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# Sussex County Planning & Zoning Commission

AGENDA\*\*

November 12, 2020

5:00 P.M.

**PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA**

## Call to Order

## Approval of Agenda

## Approval of Minutes – N/A

## Other Business

The Estuary – Phase 3 (2005-64) HW  
Final Subdivision Plan

James D. West (2020-05) KH  
Final Subdivision Plan

Americana Bayside MR-RPC – Freeman Arts Pavillion BM  
Revised Preliminary Site Plan

MillerMetal Fabrication Inc. (S-20-17) KS  
Preliminary Site Plan

## Old Business

C/Z 1928 Plantation Partners, LLC KS  
An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 11.570 acres, more or less. The property is lying on the southwest side of Plantations Rd. (S.C.R. 275) and the southeast side of Cedar Grove Rd. (S.C.R. 283) approximately 0.63 mile northwest of John J. Williams Hwy. (Rt. 24). 911 Address: N/A. Tax Parcel: 334-12.00-52.00 (portion of)

C/U 2228 M.L. Joseph Heirs Farm Account, LLC KS  
An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a campground for mobile campers, camp trailers, touring vans and the like



**to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 73.91, more or less.** The property is lying on the north side of Lewes-Georgetown Hwy. (Rt. 9) approximately 0.66 mile east of the intersection of Sand Hill Rd. (S.C.R. 319) and Lewes-Georgetown Hwy. (Rt. 9). 911 Address: 22349 Lewes-Georgetown Hwy., Georgetown. Tax Parcel: 135-15.00-55.01

**Public Hearings**

**C/U 2247 Hillary Brock**

KS

**An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a mini spa to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 1.50 acres, more or less.** The property is lying on the west side of Beaver Dam Rd. (Rt. 23) approximately 0.41 mile south of Hopkins Rd. (S.C.R. 286). 911 Address: 19950 Beaver Dam Rd., Lewes. Tax Parcel: 234-5.00-44.09

**C/Z 1930 Indian River School District**

HW

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a I-1 Institutional District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 186.98 acres, more or less.** The property is lying on the east and west side of Patriot’s Way. 911 Address: 26026 Patriots Way & N/A. Tax Parcels: 133-7.00-8.01 & 133-11.00-105.00

**C/Z 1932 Jeff-Kat, LLC**

KS

**An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Lewes & Rehoboth Hundred, Sussex County, containing 0.78 acre, more or less.** The property is lying on the east side of Kings Highway (Route 9) approximately 900 feet southeast of Theodore C. Freeman Highway (S.C.R 23). 911 Address: 1005 Kings Highway, Lewes. Tax Parcel: 335-8.00-40.00 (portion of)

**Ord. 20-05 – The Coastal Area**

**AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA**

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 4, 2020 at 3:55 p.m., and at least seven (7) days in advance of the meeting.

This Agenda 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 listed may be considered out of sequence.

-MEETING INSTRUCTIONS-

\*\* The Sussex Planning & Zoning Commission 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.

Chamber 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 telephone 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 by telephone 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 for those items listed under public hearings on this agenda.

The Planning & Zoning Commission meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/>

If any member of the public would like to submit comments electronically, these may be sent to [pandz@sussexcountyde.gov](mailto:pandz@sussexcountyde.gov). All comments shall be submitted by 5:00 P.M on Wednesday, November 11, 2020

###



## Memorandum

To: Sussex County Planning Commission Members  
From: Jamie Whitehouse, Director, Department of Planning & Zoning; Lauren DeVore, Planner III, Jenny Norwood, Planner I, Christin Headley, Planner I, Nicholas Torrance, Planner I, and Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney  
Date: October 27, 2020  
RE: Other Business for the November 12, 2020 Planning Commission Meeting

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This memo is to provide background for the Planning Commission to consider as a part of the Other Business to be reviewed during the November 12, 2020 Planning Commission meeting.

### **The Estuary – Phase 3 (2005-64)**

KH

#### Final Subdivision Plan

This is a Final Subdivision Plan for the establishment of a proposed cluster subdivision to consist of 118 single-family dwellings on a 78.36 acre +/- parcel of land lying within the Coastal Area. The property retains access off of Piney Way and Estuary Boulevard within what is currently Phase 2 of the existing Estuary Subdivision. At their meeting of Thursday, October 11, 2018, the Planning and Zoning Commission approved the Final Subdivision Plan for the Estuary Subdivision (2005-64). The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcels: 134-19.00-115.02 & 134-21.00-8.00. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

### **James D. West (2020-05)**

KH

#### Final Subdivision Plan

This is a Final Subdivision Plan for the creation of a major, standard subdivision to divide 4.296 acres +/- into 4 single-family lots off of a 50-ft access easement. The property is located on the west side of Sussex Highway (Route 13) approximately 0.78 miles south of Adams Road. At their meeting of Thursday, September 10, 2020, the Planning and Zoning Commission approved the Preliminary Subdivision Plan. The Final Subdivision Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcel: 530-17.00-2.02. Zoning: AR-1 (Agricultural Residential Zoning District). Staff are in receipt of all agency approvals.

### **Americana Bayside MR-RPC – Freeman Arts Pavilion**

BM

#### Revised Preliminary Site Plan

This is a Revised Preliminary Site Plan for the construction of a 1,010-seat arts pavilion, including 876 parking spaces, and other related uses on a parcel consisting of 8.98 acres. The site is located on the south side of Signature Boulevard within the existing Americana Bayside development. At their meeting of Thursday, March 12, 2020, the Planning and Zoning Commission approved the Preliminary Subdivision Plan for the performing arts pavilion. Due to the current COVID-19 pandemic, the Freeman Stage had to significantly alter their plans for the 2020 season. Seats were previously sold in “pods” of four, with each pod maintaining the required 6-ft of separation distance. However, this option can only accommodate 400 patrons total and for this reason is unsustainable in



the long term. To both address the need to accommodate additional patrons under the current Governor's Orders and CDC guidelines and ensure the success of the Freeman Stage, GMB has proposed a phasing plan which would allow for maintaining the same number of patrons as the existing stage could accommodate while the new stage is being constructed. The plan is called "Phase 1A" and has been added to the plans as "Phase 1A Temporary Site Plan." The Final Site Plan complies with the Sussex County Zoning and Subdivision Code and all Conditions of Approval. Tax Parcels: 533-19.00-36.01, 864.00, 866.00, 881.00 and 990.00. Zoning District: MR-RPC (Medium Density Residential, Residential Planned Community.) Staff are in receipt of all approvals.

**MillerMetal Fabrication Inc. (S-20-17)**

KS

**Preliminary Site Plan**

This is a Preliminary Site Plan for the construction of a proposed 60,000 square foot sheet metal and metal fabrication shop. The property was the subject of a Change of Zone application, (C/Z 1919) to facilitate a change of zone from a C-1 (General Commercial District) to an LI-2 (Light Industrial District). The Change of Zone was approved by the Planning and Zoning Commission at their meeting of Thursday, September 24, 2020. Subsequently, the application was also approved by the Sussex County Council at their meeting of Tuesday, October 20, 2020. The project is located on the south side of Newton Road (Route 404), approximately 791 feet west of Sussex Highway (Route 13) and retains access off a private road, Emma Jane Lane. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 131-6.00-8.00. Zoning: LI-2 (Light Industrial District). Staff are awaiting agency approvals.



January 23, 2020

**TIDEWATER UTILITIES, INC.**

**APPROVAL TO CONSTRUCT**  
**Meadows District**  
The Estuary Phase 3 Connection  
PWS #DE0000271  
Approval #20W13

Mr. John Galiani  
Estuary Development, LLC  
6726 Curran Street  
McClean, VA 22102

Dear Mr. Galiani:

As provided by Section 2.11 of the *State of Delaware Regulations Governing Public Drinking Water Systems*, you are granted approval to connect The Estuary Phase 3 to the existing main in accordance with the plans submitted by George, Miles & Buhr, LLC. The plans consist of:

1. Transmittal letter dated January 22, 2020.
2. Two copies of the plans entitled "The Estuary Phase 3 Sussex County, Delaware" dated June 2019 and revised November 7, 2019.

These plans, as noted, are made a part of this approval. This approval is granted subject to the enclosed list of conditions. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to receiving an Approval to Operate, the Office of Engineering requires one set of as-built drawings, including profile markups.

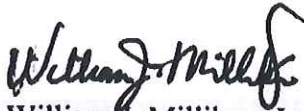
The Office of Engineering recommends detectable tracer tape that is three inches wide and blue in color to be installed directly above all water mains larger than two inches in diameter.

I am sending one set of plans with a copy of this approval to George, Miles & Buhr, LLC that is signed and dated by the Office of Engineering.


Mr. John Galiani  
Estuary Development, LLC  
January 23, 2020  
Page 2

Should you have any questions regarding this matter, please feel free to contact Bill Milliken at 302- 741-8646.

Plans reviewed by:

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

Sincerely,

  
Doug Lodge, P.E.  
Supervisor of Engineering  
Office of Engineering

cc: Janelle Cornwell, Sussex County Planning & Zoning  
Kevin Neilson, Public Service Commission  
Stephen L. Marsh, P.E., George, Miles & Buhr, LLC  
Tawanda Priester, Tidewater Utilities, Inc.  
Alexis Virdin-Gede, Tidewater Utilities, Inc.  
Ashley Kunder, Office of Drinking Water

1. The approval is void if construction has not started by January 23, 2021.
2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.
3. Representatives of the Division of Public Health may inspect this project at any time during the construction.
4. The water system shall be operated in conformance with the *State of Delaware Regulations Governing Public Drinking Water Systems*.
5. All potable water lines and appurtenances shall be disinfected using one of the methods in the American Water Works Association Standard C651, current edition.
6. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
7. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
8. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.
9. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.
10. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.



11. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.
12. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.
13. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.
14. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).
15. All water lines should be buried to a depth of at least 3 feet.
16. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.
17. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.
18. The approval is subject to immediate revocation upon violation of any of the preceding conditions.
19. All other local (state/county/city/town) approvals or permits needed must be obtained prior to beginning construction.
20. Upon completion of construction and before the system is placed into operation, a "Notice of Completion" must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
  - a. Submit a set of as-built plans with profile markups to the Office of Engineering.
  - b. Obtain an Approval to Operate from the Office of Drinking Water.

**Reserved Road Names**

Road Name	Subdivision Name	Zip Code	Added By	Date	Fire Code
Bowspirt	The Estuary	19945	LDS	3/24/2006	
Broken Oar	The Estuary	19945	LDS	3/24/2006	
Deckwatch	The Estuary	19945	LDS	3/24/2006	
Decoy	The Estuary	19945	LDS	3/24/2006	
Lanterns Glow Rd	The Estuary	19945	LDS	3/24/2006	
Misty Morning Ln	The Estuary	19945	LDS	3/24/2006	
Old Marsh	The Estuary	19945	LDS	3/24/2006	
Old Plank	The Estuary	19945	LDS	3/24/2006	
Old Salt Ln	The Estuary	19945	LDS	3/24/2006	
Sailboat	The Estuary	19945	LDS	3/24/2006	
Sandbar	The Estuary	19945	LDS	3/24/2006	
Scrimshaw	The Estuary	19945	LDS	3/24/2006	
Seashell Cir	The Estuary	19945	LDS	3/24/2006	
Teal	The Estuary	19945	LDS	3/24/2006	
Wood Boat	The Estuary	19945	LDS	3/24/2006	
Wood Turtle Way	The Estuary	19945	LDS	3/24/2006	



**Reserved Road Names**

Road Name	Subdivision Name	Zip Code	Added By	Date	Flre Code
Bowspirt	The Estuary	19945	LDS	3/24/2006	
Broken Oar	The Estuary	19945	LDS	3/24/2006	
Deckwatch	The Estuary	19945	LDS	3/24/2006	
Decoy	The Estuary	19945	LDS	3/24/2006	
Lanterns Glow Rd	The Estuary	19945	LDS	3/24/2006	
Misty Morning Ln	The Estuary	19945	LDS	3/24/2006	
Old Marsh	The Estuary	19945	LDS	3/24/2006	
Old Plank	The Estuary	19945	LDS	3/24/2006	
Old Salt Ln	The Estuary	19945	LDS	3/24/2006	
Sailboat	The Estuary	19945	LDS	3/24/2006	
Sandbar	The Estuary	19945	LDS	3/24/2006	
Scrimshaw	The Estuary	19945	LDS	3/24/2006	
Seashell Cir	The Estuary	19945	LDS	3/24/2006	
Teal	The Estuary	19945	LDS	3/24/2006	
Wood Boat	The Estuary	19945	LDS	3/24/2006	
Wood Turtle Way	The Estuary	19945	LDS	3/24/2006	



## Cathy Lyons

---

**From:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Sent:** Wednesday, October 16, 2019 12:00 PM  
**To:** Cathy Lyons  
**Subject:** RE: Estuary Phase 3 Street Names

Cathy, as long as roads are approved for this community and are on the newest recordings it doesn't matter to use where you use them.

---

**From:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>  
**Sent:** Wednesday, October 16, 2019 9:06 AM  
**To:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Subject:** RE: Estuary Phase 3 Street Names

Terri,  
Good Morning.

As mentioned in my email below, we had to make a change to two of the street names. The new names were on the original approval/reserved list for the Estuary.

Thanks,  
Cathy

---

Cathy Lyons  
Sr. Project Coordinator



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**From:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Sent:** Friday, September 13, 2019 10:55 AM  
**To:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>  
**Subject:** RE: Estuary Phase 3 Street Names

ok

---

**From:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>  
**Sent:** Friday, September 13, 2019 10:38 AM  
**To:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Cc:** Steve Brodbeck <[sbrodbeck@gmbnet.com](mailto:sbrodbeck@gmbnet.com)>  
**Subject:** RE: Estuary Phase 3 Street Names

Terri,  
Happy Friday. Please disregard. I was just informed that Old Salt and Sandbar are already used. We will submit our other suggestions.

Cathy Lyons  
Project Coordinator

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**From:** Cathy Lyons  
**Sent:** Tuesday, September 10, 2019 10:58 AM

**To:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Cc:** Steve Brodbeck <[sBrodbeck@gmbnet.com](mailto:sBrodbeck@gmbnet.com)>  
**Subject:** RE: Estuary Phase 3 Street Names

Terri,  
As discussed below, I wanted to send you the enclosed exhibit with the street names we will be using for Estuary Phase 3 for your review.

Thank you,  
Cathy

---

Cathy Lyons  
Project Coordinator

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**From:** Cathy Lyons  
**Sent:** Monday, July 22, 2019 3:37 PM

**To:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Subject:** RE: Estuary Phase 3 Street Names

Thanks Terri. We will provide prior to recordation.

CL

---

Cathy Lyons  
Project Coordinator

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**From:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Sent:** Monday, July 22, 2019 3:05 PM

**To:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>  
**Subject:** RE: Estuary Phase 3 Street Names

Cathy. It looks like some of these were approved with no thoroughfares. I will need to know those before you record them.

Best Regards,  
Terri

**From:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>  
**Sent:** Monday, July 22, 2019 2:33 PM  
**To:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Cc:** Steve Brodbeck <[sbrodbeck@gmbnet.com](mailto:sbrodbeck@gmbnet.com)>  
**Subject:** RE: Estuary Phase 3 Street Names

Terri,  
Sorry for the delay. It looks like we are going with the below names:

Decoy  
Misty Morning Ln  
Old Marsh  
Sandbar  
Seashell  
Hailey Court

Please let me know if there are any issues.

Thanks,  
Cathy

---

**Cathy Lyons**  
*Project Coordinator*

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**From:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Sent:** Thursday, May 2, 2019 4:13 PM

**To:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>  
**Subject:** RE: Estuary Phase 3 Street Names

Cathy, hopefully this will make it easier for you. This is the list of name already on reserve for The Estuary.

**From:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>  
**Sent:** Thursday, May 2, 2019 12:58 PM  
**To:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>  
**Subject:** RE: Estuary Phase 3 Street Names

Terri, below are some other selections:

Maple View Drive  
Willow Lane  
Turtle Walk Court  
Fox Den Drive  
Sea Otter Court

I am sure some of the above are already in use in other communities. We are working on some more to submit for review.

Thanks,



CL

---

Cathy Lyons  
Project Coordinator

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**From:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>

**Sent:** Thursday, May 2, 2019 11:35 AM

**To:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>

**Subject:** RE: Estuary Phase 3 Street Names

Cathy , reference list below.

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**From:** Cathy Lyons <[CLyons@gmbnet.com](mailto:CLyons@gmbnet.com)>

**Sent:** Thursday, May 2, 2019 10:46 AM

**To:** Terri Dukes <[tdukes@sussexcountyde.gov](mailto:tdukes@sussexcountyde.gov)>

**Cc:** Doug L. Bolner, Jr. <[DBolner@gmbnet.com](mailto:DBolner@gmbnet.com)>; Steve Brodbeck <[sbrodbeck@gmbnet.com](mailto:sbrodbeck@gmbnet.com)>

**Subject:** FW: Estuary Phase 3 Street Names

Terri,

We are working on a Site Plan for the Estuary Phase 3 project, which is located along Camp Barnes Road, in Frankford, DE.

We have a few road names picked out and wanted to confirm with your office that they would be acceptable:

Oak Tree Court /**Denied**

Hailey Court /**Approved**

Summer Breeze Drive /**Denied**

Woodside Court/ **there are already 2 streets in The Estuary starting with Wood**

Penny Lane/ **Denied**

Trailside Court / **Already exist in The Estuary**

Thank you,  
Cathy

---

Cathy Lyons  
Project Coordinator

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September 11, 2020

Mr. Ross Byington  
c/o George, Miles, & Buhr, LLC  
206 West Main Street  
Salisbury, MD 21801

**RE: The Estuary, Phase 3**

Dear Mr. Byington:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a copy of the approved application form and approved plan sets. Please retain a copy for your use and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

This plan approval pertains to compliance with the *Delaware Sediment and Stormwater Regulations*. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at [Sussexconservation.org](http://Sussexconservation.org). If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,

*Jessica Watson*

Jessica Watson queue  
Program Manager

JW/jmg

cc: Janelle Cornwell

## CONDITIONS OF APPROVAL

### NOTIFICATION

1. This approved plan will remain valid for 5 years from the date of this approval. If construction does not begin within five years, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.
2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.
3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

### CHANGES

4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.
5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

### CONSTRUCTION AND CLOSEOUT

6. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.
7. Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
8. Keep available onsite, during all phases of construction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.
9. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.
11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the *Delaware Sediment and Stormwater Regulations*.
12. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.



**DETAILED SEDIMENT AND STORMWATER MANAGEMENT PLAN APPLICATION**

NAME OF PROJECT: The Estuary - Phase 3  
PROJECT DESCRIPTION: Residential  
LOCATION OF PROJECT: Southeast of Double Bridges Road and intersected by Camp Barnes Road  
PROJECT TAX MAP NUMBER: 134-19.00 parcels 115.02, 134-21.00-8.00 and 134-21.00-11.00  
PROJECT COORDINATES (center of site-decimal degrees) LAT: 38° 29' 52.4" N LONG: 75° 07' 01.5" W  
TYPE OF PROJECT: Residential WATERSHED: Little Assawoman Bay  
NUMBER OF LOTS: 118 TOTAL ACRES: 192.91 DISTURBED ACRES: 46.60

**APPLICANT'S CONTACT INFORMATION**

FIRST NAME: Ross LAST NAME: Byington  
COMPANY NAME: Estuary Development, LLC, DE Land Investment 3, LLC and DE Land Investment 1, LLC  
ADDRESS: 6726 Curran Street, 2nd Floor  
CITY: McClean STATE: VA ZIP: 22101  
PHONE NUMBER: 703-207-7006 FAX NUMBER: 703-207-7054  
EMAIL ADDRESS: rossgoldsgym@aol.com

**CONSULTANT CONTACT INFORMATION**

CONSULTANT/ENGINEER NAME: George, Miles & Buhr, LLC  
CONTACT PERSON/PROJECT MANAGER: Stephen L. Marsh, P.E.  
PHONE #: (410 ) 742-3115 FAX #: (410 ) 548-5790  
EMAIL ADDRESS: smarsh@gmbnet.com

**SUSSEX CONSERVATION DISTRICT APPROVAL**

REVIEWER: J. F. [Signature] DATE: 9-11-20  
APPROVAL: [Signature] DATE: 9/11/20

*If ownership of this project changes during the construction period, Sussex Conservation District will require a new signed owner's certification statement.... In addition, the authorization to discharge stormwater under the regulations Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities, must be transferred by the original owner to the new owner, please contact DNREC for assistance at 302-739-9921.*

SEP 19 2019

OWNER/DEVELOPER CERTIFICATION

- I/We certify that the information on this form and the attached plans are true and accurate to the best of my/our knowledge.
- I/We understand that DNREC/Delegated Agency may request information in addition to that set forth herein as may be deemed appropriate in considering this application.
- I/We will abide by the conditions of this approval as issued.
- I/We hereby certify that all clearing, grading, construction and/or development will be done pursuant to the approved plan, and that all responsible personnel involved in the land disturbing activities will have a Sediment and Stormwater Management Certification from DNREC/Delegated Agency.
- I/We hereby authorize the right of entry for periodic on site inspection by DNREC/Delegated Agency personnel and/or authorized agents.

OWNER/DEVELOPER SIGNATURE: RA Byington DATE: 9/4/19  
OWNER/DEVELOPER PRINTED NAME: Ross A. Byington, member

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AGENT AUTHORIZATION

*(If this authorization form is completed with the application, all future correspondence may be signed by the duly authorized agent.)*

I, \_\_\_\_\_, hereby designate and authorize the following identified agent to act on my behalf in the processing of this application and to furnish any information that is requested.

AGENT NAME: \_\_\_\_\_

AGENT ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

AGENT PHONE #: ( ) \_\_\_\_\_ FAX #: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

OWNER/DEVELOPER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

AGENT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Please attach project Supplemental BMP Data Sheet to the Detailed Sediment and Stormwater Management Plan Application.

### PROJECT BMP DATA SHEET

List the BMP(s) utilized in the project stormwater management quantity and water quality strategy.

BMP NAME	BMP TYPE	ACRES TREATED	BMP LOCATION COORDINATES (@ BMP release point - decimal degrees)	
			LATITUDE	LONGITUDE
SWM 3-1	Wet pond	10.73	38.4968193	-75.1211496
SWM 3-2	Constructed wetland	5.29	38.4972129	-75.1188405
SWM 3-3	Wet pond	4.20	38.4962727	-75.1160176
SWM 3-4	Wet pond	5.92	38.4962727	-75.1160176
SWM 3-5	Wet pond	6.69	38.4936179	-75.1225417
SWM 3-6	Wet pond	6.69	38.4936179	-75.1225417
SWM 3-7	Wet pond	8.60	38.4936179	-75.1225417
	No BMP selected			



## 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

MICHAEL E. BRADY  
DIRECTOR OF PUBLIC WORKS

May 8, 2020

Mr. Stephen Marsh, P.E.  
George, Miles & Buhr LLC  
206 West Main Street  
Salisbury, MD 21801

REF: **THE ESTUARY – PHASE 3  
MILLER CREEK SANITARY SEWER DISTRICT  
SUBDIVISION NO. 2005-64  
SUSSEX COUNTY TAX MAP NUMBERS 134-18.00-115.02,  
134-21.00-8.00 & 134-21.00-11.00 – CLASS-1  
AGREEMENT NO. 638-26**

Dear Mr. Marsh:

The above referenced project was approved on May 8, 2020 and one (1) set of the approved plans are enclosed. This approval is valid for three (3) years, unless prior to expiration of that three (3) year period, a time extension is requested and approved by the Department. Plans granted an extension beyond the three (3) period will be required to meet updated standards and specifications.

Also, it is your responsibility to secure approvals and/or permits that may be required by other regulatory agencies.

Please contact Mr. Gary Fleetwood of this Division to initiate pre-construction procedures for private roads and Mr. Keith Bryan in the Department's Division of Utility Engineering to initiate pre-construction procedures for sanitary sewer.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

SUSSEX COUNTY ENGINEERING DEPARTMENT



Scott A. Thornton  
Public Works Engineering Technician IV

cc: Mr. Keith Bryan, w/2 enclosures  
Public Works Field File, w/3 enclosures  
Owner/Developer









**OFFICE OF THE STATE FIRE MARSHAL  
Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**SFMO PERMIT**

**Plan Review Number:** 2019-04-202464-MJS-01

**Tax Parcel Number:** 134-19.00-115.00

**Status:** Approved as Submitted

**Date:** 12/16/2019

**Project**

Phase 3 of Subdivision

The Estuary  
Phase #: 3

Double Bridges Road  
Frankford DE 19945

**Scope of Project**

**Number of Stories:**

**Square Footage:**

**Construction Class:**

**Fire District:** 90 - Roxana Volunteer Fire Co

**Occupant Load Inside:**

**Occupancy Code:**

**Applicant**

Stephen Marsh  
206 W Main Street  
Salisbury, MD 21801

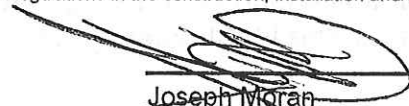
This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

  
\_\_\_\_\_  
Joseph Moran

## FIRE PROTECTION PLAN REVIEW COMMENTS

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**Plan Review Number:** 2019-04-202464-MJS-01

**Tax Parcel Number:** 134-19.00-115.00

**Status:** Approved as Submitted

**Date:** 12/16/2019

### PROJECT COMMENTS

**1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov). These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.

**1040 A** This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.

**1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.

**1190 A** Separate plan submittal is required for the building(s) proposed for this project.

**2710 A** The following items will be field verified by this Agency at the time of final inspection:

**1032 A** Additional hydrants and/or relocation of proposed hydrants are required for this project (DSFPR Part II Chapter 6). Contact this Agency for location information.

**1130 A** Provide a water flow test on the subdivision hydrant(s) once they have been installed, and before they are placed into service (DSFPR Part I, Section 4 4.2 and Part III, Chapter 3). Results are to be forwarded to this Agency for review.

**1132 A** Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3 4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.

**1232 A** All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III, Section 1.1.5.1.

**1432 A** The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above final grade (NFPA 24, Section 7.3.3).

**1501 A** If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.





GEORGE, MILES & BUHR, LLC



ARCHITECTS  
ENGINEERS

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

SALISBURY  
BALTIMORE  
SEAFORD

www.gmbnet.com



October 19, 2020

Sussex County Department of Planning & Zoning  
2 The Circle  
Georgetown, DE 19947

Attn: Lauren DeVore  
Planner III

Re: Estuary Phase 3  
#2005-64  
TMP # 134-19.00-115.02 & 134-21.00-8.00  
GMB # 140049.E

Dear Ms. DeVore:

We have received your comment letter dated, February 5, 2020 for the above referenced project and offer the following responses.

**Comment 1:** Please note that Lots #415 and 493 are not achieving the minimum lot depth of 100-ft the entire way around the lot. Please amend the lot size to comply with the minimum depth requirement. If this additional area cannot be accommodated without including wetlands within the proposed lot boundary which would violate Condition #5 of the Conditions of Approval, the lot will have to be removed.

**Response 1:** *Per your email dated October 16, 2020, we are disregarding this comment.*

**Comment 2:** Please include in the Site Data Column that the Environmentally Sensitive Development District Overlay Zone is now known as the "Coastal Area."

**Response 2:** *We have revised the notation to reflect Coastal Area Overlay Zone.*

**Comment 3:** Please note in the Site Data Column that the parcel is located within an area of "fair" Groundwater Recharge potential in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code.

**Response 3:** *We have included notes for Source Water Protection in the Site Data Column.*

**Comment 4:** Please note in the Site Data Column that the parcel is not located within a Wellhead Protection Area in order to comply with the provisions of Chapter 89 "Source Water Protection" of the Sussex County Code.

**Response 4:** *We have included notes for Source Water Protection in the Site Data column.*

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

JOHN E. BURNSWORTH, PE  
VINCENT A. LUCIANI, PE  
ANDREW J. LYONS, JR., PE  
W. NICHOLAS LLOYD  
AUTUMN J. WILLIS

- Comment 5: Staff notes that there are no more than 631 lots in the subdivision to accord with Condition #1 of the Conditions of Approval.  
**Response 5:** *Comment noted*
- Comment 6: Please include the zoning of all surrounding parcels on the plans.  
**Response 6:** *Zoning Designations have been added to the neighboring parcels.*
- Comment 7: Please clarify on Sheet P1.1 that the tax ditch R.O.W. is measured 35-ft from the top-of-bank (TOB).  
**Response 7:** *A note describing "from top of bank, typ." Has been included*
- Comment 8: Please clarify if Lot #370 is included as part of Phase 3 or is to be included as part of Phase 2. The plans outline the lot as if to include it in Phase 3, but the lot appears to be situated in Phase 2 on the plans.  
**Response 8:** *Lot 370 is part of Phase 3. We agree that this can be confusing, but it is based on Sewer connection availability, as well as the location of the driveway on Estuary Boulevard gets extended across the tax ditch from Phase 2 to Phase 3.*
- Comment 9: Please add hatching or symbology which clearly indicates that sidewalks will be provided in the community to accord with Condition #13 of the Conditions of Approval.  
**Response 9:** *Sidewalks will be constructed as part of the subdivision streets and are now shown on the recently added Final Site Plans, sheets FSP1.0 and FSP1.1, as well as the typical road crossing section on FSP1.0 and FSP1.1.*
- Comment 10: Please include a breakdown which provides the overall breakdown of tidal vs. non-tidal wetlands on the property. (§99-26(A)(17)).  
**Response 10:** *A Non-Tidal Wetlands note has been added to the Site Data Column. There are no Tidal wetlands within Phase 3.*
- Comment 11: Please include a typical street section of the street construction design in the plans (§99-26(A)(12)).  
**Response 11:** *County standard street sections are now indicated on the recently added Final Site Plans, sheets FSP1.0 and FSP1.1*
- Comment 12: Please include a space for the signature of the President of the Sussex County Council (§99-26(A)(13)).  
**Response 12:** *We have included a signature block for County Council approval.*
- Comment 13: Please include a space for the signature of an authorized representative of the Sussex Conservation District approving the location and design of all stormwater management areas and erosion and sediment control facilities which shall be shown on the final site plan (§99-26(A)(18)).

**Response 13:** *A signature block for Sussex Conservation District has been added to the Cover Sheet.*

Comment 14: Please provide within the Site Data Column a breakdown of open space proposed by open space area (i.e.: Open Space "A," Open Space "B," Open Space "C", etc.) and please also include the percentage of impervious surface cover area proposed for the project (§99-26(A)(19)).

**Response 14:** *Acres for Open Space areas and proposed impervious area are included in the Site Data column.*

Comment 15: Please note that per Condition #6 of the Conditions of Approval, the restrictive covenants shall contain the agricultural use protection and wetlands notice. The covenants shall also include a notice that hunting activities occur in neighboring and adjacent properties and prohibit the use of any off road, ATV-type vehicles on the property other than by the Homeowner's Association or its designee for maintenance. Also, as required under Condition#24 of the Conditions of Approval, the restrictive covenants shall include a tree preservation covenant.

**Response 15:** *Comment Noted.*

Comment 16: Please clarify on the plans that no amenities are included in this Phase.

**Response 16:** *A note regarding no amenities in this phase has been added to the Site Data column.*

Comment 17: The Final Subdivision Plan shall show all required forested and landscaped buffers and shall meet the requirements of §99-5 "Forested and/or Landscaped Buffer Strip". Please ensure that no stormwater management facilities are included in the 20-ft width for the landscape buffer strip.

**Response 17:** *A 30' wooded buffer is shown on the plans.*

Comment 18: Prior to approval of any Final Subdivision Plan, approval letters or 'no-objection' letters from the following agencies shall be submitted to the Sussex County Planning and Zoning Department (All items in which a check mark appear have been received by the Department. All bolded items still require submittal to the Department before consideration for final approval can be received):

- a. Sussex Conservation District
- b. Office of the State Fire Marshal
- c. Office of Drinking Water (Division of Public Health)
- d. Sussex County Engineering Department
- e. Sussex County Mapping and Addressing Department
- f. Delaware Department of Transportation
- g. The local school district regarding bus stop provisions.
- h. Copies of all HOA documents/restrictive covenants

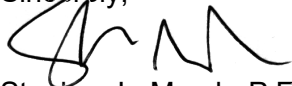


**Response 18:** *All appropriate approval letters are enclosed within this submittal. We have also included the HOA documents. In addition, there is no DeIDOT approval for this phase. These lots were included in the TIS, and the traffic counts are included in the previously installed Phase 1 entrances and the future Phase 4. Please note, bus stop location is Number 8 of the Conditions of Approval. A designated bus stop shelter was already installed as part of Phase 1B, near the clubhouse.*

Upon your review, please place the project on the next available Planning & Zoning Commission Agenda.

Thank you for your time and attention in this matter.

Sincerely,



Stephen L. Marsh, P.E.  
Sr. Vice President

Enclosures:

- One (1) copy of Revised Final Site Plan (paper and electronic)
- One (1) copy of the SCD Approval Letter, dated 9/11/2020
- One (1) copy of the SFMO Permit, dated 12/16/2019
- One (1) copy of the ODW Approval Letter, dated 1/23/2020
- One (1) copy of the SCED Approval Letter, dated 5/8/2020
- One (1) copy of email correspondence from Mapping & Addressing, dated 5/2019 with approved street names.
- One (1) copy of the HOA documents

cc: Estuary Development, LLC  
Attn: John Galiani (w/ electronic encl.)

CONDITIONS OF PRELIMINARY APPROVAL PLANNING COMMISSION (SEPT 28, 2006)

1. THE MAXIMUM NUMBER OF LOTS SHALL NOT EXCEED 631 PER PLANNING COMMISSION ACTION ON MAY 22, 2014.
2. THE APPLICANT SHALL CAUSE TO BE FORMED A HOMEOWNERS ASSOCIATION TO BE RESPONSIBLE FOR THE MAINTENANCE OF STREETS, ROADS, BUFFERS, STORMWATER MANAGEMENT FACILITIES, RECREATIONAL AREAS, AND OTHER COMMON AREAS.
3. THE STORMWATER MANAGEMENT SYSTEM SHALL MEET OR EXCEED THE REQUIREMENTS OF THE STATE AND COUNTY, AND BEST MANAGEMENT PRACTICES SHALL BE UTILIZED.
4. STREET LIGHTING SHALL BE PROVIDED, AND THE LOCATION OF THE STREETLIGHTS SHALL BE SHOWN ON THE FINAL SITE PLAN.
5. NO WETLANDS SHALL BE INCLUDED WITHIN ANY LOT LINES.
6. THE RESTRICTIVE COVENANTS GOVERNING THE PROJECT AND THE FINAL SITE PLAN MUST INCLUDE THE AGRICULTURAL USE PROTECTION NOTICE AND THE WETLANDS NOTICE. THEY SHALL ALSO INCLUDE A NOTICE THAT HUNTING ACTIVITIES OCCUR IN NEIGHBORING AND ADJACENT PROPERTIES. THEY MUST ALSO PROHIBIT THE USE OF ANY OFF ROAD, ATV-TYPE VEHICLES ON THE PROPERTY, OTHER THAN BY THE HOMEOWNER'S ASSOCIATION OR ITS DESIGNEE FOR MAINTENANCE.
7. ROAD NAMING AND ADDRESSING SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE SUSSEX COUNTY MAPPING AND ADDRESSING DEPARTMENT.
8. A SCHOOL BUS SHELTER WITH PARKING FOR AT LEAST SIX VEHICLES SHALL BE ESTABLISHED AT EACH ENTRANCE TO THE PROJECT, OR AT SUCH OTHER LOCATION APPROVED BY THE SCHOOL DISTRICT.
9. THE DEVELOPMENT SHALL BE SERVED BY A CENTRAL WATER SYSTEM OPERATED BY A PUBLIC UTILITY COMPANY.
10. THE DEVELOPMENT SHALL BE SERVED AS A PART OF A SUSSEX COUNTY SANITARY SEWER DISTRICT.
11. THE APPLICANT SHALL COMPLY WITH ALL ROADWAY INTERSECTION AND ENTRANCE IMPROVEMENTS REQUIRED BY DELDOT. ANY ROAD REALIGNMENTS SHALL BE IN CONFORMITY WITH DELDOT REGULATIONS.
12. NO MORE THAN 200 RESIDENTIAL BUILDING PERMITS WILL BE ISSUED IN ANY YEAR, AND THE PHASING OF THE PROJECT SHALL BE IN ACCORDANCE WITH THE CONSTRUCTION PHASING IN TAB 4 OF THE APPLICANT'S EXHIBIT BOOKLET. SIDEWALKS AND MULTI-USE TRAILS SHALL BE SHOWN ON THE FINAL SITE PLAN.
13. SIDEWALKS AND MULTI-USE TRAILS SHALL BE SHOWN ON THE FINAL SITE PLAN.
14. THE CENTRAL RECREATION COMPLEX SHALL BE CONSTRUCTED AND OPEN FOR USE BY THE RESIDENTS OF THE DEVELOPMENT WITHIN TWO YEARS OF THE ISSUANCE OF THE FIRST RESIDENTIAL BUILDING PERMIT.
15. NO DOCKS OR LAUNCHING FACILITIES FOR MOTORIZED WATERCRAFT SHALL BE MAINTAINED ON THE SITE.
16. THE APPLICANT SHALL PROVIDE AGRICULTURAL BUFFERS AND WETLAND BUFFERS IN ACCORDANCE WITH APPLICABLE REQUIREMENTS.
17. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE PLANNING AND ZONING COMMISSION.
18. THERE SHALL BE NO LOTS, OR STORMWATER MANAGEMENT FACILITIES OR OTHER STRUCTURES WITHIN 50-FEET OF THE CEMETERY EXISTING ON THE PROPERTY. IN ADDITION, THE DEVELOPER SHALL COMPLY WITH ANY REQUIREMENTS ESTABLISHED BY THE DELAWARE STATE HISTORIC PRESERVATION OFFICE CONCERNING THE CEMETERY.
19. THERE SHALL NOT BE ANY COMMERCIAL ACTIVITIES WITHIN THE SITE, INCLUDING THE PROPOSED SNACK BAR OR GRILL. A NOTE CONFIRMING THIS SHALL BE INCLUDED WITHIN THE FINAL SITE PLAN.
20. THE PROPOSED RV AND BOAT STORAGE AREA SHALL BE RELOCATED TO A MORE CENTRALIZED LOCATION WITHIN THE PROJECT.
21. ANY WELLS, WATER TOWERS OR WATER TANKS SHALL BE LOCATED AT LEAST 300 FEET FROM ADJACENT BOUNDARY LINES. ANY PROPOSED WATER TOWER OR WATER TANK SHALL BE PAINTED IN A SKY NEUTRAL COLOR, WITH NO ADVERTISING OR IDENTIFYING LOGO OR SCRIPT, GRAPHIC FEATURES OR CHARACTERISTICS.
22. THE FINAL SITE PLAN SHALL SHOW THE LOCATION OF ANY PROPOSED OR FUTURE MAINTENANCE AND/OR STORAGE BUILDINGS SERVING THE COMMUNITY. THESE BUILDINGS SHALL BE INTERNALLY LOCATED WITHIN THE SUBDIVISION.
23. THE APPLICANT SHALL MAINTAIN ANY RIGHTS OF ACCESS THAT THIRD PARTIES MAY LEGALLY HAVE ACROSS THE PROPERTY.
24. THE DEVELOPER SHALL PRESERVE AS MANY EXISTING TREES AS POSSIBLE WITHIN THE SITE, AND SHALL DESIGNATE EXISTING FORESTED AREAS ON THE FINAL SITE PLAN. ALSO, AS STATED BY THE APPLICANT, THE RESTRICTIVE COVENANTS SHALL INCLUDE A TREE PRESERVATION COVENANT.

GENERAL NOTES

1. ALL ON-SITE STREETS ARE PRIVATE AND SHALL BE MAINTAINED BY THE OWNER UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE OF THE STREETS SHALL BE BY THE RESPECTIVE ORGANIZATION. THE STATE ASSUMES RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF STREETS WITHIN INDICATED DELDOT RIGHT-OF-WAYS ONLY.
  2. STORMWATER MANAGEMENT AND STORM DRAINAGE SHALL BE IN ACCORDANCE WITH THE SUSSEX CONSERVATION DISTRICT, AND SUSSEX COUNTY ENGINEERING REQUIREMENTS. THE SITE IS TO BE TREATED BY MULTIPLE WET PONDS. MAINTENANCE OF THE ON-SITE STORMWATER MANAGEMENT FACILITIES AND STORM DRAINAGE SYSTEM SHALL BE BY THE OWNERS UNTIL DEDICATION TO THE HOMEOWNERS ASSOCIATION. THE PERPETUAL MAINTENANCE AFTER DEDICATION SHALL BE BY THE RESPECTIVE ORGANIZATION.
  3. ALL INTERIOR SIDE LOT LINES ARE RESERVED FOR THE CENTERLINE OF A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT. A 10' WIDE DRAINAGE OR UTILITY EASEMENT IS RESERVED ON EACH LOT ALONG THE FRONT AND REAR PROPERTY LINES. A 5' WIDE ACCESS EASEMENT IS ALSO RESERVED ALONG THE FRONT PROPERTY LINES.
  4. ALL OPEN SPACE SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
  5. TOPOGRAPHY SHOWN HEREIN ARE AS PROVIDED BY AXIS GEOSPATIAL, ORIGINALLY PREPARED FOR THE STEPHENS ENVIRONMENTAL CONSULTING INC. IN APRIL 2009. DELAWARE STATE PLAN COORDINATE SYSTEM NAD 83/91 AND NAVD88 VERTICAL DATUM.
  6. BOUNDARY SHOWN HEREIN PROVIDED BY CYPRESS SURVEYS, LLC, DATE JULY 2012.
  7. THE WETLANDS SHOWN HEREON WERE DELINEATED BY ENVIRONMENTAL RESOURCES, INC. SEE PLAN ENTITLED "ESTUARY BOUNDARY OF THE WATER OF THE UNITED STATES INCLUDING WETLANDS SUBJECT TO THE CORPS OF ENGINEERS REGULATORY PROGRAM" PREPARED BY GEORGE, MILES & BUHR ON SEPTEMBER 5, 2014.
  8. A PERPETUAL ACCESS EASEMENT IS HEREBY GRANTED TO THE STATE OF DELAWARE AS NEEDED FOR EMERGENCY ACCESS TO PIPES CONVEYING RUNOFF FROM STATE OF DELAWARE RIGHTS-OF-WAY. THE DRAINAGE EASEMENT AND SYSTEM SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE STORM DRAIN SYSTEM AND EASEMENT.
  9. THIS PROPERTY IS LOCATED IN THE VICINITY OF LAND USED PRIMARILY FOR AGRICULTURAL PURPOSES ON WHICH NORMAL AGRICULTURAL USES AND ACTIVITIES HAVE BEEN AFFORDED THE HIGHEST PRIORITY USE STATUS. IT CAN BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY NOW OR IN THE FUTURE INVOLVE NOISE, DUST, MANURE AND OTHER ODORS. THE USE OF AGRICULTURAL CHEMICALS AND NIGHTTIME FARM OPERATIONS, THE USE AND ENJOYMENT OF THIS PROPERTY IS EXPRESSLY CONDITIONED ON ACCEPTANCE OF ANY ANNOYANCE OR INCONVENIENCE WHICH MAY RESULT FROM SUCH NORMAL AGRICULTURAL USES AND ACTIVITIES.
- THIS SITE CONTAINS REGULATED WETLANDS. ACTIVITIES WITHIN THESE WETLANDS MAY REQUIRE A PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS AND /OR THE STATE OF DELAWARE.
- HUNTING ACTIVITIES OCCUR IN NEIGHBORING, ADJACENT PROPERTIES. THE USE OF ANY OFF-ROAD, ATV-TYPE VEHICLES ON THE PROPERTY, OTHER THAN BY THE HOMEOWNERS ASSOCIATION OR ITS DESIGNEE FOR MAINTENANCE, IS PROHIBITED.

# THE ESTUARY

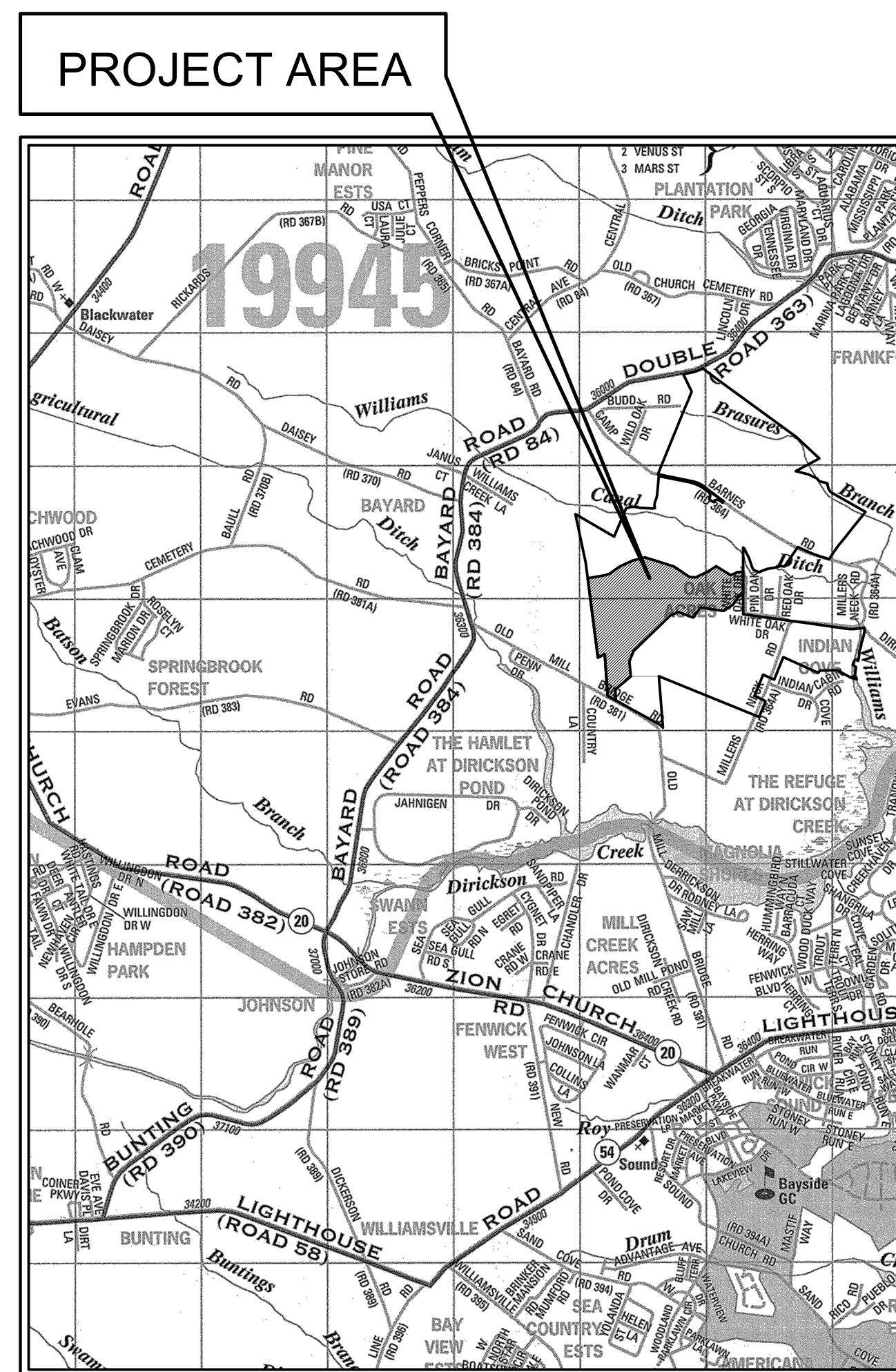
## PHASE 3

### FINAL SUBDIVISION PLAT

#### SUSSEX COUNTY SUBDIVISION # 2005-64

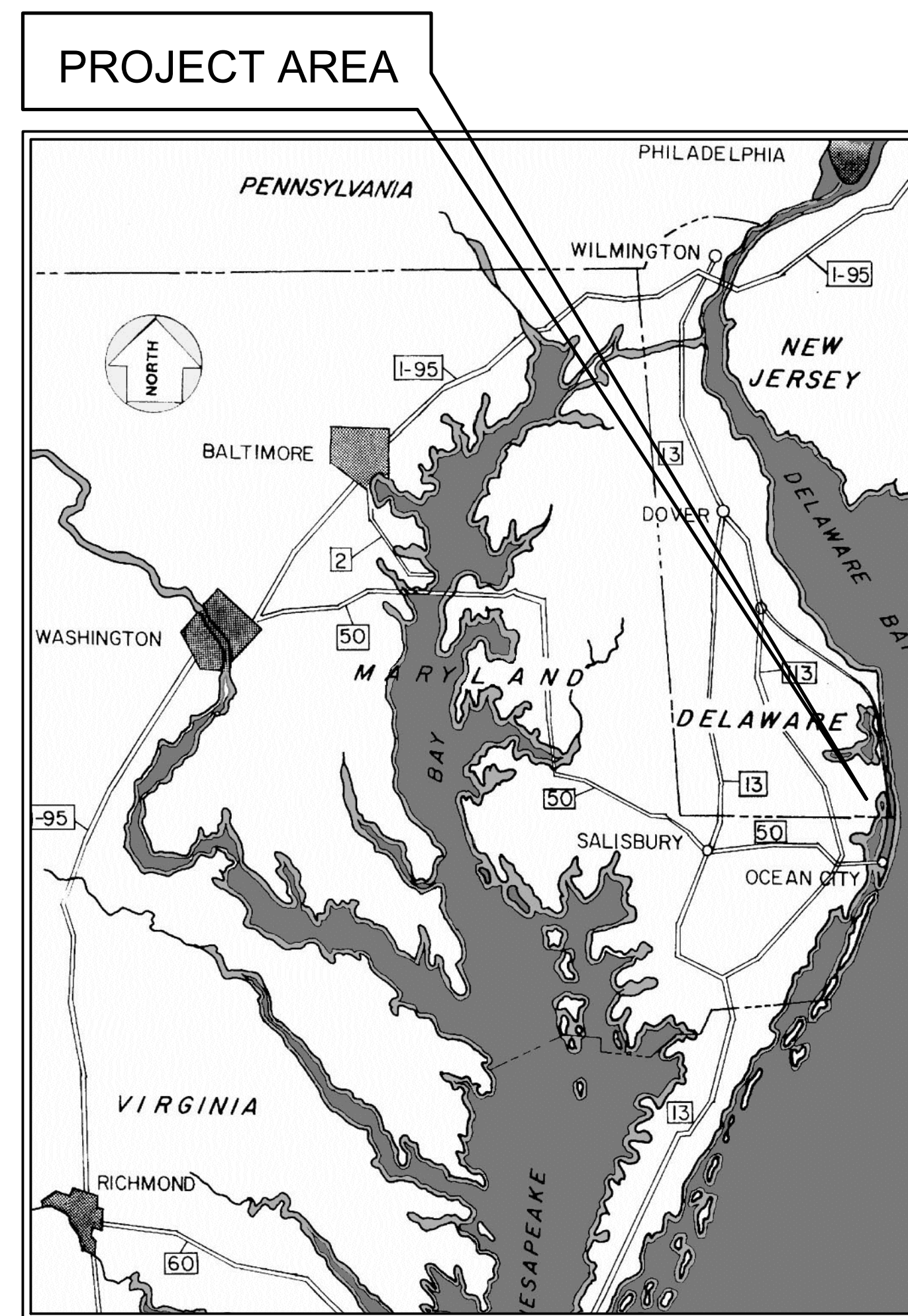
#### SUSSEX COUNTY, DELAWARE

GMB File No. 140049



LOCATION MAP

SCALE: 1" = 1,000'



VICINITY MAP

SCALE: 1" = 20 MILES

LIST OF DRAWINGS

G1.0	COVER SHEET	P2.0	CURVE TABLES
FSP1.0	FINAL SITE PLAN	P3.0	LIGHTING PLAN
FSP1.1	FINAL SITE PLAN	P3.1	LIGHTING PLAN
P1.0	KEY SHEET	P3.2	LIGHTING PLAN
P1.1	RECORD PLAT	P3.3	LIGHTING DETAILS
P1.2	RECORD PLAT	P4.0	LANDSCAPE KEY
P1.3	RECORD PLAT	P4.1	LANDSCAPE PLAN
P1.4	RECORD PLAT	P4.2	LANDSCAPE PLAN

APPROVED BY: \_\_\_\_\_  
 SUSSEX COUNTY COUNCIL  
 PRESIDENT

APPROVED BY: \_\_\_\_\_  
 SUSSEX COUNTY  
 PLANNING AND ZONING COMMISSION

APPROVED BY: \_\_\_\_\_  
 SUSSEX COUNTY  
 SOIL CONSERVATION DISTRICT

SITE DATA TABLE

APPLICANT (OWNER):	ESTUARY DEVELOPMENT, LLC 6726 CURRAN ST, 2nd FLOOR MCLEAN, VA 22101 PHONE: 703.208.3377 CONTACT: JOHN GALJANI
CIVIL ENGINEER:	GEORGE, MILES & BUHR, LLC 206 WEST MAIN ST SALISBURY, MD 21801 PHONE: 410.742.3115 CONTACT: STEPHEN L. MARSH
TAX MAP:	134-19.00, PARCEL 115.02 (TRACT 5A)
DEED REFERENCE:	5002/279
OWNER:	ESTUARY DEVELOPMENT, LLC
TAX MAP:	134-21.00, PARCEL 8.00 (TRACT 6A)
DEED REFERENCE:	4112/283 & 4077/165
OWNER:	DE LAND INVESTMENT 3, LLC
EXISTING ZONING:	AR-1 CENTRAL AREA OVERLAY ZONE (PREVIOUSLY ENVIRONMENTALLY SENSITIVE DEVELOPING DISTRICT)
PROPOSED PHASE 3 DATA:	PHASE 3 AREA: 478.36 AC LOTS ALLOWED: 156 (2 LOTS/ACRE) LOTS PROPOSED: 118 (1.51 LOTS/ACRE) AMENITY: NONE IN THIS PHASE. (MAIN CLUBHOUSE CONSTRUCTED AS PART OF PHASE 1B)
BUILDING SETBACKS:	FRONT: 25' SIDE: 10' (15' FOR CORNER LOTS) REAR: 10' MAX BUILDING HEIGHT: 42' MIN LOT AREA: 7500 SF MIN LOT WIDTH: 60'
FLOOD ZONE:	ZONE AE4, ZONE X, ZONE X WITH 0.2% ANNUAL CHANCE FLOOD AREA PER FLOOD MAPS 10005C0513K, 10005C0635K & 10005C0651K, DATED REVISED MARCH 16, 2015
SOURCE WATER PROTECTION:	THE SITE IS LOCATED WITHIN AN AREA OF FAIR GROUNDWATER RECHARGE POTENTIAL, BUT IS NOT WITHIN A WELLHEAD PROTECTION AREA.
UTILITIES:	CENTRAL WATER: TIDEWATER UTILITIES, INC. PUBLIC SEWER: SUSSEX COUNTY

PHASE 3 AREA DIVISIONS:	
GROSS AREA (ENTIRE PROJECT):	+434.43 ACRES
GROSS AREA (PHASE 3):	+78.36 ACRES
PROPOSED SUBDIVISION R.O.W.:	+ 9.28 ACRES
PROPOSED RESIDENTIAL LOT AREA:	+24.14 ACRES
PROPOSED OPEN SPACE:	+44.73 ACRES (57%)
OPEN SPACE LOT 3000:	+20.17 ACRES
OPEN SPACE LOT 3001:	+21.59 ACRES
OPEN SPACE LOT 3002:	+ 2.97 ACRES
WOODED AREA:	+29.06 ACRES
SWM POND AREA:	+ 5.83 ACRES
NON-TIDAL WETLANDS AREA:	+20.68 ACRES
PROPOSED IMPERVIOUS AREA:	+14.33 ACRES (18%)

OWNER'S CERTIFICATION:  
 I HEREBY CERTIFY THAT I AM AN OWNER OF THE PROPERTY DESCRIBED AS SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION. THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT THE SUSSEX CONSERVATION DISTRICT OR THEIR DESIGNATED AGENT SHALL HAVE RIGHT TO CONDUCT ON-SITE INSPECTIONS.

OWNER: \_\_\_\_\_ DATE \_\_\_\_\_  
 JOHN GALJANI  
 ESTUARY DEVELOPMENT, LLC &  
 DELAWARE LAND INVESTMENT 3, LLC.

ENGINEER'S CERTIFICATION:  
 I, STEPHEN L. MARSH, P.E., HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE."

ENGINEER: \_\_\_\_\_ DATE \_\_\_\_\_  
 SENIOR VICE PRESIDENT, GEORGE, MILES & BUHR, LLC.

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 HAVE BEEN DETERMINED USING MY PROFESSIONAL JUDGEMENT IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, REGULATIONS AND SUPPLEMENTAL GUIDANCE (33 CFR 328.3(g)(8), 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 90-7/CECW-OR, 3-6-1992, CLARIFICATION AND INTERPRETATION OF THE 1987 MANUAL), THIS DELINEATION HAS NOT BEEN CONDUCTED FOR USDA PROGRAM OR AGRICULTURAL PURPOSES. IN ACCORDANCE WITH DNREC WETLAND MAP NO. DNR-044, THERE ARE NO STATE REGULATED WETLANDS ON THE ESTUARY PHASE 3 PROPERTY.

EDWARD M. LAUNAY, PWS NO. 875  
 SOCIETY OF WETLAND SCIENTISTS  
 CORPS OF ENGINEERS, CERTIFIED WETLAND DELINEATOR  
 WD0P93M00510036B \_\_\_\_\_ DATE \_\_\_\_\_

PRINTS ISSUED FOR:  
 APPROVAL &  
 RECORDATION

DATE	REVISIONS	NO.

GEORGE, MILES & BUHR, LLC  
 ARCHITECTS & ENGINEERS  
 SALISBURY - BALTIMORE - SEAFORD  
 206 WEST MAIN STREET  
 SALISBURY, MARYLAND 21801  
 410-742-3115, FAX 410-548-5790  
 www.gmbnet.com

ESTUARY PHASE 3  
 SUSSEX COUNTY, DELAWARE

COVER SHEET

SCALE: AS SHOWN SHEET NO. G1.0

DESIGN BY: RLM

DRAWN BY: RLM

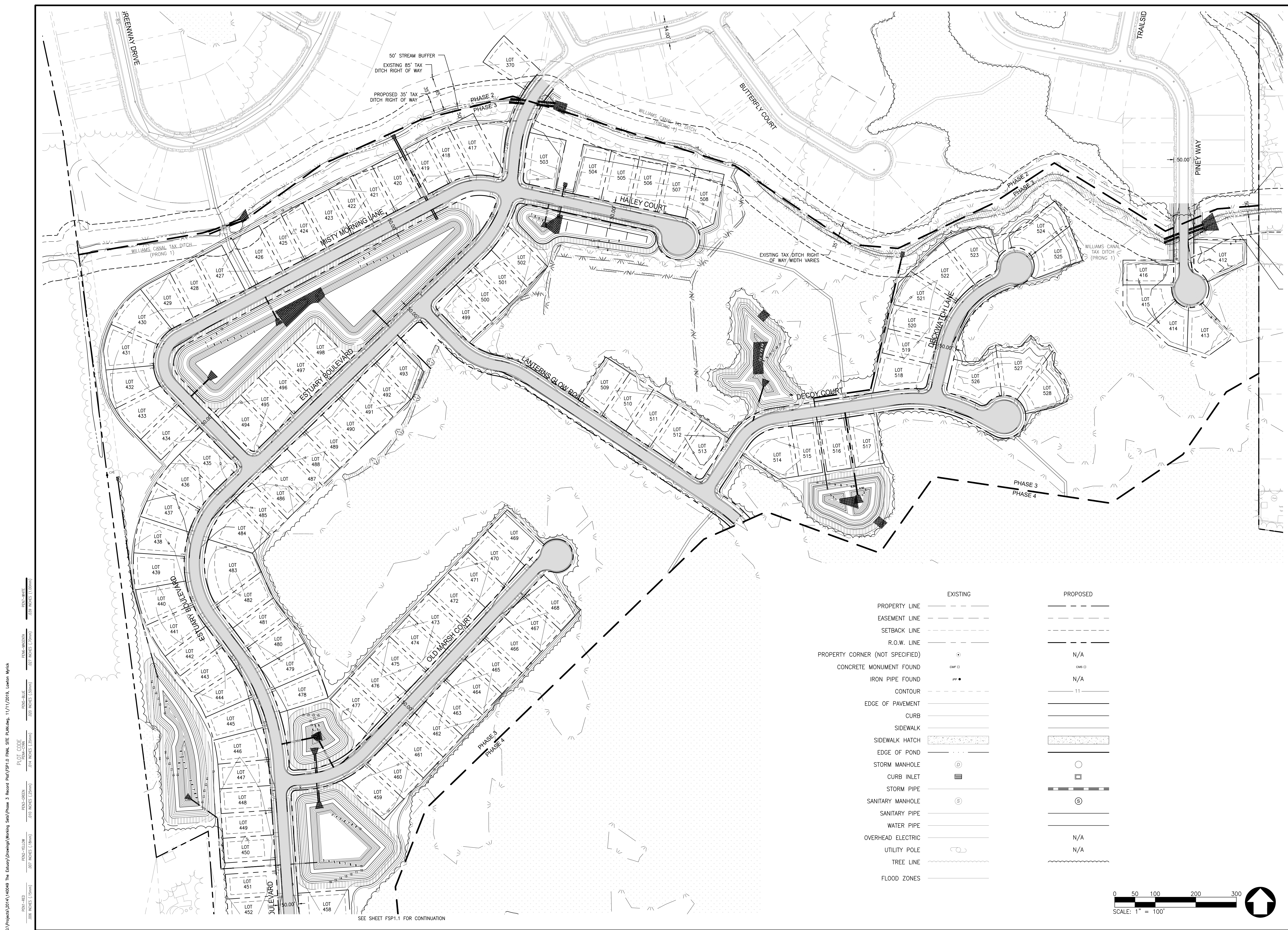
CHECKED BY:

GMB FILE: 140049

DATE: SEP 2020

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 PLOT DEVICE  
 PLOT SCALE  
 PLOT SHEET  
 PLOT TOTAL SHEETS  
 PLOT STATUS



PRINTS ISSUED FOR:  
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NO.	REVISIONS	DATE

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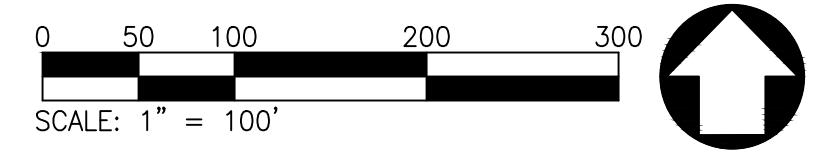
**ESTUARY PHASE 3**  
 SUSSEX COUNTY, DELAWARE

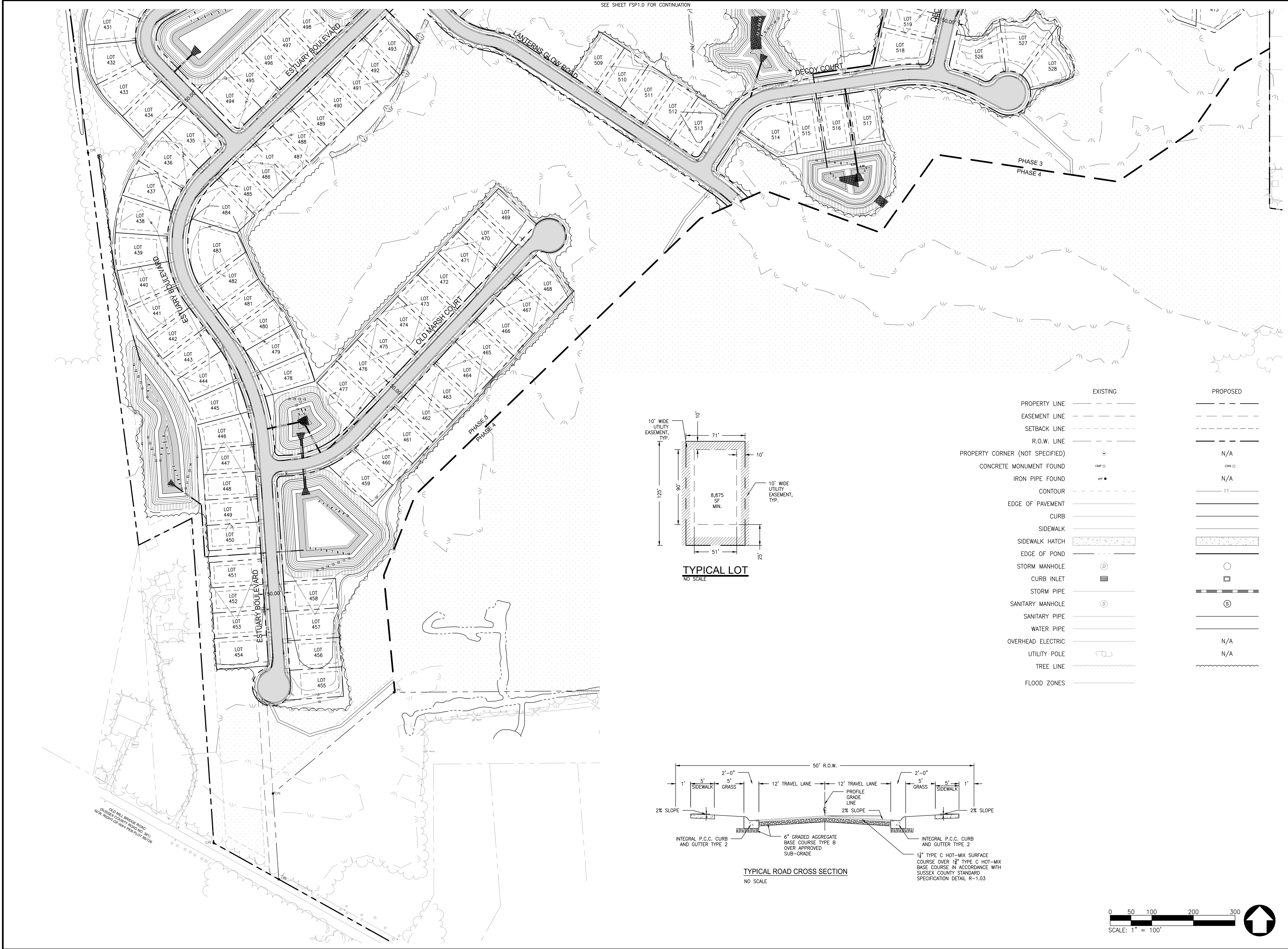
**FINAL SITE PLAN**

SCALE : 1" = 100'	SHEET NO.
DESIGN BY : RLM	FSP1.0
DRAWN BY : RLM	
CHECKED BY :	
GMB FILE : 140049	
DATE : SEP 2020	

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 PLOT CODE: PLOT-100 (1/24 INCHES (25mm))

SEE SHEET FSP1.1 FOR CONTINUATION





	EXISTING	PROPOSED
PROPERTY LINE	---	---
EASEMENT LINE	---	---
SETBACK LINE	---	---
R.O.W. LINE	---	---
PROPERTY CORNER (NOT SPECIFIED)	○	N/A
CONCRETE MONUMENT FOUND	CMF □	CMF □
IRON PIPE FOUND	IPF ●	N/A
CONTOUR	---	---
EDGE OF PAVEMENT	---	---
CURB	---	---
SIDEWALK	---	---
SIDEWALK HATCH	▨	▨
EDGE OF POND	---	---
STORM MANHOLE	⊙	⊙
CURB INLET	▣	▣
STORM PIPE	---	---
SANITARY MANHOLE	⊙	⊙
SANITARY PIPE	---	---
WATER PIPE	---	---
OVERHEAD ELECTRIC	---	N/A
UTILITY POLE	⊕	N/A
TREE LINE	---	---
FLOOD ZONES	---	---

PRINTS ISSUED FOR:  
APPROVAL &  
RECORDATION

DATE	
REVISIONS	
NO.	

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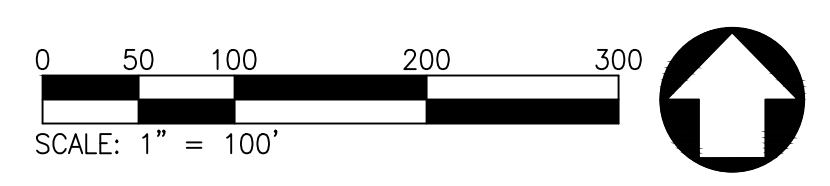
**ESTUARY PHASE 3**  
SUSSEX COUNTY, DELAWARE

**FINAL SITE PLAN**

SCALE : 1" = 100'  
DESIGN BY : RLM  
DRAWN BY : RLM  
CHECKED BY :  
GMB FILE : 140049  
DATE : SEP 2020

SHEET NO.  
**FSP1.1**

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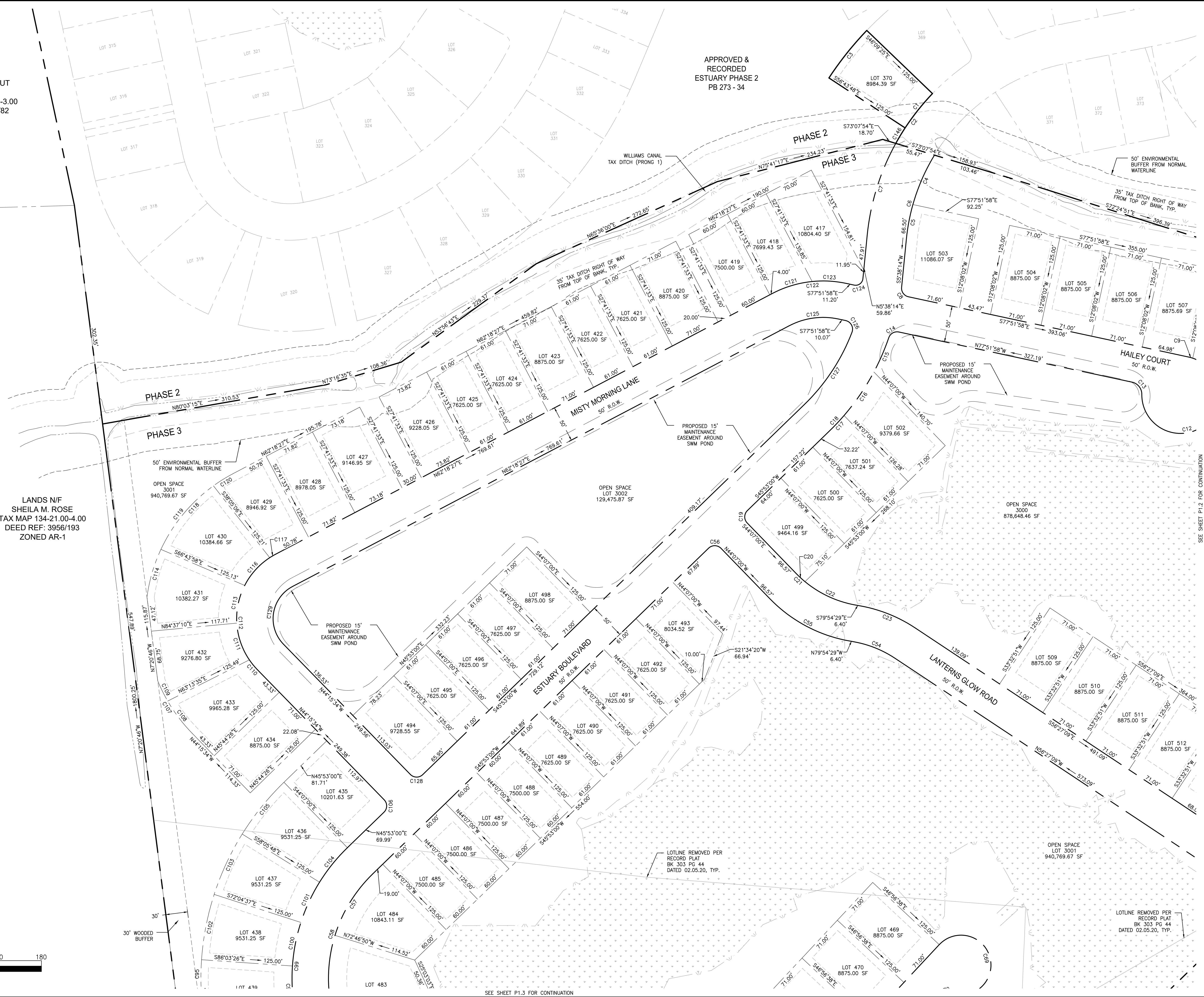
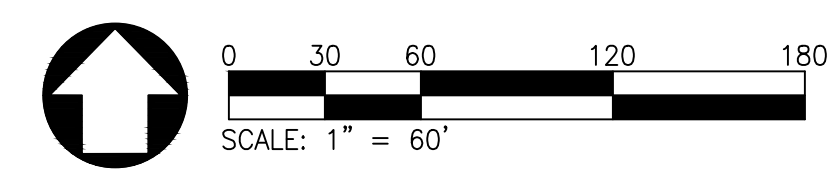


LANDS N/F  
DIANNE H. ARCHUT  
TRUSTEE  
TAX MAP 134-21.00-3.00  
DEED REF: 3547/82  
ZONED AR-1

APPROVED &  
RECORDED  
ESTUARY PHASE 2  
PB 273 - 34

LANDS N/F  
SHEILA M. ROSE  
TAX MAP 134-21.00-4.00  
DEED REF: 3956/193  
ZONED AR-1

© Project 2014 (10/09) The Estuary (Development) Sub-Phase 3 Record Plat (Record Plat, Phase 3) Date: 10/22/2020 1:42 PM, Location: Mytek  
PLOT CODE: PLOT CODE  
PLOT CODE: PLOT CODE  
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SEE SHEET P1.3 FOR CONTINUATION

SEE SHEET P1.2 FOR CONTINUATION

DATE	REVISIONS	NO.

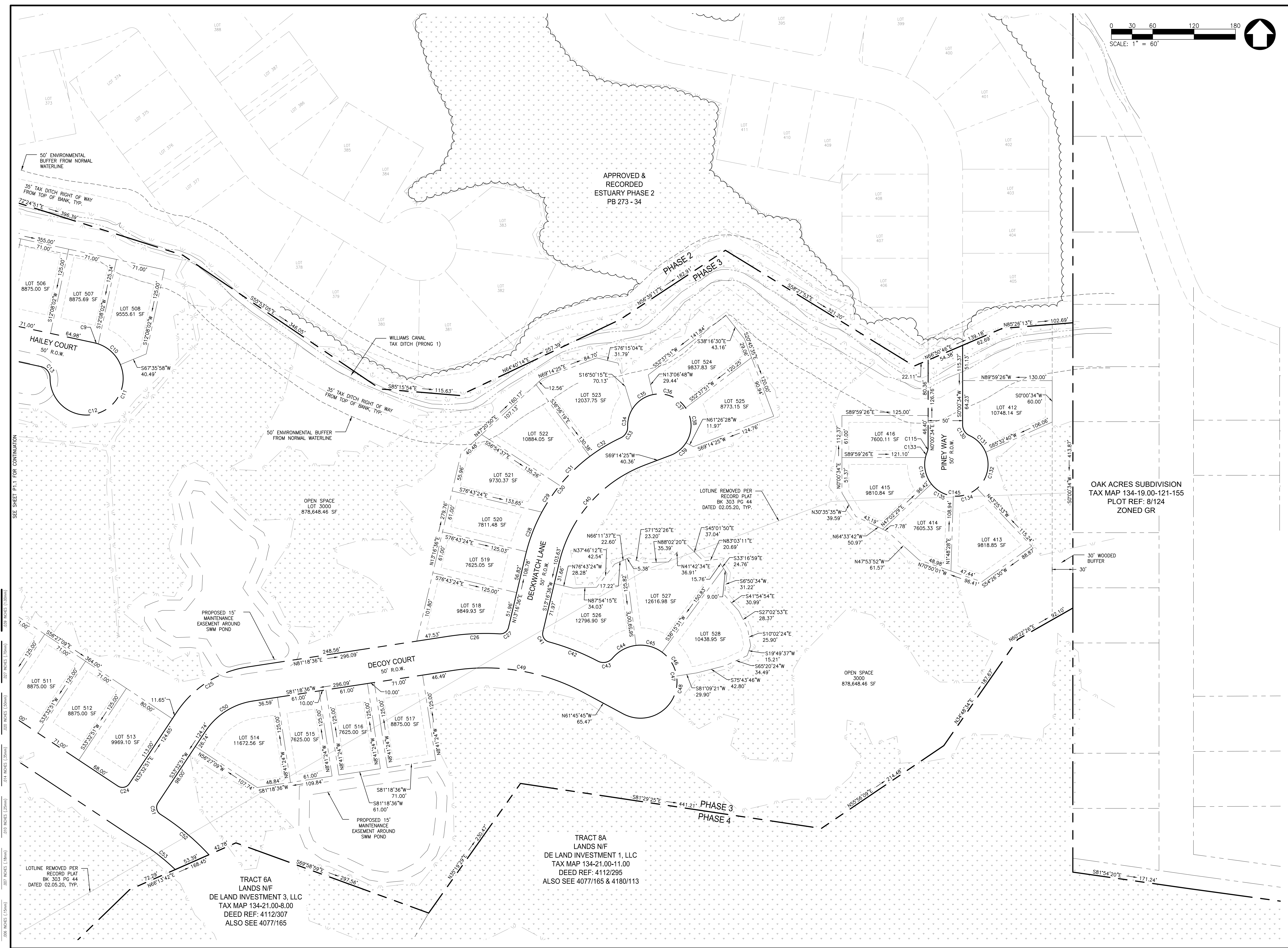
**GMB**  
GEORGE, MILES & BUHR, LLC  
ARCHITECTS & ENGINEERS  
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206 WEST MAIN STREET  
SALISBURY, MARYLAND 21801  
410-742-3115, FAX 410-548-9790  
www.gmbnet.com

**ESTUARY PHASE 3**  
SUSSEX COUNTY, DELAWARE

**RECORD PLAT**

SCALE: 1" = 60'	SHEET NO.
DESIGN BY: RLM	<b>P1.1</b>
DRAWN BY: RLM	
CHECKED BY:	
GMB FILE: 140049	
DATE: SEP 2020	© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

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SCALE=1"=60'  
DWG=GREEN  
DATE=10/22/2020



PRINTS ISSUED FOR:  
APPROVAL &  
RECORDATION

NO.	REVISIONS	DATE

**GMB**  
 GEORGE, MILES & BUHR, LLC  
 ARCHITECTS & ENGINEERS  
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 206 WEST MAIN STREET  
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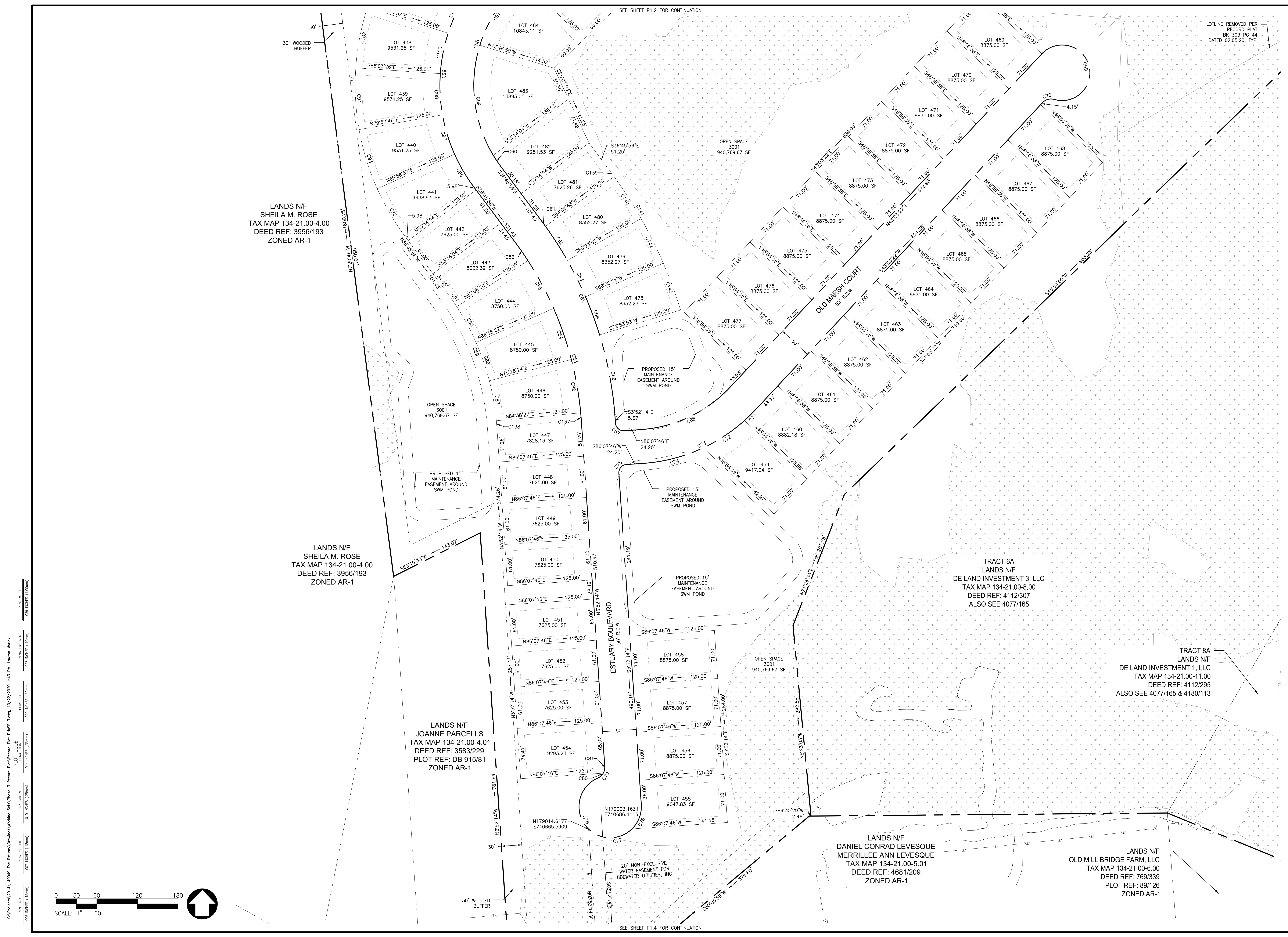
OAK ACRES SUBDIVISION  
 TAX MAP 134-19.00-121-155  
 PLOT REF: 8/124  
 ZONED GR

ESTUARY PHASE 3  
 SUSSEX COUNTY, DELAWARE

TRACT 6A  
 LANDS N/F  
 DE LAND INVESTMENT 3, LLC  
 TAX MAP 134-21.00-8.00  
 DEED REF: 4112/307  
 ALSO SEE 4077/165

TRACT 8A  
 LANDS N/F  
 DE LAND INVESTMENT 1, LLC  
 TAX MAP 134-21.00-11.00  
 DEED REF: 4112/295  
 ALSO SEE 4077/165 & 4180/113

RECORD PLAT	
SCALE: 1" = 60'	SHEET NO.
DESIGN BY: RLM	P1.2
DRAWN BY: RLM	
CHECKED BY:	
GMB FILE: 140049	
DATE: SEP 2020	



SEE SHEET P1.2 FOR CONTINUATION

LOTLINE REMOVED PER  
RECORD PLAT  
BK 303, PG 44  
DATED 02.05.20, TYP.

LANDS N/F  
SHEILA M. ROSE  
TAX MAP 134-21.00-4.00  
DEED REF: 3956/193  
ZONED AR-1

LANDS N/F  
SHEILA M. ROSE  
TAX MAP 134-21.00-4.00  
DEED REF: 3956/193  
ZONED AR-1

LANDS N/F  
JOANNE PARCELLS  
TAX MAP 134-21.00-4.01  
DEED REF: 3583/229  
PLOT REF: DB 915/81  
ZONED AR-1

LANDS N/F  
DANIEL CONRAD LEVESQUE  
MERRILLEE ANN LEVESQUE  
TAX MAP 134-21.00-5.01  
DEED REF: 4681/209  
ZONED AR-1

TRACT 6A  
LANDS N/F  
DE LAND INVESTMENT 3, LLC  
TAX MAP 134-21.00-8.00  
DEED REF: 4112/307  
ALSO SEE 4077/165

TRACT 8A  
LANDS N/F  
DE LAND INVESTMENT 1, LLC  
TAX MAP 134-21.00-11.00  
DEED REF: 4112/295  
ALSO SEE 4077/165 & 4180/113

LANDS N/F  
OLD MILL BRIDGE FARM, LLC  
TAX MAP 134-21.00-6.00  
DEED REF: 769/339  
PLOT REF: 89/126  
ZONED AR-1



SEE SHEET P1.4 FOR CONTINUATION

G:\Projects\2014\10049 The Estuary\Drawings\Phase 3 Record\Phase 3 Record\Phase 3 Record\Phase 3 Record.dwg, 10/22/2020 1:43 PM, Linda Myick  
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 PLOT DATE: 10/22/2020 1:43 PM  
 PLOT BY: RLM  
 PLOT CHECKED: RLM  
 PLOT DATE: 10/22/2020 1:43 PM  
 PLOT BY: RLM  
 PLOT CHECKED: RLM  
 PLOT DATE: 10/22/2020 1:43 PM

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RECORDATION

DATE	REVISIONS	NO.

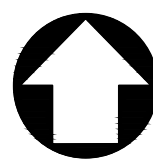
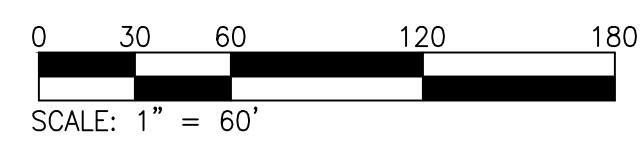
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**ESTUARY PHASE 3**  
 SUSSEX COUNTY, DELAWARE

**RECORD PLAT**

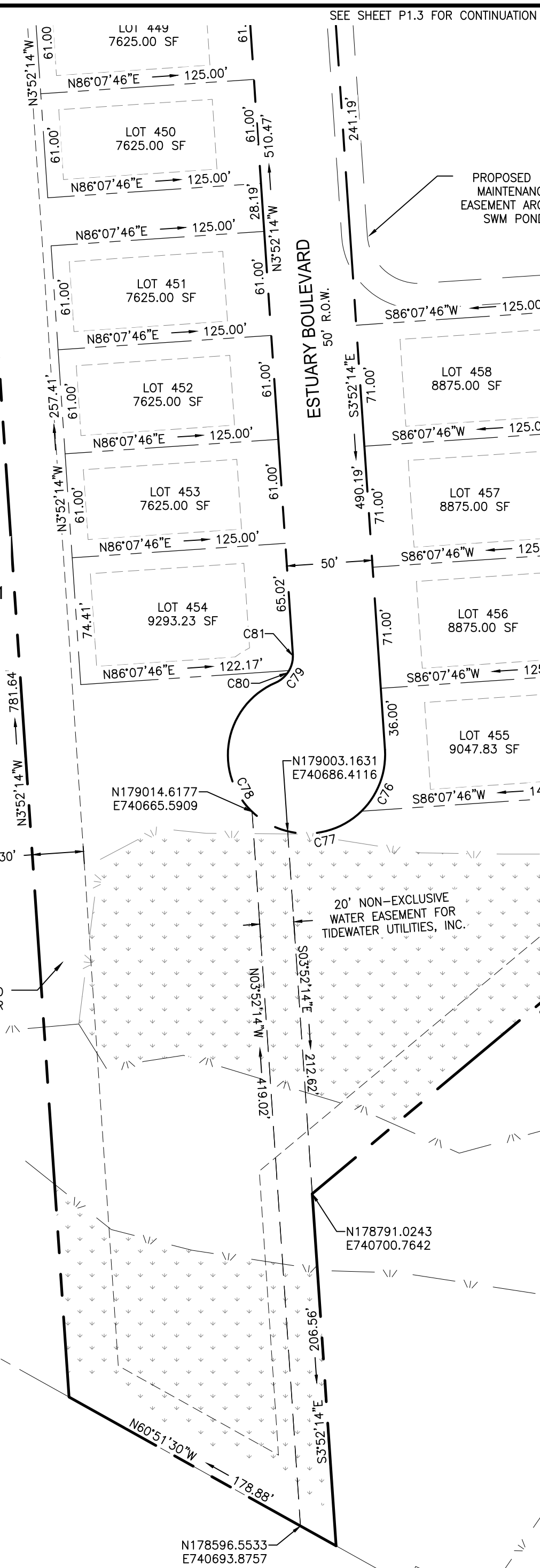
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DRAWN BY: RLM	
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LANDS N/F  
SHEILA M. ROSE  
TAX MAP 134-21.00-4.00  
DEED REF: 3956/193  
ZONED AR-1

LANDS N/F  
JOANNE PARCELS  
TAX MAP 134-21.00-4.01  
DEED REF: 3583/229  
PLOT REF: DB 915/81  
ZONED AR-1



LANDS N/F  
DANIEL CONRAD LEVESQUE  
MERRILLEE ANN LEVESQUE  
TAX MAP 134-21.00-5.01  
DEED REF: 4681/209  
ZONED AR-1

LANDS N/F  
OLD MILL BRIDGE FARM, LLC  
TAX MAP 134-21.00-6.00  
DEED REF: 769/339  
PLOT REF: 89/126  
ZONED AR-1

TRACT 6A  
LANDS N/F  
DE LAND INVESTMENT 3, LLC  
TAX MAP 134-21.00-8.00  
DEED REF: 4112/307  
ALSO SEE 4077/165

TRACT 8A  
LANDS N/F  
DE LAND INVESTMENT 1, LLC  
TAX MAP 134-21.00-11.00  
DEED REF: 4112/295  
ALSO SEE 4077/165 & 4180/113

20' NON-EXCLUSIVE  
WATER EASEMENT FOR  
TIDEWATER UTILITIES, INC.

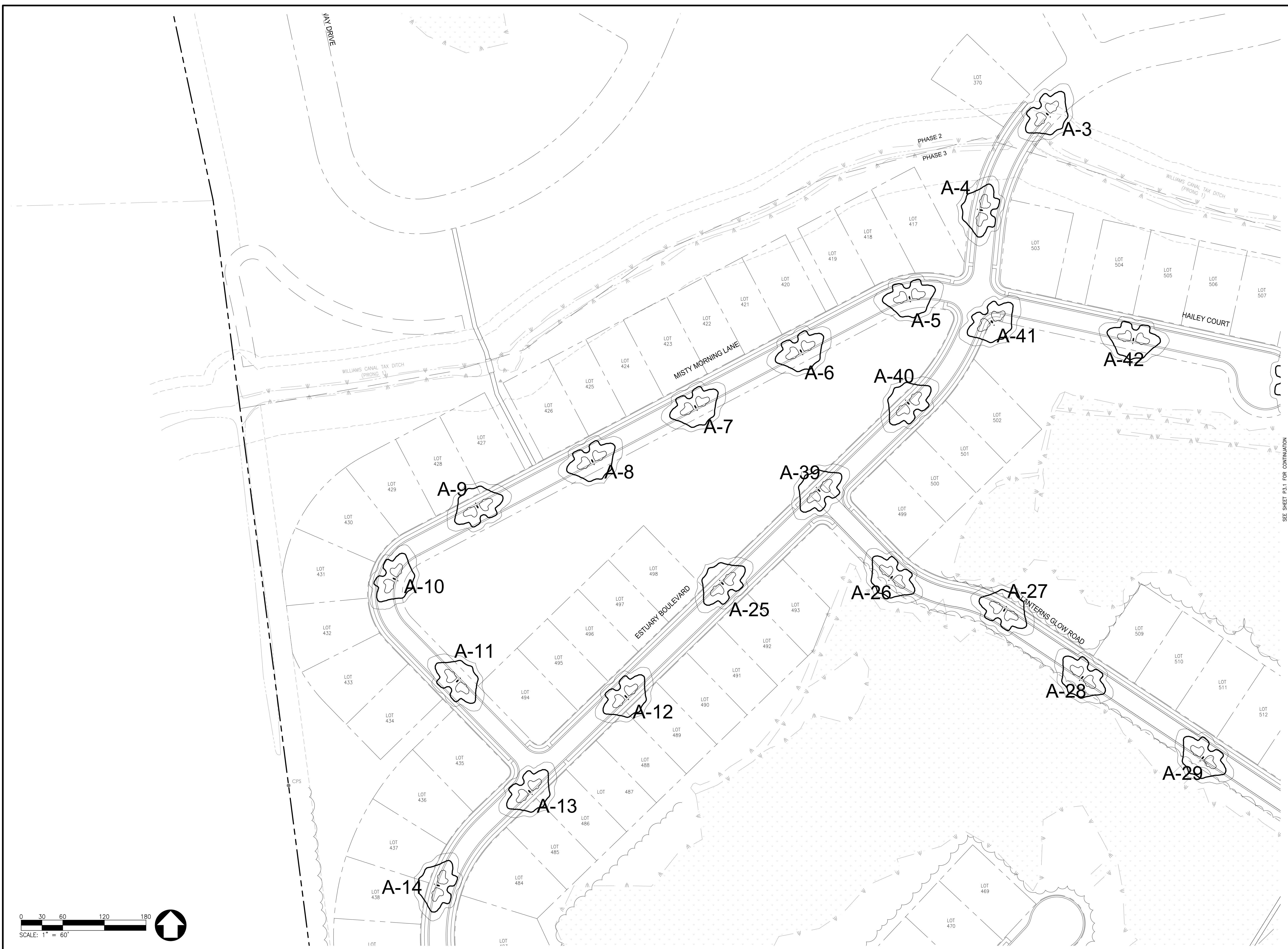
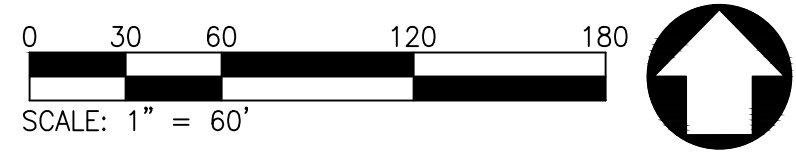
30' WOODED  
BUFFER

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<b>ESTUARY PHASE 3</b> SUSSEX COUNTY, DELAWARE	
<b>RECORD PLAT</b>	
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DESIGN BY : RLM	<b>P1.4</b>
DRAWN BY : RLM	
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GMB FILE : 140049	
DATE : SEP 2020	



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PEN=RED 0.01 INCHES (0.25mm) PEN=GREEN 0.01 INCHES (0.25mm) PEN=BLUE 0.01 INCHES (0.25mm) PEN=BLACK 0.01 INCHES (0.25mm) PEN=WHITE 0.01 INCHES (0.25mm)



SEE SHEET P3.1 FOR CONTINUATION

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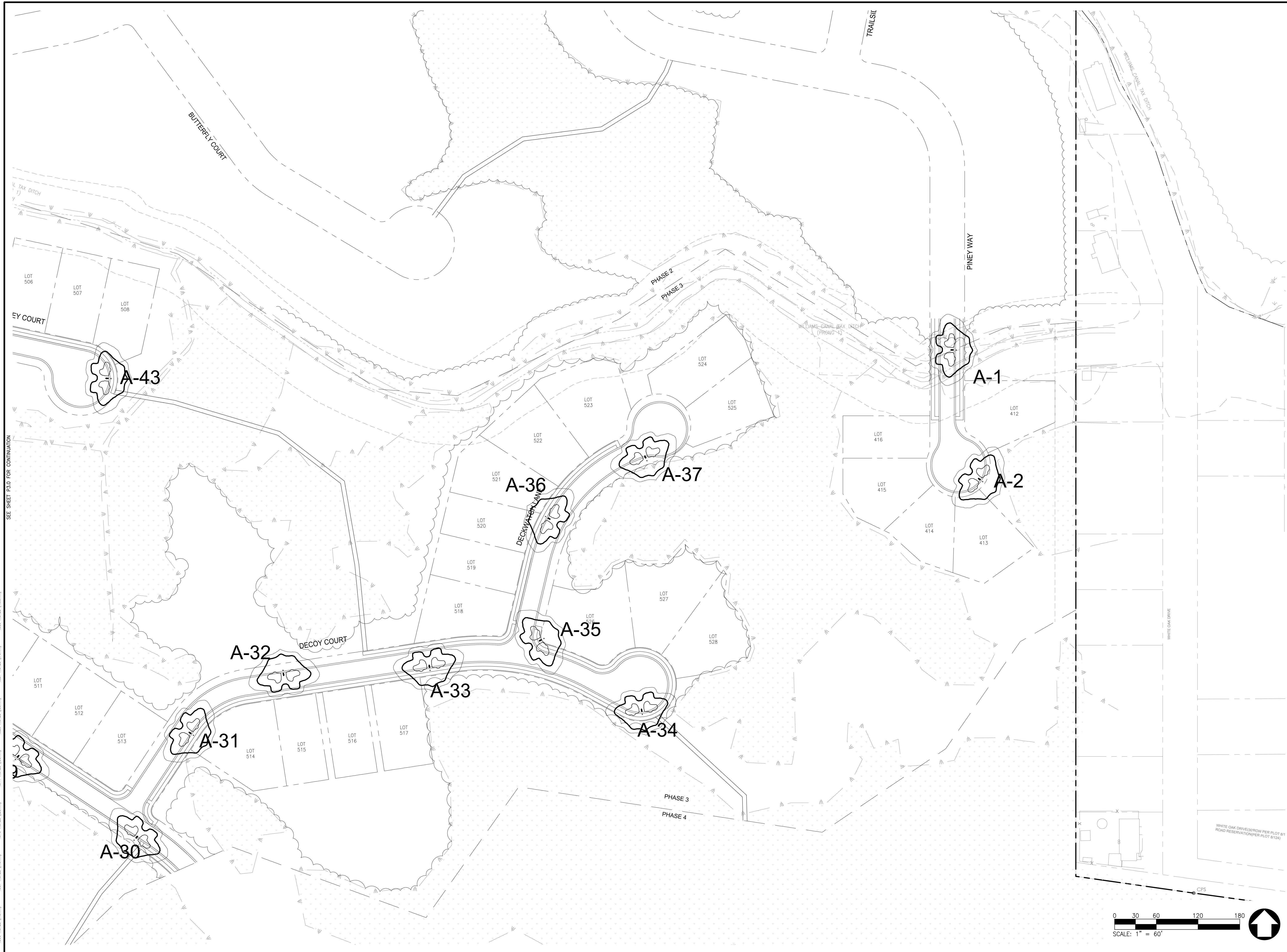
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**ESTUARY PHASE 3**  
 SUSSEX COUNTY, DELAWARE

**LIGHTING PLAN**

SCALE : 1" = 60'	SHEET NO.
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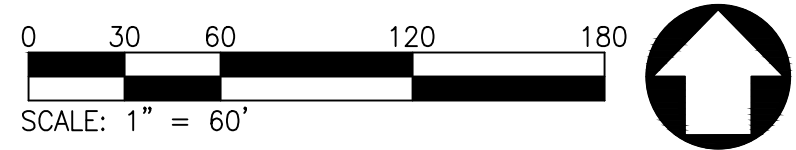
**ESTUARY PHASE 3**  
 SUSSEX COUNTY, DELAWARE

**LIGHTING PLAN**

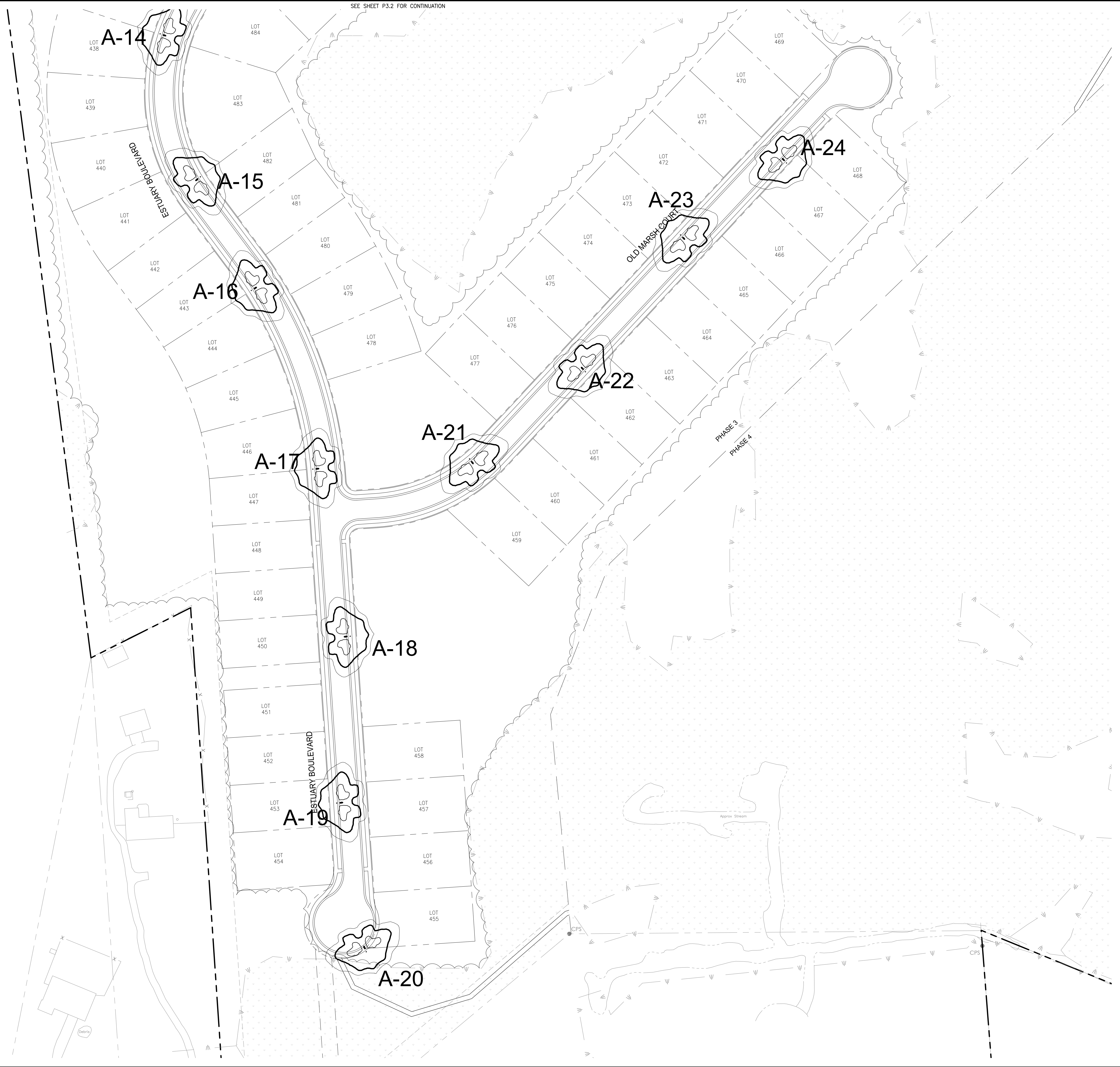
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DRAWN BY : RLM	
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DATE : SEP 2020	© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

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PEN-RED 0.01 INCHES (0.25mm) PUN-ORANGE 0.01 INCHES (0.25mm) PUN-YELLOW 0.01 INCHES (0.25mm) PUN-BLUE 0.01 INCHES (0.25mm) PUN-WHITE 0.01 INCHES (0.25mm)



SEE SHEET P3.2 FOR CONTINUATION



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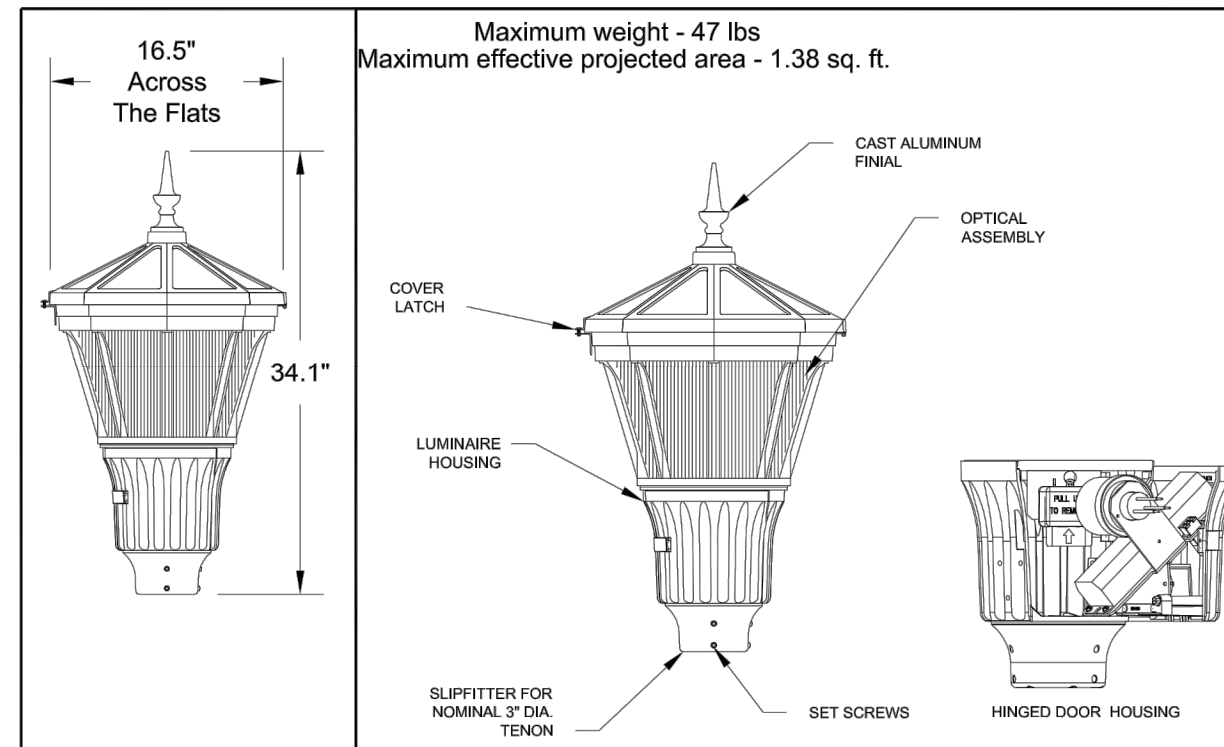
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**ESTUARY PHASE 3**  
 SUSSEX COUNTY, DELAWARE

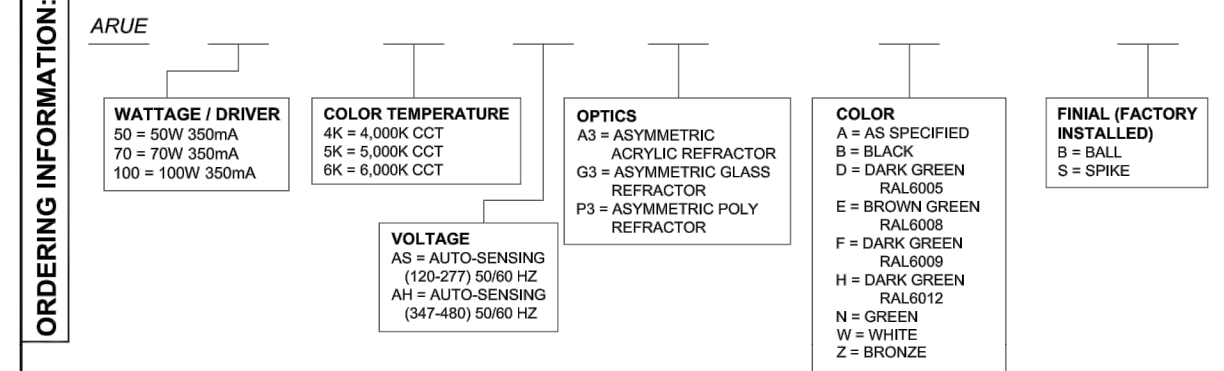
**LIGHTING PLAN**

SCALE : 1" = 60'	SHEET NO.
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Utility Arlington LED Series Luminaire  
 DECORATIVE OUTDOOR



DECORATIVE OUTDOOR  
 HOLOPHANE  
 An iCutyBrandsCompany

**ORDERING INFORMATION:**

<b>WATTAGE / DRIVER</b> S1 = 50W 350mA T1 = 70W 350mA 100 = 100W 350mA	<b>COLOR TEMPERATURE</b> BK = 4,000K CCT SK = 5,000K CCT BK = 6,000K CCT	<b>OPTICS</b> A3 = ASYMMETRIC ACRYLIC REFRACTOR G3 = ASYMMETRIC GLASS REFRACTOR P3 = ASYMMETRIC POLY REFRACTOR	<b>COLOR</b> A = AS SPECIFIED B = BLACK D = DARK GREEN E = BROWN GREEN F = BROWN GREEN H = DARK GREEN N = GREEN W = WHITE Z = BRONZE	<b>FINAL (FACTORY INSTALLED)</b> B = BALL S = SPIKE
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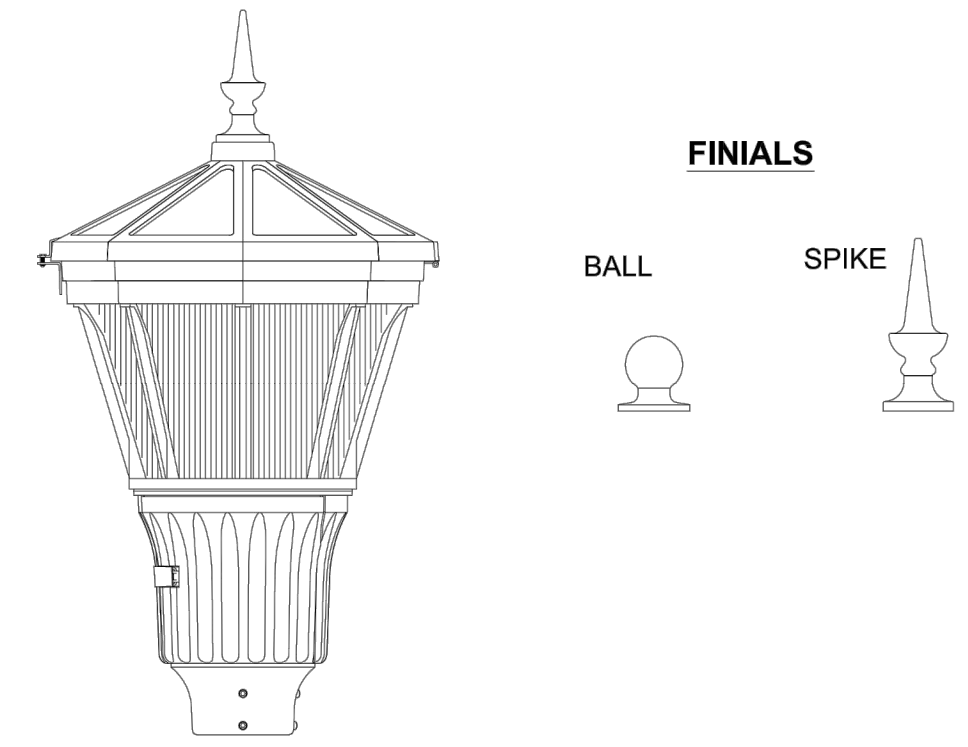
**VOLTAGE**  
AS = AUTO-SENSING (120-277) 50/60 HZ  
AH = AUTO-SENSING (247-480) 50/60 HZ

**OPTIONS**  
D = DIMMING  
H = NEMA TWISTLOCK PHOTOCONTROL RECEPTACLE  
L10 = 10 FEET OF PREWIRED LEADS  
L15 = 15 FEET OF PREWIRED LEADS  
L20 = 20 FEET OF PREWIRED LEADS  
L25 = 25 FEET OF PREWIRED LEADS  
L30 = 30 FEET OF PREWIRED LEADS  
P27 = DTL TWISTLOCK PHOTOCONTROL 120/277 VOLT  
P34 = DTL TWISTLOCK PHOTOCONTROL 347 VOLT  
P48 = DTL TWISTLOCK PHOTOCONTROL 480 VOLT  
PSC = SHORTING CAP  
PE = DSS PHOTOCONTROL

**ACCESSORIES**  
SPORLUGIN = REPLACEMENT SURGE PROTECTOR 120-277  
SPORLUGIN48 = REPLACEMENT SURGE PROTECTOR 347-480

**ORDER #:** \_\_\_\_\_  
**TYPE:** \_\_\_\_\_  
**DRAWN:** KRW  
**DATE:** 04/11/11  
**DWG #:** LUM\_ARUE  
 1 of 2

HOLOPHANE  
 An iCutyBrandsCompany



Utility Arlington LED Series Luminaire  
 DECORATIVE OUTDOOR  
 HOLOPHANE  
 An iCutyBrandsCompany

**Specifications**

**GENERAL DESCRIPTION**  
 The Utility Arlington LED is designed for ease of maintenance with the plug-in electrical module common to each of the luminaires in Holophane's Utility Luminaire Series. A precision optical system maximizes post spacings while maintaining uniform illumination.

**OPTICAL SYSTEM**  
 The optical system consists of a precisely molded refractor operating in conjunction with a formed polished reflector and LED circuit board with dedicated heat sink located in the top cover. Positive pressure from the reflector and gaskets at the top and bottom of the refractor create a sealed optical compartment. Refractors designed to provide an I.E.S. Type III distribution are available molded from thermal resistant borosilicate glass and acrylic or polycarbonate plastic.

**LUMINAIRE HOUSING**  
 The luminaire housing, cast of aluminum, cradles the refractor and provides an enclosure for the plug-in electrical module. A slipfitter will accept a 3" high by 2 7/8" to 3 1/8" O.D. pole tenon.

**LUMINAIRE HOUSING / DOOR**  
 Cast of aluminum, the housing / door opens without the use of tools and is retained on a hinge. For units with an E.E.I.-N.E.M.A. twist lock photocell receptacle, the door contains an acrylic "window" to allow light to reach the cell.

**ELECTRICAL MODULE**  
 The electrical components are mounted on a steel plate that is removable with minimum use of tools. A matching five conductor plug connects to the luminaire housing to complete the wiring. Where a starting aid is required, it is provided with a separate plug-in connector and can be replaced without the use of tools. For photoelectric operation, the electrical module is provided with an E.E.I.-N.E.M.A. twist lock photocell receptacle.

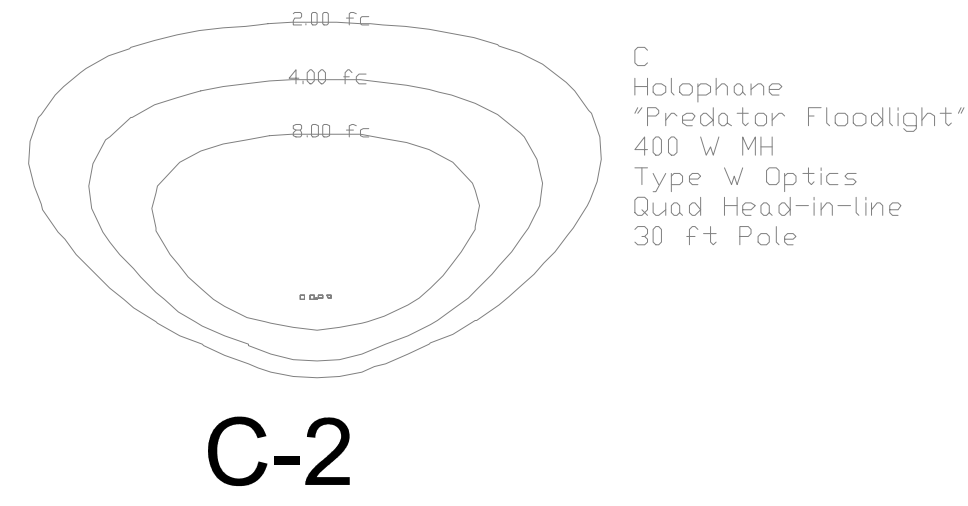
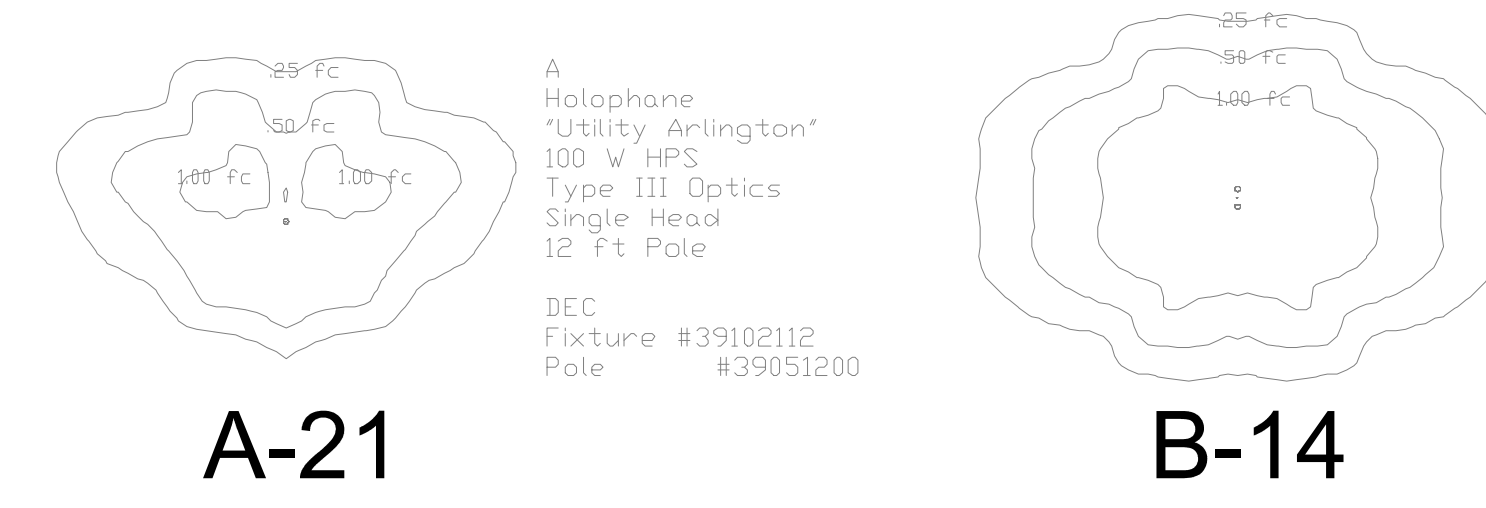
**TOP COVER**  
 The octagonal cover, cast of aluminum, is attached to the top ring of the luminaire housing by a stainless steel pins hinge and latch a color matched bracket & screw which secures entry to the LED optical chamber.

**ELECTRONIC DRIVER**  
 (Refer to the handbook for specific operating characteristics)

**FINISH**  
 The luminaire is finished with polyester powder paint to insure maximum durability.

**CSA**  
 The luminaire is CSA listed as suitable for wet locations at a maximum of 40 degrees C ambient temperature.

HOLOPHANE  
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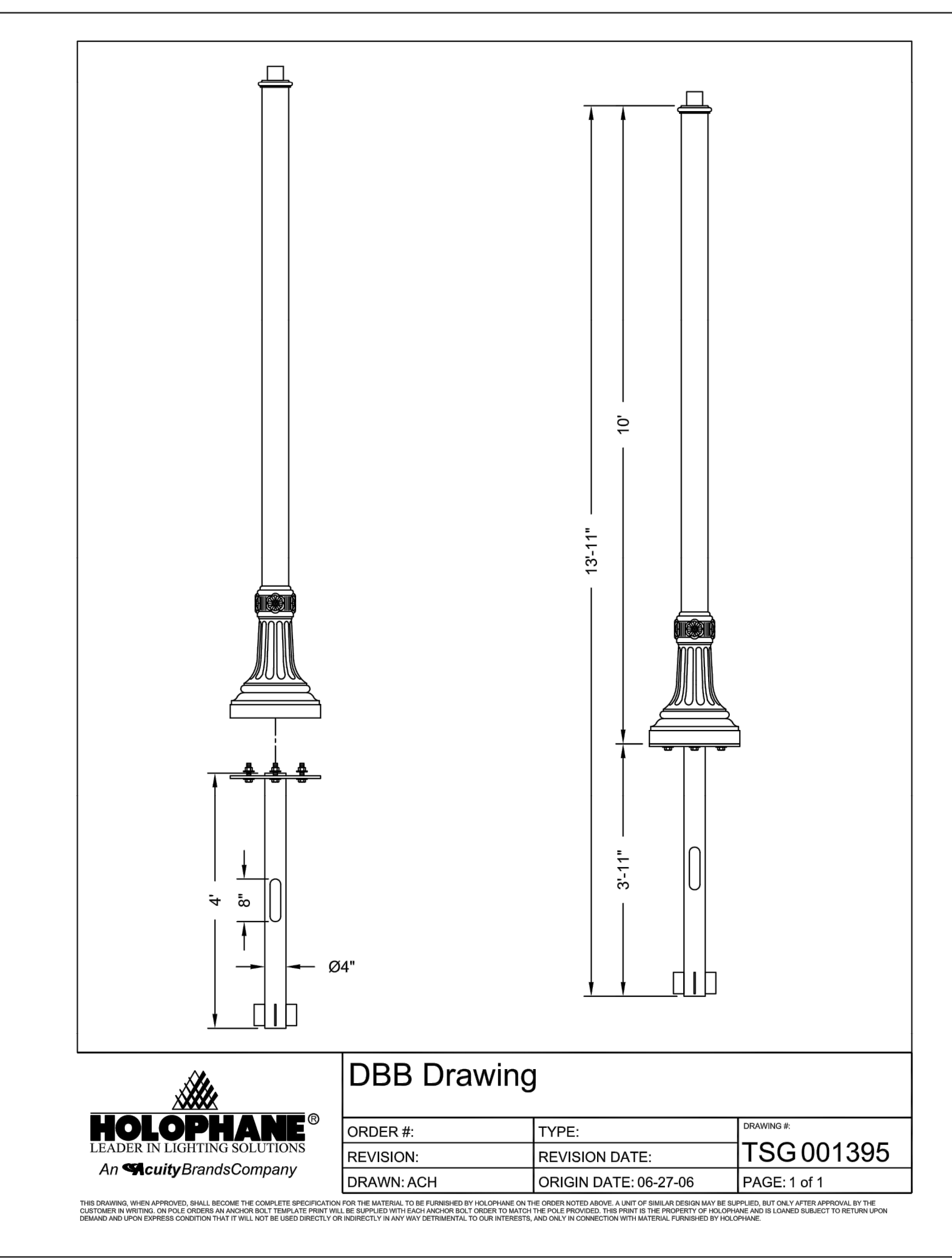


Luminaire Schedule

Symbol	Label	Image	QTY	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF	Wattage
⊕	A	⊕	38	AR10AHP00XG3 SINGLE 12 FT POLE	ARLINGTON	100 W PRORATED FROM 150W CLEAR HPS	1	9500	0.75	100
⊙	B	⊙	2	AR10AHP00XG3 SINGLE 12 FT POLE	ARLINGTON	100 W PRORATED FROM 150W CLEAR HPS	1	9500	0.75	200
⊞	C	⊞	0	PF400MH00XW0X QUAD-HEAD IN LINE 30 FT POLE HEIGHT	PREDATOR	400W COATED MH	1	38000	0.72	1768

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Anchor Lane	+	0.5 fc	1.7 fc	0.1 fc	17.0:1	5.0:1
Barnacle Court	+	0.4 fc	1.4 fc	0.1 fc	14.0:1	4.0:1
Crow's Nest Lane	+	0.5 fc	1.7 fc	0.1 fc	17.0:1	5.0:1
Estuary Blvd	+	0.9 fc	2.4 fc	0.2 fc	12.0:1	4.5:1
Grassy Point	+	0.2 fc	0.8 fc	0.1 fc	8.0:1	2.0:1
Island Beach Road	+	0.4 fc	1.6 fc	0.1 fc	16.0:1	4.0:1
Main Entrance	+	1.4 fc	2.6 fc	0.2 fc	13.0:1	7.0:1
Old Pier Lane	+	0.5 fc	1.8 fc	0.1 fc	18.0:1	5.0:1
Old Salt Lane	+	0.5 fc	1.8 fc	0.1 fc	18.0:1	5.0:1
Parking Community Center	+	1.2 fc	2.8 fc	0.5 fc	5.6:1	2.4:1
Pine Needle Lane	+	0.5 fc	1.6 fc	0.1 fc	16.0:1	5.0:1
Public Road Right of Way	+	0.1 fc	2.0 fc	0.0 fc	N/A	N/A
Sandbar Court	+	0.4 fc	1.3 fc	0.1 fc	13.0:1	4.0:1
Sea Oaks Court	+	0.5 fc	1.8 fc	0.1 fc	18.0:1	5.0:1
Sea Pine Court	+	0.4 fc	1.7 fc	0.1 fc	17.0:1	4.0:1
Sea Spray Lane	+	0.4 fc	1.7 fc	0.1 fc	17.0:1	4.0:1
Tennis Court 1	+	18.9 fc	27.9 fc	10.2 fc	2.7:1	1.9:1
Tennis Court 2	+	19.4 fc	30.0 fc	10.9 fc	2.8:1	1.8:1
Twin Ponds Lane	+	0.5 fc	1.6 fc	0.1 fc	16.0:1	5.0:1
Watch Hill Road	+	0.5 fc	1.9 fc	0.1 fc	19.0:1	5.0:1
Weathervane Way	+	0.4 fc	1.8 fc	0.1 fc	18.0:1	4.0:1



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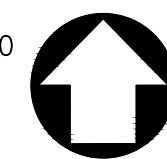
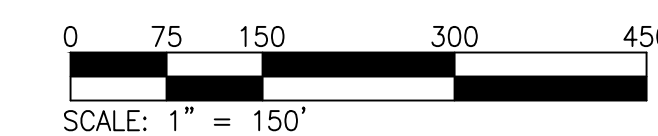
LIGHTING DETAILS

SCALE : AS SHOWN	SHEET NO.
DESIGN BY : RLM	<b>P3.3</b>
DRAWN BY : RLM	
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**NOTES:**

- PLANTS SHALL CONFORM TO CURRENT "AMERICAN STANDARDS FOR NURSERY STOCK" BY AMERICAN ASSOCIATION OF NURSERYMEN (AAN), PARTICULARLY WITH REGARDS TO SIZE, GROWTH AND SIZE OF BALL AND DENSITY OF BRANCH STRUCTURE.
- CONTRACTOR IS TO ENSURE CONFORMANCE TO NATIONAL AND LOCAL BUILDING CODES AND ORDINANCES.
- ALL PLANTS (B&B OR CONTAINER) SHALL BE PROPERLY IDENTIFIED BY WEATHERPROOF LABELS SECURELY ATTACHED HERETO BEFORE DELIVERY TO THE PROJECT SITE. LABELS SHALL IDENTIFY PLANTS BY NAME, SPECIES, AND SIZE. LABELS SHALL NOT BE REMOVED UNTIL THE FINAL INSPECTION BY THE OWNER'S REPRESENTATIVE.
- ANY MATERIAL AND/OR WORK MAY BE REJECTED BY THE OWNER'S REPRESENTATIVE IF IT DOES NOT MEET THE REQUIREMENTS OF THE SPECIFICATIONS. THE CONTRACTOR SHALL REMOVE ALL REJECTED MATERIAL FROM THE SITE.
- THE CONTRACTOR SHALL FURNISH ALL PLANTS IN QUANTITIES AND SIZES TO COMPLETE THE WORK AS SPECIFIED IN THE PLANT SCHEDULE. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES ON THE PLANS PRIOR TO THE COMMENCEMENT OF WORK. QUANTITIES IN THE PLANT SCHEDULE ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY AND DO NOT CONSTITUTE THE FINAL COUNT.
- SUBSTITUTION IN PLANT SPECIES OR SIZE SHALL NOT BE PERMITTED EXCEPT WITH THE WRITTEN APPROVAL OF THE OWNER OR THE OWNER'S REPRESENTATIVE.
- PLANTS SHALL BE LOCATED AS SHOWN ON THE DRAWINGS AND BY SCALING OR AS DESIGNED IN THE FIELD BY THE OWNER OR THE OWNER'S REPRESENTATIVE. ALL LOCATIONS ARE TO BE APPROVED BY THE OWNER OR THE OWNER'S REPRESENTATIVE BEFORE EXCAVATION.
- CONTRACTOR SHALL LOCATE AND MARK ALL UNDERGROUND UTILITY LINES AND IRRIGATION SYSTEMS PRIOR TO EXCAVATING PLANT BEDS OR PITS. ALL UTILITY EASEMENT AREAS WHERE NO PLANTING SHALL TAKE PLACE SHALL ALSO BE MARKED ON THE SITE PRIOR TO LOCATING AND DIGGING THE TREE PITS. IF UTILITY LINES ARE ENCOUNTERED IN EXCAVATION OF TREE PITS OTHER LOCATIONS FOR THE TREES SHALL BE SELECTED BY THE OWNER OR THE OWNER'S REPRESENTATIVE. SUCH CHANGE SHALL BE MADE BY THE CONTRACTOR WITHOUT ADDITIONAL COMPENSATION. NO CHANGES OF LOCATION SHALL BE MADE WITHOUT THE APPROVAL OF THE OWNER OR THE OWNER'S REPRESENTATIVE.
- ALL EQUIPMENT AND TOOLS SHALL BE PLACED SO AS NOT TO INTERFERE OR HINDER THE PEDESTRIAN AND VEHICULAR TRAFFIC FLOW.
- DURING PLANTING OPERATIONS, EXCESS AND WASTE MATERIALS SHALL BE PROMPTLY AND FREQUENTLY REMOVED FROM THIS SITE.
- ALL PLANTED SHRUB BEDS ARE TO BE DUG TO A MINIMUM OF 12" DEEP AND ALL EXISTING SOIL, CONSTRUCTION DEBRIS, ROOT AND OTHER FOREIGN MATERIALS ARE TO BE REMOVED AND DISCARDED OFF SITE. ALL PLANTED SHRUB BEDS ARE TO BE EXCAVATED TO THE WIDTH SHOWN ON THE PLANS.
- ALL TREE PITS ARE TO BE EXCAVATED TO A MINIMUM DEPTH TO ALLOW THE TREE ROOT BALL TO BE A MINIMUM OF 4" HIGHER THAN FINISHED GRADE. THE TREE ROOT BALL IS TO REST ON UNDISTURBED SOIL, OR A COMPACTED BED MUST BE PREPARED FOR THE TREE ROOT BALL TO REST ON AND WHICH WILL NOT SUBSIDE CAUSING THE TREE TO SINK BELOW FINISHED GRADE. ALL TREE PITS ARE TO BE A MINIMUM OF 12" LARGER ON EVERY SIDE OF THE TREE ROOT BALL.
- THE PLANTER BEDS ARE TO BE ENTIRELY CLEANED OUT TO THE UNDISTURBED SOIL LEVEL. ALL EXISTING SOIL, CONSTRUCTION DEBRIS, ROOTS AND OTHER FOREIGN MATERIAL ARE TO BE REMOVED AND DISCARDED OFF SITE.
- THE TOP SOIL TO BE USED TO FILL THE TREE PITS, SHRUB BEDS AND PLANTERS IS TO BE PLANT SPECIFIC. THE TOPSOIL FOR TREES, SHRUBS AND PLANTERS SHALL CONSIST OF A MAXIMUM OF 2/3 EXISTING TOPSOIL FROM THE SITE, WHICH IS CLEANED AND FREE OF CLAY, A MINIMUM OF 1/3 PEAT MOSS, OR OTHER APPROVED ORGANIC MATERIALS OR IMPORTED NEW LOAMY TOPSOIL AND 10 % COW MANURE. ALL OF THESE MATERIALS ARE TO BE MIXED PRIOR TO PLACING IN THE PLANTER OR BACKFILLING WHEN PLANTING.
- THE CONTRACTOR IS RESPONSIBLE TO ENSURE THAT ALL TREE PITS, SHRUB BEDS AND PLANTERS ARE WELL DRAINED. THE LANDSCAPE CONTRACTOR WILL REPLACE ALL PLANT MATERIAL WHICH IS AFFECTED BY POOR DRAINAGE, AT NO CHARGE TO THE OWNER.
- ALL LAWN AREAS ARE TO BE SODDED WITH GRASS APPROPRIATE FOR EACH OF THE SUNLIGHT CONDITIONS, WHICH EXIST ON SITE.
- ALL LAWN AREAS ARE TO BE TILLED TO A DEPTH OF 6" AND ALL FOREIGN MATERIAL REMOVED WHICH WILL INHIBIT THE HEALTHY GROWTH OF THE LAWN. ALL OLD GRASS AND GRASS ROOTS ARE TO BE REMOVED FORM THE SITE. NEW TOPSOIL OF A MINIMUM 4" IS TO BE PLACED OVER THE AREA TO BE SODDED. THE GRASS AREAS ARE TO BE FINE GRADED TO ENSURE THAT NO UNDULATIONS OCCUR IN THE LAWN. THE LAWNS ARE TO BE GRADED IN SUCH A WAY AS TO APPEAR PERFECTLY WELL TAILORED AND EVEN. THE LAWN TOPSOIL IS TO BE ROLLED AND LIGHTLY IRRIGATED PRIOR TO PLACING THE SOD. THE SOD IS NOT TO BE LAID ON FROZEN OR SOAKED SOIL.
- THE EXISTING TREES ARE TO BE PROTECTED DURING THE PREPARATION OF LAWN AREAS. THE ROOTS OF THE TREES ARE TO BE UNDISTURBED DURING THE CLEANING OF THE TOPSOIL.
- THE TREES AND SHRUBS ARE TO BE HANDLED WITH THE BEST CARE AND ATTENTION TO ENSURE THAT THE PLANTS ARE NOT BRUISED, BROKEN, TORN, DAMAGED IN ANY WAY WHICH WILL AFFECT THE PLANTS GENERAL APPEARANCE AND WELL BEING.
- THE TREES MUST BE STAKED IN ACCORDANCE WITH ACCEPTABLE NURSERY PRACTICES TO ENSURE THAT THEY ARE SECURE IN THE GROUND AND WILL GROW STRAIGHT AND UNIFORM. THE TREES ARE TO BE WRAPPED IF THE CONTRACTOR DEEMS IT NECESSARY TO PROTECT THE TREES FROM SUN SCALD OR INSECT ATTACK.
- THE LANDSCAPE CONTRACTOR IS TO PROVIDE A ONE YEAR WARRANTY FOR ALL PLANT MATERIAL AND OTHER WORK DONE ON SITE. THIS WARRANTY WILL BEGIN AT EITHER SUBSTANTIAL COMPLETION OR AT FINAL ACCEPTANCE AS DETERMINED BY THE OWNER.
- LARGE GROWING PLANTS ARE NOT TO BE PLANTED IN FRONT OF WINDOWS, UNDER BUILDING OVERHANGS, OR IN DRAINAGE SWALES. SHRUBS PLANTED NEAR H.V.A.C. UNITS TO BE LOCATED SO THAT SHRUBS AT MATURITY WILL MAINTAIN 1' AIR SPACE BETWEEN THE UNIT AND THE PLANT.
- THE CONTRACTOR IS TO SLIGHTLY ADJUST PLANT LOCATIONS IN THE FIELD AS NECESSARY TO BE CLEAR OF DRAINAGE SWALES AND UTILITIES. FINISHED PLANTING BEDS SHALL BE GRADED SO AS NOT TO IMPEDE DRAINAGE AWAY FROM BUILDINGS.
- GROUPS OF SHRUBS SHALL BE PLACED IN A CONTINUOUS RAISED MULCH BED WITH SMOOTH CONTINUOUS LINES. ALL MULCH BED EDGES SHALL BE CURVILINEAR IN SHAPE FOLLOWING THE CONTOUR OF THE PLANT MASS. TREES LOCATED WITHIN 4' OF SHRUB BEDS SHALL SHARE SAME MULCH BED.
- SECTION 99-5 OF THE CODE OF SUSSEX COUNTY REQUIRES A FORESTED BUFFER TO CONSIST OF 15 TREES PER 100 LINEAR FEET (70% DECIDUOUS AND 30% EVERGREEN). THIS PLAN PROVIDES 15 TREES PER 100 LINEAR FEET AS REQUIRED AT AN APPROXIMATE RATIO OF 10 DECIDUOUS TREES AND 5 EVERGREEN TREES PER R100 LINEAR FEET OF BUFFER.



PRINTS ISSUED FOR:  
APPROVAL &  
RECORDATION

DATE	REVISIONS	NO.

GMB

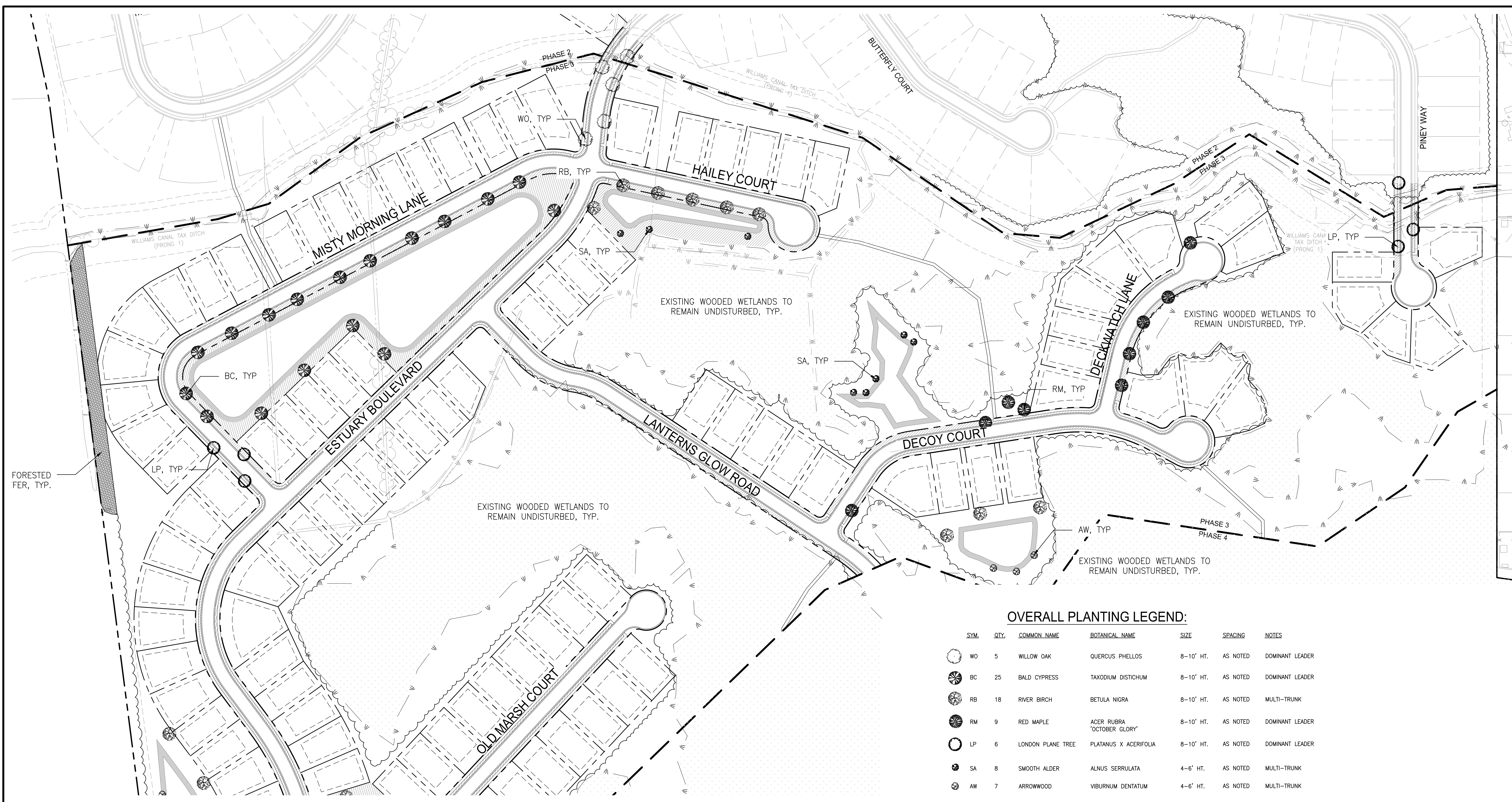
GEORGE, MILES & BUHR, LLC  
ARCHITECTS & ENGINEERS  
SALISBURY • BALTIMORE • SEAFORD  
206 WEST MAIN STREET  
SALISBURY, MARYLAND 21801  
410-742-3115, FAX 410-548-5790  
www.gmbnet.com

ESTUARY PHASE 3  
SUSSEX COUNTY, DELAWARE

LANDSCAPE  
KEY SHEET

SCALE : 1" = 150'	SHEET NO.
DESIGN BY : RLM	P4.0
DRAWN BY : RLM	
CHECKED BY :	
GMB FILE : 140049	
DATE : SEP 2020	© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

C:\Projects\2019\140049 The Estuary\Drawings\Working Sets\Phase 3\Record\Phase 3 Landscape Plan.dwg, 10/27/2020 1:43 PM, Landon Wjick  
 PLOT CODE  
 PEN=GREEN 200 INCHES (50mm) 210 INCHES (53mm)  
 PEN=YELLOW 200 INCHES (50mm) 210 INCHES (53mm)  
 PEN=BLUE 200 INCHES (50mm) 210 INCHES (53mm)  
 PEN=WHITE 200 INCHES (50mm) 210 INCHES (53mm)



FORESTED FER, TYP.

LP, TYP

BC, TYP

EXISTING WOODED WETLANDS TO REMAIN UNDISTURBED, TYP.

SA, TYP

EXISTING WOODED WETLANDS TO REMAIN UNDISTURBED, TYP.

SA, TYP

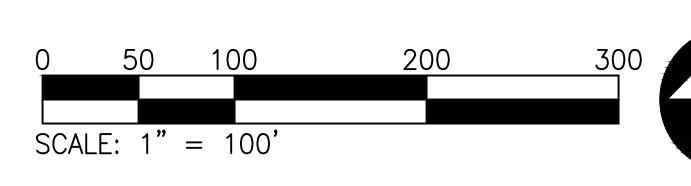
AW, TYP

EXISTING WOODED WETLANDS TO REMAIN UNDISTURBED, TYP.

**OVERALL PLANTING LEGEND:**

SYM.	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	NOTES
	5	WILLOW OAK	QUERCUS PHELLOS	8-10' HT.	AS NOTED	DOMINANT LEADER
	25	BALD CYPRESS	TAXODIUM DISTICHUM	8-10' HT.	AS NOTED	DOMINANT LEADER
	18	RIVER BIRCH	BETULA NIGRA	8-10' HT.	AS NOTED	MULTI-TRUNK
	9	RED MAPLE	ACER RUBRA 'OCTOBER GLORY'	8-10' HT.	AS NOTED	DOMINANT LEADER
	6	LONDON PLANE TREE	PLATANUS X ACERIFOLIA	8-10' HT.	AS NOTED	DOMINANT LEADER
	8	SMOOTH ALDER	ALNUS SERRULATA	4-6' HT.	AS NOTED	MULTI-TRUNK
	7	ARROWWOOD	VIBURNUM DENTATUM	4-6' HT.	AS NOTED	MULTI-TRUNK

	55,015 SF	ERNMX - 734	MD COASTAL PLAIN FRESHWATER OBL MIX	15 LB. PER ACRE
	16,007 SF	520 LF	WOODED BUFFER MIX	SEE INSET FOR DETAIL
	182,921 SF (4.20 ACRES)		TURF TYPE TALL FESCUE	



PRINTS ISSUED FOR:  
APPROVAL & RECORDATION

DATE	
REVISIONS	
NO.	

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**ESTUARY PHASE 3**  
SUSSEX COUNTY, DELAWARE

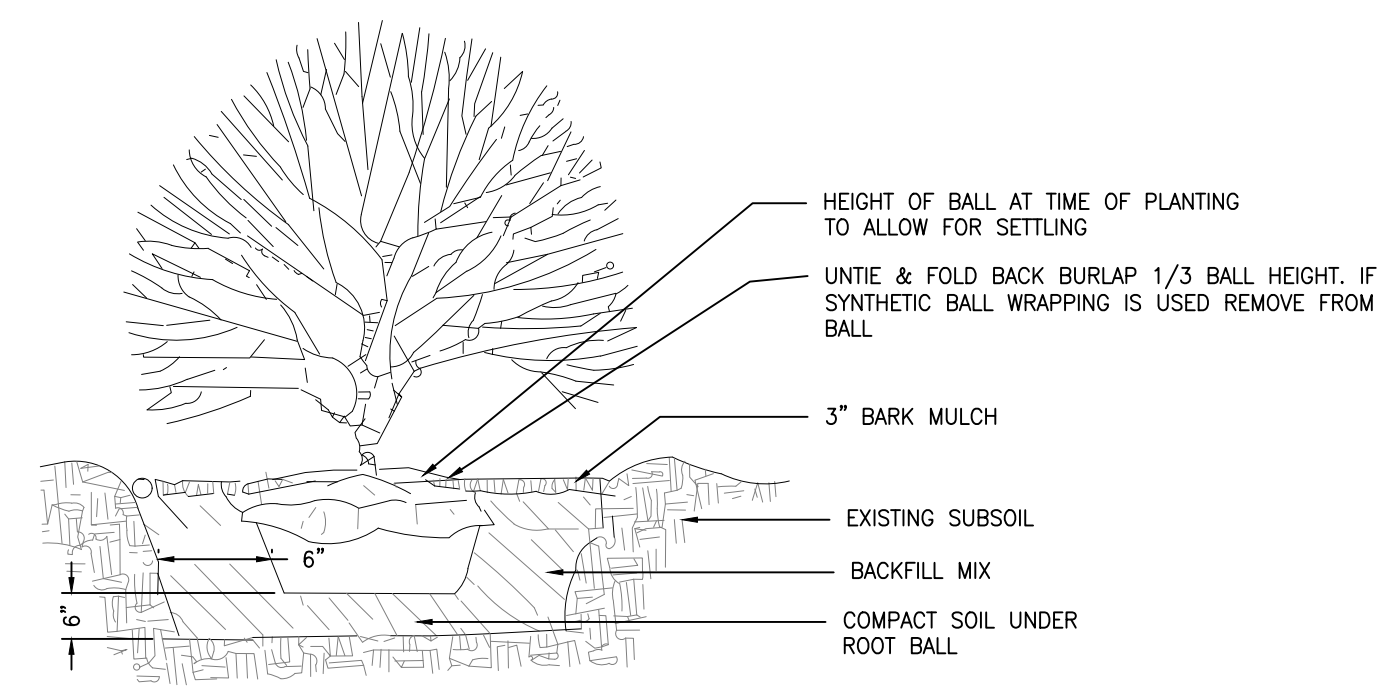
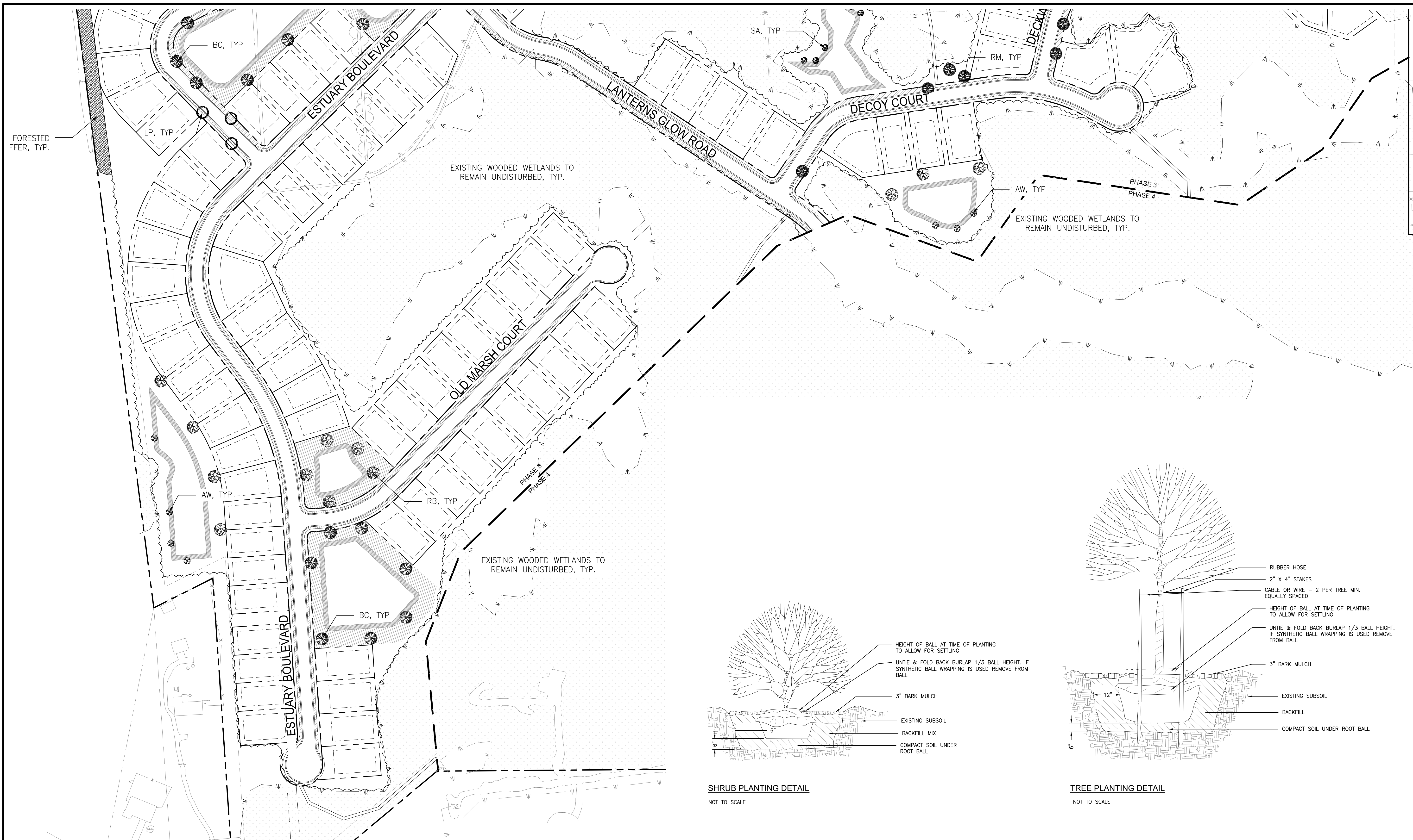
**LANDSCAPE PLAN**

SCALE : 1" = 100'	SHEET NO.
DESIGN BY : RLM	<b>P4.1</b>
DRAWN BY : RLM	
CHECKED BY :	
GMB FILE : 140049	
DATE : SEP 2020	

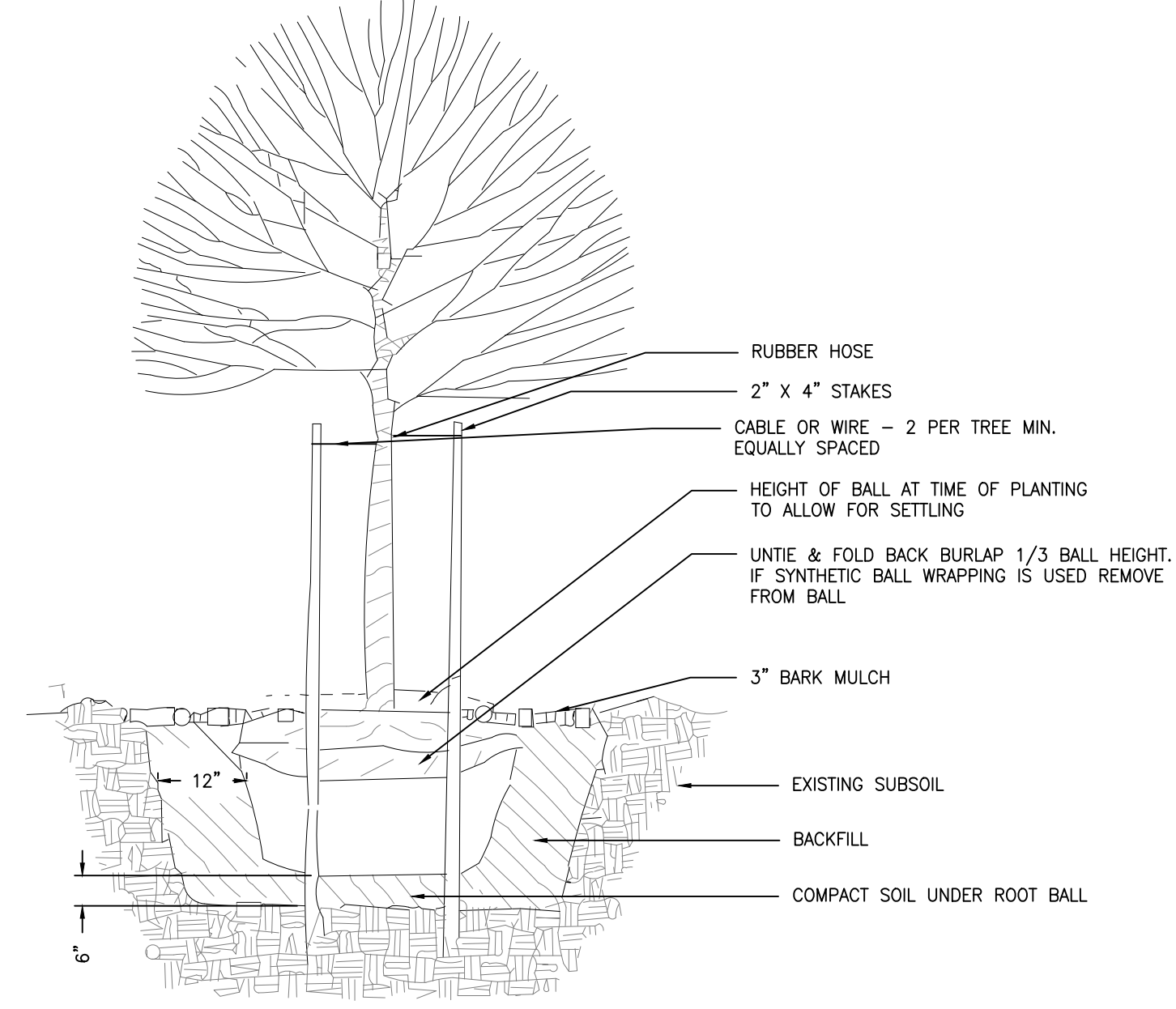
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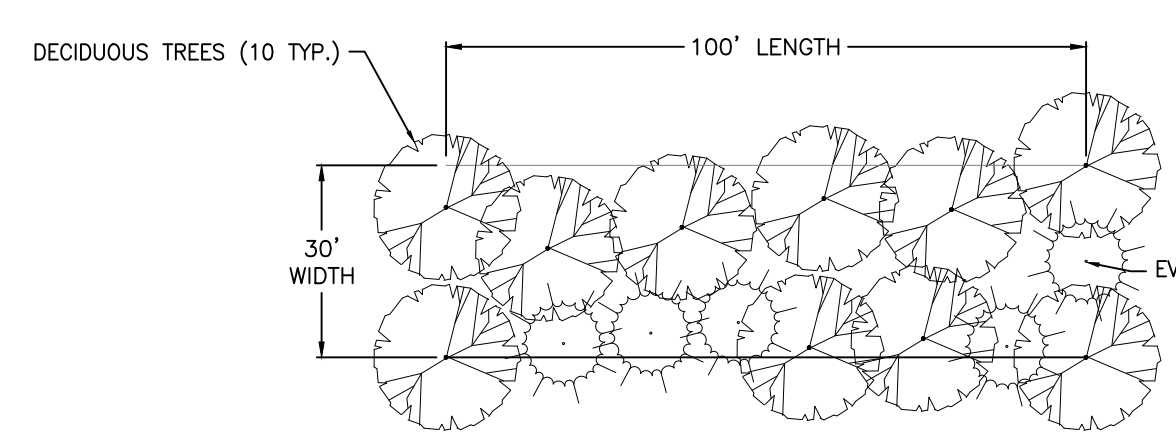
C:\Projects\2019\10089 The Estuary\Drawings\Working Sets\Phase 3 Revised\Phase 3 Revised Landscape Plan.dwg, 10/22/2020 1:44 PM, Landon Myrick  
 PLOT CODE  
 PLOT DATE  
 PLOT TIME  
 PLOT USER  
 PLOT DEVICE  
 PLOT SCALE  
 PLOT SHEETS  
 PLOT TOTAL SHEETS



SHRUB PLANTING DETAIL  
NOT TO SCALE



TREE PLANTING DETAIL  
NOT TO SCALE



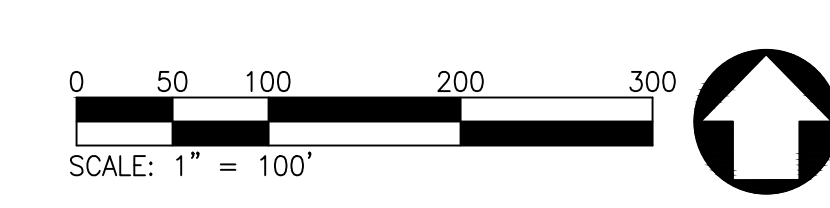
TYPICAL 100' FORESTED BUFFER SECTION

30' LANDSCAPE BUFFER PLANTING LIST		COMMON NAME	SIZE	NOTES
ID	MIX BOTANICAL NAME			
<b>DECIDUOUS TREES (QUANTITY = 52)</b>				
AR	20% ACER RUBRUM 'OCTOBER GLORY'	OCTOBER GLORY RED MAPLE	1.5" CAL. B&B	NATIVE
BN	15% BETULA NIGRA	RIVER BIRCH	5' HGT. B&B	MULTI-STEMMED NATIVE
FP	10% PLATANOIDES X ACERIFOLIA	LONDON PLANE TREE	1.5" CAL. B&B	HYBRID OF NATIVE
NS	20% NYSSA SYLVIATICA	BLACK GUM	1.5" CAL. B&B	NATIVE
QP	35% QUERCUS PALUSTRIS	PIN OAK	1.5" CAL. B&B	NATIVE
<b>EVERGREEN TREES (QUANTITY = 26)</b>				
CT	25% CHAMAECYPARIS THYOIDES	ATLANTIC WHITE CEDAR	5' HGT. B&B	NATIVE
IO	25% ILEX OPACA	AMERICAN HOLLY	5' HGT. B&B	NATIVE
JV	25% JUNPERUS VIRGINIANA	EASTERN RED CEDAR	5' HGT. B&B	NATIVE
PS	25% PINUS STROBUS	EASTERN WHITE PINE	5' HGT. B&B	NATIVE

\* - % MIX DENOTES PERCENTAGE OF TREE SPECIES FOR OVERALL BUFFER PLANTINGS.

LANDSCAPE ARCHITECT'S CERTIFICATION:  
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF DELAWARE.

LANDSCAPE ARCHITECT \_\_\_\_\_ DATE \_\_\_\_\_



PRINTS ISSUED FOR: APPROVAL & RECORDATION	
DATE	
REVISIONS	
NO.	

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**ESTUARY PHASE 3**  
 SUSSEX COUNTY, DELAWARE

SCALE : 1" = 100'  
 DESIGN BY : RLM  
 DRAWN BY : RLM  
 CHECKED BY :  
 GMB FILE : 140049  
 DATE : SEP 2020

SHEET NO.  
**P4.2**



October 5, 2020

Mr. Steve Sellers  
Miller Lewis, Inc.  
1560 Middleford Road  
Seaford, De 19973

**RE: James D. West**  
**TMP# 530-4.00-34.00 and 530-7.00-2.02**

Dear Mr. Sellers,

The Sussex Conservation District has reviewed your submittal on the above referenced project, and we have no objection to recordation.

If you have any questions or concerns, please contact the District at 302-856-2105.

Sincerely,

*Jessica L. Watson*

Jessica L. Watson  
Program Manager





STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**

800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

JENNIFER COHAN  
SECRETARY

October 08, 2020

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

**SUBJECT: Minor Subdivision - Letter of No Objection to Recordation**

**JAMES WEST**

Tax Parcel # 530-17.00-2.02, 530-14.00-34.00

SCR004-SUSSEX HIGHWAY

Northwest Fork Hundred, Sussex County

Dear Mr. Whitehouse:

The Department of Transportation has reviewed the Minor Subdivision Plan dated March 23, 2020 (last revised September 15, 2020), for the above referenced site, and has no objection to its recordation as shown on the enclosed drawing. This "No Objection to Recordation" approval shall be valid for a period of **five (5) years**. If the Minor Subdivision Plan is not recorded and/or an entrance permit is not issued for the lot(s) prior to the expiration of the "No Objection to Recordation", then the plan must be updated to meet current requirements and resubmitted for review and approval.

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

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

JAMES WEST  
Mr. Jamie Whitehouse  
Page 2  
October 08, 2020

to modify or reject this proposed plan even though DeIDOT has established that these enumerated transportation improvements are acceptable.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'S. K. Laws', with a stylized flourish at the end.

Susanne K. Laws  
Sussex County Review Coordinator  
Development Coordination

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



October 5, 2020

Mr. Steve Sellers  
Miller Lewis, Inc.  
1560 Middleford Road  
Seaford, De 19973

**RE: James D. West**  
**TMP# 530-4.00-34.00 and 530-7.00-2.02**

Dear Mr. Sellers,

The Sussex Conservation District has reviewed your submittal on the above referenced project, and we have no objection to recordation.

If you have any questions or concerns, please contact the District at 302-856-2105.

Sincerely,

*Jessica L. Watson*

Jessica L. Watson  
Program Manager





**OFFICE OF THE STATE FIRE MARSHAL  
Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**SFMO PERMIT**

**Plan Review Number:** 2020-04-203539-MIS-01

**Tax Parcel Number:** 530-17.00-2.02

**Status:** Approved as Submitted

**Date:** 04/07/2020

**Project**

James West Subdivision

14686 Sussex Hwy  
Bridgeville DE 19933

James West Property

**Scope of Project**

**Number of Stories:**

**Square Footage:**

**Construction Class:**

**Fire District:** 78 - Greenwood Volunteer Fire Co #1  
Inc

**Occupant Load Inside:**

**Occupancy Code:** 9601

**Applicant**

Stephen M Sellers  
1560 Road 535  
Seaford, DE 19973

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

Joseph Moran



## FIRE PROTECTION PLAN REVIEW COMMENTS

---

**Plan Review Number:** 2020-04-203539-MIS-01

**Tax Parcel Number:** 530-17.00-2.02

**Status:** Approved as Submitted

**Date:** 04/07/2020

### PROJECT COMMENTS

- |               |   |
|---------------|---|
| <b>1002 A</b> | <p>This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at <a href="http://www.statefiremarshal.delaware.gov">www.statefiremarshal.delaware.gov</a>. These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.</p> |
| <b>1010 A</b> | <p>The following water for fire protection requirements apply: NONE. On-Site Wells Proposed. this site meets Water Flow Table 1. therefore the provisions of NFPA 1142 shall apply to this site (DSFPR Regulation 702, Chapter 6, Section 3). Since wells are proposed for this site, no additional requirements will be made by this Agency for water for fire protection.</p>   |
| <b>1180 A</b> | <p>This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.</p>   |
| <b>1190 A</b> | <p>Separate plan submittal is required for the building(s) proposed for this project.</p>   |
| <b>1501 A</b> | <p>If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes or revisions to the plans occur, plans are required to be submitted, reviewed, and approved.</p>   |

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **8/24/2020**

APPLICATION: **2020-05 Lands of James D. West**

APPLICANT: **James D. West**

FILE NO: **WSPA-5.01**

TAX MAP &  
PARCEL(S): **530-14.00-34.00 & 530-17.00-2.02**

LOCATION: **Located on the west side of Sussex Hwy (Rt. 13),  
approximately 0.78 miles south of Adams Road**

NO. OF UNITS: **4 lots**

GROSS  
ACREAGE: **4.296 +/-**

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

**SEWER:**

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

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

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

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

(8). Comments: **The proposed subdivision of land is in a Tier 3 area for sanitary sewer service. Therefore, the Sussex County Engineering Department does not currently have 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

- CONCRETE MONUMENT (FOUND)
- IRON PIPE (FD)
- ⊙ PIPE (SET)
- POINT
- ◆ SOIL BORING
- ◆ UTILITY POLE
- ☒ MAILBOX
- ⌂ EXISTING ENTRANCE

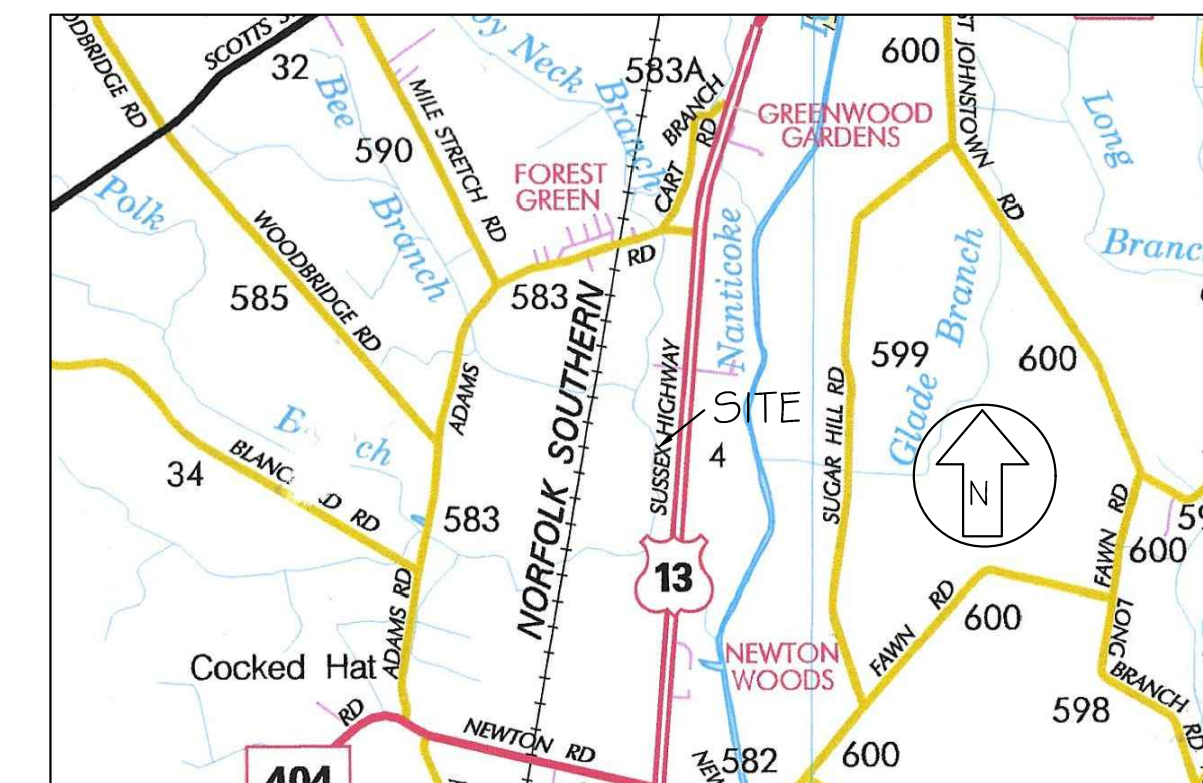
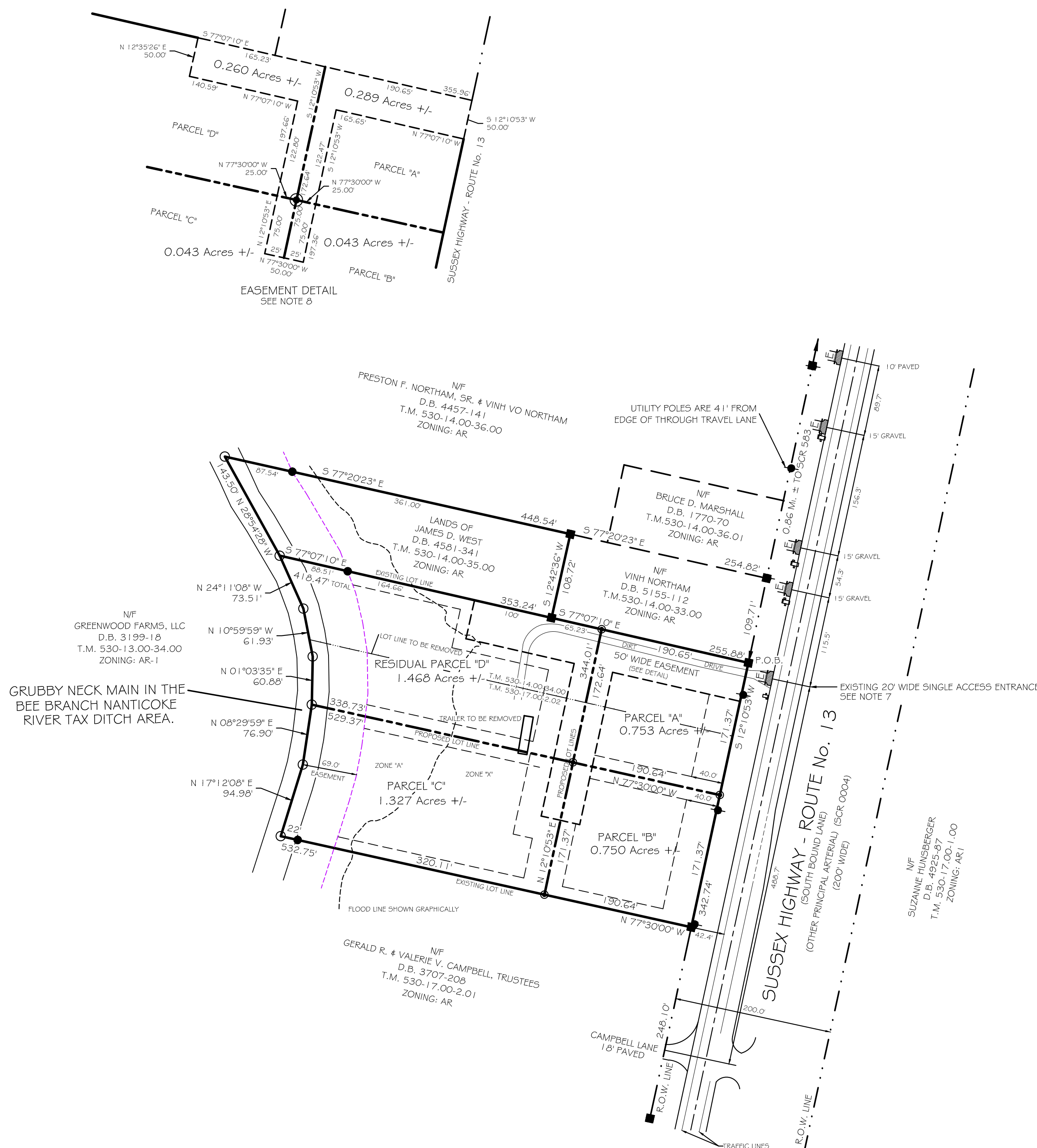
NOTE: SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.

- FIRE MARSHAL NOTES:
1. ALL FIRE LANES, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTION SHALL BE MARKED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
  2. MAXIMUM HEIGHT: 3 STORIES NOT TO EXCEED 42'.
  3. SINGLE FAMILY DWELLINGS ARE PROPOSED.
  4. BUILDING CONSTRUCTION TYPE: NFPA TYPE V WOOD FRAME.
  5. AUTOMATIC FIRE SPRINKLERS ARE NOT PROPOSED FOR THESE STRUCTURES.

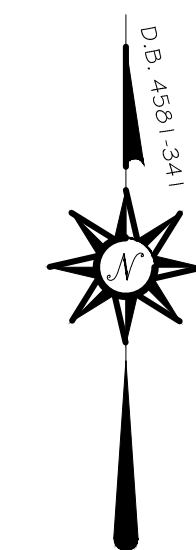
- SUSSEX COUNTY NOTES:
1. THERE SHALL BE NO MORE THAN 4 LOTS WITHIN THE SUBDIVISION.
  2. ALL ENTRANCES SHALL COMPLY WITH ALL DELDOT'S REQUIREMENTS.
  3. THE FINAL SITE PLAN SHALL CONTAIN MAINTENANCE OBLIGATION FOR FOR THE ACCESS ROAD.
  4. THIS PRELIMINARY APPROVAL IS CONTINGENT UPON THE APPLICANT SUBMITTING A REVISED PRELIMINARY SITE PLAN EITHER DEPICTING OR NOTING THE CONDITIONS OF THIS APPROVAL ON IT. STAFF SHALL THE REVISED PLAN UPON CONFIRMATION THAT THE CONDITIONS OF APPROVAL HAVE BEEN DEPICTED OR NOTED ON IT.
  5. THE FINAL SITE PLAN SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF SUSSEX COUNTY.

DATA COLUMN:  
 T.M.#530-14.00-34.00 & 530-17.00-2.02  
 ZONING: AR-1  
 FRONT: 30' ALONG EASEMENT  
 FRONT: 40' ALONG SU55X HIGHWAY  
 SIDES: 15'  
 REAR: 20'  
 TRACT AREA: 4.296 ACRES±  
 EXISTING PARCELS: 2  
 PROPOSED PARCELS: 3 NEW (4 TOTAL INCLUDING RESIDUAL PARCEL)  
 PRESENT USE: RESIDENTIAL  
 PROPOSED USE: RESIDENTIAL  
 ACCESS: ROUTE 13 VIA A 50' WIDE INGRESS/EGRESS EASEMENT  
 ROADWAY CLASSIFICATION: OTHER PRINCIPAL ARTERIAL  
 WATER AND SEWER: INDIVIDUAL ON-SITE  
 100 YEAR FLOODPLAIN: SITE IS IMPACTED AS PER FIRM #10005C0115K DATED 3/16/15  
 THIS PROJECT IS NOT IN THE PROXIMITY OF A TID SPEED LIMIT ON SU55X HWY. IS 55 MPH (POSTED)  
 IF EXISTING ENTRANCES ARE ALTERED, THEY SHALL CONFORM TO DELDOT'S DEVELOPMENT COORDINATION MANUAL (DCM) AND SHALL BE SUBJECT TO ITS APPROVAL. NO CONSTRUCTION SHALL OCCUR IN THE RIGHT-OF-WAY (ROW) WITHOUT A DELDOT PERMIT.

- NOTES:
1. IF THE RESIDUAL LANDS OF THE APPLICANT ARE EVER DEVELOPED INTO A SUBDIVISION, THEN THE ACCESS TO THE PARCELS CREATED BY THIS SUBDIVISION PLAN MAY BE REQUIRED TO BE FROM AN INTERNAL SUBDIVISION STREET.
  2. ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DEL.D.O.T.S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
  3. THERE IS A FIFTY FOOT BUILDING SETBACK FROM LANDS USED FOR AGRICULTURAL PURPOSES.
  4. PARCELS A, B, C & D SHALL HAVE ACCESS TO U.S. ROUTE 13 VIA A 50' WIDE INGRESS / EGRESS EASEMENT, AS SHOWN ON THIS PLAN. NO DIRECT ACCESS TO US 13 WILL BE PERMITTED.
  5. TAX PARCEL 35.00 SHALL HAVE ACCESS TO U.S. ROUTE 13 VIA A 50' WIDE INGRESS / EGRESS EASEMENT, AS SHOWN ON THIS PLAN. NO DIRECT ACCESS TO US 13 WILL BE PERMITTED.
  6. MAINTENANCE OF THE PROPOSED 50 FOOT WIDE INGRESS/EGRESS EASEMENT SHALL BE THE RESPONSIBILITY OF THE OWNERS OF PARCELS A-D & TAX PARCEL 35.00.
  7. ENTRANCES TO PRIVATE STREETS SERVING MULTIPLE RESIDENTIAL LOTS SHOULD BE PAVED FROM THE EDGE OF TRAVEL LANE TO THE ROW LINE (AT A MINIMUM) WITH A DRIVEWAY THROAT WIDTH OF 16 TO 24 FEET. REFER TO DELDOT DEVELOPMENT COORDINATION MANUAL REFERENCE 3.3.3.
  8. A 50-FOOT WIDE INGRESS / EGRESS EASEMENT TO BENEFIT PARCELS A, B, C, D AND PARCEL 35.00 IS HERE BY ESTABLISHED AS PER THIS PLAN.



- LEGEND:
- EXISTING RIGHT-OF-WAY LINE
  - EXISTING LOT LINE
  - - - PROPOSED LOT LINE
  - CENTERLINE
  - - - NEXT PROPERTY LINE
  - - - DITCH LINE
  - - - EDGE OF PAVING
  - - - TAX DITCH EASEMENT LINE
  - - - PARCEL LINE TO BE REMOVED
  - - - 50' WIDE EASEMENT LINE



0 100 200 300  
 SCALE: 1" = 100'

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

STEPHEN M. SELLERS, PLS 566 \_\_\_\_\_ DATE \_\_\_\_\_

I, THE UNDERSIGNED, HEREBY CERTIFY TO THE OWNERSHIP OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION AND DESIRE THE PLAN TO BE RECORDED ACCORDING TO LAW.

\_\_\_\_\_ DATE \_\_\_\_\_

COMBINED PARCELS 2.02 & 34.00  
 SUBDIVISION OF LANDS OF  
**JAMES D. WEST**

OWNER: JAMES D. WEST  
 673 N. PARK DRIVE  
 SALISBURY, MD. 21804  
 Ph: 443-859-3750

SUSSEX CONSERVATION DISTRICT APPROVAL:	APPROVED BY:
	SECRETARY OF PLANNING COMM. _____ DATE _____
	PRESIDENT OF COUNTY COUNCIL _____ DATE _____

DATE	REVISION
1-13-2020	MOVED EASEMENT
8-21-2020	DELDOT COMMENTS
9-15-2020	DELDOT COMMENTS
10-08-2020	COUNTY COMMENTS

OTHER THAN SHOWN, THIS SURVEY AND PLAN DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHTS-OF-WAY OR EASEMENTS CROSSING THIS PROPERTY.  
 NO TITLE SEARCH PROVIDED OR STIPULATED.  
 SURVEY CLASS: SUBURBAN

**MILLER LEWIS, INC.**  
 LAND SURVEYING  
 1560 MIDDLEFORD RD.  
 SEAFORD, DELAWARE 19773  
 PH: 302-629-8895 FAX: 302-629-2391

HUNDRED	COUNTY
NORTH WEST FORK	SUSSEX
STATE	DRAWN BY
DELAWARE	SMS
REF.	FILE NO.
	WEST
MARCH 23, 2020	4581-341
	530-17-2.02



GEORGE, MILES & BUHR, LLC



ARCHITECTS  
ENGINEERS

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

SALISBURY  
BALTIMORE  
SEAFORD

[www.gmbnet.com](http://www.gmbnet.com)



September 22, 2020

Sussex County Planning and Zoning Department  
PO Box 589  
Georgetown, DE 19947

Attn: Ms. Lauren DeVore  
Planner III

Re: Freeman Arts Pavilion  
Tax Map 5-33-19.00-36.01, 864.00, 881.00 & 990.00  
GMB Project No. R150078.00

Dear Lauren:

Please accept this letter and formal Final Site Plan approval request as a follow up to my email dated, 9/2/2020 and our accompanying conference call regarding the referenced project.

I offer the following comments:

1. Master Plan approval for the proposed Freeman Arts Pavilion was granted by the Planning Commission at their December 16, 2015 meeting.
2. Preliminary Site Plan approval was granted by the Planning Commission at their March 12, 2020 meeting.
3. The proposed Final Site Plan is consistent with the previously approved Preliminary Site Plan.
4. As detailed in my 9/2/2020 email and discussed in our follow up call, the Freeman Stage had to significantly alter their plans for the 2020 season due to the COVID-19 pandemic, by limiting the number of patrons to facilitate appropriate social distancing measures. Seats were sold in "pods" of four, with each pod maintaining six feet of separation. I applaud the Freeman Foundation for working tirelessly to bring the arts to lower Sussex County in a time of great turmoil, and for adapting to develop a safe environment for patrons. That being said, the current facility can only accommodate about 400 patrons in the "pod" format. The Freeman Stage team is preparing for another few seasons of social distancing, and 400 patrons is unsustainable.

As such, the team has developed a phasing plan that would allow for maintaining the same number of patrons as the existing stage facility could accommodate "pre-COVID", while the new stage facility is being constructed. We have called this "Phase 1A" and anticipate utilizing this arrangement for the next few years. The Phase 1A plan has been added as Sheet No. FSP-5A, "Interim Phase 1A Temporary Site Plan". Since this sheet was not in the Preliminary Site Plan set, we have labelled the Freeman Arts Pavilion submittal as "Amended Preliminary/Final Site Plan".

5. We have attached Office of Drinking Water, Office of State Fire Marshal and Sussex Conservation District approval letters. We are just waiting on Sussex County Engineering Department approval.

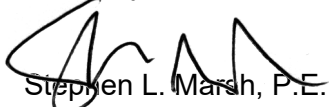
JAMES H. WILLEY, JR., PE  
PETER A. BOZICK, JR., PE  
JUDY A. SCHWARTZ, PE  
CHARLES M. O'DONNELL, III, PE  
W. BRICE FOXWELL, PE  
A. REGGIE MARINER, JR., PE  
JAMES C. HOAGESON, PE  
STEPHEN L. MARSH, PE  
DAVID A. VANDERBEEK, PE  
ROLAND E. HOLLAND, PE  
JASON M. LYTLE, PE  
CHRIS B. DERBYSHIRE, PE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

JOHN E. BURNSWORTH, PE  
MICHAEL G. KOBIN, PE  
VINCENT A. LUCIANI, PE  
ANDREW J. LYONS, JR., PE  
W. NICHOLAS LLOYD  
AUTUMN J. WILLIS

6. We have enclosed two (2) hard copy check prints of the Amended Preliminary/Final Site Plan and Record Plat for your review. We will address your comments and resubmit with Sussex County Engineering Department approval to be placed on the next available Planning Commission agenda.

Please feel free to contact me with any questions at 410-742-3115. Thank you for your assistance in this matter.

Sincerely,



Stephen L. Marsh, P.E.  
Sr. Vice-President

Enclosures: Two (2) copies of the Freeman Arts Pavilion Amended Preliminary/Final Site Plan (check print)

cc: Joshua M. Freeman Foundation  
Attn: Ms. Pattie Grimes (w/o encl.)



September 1, 2020

***TIDEWATER UTILITIES, INC.***

***APPROVAL TO CONSTRUCT***

***Bayside***

Freeman Arts Pavilion

PWS #DE00A0837

Approval #20W139

Ms. Patti Grimes  
Carl M. Freeman Foundation, Inc.  
31556 Winterberry Parkway  
Selbyville, DE 19975

Dear Ms. Grimes:

As provided by Section 2.11 of the *State of Delaware Regulations Governing Public Drinking Water Systems*, you are granted approval to connect the Freeman Arts Pavilion to the existing main in accordance with the plans submitted by George, Miles & Buhr, LLC. The plans consist of:

1. Transmittal letter dated August 31, 2020.
2. Application for Construction of New or Existing PWS dated August 31, 2020.
3. Two copies of the plans entitled "Americana Bayside Freeman Arts Pavilion" dated June 2020.

These plans, as noted, are made a part of this approval. This approval is granted subject to the enclosed list of conditions. It is the owner's responsibility to ensure as-built drawings are maintained throughout all phases of construction. Prior to receiving an Approval to Operate, the Office of Engineering requires one set of as-built drawings, including profile markups and the following additions:

- Increase the vertical separation distance to 18-inches of between the existing sanitary sewer and the proposed water main at water Crossing X-1 on sheet C1.5A.
- Profile crossing mark-ups are required where the 8-inch sanitary sewer crosses the 6-inch mains to Fire hydrant H-1 and the 2-inch service to the Concessions and Restrooms on sheet C1.5A.

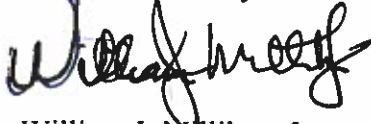
The Office of Engineering recommends detectable tracer tape that is three inches wide and blue in color to be installed directly above all water mains larger than two inches in diameter.

Ms. Patti Grimes  
Carl M. Freeman Foundation, Inc.  
September 1, 2020  
Page 2

I am sending one set of plans with a copy of this approval to George, Miles & Buhr, L.L.C. that is signed and dated by the Office of Engineering.

Should you have any questions regarding this matter, please feel free to contact Bill Milliken at (302) 741-8646.

Plans reviewed by:



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

Sincerely,



Doug Lodge, P.E.  
Supervisor of Engineering  
Office of Engineering

cc: Janelle Cornwell, Sussex County Planning & Zoning  
Kevin Neilson, Public Service Commission  
Terry Gundry, George Miles & Buhr, L.L.C.  
Tawanda Priester, Tidewater Utilities, Inc.  
Alexis Viridin-Gede, Tidewater Utilities, Inc.  
Ashley Kunder, Office of Drinking Water



1. The approval is void if construction has not started by September 1, 2021.
2. The project shall be constructed in accordance with the approved plans and all required conditions listed in this Approval to Construct. If any changes are necessary, revised plans shall be submitted and a supplemental approval issued prior to the start of construction. As-built plans including profile mark-ups must be submitted to the Office of Engineering after construction has been completed.
3. Representatives of the Division of Public Health may inspect this project at any time during the construction.
4. This approval does not cover the structural stability of any units or parts of this project.
5. The water system shall be operated in conformance with the *State of Delaware Regulations Governing Public Drinking Water Systems*.
6. All potable water lines and appurtenances shall be disinfected using one of the methods in the American Water Works Association Standard C651, current edition.
7. Water mains crossing sanitary and storm sewers should be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer, and the water main should be above the sewer. At crossings, one full length of water pipe should be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required. In cases where it is not practical to maintain an 18-inch separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
8. Water mains should be laid 10 feet horizontally from any existing or proposed sanitary or storm sewers. The distance should be measured edge to edge. In cases where it is not practical to maintain a 10-foot separation, the Division may allow deviation on a case-by-case basis if supported by data from the design engineer.
9. All chemicals, materials, mechanical devices, and coatings in contact with potable water shall comply with National Sanitation Foundation/American National Standards Institute Standards (NSF/ANSI) 60 and 61 and shall be inert, nontoxic, and shall not impart any taste, odor, or color to the water.
10. Sufficient valves should be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500-foot intervals in commercial districts and at not more than one block or 800-foot intervals in other districts.
11. There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.

12. Fire hydrant drains shall not be connected to or located within 10 feet of sanitary sewers, storm sewers, or storm drains.
13. Prior to usage of water from this new well, water plant, storage plant, or distribution system, approval for the water quality must be obtained from the Division of Public Health.
14. The water system should be capable of providing at least 25 psi at ground level at all times throughout the distribution system.
15. All plastic pipe utilized in this drinking water system shall be approved for potable water use (NSF-pw). If any piping is joined with solder or flux, the solder and flux shall be lead free (less than or equal to 0.2 percent lead).
16. All water lines should be buried to a depth of at least 3 feet.
17. A Certificate of Public Conveniences and Necessity should be acquired from the Public Service Commission, (302) 739-4247.
18. This approval is for the distribution system only. Plans and specifications for all well plumbing, pumps, storage (including any interior coatings), and treatment must be submitted to and approved by this office prior to their installation.
19. The approval is subject to immediate revocation upon violation of any of the preceding conditions.
20. All other local (county/city/town) approvals or permits needed must be obtained prior to beginning construction.
21. Upon completion of construction and before the system is placed into operation, a "Notice of Completion" must be submitted to the Office of Engineering. Before placing the system into operation, the following must be adhered to:
  - a. Submit a set of as-built plans with profile markups to the Office of Engineering.
  - b. Obtain an Approval to Operate from the Office of Engineering.



May 11, 2020

Ms. Patti Grimes  
c/o George, Miles, & Buhr, LLC  
206 West Main Street  
Salisbury, MD 21801

**RE: Americana Bayside – Freeman Arts Pavilion**

Dear Ms. Grimes:

A Sediment and Stormwater Management Plan has been reviewed for compliance with the Sediment and Stormwater Regulations and is approved with conditions (see attached). Enclosed herein please find a copy of the approved application form and approved plan sets. Please retain a copy for your use and provide the contractor with a copy to be retained onsite at all times. Failure to keep an approved plan onsite is a violation of the approved plan.

Approval of a Sediment and Stormwater Plan does not grant or imply a right to discharge stormwater runoff. The owner/developer is responsible for acquiring any and all agreements, easements, etc., necessary to comply with State drainage and other applicable laws.

This plan approval pertains to compliance with the *Delaware Sediment and Stormwater Regulations*. Please understand that the approval of this plan does not relieve you from complying with any and all federal, state, county, or municipal laws and regulations.

As of January 1, 2014, the Sussex Conservation District began collecting financial guarantees to ensure the construction of stormwater management practices is accomplished in accordance with the approved sediment and stormwater plan. Please refer to the SCD Policy on Bonds located on our website at [Sussexconservation.org](http://Sussexconservation.org). If you have any questions concerning the aforementioned, please do not hesitate to call 302 856-7219.

Sincerely,  
*Jessica Watson*  
Jessica Watson  
Program Manager

JW/jmg

cc: Janelle Cornwell

## CONDITIONS OF APPROVAL

### NOTIFICATION

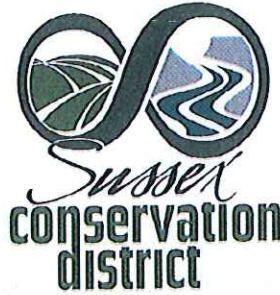
1. This approved plan will remain valid for 5 years from the date of this approval. If construction does not begin within five years, the approved plan will be considered to have expired, and must be resubmitted to the District for a new review. In addition, if work is not completed within the five-year timeframe, the District must be contacted and a request for an extension submitted. Depending on regulation changes, a new plan may need to be submitted to ensure that all stormwater management facilities are constructed to the most recent standards.
2. Submittal of the Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activities together with this approval of the detailed Sediment and Stormwater Plan provide this project with Federal permit coverage to be authorized to discharge storm water associated with construction activities. It is the owner's responsibility to ensure that permit coverage remains valid throughout construction by submitting the NOI fee annually as requested. The developer is responsible for weekly self-inspection reporting to be retained onsite.
3. Notify the Sussex Conservation District Sediment and Stormwater Management Section of your intent to begin construction in writing five (5) days prior to commencing. Failure to do so constitutes a violation of the approved plan.

### CHANGES

4. This project is to be undertaken in accordance with the plans submitted and as approved. If changes are necessary at any time during the completion of the project, submit revised plans, prior to further construction, to the Sussex Conservation District Sediment and Stormwater Program for review and approval of the revision.
5. Should ownership change during the construction period, a revised plan must be submitted for approval showing the new owner's signature on the owner's certification. In addition, a Transfer of Authorization form must be submitted to DNREC to transfer Federal permit coverage to the new owner.

### CONSTRUCTION AND CLOSEOUT

6. A pre-construction meeting must take place before any land disturbing activity begins. The meeting may take place on site and be attended by the owner, contractor, design consultant, Certified Construction Reviewer and Sussex Conservation District Sediment and Stormwater Program Construction Reviewer. The owner or the owner's designee shall contact the Sussex Conservation Construction Reviewer to schedule the pre-construction meeting.
7. Keep available onsite, during all phases of construction, a copy of the approved Sediment and Stormwater Management Plan.
8. Keep available onsite, during all phases of construction, copies of the Developers weekly self-inspection reports and/or the CCR Reports.
9. Any sediment transported off-site to roads or road rights-of-way including ditches shall be removed. Any damage to ditches shall be repaired and stabilized to original condition.
10. Grading shall not impair surface drainage, create an erosion hazard, or create a source of sediment to any adjacent watercourse or property owner.
11. Failure to implement the permanent stormwater management practices as mentioned herein constitutes a violation of the conditions of this plan approval; it may result in the suspension or revocation of building permits or grading permits issued by the local jurisdiction; and it may result in legal action by the DNREC to bring the site into compliance with the approved Sediment and Stormwater Management Plan and the *Delaware Sediment and Stormwater Regulations*.
12. The permanent stormwater management facility or facilities must be constructed and accepted by the Sussex Conservation District Sediment and Stormwater Program prior to final closeout of the project site. Post construction verification documentation of the stormwater management facility or facilities must be completed as soon as construction of the facility or facilities is complete so that any necessary modifications may be made during the construction period.



## DETAILED SEDIMENT AND STORMWATER MANAGEMENT PLAN APPLICATION

NAME OF PROJECT: Freeman Arts Pavilion  
PROJECT DESCRIPTION: Stage, Amphitheater, and facilities at America Bayside for Joshua M. Freeman Foundation  
LOCATION OF PROJECT: Americana Bayside - Selbyville, DE  
PROJECT TAX MAP NUMBER: 533-19.00-36.01  
PROJECT COORDINATES (center of site-decimal degrees) LAT: 38.46534 N LONG: 75.11228 W  
TYPE OF PROJECT: Other WATERSHED: Assawoman Bay  
NUMBER OF LOTS: N/A TOTAL ACRES: 10.54 ac DISTURBED ACRES: 9.85 ac

### APPLICANT'S CONTACT INFORMATION

FIRST NAME: Patti LAST NAME: Grimes  
COMPANY NAME: Joshua M. Freeman Foundation  
ADDRESS: 31556 Winterberry Parkway  
CITY: Selbyville STATE: DE ZIP: 19975  
PHONE NUMBER: 302-436-3015 FAX NUMBER: \_\_\_\_\_  
EMAIL ADDRESS: patti@freemanfoundation.org

### CONSULTANT CONTACT INFORMATION

CONSULTANT/ENGINEER NAME: George, Miles & Buhr, LLC  
CONTACT PERSON/PROJECT MANAGER: Jonathan R. Soistman, E.I.T.  
PHONE #: (410) 742-3115 FAX #: ( ) \_\_\_\_\_  
EMAIL ADDRESS: jsoistman@gmbnet.com

### SUSSEX CONSERVATION DISTRICT APPROVAL

REVIEWER: *John J. Justice* DATE: 5-11-20  
APPROVAL: *John J. Justice* DATE: 5/10/20

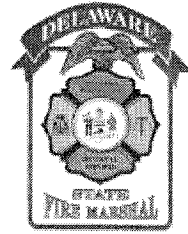
*If ownership of this project changes during the construction period, Sussex Conservation District will require a new signed owner's certification statement.... In addition, the authorization to discharge stormwater under the regulations Part 2 Special Conditions for Storm Water Discharges Associated with Construction Activities, must be transferred by the original owner to the new owner, please contact DNREC for assistance at 302-739-9921.*





**OFFICE OF THE STATE FIRE MARSHAL  
Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**SFMO PERMIT**

**Plan Review Number:** 2020-04-203895-MJS-01

**Tax Parcel Number:** 533-19.00-39.00

**Status:** Approved as Submitted

**Date:** 06/04/2020

**Project**

Freeman Arts Pavillion

Lakeview Drive

Americana Bayside Property

Selbyville DE 19975

**Scope of Project**

**Number of Stories:**

**Square Footage:**

**Construction Class:**

**Fire District:** 90 - Roxana Volunteer Fire Co

**Occupant Load Inside:**

**Occupancy Code:**

**Applicant**

Stephen Marsh  
206 W Main Street  
Salisbury, MD 21801

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

Desiree McCall

## FIRE PROTECTION PLAN REVIEW COMMENTS

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**Plan Review Number:** 2020-04-203895-MJS-01

**Tax Parcel Number:** 533-19.00-39.00

**Status:** Approved as Submitted

**Date:** 06/04/2020

### PROJECT COMMENTS

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- 1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov). These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.
- 1040 A** This site meets Water Flow Table 2, therefore the following water for fire protection requirements apply: Main Sizes: 6" minimum. Minimum Capacity: 1,000 gpm @ 20 psi residual for 1 hour duration. Hydrant Spacing: 800' on center.
- 1180 A** This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.
- 1190 A** Separate plan submittal is required for the building(s) proposed for this project.
- 1132 A** Fire hydrants shall be color coded in accordance with the DSFPR, Part III, Section 3 4. This includes both color coding the bonnet and 2" reflective tape around the barrel under the top flange.
- 1232 A** All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located. DSFPR Part III, Section 1.1.5.1.
- 1332 A** The distance between a fire hydrant and the fire lane shall not be greater than seven feet (DSFPR Part V, Chapter 5, Section 5 10.4).
- 1432 A** The steamer connection of all fire hydrants shall be so positioned so as to be facing the street or fire lane. (DSFPR Regulation 705, Chapter 5, Section 10). The



**center of all hose outlet(s) on fire hydrants shall be not less than 18 inches above finalgrade (NFPA 24, Section 7.3.3).**

**1299 A The required Fire Lane Access and Perimeter Access and all fire lane markings shall be in accordance with the site plan as approved by this Agency. This will be field verified at the final inspection. Noncompliance may cause a delay in approval forCertificate of Occupancy.**

**1501 A If there are any questions about the above referenced comments please feel free to contact the Fire Protection Specialist who reviewed this project. Please have the plan review number available when calling about a specific project. When changes orrevisions to the plans occur, plans are required to be submitted, reviewed, and approved.**

ZONING CONDITIONS

FEBRUARY 6, 2001 - AMENDED SEPTEMBER 23, 2003 AND APRIL 13, 2010
CMF BAYSIDE, L.L.C. - CHANGE OF ZONE NO. 1393

- 1. THE MAXIMUM NUMBER OF RESIDENTIAL UNITS SHALL NOT EXCEED 1,700.
2. THE DEVELOPER MAY PROVIDE A MINIMUM OF 104 ASSISTED LIVING UNITS...
3. THE MAXIMUM SQUARE FOOTAGE OF RETAIL/OFFICE SPACE SHALL BE 170,000 SQUARE FEET...
4. RESIDENTIAL CERTIFICATES OF OCCUPANCY SHALL NOT EXCEED 200 ANNUALLY ON A CUMULATIVE BASIS.

- PLANNING & ZONING DESIGN CONDITIONS - SEPTEMBER 23, 2003
A. THE COMMISSION APPROVED A 35-FOOT AGGREGATE YARD FOR TOWNHOUSE UNITS WITH A MINIMUM FRONT YARD SETBACK OF 15- FEET.
B. THE COMMISSION APPROVED 75-FOOT SINGLE FAMILY LOTS ALONG ROADS 394 AND 394A.

LIST OF DRAWINGS

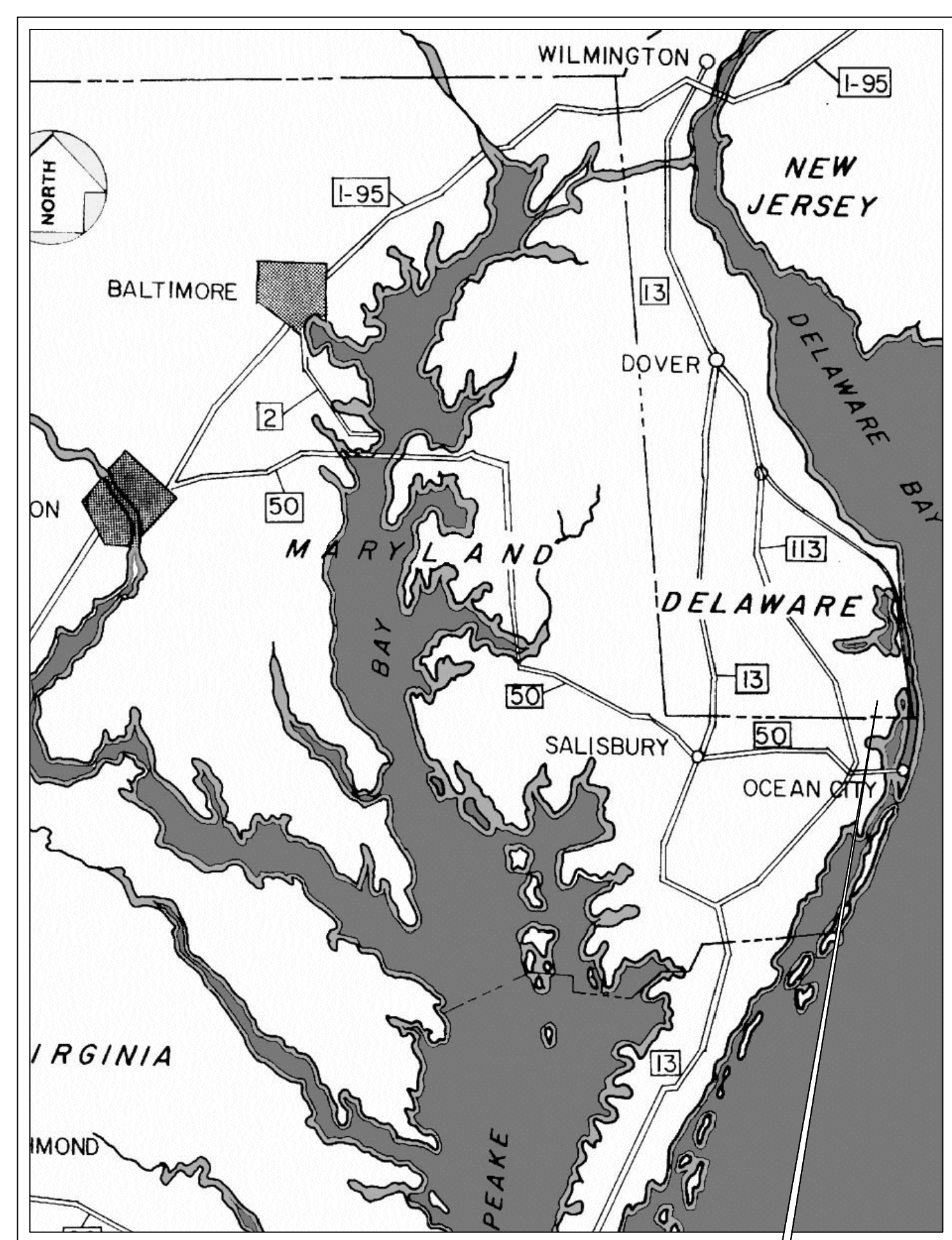
- FSP-1 COVER SHEET
FSP-2 OVERALL KEY SHEET
FSP-3 EXISTING CONDITIONS
FSP-4 KEY PLAN
FSP-5 FINAL SITE PLAN PHASE 1B & 2
FSP-5A INTERIM PHASE 1A TEMPORARY SITE PLAN

AMERICANA BAYSIDE

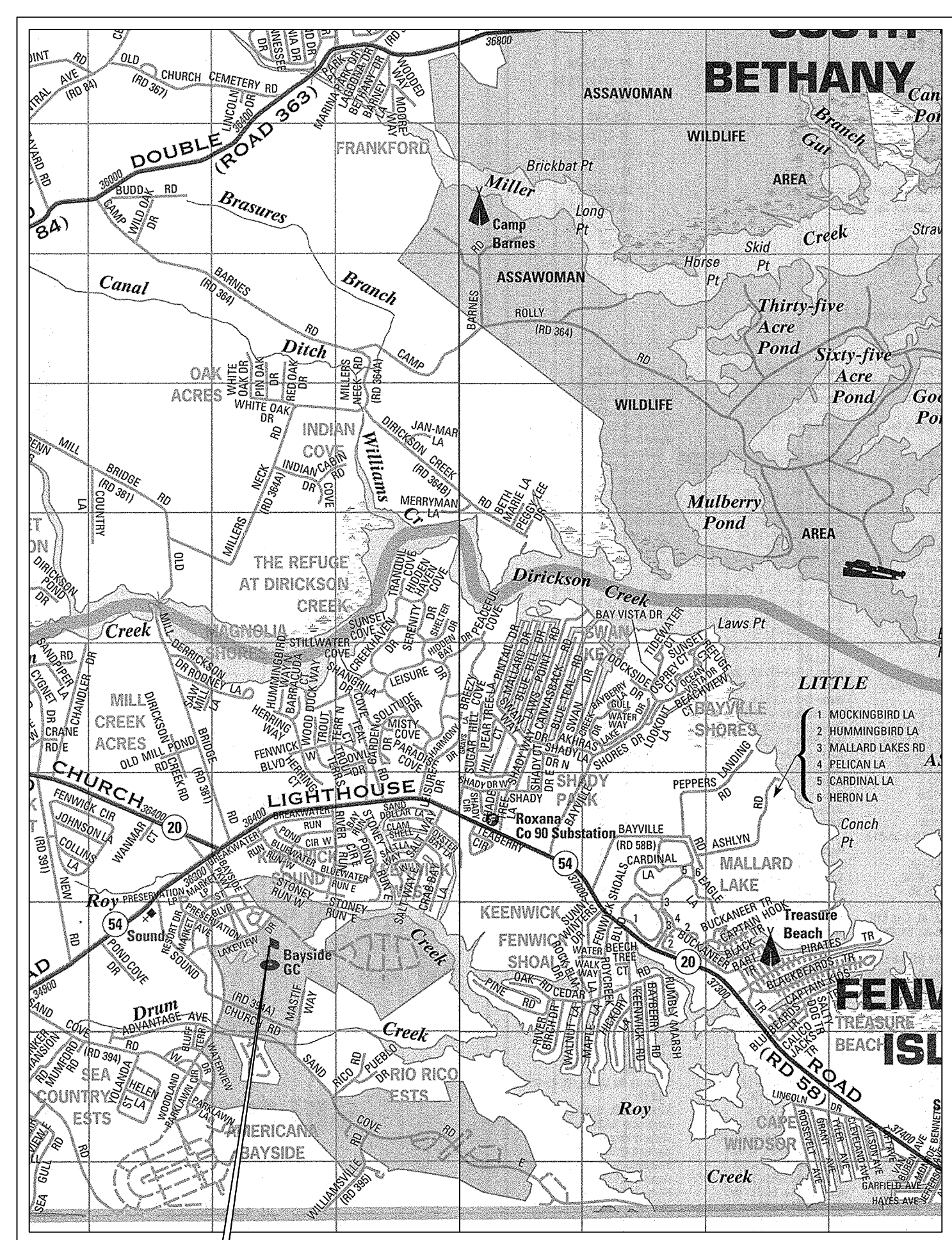
Joshua M. Freeman FOUNDATION

SUSSEX COUNTY, DELAWARE
FREEMAN ARTS PAVILION
AMENDED PRELIMINARY/
FINAL SITE PLANS

GMB FILE NO. 150078/97058-J



VICINITY MAP
SCALE: 1" = 20 MILES
AMERICANA BAYSIDE



PROJECT LOCATION
SCALE: 1" = 2000'

OWNER/DEVELOPER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION.

JOSH MASTRANGELO DATE
CMF BAYSIDE, LLC
T.M. 533-19.00-990.00

ENGINEER'S CERTIFICATION:

"I STEPHEN L. MARSH, P.E. HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HERE HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEVE REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE."

STEPHEN L. MARSH, P.E. DATE
GEORGE, MILES, & BUHR, LLC.



206 WEST MAIN STREET
SALISBURY, MARYLAND 21801
410-742-3115, FAX 410-548-5790
www.gmbnet.com

SEPTEMBER 2020

OWNER/DEVELOPER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION.

PATTI GRIMES DATE
FREEMAN ARTS PAVILION, INC.
PROPOSED T.M. 533-19.00-881.00

OWNER/DEVELOPER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION.

DAVE LEVITSKY DATE
SUSSEX SPORTS AMENITIES, LLC
T.M. 533-19.00-36.01

OWNER/DEVELOPER'S CERTIFICATION:

I HEREBY CERTIFY THAT I AM THE DEVELOPER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THAT THE PLAN WAS MADE AT MY DIRECTION.

PATTI GRIMES DATE
CARL M. FREEMAN FOUNDATION, INC.
T.M. 533-19.00-881.00, 864.00 & 866.00

NOTES:

- 1. ALL INTERIOR SIDE LOT LINES ARE RESERVED FOR THE CENTERLINE OF A 10' WIDE DRAINAGE AND/OR UTILITY EASEMENT...
2. MAINTENANCE OF THE STREETS WITHIN THIS SUBDIVISION WILL BE THE RESPONSIBILITY OF THE DEVELOPER...
3. MAINTENANCE OF STORM DRAIN AND STORMWATER MANagements FACILITIES WILL BE THE RESPONSIBILITY OF THE DEVELOPERS...

THERE ARE NO WETLANDS SITUATED ON THIS PARCEL.

- 9. STORMWATER MANAGEMENT PRACTICES WILL BE DESIGNED TO MEET STORMWATER QUALITY AND QUANTITY MANAGEMENT REQUIREMENTS...
10. EASEMENTS SHALL BE PROVIDED WHERE NECESSARY TO MEET PUBLIC UTILITY REQUIREMENTS...

SITE INFORMATION:

THE PRELIMINARY SITE PLAN FOR THE AMERICANA BAYSIDE - FREEMAN ARTS PAVILION WAS APPROVED BY THE PLANNING AND ZONING COMMISSION ON MARCH 12, 2020...

OWNER/DEVELOPER: FREEMAN ARTS PAVILION, INC./JOSHUA M. FREEMAN FOUNDATION
T.M. 533-19.00-864.00, 866.00, 881.00; DEED BOOK 3701 PAGE 109

SUSSEX SPORTS AMENITIES, LLC
T.M. 533-19.00-36.01; DEED BOOK 4675 PAGE 158
21 VILLAGE GREEN DRIVE, SUITE 200
OCEAN VIEW, DE 19970

CMF BAYSIDE, LLC
T.M. 533-19.00-990.00; DEED BOOK 3701 PAGE 109
21 VILLAGE GREEN DRIVE, SUITE 200
OCEAN VIEW, DE 19970

ENGINEER: GEORGE, MILES & BUHR, LLC
206 WEST MAIN STREET
SALISBURY, MD 21801

ZONING CLASSIFICATION: MR-RPC
PRESENT USE: GOLF FACILITIES, PARKING LOT, RIGHT OF WAY AND FREEMAN STAGE
PROPOSED USE: PERFORMING ARTS STAGE AND LAWN SEATING

FLOOD INFORMATION: ZONE X AND SPECIAL FLOOD HAZARD AREA ZONE AE 4
PER FEMA MAP 10005C0653K, REVISED MARCH 16, 2015

AREA DISTURBED
TOTAL BAYSIDE GOLF FACILITY P36.01 AREA: ± 372.79 ACRES PROPOSED: ± 368.98 ACRES

CARL M FREEMAN FOUNDATION P864: ± 3.36 ACRES PROPOSED: ± 3.22 ACRES

CARL M FREEMAN FOUNDATION P866: ± 0.42 ACRES PROPOSED: ± 0.50 ACRES

CARL M FREEMAN FOUNDATION P881: ± 0.52 ACRES PROPOSED: ± 5.27 ACRES

CMF BAYSIDE, LLC P990: ±3.55 ACRES PROPOSED: ± 2.67 ACRES

PROPOSED TOTAL FREEMAN ARTS PAVILION AREA: P864 + P866 + P881 = ± 8.98 ACRES

TOTAL BAYSIDE LAND AREA (INCLUDING GOLF): ± 931.24 ACRES

BUILDING RESTRICTIONS: THERE ARE NO REQUIRED SETBACKS WITHIN THE GOLF FACILITY BOUNDARY OR WITHIN TOWN CENTER LOTS

MAXIMUM BUILDING HEIGHT 52' WITH NO LIVING SPACE ABOVE 42'. SEE PLANNING AND ZONING DESIGN CONDITIONS DATED SEPTEMBER 23, 2003 THIS SHEET.

CONSERVATION AREAS ARE EASEMENTS APPROVED BY PLANNING AND ZONING DECEMBER 13, 2010 AND RECORDED JULY 15, 2010 PLOT BOOK 153, PAGE 77. THE PURPOSE OF THE CONSERVATION EASEMENT IS TO ASSURE THE EASEMENT AREA WILL BE MAINTAINED AND RETAINED FOREVER IN A NATURAL, SCENIC, AND OPEN SPACE CONDITION...

REQUIRED PARKING: COVERED SEATING (FIXED) = 730 SEATS
COVERED SEATING (REMOVABLE) = 200 SEATS
TOTAL 930 SEATS

1/4 SEATS (1010/4) = 252.5 SPACES

LAWN AREA 29,345/50 SF = 587 SPACES

TOTAL REQUIRED: 840 SPACES

HANDICAP PARKING (2% OF TOTAL) = 17 SPACES (18 PROVIDED)

PROVIDED PARKING: 876 SPACES TOTAL
18 HANDICAP SPACES
14 LARGE PASSENGER VEHICLE SPACES

APPROVED \_\_\_\_\_ BY \_\_\_\_\_

SUSSEX COUNTY
PLANNING AND ZONING COMMISSION

Table with columns for DATE, REVISIONS, and NO.

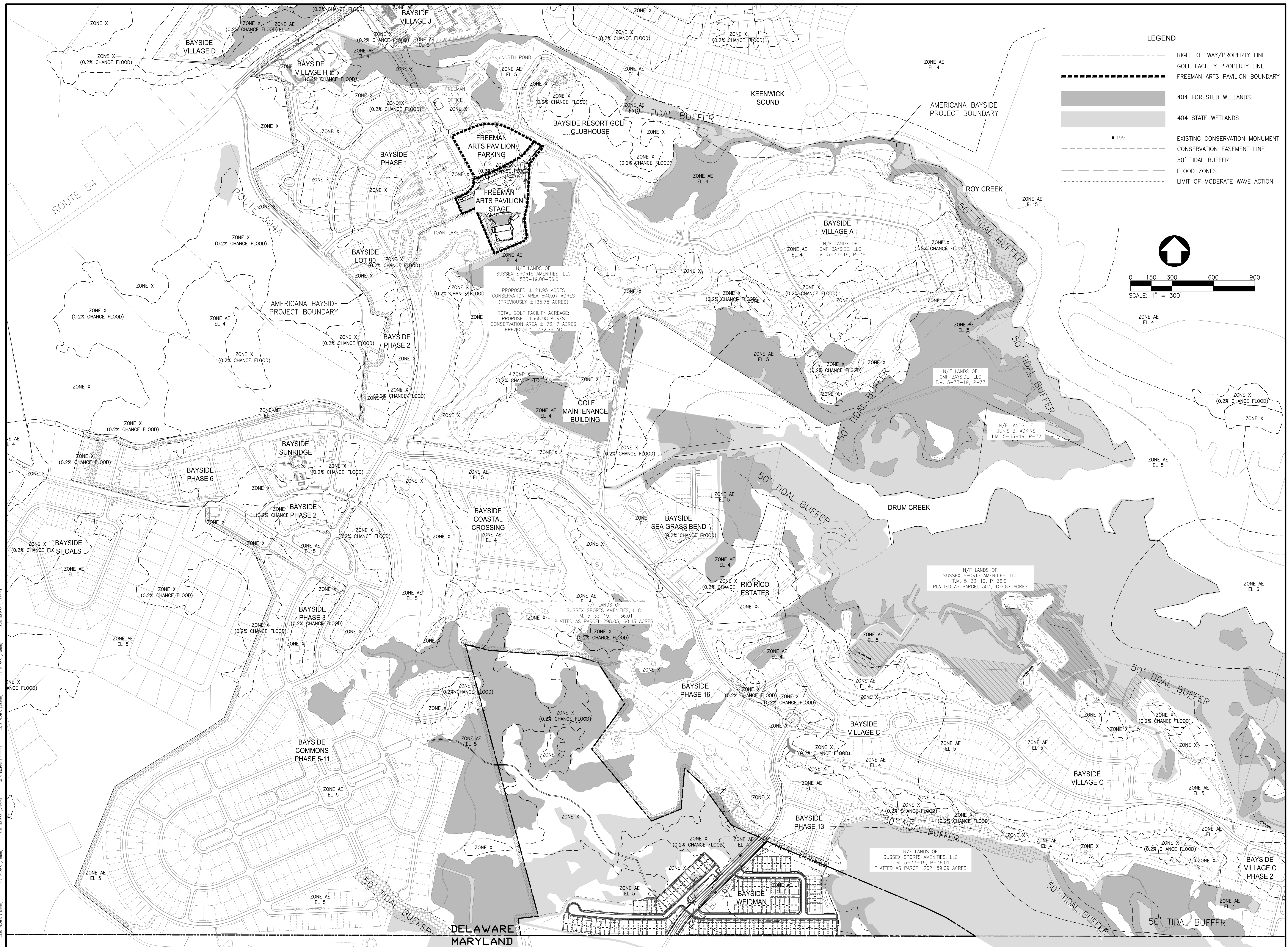
GMB GEORGE, MILES & BUHR, LLC ARCHITECTS & ENGINEERS logo and address information.

AMERICANA BAYSIDE logo and Joshua M. Freeman FOUNDATION information.

FREEMAN ARTS PAVILION COVER SHEET

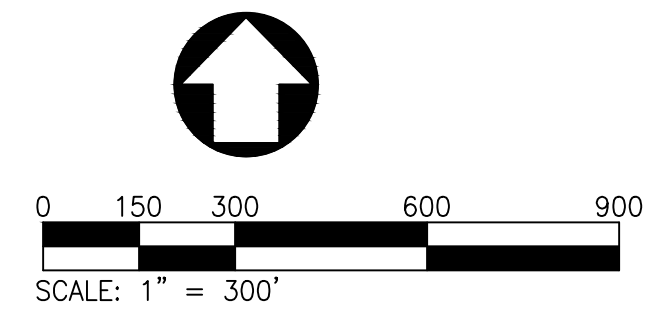
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© Project 1970-2020, 07/25/2020 10:35 AM, Tony M. Curby  
 PLOT CODE: FSP-2  
 PRINT-DATE: 07/25/2020 10:35 AM  
 PRINT-MODE: PLOT-2  
 PLOT-SCALE: 1" = 300'  
 PLOT-DIMENSIONS: 24" x 36" (1/4" x 3/4")



**LEGEND**

	RIGHT OF WAY/PROPERTY LINE
	GOLF FACILITY PROPERTY LINE
	FREEMAN ARTS PAVILION BOUNDARY
	404 FORESTED WETLANDS
	404 STATE WETLANDS
	EXISTING CONSERVATION MONUMENT
	CONSERVATION EASEMENT LINE
	50' TIDAL BUFFER
	FLOOD ZONES
	LIMIT OF MODERATE WAVE ACTION



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 Joshua M. Freeman  
 FOUNDATION  
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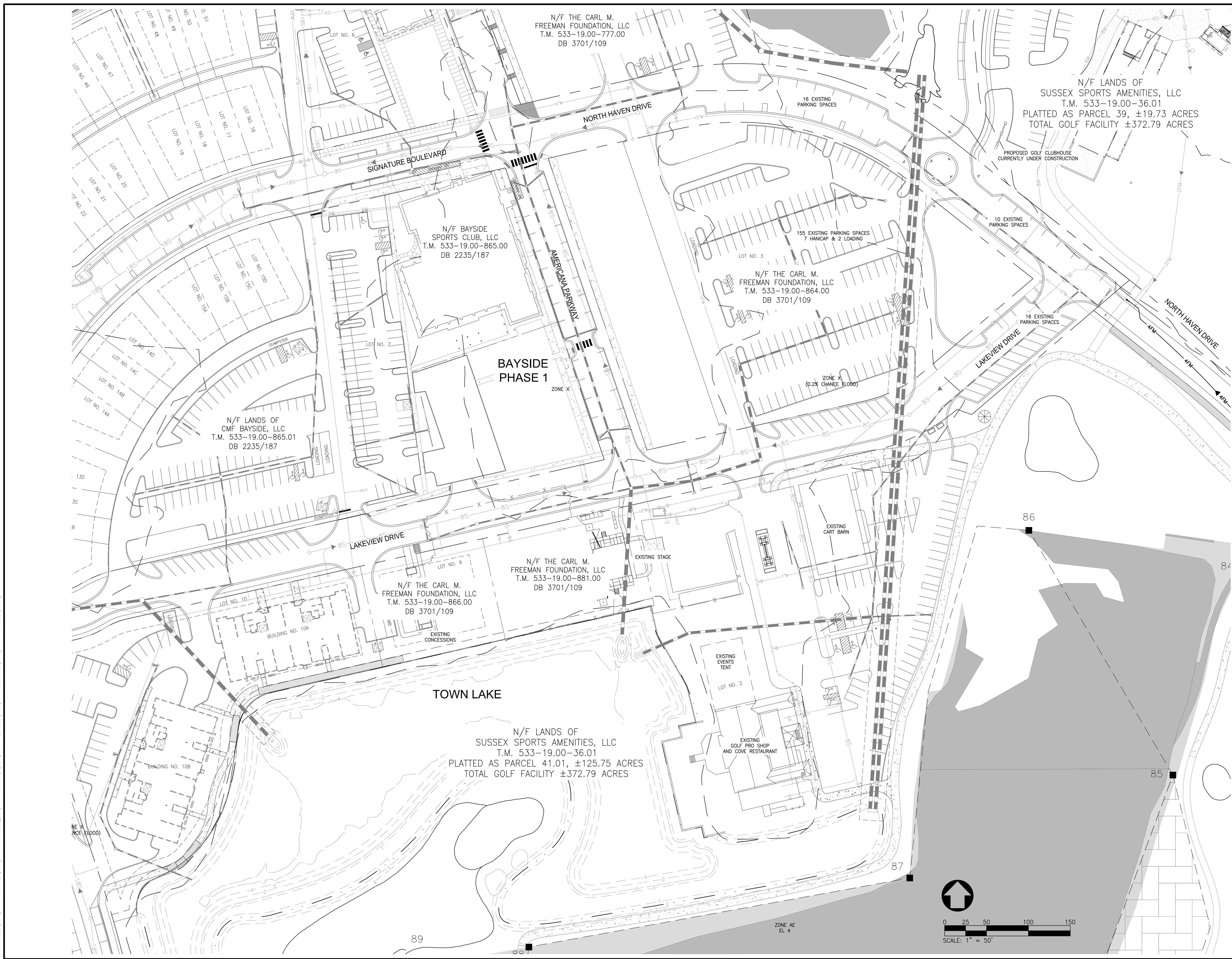
**FREEMAN ARTS  
 PAVILION  
 OVERALL KEY  
 SHEET**

SCALE: 1" = 300'	SHEET NO. FSP-2
DESIGN BY: TMG	
DRAWN BY: TMG	
CHECKED BY:	
GMB FILE: 150078	
DATE: SEPT 2020	

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© Project 197A (1068) - 3D map of Clubhouse and Shop/Building SAs (SP and SW) and PLOT CODE (SP-3) 1P, EXISTING CONDITIONS. Rev. 9/25/2020 10:37 AM, Terry M. Leedy

PLOT CODE: SP-3  
 020 INCHES (50mm)  
 PEN: RED  
 020 INCHES (50mm)  
 PEN: BLUE  
 020 INCHES (50mm)  
 PEN: GREEN  
 020 INCHES (50mm)  
 PEN: YELLOW  
 020 INCHES (50mm)  
 PEN: WHITE  
 020 INCHES (50mm)



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AMERICANA BAYSIDE

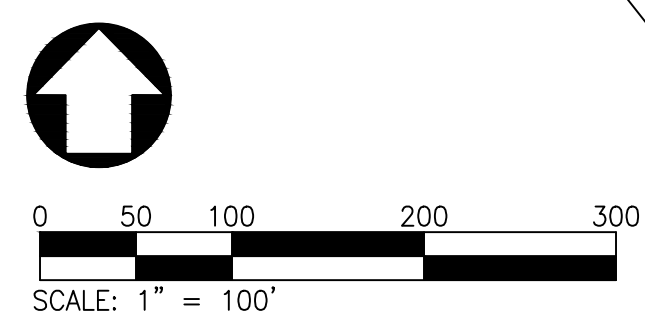
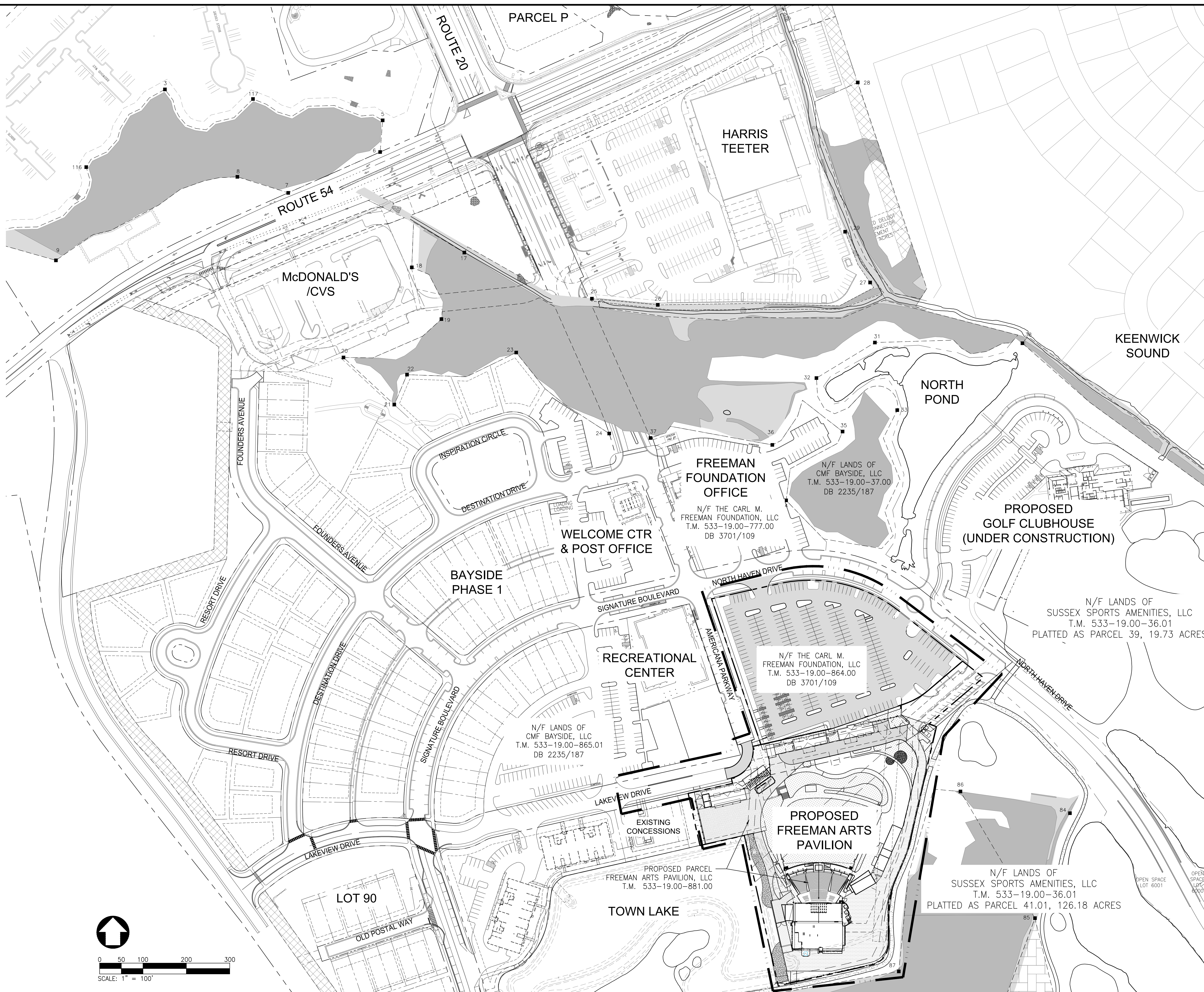
Joshua M. Freeman  
 FOUNDATION

**BALTIMORE HUNDRED**  
**SUSSEX COUNTY, DELAWARE**

**FREEMAN ARTS  
 PAVILION  
 EXISTING  
 CONDITIONS**

SCALE : 1" = 50'	SHEET NO.
DESIGN BY : TMG	FSP-3
DRAWN BY : TMG	
CHECKED BY :	
GMB FILE : 150078	
DATE : SEPT 2020	

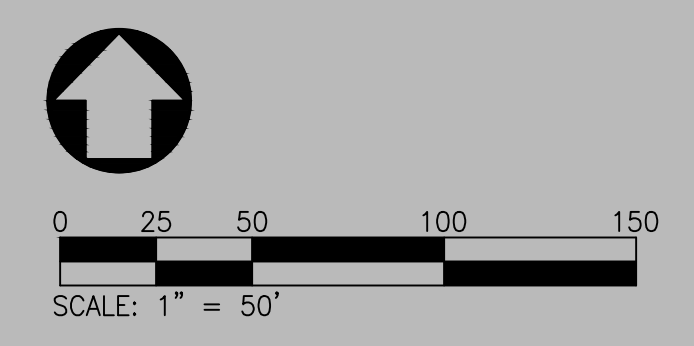
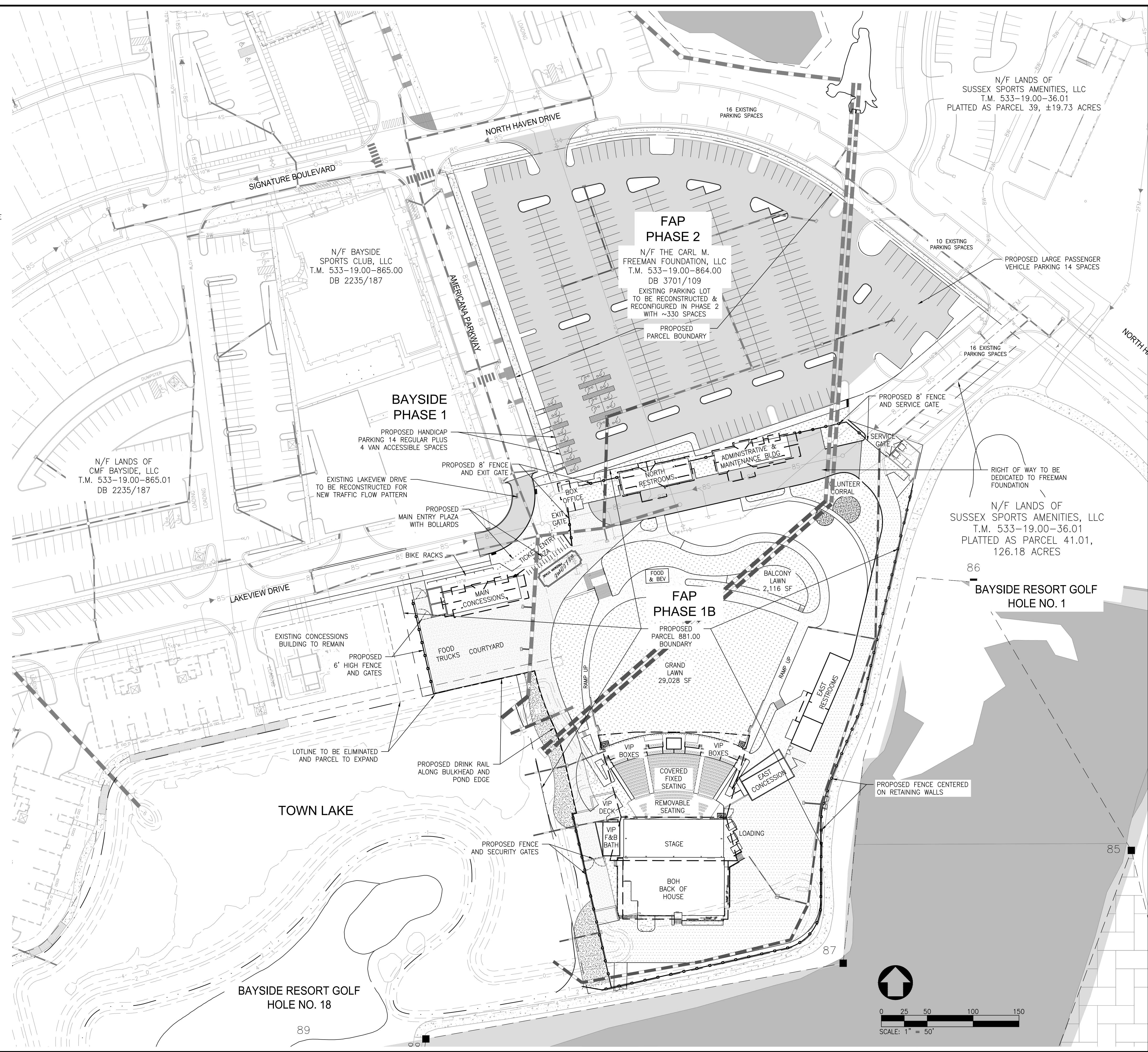
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<p>DATE</p>	
<p>REVISIONS</p>	
<p>NO.</p>	
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<p><b>AMERICANA BAYSIDE</b></p> <p>Joshua M. Freeman          FOUNDATION  <b>BALTIMORE HUNDRED</b>          SUSSEX COUNTY, DELAWARE</p>	
<p><b>FREEMAN ARTS PAVILION KEY PLAN</b></p>	
<p>SCALE: 1" = 100'</p>	<p>SHEET NO. <b>FSP-4</b></p>
<p>DESIGN BY : TMG          DRAWN BY : TMG          CHECKED BY :          GMB FILE : 150078          DATE : SEPT 2020</p>	<p>COPYRIGHT 2020 GEORGE, MILES &amp; BUHR, LLC</p>

© Project 1977\37056-1\Drawings\04\_Cubhouse and Stage\Working Set\FSP AND Rev.dwg (FSP-5 FAP Site Plan.dwg, 9/25/2020 10:39 AM, Terry M. Gandy  
 PLOT CODE  
 PLOT DATE  
 PLOT TIME  
 PLOT USER  
 PLOT DEVICE  
 PLOT SCALE  
 PLOT SHEETS  
 PLOT TOTAL SHEETS  
 PLOT STATUS  
 PLOT COMMENTS  
 PLOT SECURITY  
 PLOT SECURITY CODE  
 PLOT SECURITY LEVEL  
 PLOT SECURITY TYPE  
 PLOT SECURITY USER  
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 PLOT SECURITY SECURITY COMMENTS

LEGEND	
	RIGHT OF WAY/PROPERTY LINE
	GOLF FACILITY PROPERTY LINE
	404 FORESTED WETLANDS
	404 STATE WETLANDS
	199
	EXISTING CONSERVATION MONUMENT
	CONSERVATION EASEMENT LINE (CA)
	50' TIDAL BUFFER
	EXISTING TREELINE/BRUSH
	EXISTING CONTOUR
	EXISTING SANITARY SEWER FORCE MAIN
	EXISTING STORM DRAIN, INLET AND MANHOLE
	PROPOSED WATER MAIN AND VALVE
	PROPOSED SANITARY SEWER AND MANHOLE
	PROPOSED SANITARY SEWER FORCE MAIN
	PROPOSED PAVED ROAD WITH CURBING
	PROPOSED CONCRETE



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**AMERICANA BAYSIDE**  
 Joshua M. Freeman  
 FOUNDATION  
**BALTIMORE HUNDRED**  
**SUSSEX COUNTY, DELAWARE**

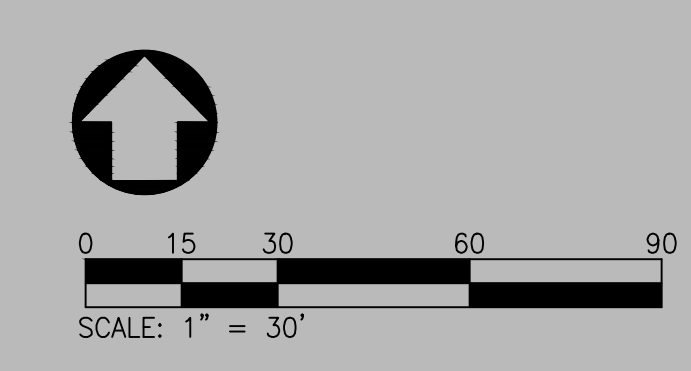
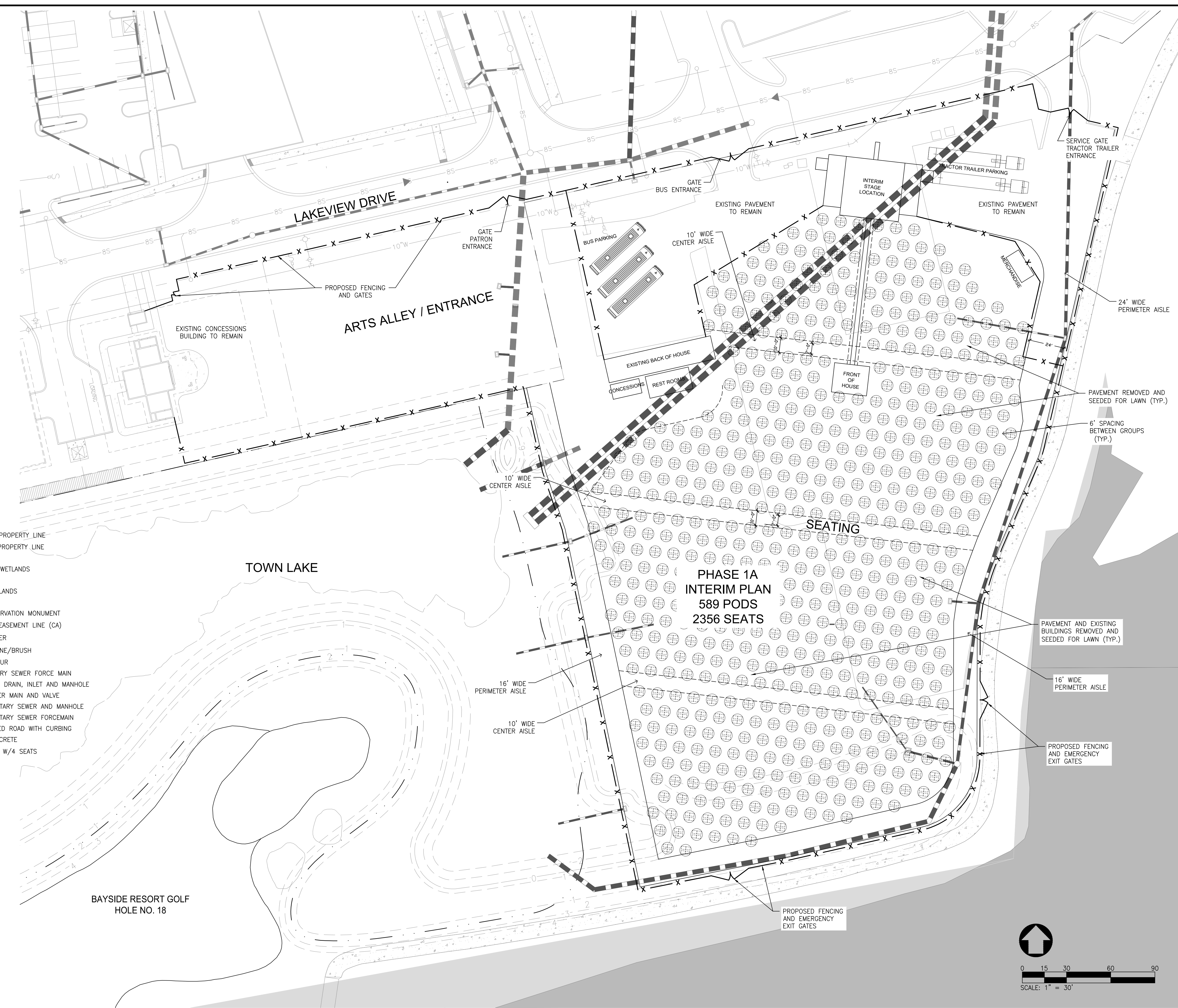
**FREEMAN ARTS  
 PAVILION  
 FINAL SITE PLAN**

SCALE : 1" = 50'	SHEET NO.
DESIGN BY : TMG	FSP-5
DRAWN BY : TMG	
CHECKED BY :	
GMB FILE : 150078	
DATE : SEPT 2020	

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C:\Projects\1907\1907056-1\Drawings\Golf Clubhouse and Shop\Working Set\FSP AND Pod Plan\FSP-5A-PA-INTERIM Site Plan.dwg, 9/25/2020 10:39 AM, Terry M. Coody  
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 PLOT DATE: 9/25/2020 10:39 AM  
 PLOT SCALE: 1" = 30'  
 PLOT SIZE: 24" x 36" (610mm x 914mm)  
 PLOT ORIGIN: 0,0  
 PLOT UNIT: INCHES  
 PLOT DIMENSIONS: 24" x 36" (610mm x 914mm)

- LEGEND**
- RIGHT OF WAY/PROPERTY LINE
  - - - GOLF FACILITY PROPERTY LINE
  - 404 FORESTED WETLANDS
  - 404 STATE WETLANDS
  - 199 EXISTING CONSERVATION MONUMENT
  - - - CONSERVATION EASEMENT LINE (CA)
  - - - 50' TIDAL BUFFER
  - - - EXISTING TREELINE/BRUSH
  - - - EXISTING CONTOUR
  - - - EXISTING SANITARY SEWER FORCE MAIN
  - - - EXISTING STORM DRAIN, INLET AND MANHOLE
  - - - PROPOSED WATER MAIN AND VALVE
  - - - PROPOSED SANITARY SEWER AND MANHOLE
  - - - PROPOSED SANITARY SEWER FORCE MAIN
  - - - PROPOSED PAVED ROAD WITH CURBING
  - - - PROPOSED CONCRETE
  - PROPOSED POD W/4 SEATS



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**AMERICANA BAYSIDE**

Joshua M. Freeman  
 FOUNDATION

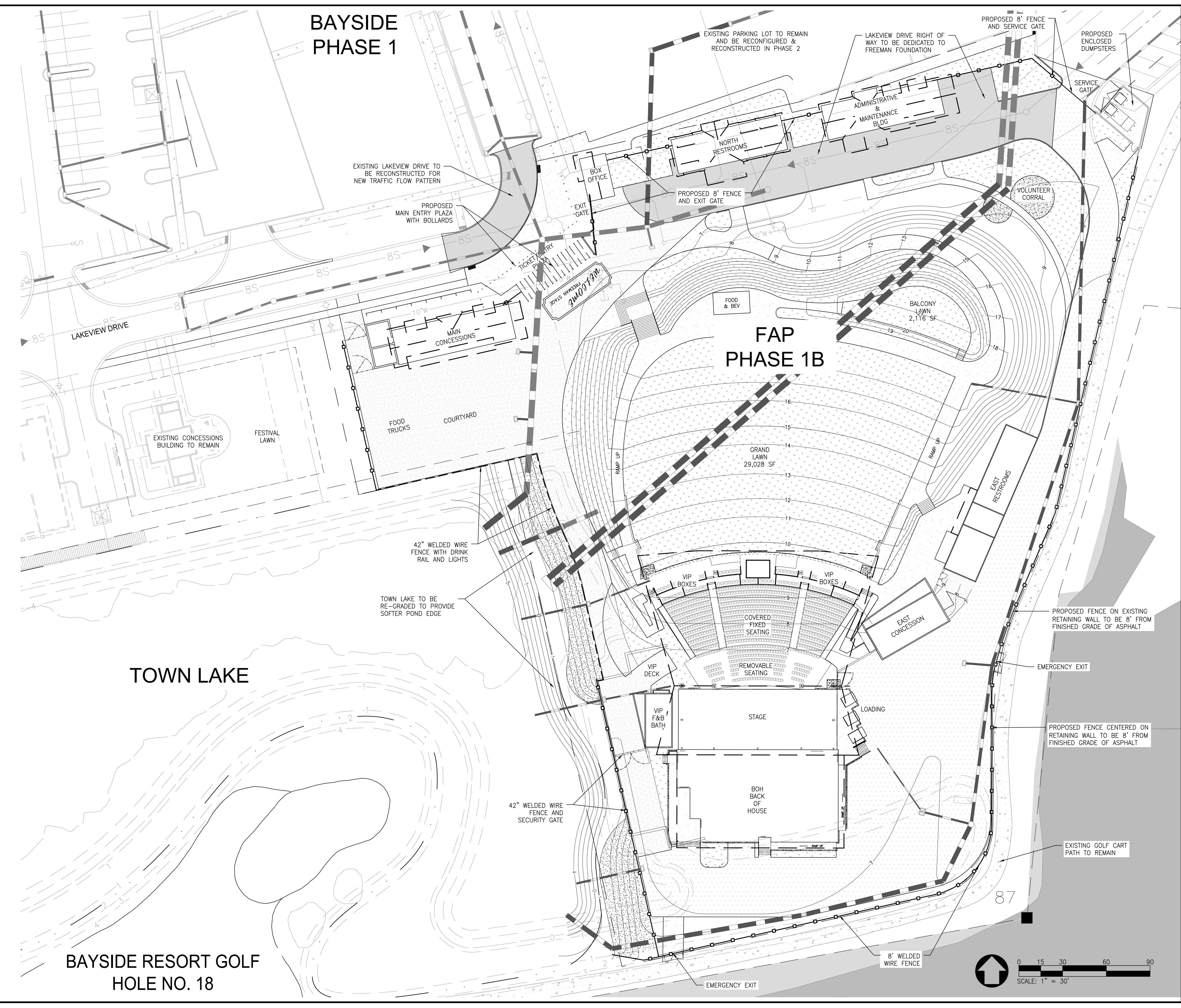
**BALTIMORE HUNDRED**  
**SUSSEX COUNTY, DELAWARE**

**FREEMAN ARTS  
 PAVILION  
 PHASE 1A INTERIM  
 SITE PLAN**

SCALE : 1" = 30'	SHEET NO.
DESIGN BY : TMG	
DRAWN BY : TMG	
CHECKED BY :	
GMB FILE : 150078	<b>FSP-5A</b>
DATE : SEPT 2020	

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PRINT-WHITE 200 INCHES (50mm) PLOT CODE PLOT-CONC 204 INCHES (52mm) PEN-YELLOW 207 INCHES (53mm) PEN-RED 208 INCHES (53mm) PEN-BLUE 209 INCHES (53mm) PEN-MAGENTA 207 INCHES (53mm)



**BAYSIDE PHASE 1**

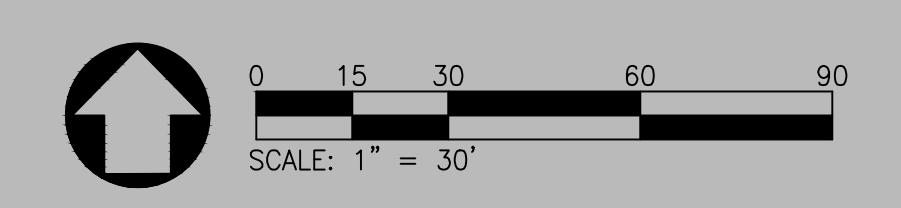
**FAP PHASE 1B**

**TOWN LAKE**

**BAYSIDE RESORT GOLF HOLE NO. 18**

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<b>AMERICANA BAYSIDE</b> Joshua M. Freeman FOUNDATION <b>BALTIMORE HUNDRED</b> <b>SUSSEX COUNTY, DELAWARE</b>	
<b>FREEMAN ARTS PAVILION PHASE 1B STAGE &amp; BOH SITE PLAN</b>	
SCALE : 1" = 30'	SHEET NO.
DESIGN BY : TMG	FSP-6
DRAWN BY : TMG	
CHECKED BY :	
GMB FILE : 150078	
DATE : SEPT 2020	

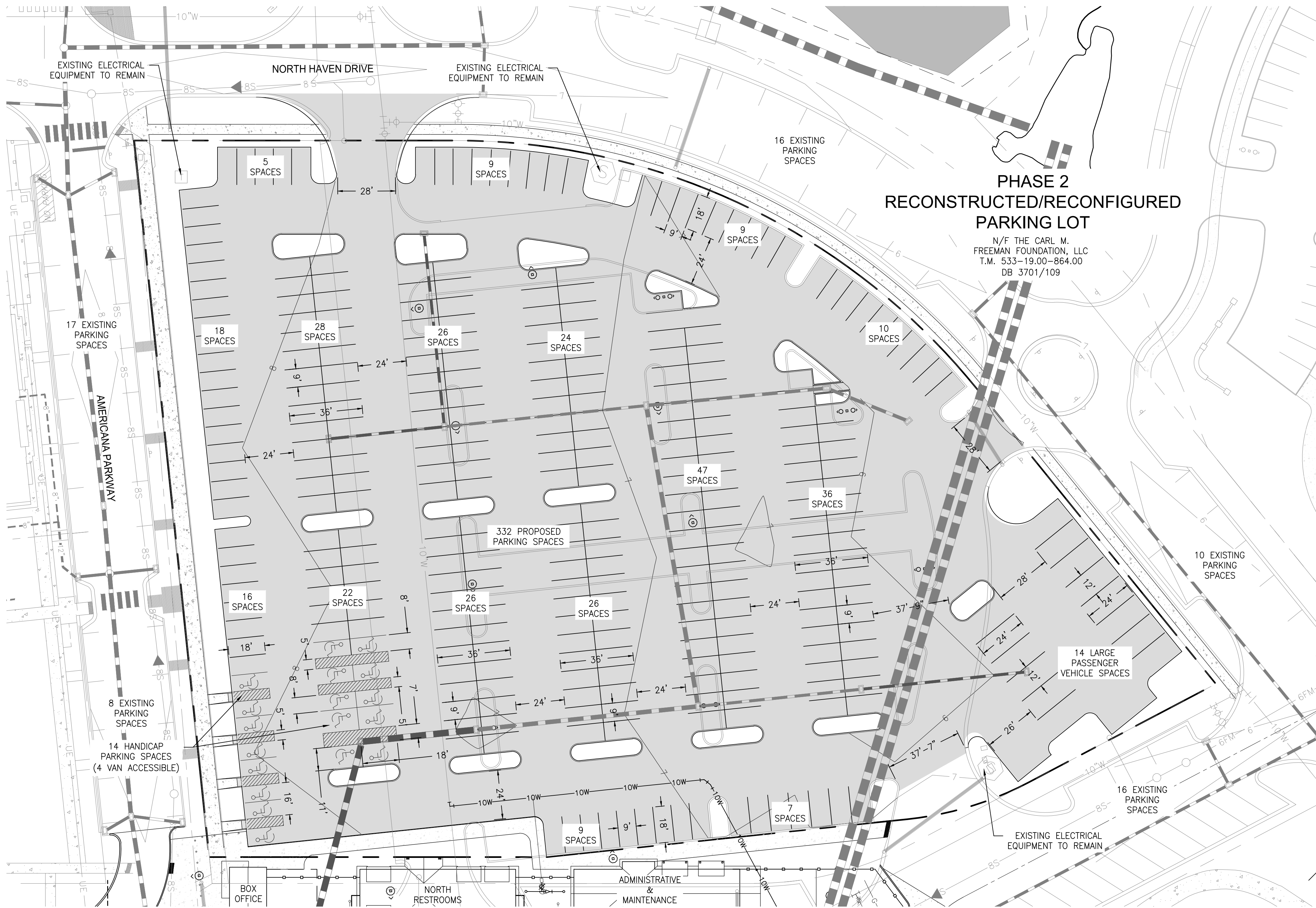
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PEN-RED 001 INCHES (10mm) PEN-YELLOW 007 INCHES (20mm) PEN-GREEN 010 INCHES (25mm) PEN-BLUE 020 INCHES (50mm) PEN-WHITE 027 INCHES (70mm) PLOT CODE PFM-COM PFM-COM PFM-MEDIA PFM-MEDIA PLOT SIZE 11x17 INCHES (280mm x 430mm)



**PHASE 2  
RECONSTRUCTED/RECONFIGURED  
PARKING LOT**

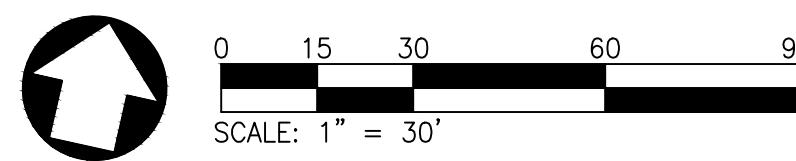
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FREEMAN FOUNDATION, LLC  
T.M. 533-19.00-864.00  
DB 3701/109

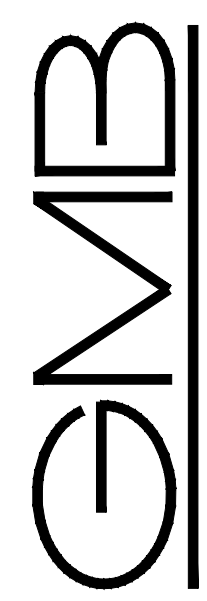
**PARKING DATA:**

**PROPOSED PHASE 2**  
PARKING LOT SPACES: 332 TOTAL STRIPED  
INCLUDES: 14 HANDICAP (4 VAN ACCESSIBLE)  
14 LARGE PASSENGER SPACES


**EXISTING PARKING LOT**  
PARKING LOT SPACES: 155 TOTAL STRIPED  
INCLUDES: 7 HANDICAP  
2 LOADING SPACES

**EXISTING**  
ON STREET SPACES: 64 TOTAL STRIPED



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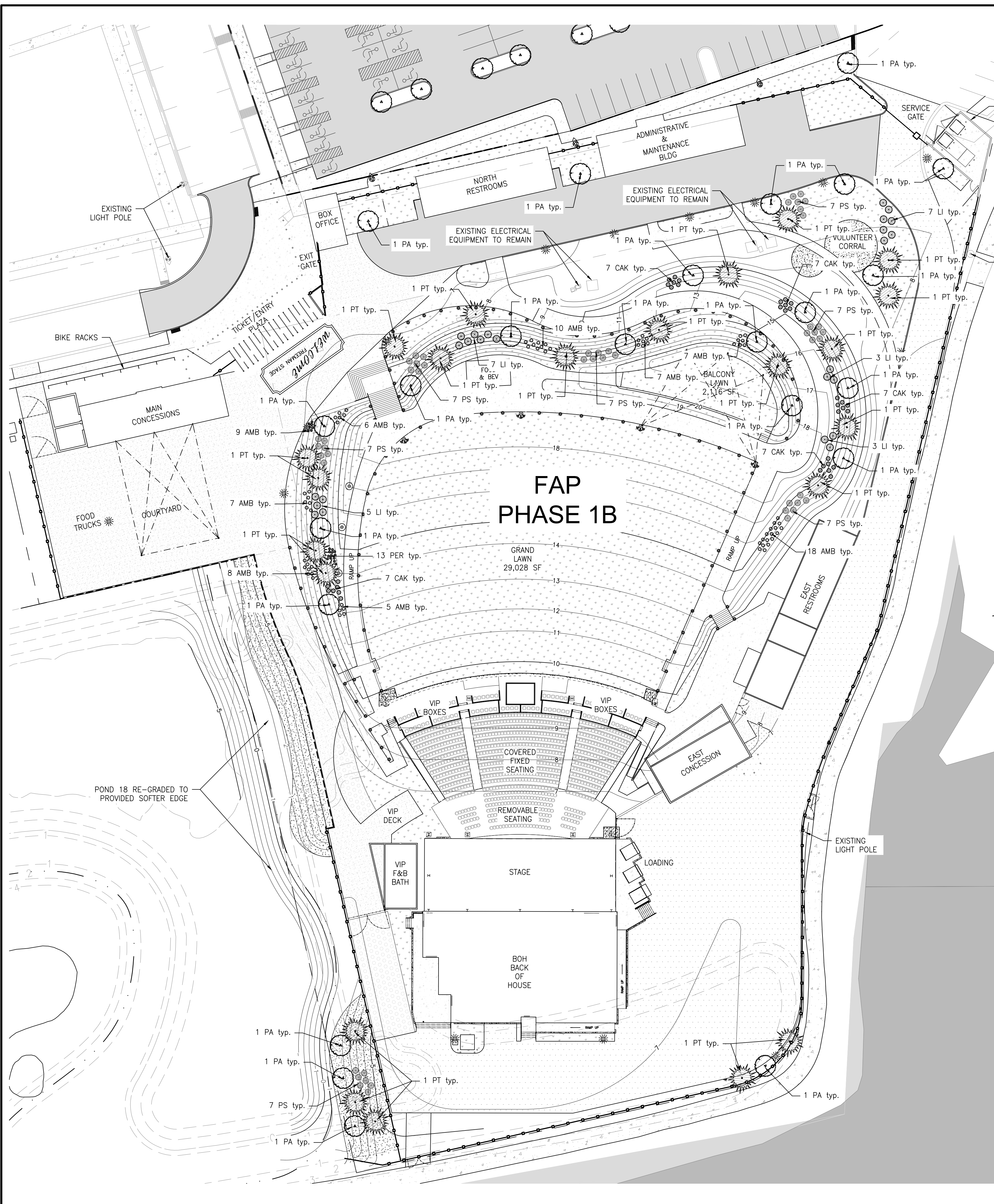
**AMERICANA BAYSIDE**



Joshua M. Freeman  
FOUNDATION  
**BALTIMORE HUNDRED**  
**SUSSEX COUNTY, DELAWARE**

<b>FREEMAN ARTS PAVILION PHASE 2 PARKING LOT PLAN</b>	
SCALE : 1" = 30'	SHEET NO.
DESIGN BY : TMG	FSP-7
DRAWN BY : TMG	
CHECKED BY :	
GMB FILE : 150078	
DATE : SEPT 2020	

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 PLOT CODE  
 PLOT DATE  
 PLOT TIME  
 PLOT USER  
 PLOT DEVICE  
 PLOT SCALE  
 PLOT SHEET NO.



**LANDSCAPING GENERAL NOTES:**

- PLANTS SHALL CONFORM TO CURRENT "AMERICAN STANDARDS FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSEYMEN (AAN), PARTICULARLY WITH REGARDS TO SITE, GROWTH AND SIZE OF BALL AND DENSITY OF BRANCH STRUCTURE.
- CONTRACTOR IS TO ENSURE CONFORMANCE TO NATIONAL AND LOCAL BUILDING CODES AND ORDINANCES.
- ALL PLANTS (B&B OR CONTAINER) SHALL BE PROPERLY IDENTIFIED BY WEATHERPROOF LABELS SECURELY ATTACHED HERETO, BEFORE DELIVERY TO THE PROJECT SITE. LABELS SHALL IDENTIFY PLANTS BY NAME, SPECIES, AND SIZE. LABELS SHALL NOT BE REMOVED UNTIL THE FINAL INSPECTION BY THE OWNER'S REPRESENTATIVE.
- ANY MATERIAL AND/OR WORK MAY BE REJECTED BY THE OWNER'S REPRESENTATIVE IF IT DOES NOT MEET THE REQUIREMENTS OF THE SPECIFICATION. THE CONTRACTOR SHALL REMOVE ALL REJECTED MATERIAL FROM THE SITE.
- THE CONTRACTOR SHALL FURNISH ALL PLANTS IN QUANTITIES AND SIZES TO COMPLETE THE WORK AS SPECIFIED IN THE PLANT SCHEDULE. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES ON THE PLANS PRIOR TO THE COMMENCEMENT OF WORK. QUANTITIES IN THE PLANT SCHEDULE ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY AND DO NOT CONSTITUTE THE FINAL COUNT.
- SUBSTITUTION IN PLANT SPECIES OR SIZE SHALL NOT BE PERMITTED EXCEPT WITH THE WRITTEN APPROVAL OF THE OWNER OR THE OWNER'S REPRESENTATIVE.
- PLANTS SHALL BE LOCATED AS SHOWN ON THE DRAWINGS AND BY SCALING OR AS DESIGNED IN THE FIELD BY THE OWNER OR THE OWNER'S REPRESENTATIVE. ALL LOCATIONS ARE TO BE APPROVED BY THE OWNER OR THE OWNER'S REPRESENTATIVE BEFORE EXCAVATION.
- CONTRACTOR SHALL LOCATE AND MARK ALL UNDERGROUND UTILITY LINES AND IRRIGATION SYSTEMS PRIOR TO EXCAVATING PLANT BEDS OR PITS. ALL UTILITY EASEMENT AREAS WHERE NO PLANTING SHALL TAKE PLACE SHALL ALSO BE MARKED ON THE SITE PRIOR TO LOCATING AND DIGGING THE TREE PITS. IF UTILITY LINES ARE ENCOUNTERED IN EXCAVATION OF TREE PITS OTHER LOCATIONS FOR THE TREES SHALL BE SELECTED BY THE OWNER OR THE OWNER'S REPRESENTATIVE. SUCH CHANGE SHALL BE MADE BY THE CONTRACTOR WITHOUT ADDITIONAL COMPENSATION. NO CHANGES OF LOCATION SHALL BE MADE WITHOUT THE APPROVAL OF THE OWNER OR THE OWNER'S REPRESENTATIVE.
- ALL EQUIPMENT AND TOOLS SHALL BE PLACED SO AS NOT TO INTERFERE OR HINDER THE PEDESTRIAN AND VEHICULAR TRAFFIC FLOW.
- DURING PLANTING OPERATIONS, EXCESS AND WASTE MATERIALS SHALL BE PROMPTLY AND FREQUENTLY REMOVED FROM THIS SITE.
- ALL PLANTED SHRUB BEDS ARE TO BE DUG TO A MINIMUM OF 12" DEEP AND ALL EXISTING SOIL, CONSTRUCTION DEBRIS, ROOT AND OTHER FOREIGN MATERIALS ARE TO BE REMOVED AND DISCARDED OFF SITE. ALL PLANTED SHRUB BEDS ARE TO BE EXCAVATED TO THE WIDTH SHOWN ON THE PLANS.
- ALL TREE PITS ARE TO BE EXCAVATED TO A MINIMUM DEPTH TO ALLOW THE TREE ROOT BALL TO BE A MINIMUM OF 4" HIGHER THAN FINISHED GRADE. THE TREE ROOT BALL IS TO REST ON UNDISTURBED SOIL, OR A COMPACTED BED MUST BE PREPARED FOR THE TREE ROOT BALL TO REST ON AND WHICH WILL NOT SUBSIDE CAUSING THE TREE TO SINK BELOW FINISHED GRADE. ALL TREE PITS ARE TO BE A MINIMUM OF 12" LARGER ON EVERY SIDE OF THE TREE ROOT BALL.
- THE PLANTER BEDS ARE TO BE ENTIRELY CLEANED OUT TO THE UNDISTURBED SOIL LEVEL. ALL EXISTING SOIL, CONSTRUCTION DEBRIS, ROOTS AND OTHER FOREIGN MATERIAL ARE TO BE REMOVED AND DISCARDED OFF SITE.
- THE TOP SOIL TO BE USED TO FILL THE TREE PITS, SHRUB BEDS AND PLANTERS IS TO BE PLAN SPECIFIC. THE TOPSOIL FOR TREES, SHRUBS AND PLANTERS SHALL CONSIST OF A MAXIMUM OF 2/3 EXISTING TOPSOIL FROM THE SITE, WHICH IS CLEANED AND FREE OF CLAY, A MINIMUM OF 1/3 APPROVED ORGANIC MATERIALS OR IMPORTED NEW LOAMY TOPSOIL AND 10% COW MANURE. ALL OF THESE MATERIALS ARE TO BE MIXED PRIOR TO PLACING IN THE PLANTER OR BACKFILLING WHEN PLANTING.
- THE CONTRACTOR IS RESPONSIBLE TO ENSURE THAT ALL TREE PITS, SHRUB BEDS AND PLANTERS ARE WELL DRAINED. THE LANDSCAPE CONTRACTOR WILL REPLACE ALL PLANT MATERIAL WHICH IS AFFECTED BY POOR DRAINAGE, AT NO CHARGE TO THE OWNER.
- THE EXISTING TREES ARE TO BE PROTECTED DURING THE PREPARATION OF LAWN AREAS. THE ROOTS OF THE TREES ARE TO BE UNDISTURBED DURING THE CLEANING OF THE TOPSOIL.
- THE TREES AND SHRUBS ARE TO BE HANDLED WITH THE BEST CARE AND ATTENTION TO ENSURE THAT THE PLANTS ARE NOT BRUISED, BROKEN, TORN, DAMAGED IN ANY WAY WHICH WILL AFFECT THE PLANTS GENERAL APPEARANCE AND WELL BEING.
- THE TREES MUST BE STAKED IN ACCORDANCE WITH ACCEPTABLE NURSERY PRACTICES TO ENSURE THAT THEY ARE SECURE IN THE GROUND AND WILL GROW STRAIGHT AND UNIFORM. THE TREES ARE TO BE WRAPPED IF THE CONTRACTOR DEEMS IT NECESSARY TO PROTECT THE TREES FROM SUN SCALD OR INSECT ATTACK.
- THE LANDSCAPE CONTRACTOR IS TO PROVIDE A ONE YEAR WARRANTY FOR ALL PLANT MATERIAL AND OTHER WORK DONE ON SITE. THIS WARRANTY WILL BEGIN AT EITHER SUBSTANTIAL COMPLETION OR AT FINAL ACCEPTANCE AS DETERMINED BY THE OWNER.
- THE CONTRACTOR IS TO SLIGHTLY ADJUST PLANT LOCATIONS IN THE FIELD AS NECESSARY TO BE CLEAR OF DRAINAGE SWALES AND UTILITIES. FINISHED PLANTING BEDS SHALL BE GRADED SO AS NOT TO IMPEDE DRAINAGE AWAY FROM BUILDINGS.
- GROUPS OF SHRUBS SHALL BE PLACED IN A CONTINUOUS MULCH BED WITH SMOOTH CONTINUOUS LINES. ALL MULCH BED EDGES SHALL BE CURVILINEAR IN SHAPE FOLLOWING THE CONTOUR OF THE PLANT MASS. TREES LOCATED WITHIN 4' OF SHRUB BEDS SHALL SHARE SAME MULCH BED.

**PLANTING LEGEND:**

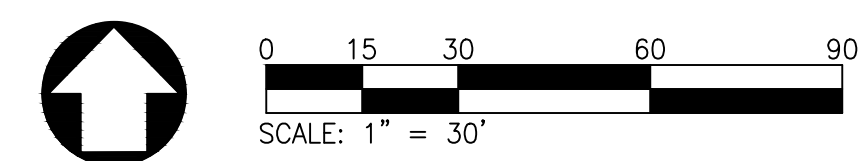
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	23	PA	EXCLAMATION LONDONPLANE	PLATANUS ACERIFOLIA 'EXCLAMATION'	2 1/2-3" GAL.	STRAIGHT SINGLE LEADER; HEAVY; SYMMETRICAL
	22	PT	LOBLOLLY PINE	PINUS TAEDA	12-14' HT.	FULL, STRAIGHT SINGLE LEADER, LIMBED UP TO 7'
	26	LI	CRAPE MYRTLE	LAGERSTROEMIA INDICA	12' HT.	MULTI-STEMMED; MIN 3 LEADERS; SYMMETRICAL
	49	PS	SKIP LAUREL	PRUNUS IAUROCERASUS 'SCHIPKAENSIS'	4-5" HT.	FULL TO GROUND
	61	AMB	AMERICAN BEACH GRASS	AMMOPHILA BREVILIGULATA	1 GALLON	18" O.C. ; SUPPLIED BY K BLUEMEL*
	28	CAK	KARL FOERSTER FEATHER REED GRASS	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	1 GAL.	18" O.C.
	22	PER	RUSSIAN SAGE	PEROVSKIA ATRIPLICIFOLIA 'BLUE SPIRE'	1 GAL.	18" O.C.
	31,144 SQ. FT.	SOD	SAND			

**LIGHTING LEGEND:**

- BOLLARD LIGHT
- POLE LIGHT
- SPEAKER POLE WITH AREA LIGHTS
- TREE UPLIGHT
- DOCK LIGHT ON RAILING
- STRING LIGHTS
- NEW LIGHT TO MATCH EXISTING LIGHTS IN PARKING LOT

**PAVEMENT LEGEND:**

- PEDESTRIAN CONCRETE SIDEWALK
- GRASS PAVER
- VEHICULAR CONCRETE PAVING
- VEHICULAR ASPHALT PAVING
- HEAVY DUTY VEHICULAR PAVING



PRINTS ISSUED FOR:  
APPROVAL AND  
RECORDATION

DATE	REVISIONS	NO.

**GMB**  
 GEORGE, MILES & BUHR, LLC  
 ARCHITECTS & ENGINEERS  
 SALISBURY • BALTIMORE • SEAFORD  
 206 WEST MAIN STREET  
 SALISBURY, MARYLAND 21801  
 410-742-3115, FAX 410-548-9790  
 www.gmbnet.com

**AMERICANA BAYSIDE**

Joshua M. Freeman  
 FOUNDATION  
**BALTIMORE HUNDRED**  
**SUSSEX COUNTY, DELAWARE**

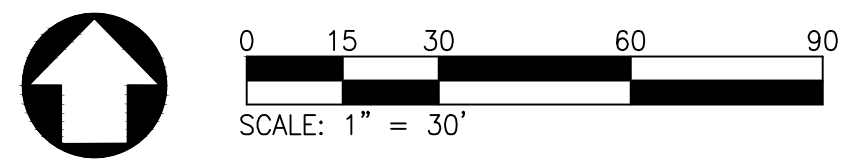
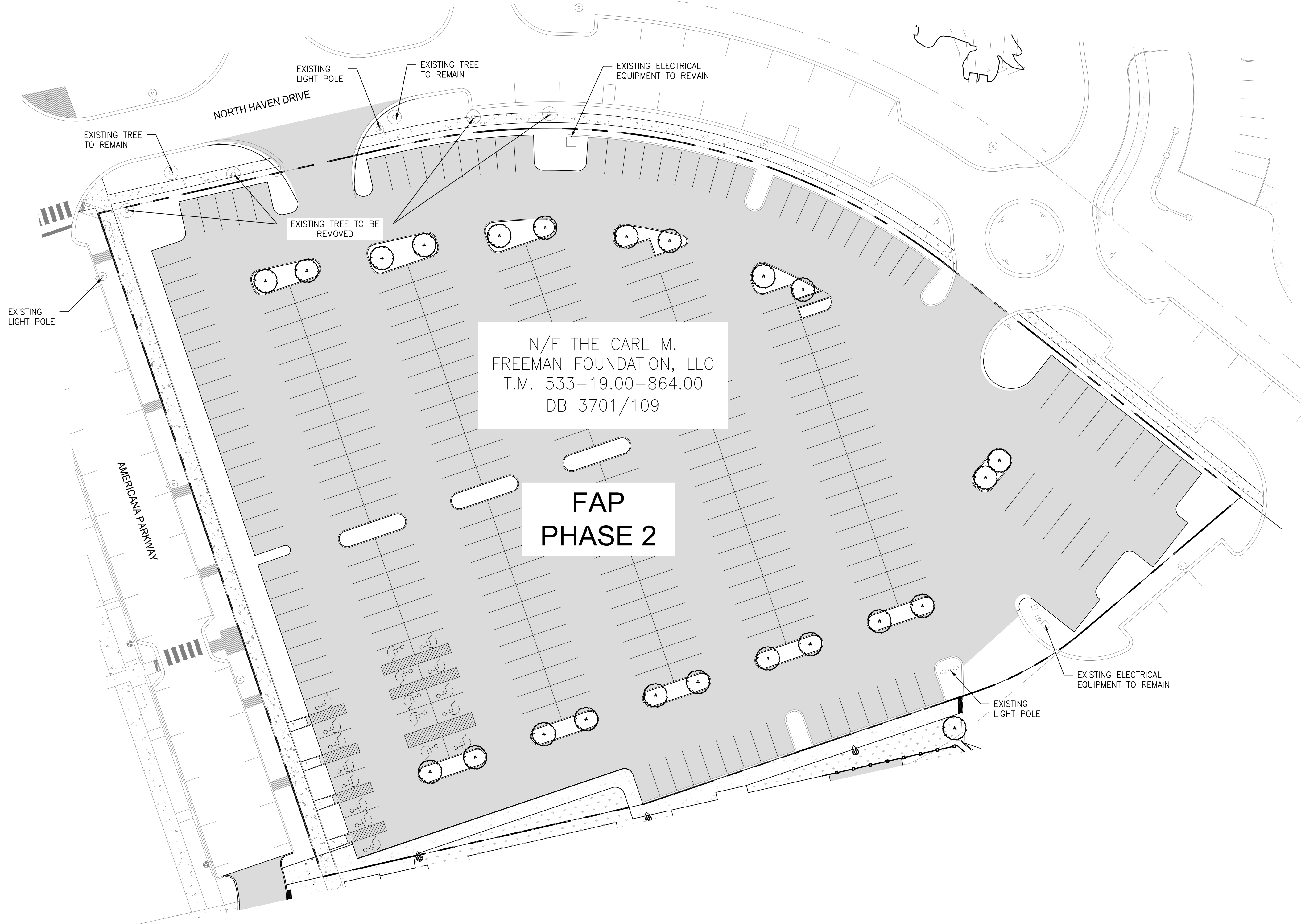
**FREEMAN ARTS  
 PAVILION  
 PHASE 1B  
 LANDSCAPING AND  
 LIGHTING PLAN**

SCALE : 1" = 30'  
 DESIGN BY : TMG  
 DRAWN BY : TMG  
 CHECKED BY :  
 GMB FILE : 150078  
 DATE : SEPT 2020

SHEET NO.  
**FSP-8**

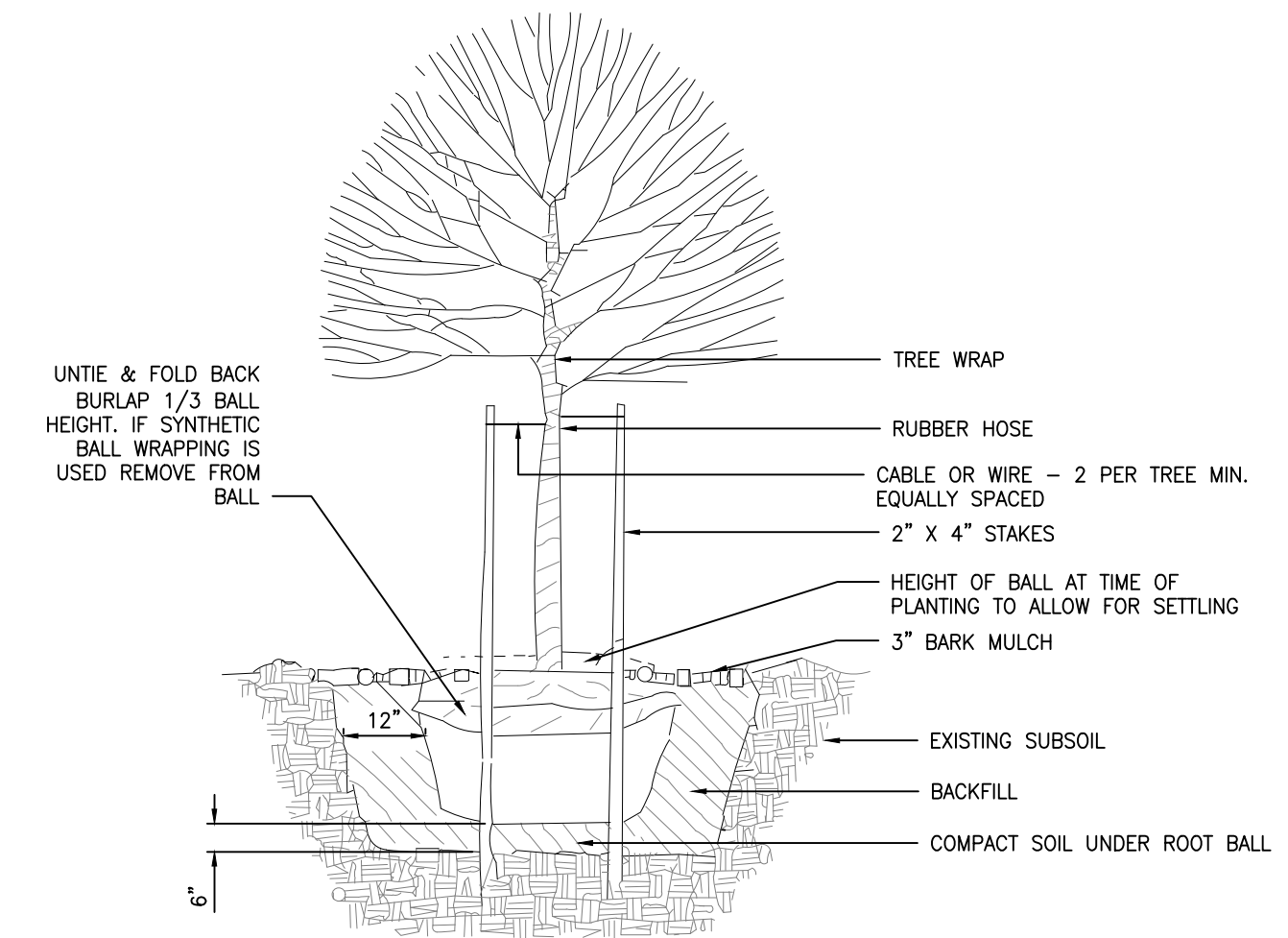
© COPYRIGHT 2020 GEORGE, MILES & BUHR, LLC

C:\Project\1907\1907-05-Landscape\05-Landscape.dwg (2020) 9/21/2020 10:43 AM, Terry M. Gandy

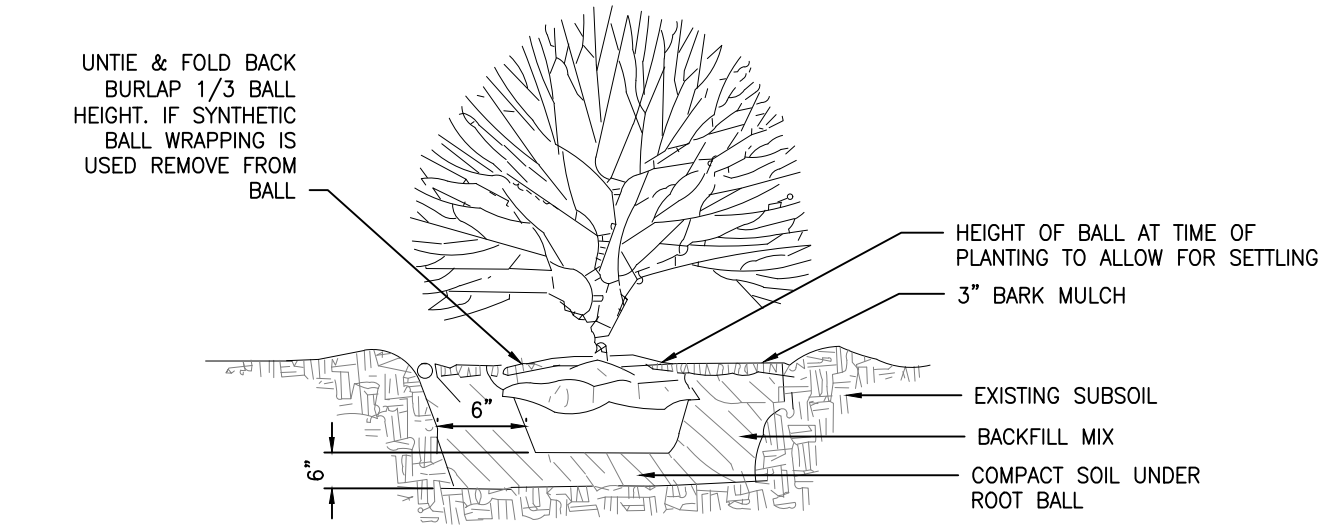


**PLANTING LEGEND:**

SYM.	QTY.	KEY	COMMON NAME	BOTANICAL NAME	SIZE	NOTES
	28	PA	EXCLAMATION LONDONPLANE	PLATANUS ACERIFOLIA 'EXCLAMATION'	2 1/2-3" GAL.	STRAIGHT SINGLE LEADER; HEAVY; SYMMETRICAL



**TREE PLANTING DETAIL**  
NOT TO SCALE



**SHRUB PLANTING DETAIL**  
NOT TO SCALE

PRINTS ISSUED FOR:  
APPROVAL AND  
RECORDATION

DATE	
REVISIONS	
NO.	

**GMB**  
 GEORGE, MILES & BUHR, LLC  
 ARCHITECTS & ENGINEERS  
 SALISBURY • BALTIMORE • SEAFORD  
 206 WEST MAIN STREET  
 SALISBURY, MARYLAND 21801  
 410-742-3115, FAX 410-548-9790  
 www.gmbnet.com

**AMERICANA BAYSIDE**

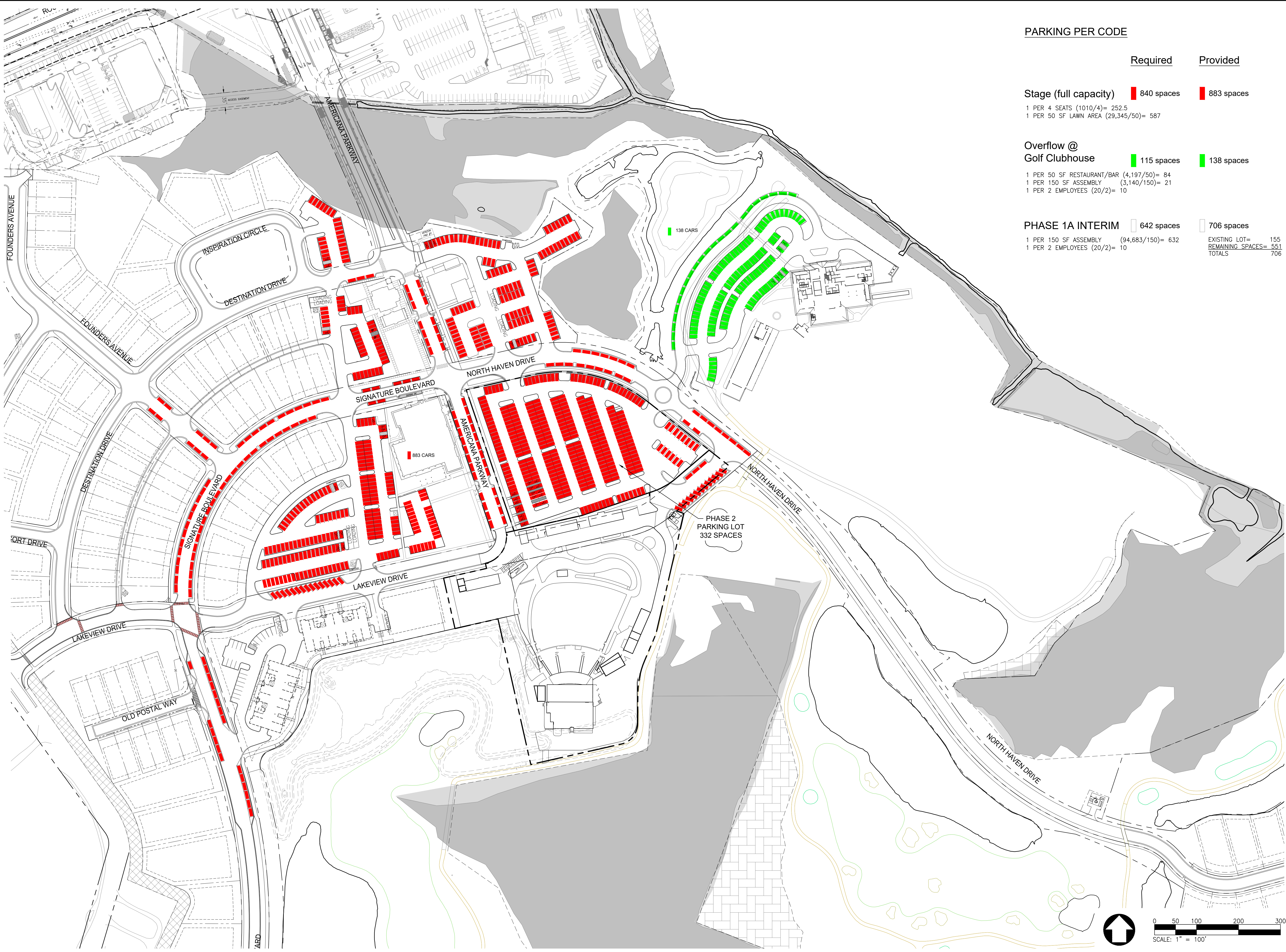
Joshua M. Freeman  
 FOUNDATION  
**BALTIMORE HUNDRED**  
 SUSSEX COUNTY, DELAWARE

**FREEMAN ARTS  
 PAVILION  
 PHASE 2  
 LANDSCAPING AND  
 LIGHTING PLAN**

SCALE : 1" = 30'	SHEET NO.
DESIGN BY : TMG	
DRAWN BY : TMG	<b>FSP-9</b>
CHECKED BY :	
GMB FILE : 150078	
DATE : SEPT 2020	

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PRINT-MESH	0.38 INCHES (10mm)
PRINT-MODIFY	0.38 INCHES (10mm)
PRINT-HIGHLIGHT	0.38 INCHES (10mm)
PRINT-RED	0.38 INCHES (10mm)
PRINT-BLUE	0.38 INCHES (10mm)
PRINT-ORANGE	0.38 INCHES (10mm)
PRINT-YELLOW	0.38 INCHES (10mm)



### PARKING PER CODE

	Required	Provided
Stage (full capacity)	<b>840 spaces</b>	<b>883 spaces</b>
1 PER 4 SEATS (1010/4)= 252.5		
1 PER 50 SF LAWN AREA (29,345/50)= 587		
<b>Overflow @ Golf Clubhouse</b>	<b>115 spaces</b>	<b>138 spaces</b>
1 PER 50 SF RESTAURANT/BAR (4,197/50)= 84		
1 PER 150 SF ASSEMBLY (3,140/150)= 21		
1 PER 2 EMPLOYEES (20/2)= 10		
<b>PHASE 1A INTERIM</b>	<b>642 spaces</b>	<b>706 spaces</b>
1 PER 150 SF ASSEMBLY (94,683/150)= 632		EXISTING LOT= 155
1 PER 2 EMPLOYEES (20/2)= 10		REMAINING SPACES= 551
		TOTALS 706

PRINTS ISSUED FOR:  
APPROVAL AND  
RECORDATION

DATE	REVISIONS	NO.



**AMERICANA BAYSIDE**

Joshua M. Freeman  
FOUNDATION  
**BALTIMORE HUNDRED**  
**SUSSEX COUNTY, DELAWARE**

**FREEMAN ARTS  
PAVILION  
PARKING PER  
CODE**

SCALE : 1" = 100'	SHEET NO.
DESIGN BY : TMG	<b>FSP-10</b>
DRAWN BY : TMG	
CHECKED BY :	
GMB FILE : 150078	
DATE : SEPT 2020	



October 9, 2020

Ms. Lauren DeVore  
Sussex County Planning & Zoning  
2 The Circle  
Georgetown, DE 19947

**RE: MillerMetal Fabrication Facility (S-20-17)**  
**Comment Response Letter**  
**Tax Parcel: 131-6.00-8.00**

Dear Ms. Lauren DeVore:

In response to your Staff Review Letter dated May 8, 2020 for the MillerMetal Fabrication Facility, we offer the following comment responses. Your comments appear below followed by our responses. I am sending you two revised sets of the MillerMetal Site Plans for consideration on the October 22, 2020 Planning and Zoning Meeting. I am also including a copy of the Fire Marshal Site Plan approval for your files.

#### Preliminary Site Plan

1. Please include the County Project Reference Number at the top center of the Cover Sheet (S-20-17.)

**Response:** The County Project Reference Number S-20-17 has been added to the Cover Sheet.

2. Please indicate in the Site Data Column that this site plan is also the subject of a proposed Change of Zone application, CZ 1919, to facilitate a change of zone from General Commercial (C-1) Zoning District to Light Industrial (LI-2) Zoning District. The approval of this site plan utilizing the setbacks required in the LI-2 District will be contingent upon the Planning and Zoning Commission and County Council's approval of the related Change of Zone application.

**Response:** A note has been added under item 9 of the site data column.

3. Please clarify if any soft landscaping will be proposed for the site.

**Response:** Soft landscaping will be part of the proposed site; however, it is not part of the construction plan set. Please note that a 6' fence has been added to the site for screening purposes between the building and Route 404.

4. Please indicate if screening will be provided for the two (2) proposed dumpsters to the rear of the building site. All dumpsters shall meet the setbacks and screening requirements of §115-170.1(C)(1-4).

**Response:** Screening is not proposed for roll-off dumpsters. The code section referenced is for parcels in the Commercial Zoning Districts. This project is contingent upon approval of the LI-2 zoning district.

§ 115-170.1 **Screening of loading areas.**

[Added 7-20-1999 by Ord. No. 1328; amended 2-27-2018 by Ord. No. 2550]

In addition to the other requirements of this article, the following requirements relating to screening of loading areas shall apply in the large-scale uses C-1 General Commercial District, the large scale uses CR-1 Commercial Residential District, the C-3 Heavy Commercial District, the C-4 Planned Commercial District, and the C-5 Service/Limited Manufacturing District for nonresidential development.

5. Please include topographic contours at one foot unless waived by the Commission as clearly unnecessary to review the project or proposal (§115-220(B)(4)).

**Response:** The grading plan has been included with the submission showing the existing and proposed topographical contours at a 1' interval.

6. Please clarify the limit of disturbance of the property. The Site Data Column reflects that the limit of disturbance will be 7.5 acres, but the box underneath the Cover Sheet diagram reflects that the limit of disturbance is 8.1 acres.

**Response:** The Limit of Disturbance box on the cover sheet has been updated to match the Site Data Limit of Disturbance.

7. Please add the size of all proposed stormwater management areas and facilities.

**Response:** Siteworks has added the stormwater management facility size to sheet R-4.

8. Staff notes that the parking calculation provided for the building meets the "Off-Street Parking" requirements for "Manufacturing" under the Sussex County Code of "1 [space] for every 2 employees on the major shift establishments" (§115-162).

**Response:** Comment Noted

9. The parking spaces proposed meet the minimum 162 square foot requirement noted in §115-166(1) "Design Standards" of the Sussex County Code.

**Response:** Comment Noted

10. Staff notes that four (4) loading spaces have been provided which meets the requirements of a proposed building consisting of 60,000 square feet per §115-167 "Off-Street Loading" of the Sussex County Code.

**Response:** Comment Noted

11. Staff notes that four (4) ADA accessible parking spaces have been included on the plans, which meets the provisions set forth in Table 1106.1 of the 2012 International Building Code. Please ensure that these parking spaces are located as close to the primary entrance to the building as possible.

**Response:** Comment Noted.

12. Staff notes that an opportunity exists to provide electric vehicle charging at this location and to minimize the carbon footprint of the proposed use. Programs and incentives are available through the State of Delaware, Delaware Department of Natural Resources and Environmental Control (DNREC).

**Response:** Comment Noted

13. Prior to approval of any revised Final Site Plan, it will be necessary to provide letters of approval/no-objection from the following agencies (Items in which a check mark appear have been received by the Department. Items that have been bolded still require submittal to the Department.)
- a. Delaware Department of Transportation (DelDOT) (**approval pending submission of final plans**)
  - b. Sussex Conservation District (**SCD has requested final plans**)
  - c. Office of the State Fire Marshal (**A copy of the site plan approval is included with this submission**)

Please give me a call if you have any questions or concerns, 302-841-7901.



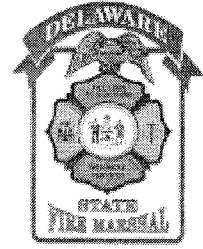
Dave Heatwole, PE | Principal  
**SITWORKS ENGINEERING**





**OFFICE OF THE STATE FIRE MARSHAL  
Technical Services**

22705 Park Avenue  
Georgetown, DE 19947



**SFMO PERMIT**

**Plan Review Number:** 2020-04-204284-MJS-01  
**Status:** Approved as Submitted

**Tax Parcel Number:** 131-6.00-8.00  
**Date:** 07/27/2020

**Project**

Miller Metal Fabrication  
Newton Farms LLC

8500 Newton Road  
Bridgeville DE 19966

**Scope of Project**

**Number of Stories:**  
**Square Footage:**  
**Construction Class:**  
**Fire District:** 72 - Bridgeville Volunteer Fire Co

**Occupant Load Inside:**  
**Occupancy Code:** 9794

**Applicant**

Dave Heatwole  
34 John Andrews Drive  
Harrington, DE 19952

This office has reviewed the plans and specifications of the above described project for compliance with the Delaware State Fire Prevention Regulations, in effect as of the date of this review.

The owner understands that this construction start approval is limited to preliminary site construction and foundation work only. No other construction of any kind shall be permitted until the required building plan review is completed.

A Review Status of "Approved as Submitted" or "Not Approved as Submitted" must comply with the provisions of the attached Plan Review Comments.

Any Conditional Approval does not relieve the Applicant, Owner, Engineer, Contractor, nor their representatives from their responsibility to comply with the plan review comments and the applicable provisions of the Delaware State Fire Prevention Regulations in the construction, installation and/or completion of the project as reviewed by this Agency.

This Plan Review Project was prepared by:

Dennett Pridgeon

## FIRE PROTECTION PLAN REVIEW COMMENTS

Plan Review Number: 2020-04-204284-MJS-01

Tax Parcel Number: 131-6.00-8.00

Status: Approved as Submitted

Date: 07/27/2020

### PROJECT COMMENTS

**1002 A** This project has been reviewed under the provisions of the Delaware State Fire Prevention Regulations (DSFPR) UPDATED March 11, 2016. The current Delaware State Fire Prevention Regulations are available on our website at [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov). These plans were not reviewed for compliance with the Americans with Disabilities Act (ADA). These plans were not reviewed for compliance with any Local, Municipal, nor County Building Codes.

**1031 A** Where the structure being considered is protected throughout by an automatic sprinkler system, the required fire flow shall be modified to meet the designed sprinkler demand where hydraulically calculated plus outside hose streams as specified in NFPA13, Table 11.2.3.1.1 (2002 ed.) (DSFPR Part II, Section 6 3.2.1).

**1184 A** Automatic sprinkler systems, installed in accordance with NFPA 13, are required in all buildings exceeding 10,000 sq.ft. of aggregate, gross floor area. Provide note on plan. NOTE: Sprinkler coverage is required throughout and in all areas of the building, including, but not limited to, concealed combustible spaces (attics, canopies), freezers, and coolers. NOTE: When revised plans are required to be resubmitted, a narrative letter does not suffice.

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

**1150 A** A lock box containing keys for fire department access shall be provided for any occupancy which contains a fire alarm signaling system that is monitored off site ?or- for any occupancy that contains an automatic sprinkler system.(DSFPR Regulation 705, Chapter 5, Section 2.4).

**1090 A** Fire Lane Access and Perimeter Access shall be in accordance with Table 5-2. (DSFPR Regulation 705, Chapter 5, Section 4.2)Percent of Perimeter Access requirements shall include the required Percent of Fire Lane Access requirements of Table 5-2. (DSFPR Regulation 705, Chapter 5, Section 4.5.2).



- 1421 A All standpipe and sprinkler connections shall be marked and identified in accordance with DSFPR Regulation 705, Chapter 6, Section 3.0.**
- 1417 A All Fire Lanes shall be marked and identified in accordance with DSFPR Regulation 705, Chapter 5, Section 7.0.**
- 1411 A Fire Lane signs shall be placed at each end of the fire lane and spaced at 150 foot intervals maximum. All Fire Lane signs shall be located no less than six feet and no higher than eight feet above the pavement and shall face oncoming traffic. Where no parking is provided between the building and the Fire Lane, Fire Lane signs shall be posted along the inner curb, building line, or edge of the roadway immediately adjacent to the fire lane. (DSFPR Regulation 705, Chapter 6, Section 7.0).**
- 1180 A This report reflects site review only. It is the responsibility of the applicant and owner to forward copies of this review to any other agency as required by those agencies.**
- 1190 A Separate plan submittal is required for the building(s) proposed for this project.**
- 1195 A Separate plan submittal is required for all flammable gas installations (regardless of tank size) proposed for this project.**
- 2500 A A final inspection is required for this project prior to occupancy (DSFPR Part I, Section 4-7). Contact this Agency to schedule this inspection. Please have the plan review number available. A MINIMUM OF FIVE (5) WORKING DAYS NOTICE IS REQUIRED.**

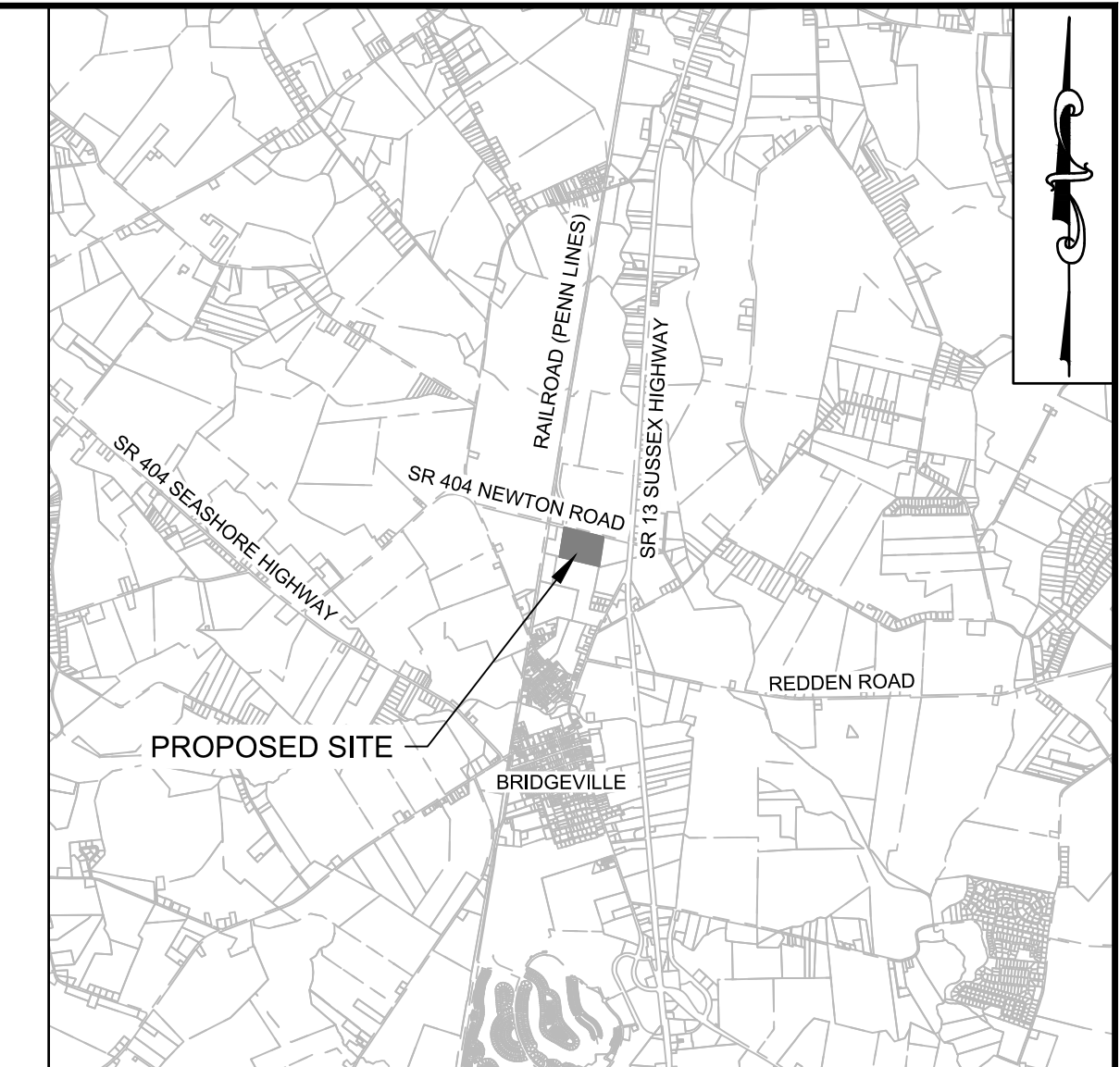
# MILLERMETAL FABRICATION FACILITY

## SUSSEX COUNTY PROJECT REFERENCE # S-20-17

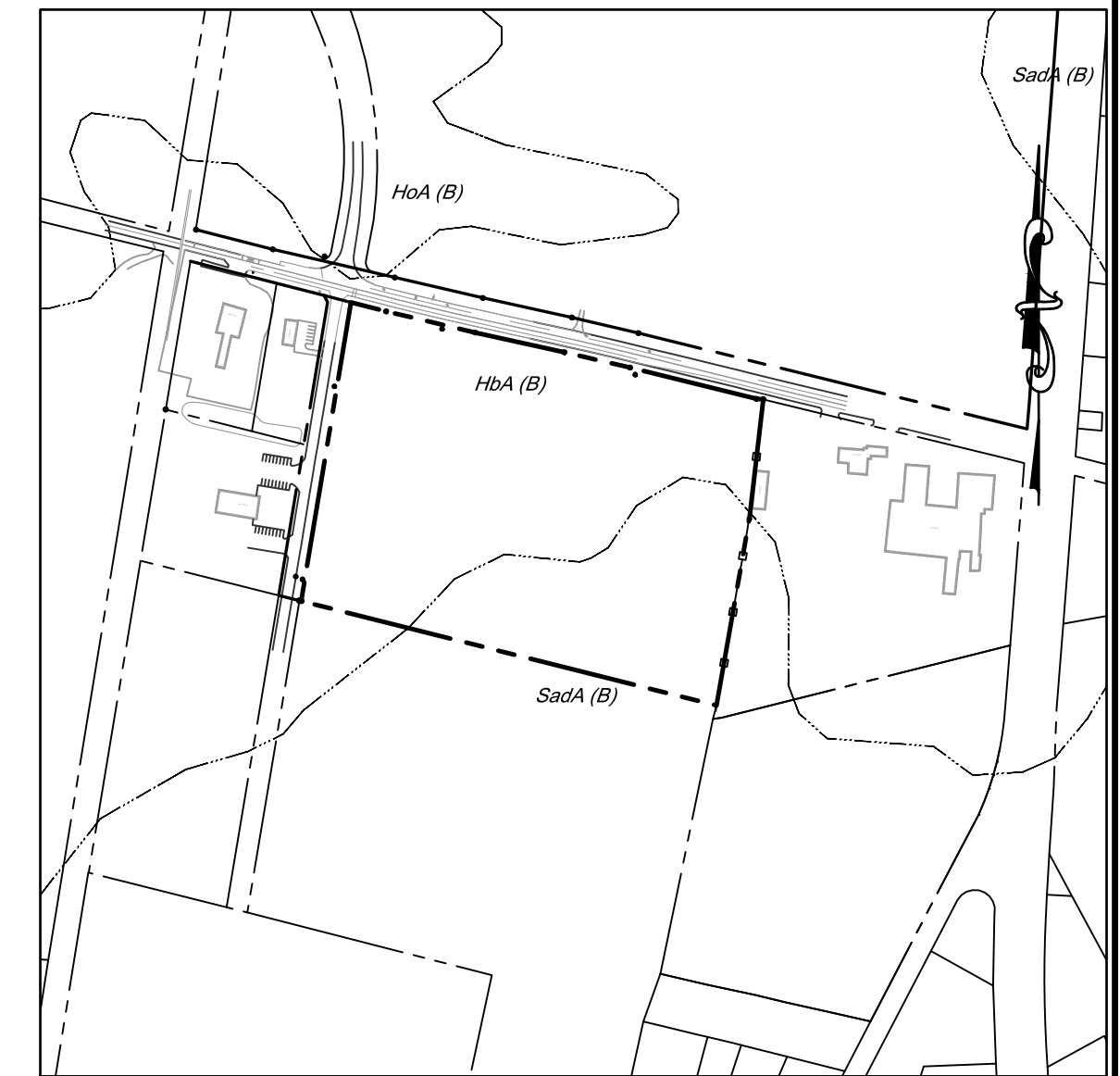
### SITE PLANS

#### LEGEND

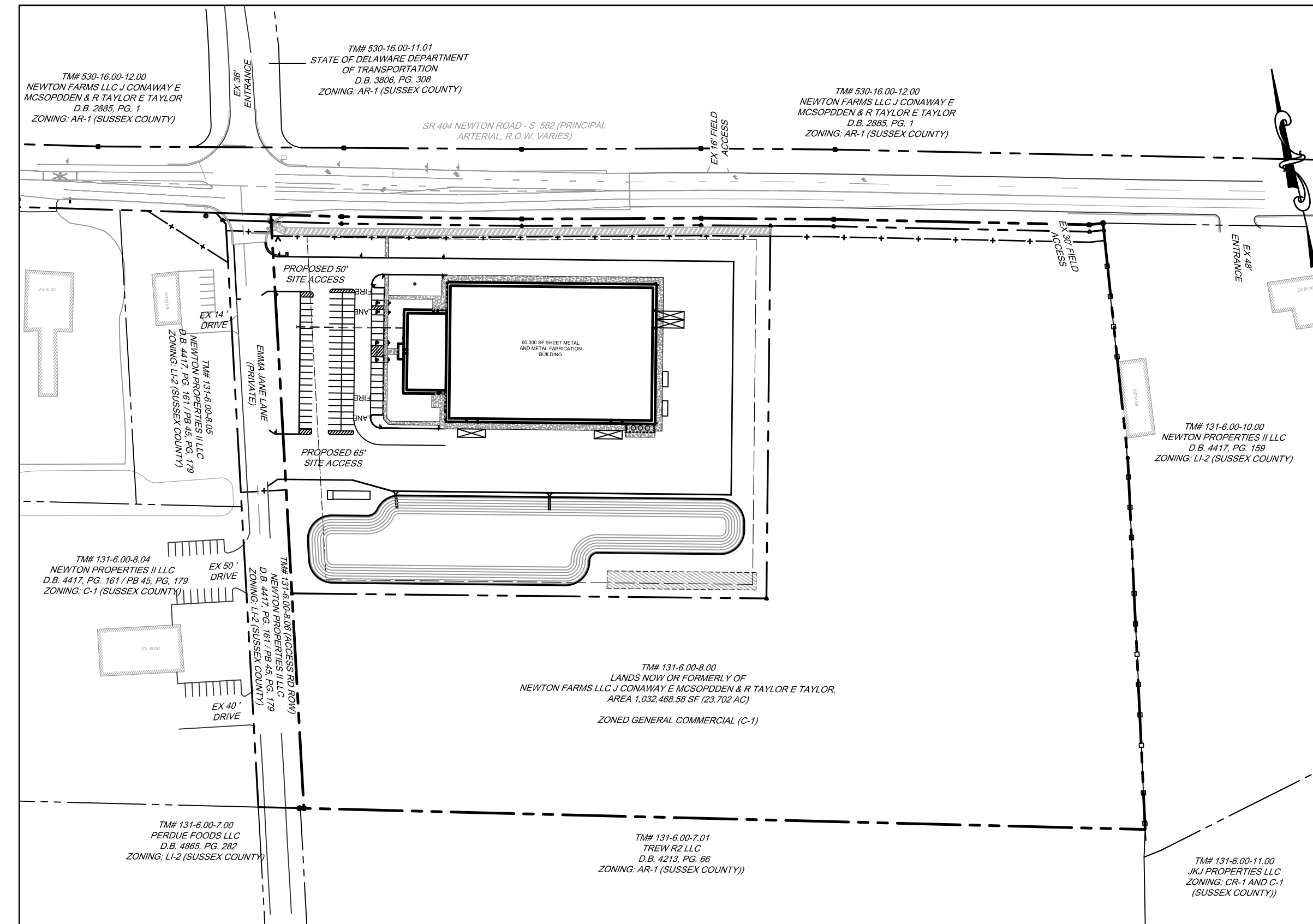
	EXISTING	PROPOSED
PROPERTY LINE / RIGHT OF WAY	---	---
ADJOINING PROPERTY LINE	---	---
BUILDING RESTRICTION LINE	---	---
EASEMENT	+	+
CENTER LINE OF ROAD	---	---
EDGE OF PAVING	---	---
CURB	---	---
DRIVEWAY	---	---
CONTOURS	---	---
SWALE	---	---
LIMIT OF CONSTRUCTION	---	---
WETLANDS LINE AND FLAG	---	---
FLOODPLAIN	---	---
SOILS DESIGNATION	---	---
SOIL BORING	MmA	
WOODS	---	---
FENCE	---	---
SIDEWALK	---	---
SHARED USE PATH	---	---
BUILDING	---	---
UTILITY POLE/GUY WIRE	---	---
OVERHEAD ELECTRIC	OHE	OHE
CABLE TV, PEDESTAL OR HAND HOLE	---	---
TRAFFIC SIGN	---	---
SINGLE & TWIN HEAD SITE LIGHT	---	---
ELECTRICAL HAND HOLE AND TRANSFORMER	---	---
FIBER OPTIC HAND HOLE	---	---
WATER MAIN, FIRE HYDRANT, VALVE, SERVICE ASSEMBLY, AND METER PIT	---	---
SEWER MAIN, MAHNOLE, & CLEANOUT	S	S
SANITARY SEWER FORCEMAIN	FM	FM
UNDERGROUND ELECTRIC	E	E
UNDERGROUND GAS	GAS	GAS
UNDERGROUND FIBER OPTIC	FO	FO
TELEPHONE LINE	T	T
STORM WATER PIPE, MH, AND CB	---	---



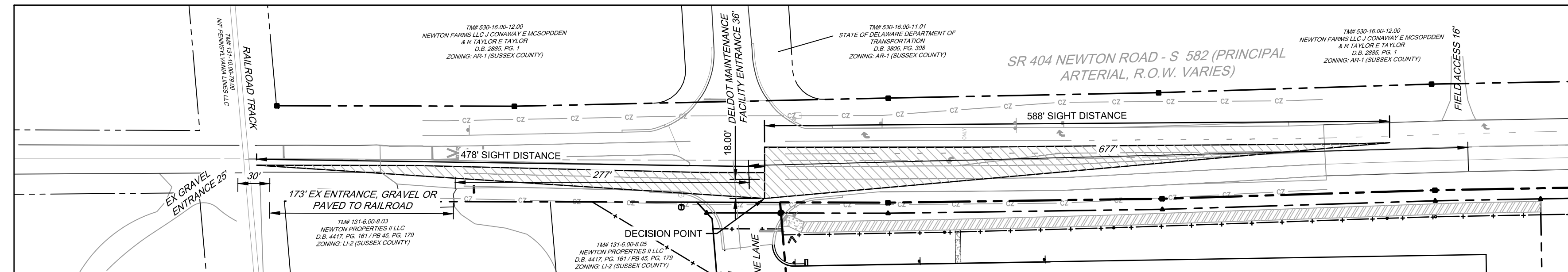
LOCATION MAP  
SCALE: 1" = 1 MILE



SOILS & FLOODPLAIN MAP  
ENTIRE AREA IS ZONE X PER PANEL # 10005C0115K (MARCH 16, 2015)  
SCALE: 1" = 500'



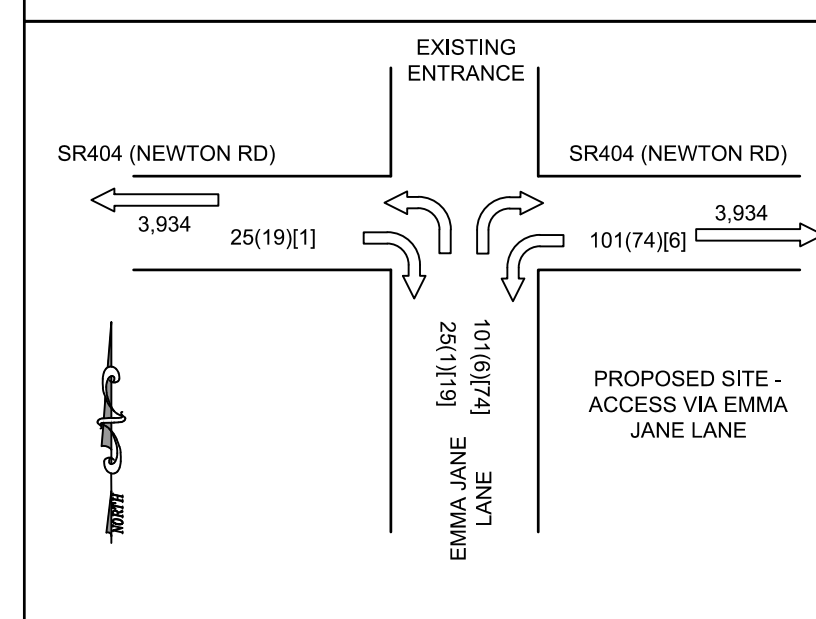
SITE OVERVIEW & ADJACENT ZONING  
SCALE: 1" = 150'



SIGHT DISTANCE  
SCALE: 1" = 80'

#### TRAFFIC GENERATION - SR404 NEWTON RD (S 582)

(FULL MOVEMENT)



ROAD TRAFFIC DATA:
FUNCTIONAL CLASSIFICATION - SR404 (NEWTON RD) - PRINCIPAL ARTERIAL POSTED SPEED LIMIT - 45 MPH AADT = 6,783 TRIPS (FROM 2019 DELDOT TRAFFIC SUMMARY) 10 YEAR PROJECTED AADT = 1,16 x 6,783 = 7,868 TRIPS 10 YEAR PROJECTED AADT + SITE ADT = 7,868 + 252 = 8,120 TRIPS TRAFFIC PATTERN GROUP = 5 (FROM 2019 DELDOT TRAFFIC SUMMARY) PEAK HOUR - 11.26% x 8,120 TRIPS = 914 TRIPS DIRECTIONAL DISTRIBUTION SR404 (NEWTON RD): 50% TO THE WEST = 3,934 50% TO THE EAST = 3,934
SITE TRAFFIC DATA:
SOURCE: SITE TRAFFIC PROVIDED BY MILLERMETAL FABRICATION, INC. & OLD DOMINION FREIGHT LINE. (OLD DOMINION FREIGHT LINE TRIPS EXISTING) SITE ADT: 252 TRIPS (204 MILLERMETAL, 48 OLD DOMINION) ONE ENTRANCE - FULL MOVEMENT DESIGN VEHICLE - WB-30 DIRECTIONAL DISTRIBUTION: 80% TO & FROM THE EAST = 252 * 80% = 202 20% TO & FROM THE WEST = 252 * 20% = 48 MORNING PEAK: 93% / 7% IN/OUT MORNING PEAK HOUR SPLIT 100 TRIPS: 83 IN / 7 OUT EVENING PEAK: 7% / 93% IN/OUT EVENING PEAK HOUR SPLIT 100 TRIPS: 7 IN / 93 OUT 10% TRUCKS = 10% * 252 = 25

#### PROJECT TEAM

**OWNER/DEVELOPER**  
MILLERMETAL FABRICATION, INC.  
8600 E NEWTON ROAD  
BRIDGEVILLE, DE 19960  
(302) 337-2291

**SITE PLANNER, ENGINEER, AND SURVEYOR**  
SITEWORKS ENGINEERING  
19 COMMERCIAL STREET  
HARRINGTON, DE 19952  
(302) 841-7901

**GEOTECHNICAL ENGINEER**  
GEO-TECHNOLOGY ASSOCIATES  
21133 STERLING AVENUE, UNIT 7  
GEORGETOWN, DE 19947  
(302) 588-9761

#### INDEX OF DRAWINGS

Sheet Number	Sheet Title
R-1	RECORD PLAN COVER SHEET
R-2	RECORD PLAN NOTES
R-3	SUBDIVISION PLAN
R-4	PRELIMINARY SITE PLAN

LIMIT OF DISTURBANCE: ±9.8 ACRES

#### OWNER(S) CERTIFICATION

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

NEWTON FARMS LLC. DATE \_\_\_\_\_  
PO BOX 397  
BRIDGEVILLE, DE 19933

#### OWNER(S) CERTIFICATION

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

NEWTON PROPERTIES II, LLC. DATE \_\_\_\_\_  
PO BOX 397  
BRIDGEVILLE, DE 19933

#### ENGINEERS CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE. THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION, AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVID M. HEATWOLE, P.E. (DE LICENSE NO. #17780) DATE \_\_\_\_\_  
19 COMMERCIAL STREET  
HARRINGTON, DE 19952

#### DEVELOPER'S CERTIFICATION

IT IS HEREBY CERTIFIED THAT I AM THE DEVELOPER OF "PARCEL A" DESCRIBED AND SHOWN ON THIS PLAN. THAT THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT, AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

MILLERMETAL FABRICATION, INC. DATE \_\_\_\_\_  
8600 E NEWTON ROAD  
BRIDGEVILLE, DE 19933

SYMBOL	NAME	SOIL GROUP
HbA	HAMBROOK SANDY LOAM, 0 TO 2 PERCENT SLOPES	B
HbB	HAMMONTON-FALLSINGTON-MULLICA COMPLEX, 0 TO 2 PERCENT SLOPES	B
SdA	SASSAFRAS SANDY LOAM, 0 TO 2 PERCENT SLOPES	B

**CALL Miss Utility of Delmarva BEFORE YOU DIG**  
800-282-8555 or 811

**SITEWORKS ENGINEERING**  
PO BOX 21 | 19 COMMERCIAL ST. HARRINGTON, DE 19952 Phone: (302) 841-7901  
RECORD PLAN COVER SHEET

**MILLERMETAL FABRICATION FACILITY**  
TAX PARCEL NO. 131-6.00-8.00  
SR 404 NEWTON ROAD (S 582)  
NORTHWEST FORK HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

SCALE	PROJECT #	DRAWN BY
AS NOTED	MMF2001	DMH
DRAWING NUMBER		

**R-1**

# DELDOT RECORD PLAN NOTES

REVISED MARCH 21, 2019

- ALL ENTRANCES SHALL CONFORM TO THE DELAWARE DEPARTMENT OF TRANSPORTATION'S (DELDOT'S) CURRENT DEVELOPMENT COORDINATION MANUAL AND SHALL BE SUBJECT TO ITS APPROVAL.
- NO LANDSCAPING SHALL BE ALLOWED WITHIN THE RIGHT-OF-WAY UNLESS THE PLANS ARE COMPLIANT WITH SECTION 3.7 OF THE DEVELOPMENT COORDINATION MANUAL.
- SHRUBBERY, PLANTINGS, SIGNS AND/OR OTHER VISUAL BARRIERS THAT COULD OBSTRUCT THE SIGHT DISTANCE OF A DRIVER PREPARING TO ENTER THE ROADWAY ARE PROHIBITED WITHIN THE DEFINED DEPARTURE SIGHT TRIANGLE AREA ESTABLISHED ON THIS PLAN. IF THE ESTABLISHED DEPARTURE SIGHT TRIANGLE AREA IS OUTSIDE THE RIGHT-OF-WAY OR PROJECTS ONTO AN ADJACENT PROPERTY OWNERS LAND, A SIGHT EASEMENT SHOULD BE ESTABLISHED AND RECORDED WITH ALL AFFECTED PROPERTY OWNERS TO MAINTAIN THE REQUIRED SIGHT DISTANCE.
- UPON COMPLETION OF THE CONSTRUCTION OF THE SHARED-USE PATH ACROSS THIS PROJECT'S FRONTAGE AND PHYSICAL CONNECTION TO ADJACENT EXISTING FACILITIES, THE DEVELOPER, THE PROPERTY OWNERS OR BOTH ASSOCIATED WITH THIS PROJECT, SHALL BE RESPONSIBLE TO REMOVE ANY EXISTING ROAD TIE-IN CONNECTIONS LOCATED ALONG ADJACENT PROPERTIES, AND RESTORE THE AREA TO GRASS. SUCH ACTIONS SHALL BE COMPLETED AT DELDOT'S DISCRETION, AND IN CONFORMANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- PRIVATE STREETS CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE MAINTAINED BY THE DEVELOPER, THE PROPERTY OWNERS WITHIN THIS SUBDIVISION, OR BOTH, (TITLE 17 §131). DELDOT ASSUMES NO RESPONSIBILITIES FOR THE FUTURE MAINTENANCE OF THESE STREETS.
- THE SIDEWALK AND SHARED-USE PATH SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, THE PROPERTY OWNERS OR BOTH WITHIN THIS SUBDIVISION. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF THE SIDEWALK AND/OR SHARED-USE PATH.
- ALL LOTS SHALL HAVE ACCESS FROM INTERNAL STREETS.
- TO MINIMIZE RUTTING AND EROSION OF THE ROADSIDE DUE TO ON-STREET PARKING, DRIVEWAY AND BUILDING LAYOUTS MUST BE CONFIGURED TO ALLOW FOR VEHICLES TO BE STORED IN THE DRIVEWAY BEYOND THE RIGHT-OF-WAY, WITHOUT INTERFERING WITH SIDEWALK ACCESS AND CLEARANCE.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MONUMENTS IN ACCORDANCE WITH DELDOT'S DEVELOPMENT COORDINATION MANUAL.
- THE DEVELOPER SHALL BE REQUIRED TO FURNISH AND PLACE RIGHT-OF-WAY MARKERS TO PROVIDE A PERMANENT REFERENCE FOR RE-ESTABLISHING THE RIGHT-OF-WAY AND PROPERTY CORNERS ON LOCAL AND HIGHER ORDER FRONTAGE ROADS. RIGHT-OF-WAY MARKERS SHALL BE SET AND/OR PLACED ALONG THE FRONTAGE ROAD RIGHT-OF-WAY AT PROPERTY CORNERS AND AT EACH CHANGE IN RIGHT-OF-WAY ALIGNMENT IN ACCORDANCE WITH SECTION 3.2.4.2 OF THE DEVELOPMENT COORDINATION MANUAL.
- THIS COMMERCIAL PARCEL HAS DIRECT FRONTAGE ALONG NEWTON ROAD, ROUTE 404, WHICH HAS A FUNCTIONAL CLASSIFICATION OF PRINCIPAL ARTERIAL AS DEFINED BY THE STATE OF DELAWARE'S DEPARTMENT OF TRANSPORTATION, PER SECTION 3.6.1 OF THE DELDOT DEVELOPMENT COORDINATION MANUAL (DCM). IT IS THE DEVELOPER'S RESPONSIBILITY TO EVALUATE NOISE LEVELS AND THEIR IMPACTS ON PROPOSED DEVELOPMENT. FOR PROJECTS ADJACENT TO EXISTING TRANSPORTATION FACILITIES WITH THIS FUNCTIONAL CLASSIFICATION, ROADWAYS WITH THIS CLASSIFICATION CAN BE EXPECTED TO GENERATE ELEVATED LEVELS OF ROAD AND TRAFFIC RELATED NOISE, SIMILAR TO WHAT CAN BE EXPECTED IN URBAN AREAS. A DETAILED NOISE ANALYSIS PER DCM 3.6 IS TYPICALLY RECOMMENDED TO HELP GAUGE THE ACTUAL IMPACTS THAT ROADWAY RELATED NOISE MAY HAVE ON VARIOUS POTENTIAL LAND USES (SUCH AS THOSE DESCRIBED IN DCM FIGURE 3.6.3.A, NOISE ABATEMENT CRITERIA). WITH THE INCLUSION OF THIS NOTE, THE DEVELOPER IS ACKNOWLEDGING THAT THE PROPOSED SITE AND/OR BUILDING LOCATION CAN BE EXPECTED TO EXCEED THE SPECIFIC MAXIMUM NOISE LEVELS FOR CERTAIN COMMERCIAL AND NON-RESIDENTIAL USES AS SHOWN IN DCM FIGURE 3.6.3.A. THE DEVELOPER'S WAIVER OF THE NOISE ANALYSIS AND REVIEW OF POTENTIAL NOISE MITIGATION MEASURES ARE SUPPORTED BY THE INFEASIBILITY OF APPLYING NOISE MITIGATION MEASURES, BASED ON ENGINEERING CONSIDERATIONS AND FACTORS THAT WOULD LIMIT THE ABILITY TO ACHIEVE SUBSTANTIAL NOISE REDUCTION, RELATED TO THE COMMERCIAL USE OF THE SITE AND/OR BUILDINGS. THIS WAIVER ACKNOWLEDGES THAT THE DECIBEL LEVEL FOR THIS PARCEL MAY EXCEED THE APPLICABLE LIMITS FOR SOME CURRENT OR FUTURE PROPOSED USES. THE USE OF THIS NOTE SIGNIFIES THE SUBDIVISION ENGINEER'S CONCURRENCE WITH WAIVING THE DEVELOPER'S COMPLETION OF A DETAILED NOISE STUDY AND SUBSEQUENT REVIEW OF RESULTING NOISE ABATEMENT FINDINGS OR MITIGATION MEASURES. ANY FUTURE COMPLAINTS RELATING TO EXISTING OR FUTURE NOISE LEVELS IMPACTING PROPOSED USES ON THIS SITE AND ALONG THIS EXISTING TRANSPORTATION FACILITY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER OR LAND OWNER OR BOTH.
- IN ACCORDANCE WITH A DELDOT MEMORANDUM FROM TROY BRESTEL, PROJECT ENGINEER, DATED SEPTEMBER 9, 2019, THE MILLERMETAL FABRICATION FACILITY PROJECT MEETS DELDOT'S VOLUME WARRANTS TO PAY THE AREA WIDE STUDY FEE IN LIEU OF DOING A TRAFFIC IMPACT STUDY (TIS) AND THERE ARE NO OFF-SITE IMPROVEMENTS THAT THE DEVELOPER WILL BE REQUIRED TO MAKE OR PARTICIPATE IN.

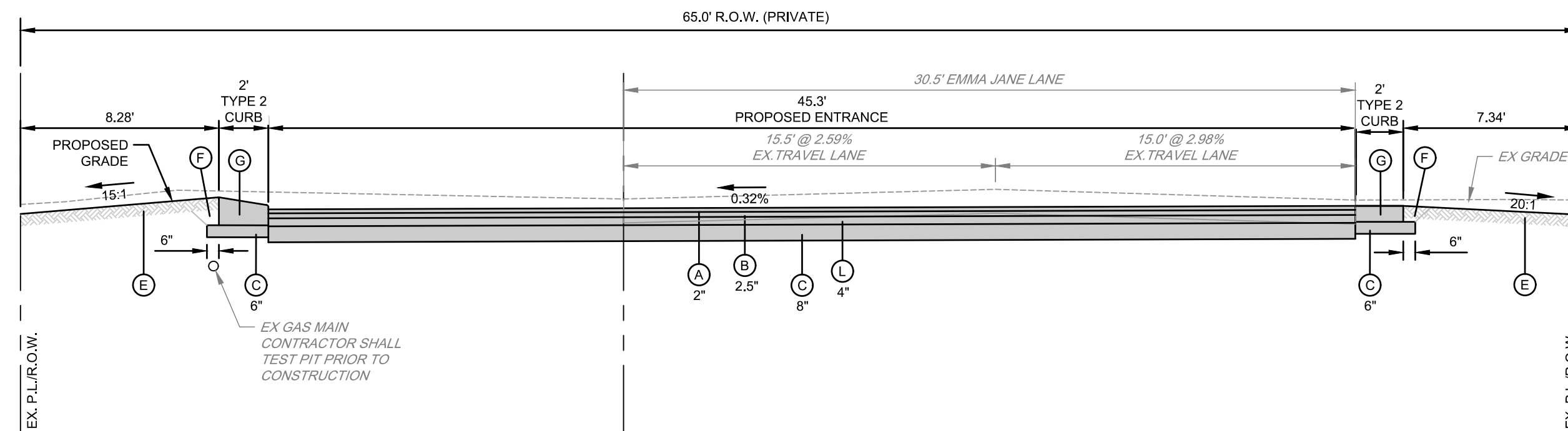
## SITE DATA:

- TAX MAP NUMBER(S) 131-6.00-8.00 & 131-6.00-8.06
- PARCEL 131-6.00-8.00  
OWNER NEWTON FARMS LLC, J CONAWAY, & E MCSOPDDEN  
GROSS PROPERTY AREA: 23.702 ACRES  
AREA DEDICATED TO DELDOT: 0.274 ACRES  
PARCEL AREA / NET DEVELOPMENT AREA: 8.500 ACRES (PARCEL A)  
RESIDUAL PROPERTY AREA: 14.928 ACRES (REMAINING LANDS)
- PARCEL 131-6.00-8.06  
OWNER NEWTON PROPERTIES II LLC  
GROSS PROPERTY AREA: 1.273 ACRES  
AREA DEDICATED TO DELDOT: 0.017 ACRES  
REMAINING LANDS: 1.256 ACRES
- EXISTING & PROPOSED LOTS: 1 EXISTING - 2 PROPOSED
- DEVELOPER NAME: MILLERMETAL FABRICATION, INC.  
NEWTON PROPERTIES II, LLC
- PROPERTY ADDRESS: 8500 NEWTON ROAD  
BRIDGEVILLE, DE 19960
- GOVERNMENTAL ENTITY RESPONSIBLE FOR LAND USE APPROVAL: SUSSEX COUNTY
- HUNDRED/COUNTY: NORTHWEST FORK HUNDRED / SUSSEX COUNTY
- CURRENT ZONING: C-1 - PARCEL 131-6.00-8.06  
LI-2 - PARCEL 131-6.00-8.06
- PROPOSED ZONING: LI-2 UNDER CZ1919, LOT SIZE AND SETBACKS  
CONTINGENT UPON CHANGE IN ZONE APPROVAL.
- PRESENT USE: TILLED CROPS
- PROPOSED USE: METAL FABRICATION SHOP
- GROSS LEASABLE FLOOR AREA: 67,320 SF
- MINIMUM LOT SIZE: AREA = 1 ACRES  
WIDTH = 150 FEET  
DEPTH = 200 FEET
- REQUIRED LI-2 SETBACKS (B.R.L.): FRONT: 50-FEET  
SIDE: 20-FEET  
REAR: 20-FEET
- MAXIMUM HEIGHT REQUIREMENT: 52-FEET  
PROPOSED HEIGHT: <52-FEET
- REQUIRED PARKING: 1 FOR EVERY TWO EMPLOYEES ON THE  
MAJOR SHIFT (MANUFACTURING)  
EMPLOYEES ON MAJOR SHIFT (81)  
PARKING SPACES REQUIRED = 41  
PARKING SPACES PROVIDED = 83
- LOADING SPACE REQUIRED: 4 SPACES  
LOADING SPACES PROVIDED: 4 SPACES
- WATER SUPPLIER: ON-SITE WELL
- SANITARY SEWER PROVIDER: ON-SITE WASTEWATER DISPOSAL SYSTEM
- PROJECT DATUM  
HORIZONTAL: NAD 83  
VERTICAL: NAVD88
- FEMA FLOOD MAP: PER FEMA FLOOD MAP 10005C0115K EFFECTIVE 3/16/2015, THE SITE IS NOT  
SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.
- POSTED SPEED LIMIT FOR E NEWTON RD (SCR 582): 45 MPH
- 2020 STATE INVESTMENT AREA: LEVEL 2
- LATITUDE AND LONGITUDE STATE PLAN COORDINATES:  
LATITUDE: N 38° 45' 36"  
LONGITUDE: W 75° 35' 59"
- WETLAND AREA: 0.00 ACRES
- PROPOSED DISCHARGE LOCATION: INFILTRATION / EX CLOSED DRAINAGE
- PROXIMITY TO T.I.D.: NOT WITHIN AN IDENTIFIED TID
- LIMIT OF DISTURBANCE: 9.8 ACRES
- WATERSHED: NANTICOKE RIVER

## TYPICAL SECTION LEGEND

- (A) ITEM 401007 - SUPERPAVE TYPE C, PG 76-22, CARBONATE STONE
- (B) ITEM 401016 - SUPERPAVE TYPE B, PG 76-22
- (C) ITEM 301001 - GRADED AGGREGATE BASE COURSE, TYPE B
- (D) ITEM 908020 - EROSION CONTROL BLANKET MULCH, TYPE 3 FOR 1 ROLL WITH MINIMUM 6' OF WIDTH
- (E) ITEM 908004 - TOPSOIL, 6" DEPTH OR  
ITEM 908010 - TOPSOILING, 6" DEPTH  
ITEM 908014 - PERMANENT GRASS SEEDING, DRY GROUND
- (F) ITEM 209006 - BORROW, TYPE F
- (G) ITEM 701014 - PORTLAND CEMENT CONCRETE CURB - TYPE 2 (PER DELDOT STANDARD DETAIL C-1)
- (H) TAPER MILL AND OVERLAY TO FINAL GRADE
- (I) NOT USED
- (J) SAFETY EDGE (PER DELDOT STANDARD DETAIL P-6)
- (K) ITEM 401005 - SUPERPAVE TYPE C, PG 64-22 (CARBONATE STONE)
- (L) ITEM 401014 - SUPERPAVE TYPE B, PG 64-22

NOTE: SUBGRADE SHALL BE PREPARED IN ACCORDANCE WITH DELDOT STANDARD SPECIFICATIONS.



## EMMA JANE LANE ENTRANCE SECTION

SCALE: 1" = 5'

## GENERAL NOTES:

- ALL KNOWN EASEMENTS ARE SHOWN ON THE PLAN; HOWEVER, THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY.
- THE ITEMS DEPICTED ON THE FINAL SITE PLAN ARE FOR ILLUSTRATIVE AND OUTLINE PURPOSES ONLY. THE GENERAL LOCATION AND DIMENSIONS OF ITEMS DEPICTED ON THE FINAL SITE PLAN MAY BE SUPERCEDED BY APPROVED / REVISED CONSTRUCTION DRAWINGS, BUILDING PERMIT DRAWINGS AND OTHER MODIFICATIONS THERETO APPROVED BY THE AUTHORITIES HAVING JURISDICTION AT THE SOLE DISCRETION OF THE DEVELOPER INCLUDING THE DEVELOPER'S SUCCESSORS AND ASSIGNS.
- ALL LIGHTING SHALL BE DOWNWARD SCREENED TO MINIMIZE GLARE ON SURROUNDING RESIDENTIAL PROPERTIES.
- THE PROPOSED MILLERMETAL SIGN AT THE ENTRANCE IS NOT APPROVED AS PART OF THIS SITE PLAN. A SEPARATE SUSSEX COUNTY PERMIT IS REQUIRED.

**SITENWORKS**  
**ENGINEERING**

PO BOX 2 | 19 COMMERC ST., HARRINGTON, DE 19952 Phone: (302) 841-7901

**RECORD PLAN NOTES**

**MILLERMETAL FABRICATION FACILITY**

**TAX PARCEL NO. 131-6.00-8.00**  
**SR 404 NEWTON ROAD (S 582)**

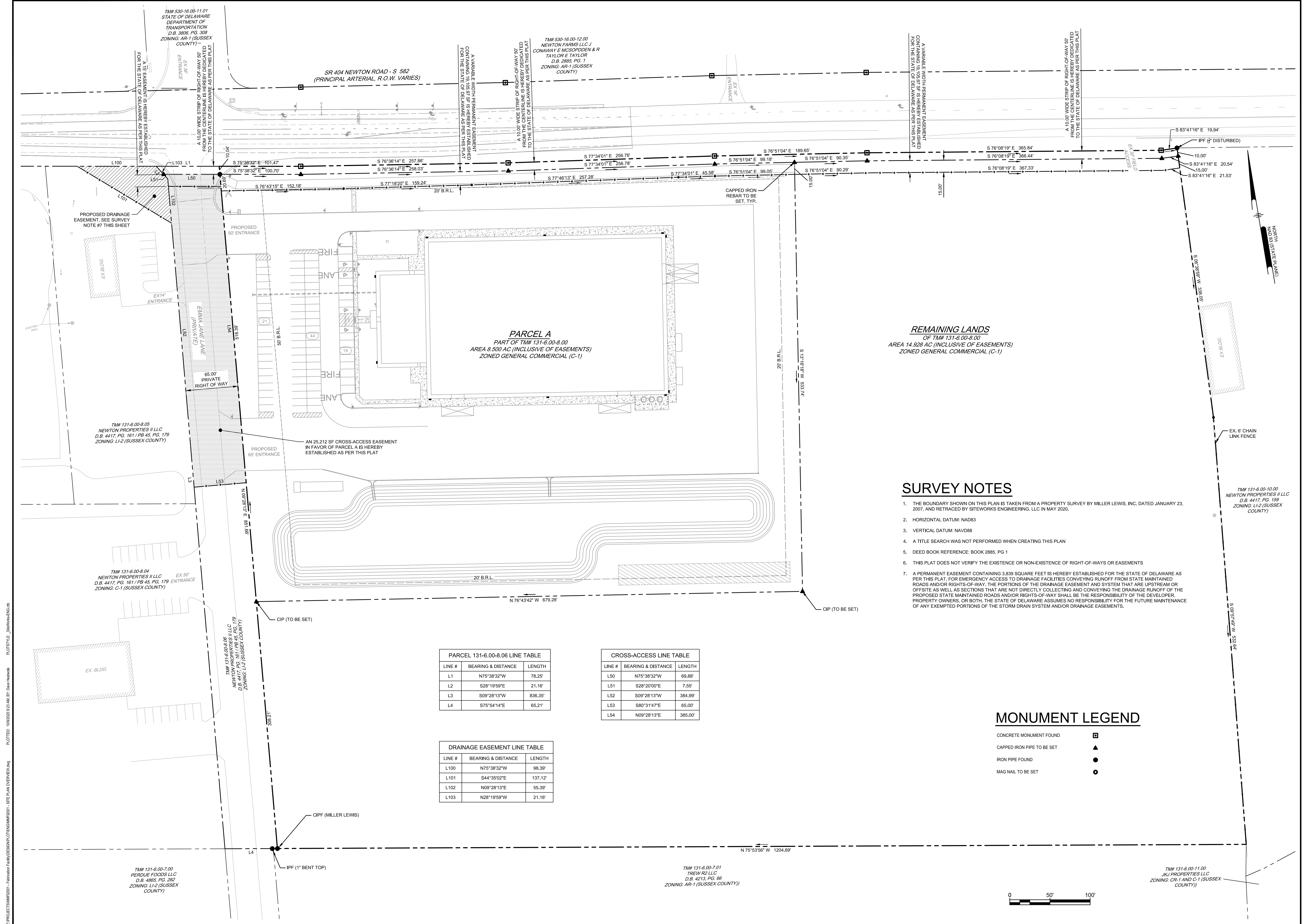
**NORTHWEST FORK HUNDRED, SUSSEX COUNTY**

ISSUE / REVISION BLOCK

5/7/20 - SUSSEX COUNTY P&Z  
 7/7/20 - STATE FIRE MARSHAL  
 7/10/20 - SUSSEX CONSERVATION  
 8/26/20 - DELDOT  
 9/3/20 - SUSSEX CONSERVATION  
 10/9/20 - DELDOT  
 10/9/20 - SUSSEX CONSERVATION  
 10/9/20 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY  
 AS NOTED MMF2001 DMH  
 DRAWING NUMBER

**R-2**



**PARCEL A**  
 PART OF TM# 131-6.00-8.00  
 AREA 8.500 AC (INCLUSIVE OF EASEMENTS)  
 ZONED GENERAL COMMERCIAL (C-1)

**REMAINING LANDS**  
 OF TM# 131-6.00-8.00  
 AREA 14.928 AC (INCLUSIVE OF EASEMENTS)  
 ZONED GENERAL COMMERCIAL (C-1)

**SURVEY NOTES**

- THE BOUNDARY SHOWN ON THIS PLAN IS TAKEN FROM A PROPERTY SURVEY BY MILLER LEWIS, INC. DATED JANUARY 23, 2007, AND RETRACED BY SITEWORKS ENGINEERING, LLC IN MAY 2020.
- HORIZONTAL DATUM: NAD83
- VERTICAL DATUM: NAVD88
- A TITLE SEARCH WAS NOT PERFORMED WHEN CREATING THIS PLAN
- DEED BOOK REFERENCE: BOOK 2885, PG 1
- THIS PLAT DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF RIGHT-OF-WAYS OR EASEMENTS
- A PERMANENT EASEMENT CONTAINING 3,839 SQUARE FEET IS HEREBY ESTABLISHED FOR THE STATE OF DELAWARE AS PER THIS PLAT, FOR EMERGENCY ACCESS TO DRAINAGE FACILITIES CONVEYING RUNOFF FROM STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY. THE PORTIONS OF THE DRAINAGE EASEMENT AND SYSTEM THAT ARE UPSTREAM OR OFFSITE AS WELL AS SECTIONS THAT ARE NOT DIRECTLY COLLECTING AND CONVEYING THE DRAINAGE RUNOFF OF THE PROPOSED STATE MAINTAINED ROADS AND/OR RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, PROPERTY OWNERS, OR BOTH. THE STATE OF DELAWARE ASSUMES NO RESPONSIBILITY FOR THE FUTURE MAINTENANCE OF ANY EXEMPTED PORTIONS OF THE STORM DRAIN SYSTEM AND/OR DRAINAGE EASEMENTS.

LINE #	BEARING & DISTANCE	LENGTH
L1	N75°38'32"W	78.25'
L2	S28°19'59"E	21.16'
L3	S09°28'13"W	836.35'
L4	S75°54'14"E	65.21'

LINE #	BEARING & DISTANCE	LENGTH
L50	N75°38'32"W	69.88'
L51	S28°20'00"E	7.55'
L52	S09°28'13"W	384.89'
L53	S80°31'47"E	65.00'
L54	N09°28'13"E	385.00'

LINE #	BEARING & DISTANCE	LENGTH
L100	N75°38'32"W	98.39'
L101	S44°35'02"E	137.12'
L102	N09°28'13"E	55.39'
L103	N28°19'59"W	21.16'

**MONUMENT LEGEND**

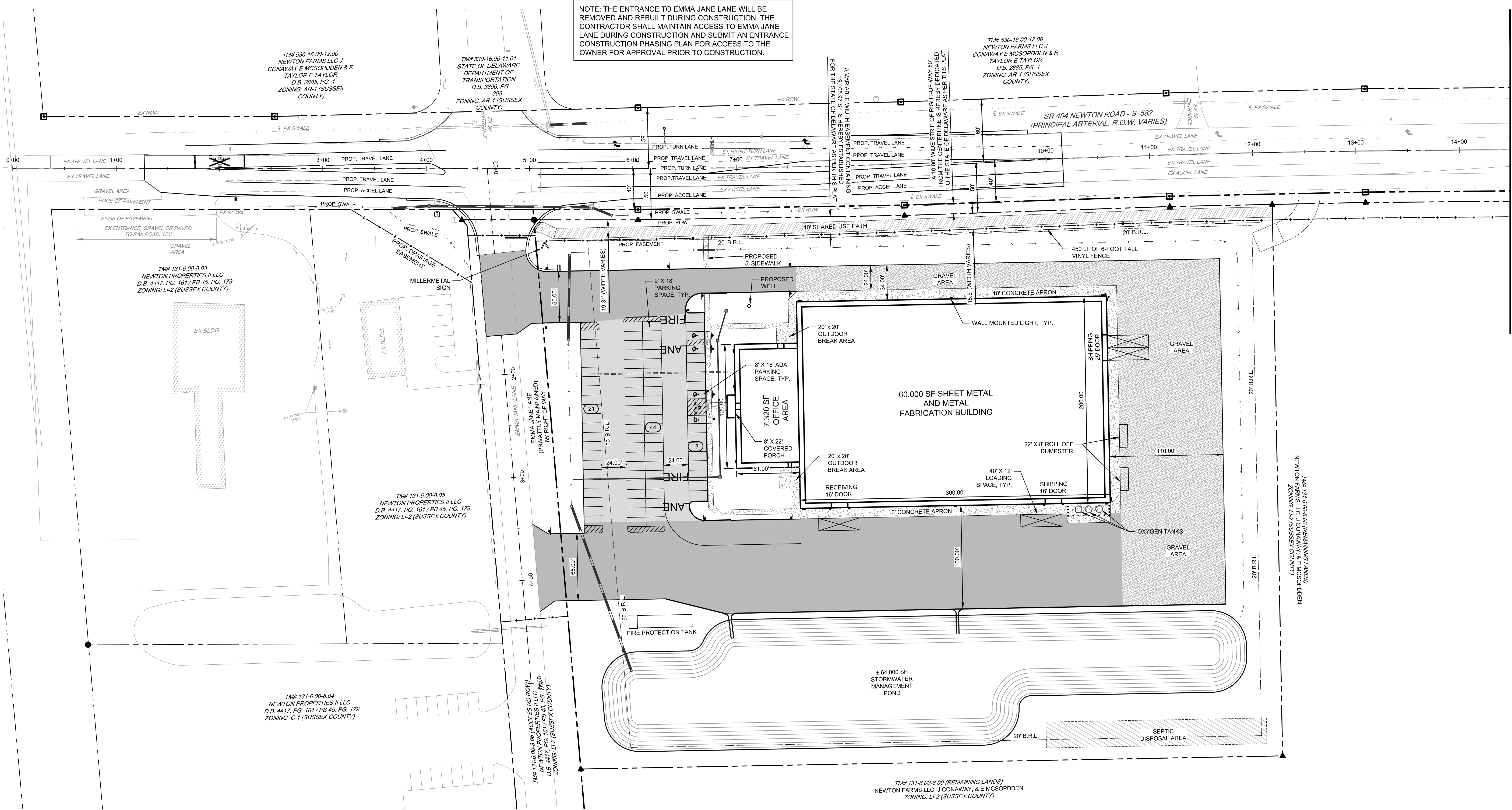
- CONCRETE MONUMENT FOUND      □
- CAPPED IRON PIPE TO BE SET      ▲
- IRON PIPE FOUND      ●
- MAG NAIL TO BE SET      ○



**MILLERMETAL FABRICATION FACILITY**  
**TAX PARCEL NO. 131-6.00-8.00**  
**SR 404 NEWTON ROAD (S 582)**  
 NORTHWEST FORK HUNDRED, SUSSEX COUNTY

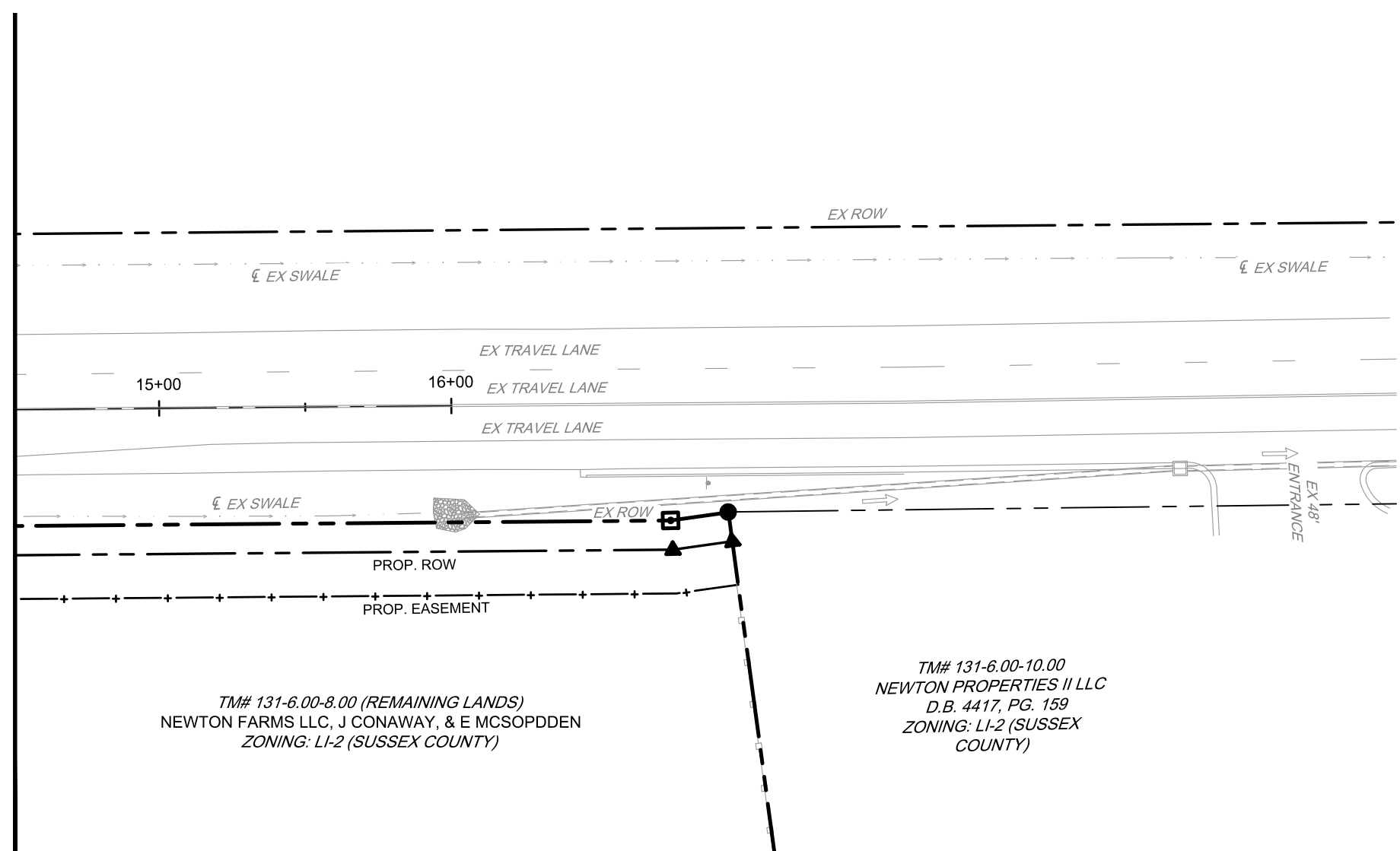
5/7/20 - SUSSEX COUNTY P&Z	7/7/20 - DELDOT
7/7/20 - STATE FIRE MARSHAL	7/10/20 - SUSSEX CONSERVATION
8/28/20 - DELDOT	9/3/20 - SUSSEX CONSERVATION
10/9/20 - DELDOT	10/9/20 - SUSSEX CONSERVATION
10/9/20 - SUSSEX COUNTY P&Z	
SCALE      PROJECT #	DRAWN BY
1" = 60'	MMF2001      DMH
DRAWING NUMBER	

NOTE: THE ENTRANCE TO EMMA JANE LANE WILL BE REMOVED AND REBUILT DURING CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ACCESS TO EMMA JANE LANE DURING CONSTRUCTION AND SUBMIT AN ENTRANCE CONSTRUCTION PHASING PLAN FOR ACCESS TO THE OWNER FOR APPROVAL PRIOR TO CONSTRUCTION.



MATCHLINE SEE BELOW

MATCHLINE SEE ABOVE



**SITEWORKS**  
ENGINEERING

PO BOX 2119 COMMERCE ST. HARRINGTON, DE 19952 Phone: (302) 841-7901

PRELIMINARY SITE PLAN

**MILLERMETAL FABRICATION FACILITY**  
TAX PARCEL NO. 131-6.00-8.00  
SR 404 NEWTON ROAD (S 582)  
NORTHWEST FORK HUNDRED, SUSSEX COUNTY

ISSUE / REVISION BLOCK

5/7/20 - SUSSEX COUNTY P&Z
7/2/20 - DELDOT
7/7/20 - STATE FIRE MARSHAL
7/10/20 - SUSSEX CONSERVATION
8/28/20 - DELDOT
9/3/20 - SUSSEX CONSERVATION
10/9/20 - DELDOT
10/9/20 - SUSSEX CONSERVATION
10/9/20 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY  
1" = 50' MMF2001 DMH  
DRAWING NUMBER

**R-4**

**MILLERMETAL FABRICATION FACILITY**

TAX PARCEL NO. 131-6-00-8-00  
SR 404 NEWTON ROAD (S 582)

NORTHWEST FORK HUNDRED, SUSSEX COUNTY

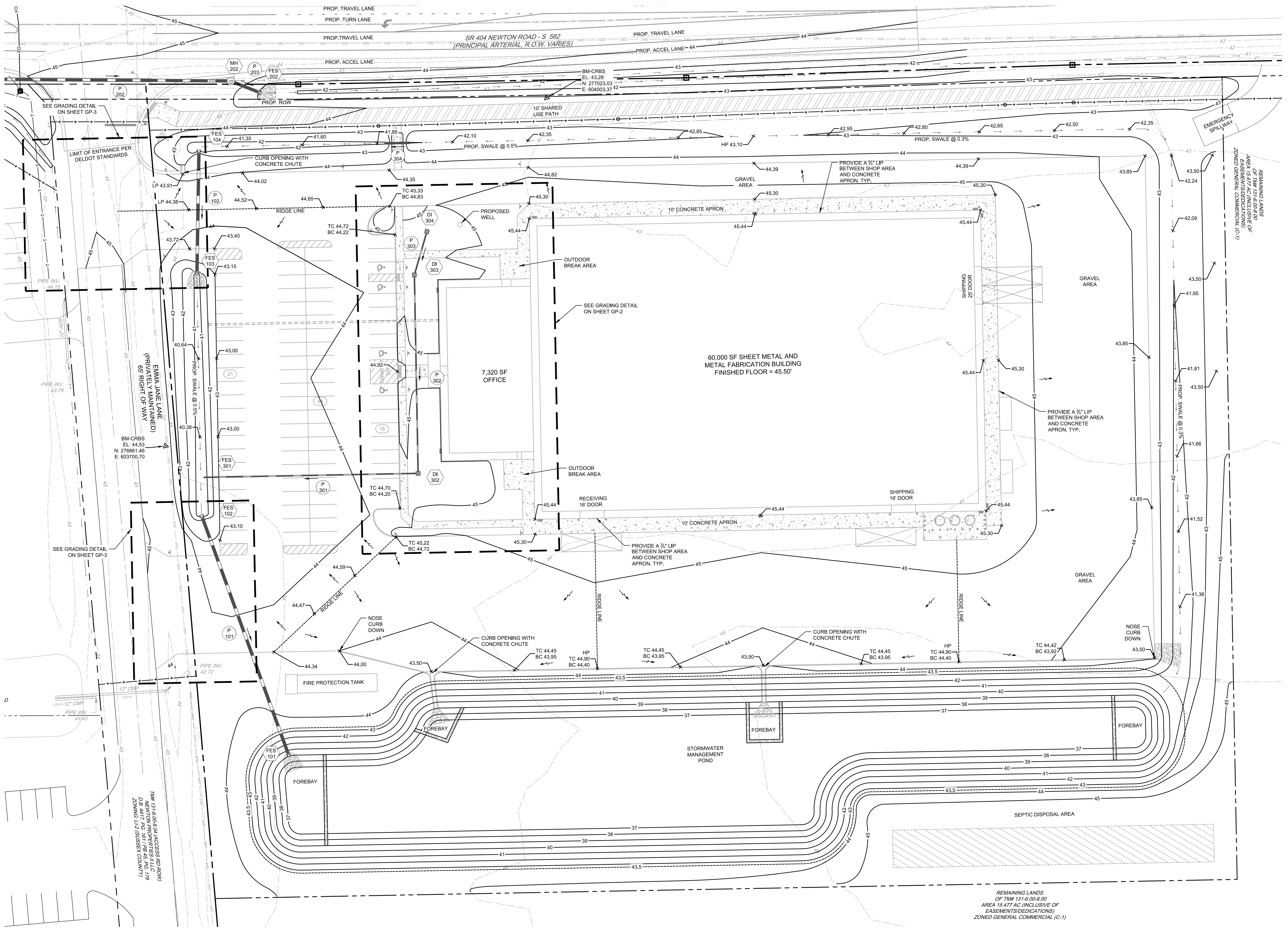
ISSUE / REVISION BLOCK

5/7/20 - SUSSEX COUNTY P&Z  
7/2/20 - DELDOT  
7/7/20 - STATE FIRE MARSHAL  
7/10/20 - SUSSEX CONSERVATION  
8/28/20 - DELDOT  
9/3/20 - SUSSEX CONSERVATION  
10/9/20 - DELDOT  
10/9/20 - SUSSEX CONSERVATION  
10/9/20 - SUSSEX COUNTY P&Z

SCALE PROJECT # DRAWN BY  
1" = 30' MMF2001 DMH

DRAWING NUMBER

**GP-1**



LABEL	BOX	DESCRIPTION	TOP UNIT	GRATE	T.G. ELEV.	INVERT IN.	INVERT IN.	INVERT IN.	INVERT OUT
DI 302	24"x24"	YARD INLET	TYPE 6		44.25	42.25	----	----	42.25
DI 303	24"x24"	YARD INLET	TYPE 6		44.10	42.85	----	----	42.85
DI 304	24"x24"	YARD INLET	TYPE 6		44.40	----	----	----	43.15

LABEL	SIZE	TYPE	INVERT
FES 101	18"	RCP	39.00
FES 102	18"	RCP	40.12
FES 103	18"	RCP	40.92
FES 104	18"	RCP	41.26

LABEL	DESCRIPTION						INVERT ELEVATION	
	FROM	TO	SIZE	TYPE	LENGTH (FT)	SLOPE (%)	UP	DOWN
P-101	FES 102	FES 101	18"	RCP	170.83	CLASS IV 0.66%	40.12	39.00
P-102	FES 104	FES 103	18"	RCP	82.79	CLASS IV 0.41%	41.26	40.92
P-301	DI 302	FES 301	8"	PVC	142.50	SCH. 40 1.33%	42.25	40.35
P-302	DI 303	DI 302	8"	PVC	132.00	SCH. 40 0.45%	42.85	42.25
P-303	DI 304	DI 303	8"	PVC	30.00	SCH. 40 1.00%	43.15	42.85
P-304	----	----	12"	RCP	16.00	CLASS III 0.50%	41.96	41.88



Z:\PROJECTS\MMF2001 - Fabrication Facility\DESIGN\OT\ENCL\MMF2001 - Site Grading Plan.dwg

PLOTTED: 10/9/2020 9:32 AM BY: Dave Haddock

PLOTFILE: S:\mmf2001.dwg



**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: November 12<sup>th</sup>, 2020

Application: CU 2247 Hillary Brock

Applicant: Hillary Brock  
19950 Beaver Dam Road  
Lewes, DE 19958

Owner: Hillary Brock  
19950 Beaver Dam Road  
Lewes, DE 19958

Site Location: 19950 Beaver Dam Road. The property is lying on the west side of Beaver Dam Rd. (Rt. 23) approximately 0.41 mile south of Hopkins Rd. (S.C.R. 286)

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Use: Operate a Mini Spa

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

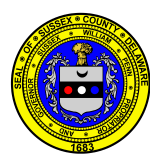
Sewer: Septic

Water: Well

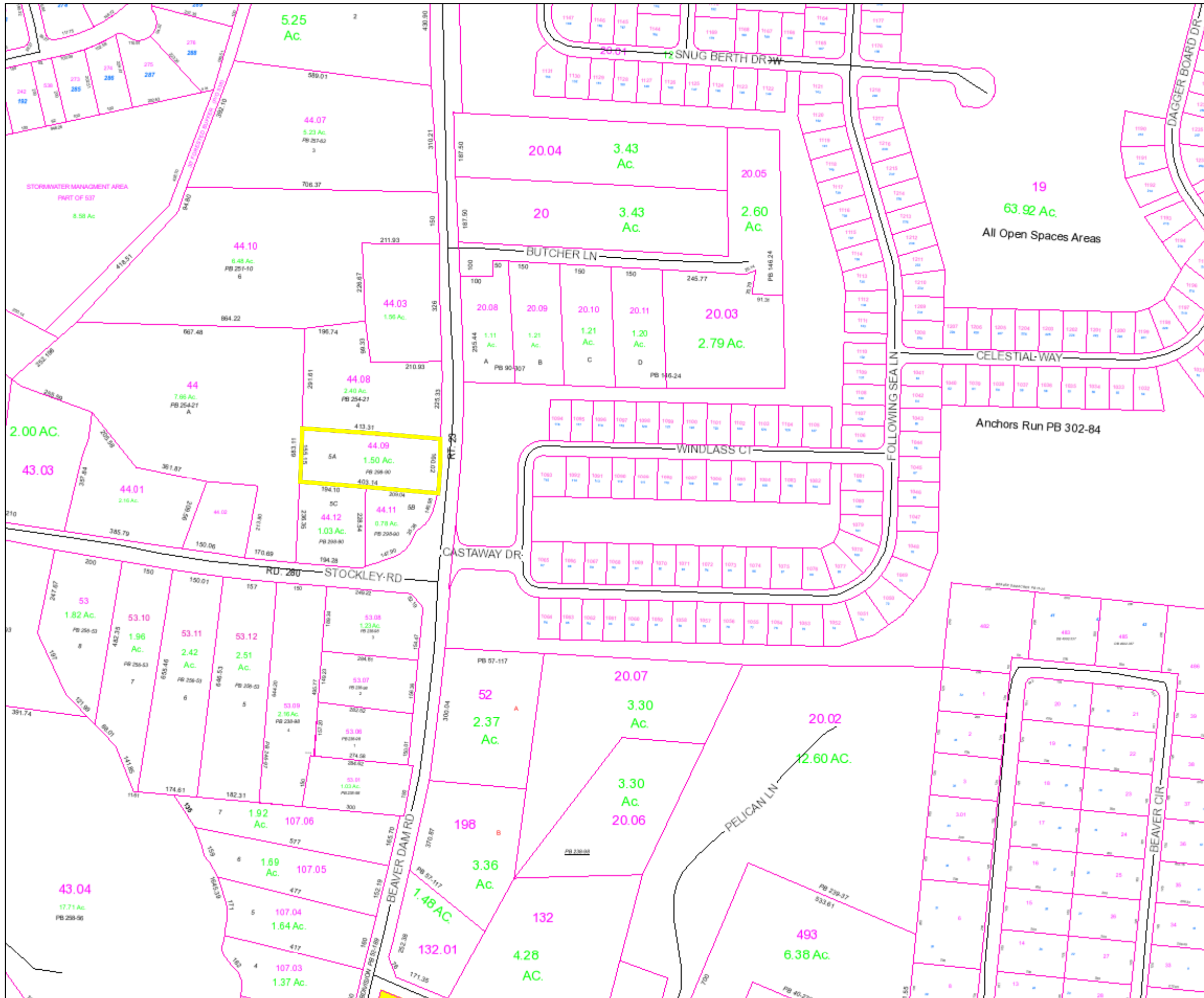
Site Area: 1.5 acres +/-

Tax Map ID.: 234-5.00-44.09





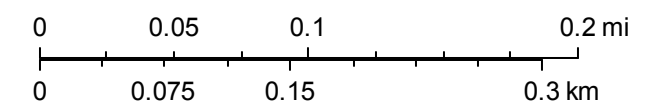
# Sussex County



<b>PIN:</b>	234-5.00-44.09	
<b>Owner Name</b>	BROCK TODD	MATTHEW
<b>Book</b>	5197	
<b>Mailing Address</b>	35609 PEREGRINE RD	
<b>City</b>	LEWES	
<b>State</b>	DE	
<b>Description</b>	CRN / BEAVER DAM RD	
<b>Description 2</b>	& STOCKLEY RD	
<b>Description 3</b>	LOT 5A LANDS OF MATTHEW	
<b>Land Code</b>		

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Override 1
- polygonLayer  
Override 1
- Tax Parcels
- Streets

1:4,514





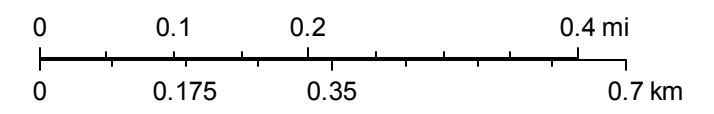
# Sussex County

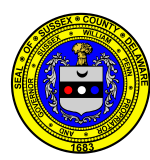


<b>PIN:</b>	234-5.00-44.09	
<b>Owner Name</b>	BROCK TODD	MATTHEW
<b>Book</b>	5197	
<b>Mailing Address</b>	35609 PEREGRINE RD	
<b>City</b>	LEWES	
<b>State</b>	DE	
<b>Description</b>	CRN / BEAVER DAM RD	
<b>Description 2</b>	& STOCKLEY RD	
<b>Description 3</b>	LOT 5A LANDS OF MATTHEW	
<b>Land Code</b>		

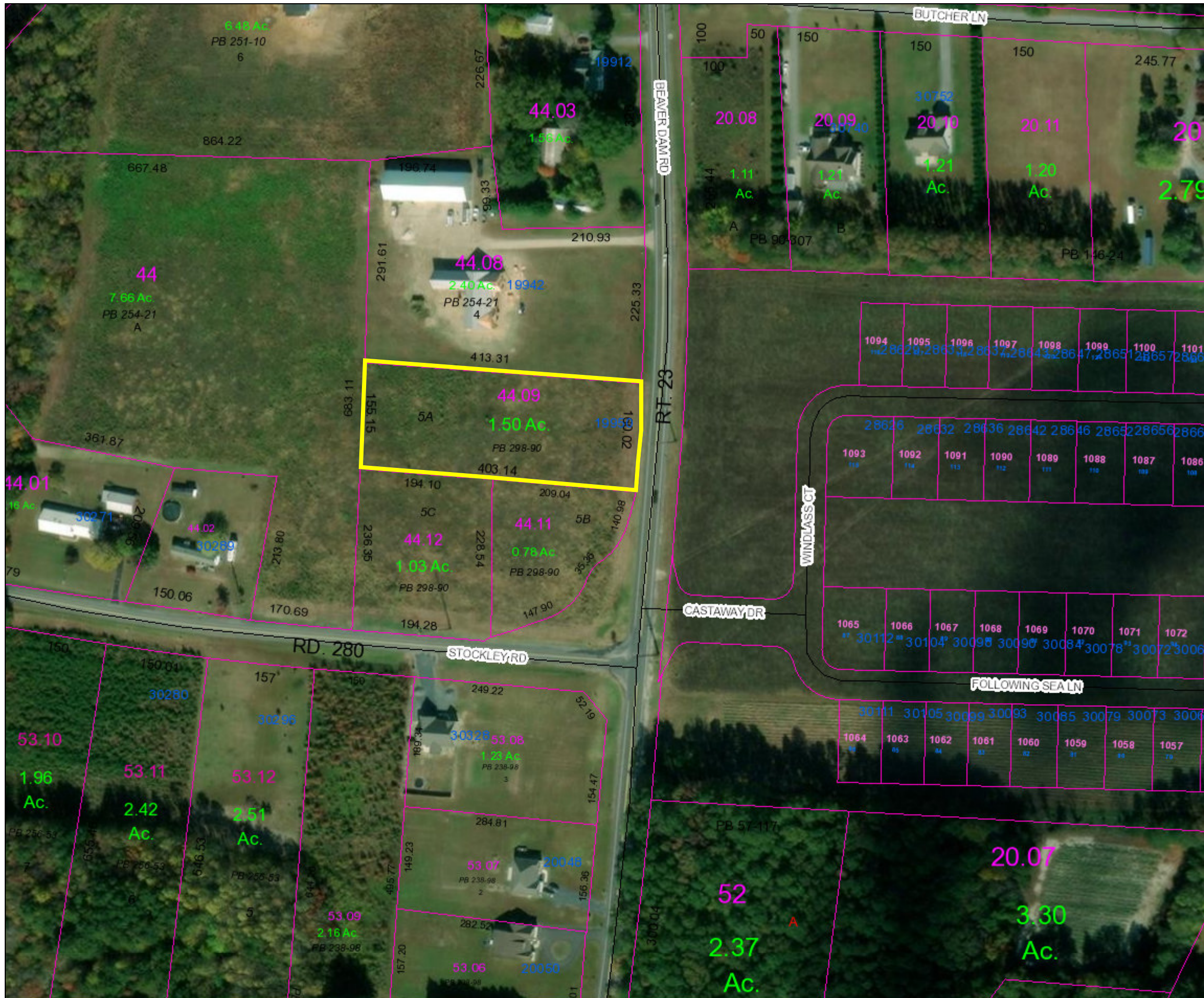
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets

1:9,028





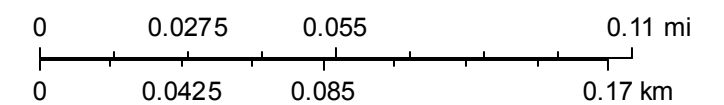
# Sussex County



<b>PIN:</b>	234-5.00-44.09	
<b>Owner Name</b>	BROCK TODD	MATTHEW TODD
<b>Book</b>	5197	
<b>Mailing Address</b>	35609 PEREGRINE RD	
<b>City</b>	LEWES	
<b>State</b>	DE	
<b>Description</b>	CRN / BEAVER DAM RD	
<b>Description 2</b>	& STOCKLEY RD	
<b>Description 3</b>	LOT 5A LANDS OF MATTHEW TODD	
<b>Land Code</b>		

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

1:2,257



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: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: November 6, 2020  
RE: Staff Analysis for CU 2247 Hillary Brock

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2247 Hillary Brock to be reviewed during the November 12, 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 234-5.00-44.09 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District to operate a mini spa. The parcel is located on the west side of Beaver Dam Rd. (Rt. 23) in Lewes, Delaware. The size of the property is approximately 1.50 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 north, south, east and west 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, east and west are all zoned AR-1 (Agricultural Residential Zoning District).

Since 2011, there has been one (1) Conditional Use approval within a 1-mile radius of the application site. Conditional Use Number 2014 for a landscaping and site work business was approved by Sussex County Council on October 13, 2015 with Ordinance No. 2420.

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



File #: CU 2247  
2020 12683

## 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**

19950 Beaver Dam Road Lewes, DE 19958

**Type of Conditional Use Requested:**

operate a mini APA

Tax Map #: 234-5.00-44.09 Size of Parcel(s): 1.5 acres

Current Zoning: RS AR-1 Proposed Zoning: CU Size of Building: Whole Building 120' x 40' <sup>Spa space (28' x 40')</sup>

Land Use Classification: RS

Water Provider: N/A (own septic) Sewer Provider: N/A (own septic)

**Applicant Information**

Applicant Name: Hillary Brock  
Applicant Address: 19950 Beaver Dam Road Lewes, DE 19958  
City: Lewes State: DE Zip Code: 19958  
Phone #: 302-228-7208 E-mail: skinbyhillary@gmail.com

**Owner Information**

Owner Name: Hillary Brock  
Owner Address: 19950 J Beaver Dam Road  
City: Lewes State: DE Zip Code: 19958  
Phone #: 302-228-7208 E-mail: skinbyhillary@gmail.com

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: \_\_\_\_\_  
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

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

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

### Signature of Applicant/Agent/Attorney

\_\_\_\_\_

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

### Signature of Owner

 \_\_\_\_\_

Date: 10/12/2020

### 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

October 8, 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 **Hillary Brock** conditional use application, which we received on September 23, 2020. This application is for an approximately 1.50-acre parcel (Tax Parcel: 234-5.00-44.09). The subject land is located on the west side of Beaver Dam Road (Sussex Road 285), approximately 200 feet north of the intersection of Beaver Dam Road and Stockley Road (Sussex Road 280). The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking a conditional use approval to utilize part of the residential facility to operate a mini spa.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Beaver Dam Road where the subject land is located, which is from Hollymount Road (Sussex Road 48) to Dairy Farm Road (Sussex Road 261), are 5,982 and 7,699 vehicles per day, respectively.

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

A review of TIS completed in the last three years found that a TIS was completed for the Anchors Run (f.k.a. Insight at Lewes Run) residential development. That TIS





Mr. Jamie Whitehouse

Page 2 of 2

October 8, 2020

included the intersection of Beaver Dam Road and Stockley Road located just south of the subject site's proposed access. We are enclosing a copy of the TIS review letter.

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: Hillary Brock, Applicant

Russell Warrington, Sussex County Planning & Zoning

Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues

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: **10/27/2020**

APPLICATION: **CU 2247 Hillary Brock**

APPLICANT: **Hillary Brock**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **234-5.00-44.09**

LOCATION: **19950 Beaver Dam Road. The property is lying on the west side of Beaver Dam Road (Rt. 23) approximately 0.41 mile south of Hopkins Road (SCR 286).**

NO. OF UNITS: **Operate a mini-spa**

GROSS  
ACREAGE: **1.5**

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**

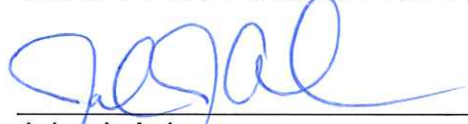
(3). Is wastewater capacity available for the project? **N/A** If not, what capacity is available? **N/A**.

(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 located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

UTILITY PLANNING APPROVAL:



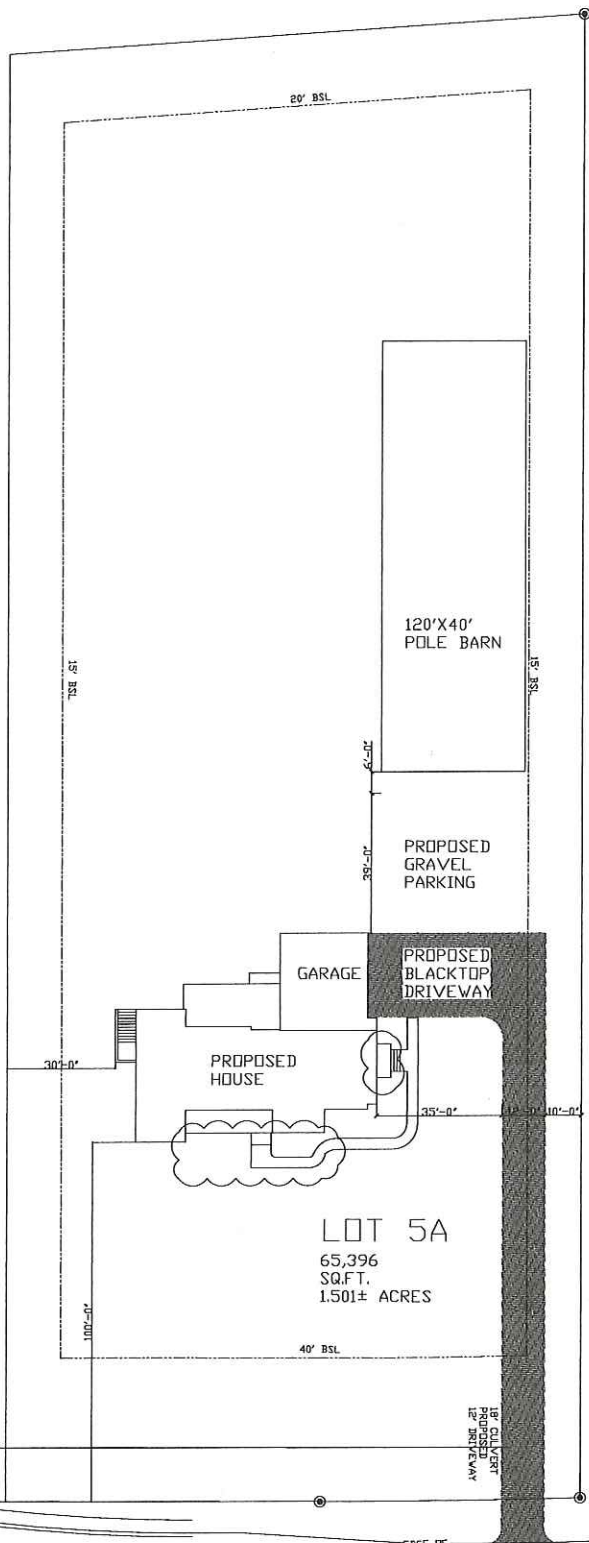
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John J. Ashman  
Director of Utility Planning

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

1st Floor 1835 sf  
 2nd Floor 1246 sf  
 Front Porch 158 sf  
 Rear Porch 331 sf  
 Basement 1835 sf  
 Blacktop Driveway 2935sf  
 Gravel Parking 1790sf

**LOT 5A**  
 65,396  
 SQ.FT.  
 1.501± ACRES



BEAVER DAM ROAD

**Site Plan**  
 SCALE: 1/8" = 1'-0"

Site

**Todd & Hillary Brock**  
 Lewis DE

No.      Revision/Issue      Date

	Revised for budget w/Revision Clouds	1/5/20
	Change siding to 5/5	12/4/19
	Site Review	12/4/19
	Revised Garage Foundation A2/1	12/3/19
	Revised Basement Stair Added A5/5	11/29/19
No.	Revision/Issue	Date



**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: November 12<sup>th</sup>, 2020

Application: CZ 1930 Indian River School District

Applicant: Indian River School District  
31 West Hosier St  
Selbyville, DE 19975

Owner: Indian River School District  
31 West Hosier St  
Selbyville, DE 19975

Site Location: 26026 Patriots Way. The property is lying on the east and west side of Patriot's Way

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Zoning: I-1 Institutional Zoning District

Comprehensive Land Use Plan Reference: Commercial & Low Density

Councilmanic District: Mr. Rieley & Mr. Wilson

School District: Indian River School District

Fire District: Millsboro Fire Department

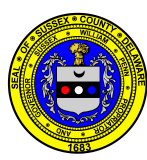
Sewer: Town of Georgetown

Water: Owned by Applicant

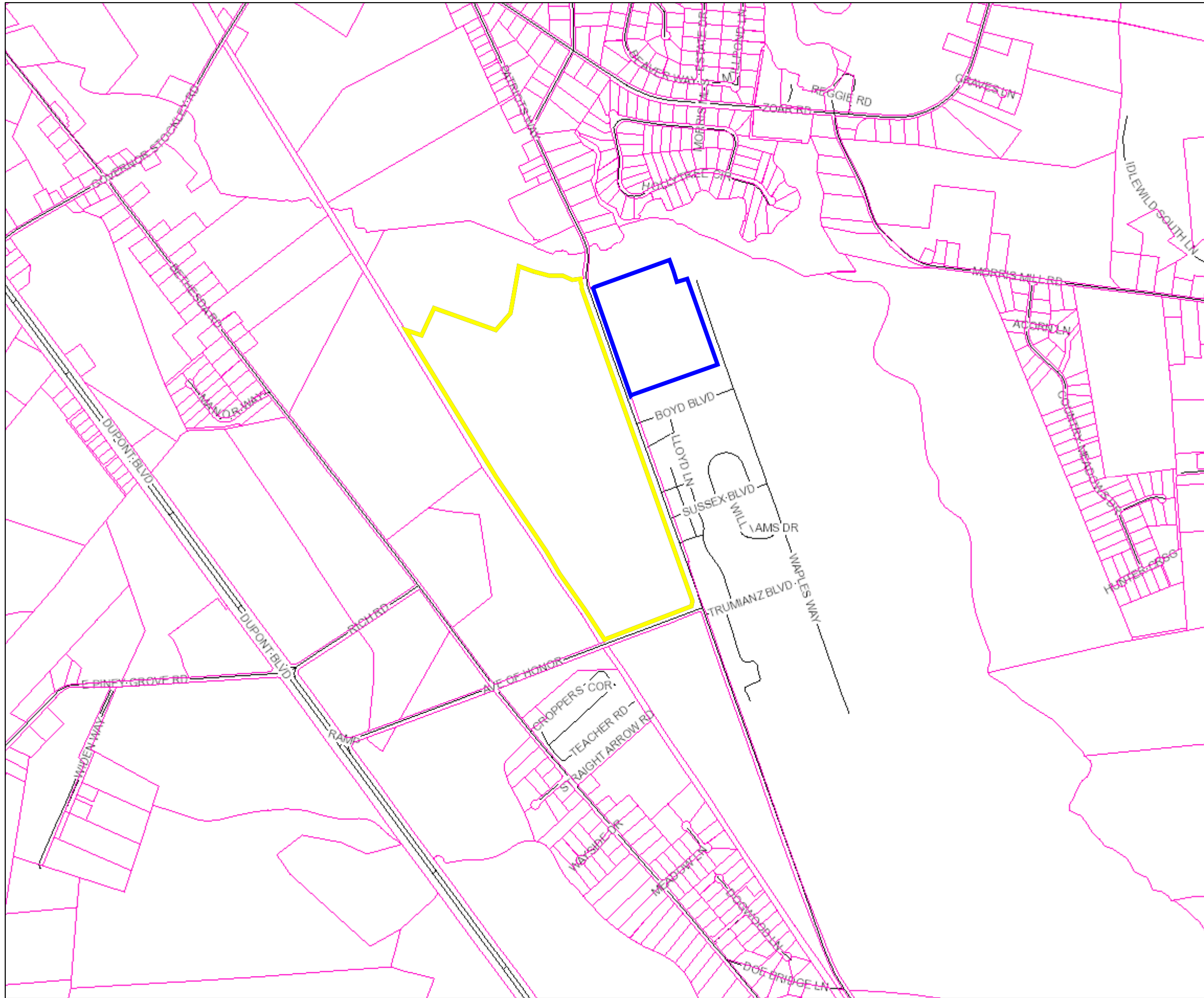
Site Area: 186.98 acres +/-

Tax Map ID.: 133-7.00-8.01 & 133-11.00-105.00





# Sussex County



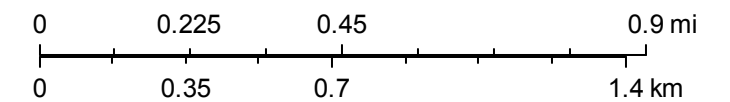
<b>PIN:</b>	133-11.00-105.00
<b>Owner Name</b>	INDIAN RIVER SCHOOL DISTRICT
<b>Book</b>	4278
<b>Mailing Address</b>	31 HOSIER ST
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	NW INTERSECTION
<b>Description 2</b>	RD 86 RD 318
<b>Description 3</b>	
<b>Land Code</b>	

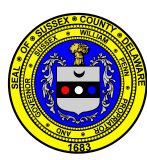
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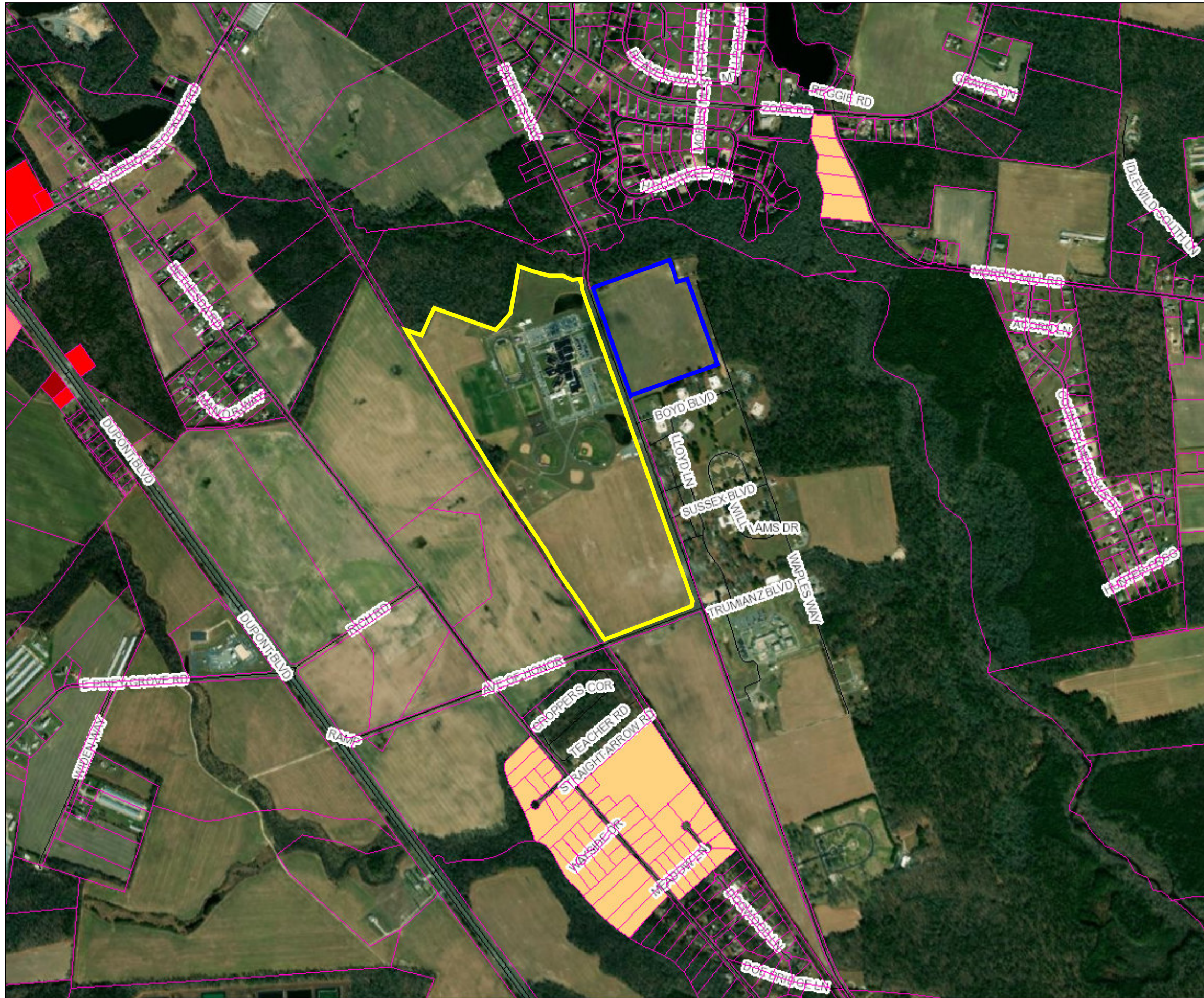
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- Tax Parcels
- Streets
- County Boundaries

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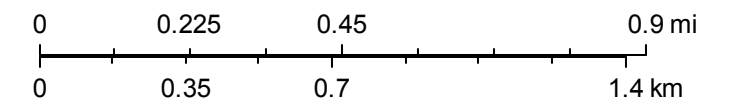
# Sussex County



<b>PIN:</b>	133-11.00-105.00
<b>Owner Name</b>	INDIAN RIVER SCHOOL DISTRICT
<b>Book</b>	4278
<b>Mailing Address</b>	31 HOSIER ST
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	NW INTERSECTION
<b>Description 2</b>	RD 86 RD 318
<b>Description 3</b>	
<b>Land Code</b>	

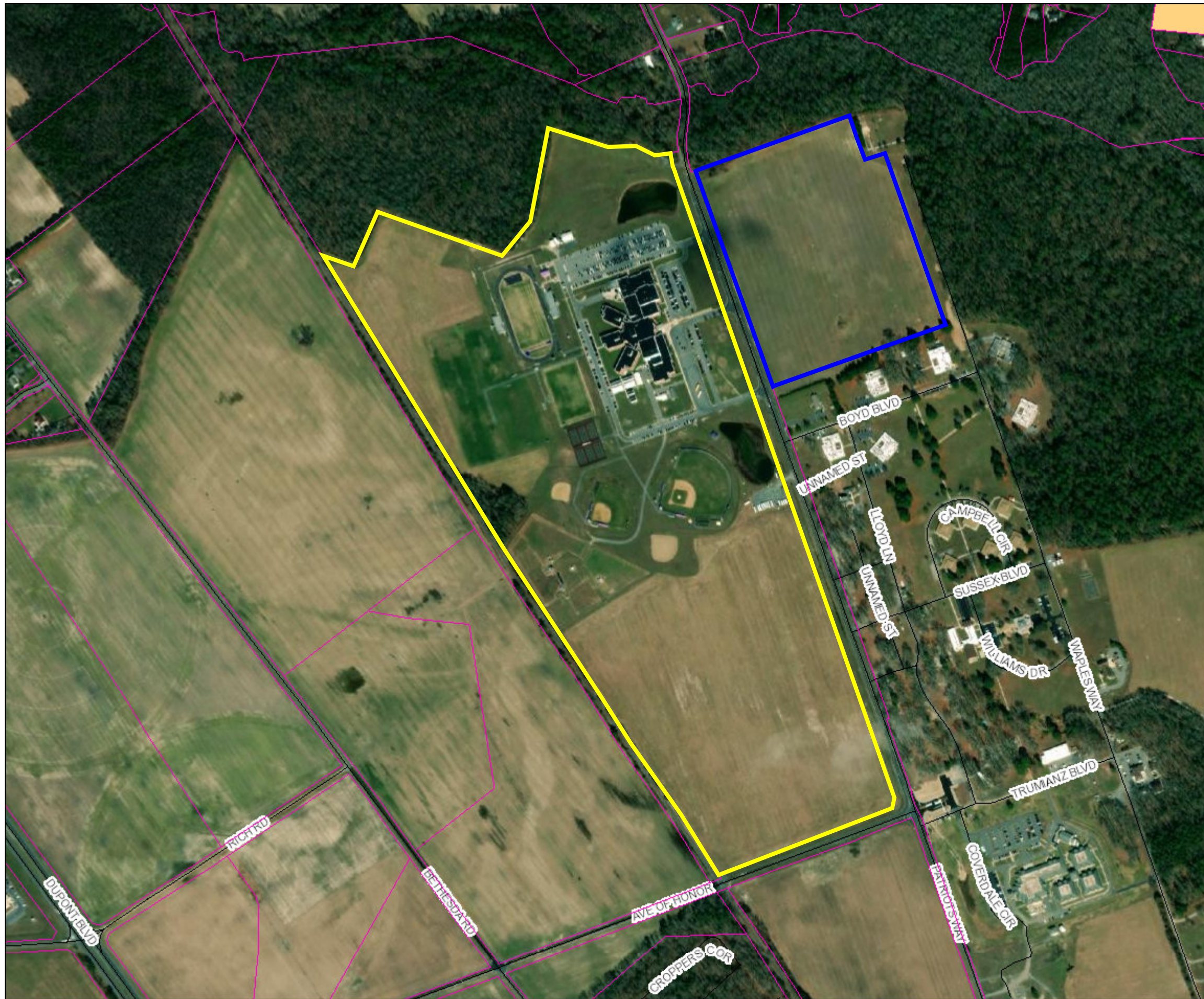
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- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- Streets

1:18,056





# Sussex County



<b>PIN:</b>	133-11.00-105.00
<b>Owner Name</b>	INDIAN RIVER SCHOOL DISTRICT
<b>Book</b>	4278
<b>Mailing Address</b>	31 HOSIER ST
<b>City</b>	SELBYVILLE
<b>State</b>	DE
<b>Description</b>	NW INTERSECTION
<b>Description 2</b>	RD 86 RD 318
<b>Description 3</b>	
<b>Land Code</b>	

**polygonLayer**

Override 1

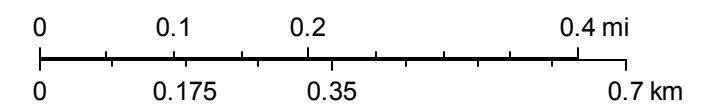
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Override 1

Tax Parcels

Streets

1:9,028







## Memorandum

To: Sussex County Planning Commission Members  
From: Christin Scott, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: November 6, 2020  
RE: Staff Analysis for CZ 1930 Indian River School District

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1930 Indian River School District to be reviewed during the November 12, 2020 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcels 133-7.00-8.01 and 133-11.00-105.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to an Institutional (I-1) District. The properties are lying on the northeast and southwest side of Patriots Way (S.C.R. 318) in Georgetown, DE. The size of the properties are approximately 32.43 acres +/- and 164.55 acres +/- respectively.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property 133-7.00-8.01 has the land use designation of "Low Density." The Future Land Use map in the plan indicates that the subject property 133-7.00-8.01 has the land use designation of "Commercial." Each property to the north, south and east also has the "Low Density" designation. Properties to the west are designated "Developing Area" or are located within a municipality. 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. "Commercial Areas" include concentrations of retail and service uses that are mainly located along arterials, and highways. Specifically, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic.

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 Institutional (I-1) Zoning District is listed as an applicable zoning district in both the "Low Density" and "Commercial 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. In the near vicinity there are also parcel located within a municipality.

Since 2011, there have been two (2) Change of Zone applications within a one-mile radius of the subject properties. Change of Zone No. 1903, which proposed a change from Agricultural Residential (AR-1) District to Medium Commercial (C-2) District, was approved by County Council on February 25, 2020. It was adopted through Ordinance No. 2709. Change of Zone No. 1814, proposed a change from Agricultural Residential (AR-1) District to Commercial Residential (CR-1) District, was approved by the Sussex County Council on April 11, 2017. It was adopted through Ordinance No. 2491.

Based on the analysis of the surrounding zoning and uses, a Change of Zone to an Institutional (I-1) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: CZ/1930  
202010622

**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**  
26026 Patriots Way Georgetown, DE 19947

**Type of Conditional Use Requested:**  
NA, rezoning request to I-1 Institutional District

**Tax Map #:** 133-11.00-105.00 133 7.00 8.01 **Size of Parcel(s):** 159.6 Ac. +/- 32.43 acres.

**Current Zoning:** AR-1 **Proposed Zoning:** I-1 **Size of Building:** NA

**Land Use Classification:** Currently under a conditional use for high school.

**Water Provider:** owned by applicant **Sewer Provider:** Town of Georgetown

**Applicant Information**

**Applicant Name:** Indian River School District C/O Joseph W. Booth  
**Applicant Address:** 31 West Hosier Street  
**City:** Selbyville **State:** DE **Zip Code:** 19975  
**Phone #:** (302) 436-1000 **E-mail:** joseph.booth@irsd.k12.de.us

**Owner Information**

**Owner Name:** Indian River School District C/O Joseph W. Booth  
**Owner Address:** 31 West Hosier Street  
**City:** Selbyville **State:** DE **Zip Code:** 19975  
**Phone #:** (302) 436-1000 **E-mail:** joseph.booth@irsd.k12.de.us

**Agent/Attorney/Engineer Information**

**Agent/Attorney/Engineer Name:** NA  
**Agent/Attorney/Engineer Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_  
**Phone #:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_



## Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

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

Joseph W. Booth IRSD

Date: 5-11-2020

### Signature of Owner

Joseph W. Booth IRSD

Date: 5-11-2020

### For office use only:

Date Submitted: 9/31/2020

Fee: \$500.00 Check #: 1736508

Staff accepting application: JP

Application & Case #: 202010622

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

June 10, 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 **Indian River School District / Joseph W. Booth (Supervisor Building and Grounds)** rezoning application, which we received on May 11, 2020. This application is for an approximately 186.98-acre assemblage of parcels (Tax Parcels: 133-7.00-8.01 and 133-11.00-105.00). The subject land is located on the both sides of Patriots Way (Sussex Road 318), just north of Avenue of Honor (Sussex Road 86), south of Georgetown. The subject land is currently zoned AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to I-1 (Institutional) to continue operating the two existing schools, measuring 97,000 and 188,000 square feet; and to develop 310,000 square feet of additional school space.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along the segment of Patriots Way where the subject land is located is 3,018 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.

On February 6, 2020, a Traffic Operational Analysis (TOA) was completed for a proposed 157,000 square-foot special needs school on Tax Parcel 133-7.00-8.01. DeIDOT reviewed the TOA and issued a TOA review letter, containing recommendations for roadway and entrance improvements, on March 25, 2020. A copy of the TOA review letter is enclosed with this letter.





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

JENNIFER COHAN  
SECRETARY

**MEMORANDUM**

**TO:** Susanne Laws, Sussex Review Coordinator  
**FROM:** Troy Brestel, Project Engineer (TEB)  
**DATE:** March 25, 2020  
**SUBJECT:** **Howard T. Ennis School (Protocol Tax Parcel #133-7.00-8.01)  
Results of Traffic Operational Analysis (TOA)**

---

We have reviewed the traffic operational analysis (TOA) for the proposed Howard T. Ennis School, submitted by Traffic Planning and Design, Inc., on February 6, 2020. The analysis evaluates the traffic impacts of the proposed development, which is to be located on the east side of Patriots Way (Sussex Road 318), across from the existing Sussex Central High School, in Sussex County. The proposed development would consist of a 157,000 square foot special needs school. One full access is proposed across from the central access to the existing high school. Construction is expected to be complete by 2022.

Based on our review, we find that the Sussex Central High School south entrance / Patriots Way intersection and the proposed site entrance / Sussex Central High School middle entrance / Patriots Way intersection would operate at level of service (LOS) D or better during the a.m. and p.m. peak hours for both present and future conditions, and would meet the LOS criteria listed in Chapter 2 of the Development Coordination Manual.

For the Sussex Central High School north entrance / Patriots Way intersection, the high school eastbound approach would operate at LOS E during the a.m. peak hour for both present and future conditions. However, the 95% queue length for this approach would only be approximately 125 feet for each condition analyzed during the a.m. peak hour and is the result of the higher operating volumes at this intersection during the beginning of the school day for the high school. We do not recommend any improvements to be made to this intersection.

Table 1  
 PEAK HOUR LEVELS OF SERVICE (LOS)  
 Howard T. Ennis School – TOA  
 Prepared by Traffic Planning and Design, Inc.

Unsignalized Intersection <sup>1 2</sup>	LOS per TOA		LOS per DelDOT	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Site Entrance / Sussex Central Middle Entrance / Patriots Way				
2019 Existing				
Northbound Patriots Way Left-Turn	A (8.5)	A (8.0)	A (8.5)	A (8.0)
2022 without development				
Northbound Patriots Way Left-Turn	A (8.5)	A (8.0)	A (8.5)	A (8.0)
2022 with development				
Northbound Patriots Way Left-Turn	A (8.2)	A (7.9)	A (8.2)	A (7.9)
Southbound Patriots Way Left-Turn	A (8.6)	A (*)	A (8.5)	A (*)
Westbound Site Entrance	C (20.2)	C (15.1)	C (20.1)	C (15.1)

<sup>1</sup> Numbers in parentheses are average vehicle delay, measured in seconds.

<sup>2</sup> The (\*) symbol in the table denotes that no measurable value was observed in the analysis, due to the movement having zero volume.

Table 3  
 PEAK HOUR LEVELS OF SERVICE (LOS)  
 Howard T. Ennis School – TOA  
 Prepared by Traffic Planning and Design, Inc.

Unsignalized Intersection <sup>1</sup>	LOS per TOA		LOS per DelDOT	
	Weekday AM	Weekday PM	Weekday AM	Weekday PM
Sussex Central North Entrance / Patriots Way				
2019 Existing				
Northbound Patriots Way Left-Turn	B (10.4)	A (7.6)	B (10.4)	A (7.6)
Eastbound Sussex Central Entrance	E (36.9) <sup>2</sup>	C (17.9)	E (36.8) <sup>2</sup>	C (17.9)
2022 without development				
Northbound Patriots Way Left-Turn	B (10.4)	A (7.6)	B (10.4)	A (7.6)
Eastbound Sussex Central Entrance	E (38.2) <sup>2</sup>	C (18.1)	E (38.2) <sup>2</sup>	C (18.1)
2022 with development				
Northbound Patriots Way Left-Turn	B (10.7)	A (7.5)	B (10.7)	A (7.5)
Eastbound Sussex Central Entrance	E (43.8) <sup>2</sup>	C (20.8)	E (43.7) <sup>2</sup>	C (20.7)

<sup>1</sup> Numbers in parentheses are average vehicle delay, measured in seconds.

<sup>2</sup> The 95% queue length is approximately 5 vehicles, or 125 feet.



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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **10/27/2020**

APPLICATION: **CZ 1930 Indian River School District**

APPLICANT: **Indian River School District**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **133-7.00-8.01 & 133-11.00-105.00**

LOCATION: **26026 Patriots Way. The property is lying on both sides of Patriots Way**

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

GROSS  
ACREAGE: **186.98**

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 Change of Zone is not located in an area where the Sussex County Engineering Department has a schedule to provide sanitary sewer service.**
- (9). Is a Sewer System Concept Evaluation required? **No**
- (10). Is a Use of Existing Infrastructure Agreement Required? **No**

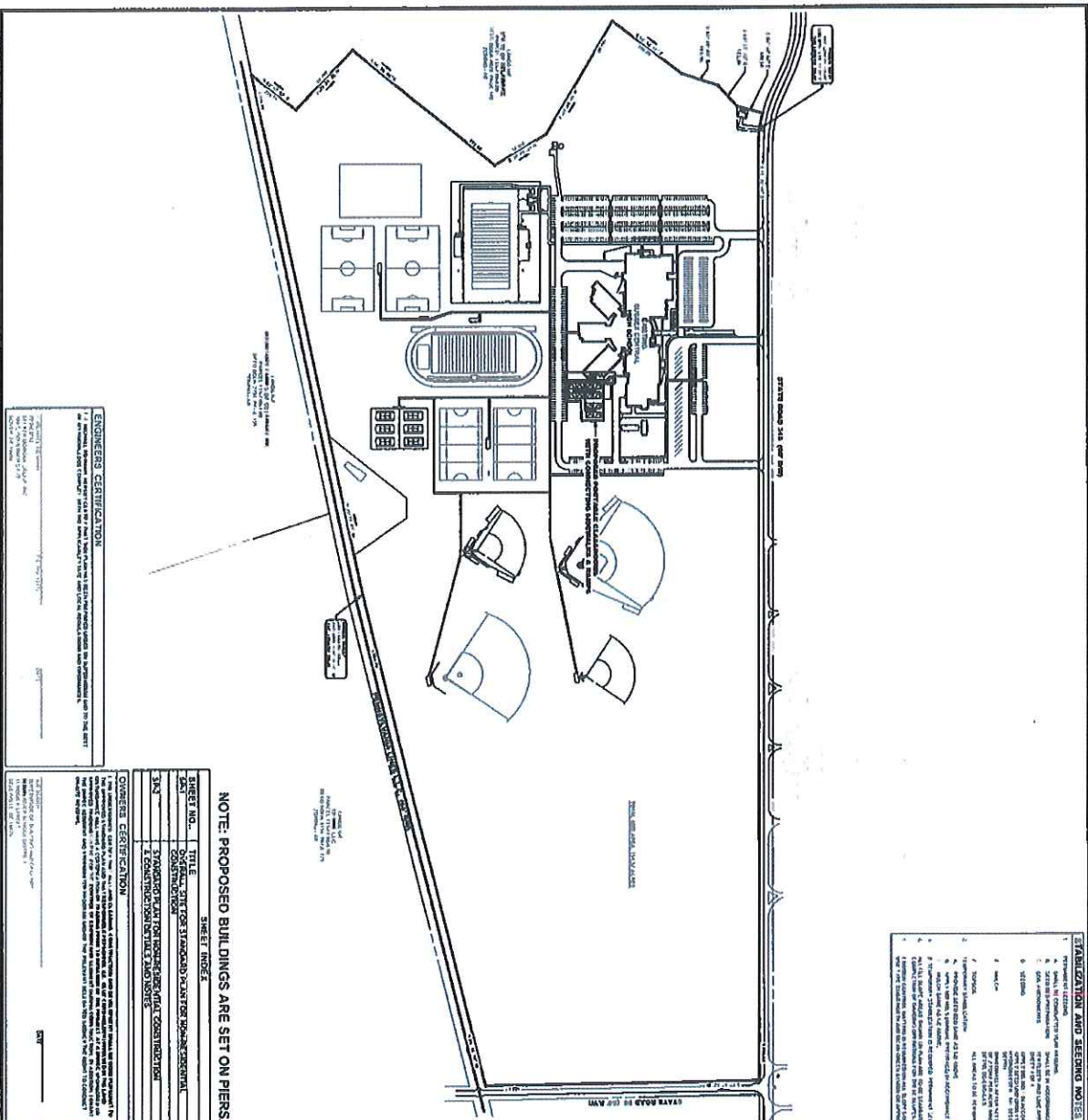
UTILITY PLANNING APPROVAL:



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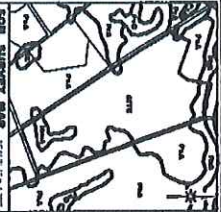
John J. Ashman  
Director of Utility Planning

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



**IRREGULARITY AND BEARING NOTES**

1. PROPERTY LINES
2. EXISTING BUILDING FOOTPRINTS
3. EXISTING DRIVEWAYS
4. EXISTING SIDEWALKS
5. EXISTING UTILITIES
6. EXISTING FENCES
7. EXISTING DRIVEWAYS
8. EXISTING SIDEWALKS
9. EXISTING UTILITIES
10. EXISTING FENCES



**STANDARD REQUIREMENTS AND DISCREPANCY CONSTRUCTION NOTES**

1. ALL CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
3. ALL CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODES AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODES AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL CONSTRUCTION SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY CODES AND ALL APPLICABLE LOCAL ORDINANCES.

**REGIMENT AND STORMWATER SEQUENCE OF CONSTRUCTION**

1. EXISTING UTILITIES
2. EXISTING SIDEWALKS
3. EXISTING DRIVEWAYS
4. EXISTING FENCES
5. EXISTING UTILITIES
6. EXISTING SIDEWALKS
7. EXISTING DRIVEWAYS
8. EXISTING FENCES
9. EXISTING UTILITIES
10. EXISTING SIDEWALKS

**REGIMENT AND STORMWATER SEQUENCE OF CONSTRUCTION**

1. EXISTING UTILITIES
2. EXISTING SIDEWALKS
3. EXISTING DRIVEWAYS
4. EXISTING FENCES
5. EXISTING UTILITIES
6. EXISTING SIDEWALKS
7. EXISTING DRIVEWAYS
8. EXISTING FENCES
9. EXISTING UTILITIES
10. EXISTING SIDEWALKS

**REGIMENT AND STORMWATER SEQUENCE OF CONSTRUCTION**

1. EXISTING UTILITIES
2. EXISTING SIDEWALKS
3. EXISTING DRIVEWAYS
4. EXISTING FENCES
5. EXISTING UTILITIES
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**REGIMENT AND STORMWATER SEQUENCE OF CONSTRUCTION**

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**REGIMENT AND STORMWATER SEQUENCE OF CONSTRUCTION**

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**REGIMENT AND STORMWATER SEQUENCE OF CONSTRUCTION**

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5. EXISTING UTILITIES
6. EXISTING SIDEWALKS
7. EXISTING DRIVEWAYS
8. EXISTING FENCES
9. EXISTING UTILITIES
10. EXISTING SIDEWALKS

**OVERALL SITE FOR STANDARD PLAN FOR NON-RESIDENTIAL CONSTRUCTION**

2020 PATRICKS WAY  
SUSSEX COUNTY, DE

**SUSSEX CENTRAL HIGH SCHOOL PORTABLE CLASSROOM ADDITION**

PROJECT NO.: 2017012  
SCALE: 1" = 20'  
DATE: 08/14/17  
DRAWN BY: A.L.S. (A.L.S.)

**MEYER MORAN ARCHITECTURAL ENGINEERING**  
1000 N. MARKET STREET, SUITE 100  
WILMINGTON, DE 19801  
PH: 302.441.1111  
WWW.MEYERMORAN.COM

**SCALE: 1" = 20'**

**C-001**

**ENGINEER'S CERTIFICATION**

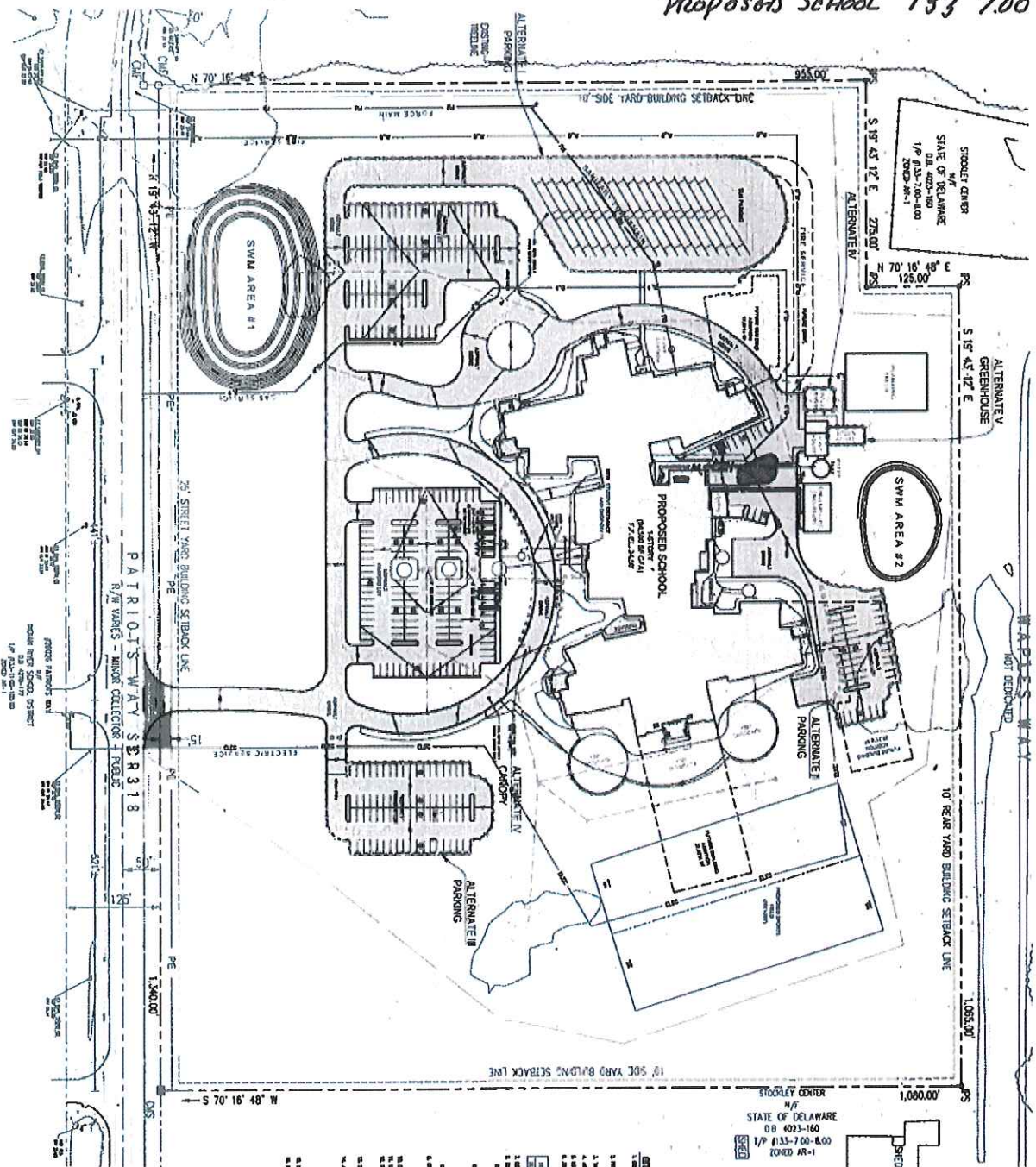
I, the undersigned, a duly licensed Professional Engineer in the State of Delaware, certify that I am the author of the design and construction of the above described project, and that I am a duly licensed Professional Engineer in the State of Delaware.

DATE: 08/14/17  
SIGNATURE: [Signature]

**NOTE: PROPOSED BUILDINGS ARE SET ON PIERS.**

SHEET NO.	TITLE
1	OVERALL SITE FOR STANDARD PLAN FOR NON-RESIDENTIAL CONSTRUCTION
2	FOUNDATION PLAN
3	FOUNDATION PLAN

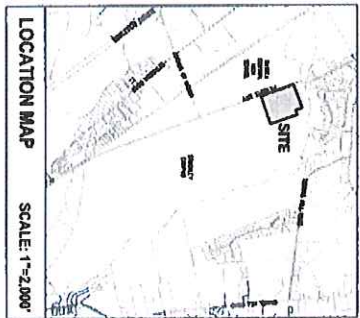
Proposed School 133 7.00 8.0



STOCKLEY CENTER  
N/A  
STATE OF DELAWARE  
DB 4023-160  
T/P #133-700-800  
ZONED AR-1

**SITE DATA**

1. SITE ADDRESS	133 PATRIOTS WAY SR R 318
2. PROJECT NUMBER	133-700-800
3. SHEET NUMBER	1 OF 2
4. DATE OF PLAN	NOVEMBER 18, 2010
5. PROJECT TYPE	SCHOOL
6. CLIENT	HOWARD T. ENNIS SCHOOL
7. DESIGNER	CDA ENGINEERING AND LAND PLANNING
8. SCALE	1" = 200'
9. SHEET TITLE	PRELIMINARY SITE PLAN
10. PROJECT LOCATION	133 PATRIOTS WAY SR R 318, GEORGETOWN, DE 19617
11. ZONING	AR-1
12. ADJACENT PROPERTIES	TO THE NORTH: STATE OF DELAWARE (STOCKLEY CENTER) TO THE SOUTH: STATE OF DELAWARE (STOCKLEY CENTER) TO THE EAST: STATE OF DELAWARE (STOCKLEY CENTER) TO THE WEST: STATE OF DELAWARE (STOCKLEY CENTER)
13. EXISTING UTILITIES	ELECTRIC AND GAS LINES CROSS THE SITE FROM WEST TO EAST.
14. EXISTING STRUCTURES	EXISTING BUILDINGS ARE SHOWN WITH DASHED LINES.
15. EXISTING LANDSCAPE	EXISTING TREES AND LANDSCAPE ARE SHOWN WITH SHADING.
16. EXISTING SURFACE	EXISTING SURFACE ELEVATIONS ARE SHOWN WITH SPOTTING.
17. EXISTING UTILITIES	ELECTRIC AND GAS LINES CROSS THE SITE FROM WEST TO EAST.
18. EXISTING STRUCTURES	EXISTING BUILDINGS ARE SHOWN WITH DASHED LINES.
19. EXISTING LANDSCAPE	EXISTING TREES AND LANDSCAPE ARE SHOWN WITH SHADING.
20. EXISTING SURFACE	EXISTING SURFACE ELEVATIONS ARE SHOWN WITH SPOTTING.



**CDA**  
ENGINEERING AND LAND PLANNING  
1100 MARKET STREET, SUITE 200  
GEORGETOWN, DE 19617  
TEL: 410-386-1100  
WWW.CDAENGINEERING.COM

**CLIENT**  
HOWARD T. ENNIS SCHOOL

**PROJECT**  
133 PATRIOTS WAY SR R 318  
GEORGETOWN, DE 19617

**DATE**  
NOVEMBER 18, 2010

**SCALE**  
1" = 200'

**SHEET**  
1 OF 2

**TITLE**  
PRELIMINARY SITE PLAN

**DESIGNER**  
CDA ENGINEERING AND LAND PLANNING

**DATE**  
NOVEMBER 18, 2010

**SCALE**  
1" = 200'

**SHEET**  
1 OF 2

**TITLE**  
PRELIMINARY SITE PLAN

**DATE**  
NOVEMBER 18, 2010

**SCALE**  
1" = 200'

**SHEET**  
1 OF 2

**TITLE**  
PRELIMINARY SITE PLAN

133 7.00 8.01

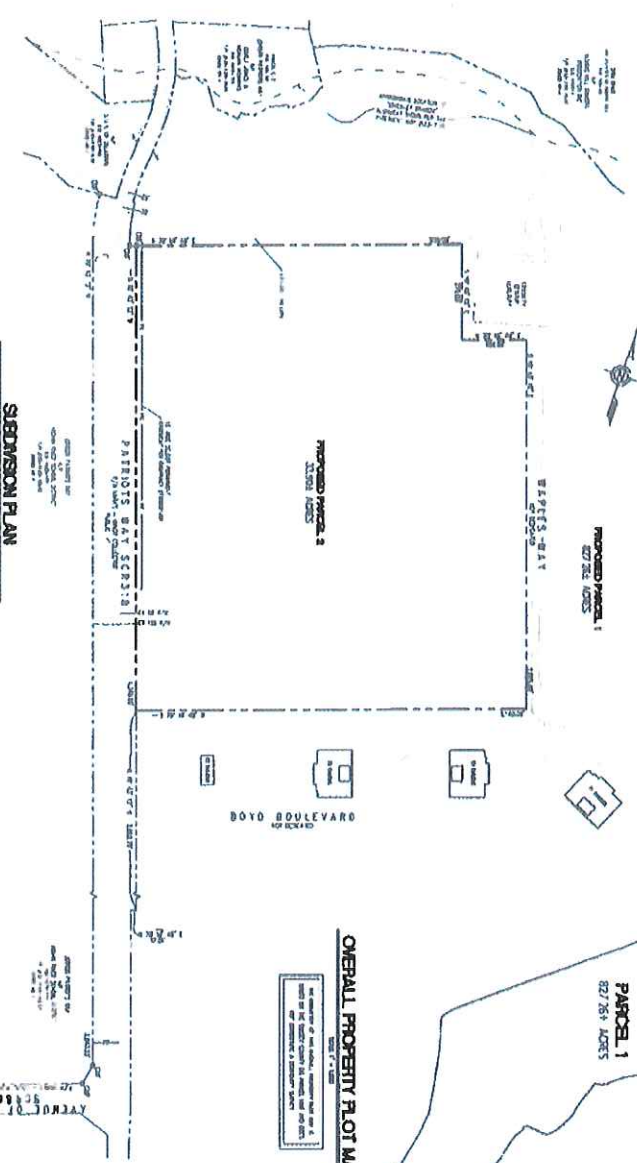
SCALE  
DATE  
PROJECT

**LEGEND**

PROPOSED PROPERTY LINE	---
EXISTING PROPERTY LINE	---
EXISTING ROAD	---
EXISTING UTILITY	---
EXISTING CONCRETE	---
EXISTING ASPHALT	---
EXISTING GRAVEL	---
EXISTING SAND	---
EXISTING GRAVEL	---
EXISTING SAND	---
EXISTING GRAVEL	---
EXISTING SAND	---
EXISTING GRAVEL	---
EXISTING SAND	---

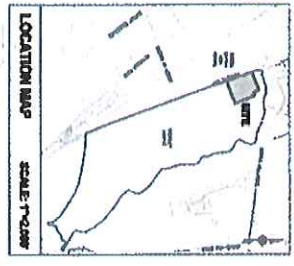
**LEGEND**

PROPOSED PROPERTY LINE	---
EXISTING PROPERTY LINE	---
EXISTING ROAD	---
EXISTING UTILITY	---
EXISTING CONCRETE	---
EXISTING ASPHALT	---
EXISTING GRAVEL	---
EXISTING SAND	---
EXISTING GRAVEL	---
EXISTING SAND	---
EXISTING GRAVEL	---
EXISTING SAND	---



**OVERALL PROPERTY PLOT MAP**

THIS MAP IS A SUMMARY OF THE PROPERTY PLANS AND IS NOT TO BE USED AS A SUBSTITUTE FOR THE ORIGINAL PLANS.



**CONSTRUCTION OF CONCRETE**

CONCRETE SHALL BE PLACED AND FINISHED AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

**CONSTRUCTION OF PAVEMENT**

PAVEMENT SHALL BE PLACED AND FINISHED AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

**CONSTRUCTION OF UTILITIES**

UTILITIES SHALL BE PLACED AND FINISHED AS SHOWN ON THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

**CDA**

PROJECT NO.	INDIAN RIVER SCHOOL DISTRICT TAX PARCEL 1753700-0100
DATE	NOVEMBER 2018
SCALE	AS SHOWN
DESIGNED BY	TRAFFIC PLANNING AND DESIGN, INC.
CHECKED BY	TRAFFIC PLANNING AND DESIGN, INC.
APPROVED BY	TRAFFIC PLANNING AND DESIGN, INC.

**TRAFFIC PLANNING AND DESIGN, INC.**  
www.TrafficPD.com  
810.326.3100  
TPD@TrafficPD.com

**FIGURE 2**  
**SITE PLAN**

**PLANNING & ZONING COMMISSION**

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



**Sussex County**

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

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: November 12<sup>th</sup>, 2020

Application: CZ 1932 Jeff-Kat, LLC

Applicant: Jeff-Kat, LLC  
113 Draper Dr  
Rehoboth Beach, DE 19971

Owner: First Baptist Church of Lewes  
P.O. Box 25  
Lewes, DE 19958

Site Location: The east side of Kings Highway (Route 9) approximately 900 feet southeast of Theodore C. Freeman Highway (S.C.R 23)

Current Zoning: AR-1 Agricultural Residential Zoning District

Proposed Zoning: C-3 Heavy Commercial Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Lewes BPW

Water: Lewes BPW

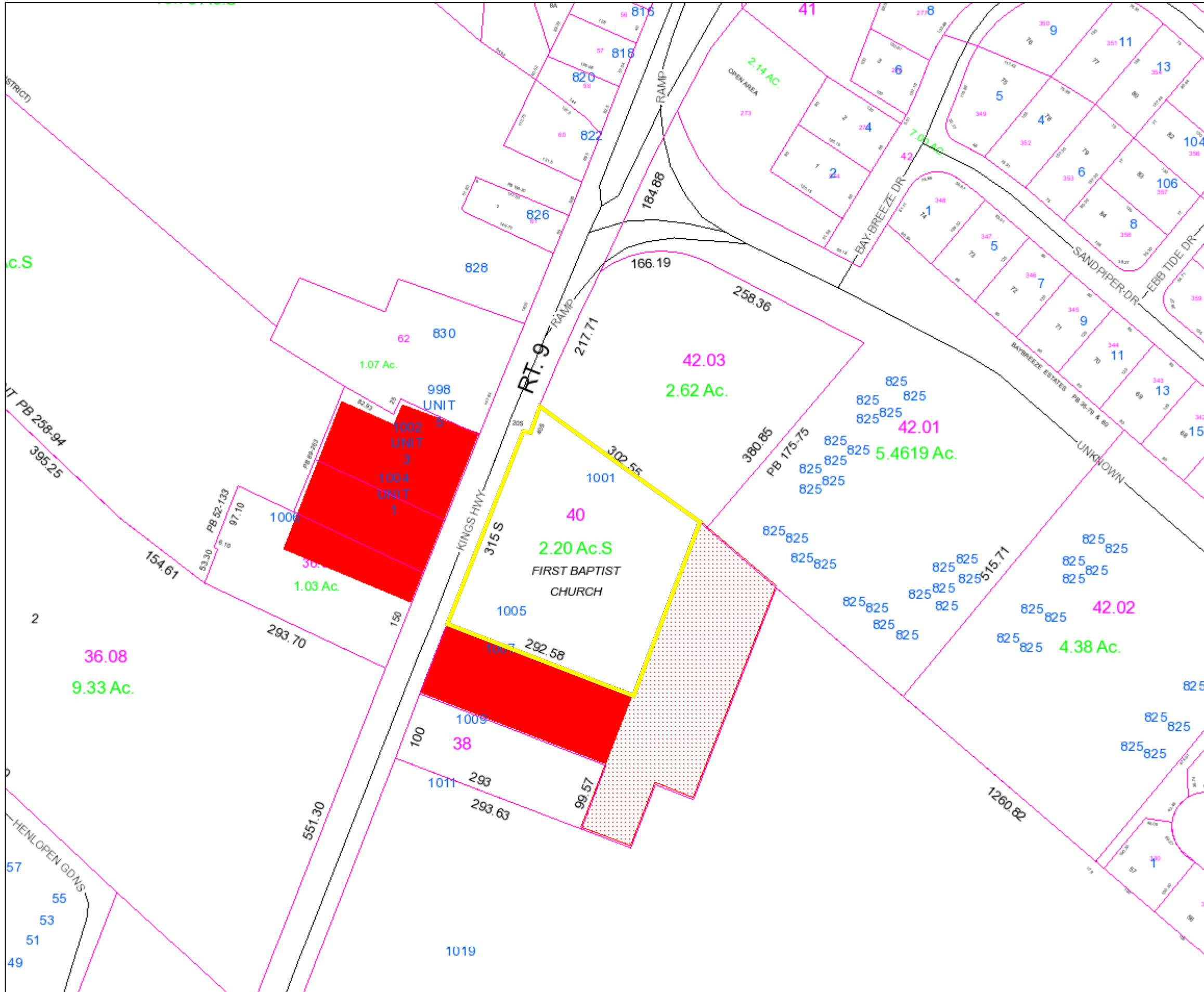
Site Area: 0.78 acre +/-

Tax Map ID.: 335-8.00-40.00 (part of)





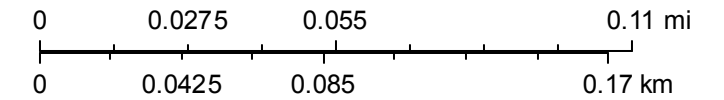
# Sussex County



<b>PIN:</b>	335-8.00-40.00	
<b>Owner Name</b>	CHURCH	FIRST BAPTIST OF LEWES
<b>Book</b>	0	
<b>Mailing Address</b>	PO BOX 25	
<b>City</b>	LEWES	
<b>State</b>	DE	
<b>Description</b>	KING ST. RD.	
<b>Description 2</b>	LOT W/IMP 2.2 AC.S.	
<b>Description 3</b>	64150	
<b>Land Code</b>		

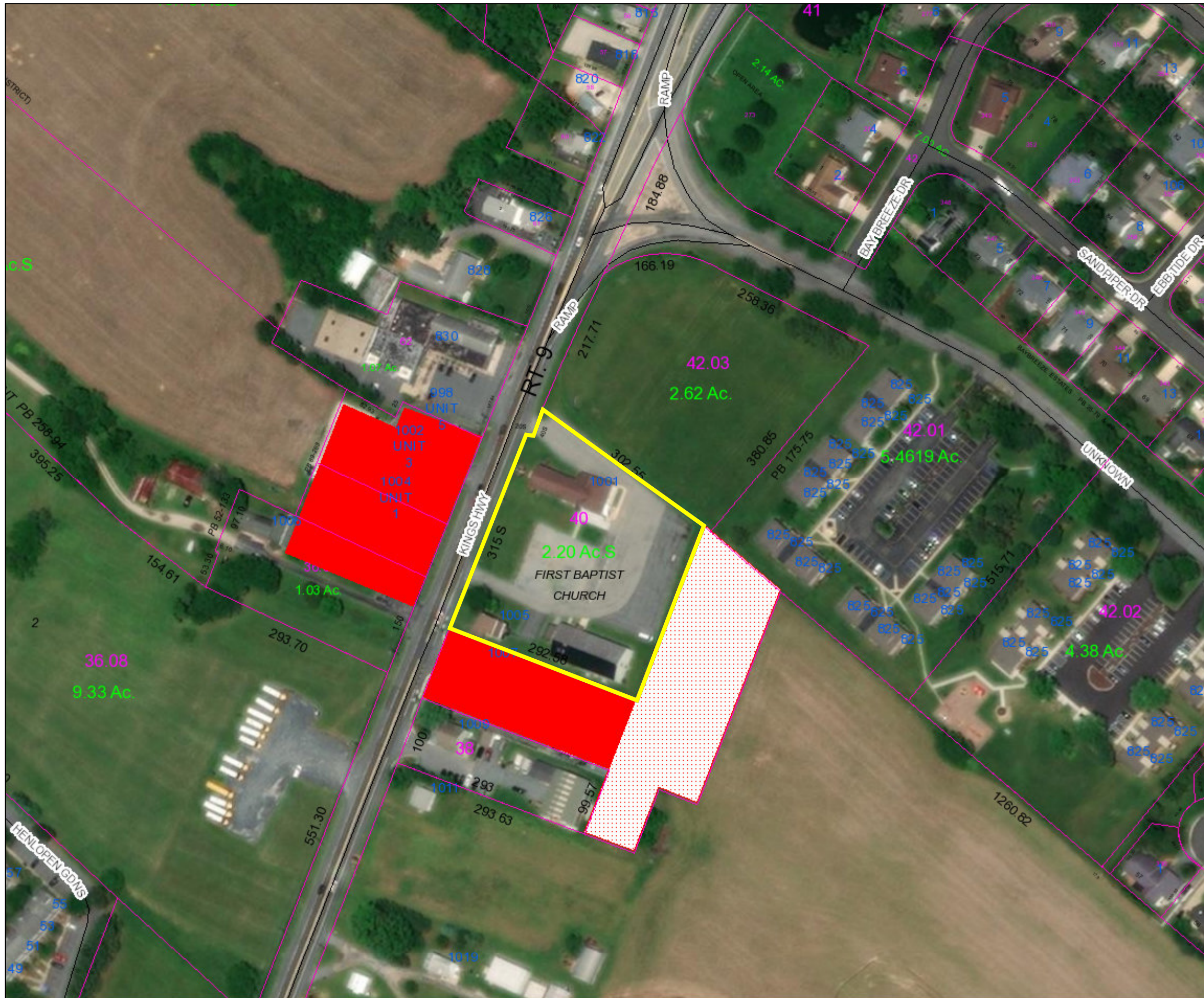
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- polygonLayer  
Override 1
- Tax Parcels
- 911 Address
- Streets

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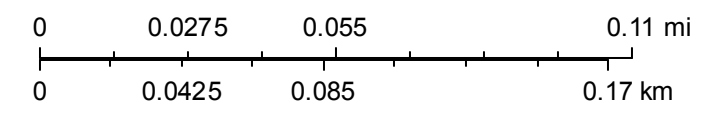
# Sussex County



<b>PIN:</b>	335-8.00-40.00	
<b>Owner Name</b>	CHURCH	FIRST BAPTIST OF LEWES
<b>Book</b>	0	
<b>Mailing Address</b>	PO BOX 25	
<b>City</b>	LEWES	
<b>State</b>	DE	
<b>Description</b>	KING ST. RD.	
<b>Description 2</b>	LOT W/IMP 2.2 AC.S.	
<b>Description 3</b>	64150	
<b>Land Code</b>		

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

1:2,257







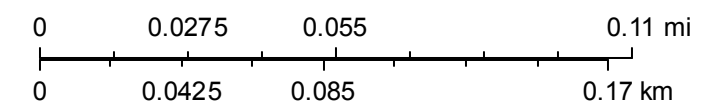
# Sussex County



<b>PIN:</b>	335-8.00-40.00	
<b>Owner Name</b>	CHURCH	FIRST BAPTIST OF LEWES
<b>Book</b>	0	
<b>Mailing Address</b>	PO BOX 25	
<b>City</b>	LEWES	
<b>State</b>	DE	
<b>Description</b>	KING ST. RD.	
<b>Description 2</b>	LOT W/IMP 2.2 AC.S.	
<b>Description 3</b>	64150	
<b>Land Code</b>		

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

1:2,257





## Memorandum

To: Sussex County Planning Commission Members  
From: Nick Torrance, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: November 6<sup>th</sup>, 2020  
RE: Staff Analysis for CZ 1932 Jeff-Kat, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1932 Jeff-Kat, LLC to be reviewed during the November 12<sup>th</sup>, 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 335-8.00-40.00 (portion of) to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Heavy Commercial (C-3) District. The property is lying on the east side of Kings Hwy. (Route 9) 900 feet southeast of Theodore C. Freeman Highway (S.C.R 23). The size of the property is approximately 0.78 acre +/-.

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 south, east, and west also has the "Coastal Area" designation. The property to the north is located within town limits of Lewes and therefore has a future land use classification of Municipality. 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 Heavy Commercial (C-3) 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. The parcels to the south and west are currently zoned C-1 (general commercial), the parcel to the east is currently C-3 (Heavy commercial) and the parcels to the north are located within town limits.

Since 2011, there has been one Change of Zone applications within a one-mile radius of the subject property. Change of Zone No. 1875, which proposed a change from Agricultural Residential (AR-1) District to Heavy Commercial (C-3) District, was approved by County Council on May 14<sup>th</sup>, 2019. It was adopted through Ordinance No. 2654.



Based on the analysis of the surrounding zoning and uses, a Change of Zone to a Heavy Commercial (C-3) Zoning District could be considered as being consistent with the land use, area zoning and surrounding uses.

File #: C12 1932  
2020 11437

## 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**

1005 Kings Highway, Lewes, Delaware

**Type of Conditional Use Requested:**

N/A (Rezoning)

Tax Map #: p/o 335 8.00 40.00

Size of Parcel(s): \_\_\_\_\_

Current Zoning: AR-1

Proposed Zoning: C-3

Size of Building: Existing

Land Use Classification: \_\_\_\_\_

Water Provider: Lewes BPW

Sewer Provider: Lewes BPW

**Applicant Information**

Applicant Name: Jeff-Kat, LLC

Applicant Address: 113 Draper Drive

City: Rehoboth Beach

State: DE

Zip Code: 19971

Phone #: 302-745-0875

E-mail: jeffatfins@comcast.net

**Owner Information**

Owner Name: First Baptist Church of Lewes

Owner Address: PO Box 25

City: Lewes

State: DE

Zip Code: 19958

Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: N/A

Agent/Attorney/Engineer Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone #: \_\_\_\_\_

E-mail: \_\_\_\_\_



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

\_\_\_ Completed Application

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

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

\_\_\_ Provide Fee \$500.00

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

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

\_\_\_ DeIDOT Service Level Evaluation Request Response

\_\_\_ PLUS Response Letter (if required)

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

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

### Signature of Applicant/Agent/Attorney



Date: 07/09/2020

### Signature of Owner

\_\_\_\_\_

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

### For office use only:

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

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

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

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

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

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

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

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

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

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



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

JENNIFER COHAN  
SECRETARY

August 20, 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 **Jeff-Kat, LLC** rezoning application, which we received on July 27, 2020. This application is for a portion of a 2.20-acre parcel (Tax Parcel: 335-8.00-40.00). The subject land is located on the east side of Kings Highway (Sussex Road 268), approximately 900 feet southeast of the intersection of Kings Highway and Theodore C. Freeman Highway (Sussex Road 23). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to utilize the facility for offices and expansion of brewpub operations.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Kings Highway where the subject land is located, which is from Gills Neck Road (Sussex Road 267) to Freeman Highway, are 12,019 and 15,468 vehicles per day, respectively.

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

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

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

TO: **Jamie Whitehouse**

REVIEWER: **Chris Calio**

DATE: **10/27/2020**

APPLICATION: **CZ 1932 Jeff-Kat LLC**

APPLICANT: **Jeff-Kat LLC**

FILE NO: **NCPA-5.03**

TAX MAP &  
PARCEL(S): **335-8.00-40.00 (part of)**

LOCATION: **The east side of Kings Highway (Rt. 9), approximately 900 feet southeast of Theodore C. Freeman Highway (SCR 23).**

NO. OF UNITS: **Upzone from AR-1 to C-3**

GROSS  
ACREAGE: **0.78**

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

**SEWER:**

- (1). Is the project in a County operated and maintained sanitary sewer and/or water district?  
Yes  No
- a. If yes, see question (2).  
b. If no, see question (7).
- (2). Which County Tier Area is project in? **Municipal Growth & annexation Area**
- (3). Is wastewater capacity available for the project? **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 Change of Zone is with the boundaries of the City of Lewes' Growth and Annexation Area. Therefore, the Sussex County Engineering Department has no 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



Jeff-Kat, LLC  
Jeff Hamer  
113 Draper Drive  
Rehoboth Beach, DE 19971

Via Hand Delivery

Mr. Jamie Whitehouse, Director  
Office of Planning & Zoning  
2 The Circle  
Georgetown, DE 19947

RE: Rezoning of P/O 335-8.00-40.00 from AR-1 to C-3  
Jeff-Kat, LLC

Dear Mr. Whitehouse,

We are pleased to enclose the following with regard to our request to rezone this property from AR-1 to C-3:

- The Application Form
- 8 copies of a survey of the property to be rezoned
- A metes and bounds description of the property to be rezoned
- A check payable to Sussex County in the amount of \$500.00
- A summary of the reasons we are seeking the rezoning
- A copy of Ordinance # 2654 approving C-3 Zoning adjacent to this property

Because this rezoning seeks to be a minor expansion of our existing Big Oyster Brewpub operations next door to this property, we are respectfully requesting that it be exempted from the PLUS process.

Thank you in advance for your attention and cooperation with regard to this matter. If you have any questions or need any additional information to process this request, please do not hesitate to contact us.

Respectfully Submitted,  
Jeff-Kat, LLC Jeff Hamer

## SUMMARY OF REZONING REQUEST

The Applicant is Jeff-Kat, LLC, an LLC owned by Jeff and Kim Hamer. Jeff-Kat is the owner of the Big Oyster Brewpub immediately next door to this property. Jeff and Kim Hamer also own the Fins Restaurants in Rehoboth Beach, Bethany Beach and Berlin, Maryland, along with CLAWS Restaurant in Rehoboth Beach.

This application seeks to rezone this small adjacent lot along Kings Highway from its current AR-1 Zoning to C-3 Zoning so that it can be utilized as an improvement and expansion of the brewpub operations.

As a bit of background, the subject property is currently owned by The First Baptist Church of Lewes. The property is improved by a home and a multi-purpose building that has been used for church gatherings, basketball and other similar uses. The church sanctuary is not located on this parcel.

The Church and Big Oyster have had a good relationship over the years, and when the Church discussed plans to sell this parcel so that it could use the proceeds to construct a new sanctuary on the existing field owned by it on the other side of its property, an agreement was reached to sell this property to the Church's neighbor, Jeff-Kat.

The purchase and use of this property is beneficial to Jeff-Kat and the Big Oyster Brewpub because it will allow a better overall configuration and use of the property, including vehicular and pedestrian movement on the site. Right now, vehicular access to the rear of the current brewpub is difficult, at best. By adding this property, it will significantly improve vehicular movement and parking within the entire site.

It is the intention to retain the existing buildings on the property (the residential structure and metal multi-purpose/gym). The residence will likely be used for office operations associated with the brewpub and Jeff-Kat's other restaurants. The multi-purpose building will likely be used to relocate and house part of the brewpub operations. This reconfiguration will also free up space within the existing brewpub property for use by patrons. One of the goals is to increase the outdoor, or "backyard" area at the rear of the brewpub for outdoor enjoyment by the brewpub's patrons.

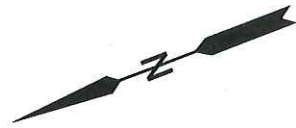
If this rezoning is approved, it will not adversely affect the neighbors or the neighborhood, and it is very important to continue to be good neighbors with the Church. The brewpub uses will not be materially different from what is currently

occurring on the site and there will not be any noise or odors generated by the expansion of operations onto the rezoned property. Traffic patterns and parking within the site will be improved, and this will benefit traffic on Kings Highway by creating more space within the site and eliminate cars waiting to pull in (as sometimes currently occurs).

C-3 Zoning is appropriate for this site for several reasons. C-3 Zoning is consistent with the County's recent approval of C-3 Zoning for the land behind both the Big Oyster Brewery and the entire Church property. This rezoning application is an appropriate expansion of the existing C-3 Zoning. The existing brewpub site is zoned C-1. C-1 Zoning is no longer available in Sussex County, and C-3 Zoning is the most compatible for the expansion of the brewpub site. The site is also in the Coastal Area according to the Sussex County Comprehensive Plan. The Plan indicates that C-3 zoning is appropriate in the Coastal Area.

As the owners of The Big Oyster Brewery, we hope that you will look favorably upon this rezoning request.

TM #335-8.00-39.00



1/2" IRON PIPE

S 21°02'58" W 115.75'

3/4" IRON PIPE

TM #335-8.00-40.00  
LANDS N/F  
FIRST BAPTIST CHURCH  
OF LEWES

TM #335-8.00-40.00  
LANDS TO BE  
CONVEYED TO  
JEFF-KAT, INC.

TM #335-8.00-39.00  
LANDS N/F  
JEFF-KAT, LLC.

S 68°43'52" E 292.32'

N 69°10'18" W 292.80'

1/2" CAPPED IRON PIPE

CAPPED REBAR

N 21°17'13" E 118.00'

KINGS HIGHWAY (ROAD 268)

NOT VALID WITHOUT SIGNATURE AND EMBOSSED SEAL OF PETER E. LOEBL...  
*Peter E. Loebel*  
OR VENDOR M. WALCH

ATLANTIC SURVEYING & MAPPING, LLC.

P.O. BOX 247  
HARBESON, DE 19951  
PH. 302-684-2980

**Boundary Survey Plan with Improvements**  
 FIRST BAPTIST CHURCH OF LEWES 2.1438 AC. PARCEL ON  
 KINGS HWY, PARTIALLY IN THE CITY OF LEWES, SUSSEX CO., DELAWARE  
 Plat Ref.: Bk. 48, Pg. 104  
 Scale: 1" = 50'  
 Class "B" Survey  
 Client: FIRST BAPTIST CHURCH  
 TAX MAP: 335-8.00-40.00

No recorded rights-of-way, easements or other encumbrances affecting these lands have been provided to the Surveyor by the Client. No warranty as to title to any lands depicted hereon is explicitly or implicitly provided.

SURVEYED BY:	VW
DRAWN BY:	AK
CHECKED BY:	VW
PROJECT #:	N/A
DATE:	3/23/2020
SHEET NO:	1

# Jeff-Kat, LLC. Rezoning

## RE-ZONING APPLICATION

Sussex County, Delaware

3007A002.A01

OCTOBER 2020



Jeff-Kat, LLC. Rezoning  
Table of Contents

Exhibits

1. Project Information
2. Data Column
3. Rezoning Submission/Application
4. Maps
  - a. Surrounding Communities Map
  - b. Firmette from FEMA
  - c. 2020 State Strategies Map
  - d. Sussex County 2045 Future Land Use Map
  - e. Sussex County Zoning Map
  - f. 1992 Aerial Map
  - g. Current Aerial Map
5. Deed of Record
6. DelDOT Support Facilities Report
7. Rezoning Plan

# Exhibit 1

Jeff-Kat, LLC. Rezoning  
Project Information

A. Land Use & Zoning

1. The Owner's name is First Baptist Church of Lewes, Delaware, Inc.
2. The Applicant is Jeff-Kat, LLC.
3. The property is located at 1005 Kings Highway in Lewes, Delaware.
4. The property is currently zoned AR (Agricultural / Residential).
5. The property is located in the Level 1 Area of the 2015 State Strategies Map.
6. The property is located within the Coastal Area per the Comprehensive Plan.

B. Land Utilization

1. The total acreage of land to be rezoned is approximately 0.77 +/- acres of land.
2. The land to be rezoned was used for parking and buildings to support Church ministries.

C. Environmental

1. The property does not contain federal wetlands as indicated on the National Wetland Inventory Map.
2. The project is not located in the floodplain.
3. There are no known archaeological sites or National Register-listed properties on the parcels of land.

D. Traffic

1. A Support Facilities Report was completed for this project.
2. A Traffic Impact Study is not required for the rezoning according to DelDOT.



# Exhibit 2

Jeff-Kat, LLC. Rezoning  
Data Sheet

**Owner / Developer:** First Baptist Church of Lewes  
**Applicant:** Jeff-Kat, LLC  
**Engineer:** Davis, Bowen & Friedel, Inc.

**Project Description**

Physical Location: 1005 Kings Highway, Lewes, Delaware  
Tax Parcel #: 3-35-8.00-40.00 (part of)  
Acreage: 0.77 +/- Acres  
Current Zoning: AR-1  
Proposed Zoning: C-3  
Land Use: Big Oyster Brewery Operations

**Minimum Zoning Requirements**

	<u>AR-1</u>	<u>C-3</u>
Front Yard Setback:	30'	60'
Side Yard Setback:	15'	5'
Rear Yard Setback:	20'	5'

# Exhibit 3

Jeff-Kat, LLC  
Jeff Hamer  
113 Draper Drive  
Rehoboth Beach, DE 19971

Via Hand Delivery

Mr. Jamie Whitehouse, Director  
Office of Planning & Zoning  
2 The Circle  
Georgetown, DE 19947

RE: Rezoning of P/O 335-8.00-40.00 from AR-1 to C-3  
Jeff-Kat, LLC

Dear Mr. Whitehouse,

We are pleased to enclose the following with regard to our request to rezone this property from AR-1 to C-3:

- The Application Form
- 8 copies of a survey of the property to be rezoned
- A metes and bounds description of the property to be rezoned
- A check payable to Sussex County in the amount of \$500.00
- A summary of the reasons we are seeking the rezoning
- A copy of Ordinance # 2654 approving C-3 Zoning adjacent to this property

Because this rezoning seeks to be a minor expansion of our existing Big Oyster Brewpub operations next door to this property, we are respectfully requesting that it be exempted from the PLUS process.

Thank you in advance for your attention and cooperation with regard to this matter. If you have any questions or need any additional information to process this request, please do not hesitate to contact us.

Respectfully Submitted,  
Jeff-Kat, LLC Jeff Hamer

# 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**

1005 Kings Highway, Lewes, Delaware

**Type of Conditional Use Requested:**

N/A (Rezoning)

Tax Map #:  Size of Parcel(s): \_\_\_\_\_

Current Zoning:  Proposed Zoning:  Size of Building:

Land Use Classification: \_\_\_\_\_

Water Provider:  Sewer Provider:

**Applicant Information**

Applicant Name:   
Applicant Address:   
City:  State:  Zip Code:   
Phone #:  E-mail:

**Owner Information**

Owner Name:   
Owner Address:   
City:  State:  Zip Code:   
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name:   
Agent/Attorney/Engineer Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

\_\_\_ Completed Application

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

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

\_\_\_ Provide Fee \$500.00

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

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

\_\_\_ DeIDOT Service Level Evaluation Request Response

\_\_\_ PLUS Response Letter (if required)

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

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

**Signature of Applicant/Agent/Attorney**

\_\_\_\_\_

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

**Signature of Owner**

\_\_\_\_\_

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

**For office use only:**

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

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

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

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

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

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

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

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

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CAPPED REBAR

KINGS HIGHWAY (ROAD 268)



ATLANTIC  
SURVEYING &  
MAPPING, L.L.C.

P O BOX 247  
HARBESON DE 19951  
PH 302-684-2960

**Boundary Survey Plan with Improvements**

FIRST BAPTIST CHURCH OF LEWES 2.1438 AC. PARCEL ON  
KINGS HWY, PARTIALLY IN THE CITY OF LEWES, SUSSEX CO., DELAWARE

Plat Ref.: Bk. 48, Pg. 104

Scale: 1" = 50'

Class "B" Survey

Client: FIRST BAPTIST CHURCH

TAX MAP: 335-8.00-40.00

No recorded rights-of-way, easements  
or other encumbrances affecting these  
lands have been provided to the Surveyor  
by the Client. No warranty as to title to  
any lands depicted hereon is explicitly or  
implicitly provided.

SURVEYED BY: VW

DRAWN BY: AK

CHECKED BY: VW

PROJECT #: N/A

DATE: 3/23/2020

SHEET NO: 1

ALL THAT CERTAIN lot, piece and parcel of land, lying and being in Lewes and Rehoboth Hundred, Sussex County and State of Delaware fronting on the southeasterly side of Kings Highway (Road 268) and being further described as follows:

BEGINNING at a capped rebar set in the southeasterly right of way of Kings Highway (Road 268), said point being the common corner of these lands and lands now or formerly of Jeff-Kat, LLC; thence running by and with said right of way North 21 degrees 17 minutes 13 seconds East 118.00 feet to a ½ inch capped rebar, said point being the common corner of these lands and lands now or formerly of The First Baptist Church of Lewes; thence by and with said Church lands South 68 degrees 43 minutes 52 seconds East 292.32 feet to a ½ inch iron pipe; thence South 21 degrees 02 minutes 58 seconds West 115.75 feet to a ¾ inch iron pipe, said point being the common corner of these lands and the aforesaid lands of Jeff-Kat; thence by and with said lands of Jeff-Kat North 69 degrees 10 minutes 18 seconds West 292.80 feet to the point and place of beginning, as further depicted on a survey prepared by Atlantic Surveying & Mapping, LLC dated March 23, 2020.



## SUMMARY OF REZONING REQUEST

The Applicant is Jeff-Kat, LLC, an LLC owned by Jeff and Kim Hamer. Jeff-Kat is the owner of the Big Oyster Brewpub immediately next door to this property. Jeff and Kim Hamer also own the Fins Restaurants in Rehoboth Beach, Bethany Beach and Berlin, Maryland, along with CLAWS Restaurant in Rehoboth Beach.

This application seeks to rezone this small adjacent lot along Kings Highway from its current AR-1 Zoning to C-3 Zoning so that it can be utilized as an improvement and expansion of the brewpub operations.

As a bit of background, the subject property is currently owned by The First Baptist Church of Lewes. The property is improved by a home and a multi-purpose building that has been used for church gatherings, basketball and other similar uses. The church sanctuary is not located on this parcel.

The Church and Big Oyster have had a good relationship over the years, and when the Church discussed plans to sell this parcel so that it could use the proceeds to construct a new sanctuary on the existing field owned by it on the other side of its property, an agreement was reached to sell this property to the Church's neighbor, Jeff-Kat.

The purchase and use of this property is beneficial to Jeff-Kat and the Big Oyster Brewpub because it will allow a better overall configuration and use of the property, including vehicular and pedestrian movement on the site. Right now, vehicular access to the rear of the current brewpub is difficult, at best. By adding this property, it will significantly improve vehicular movement and parking within the entire site.

It is the intention to retain the existing buildings on the property (the residential structure and metal multi-purpose/gym). The residence will likely be used for office operations associated with the brewpub and Jeff-Kat's other restaurants. The multi-purpose building will likely be used to relocate and house part of the brewpub operations. This reconfiguration will also free up space within the existing brewpub property for use by patrons. One of the goals is to increase the outdoor, or "backyard" area at the rear of the brewpub for outdoor enjoyment by the brewpub's patrons.

If this rezoning is approved, it will not adversely affect the neighbors or the neighborhood, and it is very important to continue to be good neighbors with the Church. The brewpub uses will not be materially different from what is currently

occurring on the site and there will not be any noise or odors generated by the expansion of operations onto the rezoned property. Traffic patterns and parking within the site will be improved, and this will benefit traffic on Kings Highway by creating more space within the site and eliminate cars waiting to pull in (as sometimes currently occurs).

C-3 Zoning is appropriate for this site for several reasons. C-3 Zoning is consistent with the County's recent approval of C-3 Zoning for the land behind both the Big Oyster Brewery and the entire Church property. This rezoning application is an appropriate expansion of the existing C-3 Zoning. The existing brewpub site is zoned C-1. C-1 Zoning is no longer available in Sussex County, and C-3 Zoning is the most compatible for the expansion of the brewpub site. The site is also in the Coastal Area according to the Sussex County Comprehensive Plan. The Plan indicates that C-3 zoning is appropriate in the Coastal Area.

As the owners of The Big Oyster Brewery, we hope that you will look favorably upon this rezoning request.

**ORDINANCE NO. 2654**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.317 ACRES, MORE OR LESS**

**WHEREAS, on the 28th day of December 2018, a zoning application, denominated Change of Zone No. 1875, was filed on behalf of L. W. & J. T. Mitchell Family, LP; and**

**WHEREAS, on the 11th day of April 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 25th day of April 2019, said Planning and Zoning Commission recommended that Change of Zone No. 1875 be approved; and**

**WHEREAS, on the 14th day of May 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Kings Highway, approximately 0.3 miles northeast of Gills Neck Road and being more particularly described in the attached legal description prepared by Davis, Bowen & Friedel, Inc., said parcel containing 1.317 acres, more or less.**

**This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2654 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 14TH DAY OF MAY 2019.**

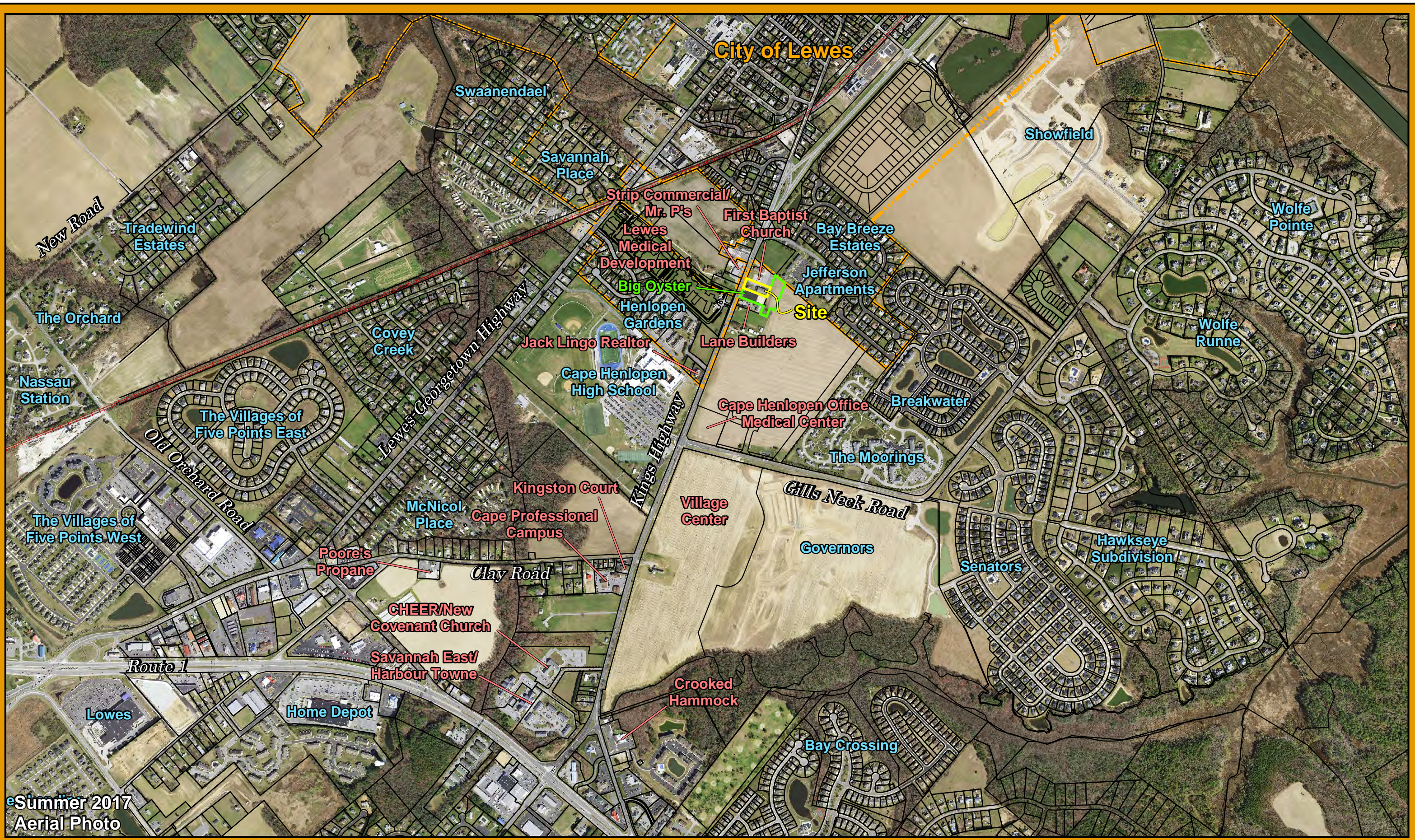
**ROBIN A. GRIFFITH**  
**CLERK OF THE COUNCIL**

**The Council found that the Change of Zone was appropriate legislative action based on the following Findings of Fact:**

- A. This is the application of L.W. & J.T. Mitchell Family L.P. (Big Oyster) to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-3 Heavy Commercial District for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.317 acres, more or less (land lying on the southeast side of Kings Highway, approximately 0.3 miles northeast of Gills Neck Road) (Tax I.D. No. 335-8.00-37.00 (portion of) (911 Address: None Available).**
- B. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that David C. Hutt, Esquire, with Morris James LLP, Jeff Hamer, Principal of Big Oyster Brewery, Bob Mitchell and Jerry Mitchell, property owners, and Ring Lardner, with Davis, Bowen, & Friedel, Inc., were present on behalf of the application; that the property is located in the area behind Big Oyster Brewery, Lane Builders, and First Baptist Church; that the project is not the entire Mitchell farm property; that the property was farmed up until 2019; that the farming operation has stopped and there has been a “For Sale” sign on the property for many years; that Big Oyster Brewery was looking to expand the existing business site to add more parking and storage; and that Big Oyster Brewery has arrangements with people across the street to be able to have off-site parking, but it requires customers to cross Kings Highway.**
- C. Council also found that the site is not in a floodplain and there are no wetlands on the site; that there are no known historic or cultural features on the site; that the site has access to public utilities and is currently served by the Lewes Board of Public Works for sewer and water; that the property is located in the Delaware State Strategies for Spending Level 1 Area; that the property is located within the Lewes Fire District and the Cape Henlopen School District; that the Land Use Classification per the 2008 Comprehensive Plan is that the site is located in the Environmentally Sensitive Developing Area and, according to the 2018 Comprehensive Plan, it is located in the Coastal Area; that the site is located in a designated growth area; that C-1 zoned property is located behind the site and across the street; that there is B-1 zoning nearby, Conditional Uses, and many business uses in the City of Lewes; that the Applicant applied for C-3 zoning classification because it most closely resembles the front portion of the property that is zoned C-1; that the C-3 zoning has fewer permitted uses than C-1 (General Commercial) zoning would allow for; that the setbacks are the same; that the parcel would meet the minimum 1-acre lot size for C-3 zoning; that if the rezoning is approved, a lot line adjustment would occur between the farm and the Big Oyster Brewery; that Kings Highway is a busy well-traveled road; and that Route 9 is a major arterial road per County Code.**
- D. Council further found that the Cape Henlopen Medical Office is beginning its construction of the offices and the Mitchell family is putting in its entrance; that the Conditional Use for Lot 1 is for the Cape Henlopen Office Building, and the supporting infrastructure is located on the Mitchell property which is providing the access from Gills Neck Road further away from Kings Highway; that the internal road which will serve the Cape Henlopen Building and the road could potentially serve the residual land; and that a road would be put in and built to Sussex County standards.**
- E. Based on the Findings (1 through 8) of the Planning & Zoning Commission, Council found that:**

1. **C-3 (Heavy Commercial Zoning) is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted uses include retail uses, restaurants, offices, and vehicle service stations.**
  2. **The site is at the rear of a property fronting Kings Highway that is currently used for a restaurant and a church. This location is appropriate for this type of zoning.**
  3. **This location is currently vacant. The Applicant has stated that this will be used for centralization and expansion of its restaurant and brewery.**
  4. **As stated by the Applicant, there will be interconnectivity between this site and the existing brewpub restaurant that is next to it.**
  5. **The site will be served by central water and sewer.**
  6. **The site is in the Environmentally Sensitive Developing Area (now identified as the Coastal Area) according to the prior and current Sussex County Land Use Plans. This type of commercial use is appropriate in these areas according to the Plan.**
  7. **The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order, prosperity and welfare of the County.**
  8. **Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**
- F. Based on the record created before the Planning and Zoning Commission and the Sussex County Council, the Council approved this application.**

# Exhibit 4



eSummer 2017  
Aerial Photo



November 2020

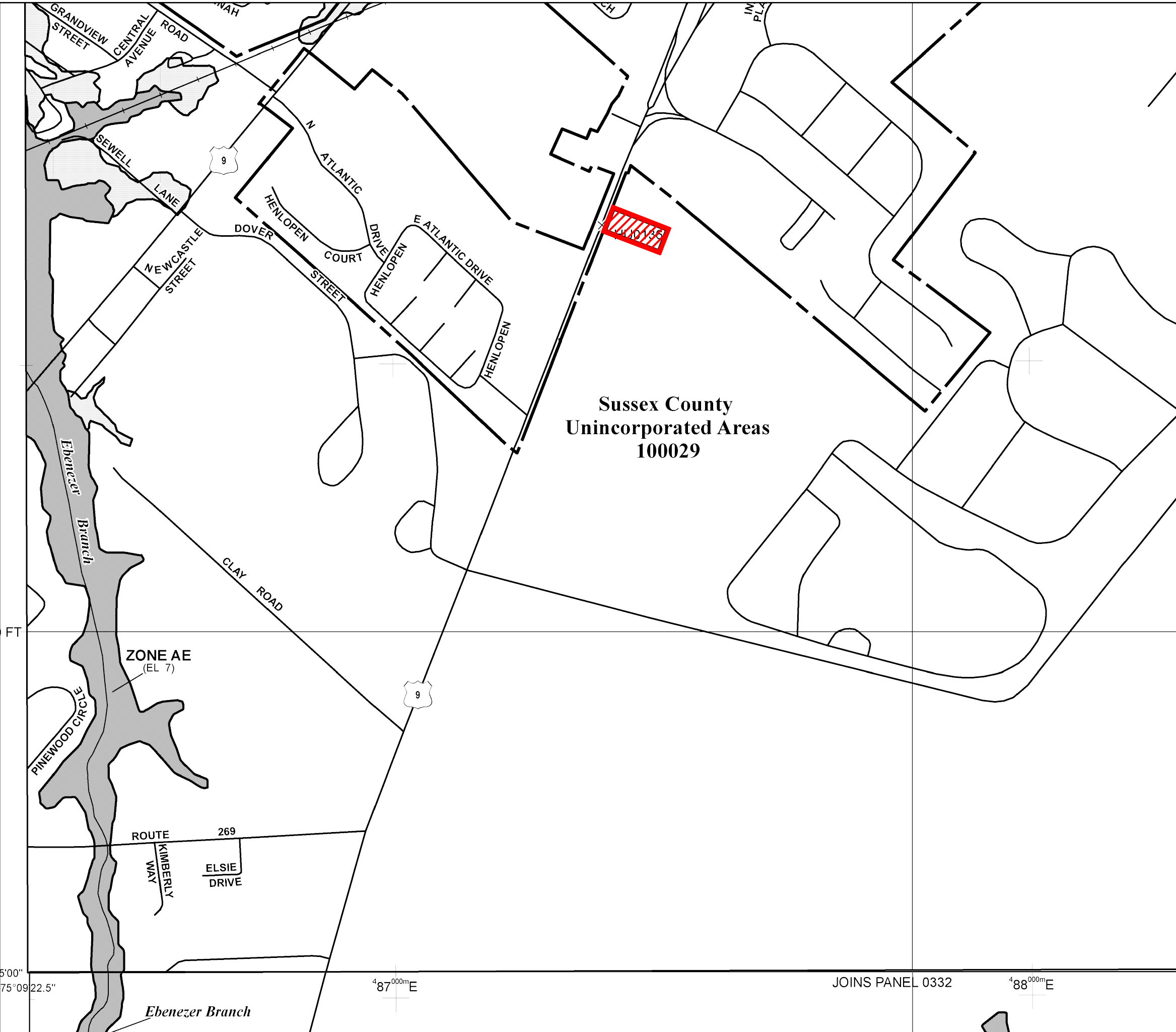
## Surrounding Communities Map

### Jeff-Kat, LLC. Rezoning

Sussex County, Delaware

Sources:  
Tax Parcels per Sussex County





**NATIONAL FLOOD INSURANCE PROGRAM**

PANEL 0194K

**FIRM**  
**FLOOD INSURANCE RATE MAP**

**SUSSEX COUNTY,  
 DELAWARE  
 AND INCORPORATED AREAS**

**PANEL 194 OF 660**

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LEWES, CITY OF	100041	0194	K
SUSSEX COUNTY	100029	0194	K

- NOTE -  
 THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

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



**MAP NUMBER  
 10005C0194K**

**MAP REVISED  
 MARCH 16, 2015**

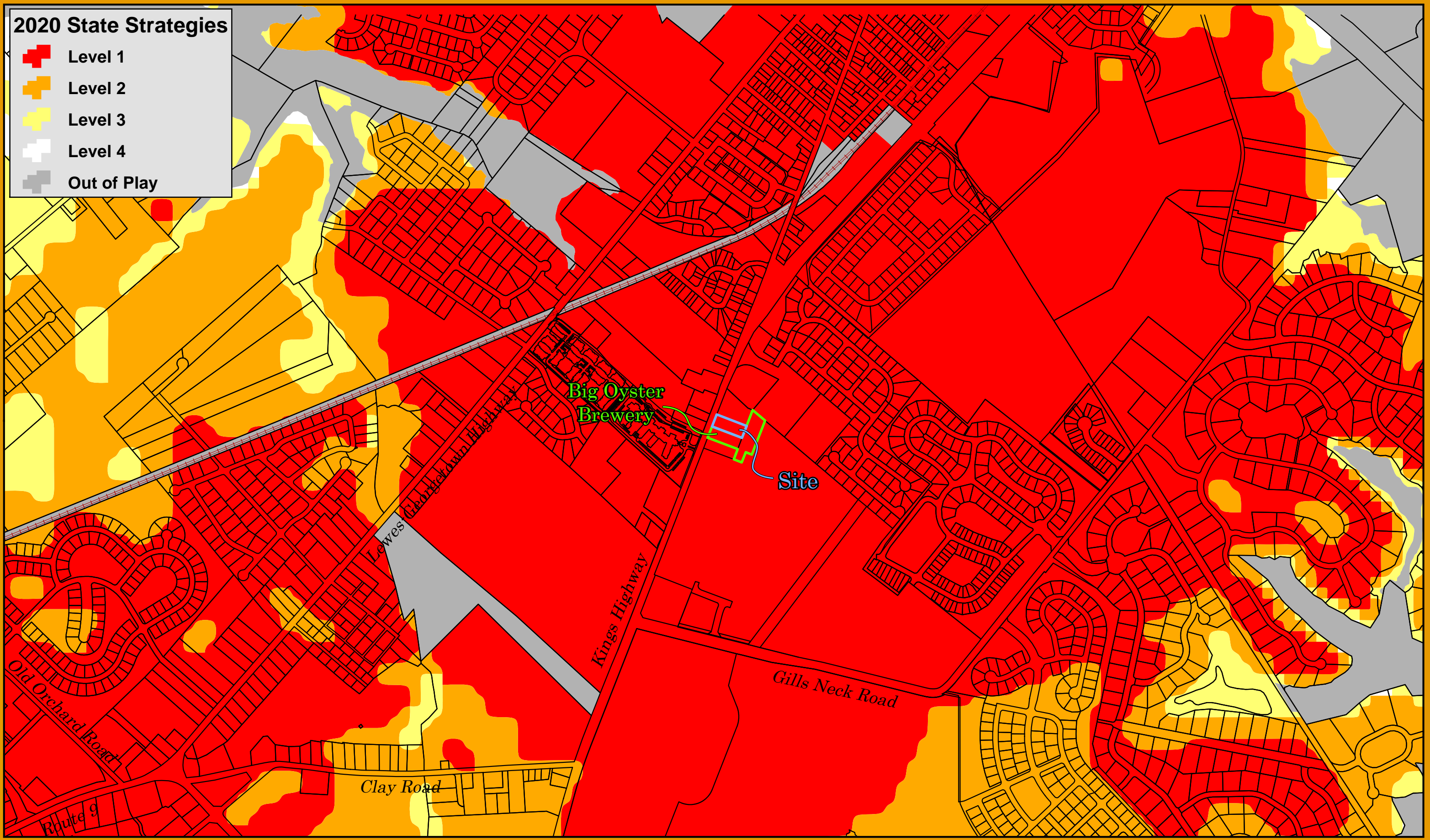
**Federal Emergency Management Agency**

5'00" 75°09'22.5" 4'87"000m E JOINS PANEL 0332 4'88"000m E



**2020 State Strategies**

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



Sources:  
Tax Parcels per Sussex County

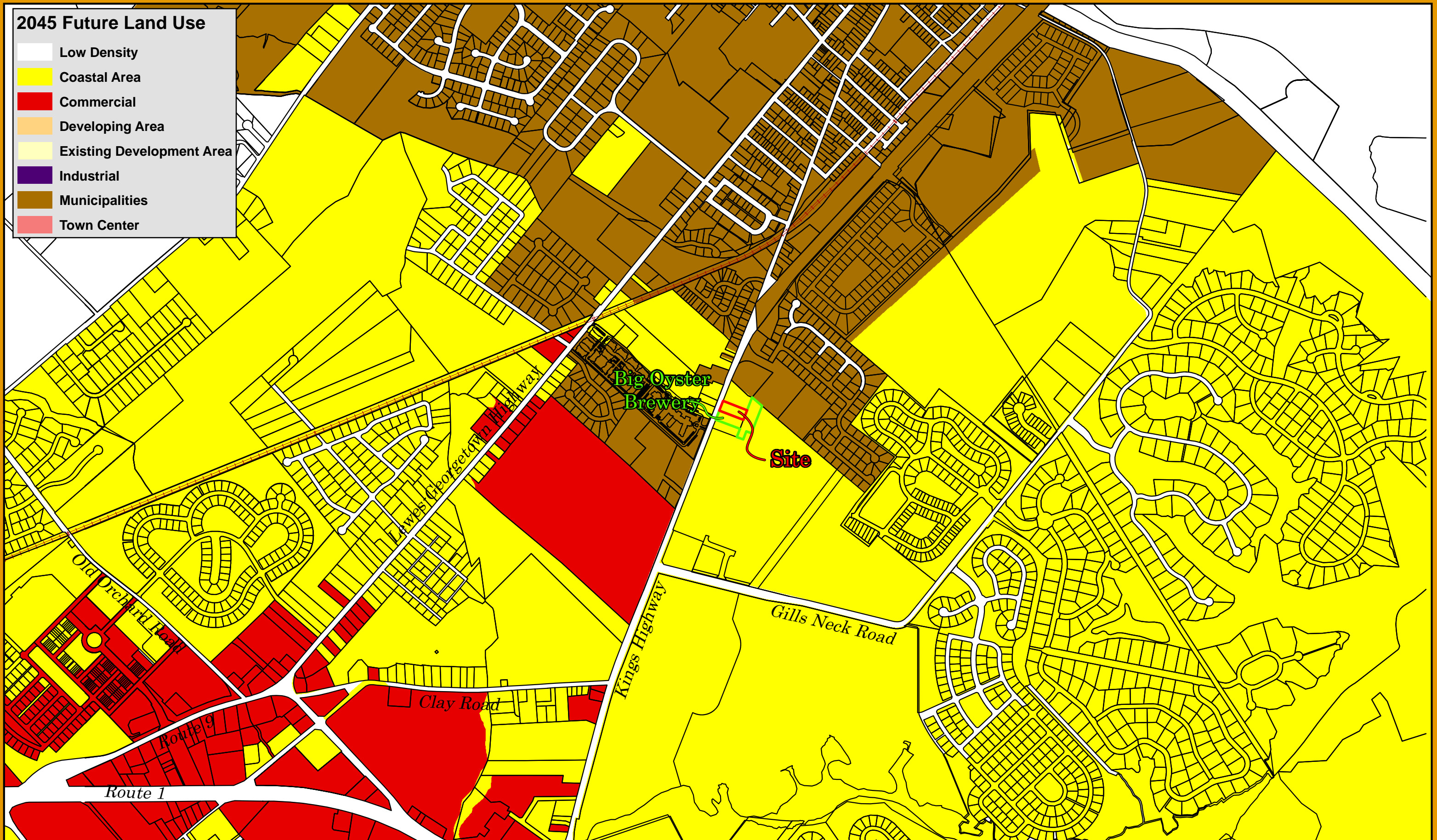


**2020 State Strategies**  
**Jeff-Kat, LLC. Rezoning**  
Sussex County, Delaware



**2045 Future Land Use**

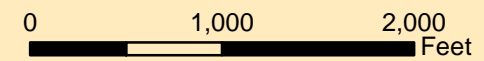
- Low Density
- Coastal Area
- Commercial
- Developing Area
- Existing Development Area
- Industrial
- Municipalities
- Town Center



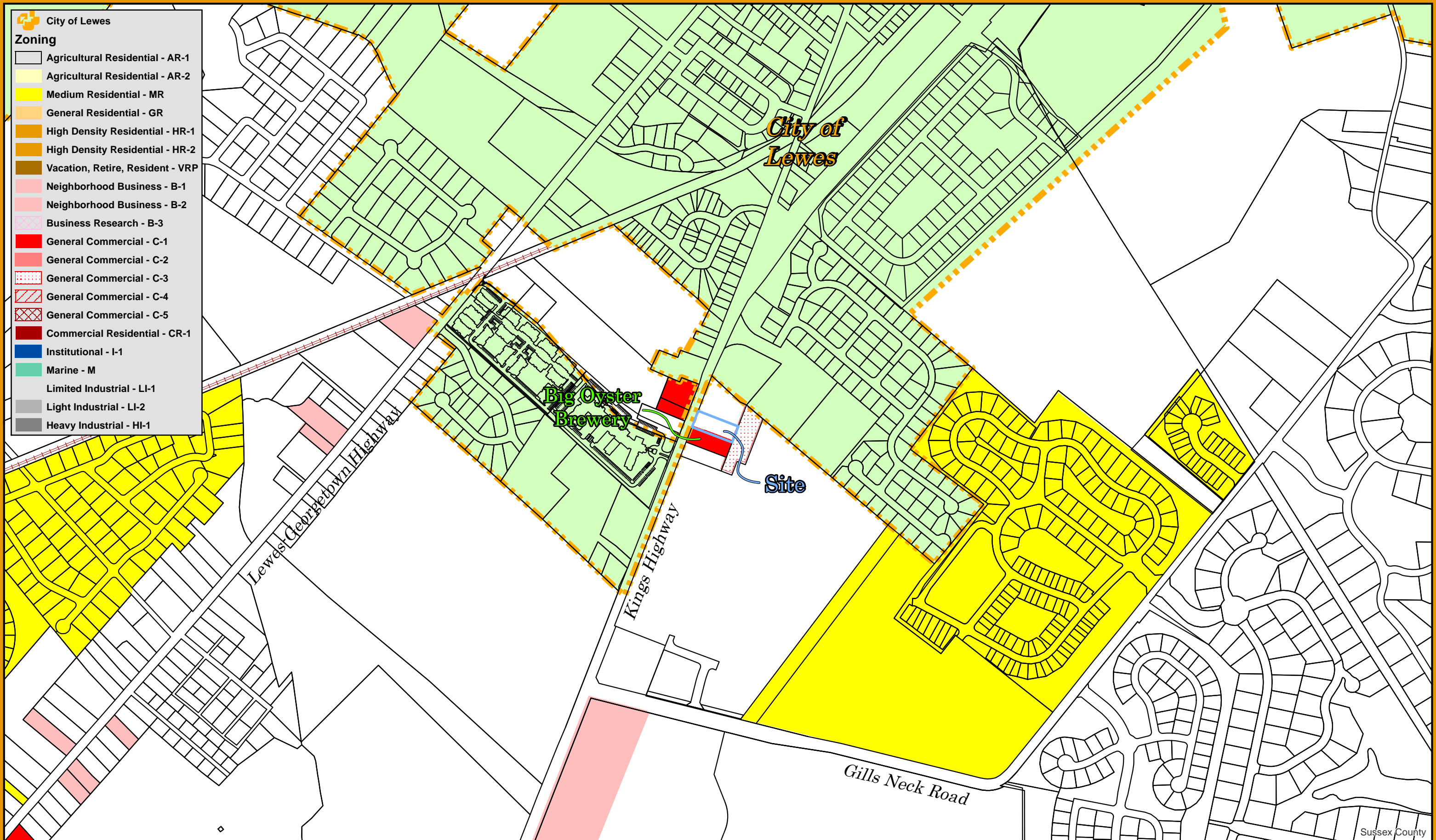
Land Use per 2018 Sussex County Comprehensive Plan  
 Entire Site is within the  
 Environmental Sensitive Developing Area



**Sussex County 2045 Future Land Use**  
**Jeff-Kat, LLC. Rezoning**  
 Sussex County, Delaware



- City of Lewes**
- Zoning**
- 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
  - Business Research - B-3
  - 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
  - Light Industrial - LI-2
  - Heavy Industrial - HI-1



Sources:  
Tax Parcels per Sussex County



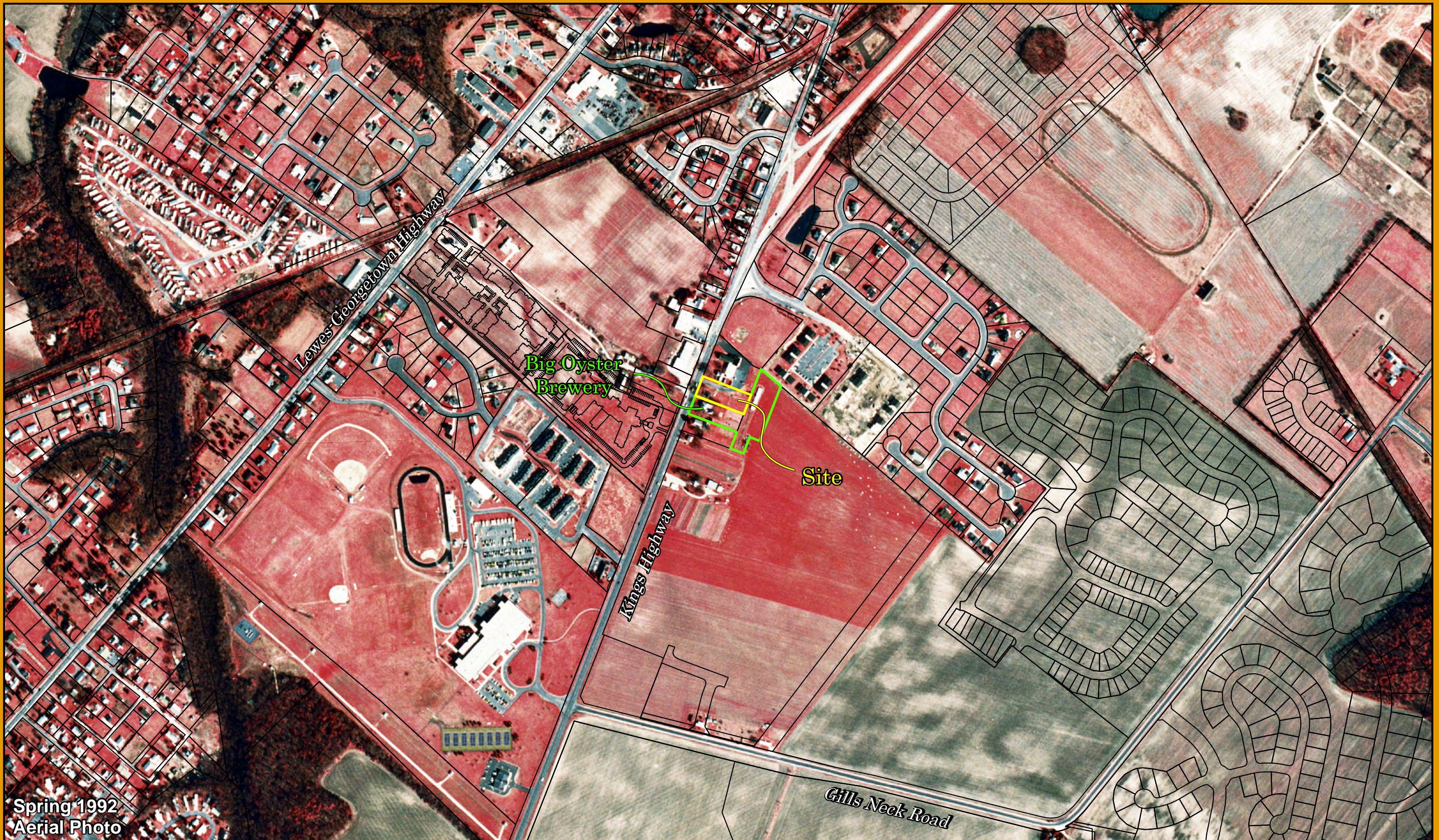
November 2020

## Sussex County Zoning Map

### Jeff-Kat, LLC. Rezoning

Sussex County, Delaware





Spring 1992  
Aerial Photo



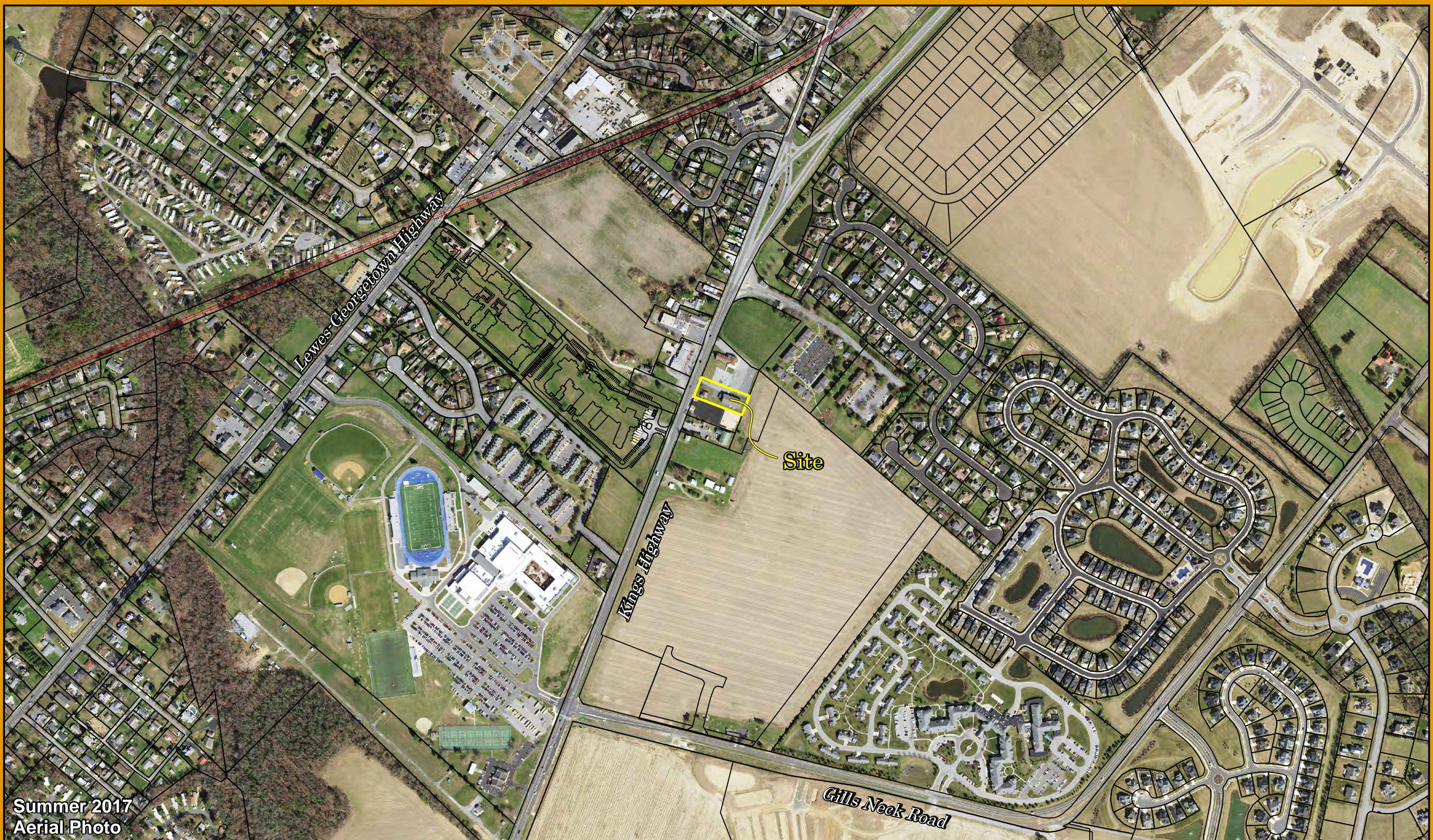
November 2020

Sources:  
Tax Parcels per Sussex County

1992 Aerial Photo  
Jeff-Kat, LLC. Rezoning  
Sussex County, Delaware

0 500 1,000  
Feet





Summer 2017  
Aerial Photo

Sources:  
Tax Parcels per Sussex County



November 2020

### 2017 Aerial Photo Jeff-Kat, LLC. Rezoning Sussex County, Delaware

0 500 1,000  
Feet



# Exhibit 5

8555

BOOK 701 PAGE 362

## This Deed, made this

Third day of March in the year of  
our LORD one thousand nine hundred and seventy three.

**BETWEEN**, Ralton H. Dennis and Richard Dennis, executors of the  
Estate of Virgil L. Dennis, deceased; Bessie Dennis, widow;  
Ralton H. Dennis and Dorothy L. Dennis, his wife; Richard Dennis  
and Genevieve E. Dennis, his wife, parties of the first part;

and

First Baptist Church of Lewes, Delaware, Inc., a Religious  
Corporation of the State of Delaware, party of the second part:

**Witnesseth**, That the said parties of the first part, for and in consideration of  
the sum of \$37,500.00 lawful money of the United  
States of America, the receipt whereof is hereby acknowledged, hereby grant  
and convey unto the said party of the second part,

### ALL

That certain tract, piece, and parcel of land, located in Lewes and Rehoboth  
Hundred, Sussex County, Delaware, near the town of Lewes, Delaware,  
described as follows, to wit: Beginning on the old county road known as the  
King Street Road, being road #288, at the corner now or formerly of the  
Robinson Homestead, marked by a Chestnut post, and running along and  
with the Robinson line south  $61\frac{1}{4}^{\circ}$  east a distance of 299 feet 6 inches to a cedar  
post; thence turning and running south  $28\frac{1}{2}^{\circ}$  west a distance of 115 feet 9 inches to  
a post in line of lands now or formerly of Fred C. Marshall; thence turning  
and running along and with lands now or formerly of Marshall, North  $81\frac{1}{4}^{\circ}$  west  
a distance of 300 feet to the edge of the King Street Road; thence turning and  
running in a northeasterly direction along and with the King Street road 118  
feet, home to the place of beginning, be the contents what they may, with all  
improvements thereon.

Being same lands conveyed to Virgil L. Dennis and Bertha E. Dennis, his wife,  
by George W. Robinson, widower, by deed dated the 13th day of April, 1939,  
said deed now of record in the office of the Recorder of Deeds, in and for Sussex  
County, Delaware, in deed book no. 316, page 528.

The said Bertha E. Dennis predeceased her husband, Virgil L. Dennis, therefor  
said lands descended to the said Virgil L. Dennis absolutely.

The said Virgil L. Dennis later remarried and his wife is known as Bessie Dennis.

The said Virgil L. Dennis died testate, on or about 19th day of September, 1972, and in  
and by his Last Will and Testament of record in the office of the Register of Wills,  
in and for Sussex County, Delaware, he ordered that the residue of his property  
be sold by his executors and divided between his wife, Bessie Dennis and two sons,  
Ralton H. Dennis and Richard Dennis.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals, the day and year aforesaid.

SIGNED, SEALED, DELIVERED, and Witnessed in the presence of

Henry J. Williams
Barbara M. Jordan

Ralton H. Dennis (SEAL)

Richard Dennis (SEAL)

Richard Dennis, executors of Estate of Virgil L. Dennis, deceased.

Bessie Dennis (Seal)

Ralton H. Dennis (Seal)

Dorothy L. Dennis (Seal)

Richard Dennis (Seal)

Genevieve E. Dennis (SEAL)

State of Florida
County of BROWARD

BE IT REMEMBERED, that on this 3 day of March A. D. 1973, personally appeared before me, a Notary Public of the State and County aforesaid, Richard Dennis, executor of the estate of Virgil L. Dennis, deceased; and Richard Dennis and Genevieve E. Dennis, his wife, parties to this indenture, known to me personally to be such and they acknowledged this indenture to be their act and deed. Given under my hand and seal of office the day and year aforesaid.

Henry J. Williams Notary Public.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES FEB 13, 1974
BONDED THRU FRED W. DISTENFELD

STATE OF DELAWARE,

Sussex

County, ss.

BE IT REMEMBERED, that on this 17th day of March in the year of our Lord one thousand nine hundred and seventy three, personally came before me, a Notary Public in and for the State and County aforesaid, Ralton H. Dennis, executor of the Estate of Virgil L. Dennis, deceased, and Bessie Dennis, widow; Ralton H. Dennis and Dorothy L. Dennis, his wife,

21st March 1973

State of Delaware
REALTY TRANSFER TAX
00.00

Part tea to this Indenture, known to me personally to be such, and they acknowledge this Indenture to be their Deed.

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

RECEIVED
JAMES H. BAXTER JR.
MAR 19 3 47 PM '73
REC. DIV. OF DEEDS
SUSSEX COUNTY

Ruth E. Welkins
Notary Public

LAW OFFICES OF
Maull & Maull
EAST MARKET STREET
GEORGETOWN, DELAWARE 19611



# Exhibit 6



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

JENNIFER COHAN  
SECRETARY

August 21, 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 **Jeff-Kat, LLC** rezoning application, which we received on July 27, 2020. This application is for a 0.7-acre portion of a 2.20-acre parcel (Tax Parcel: 335-8.00-40.00). The subject land is located on the east side of Kings Highway (Sussex Road 268), approximately 900 feet southeast of the intersection of Kings Highway and Theodore C. Freeman Highway (Sussex Road 23). The subject land is currently zoned as AR-1 (Agricultural Residential), and the applicant is seeking to rezone the land to C-3 (Heavy Commercial) to utilize the existing facility for the expansion of brewpub operations.

Per the 2019 Delaware Vehicle Volume Summary, the annual average and summer average daily traffic volumes along the segment of Kings Highway where the subject land is located, which is from Gills Neck Road (Sussex Road 267) to Freeman Highway, are 12,019 and 15,468 vehicles per day, respectively.

Based on our review and information provided by the applicant, 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 21, 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  
Jeff-Kat, LLC, 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

# Exhibit 7

TM #335-8.00-39.00

1/2" IRON PIPE

S 21°02'58" W 115.75'

3/4" IRON PIPE



TM #335-8.00-40.00  
LANDS N/F  
FIRST BAPTIST CHURCH  
OF LEWES

TM #335-8.00-40.00  
LANDS TO BE  
CONVEYED TO  
JEFF-KAT, INC.

TM #335-8.00-39.00  
LANDS N/F  
JEFF-KAT, LLC.

S 68°43'52" E 292.32'

N 69°10'18" W 292.80'

1/2" CAPPED IRON PIPE

N 21°17'13" E 118.00'

CAPPED REBAR

KINGS HIGHWAY (ROAD 268)



ATLANTIC  
SURVEYING &  
MAPPING, L.L.C.

P O BOX 247  
HARBESON DE 19951  
PH 302-684-2960

**Boundary Survey Plan with Improvements**

FIRST BAPTIST CHURCH OF LEWES 2.1438 AC. PARCEL ON  
KINGS HWY, PARTIALLY IN THE CITY OF LEWES, SUSSEX CO., DELAWARE

Plat Ref.: Bk. 48, Pg. 104

Scale: 1" = 50'

Class "B" Survey

Client: FIRST BAPTIST CHURCH

TAX MAP: 335-8.00-40.00

No recorded rights-of-way, easements  
or other encumbrances affecting these  
lands have been provided to the Surveyor  
by the Client. No warranty as to title to  
any lands depicted hereon is explicitly or  
implicitly provided.

SURVEYED BY: VW

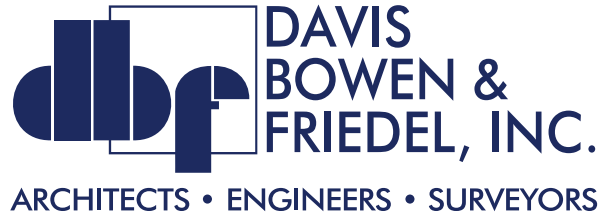
DRAWN BY: AK

CHECKED BY: VW

PROJECT #: N/A

DATE: 3/23/2020

SHEET NO: 1



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Easton, MD 21601  
(410) 770-4744

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ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-194.3 OF THE CODE OF SUSSEX COUNTY REGARDING THE COASTAL AREA.**

WHEREAS, pursuant to the provisions of Title 9, Chapter 68 and 69, Delaware Code, the Sussex County government has the power and the authority to regulate the use of land and to adopt a Comprehensive Plan; and

WHEREAS, pursuant to Chapter 115 of the Code of Sussex County, as amended, the Sussex County government has undertaken to regulate the use of land; and

WHEREAS, the Sussex County Council adopted a Sussex County Comprehensive Plan Update on September 2, 2002, which established an “Environmentally Sensitive Developing Area” with “special environmental design and protection requirements”; and

WHEREAS, Sussex County Council adopted a Sussex County Comprehensive Plan that was certified by the Governor on March 19, 2019, and this Plan expanded what was formerly identified as the “Environmentally Sensitive Developing Area” and renamed that Area as the Coastal Area in the Future Land Use Map contained therein; and

WHEREAS, it is the intent of the Sussex County Council to balance the need to protect land equity with the need to reasonably protect the County’s environment and to protect and enhance the water quality of the County’s “Inland Bays”; and

WHEREAS, Goal 4.6 and Strategy 4.6.2 of the Sussex County Comprehensive Plan states that Sussex County should “Recognize the importance of the Inland Bays” and “Recognize the Inland Bays, their tributaries and other waterbodies as valuable open space areas of ecological importance”; and

WHEREAS, Goal 4.3 of the Sussex County Comprehensive Plan states that Sussex County should “Identify and designate future development areas in a manner that protects the County’s natural and cultural resources from the adverse impacts of development as outlined in the Conservation [Element of the Plan]”; and

33 WHEREAS, Goal 4.3 of the Sussex County Comprehensive Plan includes Objective  
34 4.3.2 which states that Sussex County should “Promote new development that  
35 incorporates preserved usable open space and mitigates for the protection or  
36 replacement of environmental resources in subdivision design” and Strategy 4.3.2.3  
37 and 4.3.2.4 which state that Sussex County should “Strengthen County development  
38 regulations to ensure that open space dedicated by developers contains contiguous  
39 open space” and “Revisit County Code to determine if modifications are needed to  
40 open space requirements to promote less fragmentation of open space”; and

41 WHEREAS, it has been determined that in order to promote and protect the health,  
42 safety, convenience, orderly growth and welfare of the inhabitants of Sussex County,  
43 and to assist in the proper development of land.

44 NOW, THEREFORE, THE COUNTY OF SUSSEX ORDAINS:

45  
46 **Section 1.** The Code of Sussex County, Chapter 115, Article xxv §115-194.3  
47 “Coastal Area” is hereby amended by deleting the language in brackets and adding  
48 the italicized and underlined language:

49  
50 **§ 115-194.3. Coastal Area.**

51  
52 A. Delineation of the zoning district.

53  
54 (1) The Coastal Area shall include all lands designated as the "Coastal Area" in the  
55 adopted Sussex County Comprehensive Plan dated March 19, 2019, or as  
56 subsequently amended.

57  
58 (2) Where the boundary of the Coastal Area is formed by a roadway, the overlay  
59 zone shall be deemed to include the contiguous property on the far side of the  
60 roadway, provided that depth of the Coastal Area on contiguous property shall not  
61 exceed 600 feet.

62  
63 B. Application process.

64  
65 (1) All rezoning, subdivision, business and industrial site plans and conditional use  
66 applications involving one or a combination of the following shall be subject to the  
67 process and performance requirements as described hereinafter:

68  
69 (a) Any residential planned community application.



70  
71 (b) Any development containing 50 or more dwelling units.  
72

73 (c) Any development containing 75,000 square feet or more of floor area used  
74 for commercial or industrial uses.  
75

76 (d) Any use or activity that requires a permit in the Coastal Zone.  
77

78 (2) The applicant shall submit an environmental assessment and public facility  
79 evaluation report and sketch plan (report) to the Director of Planning and Zoning, a  
80 copy of which will be forwarded to the Office of State Planning Coordination and  
81 members of the Technical Advisory Committee for review and comment. The sketch  
82 plan shall address the following issues for the property to be developed and, where  
83 appropriate to the context, for the contiguous property. Information submitted by the  
84 applicant shall at a minimum contain the following:  
85

86 (a) Proposed drainage design and the effect on stormwater quality and  
87 quantity leaving the site, including methods for reducing the amount of  
88 phosphorous and nitrogen in the stormwater runoff and the control of any  
89 other pollutants such as petroleum hydrocarbons or metals.  
90

91 (b) Proposed method of providing potable and, where appropriate, irrigation  
92 water and the effect on public or private water systems and groundwater,  
93 including an estimate of average and peak demands.  
94

95 (c) Proposed means of wastewater treatment and disposal with an analysis of  
96 the effect on the quality of groundwater and surface waters, including  
97 alternative locations for on-site septic systems.  
98

99 (d) Analysis of the increase in traffic and the effect on the surrounding  
100 roadway system.  
101

102 (e) The presence of any endangered or threatened species listed on federal or  
103 state registers and proposed habitat protection areas.  
104

105 (f) The preservation and protection from loss of any tidal or nontidal wetlands  
106 on the site.  
107

108 (g) Provisions for open space as defined in § 115-4.  
109

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

111  
112 (i) Economic, recreational or other benefits.

113  
114 (j) The presence of any historic or cultural resources that are listed on the  
115 National Register of Historic Places.

116  
117 (k) [An affirmation that] A description of how the proposed application and  
118 proposed mitigation measures are in conformance with the current Sussex  
119 County Comprehensive Plan.

120  
121 (l) Actions to be taken by the applicant to mitigate the detrimental impacts  
122 identified relevant to Subsection B(2)(a) through (k) above and the manner by  
123 which they are consistent with the Comprehensive Plan.

124  
125 (3) The Director of Planning and Zoning shall prepare (with input from the County  
126 Administrator) guidelines describing the application process and the form and  
127 content of information to be submitted by the applicant and shall review all  
128 applications, plans, assessments and other information submitted and prepare a  
129 written report summarizing his findings and the comments of state agencies and  
130 other County offices. The Planning and Zoning Commission shall make a  
131 determination as to whether adequate information has been presented for the project  
132 to proceed. A completed report shall be required prior to any preliminary plan  
133 approval for a development subject to this section. Approval of the report does not  
134 constitute final approval of the commenting agencies.

135  
136 C. Permitted uses and densities.

137  
138 (1) Uses permitted in the Coastal Area will be those uses permitted in the underlying  
139 zoning category as established by the Sussex County Zoning Ordinance.

140  
141 (2) Uses prohibited in the underlying zone are also prohibited in the overlay zone.

142  
143 (3) Subject to the design requirements set forth in §115-194.3D, [T]the maximum  
144 density shall be the allowable density of the underlying zoning district for  
145 developments using a central water and wastewater collection and treatment system.  
146 "Central sewer system" means centralized treatment and disposal facilities as  
147 defined in § 115-194A. Within [this Overlay District] the Coastal Area, clustering  
148 of single-family detached lots to a minimum lot size of 7,500 square feet is permitted  
149 in all residential zoning districts using a central water and sewer system. For

150 dwelling units using on-site individual wastewater disposal systems, the allowable  
151 density shall be based upon a minimum lot size of 3/4 of an acre. The applicant has  
152 the option of clustering the lots to a minimum lot size of 1/2 of an acre where soil  
153 conditions are suitable as determined by DNREC, provided, however, that the  
154 number of lots or dwelling units permitted shall not exceed the number permitted in  
155 the underlying district. [For purposes of this subsection, the "allowable density" shall  
156 be determined by calculating the lot area and the area of land set aside for common  
157 open space or recreational use but shall exclude any area designated as a tidal  
158 tributary stream or tidal wetlands by § 115-193.]

159  
160 (4) For areas within the Conservation Zone, as currently defined in the Sussex  
161 County Zoning Ordinance, the minimum lot size and dimension requirements in the  
162 Conservation Zone shall apply.

163  
164 D. Design Requirements for Coastal Area development.

165  
166 (1) The applicant must submit a “yield plan” that accurately depicts the maximum  
167 number of dwelling units possible on the same tract under the current applicable  
168 conventional (non-cluster/non-Coastal Area) development regulations.

169 (a) The yield plan shall be completed to scale, and accurately depict  
170 potential lots, streets, and storm drainage facilities. However, the yield plan  
171 is not required to contain the same level of engineering detail required for a  
172 subdivision plan.

173 (b) The yield plan shall depict all wetlands, wooded areas, waterways or  
174 other water bodies.

175 (c) The maximum number of dwelling units allowed on a cluster  
176 development tract shall not be greater than the maximum number of dwelling  
177 units determined to be possible under the yield plan prepared for that same  
178 tract.

179 (d) The yield plan shall not have any legal standing except for the purposes  
180 of determining maximum density allowed under a cluster development.

181 (2) The Planning and Zoning Commission shall determine that the following  
182 requirements are met before approving any preliminary plan.

183  
184 (a) The preliminary plan of the Coastal Area subdivision provides for a  
185 total environment and design which is superior, in the reasonable judgment

186 of the Planning Commission, to that which would be allowed under the  
187 regulations for a conventional (non-cluster/non-Coastal Area) standard  
188 subdivision. For the purposes of this subsection a proposed subdivision which  
189 provides for a total environment and design which are superior to that  
190 allowed under the conventional (non-cluster/non-Coastal Area) standard  
191 subdivision is one which, in the reasonable judgment of the Planning  
192 Commission meets all of the following criteria:

193  
194 [1] Homes shall be clustered on the environmentally suitable portions  
195 of the tract, specifically those portions of the tract least encumbered by  
196 sensitive environmental features, including but not limited to wetlands,  
197 mature woodlands, waterways and other water bodies. This does not  
198 inhibit the development of wooded parcels.

199  
200 [2] Required open space shall comply with the following criteria:

201  
202 [a] All required open space must meet the official definition of  
203 acceptable open space contained in § 115-4.

204  
205 [b] Required open space must be designed to be beneficial to the  
206 residents or users of the open space. It shall not be constituted of  
207 fragmented lands with little open space value. Accordingly, 30%  
208 of all required open space shall be located on one contiguous  
209 tract of land, except that such open space may be separated by  
210 water bodies and a maximum of one street.

211  
212 [c] If one of the following physical conditions exists adjacent to  
213 the proposed Coastal Area development tract, at least 30% of all  
214 required open space must be adjacent to:

215  
216 [i] An existing or officially planned public park, land  
217 preserved by easement, or land preserved as open space  
218 and in municipal, County, state, or federal ownership.

219  
220 [ii] Existing wetlands, waterways, wildlife corridors, or  
221 other ecology-sensitive land.

222  
223 [iii] Existing farmland and/or woodlands.  
224

225 [iv] If more than one of these physical features exist on  
226 adjacent properties, then one of these features will be  
227 identified and utilized to satisfy this requirement.

228  
229 [v] If the open space is proposed to be dedicated to a  
230 municipality, a County, state, or federal agency or a  
231 homeowners' association, an agreement shall be provided,  
232 in advance, stipulating that such entity agrees in advance  
233 to accept that dedication and maintain that land for public  
234 recreation or as a nature preserve.

235  
236 [vi] Open space in a Coastal Area development may  
237 include a pedestrian trail system accessible to residents.  
238 Construction materials for the proposed trail shall be  
239 identified, and a typical construction detail for the  
240 proposed trail shall be shown. Trail construction  
241 materials shall be pervious in nature.

242  
243 [3] A minimum of 25 feet of permanent setback must be maintained  
244 around the outer boundaries of all wetlands, except for tidal waters,  
245 tidal tributary streams and tidal wetlands and from the ordinary high  
246 water line of perennial nontidal rivers and nontidal streams as  
247 provided for in § 115-193B where a fifty-foot permanent setback is  
248 required. No buildings or paving shall be placed within these setbacks.

249  
250 [4] Stormwater management shall be designed to promote  
251 groundwater recharge and protect groundwater quality. Natural  
252 drainage flows shall be maintained to the greatest extent possible.  
253 Drainage from rooftops shall be directed to vegetated areas or allow  
254 green technology. Stormwater detention and retention facilities should  
255 be designed to resemble natural ponds as referenced by DNREC in the  
256 National Resource Conservation Service's (NRCS) Pond Code 378,  
257 Visual Resource Design.

258  
259 [5] Removal of healthy mature trees shall be limited.

260  
261 [6] Scenic views that can be seen from within the tract should be  
262 preserved to the greatest extent possible.

263

264 [7] Design consideration should be given by the applicant toward the  
265 establishment of a greenways system which utilizes schools, parks,  
266 wildlife habitat areas, river and stream corridors, wetlands,  
267 floodplains, historic sites, business parks, urban sidewalks, abandoned  
268 rail lines, roads, beach areas and vacant land. Greenways should  
269 provide benefits like safe pedestrian, bicycling and equestrian routes  
270 for recreationists and commuters; and natural wildlife corridors and  
271 biological reserves.

272  
273 [8] The applicant for a Coastal Area development shall illustrate that  
274 the following sequence and process was followed in the site design of  
275 the Coastal Area development:

276  
277 [a] Identify lands that should be preserved. First, areas worthy  
278 of preservation should be mapped, including wetlands, wooded  
279 areas, waterways, other water bodies, and natural drainage  
280 areas. Then, other features that are important should be mapped,  
281 such as tree lines, scenic views, historic buildings, and prime  
282 farmland. The areas with the fewest important natural, scenic  
283 and historic features should be considered the "potential  
284 development area."

285  
286 [b] Identify developable areas. Next, the most appropriate  
287 locations for development should be chosen to minimize the  
288 impact to the most important features mapped in the first step.

289  
290 [c] Locate roads and trails. After the developable areas are  
291 determined, a road system should be designed to serve those  
292 homes. A trail system that links homes to destinations outside of  
293 the tract should be designed.

294  
295 [d] Locate lot lines. The last step is to configure lot lines and  
296 make necessary adjustments to satisfy the various reviewing  
297 agencies' comments.

298  
299 [D]E. Exemptions from the Coastal Area. The following are exempted from the  
300 requirement of this section:

301  
302 (1) Single-family residential lots of record as of the date of this section.

303

304 (2) Existing developments and developments which have filed for approval as of the  
305 date of this section.

306

307 [E. Design consideration should be given by the applicant toward the establishment  
308 of a greenways system which utilizes schools, parks, wildlife habitat areas, river and  
309 stream corridors, wetlands, floodplains, historic sites, business parks, urban  
310 sidewalks, abandoned rail lines, roads, beach areas and vacant land. Greenways  
311 should provide benefits like safe pedestrian, bicycling and equestrian routes for  
312 recreationists and commuters; and natural wildlife corridors and biological reserves.]