

## PLANNING & ZONING COMMISSION

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



# Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date October 29, 2020.

Application: (CU 2243) Keith Twardowski

Applicant: Keith Twardowski  
33602 Samantha Drive  
Millsboro, DE 19966

Owner: Walter Twardowski and Keith Twardowski  
196 Kirk Road  
Garnet Valley, PA 19060

Site Location: 33602 Samantha Drive  
Millsboro, DE 19966

Current Zoning: Agricultural Residential (AR-1) and General Residential (GR)  
[see zoning map]

Type of Conditional  
Use Requested: Landscaping Business

Comprehensive Land  
Use Plan Reference: Coastal Area

Councilmanic  
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire District

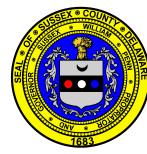
Sewer: Private, on-site septic

Water: Private, on-site well

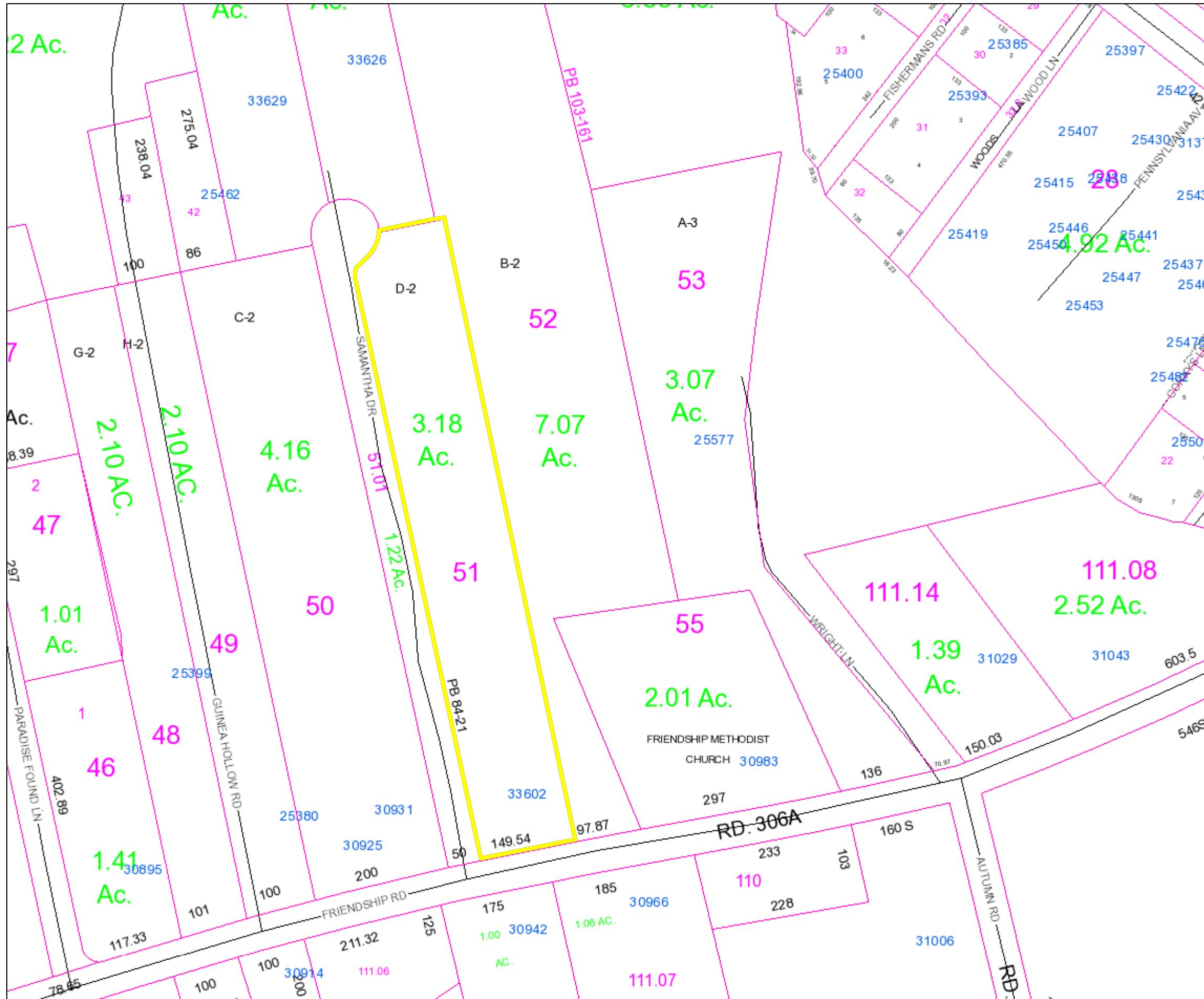
Site Area: 3.18 acres +/-

Tax Map ID.: 234-23.00-51.00





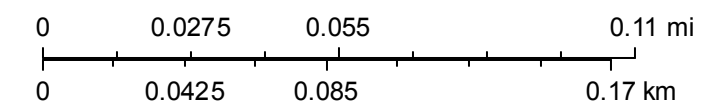
# Sussex County



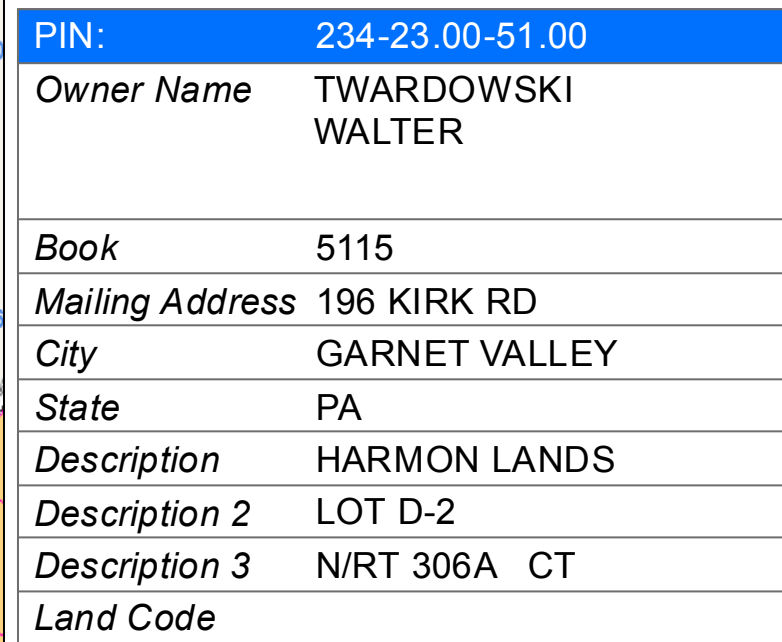
<b>PIN:</b>	234-23.00-51.00
<b>Owner Name</b>	TWARDOWSKI WALTER
<b>Book</b>	5115
<b>Mailing Address</b>	196 KIRK RD
<b>City</b>	GARNET VALLEY
<b>State</b>	PA
<b>Description</b>	HARMON LANDS
<b>Description 2</b>	LOT D-2
<b>Description 3</b>	N/RT 306A CT
<b>Land Code</b>	

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

1:2,257







### Override 1

Override 1

911 Address

\_\_\_\_\_





Sussex County

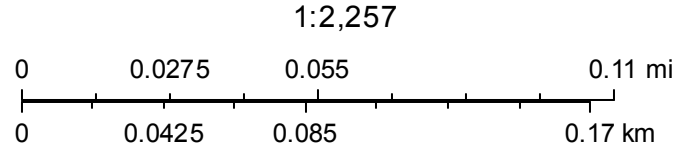


<b>PIN:</b>	234-23.00-51.00
<b>Owner Name</b>	TWARDOWSKI WALTER
<b>Book</b>	5115
<b>Mailing Address</b>	196 KIRK RD
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<b>Description 3</b>	N/RT 306A CT
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- polygonLayer

Override 1
- polygonLayer

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







## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: October 29, 2020  
RE: Staff Analysis for CU 2243 – Keith Twardowski

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This memo is to provide background and an analysis for the Planning Commission to consider as a part of application CU 2243 – Keith Twardowski to be reviewed during the November 19, 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 234-23.00-51.00 to allow for a landscaping business to be located on the north side of Friendship Road (S.C.R. 306A), approximately 0.36 mile southwest of Indian Mission Road (Route 5). The address is 33602 Samantha Drive in Millsboro, Delaware, and the property is 3.18 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 determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the property has the land use designation of “Coastal Area.”

The adjacent parcels to the north, south, east and west are also designated as a Coastal Area. A range of residential development, retail and office uses, light commercial, and institutional uses have each been deemed permitted uses on page 4-15 of The Comprehensive Plan. Mixed use development and higher density residential uses (4-12 units per acre) may be appropriate in select locations. The focus of the Coastal Area is to encourage the responsible growth and development of the population and economy while also considering the unique and important environmental and ecological characteristics inherent to the area.

A zoning analysis has been completed for this property. The property is split between two zoning districts. As an approximate reference, the southern half of the property is within the General Residential (GR) Zoning District. The northern portion of the property is within the Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the west and east are also split between GR and AR-1 Zoning Districts in a similar manner. The parcels to the north are completely within the AR-1 Zoning District while the parcels to the south (across Friendship Road) are within the GR Zoning District.

Since 2011, there have been three Conditional Use applications within one-mile radius of the subject property. In 2014, Conditional Use No. 1984 to allow for a landscaping business in an AR-1 Zoning District was withdrawn, and no action by the Sussex County Council was taken. In



2016, Conditional Use No. 2021 to allow for multi-family residential development was withdrawn, and no action was taken by the Sussex County Council. In 2019, Conditional Use No. 2167 to allow for an outdoor yard sale(s) was denied by the Sussex County Council on May 14, 2019.

Based on this analysis, a Conditional Use for a landscaping business in an Agricultural Residential (AR-1) Zoning District could be considered as consistent with the surrounding land uses and zoning.

File #: CU 2243  
202010637

## 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

33602 SAMANTHA DRIVE, MILLSBORO, DE 19966

Type of Conditional Use Requested:

LANDSCAPING BUSINESS

Tax Map #: 2-34-23.00-51.00. Size of Parcel(s): 3.18 ACERS

Current Zoning: GR AND AR-1  
SPLIT Proposed Zoning: \_\_\_\_\_ Size of Building: \_\_\_\_\_

Land Use Classification: RESIDENTIAL AND COMMERCIAL

Water Provider: ONSITE WELL Sewer Provider: SEPTIC

### Applicant Information

Applicant Name: KEITH TWARDOWSKI

Applicant Address: 33602 SAMANTHA DRIVE

City: MILLSBORO State: DE Zip Code: 19966

Phone #: (302) 498-5828 E-mail: \_\_\_\_\_

### Owner Information

Owner Name: WALTER TWARDOWSKI AND KEITH TWARDOWSKI

Owner Address: 196 KIRK RD

City: GARRET JAILLY State: PA Zip Code: 19060

Phone #: 610-636-0069 E-mail: W.TWARDOWSKI@HOTMAIL.COM

### Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: LARRY W. FIFER, ESQ.

Agent/Attorney/Engineer Address: 1201-B SAMANNAH ROAD

City: LEWES State: DE Zip Code: 19758

Phone #: (302) 644-3668 E-mail: LARRY@FIFERLAW.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: 8.27.20

Signature of Owner



Date: 6/22/20

For office use only:

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

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

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

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

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

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

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

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

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

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



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

JENNIFER COHAN  
SECRETARY

July 23, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Keith Twardowski** conditional use application, which we received on June 30, 2020. This application is for an approximately 3.18-acre parcel (Tax Parcel: 234-23.00-51.00). The subject land is located on the north side of Friendship Road (Sussex Road 306A), approximately 1/3 of a mile southwest of the intersection of Delaware Route 5 and Friendship Road. The subject land is currently split-zoned as AR-1 (Agricultural Residential) and GR (General Residential), and the applicant is seeking a conditional use approval to utilize the existing facility to operate a landscaping business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Friendship Road where the subject land is located is 712 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.

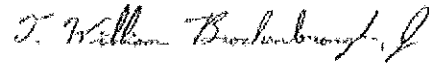
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



Mr. Jamie Whitehouse  
Page 2 of 2  
July 23, 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  
Keith Twardowski, Applicant  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **11/24/2020**

RECEIVED

APPLICATION: **CU 2243 Keith Twardowski**

NOV 30 2020

APPLICANT: **Keith Twardowski**

SUSSEX COUNTY  
PLANNING & ZONING

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **234-23.00-51.00**

LOCATION: **33602 Samantha Drive, Millsboro, DE 19966**

NO. OF UNITS: **Landscaping Business**

GROSS  
ACREAGE: **3.18**

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? **N/A** If yes, the current System Connection Charge Rate is **Unified \$6,360.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

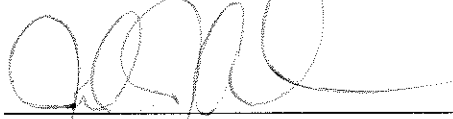
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer

district? **No**

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

- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



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John J. Ashman  
Director of Utility Planning

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



PLOT BOOK 84, PAGE 21

LANDS N.O.F.  
FRIENDSHIP UNITED METHODIST CHURCH  
DEED BOOK 2737, PAGE 222  
TAX MAP NO. 2-34-23.00, PARCEL 52.00  
CURRENT ZONING: GR

947.90<sup>1</sup>

N 82°33'51" E

2007

GRASS CLIPPINGS/MULCHING/STOCKPILE AREA

N 02°17'34" W

ZONING "GR"  
ZONING "AR"

**SAMANTHA DRIVE**  
(50' WIDE)

-POINT OF BEGINNING

COUNTY ROAD 306-A  
(A.K.A. FRIENDSHIP ROAD)  
(50' WIDE)

LANDS N.O.F.  
HERBERT APGAR & COLLEEN FOWLER  
DEED BOOK 3283, PAGE 98  
TAX MAP NO. 2-34-23.00, PARCEL 51.01  
CURRENT ZONING: GR

LANDS N.O.F.  
NICHOLAS FARKAS & KRISTY FARKAS  
DEED BOOK 5099, PAGE 326  
TAX MAP NO. 2-34-23.00, PARCEL 50.00  
CURRENT ZONING: AR-1

LANDS N.O.F.  
NICHOLAS FARKAS & KRISTY FARKAS  
DEED BOOK 5099, PAGE 326  
TAX MAP NO. 2-34-23.00, PARCEL 50.00  
CURRENT ZONING: GR



1) 1 SPACE/2 EMPLOYEES X 3 EMPLOYEES = 2 SPACES REQUIRED  
2) 2 SPACES REQUIRED; 12 SPACES PROVIDED

**LEGEND:**

- 1) CLASS "B", SUBURBAN SURVEY  
2) SOURCE OF TITLE: DEED BOOK 5115, PAGE 64  
3) THIS BOUNDARY SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A COMPLETE TITLE REPORT AND IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH

- |       |                         |
|-------|-------------------------|
| ○     | FOUND IRON PIPE         |
| △     | FOUND "T" BAR           |
| □     | FOUND CONCRETE MONUMENT |
| ●     | SET IRON BAR            |
| X—X—X | EXISTING FENCE          |

I, R.B. KEMP, III, 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 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.

R.B. KEMP, III, P.L.S. 541

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

CONDITIONAL USE SITE PLAN  
"K. TWARDOWSKI LANDSCAPING"

## BOUNDARY SURVEY & SITE PLAN

PREPARED FOR  
WALTER TWARDOWSKI &  
KEITH TWARDOWSKI  
FOR PROPERTY KNOWN AS  
LOT D-2, SUBDIVISION OF LANDS OF:  
HERBERT APGAR & COLLEEN FOWLER, PLOT BOOK 84, PAGE 21  
(A.K.A. 33602 SAMANTHA DRIVE)  
SITUATED IN  
INDIAN RIVER HUNDRED, SUSSEX COUNTY, STATE OF DELAWARE  
AREA: 3.180± ACRES  
SCALE: 1" = 50'  
DATE: AUGUST 7, 2020

## PLANNING & ZONING COMMISSION

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



## Sussex County

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

### PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: November 19, 2020

Application: CZ 1927 Preston Lynch Dyer & Mason Dyer

Applicant: Preston Lynch Dyer & Mason Dyer  
P.O. Box 212  
Lewes, DE 19958

Owner: Millsboro Town Center III, LLC  
P.O. Box 212  
Lewes, DE 19958

Site Location: The north side of Lewes-Georgetown Highway (Rt. 9), approximately 0.12 mile west of Josephs Rd. (S.C.R. 281)

Current Zoning: AR-1 (Agricultural Residential Zoning District)

Proposed Zoning: C-2 (Medium Commercial Zoning District)

Comprehensive Land  
Use Plan Reference: Low Density

Councilmanic  
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Private

Water: Private

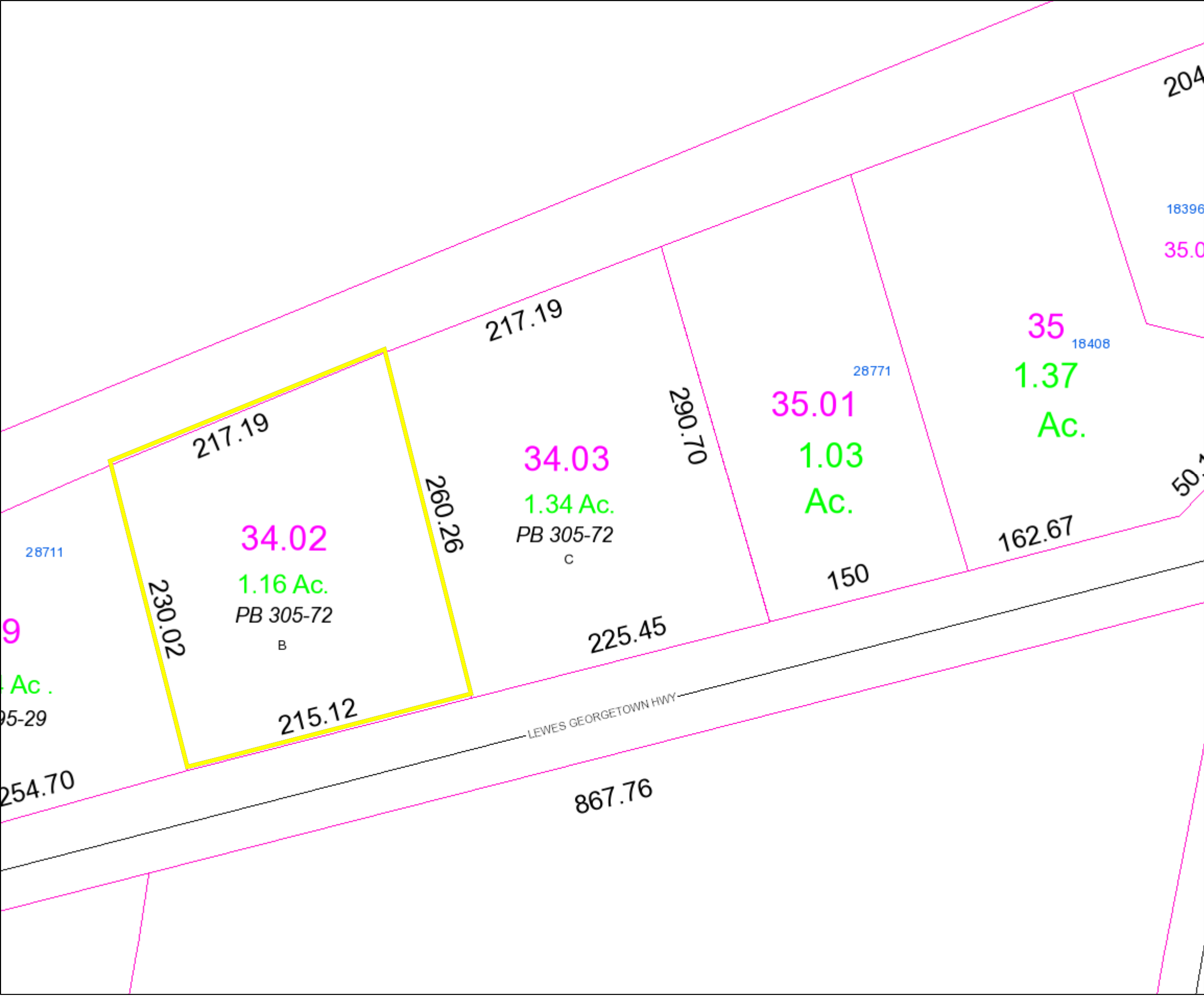
Site Area: 2.5 acres +/-

Tax Map ID.: 334-4.00-34.02 & 334-4.00-34.03





Sussex County



PIN:	334-4.00-34.02
Owner Name	MILLSBORO TOWNE CENTER III LLC
Book	5257
Mailing Address	PO BOX 212
City	LEWES
State	DE
Description	NW/LEWES GEORGETOWN
Description 2	W/JOSEPH RD
Description 3	PARCEL B
Land Code	

- polygonLayer

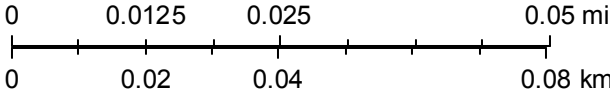
Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A
- AE
- AO
- OPEN WATER
- VE
- Tax Ditch Segments

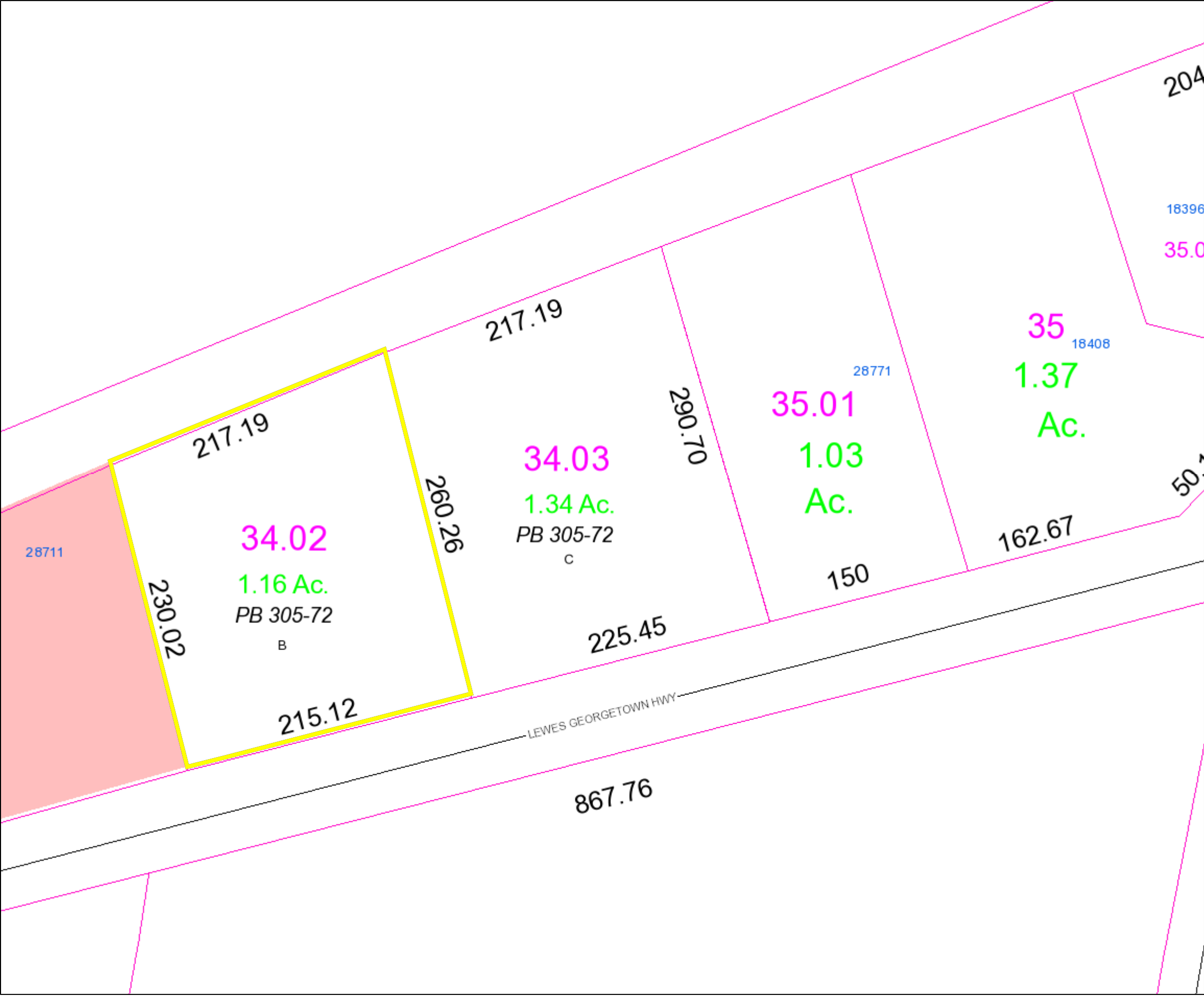
Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way

1:1,128





Sussex County

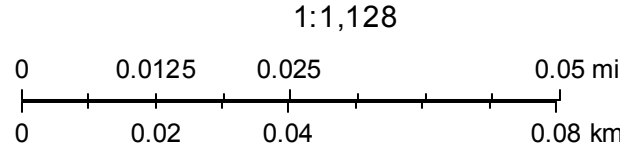


PIN:	334-4.00-34.02
Owner Name	MILLSBORO TOWNE CENTER III LLC
Book	5257
Mailing Address	PO BOX 212
City	LEWES
State	DE
Description	NW/LEWES GEORGETOWN
Description 2	W/JOSEPH RD
Description 3	PARCEL B
Land Code	

- polygonLayer

Override 1
- polygonLayer

Override 1
- Tax Parcels
- 911 Address
- Streets







Sussex County



PIN:	334-4.00-34.02
Owner Name	MILLSBORO TOWNE CENTER III LLC
Book	5257
Mailing Address	PO BOX 212
City	LEWES
State	DE
Description	NW/LEWES GEORGETOWN
Description 2	W/JOSEPH RD
Description 3	PARCEL B
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

AO

OPEN WATER

VE

Tax Ditch Segments

Tax Ditch Channel

Pond Feature

Special Access ROW

Extent of Right-of-Way

1:1,128

0

0.0125

0.025

0.05

mi

0

0.02

0.04

0.08

km





## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: November 12, 2020  
RE: Staff Analysis for CZ 1927 Preston Lynch Dyer & Mason Dyer

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1927 Preston Lynch Dyer & Mason Dyer to be reviewed during the November 19, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcels 334-4.00-34.02 and 334-4.00-34.03 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) District. The properties are lying on the north side of Lewes Georgetown Hwy. (Rt. 9) approximately 0.12 mile west of the Josephs Rd. (S.C.R. 281) in Lewes, DE. The size of the properties are approximately 1.16 acres +/- and 1.34 acres +/- respectively.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject properties 334-4.00-34.02 and 334-4.00-34.03 have the land use designation of "Low Density." Each property to the north, south and east also have the "Low Density" designation. A property to the west is designated "Existing Development Area". 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 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories", the Medium Commercial (C-2) Zoning District is listed as an applicable zoning district in the "Low Density" area.

Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Parcels to the north south and east are also located within an Agricultural Residential (AR-1) Zoning District. A parcel to the west is located in a Neighborhood Business (B-1) Zoning District and properties further to the east are located in the General Commercial (C-1) Residential Zoning District and Medium Commercial (C-2) Zoning District.



Since 2011, there have been four (4) Change of Zone applications within a one-mile radius of the subject properties. Change of Zone No. 1897, which proposed a change from Agricultural Residential (AR-1) District to Medium Commercial (C-2) District, was approved by County Council on December 17, 2019. It was adopted through Ordinance No. 2697. Change of Zone No. 1839, which proposed a change from Agricultural Residential (AR-1) District to Commercial Residential (CR-1) District, was approved by County Council on February 27, 2018. It was adopted through Ordinance No. 2551. Change of Zone No. 1782, which proposed a change from Agricultural Residential (AR-1) District to Commercial Residential (CR-1) District, was approved by County Council on March 1, 2016. It was adopted through Ordinance No. 2437. Change of Zone No. 1704, which proposed a change from Agricultural Residential (AR-1) District and General Commercial (C-1) District to Commercial Residential (CR-1) District, was approved by County Council on September 13, 2011. It was adopted through Ordinance No. 2214.

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

File #: C12 1927  
202009763  
202009764

**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**

LEWES-GEORGETOWN HWY. 350'+/- WEST OF JOSEPH ROAD, LEWES & REHOBOTH HUNDRED

**Type of Conditional Use Requested:**

N/A

**Tax Map #:** 334-4.00-34.02 AND 334-4.00-34.03 **Size of Parcel(s):** 2.5 +/- ACRES

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

**Land Use Classification:** LOW DENSITY | ADJACENT TO EXISTING DEVELOPING AREA

**Water Provider:** PRIVATE

**Sewer Provider:** PRIVATE

**Applicant Information**

**Applicant Name:** PRESTON LYNCH DYER AND MASON DYER

**Applicant Address:** P.O. Box 212

**City:** LEWES

**State:** DE

**Zip Code:** 19958

**Phone #:** (302) 644-1400

**E-mail:** pdyer@landventures.com | pdyer@ipmequities.com |  
mdyer@ipmequities.com

**Owner Information**

**Owner Name:** MILLSBORO TOWNE CENTER III, LLC

**Owner Address:** PO BOX 212

**City:** LEWES

**State:** DE

**Zip Code:** 19958

**Phone #:** (302) 644-1400

**E-mail:** pdyer@landventures.com | pdyer@ipmequities.com |  
mdyer@ipmequities.com

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** MARK H DAVIDSON | PENNONI

**Agent/Attorney/Engineer Address:** 18072 DAVIDSON DRIVE

**City:** MILTON

**State:** DE

**Zip Code:** 19968

**Phone #:** (302) 684-8030

**E-mail:** MDAVIDSON@PENNONI.COM



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

☒ **Completed Application**

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

- Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc. **RECORDED PLAT PB305 PG72**
- 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.**

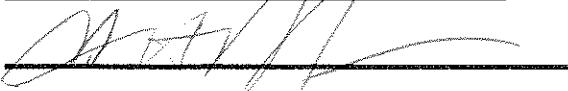
☒ **DeIDOT Service Level Evaluation Request Response**

☐ **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.

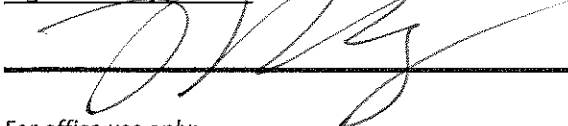
**Signature of Applicant/Agent/Attorney**



Date:

8/18/2020

**Signature of Owner**



Date:

8/14/20

**For office use only:**

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

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

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

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

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

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

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

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

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

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



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

JENNIFER COHAN  
SECRETARY

July 22, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Preston L. Dyer & Mason Dyer - 1** rezoning application, which we received on June 25, 2020. This application is for an approximately 2.5-acre assemblage of parcels (Tax Parcels: 334-4.00-34.02 & 34.03). The subject land is located on the north side of US Route 9, approximately 380 feet northwest of the intersection of US Route 9 and Josephs Road (Sussex Road 281). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of professional / medical office space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 13,160 and 16,937 vehicles per day, respectively.

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

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





Mr. Jamie Whitehouse  
Page 2 of 2  
July 22, 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  
Preston L. Dyer & Mason Dyer – I, Applicant  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination



PENNONI ASSOCIATES  
18002 DAVIS  
MILFORD, DE 19022  
T 302.634.8030 F 302.634.8031

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR  
AND DIMENSIONS BEFORE PROCEEDING WITH WORK  
WAYNE HAWKINS  
1815 BLANK FARM LANE  
MILFORD, DELAWARE 19036

MINOR SUBDIVISION PLAN  
SUSSEX COUNTY T148 334-4-00-31-00  
PARCELS A, B & C, LANDS W/F OF DRY ACRES, LLC.

NO.	DATE	REVISION
1	2/20/20	ISSUED FOR RECORD
2	2/20/20	REVISIONS
3	2/20/20	REVISIONS
4	2/20/20	REVISIONS
5	2/20/20	REVISIONS
6	2/20/20	REVISIONS
7	2/20/20	REVISIONS
8	2/20/20	REVISIONS
9	2/20/20	REVISIONS
10	2/20/20	REVISIONS
11	2/20/20	REVISIONS
12	2/20/20	REVISIONS
13	2/20/20	REVISIONS
14	2/20/20	REVISIONS
15	2/20/20	REVISIONS
16	2/20/20	REVISIONS
17	2/20/20	REVISIONS
18	2/20/20	REVISIONS
19	2/20/20	REVISIONS
20	2/20/20	REVISIONS

PROJECT: TACHN1001  
DATE: 2/20/20  
DRAWING SCALE: 1" = 100'  
SHEET: 1 OF 1  
V-0201  
APPROVED BY: [Signature]  
DATE: 2/20/20  
DRAWN BY: [Signature]  
DATE: 2/20/20  
CHECKED BY: [Signature]  
DATE: 2/20/20  
DESIGNED BY: [Signature]  
DATE: 2/20/20  
PROJECT LOCATION: 1815 BLANK FARM LANE, MILFORD, DE 19036  
PROJECT OWNER: DRY ACRES, LLC  
PROJECT ENGINEER: [Signature]  
DATE: 2/20/20

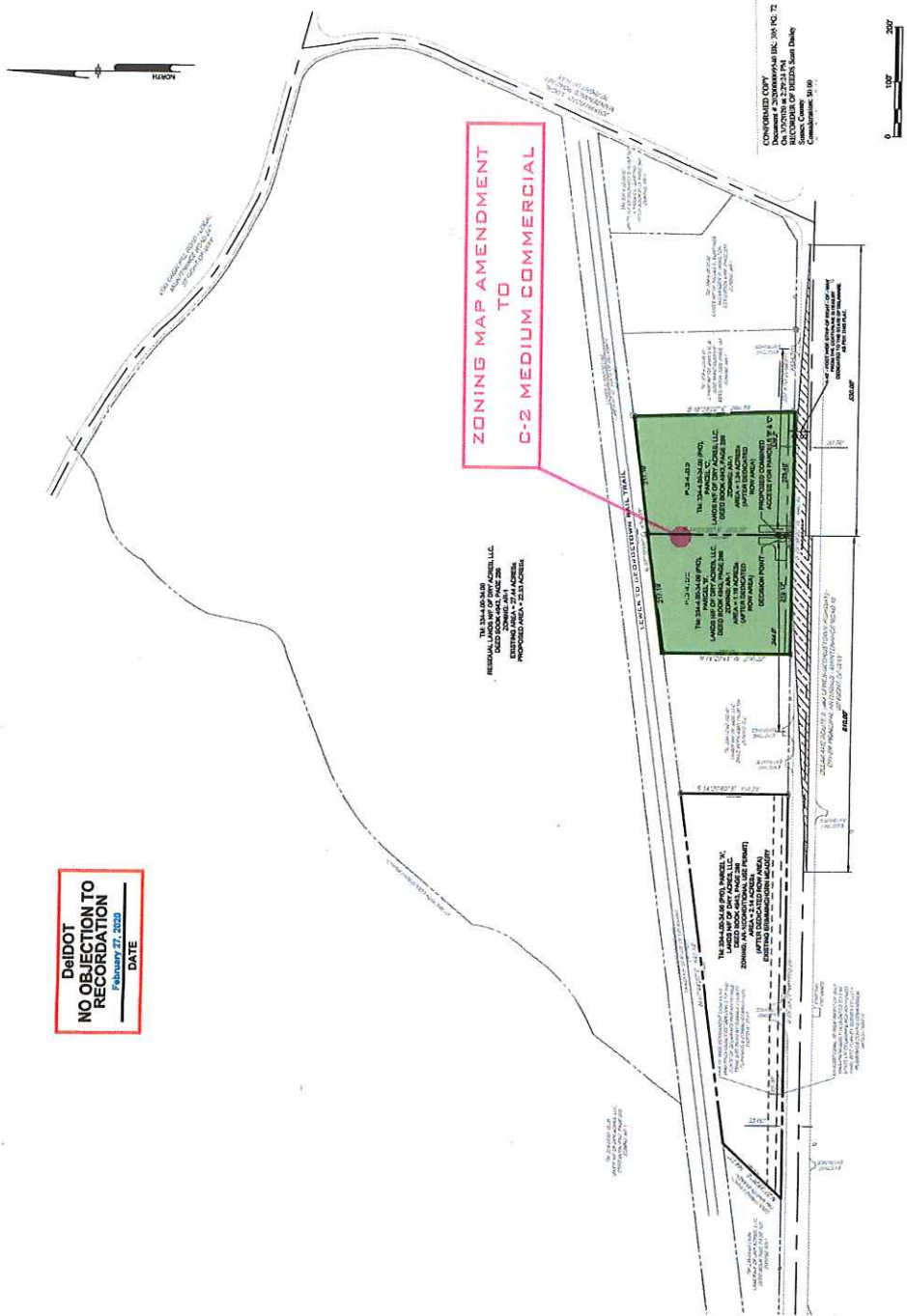


VICINITY MAP  
SCALE: 1" = 200'

**SITE DATA:**  
TAX MAP NUMBERS:  
1. OWNER: DRY ACRES, LLC  
2. SITE ADDRESS: 1815 BLANK FARM LANE, MILFORD, DE 19036  
3. EXISTING TOTAL ACRES: 27.44 ACRES (TOTAL)  
4. PROPOSED ACREAGE: 27.44 ACRES  
5. PARCELS TO BE SET:  
6. PARCELS TO BE SET:  
7. PARCELS TO BE SET:  
8. PARCELS TO BE SET:  
9. PARCELS TO BE SET:  
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18. PARCELS TO BE SET:  
19. PARCELS TO BE SET:  
20. PARCELS TO BE SET:

**ZONING MAP AMENDMENT TO C-2 MEDIUM COMMERCIAL**

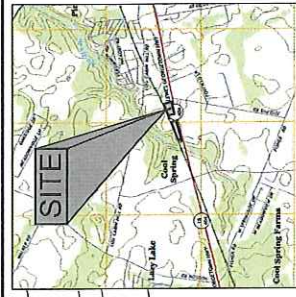
NO OBJECTION TO RECORDATION  
February 27, 2020  
DATE



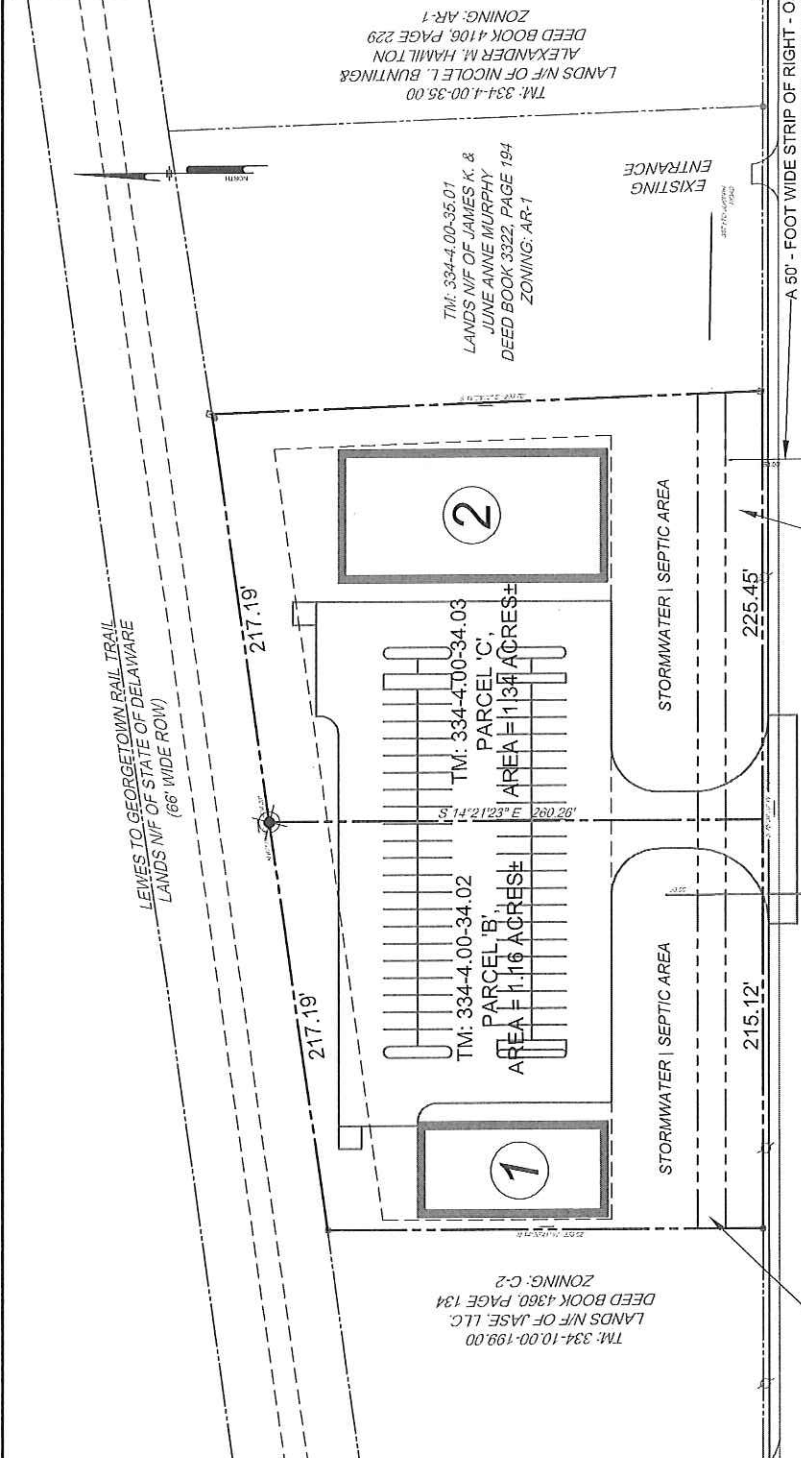
**GENERAL NOTES:**  
1. THE SUBDIVISION IS LOCATED IN THE TOWN OF MILFORD, DELAWARE, AND IS SUBJECT TO THE JURISDICTION OF THE DELAWARE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.  
2. THE SUBDIVISION IS LOCATED IN THE TOWN OF MILFORD, DELAWARE, AND IS SUBJECT TO THE JURISDICTION OF THE DELAWARE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.  
3. THE SUBDIVISION IS LOCATED IN THE TOWN OF MILFORD, DELAWARE, AND IS SUBJECT TO THE JURISDICTION OF THE DELAWARE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.  
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8. THE SUBDIVISION IS LOCATED IN THE TOWN OF MILFORD, DELAWARE, AND IS SUBJECT TO THE JURISDICTION OF THE DELAWARE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.  
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10. THE SUBDIVISION IS LOCATED IN THE TOWN OF MILFORD, DELAWARE, AND IS SUBJECT TO THE JURISDICTION OF THE DELAWARE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.



**LEGEND**  
PROPOSED PROPERTY LINE  
EXISTING PROPERTY LINE  
ADJOINING PROPERTY LINE  
CENTERLINE OF ROAD  
BOUNDARY OF ROAD  
IRON PIPE FOUND  
CONCRETE FOUNDATION FOUND  
IRON PIPE TO BE SET  
EXISTING UTILITY POLE



VICINITY MAP  
SCALE: 1" = 200'



# U.S. ROUTE 9 / LEWES - GEORGETOWN HIGHWAY

A 15' - FOOT PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT.

A 60' - FOOT RIGHT-OF-WAY / PRINCIPAL ARTERIAL / 100' FUTURE RIGHT-OF-WAY / 13,160 AADT IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT.

A 20' - FOOT WIDE STRIP OF RIGHT - OF - WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT.

A 50' - FOOT WIDE STRIP OF RIGHT - OF - WAY FROM THE CENTERLINE IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT.

- 50' x 100' = 5,000 SF  
PARKING REQUIRED = 25 SPACES  
LOADING REQUIRED = 1
- 70' x 142' = 9,940 SF  
PARKING REQUIRED = 50 SPACES  
LOADING REQUIRED = 1

**GENERAL NOTES:**

- THIS PLAT DOES NOT REPRESENT THE LOCATION AND/OR DIMENSIONS OF ANY EXISTING UTILITIES OR STRUCTURES. THE LOCATION AND/OR DIMENSIONS OF ANY EXISTING UTILITIES OR STRUCTURES SHALL BE DETERMINED BY THE OWNER PRIOR TO CONSTRUCTION.
- THE PROPERTY APPLICANT HAS BEEN ADVISED THAT THE STATE OF DELAWARE DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAT. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE PROPERTY APPLICANT HAS BEEN ADVISED THAT THE STATE OF DELAWARE DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAT. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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## ARTICLE XII [C-2 MEDIUM COMMERCIAL DISTRICT]

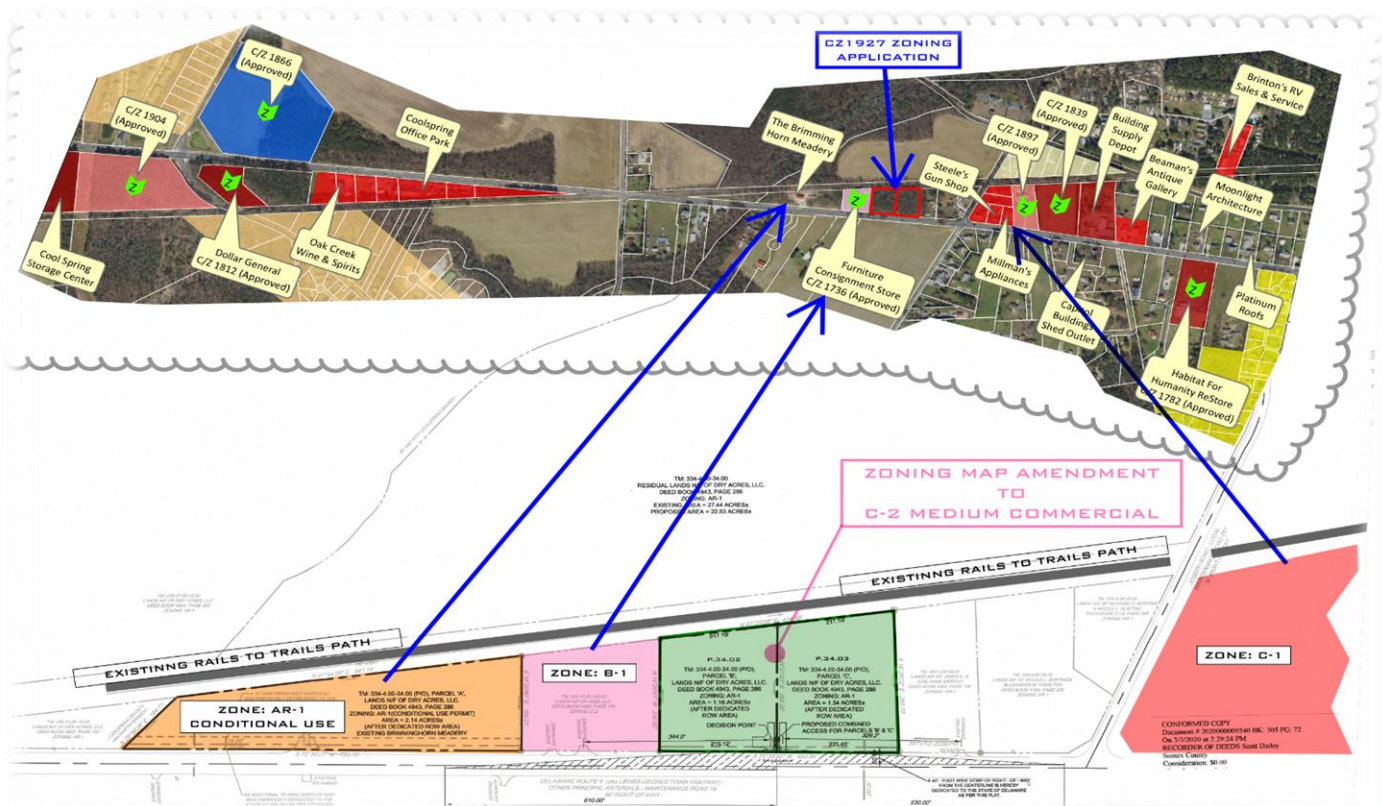
§ 115-83.10 PURPOSE.  
THIS DISTRICT SUPPORTS USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICES BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO NOT HAVE OUTSIDE STORAGE OR SALES.



## ZONING MAP AMENDMENT FROM AR-1 TO C-2

PENNONI  
18072 DAVIDSON DRIVE  
MILTON, DE 19968

## a. FINDINGS OF FACT



# Mark H. Davidson / Vice President

## Principal Land Planner/Office Director

### EDUCATION

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

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

Land Planning, Institute for Public Administration (2006)

### CERTIFICATIONS

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

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

DNREC Certified Construction Reviewer: DE (#1270)

Delaware Notary

### TRAININGS

Hydrology, Delaware TR-20 (1993)

Reducing Flood Hazard in Coastal Development (1996)

Law for Managers/Supervisors (1999)

State and Federal Laws (2000)

Advanced Real Estate Law in Delaware (2002)

Land Conservation and Historic Preservation (2003)

Land Surveying Business Diploma (1998)

Project Manager Training I, Pennoni (2015)

### PROFESSIONAL AFFILIATIONS

National Onsite Wastewater Recycling Association

Delaware Onsite Wastewater Recycling Association

American Planning Association

American Institute of Certified Planners

### HONORS/AWARDS

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

Notable Networker Award, BNI (2013)

### EXPERIENCE SUMMARY

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

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

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

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

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

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



## 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**

**Type of Conditional Use Requested:**

**Tax Map #:** 334-4.00-34.02 AND 334-4.00-34.03

**Size of Parcel(s):**

**Current Zoning:**

**Proposed Zoning:**

**Size of Building:**

**Land Use Classification:**

**Water Provider:**

**Sewer Provider:**

**Applicant Information**

Applicant Name:

Applicant Address:

City:

Phone #:

State:

Zip Code:

E-mail: pdyer@landventures.com | pdyer@ipmequities.com |  
mdyer@ipmequities.com

**Owner Information**

Owner Name:

Owner Address:

City:

Phone #:

State:

Zip Code:

E-mail: pdyer@landventures.com | pdyer@ipmequities.com |  
mdyer@ipmequities.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name:

Agent/Attorney/Engineer Address:

City:

Phone #:

State:

Zip Code:

E-mail:



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc. **RECORDED PLAT PB305 PG72**
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - **Deed** or Legal description
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission/Council to consider** (ex. architectural elevations, photos, exhibit books, etc.) If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DelDOT Service Level Evaluation Request Response**
- \_\_\_ **PLUS Response Letter** (if required)

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

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

Signature of Applicant/Agent/Attorney

Date:

8/18/2020

Signature of Owner

Date:

8/14/20

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: \_\_\_\_\_



TAX PARCEL NOS.: 3-34-4.00-34.02  
3-34-4.00-34.03

PREPARED BY & RETURN TO:  
Parkowski, Guerke & Swayze, P.A.  
19354C Miller Road  
Rehoboth Beach, DE 19971  
File No. 081-20/VGR

**THIS DEED**, made this 15<sup>th</sup> day of June, 2020,

- BETWEEN -

**DRY ACRES, LLC**, a Delaware limited liability company, of 16793 Island Farm Lane, Milton, DE 19968, party of the first part,

- AND -

**MILLSBORO TOWNE CENTER III, LLC.**, a Delaware limited liability company, of P.O. Box 212, Lewes, DE 19958, party of the second part.

**WITNESSETH:** That the said party of the first part, for and in consideration of the sum of Ten Dollars and 00/100 (\$10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

**TRACT 1 (PARCEL B)**

**ALL** that certain lot, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, fronting on the northern side of the highway leading from Lewes to Georgetown (Delaware Route 9), being "**Parcel B**" on a "Minor Subdivision Plan" for Wayne Hawkins recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware at **Book 305, Page 72**, further described as follows:

**BEGINNING** at an iron pipe set in the northern side of aforesaid Delaware Route 9, said point being the common corner for this Parcel B and lands now or formerly of JASE, LLC; thence, by and with said lands of JASE, LLC, North 14 degrees 20 minutes 41 seconds West,



230.02 feet to an iron pipe set along the southern boundary of lands identified on the aforesaid “Minor Subdivision Plan” as “Lewes Running Line Lands N/F of State of Delaware”; thence, by and with said lands of the State of Delaware, North 67 degrees 39 minutes 08 seconds East, 217.19 feet to an iron pipe set, said point being the common corner of these lands and Parcel C on the aforesaid “Minor Subdivision Plan”; thence, by and with Parcel C, South 14 degrees 21 minutes 23 seconds East, 260.26 feet to a point in the northern right-of-way of Delaware Route 9; thence, by and with said right-of-way, South 75 degrees 39 minutes 20 seconds West, 215.12 feet to the point and place of beginning, said to contain 1.16 acres, more or less.

**TRACT 2 (PARCEL C)**

**ALL** that certain lot, piece and parcel of land, situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, fronting on the northern side of the highway leading from Lewes to Georgetown (Delaware Route 9), being “Parcel C” on a “Minor Subdivision Plan” for Wayne Hawkins recorded in the office of the Recorder of Deeds, in and for Sussex County, Delaware at Book 305, Page 72, further described as follows:

**BEGINNING** at a point in the northern side of the aforesaid Delaware Route 9, said point being the common corner of this Parcel C and Parcel B on the aforesaid “Minor Subdivision Plan”; thence by and with said Parcel B, North 14 degrees 21 minutes 23 seconds West, 260.26 feet to an iron pipe set along the lands identified on the aforesaid “Minor Subdivision Plan” as “Lewes Running Line Lands N/F of State of Delaware”; thence, by and with said lands of the State of Delaware, North 67 degrees 39 minutes 08 seconds East, 217.19 feet to a point, said point being the common corner of these lands and lands now or formerly of James K. and June Anne Murphy; thence, by and with said lands of Murphy, South 16 degrees 28 minutes 22 seconds East, 290.70 feet to a point along the aforesaid northern right-of-way of Delaware Route 9; thence, by and with said right-of-way, South 75 degrees 39 minutes 20 seconds West, 225.45 feet to the point and place of beginning, said to contain 1.34 acres, more or less.

**BEING PART OF** the same lands and premises which were conveyed unto Dry Acres, LLC, by deed of Triple B Farm, LLC dated July 31, 2018, and recorded September 5, 2018, in the Office of the Recorder of Deeds in and for Sussex County, Delaware, in Deed Book 4943, Page 286.

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

IN WITNESS WHEREOF, the said Dry Acres, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by Shauna B. Thompson, as Manager, the day and year first above written.

DRY ACRES, LLC, a Delaware limited liability company

Cortney Moore  
Witness

By: Shauna B. Thompson (SEAL)  
Shauna B. Thompson, Manager

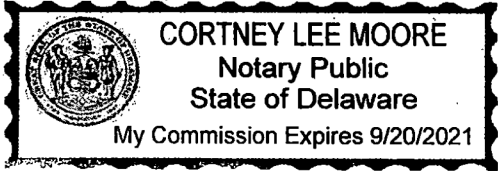
STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on this 15<sup>th</sup> day of June, 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Shauna B. Thompson, as Manager of Dry Acres, LLC, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed and the act and deed of said limited liability company.

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

Cortney Moore  
Notary Public

My Commission Expires: 9/20/21





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

JENNIFER COHAN  
SECRETARY

July 22, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Preston L. Dyer & Mason Dyer - 1** rezoning application, which we received on June 25, 2020. This application is for an approximately 2.5-acre assemblage of parcels (Tax Parcels: 334-4.00-34.02 & 34.03). The subject land is located on the north side of US Route 9, approximately 380 feet northwest of the intersection of US Route 9 and Josephs Road (Sussex Road 281). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-2 (Medium Commercial) to develop an unspecified number of square feet of professional / medical office space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of US Route 9 where the subject land is located, which is from Delaware Route 5 to Delaware Route 1, are 13,160 and 16,937 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse  
Page 2 of 2  
July 22, 2020

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

Sincerely,

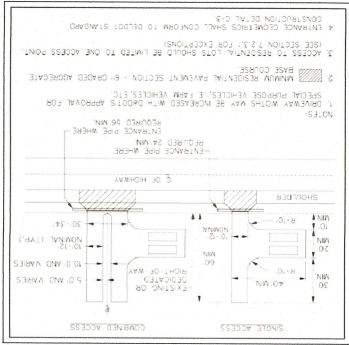


T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:cjm

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Preston L. Dyer & Mason Dyer – 1, Applicant  
Todd Sammons, Assistant Director, Development Coordination  
Gemez Norwood, South District Public Works Manager, Maintenance & Operations  
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination





- DELDOT NOTES:

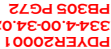
Mode of Transport	Percentage
Car	140%
Train	100%
Bicycle	60%
On foot	40%

CONFIRMED COPY  
Document # 202000009540 BK: 305 PG: 72  
On 3/3/2020 at 2:29:24 PM  
RECORDED OF DEEDS Scott Dailey  
Sussex County  
Consideration: \$0.00

# ZONING MAP AMENDMENT TO C-2 MEDIUM COMMERCIAL



**VICINITY MAP**  
**SCALE: 1" = 2000'**



APPROVED  
5/13/2000  
SUSSEX COUNTY  
PLANNING & ZONING COMMISSION

NO.	DESCRIPTION	ACRES
3.	EXISTING TOTAL ACREAGE:	27.44
4.	PROPOSED ACREAGE:	
	PARCEL 'A':	2.14
	PARCEL 'B':	1.16
	PARCEL 'C':	1.34
	ROW DEDICATION:	0.27
	RESIDUAL LANDS:	22.53
		<u>27.44</u>
5.	AREA AFFECTED BY ADJUSTMENT:	27.44
6.	TOTAL NUMBER OF LOTS:	1
7.	MONUMENTS FOUND:	6
8.	MONUMENTS TO BE SET:	2
9.	EXISTING (TOTAL)	27.44

SITE DATA:	
TAX MAP NUMBERS :	334-00-34.00
1. OWNER INFO:	FRY ACRES, LLC. 16793 ISLAND PARK LANE MILTON, DE 19668
2. SITE ADDRESS :	LEWES-GEORGETOWN HWY. & JOSEPH RD

[illegible]

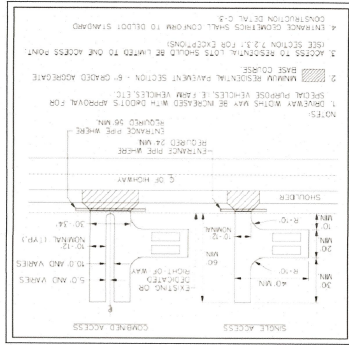
PDYER20001  
3344.00-34.02 AND 34  
PB305 PG72

**Pennoni**

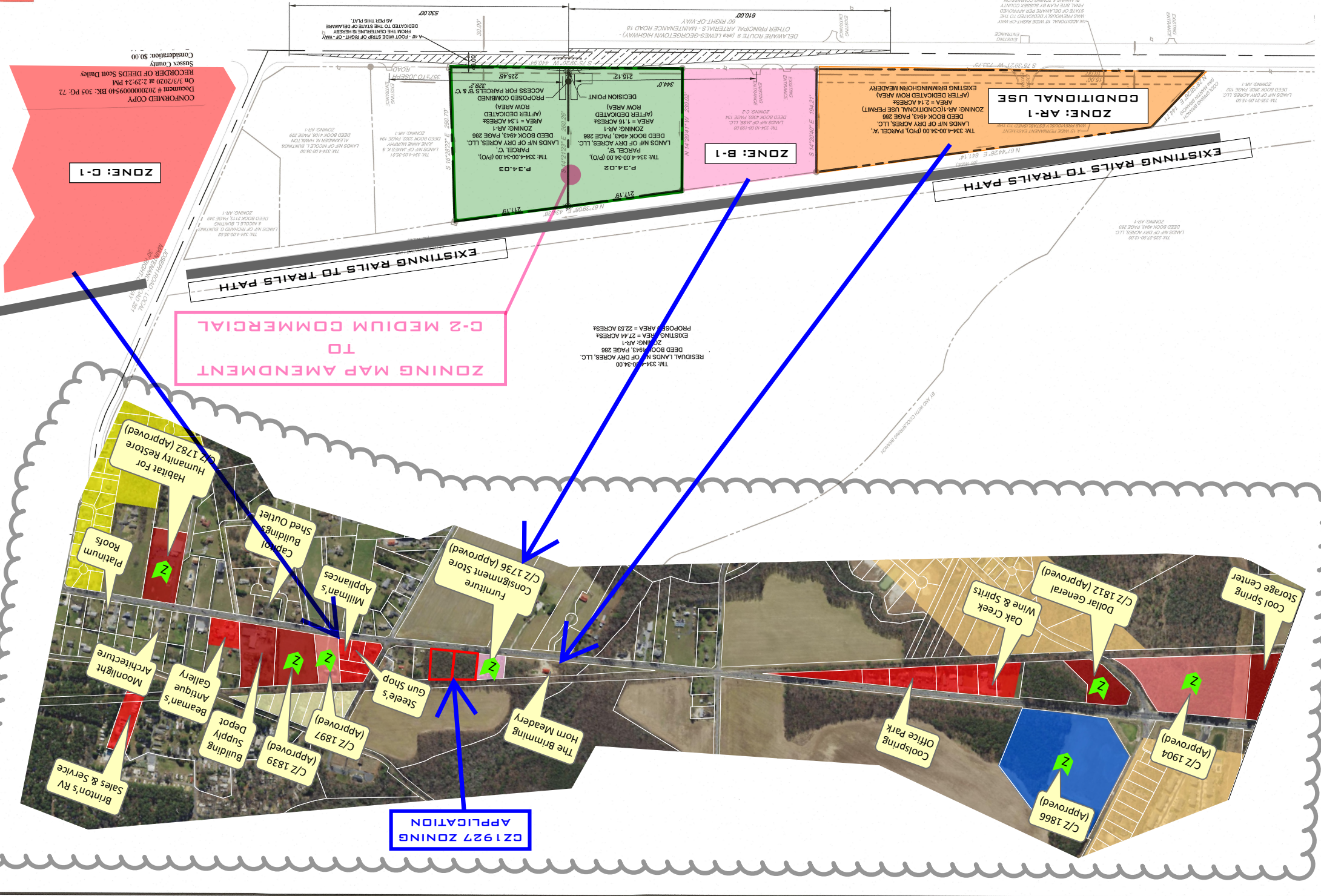






[illegible]

1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. DEED REFERENCE: DEED BOOK 2878, PAGE 60.
2. THIS SURVEY DOES NOT VERTIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 334-4-00-34.00.



**VICINITY MAP**  
**SCALE: 1" = 2000'**

The map shows the project location (SITE) near Cool Spring, Alabama. Key features include:

- Location:** The project is located near the intersection of US Highway 90 and US Highway 1A, just north of Cool Spring.
- Surrounding Areas:** The map shows Cool Spring Farms to the north, Lay Lake to the east, and Cool Spring to the south.
- Roads:** Major roads shown include US Highway 90, US Highway 1A, US Highway 290, and several local roads like Old Cabin Hill Rd, Old Cabin Hill Rd, and Old Cabin Hill Rd.
- Topography:** The map includes contour lines indicating elevation, with labels such as 100, 120, 140, 160, 180, 200, 220, 240, 260, 280, 300, 320, 340, 360, 380, 400, 420, 440, 460, 480, 500, 520, 540, 560, 580, 600, 620, 640, 660, 680, 700, 720, 740, 760, 780, 800, 820, 840, 860, 880, 900, 920, 940, 960, 980, 1000, 1020, 1040, 1060, 1080, 1100, 1120, 1140, 1160, 1180, 1200, 1220, 1240, 1260, 1280, 1300, 1320, 1340, 1360, 1380, 1400, 1420, 1440, 1460, 1480, 1500, 1520, 1540, 1560, 1580, 1600, 1620, 1640, 1660, 1680, 1700, 1720, 1740, 1760, 1780, 1800, 1820, 1840, 1860, 1880, 1900, 1920, 1940, 1960, 1980, 2000, 2020, 2040, 2060, 2080, 2100, 2120, 2140, 2160, 2180, 2200, 2220, 2240, 2260, 2280, 2300, 2320, 2340, 2360, 2380, 2400, 2420, 2440, 2460, 2480, 2500, 2520, 2540, 2560, 2580, 2600, 2620, 2640, 2660, 2680, 2700, 2720, 2740, 2760, 2780, 2800, 2820, 2840, 2860, 2880, 2900, 2920, 2940, 2960, 2980, 3000, 3020, 3040, 3060, 3080, 3100, 3120, 3140, 3160, 3180, 3200, 3220, 3240, 3260, 3280, 3300, 3320, 3340, 3360, 3380, 3400, 3420, 3440, 3460, 3480, 3500, 3520, 3540, 3560, 3580, 3600, 3620, 3640, 3660, 3680, 3700, 3720, 3740, 3760, 3780, 3800, 3820, 3840, 3860, 3880, 3900, 3920, 3940, 3960, 3980, 4000, 4020, 4040, 4060, 4080, 4100, 4120, 4140, 4160, 4180, 4200, 4220, 4240, 4260, 4280, 4300, 4320, 4340, 4360, 4380, 4400, 4420, 4440, 4460, 4480, 4500, 4520, 4540, 4560, 4580, 4600, 4620, 4640, 4660, 4680, 4700, 4720, 4740, 4760, 4780, 4800, 4820, 4840, 4860, 4880, 4900, 4920, 4940, 4960, 4980, 5000, 5020, 5040, 5060, 5080, 5100, 5120, 5140, 5160, 5180, 5200, 5220, 5240, 5260, 5280, 5300, 5320, 5340, 5360, 5380, 5400, 5420, 5440, 5460, 5480, 5500, 5520, 5540, 5560, 5580, 5600, 5620, 5640, 5660, 5680, 5700, 5720, 5740, 5760, 5780, 5800, 5820, 5840, 5860, 5880, 5900, 5920, 5940, 5960, 5980, 6000, 6020, 6040, 6060, 6080, 6100, 6120, 6140, 6160, 6180, 6200, 6220, 6240, 6260, 6280, 6300, 6320, 6340, 6360, 6380, 6400, 6420, 6440, 6460, 6480, 6500, 6520, 6540, 6560, 6580, 6600, 6620, 6640, 6660, 6680, 6700, 6720, 6740, 6760, 6780, 6800, 6820, 6840, 6860, 6880, 6900, 6920, 6940, 6960, 6980, 7000, 7020, 7040, 7060, 7080, 7100, 7120, 7140, 7160, 7180, 7200, 7220, 7240, 7260, 7280, 7300, 7320, 7340, 7360, 7380, 7400, 7420, 7440, 7460, 7480, 7500, 7520, 7540, 7560, 7580, 7600, 7620, 7640, 7660, 7680, 7700, 7720, 7740, 7760, 7780, 7800, 7820, 7840, 7860, 7880, 7900, 7920, 7940, 7960, 7980, 8000, 8020, 8040, 8060, 8080, 8100, 8120, 8140, 8160, 8180, 8200, 8220, 8240, 8260, 8280, 8300, 8320, 8340, 8360, 8380, 8400, 8420, 8440, 8460, 8480, 8500, 8520, 8540, 8560, 8580, 8600, 8620, 8640, 8660, 8680, 8700, 8720, 8740, 8760, 8780, 8800, 8820, 8840, 8860, 8880, 8900, 8920, 8940, 8960, 8980, 9000, 9020, 9040, 9060, 9080, 9100, 9120, 9140, 9160, 9180, 9200, 9220, 9240, 9260, 9280, 9300, 9320, 9340, 9360, 9380, 9400, 9420, 9440, 9460, 9480, 9500, 9520, 9540, 9560, 9580, 9600, 9620, 9640, 9660, 9680, 9700, 9720, 9740, 9760, 9780, 9800, 9820, 9840, 9860, 9880, 9900, 9920, 9940, 9960, 9980, 10000.

APPROVED  
Minor Subdivision  
3/13/2009  
SUSSEX COUNTY  
PLANNING & ZONING COMMISSION  
Hwy



1. THE BOUNDARY INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM DOCUMENTS OF PUBLIC RECORD. DEED REFERENCE: DEED BOOK 2871, PAGE 60.
2. THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY AS NO TITLE SEARCH WAS REQUESTED OR PROVIDED.
3. THIS PROPERTY APPEARS ON SUSSEX COUNTY TAX MAP AS 334-4.00-34.00.
4. THERE ARE NO WETLAND AREAS ON THE PROPERTY, PER THE DIRECT ENVIRONMENTAL NAVIGATION WEBSITE.
5. THE PROPERTY IS LOCATED IN ZONE "C" AND ZONE "X" ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 100653601 MAP REVISED JANUARY 6, 2005. ZONE "C" IS AN AREA DETERMINED TO BE OUTSIDE THE 100 YEAR FLOODPLAIN, AND IMPACT 1 ZONE "X" IS AN AREA DETERMINED TO HAVE NO BASE FLOOD ELEVATIONS.
6. THE HIGHEST PRIORITY USE STATUS, IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL PURPOSES UPON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN APPLIED.
7. AND ACTIVITIES. THE HIGHEST PRIORITY USE STATUS, IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL PURPOSES UPON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN APPLIED.

SITE DATA:	TAX MAP NUMBERS:	OWNER INFO:	SITE ADDRESS:
EXISTING TOTAL ACRES:	334-4.00-34.02 and 34.03	MILLSBORO TOWNE CENTER III, LLC PRESTON L. DYER and MASON DYER PO BOX 212 LEWES, DE 19968 LEWES-GEORGETOWN HWY, WEST OF JOSEPH RD, 1 LEWES & REHOBOTH HUNDRED   SUSSEX COUNTY	2.5 ACRES (TOTAL)
FUTURE LAND USE AREA:	PLAN	PROPOSED USE:	PROPOSED USE:
ZONING   EXISTING	AR-1	PROPOSED	PROPOSED
BUILDING RESTRICTION LINES:	AR-1	PROPOSED	PROPOSED
POSTED SPEED LIMIT:	50 MPH	PROPOSED	PROPOSED
WATER PROVIDER:	ON-SITE PRIVATE WELL	PROPOSED	PROPOSED
SEWER PROVIDER:	ON-SITE PRIVATE SEPTIC	PROPOSED	PROPOSED
PROPOSED USE:	PROFESSIONAL AND SERVICE BUSINESSES	PROPOSED	PROPOSED
PRESENT USE:	VACANT	PROPOSED	PROPOSED
REAR - 30 FEET (115-83.15 B, (2))	FRONT - 60 FEET	REAR - 30 FEET (115-83.15 B, (2))	FRONT - 60 FEET
REAR - 30 FEET (115-83.15 B, (2))	FRONT - 60 FEET	REAR - 30 FEET (115-83.15 B, (2))	FRONT - 60 FEET

## ARTICLE XIB | C-2 MEDIUM COMMERCIAL DISTRICT

50' x 100' = 5,000 SF  
PARKING REQUIRED = 25 SPACES  
LOADING REQUIRED = 1

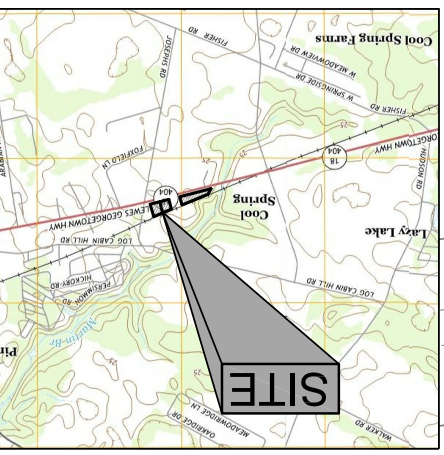
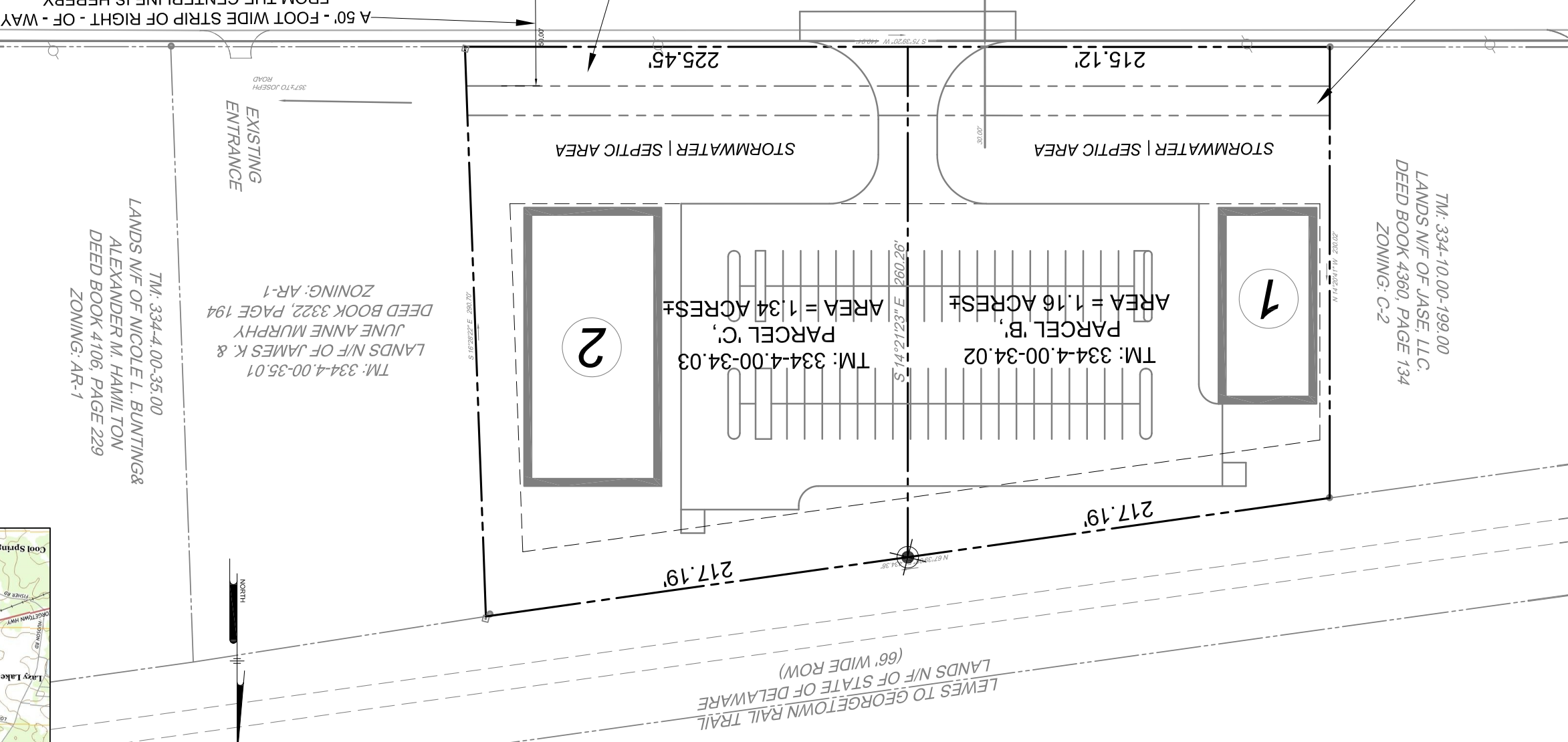
70' x 142' = 9,940 SF  
PARKING PROPOSED = 88 SPACES  
LOADING REQUIRED = 1

TOTAL BUILDING = 14,940 (CONCEPTUAL)  
PARKING PROPOSED = 88 SPACES  
LOADING REQUIRED = 2

THIS DISTRICT SUPPORTS USES THAT INCLUDE RETAIL SALES AND PERFORMANCE OF CONSUMER SERVICES. IT PERMITS A VARIETY OF RETAIL, PROFESSIONAL AND SERVICES BUSINESSES. THE DISTRICT SHALL BE PRIMARILY LOCATED NEAR ARTERIAL AND COLLECTOR STREETS. IT ACCOMMODATES COMMUNITY COMMERCIAL USES THAT DO NOT HAVE OUTSIDE STORAGE OR SALES.

A 15' - FOOT PERMANENT EASEMENT IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT.

U.S. ROUTE 9 / LEWES - GEORGETOWN HIGHWAY  
U.T. 60' RIGHT-OF-WAY | PRINCIPAL RIGHT-OF-WAY | 13,160 AADT  
A 20' - FOOT WIDE STRIP OF RIGHT - OF - WAY IS HEREBY DEDICATED TO THE STATE OF DELAWARE AS PER THIS PLAT.



ENGINEER CERTIFICATION:	SIGNATURE	DATE
IT IS HEREBY CERTIFIED THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE. I HAVE PREPARED THIS PLAN IN ACCORDANCE WITH THE APPLICABLE LAWS OF THE STATE OF DELAWARE. I HAVE ALSO REVIEWED THE RECORD DRAWING AND THE FIELD NOTES AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE. I HAVE ALSO REVIEWED THE RECORD DRAWING AND THE FIELD NOTES AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.	ALAN M. DECKTOR, PE (DE PE#17771)	18072 DAVENSON DRIVE MILTON, DE 19968
OWNER CERTIFICATION:	SIGNATURE	DATE
IT IS HEREBY CERTIFIED THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN. THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. I HAVE ALSO REVIEWED THE RECORD DRAWING AND THE FIELD NOTES AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE. I HAVE ALSO REVIEWED THE RECORD DRAWING AND THE FIELD NOTES AND HAVE FOUND THEM TO BE CORRECT AND COMPLETE.	MILLSBORO TOWNE CENTER III, LLC	

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.

**V-0201**

SHEET 1 OF 1

DATE: 2020-08-07

PROJECT: PDYER20001

DRAWN BY: MHD

APPROVE BY: MHD

MEDIUM COMMERCIAL BUSINESS CENTER

SUSSEX COUNTY TM# 334-4.00-34.02 and 34.03

LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

ZONING PLAT

MILLSBORO TOWNE CENTER III, LLC

PO BOX 212

LEWES, DELAWARE 19968

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.

Pennoni

PENNONI ASSOCIATES, INC.

18072 DAVENSON DRIVE

MILTON, DE 19968

T 302.684.8030 F 302.684.8054



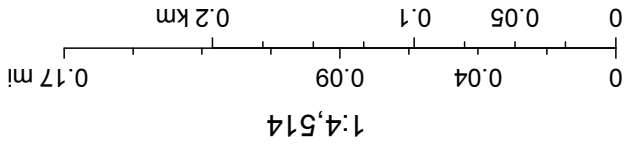
# Sussex County



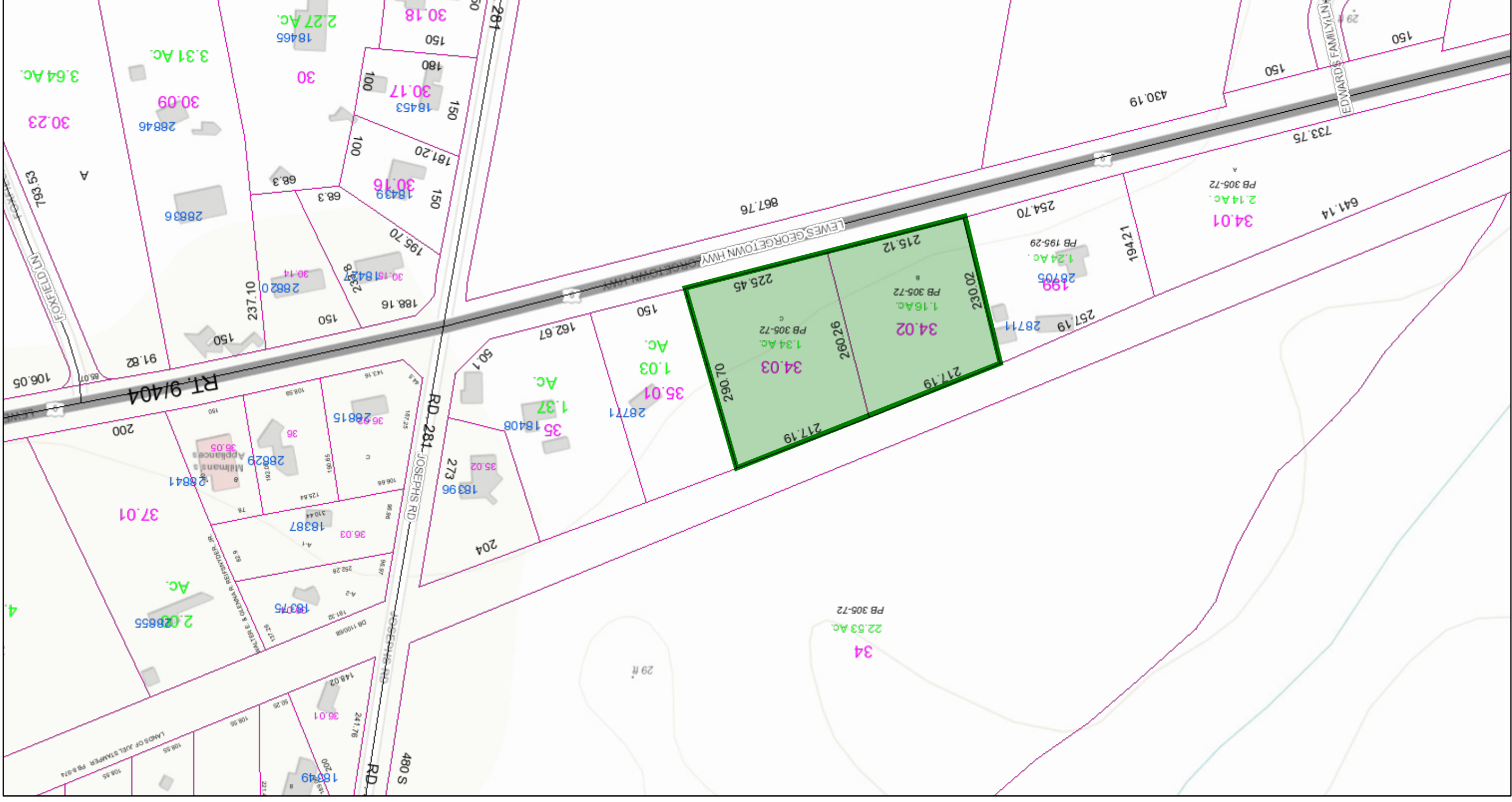
October 20, 2020

- County Boundaries
- Tax Parcels
- Streets
- 2019 Future Land Use
- Commercial
- Industrial
- Municipalities
- Developing Area
- Low Density
- Coastal Area
- Existing Development Area
- Town Center

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government



# Sussex County



October 20, 2020

Tax Parcels

911 Address

Streets \_\_\_\_\_

County Boundaries

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, Geobase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Sussex County Government, Sussex County Mapping and Addressing



Figure 1 of 20.

1

2019 Aerial Image

Medium Commercial Business Center

PDYER20001

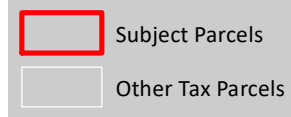






Figure 2 of 20.

2

2017 Orthophoto

Medium Commercial Business Center

PDYER20001





	Subject Parcels
	Other Tax Parcels





Figure 3 of 20.

3

2012 Orthophoto

Medium Commercial Business Center

PDYER20001



Subject Parcels



Other Tax Parcels





Figure 4 of 20.

4

2007 Orthophoto

Medium Commercial Business Center

PDYER20001

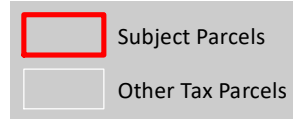






Figure 5 of 20.



5

2002 Orthophoto

Medium Commercial Business Center

PDYER20001



	Subject Parcels
	Other Tax Parcels





State of Delaware Department of Transportation and Earth Data

Figure 6 of 20.  6	<div>1997 Orthophoto</div> <div>Medium Commercial Business Center</div> <div>PDYER20001</div>		<div>  Subject Parcels         </div> <div>  Other Tax Parcels         </div>
--------------------------	---	--	---





EarthData/PhotoScience Inc.

Figure 7 of 20.

7

1992 Orthophoto

Medium Commercial Business Center

PDYER20001





	Subject Parcels
	Other Tax Parcels





Figure 8 of 20.  8	1968 Orthophoto		<div data-bbox="1455 1409 1747 1513"> <div> Subject Parcels</div> <div> Other Tax Parcels</div> </div>
	Medium Commercial Business Center		
	PDYER20001		



Figure 9 of 20.

9

1961 Orthophoto

Medium Commercial Business Center

PDYER20001

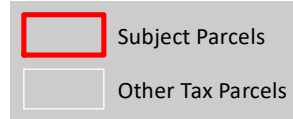




Figure 10 of 20.  
10

1954 Orthophoto  
Medium Commercial Business Center  
PDYER20001



Subject Parcels

Other Tax Parcels





Figure 11 of 20.  
11

1937 Orthophoto  
Medium Commercial Business Center  
PDYER20001





	Subject Parcels
	Other Tax Parcels





Figure 12 of 20.  
12

2015 State Strategies & Investment Levels	
Medium Commercial Business Center	
PDYER20001	



	Subject Parcels	Investment Level	
	Other Tax Parcels		Level 3
			Level 4 (Unshaded)



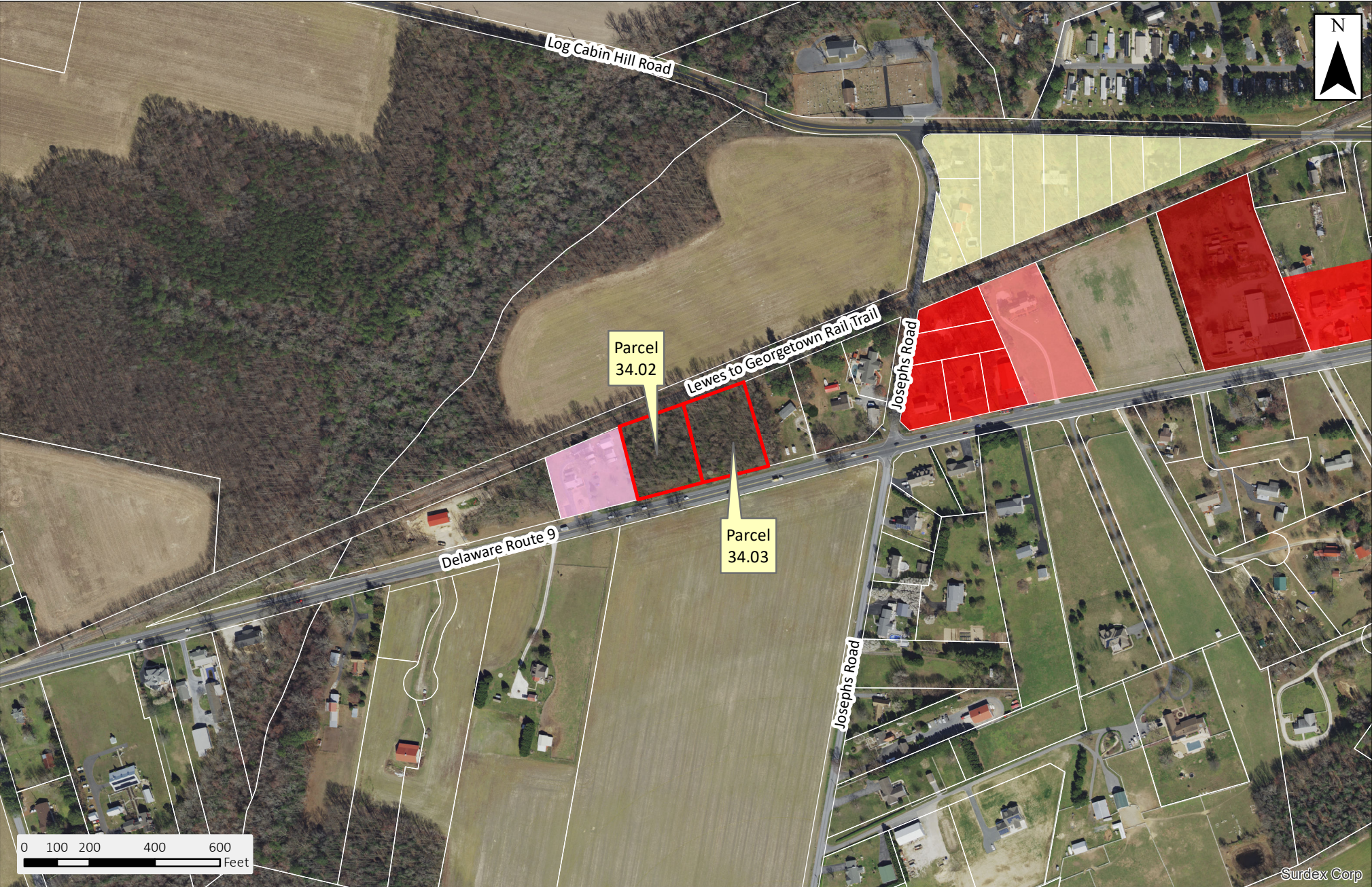


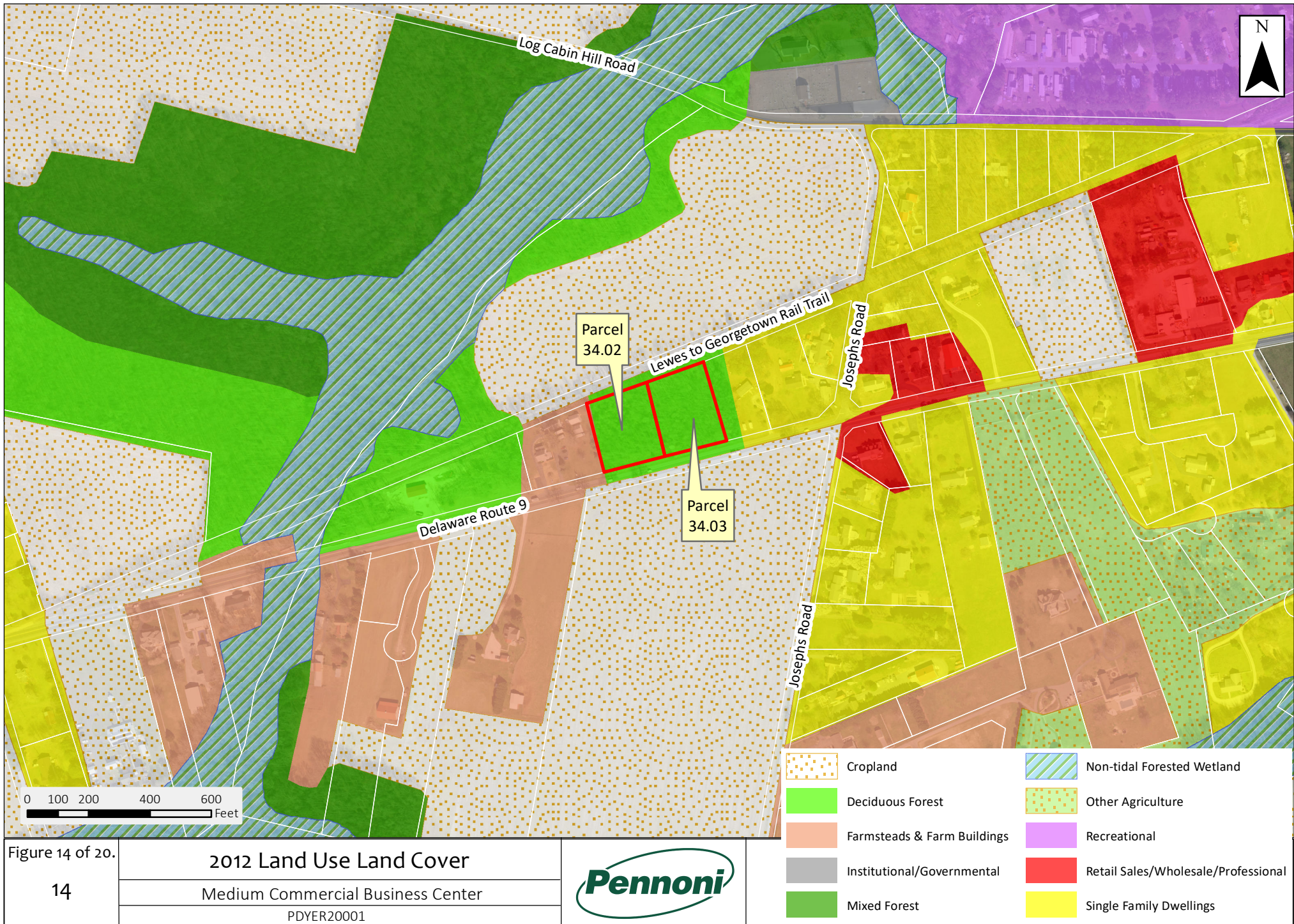
Figure 13 of 20.  
13

County Zoning Map  
Medium Commercial Business Center  
PDYER20001



	AR-1 (Unshaded)		CR-1		C-2
	AR-2		C-1		B-1







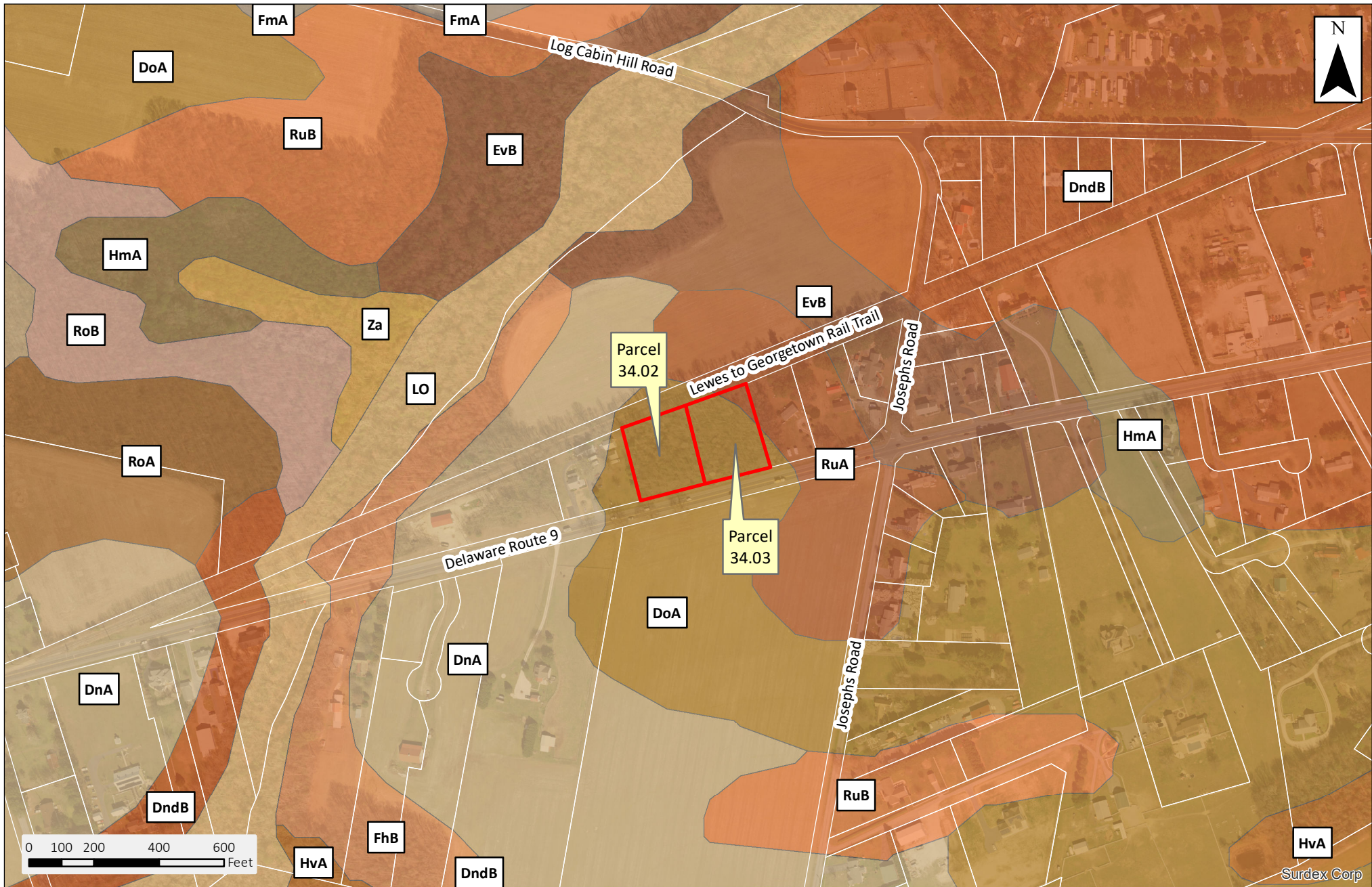


Figure 15 of 20.

15

## NRCS Soils Mapping

Medium Commercial Business Center

PDYER20001



### Site Soil Types:

DoA - Downer sandy loam, 0-2% slopes, Group A

RuA - Runclint loamy sand, 0-2% slopes, Group A





Figure 16 of 20.  
16

State Wetlands Mapping  
Medium Commercial Business Center  
PDYER20001





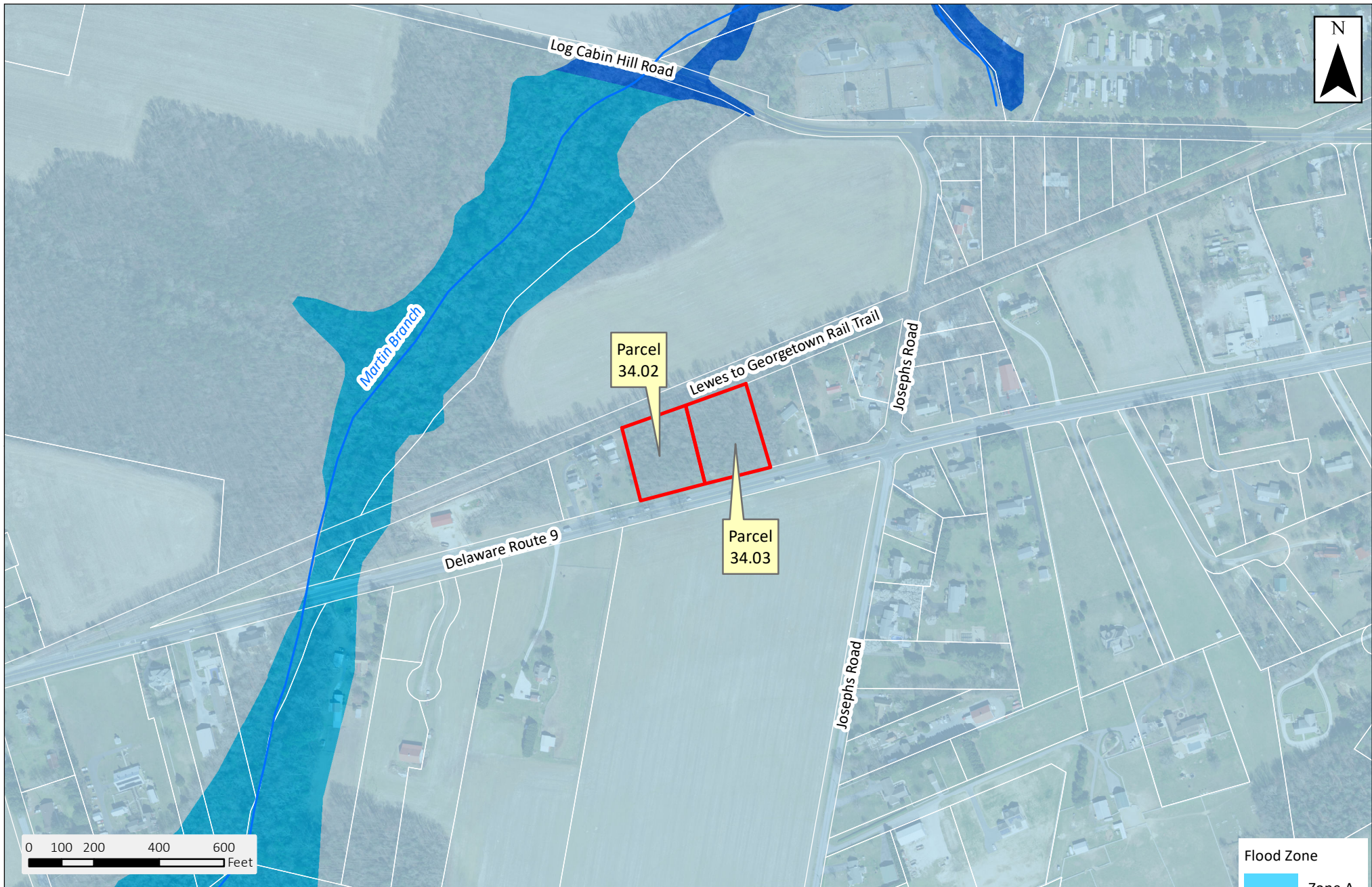


Figure 17 of 20.

17

## FEMA Floodplain Mapping

Medium Commercial Business Center

PDYER20001



Flood Map #10005C0326J (1/6/2005)

### Flood Zone

- Zone A
- Zone AE
- Zone X



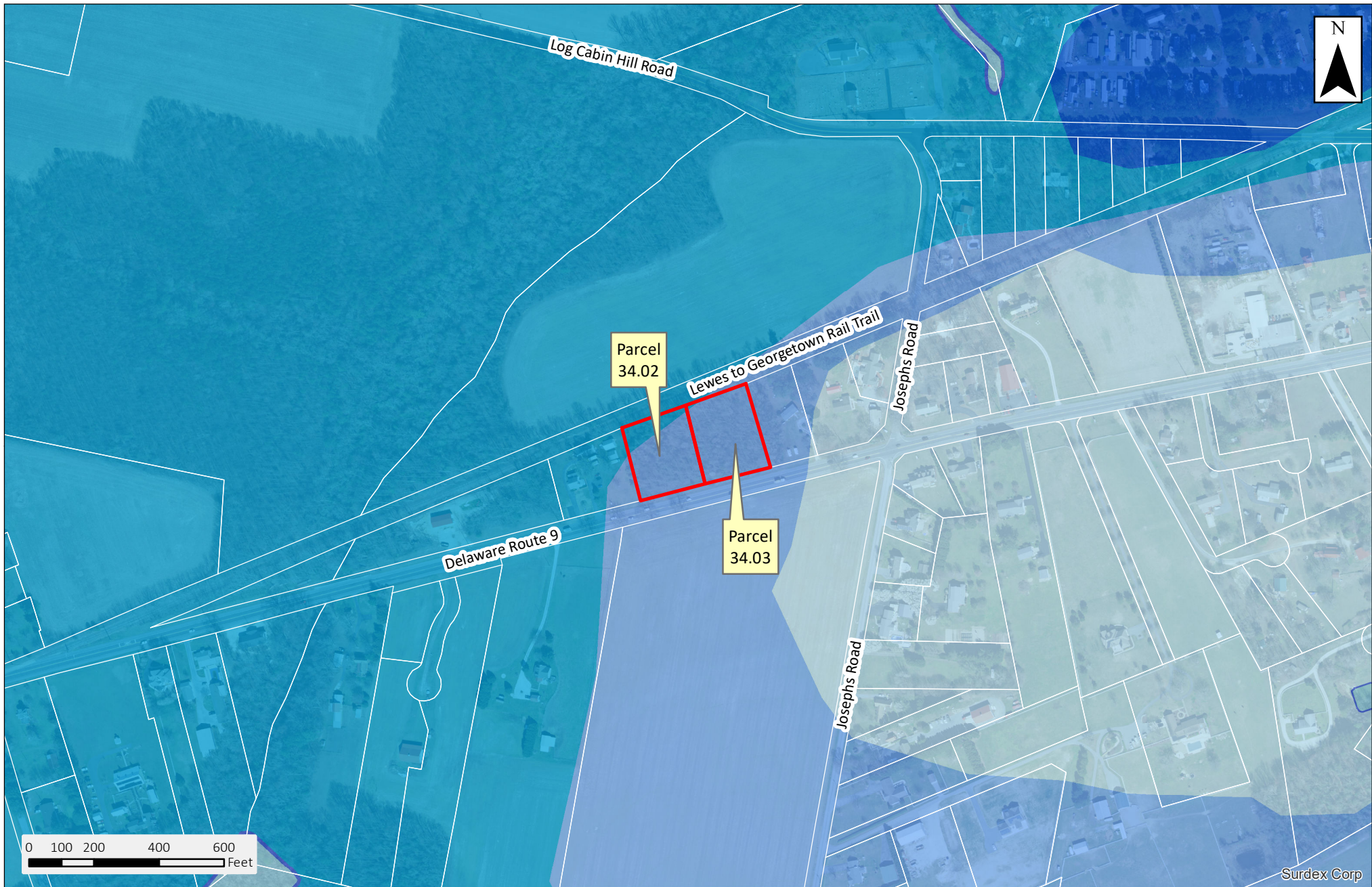
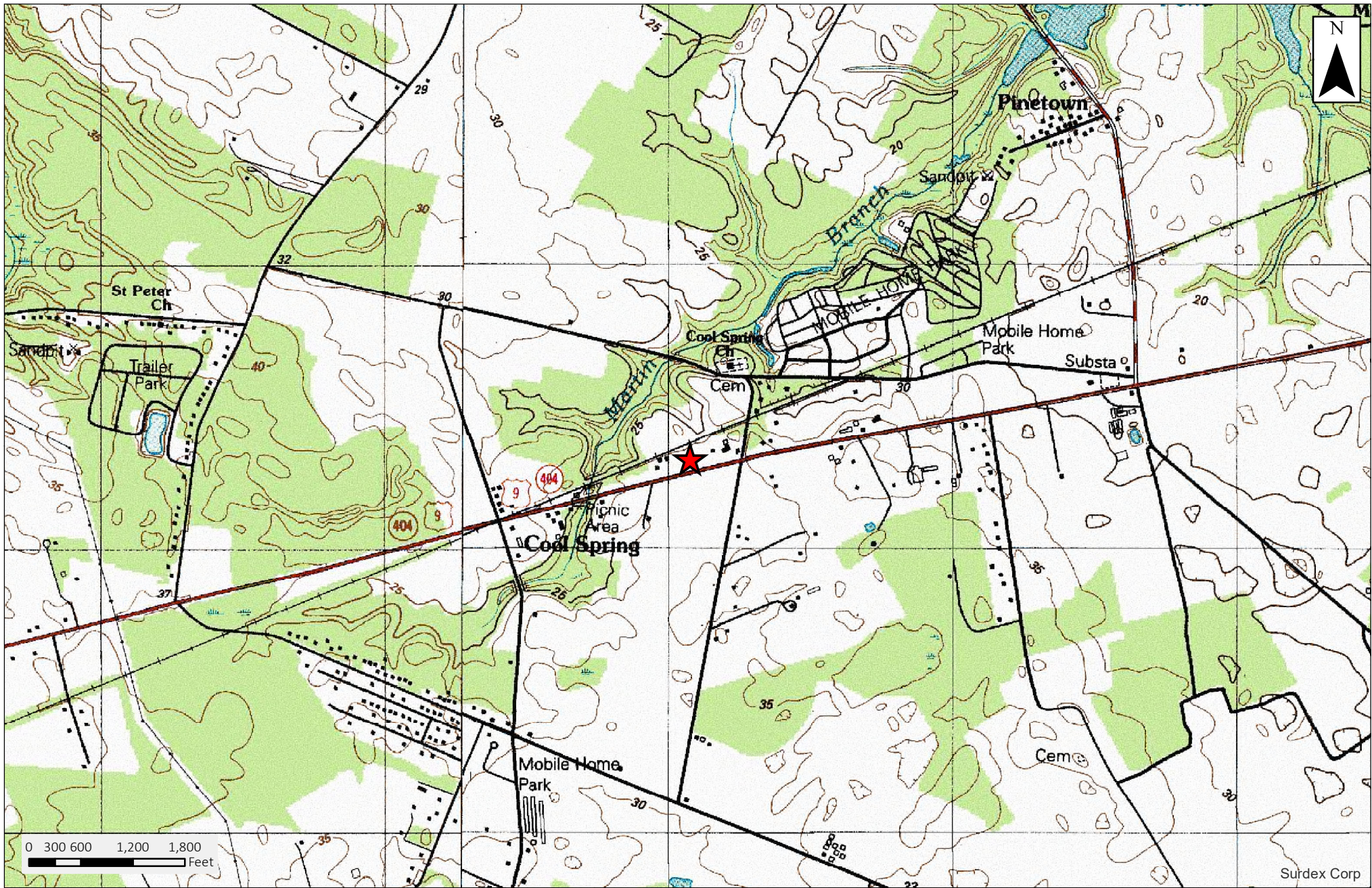
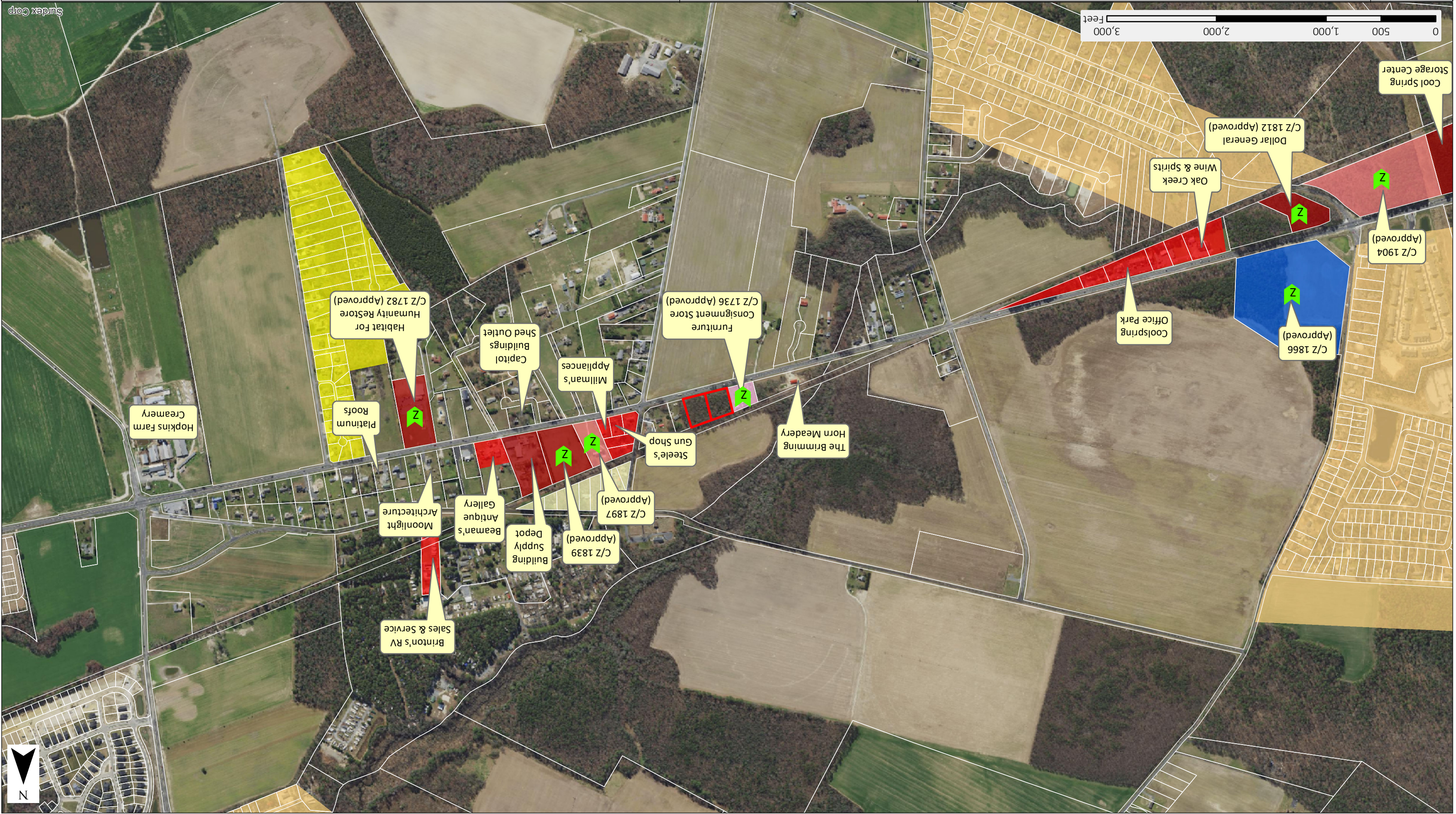


Figure 18 of 20.  18	Groundwater Recharge Potential		 Excellent	 Fair	 Water Area
	Medium Commercial Business Center		 Good	 Poor	
	PDYER20001				





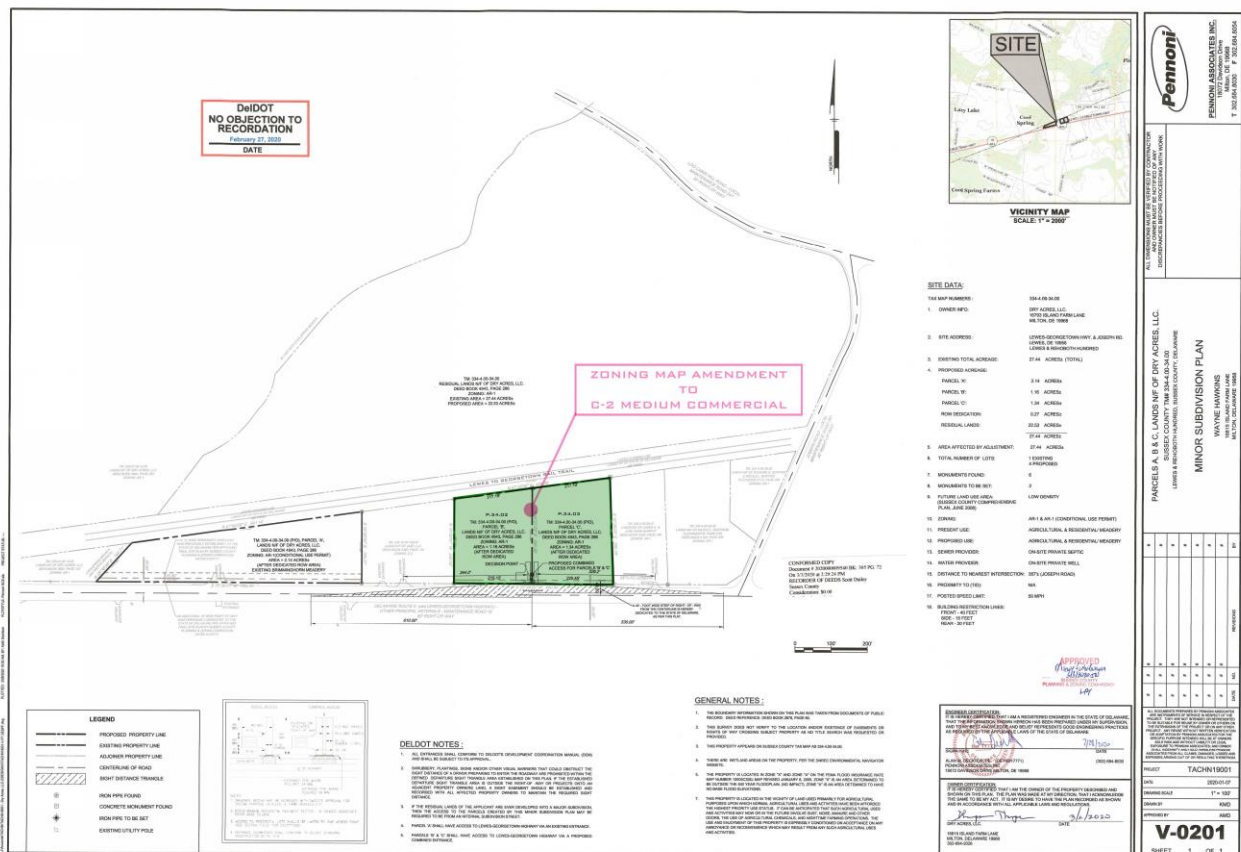






# **PRESTON L. DYER & MASON DYER** **MILLSBORO TOWNE CENTER III, LLC** **CHANGE OF ZONE #1927** **PROPOSED FINDINGS OF FACT**

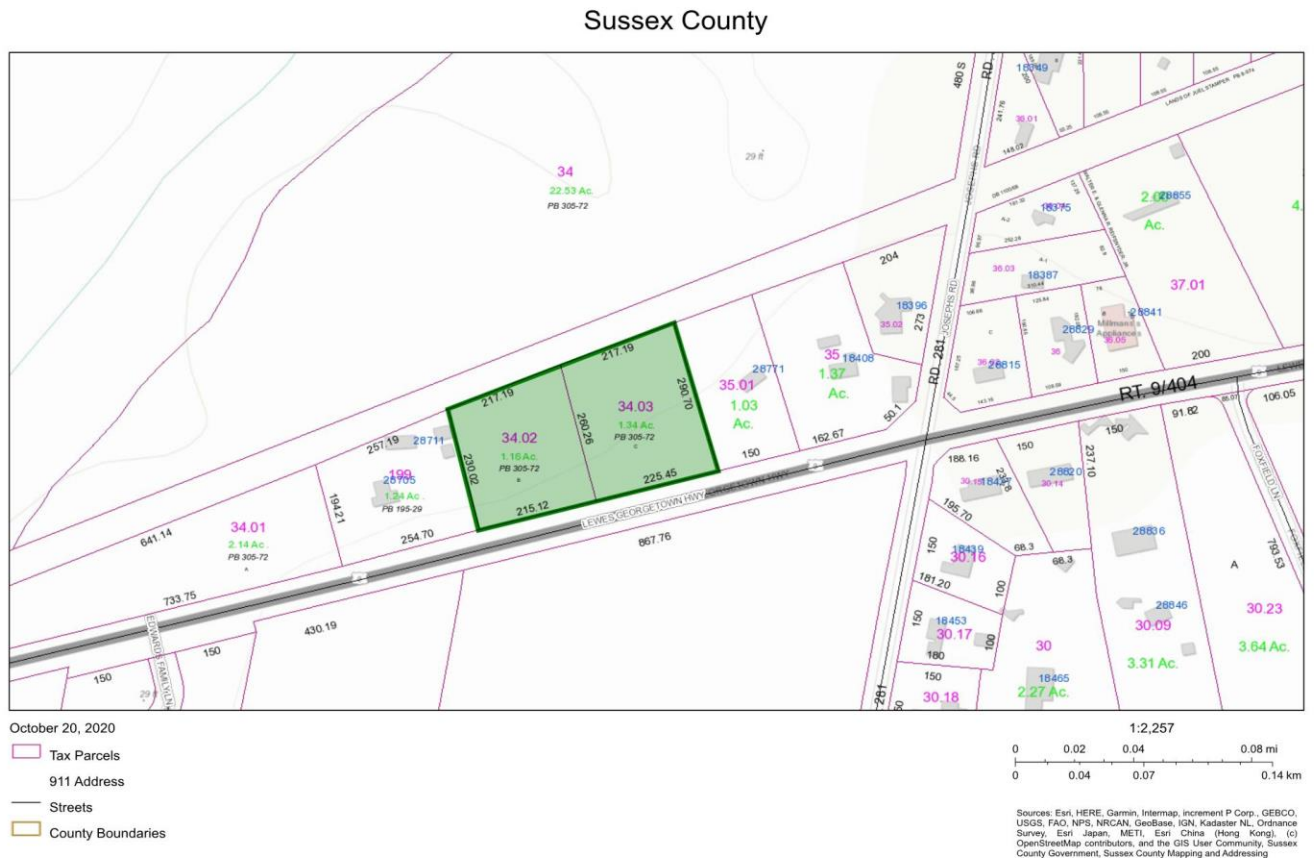
1. This is an application to grant a rezoning of a portion of lands in a AR-1 Agricultural Residential District located on 2.50 acres, more or less in the Lewes and Rehoboth Hundred located on the north side of Lewes Georgetown Highway | U.S. Route 9 and 357-feet more or less west of Joseph Road | Sussex County Route 281 to C-2, Medium Commercial District.



2. These properties were purchased by Millsboro Towne Center III, LLC of which Preston L. and Mason Dyer are the managing members.



3. The property is identified on the tax maps of the Sussex County Department of Finance as Tax Map No. 334-4.00 Parcel 34.02 & 34.03.



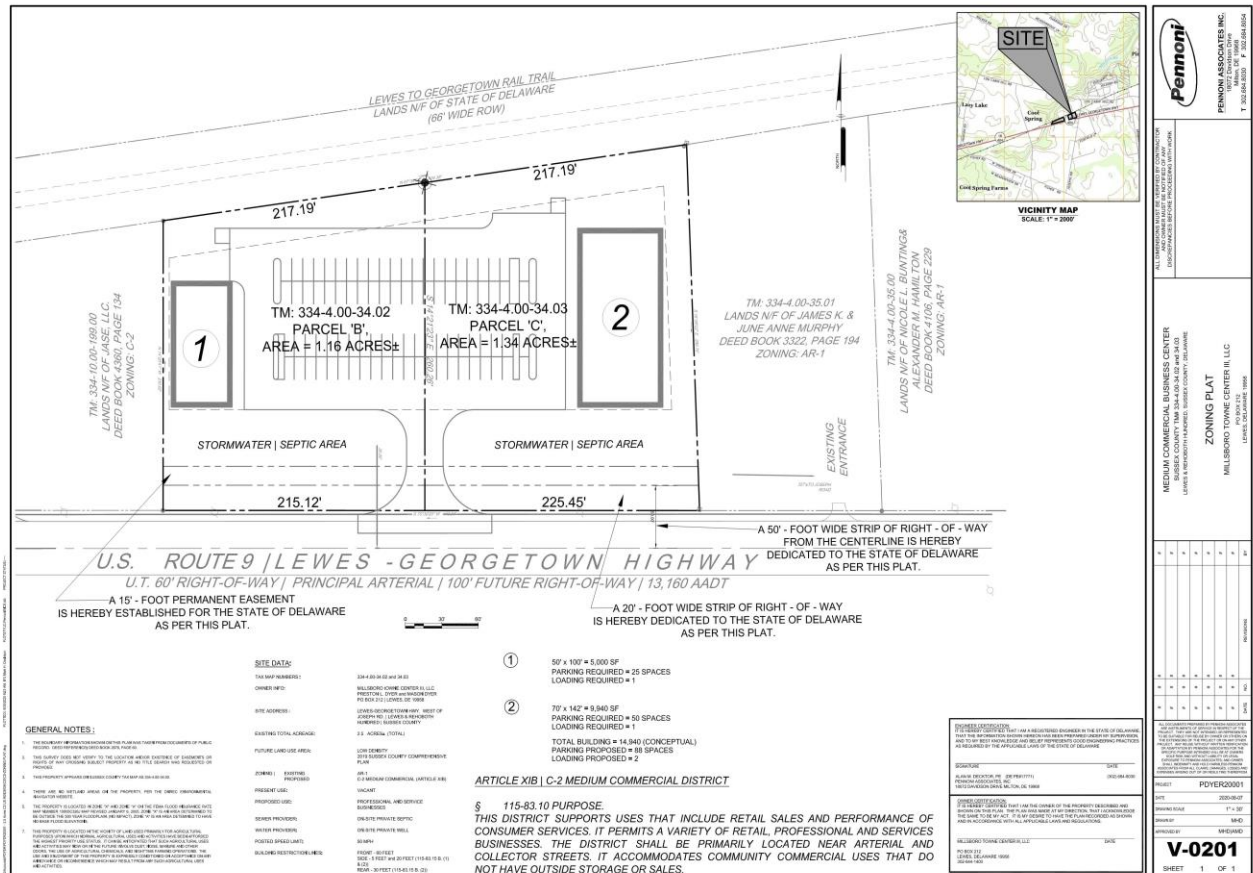
4. The properties are bordered on:
- South US Route 9 a Principal Arterial;
  - North by Delaware Rails to Trails Path and lands owned by Dry Acres, LLC – Zoned AR-1;
  - West with existing commercial uses such as Furniture Consignment Store zoned B-1;
  - East with existing residential uses Zoned AR-1.



5. In Ordinance 2550, Sussex County Council desired to create a more specific C-2 Medium Commercial zoning district with smaller, more related uses within the District to promote better planning and predictability within Sussex County.
6. The purpose of the C-2 Medium Commercial District is to support uses that include retail sales and performance of consumer services. It permits a variety of retail, professional and service businesses. The district shall be primarily located near arterial and collector streets. It accommodates community commercial uses that do not have outside storage or sales.



7. The granting of this application for the C-2 commercial rezoning will allow the Dyer family to continue their business plan to create quality medium commercial flex space that will focus on architectural building design, floor space, adequate parking for customers, and an overall image that draws in customers from the nearby existing and future communities.

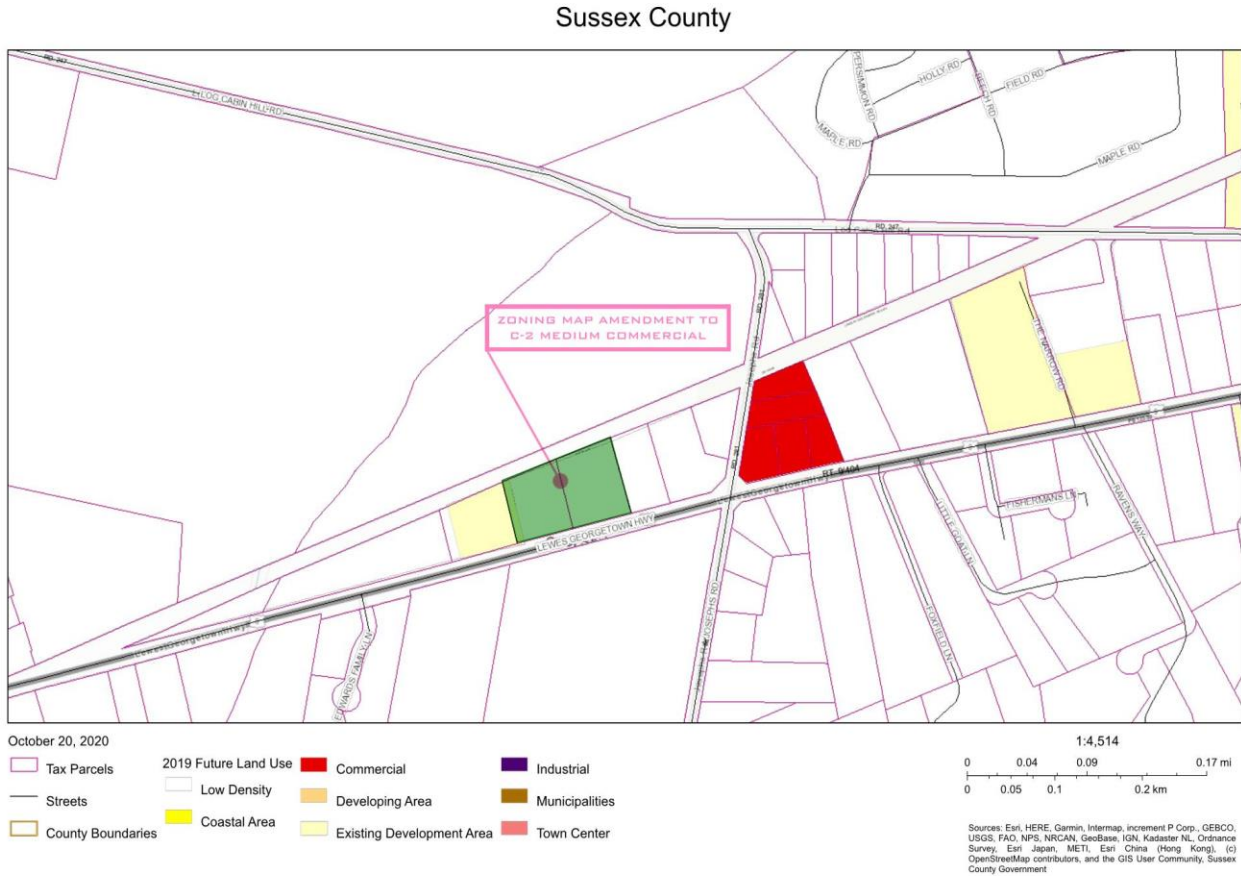


- [illegible]





9. In the 2019 Sussex County Comprehensive Plan – the area for the proposed rezoning for this property is identified to be in a Low-Density and is currently surrounded by Existing Developing Areas.



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

- a. Promote growth and development in areas where capital facilities and infrastructure are already available and adequate to support the growth - [Artesian has both water and sewer either in the vicinity of the property or planned to be installed along the frontage that will serve adjacent commercial properties, this property as well as extend to area residential communities.

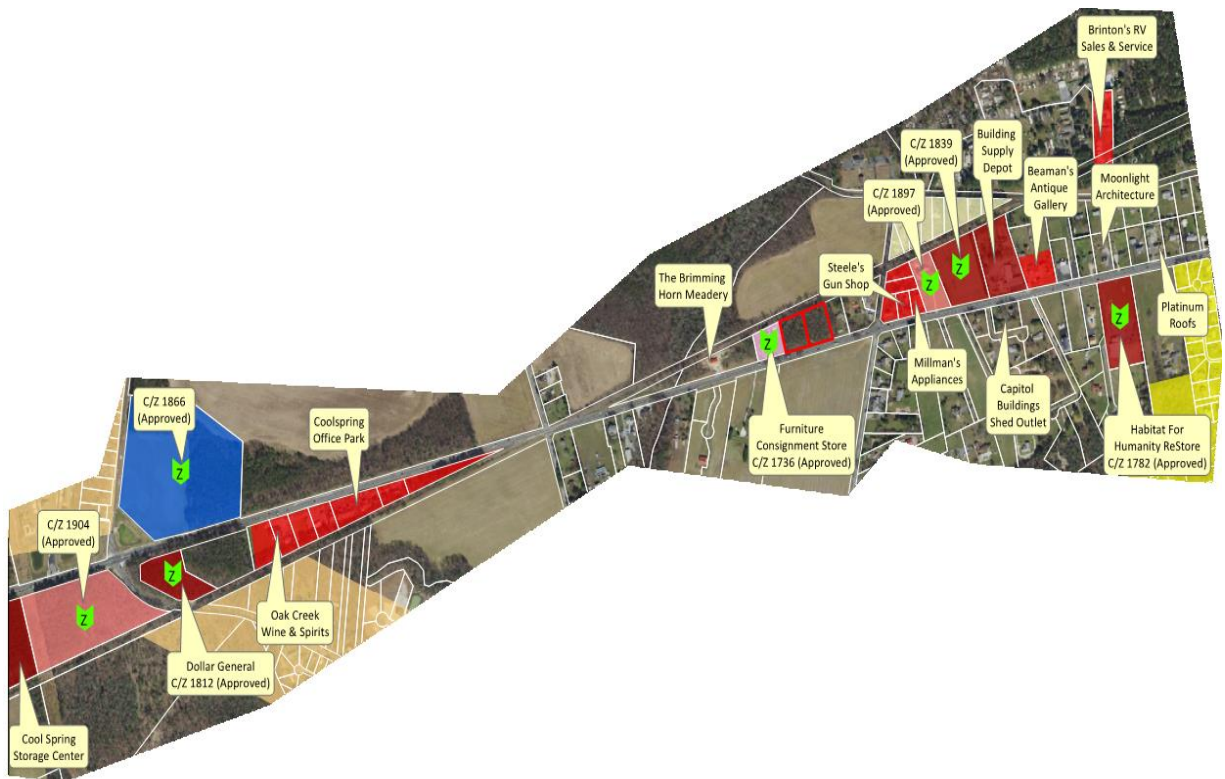
Certificates of Public Convenience and Necessity (CPCN) for both properties have been secured through Artesian];

- b. Promote commercial development in designated commercial, office, and industrial areas in a scale/intensity/distance appropriate to adjacent residential neighborhoods – [Previously stated, the Dyer’s want to provide a commercial development that is part of the community and provides for goods and services that are part of the community in scale. Additionally, nearby residential developments will benefit in that the subject property is not adjacent to their development but close enough to serve the residences with future services without them having to travel farther distances];
- c. Engage in planning that considers the efficient location of public services and infrastructure while establishing future public sewer service areas that will help preserve open space by promoting orderly growth rather than unplanned sprawl – [this property is located along US Route 9 with access to a major roadway systems that travels east and west to Lewes and Georgetown. Future water and sewer will be adjacent to the properties. This property in this location with medium commercial zoning, will prohibit any unplanned sprawl that the Comprehensive Plan is discouraging];
- d. Coordinate with DelDOT on road improvements and other transportation projects – [the property owners will work with DelDOT in the dedication of additional right-of-way along US RT 9 that was part of the minor subdivision approval for these lands. The proposed land use for the properties is expected to increase the trip generation of the subject land by fewer than 50 vehicle trips in any hour and fewer than 500 vehicles trips per day in which DelDOT determines the traffic to be “Negligible” in the context of the 2020 Sussex County/DelDOT Memorandum of Understanding for Land Development Coordination. Although a TIS was not required as a part of this application, the Developers will have to provide future Transportation Improvements to the adjacent roadways during the future planning of the commercial development. In addition, future connection to the rails to trails pedestrian



path along the existing rails-to-trails path along the rear of the property will be coordinated with DelDOT. Since US 9 is a principal arterial and an important freight corridor, setbacks will be increased to allow for future capacity in the form of additional right-of-way dedication, permanent easements and additional stormwater management setbacks. Intersections and commercial entrances will be consolidated to reduce access points. This would increase the aesthetic benefits to the community].

The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents which is what is being proposed for these properties. Commercial uses may be appropriate depending on surrounding uses. The surrounding uses that are adjacent to the rails to trails path, which was once an active railroad are primarily commercial on the north and south side of US Route 9 with residential homes on the opposite side.



Consistent with the Comprehensive Plan’s Future Land Use Chapter the County has considered the development along US 9 as a business corridor with a mix of residential and commercial uses that provide local residents with access to services they need. Local services would reduce travel to SR 1 for basic needs. Furthermore, the Sussex Plan promotes the US 9 vision to be tied to efforts to make the corridor multi-modal. Currently, the Georgetown to Lewes Rail Trail has been constructed by DelDOT adjacent to this property and is being designed and constructed to connect to Georgetown in phases. Once completed, the trail will provide a pedestrian and bicycle path that is separated from car traffic. The trail will serve as both a recreational asset and a transportation option for commuters. Neighborhoods and businesses along the trail could see economic benefits from connecting to it.

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

Table 4.5-2 Zoning Districts Applicable to Future Land Use Categories	
FUTURE LAND USE PLAN CATEGORY	APPLICABLE ZONING DISTRICT
RURAL AREAS	
Low Density	Agricultural Residential District (AR-1) Business Community District (B-2) Medium Commercial District (C-2) Marine District (M) Institutional District (I-1) New Zoning Districts

10. The 2015 Strategies for State Policies and Spending Map identifies the area as Investment Level 4. Although in a Level 4 area there is no plans for public expenditures for the property. All infrastructure needs will be funded by the



applicant. Additional public infrastructure that will benefit the community, such as, road improvements and access improvements that will be paid for by the applicant. The property is not a stand-alone commercial property as it is adjacent and in the area of many other businesses.

11. There are no wetlands on the subject properties; the properties are located in a Flood Zone X Unshaded; there are no historical or natural features on the property; stormwater will be onsite and use Best Management Practices for handling stormwater runoff; the properties are not in any Groundwater Protection Zones;

Private utility companies are considered a viable option for water and wastewater treatment in areas where County or municipal services are non-existent or unplanned. Artesian Wastewater Management, Inc. mainly provide water and sewer services for developments that are along Route 9 east of Georgetown and has the CPCN's for both water and sewer for the property.

Delmarva Power & Light Company will provide sufficient energy to this property.

These properties are fortunate to have a natural gas transmission pipeline located along the property. It is owned and operated by Eastern Shore Natural Gas Company, a subsidiary of Chesapeake Utilities (Chesapeake).

Verizon and Comcast are the main telecommunication providers operating in this service area.

All of these utilities ensure quality growth of development by the planning and developing of infrastructure and services in the County to complement State and

local planning efforts with adequate water, sewer, electricity, natural gas, and fiber optic infrastructure to the property.

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