

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
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Sussex County

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sussexcountyde.gov

PLEASE NOTE

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



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

PLANNING & ZONING COMMISSION

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



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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 8th, 2022

Application: CU 2319 Austin & Megan Embleton

Applicant: Austin & Megan Embleton
11176 Old Reliance Lane
Greenwood, DE 19950

Owner: The Estate of Merle L. Embleton
10775 Memory Road
Harrington, DE 19952

Site Location: 10775 Memory Road, Harrington.

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

Proposed Use: Air B&B, two (2) chair hair salon, small event venue

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Ms. Green

School District: Woodbridge School District

Fire District: Greenwood Fire Department

Sewer: Private Septic

Water: Private Well

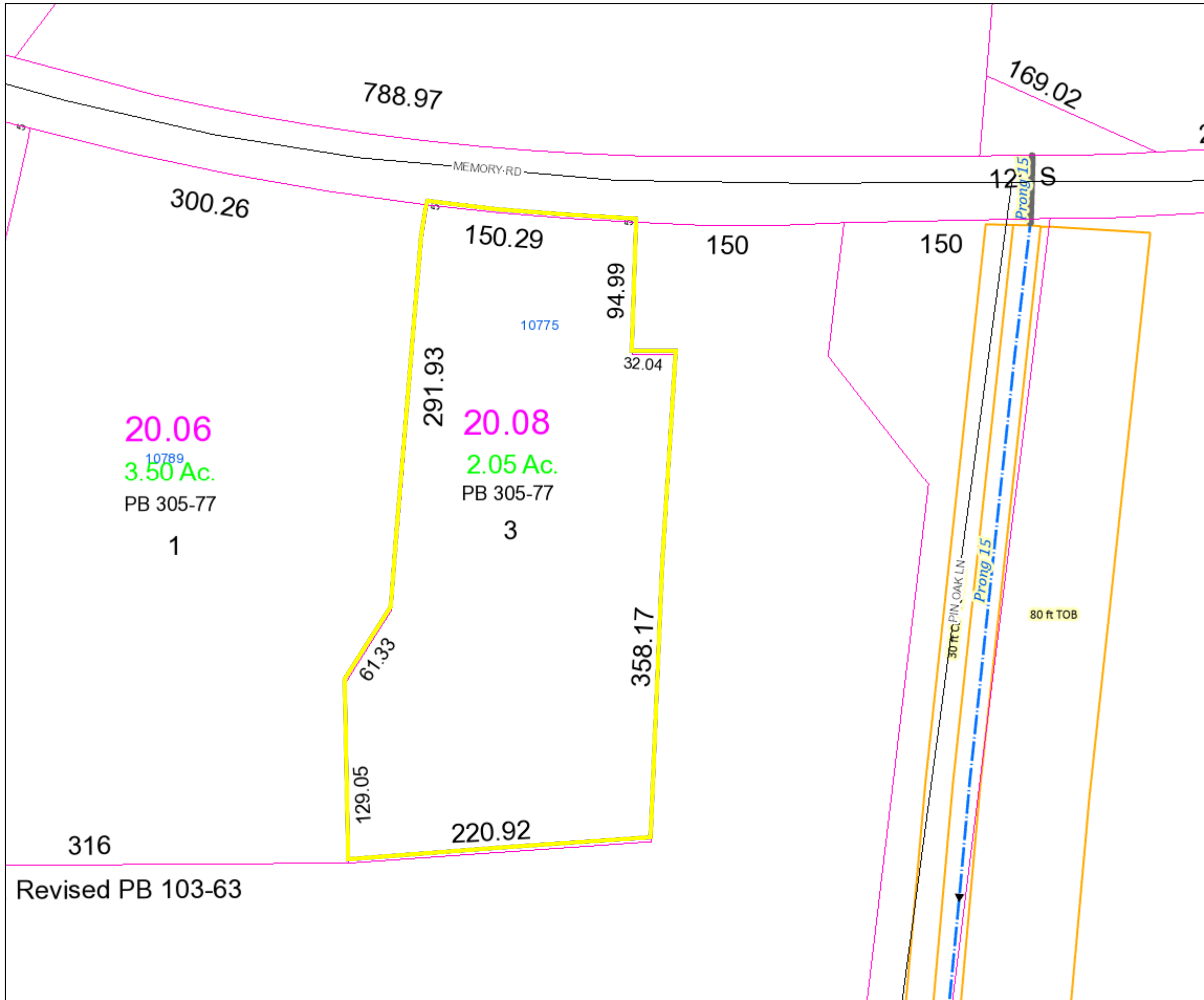
Site Area: 2.05 ac. +/-

Tax Map ID.: 430-3.00-20.08





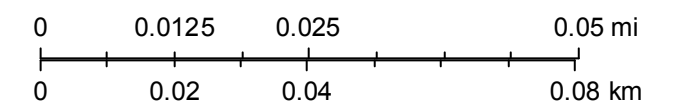
Sussex County



PIN:	430-3.00-20.08
Owner Name	EMBLETON AUSTIN J
Book	5663
Mailing Address	11176 OLD RELIANCE LN
City	GREENWOOD
State	DE
Description	S/ MEMORY RD
Description 2	W/ PIN OAK LN
Description 3	LOT # 3
Land Code	

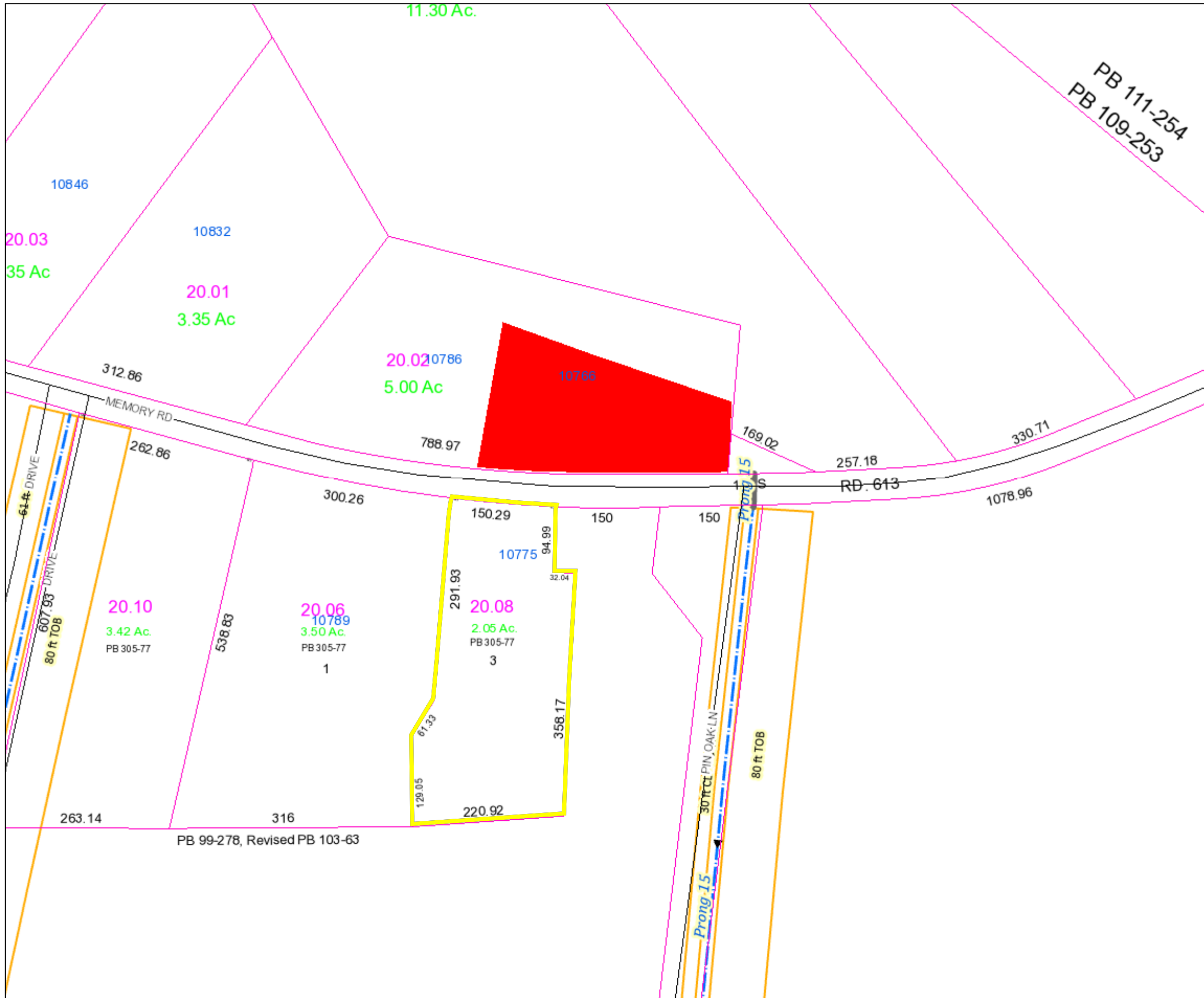
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 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Flood Zones 2018**
 - 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - A
 - AE
 - AO
 - OPEN WATER
 - VE

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Sussex County



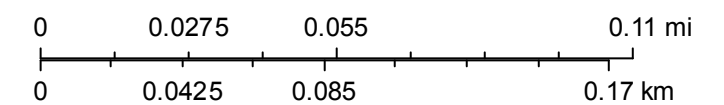
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- Streets

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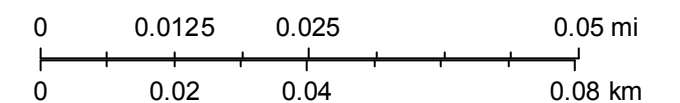
Sussex County



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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 1st, 2022
RE: Staff Analysis for CU 2319 Austin & Megan Embleton

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2319 Austin & Megan Embleton to be reviewed during the September 8th, 2022, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 430-3.00-20.08 to allow for a tourist home, event venue and hair salon, to be located on Memory Road, Harrington, Delaware. The property is lying on the south side of Memory Road (S.C.R. 613), approximately 0.41 mile southeast of Shawnee Road (Rt. 36). The parcel consists of 2.05 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Low Density". The adjoining parcels to the south, east, and west also have a Future Land Use Map designation of "Low Density". The parcels to the north across Memory Road (S.C.R. 613) also have a Future Land Use Map designation of "Low Density", with the exception of one parcel directly across the street with a Future Land Use Map designation of "Commercial".

As outlined in the 2018 Sussex County Comprehensive Plan, the primary uses envisioned in Low Density Areas are agricultural activities and homes. Business development should be largely confined to businesses addressing the needs of these two uses. Industrial and agribusiness uses that support or depend on agriculture should be permitted. The focus of retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents. Commercial uses in these residential areas should be limited in their location, size, and hours of operation. More intense commercial uses should be avoided in these areas. Institutional and commercial uses may be appropriate depending on surrounding uses (Sussex County Comprehensive Plan, 4-19).

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. The adjacent properties to the south, east, and west of the subject property are zoned Agricultural Residential (AR-1) District. The parcels to the north across Memory Road (S.C.R. 613) of the subject property are zoned



Agricultural Residential (AR-1), with the exception of one parcel directly across the street that is zoned General Commercial (C-1).

Existing Conditional Uses within the Vicinity of the Subject Property

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

Based on the analysis provided, the Conditional use to allow for a tourist home, event venue and hair salon in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

202115377

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

10775 Memory RD, Harrington, DE 19952

Type of Conditional Use Requested:

Farmhouse - Air B&B, Shop - 2 chair Hair salon, Small Event Venue

Tax Map #: 430-3.00-20.08 Size of Parcel(s): 2.05 A.

Current Zoning: R Proposed Zoning: C Size of Building: 60x60

Land Use Classification: AR-1

Water Provider: Well Sewer Provider: Septic on site

Applicant Information

Applicant Name: Austin & Megan Embleton

Applicant Address: 11176 Old Reliance Ln

City: Greenwood State: DE Zip Code: 19950

Phone #: 302-242-1320 E-mail: MDsembleton@gmail.com

Austineembleton@gmail.com

Owner Information

Owner Name: The Estate of Merle L. Embleton / Executors Christine Weaber
Sydney Hamilton
George Smith

Owner Address: 10775 Memory Rd.

City: Harrington State: DE Zip Code: 19952

Phone #: (302) 542-9979 E-mail: Sydhamilton79@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: _____

Agent/Attorney/Engineer Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____



Check List for Sussex County 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

Megan Eubank

Date: 10/19/21

Signature of Owner

Sydney A Hamilton
[Signature]

Date: 9/27/21

Date: 10/05/2021

Christine L. Weaker 10/5/21

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

NICOLE MAJESKI
SECRETARY

August 17, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Austin and Megan Embleton** proposed land use application, which we received on August 5, 2021. This application is for an approximately 2.05-acre parcel (Tax Parcel: 430-3.00-20.08). The subject land is located on the south side of Memory Road (Sussex Road 613) about 300 feet west of the intersection with Pin Oak Lane. The subject land is currently zoned AR-1 (Agriculture Residential) and the applicant is seeking a conditional use approval to operate a salon, air B&B and event venue.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Memory Road from Shawnee Road (State Route 36) to Shawnee Road, is 190 vehicles per day.

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

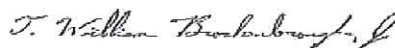


Mr. Jamie Whitehouse
Page 2 of 2
August 17, 2021

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/24/2022**

APPLICATION: **CU 2319 Austin & Megan Embleton**

APPLICANT: **Austin & Megan Embleton**

FILE NO: **WSPA-5.02**

TAX MAP &
PARCEL(S): **430-3.00-20.08**

LOCATION: **10775 Memory Road, Harrington**

NO. OF UNITS: **Air B&B, 2 chair salon, small event venue**

GROSS
ACREAGE: **2.05**

RECEIVED

AUG 29 2022

SUSSEX COUNTY
PLANNING & ZONING

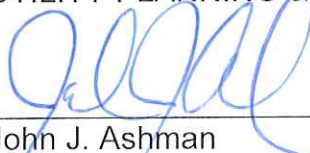
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: 2

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 4**
- (3). Is wastewater capacity available for the project? **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 \$6,600.00** per EDU. Please contact **N/A** at **302-855-7719** for additional information on charges.

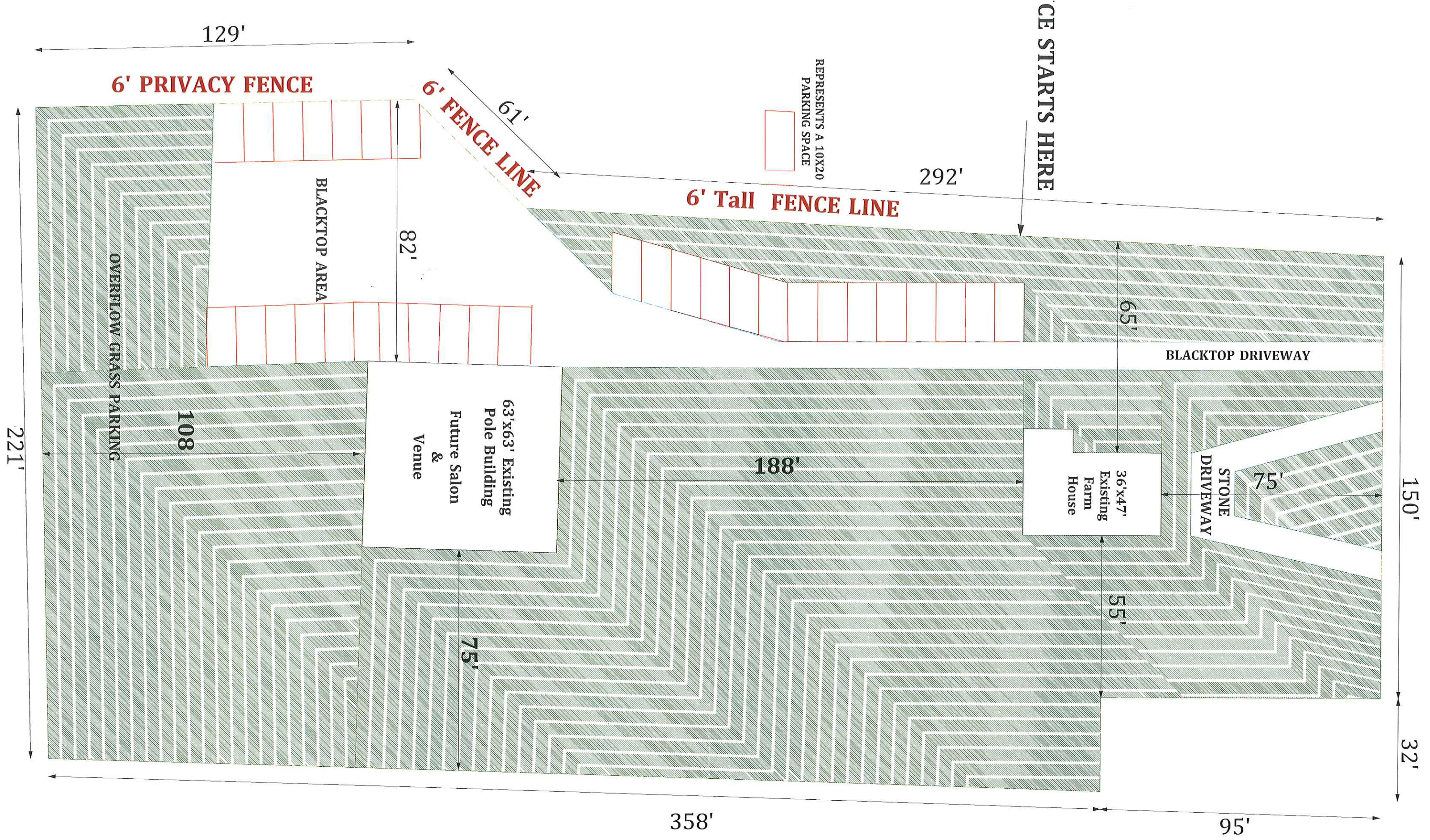
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: **The 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? **Not at this time**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Not at this time**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

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



September 26, 2021

To Whom It May Concern:

I am writing to you on behalf of Mr. & Mrs. Austin and Megan Embleton's request to have their land on Memory Road zoned for conditional use. I am a resident on Memory Road, just a few houses down from the property that they are purchasing. I am aware that they have the desire to make that property (farmhouse and shop) into a small and intimate 2-chair salon, a small wedding venue, and an Airbnb, and I am in full support of their vision and end goal. I love that they are bringing new life to an old farmhouse and a big, empty shop.

When I think about this big goal and beautiful vision, I can't think of two other people better suited for this job. Megan and Austin are family-oriented, hardworking, passionate, talented people. They are respectful and recognize the value and history of the property. They are neat and clean, and honestly, everything they touch, is made beautiful. I am so excited to see what they can do to an old house and plain shop!

Please feel free to contact me at (302) 542-9980 for any more questions that you may have and feel like I could answer.

Sincerely,

Chelsea Steinsdoerfer
12808 Memory Road
Harrington, DE 19952

September 25, 2021
Letter of Support

To whom it may concern:

My husband and I live on Memory Road and we are also relatives of Austin and Megan Embleton. In some cases having family close by could be an annoyance, but that is quite the opposite when it comes to Austin and Megan. They are kind, neat, hardworking, and respectable people who will operate their land in the same likeness!

My husband and I fully support Megan and Austin's plans for having the shop zoned conditional use. Having a small business as well as a small, intimate venue right down the road from us is exciting! Please feel free to contact me, Meghan, with any further questions (302)542-3302.

Thank you!

Meghan and Jacob Landis
10833 Memory Road
Harrington, DE 19952

Sydney Hamilton
12808 Pin Oak Lane
Harrington, DE 19952

September 26, 2021

RE: Conditional Use Permit for Austin & Megan Embleton

To Whom It May Concern:

I am a property owner adjacent to the Embleton's property at 10775 Memory Road in Harrington, Delaware. I have been made aware of their plans for a small hair salon, venue and eventually a bed and breakfast.

I have known Austin and Megan for a long time and feel confident that their endeavors will be well-done and tasteful. It is my opinion that whatever they do with the property will only add value to the neighboring area.

Sincerely,

Sydney Hamilton

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DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: September 8th, 2022

Application: CU 2321 Coastal Properties, LLC

Applicant: Coastal Construction, LLC
17280 Coastal Highway, Unit #2
Lewes, DE 19958

Owner: Kristopher L. Groszer
32777 Dionis Drive
Lewes, DE 19958

Site Location: 17677 Stingey Lane, Lewes.

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

Proposed Use: Kitchen/Bathroom Showroom

Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Tidewater

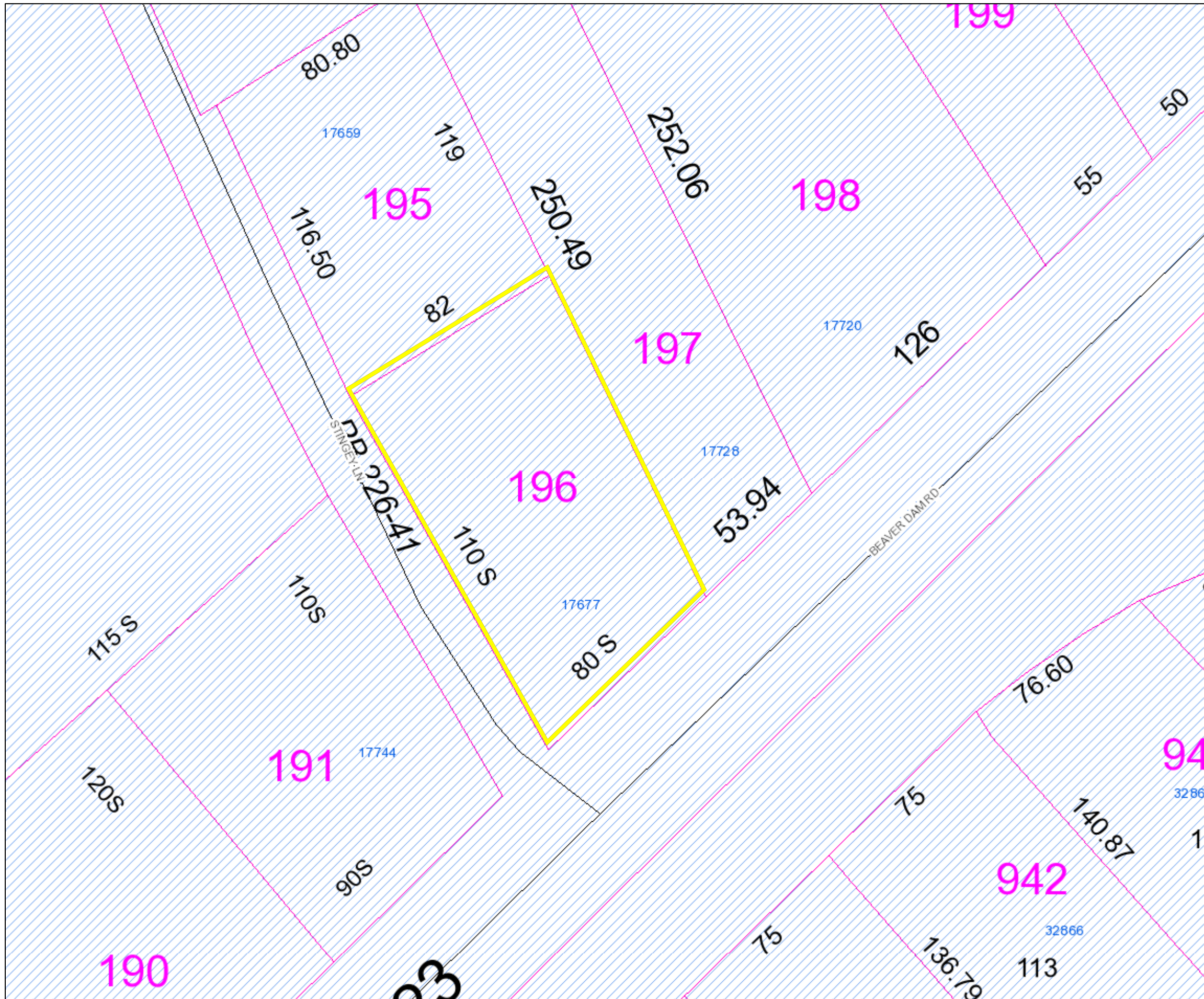
Site Area: 0.248 ac. +/-

Tax Map ID.: 334-5.00-196.00





Sussex County



PIN:	334-5.00-196.00
Owner Name	COASTAL PROPERTIES DE LLC
Book	5614
Mailing Address	17280 COASTAL HWY UNIT
City	LEWES
State	DE
Description	BETWEEN HWY 18
Description 2	RT 285
Description 3	N/A
Land Code	

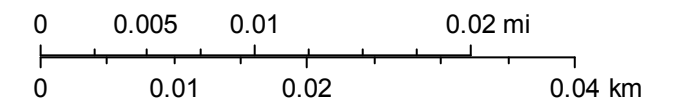
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 - Tax Parcels
 - 911 Address
 - Streets
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- Flood Zones 2018**

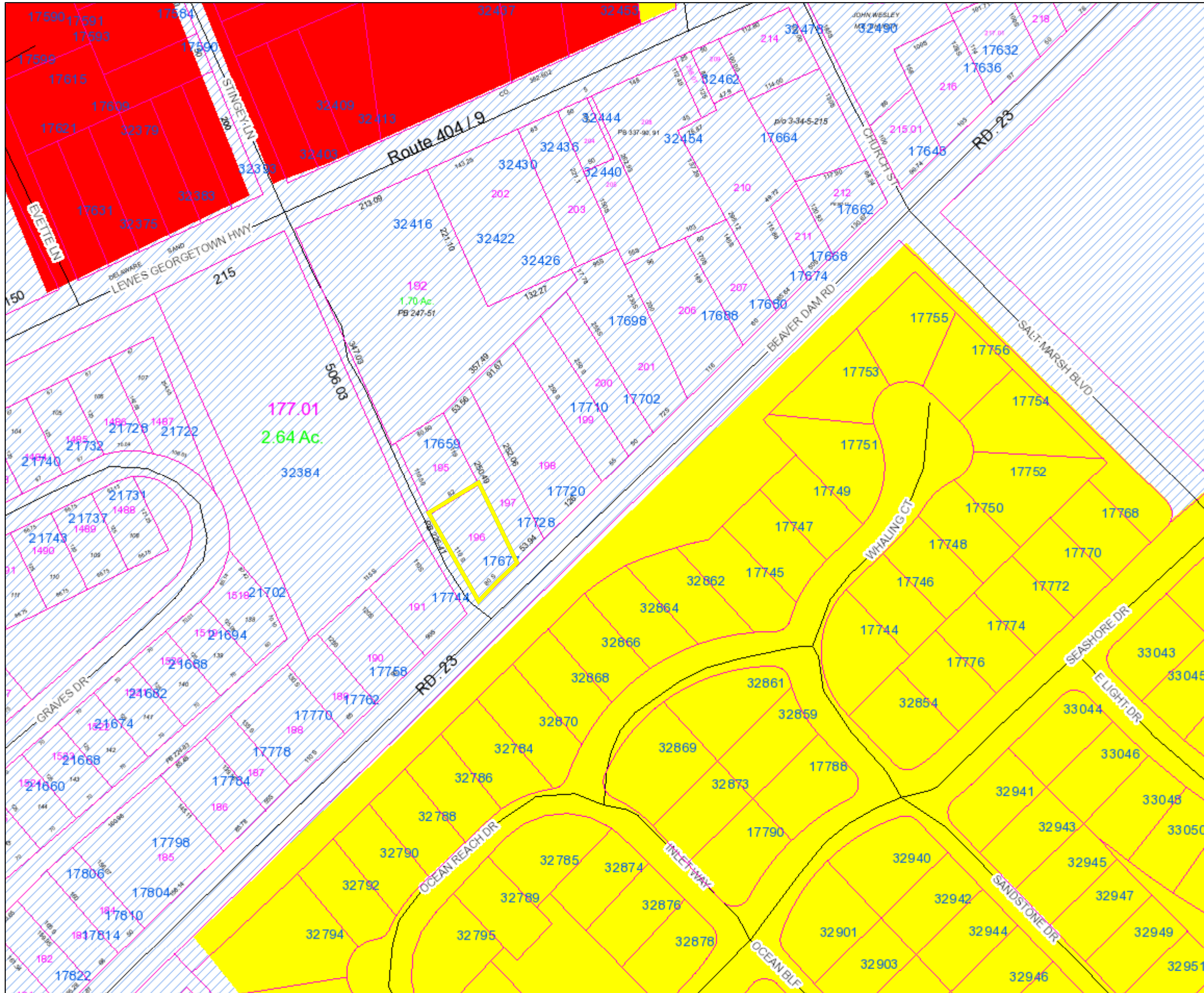
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Sussex County



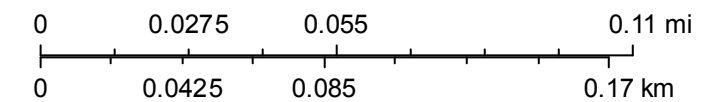
PIN:	334-5.00-196.00
Owner Name	COASTAL PROPERTIES DE LLC
Book	5614
Mailing Address	17280 COASTAL HWY UNIT
City	LEWES
State	DE
Description	BETWEEN HWY 18
Description 2	RT 285
Description 3	N/A
Land Code	

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- polygonLayer

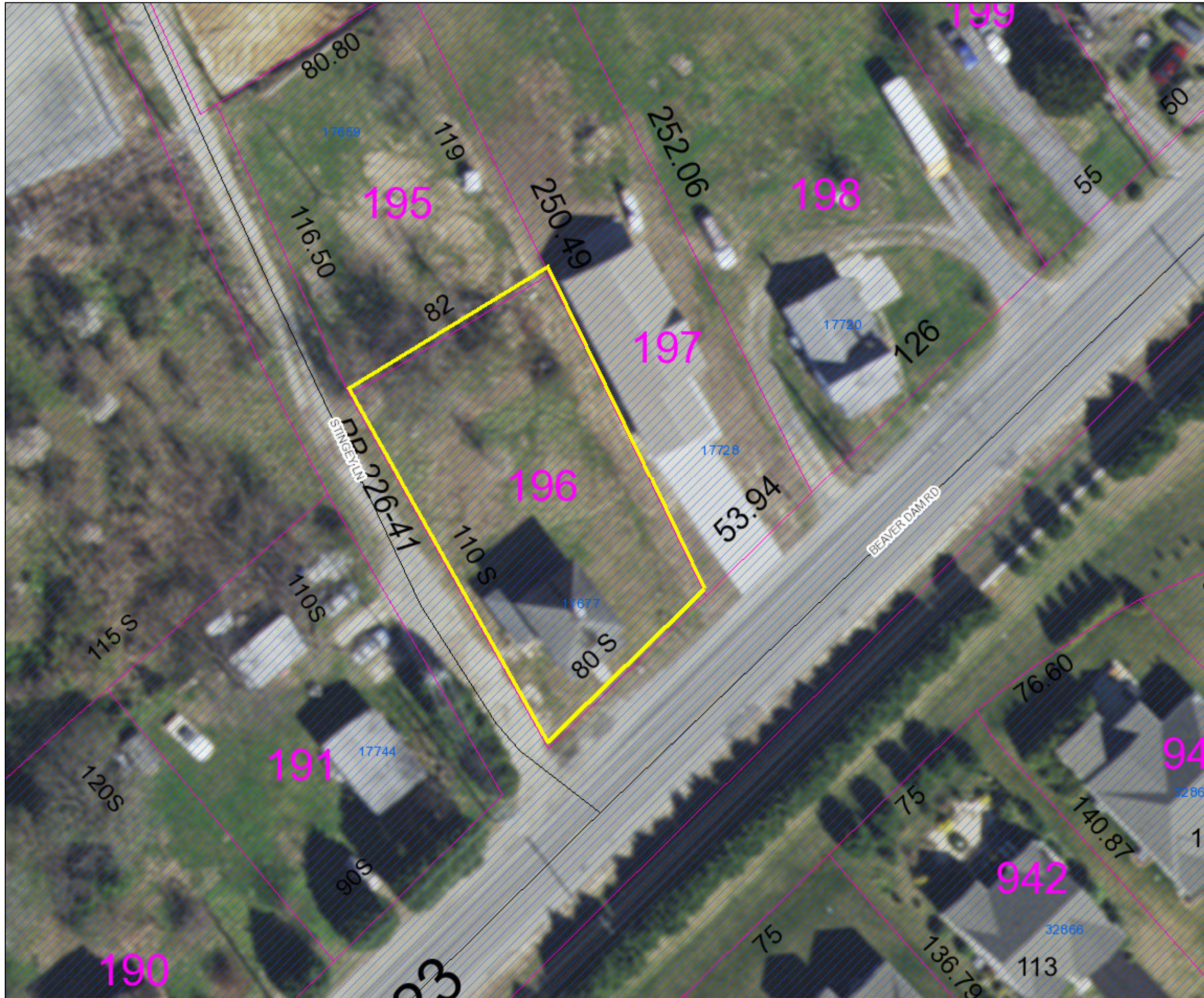
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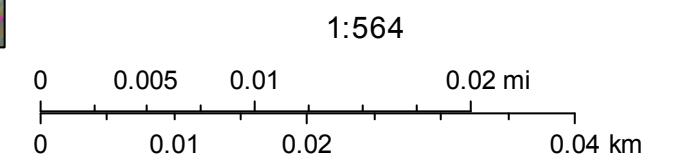


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State	DE
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Memorandum

To: Sussex County Planning and Zoning Commission Members
From: Mrs. Christin Scott, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: September 1st, 2022
RE: Staff Analysis for CU 2321 Coastal Properties, LLC

The purpose of this memo is to provide background and analysis for the Planning and Zoning Commission to consider as a part of Application CU 2321 Coastal Properties, LLC to be reviewed during the September 8th, 2022, Planning and Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 334-5.00-196.00 to allow for a kitchen and bathroom showroom, to be located on Beaver Dam Road and Stingey Lane, Lewes, Delaware. The property is lying on the northeast side of Beaver Dam Road (Rt. 23), approximately 0.16 mile southeast of the intersection of Church Street and Salt Marsh Boulevard. The parcel consists of 0.248 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the parcel has a designation of "Coastal Area". The adjoining parcels to the north, east, and west also have a Future Land Use Map designation of "Coastal Area". The parcels to the south across Beaver Dam Road (Rt. 23) also have a Future Land Use Map designation of "Coastal Area". Properties further to the north across Lewes-Georgetown Highway (Rt. 9) have a Future Land Use Map designation of "Commercial".

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

Zoning Information

The subject property is zoned Agricultural Residential (AR-1) District. The adjacent properties to the north, east, and west of the subject property are zoned Agricultural Residential (AR-1) District. The parcels to the south across Beaver Dam Road (Rt. 23) of the subject property are zoned



Medium Residential (MR). Properties further to the north across Lewes-Georgetown Highway (Rt. 9) are zoned General Commercial (C-1).

Existing Conditional Uses within the Vicinity of the Subject Property

Since 2011, there have been sixteen (16) Conditional Use applications within a one (1) mile radius of the application site. Out of those sixteen (16) applications, two (2) have been withdrawn, one (1) has been denied, and thirteen (13) have been approved.

Based on the analysis provided, the Conditional use to allow for a tourist home, event venue and hair salon in this location could be considered as being consistent with the surrounding land use, zoning, and uses, subject to considerations of scale and impact.

File #: CU 2321
202115862

Planning & Zoning Commission Application Sussex County, Delaware

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

RECEIVED

OCT 28 2021

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

17677 Stingey Lane

Type of Conditional Use Requested:

Kitchen/Bathroom Show Room

** Located in Henlopen TID **

Tax Map #: 3-34-5.00-196.00

Size of Parcel(s): 10.810 Sq Ft / 0.248

Current Zoning: AR-1

Proposed Zoning: CU

Size of Building: Approximately 600 Sq Ft

Land Use Classification: Suburban

Water Provider: Sussex County

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Coastal Construction LLC

Applicant Address: 17280 Coastal Hwy., Unit #2

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 227-2550

E-mail: coastalconstructionllcde@gmail.com

Owner Information

Owner Name: Kristopher L. Groszer

Owner Address: 32777 Dionis Drive

City: Lewes

State: DE

Zip Code: 19958

Phone #: (302) 227-2550

E-mail: coastalcustompaint@gmail.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Bradley A. Absher

Agent/Attorney/Engineer Address: 118 Atlantic Avenue

City: Ocean View

State: DE

Zip Code: 19970

Phone #: (302) 539-2488

E-mail: coastalconstructionllcde@gmail.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

Signature of Applicant/Agent/Attorney



Date: 10/8/21

Signature of Owner



Date: 10/8/21

For office use only:

Date Submitted: 10/28/21

Fee: \$500.00 Check #: 10957

Staff accepting application: ces

Application & Case #: 202115862

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

NICOLE MAJESKI
SECRETARY

March 15, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Coastal Properties, LLC Kris Groszer** proposed land use application, which we received on March 1, 2021. This application is for an approximately 0.2071- acre parcel (Tax Parcel: 334-5.00-196.00). The subject land is located on the north corner of Stingey Road and Beaver Dam Road (Sussex Road 285). The subject land is currently zoned AR- 1 (Agricultural Residential) and the applicant seeks a conditional use approval to build a showroom for kitchen and bath design in a 2-story 2,000 SF building.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Beaver Dam Road (Sussex Road 285), from Dairy Farm Road (Sussex Road 261) to the Beaver Dam Plantations Connector Road (Sussex Road 18A), is 4,216 vehicles per day.

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

If the County approves this application, the applicant should be reminded that DeIDOT 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
March 15, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:aff

cc: Coastal Properties LLC, Kris Grozer, Applicant
Russell Warrington, Sussex County Planning & Zoning
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Scott Rust, South District Public Works Manager, Maintenance & Operations
Steve McCabe, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Furmato, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/24/2022**

APPLICATION: **CU 2321 Coastal Properties, LLC**

APPLICANT: **Coastal Construction, LLC**

FILE NO: **OM-9.04**

TAX MAP &
PARCEL(S): **334-5.00-196.00**

LOCATION: **17677 Stingey Lane, Lewes**

NO. OF UNITS: **Kitchen/Bathroom Showroom**

GROSS
ACREAGE: **0.248**

RECEIVED
AUG 29 2022
SUSSEX COUNTY
PLANNING & ZONING

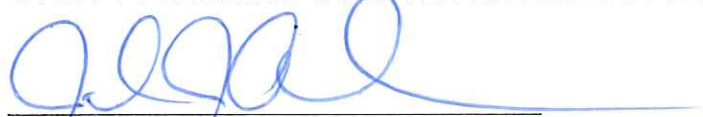
SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A**.
- (4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A**. Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Christine Fletcher** at **302-855-7719** for additional information on charges.

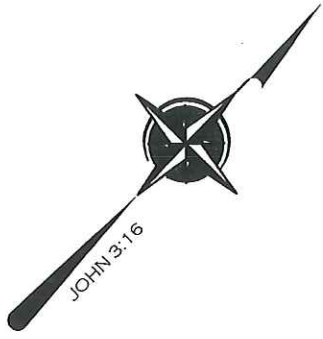
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **There is currently a residential building connected to the sanitary sewer system that is served with a 6-inch lateral. The change to a commercial use will require the lateral be upgraded to an 8" lateral. Contact Mr. Richard Jackson (302) 855-7721, concerning the process for having the new lateral installed**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

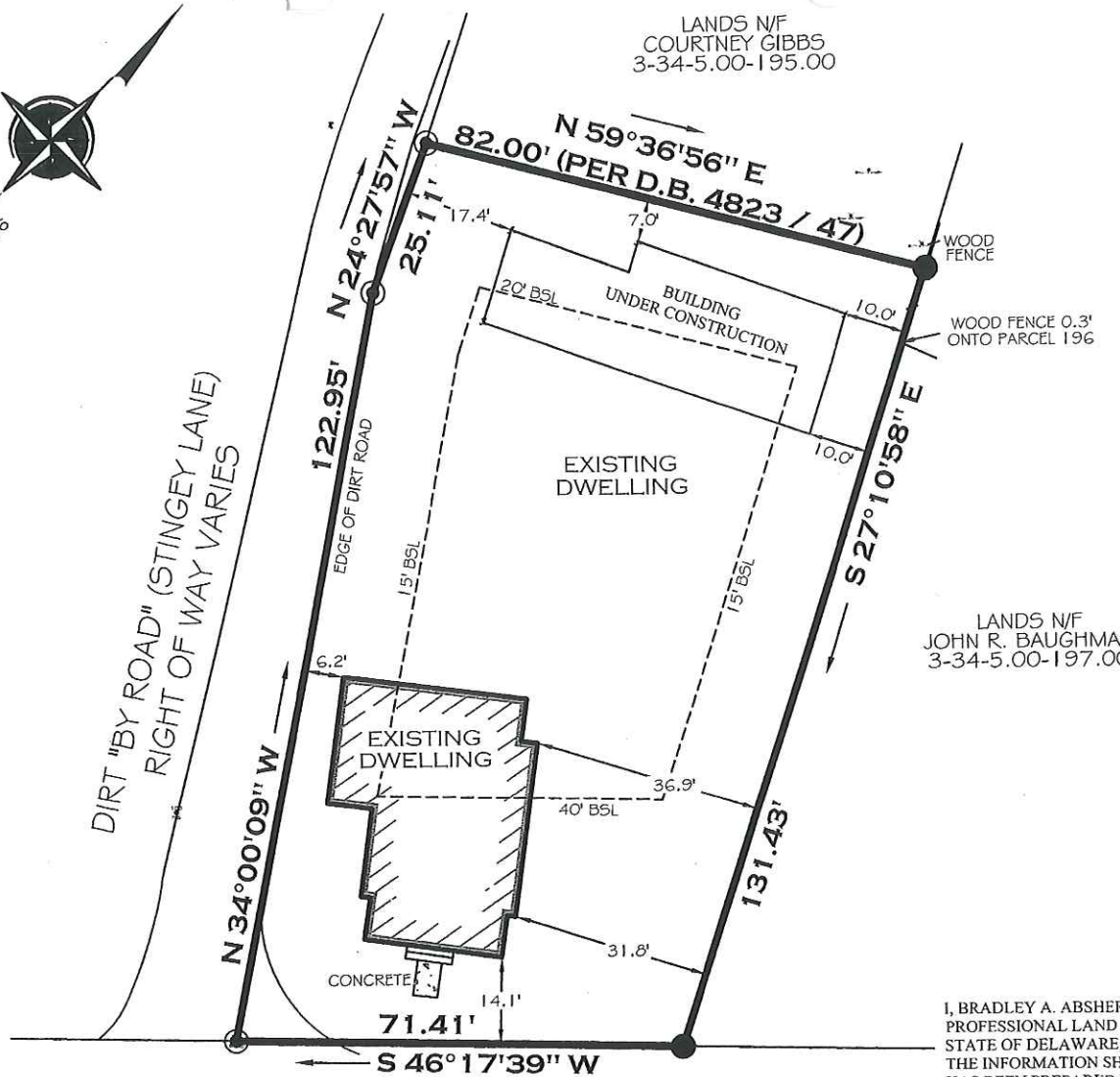


John J. Ashman
Sr. Manager of Utility Planning & Design Review

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



LANDS N/F
COURTNEY GIBBS
3-34-5.00-195.00



BEAVER DAM ROAD 50' RIGHT OF WAY

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN

2. ZONE: AR - 1

3. BUILDING SETBACK LINES (BSL)
FRONT 40'
SIDE 15'
REAR 20'

ALL SETBACKS ARE THE RESPONSIBILITY OF THE HOME OWNER AND/OR GENERAL CONTRACTOR. SETBACKS SHOWN AS PER SUSSEX COUNTY & MAY DIFFER FROM THE HOME OWNERS ASSOCIATION (HOA) SETBACKS. ANY USER OF SAID INFORMATION IS URGED TO DIRECTLY CONTACT THE LOCAL AGENCY AND HOA, IF APPLICABLE, TO VERIFY IN WRITING ALL SETBACKS & REQUIREMENTS.

4. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

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

Bradley A. Absher
BRADLEY A. ABSHER, DE PLS # 735
DATE 2.8.21

TAX MAP	3 - 34 - 5.00 - 196.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	LEWES & REHOBOTH
TOWN	---
AREA	10,810 ± SQ. FT.
DEED REF.	4222 / 223
PLAT REF.	---
DRAWN BY	MCS
DATE	02 / 08 / 21
SCALE	1" = 30'
SURVEY #	DE - 06515

BOUNDARY SURVEY PLAN


FOR
COASTAL PROPERTIES, LLC

17677 STINGEY LANE, LEWES, DE 19958

LEGEND

- IRON ROD WITH CAP SET
- IRON ROD W/ CAP FOUND

TRUE NORTH



LAND SURVEYING

118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DE 19970
DE: 302-539-2488
MD: 410-430-2092

FILE COPY

Christin Scott

From: Kristopher Groszer <coastalcustompaint@gmail.com>
Sent: Monday, September 19, 2022 3:24 PM
To: Jamie Whitehouse
Cc: Kristopher Groszer; JamesA.Smith@delaware.gov
Subject: 17677 Stingey Lane
Attachments: Stingey Lane Before.jpg; Stingey Lane After.jpg

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

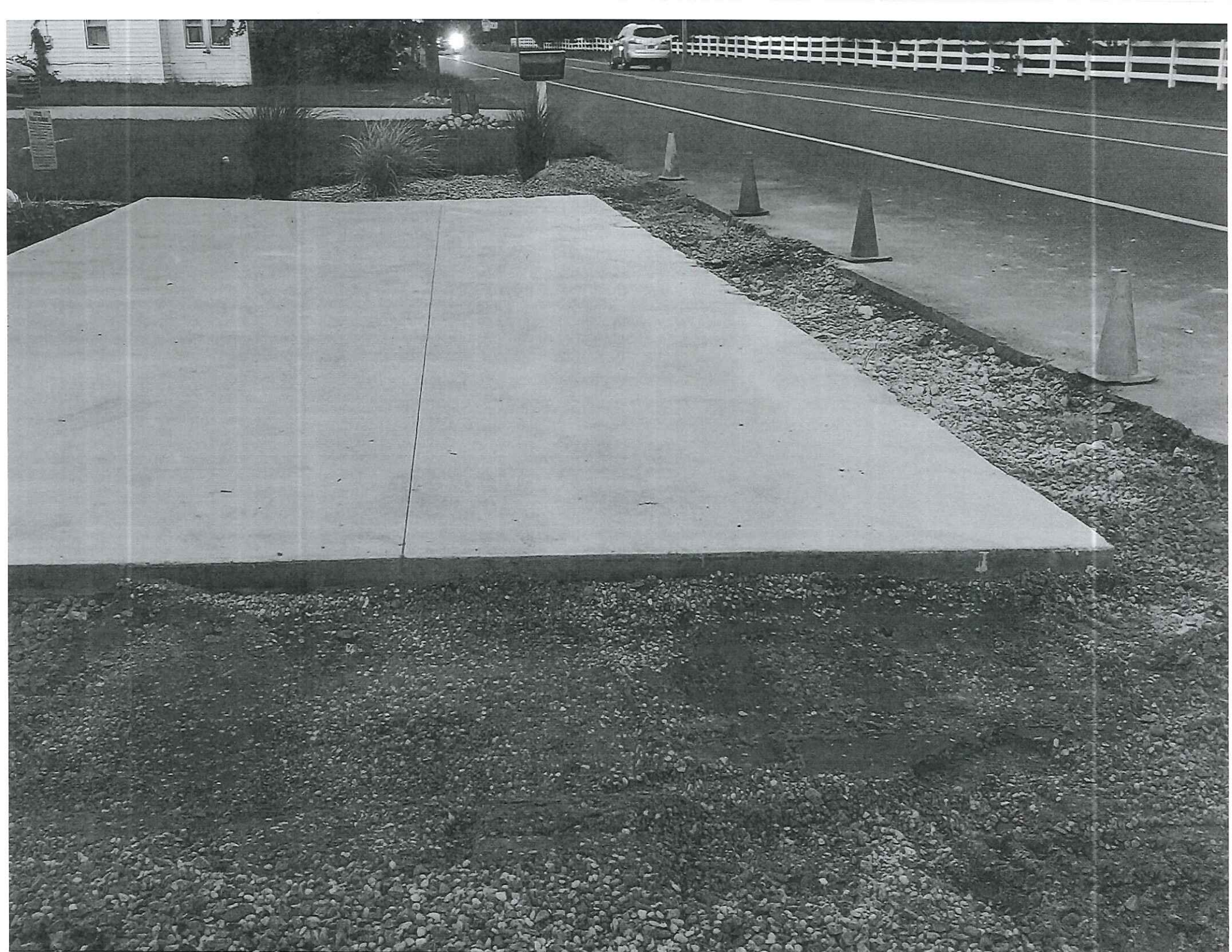
Dear Mr. Whitehouse:

Please see attached pictures concerning correction made to 176

Best,

Arlene Schultz
Office Manager
Coastal Construction and
Coastal Custom Painting LLC
17677 Stingey Ln
Lewes, DE 19958
(302) 242-6134 Cell
(302) 227-2550 Office

"The real beauty of the building is seen when the right paints touch its walls"
— Ernest Agyemang Yeboah



Ashley Paugh

From: Kristopher Groszer <coastalconstructionllcde@gmail.com>
Sent: Thursday, September 29, 2022 1:39 PM
To: Planning and Zoning
Subject: Fwd: C/U 2321 Coastal Properties, LLC photos

FILE COPY

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

----- Forwarded message -----

From: Kristopher Groszer <coastalconstructionllcde@gmail.com>
Date: Thu, Sep 29, 2022 at 10:48 AM
Subject: C/U 2321 Coastal Properties, LLC photos
To: <pandz@sussexcountyde.com>

Received after
PZC Public Hearing
before
CC Public Hearing

Applicant
Exhibit

Good morning,

Here are the photos that Amy requested from planning and zoning regarding the completed work at 17677 Stingey Lane, Lewes, Delaware.

--

Sincerely,

Kris Groszer
Coastal Construction and
Coastal Custom Painting LLC
17677 Stingey Ln
Lewes, DE 19958
(302) 242-6134 Cell
(302) 227-2550 Office

"The real beauty of the building is seen when the right paints touch its walls"
— Ernest Agyemang Yeboah

--

Sincerely,

Kris Groszer
Coastal Construction and
Coastal Custom Painting LLC
17677 Stingey Ln
Lewes, DE 19958
(302) 242-6134 Cell
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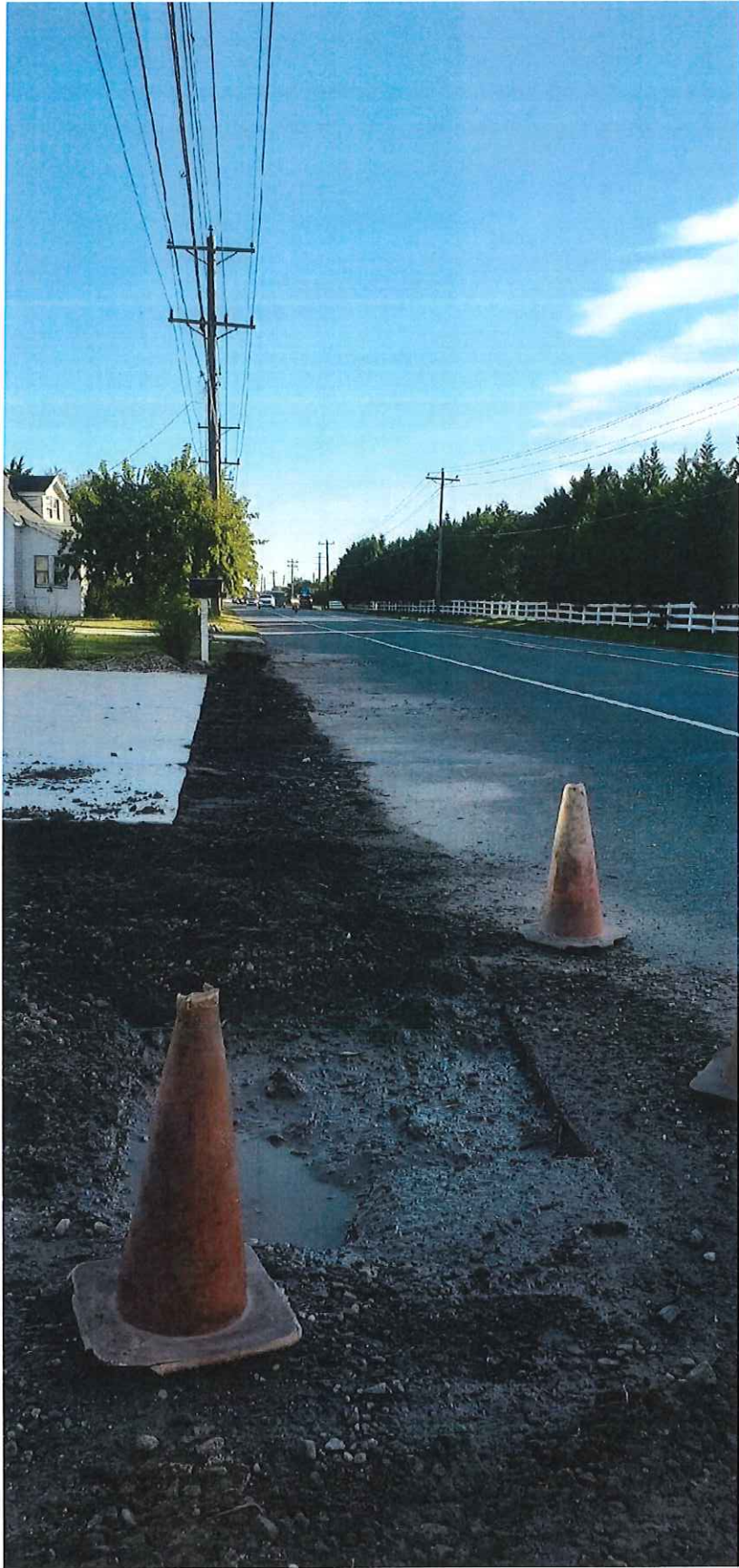












JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

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: September 8th, 2022

Application: C/Z 1964 Martin Property Development, LLC

Applicant: Martin Property Development, LLC
34913 Delaware Avenue
Frankford, DE 19945

Owner: Martin Property Development, LLC c/o Travis Martin
34913 Delaware Avenue
Frankford, DE 19945

Site Location: 34796, 34770, 34752, 34708 Delaware Avenue, Frankford. Lying on the west side of Delaware Avenue and the east side of Dupont Boulevard (Route 113), approximately 0.3 mile north of Parker Road (S.C.R. 380)

Current Zoning: C-1 – General Commercial District, AR-1 Agricultural Residential District

Proposed Zoning: LI-2 – Light Industrial District

Comprehensive Land Use Plan Reference: Developing Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Frankford Fire Company

Sewer: Sussex County

Water: Artesian

Site Area: 19.71 acres +/-

Tax Map ID.: 433-11.00-21.00 & 433-11.00-21.02





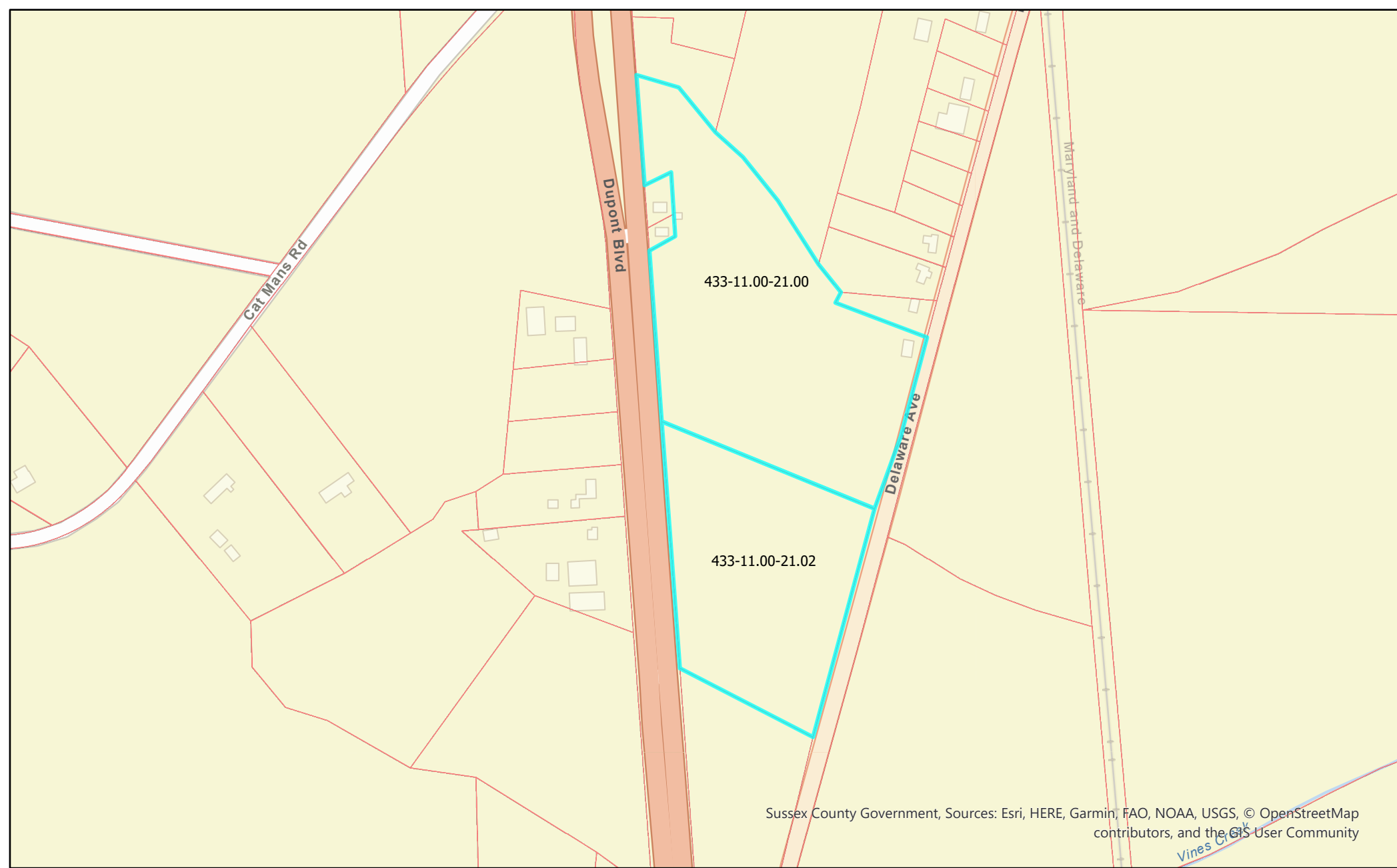
Sussex County Government, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



0 250 500 1,000 Feet

Tax Parcels:
433-11.00-21.00
433-11.00-21.02





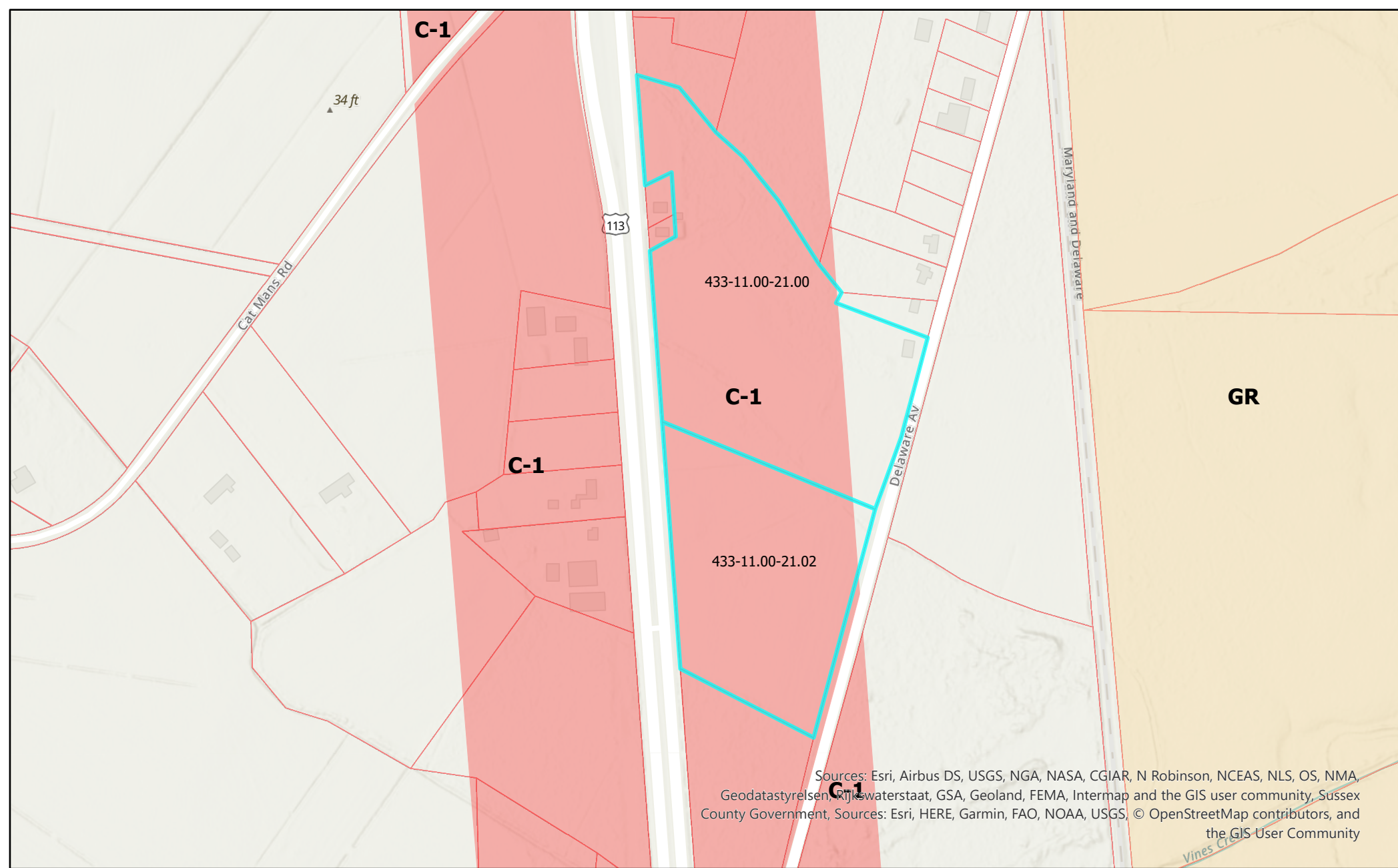
Sussex County Government, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



0 250 500 1,000 Feet

Tax Parcels:
433-11.00-21.00
433-11.00-21.02





0 250 500 1,000 Feet



Tax Parcels:
433-11.00-21.00
433-11.00-21.02

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

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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Michael Lowrey, Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 5, 2022
RE: Staff Analysis for C/Z 1964 Martin Property Development, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/Z 1964 Martin Property Development LLC to be reviewed during the September 8th, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcels 433-11.00-21.00 & 433-11.00-21.02 to allow for a change of zone from an Agricultural Residential District (AR-1) and a General Commercial District (C-1) to a Light Industrial District (LI-2) to provide for improvements including 196,973 square feet of warehouse use, 10,00 square feet of office use, two pipe yards, parking, and ancillary improvements. The properties are lying on the west side of Delaware Avenue and on the east side of Dupont Boulevard (Route 113), approximately 0.3 mile north of Parker Road (S.C.R. 380). The two parcels consist of a total of 19.71 acres +/-.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the plan indicates that the subject parcels have a designation of “Developing Area”, with the parcels adjacent on the west side of Delaware Avenue having Future Land Use Map designation of “Developing Area” and the parcels to the east across Delaware Avenue having designations of both “Developing Area” and “Commercial Area”. The parcels immediately west on the opposite side of Dupont Boulevard (Route 113) have a Future Land Use Map designation of “Commercial Area.”

Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the proposed Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers (Sussex County Comprehensive Plan, 4-14). As outlined within the 2018 Sussex County Comprehensive Plan, Developing Areas “should allow for business and industrial parks” in portions with “good road access and few nearby homes.”



Zoning Information

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 Light Industrial (LI-1) District is listed as an Applicable Zoning District within a “Developing Area.” (Sussex County Comprehensive Plan, 4-25).

The property is dual-zoned with approximately 17.21 acres of the western portions of the properties (with frontage along Dupont Boulevard (Route 113)), being zoned General Commercial (C-1) District. The eastern portions of the properties (with frontage along Delaware Avenue) consist of 2.5 acres is currently zoned Agricultural Residential (AR-1) District.

The adjacent parcels to the north, south, and west on both sides the Dupont Boulevard (Route 113) corridor are zoned General Commercial (C-1) District. The adjacent parcels to the east are zoned Agricultural Residential (AR-1) District.

Existing Conditional Uses within the Vicinity of the Subject Site

Since 2011, there has been one (1) Change of Zone application within a 1-mile radius of the application site. The application was Change of Zone No. 1894 for a change of zone from an Agricultural Residential (AR-1) District to a Heavy Commercial (C-3) District. The application was approved by the Sussex County Council at their meeting of Tuesday, November 19, 2019, and the change was adopted through Ordinance No. 2693.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a General Commercial (C-1) and an Agricultural Residential (AR-1) District to a Light Industrial (LI-2) District could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CZ 1964
202118394
202118396

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

N/A

Type of Conditional Use Requested:

N/A

Tax Map #: 433-11.00-21.00 & 02

Size of Parcel(s): Bldg. A - 33,000 SF

8.77 acres & 10.94 acres

Bldg. B - 11,900 SF

Current Zoning: C1 AND AR-1 Proposed Zoning: LI2

Size of Building: Bldg C - 25,000 SF

Bldg D - 25,000 SF

Land Use Classification: Commercial

Water Provider: Artesian Water

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Martin Property Development, LLC

Applicant Address: 34913 Delaware Avenue

City: Frankford

State: DE

Zip Code: 19945

Phone #: (443) 880-8330

E-mail: tmartin@cphinc.com

Owner Information

Owner Name: Travis Martin

Owner Address: 34913 Delaware Avenue

City: Frankford

State: DE

Zip Code: 19945

Phone #: (443) 880-8330

E-mail: tmartin@cphinc.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Rob Plitko - Plitko LLC

Agent/Attorney/Engineer Address: 53 Atlantic Ave. Suite #3

City: Ocean View

State: DE

Zip Code: 19970

Phone #: (302) 222-2075

E-mail: rplitko@plitko.com



Check List for Sussex County Planning & Zoning Applications

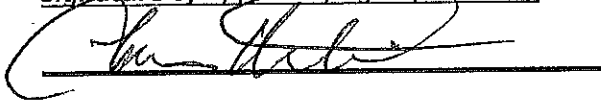
The following shall be submitted with the application

- 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.

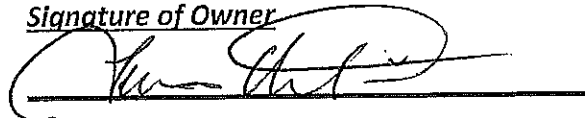
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 10/25/21

Signature of Owner



Date: _____

For office use only:

Date Submitted: 12/22/2021
Staff accepting application: Ces
Location of property: _____

Fee: \$500.00 Check #: 2064
Application & Case #: 202118394

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

NICOLE MAJESKI
SECRETARY

July 27, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Travis Martin** proposed land use application, which we received on July 19, 2021. This application is for an approximately 19.71-acre assemblage of parcels (Tax Parcels: 433-11.00-21.00 and 21.02). The subject land is located on the west side of Delaware Street (Sussex Road 54A). The subject land is currently zoned C-1 (General Commercial) with a proposed zoning of LI-2 (Light Industrial) and the applicant seeks to build a warehouse/ storage and office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Delaware Street from Dupont Boulevard (US 113) to S. Frankford Limit is 731 vehicles per day.

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



Mr. Jamie Whitehouse

Page 2 of 2

July 27, 2021

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director

(302) 855-7878 T
(302) 854-5079 F



Sussex County
DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 7-19-2021

Site Information:

Site Address/Location: EAST SIDE OF RT. 113, 0.3 mi. N OF DEL. AVE

Tax Parcel Number: 433-11.00-21.00; 433-11.00-21.02

Current Zoning: C-1

Proposed Zoning: LI-2

Land Use Classification: _____

Proposed Use(s):

WAREHOUSE / STORAGE & OFFICE

Square footage of any proposed buildings or number of units: 110,000 SF WAREHOUSE
2,000 SF OFFICE

Applicant Information:

Applicant's Name: Travis Martin

Applicant's Address: 34913 Delaware Ave.

City: Frankford State: DE Zip Code: 19945

Applicant's Phone Number: 443-880-8330

Applicant's e-mail address: Tmartin@cpnhinc.com



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

Last updated 3-12-20

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/24/2022**

APPLICATION: **CZ 1964 Martin Property Development, LLC**

APPLICANT: **Martin Property Development, LLC**

FILE NO: **OM-8.12**

TAX MAP &
PARCEL(S): **433-11.00-21.00 & 21.02**

LOCATION: **Lying on the west side of Delaware Avenue and the east side of DuPont Boulevard, approximately 0.3 mile north of Parker Road (SCR 380)**

NO. OF UNITS: **Upzone from AR-1 & C-1 to LI-2 (Light Industrial**

GROSS
ACREAGE: **19.71**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Blair Lutz** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **If the number of EDU's exceeds the allotted number the infrastructure will need to be installed at owner/developer's expense to serve the project.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



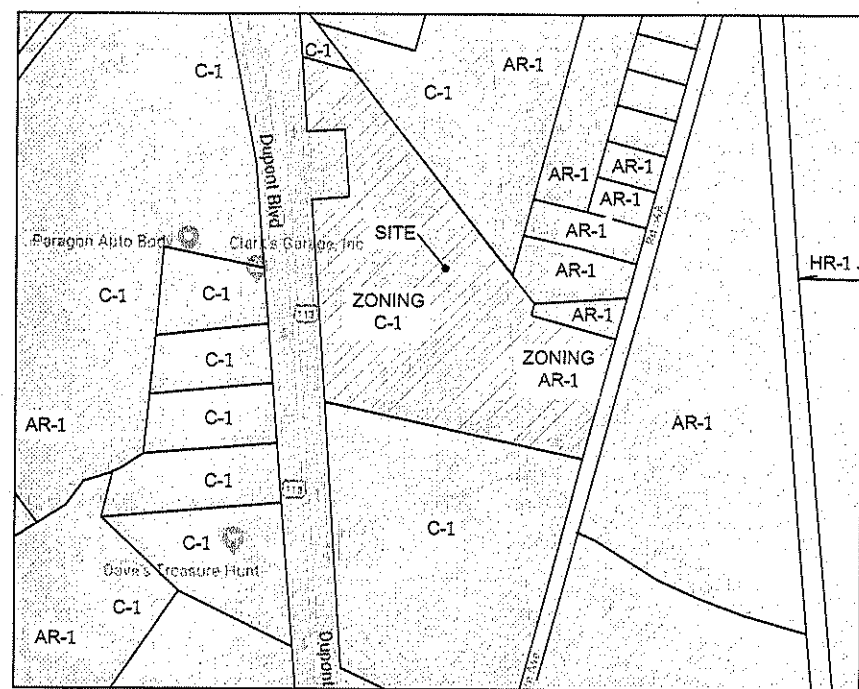
John J. Ashman
Sr. Manager of Utility Planning & Design Review

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Blair Lutz

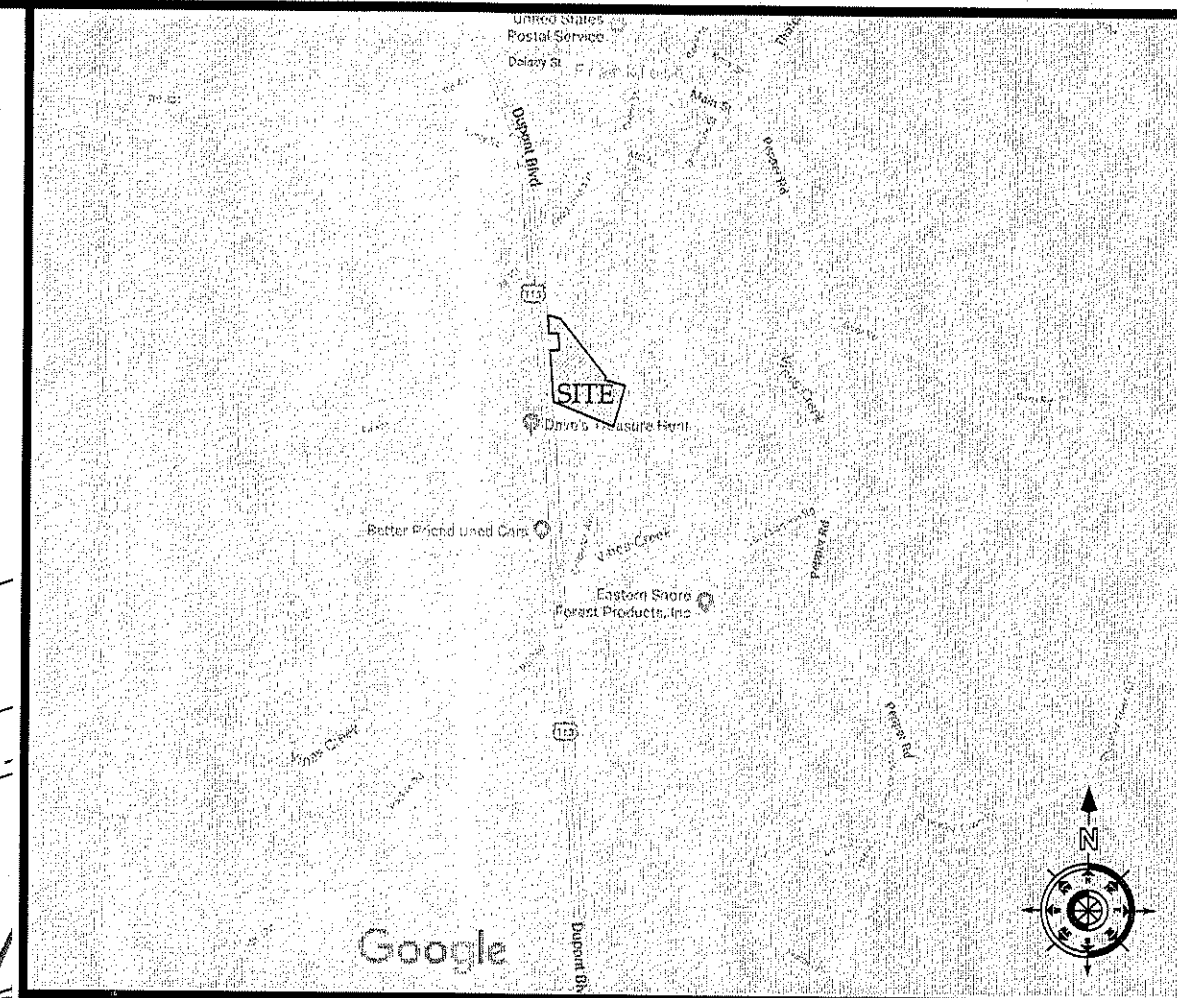
FRANKFORD BUSINESS PARK PHASE 2

SUSSEX COUNTY, DELAWARE
T.M.#433-11.00-21.00

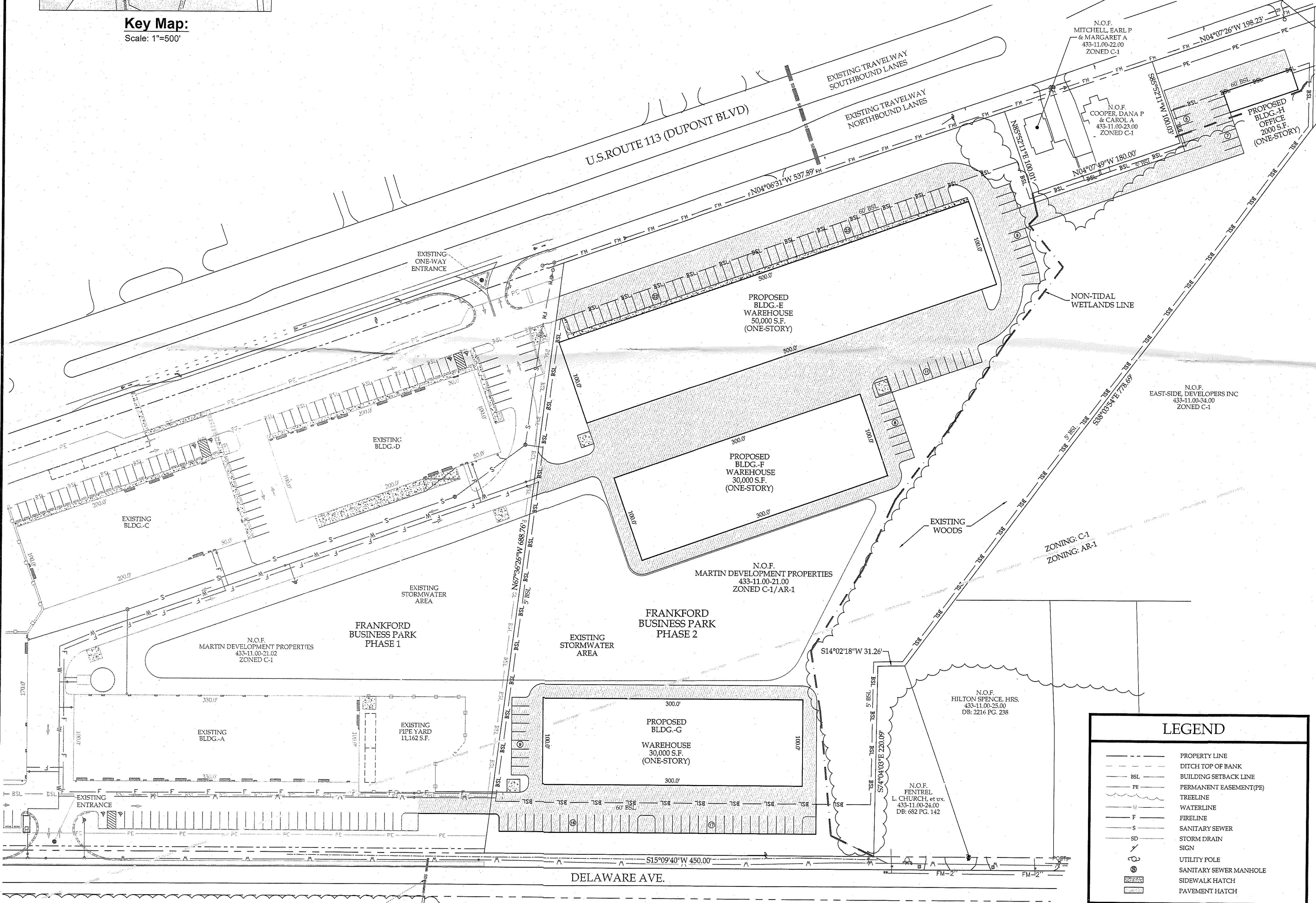
PRELIMINARY SITE PLAN



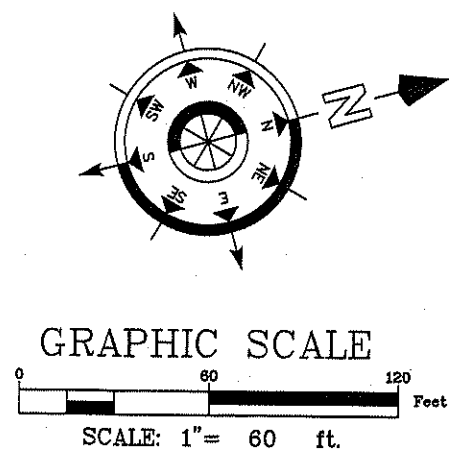
Key Map:
Scale: 1"=500'



VICINITY MAP



LEGEND	
	PROPERTY LINE
	DITCH TOP OF BANK
	BUILDING SETBACK LINE
	PERMANENT EASEMENT (PE)
	TREELINE
	WATERLINE
	FIRELINE
	SANITARY SEWER
	STORM DRAIN
	SIGN
	UTILITY POLE
	SANITARY SEWER MANHOLE
	SIDEWALK HATCH
	PAVEMENT HATCH



PRELIMINARY SITE PLAN

PLAN DATA:

CONTRACT PURCHASER/ APPLICANT:
MARTIN PROPERTY DEVELOPMENT, LLC
TRAVIS MARTIN
34913 DELAWARE AVE.
FRANKFORD, DE 19945
PHONE: 302-732-6006

TAX MAP NO.	433-11.00-21.00
SITE AREA:	10.94± ACRES
CURRENT ZONING:	C-1 & AR-1
PROPOSED ZONING:	LI-2
TIDAL WETLANDS AREA:	2.705 ACRES
NON-TIDAL (Section 404) WETLANDS AREA:	N/A
TOTAL WETLANDS AREA:	2.705 ACRES
FLOOD ZONE:	X
FLOOD INSURANCE MAP NUMBER:	10005C0488J
PROPOSED BUILDING CONSTRUCTION:	METAL
MAXIMUM BUILDING HEIGHT:	42.0'
SANITARY SEWER:	DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT ARTESIAN

WATER SUPPLIED BY:
TOTAL NUMBER OF UNITS PROPOSED:

OFFICE (1 PER 200 SF)	10 SPACES
WAREHOUSE (1/2 EMPLOYEES):	62 SPACES
TOTAL SPACES REQUIRED:	72 SPACES

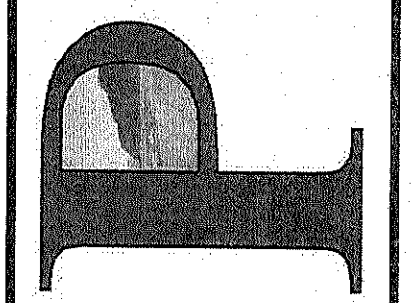
PARKING PROVIDED: 127 SPACES

SETBACKS:

FRONT	60'
SIDE	5'

REVISION	DATE	DESCRIPTION

PLITKO, LLC
53 ATLANTIC AVE., SUITE #3
OCEAN VIEW, DE 19970
PHONE (302)-537-1919



FRANKFORD BUSINESS PARK
PHASE 2
PRELIMINARY SITE PLAN
SUSSEX COUNTY, DELAWARE

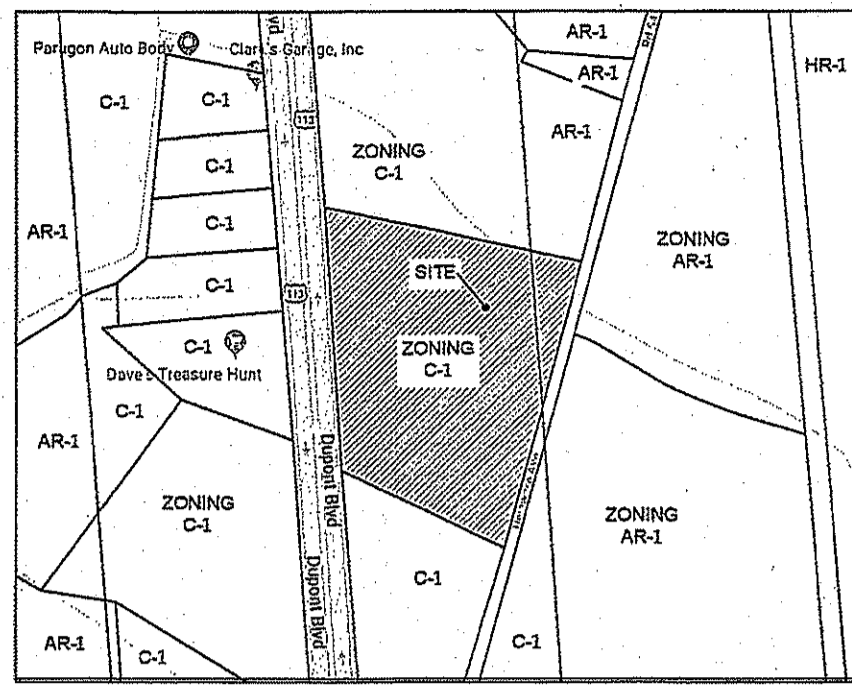
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Designed:	
Planned:	
Drawn:	2021-10-13
Approved:	RP
Sheet No.	10F1

FRANKFORD BUSINESS PARK

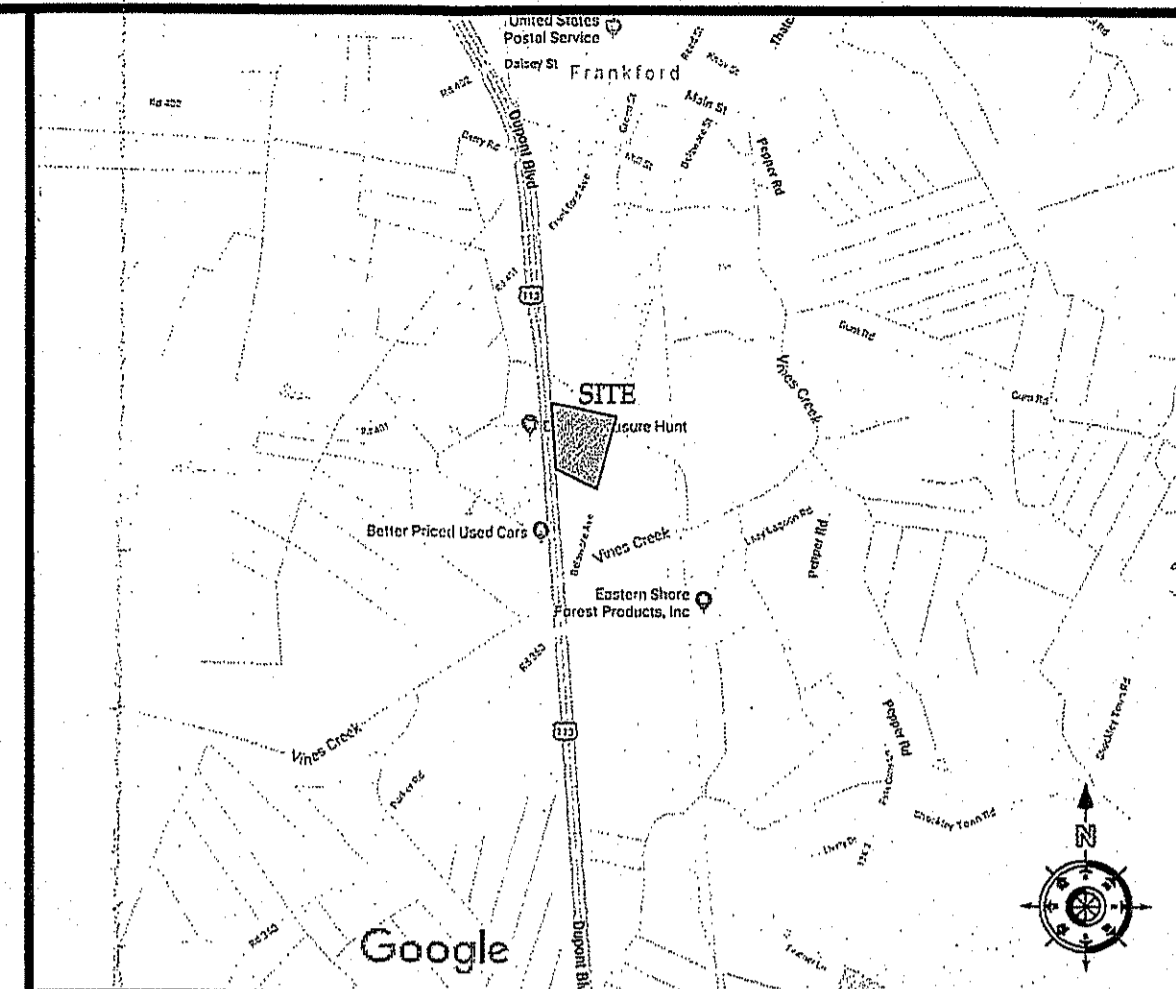
SUSSEX COUNTY, DELAWARE

T.M.#433-11.00-21.02

FINAL SITE PLAN



Key Map:
Scale: 1"=500'

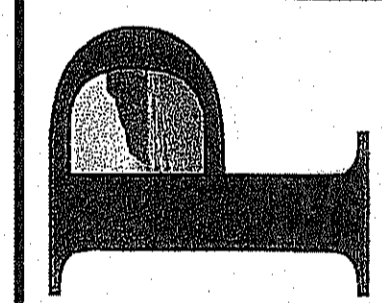


VICINITY MAP

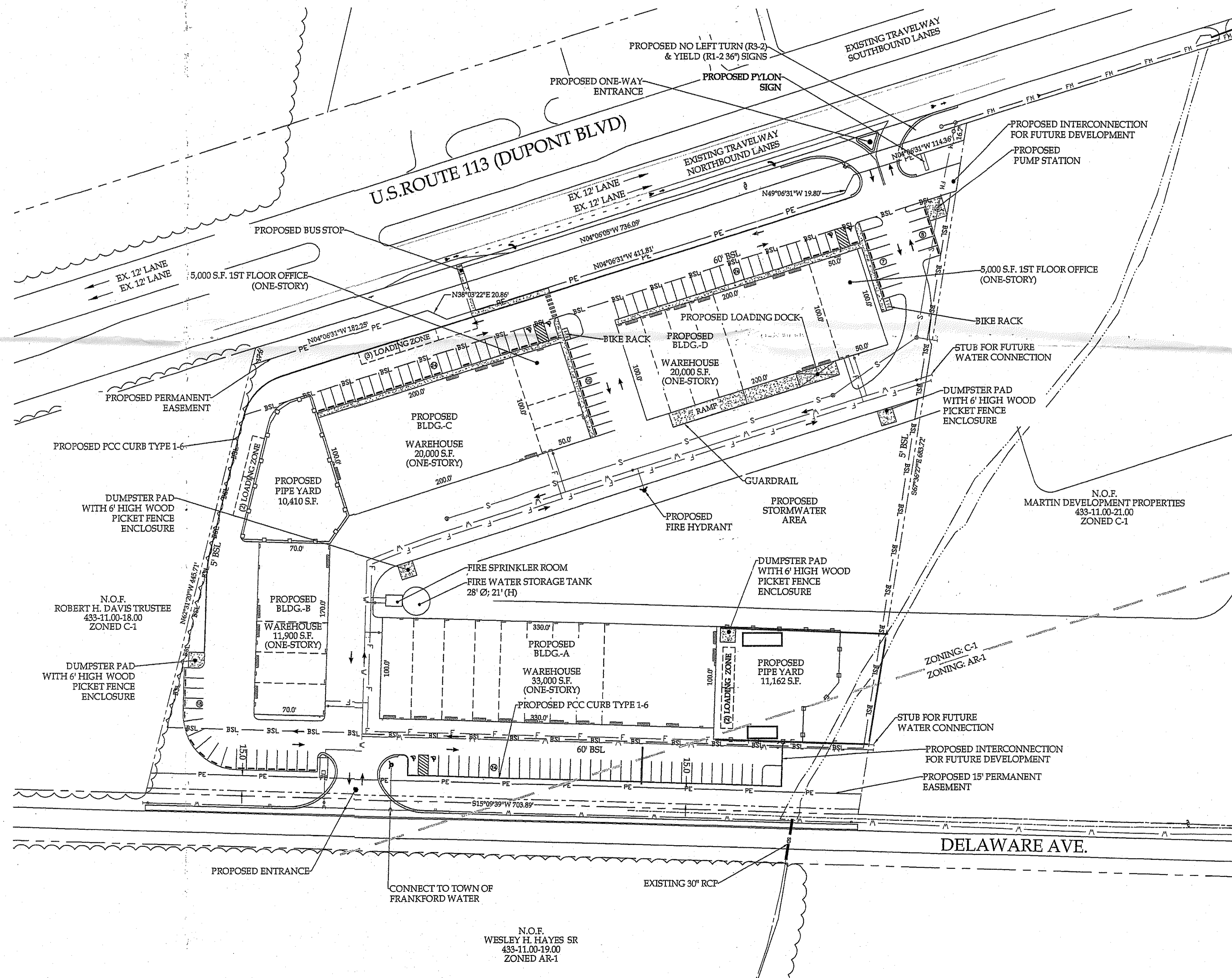
PLAN DATA:

CONTRACT PURCHASER/ APPLICANT: MARTIN PROPERTY DEVELOPMENT, LLC TRAVIS MARTIN 34913 DELAWARE AVE. FRANKFORD, DE 19945 PHONE: 302-732-6006	
TAX MAP NO.	433-11.00-21.02
SITE AREA:	8.77 ACRES
CURRENT ZONING:	C-1 & AR-1
PROPOSED ZONING:	C-1 & AR-1
TIDAL WETLANDS AREA:	N/A
NON-TIDAL (Section 404) WETLANDS AREA:	N/A
TOTAL WETLANDS AREA:	N/A
FLOOD ZONE:	X
FLOOD INSURANCE MAP NUMBER:	10005C0488J
PROPOSED BUILDING CONSTRUCTION:	METAL
MAXIMUM BUILDING HEIGHT:	42.0'
SANITARY SEWER:	DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT ARTESIAN
WATER SUPPLIED BY:	10,000 S.F. OFFICE
TOTAL NUMBER OF UNITS PROPOSED:	84,900 S.F. WAREHOUSE (95 EMPLOYEES)
TOTAL PIPE YARD AREA:	21,572 S.F.
PARKING REQUIRED:	50 SPACES
OFFICE (1/200SF):	48 SPACES
WAREHOUSE (1/2 EMPLOYEES):	98 SPACES
TOTAL SPACES REQUIRED:	
PARKING PROVIDED:	122 SPACES
LOADING SPACES PROVIDED:	7 SPACES
SETBACKS:	FRONT 60' SIDE 5'

PLITKO, LLC
53 ATLANTIC AVE., SUITE #3
OCEAN VIEW, DE 19970
PHONE (302)-537-1919



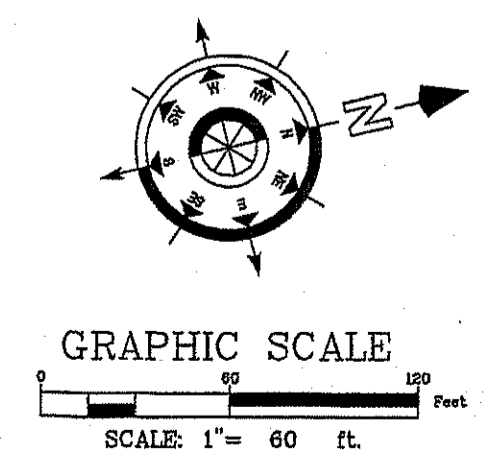
FRANKFORD BUSINESS PARK
FINAL SITE PLAN
SUSSEX COUNTY, DELAWARE



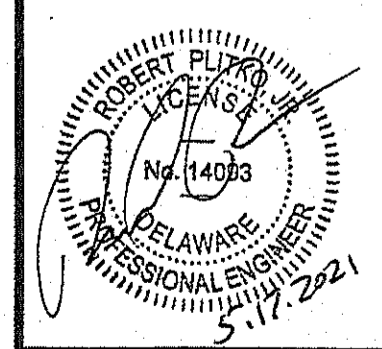
LEGEND

---	PROPERTY LINE
---	BUILDING SETBACK LINE
---	PERMANENT EASEMENT (PE)
---	TREELINE
---	WATERLINE
---	FIRELINE
---	SANITARY SEWER
---	STORM DRAIN
---	SIGN
---	UTILITY POLE
---	SANITARY SEWER MANHOLE
---	PROPOSED SIDEWALK HATCHING

Revised Final Site Plan
APPROVED
Per P&Z Commission
May 27, 2021
SUSSEX COUNTY
PLANNING & ZONING COMMISSION
1180



FINAL SITE PLAN



Scale:	
Designed:	
Planned:	
Drawn:	2021-5-17
Approved:	RP
Sheet No.	1 OF 1



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

July 20, 2022

Rob Plitko
PLITKO, LLC
32133 Omar Road
Frankford, DE 19945

RE: PLUS review – 2022-06-15; Frankford Business Park, Phase 2

Dear Mr. Plitko:

Thank you for meeting with State agency planners on June 22, 2022 to discuss the proposed plans for the Frankford, Business Park Phase 2. According to the information received, you are seeking review of a site plan for the expansion of the existing Frankford Business Park and to construct 112,073.5 SF of warehouse space.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

Regarding the rezoning, it was discussed at the meeting that C-1 is a closed district in the Sussex County Plan. Michael Lowery, Sussex County Planner, stated that the applicant should contact the County to determine which zoning district would be appropriate. The Office of State Planning determined that if the zoning requested changes to comply with the Sussex County Plan, an additional PLUS review would not be required, provided the site plan does not change.

This project may be consistent with the 2020 Strategies for State Policies and Spending as it is located within Investment Level 3. Investment Level 3 reflects areas where growth is anticipated by local, county, and state plans in the longer-term future, or areas that may have environmental or other constraints to development. State investments may support future growth in these areas, but please be advised that the State has other priorities for the near future.

Based on comments from State agencies, if this parcel contains environmental concerns or other constraints to development, the state requests that the applicant and the local jurisdiction work with state agencies to design the site with respect to those environmental features which will help create a more sustainable development.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Stephen Bayer 302-760-4834

- The subject property fronts on US Route 113 and is therefore subject to the Department's Corridor Capacity Preservation Program (CCPP). See Section 1.2 of DelDOT's Development Coordination Manual and Section 145, Title 17 of the Delaware Code. The goal of the Program is to maintain the capacity of the existing highway by managing access along it.
 - As stated on the PLUS application, the subject development is proposed in a Level 3 Investment Area. In such areas, State policies will promote efficient, orderly development and the coordinated phasing of infrastructure investment, consistent with the extent and timing of future growth, and within the limitations of state financial resources.
 - In accordance with the CCPP policy, the development will be required to limit vehicle trips to under 200 per day off of the US Route 113 access. The developer will be required to coordination with DelDOT's subdivision section regarding the internal site layout to comply with the trip limit on the US Route 113 access.
 - The CCPP policy can be viewed on Department's website at www.deldot.gov.
- The site access on DuPont Boulevard (US Route 113) and the site access on Delaware Avenue (SCR 54A) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.
- Each segment of State maintained road is assigned a Functional Classification in accordance with the States Functional Classification Map. Definitions of these classifications are found in Sections 1.6.4 to 1.6.8 of the Manual. The existing design of the road is not required to meet the design standards of the functional classification at the time the classification is assigned. All access designs shall meet the standards set forth in the Manual for the assigned functional class of the frontage road and/or affected segment of road. The developer is responsible for improving the segment of road along their site's frontage to meet the design standards of the road's functional class.

- Questions regarding the requirement to improve the site frontage should be directed to the Sussex County Review Coordinator, Mr. Steve McCabe. Mr. McCabe may be reached at Richard.McCabe@delaware.gov or (302) 760-2276.
- Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request the meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. Using the 11th edition of the Institute of Transportation Engineers' Trip Generation Manual, DelDOT estimates that the subject development, consisting of 112,073.5 square feet of warehousing space, would generate 231 vehicle trip ends per day and estimates the weekday morning and evening peak hour trip ends at 38 and 41, respectively. Therefore, a TIS would not be required.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the outmost edge of the through lane on US Route 113. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline of Delaware Avenue. The following right-of-way dedication note is required, **"An X-foot wide strip of right-of-way from the centerline is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby dedicated in fee simple to the State of Delaware, acting by and through the Delaware Department of Transportation."**

- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
 - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
 - Depiction of all existing entrances within 600 feet of the proposed entrance on US Route 113 and 450 feet of the proposed entrance on Delaware Avenue.
 - Notes identifying the type of off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5.4.2 of the Manual addresses requirements for Shared Use Paths (SUP) and sidewalks. For projects in Level 3 and 4 Investment Areas, installation of paths or sidewalks along the frontage on State-maintained roads is required where there is an existing path with which to connect. DelDOT does not anticipate requiring the developer to provide a Shared Use Path along their frontage.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. DelDOT anticipates requiring the access on Delaware Avenue to be designed to handle all existing and proposed site traffic excluding the 200 trips allowed to use the entrance on US Route 113 due to the CCPP regulation cited above.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Contact Clare Quinlan
Katherine.Quinlan@delaware.gov

Disclaimer Clause: Staff from the Delaware Department of Natural Resources and Environmental Control (DNREC) reviewed the project submitted for PLUS review. The absence of comments regarding specific resources does not indicate that there are not additional constraints or environmental issues on site, nor does it indicate DNREC support of a project.

Developers and municipal officials are encouraged to reach out to Clare Quinlan at (302) 735-3480 if they have any specific requests for information.

Concerns Identified Within the Development Footprint

Wetlands and Subaqueous Lands

Maps from the Statewide Wetlands Mapping Project indicate the potential presence of non-tidal wetlands on the site. The application indicates that wetlands have been delineated. The application does not propose direct impacts to the wetlands.

Requirements:

- If the site design changes and dredge or fill of wetlands or subaqueous lands becomes necessary, permitting and/or authorization requirements may apply.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.

Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.

Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

Vegetated Buffer Zones

Site plans do not show a vegetated buffer along wetlands. Vegetated buffer zones placed adjacent to waterways and wetlands help improve water quality by reducing sediment and pollutants loads. They also provide valuable habitat and can help prevent encroachment of human activities into ecologically sensitive areas. Vegetated buffers are not equivalent to setbacks, as residential lots, walkways, and stormwater management facilities should not be contained within the vegetated buffer zone.

Requirements:

- The applicant must comply with minimum vegetated buffer widths as identified within county and municipal codes.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Stormwater Management

This application proposes greater than 5000 square feet of land disturbing activities, therefore, this project will be subject to Delaware's *Sediment and Stormwater Regulations*.

Requirements:

- A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this

project, the plan review agency is the Sussex Conservation District.

- Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.dnrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
- Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of this process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Hydrologic Soils Group

Hydrologic Soil Group A/D soils (very poorly drained) have been identified over most of the site. These soil types are typically not conducive to utilizing infiltration stormwater Best Management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

Requirements:

- Any stormwater Best Management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Wastewater permits – Large Systems

Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.

Requirements:

- If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948.

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

State Historic Preservation Office – Contact Carlton Hall 302-736-7400

- There is moderate to high potential for pre-Contact archaeological sites along the southern half of the parcel due to a nearby fresh water source. The parcel has remained consistently forested or agricultural fields with minimal ground disturbance. Our office is recommending an archaeological survey of the project area prior to any ground disturbance.
- The developer should also be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch.54).

Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

This document is for information purposes only and does not constitute any type of approval from the Delaware State Fire Marshal's Office

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements

- Water distribution system capable of delivering at least 1,500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for business occupancy sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features

- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- Buildings greater than 10,000 Sq. Ft., 3-stories or more, over 35 feet in height, or classified as High Hazard are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means that the access road to the site must be constructed so fire department apparatus may negotiate it. If a “center island” is placed at an entrance road, it shall be arranged in such a manner that it will not adversely affect quick and unimpeded travel of fire apparatus into the site.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet.
- The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information

- Provide type of fuel proposed and show locations of bulk containers on plan.

Required Notes

- Provide a note on the final plans submitted for review to read “All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Stephen Bayer 302-760-4834

- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal driveway with no direct access to US Route 113 of Delaware Avenue.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 16, 2022. The notes can be found at <https://www.deldot.gov/Business/subdivisions/>

Department of Natural Resources and Environmental Control – Contact Clare Quinlan 302-735-3480

Wetlands and Subaqueous Lands

- As proposed for this project, do not disturb wetland areas. Wetlands are a critical part of our natural environment. They reduce the impacts of flooding, absorb pollutants, and improve water quality. Wetlands provide habitat for animals and plants and many contain a wide diversity of life, supporting plants and animals that are found nowhere else.

Federal Contact: U.S. Army Corps of Engineers (Dover Office) at (267) 240-5278.
Website: <https://www.nap.usace.army.mil/Missions/Regulatory/Contacts/>

State Contact: DNREC Wetlands and Subaqueous Lands Section at (302) 739-9943.
Website: <https://dnrec.alpha.delaware.gov/water/wetlands-subaqueous/>

Vegetated Buffer Zones

- Incorporate a 100-foot vegetated buffer zone from the edge of wetlands to protect water quality and to provide an additional margin of safety for flooding.

- Vegetated buffer zones should be left undisturbed during construction and should be identified outside of the Limit of Disturbance on the engineering plans. In some instances, stormwater outfalls, conveyances, and emergency spillways may cross through these zones, and will require temporary disturbance during construction.
- Maintain vegetated buffer zones as either grasslands/meadows or forest. Buffer zones should be planted exclusively with native trees and plants. Native plants are well-suited to our climate and require limited maintenance. They also provide an increasingly important role in the survival of native birds and beneficial insects whose habitat is shrinking due to development and climate change.
- Grass cutting for vegetated buffer zones if maintained as meadow should not occur between April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize meadows and grasslands for breeding habitat.

Contact: DNREC Wildlife Species Conservation & Research Program at (302) 735-3600.

Website: <https://dnrec.alpha.delaware.gov/fish-wildlife/contact-information/>

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219.

Website: <https://www.sussexconservation.org/>

General stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-mail: DNREC.Stormwater@delaware.gov.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/sediment-stormwater/>

Drainage

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.

- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Water Quality (Pollution Control Strategies)

This site lies within the Indian River Bay Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.

- Implement vegetated buffers with a width of at least 100 feet around all water features on or adjacent to the site.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable. Break up large parking lots with planted islands.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939.

Website: <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Additional Sustainable Practices

- Install electric vehicle charging stations for employees. It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).
- Consider using renewable energy infrastructure such as solar or geothermal to reduce energy costs and further reduce pollution created from offsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric

utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).

- On large expanses of impervious surfaces and asphalt, design parking areas to include trees for shading.
- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over time. This saves consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material costs.

Contact: DNREC Division of Climate, Coastal & Energy at (302) 735-3480.

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Delaware Emergency Management Agency – Contact Phillip Cane 302-659-2325

- This parcel is located within an area of minimal flood concern (1000 years or greater). The First Street Foundation rates the community risk level of 3 for Frankford, which suggests a major risk from flooding, combining risks associated between residential properties, commercial properties, critical infrastructure facilities, social infrastructure facilities, and roads, and is expected to increase between now and the next 30 years.
- The county has a population density of 265.60 per square mile based on the US 2020 Census report; an increase from 2010 at 208.90 persons per square mile. The specific census block the project is located has a total population of 22 people, though, with development, this will certainly change. The adjacent blocks in aggregate bring the area to a total population of 211.
- The parcel is not currently assigned to an evacuation zone nor is it within the 10-mile EPZ zone for the Salem Nuclear Power Plant.
- According to FEMA's National Risk Index, the parcel is considered relatively low for overall natural hazards risks. Its community resilience and social vulnerability are rated as relatively moderate.

- In terms of energy use and consumption, the parcel utilizes electricity as the predominant fuel type for heating purposes. As such, the parcel has a photovoltaic power potential of 1487 kWh per kWp. As such, should solar panels be utilized, we recommend an optimum tilt of the photovoltaic modules to be at approximately 35 degrees which could provide a potential of 1806 kWh/m². DEMA strongly encourages the use of renewable energies and high-efficiency appliances and utilities.
- In terms of utilities, DEMA suggests incorporating 90% series furnaces/HVAC systems, the closer to 99% the better as well as A/C units of 20 Seer or greater. DEMA recommends using tankless hot water heaters, and battery backup systems for sump pumps to reduce potential water damage from power failure.
- Lastly, DEMA encourages the integration of modern and emerging technologies, such as the potential for electric vehicles in garages/parking lots, green roofs where applicable and allowable, and the like.

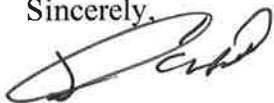
Delaware State Fire Marshall's Office – Contact Duane Fox 302-739-4394

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for an appointment.
- Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason, therefore.

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

Sincerely,



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

Attached:
Sussex County Planning & Zoning Comments
Sussex County Engineering Comments

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



Sussex County
DELAWARE
sussexcountyde.gov

Preliminary Land Use Service (PLUS) Meeting
June 22nd, 2022
June PLUS Comments
Sussex County Department of Planning & Zoning

I. Review and Discussion: Frankford Business Park – Phase 2 (2022-06-15)

Location: East side of US Route 113, approximately (0.3) miles north of Delaware Avenue

Project: A proposed change of zone from Agricultural Residential (AR-1) and General Commercial (C-1) at the site to accommodate a proposed expansion of the existing Frankford Business Park onto the north parcel TM #433-11.00-21.00

Sussex County Department of Planning & Zoning Comments

The applicant is required to participate in a pre-application meeting with the County. Please contact the Planning and Zoning Department to schedule a pre-application meeting with staff to discuss the proposed project by calling (302)855-7878 or you may reach out to Michael Lowrey at michael.lowrey@sussexcountyde.gov.

Following submission to the County, staff will review the Preliminary Site Plan, where more detailed comments will be provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

Please note that the following are informal staff comments, and do not prejudice any decision that the Sussex County Planning & Zoning Commission may wish to make as part of any application submitted to the Department.

Tax Parcel ID(s): 433-11.00-21.00

Zoning: The parcel is split-zoned General Commercial (C-1) and Agricultural Residential (AR-1). The Applicant proposes a change of zone to Light Industrial (LI-2). Commercial warehousing is a permitted use in the LI-2 Zoning District.

Proposed: The project proposes a change of zone from the split-zoned General Commercial (C-1) and Agricultural Residential to Light Industrial (LI-2) to accommodate an expansion of the existing Frankford Business Park with commercial improvements including three (3) warehouse structures comprising a total of (112,073.5) square feet and associated parking.

Density: N/A

Applicability to Comprehensive Plan: The project lies within the Growth Area and is categorized as “Developing Area” (per the 2018 Comprehensive Plan). Developing Areas are emerging growth areas where the Plan notes that portions with “good road access and few nearby homes should allow for business and industrial parks” (2018 Sussex County Comprehensive Plan, 4-14). The Light Industrial (LI-2) is listed as an Applicable Zoning Districts within the Coastal Area according to Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” per Sussex County’s 2018 Comprehensive Plan Update.

Open Space Provisions: N/A

Interconnectivity: While it is understood that there can be existing site constraints which may inhibit the ability for this proposal to connect to adjacent lands, please note that the Commission desire to see interconnectivity between proposed developments in order to prevent only one-way-in, one-way-out access in the event that an emergency should occur on the property. Staff also note the interconnectivity requirements for the specific uses indicated in (§115-219(A)(5 & 6)) and the standards for connectivity described in (§115-219(D)).

Transportation Improvement District (TID): The proposed project is not located within the Henlopen TID. Staff notes that under the applicable Combined Highway Corridor Overlay Zone (CHCOZ), the site “must accommodate pedestrian movement throughout the site to provide safe connections to transit stops, parking areas, and sidewalks” (§115-194.1(G)(1)(b)).

Agricultural Areas: The site is located within the vicinity of parcels which appear to be actively farmed. Please include on any future plans, the Agricultural Use Protection notice located in (§99-6(G)(1)) of the County Code. This language shall also be included within any subsequent deed restrictions, leases, or agreements of sale for the property.

Forested Areas: The Applicant notes that there are presently (2.3) acres of existing forest on the site and that no forest will be removed. Therefore, the site is retaining (2.3) acres of forested area (roughly 21% of the site). Staff note that the site is subject to the Combined Highway Corridor Overlay Zone (CHCOZ) which includes the requirement that a twenty (20) foot vegetated buffer be provided within the required front yard setback along the frontage on DuPont Boulevard (Route 113) (§115-194.1(E)(3)).

Wetlands: The Application notes that there are (2.3) acres of Non-Tidal Wetlands present on the site. Staff appreciate site design configurations that maximize the preservation of all wetlands and similar natural resources which may be present on the site. Staff note that a thirty (30) foot buffer may be required around the wetlands on the site if the wetlands are part of “perennial nontidal rivers and nontidal streams” (§115-193(B)). We recommend the applicant ensure that any required buffer area excludes any proposed stormwater management areas. The application indicates that the wetlands on the site have been delineated and signed off on by the U.S. Army Corps of Engineers.

Site Considerations (Flood Zones, Tax Ditches, Groundwater Recharge Potential etc.): The property is located within Flood Zone “X” (Areas determined to be outside of the



100 year floodplain) as indicated in the applicant's Conceptual Land Use Plan. This is accurate according to current data available to Sussex County Planning & Zoning. The Public Pre Check included with the State's PLUS file for the application indicates "Issues Found" regarding the FIRM map designation. Staff request that any discrepancies in FEMA FIRM Map floodplain designation be addressed. The site is located within an area of "poor" groundwater recharge according to Sussex County GIS data. Please note this on the future plan in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code (§89-7). Staff notes that the proposal is not within a wellhead protection area (§89-6).





Visit de.gov/plus for updates

**Preliminary Land Use Service (PLUS) Meeting
Meeting will be conducted on-line and in person
Room 133, Haslet Armory**

122 Martin Luther King Jr. Blvd., South

Please see <https://publicmeetings.delaware.gov/> for link to on-line access

June 22, 2022

Applicants should arrive at least 15 minutes before their appointed time. Times are approximate and are subject to change.

- I. 8:00 AM **Pre-Meeting Discussion – PLUS Reviewers**
- II. 8:30 AM **Review and Discussion: Moore’s Lake Shopping Center (2022-06-07)**
County: Kent **Municipality:** Unincorporated
Location: Multiple parcels at the southwest corner of W. Lebanon Road & S. State Street.
Project: Review of a rezoning of 1.770 acres to BG.
- III. 8:45 AM **Review and Discussion: Lands of Barlow Rezoning (2022-06-03)**
County: Kent **Municipality:** Unincorporated
Location: East side of S. DuPont Hwy, between Big Woods Rd. and Twin Willows Road.
Project: Review of a rezoning for 2.68 acres from RMH to BN.
- IV. 9:15 AM **Review and Discussion: U-Haul of Dover (2022-06-09)**
County: Kent **Municipality:** Unincorporated
Location: Northwest corner of S. Bay Road and E. Lebanon Road.
Project: Review of a site plan for self-storage facility with truck & trailer sharing service and related retail sales.
- V. 9:45 AM **Review and Discussion: Newspaper Publication Notices (2022-06-02)**
County: New Castle **Municipality:** Unincorporated
Location: Entire County.
Project: Review of an ordinance to amend the requirement to publish in the Saturday edition of the News Journal.
- VI. 10:00 AM **Review and Discussion: Country Club Estates (2022-06-10)**
County: New Castle **Municipality:** Unincorporated
Location: 5 parcels including 1339 & 1349 Churchtown Road.
Project: Review of a subdivision plan for 540 residential units (mix of single-family, townhomes and apartments) on 296 acres zoned S.

- VII. 10:30 AM **Review and Discussion: Carter Farm (2022-06-1)**
County: New Castle **Municipality:** Unincorporated
Location: 1240, 1208, 1280 Bethel Church Rd. & 1263 Choptank Rd.
Project: Review of a subdivision plan for 624 residential units (mix of single-family, townhomes and apartments) on 411.9 acres zoned S.
- VIII. 11:00 AM **Review and Discussion: Country Creek Phase 3 (2022-06-04)**
County: New Castle **Municipality:** Unincorporated
Location: East side of Creekside Dr., 550 ft. south of Huntington Ridge Rd.
Project: Review of a subdivision plan for 29 single-family dwelling units on 16.25 acres zoned NC6.5.

IX. 11:30 AM **LUNCH**

- X. 12:30 AM **Review and Discussion: Millsboro Comp Plan Amendment (2022-06-06)**
County: Sussex **Municipality:** Millsboro
Location: Mitchell Street, Millsboro
Project: Review of a comprehensive plan amendment of the future land use map to change two parcels from Highway commercial to Commercial. (Parcels proposed for annexation)

The Sussex County Engineering Department has no comment concerning the Comprehensive Land Use Amendment.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

- XI. 1:00 PM **Review and Discussion: CHEER – Gateway Village (2022-06-14)**
County: Sussex **Municipality:** Georgetown
Location: Corner of Route 9 and Sand Hill Road.
Project: Review of a Site Plan for an additional four apartment buildings (240 units), an administration building and maintenance building.

The Sussex County Engineering Department has no comment concerning the project within the Town of Georgetown.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302)-854-5088.

- XII. 1:30 PM **Review and Discussion: Hudson Store Parcel Rezoning (2022-06-12)**
County: Sussex **Municipality:** Unincorporated
Location: 34621 Atlantic Avenue, Dagsboro
Project: Review of a rezoning on 4.4 acres from AR-1/C-1 to C-3.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s)

and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

- XIII. 1:45 PM **Review and Discussion: Ward Property (2022-06-13)**
County: Sussex **Municipality:** Unincorporated
Location: East of Club House Road and north of Gail Circle.
Project: Review of a subdivision to create 15 lots on 6.4 acres zoned MR.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

- XIV. 2:25 PM **Review and Discussion: Sundance Club (2022-06-08)**
County: Sussex **Municipality:** Unincorporated
Location: Northwesterly corner of Railway Road and Old Mill Road.
Project: Review of site plan for 180 age-restricted detached condominium units on 50.6 acres zoned GR.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

XV. 2:45 PM

Review and Discussion: Marsh Homestead (2022-06-01)

County: Sussex

Municipality: Unincorporated

Location: South side of Waterview Road, approximately 775 ft. east of Camp Arrowhead Road.

Project: Review of a subdivision to create 41 single-family lots on 16.52 acres zoned AR-1.

The proposed project is located within a Tier 2 area and is contiguous to the Sussex County Unified Sanitary Sewer District. Annexation and connection to the sewer system is required.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Reivew Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

- XVI. 3:15 PM **Review and Discussion: Sycamore Chase Expansion (2022-06-05)**
County: Sussex **Municipality:** Unincorporated
Location: North side of Daisey Road, approximately 0.4 miles west of Bayard Rd.
Project: Review of a cluster subdivision for 133 single-family lots on 73.95 acres zoned AR-1 adjacent to the existing Sycamore Chase community.

The proposed project is located within a Tier 4 for wastewater planning with existing CPCN. Sussex County does not currently have a schedule to provide sanitary sewer to this project. The Sussex County Engineering Department recommends the project receive wastewater service from a public utility or municipality.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088

- XVII. 3:45 PM **Review and Discussion: Frankford Business Park Phase 2 (2022-06-15)**
County: Sussex **Municipality:** Unincorporated
Location: East side of US Route 113, approximately 0.3 miles north of Delaware Ave.
Project: Review of a site plan for 112,073.5 sq. ft. of warehouse space.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District and connection to the sewer system is mandatory.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 855-7719 for additional information on charges.

For questions regarding these comments, contact Chris Calio, Sussex County Engineering Department at (302) 854-5088



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

NICOLE MAJESKI
SECRETARY

September 1, 2022

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

Dear Mr. Whitehouse:

Note Concerning Revision:

Below is an update review requested by the County for our letter sent out July 27, 2021, for the **Travis Martin** land use application, which will be attached as an enclosure with this letter. This letter is being revised to inform the County that the applicant has already made an Area Wide Study Fee (AWSF) payment to DelDOT for the proposed land uses on Tax Parcel 433-11.00-21.02 (76,600 square feet of warehousing space and 32,800 square feet of office space). An AWSF letter has been issued for the referenced parcel. Because the proposed land uses (approximately 110,000 square feet of warehousing space and 10,000 square feet of office space) on Parcel 433-11.00-21.00 are estimated to generate fewer than 500 average daily trips and fewer than 50 peak hour trips, no additional AWSF payment is required by DelDOT. However, for the purpose of this application, the impact of both parcels (433-11.00-21.00 and 21.02) would still result in a **Minor** impact on the road network as described in paragraph 4 of this letter. The language regarding the estimated trip generation has been updated to reflect the above information. The Vehicle Volume Summary average daily trip data has been updated from 2019 to 2021. An updated paragraph regarding the CCPP has been included due to access onto US Route 113. The date has been updated.

The Department has completed its review of a Service Level Evaluation Request for the **Travis Martin** proposed land use application, which we received on July 19, 2021. This application is for an approximately 19.71- acre assemblage of parcels (Tax Parcels: 433-11.00-21.00 and 21.02). The subject land is located on the west side of Delaware Street (Sussex Road 54A). The subject land is currently zoned C-1 (General Commercial) with a proposed zoning of LI-2 (Light Industrial) and the applicant seeks to build a warehouse/ storage and office.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Delaware Street from Dupont Boulevard (US 113) to S. Frankford Limit is 731.



Mr. Jamie Whitehouse

Page 2 of 2

September 1, 2022

Based on our review, we estimate that the proposed land use will generate more than 50 vehicle trips per peak hour or 500 vehicle trips per day, and would be considered to have a **Minor** impact to the local area roadways. As agreed in the Memorandum of Understanding (MOU) between DelDOT and the County, an impact is Minor when a proposed land use would generate more than either 50 vehicle trips per peak hour and / or 500 vehicle trips per day but fewer than 200 vehicle trips in the weekly peak hour and fewer than 2,000 vehicle trips per day. As provided in the MOU for developments with Minor impact, DelDOT may require the developer to perform a Traffic Impact Study (TIS) for the subject application. If DelDOT does not require a TIS, the developer has the option to perform a TIS or to pay an Area-Wide Study Fee of \$10 per daily trip in lieu of doing a TIS. For this application, if the County were agreeable, we would permit the developer to pay an Area-Wide Study Fee.

The above-mentioned property is adjacent to US Route 113, making it subject to the Department's Corridor Capacity Preservation Program. The Program was established in accordance with the provisions of Title 17, Section 145 of the Delaware Code. The main goal of the Program is to maintain the capacity of the existing highway by minimizing and consolidating the number of high density, direct access points on the arterial highway. According to the Office of State Planning Coordination's Strategies for State Policies and Spending document, the property is located within a Level 3 Investment Area. In this area, State policies encourage efficient, orderly development and the coordinated phasing of infrastructure investment, consistent with the extent and timing of future growth, and within the limitations of state financial resources. The property owner can develop an access to US Route 113 for a site generating an average of 200 vehicle trips per day or less, as determined by the latest edition of the Institute of Transportation Engineer's Trip Generation Manual. The Corridor Capacity Preservation Program policy can be viewed on the Department's website at www.deldot.gov. The manual is located under the publication link. The US Route 113 North/South study can also be viewed on the Department's website under the projects link.

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 3 of 2

September 1, 2022

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

Sincerely,



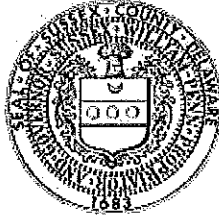
Sireen Muhtaseb
TIS Group Manager
Development Coordination

SM:afm

cc: Travis Martin, Applicant
Michael Lowrey, Sussex County Planning & Zoning
Sussex Reviewer, Sussex County Planning & Zoning
David Edgell, State Planning Coordinator, Cabinet Committee on State Planning Issues
Todd Sammons, Assistant Director, Development Coordination
Matt Schlitter, South District Public Works Engineer, Maintenance & Operations
Kevin Hickman, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
Thomas Gagnon, Subdivision Manager, Development Coordination
Joshua Johnson, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Claudy Joinville, Project Engineer, Development Coordination
Annamaria Fumato, Project Engineer, Development Coordination

PLANNING & ZONING
Jamie Whitehouse, AICP, MRTPI
Director

(302) 855-7878 T
(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

Service Level Evaluation Request Form

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

Date: 7-19-2021

Site Information:

Site Address/Location: EAST SIDE OF RT. 113, 0.3 mi. N OF DEL. AVE

Tax Parcel Number: 433-11.00-21.00; 433-11.00-21.02

Current Zoning: C-1

Proposed Zoning: LI-2

Land Use Classification: _____

Proposed Use(s):

WAREHOUSE / STORAGE & OFFICE

Square footage of any proposed buildings or number of units: 110,000 SF WAREHOUSE
2,000 SF OFFICE

Applicant Information:

Applicant's Name: Travis Martin

Applicant's Address: 34913 Delaware Ave.

City: Frankford State: DE Zip Code: 19945

Applicant's Phone Number: 443-880-8330

Applicant's e-mail address: Tmartin@cpnhine.com.



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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

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: September 8th, 2022

Application: C/Z 1965 Kent Walston, LLC

Applicant: Kent Walston, LLC
30398 Pavilion Drive #1704
Ocean View, Delaware 19970

Owner: Same as Applicant

Site Location: East Side of Kent Avenue, North of Jefferson Bridge Road

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Density Residential (MR)

Proposed Use: Duplex (multifamily, 2 units)

Current
Comprehensive Land
Use Plan Reference: Low Density

Proposed
Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Greenwood Fire Department

Sewer: County Sewer

Water: Private Provider

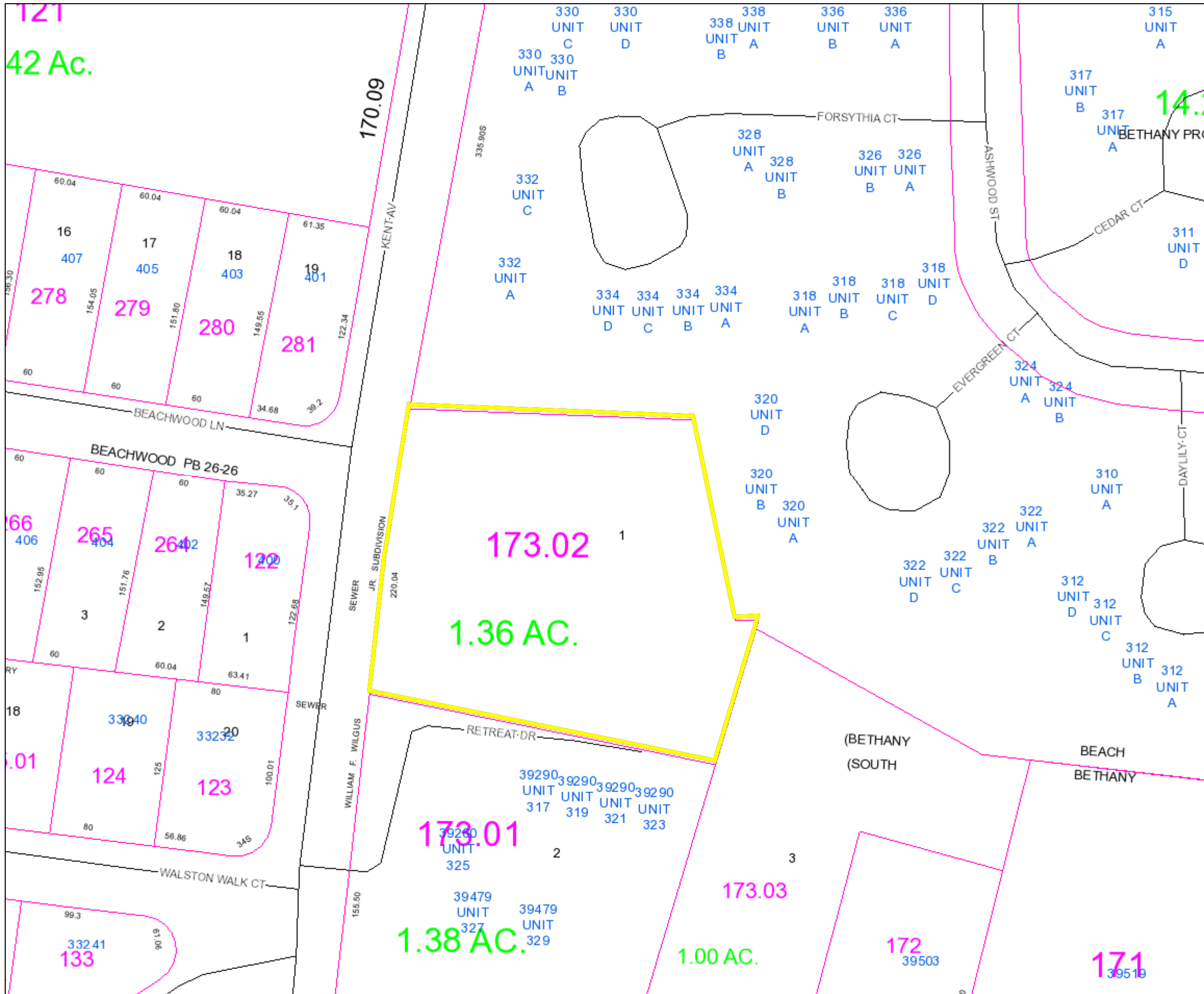
Site Area: 1.4 ac. +/-

Tax Map ID.: 134-17.07-173.02





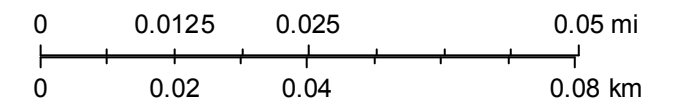
Sussex County



PIN:	134-17.07-173.02
Owner Name	KENT WALSTON LLC
Book	5429
Mailing Address	30398 PAVILION DR 1704
City	OCEAN VIEW
State	DE
Description	WILLIAM F WILGUS JR
Description 2	LOT 1
Description 3	BLK 2
Land Code	

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

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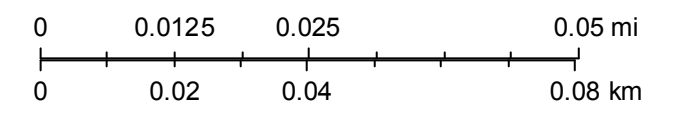
Sussex County



PIN:	134-17.07-173.02
Owner Name	KENT WALSTON LLC
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Description 3	BLK 2
Land Code	

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

1:1,128



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner II
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: August 5, 2022
RE: Staff Analysis for CU 2333, CZ 1965, and Ordinance No. 22-02

This memo provides backgrounds and an analysis for the Planning Commission to consider as a part of three (3) applications. They include Conditional Use No. 2333 (CU 2333), Change of Zone No. (CZ 1965), and Ordinance 22-02 (O-22-02). 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 subject applications of CU 2333, CZ 1965, and O-22-02 are for Tax Parcel 134-17.07-173.02. The property is on the east side of Kent Avenue (S.C.R. 361), just north of Jefferson Bridge Road (S.C.R. 361A) in Bethany Beach. The property is approximately 1.41 acres +/- . The Conditional Use application requests approval for two dwelling units (i.e. duplex). The Change of Zone requests a change from an Agricultural Residential District to a Medium Density Residential District. The Future Land Use Amendment proposes the change needed to support the CU and CZ applications.

Comprehensive Plan Analysis

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. This application involves an amendment to the Future Land Use Map (O-22-02). The Future Land Use of this parcel is classified as a "Municipalities Area". Please note that this property is not within the Municipality of Bethany Beach. The property is within the jurisdiction of Sussex County; and therefore, the proposed Land Use Designation is "Coastal Area."

The State of Delaware's Office of State Planning Coordination (a/k/a PLUS) has reviewed the proposal to change the Future Land Use Designation to Coastal Area. This review was completed on December 15th, 2021. Comments regarding the PLUS review have been included as part of the record and in the published packet.

Parcels to the north, northeast, and west do not have a Future Land Use Designation per Sussex County as they are within the Town of Bethany Beach. Parcels to the south, southeast, and southwest have a Future Land Use Designation of Coastal Area. As outlined in the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office, parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all



be allowed. In doing so, careful mixtures of homes with light commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas. (Sussex County Comprehensive Plan, 4-15).

Zoning Information

This application proposes a Change of Zone from an Agricultural Residential (AR-1) Zoning District to the Medium Density Residential (MR) Zoning District. 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 Density Residential (MR) Zoning District is listed as an Applicable Zoning District within the “Coastal Area” (Sussex County Comprehensive Plan, 4-25).

Properties to the north hold no Sussex County Zoning Designation as they are within the Town of Bethany Beach. The adjacent parcels to the southeast and southwest are within the Medium Density (MR) Zoning District. The property directly to the south is within the Vacation-Retirement-Residential Park District.

Conditional Uses Near the Subject Site

Since 2011, there has been three (3) Conditional Use applications within a one-mile radius. Conditional Use No. 1177, which proposed 25 multi-family units, was approved by the Sussex County Council on July 30th, 1997, through Ordinance No. 1158. Conditional Use No. 1802, which proposed 6 multi-family units, was approved by the Sussex County Council on October 5th, 2010 through Ordinance No. 2151. Conditional Use No. 2279, which proposed 11 multi-family units, was received a recommendation for approval by the Sussex County Planning and Zoning Commission. However, this application was withdrawn prior to being heard by the Sussex County Council. Staff note that a Conditional Use for office storage was issued for the property located at 32904 Coastal Highway in Bethany Beach. It was approved in 1972; however, little information is known about this application.

Based on the analysis provided, a Conditional Use for two (2) multi-family units, a Change of Zone to an MR District, and a Future Land Use Map Amendment to establish the property to be of the Coastal Area could be considered as consistent with the surrounding land uses, zoning designations, and environment.

File #: ed all CZ1965
202118466

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

East side of Kent Avenue north of Jefferson Bridge Road

Type of Conditional Use Requested:

change in zoning from AR-1 to MR

Tax Map #: 134-17.07-173.02 **Size of Parcel(s):** 60,958 sf (1.4 ac.)

Current Zoning: AR-1 **Proposed Zoning:** MR **Size of Building:** refer to site plan

Land Use Classification: Residential

Water Provider: Bethany Beach

Sewer Provider: Sussex County South Bethany

Applicant Information

Applicant Name: Kent Walston, LLC

Applicant Address: 30398 Pavilion Drive #1704

City: Ocean View **State:** DE **Zip Code:** 19970

Phone #: (302) 727-8818 **E-mail:** paul@paulmccabe.com

Owner Information

Owner Name: same as applicant

Owner Address: _____

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

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

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: George, Miles and Buhr, LLC

Agent/Attorney/Engineer Address: 206 West Main Street

City: Salisbury **State:** MD **Zip Code:** 21801

Phone #: (410) 742-3115 **E-mail:** kkalinski@gmbnet.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

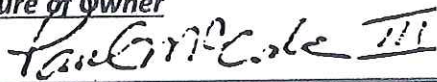
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 12/6/21

Signature of Owner



Date: 12/07/2021

For office use only:

Date Submitted: 12/28/21

Fee: \$500.00 Check #: 9072

Staff accepting application: ces

Application & Case #: 202118466

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

NICOLE MAJESKI
SECRETARY

November 15, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Kent Walston, LLC** proposed land use application, which we received on November 8, 2021. This application is for an approximately 1.36-acre parcel (Tax Parcel: 134-17.07-173.02). The subject land is located on the east side of Kent Avenue (State Route 54A) across from the intersection with Beachwood Lane. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of MR (Medium Density Residential) to build one duplex and one single family house.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Kent Avenue from Atlantic Avenue (State Route 26) to Westway Drive (Sussex Road 224), is 3,903 vehicles per day.

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

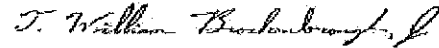
If the County approves this application, the applicant should be reminded that DeIDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

RECEIVED

DATE: **8/24/2022**

AUG 29 2022

APPLICATION: **CZ 1965 Kent Walston, LLC**

SUSSEX COUNTY
PLANNING & ZONING

APPLICANT: **Kent Walston, LLC**

FILE NO: **OM-2.07**

TAX MAP &
PARCEL(S): **134-17.07-173.02**

LOCATION: **East side of Kent Avenue, North of Jefferson Bridge Road.**

NO. OF UNITS: **Upzone from AR-1 to MR**

GROSS
ACREAGE: **1.4**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **A lateral will need to be installed for this parcel due to a parcel split after the original installation of sewer for the Bethany Beach Area.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:

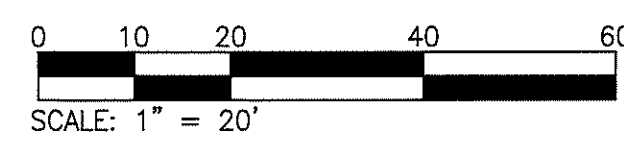


John J. Ashman
Sr. Manager of Utility Planning & Design Review

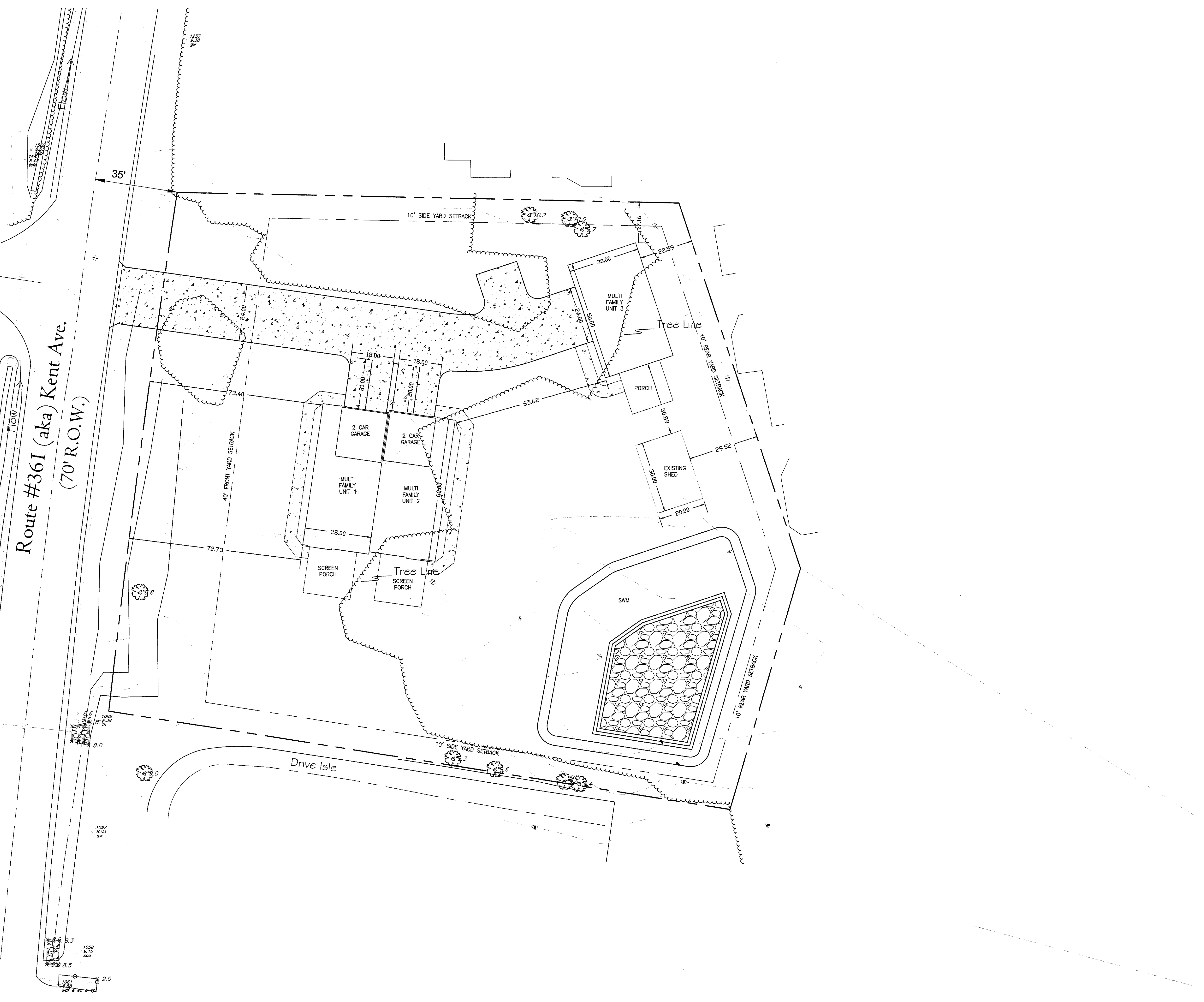
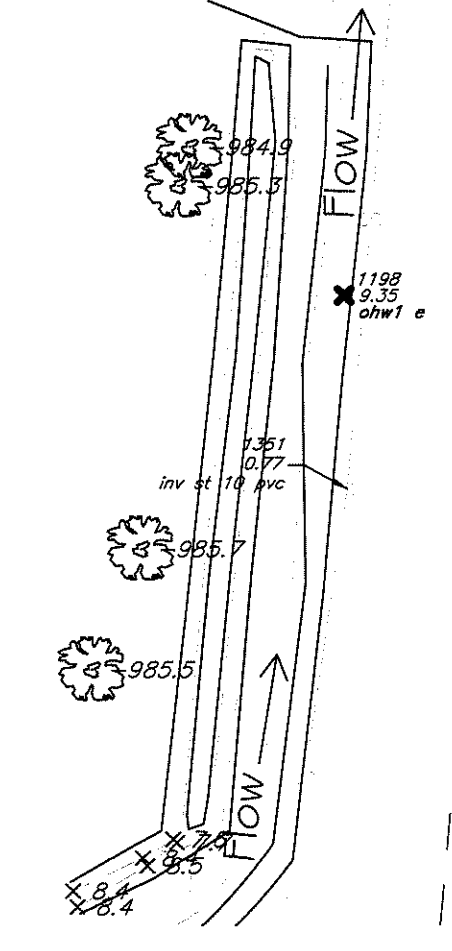
Xc: Hans M. Medlarz, P.E.
Lisa Walls
Noell Warren

G:\Projects\2021\210114 McCabe Conceptual SWM and Site Design\Drawings Working Set\Preliminary Plans\PSP3.0 Preliminary Site Plan.dwg, 12/13/2021, Kelly Kozak

PEN-RED 0.08 INCHES (2.0mm) PEN-YELLOW 0.07 INCHES (1.8mm) PEN-GREEN 0.10 INCHES (2.5mm) PEN-BLUE 0.09 INCHES (2.3mm) PEN-MAGENTA 0.07 INCHES (1.8mm) PEN-CYAN 0.14 INCHES (3.5mm) PEN-BLACK 0.08 INCHES (2.0mm)



15" RCP TO 12" PVC



SCALE : 1" = 20'	SHEET NO.
DESIGN BY : KK	PSP3.0
DRAWN BY : RFT	
CHECKED BY : KK	
GMB FILE : 210114	
DATE : DEC 2021	

PRELIMINARY SITE PLAN

KENT WALSTON
SUSSEX COUNTY, DELAWARE

GMB
 GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY • BALTIMORE • SEABOARD
 206 WEST MAIN STREET
 SALISBURY, MARYLAND 21801
 410-744-1111 • 410-666-3770
 www.gmbnet.com

PREPARED BY:
LEAP TECH
 LAND PLANNING, LLC
 32896 SOUTH COASTAL HIGHWAY, SUITE 202
 BETHANY BEACH, DELAWARE 19830
 PHONE: (302) 538-2586

NO.	REVISIONS	DATE

PRINTS ISSUED FOR:
REVIEW



Kent Walston Multi-Family

Parcel # 134-17.07-173.02

Conditional Use # 2333 & Change of Zone # 1965

Public Hearing Information Packet

September 2022
GMB Project No. 220127



GMB

GEORGE, MILES & BUHR, LLC

ARCHITECTS/ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
410.742.3115

SALISBURY/BALTIMORE/SEAFORD



**Kent Walston Multi-Family
TAX MAP 134-17.07-173.02
Conditional Use #2333 &
Change of Zone #1965**

**INFORMATION FOR PUBLIC RECORD
SEPTEMBER 2022**

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY

2. PLANNING & ZONING

- *Sussex County Conditional Use Application*
 - Letter to Planning & Zoning, dated 12/22/2021
 - Conditional Use Application
 - Zoning Map Amendment Application

- *Environmental Assessment / Public Facility Evaluation,*
 - *Preliminary Site Plan*

3. PRELIMINARY LAND USE SERVICE (PLUS)

- PLUS Application, dated 10/29/2021
- PLUS Response Letter, dated 8/24/2022

4. SITE SPECIFIC MAPS, PLANS AND DOCUMENTATION

- Parcels & Zoning Map
- List of Adjoining Property Owners
- Deed
- FEMA Map – Map # 1005C0516K & 1005C0512K
- Soils Map
- Flood Zone Map
- Land Use Map
- Wetlands & Tax Ditch Map
- Survey

5. SWM APPROACH

- SCD Pre-Application Meeting Minutes, dated 7/21/2021

6. TRAFFIC

- Service Level Evaluation Response, dated 11/15/2021

7. THREATENED AND ENDANGERED SPECIES

- Environmental Resources, Inc. Letter, dated 8/18/2022
- U.S. Dept. of the Interior, Fish and Wildlife Service Letter, dated 8/18/2022

1. EXECUTIVE SUMMARY

Kent Walston Multi-Family Project
Conditional Use 2333 & Change of Zone 1965

EXECUTIVE SUMMARY

Kent Walston, LLC. is seeking a Conditional Use for Tax Map Parcel **134-17.07-173.02** as a proposed Multifamily Residential project under Condominium Regime.

The parcel is zoned AR Agricultural Residential and lies in the Coastal Area. We are seeking a change in Zoning to MR- Medium Density Residential.

Parcel 173.02 is 1.37 acres, located along Kent Avenue adjacent to Bethany Beach, Delaware.

The site is surrounded by existing Residential uses.

A shared entrance will be located along Kent Avenue.

Public Water and Sewer will be provided by the Town of Bethany Beach, Delaware.

Stormwater management will meet the requirements of the Sussex Conservation District.

Disturbance is generally contained to the center of the site.

An Environmental Assessment Report and responses to the PLUS comments are included in the project binder.

2. PLANNING & ZONING

••••

ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com

••••

TRANSMITTAL

DATE: December 22, 2021 GMB NO: 210114
TO: Sussex County RE: Kent Walston
Planning & Zoning TMP# 134-17.07-173.02
2 The Circle Sussex County, DE
Georgetown, DE 19947

ATTN: Lauren DeVore
Planner III

COPIES:	DESCRIPTION
1	Kent Walston Site Plan (24X36)
1	Kent Walston Conditional Use Application
1	Conditional Use Application Fee \$500
1	Kent Walston Zoning Map Amendment Application
1	Zoning Map Amendment Application Fee \$500
1	Intake Form

REMARKS: Please feel free to contact our office with any questions or comments.

COPIES TO: Kent Walston, LLC
Attn: Mr. Paul McCabe



Katja Kalinski
Sr. Landscape Designer

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

East Side of Kent Avenue north of Jefferson Bridge Road

Type of Conditional Use Requested:

Conditional Use for multi family dwelling structures

Tax Map #: 134-17.07-173.02 Size of Parcel(s): 60,958 sf. (1.4 ac.)Current Zoning: AR-1 Proposed Zoning: MR Size of Building: refer to site planLand Use Classification: ResidentialWater Provider: Bethany BeachSewer Provider: Sussex County**Applicant Information**Applicant Name: Kent Walston, LLCApplicant Address: 30398 Pavilion Drive #1704City: Ocean View State: DE Zip Code: 19970Phone #: (302) 727-8818 E-mail: paul@paulmccabe.com**Owner Information**Owner Name: same as applicant

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer InformationAgent/Attorney/Engineer Name: George, Miles and Buhr, LLCAgent/Attorney/Engineer Address: 206 West Main StreetCity: Salisbury State: MD Zip Code: 21801Phone #: (410) 742-3115 E-mail: kkalinski@gmbnet.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: 12/6/21

Signature of Owner



Date: 12/07/2021

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: _____

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**

East side of Kent Avenue north of Jefferson Bridge Road

Type of Conditional Use Requested:

change in zoning from AR-1 to MR

Tax Map #: 134-17.07-173.02 Size of Parcel(s): 60,958 sf (1.4 ac.)Current Zoning: AR-1 Proposed Zoning: MR Size of Building: refer to site planLand Use Classification: ResidentialWater Provider: Bethany Beach Sewer Provider: Sussex County**Applicant Information**Applicant Name: Kent Walston, LLCApplicant Address: 30398 Pavilion Drive #1704City: Ocean View State: DE Zip Code: 19970Phone #: (302) 727-8818 E-mail: paul@paulmccabe.com**Owner Information**Owner Name: same as applicant

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer InformationAgent/Attorney/Engineer Name: George, Miles and Buhr, LLCAgent/Attorney/Engineer Address: 206 West Main StreetCity: Salisbury State: MD Zip Code: 21801Phone #: (410) 742-3115 E-mail: kkalinski@gmbnet.com

Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

Completed Application

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

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

Provide Fee \$500.00

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

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

DelDOT Service Level Evaluation Request Response

PLUS Response Letter (if required)

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

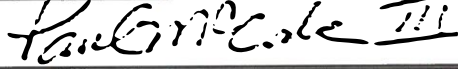
I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future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

Signature of Applicant/Agent/Attorney



Date: 12/6/21

Signature of Owner



Date: 12/07/2021

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: _____



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com



August 24, 2022

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

Attn: Mr. Chase Phillips
Planner II

Re: Kent Walston Multi-family
Proposed Conditional Use No. 2333
Proposed Change of Zone No. 1965
Tax Map Number 134-17.07-173.02
GMB Project # 220127

Dear Mr. Phillips:

On behalf of Kent Walston, LLC, please accept this Environmental Assessment and Public Facility Evaluation Report for Tax Map Number 134-17.07-173.02. This letter is in support of the Proposed Conditional Use application, Change of Zone application and Preliminary Site Plan submittal as encouraged by Sussex County Code Section 115-194.3. A copy of this letter report will also be included in the project binders. The Preliminary Site Plan and supporting documentation was originally submitted to Sussex County Department of Planning and Zoning on December 22, 2021.

Summary

Kent Walston, LLC is seeking a Change of Zone and Conditional Use permit to develop a Multifamily residential project under condominium ownership regime. The project includes three (3) Multi-Family units. The property is currently zoned AR and is in the Coastal Area along Kent Avenue near Bethany Beach, Delaware. The 1.37 acres site is surrounded by Residential uses.

Stormwater Management (SWM) and Erosion and Sediment Control (ESC)

The stormwater management design will meet all current regulatory requirements. No offsite drainage will be adversely impacted.

Public Water Supply

Public water will be supplied by the Town of Bethany.

Public Wastewater Collection, Treatment and Disposal

Public Sewer will be provided by Sussex County Public Works.

Traffic

A small, shared Entrance Plan is proposed along Kent Avenue. Final entrance design at Kent Avenue will be coordinated within DeIDOT rules and regulations and will be reviewed and approved by DeIDOT.

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
DAVID A. VANDERBEEK, P.E.
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MORGAN H. HELFRICH, AIA
KATHERINE J. MCALLISTER, P.E.
W. MARK GARDOCKY, P.E.
ANDREW J. LYONS, JR., P.E.

JUDY A. SCHWARTZ, P.E.
W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

Threatened/Endangered Species

There are no known threatened or endangered species on the site.

Tidal/Non-tidal Wetlands

Environmental Resources, Inc. (ERI) performed a site investigation in early 2022. The investigation was in accordance with the three-parameter approach evaluating soils, hydrology, and vegetation outlined in the 1987 Corps of Engineers Wetlands Delineation Manual and associated guidance. Wetland boundaries are still being field verified. ERI has advised GMB that the proposed plan avoids impacts to any potential wet areas. There are no State regulated wetlands or tidal wetlands on this property. A wetland report and plan will be submitted to the Philadelphia District Corps of Engineers. We do not anticipate any impacts to federally regulated wetlands.

Non-tidal Waters & Drainage Features

There are no non-tidal waters or wetlands present on the site.

Provision of Open Space

No public open space is anticipated at this time. A portion of the site will be designated as shared Open Space under the proposed condominium regime.

Provisions for Public and Private Infrastructure

Public Water and Sewer services will be brought to the entrance of the site. The condominium regime will maintain private ownership of all interior utilities and the shared driveway.

Economic and Recreational Benefits

The economic benefits for infill development are well documented. The economic benefits of the permit fees, increased tax revenue, and long-term jobs associated with this community addition are to be expected. The chances for a successful project, ensuring these jobs and economic benefits, are increased due to the success of the existing communities in the area and the minimal infrastructure investment required.

Historic or Cultural Resources

If any unmarked graves or human remains are found during construction, the developer will stop work and contact the State's Historic Preservation Office (SHPO) immediately. SHPO comments note in the PLUS comments that historic archaeological potential is low. In the event any other unknown historic or archeological resource should be found on the site located within a Section 106 permit area as determined by the Corps of Engineers or other federal permitting agency, the developer will conduct all necessary investigations as required by the Natural Historic Preservation Act of 1966, Section 106 Provisions.

Conformance with Current Sussex County Comprehensive Plan

The project is located within the State Level 1 Investment Area and falls within the Coastal Area, which is designated as a growth area per the Sussex County Comprehensive Plan. As such, the proposed project is consistent with the Comprehensive Plan.

Conclusion

The proposed residential development is consistent with the County's Comprehensive Land Use Plan. The site's proximity to other development in the area makes it appropriate for the proposed use. Environmental impacts will be minimized using best management practices for stormwater treatment and the use of Central Water and Sewer. The economic benefits of the permit fees, increased tax revenue, and long-term jobs associated with this community addition are to be expected. The chances for a successful project, ensuring these jobs and economic benefits, are increased due to the success of the existing communities in the area and the minimal infrastructure investment required. Kent Walston, LLC. looks forward to working with Sussex County to implement the proposed development, which will be integrated into the surrounding community and existing natural environment.

Please feel free to contact me with any questions.

Sincerely,



Christopher Pfeifer, P.E.
Project Manager

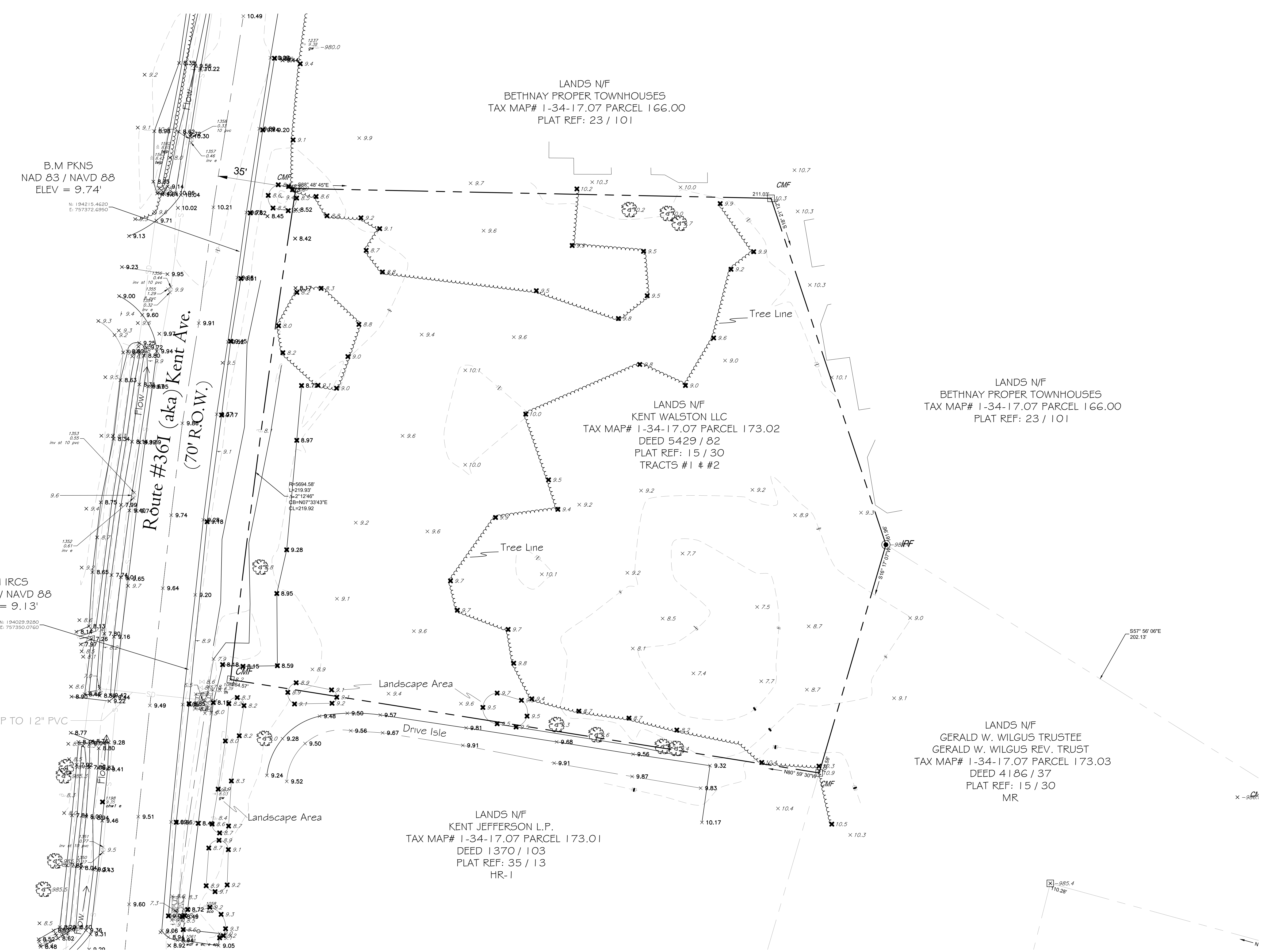
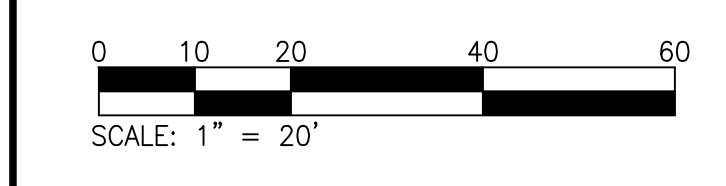
CJP/cl

Enclosures: One (1) copy of the Preliminary Site Plan

cc: Kent Walston, LLC
Attn: Mr. Paul McCabe

C:\Projects\2021\121014_McCabe_Conceptual_Sm_and_Site_Design\Drawings\Working_Sets\PSP2.0_Existing_Conditions.dwg, 12/13/2021, Kefir_Karnal

PLOT CODE: PSM-WHITE, PSM-BLUE, PSM-ORANGE, PSM-YELLOW, PSM-RED
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PRINTS ISSUED FOR:
REVIEW

DATE

REVISIONS

NO.

PREPARED BY:

2505 SOUTH COAST HIGHWAY, SUITE 202
 BETHNAY BEACH, DELAWARE 19802
 PHONE: (302) 339-2366

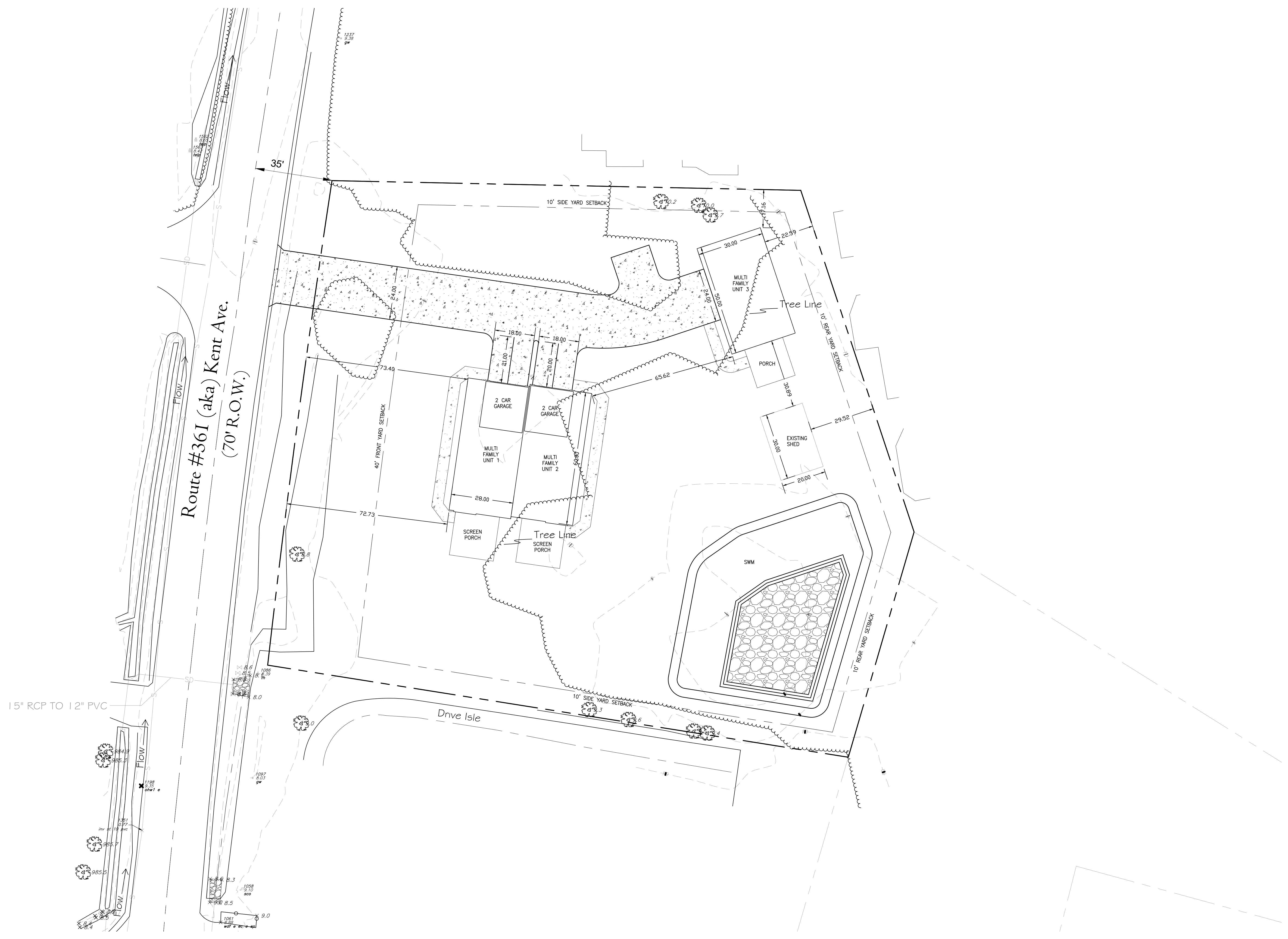
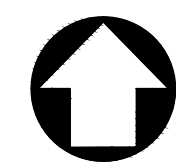
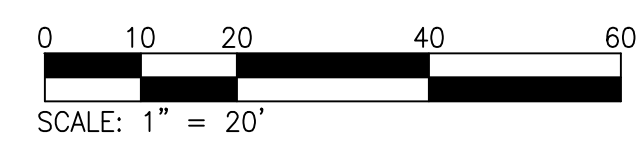
GEORGE, MILES & BUHR, LLC
 ARCHITECTS & ENGINEERS
 SALISBURY - BALTIMORE - SEAFORD
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 410-742-3115, FAX 410-548-5790
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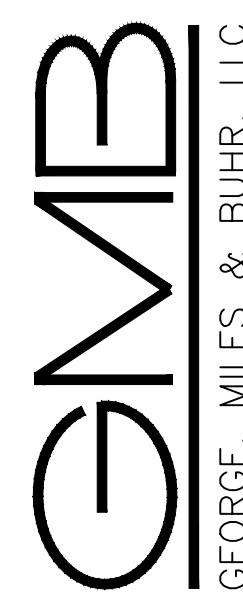
KENT WALSTON
SUSSEX COUNTY, DELAWARE

EXISTING
CONDITIONS/
BOUNDARY
SURVEY

SCALE: 1" = 20'
 SHEET NO.: PSP2.0
 DESIGN BY:
 DRAWN BY: OTHERS
 CHECKED BY: KK
 GMB FILE: 210114
 DATE: DEC 2021
 © COPYRIGHT 2021 GEORGE, MILES & BUHR, LLC

PEN=RED .001 INCHES (1.0mm)	PEN=GREEN .010 INCHES (25mm)	PEN=BLUE .020 INCHES (50mm)	PEN=WHITE .030 INCHES (75mm)
PEN=YELLOW .007 INCHES (18mm)	PEN=ORANGE .014 INCHES (35mm)	PEN=BLACK .027 INCHES (70mm)	PEN=GRAY .039 INCHES (100mm)



PRINTS ISSUED FOR REVIEW	
DATE	
REVISIONS	
NO.	
 PREPARED BY: LAND PLANNING, LLC 3200E SOUTH COAST HIGHWAY, SUITE 202 BETHANY BEACH, DELAWARE 19802 PHONE: (302) 339-2366	
 GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS SALISBURY • BALTIMORE • SEAFORD 206 WEST MAIN STREET SALISBURY, MARYLAND 21801 410-742-3115, FAX 410-548-5790 www.gmbnet.com	
KENT WALSTON SUSSEX COUNTY, DELAWARE	
PRELIMINARY SITE PLAN	
SCALE : 1" = 20'	SHEET NO.
DESIGN BY : KK	PSP3.0
DRAWN BY : RFT	
CHECKED BY : KK	
GMB FILE : 210114	
DATE : DEC 2021	

3. PRELIMINARY LAND USE SERVICE (PLUS)

Preliminary Land Use Service (PLUS)

Delaware State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

Purpose of PLUS - The PLUS process is intended to provide consolidated State comments regarding the proposed project. The Applicant is encouraged to submit the application during the concept stages of planning as this process often offers recommendations for changes to the plan. The application should be submitted after the pre-application meeting with the local jurisdiction but before formal application is made.

Please complete this PLUS application in its entirety. **All questions must be answered. If a question is unknown at this time or not applicable, please explain.** Unanswered questions on this form could lead to delays in scheduling your review. This form will enable the state staff to review the project before the scheduled meeting and to have beneficial information available for the applicant and/or developer at the time of review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

PLUS Number (to be completed by OSPC): _____

Investment Level Per Strategies for State Policies and Spending (to be determined by OSPC): _____

1. Project Title/Name: **Kent Walston**

2. Location (please be specific): **East side of Kent Avenue north of Jefferson Bridge Road**

3. Parcel Identification #: **134-17.07-173.02**

4. County or Local Jurisdiction Name: where project is located: **Sussex**

5. If contiguous to a municipality, are you seeking annexation: **No Annexation to Bethany Beach**

6. Owner's Name: **Kent Walston, LLC c/o Paul McCabe**

Address: **30398 Pavillion Drive # 1704**

City: **Ocean View**

State: **DE**

Zip: **19970**

Phone: **302-727-8818**

Fax:

Email: **paul@paulmccabe.com**

7. Equitable Owner/Developer (This Person is required to attend the PLUS meeting): **Same as above**

Address:

City:

State:

Zip:

Phone:

Fax:

Email:

8. Project Designer/Engineer: **Land Tech Land Planning, LLC**

Address: **32895 Coastal Highway, Taggart Professional Center Suite 202**

City: **Bethany Beach**

State: **DE**

Zip: **19930**

Phone: **302-539-2366**

Fax:

Email: **jeffc@landtechllc.com**

9. Please Designate a Contact Person, including phone number, for this Project: **Jeff Clark 302-542-1455**

Information Regarding Site:	
10. Type of Review:	<input checked="" type="checkbox"/> Rezoning, if not in compliance with certified comprehensive plan <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Subdivision Change of Zone & Conditional Use to MR - Multifamily Residential
11. Brief Explanation of Project being reviewed:	Proposed Duplex and Apartment over a Garage
If this property has been the subject of a previous LUPA or PLUS review, please provide the name(s) and date(s) of those applications. No previous application	
12. Area of Project (Acres +/-):	1.4 ac. Number of Residential Units: 3 Commercial square footage: none
13. Present Zoning:	AR-1
14. Proposed Zoning:	MR
15. Present Use:	Vacant
16. Proposed Use:	Multifamily Residential
17. Water:	<input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: Town of Bethany Beach Will a new public well be located on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
18. Wastewater:	<input type="checkbox"/> Central (Community system) <input type="checkbox"/> Individual On-Site <input checked="" type="checkbox"/> Public (Utility) Service Provider Name: Sussex County Will a new community wastewater system be located on this site? <input type="checkbox"/> Yes <input type="checkbox"/> No
19. If residential, describe style and market segment you plan to target (Example- Age restricted):	Resort Rental
20. Environmental impacts:	How many forested acres are presently on-site? +/- 0.7 How many forested acres will be removed? +/-0.35 To your knowledge, are there any wetlands, as defined by the U.S. Army Corps of Engineers or the Department of Natural Resources and Environmental Control, on the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Are the wetlands: <input type="checkbox"/> Tidal Acres: <input type="checkbox"/> Non-tidal Acres: If "Yes", have the wetlands been delineated? <input type="checkbox"/> Yes <input type="checkbox"/> No Has the Army Corps of Engineers signed off on the delineation? <input type="checkbox"/> Yes <input type="checkbox"/> No Will the wetlands be directly impacted and/or do you anticipate the need for wetland permits? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", describe the impacts: How close do you anticipate ground disturbance to wetlands, streams, wells, or waterbodies? _____
21. Does this activity encroach on or impact any tax ditch, public ditch, or private ditch (ditch that directs water off-site)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
22. List the proposed method(s) of stormwater management for the site:	submerged wetland
23. Is open space proposed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," how much? Acres: +/-1.0 What is the intended use of the open space (for example, active recreation, passive recreation, stormwater management, wildlife habitat, historical or archeological protection)? Passive recreation area
24. Are you considering dedicating any land for community use (e.g., police, fire, school)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

25. Please estimate How many vehicle trips will this project generate on an average weekday? A trip is a vehicle entering or exiting. If traffic is seasonal, assume peak season: **42**

What percentage of those trips will be trucks, excluding vans and pick-up trucks? **1 trash truck per week**

26. Will the project connect to state maintained roads? Yes No **Kent Avenue**

27. Please list any locations where this project physically could be connected to existing or future development on adjacent lands and indicate your willingness to discuss making these connections. **None**

28. Are there existing sidewalks? Yes No; bike paths Yes No
 Are there proposed sidewalks? Yes No; bike paths Yes No

Is there an opportunity to connect to a larger bike, pedestrian, or transit network? Yes No

29. To your knowledge, is this site in the vicinity of any known historic/cultural resources or sites? Yes No

Has this site been evaluated for historic and/or cultural resources? Yes No

Would you be open to a site evaluation by the State Historic Preservation Office? Yes No

30. To promote an accurate review of your parcel's features, would you permit a State agency site visit? Yes No
 Person to contact to arrange visit: _____ phone number: _____

31. Are any federal permits, licensing, or funding anticipated? Yes No

I hereby certify that the information on this application is complete, true and correct, to the best of my knowledge.


 Signature of property owner

10/29/21
 Date

Signature of Person completing form
 (if different than property owner)

10/29/2021
 Date

Signed application must be received before application is scheduled for PLUS review.

This form should be returned to the Office of State Planning **electronically** at plus@state.de.us **along with an electronic copy of any site plans and development plans for this site.** Site Plans, drawings, and location maps should be submitted as image files (JPEG, GIF, TIF, etc.) or as PDF files. GIS data sets and CAD drawings may also be submitted. **If electronic copy of the plan is not available, contact The Office of State Planning Coordination at (302) 739-3090 for further instructions.** A signed copy should be forwarded to the Office of State Planning, 122 William Penn Street, Dover, DE 19901. Thank you for this input. Your request will be researched thoroughly. **Please be sure to note the contact person** so we may schedule your request in a timely manner.



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com



August 24, 2022

Delaware Office of State Planning
122 William Street
Dover, DE 19901

Attn: M. David L. Edgell, AICP
Director

Re: Response to PLUS Review Comments
Kent Walston, LLC
PLUS Review – 2021-11-01
GMB # 220127

Dear Mr. Edgell:

Please accept this letter as the formal response to the Office of State Planning Coordination PLUS review comments dated, December 17, 2021 for the above referenced project. The original State Agency comments are included below with our responses highlighted in red and italicized.

Sincerely,

Katja Kalinski
Senior Landscape Designer

KK/cl

cc: Paul McCabe

JAMES H. WILLEY, JR., P.E.
PETER A. BOZICK, JR., P.E.
CHARLES M. O'DONNELL, III, P.E.
A. REGGIE MARINER, JR., P.E.
JAMES C. HOAGESON, P.E.
STEPHEN L. MARSH, P.E.
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W. BRICE FOXWELL, P.E.

JOHN E. BURNSWORTH, P.E.
VINCENT A. LUCIANI, P.E.
AUTUMN J. WILLIS
CHRISTOPHER J. PFEIFER, P.E.

Strategies for State Policies and Spending

- This project is located in Investment Level 1 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy.
- At the PLUS meeting it was discussed that this parcel is currently identified as being with the Town of Bethany Beach; however, the owner of the property stated that this property was actually within Sussex County. The office of State Planning has reached out to the Town who has confirmed this property is not within the town limits. Additionally, we have reached out to the Sussex County Mapping office to verify this information. Once we receive formal confirmation, we will remove this property from the town boundary.
- In addition, this will require a comprehensive plan amendment through the Sussex County. The county submitted a PLUS application for this amendment in December. The State had no objections to this amendment at our PLUS meeting on 12/15/2021.

The comments are understood. Sussex County Mapping Office has amended the map, the parcel is now shown outside the town limits.

An Ordinance to amend the Future Land Use Map of the Comprehensive Plan will be introduced at the Planning & Zoning Commission meeting on 9/8/2022 and the Sussex County Council on 10/18/2022.

Code Requirements/Agency Permitting Requirements

Office of State Planning Coordination – Contact: Dorothy Morris 739-3090

- Regarding the rezoning of this property, if the comprehensive plan amendment is approved moving this parcel from Municipality to Coastal, MR is an allowable zoning with the coastal area, so no comprehensive plan amendment is required for the rezoning portion of the applications. The development would be required to meet all county codes and ordinances.

The comment is acknowledged.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This site access on Kent Avenue (Sussex Road 361) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>. Preliminary, DelDOT anticipates that the access can be permitted through DelDOT's South District office in accordance with Section 7.2.1 of the Manual.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle

trip ends per hour in any hour of the day. From the PLUS application, the total daily trips from the proposed development are estimated at 42 vehicle trip ends per day. As detailed in our letter to Sussex County Planning and Zoning, dated November 15, 2021, a Traffic Impact Study is not warranted.

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

Concerns Identified Within the Development Footprint

Stormwater Management

- This application proposes greater than 5,000 square feet of land disturbing activities, therefore, this project will be subject to Delaware’s *Sediment and Stormwater Regulations*.
 - A Sediment and Stormwater Plan must be developed, then approved by the appropriate plan review agency prior to any land disturbing activity taking place on the site. For this project, the plan review agency is the Sussex Conservation District.
 - Additionally, to address federal requirements, construction activities that exceed 1.0 acre of land disturbance require Construction General Permit coverage through submittal of an electronic Notice of Intent for Stormwater Discharges Associated with Construction Activity. This form must be submitted electronically (<https://apps.denrec.delaware.gov/enoi/>, select Construction Stormwater General Permit) to the DNREC Division of Watershed Stewardship, along with the \$195 fee.
 - Schedule a project application meeting with the appropriate plan review agency prior to moving forward with the stormwater and site design. As part of the process, you must submit a Stormwater Assessment Study.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856- 7219

Website: <https://www.sussexconservation.org/>

General Stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

Email: DNREC.Stormwater@delaware.gov

Website: <https://dnrec.alpha.delaware.gov/watershedstewardship/sedimentstormwater/>

Hydrologic Soils Group

- Hydrologic Soil Group A/D (poorly drained) soils have been identified over most of the site, primarily on the western side. These soil types are typically not

conducive to utilizing infiltration stormwater Best management Practices such as bioretention and infiltration basins, which must meet minimum infiltration requirements.

- Any stormwater Best management Practices that propose the use of infiltration or natural recharge shall include a soils investigation.

Contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

E-Mail: DMREC.Stormwater@delaware.gov.

Website: <https://denrec.alpha.delaware.gov/watershedstewardship/sedimentstormwater/>

Excellent Groundwater Recharge Area

- An Excellent Groundwater Recharge Area is located on the northern portion of the site. These areas have soils that are conducive to water infiltrating downward from surface water into groundwater. Preservation of these areas is important for the replenishing groundwater supplies and ensuring drinking water for future generations.
 - The applicant must comply with all county and municipal requirements for construction and uses in Excellent Groundwater Recharge Areas.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945

Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

Wastewater permits – Large Systems

- Sussex County holds existing permits with the DNREC Groundwater Discharges Section's Large Systems Branch for wastewater disposal.
 - If additional flows to Sussex County's system will require capacity updates, it is the responsibility of the permittee (Sussex County) to notify the Large Systems Branch.

Contact: DNREC Large Systems Branch at (302) 739-9948

Website: <https://dnrec.alpha.delaware.gov/water/groundwater/>

State Historic Preservation Office – Contact Carlton Hall 736-7400

- There is a low potential for archaeological resources to be impacted by the proposed rezoning in anticipation of development. There are no known Archaeological sites on or within a half-mile's radius of the parcel. The parcel is not within favorable distance of a fresh water source, and therefore is not likely to contain prehistoric archaeological resources. Historic aerial and topographic

maps do not show any historic structures on the parcel, therefore there is low historic archaeological potential.

The entrance design will be completed in accordance with the DelDOT Development Coordination Manual.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

Fire Protection Water Requirements:

- Where a water distribution system is proposed for single-family dwellings, it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 800 feet spacing on the center are required. (One & Two-Family Dwelling)
- On- and Two- Family dwellings are required by law to offer the homeowner an automatic sprinkler system, therefor infrastructure should accommodate water needs.
- Where a water distribution system is proposed for the site, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems.

Fire Protection Features:

- For duplexes buildings, provide a section / detail and the UL design number of the 2-hour fire rated separation wall on the Site plan.

Accessibility

- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus. This means the access road to the subdivision from Kent Avenue must be constructed so fire department apparatus may negotiate it.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door. Streets designed without parking need to develop a plan for enforcement once HOA takes charge. Fire apparatus still need to negotiate the streets.
- Any dead-end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around

shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn-around.

- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The use of open bridge or covered bridge shall be designed to DeIDOT standards and accessible by all fire department apparatus.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limits fire department access into and out of the development or property.

Gas Piping and System Information:

- Provide type of fuel proposed and show locations of bulk containers on plans.

Required Notes:

- Provide a note on the final plans submitted for review to read “all fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- National fire Protections Associations (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Duplex 2-hr separation wall details shall be show on site plans
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Road Names, even for County Roads

A State Fire Marshal Plan will be submitted and approved by the Delaware State Fire Marshal's Office.

Recommendations/Additional Information

This section includes a list of site-specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject are knowledge. **These suggestions do not represent State code requirements.** They are offered here to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open and dialogue with the relevant agencies to discuss how the suggestions can benefit the project.

Department of Natural Resources and Environmental Control - Beth Krumine 735-3480

Stormwater Management

- Where the site and soil conditions allow, integrate runoff reduction techniques including infiltration basins, bioretention (rain gardens), filter strips, and pavers to encourage on-site stormwater infiltration and reduce runoff.
- For improved stormwater management, preserve existing trees, wetlands, and passive open space.

Plan review agency contact: Sussex Conservation District at (302) 856-2105 or (302) 856-7219

Website: <https://www.sussexconservation.org/>

General Stormwater contact: DNREC Sediment and Stormwater Program at (302) 739-9921.

Email: DNREC.Stormwater@delaware.gov.

Website: <https://denrec.alpha.delaware.gov/watershedstewardship/sedimentstormwater/>

Comments noted.

Drainage

- All existing drainage ditches on the property should be evaluated for function and cleaned, if needed, prior to the construction of the project.
- Environmental permits or exemptions may be required by the County Conservation District (Standard Plan), the DNREC Sediment and Stormwater Program (eNOI/NOT), Army Corp of Engineers, and/or DNREC Wetlands and Subaqueous Lands Section prior to clearing and/or excavating ditch channels.
- All precautions should be taken to ensure the project does not hinder any off-site drainage upstream of the project or create any off-site drainage problems downstream by the release of on-site storm water.

Contact: DNREC Drainage Program at (302) 855-1930.

Website: <https://dnrec.alpha.delaware.gov/drainage-stormwater/>

Comments noted.

Water Quality (Pollution Control Strategies)

- This site lies within the Inland Bays Watershed. Surface water quality in this watershed does not meet Federal and/or State Water Quality Standards and a Pollution Control Strategy is in place for this watershed.
- Reduce impervious surfaces on the project site by eliminating areas of impervious pavement and/or using pervious pavement where practicable.
- Reduce stormwater runoff by integrating infiltration basins, bioretention (rain gardens), filter strips, and by preserving existing trees, wetlands, and passive open space.
- Reduce the necessity for nutrient application by maintaining open space as meadow or forest planted exclusively with native plants. Native plants are well-suited to our climate and require limited maintenance.

Contact: DNREC Division of Watershed Stewardship's Watershed Assessment Section at (302) 739-9939. <https://dnrec.alpha.delaware.gov/watershed-stewardship/>

Comments noted.

Excellent Groundwater Recharge Area

- **For** Excellent Groundwater Recharge Areas, limits impervious surfaces to no more than 20% of the entire area designated as having excellent recharge.

Contact: DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Website: <https://dnrec.alpha.delaware.gov/water/supply/ground-water-protection/>

Comments noted.

Additional Sustainable Practices

- Install electric vehicle charging stations and/or build parking spaces to be "EV-ready". It is easier to plan for the installation at construction, rather than doing costly retrofits later. The DNREC Division of Climate, Coastal and Energy offers rebates of up to 90% of the cost of the charging station for commercial, multi-unit dwelling and other public properties. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/>).
- Use renewable energy infrastructure such as solar or geothermal to reduce energy cost and further reduce pollution created from onsite generation. Grant funds and incentives are available for Delmarva Power customers through the DNREC Green Energy Fund, which includes several funding types through the state's major electric utilities (<https://dnrec.alpha.delaware.gov/climate-coastal-energy/renewable/assistance/>).

- Include space for recycling dumpsters within the preliminary site design stage. These can be placed adjacent to trash dumpsters.
- Incorporate nonmotorized connectivity and install bicycle racks where feasible to help facilitate non-vehicular travel modes.
- Use Efficient Energy Star rated products and materials in construction and redevelopment. Energy efficient appliances use less energy over tie. This save consumers and businesses money, while also helping to reduce pollution from power generation.
- Use structural paint coatings that are low in Volatile Organic Compounds to help protect air quality. Air Pollution from new construction is generated through the use of maintenance equipment, paints, and consumer products like roof coatings and primers.
- Use recycled materials, such as reclaimed asphalt pavement, to reduce heat island effects on paved surfaces, prevent landfill waste, and lower material cost.

Contact: DNREC Division of Climate, Coast & Energy at (302) 735-3480

Website: <https://dnrec.alpha.delaware.gov/climate-coastal-energy/>

Comments noted.

Delaware State Fire Marshall's Office – Contact John Rudd 323-5365

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications, or brochures.

Comments noted.

Delaware Emergency Management Agency – Contact Philip Cane 659-2325

- This location is not within a 100-year flood plain nor along any coastal inundation zone. In the development of homes and other amenities, DEMA encourages energy efficient development, incorporating modern technologies and nature-based solutions. These include energy efficient appliances and utilities with renewable energies, adding the potential for electric vehicle charging stations, using green-roofs.

Comments noted.

In addition to the comments above our office has received preliminary comments from Sussex County. A copy of those preliminary comments are enclosed with this letter.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of

State Planning Coordination a written response to comments received as a result of the PLUS process, noting whether comments were incorporated into the project design or not and the reason, therefore.

Kent Walston (2021-11-01)

Sussex County Planning and Zoning Comments

Tax Parcel ID: 134-17.07-173.02

Zoning: AR-1 (Agricultural Residential Zoning District)

Proposed: The application indicates a rezoning from AR-1 (Agricultural Residential Zoning District) to MR (Medium Density Residential Zoning District) and Conditional Use Application for the provision of a proposed duplex and apartment over a garage.

Although it is stated that the property is within the municipal limits of the Town of Bethany Beach, the property is currently located within the unincorporated area of the County (within Sussex County's jurisdiction). The Application also indicates that the Applicant has no desire at this time to annex into the Town, currently.

Table 4.5-2 "Zoning Districts Applicable to Future Land Use categories" within the Comprehensive Plan Document does not indicate that a Future Land Use designation of "Municipality" has an Applicable Zoning District category or MR (Medium Density Residential Zoning District) and therefore, further internal discussions will take place pertaining to and clarifying where this proposal will necessitate a future Land Use map Amendment (which could potentially be the case for this proposal.)

The Applicant is required to engage in a Pre-Application meeting with Department staff prior to the submittal of a formal application to the Planning and Zoning Department.

Following submission to the County, staff undertake review of the Preliminary Site Plan, where more detailed comments are provided to the applicant. At the PLUS stage of review, staff wish to limit comments to high-level comments only.

Staff note that the project is located with Flood Zone "X" – Areas determined to be outside the 100-year floodplain.

Please note that when approving a conditional use for attached or detached single-family or multifamily dwellings Council shall have the right to impose a condition requiring the applicant to install a forested and/or landscaped buffer as defined in 99-5 and 99-6D of the Subdivision Ordinance (115-218(E)).

Please note that these are informal staff comments and do not prejudice any decision that the Sussex County Planning and Zoning Commission may wish to make as part of a form application.

Please Reach out to Lauren DeVore with any questions regarding these comments at lauren.devore@sussexcountyde.gov or call the Planning and Zoning Office at (302)855-7878.

The proposed project is located within a Tier 1 area within the Sussex County Unified Sanitary Sewer District, Oak Orchard area and connection to the sewer system is mandatory.

A “Use of Existing Infrastructure Agreement” is required for new projects. Sussex County Code, Chapter 110, requires that the Engineer and/or Developer request a Sewer System Concept Evaluation (SSCE) from the Utility Planning & Design Review Department for the project by providing the parcel(s) estimated equivalent dwelling units (EDU) for the project, along with payment of a \$1,000.00 fee for the evaluation and must be approved prior to approval of construction plans. The fee is to be payable to Sussex County Council. The Department will review the parcel(s) and EDU, confirm capacity, provide the connection point and define any additional parcels that must be served as part of the project. Should it be determined that a pump station is required for the project, additional information may be requested. This information will be conveyed to the engineer and/or developer. The Department will use this information when reviewing construction drawings to verify that the correct connection point is used, and all required parcels are served.

The proposed development will require a developer installed collection system in accordance with Sussex County standards and procedures.

One-time system connection charges will apply. Please contact the Utility Permits Division at 302 854-7719 for additional information on charges.

4. SITE SPECIFIC MAPS, PLANS & DOCUMENTS

**Kent Walston Multi-Family
134-17.07-173.02
Conditional Use #2333 &
Change of Zone 1965
Adjoining Property Owners**

134-17.07-173.01
Kent Jefferson LP
PO Box 523
Bethany Beach, DE

134-17.07-173.03
Gerald W Wilgus Trustee
PO Box 309
Bethany Beach, DE

134-17.07-166.00
Bethany Proper Limited Partnership
PO Box 309
Bethany Beach, DE

Tax Map Parcel No.: 134-17.07-173.02
Prepared by and return to:
Deirdre A. McCartney, Esquire
Sergovic Carmean Weidman McCartney &
Owens, P.A.
25 Chestnut Street
P.O. Box 751
Georgetown, Delaware 19947-0588

NO TITLE SEARCH, LIEN SEARCH OR SURVEY REQUESTED OR PERFORMED

THIS DEED, made this 13th day of March, 2021,

-BETWEEN-

PAUL B. McCABE, III, of 30398 Pavilion Drive, #1704, Ocean View, Delaware 19970,
party of the first part,

- AND -

KENT WALSTON LLC, of 30398 Pavilion Drive, #1704, Ocean View, Delaware 19970,
party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of **ONE DOLLAR (\$1.00)** lawful money of the United States of America and other valuable consideration, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part, its successors and assigns,

Tract One

ALL that certain lot, piece and parcel of land situate, lying and being new Bethany Beach, Baltimore Hundred, Sussex County, Delaware, and being more particularly described in accordance with a Plot of Resubdivision of William F. Wilgus, Jr., Subdivision, Baltimore Hundred, Sussex County, Delaware, prepared by Peter E. Loewenstein & Associates, Inc., dated February 1976 and recorded in the Office aforesaid, in Plot Book 15, Page 30, to-wit:

BEGINNING at a point on the Easterly right-of-way of County Route 361, said point being a corner for these lands and lands now or formerly of Sea and Pines thence by and with lands formerly of Sea and Pines the following two courses and distances (1) South 89 degrees 16 minutes 30 seconds East 208.79 feet; (2) South 18 degrees 46 minutes 30 seconds East 162.00 feet to a point, said point being a corner for these lands and lands, now or formerly of Gerald W. Wilgus *et ux*; thence by and with a new line dividing these lands now or formerly of Gerald W. Wilgus *et ux* South 15 degrees 54 minutes 09 seconds West 105.53 feet to a point, said point being a corner for these lands and lands now or formerly of Donald L. Wilgus *et ux*; thence by and with a new line dividing

these lands now or formerly of Donald L. Wilgus *et ux* South 81 degrees 10 minutes 49 seconds East 261.98 feet to the Easterly right-of-way of County Route 361; thence by and with the Easterly right-of-way of County Route 361 with a curve to the right whose chord bearing and distance are North 07 degrees 03 minutes 00 seconds East 219.03 feet, to the point of Beginning and containing 60,408 square feet of land, more or less, and being all of Parcel 1 as shown on the plot above mentioned;

Tract Two

ALL that certain triangular strip of land, situate, lying and being in Baltimore Hundred, Sussex County, Delaware, more particularly described as follows, according to a survey and plot thereof prepared by McCann Surveyors, In, Professional Land Surveyors, dated October 1983, to wit:

BEGINNING at a concrete marker situate on the Easterly right-of-way of Route 361, said concrete marker being Northerly 329 feet +/- from the centerline of Route 361 A, said concrete marker also being a corner for this parcel and lands now or formerly of Donald L. Wilgus and wife; thence, by and with lands now or formerly of Donald L. Wilgus and wife, South 81 degrees 23 minutes 11 seconds East, 264.54 feet to a concrete marker, said concrete marker being a corner for this parcel, lands now or formerly of Donald L. Wilgus and wife, lands now or formerly of Gerald W. Wilgus and wife, and lands now or formerly of Paul B. McCabe and wife; thence, by and with lands now of formerly of Paul B. McCabe and wife, North 81 degrees 10 minutes 16 seconds West, 264.54 feet to a point on the Easterly right-of-way of Route 361; thence by and with the Easterly right-of-way of Route 361; thence by and with a curve bearing to the left, said curve having a delta angle of 0 degrees 00 minutes 36 seconds and a radius of 5,694.58 feet; thence, by and with said curve, an arc distance of 1.0 feet to a concrete marker, being the place of beginning, containing 131 square feet of land, be the same more or less.

BEING the same lands and premises granted and conveyed unto Paul B. McCabe, III, from Jane W. McCabe, Trustee of the Jane W. McCabe Revocable Trust dated October 27, 1994, by deed dated September 25, 2020, of record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Deed Book 5327, at Page 349.

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

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was State Plane Delaware zone (FIPZONE 0700). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS12
National Geodetic Survey
SSM-C-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by Delaware Geospatial Data Exchange. The base map features were compiled at a scale of 1:24,000 from aerial photography dated 2011.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

The AE Zone category has been divided by a **Limit of Moderate Wave Action (LIMWA)**. The LIMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LIMWA (or between the shoreline and the LIMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

Contact the **FEMA Map Information eXchange** at 1-877-336-2627 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Information eXchange may also be reached by Fax at 1-800-358-9620 and their website at <http://www.msc.fema.gov/>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/inf/>.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- Floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities
- Limit of Moderate Wave Action
- Advisory line estimating flooding extents if dunes are breached during a 0.2% annual chance flood event
- Base Flood Elevation line and value; elevation in feet* (EL 987)
- Base Flood Elevation value where uniform within zone; elevation in feet*

* Referenced to the North American Vertical Datum of 1988

- Cross section line
- Transect line

87°07'45", 32°22'30"

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

- 1000-meter Universal Transverse Mercator grid values, zone 18N
- 5000-foot grid values: Delaware State Plane coordinate system (FIPZONE 0700), Transverse Mercator projection
- Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M 1.5 River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
June 16, 1995

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
See Notice to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-9620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET
150 0 150 300 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0516K

FIRM
FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS

PANEL 516 OF 660
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BETHANY BEACH, TOWN OF SUSSEX COUNTY	105083	0516	K
	100029	0516	K

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER 1005C0516K

MAP REVISED MARCH 16, 2015

Federal Emergency Management Agency

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was State Plane Delaware zone (FIPZONE 0700). The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of information shown on this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NINGS12
National Geodetic Survey
SSM-C-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by Delaware Geospatial Data Exchange. The base map features were compiled at a scale of 1:24,000 from aerial photography dated 2011.

This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study Report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

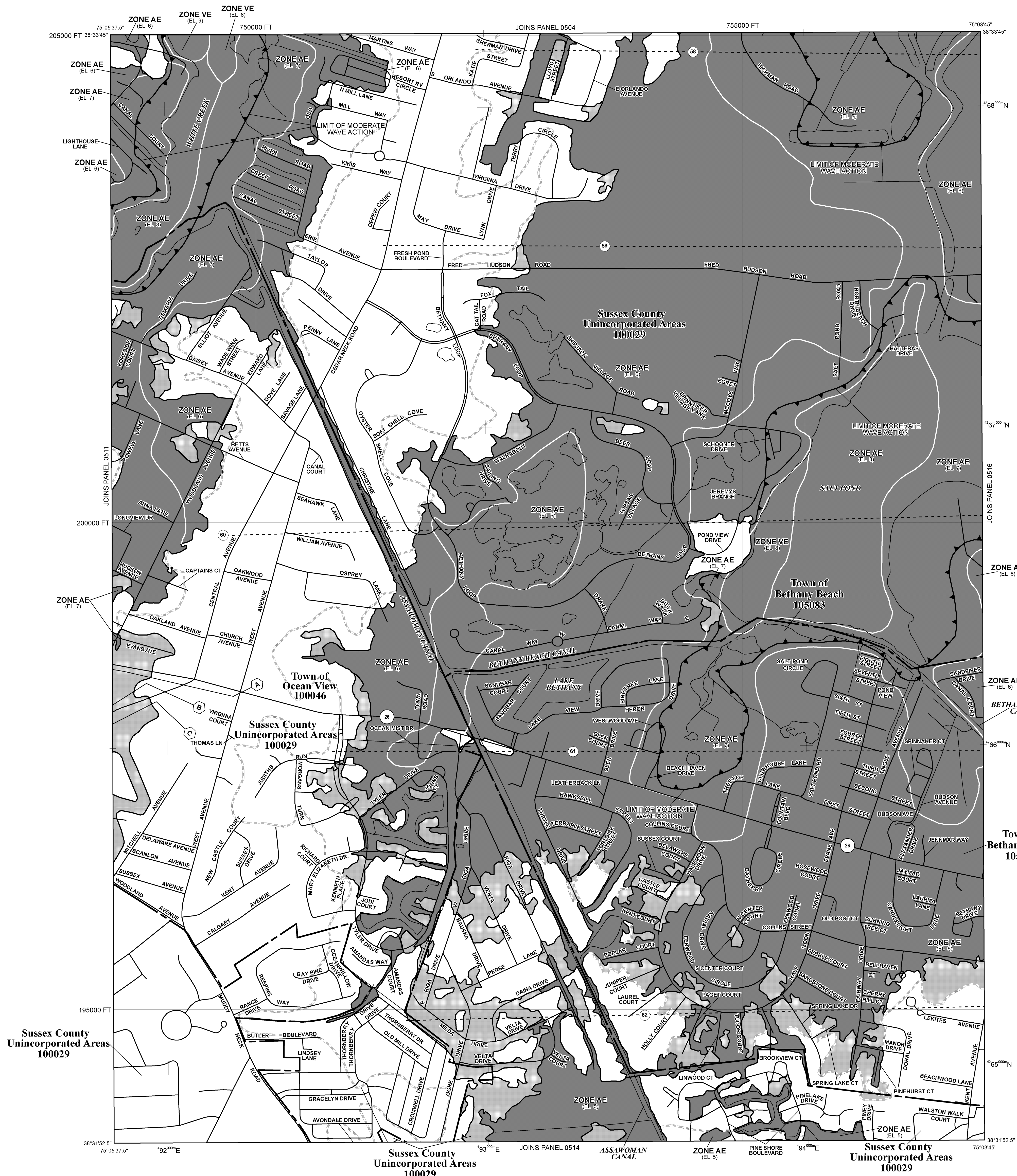
Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

The AE Zone category has been divided by a **Limit of Moderate Wave Action (LIMWA)**. The LIMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LIMWA (or between the shoreline and the LIMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

Contact the **FEMA Map Information eXchange** at 1-877-336-2627 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Information eXchange may also be reached by Fax at 1-800-358-9620 and their website at <http://www.msc.fema.gov/>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov/business/info>.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

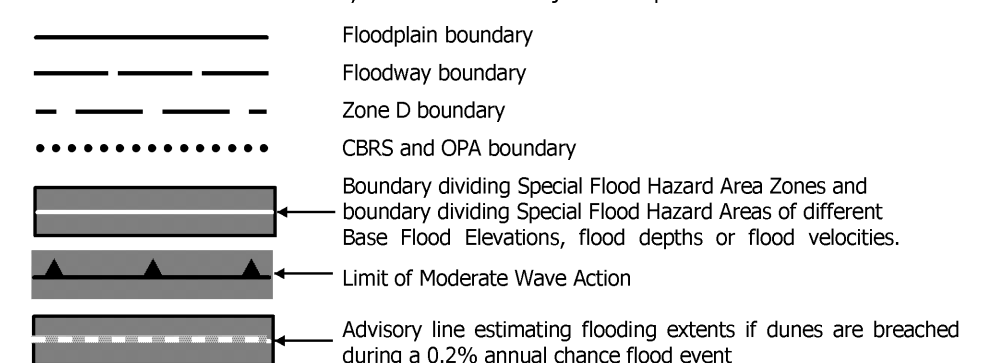
- ZONE A**
No Base Flood Elevations determined.
- ZONE AE**
Base Flood Elevations determined.
- ZONE AH**
Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO**
Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR**
Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99**
Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V**
Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE**
Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE
The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS
ZONE X
Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS
ZONE X
Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D
Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
OTHERWISE PROTECTED AREAS (OPAs)
CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.



Base Flood Elevation line and value; elevation in feet*
Base Flood Elevation value where uniform within zone; elevation in feet*
* Referenced to the North American Vertical Datum of 1988

Transsect line
Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
1000-meter Universal Transverse Mercator grid values, zone 18N

5000-foot grid values; Delaware State Plane coordinate system (FIPZONE 0700), Transverse Mercator projection

Bench mark (see explanation in Notes to Users section of this FIRM panel)
River Mile

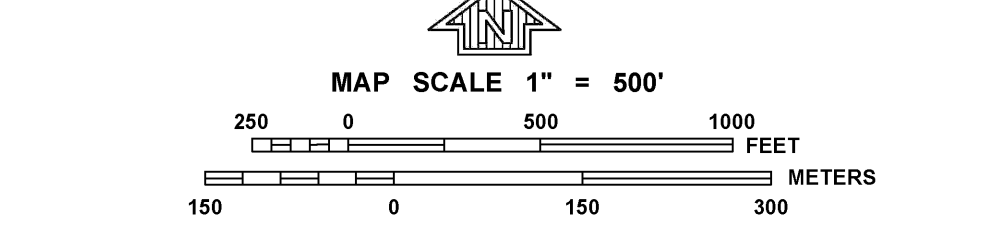
MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
June 16, 1995

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
See Notice to Users Page in FIS Report

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-9620.



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0512K

FIRM
FLOOD INSURANCE RATE MAP

SUSSEX COUNTY, DELAWARE AND INCORPORATED AREAS

PANEL 512 OF 660
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BETHANY BEACH, TOWN OF	105083	0512	K
OCEANVIEW TOWN OF	100046	0512	K
SUSSEX COUNTY	100029	0512	K

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
10005C0512K

MAP REVISED
MARCH 16, 2015

Federal Emergency Management Agency

G:\Projects\2022\202127 McCabe Multi-Family Kent Avenue\Drawings\GIS\Map\202127 McCabe Multi-Family Kent Avenue Base GIS.aprx



- - - Boundary
 TaxParcels
Land Use Land Cover
■ Single Family Dwellings
■ Multi-Family Dwellings
■ Commercial
■ Commercial

0 15 30 60 90 120
 US Feet
 Surdex Corp
 NAD 1983 StatePlane Delaware FIPS 0700
 Feet

PRINTS ISSUED FOR:		
NO.	REVISIONS	DATE

GMB
 GEORGE, MILES, & BUHR, LLC
 ARCHITECTS & ENGINEERS
 208 WEST MAIN STREET
 SALESURY, MARYLAND 21801
 410-742-2115 FAX: 410-544-0790
www.gmbnet.com

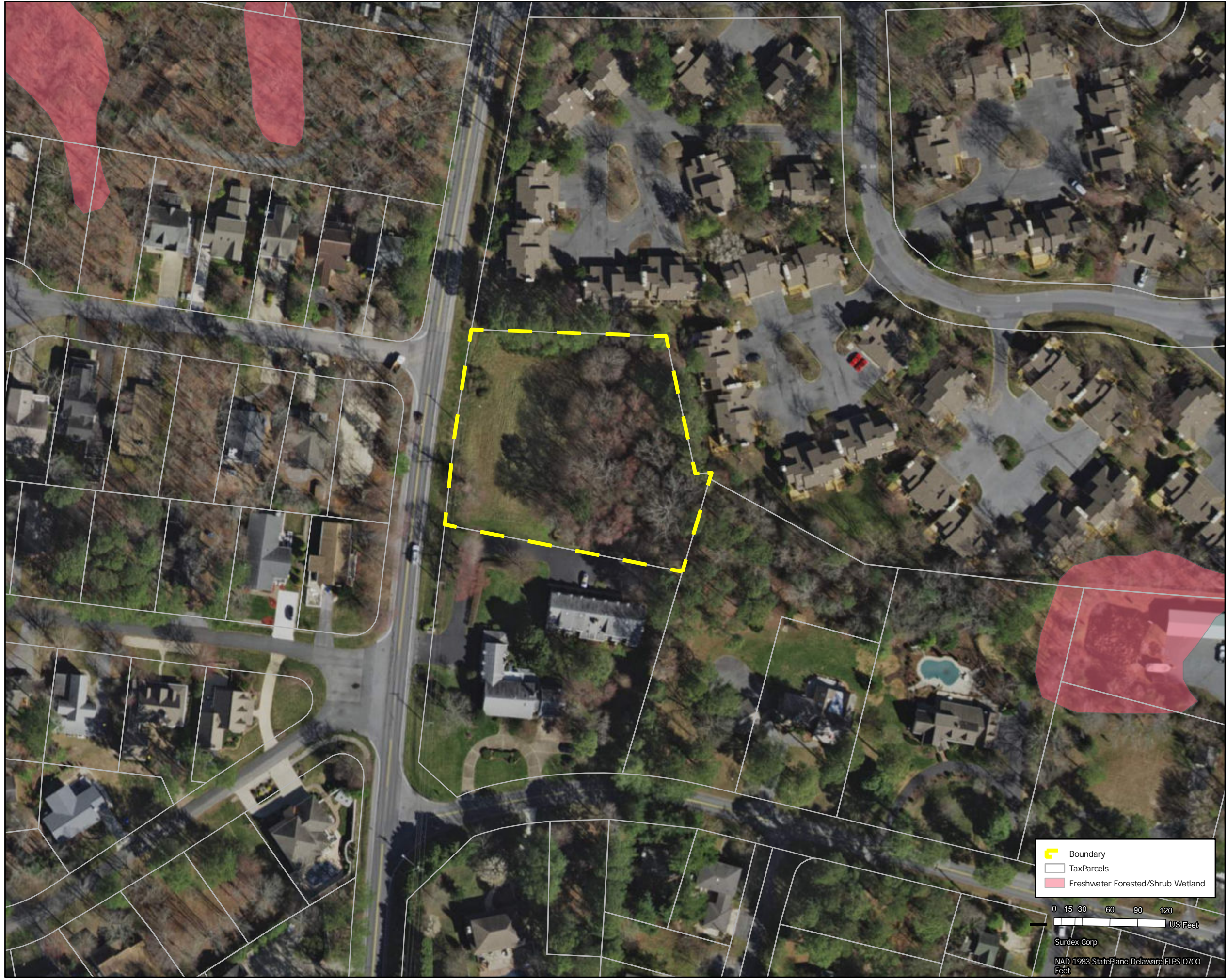
MCCABE MULTI-FAMILY
KENT AVENUE
 Sussex County, Delaware

LAND USE

SCALE: 1"=100'	SHEET NO.
DESIGN BY: [blank]	4h
DRAWN BY: KNL	
CHECKED BY: [blank]	
GMB FILE: 220127	
DATE: 8/18/2022	

© COPYRIGHT 2022 GEORGE, MILES, AND BUHR, LLC

G:\Projects\2022\202127 McCabe Multi-Family Kent Avenue\Drawings\GIS\Maps\202127 McCabe Multi-Family Kent Avenue Base GIS.aprx



┌ Boundary
 TaxParcels
 Freshwater Forested/Shrub Wetland

0 15 30 60 90 120 US Feet

Surdex Corp

NAD 1983 StatePlane Delaware FIPS 0700 Feet

PRINTS ISSUED FOR:		
NO.	REVISIONS	DATE

GEORGE, MILES, & BUHR, LLC
 ARCHITECTS & ENGINEERS
INCORPORATED
 200 WEST MAIN STREET
 SALESURY, MARYLAND 21601
 410-742-2115 FAX: 410-244-2790
www.gmbnet.com

MCCABE MULTI-FAMILY
KENT AVENUE
 Sussex County, Delaware

WETLANDS & TAX DITCH

SCALE: 1"=100'	SHEET NO.
DESIGN BY: -	4k
DRAWN BY: KNL	
CHECKED BY: -	
GMB FILE: 220127	
DATE: 8/17/2022	

© COPYRIGHT 2022 GEORGE, MILES, AND BUHR, LLC

DELAWARE STATE PLANE NAD 83

Route #361 (aka) Kent Ave.
(70' R.O.W.)

LANDS N/F
BETHNAY PROPER TOWNHOUSES
TAX MAP# 1-34-17.07 PARCEL 166.00
PLAT REF: 23 / 101

LANDS N/F
KENT WALSTON LLC
TAX MAP# 1-34-17.07 PARCEL 173.02
DEED 5429 / 82
PLAT REF: 15 / 30
PLAT REF: 11 / 08
PLAT REF: 8 / 183
BEING ALL OF TRACTS #1 & #2

LANDS N/F
BETHNAY PROPER TOWNHOUSES
TAX MAP# 1-34-17.07 PARCEL 166.00
PLAT REF: 23 / 101

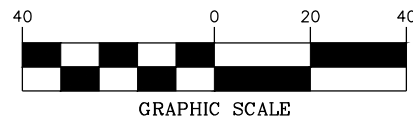
LANDS N/F
GERALD W. WILGUS TRUSTEE
GERALD W. WILGUS REV. TRUST
TAX MAP# 1-34-17.07 PARCEL 173.03
DEED 4186 / 37
PLAT REF: 15 / 30

- LEGEND**
- ◻ DENOTES CONCRETE MON
 - ⊙ DENOTES IRON REBAR
 - ⊙ DENOTES IRON PIPE
 - DENOTES POINT
 - DENOTES PROPERTY LINE
 - - - DENOTES B.R.L.

BOUNDARY SURVEY

PREPARED FOR

LOT 1, BLK 2, WILLIAM F. WILGUS JR. SUBDIVISION
BALTIMORE HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP #1-34-17.07 PARCEL 173.02
AREA: 60,958 ± SQ.FT. OR 1.3994 ± ACRES



VISTA
DESIGN INC.
Engineers, Surveyors, Landscape Architects,
Land Planning Consultants

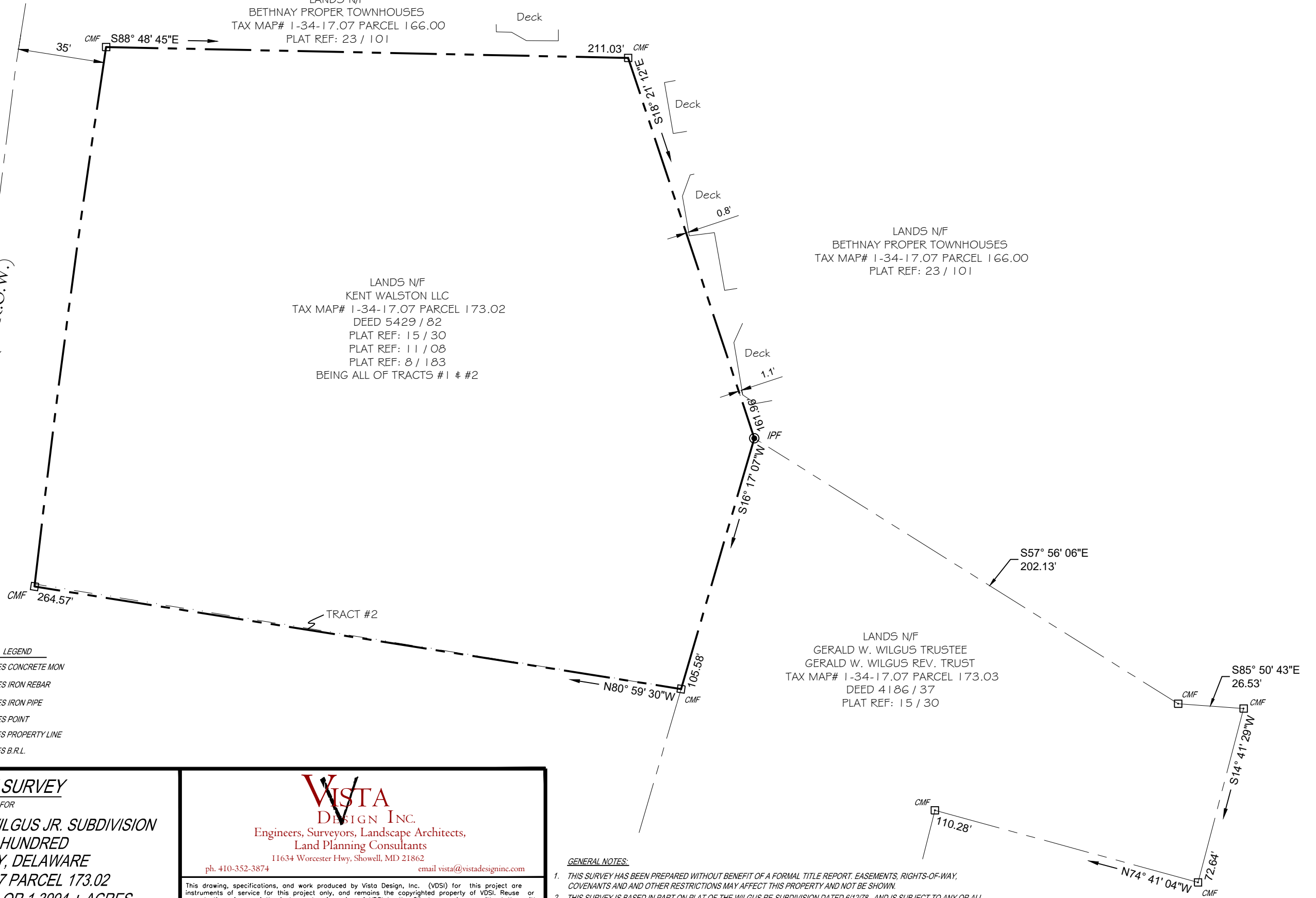
11634 Worcester Hwy, Showell, MD 21862
ph. 410-352-3874 email vista@vistadesigninc.com

This drawing, specifications, and work produced by Vista Design, Inc. (VDSI) for this project are instruments of service for this project only, and remains the copyrighted property of VDSI. Reuse or reproduction of any of the instruments of service of VDSI by the Client or assignees without the written permission of VDSI will be at the Client's risk and be a violation of the copyright laws of the United States of America and the respective state within which the work was completed.

DESIGNED BY: VD	FIELD BOOK# 107 PAGE# 17	JOB# 21-086
DRAWN BY: VD	DATE: 07/20/21	SHEET 1 OF 1
CHECKED BY: DLA	SCALE: AS SHOWN	

GENERAL NOTES:

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY, COVENANTS AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
- THIS SURVEY IS BASED IN PART ON PLAT OF THE WILGUS RE-SUBDIVISION DATED 6/12/78, AND IS SUBJECT TO ANY OR ALL EASEMENTS AND RIGHT-OF-WAYS AS RECORDED. BEARING SYSTEM REFERENCED TO PLAT BOOK 15 PAGES 30
- THIS SURVEY SHOWS ONLY VISIBLE ABOVE GROUND IMPROVEMENTS AND DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED.
- THE INFORMATION SHOWN HEREON IS BASED ON THE PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF SUSSEX COUNTY, DELAWARE AND A FIELD RUN SURVEY. (FLOOD ZONE "X" UNSHADED PER FEMA MAP #10005C0516 K DATED 03/16/2015)



5. SWM APPROACH



GEORGE, MILES & BUHR, LLC



ARCHITECTS
ENGINEERS

206 WEST MAIN STREET
SALISBURY, MD 21801
PH: 410.742.3115
PH: 800.789.4462
FAX: 410.548.5790

SALISBURY
BALTIMORE
SEAFORD

www.gmbnet.com



SAS Pre-Application Meeting Minutes

McCabe Kent Avenue

GMB # 210114.00

A Pre-Application meeting for the McCabe project took place on Wednesday, July 21, 2021, via a Cisco WebEx remote meeting.

In attendance:

John Justice	Sussex Conservation District (SCD)
Donna Colton	SCD
Barbara Schauer	SCD
Jonathan Soistman	George, Miles, and Buhr, LLC. (GMB)
Keegan Marsh	GMB

Items of discussion:

1. GMB gave an overview of the proposed McCabe Kent Avenue project and reviewed the site's existing conditions.
 - a. The site is located in Sussex County, DE. The site has a Bethany mailing address but is not within town limits.
 - b. The existing site consists of two (2) drainage areas, one drains to the south and the other to the east.
 - c. The existing site is serviced by Town of Bethany water and County sewer.
 - d. The proposed site area is approximately 1.36 acres.
 - e. The proposed site will consist of two (2) duplex homes, one (1) garage with an apartment, and access drive, for a total of five (5) dwellings.
2. Stormwater compliance will be achieved with one (1) submerged gravel wetland.
3. Submerged Gravel Wetland (SGW) to be used as Temporary Sediment Basin during construction.
 - a. SCD is to send SGW computation Excel files. Received by GMB.
 - b. Contractor is to verify depth of excavation for gravel media prior to installing gravel.
4. Submerged Gravel Wetland Sizing Criteria:
 - a. Gravel layer must hold 25% of R_{Pv} inflow volume.
 - b. R_{Pv} volume is to be per BMP S&S, sheet 12-22.
5. BMP to discharge to back of lot and must meet existing flow rate and condition at the property line.
6. PLD method of compliance to be used for DURMM analysis.
7. Soil testing to be completed to determine SHGW and meet SIP checklist requirements.
8. Include a note on the plans warning of Overhead Electric Lines along road frontage.

JAMES H. WILLEY, JR., P.E.
 PETER A. BOZICK, JR., P.E.
 JUDY A. SCHWARTZ, P.E.
 CHARLES M. O'DONNELL, III, P.E.
 W. BRICE FOXWELL, P.E.
 A. REGGIE MARINER, JR., P.E.
 JAMES C. HOAGESON, P.E.
 STEPHEN L. MARSH, P.E.
 DAVID A. VANDERBEEK, P.E.
 ROLAND E. HOLLAND, P.E.
 JASON M. LYTLE, P.E.
 CHRIS B. DERBYSHIRE, P.E.
 W. MARK GARDOCKY, P.E.
 MORGAN H. HELFRICH, AIA
 KATHERINE J. MCALLISTER, P.E.
 ANDREW J. LYONS, JR., P.E.

JOHN E. BURNSWORTH, P.E.
 VINCENT A. LUCIANI, P.E.
 AUTUMN J. WILLIS
 CHRISTOPHER J. PFEIFER, P.E.

9. GMB to evaluate roadside ditch/swale and direction of flow (model must show no adverse impact along frontage).
10. GMB to design DeIDOT entrance. No pre-application or Traffic Impact Study (TIS) scope meeting has been held with DeIDOT.

Please respond to GMB with any additions or modifications to the above items.

Sincerely,



Keegan Marsh
Senior Technician

cc: Attendees

6. TRAFFIC



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

NICOLE MAJESKI
SECRETARY

November 15, 2021

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Kent Walston, LLC** proposed land use application, which we received on November 8, 2021. This application is for an approximately 1.36-acre parcel (Tax Parcel: 134-17.07-173.02). The subject land is located on the east side of Kent Avenue (State Route 54A) across from the intersection with Beachwood Lane. The subject land is currently zoned AR-1 (Agriculture Residential) with a proposed zoning of MR (Medium Density Residential) to build one duplex and one single family house.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Kent Avenue from Atlantic Avenue (State Route 26) to Westway Drive (Sussex Road 224), is 3,903 vehicles per day.

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

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



Mr. Jamie Whitehouse

Page 2 of 2

November 15, 2021

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:afm

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

7. THREATENED AND ENDANGERED SPECIES

August 18, 2022

ERI Project No. 0354#1272

Mr. Steve Marsh,
George, Miles & Buhr
206 West Main Street
Salisbury, MD 21801

**RE: Kent Walston, LLC. Proposed Multi-Family Residential Community
Environmental Review for Wildlife Habitat and Endangered Species
Tax Map No.: 134-17.07-173.02 (1.37 Acres)
Town of Bethany Beach, Baltimore Hundred, Sussex County, Delaware**

Dear Mr. Marsh,

Environmental Resources, Inc. (ERI) has investigated the Kent Walston, LLC. 1.37 acre property for the presence of any wildlife habitats supporting state or federally listed species of concern. The property is proposed for a future multi-family residential community. No state or federally regulated wetlands or waters exist on the property.

ERI consulted with the U.S. Fish and Wildlife Service (Service) with respect to the occurrence of any federally listed threatened or endangered species or their critical habitats subject to the Endangered Species Act of 1973 (ESA). In their letter of August 18, 2022, the Service concluded that there are no records of any federally listed threatened or endangered species on this property (see attached). This confirms the results of observations ERI conducted on this property.

I do want to mention that the USFWS letter did provide information that a proposed candidate species, the Monarch Butterfly (*Danaus plexippus*) has been designated throughout the entire project vicinity. This species has no critical habitats designated and it is not yet listed as a protected species. In addition, this is a transitory species which has very specific habitat requirements which include an abundance of milkweed to be present on a property. The required vegetation does not occur on the subject site since the site consists of forest and managed lawn area.

Upon review of this report, I am available at your convenience should you have any comments or concerns.

Sincerely,

ENVIRONMENTAL RESOURCES, INC.

Edward M. Launay, Principal
Professional Wetland Scientist No. 875, Society of Wetland Scientists
Corps of Engineers' Wetland Delineator Certification No. WDCP93MD0510036B



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127



In Reply Refer To:

August 18, 2022

Project Code: 2022-0076221

Project Name: Ken Walston LLC. - Proposed Multi-Family Residential Community

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Project Code: 2022-0076221

Project Name: Ken Walston LLC. - Proposed Multi-Family Residential Community

Project Type: Residential Construction

Project Description: Construct a small multi-family residential community on uplands

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.53252945,-75.06244610556521,14z>



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> ▪ The monarch is a candidate species and not yet listed or proposed for listing. There are generally no section 7 requirements for candidate species (FAQ found here: https://www.fws.gov/savethemonarch/FAQ-Section7.html). Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPaC User Contact Information

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email elaunay@ericonsultants.com

Phone: 3024369637



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Chesapeake Bay Ecological Services Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401-7307
Phone: (410) 573-4599 Fax: (410) 266-9127

In Reply Refer To:

August 18, 2022

Project Code: 2022-0076221

Project Name: Ken Walston LLC. - Proposed Multi-Family Residential Community

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

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We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
 - USFWS National Wildlife Refuges and Fish Hatcheries
 - Wetlands
-

Official Species List

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This species list is provided by:

Chesapeake Bay Ecological Services Field Office

177 Admiral Cochrane Drive

Annapolis, MD 21401-7307

(410) 573-4599

Project Summary

Project Code: 2022-0076221
Project Name: Ken Walston LLC. - Proposed Multi-Family Residential Community
Project Type: Residential Construction
Project Description: Construct a small multi-family residential community on uplands
Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.53252945,-75.06244610556521,14z>



Counties: Sussex County, Delaware

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 1 of these species should be considered only under certain conditions.

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See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
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Insects

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Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

IPaC User Contact Information

Agency: Environmental Resources Inc.

Name: Edward Launay

Address: PO Box 169

City: Selbyville

State: DE

Zip: 19975

Email: elaunay@ericonsultants.com

Phone: 3024369637



Cu 2333

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

January 13, 2022

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

RE: PLUS review 2021-12-13; Sussex County Comprehensive Plan Amendment

Dear Mr. Whitehouse:

Thank you for meeting with State agency planners on December 15, 2021 to discuss the proposed Comprehensive Plan Amendment for Sussex County. This proposed amendment would change the Future Land Use map designation for parcel 134-17.07-173.02 from Municipalities Area to Coastal Area.

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

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

During a PLUS review for the planned development of this parcel in November 2021 it was determined that this parcel is shown as within the town of Bethany Beach. The applicant stated in that meeting that the parcel was, in fact, within Sussex County.

After that meeting, we worked with the Town of Bethany and Sussex County to determine that this parcel is within the County jurisdiction. Our municipal boundary files have been updated.

With this change, it would make sense to change the Future Land Use map designation to match that of the surrounding area outside the municipality, which would be Coastal. The Office of State Planning has no objections to this comprehensive plan amendment.

The parcel is in an Investment Level 1 according to the 2020 Strategies for State Policies and Spending. Level 1 is where state and local governments expect growth and infill to happen. The Office of State Planning has no objections to the comp plan amendment as proposed.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- This amendment, besides correcting an error, would facilitate a development known as Kent Walston. DelDOT provided PLUS comments on it on November 23.

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

- The comprehensive plan amendment proposes to change the Future Land Use map for one parcel from Municipalities Area to Coastal Area, since property owner does not wish to annex into the Town of Bethany. This area was previously reviewed in PLUS as 2021-11-01 Kent Walston. DNREC reviewers have no concerns or comments at this time.

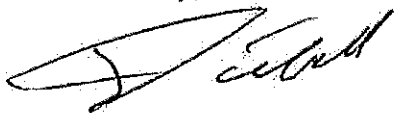
State Historic Preservation Office – Contact Carlton Hall 736-7400

- There is low potential for archaeological resources to be impacted by the proposed rezoning in anticipation of development. There are no known archaeological sites on or within a half-mile radius of the parcel. The parcel is not within favorable distance of a fresh water source, and therefore is not likely to contain prehistoric archaeological resources. Historic aerial and topographic maps do not show any historic structures on the parcel, therefore there is low historic archaeological potential.

Once a decision has been reached on this proposed comprehensive plan amendment, please forward a copy of the plan amendment to the Office of State Planning Coordination for our records. The plan amendment must include the adopting resolution or ordinance, a revised version of any maps that were updated as well as any text that was approved in amending the comprehensive plan. If the amendment is not approved by the County, please notify the office so we can update our records.

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

Sincerely,



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

Jamie Whitehouse

From: jmshaw35@verizon.net
Sent: Wednesday, August 31, 2022 11:25 AM
To: Jamie Whitehouse
Subject: Public Hearing Sept. 8th

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

Mr. Jamie Whitehouse.
Re: C/Z 1965 & C/U 2333

I am against the above amendment to re-zone & also against the above amendment to locate Multifamily Units (2). Kent Avenue is a very heavy traffic area year round. One of the causes is the allowed zone changes on Muddy Neck Rd. & Camp Barnes Rd. thousands of houses have been built & using Kent Avenue to access Garfield Parkway & Bethany Beach.

If you allow this change, it is "an accident waiting to happen" . Additional entrance onto Kent I the same as Beachwood Lane, Walston Walk, Jefferson Bridge Road & Bethany Beach Proper is unnecessary.

Jean M. Shaw
403 Beachwood Lane
Bethany Beach, De. 19930
jmshaw35@verizon.net
302-539.9516

Sent from the all new AOL app for Android

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



Sussex County

DELAWARE
sussexcountyde.gov

PLEASE NOTE

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



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

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: September 8th, 2022

Application: Ordinance 22-02 – In relation to Tax Parcel 134-17.07-173.02(P/O)
(Kent Walston, LLC)

Applicant: Kent Walston, LLC
30398 Pavilion Drive #1704
Ocean View, Delaware 19970

Owner: Same as Applicant

Site Location: East Side of Kent Avenue, North of Jefferson Bridge Road

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Density Residential (MR)

Proposed Use: Duplex (multifamily, 2 units)

Current
Comprehensive Land
Use Plan Reference: Low Density

Proposed
Comprehensive Land
Use Plan Reference: Coastal Area

Councilmanic
District: Mr. Hudson

School District: Indian River School District

Fire District: Greenwood Fire Department

Sewer: County Sewer

Water: Private Provider

Site Area: 1.4 ac. +/-

Tax Map ID.: 134-17.07-173.02



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 134-17.07-173.02 (portion of).

WHEREAS, on December 28th, 2021, the Sussex County Planning and Zoning Office received an application for a Comprehensive Plan Amendment Request to amend the Future Land Use Map element of the Comprehensive Plan to change the Area designation of a portion of Sussex County Parcel No. 134-17.07-173.02 from the Municipalities Area to the Coastal Area; and

WHEREAS, the Parcel comprises 1.4 acres of land, lying and being within Baltimore Hundred, and located on the east side of Kent Avenue (S.C.R. 361), approximately 350 feet north of Jefferson Bridge Road (S.C.R. 361A); and

WHEREAS, The Property is designated as being within both the Coastal Area and Municipalities Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the 2018 Comprehensive Plan for Sussex County.

WHEREAS, Sussex County Council desires to adopt this Ordinance amending the Future Land Use Map of the Plan with minor amendments; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Future Land Use Map identified as Figure 4.5-1 of the Sussex County Comprehensive Plan is hereby amended to change a portion of the parcel currently classified as the Municipalities Area designation of Sussex County Parcel No. 134-17.07-173.02 from the Municipalities Area to the Coastal Area. The portion of Sussex County Parcel No. 134-17.07-173.02 so changed is identified in Exhibit A, attached hereto and incorporated herein.

Section 2. This Ordinance shall also take effect following its adoption by majority vote of all members of the County Council of Sussex County, Delaware, and upon certification by the State of Delaware.

**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

**SECTION 2. COMPREHENSIVE PLAN AMENDMENT OR MUNICIPAL
ORDINANCE DESCRIPTION**

Please describe the submission.

Summary: This is a request to consider the potential amendment of the Future Land Use Map of the adopted Comprehensive Plan in relation to Tax Parcel No 134-17.07-173.02. The location of the potential amendment is shown in Appendix A.

Background: On November 17, 2021, a PLUS Review was held for Parcel No. 134-17.07-173.02. It was identified following the review that the parcel was incorrectly shown as being within the Town Boundary of the Town of Bethany. As the parcel was not considered to be within the unincorporated areas of Sussex County when the 2019 Comprehensive Plan was adopted and certified, the property is designated as being within the Municipalities Area as set forth in the Future Land Use Map identified as Figure 4.5-1 in the Plan. The area of the parcel is approximately 1.36 acres +/-.

As the Municipalities Area designation was intended to apply to lands outside of the County's jurisdiction Sussex County Council wishes to consider the potential amendment of the Future Land Use Map element of the Comprehensive Plan to change the area designation of Sussex County Tax Parcel No. 134-17.07-173.02. as shown in Appendix A, from the Municipalities Area to the Coastal Area.

The County is requesting that the potential amendment of the Future Land Use Map be considered for review at the December 2021 PLUS meeting. The County is available to attend in-person to present the potential revision.

**Preliminary Land Use Service (PLUS) Application
Pre-Update Review Request
Municipal Comprehensive Plans
Comprehensive Plan Amendments
Municipal Ordinances**

Delaware Office of State Planning Coordination

122 Martin Luther King Jr. Blvd., South • Dover, DE 19901 • Phone: 302-739-3090 • Fax: 302-739-5661

All sections related to your project must be completed. Incomplete applications could lead to delays in scheduling your review. If you need assistance or clarification, please call the State Planning Office at (302) 739-3090.

REQUESTED REVIEW: Check one

Comprehensive Plan Pre-Update Review
Complete Sections 1 and 3 only

Comprehensive Plan or Update
Complete Sections 1 and 3 only

Comprehensive Plan Amendment
Complete Sections 1 and 2 only

Municipal Ordinance Review
Complete Sections 1 and 2 only

Date of most recently certified comprehensive plan:

April 1, 2019

Link to most recently certified comprehensive plan, if available:

If a link to the plan is not available, you must submit a copy of your plan with this application for a Pre-Update Review or a Comprehensive Plan Amendment.

<https://sussexcountyde.gov/sites/default/files/PDFs/2018CompPlan-Final.pdf>

Exhibit A : Potential
Comprehensive Plan Amendment
Total Area = 1.36 Ac. +/-

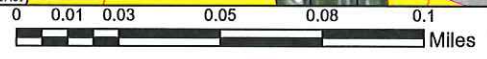


Sussex County



Legend

- Potential FLUM Revision
- Tax Parcels
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center
- Municipal Boundaries



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

TO: **Jamie Whitehouse**
REVIEWER: **Chris Calio**
DATE: **8/24/2022**
APPLICATION: **2022-02 Kent Walston, LLC**
APPLICANT: **Kent Walston, LLC**
FILE NO: **OM-2.07**

RECEIVED
AUG 29 2022
SUSSEX COUNTY
PLANNING & ZONING

TAX MAP &
PARCEL(S): **134-17.07-173.02**
LOCATION: **East side of Kent Avenue, North of Jefferson Bridge Road.**
NO. OF UNITS: **Upzone from AR-1 to MR**
GROSS
ACREAGE: **1.4**

SYSTEM DESIGN ASSUMPTION, MAXIMUM NO. OF UNITS/ACRE: **4**

SEWER:

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?
Yes No
- a. If yes, see question (2).
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Tier 1**
- (3). Is wastewater capacity available for the project? **Yes** If not, what capacity is available? **N/A.**
- (4). Is a Construction Agreement required? **Yes** If yes, contact Utility Engineering at (302) 855-7717.
- (5). Are there any System Connection Charge (SCC) credits for the project? **No** If yes, how many? **N/A.** Is it likely that additional SCCs will be required? **Yes** If yes, the current System Connection Charge Rate is **Unified \$6,600.00** per EDU. Please contact **Noell Warren** at **302-855-7719** for additional information on charges.

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **N/A**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **N/A**
- (8). Comments: **A lateral will need to be installed for this parcel due to a parcel split after the original installation of sewer for the Bethany Beach Area.**
- (9). Is a Sewer System Concept Evaluation required? **Yes, Contact Utility Planning at 302-855-7370 to apply**
- (10). Is a Use of Existing Infrastructure Agreement Required? **Yes**
- (11). **All residential roads must meet or exceed Sussex County minimum design standards.**

UTILITY PLANNING & DESIGN REVIEW APPROVAL:



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

Xc: Hans M. Medlarz, P.E.
Lisa Walls
Noell Warren