Memorandum

To: Sussex County Planning Commission Members
From: Jamie Whitehouse, Director, Department of Planning & Zoning; Lauren DeVore, Planner III, Jenny Norwood, Planner I, Christin Headley, Planner I, Nicholas Torrance, Planner I, and Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney
Date: September 30, 2020
RE: Other Business for the September 24, 2020 Planning Commission Meeting

This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the October 8, 2020 Planning Commission meeting.

**Ocean Meadows (2018-28)**
Request to Amend Forested/Landscape Buffer
This is a request to amend the ratio of deciduous trees and evergreen trees provided in the proposed forested/landscape buffer from the 70% deciduous trees and 30% evergreen requirement to 60% evergreen and 40% deciduous trees. The applicant has indicated that the proposed ratio will provide additional year-round screening between this subdivision and the adjacent Ridings of Rehoboth Subdivision. At their meeting of Thursday, January 9, 2020, the Planning and Zoning Commission approved the Final Subdivision Plan. Tax Parcels: 234-2.00-2.00 & 2.02. Zoning: AR-1 (Agricultural Residential Zoning District).

**Welches Pond (2017-20) (F.K.A. Fieldstone, The Grove at Love Creek)**
Request to Amend Forested/Landscape Buffer & Conditions of Approval
This is a request to remove the 50-ft landscape buffer located along the eastern side of the proposed subdivision which separates the subdivision from the residual lands. This buffer is currently required under Condition “E” of the Conditions of Approval. Condition “E” currently reads, “As stated by the applicant, a forested or landscaped buffer of at least 50 feet in depth shall be installed along the entire perimeter of the project. The Final Site Plan shall contain a landscaped plan for all of these areas, with the exception of areas that are currently forested and will not be disturbed.” The applicant intends to submit an additional application for the residual lands for a second phase of the subdivision. The applicant is requesting that Condition “E” be amended to exclude the buffer from the eastern portion of the property. The applicant has provided a Revised Landscape Plan reflecting these proposed changes for the Commission’s consideration. Tax Parcel: 334-12.00-16.00 (part of). Zoning: AR-1 (Agricultural Residential Zoning District) & GR (General Residential Zoning District).

**Dagsboro Trace (2004-34)**
Revised Subdivision Plan
This Revised Subdivision Plan proposes to remove the sidewalks from the subdivision. The Planning and Zoning Commission previously reviewed this request at their meeting on Thursday, September 24, 2020 where they had requested additional information be provided from the applicant prior to a final decision being rendered. The sidewalks have not been installed and the proposed location of the sidewalks would require the relocation of street lighting and transformers already installed throughout...
the development. The Planning and Zoning Office has received documentation that 51% of existing property owners within the subdivision consent to this proposed change. Tax Parcel: 233-11.00-194.01. Zoning: AR-1 (Agricultural Residential Zoning District).

**Lighthouse Annex Self-Storage**

Revised Site Plan

This is a Revised Final Site Plan for a three story, 34,500 square foot self-storage facility to be located on 1.76-acre parcel. This Revised Site Plan proposes changes to the self-storage building (phase 2) that was previously approved on December 21, 2017 (S-17-40). A 600+/- square foot office space is utilized within an existing building on site. The Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 533-17.00-83.00. Zoning: C-1 (General Commercial Zoning District). Staff are awaiting agency approvals.


Amenities Plan

This is an Amenities Plan for a proposed 1,918 square foot clubhouse, 4,308 square foot in-ground pool, playground, covered seating area, boardwalk and 18 associated parking spaces to be located within the existing Marsh Island (2005-52 & 2008-25) cluster subdivision. At their meeting of Thursday, December 13, 2012, the Planning and Zoning Commission approved the Final Subdivision Plan for the development. The Amenities Plan complies with the Sussex County Zoning and Subdivision Code and all conditions of approval. Tax Parcels: 234-7.00-132.00 & 234-12.00-22.00 (portion of). Zoning: AR-1 (Agricultural Residential Zoning District). Staff are awaiting agency approvals.

**Lands of Stoney Creek Realty**

Minor Subdivision off a 30-ft easement

This is a Preliminary Subdivision Plan for a minor subdivision off a 30-ft easement over an existing driveway to create three (3) lots with a residual lot located off of Scott Land Road (S.C.R. 434). Lot 1 will measure 0.91 acre +/-, Lot 2 will measure 1.16 acre +/-, Lot 3 will measure 1.00 acres +/- and the residual lot will measure 1.91 acres +/- . Tax Parcel: 232-15.00-67.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.
LANDSCAPING NOTES

1. All plants are to be selected at nursery or plant center. A list of plants and their locations are provided in the planting plan. Each plant should be labeled with its species name.

2. All plants are to be planted at the proper depth and at the correct time of the year. Proper planting depth is determined by the root system of the plant. After planting, the soil should be firmed around the roots to ensure proper contact.

3. All plants are to be watered regularly after planting to ensure proper establishment. Watering should be done at the root zone to avoid water loss through leaf transpiration.

4. All plants are to be pruned regularly to promote healthy growth and to maintain the desired shape and size. Pruning should be done during the dormant season to avoid stress on the plant.

5. All plants are to be fertilized regularly to promote healthy growth. The type and amount of fertilizer should be determined by the soil type and the specific needs of the plant.

6. All plants are to be protected from animal damage by using appropriate barriers and deterrents. This includes the use of wire mesh, plastic covers, and other physical barriers.

7. All plants are to be monitored for pests and diseases. Regular inspections should be conducted to detect any signs of damage or disease early on.

8. All plants are to be maintained and cared for in a manner consistent with their natural habitat. This includes the monitoring of soil and moisture conditions and the appropriate use of irrigation systems.

9. All plants are to be removed or replaced in the event of death, damage, or disease. Replacement plants should be selected at the nursery or plant center to ensure proper compatibility with the existing landscape.
Sussex County Planning & Zoning
22215 Dupont Blvd.
Georgetown, DE 19947
Attn. Jennifer Norwood

RE: Ocean Meadows Tree Buffer
Beaver Dam Rd, Lewes, DE 19958

23 September 2020

To whom it may concern,

We are requesting a change in tree buffer species for the above referenced community. This request is based on the need for additional year-round screening between communities. This change will increase the value and privacy of this community plus the other communities adjacent to the buffer. Currently we have a mixture of 70% deciduous trees and 30% evergreen. The density of deciduous trees that lose their foliage means 70% of the screening is gone for at least 50% of the year. We are requesting the ratio be changed to a 60/40 mixture with 60% evergreen and 40% deciduous trees. The value of the trees we have chosen is equivalent to our current approved buffer tree value. Therefore, this change would not affect the bond value.

We would like to add the following species for consideration: Eastern Red Cedar, Wax Myrtle Tree, Green Giant Arborvitae, Nellie Stevens Holly.

Thank you for your kind consideration.

Jason Hearn
Vice President
Blue Heron Landscape & Design
A BHCC Company
September 14, 2020

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

Attn: Lauren DeVore
Planner III

RE: Welches Pond (fka Fieldstone)
Subdivision Buffer Waiver
Tax Map No.: 3-34-12.00-16.00
DBF #: 2261H004

Dear Ms. DeVore:

On behalf of our client, JLAM, LLC, we are requesting a waiver from the required Subdivision buffer (20’) on the eastern property line separating the Subdivision from the Residual Land where there are ponds that act as a buffer. A large pond behind lots 84-95 will separate most of the homes from the residual lands and will act as a buffer. A buffer remains behind lot 83. The purpose of this request is formally seeking a buffer waiver that was intended to be requested during the preliminary plan stage. Included with this request are the following:

- One (1) set of revised Landscape Plans, sheets: L-101, L-104, L-108, & L-112
- PDF set of revised Landscape plans (via email)

If you have any questions or require additional information, please do not hesitate to contact me at (302) 424-1441 or via email at cdm@dbfinc.com.

Sincerely,

DAVIS, BOWEN & FRIEDEL, INC.

Cliff Mumford, P.E.
Associate

P:\JG Townsend\2261J007 Fieldstone\Documents\SC P&Z\2020-08-14 Buffer Waiver\Cover Letter.docx
cc: Nick Hammonds, JLAM, LLC
Planning and Zoning Commission  
PO Box 417  
Georgetown, DE 19947  

To whom it may concern,  

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

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

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

Thank you for your consideration,  

[Signature]

PR Builders, Inc.

Booth Builders
April 11, 2020

Planning and Zoning Commission
PO Box 417
Georgetown, DE 19947

To whom it may concern,

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

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

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

Thank you for your consideration,

Richard & Diane Bilski

[Signature]

[Signature]
April 11, 2020

Planning and Zoning Commission
PO Box 417
Georgetown, DE 19947

To whom it may concern,

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

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

Thank you for your consideration,

Royce Alexander & Nicole Hatcher
April 11, 2020

Planning and Zoning Commission
PO Box 417
Georgetown, DE 19947

To whom it may concern,

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

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

Thank you for your consideration,

Lori Ott
April 11, 2020

Planning and Zoning Commission
PO Box 417
Georgetown, DE 19947

To whom it may concern,

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

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

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

Thank you for your consideration,

James & Deborah Costello

RECEIVED

APR 17 2020

SUSSEX COUNTY
PLANNING & ZONING
April 11, 2020

Planning and Zoning Commission
PO Box 417
Georgetown, DE 19947

To whom it may concern,

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

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

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

Thank you for your consideration,

Danny & Susan Goldsmith

RECEIVED
APR 17 2020
SUSSEX COUNTY PLANNING & ZONING
April 11, 2020

Planning and Zoning Commission
PO Box 417
Georgetown, DE 19947

To whom it may concern,

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

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

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

Thank you for your consideration,

Karen Carroll & Shirley Taylor
I addition to the residences not wanting the bike path there are transformers and street lights in the way.

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

Will this work?

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

Bart,

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

Jenny

Jennifer Norwood

Planner 1

Planning & Zoning Dept.

Sussex County Government

PO Box 417

2 The Circle

Georgetown, DE 19947

302-858-5501

jnorwood@sussexcountyde.gov
October 30, 2020

To whom it may concern,

We are formally requesting a modification of the original site plan for Dagsboro Trace eliminating the sidewalk.

Dagsboro Trace subdivision was originally developed by Dagsboro Trace, LLC. We were not involved with Dagsboro Trace, LLC. Dagsboro Trace, LLC contracted with Paul’s Paving to install the DELDOT entrance and infrastructure elements in the first two (2) phases of infrastructure in the community with The Wayland Company providing construction management services on behalf of Dagsboro Trace, LLC.

We acquired individual building lots from Dagsboro Trace, LLC, at fair market values and built many of the single-family homes in the community.

At some point in approximately 2016-2017, Dagsboro Trace, LLC defaulted on the loan and M&T Bank took possession of the property. During this time, the homeowner’s association dissolved and the community foundered. During the time M&T foreclosed on the property, the roads were not complete, the sidewalks were not installed, the landscaping was not complete, nor were the amenities installed.

In December 2019, we acquired the remaining ten (10) building lots in the Dagsboro Trace, and in doing so, took responsibility for completing the development. As such, we have provided letters of credit as required by Sussex County Planning and Zoning Commission. Our obligations include installing phase three (3) of the infrastructure as well as installing the final roadway surface in all three phases, installing amenities, installing landscaping, and installing a sidewalk.

As work has begun on phase three (3), we have been contacted by many of the homeowners expressing their opinion that they do not want the sidewalk. We believe that you have received numerous letters from the Dagsboro Trace homeowners requesting the elimination of the sidewalk. Further, it appears that some of the original utilities were installed in the area designated for the sidewalks. We hereby request a modification of the original site plan to eliminate the sidewalk.

Thank you for your consideration,

Bart Phillips
PR Builders, Inc.
TAX MAP AND PARCEL #: 4-30 21.00
7.01 p/o
PREPARED BY & RETURN TO:
Haller & Hudson
101 S. Bedford St.
P.O. Box 533
Georgetown, DE 19947
File No. HWH-1502/

NO LIEN OR TITLE SEARCH PREPARED OR REQUESTED

THIS DEED, made this 27 day of May, 2020,

- BETWEEN -

CHERYL B. RUSSELL, of 14210 Russell Road, Bridgeville, DE 19933, party of the first part,

- AND -

DAVID WAYNE MILLMAN and JORDYN TAYLOR MILLMAN, of 25834 Charles Scott Lane, Milton, DE 19968, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of One and 00/100 Dollar ($1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the parties of the second part, and their heirs and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

ALL that certain lot, piece and parcel of land, lying and being situated in Nanticoke Hundred, Sussex County, State of Delaware, being designated as Lot 3, “Subdivision Survey Plan Prepared for Cheryl B. Russell”, prepared by Adams-Kemp Associates, Inc., Professional Land Surveyors as per survey plan no. 040336-D, dated October 28, 2019 and revised December 11, 2019 and recorded in Plot Book 300, Page 88 in the Office of the Recorder of Deeds in and for Sussex County in the County Administration Building in Georgetown, Delaware, more particularly described as follows to wit:
BEGINNING at a set iron bar along Parcel “A”, said set iron bar being located the following two (2) courses and distances from the intersection of County Road 42 and County Road 592.

1. Along County Road 592 in an Easterly direction 1.5 miles more or less;
2. Along the line of Parcel “A”, South 16° 15’ 13” East 769.59 feet;

Thence along Parcel “A” the following two (2) courses and distances:

1. South 16° 15’ 13” East a distance of 283.09 feet to a set iron bar;
2. South 66° 12’ 00” West a distance of 150.00 feet to a set iron bar along the line of lands now or formerly of Cheryl B. Russell and Carlos J. Russell;

Thence along the line of lands now or formerly of Cheryl B. Russell and Carlos J. Russell, North 16° 15’ 13” West a distance of 302.79 feet to a set iron bar at a corner of this lot and lot 2; thence along lot 2, North 73° 44’ 47” East a distance of 148.70 feet to the point of beginning.

Containing within described metes and bounds 1.000 acres of land be the same more or less.


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

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

Signed, Sealed and Delivered in the presence of:

[Signature]
Cheryl B. Russell (SEAL)

STATE OF DELAWARE, COUNTY OF SUSSEX: to-wit

BE IT REMEMBERED, that on May 27, 2020 personally came before me, the subscriber, Cheryl B. Russell, party of the first part to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

Notary Public
My Commission Expires: 8/13/21
CRUSHED STONE BEDDING
OFFICE OF THE STATE FIRE MARSHAL
Technical Services
22705 Park Avenue
Georgetown, DE 19947

SFMO PERMIT

Plan Review Number: 2020-04-204731-MIS-01
Status: Approved as Submitted
Tax Parcel Number: 232-15.00-67.00
Date: 09/28/2020

Project

Blue Bird Lane Subdivision
Stoney Creek Realty Property
18475 Blue Bird Lane
Laurel DE 19956

Scope of Project

Number of Stories: 
Square Footage: 
Construction Class: 
Fire District: 83 - Millsboro Fire Co Inc
Occupant Load Inside: 
Occupancy Code: 9601

Applicant

Carlton Savage
20246 Coastal Hwy
Rehoboth, 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:

[Signature]
Dennett Pidgeon

Page 1 of 3
Plan Review Number: 2020-04-204731-MIS-01  Tax Parcel Number: 232-15.00-67.00
Status: Approved as Submitted  Date: 09/28/2020

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.

1000 The site plans have been approved as submitted. The Office of DE State Fire Marshal has no objection to recordation.

1010 A The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3).Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.

1011 A Per Fire Flow Table 1, the following occupancies: One and Two Family Detached Dwellings, Multi Family & Other Residential, Rowhouses & Townhouses Shall not exceed 10,000 aggregate gross square footage; shall not exceed 35"""" or three stories; and Shall have a minimum setback of 15"""" from all property lines and 10"""" setback from exposure hazards on the same property. Additionally, Rowhouses & Townhouses shall have an internal fire separation of two hour fire rated walls per SFPR Part II, Chapter 2.

1408 A All premises where emergency personnel may be called upon to provide emergency services, which are not readily accessible from streets, shall be provided with suitable gates, access roads, and fire lanes so that all buildings on the premises are accessible to emergency apparatus. (DSFPR Regulation 705, Chapter 5, Section 2).

1171 A Any dead end road more than 300 feet in length shall be provided with a turn around or cul-de-sac arranged such that emergency apparatus will be able to
turn around by making not more than one backing maneuver. Any turn-arounds and cul-de-sacs shall be designed in accordance with DSFPR Regulation 705, Chapter 2, Sections 2.3, 2.3.1, and 2.3.

1093 A In the case of one and two-family dwellings emergency service access shall be provided in such a manner so that emergency apparatus will be able to locate within 100 feet from the street to the primary entrance. Where alleys are provided, pumpers shall be able to access all portions of the alley without strict restrictions for entrance radii. (DSFPR Regulation 705, Chapter 5, Sections 2.2 and 2.2.1).

2500 A A final inspection is required for this project prior to occupancy (DSFPR Part I, Section 4-7). Contact this Agency to schedule this inspection. Please have the plan review number available. A MINIMUM OF FIVE (5) WORKING DAYS NOTICE IS REQUIRED.
August 27, 2020

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

SUBJECT: Minor Subdivision - Letter of No Objection to Recordation
Blue Bird Lane (Minor Subdivision)
Tax Parcel # 232-15.00-67.00
SCR434-SCOTT LAND ROAD
Broad Creek Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated June 17, 2020 (signed and sealed August 24, 2020), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of five (5) years. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

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

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

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

Sincerely,

[Signature]

Susanne K. Laws  
Sussex County Review Coordinator  
Development Coordination

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