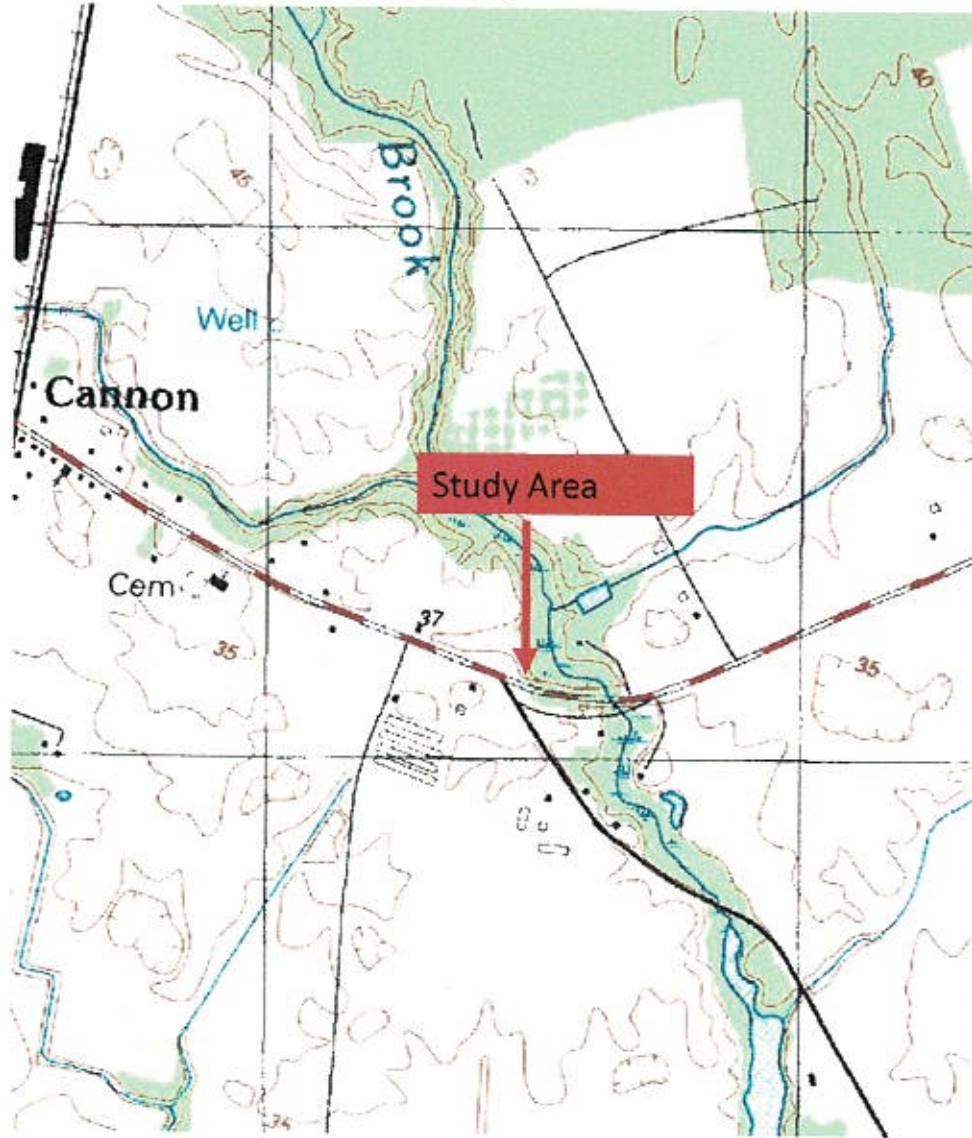
December 14, 2019

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

USGS TOPO: 8275 Cannon Road



Site Photo-documentation



Existing wetland located at sample point 1-A.



Wetland soils located at sample point 1-A.



Upland sample point 1-B. Wetland vegetation dominated the area, however wetland soils



Upland soils were documented at sample plot 1-B.

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Cannon Road City/County: Bridgeville/Sussex County Sampling Date: 12/28/19
 Applicant/Owner: Jon & Karen Hearn State: DE Sampling Point: 1A
 Investigator(s): Kelly Pierson Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): none Slope (%): 10
 Subregion (LRR or MLRA): LRRT Lat: 38 41 43 Long: 75 36 13 Datum: _____
 Soil Map Unit Name: Longmarsh and Indiantown soils NWI classification: PFO1E

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Remarks: Sample point is located at the lower elevation of a slope off of an agricultural field, which drains into a floodplain. The area is dominated by hydrophytic vegetation, hydric soils, and has wetland hydrology.	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> ___ Surface Water (A1) ___ Aquatic Fauna (B13) <input checked="" type="checkbox"/> High Water Table (A2) ___ Marl Deposits (B15) (LRR U) ___ Saturation (A3) ___ Hydrogen Sulfide Odor (C1) ___ Water Marks (B1) ___ Oxidized Rhizospheres along Living Roots (C3) ___ Sediment Deposits (B2) ___ Presence of Reduced Iron (C4) ___ Drift Deposits (B3) ___ Recent Iron Reduction in Tilled Soils (C6) ___ Algal Mat or Crust (B4) ___ Thin Muck Surface (C7) ___ Iron Deposits (B5) ___ Other (Explain in Remarks) ___ Inundation Visible on Aerial Imagery (B7) <input checked="" type="checkbox"/> Water-Stained Leaves (B9)	<u>Secondary Indicators (minimum of two required)</u> ___ Surface Soil Cracks (B6) ___ Sparsely Vegetated Concave Surface (B8) ___ Drainage Patterns (B10) ___ Moss Trim Lines (B16) ___ Dry-Season Water Table (C2) ___ Crayfish Burrows (C8) ___ Saturation Visible on Aerial Imagery (C9) <input checked="" type="checkbox"/> Geomorphic Position (D2) ___ Shallow Aquitard (D3) <input checked="" type="checkbox"/> FAC-Neutral Test (D5) ___ Sphagnum moss (D8) (LRR T, U)
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Field Observations: Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>8</u> Saturation Present? (includes capillary fringe) Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>4</u>	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____
--	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
 Study area is located adjacent to a floodplain which results in high water table and soil saturation.

VEGETATION (Five Strata) – Use scientific names of plants.

Sampling Point: 1A

Tree Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Acer rubrum</u>	60	Yes	FAC
2. <u>Ilex opaca</u>	20	Yes	FAC
3. <u>Liquidambar styraciflua</u>	20	Yes	FAC
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
	100 = Total Cover		
	50% of total cover: _____	20% of total cover: _____	

Sapling Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Acer rubrum</u>	40	Yes	FAC
2. <u>Ilex opaca</u>	40	Yes	FAC
3. <u>Liquidambar styraciflua</u>	20	Yes	FAC
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
	100 = Total Cover		
	50% of total cover: _____	20% of total cover: _____	

Shrub Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Ilex opaca</u>	25	Yes	FAC
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
	25 = Total Cover		
	50% of total cover: _____	20% of total cover: _____	

Herb Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Smilax rotundifolia</u>	60	Yes	FAC
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
	60 = Total Cover		
	50% of total cover: _____	20% of total cover: _____	

Woody Vine Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
	0 = Total Cover		
	50% of total cover: _____	20% of total cover: _____	

Remarks: (If observed, list morphological adaptations below).

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 8 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species <u>8</u>	x 3 = <u>24</u>
FACU species _____	x 4 = _____
UPL species _____	x 5 = _____
Column Totals: <u>8</u> (A)	<u>24</u> (B)

Prevalence Index = B/A = 3.0

- Hydrophytic Vegetation Indicators:**
- 1 - Rapid Test for Hydrophytic Vegetation
 - 2 - Dominance Test is >50%
 - 3 - Prevalence Index is ≤3.0¹
 - Problematic Hydrophytic Vegetation¹ (Explain)
- ¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Five Vegetation Strata:

Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH).

Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.

Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.

Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size, and woody plants, except woody vines, less than approximately 3 ft (1 m) in height.

Woody vine – All woody vines, regardless of height.

Hydrophytic Vegetation Present? Yes No

SOIL

Sampling Point: 1A

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6	10YR2/1							
6-12	10YR 4/1							

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- | | | |
|--|---|---|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR S, T, U) | <input type="checkbox"/> 1 cm Muck (A9) (LRR O) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Thin Dark Surface (S9) (LRR S, T, U) | <input type="checkbox"/> 2 cm Muck (A10) (LRR S) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR O) | <input type="checkbox"/> Reduced Vertic (F18) (outside MLRA 150A,B) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (LRR P, S, T) |
| <input type="checkbox"/> Stratified Layers (A5) | <input type="checkbox"/> Depleted Matrix (F3) | <input type="checkbox"/> Anomalous Bright Loamy Soils (F20) (MLRA 153B) |
| <input type="checkbox"/> Organic Bodies (A6) (LRR P, T, U) | <input type="checkbox"/> Redox Dark Surface (F6) | <input type="checkbox"/> Red Parent Material (TF2) |
| <input type="checkbox"/> 5 cm Mucky Mineral (A7) (LRR P, T, U) | <input type="checkbox"/> Depleted Dark Surface (F7) | <input type="checkbox"/> Very Shallow Dark Surface (TF12) |
| <input type="checkbox"/> Muck Presence (A8) (LRR U) | <input type="checkbox"/> Redox Depressions (F8) | <input type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> 1 cm Muck (A9) (LRR P, T) | <input type="checkbox"/> Marl (F10) (LRR U) | |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Ochric (F11) (MLRA 151) | |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR O, P, T) | ³ Indicators of hydrophytic vegetation and welland hydrology must be present, unless disturbed or problematic. |
| <input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 150A) | <input type="checkbox"/> Umbric Surface (F13) (LRR P, T, U) | |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) (LRR O, S) | <input type="checkbox"/> Delta Ochric (F17) (MLRA 151) | |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Reduced Vertic (F18) (MLRA 150A, 150B) | |
| <input type="checkbox"/> Sandy Redox (S5) | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149A) | |
| <input type="checkbox"/> Stripped Matrix (S6) | <input type="checkbox"/> Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D) | |
| <input checked="" type="checkbox"/> Dark Surface (S7) (LRR P, S, T, U) | | |

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

Thick dark surface +/-6in of 10YR2/1

WETLAND DETERMINATION DATA FORM – Atlantic and Gulf Coastal Plain Region

Project/Site: Cannon Road City/County: Bridgeville/Sussex County Sampling Date: 12/28/19
 Applicant/Owner: Jon & Karen Hearn State: DE Sampling Point: 1B
 Investigator(s): Kelly Pierson Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): hillslope Local relief (concave, convex, none): none Slope (%): 10
 Subregion (LRR or MLRA): LRRT Lat: 38 41 43 Long: 75 36 13 Datum: _____
 Soil Map Unit Name: Rosedale loamy sand NWI classification: None

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Remarks: Sample point is located on a slope adjacent to an agricultural field, which drains into a floodplain. The area is dominated by hydrophytic vegetation however, the site lacked hydric soils, and wetland hydrology.	

HYDROLOGY

Wetland Hydrology Indicators: <u>Primary Indicators (minimum of one is required; check all that apply)</u> ___ Surface Water (A1) ___ Aquatic Fauna (B13) ___ High Water Table (A2) ___ Marl Deposits (B15) (LRR U) ___ Saturation (A3) ___ Hydrogen Sulfide Odor (C1) ___ Water Marks (B1) ___ Oxidized Rhizospheres along Living Roots (C3) ___ Sediment Deposits (B2) ___ Presence of Reduced Iron (C4) ___ Drift Deposits (B3) ___ Recent Iron Reduction in Tilled Soils (C6) ___ Algal Mat or Crust (B4) ___ Thin Muck Surface (C7) ___ Iron Deposits (B5) ___ Other (Explain in Remarks) ___ Inundation Visible on Aerial Imagery (B7) ___ Water-Stained Leaves (B9)	<u>Secondary Indicators (minimum of two required)</u> ___ Surface Soil Cracks (B6) ___ Sparsely Vegetated Concave Surface (B8) ___ Drainage Patterns (B10) ___ Moss Trim Lines (B16) ___ Dry-Season Water Table (C2) ___ Crayfish Burrows (C8) ___ Saturation Visible on Aerial Imagery (C9) ___ Geomorphic Position (D2) ___ Shallow Aquitard (D3) <input checked="" type="checkbox"/> FAC-Neutral Test (D5) ___ Sphagnum moss (D8) (LRR T, U)
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Field Observations: Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): <u>>12</u> Saturation Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): <u>>12</u> (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
 Study area is located on the slope of a hill adjacent to an agricultural field.

VEGETATION (Five Strata) – Use scientific names of plants.

Sampling Point: 1B

Tree Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Acer rubrum</u>	<u>40</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Prunus serotina</u>	<u>40</u>	<u>Yes</u>	<u>FACU</u>
3. <u>Liquidambar styraciflua</u>	<u>20</u>	<u>Yes</u>	<u>FAC</u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
	<u>100</u> = Total Cover		

50% of total cover: _____ 20% of total cover: _____

Sapling Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Acer rubrum</u>	<u>40</u>	<u>Yes</u>	<u>FAC</u>
2. <u>Prunus serotina</u>	<u>30</u>	<u>Yes</u>	<u>FACU</u>
3. <u>Liquidambar styraciflua</u>	<u>20</u>	<u>Yes</u>	<u>FAC</u>
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
	<u>90</u> = Total Cover		

50% of total cover: _____ 20% of total cover: _____

Shrub Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
	<u>0</u> = Total Cover		

50% of total cover: _____ 20% of total cover: _____

Herb Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Lonicera japonica</u>	<u>60</u>	<u>Yes</u>	<u>FACU</u>
2. <u>Smilax rotundifolia</u>	<u>40</u>	<u>Yes</u>	<u>FAC</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
	<u>100</u> = Total Cover		

50% of total cover: _____ 20% of total cover: _____

Woody Vine Stratum (Plot size: _____)

	Absolute % Cover	Dominant Species?	Indicator Status
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
	<u>0</u> = Total Cover		

50% of total cover: _____ 20% of total cover: _____

Remarks: (If observed, list morphological adaptations below).

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 62 (A/B)

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species _____	x 1 = _____
FACW species _____	x 2 = _____
FAC species <u>5</u>	x 3 = <u>15</u>
FACU species <u>3</u>	x 4 = <u>12</u>
UPL species _____	x 5 = _____
Column Totals: <u>8</u> (A)	<u>27</u> (B)

Prevalence Index = B/A = 3.4

- Hydrophytic Vegetation Indicators:**
- 1 - Rapid Test for Hydrophytic Vegetation
 - 2 - Dominance Test is >50%
 - 3 - Prevalence Index is $\leq 3.0^1$
 - Problematic Hydrophytic Vegetation¹ (Explain)
- ¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Five Vegetation Strata:

Tree – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH).

Sapling – Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.

Shrub – Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.

Herb – All herbaceous (non-woody) plants, including herbaceous vines, regardless of size, and woody plants, except woody vines, less than approximately 3 ft (1 m) in height.

Woody vine – All woody vines, regardless of height.

Hydrophytic Vegetation Present? Yes No

SOIL

Sampling Point: 1B

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	10Y/R 3/3							
5-12	10YR 4/2							

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- | | | |
|--|---|--|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Polyvalue Below Surface (S8) (LRR S, T, U) | <input type="checkbox"/> 1 cm Muck (A9) (LRR O) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Thin Dark Surface (S9) (LRR S, T, U) | <input type="checkbox"/> 2 cm Muck (A10) (LRR S) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (LRR O) | <input type="checkbox"/> Reduced Vertic (F18) (outside MLRA 150A,B) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (LRR P, S, T) |
| <input type="checkbox"/> Stratified Layers (A5) | <input type="checkbox"/> Depleted Matrix (F3) | <input type="checkbox"/> Anomalous Bright Loamy Soils (F20) |
| <input type="checkbox"/> Organic Bodies (A6) (LRR P, T, U) | <input type="checkbox"/> Redox Dark Surface (F6) | (MLRA 153B) |
| <input type="checkbox"/> 5 cm Mucky Mineral (A7) (LRR P, T, U) | <input type="checkbox"/> Depleted Dark Surface (F7) | <input type="checkbox"/> Red Parent Material (TF2) |
| <input type="checkbox"/> Muck Presence (A8) (LRR U) | <input type="checkbox"/> Redox Depressions (F8) | <input type="checkbox"/> Very Shallow Dark Surface (TF12) |
| <input type="checkbox"/> 1 cm Muck (A9) (LRR P, T) | <input type="checkbox"/> Marl (F10) (LRR U) | <input type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Ochric (F11) (MLRA 151) | |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Iron-Manganese Masses (F12) (LRR O, P, T) | |
| <input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 150A) | <input type="checkbox"/> Umbric Surface (F13) (LRR P, T, U) | |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) (LRR O, S) | <input type="checkbox"/> Delta Ochric (F17) (MLRA 151) | |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Reduced Vertic (F18) (MLRA 150A, 150B) | |
| <input type="checkbox"/> Sandy Redox (S5) | <input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149A) | |
| <input type="checkbox"/> Stripped Matrix (S6) | <input type="checkbox"/> Anomalous Bright Loamy Soils (F20) (MLRA 149A, 153C, 153D) | |
| <input type="checkbox"/> Dark Surface (S7) (LRR P, S, T, U) | | |

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: Upland Soil was present at the study plot.

T. M. #131-10.00-30.00



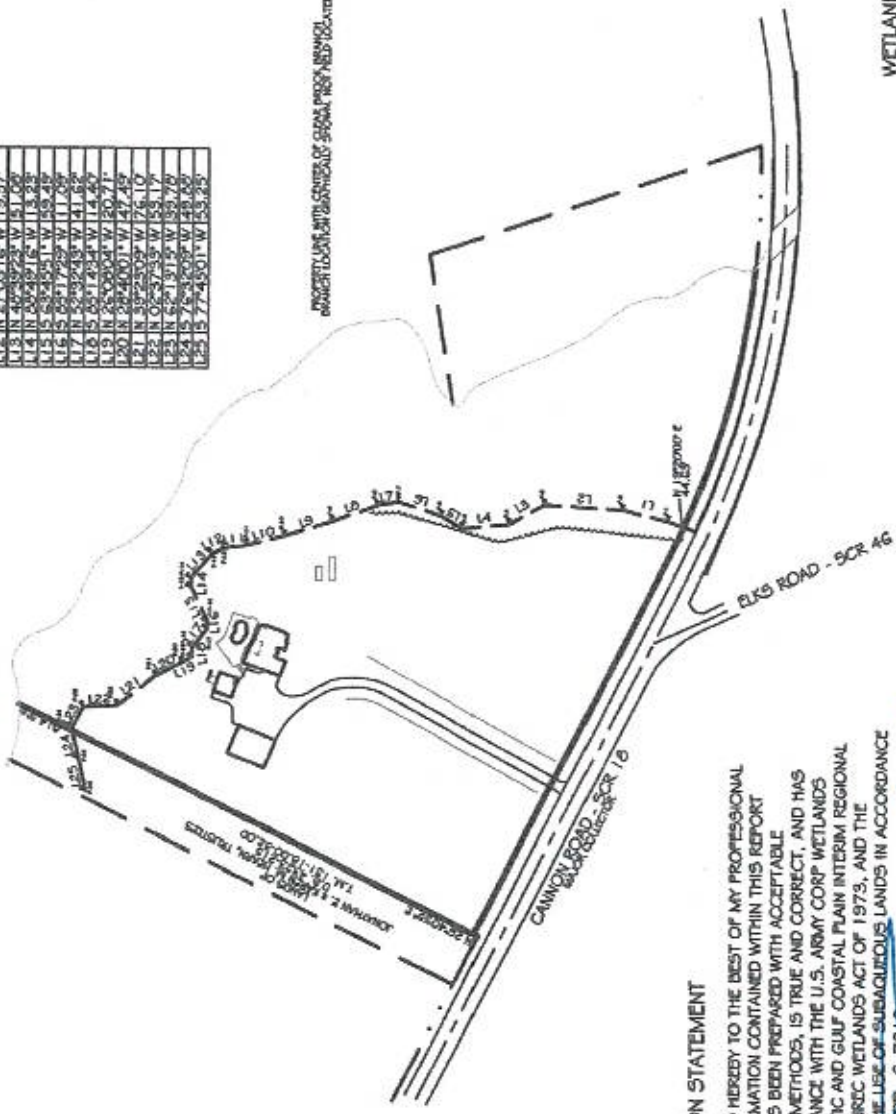
WETLANDS LINE CHART:

LINE BEARING	DISTANCE
N 142°01'7" E	74.73'
N 032°42'5" E	123.71'
N 82°13'38" W	64.04'
N 055°12' W	74.72'
N 31°28'45" E	97.72'
N 10°55'55" E	72.22'
N 05°02'22" W	84.43'
N 80°43'55" W	72.65'
N 7°28'55" W	80.21'
N 142°52'0" W	51.57'
N 07°57'45" W	35.53'
N 72°03'15" W	19.57'
N 10°29'23" W	51.00'
N 00°49'16" W	13.25'
S 52°50'1" W	43.49'
S 65°17'22" W	11.09'
N 33°23'33" W	41.62'
S 55°12'34" W	14.47'
N 33°00'04" W	20.71'
S 82°40'01" W	47.49'
N 33°23'33" W	76.10'
N 05°47'35" W	55.17'
S 82°13'38" W	39.74'
S 77°49'01" W	53.25'

PROPERTY LINES WITH SURVEYS OF SEPARATE PROPERTIES RELATED



SCALE: 1" = 300'



WETLAND DELINEATION PLAN FOR
JONATHAN E. & KAREN M. HEARN

4275 CANNON ROAD
 BEAUFORT, NC, 19933

MILLER LEWIS, INC.
 LAND SURVEYING
 1560 MIDDLIFORD RD.
 SAFFOLD, DELAWARE 19075
 Ph: 302-429-9055 FAX: 302-429-2251
 JANUARY 7, 2020

NUMBERED	NORTH WEST FORK STATE	COUNTY	DELAWARE
BLK	4323-215	OWNER BY	SMAS
RECORD	131-18-33	FIELD	HEARN GROUP

DATE	REVISION	ADDED WETLANDS CERTIFICATE
3-26-2020		

WETLAND CERTIFICATION STATEMENT
 I, KELLY JAMES PIERSON, DO HEREBY TO THE BEST OF MY PROFESSIONAL JUDGEMENT THAT THE INFORMATION CONTAINED WITHIN THIS REPORT (T.M.#131-10.00-32.00) HAS BEEN PREPARED WITH ACCEPTABLE ENVIRONMENTAL RESEARCH METHODS, IS TRUE AND CORRECT, AND HAS BEEN PREPARED IN ACCORDANCE WITH THE U.S. ARMY CORP WETLANDS MANUAL (1987), THE ATLANTIC AND GULF COASTAL PLAIN INTERIM REGIONAL SUPPLEMENT (2010), THE DRYWETLANDS ACT OF 1973, AND THE REGULATIONS GOVERNING THE USE OF SUBAQUEOUS LANDS IN ACCORDANCE WITH THE PROVISIONS OF 7 DEL. C. 72-12.

Kelly James Pierson
 KELLY JAMES PIERSON
 PRESIDENT/SIGNOR ENVIRONMENTAL SCIENTIST
 BACK CREEK ENVIRONMENTAL CONSULTING
 DATE 4/14/20

THIS REPORT AND PLAN SHEET MAY ONLY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MILLER LEWIS, INC.



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL

DIVISION OF WATER
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

WETLANDS &
SUBAQUEOUS LANDS

PHONE
(302) 739-9943

April 21, 2020

Jonathan & Karen Hearn
8275 Cannon Road
Bridgeville, DE 19933

RE: Subaqueous Lands Jurisdictional Determination
At 8275 Cannon Road, Bridgeville, DE 19933
Tax Parcel #: 1-31-18.00-33.00

Dear Mr. and Mrs. Hearn:

At your request, an evaluation has been conducted regarding the above-referenced property to determine if a drainage feature is subject to State jurisdiction pursuant to 7 Del. C., Chapter 72, The Subaqueous Lands Act and the "Regulations Governing the Use of Subaqueous Lands".

The jurisdictional determination included a review of 1937, 1954, 1961, 1968, 1992, 2007, 2012 and 2017 aerial photography and 1992 and 2014 USGS topographic quadrangle maps. In addition to the desktop review, a site visit was performed on February 19, 2020.

Jurisdiction was evaluated in the field by Matthew Jones of the WSLs. The methodology used was from the Delaware Stream Jurisdictional Determination Field Form Version 1.0, an adopted version of the North Carolina Division of Water Quality "Methodology for Identification of Intermittent and Perennial Streams and Their Origins, Version 4.11". The accompanying field form uses a scoring system to award points based upon the observation of geomorphic, hydrologic and biological stream features. Utilizing this form, the drainage feature scored a 7.00, which indicates an ephemeral feature. A score of 19 or higher would be needed to provide evidence of a jurisdictional feature. During the site visit WSLs representatives noticed that the feature was holding water in some places. There was a substantial amount of litter and brush within the ditch of the above referenced property; therefore, the WSLs inspected the feature at several locations in close proximity of the above parcel and determined there was little to no water movement. A review of the soil survey maps shows (HbA) as the predominate soil in the area of the feature. HbA is a sandy loam soil that is noted to be well drained. The Delaware Environmental Observing System recorded rainfall totaling 3.40 inches at the Bridgeville, DE-SPB monitoring station for the month of February 2020 and the site received 0.00 inches of rain 2 days prior to the site visit. Indicators of leaf litter in the bed of the ditch with little to no water movement, recent rain fall, the observation of upland grasses within the feature and the review of soil survey maps help designate the feature as a non-jurisdictional ditch. Due to the field

conditions and the information gathered during the desktop review, it has been determined that the feature is not a jurisdictional stream feature, but is an ephemeral ditch which conveys water only during and shortly after rain events during dry times of the year and holds water within the ditch when the water table is high typically in the winter months.

As a result of this determination, the feature depicted on the subject property is not subject to the Subaqueous Lands Act, 7 Del.C. Chapter 72 or the "Regulations Governing the Use of Subaqueous Lands" and jurisdiction over the above referenced feature will not be taken by the Wetlands and Subaqueous Lands Section.

This determination applies only to the feature described above and should not be construed as applying to any other water or wetland feature on or adjacent to the subject property. The evaluated feature is highlighted in red on the attached map. This jurisdictional determination is valid and can be relied upon for a period of three (3) years from the date of this letter.

This letter does not exempt you from obtaining proper permits through the U.S. Army Corps of Engineers and other State or Government Agencies, if/as appropriate.

If you have any questions or need more information, please feel free to call me at (302) 739-9943.

Sincerely,



Matthew Jones
Environmental Scientist
Wetlands and Subaqueous Lands Section

CC: Tyler Brown, Section Manager, WSLS

Enclosures: Map 1

Literature Cited: NC Division of Water Quality. 2010. *Methodology for Identification of Intermittent and Perennial Streams and their Origins, Version 4.11*. North Carolina Department of Environment and Natural Resources, Division of Water Quality. Raleigh, NC.

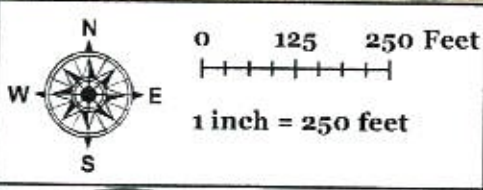


Legend

— DE_Roads

Jurisdictional_Decision

□ Jurisdiction Not Taken



Jonathan & Karen Hearn
 8275 Cannon Road
 Bridgeville, DE 19933
 Tax Parcel #: 1-31-18.00-33.00

2017 Aerial Photography



**Division of Water:
 Wetlands &
 Subaqueous
 Lands Section**

Date: 3/31/2020

Scientist: Matthew Jones

Project No.: JD-013/20

Map: 1



OFFICE OF THE STATE FIRE MARSHAL
Technical Services

22705 Park Avenue
Georgetown, DE 19947



SFMO PERMIT

Plan Review Number: 2020-04-203831-MJS-01

Tax Parcel Number: 131-18.00-33.00

Status: Approved as Submitted

Date: 05/26/2020

Project

Reception Hall

8275 Cannon Road

Hearn Group LLC

Bridgeville DE 19933

Scope of Project

Number of Stories:

Square Footage:

Construction Class:

Fire District: 72 - Bridgeville Volunteer Fire Co

Occupant Load Inside:

Occupancy Code: 9622

Applicant

John Murray

37385 Rehoboth Avenue

Rehoboth Beach, DE 19971

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:

Jefferson Cerri

Fire Protection Specialist II

FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-203831-MJS-01

Tax Parcel Number: 131-18.00-33.00

Status: Approved as Submitted

Date: 05/26/2020

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. 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.
- 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.
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1190 A** Separate plan submittal is required for the building(s) proposed for this project.
- 1092 A** Perimeter Access is that portion of the building that is accessible by emergency services personnel and is within 100 feet of a street and capable of supporting fire ground operations. (DSFPR Regulation 705, Chapter 5, Section 1.4.1). Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, provided they do not interfere with the emergency services fire ground operations. (DSFPR Regulation 705, Chapter 5, Sections 3.5 and 4.5). If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access. (DSFPR Regulation 705, Chapter 5, Sections 3.5.1 and 4.5.1).
- 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

December 16, 2019

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

Dear Ms. Cornwell:

The Department has completed its review of a Service Level Evaluation Request for the **Jon & Karen Hearn** conditional use application, which we received on November 27, 2019. This application is for an approximately 17.26-acre parcel (Tax Parcel: 131-18.00-33.00). The subject land is located on the north side of the intersection of Cannon Road (Sussex road 18) and Elks Road (Sussex Road 46). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to develop a 4,800 square-foot events venue.

Per the 2018 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Cannon Road where the subject land is located, which is from Federalsburg Road (Sussex Road 17) to US Route 13 (Sussex Road 74), are 2,162 and 2,782 vehicles per day, respectively.

Regarding DelDOT's warrants for requiring a TIS, special events that would generate more than 50 vehicle trips in any hour and more than 500 vehicle trips per day would meet these warrants. Special events generating more than 200 vehicle trips in any hour and / or more than 2,000 vehicle trips per day would be considered to have a Major impact to local area roadways. Because we expect the typical event to generate no more than 50 vehicle trips in any hour and no more than 500 vehicle trips per day, we recommend that this conditional use application be considered without a TIS.

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



Ms. Janelle M. Cornwell

Page 2 of 2

May 16, 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
Jon & Karen Hearn, Applicant
J. Marc Coté, Assistant Director, Development Coordination
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne Laws, Sussex County Subdivision Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

SCD Project Meeting Minutes
Prepared by: John Murray, The Kercher Group, Inc.

Date: May 12, 2020

Project: Lands of Hearn Group, LLC
TM#: 131-18.00-33.00 (P/O)

Attendees:

Valerie Thompson (Sussex Conservation District)
John Murray (The Kercher Group, Inc.)

Items Discussed:

Open:

- Hearn Group, LLC plans on building a 4,800 S.F. reception hall on the subject parcel.
- The proposed parcel would be subdivided off of lands already owned by The Hearn Group and it is located at the intersection of SCR 18 (Cannon Street) and SCR 46 (Elks Road).
- Access to the property will come from Cannon Street in the way of a 24'-wide paved entrance and site improvements will consist of drive aisles and parking to support the proposed use.
- The SCD reserves the right to comment on items not discussed during the meeting during future reviews and/or meetings

All:

- The existing parcel, or portion that is proposed to be developed by this application, is currently in agricultural use (row crops).
- "Beat the Peak" for quantity management may have potential based upon the current site usage and runoff volume. The analysis point for beat the peak would be where Clear Brook passes under Cannon Road and the analysis area needs to extend to Federalsburg Road.
- Based upon soils results for septic feasibility, and depth of seasonal-high water table, it is not envisioned that infiltration will be an option for this project.
- Impervious surface may be removed if the client wishes or it is needed for stormwater management (parking stall surplus per preliminary design).
- If a pond is proposed, it may be best situated in the open space located adjacent to the entrance. This would allow for an attractive entrance feature and leave the open space adjacent to the proposed structure for outdoor reception usage.
- Since private wells and septic systems are used in this area for wastewater treatment and potable water service, the plans must include radii from existing and proposed wells and septic systems to show that the required minimum separation distance has been provided.

- Based upon topographic data collected during the field survey, the drainage area for the parcel extends west of the proposed parcel boundary to the eastern edge of the existing residential driveway. The driveway is super-elevated to the west.
- Formal plans have yet to be prepared but potential RPv compliance measures include pervious pavement, filter strips, submerged gravel wetlands, or a stormwater management pond. The SCD has a concern with the use of pervious pavement due to potential of the property owner to not properly maintain it.

John Murray

From: Valerie Thompson <valerie.thompson@sussexconservation.org> on behalf of Valerie Thompson
Sent: Tuesday, May 19, 2020 4:01 PM
To: John Murray
Subject: Re: Lands of Hearn Group

Looks good to me. I'll add a copy to the project file.

Valerie Thompson

Plan Reviewer

valerie.thompson@sussexconservation.org

20728 DuPont Blvd, Unit 317

Georgetown, DE 19947

302-856-2105 ext. 115 (office)

443-783-8063 (cell)

sussexconservation.org



On Tue, May 19, 2020 at 3:57 PM John Murray <jom@kerchergroup.com> wrote:

Valerie,

Attached are the preliminary meeting minutes for the project. Once you have an opportunity to look this over, let me know if you feel anything else should be added. I'm sure that I missed something important.

Thanks,

John

John Murray

37385 Rehoboth Avenue, Unit #11, Rehoboth Beach, DE 19971

Direct 302.854.9063 | **Main** 302.854.9062 x201

THE KERCHER GROUP, INC.

www.kerchergroup.com

From: Valerie Thompson <valerie.thompson@sussexconservation.org>
Sent: Tuesday, May 19, 2020 8:16 AM
To: John Murray <jom@kerchergroup.com>
Subject: Lands of Hearn Group

John,

This is a reminder that the pre-application meeting minutes for Lands of Hearn Group are due by the end of business today. Thank you for your cooperation in this matter.

Valerie Thompson

Plan Reviewer

valerie.thompson@sussexconservation.org

20728 DuPont Blvd, Unit 317

Georgetown, DE 19947

302-856-2105 ext. 115 (office)

443-783-8063 (cell)

sussexconservation.org





**PROPOSED FINDINGS OF FACT and CONDITIONS FOR
LANDS OF HEARN GROUP, LLC
CONDITIONAL USE #2226**

- This is a conditional use application for a 4,800 S.F. reception hall, which would be situated on a parcel along Cannon Road (SCR 18) and immediately north of Elks Road (SCR 46). The subject parcel is 3.024 acres in size and identified by the County Assessment Office as Sussex County Tax Map 131-18.00-33.00 (P/O).
- The property is currently zoned Agricultural/Residential (AR1).
- According to the Sussex County Comprehensive Plan, this property is identified for purposes of future land use as a developing area. The Strategies for State Policies and Spending identify the area as an investment level 3.
- The project is in character with a long history of development and approved applications for development in the immediate area. The development will provide a service in an area where infrastructure and transit services are available and thereby meets the general purpose of the County's Zoning Ordinance by promoting the orderly growth, convenience, order, prosperity, and welfare of the County.
- DeIDOT has reviewed the applicant's planned project and has determined that a traffic impact study (TIS) is not required. A letter of no objection is pending. The applicant is financially obligated to construct such improvements to Cannon Road that DeIDOT may require.
- A site evaluation has been performed by Coastal Soil Consultants, Inc. The project will be served by a private septic system for wastewater treatment and potable water will be provided by a private well.
- A wetland delineation for the subject parcel was performed by Back Creek Environmental Consulting, LLC. No wetlands are contained within the bounds of the proposed project limits. The Department of Natural Resources and Environmental Control (DNREC) has issued a subaqueous lands jurisdictional determination for the project.
- The Office of the State Fire Marshal has reviewed the Site Plan for the project and issued an approval for design and emergency service access.
- A pre-submittal meeting has been held with the Sussex Conservation District to review the proposed site use and discuss potential stormwater management treatment options.

THE KERCHER GROUP, INC.



The applicant proposes the following conditions of approval:

1. The proposed reception hall shall be no greater than 4,800 S.F. in size.
2. Hours of operation shall be Monday through Friday, 12:00 PM until 10:30 PM, Saturdays and Sundays, 8:00 AM until 10:30 PM.
3. The Final Record Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission.

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: August 27, 2020

Application: CU 2229 D.R.'s Lawn Maintenance, LLC

Applicant/Owner: Devin S. Rice
25479 Hollis Road
Harbeson, DE 19951

Site Location: 25479 Hollis Rd. On the north side of Hollis Rd. (S.C.R. 295),
approximately 0.38 miles east of Gravel Hill Rd. (Rt. 30)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Landscaping and Lawn Maintenance Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmatic
District: Mr. Burton

School District: Indian River School District

Fire District: Georgetown Volunteer Fire Company

Sewer: Septic

Water: Private

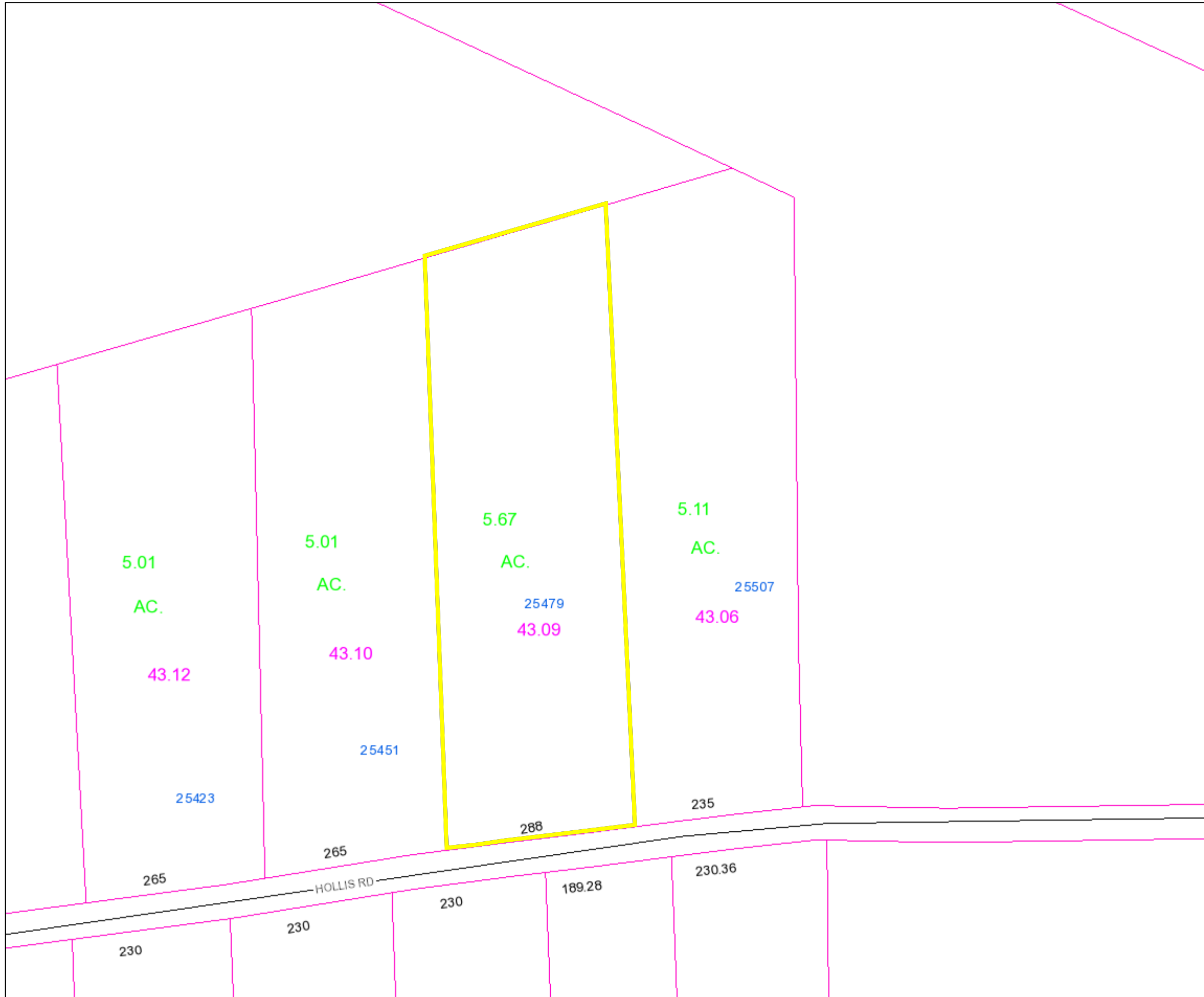
Site Area: 5.678 Acres +/-

Tax Map ID.: 135-16.00-43.09





Sussex County



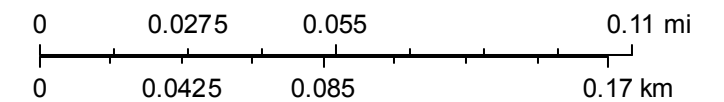
PIN:	135-16.00-43.09
Owner Name	RICE DEVIN SHEA
Book	5145
Mailing Address	17834 BEAVER DAM RD
City	LEWES
State	DE
Description	N/RT 295
Description 2	1580' E/RT 30
Description 3	24078
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

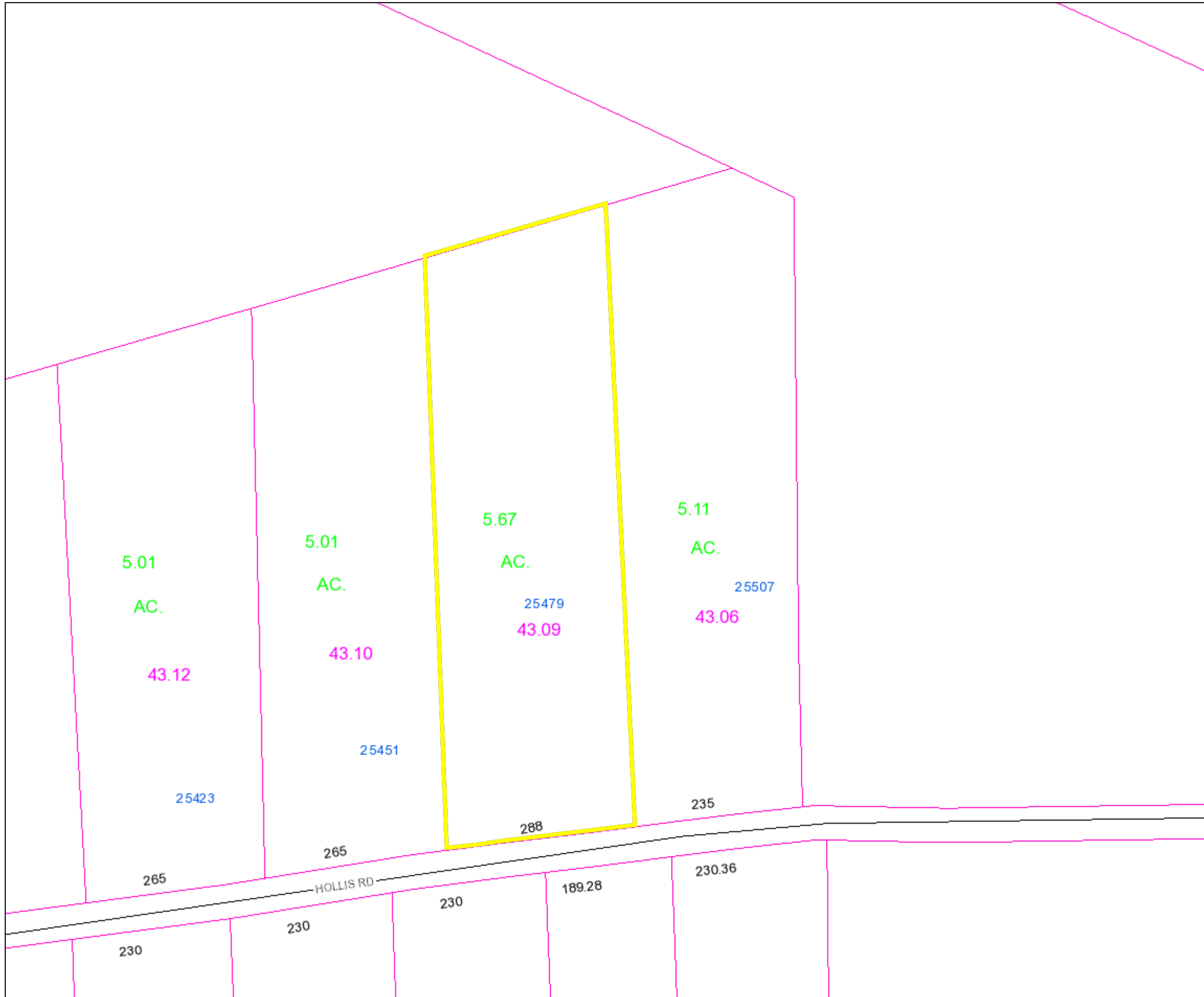
 - Override 1
- Tax Parcels
- 911 Address
- Streets

1:2,257





Sussex County



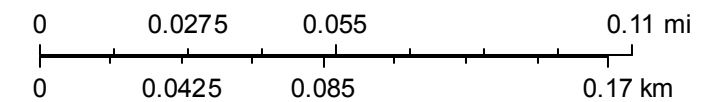
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1:2,257





Sussex County



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State	DE
Description	N/RT 295
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Description 3	24078
Land Code	

polygonLayer

Override 1

polygonLayer

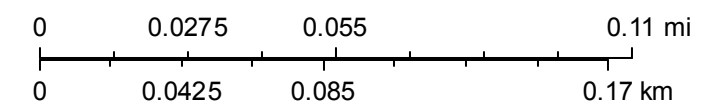
Override 1

Tax Parcels

911 Address

Streets

1:2,257



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



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Headley, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 20th, 2020
RE: Staff Analysis for CU 2239 D.R.'s Lawn Maintenance, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2229 D.R.'s Lawn Maintenance, LLC to be reviewed during the August 27th, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 135-16.00-43.09 to allow for a Landscaping & Lawn Maintenance business. The size of the property is 5.678 acre +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and located at 25479 Hollis Rd. on the north side of Hollis Rd. (S.C.R. 295) approximately 0.38 miles east of Gravel Hill Rd. (Rt. 30).

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

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Low Density". The uses that the Low-Density Area land use designation recognizes are primarily agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size and hours of operation. More intense commercial uses should be avoided in these areas.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties located within the county jurisdiction to the southwest, west, and northwest are all zoned AR-1 (Agricultural Residential Zoning District).

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application.

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



File #: 202004827
CV2229

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 07 2020

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

SUSSEX COUNTY
PLANNING & ZONING

Site Address of Conditional Use/Zoning Map Amendment

25479 Hollis Road, Harbeson, DE 19951

Type of Conditional Use Requested:

Conditional use requested for operation of landscaping and lawn maintenance business on approximately .62 acres, consisting of a pole barn, truck/trailer parking, employee parking, and material storage (mulch, stone, topsoil, etc.); Section 115-22.

Tax Map #: 135-16.00-43.09 Size of Parcel(s): 5.678 Acres +/-

Current Zoning: AR-1 Proposed Zoning: N/A Size of Building: N/A

Land Use Classification: Agricultural/Residential

Water Provider: Private Sewer Provider: Private

Applicant Information

Applicant Name: D.R.'s Lawn Maintenance, LLC

Applicant Address: 25479 Hollis Road

City: Harbeson State: DE Zip Code: 19951

Phone #: (302) 245-9938 E-mail: devin.rice@drslawnmaintenance.com

Owner Information

Owner Name: Devin S. Rice

Owner Address: 25479 Hollis Road

City: Harbeson State: DE Zip Code: 19951

Phone #: _____ E-mail: _____

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



RECEIVED
~~MAR 12 2020~~
SUSSEX COUNTY
PLANNING & ZONING



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- Completed Application**
- Provide eight (8) copies of the Site Plan or Survey of the property**
 - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
 - Provide a PDF of Plans (may be e-mailed to a staff member)
 - Deed or Legal description
- Provide Fee \$500.00**
- Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.)** If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- 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

N. Jackson M. Peet

Date: 3-12-2020

Signature of Owner

[Signature]

Date: 3-12-2020

For office use only:

Date Submitted: 5/7/2020

Fee: \$500.00 Check #: 9534

Staff accepting application: PKW

Application & Case #: 202004827

Location of property: 25479 HOLLIS RD

GEORGETOWN, DE 19947

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

April 2, 2020

Mr. Jamie Whitehouse, Acting 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 **D.R.'s Lawn Maintenance, LLC** conditional use application, which we received on March 10, 2020. This application is for an approximately 5.67-acre parcel (Tax Parcel: 135-16.00-43.09). The subject land is located on the north side of Hollis Road (Sussex Road 295), approximately 1,600 feet northeast of the intersection of Delaware Route 30 and Hollis Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval for the operation of a lawn maintenance company.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Hollis Road where the subject land is located is 212 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.

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
April 2, 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
Jerry Meiklejohn, Applicant
J. Marc Coté, Director, Planning
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: **8/17/2020**

APPLICATION: **CU 2229 D.R.'s Lawn Maintenance, LLC**

APPLICANT: **Devin S. Rice**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **135-16.00-43.09**

LOCATION: **On the north side of Hollis Road (SCR 295), approximately
0.38 miles east of Gravel Hill Road (St. 30).**

NO. OF UNITS: **Landscaping and Lawn Maintenance Business**

GROSS
ACREAGE: **5.678**

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

SEWER:

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is located in a Tier 3 area for sanitary sewer service. The Sussex County Engineering Department does not currently have a schedule to provide sanitary sewer service to this parcel.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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

EXHIBIT A

DEED

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

Document# 2019000041261 BK: 5145 PG: 233
Recorder of Deeds, Scott Dailey On 10/31/2019 at 2:42:27 PM Sussex County, DE
Consideration: \$328,000.00 County/Town: \$4,920.00 State: \$8,200.00 Total: \$13,120.00
Doc Surcharge Paid Town: SUSSEX COUNTY

TM #: 1-35-16.00-43.09
PREPARED BY & RETURN TO:
The Smith Firm, LLC
8866 Riverside Dr.
Seaford, DE 19973
File No. S19-325/

This Deed, made this 10th day of October, 2019,

- BETWEEN -

CHARLES M. DONAWAY, JR. and **FRANCES J. DONAWAY**, of 3101 Reaves St. SW, Supply, NC 28462, parties of the first part,

- AND -

DEVIN SHEA RICE, of 17834 Beaver Dam Rd., Lewes, DE 19958, as sole owner, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of **Three Hundred Twenty-Eight Thousand and 00/100 Dollars (\$328,000.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the party of the second part, and his heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain tract, piece or parcel of land, situate, lying and being on the North side of Sussex County Road #295, Georgetown Hundred, Sussex County, Delaware, more particularly described as follows:

BEGINNING at a point, a concrete monument on the North side of Sussex County Road #295, a corner for these lands and lands now or formerly of David and Beth Yingling; thence along the right of way of Sussex County Road #295, on a curve bearing to the left, having a delta angle of 0 degrees 49 minutes 14 seconds and a radius of 2924.53 feet; thence by and with said curve and said Sussex County Road #295 on a chord bearing of South 83 degrees 02 minutes 46 seconds West a distance of 41.89 feet to a point and ending of curve; thence continuing along the said Sussex County Road #295, South 82 degrees 38 minutes 09 seconds West 246.11 feet to a concrete monument set, said concrete monument being 1812 feet, more or less, from Delaware Rd. #30; thence, North 02 degrees 03 minutes 01 seconds West 850.68 feet to a pipe; thence, North 75 degrees 43

Document# 2019000041261 BK: 5145 P.C. 234

Recorder of Deeds, Scott Dailey On 10/31/2019 at 2:42:27 PM Sussex County, DE

Doc Surcharge Paid

minutes 54 seconds East 289.52 feet to a pipe found; thence, South 02 degrees 17 minutes 51 seconds East 885.59 feet to the placer of beginning, containing 5.678 acres, more or less, as surveyed by Donald K. Miller, dated September 5, 1984.

BEING the same lands conveyed to Charles N. Donaway, Jr. and Frances J. Donaway from Ronald W. Moore and Howard R. Layton t/a Moore-Layton Farms, by Deed dated January 31, 1985, recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, on February 1, 1985, in Deed Book 1318, Page 261.

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

Document# 2019000041261 BK: 5145 PG: 235
Recorder of Deeds, Scott Dailey On 10/31/2019 at 2:42:27 PM Sussex County, DE
Doc Surcharge Paid

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

Signed, Sealed and Delivered
in the presence of:

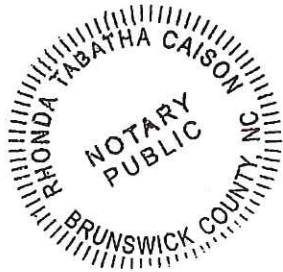
Charles M. Donaway, Jr. (SEAL)
Charles M. Donaway, Jr.

Frances J. Donaway (SEAL)
Frances J. Donaway

STATE OF North Carolina, COUNTY OF Brunswick : to-wit

BE IT REMEMBERED, that on October 10th, 2019, personally came before me, the subscriber, Charles M. Donaway, Jr. and Frances J. Donaway, parties of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

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



Rhonda Tabatha Caison
Notary Public

My Commission Expires: 2/16/2020

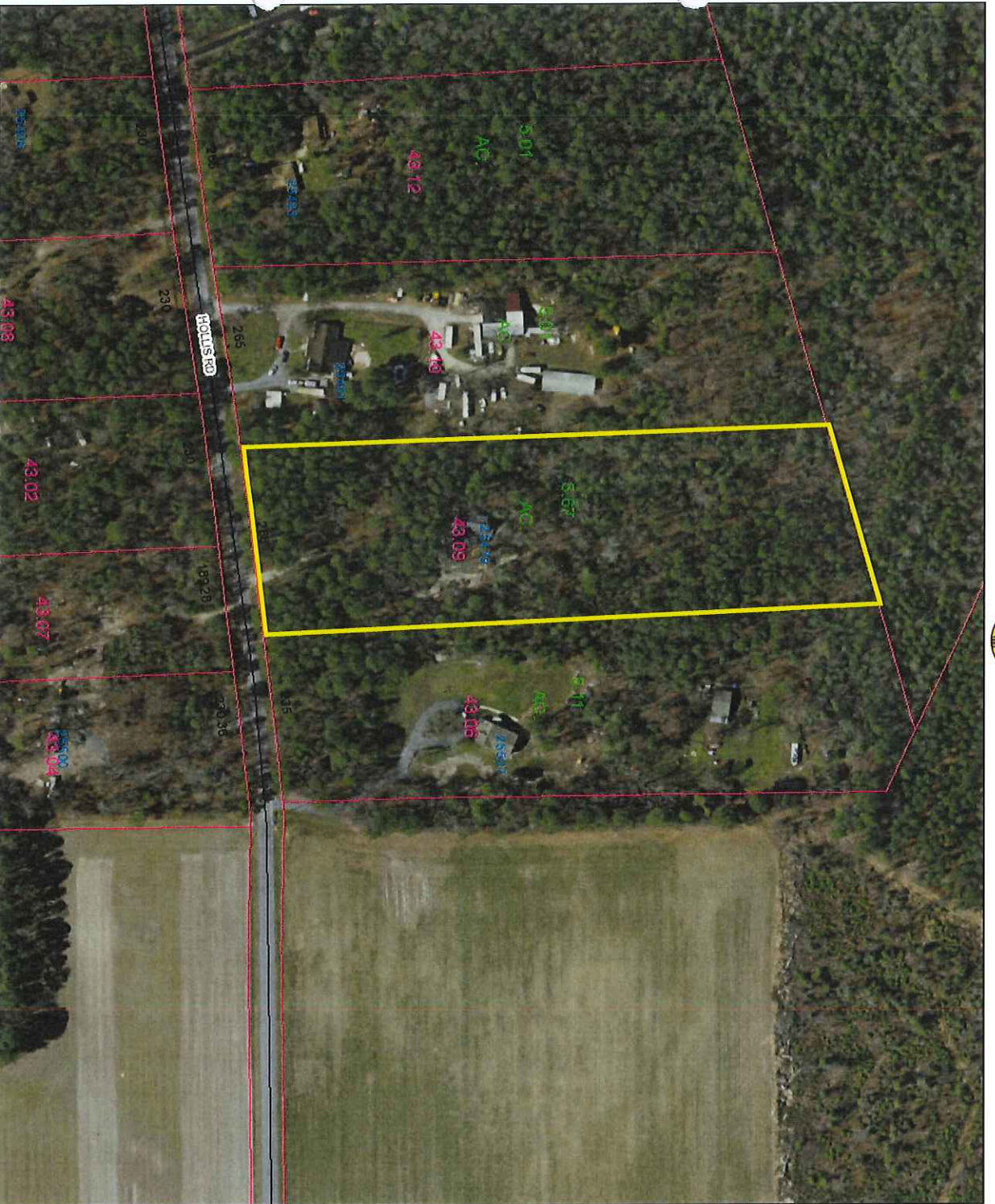
EXHIBIT B
AERIAL MAP

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.



Sussex County



PIN:	135-16.00-43.09
Owner Name	RICE DEVIN SHEA
Book	5145
Mailing Address	17834 BEAVER DAM RD
City	LEWES
State	DE
Description	N/RT 295
Description 2	1580' E/RT 30
Description 3	24078
Land Code	

- polygon_lyer
Override 1
- polygon_lyer
Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries



March 10, 2020

EXHIBIT C

SURVEY

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

T.M. #135-16.00-43.09

LANDS N/F
GUY E. & NANCY S. PHILLIPS
DB 1711-205
N 75°43'54" E

289.52'

850.68'

S 02°17'51" E

LANDS N/F
MICHAEL BRUCE KNEE
DB 2724-223

5.678 ACRES
DB 1318-261

LANDS N/F
JESSE S. ATKINSON
DB 1861-198

BOUNDARY SURVEY FOR
DEVIN RICE
25479 HOLLIS ROAD, GEORGETOWN, DE 19947
GEORGETOWN HUNDRED SUSSEX COUNTY
STATE OF DELAWARE
SCALE 1" = 100' NOVEMBER 4, 2019

PH: 302-629-9895
FAX: 302-629-2391

MILLER LAND SURVEYING
LEWIS, INC.

1560 MIDDLEFORD RD. SEAFORD, DE. 19973



DB 1318-261

N 02°03'01" W

R=2924.53'
Δ=0°49'14"
A=41.88'
C=41.88'
B=S 83°02'46" W

885.59'

P.O.B.

246.11'

S 82°38'09" W

1812'+/- TO Q. RT. 30

HOLLIS ROAD (50' RW) SCR #295

- CONCRETE MONUMENT (FOUND)
- IRON PIPE (FOUND)
- POINT

THIS SURVEY AND PLAT DOES NOT VERIFY THE
EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY
OR EASEMENTS CROSSING THIS PROPERTY OTHER
THAN THOSE SHOWN.
NO TITLE SEARCH PROVIDED OR STIPULATED.

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.

REGISTERED PROFESSIONAL SURVEYOR
No. 407
DONALD K. MILLER, PLS. 907
11/5/19 DATE
SUBURBAN

EXHIBIT D

CODE

LAW OFFICES

TUNNELL
& **R**AYSOR, P.A.

Sussex County, DE
Tuesday, June 11, 2019

Chapter 115. Zoning

Article IV. AR-1 and AR-2 Agricultural Residential Districts

§ 115-22. Conditional uses.

The following uses may be permitted as conditional uses when approved in accordance with the provisions of Article **XXIV** of this chapter:

Agricultural related industry, provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment

[Added 1-27-2004 by Ord. No. 1658]

Airports and landing fields or seaplane bases, provided that they shall comply with the recommendations of the Federal Aviation Administration

Aquariums, commercial

Beaches, commercial

Biotech campus

[Added 1-27-2004 by Ord. No. 1659]

Biotech industry not located within a biotech campus provided that such use is visually and acoustically screened from adjacent highways and property in such a manner that a reasonable passerby is not attracted to or aware of the establishment.

[Added 1-27-2004 by Ord. No. 1659]

Cemeteries, including a crematorium if located at least 200 feet from the boundaries of the cemetery

Excavation or backfilling of borrow pits, extraction, processing and removal of sand, gravel or stone, stripping of topsoil (but not including stripping of sod) and other major excavations other than for construction of swimming pools and foundations for buildings and other than those approved in connection with a street, subdivision or planned residential development. (See § **115-172B**.)

Exposition centers or fairgrounds

Heliports or helistops

Hospitals and sanitariums, but not animal hospitals

Institutions, educational or philanthropic, including museums, art galleries and libraries

Land application of sludge, treated sludge or any product containing these materials. For purposes of this section, "sludge" means the accumulated semiliquid suspension, settled solids or dried residue of these solids that is deposited from liquid waste in a wastewater treatment plant or surface or ground waters treated in a water treatment plant, whether or not these solids have undergone treatment. "Septage" is included herein as sludge. "Land application" means the placement of sludge, treated sludge or any other product containing these materials within two feet below the surface of land used to support vegetative growth.

[Added 5-8-1990 by Ord. No. 681]

Livestock auction markets in an AR District

Marinas or yacht clubs

Multifamily dwelling structures and/or townhouses and/or town homes, subject to the provisions of

this chapter when:

[Added 7-31-2007 by Ord. No. 1920]

- A. Said multifamily dwelling structures and/or townhouses and/or town homes, the owners of which would share and own in common the surrounding grounds (which may also be referred to herein collectively as "units"), lie within a Town Center, a Developing Area, or a Coastal Area as described within the Land Use Element and as shown on the Future Land Use Plan of the adopted Sussex County Comprehensive Plan; and
[Amended 5-21-2019 by Ord. No. 2656]
- B. The developer has proffered to Sussex County for the purpose of creating open space for preservation and/or active and/or passive recreation areas a development fee per unit, as described in Chapter 62, § 62-7, for every unit in excess of two units per gross acre that is included in the application; and
- C. The Sussex County Council prior to the signing of a contract to purchase or lease open space for preservation and/or active and/or passive recreation areas shall approve all such land or conservation easement purchases which utilize monies paid to the County under the terms of this amendment. All such approvals by the Council shall be by a four-fifths majority vote and shall include a determination that the land and/or conservation easement to be acquired is located in the same watershed area as the land where the bonus density will be located; and
- D. It is understood that Sussex County shall control all monies paid to it under this amendment and that the Sussex County Land Trust may act as a recommending body and/or partner at the discretion of the Sussex County Council; and
- E. The maximum number of multifamily dwelling structures and/or townhouses and/or town homes, as defined in Subsection A above, included in the application, shall not exceed four dwelling units per gross acre, including land set aside for common open space and/or recreational uses; and
- F. The minimum percentage of the total site which shall be set aside as common open space shall be 40% of the total land area included in the application; and
- G. There shall be a vegetated buffer of not less than 75 feet, subject to the following conditions:
 - (1) The vegetated buffer shall be located adjacent to a numbered road shown on the General Highway Map for Sussex County and may include the required setback area from the road and shall be kept free of vehicle parking areas, buildings and structures; and
 - (2) The vegetated buffer shall include a mix of deciduous shade trees and evergreen trees, a majority of which shall be of common local species; and
 - (3) The deciduous shade trees shall include trees reasonably capable of attaining a minimum trunk diameter of two inches measured 3.5 feet above the ground within five years of being planted; and
 - (4) The evergreen trees shall include trees reasonably capable of attaining a minimum height of 10 feet above the ground within five years of being planted; and
 - (5) The goal of the landscape plan for the buffer area shall be include trees of the type indicated herein that will be planted in a natural manner, as they might appear in nature, as opposed to being planted in row fashion which will filter views from the road in such a manner that the dwelling units appear more green and less dense than if no landscaping had been required; and
 - (6) A further goal of the landscape plan would be to avoid placing plantings in an area adjacent to the entrance to the development in such a manner as to restrict the view of motorists entering or exiting from the development or restricting sight lines for motorists in such a manner as to create a potential safety hazard; and
 - (7) The landscape plan for the buffer area shall be designed and signed by a Delaware licensed landscape architect and approved by the Planning and Zoning Commission and County Council; and
- H. Council and/or the County Administrator may consider and authorize an expedited review of a conditional use application filed under this section; and
- I. Multifamily dwelling structures and/or townhouses and/or town homes shall not be considered as

a conditional use under any other provision of this section which existed prior to the date of this amendment; and

- J. The density bonus fee for each multifamily and/or townhouse and/or town home dwelling unit in excess of two units per gross acre shall be determined by reference to and the use and application of the per-unit density bonus fees adopted as part of Ordinance 1842 and applicable to cluster developments and appearing in Chapter 62, Article III, § 62-7, as the same may hereafter be modified by Council, from time to time. Council will review the fees for a density bonus under the terms of this amendment on an annual basis and revise such fees as it deems necessary by an appropriate amendment.

Manufactured home parks

[Amended 10-12-2010 by Ord. No. 2152]

Nursing and similar care facilities

[Added 4-16-2019 by Ord. No. 2645]

Parks or campgrounds for mobile campers, tents, camp trailers, touring vans and the like

Private clubs

Public or governmental buildings and uses, including schools, parks, parkways, playgrounds and public boat landings

Public utilities or public service uses, buildings, generating or treatment plants, pumping or regulator stations or substations, but not telephone central offices

Racetracks, any type, including horses, stock cars or drag strip

Recreation facilities, privately or commercially operated, such as a fishing or boating lake, picnic grounds or dude ranch, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment

Residential, business, commercial or industrial uses when the purposes of this chapter are more fully met by issuing a conditional use permit

[Added 4-6-2004 by Ord. No. 1677^[1]]

Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events not approved by the Director as a permitted use under § 115-20 shall require a conditional use permit. All special events, regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

[Amended 5-1-1990 by Ord. No. 680; 11-10-1992 by Ord. No. 863; 8-20-2013 by Ord. No. 2316; 9-18-2018 by Ord. No. 2599]

Sports arenas or stadiums, commercial athletic fields or baseball parks

Stores or shops for the sale of farm products, farm supplies, groceries, beverages, drugs and food and similar stores and shops

Structures for commercial poultry raising on farms of less than five acres

Swimming or tennis clubs, private, nonprofit or commercially operated

[1] *Editor's Note: This entry was previously repealed 1-27-2004 by Ord. No. 1658.*

EXHIBIT E

DelDot Service Level Evaluation Response

LAW OFFICES

TTUNNELL
&**R**AYSOR, P.A.



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

JENNIFER COHAN
SECRETARY

April 2, 2020

Mr. Jamie Whitehouse, Acting 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 **D.R.'s Lawn Maintenance, LLC** conditional use application, which we received on March 10, 2020. This application is for an approximately 5.67-acre parcel (Tax Parcel: 135-16.00-43.09). The subject land is located on the north side of Hollis Road (Sussex Road 295), approximately 1,600 feet northeast of the intersection of Delaware Route 30 and Hollis Road. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval for the operation of a lawn maintenance company.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Hollis Road where the subject land is located is 212 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.

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
April 2, 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
Jerry Meiklejohn, Applicant
J. Marc Coté, Director, Planning
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 COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: August 27th, 2020

Application: CU 2230 Ralph A. Kemmerlin Sr.

Applicant/Owner: Ralph A. Kemmerlin Sr.
19306 Elks Lodge Road
Milford, DE 19963

Site Location: 19306 Elks Lodge Road. On the south side of the intersection of Elks Lodge Rd (S.C.R 211) and Hammond Dr approximately 0.74 southeast of Marshall St (S.C.R. 225).

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Gunsmithing Business

Comprehensive Land Use Plan Reference: Town Center

Councilmatic District: Mr. Wilson

School District: Milford School District

Fire District: Carlisle Fire District

Sewer: Septic

Water: Private

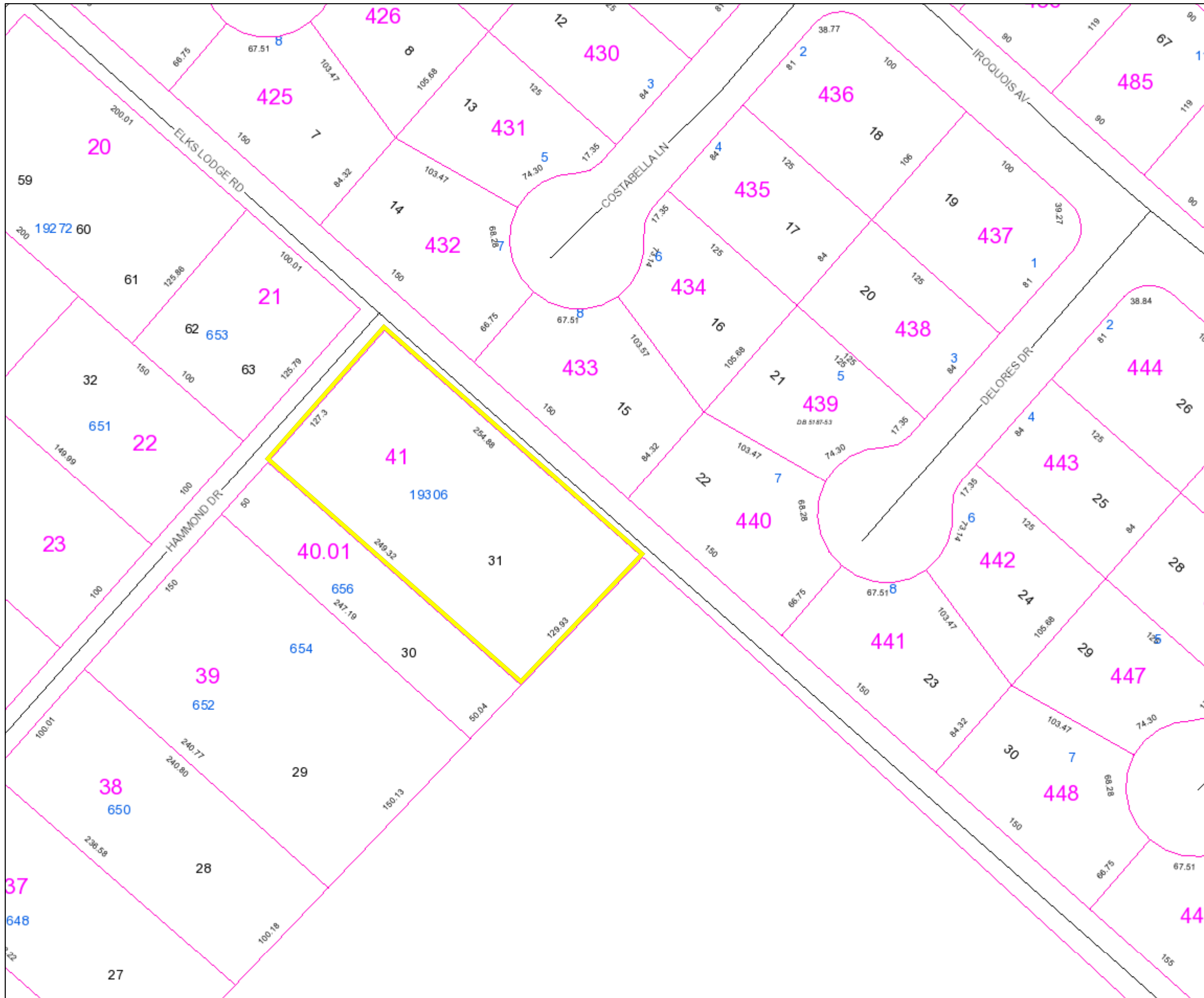
Site Area: 33,000 Sq. Ft.

Tax Map ID.: 330-11.18-41.00








Sussex County



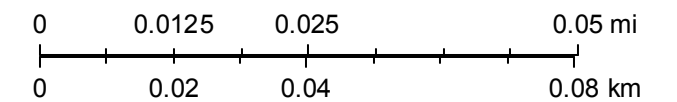
PIN:	330-11.18-41.00
Owner Name	KEMMERLIN RALPH ANTHONE SR &
Book	2293
Mailing Address	19306 ELKS LODGE RD
City	MILFORD
State	DE
Description	EASTMAN HEIGHTS
Description 2	BLK E LOT 31
Description 3	S/HAMMOND DR
Land Code	

- polygonLayer**

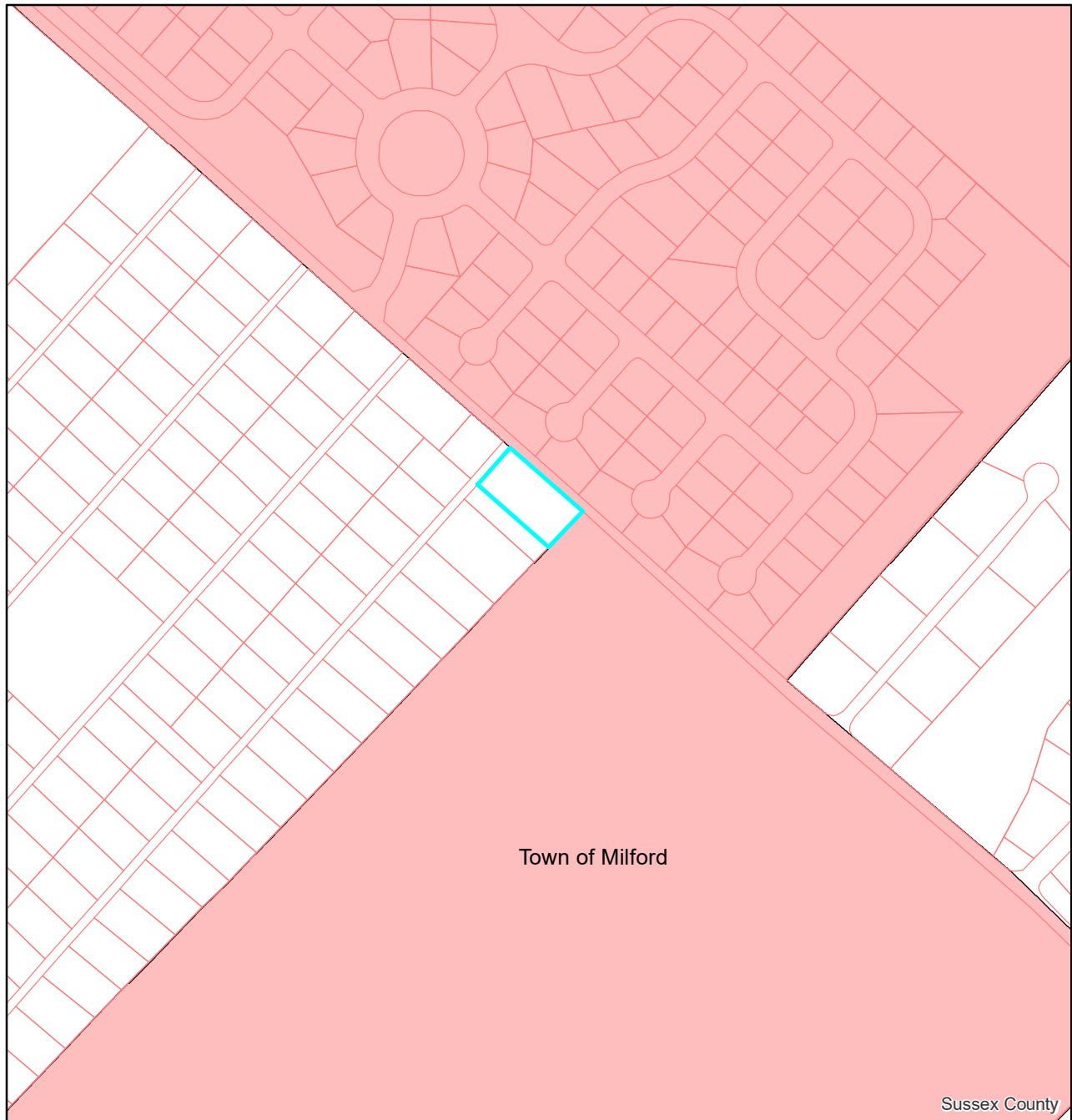
Override 1
- polygonLayer**

Override 1
-  Tax Parcels
-  911 Address
-  Streets

1:1,128







CU 2230 Ralph A. Kemmerlin Sr Zoning Map



Legend

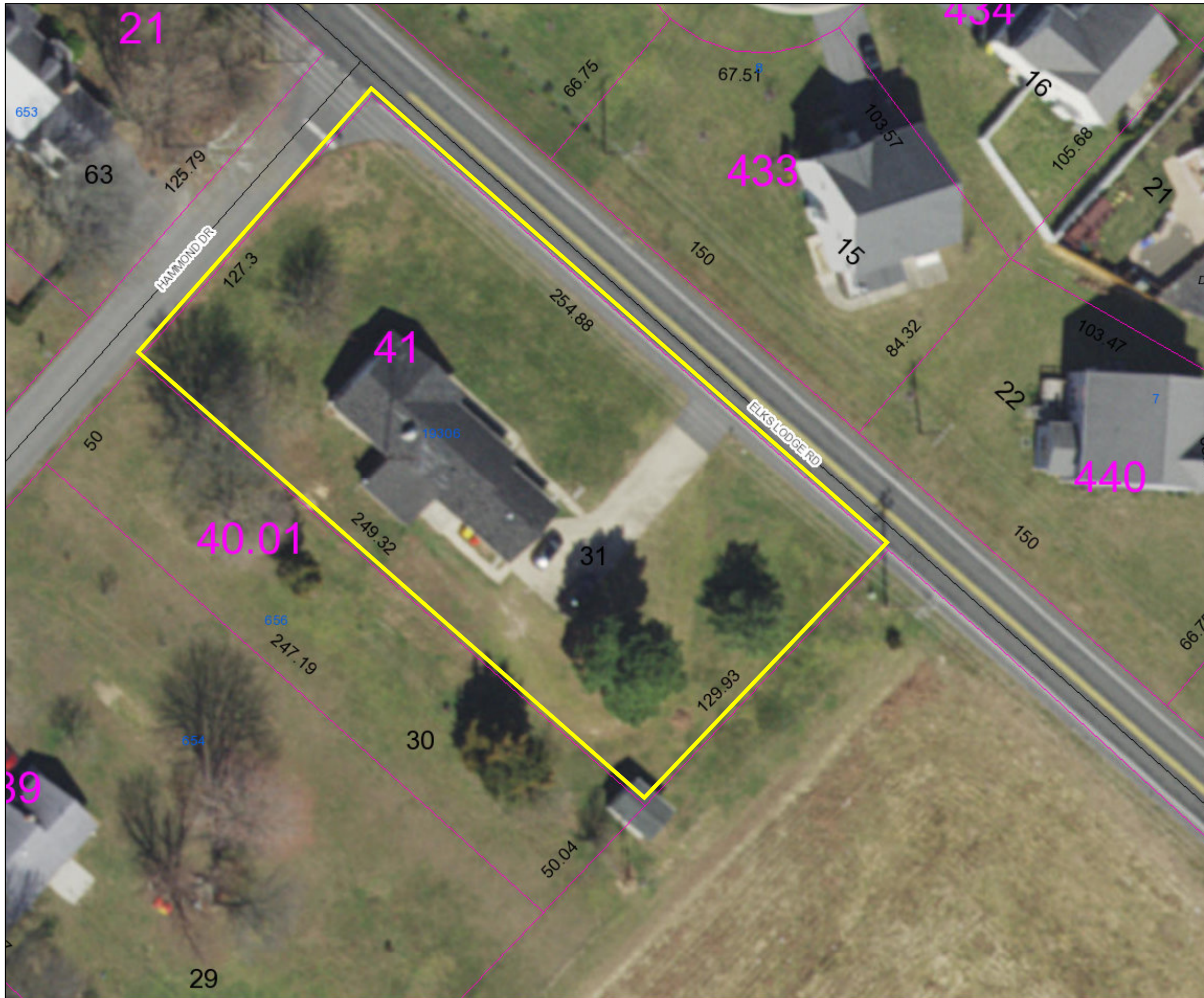
Zoning

District

 Agricultural Residential - AR-1	 High Density Residential - HR-2	 General Commercial - C-5
 Agricultural Residential - AR-2	 Vacation, Retire, Resident - VRP	 Commercial Residential - CR-1
 Medium Residential - MR	 Neighborhood Business - B-1	 Institutional - I-1
 General Residential - GR	 Neighborhood Business - B-2	 Marine - M
 High Density Residential - HR-1	 General Commercial - C-1	 Limited Industrial - LI-1
	 General Commercial - C-2	 Limited Industrial - LI-2
	 General Commercial - C-3	 Heavy Industrial - HI-1
	 General Commercial - C-4	 Town Limits



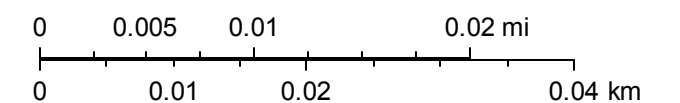
Sussex County



PIN:	330-11.18-41.00
Owner Name	KEMMERLIN RALPH ANTHONE SR &
Book	2293
Mailing Address	19306 ELKS LODGE RD
City	MILFORD
State	DE
Description	EASTMAN HEIGHTS
Description 2	BLK E LOT 31
Description 3	S/HAMMOND DR
Land Code	

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

1:564



JAMIE WHITEHOUSE, AICP
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: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: August 20th, 2020
RE: Staff Analysis for CU 2230 Ralph A. Kemmerlin Sr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2230 Ralph A. Kemmerlin Sr. to be reviewed during the August 27th, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 330-11.18-41.00 to allow for a gunsmithing business. The size of the property is 0.76 acre +/- . The property is zoned AR-1 (Agricultural Residential Zoning District) and located at 19306 Elks Lodge Road on the south side of the intersection of Elks Lodge Rd (S.C.R 211) and Hammond Dr approximately 0.74 southeast of Marshall St (S.C.R. 225).

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

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Town Center". The uses that the Town Center Area land use designation recognizes are uses similar to the neighboring municipality. Significant growth is proposed to be concentrated around municipalities and many of these areas are formally designated as future annexation areas in their local comprehensive plan. Permitted uses in this area are designed around housing, commercial that will serve the daily needs of resident's, workers and visitors and retail compatible with surrounding uses. The properties to the north, east and south are all designated on the Future Land Use Map as "Municipality" as they are all located within town limits of Milford.

The property is zoned AR-1 (Agricultural Residential Zoning District). The adjoining and surrounding properties located within the county jurisdiction to the southwest, west, and northwest are all zoned AR-1 (Agricultural Residential Zoning District).

Since 2011, there have been no Conditional Use approvals within a 1-mile radius of the application.

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



File #: 202004928
CU 2230

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

19306 Elks Lodge Road, Milford, Delaware 19963

Type of Conditional Use Requested:

Professional Gunsmithing Business

Tax Map #: 330-11.18-41.00

Size of Parcel(s): _____

Current Zoning: AR-1

Proposed Zoning: AR-1

Size of Building: 33,000 Sq. Ft.

Land Use Classification: Agricultural Residential District

Water Provider: Well

Sewer Provider: Septic

Applicant Information

Applicant Name: Ralph A Kemmerlin Sr

Applicant Address: 19306 Elks Lodge Road

City: Milford

State: De

Zip Code: 19963

Phone #: (302) 393-0618

E-mail: grandmasterkemmerlin@gmail.com

Owner Information

Owner Name: Same as Applicant

Owner Address: _____

City: _____

State: _____

Zip Code: _____

Phone #: _____

E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____

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: 05/05/2020

Signature of Owner



Date: 05/05/2020

For office use only:

Date Submitted: _____ Fee: \$500.00 Check #: _____
Staff accepting application: _____ Application & Case #: _____
Location of property: _____

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



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 **Ralph A. Kemmerlin, Sr.** conditional use application, which we received on January 28, 2020. This application is for an approximately 0.74-acre parcel (Tax Parcel: 330-11.18-41.00). The subject land is located on the southwest side of Elks Lodge Road (Sussex Road 211), approximately 4,400 feet northwest of the intersection of Elks Lodge Road and Wilkins Road (Sussex Road 206). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize a portion of the approximately 3,000 square-foot residential facility to operate a gunsmithing business.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Elks Lodge Road where the subject land is located, which is from Marshall Street (Sussex Road 225) to Wilkins Road, is 2,563 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
Ralph A. Kemmerlin, Sr., 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: **8/17/2020**

APPLICATION: **CU 2230 Ralph A. Kemmerlin Sr.**

APPLICANT: **Ralph A. Kemmerlin, Sr.**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **330-11.18-41.00**

LOCATION: **On the south side of the intersection of Elks Lodge Road (SCR 211) and Hammond Drive, approximately 0.74 mile southeast of Marshall Street (SCR 225).**

NO. OF UNITS: **Gunsmithing Business**

GROSS
ACREAGE: **33,000 sq. ft.**

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

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Municipal Growth & annexation Area**
- (3). Is wastewater capacity available for the project? **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? **No** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **Choose an item.** 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 Conditional Use is in the Growth and Annexation Area of the City of Milford. Contact the City of Milford concerning the availability of sanitary sewer and water.**
- (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

Louis W. Willett
902 Stevenson Lane
Towson, MD. 21286

RECEIVED

AUG 21 2020

SUSSEX COUNTY
PLANNING & ZONING

17 August 2020

Jamie Whitehouse
Planning & Zoning Director
County Administrative Office Bldg. 2
The Circle Georgetown, DE. 19947

Re: C/U 2230 Ralph A. Kemmerlin, Sr.

To Whom It May Concern:

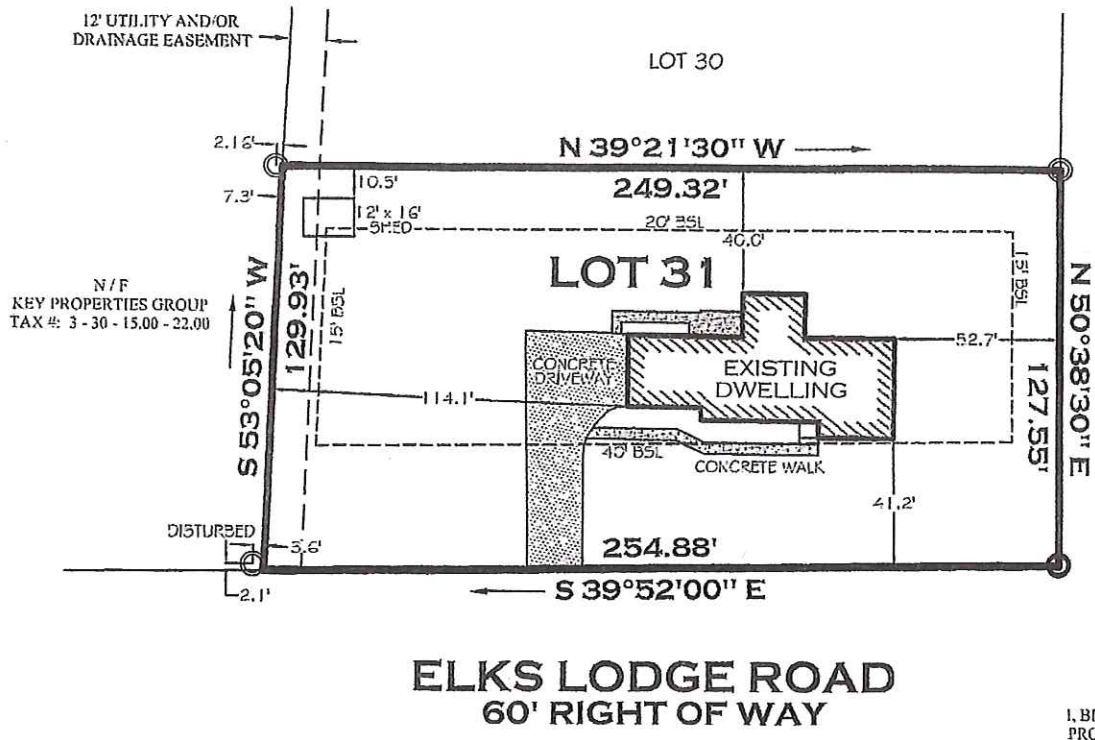
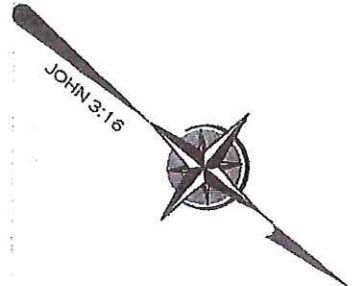
For the record, the purpose of this letter is to unconditionally offer our support for the application submitted by Mr. Kemmerlin to use a segment of his property for a professional gunsmithing business at 19306 Elks Lodge Road, Milford, Del.

My wife and I own the property known as 653 Hammond Drive, directly opposite 19306 Elks Lodge Rd. We also own a home in Towson, Md. and before the epidemic, used both homes equally when we weren't travelling. We are both retired and proud of our Delaware property.

We have known Mr. Kemmerlin and his family for over 20 years and in addition to being neighbors we have the privilege and honor of their friendship. On many occasions Mr. Kemmerlin has kept an eye on our property and there is no doubt that he is a person of integrity; trustworthy; friendly; and his word is his bond. We feel fortunate to have him as our neighbor.

Very Truly yours

L. W. Willett



HAMMOND DRIVE
50' RIGHT OF WAY

ELKS LODGE ROAD
60' RIGHT OF WAY

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 NECESSITATE A NEW REVIEW AND CERTIFICATION FOR ANY OFFICIAL OR LEGAL USE.

Bradley A. Absher
BRADLEY A. ABSHER, DE PLS # 735
DATE 3-13-2020

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
 2. ZONE: AR-1
 3. BUILDING SETBACK LINES (BSL)
 FRONT 40' (ELKS LODGE ROAD)
 CORNER 15' (HAMMOND DRIVE)
 SIDE 15'
 REAR 20'
- 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.

LEGEND	
○	IRON PIPE FOUND
●	IRON PIPE W/ CAP FOUND