

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
IRWIN G. BURTON III, VICE PRESIDENT
DOUGLAS B. HUDSON
JOHN L. RIELEY
SAMUEL R. WILSON JR.



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743 T
(302) 855-7749 F

SUSSEX COUNTY COUNCIL

A G E N D A

NOVEMBER 10, 2020

10:00 A.M.

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – October 27, 2020

Reading of Correspondence

Public Comments

Consent Agenda

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA-CU2199
Seaglass at Rehoboth Beach Project, OA Rehoboth, LLC**
- 2. Use of Existing Wastewater Infrastructure Agreement, IUA1098
Ashton Oaks Project, OA Oaks, LLC**

Todd Lawson, County Administrator

- 1. Administrator's Report**

Jamie Whitehouse, Planning and Zoning Director

- 1. Conditional Use No. 2237 filed on behalf of Samuel C. Warrington II –
to report public comments and to close the record**



Hans Medlarz, County Engineer

1. Discussion and Possible Introduction of the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT RATES FOR THE HERRING CREEK AREA OF THE UNIFIED SEWER DISTRICT”
2. Artesian Wastewater Management, Inc. & Artesian Water Company, Inc.
 - A. 2016 Bulk Wastewater Services Agreement – Addendum No. 4
 - B. Ellendale Water District Agreement – Amendment No. 1
3. South Coastal RWF Treatment Process Upgrade No. 3 & Rehoboth Beach WTP Capital Improvement Program, Phase 2
 - A. Approval of Agreement for Services with Town of Selbyville
 - B. Electrical Construction, Project C19-17, Change Order 8
4. Western Sussex Transmission Facilities
 - A. George, Miles & Buhr, LLC – Amendment No. 3
 - B. Contract 4: Pump Stations, Project S19-28, Change Order 3

J. Mark Parker, Assistant County Engineer

1. FY 21 Ocean Outfall Inspection
 - A. Recommendation to Award

John Ashman, Director of Utility Planning

1. H&D Townhouses (Sea Edge) IUA 974-1
 - A. Existing Wastewater Infrastructure Use Amendment

Grant Requests

1. Boy Scouts of America Troop #1 for equipment expenses
2. Sussex Central High School for equipment expenses
3. Georgetown Historical Society for Barrel Barn renovations
4. Lewes Public Library for festival expenses

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

Executive Session – Land Acquisition pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session items

1:30 p.m. Public Hearings

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA.

Conditional Use No. 2234 filed on behalf of James Jones

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FIBERGLASS SWIMMING POOL AND SPA DISPLAY AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.70 ACRES, MORE OR LESS” (property lying on the south side of Cordrey Road (S.C.R. 308), approximately 0.12 miles east of William Street Road (S.C.R. 309) (Tax I.D. No. 234-28.00-67.00) (911 Address: 28984 Cordrey Rd, Millsboro)

Conditional Use No. 2240 filed on behalf of Tidewater Utilities, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC UTILITY ELEVATED STORAGE TANK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.32 ACRE, MORE OR LESS” (property lying on the southeast side of John J. Williams Highway (Route 24) approximately 1.52 miles southwest of Coastal Highway (S.R. 1) (Tax I.D. No. 334-12.00-107.00 (portion of) (911 Address: 19483 John J. Williams Highway, Lewes)

Conditional Use No. 2241 filed on behalf of Jonathan J. Bowman

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCK AND TRAILER REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 2.69 ACRES, MORE OR LESS” (property lying on the east side of Millsboro Highway (S.C.R. 26/30) approximately 120 feet north of Bradford Road (S.C.R. 426) (Tax I.D. No. 333-7.00-32.00) (911 Address: 34647 Millsboro Highway, Millsboro)

Change of Zone No. 1925 filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25.63 ACRES, MORE OR LESS” (property lying on the northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363) (Tax I.D. No. 134-19.00-22.00 (portion of) (911 Address: None Available)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on November 2, 2020 at 4:15 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the meeting.

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

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

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

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

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

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, November 9, 2020.

#

PLANNING & ZONING COMMISSION

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



Sussex County

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302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date October 8th, 2020

Application: CU 2234 James Jones

Applicant/Owner: James Jones
28984 Cordrey Rd
Millsboro, DE 19966

Site Location: 28984 Cordrey Rd. On the south side of Cordrey Rd (S.C.R. 308),
approximately 0.12 miles east of William Street Rd (S.C.R. 309)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Fiberglass Swimming Pool & Spa Display/ Landscaping Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmatic
District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Volunteer Fire Company

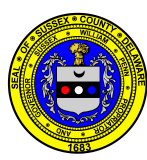
Sewer: Septic

Water: Private

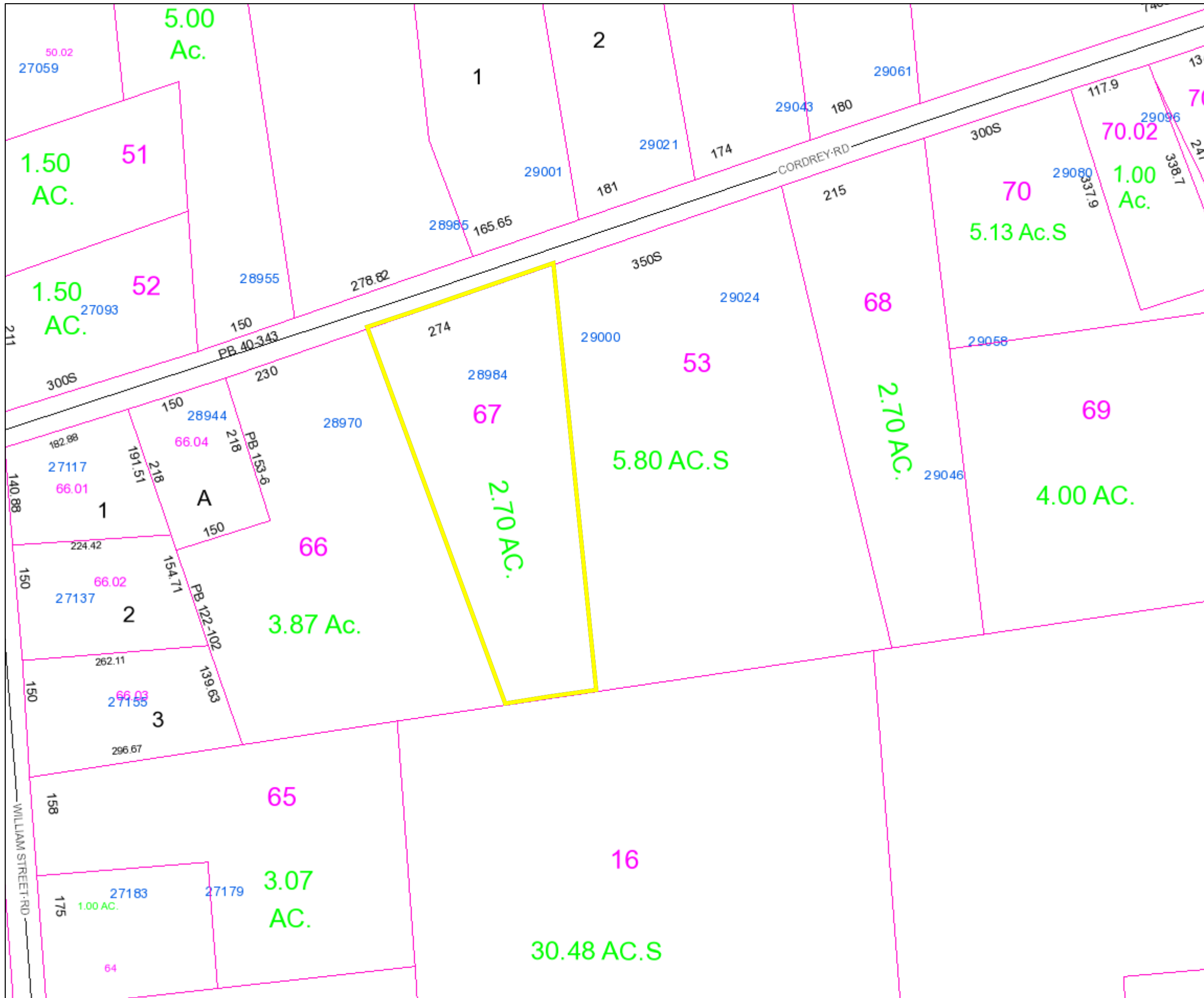
Site Area: 2.70 Acres +/-

Tax Map ID.: 234-28.00-67.00





Sussex County



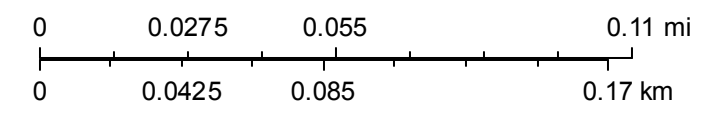
PIN:	234-28.00-67.00
Owner Name	JONES YVONNE R
Book	4459
Mailing Address	10A CEDAR LANE
City	FRANKFORD
State	DE
Description	S SD CO RD
Description 2	WAPLES MILL TO O OR
Description 3	2.70 ACRES
Land Code	

- polygonLayer**

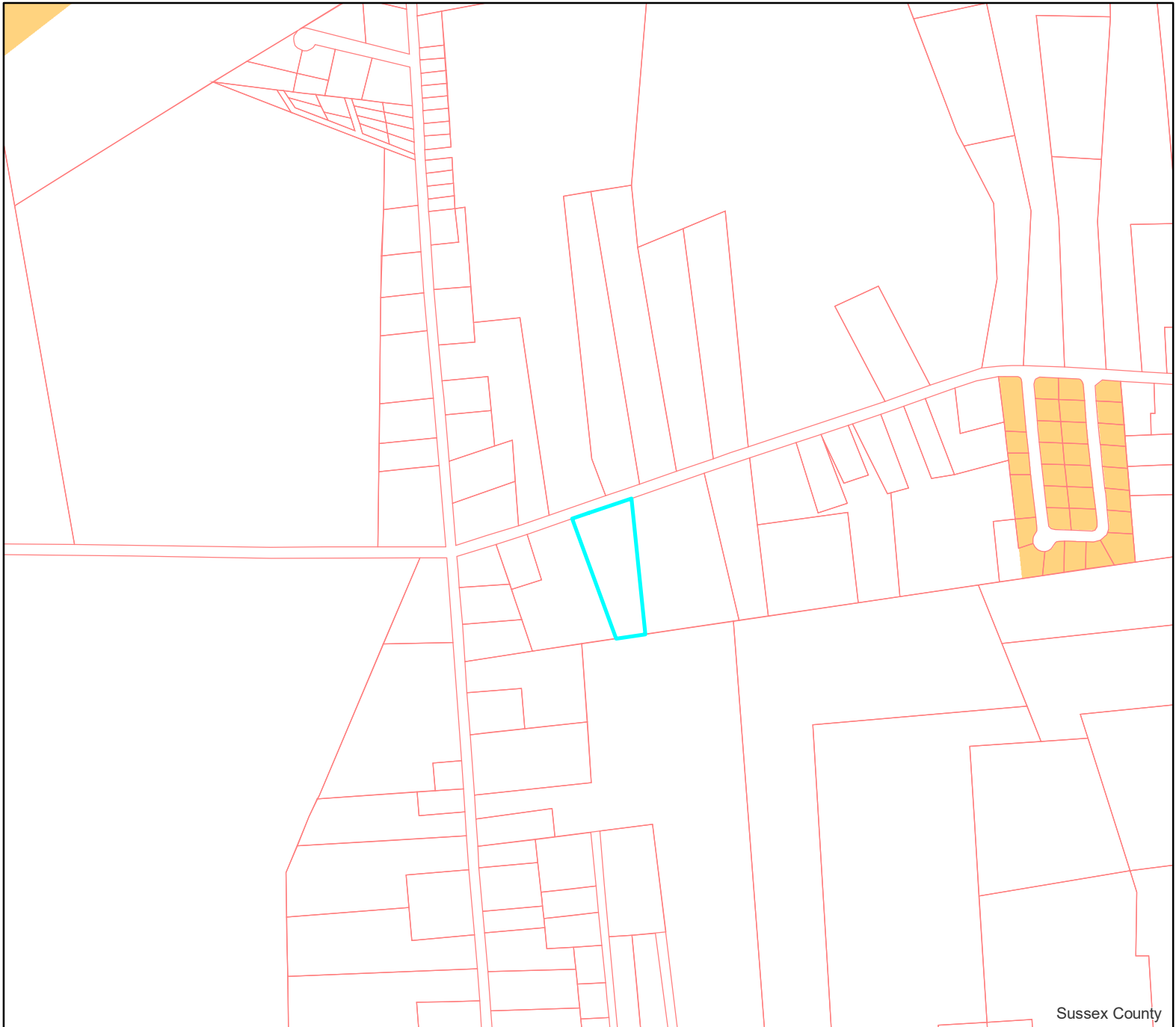
Override 1
- polygonLayer**

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

1:2,257



CU 2234 James Jones




Sussex County

Legend

Zoning

District

 Agricultural Residential - AR-1

 Agricultural Residential - AR-2


 Medium Residential - MR


 General Residential - GR

 High Density Residential - HR-1

 High Density Residential - HR-2

 Vacation, Retire, Resident - VRP

 Neighborhood Business - B-1

 Neighborhood Business - B-2


 General Commercial - C-1

 General Commercial - C-2

 General Commercial - C-3


 General Commercial - C-4


 General Commercial - C-5


 Commercial Residential - CR-1

 Institutional - I-1

 Marine - M

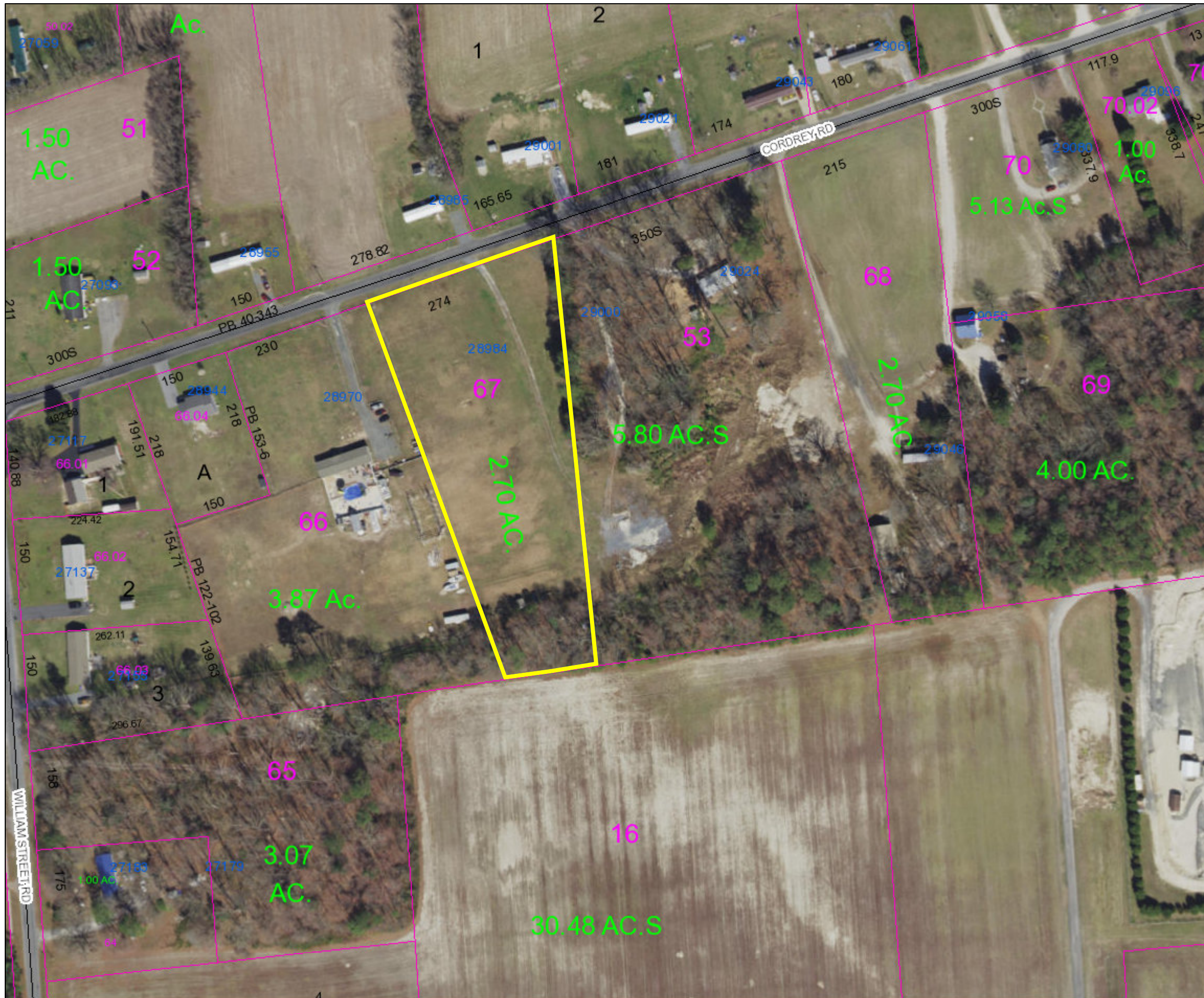
 Limited Industrial - LI-1

 Limited Industrial - LI-2

 Heavy Industrial - HI-1

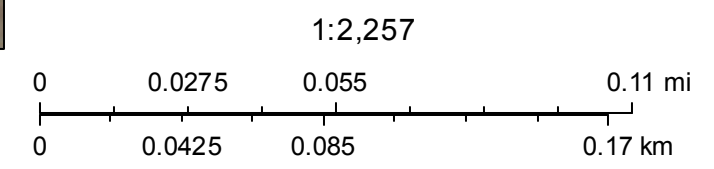


Sussex County



PIN:	234-28.00-67.00
Owner Name	JONES YVONNE R
Book	4459
Mailing Address	10A CEDAR LANE
City	FRANKFORD
State	DE
Description	S SD CO RD
Description 2	WAPLES MILL TO O OR
Description 3	2.70 ACRES
Land Code	

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



JAMIE WHITEHOUSE, AICP, MRTPI
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Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 1, 2020
RE: Staff Analysis for CU 2234 James Jones

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2234 James Jones to be reviewed during the October 8, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 234-28.00-67.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a fiberglass swimming pool and spa display and landscaping business. The parcel is located on the south side of Cordrey Rd. (S.C.R. 308) in Millsboro, Delaware. The size of the property is approximately 2.70 acres +/-.

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

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

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

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

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a public utility elevated storage tank, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



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

28984 Cordrey Rd. Millsboro, DE 19966

Type of Conditional Use Requested:

Fiberglass swimming pool + spa display

Tax Map #: 234-28.00-67.00 Size of Parcel(s): 2.70 Ac

Current Zoning: AR-1 Proposed Zoning: _____ Size of Building: _____

Land Use Classification: Conditional

Water Provider: _____ Sewer Provider: _____

Applicant Information

Applicant Name: James Jones
Applicant Address: 28984 Cordrey Rd
City: Millsboro State: DE Zip Code: 19966
Phone #: 302-752-6233 E-mail: cordwatercleanlawn@gmail.com

Owner Information

Owner Name: James Jones
Owner Address: 28984 Cordrey Rd.
City: Millsboro State: DE Zip Code: 19966
Phone #: 302-752-6233 E-mail: cordwatercleanlawn@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

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

___ Provide Fee \$500.00

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

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

___ DeIDOT Service Level Evaluation Request Response

___ PLUS Response Letter (if required)

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

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

Signature of Applicant/Agent/Attorney

Date: _____

Signature of Owner



Date: 2-21-2020

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

March 16, 2020

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

Dear Mr. Jamie:

The Department has completed its review of a Service Level Evaluation Request for the **James Jones** conditional use application, which we received on February 21, 2020. This application is for an approximately 2.70-acre parcel (Tax Parcel: 234-28.00-67.00). The subject land is located on the south side of Cordrey Road (Sussex Road 308), approximately 600 feet east of the intersection of Cordrey Road and William Street Road (Sussex Road 309). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to use the existing 1,200 square-foot pole building for a fiberglass pool and spa display / landscaping business.

Per the 2018 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Cordrey Road where the subject land is located, which is from William Street Road to Streets Road (Sussex Road 310), is 729 vehicles per day.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
March 16, 2020

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

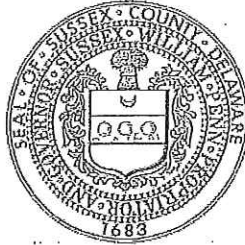
TWB:cjm

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

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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



Sussex County

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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: 2-21-2020

Site Information:

Site Address/Location: 28984 Cordrey RD Millsboro DE 19966

Tax Parcel Number: 234-28.00-67.00

Current Zoning: AR-1

Proposed Zoning: CU

Land Use Classification: Conditional

Proposed Use(s):

Fiberglass pool and SPA Display / Landscaping business

Square footage of any proposed buildings or number of units: 30x50 existing pole building

Applicant Information:

Applicant's Name: James Jones

Applicant's Address: 28984 Cordrey RD
City: Millsboro State: DE Zip Code: 19966

Applicant's Phone Number: 302-752-6233

Applicant's e-mail address: Coolwater Cleanlawn@gmail.com



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/21/2020**

APPLICATION: **CU 2234**

APPLICANT: **James Jones**

FILE NO: **NCPA-5.03**

TAX MAP &
PARCEL(S): **234-28.00-67.00**

LOCATION: **28984 Cordrey Road. On the east side of Cordrey Road (SCR 308), approximately 0.12 miles east of William Street Road (SCR 309)**

NO. OF UNITS: **Fiberglass Swimming Pool & Spa Display/ Landscaping Business.**

GROSS
ACREAGE: **2.70**

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

SEWER:

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

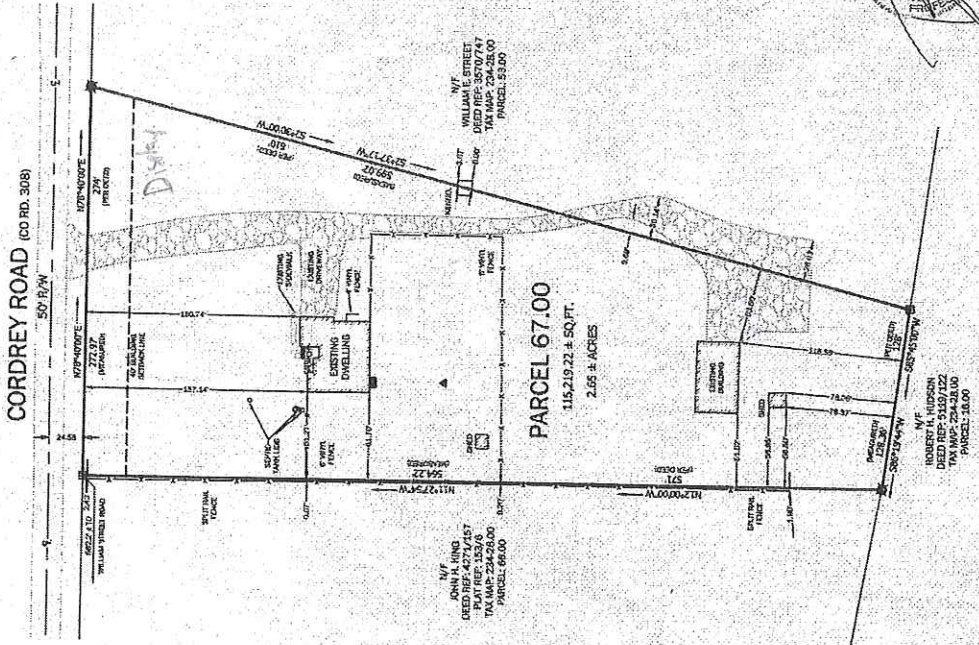
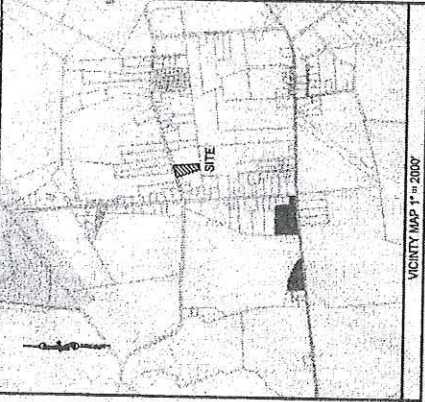
- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **No**
- (8). Comments: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

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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



PER DEED REF: 459/118

LEGEND

- ▣ CONCRETE MONUMENT FOUND
- IRON ROD W/ CAP FOUND
- CLEAN CUT
- ▲ EXISTING WELL
- EDGE OF PAVING
- - - BUILDING SETBACK LINE (BSL)
- - - FENCE
- ▨ GRABEL

GENERAL NOTES

- 1) THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY: YONNE E. & JAMES EVERETTE JONES.
- 2) DEED REFERENCE: 459/118.
- 3) TOTAL NUMBER OF PARCELS = 1.
- 4) TOTAL AREA OF PARCELS = 2.65 ± ACRES / 115,219.22 ± SQ. FT.
- 5) TOTAL AREA OF THIS PARCEL = 2.65 ± ACRES / 115,219.22 ± SQ. FT.
- 6) THIS SURVEY IS SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, RESTRICTIONS, LIENS AND OTHER MATTERS OF RECORD THAT MAY BE REVEALED BY A THOROUGH TITLE SEARCH.



PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A SURVEYOR LICENSED UNDER THE LAWS OF THE STATE OF DELAWARE. LICENSE NUMBER: 52327. EXPIRES: JUNE 30, 2024.

BRUCE P. PARKER
BRUCE P. PARKER
DATE: 2/18/20

BOUNDARY SURVEY PLAN
28984 CORDREY RD
FOR JAMES JONES

INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

DATE: 02/07/2020
SCALE: 1" = 60'
JOB NO.: S2327

OWNER: AMH
SHEET: 87.00

REVISIONS:

NO.	DATE	DESCRIPTION

85227 BOUNDARY



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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302-854-5079 F
JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date October 8th, 2020

Application: CU 2234 Tidewater Utilities, Inc

Applicant/Owner: Tidewater Utilities, Inc
1100 South Little Creek Road
Dover, DE 19901

Site Location: 1270 Kings Highway. Located on the southeast side of John J. Williams Highway (Rt. 24) approximately 1.52 miles southwest of Coastal Highway (Route 1)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Elevated Storage Tank

Comprehensive Land Use Plan Reference: Commercial

Councilmatic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Fire Company

Sewer: Tier 2 - Sussex County Planning Area

Water: Tidewater Utilities

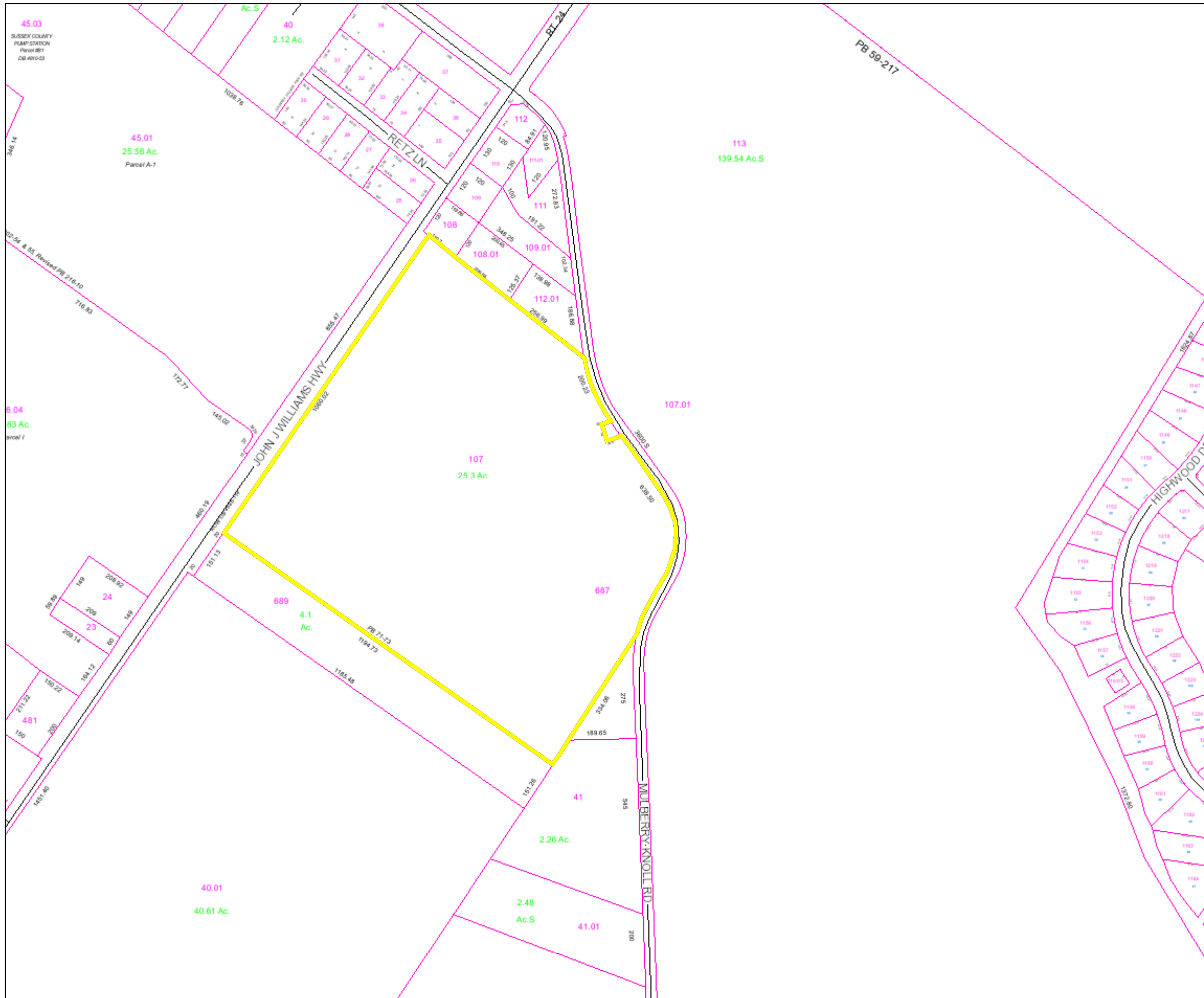
Site Area: 2124 Square Feet +/-

Tax Map ID.: 334-12.00-107.00 (Portion of)





Sussex County



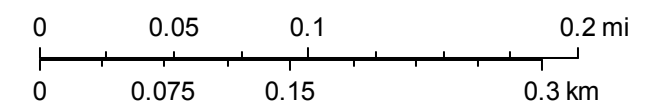
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Book	2549
Mailing Address	1270 KINGS HWY
City	LEWES
State	DE
Description	ON RD 24
Description 2	CAPE HENLOPEN MIDDLE
Description 3	SCHOOL 2759700
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

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

1:4,514





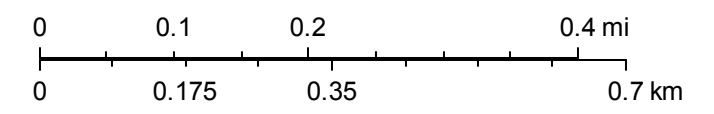
Sussex County

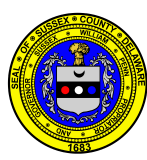


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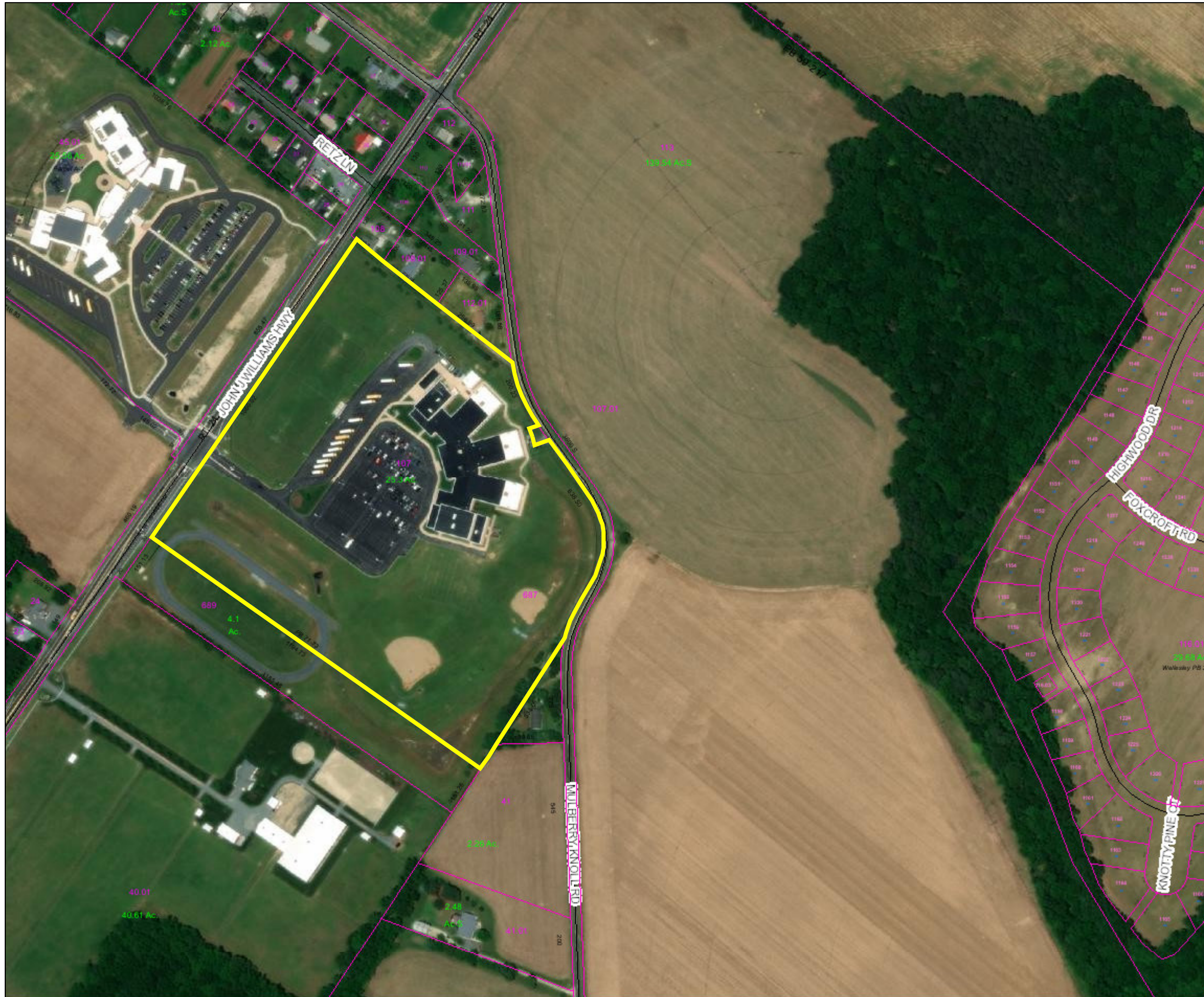
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- Override 1
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- Override 1
- Tax Parcels
- Streets

1:9,028





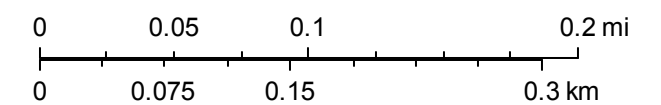
Sussex County



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

1:4,514



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Jennifer Norwood, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 1, 2020
RE: Staff Analysis for CU 2240 Tidewater Utilities LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2240 Tidewater Utilities, LLC to be reviewed during the October 8, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 334-12.00-107.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a public utility elevated storage tank. The parcel is located on the southeast side of John J. Williams Hwy (Rt.24) in Lewes, Delaware. The size of the property is approximately 2,124 SF +/-.

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

The Commercial Area is designated to encourage commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. The Coastal Area is designated to encourage growth and development without diminishing ecological and environmental characteristics.

This parcel is zoned Agricultural Residential (AR-1) Zoning District. The adjacent parcels to the north, south, east and west of the parcel are zoned Agricultural Residential (AR-1) Zoning District.

Since 2011, there has been one (1) Conditional Use application in a one-mile radius. Conditional Use 2059, to allow for a beauty salon, was approved by County Council on October 25, 2016 and adopted through Ordinance No. 2478.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a public utility elevated storage tank, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



File #: CU 2240
202008884

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

JUL 21 2020

SUSSEX COUNTY
PLANNING & ZONING

Type of Application: (please check applicable)

Conditional Use

Zoning Map Amendment

Site Address of Conditional Use/Zoning Map Amendment

(Beacon Middle School) 19483 John J. Williams Highway, Lewes, Delaware 19958

Type of Conditional Use Requested:

Public utility; installation of an elevated storage tank

Tax Map #: 334-12.00-107.00 **Size of Parcel(s):** 29.23 AC

Current Zoning: AR-1 **Proposed Zoning:** AR-1 **Size of Building:** 2,124 SF (tank base)

Land Use Classification: Institutional/Governmental

Water Provider: Tidewater Utilities, Inc.

Sewer Provider: Sussex County

Applicant Information

Applicant Name: Tidewater Utilities, Inc.

Applicant Address: 1100 South Little Creek Road

City: Dover **State:** DE **Zip Code:** 19901

Phone #: (302) 747-1306 **E-mail:** gcoury@middlesexwater.com

Owner Information

Owner Name: Cape Henlopen School District

Owner Address: 1270 Kings Highway

City: Lewes **State:** DE **Zip Code:** 19958

Phone #: (302) 645-1442 **E-mail:** _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Beacon Engineering, LLC

Agent/Attorney/Engineer Address: 23318 Cedar Lane

City: Georgetown **State:** DE **Zip Code:** 19947

Phone #: (302) 864-8825 **E-mail:** rpalmer@beaconengineeringllc.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


N/A **PLUS Response Letter (if required)**

SLER was applied for on July 2, 2020. We will provide the County with a response once we receive it from DelDOT.

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

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

Signature of Applicant/Agent/Attorney



Date: 7/17/2020

Signature of Owner



Date: 7/13/20

For office use only:

Date Submitted: 7/21/20

Fee: \$500.00 Check #: 10246133

Staff accepting application: NT

Application & Case #: CU2240

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____



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

JENNIFER COHAN
SECRETARY

July 30, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Tidewater Utilities, Inc.** conditional use application, which we received on July 2, 2020. This application is for an approximately 25.3-acre parcel (Tax Parcel: 334-12.00-107.00). The subject land is located on the southeast side of Delaware Route 24, approximately 500 feet southwest of the intersection of Delaware Route 24 and Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to install an elevated storage tank onsite at the Beacon Middle School to serve the south Rehoboth area.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Camp Arrowhead Road (Sussex Road 279) to Warrington Road / Plantations Road (Sussex Road 275), are 19,793 and 25,474 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
July 30, 2020

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/21/2020**

APPLICATION: **CU 2240 Tidewater Utilities, Inc**

RECEIVED

APPLICANT: **Tidewater Utilities, Inc**

OCT 01 2020

FILE NO: **NCPA-5.03**

SUSSEX COUNTY
PLANNING & ZONING

TAX MAP &
PARCEL(S): **334-12.00-107.00 (portion of)**

LOCATION: **Located on the southeast side of John J. Williams Highway (Rt. 24), approximately 1.52 miles southwest of Coastal Highway (SR 1)**

NO. OF UNITS: **Elevated Water Storage Tank**

GROSS
ACREAGE: **2,124 sq. ft.**

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

SEWER:

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

Yes

No

a. If yes, see question (2).

b. If no, see question (7).

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

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

(4). Is a Construction Agreement required? **No** If yes, contact Utility Engineering at (302) 855-7717.

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

- (6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **Yes**
- Attached is a copy of the Policy for Extending District Boundaries in a Sussex County Water and/or Sanitary Sewer District.
- (7). Is project adjacent to the Unified Sewer District? **Yes**
- (8). Comments: **Sussex County has a pumpstation and forcemain contract permitted by DNREC for construction of sewer improvements in the area. Construction is scheduled to begin early 2021 coordination of the project and utilities is required. The proposed project is on a parcel that is currently served with Sussex County sewer through a Memorandum of Understanding.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

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



Cape Henlopen School District

Lenny C. Richardson
Supervisor of Facilities
lenny.richardson@cape.k12.de.us

Cape Henlopen School District
1270 Kings Highway, Lewes, DE 19958
Phone 302.644.6314
Fax 302.644.7915

To the Planning and Zoning Committee of Sussex County

This correspondence from the Cape Henlopen School District is to promise our continued cooperation for the water tower project being presented by Tidewater (TUI). Since the summer of 2019, when we were first approached to revive the agreement signed when Beacon Middle School was erected, we have been working with Tidewater to make this project happen.

We were able to locate the original agreements and two other attempts to move forward with this project in 2010 and 2012. We are not sure why they were not carried out, but we are prepared to make it work this time. Tidewater has made some edits to the plans and scheduling to be the least invasive to our school should this project be approved.

If there are any questions you may have, feel free to contact me by email (lenny.richardson@cape.k12.de.us) or on my cell phone (302-228-2530).

Thank you

Lenny C. Richardson

The Cape Henlopen School District is an equal opportunity employer and does not discriminate on the basis of race, color, creed, religion, gender (including pregnancy, childbirth and related medical conditions), national origin, citizenship or ancestry, age, disability, marital status, veteran status, genetic information, sexual orientation, or gender identity, against victims of domestic violence, sexual offenses, or stalking, or upon any other categories protected by federal, state, or local law. (El Distrito Escolar Cape Henlopen ofrece oportunidades iguales de empleo y sin discriminación de raza, color, credo, religión, género (incluyendo embarazo, parto y sus condiciones médicas), nacionalidad, ciudadanía o ascendencia, edad, discapacidad, estado civil, servicio military(veterano), información genética, orientación sexual, o identidad de género, en contra de víctimas de violencia doméstica, ofensas sexuales, acoso, o bajo cualquier otra categoría protegida por la ley local, estatal, y federal.) Edward I. Waples, Employee/Student Compliance Officer; OCR/Title IX/504 Office of Human Resources; LouAnn Hudson, Student 504 Compliance Officer, 1270 Kings Highway, Lewes, DE 19958.



DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

Office of Engineering
Phone: (302) 741-8640
Fax: (302) 741-8631

October 2, 2020

Mr. Greg Coury
Tidewater Utilities, Inc.
1100 South Little Creek Road
Dover, DE 19901

Re: Beacon Elementary School 1 Million Gallon Tank

Dear Mr. Coury:

The Division of Public Health Office of Engineering strongly supports increasing the water storage capacity in Tidewater Utilities, Inc. Rehoboth District, PWS ID#0000991 at the Beacon Elementary School location. Storage of potable water is critical to the efficient operation of a water distribution system. Storage tanks serve 2 major functions; they provide storage volume and they provide pressure to the distribution system. An elevated storage tank at this location will provide both.

An elevated storage tank allows the use of constant flow in the distribution system that is critical for domestic, commercial, and industrial applications as well as for fire protection. Well pumps that fill the storage tanks are operated by controls which start and stop as the water level in the tank rises and falls throughout the day. When water demands are high, the well pumps may have a hard time keeping up with the demand. When demands are low, the well pumps have excess capacity to refill the tank for the next high demand period. Adequate storage will extend the life of well pumps and provide operation and maintenance cost savings.

Elevated storage tanks help maintain the water pressure in the distribution system which is critical to public health and safety by developing the necessary feet of head (height of water above ground) to force water through the system. Constant pressure decreases the potential for backflow conditions which could contaminate drinking water.

Please do not hesitate to contact me at (302) 741-8646 with questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "William J. Maliken, Jr.".

William J. Maliken, Jr.
Engineer III
Office of Engineering

TIDEWATER UTILITIES, INC.
(BEACON MIDDLE SCHOOL SITE)

CU # 2240

PROPOSED CONDITIONS

1. Maximum capacity of tank shall be One Million gallons
2. Maximum height to the top of the storage tank itself will not exceed 150 feet
3. Lighting at the tank shall be limited to normal security lights and safety lights required by the F.A.A.
4. The tank shall be painted a sky neutral color and lettering shall be limited to identification of the water company Tidewater Utilities, Inc. and the Cape Henlopen School District
5. The tank shall be surrounded by a security fence at least six (6) feet in height
6. Structural design of the water tank shall comply at a minimum with AWWA D100-11 standards
7. The Final Site Plan shall be subject to review and approval by the Sussex County Planning and Zoning Commission

TIDEWATER UTILITIES, INC.
(BEACON MIDDLE SCHOOL SITE)

CU # 2240

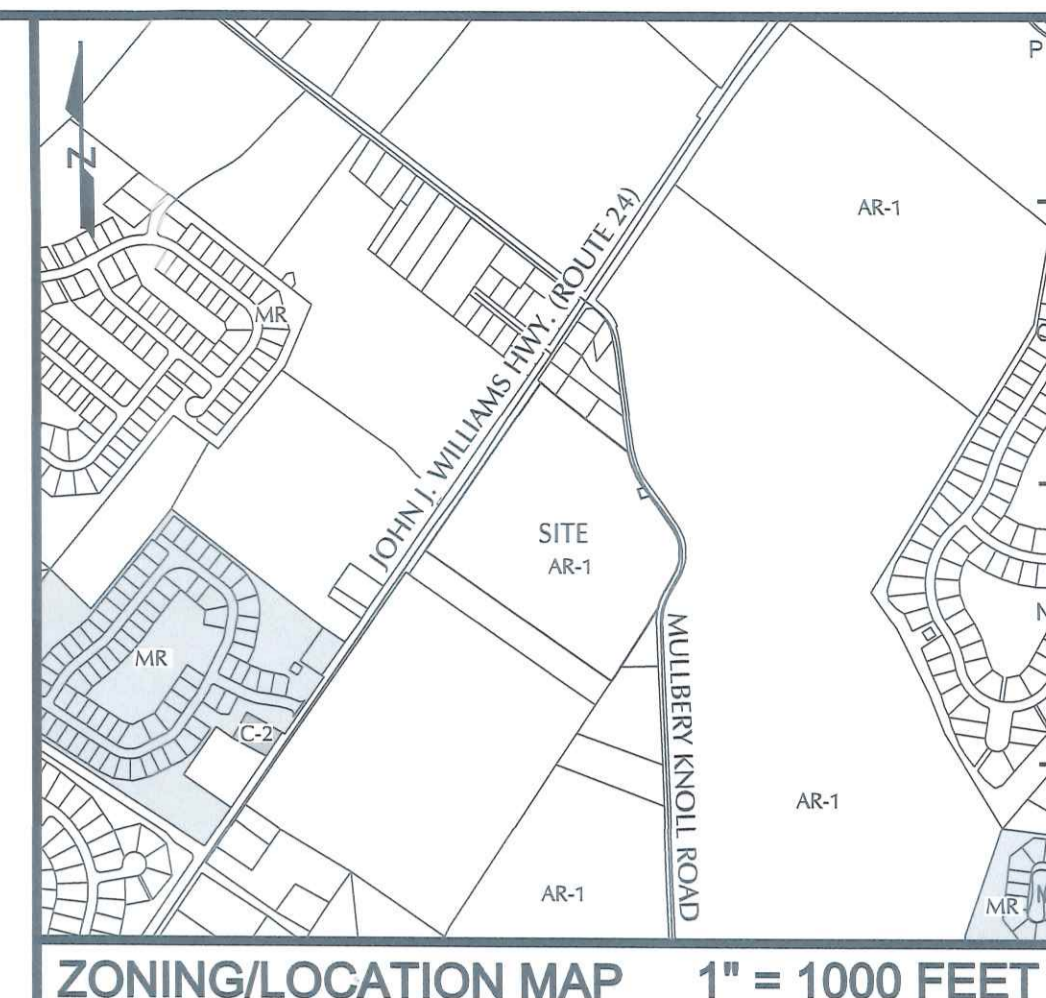
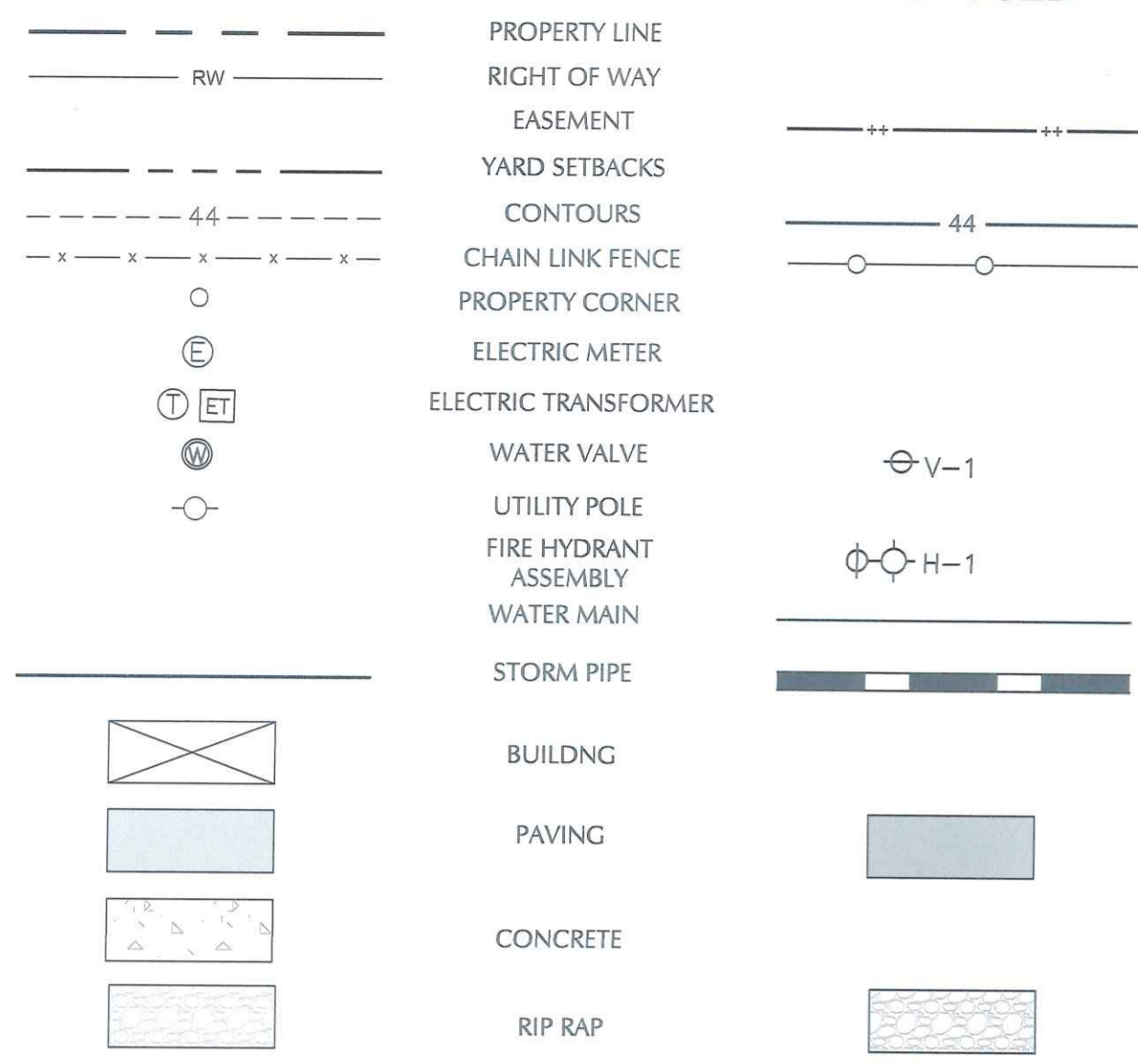
PROPOSED FINDINGS

1. The proposed conditional use, an elevated water storage tank, is of a public character and is essential and desirable for the general convenience and welfare of county residents.
2. The proposed site, is located in an Investment Level 2 Area under the 2020 Delaware Strategies for State Policies and Spending and surrounded by two "Growth Areas", the Coastal Area and the Commercial Area under the 2019 Sussex County Comprehensive Plan. The site is located where State and County Plans encourage and direct future growth.
3. A stated goal of the "Utility" Section of the Comprehensive Plan (Chapter 7) is to "support the availability of a safe and adequate water supply that can meet the needs of future demand".
4. Tidewater Utilities, Inc. is a public water company, regulated by the Delaware Public Service Commission, and holds a CPC&N for the largest service area in Sussex County. The conditional use will insure a safe and adequate water supply for current and future residents and businesses.
5. The conditional use will not have any traffic impact in that it is unmanned with only periodic visits for inspection or maintenance.
6. There is no noise, nuisance, dust, or odor associated with the use.
7. The Conditional Use is supported by the Cape Henlopen School District (the property owner) and the Office of Delaware Health and Social Services.
8. The Conditional Use is in accordance with the State Strategies Plan, the County Comprehensive Plan and the purpose of a Conditional Use and with the conditions imposed will not have any adverse impact on area properties .

EXISTING

LEGEND

PROPOSED



SITE DATA

APPLICANT:
TIDEWATER UTILITIES, INC.
MR. GREG COURY
1100 SOUTH LITTLE CREEK ROAD
DOVER, DELAWARE 19901
PHONE: 302-747-1306

OWNER:
CAPE HENLOPEN SCHOOL DISTRICT
1270 KINGS HIGHWAY
LEWES, DELAWARE 19958
PHONE: 302-645-1442

CONSULTANT:
BEACON ENGINEERING, LLC
23318 CEDAR LANE
GEORGETOWN, DELAWARE 19947
PHONE: 302-864-8825
RPALMER@BEACONENGINEERINGLLC.COM

PROPERTY & ZONING DATA:

TAX MAP: #334-12.00-107.00
COUNTY SITE PLAN FILE NUMBER: _____
COUNTY CONDITIONAL USE NUMBER: _____
LATITUDE: 38.713512° N
LONGITUDE: -75.148865° W
EXISTING ZONING: AR-1
EXISTING SITE AREA: 29.23 AC
EXISTING USE: MIDDLE SCHOOL
PROPOSED ZONING: AR-1
NET DEVELOPMENT AREA: 26.97 AC (WITHIN SETBACKS)
PROPOSED USE: MIDDLE SCHOOL WITH PUBLIC UTILITY (ELEVATED WATER STORAGE TANK)
WATER: TIDEWATER UTILITIES, INC.
SEWER: SUSSEX COUNTY

NUMBER OF EXISTING LOTS: 1
NUMBER OF PROPOSED LOTS: 1
PROPOSED LIMIT OF DISTURBANCE: 1.0 AC
SITE ACCESS: MULBERRY KNOLL ROAD
VERTICAL DATUM: NAVD 88, FEET
HORIZONTAL DATUM: DELAWARE STATE PLANE, NAD 83
DEED REFERENCE: DEED BOOK 2549, PAGE 268
BUILDING AREA: 2,124 SF (TANK BASE)
PROPOSED BUILDING HEIGHT: 140 FT (TO TOP OF WATERSPHEROID ACCESS)

STATE STRATEGIES INVESTMENT LEVEL: 2
POSTED SPEED LIMIT: 40 MPH
NEAREST TOWN: LEWES
SURVEYOR: JOHN B. ROACH ENGINEERING, LLC
DATE OF SURVEY: APRIL 28, 2020

THIS SITE IS NOT WITHIN THE 100 YR FLOOD PLAIN PER FEMA MAP NUMBERED 10005C0334K DATED MARCH 16, 2015.

THIS PROJECT WILL BE CONSTRUCTED IN 1 PHASE.

HEIGHT, AREA & BULK REQUIREMENTS AR-1:

FRONT YARD SETBACK: 30 FT (40 FT (7)) THROUGH LOT
SIDE YARD SETBACK: 15 FT
REAR YARD SETBACK: 20 FT
MAXIMUM BUILDING HEIGHT: 42 FT
MINIMUM LOT AREA: 20,000 SF
MINIMUM LOT WIDTH: 100 FT (150 FT (10))
MINIMUM LOT DEPTH: 100 FT

(7) FOR LOTS FRONTING ON A NUMBERED ROAD SHOWN ON THE GENERAL HIGHWAY MAP FOR SUSSEX COUNTY OF 1964, AS REVISED.

DEVELOPER'S CERTIFICATION

DEVELOPER: GREG COURY
TIDEWATER UTILITIES, INC.
1100 SOUTH LITTLE CREEK ROAD
DOVER, DELAWARE 19901

ENGINEER'S CERTIFICATION

I, ROBERT J. PALMER, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE AND THAT THIS PLAN WAS EITHER PREPARED BY ME OR UNDER MY DIRECTION. TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAN COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES. MY LICENSE NUMBER IS 11563, AND EXPIRES ON JUNE 30, 2022.

ENGINEER: ROBERT J. PALMER, P.E. DATE: 7/17/2020

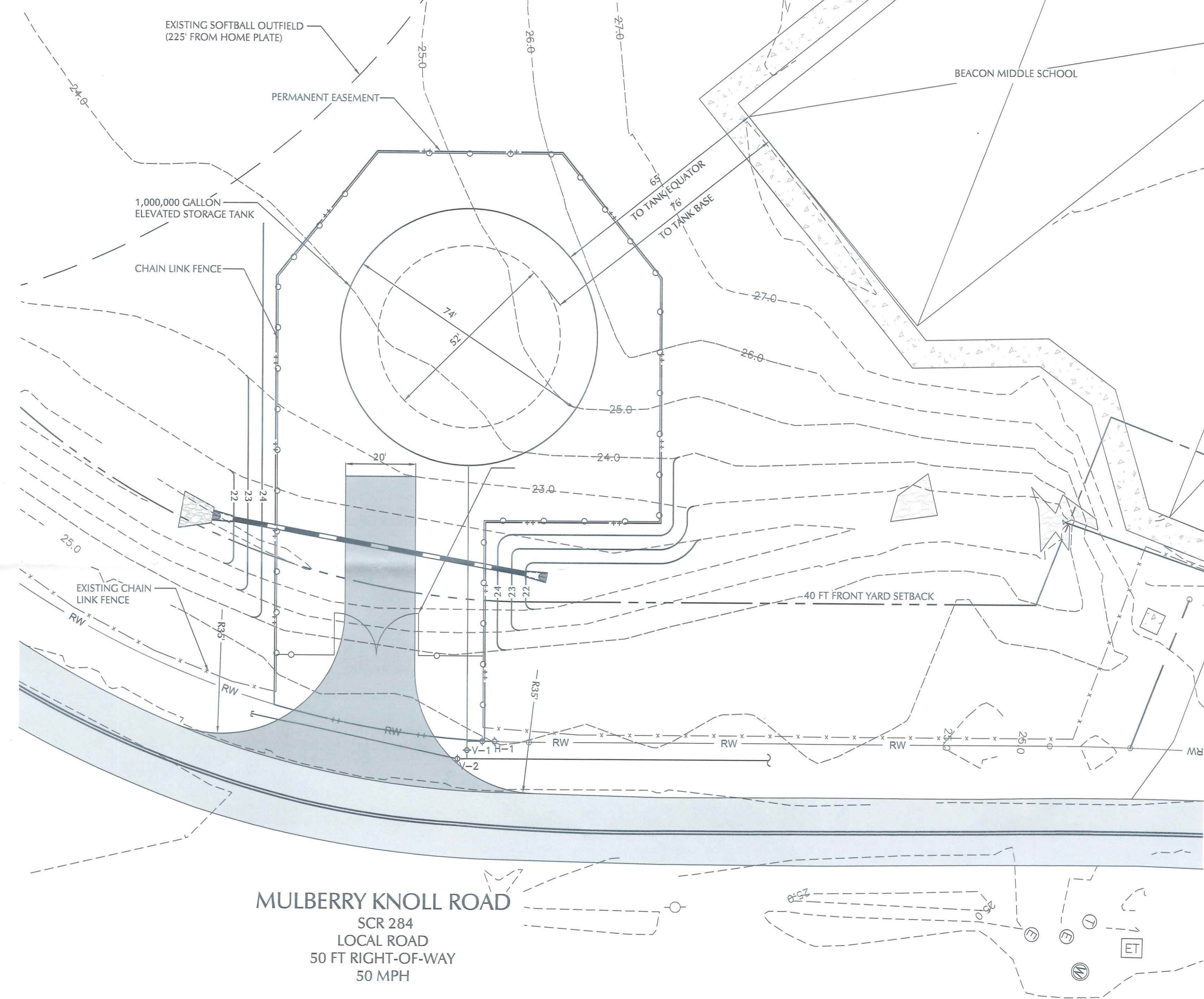


Date:	
By:	
Revision:	

ELEVATED STORAGE TANK
TIDEWATER UTILITIES - REHOBOTH DISTRICT
HERRING CREEK-REHOBOTH BAY WATERSHED,
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE
TAX MAP #334-12.00-107.00

Date: JUL 17,
Scale: AS SH
Dwn. By: SKI
Proj. No.: TUJ01

Dwg. No.: SP1



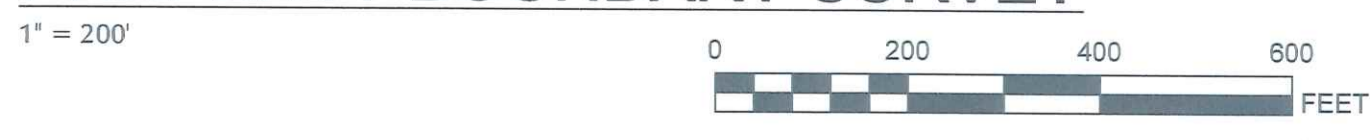
SITE PLAN
1" = 20'

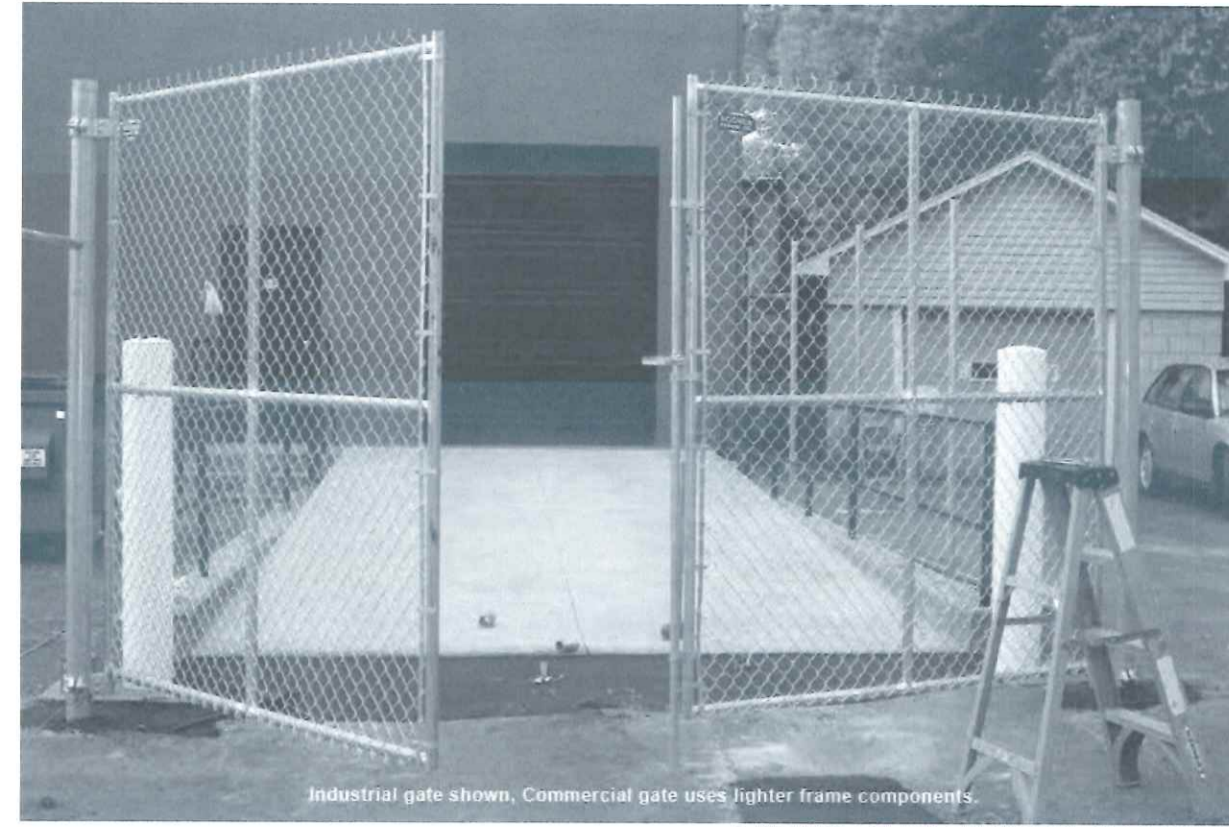


LINE	BEARING	DISTANCE
L1	S 85°19'48" W	29.84'
L2	S 04°40'20" E	50.00'
L3	N 85°19'48" E	45.60'
L4	S 42°36'44" W	452.26'
L5	S 42°36'44" W	151.26'
L6	N 45°01'13" W	1205.48'
L7	N 44°47'20" E	151.13'
L8	N 44°47'20" E	1060.02'
L9	S 41°22'59" E	330.97'
L10	S 41°16'20" E	271.56'

CURVE	CHORD LENGTH	ARC LENGTH	RADIUS	CHORD BEARING
C1	52.49'	52.50'	761.02'	S 22°22'17" E
C2	22.90'	22.90'	761.02'	S 25°12'35" E
C3	298.53'	317.86'	260.89'	N 08°51'27" E
C4	148.48'	149.19'	442.07'	N 34°07'10" E
C5	199.64'	200.21'	761.02'	S 12°51'30" E

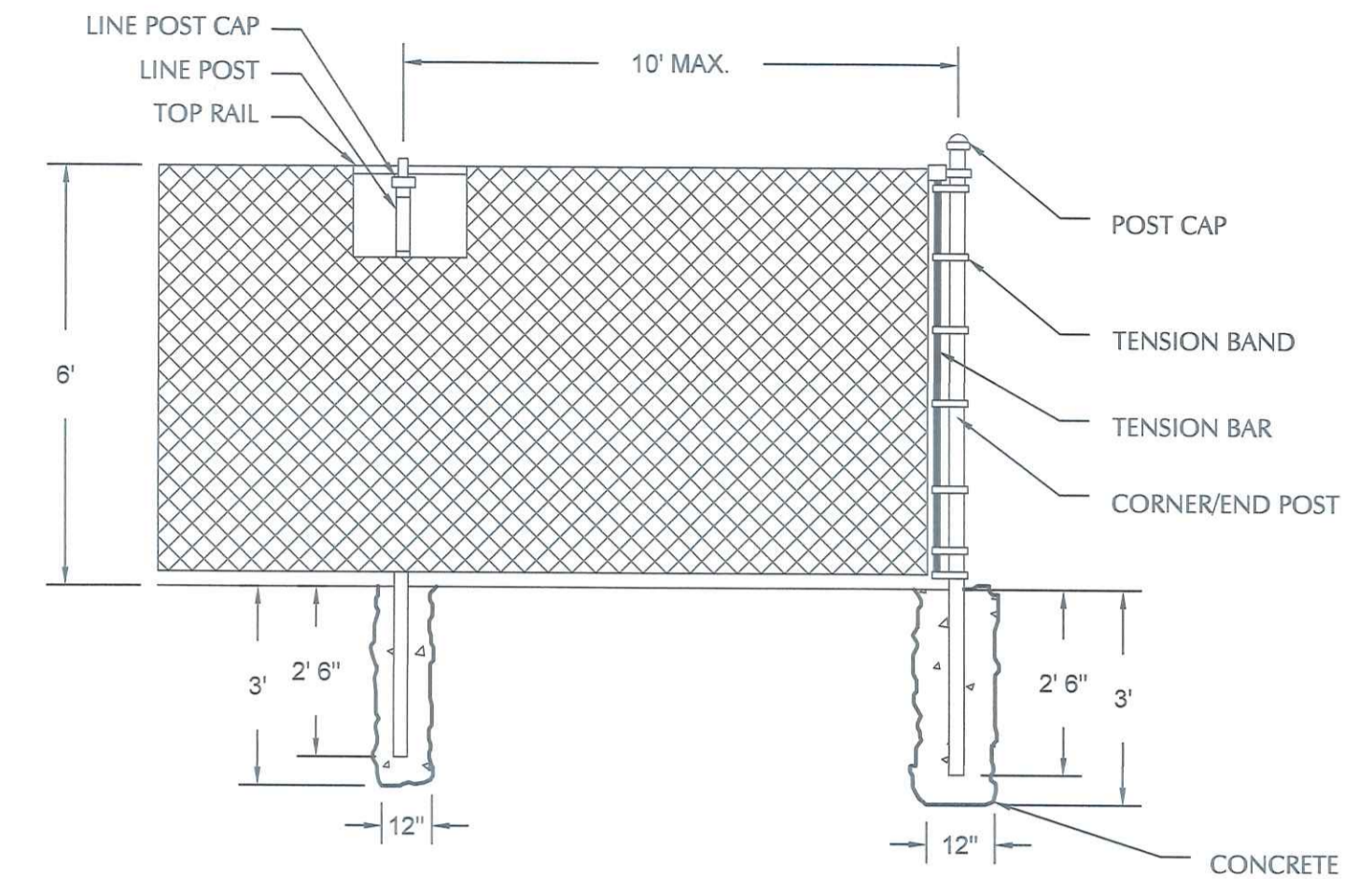
PROPERTY BOUNDARY SURVEY



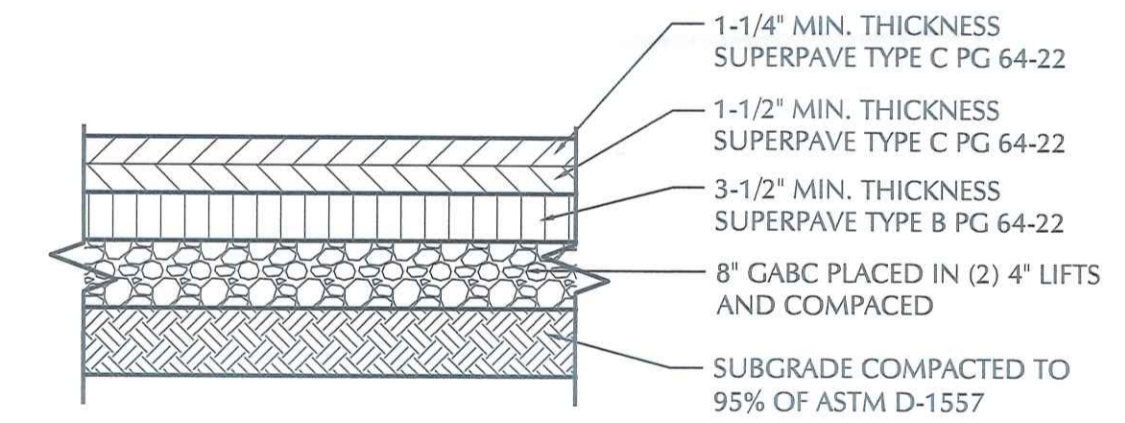


6 FT HIGH CHAIN LINK DOUBLE GATE BY HOOVER FENCE COMPANY (1-800-355-2335) OR APPROVED EQUAL

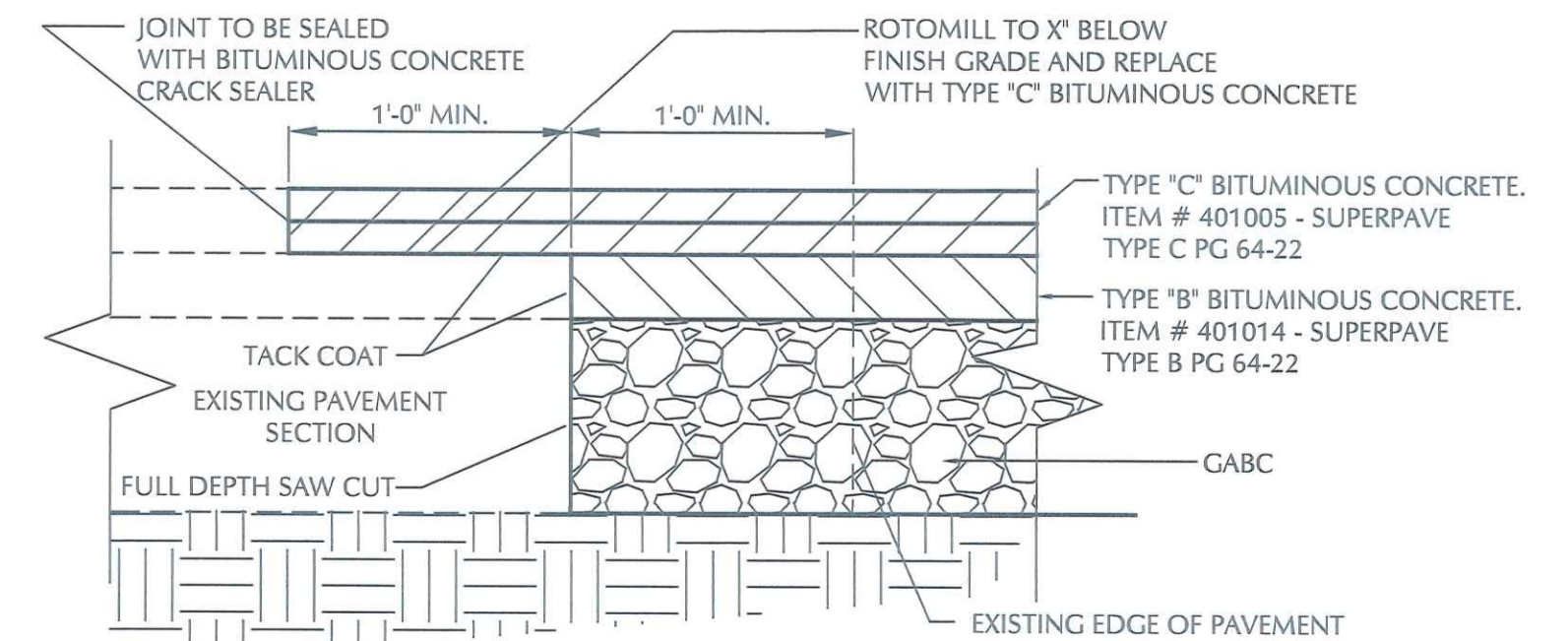
24 FT WIDE DOUBLE LEAF SWING GATE



CHAIN LINK FENCE ENCLOSURE



ON SITE HEAVY PAVING SECTION (ON SITE ROADS AND PARKING AREA DRIVE AISLES)



X = 2-3/4" DEPTH OF TYPE 'C' BITUMINOUS CONCRETE

TYPICAL PAVEMENT TIE-IN DETAIL



Date:	
By:	
Revision:	

ELEVATED STORAGE TANK
 TIDEWATER UTILITIES - REHOBOTH DISTRICT
 HERRING CREEK-REHOBOTH BAY WATERSHED,
 LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE
 TAX MAP #324-12-00-107.00

Date: JUL 17,
 Scale: NO SC
 Dwn.By: SK
 Proj.No.: TUJ01

Dwg. No.:

CD1

CONDITIONAL USE APPLICATION No. 2240

PROJECT NO. TUI01-02

**Exhibit Booklet
Proposed Elevated Storage Tank**

**On the site of Beacon Middle School
19483 John J. Williams Highway
Lewes & Rehoboth Hundred
Sussex County, Delaware**

Prepared by:

Beacon Engineering, LLC
23318 Cedar Lane
Georgetown, Delaware 19947

Robert J. Palmer, P.E.
302.864.8825

Prepared for:

Tidewater Utilities, Inc.
1100 South Little Creek Road
Dover, Delaware 19901

Mr. Gregory L. Coury
302.734.7500



September 28, 2020

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 - e. Preliminary Site Plan
 - f. Service Level Evaluation Request Response

I. Introduction

II. Environmental Assessment and Public Facility Evaluation

I. Introduction

This request is for a Conditional Use to permit the construction of an elevated storage tank for Tidewater Utilities, Inc., a public utility, to be located between an existing middle school and Mulberry Knoll Road on the subject property. In particular, the elevated storage tank would be for the purpose of expanding the capacity of the existing Rehoboth District which will further improve the level of water service for the unincorporated areas surrounding Lewes and Rehoboth in Sussex County.

The 29.23 acre property, belonging to the Cape Henlopen School District, is the site of the Beacon Middle School, located approximately 1,400 feet southeast of the intersection of John J. Williams Highway (Route 24) and Mulberry Knoll Road (SCR #284). The location of the elevated storage tank would be defined by a permanent easement, totaling approximately 14,125 SF. The legal description is provided in Exhibit III. b. The parcel is bound by John J. Williams Highway, to the west, Mulberry Knoll road to the north and east, with agriculture and single family residential to the north, east, and south. The property is zoned AR-1 and is situated within the Coastal Area of Sussex County. The property is designated as Commercial based the 2019 Future Land Use layer of the Sussex County Mapping and Addressing online application, and is within a Commercial Area per the 2018 Sussex County Comprehensive Plan 2045 Future Land Use Map.

The setting of the region is primarily residential with intermittent agriculture and wooded lots. The tank location is approximately 1.5 miles south of the Route 1 corridor, which is primarily developed with various commercial uses. Exhibit III. c. depicts the site of the proposed elevated storage tank location from various surrounding viewpoints which demonstrates that granting of this conditional use will not be disruptive to the existing character of the surrounding area.

The proposed elevated storage tank will be accessed from Mulberry Knoll Road which is designated as a local road per DelDOT's Functional Classification Map. This site is an unmanned facility and will generate zero traffic impact to the existing road network. In the DelDOT Service Level Evaluation Request response that is presented in Exhibit III. f., DelDOT anticipates minimal increase in traffic associated with the project and determined the impact negligible. The property lies within a Level 2 Investment Area according to the 2020 Investment Level State Strategies Map. Refer to Exhibit III. d. According to the 2020 State Strategies for Policies and Spending, "Level 2 areas can be composed of less developed areas within municipalities, [and] rapidly growing areas in the counties that have or will have public water and wastewater services and utilities..." Areas designated as Level 2 are intended to promote a variety of uses, and enhance the existing, surrounding communities; therefore, Tidewater Utilities' desire to increase the water system capacity and further improve the level of water service through the construction of this proposed elevated storage tank is in harmony with the development goals for this property and region.

The property would be served by the following infrastructure:

- DelDOT – The SLER found in Exhibit III. f. indicates "...the development's traffic impact to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application." A letter of no

contention/permit for entrance construction is being proposed for the approval mechanism which is in harmony with the existing Sussex County Pump station located 190 feet north of the proposed site driveway.

- DNREC Sediment and Stormwater Program. A non-residential standard plan for less than 1.0 acre disturbed is the proposed approval mechanism. The project is consistent with the following applicability criteria:
 1. The disturbed area for construction of the improvements will not exceed 1.0 acre.
 2. Within the disturbed area, the pre-development land use is not classified as forest.
 3. For project site locations within an area previously managed for stormwater quantity and quality under an approved Sediment and Stormwater Plan, the post construction condition meets the original stormwater design criteria.
- Water Service –Tidewater Utilities, Inc. No service is proposed.
- Wastewater Service – Sussex County. No service is proposed.

II. Environmental Assessment and Public Facility Evaluation

- (a) Proposed drainage design and the effect on stormwater quality and quantity leaving the site, including methods for reducing the amount of phosphorous and nitrogen in the stormwater runoff and the control of any other pollutants such as petroleum hydrocarbons or metals.

Narrative: Minimal land disturbance is proposed, and the existing, approved sediment and stormwater design will remain unchanged. A culvert is proposed beneath the proposed driveway to allow the existing runoff patterns to match pre-construction conditions. The proposed elevated storage tank will add approximately 4,600 square feet of impervious area to the 29.23 acre parcel.

- (b) Proposed method of providing potable and, where appropriate, irrigation water and the effect on public or private water systems and groundwater, including an estimate of average and peak demands.

Narrative: The property and environs are served by Tidewater Utilities, Inc. No water service is proposed to this facility because it is an unmanned facility and will, therefore, not incur a water demand increase. The purpose of this property would be to expand the system capacity and further improve the existing level of water service.

- (c) Proposed means of wastewater treatment and disposal with an analysis of the effect on the quality of groundwater and surface waters, including alternative locations for on-site septic systems.

Narrative: The property is served by Sussex County; however, no service connection is proposed or required for the proposed elevated storage tank because the facility would be unmanned. No effect on quality of groundwater or surface waters is anticipated.

- (d) Analysis of the increase in traffic and the effect on the surrounding roadway system.

Narrative: The DelDOT planning staff estimated that the proposed elevated storage tank will increase the site average daily trips (ADT) by fewer than 50 trips per day. According to the Service Level Evaluation Request Response included in Exhibit III. f., DelDOT considers the increase "... to be negligible in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application." Because this facility would be unmanned, zero traffic will be generated.

- (e) The presence of any endangered or threatened species listed on federal or state registers and proposed habitat protection areas.

Narrative: According to the U.S. Fish & Wildlife Service Information for Planning and Consultation (iPaC) website, there are no federally listed threatened species. Of the 18 migratory bird species of conservation concern that are listed, 8 have been observed within the 10 km grid cell in which this project is located. No wildlife refuge lands, no fish hatcheries, and no wetland areas are present on the property, or within the 10 km grid cell in which this project is located. The parent property has been in continuous use as a middle school since approximately 2001.

While not ideal for operation and maintenance of the proposed elevated storage tank, bald eagles and osprey have been known to build nests on the roofs. Therefore, the tower could indirectly be a habitat improvement.

- (f) The preservation and protection from loss of any tidal or nontidal wetlands on the site.

Narrative: No tidal or nontidal wetlands are present on this property. Therefore, no tidal or nontidal wetlands will be affected by the requested Conditional Use.

- (g) Provisions for open space as defined in § 115-4.

Narrative: The main property is developed as a middle school and is surrounded by open turf areas. The portion of the property within the permanent easement totals 14,125 SF, (and will include 4,613 SF of impervious surface) which is approximately 1.1% of the total acreage.

- (h) A description of provisions for public and private infrastructure.

Narrative: The proposed conditional use would expand and improve the existing public water system infrastructure through the construction of the proposed elevated storage tank. Connection to the existing water main which runs along Mulberry Knoll Road and the addition of a fire hydrant are also proposed. No other public or private infrastructure is proposed.

- (i) Economic, recreational or other benefits.

Narrative: The proposed project will allow Tidewater Utilities, Inc. to increase the available system storage and provide an improved level of water service to existing customers, as well as, enable the expansion of service to new areas of the unincorporated area surrounding Lewes and Rehoboth.

- (j) The presence of any historic or cultural resources that are listed on the National Register of Historic Places.

Narrative: No historic or cultural resources are known to exist on the property. Should any historic or cultural resources be present, they would have been discovered and documented during the planning for the existing middle school.

- (k) An affirmation that the proposed application and proposed mitigation measures are in conformance with the current Sussex County Comprehensive Plan.

Narrative: The proposed application for a Conditional Use is consistent with the 2018 Comprehensive Plan for the following reasons:

- The property is located in a Coastal Area which has been defined as one of the 7 types of growth areas.
- Expanded infrastructure supports the Level 2 Investment Area goals to accommodate continued residential and commercial development in the Coastal Area.
- Tidewater Utilities, Inc. is sited as the largest provider of water service in Sussex County and has been granted a Certificate of Public Convenience and Necessity (CPCN). The Public Service Commission grants the CPCNs, and “encourages compact and contiguous service territories to provide efficient delivery of drinking water without redundancy in infrastructure.” Construction of an elevated storage tank at this location is in harmony with the Rehoboth District CPCN.

- (l) Actions to be taken by the applicant to mitigate the detrimental impacts identified relevant to Subsection B(2)(a) through (k) above and the manner by which they are consistent with the Comprehensive Plan.

Narrative: All mitigation measures, where required, have been discussed in their respective section. All mitigation measures as well as the application are consistent with the 2018 Comprehensive Plan.

III. Support Documentation and Exhibits

a. Deed

40048

02549 268

Tax Parcel #3-34-12.00-107.00 and Part of
#3-34-18.00-40.01

Prepared by and return to:
Morris, James, Hitchens & Williams LLP
222 Delaware Avenue
10th Floor
Wilmington, DE 19801
File No. 200101-0101

THIS DEED, made this 14th day of December, 2000,

BETWEEN J.G. Townsend, Jr. & Co., a Delaware corporation, party of the first part,

AND

Cape Henlopen School District, party of the second part.

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

ALL that certain piece, parcel and tract of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, and the State of Delaware, depicted on a survey prepared by Charles D Murphy Associates, Inc., dated December 11, 2000, fronting on the Southeasterly side of State Route 24 (at 50.00 feet wide), and on the Westerly side of County Road 284 (at fifty (50.00) feet wide), adjoining lands now or formerly of Thomas W. Bush et ux, lands now or formerly of Leroy O. Bush, lands now or formerly of Irene S. Murray, lands now or formerly of Albert G. Best, Trustee, and Parcel Two as shown on this Plan, and being more particularly bounded and described as follows, to-wit:

BEGINNING at a point on the Southeasterly right-of-way line of State Route 24, twenty-five (25.00) feet from the centerline thereof, and at the Northwesterly corner for lands now or formerly of Thomas W. Bush, et ux, said point being distant 469.00 feet, more or less, from the right-of-way line of County Road 284; thence running with said Bush lands, South 41 degrees 22 minutes 59 seconds East, passing over a found iron pipe at 1.43 feet, a total distance of 330.97 feet to a found iron pipe at a corner for lands now or formerly of Leroy O. Bush; thence running with said Leroy O. Bush lands, South 41 degrees 16 minutes 52 seconds East, passing over a found concrete monument 265.64 feet, a total distance of 271.56 feet to a set capped rebar on the Westerly right-of-way line of County Road 284; thence proceeding along said right-of-way line, the following five (5) courses and distances: (1) deflecting left along a 761.02 foot radius curve, the chord of which bears South 15 degrees 41 minutes 49 seconds East, 274.12 feet, an arc distance of 275.62 feet to a point of tangency; (2) South 26 degrees 04 minutes 20 seconds East, 52.90 feet to a point of curvature; (3) deflecting right along a 408.05 foot radius curve, the chord of which bears South 03 degrees 03 minutes 08 seconds West, 397.21 feet, an arc distance of 414.84 feet to a point of reverse curve; and (4) deflecting left along an 825.85 foot radius curve, the chord of which bears South 28 degrees 44 minutes 12 seconds West, 99.11 feet, an arc distance of 99.17 feet to a set capped rebar at a point on curve and a corner for lands now or formerly of Irene S. Murray; thence running with said Murray

County	State	Total
00	00	.00
Date: 12/14/2000		
Consideration: .00		

Handwritten initials

Handwritten initials

lands and in part with lands now or formerly of Alfred G. Best, Trustee, South 42 degrees 36 minutes 44 seconds West, 322.86 feet to a found iron pipe at a corner for Parcel Two (part of Tax Map Parcel 3-34-18-40.01); thence following said Parcel Two, North 45 degrees 01 minute 13 seconds West, 1,199.73 feet to a set capped rebar on the aforementioned Southeasterly right-of-way line of State Route 24; thence finally proceeding along said right-of-way line of Route 24, North 44 degrees 47 minutes 21 seconds East, 903.39 feet to the place of **BEGINNING**. Containing within said described metes and bounds, 25.6755 acres of land, be the same more or less.

SUBJECT to all matters of record, to the extent valid and enforceable.

BEING the same lands and premises which Ebe Roy Dorman and Arzie Dorman, by Deed dated November 16, 1945, of record in the Office of the Recorder of Deeds, in and for Sussex County and State of Delaware, in Deed Book 357, Page 356, did grant and convey unto J. G. Townsend, Jr. & Co., in fee.

ALSO BEING the same lands and premises which Mary Irma Ayers and Dudley A. Ayers, by Deed dated March 5, 1949, of record in the Office of the Recorder of Deeds aforesaid in Deed Book 387, Page 176, did grant and convey unto J. G. Townsend, Jr. & Co., in fee.

Parcel 2 (Part of Tax Map Parcel 3-34-18-40.01)

ALL that certain piece, parcel and tract of land, lying and being situate in the Lewes and Rehoboth Hundred, Sussex County and the State of Delaware, depicted on a survey prepared by Charles D. Murphy Associates, Inc., dated December 11, 2000, lying on the Southeasterly line of State Route 24 (at fifty (50) feet wide), adjoining Parcel One above described and lands now or formerly of Alfred G. Best, Trustee, and being more particularly bounded and described as follows to-wit:

BEGINNING at a point on aforementioned Southeasterly right-of-way line of State Route 24, twenty-five (25.00) feet from the centerline thereof, and at the Southwesterly corner of aforementioned Parcel One; thence running with said Parcel One, South 45 degrees 01 minute 13 seconds East 1,199.73 feet to a found iron pipe at a point on line of lands now or formerly of Alfred G. Best, Trustee; thence following line of said Best lands, South 42 degrees 36 minutes 44 seconds West, 156.76 feet to a set capped rebar at a corner for residual lands of J.G. Townsend, Jr. & Co.; thence following said other lands of J.G. Townsend, Jr., & Co.; North 45 degrees 01 minute 13 seconds West, 1,205.69 feet to set capped rebar on aforementioned Southeasterly right-of way line of State Route 24; thence finally running with said Southeasterly right-of-way line of State Route 24, North 44 degrees 47 minutes 21 seconds East, 156.63 feet to the place of **BEGINNING**. Containing within said described metes and bounds, 4.3245 acres of lands, be the same more or less.

SUBJECT to all matters of record, to the extent valid and enforceable.

BEING a part of the same lands and premises which James B. Dorman and Elconore K. Dorman, by Deed dated January 7, 1999, of record in the Office of the Recorder of Deeds, in and for Sussex County and State of Delaware, in Deed Book 2354, Page 76, did grant and convey unto J. G. Townsend, Jr. & Co., in fee.

02549 270

IN WITNESS WHEREOF, the said J.G. Townsend, Jr. & Co. has caused its name by Steven C. Nett, its President, to be hereunto set, and the common and corporate seal of the said corporation to be hereunto affixed, duly attested by its Secretary, the day and year first above written.

J.G. TOWNSEND, JR. & CO.

By: Steven C. Nett, President (SEAL)

Attest: [Signature] (SEAL)

[Corporate Seal]

State of Delaware)
County of Sussex) S.S.

The foregoing Deed was acknowledged before me this 14th of December, 2000, by STEVEN C. NETT, President of J.G. Townsend, Jr. & Co., on behalf of the Corporation.

Given under my Hand and Seal of office the day and year aforesaid.

[Signature]
Notary Public
Printed Name: _____
My Commission Expires: _____

Received

DEC 19 2000

ASSESSMENT DIVISION
OF SUSSEX CTY.

RECORDER OF DEEDS
RICHARD M. BELL II
90 DEC 18 PM 1:34
SUSSEX COUNTY
DOC. SURCHARGE PAID

EUGENE H. BAYARD, ESQ.
NOTARIAL OFFICER PURSUANT TO
29 DEL CODE SECT. 4323
ATTORNEY AT LAW
DELAWARE

Received

DEC 19 2000

ASSESSMENT DIVISION
OF SUSSEX CTY.

**b. Legal Description and Exhibit of Conditional Use Request
Area**

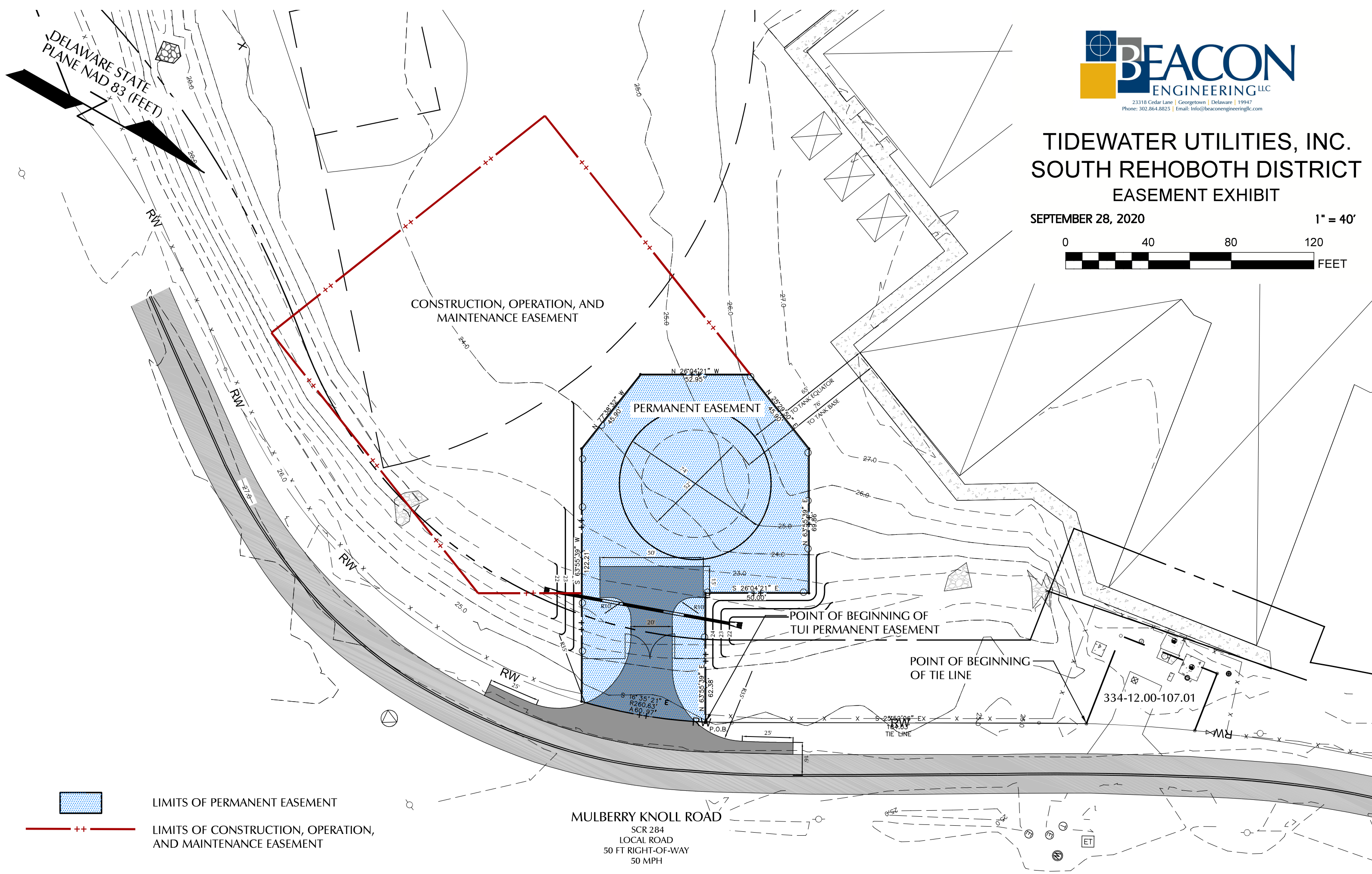
LEGAL DESCRIPTION
TIDEWATER UTILITIES, INC., PERMANENT EASEMENT
REFERENCE PARCEL: 334-12.00-107.00

BEGINNING AT A POINT found at the southeast corner of the lands of Sussex County, Tax Map No. 334-12.00 Parcel 107.01 (Sussex County Pump Station), and being a common marker between the lands of Sussex County and Cape Henlopen School District, the same corner lying on the northerly Right-of-Way of Mulberry Knoll Road (S.C.R. 286), along a tie line, running South 25 degrees 52 minutes 06 seconds East, 184.03 feet to a point, being along a curve deflecting to the right, having a chord bearing South 08 degrees 51 minutes 54 seconds West, a radius of 260.63 feet, and arc length of 317.86 feet, per the plat recorded in the Office of the Recorder of Deeds in and for Sussex County and the State of Delaware, in Plot Book 71, page 73, to a place and point of beginning; thence running by and with said curve, with a chord bearing South 16 degrees 35 minutes 21 seconds East, having a radius of 260.63 feet, and an arc length of 60.97 feet to a point along the aforementioned curve; thence turning into the lands of the Cape Henlopen School District South 63 degrees 55 minutes 39 seconds West, and running 122.21 feet to a point; thence turning North 77 degrees 38 minutes 32 seconds West, and running 45.90 feet to a point; thence turning North 26 degrees 04 minutes 21 seconds West, and running 52.95 feet to a point; thence turning North 25 degrees 29 minutes 50 seconds East, and running 45.90 feet to a point; thence turning North 63 degrees 55 minutes 39 seconds East, and running 69.86 feet to a point; thence turning South 26 degrees 04 minutes 21 seconds East, and running 50.00 feet to a point; thence turning North 63 degrees 55 minutes 39 seconds East, and running 62.38 feet to the place and point of beginning, containing 14,125 square feet of land, more or less.

TIDEWATER UTILITIES, INC. SOUTH REHOBOTH DISTRICT EASEMENT EXHIBIT

SEPTEMBER 28, 2020

1" = 40'



c. Site Photos



1. Looking from existing ballfield, north towards proposed elevated storage tank location.



2. Looking northwest past the proposed elevated storage tank location, west of Mulberry Knoll Road.



3. Looking southeast toward the proposed elevated storage tank location from Beacon Middle School.



4. Looking northeast towards the proposed elevated storage tank location from Beacon Middle School.



5. Looking northwest toward the proposed elevated storage tank location from Mulberry Knoll Road.



6. Looking southwest towards the proposed elevated storage tank location from Mulberry Knoll Road.



7. Site example showing the elevated storage tank proximity to The Breakers Hotel and 2nd Street, in Rehoboth Beach.



8. Site example showing the elevated storage tank proximity to The Breakers Hotel, Sandcastle Motel, and the Rehoboth Beach City Hall parking lot.



9. Site example showing the water spheroid view from the entrance of Rehoboth Beach City Hall.



10. Site example looking west towards the water spheroid from the intersection of 1st Street and Baltimore Avenue, in Rehoboth Beach.



11. Site example looking west towards the water spheroid on Baltimore Avenue between the Admiral on Baltimore and the Sands Hotels, in Rehoboth Beach.



12. Site example looking north towards the water spheroid from Rehoboth Avenue, in Rehoboth Beach.



13. Example of existing Tidewater Utilities, Inc. elevated storage tank with approved DeIDOT entrance.

d. Investment Level State Strategies Map



Legend

Delaware State Strategies 2020

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



Tidewater Utilities, Inc.
Elevated Storage Tank
Lewes & Rehoboth Hundred
Sussex County, Delaware



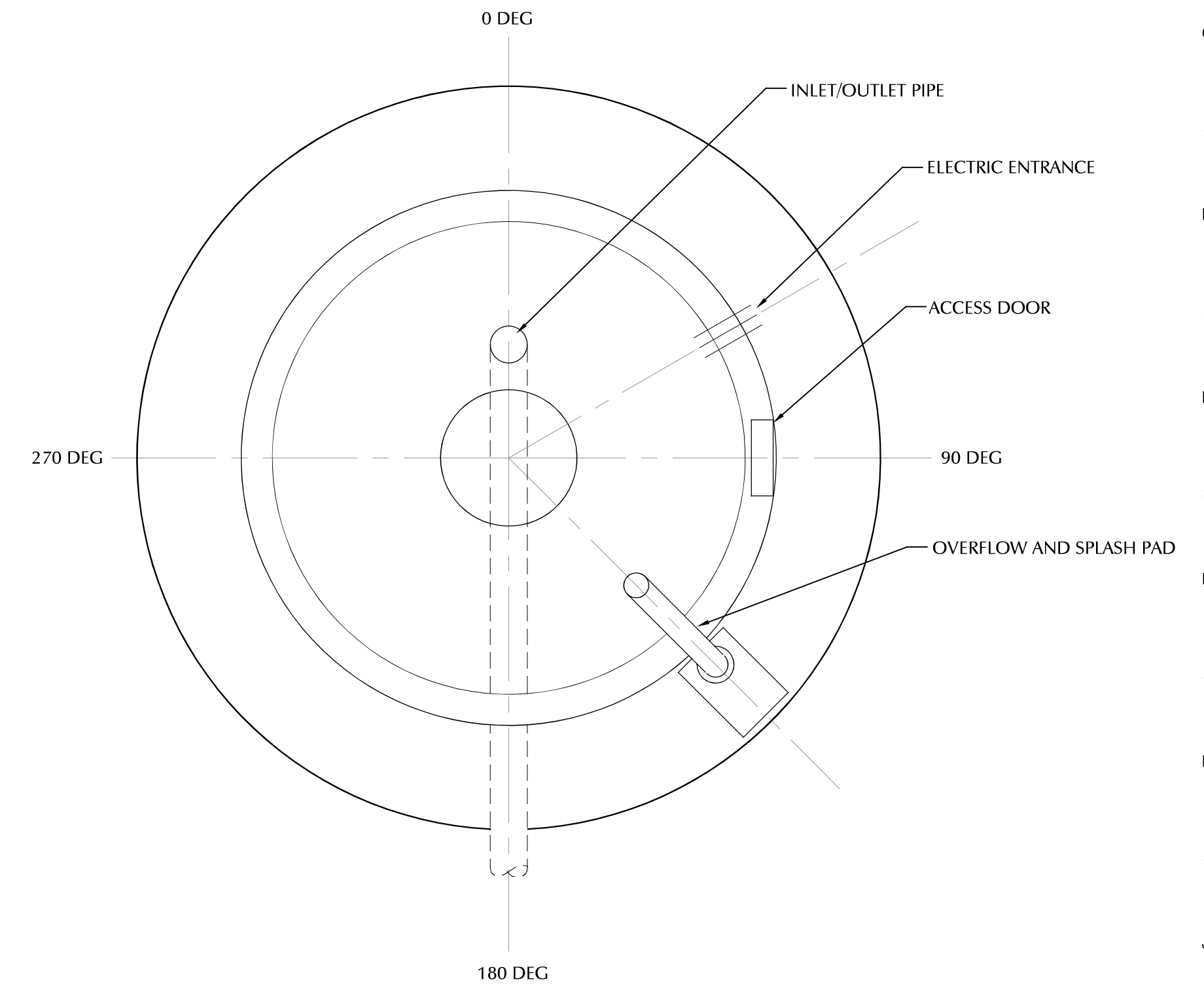
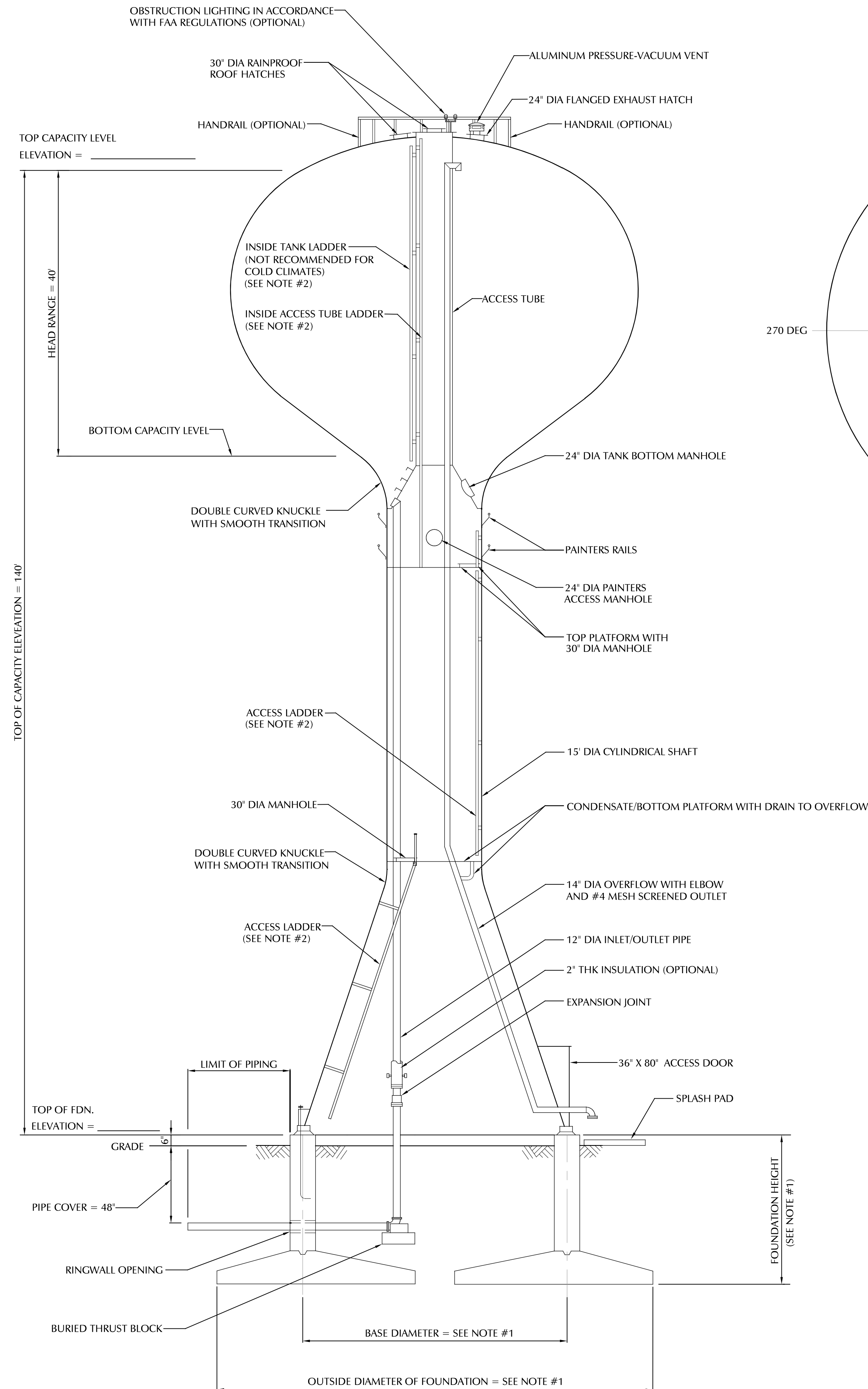
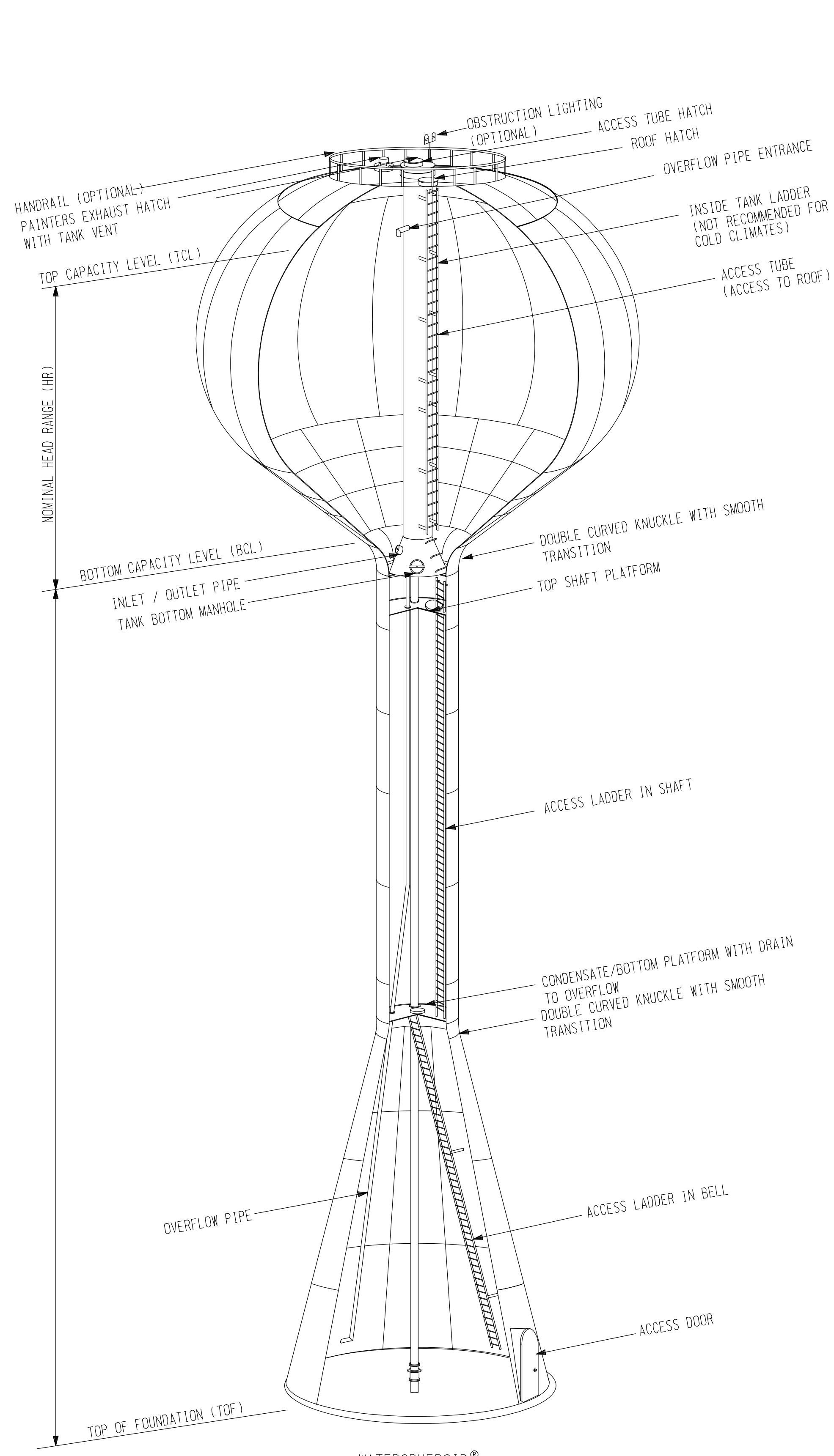
This map is provided by Beacon Engineering, LLC solely for display and reference purposes and was prepared using publically available data. No guarantee, either real or assumed, as to the absolute accuracy or precision of any data contained herein is made.

September 25, 2020
 TUI01-02



e. Preliminary Site Plan

**ELEVATED WATER STORAGE TANK - WATERSPHEROID
1,000,000 GALLON CAPACITY**



ORIENTATION PLAN
(N.T.S.)

GENERAL NOTES:

1. BASE DIAMETER AND DIMENSIONS OF FOUNDATION SHALL BE DETERMINED BY THE TANK CONTRACTOR BASED UPON THE INFORMATION IN THE GEOTECHNICAL REPORT.
2. A GALVANIZED LADDER SAFETY DEVICE MEETING OSHA STANDARDS SHALL BE PROVIDED WHEN REQUIRED.
3. SEE SPECIFICATIONS FOR OPTIONAL ACCESSORIES AND ALTERNATE ITEMS.

ELEVATION
(N.T.S.)

Seal:

BEACON ENGINEERING LLC
23318 Cedar Lane | Georgetown | Delaware | 19947
302.864.8825 | info@beaconengineeringllc.com

Date:	
By:	
Revision:	

**ELEVATED STORAGE TANK
TIDEWATER UTILITIES - REHOBOTH DISTRICT
HERRING CREEK-REHOBOTH BAY WATERSHED
LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE
TAX MAP #334-1Z.00-107.00
CONSTRUCTION DETAILS**

Date:	JUL 17, 2020
Scale:	NO SCALE
Dwn.By:	SKM
Proj.No.:	TUI01-02

Dwg. No.:
CD1.2

f. Service Level Evaluation Request Response



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

JENNIFER COHAN
SECRETARY

July 30, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Tidewater Utilities, Inc.** conditional use application, which we received on July 2, 2020. This application is for an approximately 25.3-acre parcel (Tax Parcel: 334-12.00-107.00). The subject land is located on the southeast side of Delaware Route 24, approximately 500 feet southwest of the intersection of Delaware Route 24 and Mulberry Knoll Road (Sussex Road 284). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to install an elevated storage tank onsite at the Beacon Middle School to serve the south Rehoboth area.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Delaware Route 24 where the subject land is located, which is from Camp Arrowhead Road (Sussex Road 279) to Warrington Road / Plantations Road (Sussex Road 275), are 19,793 and 25,474 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse

Page 2 of 2

July 30, 2020

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

Sincerely,



T. William Brockenbrough, Jr.

County Coordinator

Development Coordination

TWB:cjm

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

PLANNING & ZONING COMMISSION

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



Sussex County

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

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date October 8, 2020.

Application: (CU 2241) Jonathan J. Bowman

Applicant: Jonathan J. Bowman
34647 Millsboro Highway
Millsboro, DE 19966

Owner: Jonathan J. Bowman
34647 Millsboro Highway
Millsboro, DE 19966

Site Location: 34647 Millsboro Highway
Millsboro, DE 19966

Current Zoning: Agricultural Residential (AR-1)

Type of Conditional
Use Requested: Truck and Trailer Repair Business

Comprehensive Land
Use Plan Reference: Low Density

Councilmanic
District: Mr. Riley

School District: Indian River School District

Fire District: Gumboro Fire District

Sewer: Septic

Water: Well

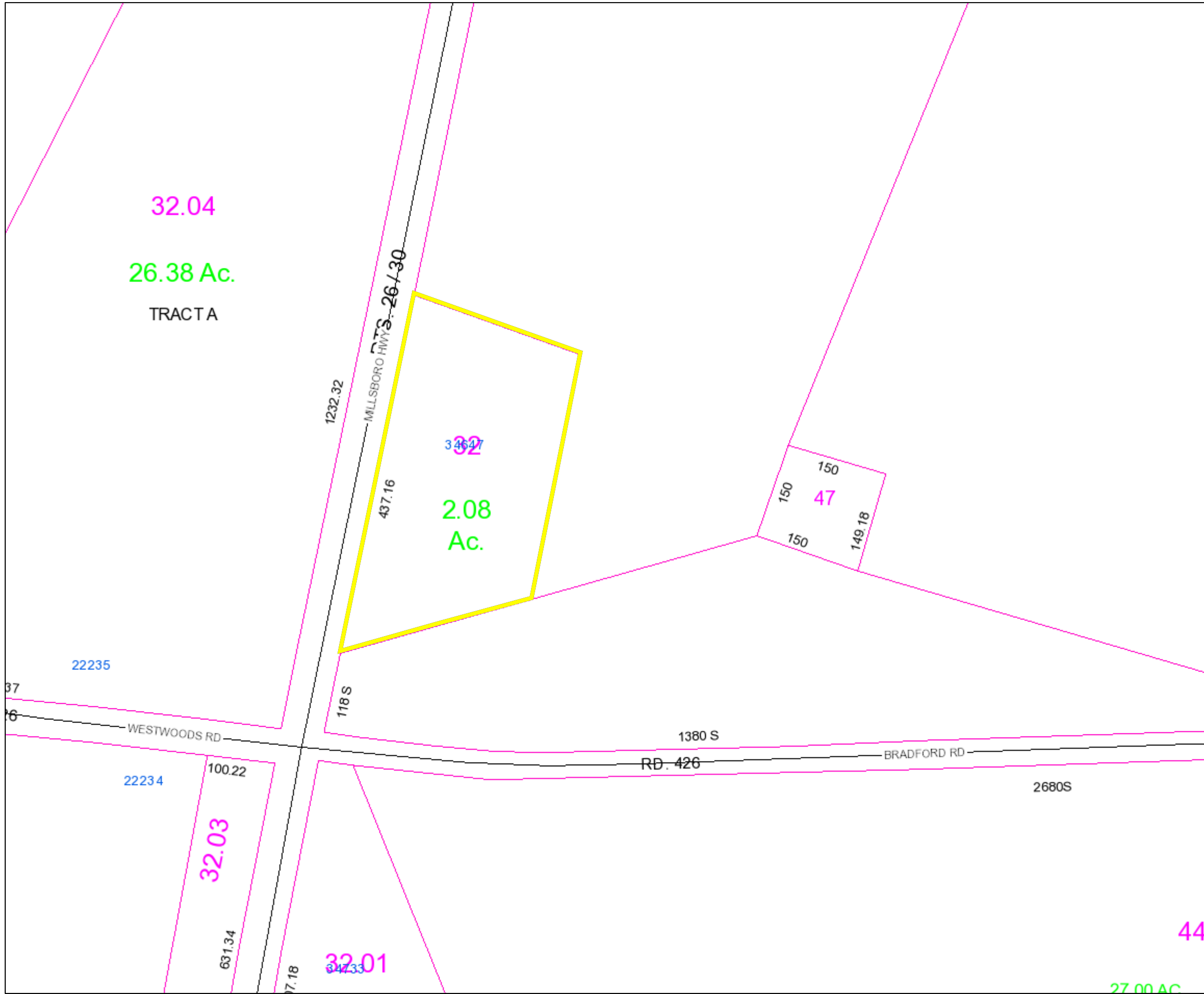
Site Area: 2.69 acres +/-

Tax Map ID.: 333-7.00-32.00





Sussex County

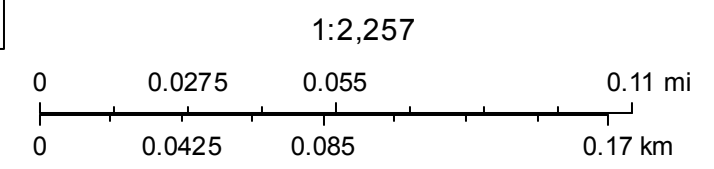


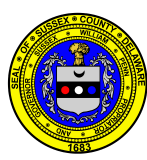
PIN:	333-7.00-32.00
Owner Name	BOWMAN JONATHAN J
Book	4500
Mailing Address	34647 MILLSBORO HIGHWAY
City	MILLSBORO
State	DE
Description	E/RT 26 110'
Description 2	N/RT 426
Description 3	N/A
Land Code	

- polygonLayer

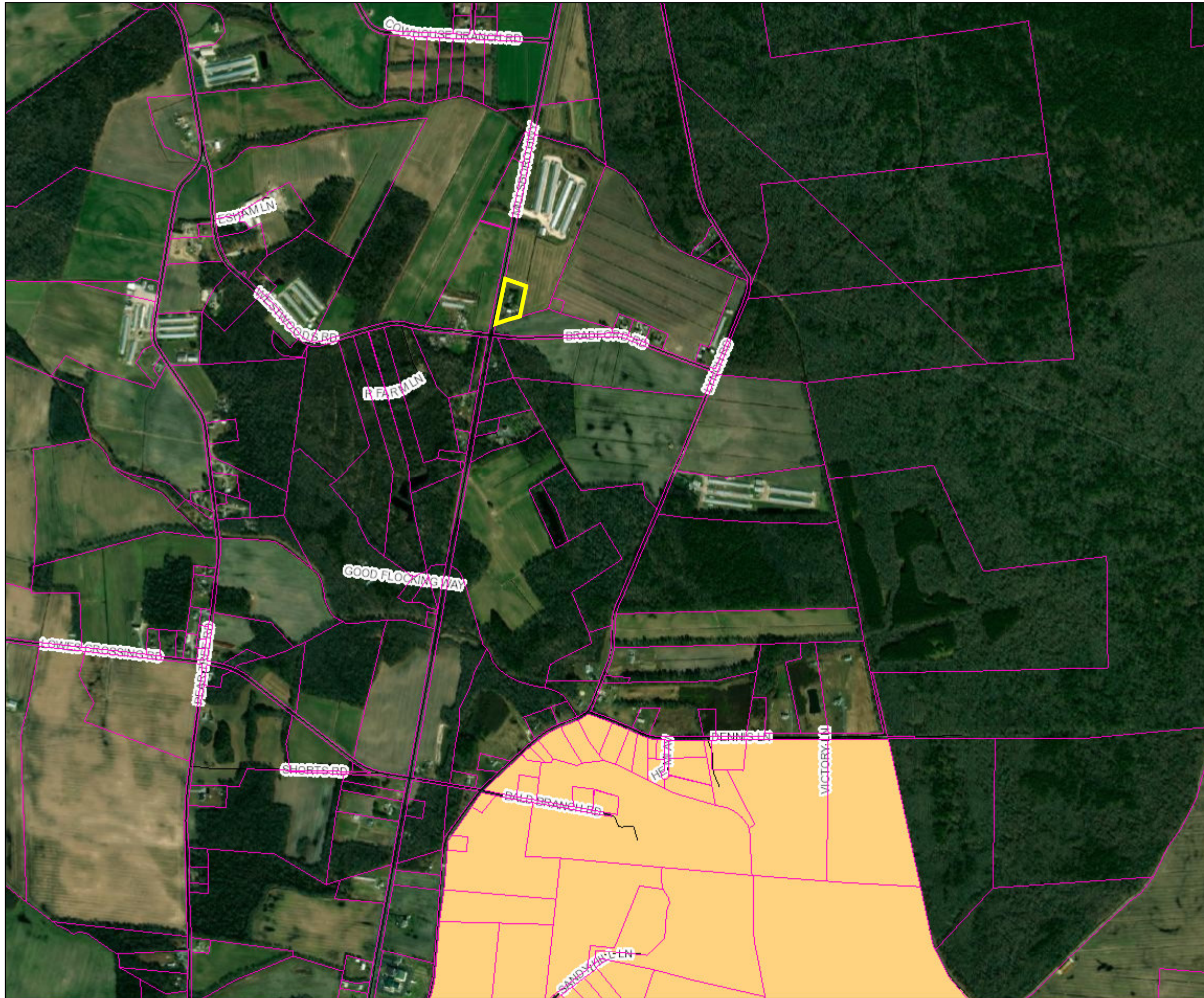
 - Override 1
- polygonLayer

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





Sussex County



PIN:	333-7.00-32.00
Owner Name	BOWMAN JONATHAN J
Book	4500
Mailing Address	34647 MILLSBORO HIGHWAY
City	MILLSBORO
State	DE
Description	E/RT 26 110'
Description 2	N/RT 426
Description 3	N/A
Land Code	

polygonLayer

Override 1

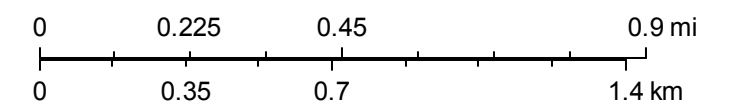
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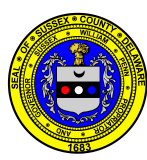
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Tax Parcels

Streets

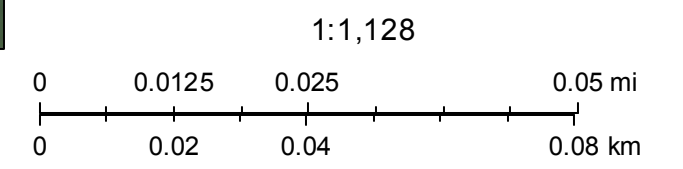
1:18,056





PIN:	333-7.00-32.00
Owner Name	BOWMAN JONATHAN J
Book	4500
Mailing Address	34647 MILLSBORO HIGHWAY
City	MILLSBORO
State	DE
Description	E/RT 26 110'
Description 2	N/RT 426
Description 3	N/A
Land Code	

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



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: October 1, 2020
RE: Staff Analysis for CU 2241 Jonathan J. Bowman

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2241 Jonathan J. Bowman to be reviewed during the October 8, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel 333-7.00-32.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a truck and trailer repair business. The parcel is located on the east side of Millsboro Hwy. (Rts. 26/30) in Millsboro, Delaware. The size of the property is approximately 2.69 acres +/-.

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

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

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

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

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



File #: CU 2241
20201011

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

34647 Millsboro Highway, Millsboro, DE 19966

Type of Conditional Use Requested:

Conditional use requested for the operation of a truck and trailer repair business on approximately 2.69 acres, consisting of a dwelling, paved driveway, pole building, and gravel driveway. Approval requested in accordance with Section 115-22.

Tax Map #: 333-7.00-32.00

Size of Parcel(s): 2.69 +/- acres

Current Zoning: AR-1

Proposed Zoning: N/A

Size of Building: 1,350 square feet

Land Use Classification: _____

Water Provider: Well

Sewer Provider: Septic

Applicant Information

Applicant Name: Jonathan J. Bowman

Applicant Address: 34647 Millsboro Highway

City: Millsboro

State: DE

Zip Code: 19966

Phone #: (302) 841-7350

E-mail: mackenzie@tunnellraysor.com

Owner Information

Owner Name: Jonathan J. & Veronica L. Bowman

Owner Address: 34647 Millsboro Highway

City: Millsboro

State: DE

Zip Code: 19966

Phone #: (302) 841-7350

E-mail: wcubowman78@aol.com

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Mackenzie Peet, Esq

Agent/Attorney/Engineer Address: 323E Rehoboth Avenue

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: (302) 227-1314

E-mail: mackenzie@tunnellraysor.com



Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

Markus M. Peet

Date: 07/27/2020

Signature of Owner

Vanessa R. Bohner

Date: 8/20/2020

For office use only:

Date Submitted: _____

Fee: \$500.00 Check #: _____

Staff accepting application: _____

Application & Case #: _____

Location of property: _____

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Planning & Zoning Project Contact List

Applicant Information

Applicant Name: Jonathan J. Bowman
Applicant Address: 34647 Millsboro Highway
City: Millsboro State: DE Zip: 19966
Phone #: (302) 841-7350 E-mail: mackenzie@tunnellraysor.com

Owner Information

Owner Name: Jonathan J. & Veronica L. Bowman
Owner Address: 34647 Millsboro Highway
City: Millsboro State: DE Zip: 19966
Phone #: (302) 841-7350 E-mail: wcubowman78@aol.com

Engineer/Surveyor Information

Engineer/Surveyor Name: Cotten Engineering, LLC
Engineer/Surveyor Address: 10087 Concord Road
City: Seaford State: DE Zip: 19973
Phone #: (302) 628-9164 E-mail: _____

Agent/Attorney Information

Agent/Attorney/Name: Mackenzie Peet, Esq
Agent/Attorney/Address: 323E Rehoboth Avenue
City: Rehoboth Beach State: DE Zip: 19971
Phone #: (302) 227-1314 E-mail: mackenzie@tunnellraysor.com

Other

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



Mailing List Application Form

For Applications requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: 34647 Millsboro Highway
Millsboro, DE 19966
Parcel #: 333-7.00-32.00

Site Address: _____

Parcel #: _____

Applicant Name: Jonathan J. Bowman
Owner Name: Jonathan J. Bowman

Type of Application:

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

Date Submitted: _____

For office use only:

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



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

JENNIFER COHAN
SECRETARY

August 4, 2020

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

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Jonathan J. Bowman** conditional use application, which we received on May 19, 2020. This application is for an approximately 2.06-acre parcel (Tax Parcel: 333-7.00-32.00). The subject land is located on the east side of the Millsboro Highway (Sussex Road 26), approximately 150 northeast of the intersection of Millsboro Highway and Bradford Road / Westwoods Road (Sussex Road 426), in Millsboro. The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize the facility to operate a truck and trailer repair business.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Millsboro Highway where the subject land is located, which is from Cypress Road (Sussex Road 60) to Nine Foot Road (Sussex Road 26), are 4,606 and 5,928 vehicles per day, respectively.

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

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



Mr. Jamie Whitehouse
Page 2 of 2
August 4, 2020

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/21/2020**

APPLICATION: **CU 2241 Jonathan J. Bowman**

APPLICANT: **Jonathan J. Bowman**

FILE NO: **WSPA-5.01**

TAX MAP &
PARCEL(S): **333-7.00-32.00**

LOCATION: **34647 Millsboro Highway. On the east side of Millsboro Highway, 120 feet north of Bradford Road.**

NO. OF UNITS: **Truck and Trailer Repair Business**

GROSS
ACREAGE: **2.69 +/-**

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

(6). Is the project capable of being annexed into a Sussex County sanitary sewer district? **No**

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

(7). Is project adjacent to the Unified Sewer District? **No**

(8). Comments: **The proposed Conditional Use is not in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**

(9). Is a Sewer System Concept Evaluation required? **No**

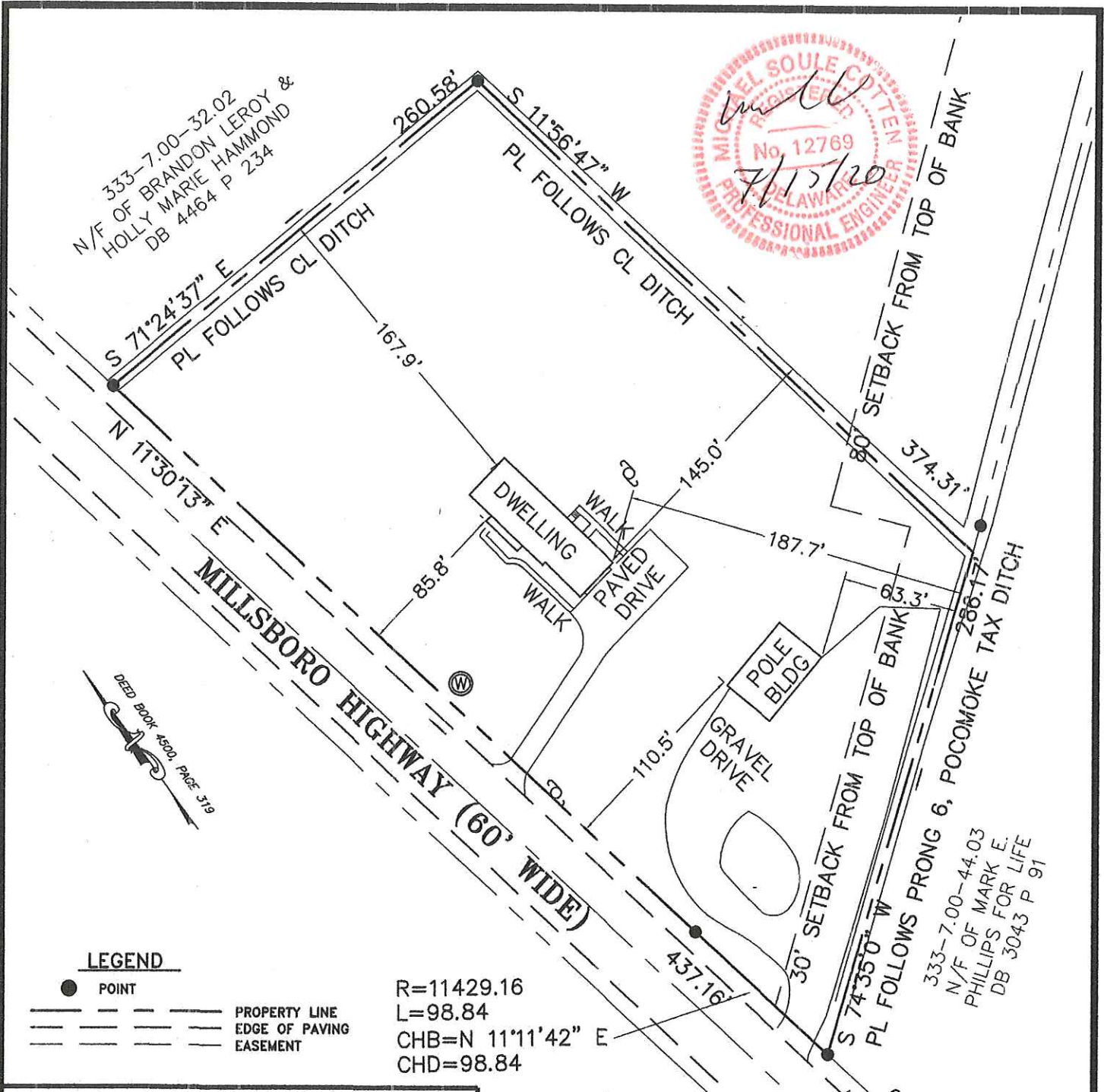
(10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



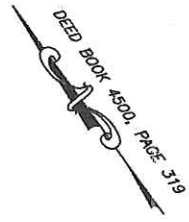
John J. Ashman
Director of Utility Planning

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



333-7.00-32.02
N/F OF BRANDON LEROY &
HOLLY MARIE HAMMOND
DB 4464 P 234

333-7.00-44.03
N/F OF MARK E.
PHILLIPS FOR LIFE
DB 3043 P 91



LEGEND

- POINT
- PROPERTY LINE
- - - EDGE OF PAVING
- - - EASEMENT

R=11429.16
L=98.84
CHB=N 11°11'42" E
CHD=98.84

NOTES

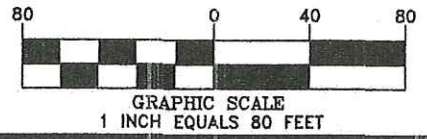
1. TITLE REFERENCED TO DEED BOOK 4500, PAGE 319.
2. "SUBURBAN" SURVEY.
3. SUBJECT TO ANY AND ALL RESTRICTIONS, RESERVATIONS, CONDITIONS, EASEMENTS & AGREEMENTS OF RECORD IN THE OFFICE OF RECORDER OF DEEDS, SUSSEX COUNTY, DE. NO TITLE SEARCH PROVIDED.

BOUNDARY SURVEY
FOR JONATHAN & VERONICA BOWMAN
34647 MILLSBORO HIGHWAY
MILLSBORO, DE 19966
GUMBORO HUNDRED
SUSSEX COUNTY, DELAWARE
TAX MAP #333-7.00-32.00
AREA: 116,978±SF OR 2.69±ACRES

COTTEN ENGINEERING LLC

CIVIL ENGINEERS
10087 CONCORD RD.
SEAFORD DE 19973
PHONE/FAX (302) 628-9164

THIS DRAWING, SPECIFICATIONS, AND WORK PRODUCED BY COTTEN ENGINEERING LLC FOR THIS PROJECT ARE INSTRUMENTS OF SERVICE FOR THIS PROJECT ONLY, AND REMAINS THE COPYRIGHTED PROPERTY OF COTTEN ENGINEERING LLC. FEUSE OR REPRODUCTION OF ANY OF THE INSTRUMENTS OF SERVICE OF COTTEN ENGINEERING LLC BY THE CLIENT OR ASSIGNEES WITHOUT THE WRITTEN PERMISSION OF COTTEN ENGINEERING LLC WILL BE AT THE CLIENTS 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: CE	REV:	JOB # 20-290
DRAWN BY: JCD	DATE: 07/15/2020	SHEET 1 OF 1
CHECKED BY: MSC	SCALE: AS-SHOWN	

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: October 8th, 2020

Application: CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

Applicant/Owner: Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

Site Location: Northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363)

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: B-2 (Business Community District)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: This parcel is split between Millville Fire Company and Roxana Fire Company, with the subject portion of the site falling within the jurisdiction of the Millville Fire Company

Sewer: Currently on private septic with proposed connection to the Sussex County Central Sewer System in the future

Water: Private (On-site)

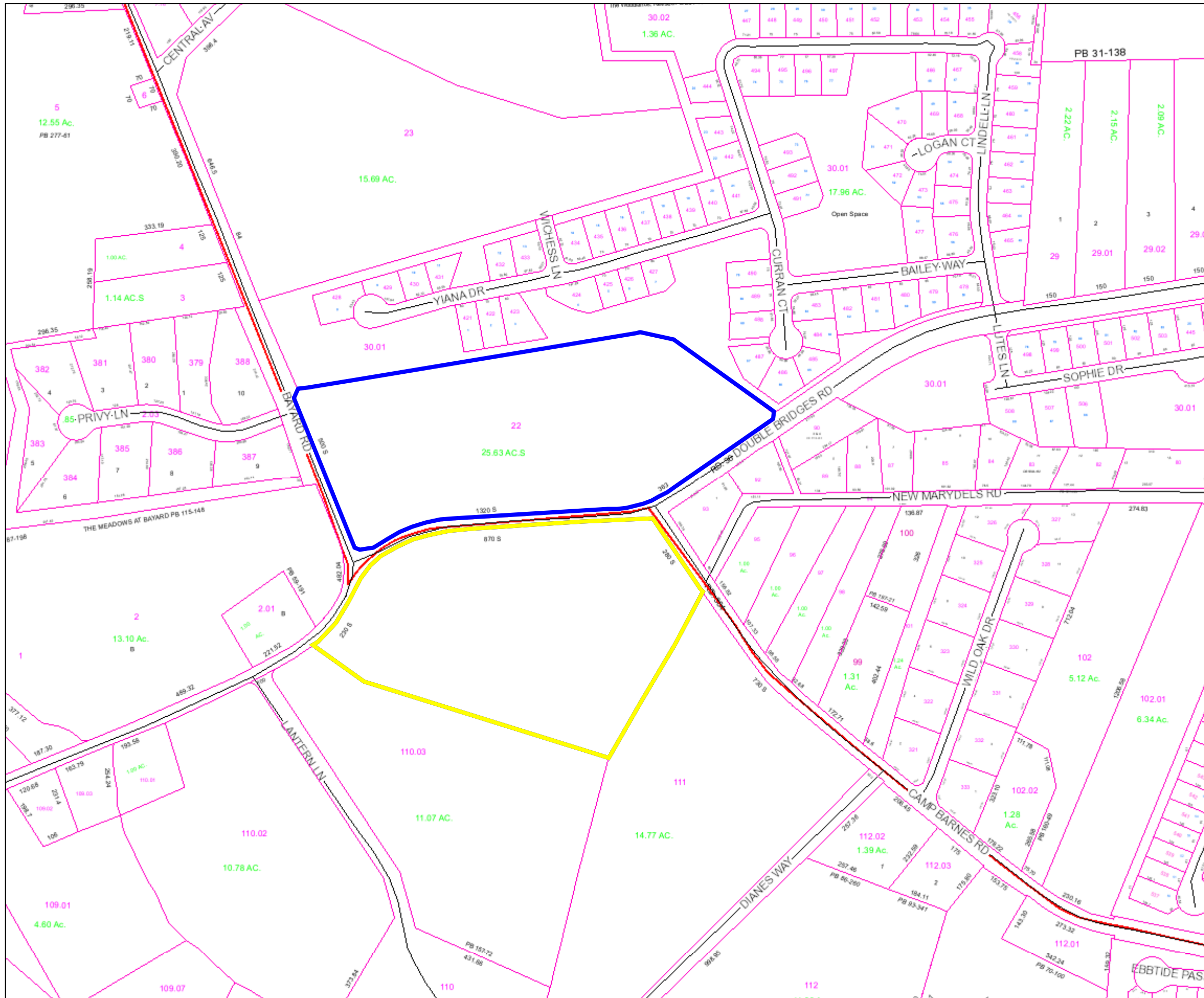
Site Area: 25.63 acres +/-

Tax Map ID.: 134-19.00-22.00





Sussex County



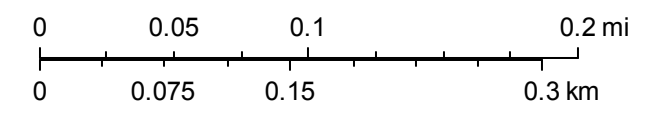
PIN:	134-19.00-22.00
Owner Name	ARCHUT DIANNE H TRUSTEE
Book	3648
Mailing Address	36219 OLD CHURCH CEME
City	FRANKFORD
State	DE
Description	RD HALL SCH HSE
Description 2	TO DOUBEL BR
Description 3	T#55018
Land Code	

- polygonLayer**

 - Override 1
- polygonLayer**

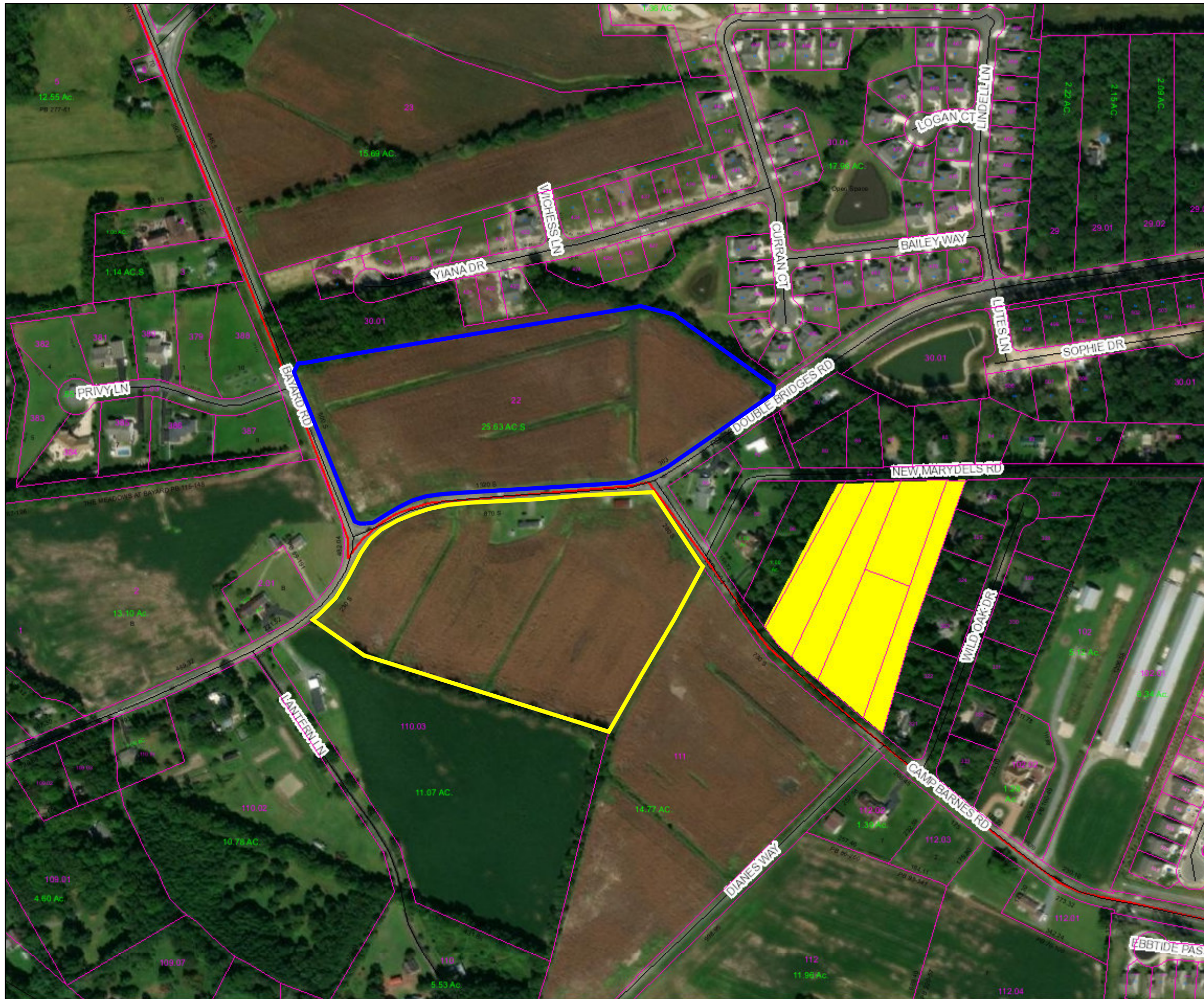
 - Override 1
 - Tax Parcels
 - Streets
 - Fire Districts
 - County Boundaries

1:4,514





Sussex County



PIN:	134-19.00-22.00
Owner Name	ARCHUT DIANNE H TRUSTEE
Book	3648
Mailing Address	36219 OLD CHURCH CEME
City	FRANKFORD
State	DE
Description	RD HALL SCH HSE
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Description 3	T#55018
Land Code	

polygonLayer

Override 1

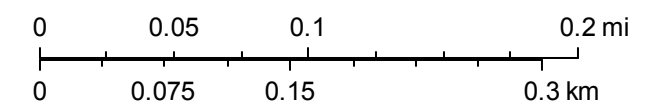
polygonLayer

Override 1

Tax Parcels

Streets

1:4,514





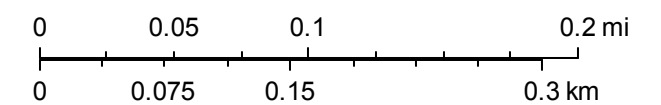
Sussex County



PIN:	134-19.00-22.00
Owner Name	ARCHUT DIANNE H TRUSTEE
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City	FRANKFORD
State	DE
Description	RD HALL SCH HSE
Description 2	TO DOUBEL BR
Description 3	T#55018
Land Code	

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

1:4,514





Memorandum

To: Sussex County Planning Commission Members

From: Chase Phillips, Planner I

CC: Vince Robertson, Assistant County Attorney and applicant

Date: September 15, 2020

RE: Staff Analysis for CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut to be reviewed during the October 8, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 134-19.00-22.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Business Community (B-2) District. The parcel is located on the northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363). The parcel is divided by Double Bridges Road and is located at 35910 Double Bridges Road. The size of the property is approximately 25.63 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Coastal Area." Each property to the north, south, east, and west also have the "Coastal Area" designation. The Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is standard. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

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 Community Business (B-2) Zoning District is listed as an applicable zoning district in the "Coastal Area."

Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east, and west is also within the Agricultural Residential Zoning District.

Since 2011, there have been two Change of Zone applications within a one-mile radius of the subject property. Change of Zone No. 1841 was a previous Change of Zone application for the subject site (i.e. this same tax parcel). It was denied by the Sussex County Council on January 30, 2018. Change of Zone No. 1761, which proposed a change from a General Commercial (C-1)



District to an Agricultural Residential (AR-1) District, was approved by the Sussex County Council on November 18, 2014. It was adopted through Ordinance No. 2373.

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

File #: 021925
202007855

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

Northeast Corner at the Intersection of Bayard Rd and Double Bridges Rd

Type of Conditional Use Requested:

RECEIVED
JUL 10 2020
SUSSEX COUNTY
PLANNING & ZONING

Tax Map #: 134-19.00-22.00(p/o)

Size of Parcel(s): 2.99 a +/-

Current Zoning: AR-1

Proposed Zoning: B-2

Size of Building: Total 7,056 +/-

Land Use Classification: _____

Water Provider: On-Site

Sewer Provider: SCED

Applicant Information

Applicant Name: Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

Applicant Address: 36219 Old Church Cemetery Rd

City: Frankford

State: DE

Zip Code: 19945

Phone #: (302)-245-3056

E-mail: barchut@hbplaza.com

Owner Information

Owner Name: same

Owner Address: _____

City: _____ State: _____ Zip Code: _____

Phone #: _____ E-mail: _____

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Tom Ford

Agent/Attorney/Engineer Address: 53 Atlantic Ave Oak Square Suite 3

City: Ocean View

State: DE

Zip Code: 19970

Phone #: (302)-537-1919

E-mail: tjford51@aol.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

Brenton G. Archut

Date: 7/10/2020

Signature of Owner (Trustee)

Diane H. Archut

Date: 7/10/2020

For office use only:

Date Submitted: 7/10/2020

Staff accepting application: CEH

Location of property: _____

Fee: \$500.00 Check #: 115

Application & Case #: 202007885 / 02 1925

Subdivision: _____

Date of PC Hearing: _____

Recommendation of PC Commission: _____

Date of CC Hearing: _____

Decision of CC: _____

Mailing List Application Form

For Applications Requiring a Public Hearing in Sussex County

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

Application Information:

Site Address: Northeast Corner at the Intersection of Bayard Rd and Double Bridges Rd

Parcel #: 134-19.00-22.00(p/o)

Site Address: _____

Parcel #: _____

Applicant Name: Brenton Archut

Owner Name: Lemuel H. Hickman GST Exempt Trust

Type of Application:

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

Date Submitted: 7/10/2020

For office use only:

Date of Public Hearing: _____

File #: _____

Date list created: _____

List created by: _____

Date letters mailed: _____

Letters sent by: _____



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

JENNIFER COHAN
SECRETARY

April 21, 2020

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

Dear Mr. Whitehouse:

This letter is to revise and replace my letter earlier today regarding the **Brenton Archut** rezoning application, which we received on March 23, 2020. While the letter referenced the correct parcel number, the information describing the location and acreage of the parcel incorrectly referred to another parcel. The letter is being revised to correctly describe the location and acreage of parcel 134-19.00-22.00. A copy of our previous letter is attached.

This revised application is for a 3.00-acre portion of a 25.63-acre parcel (Tax Parcel 134-19.00-22.00). The subject land is located on the northeast and southeast corners of the intersection of Bayard Road (Sussex Road 84) and Double Bridges Road (Sussex Road 363). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 (Neighborhood Business) to develop a 7,500 square-foot office / retail complex.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Bayard Road where the subject land is located, which is from Double Bridges Road (Sussex Road 363) to South Ocean View Limits, is 3,060 vehicles per day. As the subject land also has frontage along Double Bridges Road, the annual average daily traffic volume on that road segment, which is from Bayard Road to Camp Barnes Road (Sussex Road 364), is 3,645 vehicles per day.

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

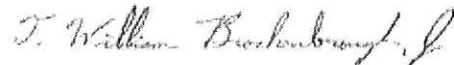


Mr. Jamie Whitehouse
Page 2 of 2
April 21, 2020

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm

Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Brenton Archut, Applicant
J. Marc Coté, Director, DelDOT Planning
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **9/21/2020**

APPLICATION: **CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut.**

APPLICANT: **Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut**

FILE NO: **SPS-5.04**

TAX MAP & PARCEL(S): **134-19.00-22.00**

LOCATION: **Northeast corner of Bayard Road (SCR 84), and Double Bridges Road (SCR 363).**

NO. OF UNITS: **Upzone from AR-1 to B-2**

GROSS ACREAGE: **25.63 +/-**

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

SEWER:

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

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

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

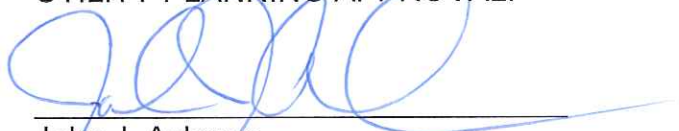
(7). Is project adjacent to the Unified Sewer District? **Yes**

(8). Comments: **The proposed Change of Zone is contiguous to the Sussex County Unified Sanitary Sewer District and shall connect to said sewer system.**

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

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

UTILITY PLANNING APPROVAL:



John J. Ashman
Director of Utility Planning

Xc: Hans M. Medlarz, P.E.
Jayne Dickerson
Noell Warren

Policy for Extending District Boundaries

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

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

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

RUSSELL & MICHELLE HALL

33363 Hall Way
Frankford, DE 19945

September 28, 2020

Mr. Jamie Whitehouse, Planning Director
Sussex County Planning and Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947
302-855-7878

Re: C/Z 1925 - Brenton Archut
Change of Zone
Tax Parcel 134-19.00-22.00

Dear Mr. Whitehouse,

As nearby property owners, we are writing to express our support of the above referenced application. Our primary residence is located just over a mile from the parcel in question and we travel past the site on a daily basis.

Watching our area grow over the last 30+ years we have seen thousands upon thousands of new single family homes being developed with limited corresponding commercial development. The inland area between Bethany Beach and Fenwick Island is in need of sensibly limited commercial development to support the continued residential growth. The site in question lies at what is currently a significant crossroad along the most direct inland route between Bethany Beach and Fenwick Island, making it ideal for supporting a commercial parcel.

In addition to the suitability of the parcel for commercial use, the owner's intent should be taken into account. We have known Mr. Archut for 20 years. He and his family have owned several agricultural and commercial parcels in coastal Sussex County for generations. While many of the old farming families have sold their land to developers and walked away from the area, Mr. Archut and his family have retained their land, and developed it sensibly with care for the local community while continuing to farm the majority of it. They are the type of landowners Sussex County needs behind development like this.

Sincerely yours,



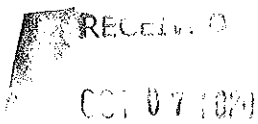
Russell & Michelle Hall

SUPPORT EXHIBIT

RECEIVED

OCT 01 2020

SUSSEX COUNTY
PLANNING & ZONING



SUPPORT EXHIBIT

SUSSEX COUNTY
PLANNING & ZONING

Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Re: C/Z 1925 - Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut
Tax Parcel 134-19.00-22.00

Date: *Oct 6 2020*

Dear Mr. Whitehouse,

As nearby property owners, we are writing to express our support of the above referenced application. It will allow a place for local businesses to grow and provide services needed by the surrounding community.

Thank you for taking these comments into consideration.

Sincerely,

Michael R Jahnsen (Print Name)

Address:

*35322 BAYARD Rd
FRANKFORD De
19945*

Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Re: C/Z 1925 - Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut
Tax Parcel 134-19.00-22.00

Date: 10/3/20

Dear Mr. Whitehouse,

As nearby property owners, we are writing to express our support of the above referenced application. It will allow a place for local businesses to grow and provide services needed by the surrounding community.

Thank you for taking these comments into consideration.

Sincerely,

Ronnie Wilson

BONNIE WILSON (Print Name)

Address: 34682 Central Ave
Frankford De.

RECEIVED

OCT 07 2020

SUPPORT EXHIBIT

SUSSEX COUNTY
PLANNING & ZONING

Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Re: C/Z 1925 - Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut
Tax Parcel 134-19.00-22.00

Date: *October 6, 2020*

Dear Mr. Whitehouse,

As nearby property owners, we are writing to express our support of the above referenced application. It will allow a place for local businesses to grow and provide services needed by the surrounding community.

Thank you for taking these comments into consideration.

Sincerely,
Brooke Good

Brooke Good (Print Name)

Address: *36197 Double Bridges Rd.
Frankford, DE 19945*

RECEIVED

OCT 07 2020

SUPPORT EXHIBIT

SUSSEX COUNTY
PLANNING & ZONING

Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Re: C/Z 1925 - Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut
Tax Parcel 134-19.00-22.00

Date: 10/3/2020

Dear Mr. Whitehouse,

As nearby property owners, we are writing to express our support of the above referenced application. It will allow a place for local businesses to grow and provide services needed by the surrounding community.


Thank you for taking these comments into consideration.

Sincerely,



Herbert W. Murray (Print Name)

Address: 35150 DIANES WAY
FRANKFORD, Del-19945

Diane Murray


SUPPORT EXHIBIT

RECEIVED

OCT 07 2020

SUSSEX COUNTY
PLANNING & ZONING

Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Re: C/Z 1925 - Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut
Tax Parcel 134-19.00-22.00

Date: 10/6/20

Dear Mr. Whitehouse,

As nearby property owners, we are writing to express our support of the above referenced application. It will allow a place for local businesses to grow and provide services needed by the surrounding community.

Thank you for taking these comments into consideration.

Sincerely,

D. Brent Hurley

D. BRENT HURLEY (Print Name)

Address:

36155 OLD CHURCH CEMETERY RD.
FRANKFORD, DE 19945

RECEIVED

OCT 07 2020

SUPPORT EXHIBIT

SUSSEX COUNTY
PLANNING & ZONING

Mr. Jamie Whitehouse, Director
Sussex County Planning and Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

Re: C/Z 1925 - Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut
Tax Parcel 134-19.00-22.00

Date:

Dear Mr. Whitehouse,

As nearby property owners, we are writing to express our support of the above referenced application. It will allow a place for local businesses to grow and provide services needed by the surrounding community.

Thank you for taking these comments into consideration.

Sincerely,

Tyler + Karen Hickman (Print Name)

Address:

34346 Central Ave
Frankford, DE 19945

SUPPORT EXHIBIT

RECEIVED

OCT 06 2020

SUSSEX COUNTY
PLANNING & ZONING

Woodlands Development LLC

27 Atlantic Avenue
Ocean View, Delaware 19970
302-539-6178
302-841-3767 cell
rjh@gulfstreamde.net

September 18, 2020

Mr. Jamie Whithouse, Director
Sussex County Planning and Zoning
2 The Circle
PO Box 589
Georgetown, DE 19947

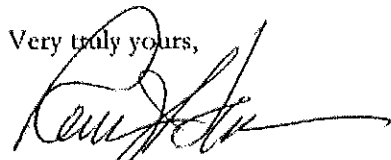
Re: 1-34-19-22
Diane H. Archut, Trustee

Mr. Whithouse:

I am in receipt of a plan dated 7/6/20 submitted to Sussex County Planning and Zoning for the above referenced property. I represent the developer of the adjacent property known as The Woodlands Subdivision and the developer of the property across Bayard Road to be developed as Sycamore Chase.

Please be advised that we have reviewed this plan and approve of the application for rezoning. It will provide needed commercial services for homes in the nearby neighborhoods.

Very truly yours,



Robert J. Harris,
Managing Member

SUPPORT EXHIBIT

RECEIVED

OCT 01 2020

SUSSEX COUNTY
PLANNING & ZONING

**Hickman Trust f/b/o Brenton Archut
CZ #1925**

Jamie Whitehouse
Director of Planning and Zoning
2 The Circle
P.O. 417
Georgetown, DE 19947

Date: September 25, 2020

Re: CZ #1925

Dear Mr. Whitehouse,

Attached is a booklet to support the application to amend the Comprehensive Zoning Map from AR-1 Agricultural Residential District to B-2 Business Community District for 2.99 Acres, more or less in Baltimore Hundred.

We believe the request will:

1. Provide a convenient location for services needed by our growing area;
2. Reduce congestion on area roads and streets by providing nearby services;
3. Provide opportunities for local businesses and local business owners; and
4. Meet the goals outlined in the Sussex County Land Use Plan.

We look forward to presenting this application for public consideration.

Respectfully Submitted,

Brenton H. Archut

Hickman Trust
CZ #1925

Table of Contents

1. Application
2. Aerial Photo of the site (about 2017)
3. Survey and Concept Plan
4. Copy of Deed to the Property
5. SCED (sewer) service letter
6. Sewer easement
7. Tidewater Utilities (water) service letter
8. DeIDOT Service Level Evaluation Request Response letter
9. Sussex County Future Land Use map
10. Current zoning and non-residential uses in the area
11. Map showing historical provision of general services to the
area
12. Examples of Light Commercial Service Centers
13. Is Selling the only option?
14. Planning and Zoning Staff Analysis Report
15. CZ #1925 application informational summary

File #: 021925
202007855

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

Northeast Corner at the Intersection of Bayard Rd and Double Bridges Rd

Type of Conditional Use Requested:

RECEIVED
JUL 10 2020
SUSSEX COUNTY
PLANNING & ZONING

Tax Map #: 134-19.00-22.00(p/o) Size of Parcel(s): 2.99 a +/-

Current Zoning: AR-1 Proposed Zoning: B-2 Size of Building: Total 7,056 +/-

Land Use Classification: _____

Water Provider: On-Site Sewer Provider: SCED

Applicant Information

Applicant Name: Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut
Applicant Address: 36219 Old Church Cemetery Rd
City: Frankford State: DE Zip Code: 19945
Phone #: (302)-245-3056 E-mail: barehut@hbplaza.com

Owner Information

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

Agent/Attorney/Engineer Information

Agent/Attorney/Engineer Name: Tom Ford
Agent/Attorney/Engineer Address: 53 Atlantic Ave Oak Square Suite 3
City: Ocean View State: DE Zip Code: 19970
Phone #: (302)-537-1919 E-mail: tjford51@aol.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

Brenton H. Archut

Date: 7/10/2020

Signature of Owner (Trustee)

Diane H. Archut

Date: 7/10/2020

For office use only:

Date Submitted: 7/10/2020

Staff accepting application: CEH

Location of property: _____

Fee: \$500.00 Check #: 115

Application & Case #: 202007885 / 02 1925

Subdivision: _____

Date of PC Hearing: _____

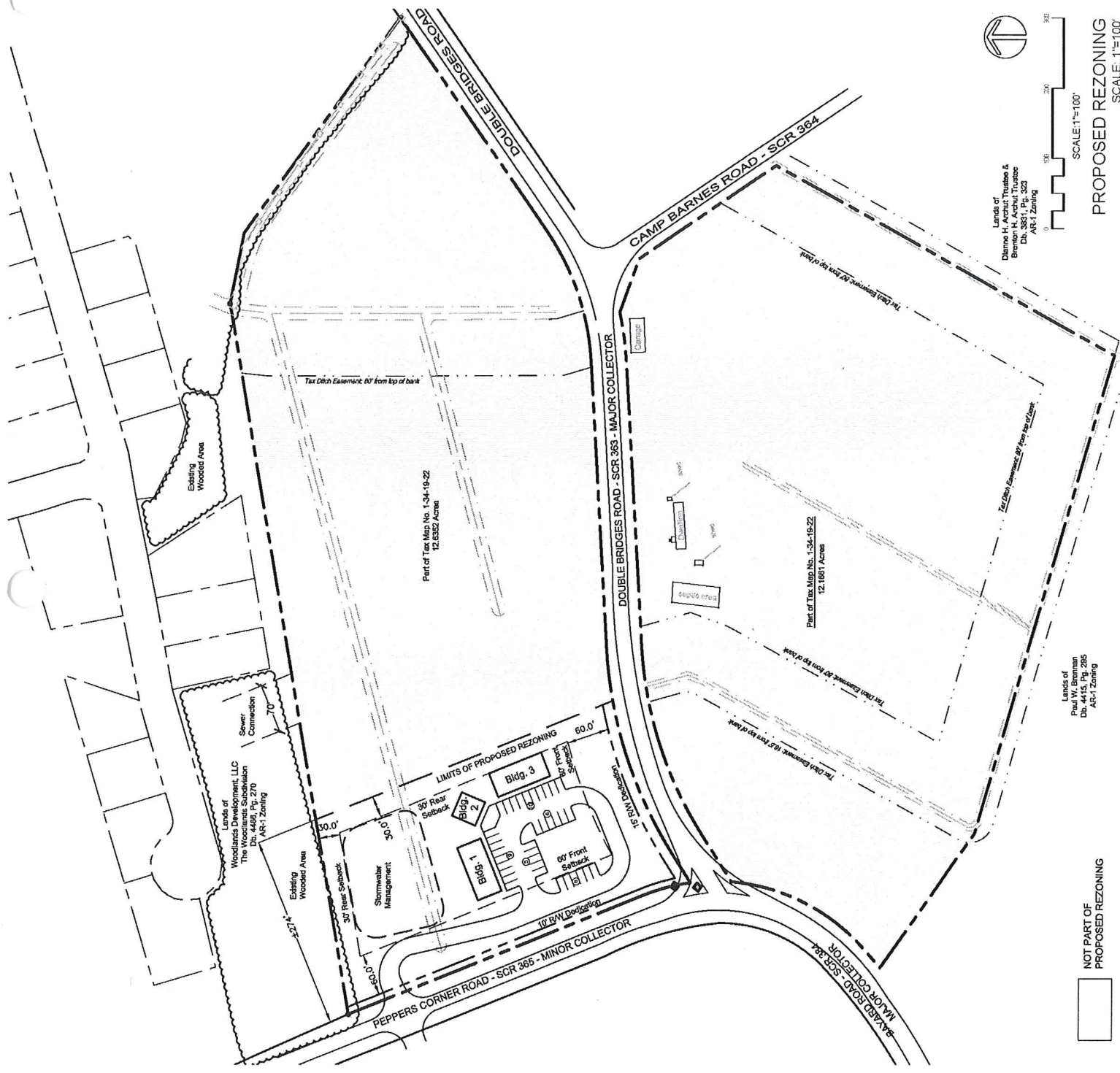
Date of CC Hearing: _____

Recommendation of PC Commission: _____

Decision of CC: _____

**Aerial Photograph (about 2017)
showing project site and nearby area**





Lands of
 Dianne H. Archut Trustee &
 Brenton H. Archut Trustee
 Dk. 3651, Pg. 303
 AR-1 Zoning



SCALE: 1"=100'
PROPOSED REZONING
 SCALE: 1"=100'

Lands of
 Paul W. Brennan
 Dk. 4488, Pg. 270
 AR-1 Zoning

NOT PART OF
 PROPOSED REZONING



827

BK: 3648 PG: 165

Tax Parcel No: 1-34-19.00-22.00

Prepared by and Return to:
Mark D. Olson, Esquire
Morris James LLP
500 Delaware Avenue, Suite 1500
P.O. Box 2306
Wilmington, DE 19899

NO TITLE SEARCH OR SURVEY WAS REQUESTED OR PERFORMED

THIS CORRECTIVE DEED, made this 24 day of December, 2008 by and between:

LEMUEL H. HICKMAN MARITAL TRUST URTA dated APRIL 6, 1992, DIANNE H. ARCHUT, TRUSTEE, DIANNE H. ARCHUT, individually, and DIANNE H. ARCHUT REVOCABLE TRUST u/a dated MAY 3, 2006, DIANNE H. ARCHUT, TRUSTEE, hereinafter referred to as the "Grantors",

and

LEMUEL H. HICKMAN GST EXEMPT TRUST f/b/o BRENTON ARCHUT URTA dtd APRIL 6, 1992, DIANNE H. ARCHUT, TRUSTEE, of 36219 Old Church Cemetery Road, Frankford, Delaware 19945, hereinafter referred to as the "Grantee",

WITNESSETH

That for and in consideration of the sum of One Dollar (\$1.00), current lawful money of the United States of America, and other good and valuable consideration, the receipt of which is hereby acknowledged, Lemuel H. Hickman Marital Trust hereby grants and conveys unto Grantee, its successors and assigns, and Dianne H. Archut, individually and as Trustee of the Dianne H. Archut Revocable Trust, hereby quitclaims unto the Grantee, its successors and assigns:

ALL THAT parcel, piece or tract of land being and lying on the East side of the County Road leading from Hall School House to the Double Bridges adjoining lands now or formerly of Eustice Murray, Harry Evans and Charles Holloway in Baltimore Hundred, County of Sussex and State of Delaware, described as follows to wit:

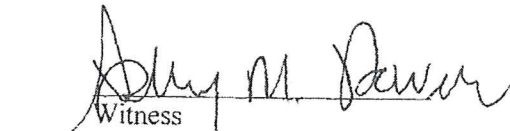
BEGINNING at a Holly Tree a corner for this land and the lands of Charles Holloway, thence running Northerly until it comes to a County Road thence running Easterly to a Red Oak;

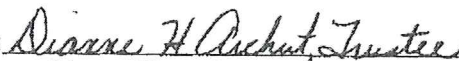
thence commencing and running in a Westerly direction to the center of the County Road leading from Hall School House to the house of John D. Furnaus; thence running Southerly with said road to the lands of Charles Holloway then with the lands of Charles Holloway to the place of beginning, and is said to contain thirty acres be the same more or less.

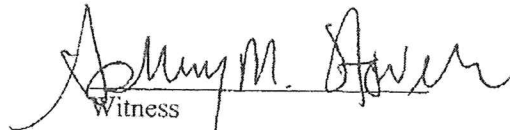
BEING the same lands conveyed to Dianne H. Archut by deed of Lemuel H. Hickman Marital Trust u/a dtd April 6, 1992, Dianne H. Archut, Trustee, dated January 1, 2008 and of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 3551, Page 80, *et seq.*

ALSO BEING the same lands conveyed to Dianne H. Archut Revocable Trust u/a dated May 3, 2006, Dianne H. Archut, Trustee, by deed of Dianne H. Archut dated January 1, 2008 and of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 3551, Page 82, *et seq.*

LEMUEL H. HICKMAN MARITAL TRUST
URTA DATED APRIL 6, 1992

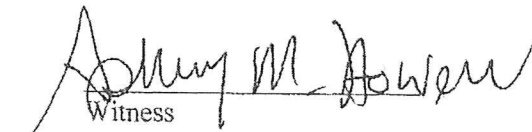

Witness


By:  (SEAL)
Dianne H. Archut, Trustee


Witness

By:  (SEAL)
DIANNE H. ARCHUT

DIANNE H. ARCHUT REVOCABLE TRUST
U/A DATED MAY 3, 2006

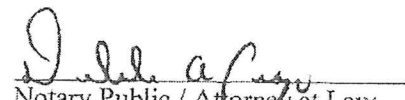

Witness

By:  (SEAL)
Dianne H. Archut, Trustee

STATE OF DELAWARE }
 } SS.
SUSSEX COUNTY }

BE IT REMEMBERED, That on this 24 day of 12, 2008, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, DIANNE H. ARCHUT, Trustee of the Lemuel H. Hickman Marital Trust URTA dated April 6, 1992, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

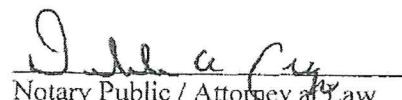

Notary Public / Attorney at Law
State of Delaware

STATE OF DELAWARE }
 } SS.
SUSSEX COUNTY }

DEBBIE A. CRAGO
Notary Public - State of Delaware
My Comm. Expires Feb. 23, 2010

BE IT REMEMBERED, That on this 24 day of 12, 2008, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, DIANNE H. ARCHUT, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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

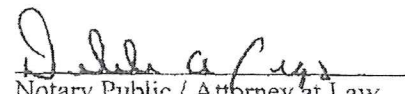

Notary Public / Attorney at Law
State of Delaware

DEBBIE A. CRAGO
Notary Public - State of Delaware
My Comm. Expires Feb. 23, 2010

STATE OF DELAWARE }
 } SS.
SUSSEX COUNTY }

BE IT REMEMBERED, That on this 24 day of 12, 2008, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, DIANNE H. ARCHUT, Trustee of the Dianne H. Archut Revocable Trust UA dated May 3, 2006, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be her act and deed.

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


Notary Public / Attorney at Law
State of Delaware

DEBBIE A. CRAGO
Notary Public - State of Delaware
My Comm. Expires Feb. 23, 2010

RECEIVED

JAN 09 2009

**ASSESSMENT DIVISION
OF SUSSEX COUNTY**

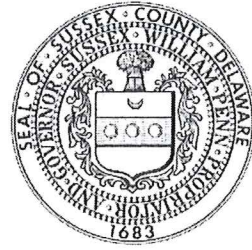
Recorder of Deeds
John F. Brady
Jan 09, 2009 10:48A
Sussex County
Doc. Surcharge Paid

Consideration: .00

County .00
State .00
Town Total .00
Received: Kara S Jan 09, 2009

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

September 21, 2020

Mr. Russell Archut
36219 Old Church Cemetery Road
Frankford, Delaware 19945

REF: SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (BAYARD
PLANNING AREA)
TAX MAP 134-19.00-22.00
ABILITY TO SERVE
FILE: SPS-5.03BK

Dear Mr. Archut:

This is response to your request for a letter confirming Sussex County's ability to provide wastewater service for a project on the above-mentioned parcel. The parcel is in a Tier 2 service area for Sussex County and is contiguous to the existing sewer district boundary.

Sussex County does have the ability and is willing to provide sewer service for parcel 22.00 noted above. In order for the parcel to receive sewer service certain administrative procedures must be completed. First, the developer must receive preliminary site plan approval, then submit a written request for annexation along with the appropriate fee based on the acreage of the parcel. The Engineering Department will then establish a date and time for a Public Hearing before County Council. If County Council approves the annexation the developer would then need to install the necessary pipelines to the approved connection point. System connection charges will apply to the parcel after annexation, the current rate is \$6,360.00 per equivalent dwelling unit.

Should you have additional needs or questions, please call (302) 855-1299.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT

John J. Ashman
Director of Utility Planning



T.M. No. 1-34-19.00-22.00
PREPARED BY & RETURN TO:
MORRIS JAMES, LLP
P.O. Box 690
Georgetown DE 19947

DEED OF EASEMENT

THIS DEED OF EASEMENT, Made this 12th day of March, A.D. 2019

B E T W E E N

ACTA, LLC, of 11001 Huntover Drive Rockville, Maryland 20852 party of the first part, hereinafter referred to as Grantor,

- A N D -

LEMUEL H. HICKMAN GST EXEMPT TRUST f/b/o BRENTON ARCHUT urta DATED April 6, 1992, of 36219 Old Church Cemetery Road, Frankford DE 19945, party of the second part, hereinafter referred to as the Grantee.

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00), cash in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, the Grantor has this day bargained and sold, and by these presents does bargain, sell, convey, transfer, and deliver unto the Grantee a permanent easement and right-of-way, including the perpetual right to enter upon the real estate herein after described, at any time that it may seem fit and construct, maintain and repair underground pipelines and/or mains for the purpose of conveying sewage and/or water over, across, through and under the lands of the Grantor, together with the right to excavate and the duty to refill ditches and/or trenches for the location of said pipelines and/or mains; the right to remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of said pipelines and/or mains; and to keep the area within permanent easement perpetually free and clear of all construction including garages, storage sheds, fences, etc., that would obstruct in any way the repair or replacement of said pipeline.

A permanent easement is hereby granted, more particularly described as follows:

ALL those certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred,

Sussex County, State of Delaware, more particularly designated and described as follows, to wit: a 20' wide proposed utility easement for a proposed force main to the lands of Grantee beginning at MH 15 in Yianna Drive and running in a southerly direction to the lands of the Grantee (TM No. 1-34-19.00-22.00) as more particularly shown on Utility Easement Plan for Sussex County File S.P.S.-5.03bj The Woodlands Subdivision Phase 3, prepared by Civil Engineering Associates, LLC, dated March 24, 2017, and last revised August 6, 2019, at attached hereto as Exhibit A and made a part hereof.

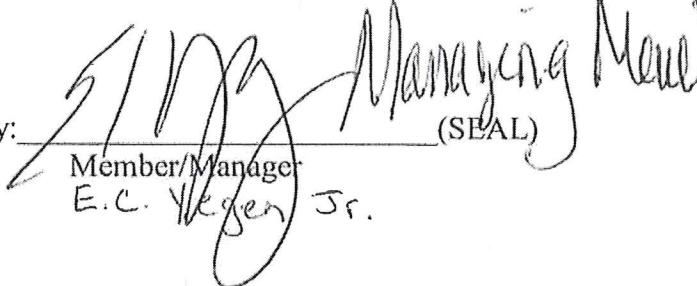
BEING a portion of those lands conveyed unto the above named Grantors by deed of ACTA, LLC, dated December 17, 2015, and of record in the Office of the Recorder of Deeds, in and for Sussex County, Delaware, in Deed Book 4486, at page 270.

At the termination of any construction, repair, or restoration, the Grantee agrees to restore said areas of construction to its present condition and otherwise agrees to pay reasonable costs of restoration.

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

ACTA, LLC

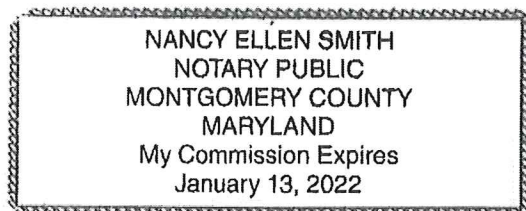
Nancy E Smith
Witness

By:  (SEAL)
Member/Manager
E.C. Yegen Jr.

STATE OF DELAWARE :
: ss.
COUNTY OF SUSSEX :

BE IT REMEMBERED, That on the 12th day of March, A.D. 2019,
personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid,
E.C. Yegen Jr., Member/Manager of ACTA, LLC, party to this indenture,
known to me personally to be such, and acknowledged this Indenture to be his act and deed and the
act and deed of he company.

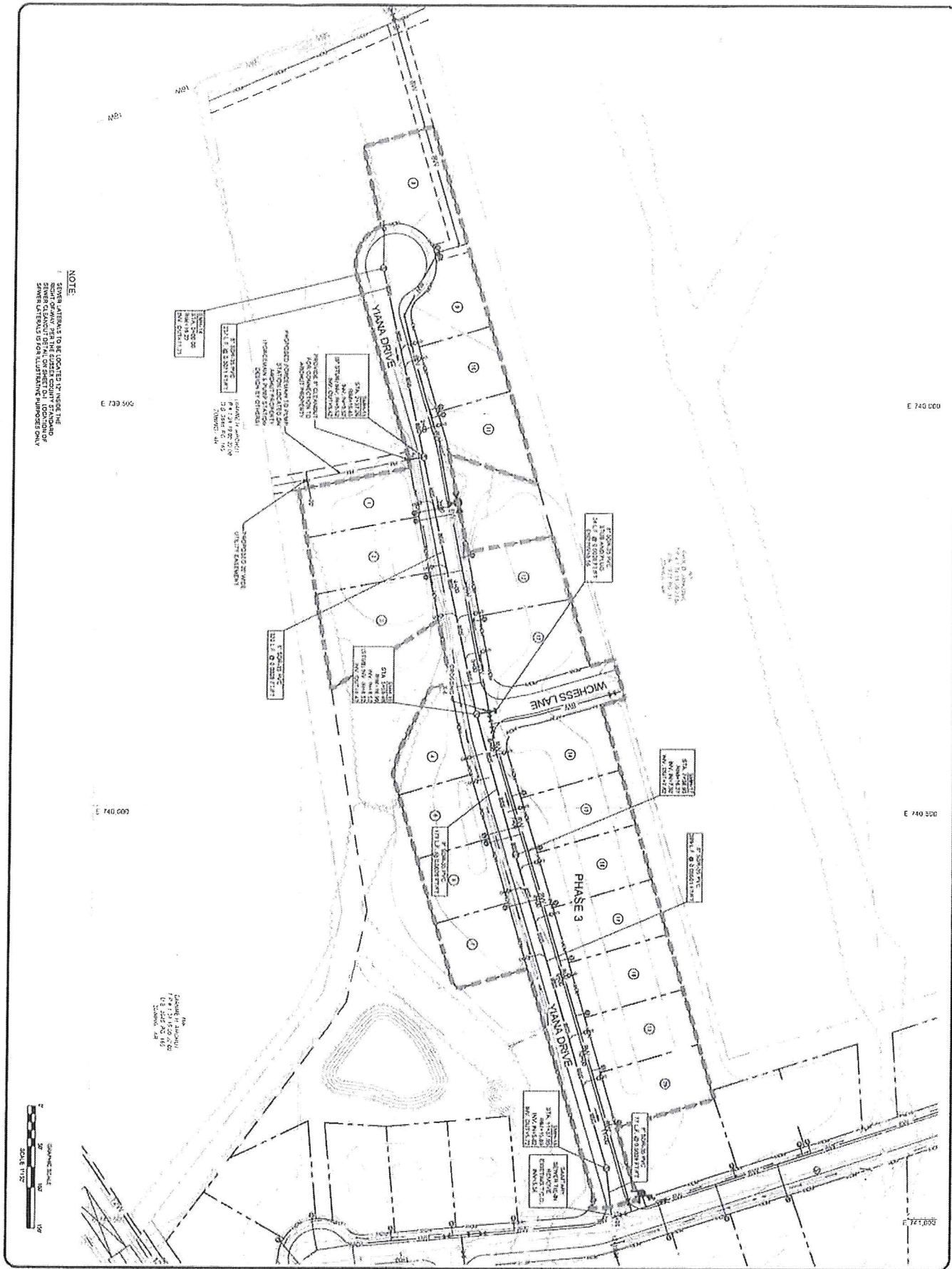
GIVEN under my Hand and Seal of Office, the day and year aforesaid.



Nancy Ellen Smith
Notary Public
Nancy Ellen Smith
(Printed or typewritten name)

My Commission Expires: January 13, 2022

Exhibit A



NOTE
 1. STREET LATERALS TO BE LOCATED BY THE RIGHT OF WAY PER THE SUSSEX COUNTY STANDARD SPECIFICATIONS FOR ALTERNATIVE NUMBERED ONLY.

SHEET NO. U-2	DATE: MARCH 24, 2011 DRAWN BY: [Name] CHECKED BY: [Name]	UTILITY PLANS FOR: SUSSEX COUNTY FILE S P S - S 0306 THE WOODLANDS SUBDIVISION PHASE 3 BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE	CEA CIVIL ENGINEERING ASSOCIATES, LLC ENGINEERS SURVEYORS REGISTERED PROFESSIONALS 101 N. BRAD STREET HODDGETOWN, DE 19709 PHONE (302) 376-8833 FAX (302) 376-8831 WWW.CEA-DE.COM	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td>ISSUE FOR PERMITS</td> </tr> <tr> <td>2</td> <td></td> <td>REVISED PER SUSSEX COUNTY STANDARD SPECIFICATIONS FOR ALTERNATIVE NUMBERED ONLY</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1		ISSUE FOR PERMITS	2		REVISED PER SUSSEX COUNTY STANDARD SPECIFICATIONS FOR ALTERNATIVE NUMBERED ONLY	DATE:
	NO.	DATE	DESCRIPTION											
1		ISSUE FOR PERMITS												
2		REVISED PER SUSSEX COUNTY STANDARD SPECIFICATIONS FOR ALTERNATIVE NUMBERED ONLY												

September 16, 2020

Sent Via E-Mail
Dianne H. Archut Trustee
c/o Brenton Archut
Assistant Manager
Hickman Beach Plaza

RE: Willing & Able Letter – Parcel 134-19.00-22.00

Dear Mr. Archut:

Tidewater Utilities, Inc. (Tidewater) is willing and able to serve public water to the following parcel, identified as Tax Map & Parcel 134-19.00-22.00 based on the terms and conditions of a water service agreement to be negotiated and agreed upon by Tidewater and the owner(s) of these parcels. This parcel is located outside of Tidewater's Certificate of Public Convenience and Necessity (CPCN) franchised area. Thus, in order to serve water to this parcel, TUI must apply for and receive a CPCN from the Public Service Commission. Once the CPCN is granted and a water service agreement is finalized, TUI is legally able to provide water service to this parcel.

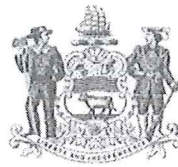
Enclosed please find a sheet entitled "Petition for Inclusion in Tidewater Utilities, Inc. Water Service Territory". Please have the current owner(s) of parcels 134-19.00-22.00 sign the petition and return the original to Tidewater, Attn: Joe Cuccinello. The signed petition from the landowner is an important and necessary first step in the CPCN application submittal process.

Please feel free to contact me at 302-747-1308 if you should have any questions.

Sincerely,



Joseph C. Cuccinello
CPCN Coordinator



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

JENNIFER COHAN
SECRETARY

April 21, 2020

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

Dear Mr. Whitehouse:

This letter is to revise and replace my letter earlier today regarding the **Brenton Archut** rezoning application, which we received on March 23, 2020. While the letter referenced the correct parcel number, the information describing the location and acreage of the parcel incorrectly referred to another parcel. The letter is being revised to correctly describe the location and acreage of parcel 134-19.00-22.00. A copy of our previous letter is attached.

This revised application is for a 3.00-acre portion of a 25.63-acre parcel (Tax Parcel 134-19.00-22.00). The subject land is located on the northeast and southeast corners of the intersection of Bayard Road (Sussex Road 84) and Double Bridges Road (Sussex Road 363). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to B-2 (Neighborhood Business) to develop a 7,500 square-foot office / retail complex.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Bayard Road where the subject land is located, which is from Double Bridges Road (Sussex Road 363) to South Ocean View Limits, is 3,060 vehicles per day. As the subject land also has frontage along Double Bridges Road, the annual average daily traffic volume on that road segment, which is from Bayard Road to Camp Barnes Road (Sussex Road 364), is 3,645 vehicles per day.

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



Mr. Jamie Whitehouse
Page 2 of 2
April 21, 2020

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

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

Sincerely,



T. William Brockenbrough, Jr.
County Coordinator
Development Coordination

TWB:cjm
Enclosure

cc: Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues
Brenton Archut, Applicant
J. Marc Coté, Director, DelDOT Planning
Gemez Norwood, South District Public Works Manager, Maintenance & Operations
Susanne K. Laws, Sussex County Review Coordinator, Development Coordination
Derek Sapp, Subdivision Manager, Development Coordination
Kevin Hickman, Subdivision Manager, Development Coordination
Brian Yates, Subdivision Manager, Development Coordination
John Andrescavage, Subdivision Manager, Development Coordination
James Argo, South District Project Reviewer, Maintenance & Operations
Troy Brestel, Project Engineer, Development Coordination
Claudy Joinville, Project Engineer, Development Coordination



THE SUSSEX PLAN

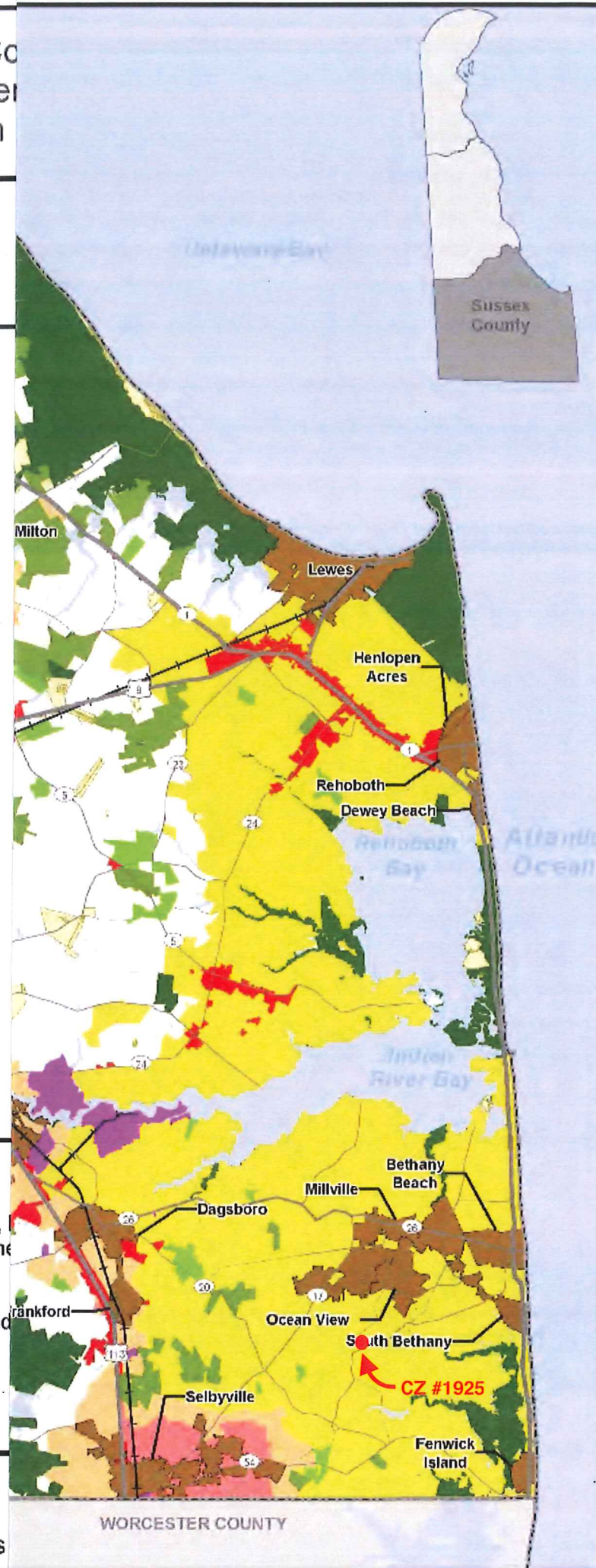
2045 Future Land Use Map

Growth Areas

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

Rural Areas

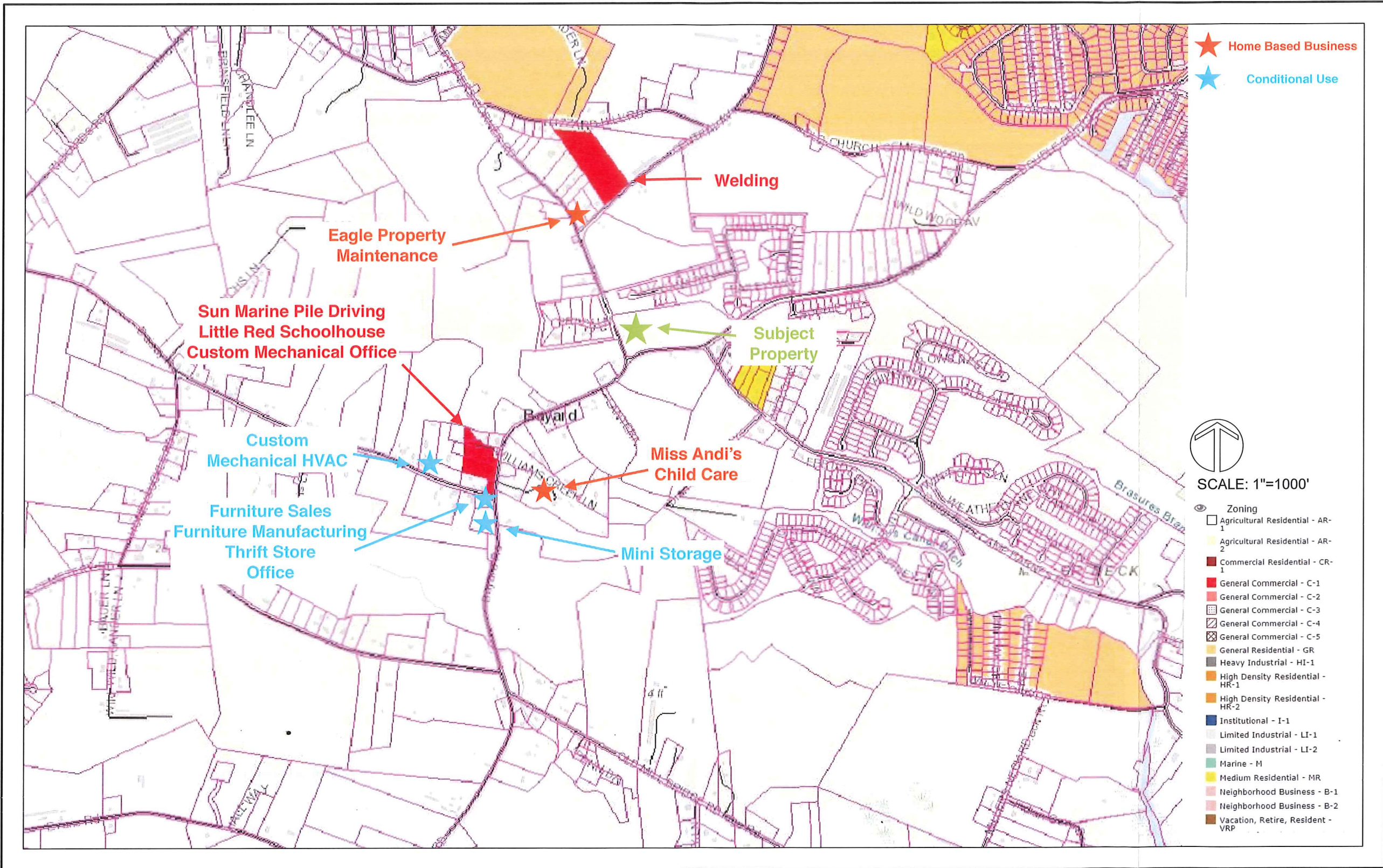
- Low Density
- Protected Land
- Ag. Preservation District
- Ag. Preservation Easement



Sources: DE FirstMap, Sussex County Mapping Dept.
Land Use Data from 2008, State Forest Data from 2013,
Conservation Easements Data from 2016, Municipal Annexation
Areas 2016

*The official depiction of the protected lands can be found on
the Protected Land Map (Figure 5.2-1)

5/16/2019 2:39:52 PM



Sun Marine Pile Driving
Little Red Schoolhouse
Custom Mechanical Office

Eagle Property
Maintenance

Welding

Subject
Property

Miss Andi's
Child Care

Mini Storage

Custom
Mechanical HVAC

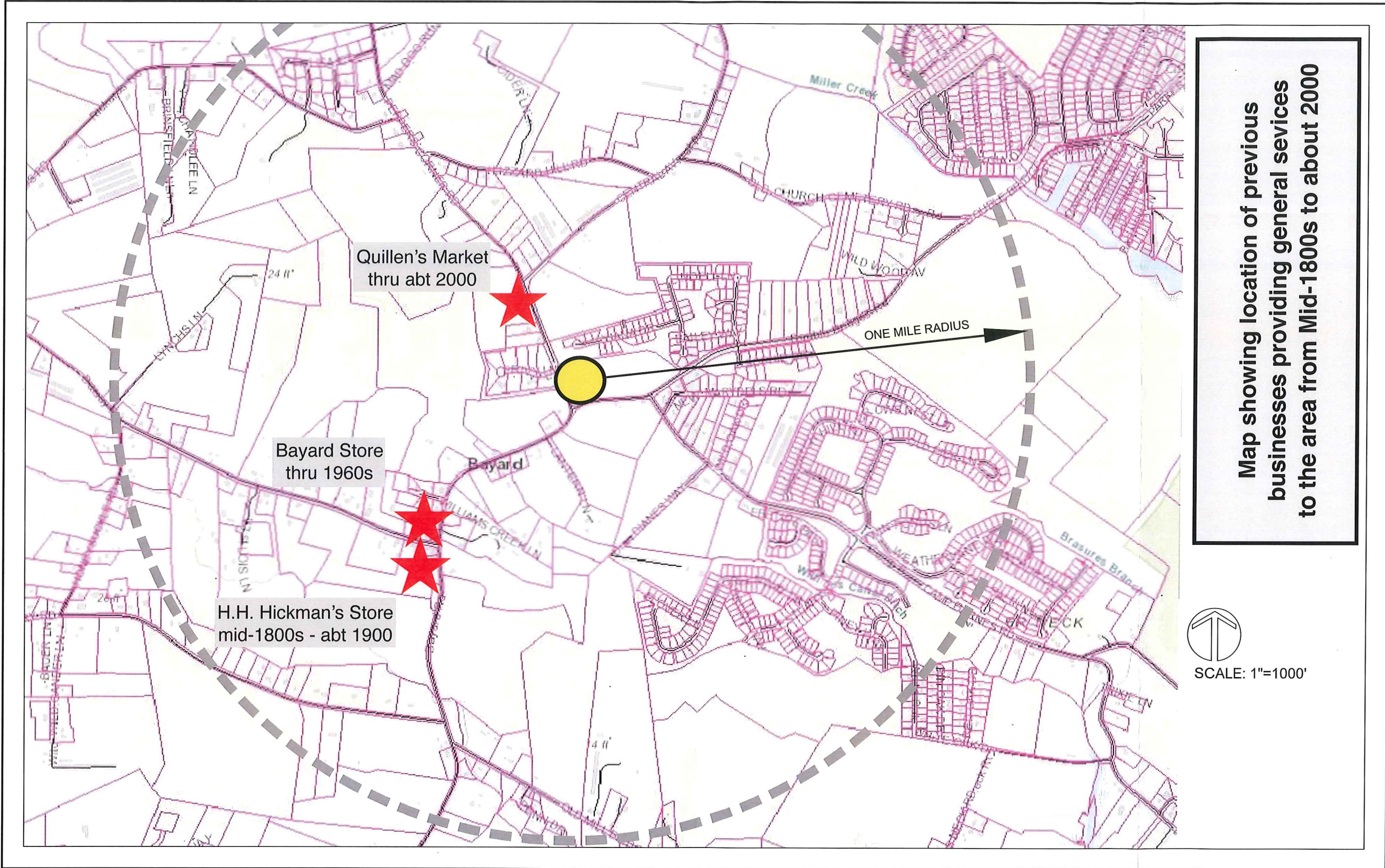
Furniture Sales
Furniture Manufacturing
Thrift Store
Office

Bayard



SCALE: 1"=1000'

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



Map showing location of previous businesses providing general services to the area from Mid-1800s to about 2000

SCALE: 1"=1000'

Examples of Light Commercial
Service Centers



Williamsville Country Plaza Shopping Center

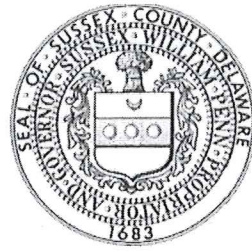


Derrickson Plaza Shopping Center

The Trend in Our Area



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



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Chase Phillips, Planner I
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 15, 2020
RE: Staff Analysis for CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1925 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut to be reviewed during the October 8, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 134-19.00-22.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Business Community (B-2) District. The parcel is located on the northeast corner of Bayard Road (S.C.R. 84) and Double Bridges Road (S.C.R. 363). The parcel is divided by Double Bridges Road and is located at 35910 Double Bridges Road. The size of the property is approximately 25.63 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has the land use designation of "Coastal Area." Each property to the north, south, east, and west also have the "Coastal Area" designation. The Coastal Area is designated to encourage growth and development provided that environmental concerns are addressed. The Coastal Area may include various types of housing, small-scale retail and office, light commercial, and institutional land uses. Sussex County's base density of two (2) units per acre is standard. Medium and higher densities (4-12 units per acre) may be appropriate in select locations.

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 Community Business (B-2) Zoning District is listed as an applicable zoning district in the "Coastal Area."

Additionally, the subject property is currently within an Agricultural Residential (AR-1) Zoning District. Each parcel to the north, south, east, and west is also within the Agricultural Residential Zoning District.

Since 2011, there have been two Change of Zone applications within a one-mile radius of the subject property. Change of Zone No. 1841 was a previous Change of Zone application for the subject site (i.e. this same tax parcel). It was denied by the Sussex County Council on January 30, 2018. Change of Zone No. 1761, which proposed a change from a General Commercial (C-1)



District to an Agricultural Residential (AR-1) District, was approved by the Sussex County Council on November 18, 2014. It was adopted through Ordinance No. 2373.

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

Change of Zone #1925 Summary

Ownership: Lemuel H. Hickman GST Exempt Trust f/b/o Brenton H. Archut. It is a third generation locally owned property.

Property description and location: 24.8 acres located at the intersection of Double Bridges Road (County Road 363) and Bayard Road (County Road 84), near Bayard, Delaware.

Current Zoning: Agricultural Residential (AR-1)

Current Use: Farmland with an existing single family dwelling

Proposed Zoning Request: Business Community District (B-2) for a portion of the parcel.

Purpose of B-2 Zoning: To provide primarily for office, retail shopping, and personal service uses, to be developed either as a unit or on an individual parcel, to serve the needs of a relatively small area, primarily nearby rural, low-density, or medium density residential neighborhoods.

Amount of land to be rezoned: 2.99 acres, or 12% of the parcel.

Proposed Use: Light retail and office to provide convenience goods and services to nearby residents and business opportunities for local business owners. Less than 7,500 square feet of rentable space is proposed.

Land Use Plan designation: Coastal Area, which is considered a "Growth Area" where where additional considerations should be taken into account.

Comprehensive Plan criteria (Future Land Use):

- Coastal Area section
 - states "Retail and office uses are appropriate."
 - states "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."
- Low Density Rural Areas section
 - encourages maintaining the rural landscape and sustaining reasonable development rights
 - emphasizes that retail and office uses in Low Density Areas should be providing convenience goods and services to nearby residents

Sewer availability: Per the Sussex County Engineering Department, it is in a sewer planning area and contiguous to an existing sanitary sewer district boundary.

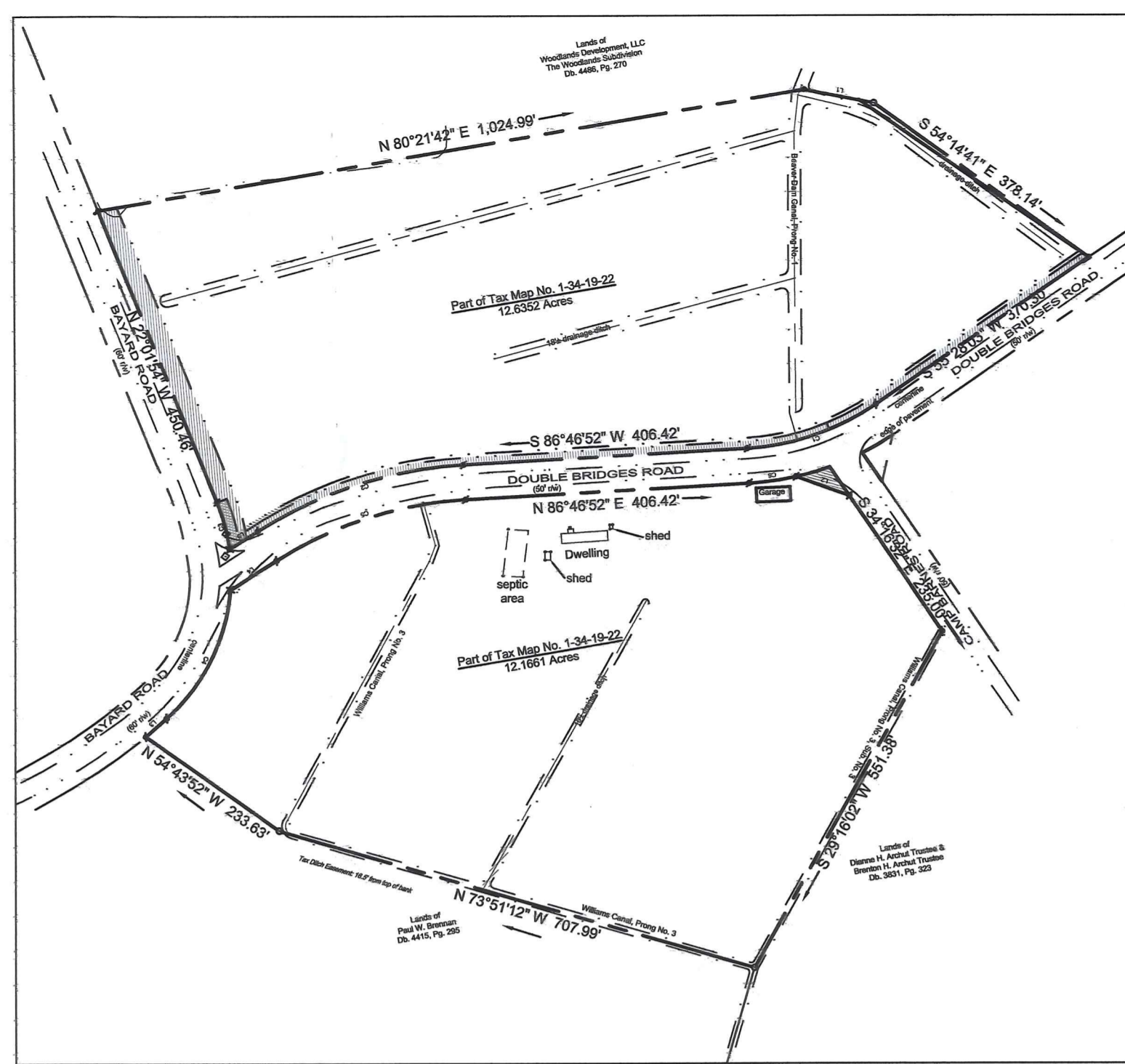
Water availability: Tidewater Utilities has provided an Ability to Serve letter. Water lines are currently located along the property frontage.

Approved Development within a 1 mile radius:

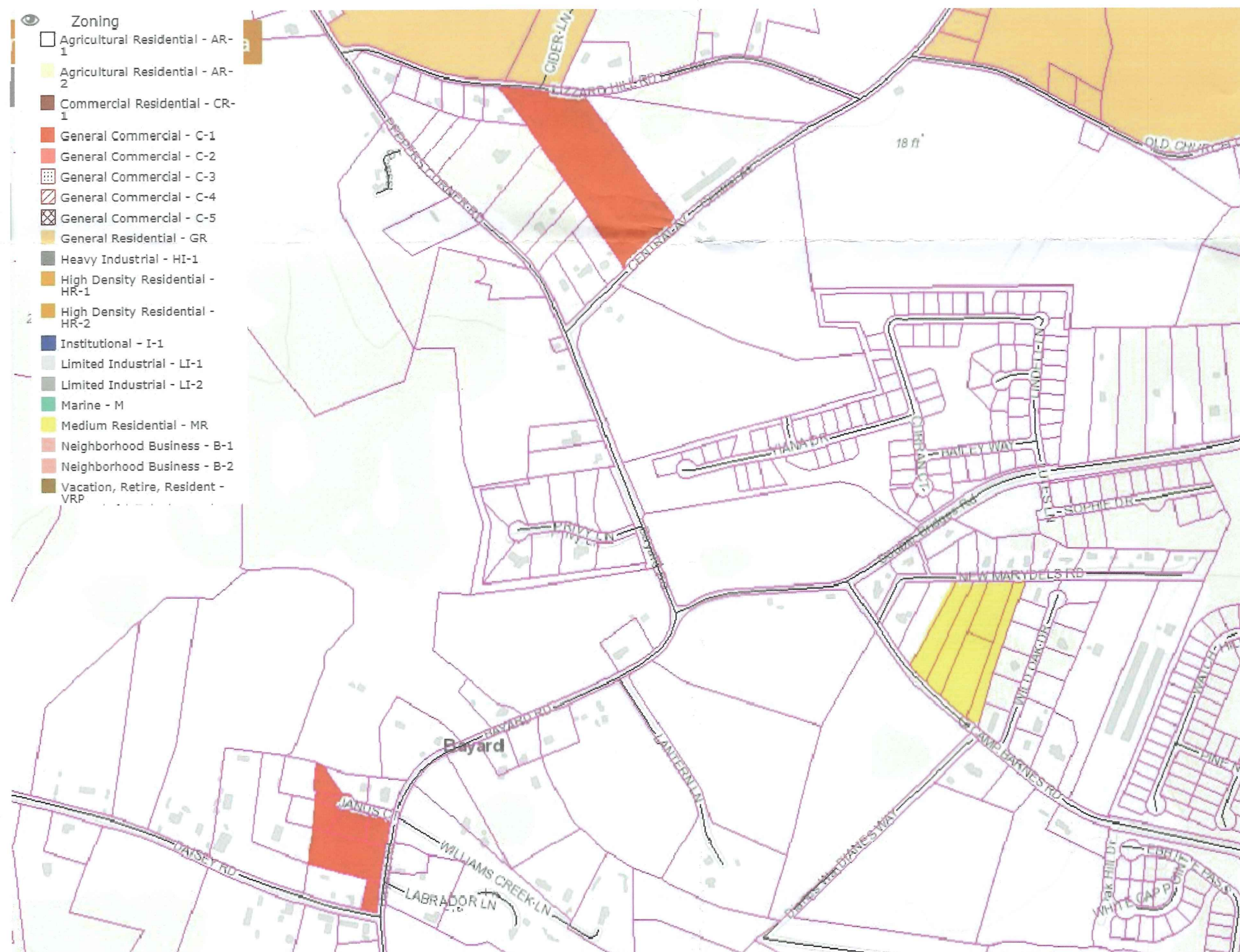
- Number of new and approved homes since 2008 - 1000+
- Number of potential homes in near future - 135



BAYARD, SUSSEX COUNTY DELAWARE
VICINITY MAP
NOT TO SCALE



EXISTING CONDITIONS
SCALE: 1"=200'



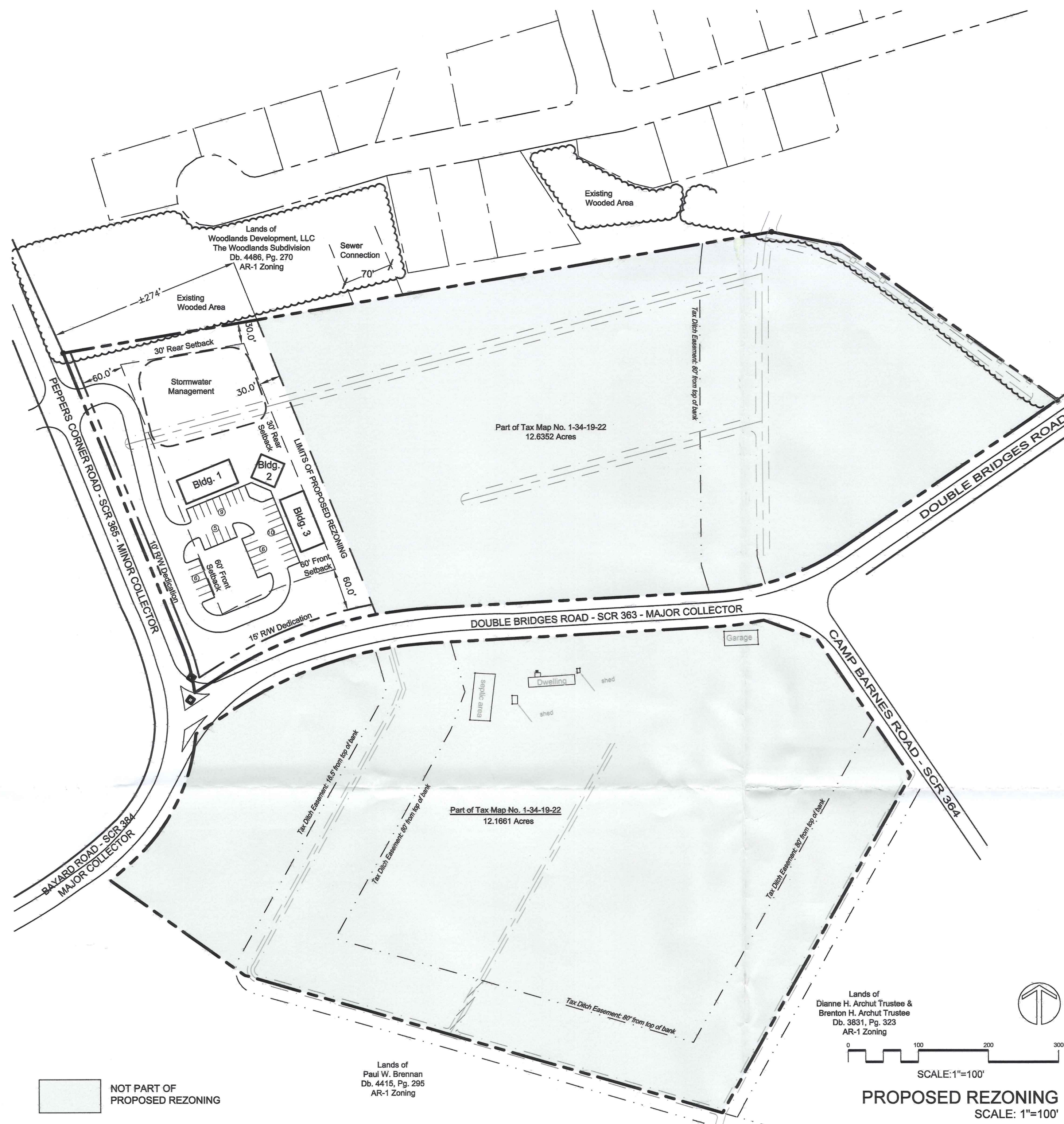
EXISTING ZONING

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	R=380.00'	L=118.72'	CH=104.31'	BRG. = S 71°07'28" W	+311°16'00"
C2	R=615.72'	L=433.81'	CH=310.42'	BRG. = S 72°10'50" W	+29°12'00"
C3	R=275.00'	L=169.85'	CH=89.84'	BRG. = N 14°49'28" W	+14°49'28"
C4	R=275.00'	L=120.40'	CH=65.31'	BRG. = N 29°26'52" E	+63°50'12"
C5	R=665.72'	L=288.39'	CH=128.52'	BRG. = N 72°10'50" E	+29°12'00"
C6	R=410.00'	L=67.83'	CH=47.56'	BRG. = N 62°03'20" E	+9°27'00"

LEGEND:

- POINT
- 3/4" PIPE (FD)
- ⊕ 5/8" REBAR (SET)
- ⊗ PK NAIL (SET)
- PROPERTY LINE
- RIGHT-OF-WAY DEDICATION
- LIMITS OF PROPOSED REZONING
- DRAINAGE DITCH
- EXISTING TREES

LINE	BEARING	DISTANCE
L1	S 78°58'36" E	101.63'
L2	S 70°18'15" E	60.98'
L3	N 48°32'02" E	39.85'
L4	N 87°34'47" E	77.71'
L5	S 07°34'47" W	47.62'



NOT PART OF PROPOSED REZONING

Lands of Paul W. Brennan
Db. 4415, Pg. 295
AR-1 Zoning

PROPOSED REZONING
SCALE: 1"=100'

I. SITE DATA:

- TAX PARCEL: 1-34-19-22
OWNER/DEVELOPER: LEMUEL H. HICKMAN GST EXEMPT TRUST
DIANNE H ARCHUT TRUSTEE
36219 OLD CEMETERY ROAD
FRANKFORD, DE 19945
- LOCATION: DOUBLE BRIDGES ROAD (SCR 363)
AT BAYARD ROAD (SCR 84)
- PRESENT ZONING: AR-1
PRESENT LAND USE: AGRICULTURAL
- SITE AREA: ±24.80 AC.
- STATE STRATEGIES CLASSIFICATION: INVESTMENT LEVEL 3

II. PROPOSED LAND PLAN DATA:

- PROPOSED REZONING AREA: 2.99 AC.
PROPOSED ZONING: B-2
PROPOSED LAND USE: ±7056 SqFt. RETAIL/ OFFICE
- PARKING: REQUIRED: 36 PARKING SPACES REQUIRED
(7200 S.F. MAX. RETAIL/ OFFICE)
1 LOADING SPACE
PROPOSED: 36 PARKING SPACES
INCLUDING 3 HC SPACES
1 LOADING SPACE
- INFRASTRUCTURE:
SEWER: SUSSEX COUNTY SEWER
WATER: TIDEWATER UTILITIES
- SETBACKS & BULK AREA CRITERIA:
FRONT: 60'
SIDE: 5'
REAR: 30"
MAX. BLDG. HEIGHT: 42'
* DUE TO NUMBERED ROAD

NOTES:

- SITE IS IN FLOOD ZONE X AS SHOWN PER FEMA MAPS #10005C0495K & 10005C0513K DATED MARCH 16, 2015.
- SCR 363 AND SCR 384 CLASSIFIED AS MAJOR COLLECTORS (80' R/W REQUIRED), SCR 365 CLASSIFIED AS MINOR COLLECTOR (80' R/W REQUIRED) PER DELDOT FUNCTIONAL CLASSIFICATION INTERACTIVE MAP.
- BOUNDARY SURVEY AND EXISTING SITE CONDITIONS PROVIDED BY SIMPLER SURVEYING AND ASSOCIATE, INC. FROM SURVEY DATED 8/18/16, ENTITLED "LANDS OF DIANNE H ARCHUT TRUSTEE".

Wetlands Certification:
I, Edward M. Launay, PWS, STATE THAT THE BOUNDARIES OF WATERS OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM DELINEATED UPON THIS PLAN IN THE AREA OF PROPOSED REZONING, HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND MANUAL, ATLANTIC GULF COAST REGIONAL SUPPLEMENT, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(a)(6)), WATERS OF THE U.S. DEFINITION/CECW-OR, 10-7-1991. QUESTIONS AND ANSWERS ON THE 1987 COE MANUAL/CECW-OR 9-26-1990, RGL 90-71/CECW-OR, 3-5-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL. THIS DELINEATION HAS NOT BEEN CONDUCTED FOR THE USDA PROGRAM OR AGRICULTURAL PURPOSES. NO STATE REGULATED WETLANDS HAVE BEEN IDENTIFIED IN ACCORDANCE WITH THE DNRREC TIDAL WETLANDS MAPS.

EDWARD M. LAUNAY
PROFESSIONAL WETLAND SCIENTIST No. 875
SOCIETY OF WETLAND SCIENTISTS
CORPS OF ENGINEERS, CERTIFIED WETLAND
DELINEATOR WD093MD05100368

OWNER CERTIFICATION:
I, AS OWNER OF THE PROPERTY SHOWN, HEREBY CERTIFY THAT I AM IN AGREEMENT WITH THE IMPROVEMENTS AS DEPICTED ON THIS PLAN.
DIANNE H. ARCHUT
DATE

LANDSCAPE ARCHITECT'S STATEMENT:
I certify that the proposed site plan was compiled under my supervision.
THOMAS J. FORD
LANDSCAPE ARCHITECT
DATE 7-08-20

REVISIONS

NO.	DATE	DESCRIPTION

LAND DESIGN
Surveying / Landscape Architecture
53 Atlantic Ave.
Oak Square, Suite #3
30253 York Rd.
30253 York Rd.
lan@landdesigninc.com

REZONING PLAN
ARCHUT PROPERTY
DOUBLE BRIDGES RD. AT BAYARD RD.
BALTIMORE HUNDRED SUSSEX COUNTY DELAWARE

REZONING PLAN

SITE PLAN: TJF	DATE
DRAWING: RWB	7/6/20
REVIEW: SLF	
SHEET	1
	OF 1 SHEETS